UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
SECOND SESSION

VOLUME 146—PART 3

MARCH 21, 2000 TO APRIL 4, 2000
(PAGES 3005 TO 4486)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2000

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SENATE—*Tuesday, March 21, 2000*

The Senate met at 10:04 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Most Reverend Roger L. Kaffer, Auxiliary Bishop, Joliet, IL.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Most Reverend Roger L. Kaffer, offered the following prayer:

Let us pray:

God bless our Senators,
Leaders we love.
Stand beside them and guide them,
Day and night with Your light from above.
From Rhode Island to Nevada,
To the Rockies, white with snow,
God help our Senators,
Your will to know;
God help our Senators
In wisdom grow.

God bless our Senators,
Women and men.
Give them courage and patience
To share insights again and again.
Father, no one has all answers
But together help them find
Answers that come from You
To those not blind.
In God we trust and pray:
Teach us Your mind.

Life, justice, liberty,
Happiness, too,
Founding Fathers have taught us.
God-endowed, these are ours to pursue.
When our Senate meets in session
To determine what is best,
God bless our Senators,
In truth's great quest.
God bless our Senators,
North, South, East, West.

Through Christ Our Lord. In the name of the Father and of the Son and of the Holy Spirit. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PETER FITZGERALD, a Senator from the State of Illinois, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Illinois is recognized.

BISHOP ROGER L. KAFFER

Mr. FITZGERALD. Mr. President, I wish to speak for a couple of moments about our guest Chaplain, Bishop Roger Kaffer from Joliet, IL, who just gave the opening prayer.

Bishop Kaffer is an old friend of my family. In fact, he went to grade school and to high school with my mother back in Joliet, IL—St. Raymond's grade school and Joliet Township high school. He is now the Auxiliary Bishop in the Joliet diocese outside of Chicago, IL.

I thank him for his prayer and welcome him to the Senate. We very much appreciate it.

I thank the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Missouri is recognized.

SCHEDULE

Mr. ASHCROFT. Mr. President, today the Senate will be in a period of morning business until the Senate recesses for the weekly party conference lunches from 12:30 to 2:15 p.m. When the Senate reconvenes, it will begin consideration of H.R. 5, the Social Security earnings legislation. Under a previous agreement, there will be approximately 4 hours of debate with three amendments in order to the bill. Any necessary votes on those amendments will occur this afternoon with a vote on final passage to occur on Wednesday morning. For the remainder of the week, the Senate may begin consideration of the crop insurance legislation or any other legislative or Executive Calendar items available for action.

I thank my colleagues for their attention.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

READY TO PROCEED

Mr. REID. Mr. President, I know the Senator from Missouri wants to speak in morning business.

We are ready to proceed on the issues that have been outlined. We are anxious to get to the Social Security earnings limit withdrawal. Also, we are anxious and look forward to the budget debate which will take place, we hope, next week. We must keep our eyes on the prize, and that is to do something about the $5 trillion debt that has accumulated, recognizing that is necessary for a tax cut for everybody in America.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of time for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each. Also, under the previous order, the Senator from Missouri, Mr. ASHCROFT, is now recognized to speak for up to 15 minutes.

The Senator from Missouri.

REPEAL OF SOCIAL SECURITY EARNINGS LIMIT

Mr. ASHCROFT. Mr. President, as has been noted, we will be dealing today with the repeal of the Social Security earnings limit. I think individuals on both sides of the aisle are eager to deal with this kind of legislation.

What is the earnings limit? The earnings limit is simply a way of saying that if citizens between 65 and 69 years of age earn over a modest amount of money when they earn outside income by working, the Government deducts from their Social Security $1 for every $3 they earn; that is, for $1 over $17,000, the Government reduces the benefits $1 for every $3 of earnings.

This makes it very difficult for a number of people who are between 65

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

and 70 years of age, who want to be able to sustain themselves, who want to be able to help their families, who want to be able to remain independent and not dependent on Government. Yet Government has this rather onerous discriminatory effect on their work habits. It says if you earn money, we are going to take money away from what you have previously earned as a Social Security benefit.

The earnings test is a misguided and outdated relic of a time when jobs were scarce, unemployment was high, when people did not live as long and healthy lives as they do today. It is clearly a disincentive for seniors to work. By telling seniors if they work hard and earn money, we will just take it away from them or we will deduct it from their Social Security, we are saying: Seniors need not apply; seniors need not aspire to a better life; seniors need not expect to remain independent—all of which are the wrong statements for us to be making to our seniors.

There are a great number of seniors who are working anyhow and paying a penalty for working. It seems strange that in a country that needs workers, we are asking people to pay a high penalty for working: 1.2 million working seniors are penalized now; 17,523 working seniors in Missouri suffer losses in their Social Security as a result of their industry, their willingness to work. But the actual number of seniors affected by this pernicious idea of discriminating against seniors in the workplace is much greater than this 1.2 million nationwide or 17,523 in the State of Missouri. There are millions of seniors who choose not to work or choose to work only a small amount because they don't want to work in such a way that it will erode, undercut, undermine, or diminish their Social Security income.

Keeping seniors out of our workforce has a serious consequence. It is against our best interest to remove the kinds of things seniors bring to the workforce. They are great workers. They are skilled workers. They are workers of value and experience. The current unemployment rate of 4 percent indicates to us that we need skilled and experienced workers. Seniors are highly valuable members of the workforce. Their continuing contributions are crucial. The only limit to what they have to offer is the earnings limit. We should not limit what good people can offer to this country.

I have spent quite a bit of time in my home State of Missouri talking with constituents. There are real life examples. Beverly Paxton from Belton, MO, who represents the Green Thumb organization, says hundreds of seniors would be eager to work without the earnings test. Furthermore, some don't try to work for fear that the Social Security Administration might take benefits away. Seniors don't want to have to visit a CPA to find out whether if they go to work they will lose benefits or be taxed at such a high rate that working will actually end up costing them money.

Many more limit their hours to avoid the Social Security earnings test and its application which would result in the deduction of Social Security benefits. A manufacturer from Belton, MO, said to me: Seniors work until they reach the income limit. Then they tell the employer: I won't be here next week; I will see you next January.

Well, what does this do to our situation where we want people to be able to work with continuity and our manufacturers and our enterprises to be able to provide service with continuity?

Here we have an employer who is left in the lurch, having to absorb training costs or heavy overtime costs because we have said to seniors: You cannot work on a regular basis if that regular basis carries you over the income limit. These decisions of people working for quite a bit of time and then precipitously dropping off or being underemployed by not working very much throughout the entire year are based on the arbitrary earnings test limit of the Social Security Administration which says if you pass a certain limit, we will start deducting from your Social Security check. Even when seniors work around the test, they suffer unexpected costs.

C.D. Clark from Florissant, MO, had earned $25,000 before trying to limit earnings to protect himself from the test. He had planned to work only 8 months so his Social Security benefits would not be cut; he would get himself down under the limit. The Social Security Administration, however, assumed he would earn the same amount, the $25,000 he had earned previously, and withheld his Social Security checks from January through March of this year. When Mr. Clark complained to the Social Security Administration that he had not reached the income limit of $17,000, he was told: We like to get our money up front—as if Social Security was their money, as if it were not a benefit for which Mr. Clark had paid years and years of taxes.

Not only do we find people harmed financially, but seniors express to me over and over again that their physical and mental well-being is pinned upon their ability to keep working. In St. Joseph, MO, working is a mental health issue. Seniors who don't work often lose their sense of self-worth. This point was not only made to me in my visit to St. Joseph but across the State. In Joplin, for example, I was given the same information.

To the extent that the earnings test keeps as many as 200,000 Missouri seniors from working, it harms the mental well-being of those 200,000 Missouri seniors who would like to be active. Over and over again, this was a refrain I heard from seniors: We want to work; we want to be active; we need to be.

The earnings test can threaten lives in other ways as well. Lois Murphy of St. Louis is 65 and works part-time as a registered nurse in the operating room at St. John's Mercy Medical Center. The hospital suffers from a labor shortage and needs help from women like Mrs. Murphy who are experienced, willing, and dedicated to work. She limits her hours because of the earnings limit. This takes a skilled, experienced, and needed worker out of the hospital, out of the capacity of caring for other individuals.

Mrs. Murphy wrote to me:

> The $17,000 limit a person could earn plus the small Social Security check is not enough to live comfortably and enjoy your senior years.

Mrs. Murphy neatly summarized this issue in one simple sentence:

> I think if a senior citizen at age 65 is willing to work, they should be able to earn a lot more or not have a limit.

Well, I believe Mrs. Murphy is right. Seniors should have the freedom to earn if they choose. The problem is that they don't have that choice. We must send the earnings test into retirement. We should retire the earnings test, not force the retirement of our senior citizens.

One of the business owners and operators I talked to put it this way: Seniors are able to work pretty aggressively through most of the year until they get up to the brink of the Christmas season when they really are needed. Then when they are intensely needed, the test kicks in and they have to check out.

Many seniors who want to work don't work because of the costs imposed by the earnings test. Take, for example, a senior in the 28-percent tax bracket. The earnings test kicks in. One out of every $3 is taken away from Social Security. That turns out to be another tax of roughly 33 percent.

Then if you add the 7.65-percent Social Security tax on the people, and a State income tax of, say, 6 percent, you get up to a 74- to 80-percent combined tax load on a working senior citizen. If they have any expenses of going to and from work, or wardrobe expenses associated with work, it could well be that the senior citizen actually loses money. The Government is so aggressive in reducing their ability to earn. The earnings test is pernicious and discriminatory toward seniors.

This is something we ought to address. I am delighted that the House has done so and that the President has signaled his agreement with what the House has done. I have been working on this since I came to the Senate in 1995. I voted to substantially increase the limit in 1997. I called for the elimination of the test and cosponsored legislation that would get rid of the test.

This year, I have introduced legislation that would eliminate the test. My bipartisan legislation has 43 cosponsors, including the entire majority leadership. There are a number of others, organizations and all, who have endorsed this concept, including Green Thumb, 60+, the Seniors Coalition, National Association of Home Builders, National Taxpayers Union, the U.S. Air Force Sergeants Association, Americans for Tax Reform, CapitolWatch, National Tax Limitation Committee, United Seniors Association, United Seniors Health Cooperative, and the U.S. Chamber of Commerce.

The point is, the House of Representatives recognized the value of this concept and unanimously voted to eliminate the earnings limit. The President has indicated he would sign clean legislation, unencumbered by extraneous amendments. I believe we should follow the lead of the House and do what the President is asking us to do—to deliver this measure which would eliminate the earnings test. It is something I have been working on now for years. It is a counterproductive, unfair penalty. I believe that, because the President is prepared to sign it, the Senate now needs to move forward and eliminate this out-of-date and costly impediment, this discrimination, this very serious problem for our seniors, which prohibits our culture from having the benefit and value of the best effort of many of our very best workers.

With that in mind, I look forward to the debate later today. I am pleased to have had this opportunity to address this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is now in a period of morning business.

THE JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, I will speak on a matter involving the juvenile justice conference—or, perhaps more accurately, I should say the lack of a conference on the juvenile justice bill. It is a matter that concerns me greatly because I was the floor leader on this side and the distinguished Senator from Utah was the floor leader on the other side when we had over a week of debate on the juvenile justice bill. We had a very solid debate. We then passed the bill with 73 votes in the Senate. It went to conference, and it was like going into the Bermuda Triangle; we haven't seen it since.

Actually, this Congress has kept the country waiting too long for action on juvenile justice legislation and has kept the country waiting too long on sensible gun safety laws. We are fast approaching the first-year anniversary of the shooting at Columbine High School in Littleton, CO. It has been 11 months since 14 students and a teacher lost their lives in that terrible tragedy on April 20, 1999. It has been 10 months since the Senate passed the Hatch-Leahy juvenile justice bill. As I said before, it was an overwhelming vote of 73-25.

Our bipartisan bill includes modest—and I believe effective—gun provisions. It has been 9 months since the House of Representatives passed its own juvenile crime bill, which was on June 17, 1999. Then the leadership in the Congress delayed action on calling a conference all summer. It has been 8 months since the House and Senate juvenile justice conference met for the first and only time. The Republican majority in the Congress convened the conference on August 5, 1999. They did that less than 24 hours before the Congress adjourned for a month's vacation.

Now, you don't have to be a cynic to recognize this for what it was. It was a transparent ploy to deflect criticism for delay, but also to make sure the conference could not do anything. They would not have enough time to prepare comprehensive juvenile justice legislation to send to the President before school began in September. But we did have time to do it before children went back to school in January. We didn't do that. Now I wonder if we will ever do it.

The Senate and House Democrats have been ready for months to reconvene the juvenile justice conference. We have told the Republicans we would meet with them on a minute's notice. We want to work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions. But even though the Senate passed this legislation by a 3-to-1 majority, no conference; the Republican leadership has decided not to act.

I think this is particularly shameful because the Congress has spent more time in recess than in session during the last meeting of this conference. Think about that. We have been out on vacation more time than we have actually been here working since we had that last conference. Let's take a couple days off one of these recesses and have a conference.

Two weeks ago, the President invited House and Senate members of the conference to the White House, both Republicans and Democrats. He urged us to proceed to the conference and to have final enactment of legislation before the anniversary of the Columbine tragedy. Unfortunately, the Republican majority has rejected the President's plea for action. I think more than rejecting the President's plea for action, they have rejected the American people's plea.

On April 22 of last year, barely 2 days after the killings at Columbine High School, I came to the Senate to urge action. I praised the Democratic leader, Senator KENNEDY, and others for their thoughtful comments on these matters and for reaching out to the families of those who were killed that week. At that time, almost a year ago, I urged the Senate to rededicate itself to the work of assisting parents, teachers, the police, and others in stemming school violence. I suggested that S. 9, the Safe Schools, Safe Streets, and Secure Borders Act of 1999, provided a good place to start.

Responding to our efforts to turn the Senate's attention to the problems of school violence, on April 27 the Republican leader came to the floor and said if we withheld for 2 weeks, he could provide a legislative vehicle "that we could take up, and the Senate would then have an opportunity for debate, have amendments, and have votes."

Senator LOTT returned to the floor the following day to repeat his commitment to provide the Senate with the "opportunity to debate and vote on those issues dealing with school violence." To Senator LOTT's credit, he proceeded to S. 254, the juvenile justice bill, which was then pending on the Senate calendar, and he did that on May 11. We then had 2 weeks of real debate on it—one of the few we have had recently—and then the Senate worked its way through this bill. The Hatch-Leahy juvenile justice legislation, which passed the Senate on May 20, passed with a strong bipartisan majority and 73 votes, with both Democrats and Republicans voting for it. No one should forget it was a Republican majority that decided to make the juvenile justice legislation the vehicle for the antiviolence amendments adopted by the Senate last May. Three-quarters of the Senate voted for our legislation.

Following the action by the other body, I urged a prompt conference on the juvenile justice legislation. I took the unusual step of coming to the Senate to propound a unanimous consent request to move to conference on the legislation, which initially encountered Republican objections. But eventually this request provided a blueprint for moving the Senate to agreeing to conference on July 28 of last year.

Unfortunately, that conference was convened for only a single afternoon—not with votes but of speeches. Democrats in both the House and Senate tried to offer motions about how to proceed to begin some of the discussion. But that was ruled out of order by the Republican majority.

Then I spoke on the floor several times last year—on September 8, September 9, and October 21—urging the majority to reconvene the juvenile justice conference. I joined with fellow Democrats to request, both in writing and on the floor, the majority to let us finish our work on the conference and then send a good bipartisan bill to the President. On October 20, 1999, all the

House and the Senate Democratic conferees sent a letter to Senator HATCH and Congressman HYDE calling for an open meeting of the juvenile justice conference. The following year, on March 3, 2000, after yet another shocking school shooting involving 6-year-old classmates in Michigan, Representative CONYERS and I wrote again to Senator HATCH and Congressman HYDE requesting an immediate meeting of the conference. The response has been resounding silence.

Two weeks ago, I felt honored to be invited to a White House summit by the President of the United States. I joined Senator HATCH, Congressman HYDE, and Congressman CONYERS in an Oval Office meeting with the President—a very substantive meeting. It went on well over an hour on what was a very busy day for the President. He urged the reconvening of the conference. He urged action by the Congress to send him a comprehensive bill before the 1-year anniversary of the Columbine tragedy. I met with the President again that evening. He said again: Please, will you just meet and send me a bill, especially before the 1-year anniversary of Columbine. His entreaties, which I thought were well intentioned and were done seeking bipartisan support, were rebuffed. No conference has been scheduled.

This is only the latest in a long series of delays that have plagued this legislation. We had to overcome technical obstacles and threatened filibusters just to begin the juvenile justice conference, and, unfortunately, I see no sign of abating the delays. We worked hard on the Hatch-Leahy juvenile justice bill, S. 254, and passed it by a vote of 73 to 25, but we cannot get a conference.

What I worry about is the impression we give the country. We will stand here and debate symbolism. We will take long recesses. We will talk about everything but the thing that is on the minds of parents and schoolchildren.

I am blessed with representing a State that I believe has the lowest crime rate in the Nation. We are a State where most of us don't even lock our doors. But it is interesting, when I go to schools in my State and talk to parents, to teachers, and to the children, they worry. Then I go into some of these other larger, urban States, and the concern is enormous.

We have become a terribly violent nation notwithstanding that the vast majority of Americans are good and law-abiding people. I come from a State where a majority of the people own firearms. I own many myself. We don't have gun control laws in our State. We teach people to respect the weapons they have. But the people in Vermont have the same sense of revulsion that I do when they see some of these shootings and they see a Congress unwilling to even stand up to a powerful gun lobby.

Can anybody forget what was probably one of the most terrible pictures I have seen, and terrible in what it said, at the Jewish day center in California where a man went in attacking and shooting? You remember the photograph of the heavily armed police officers leading the little children out across the street. Every one of us has children and has been with children. We have seen them in grade school with a teacher leading the group of children. All the children hold hands. They hold hands with the teacher. And what a happy, cheerful time: We are going to recess. We are going to class. We are going to learn. And they are protected and safe because they are with their teacher or their parents. But this time police officers led these children. They did not know what was going on with the heavily armed officers bringing them to safety. The police officers must have children of their own, or grandchildren of their own, and were thinking about what was going on.

These are images that frighten people in this country. It is reasonable that they are frightened. We ought to respond. We are talking about a juvenile justice bill that has a whole lot of things way beyond any question of gun control. It has in it only modest gun control. It closes some loopholes in the law where you can't go to a flea market in the middle of a Saturday afternoon, and buy a gun without a real check on your background.

We have an opportunity in the conference to cut through partisan differences to make a difference in the lives of our children and families. We need to meet in the conference to debate our motions, and vote them up or vote them down, but at least meet and vote. We are paid to vote yes or no. We are not paid to pass the buck. That is what is happening here.

I don't know what my friends on the Republican side worry about. There are more of them than there are of us. They control the schedule. They have the votes. They can vote down anything they want. The procedural hurdles and the delays that plague this legislation are simply because of the opposition of the gun lobby to any new firearm safety laws.

Unfortunately, the leadership is being held hostage by the extreme views of the NRA and other special interests. If they really wanted to pass effective juvenile justice reforms and protect our children against gun violence, they could do it tomorrow. The President would sign the Hatch-Leahy bill in a second if it reached his desk.

Last year, the Y2K Act conference only took 2 weeks to complete, and a bill was sent to the President to provide legal protections for business—legal protections, as it turned out, that they didn't need. But when it comes to protecting our children where there is a real need, we can't act unless the NRA tells us we are allowed to act. That is wrong.

I didn't come to the Senate to have any group or any special interest group on the right or the left tell me what I can do or not do. Only the voters of my State can make a decision that they don't like the way I vote. They can throw me out. But we should not allow this great body to be held hostage by special interest groups—no matter how many Members they have, no matter how much money they spend on television, or no matter how outrageous a claim they make.

I have stood on this floor many times, but some of the proudest times I have had in public service were as a prosecutor in law enforcement. Let's listen to our Nation's law enforcement officers. They say pass a strong and effective juvenile justice bill. Ten national law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendment. They support loophole-free firearm laws.

I remind Senators of the time Members of this Congress turned their back on police officers when the NRA said don't ban cop-killer bullets. Do you remember that? Law enforcement said: Wait a minute. We put our lives on the line for you. How about protecting us?

Here are the organizations that have endorsed the gun-safety amendment and that support loophole-free firearm laws:

The International Association of Chiefs of Police, the International Brotherhood of Police Officers, Police Executive Research Forum, Police Foundation, Major Cities Chiefs, Federal Law Enforcement Officers Association, National Sheriffs Association, National Association of School Resource Officers, National Organization of Black Law Enforcement Executives, Hispanic American Police Command Officers Association.

These law enforcement officers need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting and sport but about criminals and unsupervised children. These organizations want Congress to move.

We recognize there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. We have an obligation to do our part. It is time to act.

This list represents organizations that endorse the Senate-passed gun safety amendments. These are not organizations that take a pie-in-the-sky attitude. These organizations represent people who work in an increasingly violent society, putting their lives on the line to protect all Americans. just as the police officers in the Capitol put their lives on the line every day to protect everyone. Since I have been here two have died doing that.

These organizations ask: Will you at least stand up for us as we stand up for the quarter billion Americans?

I see the distinguished senior Senator from Rhode Island on the floor, Mr. REED. I applaud Senator JACK REED for his resolution for the juvenile justice conference to report a final bill by April 20 of this year, the 1-year anniversary of the Columbine High School shooting.

I am proud to cosponsor this resolution. I am proud to work with my good friend. I admire him for his initiative. I yield the floor to the distinguished senior Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I commend the Senator from Vermont for his eloquence and his passionate support of this vital legislation. It is vital to the children and to the families of this country.

As the Senator pointed out, it has been 11 months since the tragic incident at Columbine High School. Last April 20, we witnessed with horror and revulsion an attack on children who were just going to school. The entire country stood up as one and said: We have to do something. We have to stop this senseless gun violence. We have to create a country in which easy access to firearms and the resulting violence is something of the past.

However, it has not stopped. The violence continues every day with tragic consequences throughout this country—in Seattle, WA; in Atlanta, GA; in Los Angeles, CA; in Honolulu, HI; in Ft. Worth, TX; in Sidney, OH; in Wilkinsburg PA; in Mount Morris township in Michigan; and thousands of other places where, regrettably and tragically, gun violence is so common in this country that it doesn't make the front page because the incidents aren't that graphic or that violent.

The first anniversary of the tragedy at Columbine High School is just around the corner, April 20. Still, the conference committee on juvenile justice has not yet discharged their duty and sent back a bill that contains common, safe, gun safety measures that were passed by this Senate. In fact, as the Senator from Vermont pointed out, the committee has met only once, last August. For 8 months we have waited. We have waited; the American people have waited. We have waited for commonsense protections that have been frustrated and thwarted by the Republican leadership at the behest of the NRA. They have ignored the will of the American people and the overwhelming desire of the American people to protect the safety of their children and the safety of their communities.

I believe the American people have waited long enough. Today, along with my colleagues, Senator BOXER of California, Senator LEAHY, and others, I will introduce a sense-of-the-Senate resolution calling for the juvenile justice conferees to complete and submit the conference report before April 20, the first anniversary of the Columbine shooting, and to include in this conference report the amendments passed by this Senate seeking to limit access to firearms by juveniles, by convicted felons, and by other persons.

Will the passage of this legislation stop gun crime in this country? No, it won't. But it will represent a step forward to impose reasonable controls on the easy access to firearms for those who should not have them: Children, criminals, those whose mental capacity is diminished enough so they resort to violence with these weapons.

Within the core of this juvenile justice legislation are simple, commonsense approaches to ensure we have a safer society: Closing the gun show loophole, requiring safety locks to be sold with handguns, banning the importation of large capacity ammunition clips, and outlawing juvenile possession of assault weapons.

We will bring common sense to our gun laws with these measures and, hopefully, reduce the avalanche of violence that is engulfing so many in this society.

In my home State of Rhode Island, in the city of Providence alone, 26 people were murdered in 1999. That is up from 15 in 1998. Firearms were used in the vast majority of the killings in both years: 19 out of the 26 people who were killed last year were killed with firearms, 11 of the 15 the year before. And Providence, my capital, is a small city of roughly around 200,000 people.

Last year, when we were talking about Columbine High School, if any Member came to this floor and said: I predict a 6-year-old child will walk into first grade and kill another 6-year-old child with a handgun, we would have been lambasted as extremists, hysterical, provocateurs, irresponsible, reckless. Guess what. It happened. Incidents such as that happen each and every day.

Just a few weeks ago in Providence, RI, two young boys were rough-housing with each other—a 17-year-old and a 13-year-old friend—doing what boys have been doing for a long, long time. They were razzing each year, wrestling with each other, seeing who was the most tough. They went on and on and on. One of them got frustrated. Now, when I was younger, that frustration might have led to a punch in the nose, a bloody nose, and some hard feelings, but that was all. Somebody in the crowd had a gun and this young boy recklessly and without thought grabbed that gun just to show how tough he was, pointed the gun at the 13-year-old, pulled the trigger, thinking nothing would happen, and shot that 13-year-old in the head. That shooter, that young man—not a criminal, just a kid rough-housing around in the neighborhood—was so overcome with remorse that he fled to an adjacent backyard and shot himself in the head.

That is gun violence in America today. That is the cost of easy access to firearms. These aren't criminals. These were kids doing something stupid. But because they had guns, it resulted in death and destruction.

We are not kids here. We are supposed to be adults. We are supposed to be responsible. We are supposed to represent the best values and ideals of this country. That means we must stand up and vote on measures such as this juvenile justice bill.

I ask on behalf of the 12 children killed each day by gun violence that we bring this conference bill back to this floor with those reasonable gun control measures included. Someone has to speak for them. Someone must speak for them. Someone must demand these measures come before the Senate.

We cannot continue to listen to the siren song of the NRA in this Chamber. We cannot be hypnotized by all the spin and the hype and all the misinformation and misdirection. We have to respond to the reality of kids easily getting handguns and unwittingly and, tragically, killing each other.

We have a country in which the homicide rate by handguns far surpasses that of any other country in the world. In Japan, in 1996, there were 15 people killed with handguns, in a country of 126 million people. That is 1 person in every 8.4 million. The ratio in the United States? One person out of every 27,000. What is the difference? Cultural? Genetic? Demographic? They have gun laws that make it difficult for anyone and everyone, willy-nilly, to own handguns.

It is the same story the world over. Canada, perhaps the country closest to us in culture, in demographics and ethnicity, is also a country that had a great frontier, a country that had the same kind of challenges we had opening up their great west. It is a country of outdoors men and women; it is a country, in many respects, with the same cultural values we have. Yet in that country, in 1996, 106 people were killed out of a population of 30 million. That is 1 person in every 284,000—many, many, many times fewer people killed by gun violence in a country so similar to ours. The difference? Once again, they have sensible laws that govern access to handguns.

We could go on and on. But as long as a criminal can walk into a gun show and buy a gun without a background check and walk out before any type of check can be done, as long as kids can get access to firearms without safety locks on them so they can use them, as we have seen happen too often, as long as it is harder for a kid to open a bottle of aspirin than it is to shoot a gun, because we have childproof tops on aspirin containers, we are going to have these problems.

It is our responsibility to act. It is our responsibility to stand up. We have not done that. Time is drawing close to April 20, 1 year after Columbine. I cannot think of a better way, not only to memorialize the victims of that shooting but to give meaning to that senseless tragedy, than for this body and the House to send to the President a gun control measure that will provide the sensible, reasonable controls that are so critical.

I see the Senator from California. There is no one in this body who is not only sensitive but more forcefully engaged in this effort than my friend and colleague, Senator BOXER, someone who I am proud to say will cosponsor this resolution, someone I am proud to say will continue her valiant efforts to lead the way for sensible gun control in this country.

I yield the floor.

Mrs. BOXER. Mr. President, how much time remains in the morning business period?

The PRESIDING OFFICER (Mr. ENZI). Thirty minutes remains under the control of Senator DURBIN.

Mrs. BOXER. I will take 60 seconds at this time, and then I will yield to Senator DASCHLE, who will speak on his leader time. I am so proud he has come over to the floor.

I wish to say in this minute, before my friend from Rhode Island leaves, what an amazing addition he is to this Senate. I say that from the bottom of my heart. I served with him in the House and he was a great House Member. I predict he has an unbelievable future in the Senate. Why do I say that? Because he has courage, because he has conviction. He is not afraid to take the floor on issues that are difficult; to take on, perhaps, some of the special interests that, believe me, do not take kindly when you stand up and speak from your heart about issues that impact on their bottom line. In this case, it is the bottom line of groups out there that want us to take no action against gun violence.

We have a plan. We have a great plan that passed the Senate. It is endorsed by so many law enforcement groups and the vast majority of the American people. I can think of no more appropriate speaker than our Democratic leader to tie the pieces together and to talk about why the time is ripe.

I did offer a similar resolution to that of Senator REED. I am proud to cosponsor his. It got 49 votes—49-49. We didn't know that or Vice President GORE would have broken the tie. Next time we will be ready.

I yield the floor, and I will reclaim it when my leader is finished.

Mr. DASCHLE. Mr. President, I will use my leader time and allocate that time to my comments on the floor this morning.

Let me begin by acknowledging, as well, the extraordinary leadership, not only of Senator REED, but of Senator BOXER. Everything Senator BOXER has said about Senator REED is a view that I think is shared by Republicans and Democrats alike. He has come to the Senate and in a very short period of time established himself as an authority on a number of key issues, including education and defense matters, as well as now, on neighborhood safety. I applaud him again for taking the leadership, as he has.

Senator BOXER, on this, as well as on so many other issues, comes to the floor, grinds it out, and speaks as passionately and as eloquently as anybody in this Chamber. It is an extraordinary privilege to work with her as well.

I have heard the proposal made by the Senator from Rhode Island that we set for ourselves a date by which we must act with respect to juvenile safety, and that we choose a date that we all ought to remember—April 20th. Last year, that date, the date of the Columbine tragedy, triggered our commitment to better safety and prompted the Senate to act. We left with an expectation that, as a result of that action in the Senate, things were going to happen, that we could send a message of hope to the people of Colorado and to the people of this Nation that we will not tolerate the violence that exists in this country. We sent the message that we will respond to tragedy with careful, commonsense approaches that will make schools and neighborhoods safer, such as balanced gun legislation. That is what we said and that is how we voted. We are on record as having supported such commonsense legislation.

In poll after poll, it is remarkable the degree to which the American people support the actions taken by the Senate and the amendments offered by our Democratic colleagues. It is overwhelming.

There has been a sea change, an attitudinal progression on this issue in the country—a sea change. I represent a Western State where, after you are born, on your first or second birthday, virtually, you get a shotgun—because that is what we do. I am proud I have shotguns. I love to go hunting. I love to walk and take in nature in all of its splendor in the fall. That is part of the culture of the West. It is a part of the culture of growing up in South Dakota of which I am very proud and I love. I will defend it, and I will work to ensure that my children and grandchildren and great grandchildren have these same experiences.

But there is a difference. That difference is becoming even more extraordinarily evident as we read about experiences such as we read this morning in the Washington Post, an agonizing description of what kind of setting created this despicable act in Michigan. A young boy, 6 years old, takes a gun, walks into a school full of children, his school, picks out a girl, says, "I don't like you," and shoots her to death. That story generated a front page article and a spread, inside the paper, of two full pages—and it should have. Why? Because this incident illustrates the magnitude of the torturous existence that now is becoming more and more prevalent all across this country in schools and in neighborhoods.

But you could put that kind of story on the front page of the Washington Post every single day. It happened in Michigan, but it happened yesterday somewhere else. It happened in Rhode Island shortly after that. It happens every day. Those of us who appreciate the culture of a good pheasant hunt recognize there is a huge difference between that and the disastrous consequences of this proliferation of guns that now has become a real threat to the safety and well-being of children in virtually every school in America today.

All the Senator from Rhode Island is suggesting is that at long last we say: Look, we've talked enough. Let's act. We took the first step last May. We expected that we would take additional steps. We have not. We have talked. We have positioned. We have wrung our hands in agony as one shooting after another has been pasted on the pages of every single newspaper in the country.

The litany of additional Columbines has continued all across the country. These new shootings may not have claimed as many lives. But they are tragedies nonetheless. They ought to trigger action.

Let us act. Let us meet in conference and work through our differences so that we can finally say: We are not only going to talk about this. We are going to do something about it.

We recognize that passing the modest gun safety measures in the Juvenile Justice report will not completely solve the problem of gun violence. There may be other things that can be done. I am very grateful to HUD Secretary Andrew Cuomo, and others in the administration, for having worked out a remarkable and historic new agreement with Smith & Wesson.

What a statement: for Smith & Wesson to acknowledge that guns are inherently dangerous, and that they are going to do something about it. Regardless of what their motivation may be, the fact is, they are going to do something about it. In making this commitment, they are setting a precedent. I would love to see every gun manufacturer follow Smith & Wesson's lead. It is common sense.

I have long admired President Ford, for many reasons. My admiration for him increased again this past week when he spoke about the need for this

Congress to respond in a commonsense way to the gun violence that is claiming too many of our children.

The American people are looking to us. They want to know that we hear them. They want us to give them some hope that we can solve the real problems facing families and communities—not only in Columbine, but in South Dakota, Michigan, Rhode Island, California, and all across America. The American people want to know that our democratic process works.

In these days before the first anniversary of the Columbine tragedy, we ought to take President Ford's wise counsel to heart. For the sake of our children, we need to come together and pass common-sense gun safety laws.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Mr. President, I thank my Democratic leader for his comments and his continual leadership on the gun issues that impact the people of our Nation.

I want to set into the RECORD a series of facts, a series of statistics, a series of numbers. I know sometimes when you lay down a series of numbers such as this, people's eyes glaze over and they lose track of what you are talking about.

I urge everyone listening to this to think not about the numbers so much as the people behind the numbers.

In the year 1997, which is the last year for which we have statistics, 32,436 people died from gunshots in America—more than 32,000 people. I want everyone to think about what it would mean to you if any of these 32,000 people were from one of your families, what it would mean to you if it was your dad, if it was your mom, if it was your child, if it was your grandma, if it was your grandpa.

Twelve children die every single day from gunfire. Actually, if you average it out, it is between 12 and 13 children under the age of 18—each and every day.

Our children are dying. And what are we doing? We are dithering around doing nothing about it.

I understand that this week we are going to take up a flag desecration amendment. There are those who believe we need to protect the flag by authoring an amendment changing the Bill of Rights for the first time in our history to specifically spell out an antidesecration flag amendment. I will be supporting a statute, a bill, to protect the flag. I do not think we need to go to such a step as amending the Bill of Rights. But be that as it may, flag desecration is an issue.

In over 200 years, there has been an average of one flag desecration a year, and we are acting again. Mr. President, 32,436 people died in 1997—in 1 year—and we are doing nothing. Why can't we protect the flag and take care of protecting the people? Why can't we protect the desecration of the flag by a statute that is easy to do and then bring up the juvenile justice bill and protect the thousands of people who are dying each and every year? What about the desecration of the children, of the families?

In the 11 years of the Vietnam war—one of the most tragic periods in our history—58,168 fine, wonderful, glorious Americans died in combat. There is a number, a number that is enshrined on the wall on that beautiful memorial down here that we all go to often—and we should go to often—to pay our respects. It was a war that destroyed so many families; and so many veterans who came back then committed suicide because of that war. It was a time in our history when our country came to its knees; 58,168 Americans died in Vietnam over an 11-year period. Let me tell you how many Americans have died over an 11-year period from gunshots not related to any war: 395,441 Americans.

Mr. President, 58,168 Americans died in the Vietnam war; 395,441 Americans died from gunshots in an 11-year period. What are we doing about it? Nothing. That is the equivalent of almost seven Vietnam wars over an 11-year period. What are we doing about it? Nothing.

We hear the NRA President say: We should do nothing. His answer is give more guns to people.

For every American who dies from gunfire, another three are injured.

Over that 11-year period, we have almost a million people injured from gunfire. They could be paralyzed. These could be very serious injuries, and sometimes they are. Fifty people killed or injured in school shootings in America in the last year. Thirty-one percent of children age 12 to 17 know of someone their age who is carrying a gun—gun-packing children. We are to blame. They are not to blame. We are the grown-ups. We set the rules. This is a society of law and order. What are we doing about it in the Senate? Nothing.

Fifty percent of children age 9 to 17 are worried about dying young. What kind of America do we have now? When I was growing up, I didn't think I was going to die young. I thought I was going to go to school, get an education, have a family, work, have a life of fulfillment. I never thought for one minute that that could all be ended by a gunshot from a friend, a classmate on the street, in a McDonald's, in a drive-by shooting, road rage.

We had better face our problems. We have the greatest country in the world, but we have problems. We need to face them. We are not here to ignore problems. We are not here to say everything is great. We need to act on our problems. This is a problem.

Listen to the law enforcement groups that back us on this when we say bring out the juvenile justice bill.

The juvenile justice bill; that is the one bright spot. We passed it in a bipartisan fashion about a month after Columbine, with AL GORE casting a tie-breaking vote on one of the most important amendments. This is what we passed.

We closed the gun show loophole—Senator LAUTENBERG's amendment—that allowed criminals to walk into a gun show and simply get it. He could be crazy. He could be a felon. He could be intending to kill people on the street, to kill people in a school, to harm himself. He could walk into a gun show without having a background check. But if he went into a gun store, he would have to have a background check. All we did was close that loophole. What is the Senate doing about it now? Nothing. It is languishing in the committee.

We banned the importation of high-capacity clips which are used in semiautomatic assault weapons. That was Senator FEINSTEIN's amendment, a very important amendment.

We prohibit the domestic manufacture of those clips, but the importation continues. These clips are coming in. We simply say: End that importation. We passed that.

We passed the Kohl amendment requiring that child safety locks be sold with every handgun.

We passed the Boxer amendment which required the Federal Trade Commission and the Attorney General to study the extent to which the gun industry markets its products to juveniles. These companies are manufacturing guns that resemble toys, that are sold to youngsters and get them interested.

We made it illegal with the Ashcroft amendment to sell or give a semiautomatic assault weapon to anyone under the age of 18.

Five amendments, we passed them in a bipartisan way. They went off to conference, and they have been languishing for now 9 or 10 months. It is the same with Senator REED's amendment.

It is time to stop the dithering. It is time to stop bowing to the National Rifle Association and bowing to the gun lobby. It is time to stand up and be courageous, bring those amendments forward, protect our children, and stop the carnage that is happening in our country.

Who supports these five sensible gun control amendments? Senator LEAHY, in his wonderful opening remarks today, put them forward: The International Association of Chiefs of Police, International Brotherhood of Police Officers, Hispanic American Police Command Officers Association, Police Executive Research Forum, Police Foundation, Major Cities Chiefs, Federal Law Enforcement Officers Association, the National Sheriffs Association, the National Association of School Resource Officers, the National Organization of Black Law Enforcement Executives.

We cannot have a more diverse group of law enforcement.

We have five important, sensible gun control laws that passed the Senate, that went into a conference committee.

If one reads how a bill becomes law, they know how it is done: A bill has to pass the House; a bill has to pass the Senate. The juvenile justice bills passed both bodies. You then go to the conference committee. Both sides sit across from each other and talk about what belongs in the bill. They bring the bill forward, and we vote up or down. This bill has languished for 10 months.

Now, what is some good news? Senator DASCHLE alluded to the Smith & Wesson agreement. Smith & Wesson is the largest manufacturer, if not one of the largest, of handguns. They have made an agreement as part of a lawsuit because gun manufacturers are now being sued for these deaths. They have agreed that all their handguns and pistols will now be shipped with child safety devices. Within 2 years, the handguns will be manufactured with internal locks. If a child picks up a gun and they don't know the combination, they will not be able to turn and hurt anyone—sensible.

Within 1 year, all pistols will be designed so they can't be readily operated by a child under the age of 6. Handguns must pass a performance test. That gets to a bill I have about banning junk guns. They will drop these guns down. They will see if they go off. A lot of these handguns are so cheaply made, they fire when you don't want them to, and when you need them to, they jam up. They are not good products. They are junk guns. Smith & Wesson is going to put forward a test.

Every handgun will be designed with a second hidden serial number so they can be traced in a crime—another very important point. The company will sell only to authorized distributors and authorized dealers who adhere to a strict code of conduct. That means they will perform the background check. They will make sure the person coming in is not inebriated, is not high on drugs, doesn't have a criminal record, isn't under age. They will not sell any gun at any gun show unless every seller at the gun show conducts a background check. They will not sell their guns until that background check is completed, and they say it may well take 3 days.

They will not sell any high-capacity magazines or semiautomatic assault weapons. They will not sell products to anyone who has not taken a certified firearms safety course. And Smith & Wesson dealers will only allow purchasers to take one gun with them at a time.

They will have to wait a couple of weeks before they get their other gun. The company will devote 2 percent of its revenues to development of smart guns and within 3 years the smart gun technology, which allows only the authorized person to shoot it, will be in place. All new models will not be able to accept magazines with a capacity of over 10 rounds. There will be an oversight commission to enforce this, which will include representatives from the city and State governments, and one from the gun industry.

So what I have laid out in this presentation, first of all, is the facts on violence in America—irrefutable facts. I give these facts out and my colleagues come up and say: Could this be true? Could it be true that in 11 years more than 300,000 Americans have been killed by gun violence? Could it be true that every day 12 or 13 children are killed?

They can't believe it. And we send the facts to the Centers for Disease Control. We send them to the people who keep these terrible statistics, and they come back to me and say: Senator, you are right. We doubted you. We are sorry. We can't believe this is happening in America today. But it is.

So we have laid out the data, the facts on gun violence in America. We have laid out the five gun provisions languishing in the conference. Commonsense gun control that passed this Senate in a bipartisan way is suddenly being smothered over there in the conference committee, and we can't get it to the floor of the Senate and the House.

Day after day we read about 6-year-olds shooting 6-year-olds, 10-year-olds shooting 10-year-olds, 12-year-olds shooting 12-year-olds.

We don't deserve to be here if we don't do this. We don't deserve to be here, let alone be reelected, if we don't do this. The Vietnam war brought the country to its knees. We lost 58,000 people-plus in that war. It was a most tragic period of time. I remember that time. But we now have 300,000 people-plus dying from guns in an 11-year period compared to 58,000, and we sit here dithering around doing nothing while law enforcement tells us to please act. "We are outgunned," they tell us. "We are losing people. We are losing this war." We have a war in our streets. I laid out the organizations that are backing these five sensible amendments.

Finally, I laid out the good news of the Smith & Wesson agreement. I call on every single gun company that wants to stay in business to go ahead and duplicate what Smith & Wesson has done. I thank them for acting. They are taking the heat for acting. I think Senator DASCHLE is right. Maybe they acted only because they had a lawsuit. Maybe they acted only because they thought they would go bankrupt if they didn't act and people would continue to sue them. The fact is, they acted; they acted on each and every point we have made on this Senate floor.

So, yes, we are going to see flag desecration brought up. We know over the last 200 years there has been one flag desecration a year on average, while every day 12 children are killed by guns; and over the past 11 years 300,000-plus Americans have been killed, and we do nothing. The juvenile justice bill is languishing—languishing—in the committee. I call on the Senators who are in charge of that conference—and they are my friends—to break the logjam and bring this legislation to the Senate floor. It passed with a bipartisan vote. Overwhelmingly, people want us to do it.

The Smith & Wesson agreement proves the point that the time is ripe for these measures. I say if we do it, we will be proud; we will have done something to protect our children, protect our people, protect our communities, and turn around a blight on our country at a time of great prosperity and great hope.

I see the Senator who has done such an amazing job in the Presidential race. I welcome him back. I thought the issues he raised were vital. I am glad to see him back, and as a result of his appearance on this floor, I am happy to yield at this time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank my colleague from California for her kind remarks. I appreciate, obviously, the time that I was able to spend in her great State. I hope she appreciates the economic input that our campaign made, and I hope I can get some rebate from the numerous campaign commercials we purchased in her State. I thank her for the hospitality shown to me by all of the citizens of the State of California.

KOSOVO

Mr. McCAIN. Mr. President, this Friday marks the first anniversary of NATO's air campaign to drive Serbian forces out of Kosovo. I want to speak briefly this morning about the current situation that, regrettably, remains, in the words of the respected newsmagazine, The Economist, "a mess."

Reports over the weekend that General Reinhardt, the KFOR commander, believes that peacekeeping troops will likely need to remain in Kosovo for ten years or more have, I am sure, given my colleagues more than just cause to worry over the wisdom of our continued involvement there. That is more than understandable, given the divisions among NATO peacekeepers, and our allies' frustrating reluctance to meet their commitments to the international police force in Kosovo; considering the U.N.'s predictable difficulty in rebuilding something approaching normal civilian live where ethnic hatreds are as deep-seated as ever; and considering that the malevolent Mr. Milosevic continues to make trouble whenever and wherever he can.

Surely, the United States needs to be much more forceful with some of our allies who assume that the United States will always compensate for the deficiencies of their resolve and accept a greatly disproportionate share of the burden of stabilizing the Balkans. Most importantly, we must insist, and I emphasize that verb, that we have the full support of our peacekeeping partners in opposing Serbian efforts to foment further violence in Mitrovica and elsewhere. One of our allies sometimes appears to act, in defiance of the facts on the ground and the dictates of conscience, as a protector of Serb aggressors. Our other allies in KFOR should help us persuade our badly mistaken friend that such an attitude is a terrible impediment to KFOR's success.

This does not mean that the United States must end or threaten to end in the near term our participation in KFOR. Despite the unacceptable circumstances of the weak and endangered peace in Kosovo, it is infinitely preferable to the widespread atrocities committed during the course of Serbian aggression, atrocities that would surely reoccur were NATO to fail in our current mission. But our partners in peace can be persuaded by strong American leadership that the American people will not tolerate indefinitely Europe's inadequate commitment to peace and stability in their own backyard.

Mr. President, I do not mean to overlook or minimize in my discussion the challenges to peace created by ethnic Albanian extremists. We must be resolute in opposition to any threats wherever they occur. But it is a grave mistake to forget that nearly all the violence and instability afflicting the Balkans over the last decade originated in the unspeakable inhumanity of Belgrade's aggressors.

The problems in the Balkans are, for the most part, attributable to the Serbian regime, led by an indicted war criminal who continues to hold onto power despite overwhelming public sentiment against him. At any time, he can be expected to foment conflict in Kosovo, Montenegro, or in Bosnia. That the domestic opposition to him has been divided and anemic does not detract from the legitimacy of those who seek his removal from power. In every respect, his is the rogue regime that constitutes the greatest threat to regional peace, just as Saddam Hussein does in the Persian Gulf and Kim Jong Il does in the Korean Peninsula.

The Senate's passage last November by unanimous consent of the Serbian Democratization Act was an illustration of the extent of Congress' commitment to democratic change in Serbia as the necessary condition to lasting stability in the region. We should never forget that, for all the long and sad history of conflict in the Balkans, it was only when dictatorial regimes sought to exploit ethnic divisions did conflict overwhelm peace. The recent election of a liberal government in Croatia has greatly benefited the situation in Bosnia. Only through similar change in Serbia will a lasting peace begin in Yugoslavia. United States policy in the Balkans, and in Yugoslavia in particular, must be focused on affecting the democratic transformation of Serbia that the Serbian people themselves desire.

Final passage of the Serbian Democratization Act will be an important step in the right direction. In the meantime, there must be no lifting of the sanctions on Serbia, and no repetition in Montenegro of what occurred in Kosovo—vague and unbelieved threats to prevent the kind of ethnic cleansing we are now spending billions of dollars to reverse.

In the days ahead, Mr. President, I hope to work again with my colleagues and with the administration to help focus United States policy on achieving the goals in the Balkans that are important to protecting both America's interests and values in Europe.

Finally, on a personal note, if I may, Mr. President, as has probably been noted occasionally, I have been absent from the Senate for some time. I will not burden my colleagues with a full discussion of how I spent my time away and what I learned from the experience. Nor do I think the floor of the U.S. Senate is the proper place to discuss in detail my personal feelings or political plans. However, Mr. President, I would like to say a few words about the great privilege we all share, the privilege of serving the greatest nation in history.

I have enjoyed that privilege since I was 17 years old, and I consider myself fortunate beyond measure to have done so. This country and her causes are a blessing to mankind, and they honor all of us who work to make America an even better place, and America's example a greater influence on human history. I felt that way before I ran for President, and I feel that way today. And although I have lost my bid to be President, I will never lose my appreciation for the honor of serving America in any capacity, and for the good will and confidence of the people of Arizona who allow me to serve in the U.S. Senate, a body that has seen the honorable service of so many more distinguished Americans than the flawed man who addresses you now.

I have nothing but gratitude to the American people for the privilege of serving them and for their consideration of my candidacy for President. I have incurred a debt to them that I doubt I can ever fully repay. But I intend to do what I can, working with my congressional colleagues, Republicans and Democrats, to help bring about the changes to the practices and institutions of our democracy that they want and deserve.

These reforms, Mr. President, are not ends in themselves. They are means to a much more important end. They are intended to sustain America's pride in the way we govern ourselves, and in the end to remind us all, those of us lucky enough to serve and those who elect us, what a special thing it is to be an American. I was reminded of that every single day of this campaign by Americans, those who supported me and those who did not, who wanted little for themselves individually, but simply for our country to remain, what she's always been, "the last, best hope of earth." I will never forget it.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, what is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas has up to 30 minutes.

THE MARRIAGE PENALTY TAX

Mr. BROWNBACK. Mr. President, what I want to spend some time on this morning is a very important matter that is coming up before the Senate shortly—a taxation issue the House has already passed. It is a tax a number of us have been working to get rid of for years. We are within sight of getting that done now, but we do have to get it done. People in this body could still block it from happening. I want to make sure we get it through, and that is the elimination of the marriage penalty tax.

I have spoken about it on the floor a lot of times, perhaps too many. But we are so close to finally getting this done for the 21 million American couples who pay this tax that we really just have to see it through. What I am most fearful of is, once we get the bill out of the Finance Committee—they are working on it now, to eliminate this marriage penalty tax—it will come through the Finance Committee, it will be a good bill, it will do much to eliminate the marriage penalty tax—not all of it but much of it—but we will get it up on the floor and someone will say, "No, I don't want to get it through," or, "Yes, I agree with you, but it has to have this rider dealing with pharmaceuticals for Medicare patients," or dealing with minimum wage or dealing with some other issue that is extraneous to this important signal we send to America.

I want us to get this bill through this Congress. It has cleared the House. The House has done its job. It is now in the Finance Committee in the Senate. We will soon have it here on the floor. Let's take it up, let's pass it, let's give it to the President, and do it before April 15 so the President can have that, so we can give some notion of relief to working couples across this country.

Senator ASHCROFT and I and Senator HUTCHISON of Texas have been working on this issue for some time. This past week, while we were not in session, Senator ASHCROFT and I held a press conference in Kansas City. We had four couples from Kansas who are currently paying the marriage penalty tax. They think it is ridiculous. They think it is a bad signal we send. One gentleman there, one husband, stated he and his wife did not get married for 2 years because of the marriage penalty tax. They were in college at the time. They knew they wanted to get married, but they thought, they could not afford to do this because they would have to pay roughly, in their case, about $600 more a year in taxes if they got married. They were in college and they said: We can't afford it; $600 is important; we cannot afford to do this. So they didn't. But they were not happy they were forced by their Tax Code not to get married.

You would think, actually, we would be giving them $600 to get married. This is a positive institution. It is something that is important for the country. It is a clear signal of support for family values, which we all say we are for. We ought to at least send that positive signal, but we don't. Those are four families, each of them who could use the average of $1,400 a year that most couples pay in a marriage penalty.

Those are only four, though, in Kansas. I want to show with this chart, we actually have 259,000 couples who are paying this marriage penalty tax. What we are talking about eliminating is this portion of it, the marriage penalty that actually exists about 66 different places in the Tax Code. So we are going to have a lot of other places we need to ferret this out.

At the end of the day, I hope we sunset this Tax Code, reform the whole thing, go to a flatter, simpler, fairer system. But that is for another time.

I want to point out, for Members or others who are watching, how pervasive this marriage penalty tax is in their States. You can go down any of the States here: In Wyoming, where the Presiding Officer is from, 45,336 couples pay a marriage penalty, a tax on being married. That is in Wyoming. You can go anyplace. In Connecticut, 347,306 couples pay that; in Washington DC, 27,117. Go to the big population States, there are more there: New York, 1.5 million; California, 2.752 million couples paying a marriage penalty tax. It is all across the board, all across the country, that couples, for the privilege of being married, pay this tax.

People know about it. Now we are seeing public opinion polls that show people know they are paying a tax for the privilege of being married. As my colleagues can see, this is not an issue that just affects a few people in a few States; it affects America's working families. It simply must be corrected this year.

I say to my colleagues, do not hook any riders to this bill that will kill it and then say you are for eliminating the marriage penalty tax. If you hook riders to this bill that will kill it, you are against eliminating the marriage penalty tax.

Further, I point out to people, the marriage penalty tax affects America's children. I have many letters from people which demonstrate that. In fact, Gary and Charla Gipson commented in a letter they wrote on this subject:

> If we are really interested in "putting children first," then why would this country penalize the very situation (marriage) where kids do best? When parents are truly committed to each other, through their marriage vows, their children's outcomes are enhanced.

I do not want to take the full length of time to talk about this bill today because we have talked about it enough in the past. But I do want to make sure people understand that this does affect two-wage earner couples making between $20,000 and $75,000 a year.

Clearly, we need to make the elimination of the marriage penalty tax a priority to help all of these families, not just a few. The House bill does much of this. I think we can put forward an even better bill in the Senate that takes away more of the marriage penalty tax than even the House version does.

America's families deserve this break. I would like to be able to tell my families back in Kansas that, yes, this Congress does stand for family values. One of the things we are doing to help support these families is eliminating the marriage penalty tax. It is a good and positive and right signal that we can send at a time we are having so much trouble with families.

I just came from a Commerce Committee hearing where we were talking about and had testimony regarding the impact of interactive violent video games on children. There the concern was the increased level of overall violence in this society, and even the interactive nature of it in video games and its negative impact on children.

Constantly, people in that hearing were saying: I hope parents know what video games their children are playing. We hope the parents are working with their children and communicating on this issue. In each case, they were talking about the role and the need and the importance of parents and their active participation.

What better signal can we send than to say we believe that is true and we are not going to penalize you for being married parents. We are not going to penalize you for being in that situation. We are going to remove this marriage penalty tax and let you keep an average of $1,400 per year. We have a chance to pass this legislation. We have the time to do it. This is the appointed hour for us.

I also want to send a signal to the President that I think we are going to get this bill through this Senate. We have gotten it through the House. I am calling on the President to sign this bill, sign the marriage penalty tax elimination bill, and not to obfuscate the issue or say that it is about something else or it is too expensive. If it is too expensive for Government, imagine how expensive it is for these 21 million American couples who are out there paying this extra tax.

Is it really too expensive for us to invest a little bit of money in these working families to encourage them, to support them, to say they have the most important task in America; that is, raising our next generation? We should be saying to them: You deserve a break today. You deserve to be able to have this support coming to you from this Government instead of being taxed. You should be supported.

If anything, we should subsidize the family situation rather than tax it.

Mr. President, please sign this bill when it gets to you so we can do away with this onerous burden.

There may be other colleagues who will come to the floor later to talk about this issue but at this time that is the extent of my comments on this particular topic.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, for the last 3 months I have come to the floor of the Senate on more than 20 occasions to talk about the need for this Congress to pass legislation that would cover senior citizens' prescription drug needs under Medicare. I have said again and again that this country can no longer afford not to cover prescription drugs.

Before we broke for the work period at home, I talked about a case, for example, from Hillsboro, OR, of a senior citizen who had to be placed in a hospital for more than 6 weeks because he could not afford his medicine on an outpatient basis. Just think about that wasted money. The older person could not get help on an outpatient basis for his medicine, and the doctor said we have no choice but to put that person with a leg infection in the hospital so he can get prescription drug coverage under Part A of the Medicare program.

Today, I brought with me a letter from an elderly woman in Phoenix, OR. She receives $1,100 per month in Social Security. Her prescription drug bills run $1,000 a month. She is 74 years old, and she wrote me: What can you do to help?

I think it would be a tragedy for this Congress to not go forward on a bipartisan basis and enact meaningful relief for the Nation's older people who are getting clobbered with these prescription drug bills. Again and again, we are hearing from seniors in these instances where they have been hospitalized because they could not afford their medicine on an outpatient basis, where when they are done paying for their prescription drugs for the month, they have only a couple hundred dollars left to pay for food, heat, and housing. In a country as strong and prosperous as ours, we can't allow this kind of tragedy to continue. I think it is absolutely critical that this be addressed on a bipartisan basis.

For many months now, I have teamed up with the Senator from Maine, Ms. SNOWE, on a bipartisan bill. We use marketplace forces to ensure that older people have bargaining power in the private sector to be in a better position to afford their medicine. Right now, these HMOs get big discounts; they have lots of clout in the marketplace—HMOs and the private sector plans. If you are an older person who walks into a local pharmacy, you in effect have to subsidize those big buyers. You get shellacked twice. Medicare doesn't cover prescription medicine and, in effect, in the marketplace you subsidize the people with clout.

The Snowe-Wyden legislation uses private sector bargaining power, along the lines of what we have in the Congress with the Federal Employees Health Benefits system, so that the dollars seniors use for private health insurance are pooled, and they have real negotiating power so they are in a position to get more reasonable prices for their medicine.

Some have said we ought to just put the Government in charge of this, sort of have rate regulation. Well, I think that would be a big mistake. The biggest concern I have about that approach is it would cause a lot of cost shifting. You could have the Government be the big kid on the block and drive the system through the Health Care Financing Administration, but you would put all the costs onto somebody who is 27 or 28 and is working hard trying to get ahead, and their prescription drug bill would have gone up because the Congress didn't address this Medicare issue in the right way.

Fortunately—and I think he deserves enormous credit—Senator DASCHLE has been working to try to reconcile the various approaches. He has talked with me about this issue, almost on a daily basis, in an effort to try to have the Senate come together and enact meaningful relief. He stakes out principles that I think can be supported on both sides of the aisle—principles such as making sure the program is voluntary, that no senior citizen be required to do anything; if they wanted to keep their current coverage, they would be allowed to do that. We want to make sure the action we take on prescription drugs is consistent with long-term Medicare reform. I think the approach I have advocated, in terms of creating more choices and more options in the marketplace, is consistent with responsible Medicare reform.

We have talked about bargaining power in the private sector, the way the responsible private insurance companies have acted. I think that is something that will attract Members on both sides of the aisle. I think Senator DASCHLE is absolutely right in terms of trying to bring the Senate together to find the common ground and pass meaningful legislation.

We will have a chance this week to make the first significant step in the Senate toward passing this legislation. As the Budget Committee meets—and I sit on the Budget Committee, and Senator SNOWE sits on the Budget Committee—we will have a chance to ensure that in this budget, which is not just facts and figures but, really, the hopes and aspirations of the American people—we, in effect, set aside the funds needed to go forward and enact a meaningful prescription drug program for the Nation's older people.

I don't want to see this Congress adjourn without making this important addition to the Medicare program. There is not a single expert in the health field—Democrat or Republican—who doesn't believe that if you designed the Medicare program from scratch today, you would not cover prescription drugs. They all think it is something that is essential to meaningful Medicare reform. I intend to keep coming back to this floor again and again and again throughout this session of the Congress to talk about prescription medicine.

For about 7 years, before I had the honor of being elected to the other body, I was director of the Gray Panthers at home. We believed that prescription drug coverage in Medicare was important then. But, frankly, it is vastly more important now because the drugs of this century essentially aren't just drugs that, as we saw back then, are primarily to help people when they are sick; the new drugs are absolutely key to helping folks to stay well. They help folks to lower blood pressure and cholesterol. It is a way to hold down Medicare costs. Because of the result of folks being able to stay healthy, they don't land in the hospital and incur enormous costs that are engendered by Part A of the Medicare program.

I am going to keep coming to the floor of this body to talk about the need for bipartisan action on prescription drugs, to urge the Senate to follow the counsel of Senator DASCHLE. I know Senator SNOWE and others on the other side of the aisle are interested in finding common ground. I am going to keep urging that we work on this issue and not adjourn this session of Congress until we have provided this relief to the Nation's older people. I come again with a whole sheaf of cases of older people who are writing and asking what we can do to help. They are asking Congress to act this year, not put this off until after the election and use it as a political football again.

I think we owe it to the Nation's older people and their families to address this issue, as Senator DASCHLE suggests, in this Congress; that we come together as Members of the Senate to make this improvement to the Medicare program that is long overdue. I intend to keep coming back to the floor of this body again and again and again reading these direct and very poignant accounts about why this coverage is so important until we get this legislation enacted.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 5, which the clerk will report.

The assistant legislative clerk read the title as follows:

A bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, before proceeding to the opening statements, I yield to Senator GREGG who will speak briefly on his proposed amendment. I yield 10 minutes to the Senator.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Delaware allowing me to proceed out of order. I very much appreciate that generosity on his part. I also appreciate his courtesy as we develop this piece of legislation and congratulate the Senator for bringing it to the floor.

Repealing the earnings limitation is a very important step to assist people who have reached eligibility age for retirement to have a better lifestyle. It allows them to work harder, work longer, work at their option versus at the Government's option, and keep the proceeds of what they earn versus losing it because of this artificial reduction in their benefits, which is presently the law under the earnings limitation test.

It is a very appropriate piece of legislation. It is one which I fully congratulate the chairman of the Finance Committee for authoring and bringing forward, and it is something which I have strongly supported for many years. In fact, yesterday I spoke at some length relative to a bill that has been introduced by myself and a number of other Members of the Senate, including members of the Finance Committee, Senator KERREY, Senator BREAUX, Senator GRASSLEY, Senator THOMPSON, and Senator ROBB, along with Senator THOMAS. That piece of legislation is a comprehensive attempt to reform Social Security, to make it solvent for the next 100 years. As part of that comprehensive reform, we included the earnings limitation repeal, which is very appropriate legislation.

However, I do think if it were being done in a perfect world it would be done in a comprehensive reform of the entire Social Security system because we well know Social Security is facing disastrous consequences beginning in the year 2008 when the baby boom generation retires, followed closely by the year 2014 when the system actually starts to run a cash deficit and is aggravated to the point of crisis by the period 2020 to 2040 when we actually run up an absolutely massive deficit which will have to be passed on to the younger generation through tax increases or through a cut to the benefits of the older generation, but it would be a deficit in the vicinity of $7 trillion under the present benefit structure.

We need to address that. We need to address the whole issue of Social Security reform, in my opinion. That is why I have worked with Members of the Senate to draft this comprehensive bill.

As I said, one element of the comprehensive bill is the repeal of the earnings limitation. That is a very appropriate step and one which should have been taken many years ago, that will be very beneficial for our Nation as our population and the demographics of our population ages so people, as they become older but are still living longer, will have the opportunity to participate in the workforce, be productive citizens without being penalized by the Government and having some of their benefits taken away under Social Security.

As part of the earnings limitation repeal, I wanted to introduce an amendment to address some of the issues of transparency, of disclosure, of telling people in America in plain English what the Social Security system's present economic status is and what it is going to be in the future. The proposal I was going to offer was basically a mirror of the proposal which came out of the professional group which oversees reviewing the Social Security Administration, the Technical Panel on Assumptions and Methods of the Social Security Advisory Board, a board put together as an arm of the Social Security Administration to come up with ideas for how to improve the Social Security Administration.

They came up in November of 1999 with a whole series of proposals as to information that should be made available to the American public. It was not complicated information, and in fact they stressed it should be put forward in plain English terms so Americans everywhere could understand the status of the Social Security system.

But it was important information, such as:

What will the program cost each year? We should know that as an American people.

What is the projected cash-flow deficit in the program? That is another very important fact we should know in deciding how we are going to deal with Social Security.

What are the benefits the system can actually fund? I cannot think of any information that would be more important than that.

What is the impact of all of this on the overall Federal budget? That is another very important point of information.

All this information should be made available to the American public. That is why the Technical Panel on Assumptions and Methods of the Social Security Advisory Board recommended this type of disclosure occur. So my amendment was going to make as part of the law a commitment we would make those disclosures to the American people through the auspices of the Social Security Administration. It is basic information, critical information for people making informed decisions.

Regretfully, I tell the American people that we have a very big problem coming. Maybe there was some resistance because if that type of information were available, people would start scratching their heads, saying, "Gee, we do have a big problem; maybe we should address it." That is the goal I have, obviously—to use this information to energize action and move this Congress, and especially the White House, down the road of substantively addressing the whole Social Security issue rather than this narrow question of the earnings limitation question.

However, having stated the outline of the amendment and having gone into much more depth yesterday, I have been working with the chairman, and he has agreed, to try to work this type of language into some other process where it will not complicate his life on this bill but where it will still be language which will at some point become law and which will effectively address the issues raised by the Social Security Advisory Board so we can get full disclosure to the American people.

I very much appreciate the chairman's commitment to work with me on this. As a result, I have decided not to offer this amendment.

I believe the chairman has requested I yield to him the time which would have been available under my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I wonder if I could detain the distinguished Senator from New Hampshire for just a moment to say how very much I agree, and I am sure this side agrees, with the points he has made, as the chairman has indicated.

In August of 1994, legislation reestablished the Social Security Administration as an independent agency. It had all but got lost in the Department of Health and Human Services. In the Congressional Directory there were more than 200 names between the name of the Secretary and the name of the Social Security Commissioner. It was very much an agency far down and with no real independence. It is now an independent agency. It has a trustees' report that comes out every year—the trustees being the Secretaries of the Treasury, of Labor, of Health and Human Services, the Commissioner of Social Security and two public trustees. It has the Social Security Advisory Board.

Now, after many years, we are sending out each year to every citizen over 25 a statement of how much they have paid into the system and what they could expect to receive as a benefit at the age of retirement and such like—information nobody ever had before. You could get it, but you had to know where to look for it. The kind of openness Senator GREGG speaks of continues this disposition. I hope we will reinforce it. I certainly think we could have language in our report commenting in this regard. I congratulate the Senator for what he has said.

Mr. GREGG. If the Senator from New York will yield, I appreciate those comments. I know the efforts which have been made by the Senator from New York, trying to make the Social Security system solvent. I greatly admire them.

I would say, this information would be in addition to the information that is already available. The Senator from New York makes the point, people are now told how much they should receive in benefits. What they are not told and what this information would tell them is, where are we going to get the money and what are the shortfalls in the Federal Government that will be created by paying those benefits, and isn't that what you should be worried about as a recipient: Where is the money going to come from?

Mr. MOYNIHAN. A fair point.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I thank Senator GREGG for his statement. I express my appreciation to Senator MOYNIHAN for his statement as well. I look forward to working with the Senator from New Hampshire as well as the ranking member on how to provide the information needed to allow a clear and concise understanding of Social Security. We look forward to proceeding ahead with this proposal.

Mr. President, I ask unanimous consent the remaining time allotted for debate on the Gregg amendment be equally divided, under the control of the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, today is a great day for millions of seniors, for their families, and for their employers. The Senate will vote shortly to repeal a provision in the Social Security law that discourages seniors from working, the so-called earnings limit. Repealing this earnings limit is an important step in preparing Social Security for the 21st century.

Social Security is a marvelous program. Now and in the future, both for today's seniors and for our children, Social Security is the foundation of a secure retirement for most Americans. Social Security has lifted millions from poverty and is especially important to women. But the Social Security earnings limit discourages seniors from working. Seniors can have their benefits reduced by as much as one-third as long as they work. As a result, many seniors choose to cut back their hours or stop working altogether.

The fact is, the earnings limit is a part of a bygone era. It is the product of the Great Depression, a time when folks believed that an individual should retire completely and make room for others to work. It is antiquated and antiproductive.

Although Congress has made the earnings limit less onerous over the years, it has worked only too well. In the early 1950s, almost 50 percent of men over age 65 were working. Today, it is only 17 percent. These numbers are even lower for women. But in the new economy we realize the importance of men and women remaining productive participants in our workforce. In the new economy, we appreciate skill and experience.

Abolishing the earnings limit is not only good for seniors, it is good for America. It is good employment and economic policy. It is also good government. It will improve public service by the Social Security Administration.

Repealing the earnings limit will help strengthen the retirement security of Americans by giving seniors a choice of working longer and saving more.

As Americans live longer, work will likely be more and more important to the financial security of seniors, again, especially for women. Also, seniors who work may be better able to voluntarily delay their Social Security benefits. As a result, they will receive a larger check when they do elect benefits, in effect, by banking those benefits.

Repealing the earnings limit is good employment and economic policy. We live in a world of great new potential and exciting changes. The Internet—the communications revolution—is creating huge new opportunities. Breakthroughs in biotechnology promise longer and healthier lives.

Among all this change, however, there is one constant: Our success as a nation depends on the hard work and talent of our people. Today, we understand economic growth is a function of the number of workers and the productivity of each worker. As a nation, we benefit from more workers, not fewer.

According to Federal Reserve Chairman Alan Greenspan, we are beginning to suffer from a serious worker shortage that threatens our economic expansion. In just 5 years—in 2005—when baby boomers reach retirement age, we will need more older Americans working just to maintain the Nation's labor force.

We do not need disincentives that discourage some of our Nation's most experienced workers from working. Abolishing the earnings limit will allow us to protect the Nation's economic gains of the past 17 years. It will not only help to raise the standard of living for many of our seniors but help keep the strongest economic growth in our lifetime on track. This is a win-win situation.

Repealing the earnings limit has one other very important value: Improving public service by the Social Security Administration. Administering the earnings limit is complex; it is difficult. It costs something close to $100 million per year and is the culprit in the vast majority of Social Security benefit payment errors. These payment errors are a huge source of frustration to seniors. With this legislation, we will now be avoiding that.

Let me also note that there are no long-term costs associated with this bill. No senior receives any greater amounts of benefits. Rather, we simply provide seniors with greater choice over when they receive these benefits.

I am very proud of what the Senate Finance Committee and the Senate itself has been able to accomplish over the past 5 years. We have balanced the budget and have begun to pay down the public debt. We have strengthened Medicare and expanded health care, especially for children and people with disabilities. We have provided new educational opportunities. We have fixed a broken welfare system. We have cut taxes. We have reformed the IRS. We have protected the Social Security trust fund.

With the passage today of the Social Security earnings limit repeal, we will add one more significant accomplishment to this list. Without question, there is still much to do on Social Security reform. But this legislation is a clear and vivid demonstration that we can work together in a bipartisan way to achieve lasting and valuable changes in Social Security.

In closing, let me note that the President has asked for a clean bill, one without extraneous amendments. With the exception of the managers' amendment, which fixes a technical problem with the House bill, we intend to provide that.

I urge all my colleagues to support this bill, to sweep away the earnings limit—a relic of the Depression—and to move Social Security into the 21st century.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, it is a special joy for this Senator, in his last months of his last term, to rise on this subject in perfect unity with the chairman. I will make remarks out of habit and custom perhaps, but I could not say anything better than has been said. I endorse it completely.

The House has done us a service in sending us a bill which we have been working on for years. Just 4 years ago, we increased the earnings limit to where it would be $30,000 by the year 2002. But now this gets rid of it. It is an anachronism. As the chairman said, when we enacted Social Security, unemployment was 25 percent. Sir, it is now 4 percent. The range of skills in our economy was wholly different then. Coal mines were no place for 70-year-olds; computer terminals are. It is as simple as that.

An absolutely important, central point to make is, the repeal of the earnings test has no long-run cost. All of the foregone benefits of continued work were made up later when retirement came, or at age 70. As the chairman has accurately said, calculating that makeup can be fantastically complex and has been costly.

It is the one complaint citizens have with Social Security. They believe they are not getting what is theirs. The adjudication and so forth is a needless waste and an expensive one. With this legislation, the problem will be behind us.

Repealing the earnings test, for those reaching normal retirement, will increase outlays by $19.4 billion over 6 years and $20.3 billion over 11 years, but this is simply the up-front costs of a long-term absolute even outcome. Extra benefits will not be paid because over time it will be, as you can say, a wash. The advantages are so much greater to pass this now when we have some comfort in our budgetary surplus in the Social Security trust fund. It is the right thing to do.

I say, and I think so would my revered chairman, that we would prefer to abolish all earnings tests for all retired workers. Right now, people can retire at age 62 and receive benefits, and there is a corresponding diminishment thereafter. We could get rid of all that very readily. But it is not before us today. Sufficient unto this day is the work we will have done.

I will leave it there, sir. I have some comments, but I will not go much further.

There are those who say: If you let people retire early at a lower level of benefit, they will do so. Then, later on their spouses will be deprived, and so forth. That is an argument I am not sure is appropriate to social insurance.

It is a fact that three-quarters of all persons now retire before age 65, which argues, I think—and I don't know why we can't learn more about this; we can if we would try—that Americans are pretty well off. They are in a position to do so, and they opt for it. We must keep in mind we are talking about social insurance. It is not for us to judge the behavior of the citizens who have paid into a system and are being paid back by it.

I think the finest summation of this was made by Winston Churchill in 1911. He was then a member of Parliament from the Liberal Party, and it fell to him to manage, as we are managing here, a system of unemployment insurance which we would get to in 1935 as a title in the Social Security Act. It took us another generation.

Churchill at that time was met with the argument that if you gave unemployed workers a benefit, an insurance benefit—they would pay into the system, the employer and the workers—that they would spend the money on drink. He said: "Well, yes, perhaps; it's their money." He was not one much given to the "nanny state," as I think the term was in these years.

It is not for us to judge how wisely people will exercise their options. They are their options. Today we have freed up the system, making it more comprehensible and saving a lot of administrative effort that is really, again, not productive.

I look forward to a good debate. I see my friend from Nebraska on the floor. He has been hugely influential in the discussion and debate about these matters in years past. I know he will be now. I look forward to listening with close attention to his comments.

With that, I thank the chairman once again and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, did the chairman rise to speak again?

Mr. ROTH. We did have Senator KYL coming down to speak next, going back and forth.

Mr. KERREY. Is he arriving here imminently?

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I intend to vote for this piece of legislation. I think it is good and needed legislation. But I don't think anybody should be deluded as to why we are taking it up.

I remember the Boskin Commission. A number of years ago there was a question as to whether or not the CPI was overstating the actual cost of living for seniors who were eligible either for an old age, a survivor, or a disability payment. There was a question as to whether or not it was overstated. So we impaneled this commission to evaluate whether or not it was overstated. They came back and said, yes, it was overstated by a point, 1.1.

Out of 535 Members of Congress, maybe 20 people declared they were willing to vote for a 1.1-percentage reduction. If Boskin had come back and said it was understated by a point, there would have been 535 votes for it just like that. Nobody would have minded messing with the Bureau of Labor Statistics. Nobody would have cited philosophy, et cetera.

We are a Congress that has been talking about Social Security reform, saving Social Security first. The President had a year's worth of discussions. We have been talking about this for several years now. It is not rocket science. Social Security is not a difficult problem to figure out. It is not like health care. Medicare is very complicated. Teenage violence is very complicated, as is the disintegration of the family. There are a lot of issues which are so complicated that it is hard to come up with an answer. But this one is not.

What happened is, from 1983 until approximately 12 months or so ago, the Social Security system was generating some assistance to us in reducing the size of our deficit. So when the Social Security transaction to purchase bonds occurred and the Treasury ended up with some cash, they used the proceeds to pay for general services of the Government. Very few people objected to that, so long as it was helping us.

Well, now we are into a surplus. All of a sudden you can't do that anymore. All of a sudden we find ourselves in a position to be able to take care of the earnings test.

I will make it clear. I am for ending the earnings test. The Senator from New York and I have a piece of legislation that will eliminate the earnings test all the way to 62. Our proposal brought a problem to the surface. This bill has not been heard by the Finance Committee. We have not considered some of the problems that may be created as a consequence of taking this action.

Members should understand that the earnings test isn't just a deduct. It is also an add-on to future benefits. That is why it doesn't cost us anything over 20. Over 10, it costs us $22 billion. Over 10 years, this proposal costs us $22 billion. If I came down and proposed a $22 billion add-on for Americans under the age of 5, there would be a budget point of order offered against it. But because it is for Americans over the age of 65, for some reason, there is silence on that point.

I can't quite figure it out. Maybe a colleague will be able to tell me why no budget point of order was filed against a proposal to spend $22 billion more on people over the age of 65, where there would be if one were to be filed on people under the age of 5. I am sure there is an explanation for it. I am not smart enough to be able to figure it out.

A consequence of this is going to be largely good. Under Social Security, we have an old age, a survivor, a disability, and a medical benefit called Medicare and Medicaid. The old age benefit is the one to which we are referring. I believe Americans who are over the age of 65—that is who this affects. Eighty percent of all new beneficiaries take Social Security benefits at 62, 63, and 64. So this affects the 20 percent who wait until 65. They are going to have to measure whether or not this is going to be good for them. For most of them, it will be good. For most of them, they will be able to say: Well, I am not likely to be living long enough to benefit from the "add-back" that is going to occur later. So perhaps I am going to come out money ahead.

Again, understand that the earnings test doesn't only have a subtract. It adds back in future years.

One of the interesting things is, when we have proposed to eliminate the earnings test at 62, 63, and 64, some people have come forward and said that that could increase the number of women who are living in poverty because they are going to calculate that that add-back later on is more beneficial to them than the elimination of the earnings test at 62, 63 and 64. I don't know if that is going to happen for people age 65, 66, and 67. It may. There may be some for whom the earnings test is not a benefit. The committee hasn't heard it.

It is politically popular. It passed the House, I believe, unanimously. It will pass the Senate 100-0 as well. There will be nary a dissenting vote when it goes through the Senate. But it has not been heard by committee. It was heard by the Ways and Means Committee. It was not heard by the Finance Committee. It has a lot of political steam behind it.

This is a good thing to put on an add. This is a good thing to say you support. It is very difficult to be against this proposal.

I point out, again, we have not done comprehensive reform of Social Security. People under the age of 40 are going to pay a terrible price for that. We have an unprecedented demographic problem. It is not comparable to the problem the Senator from New York faced in 1983 when Social Security was fixed once before. The last time, we fixed Social Security for a number of reasons. The political environment has changed. I can't imagine enacting what was enacted in 1983, given the current political climate, which is essentially: I want to fix the problem, but I am against any increase in taxes or any cuts in benefits. If you can give me a good solution for Social Security that doesn't increase taxes or doesn't cut benefits, I am for it. Otherwise, don't sign me up for anything.

Well, we would not have enacted the 1983 reforms if that was the standard we used to guide us. The problem we face in the future is not the same as the problem we faced in 1983. It is a demographic problem that is unprecedented in this country—a doubling of the number of beneficiaries. We are going to have a very steady increase in the number of people in the workforce of 7 or 8 million people working over the next 30 years, 40 million new beneficiaries. It is not likely that the baby boomers will come to Congress and ask for less. They are probably going to ask for more and say Boskin was wrong, that the CPI should be increased by two or three points because they have lots of things they want to buy.

Postponing this problem makes it difficult for us to stand before an audience of people under 40 and say we care about them, because they are going to face a tremendous problem. I heard the Senator from New York mention this change in the law that we had 2 years ago, where the Social Security Administration sent out a notice that wasn't accurate. They should have sent out one to everybody under 40 which said under current law you have a 33-percent cut in benefits heading your way. They did not disclose that. They presumed in that notice that Congress was going to increase the taxes by 50 percent. Well, I daresay if you came to the floor of the Senate now and offered an amendment to increase the payroll tax by a point, you would be lucky to get a half dozen votes.

I think this is a good piece of legislation. It is long overdue. The distinguished chairman described it accurately. I think, for the most part, it is going to be beneficial to people over the age of 65. Though I think there will unquestionably be some, as there would be 62, 63, and 64, who, as a consequence of not getting that add-back later on, may find themselves actually not being helped as much as we think. I will support the underlying legislation and look forward at a later point in this debate to offering an amendment.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, let me express my appreciation to Senators ROTH and MOYNIHAN, and especially to Senators BOB KERREY and JUDD GREGG for their efforts. This is clearly an idea where the time has come. My colleagues are correct to emphasize that saving Social Security for the future will require us to put aside the prospect of partisan gain for the good of the country and of our senior citizens. I respect the point they have made.

I hope the step we are taking today, which could not be taken without a bipartisan consensus, bodes well for future reform of Social Security. I am quite pleased to see that the Senate is on the verge of taking this momentous action of eliminating the earnings test for those between the ages of 65 and 69. It is a step that is long overdue.

Many of us have been calling for the repeal of this test for many years. In fact, the occupant of the Chair and I were part of the 100th class of Republicans in the House of Representatives who made repealing this earnings test one of our projects. We have been at this for a long time. When I came to the Senate, I joined Senator JOHN MCCAIN, who has been a champion for this cause, in introducing the Senior Citizens' Freedom to Work Act in the opening days of the 106th Congress. When we did that, I wondered whether it would fare any better than when we had offered it in the past. Now, at long last, we have forged a bipartisan consensus for taking action which even includes the President, and relief is finally in sight for working seniors.

I have always believed it just wasn't right to impose steep taxes on people who tried to work after reaching retirement age. It isn't right that under current law seniors between the ages of 65 and 69 lose a dollar for every $3 they earn above the threshold of $17,000. In fact, last year, 800,000 seniors lost a portion of their benefit because of this unfair tax. It isn't right that, combined with regular income taxes, and the taxation of Social Security benefits, the earnings test subjects some working seniors to an effective marginal tax rate of more than 100 percent. That is not right.

We all know this earnings test was created during the Depression era when policymakers felt an urgent need to give opportunities to young workers by encouraging seniors to leave the workforce. Today, America faces an extraordinarily tight labor market and seniors are living longer, more productive lives.

In that context, a policy that penalizes our most experienced citizens for their hard work is not just unfair, it is counterproductive. America needs the skills and knowledge senior citizens have acquired, especially in today's competitive global marketplace.

I believe repealing the earnings test also affirms our commitment to the values of self-help and personal responsibility.

After working to accomplish this repeal throughout my entire time in the Congress, I am very pleased to note that we are so close to completing the job today. Again, my compliments to all those people who have worked so hard to make this a reality.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank Senator ROTH for his leadership and stewardship of this important legislation.

Obviously, I urge my colleagues to support swift passage of this much needed legislation to eliminate the unfair and discriminatory Social Security earnings test.

For over a decade, I and a few staunch supporters have been fighting to eliminate the earnings test that penalizes senior citizens who want or need to work. We began our battle in 1989 and have offered legislation in each of the last six Congresses to repeal the earnings test. In the beginning, we had only a few allies, notable amongst which was the National Committee to Preserve Social Security and Medicare, which has been at the forefront of this effort, as have my dear friends JOHN KYL and MIKE DEWINE.

I am pleased now that so many Members from both sides of the aisle, as well as President Clinton, understand that senior citizens have a right to work without being penalized for doing so. With this recent groundswell of support, we can finally eliminate this penalty on our Nation's hard-working senior citizens.

I ask unanimous consent that a letter from the National Committee to Preserve Social Security and Medicare in support of this legislation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. McCAIN. Mr. President, most Americans are shocked and appalled when they discover that older Americans are penalized for working. Americans should never be penalized or discouraged from working. Yet that is exactly what the Social Security earnings test does. The earnings test punishes Americans between the ages of 65 and 70 who want to remain productive after they reach retirement age and are eligible to receive Social Security benefits.

The Earnings Test mandates that, for every $3 earned by a retiree over the earnings limit, the retiree loses $1 in Social Security benefits. This is clearly age discrimination, and it is very wrong. Due to this cap on earnings, our senior citizens, many of whom exist on fixed, low incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local and other Social Security taxes, it amounts to an outrageous 55 to 65 percent tax bite.

In 1996, Congress passed and President Clinton signed into law the Senior Citizens Right to Work Act. This legislation took a step in the right direction by gradually increasing the $11,250 earnings limit to $30,000 by the year 2002. This year, the earnings limit is $17,000. But an individual who is struggling to make ends meet with just their Social Security benefits plus $17,000 a year in earned income should not be faced with an effective marginal tax rate that exceeds 55 percent.

The Social Security Earnings Test is a relic of the Great Depression, designed to move older people out of the workforce and create jobs for younger workers. Today's booming economy, with the lowest unemployment rate in three decades, can support full employment for both young and old. In addition, experts are predicting a labor shortage as the "baby boom" generation ages, with our elderly population growing much faster than the number of younger workers entering the workforce. According to the U.S. Chamber of Commerce, "retaining older workers is a priority in labor intensive industries, and will become even more critical by the year 2000." The Social Security Earnings Test is counter-productive because it discourages these willing, diligent older Americans from staying in the workforce.

Our senior citizens can continue to make valuable contributions to our economy. Often, their knowledge and experience compliments or exceeds that of younger employees. Tens of millions of Americans are over the age of 65, and together they have over a billion years of cumulative work experience.

More importantly, many of the older Americans penalized by the Earnings Test need to work in order to cover their basic expenses, including food, housing, and medicine. Many seniors do not have significant savings or a private pension. For this reason, low-income workers are particularly hard-hit by the Earnings Test.

In fact, wealthy seniors, who have lucrative investments, stocks, and substantial savings, are not affected by the earnings limit. Their supplemental "unearned" income is not subject to the earnings threshold.

Finally, let me stress that repealing the burdensome and unfair Earnings Test will not further jeopardize the solvency of the Social Security Trust Funds. Those who claim otherwise are engaging in cruel scare tactics. The Social Security benefits working seniors lose due to the Earnings Test penalty are benefits they earned by contributing to the system throughout their working years. In fact, studies indicate that repealing the Earnings Test would actually result in a net increase of $140 million in federal revenues because more seniors would be earning wages and paying taxes, including payroll taxes that would go into the Social Security Trust Fund.

Repealing the Earnings Test is very important to the financial security of many of our nation's seniors. But let me take this opportunity to remind my colleagues of the very precarious financial condition of the entire Social Security system and the urgent need for a serious, bipartisan effort to reform and revitalize this cornerstone of many Americans' retirement planning.

My colleagues must recognize that repealing this onerous tax on our nation's senior citizens is an important step toward a fairer, flatter, simpler tax code. The 44,000-page Code is a cornucopia of favors for special interests and a chamber of horrors for average Americans. It penalizes people for getting married and for wanting to pass along the fruits of their labors to their children. It is overly complex and burdensome.

We should act now to eliminate the loopholes and subsidies for corporations and special interests. We should act now to eliminate the onerous marriage penalty, reduce estate and gift taxes, and encourage families to save and invest for their future priorities, such as college and health care needs. We should begin the march toward a fairer, flatter tax system by expanding the 15 percent tax bracket to allow more Americans to pay taxes at the lowest rate. Combined with the repeal of the Social Security Earnings Test, these and other changes to the tax code would provide much-needed tax relief to those who need it most—our nation's low- and middle-income senior citizens and families.

The only way to achieve real reform of the Social Security system is to work together in a bipartisan manner.

I am speaking specifically of the leadership of the Senator from New York, Mr. MOYNIHAN. I can think of no greater gift to the American people than to act on this issue before Senator MOYNIHAN leaves this body. It's time to abandon the irresponsible game of playing partisan politics with Social Security. Democrats will have to stop using the issue to scare seniors into voting against Republicans. Republicans will have to resist using Social Security revenues to finance tax cuts. And both parties must stop raiding the Trust Funds to waste retirement dollars on more government spending. We must face up to our responsibilities, not as Republicans or Democrats, but as elected representatives of the American people with a common obligation to protect their interests.

We have an obligation to ensure that Social Security benefits are paid as promised, without putting an unfair burden on today's workers. Experts agree that the only way to save Social Security without cutting benefits or raising payroll taxes is to allow every American to invest a portion of their Social Security savings in private, higher-yielding accounts. I believe a good start would be to let each person invest about 20 percent of what they pay in payroll taxes in a personal retirement account. These personal accounts would be controlled by the individual, and the individual would be able to monitor the growth of their investment. An added benefit is that each account would be a "personal lockbox" that could no longer be used by Congress for pork-barrel projects.

In the near term, there is a cost to moving funds out of the Trust Funds into these private accounts, and we must set aside the funds necessary to pay promised benefits while the personal accounts of workers are maturing. Simply locking up the Social Security surplus that comes from payroll taxes—a considerable accomplishment in and of itself—is not enough to save Social Security. We will need between $5 and $7 trillion in additional funding over the next 50 years to keep the current system running. I believe we must start now by reserving 62 percent of the non-Social Security budget surplus to shore up the Trust Funds while we begin to implement a plan for personal retirement accounts.

By passing this important legislation to repeal the Social Security Earnings Test, we have the opportunity to restore to our nation's seniors the right to work without penalty to ensure their financial security. But this is just the first step. We must work together to develop fair and effective reforms that will preserve and protect the Social Security system for current and future retirees, while allowing all Americans, particularly low- and middle-income individuals, the opportunity to share in the great prosperity that our nation enjoys today.

I thank the Senator from Delaware for his leadership. I especially thank the Senator from New York for his courageous leadership in suggesting a viable and important way to save Social Security, along with the Senator from Nebraska, Mr. KERREY. I tell the Senator from New York that I talked about it during this entire campaign. It resonates, people want it, and we ought to enact it.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I yield another 15 minutes to the Senator from Arizona.

(Laughter.)

Mr. MCCAIN. Mr. President, I would like, if the Senator from New York will allow me, 1 more minute.

Mr. MOYNIHAN. Of course. Please.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to the Senator from New York that all over in this campaign I talked about the leadership of Senator MOYNIHAN of New York, Senator KERREY of Nebraska, and their proposals, which met with some derision in some quarters. But the fact is, when you consult the experts, they will tell you this is really the only way we can allow people to invest their retirement funds in a personal savings account over which they then will have control. But we need to get money into the fund in order to allow them to do that.

I think the Senator from New York has made an enormous contribution. I hope we can join together in a bipartisan fashion and enact that proposal. It may not be a perfect proposal; there may be some changes that need to be made on it; but the heart of it is the solution to the Social Security crisis, which we all know is coming beginning in the year 2014.

I thank my colleague from New York.

I yield the floor.

EXHIBIT 1

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, March 20, 2000.

Hon. JOHN MCCAIN,
Russell Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of its millions of members and supporters, The National Committee to Preserve Social Security and Medicare thanks you for your leadership on earnings limit repeal. We are truly grateful for your committed efforts on behalf of senior Americans.

Senator McCain, I remember when we began the battle to eliminate the unfair Social Security earnings limit more than a decade ago. At that time, we had just a few allies in Congress. You immediately recognized the inherent unfairness of punishing seniors who, either out of necessity or choice, continued to work after reaching the normal retirement age.

We are quite pleased to see so many members of Congress now willing to fight for seniors' freedom to work. With this newfound support, the egregious earnings test will likely be eliminated for those who have attained normal retirement age.

The members of the National Committee to Preserve Social Security and Medicare are delighted that passage of earnings limit repeal now seems imminent. Thank you again, Senator McCain, for your determined efforts and tenacious commitment. Without your hard work over the years, I doubt that we would be facing victory on this important issue.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Delaware and the Senator from New York for their leadership on this issue, finally getting it to the floor in this form. I think it is very clear we are going to pass it and give the needed relief to our senior citizens.

I could not go forward without mentioning my colleague, Senator MCCAIN. Senator MCCAIN received a huge welcome back to the Senate. No one has forgotten what has happened in the last 3 months. I think a great impact has been made on the politics of our country. I think the contribution made by Senator MCCAIN will resonate for a long time to come. He has brought new people into the process. He has shown what courage is. He has given people an idea of what courage and serving one's country can do. I think he has added tremendously to the process. Our Republican caucus met at noon, and he got the longest standing ovation he probably ever will get. Certainly it was heartfelt. I think everyone is very glad we are going to have him back and working with Members to put together many of the reforms about which we have been speaking.

It happens that the bill we are discussing today was originally introduced by Senator MCCAIN. He was the first to introduce the bill to repeal the earnings test on Social Security benefits.

In 1935, when Social Security was passed, we had a very different senior citizen population and a very different need in our country. People didn't live as long. They were not as healthy. They were not as vigorous. They didn't want to work, by and large, after the age of 65. Today, if people want to work after the age of 65, they have contributed to Social Security all their lives, and they decide they want to take their benefits, what happens? They get docked. For every dollar over $17,000 a Social Security recipient receives, they lose $3 in their Social Security benefits.

Today is not 1935. Today people are vigorous. Many people want to work. Many people want to supplement their incomes. We also have a need for more workers in this country. We have very low unemployment. Our high-tech companies are asking people to come back to work. They need skilled workers. Our service industry is burgeoning. It needs skilled workers. This group of senior citizens is among the best in our country, and they now have a surtax because they receive Social Security benefits.

Let me give an example. If someone earns $26,000 a year and they are on Social Security, they lose $3,000 of their benefits. The average Social Security recipient receives $9,600 in benefits. So one-third of their benefits is lost if they go to work.

What Senator MCCAIN said is very important. The people to whom this matters most are the people who need it. It is not the person who has been fortunate in life and has investments; they are not worried about the $9,600 or $12,000 in Social Security benefits. It is the person who is living on $26,000 or $30,000 a year who wants to be able to work to add a little extra cushion. That is what was intended under Social Security; that would be a baseline. Hopefully, one would have the ability to have savings to add to their retirement security. Some people have not gotten the savings so they want to work.

There is no reason in today's good times to severely penalize a solid worker, someone we actually need for our economy.

I thank Senator ROTH from Delaware and Senator MOYNIHAN from New York for bringing this bill to the floor. Senator ASHCROFT has been a great leader, as well as Senator MCCAIN. Many have worked together on this.

The bottom line is, this is an idea where the time has passed. It hasn't come, it has gone. We should have done this years ago. We have chipped away at it. We are on a roll right now to take that earnings test up to $30,000 from $17,000. That is not good enough. We can eliminate it. This is the right thing to do. This is the time to do it.

We have a burgeoning economy. We need the workers. We need the high-tech employees. We need these solid citizens in our economy. If they want to be here, they should have the choice.

I urge our colleagues to pass this quickly. I hope we can pass it cleanly, get it to the President, and give these people the opportunity to make their choices in their senior years.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I first thank the Senator from Texas for her more than generous remarks to our committee. We appreciate that.

I believe now a distinguished member of the committee about whom Senator McCAIN was speaking a moment ago, the Senator from Nebraska, has an amendment to offer. I believe there is an hour.

AMENDMENT NO. 2885

(Purpose: To redesignate the term for the age at which an individual is eligible for full, unreduced old-age benefits)

Mr. KERREY. I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 2885.

Mr. KERREY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

SEC.   . REDESIGNATION OF TERM FOR AGE AT WHICH AN INDIVIDUAL IS ELIGIBLE FOR FULL, UNREDUCED OLD-AGE BENEFITS.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by striking "retirement age" each place it appears and inserting "the age of eligibility for full, unreduced old-age benefits";

(2) by striking "early retirement age" each place it appears and inserting "the age of earliest eligibility for old-age benefits"; and

(3) by striking "delayed retirement" each place it appears and inserting "delayed entitlement for old-age benefits".

(b) CONFORMING AMENDMENT.—Section 202(q)(9) of the Social Security Act (42 U.S.C. 402(q)(9)) is amended by striking "early retirement" and inserting "early entitlement for old-age benefits".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. KERREY. I understand under a previous unanimous consent the vote will occur at 4 o'clock. Is that correct?

Mr. MOYNIHAN. That is entirely agreeable to us.

Mr. ROTH. We are happy to have the vote at 4 o'clock. There is no unanimous consent stated.

Mr. KERREY. I am not sure I will take a full 30 minutes on my side. Let me describe the amendment first and see where it goes.

My amendment is essentially a conforming amendment. It is an amendment that conforms a change we are about to make with the change in the language relating to earnings that occur between age 65 and 69.

Senator MOYNIHAN and I have a proposal to eliminate the earnings test from 62 to 65. Some groups are opposed because they are concerned that for low-income working women there could be an increase in the number of women who are under the poverty guidelines as established by the Federal Government. It is an interesting fact. I am not sure of the validity of the forecast.

We are changing the program from a retirement program to an old-age program. I support that change. To change Social Security so that it is no longer a retirement-based program is very important.

Since 1935, we have either said to workers: You have to retire before you are eligible; or we have said: If you continue to work, there will be a penalty that will occur as a consequence of whatever earnings you have.

That is what we are trying to eliminate.

My amendment is a fairly simple, straightforward amendment. I don't know that I need to talk a great deal about it. It merely inserts language that makes it clear that full or semi-retirement is no longer required to collect benefits, that what is necessary is to merely meet a tested age—62, 63, 64, and on and on—and for those currently affected by the earnings test, for 65 through 69, there will no longer be a test of earnings and a deduct that will occur.

But, in addition to eliminating the earnings test, we are also fundamentally changing the old-age benefit part of the Social Security program, I believe in a way that is constructive, that will change the program from a retirement-based program to a program based on a test of age.

I am attempting with this amendment to merely bring the language of the law in conformance with what we will be doing with the underlying provision, which is to say you no longer have to retire and have little earned income in order to receive benefits. All you have to do under this program is meet a test of age. That one dollar for three dollars—up to $17,000 of income—deferrment of benefits will no longer occur—from 65 to 69.

I support the underlying bill. This amendment will bring the language of the law in conformance to what the underlying bill does.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Madam President, I ask unanimous consent the vote occur on or in relation to the pending Kerrey amendment at 4 p.m. and the time between now and the vote be equally divided in the usual form.

I further ask unanimous consent that passage of H.R. 5, as amended, occur at 10 a.m. on Wednesday, March 22, and that paragraph 4 of rule XII be waived.

Finally, I ask unanimous consent the time between 9:45 a.m. and 10 a.m. on Wednesday be equally divided between the chairman and ranking minority member of the Finance Committee for closing remarks on the Social Security earnings bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. In light of this agreement, I announce on behalf of the leadership the 4 p.m. vote today will be the last vote of the day.

Mr. MOYNIHAN. Mr. President, I see the Senator from Nebraska would like to resume his discourse.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Nebraska.

Mr. KERREY. Mr. President, I am going to speak until Senator ROBB gets down to the floor.

As I said earlier, I support the elimination of the earnings test from 65 to 69, and believe the amendment I have offered would be a positive conforming change that will make it clear, regarding Social Security at age 65, there is no longer a requirement to be retired. That is what the current law says, you have to be retired. "Retirement benefit at normal retirement age" is how it is described in the statute. My amendment would conform the changes we are making in H.R. 5 to alter the program that reduces benefits according to income from one that would no longer offer that reduction to beneficiaries.

Beneficiaries evaluate their income versus what Social Security is going to do all the time. One of the interesting things about the program is to observe that nearly 80 percent of beneficiaries take an early benefit. They have a 20-percent reduction in benefits.

The baby boomers may come in here 15 years from now and want to get rid of that, for all I know, but right now it is a 20-percent reduction in benefits. Mr. President, 80 percent of Americans, when they become eligible for the old age benefit, will opt to take that 20-percent reduction—not all of them are doing it at 62—some are taking a smaller cut in benefits at 63 or 64—because they calculate the benefits will be greater than retiring at 65 if they survive for 10 years. There is a lot of thinking that goes on, including with the earnings test, the calculation of what the deduction will mean and what the add-back will provide in future years.

I would like to spend a little time again, until Senator ROBB gets down here, to talk about the underlying problem. The earnings test elimination bill, the legislation we are going to pass 100–0 tomorrow, does address one of the problems, though it only addresses it partially. It addresses the earnings test imposed from age 65 to 69. It does not address the earnings test imposed from age 62 to 64. But there are other problems that the status quo creates for future beneficiaries. We need to think about it that way. I would like to show my colleagues the ways delaying reform will cause future workers and beneficiaries to suffer.

The biggest problem with delaying reform is that it forces hard working, lower and middle class Americans to bear a disproportionate share of the burden of debt reduction—the same people who bore a disproportionate share of the great deficit reductions in 1980s and 1990s. People being paid by the hour are now being told we are going to use a significant portion of their FICA taxes—which are supposed to be dedicated to benefit payments—to pay down debt. That is basically what this phrase "saving Social Security" means when you examine it more closely.

It is true the debt will be nearly eliminated by 2013 if we use all of the surpluses to pay down debt—but then it goes right back up again in the 2020s to fund Social Security benefits for the baby boomers. So, if you are under the age of 15 today, when you become eligible you are looking at debt levels that will be somewhere between two and three times what they are today. So the do-nothing plan, taking no action at all—there are still 500 Members of Congress who have not signed onto a specific piece of legislation—results in a substantial increase in the debt out into the future.

The other thing that could happen in the future a consequence of this huge demographic bulge of baby boomers is a massive payroll tax increase or a cut in benefits. The baby boom generation will start retiring in 2010. There will be a 40-million-person increase in the number of beneficiaries from 37 to 77, but only a 7 or 8 million person increase in the number of people who are working.

Social Security is essentially a tax on people who are working, transferred in a progressive fashion to people who are eligible as a consequence of meeting a test of age, survivorship, or disability. It is a progressive transfer program. We have a trust fund that accumulates as a reserve against contingencies but it is a pay-as-you-go program. It is a tax that is transferred in a very progressive fashion. Indeed, that 12.4-percent tax today, along with the tax on income and the interest that is earned on the debt that is paid with income taxes, there is about $150 billion more—$550 billion of total income coming into the Social Security system this year against about $400 billion in checks that are written to pay for it.

That reserve builds up over time. I will not go into that particular problem, but anytime you have to convert any of those bonds, you have to use income taxes to convert the bond. Starting in about 2014, we will have to start drawing the trust funds down with additional infusions of income tax into the program.

What does this all mean for today's workers? If you are under the age of 40—there are approximately 150 million Americans under the age of 40—you are looking at the following problem: Congress will either have to reduce your benefits by 33 percent or Congress will have to enact a payroll tax increase of about 50 percent to accommodate the demand that will be there, the liability that will be there, under current law.

Obviously, a tax increase of that magnitude seems unacceptable. But this is what current law calls for. So if you are a Member of Congress that supports the do-nothing approach, you support a 33-percent cut in benefits or a 50-percent increase in taxes.

The reason I mention that is that with the plan I have introduced with Senator MOYNIHAN, the plan we have introduced with Senators BREAUX, GREGG, and ROBB, I have received a lot of attacks. People say: You are reducing benefits out in the future. How dare you reduce benefits out in the future, let alone suggest we need some additional revenue with tax increases?

None of the proposals out there have called for massive tax increases. Our proposal has a 2-percent reduction in the payroll tax, but it is funded with offsets in benefits out in the future, as well as increased benefits coming from the individual accounts—

Mr. MOYNIHAN. Will the Senator yield?

Mr. KERREY. Yes.

Mr. MOYNIHAN. Two percentage points?

Mr. KERREY. Two percentage points, that is correct. Not 2 percent of the 12.4; but 2 percentage points overall, from 12.4 to 10.4 percent. Under current law, a substantial increase in the publicly-held debt will occur.

In addition, there is a problem with the existing program in that low-income-earning beneficiaries do not have enough of their income replaced by the current benefit formulas. The Social Security reform proposal that I have introduced with a bipartisan group of Senators increases benefits for low income workers by changing these benefit formulas.

I hear lots of my colleagues, especially on this side of the aisle, talk a lot about the rich getting richer and the poor getting poorer. It is true that the gap is widening, but if you want to solve the problem, you cannot do it just by increasing the minimum wage or increasing the earned-income tax credit. You have to change the law so people of all incomes have the opportunity to generate wealth. The current Social Security program does not offer that opportunity. Our proposal would.

Finally, there is growing intergenerational inequity in our Federal budget. We may not be spending too much on people over age 65 today. But by the time I am eligible for Social Security, and the cohort coming right behind me—the baby boomers—in my view, we will be.

So colleagues understand, today if you take all Federal and State funding on people over the age of 65 and the people under the age of 18—that is State and Federal spending—we spend three times as much on people over age 65 as we do on people under the age of 18.

Again, I do not think it is too much today. I do not think we are spending an excessive amount today. But spending on seniors continues to increase. The year-to-year spending increases are getting larger. Again, nobody should suffer the illusion of where this money comes from. It comes from a tax on wages on today's workers.

If we underinvest in the skills and the training and the education of these kids, which in my view we are, in favor of politically popular moves that spend more and more money on people over the age of 65—and understand, there are 50 percent more Americans under the age of 18 than over the age of 65—if we continue to do that for very long, when we get to the year 2030 there will only be two workers per retiree. If I get to pick Warren Buffett and Bill Gates, I am in good shape. But I don't. I pick an average. One of the things we need to consider, as well, is the do-nothing plan is heading in a direction of creating, in my view, substantial intergenerational inequities in the Social Security program itself.

Social Security and Medicare are popular because they currently have some semblance of generational equity. People of all ages support Social Security and Medicare because they see them as a fair social contract. But in 10 or 15 years from now, my view is, looking at the numbers, and with there likely to be a decreasing number of young people, they are not going to have to be told by politicians, they are going to look at the contract and say: Wait a minute, this deal is not very good for me. They are not going to like it and will rise up and get angry about it.

For these reasons, I would argue that the status quo plan offered by the do-nothing caucus is dangerous. What we need is a comprehensive reform plan—that is bipartisan in nature—to finally fix the problems in the Social Security.

Obviously, the elimination of the earnings test is a very popular Social Security reform measure. The other ones are unpopular but require difficult votes in order to make the changes. I hope that we, at some point, are able to come together to solve the larger problem of Social Security that exists in all these different ways.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Senator from Nebraska once again and say I regret he was necessarily away from the floor when the Senator from Arizona spoke almost precisely in your terms, and spoke about the legislation you have offered, and said, yes, it would often produce derision when you talked about it on the campaign trail—we know a little bit about derision, both of us do—but he said a bipartisan solution is necessary and possible. If we cannot see it coming, we will be remembered for not having done so.

I see that my friend, the distinguished Senator from Virginia, is on the floor.

Would the Senator like 5 minutes?

I yield 5 minutes to the Senator from Virginia—more if he requires it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the distinguished Senator from New York. I am delighted to join, as I just mentioned to him, the "amen" chorus.

I rise to support my friend from Nebraska in his continuing effort to strengthen Social Security for the long term. I commend him for his tireless work on behalf of the seniors of this country, as well as their children and grandchildren, as he fights to both strengthen Social Security and lessen the burden of debt we leave to future generations.

I share Senator KERREY's frustrations over the failure of this body to strengthen Social Security. I am pleased we can now afford to repeal the earnings test. I fully support this bill. But this is only one of many steps that need to be taken. We cannot continue to deal with a program as large and as vital as Social Security on a piecemeal basis. We owe both our seniors and our children so much more.

The facts are simple. By the year 2013, payroll taxes we collect will not be sufficient to pay for Social Security payments. By the year 2034, the program will only be able to pay for 72 cents out of every dollar of benefits we have promised senior citizens in America. Worst of all, these figures are based on our economy continuing to click along at the same pace it is right now. If we have a sudden downturn or period of stagnation, we will be in trouble much sooner.

It is time to start telling the American people the truth. If we do not strengthen our Social Security program, we will have to either cut benefits or increase payroll taxes—or both. We cannot afford to let that happen.

Even worse, from my perspective, the bills would have to be paid by our children and grandchildren. They deserve a better legacy from us than a mountain of debt.

The good news is, slowly but surely, we are making progress. In the past several years, we have been able to remove the Social Security trust fund surplus from the calculation of the onbudget surplus. While I am pleased we have taken this first step toward fiscal responsibility, we need to do much more. Setting aside the surplus in the Social Security trust fund is prudent, but it does not take care of the underlying and very fundamental problems.

Now is the time to act. We need to strengthen the Social Security program so today's senior citizens get the benefits they have been promised. We need to strengthen the Social Security program so our children and grandchildren are not unfairly burdened with our debt. We need to do more. I support what we are doing today, but we need to do more.

I conclude my remarks by thanking the distinguished senior Senator from New York, who is, regrettably, in the judgment of many of us, going to be retiring from this institution, and the distinguished senior Senator from Nebraska, who, equally regrettably, is going to be retiring from this institution. Both will be sorely missed.

With that, I yield the floor.

Mr. MOYNIHAN. I thank the Senator most sincerely.

Mr. ROTH. Mr. President, I yield 5 minutes to Senator HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I add my thanks to the distinguished chairman of the Finance Committee and the ranking member, Mr. MOYNIHAN. And I tag on to what my friend and colleague, Senator ROBB, said regarding the loss to this body and to America as we find Senators MOYNIHAN and KERREY serving their last year in the Senate. In a narrow, parochial sense, Mr. KERREY's impending retirement makes me the new senior Senator from Nebraska. However, I would have gladly put that aside for the interest of our senior Senator from Nebraska staying on, as well as Mr. MOYNIHAN, who adds the kind of enlightenment, enhancement, and leadership to an issue that is so critical to this country and to our future.

With that, I, too, rise in support of H.R. 5, the Senior Citizens' Freedom to Work Act of 2000. I am also a cosponsor of the Senate companion bill, S. 2074, the Social Security Earnings Test Elimination Act.

I think it is appropriate this afternoon to acknowledge our friend and colleague, Senator MCCAIN, who has recently rejoined the Senate after his odyssey throughout America over the last few months. Senator MCCAIN was an early sponsor of repealing the Social Security earnings test and fought hard and provided essential leadership early on. I acknowledge Mr. MCCAIN's early leadership on this issue.

We have heard today how this legislation will repeal the Social Security earnings test, which is a disincentive for seniors to work by reducing seniors' Social Security benefits according to the amount of income they earn. We know this legislation will allow seniors between the ages of 65 and 70 to go back to work or continue to work and not worry about being penalized for their productivity or losing their Social Security benefits.

As America moves into the new century, it will need more workers in the workforce, not less. Productive capacity is the engine that drives economic growth. That means we must have skilled workers and managers and experienced workers and managers. The passage of this bill helps America with this great challenge. It will help America retain this vital resource of skilled and experienced workers and managers.

However, this legislation will not fix Social Security. It will not fix our long-term workforce challenge. The solvency of Social Security is one of the great challenges facing America today. We must reform Social Security or it will not be there for future generations. We know the figures.

In 1999, there were 35 million Americans, 13 percent of total population, 65 years of age or older. By the year 2030, there will be 70 million Americans, 20 percent of the total population, who will be 65 years of age or older. In 2010, the first group of the 76 million baby boomers will become eligible for Social Security benefits. And in 2030, the number of workers paying into Social Security per beneficiary, as Senator KERREY has acknowledged, will drop to 2 from the present 3.3.

With this increasing number of beneficiaries and a smaller workforce contributing to the Social Security system, if Congress does not enact reform, Social Security benefit payments will begin to exceed the taxes collected in the year 2014. My colleagues who have spoken before me on the floor this afternoon have pointed out in rather significant clarity the consequences of that.

I don't have all the answers to what we must do, but I am sure of one thing—this Congress needs to act sooner rather than later. We must reform Social Security and improve it for future generations.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HAGEL. I ask for an additional 1 minute.

Mr. ROTH. One minute.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

We know there is an anticipated projection of a $2.3 trillion surplus in Social Security trust funds over the next 10 years. But we do know that if, in fact, we are to reform Social Security, whatever projected surplus occurs must remain in Social Security. Second, we must reform Social Security in a way that starts to develop personal wealth. Personal retirement accounts would harness the power of private markets and compounding interest, providing a much higher rate of return on each individual's investment. This also gives ownership to each individual, meaning choices and more responsibility for their own economic future.

The changes we make to Social Security should not affect current or soon-to-be beneficiaries. We can create a system that still provides a safety net for those who are most vulnerable in society but offers younger workers the opportunity to create wealth and save for their futures.

Finally, the Social Security system we now have affects all Americans. It will continue to affect all Americans. The decisions we make today will profoundly affect the lives of all Americans. We must not squander the time we now have to deal with the solvency of Social Security.

I strongly urge my colleagues to vote in favor of the passage of this relevant, important, and timely legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2886

Mr. ROTH. Mr. President, I submit a managers' amendment on behalf of myself and Senator MOYNIHAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. MOYNIHAN, proposes an amendment numbered 2886.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the "Senior Citizens' Freedom to Work Act of 2000".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3), by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. NONAPPLICATION OF RULES FOR COMPUTATION OF EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended by adding at the end the following new subparagraph:

"(E) Notwithstanding subparagraph (D), no deductions in benefits shall be made under subsection (b) with respect to the earnings of any individual in any month beginning with the month in which the individual attains retirement age (as defined in section 216(l)).".

(b) CONFORMING AMENDMENT.—Section 203(f)(9) of the Social Security Act (42 U.S.C. 403(f)(9)) is amended by striking "and (8)(D)," and inserting "(8)(D), and (8)(E),".

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit" and inserting "or, if so entitled, did not receive benefits pursuant to a request by such individual that benefits not be paid".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1999.

Mr. ROTH. Mr. President, let me briefly describe the managers' amendment. This amendment would fix a technical problem with the House bill that would inadvertently impose a more stringent earnings limit on certain Social Security beneficiaries age 64 than provided under current law.

I ask unanimous consent that a description of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF THE MANAGERS' AMENDMENT

The Managers' amendment would make a technical correction to H.R. 5, the "Senior Citizens Freedom to Work Act", that abolishes the Social Security earnings limit for Social Security beneficiaries ages 65–69. As written, the House bill would impose a more stringent earnings limit on certain Social Security beneficiaries who are age 64 than provided under current law after 2000.

CURRENT LAW

Under current law, there are two earnings limits, one that applies to Social Security beneficiaries ages 62–64, the other to beneficiaries ages 65–69. In 2000, under the earnings limit for beneficiaries 62–64, a beneficiary has his or her Social Security benefits reduced by $1 for every $2 in earnings over $10,080. For beneficiaries 65 to 69, benefits are reduced by $1 for every $3 in earnings over $17,000; this threshold rises to $25,000 in 2001 and $30,000 in 2002. There is no earnings limit for beneficiaries over age 70.

Eligibility for the 65-69 earnings limit is determined by the calendar year in which that beneficiary turns 65, regardless of the month in which the beneficiary actually turns 65. Thus, for example, in 2000 a beneficiary who turns 65 in December would have the 65–69 earnings limit apply to him or her throughout the entire calendar year of 2000. Eligibility for the age 62-64 earnings limit, and for no limit at age 70, begins with the month a beneficiary turns 62 or 70.

HOUSE BILL

H.R. 5 would abolish the earnings limit for beneficiaries above the "normal retirement age" (currently age 65). However, effective 2001, under H.R. 5, a beneficiary would not be eligible for the age 65 earnings limit (i.e., no earnings limit) until the month in which that person reaches age 65. Otherwise, the age 62-64 earnings limit would apply. Thus, a beneficiary who turned 65 in December 2001 would have an earnings limit for most of 2001 of $10,440, which is substantially less than current law ($25,000).

SENATE MANAGERS' AMENDMENT

The manager's amendment would make a technical correction to H.R. 5 to continue permanently the current law practice that for the year in which a Social Security beneficiary reaches the normal retirement age (currently age 65), the current law age 65-69 earnings limit applies until the month in which the beneficiary reaches the normal retirement age (age 65). When the beneficiary reaches the normal retirement age, the earnings limit would no longer apply.

Mr. ROTH. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I express the gratitude I have, and I am sure our revered chairman has, for our staff who worked this out. It was not easy. It was a weekend's work at a minimum, which sounds simple when so described, to try to get it into legislative language. But it was necessary. It is understood on the House side that, yes, that was a mistake we had not realized or we had not taken care of. So we now have done so.

I yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2886) was agreed to.

AMENDMENT NO. 2885

Mr. ROTH. Mr. President, what is the order of business?

The PRESIDING OFFICER. There are 12 minutes remaining on the Kerrey amendment.

Mr. MOYNIHAN. Mr. President, I see the distinguished Senator from Indiana has risen. Does he wish to speak?

Mr. ROTH. Mr. President, I was going to make a statement first.

Mr. MOYNIHAN. The Senator from Delaware will speak and then 5 minutes, or such as remains, will be yielded to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I begin by recognizing the important contributions of Senator KERREY, both to the Finance Committee and to the Senate. In particular, he is a unique and important voice in the national debate on Social Security and Medicare reform. He has taken thoughtful but not always popular positions on how these programs should be reshaped, both to better serve our Nation's seniors and to ensure that these programs can be sustained.

Indeed, much of the current debate over Social Security reform dates to 1993, when Senator KERREY conceived and then later chaired the Bipartisan Commission on Entitlement and Tax Reform. On the Finance Committee, his energy and expertise are highly regarded by his colleagues.

Having said that, I must oppose this amendment. I understand why Senator KERREY has offered it. And on a more appropriate bill, I might support it. Certainly, as a nation, we need to rethink carefully what we mean by retirement. However, I believe instead we should act to move this legislation to the President as quickly as possible. That means no other amendments other than the managers' amendment, which fixes a technical problem of the House bill.

I have received a letter from Chairman ARCHER and Congressman RANGEL saying that any other extraneous amendments will require a conference. Needless to say, other issues might be raised in the conference.

Mr. President, I trust my friend from Nebraska will understand why I oppose this amendment. I hope he will accept my pledge to continue to work with him on these important issues.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. Mr. President, I thank the Senator for his indulgence. This is my first opportunity to point to the fact that Senator MOYNIHAN's mother was a longtime resident of our State. We are very proud of that fact, and I am pleased to note it today. Our colleague, Senator GREGG, is not with us, but I thank him for his leadership on this issue. It is not surprising to me that a former Governor is leading the way on a matter of such importance in terms of fiscal responsibility. Likewise, I commend our colleague, Senator KERREY. I am not the least bit surprised that someone whose courage has been tested on the field of battle also has the courage to address one of the foremost challenges of our time—a challenge that is important to the future of our country, yet escapes the ability of many politicians to address. I salute Senator KERREY for his leadership on this very important issue.

I, too, rise in support of the cause of repealing the earnings test limit on the Social Security benefits. It is the right thing to do at this time with unemployment being so low and the economy so strong. This will inject much needed talent on the part of senior workers into the economy. It is only right that if people are living longer, we should enable them to earn more to support themselves. Since it doesn't have a long-term fiscal impact, it is the right thing to do from that standpoint.

On this particular bill and on this particular vote, no profiles in courage will be written on the floor of the Senate today. I am concerned and I add my voice to others—a growing chorus—in calling for meaningful reform in the Social Security system and to ensure its long-term financial viability.

The trends are disturbing. Over the last 40 years, the percentage of our Federal budget that has now gone to entitlement expenditures has doubled from about a third of Federal expenditures to two-thirds. Some projections are accurate. In the coming decades, fully 100 percent of Federal expenditures may be comprised of entitlements, leaving nothing left for things such as education, the environment, children's issues, health care, or national defense—literally nothing but entitlements, as important as they may be.

Clearly, this is a course that we cannot sustain forever. Likewise, I note that the percentage of Federal revenues raised through taxes funding entitlements has also doubled over the last 20 years, from 16 percent to fully one-third of Federal revenues now raised from payroll taxes. These taxes are regressive in nature and fall heavily and disproportionately on the middle class.

I believe in the importance of investment in education, science, research, and other important areas of our national budget, and it is because I believe in the importance of tax relief for the middle class that I believe very strongly we must embrace the cause of meaningful reform of entitlements in general, and particularly Social Security, if we are going to enable ourselves to meet these other important challenges as well.

This is something that should unite the right and the left. Those on the right should be concerned about a return to the days of debt and deficit spending and the corresponding slowdown in economic growth that would inevitably result. Those on the right should be concerned about an increasing percentage of our Federal budget basically being put on fiscal autopilot. Those on the left should be concerned about shoring up and preserving not just temporarily, but in the long run, a fundamental part of our social safety net, the Social Security system, a legacy of which we can rightfully be proud. And those on the left should also be concerned about maintaining the discretionary ability to invest in the other important things that will make our country a more prosperous and decent place in the years to come.

Despite this seeming ground for compromise between the left and right, too often a consensus evades us. It is difficult in a democracy to make hard choices. Yet our constituents have a right to expect no less from us. It takes wisdom and courage on the part of those proposing this reform, forbearance upon our political opponents' part, and ultimately wisdom and understanding on the part of the American people.

I wish to close my remarks by commending those who have risen to speak out in favor of the cause of meaningful entitlement reform. It is essential not only to preserving the benefits for those we claim to champion today; it is also important for proving the efficacy of our democratic institutions on the threshold of the 21st century. I thank my colleagues for their courage in taking up this issue. Senator KERREY's voice will be missed in the years to come. I hope to add mine in my own humble way, and ultimately we will achieve this objective. I thank Senator MOYNIHAN and yield the floor.

Mr. MOYNIHAN. Mr. President, the chairman has very generously agreed to allow the Senator from Nevada to speak for 5 minutes. That would perhaps run us over the 4 o'clock time set for the vote. I ask unanimous consent for an extra 2 minutes in that regard.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I express my appreciation to a very distinguished and fair chairman and the ranking member for accommodating this Senator.

I rise in strong support of the Senior Citizens' Freedom to Work Act, bipartisan legislation to repeal the Social Security earnings limit.

For a number of years, I have joined with my colleague, Senator McCAIN, in efforts to repeal this unfair penalty. In my judgment, this legislation is long overdue. The earnings limit has unfairly penalized Social Security recipients who have chosen to continue to work and discouraged others from remaining in the workforce and contributing to our country's economic growth.

It is confusing to beneficiaries and it is difficult to administer. It is time to repeal the earnings limit and thus allow Social Security recipients who continue to work to do so without a reduction in their benefits.

It becomes very clear that the time has come to revoke this unjustified policy when we consider why it was imposed in the first instance. The Social Security earnings test was a Depression-era policy, originating nearly 70 years ago as a mechanism to cope with the high levels of unemployment. Our country now faces a very different dilemma—a tight labor market in many areas, including my own State of Nevada, which makes it difficult to recruit qualified employees.

It is simply illogical to prevent those who are willing and able to do so from joining the economy by working in areas that desperately need their talents. While many people choose to retire from their jobs at the traditional age of 65, or earlier, more and more workers want to continue working well into their late sixties and into their seventies.

One of the incentives, of course, for working beyond retirement age is the greater financial security that their additional income provides. However, for people between the ages of 65 and 70, the financial benefits of staying in the workforce are diminished by the unjustified earnings limit. Too many seniors, especially those with high medical bills, struggle on their very limited incomes. The last thing they need is a Government-imposed penalty.

Currently, for every $3 a worker aged 65 to 70 earns above $17,000, the worker's Social Security benefit check is reduced by $1. That is quite a disincentive to working. At a time when we put great emphasis on all Americans joining the workforce, it makes little sense to discourage employment for a large, experienced, and valuable segment of our population.

It is also important to note that the repeal does not adversely affect the long-term financial health of the Social Security trust fund. Eventually, the Social Security Administration would actually save money because it would not have to administer the complicated earnings test.

This, then, is a win-win situation for all involved. Seniors can continue to work and earn income without their previously earned Social Security benefits being unfairly reduced while the Government is minimally affected.

Our colleagues in the House of Representatives have recently voted unanimously to pass this legislation. It is now our turn to do so, and I hope the Senate will act swiftly to enact this legislation to repeal this unfair penalty.

I yield the floor.

Mr. MOYNIHAN. I yield 30 seconds to the Senator from Nebraska.

Mr. KERREY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERREY. Mr. President, my amendment is merely a conforming amendment. If you support the underlying amendment, which changes Social Security from a retirement program to a program that simply has a test of age as opposed to a status of work, I urge colleagues to make this change. It will make it a lot easier to do reform in the future. It has nothing to do with moving the eligibility age; that stays the same. The amendment substitutes the words "old age" and "age test" for the word "retirement." So they will no longer be required to retire in order to be eligible for this benefit.

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the Kerrey amendment.

Mr. ROTH. Mr. President, I would like to expedite the consideration of this amendment. But it is important that we move ahead with the legislation so that it can be referred expeditiously to the President. For that reason, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone

NAYS—44

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Bryan
Byrd
Cleland
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Hagel
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wyden

NOT VOTING—1

Gregg

The motion was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, following my brief remarks and the remarks of Senators BAUCUS, BUNNING, and GRAHAM, in that order, I ask unanimous consent that all time be yielded back on the pending Social Security bill and there then be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I encourage any Members who wish to speak on the Social Security issue to do so in morning business following the unanimous-consent agreement just propounded.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I join in the request of the Senator from Georgia. Other fair matters have arisen that require our chairman and ranking member to be, in effect, in a meeting. Therefore, we are leaving the floor open and encourage all who wish to speak to come and do so.

Mr. COVERDELL. I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is interesting that so much of our labor law dates back to the mid-1930s. H.R. 5 is a measure that deals with modernizing attitudes about work habits and workers and bringing them into the new century.

It was in 1935, during the Great Depression, that it was decided to discourage people who were 65 and older from working. That was done by saying: If you do work, we can't keep you from working, but for every $3 you earn, we are going to take $1 of it, or charge you a surtax of 33 percent. It was a very arduous and imposing tax on individuals on Social Security.

There are a number of major changes that have occurred in the workplace, but two I emphasize have become uniquely significant for this group of workers, age 65 to 69.

No. 1, the United States is effectively unable to fill its workplace. We deal with that issue on a daily basis. We need workers. We need people who are highly trained, who have developed an expertise, as senior workers have done. And we need them to stay in the workplace, if we are going to fill the American workplace.

The second issue that has created a very serious and significant change is that many of these workers must do so in order to keep up with the financial pressures of this time, with the increase in costs of medicine and other matters dealing with senior years.

It is inherently unfair to tax these earnings over $17,000 and to punish people for entering the workplace when, indeed, we want them to enter the workplace; we want them to stay in the workplace. They are no longer keeping somebody else from getting a job. We can walk down any street in America today and see: "Now hiring." "Now hiring." Company after company in our country cannot find sufficient workers.

We also don't have to spend much time in an audience anywhere in America that we do not hear a senior object to the fact that if he or she believes they must continue to work or want to work, they are so deeply penalized by Federal tax law. By repealing the earnings limit, we will be providing tax relief to about 1.2 million seniors in America between the ages of 65 and 69. It will amount to about $23 billion—not a small number—over 10 years.

This is the right thing to do, and it is the right time to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise in support of H.R. 5, the Senior Citizen's Freedom to Work Act. I am a cosponsor of the Senate version of this bill, S. 2074.

The earnings test, to remind my colleagues, is a Depression-era holdover which reduces Social Security benefits for working retirees. When Social Security began 65 years ago, its creators hoped older workers would withdraw from the work force and make more room for younger workers. This was back in the 1930s, in the Depression.

So they reduced retiree's Social Security benefits according to a formula, which today causes the loss of $1 in benefits for every $3 earned over $17,000 for those between the ages of 65 and 69.

While this might have made sense during the Great Depression, which at its peak saw one out of every four Americans without jobs, driving older workers out of the workforce simply does not reflect the needs of today's America. Americans today are retiring sooner, and the number of employed males over the age of 65 has fallen from 47 percent 50 years ago to less than 17 percent today. In addition, we all know the solvency of the Social Security Trust Funds is threatened because our society is aging. In 1950, there were 17 people in the workforce for every person drawing Social Security benefits. By 1999, this number had dropped to less than 4 people working for every one person drawing benefits. And under the intermediate projections of the Social Security trustees, this number will drop even further, to less than 2 people working for every one beneficiary by 2075.

In today's era of low unemployment, it simply makes no sense to penalize retirees who want to continue working. And as we look at the continued graying of our society throughout the 21st century, it will become even more critical to eliminate disincentives to work for this growing segment of our population.

Working seniors are a vital employee pool for America's businesses. We need the experience they bring from a lifetime of learning to help train our younger workers. And many seniors need the income that comes from these jobs to help make ends meet. The earnings test especially hurts senior citizens who face heavy medical bills or other expenses in caring for a spouse or other family members. Yet over 630,000 seniors today are receiving reduced Social Security benefits simply because they want or need to work. And there is no way to know how many more only work part of the year because they don't want to earn more than the $17,000 limit.

We should recognize that enacting this legislation is not without its tradeoffs. Those who have their benefits reduced because of the earnings test today receive higher lifetime benefits after they turn 70. For some retirees, this tradeoff could cost them in the long run. But for seniors who are having trouble making ends meet today, the promise of higher benefits after they turn 70 seems hollow indeed.

So I am glad that we are finally at least taking this first step toward restructuring the Social Security system to face the realities of our workforce in the 21st century. I am also glad, that even in this highly charged political climate, Democrats and Republicans can still find some issues that we can agree on.

I hope we can continue to look for more issues like this as the session continues. Putting aside our political differences for the good of the American people, after all, is what the public wants.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in strong support of H.R. 5, the Senior Citizens Freedom to Work Act, and the repeal of the Social Security earnings limit.

This is a day that many of us have worked toward for a long time, and the sooner we can pass this bill and send it in to the President, the better. Our seniors deserve it.

I think by now we all know how the earnings limit works. It penalizes seniors between 65 and 70 who receive Social Security benefits but also continue working. For every $3 they earn over the earnings limit, they lose $1 in benefits. Under current law, in 2000 the limit is $17,000. It rises to $25,000 next year, $30,000 in 2002, and with inflation after that.

The earnings limit is a Depression era relic whose time has come and long gone. It first became law back in the 1930's when Social Security was started, and was passed by Congress as a way to encourage seniors to retire so that their jobs could be taken by younger, unemployed workers.

At a time when our economy was fighting for its life, and unemployment was close to 25 percent, an earnings limit might have seemed like a good idea. Now when unemployment is threatening to dip below 4 percent and many of our nation's employers are clamoring for more workers, it's clear that the earnings limit has outlived whatever usefulness it once might have had.

From time to time over the years, Congress has looked at changing the earnings limit. In fact, several times we did tweak it here and there by raising the income level. But, like a vampire, the earning limit has been hard to kill altogether—it continued to threaten seniors and their livelihoods.

Now we have the opportunity to get rid of the earnings limit altogether. I say that it's time to drive a stake through the heart of the earnings limit once and for all.

Mr. President, I was privileged to serve in the other body as the chairman of the Social Security Subcommittee for 4 years, and before that as the Ranking Member for 4 years. It was my bill that we passed in the 104th Congress that lifted the earnings limit to its current level of $30,000 from what was then $11,250.

If we could have repealed it altogether, we would have. But the budget landscape was different back then. We were still looking at huge deficits, and we were using Social Security surpluses to finance general government programs.

Now things are different. We have budget surpluses across the board, and we can focus on doing the right thing for seniors irrespective of other spending and tax needs. Our economic prosperity has handed us a golden opportunity to repeal the earnings limit. Times have changed for the better.

I know there are others in the Senate who have worked on this issue for years. But, for my colleagues who have not lived with legislation to repeal the earnings limit as long as some of us, let me just briefly describe for them what it has been like over the past 14 years for those of us who have been trying to pass legislation.

In 1987, those of us who had just been elected to the House for the 100th Congress adopted as a project the repeal of the earnings limit. And at least 11 bills were introduced in Congress to lift or repeal the limit altogether, and we worked the issue hard. But, nothing happened. It was like banging your head against a wall.

Then during the 101st Congress, then-Congressman DENNY HASTERT, and another 100th congressional class member, introduced a bill to repeal the limit and got 267 cosponsors in the House. Again, nothing happened.

In the 102d Congress, we managed to get 278 supporters in the House to support our bill to lift the earnings limit. We talked up the issue constantly. Still, nothing.

So we kept plugging along, and once again in the 103d Congress, we introduced a bill and signed up over a majority of the House—225 Members—on our legislation. But, guess what? Nothing happened.

Then something did happen. In 1994, Republicans took control of Congress. And in 1995, as part of the Contract with America, we passed legislation to lift the earnings limit to its current annual level of $30,000. This was one of the most popular bills we passed that year, and I was proud to be the lead sponsor.

But, we still weren't finished because this proposal was part of larger legislation that was vetoed by President Clinton as part of his government shutdown strategy. He said he liked the earnings limit repeal, but he vetoed the bill anyway.

So we were back at Square One. But, we took the President at his word that he liked the earnings limit repeal, so after the veto we quickly passed a stand-alone bill in the House to increase the earnings limit in late 1995. The next March, we included it in must-pass legislation to lift the Federal Government's debt ceiling, and it was signed into law.

In all, it took almost 10 years to raise the earnings limit, so I hope my colleagues keep this in mind now that we have a chance to act quickly to get rid of the limit altogether.

Mr. President, people are living longer and longer. And many of them want to work after they turn 65. They want to work longer, and they can do more. Why on earth should we penalize them—by taking benefits they have already paid for—for doing that?! It just doesn't make sense to pay them with one hand, and to rob them with the other.

The average life expectancy for women in America is almost 80 now. For men, it's getting close to 75. That's a big increase from just a few decades ago when we passed Social Security and the earnings limit.

Now, many seniors want, and need, to work for income after they officially retire. Social Security and pensions sometimes aren't enough, and if seniors want to feather their nests with a salary, more power to them.

I urge my colleagues to vote for this bill. Not only will seniors thank us, we can take heart in knowing that the Congressional Budget Office tells us that we will even save $700 million in Social Security administrative costs by repealing the earnings limit. There are 800 employees at SSA who help administer the earnings limit. After this bill becomes law, they will be freed to perform other tasks for the Social Security Administration.

We have the opportunity to do away with the earnings limit altogether, and I say "the sooner the better." I can't think of one good reason not to pass this bill immediately, and get it down to the White House as soon as possible. It's good policy, it's good politics and it's the right thing to do for our seniors and our country.

Mr. KENNEDY. Mr. President, today, the Senate is making an important reform in Social Security which will benefit hundreds of thousands of senior citizens each year. Because of the action we are taking today, those between the ages of 65 and 69 who continue to work will no longer have a portion of their Social Security benefits withheld. The "earnings test" in current law reduces the Social Security benefits of those in the 65 to 69 age group by $1 for every $3 they earn annually over $17,000. It affects nearly eight hundred thousand men and women each year. It unfairly denies them a portion of the Social Security benefits which they have earned by a lifetime of hard work. Once this bill is signed into law, these seniors will receive the full benefits to which they are entitled whether or not they choose to remain in the workforce after age 65. President Clinton has urged Congress to repeal the earnings limit, and he will sign the bill as soon as it reaches his desk. Repeal of the earnings limit is the right thing for us to do, and now is the time for us to do it.

The concept of an earnings limit goes back to the Depression era when Social Security was first enacted. At that time, unemployment was high and it was hoped that the creation of Social Security would encourage older workers to retire and create openings for younger men and women who desperately needed jobs. The employment picture today is dramatically different. We face a shortage of skilled workers and our economy can benefit from the continued participation of older workers in the workforce. Their experience and sound judgment is a national resource. Men and women in their late sixties are healthier than in generations past and the majority of jobs no longer involve physical exertion. Those who choose to work beyond age 65 should not have financial barriers erected in their paths. The earnings limit in current law is such a barrier and it should be removed without further delay.

The most important aspect of repealing the earnings limit is that it will increase the freedom of senior citizens to work or retire as they choose. When to retire is an intensely personal decision—influenced by the individual's health, the financial needs of their family, their career interests, and the nature of the work that is available to them. The rules of Social Security should not restrict a senior's range of choice. Those who decide to continue working after age 65 and those who decide to retire should be treated equitably. Both groups should be eligible to receive the full Social Security benefits they have earned.

In 1996, I was pleased to join with my Senate colleagues in voting to raise the earnings limit gradually over the succeeding five years. Because of that amendment, the financial burden on thousands of senior citizens has already been reduced. With enactment of this legislation, which I wholeheartedly support, the burden of the earnings limit will be completely eliminated, so that all seniors receive full Social Security benefits, whether or not they remain in the workforce after age 65. They have earned it.

Several of my colleagues have used this legislation as an opportunity to voice their perspective on the future of Social Security, and they have painted a bleak picture. I strongly disagree with their characterizations.

Social Security is fundamentally sound. It has sufficient resources to fully fund current benefits for 35 years. Due to the gradual aging of the American population, Social Security will begin to experience a revenue shortfall after 2035. However, if we plan for the future by addressing this problem in the near term, that revenue shortfall can be eliminated with relatively minor adjustments to the system. The benefit expectations of future recipients can be preserved, and the solvency of Social Security insured for future generations.

We need to preserve the program as an inflation adjusted guaranteed benefit for those who depend on it to pay for the basic necessities of life. For two-thirds of America's senior citizens, Social Security retirement benefits provide more than half their annual income. For 42 percent of them, it constitutes more than three-quarters of their income. Social Security enables millions of elderly to spend their retirement years in security and dignity.

Without Social Security, half the nation's elderly would be living in poverty. Converting a portion of Social Security into private investment accounts, as some have suggested, would be much too risky for elderly men and women who have no other source of financial security.

The major proposals which would direct a portion of each worker's payroll taxes into private accounts would all reduce the level of guaranteed Social Security benefits substantially. Whether or not a retiree made up those lost dollars would depend on factors largely beyond his or her control. Workers who reach retirement age during an economic downturn cannot simply delay their retirement indefinitely until the market goes up. Private accounts, subject to the ups and downs of the stock market, are fine as a supplement to Social Security. But, they are no substitute for Social Security.

President Clinton's budget proposal would use the debt service savings which will result from paying down the national debt over the next fifteen years to extend the life of the Social Security Trust Fund. Since the current Social Security surplus is being used to pay down the debt, it is appropriate for the Social Security Trust Fund to receive the resulting savings. More than half of the projected shortfall in the Trust Fund over the next 75 years could be eliminated by adopting this policy. If we dedicated all of the savings in debt service costs to the Social Security Trust Fund, the solvency of the system would be extended to beyond 2050, fully providing for the retirement of the baby boom generation.

We need to address the long term financial problems of Social Security in a way which keeps faith with the historic mission of the program—to provide senior citizens with a guaranteed, inflation adjusted benefit which will enable them to live in security and dignity.

I urge all my colleagues to support the Senior Citizens Freedom to Work Act. Repeal of the earnings limit will enable those who remain in the workforce beyond age 65 to receive the full Social Security benefits they have earned. It will greatly help these working seniors and it will strengthen our overall economy. It is the right thing to do.

Mr. JEFFORDS. Mr. President, I rise today to support elimination of the Social Security earnings test for individuals who have attained Social Security retirement age—currently age 65. Currently, if these retirees work, their Social Security benefits are reduced $1 for every $3 of earnings above $17,000 per year. This is an unfair result for many older Americans who are receiving Social Security benefits after a lifetime of work but who must continue to work to supplement their retirement income. In my own state of Vermont, many people work beyond age 65. They should not have to give up a portion of their hard-earned Social Security benefit because they need to take a job.

The earnings test can also be a problem for employers. Older workers are often in demand by employers because of their expertise and an overall tight labor market. The reduction in Social Security benefits can be a barrier to older workers reentering the workforce.

The earnings test presents a special problem for small business owners receiving Social Security benefits. Small business owners are subject to both the dollar earnings test and a self-employment test that can involve an extensive audit to establish their level of earnings. Eliminating the earnings test will also eliminate the need for these audits. And removing the incentive for older small business owners to retire could mean continued employment opportunities in their businesses for other older workers.

There has been an earnings test for Social Security benefits since the Social Security Act was passed in 1935, during the Great Depression. The earnings test originally was a way to encourage older workers to retire, to free up jobs for younger workers.

The earnings test has always been unpopular, especially with those age 65 and older. In response, Congress has changed the earnings test provisions several times over the years—increasing the amount a benefit recipient can earn without a benefit reduction. The earnings limit for those age 65 and older currently is $17,000 and rises to $25,000 in 2001 and to $30,000 beginning in 2002. It provides a higher earnings limit and smaller reduction for older benefit recipients—$1 for each $3 of annual earnings over $17,000 for those age 65–69, compared to $1 for each $2 of earnings over $10,080 for those age 62–64—and lowering the age at which an individual can work without suffering a benefit reduction to age 70 from age 72. It is time now to further lower that age to the Social Security retirement age, so that once a worker reaches that age—currently 65—the worker's Social Security benefit will not be reduced, no matter how much the worker earns.

We have before us legislation to eliminate the earnings test for individuals at Social Security retirement age. I have cosponsored Senator ASHCROFT's bill, S. 2074, and we have the House-passed bill, H.R. 5. These bills would free the approximately 800,000 Social Security benefit recipients currently ages 65 through 69 from the current law that reduces, and in some cases eliminates, their Social Security benefits if they work and earn above the earnings test. I urge my colleagues to act quickly to make this legislative change for older working Americans.

Mr. ASHCROFT. Mr. President, this morning I spoke in morning business on the repeal of the Social Security Earnings Limit, an onerous tax burden on seniors who want to continue working. This afternoon, while we are discussing the bill, I would like to re-emphasize my support for repealing this unfair test.

Earnings test is a misguided and outdated relic of the Great Depression—when jobs were scarce, unemployment high, and people did not live as long and healthy lives as they do today.

By limiting the amount a person 65–69 can earn, it provides a disincentive for seniors to work. For every dollar a senior aged 65–69 earns over $17,000, the government reduces benefits by $1 for each $3 of earnings.

This test penalizes 1.2 million working seniors nationwide, and 17,523 working seniors in Missouri suffer. The actual number of seniors affected is far greater, though, as millions of seniors choose not to work, or limit their earnings because of the penalty.

The effect of this test is to keep seniors out of the workforce, and it has serious consequences. More workers create more jobs, not fewer jobs. With our current unemployment rate of 4 percent—we need skilled and experienced workers.

Unfortunately, the earnings limit keeps too many qualified, experienced seniors out of the workforce. Seniors have the skills, integrity, work ethic, and experience that make them highly valuable members of the workforce. Their continuing contributions are crucial. The only limit to what they have to offer is the earnings limit.

Recently, I spent some time with constituents in Missouri, and found many seniors in my home State of Missouri are harmed by the earnings test. Beverly Paxton from Belton, who works with "Green Thumb" to find jobs for seniors, told me that hundreds of seniors would be eager to work without the earnings test. Furthermore, some don't try to work for fear that the Social Security Administration might take their benefits away. Seniors don't want to visit a CPA to find out if they will lose benefits.

In addition, many more seniors limit their hours to avoid the test. A manufacturer in Belton told me that some seniors work until they reach eligibility, then tell the employer: "I won't be here next week, I'll see you next January." This leaves employers in the lurch, having to absorb training costs or heavy overtime costs. These decisions based on the earnings test impose productivity costs on the economy.

Even when seniors work around the test, they suffer unexpected costs. C.D. Clark, from Florissant, Missouri, and who has since moved to Kentucky, had earned $25,000 before trying to limit earnings to protect himself from the test. This year, he planned to only work 8 months so that his Social Security benefits would not be cut.

The Social Security Administration, however, assumed he would earn the same amount, and withheld his Social Security checks from January through March of this year. When Mr. Clark complained to the SSA that he had not yet earned $17,000, he was told, "We like to get our money up front."

I recently received a letter from Lois Murphy of St. Louis, who is 65, and works part time as an RN in the operating room at St. John's Mercy Medical Center. The hospital suffers from a labor shortage, and needs help from women like Mrs. Murphy, who are experienced and willing to work. But she limits her hours because of the earnings limit, taking a skilled, experienced—and needed—worker out of the hospital.

In her letter, Mrs. Murphy wrote: "The $17,000 limit a person could earn plus the small Social Security check is not enough to live comfortably and enjoy your senior years." Mrs. Murphy neatly summarized this issue in one simple sentence: "I think if a senior citizen at age 65 is willing to work, they should be able to earn a lot more or not have a limit." I believe that Mrs. Murphy is right. Seniors should have the freedom to earn if they choose. But the problem is that they don't have that choice. We must send the earnings test into retirement.

I have been working on this since I came to the Senate. In 1995, I voted to substantially increase the limit. In 1997, I called for the elimination of the test and cosponsored legislation that would get rid of it. This year, I have introduced legislation that would eliminate the test. My bipartisan legislation has 43 cosponsors, including the entire majority leadership.

Organizations that support me on this include: Green Thumb, 60+, the Seniors Coalition, National Association of Home Builders, National Taxpayers Union, the U.S. Air Force Sergeants Association, CapitolWatch, Americans for Tax Reform, the U.S. Chamber of Commerce, the National Tax Limitation Committee, and the United Seniors Association.

It is time to eliminate this counterproductive and unfair penalty. The House has already acted. The President is prepared to sign this. Thanks to the hard work of Chairman ROTH, who is managing this bill, the Senate is now ready to pass the earnings test repeal as well. I urge my colleagues to join us in support of this measure, and grant seniors the opportunity to earn freely in their golden years.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Social Security Earnings Test Elimination Act of 2000, which I have cosponsored.

The earnings limit is the amount of money a Social Security recipient can earn without having a portion of his or her benefits deferred. Currently, that limit is $17,000 per year for retirees between the ages of 65 and 69. For every $3 in earnings above that limit, these seniors have $1 in benefits deferred.

I believe that this is grossly unfair. Last year, my colleague from Iowa, Senator GRASSLEY, and I proposed lifting the Social Security earnings test on retirees between the ages of 65 and 69. We did not propose outright elimination because we did not think, at that time, that the surplus would be large enough to sustain elimination. Now, a year later—and thanks to our continued economic boom—I believe it is possible to eliminate the earnings test outright, and still adhere to a responsible and fiscally sound budget.

Over 1 million seniors nationwide face this earnings test. My own state, California, has more seniors affected by the earnings test than any other state: 161,000, according to the Bureau of the Census.

For these 161,000 Californians—and hundreds of thousands of others all across this country—this legislation represents an important step in removing the unfair burden that the earnings test places on them simply because they wish to continue working. As President Clinton said in his February 29 letter to House leaders:

> We should reward every American who wants to and can stay active and productive.

For example, a letter I received from the American Health Care Association holds:

> The nursing facilities we represent make a concerted effort to employ senior citizens to care for their peers. They're reliable and honest workers, who have compassion for those in their care. We have had difficulty hiring or retaining these employees because of the threat of losing Social Security benefits after their annual earnings have passed $17,000.

Elimination of the earnings test is important not just to those retirees who want to continue to work, but to those who need to continue to work and who are currently faced with an Hobson's choice: Continue to work and have Social Security benefits reduced, or stop working and rely only on Social Security for retirement security. For all too many of these retirees—over half of those helped by this legislation have incomes under $45,000 per year, including Social Security—both of these choices leave them financially squeezed. For women, who are twice as likely as men to retire in poverty, this is an especially important issue.

This legislation offers a third choice: Continue to work and continue to receive those Social Security benefits.

Moreover, I believe that elimination of the Social Security earnings test is warranted because the original logic of the earnings test no longer holds. Congress imposed the earnings test to provide a "disincentive" to older workers to continue to work, so as to make room for younger workers during the Great Depression. In our new, twenty-first century economy, unemployment is at historic lows and firms are nearly desperate for workers.

I do not believe that passage of this legislation will address many long-term problems regarding the solvency of the Social Security system. We have much work remaining on that score. But for the hundreds of thousands of seniors who either need or want to continue to work past age 65, this legislation represents an important step in creating a fairer and more secure retirement. I urge my colleagues to support passage of the Social Security Earnings Test Elimination Act of 2000.

Mr. SMITH of New Hampshire. Mr. President, as a cosponsor of this important legislation, I believe the time has come for us to put an end to the Social Security earnings test.

Our seniors have worked hard to build a life for their families and have given up a great deal to provide a future for all of us. They have made sacrifices far beyond what has been required of most of us.

And yet, many in Washington and in the White House have sought to reward seniors by snatching more and more of their hard-earned dollars.

Unfortunately, staying in the work force is often not a choice, but a necessity. Many seniors are forced to work either for survival or because they must supplement their meager monthly Social Security check.

Seniors should not be punished for simply trying to make it to the end of the month.

This bill represents the first step in reversing many of the punitive taxes we have levied on both seniors and working families across America.

I ask my colleagues to vote in favor of this monumental legislation.

Every year, about 800,000 seniors suffer the affects of the Social Security earnings test—many of whom can barely afford the month's rent or proper meals.

Under the current law, recipients of Social Security between the ages of 65 and 69 can only earn up to $17,000 without penalty.

However, any income in excess of $17,000 would have the Federal Government taking $1 for every $3 they earn.

This means that the Federal Government is imposing a marginal tax rate of 33 percent on the poorest segment of our society. But it does not stop there.

Andrew Quinlan, executive director of Capital Watch correctly states:

> To further add insult to injury, workers must also pay a host of taxes on the original dollar, which may raise their marginal income tax rate to greater than that of sports stars and Wall Street high rollers.

Sandra Butler, president of United Seniors Association echoes that thought:

> The punitive nature of the Earnings Limit is obvious: By itself, the Earnings Limit imposes a 33 percent marginal tax rate on seniors.

Ms. Butler continues:

> In combination with federal income and payroll taxes, the Earnings Limit forces seniors to pay higher marginal tax rates than millionaires. This is unconscionable.

I must agree. Some seniors could be looking at a marginal tax rate of 59 percent. This tax is unconscionable. But as Machiavellian as that may sound, it gets worse for seniors who are forced or choose to retire early.

Seniors who retire between the ages of 62–65 have $1 for every $2 they earn in excess of $10,080 confiscated from their check. Translation: Uncle Sam is taking half of every dollar earned from those who can least afford it.

Established during the depression of the 1930's, the earnings test was meant to discourage older workers from re-entering the labor force and taking jobs from younger workers.

However, with the extremely tight labor pool available to employers today, it makes sense to access the experienced, productive, and valuable work force seniors represent.

Gerald Howard, senior vice president with the National Association of Home Builders agrees.

He says:

> Because the skills of decades ago are no longer taught in current education and training programs, home builders recognize the special need to keep and utilize the unique talents of retirees.
>
> For our nation's home builders, retaining skilled retirees is important in meeting our workforce needs.

According to the Department of Labor, 240,000 new workers must be recruited and trained each year to meet the Nation's growing demands in the building industry alone. However, these requirements are not being met.

And it is not limited to the building industry. All sectors are feeling the pinch.

Dr. Charles Roadman, president and CEO of American Health Care Association has urged the President and the Vice President to "take bold action to ease the shortage of skilled nursing professionals that has reached epidemic levels" by supporting the Congress in their effort to eliminate the earning penalty.

If we wish to continue growing the economy, we must free up those with the experience and know-how to meet countries employment needs—our seniors.

Unfortunately, the Social Security earnings test serves as a disincentive for those who may wish to work. This disincentive effect is magnified when viewed on an after-tax basis.

Senior citizens who work stand to lose a substantial percentage of their Social Security benefits due to the Social Security earnings test.

In addition to the earning test tax, they must also continue to pay Social Security taxes, and, most likely, other Federal and State income taxes as well.

The Social Security earnings test forces senior citizens to avoid work, seek lower paying work, or get wages "under the table," turning honest folks who are just trying to get by into common criminals.

The Social Security earnings test is unfair and inappropriate. It imposes a form of "means test" on retirement benefits.

Social Security benefits have been earned by a lifetime of contributions to the program. American workers have been led to regard Social Security as a government-run savings plan.

Indeed, their acceptance of the near 15-percent Social Security payroll tax has been predicated on the belief that they will get their money back at retirement.

Thus, most Americans do not accept the rationale that the return of their money should be decreased just because they continue to work.

Additionally, the Social Security earnings test discriminates against senior citizens who must work in order to supplement their benefits.

Clearly, the Social Security earnings test is inequitable to our Nation's senior citizens who are in the greatest need of extra income.

In addition to being complicated and difficult for folks to understand, the Social Security earnings test is complex and costly for the Government to administer.

For example, the test is responsible for more than one-half of retirement and survivor program overpayments.

Elimination of the earnings test would help minimize administration expenses, and recipients would be less confused and less tempted to cheat on reporting their earnings.

Finally, repealing the Social Security earnings test would greatly aid our country's economy. Our senior would be likely to work more and the American economy would benefit from their experience and skills.

The combined increase in the amounts that they would pay in Social Security and other taxes, as well as the additional contribution to our gross domestic product, would largely offset the increase in benefit payments.

For decades, our senior citizens have worked and dutifully. They have paid their share into the Social Security retirement account and it is only fair that they receive their Social Security benefits in full when they retire.

I ask my colleagues to join me in passing this legislation.

Mr. CRAPO. Mr. President, I rise today in support of H.R. 5, the Senior Citizens' Freedom to Work Act. This bill, which unanimously passed the House of Representatives on March 1, would end the practice of withholding a portion of Social Security benefits simply because a beneficiary chooses to work beyond the statutory retirement age.

The Social Security earnings test has always been one of the most illogical aspects of the Social Security system. Under current law, a beneficiary between the ages of 65 and 69 may only earn up to $17,000 without losing benefits. After that amount, $1 of Social Security benefit is lost for every $3 of earnings.

Throughout my tenure in Congress, I have supported efforts to minimize the effect of the earnings test. For example, in 1998, I supported the Taxpayer Relief Act which would have raised the level of exempt income to $39,750 in 2008. Unfortunately, the 105th Congress adjourned before the Senate could consider this legislation. While raising the earnings limit would have been a step in the right direction, a total elimination of the earning test is clearly the right thing to do.

The Social Security Administration estimates that 800,000 beneficiaries are affected by the earnings test. People spend a lifetime putting that money into their Social Security accounts and they ought to have full access to it without limiting their other opportunities for making an income. The present system is holding them down, it is holding the economy down, and it should be changed. It is wrong to withhold any portion of a benefit that was duly earned by years of work and contributions to the system. Social Security was not meant as a single source of retirement income. Why then does the government penalize those seniors who choose to earn additional income through work? This is especially confusing in a time of low unemployment when companies are desperately looking for skilled and experienced employees. Government should encourage self-sufficiency, not penalize it.

I am pleased that H.R. 5 will be brought to a vote shortly. I am a cosponsor of a similar bill introduced by Senator ASHCROFT. These bills would completely eliminate the earnings test for Social Security recipients who have reached retirement age, allowing them to earn outside income without a reduction in benefits. What we have now is a disincentive for people to work who want to continue to contribute to our growing economy. Any meaningful reform of Social Security should preserve the system and allow those who want to work to continue to do so. This measure is the right thing to do and is long overdue.

I congratulate the House of Representatives on its unanimous passage of this bill and am encouraged that President Clinton has voiced his support for the bill. I would also like to thank Senator ASHCROFT for his leadership on this issue. I urge my colleagues to join me in passing this bill and restoring a measure of fairness for senior citizens.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, in 1991, I spent one of my monthly workdays at a Winn-Dixie grocery store in Santa Rosa County, FL. I worked as a bagger standing at the end of the checkout line putting the groceries of the customers of that store into a paper or plastic bag they had selected and then taking it out to their car.

The man I worked with throughout that day was Jim Young. Jim has a history that is typical of many retired Americans. He had worked both in a military and a civilian capacity. He had looked forward to his retirement time in a place of paradise and came to a place where he thought he could find paradise. Unfortunately, Jim had a few difficulties that had the effect of necessitating he seek employment in order to supplement his retirement income. It was then that he encountered the restrictions on earnings after retirement and the impact that this was about to have on his Social Security. Jim, therefore, had to go through an elaborate process of adjusting his work schedule so as to minimize the adverse effect of the earnings limit on his total income and to be able to fashion his way through what he found to be an inexplicable restriction on his capacity to work, make a contribution, and supplement his income.

It was that experience with Jim as much as anything that caused me to be interested in the issues before us today. I am pleased to have played a role in the 1996 action which was described by our colleague from Kentucky, which substantially raised the cap on earnings to its current $17,000 and gave significant relief to people such as Jim Young.

Today, we are finishing the job. With the passage of this legislation, we will eliminate any earnings restraint on Social Security retirement income. We will no longer be shackled by a 1930s concept that we have to discourage older workers from continuing their productive lives in order to open up positions for younger workers. If there ever was a time in our Nation's history where that concept has been rendered an anachronism, it is at the beginning of the 21st century. We need the productive talent of Americans such as Jim Young. We need to encourage people to think they will be able to extend their period of working and contributing to our Nation's economy as long as it is in their interest to do so, and not by applying arbitrary restraints to their earnings in the form of a penalty against their Social Security income.

I will be very pleased tomorrow when we vote on what I anticipate will be an overwhelming majority in favor of eliminating this 1930s dinosaur which still occupies too big a space in the living room of Social Security.

I wish to use this opportunity to talk about another dinosaur that is occupying too much space. That is the dinosaur of an excessive focus on Social Security as we think about the retirement lives of older Americans. In fact, Social Security is becoming a declining portion of the total revenue of retired Americans, and will continue to decline as a portion of their income for the foreseeable future.

Retirement in America is today based on a three-legged stool. Those three legs are employer-sponsored retirement plans, individual savings, and Social Security.

I believe, rather than talking about the issue of Social Security reform, what we should be talking about is the issue of retirement security reform so we can focus on all of the relevant components of the retirement package upon which most Americans rely. We need to add a fourth component to this discussion; that is, a much more intense effort at encouraging Americans to plan for their retirement.

It has been said—and not only in jest—that most Americans spend more time planning a 2-week summer vacation than they do the 15, or 25, or more years they will live in retirement. That may have been a practice that was acceptable when retirement was not as complex as it is today, when retirement did not involve as much self-responsibility as it does today, when retirement did not include as many facets, from long-term care to providing for your physical health and well-being.

I believe these four components—employer-sponsored retirement plan reform, encouragement of individual savings, strengthening Social Security, and the promotion of preretirement planning—are the basis of an American national effort at enhanced retirement security. The goal of that enhanced retirement security should be to place all Americans in a position to be able to, with reasonable assurance, anticipate that they will have in retirement a significant percentage of their preretirement income. Many have suggested that the appropriate goal would be 75 percent of preretirement income as the reasonable attainable goal of America.

What do we need to do in order to reach a 75-percent goal? Soon I will be introducing legislation that will encompass the subjects of employer-sponsored retirement plans, individual savings, strengthening Social Security, and the promotion of preretirement plans.

This afternoon, in the context of the elimination of one old attitude from our Social Security system; that is, the necessity to cap the earnings of retirees, I will lay out a few comments about the elimination of another old attitude, that the only thing we need to focus on is Social Security reform. We need to focus on employer-sponsored retirement plans, particularly as they relate to small businesses.

In my State, in the last 5-plus years, we have added well over 1 million new jobs. Most of those new jobs have come from businesses that employ less than 25 people. In fact, over 70 percent of the new jobs in America are from small businesses with less than 25 employees. It is exactly those small businesses that are the least likely to have an employer-sponsored retirement plan.

I believe—and so does Senator GRASSLEY of Iowa, with whom I have worked closely on these matters—that the principal focus of our attention needs to be to encourage small businesses to provide pension benefits for their employees. We introduced legislation to this end. That legislation, styled as S. 741, contains the following components:

It expands coverage by providing incentives for small businesses to begin offering pension coverage.

As an example, it will assist small businesses in paying some of the start-up costs in the establishment of a pension plan. It increases portability, making it easier for employees to move retirement money from one plan to another as they change jobs. We know today the average American will work at seven jobs during the course of their working lifetime. They need to be able to carry their pension benefits from one job to the next.

S. 749 strengthens pension security and enforcement. It reduces red tape associated with pension plans and has its own encouragement for retirement education.

The second thing we need to do is to assist Americans with their retirement savings. Again, the focus is on Americans who work for smaller businesses where most of the new jobs are being created, and Americans who have not had a tradition of saving as part of their retirement security.

The President has proposed a program in which the Federal Government provides matching contributions for lower and moderate-income families who save for retirement. The structure of this utilizes existing savings vehicles such as IRAs, or individual retirement accounts, and 401(k)s. Rather than creating new government-run accounts, we utilize the structure in which many Americans already have started the process of saving for retirement.

There would be economic incentives provided to lower income families to encourage their employers to offer these plans. Employers are finding in this very tight job market that they need to provide incentives to retain their current workforce and attract new workers. It is hoped by encouraging more employers to provide retirement savings accounts such as IRAs and 401(k)s that it will make it more attractive for persons to work for those employers.

We are suggesting there should be some modifications of the current IRAs and 401(k)s, particularly in two areas. One, we propose to restrict the ability to withdraw funds from the 401(k)s or IRAs. There are many important, legitimate, credible reasons why a person would want to withdraw money from their retirement accounts—to buy a new home, finance education, or deal with an unexpected health emergency. However, if too many of those allowances for withdrawal are legalized we could end up with many Americans having a hollowed-out retirement account. They have a retirement account in substance, but the resources have been withdrawn for purposes earlier in their lifetime. We want to give the maximum assurance that if the Federal Government is going to be supplementing retirement accounts, the funds will end up financing retirement.

We also propose to restrict the investment options in order to maximize the fund safety. Retirement accounts are not intended to be casinos. They are accounts with substantial emphasis on security and predictability so that people will have a sense of confidence in their retirement years.

The third element is Social Security, its solvency and safety. In my opinion, Social Security should be thought of as the safety net underneath individual savings and employer-based pension systems. It is the ultimate and final source of retirement security. For that reason, I believe Social Security should continue to be what it has been since its inception—a defined benefit plan. That is a plan in which Americans will have a high degree of confidence as to what that check will be every month from Social Security. Social Security is not the place to be encouraging excessive speculation. There are other opportunities where people can engage in speculation if they wish to use their retirement as a means of attempting to expand their net worth. I do not believe Social Security is the place to do so. Social Security provides 67 percent of America's single-person households with one-half or more of their income; Social Security provides 44 percent of the multiperson households with one-half or more of their income.

However, Social Security is facing serious challenges. We are all familiar with the demographics. Over the next 20 or 30 years, the number of persons drawing Social Security will approximately double from its current 40 million. The 1999 Social Security trustees report stated that the Social Security program lacks the resources necessary to meet its contractual obligations over the next three generations. Using the trustees' immediate forecast, Social Security revenue will fall short of the amount needed to fund existing committed benefits by as much as 15 percent.

I believe there are a number of reforms we need to make in the Social Security system in order to strengthen it and to assure that the contract which exists between the Government of the United States of America and the citizens of the United States of America can and will be honored. One proposal which has been made by the President which I strongly support is the concept that we ought to allocate a portion of the non-Social Security surplus to help meet this pending shortfall in the Social Security trust fund.

What is the justification for using non-Social Security surplus to strengthen Social Security? Almost every Member of Congress has now accepted enthusiastically the principle that all of the Social Security surplus should be used to pay down the national debt as a means of strengthening our ability to meet our Social Security obligations. I certainly join those strong supporters of that fiscally prudent practice and principle. It is estimated we will have approximately $2 trillion of Social Security surplus over the next 15 to 20 years. If we maintain our discipline and use those funds to pay down that portion of the national debt which is held by the public, when fully reduced we will find an annual interest savings—assuming interest rates are approximately what they are today—of about $120 billion a year that we will not have to pay in interest because we have used that Social Security surplus to pay down the debt currently held by the public.

I believe all or a substantial portion of that $120 billion of interest savings ought to go into the Social Security trust fund. It was the Social Security trust fund and its surpluses, the additional amount paid by working American men and women, which made it possible to use the Social Security to pay down the national debt. Why isn't it justified, why isn't it both legally and morally appropriate, to then have a portion of those interest savings—I personally advocate all of those interest savings—to then be used to strengthen the very Social Security system which has made that debt reduction possible?

The fourth component of a national program of retirement security is to promote greater preretirement planning. There is going to be much greater individual responsibility for preparation for retirement for this and future generations of Americans. They need to be encouraged and given the means by which to make intelligent decisions, intelligent decisions occurring almost immediately as they enter the workforce so they will be as well prepared as possible for their retirement years. These decisions are going to be complex. They will require changes in attitude, in lifestyle. They will particularly require a greater focus on savings rather than consumption.

I believe, for instance, we should consider using the Social Security notices, which are now going to be provided on an annual basis to all future Social Security recipients, as a window so Americans can see the kind of information they will need to make good choices on a whole array of issues that will affect their status in retirement, from purchasing long-term care insurance—which I hope we will soon make more affordable by changes in the tax law—to steps they should take to assure their physical, emotional, and mental health in their retirement years as well as decisions which affect their finances in retirement.

So these are the four components of a 21st century approach to Americans in retirement. I look forward to soon returning to the Senate floor to introduce this legislation and to speak on it in somewhat greater detail. I encourage my colleagues to take an interest in this important subject, and I invite them to join me.

Again, I am enthusiastic about the action we are about to take in which we eliminate an anachronism from the 1930s which continues to be part of our Social Security system in the 21st century. I hope we will soon be prepared to take strong action to deal with some of the old attitudes that retirement was only Social Security, an attitude which also is an anachronism of the 1930s that continues to have too much saliency in the 21st century.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of the legislation being discussed today to be more fair to our senior citizens, to encourage them to work. I hope final passage will be voted on tomorrow.

I always like to follow the Senator from Florida because it gives me an opportunity to thank him for the cooperation he has given me in our work on some of the other legs of the retirement income stool. We think of Social Security as one of those, another is savings, and the other one is pensions. He and I have worked closely together in a bipartisan way to formulate pension legislation to encourage savings, to encourage employers to have established pension systems, and particularly to encourage the self-employed and smaller corporations to set up pension systems. So I thank him for that.

This legislation might not be considered part of the three-legged stool we always talk about of income security for retirement—Social Security, pensions, and private savings—but it is an opportunity for people who want to work, to work without penalty. That obviously is a very strong component, and heretofore there has been a disincentive to that activity. This eliminates that disincentive.

If I could sum up, I see at least two perspectives to this legislation.

One, as a matter of public policy in America, we should not have disincentives to productivity. Obviously, when you earn over a certain amount of money as a senior citizen drawing Social Security and you have to pay back $1 out of every $3, that is a disincentive to work. We ought to eliminate that disincentive.

A second factor is to judge people in American society on the basis of their competence and their merit and not on the basis of some arbitrary age, based on a policy that was thought good for the 1930s. Today we would not think it was good even for the 1930s. It does not consider people's competence because the policy that was set up 65 years ago was, when you got to be 65, you were shoved out into the street to make room for younger people to come into the workforce. That was wrong.

The third thing about this legislation is the high rate of taxation. People who earn over this amount of money have to pay back $1 out of every $3 they earn over a certain amount. That is a very high marginal tax rate, maybe the highest marginal tax rate of any American.

Consider, if you earn over $17,000, you pay back $1 out of every $3. Consider also that you are already reporting, if you are earning over a certain income, 85 percent of your Social Security to be taxed a second time. It was taxed when you earned it in your working years; then consider that you pay income tax; then, last, you pay the same payroll tax everybody else pays. You can get such high marginal tax rates that it is almost a laugh to call it taxation. You should call it confiscation. Confiscation of resources in our system of government is not legitimate. It is a disincentive to productivity.

At a time in our Nation's history when we are experiencing unprecedented prosperity, we are also experiencing a shortage of experienced labor. The national unemployment rate is 4.1 percent, the lowest level in 30 years. In my home State of Iowa, it is even lower. Iowa's unemployment rate is 2.2 percent. The legislation we are debating would help alleviate some of the skilled labor shortage by removing a disincentive for older Americans to remain in the workforce if they, of their own free will, want to stay in the workforce.

The bill before us would eliminate the cap on earnings for Social Security beneficiaries between the ages of 65 and 69. Under current law, those beneficiaries have their benefits cut by $1 for every $3 they earn over that $17,000. I have already referred to that.

This benefit cut applies, of course, only to earned income. An individual could still have savings, or income from pensions, totaling any amount and continue to collect full Social Security benefits. The difference between earned and so-called unearned income does not detract from the injustice of the current Social Security and tax policy. That is why this law must be repealed. It sends a wrong message that productivity among our older citizens should be discouraged.

I would like to give some examples of people from whom I have heard in my own State who are hurt by this earnings limit.

A person by the name of Delaine Jones is working in Glenwood, IA. He is 65 years old. He understands he may live for another couple of decades and may not always be able to work. He would like to earn as much as he can while he is able to, so he can financially prepare for a high quality of life later in his life.

Then we have Sherman and Nancy Sorem of Marshalltown, IA. They were affected by the earnings limit last year.

Sherman worked for 35 years for Fisher Controls, a major corporation in Marshalltown, IA. When that corporation downsized, he retired from his position as office manager of the accounting department. However, because of his expertise, he was called back each year to help out and to advise and consult with the department.

Last year, Fisher Controls needed his expertise for a longer period of time than ever before. Unfortunately, Mr. Sorem could not continue working because he would have worked long enough to earn above the earnings limit. He and Nancy were frustrated. He could not justify losing his Social Security benefits by his continued work.

Ron Ballinger, a third person I have heard from, works for a financial processing company in Cedar Rapids, IA. He worked full time last year and was interested in working part time this year. However, he will have to officially retire in April because he will have earned up to the cap on earnings. According to the Social Security Administration, almost 800,000 older Americans nationwide have their benefits cut because of the earnings limit. Mr. President, 800,000 people face the same issue as the three Iowans to whom I have referred. Keep in mind, that statistic does not reveal anything about how many of our older citizens do not remain in or go back to the workforce at all because they cannot afford a cut in benefits.

I have received letters and phone calls from all over Iowa and all over the country because in my position as chairman of the Senate Aging Committee, they write to me about their concerns even though I am not their Senator. These letters and phone calls are from older people discouraged by the earnings limit.

Their hard-earned Social Security benefits are cut by $1 for every $3 they earn. They see it as a tax on their continued productivity. I see it as unfair and, if I might say, even un-American. This very country of ours, particularly at this time of low unemployment, and particularly when you consider the globalization of our economy, needs skilled labor, skilled workers, people who are skilled because of a lifetime of work in a certain profession.

What happens if we do not fill that skilled labor void? We lose productivity. Then we lose our global competitive edge. Where can we look for skilled labor? We have qualified people who want to work, our older citizens. We cannot afford to lose their expertise and skills.

A letter I received from the U.S. Chamber of Commerce states:

> American business is facing a severe worker shortage in many sectors and areas of the country. Jobs are going unfilled, especially those positions that require skilled workers. By removing the disincentive to work, this legislation allows seniors to apply their lifetime of valuable knowledge and experience to the business world and fill some of these positions.

Recognizing the need to encourage seniors to remain in the workforce is not a new idea. In fact, a report on Future Directions for Aging Policy was published in May of 1980 by the House of Representatives Select Committee on Aging, the Subcommittee on Human Services. At that time, I happened to serve as ranking Republican on that subcommittee when I was a Member of the other body.

I would like to read from the Future Directions for Aging Policy from 21 years ago. I refer to page 3 of the report summary:

> At the base of such a service approach must lie an economic strategy. We have sketched such an economic base in Appendix 5. It is designed to coalesce around work and income. Tomorrow's seniors will want to work (trends toward early retirement are already reversing according to a recent Lou Harris poll), will be capable of working, and will need to work.

I remind you, this was 20 years ago that Congress said this.

> Inflation's effect on fixed incomes will see to that. Public policy will have to create opportunities to work, both by removing barriers of age discrimination and by stimulating private sector employment of seniors. Moreover, income earned will have to be preserved for much longer than ever before, necessitating major reforms of America's pension systems.

That is something I have referred to that the Senator from Florida and I have been working on, as well.

> Social Security and Supplemental Security Income, because these are the backbone of our present economic strategy, will probably have to be restructured in the future.

I think we have known for a long time that what we are finally about to do must be done. I am glad it is being done. The earnings test, enacted as part of the original Social Security Act passed in 1935, is outdated.

Sixty years ago, our country was in the midst of a depression. One in five people eligible to work was unemployed. The original law meant to discourage older Americans who were eligible to collect benefits from taking jobs younger people could fill. But that situation has changed—as unjustified as it was at the time—so our public policy today needs to be changed.

Because of my position as chairman of the Aging Committee, more acutely than others, I recognize the changing role of senior citizens in our society. This generation of older Americans has different responsibilities than past generations. We have seen a sharp rise in the number of grandparents who are raising their grandchildren. Furthermore, it is far more common for people to live into their eighties and nineties. Some of these very old Americans depend on their children who are often in their sixties to help care for them and pay for their at-home expenses, medical bills, groceries, and a host of other expenses. Eliminating the Social Security earnings limit will help raise the standard of living for these families.

While fixing this inequity in the retirement system will give fair treatment to those ages 65 to 69 who have paid into the program during their working years, I do not stand here and say that it is going to address Social Security's long-term demographic challenges.

When the baby boom generation comes on board, the revenue and benefit structure will not be able to sustain the obligations under current law. That is why I have worked with six of my Senate colleagues—Senators JUDD GREGG, BOB KERREY, JOHN BREAUX, FRED THOMPSON, CRAIG THOMAS, and CHUCK ROBB—to craft bipartisan Senate reform legislation.

Our bill, the Bipartisan Social Security Act, which happens to be S. 1383, is the only reform legislation which has been put forth in the Senate which would make the Social Security trust fund permanently solvent—meaning, as you have to look out 75 years, under existing law, to project its solvency, our legislation has been declared to accomplish that by the General Accounting Office. In fact, it is the only one before the Congress that does that.

I will continue to press ahead and work to build a consensus among our colleagues to save Social Security and achieve long-term solvency for generations to come.

We, as a Congress, must recognize that even in this era of surpluses—meaning budget surpluses—there are serious long-term financial problems facing Social Security. These problems do not go away because we have a surplus and a good economy. The longer we wait to address reform of Social Security, the more difficult the problems will be to address, and the less time the baby boom generation will have to prepare.

As a nation, we have an evolving definition of what it means to be old. Americans are living longer and in better health. The traditional retirement age comes too soon for older people who want to or need to work past age 65. Some people want to retire; some people want to leave the workforce. Obviously, this legislation does not affect that decision of theirs. They can still do it. But if you want to contribute, if you want to remain productive, if you want to be in the workforce, by golly, through this legislation, we say we would love to have you do that. We remove economic disincentives to your doing that that are presently in the law.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise to address the body on the Social Security Earnings Test Elimination Act.

This is a good time. We are finally going to do something good for America's senior citizens. Americans should be free to work if they choose. With passage of this bill, we will help elderly Americans stay in the workforce longer. It should be their choice, not the Government's coercion, that determines whether they stay in that workforce a longer period of time.

They have spent a lifetime paying into the Social Security trust fund. It is simply not fair to deprive them of their Social Security benefits simply because they choose to stay in the workforce longer or choose to begin working again after retirement. That is common sense to me, and that is why this bill has so much appeal.

Particularly at a time when the cost of living is increasing, it is important to allow our seniors who choose to work or those who are forced to work because of rising prices to do so without being penalized.

I will talk about a particular individual in Kansas whom I had the privilege of meeting a month ago. His name is Ron Frampton, from Kingman, KS. He has farmed with his family most of his life. I met him when I was touring the Mize Manufacturing Company, a small manufacturer in Kingman, KS. Mr. Frampton came up to me as I was walking through the production line and asked me if we were going to eliminate the Social Security earnings test. I said I thought we were going to get the bill through. He said: Good; I need it.

Then he related to me his situation. He had worked on a family farm, was born on the farm and worked there all his life. Then in the 1980s, when we had a hard financial downturn for agriculture, he got caught in that downturn. His savings for his entire family were wrapped up in this farm. That is where he plowed all of his income, all of his savings, back into the farm. When the economy moved against him in the 1980s, he lost the farm and, thus, a big part of his life, a big part of his family, a big part of his sense of being. He also lost his retirement security that he had outside of Social Security. His retirement savings were that farm.

Now he has to work. He doesn't have the savings on which he had counted. He has to be able to work, and he needs the Social Security income as well. This bill helps Ron Frampton and his family in Kingman, KS. It addresses that need. It says if he needs to work, he wants to work, let him work, and don't penalize him for doing it.

This bill allows people older than 65 and younger than 70 to earn income without losing their Social Security benefits. That is as it should be. It is an important bipartisan measure that passed overwhelmingly in the House and, I expect, will pass overwhelmingly in the Senate. It sends an important and positive signal to America's retired workers who have spent their lives working to make this country better. We need this for America's seniors.

I am delighted we are going to pass this bill for all the seniors in the country but particularly for Mr. Frampton and for his family.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

ACKNOWLEDGMENT OF SENATOR MIKE CRAPO'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that another freshman has achieved the 100 hour mark as presiding officer. Senator MIKE CRAPO is the latest recipient of the Senate's coveted Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator CRAPO and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

TRIBUTE TO MAJOR GENERAL WILLIAM F. MOORE, UNITED STATES AIR FORCE

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to a Mississippi native and distinguished Air Force officer, Major General William F. Moore, upon his retirement from the Air Force after more than thirty years of commissioned service. Major General Moore has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided to the Air Force and the Nation.

Major General Moore graduated from the U.S. Air Force Academy and received his commission in 1969. Since then, Major General Moore's assignments have made untold contributions to national security. Upon graduation from the Air Force Academy, General Moore served with the Drone and Remotely Piloted Vehicles System Program Office, Aeronautical Systems Division, at Wright Patterson Air Force Base, Ohio. In his next assignment, General Moore served in the Office of the Deputy Chief of Staff for Development Plans, Headquarters Air Force Systems Command, Andrews Air Force Base, Maryland. In 1976, General Moore was selected to attend and received a Master's Degree in Business Administration from the Air Force Institute of Technology, Wharton School of Finance and Commerce, University of Pennsylvania, in Philadelphia.

General Moore's next assignments were as Executive Office and Project Officer with the Peacekeeper ICBM Engineering Directorate, Ballistic Missile Office at Norton Air Force Base, California, and as Director of Program Control, Joint System Program Office for the Advanced Medium Range Air-to-Air Missile, at Eglin Air Force Base, Florida. In 1985 General Moore was selected for the prestigious Air War College at Maxwell Air Force Base, Alabama. Following completion of the Air War College, General Moore was the Director of Cost, Office of the Deputy Chief of Staff for Comptroller, Headquarters Air Force Systems Command, Andrews Air Force Base, Maryland, and then the Small ICBM Deputy Program Director at Norton Air Force Base.

In 1989 General Moore attended the Program Manager's Course at the Defense Systems Management College, Fort Belvoir, Virginia. General Moore then returned to the Small ICBM Program as the Program Director. He then served as the Deputy Director of Strategic, Special Operation Forces and Airlift Programs, Office of the Assistant Secretary of the Air Force for Acquisition, the Pentagon, Washington, D.C. In 1992, General Moore was assigned as the Vice Commander of the San Antonio Air Logistics Center. In 1993 General Moore was promoted to Brigadier General.

In 1994, General Moore served as the Program Executive Officer for Bombers, Missiles and Trainers, Office of the Assistant Secretary of the Air Force for Acquisition, the Pentagon, Washington, D.C. In 1995, General Moore became the Director of Special Programs in the Office of the Secretary of Defense. In this capacity, he was responsible for coordinating the planning, budgeting, and management of extremely sensitive Department of Defense special access classified programs. In 1997, General Moore received his second star, in 1998, was assigned as the Deputy Director for the newly formed Defense Threat Reduction Agency (DTRA). As the Deputy Director of DTRA, General Moore held and excelled in one of the most complex and challenging assignments in the Department of Defense—the creation of DTRA. DTRA was created, in the words of the Secretary of Defense: "to fill a major void in the defense of the nation against weapons of mass destruction". Established by a Defense Reform Initiative in November 1997, General Moore led the successful accomplishment of a vital and monumental strategic task—consolidation into one organization the bulk of DoD's arms control, cooperative threat reduction, and technology security regimes, as well as weapons of mass destruction (WMD) related research development test and evaluation (RDT&E) programs. DTRA also coordinates and prioritizes Chemical/Biological programs for the Joint Staff, and provides an integrated national architecture for response to WMD threats to civil and military populations; and is a full partner with the Departments of Energy, Justice and State to provide national deterrence for WMD.

General Moore is a fully certified acquisition professional whose awards include two Defense Distinguished Service Medals, the legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Air Force Commendation Medal with two oak leaf clusters, the National Defense Service Medal with service star, the Armed Forces Expeditionary Medal, and the Vietnam Service Medal.

During his long and distinguished career, General Moore served the nation with excellence and distinction. He is a visionary leader, and a true warrior who has had a profound impact on the United States Air Force, and made significant contributions to the strategic defense of the United States and its allies.

General Moore will retire from the Air Force on May 1, 2000, after more than thirty years of exceptionally distinguished service. On behalf of my colleagues on both sides of the aisle, I would like to recognize General Moore's accomplishments and his service. Congratulations on the completion of a long and distinguished career.

COUNTERINTELLIGENCE REFORM ACT OF 2000

Mr. SHELBY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated March 10, 2000, to Senators LOTT and DASCHLE from myself and Senator BRYAN regarding S. 2089, the Counterintelligence Reform Act of 2000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 10, 2000.

Hon. TRENT LOTT,
Majority Leader,
Hon. THOMAS A. DASCHLE,
Minority Leader,
U.S. Senate, Washington, DC.

SENATORS LOTT AND DASCHLE: It is our understanding that S. 2089, the Counterintelligence Reform Act of 2000, contains provisions affecting intelligence activities and programs. As you know, these are issues of significant interest to, and clearly within the jurisdiction of, the Select Committee on Intelligence. Therefore, pursuant to Section 3(b) of Senate Resolution 400 of the 94th Congress, we hereby request that S. 2089 be referred to our Committee for consideration.

Sincerely,

RICHARD C. SHELBY,
Chairman.
RICHARD H. BRYAN,
Vice Chairman.

H.R. 1000, FAA REAUTHORIZATION

Mr. HATCH. Mr. President, last week the Senate acted resoundingly and passed the critically needed conference report for funding the Federal Aviation Administration (FAA). I commend the efforts of our majority leader, Senator LOTT, the Appropriations Committee chairman, Senator STEVENS, and Budget Committee chairman, Senator DOMENICI. My colleagues here and over in the House have worked hard to arrive at this consensus. Both as a Senator and frequent flyer, I appreciate their efforts.

At this time, I would like to reiterate several points I made during last year's debate in the Senate having to do with allowing exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I believe that the conference report balances the interests of states inside the perimeter with those of us from Western States who lack convenient access to Reagan National.

I know my colleagues are aware of my support for efforts to ensure that these limited exemptions must benefit citizens throughout the West. I believe we must make it clear that these limited number of exemptions should not be awarded solely or disproportionately to one carrier. I fully anticipate that the Department of Transportation will ensure that the maximum number of cities benefit from these slots.

While I would have preferred to eliminate the perimeter rule altogether, which I believe would have substantially improved access to the West, I am hopeful that DOT will ensure that small and midsized communities in West, especially in the Northern tier, have improved access through hubs like Salt Lake City.

I believe an important component of aviation reform is to improve air service for communities that have not experienced the benefits of deregulation to the extent large markets have.

Today, Utahns must double or even triple connect to fly into Reagan National. I look forward to working with my colleagues and the DOT to ensure that citizens in the west have improved access and a variety of options when they travel.

LEVEL III DIRECT ACCESS

Mr. SARBANES. Mr. President, I would like to clarify an important issue contained in the conference agreement on S. 376, the satellite reform bill, with respect to "Level III direct access."

The conference agreement provides authority for so-called "Level III direct access"—which is the ability of customers other than INTELSAT signatories to enter into agreements with INTELSAT for ordering, receiving and paying for space segment capacity—but it says nothing about the signatory fee that COMSAT is entitled to receive from direct access users as determined by the FCC's direct access order made effective December 6, 1999. I understand it is the intent of the conferees to preserve this signatory fee to compensate COMSAT for the costs it incurs as the U.S. signatory to INTELSAT during its brief transition to a procompetitive privatization.

Nothing in the conference agreement is intended to vacate the FCC's "Level III direct access" order made effective December 6, 1999, including its assessment of a signatory fee to be charged to direct access users to offset COMSAT's signatory costs. I would also add that Congress is addressing direct access to INTELSAT before it privatizes. After privatization, when INTELSAT become a commercial company like any other, it can make whatever business decisions it wants with respect to marketing or distribution arrangements—again, just as other companies do. Once privatized, the government should not be interfering, let alone dictating, these arrangements one way or another.

EDUCATING OUR CHILDREN

Mrs. LINCOLN. Mr. President, I rise today to talk about an issue of paramount importance to this nation, how we educate our children.

We in the Senate have the difficult task before us of passing legislation that re-authorizes the Elementary and Secondary Education Act which determines how the Federal Government allocates money to our public schools.

Unfortunately, all signs from the Committee point to yet another political stalemate and neither side appears to be pushing any closer toward common ground.

In hopes of breaking this unproductive dynamic, I have joined with a group of my moderate Democratic colleagues here in the Senate to promote a "Third Way" on ESEA, one that synthesizes the best ideas of both sides into a whole new approach to federal education policy.

We are calling this bill the "Three R's" and it is a bold effort at streamlining numerous Federal education programs and refocusing federal resources on raising academic achievement. This blueprint will give more funding and flexibility to local school districts, in exchange for greater accountability.

Mr. President, today I would like to specifically talk about the component of the bill that focuses on teacher quality. We call our bill the "Three R's" and a similar acronym can apply to our efforts to improve teacher quality. Our plan can best be summed up by "Four R's": recruiting, retention, resources, and above all . . . RESPECT.

The difficulty schools experience today in recruiting and retaining quality teachers is one of the most enormous obstacles facing our education system. We cannot expect students to be successful if they don't work with quality teachers; and we can't expect quality teachers to stay in the profession if they don't get adequate training, resources or respect.

Most experts agree that teacher quality is as important as any other factor in raising student achievement. The legislation we are introducing today would consolidate several teacher training initiatives into a single formula grant program for improving the quality of public school teachers, principals and administrators.

This proposal would increase professional development funding by 100 percent to $1.6 billion annually and target that funding to the neediest school districts. In my home State of Arkansas, this will mean an additional $12 million for teacher quality initiatives.

In addition, the "Three R's" would give States and school districts more flexibility to design effective teacher recruitment and professional development initiatives to meet their specific needs.

One overreaching goal we propose today is to require that all teachers be fully-qualified by 2005. Even the best teachers can't teach what they don't know or haven't learned themselves. To be successful, we must work harder to reduce out-of-field teaching and require educators to demonstrate knowledge and understanding of the subjects they teach.

I have the highest respect for the teachers, principals, and superintendents who dedicate their talent and skills everyday to prepare our children for tomorrow. I think they have some of the hardest, and most important, jobs in the world. Our Nation's future, in large part, depends on the work that they do. Our teacher quality proposal is an example of how combining the concepts of increased funding, targeting, flexibility and accountability, we can join with state and local educators to give our children a high-quality education every child deserves.

I hope this plan will serve as a blueprint to improving public education as we enter into what is sure to be a lengthy and contentious ESEA debate.

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, last week, the Friends of Ireland in Congress released its annual St. Patrick's Day Statement. The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to a United States policy that promotes a just, lasting and peaceful settlement of the conflict, which has taken more than 3,100 lives over the past 30 years.

I believe this year's Friends of Ireland Statement will be of interest to all of our colleagues who are concerned about this issue, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FRIENDS OF IRELAND, SAINT PATRICK'S DAY 2000

On this first St. Patrick's Day of the new millennium, the Friends of Ireland in the United States Congress join 45 million Irish-Americans of both traditions in celebrating the unique bonds between our two nations. We send greetings to the President of Ireland, Mary McAleese and warmly welcome the Taoiseach, Bertie Ahern, on his third St. Patrick's Day visit to Washington. We share the hopes of the Irish people that the current impasse in the Northern Ireland peace process will be broken soon.

We are deeply troubled by the suspension of the democratically elected Government of Northern Ireland by the British Government and the stalemate over decommissioning. We urge all political leaders in the North to recommit themselves to the spirit and letter of the Good Friday Agreement. We have provided strong and consistent support throughout the peace process to all parties committed to peace, and we reaffirm our commitment to the full implementation of the Agreement.

The Good Friday Agreement was endorsed decisively by the people of Ireland both North and South with majorities from both traditions. It is a mandate given to those working on behalf of peace, justice and the creation of a new beginning in Northern Ireland. Successful implementation is predicated on the concurrent resolution of all the interdependent aspects of the Agreement. The successful implementation of the agreement must be the clear goal for all who want to consolidate the progress that has been made and to avoid the danger of failure for yet another generation in Northern Ireland.

At this time, the institutions of devolved government are suspended. The suspension was not caused by any failure of the institutions themselves, nor by any violation of the Agreement, but by an internal political crisis focused on the issue of decommissioning. We encourage the political leaders to bridge this crisis of confidence and secure the reinstatement of the institutions as soon as possible. Their absence creates a gap which the enemies of peace can and will exploit. It is vital that they are not permitted to succeed. The ongoing cease-fires are major confidence building measures, and it should be made clear that any return to violence is not an option. We condemn unequivocally all acts of violence.

We call on all sides to implement additional confidence building measures. Root causes of violence—prejudice, religious intolerance and sectarianism—must also be eliminated. The nationalist and unionist communities must see that politics is working and believe their future can rest with the actions of their democratically elected representatives in the Assembly.

The issue of confidence in the integrity of the democratic institutions set up under the Good Friday Agreement must not be seen as confined to the agenda of any one side. It is a shared requirement which all have a vital stake in restoring. Each party is committed under the Agreement to ensure the viability and effective operation of the political process pledged in the Agreement by persuading those who hold weapons that such weapons can have no role whatsoever in a democratic system.

In spite of discouraging setbacks, we believe that a way forward can be found on this difficult issue by building on the progress already made. We welcome the acknowledgment by the IRA that "the issue of arms needs to be dealt with in an acceptable way and this is a necessary objective of a genuine peace process." We also welcome the work in identifying and advancing the context where this goal can most successfully be achieved. We consider a crucial test to be whether the electorate in Northern Ireland can be reassured that their democratic wishes will not be undermined by actual or threatened recourse to guns from any side.

We believe there is now an acceptance of this fundamental principle across the entire political spectrum which offers a basis for reaching an accommodation, provided the parties approach it in a spirit of reciprocal action, and with sensitivity about the real constraints on each side and the need for skillful and patient management of these constraints. We urge renewed dialogue in this spirit using the Independent Commission headed by General de Chastelain. The paramilitaries must put weapons beyond use and make progress on the decommissioning issue.

The British Government must reasonably scale down its military presence in the North. We also give particular importance to the timely implementation of the Patten Report, including the urgent appointment of an Oversight Commissioner and assistants, the early publication of a detailed implementation plan, and the speedy passage of legislation. We believe the publication of the Criminal Justice Review should begin a program of significant reforms. We support changes that ensure a police force with representation from both communities and a criminal justice system which will command loyalty from all people living in Northern Ireland. These are the essential ingredients necessary in the creation of a just and peaceful society.

We also note the importance of moving forward on human rights and equality issues under the Agreement. This includes the creation of a Bill of Rights for Northern Ireland and the obligation to promote equal opportunity. We emphasize the continuing need to demonstrate public commitment to human rights and accountability through the establishment of independent inquiries into the Finucane, Nelson and Hamill cases.

We support the initiative taken by the Irish and British Prime Ministers at the beginning of this month to launch a round of intensive consultations to restore the institutions of the Good Friday Agreement and deal with the arms issues as quickly as possible.

Over this St. Patrick's Day period, we will be urging all the leaders from Northern Ireland to recognize the importance of what is at stake, the danger of delay, and the need for a genuine and sincere collective effort to overcome these last remaining obstacles to the full implementation of the Good Friday Agreement. All Friends of Ireland in the United States stand ready to help in any possible way.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

House

Dennis J. Hastert
Richard A. Gephardt
James T. Walsh

Senate

Edward M. Kennedy
Daniel Patrick Moynihan
Christopher J. Dodd
Connie Mack

CBO COST ESTIMATE—H.R. 150

Mr. MURKOWSKI. Madam President, at the time Senate Report No. 106–236 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 15, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 150, the National Forest Education and Community Purpose Lands Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226–2860.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MARCH 15, 2000

H.R. 150.—NATIONAL FOREST EDUCATION AND COMMUNITY PURPOSE LANDS ACT

(As reported by the Senate Committee on Energy and Natural Resources on March 9, 2000)

CBO estimates that enacting H.R. 150 would have no significant impact on the federal budget. Because the legislation would affect offsetting receipts (a form of direct spending), pay-as-you-go procedures would apply; however, CBO estimates that any such effects would total less than $500,000 each year. H.R. 150 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. H.R. 150 would benefit some local governments by giving them the opportunity to acquire National Forest land for public schools at a nominal cost.

H.R. 150 would authorize the U.S. Department of Agriculture (USDA) to lease or convey land in the National Forest System (NFS) to state and local governments for educational, recreational, and other public purpose uses. State and local governments would pay USDA a nominal amount for use of the land, with the federal government retaining any mineral rights. Under the legislation, USDA could transfer only parcels of land where the value to the state or local government of the proposed use exceeds that of continued federal ownership. If used for any unauthorized purpose, the land would revert to the federal government. The legislation generally would require USDA to notify an applicant within 120 days of receiving an application as to whether the land will be leased or conveyed, or provide a written explanation as to why such a determination has not been made.

CBO estimates that enacting H.R. 150 could result in forgone offsetting receipts if USDA would have sold one or more of the leased or transferred parcels at fair market value under current law. CBO estimates that any such loss of receipts from land sales would total less than $500,000 each year. Even through we expect state and local governments would desire the opportunity to lease or acquire valuable NFS land at substantially discounted rates, such land is rarely sold under current law. As a result, we estimate that enacting the bill would not result in any significant loss of federal receipts. Additionally, CBO estimates that any increase in receipts from leasing or transferring NFS land under H.R. 150 would also total less than $500,000 a year.

On May 5, 1999, CBO prepared a cost estimate for H.R. 150, a bill to authorize the Secretary of Agriculture to convey Natural Forest System lands for educational purposes, and for other purposes, as ordered reported by the House Committee on Resources on April 28, 1999. These two versions of the legislation are similar and the estimated costs are the same.

The CBO staff contact is John R. Righter, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

DCA PERIMETER RULE

Mr. BAUCUS. Mr. President, I rise today to speak about the DCA Perimeter Rule and its impact on the West. This is very important to me because it affects western States, like Montana.

I support the recent conference provisions that allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. The Conferees should be commended for working to create a process that balances interests of Senators from states inside the perimeter and those of us who are from western states that do not have convenient access to National Airport.

Right now passengers from small and medium-sized communities in the West are forced to make double and sometime even triple connections to fly to National Airport, or any other Washington airport. Let me talk for a minute about my home state of Montana. It takes an entire day to get from

Washington to Montana or vice versa. In order to fly into Montana you need to fly in to Salt Lake, or Denver, or one of the other western hubs and wait for one of the two or three 60 passenger flights that flies into Montana that day.

This is true for small communities throughout the West, especially in the Northwest corner that use hubs like Salt Lake City.

The conference report has the potential to improve access throughout the West. I believe it is important that the Department of Transportation ensure that this benefit is not limited to a few large cities which already have a variety of options for flying to Washington.

By enforcing this rule we are making access to DC easier for western states. The nation's Capital should be accessible without hassle to the entire country. I do not like the fact that if someone from my home state of Montana wants to come here to talk to their nations representative that they need to spend an entire day traveling, and waiting in airports for a connection.

My support for this effort dates back to when this legislation was first introduced. I want to ensure that these limited exemptions benefit the people of the West. I want to make it very clear that the limited number of exemptions should not be awarded to any one airport or airline. I hope, and expect that the Department of Transportation will ensure that the 12 slots granted by the conference are distributed proportionally, so that as many cities in the West, and especially the Northwest can benefit.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 20, 2000, the Federal debt stood at $5,728,253,942,273.38 (Five trillion, seven hundred twenty-eight billion, two hundred fifty-three million, nine hundred forty-two thousand, two hundred seventy-three dollars and thirty-eight cents).

Five years ago, March 20, 1995, the Federal debt stood at $4,842,720,000,000 (Four trillion, eight hundred forty-two billion, seven hundred twenty million).

Ten years ago, March 20, 1990, the Federal debt stood at $3,020,566,000,000 (Three trillion, twenty billion, five hundred sixty-six million).

Fifteen years ago, March 20, 1985, the Federal debt stood at $1,707,839,000,000 (One trillion, seven hundred seven billion, eight hundred thirty-nine million).

Twenty-five years ago, March 20, 1975, the Federal debt stood at $505,392,000,000 (Five hundred five billion, three hundred ninety-two million) which reflects a debt increase of more than $5 trillion—$5,222,861,942,273.38 (Five trillion, two hundred twenty-two billion, eight hundred sixty-one million, nine hundred forty-two thousand, two hundred seventy-three dollars and thirty-eight cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNIZING THE 44TH ANNIVERSARY OF TUNISIAN INDEPENDENCE

• Mr. ABRAHAM. Mr. President, I rise today in celebration of the 44th anniversary of Tunisian independence. On March 20, Tunisia—one of America's oldest allies—will mark its 44th year of independence, but our two nations have been sharing the ideals of freedom and democracy for a much longer time.

In 1797, our two nations signed a treaty calling for "perpetual and constant peace." Indeed, for the past 200 years, our two nations have enjoyed such a friendship. Whether protecting Mediterranean shipping lanes against Barbary pirates, opposing the Nazi war machine in North Africa, or supporting Western interests during the cold war, the United States could count on Tunisia. More recently, Tunisia displayed great courage in urging other Arab nations to seek an accord with Israel. Tunisia has built on that pioneering stand by playing an important role as an honest and fair broker at delicate points in the Middle East peace process.

By adopting progressive social policies that feature tolerance for minorities, equal rights for women, universal education, a modern health system, and avoiding the pitfall of religious extremism that has tormented so many other developing countries. Tunisia has built a stable, middle-class society. In stark contrast to its two neighbors, Tunisia has been a quiet and wonderful success. In fact, Tunisia became the first nation south of the Mediterranean to formally associate itself with the European Union.

Tunisia has been a model for developing countries. It has sustained remarkable economic growth, and undertaken reforms toward political pluralism. It has been a steadfast ally of the United States and has consistently fought for democratic goals and ideals. Tunisia has responded to President Dwight D. Eisenhower's request to consider the United States as "friends and partner" in the most effective way—by its actions.

In commemoration of 44 years of independence for Tunisia, I urge my colleagues to reflect on our strong commitment to Tunisian people, who are still our friends and partners in North Africa.•

TRIBUTE TO MICHAEL S. McGILL

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to my longtime friend and Chief of Staff, Michael S. McGill. I have known Mike for nearly two decades and have had the privilege of working with him when I was Mayor of San Francisco and during my tenure in the U.S. Senate. I have a great respect and appreciation for Mike, who has devoted his life to public service and served the state of California with excellence and honor.

Mike earned a B.S. in business administration at the University of Kansas, and is still an avid Jayhawks fan. He earned his Master's in political science at the University of Texas, which prepared him for a long and distinguished career in public service. In 1967, Mike joined the U.S. Department of State as a Foreign Service Officer and was assigned to the Model Cities Program in Fort Worth, Texas. There he committed his time and energy to issues affecting urban communities.

After moving to San Francisco in 1972, Mike developed a passion for water policy, the issue area in which he has provided me with indispensable knowledge and advice. He served for three years as executive director of the Bay Area Economic Forum, and for seven years as executive director of the San Francisco Planning and Urban Research Association (SPUR). As head of SPUR, he faced competing agricultural, urban, and environmental interests, but he was able to mediate these differences to the benefit of California.

Since 1993, Mike has served as my Chief of Staff. He has done an outstanding job. He has managed my five Senate offices, which serve more than 32 million constituents. This in itself is a tremendous undertaking, and I am proud to say that Mike has succeeded in ensuring that the people of California are served with care, compassion, and efficiency.

As the cornerstone of my staff for the past seven years, Mike's dedication and integrity have earned him the respect of everyone he has worked with and advised. His door is always open, because no issue is too big or too small for Mike's attention and guidance.

In particular, Mike's advice in approaching and solving the water issues that impact California has been invaluable. In my state, water is our lifeblood, and this has made it a contentious issue. I have been thankful to have Mike's experience and insight on an issue that is by no means an easy one.

In my office, we can count on Mike and his wealth of knowledge that ranges from politics to baseball to American history. He and his wife Mary enjoy traveling throughout the country, visiting presidential homes and Civil War battlefields. He is also a dedicated father to two wonderful daughters, Deidre and Erin, who are proud of his accomplishments.

Mike will be leaving my office to return to one of his passions, urban planning, this time at the General Services

Administration. There he will work in the Public Buildings Service, managing and preserving historic buildings and landmarks. I have no doubt that Mike will be an asset to the GSA, just as he has been to my office.

It is with sadness, but also great pride, that we bid farewell to Mike McGill. He has been a true friend and a valued advisor throughout the years. Mike is one of California's treasures, and he will be sorely missed.●

RECOGNITION OF MIKE BUCK, ENUMCLAW HIGH SCHOOL TEACHER

● Mr. GORTON. Mr. President, two weekends ago I had the pleasure of joining a unique group of volunteers and high school students in Enumclaw, WA, in the first steps toward restoring a forested wetland on Newaukum Creek.

This project is sponsored by the city of Enumclaw and the Mid-Puget Sound Fisheries Enhancement Group (MPSFEG). MPSFEG and the city of Enumclaw have entered into an agreement for the group to remove nonnative vegetation and plan various native wetland species. The group will monitor the project for 3 years to ensure success of the project.

MPSFEG's Troy Fields and Fiona McNair were kind enough to explain the challenges facing Newaukum creek salmon, and how restoring such wetlands will increase water quality and habitat, and therefore increase the chances of young fish surviving.

MPSFEG is joined in this effort by a group of enterprising students from Enumclaw High school, led by their teacher Mike Buck. Mr. Buck has used many different sites in the watershed including this one as an outdoor laboratory for his science classes. Projects have included water quality and stream insect monitoring and restoration.

Mike's approach to teaching is unique, and one that I am wholly impressed with. He has taken it upon himself to involve these young people in science-based restoration projects where they can best witness the results of their efforts—in their own backyard.

It is for this reason that I was proud to award Mike Buck with an Innovation in Education award for excellence and creativity in hands-on science learning. This project is yet another example of why decisions affecting our children's education should be made locally, not in Washington DC. No federal bureaucrat could understand the difficult prospects Newaukum Creek salmon face in their return home to spawn. And no federal bureaucrat could successfully turn that challenge into an educational opportunity that also works for returning salmon as Mike Buck has.

Therefore, I propose to my colleagues here in the Senate that this successful venture is further proof that local educators will be able to make the best decisions about the unique needs of their students.●

THE HONORABLE JOHN J. CALLAHAN AWARDED THE GAUDETE MEDAL FROM SAINT BONAVENTURE UNIVERSITY

● Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Justice John J. Callahan, New York's longest serving Judge on the Supreme Court Appellate Division, Fourth Department. For 21 years he epitomized the honor and dignity to which all of us engaged in the political life of our nation should aspire.

What an exemplary alumni Saint Bonaventure University has chosen on which to bestow this prestigious tribute. The Gaudete Medal is awarded to leaders who have exemplified the philosophy of St. Francis of Assisi in their professional and personal lives. This spirit has been evident in Justice Callahan's dedication to his court, community, family, and his inspiring courage in spite of personal suffering.

To begin, one must know that Jack is a fellow Irish-American and the great and indispensable achievement of the Irish is that they made it American to be ethnic. He has contributed significantly to the Irish-American community in Buffalo. On the contribution of the Irish I have written:

> What did the Irish do? First, they stayed in the cities, remaining highly visible. Next, they kept to their faith. Thus the Roman Catholic Church became a major American institution. Then they went into politics.

St. Bonaventure University has seen fit to honor a gentleman and a patriot. I knew of Jack's dedication to the Navy or should I say the Silent Service from working with him on numerous projects for the City of Buffalo, his cherished home. As a result of his tireless efforts all were successes.

It was back in 1978, at Jack's request, that I wrote to W. Graham Clayton who was the Secretary of the Navy at the time, to urge the Navy to name a submarine in honor of the Queen City of the Lakes. A nuclear powered attack submarine, the SSN 715 was christened the *Buffalo* in 1983 with the Judge, his wife Lillian, and their son Thomas, then a Midshipman at Annapolis, looking on. There hadn't been a ship named for Buffalo since 1922.

As a submarine veteran of World War II, the Judge felt that it was imperative that a decommissioned World War II type submarine be an integral part of the Buffalo & Erie County Naval & Servicemen's Park. A park that he himself helped make a reality. The USS *Croaker* is docked on the Buffalo River at the foot of Main Street in no small part to Judge Callahan's efforts. Some 20 of Jack's shipmates from the USS *Sterlet* SS 392 joined together to reminisce about their combat days in the Pacific theater aboard the USS *Croaker* 1996. As one who served in the Pacific theater, I can attest to the existence of a special camaraderie that unites those at sea for months at a time.

After returning from the war, Jack continued his education with the help of the G.I. Bill, as did I. Jack earned his undergraduate degree in Business Administration from St. Bonaventure University in 1951 and a Judicial Doctorate from the University of Buffalo Law School in 1954. Jack was honored by his alma mater, the University of Buffalo, with the Distinguished Alumni Award for the Judiciary in 1989.

The son of Irish immigrants from County Kerry, Judge Callahan possesses an exemplary work ethic and ability to endure any trial. Jack and Lillian Hart Callahan will be married for 40 years this July and from their union has come eight children and soon to be nine grandchildren. They have been truly blessed.

Thomas and Mary Bridget Callahan, Jack's parents, saw that their six children received a Catholic education through the Great Depression. Jack and Lillian made the opportunity for Catholic education available to their children and were sure to stress the value of such a privilege. Those efforts were not in vain. Their sons-John Joseph Jr. and Patrick Francis are physicians. Appropriately, Patrick Francis, named in honor of St. Francis of Assisi, graduated from Saint Bonaventure University. Thomas, Timothy, and Michael all graduated from the United States Naval Academy. Not to be outdone—their three daughters; Mary Catherine Malley is a corporate attorney with Hodgson Russ Andrews Woods & Goodyear in Buffalo, Maureen Gallagher is a dentist, and Kathleen is my Deputy Press Secretary. I should thank Jack and Lillian for loaning her to me.

His legal background is both extensive and impressive. Judge Callahan practiced law as a trial lawyer in Buffalo for 20 years and served as a confidential clerk to New York State Supreme Court Justice Ann Mikol. He was elected to the New York State Supreme Court in 1975 and appointed to the Appellate Division by my good friend Governor Hugh Carey in 1979.

In his exceptional judicial career he has sat on approximately 20,000 cases. This past fall the Judge was honored by the Catholic Lawyers Guild as the recipient of the St. Thomas More Award which was given for his outstanding service to the legal community and the community at large.

It is with great pleasure that I join his family and many friends from Saint Bonaventure University and Buffalo to applaud this truly remarkable man.●

TRIBUTE TO MAUREEN NEUBERGER

• Mr. SMITH of Oregon. Mr. President, each of us who are privileged to serve in this chamber are well aware of the history of the Senate and the contributions of those who came before us. I am mindful every day that I serve in the seat held for thirty years by Mark Hatfield.

Another who held this seat with distinction from 1960–1967 was Maureen Neuberger, who was the first woman ever to represent Oregon in the United States Senate, and the third woman in history to serve here. Mrs. Neuberger passed away last week at the age of 94, and I rise today to pay tribute to this remarkable Oregonian.

Oregon is a state known for its pioneers and trailblazers, and Maureen Neuberger was no exception. She began her political career in 1950 at a time when women in public office were very much a novelty. Upon her election to the Oregon State House of Representatives, she became one half of a truly historic couple. Her husband, Dick Neuberger, was serving in the Oregon State Senate, and they became the first couple in United States history to serve together in a state legislature.

Maureen continued to serve in the legislature even after her husband was elected to the United States Senate in 1954. Upon his death in 1960, Maureen was elected to the United States Senate in her own right.

During her years in this chamber, Senator Neuberger earned a reputation as an advocate for consumer rights. She sponsored legislation creating warning labels on cigarette packages, challenged the meat-packing industry for artificially adding water to hams, and exposed bedding manufacturers who sold flammable blankets.

She chose to retire from the Senate after serving one term, but remained active through service on presidential commissions and teaching at universities. Throughout her life, she also served as a mentor and role model to Oregon women from both political parties who entered the public service arena.

As my State's largest newspaper, The Oregonian, editorialized about Senator Neuberger:

> Only 27 women have served in the Senate in U.S. history. She was third. The ones who served after (her)—including the nine who serve today—might not have been there at all if Maureen Neuberger had not helped pave the way.

I was privileged to meet Senator Neuberger during my service in the Oregon State Senate. I recall her as a gracious and straight talking person who never lost her interest in the issues of the day. Both Oregon and America are better for her life and service.•

INGVALD BERNARD JACOBSEN'S 90TH BIRTHDAY

• Mr. ASHCROFT. Mr. President, I rise today to give honor to Ingvald Bernard Jacobsen, Uncle Barney, who will be celebrating his 90th birthday on March 25th. He is the first born of Gina Brathen Fyhrie Jacobsen and Peder Jacobsen.

Although Mr. Jacobsen was born in Racine, Wisconsin, due to the death of his grandmother, he and his family moved to Norway. While a young boy in Norway, Ingvald learned the value system he has maintained for the past 90 years through a strong belief in the Bible by which his mother and grandfather lived. He became a Christian at his mother's knee before starting school and has been a walking example of what it is to be Christian all his life: never the preacher, always the doer of kind deeds for others, expecting nothing in return for those kind acts.

Mr. Jacobsen's early years were lean on material things and long on the hard work of a farm and a life on the seas helping to earn the family living. He attended school three days a week and completed his education by age 14. He was confirmed in the small Lutheran church on a Norwegian island, and still uses the New Testament he was presented with that day in 1924.

After returning to the United States in 1928, Mr. Jacobsen's first job was landscaping the new golf course in Forest Hills, New Jersey, where he worked with his father. When that job was completed, he moved to Chicago. Thereafter, he had many jobs that led to a position at Northwestern University lasting 25 years.

In 1935, Mr. Jacobsen joined a fraternal order called Sons of Norway, a group of Norwegian immigrants that got together for fellowship. This fellowship grew by leaps and bounds all around the world and has become a vehicle for keeping the old traditions of Norway alive, as well as the language. He has held every office possible in his local lodge and district and served as an international director for eight years, a great honor for him. Because of his faithfulness and hard work throughout the Norwegian community in the Midwest, King Olav V awarded him the King Olav medal in 1973.

Throughout his years in the Chicago area, Mr. Jacobsen gave of himself above and beyond the call of duty. At Trinity Lutheran Church, he sang in the choir, greeted people at the door with a warm welcome, and was in charge of the coffee hour and Easter breakfast for years. He picked up countless children for Sunday School and led the Boy Scout troop in the church. Every year near Christmas time, he saw to it that the residents of the Norwegian home for the elderly in Chicago had a traditional cod-fish dinner. He chose the fish, picked it up, peeled the potatoes, and than poached the fish and saw that it was served to every person. His reward came in the form of tins of fresh, Norwegian homemade cookies baked by the ladies auxiliaries of these homes.

Mr. Jacobsen was asked to serve on the Tall Ship committee when in 1976 the Norwegian Tall Ship *Christian Radich* came to Chicago to celebrate the 200-year anniversary of our country's birth. He was also a member of the select few who greeted King Olav V in Chicago in 1975, when the 150th anniversary of a sailing vessel finally made it to Chicago from Norway. He was honored by traveling the city with King Olav V, spending many days and hours in his company including a large dinner attended by dignitaries from around the world.

After the death of his wife, Bernie Lars, Mr. Jacobsen sold his home and built a beautiful addition to his daughter's home. Since 1997, following a successful battle with cancer, he has resided with his granddaughter, Solveig, in Illinois part of the year and with his oldest daughter, Carolyn, and her husband in the mountains of North Carolina during the remainder of the year.

Mr. Jacobsen will be celebrating his 90th birthday with countless friends and relatives, including five who will come from Norway. Grateful people filled with joy and happy memories of this gentle giant—he still stands tall at 6 feet 3 inches—will gather to honor and thank him. I join those many friends and relatives in wishing him a joyous and rich celebration.•

RECOGNITION OF IRISH-AMERICAN HERITAGE MONTH

• Mr. GRAMS. Mr. President, I rise today in recognition of Irish-American Heritage Month and take this occasion to salute the generations of Irish descendants who have helped my home state of Minnesota grow and prosper.

When millions of Irish men, women, and children fled their homeland and the great potato famine that gripped Ireland beginning in the 1840s, they looked to America as a place of abundant food, freedom, and opportunity.

Most came here with little, yet the riches they have given back to this country and our state cannot be measured.

At the urging of Archbishop John Ireland, early leader of the Minnesota Catholic Church, many of those first immigrants became employees of the Great Northern Railroad and settled in Minnesota, along the railroad lines heading toward Montana. Since then, our Irish-American population has flourished; surveyed for the 1990 census, 574,183 Minnesotans claimed at least some Irish ancestry.

During Irish-American Heritage Month, and on the occasion of Saint Patrick's Day, I salute Minnesota's "sons and daughters of Ireland" and offer to our large and enthusiastic Irish community the heartfelt words of the familiar Irish blessing:

May the road rise up to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
And the rains fall soft upon your fields,
And until we meet again, may God hold you
in the palm of His hand.●

JOHN J. LESSNER'S 100TH BIRTHDAY

● Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. John J. Lessner, resident of Lapeer, MI, who on March 10th of this year celebrated his 100th birthday. It is my pleasure to honor him not only for having reached this landmark birthday, which is quite an accomplishment in itself, but also, and I think more importantly, for having lived his life in a manner truly worthy of commendation.

One of Mr. Lessner's favorite sayings is "Work-a-Million," and he has certainly lived by this virtue. For thirty-nine years he worked as a high-school teacher and coach, for thirty-seven years a football and basketball official, he sold world-book encyclopedias for twenty-four years, worked at the H.C. Frick Coal Mine and Monogahela Railroad for fifteen summers, spent nine years working towards his M.A. in Education, which he received from West Virginia University in 1953, spent six years constructing a home for his family and himself, spent three years playing fullback for the Brownsville (PA) Independence Football Team, and all this after he began his adult life by serving his country for a year in the U.S. Army.

On top of all this, Mr. Lessner, somehow found the time to be not only an active community member, but a community leader. He helped organize and develop two Parent Teacher Associations, in Greene County, PA, and Washington County, PA. He served as the first, twelfth and twenty-fifth president of the Greensboro Lions Club in Greensboro, PA. During World War II, he served as the Air Raid Warden for Brownsville, PA. And every Sunday, for eighteen years, he volunteered his time as a Sunday School Superintendent at Christian Church in Brownsville, PA, and then later at Mapletown Methodist Church in Mapleton, PA.

Most important to Mr. Lessner, though, has always been his family. He now resides in Lapeer, MI, with his son Jack, the eldest of his two children. He moved to Lapeer from Monroeville, PA, where he lived near his daughter, Maryjane. And undoubtedly one of his greatest days came on December 27, 1979, when he and his wife, Doris Steeves, celebrated their fiftieth wedding anniversary.

This may be selfish on my part, but as I read the biography of Mr. Lessner, my only wish was that he had spent more of his one-hundred years in Michigan. His is a brand of remarkable that, unfortunately, you do not run into everyday. Regardless, John J. Lessner is a true role model, and we are glad to have him now. So, on behalf not only of myself but also of all my Michigan constituents, I would like to wish Mr. Lessner a happy 100th birthday, and I hope that there are many more to celebrate in the future.●

TRIBUTE TO J.W. "BUD" FORRESTER

● Mr. SMITH of Oregon. Mr. President, "To live fully," said Oliver Wendell Holmes, "is to be engaged in the passions of one's time."

Those words came to mind with the recent passing of the remarkable Oregon journalist, J.W. "Bud" Forrester. Mr. Forrester's family and friends can take solace in the fact that here was a man who truly lived a full life, for here was a man who dedicated himself to the passions of our time.

As a journalist, Bud Forrester earned a reputation as one of the best newspaper editors in my state. Whether at the helm of the Daily Astorian, or my home town newspaper, the East Oregonian, Bud Forrester called them like he saw them, and could always be counted on to stand up for what he believed was right for his community and his state.

That same commitment and common sense were also provided to countless boards and commissions, on which Bud Forrester served throughout his life. President of the Columbia River Maritime Museum, member of the State Board of Higher Education, member of the Oregon Land Conservation and Development Commission, unofficial advisor to Senators and Governors, community fund raiser and philanthropist extraordinaire—the list of Bud Forrester's contributions go on and on.

I consider myself very privileged to have known Bud Forrester, and know that his legacy of being engaged on the passions of our time will continue in the hands of his son, Steve, who serves as Editor and Publisher of the Daily Astorian.

The bottom line is that Oregon is a better place because of Bud Forrester. I join with countless others in my state in extending my sympathies to the Forrester family, and in paying tribute to a true original who indeed lived life fully.●

SILEX ASSEMBLY OF GOD CHURCH DEDICATION

● Mr. ASHCROFT. Mr. President, I rise today to congratulate and honor Silex Assembly of God in Silex, Missouri. On March 26th, they will be dedicating their new church building. This dedication and celebration is a tribute to God's faithfulness to the congregation, which began gathering together in 1942. It is also a tribute to their labor of love and personal generosity, led by Pastor and Mrs. John Pool.

Pastor Pool, who retired in 1985, agreed to step up to the pulpit again when the Silex church called upon him to lead them. Now, at age 81, he and the congregation have built their new church themselves, with volunteer labor and sacrificial contributions of time and money. Mrs. Pool has helped feed the volunteer groups day after day. Their devotion to Christ brings honor to the name of the Lord.

I join those gathered for this wonderful occasion, including the Pool's five children and most of their grandchildren, in bringing best wishes for a memorable celebration as Silex Assembly of God renews its commitment to the redemptive mission of Christ. May God bless this ministry with many more years of celebration.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8012. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Appeals Regulations and Rules of Practice-Case Docketing" (RIN2900–AJ72), received March 16, 2000; to the Committee on Veterans' Affairs.

EC–8013. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Public Information: Communications with State and Foreign Government Officials" (Docket No. 98N–0518), received March 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8014. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (Docket No. 95F–0065), received March 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8015. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of violations of the Anti-Deficiency Act by Air Force personnel; to the Committee on Appropriations.

EC–8016. A communication from the Legislative Liaison, U.S. Trade and Development Agency transmitting, pursuant to law, the report of a prospective funding obligation; to the Committee on Appropriations.

EC–8017. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA–127–FOR), received March 20, 2000; to the Committee on Energy and Natural Resources.

EC–8018. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Subscription Power Sales to Customers and Customer's Sales of Firm Resources", received March 16, 2000; to the Committee on Energy and Natural Resources.

EC–8019. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Federalism; Intergovernment Consultation", received March 16, 2000; to the Committee on Energy and Natural Resources.

EC–8020. A communication from the General Counsel, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled "Order on Rehearing (Order No. 2000–A); This Order on Rehearing Provides Clarification to the Final Rule on Regional Transmission Organizations (Order No. 2000)" (RIN1902–AB77), received March 16, 2000; to the Committee on Energy and Natural Resources.

EC–8021. A communication from the Chairman, Federal Election Commission transmitting, pursuant to law, the report of a rule entitled "Filing Copies of Reports and Statements with State Officers", received March 17, 2000; to the Committee on Rules and Administration.

EC–8022. A communication from the Director, Corporate Audits and Standards, General Accounting Office transmitting, pursuant to law, the report on the financial statements of the Capitol Preservation Fund for fiscal years 1998 and 1999; to the Committee on Rules and Administration.

EC–8023. A communication from the Chairman, Federal Election Commission transmitting, pursuant to law, a report of proposed legislation; to the Committee on Rules and Administration.

EC–8024. A communication from the Executive Assistant to the Secretary, Smithsonian Institution transmitting the report of the draft minutes of the January 24, 2000 meeting of the Board of Regents; to the Committee on Rules and Administration.

EC–8025. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the Anthrax vaccine and adverse-event reporting; to the Committee on Armed Services.

EC–8026. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the TRICARE Prime Remote program; to the Committee on Armed Services.

EC–8027. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the ongoing evaluation of the effectiveness of TRICARE; to the Committee on Armed Services.

EC–8028. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the provision of dental care to dependents 18 years and younger, of members of the Uniformed Services; to the Committee on Armed Services.

EC–8029. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report entitled "Congressionally Directed Medical Research Programs: Breast Cancer Research Program; Prostrate Cancer Research Program; and Defense Health Research Program"; to the Committee on Armed Services.

EC–8030. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense transmitting, pursuant to law, the report of a rule entitled "Collection from Third Party Payers of Reasonable Costs of Healthcare Services" (RIN0790–AG51), received March 16, 2000; to the Committee on Armed Services.

EC–8031. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8032. A communication from the Administrator, U.S. Agency for International Development, transmitting the FY 2001 Annual Performance Plan; to the Committee on Foreign Relations.

EC–8033. A communication from the Administrator, U.S. Agency for International Development, transmitting the FY 1999 Annual Performance Report; to the Committee on Foreign Relations.

EC–8034. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of proposed Technical Assistance Agreements and Manufacturing License Agreements with Russia; to the Committee on Foreign Relations.

EC–8035. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8036. A communication from the President of the United States of America, transmitting, pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, the report of all Federal agency climate change programs and activities; to the Committee on Foreign Relations.

EC–8037. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: TN–32 Addition" (RIN3150–AG18), received March 17, 2000; to the Committee on Environment and Public Works.

EC–8038. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Contiguous U.S. District Population Segment of the Canada Lynx, and Related Rule" (RIN1018–AF03), received March 20, 2000; to the Committee on Environment and Public Works.

EC–8039. A communication from the Chief, Endangered Species Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; 90-Day Findings for a Petition to List North American Populations of Smalltooth Sawfish as Endangered under the Endangered Species Act" (RIN0648–XA49), received March 20, 2000; to the Committee on Environment and Public Works.

EC–8040. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Organobromine Production Wastes; Identification and Listing of Hazardous Wastes; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Portable Quantities; Final Rule" (FRL #6560–4), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8041. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards for the Builders' Paper and Board Mills Point Source Category; Technical Amendment; Removal" (FRL #6562–3), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8042. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District, San Joaquin Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District, CA 224–0213a & 224–0213b" (FRL #6549–7), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8043. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon" (FRL #6544–2), received March 16, 2000; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-437. A joint resolution adopted by the General Assembly of the State of Illinois relative to the national agricultural policy; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION NO. 12

Whereas, the gathering storm of an impending farm crisis has caused the Extension Service of the University of Illinois to reactivate its Hot Line, which was last used a decade ago, in order to inform and aid struggling farmers; and

Whereas, Farmers are feeling the effects of a collapsing hog market and falling commodity prices that are below the cost of production; grain stocks could pile up even more and drive prices down even further; the spectre of farm bankruptcies is again looming large; and

Whereas, The food supply and the general economic health of this country will be adversely affected by the continuing agricultural downturn; and

Whereas, Our vulnerable heritage, the family farm, long on the decline, may soon be on the verge of extinction; therefore, be it,

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, the Senate concurring herein, That we urge Congress and the United States Department of Agriculture to re-examine our national agricultural policy and give due attention and action to remedy our current agricultural economic dilemma; and be it further

Resolved, That suitable copies of this resolution be presented to the Illinois Director of Agriculture, the United States Secretary of Agriculture, and to each member of the Illinois congressional delegation.

POM–438. A joint resolution adopted by the Legislature of the State of Washington relative formula grants for gifted and talented education programs; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 8019

Whereas, every child is unique and deserves a stimulating and challenging education regardless of ability; and

Whereas, true equity involves providing an appropriate education to every learner; and

Whereas, our nation's diverse student population includes academically gifted boys and girls from every region and from all ethnic, cultural, and socioeconomic backgrounds; and

Whereas, gifted children are unusually swift and efficient learners in their areas of strength and therefore require in those domains a different pace, depth, and level of education than is ordinarily provided at their age; and

Whereas, being gifted doesn't automatically make these children better students, however, gifted students learn faster and in different ways than typical students, causing special educational needs; and

Whereas, only in conjunction with appropriate school challenges can gifted children realize their enormous potential contribution to our society and its citizens; and

Whereas, a nation seeking to provide for world class education cannot afford to exclude its most capable students from appropriate and equitable opportunities for educational growth in the classroom; and

Whereas, Congress has sent a message about the importance of gifted student success by funding the Javits Program of research and demonstration services with an emphasis on underserved groups;

Now, therefore, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully entreat that Congress continue to help meet the unique special needs of gifted students by including formula grants to states for gifted and talented education programs (HR 637 and S 505) in its consideration of the reauthorization of the Elementary and Secondary Education Act.

Be it Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–439. A concurrent resolution adopted by the General Assembly of the State of Indiana relative to reauthorization of the Ryan White Comprehensive AIDS Resources Emergency Act (CARE); to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION

Whereas, in Indiana, as of January 1, 2000, more than 10,000 cases of the expanding epidemic known as AIDS—Acquired Immune Deficiency Syndrome—have been reported;

Whereas, the State of Indiana created a Division of HIV/STD within the Department of Health, to proactively address issues relating to HIV/AIDS, and which office now directly administers the expenditure of Federal and State funds to combat the disease;

Whereas, due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV disease has grown significantly; the progression from HIV to an AIDS diagnosis for many has slowed considerably as a result of these therapies;

Whereas, it is estimated that more than 6,000 residents of Indiana are currently living with HIV disease;

Whereas, it is estimated that an additional 1,300 or 21 percent, of Hoosiers with HIV disease are unaware of their diagnosis, and hundreds of individuals know that they are HIV-positive but are not receiving care regularly;

Whereas, it is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections in the United States each year;

Whereas, HIV/AIDS in Indiana disproportionately impacts communities of color, gay and bisexual men and women, as well as economically-depressed and other underserved communities;

Whereas, in 1999 the rate of HIV disease among Whites was 7 per 100,000, while the rate among Hispanics was 19.3 per 100,000, and the rate among African Americans was 44 per 100,000;

Whereas, in 1999 the rate of HIV disease among White males was 13 per 100,000, while the rate among Hispanic males was 29.9 per 100,000, and the rate among African American males was 59.8 per 100,000;

Whereas, in 1999 the rate of HIV disease among White females was 1.3 per 100,000, while the rate among Hispanic females was 8.4 per 100,000, and the rate among African American females was 29.8 per 100,000;

Whereas, the rate of HIV disease among African American females more than doubled compared to the rate among White females from 1998 to 1999;

Whereas, as many as 16 percent of new HIV infections occur in people under age 25, and one in eight are in young people under age 22;

Whereas, young adults ages 20–29 represent 20% of reported AIDS cases, but represent 38% of newer cases of HIV infection;

Whereas, increasingly, some individuals with HIV disease have also been diagnosed with substance abuse and/or mental illness (dual diagnosis);

Whereas, substance abuse is a factor in well over 50% of HIV infections in some United States cities;

Whereas, Indiana looks to the Federal Government to assist the State in meeting the expanding health care and social services needs of the people living with HIV disease;

Whereas, the Ryan White Comprehensive AIDS Resource Emergency (CARE) Act was first adopted by Congress in 1990;

Whereas, the Ryan White CARE Act expires on September 30, 2000;

Whereas, since its inception, the Ryan White CARE Act has ensured the delivery of vital medical care and treatment and essential support services to thousands of Hoosiers, including medical examinations, laboratory procedures and evaluations, pharmaceuticals, dental care, case management, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, and mental health counseling;

Whereas, in more recent years the State has developed the Health Insurance Assistance Program, (HIAP), using a portion of Ryan White CARE Act dollars to purchase comprehensive health insurance policies for hundreds of Hoosiers through the Indiana Comprehensive Health Insurance Association (ICHIA), Indiana's high risk insurance pool, at roughly one-half of the cost of providing medical and pharmaceutical services under the State's Early Intervention Program (EIP) and AIDS Drug Assistance Program (ADAP);

Whereas, under Federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as the critical safety net program for low-income uninsured or underinsured individuals;

Whereas, the Federal Budget for Fiscal Year 2000 contains increased funding for the Ryan White CARE Act, and Indiana is expected to receive $7,813,713 beginning April 1, 2000;

Whereas, funding under Title II of the Ryan White CARE Act pays for care, treatment and social services;

Whereas, over 80% pay for life-extending and life-saving pharmaceuticals under Indiana's AIDS Drug Assistance Program (ADAP) and for comprehensive health insurance policies under Indiana's Health Insurance Assistance Program (HIAP);

Whereas, title III of the Ryan White CARE Act provides funding to public and private nonprofit entities in Indiana for outpatient early intervention and primary care services;

Whereas, the goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Part F) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time-limited grants to assess models for delivering health and support services;

Whereas, SPNS projects have supported the development of innovative service models for HIV care to provide legal, health and social services to communities of color, youth, hard to reach populations, and those with dual diagnoses in Indiana; and

Whereas, the Midwest AIDS Training and Education Center (MATEC) is funded as part of Part F of the Ryan White CARE Act, and in Indiana, MATEC trains clinical health care providers provides consultation and technical assistance, and disseminates ever-changing information for the effective management of HIV disease; Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly affirms its support of the Ryan White CARE Act, and urges the Congress of the United States to expeditiously reauthorize the Act in order to ensure that the expanding medical care and support services needs of individuals living with HIV disease are met.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and Ranking Minority Members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, and to the Chairpersons and Ranking Minority Members of the House Commerce, Appropriations, and Budget Committees, and to each Senator and Representative from Indiana in the Congress of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. ROBB, and Mr. BREAUX):

S. 2254. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that

Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN:

S. 2255. A bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself and Mr. McConnell):

S. 2256. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 2257. A bill to extend the temporary suspension of duty on Diiodomethyl-p-tolylsulfone; to the Committee on Finance.

By Mr. BREAUX:

S. 2258. A bill to extend the temporary suspension of duty on B-Bromo-B-nitrostyrene; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2259. A bill to amend title 28, United States Code, to divide New Jersey into 2 judicial districts; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. 2260. A bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. Robb, Ms. Mikulski, Mr. Bayh, and Mr. Lieberman):

S. 2261. A bill to encourage the formation of industry-led training consortia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for himself, Mr. Murkowski, Mr. Craig, Mr. Coverdell, Mrs. Hutchison, and Ms. Collins):

S. 2262. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday; read the first time.

By Mr. LOTT:

S. 2263. A bill to amend the Internal Revenue code of 1986 to institute a Federal fuels tax holiday; read the first time.

By Mr. ROCKEFELLER (for himself, Mr. Jeffords, and Mrs. Hutchison):

S. 2264. A bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON (for herself, Mr. Breaux, Mr. Lott, Mr. Brownback, Mr. Bingaman, Mr. Gramm, Mr. Thomas, and Mr. Inhofe):

S. 2265. A bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REED (for himself, Mr. Daschle, Mr. Leahy, Mr. Lautenberg, Mr. Schumer, Mr. Durbin, Mrs. Murray, Mr. Kohl, Mr. Torricelli, Mr. Levin, Mrs. Boxer, Mr . Robb, Mr. Kennedy, Mrs. Feinstein, Mr. Biden, Mr. Byrd, Mr. Kerry, Mr. Reid, Mr. Inouye, Mr. Bryan, and Mr. Bingaman):

S. Res. 276. A resolution to express the sense of the Senate that the conferees on the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act should submit the conference report on the bill before April 20, 2000, and include the gun safety amendments passed by the Senate; to the Committee on the Judiciary.

By Mr. REED (for himself, Mrs. Murray, and Mr. Smith of New Hampshire):

S. Con. Res. 97. A concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. Bayh, Ms. Landrieu, Mrs. Lincoln, Mr. Kohl, Mr. Graham, Mr. Robb, and Mr. Breaux):

S. 2254. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

PUBLIC EDUCATION REINVESTMENT, REINVENTION, AND RESPONSIBILITY ACT

Mr. LIEBERMAN. Mr. President, I rise today to offer a new plan for Federal education spending to refocus our national education policy on helping states and local school districts raise academic achievement for all children, putting the priority for federal programs on performance instead of process, and on delivering results instead of developing rules.

In broad terms, the public Education Reinvestment, Reinvention, and Responsibility Act—better known as the "Three R's"—calls on states and local districts to enter into a new compact with the federal government to work together to strengthen standards and improve educational opportunities, particularly for America's poorest children. It would provide states and local educators with significantly more federal funding and significantly more flexibility in targeting aid to meet their specific needs. In exchange, it would demand real accountability, and for the first time consequences on schools that continually fail to show progress.

From my visits with parents, teachers, and principals over this past year, it is clear that we as a nation still share a common love for the common school, for its egalitarian mission, for its democratizing force, and for its unmatched role in helping generation after generation rise and shine. Unfortunately, we are asking schools to do more than they were designed to do, to compensate for disengaged parents and divided communities—for instructing teenage girls on how to raise their children while they try to raise the GPAs, to nourishing the bodies and psyches of grade-schoolers who often begin the day without breakfast or affection, to policing school halls for guns and narcotics.

At the same time that schools are trying to cope with these new and complex stresses and strains, we are demanding that they teach more than they have ever taught before in our history. The reality is that in this high-tech, highly-competitive era, there are fewer low-skilled industrial jobs available, and a premium on knowledge and critical thinking, meaning it is no longer enough to provide some kids with just a rudimentary understanding of the basics. Employers and parents alike with better teachers, stronger standards, and higher test scores for all students, as well as state-of the art technology and the Information Age skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children that the bulk of our schools are as good as they are, in light of these intensifying pressures. But the strain is nevertheless building, and with it serious doubts about our public schools and their capability to meet these challenges. Just this fall the Democratic Leadership Council, of which I am proud to serve as chairman, released a national survey showing that two-thirds of the American people believe our public schools are in crisis.

I was surprised by that high percentage, which may be skewed somewhat by lingering shock over the growing incidents of school shootings. But we must admit that our public schools are not working for a lot of our kids. And, as a result, I believe that our public education system is facing an enormously consequential test, which will go a long way toward determining our future strength as a nation. It is a test of our time whether we can reform and in some ways reinvent our public education system to meet these new demands, without compromising the old ideals that have sustained the common school for generations.

For us to pass this test, we have to first recognize that there are serious problems with the performance of many public schools, and that public confidence in public education will continue to erode if we do not acknowledge and address those problems soon. While student achievement is up, we must realize the alarming achievement gap that separates minorities from Whites and low-income students from their more affluent counterparts. According to the state-by-state reading scores of fourth-graders on the National Assessment of Educational

Progress, the achievement gap between African American and White students grew in 16 states between 1992 and 1998. The gap between Hispanic and White students grew in nine states over the same period of time. We must also question whether our schools are adequately preparing our youth to enter the global economy when, in international students, U.S. 12th graders score below the international average in mathematics and science compared to 21 other nations.

We also have to acknowledge that we have not done a very good job in recent years in providing every child with a well-qualified teacher, a critical component to higher student achievement. We are failing to attract enough good minds in the teaching profession—one survey of college students in 21 different fields of study found that education majors ranked 17th in their performance on the SAT. We are failing to adequately train enough of these aspiring teachers at education schools—in Massachusetts last year, to cite one particularly egregious example, 59 percent of the 1,800 candidates who took the state's first-ever certification exam flunked a literacy test that the state board of education chairman rated as at "about the eighth-grade level." And, we are failing to deliver teachers to the classroom who truly know their subject matter—our national survey found that one-fourth of all secondary school teachers did not major in the core area of instruction, and that in the school districts with the highest concentration of minorities, students have less than a 50 percent chance of getting a math or science teacher who has a license or a degree in their field.

With that said, we also have to acknowledge that while more money alone won't solve our problems, we cannot honesty expect to reinvent our schools without it either. The reality is that there is a tremendous need for additional investment in our public schools, not just in urban areas but in every kind of community. Thousands of crumbling and overcrowded schools to modernize. Two million new teachers to hire and train. Billions in spiraling special education costs to meet.

We also have to recognize the basic math of trying to raise standards at a time of profound social turbulence that we will need to expend new sums to reach and teach children who in the past we never asked to excel, and who in the present will have to overcome enormous hurdles to do so. I believe any child can learn—any child—and that has been proven over and over again in the best schools in both my home state of Connecticut and in many of America's cities.

There are in fact plenty of positives to highlight in public education today, which is something else that we have to acknowledge, yet too often don't. I have made a concerted effort over the last few years to visit a broad range of schools and programs in Connecticut, and I can tell you that there is much happening in our public schools that we can be heartened by, proud of, and learn from.

There is the John Barry Elementary School in Meriden, Connecticut, which was singled out by the U.S. Department of Education as a Distinguished title I School for its work with disadvantaged students. Like many urban schools, Barry has to contend with a high-poverty, high-mobility student population, but through Reading Recovery and other interventions, Barry has had real success improving the reading skills of many of its students.

There is the Side by Side Charter School in Norwalk, one of 17 charter schools in Connecticut, which has created an exemplary multiracial program in response to the challenge of Sheff v. O'Neill to diminish racial isolation. With the freedom that goes with its charter, Side by Side is experimenting with a different approach to classroom assignments, having students stay with teachers for two consecutive years to take advantage of the relationships that develop, and by all indications it is working quite well for those kids.

And there is the BEST program, which, building on previous efforts to raise teacher skills and salaries, is now targeting additional state aid, training, and mentoring support to help local districts nurture new teachers and prepare them to excel. In this regard Connecticut is far ahead of most of the country in adapting its teacher quality programs to meet today's challenges—setting high performance standards both for teachers and those who train them, helping novices meet those standards, and holding the ones who don't accountable. The result is that Connecticut's blueprint is touted by some, including the National Commission on Teaching and America's Future, as a national model for others to follow.

A number of other states, led by Texas and North Carolina, are moving in this same direction—refocusing their education systems not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are in fact adopting what might be called a "reinvest, reinvent, and responsibility" strategy, by (1) infusing new resources into their public education systems; (2) giving local districts more flexibility; and (3) demanding new measures and mechanisms of accountability, to increase the chances that these investments will yield the intended return, meaning improved academic achievement for all students.

This move to trade flexibility for accountability, and to focus on performance instead of process, is not the definitive answer to passing the test I outlined earlier, of adapting our public schools to the rapidly-changing environment around us. There are obviously other parts of the equation, none more important than parental involvement. Everything we know from research indicates that an engaged parent makes a crucial difference in student achievement, particularly in terms of reading, and we have to do more to get parents to play a more active role in their children's learning. But when it comes to improving the delivery of public education, the reinvestment and reinvention approach is the best solution I have heard yet, and probably our best hope for extending the promise of equal opportunity into the new century.

In Congress, our opportunity now is with the upcoming reauthorization of the Elementary and Secondary Education Act. Today, nearly $15 billion in Federal aid flows through ESEA programs to states and local education authorities, and other educational entities annually. While this constitutes a minute fraction of all the money spent on public education each year, it is still a lot of money, and past experience shows that Federal money has a habit of influencing local behavior. If we can reformulate the way we distribute those additional dollars, and peg our national programs to performance instead of process, we can go a long way toward encouraging more states and local school districts to reinvest and reinvent public education, while taking more responsibility for its outcomes.

Unfortunately, Congress seems more interested in being an agent of recrimination. We spend most of our time positioning ourselves for partisan advantage rather than trying to fix serious problems. We reduce a complicated issue to a simplistic multiple choice test, forcing a false choice between more spending and programs, or block grants and vouchers. And, the answer we are left with is none of the above.

Mr. President, I am pleased to join my colleagues Senators BAYH, BREAUX, GRAHAM, KOHL, LANDRIEU, LINCOLN, and ROBB in introducing this groundbreaking legislation that signifies that there is a better way, a third way to address education reform. It builds on the progress many states have already made through the standards movements. It calls for streamlining and consolidating the maze of programs under the Elementary and Secondary Education Act into five goal-oriented titles, each with more money and fewer strings attached, and all of them geared toward encouraging innovation, promoting what works, and ultimately raising academic achievement for all students.

We would concentrate our efforts on closing the achievement gap between the haves and have-nots, fostering English proficiency for immigrant children, improving the quality of teaching for all children, promoting choice and competition within the public system, and stimulating innovative and high performance educational initiatives. We would ask the states to set performance standards in each of these areas, and in exchange for the new funding and flexibility we provide, we would hold states accountable for delivering demonstrable results. We would reward success and, for the first time in the history of ESEA, punish chronic failure.

We agree with our Democratic colleagues that we need to invest more resources if we want to meet the new challenges of the new century, and prepare every student to succeed in the classroom. That is why we would boost ESEA funding by $35 billion over the next five years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst-performing schools and if it is not coupled with a demand for results. That is why we not only increase Title I funding by 50 percent, but use a more targeted formula for distributing these new dollars to schools with the highest concentrations of poverty. And that is why we develop a new accountability system that strips federal funding from states that continually fail to meet their performance goals.

We also agree with our Republican colleagues that federal education programs are too numerous and too bureaucratic. That is why we eliminate dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core mission of raising academic achievement. But we also believe that we have a great national interest in promoting broad national educational goals, chief among them delivering on the promise of equal opportunity. It is not only foolish, however, but irresponsible to hand out federal dollars with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

The first would enhance our longstanding commitment to providing extra help to disadvantaged children through the Title I program, while better targeting $12 billion in aid—a 50 percent increase in funding—to schools with the highest concentrations of poor students. The second would combine various teacher training and professional development programs into a single teacher quality grant, increase funding by 100 percent to $1.6 billion annually, and challenge each state to pursue the kind of bold, performance-based reforms that my own state of Connecticut has undertaken with great success.

The third would reform the Federal bilingual education program and hopefully defuse the ongoing controversy surrounding it by making absolutely clear that our national mission is to help immigrant children learn and master English, as well as achieve high levels of achievement in all subjects. We must be willing to back this commitment with essential resources required to help ensure that all limited English proficient students are served.

Under our approach, funding for LEP programs would be more than doubled to $1 billion a year, and for the first time be distributed to states and local districts through a reliable formula, based on their LEP student population. As a result, school districts serving large LEP and high poverty student populations would be guaranteed federal funding, and would not be penalized because of their inability to hire savvy proposal writers for competitive grants.

The fourth would respond to the public demands for greater choice within the public school framework, by providing additional resources for charter school start-ups and new incentives for expanding local, intradistrict choice programs. And the fifth would radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts greater flexibility in addressing specific needs. We consolidate more than 20 different programs into a single High Performance Initiatives title, with a focus on supporting bold new ideas, expanding access to summer school and after school programs, improving school safety, and building technological literacy. We increase overall funding by more than $200 million, and distribute this aid through a formula that targets more resources to the highest poverty areas.

The boldest change we are proposing is to create a new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes, on how schools ultimately perform in educating children. This bill would reverse that imbalance by linking Federal funding to the progress states and local districts make in raising academic achievement. It would call on state and local leaders to set specific performance standards and adopt rigorous assessments for measuring how each district is faring in meeting those goals. In turn, states that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time, there would be consequences for poor performance.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether you can penalize failing schools without also penalizing children. The truth is that we are punishing many children right now, especially the most vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one, a situation that is just not acceptable anymore. This bill minimizes the potential negative impact of these consequences on students. It provides the states with three years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing, and also provides additional resources for states to help school districts identify and improve low-performing schools. If after those three years a state is still failing to meet its goals, the state would be penalized by cutting its administrative funding by 50 percent. Only after four years of under performance would dollars targeted for the classroom be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools becomes more like punishing them.

I must address another concern that may be raised that this is a block grant in sheep's clothing. There are substantial differences between a straight block-grant approach and this streamlined structure. First, in most block-grant proposals the accountability mechanisms are vague, weak and often non-existent, which is one reason why I have opposed them in the Senate. Our bill would have tangible consequences, pegged not just to raising test scores in the more affluent suburban areas, but to closing the troubling achievement gap between students in poor, largely minority districts and their better-off peers.

This leads me to another way this bill is different. Unlike many block-grant supporters, I strongly believe that we have a great national interest and a national obligation to promote specific educational goals, chief among them delivering on the promise of equal opportunity, and that is reflected in our legislation. While it makes sense to streamline and eliminate as many strings as possible on Federal aid, to spur innovation and also to maximize the bang for our Federal buck, it does not make sense to hand over those Federal bucks with no questions asked, and thus eliminate the Federal role in setting national priorities. That is why, in the restructuring we have developed, we have maintained separate titles for disadvantaged students, limited English proficient students, teacher quality, public school choice, and high quality education initiatives, all of which, I would argue, are critical to raising academic achievement and promoting equal opportunity. And that is why of the more than $6 billion increase in annual funding I am proposing, $4 billion would be devoted to title I and those students most in need of our help.

It is a fairly common-sense strategy—reinvest in our public schools, reinvent the way we administer them, and restore a sense of responsibility to the children we are supposed to be serving. Hence the title of our bill: the Public Education Reinvention, Reinvestment, and Responsibility Act, or the Three R's for short. Our approach is humble enough to recognize there are no easy answers to turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found here in Washington anyway. But it is ambitious enough to try to harness our unique ability to set the national agenda and recast the federal government as an active catalyst for success instead of a passive enabler of failure.

Mr. BAYH. Mr. President, I rise today to speak on a matter of great importance and urgency to me. We are at a crossroads in American education and that is why I join with my colleagues Senators LIEBERMAN, LANDRIEU, KOHL, LINCOLN, BREAUX, GRAHAM, and ROBB in offering the Public Education Reinvestment, Reinvention, and Responsibility Act.

Since the middle of the 1800s, when Horace Mann and a group of others dedicated our country to the principle that every child should have access to a good public education, we have held that out as an ideal for our country. In the middle 1960s, there was growing recognition that for too many of our children, this principle was really a hollow dream. And so, the Elementary and Secondary Education Act (ESEA) was born. We introduce our version of ESEA today in recognition of the fact that for too many millions of American children the dream of a quality public education is still sorely lacking.

The consequences of any of our children not receiving a quality education are far greater than ever before. For the first time in our Nation's history, the growing gap between the educational "haves" and "have nots" threatens to create a permanent underclass. If we do not address these shortcomings, the knowledge and information gap will lock many of our citizens out of the marketplace and prevent them from accessing opportunity in the New Economy. We stand here today in recognition of the fact that the solutions of the 1960s are inadequate to meet the challenges of the 21st Century and the years beyond. We stand here today to say the status quo is not good enough; that we must do better.

Our legislation proposes dramatic change in a significant rethinking of business as usual when it comes to education policy here in Washington, D.C. We propose a substantial increase in our Nation's investment in education, because we recognize that we can't expect our schools, particularly our poorer schools, to get the job done if we don't give them the tools to get the job done. We propose an increase of $35 billion over five years in Federal education spending, a 50 percent increase for Title I funding, 90 percent increase for professional development funding for teachers, over a 30 percent increase for innovative programs, and nearly a doubling in funding for Charter schools and Magnet Schools so as to give parents greater public school choice. This is a significant investment of public dollars.

But we do more than just throw money at the problem, because we know that taxpayers, parents, and most of all our children, have a right to expect more from us. Instead, we focus on accountability. In return for increased investment, we insist upon results. We focus on outcomes, not incomes. No longer will we define success only in terms of how much money is spent, but instead of how much our children know. Can they read and write, add and subtract, know basic science?

No longer will we define accountability in terms of ordering local school districts to spend dollars in particular ways, but instead in terms of whether our children are getting the skills they need to make a successful life for themselves. This is a significant rethinking from the things that have prevailed here in Washington for several decades.

Our proposal also provides a substantial amount of flexibility. We don't agree with our colleagues on the far right in block grants which would allow money to be diverted from public education or to allow dollars to be diverted from focusing on our poorest students. But we do allow for local principals and superintendents to have a much greater say in determining how best to spend those dollars, because we believe that those at the local level who labor in the classrooms and the schools every day, can make those decisions far better than those of us who now work on the banks of the Potomac.

It was Thomas Jefferson who said that a society that expects to be both ignorant and free is expecting something that never has been and never shall be. So we put forward this proposal because we know that the cause of improving public education is critically important to our economy, critically important to the kind of society that we will be, and essential to the vibrancy of our democracy itself.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Public Education Reinvestment, Reinvention, and Responsibility Act of 2000—better known as "Three R's." I have been pleased to work with the education community in Wisconsin, as well as Senator LIEBERMAN and our other cosponsors, on this important piece of legislation. I believe that this bill represents a realistic, effective approach to improving public education—where 90 percent of students are educated.

We have made great strides in the past six years toward improving public education. Nearly all States now have academic standards in place. More students are taking more challenging courses. Test scores have risen slightly. Dropout rates have decreased.

In Wisconsin, educators have worked hard to help students achieve. Fourth-graders and eighth-graders are showing continued improvement on State tests in nearly every subject, particularly in science and math. Third-graders are scoring higher on reading tests. Test results show some improvement across all groups, including African American, disabled, and economically disadvantaged groups.

Unfortunately, despite all of our best efforts, we still face huge challenges in improving public schools. The most recent TIMSS study of students from 41 different countries found that many American students score far behind those in other countries. In Wisconsin, scores in math, science and writing are getting better but still need improvement. And test scores of students from low-income families, while showing some improvement, are still too low.

Mr. President, I strongly support the notion that the Federal Government must continue to be a partner with States and local educators as we strive to improve public schools. As a nation, it is in all of our best interests to ensure that our children receive the best education possible. It is vital to their future success, and the success of our country.

However, addressing problems in education is going to take more than cosmetic reform. We are going to have to take a fresh look at the structure of Federal education programs. We need to let go of the tired partisan fighting over more spending versus block grants and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

Our "Three R's" bill does just that. It makes raising student achievement for all students—and eliminating the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must continue to make a stronger investment in education, and that Federal dollars must be targeted to the neediest students. A recent GAO study found that Federal education dollars are significantly more targeted to poor districts than money spent by States. Although Federal funds make up only 6–7 percent of all money spent on education, it is essential that we target those funds where they are needed the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. They should be given more flexibility to determine how they will use Federal dollars to meet those needs.

Finally—and I believe this is the key component of our approach—we believe that in exchange for this increased flexibility, there must also be accountability for results. These principles are a pyramid, with accountability being the base that supports the Federal Government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we need to stop subsidizing failure. Our highest priority must be educating children—not perpetuating broken systems.

Mr. President, I believe the "Three R's" bill is a strong starting point for taking a fresh look at public education. We need to build upon all the progress we've made, and work to address the problems we still face. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—a chance to live a successful productive life. I look forward to working with all of my colleagues on both sides of the aisle, as well as education groups in my State, as Congress debates ESEA in the coming months.

By Mr. McCAIN:

S. 2255. A bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006; to the Committee on Commerce, Science, and Transportation.

THE INTERNET TAX FREEDOM ACT OF 2000

Mr. McCAIN. Mr. President, I am pleased to introduce legislation today to extend the moratorium on Internet taxes through 2006. This will ensure that Internet commerce remains free from burdensome, anticonsumer taxation while we discuss a fair and equitable tax structure for our new economy. This bill simply extends the law passed by Congress and signed by the President in October 1998.

The 1998 legislation imposed a moratorium and provided for a commission to report to Congress. While the Commission has not yet reported its recommendations, it is clear from published reports of their deliberations and from interviews with their members that a clear consensus is not imminent. More discussions and more time is necessary to arrive at a fair conclusion. Although I feel strongly that in the end a permanent moratorium is the best policy, which is why I introduced legislation to impose a permanent ban on Internet taxes, I also have become convinced that we need more time to determine how state and local governments will be affected. We need to consider whether the macroeconomic benefits of the new economy will outweigh the potential losses in direct revenues, how to ensure a level playing field for all venues of commerce, and how to simplify the overwhelming morass of tax rules, regulations and paperwork so that opportunities for new or small businesses are not lost in complex and archaic bureaucracy.

The compromises being discussed by the Commission are a good start to the debate, but more time is necessary to pursue these and other possible options. It is becoming increasingly clear that the answer to taxation of the internet must affect taxation of other commerce media, such as catalog sales, as well. We need to reexamine the level of services which the public wants to be provided by government and determine how to provide necessary revenue to accomplish the people's will. We need to ensure that taxation is not simply imposed to increase government bureaucracy.

Recent studies indicate that state and local governments will not suffer during this interim period. A June 1999 report by the well-known and respected auditing and business consulting firm or Ernst & Young concludes that total sales and use taxes not collected by state and local governments from Internet e-commerce transactions in 1998 amounted to only "one-tenth of one percent of total state and local sales and use tax collections." Another May 1999 analysis of Internet commerce transactions through 2003 by Austan Goolsvee and Jonathan Zittrain, published in the National Tax Journal, predicts "even with a 70 percent rate of growth in retail e-commerce transactions, a revenue loss of less than 2 percent of sales tax revenue."

There are multiple reasons for this very marginal impact on state and local revenues. First, most of the e-commerce transactions are wither business-to-business transactions, or for services, such as financial services and travel, which are exempt from sales and use taxes in most states. Ernst & Young estimated only 13 percent of the total e-commerce sales transactions were of a type which would be subject to sales and use taxes if conducted in person.

Second, as pointed out by Austan Goolsbee and Jonathan Zittrain, the Internet is a "trade creator"—that is, many transactions which occur through e-commerce would not take place at all without the internet.

Third, the Internet does not divert sales only from brick and mortar retailers, but also from mail order catalogs. Those sales are also subject to sales and use tax only where a nexus, a physical presence, in the taxing state.

We are currently seeing a continued rise in state and local revenues. Many states are currently debating how to refund money to their citizens, whether to cut sales taxes or income taxes. Thus, this moratorium should not negatively impact their ability to provide services during the interim.

It is important to look at the full picture here. The Internet is filled with web sites of small businesses which are expanding in ways which would never have before been economically feasible. For example, a small store in a small town which has historically had a limited market for its good now has a website that allows it to market and sell to people all over the country—all over the world. It increases its business and needs to hire more employees, and pays taxes on its increased revenues. The states and local governments benefits, not only from the additional taxes paid on the revenues, but in the economic benefits of additional jobs.

The potential burden of complying with tax regulations and the paperwork involved under current law for as many as 7,500 estimated taxing units in this country would ovrwhelm many businesses, especially small businesses. An example in the March 13, 2000 edition of Interactive Week is instructive. "If you're a raw peanut, five states would require that sales taxes are paid on your purchase. If you're roasted, 11 states charge a sales tax. Add some honey to that roasting, and now 21 states say you're taxable. Get drenched in caramel and mixed with caramel-coated popcorn and suddenly you're a snack, and 31 states will call the tax man."

While I hope that the debate will conclude with a decision to leave the Internet as a "tax-free-zone," I believe that it is important to continue the discussion and to move all stakeholders toward a consensus. This temporary extension of the moratorium already approved by Congress and the President will allow us to do that. This is a good compromise which will serve as a catalyst for consideration of the broader tax policy issues which need to enter into this discussion to ensure a fair and equitable tax system in this country.

I intend to move this bill through committee expeditiously and look forward to debating it on the Senate floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERNET TAX MORATORIUM EXTENDED THROUGH 2006.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 nt) is amended by striking "3 years after the date of the enactment of this Act—" and inserting "on December 31, 2006:".

By Mr. BIDEN (for himself and Mr. McCONNELL):

S. 2256. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

THE STATE AND LOCAL LAW ENFORCEMENT DISCIPLINE, ACCOUNTABILITY AND DUE PROCESS ACT OF 2000

Mr. McCONNELL. Mr. President, today I rise with Senator BIDEN to introduce the State and Local Law Enforcement Discipline, Accountability and Due Process Act of 2000. American families can turn on the news every night and see the reality of the war against crime and drugs. No one understands the dangers of this battle better than the men and women on the front lines. I'm talking about our nation's police officers.

We have entrusted the difficult work of protecting society to police officers. They know the stress and the strain of walking the daily beat, of being caught in the crossfire in a world of gangs and drugs. They do a very difficult job, and with few exceptions, they do it with honor and skill.

We should always remember that the vast majority of police officers work responsibly and risk their lives for all of us. In the words of one officer, 'the ultimate sacrifice could occur at any time. * * * [The] gangs and criminals have rewritten the rule book.'

To make matters worse, the pressure of crime and drugs—of gangs and thugs—is multiplied by the fear of unjust disciplinary actions. Our law enforcement officers face intrusive investigations into their professional and personal lives—oftentimes at the behest of some recently arrested criminal looking for a payback.

Unfortunately, many police officers are denied the same basic procedural and due process rights that the rest of us enjoy and take for granted. As a result, our officers live in the fear of: being investigated without notice; being interrogated without an attorney; and, being dismissed without a hearing.

We insist that police officers respect the constitutional rights of the citizens they serve. We insist that they adhere to the letter and spirit of our laws. We insist that they respect due process in their work. It is past time for us to give them the same kind of legal rights that every other citizen has come to enjoy. That is why Senator BIDEN and I have introduced this bill.

This bill strikes an important balance: it makes sure every police officer has basic fundamental procedural rights, while at the same time ensuring that citizens have the opportunity to raise legitimate complaints and concerns about police officer accountability.

For example, the bill guarantees due process rights to every police officer subject to investigation for non-criminal disciplinary action. Some of these rights include: the right to be informed of the administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing and an opportunity to respond; and the right to be represented by counsel or other representative.

At the same time the bill ensures that legitimate citizen complaints against police officers will be actively investigated, and that citizens will be informed of the progress and outcome of those investigations.

Finally, I must conclude by explaining that this bill is a product of years of input from the men and women who have experienced the daily pressures of police service, and continue to endure them. This legislation has benefitted from the thoughtful ideas and past support of many law enforcement groups, including the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers.

In particular, I am grateful to the contribution made by the Fraternal Order of Police. Over the past 8 years, I have worked closely with the Kentucky FOP to develop and promote this legislation.

The time has come to protect those who protect us. We must give our law enforcement officers the basic and fundamental rights that they desperately need and richly deserve.

By Mr. TORRICELLI:

S. 2259. A bill to amend title 28, United States Code, to divide New Jersey into two judicial districts; to the Committee on the Judiciary.

CREATING A NORTHERN AND SOUTHERN DISTRICT OF NEW JERSEY

• Mr. TORRICELLI. Mr. President, I rise today to introduce a bill that will help bring more criminals to justice and create a better federal judicial system in New Jersey. This legislation will divide the federal District of New Jersey into the Southern and Northern Districts of New Jersey which will enable the federal courts and federal agencies to better serve the approximately 8 million residents of the state. It will also bring much needed federal law enforcement resources to the state, particularly southern New Jersey.

Under the bill, the proposed Southern District of New Jersey would include 8 of the 21 counties in New Jersey and the Northern District of New Jersey would include the remaining 13. The federal courthouses would be located in Camden and Trenton for the Southern District and in Newark for the Northern District. All federal cases arising in the eight-county Southern District would be heard in the federal court in Camden or Trenton and cases from the 13-county Northern District would be heard in Newark. The bill would also result in the creation of several new federal positions for the Southern District including a Clerk of the Court, U.S. Attorney, U.S. Marshal, and a Federal Public Defender, among others.

By creating a new Southern District of New Jersey, more federal crime-fighting resources will be brought to a region which crime statistics reveal is besieged by violent crime. In 1998, southern New Jersey accounted for 25 percent of the state's urban murders, 32 percent of the state's murder arrests and 33 percent of the state's arrests for violent crimes. This initiative will also ensure that crime-fighting decisions are made locally instead of by officials who are based elsewhere in the state and that law enforcement officials in the region will get the resources needed to prosecute crimes effectively and expeditiously.

The creation of two districts will also provide relief from the crush of cases that have crowded the dockets of the federal courts in southern New Jersey and caused a severe backlog in the system. In 1998 alone, 281 federal criminal cases were filed in federal courts in southern New Jersey and 161 criminal cases were still pending at the end of the year. In that same year, 2,116 civil cases were filed and 1,318 civil cases were pending at the end of the year. Moreover, of the 95 federal judicial districts across the nation, more than half generated fewer criminal and civil cases than southern New Jersey and in some cases with far more federal judicial and law enforcement resources. Currently, only 10 percent of the FBI agents, 15 percent of the United States Marshals and 18 percent of the Drug Enforcement Administration agents in New Jersey are assigned to the region. Of the 119 Assistant United States Attorneys in the state, only 12 are assigned to South Jersey.

Finally, the creation of a new Northern and Southern Districts of New Jersey is warranted based on the sheer size of the state. The current District of New Jersey is the third most populous federal judicial district in the nation. Of the 25 states that have a single federal judicial district, New Jersey has the largest population and more than a dozen states with smaller populations have multiple judicial districts. In fact, with more than 2 million residents in the southern counties, the population of the proposed Southern District of New Jersey would exceed that of almost half of the current judicial districts and the proposed Northern District would rank even higher.

This initiative enjoys broad bipartisan political support in New Jersey, and a similar bill has been introduced and cosponsored in the U.S. House of Representatives by the entire southern New Jersey Congressional delegation. The measure also has strong support in the southern counties and is backed by all eight southern county bar associations, the South Jersey Police Chief's Association, the Chamber of Commerce of Southern New Jersey and various former county prosecutors and former federal law enforcement officials.

While the process of reviewing and deliberating the merits of this legislation will be lengthy and time consuming, this is an idea which is long overdue. The citizens of New Jersey deserve a better federal judicial system and their fair share of federal crime-fighting resources. I look forward to working with my colleagues to secure passage of this legislation.

I ask unanimous consent that a copy of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) In 1978, the Judicial Conference of the United States established a procedure for creating new Federal judicial districts, which is still in force. According to the "Proceedings of the Judicial Conference, September 21–22, 1978", this procedure requires that 4 principal criteria be taken into consideration in evaluating the establishment of a new Federal judicial district: caseload, judicial administration, geography, and community convenience.

(2) The criterion of "caseload" is found to include the total number of Federal court cases and the number of cases per Federal judge, for both civil and criminal Federal cases.

(3)(A) The substantial criminal caseload concentrated in the southern counties of New Jersey requires the creation of a separate judicial district.

(B) 281 Federal criminal cases originated in the 8 southern New Jersey counties in 1998 and were handled by the 5 judges of the Camden vicinage and the 3 judges of the Trenton vicinage.

(C) The criminal caseload in the southern region of New Jersey exceeds that of 51 of the current Federal judicial districts. Only 44 of the 95 Federal district courts have more criminal cases filed than the southern region of New Jersey.

(D) For example, in the Eastern District of Virginia (9 judges), 110 criminal cases were filed in 1998. In the District of Connecticut (8 judges), only 221 criminal cases were filed in 1998.

(4)(A) The substantial civil caseload concentrated in the southern counties of New Jersey requires the creation of a separate judicial district.

(B) 2,116 Federal civil cases originated in the 8 southern New Jersey counties in 1998 and were handled by the 5 judges of the Camden vicinage and the 3 judges of the Trenton vicinage.

(C) The civil caseload in the southern region of New Jersey exceeds that of 52 of the current Federal judicial districts. Only 43 out of the 95 Federal districts have more civil cases filed than this region of the New Jersey District.

(D) For example, in the Southern District of West Virginia, a separate judicial district with 5 judges, only 1,315 civil cases were filed in 1998. The Western District of Tennessee, similarly, with 5 judges, had only 1,581 civil cases filed in 1998.

(5) The criterion of "judicial administration" is found to include the backlog of pending cases in a Federal judicial district, which hinders the effective resolution of pending business before the court.

(6)(A) The size of the backlog of pending cases concentrated in the southern counties of New Jersey requires the creation of a separate judicial district.

(B) The number of pending cases in the Camden vicinage of New Jersey exceeds the number of cases pending before entire judicial districts with similar numbers of judges, clearly indicating that southern New Jersey merits a separate Federal judicial district. For example, there are 1,431 civil cases pending before the Camden vicinage, and only 113 of those were commenced in 1999. The Western District of Tennessee, with 5 judges, had only 1,104 civil cases pending in 1998. The Western District of Oklahoma had only 1,359 civil cases pending in 1998 before 6 judges. Finally, there are 161 criminal cases pending before the Camden vicinage, while the entire Southern District of Indiana, with 5 judges, had only 116 criminal cases pending in 1998.

(7) The criterion of "geography" is found to mean the accessibility of the central administration of the Federal judicial district to officers of the court, parties with business before the court, and other citizens living within the Federal judicial district.

(8)(A) The distance between the northern and southern regions of New Jersey creates a substantial barrier to the efficient administration of justice.

(B) The distance from Newark, New Jersey to Camden, New Jersey is more than 85 miles.

(C) When a new Federal court district was created in Louisiana in 1971, the distance between New Orleans and Baton Rouge (nearly 80 miles) was cited as a major factor in creating a new district court, as travel difficulties were impeding the timely administration of justice.

(9) The criterion of "community convenience" is found to mean the extent to which creating a new Federal judicial district will allow the court to better serve the population and diverse communities of the area.

(10)(A) New Jersey's culturally and regionally diverse population of 8,000,000 citizens, widely distributed across a large State, is inconvenienced by having only 1 judicial district.

(B) Of the 25 States that have only a single Federal judicial district (including Puerto Rico, the United States territories, and the District of Columbia), New Jersey has the highest population.

(C) More than a dozen States have smaller populations than New Jersey, yet they have multiple Federal judicial districts, including Washington, Oklahoma, Iowa, Georgia, West Virginia, and Missouri.

(11) In evaluating the creation of a new Southern District of New Jersey, the Judicial Conference should seek the views of the chief judge of the affected district, the judicial council for the affected circuit court, and the affected United States Attorney as representative of the views of the Department of Justice, as required in the procedure established by the "Proceedings of the Judicial Conference, September 21–22, 1978".

SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.

(a) CREATION.—Section 110 of title 28, United States Code, is amended to read as follows:

"§ 110. New Jersey

"New Jersey is divided into 2 judicial districts to be known as the Northern and Southern Districts of New Jersey.

"Northern District

"(a) The Northern District comprises the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren.

"Court for the Northern District shall be held at Newark.

"Southern District

"(b) The Southern District comprises the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, and Salem.

"Court for the Southern District shall be held at Camden and Trenton.".

(b) JUDGESHIPS.—The item relating to New Jersey in the table set forth in section 133(a) of title 28, United States Code, is amended to read as follows:

"New Jersey:
"Northern 9
"Southern .... 8".

(c) BANKRUPTCY JUDGESHIPS.—The item relating to New Jersey in the table set forth in section 152(a)(1) of title 28, United States Code, is amended to read as follows:

"New Jersey:
"Northern 4
"Southern .... 4".

SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAGISTRATE JUDGES, UNITED STATES ATTORNEY, UNITED STATES MARSHAL, AND FEDERAL PUBLIC DEFENDER.

(a) TRANSFER OF DISTRICT JUDGES.—(1) Any district judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, or Warren County shall, on or after such effective date, be a district judge for the Northern District of New Jersey. Any district judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, or Salem County shall, on and after such effective date, be a district judge of the Southern District of New Jersey.

(2) Whenever a vacancy occurs in a judgeship in either judicial district of New Jersey, the vacancy shall first be offered to those judges appointed before the enactment of this Act and in active service in the other judicial district of New Jersey at the time of

the vacancy, and of those judges wishing to fill the vacancy, the judge most senior in service shall fill that vacancy. In such a case, the President shall appoint a judge to fill the vacancy resulting in the district of New Jersey from which such judge left office.

(b) Transfer of Bankruptcy and Magistrate Judges.—Any bankruptcy judge or magistrate judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, or Warren County shall, on or after such effective date, be a bankruptcy judge or magistrate judge, as the case may be, for the Northern District of New Jersey. Any bankruptcy judge or magistrate judge of the District Court of New Jersey who is holding office on the day before the effective date of this Act and whose official duty station is in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, or Salem County shall, on and after such effective date, be a bankruptcy judge or magistrate judge, as the case may be, of the Southern District of New Jersey.

(c) United States Attorney, United States Marshal, and Federal Public Defender.—

(1) Those in office.—This Act and the amendments made by this Act shall not affect the tenure of office of the United States attorney, the United States marshal, and the Federal Public Defender, for the District of New Jersey who are in office on the effective date of this Act, except that such individuals shall be the United States attorney, the United States marshal, and the Federal Public Defender, respectively, for the Northern District of New Jersey as of such effective date.

(2) Appointments.—The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and a United States marshal for the Southern District of New Jersey. The Court of Appeals for the Third Circuit shall appoint a Federal Public Defender for the Southern District of New Jersey.

(d) Pending Cases Not Affected.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending in the United States District Court for the District of New Jersey on such date.

(e) Juries Not Affected.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Judicial District of New Jersey on the effective date of this Act.

SEC. 4. EFFECTIVE DATE.

(a) In General.—This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) Appointments.—Notwithstanding subsection (a), the President and the Court of Appeals for the Third Circuit may make the appointments under section 3(c)(2) at any time after the date of the enactment of this Act.●

By Mr. COVERDELL:

S. 2260. A bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney, Georgia; to the Committee on Environment and Public Works.

THE LAKE SIDNEY LANIER HOME PRESERVATION ACT

Mr. COVERDELL. Mr. President, today I rise to introduce legislation that is of the utmost importance to a group of homeowners in my state. They face one of the most chilling scenarios that could confront a property owner—the condemnation and destruction of their home by the federal government without compensation.

The series of events that led to this unfortunate situation began nearly fifty years ago. In 1957, Lake Sidney Lanier was completed by the United States Army Corps of Engineers to serve as a reservoir for Atlanta and as a flood management project for northeast Georgia. Over the years this lake, located near the head of the Chattahoochee and Chestatee Rivers, developed into one of the great landmarks in my state. More importantly, many families have chosen to build homes on property adjacent to the lake.

When the lake is full, water rises to 1,071 feet above sea level. When the lake was completed in 1957, the Corps established a flood control easement, or "flood line," of 1,085 feet above sea level. The Corps decreed that no structures could be built below this line. Unfortunately, the Corps did not make an accurate initial survey of this easement. Between 1967 and 1972, a second survey of the lake was made by foot, and beginning in 1983, yet another survey was begun to determine if private structures were violating the Corps easement. This survey is about halfway complete.

In the meantime, properties which were based upon the early surveys were sold to families looking to build a home along the lake. Many, if not all, of these home owners were unaware of this easement when they purchased property along the lake. Therefore, I believe many homes, which were believed to be compliant with all Corps property lines when constructed, in fact encroach upon the easement. No one is entirely sure how many of the thousands of homes along the lake accidentally encroach on the Corps' easement.

Last year, the Corps began enforcing the easement in some areas. They decreed that homes which violate the easement must be brought into compliance or be destroyed. Now, Mr. President, you and I know very well that it is very difficult to move a house. Therefore, destruction is often the only option for most home owners.

To make matters worse, property owners lack legal recourse. Because they were unaware of the easement requirement, means for dealing with it were not built into their property deeds. In short, numerous home owners face a dire situation should the Corps decide to enforce the easement all around the lake.

To solve this problem, today I introduce the Lake Sidney Lanier Home Preservation Act. It is both simple and fair. My legislation allows home owners who accidentally violated the easement to sign a release exempting them from the Corps requirement. In exchange for this, the home owner surrenders all rights to legal recourse against the United States if the Corps is forced to flood the lake to the easement level. At this point, I would like to point out that Lake Lanier has never approached the 1,085 foot easement line—its historic high was a full seven feet below the flood line, which was recorded in spring 1964. In recent years, the lake has been below full pool almost year round.

Upon enactment of this bill a home owner will have one year to request that the Corps survey their property and determine if they need to seek a waiver. The home owner not the Corps, pays for the survey. If a home is found to be in violation of the easement, the home owner has 90 days to decide whether to seek a release from the easement, or to bring the structure into compliance.

My bill also applies only to homes built or begun prior to January 1, 2000. This will provide closure to this issue and discourage any more homes from being built below the flood line.

Mr. President, I wish there were a simple answer to the dilemma facing home owners along Lake Lanier. While the Corps has a responsibility to fulfill its responsibility to protect citizens in the event of a flood, we simply cannot allow hard working families to lose their homes in response to a hypothetical situation that could never arise.

My colleague in the House of Representatives, Mr. Deal, introduced companion legislation. It is my hope that we can move the Lake Sidney Lanier Home Preservation Act forward as quickly as possible, and bring peace of mind to home owners caught in a situation beyond their control.

By Mr. SARBANES (for himself, Mr. Robb, Ms. Mikulski, Mr. Bayh, and Mr. Lieberman):

S. 2261. A bill to encourage the formation of industry-led training consortia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INDUSTRY TRAINING CONSORTIA ACT

● Mr. SARBANES. Mr. President, today, along with several of my colleagues, I am introducing the Industry Training Consortia Act to provide our nation's workforce with the information technology and computer skills it needs to meet the emerging and rapidly changing requirements of our various technology sectors. The purpose of this legislation is to assist our business sector in establishing a national technology training infrastructure to provide our workforce with the skills it requires to remain competitive in the global, high technology marketplace.

The United States is currently the world's science and technology leader. We have achieved this status largely because we have had the most skilled, innovative, and competitive workforce in the world. Indeed, technical innovation, according to a report by the President's Council of Economic Advisers, has been responsible for more than half of America's productivity growth over the past fifty years. But technology is evolving so rapidly that some of our workers are being left behind. If we fail to keep them honed and highly skilled we risk losing our competitive edge.

Having the appropriate information technology skills is becoming more and more important in all sectors of our economy, not only in the high and biotech industries and the manufacturing sector, but also in the so-called low-tech industries. More than half of the new jobs created between 1984 and 2005 require or will require some education beyond high school. The percentage of workers who use computers at work has risen from 25% to 46% between 1984 and 1993. Moreover, firms today are not only using more technology, but are also reorganizing production processes in new ways, such as cellular production, use of teams, and other high performance structures and methods requiring higher levels and new kinds of skills.

A growing number of industries throughout the country are reporting serious difficulties in hiring workers with appropriate computer and information technology skills. The Bureau of Labor Statistics has estimated that between 1998 and 2008 we will need 2 million more newly trained and skilled Information Technology workers. That's an average of 200,000 additional workers a year.

In my own State of Maryland, we currently face an estimated shortfall of 10–12,000 workers with appropriate technology skills. A Maryland Department of Business and Economic Development survey indicates that 80% of firms which hire manufacturing or skilled trade workers, reported significant difficulty in finding applicants with the required skills for technology intensive jobs. The same survey indicates that more than two-thirds of businesses hiring computer technicians, engineers, analysts, or other technical or laboratory personnel experienced difficulty finding qualified workers. It also mentions that fifty-five percent of firms that hire college-level scientists or technical program graduates reported the same difficulty and that 62% of these firms reported that their need for hiring these types of graduates is expected to increase over the next five years.

While well intentioned, many existing training programs across the country are not structured to address this problem head on, from the perspective of industry. And while some post-secondary training institutions have reached out to industry and become more customer-focused, more still must identify ways to respond directly to the changing skills needs of our employers. Our community colleges, and even four-year colleges and universities, cannot shoulder the entire burden of continually reassessing skill needs and providing up-to-date training and equipment with which to train workers in relevant knowledge and skills. Some colleges and universities have been able to establish partnerships with larger firms that have human resource departments, but building partnerships with small and medium-sized firms has proven more difficult.

Many firms, but particularly small and medium-sized enterprises, have limited capacity to engage in significant and sustained workforce development efforts. Managers and owners of most firms are simply too busy running their business to develop training systems, especially for new or dislocated workers. Firms also often lack information on what kind of training they need and where they can get it. As a result, most forgo training initiatives and instead try to hire workers away from other companies in related fields.

And because workers are so mobile, individual employers are reluctant to bear the burden of training employees, whether they are new or incumbent workers, simply due to the likelihood that they will leave to work for a competitor. Without an adequate return on the investment for paying to train their employees, coupled with an increasingly competitive global marketplace, many larger companies have begun to cut back on their in-house training programs.

A unique approach, one flexible enough to address the fluctuations, transitions and emerging needs of our high technology economy is required. In order to train and educate new entrants to the workforce, workers dislocated by economic change, and workers already in the workplace facing increased demands for higher levels of technology related skills, we need an industry driven training infrastructure.

The legislation I am introducing would establish working groups across the country in which employers, public agencies, schools, and workers can pool resources and expertise to train workers for emerging job opportunities and jobs threatened by economic and technological transition. It will help develop targeted consortia of industry, workers and training entities across the country to assess where and what gaps exist and provide the skills that industry and workers require to remain competitive and on the cutting edge.

Specifically, it would authorize a grants program—to be overseen by the Department of Commerce, in consultation with the Department of Labor—and provide up to a $1 million federal match, for every dollar invested by state and local governments and the private sector for these working groups. The Department of Commerce would be authorized to budget $50 million annually for this purpose and funds would be allocated through a competitive grants process, with each consortia of firms as applicants.

This legislation will allow industries to identify their own skills needs and build these consortia around their common requirements. Alliances would serve to harness the expertise of state and local officials, educational leaders, regional chapters of trade associations and union officials and pool the resources available among these entities. But each group would be predominantly made up of industry, and would be industry driven. Indeed, if we are going to address what is becoming a skills crisis in this country, our businesses must have a leadership role in establishing the means by which we continue to build and upgrade the skills of workers in technology related fields.

Smaller scale versions of the types of skills alliances which my legislation proposes to develop have already shown promise. In Wisconsin, metal-working firms have banded together with the AFL–CIO in a publicly sponsored effort that used an abandoned mill building as a teaching facility, teaching workers essential skills on state-of-the-art manufacturing equipment. Rhode Island helped develop a skills alliance among plastics firms, who then worked with a local community college to create a polymer training laboratory linked to an apprenticeship program that guarantees jobs for graduates. In Washington, DC telecommunications firms donated computers, and helped to set up a program to train public high school students to be computer network administrators and are now hiring graduates of the program at an entry-level salary of $25,000–30,000.

With these grants, this approach can grow and flourish. Each of these initiatives is an investment in our workforce for the 21st Century. If we are to truly transition the U.S. worker to a technology based economy, we must ensure that these best practice examples become standard practice. I urge my colleagues to join me in ensuring the swift enactment of this legislation. I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Industry Training Consortia Act".

SEC. 2. DEFINITION.

In this Act:

(1) Employer.—The term "employer" includes a business.

(2) Secretary.—The term "Secretary" means the Secretary of Commerce.

TITLE I—SKILL GRANTS

SEC. 101. AUTHORIZATION.

(a) In General.—The Secretary of Commerce, in consultation and coordination with the Secretary of Labor and the Administrator of the Small Business Administration, shall provide grants to eligible entities described in subsection (b). The Secretary shall provide the grants to encourage employers to form consortia to share the cost of providing, and reduce the risk of investing in, employer-led education and training programs for employees that meet employer needs and market demand in specific occupations, for purposes of strengthening United States competitiveness.

(b) Eligible Entities Described.—

(1) In general.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not fewer than 10 employers (or nonprofit organizations that represent employers) who are in a common industry or who have common skill needs; and

(B) may consist of representatives from 1 or more of the following:

(i) Labor organizations.

(ii) State and local government agencies.

(iii) Education organizations.

(2) Majority of representatives.—A majority of the representatives comprising the consortium shall be representatives described in paragraph (1)(A).

(c) Priority for Small Businesses.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(d) Maximum Amount of Grant.—The amount of a grant provided to an eligible entity under subsection (a) may not exceed $1,000,000 for any fiscal year.

SEC. 102. APPLICATION.

To be eligible to receive a grant under section 101, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 103. USE OF AMOUNTS.

(a) In General.—The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to develop an employer-led education and training program (which may be focused on developing skills related to computer technology, computer-based manufacturing technology, telecommunications, and other information technologies) necessary to meet employer needs and market demand in specific occupations.

(b) Conduct of Program.—

(1) In general.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for industry and other employers;

(B) development of a sequence of skill standards that are correlated with advanced industry or occupational practices;

(C) development of curriculum and training methods;

(D) purchase or receipt of donations of training equipment;

(E) identification of education and training providers;

(F) development of apprenticeship programs;

(G) development of education and training programs for incumbent and dislocated workers and new workers;

(H) development of the membership of the entity;

(I) development of internship, field, and technical project experiences; and

(J) provision of assistance to member employers in their human resource development planning.

(2) Additional requirement.—In carrying out the program described in subsection (a), the eligible entity shall—

(A) provide for development and tracking of performance outcome measures for the program and the education and training providers involved in the program; and

(B) prepare and submit to the Secretary such reports as the Secretary may require on best practices developed by the entity through the education and training program.

(c) Administrative Costs.—The eligible entity may use not more than 10 percent of the amount of such a grant to pay for administrative costs associated with the program described in subsection (a).

SEC. 104. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 101 to an eligible entity unless such entity agrees that—

(1) the entity will make available non-Federal contributions toward the costs of carrying out activities under section 103 in an amount that is not less than $2 for each $1 of Federal funds provided under a grant under section 101; and

(2) of such non-Federal contributions, not less than $1 of each such $2 shall be from employers with representatives serving on the eligible entity.

SEC. 105. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the funds made available to carry out this title—

(1) to pay for Federal administrative costs associated with making grants under this title, including carrying out activities described in section 106; and

(2) to develop and maintain an electronic clearinghouse of information on industry-led training consortia programs.

SEC. 106. INFORMATION AND TECHNICAL ASSISTANCE.

The Secretary shall distribute information and provide technical assistance to eligible entities on best practices developed through the education and training programs.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 2001, 2002, and 2003.

TITLE II—PLANNING GRANTS

SEC. 201. AUTHORIZATION.

(a) In General.—The Secretary of Commerce, in consultation with the Secretary of Labor, shall provide grants to States to enable the States to assist employers, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) Maximum Amount of Grant.—The amount of a grant provided to a State under subsection (a) may not exceed $500,000 for any fiscal year.

SEC. 202. APPLICATION.

To be eligible to receive a grant under section 201, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not provide a grant under section 201 to a State unless such State agrees that the State will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than $1 for each $1 of Federal funds provided under a grant under section 201.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 2001.●

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mrs. HUTCHISON):

S. 2264. A bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes; to the Committee on Veterans' Affairs.

RECOGNITION OF PHYSICIAN ASSISTANTS IN THE DEPARTMENT OF VETERANS AFFAIRS ACT OF 2000

● Mr. ROCKEFELLER. Mr. President, I am proud to introduce today the "Recognition of Physician Assistants in the Department of Veterans Affairs Act of 2000," which I am delighted to cosponsor with Senators JEFFORDS and HUTCHISON. The bill before us would establish within the Veterans Health Administration an advisory position on physician assistants—an action long overdue.

It is baffling to me that the VA—the largest single employer of physician assistants in the country—does not provide direct representation for physician assistants. VA has nearly 1,200 physician assistants working in hospitals and clinics, yet VA is the only federal health care agency that does not have a physician assistant in a leadership role. Skimming through the VA phone directory, we find much needed representation for social workers, dentists, audiologists and speech pathologists, nutritionists, recreational therapists, and nurses. Physician assistants, however, are hidden within the bailiwick of the Chief Consultant for Primary and Ambulatory Care.

This lack of physician assistant leadership has translated into a lack of knowledge about the profession at the national level—which, in turn, has filtered down to the local level. For example, the scope of practice for physician assistants is not uniformly understood in all VA medical facilities and clinics. Practitioners in the field also report confusion regarding such issues as privileging, supervision, and physician countersignature. Some facilities unnecessarily restrict the ability of physician assistants to provide medical care, while others will not hire physician assistants. The unfortunate consequence of these restrictions is to limit veterans' access to quality medical care.

In June 1997, the final report of a work group to explore internal practice barriers for Advanced Practice Nurses, Clinical Pharmacy Specialists, and Physician Assistants was issued. To date, we have seen no response regarding what VA plans to do to implement the recommendations contained in the report.

Although the work group's report does not contain a specific recommendation for an advisory position, the report clearly states that "many times unnecessary, inappropriate restrictions have been placed on their [PAs] practice." An advisor would be especially helpful in clarifying all issues associated with the profession, including education, qualifications, clinical privileges, and scope of practice. I firmly believe that such an advisor is the key to removing barriers to greater use of these valued health care professionals. I also encourage VA to move ahead with the other recommendations contained in the work group report.

I personally understand the huge importance of physician assistants. My own state of West Virginia is highly dependent upon their expertise. We count on them to provide quality health care in a cost-effective way.

In closing, I thank the Veterans Affairs Physician Assistants Association, which has always provided me with the most up-to-date information about the state of the physician assistant profession. I hope the Committee on Veterans' Affairs will work expeditiously to pass this bill out of committee. Physician assistants—and their patients—are depending upon it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recognition of Physician Assistants in the Department of Veterans Affairs Act of 2000".

SEC. 2. ESTABLISHMENT OF POSITION OF ADVISOR ON PHYSICIAN ASSISTANTS WITHIN OFFICE OF UNDERSECRETARY FOR HEALTH.

(a) ESTABLISHMENT.—Subsection (a) of section 7306 of title 38, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Advisor on Physician Assistants, who shall carry out the responsibilities set forth in subsection (f).".

(b) RESPONSIBILITIES.—That section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) The Advisor on Physician Assistants under subsection (a)(9) shall—

"(1) advise the Under Secretary for Health on matters regarding the optimal utilization of physician assistants by the Veterans Health Administration;

"(2) advise the Under Secretary for Health on the feasibility and desirability of establishing clinical privileges and practice areas for physician assistants in the Administration;

"(3) develop initiatives to facilitate the utilization of the full range of clinical capabilities of the physician assistants employed by the Administration;

"(4) provide advice on policies affecting the employment of physician assistants by the Administration, including policies on educational requirements, national certification, recruitment and retention, staff development, and the availability of educational assistance (including scholarship, tuition reimbursement, and loan repayment assistance); and

"(5) carry out such other responsibilities as the Under Secretary for Health shall specify.".●

Mr. JEFFORDS. Mr. President, I am pleased to join Senators ROCKEFELLER and HUTCHISON in the introduction of the Recognition of Physician Assistants in the Department of Veterans Affairs Act of 2000. This legislation will establish a position of advisor on physician assistants within the office of the Undersecretary of Health for Veterans Affairs.

Physician assistant are very valuable members of the VA health care delivery team. But unlike most components of the team, physician assistants have no representative within the VA's Office of the Undersecretary for Health. As the largest employer of physician assistants in the country, the VA will be establishing important precedents as the role of physician assistants evolves over the coming decade. Physician assistants must be part of the discussion and represented at the level where key health care delivery decisions are made.

An advisory position would be established by this legislation to inform the Undersecretary for Health on such matters as optimal utilization of physician assistants by the VA, the advisability of establishing clinical privileges and practice areas, the development of appropriate educational requirements and certification criteria, and other matters.

This representation is critically important at this time. As the VA moves toward Medicare Subvention and the requisite billing expertise, questions will continually arise surrounding the role of physician assistants. There must be consistent input on these matters directly from physician assistants.

I urge my colleagues to carefully consider this legislation and I hope it is quickly enacted into law.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. LOTT, Mr. BROWNBACK, Mr. BINGAMAN, Mr. GRAMM, Mr. THOMAS, and Mr. INHOFE):

S. 2265. A bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes; to the Committee on Finance.

MARGINAL WELL PRESERVATION ACT OF 2000

Mrs. HUTCHISON. Mr. President, I am pleased today to introduce with my colleague from Louisiana, Senator BREAUX, and the other cosponsors of the bill, the Marginal Well Preservation Act of 2000. This bill represents a necessary and workable proposal to ensure that the United States does not lose even more of its domestic energy production and to help prevent the further escalation of gasoline, diesel, and home heating oil prices for consumers.

Mr. President, just a few days ago, on March 18, President Clinton announced his support of a number of provisions to respond to the recent spike in oil and gasoline prices in America. Among the issues to which he referred, I was most pleased and surprised to hear the president express his support for, quote, 'tax incentives . . . for domestic oil production,' enquote.

Well I for one welcome the President's long overdue endorsement of an issue that I and many other Senators have been promoting, discussing, and introducing legislation on for years. It is unfortunate that the President's newfound support for domestic oil production comes now, rather than a year ago when our domestic producers were being wiped-out by record low oil prices and when communities across Texas and other states were having their economic and tax base decimated. Nevertheless, I do welcome the president's comments, and I urge him to now turn those comments into action.

I publicly urge him and the Treasury Department to pledge to sign into law, and to urge Congress to pass, the bill we are introducing today. Called the Marginal Well Preservation Act of 2000, this bill borrows from legislation I introduced earlier this year to create incentives to keep marginal wells (those producing fewer than 15 barrels per day—and a corresponding level for natural gas) in production during times when oil and gas prices fall below break-even. The bill also contains provisions that the Administration explicitly endorsed over the weekend: the same-year deduction of geological and geophysical (exploratory) and delay rental costs associated with lease development. Taken together, these two provisions will help ensure a minimal level of protection for our nation's independent oil and gas producers and will help prevent America from becoming even more dangerously dependent on foreign oil.

Mr. President, in addition to the President's recent round of proposals, tt seems as if everyone these days has their own "quick fix" to address the recent spike in oil and gas prices. But regardless of what short term solutions may be proposed, as America slips further and further into dependence on foreign oil the volatility of oil and gasoline prices is almost certain to get worse. The only logical response to this crisis is to increase our domestic supply of oil and gas.

Much of the estimated 350 billion barrels of our domestic oil reserve lies not on public lands, but on private property where oil and gas production already occurs. Why isn't that oil and gas being produced? The answer is that much of it is in small pockets and is relatively difficult to retrieve. Such "marginal well" production accounts for roughly 20 percent of our domestic oil production, or about as much as we import from Saudi Arabia.

But while these wells are critical to our energy security, they are the most susceptible to oil price crashes, like we saw during 1998 when oil fell below $10 per barrel. During this time we lost over 65,000 American jobs and over 150,000 marginal oil and gas wells. And despite the high price of oil today, the small, independent producers that own the majority of marginal wells cannot assume the economic risk of re-opening them because there is no assurance that the price of oil will not again fall in the near future (see enclosed article).

The Marginal Well Preservation Act will provide a tax credit of $3 per barrel for the first three barrels of production when oil falls to between $17 and $14 per barrel for oil, and a corresponding price for natural gas. This represents the average break-even price for these wells. In states like Texas, where marginal well tax incentives have been enacted, the result has been to keep thousands of wells open that would have been closed, and thousands of American jobs here that would have moved overseas. Such a tax credit at the federal level would reduce our dependence on foreign oil and help us meet our growing demand for natural gas.

If we were to enact the marginal well tax credit today, we would not only ensure a long-term safety net for producers, but we would also create an incentive today to re-open those shut-in wells. In fact, a reasonable estimate is that, within a reasonably short period of time, we could bring half, or 75,000 of those shut-in wells back into production. This would mean an addition of about 250,000 barrels of daily production. Given that America uses 19 million barrels of oil per day this may not seem like much, but when one considers just how tight the supply of oil is today, this relatively small increase in production could have a significant impact in the price of crude oil and oil products like gasoline and diesel fuel.

In addition, Mr. President, this bill brings the U.S. Tax Code in line with the present-day realities of the oil and gas industry by allowing oil and gas exploration (geological and geophysical) costs to be expensed rather than capitalized, and by allowing delay rental lease payments to be deducted in the year in which they are paid, rather than when the oil is actually pumped. The Administration's own endorsement of this measure, which I and others have been promoting for years, should mean it's quick enactment into law, and I hope that it does.

In fact, the Administration estimates that allowing the expensing of exploration costs alone could spur an additional daily production of 126,000 barrels, on top of the roughly quarter million barrels that the marginal well provision would bring back in the near-term. For those keeping score, that totals almost 400,000 barrels of added daily production that can conservatively be expected to result from the passage of this bill. But it must be done soon. We are quickly approaching a $2 per gallon nationwide price for gasoline, and we have not even entered the peak vacation driving season. Americans need relief now, and this bill will give it to them.

Mr. President, this legislation is long overdue, and I appreciate the support of Senator BREAUX and my other colleagues who are cosponsoring the bill. Most importantly, I urge the President and my other colleagues in the Senate, particularly those from non-energy producing states, to join with us in supporting this effort. High prices and low prices are two sides of the same coin, and it is high time we realize that. Price dives are as detrimental to producers as price spikes are to consumers.

We can break this cycle, and we can do it now by passing the Marginal Well Preservation Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Marginal Well Preservation Act of 2000."

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) PURPOSE.—The purpose of this section is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States.

(b) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

"(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

"(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

"(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) PROPORTIONATE REDUCTIONS.—

"(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) Definitions.—

"(A) Marginal well.—The term 'marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) Crude oil, etc.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) Barrel equivalent.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) Other Rules.—

"(1) Production attributable to the taxpayer.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) Operating interest required.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) Production from nonconventional sources excluded.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well."

"(c) Credit Treated as Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the marginal oil and gas well production credit determined under section 45D(a)."

(d) Credit Allowed Against Regular and Minimum Tax.—

(1) In general.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Special rules for marginal oil and gas well production credit.—

"(A) In general.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) Marginal oil and gas well production credit.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a)."

(2) Conforming amendment.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the marginal oil and gas well production credit" after "employment credit".

(e) Carryback.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

"(3) 10-year carryback for marginal oil and gas well production credit.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof."

(f) Coordination With Section 29.—Section 29(a) is amended by striking "There" and inserting "At the election of the taxpayer, there".

(g) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

"Sec. 45D. Credit for producing oil and gas from marginal wells."

(h) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 3. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) Purpose.—The purpose of this section is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(b) Election To Expense Geological and Geophysical Expenditures.—

(1) In general.—Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

"(j) Geological and Geophysical Expenditures for Oil and Gas Wells.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred."

(2) Conforming amendment.—Section 263A(c)(3) is amended by inserting "263(j)," after "263(i),".

(3) Effective date.—

(A) In general.—The amendments made by this subsection shall apply to expenses paid or incurred after the date of the enactment of this Act.

(B) Transition rule.—In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by this subsection, which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the suspended portion of any expense is that portion of such expense which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

(c) Election To Expense Delay Rental Payments.—

(1) In general.—Section 263 (relating to capital expenditures), as amended by subsection (b)(1), is amended by adding at the end the following new subsection:

"(k) Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) Delay rental payments.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring the drilling of an oil or gas well under an oil or gas lease."

(2) Conforming amendment.—Section 263A(c)(3), as amended by subsection (b)(2), is amended by inserting "263(k)," after "263(j),".

(3) Effective date.—

(A) In general.—The amendments made by this subsection shall apply to payments made or incurred after the date of the enactment of this Act.

(B) Transition rule.—In the case of any payments described in section 263(k) of the Internal Revenue Code of 1986, as added by this subsection, which were made or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such payments over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the suspended portion of any payment is that portion of such payment which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 483

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 483, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 542

At the request of Mr. ABRAHAM, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of

S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 546

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 577

At the request of Mr. HATCH, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1142

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1399

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1459

At the request of Mr. MACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1465

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1465, a bill to provide for safe schools, and for other purposes.

S. 1551

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1551, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 1642

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1909

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2013

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2046

At the request of Mr. FRIST, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2046, a bill to reauthorize the Next Generation Internet Act, and for other purposes.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2124

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2124, a bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

S. 2161

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2161, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

S. 2196

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2196, a bill to reliquidate certain entries of tomato sauce preparation.

S. 2218

At the request of Mr. CLELAND, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2218, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Michigan (Mr. ABRAHAM), the Senator from Arizona (Mr. KYL), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. Con. Res. 81, concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. CON. RES. 96

At the request of Mr. SARBANES, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. Con. Res. 96, concurrent resolution recognizing and honoring members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service in the Armed Forces of the United States.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month".

S. RES. 263

At the request of Mr. ASHCROFT, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 263, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

SENATE CONCURRENT RESOLUTION 97—EXPRESSING THE SUPPORT OF CONGRESS FOR ACTIVITIES TO INCREASE PUBLIC AWARENESS OF MULTIPLE SCLEROSIS; CONSIDERED AND AGREED TO

Mr. REED (for himself, Mrs. MURRAY, and Mr. SMITH of New Hampshire) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 97

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2,000,000 over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9,000,000,000;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of multiple sclerosis and to support the fight against multiple sclerosis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

SENATE RESOLUTION 276—TO EXPRESS THE SENSE OF THE SENATE THAT THE CONFEREES ON THE VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT SHOULD SUBMIT THE CONFERENCE REPORT ON THE BILL BEFORE APRIL 20, 2000, AND INCLUDE THE GUN SAFETY AMENDMENTS PASSED BY THE SENATE

Mr. REED (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 276

Resolved, That it is the sense of the Senate that the conferees on H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, should complete and submit the conference report before April 20, 2000, and include in the conference report the amendments passed by the Senate seeking to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

AMENDMENTS SUBMITTED

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

KERREY AMENDMENT NO. 2885

Mr. KERREY proposed an amendment to the bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; as follows:

At the end add the following:

SEC. . REDESIGNATION OF TERM FOR AGE AT WHICH AN INDIVIDUAL IS ELIGIBLE FOR FULL, UNREDUCED OLD-AGE BENEFITS.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by striking "retirement age" each place it appears and inserting "the age of eligibility for full, unreduced old-age benefits";

(2) by striking "early retirement age" each place it appears and inserting "the age of earliest eligibility for old-age benefits"; and

(3) by striking "delayed retirement" each place it appears and inserting "delayed entitlement for old-age benefits".

(b) CONFORMING AMENDMENT.—Section 202(q)(9) of the Social Security Act (42 U.S.C. 402(q)(9)) is amended by striking "early retirement" and inserting "early entitlement for old-age benefits".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

ROTH (AND MOYNIHAN) AMENDMENT NO. 2886

Mr. ROTH (for himself and Mr. MOYNIHAN) proposed an amendment to the bill, H.R. 5, supra; as follows:

Strike all after the first word and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens' Freedom to Work Act of 2000".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3), by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. NONAPPLICATION OF RULES FOR COMPUTATION OF EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended by adding at the end the following new subparagraph:

"(E) Notwithstanding subparagraph (D), no deductions in benefits shall be made under subsection (b) with respect to the earnings of any individual in any month beginning with the month in which the individual attains retirement age (as defined in section 216(l)).".

(b) CONFORMING AMENDMENT.—Section 203(f)(9) of the Social Security Act (42 U.S.C. 403(f)(9)) is amended by striking "and (8)(D)," and inserting "(8)(D), and (8)(E),".

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60.".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit" and inserting "or, if so entitled, did not receive benefits pursuant to a request by such individual that benefits not be paid".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1999.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "Oversight of HCFA's Settlement Policies: Did HCFA Give Favored Providers Sweetheart Deals?" This hearing is part of the Subcommitttee's continuing examination of the Medicare program and will examine settlements between the Health Care Financing Administration ("HCFA") and certain Medicare providers and whether these settlements conform to HCFA regulations.

The hearing will take place on Tuesday, March 28, 2000, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact K. Lee Blalack II of the subcommittee staff at 224-3721.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Tuesday, March 28, 2000 at 2:30 p.m. before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled for Thursday, April 6, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing is to receive testimony on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224-6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Committee on Energy and Natural Resources and the Committee on Foreign Relations. The hearing is titled: "America at Risk: U.S. Dependency on Foreign Oil."

The hearing will take place on Tuesday, March 28, 2000 at 3:00 p.m. in room

SH-216 of the Hart Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources or the Committee on Foreign Relations.

For further information, please call Trici Heninger or Howard Useem at (202) 224-7875.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy Research, Development, Production, and Regulation.

The hearing will take place on Friday, March 31, 2000 at 9:00 a.m. in room SH-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to review the Department of Energy's findings at the Gaseous Diffusion Plant in Paducah, Kentucky and to receive testimony regarding the Department of Energy's plans for cleanup at the site.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production, and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For futher information, please call Trici Heninger, Staff Assistant or Colleen Deegan, Counsel at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, at 9:30 a.m., in open session to consider the nominations of the Honorable Rudy de Leon to be Deputy Secretary of Defense and Mr. Douglas A. Dworkin to be general counsel of the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, at 9:30 a.m. on impact of interactive violence on children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on E-Drugs, Who Regulates Internet Pharmacies? during the session of the Senate on Tuesday, March 21, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 2000 at 10:30 a.m. to conduct a hearing on S. 2102, a bill to establish a permanent homeland for the Timbisha Shoshone. The hearing will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, to markup the SBA and SBIR Reauthorization bills and other pending legislation. The meeting will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on emerging threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 21, 2000 at 2:30 p.m., in open session to receive testimony on the Defense Science and Technology Program, in review of the defense authorization request for fiscal year 2001 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 2000 at 10:00 a.m. To hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 2000, to conduct a hearing on "HUD's Public Housing Assessment System."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Tuesday, March 21, 2:00 p.m., to conduct a hearing on the current status of cleanup activities under the Superfund program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, March 21, 10:00 a.m., to conduct a hearing on GSA's FY 2001 Capital Investment and Leasing Program, including the courthouse construction program.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2262

Mr. BROWNBACK. Mr. President, I understand S. 2262 is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2262) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

Mr. BROWNBACK. Mr. President, I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 2263

Mr. BROWNBACK. Mr. President, I understand S. 2263 is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2263) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

Mr. BROWNBACK. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

PUBLIC AWARENESS OF MULTIPLE SCLEROSIS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 97 introduced earlier today by Senator REED.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 97) expressing the support of Congress for activities to increase public awareness on multiple sclerosis.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REED. Mr. President, this resolution expresses the support of Congress for activities that will raise public awareness of multiple sclerosis.

Multiple sclerosis (MS) is a chronic, often disabling disease of the central nervous system. Symptoms can range from mild numbness in the limbs to paralysis and blindness. Most people with MS are diagnosed between the ages of 20 and 40, but the unpredictable physical and emotional effects of this debilitating disease can be lifelong. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are giving hope to those affected by the disease. It is known that MS afflicts twice as many women as men, however, once an individual is diagnosed with MS, their symptoms can be effectively managed and complications avoided through regular medical care.

Nationally, it is estimated that between 250,000 and 350,000 individuals suffer from MS, which is approximately 1 out of every 1,000 people. In Rhode Island, the rate is slightly higher—1.5 out of every 1,000. Over 3,000 individuals and their families in my home state are affected by this disease.

It is my hope that through this resolution we can bring greater attention to the devastating effects of this disease, while also building support for additional research. It is through more intensive research efforts by agencies such as the National Institutes of Health that we will better understand some of the potential causes of this disease, as well as develop more effective methods of treatment, and maybe someday prevention. Indeed, it is only with greater resources that we can build public awareness about MS and enhance our scientific understanding of this mysterious illness.

I take this opportunity to express my sincere gratitude to the National Multiple Sclerosis Society as well as the Rhode Island Chapter of the Multiple Sclerosis Society for their encouragement and assistance in developing this important Resolution. It is through their grassroots efforts that individuals suffering from MS can get information about their disease as well as learn more about resources available in their communities, research being conducted, and support services for family members. Their support is essential to those who have been afflicted with MS, and I hope that through this resolution the Congress can assist in bolstering these important efforts.

In closing, I encourage my colleagues to join me in supporting this important resolution to raise awareness and encourage people to become more educated about this debilitating disease.

Mr. BROWNBACK. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 97) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 97

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2,000,000 over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9,000,000,000;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of multiple sclerosis and to support the fight against multiple sclerosis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

ORDERS FOR WEDNESDAY, MARCH 22, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. on Wednesday, March 22. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately begin the final debate on H.R. 5, the Social Security earnings legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, at 9:45 a.m., the Senate will immediately begin the final 15 minutes of debate on the Social Security earnings bill. Following the use or yielding back of that time, the Senate will proceed to vote on final passage of the bill. Therefore, Senators may expect the first vote for tomorrow at approximately 10 a.m.

Following the vote, I ask unanimous consent that the Senate begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator BYRD for the first 10 minutes, to be followed by Senator MURKOWSKI or his designee for 60 minutes, to be followed by Senator DURBIN or his designee for 50 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. If an agreement regarding the crop insurance legislation can be made, it is expected that the Senate will begin its consideration as early as tomorrow afternoon. If no agreement can be made, the Senate may turn to any Legislative or Executive Calendar items available for action.

ORDER FOR ADJOURNMENT

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the 5-minute rule presently in place for morning business be extended for me to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN CONTROL LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise now in strong support of a resolution offered by my colleague, Senator JACK REED of Rhode Island. At the same time, I commend him for all of his hard work in support of gun safety measures.

We are soon approaching an anniversary. Most anniversaries have a happy ring to them—wedding anniversaries, birthdays are often called an anniversary. Those are pleasant moments. But the anniversary we are talking about now is one we will remember for decades to come. It is the anniversary of a mammoth American tragedy.

It is only 31 days until April 20, 2000, the 1-year anniversary of the terrible tragedy at Columbine High School in Colorado. We all remember that awful day almost a year ago. Across the Nation, people saw and heard the shocking news reports. Two students had stormed into their school and systematically shot and killed 12 classmates and a teacher. They also wounded 23 other students and teachers.

It makes me shudder when I recall the bloody carnage of that day. I had to shake my head in disbelief that this outrage could be committed in a school. No parent and no grandparent could avoid thanking goodness for the safety of their own families when they saw the horrors of those moments. Those innocent, young people, full of life, running, scared, desperate, trying to get away from the gunmen—the image of the young man hanging out of the window trying to reach safety.

We thought that incident, that tragedy, would finally wake up Congress. That Congress would say: Let's end this; let's do what we can to stop this. And here, almost a year later, since that tragic moment, the American people have an obligation and a right to ask: What has Congress done to prevent another tragedy? How has Congress answered the cries and pleading of parents and grandparents who want to protect their children? What has Congress done to protect other families from gun violence? I ask the question and I will give the answer: Absolutely nothing. And it is a disgrace.

I and some of my colleagues have tried. During the debate on the juvenile justice bill, the Senate passed several gun safety measures, including my amendment to require criminal background checks at gun shows. It was a very close vote, a 50–50 tie. The Vice President, in his role as President of the Senate, came in to break the tie. And with that vote the Senate passed my measure to require background checks at gun shows. But still Congress has not completed action on that legislation, despite the support of organizations that we all know and agree with when it comes to law enforcement, groups endorsing the Senate-passed gun safety amendments, such as the International Association of Chiefs of Police, the International Brotherhood of Police Officers, Police Executive Research Forum, Police Foundation, Major Cities Chiefs, Federal Law Enforcement Officers Association, and others. They all ask why we can't do something about controlling gun violence in our society.

We tried. I remind my colleagues that the gun show loophole amendment had bipartisan support. I was pleased to have that support from our friends on the other side of the aisle, people such as Senators DEWINE, FITZGERALD, LUGAR, VOINOVICH, WARNER, and Chafee, who is no longer with us. They all voted for my amendment.

And the juvenile justice bill, with the gun safety amendments, passed by a vote of 73–25. So there was strong, bipartisan support for moving forward on juvenile crime and trying to reduce gun violence. But that was back on May 20 of last year, 10 months ago. We have to look at what has happened since then.

The shootings haven't stopped. Most recently, there was a 6-year-old shot by a classmate in Michigan. There was another shooting spree near Pittsburgh, where five people were shot and three died when a gunman opened fire on a McDonald's and a Burger King.

There have been more shootings, from Fort Gibson, OK, to Los Angeles, CA, where a gunman opened fire at a daycare center. We all remember the little children being led from a day school—holding a policeman's hands. They were being led away from someone who would later kill a postal worker because he had a different complexion than the killer. And there was also Fort Worth, TX, where young people at a prayer meeting were assaulted by a gunman. It has been one shooting after another. And these tragedies demonstrate that unless all communities are safe from gun violence, no community is safe from gun violence.

But while the vast majority of Americans want Congress to act, there is one special interest that says, no, the status quo is more than enough. The National Rifle Association has worked with its allies in this body and in the House of Representatives to block legislation every time it comes up. The same old reaction. Every time Congress wants to pass gun safety laws, the NRA calls on its friends to prevent progress.

Recent statements from the NRA show how desperate and extremist they have become. A man named Wayne LaPierre, the NRA executive vice president, attacked President Bill Clinton. He said that President Clinton was "willing to accept a certain level of killing to further his political agenda." That comment is outrageous, insulting, reckless, and irresponsible. But Mr. LaPierre didn't stop there. He also accused President Clinton of having "blood on his hands" because of the shooting of the basketball coach, Ricky Byrdsong. Just when you thought the NRA could not go any lower, they managed to do it.

The NRA is so wrong because, in that case, it was the State authorities who failed to pursue and prosecute Ricky Byrdsong's killer when he failed the background check. These painful comments are an outrage, and Mr. LaPierre and the whole organization, the NRA, ought to apologize to Mrs. Byrdsong.

The NRA is out of touch with the American people. Look at the polls. There is overwhelming support for common sense gun safety measures. The American people are pleading with Congress to reduce gun violence. And they want to close the gun show loophole that permits unidentified buyers from getting guns without a background check. If you have money in your pocket, you can walk out with a gun at your waist. You could be one of the 10 most wanted criminals in all America, or one of the terrorists from abroad whose names have become legendary, and you could buy guns at these gun shows from unlicensed dealers—no questions asked. Who are you? What is your name? Where do you live? Have you had a bad record? No, not one question is asked.

But the NRA attacks are nothing new. They constantly spout careless rhetoric. Some of my colleagues, and many other people, will remember when the NRA went after Federal law enforcement officials, calling them "jack-booted thugs." That comment resulted in President Bush's resignation from the NRA.

Now we have heard—I listened to it myself on a recent TV broadcast—Charlton Heston, who ought to know better, defending the reckless attacks on President Clinton. And on the NRA web site you even see more rhetoric about the Holocaust that took 6 million people to their death. It says that if the Jews had their weapons with them, it would not have happened. What an outrageous and insulting thing to say. Six million Jews were put in gas chambers, put in trains, and systematically killed. The entire Nazi government and communities across Europe—scientists, doctors, and teachers, all organized to put these people and 8 million more to their death. The NRA drops a casual remark like that and says maybe if they were allowed to carry weapons, or if they didn't have them taken away from them, they could have saved themselves. They are talking about kids who were 6 years old and babies who were thrown from trucks. They could have prevented it if they only had a chance to continue owning weapons.

While that rhetoric is the most outrageous, there is more phony rhetoric coming from the NRA. The NRA says that all we need to do is enforce the laws we have on the books. Another outrageous, loose statement. The argument ignores the fact that the number of Federal firearms cases prosecuted by U.S. attorneys increased 25 percent, from 4,754 in 1992 to 5,500 in 1999.

So the NRA's suggestion that law enforcement is not fighting gun crimes is just false rhetoric. They will say anything they want to if they feel it can help make their case. But they are not convincing the American people that everybody who wants to have a gun should get it in minutes. They say that 24 hours is more than enough time. But the FBI is trying to track down people who escaped the requirement for a thorough background check because there wasn't enough time to get it done. During the first year of the National Instant Criminal Background Check System, there were 3,849 occasions where three business days went by and the gun transfer had to be allowed, but the FBI later received information that the transfer was to a prohibited person. In other words, even three business days is not long enough.

And the NRA rhetoric also completely misses the point when it comes to gun shows. The problem with gun shows is there is no law to enforce. There is one giant loophole.

As I said earlier, someone on the FBI's Ten Most Wanted list can go to a gun show and buy a firearm from a nonlicensed dealer with no questions asked. The only questions are: How many guns do you want and do you have the money? That is the transaction. It is as simple as that—handguns, assault weapons, you name it; all kinds. This isn't an enforcement issue. There is no background check requirement to enforce.

The NRA and its friends are out of touch with the American people. Even a major gun manufacturer, Smith & Wesson, said we need to do more on gun safety. The company reached an agreement with the Administration that will incorporate many of the measures stalled in the conference committee on juvenile justice—background checks at gun shows, child safety locks, and preventing the use of ammunition clips with more than ten rounds.

For the benefit of those who do not work around here, a conference committee is comprised of a committee of the Senate and a committee of the House, both with jurisdiction over particular issues. They sit down and hammer out differences in legislation. The conference committee on the juvenile justice bill has met just once, in August of last year. It has done nothing for months because the NRA and its friends—some of them here and some of them across the Capitol in the House—don't want any gun safety measures to pass Congress.

Despite that, the American people are demanding something be done. We have to move this conference. We want background checks at gun shows. We want child safety locks. We want to prevent the use of ammunition clips with more than 10 rounds. It is ridiculous that Congress is behind gun manufacturers on gun safety.

We want to stop the phony rhetoric and get on with the job. And the American people should remind their Senators and their Congresspeople that they are demanding safety from guns for their children, their households, and their families.

I hope the word goes out across this country that there is time now to start making changes to reduce gun violence. We ought to get on with the job. We have to stop the verbal attacks on law enforcement. We have to stop the excuses. The conference committee should complete its job. The American people should demand nothing less.

I support Senator REED's resolution and I hope many of my colleagues will vote for it. And we must show the American people that we have the backbone and the spine in this body to stand up to the NRA and campaign contributions from its political action committee.

Listen to the voices of the American people. Listen to the cries of anguished parents who run to the schoolhouse hoping their child was not one of those who are listed as dead or wounded. Listen to the mothers who will march to Washington on Mother's Day—there may be a million rallying across the country—and say: for God's sake, please help me protect my child from violence. There is no more important or urgent plea than that. It must get through these walls. The American people can't understand Congress' failure to pass gun safety measures. I can't understand it and I work here every day.

We must complete action on gun safety before April 20, 2000, the one year anniversary of the tragedy at Columbine High school. We cannot allow a year to pass with nothing done except people visiting cemeteries to see where their children are buried.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL RESERVE

Mr. DORGAN. Mr. President, I understand the Senate is about to adjourn for the day. I was not going to come to the floor. Then I thought I would not sleep much tonight if I didn't come to the floor and say what I think ought to be said about the Federal Reserve Board. Again, today in secret downtown they increased interest rates for the fifth time in a relatively short period of time.

Will Rogers once said—and it is probably good to quote him in this room, where we used to have spittoons all across the Senate, I understand, well before I came here—"When there is no place left to spit, you either have to swallow your tobacco juice or you have to change with the times."

That is something the Federal Reserve Board would not understand.

The fact is, they met today again in secret behind closed doors, as they always do, because it is the last dinosaur left in this town. Everything else is relatively open. But the Federal Reserve Board meets in secret. They decided to do so again today. They decided to increase interest rates once again.

The last five interest rate increases, including this one today, mean that every family in America, on average, will pay an additional $440 in interest charges this year. That is a tax on every American family. That was imposed on the shoulders of every American family, with no debate and no discussion. It was done in secret by the bankers down at the Federal Reserve Board.

Just because I feel so kindly about the role they played, I figured I should show the American people at least who they are. As I have in the past, I provided their pictures, their salaries, and their education.

Of course, if you put them all into a barrel and rolled them around, it wouldn't matter which was on the top; they still look the same. They still have the same education, they still make about the same amount of money, and they apparently still think the same. They all think this country is growing too fast, and they think there are too many people working. So they view themselves as a set of human brake pads whose design it is to slow down the American economy.

The problem with that is, there is no evidence to support what the Federal Reserve Board has done today. Worker productivity is up. It is up substantially. The Consumer Price Index with respect to the core inflation rate and the Producer Price Index with respect to the core rate are not showing what the Federal Reserve Board is looking for; that is, a new wave of inflation in the American economy. In fact, inflation is well under control and the productivity of the American workers continues to rise.

According to the Federal Reserve Board's own "beige book," which is what they call it, wage pressures have actually eased in some parts of the country since late last year. Last year, productivity in this country rose by 3 percent. The final quarter of 1999 saw productivity increasing 6.4 percent, the largest rise in seven years. This surge of productivity by American workers pushed down unit labor costs by a 2½ percent annual rate.

The question is, Why does the Federal Reserve Board not want to allow workers who are more productive to share in this country's prosperity? Why is it the central bankers are desperately afraid of having folks who work on assembly lines, and are more productive for doing it, get a wage increase or a salary increase? The first sight of that and the Fed has an apoplectic seizure and decides it wants to tax every American with higher interest rates.

I read the other day about a fellow named Walt Frazier. The Fed ought to invite Walt to town and bring him into their mahogany room before they close the door. The Washington Post wrote a story about Walt Frazier. Walt is a live chicken hanger. He works in one of these chicken processing plants. The live chicken hanger is the fellow in the front end of the room who pulls chickens by their feet and hangs them as they go around through the throat slasher and the other processes, and at the back end comes out a chilled, packaged chicken that goes to the store. Walt is a chicken hanger at the front end.

The shift he works begins at 5:48 in the morning. He is done at 2:18 p.m. in the afternoon. He grabs a live chicken every 2 seconds and puts that live chicken on a hanging machine that circulates. He lifts and hangs 10,000 chickens a day, the Washington Post said. That is 2½ tons of wiggling, fighting, clawing flesh. Walt works on the line. Do you know what Walt makes? For 20 years he has done that. He makes $8.88 an hour or $18,470 a year. He had a couple of operations on his wrists because grabbing live chickens in a chicken plant means you get clawed, scratched, and beat up.

The point about mentioning Walt Frazier is he is one of the folks who works in the chicken plant. He is more productive because of machinery and other things, but the Federal Reserve Board doesn't want to look at folks who are working in those circumstances who, because they are more productive, ought to be able to earn more money.

The Federal Reserve Board says: No, we don't want America to show greater gains for workers. We worry about that. We think that is inflationary.

So what do they do? They keep slapping on new interest charges. It is a classic fight we have had over the past two centuries between those who finance production and those who produce and work in production. Those who finance have great friends at the Federal Reserve Board. The gold stars are the folks on the Open Market Committee who today helped the Fed Board of Governors decide that the American families ought to pay higher interest charges. The American people had no say. But the Federal Reserve Board did it because they tilt their policies toward the big money center banks and against the interests of working folks in this country.

I say once again, as I have said on other occasions, the Federal Reserve Board could use a good dose of common sense. We have two vacancies. I have said repeatedly one ought to go to my Uncle Joe. My Uncle Joe used to fix generators and alternators in his garage. He worked with his hands and knows something about running a small business. None of these people on the Federal Reserve Board appear to understand the consequences of slapping $440 in additional interest charges on the American people. They can afford it. They are not worried about the effects of those working for a living on the assembly line who are trying to be more productive and who expect as a result of being more productive to get more income.

The Federal Reserve Board is interested in money center banks. They see inflation under every cover and under every bed. Every moment they see new waves of inflation. I say to the Federal Reserve Board: You are wrong again. You have been wrong, wrong, wrong. Go back about 5 years and tell the American people what you said then: If unemployment falls below 6 percent, we will have more inflation.

Unemployment has been below 6 percent for more than 5 years and inflation is down. Federal Reserve Board, tell the American people what you said about growth: If the country grows at greater than 2½ percent, there will be greater inflation.

It has grown faster than that and the inflation rate has gone down. They have been wrong, wrong, wrong.

Because they have the ability in secret to impose the added burdens and charges on the American people's shoulders, they do so, but that does not make it right.

Will Rogers said: When there is no place left to spit, you better change with the times. This Federal Reserve Board is tinkering with the economy, which could well injure the economy, an economy which has produced many months of sustained economic growth. American workers deserve the opportunity to share in the benefits of that growth. I hope the Fed will think better of this strategy. It is the wrong strategy for this country.

It is, if nothing else, therapy for me to say it because no one can have any impact on this board. It does what it does and says what it says with total impunity. Some day I hope that the Board of Governors and the presidents of the regional Fed banks, who have tilted their policy so in favor of money-centered banks, will actually consider the interests of working people in this country.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, the Senate stands in adjournment until 9:45 a.m. Wednesday, March 22, 2000.

Thereupon, the Senate, at 6:16 p.m., adjourned until Wednesday, March 22, 2000, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 21, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. MORELLA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 21, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 96. Concurrent Resolution recognizing and honoring the members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service for service in the Armed Forces of the United States.

The message also announced that pursuant to Public Law 106–31, as amended by Public Law 106–113, the Chair, on behalf of the President pro tempore, appoints the Senator from Tennessee (Mr. FRIST) to the Russian Leadership Program Advisory Board.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

BEFORE NEW GUN LAW, ENFORCE ONES ON BOOKS

Mr. STEARNS. Madam Speaker, it reflects well on the human condition that tragedy often brings out the best in people: compassion, resolve, understanding. Sometimes, unfortunately, a tragedy can also release the darker human impulses: cynicism, dishonesty, and opportunism. It is a regret that many times individuals will take advantage of a tragedy to promote an ill-conceived agenda.

Last month, the Nation was stunned by the shocking death of 6-year-old Kayla Rolland in Mount Morris Township, Michigan. This young girl was killed in a classroom by a fellow student, a 6-year-old boy. This loss echoed beyond the family involved, her school, and their community. It touched all of us, evoking a sense of nationwide grief and dread.

Madam Speaker, sadly, it was not long before the heartbreaking death of this girl was transformed into a means of a lot of political points. That very day, the President announced that this tragedy should be an election issue. He went on to demand passage of various gun-control measures.

First, we should look at the facts of this matter and consider what difference this administration's proposals would have made. Chuck Green of the Denver Post did this for us when he asked these questions in a recent column:

Did the little boy have a concealed-carry permit?

Did the little boy purchase the weapon from an independent dealer after failing a background check by a licensed dealer at a gun show?

Did the little boy use false identification when purchasing the weapon?

Did the little boy use an illegal automatic weapon in the assault?

Did the little boy have an older person, possibly a 9-year-old child, purchase this gun on his behalf?

The answer to this killing is not to be found in too few gun laws, but rather in how this boy was raised. He was living with his uncle and another man, sleeping on the couch in the living room.

It was a home reportedly with a constant flow of strangers seeking crack and trading guns. The .32 caliber pistol used to kill the girl was stolen.

Now, I expect that some of my colleagues would claim that child safety locks would have prevented the shooting in the classroom. Now, selling crack is illegal, as is trading for guns. Do they really think that these individuals would have obeyed a law requiring safety locks?

I would also remind my colleagues that Michigan already has a number of State laws targeting gun violence on the books. These are some of the laws: prohibit selling any firearm to a minor under 18; prohibit possession of a handgun by person under age 18; prohibit possession of any firearms, including BB guns on school property; prohibit possession of even a BB gun beyond the yard of a minor's home unless accompanied by a person over 18; prohibit intentionally pointing, even without malice, any firearm at another person; require that all handguns must be registered; require a license to purchase a handgun from a dealer or a private individual; void the handgun license if not used within 10 days of issuance; require theft of a gun to be reported to police within 5 days of discovery.

Gun violence is a scourge on our Nation, and we have a responsibility to tackle this plague, not with empty gestures, but with solid action. Instead of passing new gun laws, we should enforce those already on the books.

Here in Washington, for example, there are 2,400 violent crimes committed with firearms in 1998. Only two criminals were prosecuted in Federal court for these gun crimes. This is not uncommon. A study by Syracuse University found that Federal prosecution of gun crimes has dropped, has dropped by 44 percent since 1993.

However, only a 2-hour drive from here, where I am speaking, vigorous Federal action has helped to reduce gun homicides in Richmond, Virginia, by one half. Project Exile is an effective, anti-violence program promising Federal prosecution and an additional 5 years in jail for felons caught with a gun. In Richmond, more prosecutions under Federal gun laws took place than in California, New Jersey, New York, and Washington, D.C. combined.

The President and his supporters want to create a false sense of security by enacting more laws with little or no real impact on the problem. A stronger commitment to enforcing the laws already on the books will do far more to protect our communities and our school rooms from gun violence.

GUN VIOLENCE UNDERCUTTING AMERICAN VALUES

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I appreciate my colleague discussing the issue of gun violence, but I could not disagree with his assessment more.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A livable community is one where people are safe, healthy, and economically secure. Gun violence undercuts each of those elements. We are not safe today in the epidemic of gun violence, whether it is in Mount Morris Township, Michigan; Littleton, Colorado; or Springfield, Oregon. Gun violence is a leading cause of death and injury, 12 per day for children alone. And our families are not economically secure. Gun injuries, injuries, cost almost $20,000 per incident to treat, and the cost of a gun-related death is approximately one-third of a million dollars.

In the face of overwhelming evidence about gun violence, the gun apologists continue to argue that guns somehow make us safer, and simple common sense gun legislation is unnecessary. By their logic, we could get rid of metal detectors in airports. Yes, a few guns might get through, but almost certainly well-armed passengers would gun down the terrorists.

A little article in today's Post notes that for the second time in a week, a passenger was arrested on a plane for assaulting a pilot. Would we be better off if that passenger had been armed so that there would have been a gun battle instead of a fist fight?

The NRA argues that the people who want to reduce gun violence have blood on their hands, that they want a certain level of violence. I was with the President of the United States as he visited the victims and the families in my State in Springfield, Oregon; and I know that such an assertion is as untrue as it is sick and twisted.

Tragically, it is consistent with the NRA's approach and that of their apologists. They oppose even the most simple common sense approaches. If they had their way, the Brady Bill would not have passed and 400,000 felons and mentally ill people would have had guns outright, instead of eliminating that opportunity for them. Does anyone think that that would have made us safer?

We do not have to be stalemated by this argument. There are simple common sense approaches. We can require safe storage of guns. Maybe it would not have made a difference for that little 6-year-old boy and the girl he shot in terms of that home, but maybe the gun would not have been stolen in the first place if it had been in a lockbox.

We can lead by example by making sure that smart gun technology is available for law enforcement officials. One in six law enforcement officials who are killed with a gun are killed with their own service revolver or that of one of their partners. If the Federal Government and State governments would announce that next year we will not purchase guns that are not personalized, that cannot be wrestled away, we could move that technology forward by leaps and bounds.

We can make guns safer to reduce accidental death and injury. Why in the name of all that is holy do we sell guns in this country that do not tell you whether or not there is a bullet in the chamber, when we have mandated child-proof bottles for aspirin and cigarette lighters? Why do we have more consumer protections for toy guns than real guns? Sadly, it is the apologists for the gun lobby who have had their way.

We can also keep guns out of the hands of violent felons; not just violent felons, but violent misdemeanants as well. A study at the University of California-Davis has demonstrated that those who are convicted of misdemeanor crimes are 7.5 times more likely to be charged with new crimes than those with no criminal records. The vast majority of people who own guns, as well as normal citizens who do not, support prohibitions like this.

Finally, we can take a step here in Congress today. We can end the gridlock. The Republican leadership should, must, let us move forward. The conferees on the juvenile violence bill have not met since August, hung up over these gun violence provisions. They ought to meet. They ought to meet today and allow us to vote on these simple, common sense provisions.

Finally, people at home today have an opportunity and responsibility themselves to reduce gun violence. Parents should not only demand that Congress act, but they should make sure that if they have a gun in a home, that it is stored safely, and if a child of theirs is going to go next door to play at a neighbor's house, they ought to find out if there is a gun in that house and demand that it be stored safely before their child plays there.

There is no excuse for continuing to tolerate the highest rate of gun violence in the developed world in our country.

INS MANAGEMENT NEEDS TO DO ITS JOB

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Madam Speaker, I do not have to remind this House about the fine work of our Border Patrol agents. They put their lives at risk every day to slow the flow of illegal drugs into this country and to keep our borders safe from dangerous aliens. Their work in helping to arrest a suspected terrorist near Port Angeles, Washington, in December was exemplary. We all appreciate their efforts. Due to the current inept management of the INS, however, the job of these officers is made much, much more difficult.

□ 1245

Over the past two fiscal years, Congress has appropriated funds for the INS to hire 2,000 new Border Patrol agents. The agency has failed to hire anywhere near that number, and every new agent they have hired has been assigned to the southern border, even though our northern border also has problems.

In fact, until recently, the INS had been detailing agents from our already shorthanded northwestern border to shore up its Border Patrol officers in Arizona. At one point, nearly 10 percent of the field agents in Washington State were assigned to the southern border. The INS has indefinitely postponed the details, but refuses to call a permanent halt to transfers to the southern border.

This is not what Congress wanted. There were supposed to be more agents in Washington State, not less. I agree that there are serious problems on the southern border. That is why the INS was given so much money for the Border Patrol last year. The INS management needs to do its job and hire more agents instead of robbing from one shorthanded border to fill out another. There is no reason why northern border staffing should not be increased.

Last week, with my colleagues, the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from Washington (Mr. HASTINGS), I sent a letter to the INS Commissioner, Doris Meissner, demanding a permanent end to transfers of the northwestern Border Patrol agents and urging higher staffing levels on the northern border.

Madam Speaker, how many more illegal drugs and weapons will flood across our northern border before the INS finally cleans up its act?

MEDICARE PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, should the Medicare program offer prescription drug coverage? What good is insurance if it covers the diagnosis, but not the cure. Of course, Medicare should cover prescription drugs.

Why can we not target coverage to just the lowest income seniors? I can think of several reasons why that is a bad idea. First, Medicare endures in this country because every American contributes to it and every American at the age of 65 will benefit from it. A third of all seniors, over 10 million seniors, lack drug coverage; millions more are barely insured; employers are dropping their retiree coverage and private health insurers are cutting back their prescription drug benefits.

This is not an isolated or a status problem that can be solved in a piecemeal fashion. It is broad based and it is getting worse. Whether or not Medicare should cover prescription drugs should not even be a real question. If one believes this Nation benefits from helping seniors live in good health and above poverty, then Medicare should cover prescription drugs. But it is expensive to cover prescription drugs.

Can our government afford it? We are the wealthiest Nation in the world. Our retirees are collectively responsible for our current prosperity. Their security and their well-being resonate across families, communities, and the Nation. We can afford to, and it is in our interests, to provide seniors health coverage that makes sense, and that means providing prescription drug coverage. But we cannot afford to waste tax dollars that otherwise would be used to bolster Medicare's long term solvency. We need to pay fair prices for prescription drugs.

So are the current prices fair? For the sake of argument let us define "fair" in this case as necessary to continue a brisk pace of research and development. Maybe prices are fair, maybe drug companies have no choice but to charge such high prices. But I doubt it. Knowing how much drug companies are investing in marketing, knowing what their profit margins are, knowing what their CEOs and top executives are paid, knowing that any reduction in prices can be largely offset by increases in sales volume, I doubt prescription drug prices need to be that high.

But even if drug makers could justify their revenue requirements, how could they justify placing such a disproportionate burden on Americans? How can they justify charging Americans two and three and four times what they charge individuals in other industrialized nations. How and why are prescription drugs more expensive here? Because other countries will not tolerate these outrageous prices and because we in this Congress have tolerated them.

We do not negotiate prices; we do not demand that drug manufacturers reduce their prices to reflect the federally funded portion of research and development. We do not make use of the collective purchasing power of 38 million seniors to demand fairly-priced drugs. Instead, we nod our heads knowingly when drug manufacturers warn us that any action we take could stifle research and development. Drug prices can come down in the U.S. without stifling that research and development.

Take the case of medical devices. The Medicare program is the largest purchaser of medical devices in the U.S. Medicare pays discounted prices for medical devices and yet new devices are developed every day. The government funds 40 percent of the R&D in the United States. Sources other than drug companies fund another 10 percent of drug research and development. Drug companies receive huge tax breaks, drug makers pay an effective rate 10 percentage points lower than the average for all major industries. Drug profits are 5 percent higher than any other industry.

In 1998, the CEO of Bristol-Meyers-Squibb was paid $146 million in salary and benefits. Obviously, a fast way to make money is to charge inflated prices for prescription drugs. It works beautifully for the drug companies, but it does not make it right.

So what do we do about high drug prices? The drug industry says the best way is to make prescription drugs affordable for seniors by enrolling all 38 million in private health insurance plans. That clearly has not worked as we have seen the price of health insurance go up and up and up.

We have other options. I have introduced legislation that would give drug manufacturers a choice. They could either disclose their true costs and work with us to bring the prices down, or they could license their patents to generic drug companies and let the free market, using good old-fashioned competition, bring prices to a more reasonable level.

The gentleman from Maine (Mr. ALLEN) has introduced legislation that would permit seniors to purchase drugs at discounted prices. The gentleman from Vermont (Mr. SANDERS) and the gentleman from Arizona (Mr. BERRY) have introduced legislation that would permit us to import drugs when they are priced less expensively in other countries.

So I ask again, should Medicare provide prescription drug coverage for seniors? The answer is yes. Will it be expensive? The answer is yes. Is there some way we can make it less expensive? The answer is a resounding yes.

Now, will this Congress add a drug benefit to Medicare this year? I do not know the answer to that. We may not get a chance to vote, or the majority of the Republican leadership may go with yet another stopgap measure rather than taking a logical step in updating the Medicare benefits package.

LEGISLATION TO ALLOW FDA AUTHORITY TO REGULATE TOBACCO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. WAXMAN) is recognized during morning hour debates for 5 minutes.

Mr. WAXMAN. Madam Speaker, today the Supreme Court recognized that tobacco use is perhaps the most single significant threat to public health in the United States. Unfortunately, the Court also ruled that Congress had not given the Food and Drug Administration explicit authority to regulate tobacco.

We can change that today.

The Republican leadership blocked legislation in the past to give FDA this authority. This afternoon, I will reintroduce a bill that gives FDA explicit authority to regulate tobacco.

The Republican leadership has sole power to bring this bill to the floor this week or next week or next month. But the day has passed to ignore tobacco's deadly toll and the thousands of children who start smoking every day. We cannot look to FDA. We cannot look to the courts. We have the responsibility, and we must act.

Two years ago, I reached a comprehensive agreement with the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, to reduce smoking by children. The Republican leadership must let the House consider tobacco legislation. It is long overdue.

We had hoped the Supreme Court would have allowed the FDA to regulate tobacco on its own. Their decision today by 5 to 4 has sent the issue back to the Congress. It is now our responsibility. We can ignore that responsibility no longer.

With the bill that I will introduce today, it will be very clear that FDA will be able to regulate tobacco as they have chosen to do to stop them from targeting our kids. I call on the Republican leadership to work on a bipartisan basis to give the FDA this authority. We must stop tobacco companies from going after our children at the ages of 12, 13, and 14 to get them to start smoking a product that they know will hook many of them and keep them smoking into adulthood.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Reverend Douglas Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we gather on this rainy afternoon in Washington aware that it is springtime. There may be a chill in the air, but there are blossoms on the cherry trees. Some of us have begun to work in our gardens, digging, planting, pruning. We are familiar with the springtime tasks, and at least when we have time, we welcome them as paths to new vitality and beauty and fruitfulness.

Grant us, we pray, a similar awareness of the tasks that lead to healthy politics and sound policy. Help us to know where to dig, what to plant, when to prune. And lead us to take up those tasks together. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOUR OF MEETING ON WEDNESDAY, MARCH 22, 2000

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 10:30 a.m. on tomorrow, Wednesday, March 22, 2000.

THE SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SOCIAL SECURITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, every American contributes to Social Security, hoping one day that that investment will help him or her to retire comfortably. We expect and hope that those dollars will one day come back to us with interest.

For generations, this program has worked fairly well, but we now have a younger generation that is not so confident about the Social Security system. Most young people in their 20s with whom I speak do not count on getting a dime from Social Security when they retire, and they know how much better their own investments perform compared to the low rates of return earned by the Social Security Trust Fund.

Mr. Speaker, the Social Security system is a good program, millions of Americans depend on it; but it is time that we allowed Americans to invest a small portion of their FICA taxes into an authorized group of funds, like a 401(k) or a pension plan, an individual retirement account, to get the benefit of compound interest. It is time we made some changes, reform that will save and strengthen Social Security in the long run.

CORRUPTION IN THE JUSTICE DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 19 years ago, I defended myself and was found innocent of RICO violations. Forensic tests proved that the Justice Department used a fraudulent confession against me. What is even worse, at my trial the FBI admitted they had evidence that the agent-in-charge of the Youngstown FBI office, Mr. Stan Peterson, was on the payroll of the Mob, and when he retired, was appointed the chief of police of Youngstown at the direction of the Mob.

Now, if that is not enough to shred the Constitution. The FBI further testified they never investigated Stan Peterson. Enough is enough. I am announcing formally today that I am once again a target of the Justice Department.

Listen, I plan to fight like a junkyard dog, and if I die in that courtroom, bring it on; but I want to thank every Member for their encouragement that they have given me and for their good concerns.

In America, the person governs. We should not fear the IRS. We took care of that.

I will be submitting legislation this week that will provide for outside investigations into wrongdoing in the Justice Department. Right now, the Justice Department investigates the Justice Department.

Mr. Speaker, I yield back the corruption in the Justice Department.

DEADLY CARGO

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this week we will have an opportunity to once again protect our Nation, our citizens, and our environment by voting no on S. 1287, the Nuclear Waste Policy Amendments Act.

If passed, Mr. Speaker, S. 1287 will launch the largest nuclear waste shipping program in human history.

A no vote will send a clear message that we do not support transporting the world's deadliest material, nuclear waste, through our Nation's cities, near our children's schools, and through our rural communities.

Mr. Speaker, the Department of Transportation reported that in a 10-year period there were almost 100,000 transportation accidents releasing hazardous materials; 100,000.

Just imagine the consequences of a transport accident involving nuclear fuel containing massive amounts of radioactivity occurring as it travels through the most congested cities of 43 States.

Mr. Speaker, let us not put millions of our Americans or our environment at risk. Vote no on S. 1287.

I yield back S. 1287, a plan to transport nuclear waste that only serves to jeopardize the health and the welfare of every American.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GEKAS) laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 20, 2000 at 3:00 p.m. and said to contain a message from the President whereby he transmits a proposed Agreement with Bangladesh on the Peaceful Uses of Nuclear Energy.

With best wishes, I am
Sincerely,
MARTHA C. MORRISON,
Deputy Clerk of the House.

AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF BANGLADESH CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-213)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)) (the Act), the text of a proposed Agreement Between the United States of America and the People's Republic of Bangladesh to extend the Agreement for Cooperation Between the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses of Nuclear Energy signed at Dhaka, September 17, 1981 (the Agreement for Cooperation).

The proposed Agreement to extend the Agreement for Cooperation (the "Extension Agreement") was originally approved and its execution authorized by President Bush based on his written determination that the performance of the Agreement for Cooperation for an additional period of 20 years would promote, and would not constitute an unreasonable risk to, the common defense and security. A copy of President Bush's written approval, authorization, and determination is enclosed. Also enclosed is a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) prepared at that time by the Director, United States Arms Control and Disarmament Agency.

The proposed Extension Agreement was effected by an exchange of diplomatic notes at Dhaka on January 5, 1993, and February 6, 1993. The terms of the Extension Agreement condition its entry into force on each State notifying the other of the completion of its respective legal requirements for entry into force. However, before the proposed Extension Agreement could be submitted to the Congress in 1993 for review pursuant to section 123 of the Act, the Government of Bangladesh asked to consult with the United States regarding a possible modification of the term of extension. These discussions proved to be very protracted, but both Governments have now agreed that their original intention to extend the Agreement for Cooperation for an additional period of 20 years from the date of the original Agreement's expiration (i.e., to extend its until June 24, 2012) should stand, and that the Extension Agreement should be brought into force as soon as each Party has notified the other in writing that it has completed its legal requirements for doing so.

Section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277) now also provides that each Nuclear Proliferation Assessment Statement prepared pursuant to the Act shall be accompanied by a classified annex prepared by the Secretary of State in consultation with the Director of Central Intelligence, summarizing relevant classified information. The Secretary of State is submitting to the Congress under separate cover such a classified annex. It contains, *inter alia*, the Secretary of State's reaffirmation of the conclusions reached in the original unclassified Nuclear Proliferation Assessment Statement (a) that continued implementation of the Agreement for Cooperation is consistent with all requirements of the Act, and (b) that the safeguards and other control mechanisms and the peaceful-use assurances contained in the Agreement for Cooperation are adequate to ensure that any assistance furnished under it will not be used to further any military or nuclear explosive purpose.

I am pleased to reconfirm President Bush's approval of the Extension Agreement and authorization of its execution and implementation. Bangladesh is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and is fully in compliance with its nuclear nonproliferation commitments under that Treaty. In my judgment, continued performance of the Agreement for Cooperation between the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses of Nuclear Energy will promote, and not constitute an unreasonable risk to, the common defense and security. Apart from the proposed extension, the Agreement for Cooperation will remain in all other respects the same as that which was favorably reviewed by the Congress in 1982. The Department of State, the Department of Energy, and the Nuclear Regulatory Commission have reconfirmed their favorable views regarding the original NPAS as well as the conclusions contained herein.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House International Relations Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 20, 2000.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to in under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate is concluded on all motions to suspend the rules, but not before 7 p.m. today.

RECOGNIZING IMPORTANCE OF FAMILIES AND CHILDREN IN UNITED STATES AND EXPRESSING SUPPORT FOR GOALS AND IDEAS OF NATIONAL FAMILY DAY

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day.

The Clerk read as follows:

H. CON. RES. 288

Whereas national evidence indicates that America's kids are faced with oppressive issues such as violence, drugs, abuse, and even family stress, causing the future of the children of the United States, and therefore the future of the Nation, to be at risk;

Whereas families in the United States, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society while trying to raise and nurture emotionally healthy and physically safe children;

Whereas Americans realize the challenges of spending quality family time together amidst today's busy lifestyles and balancing work schedules and kids' activities to regularly share a family meal;

Whereas it is imperative that the people of the United States act willfully and purposely to secure a positive future for the Nation by devoting time to family bonding, sharing traditions, and communicating values to children in an effort to sustain the importance of family;

Whereas KidsPeace, one of the Nation's oldest, most comprehensive not-for-profit organizations dedicated to helping children attain the confidence and courage needed to face and overcome crises, has established National FamilyDay to focus unified attention on nurturing family relationships and improving family communications thereby helping to build strong families which give kids peace;

Whereas National FamilyDay will be celebrated annually on a Sunday in March; and

Whereas National FamilyDay will provide opportunities for families to reclaim the family mealtime which fosters trust and builds better communication, and will encourage parents, grandparents, and caregivers to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of children and families to the future of the United States;

(2) expresses support for the goals and ideas of National FamilyDay as established by KidsPeace;

(3) encourages the people of the United States to participate in local and national activities honoring National FamilyDay; and

(4) believes that families who communicate and spend time together create stronger families which give kids peace.

The SPEAKER pro tempore (Mr. GEKAS). Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 288, to recognize the importance of families and children in the United States and to express support for the goals and ideas of National Family Day.

Let us not underestimate the importance of families. Today's families provide the foundation for America's future. The family is the most fundamental of society's institutions, for it is within the family setting that character, morality, responsibility, and wisdom are nurtured best in children.

Families that have committed and dedicated parents raise children who prefer commitment rather than self-indulgence, become law-abiding rather than law-avoiding, and become productive members of society.

On the other hand, when the family structure is not strong, the results for individuals and society in general are not nearly as bright.

Research on the effects of the out-of-wedlock birth and divorce show that children in broken families drop out of school more frequently, become sexually active at younger ages, have higher rates of crime and drug abuse, and earn lower incomes as adults. And I want to point out that I have an exception up there, a young man who is now at West Point, who does not fit into that category.

Statistics regarding the collapse of the American family are disheartening. According to the National Center for Health Statistics, 32.8 percent of all children born in 1997 were born out of wedlock. These percentages were not unique with regard to race. The number of children born out of wedlock was disturbingly high among whites, blacks, and Hispanics.

A total of 20 million children now live with single parents in the United States. Of these children, 12.6 million live in the poorest families.

The ramifications of these high divorce rates are discouraging. More and more Americans are members of the second, third, and even forth generation of broken families in which fathers and mothers are alienated from one another, leaving their children to bear the consequences.

The American Journal of Sociology and the Journal of Marriage and the Family report that divorce weakens a child's relationship with his or her parents, creates emotional problems that reinforces destructive ways of handling conflicts, and diminishes social competence.

Apart from the physical dilapidation of families, research has also demonstrated the devastating consequences of dysfunctional families.

The amount of conversation and the level of interaction between parents and children have an enormous impact on children's development. The reduction of interaction between parents and their children should, therefore, be a grave cause for concern to all of us.

According to the University of Maryland, by 1990 parents on average were available to their children 10 hours less per week than they were in 1980 and 40 percent less than in 1965.

H. Con. Res. 288 recognizes and supports National Family Day to help focus attention on nurturing family relationships and improving family communication. H. Con. Res. 288 recognizes the importance of children and families to the future of the United States, encourages citizens to participate in local and national activities honoring National Family Day, and encourages families to communicate and spend more time together to create stronger families.

National Family Day is a relatively new annual event held every year in March to honor and celebrate the importance of the American family. National Family Day was established by Kids Peace, a nonprofit organization that is dedicated to helping children obtain the confidence and courage needed to face and overcome crises. Kids Peace helps over 2,000 children in crisis each day at 25 centers across the Nation.

Once again, I would like to thank the gentleman from Pennsylvania (Mr. TOOMEY) and Kids Peace for their efforts to improve America's families. I urge my colleagues and people across the country to join with them in supporting efforts to help our families.

Mr. Speaker, I reserve the balance of my time.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce that I serve on, for managing the time. I would also like to thank my friend, the gentleman from Pennsylvania (Mr. TOOMEY), who has joined together with me to introduce this resolution and cosponsor it and talk about it on the floor; and I look forward to his comments, as well.

Mr. Speaker, I rise in strong support of H. Con. Res. 288, which recognizes the importance, the vital importance, of children and families in the United States and expresses the support of some of the following goals of a National Family Day.

One of the things that this concurrent resolution expresses, and I think this is important for our colleagues to hear, it is the second "whereas" clause. "Whereas national evidence indicates that America's kids are faced with oppressive issues such as violence, drugs, abuse, and even family stress, causing the future of the children of the United States, and therefore the future of the Nation, to be at risk."

Now, we had a report several years ago, about 16 years ago, in 1984, which was a report on the status of American education which firmly and boldly stated that, if education was at risk, America was at risk.

Our families are the foundation of everything in this country.

□ 1415

And so if there is something directed or targeted at the stability, the care, the community, the love, the sustainability of our families, it is targeted at the health, the very fiber and the very soul of our country. So this resolution, I think, simply tries to state that in all the busy things that we do in Congress, at work, in our communities, that nothing is more important in our homes than time spent with our children.

Another whereas clause simply states, on page 2, whereas it is imperative that the people of the United States act willfully and purposely to secure a positive future for the Nation by devoting time to family bonding, sharing traditions, and communicating values to children in an effort to sustain the importance of family.

Mr. Speaker, this is what this resolution is all about. It is simple, straightforward, and bipartisan in its appeal on behalf of our families and our children to refocus attention on the family and on spending time with our children in order to strengthen families and create healthy communication between our children and our parents. National Family Day is a new annual event held on a Sunday in March to honor and celebrate the American family.

Mr. Speaker, our children are our most precious gift. We cannot afford to let even one slip through the cracks. KidsPeace and other organizations throughout the United States are doing good work in reaching out to those children who are most at risk in society and helping them develop the courage and the skills to overcome crises. But no matter how hard they try, these organizations cannot take the place of loving parents, stable homes, and a healthy environment in which kids can feel safe, loved and positive about their lives and their futures.

I want to conclude, Mr. Speaker, as Robert Kennedy once said, and I quote, when one of us prospers, all of us prosper, and when one of us fails, so do we all.

We cannot afford to have one of our children fail in this great Nation. Therefore, let us emphasize the importance of one of the most important institutions that can help save our children, and that is the institution of family. Let us pass this bipartisan day. Let us put emphasis on a simple yet straightforward, yet vitally important concept of family, and let us focus on this as a solution to many problems in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. TOOMEY), the cosponsor on our side of the legislation, a very important member of the Pennsylvania delegation.

Mr. TOOMEY. Mr. Speaker, we are here today, and I rise in strong support of House Concurrent Resolution 288 authored, as we have heard, by myself and my friend the gentleman from Indiana (Mr. ROEMER). H. Con. Res. 288

supports National Family Day as we have heard which is sponsored by KidsPeace. KidsPeace is a national, nonprofit organization based in the Lehigh Valley in Pennsylvania. They have dozens of facilities across the country, treating over 2,000 children facing crisis.

KidsPeace also has various prevention programs to help children before a crisis arises. It cares for some of our most troubled children and helps all of the children they deal with to develop the confidence and the skills to avoid and to overcome crisis. They help children anticipate and overcome crises from disasters and personal traumas, to family issues and neglect, to severe depression, eating disorders, and the general stresses that any children experience in our modern society.

I am very proud to have such a worthwhile organization based in my community in the 15th District of Pennsylvania. What KidsPeace has done is they have developed a great idea with the National Tabletop and Giftware Association, the folks who make the plates, the silverware, and the cooking utensils we use to prepare our meals.

Their idea is this National Family Day, a day to remind us of the need to reclaim the family mealtime for the family. This year is its first year. National Family Day is this coming Sunday, March 26. It will always be held on a Sunday in March.

KidsPeace is undertaking a variety of activities to support this National Family Day. Perhaps most interesting of these is this brochure that I am holding in my hand. Plate and silverware companies throughout our Nation are distributing millions of these brochures at their stores. As the brochure says, "The family evening meal has been the source of building healthy communication and family bonds for centuries. Yet it is becoming a lost art in modern America."

The brochure goes on to give eight simple steps on how a family can reclaim their mealtime to foster open communication and healthy relationships. KidsPeace and its President, C.T. O'Donnell, are to be commended for developing this brochure. I also want to commend the National Tabletop and Giftware Association and its president, William Simpson of Pfaltzgraff in York, Pennsylvania, I believe that is the chairman's hometown, for distributing this brochure. I want to thank the majority leader, the chairman of the Committee on Education and the Workforce and certainly the gentleman from Indiana for all of their work and help on this resolution.

Mr. Speaker, I ask the House's indulgence for one last note before I conclude. When I announced these efforts and my introduction of a House resolution at a news conference in my district, we were joined by a family from the Lehigh Valley. Eric and Toni Hummel with their son Michael who is 9 years old and their daughter Lauren who is 1 talked about the need for a reminder to help make family mealtimes a priority in all of our family lives.

I took their words to heart because my wife and I are expecting our first child in June. We both know that we have very busy lives and we will have to be constantly on guard that we are not letting our child's time slip away from us. I want to thank my colleagues. I want to thank them for all their help in support of this resolution which will serve as the reminder that the Hummel family pointed out to all of us.

Mr. ROEMER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER) the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time and thank him for his involvement with this legislation as I do the gentleman from Pennsylvania, apparently everybody from Pennsylvania is involved, and commend them for this resolution.

I would, however, say this, that I would hope that as we count down the number of legislative days remaining in this session that we keep the purpose and the intent of this resolution in mind and that is about strengthening families and giving families the tools by which they can strengthen the relationship among the members of that family, especially with their children, recognizing the complexities and the pressures of contemporary American society. But I would hope also that the Congress would take this resolution to heart and would understand that there is a family agenda that yet needs to be met within this Congress. It deals with the issues of education, it deals with the issue of the safety of our children, it deals with the issue of the health care available to our families, housing available to our families and the kind of child care that is now needed by families as they find the pressures of the workplace encroaching more and more on the time that they used to have for their families and to take care of the mentoring of their children.

And to fix our crumbling schools. We see there is some $112 to $115 billion backlog in school facilities, recognizing the need to do this so children can go to a decent facility where they can engage in the learning experience and acquire the tools that will befit them as they take their place in our society. I am worried that this resolution becomes a substitute for addressing that agenda, because that would not be fair to America's families.

Clearly America's families, those who toil at the minimum wage, need an increase in the minimum wage. We know that those who toil at the minimum wage continue to toil and at the end of the year if they work all year long, they are below the poverty rate in this country. We now see where the biggest growth in homeless, certainly in my State in California but in many other areas of the Nation, is working families with children.

They simply have been priced out of the market. It does not mean they are not working. It does not mean they are not caring for their children. It does not mean they do not love their children. They simply now are unable to find housing for their children. That is the biggest new growth rate in homeless in the State of California which is having an economic resurgence unparalleled anywhere else in the country.

At a time when we are creating over 100 millionaires a week, we find out that the very same people who are working for many of those millionaires in their factories are unable to live near their work or to find a house at all for them and for their children. In many instances those workers are temporary workers, they work essentially what we would call full time but they are characterized as temporary workers, which means they do not get the benefits. So they do not have health care for them or their children.

In many instances the companies fail to provide it or are unable to provide it. And so clearly there are these kinds of efforts that we can make on behalf of America's families and on behalf of America's children. Because in many instances there is no other place for these families to go to get help while they work and they struggle and they work full time. They do not have the means to provide health insurance. They do not have the means to provide housing. They are going to have to turn for assistance to the other, the great American family, if you will, that sees that plight and understands that struggle.

So hopefully this resolution will not only recognize the needs of families and our commitments to them, it will also provide them some additional empathy by Members of Congress of the plight of many millions of American families who are working very hard and struggling and still not able to make ends meet that we have an obligation to see what we can do to make sure that they can do that so they can provide a healthy environment and a sustainable environment for their children.

Mr. GOODLING. Mr. Speaker, I yield myself 2 minutes.

The author of the resolution made reference to the brochure, "Reclaim the Family Mealtime". It says on the front cover, "Are you losing contact with the people you love? Is your family time being squeezed out by work pressures, kids' activities, and a hectic, fast-paced schedule?" Then inside it says, "If so, the solution may be as close as this evening's meal."

I am reminded even though we were a family of eight, six children and dirt poor, we did not realize we were poor because of the closeness of that family relationship. Through my first eight grades in school, as a matter of fact, we sat down together at meals three times a day, because we went home for lunch rather than stay in school. And then when we went on to high school, we still had meals together two times a day. What an important time that was.

Today, we oftentimes hear people say, well, mother and father both have to work. That is not necessarily so. It depends on the lifestyle you want. Yes, I got my first suit of long pants given to me by neighbors. Only one worked away from home.

So oftentimes we find excuses as to why we do as little as we do to keep families together, but I do not think there are any statistics that would prove otherwise than that a family unit is one of the three or four most important things we have going for us in a free society and without it, that society will fall from within.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I rise in support of House Concurrent Resolution 288, to recognize the importance of families and children in the United States, and to express support for the goals and ideas of National Family Day.

You know, its no secret that the family is the most fundamental of society's institutions, for it is within the family setting that character, morality, responsibility, ability, and wisdom are nurtured best in children.

Unfortunately, today, the family institution is being steadily dismantled, even held in disdain by many leaders in the political, academic and media elite.

And the erosion has serious consequences: In 1950, for every 100 children born, 12 entered a broken family. Today, for every 100 children born, 60 will enter a broken family. Each year, about one million children experience the divorce of their parents. 1.25 million are born out of wedlock, and another 1.4 million are aborted. Child abuse is growing steadily and alarmingly sexual abuse amongst children is growing fastest of all.

In short, Americans are literally turning against their children. But adults suffer as well from the breakdown of the family institution. Studies clearly show that those who divorce suffer shorter life expectancies, poorer physical, and psychological health and lowered standards of living.

In addition, research continues on the correlation between a family founded on a lifelong marriage and low incidences of crime, addiction, abuse, illness, and underachievement.

Our country must focus national attention on problems whose roots lie in the breakdown of the family institution and marriage, as well as public policies that contribute to those problems.

On the national level, over the last few years, Congress has begun to evaluate how the Federal Government's policies have been hostile to marriage and the family.

Last month, the House overwhelmingly passed the Marriage Penalty Tax Relief Act, which will stop the Government's practice of excessively taxing couples just because they are married. This will keep the IRS off the alter and provide more money for families that may mean a new washing machine, extra tuition money for a child, a three bedroom home or fixing the family car—this is real relief for working families.

In 1997, we passed the $500-per-child tax credit, the most important policy advance for the family. And we enacted adoption and foster care reforms so that children are given permanent homes quickly and not left revolving in the child welfare system year after year.

And in 1996, we reformed welfare ending the cycle of dependency for many. We ended the practice of having the Government filling the roles of family, church and voluntary associations.

This year, we will take up important legislation establishing education savings accounts permitting parents to put money aside for a child's education.

But, beyond the beltway, beyond this Capitol, is where most of the changes are occurring—as is often the case.

This is where the real change is taking place—and rightly so.

Abstinence education to address the rising rates of out-of-wedlock births, counseling to address the rising rates of divorce and after-school programs to get kids off the street are happening throughout America.

KidsPeace, a 117-year-old non-profit organization that directly helps over 2,000 children in crisis every day at 25 centers across the nation, and millions more through prevention and public education efforts, recognizes all of these facts and has created National Family Day.

National Family Day is a relatively new, annual event held every March to honor and celebrate the importance of the American family.

This year, it will focus attention on the family meal as a time to build healthy communication and lasting bonds with children.

The amount of conversation and the level of interaction between parents and children has an enormous impact on a child's development. Even in intact families, however, children suffer from a lack of intimate time with their parents. One of the sad consequences of the breakdown of society today is that, to pay the bills or fulfill their higher expectations for material comforts, more mothers work outside of the home. This fact coupled with the numbers of single-parent families and the rising rate of divorce, means there has been a tragic reduction in "family time."

Adequate time with parents is critical for the development of every child, especially for self-esteem and confidence. The reduction of time between parents and children is cause for grave concern. It attenuates the most important relationship to a child and correspondingly derives him of the strength he derives from his parents.

As Harvard University child psychiatrist Robert Cole puts it, "The frenzied need of children to have possessions isn't only a function of the ads they see on TV. It's a function of their hunger for what they aren't getting—their parents time."

By 1990, parents were, on average, available 10 hours less per week to their children than they were in 1980 and 40 percent less than they were in 1965.

In a 1990 Los Angeles Times poll found that 57 percent of all fathers and 55 percent of all mothers felt guilty about spending too little time with their children. The poll also found that 73 percent of all married couples would have one parent stay home full-time with the children if money were not the issue.

I congratulate KidsPeace for their efforts to improve the family structure and call on my colleagues and everyone in our country to join with then in supporting efforts which will create stronger families.

☐ 1430

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GEKAS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 288.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 288.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

KERN COUNTY CALIFORNIA LAND EXCHANGE ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1680) to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest, as amended.

The Clerk read as follows:

H.R. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kern County California Land Exchange Act of 2000".

SEC. 2. LAND EXCHANGE, CAMP OWEN AND RELATED PARCELS, KERN COUNTY, CALIFORNIA.

(a) EXCHANGE REQUIRED.—In exchange for the non-Federal lands and the additional consideration described in subsection (b), the Secretary of Agriculture shall convey to Kern

County, California, all right, title, and interest of the United States in and to four parcels of land under the jurisdiction of the Forest Service in Kern County, as follows:

(1) Approximately 70 acres known as Camp Owen.

(2) Approximately 4 acres known as Wofford Heights Park.

(3) Approximately 4 acres known as the French Gulch maintenance yard.

(4) Approximately 14 acres known as the Kernville Fish Hatchery.

(b) CONSIDERATION.—

(1) CONVEYANCE OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall convey to the Secretary a parcel of land consisting of approximately 52 acres of Greenhorn Mountain Park in Kern County, California, which is owned by Kern County within Sequoia National Forest.

(2) REPLACEMENT FACILITY.—As additional consideration for the conveyance of the storage facility located at the maintenance yard referred to in subsection (a)(3), Kern County shall provide a replacement storage facility of comparable size and condition, as acceptable to the Secretary, at the Greenhorn Ranger District Lake Isabella Maintenance Yard property.

(3) CASH EQUALIZATION PAYMENT.—As additional consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall tender a cash equalization payment specified by the Secretary, but not to exceed $100,000. Subject to such limitation, the cash equalization payment shall be based upon an appraisal performed at the option of the Forest Service pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this section must be acceptable to the Secretary, and the conveyance shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) TIME FOR CONVEYANCE.—Subject to subsection (c), the Secretary shall complete the conveyance of the Federal lands under subsection (a) within three months after Kern County tenders to the Secretary the consideration required by subsection (b).

(e) STATUS OF ACQUIRED LANDS.—Upon approval and acceptance of title by the Secretary, the non-Federal lands conveyed to the United States under this section shall become part of Sequoia National Forest, and the boundaries of the national forest shall be adjusted to include the acquired lands. The Secretary shall manage the acquired lands for recreational purposes in accordance with the laws and regulations pertaining to the National Forest System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the national forest, as adjusted pursuant to this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

(f) RELATIONSHIP TO ENVIRONMENTAL LIABILITY.—In connection with the conveyances under this section, the Secretary may require such additional terms and conditions related to environmental liability as the Secretary considers appropriate to protect the interests of the United States.

(g) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey or surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange (other than costs incurred by Kern County to comply with subsection (h)), shall be divided equally between the Secretary and Kern County.

(h) TREATMENT OF EXISTING UTILITY LINES AT CAMP OWEN.—Upon receipt of the Federal lands described in subsection (a)(1), Kern County shall grant an easement, and record the easement in the appropriate office, for permitted or licensed uses of those lands that are unrecorded as of the date of the conveyance.

(i) APPLICABLE LAW.—Except as otherwise provided in this section, any exchange of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1680 introduced by my colleague, the gentleman from California (Mr. THOMAS), provides for a land exchange between the Stanislaus Forest and Kern County, California. It will transfer approximately 70 acres of national forest land that has been used by the county for more than 50 years as a juvenile detention facility known as Camp Owen to county ownership.

In exchange, the county will transfer the undeveloped portion of its Greenhorn Mountain Park, approximately 52 acres, to the Forest Service which manages the adjacent national forest lands. Several other small parcels are also included in exchange, and the county will provide a cash equalization payment to the Forest Service to make up the difference in land values.

The Forest Service and the county have worked hard to resolve their differences over details of this bill. I congratulate the gentleman from California (Mr. THOMAS) for his work in achieving this agreement, which is reflected in the amendment that was reported by the Committee on Resources.

Mr. Speaker, this is a good bill which will ensure that the lands transferred to the county will continue to be used as a juvenile detention facility and school. Valid existing rights will be protected and land ownership will be consolidated, which should improve management efficiencies for both the Forest Service and Kern County. Therefore, I urge support of this bill as amended, and I congratulate my colleague for his work to bring about this agreement on the details of this exchange.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1680. This legislation provides for a land exchange between Kern County, California, and the U.S. Forest Service. The county would receive four parcels totaling about 92 acres of Federal property in exchange for one parcel of about 52 acres of county-owned property.

The county is currently operating a juvenile justice facility on the Federal lands under permit. The county-owned lands, which are wooded, are deemed suitable for inclusion in the Sequoia National Forest. So a land swap in this case makes good sense.

The substitute adopted by the committee has greatly improved this legislation. As amended, the bill now provides for an equal-value exchange and public process in compliance with the National Environmental Policy Act. Formal appraisals are normally required in Federal land exchanges, but in this case the Forest Service is given the option of relying on a preliminary appraisal and may receive a cash equalization payment of up to $100,000.

While we do not intend that this serve as a model for equalization in other exchanges, the difference in value is estimated to be in the range of $50,000 and the extra time and expense of a formal appraisal may not be necessary.

Mr. Speaker, I would like to thank the sponsor, the gentleman from California (Mr. THOMAS), and the majority for their willingness to make changes in this legislation to accommodate both our concerns and those of the Forest Service. I am pleased to support H.R. 1680 and urge my colleagues to do so as well.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the author of this legislation.

Mr. THOMAS. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) for yielding me this time.

Mr. Speaker, this has been a long, twisted road that really should have been a relatively short driveway in achieving today's presentation on the floor of the House. As was indicated, this was an attempt to resolve land use conflicts that developed over half a century. On the Valley floor near the Kern River, which is pretty much barren and rock strewn land, although above 4,000 feet in elevation, about half a century ago the county began developing a youth detention camp along the model with which most of us would be familiar. If one takes youths who really are not bad, but who have an over-abundance of energy, and direct it toward positive and useful activity in a rather hardy environment, then a number of them become very useful and model citizens. This has been successful for more than half a century.

As one might expect, the uses of the camp, which were fairly rustic initially, have developed more into activities that would be meaningful to youth today: the building of a large garage facility in which they can rehabilitate cars; the development of a fish hatchery in which they can involve themselves in useful experiences that actually become quite useful when they are out looking for a job, all of this developed on land that was Forest Service land.

Now, one would never recognize it as Forest Service land, but it was Forest Service land. At the same time, the County of Kern, one of the larger geographic counties in the United States, had, in a mountainous area about 7,000 feet high, county property covered with large conifers that had never been developed, which was immediately adjacent to Sequoia National Forest. It looked like Forest Service land. It was not used like a county parcel would ordinarily be used because of its remote location and the profile of the land itself.

So we thought several years ago that it would be a very appropriate land swap. The idea that Kern County and the citizens of Kern County, taxpayers, would not want to ask the Federal Government to give us the land, but rather it was quite appropriate to trade that mountainous fir-covered land for the developed land, the county land for the Federal land. We then embarked on a process of trying to get the Forest Service to say yes.

What happened over a number of years was that the Forest Service would not say yes. The Forest Service wanted us to give up the lion's share of the land and they would give us less. Kern County agreed.

The Forest Service did not want any camp sites in that county land up in the mountains, so we shaped it to solve the Forest Service problems. The Forest Service said, even though there is a maintenance yard that has been used by the county and we are willing to give it to them, we want them to duplicate the facilities so that we can have our own. The county agreed.

The Forest Service then said, if there were any environmental problems on this conifer-covered land, we certainly would not want to go through an environmental impact study like anybody else would, so we would like protection. We want to be indemnified from any case that might be brought against us. Kern County agreed.

We finally came to the last piece of the puzzle and that was, notwithstanding all of these concessions, we do not know for sure whether the land in an accessible usable area is of the same value as land that is in an inaccessible area that is not going to be used. So Kern County, to try to end this process of the Forest Service never willing to say yes, said we will place hard-earned county taxpayer money on the table as well.

How much? We do not know for sure. Maybe it was 40 thousand dollars. Maybe it was 50 thousand. The Forest Service could not come up with a firm number. So what Kern County has said was we will double it. We will say not more than $100,000, assuming it is going to be fifty cents or less on the dollar, to get this agreement culminated so that we can continue to develop this youth camp.

I just want to say that four bills have passed Congress this year in which there have been absolute gifts of Federal land. We have an exchange with money in this bill, and yet it has been more than one Congress before we could reach this position. I just want to thank all of the folks who endured with us this inability of the Forest Service to say yes. We still have the provision in which they may say no, but at least, we are to the floor. At least, it has been a public process. At least, there has been public input. At least, there is a public record before we go forward in dealing with taking land that belongs to the public and doing something with it.

So notwithstanding the tale that I just told, Mr. Speaker, I am very pleased that we are at the point we are today and am very concerned about processes that have occurred in the past and may occur in the future when this administration, under ancient law passed in 1906, called the Antiquities Act, will be able to deal with public lands without the public hearings, without the public process, and without the public's representatives voting on legislation that is the Antiquities Act; and, believe it or not, there is a proposal that will deal directly with the same national forest this bill does, the Sequoia National Forest, with no requirement to follow the public process that this modest little bill deals with, 52 acres. The proposal is in the vicinity of 400,000 acres.

It seems to me, Mr. Speaker, if this process is good enough for me, it ought to be good enough for the President when he makes decisions about the public lands.

So once again, I want to applaud those individuals who have brought the land swap to this position today, and I would urge all of us to be very, very cautious about removing public lands from public use without a public process.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1680, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT NATIONAL PARK SERVICE SHOULD USE DEPARTMENT OF DEFENSE SUPPORT SERVICES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 182) expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense.

The Clerk read as follows:

H. RES. 182

Whereas the National Park Service was established to promote and regulate units of superlative natural, historic, and recreation areas known as national parks, monuments, and other reservations;

Whereas the purpose of the National Park Service is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the public enjoyment of the same;

Whereas, in order to accomplish and provide for this purpose, units of the National Park System contain structures, roads, and other related infrastructure;

Whereas the National Park Service has repeatedly reported a backlog of projects necessary to maintain these structures, roads, and infrastructure and has asserted that approximately $6,000,000,000 is required to eliminate this backlog;

Whereas the Department of Defense has the authority under section 2012 of title 10, United States Code, to provide support and services to Federal entities, including the National Park Service;

Whereas the Civil-Military Department of Defense Innovative Readiness Training Program is designed to improve military readiness while helping to rebuild the United States through realistic, hands-on training opportunities for military personnel which simultaneously assists with meeting domestic priorities;

Whereas the Civil-Military Department of Defense Innovative Readiness Training Program is in keeping with a long military tradition by leveraging real world training opportunities to meet the readiness requirements of military units and individuals while benefitting local communities;

Whereas this support and service provided by the Department of Defense includes equipment and other assistance which would aid in reducing the backlog of maintenance and other like projects identified by the National Park Service; and

Whereas a partnership between the Civil-Military Department of Defense Innovative Readiness Training Program and the National Park Service can provide the American taxpayer with added benefits: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the National Park Service should immediately take full advantage of the support and services offered by the Department of Defense pursuant to section 2012 of title 10, United States Code, in addressing the backlog of maintenance and other like projects within units of the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the things that the American public likes the very most is our national parks. We have about 375 units of the Park Service. These are the areas that if we ask the American public what do they like the very most in the world, they will say the parks. They go to all the parks. From sea to shining sea, they see these parks and they love them. In fact, they love them to death. Because of that, we have a tremendous backlog of infrastructure in the parks.

For those folks out West, they fully realize that Yellowstone had impassable roads for a long time. These roads were put there in 1915 by the cavalry. There was not even any base for them. Go down to the Grand Canyon and they had a culinary water system problem that they had to rely upon the people in Arizona. Keep looking around and a few years ago we had a backlog of infrastructure that was probably around $15 billion.

☐ 1445

We did not know how to take care of this problem. Well, here are the people demanding that they go into these parks, and they want them to be beautiful. They want the roads to be right, they want the restrooms to work, they want the ranger to stand there and explain things to them that they want to hear. They want to go home and they want to have their pictures developed and they want to see these beautiful, gorgeous parks where they enjoyed the 3 weeks that they got off, or whatever it was.

Well, the question always comes up to this committee, and has as long as I have been on the committee, which is 10 terms, of how do we take care of these parks and the infrastructure?

A couple of terms ago we started the Demonstration Program, really a good idea, which meant that now people going in the parks would spend a little more than that $10. In Yellowstone you could go in in 1915 for $10. In 1996 you could go in for $10. Where is the best deal in the world? It is right there. Take the wife and the kids and go out to dinner and a show and you will spend $100, you get to see these gorgeous parks for $10.

So we started this Demonstration Program which in effect said to the superintendent, up the ante a little bit. Let us pay a little more for it. The criticism of that has been infinitesimal, it has been minimal, almost nonexistent, because people have said that is the best deal in America, is our national parks.

Still, Mr. Speaker, we go back to the issue, how do we take care of the infrastructure of the parks? Admittedly the Demonstration Program worked pretty well.

Well, we had an interesting thing happen about 1993. A colonel that was the head of the Corps of Engineers came over to my office and he said, "Congressman, I would like to answer a question for you of how we could take care of the national parks."

I said, Yes, sir, boy, we want to hear that.

He said, Well, the Corps of Engineers go all over the world, and they build roads, and they build bridges, and they build hospitals, and they are doing things in Indonesia, Somalia, South Africa, you name it. So we take this Corps of Engineers and we put them in C–141s and we take the patrols, we take their bulldozers and we take their engineers and we go over and build a road for them.

Well, that is a good humanitarian thing to do, and I guess we all feel good about it.

He said, But, Congressman, our guys would rather stay in the United States. They would rather go up and build that road in Yellowstone, because mom and the kids can come up for those 3 weeks and they can enjoy it. So at one time the engineers from the State of Utah are there and a month later the people from Arizona are there and a month later the people from Minnesota are there and they do the road.

What do they do? We are paying for it anyway because we are training these youngsters, we are training these officers and enlisted men to understand this. So they do the engineering. They are going to do it anyway, whether it is Somalia or it is Yellowstone. They are going to do the work, whether it is there. The money will come out for it. But the difference is the American taxpayer now is the beneficiary of their good work.

So we thought that was a great idea. I talked to the Director of the National Park System. He said it is a wonderful idea. Then it kind of got bogged down in a few things, and we determined we could not do a bill that straight.

So this bill that we have before us today kind of encourages that, and says to the Department of Defense, look, folks, come on and help us out in some of these parks.

Look at the advantage of this, Mr. Speaker. For one thing, the Corps of Engineers does the engineering, they bring their tools in; they do the work. And what does the Park Service pay for? The Park Service pays for the material, the road base, the cement, the things like that. So you cut your costs rather substantially.

Another thing, Mr. Speaker, look at this. Where are our parks? They are not in the middle of areas like Washington, D.C. or Salt Lake City. They are way out there somewhere. People have to drive to them. So how do you get people to come in and say yes, we will bid on this. They bid all right, but they really bid high prices and you will pay four or five times more than you will in a metropolitan area.

Then you have that Davis-Bacon Act staring you in the face, and I will not get into that, even though I have strong feelings on it, that also comes back and hits us right between the eyeballs. So this costs a lot of money.

But what about the American taxpayer? He wants a nice park. They want to enjoy it. They want to go in there, and they want someone to revel in it. And they do go do our national parks in America. The best liked thing which is done in the U.S. Government is the National Park System.

Mr. Speaker, this is kind of an easy little bill, but it encourages the Corps of Engineers, the Department of Defense, to work with the Park Service, save us some money, make our parks better, so that the American people can enjoy these parks.

Mr. Speaker, I would urge passage of this bill.

Mr. Speaker, simply put, House Resolution 182 is a good idea. This resolution expresses the sense of Congress that would help solve a big problem the National Park Service has in trying to maintain our national parks while also taking advantage of an assistance program already established in the Department of Defense. This would be especially effective in national parks that are isolated and do not have commercial contractors reasonably available.

As we all know, one of the primary purposes of the National Park Service is to provide for the public enjoyment of our national parks. In order to accomplish this, units of the National Park Service have understandably constructed buildings, roads, and other related infrastructure and facilities. However, for many years now the National Park Service has repeatedly reported a backlog of projects necessary to maintain facilities, structures, roads, and other infrastructure within our parks. In fact, the Park Service has asserted that upwards of $8 billion is required to correct this backlog.

Separately, the Department of Defense has the statutory authority to provide support and services to other Federal agencies and entities, including the National Park Service. This support comes in the form of the Civil-Military Department of Defense Innovative Readiness Training Program which is designed to improve military readiness while providing hands-on training opportunities for military personnel. This support service includes equipment and other assistance which could substantially aid in reducing the backlog of maintenance and other like projects identified by the National Park Service. Furthermore, the men and women in the Army involved in these projects and who need the training would do it here in this country, and would not have to travel half way across the world. They also would be much closer to their families. In fact, many families might want to travel to parks where their loved ones are working.

In short, Mr. Speaker, H. Res. 182 uses assistance from the Army to help solve the maintenance problem in our national parks thereby, benefiting the American taxpayer in this country instead of deployed overseas somewhere.

I strongly urge my colleagues to support H. Res. 182. This is a good idea and good for all Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 182 expresses the sense of the House that the National Park Service should immediately take full advantage of a Department of Defense readiness training program in addressing the backlog of maintenance within units of the National Park System.

House Resolution 182 is being brought to the House under unusual circumstances. The resolution was discharged from the Subcommittee on National Parks and Public Lands and marked up by the Committee on Resources just last week. We had no hearings on the measure in the committee, despite the fact that this proposal has been pending before the committee since May 1999. We did not receive the views of the administration or other interested parties on this measure. As a result, we do not know what this defense program does or could do, nor to what extent this program has been previously used by the National Park Service or other land management agencies.

Mr. Speaker, the gentleman from Utah (Chairman HANSEN) has described this as a non-controversial measure to encourage the use of an existing defense program in making needed repair to the infrastructure of our national park units. We have no objection to this nonbinding resolution, but we would like to have it understood that such assistance is to be carried out in conformance with the applicable laws and regulations and with the recognition of the high value placed on preserving and protecting national park resources.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the resolution, H. Res. 182.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mr. GEKAS). Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MIWALETA PARK EXPANSION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

The Clerk read as follows:

H.R. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, DOUGLAS COUNTY, OREGON.

(a) In General.—

(1) Conveyance.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in paragraph (2) and consisting of—

(A) Miwaleta Park, a county park managed under agreement by the County on Federal land managed by the Bureau of Land Management; and

(B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) Legal description.—The parcel of land referred to in paragraph (1) is the parcel in the SW ¼ of the NE ¼; SE ¼ of the NW ¼ of sec. 27, T31S, R4W, W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) Use of Land.—

(1) In general.—After conveyance of land under subsection (a), the County may manage and exercise any program or policy that the County considers appropriate in the use of the land for park purposes.

(2) Reversionary interest.—

(A) In general.—If the Secretary determines that the land conveyed under subsection (a) is not being used for park purposes—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the United States shall have the right of immediate entry onto the land.

(B) Determination on the record.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) Survey.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) Impact on FERC Withdrawal.—

(1) In general.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 7161.

(2) Conflicts.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) Costs of Conveyance.—Except as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1725, introduced by the gentleman from Oregon (Mr. DEFAZIO).

Mr. Speaker, a significant amount of effort has gone into the preparation of this bill, and I would like to begin by commending the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN) for their diligence in bringing this legislation to the floor.

Miwaleta Park, located in Oregon, is a 30-acre area jointly managed by the Bureau of Land Management and Douglas County. The title to this park and surrounding area is currently held by the BLM. Under H.R. 1725, the title, and all rights and interest of this land, would be transferred to Douglas County for the purpose of building a public campground.

Mr. Speaker, I reiterate my support for H.R. 1725, and ask for the endorsement of all Members to pass this needed legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1725 authorizes the conveyance of approximately 29 acres of public land to Douglas County, Oregon for park purposes. Currently 25 acres of the land proposed to be conveyed are used as a county park, Miwaleta Park, under an agreement between the county and the Bureau of Land Management.

The county has been working with the Bureau of Land Management to develop a campground on four adjacent acres, but this development has been complicated by the site's location within a Late Successional Reserve designated by the Northwest Forest Plan. However, the Bureau of Land Management has completed an environmental assessment that concluded the county could proceed with the proposed campground development.

Douglas County and the Bureau of Land Management had previously discussed conveying the land in question under the Recreation and Public Purposes Act, but that procession was abandoned because current law does not allow Oregon and California lands to be transferred or leased. The land transfer contained in H.R. 1725 is an alternative to other administrative processes available to deal with these lands.

We should note that the legislation the House is considering today is different from a related Senate bill, S.

977, that the Senate passed late last year. We hope that the remaining issues between the two versions of the legislation can be satisfactorily resolved so that this legislative initiative can be finalized and sent to the President for his signature.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time, and I thank him for his help with this legislation.

Mr. Speaker, it has been a long and difficult process for Douglas County to improve and obtain the properties adjacent to their park in order that they might provide for camping facilities and might make this area more desirable for hundreds of families each year.

The Miwaleta Park is adjacent to a reservoir. It is heavily recreated now, and we have problems because of dispersed camping in the area. This park is actually going to, with the development of facilities by the county, ameliorate existing problems that we have with the dispersed camping and trash and other problems, and provide for a family camping experience, provide for sanitary facilities, and really enhance the experience for everyone.

The Secretary of the Interior will continue to have the right to revoke title if the county does not maintain these lands for parks. I am fully confident that Douglas County will substantially invest in and manage this property very well, but, in order to meet concerns that some have expressed, we included that in the legislation.

We also, in going through and evaluating this legislation, determined that in fact the environmental impacts would be positive, not negative; that by cutting down on the dispersed camping and the sanitation and trash problems with the developed facility and concentrating the camping activities in a smaller area, that a number of problems would also be ameliorated.

Mr. Speaker, a lot of people have contributed to this legislation. Douglas County, of course, has been persistent in dealing with the Bureau of Land Management over 8 long years and working with me. Former chairman of the Committee on Agriculture, BOB SMITH, supported the bill in the last Congress. My colleague the gentleman from Oregon (Mr. WALDEN) was very supportive and a cosponsor of the legislation in this Congress, as well as the gentleman from Alaska (Chairman YOUNG) and the gentleman from Utah (Chairman HANSEN). Of course on the Senate side, we have had support from the Oregon delegation. I have great support from staff, both Rick Healy now as staff and my former staff, Jeff Steer.

So it has been a long time, but sometimes good things take a very long time. After 8 long years, the people of Douglas County in the very near future will have greatly enhanced camping facilities available so that they might enjoy Oregon's summer on this wonderful body of water.

Mr. Speaker, I thank the Chair for his support.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1725.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1500

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1680, H. Res. 182, and H.R. 1725, the three bills just debated.

The SPEAKER pro tempore (Mr. GEKAS). Is there objection to the request of the gentleman from Utah?

There was no objection.

CAPTAIN COLIN P. KELLY, JR. POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1666) to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office".

The Clerk read as follows:

H.R. 1666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 200 East Pinckney Street in Madison, Florida, is hereby designated as the "Captain Colin P. Kelly, Jr. Post Office". Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Captain Colin P. Kelly, Jr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1666.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Florida (Mr. BOYD) is to be credited today for his initiative and his work in introducing this bill which has just been noted designates the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the Captain Colin P. Kelly, Jr. Post Office.

For the record, Mr. Speaker, I would note the Congressional Budget Office has reviewed the legislation and has determined that the enactment of this bill would have no significant impact on the Federal budget. Spending by the Postal Service is classified as off-budget and thus is not subject to pay-as-you-go procedures. As well, the bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act and, as such, would impose no costs on State, local, or tribal governments.

I would also, Mr. Speaker, like to thank the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), the ranking member of the subcommittee, for his continuous cooperation, certainly on this bill, but on all of these initiatives that we have tried to develop through the subcommittee and for his work on behalf of his side; and the support of the full committee; and the chairman of that full committee, the gentleman from Indiana (Mr. BURTON), as always is greatly appreciated.

I should say that this legislation continues what I think is a very admirable record of the subcommittee and of this House of expressing its admiration through these designations for individuals and citizens who have served their communities and have served their countries well.

Today, we are marking a gentleman who has really put forward heroic efforts and a gentleman who has been widely recognized as our Nation's first World War II hero and, in fact, Time Magazine, in its issue of December 22 of 1941 stated, "If heroism can be compared, the most illustrious of America's first heroes was Captain Colin Kelly, Jr. His citation was recorded in a single pregnant sentence of a communique issued by General Douglas MacArthur which said, 'General MacArthur announced with great sorrow the death of Captain Colin Kelly, Jr., who so distinguished himself by scoring three direct hits on the Japanese capital battleship *Haruna*, leaving her in flames and in distress.'"

It is indeed fitting that the Post Office in Madison, Florida, be named after Mr. Kelly, who was born in that community in the year of 1915. He graduated from that community's high school in 1932. Thereafter, he entered West Point in 1933, graduated, and was assigned to B–17 fighter group. He was the first Army officer to fly the Boeing Flying Fortress in the Far East.

At the time of his early demise on December 10 of 1941, Colin Kelly was survived by his wife and his young son, Colin P. Kelly, III.

Mr. Speaker, as I mentioned, we are indebted to our friend and colleague for bringing this legislation forward. I know that the gentleman from Florida (Mr. BOYD) is here on the floor and will wish to make some comments, but he has our gratitude and our admiration in making this effort to identify a gentleman who has done his Nation, his community, and his family so much good, and we appreciate that.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join with my colleague, the gentleman from New York (Mr. MCHUGH). Not only have we worked together on these initiatives, I still remain hopeful that we are going to work together and find a way to provide some modernization for our postal services. I want to thank him for his efforts legislatively leading this Chamber in that direction.

Let me say that in terms of the bill in front of us, I rise in support of H.R. 1666, authored by my friend and colleague from the great State of Florida (Mr. BOYD). It honors a gentleman who is a true American hero, someone who faced adversity, found himself and stood and provided the leadership that was required, sacrificing himself in so many ways to help those members of his crew. We are going to hear more about this story of Colin P. Kelly, Jr.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BOYD), the prime sponsor and author of this bill and a member of my caucus and someone who wants to bring this story and make it live in the naming of this postal facility in Madison, Florida.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. FATTAH), my friend and the ranking member of the subcommittee; and I thank the gentleman from New York (Mr. MCHUGH) for shepherding this legislation to the floor of the House of Representatives.

Mr. Speaker, today I want to speak in support of this legislation, which I introduced to honor a fellow North Floridian who earned the distinction of becoming World War II's first hero. Mr. Speaker, H.R. 1666 would designate the post office building in Madison, Florida, the Captain Colin P. Kelly, Jr. Post Office.

Colin Kelly was born in Monticello, Florida, my hometown, on July 11, 1915, as the chairman said. He was raised in Madison, Florida, where he attended Madison High School, receiving his diploma in 1932. The following summer, young Colin accepted an appointment to the United States Military Academy at West Point. After graduating in 1937, he was assigned to the Army Air Corps flight school and became a Boeing B–17 Flying Fortress pilot.

At the outbreak of World War II, Captain Kelly, along with several other B–17 crews, was stationed at Clark Field in the Philippines. Once his unit was deployed to Clark Field, he became the first Army officer to fly the Boeing Flying Fortress in the Far East.

Shortly after the bombing of Pearl Harbor on December 7, 1941, Captain Kelly and his crew received orders to attack the Japanese invasion fleet that was threatening the Philippines. After completing their bombing run, Captain Kelly's plane was attacked by two Japanese fighters and was badly damaged while returning to Clark Field.

Realizing that his plane would not make it back to base, Captain Kelly gave the order to abandon the aircraft, but he remained at the controls to maintain the plane's altitude so his crew could safely bail out. Because of his heroic efforts, because of Captain Kelly's heroic efforts, six of his crewmen survived. Unfortunately, this courageous act meant that he did not have time to bail out himself, and he went down with his plane and was killed in the line of duty on December 10, 1941.

At that time, America was experiencing the attack at Pearl Harbor and the outbreak of World War II and was in search of an American hero. Captain Colin P. Kelly, Jr. became that first American hero of World War II.

According to Major Kenneth Gantz in a memo to General William Hall dated November 21, 1945, Kelly became a hero by circumstances at a time when his country desperately needed a hero. In recognition of his bravery and honor, President Roosevelt awarded Captain Kelly the Distinguished Service Cross posthumously for his actions; and many popular publications of the day highlighted his heroism. Because of this, again, he is often considered America's first hero of World War II.

Captain Kelly is survived by one son, Colin P. "Corky" Kelly, III. In 1956 Colin Kelly, III received an appointment to West Point, was finished there, became an Army officer, finished a stellar career in the Army and currently serves in the ministry in New Mexico. His sister, Captain Colin P. Kelly Jr.'s sister, is surviving in Madison today, and she and her children are personal friends of this Member.

Captain Kelly's courage and sacrifice in the line of duty stands as a lasting example for the citizens of Madison County and for all Americans. He deserves both the respect and admiration of everyone for his dedication to our country. The naming of the post office in his hometown of Madison as the Captain Colin P. Kelly, Jr. Post Office will be a wonderful and lasting tribute to this patriot, his family, and his legacy.

Mr. Speaker, I hope my colleagues will join me in honoring this American hero, and I urge passage of H.R. 1666.

Mr. FATTAH. Mr. Speaker, fully and enthusiastically supporting this bill, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, there is little I can add to the sponsor's very eloquent words, but again I would just like to express our appreciation to him for helping this House today in recognizing an extraordinary man with this very, very due and owing honor. I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 1666.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 7 p.m. today.

Accordingly (at 3 o'clock and 12 minutes p.m.), the House stood in recess until approximately 7 p.m.

□ 1900

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 7 p.m.

APPOINTMENT OF MEMBERS TO THE DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 8162(c)(3) of Public Law 106–79, the Chair announces the Speaker's appointment of the following Members of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. THORNBERRY of Texas,
Mr. MORAN of Kansas,
Mr. MOORE of Kansas, and
Mr. BOSWELL of Iowa.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 288, by the yeas and nays;

House Resolution 182, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING IMPORTANCE OF FAMILIES AND CHILDREN IN THE UNITED STATES AND EXPRESSING SUPPORT FOR GOALS AND IDEAS OF NATIONAL FAMILY DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 288.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 288, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 42, as follows:

[Roll No. 56]

YEAS—392

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—42

Ackerman
Bachus
Bateman
Becerra
Berman
Blagojevich
Crane
Davis (IL)
Delahunt
Doolittle
Engel
Eshoo
Ewing
Fossella
Gordon
Granger
Greenwood
Gutierrez
Houghton
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Klink
Lipinski
Lowey
Martinez
Matsui
McCollum
McDermott
McNulty
Pallone
Payne
Porter
Rothman
Royce
Rush
Schakowsky
Smith (TX)
Taylor (MS)
Weiner
Young (FL)

☐ 1925

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 56, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF HOUSE THAT NATIONAL PARK SERVICE SHOULD USE DEPARTMENT OF DEFENSE SUPPORT SERVICES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 182.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the resolution, House Resolution 182, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 2, not voting 40, as follows:

[Roll No. 57]

YEAS—392

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
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Bereuter
Berkley
Berry
Biggert
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Bishop
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Blumenauer
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Bonilla
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Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
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Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay

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Davis (FL)
Davis (VA)
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Fattah
Filner
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Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
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Green (TX)
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Hoyer
Hulshof
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Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
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Lantos
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Larson
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Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
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Roemer
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Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
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Shaw
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Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
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Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
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Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
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Toomey
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Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
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Walsh
Wamp
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Watkins
Watt (NC)
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Waxman
Weldon (FL)
Weldon (PA)
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Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Chenoweth-Hage
Paul

NOT VOTING—40

Ackerman
Bachus
Bateman
Becerra
Berman
Blagojevich
Blunt
Crane
Davis (IL)
Delahunt
Doolittle
Engel
Eshoo
Ewing
Gordon
Greenwood
Gutierrez
Houghton
Jackson-Lee (TX)
Johnson, E.B.
Jones (OH)
Klink
Lipinski
Lowey
Martinez
Matsui
McCollum
McDermott
McNulty
Meehan
Pallone
Payne
Porter
Rothman
Royce
Rush
Schakowsky
Smith (TX)
Weiner
Young (FL)

□ 1934

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3844

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 3844.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 701

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 701.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF H.R. 3573, THE KEEP OUR PROMISES TO AMERICA'S MILITARY RETIREES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, this government offered a comprehensive employment contract to our military retirees. As a former member of the armed services, I was personally presented the package in the 1960s. I remember the sales pitch quite well, for the Army was very honest in pointing out the pros and cons of a military career.

The negatives were, first, that you might get killed or maimed in the line of duty but if you survived, you would have to move your family from one side of the country to the other every couple of years, maybe even overseas, and you would be paid far less than you would in a similar skill civilian job in spite of having to deal with these hardships. The supposedly offsetting positives were that your out-of-pocket living expenses would be far less, since major expense items such as health care would be covered directly by the Army, both during your active duty years and in retirement. Retirement was available after 20 years of service at half of your last paycheck.

Therefore, we were told we could afford to work and retire for far less than our jobs would command in the private sector or the Federal civilian workforce, for that matter, because of all of these great benefits. We would not need a big retirement check since we would have fully funded health care for life.

We could live off a lot less since we would never face big health care bills. I was homesick for Georgia the last time I heard that pitch in the Republic of Vietnam in 1969, so I passed on the deal. Air Force Sergeant Earl Terrell of Smyrna, Tennessee, took the government at its word and stayed in for over 21 years. Sergeant Terrell retired in Smyrna because of access to military benefits at the Smyrna Air Force Base. His retirement pay is $14,676 a year for both Earl and his wife. That is below the Federal poverty line, but that did not bother the couple that much since they would not have to worry about health care costs so they could live off the entire $14,000.

The deal started to go sour 6 years after Sergeant Terrell settled down in Smyrna when the Federal Government closed down the Smyrna Air Force Base. Sergeant Terrell has suffered a stroke and had heart bypass surgery. Mrs. Terrell had heart valve surgery just in January and has also undergone surgeries for an ovarian cyst and back problems.

Without access to military health care, Earl and his wife now are paying $5,760 a year to Blue Cross and Blue Shield. That is 39 percent of his retirement income. That leaves the Terrells with less than $9,000 a year to live on. The Federal poverty line for a family of two is over $16,000. Since 1995, the Terrells have paid nearly $29,000 of their retirement income for health care that was promised free in exchange for 20 years of military service.

Mr. Speaker and fellow Members of this House, I ask you, have we fulfilled our side of the employment contract with Air Force Sergeant Earl Terrell? The answer is unequivocally no. We have a bill pending in the House and Senate that will meet our promises to those who have borne the battle, H.R. 3573.

Sergeant and Mrs. Terrell would be given the same FEHBP plan as our retired Federal civilian workers, at no cost. That means they regain their $14,000 a year retirement pay, still below the poverty line but at least what they were promised.

At last check, the majority of the Members of this House from both parties have cosponsored this bill, The Keep Our Promises to America's Military Retirees Act. Mr. Speaker, let us try to do the right thing and let America keep her word and her honor and pass H.R. 3573 into law before this Congress ends.

IN OPPOSITION TO S. 1287, THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, in 1983, President Reagan signed into law the Nuclear Waste Policy Act. The new law began with a reasonable scientific approach. The country would search all over the Nation looking for geological formations which were capable of burying high-level nuclear waste. The new law would also consider three sites so as to provide some regional equity to the burden of storing the waste. One site would be in the northeastern part of the country, one site would be in the southeastern United States, and one site would be in the West. These three sites would be studied and then presented to the President of the United States for a decision.

Since then, politics has had more to say to the siting of high-level nuclear waste than the science. After Members of Congress from the Northeast began to openly oppose placing the dump in the Northeast, the Department of Energy unilaterally decided to take them off the list. When placing the dump in the southeastern part of the country came up as a campaign issue in 1984, President Reagan unilaterally decided to take the southeastern part of the country off the list.

These decisions were not based on science, Mr. Speaker. They were based on politics. Then in 1987, the so-called "screw Nevada" bill was passed into law. This bill made the most political of decisions, to designate one site, Yucca Mountain, as the only site, excluding any other consideration from any other region in the country. So if I begin to question the claims of science from the supporters of dumping nuclear waste in Nevada, it is because I have learned to question from the history of this issue.

Fast forward to the mid 1990s. Nearly a decade has gone by since the "screw Nevada" bill and the scientific evidence against Yucca Mountain is growing. It has become scandalously obvious that Yucca Mountain was the wrong mountain to bet on. It is in an earthquake zone, it is in an underground flooding zone, it is in a volcanic eruption zone, for crying out loud.

On top of that we find out that the rocks at Yucca Mountain cannot contain radiation like the politicians had hoped. So back to the drawing boards to find another way to screw Nevada.

By 1995, illogical legislation took a new direction, something called a temporary storage site in Nevada. The nuclear industry figured they could build a temporary site because it would not have to meet the strict standards of a permanent dump, and once the waste was in Nevada, it would never leave.

But a funny thing happened on the way to a temporary dump. President Clinton promised to veto it and that threat, coupled with the hard work of some Members of the House and the Senate, has frozen the temporary concept for half of a decade.

But now, given that the temporary dump will not fly, we see S. 1287. This is nothing but a transparent effort to throw out radiation standards and sneak the date several years closer for shipping nuclear waste to Nevada. This is nothing but a temporary dump proposal in disguise. The President recognizes that and will veto S. 1287, and the Senate vote already proves the veto will be sustained.

Can we get off this act of futility and move on to worrying about the important issues that confront this Congress, that confront this country, education, health care, Social Security, and campaign finance reform? This is what our constituents want.

□ 1945

That is what the people of Nevada want. We will not stand for 1287, and I ask my colleagues to join with me to stand up and oppose this onerous, ridiculous piece of legislation.

JUST SAY NO TO FUNDS FOR COLOMBIA

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, we are about to spend almost $2 billion to escalate the war on drugs in Colombia, while here in the United States 26 million American addicts and alcoholics go untreated.

We have already spent over $600 million to eradicate drugs at their source in Colombia. And what has happened? Both cocaine and heroin production in Colombia have more than doubled.

Colombia is now the source of 80 percent of the cocaine and 75 percent of the heroin in the United States. Let us face it, our supply-side efforts have been a colossal failure.

Congress and the President need to wake up and face reality. Over the last 10 years, Mr. Speaker, the Federal Government has spent $150 billion to combat the supply of illegal drugs. Yet the cocaine market is glutted, as always, and heroin is readily available at record high purities. The number of hard-core addicts continues to increase every day.

Our drug eradication and interdiction efforts have also been a costly failure. As a former United States Navy Commander who led such efforts in Colombia for 3 years said recently, quote, "The $1.7 billion being proposed on drug-fighting efforts in Colombia is good money thrown after bad."

Retired Navy Lieutenant Commander Sylvester Salcedo also said, and I am quoting again, "We cannot make any progress on this drug issue by escalating our presence in Colombia. Instead, we should confront the issue of demand in the United States by providing treatment services to our addicted population."

Mr. Speaker, we need to listen to this veteran of the war on drugs who added, "Washington should spend its money not on helicopters and trainers but on treatment for addicts."

The $400 million cost of helicopters alone for Colombia would provide treatment for 200,000 Americans addicted to drugs.

Mr. Speaker, this is crazy. This is wrong. We are about to spend $2 billion on Colombia for drug eradication and interdiction while most of the 26 million addicts and alcoholics in the United States are unable to access treatment. We are about to spend $2 billion on Colombia even though treatment has been proven to be 23 times more cost effective than eradication of crops and 11 times more cost effective than interdiction.

When will Congress and the President wake up to the basic fact that our Nation's supply-side strategy does not attack the underlying problem of addiction? It is the addiction that causes people to crave and demand drugs.

When President Richard Nixon declared war on drugs in 1971, he directed 60 percent of the funding to treatment. Now we are down to 18 percent of the funding for treatment. That is a big reason, Mr. Speaker, that fully one-half of the treatment beds are gone that were available here in America 10 years ago. The other reason is that we allow insurance companies to discriminate against the disease of addiction by limiting access to treatment.

Mr. Speaker, this is a defining moment in the 30-year effort to curb illegal drug use in the United States. We can keep pumping money into that supply-side cesspool or we can shift our focus to the drug addiction problem here at home. We will never stop the drug epidemic unless we cut off the insatiable demand for drugs in our Nation.

It is time to reject the $2 billion for the failed policy in Colombia. It is time to redirect those resources to providing access to drug treatment here at home.

Mr. Speaker, the American people literally, literally, cannot afford to wait any longer for Congress to get real about addiction in America, the number one public health and public safety problem in our Nation.

I hope and pray my fellow colleagues will just say no to funds for Colombia.

TODAY UNITED STATES SETS AN ALL-TIME RECORD DEFICIT IN TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the United States set another record today. Unfortunately, it is not a record of which we can be proud as a nation or certainly not as one of the policymakers that helps set our trade policy in this country.

We set a record deficit, an all-time record deficit, in trade. $338.9 billion trade deficit, a 50 percent increase from the 1998 level of $220.6 billion. Now, what does that mean? Well, let us think about it for a minute. Where is all that money coming from and where is it going?

Well, since trade policy in this country is pretty much dictated to the Members of Congress, this Member excepted but most of my colleagues, or a majority, and to the White House downtown, no matter it seems which party is sitting there, by multinational corporations, they do not really care what the impact is on the United States of America, its workers or our economic future. But guess what? We are piling up a huge mound of international debt and some day that debt is going to be called and it is going to wreak havoc with the economy of our country.

According to most recent statistics, our international debt, because of this huge and growing trade deficit, will reach $1.9 trillion when it is added up for last year, and they are expecting it will double to $3.8 trillion, trillion dollars, by the year 2005.

Interest payments, money going overseas for money borrowed from overseas by financiers, governments, multinational corporations, whatever, $86 billion this year and it will be $166 billion by 2005. That is jobs that are not created here, capital that is not available here, threats to the future economic prosperity of our country.

Now, there are two parts of the trade deficit we ought to take a special close look at. One is the trade deficit due to the OPEC nations. Now, people have just started to pay attention to OPEC again recently, but they have been there all along. They have been a very large part of our trade deficit, but they are getting bigger.

Last month, our trade deficit to the OPEC nations, because of their price fixing, was $2.671 billion. That means at that rate we will run a $31 billion trade deficit with OPEC.

Now, everybody around here loves free trade, the World Trade Organization, with the exception of a few of us who think that that is not working very well for the people of this Nation. Well, the WTO has rules. Guess what? They have rules. It is a rules-based trade. The President loves rules-based trade, and one of the rules is that member nations cannot constrain production for goods produced for export unless it is for conservation purposes.

Nobody in the OPEC nations pretends that they are conserving their oil for conservation purposes. They are real up front about it. They are price gouging. They are creating an artificial shortage. Why then will the President and the administration not file a complaint in the WTO that they love so much? Why will the majority party who loves the WTO so much not force the President to file a complaint?

I expect they will not allow my amendment to the legislation tomorrow that would resolve that the Congress wants the President to file a complaint in the WTO against the OPEC nations.

Now there is another aspect to this that is very large, even bigger than OPEC. China, our trade deficit with China close to $70 billion this last year, an increase of 15 percent, the most unfair trading nation on earth. And yet what is this Congress proposing to do, pushed by the Republican leaders and the President? That is to give China everything they ever wanted, to give up any tools that this body holds to hold over China in the future to get them to behave in international trade, to get them to behave in human rights, to get them to behave in nonproliferation of nuclear weapons or dealing weapons to terrorist countries, to give them permanent most favored nation status.

Well, the estimates are, by our own international trade commission, saying that if the U.S. gets China into the WTO and if the U.S. grants them permanent most favored nation status, that they expect, according to their model, that our trade deficit with China will grow for the next 60 years to $649 billion. Something stinks about the trade policy in this country and it is time that it changes.

WE HAVE OUR GREAT LAKES BACK BUT WE ARE NOW FACING A NEW THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CAMP) is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, just 30 years ago, the Great Lakes had been all but pronounced dead. Lake Erie was filled with garbage, and rotting fish regularly washed up on the beach. The Cuyahoga River, which flows into Lake Erie, was so polluted that in 1969 it caught fire. Lake trout in Lake Michigan and Lake Huron were all but wiped out. The Federal Government even banned the consumption of walleye because of the high levels of toxic mercury.

Today, however, we can say that through dedication and hard work, the Great Lakes are one of environmentalism's most dramatic success stories. Lake Michigan's fish population has recovered with steelhead, salmon, and brown trout. Lake trout and lower Huron and Superior are recovering rapidly as well. We have our Great Lakes back, but now we are facing a new threat.

Water scarcity is becoming a worldwide problem. Over 166 million people in 18 countries are suffering from water shortages. Almost 270 million more in 11 additional countries are considered water stressed. Experts predict that by 2025, one-fourth of the world will suffer from lack of water. Given the pressures of population increase and dropping water tables, present-day water usage cannot be sustained. Some are trying to change fresh water from a resource to a commodity.

Given these disturbing statistics, it is not surprising that there are now proposals to withdraw bulk quantities of water from the Great Lakes Basin. After all, the Great Lakes compromise one-fifth of the earth's fresh water resources, but we still do not know the effects that bulk water exports would have on the Great Lakes system.

In an effort to examine the environmental, economic, and social impact of bulk water removals from the Great Lakes, the United States and Canadian governments asked the International Joint Commission to report on this matter. Last week, the IJC released its final report.

The IJC reported that removals of water from the Great Lakes basin could reduce the resilience of the system and its capacity to cope with future and unpredictable stresses. Despite its vastness, over 6 quadrillion gallons of water, the system is also extremely vulnerable to disruption. Any hydrological changes to the water system, even small changes, could have devastating ecological consequences.

Due to these environmental concerns, the IJC recommended a moratorium on such exports should be imposed for 2 years, to give the Great

Lakes governors time to collect further data and assess the environmental impact of such removals. Most importantly, the IJC recommended that decisions regarding bulk exports should remain in the hands of those that are closest to this great resource, the State governments of the Great Lakes Region.

I grew up in Michigan and I know firsthand how important these lakes are to the States around them. They are not just a water resource. They are a way of life: from shipping to hydro power to tourism and recreation. Our Great Lakes communities rely on these water resources to support vital sectors of their economy. That is why I have introduced legislation, H.R. 2973, to not only protect our Great Lakes but also to ensure that those with the most vested interest in their future, the people who live in the Great Lakes States, are the ones who make the decisions about how they are managed.

For the past 15 years, the governors of the Great Lakes States, in consultation with the Canadian premiers, have effectively managed the basin. What we need to do now, and what my legislation will do, is impose a moratorium on bulk exports to give the governors the time that they need to effectively evaluate how and if any bulk exports from the Great Lakes basin should proceed.

We do not want to transfer management of the Great Lakes from the governors to the Federal Government. That is not the direction we should take.

Lake levels are at an all-time low. The Washington Post recently reported that Lake Superior is at 9 inches below its long-term average. Michigan and Huron were 18 inches below average. Erie was 9 inches below and Ontario was 5 inches low.

Now is the time to act on this matter. Prudent management of our natural resources means looking ahead and planning for the future. As we begin this century, we must be responsible stewards of our environment, to ensure that our children are not denied the resources that we did are able to enjoy.

Mr. Speaker, I urge members of the Great Lakes States and all Members of Congress to join me in following the IJC's report and enacting H.R. 2973.

□ 2000

A BEGGAR'S LIFE: U.S. POLICY MUST BE SOMETHING MORE THAN BEGGING AT OPEC'S DOORSTEP

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, 3 years ago this month I made my first speech on the House floor, highlighting the importance of domestic oil production and our dangerous reliance upon imported oil. At that time oil was just under $15 a barrel and gasoline was around 80 cents a gallon.

Within the following 12 months, the price of crude would fall to $7.75 per barrel for western Kansas crude and would remain under $10 per barrel for most of the next year. As a result of the dramatic price decline, since 1997 more than 136,000 wells were shut in and more than 41,000 jobs were lost in the oil and gas industry in our country. This amounts to 136,000 wells and 41,000 people not producing oil to meet our country's energy needs.

It was during that time that I introduced legislation aimed at reducing the cost of production for independent oil and gas producers. The bill seeks to boost domestic production by lowering the tax burden on small producers, increasing the credit for advanced oil recovery and calling for a strategic plan that would include additional research and development on secondary and tertiary oil recovery to address our national security needs.

While the focus now is on the cost of energy paid by the American consumer, the solution for today's consumer is the same as the solution for the problem of the independent oil and gas producer. We must encourage production in our domestic industry and limit our dependence on foreign supplies of petroleum.

The U.S. is currently importing around $100 billion of oil a year, one-third of our country's $300 billion trade deficit. High oil prices are a burden that we all bear. Kansas is a transportation-dependent State with normally cold winter weather. Whether it is the Kansas farmer preparing his field for spring planting, the trucker hauling wheat to the elevator, or the Kansas City commuter on her way to work, we all pay when our dependence on foreign oil becomes too great.

While we may be upset about the current situation, we cannot say that it comes as a surprise. In the last 7 years, U.S. oil production has fallen by nearly 20 percent, while oil consumption has risen by almost 15 percent. During the 25 years since the last oil crisis, our reliance on foreign oil has increased from 37 percent to nearly 60 percent today. America is now at its lowest oil production since World War II. We are importing 10.5 million barrels of oil a day, and that pattern is expected to only get worse. The Department of Energy predicts that by the year 2010, a mere 10 years from now, we will import nearly 80 percent of our energy needs.

Today's higher crude prices alone are insufficient to increase domestic production, particularly in the short run. Kansas producers have lost much of their equity and find it very difficult to convince lenders to take the necessary risks to explore and develop new leases. When prices are dependent upon the actions of OPEC rather than only free market forces, the ability to take those risks necessary to find and produce new sources of oil are limited.

Does the small Kansas producer invest the necessary money, not knowing what the world price will be tomorrow? In Kansas the average daily production is 2.2 barrels per day per well. The cost per barrel is very high and the price received from that barrel determined by foreign suppliers. The stability which comes from greater control of our own destiny through increased domestic production is what is required.

The current situation is a clear signal for congressional action. The U.S. is producing less and less oil. Oil rigs and production have fallen by 77 percent since 1990. It is our obligation in Congress to develop tax policies, regulatory policies, and research funding that will allow us to raise domestic production to meet the future demands of the U.S. economy.

Our strategy for dealing with our future energy needs must be something more than simply begging at OPEC's doorstep.

PUTTING THE FEDERAL BUDGET IN PERSPECTIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. KASICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. KASICH. Mr. Speaker, I thought that I would take a little bit of time, uninterrupted time for a while, to kind of run through what we will anticipate happening this week on the presentation of the budget that will occur later in this week.

I think that it is very important that we try to put everything that we are going to do here this week in some kind of a perspective. It is very important that we take a look at where we were and where we are today, because rarely in regard to this Federal Government do we usually have a success story. It is very rare that we have success stories as it relates to Washington or the actions of the Congress, but I am a believer that whenever you have one, you ought to tell that story, because there are a lot of people that become very cynical, a lot of young people who have very little faith in this system; and it is important to say that, while we as citizens ought to frankly be critical of our government, that is a healthy thing, it limits the size and the power of government, there are times when we ought to recognize the good things we do, and we ought to celebrate some of them.

That is not to say that government does not have its role. It does. But government's role ought to be limited. It ought to do things that cannot be accomplished in the private sector; and whatever it does do, it ought to do effectively, and we ought to have respect for it.

I think what has happened in our country over the period of the last 50 years is that government has tried to be all things to all people. Whether you want to be all things to all people in government or whether you want to be all things to all people as the manager of a baseball team, you cannot do it. You have to figure out what you want to concentrate on, because if you do not concentrate and have a few priorities, you will not do anything well.

I think there is a growing perception in the country, and it is a reality, that the Government does too many things and not enough things well.

Back when I first came to Congress in 1983, I was sworn in shortly after the beginning of 1983, if I were to have told you in those years that we were going to actually have a balanced budget, I would either have had to have been running for President making another promise that would not be fulfilled, or you would laugh at me.

In fact, just a short period of time ago, all the way in 1997, we were looking at deficits that were going to be in the hundreds of billions of dollars, adding to an already very large national debt, both a national debt comprised of money that we owe ourselves, our IOUs to programs like Social Security, plus raising the publicly held debt, which is the amount of money we owe to Americans who gave their money in exchange for bonds, government bonds that they held. This national debt was skyrocketing and our deficits were going up by hundreds of billions of dollars every single year.

Well, in 1997, after a long and hard fight that actually started before 1995, but when the Republicans finally took control of the House of Representatives and the United States Senate, we made a commitment that we were going to balance the budget by 2002. We said that we needed to stop the flow of red ink, that we needed to do this because our children really should not be saddled with these tremendous debts. I think that most Americans said that is exactly right; it is about time that we get ourselves in a situation where we are not going to ring up more and more debt.

When we came to power in 1995, we said that we would do whatever it took to balance this Federal budget, and we went through a lot of rocky roads, as I think everyone here knows; and it was a difficult process. We had to say as politicians that we were going to put our children and the economic strength of the country first, and the business of vote buying by using public funds, we were going to turn from that process.

There is a story, I do not really know if it is true, but there is a story that John Kennedy when he was running for public office was passing out silver dollars to the children, and somebody said, Well, Mr. Kennedy, if you get elected, you will not have to pass your own money out anymore; you will be able to use the public's money.

What politicians did was refuse to prioritize, just spend willy-nilly, trying to make every constituent group happy, without exhibiting proper leadership. Leadership is the ability of somebody to accept the notion that they may not be popular, but that they will in fact do what is in their heart and in their minds as the right thing and the moral thing. That is leadership.

So in 1995 and 1996 we had a very tough fight around here with the President of the United States, and in 1997 we sat down at the table with the President and we said that we really wanted to balance this budget. You remember how tough it was. It even involved a closing of the Government, which was really a statement. It was not about closing the Government; it was about the determination to try to change the course of the Government and try to change the course of Washington.

Last year a number of my colleagues came to me, foremost the gentleman from California (Mr. HERGER), who made an argument that it was just not good enough to balance the budget, because after that 1997 budget agreement, we, for the first time in a generation, actually were able to balance our books, the number of dollars flowing into the Government did not exceed the number of dollars flowing out.

So what the gentleman from California (Mr. HERGER) said was that was a great victory, but what we need to do is we need to stop borrowing from the Social Security surplus to fund the other programs of the Federal Government; that those surpluses of Social Security should either be used to pay existing benefits, or to be held in a way in which it would retire some of the national debt, not to be committed to other spending programs. It seemed like almost an impossible task.

Well, in last year's budget we actually constructed a budget that, for the first time in decades, in fact for the first time in perhaps even my lifetime, if I went back and checked it, and I do not want to be inaccurate on this, we did not borrow from Social Security to fund the other operations of the Government, which is amazing.

In fact, we used these surplus Social Security revenues, rather than committing them to other government programs that would have a life and require funding, we actually used that surplus to pay down some of the publicly held debt, for the first time, as one television commentator told me last night, since Harry Truman. A pretty good accomplishment.

We are going to come with a budget this year that we will be presenting this week on the House floor that will, for the second year, not take one single dime of the Social Security surplus and use it to fund any other programs of the Federal Government. In fact, what we will do with the Social Security dollars that flow into our treasury is we will use them first and foremost to pay the benefits of our Social Security recipients. For those extra dollars that are there, that surplus that is being collected at the present time, we will use that surplus to pay down $1 trillion of the publicly held debt.

Now, I know there is this very popular show on television about wanting to be a millionaire. Whenever they have that show on television, they put a number up there about what the contestant is playing for. It gets to be $50,000, $10,000, I have not really studied the program. But people cheer. They cheer wildly when a person has an opportunity to go for $250,000.

Mr. Speaker, we are going to take the bonds of the American people, or all the bondholders, and we are going to pay those bondholders off, and we are going to retire the publicly held debt by $1 trillion. To me it is astounding. Had somebody told me just 5 years ago that not only would we be in balance and not only would we stay out of Social Security, but we would pay down the publicly held debt by $1 trillion, I am an optimist, I would have said great; but I would not have expected it to happen.

What we will do in this Congress is to lock this money up so that it will either go for Social Security benefits or it will go to pay down debt.

On a personal note in this area, that in and of itself is not going to fix Social Security. What we are having happen in the country is the number of baby boomers who are going to retire are going to greatly exceed the number of people who get the benefits or the number of people who work to support those retirees.

□ 2015

See, right through, there are a zillion baby boomers supporting their parents; but in a few years when the baby boomers retire, the baby boomers did not have a lot of kids, so we are going to have a lot of baby boomers retire with very few workers, and the numbers will not add up, which is why it is essential that we ultimately come up with a significant solution to Social Security; and the quicker that we develop the solution and implement it, the better off we are.

Mr. Speaker, I have my own proposal that I would encourage my colleagues to examine. It would create private accounts; it would say that the Federal Government, along with a private board, would screen investment options, just like Federal employees have, and one could put one's money into approved programs of either stocks or stocks and bonds or just bonds; and using that concept, we would be able to solve our Social Security problems. It would require some sacrifice on the part of baby boomers about my age, but the Social Security system would be secured forever, and our children would be set free to be able to have more control over their retirement.

But the bottom line is, regardless of what plan we implement, we are going to have to deal with Social Security, and we are going to have to deal with it soon, because if we do not, we are going to have a meltdown. Before we actually implement that program, we want to protect all of those Social Security dollars so that they do not get committed to any other program and so that they be used just to fund Social Security and to pay down the public debt.

Secondly in this budget proposal, we are going to preserve and strengthen Medicare. Now, we do not know precisely what that program is going to look like. As my colleagues know, there is great discussion here about the issue of prescription drugs. I happen to believe that our seniors must have access to prescription drugs. Many of our seniors, God bless them, have the resources to purchase their own prescription drugs. So we ought to have a program that, in fact, means tests and offers this prescription drug benefit to the poorest of our senior citizens. Why is it so important? Well, there probably is not any other segment of our population that would respond as vibrantly to the opportunity to have prescription drugs as our seniors.

There are modern medical miracles. My wife and I, Karen, have two little children, two little baby girls, little Emma and little Reese. We love them and they are special, and of course we would do everything in our power to make sure that they can have the modern medical miracles that are available to children. But in this case, with Medicare and prescription drugs, we think that our seniors will be able to greatly respond to prescription drugs, in fact maybe even saving money, because they will be healthier. In fact, some surgeries can be avoided if, in fact, prescription drugs are available.

We do not know precisely what this program will look like. We do not know precisely what this program will cost. We do believe that any prescription drug program should be accompanied by an additional reform program for all of Medicare. Medicare is in final difficulty. We are going to have to rescue it. But we believe that any reform program ought to be coupled with a prescription drug program. We believe it will strengthen Medicare and will help our seniors. That will also be provided for in this budget agreement; and as I have already mentioned, we will retire the public debt by 2013, but begin that by paying down $1 trillion in the publicly held debt.

Now, that would be a pretty good budget in and of itself. Keep our mitts off Social Security, protect it, strengthen Medicare, reform Medicare, provide a prescription drug benefit to our poor seniors and retire $1 trillion of the public debt. That would be a pretty good budget in and of itself. But we are not done there. We have some other things that we are doing in this budget, and one of the most significant things that we are doing is that we are cutting taxes.

Now, who are we going to cut taxes for? Well, first of all, the amount of tax cuts that are provided for in this budget proposal will, we think by the end of this summer, be in the vicinity of $250 billion in tax cuts for Americans. Who would it affect? Well, we do not know who all the people are who are going to be affected, because all of the tax-cutting measures have not been designed yet, but we do know who we are starting with.

When a couple gets married today, many Americans experience a marriage penalty. If they were not married, they would pay lower taxes than when they get married. We think that that is really awfully silly, and I think probably 99 percent of all Americans feel that way. The fact is that this House has already acted to ease the penalty on married couples. We believe it ultimately ought to be eliminated. This budget bill that we bring up this week would provide the resources to ease the penalty on marriage. After all, the family, the health of the family, reflects the health of the society.

Secondly, we believe that family farmers, small business people, anybody who works as many hours as many of our entrepreneurs work, that these folks ought not to be penalized whenever they die. Today, when one dies, one has to visit the undertaker and the IRS on the same day; and they are going to take 55 percent of whatever it is that one owns.

Now, say one owns a family farm or, like my good friend out in Columbus, Max Peoples at the local pharmacy. Max works like you would not believe. You go in that store day or night, he is in there, he is working hard. Why would we, if something were to happen to Max and he wanted to pass this on to his family, why would we want to take 55 percent of his worth and give it to the Government. Are you kidding me?

Mr. Speaker, I would say this to my colleagues. Life on earth is short. As one philosopher said, the minute we get to be good at playing our instruments, it is time to put them down.

Well, I think it makes all the sense in the world to pass those instruments on to our children so they can continue the symphony. And the fact is, whether it is a small business, all small businesses, or anybody who has worked hard for a living, at the end of their lives, they ought to be able to pass what they have on to their children so that their children can have a leg up, so that their children can be the beneficiaries of their parents' hard work.

For seniors, we believe this budget ought to reflect the opportunity of seniors to work longer and harder. Right now, if you are a senior citizen, you want to be independent, you want to work, they punish you by taking away your Social Security benefits. My opinion is that senior citizens are the greatest untapped resource we have in America. Youth brings energy and vitality; age brings wisdom. Frankly, I have seen a lot of wonderful people who have wisdom coupled with energy and vitality working even into their 80s. We want to reward our seniors. We do not want to say that if you want to be independent, you want to work a little bit, you want to have a job, we are going to punish you by cutting your Social Security benefits. This budget would allow us to fund the program that this House has already passed that would ease this penalty, this earnings test that we have imposed on senior citizens.

So for families, for small businesses, for any hard-working American, for our senior citizens, this bill would provide the resources to provide some tax fairness. But there will be other provisions as well in this bill, provisions that may provide for the ability to collect funds in an IRA account that can be used to help educate one's children, either in primary or secondary, or in college.

It could provide for cuts across the board. The marginal rates in this country are too high. We provide a significant amount of money for tax relief; and in fact, there has been discussion about whether this bill gets very close to being able to accomplish a lot of the ideas that Governor Bush has laid out in his tax cut program, and I would argue that this bill does. This is about $250 billion in tax cuts when we add it all up, as compared to about $300 billion in the Bush tax cut plan over the same period of time.

We are about $50 billion away from where George Bush is. And I must tell my colleagues, $50 billion away from a pot of money that represents, over 5 years, $10 trillion, with a reforming President coupled with a reforming Congress, we will not only be able to provide the tax relief that Governor Bush talks about, but we may be able to even do him one better. Mr. Speaker, we believe this is a very good down payment.

Now, people say that the American people do not want tax cuts. Well, I can tell my colleagues this: if you do not want to have a tax cut, I am going to give you one. If you do not like it, just send it to me and we will send it to

Children's Hospital. How would that be. Or you take your tax cut and give it to somebody who does not have much. That would be a good idea as well. But I also believe that the reason the American people are a little reluctant for tax cuts at this point is that they are a little worried that somehow tax cuts would erode the solvency and strength of Social Security or not provide for Medicare. As I have shown my colleagues tonight, we cannot only have very, very significant tax cuts, well over several hundred billions in tax cuts; but we can also preserve and protect Social Security, and we can strengthen Medicare and add a prescription drug benefit and even pay down the $1 trillion of the public debt.

I know what my colleagues are thinking. The only thing missing is a chicken in every pot. Well, I am going to get to that chicken in every pot, because there are a couple of other things that this budget does. We are going to work to restore the American military. I do not like to say this, because I am not particularly keen on a partisan comment, and it is not meant in a partisan way, but I think President Clinton has not been able to pick and choose where we should be involved as a Nation around the world. Too often he has used his heart and not his head, and we have so many entanglements around the world that it is not only eroding the fundamental fiber of our defense structure, but I think over time will diminish our ability to be effective no matter where we are.

At this point in time, we believe we have to put more money into defense. We also believe that over time, with an opportunity for a new President, that maybe we will be in a position of where we can begin to define our national interests more effectively, to be able to husband our resources, to be able to act out of the best self-interests of the United States. In the meantime, we are going to put more money in defense. It is the most important job of the Federal Government.

In addition to that, we are going to strengthen the programs for education, focusing primarily new dollars on special education, a mandate from the Federal Government; and we want to cover more of that mandate. We ultimately want to pay for all of that mandate on special education, but we believe that additional dollars for education ought to go to the classroom. There ought to be maximum flexibility for schools to be able to provide for the most effective education for young people. We also strengthen basic science programs in 2001.

Basic science research and the National Institutes of Health are gems. They are gems in this world as it reflects the operation of government. The National Institutes of Health have been increased significantly since the Republicans have had a majority in the United States Congress. The amount of dollars spent for all of our major diseases, from Alzheimer's to cancer to AIDS to heart research, has all been dramatically increased, as it should be, because the Federal Government can provide a significant boost and a significant leverage. Coupled with our universities and our hospitals, we know what the potential is for discoveries that can ease the anxiety and salve the wounds of people who experience these diseases. We think it is proper.

Mr. Speaker, concerning basic science research, I know we think sometimes that there are politicians that invented the Internet, but frankly the Internet was invented through the activities of the Department of Defense; and the fact is, basic science research is very important to our ultimate ability to develop meaningful science projects that also improve our lives. That is not picking and choosing winners or losers, it is really saying that there is some basic fundamental research that can be done by the Government that can be applicable by the private sector. We think that strengthening education, strengthening the National Institutes of Health, strengthening science and, I hope in the process, providing full funding for residents and interns in our Children's Hospitals can be accomplished in this budget; that we can work to restore America's defense, that we will, in fact, have tax fairness and tax reform for families and small business and senior citizens, and just everyday people who go to work and that we can pay down a trillion dollars in the publicly held debt so that Karen and my little girls, Emma and Reese, will have a little less burden on their backs.

□ 2030

By the way, they are only a little bit over 8 weeks old, and I get the sense they worry about it once in a while. We work to preserve and strengthen Medicare and provide, we hope at the end of the day, a prescription drug benefit, and we will keep our hands off of Social Security.

I think this is an outstanding blueprint for where we ought to head with the very first budget of the new millennium. I look forward to this House being able to debate and ultimately pass what I think is something that Members of the Congress can feel good about, that we can be good stewards about.

Is there too much spending? Without any question. I would like to have a little less. I would like to have a lot less, actually. But I think that, all in all, with the struggle that we have between conservatives and liberals, people who want to be tight fisted and those who want to be big spenders in a very small House that is separated by very few numbers, I think we have put together a program here that can work, that can pass, and that can be a real benefit to the American people.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS), from the Committee on Budget who I have served with for about a dozen years on that committee.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

As the gentleman from Ohio (Mr. KASICH) was talking, I could not help but remember the first time he put forward a comprehensive amendment to get our country's financial house in order in 1989. There were about 38 Members who joined him. But each year, more and more Members were persuaded that, not only were his ideas good but that ultimately he was going to succeed. So my colleagues can imagine the joy I felt in 1995 to see the gentleman from Ohio become the chairman of the Committee on Budget.

Then to have people like the gentleman from Minnesota (Mr. GUTKNECHT), who is here with us, a new Member, to start that effort that resulted in our controlling the growth of spending, slowing the growth of entitlements, and being able to move forward with tax cuts.

I was thinking when the gentleman from Ohio (Mr. KASICH) went through this list, preserving and protecting the Social Security, and preserving and strengthening Medicare with prescription drugs, and retiring the public debt by the year 2013, and promoting tax fairness for families, farmers and seniors, and restoring America's defenses, and strengthening support for education, science and health care, I was thinking we could not do that if it were not for the fact that we put forward a balanced budget agreement.

In the year 1998, literally 30 years after the last time, we had more money coming into the Federal Government than going out; and then 1999, more money coming in than going out; in the year 2000, more money coming in than going out.

Then last year is the first time since 1960 that we, in fact, are not spending the Social Security Trust Fund. We did not spend any of the Social Security Trust Fund last year, and we are not going to spend any this year. We are not going to spend any in the budget that we are going to be voting on.

So I am just extraordinarily grateful that the gentleman from Ohio persevered in this effort and that we are seeing the result. Now we are looking at a possibility of $4 trillion of surplus in the next 10 years. We are debating $4 trillion. In some cases, it presents a wonderful opportunity, obviously, but a scary one as well because so many Members want to spend it.

Of that $4 trillion, $2 trillion of that money, $2 trillion of that money is Social Security reserves; and the fact is that $2 trillion is protected. We are not going to spend Social Security reserves.

We are going to take that $2 trillion in the next 10 years, and we are going to set it aside and pay down debt. Public debt is going to be reduced by $2 trillion. It is not going to grow at the rate it was growing. We are cutting down $2 trillion in public debt, but not spending Social Security reserves on more programs.

But it leaves, of that $4 trillion, we still have $2 trillion left. The President wants to spend $1.3 trillion of it, kind of an automatic pilot, we just let all the budget keep going up, not making choices, just let them all go up.

What we want to do is we want to pay down more debt. We want a sensible tax cut in the next 5 years. We are going to see $200 billion set aside for tax cuts. We started that process already. We started that process with deciding that we simply could not justify that one could live together as a couple, not be married, but the moment one becomes married, one paid $1,400 more in taxes.

So instead of having a tax cut that included a lot of items, we are isolating those particular issues, and this is an issue of fairness. We have set aside a tax cut opportunity of $200 billion in the next 5 years, and some of that will help us eliminate the marriage penalty tax, which passed the House overwhelmingly with even support on both sides of the aisle.

Then we dealt with the issue of the incredible circumstance that, if one is on Social Security and one works and one makes more than $17,000, one actually pays a penalty. If one now makes, say, 3,000 more, for every $3 more above $17,000, one loses $1 in Social Security. So if one makes $20,000 trying to make ends meet and not have one's children support one or the government, one is paying taxes on that money. But, in addition, if one made $20,000, one would be losing Social Security. If one made $23,000, one would lose $2,000 in Social Security. We passed a bill that eliminates that penalty because we want our seniors to work. We have a need to have people out in the workforce. We want them to be a happy and vibrant part of the community and not punished if they work.

So we are going to pay down more debt with the $2 trillion that is not Social Security money, and we are going to have tax cuts. Then we will have some necessary spending.

The gentleman from Ohio (Chairman KASICH) pointed out defense is the primary responsibility of the Federal Government. We are not going to ignore that. But he is also pointing out we are going to take a harder look at how we save money and spend it better in defense.

We are going to have some educational need, not Federal educational. We are not federalizing education. We are going to provide assistance to communities and the States to do a better job in education with local decision making. We are going to deal more with health care and sciences.

So it is an exciting time for us in Congress. Really, what we want on Thursday are for common sense Members of Congress to vote for this budget agreement, this budget resolution. It should include Republicans and Democrats.

There is no reason why common sense Members on both sides of the aisle would not want to preserve and protect the Social Security surplus, would not want to preserve and strengthen Medicare with prescription drugs, would not want to retire the public debt by the year 2013, would not want to promote tax fairness for families, farmers, and seniors, and businessmen in general, and would not want to restore America's defenses, and would not want to strengthen support for education and science.

I just would conclude this part by saying that we saw this difference when a whole number of new Members came in. The gentleman from Minnesota (Mr. GUTKNECHT) is a prime example of that and said we are not going to continue what happened in the past. They have made all the difference.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy, the balance of the hour reserved for the majority leader has been reallocated to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Connecticut for yielding to me.

As the gentleman from Connecticut was speaking, I remember the first time that I spoke on the House floor in January of 1995. We were standing at these tables, and we had the very first bill in the Contract with America, the Shays Act. The gentleman from Connecticut humbly does not like to call it the Shays Act, but I remember what things were like when I came here.

The first thing we did is we said Congress is going to have to live by the same laws as everybody else, now back in Minnesota, and I am certain even in Connecticut.

Mr. SHAYS. Mr. Speaker, the gentleman from Minnesota did not have to say "even." Especially in Connecticut.

Mr. GUTKNECHT. Mr. Speaker, especially Connecticut, all over the country, outside of the Beltway, that made perfect sense. But here in Washington, that was a revolutionary idea because Congress for many years had exempted itself. They put a line at the end of many of the bills that nothing in this statute will apply to the Congress and, in many cases, sometimes even the entire Federal Government.

So I was thinking about what things were like when I came here in November of 1994 after that election and then as we were sworn in in January of 1995 and how much different things are today. I think to the average Member of Congress, and certainly to the average American, it is easy to forget where we were then and where we were going then.

I remember that, shortly after we came, the Congressional Budget Office gave us a study and a report. They said, if Congress does not get serious about balancing this Federal budget, that by the time children being born today reach middle age, and I hate to say it, I am getting painfully close to that, where some people might call me middle age, but by the time the children today grow to middle age, the Congressional Budget Office told us that they will be paying a Federal income tax of over 80 percent just to pay the interest on the national debt. That was worse than disgraceful. I mean, there was something fundamentally immoral about this idea that we could continue to borrow and, in effect, tax the next generation.

Many of us said in the original election in 1994, we had one priority. It was to balance the Federal budget, to put the Federal budget in order, and leave our kids with a legacy and a future that would not be saddled with enormous Federal taxes just to pay the debt. That is where we were in 1995.

We laid out a plan. Thanks to the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Ohio (Mr. KASICH) and so many other courageous leaders in the Congress at that time, many people, and again we tend to forget a lot of people said, well, it cannot be done. You cannot balance the budget in 7 years.

In fact, sometimes even some people down at the other end of Pennsylvania Avenue were out there saying, well, no one really believes you are going to balance the budget. But the interesting thing about the power of a thought, of an idea, of a belief is that, is how quickly it begins to take root, and other people start to come along.

There was a small band originally. It started back with the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Ohio (Chairman KASICH) many years ago with this idea that, yes, we can balance the budget; yes, we can apply fiscal restraint to Federal spending.

I was also reminded, though, the other day, and my kids are all grown, but the gentleman from Ohio (Mr. KASICH) was talking about his youngsters, and I remember reading to my kids when they were smaller. One of their favorite stories, one of my favorite stories was a story of the Little Red Hen. I just want to repeat just how that story works, because I think it is apropos for what we are doing today.

First of all, the Little Red Hen asked all the other animals in the barn yard, who will help me grow the wheat? The dog said, I cannot. The cat said, I will not. The cow said, I cannot. The pig said, I will not. So she went ahead and grew the wheat herself.

Then she asked, when the wheat was grown, who will help me grind the wheat? Of course the cat said, I will not. The dog said, I will not. The cow said, I will not. The pig said, I will not.

Then it was time to bake the bread. She asked, who would help her bake the bread. Same thing. All the other animals said either they could not or they would not.

But it was interesting, once they finally had the bread, once the Little Red Hen had the bread, then they all wanted to help eat the bread.

Do my colleagues remember that story? I was thinking about that story the other day.

Now, we are going to hear a lot of debate when this resolution hits the floor about what are we going to do with the budget surplus. A lot of the same people who were not very eager to help us create the budget surplus, in fact, I was thinking, parenthetically, about all those negative ads we saw particularly in 1996 about these draconian cuts to Medicare, and we were going to no longer have any student loans, and school lunches will be a thing of the past, and children will grow hungry, and old people will be thrown out in the street. What we really did, we did eliminate 600 Federal programs. That was an amazing accomplishment in and of itself. But some of the biggest complaints were that we actually slowed the rate of growth of Federal spending.

I want to just share this with other Members of the House and anyone else who may be listening, because I think this is really an amazing accomplishment. In the budget, we are proposing for next fiscal year the rate of increase in Federal spending will slow to 2.2 percent. Let me put that in real numbers. Last year or the fiscal year we are in right now, we are spending $1,780 billion dollars. Now, that is a lot of money. What we are proposing to spend next year, total, is $1,820 billion dollars. That works out to a 2.2 percent increase in total Federal spending.

Now, put that in context to where we were a few years ago when the Federal budget was growing up at a rate of 6, 8, 10, 12 percent per year. It was not that many years ago when Federal spending was going up double, triple, and even quadruple the rate of inflation.

Today to take that 2.2 increase in Federal spending in next year and put it in real context, according to the Bureau of Labor Statistics, the average family budget this year will increase at 4.9 percent.

So as the gentleman from Ohio (Chairman KASICH) was talking about, in terms of historical terms, next year, the Federal budget will grow at less than half the rate of the average family budget. What is the real benefit of that? Well, the biggest benefit, and my colleagues have talked about it, is that over the next 5 years we are going to pay down a trillion dollars' worth of debt held by the public.

□ 2045

And what does that mean? It means lower interest rates.

Now, Chairman Greenspan my continue to sort of tweak the interest rates a little to slow the economy, but the beauty is that interest rates are much lower than they would have been. And as we go forward, there is no driving force coming from the Federal Government because we are going to the treasury markets and borrowing an extra trillion or $2 or $3 trillion. And as long as that happens, real interest rates will be lower. And that means that more families can afford homes, more families can afford cars, more families can afford refrigerators, and it means that we are going to have a stronger economy, relatively speaking, than we would have had.

Finally, let me say, at the end of the day, when we talk about the budget, and I know people's eyes start to glaze over when we talk about the budget, because we talk in terms of billions and percentages and it is numbers and it is all of that, but at the end of the day what it really is all about is generational fairness. In fact, coming from the Midwest, where most of my relatives were farmers and most of my friends and neighbors are no more than one or two generations removed from the farm, it has almost been historic.

Everybody coming from a farm area understands this. This was really part and parcel of the American Dream. It was the American Dream to one day pay off the mortgage and leave the kids the farm. What we had been doing, or what previous Congresses had been doing is selling the farm and leaving the kids with the mortgage. That was just fundamentally immoral, and it really flew in the face of generational fairness.

The great thing about this budget is that it guarantees that we are going to take care of my parents, who are both on Social Security and Medicare. We are going to make certain they can have the quality of life they are entitled to. And it is also going to be fair to people our age, people who are working, people who have kids in college. Because we are going to let them keep a little more of their money. And particularly in couples where there are husbands and wives both working. But, finally, by beginning to pay down some of that debt, we are going to leave our kids a much brighter economic future.

So this is not about dollars and cents as much as it is about people, as much as it is about fundamental fairness and, I might even say, fundamental morality. So I congratulate the gentleman from Ohio (Mr. KASICH) and the gentleman from Connecticut (Mr. SHAYS) for all that they have done over the last several years to dramatically slow the rate of growth in spending, because it is going to mean a brighter future for all Americans.

Mr. SHAYS. Mr. Speaker, I thank the gentleman, and I would just say that this has been a wonderful team effort. We had new players come on the scene and they have made all the difference. Now, I cannot call the gentleman from Minnesota a new player, because the gentleman is in his 6th year. But just think, 6 years ago we saw massive deficits as far as the eye could see and now we are seeing significant surpluses, and our challenge now is to convince our colleagues not to spend all the surplus and make government bigger.

It is not to say we are not spending more money, we are simply targeting it. We are going to spend $2.2 billion more in elementary and secondary education, a phenomenal increase. We are going to be spending $6 billion more for farmers, who truly need it. And even someone like myself, coming from an area where we do not have a lot of farmers in the traditional sense, we have some dairy farmers, but we know that is necessary not just for them but for us.

As my colleague was talking about selling the farm, I was thinking that we are also going right after that death tax. And the most compelling reason for our leaving $200 billion for tax cuts over the next 5 years is to go squarely at the death tax that forces people to sell their businesses in Bridgeport, Connecticut, or in Norwalk or Stanford, Connecticut, when their parents die, to pay the inheritance tax. The businesses then, in a lot of cases, disappear. And it was a viable business. They cannot keep it because they have to pay a 55 percent inheritance tax. Now, we did increase the exemption to $1 million for farmers and businesses, but most businesses are far in excess of that.

I was at a community meeting just recently and I had someone, after I talked about it, come up with a real life example. He literally had a property that his parents had that he was still living in with his two other siblings. It was sold for $3 million. A lot of money. And his parents had equity in the market of about another million. So they had $4 million. And he said by the time they paid the inheritance tax and the lawyers, and the probate court got done, he and his two siblings will get $400,000 each. They will get 30 percent of the total value of their property. It was property that was earned; it was property where taxes were paid. They owned this property, and basically the government took over 55 percent of that.

So it just tells me that when we talk in kind of a theoretical way about taxes, we have to be mindful that we are really talking about that young individual, and we are talking about what his parents were able to leave and keep in the family. They had to sell the house and they will get a minimal amount. They will get 30 percent out of the total of the value of their property.

Mr. GUTKNECHT. If the gentleman will continue to yield, it is, again, the story of the little red hen. Here we have people who did not help bake that bread who are saying, well, we are entitled to over half of the loaf of bread. And again this is not just about tax policy, it is about fundamental morality.

Clearly, we need tax revenue. We have legitimate things that are needed as a society, whether it is the common national defense, for highways, lots of other needed projects, but any time we see a tax rate that gets above 50 percent, and the gentleman is absolutely correct, very quickly the estate tax gets to 55 percent, that is confiscatory. That is wrong. That is part of the reason people started shooting up at Lexington and Concord. And Americans still have that basic feeling about fairness, and it really transcends things.

Mr. SHAYS. And if we are talking about the concept of fairness, why should a married couple pay more than a couple that is not married in taxes? Why should someone who has earned Social Security and if they go back to working and paying taxes pay an additional penalty due to the Social Security earnings limitation? For every $3 above that $17,000, $1 is taken out of Social Security. That was a matter of fairness. And the third tax cut that we move forward with, why should a corporation be able to deduct health care and a private individual working, self-employed individual, not have that same deduction? In fact, the tax cut that the President vetoed just 2 years ago allowed all Americans to deduct for health care.

So I am just struck by the fact that we have made tremendous progress, we are talking about fairness in taxes, but we are also talking about something else. We are talking about what taxes will help the economy grow.

In 1990, I voted for a tax increase. The one tax increase I voted for, and I learned a big lesson. I voted to increase the luxury tax. And it was interesting, I voted to increase the luxury tax and the government got less money. They got less money because people, who can all make rational decisions, they decided that if the tax was higher, they would buy less, and we got less revenue. Conversely, when we dealt with capital gains, we cut taxes and we got so much more revenue.

So what two better examples. We can raise some taxes and get less revenue; we can cut some taxes and get more, and we can have the economic engine, that balanced budget agreement of 1997, which has made a world of difference. It has balanced our budget. We are in surpluses. We are no longer spending Social Security. We are able to cut taxes, and we are seeing the economy grow and grow and grow.

Mr. GUTKNECHT. If the gentleman will continue to yield, and going back to the luxury tax, I remember the argument at the time that somehow this would punish people who had made lots of money who were buying expensive boats. Well, it did not punish them at all. It punished the poor people working in the boat yards that built the boats.

Mr. SHAYS. Well, this hits home pretty hard, because they were not poor people. They were middle-income and upper-middle income people who were making boats, having great jobs. It was one of the true indigenous industries in the United States; where we did not have many exports. We were making the product and selling it in the United States. And it, unfortunately, did a lot of damage. A lot of companies went out of business.

Mr. GUTKNECHT. The other analogy about the boats is the story President KENNEDY used, that a rising tide lifts all boats. And if we have some fiscal responsibility, as we have seen in the last 5 years, that by properly managing the budget and by controlling the growth in Federal spending and by allowing families and investors to keep more of what they earned, we have had a much stronger economy. And we have been able to lift a lot of boats out there. And it is not just the people making a million dollars a year, it is an awful lot of those people making $30,000 and $35,000 and $40,000 a year. I see our chairman is back.

Mr. KASICH. I appreciate the gentleman yielding. I just wanted to make the point by saying we are going to pay down a trillion dollars in the publicly-held debt. That is a breathtaking number.

Mr. SHAYS. In the next 5 years.

Mr. KASICH. Over the next 5 years. A trillion dollars in paying down part of this publicly-held debt. Secondly, though, we have got this tax relief, and it does not threaten Medicare or Social Security. Social Security is protected in this bill. Medicare is not only protected but it can be enhanced with the prescription drug program.

So I think what every American ought to know, when somebody says we want to have a tax cut and some politician says, oh no, it is going to threaten Social Security and Medicare, that that simply is not true. We provide for the strengthening of Social Security and Medicare right up front. And once we have done that, we then feel that we should have tax relief.

And we also provide in this budget that if we pass this tax relief but it does not get signed by the President, that that tax relief, that money does not get used for more spending. That money does not get used for more spending. That, money goes to pay down additional debt.

So I think what every American ought to know is to be able to have this kind of a proposal before us this week is something that I think they ought to think about. Do not get caught by a car salesman, a used car—no, I do not want to say that. I was going to say used car salesman. I know more good used car salesmen. Let me say this, do not get trapped by some smooth talking person moving peas under a shell who says we cannot have tax relief because the politicians want to spend it, because they want to spend it, and that we are going to hurt Social Security. We protect Social Security, protect Medicare, pay down debt and have tax relief for all Americans.

I think it is a pretty significant accomplishment. I appreciate the gentlemen taking the time and presenting their arguments. They were outstanding.

A COMMEMORATION OF FAITH AND POLITICS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOYER. Mr. Speaker, I rise this evening to commemorate and to recall an extraordinary weekend that I and many of my colleagues had the opportunity to spend with our colleague, one of the historic Members of this House. He is probably, I suppose, the most historic Member of this House, the gentleman from Georgia (Mr. LEWIS).

The event that we participated in just a couple of weeks ago was under the aegis of the Faith & Politics Institute, headed up by the Reverend Doug Tanner. Reverend Tanner delivered the prayer, Mr. Speaker, at the opening of this session of the House, and he is here with us on the floor. It was an extraordinary opportunity for many of us to relive with the gentleman from Georgia (Mr. LEWIS) and with others the courage and commitment shown by some Americans so that all Americans would have the right to avail themselves fully of their constitutionally guaranteed right to vote.

We went to Birmingham, Alabama, then to Montgomery, then to Selma, and back to Montgomery. Montgomery, Alabama, is, of course, the capital of Alabama. Birmingham, as I will say briefly, was the site of a confrontation between freedom and evil, between those who would deny other human beings basic rights because of the color of their skin. We see in today's world across the globe that happening too often, where nationalism and racism and other ethnic divisions drive people to commit heinous acts against others.

It is appropriate that we remember what has happened in the past so that we can hopefully avoid it happening in the future and sensitize ourselves to the pain of others when they are inadvertently shut out, even if we are not consciously setting them aside and denying their rights.

□ 2100

Mr. Speaker, as we stand at the dawn of a new century and join the strongest economy in 50 years, we sometimes overlook what brought us to this point. Two weeks ago, as I said, we were again reminded, reminded that the book of American history includes chapters that are both repugnant and, thankfully, triumphant.

We were reminded that the courage to confront injustice and inhumanity is an indelible part of our national character. And we were reminded, Mr. Speaker, in the words of abolitionist and journalist Frederick Douglass, if there is no struggle, there is no progress.

On Sunday, March 5, we witnessed dramatically this progress, and we honored the courageous and continuing struggle for social justice. Two Sundays ago, the gentleman from New York (Mr. HOUGHTON), who is here with me on the floor, cochaired with the gentleman from Georgia (Mr. LEWIS) this effort and the congressional participation in the Institute on Faith and Politics.

We were joined by nearly 20 other Members of Congress, by President Clinton, leaders of the civil rights movement and thousands of others in Selma, Alabama, to commemorate a seminal moment in American history, Bloody Sunday. That phrase entered the American lexicon on March 7, 1965, 35 years ago, when Alabama state troopers and the posse of sheriffs, so-called deputies, attacked 600 men, women and children who had marched peacefully across the Edmund Pettus Bridge in Selma, Alabama.

Those brave marchers who were lead by our colleague, the gentleman from Georgia (Mr. LEWIS), and Reverend Josiah William had committed no crime or offense. In short, there was no reason that they would be attacked by those who were sworn to uphold the law, protect the citizens of Alabama, and honor the Constitution of this great Nation.

Those marchers had simply demanded the most basic of American rights, the most basic right in any democracy, the right of a citizen to express their opinion to participate in the decision-making process of their Nation, by voting. In Selma, in 1965 less than 1 percent of eligible black residents were registered to vote. Not, Mr. Speaker, because they did not desire to vote, not because they did not think that voting was important, but because they were being precluded by various devices. Literacy tests, poll taxes, intimidation were the weapons used to disenfranchise and discourage those from participating in their democracy.

The marchers sought to change that, but their rightful demand was met with nightsticks, bullwhips, tear gas, ignorance, and hatred. The gentleman from Georgia (Mr. LEWIS) who has now joined us on the floor, was one of the first to fall, Mr. Speaker. The gentleman led this march through the courage of his convictions, not just for African Americans, but for all Americans, knowing full well that if justice was not accorded to African Americans, it would not be accorded to any American ultimately.

The gentleman from Georgia (Mr. LEWIS) when ordered to do so by the state troopers stopped in his place as he crossed the Edmund Pettus Bridge. They told him to retreat. Rather than retreat, however, he bowed his head and began to pray; and the response of the Alabama state troopers on that March 7, 1965, was to assault the gentleman from Georgia (Mr. LEWIS) and those with whom he marched.

They fractured his skull with a nightstick, injuring him seriously. That event was a dramatic historic event in the history of this country. A few days later, President Lyndon Johnson put these horrific events into context, declaring to a joint session of Congress, and I quote, "At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom." "So it was," he said, "at Lexington and Concord, so it was a century ago at Appomattox, and so it was," Lyndon Johnson concluded, "last week in Selma, Alabama."

Tonight, Mr. Speaker, I want to especially thank the Faith and Politics Institute for organizing this recent pilgrimage to Alabama and for allowing me and so many of my colleagues to attend. As we walked by the statues of snarling dogs in Birmingham's Kelly Ingram Park and toured the 16th Street Baptist Church where four little innocent unknown beautiful girls who happened to be black died in a murderous explosion in 1963.

I was struck, Mr. Speaker, again, by the depth of the gentleman from Georgia's (Mr. LEWIS) courage and commitment to justice for all and how that same courage and commitment was shared by so many men, women, and children that we will never know.

Mr. Speaker, we rise to commemorate their courage tonight and their perseverance too; for on this night, March 21, 1965, began the Selma to Montgomery march that successfully concluded on the steps of the Alabama State Capitol 4 days later.

The marchers who were brutalized on Bloody Sunday and the marchers who made it to Montgomery 2 weeks later reminded us that nightsticks are no match for reason; that bullwhips stand no chance against courage; and that ignorance and hatred have no place in the land of the free and the home of the brave.

A little more than a year later, a year after Bloody Sunday, Robert Kennedy summed it far more eloquently than I can hope to do; and I repeated those words as we met at the end of that incredible weekend. He was speaking in Capetown, South Africa, to a group of African students; and he said this, that "each time a man stands up for an ideal or acts to improve the lot of others or speaks out against injustice, he sends forth a tiny ripple of hope and crossing each other from a million different centers of energy and daring, they build a tide that can sweep down the mightiest walls of oppression and resistance."

There were 600 people who left the AME Church, the Brown AME Church in Selma, walked the few blocks to the Edmund Pettus Bridge, who were standing up for an ideal, were speaking out against injustice, were acting to improve the lot of others. And as the attack on them appeared on television that night, they, through their courage and commitment, built a tide that did, in fact, sweep down the mightiest walls of oppression and resistance.

What a debt of gratitude, Mr. Speaker, this Nation owes to those brave souls.

So it was in Selma in 1965. And what 1965 tells to us most clearly is that it is that way today. We have made much progress. But all of us know there is a far way to go.

There is a great song, Mr. Speaker, that ends with this refrain in the first verse, "Facing the rising sun of our new day begun, let us march on til victory is won."

History tells us that full victory is never won. There are victories in battles. But, unfortunately, man's inclination to discriminate against his fellow man always seems to crop its head above the surface.

And so, I say to the gentleman from Georgia (Mr. LEWIS), he teaches us a lesson and all those with whom he marched; he honored us by allowing us to help commemorate that day with him and others who marched on that day. Let us all pray that, when the next time comes, we too will have the courage that he displayed to stand up, to speak out, to act against oppression, to, with him, knock down those mighty walls of oppression and resistance.

Mr. Speaker, I yield to my friend, the gentleman from Georgia (Mr. LEWIS), as I said, a historic figure who has contributed beyond perhaps all of us collectively to the realization of what this great democracy means not just to the

American people but to the peoples of this world.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, who is really my friend and my brother, for yielding and for hosting this special order tonight, along with my friend, my colleague, and my brother, the gentleman from Illinois (Mr. LAHOOD).

I want to thank the gentleman from Maryland (Mr. HOYER) for those wonderful words and for being part of this journey, this dialogue, this trip, this privilege to Alabama.

In my position here in the Congress, but as an individual, as co-chair of an organization, Faith and Politics, with my good friend and brother the gentleman from New York (Mr. HOUGHTON), this was our third trip to Alabama. We felt it was necessary for us to travel as Members of Congress with our spouses, with our staff members, and with our friends to go, to see, to feel, to travel the roads where other travelers 35 years ago and more to go back to Birmingham, as my colleague stated, to visit the church, to visit the park where the dogs and the fire hoses were used, to visit the city of Montgomery, visit Dr. Martin Luther King, Jr.'s church, to visit the memorial to the civil rights martyrs, to travel to Selma and to visit the Brown Chapel AME Church, to walk across that bridge across the Alabama River one more time.

I think it was not just a trip, but it was an opportunity for us to bond, to become brothers and sisters, to become, yes, a band of brothers and sisters to engage in a meaningful discussion, a meaningful dialogue about race.

Because I think what the struggle was all about 35 years ago, and still today under the leadership of Doug Tanner and the good people of Faith and Politics, to bring us together to that point where we can lay down the burden of race and build a truly beloved community, to build a truly interracial democracy in America, where committee can forget about race and color and see people as people, as human beings.

I think that is what is so meaningful about a group of us coming together not as Democrats, not as Republicans, but as Americans, as men and women, who believe somehow and some way that we can find a way to create a sense of community, to create one house, one family, the American house, the American community.

So I am so thankful and grateful tonight to the gentleman from Maryland (Mr. HOYER) for taking the time out to have this special order to share with our colleagues and share with our friends this journey to Alabama, this journey of reconciliation, this journey on understanding.

□ 2115

Mr. HOYER. I thank my friend for giving us all that opportunity and for his comments which are as compelling tonight as he always is, because they are real, heartfelt, and live sentiments. I thank my colleague. We are all honored to be his friend. I now want to yield to another extraordinary American. In the context of cochair of the Faith & Politics Institute, an American who comes from an extraordinarily different background from the gentleman from Georgia (Mr. LEWIS), who superficially people would say is much different than the gentleman from Georgia but they look on the outward manifestation of the color of skin which is just a superficial difference because he is, as the gentleman from Georgia referred to him, very much a brother, very much someone whose heart and head tells him that we are all in this together and we need to respect one another and lift one another up. We are all honored to serve with him in the Congress of the United States, my friend the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. I thank the gentleman from Maryland (Mr. HOYER), I thank the Speaker, I thank the gentleman from Georgia (Mr. LEWIS) and thank so many of my associates here. I want to particularly thank the gentleman from Maryland for putting this together. It is the right and it is the decent thing to do. It is timely. And frankly what we are trying to do is to encourage others to be more involved in this enormous experience which we had down in Selma. As a matter of fact, we have had for several years now. The person, of course, that has driven it is a fellow called Doug Tanner who is the head of the Faith & Politics Institute.

The gentleman from Georgia and I originally said that we would join the Faith & Politics Institute so long as we had no work to do because we were busy enough as it is, and all of a sudden we find ourselves doing more and more and more and more for Mr. Tanner, this Christlike figure who stands up there and feels, well, it is only because you want to do it, that is what is happening. I think the gentleman from Georgia would agree, we are doing far more than we originally bought into, but it has been enormously satisfying.

I think one of the things that struck me in this extraordinary experience in going to Selma and going there with the gentleman from Georgia was just the gentleman from Georgia himself. I know this is embarrassing for the gentleman from Georgia to hear all this, but it is true. Martin Luther King is no longer with us. It is tragic. Here was a man who was born 3 years after I was born and has been dead over 30 years.

But the younger members of that group, the SNCC, the Student Nonviolent Coordinating Committee were there and when you see not only our friend the gentleman from Georgia who is an associate of ours and works here and legislates with us and has been with us all along, and then to associate with Betty Fykes and Bernard Lafayette and Jose Williams and people like that, they are all alive, and they were the people that drove this whole thing, the younger people. I think one of the things that comes along is that the younger people really are the ones that say damn the torpedoes and go ahead and do the things which are right and the others are a little more conservative. As a result, we owe the gentleman from Georgia, not only as our friend, but also this enormous leader a tremendous debt of gratitude.

I hope those people who are listening will recognize this; I think we all do around here. I will always remember when John came to Corning, we had a continuation of the days of dialogue in upstate New York, in the district in which I live. It was extraordinary to see him at work there, because all of a sudden people said, here is the man that did all this, here is the man that led it. We had not realized what he stood for and what he was doing, what he represented. And then, of course, he had this wonderful associate, Sheila Sisulu, who is the South African ambassador here. Sheila Sisulu as many Members I am sure realize is the daughter-in-law of Walter Sisulu who was one of the two other partners of Nelson Mandela and stayed in South Africa and went to Robben Island, was there with him for over 20 years while Oliver Tambo went to Lesotho to keep the African National Congress going. She is the daughter-in-law.

But there was the gentleman from Georgia talking about the oppression that he was fighting, that he was literally willing to lay down his life for. I am sure there were times that he never thought that he would live another day. And here was Sheila Sisulu talking about the institutionalized apartheid in South Africa, what they had gone through. It made me realize how lucky we are to be Americans and to live in this particular time. It was just extraordinary.

There were other things that came along. Just the singing, the music. I know the singing of Betty Fykes and what it did to you in 1965 but what it did to us. Here we were just standing there and all of a sudden this lovely lady burst out into song. It cheered our spirits and made us feel better about things. And then, of course, I take nothing away from the gentleman from Maryland's eloquence and he is a very eloquent man but I will never forget being in Brown Chapel following the pastor of Brown Chapel and the gentleman from Georgia and then me, this former glassblower from upstate New York trying to make some sense out of the message. It was an awe-inspiring feeling.

Mr. HOYER. If the gentleman will yield, he notices I chose to speak before the gentleman from Georgia.

Mr. HOUGHTON. If the gentleman will notice, he placed me after the gentleman from Georgia.

Mr. HOYER. I apologize for that. That was an unfair thing to do.

Mr. HOUGHTON. When you hear those words and the emotions behind them, it does something to you. That is why this extraordinary experience is so important to be shared with everybody. This was an unusual year. It was the 35th anniversary of that march. It was unusual for another reason, because the President of the United States came down there. When the President of the United States comes down, it just changes the whole nature of it. But the crowds that were there and how they related to the words and the younger people that spoke. It was just a really extraordinary experience. It did something to me.

Again as I mentioned earlier, I would love to be able to share that with others. There is one downside, if I could just mention very briefly, is that while we celebrated the 35th anniversary of this extraordinary experience and honored those people who had led us, the fact is that there is still tremendous racial tension. You could see it even in the school system in that area where most of the people in the old days used to be in the high schools, the official high schools were white. Now most of the people in the high schools are black. But where do the white people go? Many times they have gone into private education. They have not integrated the way I know that the gentleman from Georgia and the gentleman from Maryland and others had hoped they would, and how we had hoped they would.

So the people that would say that Affirmative Action is wrong and we can go on automatic pilot and this thing is a thing of the past, there are no more Bull Conners, there is something very subtle going on here. It will not be erased for years and generations and generations to come. That is the thing that we have got to work on. It is not only what we do but really who we are.

I will always remember a wonderful story about Archibald MacLeish giving a lecture. He was most of the way through, a student raised his hand and said, Mr. MacLeish, you have only got about 5 minutes to go, could you sort of sum up what you have to say? He said, yes, I will, I would sum it up like this. Don't forget the thing and the student said what do you mean by the thing? Mr. MacLeish says, the thing is what you are is just as important as what you do. That is why we so applaud and honor the gentleman from Georgia and all his associates. I thank the gentleman from Maryland again for allowing me to speak.

Mr. HOYER. I thank the gentleman from New York for the depth of his integrity and the quality of his leadership in this House.

I want to yield to my very good friend, someone for whom I have a great deal of respect and affection, who has spent his time as a Member, he has been with this institution for a long period of time. I guess he is now in his third decade of work in this institution but a relatively new Member, succeeding his mentor and a great Member of this body, Bob Michel, but who has done as much as any Member in this body to try to bring us together collegially irrespective of party or faction or ideology, and that is a service that this institution needs. I am pleased to yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I am thankful for this hour that has been set aside by the gentleman from Maryland to sort of commemorate and share a little bit about the trip that some of us took, much of which has been talked about already in such great detail as the gentleman from Maryland has done and then the gentleman from Georgia and also the gentleman from New York.

I want to add my thanks to Doug Tanner for the work that he does with the Faith & Politics, to the gentleman from Maryland for this hour and really to say that normally these hours are set aside by Members to talk about issues that are near and dear to their heart and in particular in some cases that they feel very strongly about, and so for us to take this hour and talk about an opportunity that all of us had to share an experience in Selma, Alabama, to share the experience in Birmingham, to share the experience in Montgomery, to share the experience of walking across the Edmund Pettus Bridge is an opportunity for us to say to the American people that we do come here to make laws, to pass bills, but we also come here from districts where we return to demonstrate leadership, and not always in the bills that we pass but more on the other things that we do.

Part of what some of us have done was to travel to the Deep South and to observe in a very surreal fashion because we were there with the gentleman from Georgia and many of his friends and compatriots and colleagues that were there 35 years ago. And this opportunity was offered to many but only a few of us went. And so for some of us to be able to experience, the second year for me, I went last year, my wife and I went again this year, it was different. It was different this year because of the huge mass of people that were there, in large part I think because the President was there which again highlights the importance of the event and highlights the importance of what took place and highlights the importance of dialogue and race relations and faith and politics coming together.

But it is important for us I think to go back to our districts and to share with our constituents and to meet with leaders in our districts and talk to them about the importance of dialogue, about the importance of race relations, about some things that have happened that we call progress but also talk about many things that we need to do to make further progress. I certainly intend to do that. I am hoping to invite the gentleman from Georgia to my hometown of Peoria, Illinois, to have him have a dialogue and to help conduct a dialogue and to be a part of a group of leaders in my community that can talk about race relations and the progress we have made but the long drive that we have ahead of us.

Finally, let me say that we have 435 in this House. Each one brings a little different background, a little different dimension, a little different experience, but there is only one among us who has the kind of background and influence and standing in the civil rights movement, in the voting rights movement, in the race relations movement, in the faith and politics movement and that is the gentleman from Georgia. He is one unto his own when it comes to voting rights, race relations, civil rights, because of what he has done, because of what he has experienced and that he did not come here forgetting it, he came here to say to people, follow me, let me show you what we have been through and what we need to do in the future.

So for the 434 of us who know the gentleman from Georgia and for the few of us who know him as a friend, as a brother, as somebody who is a leader, a power of one, I think if we do not take anything else away from our experience in the House, it will be the fact that we were a part of the experience of the gentleman from Georgia, and hopefully we will be a part of an experience of doing more and carrying on what the gentleman from Georgia has really begun earlier on in his life.

□ 2130

JOHN, thank you for being a part of this wonderful institution and doing more than just coming here and passing bills and giving speeches but setting an example and saying to us, come with me and share my experience and then go back into your communities and provide the leadership. Without your leadership, without what you have done, we would not be doing what we are doing, and so we are grateful to you for being more than just a Congressman from Atlanta, Georgia, but for being a leader and continuing to be a leader.

So I say thank you to you, and we look forward to continuing to work with you hand in hand, shoulder to shoulder, to improve race relations in this country and we do have much work ahead of us.

I thank the gentleman from Maryland (Mr. HOYER) for devoting this hour to our experience and for articulating so well what we were able to experience in Selma and Birmingham and Montgomery. We look forward to working with all of the Members to carry on what we need to do here and back in our districts.

Mr. HOYER. I thank the gentleman from Illinois (Mr. LAHOOD) for those remarks. We all share his view of JOHN's place in this House.

I yield to my friend from the city of brotherly love. I say that not facetiously. We in Penn wanted that to be a State and City of Brotherly Love, but we know all too often in this Nation where brotherly love is preached and brotherly love gets a doff of the hat from time to time, unfortunately there are too oftentimes when it is not practiced. So I am pleased to recognize someone who went with us and who added immeasurably to our experience, a gentleman from the Philadelphia region and Montgomery County, the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentleman from Maryland (Mr. HOYER) for arranging for this hour, giving us a chance to come together this evening to talk about our trip to Alabama.

It was a remarkable experience for all of us who participated in this civil rights pilgrimage to commemorate the 35th anniversary of the voting rights march in Selma. I want to thank the Faith & Politics Institute and Doug Tanner for his leadership and for bringing us together.

It was remarkable to visit the civil rights movement landmarks that I had never seen in person before, to learn more about the history of this country in the 1960s. It was equally remarkable to meet so many of the leaders of the movement and the foot soldiers of that movement, so many of which are still with us today, still providing leadership.

It was particularly remarkable to be there with JOHN LEWIS. Many people tonight have spoken in high praise of JOHN, and I want to do the same. Someone said it was almost surreal being there with JOHN, and it was. For me, the surreal moment was riding in the tour bus I think between Montgomery and Selma, and watching on the television screens in the bus parts of the documentary, Eyes on the Prize, of the civil rights movement, seeing a young JOHN LEWIS being interviewed, speaking back in the 1960s, and then looking down the aisle of the bus and seeing JOHN LEWIS today moving around talking to his colleagues on that bus.

It certainly drove home to me the remarkable passage that this leader has had in the civil rights movement and how special he is to all of us. JOHN embodies virtually every important moment of the civil rights movement in the 1960s. He helped to organize and lead the lunch counter sit-ins in Nashville in 1960. He was one of the 11 original freedom riders in 1961. He helped to organize the March on Washington and spoke eloquently there in 1963 and, of course, led the voting rights march at Selma in 1965, right at the front row.

It was just remarkable to see that footage watching my new friend, JOHN LEWIS, in 1965 be run over by the police forces and beaten because he wanted to march for voting rights, because he had the courage to stand forward and the courage to do it in a nonviolent way: the courage to use passive resistance to reach the heart and soul of the American people and say there has to be a better way; there has to be a better way to have true freedom and equality for all Americans.

So I would say to the gentleman from Maryland (Mr. HOYER), I certainly learned a new appreciation for the hard work and the sacrifices that were made by many leaders and many foot soldiers to win civil and voting rights for all Americans.

I also developed, I believe, a deeper understanding of the work that remains to be done, to make sure that all Americans really have the equal justice and the full opportunities that we want them to have.

The gentleman from New York (Mr. HOUGHTON), who provided and provides wonderful leadership for the Faith & Politics Institute, already talked about Selma of today compared to Selma of 1965, and it is an interesting comparison. In 1965, legal segregation was the order of the day and the official today, I guess, would be called high schools were all white and the black children went to school in segregated high schools. That was true throughout the Deep South.

Well, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 changed many, many things in this country; but today, in the year 2000, Selma still has a form of segregation. It is de facto now. There is only one set of public high schools. And as the gentleman indicated they are almost all black; and the white students have chosen to go to different schools, religious schools or private schools. So there is a different kind of segregation.

The work that JOHN LEWIS fought so hard for 35 years ago and that we commemorated a couple of weeks ago still has much to be done in the face of that segregation, and I do not mean to pick on Selma or Alabama or the South of today because that kind of segregation really occurs everywhere; in the North, in Montgomery County, Pennsylvania, the suburbs of Philadelphia, which I represent.

The schools are integrated and there is a great racial understanding in the suburban school that my daughter attended and my son currently attends, but there is social segregation. The blacks tend to socialize and congregate and eat lunch together and the whites tend to be together, and there is understanding and there is good relations but there is still that social segregation.

There are subtle forms of segregation in the North, almost as bad perhaps as the legal segregation of old in the South. In the Philadelphia School District, because of a lack of local resources and indifference from our State government, Philadelphia school kids have $2,000 less per pupil spent on them than suburban school kids do. $2,000 less in the big Philadelphia School District. That is not strictly a racial result, but there is a subtle form of segregation happening there.

As the President so eloquently said in Selma a couple of weeks ago, when he spoke to us all, that as long as there is de facto segregation in the public schools in Selma we have another bridge to cross; as long as there is $2,000 less available to educate school children in Philadelphia than school children in the suburbs of Philadelphia, we have another bridge to cross. As long as social injustice and discrimination continues to occur in this country, we all have another bridge to cross. As long as parents work two jobs but cannot bring home a living wage, there is another bridge to cross. As long as families do not have health care, as long as seniors cannot get the prescription drug coverage they need, we have another bridge to cross.

We all agree on that. We differ on some of the ways to get across that bridge, and we have policy disputes down here. And that is why we are here, and that is the beauty of this body. But we have to recognize that as important as it is to remember what happened 35 years ago and to honor amazing Americans like JOHN LEWIS, we have to learn from JOHN and take inspiration from JOHN but be honest with ourselves about the problems that still exist and face those problems forthrightly, face them together and understand that we are all in this together.

If we recognize that and work together, then we will truly honor what happened 35 years ago. If we fail to work together today, then much of what happened in the past will be for naught, and none of us can stand for that result to happen.

So I thank the gentleman from Maryland (Mr. HOYER) for his leadership. I thank JOHN LEWIS and the gentleman from New York (Mr. HOUGHTON) and all of my colleagues who attended, and particularly those speaking here tonight. I was glad to be a part of it and will continue to work with you.

Mr. HOYER. I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for his comments and for his making a comment about the time between what was done in 1965 and that bridge being crossed, and I would comment that when we crossed the bridge in 2000, 35 years later, I think all of us were struck by the fact that there were Alabama troopers on the other side of that bridge but their response, when the end of the Edmund Pettus Bridge was reached by JOHN LEWIS and others, was to salute, to salute in honor of all that JOHN had accomplished and all that JOHN represented, and showed a revolutionary change in those short 35 years.

The governor of Alabama, rather than talking about interposition and other doctrines of States' rights, met JOHN and the President at the bridge and Governor Siegelman welcomed JOHN LEWIS home because, of course, JOHN LEWIS comes from Alabama; moved to Georgia and represents that State very well.

I think the gentleman from Philadelphia (Mr. HOEFFEL), from Montgomery County as opposed to Montgomery, Alabama, made very clear the point that the march of 1965 continues to this date.

Now I would like to recognize my friend who now represents Birmingham and surrounding areas in Alabama, a former member of the State legislature, a State senator who himself was involved in the struggle, who himself was a fighter for freedom. I am pleased to recognize and yield to my friend, the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, first let me say that it was indeed a pleasure having all of my colleagues in the Seventh Congressional District in Alabama. I represent three major cities in Alabama, Birmingham, Montgomery and Selma, and those were the cities where most of the civil rights activities in the Nation took place, and the surrounding areas, of course.

For the last 4 years, we have been going, Members of Congress, to Alabama, participating in what we call a renewal demonstration; one that shows our commitment to the future. It also shows that we are not satisfied with the past, but presently every time we go, every time there are such activities, it highlights the wrongs of the past but it also shows a brightness for the future.

The good thing about our presence there, we bring the spotlight of the Nation to Birmingham, Montgomery and Selma, and problems of the past.

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But when we highlight problems of the past, we also show lingering problems that are still with us. This time when I crossed the Edmund Pettus Bridge, I said to myself that there are so many bridges in our lives that need to be crossed. We still have in this country the racial divide.

But I would like to associate myself with the remarks of all the prior speakers, but especially the remarks of the last gentleman who spoke. We not only have problems in Selma, Birmingham, and Montgomery, but in this Nation. It is how we approach the problems now as compared to the past that is so interesting, because there is really no comparison.

Even though the gentleman from Georgia (Mr. LEWIS) and others were nonviolent in their approach, it was not universal. I would like to think that we are approaching that universality, that we are getting close; that every year more and more people join the cause and more and more people want to do good and more and more people cross the Edmund Pettus Bridge with us. I would like to think that in America things are getting better, and hopefully, with what we will do, they will continue to get better. But I realize in each one of our lives there are still Edmund Pettus Bridges that must be crossed.

So because of our experiences in going to Selma, Montgomery, and Birmingham, and because of our lifetime commitment here in Congress to democracy and to our society, I think that it is good to go and participate yearly, so that we can renew our commitment, not only as individuals but as Members of Congress.

If we could, by our presence continue to spotlight the evils of the past and the goodness of the present, I think we will continue to chip away at those problems that exist, and we will continue to build democracy. I think that is what we all should be about.

I would like to thank Doug Tanner. Four years ago when I first heard about him putting together this annual civil rights tour, I thought that it was a great idea, even though I had some apprehensions; not because of the thought of violence, but I wanted to know how it would come off and what would be the ramifications, because just going and being there would only satisfy and help the few of us that had the experience.

But after we came back, Members told me, you know, I saw you on TV. I heard some of the speeches, and I am going next year. Every year someone tells me that they are sorry that they did not go.

So everywhere in America I go now people say, you know, I am coming down to Selma next year. I hope that is indicative of the change in how we think, not only about Selma, but all the problems associated with Selma, because, in reality, Selma is a little America. The people there in every respect represent America; and if we can go there and talk about problems that exist, that is the first step, and it is the very first thing we must do in America.

We cannot hide our past, and we should never forget our past. But as long as we can remember, discuss, and talk about the past and the problems, maybe we are on our way to solving them, and that is the good thing about the activities and about doing it and being involved.

So, Doug, I really thank you for all your institute is doing; and I thank the gentleman from Maryland (Mr. HOYER) for calling us together tonight so that I could say thank you for coming, so that I can invite you back next year or the year after next, whenever the decision is made when we will go. Also I would like to thank the President for coming and thank America for being there. They were there in so many ways, whether it was by TV, radio, or in spirit. I would like to think that all of us marched this time across the Edmund Pettus Bridge.

Let me thank the gentleman from Georgia (Mr. LEWIS) for being there 35 years ago, and let me thank the gentleman for being there this time. Let me thank all of you, and I invite you back.

Remember this: Selma is America. You can come there, just as you can go home.

Mr. HOYER. Mr. Speaker, I thank the gentleman very much. We appreciate his comments and appreciate his welcome to his district and appreciate his invitation back.

I think I pointed out, and the point that was made by the gentleman from Pennsylvania (Mr. HOEFFEL) was apt, that Selma is America, and America can learn lessons from Selma, as Selma needed to learn lessons from America.

Doug Tanner, we all do thank you. You have made our lives richer, more whole, by your ministering to us, ministering to us in a variety of different ways, some of which some would say are religious, some would say secular, but surely ministering to our souls and to our hearts and to our heads so that we will be better persons and treat one another as we would want to be treated.

As I was sitting here and listening to all of you speak, I thought to myself, we rise here every day as we begin this session and pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The lesson of Selma is for all. Indivisible. We cannot segregate rights and expect any of us to long enjoy those rights. That, JOHN, is the lesson I think you were teaching to the country, that Martin Luther King, Jr., was teaching to the country.

If you hold truths to be self-evident and you say that all men are created equal and endowed not by the State, not by government, but by God, by their creator, with inalienable rights, then God's creatures mean for all, liberty and justice for all.

JOHN, I think you made us a little more cognizant of what that really means; and as the gentleman from Illinois (Mr. LAHOOD) has pointed out, it teaches us better how to go home with our friends and neighbors, families and colleagues, and to emphasize how important it is for our Nation to be better than it is today. As great as it is, as just as it is, it can be better, if we realize that we must have it as a Nation with justice for all.

Mr. Speaker, I thank you for giving us this time to commemorate an extraordinary experience in the lives of each one of us.

Mr. Speaker, I thank my colleagues. I honor and thank my brother, JOHN LEWIS; and I thank my friend, Doug Tanner.

Mr. HALL of Ohio. Mr. Speaker, today I join a number of my colleagues in commemorating the 35th anniversary of the Voting Rights March from Selma to Montgomery. I was honored to be a part of the Faith and Politics Institute's Congressional Civil Rights pilgrimage a couple of weeks ago. It was powerful to hear from those who had experienced the struggle firsthand. It was informative to learn about these historic events while actually at the sites. It was inspiring to walk in the same places as those who stood up for justice.

Thirty-five years ago, our country experienced some of the lowest and highest points in our history. On the one hand, law enforcement agents and elected officials violently opposed the basic democratic right of voting for African Americans. On the other hand, ministers, students and regular citizens stood up for their most basic rights as Americans. Congress responded by passing the Voting Rights Act of 1965, one of the crowning achievements of the Civil Rights Movement.

Unfortunately, the work of Martin Luther King and JOHN LEWIS and so many others is still unfinished. We have made many strides toward equal rights and progress toward racial equality. But the issues surrounding race remain among the biggest challenges facing our country. When we review our country's legacy around slavery, the historical record is still incomplete.

One of the items on that unfinished agenda is that the U.S. government has never apologized for its role in slavery. A few years ago, I saw a television program with a Black minister and a White minister commemorating Dr. Martin Luther King's birthday. They stated that there had never been an official apology for slavery. With my country's Civil War, all that President Abraham Lincoln achieved and the successes of the Civil Rights Movement, I found that hard to believe.

So I went to the Library of Congress and discovered that they were right—no one in the Government of the United States had ever apologized for slavery. Therefore, I set out to correct this glaring omission in history. On June 12, 1997, I introduced my simple resolution without any fanfare.

What happened next was a complete surprise. It exploded on the political scene at about the same time President Clinton was conducting his "National Dialogue on Race." Both conservatives and liberals, blacks and whites dismissed it as "a meaningless gesture" or "an avoidance of problem-solving." After considering it, President Clinton decided not to apologize because of the fear of legal ramifications.

I received hundreds of letters and phone calls about the apology. Most of the people I heard from opposed the idea and some were blatantly racist and hateful. Very few people stood up and defended the idea and necessity of an apology. At times, I felt very alone in this struggle to do what I know is right.

I know that my resolution will not fix the lingering injustice resulting from slavery. But reconciliation begins with an apology. I hope this apology will be the start of a new healing between the races. I introduced the resolution because it is the right thing to do.

Many of the opponents to the apology argued that slavery had been abolished over a century ago and no one alive in the United States today had been a slave or a slave owner. But that ignores the fact that slavery's effects are still with us.

Just one of the many examples of slavery's legacy is in terms of assets. Slaves, of course, were not able to earn any money or pass on an inheritance to their children. When African-Americans were freed after the Civil War, they started at a distinct disadvantage. Then they were shackled with Jim Crow laws and segregation that prevented them from truly entering into society. Only within the last two generations have descendants of slaves legally able to join American society. Not only was it not a level playing field, the game itself was stacked against people of color.

Now in the 21st Century in the richest nation in the world, blacks control only 1.3 percent of the nation's financial assets, while they are around 12 percent of the population. Whites possess a staggering 95 percent. Almost two-thirds of black households have no net financial assets. Blacks and whites with equal incomes possess very unequal shares of wealth.

Our work is obviously not finished. I am proud to stand up with my colleagues and voice my support for efforts that promote racial reconciliation. My special thanks to JOHN LEWIS and AMO HOUGHTON for organizing the pilgrimage to Alabama and the ongoing "Congressional Conversations on Race." I look forward a time when the record is corrected and we can truly celebrate the accomplishments that have brought about "One America."

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

The SPEAKER pro tempore (Mr WELDON of Florida). Is there objection to the request of the gentleman from Maryland?

There was no objection.

NIGHTSIDE CHAT ON TOPICS OF CONCERN TO AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, once again we are here this evening for a little nightside chat. There are a number of different subjects I would like to cover this evening.

I would like to start out by talking about the loss of a good friend that I had last week, just a short comment in that regard. We are going to move on and talk about the Congressional Medal of Honor. We lost one of our heroes. If you want a true definition of hero, take a look at the people that serve in our military forces. We lost one in Colorado. I will talk a little about him. Then I want to move on and talk about the Alcohol, Tobacco, and Firearms people.

We had a very interesting item in Colorado over the weekend about the enforcement, or lack of enforcement, by the Alcohol, Tobacco and Firearms department in their inspections regarding firearms sales. As you know, across the country guns have become somewhat of a sensitive issue.

Now, last week when I addressed you, we talked a little on Operation Exile. I know that my colleague, the gentleman from the State of Florida (Mr. MCCOLLUM), is going to introduce a bill tomorrow to assist our local States and our local communities on their Project Exile, so we will highlight a little of what he is attempting to do. We will talk about our public awareness campaign and talk about some of the responsibilities of gun ownership.

Then, if we have some time this evening, I would like to touch again on the death tax. As many of you know, that is a very punitive tax in our system. It is a tax that has devastating impacts on small businesses, has devastating impacts on farms and ranches across the country; and, frankly, this is not a justified tax.

It is a tax supported by the administration. In fact, the administration has proposed a $9.5 billion increase in the death tax this year. I am confident that we can stop that. But just so you no, there is a big difference of opinion on the policy of the Democratic administration to raise death taxes and our position on the Republican side that says death taxes are fundamentally unfair, they are unjustified, and they should be eliminated in this country.

But we will get to all that in due time. Let us start first of all with just a comment about a friend of mine, a classmate of mine, a fellow named Richard. I will not go into his last name, but I want to tell Members, my friend committed suicide last week.

I hope that in your walks of life, sometimes we get so busy that we forget that some people have some demons within them that they cannot control, that they are having a difficult time with life.

What I try and do, and it just came back home this last week when I was at the service of this gentleman, and he really was, I think he had some demons he could not control; but it brought back the thought that, gosh, any time we see somebody in some despair, we should always urge them, before they take that step, that ultimate and in some regards very selfish step of suicide, urge them to call a suicide watch or get some assistance.

I am confident that my friend, had my friend just had a few more minutes of being able to calm down and think out the situation, we would have avoided a tragedy; not so much just a tragedy to my friend, but a tragedy to his friends, to his family, to his wife, and to his children. His wife, Anna, is a splendid person. She now faces a tremendous challenge ahead with these children.

The circumstances of this suicide were tragic. I think the circumstances of any suicide are tragic. And if there is a justification for mental health assistance in this country, it is that suicide tragedy that takes place across the entire spectrum, across the entire spectrum of age, every day in this country.

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So I just urge my colleagues again, we run at a fast pace around here, but if one has an opportunity to put one's hand on the shoulder of a friend, and I am sure all of my colleagues would do it, and I wish I would have had the opportunity to do it, it might just work; it might just prevent somebody from being in such despair that they ruin the most ultimate gift that God could give us.

PUEBLO, COLORADO: HOME OF A HERO, WILLIAM J. CRAWFORD

Mr. McINNIS. Mr. Speaker, I want to talk about another sad event last week, although the gentleman lived a full life, and that is about a gentleman named William Crawford, a Congressional Medal of Honor winner. My district is the Third Congressional District of Colorado, and just for those of my colleagues that need reminding, that includes most of the mountains of Colorado, all the resorts: Aspen, Colorado; Vail, Steamboat, Telluride; it has the industrial community of Pueblo, it has the San Luis Valley, it has Durango, down there in the Four Corners, the Anasazi ruins, the Colorado National Monuments, part of the Rocky Mountain National Monument, part of the Black Canyon National Monument. As my colleagues can see, any time I talk about my district, I get in kind of a promotional mood because it is such a wonderful district.

But there is another reason that stands out besides the natural beauty of this district and the people of this district, and that is that Pueblo, Colorado is what we call the Home of Heroes. Mr. Speaker, this last week we had four living members from the community who received the Congressional Medal of Honor. This was not awarded, they deserved this, they worked for it. I do not have to go into what the Congressional Medal of Honor means, although in my opinion, any recipient of the Congressional Medal of Honor is at the very highest of the echelon as far as a definition of what being an American is all about.

Well, last week we lost one of our four; it was William Crawford. He passed away last Tuesday and actually they were holding a memorial service today at the United States Air Force Academy. I thought I would talk just a little about what Mr. Crawford did and how he earned the Congressional Medal of Honor. I guess the best way to do that is just take directly from the script which described his actions.

But before I do that, let me say that one of the things that causes me some, I guess one would say discouragement, is when I read throughout the sports pages of our newspapers in this country, we read about heroes in sports. My opinion is there are celebrities in sports and there are a lot of talented celebrities in sports, but we really ought to be very cautious and very selfish about the use of the word "heroes." The word "heroes" really should be placed not on sports figures, but figures like William Crawford, figures like the firemen or the policemen that lose their lives. I think we lose a police officer every 28 hours in this country. This year has been a bad year for our firemen as well. We have lost several firemen in the line of duty.

But let us go back to Mr. Crawford. I am not over-using the word when I use the word "hero." He was given this medal and this recognition for conspicuous gallantry at the risk of life above and beyond the call of duty in action with the enemy in Italy on September 13, 1943. When Company I attacked an enemy-held position on hill 424, the 3rd Platoon, in which Private Crawford was a squad scout, attacked as base platoon for the company.

After reaching the crest of the hill, the platoon was pinned down by intense enemy machine gun and small arms fire. Locating one of these guns, which was dug in on a terrace on his immediate front, Private Crawford, without orders and on his own initiative, moved over the hill directly into the line of fire and crawled to a point within a few yards of the gun emplacement and single-handedly stood up and destroyed the machine gun emplacement, killed three of the crew with a hand grenade and thus, enabled his platoon to continue its advance.

So he climbs over the first hill, he is in the direct line of fire of a machine gun, he is able to crawl under the machine gun fire, he gets right up to the machine gun emplacement, he stands up, he eliminates three of the enemy and throws a hand grenade in and destroys the machine gun emplacement. But it does not stop there.

They go to the next hill and after reaching the crest of that hill, once again they are pinned down by enemy fire, and once again Private Crawford decides unilaterally to do what he can do to save the platoon. He moves forward once again in the face of intense fire and here, instead of one machine gun emplacement we have two machine gun emplacements, but they are side-by-side. As Private Crawford crawls up, he goes first to the left and is able to engage in a hand grenade throw, throwing a hand grenade into the first emplacement, destroys that one and then stands, throws a second hand grenade and using machine gun fire of his own is able to kill the members or eliminate the second machine gun emplacement. But the machine gun was still able to be used, so he jumps into the emplacement, takes over the German machine gun and then turns it on the German troops who were then retreating and was able to provide cover for his platoon while they move into a safer location.

That takes a lot of guts, and for that he was awarded the Congressional Medal of Honor. His passing is something that we all see with sadness, but I can tell my colleagues that during his 81 years, he lived a good life. He was properly recognized by his country for being what an American is all about, and that is putting duty and honor ahead of self, and that is exactly what Private Crawford did.

GASOLINE PRICES OUT OF CONTROL

Mr. McINNIS. Mr. Speaker, if I could move to another subject. I want to visit with my colleagues a little more, and I have read with some interest about the administration's policy on these high gasoline prices. I am not sure and, in fact, I would guess that the President and the administration and probably all of the cabinet officials, I would be surprised if they pump their own gas.

Mr. Speaker, I have news for my colleagues out there. Somebody better take a look at that price at the gas pump. Now, I know our economy is in the best shape it has been in the history of the country, and we could go into that in some detail. So it gives cause to some people to say oh, well, it is just something we have to live with. But there are a lot of people out there who have jobs, who are just getting by, and that high gasoline price has a huge impact on them. The cost of oil does not just affect gasoline in one's vehicle, by the way, it affects everything we use, everything we use in this country: medicine, production, plastics, rubber, generation of heat, generation of energy, you name it, the list could go on and on and on. This high price of gasoline is something that the administration's policy, in my opinion, needs to be more focused upon.

Now, it is not like they are ignoring it, but they are not standing up to the cartel. What do you mean the cartel? What is the cartel? Let us talk about what a cartel is first.

I pulled it out of the dictionary. A cartel: a combination of independent, commercial or industrial enterprises, a combination of industrial or commercial enterprises designed to limit competition and fix prices.

Adam Smith, Wealth of Nations, talked about a cartel, and the cartel, of course, as my colleagues know, is OPEC. So first of all, let us define what we are dealing with out there and then we will move on, because that helps us have a clear focus on the problem and then we can move on to what I think some of the solutions are.

Let me point out that I think the administration understands, somewhat, the problem. I think they have discounted it because we have such a good economy, and I do not think the administration, the Democrat administration has moved to come up with any kind of solution. I will point out that the policy of the Secretary of Energy is to go over to OPEC and negotiate with them, and the Department expects the price to fall sometime in the future. It actually fell a little today. Well, that does not take a rocket scientist. I think OPEC is realizing, and they are right about at the point where the ball will bounce to bring it down just a little. These negotiations are not going to result in something coming down. The price of oil is probably going to go down anyway in the next couple of months, but not to the extent that it should. That cartel still operates.

How do we deal with a cartel? That is what the administration ought to be looking at. That is the key here. How do we deal with a cartel like OPEC? Let us go back just for a moment, because I know it is somewhat boring, perhaps, but let us look at the books. Probably, in my opinion, one of the greatest philosophers and writers about capitalism in this country, or in the history of the world was Adam Smith. Adam Smith says a cartel, he did not use the word cartel, he called it a monopoly, "A monopoly granted either to an individual or to a trading company has the same effect as a secret in trade or manufactures. The monopolists, by keeping the market constantly understocked, by never fully supplying the effectual demand, sell their commodities much above the natural price, and raise their compensation, whether they consist in wages or profit, greatly above the natural rate."

So we have a system in balance out there. The natural rate is what Adam Smith refers to. But the monopoly allows one to exceed the natural rate.

"The price of a monopoly is upon every occasion the highest which can be gotten. The natural price, or the price that is the result of the market, on the contrary, is the lowest which can be taken, not upon every occasion, but for any considerable time together. That is the one that is struck by competition. The one that is upon every occasion the highest which can be squeezed out of the buyers, or which, it is supposed, they will consent to give. The other is the lowest which the sellers can commonly afford to take, and at the same time that the sellers can afford to take, but at the same time continue their business." That is an important last few words, continue their business.

My colleagues may be able to pay this price of oil for some period of time, but can we continue our course of business?

"Such enhancements of the market price may last as long as the regulations of police which give occasion to them.

"Monopoly, besides, is a great enemy to good management." Let me repeat that. "Monopoly is a great enemy to good management, which can never be universally established but in consequence of that free and universal competition which forces everybody to have recourse to it for the sake of self defense."

What does all that say? What it says is we have a system in balance out there and if we allow the cartel to proceed on the basis of which this cartel called OPEC is proceeding, these gas prices which are not their natural price, they are the highest price you can pull out, when you allow that cartel to exist without some type of repercussion, it upsets the apple cart, it upsets the market cart, and that is where it comes down. The interpretation is maybe not for those of you who are wealthy, but for those people in this society who are not wealthy, they are the ones that are stung first and they are the ones that are stung the hardest.

I can tell my colleagues that many times in the chamber we deal perhaps with the wealthier class of society, but there is huge part out there that we cannot ignore. There are a lot of people out there that this gas price is hurting and it is stinging, and the administration has an obligation to stand up to this cartel. The administration's policy should be very clear on its action.

The United States has allowed itself to become more and more dependent on foreign oil over the years. There are a number of different reasons. One, the United States has become much less friendly in exploration on its own continent. In fact, many other countries are saying, why should we allow the United States to come into our country to do exploration for oil and take our oil while they are reluctant to do exploration in their own country. That is one factor that has caused our dependence, more dependence on foreign oil.

The other, in my opinion, is that the administration's policy is asleep at the gas pump, let us put it that way. They have been awakened recently, not suddenly; it is kind of like a bear that is in hibernation: Kind of a slow awareness that there is a gas price problem out there on the market. There is a gas price problem for the average working American, and it impacts their families and it impacts education and it impacts jobs and it impacts our economy.

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What do we do about OPEC? Well, let us talk about OPEC first of all. What are the countries of OPEC? I think we should take a look at that: Algeria, Libya, Indonesia, Nigeria, Iran, Iraq, Kuwait, Saudi Arabia, UAE, Venezuela. But there are few of them I want to point out specifically. That is the cartel. Those are the countries.

Remember one of the countries I mentioned, Kuwait. Remember, how, just a few short years ago, it was American forces that got together and led international forces to take Iraq and force them out of their invasion of this country, Kuwait. We lost American soldiers. We lost young American soldiers, men and women, for this country Kuwait. This is how they show appreciation: they become a member of a cartel to stick it to the United States.

Now, I am not saying they are not entitled to a fair price. The market determines a fair price. Everybody is entitled to a fair price if the product has demand and if you supply what the consumers want. But to go outside the model of the marketplace and put together a monopoly which, by the way, is illegal in our country under most circumstances, to put that together under the form of a cartel, that is where we are out of kilter here.

Now, what do we do? What kind of relationship do we have with some of these countries? Well, some of these countries, we do not trade with them. Iran, although my colleague, I believe the gentleman from California (Mr. SHERMAN), noted that last week the Clinton administration's new policy is on caviar and some other products, the United States has now opened the market to Iran. So while this cartel is forcing gas prices to unprecedented highs in this country, the administration's policy is opening up more free trade with Iran.

Let us talk a little about some of the exports. This is kind of a two-way street. In my opinion, the Democratic policy here is kind of close your eyes, it will go down here by its natural self. Let us pretend it is not happening. Stall for a few weeks. Then if we get in a real crisis right before the election, our policy ought to be stand forward and hammer it. But right now, let us just kind of hope it goes away on its own. Well, even if the price drops a little, even if this price goes down, this thing is not going to go away.

We have got to use some leverage. Do not be mistaken. All of the leverage does not belong to OPEC. It does not belong to that cartel. The United States of America and other free countries in this world have some leverage in this situation.

Number one, we ought to go back to our friends, like Kuwait and say, how many years ago was it that we came into your country and gave you your country back? It cost American lives. It cost Americans billions of dollars. But we did it, one, because it was the right thing to do; but, two, we think there should be some appreciation in the future, not to put together this cartel. So that is one point of leverage, we can go to Kuwait.

But we can go to any number of countries. We can go to Algeria. We can go to Indonesia. We can go to Iraq. We can go to Nigeria. We can go to Saudi Arabia. We can go to the UAE and say, hey, do you know what, we do buy oil from you, but you buy products from us. You buy American products. Then we ought to take a look at what those American products are.

Do my colleagues know a lot of the oil that comes out of the ground that OPEC takes out of the ground, they do it with American ingenuity. It is American ingenuity that takes a lot of that oil out of that ground over there in the OPEC nations. So they are using our product.

Take, for example, the steel casing that they put into the well, the drill bits that they go down into the well, the engineering technology of how to make it all come together, a lot of that is American product.

In my opinion, the administration has some leverage there. The Democratic administration needs to stand up and say, wait a minute, what is good for the goose is good for the gander. You guys want to stick it to us on the price of oil. Maybe we ought to stand back up and renegotiate what the price of engineering services from America are. Maybe we ought to talk about the price of American products upon which you are dependent. Maybe we ought to do a little negotiation on products versus products.

Oh, it is great to send over a Secretary and have a cup of coffee and talk to them and say, look, you are really offending us. Let us lower these prices. You have got to get tough. This is the business world out there.

Do not discount this cartel. These are smart people. They figured out America is pretty easy to stick it to because they do not fight back. It is pretty easy to negotiate with this administration because they do not stand up and get tough on some of these issues. I am saying you have got to change that policy.

I think we here in the House should encourage the Clinton administration to be more direct, more forthright, and more forceful, especially stress on the last, more forceful on the leverage that we have with these OPEC nations. Our consumers will be better for it.

Now, I know that the President's policy came out in the last couple weeks and says, well, we need more energy conservation, and we need more solar energy, and we need more efficiency. That is all well and good. I mean, that is fine. I agree with some of those things. That is not going to happen tomorrow. That is not going to happen next week.

We are spending hundreds of millions of dollars trying to do that right now. Do my colleagues know what, the Government has really never come up with the solution. The people that have come up with the best solutions are the people that have the most to lose. Car efficiencies are not determined by the Government or invented by the Government. They are created by the car manufacturers who know that the consumers out there want more efficiency in their automobiles.

But the point I am trying to make here is that this administration, with our support, ought to stand up to OPEC and say, hey, we are going to talk about these American products. Maybe we ought to put a special fee on American products, maybe 1,000 percent fee or something on those products until you begin to negotiate a little on your oil prices.

As I said, these are smart people. The only way, in my opinion, you can negotiate with tough people is you send tough people in to negotiate with them. You cannot go in to a tough negotiator, show your hand, and frankly, act weak. They smell weakness. They can see it a mile away. They are like a good poker player. They can sense it a long time before you know they have sensed it.

We do not have any reason to go in there with weakness. The United States of America is a strong country. It is a country that has a lot of leverage on this cartel. It is a country that ought to use it so we can bring those gasoline prices down at the pump so that we can get a barrel of oil down to a price that we are not going to impact everything from education to our economy.

Now, we say education. Now that we get education in here, I just saw it the other day that some school has had to curtail their field trips because of the price of fuel to take their buses on these trips. They have had to cut back. That is the only place they thought they could cut back. It is having an impact, I say to the President. The administration ought to know this.

Now, I know in Washington, D.C., there is a lot of black limousines and big fancy cars, and the price of gasoline may not be such a big deal with a lot of the people in the Government. But I am telling my colleagues, even here in Washington, D.C., there is a lot of people that go to work every day that do not drive in a black limousine; and there is a lot of people being impacted by these prices. I think the administration has an obligation to be tough, to get in there and wrestle with these people.

Take a look at what we ship Kuwait, for example. Again, as a reminder, this is the country that we went to war for a few years back, 7 or 8 or 9 years ago. It is a country that we gave lives for. Here is what Kuwait buys from us: aircraft and associated equipment, civil engineering products, contractor products, pumps, air or other gas compressors, fans, motor vehicles, chemical products, analysis and measuring tools, instruments, heating and cooling equipment, pumps for liquids.

Every category I just mentioned to my colleagues is necessary for the production of oil. Yet, the administration has not mentioned one of those products to the best of our knowledge in their negotiations with OPEC about this cartel that has been formed to stick it to the free world.

So I hope that, although I am not sure, I would hope that some message gets through to the administration that we have got to be a little tougher on these prices, that these prices are having a huge impact, a huge impact on the consumer in America.

Today, we just saw the interest rate go up another quarter of a percent. Well, this is just the beginning of our problems if we do not do something about that gasoline price and the cost of oil.

This last weekend, Mr. Speaker, there was an interesting article in the Denver Post. We are moving to a new subject. I want to talk about guns here for a little while. Last week, I talked about guns. I talked about OPEC as well, because I have not seen anything positive happen in regards to OPEC.

But let us talk about guns. It is a sensitive issue. It is an issue that everybody in the country is concerned about. It is an issue that responsible gun owners are concerned about. It is an issue that manufacturers of guns are concerned about. It is an issue that the Government talks about being concerned about. It is an issue that every one of us in these Chambers are concerned about.

What is responsibility in gun ownership? What is government responsibility in regards to gun ownership? What is the manufacturer's responsibility in regards to gun ownership? Let us visit for a few minutes about that.

Let me begin by saying that the Denver Post ran an article this last weekend. In the Federal Government, we have an agency whose focus is to look and to inspect on behalf of the Government people who sell guns, illegal weapons, and so on. It is called the Alcohol, Tobacco and Firearms, not an agency that has a good reputation, as my colleagues know, because of the disaster at Waco and a number of other issues. They do not exactly have the kind of reputation that the Federal Bureau of Investigation enjoys.

But the ATF, that is the agency we are talking about, they have responsibilities. As I mentioned to my colleagues, when we talk about guns, we want to look at a number of different responsibilities: first, the gun owner; second, the gun manufacturer; third, the gun retailer; and, fourth, the Government.

So the Government's primary agency here is the ATF. Those are the people that go out into the field. They go, for example, to a gun shop and see if the owner of the gun shop, the proprietor of the gun shop, is in compliance with the law.

Well, the Denver Post is a major newspaper in the State of Colorado. We have two major papers statewide, the Rocky Mountain News and the Denver Post. The Denver Post ran, I guess, a full disclosure or full story on the ATF and what they have done in Colorado. I will tell my colleagues, when they are done reading that story, it is the prime example of bureaucrats that are not doing a darn thing in my opinion. That is a bureaucracy that we ought to take a very close look at.

Look, I am not one of these fanatics that says, get rid of the ATF, or the Government does not have a role in responsible gun ownership. We do have a role in responsible gun ownership. But we ought to begin by cleaning our own house. My colleagues ought to read this story about the Alcohol, Tobacco and Firearms in the State of Colorado.

Let me go through some of it for my colleagues. The title of the story, "Alcohol, Tobacco and Firearms called slow to act."

"Federal regulators let two Colorado gun stores stay in business long after investigators reported they had sold guns to criminals and were operated by men forbidden to possess the weapons."

So the Alcohol, Tobacco and Firearms, this bureaucrat agency that we have got, knew that the owners or the proprietors of these gun shops, one, should not be selling guns, had violated criminal statutes, and, yet, they continue to allow them to operate in their operation.

Two examples. One of them happens to be in my district, by the way. Lakewood, Colorado, the U.S. Bureau of Alcohol, Tobacco and Firearms granted a new firearms license to one Lawrence Lockert after State investigators concluded he had repeatedly sold handguns to people disqualified on background checks, including the convicted felon found running his shop.

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Lockert kept the license, despite a 1998 restraining order prohibiting him from having weapons as well as bond conditions regarding that restraining order and a 1999 guilty plea to domestic violence charge.

A further comment on that: The records show that the ATF was informed that Lockert sold handguns to people with criminal records nearly 4 years before the agency took action.

So in this Lakewood case, they knew there was a problem. The Colorado Bureau of Investigation, which is a good solid agency in Colorado, informed Alcohol, Tobacco and Firearms that the problem existed. Alcohol, Tobacco and Firearms knew that the problem existed, and they sat on it for 4 years. For 4 years.

How can we in Washington, how can those of us in elected office from our local States talk about responsibility of the gun owners when the government itself continues to drop the football on the very basic laws that are already in existence? How can we talk about rushing to the House floor to pass more and more gun laws when the current gun laws we have are being ignored by our own agencies? We need to clean house, and Alcohol, Tobacco and Firearms is a place to start.

Let me go further. In CBI, which I mentioned before is the Colorado Bureau of Investigation, they found 10 instances in Lakewood in 18 months in which customers had acquired handguns despite being denied criminal background checks. So, remember, we put in criminal background checks. I happen to agree with that. I do not have a problem with background checks. We put that in effect and, despite the fact that is in place, this dealer ignored it on 10 different occasions. Alcohol, Tobacco and Firearms found out he ignored it on 10 different occasions and just turned the other way.

Now, when they were asked for a response, they gave two excuses. One of the excuses was, well, we just kind of lost track of the case. Now, that sounds reassuring. That sounds pretty good to hear from the government. We have a problem out there. We have somebody who ought not to be selling guns, it is against the law, who violated the law on a number of occasions, and they just kind of lost track of the case.

The second excuse here, and I should point out here that I used to be a police officer, and I know when there is a problem, when a mistake is made, the easiest thing to do, as a cop, is to blame it on lack of resources. It is kind of like education. We never hear about the fact we need higher standards. People say, well, we did not have enough money. And that is exactly what Alcohol, Tobacco and Firearms said to the Denver Post. We had very limited resources.

Well, that does not work this time. Does not work, Alcohol, Tobacco and Firearms. That agency has received increase after increase in their budget, and they are still negligent out there with some pretty critical cases.

Let me talk about the second case. Delta, Colorado, in my district. It is a great community. I hope some of my colleagues have an opportunity to visit. But let me talk about the situation with a gun dealer out there. In Delta, State and Federal agents discovered in 1996 that a man in prison three times on kidnapping and weapons charges was operating a store with a Federal license to sell guns. The ATF let the shop, licensed in the names of his wife and son, sell guns until its license expired more than a year later. Despite the fact there were clear grounds for charges, no charges were filed.

I mean, come on. We need to go after these people. And we need an agency that can do it. Look, I represent the West, and we have a very independent nature out there. We are not sold that we need big government coming into our back yard there to help us. We are not sold that we need more and more regulations. We happen to believe there are a lot of laws on the books that if enforced could go a long ways towards solving the tragedies that we all acknowledge exist out there. But, dadgummit, every one of us have a right to look at these agencies and tell these bureaucrats to get off dead center.

Today, I am sure that the director of the ATF had on his desk a copy of the article from the Denver Post yesterday morning when he got in, I would hope by 9 a.m. in the morning. When he got in and looked at that article, he should have been on the phone 2 hours later saying, all right, which agents were responsible for this? What kind of action have these agents taken? What is being done by the supervisor for the Colorado region to make sure it never happens again? What is being done to make sure it does not repeat itself? I mean this guy ought to be, or this gal, ought to be enraged. Whoever runs that agency ought to be enraged.

My bet is not much has happened over there at the slow moving Alcohol, Tobacco and Firearms. Now, I am not talking about all of the agents. We have some good people that work for that agency out there. But we have to look at the historical basis. We look at performance. We look at standards. In my opinion, the Alcohol, Tobacco and Firearms, on a number of occasions, whether we talk about Waco or any number of cases, but when we talk about Colorado, the ATF has failed us. They have failed the people of the State of Colorado and they have failed the people they work for, which are the people of the United States. We are not enforcing the laws that are on the books.

Well, that moves me into the next subject, a subject that is dear to my heart. We will have a bill introduced tomorrow by the gentleman from Florida (Mr. McCOLLUM), the prime sponsor. It is a good bill and it highlights a project that I talked about last week, but I think it is important enough to talk about it again. We are trying to do everything we can and all of us, colleagues, every one of us in this chamber, we need to help step up public awareness of this project.

This project, Colorado Project Exile, now, obviously the bill the gentleman from Florida is introducing tomorrow is Project Exile from a national level, but I want to talk a little more about what we are doing in Colorado. We all know that the Colombine situation that occurred there. We know the sensitivities that are happening across this country. So Colorado is a good place to talk about. It is a State that prides itself on its independence. It is a State in which a lot of its citizens own weapons. It is a State that has belief in the second amendment of the Constitution, but it is also a State that has stepped forward and taken a very aggressive stance on its Project Exile.

Colorado's Project Exile has received bipartisan support from Democrats and Republicans. Our Democrat Attorney General Ken Salazar and his staff, very competent, they are in the lead on this. Tom Strickland, Democrat U.S. Attorney, he is the guy that put this project together in the State of Colorado. Our governor, who in my opinion is the finest governor in the history of the State of Colorado, Bill Owens, and his cabinet, they are behind us 100 percent and helping us with resources. Every sheriff's department, to the best of my knowledge, every police department, every newspaper in the State of Colorado, has endorsed this project.

The beauty of this project is it does not require one more law. Not one more law. It is not saying, U.S. House of Representatives get together and put together some more gun legislation. It is not going to the State legislature of the State of Colorado and saying we do not have enough laws on guns. It is a focused effort to take a look at the laws we have and how can we enforce that to bring about responsibility.

Now, I can say, and I should say, to do credit to Richmond, Virginia, that is where Project Exile got kind of its original start, to the best of my knowledge. What happened in that community is that in 1997, Richmond, Virginia, suffered the second highest per capita murder rate in the country. They implemented this project, what they called Project Exile. And why the words Project Exile? Obviously, project is self-explanatory. Exile is, hey, you do the crime, you do the time kind of philosophy; except here, you break the law, we exile you to prison. You are going to pay the price. There is going to be a consequence for breaking the law.

And there ought to be a consequence. And the consequence in Richmond, Virginia, is going to be immediate. It is going to be severe and it will mean something. And in Richmond, Virginia, we are going to go out and do public awareness. And in Virginia we are going to go out and have the public help us with public awareness. Just like the crime marches program. We want the people to get the word out.

The second amendment is an amendment worth standing up for. But if someone abuses the responsibility, if they are violating the law, they are going to pay a price for it because we do not want to tolerate it. It is kind of like good cop, bad cop. The best thing good cops could do, the best thing good cops could do, having been a former cop, is get rid of the bad cops. That is the best thing to do. It is the same thing here. The best those of us who believe in the second amendment could do is do something about the people who violate the law. And that is what Project Exile is about.

In 1998, after they initiated this, their homicides dropped by a third. Almost immediately their homicides dropped by a third. Their project involved Federal, State and local authority, and so does ours in Colorado, and we will go through that in a little more detail here in a bit. Under Project Exile in Virginia, 390 defendants were prosecuted in Federal Court in a very short period of time.

What we did in Colorado is we have adopted the same program, and this is a poster that I have here that is a duplicate of billboards that we have gone out with throughout the State of Colorado. And let me tell my colleagues that we have also had not just participation from Tom Strickland and Ken Salazar and Bill Owens and Russell George and Ray Powers, who is president of the Senate, president of the House respectively, we have also got help from the business community. We have got help from the citizens of Colorado.

We have made this a partnership. We have got assistance from the Federal government. And the McCollum bill, which will be introduced tomorrow on Project Exile, will go a long ways in helping make the Federal Government a bigger partner. But we have taken the U.S. Attorney's Office, who has coordinated it with the State Attorney General's office, with the State governor, and then we have gone to the business community and said help us fund this advertising campaign; help us get out the message that in Colorado if you break the law, you pay the price, and help us pay the price.

That is why I am so upset with the ATF. They have dropped the ball in Colorado and, darn it, they ought to get back there and do their job. They have an obligation to us to do their job.

Well, what our exile law does, and, as I said, it does not require one more new law, no more new laws, it goes out and says, hey, first of all, we want to make sure every police officer in the State of Colorado knows what the Federal gun laws are. We are going on the assumption, and it is a good assumption to make, that every police officer in the State of Colorado already knows what their municipal laws are in regards to guns, they already know what their State laws are in regards to guns, but they probably do not, understandably, know quickly what the Federal gun laws are. So we are giving them each a laminated placard, just like this, and very briefly it states what the Federal gun laws are. So if they make a stop or they have a contact with a suspect who has a weapon, they can very quickly scan this card. And if they see a violation, they can do something with it.

What we have decided to do under our Project Exile is, any time a suspect is arrested with a gun violation or some kind of criminal activity that involves a gun, we immediately coordinate our municipal laws that are already in existence, our local laws, county laws that are already in existence, and our State and Federal laws that are already in existence. We then send it over to what we call our gun squad. The gun squad is a squad made up of prosecutors in these different agencies, primarily led by the U.S. Attorney's Office, again Tom Strickland. And what they do is they quickly do an evaluation on these violations and say, hey, this fella violated a Federal law. We can be tougher under the Federal law than we can the State law, so let us prosecute this in the Federal courts.

In other words, what we are doing is we are putting an awareness campaign out there that if a violation of the law in Colorado in regards to guns, is going to be met with the toughest law we have on the books, we are going after that violator with the toughest law we have on the books. Why? Because the people who are breaking the law, frankly, are putting a bad reputation on those who are following the law.

And, remember, possession of the weapon is not the big problem, it is misuse of the weapon. A lot of times in these chambers what we focus on is possession of the weapon. It is a diversion. It is a red herring. What we need to focus on is the misuse. And that is what Project Exile does.

Now, in our public awareness campaign we put, pack an illegal gun, pack your bags for prison. Report illegal guns, and we give a 1-800 number. One of the more successful programs we have had, as my colleagues know in their own neighborhoods, is crime watchers.

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You call up, we give 1-800 names to turn in people. We offer rewards. We do not have to know your name: Crime Stoppers, different programs, Project Thief, things like that.

We think we can reach the same kind of success here. If we know somebody has a fully automatic weapon, it is obviously illegal. Call us on the 1-800 number, we will go after them. We have got response teams. We are going to respond to this, just like we respond to bank robbers. The alarm goes off, we respond. We hit it hard. We hit it fast.

There was a day where bank robberies were out of control in this country. We put together a responsive effort; that is what we are attempting to do here too. We have got some bad characters out there who are abusing the responsibilities, who are breaking the law, abusing the responsibilities as a citizen; we want to make them pay the price.

Project Exile in Colorado is working, and it is only a few months old. We have seen dramatic results. We have seen excellent cooperation between the different law enforcement agencies. It is working. We did not pass the new law in Colorado in regards to this. We have gone into the books, we dusted them off, and it is working.

We are also advocating and going after, and kudos to the Denver Post in Colorado for looking at the Federal agencies that are responsible and have a responsibility in this partnership who are sitting on their duffs, and that is exactly what the ATF in Colorado has done.

You can be assured that when I go to Colorado, the ATF is not going to be very happy with me. I do not care. Do your job. You have got an obligation.

Back to Project Exile. Let me say a few concluding remarks. This is important. This will work. I know that there has been a lot of propaganda out there. There has been a lot of people on both sides of the aisle. You have got the handgun control outfits. You have got the NRA, all of these people.

There has been a lot of discussion out there about guns. Most of the discussions that are taking place out there, especially in regards to more laws, and more laws are not going to have the kind of impact that we are led to believe they will have. Do not be misled. It feels good. A lot of the propositions that come before us on this House floor are feel-good propositions. They make you think that you are doing something to help address this gun violence problem we have in this country.

There is not a Member in this Chamber that does not want to do something about this violence. We are sickened by it just like our constituents. We want to do something, but do not be misled on some of these feel-good bills. This is not a misleading deal. This is not feel-good.

This is, where is the meat? There is the meat right there. Project Exile has the meat. Project Exile raises the stakes for the people that want to break the law. Project Exile incorporates a partnership, our citizens, our constituents, our businesses, to help us pay for those billboards, our law enforcement agencies, in coordination to go after these people. It will work, give it a chance.

It worked in Richmond, Virginia. It is working in Colorado. It is going to work clear across this country as more and more communities adopt the Project Exile philosophy.

Let me move to an entirely different subject, one I want to visit for a minute about the death tax. It is kind of interesting. I met a young person today. I guess this young person was about 15 years old. He talked to me about his family, his grandpa. Apparently, his grandfather is sick or has passed away; and he said, my family is getting hit real hard with this tax. Can you tell me a little about the tax?

Well, I did not have an opportunity to visit with the young person, but I hope to later. Let me tell you what this country does. As you know, we have to have taxes. Obviously, we have to have taxes in this country. We need to fund our defense. We need to fund our transportation, et cetera, et cetera. But years and years ago, because some people in this country thought that other people in this country were too wealthy and that we really ought to transfer wealth instead of through work or instead of through the Adam Smith philosophy, we ought to transfer wealth by going to the wealthy people and saying we taxed you throughout your life; but upon death, we are going to go ahead and tax property that has already been taxed. That is a clever way to redistribute wealth.

Let us just defy the age-old proven theory of ADAM SMITH and the open market. Let us just transfer, redistribute wealth by taking from the rich and giving to the poor, the old Robin Hood philosophy. That is kind of the beginnings of the death tax in this country.

Is the death tax justified? No. It defies the logic of what our system is built upon. We all carry a fair share, but redistribution of wealth through taxation does not work. What does the death tax do?

I will tell what kind of impact, and colleagues you know this. If you do not, go out there and look at any small business in this country, if they have been in business very long, if their business has grown very fast, or if the homes that your constituents reside in for very long, they can easily be facing the punitive action of the Federal Government coming in upon their death and imposing a tax on their estate. It is called the death tax. It is unfair.

Now, remember it would be fair, I would guess, if you had some property out there where the fair share of tax had not been paid on it and you came in and said, you know, you have not paid your fair share of tax, so we are going to assess a tax. But that is not what happened in the death tax. In the death tax, you are being taxed, with the exception of some IRA accounts; but that is very limited. You are being taxed on property that you have already paid taxes on at least once, probably two or three times.

It is devastating. In districts like mine, where we have lots of ranches; we have lots of small family operations. These families cannot go out and afford the life insurance. I had one fellow say to me, look, just tell these ranchers to go out and buy life insurance, so when they pass away they can still pass the property on to their family, because the life insurance pays for the taxes.

I said wake up, you are going on the assumption that there is enough money made in ranching and farming and small business to pay the kind of premiums that are necessary to give the Government that kind of money. It does not happen.

And what happens in Colorado? For example, take a ranch, take a family ranch, one of the things that we are proud of in Colorado, you are proud of in Pennsylvania, you are proud anywhere that you have got open space, is we have families who have generation after generation worked and tilled the land that they support themselves and their neighbors off of, and they take a lot of pride in that.

Now, they face all kinds of obstacles in being a small rancher, a farmer, the market, number one, the commodity prices falling, the costs of doing business. Do you think on top of it we ought to give them the biggest obstacle of all, and that is their own government coming in and saying, upon your death, we are going to tax you again on this property?

In Colorado, when you go into a small ranch and you do that, you know what then, instead of ranching being, perhaps, the use of the property that is desired, it then develops into highest and best use theory, which means you take that 3,000-acre ranch and divide it up into 35-acre partials and build homes all over it. It is the only way really in a lot of circumstances, if you do not have the wealth to afford life insurance, you can get out of this taxation.

I want people to be aware that there is a distinct difference between the Democrats, the administration's policy on the estate tax, the death tax, and the Republicans. The Republicans have, and I am not trying to be partisan here, but this is a partisan issue. This death tax has become a partisan issue. The Republicans are saying that this is an unfair tax on its face.

It is punitive on its face. The Democratic administration has come in and now this year in their budget, in the Clinton-Gore budget, they have proposed an increase in the estate tax, an increase, not help us get rid of it. I mean, the least they could do is help neutralize it or not raise it, but the Clinton-Gore administration has come in and said we are going to raise the estate tax.

And for any of my colleagues that might shake their heads, cannot believe it, take a look at the budget proposal. It is in there, a $9.5 billion increase. The estate tax is fundamentally unfair, and we should do something about that.

In conclusion, as you know, we covered a bunch of different topics this evening. If I were to say what was the most important, it is, one, Alcohol, Tobacco and Firearms, get out there and do your job in Colorado. You have got the resources. Do not use it as an excuse. The people deserve more from your agency.

Number two, Project Exile will work. Help us. Adopt it in your States; talk to your constituents about Project Exile. And, congratulations, by the way, to all of the partners in our Project Exile partnership in Colorado, whether it is Tom Strickland; Ken Salazar; my friend, Bill Owens; Ross George; Ray Powers; whoever it is out there, you are doing a good. We are going to make it work.

☐ 2300

RECESS

The SPEAKER pro tempore (Mr. WELDON of Florida). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 p.m.), the House stood in recess subject to the call of the Chair.

☐ 2317

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELDON of Florida) at 11 o'clock and 18 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1287, NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–532) on the resolution (H. Res. 444) providing for consideration of the Senate bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3822, OIL PRICE REDUCTION ACT OF 2000

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–533) on the resolution (H. Res. 445) providing for consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of being unavoidably detained.

Mrs. LOWEY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. SCHAKOWSKY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. CRANE (at the request of Mr. ARMEY) for today and the next month on account of medical reasons.

Mr. GREENWOOD (at the request of Mr. ARMEY) for today and the balance of the week on account of participating in a CODEL to India.

Mr. ROYCE (at the request of Mr. ARMEY) for today and the balance of the week on account of participating in a CODEL to India.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. FORD, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, March 22.

Mr. RAMSTAD, for 5 minutes, today, March 22, and March 23.

Mr. CAMP, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, March 28.

Mrs. BIGGERT, for 5 minutes, March 22.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, March 27.

Mr. JONES of North Carolina, for 5 minutes, today and March 22.

Mr. PAUL, for 5 minutes, March 22.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 96. Concurrent resolution recognizing and honoring the members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service for service in the Armed Forces of the United States; to the Committee on Armed Services.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 22, 2000, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6694. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Pork and Pork Products From Yucatan and Sonora, Mexico [Docket No. 97–079–2] (RIN: 0579–AA91) received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6695. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Domestically Produced and Imported Peanuts; Change in the Maximum Percentage of Foreign Material Allowed Under Quality Requirements [Docket Nos. FV99–997–2 FIR, FV99–998–1FIR, and FV99–999–1 FIR] received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6696. A letter from the Acting Director, Defense Procurement, Department of the Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement: Cargo Preference-Subcontracts for Commercial Items [DFARS Case 98–D014] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6697. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement: Federal Prison Industries Waiver Threshold [DFARS Case 2000–D005] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6698. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement: Construction and Service Contracts in Noncontiguous States [DFARS Case 99–D308] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6699. A letter from the Chairman, the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 1999 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, pursuant to 12 U.S.C. 3332; to the Committee on Banking and Financial Services.

6700. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, Comptroller of the Currency, transmitting the Department's final rule—Financial Subsidiaries and Operating Subsidiaries [Docket No. 00–07] (RIN: 1557–AB60) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6701. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking and Financial Services.

6702. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Anesthesiology Devices; Classification of Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer [Docket No. 96P–0436] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6703. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Device Reporting: Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting [Docket No. 98N–0170] received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6704. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Substances Used as Fuel or Held for Sale as Fuel at Retail Facilities [FRL–6550–1] (RIN: 2050–AE74) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6705. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services; Finance and Accounting; Passports and Visas—received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6706. A letter from the Manager Analyst, Office of Inspector General, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1999, through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6707. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Nondisplacement of Qualified Workers-Commercial Items [FAC 97–15; FAR Case 99–600; Item X] (RIN: 9000–AI38) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6708. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Review of Award Fee Determination (Burnside-Ott) [FAC 97–15; FAR Case 98–017; Item IX] (RIN: 9000–AI35) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6709. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule—Revision of Freedom of Information Act and Privacy Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996 (RIN: 3145–AA31 and—AA32) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6710. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 022800C] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6711. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at Death (RIN: 2900–AJ65) received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6712. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule— Application of Producers' Good Versus Consumers' Good Test In Determining Country of Origin Marking [T.D. 00–15] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6713. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule— Extension of Import Restrictions Imposed On Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador [T.D. 00–16] (RIN: 1515–AC61) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 444. Resolution providing for consideration of the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes (Rept. 106–532). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 445. Resolution providing for consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes (Rept. 106–533). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3903. A bill to deem the vessel M/V*Mist Cove* to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code (Rept. 106–531). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOYER: (for himself, Mr. Fattah, and Mr. Davis of Florida):

H.R. 4037. A bill to amend the Federal Election Campaign Act of 1971 to improve the efficiency of the Federal Election Commission, to authorize appropriations for the Commission for fiscal year 2001, and for other purposes; to the Committee on House Administration.

By Mr. JACKSON of Illinois:

H.R. 4038. A bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America; to the Committee on International Relations.

By Mr. JACKSON of Illinois:

H.R. 4039. A bill to authorize microfinance and food assistance for communities affected by the Acquired Immune Deficiency Syndrome (AIDS), and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself, Mr. Cummings, Mr. Mica, Ms. Norton, Mr. Miller of Florida, and Mr. Allen):

H.R. 4040. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. MEEHAN, Mr. DOGGETT, Mr. MARKEY, Ms. DELAURO, Mr. STARK, Ms. SLAUGHTER, and Mr. WEYGAND):

H.R. 4041. A bill to prevent children from using tobacco products, to reduce the health costs attributable to tobacco products, and for other purposes; to the Committee on Commerce.

By Mr. WAXMAN (for himself, Mr. MEEHAN, Mr. DOGGETT, Mr. MARKEY, Ms. DELAURO, Mr. STARK, Ms. SLAUGHTER, Mr. WEYGAND, and Mr. ALLEN):

H.R. 4042. A bill to amend the Federal Food, Drug, Cosmetic Act to clarify the jurisdiction of the Food and Drug Administration over tobacco; to the Committee on Commerce.

By Mr. BALDACCI (for himself, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CROWLEY, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAHUNT, Mr. DOYLE, Mr. FATTAH, Mr. FORBES, Mr. GEJDENSON, Mr. HINCHEY, Mr. HOLDEN, Ms. KAPTUR, Mrs. LOWEY, Mr. MASCARA, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MURTHA, Mr. PASCRELL, and Mr. SANDERS):

H.R. 4043. A bill to permit the drawdown of the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, to provide credits against income tax for certain energy efficiency improvements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Mr. PAUL):

H.R. 4044. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers a credit against income tax for up to $200 of charitable contributions; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. HAYES, Mr. PACKARD, and Mr. BILBRAY):

H.R. 4045. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes of violence against children under age 13; to the Committee on the Judiciary.

By Mr. GILCHREST (for himself, Mr. FARR of California, Mr. ENGLISH, and Mr. GREENWOOD):

H.R. 4046. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to recover depleted fish stocks and promote the long-term sustainability of marine fisheries, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. ARMEY, Mr. GARY MILLER of California, Mr. SHIMKUS, Mr. SHOWS, Mr. FOLEY, Mr. TAYLOR of Mississippi, Mr. ENGLISH, Mr. NEY, Mr. RAHALL, and Mr. CALVERT):

H.R. 4047. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mrs. CUBIN, Ms. ROS-LEHTINEN, Mr. CANNON, Mr. WOLF, and Mr. WELDON of Florida):

H.R. 4048. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to individuals who donate their organs at death; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. MORAN of Virginia, Ms. GRANGER, Mr. BRADY of Texas, Mr. DAVIS of Florida, Ms. PRYCE of Ohio, Mr. SUNUNU, Mr. BARRETT of Wisconsin, Mr. COBURN, Mr. DICKEY, Mr. KLECZKA, Mr. PITTS, Mr. GREENWOOD, Mr. RILEY, Mr. DUNCAN, Mr. LUCAS of Oklahoma, Mr. KOLBE, Mr. CAMPBELL, Mrs. KELLY, Mr. DAVIS of Virginia, and Mr. VITTER):

H.R. 4049. A bill to establish the Commission for the Comprehensive Study of Privacy Protection; to the Committee on Government Reform.

By Mr. VITTER (for himself and Mr. BAKER):

H.R. 4050. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. BALDACCI, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. MASCARA, Mr. OLVER, Mr. SANDERS, Mr. GEJDENSON, Mr. WEYGAND, Mr. WYNN, Mr. KENNEDY of Rhode Island, Mr. COYNE, and Mr. MALONEY of Connecticut):

H. Con. Res. 291. Concurrent resolution expressing the sense of the Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Ms. DEGETTE.

H.R. 110: Mr. OWENS and Mr. BENTSEN.

H.R. 303: Mr. BROWN of Ohio and Mr. SERRANO.

H.R. 347: Mr. BONILLA.

H.R. 488: Mrs. NAPOLITANO.

H.R. 515: Ms. MCKINNEY.

H.R. 531: Mr. CHAMBLISS.

H.R. 566: Mr. BROWN of Ohio and Mr. SCARBOROUGH.

H.R. 664: Mr. MCDERMOTT.

H.R. 742: Mr. NCNULTY.

H.R. 1041: Mr. SAM JOHNSON of Texas.

H.R. 1044: Mr. CAMP, Mr. HAYES, and Ms. HOOLEY of Oregon.

H.R. 1046: Mrs. JOHNSON of Connecticut.

H.R. 1055: Mr. WELDON of Pennsylvania, Mr. STUMP, and Mr. TRAFICANT.

H.R. 1102: Mr. ABERCROMBIE, Mr. BISHOP, and Mr. LEACH.

H.R. 1196: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FATTAH.

H.R. 1257: Ms. GRANGER.

H.R. 1261: Mr. GOODLING.

H.R. 1304: Mrs. NAPOLITANO.

H.R. 1349: Mr. BARTLETT of Maryland and Mr. SAM JOHNSON of Texas.

H.R. 1389: Mr. BARTLETT of Maryland, Ms. BERKLEY, Mr. DICKS, and Mrs. NAPOLITANO.

H.R. 1398: Mr. HAYWORTH.

H.R. 1503: Mr. MINGE.

H.R. 1637: Mr. LAFALCE.

H.R. 1704: Mrs. NAPOLITANO.

H.R. 1769: Mr. OWENS and Mr. REYES.

H.R. 1776: Mr. GOODLING, Mr. GUTKNECHT, Mr. HUTCHINSON, Mr. ROEMER, Mr. BENTSEN, Mr. SHERMAN, and Mr. BOEHNER.

H.R. 1984: Mrs. MCCARTHY of New York.

H.R. 2025: Ms. CARSON.

H.R. 2059: Mr. FROST and Mr. KENNEDY of Rhode Island.

H.R. 2121: Ms. SANCHEZ, Mr. SCARBOROUGH, and Mr. ENGLISH.

H.R. 2149: Mr. GILMAN and Mr. SCOTT.

H.R. 2308: Ms. MCCARTHY of Missouri.

H.R. 2349: Mr. GARY MILLER of California.

H.R. 2562: Mr. BACA.

H.R. 2564: Mr. ROGAN.

H.R. 2573: Mr. BALDACCI and Mr. NEAL of Massachusetts.

H.R. 2641: Mr. SKEEN.

H.R. 2720: Mr. GILCHREST.

H.R. 2725: Mr. PHELPS.

H.R. 2738: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2749: Mr. CANNON.

H.R. 2788: Mr. MINGE.

H.R. 2789: Mr. SANDERS and Mr. FROST.

H.R. 2814: Mr. WISE and Mr. RAHALL.

H.R. 2817: Mr. CROWLEY and Mrs. KELLY.

H.R. 2870: Mr. HOLDEN, Mr. PAYNE, and Mr. LATOURETTE.

H.R. 2883: Mr. MCGOVERN and Mrs. MINK of Hawaii.

H.R. 2929: Mr. DELAHUNT, Mr. GUTIERREZ, Mr. SANDERS, and Ms. LOFGREN.

H.R. 2934: Mr. GEORGE MILLER of California, Mr. FORD, Mr. FATTAH, Mr. SANDLIN, and Mr. DAVIS of Illinois.

H.R. 3058: Mr. MCCOLLUM.

H.R. 3091: Mr. CRAMER.

H.R. 3113: Mr. PICKERING, Mr. GARY MILLER of California, Mr. HOLT, Mr. PITTS, and Mr. SESSIONS.

H.R. 3193: Mr. TIERNEY, Mr. CAPUANO, Mr. MICA, and Mrs. CAPPS.

H.R. 3224: Ms. KAPTUR.

H.R. 3244: Mr. STARK and Mr. DEMINT.

H.R. 3301: Mr. BURTON of Indiana.

H.R. 3327: Mr. HERGER.

H.R. 3379: Mr. BONIOR.

H.R. 3444: Mr. SIMPSON.

H.R. 3453: Mr. HALL of Ohio.

H.R. 3479: Mrs. CLAYTON.

H.R. 3535: Mr. GOODLING.

H.R. 3545: Mr. SANDERS.

H.R. 3552: Mrs. CAPPS.

H.R. 3570: Mrs. JONES of Ohio.

H.R. 3573: Ms. DEGETTE, Mr. DUNCAN, Mr. GUTIERREZ, and Mr. PASTOR.

H.R. 3575: Mr. WATTS of Oklahoma, Mr. RYAN of Wisconsin, Mr. WELDON of Florida, Mr. NORWOOD, Mr. PETRI, Mr. SMITH of Texas, Mr. BALDACCI, and Mr. MINGE.

H.R. 3593: Mr. RADANOVICH, Mr. GREEN of Wisconsin, and Mr. POMBO.

H.R. 3594: Mr. STRICKLAND, Mr. SOUDER, Mr. NORWOOD, and Mr. PICKETT.

H.R. 3610: Mr. KUCINICH, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. THOMPSON of Mississippi, Mrs. MEEK of Florida, Ms. MCKINNEY, Ms. SCHAKOWSKY, Ms. DELAURO, and Ms. PELOSI.

H.R. 3629: Mr. MCKEON.

H.R. 3634: Ms. HOOLEY of Oregon and Mrs. MINK of Hawaii.

H.R. 3641: Mr. EHRLICH.

H.R. 3656: Mr. TRAFICANT.

H.R. 3660: Mr. PETERSON of Minnesota, Mr. DEAL of Georgia, Mr. COBLE, and Mr. TOOMEY.

H.R. 3682: Mr. KUCINICH.

H.R. 3694: Mr. NETHERCUTT.

H.R. 3702: Mr. MEEHAN and Mr. PASCRELL.

H.R. 3710: Ms. SLAUGHTER, Mrs. CAPPS, Ms. LOFGREN, Mr. JEFFERSON, and Ms. SCHAKOWSKY.

H.R. 3767: Mr. BENTSEN.

H.R. 3823: Mr. RUSH, Mr. FROST, and Mr. BLUMENAUER.

H.R. 3831: Mr. BORSKI.

H.R. 3836: Mr. FROST and Mr. MATSUI.

H.R. 3844: Mr. SCARBOROUGH.

H.R. 3849: Mr. TANCREDO.

H.R. 3850: Mr. PETRI and Mr. BURR of North Carolina.

H.R. 3873: Ms. SANCHEZ, Mr. FROST, Mr. MCDERMOTT, and Mr. NADLER.

H.R. 3875: Mr. BARR of Georgia.

H.R. 3880: Mr. FILNER, Mr. FRANK of Massachusetts, Mrs. EMERSON, Mr. MCDERMOTT, and Mr. NADLER.

H.R. 3884: Mr. BALDACCI and Mr. MARTINEZ.

H.R. 3911: Ms. DEGETTE.

H.R. 3915: Mr. GOODLING.

H.R. 3916: Mr. SHAYS, Mr. JONES of North Carolina, Mr. WELDON of Florida, Ms. MCCARTHY of Missouri, Mr. ENGLISH, and Mr. ROEMER.

H.R. 3983: Mrs. MCCARTHY of New York and Mr. GONZALEZ.

H.R. 3985: Mr. DEUTSCH.

H.R. 3998: Mr. GEJDENSON and Mrs. CAPPS.

H.R. 4006: Mr. ENGLISH.

H.R. 4033: Mr. LOBIONDO, Mr. KLINK, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. MCINNIS, Mr. NADLER, Mrs. ROUKEMA, Mr. WEINER, Mr. CUNNINGHAM, Mr. HOYER, Mr. GREENWOOD, Mr. WYNN, Mrs. JOHNSON of Connecticut, Mr. BENTSEN, Mr. WOLF, Mr. CRAMER, Mrs. MORELLA, Mr. HINCHEY, Mr. LATOURETTE, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. SANDERS, Mr. ABERCROMBIE, Mr. BISHOP, Mr. CONDIT, Mr. COSTELLO, Ms. DANNER, Mr. EDWARDS, Mr. ETHERIDGE, Mr. GREEN of Texas, Mr. HOLT, Mr. MASCARA, Mr. MCGOVERN, Ms. SANCHEZ, Mr. THOMPSON of California, Mr. TOWNS, Ms. WOOLSEY, Mr. SMITH of Washington, Mr. MCINTYRE, and Mr. MCDERMOTT.

H.J. Res. 53: Ms. DANNER.

H. Con. Res. 249: Mr. LANTOS and Mr. ROHRABACHER.

H. Con. Res. 252: Mr. BONILLA and Mr. BONIOR.

H. Con. Res. 260: Mr. KINGSTON, Mr. TIAHRT, and Mr. ROGERS.

H. Con. Res. 266: Mr. GILLMOR, Mr. COBURN, Ms. DELAURO, Mr. BOYD, Mr. OXLEY, Mr. BARCIA, Mr. SPRATT, Mr. FARR of California, Mr. SHAYS, Mr. PITTS, Mr. SCHAFFER, Mr. PHELPS, Mr. HINCHEY, Mr. GEJDENSON, Mr. BARRETT of Nebraska, Mr. FROST, Ms. JACKSON-LEE of Texas, and Mr. HOLT.

H. Con. Res. 273: Mr. WEYGAND.

H. Con. Res. 285: Mr. CRANE, Mr. HALL of Texas, Mr. HAYES, and Mr. BISHOP.

H. Res. 213: Ms. HOOLEY of Oregon.

H. Res. 437: Mr. DEFAZIO, Mr. CUNNINGHAM, Mr. STEARNS, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. LANTOS, and Mr. BLAGOJEVICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 701: Mr. PACKARD.

H.R. 3844: Mr. BARTLETT of Maryland.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3822

OFFERED BY: MR. BACHUS

Amendment No. 4: Page 8, after line 2 insert the following:

SEC. 7. DENIAL OF FINANCIAL ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o-262o-2) is amended by adding at the end the following:

"SEC. 1504. DENIAL OF FINANCIAL ASSISTANCE FOR MAJOR OIL EXPORTING COUNTRIES ENGAGED IN PRICE FIXING.

"The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2)) to use the voice, vote, and influence of the United States at the institution to urge the institution to adopt as a matter of policy and practice not to provide financial assistance of any kind to a country determined by the President pursuant to section 5 of the Oil Price Reduction Act of 2000 to be engaged in oil price fixing to the detriment of the United States economy.".

Redsignate succeeding sections accordingly.

H.R. 3822

OFFERED BY: MR. BALDACCI

AMENDMENT NO. 5: At the end of the bill insert the following new sections:

SEC. 8. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

"(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

"(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component, and any energy efficient heating, cooling, or water heating appliance, the installation of which, by itself or in combination with other such components or appliances, is certified to improve the annual energy performance of the existing home by at least 30 percent, if—

"(1) such component or appliance is installed in or on a dwelling—

"(A) located in the United States, and

"(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

"(2) the original use of such component or appliance commences with the taxpayer, and

"(3) such component or appliance reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such improvements, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited home energy rating system provider).

"(e) SPECIAL RULES.—

"(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

"(2) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) APPLICATION OF SECTION.—Subsection (a) shall apply to qualified energy efficiency improvements installed during the period beginning on January 1, 2000, and ending on December 31, 2004.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 23 of such Code is amended by striking "and section 1400C" and inserting "and sections 25B and 1400C".

(2) Subparagraph (C) of section 25(e)(1) of such Code is amended by striking "and 1400C" and inserting ", 25B, and 1400C".

(3) Subsection (d) of section 1400C of such Code is amended by inserting "and section 25B" after "other than this section".

(4) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(f), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Energy efficiency improvements to existing homes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999.

SEC. 9. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 45C the following new section:

"SEC. 45D. ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible small business, the energy efficiency improvement credit determined under this section for the taxable year is an amount equal to 20 percent of the basis of each qualified energy efficiency improvements placed in service during such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by this section for the taxable year shall not exceed $2,000.

"(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

"(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

"(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means any person engaged in a trade or business if the average annual gross receipts of such person (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

"(2) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The term 'qualified energy efficiency improvements' means any energy efficient property the installation of which, by itself or in combination with other such property, is certified to improve the annual energy performance of the structure to which it relates by at least 30 percent, if—

"(A) such property is installed in or on a structure located in the United States,

"(B)(i) the construction, reconstruction, or erection of such property is completed by the taxpayer, or

"(ii) such property which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to such property, and

"(D) such property reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such property, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited energy rating system provider).

"(3) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means—

"(A) any energy efficient building envelope component, and

"(b) any energy efficient heating, cooling, or water heating appliance.

"(d) APPLICATION OF SECTION.—Subsection (a) shall apply to property placed in service during the period beginning on January 1, 2000, and ending on December 31, 2004.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(13) in the case of an eligible small business (as defined in section 45D(c)), the energy efficiency improvement credit determined under section 45D.".

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR SMALL BUSINESS ENERGY EFFICIENCY IMPROVEMENT CREDIT.—

"(A) IN GENERAL.—In the case of the energy efficiency improvement credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraph (A) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy efficiency improvement credit).

"(B) ENERGY EFFICIENCY IMPROVEMENT CREDIT.—For purposes of this subsection, the term 'energy efficiency improvement credit' means the credit allowable under subsection (a) by reason of section 45D.".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the energy efficiency improvement credit" after "employment credit".

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF ENERGY EFFICIENCY IMPROVEMENT CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to any taxable year ending before the date of the enactment of section 45D.".

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 of such Code is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding after paragraph (8) the following new paragraph:

"(9) the energy efficiency improvement credit determined under section 45D.".

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

"Sec. 45D. Energy efficiency improvements by small businesses.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 6: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that the President should use authority provided under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) to release petroleum from the Strategic Petroleum Reserve when oil and gas prices in the United States have risen sharply because of international oil price fixing activities, particularly activities by the member nations of OPEC and their allies.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 7: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) international oil price fixing results in wide price fluctuations, which are not beneficial to the United States economy;

(2) higher oil and gas prices mean United States consumers pay more for their home heating bills and more for gasoline to drive their cars;

(3) these inflated prices affect all areas of the United States economy, but have a particularly adverse impact on our senior citizens; and

(4) the President should use all powers necessary to reduce United States domestic oil and gas prices when international anticompetitive practices by the member nations of OPEC adversely affect the price paid by American consumers.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 8: Insert the following after section 6 and redesignate the succeeding section accordingly:

SEC. 7. SUSPENSION OF EXPORTS OF ALASKAN NORTH SLOPE CRUDE OIL.

(a) SUSPENSION.—Effective on the date of the enactment of this Act—

(1) subsection (s) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(s)) shall cease to be effective; and

(2) subsection (d) of section 7 of the Export Administration Act of 1999 (50 U.S.C. App 2406(d)) shall be effective, notwithstanding section 20 of that Act.

(b) ADMINISTRATION.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to carry out subsection (a).

(c) LIFTING OF SUSPENSION.—If the President determines that the United States is not experiencing a shortage of foreign crude oil and an inflationary impact due to the demand for foreign crude oil, subsections (a) and (b) shall cease to apply 30 calendar days after the President submits that determination to the Congress.

H.R. 3822

OFFERED BY: MR. DINGELL

AMENDMENT NO. 9: Page 8, after line 8, insert the following new section:

SEC. 7. ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION.

(a) TITLE I.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211-6251) is amended—

(1) in section 166 (42 U.S.C. 6246)—

(A) by inserting "through 2003" after "2000"; and

(B) by striking ", to remain available only through March 31, 2000"; and

(2) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

(b) TITLE II.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting "through 2003" after "1997"; and

(2) in section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. HOBSON

AMENDMENT NO. 10: At the end of the bill insert the following new section:

SEC. 8. REPEAL OF 1993 INCREASES IN MOTOR FUEL TAXES.

(a) HIGHWAY GASOLINE.—Clause (i) of section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "18.3 cents" and inserting "14 cents".

(b) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking "19.3 cents" and inserting "15 cents".

(c) DIESEL FUEL AND KEROSENE.—Clause (iii) of section 4081(a)(2)(A) of such Code is amended by striking "24.3 cents" and inserting "20 cents".

(d) AVIATION FUEL.—Paragraph (1) of section 4091(b) of such Code is amended by striking "21.8 cents" and inserting "17.5 cents".

(e) FUEL USED ON INLAND WATERWAYS.—

(1) Paragraph (1) of section 4042(b) of such Code is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Paragraph (2) of section 4042(b) of such Code is amended by striking subparagraph (C).

(f) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 40(e)(1) of such Code is amended by striking "during which the rates of tax under section 4081(a)(2)(A) are 4.3 cents per gallon" and inserting "during which the rate of tax under section 4081(a)(2)(A)(i) does not apply".

(2) Subparagraph (A) of section 4041(a)(1) of such Code is amended by striking "or a diesel-powered train" each place it appears and by striking "or train".

(3) Subparagraph (C) of section 4041(a)(1) of such Code is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(4) Subclause (I) of section 4041(a)(1)(C)(ii) of such Code, as redesignated by paragraph (3), is amended by striking "7.3 cents" and inserting "3 cents" and by striking "4.3 cents per gallon" and inserting "zero".

(5) Subsection (a) of section 4041 of such Code is amended by striking paragraph (3).

(6) Subparagraph (C) of section 4041(b)(1) of such Code is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(7) Subparagraph (B) of section 4041(a)(2) of such Code is amended by striking all that follows clause (i) and inserting the following new clauses:

"(ii) 10.4 cents per gallon in the case of liquefied petroleum gas, and

"(iii) 9.1 cents per gallon in the case of liquefied natural gas."

(8) Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

"(3) TERMINATION.—The rate of the taxes imposed by paragraph (1) shall be zero after September 30, 2007."

(9) Subsection (d) of section 4041 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081."

(10) Clauses (i) and (ii) of section 4041(m)(1)(A) of such Code are amended to read as follows:

"(i) 7 cents per gallon on and after the date of the enactment of this clause and before October 1, 2005, and

"(ii) zero after September 30, 2005, and".

(11) Subsection (c) of section 4081 of such Code is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(12) Paragraphs (1) and (2) of section 4081(d) of such Code are amended to read as follows:

"(1) IN GENERAL.—The rates of tax specified in clauses (i) and (iii) of subsection (a)(2)(A) shall be zero after September 30, 2005.

"(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be zero after September 30, 2007.

(13) Subsection (f) of section 4082 of such Code is amended by striking "section 4041(a)(1)" and inserting "subsections (d)(3) and (a)(1) of section 4041, respectively".

(14) Paragraph (3) of section 4083(a) of such Code is amended by striking "or a diesel-powered train".

(15) Subparagraph (A) of section 4091(b)(3) of such Code is amended to read as follows:

"(A) The rate of tax specified in paragraph (1) shall be zero after September 30, 2007."

(16) Paragraph (1) of section 4091(c) of such Code is amended—

(A) by striking "14 cents" and inserting "9.7 cents",

(B) by striking "13.3 cents" and inserting "9 cents",

(C) by striking "13.2 cents" and inserting "8.9 cents",

(D) by striking "13.1 cents" and inserting "8.8 cents", and

(E) by striking "13.4 cents" and inserting "9.1 cents".

(17) Subsection (c) of section 4091 of such Code is amended by striking paragraph (4), and by redesignating paragraph (5) as paragraph (4).

(18) Subsection (b) of section 4092 of such Code is amended by striking "attributable to" and all that follows and inserting "attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section. For purposes of the preceding sentence, the term 'commercial aviation' means any use of an aircraft other than in noncommercial aviation (as defined in section 4041(c)(2))."

(19) Subparagraph (B) of section 6421(f)(2) of such Code is amended by striking "and," and all that follows and inserting a period.

(20) Paragraph (3) of section 6421(f) of such Code is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081."

(21) Subparagraph (A) of section 6427(b)(2) of such Code is amended by striking "7.4 cents" and inserting "3.1 cents".

(22) Paragraph (3) of section 6427(l) of such Code is amended to read as follows:

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof."

(23) Paragraph (4) of section 6427(l) of such Code is amended by striking "attributable to" and all that follows through the period and inserting "attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section."

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of the enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of the enactment of this Act, based on a request submitted to the taxpayer before the date which is 3 months after such date of enactment, by the dealer who held the liquid on such date of enactment, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(i) EXCLUSION OF EFFECTS OF THIS SECTION FROM THE PAYGO SCORECARD.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates of changes in receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 3822

OFFERED BY: MR. LARSON

AMENDMENT NO. 11: Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRICE SAFEGUARDS.

(a) DRAWDOWN OF STRATEGIC PETROLEUM RESERVE.—Section 161(d) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)) is amended by adding at the end the following:

"(3) REDUCTION IN SUPPLY CAUSED BY ANTI-COMPETITIVE CONDUCT.—

"(A) In general.—For the purposes of this section, in addition to the circumstances set forth in section 3(8) and in paragraph (2) of this subsection, a severe energy supply interruption shall be deemed to exist if the President determines that—

"(i) there is a significant reduction in supply that—

"(I) is of significant scope and duration; and

"(II) has caused a significant increase in the price of petroleum products;

"(ii) the increase in price is likely to cause a significant adverse impact on the national economy; and

"(iii) a substantial cause of the reduction in supply is the anticompetitive conduct of 1 or more foreign countries or international entities.

"(B) Deposit and use of proceeds.—Proceeds from the sale of petroleum drawn down pursuant to a Presidential determination under subparagraph (A) shall—

"(i) be deposited in the SPR Petroleum Account; and

"(ii) be used only for the purposes specified in section 167.".

(b) Reporting and Consultation Requirements.—If the price of a barrel of crude oil exceeds $25 (in constant 1999 United States dollars) for a period greater than 14 days, the President, through the Secretary of Energy, shall, not later than 30 days after the end of the 14-day period, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report that—

(1) states the results of a comprehensive review of the causes and potential consequences of the price increase;

(2) provides an estimate of the likely duration of the price increase, based on analyses and forecasts of the Energy Information Administration;

(3) provides an analysis of the effects of the price increase on the cost of home heating oil; and

(4) states whether, and provides a specific rationale for why, the President does or does not support the drawdown and distribution of a specified amount of oil from the Strategic Petroleum Reserve.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

Offered By: Mr. Gary Miller of California

Amendment No. 12: Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRODUCTION REPORT.

The Secretary of Energy, in conjunction with the Administrator of the Environmental Protection Agency, shall, not later than September 30, 2000, transmit to the Congress a report on all possible means of protecting the national security of the United States by increasing domestic oil production without harming the environment.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

Offered By: Mr. Nethercutt

Amendment No. 13: Page 7, strike line 21 and all that follows through line 8 on page 8.

H.R. 3822

Offered By: Mr. Nethercutt

Amendment No. 14: Page 8, line 3, after "assistance" insert "(other than assistance consisting of agricultural commodities, medicine, or medical devices)".

Page 8, after line 8, insert the following:

(d) Definitions.—As used in subsection (c):

(1) Agricultural commodity.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) Medical device.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) Medicine.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

H.R. 3822

Offered By: Mr. Nethercutt

Amendment No. 15: Page 8, after line 8, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. TERMINATION OF SANCTIONS.

Any reduction, suspension, or termination of assistance that is imposed pursuant to section 6(c) shall terminate not later than 2 years after the date on which the reduction, suspension, or termination, as the case may be, became effective.

H.R. 3822

Offered By: Mr. Salmon

Amendment No. 16: Page 8, insert the following after line 8 and redesignate the succeeding section accordingly:

SEC. 7. BLOCKING OF ASSETS.

(a) Presidential Authority.—The President may exercise the authorities under the International Emergency Economic Powers Act without regard to section 202 of that Act to block property in which any country that is determined under section 5 to be engaged in oil price fixing to the detriment of the United States economy has any interest.

(b) Subsequent Determination of Oil-Price Fixing.—Not later than 6 months after the report is transmitted under section 4, the President shall determine and report to the Congress, with respect to each country described in section 4(1), whether or not, as of the date the President makes the determination, that country is engaged in oil price fixing to the detriment of the United States economy. The President shall include in the report the basis for each such determination.

(c) Mandatory Blocking of Assets.—The President shall exercise the authorities under the International Emergency Economic Powers Act without regard to section 202 of that Act (50 U.S.C. 1701) to block all property in which any country that is determined under subsection (b) to be engaged in oil price fixing to the detriment of the United States economy has any interest.

(d) Posting of Blocked Property.—The Secretary of the Treasury shall publish online a list of all property blocked pursuant to this section.

(e) Penalties.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issues under subsection (a) or (c).

H.R. 3822

Offered By: Mr. Salmon

Amendment No. 17: Page 8, insert the following after line 8 and redesignate the succeeding section accordingly:

SEC. 7. BLOCKING OF ASSETS.

(a) Presidential Authority.—The President may exercise the authorities under the International Emergency Economic Powers Act without regard to section 202 of that Act to block property in which any country that is determined under section 5 to be engaged in oil price fixing to the detriment of the United States economy has any interest.

(b) Subsequent Determination of Oil-Price Fixing.—Not later than 6 months after the report is transmitted under section 4, the President shall determine and report to the Congress, with respect to each country described in section 4(1), whether or not, as of the date the President makes the determination, that country is engaged in oil price fixing to the detriment of the United States economy. The President shall include in the report the basis for each such determination.

(c) Mandatory Blocking of Assets.—The President shall exercise the authorities under the International Emergency Economic Powers Act without regard to section 202 of that Act (50 U.S.C. 1701) to block all property in which any country that is determined under subsection (b) to be engaged in oil price fixing to the detriment of the United States economy has any interest.

(d) Penalties.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issues under subsection (a).

H.R. 3822

Offered By: Mr. Salmon

Amendment No. 18: Page 8, insert the following after line 8 and redesignate the succeeding section accordingly:

SEC. 7. BLOCKING OF ASSETS.

(a) Presidential Authority.—The President may exercise the authorities under the International Emergency Economic Powers Act without regard to section 202 of that Act to block property in which any country that is determined under section 5 to be engaged in oil price fixing to the detriment of the United States economy has any interest.

(b) Penalties.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issues under subsection (a).

H.R. 3822

Offered By: Mr. Sherwood

Amendment No. 19: Page 8, after line 2, insert the following (and conform subsequent section numbers accordingly):

SEC. 7. REPORT BY SECRETARY OF ENERGY ON REDUCING OIL PRICE FIXING AND UNITED STATES DEPENDENCE ON FOREIGN OIL.

Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall submit a report to the Congress recommending both short-term and long-term solutions by which the United States can reduce oil price fixing and United States dependence on foreign oil. Such report shall include—

(1) an analysis of options for—

(A) sales or exchanges of crude oil from the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.); and

(B) increasing efficiency in energy utilization;

(2) a plan for increasing natural gas supply to markets in the northeastern United States; and

(3) an evaluation of how the United States can increase domestic crude oil production to alleviate risks to national security due to oil price fixing and dependence on foreign oil.

H.R. 3822

OFFERED BY: MRS. THURMAN

AMENDMENT NO. 20: Add at the end thereof the following new title:

TITLE II—ENERGY EFFICIENT TECHNOLOGY TAX INCENTIVES

SEC. 201. SHORT TITLE.

This Act may be cited as the ``Energy Efficient Technology Tax Act''.

SEC. 202. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48 the following new section:

``SEC. 48A. ENERGY CREDIT.

``(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

``(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

``(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

``(b) ENERGY PERCENTAGE.—

``(1) IN GENERAL.—The energy percentage shall be determined in accordance with the following table:

``Column A—Description	Column B—Energy Percentage	Column C—Period	
		For the period:	
In the case of:	The energy percentage is:	Beginning on:	Ending on:
Solar energy property (other than elected solar hot water property and photovoltaic property) and geothermal energy property	10 percent	1/1/2000	no end date
Elected solar hot water property	15 percent	1/1/2000	12/31/2004
Photovoltaic property	15 percent	1/1/2000	12/31/2006
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Combined heat and power system property	8 percent	1/1/2000	12/31/2002.

``(2) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under paragraph (1).

``(3) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

``(4) TRANSITIONAL RULES.—Rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

``(c) MAXIMUM CREDIT FOR CERTAIN PROPERTY.—In the case of property described in the following table, the amount of the current year business credit under subsection (a) for the taxable year for each item of such property with respect to a building shall not exceed the amount specified for such property in such table:

Description of property:	**Maximum allowable credit amount is:**
Elected solar hot water property	$1,000.
Photovoltaic property with respect to which the energy percentage is greater than 10 percent	$2,000.
20 percent energy-efficient building property:	
fuel cell described in subsection (e)(3)(A)	$500 per each kw/hr of capacity.
natural gas heat pump described in subsection (e)(3)(D)	$1,000.
20 percent energy-efficient building property (other than a fuel cell and a natural gas heat pump)	$500.
10 percent energy-efficient building property	$250.

``(d) ENERGY PROPERTY DEFINED.—

``(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

``(A) which is—

``(i) solar energy property,

``(ii) geothermal energy property,

``(iii) 20 percent energy-efficient building property,

``(iv) 10 percent energy-efficient building property, or

``(v) combined heat and power system property,

``(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

``(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

``(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

``(D) which meets the performance and quality standards (if any), and the certification requirements (if any), which—

``(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

``(ii) are in effect at the time of the acquisition of the property.

``(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). The preceding sentence shall not apply to combined heat and power system property.

``(e) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

``(1) SOLAR ENERGY PROPERTY.—

``(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy—

``(i) to generate electricity,

``(ii) to heat or cool (or provide hot water for use in) a structure, or

``(iii) to provide solar process heat.

``(B) ELECTED SOLAR WATER HEATING PROPERTY.—

``(i) IN GENERAL.—The term 'elected solar water heating property' means property which is solar energy property by reason of subparagraph (A)(ii) and for which an election under this subparagraph is in effect.

``(ii) ELECTION.—For purposes of clause (i) and the energy percentage specified in the table in subsection (b)(1), a taxpayer may elect to treat property described in clause (i) as elected solar water heating property.

``(C) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means solar energy property which uses a solar photovoltaic process to generate electricity.

``(D) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

``(E) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

``(2) GEOTHERMAL ENERGY PROPERTY.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

``(3) 20 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '20 percent energy-efficient building property' means—

``(A) a fuel cell that—

``(i) generates electricity and heat using an electrochemical process,

``(ii) has an electricity-only generation efficiency greater than 35 percent, and

``(iii) has a minimum generating capacity of 5 kilowatts, "(B) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater,

"(C) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

"(D) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.70 for cooling,

"(E) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater, and

"(F) an advanced natural gas water heater that has an energy factor of at least 0.80.

"(4) 10 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '10 percent energy-efficient building property' means—

"(A) an electric heat pump that has a heating system performance factor (HSPF) of 7.5 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(B) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater, and

"(C) an advanced natural gas water heater that has an energy factor of at least 0.65.

"(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

"(A) IN GENERAL.—The term 'combined heat and power system property' means property comprising a system—

"(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(iii) which produces—

"(I) at least 20 percent of its total useful energy in the form of thermal energy, and

"(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

"(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities).

"(B) SPECIAL RULES.—

"(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

"(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

"(II) the denominator of which is the lower heating value of the primary fuel source for the system.

"(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

"(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(iv) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

"(v) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.

"(f) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

"(1) CREDIT AMOUNT.—

"(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

"Applicable percentage		Credit amount is:
Greater than or equal to—	Less than—	
5 percent	10 percent	$ 500
10 percent	20 percent	$1,000
20 percent	30 percent	$1,500
30 percent		$2,000

"(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

"Applicable percentage		Credit amount increase is:
Greater than or equal to—	Less than—	
20 percent	40 percent	$ 250
40 percent	60 percent	$ 500
60 percent		$1,000

"(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

"(A) A consumable fuel.

"(B) A rechargeable energy storage system.

"(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

"(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

"(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

"(A) any property for which a credit is allowed under section 25B or 30,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(6) REGULATIONS.—

"(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

"(B) ENVIRONMENTAL PROTECTION AGENCY.—

"(A) TREASURY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

"(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

"(g) SPECIAL RULES.—For purposes of this section—

"(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

"(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

"(i) subsidized energy financing, or

"(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,

the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

"(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

"(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

"(ii) the denominator of which is the basis of the property.

"(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

"(2) BUSINESS USE.—The rule similar to the rule of section 25(B)(d)(5)(B) shall apply for purposes of determining the business use of a vehicle.

"(3) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(4) DOUBLE BENEFIT.—Property which would, but for this paragraph, be eligible for credit under more than one provision of this section shall be eligible only under one such provision, the provision specified by the taxpayer.".

(b) CONFORMING AMENDMENTS.—

(1) Section 48 of such Code is amended to read as follows:

"SEC. 48. REFORESTATION CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 10 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

"(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194.".

(2) Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.".

(3) Paragraph (3) of section 50(c) of such Code is amended by adding at the end the following flush sentence:

"In the case of the energy credit, the preceding sentence shall apply only to so much of such credit as relates to solar energy property and geothermal property (as such terms are defined in section 48A(e)).".

(4) Subclause (III) of section 29(b)(3)(A)(i) of such Code is amended by striking "section 48(a)(4)(C)" and inserting "section 48A(g)(1)(C)".

(5) Subparagraph (E) of section 50(a)(2) of such Code is amended by striking "section 48(a)(5)" and inserting "section 48A(g)(3)".

(6) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) in clause (vi)(I)—

(i) by striking "section 48(a)(3)" and inserting "paragraphs (1) and (2) of section 48A(e)", and

(ii) by striking "clause (i)" and inserting "paragraph (1)(A)", and

(B) in the last sentence by striking "section 48(a)(3)" and inserting "section 48A(d)(2)".

(7) Subparagraph (E) of section 168(e)(3) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by inserting after clause (iii) the following new clause:

"(iv) any combined heat and power system property (as defined in section 48A(e)(5)) for which a credit is allowed under section 48A and which, but for this clause, would have a recovery period of less than 15 years.".

(8) The table contained in subparagraph (B) of section 168(g)(3) of such Code is amended by adding at the end the following:

"(E)(iv) .... 22".

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new items:

"Sec. 48. Reforestation credit.

"Sec. 48A. Energy credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 of such Code (relating to termination) is amended by striking "December 31, 2004" and inserting "December 31, 2006".

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 of such Code (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

"(5) No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(f).".

(2) Paragraph (3) of section 30(d) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(3) Paragraph (5) of section 179A(e) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) EXTENSION.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by striking "July 1, 1999" and inserting "July 1, 2004".

(b) QUALIFIED FACILITIES INCLUDE ALL BIOMASS FACILITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) of such Code (relating to definition of qualified energy resources) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B), and by inserting after subparagraph (B) the following:

"(C) biomass (other than closed-loop biomass).".

(2) BIOMASS DEFINED.—Paragraph (2) of section 45(c) of such Code is amended to read as follows:

"(2) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) closed-loop biomass, and

"(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

"(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

"(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

"(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.".

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 45(a) of such Code (relating to general rule) is amended by inserting "(1.0 cents in the case of electricity produced from biomass co-fired in a facility which produces electricity from coal) after "1.5 cents".

(2) QUALIFIED FACILITY.—Paragraph (3) of section 45(c) of such Code (relating to definitions) is amended by striking the period at the end and inserting the following: ", and any facility using biomass other than closed loop biomass to produce electricity which is owned by the taxpayer and which is originally placed in service after June 30, 1999.".

(3) ADJUSTMENT FOR INFLATION.—

(A) IN GENERAL.—Paragraph (2) of section 45(b) of such Code (relating to credit and phaseout adjustment based on inflation) is amended by striking "1.5 cent amount" and inserting "1.5 and 1.0 cent amounts".

(B) BASE YEAR FOR INFLATION ADJUSTMENT FACTOR.—Subparagraph (B) of section 45(d)(2) of such Code (relating to inflation adjustment factor) is amended by adding at the end the following new sentence: "In the case of the 1.0 cents amount in subsection (a), the first sentence of this subparagraph shall be applied by substituting '1999' for '1992'.".

(d) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code (relating to limitations and adjustments) is amended by adding at the end the following new paragraph:

"(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

"(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

"(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

"(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

"(B) EXCEPTION.—Subparagraph (A) shall not apply if—

"(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

"(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

"(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

"(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

"(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

"(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

"(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in section 292.304(d)(1) of title 18, Code of Federal Regulations, or any successor regulation.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years ending after June 30, 1999.

(2) ADJUSTMENT FOR INFLATION.—The amendments made by subsection (c)(3) shall apply to taxable years ending after December 31, 1999.

SEC. 205. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. NONBUSINESS ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

"(B) the credit amount (determined under section 48A(f)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(f)(2)), and

"(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

"New, Highly Energy-Efficient Principal Residence:	Credit Amount:
30 percent property	$1,000.
40 percent property	$1,500.
50 percent property	$2,000.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

"Column A—Description	Column B—Applicable Percentage	Column C—Period	
		For the period:	
In the case of:	The applicable percentage is:	Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Solar water heating property	15 percent	1/1/2000	12/31/2006
Photovoltaic property	15 percent	1/1/2000	12/31/2006.

"(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

"Description of property item:	Maximum allowable credit amount is:
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property:	
fuel cell described in section 48A (e)(3)(A)	$ 500 per each kw/hr of capacity.
natural gas heat pump described in section 48A (e)(3)(D)	$1,000.
10 percent energy-efficient building property	$ 250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

"(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

"(A) is located in the United States, and

"(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) QUALIFIED ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'qualified energy property' means—

"(i) energy-efficient building property,

"(ii) solar water heating property, and

"(iii) photovoltaic property.

"(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (D) and (E) section 48A(e)(1) shall apply.

"(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by paragraphs (3) and (4) of section 48A(e).

"(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

"(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' has the meaning given to such term by section 48A(e)(1)(C).

"(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

"(i) such property is located in the United States,

"(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

"(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

"(B) 50, 40, OR 30 PERCENT PROPERTY.—

"(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

"(ii) PROCEDURES.—

"(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

"(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

"(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

"(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

"(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

"(D) COMPLIANCE.—

"(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

"(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

"(D) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as his principal residence.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

"(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(5) ALLOCATION IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

"(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

"(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

"(A) any property for which a credit is allowed under section 30 or 48A,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

"(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

"(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

"(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(g)(1)).

"(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

"(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

"(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

"(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Nonbusiness energy property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 1999.

Page 2, after line 5, insert "**TITLE I—OIL PRICE REDUCTION**".

Page 2, line 6, strike "2" and insert "101".

Page 5, line 4, strike "3" and insert "102".

Page 5, line 16, strike "4" and insert "103".

Page 6, line 10, strike "section 5" and insert "section 104".

Page 6, line 12, strike "5" and insert "104".

Page 6, line 15, strike "section 4" and insert "section 103".

Page 6, line 17, strike "section 4(1)" and insert "section 103(1)".

Page 6, line 21, strike "6" and insert "105".

Page 6, line 24, strike "section 4" and insert "section 103".

Page 7, line 3, strike "section 5" and insert "section 104".

Page 8, line 2, strike "section 4" and insert "section 103".

Page 8, line 7, strike "section 5" and insert "section 104".

Page 8, line 9, strike "7" and insert "106".

Page 8, line 10, strike "Act" and insert "title".

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: Page 8, after line 2, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 3, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 22: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

S. 1287

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. . No foreign nuclear waste shall be allowed to enter the United States or to be deposited or stored in, on, or under the soil or waters of the United States.

EXTENSIONS OF REMARKS

IMF REFORM REQUIRES THOUGHTFUL CONSIDERATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. SAXTON. Mr. Speaker, recently a blue ribbon commission set forth its bipartisan recommendations on reform of the International Monetary Fund (IMF) and World Bank. The commission's chairman, noted economist Allan Meltzer, worked for months in the most accommodating and fair way with all of the commissioners to maintain a process of honest intellectual inquiry and collegiality. Votes were taken along the way that established overwhelming bipartisan consensus on all of the major issues. The resulting report addresses some of the most difficult and challenging issues in international economics, and proposes a number of serious and substantive reforms of the IMF, World Bank, and regional development banks. Reasonable people can and do disagree on these highly complex issues, but generally do so on the basis of facts, evidence, and analysis.

Unfortunately, however, even before the report was released, a highly coordinated political effort was initiated to attack the commission's report with outlandish charges and inflammatory rhetoric. These attacks generally were uninformed by any familiarity with the substance or tone of the majority report, not to mention the difficult financial issues related to the IMF and World Bank. These attacks only serve to discredit those who made them, and the use of such issues as a political football reflects a lack of responsibility and concern about the future of these institutions. The following article published in the prestigious Financial Times recently shows how these deplorable attacks on the commission have been perceived, and do no credit to those who make them.

[From the Financial Times (London), Mar. 10, 2000]

POLITICS OF AID

It is occasionally difficult for outsiders to grasp just how poisonously partisan U.S. policymaking has become. That this should be the case in domestic matters is neither surprising nor particularly worrisome. But the collapse of bi-partisanship in crucial areas of foreign policy is another matter. The response in Washington to the report from the international financial institutions advisory commission is a perfect—and disturbing—case in point.

Take, for a moment, not the politics of the majority report, but its substance. It does not propose the abolition of the International Monetary Fund. Nor does it suggest the end of foreign aid. On the contrary, it defines a role for the IMF as lender-of-last resort and suggests deep debt relief and a significant increase in U.S. budgetary support for the poorest countries, "if they pursue effective programmes of economic development".

Though simplistic in important respects, the report does represent an attempt to define a role for the international institutions and a case for aid that makes sense today. Since this comes from a group dominated by Republicans, the rational response must be that this represents progress. Maybe there could even be a new bi-partisan consensus. At least there would be no harm in exploring that possibility.

That is not happening. In an egregious example of Washington politics at its worst, Richard Gephardt, the notoriously protectionist House minority leader, complained that the report "illustrates an extreme neo-isolationist attitude" towards the IMF and the World Bank. "Pots", "kettles", "calling" and "black" come to mind.

True, this is a radical report. The most controversial recommendations on the IMF are that it should cease long-term lending to the poorest countries and should provide emergency assistance almost exclusively to countries that have pre-qualified for it. Similarly, it suggests that the World Bank should cease to be a lender to middle-income countries with access to private markets.

These ideas do go too far, but they are not crazy. Given willingness to compromise, they could be the basis for discussion between the two sides. The alternative is certainly worse. Continued bitter partisan disagreement, with one side committed to defense of the status quo and the other to radical transformation, must make the environment for these institutions extraordinarily difficult.

The world urgently needs a U.S. consensus on policy towards the international financial institutions. This report is at least the basis for a discussion—and jaw jaw is certainly better than yet more partisan war war.

SATELLITE REFORM LEGISLATION (S. 376)

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GEJDENSON. Mr. Speaker, I rise in support of the conference report on S. 376, international satellite reform. This bipartisan compromise legislation will reform 1960s era satellite policy and promote competition in international and domestic satellite services and technology. This 1962 Communications Satellite Act is woefully outdated. The time for overhaul is now.

The 1960s were a time when the telecommunications sector was dominated by monopolies. We had no cell phones, no pagers, no personal computers and no viable commercial satellite industry. Our international satellite policy reflected the times. It was believed that only government-sponsored entities could provide global satellite services. That may have been true then, but in the past forty years we have seen enormous change. With the passage of this bill, our global satellite policy will finally enter the new millennium.

INTELSAT and INMARSAT are cast in the old mold. For example, INTELSAT is an intergovernmental treaty organization dominated by 143 member-nations, largely through government-controlled telecommunications monopolies. As an intergovernmental organization, INTELSAT is not subject to U.S. or any other country's laws.

At the same time, we have many private satellite companies that offer high-quality international services. Two such companies have corporate ties to Connecticut—GE Americom and PanAmSat. These companies have launched private sector ventures that must compete with these intergovernmental organizations which enjoy advantages such as legal immunities which the private sector does not.

I commend Mr. BLILEY and Mr. MARKEY for their long work over the last few years to bring competition and privatization to U.S. global communications policy. This legislation eliminates the privileges and immunities that these intergovernmental organizations enjoy. The bill offers incentives for INTELSAT and INMARSAT and their successors to privatize in a pro-competitive manner. As a result, we can expect to see improved access to foreign markets for the U.S. satellite communications industry.

I am particularly pleased that the final conference bill contains definite, clear criteria for the FCC to use in determining if INTELSAT, INMARSAT and their spin-offs have privatized in a pro-competitive manner. If they don't, there are real consequences in terms of U.S. market access. This feature of the legislation provides meaningful incentives to these two organizations to privatize properly. It also governs the market entry of their spin-offs, such as New Skies Satellites, a Dutch company that is a wholly-owned subsidiary of INTELSAT and its signatories. Although we welcome New Skies into the U.S. market, strict compliance with the criteria of S. 376 is necessary to ensure that its market entry will benefit competition and will not serve as a trojan horse for the INTELSAT cartel.

I am also pleased that the bill prohibits all satellite operators serving the U.S. from enjoying the exclusive right to handle telecommunications traffic to or from the U.S. and any other country—no matter how the exclusive relationships were derived.

Mr. Speaker, this legislation promises to benefit the American public with lower costs, more innovative services, and more high tech jobs. I urge my colleagues to support S. 376 and to bring the full benefits of competition to consumers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2000

SPEECH OF

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in strong support of H.R. 2372, the "Private Property Rights Implementation Act of 2000." This commonsense legislation makes it easier for landowners that have had the use of their property taken by the Federal Government to get their day in court.

While the fifth amendment requires the Government to compensate citizens for the taking of their private property, these property owners have found it almost impossible to gain access to the Federal courts to pursue their claims. Quite simply, H.R. 2372 would provide a way out of the regulatory limbo that requires property owners to seek a "final" answer at the local level before pursuing this constitutional issue in Federal court. Contrary to claims that the bill would circumvent local authority, it outlines specific requirements that claimants must pursue before receiving action from the Federal courts. These include an appeal to the local planning commission, an application from the local zoning board, and an appeal to the local board of elected officials. Thus, the bill protects local authority while ensuring that justice is done in a timely manner.

Mr. Chairman, we in the Pacific Northwest are being inundated with new Federal requirements and restrictions relating to salmon and other species protected under the Endangered Species Act. The impacts of these new Federal actions on private property owners are only beginning to be felt, but promise to be significant. This legislation will ensure that the victims of Federal takings do not have to wait 10 years—the current average time it takes to get access to a Federal court—to seek just compensation. Private property owners in my district need to know that there is a clear and fair process in place for them to defend their fifth amendment rights. That is exactly what H.R. 2372 provides.

I commend the gentleman from Florida, Mr. CANADY, for bringing this legislation before the House and I urge my colleagues to support it.

GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK HONOR WILLIAM McFADDEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to William P. McFadden. This year, the Greater Pittston Friendly Sons of St. Patrick will honor Bill with the W. Francis Swingle Award at their annual St. Patrick's Day Banquet. I am pleased and proud to have been asked to participate in this event.

The Swingle Award is named in honor of Professor Frank Swingle, a noted and respected educator and orator, active in civic organizations locally. Bill McFadden will be the eleventh recipient of this prestigious award.

Mr. McFadden has had an exemplary career in nursing for more than thirty-two years. He specialized in industrial nursing at Bethlehem Steel, Lebanon, Pennsylvania, and also the Ford Motor Company, Chester, Pennsylvania, and San Jose, California. Administratively, Bill was Staff Nurse and Supervisor at Wilmington Veterans Administration Hospital, Director of Nursing at Fresno Community Hospital in California and a nursing home supervisor in New Jersey. Until his retirement in 1985, he served as Nursing Supervisor at East Orange Veterans Hospital, New Jersey.

Mr. Speaker, Mr. McFadden is a native son of Northeastern Pennsylvania, having been born and raised here. He attended St. John's High School in Pittston, went on to St. Joseph's School of Nursing in Philadelphia and received his degree in nursing from Villanova University in 1959. He served in the Navy Reserves from 1945 to 1947.

Mr. Speaker, I am proud to congratulate William McFadden on this prestigious award. I join with his wife Ann, family, and his many good friends in sending him my most sincere best wishes as he accepts this honor.

ROBERT MILLER, JR.: MAN OF THE YEAR

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. SMITH of Michigan. Mr. Speaker, I honor today Robert B. Miller, Jr., of Battle Creek, Michigan, Scene Magazine's 1999 Man of the Year.

"Bob," as he likes to be called, is one of Battle Creek's best known citizens due in large measure to his legacy of personal and financial commitment to the greater Battle Creek community. Today, the community will show its appreciation and gratitude for Bob's many years of philanthropy and dedication, as they gather to pay tribute to him as the 1999 Man of the Year.

Robert Miller, Jr. is a naval veteran and graduate of Michigan State University, with degrees in marketing and English. He has spent most of his professional life in the print media, working for such newspapers as the Lansing State Journal, Idaho Statesman and the Daily Olympian, before making his mark on Battle Creek as publisher of the Battle Creek Enquirer and News, a position he inherited from his father, the late Robert Miller, Sr.

Robert Miller, Jr. epitomizes the word philanthropy. He has been as much involved in civic duties as he was in professional journalism. He's served as a trustee of the Miller Foundation and as a member of its Grants Review Committee, as well as being a member of the local Red Cross, United Way and numerous other boards and committees. Most recently, he can be found working on behalf of the Humane Society and as an advocate for Big Brothers/Big Sisters.

As a professional, Bob has led by example, blending strength, drive and determination with tremendous character, devotion and kindness. I admire Bob for his professional involvement and dedication to civil activities and service to the community. He exemplifies what it means to be a citizen, having set a standard of excellence which serves as an example for others in the community.

I commend Robert B. Miller, Jr. for his many years of hard work and tireless devotion in making his community a better place to live, work and raise a family. And I congratulate him on being named Scene Magazine's 1999 Man of the Year.

INDO-AMERICAN HI-TECH LINKS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. McDERMOTT. Mr. Speaker, we can all be justifiably proud of the fact that our nation is continuing its unparalleled record of economic growth. We can also be proud of the fact that our growth, which has benefited so many American citizens, rests in large measure on our hi-tech industries.

But how many of us recognize that our prosperity also rests in part on the intelligence, entrepreneurship and skills of many thousands of Indians, and Indo-Americans?

Let me provide my colleagues with some facts about how Indian trained software engineers, computer programmers and designers contribute to America's prosperity.

Indians own or run over 750 Silicon Valley firms that collectively employ over 16,000 people and have achieved over $3.5 billion in sales.

Of the 115,000 visas given by the United States for skilled workers in 1999, 35,000 went to Indians.

The vast majority of India's $4 billion in software sales last year went to American companies.

American firms like Hewlett-Packard, Microsoft, IBM and Oracle increasingly are looking to invest in India or purchase hi-tech products from India.

President Clinton recognizes the contributions India has made to America's economic growth. When he visits India later this month, he is expected to stop in the city of Hyderabad, one of the centers for India's growing hi-tech industry. His stop will dramatize India's rapid development as a cutting edge hi-tech nation and it is a confirmation that India and the United States have both greatly benefited from the business acumen of Indian entrepreneurs. It is also a recognition that our ties to India are far broader and far deeper than most observers believe.

Mr. Speaker, India is important to the United States. Our policies in that region should reflect this. That is why I am pleased to have had this opportunity to share the reason for being optimistic about the future of U.S.-Indian relations.

RETIREMENT TRIBUTE TO SYLVIA McLAUGHLIN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Sylvia McLaughlin on the occasion of her retirement after thirty-eight years of service to The Save San Francisco Bay Association and its Board of Directors, and recognizing her for her many years of dedicated public service.

In 1962 Sylvia McLaughlin was one of three founders of The Save San Francisco Bay Association, now called Save the Bay, which has worked for nearly four decades to protect and restore the Bay and Delta and to improve public access along its shoreline. The San Francisco Bay is one of the natural wonders of the world, where saltwater meets freshwater from the Sacramento and San Joaquin Rivers to form the largest estuarine system on the West Coast of North America. The Bay and Delta have suffered from 150 years of hydraulic mining, fresh water diversion, pollution, fill and shoreline development. For four decades Save the Bay has worked to reverse this trend, to keep the Bay alive and make it healthier. The Bay-Delta defines our region and contributes greatly to the San Francisco Bay's high quality of life, providing economic benefits as well as drinking water for more than two-thirds of California's population and irrigation for hundreds of crops.

Sylvia's work led to the creation of the Bay Conservation and Development Commission in 1965 and the adoption of the Bay Plan in 1969, inspiring several generations of grassroots conservationists. Sylvia has received international recognition for her efforts to protect and restore the San Francisco-Bay Delta and its shoreline—a rich web of natural life where hundreds of species of fish, birds, and other animals make their homes. Save the Bay is rededicating itself to a Century of Renewal as the year 2000 begins, restoring water quality, habitat, fisheries and public enjoyment of the Bay for generations to come.

Sylvia is retiring after thirty-eight years of service to Save the Bay and its Board of Directors. I know I speak for all the Members when I wish Sylvia McLaughlin a very happy and healthy retirement, and when I thank her for her unparalleled contributions to environmental protection and for her tireless efforts on behalf of the Bay and its residents.

INTERNATIONAL POPULATION ASSISTANCE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GEJDENSON. Mr. Speaker, soon we will be debating one of the most important foreign policy questions to come before the House this session—international population assistance.

This is a very important matter that will directly affect the quality of life of individuals and families around the world. It deserves careful attention by all Members. A recent issue of the magazine Insight included an article by Warner Fornos, the President of the Population Institute, that discusses this issue. The Population Institute is a nonprofit organization that seeks to bring the world's population into balance with our resource base and environment through equitable and voluntary means.

I believe the article by Mr. Fornos makes points that should be considered in the upcoming appropriations debates. As a result, I am including it in the RECORD for the benefit of all Members.

[From the Insight magazine, Jan. 31, 2000]

QUESTION: SHOULD POPULATION CONTROL BE A PRIORITY FOR THE THIRD WORLD?

YES: VANISHING FORESTS AND WIDESPREAD FAMINES ARE SIGNS OF CRISIS IN MANY NATIONS

(By Warner Fornos)

The term "population control" has an unfortunate and misleading connotation. "Control" seems to infer force and coercion, which I categorically oppose on moral and ethical grounds. My opposition goes beyond mere semantics. There are those who would have us believe that all population and family-planning programs are rooted in force and coercion; that simply is untrue. At least some of those who peddle that particular bill of goods are snake-oil salesmen who know better or should.

Fertility rates have declined during the last 40 years, from six children per woman to slightly less than three. Anyone who honestly thinks that this is the result of force and coercion simply does not understand human nature of the limitations on the ability of governments to make people do—or, perhaps in this case, not do—something against their will. The magnitude of the power that would have to be exercised to influence the most personal of decisions so successfully during the last four decades simply defies the imagination.

Voluntary family-planning information, education and services should be universally available and accessible. According to the United Nations, there are some 350 million couples throughout the world who lack access to, or the means to acquire, modern contraceptives. An estimated 120 million of those couples would use safe and effective family-planning methods immediately if they were available. The Population Institute strives for universal access to a variety of family-planning methods.

In the last year, world population surpassed the 6 billion mark. World population is growing annually by nearly 80 million

There are a number of environmentalists who can produce voluminous scientific data to demonstrate that our planet already has exceeded its sustainable limits. Just for starters, they point to such chilling statistics as the following: 1.3 billion people live in absolute poverty on the equivalent of one U.S. dollar or less per day, 1.5 billion people lack access to an adequate supply of clean water and 790 million people go to bed hungry every night.

There are those who say that poverty, hunger and water issues really are social, economic, technological and political problems—not population problems. Certainly politics, economics and technology all fit into the poverty/hunger/misery equation, but when you see abandoned children begging for a scrap of bread in the streets of Lagos, Nigeria, or Lahore, India, or Lima, Peru, can anyone deny that these are children whose parents were unable to care for them? And think back to the 350 million couples who are unable to regulate their own fertility because they lack access to, or the means to obtain, family-planning information, education and services.

Almost from the inception of the development of national family-planning programs some 40 to 45 years ago, the argument surfaced that there must first be economic stability before there can be a smaller-family-size norm. And, generally speaking, industrialized countries do tend to have fertility rates that are lower than those in less-developed countries.

I am a strong believer in the free-market system, though I have never been convinced that capitalism is the best contraceptive. But those who believe development must precede

Pronatalists seem to view the Earth through a peculiar prism that blocks out human activity as a factor in forests vanishing, water scarcity, topsoil erosion, desert expansion, unprecedented global climate change and diminishing finite resources.

There is, however, a preponderance of solid evidence to refute claims that population growth no longer is a significant issue. For example, while world population climbed by 75 percent in the 20th century, an estimated 75 percent of global forested area was lost—much of it for living space, farmland and firewood, which still is the leading source of cooking and heating fuel in the developing world. In addition:

Nearly half a billion people around the world face water shortages and, by 2025, the number is expected to grow to 2.8 billion—35 percent of the projected world population of 8 billion for that year.

The 15 warmest years on record have occurred during the last 21 years and all major scientific bodies acknowledge that climate change now is under way. According to the International Panel on Climate Change, a two-thirds reduction in global carbon-dioxide emissions would be required to avoid a doubling of atmospheric concentrations that may jeopardize food production, the Earth's biodiversity and entire ecosystems, as well as human health.

The U.S. Department of Agriculture notes that since the mid-20th century the world's population has soared by 132 percent, while the world's cropland has increased by only 19 percent.

Complications relating to pregnancy and childbirth are among the leading causes of mortality among reproductive-age women in many parts of the developing world. Nearly 600,000 women die each year of pregnancy-related causes—about one every minute—99 percent of them in developing countries.

An estimated 160 million children today are considered to be malnourished. A recent report by the International Food Policy Research Institute estimates that 20 years from now the number of malnourished will decline to 135 million—a decrease of only 15 percent.

Ten million children died before reaching their fifth birthday in 1998, and nearly 8 million of them did not reach

Thirty million new jobs must be found each year for the next 50 years in order to keep pace with projected population growth, according to a special report by the Worldwatch Institute.

At the 1994 International Conference on Population and Development, or ICPD, 179 nations approved the Cairo Program of Action, a blueprint for preventing world population from doubling again as it has in the last 40 years. To achieve a sustainable future, it is important to implement the Cairo document—especially in the areas of ensuring universal access to family planning; achieving greater male responsibility in sexual and reproductive behavior and parenthood; and eradicating female illiteracy and increasing employment opportunities for women, both of which would lead to gender equality and smaller family size.

They key to implementing the ICPD Program for Action is the mobilization of resources for population and family planning programs. It appears unlikely that the ICPD goal of raising $17 billion for reproductive-health and family-planning activities by this year will be reached. According to a report by the Johns Hopkins School of Public Health, the consequences of the failure to meet this goal include: an estimated additional 42 million unintended pregnancies, 17 million induced abortions and 90,000 maternal deaths.

By cutting back on its international population assistance from nearly $600 million in fiscal 1995 to $385 million in the current fiscal year, the U.S. government has ill-served the cause of stabilizing world population. As the world's only remaining superpower, the United States has abrogated its leadership in one of the most crucial issues of our time. The result has been a domino effect, with other nations choosing to follow the U.S. lead and reduce their population-assistance budgets. There is a ray of hope that the situation will change. The White House has signaled that it will seek to restore U.S. International population spending to its fiscal 1995 level of nearly $600 million. Additionally, Congress, after failing to appropriate any contribution at all to the U.N. Fund for Population Activities in fiscal 1999, has voted to contribute $25 million to the fund in fiscal 2000 and again in fiscal 2001.

In the final analysis, it is the childbearing decisions of 3 billion young people—who will reach their reproductive years within the next generation—that ultimately will determine whether world population will level off at the lowest possible figure that can be reached through voluntary family planning and humane interventions. At stake will be the kind of world they want for themselves and their children.

MEDICARE BOARD—HISTORY SHOWS IT'S A BAD IDEA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. STARK. Mr. Speaker, S. 1895, the Premium Support Medicare reform bill being pushed by PhRMA, many HMOs and private insurers proposes a revolutionary change in the administration of the program. It proposes to set up a seven-person board to administer the program and to control the existing Medicare Program within the Department of Health and Human Services. Presumably many of the people pushing the idea expect to be on the board, as part of a plan to turn Medicare over to private interests.

Guess what? A Board of seven people doing the job now done by one administrator will not be as efficient or cheap as the current program.

Who says? History.

Following is a portion of a memo from the Library of Congress's Congressional Research Service that describes our Nation's experience with a Social Security board between 1935 and 1937. As the memo reports,

> * * * The board system led to indecision, delay, and guerrilla warfare among certain of the top staff and their followers within the bureau.

Those who don't learn from history are condemned to repeat the mistakes of the past. A board is a bad idea of a way to run a $220 billion government agency.

SOCIAL SECURITY BOARD AS CASE STUDY

The Social Security program is unusual in that throughout its more than half century of existence it has been administered by a full-time, three member board and by a single administrator. It has enjoyed a status as an independent agency, as that term is used in this report, a unit within an independent agency, and finally, an agency within an executive department. It is also unusual in that there is a study available on the administrative history of its brief period being managed by a full-time board, a situation not unlike that being proposed in S. 1895. What follows briefly outlines the complex of events and decisions related to its early organization and operations.

During the 73rd Congress, the first of the New Deal, various pension and unemployment bills were introduced. President Franklin Roosevelt, in response to this interest, established (by Executive Order 6757) a Committee on Economic Security (CES). The Committee consisted of federal officials and was chaired by the Secretary of Labor, Frances Perkins. The Committee was supported by a Technical Board headed by Arthur Altmeyer, and an Advisory Council consisting of 23 labor, employer, and public representatives. Both the Technical Board and the Advisory Council had subcommittees. The CES had a research staff, headed by Edwin Witte, that was used jointly by the full committee, the Technical Board, and the Advisory Council.[18]

The CES and its support groups met for six months and submitted its report to the President.[19] While not all the recommendations of the CES were ultimately to be included in the Social Security Act, the Act did incorporate the basic recommendations of the Committee.

The bulk of CES's discussion and its report was concerned with substantive matters respecting old-age insurance and unemployment compensation. Relatively little discussion was forthcoming on administrative organization. On the administration of the Social Security program, the CES recommended the following to the President.

> The creation of a social insurance board within the Department of Labor, to be appointed by the President and with terms to insure continuity of administration, is recommended to administer the Federal unemployment compensation act and the system of federal contributory old age annuities.
>
> Full responsibility for the safeguarding and investment of all social insurance funds, we recommend, should be vested in the Security of the Treasury.
>
> The Federal Emergency Relief Administration is recommended as the most appropriate existing agency for the administration of non-contributory old-age pensions and grants-in-aid to dependent children. If this agency should be abolished, the President should designate the distribution of its work. It is recommended that all social welfare activities of the Federal Government be coordinated and systematized.[20]

The President submitted a bill to Congress in January 1935, and it was given immediate consideration. When the bill emerged from the House Ways and Means Committee, there had been major alterations. As related in Paul Douglas's extended legislative history:

> The administrative responsibilities were, in certain vital respects, altered. The Social Security Board was removed from the Department of Labor and was given independent powers of appointing and fixing the compensation of members of its staff. This was, of course, a defeat for the secretary of Labor. The administration of the grants for old age pensions, or old age assistance, was taken from the Federal Relief Administration, as was originally proposed, and was given instead to the Social Security Board. This board was also entrusted with the work of supervising and directing the systems of old age insurance and unemployment insurance. A relative unification of social insurance functions in an independent body was, therefore, proposed. The Board's powers were also increased by giving to it, rather than the Relief Administration, the administration of the allowances for dependent children, and the so-called mother's pensions. The Children's Bureau of the Department of Labor, however, was still kept in charge of grants for the health care of mothers and infants and of those for crippled children.[21]

When the bill was considered by the Senate Finance Committee, the Social Security Board was again placed under the Department of Labor instead of being independent. Justification for this switch was that in most other nations the administration of old age insurance was under a labor department and because administrative costs would be less under a department. The Committee was opposed to creating new, independent agencies with functions closely related to those of an existing department.[22]

In conference committee, the location of the agency was shifted once again, this time to an independent status, a status that remained in the finally approved bill. The Social Security Board (Board) was outlined in Title VII of the Social Security Act (49 Stat. 620). The Board consisted of three members, not more than two were to be from the same political party. They were to be full-time officers of the federal government. Their staggered terms were to be six years in duration. The chairman of the Board was to be appointed by the President. The Board was to organize its own staff and fix necessary compensation.

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[18] For a discussion and diagram of the organization of the Committee on Economic Security, consult: Mary Trackett Reynolds, Interdepartmental Committees in the National Administration (New York: Columbia University Press, 1939), pp. 28-43.

[19] U.S. Committee on Economic Security, Report to the President (Washington: GPO, 1935).

[20] Ibid., p. 7.

[21] Paul E. Douglas, *Social Security in the United States: An Analysis and Appraisal of the Federal Social Security Act* (New York: Whittlesey House, 1936), pp. 105-06.

[22] Ibid., p. 114.

The CES stated, in its backup papers, that:

The advantages of an independent board were considered numerous and important. The membership of the board should include outstanding persons in the field of social insurance administration whose services could be procured with difficulty if they were offered positions as lesser officials in any department. In the interests of the insured population, both in the formulation of regulations and in the development of new policies and practices, the board should be a nonpolitical organization, protected as far as possible from political influence, even such as .

In point of fact, a reading of the major writings of the formative period of the Social Security program provides little evidence as to why the decision was made to have the agency be "independent" or be administered by a three-member board.[24] The impressionistic view emerges that the Board concept was simply a way to continue the plural leadership that had led the supporting groups coalition in gaining political support for the Committee's legislation.[25] "The Social Security Board was in a double sense a continuation of the Committee on Economic Security," according to McKinley and Frase. "Not only were its activities an application of the new functions envisaged by that investigating committee, but the staff with which the board began was carried over from the committee."[26]

The Social Security Board was established more than a year after the three-member full-time Board of the TVA had been in operation. The SSB had observed and assessed the early experience of the TVA Board. According to McKinley and Frase:

The three members of the SSB decided early that they would avoid the mistakes apparently being made by the directors of the TVA; who had parceled out functions among themselves. Instead they would confine their activities to policy problems, delegating administrative tasks to a chief administrator who would report to and be responsible to the board.[27]

From the outset, however, there was no clear demarcation of responsibility between the Board and the executive director, so that conflict ensued. "The board consistently violated its own decision to stick to policy questions. This was particularly true in the appointment of personnel."[28] Changes in Board membership did not alter this situation. McKinley and Frase assert that the early board members never seriously regarded the executive director as the administrative head of the organization with a distinct administrative authority of his own. Board members felt it was their right and duty to intervene directly in administrative matters.[29] The intervention of the Board notwithstanding, there was a general shift of powers toward the executive director's office during the first two years.[30]

Among the closest students of the early years of the Social Security Board were McKinley and Frase. While they were reluctant to offer conclusive statements on most elements of the Social Security programs, they were not reticent in their opinion of the Board structure:

By the end of March 1937, only one major administrative conclusion appeared clearly warranted: namely, that the board structure was inadequate for operating the social security program. Winant, Miles, and Bane were emphatic in their judgment that a board was unsuited to this task, and even Altmeyer joined in a formal board conclusion to this effect. The authors had reached the same conclusion.[31]

A detailed assessment of the Board's operations was offered by McKinely and Frase and deserves to be printed in full:

As an administrative device for making policy decisions and directing operations during this period, the board system led to indecision, delay, and guerrilla warfare among certain of the top staff and their followers within the bureau. The frequent and interminable board meetings during the first eight months particularly reflect the difficulty of three men reaching conclusions that were often about small matters. A single administrator may carry within his breast many conflicting desires and vacillating impulses: but he resolves these without the necessity of revealing the full extent of his uncertainty or confusion. But a three-man board undertaking such a function cannot escape the exhibition of conflict or vacillation in long discussions which threaten to become endless if the men are, as these were, particularly sincere in their desire to launch successfully the administration of an agency charged with duties they regarded as of the highest public importance. * * *

There were two other possibilities of board organization that might have avoided existing and potential difficulties. Both involved the abandonment of the distinction between policy and administration. The first would have been to parcel out the duties among the three members, making each responsible for the administration of one segment of the board's functions. Something like this had been done in the Railroad Retirement Board, and Latimer though it worked very well. It had also been followed in the case of the TVA which was, however, experiencing widely publicized difficulty on that account during 1936–1937. It is not clear what kind of tripartite division the board might have attempted with the best hope of administrative success, and this system requires a great deal of mutual trust if action is to be expedited. But if such trust is mutually accorded their arise difficulties that have dogged the path of the commission form of city government—a tacit conspiracy to refrain from scrutinizing the acts of each other resulting in no central responsibility for administrative behavior.

The second possibility presented more likelihood of success. That would have been an arrangement by which the chairman became the recognized administrative head of the organization, with the other members content to play minor roles. But that plan would need a peculiar combination of personalities which the original board did not have. * * *

One other observation about the board as an administrative device may be made here. During the closing weeks of this study [Chairman] Winant's resignation left the board with only two members. This gap was unfilled for some months because Latimer, whom the President had nominated, was not confirmed by the Senate. During this time, differences between the two remaining members threatened the board with stalemate on important questions. This check-and-balance system, with its concomitant delay or horse-trading agreement, was implicit in an incomplete board structure, as was the carrying of tales to the Hill by Miles when he became sufficiently vexed or disappointed to want to indulge in that form of pressure.

Our account of the executive director has shown there was an accretion of power in that office not only because of his position of command over the regional office organization but also because of the gravitation of functions from various bureaus into his hands. This last development seemed to be an indication of the faulty division of duties promulgated by the board in its last organization chart of December 4, 1935. * * *[32]

The problems associated with the Social Security Board and the TVA board as an organizational category led to something of a counterthrust in the late 1930s. As he entered his second term, Franklin Roosevelt became more interested in organizational management. "The administrative management of the Government," he said, "needs overhauling." The President, in his message to Congress transmitting the Report of the President's Committee on Administrative Management (Brownlow Committee), complained of the difficulties of supervising the activities of over 100 separate departments, boards, corporations, commissions, authorities, and agencies.

The Brownlow Committee Report attacked not only the proliferation of independent agencies, "a fourth branch of government," but the concept of boards as well.

For purposes of management, boards and commissions have turned out to be failures. Their mechanism is inevitably slow, cumbersome, wasteful, and ineffective, and does not lend itself readily to cooperation with other agencies. Even strong men on boards find that their individual opinions are watered down in reaching board decisions. * * *

The conspicuously well-managed units in the Government are almost always without exception headed by single administrators.[33]

The Report then called for a regrouping of independent agencies under departments.

A high point for the concept of departmental integration was reached in 1971 when President Richard Nixon proposed to create four new domestic departments in the place of the existing seven programmatic departments and integrate into these new departments a number of existing independent

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[23] U.S. Social Security Board [for the Committee on Economic Security]. Social Security in America: The Factual Background of the Social Security as Summarized from Staff Reports of the Committee on Economic Security (Washington: GPO, 1937), p. 209.

[24] "It can be said with assurance that in the collection of information and the drafting of the suggested legislation, the Committee on Economic Security had been much less concerned with foreseeing administrative problems and devices than with the substantive content of law." Charles McKinley and Robert W. Frase, Launching Social Security: A Capture-and-Record Account, 1935–1937 (Madison, WI: University of Wisconsin Press, 1970), p. 17.

[25] Jerry R. Cates, Insuring Inequality: Administrative Leadership in Social Security, 1935–1954 (Ann Arbor, MI: University of Michigan Press, 1963), pp. 25–26.

[26] McKinley and Frase, Launching Social Security, p. 18.

[27] Ibid., p. 382.

[28] Ibid., p. 386.

[29] Ibid., p. 402.

[30] *Ibid*., pp. 389–90.

[31] Ibid., p. 174. John G. Winant, chairman of the Social Security Board; Vincent Miles, member of the Social Security Board; Arthur Altmeyer, member of the Social Security Board; and Frank Bane, Executive Director, Social Security Board.

[32] *Ibid*., pp. 477–78.

[33] U.S. President's Committee on Administrative Management, *Report with Special Studies* (Washington: GPO, 1937), p. 32.

agencies and their programs. One of the new departments would have been a Department of Human Resources which would have been based on the Department of Health, Education and Welfare but would have been expanded through the transfer of several agencies and programs to the new department. The key administrative element of the new Department would have been three Administrations, one for Health, another for Human Development, and a third for Income Security. Under the Administration for Human Development would have been Education, Manpower and Social Services. No action by Congress on these presidentially initiated legislative proposals was forthcoming.

Since 1971, the majority of proposals for changing the structure of the executive branch have been away from greater departmental integration. Most proposals have been to create more, and generally smaller departments, breaking up existing departments, creating new agencies, generally outside the departmental structure, new government corporations and enterprises, and relatively unaccountable entities in the quasi government. The pendulum has definitely swung away from departmental integration and toward agency dispersion.

IN HONOR OF RABBI ARTHUR SCHNEIER ON THE OCCASION OF HIS 70TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Rabbi Arthur Schneier, an international leader for religious freedom and tolerance and a role model and inspiration to the world. I ask my colleagues to join me in celebrating his 70th birthday by expressing our nation's deep appreciation and gratitude for his life and work.

Rabbi Schneier has displayed an unshakable dedication to human rights and religious freedom, and a deep devotion to justice and decency for all people. Spiritual leader of the historic landmark Park East Synagogue since 1962, Rabbi Schneier has acted as a diplomat and envoy for four U.S. Presidents. He has served as Chairman of the U.S. Commission for the Preservation of America's Heritage Abroad. He was selected by President Clinton to be one of three U.S. religious leaders to meet with President Jiang Zemin and top leaders of the Chinese Government to enter into the first official dialogue on religious freedom in China. Among many other contributions to U.S. diplomacy, Mr. Speaker, Rabbi Schneier negotiated and successfully completed bilateral agreements with the Czech and Slovak Republics, Hungary, Romania, Slovenia, and Ukraine.

Rabbi Schneier is certainly one of this century's great human rights leaders, Mr. Speaker. In 1965, he established the Appeal of Conscience Foundation, an ecumenical coalition of business and religious leaders, advocating mutual understanding, tolerance and peace. Rabbi Schneier has contributed greatly to the peaceful emergence of new democracies in Russia and the countries of Eastern Europe. Through spiritual wisdom, perseverance, and leadership, Rabbi Schneier has quelled ethnic conflict the world over, protecting minorities and securing the reign of peace.

I am sure, Mr. Speaker, that those in the midst of chaos and destruction, in the aftermath of earthquakes in Turkey and Armenia, floods in Romania, and natural disasters around the globe, rejoiced in the aid Rabbi Schneier was able to provide through organization, inspiration, and faith. His work provided hope to thousands and saved lives in times of great need and suffering.

Rabbi Schneier is an inspiration to all who aspire to lives of hope, peace, and understanding. His convictions are noble and immutable. His faith and his devotion to peace remain undeterred. His influence around the world is a blessing to human kind. Mr. Speaker, I salute the life and work of Rabbi Arthur Schneier and I ask my fellow Members of Congress to join me in recognizing Rabbi Schneier's contributions to the New York community, to our great country, and to the world.

HONORING MR. THOMAS W. FISCHER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. HOYER. Mr. Speaker, I rise today to recognize the dedicated service of Special Agent Thomas W. Fischer to the people of the United States. Mr. Fischer entered the Naval Criminal Investigative Service in 1977 and demonstrated early in his career that he possessed ambition and integrity that would lead him into a successful lifelong career. Special Agent Fischer began his enforcement career on February 27, 1967, with the Baltimore City Police Department. He served honorably and with valor for 10 years. Due to his considerable skills, tact, courage, and dedication to duty, he was promoted from patrolman to detective, tactical sergeant, detective sergeant, and lieutenant (select). While serving with the Baltimore City Police Department, Thomas W. Fischer received nine official commendations for valor and meritorious service.

In 1977 Thomas W. Fischer began a career in Federal law enforcement as a Special Agent with the Naval Criminal Investigative Service. His first assignment was at the Maryland State Capitol in Annapolis. As a seasoned law enforcement veteran he was quickly recognized as a rising star and leader. Continuing in his remarkable career, during the Iranian crisis, Thomas W. Fischer was assigned as the only civilian Federal agent aboard the U.S.S. *Dwight D. Eisenhower.* Tom set the NCIS Special Agent longevity record for at-sea time as a Special Agent Afloat (SAA), with 247 days at sea out of 255 days on deployment. This record remains to this day.

Following his exploits at sea, Special Agent Fischer was assigned briefly to the NCIS office in Washington, DC. In 1981 Special Agent Fischer, ever in search of a challenge, transferred to NAS Cubi Point, the Philippines. After only a year, he was promoted to Squad Leader for the Foreign Counterintelligence (FCI) Squad, Subic Bay. He was subsequently promoted to the position of Assistant Rgional Director (FCI) for the Regional NCIS Office, Philippines. In June 1985 Special Agent Fischer accepted an assignment as the Assistant Special Agent in Charge for FCI at the NCIS office at Long Beach, CA. In August 1986, Tom transferred to NCIS Headquarters where he served as a Senior Staff Assistant to the Director as the Special Agent Afloat Program Manager.

In 1987, Special Agent Fischer made history while assigned to the Bobsled Task Force investigating Marine Security Guard espionage activity. Special Agent Fischer traveled to Moscow, U.S.S.R. where he conducted interviews and other inquiries at the American Embassy.

In September 1987, continuing supervisory ascent, Mr. Fischer was named Deputy Special Agent in Charge of the NCIS office in Washington, DC. In October 1988, Special Agent Fischer was named Special Agent in Charge of the Regional Fraud Unit, National Capitol Region, Washington DC. During June 1991, Special Agent Fischer assumed duties as the Deputy Regional Director of the NCIS European Region London, United Kingdom. He was then promoted to Regional Director where he served with distinction until his selection as Assistant Director for Inspections in May 1994.

During the past 6 years, Mr. Fischer, as an Assistant Director, has brought vision, candor, and insight to many issues instrumental in building the NCIS of today. Special Agent Fischer served honorably and served as a role model and leader for an entire agent corps, who by living according to his high standard, remains as his lasting legacy to the organization he so nobly served.

Special Agent Fischer's career, which includes active duty service in the U.S. Armed Forces from March 1962 to September 1965, spans five decades of service to the people of the United States.

COMMENDING ANTI-DRUG EFFORTS OF STATIONS KEZI, KMTR, KVAL, KEVU AND KLSR

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. DEFAZIO. Mr. Speaker, I rise to call attention to an unprecedented cooperative campaign by several television stations in my congressional district. Earlier this year, stations in Eugene, OR, set aside competition and simulcast a half-hour documentary on the effects of drug abuse, "Drug Wars: One Family's Battle." The documentary was produced by Medford Oregon-based Crime Prevention Resources.

In addition, three stations—KEZI, KMTR and KVAL—also sponsored and simultaneously broadcast a special 1 hour town hall meeting that featured individual stories, a panel of experts and telephone call-ins, all discussing the impacts of drug abuse and methods to combat the problem. This locally simulcast townhall was a first in our community and possibly the nation.

I congratulate and commend these stations and the community on this collaborative and innovative endeavor to combat the serious problem of drug abuse. By saturating our local airwaves for a short time, they were able to ensure this anti-drug message reached the widest possible audience. This impressive feat should be a model for the nation.

Winning the war on drugs requires an extraordinary effort from the grassroots level up. I encourage my colleagues to pursue a similar effort with television stations in their respective congressional districts. It is a unique and rewarding opportunity to work together towards the common goal of ending drug abuse in our communities.

Again, I salute the efforts of these television stations on their historic effort.

IN HONOR OF MAYOR ROBERT ROSEGARTEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Robert Rosegarten upon his retirement as mayor of the village of Great Neck, NY, on Friday, March 24th.

Mayor Rosegarten's work in Great Neck has been recognized on both the national and State level. His work to revitalize the downtown Great Neck shopping area is a model for local municipalities nationwide. Under the mayor's dynamic supervision, the village of Great Neck has not only experienced financial success, but is also highly regarded for its aesthetic beauty. Mayor Rosegarten's service to the community will undoubtedly be used as a measuring stick for future Great Neck public officials.

Prior to his distinguished service as mayor of Great Neck for the past 8 years, Mr. Rosegarten held the position of deputy mayor of Great Neck for 8 years and was also a village trustee for 2 years. Mayor Rosegarten has further distinguished himself in the Great Neck community as president of the Great Neck Village Officials Association, commissioner of the Great Neck Central Police Auxiliary and member of the executive board of Great Neck's United Community Fund.

In addition to his work in the village of Great Neck, Mayor Rosegarten has been a successful executive in the advertising industry for over a quarter of a century.

Robert Rosegarten is an avid sculptor and painter, whose art works have gained wide attention by appearing in many local galleries on Long Island. Mayor Rosegarten is a dedicated husband, a loving father of three sons and a proud grandfather to six grandchildren.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Robert Rosegarten as he completes another milestone in his career and in wishing him many more years of active service to his family and his community.

THE 44TH ANNIVERSARY OF TUNISIA'S INDEPENDENCE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. SPENCE. Mr. Speaker, I rise today to congratulate the citizens of the Republic of Tunisia on the occasion of their 44th anniversary of independence. Despite its diminutive size, Tunisia has exerted a sizeable presence in North Africa, the Middle East, Europe, and North America for many centuries.

Indeed, the United States and Tunisia have enjoyed a remarkable relationship for over 200 years. In fact, we continue to honor a 1797 treaty with the Republic of Tunisia that calls for perpetual and constant peace.

Our relationship with Tunisia has survived civil, regional, and global conflict—growing stronger with every challenge. During World War II, Tunisia supported United States and allied forces as they landed in North Africa. In the ensuing cold war, Tunisia established itself as a steadfast ally in the strategically critical Mediterranean Sea. In the post-cold war years, the Republic of Tunisia has remained our friend and taken steps to develop closer military and economic ties with European allies and NATO.

Today, the Republic of Tunisia continues to make progress toward democracy. Tunisian citizens enjoy universal suffrage, and the nation is considered by many to be a leader among Muslim nations in safeguarding the rights of women and children. Indeed, Tunisia has come so far, so fast, that it is sometimes easy to forget that Tunisia was a French protectorate as recently as 1954, and only gained full independence on March 20, 1956.

The United States was the first great power to recognize Tunisia's independence in 1956, and in keeping with this tradition I would like to be the first to congratulate the Republic of Tunisia on its 44th anniversary of independence this March 20th. I urge my colleagues to join me in honoring Tunisia on this momentous occasion.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. CUMMINGS. Mr. Speaker, I rise in strong support of the rule and the underlying bill.

Chairman SHUSTER, Ranking Member OBERSTAR and Representatives DUNCAN and LIPINSKI have worked hard to ensure that funds collected in the aviation trust fund are protected and used to support our Nation's aviation system only.

This bill sends a strong message to the American people that we care about improving their lives.

Provisions in this bill:

- authorize desperately needed funds to improve airport infrastructure, to reduce congestion, delays and improve safety;
- enforce passenger's rights;
- establish whistle blower protections for airline employees; and
- improve airline competition.

Again, this bill sends a strong message to airline passengers, airline companies, and our States and that we as a Congress are committed to ensuring safe and efficient air travel.

LIFE AND DEATH: IT'S YOUR CHOICE IN SURGERY OR "HIGH VOLUME EQUALS BETTER RESULTS"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. STARK. Mr. Speaker, the March 1 issue of the Journal of the American Medical Association contains further documentation of lifesaving importance: if you are going to have surgery, have it in a hospital that does a lot of it: your chances of survival and good health are much better.

Put another way: avoid hospitals that can't do the procedure in their sleep.

As public policy makers, we should encourage, in every way possible, our constituents and Medicare beneficiaries to seek out the high volume hospitals and avoid the low volume hospitals. The President's Medicare reform proposals move us in that direction.

It really is a matter of life and death.

The JAMA article follows:

HIGH-RISK SURGERY—FOLLOW THE CROWD

(John D. Birkmeyer, MD)

Each year a large number of patients die following elective surgery. In the Medicare population alone, 17,000 patients died in 1995 after undergoing 10 types of elective procedures, such as coronary artery by-pass surgery, carotid endarterectomy, and lung resection.[1] Quality improvement initiatives at the local and regional levels may be important for reducing mortality at individual hospitals,[2,3] but, for many procedures, choosing at which hospitals surgery is performed may be equally important for improving surgical quality.

The idea of concentrating high-risk surgical procedures in high-volume hospitals is not new. Since seminal work by Luft et al[4] 2 decades ago, large, population-based studies have consistently demonstrated better outcomes at high-volume centers for cardiovascular surgery, major cancer resections, solid organ transplantation, and other high-risk procedures.5,8 Lower surgical mortality at high-volume hospitals does not simply reflect the presence of more skillful surgeons and fewer technical errors with the procedure itself. More likely, it reflects more proficiency with all aspects of care underlying successful surgery, including patient selection, anesthesia, and postoperative care.

In this issue of the Journal, Dudley and colleagues[9] are among the first to estimate how many lives could be saved by regionalization ("selective referral") at the population level. Based on careful review of the

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References at end of article.

extensive volume-outcome literature, they used explicit criteria to identify the single highest-quality study for each surgical procedure or clinical condition that could be considered for regionalization. (The volume-outcome literature is too heterogeneous for formal meta-analysis.) Statistically significant relationships between hospital volume and mortality were identified for 10 procedures and 1 medical condition (care for patients which human immunodeficiency virus infection/acquired

Two cautions are necessary in interpreting the findings of this study. First, the authors' estimates of the benefits likely to be achieved by regionalization are no more reliable than the volume-outcome studies on which they are based. Much of this literature is outdated or skewed by results from a small number of national referral centers. Additional generalizable, population-based studies are needed. Second, analysis of California data may overestimate the decrease in mortality rates likely to be achieved by regionalization elsewhere. Because California has few restrictions on where surgical care may be delivered, more patients may be undergoing high-risk surgery in low-volume hospitals there. In 1 study, 65% of coronary artery bypass graft operations performed in California in 1989 occurred at low-volume hospitals (<200 procedures/year).[10] In New York State, which has stricter Certificate of Need regulations based in part on volume criteria, only 20% of these procedures were performed at low-volume hospitals that year.[10] More information is needed about how other high-risk procedures are being delivered in other parts of the country.

Concentrating surgery in selected referral centers would facilitate the monitoring of outcomes at individual hospitals. Many high-risk procedures are performed too infrequently to achieve statistical precision with mortality rates, particularly at low-volume hospitals. For example, what inferences could be made about outcomes at a hospital performing 3 esophagectomies a year? By concentrating selected procedures in a relatively small number of high-volume hospitals, it would be more feasible to measure outcomes aside from mortality, such as nonfatal complications, patient functional status, and costs. The ability to monitor surgical outcomes systematically would make hospitals more accountable and create ideal platforms for quality improvement initiatives.

How can the proportion of elective but high-risk procedures being performed in high-volume hospitals be increased? The least intrusive approach may be to focus on educating patients about the importance of hospital volume for specific procedures and to recommend that patients acquire this information from the hospital that they are considering for surgery. Although many hospitals do not have data on their own procedure-related morbidity and mortality rates, all hospitals

More active strategies also could be implemented. Leaders of large, integrated health plans could designate referral centers for selected procedures and enforce their appropriate use. Professional societies also could take a role in regionalization. For example, the American College of Surgeons Committee on Trauma has established regional trauma networks, encouraging referral of the most severely injured trauma patients to designated trauma centers that meet established process and volume criteria.[11] Through reimbursement mechanisms, large payers (both government and private) have substantial leverage to limit surgery to high-volume hospitals. For example, the Health Care Financing Administration is currently exploring the development of exclusive contracts with "centers of excellence" for cardiac surgery and total joint replacement for Medicare patients.[12] In addition, through the Certificate of Need process, states can reduce the proportion of surgery being performed in low-volume hospitals by limiting the proliferation of new surgical centers.[13]

Many would argue that regionalizing high-risk surgery would have adverse effects, particularly in rural areas. For patients living far from referral centers, elective surgery could create unreasonable logistical problems for patients and their families. With excessive travel burdens, some patients may even decline surgery altogether.[14] Regionalizing surgery also could interfere with continuity of care because many aspects of postoperative care, including dealing with the late complications or other sequelae of surgery, would be left to local physicians who were not involved with the surgery. Regionalization could reduce access to health care for rural patients by threatening the financial viability of local hospitals or their ability to recruit and retain surgeons. Even if regionalization had no effect on the availability of local clinicians, it could reduce their proficiency in delivering emergency care that must be handled locally. For example, the local general surgeon no longer allowed to perform elective repair of abdominal aortic aneurysms could be less prepared for emergency surgery involving a ruptured aneurysm.

However, these problems may not be as important as they were once assumed to be. Most low-volume hospitals are not located in sparsely populated rural areas; they are more commonly located in hospital-dense metropolitan areas, often in close proximity to high-volume referral centers.[10] In the analysis by Dudley et al,[9] 75% of California patients undergoing surgery at low-volume centers in 1997 would have needed to travel fewer than 25 additional miles to the nearest high-volume hospital. In fact, 25% of patients traveled farther to undergo surgery at a low-volume hospital. These data suggest that a substantial degree of regionalization could occur without separating patients and surgeons or surgical centers by prohibitive distances.

With any regulatory attempt to regionalize high-risk surgery, policy makers need to be ready for a political firestorm. Many low-volume hospitals, already under

Although some physicians and some institutions would resist regionalization, the potential benefits for patients are too large to ignore. Given the current ad hoc approach to delivering high-risk surgery, it seems that almost any effort aimed at concentrating these procedures in high-volume hospitals would be an improvement.

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IN HONOR OF MY FRIEND, THE LATE DICK SELBY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. FARR of California. Mr. Speaker, today I honor a man who dedicated his life to democratic causes and was an avid participant in local Democratic Party politics. Richard Selby passed away unexpectedly on January 6, 2000 at the age of 73.

A native of Oakland, Dick was involved in national as well as international affairs. He was a former representative of the International Monetary Fund and also served as a U.S. Foreign Service Officer. On the national front, Dick was a retired lieutenant colonel in the Air Force Reserve and was active in both the National Association of Retired Federal Employees (NARFE) and the Retired Officers Association. In his capacity as legislative liaison for the local NARFE Chapter, Dick kept the membership well-informed about current federal legislative issues. Locally, Dick was the chairman of the Santa Cruz Veterans Memorial Building's board of directors.

Dick was a tireless volunteer in community affairs and Democratic campaigns. He was an avid letter writer and was known for his candor and wit.

Richard Selby will be greatly missed by those who knew him personally and professionally. Dick is survived by his wife Mary Selby of Aptos; five daughters, Leigh and Anne Selby, both of Aptos; Lynn Selby of San Francisco; Cindy Shaner of Wooster, Ohio; Robyn Barker of Sugarland, Texas and his brother Alan Selby of Santa Rosa.

FEC REFORM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. HOYER. Mr. Speaker, today, with my fellow House Administration Committee Democrats, CHAKA FATTAH, and JIM DAVIS, I am introducing a new bill to accomplish FEC reform.

Let me be clear—this bill is not and does not pretend to be campaign finance reform. Instead it is about making the Federal Election Commission more efficient, effective and responsive, and providing the agency with full funding so it can properly carry out its congressional mandate. It is about FEC reform.

The bill consists of provisions sought by the bipartisan FEC Commissioners, including six legislative changes the Republican and Democratic Commissioners agreed were of the highest priority in a letter they sent to the President and the Congress earlier this month. This is a consensus measure that also incorporates many of the excellent ideas put forth by House Administration Committee Chairman BILL THOMAS in his bill that was unanimously voted out of the House Administration Committee last summer.

In a letter I sent to the Speaker last September, I urged him to take up and pass the similarly bipartisan measure then before the Congress. I urge him again to quickly take up this matter. This bill is an opportunity for us to work together to achieve a type of reform we all agree is both necessary and important, by providing the FEC with the tools and funding to do its job.

* * *

TRIBUTE TO DYANNE LADINE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American and proud Californian, Dyanne Ladine, on the occasion of her induction into the San Mateo County Women's Hall of Fame.

For more than three decades, Dyanne Ladine has focused her energy and expertise on helping those in our community who have the fewest resources and face the greatest challenges. Her degrees in law, business and religion have made her an effective and resourceful individual. She practiced law for ten years and today is an Assistant Professor of Business at the College of Notre Dame and serves as a part-time staff member for Supervisor Rose Jacobs Gibson.

In 1986, Dyanne Ladine secured a State grant and created "Project Success", which focused on the economic and educational needs of the African-American, Latino and Pacific Islander communities. In 1988, when all but five of the participants had found employment, Dyanne Ladine sold her home in Palo Alto and invested the profit in her principles. She moved to East Palo Alto where she created "Lettuce Work", a culturally diverse community cooperative which has employed fifteen women over a six-year period. In 1990, Dyanne Ladine co-convened "EPA CAN DO", which continues today as a viable and important community organization. She recently organized a two-day event for 100 East Palo Alto Junior High School girls to tour the College of Notre Dame and participate with the student body in sports and discussion.

Dyanne Ladine has frequently been recognized for her extraordinary work. She is proudest about being chosen "Teacher of the Year—1998" by her students and peers. She continues to work on numerous projects aimed at improving the lives of those around her and she is always a voice of wisdom and reason as well as an untiring, passionate crusader for justice.

Dyanne Ladine's life of leadership and community involvement is instructive to us all. Her dedication to the ideals of democracy and public service stands tall and it is fitting that she has been chosen to be inducted into the San Mateo County Women's Hall of Fame. I ask my colleagues, Mr. Speaker, to join me in honoring this great and good woman whom I'm privileged to know and call friend. We are indeed a better county, a better country and a better people because of her.

* * *

A SPECIAL TRIBUTE TO DEFIANCE COLLEGE ON THE OCCASION OF ITS ONE-HUNDRED FIFTIETH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding institution of higher education located in Ohio's Fifth Congressional District. Today, we mark the One Hundred Fiftieth Anniversary of the founding of Defiance College in Defiance, Ohio.

Defiance College is an independent, coeducational institution dedicated to educating today's young people and providing them with a clear understanding of leadership, service, and knowledge. With personal attention and an environment designed to bring out the best in education, Defiance College instills the values of integrity, diversity, and professionalism in its students.

Chartered in 1850, Defiance College continues today as a four-year liberal arts college affiliated with the United Church of Christ. Its forty undergraduate majors and graduate degrees offer students in Northwest Ohio the opportunity to achieve superbly in the classroom while also preparing them to face the challenges of the workplace.

More than one thousand students attend Defiance College with the goals and dreams of learning and understanding more about the world that surrounds them. The faculty and staff at Defiance College work tirelessly to provide a rich academic atmosphere to develop the minds and the character of the student body. Clearly, Defiance College has developed a strong reputation for success in these areas.

Mr. Speaker, education is the foundation upon which the United States rests. Through education, we provide our young people with the tools they need to face the challenges of the future. Defiance College, for one hundred fifty years, has prepared its students to be the leaders of tomorrow. For that, we owe Defiance College our gratitude and congratulations. I would urge my colleagues in the 106th Congress to stand and join me in paying special tribute to Defiance College. May its next one hundred fifty years of service be as successful as its first.

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THE SURFACE TRANSPORTATION BOARD

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mrs. FOWLER. Mr. Speaker, the Surface Transportation Board (STB) announced Friday, March 17, 2000, a rulemaking to determine how future rail mergers will be judged. While a longer period of time might have been beneficial, I applaud the Board for taking this appropriate and thoughtful step in response to the concerns voiced by customers, rail employees, Wall Street and communities during its four day hearing on rail industry consolidation.

The Board, recognizing the need for updated merger standards, has moved expeditiously to provide for a much-needed pause in the industry's restructuring to permit these new standards to be developed and applied to all future mergers. The railroads are an important engine in our nation's economy—especially in the 4th District of Florida, which is a center for rail employment and activity. The STB is to be commended for their action to ensure the industry's continued ability to fulfill that role.

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LEGISLATION BENEFITS NEBRASKA AIRPORTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends the following March 17, 2000, Omaha World-Herald editorial to his colleagues regarding the recently approved, important aviation improvement conference report, also known as AIR21, the Aviation Investment and Reform Act for the 21st century. The editorial acknowledges that it is time for the Aviation Trust Fund to be used solely for airport improvements and maintenance, rather than being considered part of the general budget. This important change will greatly benefit Nebraska airports.

[From the Omaha World-Herald, March 17, 2000]

AIR JUSTICE

The U.S. House of Representatives' overwhelming passage of a bill to spend $40 billion over three years for air-travel improvement is good for airports in general and good for airports in Nebraska and Iowa in particular. It also addresses a point of fundamental fairness.

For years Congress has bottled up money from the Aviation Trust Fund, which takes in about $10 billion a year in user fees. The central purpose of the fund has been to finance airport improvements and maintenance, and in theory it was earmarked for that. But the money was left unspent as a piece of fiscal sleight-of-hand meant to make federal deficits appear smaller.

For Rep. Bud Shuster, R-Pa., chairman of the House Transportation Committee, it became almost a moral crusade to get the fund separated from the general budget, with its revenues to be used solely for airport projects. After years of impasse, the Senate agreed that, without actually separating the funds, spending on airports each year will equal or exceed the fund's revenues and interest.

That looks like a distinction without a difference, but so be it. That's politics. The cork is out of the bottle. At bottom, this was made possible by two factors: (1) The federal government, at least by some accounting methods, is now running surpluses, not deficits. (2) It's an election year—the House passed the measure by better than 3-to-1.

The legislation also raised the cap on airport-imposed passenger fees, from $3 to $4.50. This is mostly to the good, since local airports commonly use them for improvements to benefit those same passengers. For the record, that $1.50 increase is going to look like $6 on a lot of airline tickets.

That's because on a round-trip ticket, the fee gets you literally coming and going, and it can be imposed for a maximum of two segments on each flight. Thus, a passenger flying, say from Omaha to Orlando with a stop in St. Louis and returning could rack up four of those $1.50 increases. (That's up to the individual airports, but it's hard to imagine many of them forgoing the revenue.)

A dozen airports in Nebraska and Iowa, with Omaha's Eppley Airfield leading the way, will get their federal entitlements doubled over each of the next three years. For Eppley, this means more than $7 million for construction that wasn't there before—just what is needed by an airport whose passenger boardings are expected to double in the next 11 years.

Some other aspects of the bill are equally welcome.

Of prime concern, modernizing the nation's decrepit air traffic control system will get a substantial boost, nearly $1 billion per year. In addition, there are provisions to help airlines buy so-called "regional" jets, provided they use them to serve small airports. There are funds to help improve the training of airport security checkpoint personnel, as well as money to put emergency locator devices on smaller jets.

The measure also mandates collision-avoidance systems for cargo planes, adds protections for whistleblowers on safety-related issues, and increases penalties against unruly passengers.

Some critics say that by allowing more flights into some major airports, the bill will increase congestion and compromise safety, but the improved air-traffic handling system should largely address such concerns. And, realistically, it is hard to know how Congress could have put this off much longer in good conscience. By one FAA projection, during the next 11 years the number of large passenger jets needing access to the skies and gate space at airports is expected to grow by half.

It took too long, but justice has been done. In a practical sense, the money in the Aviation Trust Fund has belonged to air passengers all along. At last, they'll see it coming back.

INTRODUCTION OF THE FUEL ENERGY AFFORDABILITY AND CONSERVATION ACT

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to introduce the Fuel Energy Affordability Act. I am pleased to have nearly two dozen of my colleagues joining me as original co-sponsors of this important legislation. The bill takes a two-pronged approach to address issues that have arisen as our constituents cope with dramatically increasing costs of diesel fuel, heating oil and gasoline.

In recent testimony before the House Subcommittee on Energy and Power, the Director of the Petroleum Division at the Energy Information Administration indicated that U.S. crude oil and gasoline inventories are at alarmingly low levels not seen in decades. In addition, we have seen the prices of these products rise over the last year from about $12 per barrel to nearly $34 per barrel in early March.

While there has been some slight moderation in this area, the combination of very high prices and very low inventories has had a severe impact on consumers in the State of Maine and across the nation. You may recall the sharp surge in home heating oil and diesel prices the Northeast experienced in January. Today, gasoline prices still hover near the $2.00 per gallon mark in many areas.

When you live in a state where temperatures in January frequently dip below zero, dramatic increases in heating oil prices are a very serious matter. For people on fixed incomes, it presented a life-threatening choice between paying for delivery of heating oil or buying medicine, between heating the house and buying groceries.

Maine's potato farmers have also seen their livelihoods threatened because trucks could not afford to make the trip to northern Maine to get the crop to market. This high price of diesel caused many truckers to stay off the roads, dramatically affecting delivery of goods throughout the country.

Finally, the high cost of gasoline presents a threat to Maine's tourism industry. Maine's natural beauty and scenic attractions bring in more than $3 Billion of revenues to my state each year. As gas prices creep higher some families are being forced to postpone vacations or stay closer to home. This could have a devastating impact on Maine's economy, and on the more than 12,000 jobs that depend on tourism.

Since the beginning of the year, there have been a number of different options under discussion for dealing with increased fuel prices and low inventories. The Fuel Energy Affordability and Conservation Act which I am offering today seeks to get at the problem from two different angles.

First, my bill will address the problem of major spikes in fuel prices by giving the Secretary of Energy the clear authority to draw down the Strategic Petroleum Reserve when oil and gas prices rise sharply due to anti-competitive activity. This action provide the means by which the Administration can act to lower and stabilize prices, particularly during times of acute need.

Second, my bill will address the issue of consumption by encouraging conservation. It will provide a non-refundable income tax credit of 20% for expenses of up to $10,000 incurred by the taxpayer for qualified energy efficient improvements to a principal place of residence.

This credit will also apply to small businesses with average gross receipts of up to $10 million for the term of the credit. The credit would be available for expenditures made between January 1, 2000 and December 31, 2004.

The covered improvements either alone or in combination must improve annual energy performance by at least 30 percent and would include energy efficient building envelope components such as windows, walls, and roofs, and any energy efficient heating, cooling or water heating appliance. Certification of improved energy efficiency could be made by the contractor who made or installed the improvements, a local building regulatory authority, or a qualified energy consultant.

With continued price volatility expected through the summer, and possibly into the fall, we must take steps now to mitigate the impact this could have on the economy, commerce, tourism, and the states we represent. While this legislation does not have all the answers, I believe that it takes a good step forward. I urge my colleagues to join me in supporting this legislation.

44TH ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to inform my colleagues of the 44th anniversary of Tunisia's independence which occurred on Monday, March 20, 2000. I invite my colleagues to join in extending our congratulations to the leaders and people of this important ally. The Republic of Tunisia has been and continues to be a model of economic growth, while keeping Islamic fundamentalism at bay. Moreover, Tunisia has been at the forefront of normalization with Israel as the Middle East peace process progresses.

Tunisia has taken advantage of foreign aid better than any other nation in the world. The World Bank considers Tunisia to be one of its premier "success stories." With a per capita income of over $2,000 (very high for a developing country without significant mineral resources), Tunisia boasts that over 60 percent of its population can be designated as "middle class". The latest bilateral cooperative effort is the U.S.-Magreb Economic Partnership, which is designed to strengthen our bilateral economic ties. And ever conscious of security concerns, our U.S.-Tunisia military relationship has strengthened as well.

Mr. Speaker, the Republic of Tunisia has made very significant strides over the years. As Tunisians celebrate this 44th anniversary of their nation's independence, we join in celebrating with them and honoring Tunisia's many achievements.

A TRIBUTE TO GERRY AND DORIS POPE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. LEWIS of California. Mr. Speaker, I rise today in tribute to Gerry Pope, retiring Executive Director of the California Marine Affairs and Navigation Conference (C–MANC) and his wife Doris.

To all of us in the California Congressional Delegation, the 38 federally sponsored ports and harbors in California are emblematic of why the State is today the seventh largest economy in the world.

For almost a decade now, Gerry and Doris have worked as a team as the full time administrators of this statewide association. They have aptly managed C–MANC's affairs so that today, California's maritime and marine infrastructure is a symbol of how to enable both domestic economic expansion and international trade development through strong ports and harbors.

Mr. Speaker, I am sure all of the members of our State's delegation join me in paying tribute to the work Gerry and Doris Pope have done to ensure that California maintains its prominent position in the Pacific Rim. All of our congressional districts on the coast and inland throughout the State benefit from California's ports. We thank the dedication of these two people over the years to make it all happen.

I ask my colleagues to join me in thanking Gerry and Doris for their lengthy service and send them best wishes on the occasion of their retirement from service to their State and country.

ALICE ZABOROWSKI IN RECOGNITION OF HER WORK AS DISTRICT ONE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GILLMOR. Mr. Speaker, today I pay a very special tribute to an outstanding individual from the state of Ohio. On Saturday, March 25, 2000, the Liberty Center Veterans of Foreign Wars Post 6596 and the Ladies Auxiliary Post 2898 will honor Alice Zaborowski for her work as District One President of the VFW Ladies Auxiliary.

Alice Zaborowski is a member of the VFW Auxiliary Post 2898 in Toledo, OH, and has served as 1999–2000 District One President. As District One President, Mrs. Zaborowski has jurisdiction and responsibility for managing 28 Ladies Auxiliaries in eight counties in Northwest Ohio.

Alice Zaborowski has served in various positions during her time with the Ladies Auxiliary. She has served as President of the George Rill VFW Auxiliary No. 606 three times. During that time, she gave unselfishly of her time to work for veterans in our area. She then transferred her membership to the Lucas County Auxiliary No. 2898 in Toledo where she is a Life Member and currently holds the office of Secretary.

Alice's commitment to our nation's veterans runs very deeply as her husband, Edward Zaborowski, is a World War II veteran. She has been very active in various VFW Auxiliary groups and gives freely of her time to many volunteer organizations. Clearly, Alice Zaborowski lives each day by the theme she employed during her Presidency—"Protect the rights of those who fought for our freedom."

Mr. Speaker, our nation's veterans have paid the ultimate sacrifice in protecting the very freedom and liberty that we enjoy today. Alice Zaborowski has spent much of her life serving and working on behalf of our veterans. Her efforts are a true testament to her patriotism and her affection for those who served our country. I would urge the members of the 106th Congress to stand and join me in paying special tribute to District One President of the VFW Ladies Auxiliary, Alice Zaborowski. We thank her for all of her work and we wish her the very best in the future.

TRIBUTE TO ROSALIE GANN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American and proud Californian, Rosalie Gann, on the occasion of her induction into the San Mateo County Women's Hall of Fame.

Rosalie Gann began her volunteer service at the young age of thirteen as a Recreation Leader. As a Camp Fire Girl she was honored for her leadership in both service and citizenship oriented activities. While attending Mills College she established the Mills Community Outreach Corps, an organization which encourages Mills students to become involved in community action. She has also volunteered at Oakland Children's Hospital where she worked with chronically and terminally ill children.

Rosalie Gann has focused her professional life as an employee of Oracle Corporation on social welfare, championing community service through founding Oracle's Corporate Giving and Volunteer Programs. Because of Ms. Gann's leadership, Oracle's Corporate Giving Program has donated millions of dollars to causes that improve the quality of life of those whose communities are beset by problems and challenges. Oracle's Volunteer Program enables employees to donate service hours in the Bay Area and has recently expanded to other Oracle field offices.

In 1992, Rosalie Gann was honored as a San Mateo County Outstanding Volunteer for her work with the Center for Domestic Violence. Her vision for social change, her personal volunteer experiences and her professional achievements in corporate community relations serve as a role model for all women and our entire community.

Rosalie Gann's life of leadership and community involvement is instructive to us all. Her dedication to the ideals of democracy and community commitment stands tall. It is fitting that she has been chosen to be inducted into the San Mateo County Women's Hall of Fame and I ask my colleagues, Mr. Speaker, to join me in honoring a great and good woman. We are indeed a better county, a better country and a better people because of her.

HONORING GENERAL WILLIAM F. MOORE ON HIS RETIREMENT FROM THE U.S. AIR FORCE

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. PICKERING. Mr. Speaker, I rise today to recognize and say farewell to a distinguished Air Force officer, Major General William F. Moore, upon his retirement from the Air Force after more than thirty years of commissioned service. Major General Moore has served with distinction, and it is my privilege to recognize this Meridian, Mississippi native for his many accomplishments, and to commend him for the superb service he provided to the Air Force and the Nation.

Major General Moore entered the United States Air Force Academy from Meridian, Mississippi in 1965. He received his commission as a Second Lieutenant in 1969 from the U.S. Air Force Academy. Since then, Major General Moore's assignments have made untold contributions to national security. Upon his graduation, General Moore served with the Drone and Remotely Piloted Vehicles System Program Office, Aeronautical Systems Division, at Wright Patterson Air Force Base, Ohio. He subsequently served in the Office of the Deputy Chief of Staff for Development Plans, Andrews Air Force Base, Maryland. In 1976, General Moore received a Master's Degree in Business Administration from the Wharton School of Finance and Commerce, University of Pennsylvania, in Philadelphia.

General Moore's career is reflective of his commitment to our country. He served as Executive Officer with the Peacekeeper ICBM Engineering Directorate in California, and as Director of Program Control for the Advanced Medium Range Air to Air Missile, at Eglin Air Force Base, Florida. From there General Moore made many more contributions to our national security, serving as small ICBM Deputy Program Director, Norton Air Force Base, California, and deputy director of Strategic, Special Operations Forces and Airlift Programs, at the Pentagon, Washington, D.C. General Moore then served as the vice commander at San Antonio Air Logistics Center, Kelly Air Force Base, Texas. General Moore finished his illustrious career with another stay in Washington serving as the director of special programs in the Office of the Undersecretary of Defense for Acquisition and Technology and as the deputy director of Defense Threat Reduction Agency both at the Pentagon.

General Moore is a fully certified acquisition professional whose awards include two Defense Distinguished Service Medals, the Legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal with service star, the Armed Forces Expeditionary Medal, and the Vietnam Service Medal.

During his long and distinguished career, General Moore served the nation with excellence and distinction. He is a visionary leader, and a true warrior who profoundly impacted the United States Air Force, and made significant contributions to the strategic defense of the United States and its allies.

General Moore will retire from the Air Force on May 1, 2000, after more than thirty years of exceptionally distinguished service. On behalf of my colleagues on both sides of the aisle, I would like to recognize this Meridian, Mississippi native for his accomplishments and his service. Congratulations on the completion of a long and distinguished career.

PRESIDENT'S VISIT TO SOUTH ASIA

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. ROEMER. Mr. Speaker, I rise to congratulate the Administration for its decision to travel to South Asia. I strongly share its position that closer ties with the countries of the region, particularly India, will greatly benefit the United States. The President will be visiting the home to one-fifth of the world population and home to the world's largest democracy—India. The Subcontinent is a strategic part of the world for the United States. I have encouraged the Administration to use this opportunity to send a clear and strong signal to underscore India's great potential to be a leader in the international community. The trip will pave the way for a stronger and enduring relationship that highlights our common democratic traditions and values.

For the past three decades, India and Pakistan have been engaged in a nuclear rivalry that reflects a long history of conflict including three wars and a long-standing territorial dispute over Kashmir. U.S. nonproliferation policy faces a major challenge as an all-out nuclear arms race threatens to break out in South Asia. For these reasons, I submit the following policy brief entitled, "Preventing a Nuclear Arms Race in South Asia: U.S. Policy Options." This concise and insightful paper was written by David Cortright, guest lecturer in the Kroc Institute for International Peace Studies of the University of Notre Dame, which is located in my district, and Samina Ahmed, fellow at Harvard's Kennedy School of Government.

Among its recommendations are that the United States demand that India and Pakistan both join the Non-Proliferation Treaty; that punitive sanctions, including curbs on the sale of military hardware and other technology, be deployed against those Indian and Pakistani entities responsible for the expansion of nuclear weapons programs; that such incentives as debt forgiveness and increased financial assistance for development programs in both countries be offered in exchange for concrete steps toward military and nuclear restraint; and that the U.S. fulfill the still unmet obligations to which it is committed by the NPT. I request that the enclosed copy be included in the CONGRESSIONAL RECORD.

Mr. Speaker, I strongly encourage my colleagues to review these policy recommendations as the President prepares to visit South Asia in the coming weeks.

PREVENTING A NUCLEAR ARMS RACE IN SOUTH ASIA: U.S. POLICY OPTIONS

By Samina Ahmed and David Cortright

RECOMMENDATIONS

The United States must unequivocally demand that India and Pakistan join the Non-Proliferation Treaty (NPT) as non-nuclear weapon states.

The United States should retain punitive sanctions which target Indian and Pakistani institutions and policymakers responsible for their nuclear weapons programs.

Targeted incentives should be provided that seek to diminish internal support for nuclear weapons in India and Pakistan.

The United States should fulfill its obligation under Article VI of the NPT to achieve global nuclear disarmament.

U.S. nonproliferation policy faces a major challenge as an all-out nuclear arms race threatens to break out in South Asia. An Indian draft nuclear doctrine released by an officially constituted advisory panel to the Indian National Security Council on August 17, 1999 envisages a nuclear triad in which nuclear weapons would be delivered by aircraft, submarines and mobile land-based ballistic missiles. While it is not certain that New Delhi will opt for such broad capabilities, the current direction of policy is clearly toward nuclear weapons deployment. Since Pakistan's nuclear policy is India-centric and reactive in nature, the introduction of nuclear weapons and their delivery systems within the Indian armed forces would greatly increase the likelihood of a retaliatory Pakistani deployment. Operational nuclear weapons and delivery systems will result in a South Asian nuclear arms race that could have serious consequences for regional stability, the stability of the Middle East, and global peace.

For the past three decades, India and Pakistan have been engaged in a nuclear rivalry that is both a symptom and a cause of their bilateral discord. India and Pakistan have a long history of conflict including three wars and a long-standing territorial dispute over Kashmir. Each Indian

Since a nuclear arms race between India and Pakistan will further destabilize a violent and conflict-prone region, there is a pressing need for the U.S. to dissuade India and Pakistan from deploying nuclear weapons and to reverse their nuclear course. Beyond the immediate threats posed by such an arms race to the one-fifth of humanity which resides within South Asia, nuclear weapons deployment in India and Pakistan would also have a far-reaching impact on the nuclear dynamics in the region and beyond, threatening vital U.S. national security interests. The deployment of nuclear weapons and their delivery systems in Pakistan, for instance, would strengthen the position of nuclear advocates in neighboring Iran. The deployment of nuclear weapons and nuclear-capable ballistic missiles by India would influence China's nuclear doctrine. An India-Pakistan nuclear arms race could therefore result in a parallel Pakistan-Iran and Sino-Indian nuclear arms race. A South Asian nuclear arms race would also erode the global non-proliferation regime, embodied in the Non-Proliferation Treaty (NPT), undermining the confidence of signatory states in the treaty's ability to buttress their security. For all these reasons, the U.S. must prevent the incipient nuclear arms competition in South Asia from becoming an all-out arms race.

U.S. POLICY AND NUCLEAR SOUTH ASIA

Some analysts and policymakers argue that the United States has failed to prevent nuclear proliferation in South Asia because of flawed policy directions and an over-reliance on sanctions as an instrument of U.S. influence. Since the initial U.S. emphasis on the rollback and elimination of Indian and Pakistani nuclear weapons capabilities failed to contain South Asian nuclear proliferation, these analysts contend, the U.S. should accept nuclear weapons in South Asia and adopt the more realistic goal of "arms control," which merely seeks to limit their number and sophistication. According to this view, Washington should concentrate on encouraging India and Pakistan to refrain from a nuclear arms race and seeking ways to reduce the risk of nuclear war. At the same time, incentives should replace sanctions as the primary means of influence. U.S. interests would be best served, according to this view, by a policy of engagement with India and Pakistan that goes beyond the one-point agenda of nuclear non-proliferation.

To prevent India and Pakistan from embarking on a nuclear arms race, it is indeed important to examine the previous shortcomings of U.S. nonproliferation policy in South Asia and to identify alternative policy

Proliferation may have occurred already in South Asia, but India and Pakistan can be convinced to cap, rollback and even abandon their nuclear weapons programs if the reasons that prompted them to acquire nuclear weapons are addressed. Indian and Pakistani decisions to acquire nuclear weapons were the outcome of cost-benefit analyses of the presumed benefits of nuclearization. The United States can play a major role in influencing the present and future directions of nuclear proliferation in South Asia by convincing Indian and Pakistani decision makers that the costs of nuclearization far exceed its benefits. This will require clearly defined non-proliferation goals and the use of the most appropriate instruments to reverse the nuclear directions of India and Pakistan.

In the past, U.S. policy goals and objectives were contradictory. As a result, the tools of U.S. policy, sanctions or incentives, failed to dissuade Indian and Pakistani decision makers from pursuing their nuclear ambitions. Cold War strategic considerations often took precedence over non-proliferation objectives. U.S. policy shifted from elimination to rollback and then to the current emphasis on a cap on Indian and Pakistani nuclear weapons capabilities. Each shift in U.S. policy emboldened India and Pakistan's nuclear advocates.

Washington's use of policy instruments was also ineffective. Sanctions and incentives only succeed if they are properly targeted and consistently applied. These preconditions were not present in South Asia.

Washington's reluctance to sanction India after its nuclear test in 1974 motivated Pakistan to follow the Indian nuclear example. In the 1980s Washington again sent the wrong signal to Indian and Pakistani decision makers. The United States not only failed to sanction Pakistan for its nuclear development but showered billions of dollars of military aid on the Zia ul Haq dictatorship as part of the struggle against Soviet involvement in Afghanistan. In the 1990s Washington offered incentives to India and Pakistan to encourage nuclear restraint, despite accumulating evidence of each country's continuing nuclear weapons development.

Following the May 1998 nuclear tests in South Asia, Washington imposed mandatory sanctions on India and Pakistan and identified five benchmarks for their removal: curbs on the further development or deployment of nuclear-capable missiles and aircraft, Indian and Pakistani accession to the Comprehensive Test Ban Treaty (CTBT), participation in Fissile Material Cutoff Treaty (FMCT) negotiations, curbs on the transfer of nuclear technology and hardware, and an India-Pakistan dialogue on normalization of relations. The imposition of sanctions initially led to Indian and Pakistani concessions, including their declared willingness to

With tensions in South Asia remaining high, the United States must clearly state its opposition to the presence of nuclear weapons in South Asia. Washington must demonstrate its resolve through targeted, consistently applied sanctions and incentives designed to influence the cost-benefit analysis of Indian and Pakistani nuclear decision makers. A failure to do so will result in the deployment of nuclear weapons and their delivery systems in India and Pakistan and the likelihood of the first use of nuclear weapons since 1945.

POLICY RECOMMENDATIONS

1. In its policy toward India and Pakistan, the United States must unequivocally demand that India and Pakistan join the NPT as non-nuclear-weapon states. The current U.S. emphasis on South Asian nuclear restraint is being misconstrued or deliberately misrepresented by the Indian and Pakistani governments as a tacit acceptance of their nuclear weapons status.

2. In an amendment contained in the U.S. Defense Appropriations Bill, Congress has given the President indefinite waiver authority to lift military and economic sanctions, including those imposed automatically under earlier legislation on Pakistan and India. This waiver authority must be used judiciously. Broad and sweeping economic sanctions that adversely affect the weaker segments of Indian and Pakistani society should be removed. But Washington should retain those punitive measures that target Indian and Pakistani institutions and policymakers responsible for their nuclear weapons programs. These include curbs on the sale and supply of military hardware to Pakistan, the transfer of dual-use technology to India, and military and scientific exchanges with nuclear entities and actors in both states.

3. Targeted incentives should be provided, conditional on progress towards non-proliferation, that would seek to diminish internal support for nuclear weapons in India and Pakistan. These could include the partial forgiveness of India and Pakistan's external debt, increased U.S. assistance for social sector development, and enhanced U.S. support for developmental loans and credits from international financial institutions to India and Pakistan. Such assistance should be linked to concrete steps toward military and nuclear restraint.

4. In re-committing itself to the goals of non-proliferation, the United States should fulfill its own obligation, under Article VI of the NPT, to achieve global nuclear disarmament. This will encourage the advocates of denuclearization in both India and Pakistan and strengthen the norm against the development and use of nuclear weapons not only in South Asia but throughout the world.

CHILDREN'S HOME SOCIETY OF VIRGINIA CELEBRATING 100TH ANNIVERSARY

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. BLILEY. Mr. Speaker, the Children's Home Society of Virginia was chartered in 1900 by an act of the Virginia General Assembly and is celebrating its 100th anniversary this year. When Children's Home Society of Virginia began its work, orphaned children were numerous. The society's founders believed that the dependent and neglected children of the Commonwealth would be better off in a family situation than in alms houses or orphanages. The stated purpose was for "finding homes for homeless, indigent, or dependent poor children in the State of Virginia, and other purposes incident thereto." This belief continues to inspire the work of Children's Home Society of Virginia today.

In the society's early days, children came to us through court commitment or direct parental release. The first head of the society, the Reverend William J. Maybee, described its work as being "on behalf of the most dependent, the most unfortunate, and the most deserving children; including orphans, half orphans, abandoned and grossly abused." And he stated furthermore that, "civilization may be quite correctly measured by their treatment of childhood."

By the 1940's the programs had changed from primarily boarding care for dependent and neglected children to a specialized adoption program for children under 2 years of age. The staff, initially comprised of untrained "family visitors" had become a staff of trained social workers.

During the 1970's the society began to see its major initiatives as adoption services, pregnancy counseling, and foster care. There was also a movement to a new policy of accepting infants over the age of 6 months as well as the placing of children of minority or mixed racial background into adoptive homes. In the 1980's and 1990's Children Home Society began to work on behalf of many special medical-needs children, and was successful in placing them into new homes.

Children's Home Society of Virginia will celebrate 100 years of service to the children of Virginia this year. As the needs of children have changed since 1900, the services of Children's Home Society have changed to meet those needs. The agency is devoting more and more of its resources to the care and adoptive placement of children with special needs—babies with medical problems, older children, sibling groups, and infants and youngsters of mixed race. I am pleased to report the Children's Home Society is working in a collaborative effort with Chesterfield County Department of Social Services to place older children and teenagers into loving homes.

One of the most successful stories Children's Home Society of Virginia can share is a 100 percent success rate—every child that has come into their care has been placed into a permanent home. If a child needed to be placed in foster care, the average duration has been 85 days—far below the national average. Children's Home Society of Virginia looks forward to meeting the special needs of children in the 21st century and I commend them for their 100 years of hard work.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, on March 16, 2000, I missed three rollcall votes at the end of the day because of unavoidable obligations in Idaho. Had I been present, I have voted "nay" on rollcall vote 53 (Mr. BOEHLERT's substitute amendment to H.R. 2372), "nay" on rollcall vote 54 (on motion to recommit with instructions), and "yea" on rollcall vote 55 (on passage of H.R. 2372).

A SPECIAL TRIBUTE TO ROBERT E. FULLER IN RECOGNITION OF HIS WORK AS DISTRICT ONE COMMANDER OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. GILLMOR. Mr. Speaker, I rise with great pleasure today to pay special tribute to an outstanding individual from Ohio's Fifth Congressional District. On Saturday, March 25, 2000, Robert E. Fuller will be honored for his work as District One Commander of the Veterans of Foreign Wars of the United States of America.

Robert Fuller was elected as District One VFW Commander for 1999–2000. During his tenure as District One Commander, he has unselfishly given of his time to benefit our nation's veterans. Commander Fuller holds responsibility for directing forty-two VFW Posts in Northwest Ohio. A lifelong resident of Henry County, he has spent much of his life working for the benefit of his friends, neighbors, and fellow veterans.

Robert Fuller served in the United States Army from 1951–1954. His service took him to Korea, where he served with the 23rd Regiment of the 2nd Indian Head Division from 1952–1953. For his honorable military service, Commander Fuller earned the Combat Infantry Badge, the National Defense Medal, the U.N. Service Medal, and the Korean Service Medal with three Bronze Stars, the Good Conduct Medal, and the Korean Presidential Unit Citation with two overseas bars. After returning from Korea, Mr. Fuller joined VFW Post 6596 in Liberty Center, Ohio, and became a Life Member in 1986.

Mr. Speaker, Robert Fuller has served in many positions within the VFW ranks including Post Commander, Hospital Chairman, and District Chaplain. Mr. Fuller is also a Life Member of the American Legion, AMVETS Post 1313, and the VFW National Home for the children of deceased or disabled Veterans. Commander Fuller chose "Second to None" as his theme for 1999–2000. His efforts and work on behalf of veterans indicate that he carries those words with him every day.

Mr. Speaker, our veterans put their lives on the line and are called upon to make the supreme sacrifice in the preservation of freedom. Robert Fuller served his country with distinction and has worked tirelessly on behalf of our veterans. I would urge my colleagues of the 106th Congress to stand and join me in paying special tribute to District One VFW Commander Robert Fuller. He is a true American patriot. We wish him the very best in the future.

TRIBUTE TO EDYTHE MILLER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American and proud Californian, Edythe Miller, on the occasion of her induction into the San Mateo County Women's Hall of Fame.

Edythe Miller has held numerous offices in the Redwood City Women's Club, the Golden Gate District of Women's Clubs, and the California Federation of Women's Clubs. She has participated in fund raising activities for the organizations and she has also provided food, clothing, and shelter for the Battered Women's Organization. Edythe Miller has served as President of San Mateo County's American/Italian and Historical Associations and as the past President of the Association of Republican Women.

Since she survived ostomy surgery more than 34 years ago, Edythe Miller has given tirelessly of herself to the San Mateo Ostomy Association and has led the organization as President. She has taught ostomy care, speaking in retirement homes and hospitals, training nurses, raising money, appearing on TV and working with the media to educate the public about this disease.

Edythe Miller is the loving wife of the now retired Superior Court Judge Robert Miller, and they are the proud parents of four, and grandparents of fourteen. The Miller family was given the "Family of the Year" award from San Mateo County. In addition, Edythe Miller has received an award recognizing 50 years of extraordinary service to the General Federation of Women's Clubs. She has been honored many times by the Cancer Society, Stanford Hospital and U.C. San Francisco for her volunteer work with the Ostomy Association. Edythe Miller is widely admired for her endless energy and effective work and serves as a model for both young and old, healthy or ill.

Edythe Miller's life of leadership is instructive to us all. Her dedication to the ideals of democracy and community service stands tall. It is fitting that she has been chosen to be inducted into the San Mateo County Women's Hall of Fame, and I ask my colleagues, Mr. Speaker, to join me in honoring this great and good woman whom I am proud to call my friend. We are indeed a better county, a better country and a better people because of her.

INDIAN GOVERNMENT MURDERS 35 SIKHS: U.S. MUST TAKE ACTION AGAINST THIS ATROCITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. TOWNS. Mr. Speaker, like everyone in this House, I was shocked and saddened to hear of the brutal murders of 35 Sikhs in Kashmir. The loss of life is a tragedy. I am sure that my colleagues will join me in expressing our sympathies to the victims' families.

Although the news media reported that "Kashmiri militants" were responsible for this incident, the latest information shows that India's Research and Analysis Wing carried out this brutal and cowardly atrocity.

There are over 700,000 Indian troops in Kashmir. How could the persons responsible for these crimes simply disappear without being detected? What motive would the Kashmiris have to kill Sikhs, who are their allies in the struggle for freedom? When these incidents occur, Mr. Speaker, one must ask who benefits from them. The only beneficiary is the Indian government, which again divides the minorities, setting them against each other to continue their divide-and-rule strategy.

India's pattern of terrorism is well known. It recently tried to blame the Sikhs for the murder of Christian missionary Graham Staines by arresting a Hindu man who calls himself Dara Singh despite the fact that Staines and his family were murdered by Hindu extremists allied with the ruling party. According to the Hitavada newspaper, the Indian government paid the late Governor of Punjab, Surendra Nath, to foment terrorist activities in Punjab and Kashmir to generate more repression and set minorities against each other.

In this country, if someone tried to create violence between, say, African Americans and Hispanics, that person would be rejected and likely arrested. In India, this is government policy.

It is also disturbing that this atrocity occurs just after President Clinton lifted the sanctions imposed on India after its nuclear tests. In light of these murders, those sanctions should be reimposed and India should be declared a terrorist state. Here in Congress, we should cut off U.S. aid to India and we should declare our support for the freedom movements in Khalistan, Kashmir, Nagaland, and throughout India. We must do these things to promote freedom for the people of South Asia and the world.

Mr. Speaker, Burning Punjab published the names of the victims of this massacre and the Council of Khalistan published an excellent press release on the incident. I would like to introduce these items into the RECORD to honor the memory of the victims and inform my colleagues and the people.

INDIAN GOVERNMENT MURDERS 35 SIKHS

RAW AGENTS POSE AS KASHMIRI MILITANTS—CONTINUES PATTERN OF PITTING MINORITIES AGAINST EACH OTHER

WASHINGTON, DC, March 21.—Thirty-five (35) Sikhs were murdered in Kashmir today by agents of the Indian government's Research and Analysis Wing (RAW) posing as Kashmiri militants. There are over 700,000 Indian troops stationed in Kashmir, yet the murderers disappeared without detection. The murders were carried out during President Clinton's visit to South Asia.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, strongly condemned the murders. "These murders are evil, cowardly, and stupid acts designed to pit one community against another and prop up India's image for the President's visit," Dr. Aulakh said. "Whoever carried out these brutal acts, they are cowards," he said. "They may escape justice in this world, but they will face the justice of God. That will be worse for them."

"Sikhs and Kashmiris are allies in the struggle for freedom," said Dr. Aulakh. "What motive would Kashmiri freedom fighters have to kill Sikhs? This would be especially stupid when President Clinton is visiting. The freedom movements in Kashmir, Khalistan, Nagaland, and throughout India need the support of the United States," he said. Khalistan is the Sikh homeland declared independent on October 7, 1987.

The murders continue a pattern of divide-and-rule terrorism by the Indian government. The government has recently tried to blame Sikhs for the murder of Christian missionary Graham Staines by arresting a Hindu man who uses the alias Dara Singh. Every Sikh male uses Singh in his name. Yet it was reported at the time of the Staines murder that he and his two sons were burned to death in their jeep by a mob chanting "Victory to Hannuman," a Hindu god. That mob was affiliated with the Fascist RSS, the parent organization of the ruling BJP. In November 1994, The Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan, and in Kashmir. The book "Soft Target," written by two respected Canadian journalists, proved that the Indian government blew up its own airliner in 1985, killing 329 people, to blame the incident on the Sikhs and provide an excuse for more repression and bloodshed. This is a well-established modus operandi of RAW.

The Indian government has murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. The figures were published in "The Politics of Genocide" by Inderjit Singh Jaijee. The government has also killed over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others. The U.S. State Department reported that the Indian government paid more than 41,000 cash bounties to police to murder Sikhs. Amnesty International recently reported that there are thousands of political prisoners, including prisoners of conscience, held in Indian jails without charge or trial. Some Sikh political prisoners have been in this illegal detention since 1984.

"This shows that there is no freedom for minorities in India," Dr. Aulakh said. "For minorities, India is no democracy," he said. "As U.S. Congressman Dana Rohrabacher said, for the minorities 'India might as well be Nazi Germany.'"

"I urge President Clinton and Ambassador Richard Celeste to confront India on these brutal murders, as well as the recent harassment of journalist Sukhbir Singh Osan, getting Sikh and other political prisoners released, and the ongoing, massive, and brutal human-rights violations against Sikhs and other minorities," Dr. Aulakh said. "If the United States wants to see an end to these incidents, it should support self-determination for Khalistan, Kashmir, Nagaland, and all the other nations seeking their freedom from India," Dr. Aulakh said. "Only a free Khalistan will end India's corruption, tyranny and genocide against the Sikh Nation," he said. "India is on the verge of disintegration. The Sikh leadership should immediately begin a Shantmai Morcha to liberate our homeland, Khalistan."

[From the Burning Punjab News, Mar. 21, 2000]

MASSACRED SIKHS IDENTIFIED

SRINAGAR.—The 35 Sikhs massacred at Chatti-Singpora in south Kashmir late last night by unknown armed persons have been identified. Following is the list of people killed by militants: Rajinder Singh (42), Karnail Singh (35), Rajan Singh (40), Naranjan Singh (50), Gurdeep Singh (25), Ajeetpal Singh (22), Joginder Singh (26), Gurbax Singh (35), Uttam Singh (30), Surjit Singh (22), Majit Singh (30), Devinder Singh (18), Rajinder Singh (35), Reshpal Singh (40), Gurmeek Singh (35), Sukha Singh (53), Ravi Singh (38), Jangbhadur Singh (36), Rajdeep Singh (18), Naseeb Singh (50), Kulbeer Singh (20), Darban Singh (28), Deader Singh (50), Gurmeet Singh (22), Ujal Singh (28), Charan Singh (50), Sartaj Singh (30), Rajnath Singh (45), Faqir Singh (65), Karnail Singh (45), Sheetal Singh (66), Ravinder Singh (22), Jagdesh Singh (25), Sagir Singh (60), and Sartaj Singh (26). One Devinder Kaur died of heart attack following the massacre.

IN TRIBUTE TO BRUCE DOWNING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. WOLF. Mr. Speaker, I recently had the pleasure of attending the annual meeting and recognition dinner of the United Way of Northern Shenandoah Valley, at which Bruce Downing of Winchester, Virginia, received the 1999 Volunteer of the Year Award.

I would like to share with our colleagues the outstanding community service work of Mr. Downing, who was cited in one award nominating letter as "a giant among men in this community. His calm, reassuring manner, his generosity, and his compassion for others are without measure. Bruce Downing has made the community a better place to live. He is a hero."

Mr. Downing, 52, began his community service in the mid-1960's when his college fraternity helped special needs children at a local school. He later became a volunteer with Big Brothers/Big Sisters and other organizations including Grafton School, Access Independence, Help with Housing, ABBA Pregnancy Care Center, and numerous United Way boards and others.

He and his wife, Donna, also donated one of their own family vans with a special wheelchair lift to a family in need.

Mr. Speaker, Bruce Downing represents the thousands upon thousands of giving and caring Americans who reach out as volunteers to help their fellow citizens. They do so not for any honors or recognition that may come their way; rather they do it with generous hearts because they want to make a difference in people's lives.

We salute Bruce Downing and all the other volunteers of the United Way and the many other volunteer organizations who lend a helping hand every day of the year to serve their communities. They are indeed heroes.

HONORING TRISH ARREDONDO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. VISCLOSKY. Mr. Speaker, I rise today to honor Trish Arredondo for her lifelong contributions to the health and well being of Northwest Indiana. This is a very special pleasure as Trish is a close personal friend. I have known her for the better part of two decades and have seen firsthand the efforts of her dynamic accomplishments on behalf of her friends, neighbors, and community.

Trish Arredondo is currently President and Chief Executive Officer of the Planned Parenthood Association of Northwest/Northeast Indiana. During Trish's tenure, Planned Parenthood has made a vast impact on our community in the areas of both health care and education. The organization has grown three fold in the number of clients, and has tripled the geographic area served.

Trish spearheaded a capital campaign that has allowed the organization to purchase its headquarters and originate a "mini-grant" awards program designed to bring research funding to special aspects of women's health care such as breast cancer. She has been instrumental in increasing public awareness in women's health issues such as cervical cancer and teen pregnancy. Under her direction, the organization increased its medical services to include testing for Tuberculosis and Hepatitis B. Planned Parenthood is the sole provider of health care services for 75 percent of the 40,000 patients it serves annually. This evolution of the organization's role in community care has become an invaluable part of Northwest Indiana's health care system.

In addition to her role in Planned Parenthood, Trish Arredondo also gives much of her time back to the community. She is a member of the Northwest Indiana Executive Council, the Governor's Council on Health Care 2000, the Rape Task Force, the Welfare to Work Council, and is a charter member of the Northwest Council for Teen Pregnancy. She is a past member of the Northern Indiana Arts Association and was named as one of the most influential women in Northwest Indiana by the Times newspaper in March, 1997.

Mr. Speaker, I salute Trish Arredondo for her professional achievements and her many years of dedication to the betterment of our community. We in Northwest Indiana are truly thankful to have someone of Trish's talents on our team. Her life's work has been on behalf of those less fortunate in our community, and we are extremely grateful for her dedication and perseverance. Please join me in wishing her a happy and healthy retirement.

IN LOVING MEMORY OF LEOCADIA VASQUEZ VALENCIA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. BACA. Mr. Speaker, it is with much sadness that I inform my colleagues of the passing of a great individual, a person who graced our world and our lives with so much love and compassion.

Leocadia V. Valencia, the mother, grandmother, great grandmother, great-great grandmother passed away, on her Sabbath day, Saturday, February 19, 2000 in California. She was 98 years of age. Born in Matehualia, Mexico, wife of Felix G. Valencia, Pastor in the Church of God 7th Day. She was a long-time resident of Sacramento, California.

Leocadia lived a very full and very fulfilling life, a life graced by her husband, who passed away four years ago (December 12, 1995), with whom she has been blessed by sixteen children: Survived by Carrol Cervantes, Sophia Rivas, Felix Valencia, Hope Brocklehurst, Matthew Valencia, Ruth Gomez, Mary McAuliffe, Paul Valencia, Lydia Hanzalik, Ruby Valencia, Rachel Sidhu, Sam Valencia. Survived by two sisters; Margarita Garnica, Micaela Perea. Extended mother to the following grandchildren: Yolanda Velasquez, Steve Valencia, Linda Macias, Terry Adame, Ernest Valencia and numerous grand children, great grand children, great-great grandchildren. These children and many grandchildren brought tremendous joy and inspiration into their lives.

Leocadia was and remains so much a tremendous person in our thoughts and in our memories. We appreciate so much and will long remember the many good and positive things she brought into our lives, and most of all her faith and love for God.

I join with Leocadia friends and family members in honoring such a truly remarkable and outstanding person, a mother, grandmother, a great-grandmother and great-great grandmother, to all of those who loved her so much.

Leocadia gave so much to those she loved, and each of us is better and more fortunate for what she unselfishly gave to us and gave to our world, a world made so much brighter and more gentler by her life and her presence.

Mr. Speaker, we are all gifted by the lives of mothers and grandmothers who do so much in guiding our lives and providing us comfort and proper direction. I join with all of those who loved Leocadia V. Valencia in extending our prayers, knowing that God's heaven is blessed and graced by one of his most beautiful and loving Angels. I ask God's peace and comfort on the family during this time of sorrow.

ST. PAUL MISSIONARY BAPTIST CHURCH 84TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and high regards that I congratulate St. Paul Missionary Baptist Church in Gary, Indiana, as it celebrates its 84th anniversary as a parish this coming Sunday. I would also like to take this opportunity to congratulate Reverend Everett Gray on this magnificent occasion.

From modest beginnings, St. Paul's has emerged as a cornerstone of the Gary community. The church was organized in 1916 through the efforts of six dedicated pioneers. The first structure was a portable building of the 21st Avenue school. Through the hard work of Reverend Martin VanBuren Bolden and the six founders, the membership continued to grow, and on July 17, 1917, two lots were purchased at 1938 Adams Street. It was there that St. Paul's began to flourish as both a religious and a social institution.

During the Great Depression, the people of St. Paul's saw the needs of those around them and reached out a helping hand. The church basement was used as both a medical facility and a place where those in need could go for food. Their generosity was exemplified when the church donated money to those who could not afford the burial expenses for loved ones that had recently passed away. St. Paul's shaped the lives of many people during those hard times and still stands as a pillar of our community.

On May 1, 1943, St. Paul's welcomed Dr. Lester Kendal Jackson as its pastor, who made an immediate impact on his congregation. Under his leadership all outstanding debts were paid, and a significant balance was put into the treasury. He helped to organize many groups which would inspire the youth of the parish, including a literary society, Girl and Boy Scout teams, and a drama club. Dr. Jackson also fought for the rights of African Americans throughout the city of Gary, and was later inducted into the Steel City Hall of Fame for his contributions to the community.

After a fire in 1963 destroyed the building that they had used for over 45 years, the people of St. Paul's erected a new church at 2300 Grant Street on January 16, 1966. It is here that the church came under the direction of Reverend Everett Gray, or Pastor Gray, as he prefers to be addressed. Under Pastor's Gray's guidance, St. Paul's has continued to thrive, both in terms of spiritual growth as well as practical improvements.

Mr. Speaker, I ask you and my other distinguished colleagues to join me congratulating the parish family of St. Paul Missionary Baptist Church, under the guidance of Pastor Gray, as they celebrate their 84th anniversary. All current and former parishioners can be proud to say that they belong to the second oldest Baptist church in Gary, Indiana. They have weathered many storms in order to make countless significant contributions to their community throughout the past 84 years.

NEW MASSACRE OF SIKHS IN INDIA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. ROHRABACHER. Mr. Speaker, today, as President Clinton began a visit to India, a new act of political violence occurred in Kashmir, as 35 Sikh villagers were rounded up and killed by gunmen. The New York Times reports in the enclosed article that this was the first major attack on the small Sikh community in Kashmir since an insurgency by Kashmiri Muslims against Indian rule began 10 years ago. Sikhs had previously lived peacefully in the only predominantly Muslim area of India. It should be noted that in India, government security forces have been implicated by international human rights organizations in the murders, disappearances and torture of thousands of Sikhs.

The village of Chati Singhpura Mattan, 42 miles from Srinagar, is controlled by Kashmiri groups that abandoned the rebellion and were recruited by the Indian army as a counterinsurgency militia force. The Indian government has blamed Islamic radicals controlled by Pakistan for this heinous crime. However, the Indian government's control of this specific area has caused many Sikhs in the United States to believe that the gunmen were agents of the Indian government's Research and Intelligence Wing [RAW] posing as Kashmiri militants. There are more than 700,000 Indian security forces stationed in Kashmir, which has been called the most militarized area of this planet.

A fair and impartial investigation by international monitors is necessary to resolve this case and other acts of brutality committed in Kashmir. I have repeatedly advocated that fair elections, free of violence, that would permit the people of Kashmir to determine their own destiny is the best means to end this conflict. In addition, a peaceful resolution of the Kashmir issue would have a significant impact in easing the conflict between India and Pakistan.

[From the New York Times, Mar. 21, 2000]

35 MASSACRED IN SIKH TOWN IN KASHMIR

Srinagar, India, Tuesday, March 21 (AP)—Gunmen rounded up and killed 35 Sikh villagers in the disputed state of Kashmir, the police said today as President Clinton began a visit to India.

The massacre on Monday night was the first major attack on the small Sikh community in Kashmir since separatist Muslims started their insurgency 10 years ago. Sikhs are considered a neutral minority, but Indian officials had warned earlier of violence by Muslim militants hoping to draw attention to kashmir during Mr. Clinton's visit.

Both India and Pakistan claim the Himalayan territory and have fought two wars over it.

The gunmen were not immediately

Mr. Clinton arrived in New Delhi, 400 miles to the south, on Monday evening after a visit to Bangladesh. He has said that reducing tensions between India and Pakistan is one of his objectives of the trip.

Many Kashmiris were hoping that the president's visit would lead to a breakthrough in the long deadlock on the region's future.

Mr. Clinton's spokesman, Joe Lockhart, expressed outrage over the killings, saying in a statement that "out most profound sympathies go out to the victims of this brutal massacre."

The attackers entered the village of Chati Singhpura Mattan after dark and forced the residents from their homes, police officials said.

The assailants separated the men from the women, announcing that they were conducting a "crackdown." Indian security forces operate similarly when searching a neighborhood for militants that they suspect may be hiding there. The gunmen then opened fire on the men, killing 35 of them. One man was critically wounded.

Sikhs have lived mostly undisturbed in the Kashmir Valley, the only area in predominantly Hindu India with a Muslim majority. Many run the trucking companies that supply the valley.

In the last six months, attacks by the militants have focused on army bases and patrols rather than random terrorism, and have shown a higher degree of training and expertise, senior army officers have said. They said about 3,500 militants were in Kashmir, and many of them had infiltrated the cease-fire line from Pakistan, with the help of the Pakistan army. Pakistan denies giving active aid to the militants.

The area of the Sikh village is about 42 miles from Srinagar, Kashmir's summer capital, and is controlled by armed Kashmiri groups that abandoned separatism and were recruited by the Indian army as a counterinsurgency auxiliary force.

[From the Washington Post, Mar. 21, 2000]

NEAR CLINTON'S INDIA VISIT, VIOLENCE FLARES IN KASHMIR

(By Pamela Constable)

Srinagar, India, March 20—While their government and most of their countrymen are hoping President Clinton will play down the sensitive topic of Kashmir during his visit to India this week, people in this depressed, wintry city at the political heart of the disputed, violence-torn region are praying for just the opposite.

Today, in the worst single attack on civilians in a decade of guerrilla war, unidentified gunmen massacred 35 Sikh men in the Kashmiri village of Chati Singhpura Mattan, wire services reported. Security officials had feared that armed Pakistan-based insurgents, who have stepped up attacks here in recent months, might stage a dramatic attack during Clinton's stay in India.

Clinton condemned the attack in Kashmir. "On behalf of the president and all Americans let me express our outrage at the attack on a village in Kashmir last night," White House spokesman Joe Lockhart told reporters in New Delhi.

Many Kashmiris believe that only a world leader of Clinton's stature can put pressure on Indian officials to start meaningful negotiations with Pakistan over the mountainous, predominantly Muslim border region where separatist sentiment is strong, guerrilla violence is rapidly rising and

"If Mr. Clinton can make a difference in places like Chechnya and Bosnia, why not in

Kashmir?" said Shah Khan, 22, who sells shirts and pants in the teeming alleys of Lal Chowk bazaar. "We are happy because at least his visit will bring some attention to our problems, but we wish he would come to Kashmir and see for himself. Then we would all tell him one thing: we want freedom."

But this message is highly unlikely to reach Clinton's ears or the Indian capital this week. On Sunday, about 50 Kashmiri independence activists were arrested and jailed as they tried to board buses that would take them to New Delhi for a protest rally near Parliament, where Clinton is scheduled to speak Wednesday.

In a brief interview in jail today, the group's leader Shabir Shah, 44, said they had been tear-gassed and dragged into police vans as they prepared to leave. He said the group, which seeks Kashmiri independence from India, had planned to stage a peaceful rally and a symbolic hunger strike.

"President Clinton says he wants to help ease tensions in the region, and he will be talking with India and Pakistan, but we wanted to tell him that it is futile until we Kashmiris are taken into account," Shah said.

Kashmir, which is divided between India and Pakistan, has been the major source of friction between the two neighbors and nuclear powers for a generation. Since the early 1990s, the Indian-occupied part has been the site of a violent conflict between anti-India insurgent groups and Indian security forces, which has cost tens of thousands of lives. Last summer, a 10-week border conflict in the Kargil mountains left hundreds dead.

Today's attack on the Sikhs seemed to represent an especially gruesome escalation of violence and attempt at ethnic cleansing in the Kashmir Valley, where Muslims dominate the population and the insurgency has become increasingly directed by Islamic groups based in Pakistan. The victims were separated from their families by unidentified gunmen who entered their village after dark and shot them.

In the past, Kashmiri insurgent groups have concentrated on military targets and have denounced terrorism against civilians. But in recent weeks, there have been a half-dozen attacks on Hindu truck drivers and on scattered villages of Kashmiri Pandits, or local Hindus, many of whom were violently driven from the region years ago. Now Sikhs, who have lived peaceably in northern Kashmir for years, appear to have become their latest target.

Clinton, who had called Kashmir "the most dangerous place in the world," has repeatedly expressed interest in helping to defuse the tensions and to nudge India and Pakistan back toward dialogue. But Indian authorities are adamantly opposed to any foreign intervention in the dispute, and have declared they will not resume talks with Pakistan until it stops arming and training Kashmiri insurgents.

In interviews over the weekend, some Srinagar residents said they were skeptical that Clinton's talks with Indian leaders could make any difference. They said the United States was too concerned with bigger issues, such as trade and nuclear nonproliferation, to let Kashmir become an irritant to improving relations.

"Clinton is coming as a guest, so he won't want to embarrass his hosts. What he says in America about Kashmir may not be what he says here," said Masood Ahmed, 30, another shopkeeper in Lal Chowk. "He already knows that thousands of people have been killed in Kashmir, but he is only coming to see the Taj Mahal."

TOBACCO LEGISLATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 2000

Mr. WAXMAN. Mr. Speaker, I am introducing two bills today relating to the regulation of tobacco products.

Today the Supreme Court recognized that tobacco use "poses perhaps the single most significant threat to public health in the United States."

Unfortunately, the Court also ruled that Congress has not given the Food and Drug Administration explicit authority to regulate tobacco. So now Congress must act to deal with this enormous problem.

The first bill I am introducing is comprehensive legislation that represents what our country genuinely needs to reduce tobacco use by children. It explicitly authorizes the Food and Drug Administration to regulate tobacco products; it establishes an innovative and effective performance standard that gives the tobacco industry meaningful economic incentives to reduce the numbers of children that smoke; it establishes a national policy on environmental tobacco smoke; and it creates a new nationwide public education campaign on tobacco.

None of these measures alone are the answer to reducing tobacco use—but taken together, they will succeed in reducing the number of children who smoke. They are what we need to do in our battle against the deadly toll of tobacco, and will save millions of lives for generations to come.

I am concerned, however, that some may try to avoid acting on tobacco legislation by arguing there's not enough time in this session to deal with a comprehensive bill. And I'm concerned that some may try to avoid dealing with this urgent issue by pretending that comprehensive legislation makes it more difficult to deal quickly with today's Supreme Court decision.

So I'm introducing a second bill that only deals with the question of FDA jurisdiction over tobacco. This legislation explicitly authorizes the FDA to regulate tobacco products, and does not address any of the other issues that Congress must confront in crafting effective national tobacco legislation.

The policies in both bills have been before Congress for many years. We've held years of hearings on these issues and tried to examine carefully every possible consequence of legislation. The time to act is now.

In 1998 I reached a comprehensive agreement with Congressman TOM BLILEY, the Chairman of the Commerce Committee, to reduce smoking by children. For reasons I still don't understand, the Republican leadership blocked that legislation from ever being considered.

Now, once again, the Republican leadership has the sole power to bring legislation to the floor. I hope they won't miss another opportunity to protect our children.

AMERICAN LUNG ASSOCIATION,
Washington, DC, March 21, 2000.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WAXMAN: The American Lung Association is pleased to endorse the Child Tobacco Use Prevention Act of 2000 and the FDA Tobacco Jurisdiction Act of 2000. These bills will grant explicit authority to the Food and Drug Administration to regulate tobacco products. Full, unfettered, FDA authority is needed to protect the public health and provide oversight on how tobacco products are manufactured, labeled, distributed, advertised, sold and marketed.

We strongly support the additional public health provisions included in the Child Tobacco Use Prevention Act. Company-specific performance standards to reduce child tobacco use, smokefree environments and tobacco prevention and education programs complement full FDA authority and greatly enhance the effort to reduce the disease and death caused by tobacco.

Congress must act quickly and pass this critical public health legislation this year. Full, unfettered FDA authority over tobacco products is the top priority for the American Lung Association. Thank you for your continued leadership to protect children from tobacco.

Sincerely,

JOHN R. GARRISON,
Chief Executive Officer.

SENATE—*Wednesday, March 22, 2000*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, in this quiet moment, we seek the ultimate joy of life. We come to abide simply in Your presence. We would not interrupt what You have to say to us with our chatter. We need You more than anything that You can provide for us. Make us as ready to listen as we are to talk. You have created us for communion with You. We thank You for speaking to us in our souls. Now we hear what You have to say to us: We are loved, forgiven, and cherished by You. You have plans for us: A personal will for each of us and a will for our Nation. Bless the Senators now as they wait on You. Inspire us to follow their leadership as far as they follow You. We open our minds and hearts to receive You, our Lord, our Saviour, Peace, and Power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Delaware.

SCHEDULE

Mr. ROTH. Mr. President, today the Senate will immediately begin the final 15 minutes of debate on H.R. 5, the Social Security earnings bill. By previous consent, the Senate will proceed to a vote on final passage of the bill at approximately 10 a.m. Following the vote, the Senate will begin a period of morning business of 2 hours with the time controlled by Senators BYRD, MURKOWSKI, and DURBIN. For the remainder of the time, the Senate is expected to begin debate on the crop insurance legislation. However, negotiations regarding amendments and debate time are ongoing, and if no agreement can be made, the Senate may turn to any Legislative or Executive Calendar items available for action.

I thank my colleagues for their attention.

MEASURES PLACED ON CALENDAR—S. 2262 AND S. 2263

Mr. ROTH. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The bill clerk read as follows:

> A bill (S. 2262) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.
>
> A bill (S. 2263) to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

Mr. ROTH. Mr. President, on behalf of the majority leader, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

Mr. ROTH. Mr. President, what is the order of business?

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test on individuals who have attained retirement age.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate equally divided for closing remarks.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, it has been agreed that I will begin these brief remarks in order that our chairman might conclude the debate and proceed to the vote which I think has every prospect of being prodigious in its majority.

We have heard the compelling arguments to eliminate the so-called earnings penalty for persons 65 years and older. There is a short-term cost that is followed by a long-term payback, if you like, such that in a 20- to 30-year period the Social Security trust funds will not in any way be affected. The present practice is to decrease benefits to persons who continue working after their technical retirement age is reached, and then to compensate them after they reach age 70 or stop working. It is a complicated calculation. It is a cause of much distress, if you like, within the Social Security Administration—about $100 million a year just in sorting out the claims. It is not understood. There is the elemental fact that, although at 65 if you continue to work you know you will get back your benefits, that is in actuarial terms. For the cohort of several million persons, it will all be evened out. You may not be. So why not get rid of this archaic complexity? It is a remnant of Depression legislation of the 1930s.

In that regard, however, we do have the question attending the long-term deficit of the Social Security system. Yesterday our friend from Arizona, Senator McCAIN, spoke eloquently about that matter, having raised it during his primary campaign on his side of the aisle. Senator KERREY spoke with equal eloquence. Senator McCAIN was kind enough to note legislation that Senator KERREY and I have introduced in this matter.

In very short order, I would simply like to recapitulate the four simple steps which put Social Security on an actuarially sound basis for the next 75 years. They are:

No. 1, provide for an accurate cost-of-living adjustment. In 1996, the Boskin Commission originally estimated that the CPI overstates changes in the cost-of-living by 1.1 percentage points; now they say it is 0.8 of a percentage point.

No. 2, normal taxation of benefits.

No. 3, extend coverage to all newly hired State and local workers.

I might interject, if ever there was a holdover from the 1930s, it was this. It was not clear at that time whether the Federal Government could tax a State entity, so they were left untaxed. A great many workers in civil service positions pay no taxes on their principal jobs, but qualify for benefits from "side" jobs, and it is just not fair. We are not taking away anything, but just covering newly hired workers like everyone else.

No. 4, increase the length of the computation period from 35 to 38 years.

We now have a 75-year, long-term actuarial deficit of 2.07 percent. This would bring that down by 2.05 percent, leaving an inconsequential .02 percent over the 75-year period.

These are data based on actuarial calculations and they are clearly within our capacity. Let us hope one day we do it before it becomes too late. That time will come sooner than you may think.

Mr. President, I ask unanimous consent the table be printed in the RECORD at the conclusion of my remarks.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELIMINATING SOCIAL SECURITY'S LONG-TERM DEFICIT

[Numbers expressed as a percent of payroll][1]

Long-term (75 year) actuarial deficit	2.07
Reduction in deficit due to:	
0.8 percentage point cost of living correction	−1.16
Normal taxation of benefits	[2] −0.43
Extend coverage to all newly hired State and local workers	[3] −0.21
Increase length of computation period from 35 to 38 years	−0.25
Total reduction in deficit	−2.05

[1] Estimates are based on the intermediate assumptions of the 1999 Trustees Report and ignore interactions among the provisions.

[2] Social Security benefits would be treated like income from a private pension so that benefits that are attributed to employer contributions and interest earnings would be subject taxed, while benefits attributed to employee contributions would not be taxed. Currently, benefits are taxed only if income exceeds certain thresholds and, depending on some complex formula, only up to 50 or up to 85 percent of the benefit is subject to taxation.

[3] This is the rule that applied to newly hired Federal workers in 1984 and thereafter.

Mr. MOYNIHAN. Mr. President, I look forward to the statement of our revered chairman, who is going to have a historic triumph this morning.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, first let me thank and congratulate my distinguished colleague, the senior Senator from New York, for his leadership throughout the years on this most important domestic program, Social Security. There is no program of greater importance and interest to the American people than Social Security. The distinguished Senator, Mr. MOYNIHAN, as I said, throughout his career has played a critical role in the development, the preserving, and the strengthening of this important program. I thank him and congratulate him.

As Senator MOYNIHAN pointed out, the Senate is now turning to the vote to repeal the Social Security earnings limit, an important step in preparing Social Security for the 21st century. This repeal is good for seniors, it is good for America, and it is good government. As we have heard, the Social Security earnings limit was enacted 65 years ago to encourage older persons to retire during the Great Depression. But today, with Americans living longer, and the tightest labor market in 30 years, this rule is not only outdated, but it harms both our senior citizens and the economy.

Repealing the earnings limit will help improve the retirement security of seniors by giving them the choice to work longer and to save more. Abolishing the earnings limit will allow us to protect the Nation's economic gains of the past 17 years by encouraging our Nation's most experienced workers to continue working, not only for today but into the future.

Finally, repealing the earnings limit is just plain good government. It will save the Social Security Administration money and reduce very common, frustrating mistakes in calculating benefits. So let me say, I urge each Senator to support this bill.

I am happy to yield the remaining time to the distinguished assistant leader of the majority.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. NICKLES. Mr. President, I compliment my colleagues, Senator ROTH and Senator MOYNIHAN because they work so well together.

Today, we are going to pass something that will have a positive impact on millions of Americans. I say millions—some people say there are only 800,000 people who are currently paying the Social Security earnings penalty. There are millions of people who want to work, maybe have to work, but basically their taxes are so punitive that they cannot work; it does not make sense to work. Their taxes are so high they have to work more for government than they work for themselves.

These are senior citizens, not particularly wealthy people. You can be a senior citizen and have, as an individual, an earned income of $30,000. You are in the 28-percent tax bracket. Because of the earnings penalty on Social Security, that is an additional 33-percent tax bracket. Add those two together and you are at 61 percent. You have to pay Social Security tax. If you are self-employed, you add 15 percent to that. That is 76 percent, and you have not even paid taxes to the State. For most States, that is 6 or 7 percent.

You can have a marginal tax rate of 80 percent; you work four times more for the Government than you do for yourself. That is way too high. This 33-percent penalty for seniors between the ages of 65 and 70 who want to have earned income—maybe need to have earned income—is long past overdue for repeal.

I am delighted that today we are going to fulfill what the House has done. I compliment Chairman ARCHER in the House. I compliment Chairman ROTH and Senator MOYNIHAN. I remember Senator MCCAIN speaking on this issue for years. I remember Senator ASHCROFT making tireless speeches, saying we need to repeal the earnings penalty.

Over the years, we have raised the amount people can save before the penalty takes effect, but the penalty still takes effect for any income above $17,000. The real solution is to repeal it. That is what we are going to do today. We are going to open up economic opportunity for millions of Americans who are at age 65 and maybe do not want to retire. They might be a STROM THURMOND; they who may have another 50 years of very energetic hard work ahead of them and they don't want to say they want to retire. We should not force them to retire.

The earnings penalty forces many of these people to retire—some of our most productive citizens in America. I think it is wrong. This tax penalty is wrong. We are going to repeal it today. We are repealing it with bipartisan support. It is going to become the law of the land.

Again, I compliment our leader for proving we can get some good things done that will have a positive impact on millions—frankly, on all of us, because a lot of us want to work beyond the age of 65. Now we are telling seniors they can do so.

Again, my congratulations to the leaders for making this happen. I think this will make Social Security policy better and, frankly, it will make economic policy better for all Americans.

Mr. President, I yield the floor and urge my colleagues to vote yes on this bill.

Mr. LUGAR. Mr. President, I rise today in support of H.R. 5, the Senior Citizens' Freedom to Work Act. The passage of this legislation is long overdue. The Social Security earnings test is bad for our economy and bad for individual senior Americans who wish to continue in the workforce. I am extremely pleased that the Senate is moving to eliminate the earnings test.

I am hopeful, however, that passage of this bill will not mark the end of thoughtful policy regarding the role of seniors in the American workforce. Senior workers are an invaluable resource for our nation. As the number of Americans of retirement age increases, the economy's need for senior workers will inevitably increase as well. We should encourage those seniors who wish to continue working by making certain that they are treated fairly by tax and retirement laws.

Too often, government policy toward retirees has assumed that all seniors have the same needs, goals, and desires. Mr. President, each individual is different. Many seniors look forward to a leisurely retirement that allows them to pursue activities for which they did not have time when they were working. American seniors have earned this option, and trends over the last several decades that demonstrate the average senior is enjoying a healthier and more prosperous retirement are extremely encouraging.

But other senior Americans wish to delay retirement for as long as possible. Many seniors who have communicated with me about this subject simply enjoy the stimulation that a workplace provides on a daily basis. Others are not ready to leave businesses or farms that they have spent their entire lives building. Still others wish to continue to contribute to the income of their families, children, or grandchildren. Regardless of their reasons for wanting to stay in the workplace, no senior should find that government policy is a disincentive or barrier to work.

In addition to ensuring basic fairness to individuals, providing further incentives to senior workers makes good sense for our economy. Seniors who stay in the workforce continue to pay taxes on their earnings and continue to provide much-needed experience to the American economy. As our economy grows and the baby-boom generation approaches retirement age, we may experience more frequent labor shortages. Ultimately, a declining number of qualified workers could be detrimental to the economy. Adding incentives that reward older Americans for staying in the workforce could help alleviate such shortages while continuing to improve our economy and standard of living.

Last month, with the support of Senators BREAUX and GREGG, I introduced two pieces of legislation that would encourage American seniors to stay in the workforce. These bills, entitled the Retired Americans Right of Employment Acts (RARE I and RARE II), are based on the premise that many seniors want to work and their labor is invaluable to our economy and society. Both bills would repeal the earnings test, as we are seeking to do today. But they would go further by implementing specific tax and benefit changes that would reward seniors who choose to work.

Among other provisions, both bills would phase in a formula allowing income earned after the retirement age to be counted in the calculation of an individual's Social Security benefits. Currently, Social Security benefits for most people are based on the average of the top 35 earning years prior to age 62. Allowing income earned after age 62 to be included in benefit calculations would increase the benefits of those seniors who choose to continue working.

The two bills offer alternative methods to reduce the taxes of working seniors. RARE I would cut the FICA tax of seniors by 10 percent when they reach full retirement age. As a result, retirees would see their FICA tax reduced from 7.65 percent of their paycheck to 6.885 percent. Because taxes are levied on the first dollar of wages earned, this tax reduction would benefit all income levels of retirees, including those who choose to work part-time.

RARE II would provide individuals who have reached the full retirement age with a tax credit equal to 10 percent of the lesser of the amount of income tax owed or the earned income of the individual. This provision would effectively reward older Americans who continue to earn and to pay taxes after reaching retirement age.

Mr. President, in closing, I want to reiterate my strong support for the underlying bill being discussed today. The elimination of the Social Security earnings test would be a huge step toward ending the disincentives for seniors to work if they choose. But I hope this is only a first step in adjusting policy governing seniors in the workplace. Other changes contained in the RARE bills, which I have described, as well as the repeal of the Clinton Administration's 1993 tax on Social Security benefits, would reaffirm the importance of seniors in our society. The health of our economy and even our national strength will increasingly depend on retaining the services of productive seniors. We should begin constructing these policies now.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, the time is right to repeal the Social Security earnings test. I ask my colleagues to join with me today in support of the passage of H.R. 5, the Senior Citizens' Freedom to Work Act of 1999.

We all know that reaching retirement age does not necessarily mean a person is ready to retire. It is good news that Americans are now living longer and healthier lives, and I believe that the Social Security system should not penalize those who want to work longer. I understand that many older workers choose to remain in the workforce because they need additional income or have no desire to stop working. I fully support this choice, and I believe that no one should face financial penalties for that personal decision.

In South Dakota this year, 2000 people have seen their Social Security benefits reduced because they chose to continue working when they reached the age of 65. All told, Social Security withheld about $8 million in Social Security payments last year from those South Dakotans. That works out to a loss of about $4000 in Social Security benefits for each of those 2000 South Dakotans. That is not right. Let's not penalize them for staying in the work force to achieve a better standard of living. I know many Americans over 65 in my state who could use that money to pay for health insurance, prescription drugs, and electric bills.

H.R. 5 will not only help these 2000 workers who are not receiving their Social Security benefits, but also encourage those who want to work, but are not doing so now because they fear the earnings limit would consume most or all of their earned benefits. As baby boomers begin to retire, it is especially important that these older Americans who want to work be encouraged to do so. Our nation is celebrating record low unemployment. Let us seize this opportunity to recognize the skills, knowledge, and experience that people over 65 have to offer. I am pleased that Congress is on the verge of removing the earnings limit to encourage citizens in my state and across the country to continue making an important contribution to the American economy.

Mr. President, I urge my colleagues to build on the momentum created by this bipartisan bill to work toward Social Security reform. We can pass legislation this year that will extend the solvency of Social Security for 50 years by using the interest savings earned by paying down the debt. We should take that simple step this year on a bipartisan basis, just as we are passing this bill today.

Mr. GRAMS. Mr. President, I rise to strongly support HR 5, the Senior Citizens' Freedom to Work Act. This very important legislation would help millions of American seniors who choose to, or must work after retirement.

Under current law, the Social Security benefits of those seniors ages 65 though 69 who continue to work will be reduced by $1 for each $3 of earnings over $17,000. In other words, they will be taxed at 33.3 percent of their earnings above the threshold.

However, the onerous tax burden on our seniors does not stop there. These seniors are also subject to a 15.3 percent payroll tax, and a 15 percent income tax. Combined with the earnings test, these seniors are paying taxes of over 60 percent on their earnings from working. If their earnings bump up their income, their Social Security benefits are then taxed. The tax bite could take 68 to 91 percent of their additional earnings.

Mr. President, this is absurd. We must correct this unfair tax burden on our seniors.

When Social Security was set up 65 years ago during the Great Depression, jobs were scarce, workers were younger and many could not find work to support their families. One of the intentions of the Social Security program was to encourage older workers to retire, so that younger workers could find a job.

Today, our situation is dramatically different. The economic and demographic conditions in the U.S. are not what they were when Social Security was established. Our strong economy has created a tight labor market. After filling over 20 million new jobs during this economic expansion, we still have a job shortage, particularly skilled workers. It is projected that this shortage will continue for the next 5 to 10 years.

Lower birth rates and a longer life expectancy mean that the number and relative size of the older population is growing rapidly. The number of Americans over age 65 has grown from 8 percent in 1950 to 14 percent in 1990 and is projected to reach 22 percent in 2030.

This demographic change has triggered a serious Social Security crisis. In 1940 there were 100 workers to support 1 retiree. Today that ratio has dropped to 3 workers supporting 1 retiree. In less than 20 years, that ratio will decrease to 2 to 1. As a result, we have a $20 trillion unfunded Social Security liability.

The earnings test penalty has worsened this situation. It discourages seniors from working, even though their skills are much needed in the labor market. If allowed to work without penalty, they will continue to pay payroll taxes into the Social Security system which will help us work toward solvency of the system.

Another important reason we must get rid of the earnings test is that Social Security is a very poor investment for Americans. Americans pay a significant amount of payroll taxes through their working life but face low and declining returns from Social Security, and some receive less in benefits than they have paid in payroll taxes. Their Social Security benefits cannot even begin to meet their pre-retirement standard of living. Many seniors have no choice but to continue to work—and others want to work for the joy of it.

Over the past 15 years, goods purchased mainly by seniors increased 6 percentage points more than goods purchased by the general public. Their medical costs skyrocketed 156 percent.

As inflation on medical and pharmaceutical goods continues to rise, older Americans' hard-earned Social Security benefits are worth less and less. Their purchasing power will continue to diminish.

I believe the earnings test on Social Security benefits is wrong and unfair because Social Security benefits are earned benefits for many senior citizens. The Social Security benefits which working seniors are losing due to the earnings test penalty are benefits they have rightfully earned by contributing to the system throughout their working years before retiring. These are benefits they should not be losing just because they are trying to survive by supplementing their Social Security income. Reducing Social Security benefits upon additional earnings is just double taxation.

As health care and other costs continue to grow, the incomes of more and more senior citizens are falling along with their standard of living. This earnings test hurts seniors who choose, or must work after retirement to maintain their standard of living or to pay for costly health insurance premiums, medical care, prescriptions and many other expenses which increase in retirement years. This is particularly true for seniors with lower-incomes who must work and depend on their earned income for survival.

Mr. President, we cannot let this practice continue.

Eliminating the earnings test on Social Security benefits would reverse this trend, and help responsible senior citizens. The federal government has entered into a sacred covenant with the American people to provide retirement benefits once contribution commitments are made. It is the government's contractual duty to honor that commitment. The government cannot and should not take money from seniors that is rightfully theirs.

Mr. President, I'd like to briefly discuss the health of our Social Security system. Social Security benefits will exceed payroll taxes by 2014 or soon.

President Clinton claims he is saving Social Security by using the interest savings that will result from paying down the government debt held by the public. However, his proposal does not push back the date that Social Security will run a deficit by a single year, and the transfer from the general fund to Social Security does not cover a fraction of the shortfall.

Mr. President, without reform, the unfunded liability of Social Security will crowd out all of our discretionary spending. It will create financial hardship for millions of baby boomers and impose a heavy burden on future generations. We must address this vitally important issue as quickly as we can.

I believe the best way to fix Social Security is to move it from the current pay-as-you-go system to a fully funded one, and the immediate step we should take is to lock in every penny of the Social Security surplus safe from government spending, and put it toward Americans' retirement. My lockbox would sequester spending if re-estimates result in spending any of our Social Security surplus.

In addition, we need to tell Americans the whole truth about Social Security since payroll taxes are the largest tax that many families will ever pay, accounting for up to one-eighth of the total lifetime income they will make.

That's why I also support the Gregg amendment which would require the government to provide information on the financial status of the program. This amendment is along the same line of my legislation, S. 1104, the Social Security Information Act. Reliable information on Social Security is crucial to enable Americans to better understand the value of their Social Security investment and to help them determine exactly how much they should supplement their expected Social Security benefits with other savings in order to have a certain level of retirement security.

Mr. President, let me close by saying it is critical that we repeal the earnings test penalty. We owe our seniors nothing less than to remove this senseless provision and give them the opportunity to sustain and hopefully improve their standard of living by allowing them to work without additional tax penalties. It is equally important that, by continuing to pay into the Social Security system, our seniors will actually give us more time to reform it—which ultimately benefits everyone.

Mr. CONRAD. Mr. President, I am pleased the Senate is taking action on the H.R. 5, the Senior Citizens' Freedom to Work Act of 2000. This legislation eliminates the earnings test for Social Security recipients between the full retirement age (currently 65) and age 69. The measure will be retroactive to January 1, 2000.

I have long supported changing the Social Security earnings test, which the amount of income recipients may earn before their benefits are reduced. Under current law, recipients aged 65 through 69 can earn up to $17,000 per year without penalty. But beyond that, benefits are reduced by $1 for each $3 of earnings. This year, approximately 800,000 seniors will lose benefits. Repealing the earnings test will allow older Americans who have skills and expertise to continue working and making a contribution to society and to our economy.

I am concerned about the Social Security earnings test and realize the difficulties that many older Americans experience because of it. For many seniors, working beyond the age of 65 is necessary just to make ends meet. Changing the earnings limit will allow them to earn extra income without losing hard-earned Social Security benefits. They have spent a lifetime working for these benefits and they should get them, whether they choose to continue to work or not.

I have supported past legislation to raise the earnings test limit. Today, I fully support this legislation to eliminate the earnings test for all individuals who have reached full retirement age.

This bill is especially important to North Dakota because we have one of the highest rates of seniors receiving Social Security benefits.

I am also pleased because this bill is fiscally responsible. In the long term, it will not have any financial impact on our Social Security trust fund.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. JOHNSON. Mr. President, today is a particularly important day for American seniors. With a unanimous vote, the Senate passed H.R. 5, the Senior Citizens' Freedom To Work Act which will abolish a Depression-era Social Security restriction that lowers benefits paid to seniors ages 65 to 69 who earn more than a specified amount each year. Earlier this month the House passed H.R. 5 by a vote of 422 to 0. As a proud cosponsor of the Senate version of this bill, I am elated that Congress moved swiftly to pass this long overdue legislation.

Presently, the Social Security earnings test reduces benefits $1 for every

$3 over earnings of $17,000 for retirees age 65 to 69. Due to the cap on earnings, older Americans, many of whom live on fixed, modest-incomes, are burdened with a 33.3 percent tax on their earned income. When this is combined with Federal, State, local and other Social Security taxes, it amounts to an atrocious 55–65 percent tax or even higher. Such a policy defies the principals of self-reliance and personal responsibility on which America was founded. Seniors who have substantial outside income from investments have never had a similar tax penalty to pay.

By eliminating the retirement earnings test, older Americans can now decide whether and how much they want to work without a reduction in their current Social Security benefits.

An estimated 800,000 Americans lost all or part of their Social Security benefits in 1999 because they were employed and earned more than the limit. Even a part-time job can put someone over the earnings limit. According to the U.S. Bureau of the Census, the elimination of the earnings test will affect approximately 1,153,000 retirees and auxiliary retirees nationwide, including 3,462 seniors throughout South Dakota.

I believe older Americans ages 65 through 69 should be able to work and supplement their Social Security without a benefit reduction, just as other beneficiaries can supplement, without restriction, their Social Security with pensions and unearned income.

At a time when labor shortages loom on the horizon and people are living longer, we should encourage, not penalize, older workers.

Faced with serious health care expenses, escalating prescription drug prices, long term care needs, and other expenses in caring for a spouse or other family members, older Americans are choosing to stay in the job market longer. By eliminating the earnings test today we have just improved the personal and financial well-being of thousands of seniors throughout South Dakota and our nation.

I am very pleased that President Clinton is supportive of the legislation and has indicated that he will sign the bill into law immediately.

Today marks a strong vote for older Americans. Seniors are one of our nation's most valuable resources and we should honor and respect them by providing the means necessary to live long, fulfilling lives without worrying about whether or not they can afford to pay their rent, heating bill, and other necessities. As we move forward with the 106th Congress, I look forward to working with my fellow colleagues to implement further programs and a strong legislative agenda which strengthens crucial programs such as Social Security and Medicare, and establishes prescription drug coverage, nursing home reforms, new efforts on long-term care, tools to fight crimes against seniors, new plans to secure retirements and protect pensions, and other initiatives that meet the needs of our growing population of seniors.

Mr. GORTON. Mr. President, for too many years I have worked in support of repealing the unfair Annual Earnings Test on Social Security. Incredibly, working seniors currently forfeit one dollar of Social Security benefits for every $3 they earn over the earnings limit of $17,000.

If an American spends a lifetime paying into the Social Security system with the guarantee that he or she will get their money when he or she turns 62 or 65 years old, no one should be able to take those benefits away simply because the beneficiary wants to keep working. Why should the federal government be discouraging those seniors who want to keep on working from doing so? As our country faces increasing demands for labor, we can ill afford to deprive ourselves of the skills and experience America's seniors have to offer. The federal government shouldn't be in the position of discouraging anyone from working: seniors should be allowed to make their own decisions.

Over the past few weeks, I have listened to and read the comments of numerous Washington state seniors who lose a portion of their hard-earned Social Security benefits simply because they do not wish to retire or stop working. I have been listening to these same comments for many years, and I can honestly say that today it looks as if common sense will finally prevail and a solution will pass the House and the Senate. Importantly, President Clinton recently changed his position on this issue and now says he will sign this legislation to abolish the Earnings Test.

I will cast my vote for abolishing this unfair tax. Repeal of the Social Security Earnings Test is a victory for seniors and every generation of Americans.

Mr. EDWARDS. Mr. President, I am proud to join my colleagues today—Republicans and Democrats alike—in voting to repeal the Social security earnings test. For 75 years now, Congress has kept a provision in the Social Security program that hurts our seniors who continue to work. The Senior Citizens' Freedom to Work Act is a sensible measure. It will correct an injustice in our Social Security program, infuse our tight labor market with experienced workers, and most importantly, help hundreds of thousands of seniors become more financially secure.

Currently, retirees drawing Social Security benefits are subject to an earnings test. This means that for seniors ages 65 to 69, benefits are deferred by $1 for every $3 that their earnings exceed $17,000. In my state, nearly 2,500 seniors are hurt by the Social Security earnings test. According to the Social Security Administration, the average amount of benefits lost per recipient in 1995 was $3,596. My state benefits from the contributions of these employees, substantively and economically; yet these individuals are being penalized for their efforts.

It is now time for Congress to bring the Social Security program into a new era. Retiring the earnings test, not our seniors, is a first step.

In 1935, when the Social Security program was established, the United States had a crowded labor field. The earnings test was designed to encourage seniors to leave the work force to open their jobs to younger people. But today the rationale for the test has faded. It's about time we replaced this antiquated provision.

Indeed, no one today would seriously consider structuring the program to discourage older workers. Our unemployment rate is at an historic low. And our country is enjoying unprecedented economic prosperity. Seniors bring years of experience to the work force—knowledge and judgment that cannot be obtained from a textbook, but only from first-hand experience. Employers today are seeking skilled, dependable, and honest employees. Many older Americans would be willing to fill this need if they were not faced with decreased Social Security benefits. The government should not tell people who want to work that they cannot, but this is exactly the message the earnings test sends to many seniors. This message is discriminatory and fundamentally wrong.

Moreover, at a time when we are experiencing such phenomenal economic growth, many of our senior citizens are struggling to pay for everyday needs. This measure will help them. I have heard from hundreds of seniors from North Carolina who are struggling to pay their medical bills and daily living costs. By now, they have been working and paying Social Security taxes for decades. These same seniors are the ones who start to lose benefits because they continue to work, simply because they earn a salary that the government believes is too high for them.

It must be said that this legislation is a patch to one problem in the Social Security system that is currently riddled with holes. If Congress does not start considering overall Social Security reform, we will eventually have a hole too big to fix. It is my hope that the current momentum to fix small holes in the system will lead to a larger dialogue on how to save the Social Security program.

But until then, the Senior Citizens Freedom to Work Act is a win-win measure. It lets seniors earn a higher salary without retribution. It keeps skilled employees in the workplace. It helps maintain a strong economy. It helps our seniors to afford today's cost of living. And finally, it's the right thing to do.

This bill has a lot of benefits, and it costs the government nothing. I look forward to its quick passage in the Senate and to the positive effects that it will have for our country.

Mr. ABRAHAM. Mr. President, in my State of Michigan, we currently have less than a 3 percent rate of unemployment.

We used to think that just the people entering and leaving the job market, as well as those switching jobs, would keep unemployment to a minimum of 5 percent.

But our economy is exceptionally strong, and the demand for labor is through the roof. In fact, some companies in Michigan have threatened to leave the State because they can't find enough people to work.

Yet throughout the United States, we encourage our seniors between the ages of 65 and 69 to not work because of the earnings test on their Social Security benefits.

At the very time that we need experienced workers in the labor market, the government makes it uneconomical for our most experienced workers to stay in the work force.

Under the current earnings test, Social Security beneficiaries under the age of 65 lose $1 of social Security benefits for every $2 they earn over $10,000 per year.

And those under 70 lose $1 for every $3 earned over $17,000 of annual income.

Not until they reach 70 years of age are seniors free to work again on their own terms.

Seniors are being penalized by double taxation—and in this case, simply for working.

I find it incredible that we force our seniors to forego over $3.9 billion a year in Social Security benefits simply because they make more than $10,800 if they are under 65 and $17,000 if they are between 65 and 69 years of age.

But what is not seen is the income foregone by those seniors for whom the earnings test makes it uneconomical to work.

A recent study by the Institute for Policy Innovation shows that your typical 67-year-old married senior, making let's say the American average of $37,000, could have a marginal tax rate of over 80 percent.

This is a huge disincentive to continue working, even though we need these experienced seniors in our work force, many of them want to work, and they are able to do so.

In fact, a recent study by the Urban Institute indicated that because of longer life expectancies and better medical care, a 65-year-old today is healthier than a 40-year-old was before World War II.

This has the effect of forcing able workers out of the work force. In 1948, 47 percent of men over 65 worked. Today, it's one-third of that with about 16 percent continuing to work.

And if they do work, they limit how much they work because of the earnings test. In fact, 65 percent of those seniors that work, keep their total earnings under the earnings test limit in order to avoid the penalties.

But if we repealed the earnings test, we could unleash the economic power of our seniors.

The National Bureau of Economic Research estimates that repealing the earnings test on workers age 65 to 69 would increase the annual number of hours worked throughout the economy by 5.3 percent.

That may not seem to be much, but it actually represents 63 million more hours worked per year, or the equivalent of almost 31,500 jobs.

Because seniors would have more money to save, invest, and spend, it's estimated that overall gross domestic product would rise by $19.5 billion, increasing the projected growth in disposable personal income by more than 5 percent.

And this would ripple throughout the economy, adding $6.8 billion to the stock of U.S. capital invested in new jobs.

Finally, the extra growth that would be brought about by this repeal would generate enough new tax collections to totally offset the higher Social Security benefit payments within 10 years.

That is why I was proud to join Senator MCCAIN last year in cosponsoring S. 279 to repeal this antiquated test and allow our seniors to keep all of their Social Security benefits. And that is why I will also support passage of H.R. 5.

But I think we need to look at the broader issues of retirement security, including the taxation of Social Security benefits, and the forced depletions of individual retirement accounts.

In 1993, the President forced through an increase on the amount of Social Security benefits subject to taxation from 50 to 85 percent for those singles making more than $34,000 and those couples making over $44,000.

When coupled with the earnings test, these benefits taxes can punish some couples with a 103 percent marginal tax rate. These couples actually lose more than a dollar for making another dollar. Not only is this grossly unfair, it's also an even further disincentive for savings and work.

But the government's raid on senior's retirements assets doesn't even stop there. It also levies a 50 percent tax on IRA savings when seniors fail to withdraw when Washington wants them withdrawn.

Current law requires seniors to start withdrawing their IRA savings beginning at age 70½.

And seniors must usually make these withdrawals in annual amounts large enough to deplete the entire IRA by the time they reach age 85.

Failure to follow these rules earns a whopping 50 percent penalty.

This withdrawal requirement can only be viewed as a punishment for those who plan and save for retirement. Even worse, seniors who live past 85 may find themselves short on funds because the Federal Government forced them to spend their own savings. That's not right, and it must be stopped.

To remedy all of these gross disincentives to seniors planning and saving for their retirement, and staying active in the work force, I introduced the Senior Citizens' Financial Freedom Act, S. 2180.

This legislation would accomplish three objectives:

First, it would repeal the Social Security earnings test working penalty on seniors, just as the legislation before us today would.

Second, it would roll back the Clinton administration's 1993 tax increase on Social Security benefits.

Finally, it would increase the age when minimum IRA distributions must begin, from 70½ to 85.

Passage of H.R. 5 is vitally important to the financial well being of our seniors who chose to remain in the work force.

And I hope we will continue to work toward truly protecting the financial well-being of America's seniors by also addressing this year the other issues of Social Security benefits taxation and forced IRA withdrawals.

With these two important pieces of legislation, we can really strengthen Social Security for our seniors in the most important place possible—their wallets.

Mr. HARKIN. Mr. President, the Senate is going to take an important and long overdue step to stop penalizing older workers in our Nation—eliminating the Social Security earnings penalty. This is a change I have advocated for many years. So I am very pleased we are taking this important step.

This legislation, H.R. 5, is an important step for a number of reasons. First, it is simply the right thing to do. There should not be a penalty for working.

Second, we are now facing and will continue to face tight labor markets. In my State of Iowa, this is an acute problem in some areas. By eliminating the earnings penalty, experienced workers who were discouraged from continuing in or rejoining the work force will have a new incentive to work. The emergence of the Internet and home computers offers tremendous opportunities for seniors to work at home. Marrying these new job opportunities with a repeal of the earnings penalty will become even more important as the Baby Boomers retire.

Third, a large number of older Americans need the income. Over half of today's workers have no pension plans outside of Social Security. They are going to need additional sources of income to maintain their standard of living.

Some critics have expressed concern that this change would have a negative budgetary impact. I believe that by attracting more Americans back into the work force, either on a full-time or part-time basis, it will strengthen Social Security and the federal budget. And I believe they will add to the productivity of our nation.

I am pleased that the Senate has been able to come together on a strong bipartisan basis to pass this bill. The President has indicated his support and so it should become the law of the land in the next few weeks. That would be a good step forward for our Nation.

Mr. ALLARD. Mr. President, I rise to make a few comments on the Social Security earnings test elimination bill. Today I join my Senate colleagues in supporting important legislation that will benefit millions of American seniors who want to remain working after age 65 without facing a reduction in their Social Security benefits.

In America today there are roughly 800,000 Social Security recipients between the ages of 65 and 70. Under current law if you are one of those 800,000 Americans and you earn more than $17,000 this year you will begin to see a reduction, $1 in loss for every $3 earned over $17,000 in Social Security benefits. I think it is important to recognize that those being penalized are those who have been paying into Social Security their entire working lives. I have long disapproved of this punitive system that places restrictions on a person's right to work, and an employer's ability to hire the right person for the job. Too often Social Security is viewed as a handout, but for the vast majority of Americans this is an earned benefit that should not be subject to Depression-era work restrictions.

The Members of this body are familiar with the numerous obstacles facing employers, particularly small business owners, in these times of near full employment. In my home State of Colorado, our small businesses, hospitality and tourism employers are struggling to find experienced, qualified individuals even in these times of prosperity. Here in the Senate we have looked at increasing the number of guest workers visas and streamlining the visa process in an effort to provide employers with an opportunity to reach employees. While we will still consider these efforts, the passage of the Social Security earnings test elimination bill will allow employers to tap an eager and rich population of employees already living in every community in our State. Importantly, this legislation will put an end to a depressing practice that has forced working seniors to leave their jobs mid-year once their earnings threshold has been reached. Not only will America's working seniors be spared unnecessary grief, but these seniors and their employers will be free to develop stable, life-long working relationships.

The Congressional Budget Office has estimated that this legislation will cost $22.7 billion over the next 10 years. I understand that actuaries from the Social Security Administration have reported that this cost will be negligible over the long term. I mention this solely in the context that as we pass this legislation we recognize that this measure is associated with a cost. Congress must budget appropriately in response to this cost. Repealing the earnings limit is an idea whose time has come, whose time came years ago. Part of constructing good public policy is making hard choices. I hope that my colleagues will recognize that if we are not willing to assume the responsibilities of these costs in other areas of the budget we run the risk of continued fiscal irresponsibility that threatens Social Security and a balanced Federal budget.

Like many of my colleagues in the Senate today I had the good fortune to work on a precursor to this legislation when I served in the House of Representatives. During the 104th Congress I voted in favor of H.R. 2491, the budget reconciliation bill that carried a number of provisions outlined in the Contract with America. One of these provisions was the gradual increase of the Social Security earnings limit. In December 1995, President Clinton vetoed this legislation. I am thankful that today the Senate will pass this legislation overwhelmingly, insuring relief and increased economic freedom for America's seniors.

Mr. KOHL. Mr. President, when the Social Security system was established, a retirement test, also referred to as an earnings test, was made part of the criteria for determining an individual's benefits. This criterion was established because Social Security benefits are intended to replace, in part, earnings lost by an individual or family because of retirement, disability, or death. Therefore, benefits are withheld from individuals who show by their substantial earnings from work that they are not in fact "retired".

What this means today is that recipients aged 62–65 could earn up to $10,080 annually without having their benefits affected, and those between 65–69 could earn up to $17,000 a year. For earnings above these limits, recipients aged 62–65 lose $1 in benefits for each $2 of earnings while those between 65 and 69 lose $1 in benefits for each $3 in earnings. The earnings test does not apply to recipients age 70 and over, and the exempt limits increase each year at the same rate as average wages in the economy. Currently, it is estimated that there are approximately 600,000 recipients age 65–69 affected by the earnings limit test.

Today we are repealing the earnings limit for people between the full retirement age and age 69, giving them the opportunity for increased financial security, and providing an increase in skilled workers during this tight labor market.

Removing the earnings limit will provide seniors with greater independence and financial security. Today, too many Americans struggle through their retirement years trying to make ends meet. The steps we take today will allow seniors to work longer, and depend on their savings less, giving them more security into their later years. In our modern workplace it makes no sense to penalize workers for staying in the workforce longer. Congress works hard to encourage people to plan their retirement years thoughtfully, and removing the earnings limit will give working families one more tool for planning their financial future.

This move is especially timely in our tight labor market and booming economy. Removing the earnings limit will allow experienced workers to be able to stay in the workforce. I have heard from several business owners in Wisconsin who are desperate for skilled workers in a number of industries. While the long term answer to the skilled worker shortage is increased worker training and education, encouraging older workers to remain in the workforce will certainly help meet the current demand. Proven, experienced, mature workers will help our economy maintain its momentum.

We should not feel too jubilant, however, about today's accomplishment. Comprehensive Social Security Reform is still necessary. Today's changes will do nothing to hold off the coming crisis that will begin when we start drawing down the Social Security Trust fund in 2014. Congress needs to deal with this soon, otherwise we are shirking our duty to the American people.

Mr. BURNS. Mr. President, I rise today to urge all my colleagues to join me in supporting the Senior Citizens' Freedom to Work Act. It is high time we eliminated this Depression-era provision which penalizes motivated senior citizens for working to augment their Social Security income.

As the law currently stands, if a person between the ages of 65 and 69 earns more than $17,000 per year, their Social Security benefits are reduced by $1 for every $3 they earn above $17,000. That just isn't right. Ours is a society which values hard work; only our Government would devise a scheme to penalize people for working.

Before too long, in 2025, Montana will have the third largest proportion of senior citizens in the Nation. This growth rate is nationwide, however. Our country is aging and the programs which our parents relied on in their golden years need to change if they are to keep pace with the changing face of American society.

Most of the senior citizens affected by this unfair provision are those who can afford it the least. These are the very people who struggle to make ends meet every month. Many may face the impossible decision of putting food on their tables or prescriptions in their drug cabinets. We expect retirees to augment their Social Security income with money from outside resources but then turn around and penalize them for working. Isn't it about time to bring consistency into Social Security? Eliminating the Social Security earnings limit is one important step in reforming the laws which affect our senior citizens.

I urge the Senate to follow the House of Representatives by expediting passage of this important legislation. Working seniors deserve no less.

Mr. President, I yield back the remainder of my time.

Mr. L. CHAFEE. Mr. President, I rise today to express my support for H.R. 5, the Senior Citizens Freedom to Work Act. This bill will do away with the Social Security earnings test for those individuals between the ages of 65 to 69. The earnings test has proved to be a disincentive for able and healthy senior citizens to be a productive part of the workforce. On March 1, the House of Representatives approved H.R. 5 by a vote of 422–0. Moreover, the administration has expressed its support for the bill. While I believe the amendment offered by Senator KERREY had merit, attaching it to this bill would have delayed enactment of this important legislation. Therefore, it is my belief that we should pass this bill immediately and send it to the President for his approval.

Mr. MACK. Mr. President, I want to express my strong support for repealing the Social Security Earnings Test for working seniors. Many of my colleagues and I have been working together for the past 12 years to pass this legislation. At long last, the Senate is going to retire the Social Security Earnings Test.

The Social Security Earnings Test is a 70 year old dinosaur of a law which was initiated to insure that Social Security benefits were granted specifically to retired persons. Today, unfortunately, economic reality dictates the need for many senior citizens to continue working in order to achieve a basic standard of living. The Social Security Earnings Test stands as a roadblock to independence for tens of thousands of seniors throughout the United States. Furthermore, America's seniors represent a wealth of talent and skill. A national policy which discourages them from working is simply counterproductive.

Clearly, few other states have been as impacted by the unfair Social Security Earnings Test as the people in my home state of Florida. I've seen firsthand the impact upon Seniors of laws which limit income. We have already seen the impact caused by President Clinton's 1993 tax hike on Seniors, when he raised the Social Security benefit tax from 50% up to 85%. When are we, as a nation, going to stop penalizing success?

It's not a group of greedy millionaires who are being impacted by the earnings test restrictions. It's lower and moderate income Seniors who need some relief from their government to simply survive. In Florida, we are talking about grandparents who live on Social Security plus any outside work they can get. And if you have grandma in the hospital or a nursing home fighting Alzheimer's Disease, and grandpa has to go find some work to pay the bills, the Social Security Earnings Test is simply another hurdle they have to overcome.

Several years ago, I was visiting a worksite in Safety Harbor, Florida where I met with a group of working Seniors. I asked them why they were working past the traditional retirement age. Some said they simply wanted to have a reason to get out of the house and do something productive. Others said they needed the additional income to take care of a loved one. Still others said they wanted to maintain a certain lifestyle without Federal interference.

But I was most struck by one gentleman who said to me, "Senator, we live in a throw away society. Don't let them throw us away." What this gentleman was saying was that the message the Earnings Test sends is that society no longer needs you. How can we, as a society, say such a thing? Clearly, we shouldn't.

Finally, consider this thought. Baseball fans might remember my grandfather, Connie Mack, who spent many years in major league baseball. In 1929, he managed the World Champion Philadelphia Athletics. In 1929, he was 66 years old. Suppose he had succumbed to the idea that, at that age, there was no purpose for pursuing one's ideas, one's dreams in life. Suppose he had been told by our nation that he was no longer of value to society. He might not have had the opportunity to produce that great team. Fortunately, we didn't have a law which could have forced him into retirement.

The Federal government is sending a message to working Seniors that they are over the hill. The only thing that is over the hill is the Earnings Test. We need to retire the Earnings Test, not our Seniors.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRIST). Is there a sufficient second?

There appears to be a sufficient second.

Who seeks time?

Mr. ROTH. Mr. President, we yield back any remaining time.

Mr. MOYNIHAN. Mr. President, we yield back any remaining time.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The bill (H.R. 5), as amended, was passed.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the previous order be postponed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, this is a moment of high achievement. Is there anybody about who can remember when a substantive piece of legislation affecting millions of Americans and dealing with the Social Security Act would pass this Chamber 100–0? I can't in my 24 years.

In my 24 years, I have not seen the like.

I congratulate the chairman who had the wisdom to bring up the matter, hold it at the desk, and do it this way.

When the President gets back, I am sure the first thing he will do is sign it, or we can put it on a plane and send it to meet him halfway in Geneva.

But congratulations.

Mr. ROTH. Mr. President, I thank the distinguished ranking member, Senator MOYNIHAN, for his kind and gracious but too generous remarks. I know we were able to get this accomplished through his leadership. As I said earlier, I do not only want to congratulate him for his role today, but for his continuing role in his many years of service in the Senate. I thank him for his leadership, for his contribution, and for his steadiness on this most important matter.

I also say to my distinguished colleague that it is important we recognize the staff who worked so hard on this historic measure on the majority side.

I thank Frank Polk, Alec Vachon of the majority staff; on the minority side, David Podoff and Jon Resnick. I also thank David Koitz of the Congressional Research Service, Ruth Ernst of the Senate Legislative Counsel, and Kathy Ruffing of the Congressional Budget Office. Frankly, if it had not been for their hours of long staff work, this historic bill would not have been possible.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from West Virginia is recognized to speak for up to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that should I need an additional 3 minutes, I may have it.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NATIONAL ENERGY STRATEGY FOR THE 21ST CENTURY

Mr. BYRD. Mr. President, I am aware that some Senators have come to this floor in recent weeks to talk about rapidly increasing petroleum prices, and other Senators have raised serious concerns about home heating oil prices in the Northeast this winter. I also recall that certain regions of this country were threatened by electricity brownouts last summer, to say nothing of the difficulties our beleaguered farmers may face this year and to say nothing at this moment of what they faced last year. All of these issues raise serious concerns that affect our everyday lives in every season and region of the country. The crisis that we have all been witnessing not only forces us to question our dependence on foreign oil, but, more importantly, to confront the crying need for a serious domestic energy strategy.

I remember very well, because I was here, the energy problems this country experienced in the 1970's. During that decade, we were forced to confront our energy demands and our vulnerability to the whims of foreign powers. A quarter century later, this nation is still facing that same vulnerability. While some circumstances may have changed, the United States is now importing more than half of its oil from overseas. This fact, in addition to the potential for volatile market swings, is very unsettling to me. The United States should not be held hostage to the capricious decisions of other nations—friend or foe. We should not have to go, hat in hand, to other nations to beg them to produce more oil so that our supply and prices in the United States do not plummet to levels that stifle the economy. We should not have to think of sending in the troops every time some regional difficulty arises in the Middle East.

Our ultimate national interest lies with concerns that are much larger than the current price hikes in gasoline, diesel, home heating oil, or electricity. Though I am certain that, in time, this petroleum crisis will pass as most crises do, I fear that, as a nation, we will sink back into somnolence, asleep at the wheel so to speak. The alarm is ringing loudly today, and it is time to wake up and address the underlying issue—our lack of a serious, comprehensive national energy strategy. That is the underlying issue. Our policies must take into account our energy independence and U.S. energy security. We need a policy that buffers our economy and our people from decisions made by foreign suppliers. It is past time to focus on increased research and development into advanced technologies, energy efficiency and conservation measures, and market incentives for these advanced technologies and conservation measures. Obviously we must also be sensitive to the environment. Clean air and clean water matter; the responsible use of our land matters; and the potential impact caused by the growth of greenhouse gases matters. We should aggressively investigate promising carbon sequestration technologies. In fact, a comprehensive national energy strategy must also incorporate a strong environmental strategy. I believe that we can, and that we should undertake this challenge. We ought to do it now.

The United States is vast, and our resources are vast. We are a fortunate nation in that regard. The Creator has blessed us. Our economy is booming and with that boom comes an increased appetite for energy. We must consider how much we consume and how efficiently we use these resources. We possess energy reserves of oil and natural gas, as well as wind, solar, hydro, fuel cell, geothermal, and nuclear power. And, some of our most abundant energy sources are the coal reserves underlying many areas of the United States. We will need all of these resources if we are ever to achieve the goal of stable energy independence. It is time to examine the tough questions and to explore the opportunities before us to increase our energy independence.

This is a daunting task, and its success is dependent on our active support of a focused research and development program. I serve as the Ranking Member of the Senate Appropriations Committee. I am proud to have been able to provide funding for a range of critical research and development programs for energy efficiency. I have been on that committee 41 years; now going on 42 years. I have been on that Appropriations Committee longer than any other Senator has ever served on it. During that time, I have been conscious of the need for more energy research and the need for a comprehensive energy strategy. So I have provided funding for a range of critical research and development programs for energy efficiency. One such research and development effort that I am especially proud of is the Clean Coal Technology Program. I believe that it was, and continues to be, a commonsense, forward thinking program.

In 1985, I was able to provide the initial $750 million to create the Department of Energy's Clean Coal Technology Program. It has been a very successful public-private partnership. Originally designed to address acid rain reduction, the Clean Coal Technology Program is now addressing a broader range of emission issues, including the reduction of greenhouse gases.

Over the years, more than $2.4 billion in federal funding has moved the clean coal program forward. I have supported every dollar that has been utilized in this way. To date, 40 projects have been approved, with 32 either completed or scheduled to be completed by the end of 2001. But there is a disturbing trend taking shape at the Federal level. These funds are being threatened by deferrals and rescissions by this Administration. I have had to try to fight off these deferrals and rescissions that are being recommended by this administration. A critical research and development program that supports more efficient use of one of our most abundant domestic fuel sources—coal—must not be eviscerated if we are serious about advancing our energy security goal. We must continue to be ready in the event of a crisis. We have seen these crises occur before. Yet here we are with an administration that wants to rescind, wants to defer, moneys that are to be spent in the clean coal technology program.

The utter folly of such an approach is self-evident. Here we have been caught without a cushion, so we were not prepared for the crisis the country is now in. We should have been prepared. Coal cannot be taken off the list of domestic energy sources if we are ever to get out of the posture of begging, begging, begging OPEC for mercy.

I come from a coal State. Coal reserves are plentiful—not so plentiful as they once were in my State, but they are plentiful in this country. Coal supplies 56 percent of all electricity in this country. See the lights up here. Electricity is what makes those lights burn. What is behind that electricity? Coal, C-O-A-L. It keeps the lights burning in the hospitals, in the schools, in the Federal buildings, in the White House.

Coal, as I say, supplies 56 percent of all electricity in this country—56 percent.

Coal has literally fueled the American economy. It will continue to be an important source of energy for the foreseeable future—and it must continue to be. I know that there are concerns about coal mining and coal use. Some past practices would, quite rightly, not be condoned today. But we are capable, as a nation, of doing better, and we are doing more by improving these practices while also supplying the electricity that operates the wheels of industry and that lightens the offices so we can do our work, supplying an important fuel that lights our homes and businesses.

For years, not just recently, I have promoted clean coal and other clean energy technologies through research and development. But many of these newer, cleaner technologies are more costly to bring to the market. We also need to address the gap between the research and development of these promising technologies and their widespread deployment in the marketplace. It is imperative that we fill that gap.

For this reason, I have worked with Minority Leader DASCHLE and other Members of this body to develop a targeted package of tax incentives to encourage the demonstration and deployment of many energy efficient technologies. I worked with these Members for over a year and a half to craft S. 1833, the Energy Security Tax Act of 1999. If Senators have concerns about developing greater energy independence and encouraging cleaner, more efficient technologies, then I urge them to take a serious look at this legislation. Clean coal technologies are included in this package, as are a broad range of incentives for other fuels, including coal mine methane, renewables, and oil and gas. Additionally, we have included incentives for energy conservation technologies and energy efficient technologies and practices in the transportation, steel, and agriculture sectors. I say to my colleagues, if you want to help develop a strategy for an energy-independent country, then work to get this bill passed. It is the right thing for our economy, for the environment, for trade, and for jobs. It is a step toward a comprehensive national policy to promote energy efficiency, energy security, and energy independence.

If we want to have a national energy strategy, we must sit down together and bring all of our interests and concerns to the table. We must take a multi-pronged approach that looks at the whole range of fuels, the whole kit and caboodle, at more efficient energy technologies and conservation practices, and at the participation of a broad spectrum of industries and interested parties. I do not want the United States to be at the mercy of rogue nations. I do not want our economy to tremble each time OPEC flexes its muscle. I want to ensure that we remain economically competitive. An efficient, stable supply of energy is key. I believe that the challenges of this new century can be met, lighting the way for a new energy strategy that recognizes the importance of economic development and environmental protection at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, could the order standing on the floor at this time be indicated.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska or his designee is recognized to speak for up to 60 minutes.

BALANCED PRODUCTION OF ENERGY RESOURCES

Mr. MURKOWSKI. Mr. President, I compliment my good friend, the senior Senator from West Virginia, for his attention to the energy crisis that clearly this Nation faces, and particularly his attention to the realization that we have become so dependent on imported energy which clearly affects our national security interests.

In 1973—this is a time the Senator would certainly remember, as many Americans do—as a consequence of the Arab oil embargo, we had a very significant event in the United States. We had gas lines around the block. Many younger people don't remember that time. We were 37-percent dependent on imported oil. We created the Strategic Petroleum Reserve as a consequence of our concern, fearing we might approach 50 percent dependence. We fought a war in the Persian Gulf. At that time, I believe we were 47-percent dependent.

Today, this Nation is 56-percent dependent on imported oil. The Department of Energy forecasts by the year 2015 to 2020 we will be 65-percent dependent. I hope we can learn something from history; that is, that we lose our leverage if we become so dependent on that single source of imports.

As the Senator from West Virginia pointed out, we have many forms of energy in this country. We have coal, as the Senator notes; we have gas; we have hydro; we have nuclear. However, we don't have a cohesive energy policy. As a consequence, we face a crisis. The farmers in this country are getting ready to plant, and they are going to be facing high energy costs. We have seen truckers come to Washington, DC, and plead because they can't pass on the increased price of diesel to consumers. We have our Secretary of Energy in Nigeria, he was in Saudi Arabia, he has been to Mexico, urging they produce more oil.

What we need is a balance. We need a balance in domestic production of energy resources in this country, including coal, oil, and gas, using America's technology and America's know-how to develop these resources safely.

I commend my friend from West Virginia for bringing this matter to the attention of this body and recognizing that we have a capability in the United States to relieve our dependence on imported energy. The answer is not to go out and generate more imports; it is to generate more resources domestically. In his State of West Virginia and in my State of Alaska, we have a tremendous capacity to produce energy, if it is given the opportunity. We can do that because we have the advanced technology. He talks about clean coal technology. In our State of Alaska, we talk about drilling in the Arctic in the wintertime where you do not make a footprint because you are on top of the frozen ground. If there is no oil there, there is no scar, no footprint in the spring.

I have the obligation of managing some time this morning. Does the senior Senator from West Virginia have anything further to say?

Mr. BYRD. Only 1 minute, if the Senator will yield?

Mr. MURKOWSKI. I yield.

Mr. BYRD. I thank the Senator for his observations. He has very cogently and lucidly expressed those observations. I thank him for the work he has done in this subject area. I have been glad to work with him on some legislation, and I look forward to the opportunity of our working and cooperating to deal with this very serious problem.

I thank him very much.

Mr. MURKOWSKI. I thank my friend from West Virginia because I think his years of experience and participation in this body on energy matters is a legacy to which he continues to contribute, and we can learn a great deal from his advice. I thank my friend.

I believe the Senator from Wyoming would like recognition at this time. I ask how much time he would require.

Mr. THOMAS. About 6 minutes, I believe.

Mr. MURKOWSKI. I yield 7 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Wyoming is recognized for 7 minutes.

Mr. THOMAS. Mr. President, we are here, of course, to talk about oil prices, high oil prices that affect each of us. Let me start by recalling that less than 2 years ago, in 1998, we had what was considered to be the largest oil collapse since 1900. The price of oil in my State, which is heavy oil and less expensive than some other places, was $5 or $6 a barrel. Now, of course, we are faced with oil prices that are in the neighborhood of $30 a barrel.

I think we will hear a great deal of talk that we need to find a long-term answer to stabilize the production cost of energy so we have, in fact, an ample amount of energy. We need an incentive to produce energy on a continuing basis so the price is relatively stable.

I have talked to a number of the producers in my State, and production is still not as high—there are not as many wells, not as many pumps—as it could be. We say the price is as high as it has ever been, but there is no assurance it will continue, so you are hesitant to invest the money you have—a great deal of money, as a matter of fact—when you do not know if that price is going to be back where it was before. So what we are talking about basically is some kind of policy that would bring about some stability in fuel prices.

I thank Senator MURKOWSKI, the distinguished chairman of the Senate Committee on Energy and Natural Resources, for his interest and leadership in this matter. Why this has happened is no real surprise. There are a number of things, frankly, that have happened over time, and this administration cannot be surprised that we now have energy prices that are impacting truckers' diesel fuel prices, that are impacting seniors, that will have an impact on the tourism economy in my State of Wyoming and in agriculture, and certainly in many places in home heating.

It is not a surprise this has happened. We need a long-term energy policy. We need tax relief for low-production wells. We need commonsense royalty collection. We need access to public lands for a multiple-use concept and to develop oil and gas and coal.

By the way, the Senator from West Virginia spoke of coal. Certainly, that is very important as well. Wyoming is the largest coal producer in the Nation, low-sulfur coal. We are very pleased with that.

There will be opportunities for quick fixes. Certainly we support the idea of Low-Income Home Energy Assistance Programs, for example. But the fact is, over time, we will need a policy that is not just short- but rather long-term so we can get away from this idea that we are going to be threatened in both our national security and our fiscal security from time to time because of this.

Part of it is regulatory. EPA has tried to shut down coal-fired powerplants in the U.S. when all they were doing was routine maintenance. Coal supplies 55 percent of the Nation's electricity. A third of that is produced in Wyoming.

There is an interchange between energy uses. Of course, you do not use coal in the car, but you can use coal in some places where you could then release the oil for transportation.

Lots of things are occurring. The Secretary of Interior, Mr. Babbitt, is talking about taking down hydroelectric dams in the Pacific Northwest. We have had substantial limitations on the use of public lands in the West particularly. Vice President GORE has promised to prohibit future exploration for gas in the Outer Continental Shelf, places where we could do this and at the same time protect the environment.

We are into this whole question of nonaccess to public lands. It is part of this administration's idea of the land legacy, where we have now 40 million roadless acres in the forest. We have BLM roadless areas that keep us from using the multiple resources. Interestingly enough, the access thing goes so far as national parks, where now there is a policy in winter use to keep people away from the access to Yellowstone Park but at the same time promote the burning of nuclear waste upwind from the park, and have no concern about its impact. Interesting.

A failed domestic policy is certainly what we have. It has already been mentioned that, since 1992, U.S. production is down 17 percent; consumption is up 14 percent. In just 1 year of the Clinton-Gore operation, oil imports increased 7.6 percent. It is now at 56 percent and growing. It will be up as high as 65.

The United States is spending $300 million a day importing crude oil, $100 billion a year. One-third of the trade deficit is based on the importation of oil.

So these are the kinds of things with which we are faced. We certainly need a long-term policy. As I suggested, we need to take a look at the Rocky Mountain States. We need to take a look at Alaska. We need to take a look at offshore opportunities, tax incentives to help oil production get started, exploration costs.

Yesterday, I cosponsored a bill introduced by Senator KAY BAILEY HUTCHISON from Texas on marginal well credits. I think these are the kinds of steps we can take—incentives, of course, trying to make regulations that do not inhibit production moving forward.

We have a lot of things to do. There are some real impacts, in addition to the costs. In 1990, U.S. jobs exploring and producing oil involved 405,000 people. In 1999, jobs exploring and producing oil and gas were down to 293,000—a 27-percent decline in the production of energy.

I think there is a great deal we can do, but the overriding demand is to have a long-term policy which helps us to increase our domestic production so we are less reliant on overseas oil. American families should not have to bear the full cost of this failed energy policy. In the long term, I hope the administration will embrace Congress' efforts and we will move forward. I yield the floor.

Mr. MURKOWSKI. I wonder if my friend from Wyoming will yield for a question relative to the advanced technology applicable to coal.

I believe there have been projects in Wyoming that have addressed the issue in general terms of clean coal, how it can be reformulated to reduce the moisture and generate higher Btu's. I wonder if the Senator could comment briefly as to the area in Wyoming, as well, that could be available for oil and gas and coal exploration but has been withdrawn by the administration, and the rationale behind that; if those areas were open, what they might contribute to lessen our dependence on imports.

Mr. THOMAS. The Senator is correct, of course. There are a great many things that could happen. We have low-sulfur coal, which is very clean, but it is relatively low Btu. You can do some things to enrich the Btu's. One of the problems is transportation. We have this great coal now that costs us less than $5 a ton. That is what it is worth at the mouth of the mine. But if you take it then to Fort Worth, TX, it is $25 because of transportation. You could transport many more Btu's if you would do this enrichment.

Fifty percent of Wyoming belongs to the Federal Government. Some of it is set aside, of course, and should be, as wilderness. Some of it is set aside in forests and lands that need special protection. But much of the land is high plains lands, and so on, that can be used for multiple use, can be used for production. Frankly, it has been made so difficult. We have had such a hard time with royalty payments, these kinds of things that really are unnecessary.

The Senator from Alaska is right. We can do a few things to encourage domestic production and really take us out of this kind of a proposition.

Mr. MURKOWSKI. I thank my friend from Wyoming.

I believe the Senator from Maine seeks recognition, Ms. COLLINS. She represents a part of the country that has been very hard hit by high heating oil prices with a cold winter.

While we have seen excuses made relative to certain volumes of storage capacity being taken out of existence for heating oil because of age and the fact that they did not comply with current environmental requirements for fuel oil storage, we have seen refineries go out of existence. But the constituents in her area have been hit very hard.

It is my understanding that this year in the Northeast corridor there is a potential threat associated with high electric prices as a consequence of the likelihood that, indeed, some of the oil-fired plants are going to have to be put on line to meet peak demand. The costs associated with the high price of oil to fuel those plants will be passed on to the consumers in her areas, which puts a further burden on the residents of the Northeast corridor. As a consequence, that addresses the dilemma we have: Whether we are going to continue to rely on imports of energy or finally develop a balance with domestic alternatives.

How much time does the Senator from Maine need?

Ms. COLLINS. I request 10 minutes, if that is available.

Mr. MURKOWSKI. I am happy to yield 10 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I begin my remarks this morning by commending the Senator from Alaska, the distinguished chairman of the Energy and Natural Resources Committee, for his outstanding leadership in pulling together a plan to deal with the oil crisis.

He has been very attentive and responsive to the concerns of those of us who represent Northeast States. He has pointed out, correctly, time and again that one reason we are in such a bind where we are experiencing this oil crisis is that this administration has had no plan, it has had no policy. Thus, we have been particularly vulnerable to the manipulation of our oil markets by the OPEC nations.

I commend the Senator from Alaska for his leadership. It has been a great pleasure to work with him.

During the past winter, in Maine, home heating oil prices have more than doubled from the level of the previous winter. I point out, we still have a lot of winter left in New England. It is difficult to remember, when we are in Washington and surrounded by the cherry blossoms that are in full bloom and the tulips that are coming up, that in my home State of Maine we still have a considerable amount of winter yet to go through.

In fact, last weekend, when I was in Maine, in Aroostook County, the temperature was a very chilly zero degrees; and in southern Maine, in Portland, on Sunday morning the temperature was 9 degrees. The crisis, as far as the impact of home heating oil costs on my State—and on many New England States—has not yet eased. The crisis is very much still with us.

Moreover, we are now seeing the increase in oil prices affecting the cost of gasoline. According to the latest American Automobile Association survey, gasoline prices in Maine now average a staggering $1.62 a gallon. In some parts of the State, such as Aroostook and Washington Counties, the prices are even higher. And there is no end in sight.

The Department of Energy has predicted sharply higher prices for gasoline as the summer approaches. Again, this is a particular concern to my State of Maine. We are very dependent on the tourists who come to Maine to enjoy our beautiful scenery and outdoor recreation during the summer months. I fear that many of them will stay away if they are confronted with gasoline prices that approach, or perhaps even exceed, $2 a gallon.

The reason behind these soaring prices is simple. OPEC's decision to engage in unfair and anticompetitive practices to constrict the supply of oil and drive up the prices is responsible, primarily, for the crisis we face. This cartel inflicts—and will continue to inflict—economic hardship on the families and the businesses of the Northeast and throughout America. The results of the jump in oil prices may have been felt first in the Northeast, but they are rolling as thunder across America.

Let's look more closely at the primary cause of the oil crisis.

OPEC is a cartel of 11 oil-producing states that supply over 40 percent of the world's oil and possess over 77 percent of the world's total proven crude oil reserves.

OPEC member countries have colluded to take some 6 percent of the world's oil supply off the market in order to maximize their profits. And the strategy is working.

Although OPEC countries sold 5 percent less oil last year, their profits were up by more than 38 percent.

Last October, I began warning the Clinton administration about OPEC's production squeeze and the detrimental impact the cartel would have on our economy. At that time, oil prices were already beginning to rise and U.S. inventories were falling.

Throughout the winter, Mainers and all Americans who heat with oil have suffered from the highest prices in a decade. Gradually, the economic pain caused by OPEC has spread throughout the country. The entire Nation is suffering—and will continue to suffer—the results of record high fuel costs.

Last fall, the administration, in response to the concerns Senator SCHUMER and I and other Members expressed, told us what it is still telling us: Just wait and see. Be patient. We will somehow increase production. We will convince OPEC to raise production to normal levels.

We have waited and waited and waited. The cost of oil has gone from $20 to $25 to $30 to $34 a barrel. Energy Secretary Bill Richardson has admitted that the "Federal Government was not 'prepared' for this crisis. When he was in Maine, he said they had been 'caught napping'." That is an astonishing admission of a lack of leadership by this administration.

The fact is, this administration has no plan, no policy, no approach for dealing with this crisis. It has no energy policy at all. The administration should act immediately to combat OPEC's manipulation of oil markets by using a tool that has proven effective in the past; that is, a measured release of oil from our Strategic Petroleum Reserve.

Along with Senator SCHUMER, I have repeatedly asked the administration to release some of the oil from our Strategic Petroleum Reserve into the marketplace. I have worked with the chairman to make sure it would be done in a way that did not in any way jeopardize our national security. It would not in any way drain the reserve, which has approximately 575 million barrels in its storages. This would ease the price.

Last November, again, Senator SCHUMER and I introduced a bill making clear the President's authority to act. Time and again, we called upon the administration to take some action to provide us with relief. On March 2, we introduced legislation calling upon the administration to draw down the SPR in an economically feasible manner using what is known as swaps. A release from the SPR would have an immediate and dramatic impact on the price of oil. It would help break OPEC's resolve to maintain an iron grip on our Nation's oil supply.

I will relate what has happened in the two past cases where we did have a measured release of oil from our reserves. In 1996, the administration sold oil from the SPR simply to raise revenue, and oil prices declined almost immediately by over 7 percent. That was in response to merely the announcement of a one-time sale of 12 million barrels. Previously, when President Bush tapped the reserves during the gulf war, prices dropped by 30 percent.

In proposing that we release oil from our reserves, I am pleased to have the very strong support of the American Trucking Association. Perhaps no one has felt the pain of soaring oil prices more than our Nation's truckers. The jump in prices deeply harms them and, by extension, all American consumers and businesses.

I have heard from a small Maine trucking company that is in dire straits. One operator of a trucking company in Ellsworth tells me that due to the high cost of diesel, many independent contractors with whom she contracts will simply not be able to stay in business. Potato farmers in northern Maine are concerned they are going to have increasing difficulty in shipping their crop because the high cost of diesel has made it economically infeasible for truckers to drive to Aroostook County. High diesel costs also hurt our lumber and paper industries.

Everyone shares in the pain inflicted by OPEC. Record-high crude oil prices hurt all Americans—at the pump, on the farm, in the supermarket, at the airline ticket counter, and at home during cold nights. These exorbitant prices even hurt our kids. Recently a newspaper in my State reported that the high cost of fuel is straining school budgets in Maine. Several schools have canceled all field trips because they have already depleted their budget for gasoline, diesel, and oil costs for the year.

I have been disappointed that the administration has failed to heed our call during the past several months. What makes the administration's failure to act even more perplexing is the fact some of the nations involved in the scheme to manipulate prices are supposedly our allies. They have depended heavily on American support in the past. These countries include Kuwait, Saudi Arabia, Venezuela, and Mexico. I am so frustrated in particular with Kuwait and Saudi Arabia. We rescued these countries; 147 Americans gave their lives in the cause of freeing Kuwait and protecting Saudi Arabia.

I hope next week when the OPEC nation ministers meet they will decide to restore normal production levels. But we cannot wait. We have to keep the pressure on. We have to provide short-term and long-term relief.

There are other steps we could take. We should suspend the 3.4-percent gas tax hike while protecting the highway trust fund, and we must make clear to the OPEC nations that we will not stand idly by.

Again, I thank the chairman of the task force and of the committee for his excellent leadership. I look forward to continuing to work with him on this very critical issue.

Mr. MURKOWSKI. Mr. President, I thank my good friend from Maine for an update on what has occurred as a consequence of the crisis in the Northeast corridor and the implications associated with that in her area. I think she certainly has been diligent in attempting to bring about some relief for her area. It is unfortunate that the administration's answer seems to be soliciting more imports. Of course, those of us who follow this closely know that it is somewhere between 6 and 8 weeks before a barrel of oil that originates in Saudi Arabia is going to be available in her area for the benefit of relieving those who are subjected to the high prices of heating oil.

Before I recognize my friend from Texas who is seeking recognition on this subject, I remind my colleagues that there is going to be a lot of finger pointing as to who bears responsibility. The claim by the administration that they have been "caught by surprise" suggests that they must have been napping because evidence certainly shows that the President had knowledge of the extent of this crisis developing back in 1994, when the Independent Petroleum Association of America petitioned the Commerce Secretary, under section 232 of the Trade Expansion Act. Under that act, upon a request from an interested party, which the independent petroleum producers certainly were, the Secretary of Commerce must institute, over a 270-day period, an investigation into whether imports threaten U.S. national security. Then, if the Secretary determines such imports do threaten national security, the President has 3 months to disagree or agree and, if he agrees, to determine a response or a solution.

In 1994, the Independent Petroleum Association petitioned the Commerce Department. At that time, the late Secretary, Ron Brown, under section 232 of the Trade Expansion Act, responded. After study, the Department of Commerce found that imports did threaten the national security and reported this to our President. What was the President's response? I quote from the 1994 findings:

> I am today concurring with the Department of Commerce and their finding that the Nation's growing reliance on imports of crude oil and refined petroleum products threatens the Nation's security because they increase U.S. vulnerability to oil supply interruptions.

Granted, that was in 1994, but something else happened in March of 1999. The Congress asked for a new section 232 finding on oil imports.

I ask unanimous consent that a letter asking the Department of Commerce for an evaluation under section 232 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, March 12, 1999.

Hon. WILLIAM M. DALEY,
Secretary of Commerce, U.S. Department of Commerce, Washington, DC.

DEAR SECRETARY DALEY: For over a year now, the world oil market has been glutted with excess supply, which has severely depressed oil prices. The crash in oil prices has resulted in record low gasoline prices and shaved at least half a point off the inflation rate. At the same time, the impact on domestic oil production has been devastating. According to a January survey by the Independent Petroleum Association of America (IPAA), 193,000 marginal oil and gas wells have been shut down with a loss in oil production of 360,000 barrels per day since November of 1997. Even if oil prices were to increase to $14 for the next six months, another 184,000 oil wells would likely be shut in. Once marginal wells, well that produce less than 10 barrels per day, are shut in they rarely come back into production. With 1 million barrels per day of U.S. production coming from marginal wells, loss of that production would have a dramatic impact on U.S. oil imports.

The future implications of a slowdown of this magnitude are severe and long lasting. New drilling is down nearly 50 percent. In general, the only wells being drilled are those required to maintain a lease. The major oil companies have announced significant cuts in capital spending, averaging 20 percent. The impact on the United States, a high-cost province, is expected to be a reduction in capital spending on the order of 40 percent. The absence of new drilling means that for several years we are going to have declining production as old fields are depleted without new fields being brought into production. Oil development requires long lead times and oil production cannot be brought back up in short order.

According to press reports, oil industry bankruptcy filings started to accelerate late last year. The courts in Texas alone are expecting over 80 Chapter 7 oil industry bankruptcies as a result of the crisis. Over 24,000 jobs directly in the oil industry have already been lost, with another 17,000 expected. In the short run, the economic impacts in some areas are staggering. In the long run, the risk is the lost capability for domestic production. As companies go out of business, equipment is taken out of service and people are forced to find other lines of work. As the United States discovered after the last price downturn, once the expertise and capability disappear, they are costly to replace when prices do recover.

The total U.S. trade deficit last year for goods and services was $168.6 billion, up from $110.2 billion in 1997. The petroleum contribution to the deficit was $20 billion less than in 1997, even though imports of crude oil were up 6 percent and all petroleum products 8 percent. When oil prices recover, and they will as non-OPEC supplies decline and developing country economies emerge from recession, our trade deficit figures will see a sharp increase. The Energy Information Administration, in its Annual Energy Outlook 1999, is projecting oil imports as high as 71 percent of consumption by 2020 at a cost of $100–$158 billion. While low oil prices have provided obvious benefits to the economy in the short run, we believe it is reckless not to be taking immedate action to mitigate the future impact of our increasing dependence on imported oil.

In 1994, your Department conducted a review under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and found that the nation's growing reliance on imports of crude oil and refined petroleum products threatened the nation's security because they increase U.S. vulnerability to oil supply interruptions. On February 16, 1995, President Clinton concurred with the finding, but took no action. In 1994, the U.S. was 51 percent dependent on foreign oil; in 1998 it was 56% dependent. Clearly, the security threat that was found in 1995 has increased along with those imports.

With all these factors in mind, we are hereby requesting that you conduct an expedited review and investigation into the impact of low oil prices and ever increasing oil imports on the United States national security under the authorities granted to you under Sec. 232 of the Trade Expansion Act of 1962. A finding that the level of oil imports is a threat to our national security will put the focus on a national policy to respond to the crisis. We respectfully request that you complete your investigation and send your findings to the President within 60 days.

Sincerely,

Jeff Bingman, John Breaux, Mary L. Landrieu, Frank H. Murkowski, Kent

Conrad, Michael B. Enzi, Max Baucus, Byron L. Dorgan, Trent Lott, Conrad Burns, Blanche Lincoln.

Mr. MURKOWSKI. Further, I note that that particular letter is a bipartisan letter. Many Democrats as well as Republicans are on that letter, specifically asking, again, for a new finding on oil imports and pointing out that the domestic oil and gas industry was basically in a free-fall—this was March of 1999—and that that free-fall would further threaten our national security.

In April of 1999, Secretary of Commerce Daley initiated the study. That study was delivered to the President last November. Now, the President has not released that study, but clearly that study is going to point out that national security is at risk because of our increasing dependence on imports. Why hasn't the White House released that report?

Yesterday the Majority leader, Senator LOTT, along with Senator WARNER, chairman of the Armed Services Committee, Senator HELMS, chairman of the Foreign Relations Committee, and myself wrote to the President laying out this sequence of facts and asking the President to release that report that has been sitting on his desk since November. Now, he is required by law to do this within 90 days—which has past. So when I hear from the administration that they were caught by surprise, or caught napping, I can only assume they haven't been reading their mail, or they haven't been moving the reports, or they have decided they didn't want to bring this issue up before the American people, because they were told in 1994 and they were told again last November that we were risking our national security as a consequence of our import and dependence on foreign oil, which is now up to 56 percent.

The Department of Energy, in its own forecast last year, said in the years 2015 to 2020 we will probably be in the area of 65-percent dependent on imports. I am not buying the excuse that they were caught napping or caught by surprise. They were caught because they haven't done anything about it. They haven't wanted to do anything about it. They hoped they would get out of town before the American public became aware, before the crisis hit, before the farmers came to Washington, before the truck drivers came to Washington, before we had a surcharge on our airline tickets, before we were approaching $2-a-gallon gasoline. But it has caught up with them.

It will be very interesting to hear what the White House is going to say now that they have this report under section 232 of the Trade Expansion Act; they have had it since November. And why haven't they released it to the American people?

I ask the Senator from Texas how much time she will need. We have had 7 minutes. We have had 10 minutes. And we have a couple more speakers. Is 10 minutes adequate?

Mrs. HUTCHISON. Yes.

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to my good friend from Texas, who has been very much an integral part of our Special Energy Committee to try to address some short-term, interim, and some long-term relief for the crisis we are currently facing in our country.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska, the chairman of our Energy Committee, for taking the lead on this very important issue. Not one person who drives a car in this country or rides on an airplane can fail to realize what is happening—that we have oil prices that are going through the roof and it is affecting every one of us in our daily lives.

The sad thing is that this could have been avoided. We had the opportunity to present an energy policy in this country that would not make us beholden to foreign oil resources. In fact, when President Clinton took office, we imported 48 percent of the oil needs in our country. Today, it is approaching 56 percent. Over 50 percent of the oil needs in our country are imported.

I am going to vote for all the quick fixes that we can to get prices down as quickly as possible because it does hurt people who have to drive for a living, or those who are planning family vacations, to have this kind of added expense they didn't count on. But if we do a short-term fix without a long-term fix, we are doing nothing to solve the real problem in this country—that we are consuming more oil than we are producing and we are too dependent on foreign sources.

I want to help the people in the Northeast who are suffering from terrible heating oil shortages and high prices. I want to help every American who is driving a car and seeing $50 register on the gasoline pump. I want to make sure we realize we can do something to make our own country more self-sufficient and these are things that will be good for everyone.

When prices were so low that small producers could not break even—in 1997 and 1998—we lost much of the small business in our country that is in oil production. I have a great empathy for farmers in our country, as does Congress and the President. So when prices are artificially low for agricultural products, we do something for the small farmer to make sure they can stay in business because they are the bread basket of America and it is in all of our interests to do that.

But somehow, when we talk about small oil producers, people don't think of that as a small business. They think of oil as big oil. They think of it as J.R. Ewing. That is not the small producer in our country. A normal well in our country would be putting out 1,000 barrels. In Alaska, they put out 6,000 barrels a day. When we talk about a marginal well, we are talking about a 15-barrel-a-day quantity; the output is 15 barrels a day. This is a very small, low-profit-margin well. These are small businesses that are creating jobs in America.

What I want to do as part of a long-term solution is help those small producers when prices go so low that they have to go out of business and close their wells. In 1997 and 1998, 20 percent of these producers were put out of business because prices were $7, $8, $9 a barrel and they could not break even. Once a well is shut in, they pour concrete down the hole, so it is very expensive to reopen it.

Now, to put this in perspective, you might think, why would we want to save a 15-barrel-a-day well? The reason is that all of those small wells, put together—about 500,000 of them across the country—can create the same amount of oil as we import from Saudi Arabia. So if we can keep these little guys in business, that creates a base for our country that does make a difference—the same amount of oil we import from Saudi Arabia that we are getting in our own country, creating jobs in our own country, creating taxpaying citizens, paying taxes to school districts, paying sales taxes to our States and income taxes to the Federal Government. So this is not a loss to the Federal Government; this is a win for everyone.

In my State of Texas, where they have given tax breaks to small producers—the 15-barrel-a-day producers—they have reopened wells and they have put over a billion dollars into the economy of the State just by giving incentives for these small guys to stay in business. So if we can do this when prices fall below $17 a barrel, we will create revenue for our States and Federal Government, jobs for American people, and we will create more oil so the price is stabilized, so we won't see the spikes caused by foreign countries deciding they are not going to produce. It is a win for everyone.

This is not big oil. The big oil companies rarely, if ever—I would say never, but I could be wrong; maybe there is a well out there that is 15 barrels a day, but it is not the kind of thing big companies do. But it is a livelihood for a small producer, and we should treat them like a small family farmer because it is in our interest to do so. It doesn't hurt us in revenue, it helps us.

My addition to the long-term solution here is to help producers who are drilling wells that produce 15 barrels a day, or less, by giving them a tax credit for the first 3 barrels of the 15 barrels when the price falls below $17 a barrel.

That is it.

If it goes to $18 a barrel, there is no tax credit because then they can break even on their own. But when it falls below $17, then they need that help to keep those jobs, to keep that well pumping until they get to $18 a barrel. Frankly, if we did this, the prices would stabilize and we wouldn't have the lows and the highs.

I commend our chairman, FRANK MURKOWSKI, for putting together a package. I wish we had an energy policy from the administration. I hope they will work with us.

Our package says we are going to lower the gasoline taxes immediately until prices go back up to the $17 or $18 a barrel level; we are going to give help to people who need help in extra funding for fuel oil; we give help to the truckers who rely on fuel prices being at a steady level when they make contracts. We will do the short-term fixes. But we must address the long-term problems. If we did, we could pump immediately 250,000 barrels a day in our country with the small guys, with the little guys—the little oil producers who would reopen a well or believe they could make the investment to go back in and start drilling again—and start our production so we would not be totally beholden to foreign countries for our energy needs.

I hope our package is not just short-term fixes because if it is, we will be walking away from the responsibility of Congress to have an energy policy that will for the long term stabilize prices at a reasonable level so we can keep jobs in America and so we can have the security that we will not import more than 50 percent of the needs of our country.

Thank you, Mr. President.

Mr. MURKOWSKI. Mr. President, I wonder if I might ask a question of my friend from Texas relative to, again, the contribution of these small stripper wells. They are prevalent in our State, Oklahoma, and other areas. While they don't produce much, the numbers are significant. Collectively putting them together could offset dramatically a significant portion of what we import.

Mrs. HUTCHISON. That is exactly right.

Mr. MURKOWSKI. Does the Senator have a figure on how significant they are collectively?

Mrs. HUTCHISON. I think the chairman is exactly right. In fact, if we helped these small stripper wells and these little guys so they could afford to go back in and drill again, we would be creating the same number of barrels as we import from Saudi Arabia. They could produce 250,000 barrels almost immediately if they knew there was a policy that would protect them against a drop because then they could afford to make the investment.

Mr. MURKOWSKI. When they are shut down, they are difficult to reopen and are almost lost.

Mrs. HUTCHISON. That is exactly right, and 250,000 barrels a day could come on line practically immediately.

Mr. MURKOWSKI. This proposal of a floor and a ceiling for somewhere in the area of $14 to $17 would guarantee them an opportunity to continue when prices dropped below a figure and when ordinarily they would cease to exist because they couldn't operate below that price.

Mrs. HUTCHISON. They couldn't exist when prices fell to $11, $10, or $9 a barrel. They cease to exist. Some of them will never come back.

Mr. MURKOWSKI. We would be losing those jobs, and the dollars would be spent overseas.

Mrs. HUTCHISON. When the price goes to $18 a barrel, there are no tax credits—nothing—because they can make it on their own.

Mr. MURKOWSKI. I very much appreciate the contribution of the Senator from Texas who has been very instrumental, I think, in coming up with some solutions as opposed to just importing more oil.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. MURKOWSKI. I yield 6 minutes to my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

I think one thing the Senator from Texas, Mrs. HUTCHISON, failed to say is that she has legislation to do the very thing she is talking about that is critical to more than just the economy of this country and just the price of oil but also to our national security.

I can remember in 1985 serving in the other body. At that time, we and Secretary of the Interior Hodel had a dog-and-pony show where we would go around the Nation and explain to people in consumption States that our dependency on foreign sources for our oil was a national security issue. That means we are dependent upon them for our ability to fight a war. This is an incontrovertible fact. In fact, if you go back to World War I, the wars have been won by those countries that have control of the energy.

I certainly applaud Senator HUTCHISON for her legislation. I am a cosponsor.

I think this is one of the ways we do it. We have two major sources in this country that we need to tap: One is in the State of Alaska, and offshore. I have been up there. I know how compatible that is to the ecology up there. I believe we are going to have to do it. Of course, in our areas, to some degree—Arkansas, Oklahoma, and Texas in the oil belt—we have tremendous reserves. But all of it is in shallow steppes.

She talks about 15 barrels a day. I used to do this for a living. I was a tool dresser on a table tool rig. Nobody knows what a table tool rig is anymore. But at that time, you had to work and work very hard.

It costs us in the United States of America 10 times as much to lift a barrel of oil out of the ground than it costs in Saudi Arabia.

You would think we were smart enough in this country to learn from experience, but we are not. In 1973, we were going through exactly the same thing we are going through today. The OPEC countries could produce oil cheaply. They had control of this. We were at that time only 36-percent dependent upon them, but that was enough for them to control to the extent they lowered the price and starved out the small, marginal well producers and stripper producers. They were no longer able to stay in business.

It is not easy to say: It is fine now because it is $38 a barrel, or $28 a barrel. It doesn't work that way. There has to be a predictability of price.

When you are making an investment decision to drill one of these wells, that has to be made about 6 months before you actually go into the ground. If you have fluctuating prices, you can't find many people who are willing to risk their capital to go in the ground. We have to have predictability. The only way we are going to have that is with a national energy policy.

I have probably been the chief critic of this administration in every area, from energy to national defense. But in this case I have to, in all fairness, say we do not have a national energy policy. We tried to get a national energy policy under President Reagan, under President Bush, and certainly under President Clinton. We have not been able to do it. This is where we are going to have to concentrate our efforts.

I think people who are concerned about prices need to understand there is another thing coming, and that is the EPA. Truck drivers have been requesting that Congress step in to reduce the cost of diesel fuel. If they think prices are high now, wait until the EPA finalizes their sulfur and diesel rule. I have talked to small refiners. They do not know how they can operate at that particular level. That is going to have a direct effect. It could double the cost of diesel.

Yesterday, Carol Browner said she wanted to eliminate the oxygenate mandate in fuels. However, she wants to mandate that all fuels contain a 1.5-percent renewable component. That means the cost is going to go up. It is done under the banner of the ecology.

The issue we are dealing with today is far more serious than just the price of gas at the pumps or the price of oil to heat our houses. This is a national security issue. We are now dependent upon foreign sources for our ability to defend America.

It has to come to a stop. The only way it can come to a stop is develop a national energy policy, the cornerstone of which is a percentage beyond which we cannot go beyond for dependence on foreign sources. I applaud the chairman for his efforts and join in the efforts to bring about such a policy.

Mr. MURKOWSKI. I thank my friend, the Senator from Oklahoma. I remind the Senator that in 1973 when we had the Arab oil embargo, we had a bipartisan effort to come together, to take steps to ensure we would never be over 50-percent dependent on imported oil. We created the Strategic Petroleum Reserve. Clearly we didn't follow what we were preaching at that time. I thank my friend from Oklahoma for his contribution.

In the remaining minutes, I will point out a couple of relevant facts I think Members need to be cognizant of. One of the short-term proposals that our energy caucus has come up with is to support a temporary suspension until year end of the 4.3-cent-a-gallon gasoline tax that was added in 1993. Some will remember we had a debate on the floor regarding that tax. We were tied on the 4.3-cent-per-gallon gasoline tax increase. Vice President GORE came to the floor and broke the tie. Some have taken the opportunity to suggest this is the Gore tax, the 4.3 cent a gallon. It amounted to a 30-percent tax increase on the gasoline.

We are proposing a temporary suspension. The proposal suggests we will not jeopardize any of the contracts that are outstanding for highway funding this year, that we will replace the offset by the end of the year through the general fund or surplus, or a combination of both, or perhaps if the price of oil should come down, we will do it that way. However, we clearly will not jeopardize the highway trust fund by this proposal.

Another reality I think is worth mentioning because it is very significant relates to the fact we are currently importing a significant amount of oil from Iraq. We fought a war over there not so many years ago. We lost 147 American lives of service men and women. The object was to expel Saddam Hussein from Kuwait. We have 458 Americans who were wounded; 23 were held prisoner of war. What has it cost the American taxpayer since the end of the Persian Gulf war to ensure that Saddam Hussein stays within his borders? A little over $10 billion—we were enforcing a no-fly zone; we were enforcing some embargoes. I mention this because of the inconsistency.

Now we are importing oil from Iraq. Our greatest percentage of growth in imports is coming from Iraq. In 1998, I think it was 336,000 barrels a day; In 1999, it is over twice that much.

Where is the consistency in our policy? We can condemn the Saudis for not increasing oil production. We can condemn the Mexicans. The Secretary of Energy went to the Saudis and said: We have an emergency, we need more production.

Do you know what they said? They will have a meeting on March 27 and let us know. He says: No, you do not understand. We have an emergency. And they said: No, we have a meeting.

He went to Mexico and begged for more production from Mexico. Do you know what the Mexicans said? They said: Where were you, United States, when oil was $13, $14, $15 a barrel and our economy was in the bag?

That is what we are hearing as a consequence of our dependence on this source. Some suggest we should consider pulling out troops if OPEC fails to raise production. Obviously, that is contrary to our own best interests, as well.

It is important to point out the inconsistencies associated with our policies and the realization we have allowed ourselves to become so dependent. We were aware of it as evidenced by the section 232 Trade Expansion Act report. The President had it in 1994 by the Department of Commerce and he had it last November and he has not chosen to release it. That is where we are.

I conclude by reminding my colleagues that things are probably going to get worse in some areas of the country. We had the Senator from Maine indicate the difficulties associated with heating oil. Let me advise the Northeast corridor that there may be higher electric generation prices coming this summer in their electric bills. Only 3 percent of the Nation's electricity comes from oil-fired generating plants, but in the Northeast corridor it is much higher. It is estimated that the older oil-fired plants will have to come online this summer and the price will go up because they use a uniform price method to set prices.

In other words, the last energy source that comes online dictates the price for the other sources and there is a windfall. In other words, those providing electricity using gas, which is cheaper, charge the same price as those generating electricity using oil. If I have not confused the President, I think he has an idea of the point: Electricity prices will go up in the Northeast.

The Northeast corridor relies 33 percent, I am told, on fuel oil for its power generation. By some estimates, an oil plant that offered electricity at $37 per megawatt hour 1 year ago may now seek a price of $75 or more—assuming fuel is purchased on the open market. It may be more as owners of oil units are free to ask whatever price desired.

If there were an abundance of power this would not be an issue, but there is not an abundance of power. It is very likely, according to the estimates we have received from sources in the industry, that every kind of generation available will likely be utilized this year in the Northeast corridor—including fuel-oil units.

The bottom line is that as long as OPEC controls the price of oil and we allow our domestic production to continue to decline, American consumers continue to pay the price.

The alternative is clear: We have to reduce our dependence on imported oil. To do that, we have to go across the breadth of our energy sources. We have to have the people in the Northeast corridor recognize the answer to their problem is more domestic production and less dependence on imported oil. That suggests an aggressive policy of opening up the overthrust belt in the Rocky Mountains, opening up Alaska, opening up OCS areas, and do it right, with the technology we have. Otherwise, this situation will happen again and again and again. The Northeast corridor will feel it first and foremost.

I thank the Presiding Officer for his patience and diligence in listening to the presentation.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee is recognized to speak for up to 50 minutes.

Mr. KERREY. Mr. President, I yield such time as necessary for this presentation.

The PRESIDING OFFICER. The Senator is recognized.

THE MIDDLE EAST

Mr. KERREY. Mr. President, last week, in the middle of a 10-day trip to Syria, Lebanon, Jordan, and Israel, I read a story in the International Herald Tribune about a discovery made by a joint Chinese-United States paleontology team in China. The team found 45-million-year-old fossil remnants of an animal the size of a thumb they believe is a key evolutionary link between pre-simian mammals and human beings. From an analysis of the fossils, the team speculated that the animal met an unfortunate fate: He became the regurgitated meal of a hungry owl.

Misery loves company and there are times in the Middle East when one feels like that unfortunate animal trying to figure out and understand what our policy ought to be to pursue peace in that turbulent, difficult region.

In the Middle East the search for peace can seem as slow to develop and the politics can be as brutal as the rules of natural selection where survival is the most important virtue. For most of the modern era survival in the Middle East has been defined in military terms. However, because the Middle East is not immune from the competitive demands of the global economy, increasingly survival's definition has been modified with economic strategies and analysis.

That is among the most important reasons for improved chances of peace between Israel and Syria. To that end President Clinton's decision to fly to Geneva, Switzerland to meet with Syrian President Hafez al-Assad is a very hopeful sign. The President has a high degree of respect from both President Assad and Israeli Prime Minister Barak. As such, he may be able to convince Mr. Assad to make some gesture to the Israeli people which will make possible the eventual surrender of the all-important Golan Heights. The Golan Heights were captured from Syria on June 10, 1967, at the end of the Six Day War, and have been a part of Israel for 33 years; no Israeli leader can surrender this land unless legitimate security concerns are thoroughly satisfied.

If the President's discussions with President Assad do help produce a peace agreement between Israel and Syria, it will add momentum to the successful completion of final status talks between Israel and the Palestinians. It will decrease the potential for tragedy in southern Lebanon following Israel's unilateral withdrawal by July 1. And finally, it will increase the chances that Lebanon could become more independent from Syria.

Syria's 15 million people are facing a very uncertain future. This uncertainty begins with the nature of their government—a dictatorship with President Assad in absolute control. Mr. Assad has held power since 1970 and has tried to give the impression of popular support with coerced referendums; in 1991 he received a "vote of confidence" from 99.9 percent of Syrians. However, Mr. Assad's age and health make it likely that power will be transferred in the next few years. The current leading candidate is the President's son, Bashar, a thirty year old ophthalmologist.

Peace with Israel would make it much more likely that President Assad's son would survive in power. A peace agreement would mean normalized relations with Israel and an end to Syria's support of terrorism. It would make it more likely that badly needed investment would enter the country and it would allow Syria to divert much needed resources from defense into health and education. The resulting economic growth would bring newfound opportunities to the Syrian people though not nearly as great as the opportunities they would have if they would begin a transition away from a dictatorship to democracy.

From the Israeli point of view, a peace agreement with Syria would bring benefits that could lead to solving regional economic problems as well as contributing to a more favorable agreement with the Palestinians. Peace would mean that all three nations—Jordan, Egypt and Syria—with whom Israel has fought three wars would recognize Israel's right to exist as an independent nation.

In theory it would seem like peace is possible, but the Middle East is a place where life is always standing theory on its head. Not only is a U.S. Presidential election coming to a theater near all of us in 8 months, but the political scene in both Syria—a dictatorship with transition difficulties—and Israel—a democracy divided into smaller and less effective political groups than at an time in its 50-year history—makes it most likely that defeat will once more be snatched from the jaws of victory.

I would say the chances of success are comparable to making a three-ball pool shot on a pool table littered with debris. However, given the benefits of peace it is a shot work taking.

The benefits for the United States of an agreement between Israel and Syria are considerable. They include:

Improved security for Israel, our closest ally in the region;

Increased openness and opportunity for regional cooperation since Israel would then have peace agreements with Syria, Jordan, and Egypt;

Decreased threat of terrorism directed at Israel or the United States;

Increased chances that Lebanon can become a fully independent and democratic nation; and,

Greatly decreased threat of catastrophic use of weapons of mass destruction in this fragile region.

The benefits to the United States must be quickly understood by Congress because when an agreement is reached, there is no doubt that the United States will be asked to spend money in order to give both sides the confidence that peace will make them more secure. The figure of $17 billion over a 10-year period has been raised in the press, specifically directed at funding means to give Israel the security which it currently enjoys from being present on the Golan Heights. The dollar costs are important, but I would like to focus less on the amounts than on what will be needed to make an agreement successful.

First, Israel needs the assurance of early warning. It needs to be warned about potential missile attacks—or other use of weapons of mass destruction—so it can deter or intercept such attacks. It needs to be warned of potential ground attacks so it has time to mobilize its ground defenses. Without the assurance of early warning, the Israeli people will not feel secure. To emphasize, Israel is a real democracy. They do not have a dictator making the decision. The people have to feel secure in order for a peace agreement to work. Without real security, the Israeli people, quite rightly, will not support any peace agreement.

In my view, monitoring from the high ground overlooking the Golan Heights is essential to achieving any agreement and to maintaining Israel's security. A largely automated equipment set should suffice, but if personnel are required on site, I think American contractors, not soldiers, can and should do the job. Operating on an isolated mountainside, they would be in more danger than are our peacekeepers in the Sinai Multilateral Force of Observers. This is an appropriate task for us.

Another potential cost, and one that is rarely mentioned, is economic assistance to Syria. The poverty and lack of economic dynamism in Syria is the fault of the Syrian regime, whose mania for control has largely smothered the entrepreneurial instinct of Syria's talented people. And, unsurprisingly in a regime which has ruled unchallenged for 30 years, there is corruption. But if Syria will agree to a timetable of economic opening and a transition to democracy, U.S. economic aid for Syria would be appropriate. Syrians need to see a peace dividend. Given the business skills and ambition of Syrians, I expect a free-market, democratic Syria to move up quickly in global economic standings and to be a partner with Israel in trade as well as in security arrangements.

Lebanon poses perhaps the biggest challenge to a comprehensive peace. If Lebanon is to play a positive role in the peace process, and if Lebanon is to become independent of Syrian domination, many Lebanese are going to have to act with both courage and generosity. As Israel withdraws from southern Lebanon, Lebanese leaders should send their own rebuilt and united army to the south to disarm Hezbollah and the South Lebanese Army and to prevent future attacks on Israel. Lebanon should do this even if Syria objects. It is Lebanon's duty to be sovereign in all its territory, and to prevent attacks on other countries that emanate from Lebanese territory. I am sympathetic to all Lebanon has undergone over the past 25 years, but I am describing only the minimal duties of an independent state.

Occupying the south will take courage. Two other big problems—the future of the South Army and the future of Palestinian refugees in Lebanon—will require generosity. The Lebanese Army should integrate the SLA fighters into its own ranks and make them welcome. It should similarly integrate those Hezbollah combatants who request it. Regarding the Palestinians, some of whom have resided in camps in Lebanon since 1948, Lebanon should likewise be generous. Those Palestinians who request it should be accorded citizenship and Lebanon should make a special effort to integrate them fully into its national life. It seems presumptuous of me to advise a country which fought a long civil war over just such issues to now take bold action to integrate its marginalized groups. But if Lebanon fails to do so it will be neither peaceful nor independent, and its weakness will lessen the chances of peace in the region.

Let us suppose that this extraordinary long shot works, that all three balls go in their respective holes, and that Israel, Syria, and Lebanon, with American help, make a real peace. There will still be dangers emanating from the Middle East. The weapons of mass destruction now in the arsenals of Iran and Iraq, and the weapons those two states are still developing, present a lethal danger. The Iranian regime seems more rational and more amendable to democratic change than does Saddam's regime in Baghdad, but there won't be true security in the region until Iran and Iraq are free-market democracies and are fully integrated into the family of nations.

Furthermore, looming overall these security challenges is the biggest problem of the Middle East: The lack of water. Water is not a respecter of political boundaries; water shortages can only be solved on a regional basis, and if they are not solved diplomatically these shortages will be a longstanding source of military conflict.

Despite all of these challenges, it is still worthwhile for us to maintain our patience for peace. The peace we are helping build today will have enormous benefits. Perhaps the greatest benefit is that the burden of fear which overhangs the whole region will be lifted. I am thinking of the fear of a mother whose son has been drafted, the fear of a child in a bomb shelter, the fear that large crowds at a market or sports event might attract a terrorist bomb, the fear with which a family fits and adjust their gas masks, the fear of war that keeps investors away, the fear of the unknown alien race that lives in very similar circumstances just 30 miles away.

As many of my colleagues know, the people who deal with these fears are wonderful people. They are our friends, our actual relatives in many cases. For many of us they are our spiritual cousins as well, they are at home in a region many of us call holy, and they have lived with fear for too long. That is why one of our Government's noblest efforts right now is the effort to help the pragmatism, good sense, and good will of the region's leaders bring peace to the Middle East.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Is it my understanding, under the order, we are to be in morning business until 12:30; is that correct?

The PRESIDING OFFICER. That is correct.

THE BUDGET

Mr. DURBIN. Mr. President, I come to the floor this afternoon to address an issue which is paramount now at this moment in time in this congressional session. Each year, we have certain things we have to do before we can go home. The first of those things is to pass a budget resolution.

The President comes to Capitol Hill in January. He gives his State of the Union Address and suggests a legislative agenda, as Presidents have done, I believe, since President Woodrow Wilson. Then, shortly after that speech, the President's wishes are translated into a budget proposal submitted by the President to Congress.

Of course, we have coequal branches of Government. We are very proud of our responsibility. We look at the President's budget as an indicator of where the country might be headed. Then we add our own priorities. We decide, if we agree with the President, that we will go forward with some of his spending plans. If we disagree, we come up with our own proposal. That proposal is known as the budget resolution. It is a resolution passed by the House, passed by the Senate, one we hope we can agree on, but it isn't signed by the President. It is really the Congress' view of how we should spend the money the people of America give us to supervise and maintain.

The budget process is one where Congress has the burden on its shoulders. The President has met his responsibility. Now it is our turn. We usually try to make certain that before April 1 that budget resolution will be enacted so that then we can get to work on the Appropriations Committees.

The budget resolution is like a blueprint. The Appropriations Committees take 13 different appropriations and spell out, in fine detail, what the budget resolution has instructed them to do.

There are large-scheme things we consider and smaller things, as well. On the larger scheme, we want to continue to bring down the deficit that we have faced in this country for so long, and the national debt which we have accumulated. On a smaller scheme basis—certainly not small in terms of importance, but in spending, we consider everything from the Federal prison system, education, the defense of the country, foreign aid—you name it—each of the appropriations bills takes that into account. The first step is the budget resolution.

I am a member of the Budget Committee. I kind of jokingly say that I served a 6-year sentence on the House Budget Committee, and now I am back in the role of the Senate's Budget Committee serving my time as well. It is not as tough an assignment as that might lead one to believe. We have a wonderful chairman in Senator PETE DOMENICI of New Mexico; we have a great minority spokesman in FRANK LAUTENBERG of New Jersey. But we do have differences of opinion.

It appears this Presidential election year has made the budget process more difficult than ever. I think the majority party, the Republican Party, has a tough job on their hands. They now have a candidate for President, Governor George W. Bush, who has said his vision of America involves a substantial tax cut that goes primarily to the wealthiest people in America. Virtually every Republican Senator and Member of the House has closed ranks and said he or she supports Governor Bush, and that is the cornerstone of the Bush campaign, this large tax cut for upper-income Americans.

It has become difficult to convert the Republican Presidential primary rhetoric into budget realities; in other words, to take the promises from the campaign stump by Governor Bush of a massive tax cut and turn it into a budget reality on Capitol Hill. I think that is why our budget process this week broke down. The Republicans canceled today's hearing to discuss the budget resolution. I am afraid the Republican majority can't quite get it together.

I think they ought to think twice. I hope they do not include in their budget resolution Governor Bush's tax cut because, frankly, it is a tax cut America cannot afford. It is one thing for us to say it is only some $223 billion. In fact, it is much more over a 5-year period of time. If Leonardo DiCaprio and others will forgive me, we think the U.S. economy is doing very well, sailing along. In this Republican tax scheme, we see $223 billion up here that might be its cost over the first 5 years, but take a look at this iceberg below, which could sink this ship, the U.S. economy. Once you have played out the cost of the Bush tax scheme, it approximates $2 trillion; $2 trillion in an economy that seems to be doing quite well as is.

Take a look last year at what was proposed by the Republicans as part of their tax relief. Over 5 years, it was $156 billion. Then as it grew over 10 years, it went to $792 billion. In this year's debate, the Congressional Republican budget plan is over $200 billion in the first 5 years, and over 10 years, it just mushrooms and explodes in size.

One might say: Well, frankly, I would like to have a tax cut. Wouldn't everybody, an individual, a family, a business? Of course. But we have to ask a harder question. Would we risk endangering the current economic growth in this country in order to pass a large and expanding tax cut that goes primarily to wealthy people? Would we be in favor of such a tax cut plan as opposed to paying down the national debt, a debt which, frankly, we have to raise tax money for every single day to pay interest? Wouldn't it be better—incidentally, Federal Reserve Board Chairman Alan Greenspan thinks so and I agree with him—to reduce the national debt as opposed to giving tax breaks to wealthy people?

As that debt comes down, we are saying to our children: Here is an America that is strong, a great democracy, a leader in the world, a nation unencumbered by debt that has been accumulated over the last several decades.

President Clinton's plan suggests that our first priority should be bringing down America's national debt before we start talking about massive, risky tax schemes. I think the President is correct because in bringing down that national debt, we invest money in Social Security, meaning that it is stronger longer, and we invest money into Medicare, the health insurance plan for the elderly and disabled in America, a plan which needs our assistance. That, I think, is the responsible course.

As I have gone across my State of Illinois and met not just with my friends on the Democratic side but independent voters and Republican businessmen and businesswomen, they agree. The most conservative, the most disciplined approach is not a massive tax cut but rather bringing down America's national debt so that our children are not burdened with paying interest on that. That is why my friends on the Budget Committee on the Republican side are really having a tough time of it. They are trying to sell something to America it is not buying. This Governor George W. Bush tax cut is one that, frankly, could jeopardize our economic growth, could take money away from reducing our national debt. I think the American people understand that is just not a good thing to do.

The President's proposal is to focus on bringing down that debt—in fact, at three or four times the rate of what has been proposed by the House Republican Budget Committee—and at the same time, the President says, with the surplus, without raiding Social Security, but with the surplus, let's try to deal with some of the priorities of our Nation.

Take a look at our priorities: Save Social Security first; paying down the debt; protecting Medicare. Here is one I found across Illinois that is extremely important to people—providing a prescription drug benefit for elderly people. Medicare doesn't include it. A third of the seniors do quite well and have coverage. Another third have some coverage. But a third have none at all.

I have met these people. These are men and women who have prescription drug bills of $200 a month and more, living on fixed incomes. Many of us believe Medicare should include a prescription drug benefit and some of the surplus should be dedicated for that. Sadly, some of the proposals coming from the Republican side provide not a penny for a prescription drug benefit.

Then, from the same surplus, invest in education. I think we all agree and understand America is strong because we have a good educational system and a well-trained and well-educated workforce that can compete in the world in the 21st century. We want to be able to say this, too, can be an American century, and it means investing in education.

What will we put the money into? Well, certainly to upgrade the skills of teachers so they can teach the latest in terms of science and math and the best approaches to learning; in addition, modernizing our schools, and making sure they are safe. We can bring computer technology to our schools for every kid in America. We talk about afterschool programs so kids don't have those idle hours without supervision. They have a chance to stay after school, under supervision, to be tutored if they are falling behind, enrichment courses if they are good students, counseling if they are troubled. Those things are all helpful and move us in the right direction.

President Clinton has suggested that we should reduce class sizes so that in the lower grades, when kids need more attention, we will have fewer kids in the classroom. I think that makes sense. I support the President on that. Those are investments in education with which most American families would agree.

Then we think we can still have some money left for targeted tax cuts, not for the wealthiest people in the country but for working families.

To give some examples, wouldn't it be great in America if working families, in sending their sons and daughters to college, could fully deduct their college education expenses? I think it would. I meet too many families and young people who graduate from college with massive debt. Sparing these young people and their parents this debt is a very worthy goal, indeed. I think the President's proposal of a tax cut for the deductibility of college education expenses is a good one.

Let me share another example. The largest and fastest growing group in America's population are people over the age of 85. People are living longer. As our parents and grandparents live longer, they run into problems. Sometimes they need long-term care, and that can be expensive. Many people don't have insurance to cover it. The President wants to give a targeted tax cut for working families to pay for this long-term care for that parent or grandparent we love, that is the kind of targeted tax cut that makes sense. It doesn't jeopardize our economic growth. It says let's help the families who are really struggling to get by.

When we take a look at the tax cut that comes from the Republican side of the aisle, we can see that because it is so large, because it explodes in the outyears, it is going to raid the Social Security trust fund. Take a look at this. Congressional Republican plans really could include a Bush tax cut that would raid Social Security to the tune of over $372 billion over a 5-year period. I thought that was something we all agreed, not too long ago, that we would not do again. We would protect the Social Security trust fund. Yet this Bush tax cut plan endangers that trust fund—another reason I am sure the Republican-controlled Budget Committee is having a tough time getting started.

Take a look at the tax cut. I have said it helps the wealthiest of Americans. Let's show this chart which proves it. When you take a look at the George W. Bush tax cut plan and the people who benefit from it, if you happen to have an income over $300,000 a year—and you don't have to hold up your hand—you are going to see a tax cut of $50,000 a year under Governor Bush's tax cut plan.

If you are a family with an income below $39,000 a year, it comes out to $249. That is about $20 a month. That is the Bush tax cut plan—$249 for working families and $50,000 for the folks who are making over $300,000 a year.

So the Republican Presidential candidate would have us jeopardize our economic growth, and would reach into the Social Security trust fund to create a tax cut for the wealthiest people in America of $50,000 a year.

I have to tell you, quite honestly, if you are making $300,000 a year, I am sure you can figure out what to do with another $50,000; but you are probably pretty well off. If you have invested in the stock market during the Clinton-Gore administration, you have probably done pretty well with your investments. I can't understand why George W. Bush is focusing his tax cut on the wealthiest people in America.

Look at the prescription drug benefit plan. We understand what it will cost. We understand under the House Republican budget what they think it will cost for us to have a prescription drug benefit plan. The problem is, in the House Republican budget no money is available for that. Once you have dedicated yourself to the George W. Bush tax cut, you lose the resources to provide for prescription drug benefits for the elderly people in America.

For a moment, let me go back to education because I think this is worth repeating. What we are talking about under the President's plan is investing money in education. It is no surprise to me that everybody asked in national polls about the top issue facing Government will answer that it is education. That is the No. 1 area that should be funded and the No. 1 area we should pay attention to in Washington and in the State capitals. Now we are talking about making good on the promise to America that we elected officials will help out with education.

Look at the President's plan: increasing education funding by 12 percent; making certain we prepare young children for school by expanding the Head Start Program. one of my favorites; reducing class size and training teachers.

As I go around in my State, I find this is something teachers want to have—help and assistance to make sure they understand the technology, which changes almost on a weekly basis. Building up-to-date schools or modernizing them is part of the President's investment for education plan; money invested in education technology so there is no digital divide, so whether you are in a poor district, wealthy district, rural or urban, you will have the same access to technology. Kids coming out of the classroom will be part of our national workforce and they should all have the needed skills. Other priorities: helping the disabled, promoting afterschool learning, and improving college access and affordability by improving Pell grants, which help lower-income students complete their education, as well as the deductibility of college education expenses.

Let me say that the targeted tax cuts proposed by the Clinton-Gore Administration and the Democrats, as I mentioned before, include helping families care for elderly parents; targeting the surplus so it goes to expanding educational opportunities; providing marriage penalty relief, which both parties support; helping people prepare for retirement with new basic pension plans; and expanding the earned-income tax credit, a benefit we give to a lot of working families who otherwise might not be able to succeed. We want them to succeed.

The basic question we have to ask and answer during this budget debate is whether America is headed in the right direction. You would expect me, on the Democratic side and being proud of the record of the last 7 years in terms of where our economy has come, to say, yes, I think America is moving in the right direction. But as we ask American families across the Nation, they agree; they know the Dow Jones Average, which we follow now on a regular basis, has risen from some 3,000 to over 10,000 in the last 7 years. They understand, as well, that we have been able to see more businesses created across America, particularly businesses owned by women. More people are building and owning homes than ever in the United States. Inflation is under control. We see reductions in unemployment, reductions in the welfare rolls. We have the smallest welfare rolls in America in 30 years and the lowest overall crime rate in 25 years. There are 20.4 million new jobs under this administration.

Frankly, we are enjoying the first back-to-back budget surpluses in 43 years. Not long ago, we were debating on the floor of the Senate about amending the Constitution, a balanced budget amendment, so Federal courts could force Congress to stop spending into red ink and deficits. Now we are talking about what to do with the surplus. Seven years ago, in the era of spiralling budget deficits, who in the world would have believed we would be talking about budget surpluses today? Amazing. And this has all occurred under the watch of the Clinton-Gore administration. Most of us believe our country is moving in the right direction and we should not launch some untried, unproven, new approach that may jeopardize that economy.

I think the proposal by Gov. George W. Bush for massive, risky tax cuts for wealthy people does just that. You expect to hear that from a Democrat. But go to somebody who might be dispassionate in this debate, Federal Reserve Board Chairman Alan Greenspan. He has basically said it is the wrong thing to do to give a massive tax cut. You could jeopardize this economic growth. We don't want to see that happen.

Is America perfect? No. We don't like the cost of gasoline and heating oil today. We know we can do better in education. We know we can help families pay for some of their basic expenses, take care of their parents and grandparents. So we continue to look for ways to provide that assistance to families. But we do believe we have made great progress over the last 7 years.

Now, the Budget Committee in the Senate has to try to calculate a way to put together a budget resolution, and they are in a dilemma. Are they going to stand by their Presidential candidate, George W. Bush, and support a tax cut that risks the economic progress we have made? Or will they turn their backs on their candidate and say, no, let's keep going on the right course and keep America moving forward?

I understand why they postponed this week's hearing, and I hope they can resolve it in their own caucus. Let's bring this issue to the floor and let every Member of the Senate vote on the George W. Bush massive, risky tax cut scheme. If they want to go on record supporting it, so be it, then they stand by their candidate. But they can step back and explain how we are going to pay for it and why people making over $300,000 a year need a $50,000 tax cut. I don't think they will.

I think this country is moving in the right direction. I certainly hope Members of the Senate and the House, perhaps even on a bipartisan basis, will say that continuing this economic progress in America is more important than a ringing endorsement for any Presidential candidate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to be able to speak for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. LAUTENBERG. Mr. President, we are on the eve of establishing a budget priority for the budget year 2000, the one that begins in October and to next September.

I am the senior Democrat on the Budget Committee. I would like to establish some parameters about the budget as I see it because we are waiting patiently for the majority to produce a budget resolution, which is a responsibility of the Budget Committee. That is supposed to be done by April 1 of this year. Other than meeting that deadline, the alternative would be for the majority leader to present a budget as he sees it.

The question arises: Why is it, when the target as proposed by the chairman of the Budget Committee is for a budget resolution to be here by March 1—and today is considerably past March 1—we are still waiting?

I was advised yesterday as the senior Democrat on the Budget Committee that we could expect to have a markup yesterday or today. That was called off at a rather late moment last night. We are sitting here, I will not say breathless but certainly curious, about what it is that prevents us from getting a budget.

I have to do my own interpretation because I have not been given any explanation. I know there are competent staff people working to get the budget finished. We have them on both sides —on the Republican as well as on the Democrat side. Why isn't it finished?

Let me tell you why I think it is not and why we on this side of the aisle think it isn't being done. It is because they can't get an agreement between the members of the committee. The tax cut package of George W. Bush, candidate for President of the United States, is something that seems to me would break the back of this economy. It would destroy all the rosy plans for paying down the debt, for making sure we rid ourselves of this obligation, this mortgage that we have all over our country. There isn't a family around who wouldn't look forward to the day when the mortgage on their home or the debt that they have could be retired.

When we talk about a nice, healthy tax cut, or juicy tax cut for the wealthiest in the country, it doesn't ring a good bell even within the party of George W. Bush, the Republican Party.

I know the chairman of the Budget Committee has had his hands full. He is my friend as well as a colleague. He doesn't confide in me. We keep our party business and our intentions separate. We discuss them in the open. This is less than a bad joke. It is a travesty. It worries people.

We are enjoying a boom the likes of which has never been seen in this country or anyplace in the world. The economy is perking along—almost boiling along. This is a wonderful opportunity to make needed adjustments within our structure. We can help families, particularly the middle-class families, people who need a little bit of tax relief here and there to help accomplish specific purposes. We can keep this commitment, which we consider sacrosanct, sacred, to save Social Security first.

We want to take the surpluses which are generated by the robust economy and use them to extend the solvency of Social Security. At the same time, we want to pay down the debt. It has been the President's objective to try to rid taxpayers of the public debt, that debt which is owed outside of Government, within about 15 years—bring it down to zero. What a difference it would make in our economy. We would be able to see people borrowing money without having to compete with the needs of the American Government, companies able to borrow without having to compete with the Government for capital. It would be an excellent objective if we could get there.

Protect Medicare, provide prescription drugs, extend the life of Medicare some 12-15 years, that is what the Democrats want to do.

We want to invest in education. I speak about education with a degree of knowledge because I came from a working-class family in New Jersey. My father worked in the textile factories in Paterson, NJ. My mother waited on tables. They struggled to make a living during those very lean years we were going through. We couldn't afford a college education for me even though it was apparent I had the ability. College came later on. I enlisted in the Army and was a beneficiary of the GI bill of rights. What a bill of rights it was for me. I was able to go to Columbia University. I never would have been able to afford that otherwise. The Government said: FRANK LAUTENBERG, you have served your country in Europe during World War II at the height of the war.

I came back and was able to get an education that helped me, with two very good friends, start a business in the computing field. It was a long time ago. We were pioneers. That company that I helped start employs in the area of over 30,000 people today. I am listed as a member of the Information Processing Hall of Fame. It is in Dallas, TX. Then I was able to run for the Senate. I am now in my third and last term. It has made such a huge difference. I made a contribution to this society that has been so good to me between establishing a business, an industry, employing people, and now being in this great body.

It means a lot when we talk about investing in education. We can say to young people across America: Even if you don't have the money, if you have the ability to learn, we will help you achieve your objectives—make an opportunity for yourself, lift yourself into a better lifestyle or better life pattern than your parents, who so often struggle so hard.

Cutting taxes for working families to achieve those objectives, that is the Democratic budget agenda.

We talk about targeted tax cuts for families; help families care for an elderly parent with a $3,000 long-term care tax credit; Expand educational opportunities; Provide marriage penalty relief; Help people prepare for retirement; Expand the earned-income tax credit for those who often need it desperately. That is our mission.

Instead, we are presented with something that hardly resembles that mission. We show this in graphic form by presenting this picture: a ship at sea facing the tip of an iceberg. The iceberg is the Republican tax proposal, one that says you can spend more than you have and not admit that if you want to keep on living, you may have to borrow money.

From where is that borrowing going to come? It will come from Social Security—that trust fund we hear everybody on each side, who would say under oath, "I want to make sure Social Security is there for those who work and pay the taxes." They want to know when the time comes for retirement they will have something to look forward to.

Instead, what we have seen from the House Republican budget presentation that was sent over to the Senate is that we will have a surplus, non-Social Security surplus, in our financial account, our balance sheet, of $171 billion. However, the tax cut proposal we have seen is $223 billion. One doesn't have to be a mathematician to know if one takes $223 billion away from $171 billion, one has to go elsewhere to pay the bills.

We made this very sacred promise, this commitment to the senior citizens of this country. I am one of those senior citizens; I like it. It is not bad.

The fact is, we made a promise, almost on bended knee, that we absolutely will not touch, to paraphrase, a hair on yon gray heads for retirement opportunities. But the proposal we are looking at is one that says we will spend $50 billion more on tax cuts than we have in our non-Social Security surplus.

That is not very good arithmetic. One does not have to be a mathematician, accountant, or economist to see that puts America deeper into a hole that we will have to dig our way out. Just take it from the Social Security, after we so diligently studied and agree that it is the most sacred obligation this country has.

Where do we go from there? This graph ought to be presented differently. It shows a tip of the iceberg. The whole iceberg ought to be lifted up because this is a crash we can see coming. If this program stays in place, the economy is going to run into a full-sized iceberg with an enormous negative economic impact.

We are not going to be able to protect Social Security. We are not going to be able to pay down the debt. We will not be able to take care of obligations we have to veterans in education and health care. We cannot do that if we go ahead as planned.

We need to pay down our obligations. We need to give some targeted tax relief, to take care of the commitments we have. But, no, we cannot do it because we are not going to have any money left with which to do it unless we borrow once again from Social Security. We have been through that. We had years and years of borrowing from Social Security to make up for the lack of revenue coming from the non-Social Security side of the ledger.

Finally, we are at a place in time where, with President Clinton's leadership and with the work of people on both sides of the aisle working on a balanced budget, we have developed a surplus and now we are ready to start taking care of the financial structure of the country in a way so that we know we will be able to assure people Medicare will be there for them, that prescription drug costs, which is such a problem for so many elderly, will be taken care of in some form.

But we are not going to be able to do it if we put in place this tax scheme—and certainly, if not this one, Presidential aspirant George W. Bush's tax plan, which is more than twice, almost three times, the size of the one that has been proposed in the House budget.

So the question for the American public is, Why is it that a Republican majority, a significant majority, cannot get an agreement out that says:

This is where we stand. Let the public judge the value of it. Let Democrats, let people outside, make judgments about the truth in the presentation.

We have all kinds of smoke and mirrors that disguise what we are going to try to do here. But we know in the final analysis we are going to be borrowing money from the Social Security trust fund. So let's get it out here. Let's let the public see what it is that is going on behind closed doors, because that is not the way we can operate anymore. We cannot operate with significant proposals and not permit the public to scrutinize what it is we are doing.

We have to get to the job. We are way past the deadline we thought we would be through. I am not happy about the prospect that a budget resolution will be dropped on the floor without having had the benefit of a committee discussion, some debate, some analysis in the public eye before we go ahead and start voting on it.

With that, I conclude by saying I and I know other members of the committee—Democratic members of the committee and I am sure many of the Republican Members of the Budget Committee—are anxious to get out the budget. If the leadership will accommodate us in the obligation we have to the public to present it, we will have a chance to talk about something other than what is whispered about through the halls here.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 2269 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

BANKRUPTCY REFORM

Mr. LOTT. Mr. President, I will propound a unanimous consent request. I have notified the Democratic leader that I intended to do that. I see there are Senators on the floor who will probably have some comments to make. But before I propound that request, let me outline what I would like to do and what has transpired.

Senators will recall that last year there was a major effort made to pass through the Senate bankruptcy reform legislation. That has been a bipartisan effort. The Judiciary Committee has done excellent work. Chairman HATCH has been cooperative. Senator GRASSLEY has been magnificent in working with both sides of the aisle. Democratic Senators had input.

After some starts and stops, we made real progress, but it did get held up at the end of the session. We did not get it completed.

When we came back in at the beginning of the year, we decided the best thing to do was to move forward and have some votes on amendments that were controversial on both sides, but we faced those votes. We got our work done, and we passed bankruptcy reform—basically, a good bill. The House also has acted in this area.

We need to go forward and get bankruptcy reform legislation into conference and completed so we can improve this area in the law, so the law will be clearer for all those interested, and so we can send it to the President for his signature.

In the process of the debate, and the amendments on this legislation, amendments were offered with regard to the minimum wage. In fact, a minimum wage increase was passed and attached to the bankruptcy reform legislation. Senator KENNEDY offered the first amendment. That was defeated. Then an alternative amendment was offered by Senator DOMENICI and others, and it did include small business tax relief to offset the impact of a minimum wage increase. That was adopted. It became a part of the bill.

The problem in going forward is, because of the minimum wage and tax provisions that were attached to the bill, it could be subject to, and would be subject to, the so-called blue slip rules in the House. It could be objected to, in effect, because it has the minimum wage and the revenue measures as a part of it.

So we had not gone forward to try to send this to the House because of the potential blue slip problem and also to wait to see if the House was going to go forward and act on minimum wage and the tax relief package. In fact, a couple weeks ago, I believe it was, they did do that. Now it is time we go to conference.

What I propose to do, even though I will do it in the Senate rules parlance—what it really says is split the two: send the Senate-passed bankruptcy bill to conference with the House-passed bill, have a conference, and they act on it, and then to separate out the minimum wage and the tax provisions and send them to conference with the House on minimum wage and the tax provisions.

I think that is the way to do all three of the issues. It is a fair way to proceed. It is a simple way to proceed. It gets rid of the blue slip problem, and then we can count on the conference to act on both bankruptcy and the minimum wage increase and the small business tax provisions.

I just wanted to explain what was involved before I ask for unanimous consent. But I am prepared to do that.

I ask Senator DASCHLE, do you want to comment before I propound that request or would the Senator like to do it after I do the request?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's effort to try to move this legislation along. This bill, the bankruptcy bill, passed the Senate with more than 80 votes. Whether or not we get unanimous consent is not relevant. What is relevant is that we get these two pieces of legislation successfully completed in a timely manner. If we are not able to get unanimous consent, I intend to support finding a way to assure that we do go to conference both on the bankruptcy bill and the minimum wage.

I am hopeful we can instruct the conferees with regard to minimum wage. It would be my hope, at least, that the Senate could express itself in regard to the issue on minimum wage prior to the time we go to conference. But if we could accommodate that request, that we have at least an opportunity to express ourselves on the conference itself, then I would certainly be supportive of moving on a motion to proceed to two conferences—one on bankruptcy and one on minimum wage.

The distinguished Senator from Vermont, and others, Senator TORRICELLI, Senator DURBIN, and others, have done an extraordinary job in getting us to this point.

We have a much better bill, a stronger bill, in the Senate on bankruptcy than we do in the House. I hope we can take what we have been able to accomplish in the Senate and bring our House colleagues to the realization that that is the kind of legislation that will be signed into law.

On the minimum wage, the House version, at least in terms of the 2-year approach, is the one the President said he will support. It enjoys strong support in the Senate as well. We are concerned about the size and magnitude of the tax provisions. If we could target those, we would be in good shape on that as well.

I understand the majority leader's interest in moving this. We want to be supportive in that regard; most of us do. I am hopeful we can accomplish it through a unanimous consent request.

Mr. LEAHY. Will the distinguished Senator yield?

Mr. LOTT. I am glad to yield to Senator LEAHY.

Mr. LEAHY. I agree with what the distinguished Democratic leader said. I would like to see us move forward. The bill we put together passed 83-14. The distinguished leader is right; it was in excess of 80 votes. There was a tremendous amount of work on both sides of the aisle. Senator HATCH, Senator GRASSLEY, Senator TORRICELLI, and I were the four floor leaders on this, working with others—Senator REID, Senator DASCHLE—to get people to take away hundreds of amendments. We got rid of those, and we got down to several on which we voted and passed in a good package. I would advise the two leaders, I have been working with Senator TORRICELLI, Senator HATCH, Senator GRASSLEY, and Senator SESSIONS to try to whittle it down even further, but to have a packet, one that could be acceptable on both sides of the aisle and also could get signed down at the other end of Pennsylvania Avenue.

Mr. LOTT. If the Senator will yield on that point.

Mr. LEAHY. Yes.

Mr. LOTT. I have been keeping in touch with the informal discussions that have been going forward.

Mr. LEAHY. I know the majority leader has.

Mr. LOTT. I have the impression that the Senate potential conferees, Democrat and Republican, have come up with a good proposal and are ready to go forward with serious negotiations that I hope could be completed relatively quickly.

Mr. LEAHY. I hope we will find a way to go through this. I realize we have issues of the minimum wage and others. We ought to vote them up, vote them down, whatever is necessary. I advise both leaders, I think we have put together a good, bipartisan, compromise package that could be the basis of final conference action and, if it were, would be signed by the White House.

Mr. LOTT. Mr. President, if I may just comment one second more before I propound the UC request, with regard to Senator DASCHLE's comments, we do have a good, strong, bipartisan bankruptcy bill that we have passed. We also did have a debate and discussion on the minimum wage issue and the tax provisions. I didn't choose the debate and the amendments to occur on this bill, but I knew it was going to come up and it should come up at some point. So it was offered to the bankruptcy bill. We had a good debate. We had a vote.

The interesting thing about the minimum wage, I think the parameters are pretty clear. We have the Senate-passed version, the $1 increase over 3 years, and the House version, that increase over a shorter period of time, only maybe a year or so. Then in the Senate provision, we have some small business tax offsets, a relatively small package. The House has a bigger package on the tax offsets. I think the parameters of the discussion on minimum wage are all represented in the two bills that have been passed. We can get conferees from the appropriate committees, and they can look at the minimum wage increase, and over what period of time, and the small business tax offsets or other tax provisions, and have a good conference and be able to get a result. I hope we can do that without delay.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3081, the House minimum wage bill now at the desk, and that one amendment be agreed to, which is the text of the previously passed Domenici amendment No. 2547 now in the form of a substitute relative to the minimum wage, the bill then be advanced to third reading and passed, and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that with respect to the bankruptcy bill, the Secretary of the Senate be directed to instruct the enrolling clerk to strike the Domenici amendment language just described above, all other parameters of the previous agreement be in order, and the Chair be authorized to appoint conferees.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Is there objection?

Objection is heard.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, objection was heard. If Senator KENNEDY would like to be recognized, I am glad to yield to him.

Mr. KENNEDY. I thank the majority leader.

Mr. President, I think Senator DASCHLE outlined what was a reasonable way of proceeding. I am under the impression that perhaps the majority leader has not had an opportunity to get into the kind of detail the Democratic leader talked about.

Although I still need persuasion on the bankruptcy bill, I know what the will of the Senate is on that issue. On the issue of the minimum wage, there wouldn't have been a blue slip on just the increase on the minimum wage. The blue slip was on the approximately $73 billion in tax breaks that were added to the minimum wage.

The point our leader was attempting to work out was consistent with what the majority leader has outlined, and that is that at least there would be a way in which the Senate would be able to address the minimum wage. Some colleagues may object to that process, but I would not.

As I understood Senator DASCHLE's proposal and the majority leader, by substituting the Domenici bill for the House bill, there are 3 years. That would go to conference. What he was asking for was not really any unusual procedure, just asking that we follow the Senate rules that would permit a motion to instruct the conferees that, instead of being 3 years, it would be 2 years. Given the fact it has been 6 months since the Senate acted on the minimum wage and given the overwhelming support for 2 years, which was bipartisan in the House, there might be support for that. I believe there would be, if we had that opportunity to do so.

I hope the leader will consider what Senator DASCHLE proposed because it addresses the concerns of the leader and does it in a way in which, at least for those who are the most concerned about the 11 million Americans who have not had a pay increase while we in the Senate have enjoyed a $4,600 pay increase in 1 year, they would have some degree of protection.

Others have objected, and I join those and object with the hope that perhaps the leaders can get together and find value in what Senator DASCHLE offered as being a way to achieve the objectives of the majority leader and the Senate and still protect the interests of the minimum-wage workers in this country.

Mr. LOTT. Mr. President, if I may respond to that, I want to make sure we have an opportunity to consider those small business men and women who create the bulk of the entry-level jobs in America, to make sure they do not wind up having to go out of business or, even worse, they don't hire the entry-level people who do deserve a basic minimum wage.

What I have been trying to do is to find the quickest and cleanest way, which is also not out of the ordinary, to separate these bills and go on to conference and get a result that would be the best way to help all concerned, both those who will be negatively impacted if we don't go forward with bankruptcy reform and those who are looking for a minimum wage increase, and those small business men and women who provide so many jobs in America.

I understand if we don't do it this way, there is the further complicating factor that the bankruptcy bill will have to basically be started over again. We will have to have a new bill filed, and it will be subject to amendment. There will be a very large amount of time and difficulty in having to do that all over again. The procedure that was suggested, I believe, is amendable and debatable.

We have had this debate. The question now is, Do we want to go on and go to conference based on the votes already taken in the Senate and in the House so that could get a result? That is why I asked consent to proceed in the way that I did. But we can talk about it further. I would like to, for instance, make sure I understand correctly what is being asked for with regard to the bankruptcy reform bill because I certainly hope that we would not have to completely rework that and have that subject to amendment. We spent 2 or 3 weeks on that bill. So what we are doing here, we are talking Washingtonese, in effect. We are talking about rules and procedures and how to do or not to do. I would like to find a way to move all three of these issues, actually, quickly to conference and see if we can get a result.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the interest of the majority leader in moving this legislation along. I recall how long it was that we had to wait even to go to conference because of amendments that were outstanding. If I recall, we had to wait months, really, to accommodate, in fact, in this case, the majority; they wanted to offer some specific amendments that they were not interested in voting on until we got back from the first session of the Congress. So this has been languishing for a long time in large measure because some on the majority side were not interested in expediting consideration of this legislation. We clamored for conference last year and were unsuccessful in getting the conferees appointed last year. Now the majority leader, understandably, is frustrated and concerned for the lack of progress. That is understandable. There should not be any question that the overwhelming majority of the Senate wants to move to finish this legislation as soon as possible. It is what we clamored for last year, and it is what we have been trying to get this year.

I hope there will be some degree of cooperation and communication with regard to how we proceed. I look forward to talking more comprehensively about my suggestion. It seems to me that going to the conference with the bankruptcy bill, as he has proposed, would make sense. Going to the conference on minimum wage would make sense if we had the opportunity, once again, to express ourselves on it, since we haven't been able to do that independent of the bankruptcy debate. If we are going to have a separate minimum wage conference, there ought to be a separate consideration, at least on the motion to instruct conferees. We could agree that it would not be amendable, that it would be expedited and not delayed, but simply a vote would make a lot of sense, it seems to me. I am prepared to talk with the majority leader at greater length. We all recall how long it took to even get the bill completed, and that was in large measure because we weren't able to complete it as a result of concerns expressed by the majority.

We have now completed it. We now want to move on to the second phase of it. I want to work with the majority leader to see that it happens.

Mr. LOTT. Mr. President, I will inquire of Senator DASCHLE. Do I understand correctly that there is some thinking that we would have to start over on the bankruptcy bill—or did that come as a surprise to the Democratic leader? I had not had a chance to discuss that point with him—and that it be subject to amendment and everything all over again? Has the Democratic leader had a chance to look into that aspect of what we are trying to do?

Mr. DASCHLE. Mr. President, I am not aware of any effort on the part of Senators on this side to renew debate and start all over. As I said, I am more than willing and prepared to go to conference and to support efforts parliamentarily to ensure we are successful in going to conference.

I understand there are some strong feelings by a very distinct minority of the minority. It is their right, and certainly I respect their right to object. But there are other ways to deal with the issue, and I am prepared to find ways.

Mr. LOTT. I ask the Senator to check into that and see if we can work through that point. I understand there are some Senators on that side of the aisle who do wish to go through that whole process again on bankruptcy. That would be an important part of working out this whole maze of procedural questions.

Did Senator WELLSTONE wish to comment?

Mr. WELLSTONE. Mr. President, I wanted to make sure that I object. I don't know if we have to go through the whole thing. The majority leader said we are talking in Washingtonese. To be clear about it, I think the bill was harsh. It has a disproportionate impact on the poorest citizens, and it takes some off the hook——

Mr. LOTT. The bankruptcy bill?

Mr. WELLSTONE. That is correct. We object to it being separated out. We want to focus on this bill, and we want to have an opportunity to have further discussion and debate on the floor of the Senate. So I object on that basis.

Mr. LOTT. Would Senator FEINGOLD like to speak?

Mr. FEINGOLD. Yes. I want to say a couple of words. I join in the objection. I make no secret of the fact that I oppose each portion of the bill. It is very unbalanced, and there is far too much money behind the bill. I oppose the minimum wage portion because it involves 3 years rather than 2 years. I am especially concerned about the tax piece because it involves some $70 billion-plus that isn't paid for.

The reason I am objecting is because of the way this was put together. It got a high number of the majority by combining these different elements. In effect, the pot was sweetened by adding on the minimum wage and the tax provisions. I think it is inappropriate at this point to sort of bait and switch this. You close up the bill by putting these things together, and when they come back, you can't do anything about it under this procedure; it flies through. All we are asking, as Senators KENNEDY and WELLSTONE have said, is that we have an opportunity to have the motions to instruct, and the minority leader's plan would provide that. That is the reason for my objection. I thank the Chair and the majority leader for the opportunity to comment.

MEASURE READ THE FIRST TIME—H.R. 3081

Mr. LOTT. Mr. President, I understand that H.R. 3081 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3081) to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I did want to propound a unanimous consent request with regard to how to proceed on the crop insurance legislation, which is the legislation that is next in order for consideration. I understand there have been discussions throughout the day to work out an agreement on that. I wish to make sure Senator DASCHLE has had a chance to personally review it.

After consultation with the Democratic leader, I believe we are very close to getting an agreement. We believe we can work this out and be able to proceed this afternoon. Based on that assurance, I will withhold that request at this time. I would like for us to continue to work and see if we can get it worked out as soon as possible so we can begin to have debate and go forward with amendments. We are thinking in terms of maybe six or so amendments and then final passage. We will work on that more and will return to that shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I will take a moment at this time to review where we are on the question of the increase in the minimum wage. We have been trying to get, over the period of the last 2 years, a vote on a 2-year increase in the minimum wage—50 cents this year and 50 cents next year—for the 1 million Americans who are at the lowest level of the economic ladder.

These men and women are the ones working as aides for schoolteachers in our schools. They are working in nursing homes taking care of millions of our senior citizens in those conditions. These are the people who clean out the buildings at night so American businesses can continue to function effectively over the course of this extraordinary expansion. But as we see this extraordinary expansion in terms of our American economy, the group that has not benefited is the one at the lowest end of the economic ladder. These are men and women playing by the rules and working hard. They have not been able to see the appropriate kind of increases in the minimum wage.

If the minimum wage today were to have the same purchasing power it had in 1968, it would be $7.50 an hour. This whole group of Americans have not only not participated in the expansion of the American economy, they have fallen further and further behind.

That is why we believe we ought to have an opportunity to address this issue on the floor of the Senate, and do it in a timely way.

There are questions about what the Senate is doing and how busy the Senate is. We are prepared to have a very short time limit. Every Member of this body knows what this issue is about. I think every Member of this body has voted effectively on the question of the minimum wage over a period of time. It is a rather simple, basic, and fundamental issue. It is an issue of fairness to millions of Americans. It is an issue involving women because close to 70 percent of all of the minimum-wage workers are women. It is an issue of civil rights because the majority of the workers who get the minimum wage are men and women of color. It is a children's issue because the majority of women who are receiving the minimum wage have children.

This has enormous implications in terms of how these children are going to grow up, what kind of home they are going to be in, and how much time their parents are going to have in terms of spending quality time with these children when they are working one or two, and in some instances three different minimum-wage jobs.

It is ultimately and finally a fairness issue where the overwhelming majority of Americans believe, and believe very strongly, I think, that men and women who work 40 hours a week for 52 weeks a year ought not live in poverty in the United States of America.

That is what this issue is basically all about, and we in the Senate are being denied the opportunity to vote on that issue. That is what is offensive.

This body was prepared to vote on a pay increase of $4,600 to be implemented immediately. They were prepared to go ahead on that. They are not prepared to delay that. But when you talk about a $150 increase in the minimum wage, they want to spread it over 3 years.

This is an issue of fairness. People ought to have accountability. When Members go to the polls, people in their congressional and senatorial districts ought to know how they stand on this issue of fairness. We are being denied that opportunity by a majority in the Senate. That is wrong.

Anyone who believes we are not going to continue after this issue doesn't understand the rules of the Senate. We are going to be voting on a 2-year increase in the minimum wage. We are going to be voting on it soon, and we are going to be voting on it again and again and again. So get used to it because you are going to vote on it. You will be able to go back and say: Oh, yes. I voted one time to increase it for 3 years. Yes; I voted against it 15 times for 2 years. And for all those in small business, I voted for a $73 billion tax break, unpaid for.

The House bill was $123 billion. We don't want to hear from that side of the aisle about fiscal responsibility anymore—$73 billion at the drop of a hat and $123 billion over in the House of Representatives and 90 percent of it goes to the top 5 percent of the American taxpayers. Isn't that interesting?

We are trying to get a 50-cent increase for the lowest paid Americans—tax break; 90 percent of it goes to the highest paid. We are not going to permit Members of the Senate to vote. We have a majority. We are not going to permit a majority of the Senate to vote on whether we are going to have a very simple concept of 50 cents this year—50 cents. No; we are going to take our $4,600 and put it in our pockets and walk out of here. For every single year of that, an increase in the minimum wage is being delayed.

Do you think they are going to forget that? The other side thinks it is going to go away. It isn't going to go away. No matter how many times these little proposals are going to come up in terms of consent agreements, no matter how many times you are going to try to close out opportunities to bring this up, no matter how many times you go through the parliamentary gymnastics on this kind of issue, it is coming back again and again and again. So get used to it because you are going to get it. You are going to vote on it. Americans are going to know who is going to stand for fairness and decency and who is opposed to it and blocked it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent to be recognized in recognition of the fact that very shortly we may have an agreement on the crop insurance risk management debate. At the suggestion of the leadership, I would like to initiate debate on the subject, and perhaps we can move along expeditiously in the event we finally have a parliamentary structure in which to work.

AGRICULTURE RISK MANAGEMENT ASSISTANCE

Mr. LUGAR. Mr. President, today we will debate a matter of special significance and timeliness to agriculture producers throughout the United States, and that is the subject of risk management legislation.

During many full committee hearings, a public roundtable and hundreds of hours of research and public discussion spanning the past year, members of the Senate Agriculture Committee have engaged in active deliberation, considering a host of options in providing risk management assistance to our Nation's farmers.

The task has been formidable. Variances in agriculture production, regional considerations of weather patterns, and different perspectives on farm management have contributed to a most complex and yet beneficial discussion.

The foundation of our efforts was section 204 of the Concurrent Resolution on the Budget for fiscal year 2000. Six billion dollars was provided over a 4-year period commencing October 1, 2000 for agricultural risk management. The basic rationale was that farm producers could take action to minimize risk, including severe market price fluctuations, and therefore render emergency recovery legislation less necessary.

My colleagues Senator GRASSLEY and Senator CONRAD played a major role in the Budget Committee's action on risk management and have advocated crop insurance legislation offered by Senator ROBERTS and Senator KERREY that would increase Federal subsidies for crop insurance premium payments to make Federal crop and revenue insurance policies more affordable for farmers, particularly at the higher levels of coverage.

In recent months, I suggested that risk management strategy involves more than crop insurance. Cash-forward contracts, hedging contracts, reduction of farm debt, diversification of crops, conservation, and substantial capital land improvements are important risk management tools also available to farmers, and hopefully will be utilized by farmers.

As a result of our extended debate on risk management matters in the Senate Agriculture Committee, more producers are aware or at least reminded of the risk management tools available to them. I am grateful for the support so many have shown to my initiative.

Nevertheless, on March 2 of this year the Senate Agriculture Committee acted and approved legislation, principally the legislation offered by Senators ROBERTS and KERREY, that over the next 4 years recommends $6 billion for improving and strengthening the Federal Crop Insurance Program, beginning with the 2001 crop. Included in the bill is a pilot program providing $500 million in direct risk management assistance to farmers who choose to forego crop insurance subsidies in a particular year.

A producer would receive a risk management payment for utilizing 2 out of 12 risk management options. The legislation also raises premium subsidies to make Federal crop and revenue insurance policies more affordable for farmers, particularly at the higher levels of coverage. The bill eases actual production history so that farmer insurance coverage is less likely to be artificially suppressed by successive years of bad weather; encourages the development of insurance coverage for specialty crops and revenue insurance on a whole farm rather than a commodity-by-commodity basis; it eliminates requirements of the area-wide loss before disaster payments can be made to producers of currently noninsurable crops; and it reduces the potential for insurance fraud and abuse with strong program compliance provisions.

In my judgment, it is very important that the Senate act favorably and promptly on this legislation. It will provide an important safety net component for agricultural producers.

Let me mention a practical example of how crop insurance works in my own situation. There may be others in this body who have been purchasers of crop insurance on their farm. The Senator from Iowa, Mr. GRASSLEY, comes to mind. I have utilized crop insurance on my farm. Let me suggest to the Chair the crop insurance that is now available to farmers may insure the yield; that is, take a look at your farm and try to make certain that the yield you believe you would normally get is going to be there through insurance, or at least as great a percentage of that as possible you can insure, and for a premium price you can insure that yield. Or farmers can insure the revenue that might come from yield and price and take out a policy that might cover that situation. Farmers can do both—yield and revenue.

There have been in the past catastrophic insurance policies. They contemplated the loss of over half of the crop. A while back, such insurance was required. The requirement was relieved by the farm bill of 1996. This is available to farmers to guarantee income to them, regardless of the weather or other hazards that might come from nature; likewise, hazards that might come from loss of exports as it affects the revenue that comes from that farm.

To take a very practical example, last Friday I was in a situation where I was able to make a sale of 2,000 bushels of corn from my farm to a grain elevator in Indiana. A commonsense person would ask: But you haven't planted the crop yet; where did you get the corn to make a forward contract, a promise, to deliver 2,000 bushels of corn? I promised to deliver that corn in March of 2001, and I will receive $2.57 a bushel for that corn.

For me, that was a significant contract. That may not be the top of the market, but I point out that in our debates on agricultural pricing last year, the Chair will recall some debaters pointed out that the price of corn had fallen to $1.70 a bushel. Many pointed out that effectively there was a floor through the loan deficiency payment of about $1.96 for corn farmers throughout the country. That was the minimum price for corn in most sections of our country. The current cash price for corn in some elevators around the country is somewhere between $2.10 to $2.15, as of March, if you are going to deliver.

I mention this to give some benchmarks. Mr. President, $2.57 is obviously much higher than the floor of $1.96 which would still prevail in the current crop we are speaking about, much higher than the current cash price. That is, obviously, far higher than journalistic accounts of how far the price of corn fell last year.

I was able to make that sale because I have crop insurance. Last year, I took out a 65-percent CRC policy, a crop revenue coverage policy. That particular policy means, in essence, I can take a look at the number of acres I want to plant, the average yield from those acres on my farm. The crop insurance people then take a look at the price of corn in the December futures as reflected for a period of 30 days; they take a look at what happened in the past. In essence, I am guaranteed at least that if I want to I can sell my crop in advance and take bold maneuvers with regard to marketing.

That is one of the major purposes of crop insurance. What I have described is a fairly simple device used by most farmers; namely, a forward contract, based upon the fact you have something to sell and based upon the fact the price for corn goes up and down. You can look at futures markets. You can look at the trends and make sales. You are not left to wait for the elevator price at the time the corn comes in. An abundant harvest sometimes puts corn and other grains on the ground because elevators cannot handle it or railway cars cannot take it away.

I mention this because crop insurance is obviously an extremely vital part not only of a safety net to make sure farmers are going to have a substantial amount of income but as a part of marketing strategy. As a part of this debate, we have talked about marketing strategies because they are going to be required for most farmers in America to make a profit and to do well enough to support their families. It will not work for farmers to plant, as they always have planted, whatever does well on their land, and to hope that the price will be high at the time of harvest. As a rule, price is low at the time of harvest. Unless there is a marketing strategy, farmers do not maximize their income, and many are not doing very well.

This is a very important part of the 1996 farm bill legislation. As my colleague, Senator ROBERTS, has pointed out during his chairmanship of the House Agriculture Committee, this is a part of the picture that was never completely filled in. We have an opportunity to do that today.

The bill Senator ROBERTS, Senator KERREY, and their staffs have researched, and which I support, calls for higher possible percentages. I spoke of a 65-percent policy which I took out last year, but higher percentages are possible. Of course, that means higher premiums.

The bill before the Senate lessens those premiums to farmers by offering a much stronger subsidy. There is a certain inversion of the subsidies. By that I mean, if farmers reach out for more safety, farmers receive more support from this bill. The point is to try to persuade farmers to take seriously the safety net provided by crop insurance risk management tools. This bill goes a long way to offering those incentives.

Let me take, once again, a concrete example anecdotally from my own situation last year. The premium for my crop insurance on my corn crop was $1,700, quoted by the crop insurance salesman out in Indiana. Ultimately, I paid about $700-plus. The subsidy to the policy was about $1,000. That is a very strong inducement to take crop insurance seriously.

In my home State of Indiana last year, approximately 44 percent of farmers did take crop insurance seriously, although many at much lower levels—some at simply the catastrophic level, at a very low premium. Therefore, even after we pass this legislation, which I hope we will do, and confer with the House—they have passed legislation that is very similar to this—and enact this so it comes into force prior to the fiscal year that begins the first of October, each one of us will have an obligation to visit with our farmers, to visit with the extension offices of our agricultural universities and others, to explain the possibilities that are there for risk management for a very large safety net provided in the farm bill and provided by the Budget Committee for these next 4 years.

This is an extraordinary opportunity. We owe it not only to the country to pass legislation, but we owe it to our farmers to make sure our advocacy reaches a new level of information and education about very constructive legislation.

I yield the floor for my distinguished ranking member of the Agriculture Committee. In due course, I know Senator ROBERTS will want to be heard, and should be heard, and Senator KERREY, who have been largely responsible for fashioning portions of this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman for his leadership and graciousness on this bill and for working hard to get it out on the floor in a timely manner. I am hopeful that we can dispose of it fairly rapidly today and move on.

We are here considering passage of a crop insurance reform bill that we just reported out of the Agriculture Committee on March 2. It has been a long and difficult journey to get to this point, not the least because we had a lot of good ideas from Members of this body and of the committee. I think there were no fewer than six comprehensive bills introduced on this issue. I would like to think the bill we will have at the desk shortly incorporates the best provisions of each of them. I am sure our colleagues in the House are eager for us to finish our work on this because they passed their crop insurance bill last September. So hopefully we can get this passed and get to conference and get this thing wrapped up.

The bill we are going to have before us shortly, S. 2251, takes advantage of the opportunity offered by last year's budget resolution to apply $6 billion to a reform of the Federal crop insurance system. This effort probably has taken on some added urgency recently due to the low commodity prices faced by our farmers. But I caution my colleagues not to place too much emphasis on the potential role of crop insurance in remedying those problems. When the last set of crop insurance reforms were passed in 1994, this program was complemented by a number of others which together comprised what was called the farm safety net. Much of the countercyclical element of that safety net was removed by Freedom to Farm, laying the foundation, I think, for some unreasonable expectations about the ability of crop insurance to offset the effects of an agricultural economy that went south. I do not mean geographically.

Aside from problems in the general farm economy, which crop insurance was never intended to deal with, the last few years have exposed other weaknesses in the program, which this bill does attempt to address. First of all, although the program currently covers about two-thirds of acreage for eligible crops, much of that coverage either represents catastrophic policies or policies at the lower levels of buy-up coverage. This bill offers enhanced subsidies for the purpose of buying crop insurance. Under the current system, the percentage subsidy peaks at the 65/100 level, making farmers eat a 35-percent loss of crop value before they qualify for any relief. We want to encourage farmers to insure their crops at a higher level of buy-up, which we hope will have the effect of reducing the probability of future ad hoc disaster relief programs. We are also equalizing premium subsidies for revenue insurance coverage, which Iowa farmers have eagerly adopted. In 1999, Crop Revenue Coverage and other revenue products covered more than 60 percent of insured acres in my State of Iowa, I might add, the highest percentage in the country. The revenue insurance concept was one of the best things to come out of the 1994 reform, and I want to thank those at USDA and the private sector who did the hard work to make it available.

In addition, this bill includes provisions which fixes APH problems associated with multi-year natural disasters, makes the Noninsured Crop Disaster Assistance Program more attractive, and offers greater support and flexibility in conducting research and development of new crop insurance products, especially for specialty crops. On the administrative side, it strengthens oversight of the industry and penalties for noncompliance and fraud, clarifies reporting requirements, makes changes to the structure of the Board of Directors of the Federal Crop Insurance Corporation, and requires USDA to pay more attention to regions of the country where crop insurance is not viewed as an attractive option.

Chairman LUGAR offered a competing vision for addressing concerns about crop insurance and risk management for farmers. His approach was to encourage farmers to adopt a wide range of risk management practices, rather than focus just on crop insurance. In the spirit of compromise, this bill included a $500 million risk management pilot within the substitute amendment offered and passed in committee, and I look forward to what USDA learns from implementing this program for 3 years, assuming it will be implemented into law.

I am pleased that the committee adopted an amendment I offered during markup which restores the conservation compliance requirement for crop insurance, which passed by voice vote. I do not believe it is unreasonable to treat crop insurance and risk management payments in the same way as we treat FSA loans, disaster payments or any other USDA benefits. For all those other benefits, farmers do have to comply with conservation programs. That is especially so considering that crop insurance is already a substantial USDA program, costing nearly $2 billion a year. With this legislation, we will add about $1.5 billion a year in additional spending for crop insurance and risk management programs. It seems only right that for some $3.5 billion a year, we should be doing all we can to ensure the programs are also promoting conservation of our precious soil and water.

We also worked to strengthen the risk management program by adding resource management practices and organic farming as eligible options, and instructed the Risk Management Agency to view scientifically sound sustainable and organic farming practices as good farming practices.

All in all, I think this crop insurance bill is a good piece of legislation. I especially want to compliment my colleagues, Senator KERREY of Nebraska and Senator ROBERTS from Kansas, for their strong leadership in a bipartisan manner on this bill. I believe they have engineered and built a good bill, a bill that will help us in all parts of the country in those things I just spoke about—everything from specialty crops in one area to the big wheat and grain crops in other parts of the country—with the provisions in there that mandate that USDA is to find new ways of making crop insurance more attractive in those areas of the country that have low sign-up rates. Finally, I think the vision of both Senator ROBERTS and Senator KERREY in getting the subsidies for the buy-up—that really is the heart and soul of this bill to ensure that farmers will have a better deal when they buy up their risk coverage for their crops and their crop insurance programs.

It is a good bill. It deserves the support of the Senate. Hopefully, we can get it up, and hopefully get it through in due course yet today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kansas.

Mr. ROBERTS. Mr. President, as has been indicated by my colleagues, the distinguished chairman and ranking member of the Senate Agriculture Committee, we have before us—we do not have before us, but we would like to have before us S. 2251, entitled the "Risk Management for the 21st Century Act." It has been certainly aptly described by the distinguished chairman and Senator HARKIN.

This legislation is a slightly modified version of a bill by the same name; that is, S. 1580 which was introduced by Senator KERREY and myself last fall. It was supported by a large number of our colleagues.

Our farmers and ranchers have to deal with multiple threats of weather and pests and disease that few, if any, businesses must experience on a daily basis. As we all know, it can often be a very brutal up-and-down cycle, a real price roller coaster that our farmers and ranchers must face. To get through these cycles, our producers must have crop insurance and risk management tools at work.

This bill represents a real personal effort on my part and that of my staff, as well as Senator KERREY and other colleagues.

But it was about 20 years ago that my predecessor in the House of Representatives, the Honorable Keith Sebelius, cast the deciding vote to create the Federal Crop Insurance Program. Since that time, it has been almost 20 years now we have gone through numerous reforms to get this right. This has been a personal commitment of mine for some time.

If you sit on the wagon and listen to farmers, regardless of which region they come from, or what commodity they are involved in, time and time again they have come to us and said it is time for major reforms in the program.

Two years ago, Senator KERREY and I agreed to work together on this issue. I said: BOB, do you think we can do this?

He said: Well, we don't have any other alternative but to try.

Tackling the national and comprehensive Crop Insurance Program has been—I don't know—sort of like pushing a rope. But we certainly agreed on the issue. We have been working on this legislation with able staff and with the help of the chairman and the distinguished ranking member. We have been working on this for nearly 18 months nonstop.

We began the effort in earnest when we gave every farm, commodity, lending, and insurance group the opportunity to provide their suggestions for improvements in the Crop Insurance Program. We asked everybody—we cast a wide net: How do you want to improve this?

The response to this call for comments was overwhelming. The comments we received certainly gave us a clear and common direction in which we needed to go in regard to this legislation.

Who am I talking about? If I could find the list here because we have a letter dated just a couple of days ago:

> As organizations representing farm, lending, and insurance industries, we are writing to strongly urge that the Senate pass the recently reported Senate Agriculture Committee crop insurance risk management bill.

We have the American Association of Crop Insurers, the American Bankers Association. Don't forget, this is a lender's issue as well. This is an issue that affects the lending institutions. Many of them simply will not continue to go down the road on behalf of our producers without what they believe is reasonable crop insurance.

We have the American Farm Bureau Federation, the American Feed Industry Association, the American Nursery and Landscape Association—let me repeat that—the American Nursery and Landscape Association. Why am I saying that? Because that particular group represents, in many of the Northeastern States, the No. 1 major agriculture interest. I understand there is some concern on the part of those from the Northeastern part of our country that perhaps their needs have not been addressed to the extent that they believe would be commensurate with proper reform.

We have the American Soybean Association, the Crop Insurance Research Bureau, the Farm Credit Council, the Independent Community Bankers Association, the Independent Insurance Agents of America.

I do not mean to get too tedious, but this is a long list of everybody involved in agriculture who has come to the conclusion that this bill is a good bill and we should pass it.

We have the National Association of Wheat Growers, the National Barley Growers Association, the National Corn Growers Association, the National Farmers Union, the National Grain Sorghum Producers, the National Pork Producers Council, the National Sunflower Association, the National Association of Professional Insurance Agents, the Rural Community Insurance Services, the Society of the American Florists. If Members will vote for this, they will get a floral bouquet, as well as bouquets of credits from all these organizations.

We have the U.S. Canola Association. I could go on, with other lists, but I think I have made my point.

These groups told us to do the following. This also represents all the producers from all regions of the country, every commodity group, that told us, No. 1, to make higher levels of coverage more affordable. We want to encourage our farmers and ranchers to buy up more crop insurance, certainly not less.

Second, to provide an equal subsidy for both yield and revenue insurance products. It is the revenue insurance product that may well be the foundation for the next farm bill. I am not saying that will be the case, but certainly that is an option. So to improve those products, it seems to me, is very important.

The chairman has gone over this in his remarks.

Third, to develop steps to address the problems associated with a lack of production history for a farmer that is just beginning and concerns that an adequate policy does not exist to address multiple years of disasters. How many times have we had a farmer come and testify before the committee and say: Look. I can't get any crop insurance. I have been hit. The Good Lord was not willing, and the creeks did rise or they didn't rise, and we got into all sorts of multiple disasters and I could not get the crop insurance.

Fourth, the creation of new and expanded crop insurance policies for specialty crops and improvement in what is called the Noninsured Assistance Program, which covers many specialty crops.

I am going to come back to that because when we put together this bill, Senator KERREY and I knew we had to reach out to every region of the country. We knew there was a lot of consternation and frustration on the part of Members who represented farmers from the Northeast and producers also from the South that the current Crop Insurance Program was not favorable to their interests, that it was discriminatory.

So we sat down with staff. I remember in one of the first meetings we had, why, Senator KERREY told me: PAT, we have to reach out to these groups. We have to cover the specialty crop producers, more especially, since the Northeast and the Eastern part of the country went through such tough times in regards to last year and the drought.

We have tried to do that. It seems to me to be a paradox of enormous irony that the very region of the country we are reaching out to, now we have distinguished Senators who are privileged to represent the farmers and the ranchers and the producers, the specialty crop folks from that part of the country, saying: Well, wait a minute. We're worried that this bill does not address our concerns. Address them? We reached out to them. This is the most favorable crop insurance reform, I won't say that could be imagined, but these are the very folks to whom we reached out.

Next the farmers told us: We want some increased emphasis in specialty crop policy research and development: use the good offices and the expertise and skill of the Department of Agriculture for pilot projects with regard to research and development for specialty crops, not only the program crops, the wheat, barley, corn, and feed grains, all of that, cotton and rice, but the specialty crop folks; they deserve that. And that is in the bill.

They asked for major changes in the Federal Crop Insurance Corporation's board of directors, more farmer input, if you will. That has certainly taken place.

They asked to streamline and remove the roadblocks in the product approval process. Somebody could come up with a new pilot project and it would lay around 6 months, 8 months, a year, and we couldn't get any approval. We have deadlines now to be approved.

We take some significant steps to address the fraud and abuse of the program. The chairman has pointed out that we don't want a situation where if you are going to reform crop insurance, you simply encourage people from challenged lands, if that is the proper term for it, to farm the program, if you will. We have very strong language in regard to fraud and abuse. I cannot imagine any producer who, once they take a look at the penalties, would ever go down that road.

It is my hope the bill does all the things I have said and more. I have the rest of my statement here. I will not ask that it be put in the RECORD at this point because I would rather simply go into the details when we have the bill before us and have a time agreement. I hope we can get the time agreement.

Again, I think it is a paradox of enormous irony that when you reach out to certain sections of the country, you find yourself in a real quandary. You scratch your head and have a lot of frustration. You have some degree of concern that Senators from the very part of the country you have included in the major crop insurance reform—and by "included," I mean asking those Senators and their staff to come to us and to provide some answers; they have done so, and we have put it in the bill. Now it seems that this is where the concern is coming from, and we are holding up the bill.

I can go into all of the provisions we have for specialty crops; i.e., the matter of concern with regard to folks in the Northeast. I will not do that. I am going to save that until we have some of the Senators on the floor to point out to them just what we have done. But there are four big ticket items, and additional items of interest, about 15 of them. I think it is very salutary to the concerns of producers in that area.

Both Senator HARKIN and the chairman of the committee, Senator LUGAR, indicated that this bill should be on the unanimous consent calendar. We had the debate in the committee. The chairman had a different approach in regard to a risk management approach. It was a very legitimate option. We have committed some funds to see if we can go forward with that kind of option step by step. But the majority of the bill pretty much mirrors what they have done in the House.

Now, how did the House do this? Did they have a big debate? Did regions of the country have some problems with this? No, the House of Representatives, in their infinite wisdom, passed this by unanimous consent.

With all due respect to my colleagues in the other body, a body in which I was privileged to serve, they have a lot of trouble deciding when to adjourn, let alone doing anything by unanimous consent. I hope they take that in the spirit in which I say those comments.

They passed it by unanimous consent. That means any one Member out of 435 could have stood up and objected. Nobody did that because they knew that this was on the agenda. We promised this 4 years ago, the editorial "we," both Democrats and Republicans, when the new farm bill was passed. Despite all of the criticisms we have heard in regard to the new farm bill—and this is not the time to get in to that discussion or debate—both Senator LUGAR and I held up the chart—certainly Senator LUGAR referred to it—which said, if you go to a more market oriented farm policy, these are the things you have to have with it to give the farmer the risk management tools to compete. It was supposed to be done 4 years ago after the 1994 reform.

We did not do that, "we" meaning the administration and leadership on both the Democrat and Republican side. We all bear part of that responsibility. There were honest differences of opinion. Sometimes things take a little longer. But if the House of Representatives can pass this by unanimous consent without one objection, what are we doing here holding up this bill, especially when we are reaching out to the very people who are raising the objections.

If Senators have some problems with this, please come down and talk to Senator KERREY and me and the distinguished chairman and Senator HARKIN. We think we have some very good answers for you. We think we have done what you want us to do. I don't know when enough is not enough, but it seems to me we ought to do that.

One of the biggest reasons why we should do this, you never know what the weather is going to do. You never know when a section of the country could be hard hit. We provide that assistance under disaster bills. Ours is not a disaster bill. It addresses some of the concerns farmers have in regard to going through disasters in that it gives them a risk management tool. They control that, along with their lender and their insurance company. They can better guard against the natural disasters that can happen. But everybody here knows what has happened when we have a disaster, more especially in the even-numbered years. When we have a disaster, it is a disaster to try to devise a disaster program that is fair and is equitable. That was a concern on the part of the Senators from the Northeast during the last disaster bill that was passed in the last year to provide assistance to hard-pressed farmers. They believe they were discriminated against. I think they have a point. But the proper way to address that is not on the crop insurance reform we have constructed to be in their best interest. That is a separate issue.

If we passed the crop insurance reform and the money is in the budget through the efforts of the good Senators mentioned by the distinguished chairman, we have $6 billion there. It is not over budget. But if we have add-ons with different amendments, obviously we will be over budget. That is not the answer to this.

In addition, if you have the crop insurance risk management tools in place, in my personal view, you are not going to have the tremendous need or the tremendous support for annual disaster bills. We got along for 2 years, I think, after passage of the farm bill, where we didn't have to spend $1 for disasters. Obviously, we have a lot of folks who would predict that it doesn't happen every year. But if the farmer has the proper risk management tools, yes, it is going to cost some money, but it will save the taxpayer much more money in the long run rather than treating this on an annual basis in terms of disaster bills. This is in the best interest of the taxpayer.

I think I have pretty well made my point. I will save the rest of my statement when we do get agreement. I will say again that I hope we do get the agreement soon.

I wish to pay special credit to Senator KERREY and to his assistant, Bev Paul, along with a young man who assisted me in this effort, Mike Seyfert. They have worked day after day, hour after hour, back and forth between every commodity group, every farm organization, every Senator, every region. It has been tedious work. How many Senators will get a blind phone call from somebody trying to sell you insurance? I think probably insurance is not the most favorable topic about which to be talking. Crop insurance does tend to be a high glazer, as we can see by the lack of colleagues on the floor. So they have taken this rather tedious subject, this detailed and complex subject and have worked out a major reform.

Senator KERREY has done a splendid job. We have both, as I said before, tried to truly listen to our producers to come up with something we think will be the answer.

I think this is one of the major reforms in farm program policy. I thank Senator KERREY and the dedicated staff, both his and mine, and certainly the staff of Senator LUGAR. We have worked through a very difficult time. Well, now is the time. As I said, we ought to do it by unanimous consent. I hope we can get this thing done and we can work out the agreement. I know people are working overtime to get this done, but tempus and the weather fugit. That means we can't dilly-dally around with this.

I must say, given the considerations that it is an even numbered year and the amount of angst and frustration on the part of our farmers and ranchers, this has been promised for years. So the people who hold up this bill should know there is a groundswell of support for the bill, and there will also be, I suspect, a tad bit of criticism for the people who are holding it up. That is just a thought.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I thank Chairman LUGAR. He has done great work in allowing the process to come forward and allowing suggestions on how to improve crop insurance and make it more responsible. There has been some abuse of the program. Senator ROBERTS talked about it, and he has been a champion on that problem. We don't want a program that encourages people to farm for insurance rather than actually produce a crop. His suggestion to produce a program that gives people a variety of options that includes crop insurance, I think, is an improvement in the risk management offering to provide the farms and ranchers in the United States of America.

I also thank Senator LEAHY. I understand he spoke yesterday. In the Northeast, although there is only 2 percent of the farm land and 6 percent of the dollar value of crops produced on an annual basis, it is still important. There are farms in New Hampshire, Vermont, upstate New York, and New Jersey. They are concerned; they have expressed those concerns. We have taken their concerns into account. The House bill does not, I should point out to those from the Northeast. We have accommodated those concerns, unlike the House. You will see it if you look at the language of the legislation.

I thank Senator ROBERTS. It has been fun working with him. I think we have produced a piece of legislation that will provide producers with what they have been asking for, at least in Nebraska—the most important.

We have been blessed in the United States with a successful agriculture strategy over the last 100 years. But it has lulled us to sleep in many ways.

We are hoping to get an agreement on the bill. I ask my colleagues to take this opportunity to discuss agriculture in general. There are so many misconceptions about agriculture. It is seen as sort of an old policy. Agriculture is oftentimes seen as a special interest when, in fact, out of an $8 trillion economy, agriculture still accounts for a trillion dollars of that. Nearly 1 out of 8 jobs—almost 20 million jobs—in the United States are there as a consequence of the food and fiber grown on the farms and ranches of the United States of America. It is quite a remarkable success story. We take it for granted too often.

In this morning's New York Times there is an article by an economist by the name of Paul Krugman, talking about an issue that is quite hot: genetically modified organisms. Mr. Krugman, quite accurately, said that many of the opponents of GMOs are people who don't understand that it is the application of technology that has not only made our food better but made it affordable and relatively easy to acquire. It is almost nothing if you want to order the food that you can't get in relatively short order as a consequence not just of the way we produce food, but the way we distribute it, transport it, store it, and the way we process it. It is quite a remarkable success story and still accounts—even with declining sales internationally—for the most impressive part of our trade story. In fact, about the only good news right now in the trade story is we still have a slight surplus with agricultural exports. We tend as a consequence to take agriculture for granted and sort of see it as a marginal part of the economic debate.

Agricultural policy should be front and central to any economic strategy. Producing a trillion dollars in output and producing 20 million jobs is obviously significant to those of us who have portions of our economy dependent upon agriculture in our States, and it is obvious to us that it is a part of the new economy. The Senator from Indiana can talk eloquently about it because he still has an active farm. But you don't achieve success on a farm today without applying a significant amount of technology, without being a part of the new economy, without using computers, without being able to know exactly what your costs are, and without being able to know how to market and where the market is. There is almost nothing that is taken for granted today when it comes to production agriculture.

So it ought to be a central part of our economic strategy. I know we attempted not just to accommodate but to take into account the concerns of States that don't have as much agriculture but are still important, such as the Northeast, where, as I said, it is only 2 percent of the agricultural land in production and 6 percent of the total dollar output: it is still important for a lot of reasons, both economic and social. As we try to figure out our economic strategy, it ought not to end up on some shopping list down there with a list of 30 or 40 things that people want to get done.

The unfortunate part of agriculture is that there is considerably more risk. That is what this legislation does. I want to talk about that risk because I get asked about this in urban environments in Nebraska, such as Omaha, Lincoln, Hastings, or some other smaller communities. Oftentimes, they say: Why do we have a special program? Why do we do crop insurance at all? Why do we have a Government-private sector partnership to help farmers manage risk? What makes them special or different than us?

There is an answer that may not be readily apparent, although it is quite obvious to those of us who are from States where there is an awful lot of production agriculture. The answer is, unlike all other manufacturing businesses, agriculture is at risk to the weather. I am in business. I have restaurants and health clubs.

In 1975, on the 6th of May, at about 4 o'clock in the afternoon, a tornado came up out of the Northwest. We had been in business a little over 2 years. The tornado blew us away; it completely destroyed our business. We had to start again from scratch. It happened in May, and we reopened 18 weeks later. We didn't even lose the 4 months sales we thought we were going to lose because we opened with greater volume. But if I am running DICK LUGAR's farm and a tornado comes through, it can take away not just 4 months' revenue but an entire year's revenue.

It is different. In my restaurant, I control the environment. I don't suffer declines as a consequence of drought, as we are currently experiencing in the State of Nebraska. I don't suffer as a consequence of all the different changes in the weather that can put the crop of a farmer or ranch unit at risk. So there is considerable risk, which is different than in other kinds of businesses. No other manufacturing business produces its product out of doors, and no other manufacturing business is at risk of losing an entire year's revenue as a result of too much water, too little water, rain, hail, and all the other sorts of things that can happen that cause a producer to lose an entire year's income.

In addition, very few businesses have the economic situation that agriculture does. That is to say, just a little more supply than what is necessary will cause prices to go down. It is just a slight more supply than is needed—if you produce, say, 15 or 20 percent more than what the market will absorb in a single year's time, the price will go down sharply. There is tremendous sensitivity to excess production.

In Mr. Krugman's excellent observation this morning in an op-ed piece in the New York Times, he said the very people who tend to oppose GMOs are the people who are least likely to be able to produce food on their own and who have benefited from the application of technology and the consequence of lower prices, greater quality, and greater accessibility to food. They have no difficulty getting food. They live in relatively wealthy nations, and they are not going to suffer as a consequence of not bringing the GMOs on line. It will be the poor, less developed nations that will suffer the consequence. It is easy for Prince Charles to oppose GMOs.

We find ourselves in a short supply-and-demand situation where consumers are basically saying: We don't want our farmers and ranchers to produce less than what we want. We don't want to be short of food. We don't want prices to go up too high. We have a policy—it is especially true with large processors—where processors not only want prices to be stable but prefer prices to be in the lower range, if possible. That is always good business. You try to keep your costs under control. If we overproduce, the prices are always going to be on a downward pressure.

This legislation, the Risk Management for the 21st Century Act, allows the continuation of the development of products that are offered to farmers to manage the risks of price declines and revenue losses coming from changes in the market over which they have no control.

The Senator from North Dakota talked about currency fluctuations at great length when we discussed trade agreements and trying to get something in trade agreements that allow us to accommodate the sort of things that we saw after NAFTA with the peso decline. We found ourselves at a significant disadvantage as a consequence. These currency declines can have a tremendous impact on the earning ability of our farmers. It is a risk that the farmers of America have to manage.

In this new and improved crop insurance proposal, we will have an increased likelihood, in my view, that market-oriented products will enable a producer to manage the risk of loss of income due to unexpected and uncontrolled declines in their income associated with price declines. Also, those products will be developed and available to the market. Not only do we increase the subsidies and make it more likely that people will buy, but we also provide risk-minded options. We make changes in the existing crop program. Key among them is we restructure the risk management agency to make it more likely that products will be brought to market more quickly. It is more likely to be market-oriented as well.

My hope is that we can move this legislation—as Chairman LUGAR and Senator ROBERTS have indicated, and earlier Senator HARKIN spoke, and we could not have developed this piece of legislation without the distinguished ranking member as well—and pass a good, strong bill that is beneficial to all regions of the country so that it is more likely to come out of conference as a bill that is closer to what the Senate has. The House, as I said, does not have many of the provisions that the Northeastern Senators have been talking about. We did in ours. My hope is that we can pass this piece of legislation with a large influence and in a positive way for the conference.

The PRESIDING OFFICER. The Senator from Indiana.

UNANIMOUS CONSENT REQUEST

Mr. LUGAR. Mr. President, we have had an hour of general debate and discussion.

On behalf of the leader, I would now like to offer a unanimous consent request.

I ask unanimous consent that the Senate now proceed to Calendar No. 464, S. 2251, the crop insurance bill, and it be considered under the following time agreement:

One amendment to be offered by the managers limited to 10 minutes and not subject to second-degree amendments and no budget points of order be in order prior to the disposition of the managers' amendment, and for the purposes of complying with section 204 of H. Con. Res. 68, the bill, as amended by the managers' amendment, be considered as the committee-reported bill:

Two relevant first-degree amendments in order to be offered by the majority leader, or his designee;

Two relevant first-degree amendments in order to be offered by the minority leader, or his designee;

That those first-degree amendments be subject to relevant second-degree amendments;

That all amendments except where noted be limited to 30 minutes equally divided in the usual form;

That no motions to commit or recommit the bill be in order;

And following disposition of the above-described amendments and use or yielding back of debate time, the bill be advanced to third reading.

I further ask unanimous consent that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, and all after the enacting clause be stricken, the text of S. 2251, as amended, if amended, be inserted, the bill be advanced to third reading and passage occur all without any intervening action or debate.

I finally ask unanimous consent that following passage, the Senate insist on its amendment, request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and the Senate bill be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

If I could just explain for a moment, we have been working closely with a number of our colleagues, I understand, on a bipartisan basis from the Northeast who want to be able to offer an amendment. I know at least in some cases they haven't had the opportunity to see the bill until yesterday. So they have asked for our indulgence in working with them to see if we can accommodate their needs. I have indicated a willingness to do that.

I noted to Senator LOTT just a few minutes ago that we are close to reaching a procedural arrangement whereby that could be done. I am hopeful that we will be able to get that agreement sometime shortly. I have no objection to proceeding to the bill. We could certainly do that.

Earlier, a suggestion was made and a unanimous consent request I think was offered which would allow us to go to the bill for general debate only. As I understand it, that was objected to. But whether we go to the bill without an agreement or go to the bill and seek a unanimous consent that would allow for a general debate, either of those approaches would work.

I hope that by the end of the day we can get a unanimous consent agreement that would spell out in more detail, as perhaps the chairman has suggested, an amendment list. As I said, we are close. I certainly have no objection myself to moving forward, as he has suggested. I want to accommodate Senators who have been working in good faith to try to find a way in which to amend the bill, and they should be prepared to do that before the end of the day.

I will object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I had hoped to come to the floor today in support of the long-awaited, long-anticipated crop insurance reform bill. My colleagues, Senators ROBERTS and KERREY, have toiled over this legislation, laboring to ensure that the risk management activities America's farmers will undertake are fair, affordable, and comprehensive.

Instead, I understand that a few of our Democratic colleagues have placed a hold on the bill, while ironically, an editorial in the Washington Post this morning decries the 1996 Freedom to Farm Act and the very legislation I had hoped would pass today.

Mr. President, nearly every major commodity group in the nation supports the Roberts/Kerrey bill and have, through the voices of their membership, called upon us to act. Instead of working to pass crop insurance legislation growers from across the country have been anxiously awaiting, we instead find ourselves once again defending the principles of freedom to farm.

To use America's farmers as a pawn in an election year political game, at a time when the agriculture economy is in a serious state of flux, in my opinion invalidates their plight. When we should be passing comprehensive, bipartisan legislation that enhances the safety net for American farmers, we instead find ourselves fighting to address a bill the farming community nearly overwhelmingly desires.

As of late, farmers in the Pacific Northwest have found themselves in this same game far too often. At the same time the Administration sends officials out to Washington state claiming to provide solutions to these serious issues, regulators under the Clinton-Gore watch are working to eliminate the water, transportation infrastructure, chemicals, and in general the tools necessary for farmers to continue their livelihood.

Last week, the Washington Association of Wheat Growers made the 3,000 mile trip to Washington, DC to encourage me to support the crop insurance reform we were supposed to address today. At a time when check books barely balance, fuel prices are outrageously high, while commodity prices are low, these folks asked for our help. Unfortunately today, these proud and previously profitable growers must wait. They must wait for several folks on the other side of the aisle to make a political monster of crop insurance before they can receive this desired reform.

Mr. President, when the Risk Management for the 21st Century Act finally comes before us here in the Senate, I will support the efforts of Senators ROBERTS and KERREY, of the Senate Agriculture Committee, and of those voices in rural America who demand crop insurance reform.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 464, S. 2251, the crop insurance bill, and that it be considered under the following agreement: First, an amendment to be offered by the managers, limited to 10 minutes and not subject to second-degree amendments, and no budget points of order be in order prior to the disposition of the managers' amendment, and for the purposes of complying with section 204 of H. Con. Res. 68, the bill, as amended by the managers' amendment, be considered as the committee reported bill.

Parenthetically, the amendment offered by the distinguished Senators from New York and New Jersey would be a part of that managers' amendment.

Mr. SCHUMER. Mr. President, will the Senator yield?

Mr. LUGAR. Yes.

Mr. SCHUMER. I first thank the Senator on behalf of myself and the Senators from New Jersey, Rhode Island, all of us, as well as the other members of the committee. This is an extremely important amendment to all of us. I ask the Senator, will the Senate in the conference do everything it can to keep the language and the amount of money we have agreed to?

Mr. LUGAR. I am sure the Senate will argue the merits of the Senators' suggestions as well as the rest of the managers' amendment, and whatever else transpires, with vigor.

Mr. SCHUMER. I thank the Senator, again, for understanding our particular problems with agriculture in the Northeast. As the Senator may remember, last fall when disaster struck, we were unable to protect our farmers. Being allowed to be included in the crop insurance program for specialty crops such as fruits and vegetables is extremely important. We are very appreciative of those efforts that were made.

I yield to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the chairman. I am certain he understands many of us believe that the long, slow erosion of the agricultural community in the Northeast must come to an end. Those who are engaged in specialty crops and other products in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, and other States have suffered very badly in recent years.

I think the agreement we have come to is of some real note. That is, this isn't simply an agricultural crop insurance program; it is now a national program. For the first time in my experience, we have reached across the Nation's borders, coast to coast, and designed a program that can work for every State. This is a very important moment for the State of New Jersey and preserving those farms that remain. I am grateful and very much appreciate his commitment to fight vigorously in conference so that the Senate provisions prevail. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend the Senator from New York and the Senator from New Jersey for their great efforts. I thank the chairman. As my colleague so well expressed, there is a tendency to not realize or understand that the Northeast part of the United States has a significant farming industry. We learned that the hard way, in some respects, last fall when we discovered our farmers were in desperate straits because of drought, loss of crops, and environmental conditions that affected them. Today, we are recognizing their standing along with farmers throughout this country, and not only their need but their eligibility now for Federal assistance in times of need. I thank the chairman for his efforts, and I thank my colleagues for working so hard on this.

I yield the floor.

Mr. LUGAR. I thank the Senators from New York, New Jersey, and Rhode Island for their leadership.

Mr. President, can we lock in that part of it?

The PRESIDING OFFICER. Has the Senator completed his unanimous consent request?

Mr. LUGAR. No. This is a portion of it. The request is the managers' amendment be offered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, let me proceed.

I further ask unanimous consent that a relevant amendment by the distinguished Senator from Wisconsin, Mr. KOHL, with a time limit of 30 minutes be entertained, and that a statement by Senator KENNEDY of Massachusetts be permitted for not to exceed 30 minutes; that a sense-of-the-Senate amendment be offered by the distinguished Senator from Minnesota, Mr. WELLSTONE, and that one relevant amendment be offered by Senator WELLSTONE.

May I inquire of the Senator if he would permit us to have a 30-minute time limit for each of these two amendments?

Mr. WELLSTONE. First of all, on the time, I have to decide on the second amendment. On the first amendment, it is not my wish to go on and on, but I would not agree to 30 minutes. There were 2,500 to 3,000 farmers, and 500 came from Minnesota. I would like to commend them for the Rally for Rural America, and call on Congress to take some action to deal with the crisis in our rural communities. I don't think I can give justice to what they did in 30 minutes. Other Senators would like to speak as well. I would not agree to only 30 minutes.

The second point I wish to make is that these are agriculture-related amendments. I wish to make sure that is acceptable to my colleague.

Mr. LUGAR. The request that we made to the Chair is that they be relevant to the legislation before us.

Mr. WELLSTONE. I will object to the whole agreement because these amendments are agriculture-related. I don't think they would necessarily be ruled relevant to crop insurance. I can do the sense-of-the-Senate amendment within an hour, I think, basically recognizing and congratulating people for coming and talking about our commitment to take some action. I might not even do a second amendment. Certainly, they are agriculture-related. There isn't anybody in the world who would say that the sense-of-the-Senate is not agriculture-related, dealing with the price crisis. But I thought that would be acceptable. If it technically has to be relevant to crop insurance, that would be out of order. If it is out of order, I will not agree.

Mr. LUGAR. I have to respond to the Senator, on behalf of our leader, Senator LOTT, that it needs to be relevant to the legislation. The Chair might be asked to rule on that or might not be asked to rule on that. I understand the Senator, and I am attempting to be accommodative. The importance of what he has to say is obvious. But if the Senator could achieve both of his objectives within an hour of time, perhaps we could proceed on that basis.

Mr. WELLSTONE. I would be pleased to achieve the objective within an hour of time. I can do that. I am not trying to hold up the bill. I think I can do that. I am not going to agree if I am going to be ruled out of order. Maybe we can proceed on that basis.

Mr. LUGAR. I pledge to the Senator not to raise a point of order. To reiterate, I ask unanimous consent that we have a Kohl amendment with a limit of 30 minutes; a Kennedy statement with a limit of 30 minutes; and the Senator from Minnesota, with a total of 1 hour for either a statement or an amendment, or a motion, as the case may be.

Mr. WELLSTONE. This would be for a sense-of-the-Senate amendment. If it could be in the agreement that there could be 1 hour and there would not be objection to it——

Mr. LUGAR. All right. Three elements: the sense of the Senate for 1 hour, the Kohl amendment for 30 minutes, and the Kennedy statement for 30 minutes.

Mr. President, these would be the only permissible amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, further, I ask unanimous consent that these amendments have equal division of time and be considered in the usual form, and that no motions to commit or recommit the bill be in order, and following disposition of the above amendments, or the yielding back of time, the bill be advanced to third reading.

I further ask consent that following third reading of the bill, the Senate proceed to the House companion bill, H.R. 2559, and all after the enacting clause be stricken, the text of S. 2551, as amended, if amended, be inserted, the bill be advanced to third reading, and passage occur, all without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, and I shall not, let me thank all Senators for their cooperation and for their willingness to work with the leadership to accommodate the many concerns that have existed on both sides.

Let me say briefly, however, for the record, this is yet another example of the minority again cooperating with the majority and denying ourselves the right to offer nonrelevant amendments first, that is nonagricultural amendments, or any other amendments that are nonrelevant, and limiting ourselves to relevant amendments to this particular bill. We are doing it as a result of the urgency that I think everyone understands about this matter, and we are doing it in an effort to try to accelerate consideration of this bill and also ultimately come to a conclusion. It is an abrogation of the rights of all Senators to again be asked that they preclude the consideration of any nonrelevant amendments.

We will do it again in this case. But I think that, at some point, the Senate has to be the Senate, where Senators have the right to offer amendments regardless of subject matter. Again, in this case, I appreciate the cooperation of everybody. I hope we don't continue in the Senate what I think is a dangerous pattern—that we limit Senators in such a narrow way, as we are doing in this case. We are doing it for good reason, but I hope we can find ways in which to allow Senators to express themselves and be full participants in debate on other matters and other vehicles.

I certainly don't object. I commend the chairman for getting this agreement.

Mr. LUGAR. Mr. President, before I ask for the ruling, let me ask the leave of my colleagues and that Senator JEFFORDS be recognized for 30 minutes on an amendment on our side. I have just been advised that the Senator may have an amendment.

Mr. DASCHLE. Mr. President, I ask if the amendment is relevant.

Mr. LUGAR. The amendment would be relevant.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LUGAR. Mr. President, finally I ask unanimous consent that following passage of the bill, the Senate insist on its amendments and request a conference with the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I am advised by the distinguished minority leader that, of course, I will be in a position to name conferees on our side, and he also will be in a position to do so.

My hope would be, as I am certain it is his, that we could proceed to conference with the House as rapidly as possible.

Mr. President, I thank the Chair.

I thank the distinguished minority leader and all Senators who have helped us in this.

We are now prepared to offer the managers' amendment;

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agricultural producers with choices to manage risk, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2887

Mr. LUGAR. Mr. President, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] for himself, Mr. HARKIN, Mr. ROBERTS, and Mr. KERREY, proposes an amendment numbered 2887.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LUGAR. Mr. President, I know of no debate on the managers' amendment. I ask the Chair to pose the question.

The PRESIDING OFFICER. Time is yielded.

The question is on agreeing to the amendment.

The amendment (No. 2887) was agreed to.

Mr. LUGAR. I thank the Chair.

The bill is now open for the amendments that have been designated in the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to strongly endorse the crop insurance bill that is before us. It is a product of a bipartisan effort.

I especially want to congratulate my colleague, Senator KERREY of Nebraska, who has labored hard and long in order to produce this result. Senator ROBERTS of Kansas is a cosponsor. We are all indebted to them for their leadership on this issue because this bill brings a new measure of stability to rural America. From the Northeast, to the great heartland, to the South, this bill is going to make a difference in the lives of farmers who we know are too hard pressed.

For those who are listening, crop prices are the lowest they have been in 50 years. We have just had a rally on the Mall that went on for 2 days with thousands of participants from all over America with farmers telling us they simply have to have help or they are going to go under in unprecedented numbers. That is the message that has been delivered.

Our first response is the crop insurance reform bill—to say we are ready to help and this Congress is prepared to respond.

I also want to thank my colleague, Senator GRASSLEY, a member of the Budget Committee and the Agriculture Committee, who joined me on the Budget Committee to reserve the funds so that this bill could go forward. We achieved $6 billion in funding last year for crop insurance reform. That is what this bill provides. This bill reforms crop insurance by making coverage more affordable, by fixing an unintended consequence of our effort to reform crop insurance in 1994 that unfairly lowered coverage for producers facing unexpected circumstances with repeated natural disasters.

It requires USDA to implement new quality adjustment procedures. It eases qualification for noninsured crop disaster assistance. It provides for the development of improved specialty crop policies and brings livestock into the crop insurance system.

This bill also provides a pilot program to test an alternative risk management approach.

With respect to the question of multiple years of disaster, let me explain, in brief, the problem.

In areas of the country that have experienced multiple years of disasters, under the current crop insurance law, the formula under which they recover damages is dramatically altered by repeated years of disaster. This legislation offered by our colleagues, Senator KERREY, Senator ROBERTS, and a number of other of us on a bipartisan basis, addresses that problem. I am grateful for it.

My State has been affected by multiple years of disaster. I pray that our time of suffering is over. But other States may have a similar experience. They shouldn't have to suffer unduly. Crop insurance should work for them. That reform is included in this bill. We can be proud of it.

I want to respond, if I can, to an editorial that was in the Washington Post this morning. That editorial, which makes the assertion that crop insurance promotes production on marginal acres, or so-called "environmentally sensitive lands," requires a response.

I believe the facts do not support that claim. I believe the Washington Post in their editorial is precisely wrong about the effect of crop insurance. The fact is meaningful crop insurance did not exist until 1994. Has crop acreage increased in that period? Let us review the record because I think the facts speak in direct contradiction to the fundamental assertion in the Washington Post editorial.

This chart shows the number of acres being planted in this country from 1996 to 1999. One can see the blue bar. Those are the acres farmed. You can see the acreage hasn't expanded. The acreage has been reduced under an expanding crop insurance program.

The fundamental assertion by the editorial writers in the Washington Post is wrong. They may assert, well, it is not fair to look at just acres planted and acres taken out of production. You have to look at insured acres.

Let's do that. This chart, again, is from 1996 through 1999. Again, the acres that are insured are the blue bars. You can see that we are down from 1996. We have not had an increase. The acres insured are down.

One has to ask this question: If farmers are taking acreage out of production, are they taking out their most productive acres? Is that what they would do? I don't think so. I think just the opposite would occur.

As farmers take acres out of production, they would take out their most marginal acres. They would take out those acres that are most environmentally sensitive. That is the record.

I wish our friends who write editorials down at the Washington Post knew a little more about agriculture because I frequently find them in error, but they are never in doubt.

I say to my friends that they need to get out in the heartland of America. They need to get out of Washington. They need to get outside the beltway to find out what is really going on in agricultural America because over and over, as I read their editorials, they have almost no relationship to the reality of what the people I represent are experiencing.

We had a breakthrough today in terms of an agreement with our colleagues from the Northeast. The fact is they had an unfair result in the disaster bill of last year. I acknowledge that. I regret that occurred. I can say my own State has been dealt with generously in disaster programs. We had a horrible disaster in 1997. We had the worst winter storm in 50 years, the most massive flood in 500 years, and the largest mass evacuation of American cities since the civil war. This Congress responded generously to the needs of the people I represent. I will be forever in the debt of my colleagues.

When similar disasters hit the Northeast last year, they were not dealt with as generously. I think we must all acknowledge that. Hopefully, this is a step toward recognizing the very real economic hurt that occurred there.

I conclude by thanking the chairman and the ranking member of our committee. Especially, I direct my comments to the chairman. This is not a bill he favored. He had an alternative approach. But he graciously allowed Members to debate and discuss in the committee. He was eminently fair in the consideration of this bill in the committee. When his side did not prevail, he was a gentleman, and he has come out on the floor of this Senate to help pass the final product of a democratic process.

I thank the chairman very much for his fairness and also his patience. His patience is quite remarkable as we fight and joust about issues that matter an awful lot to Senators as individuals representing different parts of the country, many from States in very deep financial trouble.

Let me finish by again thanking my colleagues, Senator ROBERTS of Kansas and Senator KERREY of Nebraska, for truly outstanding leadership in bringing this reform bill to the floor. I urge my colleagues to support it. I think it is something of which they can be proud.

I thank the Chair.

Mr. ROBERTS. Mr. President, first I thank my good friend and colleague for his very kind comments, and I associate myself with his remarks, most especially with regard to the editorial that appeared in the Washington Post. I think he set the record straight.

I indicated in my earlier remarks there were some provisions of this bill I would like to outline, and I would like to do so at present as a coauthor of the legislation. I said at that particular time we spent a great deal of time—by "we," I mean Senator KERREY, I, and our staff—sitting down with producers and our farmers and ranchers and virtually every interest group that has a remote interest in this bill.

They told us to do the following things:

One, to make a higher level of coverage more affordable;

Two, to provide an equal subsidy for both yield and revenue insurance products;

Three, to develop steps to address the problems associated with a lack of production history for beginning farmers and concerns that an adequate policy does not exist to address the multiple years of disasters.

They also told us to try to create new and expanded crop insurance policies for specialty crops and improvements in the Noninsured Assistance Program which covers many of the specialty crops.

They warned of some increased emphasis in specialty crop policy research and development;

Major changes in the Federal Crop Insurance Corporation board of directors, certainly with more farmer input;

To streamline and to remove the roadblocks and the product approval process;

And to take significant steps to address fraud and abuse in the program.

As I indicated earlier when I went through this list, I think we have done that. I believe, and it is my hope, that the bill now before the Senate does accomplish those goals.

Let me go over specifically what is included in this bill. We made higher levels of coverage more affordable so we will, hopefully, avoid calls for disaster assistance in the future. In my earlier remarks, I tried to emphasize to Senators that once we have national comprehensive risk management available to producers, hopefully we will not get into the expenditures we have had in the past with annual disaster bills.

We made the adjustments to the APH to address multiple years of disaster.

We made significant changes to the Noninsured Assistance Program, including the elimination of the area trigger. Now that is a rather complex description of a problem that is of tremendous concern to the specialty crop producer. That was the No. 1 complaint we heard from producers who use this program.

We provided $150 million in pilot program funding to create pilots to develop new policies, especially for specialty crops.

We provided $20 million per year in new funding to provide research grants to develop new risk management strategies for specialty crops.

We changed the membership at the corporation's board of directors to include, as I mentioned before: Four farmers from geographic regions to be selected by the Secretary of Agriculture, one member active in the crop insurance industry, one member with reinsurance expertise, and then the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Rural Development, and the chief economist at the Department of Agriculture.

We have streamlined the product approval process and set deadlines by which decisions must be made on new policies that are submitted for approval. We allow companies to charge minimal fees to other companies selling their products in order to allow the recovery of research and development costs. This should also encourage expanded policy development which is a very important goal of the bill.

I also thank my colleagues from the Northeast in reaching an accommodation to address their concerns. We have had a considerable discussion here. They have released their hold on the bill. However, I will have printed in the RECORD the provisions for specialty crops with which we worked so long and hard.

I pay special credit to Mr. SANTORUM, the distinguished Senator from Pennsylvania. Senator SANTORUM obviously came to us after the conference bill was passed during the last session of Congress and said: Look, this is not adequate.

He didn't say that; he said it in a little stronger language. He said: If we are truly going to have a national program, we have to address the concerns of the Northeast.

We heard Senator SANTORUM. We paid a great deal of attention to specialty crop producers, not only in Pennsylvania but all throughout the Northeast. We put together, as I certainly tried to indicate in my previous remarks, a plan where we really reached out. I thank Senator SANTORUM for all of his advice, his counsel, his expertise, and that of his staff. This particular provision for specialty crops would not have happened had we not had his input, advice, and counsel.

I ask unanimous consent to have printed in the RECORD these provisions, with the understanding that Senator SANTORUM should receive full credit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Provisions for Specialty Crops

NONINSURED ASSISTANCE PROGRAM (NAP)

Removes the NAP area trigger, the number one complaint of specialty crop producers.

Allows different varieties of the same crop to be combined as one.

Reduces the 35 percent prevented planting requirement to 15 percent.

Establishes a mechanism by which producers growing a new crop can get coverage.

ADDITIONAL ITEMS OF INTEREST

Allows pilots to be conducted on state, regional, and national basis.

Allows nursery and greenhouse crops to be eligible for risk management activities pilot.

Allows grants to be made on a competitive basis for the research and development of specialty crops.

Provides $20 million per year for partnerships to be developed with appropriate public and private entities to develop risk management and marketing options for specialty crops.

Sales closing date for obtaining coverage for a specialty crop cannot expire before the end of the 120 day period beginning on the date of the final release of materials from RMA.

Corporation and specialty crops coordinator are to conduct studies regarding the feasibility of developing new policies for specialty crops.

Section requiring study to determine steps that can be taken to provide adequate coverage and improve participation in states with participation percentages well below the national average.

Drastically improve the product approval process so that new policy proposals do not languish for months at RMA waiting for approval.

Mr. ROBERTS. Mr. President, this legislation also establishes monetary penalties. If we are worried about fraud and abuse, we have penalties up to $10,000 and potential disbarment from the program and all USDA programs for any producer, any agent, any loss adjuster, or approved insurance provider who is found to have defrauded the program.

These provisions in terms of fraud and abuse are strong; they are clear. Those who attempt to defraud the program and taxpayers will be punished.

Every year, our producers put the seed in the ground and they believe if the good Lord is willing and the creeks don't rise or we don't have a drought, they will produce a crop. When the events do occur, they must have the tools to manage these risks.

I ask unanimous consent to have printed in the RECORD a letter signed by 23 different farm and commodity organizations, agricultural lending organizations, and organizations associated with the insurance industry who support the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 20, 2000.

Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBERTS: As organizations representing farm, lending, and insurance industries, we are writing to strongly urge that the Senate pass the recently reported Senate Agriculture Committee crop insurance risk management bill. The reported bill has strong bipartisan support and includes the risk management ideas of many senators representing farmers with differing risk management needs.

Through hard work, farm-state representatives on the House and Senate Budget Committees persuaded Congress to include $6 billion in funding for risk management in the current Congressional budget resolution. The House of Representatives passed H.R. 2559 on September 29, 1999 by voice vote. The Senate needs to pass a crop insurance risk management bill before the next budget resolution is written or those funds will be unused.

For several years the agriculture community has been promised and desperately needs an improved crop insurance risk management program. We endorse prompt consideration and passage of the crop insurance bill and oppose efforts to make major changes or slow its consideration.

Sincerely,

American Association of Crop Insurers
American Bankers Association
American Farm Bureau Federation
American Feed Industry Association
American Nursery and Landscape Association
American Soybean Association
Crop Insurance Research Bureau
Farm Credit Council
Independent Community Bankers Association
Independent Insurance Agents of America
National Association of Crop Insurance Agents
National Association of Wheat Growers
National Barley Growers Association
National Corn Growers Association
National Farmers Union
National Grain Sorghum Producers
National Pork Producers Council
National Sunflower Association
National Association of Professional Insurance Agents
Rural Community Insurance Services
Society of American Florists
U.S. Canola Association.

Mr. ROBERTS. Our lending organizations and all of the groups and commodity organizations have spoken loudly. They have all continually expressed the need to improve the risk management tools available to our producers. I believe this legislation does accomplish this goal. I am proud of this bill. It is a strong bill. It is a fair bill. It improves the program for both the taxpayers and our farmers and ranchers. It shows us that despite all of the differences we sometimes have on both sides of the aisle, as some of my colleagues have already said, we can listen to our constituents; we can take their ideas; we can work in a bipartisan manner to improve the programs available to America's farmers and ranchers.

After hundreds of hours of discussion and deliberations, I believe we have achieved the strongest bill possible. I urge my colleagues to support this legislation in behalf of their constituents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2888

(Purpose: To express the sense of Congress regarding the Rally for Rural America and the rural crisis)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2888.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, strike lines 7 through 13 and insert the following:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.

(a) FINDINGS.—Congress finds that—

(1) on March 20-21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 93, line 10, strike "**SEC. 402.**" and insert "**SEC. 502.**".

Mr. WELLSTONE. Mr. President, I thank my distinguished colleagues, the Senator from Kansas and the Senator from Nebraska, and I also thank the Senator from Indiana, for this legislation. I think this is a terribly important piece of legislation. I think this is good legislation. So I say to my colleague from Kansas, I thank him for his excellent piece of legislation.

Both Senator KERREY and I thank the chairman for having this legislation on the floor. It is substantive and important, and I thank him for his work.

Mr. ROBERTS. If the Senator will yield, I thank the distinguished Senator from Minnesota. I know we are going through a very difficult time in farm country. This is something we have tried to do for almost 20 years, and I think it is the strongest bill possible, and I thank him very much for his comments.

Mr. WELLSTONE. I thank the Senator for his work.

Mr. President, I want to go through this amendment. This is a sense-of-the-Congress resolution on the Rally for Rural America, the rally about the rural crisis that just took place in Washington, DC. Let me simply talk about what happened.

Starting Sunday night, we started out with a wonderful prayer service, an ecumenical service. It was nourishing. The church was packed here in the city just a few blocks away from the Senate. There were some beautiful words that were uttered, but in particular I remember one of the ministers. She said, "We have taken the culture out of agriculture." I thought a lot about that. I think that is the reason why so many people came to the Nation's Capital, because for many of our family farmers this could very well be their last bus ride here.

We had from around the country, I don't want to exaggerate because that does not do justice to people, but I guess somewhere around 2,500, 3,000 people, many of them family farmers. From the State of Minnesota, we had close to 500 people here, most of them family farmers. I point out to my colleagues, this was an unusual gathering. This was a historic gathering. This is probably the most family farmers who have come to the Nation's Capital, I would say, in the last 20 or 25 years, at least from the State of Minnesota.

I want my colleagues to also know that most of these farmers came by bus. They did not come by jet. They didn't have the money to come by jet. They came by bus. Many of them are elderly. A good number of them came with their grandchildren. They came to Washington, DC, for two reasons.

First of all, they came to the Nation's Capital to try to have a conversation with America, to make sure people in the country know what is happening. I think one of the challenges for us is that, with all the news about the booming stock market and the booming economy, the vast majority of people in the country have not a clue what is happening to family farmers. I do not think they have a clue. This is a good country and we have a lot of good people in our country. We have good people in the Senate and the House. I hope, and I think the farmers really hope, this gathering in the Nation's Capital will bring out the goodness in us.

Right now what we have, and I am not even going to talk about all the statistics, record low income. We have record low prices. We have, as I said yesterday, many broken dreams and broken lives and broken families. I am talking about people who were good managers of the land. I am talking about people who work 19 hours a day. But the fact is—and I say this to my colleagues—time is not on the side of many family farmers in my State and many other States. They are simply going to go under. We are going to lose many of our producers. We could lose as many as another 2,000 family farmers in Minnesota this year.

People came to the Nation's Capital to say: We call upon you to respond to the needs, circumstances and concerns of our lives. What this sense of the Congress says is that the participants in the Rally for Rural America are commended and that their pleas have been heard.

I think people should be commended for coming from such a long distance away and sacrificing so much to be here. They would not have come here, except they are hoping we can make some changes that will help them and their families, not only family farmers but our rural communities.

The Congress should respond with a clear and strong message to the participants, rural families, that Congress is committed to giving the crisis in agriculture and all America its full attention by reforming rural policies in a manner that will: No. 1, alleviate the agricultural price crisis; No. 2, ensure competitive markets; No. 3, invest in rural education and health care; No. 4, protect our Nation's resources for future generations; and, No. 5, ensure a safe and secure food supply.

I say to my colleagues, I worded this in such a way that leaves plenty of room for different interpretations as to how to accomplish these goals. We do not all agree. I understand that.

The Senator from Indiana, the chairman of the committee, is someone—I have said it to my own family members, I have said it to people in Minnesota—for whom I have the most respect. It is the truth. I say it; I mean it. I would not say it to my own children if I did not mean it. We do not agree on the Freedom to Farm bill, which I call the Freedom to Fail bill. But this sense-of-the-Congress resolution is broad in its interpretation. It is just an effort on my part, as a Senator from Minnesota, to say to all the people who came: I acknowledge the fact that you came. It is not as if you come here and we do not go to work to try to do something. This bill is an effort to try to respond.

But it is but only one piece. For my own part, I believe we must respond to the price crisis. People cannot—they will not —be able to survive right now unless there is some income stabilization, unless there is some safety net, unless there is some way they can have some leverage to get a decent price in the marketplace. That is the missing piece of Freedom to Farm or Freedom to Fail. Flexibility is good. But that has not worked, and I see it every day in every community that I am in. I do not want to just keep visiting with people and listening to good people and caring about good people without trying to get the Senate on record that we are going to take some action. That is part of what this resolution is about.

We can have the debate about what kind of changes we could make that would provide some real help for family farmers, that would enable family farmers to get a decent price, that would provide some income for families, what kind of steps we could take that will put some free enterprise back into the food industry and deal with all the concentration of power.

For my own part, I do think there is a very strong correlation between three and four firms dominating 60 to 70 percent of the market, and family farmers not getting a decent price. I find it puzzling. I find it more than puzzling. I find it to be an outrage that so many of our producers are facing extinction but the packers and the big grain companies are doing well—in some cases receiving record profits. The gap, the farm/retail spread grows wider and wider, and the gap between what people pay at the grocery store and what the farmers get for what they produce grows wider and wider.

I am saying we have to have more competitive markets. I am saying we want to make a commitment to sustainable agriculture.

I did not say in this resolution, although I think it is terribly important and I know Senator CONRAD would be the first one to talk about this, that we need to have a fair trade policy. More than anything else, I come to the floor of the Senate wanting to acknowledge the presence of close to 3,000 farmers and people from rural America. They were here yesterday in the pouring rain under a tent on the Capitol mall. People came to speak out for themselves. They came to meet with Representatives and Senators. They did not come because they have some party strategy. They did not come because they had a particular partisan orientation. They are thinking about their own families and their own communities.

I wish to say on the floor of the Senate, because I am lucky enough to get a chance to speak on the floor of the Senate and these farmers cannot speak on the floor of the Senate, there is an economic convulsion taking place in agriculture today.

Many wonderful people are being spit out of the economy. Too many lives are being shattered. The health and the vitality of our communities in rural North Dakota or Minnesota or any of the other heartland States is not based upon the number of acres farmed or the number of animals someone owns, but the number of family farmers who live in these communities.

Whether we are talking about dairy farmers or corn growers or wheat growers or livestock producers, it is an absolutely intolerable situation—a situation from which we cannot turn our gaze away.

For me to summarize, the findings talk about thousands of rural citizens and families and the religious communities coming to Washington to participate in the rally. The religious communities' voice was wonderful.

The findings talk about a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity that participated in organizing the Rally for Rural America. I thank the AFL-CIO for being here. I thank Bernie Brommer, the president of the Minnesota AFL-CIO, for being here. I thank Jerry Macaffey from AFSCME for speaking at the rally. I congratulate them for being here. The amendment makes the point that although the majority of America is reaping the benefits of a strong economy, rural America is facing the toughest times.

The findings in this amendment talk about the record low prices on the farms and the ranches, and the way in which they have rippled throughout rural America, causing rural communities to face all kinds of challenges: A depressed farm economy, an escalation of the mergers and the acquisitions, a loss of businesses and jobs on Main Street, an erosion of health care and education, a decline in infrastructure, and a loss of independent family farmers.

The purpose for this resolution: "To express the sense of Congress regarding the Rally for Rural America and the rural crisis" is to thank people for being here and to talk about and make it clear that we will, in fact, respond with a clear and strong message to the participants, that we are committed to dealing with this crisis, that we are committed to giving it our full attention, in a manner that will alleviate the agricultural price crisis, that will ensure competitive markets, that will lead to an investment in rural education and health care, protect our natural resources, and ensure a safe and secure food supply.

If, in fact, we continue to lose our producers, and if, in fact, we go the trend of an increasingly corporatized, industrialized agriculture, it will be a transition that our country will deeply regret.

I think this is very important for America. I tell you, my heart and soul goes out to the people who were here. I hope there will be good support for this sense-of-the-Senate amendment to this very good piece of legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time in opposition?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin by thanking the Senator from Kansas, Mr. ROBERTS; Senator KERREY from Nebraska; my colleague, Senator CONRAD from North Dakota, and others, for their excellent work in bringing this legislation to the floor of the Senate. It is my intention to support this legislation.

I also say that I think the sense-of-the-Senate resolution offered by the Senator from Minnesota, Mr. WELLSTONE, is certainly thoughtful and worthy of support, as well.

I, too, join him in saying to my colleague, Senator LUGAR, that I have always believed he is a major contributor to most every public debate in this Senate, especially on foreign policy, and a range of other things. But it is true, we disagree on farm policy from time to time. We recently had an exchange of letters about that disagreement. But that does not, in any way, diminish my respect for him as a leader and a legislator.

My fervent hope is at some point I could reach over and reach out to Senator LUGAR and convince him that we need to—tomorrow or Thursday—start a series of hearings and change the farm bill. But I do not expect that will be the case. He will certainly explain his position on these issues in an articulate way soon.

But let me describe some of my feelings about where we are. Let me start with this: I say to my friend from Minnesota, this morning for breakfast I had something called Cream of Wheat. I do not know how many servings of Cream of Wheat are served in America every morning or every year but a lot of them.

Cream of Wheat, if you want to know the origin of it, just for fun—I notice the Presiding Officer is hanging on my every word here—came from Grand Forks, ND, in the year 1893. A little old mill called the Diamond Mills was not doing very well. They had a scientist who was sort of moving around and trying to figure out what he could do with various parts of the grain. He used what are called the middlings of wheat, and he concocted what he called a "breakfast porridge."

So a man named Tom Amidon from Grand Forks, ND, in 1893, concocted what he called "breakfast porridge" with the middlings from wheat, and it is what is called Cream of Wheat. It is what I ate for breakfast this morning.

Cream of Wheat comes from the wheat fields in North Dakota and other places in the country. A farmer gases a tractor, buys the seed, plants the seed, and does all the work to produce this wheat. Then it is ground up. Among that grinding you get some middlings. Somebody produces breakfast food with those middlings.

Cream of Wheat does not come from Grand Forks, ND, I must say with disappointment. Cream of Wheat is owned by Nabisco Company. It happens to be produced in my colleague's home State of Minnesota. The middlings, the wheat, the Cream of Wheat, the jobs, do not belong to the folks that gas the tractor and plant the seed and harvest the grain. No, that is not the way it works in agriculture.

Our farmers go out and plant a crop—corn, wheat, barley—and then someone comes along and buys it. They take a look at that kernel and say: You know what we ought to do. We ought to puff that up and then put it in a bright-colored box, and we will take that wheat and call it puffed wheat. Guess what that costs. Go to the grocery store and buy puffed wheat, puffed rice. They puff it; they shred it; they crisp it; they manipulate it in a hundred different ways and send it to the grocery store shelf in bright-colored boxes.

The farmer gets a pittance for that grain because the farmer is told that grain does not have any value anymore. At the grocery store shelf it costs a fortune because now it has been puffed. So the puff is apparently more valuable than the grain that is produced out of the ground from the tireless work of a family farmer.

That describes part of the problem in this system of ours. We had a couple thousand people come to town, as the Senator from Minnesota described. They are the ones who could afford to come. I am sure it was a struggle for many of them.

Folks from my State—400 of them—got on buses, seven buses. I think they will have traveled close to 6 days—they are still on a bus, I am sure—traveling to Washington and back to North Dakota.

The fellow from just west of Valley City would not have been among them because he stood up at a meeting I had some while ago, and his chin began to tremble, and he had tears in his eyes—a big, husky guy with a beard. He said his granddad farmed his farm; his dad farmed his farm; and he farmed it for 23 years. Then his chin began to tremble, and he said: But I can't do it anymore. I'm being forced off the farm.

You could see that for him it was not about dollars and cents; it was the loss of a dream—a broken heart and broken dreams. I am sure he did not come out here because he is not farming anymore and could not afford it. He is probably struggling, after 23 years on a farm, trying to find something else to do—another job to try to make some income.

He made a point, as so many farmers do, that he was a good farmer. He did not waste money. He did not go to town on weekend nights. He did not buy new clothes. He told the kids they could not afford a new pair of jeans for school because they did not have the money.

He said: This isn't my fault. Collapsed prices are not my fault. Bad trade agreements are not my fault. Monopolies that press their boots down on the chests of family farmers are not my fault.

He was right about that. He didn't cause these problems. Somewhere in the crevice between mathematics and virtue rests a blindness that somehow refuses to recognize value and values. We tend to think of all of this in the context of economics and numbers, not understanding, apparently, that family farmers produce something more than a crop.

Yes, a farmer-producer wheat in the fields of North Dakota. That family living on a farm also produces a social product that most economists and most others believe has no value whatsoever in our country, a social product called community, called family values, called part of our culture that all of us understand, an environment that is good, a neighborhood that is free of crime, a lifestyle in which neighbors help one another.

When Ernest had a heart attack at harvest time in my hometown, his neighbors took the crop off the field. Why? Because they were competitors? No, because they were neighbors. That is a social product, but economists say it has no value.

The Europeans say it has value. In fact, in the trade negotiations between Europe and the United States, they say they want something called multifunctionality considered. Our trade people scratch their heads and say: What on Earth are you talking about, multifunctionality? The Europeans say: This is an important element of farming that you are missing when you just look at the hard numbers. What is missing is community, values, a certain culture we want to retain and sustain in our future. Our trade negotiators just can't understand that. They say: We don't understand that. This is all about dollars and cents. This is about markets.

My point is, family farms produce more than just grain. They produce something very important for this country. It is a social product that this country ought to want to retain and keep.

There are a series of things we must do to respond to the urgent needs of family farmers. We must repair a safety net that does not now provide the kind of assistance family farmers need when prices collapse. Family farmers can't make it across the valley when prices collapse without some kind of safety net to bridge that valley. That is No. 1.

No. 2, we must have better trade agreements. Family farmers cannot compete with one arm tied behind their backs. It is not fair. The Canadian trade agreement wasn't fair to our family farmers. It sold out family farmers' interests. I regret to say that, but I can bring data to the floor released yesterday that demonstrates that was the case.

NAFTA was unfair and GATT was unfair to our family farmers. I will be happy to come and speak at great length about that, but I won't today.

We must have a better safety net, better trade policies, and action against monopolies. Farmers ought not to have to market upstream when they are selling fat steers into a circumstance where just several companies control 80 percent of the steer slaughter. The same is true in every direction a farmer looks. If you want to put the grain on a railroad someplace, guess what. You will put your grain on a railroad that is a monopoly in most cases. The railroad will say to you: Here is what we charge. If you don't like it, tough luck.

Just as an example, if you have a carload of wheat in Bismarck, ND, and you will ship to Minneapolis, you will be charged $2,300 to ship it from Bismarck to Minneapolis. Ship the same carload of wheat from Minneapolis to Chicago, about the same distance, and you are charged $1,000. Why are North Dakota farmers charged more than double to ship a carload of wheat about the same distance? Because there is no competition in North Dakota on that line. Between Minneapolis and Chicago, there is. That is called monopoly pricing, and it is unfair to family farmers.

The fourth thing we need to do is fix crop insurance. That is what this does. That is why I am here supporting it. I know that is a long introduction to get to my support. I will be very brief to say that I think this legislation has a lot to commend itself to the Senate. This is a good piece of legislation—perfect, no, but good.

Here is what it does. It makes crop insurance more affordable at buy-up coverage levels that are most useful to farmers. It addresses the problem of multiyear losses, which has been a very difficult problem for North Dakota farmers, and their impact on insurance coverages. It makes an important financial commitment to crop insurance expansion, research and development, education and outreach—issues that are particularly important to specialty crop communities. It authorizes a pilot program for livestock. It improves the Noninsured Crop Disaster Assistance Program.

This is a good bill. I know my colleagues have struggled mightily to produce this legislation. This bill comes to the floor with bipartisan support, Republicans and Democrats supporting it. I am pleased to support it and to commend all those who have helped bring this to the floor and who will support it in the Senate. It is but one step in a series of steps we must take to try to give family farmers some help.

Those 400 North Dakotans who are on 7 buses now on the highways going back to North Dakota could well have been elsewhere this week. In most cases, in ordinary years, they would have been in the machine shed and they would have been working on their tractor, working on their farm equipment, repairing, replacing, renovating, greasing, changing the oil, getting all ready for spring. That is what farmers do. Farmers only can farm if they have hope. In most cases, these families live out on the farmsteads because they love that way of life.

The only way any of us could understand this is if we were to take our income each year. We have a salary in the Senate; we know what we are going to get each month. Wouldn't it be interesting if all Members of the Senate could let their income rest on certain things that are outside their control and have no certainty of income. Perhaps let your income rest on the question of whether it rains enough or too much, whether insects come to the Midwest, whether crop disease surfaces, whether there is a hail cloud that shows up or a funnel cloud that shows up in late August before harvest. If perhaps if we had that risk of income, we would be able to understand better, as all Members of the Senate, what family farmers face.

It is a very unusual, risky proposition that family farmers face every single year, with many elements in the determination of what kind of income they get that are completely outside of their control. That is why this is different. The enterprise of farming is different. Thomas Jefferson said it in words I cannot nearly match. But family farming is different. It is critically important to the future of this country. It is much more than just economics, finance, or math. It is a social product produced on our family farms in this country that contributes mightily to the character of this country as well. That is why this is an important piece of legislation. I hope it is but a first small step in a journey we can make together to improve the opportunities for family farmers in our country.

I think the amendment offered by my colleague from Minnesota, which is a sense-of-the-Senate amendment commending those who came to Washington, DC, this week, is an appropriate amendment. I hope the Senate will agree to that amendment as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota.

I do want to point out that there are two parts to this sense-of-the-Senate amendment. One part is to thank the farmers and others for being here. The second part is to put us on record and say we will respond and, in particular, we will respond to the price crisis. We are going to talk about how to ensure competitive markets. For my part, I think that means strong antitrust action. We are going to invest. We are going to understand that in the discussion about education and health care—these are rural issues as well—we are talking about sustainable agriculture. We will make a commitment to responding.

This is only a sense-of-the-Senate amendment. However, I don't view it as just being symbolic. I think it would be great to have a strong vote. I want it to be a bipartisan vote. I would love to see us work on the additional pieces Senator DORGAN and I have talked about together, as Democrats and Republicans. I pray—I don't use that word very often on the floor of the Senate—that we will make some changes so our producers, our family farmers, will have a fighting chance to earn a decent living so they can give their children the care they know they need and deserve.

This is thanking these farmers, but it is also putting the Senate on record that we, in fact, are going to respond. That is the second part. That is an important part.

Yes, it is just a sense of the Senate, but I will be coming back over and over again talking about the sense of the Senate with my own ideas about how we can make a difference. Other Senators may have different ideas. I just want us to address it. I don't want us to put family farmers in Minnesota or North Dakota or Indiana, or anywhere, in parentheses or in brackets and act as though this isn't happening.

I don't want us to turn our gaze away from them. I don't want there to be an inaction. That is the why of this.

Mr. DORGAN. If the Senator will yield, I didn't realize I was speaking on Senator WELLSTONE's time. I ask the chairman if the Senator needs more time, I am sure he will be accommodating. I appreciate the generous opportunity.

Mr. WELLSTONE. I was very pleased to have the Senator speak.

The PRESIDING OFFICER. The time has expired.

The Senator from Indiana.

Mr. LUGAR. Mr. President, let me say that I appreciate very much the words of the Senator from Minnesota. I think his tribute to the farmers who came is certainly appropriate and very moving. The Senator has obviously worked to make certain that meeting was constructively successful. I assure the Senator that the voices in the meeting have been heard and, clearly, we were prepared to move on this legislation. But it is a part of the action that we must take to provide a stronger safety net. I feel that we will do so today. I am confident we will move this bill appropriately.

Very clearly, there is much more we need to do. I say to the Senator from Minnesota and my colleague from North Dakota that I know from the income on my own farm last year that it was down. It was down the year before from the year before that. I suspect I am one of the few Members who keeps the books, who tries to settle with the family members. I understand prices and difficulties. I am looking at this from the standpoint of a 604-acre farm, and that is not untypical of many farms in my State and the Senator's State. Our problems are profound but not beyond solution. I look forward to working with the Senator.

At this moment, I am prepared to say on our side we accept the amendment, and we certainly want to see it approved by acclamation. Before I make a further comment on that, may I take a moment to say that I am hopeful that the distinguished Senator from Massachusetts, Mr. KENNEDY, is approaching the floor, and likewise, the

Senator from Wisconsin, Mr. KOHL, who have statements or amendments for which time has been provided, so we might proceed.

I have received word from the majority leader that he proposes that any rollcall votes that might occur with reference to this legislation happen tomorrow morning. At some point, he will be offering a unanimous consent request or make an announcement that would be appropriate on that point. So I am hopeful we will have further debate soon. But for the moment I commend the Senator and I indicate support on our side. I hope his amendment will be taken by acclamation and with praise.

Mr. WELLSTONE. Mr. President, if I may respond to my colleague for a moment, first of all, I thank him for the words. I will ask for the yeas and nays. I do want to have a vote on this amendment. My request will be if the majority leader wants to do it tomorrow—I was trying to come out and help facilitate this—I wonder whether or not we could at least have 2 minutes to summarize before the vote. I hope that will be the case.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I ask that the vote on the amendment be postponed until tomorrow. My understanding is that the majority leader will be prepared to add provisions for the debate the Senator has suggested—perhaps 2 minutes to a side—and I will offer assurance to the Senator that I will make that recommendation to the leader.

Mr. WELLSTONE. Mr. President, the Senator's word is good enough for me.

Mr. LUGAR. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I have been advised that in our colloquy obtaining unanimous consent we indicated that additional language from Senators LEAHY, TORRICELLI, SCHUMER, ROCKEFELLER, REED, and KENNEDY would be made part of the managers' amendment. Apparently, some further editorial work needs to be done to incorporate that language in the managers' amendment. I ask unanimous consent that we have an opportunity and the right to add the language that fulfills the obligation we made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. This will tidy up the housekeeping regarding the managers' amendment.

I mention for the record, according to the Congressional Budget Office, the managers' amendment before us brings the crop insurance bill into compliance with the budget resolution in that spending in the bill is below $6 billion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 2270 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RISK MANAGEMENT FOR THE 21ST CENTURY—Continued

Mr. KENNEDY. Mr. President, I support this legislation. The crop insurance bill before us today provides $1.5 billion over each of the next 4 years to support the Nation's farmers, and they clearly deserve this assistance. Hardworking farmers across the Nation deserve to live with dignity. Federal assistance is justified to protect them when the harsh weather destroys their crops or volatile markets undervalue their produce.

I hope in the coming weeks the Senate will also have an opportunity to address a related urgent need. I am talking about hunger and the inadequacy of the current Food Stamp Program. The problem is that the program's reach in curbing hunger among working families has weakened over time. It is unacceptable for children and working families to go hungry in America today. The latest research is clear, and it calls for our urgent action.

The General Accounting Office reports that "children's participation in the Food Stamp Program has dropped more sharply than the number of children living in poverty, indicating a growing gap between need and assistance."

Census and state food stamp data show that between 1995 and 1998, while the number of poor people fell by almost 2 million, the number of food stamp beneficiaries fell by over 7 million, leaving millions more poor people without food stamps.

The Department of Agriculture reports that 10.5 million U.S. households experienced some degree of food insecurity in 1998, and 1 or more people went hungry in 3.7 million of these households.

The Tufts University Center on Hunger and Poverty in Massachusetts reports that a third of children living in immigrant households with food stamp cuts were experiencing moderate to severe hunger.

With Project Bread in Massachusetts, the Center on Hunger and Poverty also coauthored an extraordinary study of Child Hunger in Massachusetts about a year ago. It was cosponsored by Ralph Martin, who was a Republican district attorney in Suffolk County, and Congressman JOSEPH KENNEDY. They did extensive studies in Massachusetts in a wide variety of communities—some of our older cities, some of our more prosperous cities with pockets of extraordinary poverty, and then in a number of the rural areas. It is an absolutely superb report. Rather than putting the whole report in the RECORD, I will raise it throughout the discussions of hunger to come. Dr. Larry Brown directs the Center on Hunger and Poverty, and as I think most of us who have worked on the hunger issue over the years know, he has had an extraordinary career, been an invaluable resource for this Nation in terms of finding hunger and being constructive and positive in helping us deal with that issue in a constructive way.

One in five American children is poor in today's America. The Center on Budget and Policy Priorities reports that while the total number of children who are poor has declined, the intensity of poverty among those children who are left behind has increased, and one of the reasons poor children are poorer is that their access to food stamps is diminishing.

The U.S. Conference of Mayors reports that demand for emergency food assistance increased 18 percent during 1999. This is the largest increase since 1992. Limited resources meant that 21 percent of requests for food were unmet. In addition, 67 percent of the adults requesting emergency food assistance in the Nation's cities were employed.

Especially in this time of recent economic prosperity and record budget surpluses, we must do more to protect working families across the Nation who need food. America's farmers have a long and proud tradition of service to the Nation, and their hard work produces an abundance of foodstuffs. Surely we can ensure that this abundance is used in a way that no one in America goes hungry.

I know the issue of hunger is of deep concern to the chairman and the ranking member of the Agriculture Committee, who oversee the Nation's antihunger efforts. For $500 million a year, we could provide modest hunger relief for low-income families. These additional resources should be allocated to the Food Stamp Program, as bipartisan coalitions in both the House and the Senate have proposed in the Hunger Relief Act that many of us support.

Our proposal makes four long overdue improvements in the Food Stamp Program. It authorizes States to use their own TANF rules to determine which vehicles families may own to get to work themselves and safely transport their children to school—enormously important, a very modest recommendation, but very important.

Second, for families forced to spend over 50 percent of income on shelter, it increases the present shelter deduction and indexes it to inflation—incredibly important. The cost of housing, particularly in the older communities, has gone right up through the roof and because the shelter deduction is capped, families who must pay high shelter costs are helped less and less by the Food Stamp Program. This is a very modest recommendation to increase the cap and index it to inflation.

Third, the bill restores eligibility to vulnerable legal immigrants. We all know the history in terms of the moving of immigrants off the Food Stamp Program as part of welfare reform. I never believed it made a great deal of sense at that time, nor do I think it still makes a great deal of sense. We have been trying to work for restoration of food stamp benefits to legal immigrants since they were imposed.

Legal immigrants are going to be American citizens. They are people who have abided by the rules in order to come here. The reason they have immigrated is primarily because they have members of their families who are here. That is the overwhelming reason for it. So they are going to be American citizens. To deprive people, particularly children—although we made limited progress in that in recent years—who are otherwise going to be American citizens never seemed, to me, to be a wise policy. We seek appropriate restoration in this legislation.

It also increases Federal support for emergency food pantries and soup kitchens. I think the excellent research from the Conference of Mayors is a powerful justification for those modest recommendations.

The Congressional Budget Office estimates together these steps will cost about $2.5 billion over 5 years, benefiting over a million children and working adults. Nearly 1,200 national, State, and local organizations, representing concerned citizens in all 50 States, have urged Congress to pass the legislation.

I hope we can enact this important hunger relief measure this year. Families living in hunger across the country need and deserve our help. I am hopeful that the Budget Committee will create a reserve fund dedicated to hunger relief. Next, I hope that the Agriculture Committee will apply its expertise to the work we have begun and report this legislation.

Again, I thank Senator LUGAR, who has been a leader in the Agriculture Committee, and has also been a leader on this concern, as well as working with us on this issue historically, and our good friend, Senator HARKIN from Iowa. Senator SPECTER has been a leader, as well. I thank Senator LEAHY and Senator JEFFORDS and Senator DASCHLE, all who are strong supporters. We have a number of our colleagues who are cosponsors. But all of them have had long careers on the issue of hunger in America. We are grateful for their continued interest and support.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Indiana.

Mr. LUGAR. Mr. President, let me simply respond quickly to the very specific points the distinguished Senator has made. Hunger relief continues to be a top priority for the Agriculture Committee. That will always be the case.

One priority should be that States should have the flexibility they need to determine how vehicles are counted under the Food Stamp Program since States know best about the transportation needs of the families. The Senator has mentioned that is one of the points he has. We strongly commend that idea. We look forward to working with the Senator and with others.

I wish to take advantage of this opportunity simply to say that in my own State of Indiana I have been visiting food banks, four very substantial efforts in Indianapolis, Fort Wayne, Evansville, and in Lewisville, serving nine Indiana counties.

The reason for my doing that is that the demands for food from these food banks and from the food pantries that they serve have increased very substantially during the last year. This is counterintuitive to many Americans, but not to the Senator from Massachusetts who has highlighted that in his remarks today.

In part, it comes because of a transition from welfare to work. A number of individual Americans—and a 7-State survey pointed out—these individuals have, in fact, accepted jobs. A majority of those who were on welfare rolls in Indiana have moved into jobs. But for most of these people, the incomes, on an annual basis, are somewhere in the neighborhood of $10,000 to $15,000.

Many have substantial families. They have moved from welfare but not out of poverty. The survey found that 50 percent of these families had extended families. They went, as we would, to their kinfolk. They were able to gain food during desperate periods. The other half essentially went to food banks; thus the increased demand.

I have offered a modest piece of legislation, which the Finance Committee is now considering—I hope they will consider it carefully—that further codifies the tax exemption given to companies that already are given an exemption for food contributed to food banks but extends that to partnerships or proprietorships, to individual entrepreneurs, restaurants and others, as well as to farmers and ranchers, many of whom make these generous contributions now. It is in recognition of a very substantial need. There has been great support, at least in my State, for meeting the needs of those who have them.

Clearly, reforms of the Food Stamp Program are very important in the same regard and for the same reason—the many Americans who face problems of hunger. The Senator is certainly correct; the distribution problem, the equity problems, are profound. But those are ones we must deal with, and I thank the Senator for taking the floor today for this important colloquy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments and for his energy in visiting these distribution centers himself.

I will put in the RECORD some of the findings in a number of the distribution places in Massachusetts, with the increasing escalation of families who are receiving the benefits of these foods and increasing numbers of children, and that the total ages have gone down extensively as well. It is a very powerful and moving commentary about what is happening.

I agree with the Senator, at a time when we all remind ourselves every day about how strong this economy is and the significant economic progress we have made, all of that is very true, but there are a number of people in our country who are facing significant deprivation in the area of food. We want to see what can be done to try to provide some relief. We will work closely with the committee and with the chairman. I am grateful to him.

Mr. LUGAR. I fully agree with my friend from Massachusetts that hunger relief needs to be a top priority for the Agriculture Committee, and resources should be found to address the problem. I am especially concerned that states have the flexibility they need to determine how vehicles are counted under the Food Stamp Program, since states know best what transportation families need to work and to safely transport their children.

Mr. HARKIN. I look forward to working with my good friend from Indiana and Massachusetts to pass strong hunger relief legislation this year. In my work on the Agriculture Committee, the Agriculture Appropriations Subcommittee, and the Labor, HHS, and Education Appropriations Subcommittee, I have been dismayed not only to see the reports of increasing hunger among children and working families that Senator KENNEDY describes, but also to hear scientists explain how inadequate nutrition limits children's ability to learn at school and adults' ability to concentrate at work. I join my colleagues in urging the Budget Committee to report a resolution that includes a reserve fund of $2.5 billion over five years to alleviate hunger in America.

Mr. SPECTER. I decided to join my friend from Massachusetts in introducing the Hunger Relief Act after carefully reviewing the evidence of persisting hunger in Pennsylvania and the U.S., and after extensive consultations with local leaders who are working under enormous strains to meet growing needs. As chairman of the appropriations subcommittee that covers education and labor programs, I share the concern expressed by my friend from Iowa that our education, health, and workforce improvement efforts are threatened by unmet needs for nutritional assistance. I too hope that the Budget Committee responds to the needs that our hunger relief legislation addresses, by including a reserve fund of $2.5 billion over five years.

Mr. KENNEDY. My good friend from Pennsylvania makes an excellent point about investigating hunger in his state. He has shown impressive leadership throughout our deliberations on hunger during this Congress, and helped hone our proposal to target the most urgent needs. From my many discussions with Senator SPECTER, I know that he has carefully investigated the hardships faced by his constituents in Pennsylvania. I urge every Senator in this Chamber to follow his example. In Massachusetts:

An eleven-year-old child in Brighton reported to investigators last year that "Sometimes I'm really hungry. Sometimes I have nothing to eat but Cheerios and milk. . . . I wake up and I can't go back to sleep because I have stomach pain. Then I wake up in the morning and I feel sick. I wish that every time we need food, we just had it in the fridge."

A mother in Springfield worried, "Should my kids sit in the dark or should they go hungry? One of my kids has multiple handicaps, so I have to pay the utility bills to have heat and light. But, then we have no food."

A 12-year-old youngster in Dorchester reports, "When I'm hungry I feel like I'm dying. I eat ice because it fills me up with water. . . . When I don't eat, in school I get sleepy and bored."

When I looked at studies conducted throughout the Commonwealth of Massachusetts, I found that 35 percent of Massachusetts food bank and soup kitchen clients are under 18 years old. Moreover, 63 percent of Massachusetts community food providers have reported an increase in demand for food aid in the last year, with 49 percent of programs noting an increase in demand among families with children. This evidence of ongoing urgent needs is inconsistent with the fact that 118,000 people in Massachusetts left food stamp roles in the three years preceding September 1998 even though during this time the number of people living in poverty increased by 50,000. I think that if any Senator conducts a similar review of the data, unfortunately a similar picture will emerge.

Mr. LEAHY. The needs described so well by my colleagues are pervasive, urgent, and fully within our means to address. Hunger has a cure. As ranking member of the Agriculture Subcommittee on Research, Nutrition, and General Legislation, I will do all I can to pass the Hunger Relief Act this year. I respectfully and insistently ask the Budget Committee to cooperate in creating a $2.5 billion reserve for this purpose.

Mr. JEFFORDS. Hunger in this time of prosperity should not be tolerated by people of any party affiliation. The American people overwhelmingly support hunger relief efforts, and many of them volunteer their time and resources to help in their communities. I'm encouraged that the groundwork for modest hunger relief has been laid entirely in a bipartisan spirit, and should continue this way through passage of legislation that the experts on the Agriculture Committee have perfected. I join my colleagues from both sides of the aisle in inviting the Budget Committee to preserve this spirit as it reserves $2.5 billion over five years for hunger relief legislation. This will produce a significant bipartisan, moderate accomplishment this session for people in obvious need.

Mr. DASCHLE. In this time of instant millionaires, it's easy to close our eyes to the fact that people, particularly children, go hungry in this country. But hunger is a fact and it's a national tragedy. It's particularly troubling that many working families find themselves short of food.

When Congress enacted welfare reform in 1996, we worked to ensure that families would have the support they need to get off welfare. Food stamps are a critical part of that support. Yet food stamp enrollment has declined more rapidly than the poverty data would suggest is warranted.

The policies we are talking about today are urgently needed to reduce hunger in this country, particularly in working families that need extra help as they work to become self-sufficient.

I commend the Senators who have spoken today for their efforts to address the serious problem of hunger in America. A number of us met recently with Secretary Glickman to discuss this issue. I look forward to working with them to enact hunger relief legislation this year and urge the Budget Committee to reserve $2.5 billion for this effort.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Massachusetts for that colloquy.

In completing at least the unanimous consent list of amendments, the distinguished Senator from Wisconsin, Mr. KOHL, has offered an amendment which is in the form of language he has presented to me. I ask unanimous consent that the Kohl amendment be made a part of the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I further ask unanimous consent that Senator GRAMS of Minnesota be added as a cosponsor to the Kohl amendment which is now part of the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Managers' amendment (No. 2887), as modified, is as follows:

On page 2, strike the table of contents and insert the following:

Sec. 1. Short title; table of contents.

TITLE I—CROP INSURANCE COVERAGE

Sec. 101. Quality adjustment.
Sec. 102. Prevented planting.
Sec. 103. Payment of portion of premium by Corporation.
Sec. 104. Assigned yields.
Sec. 105. Multiyear disaster actual production history adjustment.
Sec. 106. Noninsured crop disaster assistance program.
Sec. 107. Crop insurance coverage for rice.

TITLE II—RESEARCH AND PILOT PROGRAMS

Sec. 201. Research and pilot programs.
Sec. 202. Research and development contracting authority.
Sec. 203. Choice of risk management options.
Sec. 204. Risk management innovation and competition pilot program.
Sec. 205. Education and research.
Sec. 206. Conforming amendments.

TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.
Sec. 302. Good farming practices.
Sec. 303. Sanctions for program noncompliance and fraud.
Sec. 304. Oversight of agents and loss adjusters.
Sec. 305. Adequate coverage for States.
Sec. 306. Records and reporting.
Sec. 307. Fees for plans of insurance.
Sec. 308. Limitation on double insurance.
Sec. 309. Specialty crops.
Sec. 310. Federal Crop Insurance Improvement Commission.
Sec. 311. Highly erodible land and wetland conservation.
Sec. 312. Projected loss ratio.
Sec. 313. Compliance with State licensing requirements.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Improved risk management education.
Sec. 402. Sense of the Senate regarding the Federal crop insurance program.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

Sec. 501. Effective dates.
Sec. 502. Termination of authority.

On page 7, strike lines 13 through 15 and insert the following:

“(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years.”.

On page 10, line 2, strike “or greater than 75 percent” and insert “75, 80, or 85 percent”.

On page 13, line 5, strike “or greater than”.

On page 13, strike lines 20 through 22 and insert the following:

“(F) In the case of additional coverage equal to 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

“(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

“(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

“(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

“(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

“(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

“(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004.”.

On page 23, after line 25, add the following:

SEC. 107. CROP INSURANCE COVERAGE FOR RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

“(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.”.

On page 25, line 13, strike “and”.

On page 25, line 15 after “livestock” insert “and livestock products”.

On page 25, line 15, strike the period at the end and insert a semicolon.

On page 25, between lines 15 and 16, insert the following:

“(H) subject to paragraph (7), after October 1, 2000, salmon; and

“(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as ‘sharka’), including quarantined trees or fruit.

On page 27, line 2, strike “$20,000,000” and insert “$10,000,000”.

On page 27, line 4, strike “$40,000,000” and insert “$30,000,000”.

On page 27, line 6, strike “$60,000,000” and insert “$50,000,000”.

On page 27, line 8, strike “$80,000,000” and insert “$60,000,000”.

On page 27, line 10, insert “(3)(H),” after “(3)(G),”.

On page 32, line 17, strike “and”.

On page 32, line 20, strike the period and insert “; and”.

On page 32, between lines 20 and 21, insert the following:

“(IV) results in not less than 15 percent of payments being made to producers in States in which—

“(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

“(ii) the Secretary of Agriculture determines that the stateis underserved by federal crop insurance.”.

On page 41, line 17, strike “516(b)(2)(C)” and insert “516(a)(2)(C)”.

On page 44, strike line 19 and insert the following:

period at the end and inserting “; and”; and

On page 45, strike line 2 and insert the following:

fiscal year.”.

On page 45, strike line 3 and insert the following:

SEC. 204. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

“(d) RISK MANAGEMENT INNOVATION AND COMPETITION.—

“(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

“(A) develop and offer innovative risk management products to producers;

“(B) rate premiums for risk management products; and

“(C) competitively market the risk management products.

“(2) ESTABLISHMENT.—

“(A) IN GENERAL.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

“(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

“(ii) rates of premium for the risk management product; or

“(iii) underwriting systems for the risk management product.

“(B) SUBMISSION TO BOARD.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

“(C) DETERMINATION BY BOARD.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

“(i) the interests of producers of commodities are adequately protected by the risk management product;

“(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

“(iii) the underwriting system of the risk management product is appropriate and adequate;

“(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

“(v) the size of the proposed pilot area is adequate;

“(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

“(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

“(D) CONFIDENTIALITY.—

“(i) IN GENERAL.—All information concerning a risk management product shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

“(ii) STANDARD.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

“(3) MARKETING OF RISK MANAGEMENT PRODUCTS.—

“(A) DEFINITION OF ORIGINAL PROVIDER.—In this paragraph, the term ‘original provider’ means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

“(B) AUTHORITY TO MARKET.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

“(C) FEE.—

“(i) IN GENERAL.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

“(ii) AMOUNT.—The original provider shall determine the amount of the fee under clause (i).”.

SEC. 205. EDUCATION AND RESEARCH.

Section 522 of the Federal Crop Insurance Act (as amended by section 204) is amended by adding at the end the following:

“(e) EDUCATION AND RESEARCH.—

“(1) IN GENERAL.—The Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for the 2001–2004 fiscal years, not to exceed the funding limitations established in paragraph (4).

“(2) EDUCATION AND INFORMATION.—The Corporation shall establish a program of education and information for States in which—

“(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

“(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.

“(3) RESEARCH AND DEVELOPMENT.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation in States in which—

“(i) there is traditionally, and continues to be, a low level of federal crop insurance participation and availability; and

“(ii) the Secretary of Agriculture determines that the state is underserved by federal crop insurance.

“(4) FUNDING.—The following amounts shall be transferred from funds made available in section 516(a)(2)(C) for the Choice of Risk Management Options pilot program—

“(A) for the Education, Information and Insurance Provider Recruitment program in paragraph (2), $10,000,000 for each of fiscal years 2001 through 2004.

“(B) for the Research and Development program in paragraph (3) $5,000,000 for each of fiscal years 2001–2004.”.

SEC. 206. CONFORMING AMENDMENTS.

On page 65, line 23, strike “section 102(a)” and insert “section 107”.

On page 65, line 25, strike "(8)" and insert "(9)".

On page 72, lines 18 and 19, strike "section 204(a)(2)" and insert "section 206(a)(2)".

On page 77, strike lines 1 through 7 and insert the following:

"(2) Purchase During Insurance Period.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines that the risk associated with the crop can be adequately rated.

On page 79, strike line 8 and all that follows through page 91, line 11, and insert the following:

SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

"SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

"(a) Definitions.—In this section:

"(1) Commission.—The term 'Commission' means the Federal Crop Insurance Improvement Commission established by subsection (b).

"(b) Establishment of Commission.—There is established a Commission to be known as the 'Federal Crop Insurance Improvement Commission'.

"(c) Membership.—

"(1) In General.—The Commission shall be composed of the following 13 members:

"(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

"(B) The manager of the Corporation.

"(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

"(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

"(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

"(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

"(G) 2 agricultural economists from academia, appointed by the Secretary.

"(H) 2 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

"(2) Time of Appointment.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

"(3) Term.—A member of the Commission shall serve for the life of the Commission.

"(d) Duties.—The Commission shall review and make recommendations concerning the following issues:

"(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

"(2) Whether the Corporation should—

"(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

"(B) provide assistance in another form, such as by acting as an excess insurer.

"(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

"(4) How to focus research and development of new insurance products to include the development of—

"(A) new types of products such as combined area and yield and whole farm revenue coverages; and

"(B) insurance products for specialty crops.

"(5) The use by the Corporation of private sector resources under section 507(c).

"(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

"(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

"(A) delivery of reasonably priced crop insurance products to agricultural producers;

"(B) loss adjustment procedures;

"(C) good farming practices;

"(D) the establishment of premiums; and

"(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

"(e) Commission Operations.—

"(1) Chairperson; Voting.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

"(A) serve as Chairperson of the Commission; and

"(B) vote in the case of a tie.

"(2) Meetings.—The Commission shall meet regularly, but not less than 6 times per year.

"(3) Disclosure.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

"(f) Final Report.—

"(1) In General.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

"(2) Copies.—The Commission shall provide copies of the final report to—

"(A) the Secretary; and

"(B) the Board.

"(3) Interim Reports.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

"(g) Termination.—The Commission shall terminate on the earlier of—

"(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

"(2) September 30, 2004.

"(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

On page 92, strike lines 7 through 13 and insert the following:

SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

"(2) Projected Loss Ratio.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

"(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

"(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.".

SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 206(a)(1)) is amended by adding at the end the following:

"(n) Compliance With State Licensing Requirements.—Any person that sells or solicits the purchase of a policy or plan of insurance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

"(a) Definitions.—In this section:

"(1) Center.—The term 'Center' means a Risk Management Education Coordinating Center established under subsection (c)(1).

"(2) Land-Grant College.—The term 'land-grant college' means any 1862 Institution, 1890 Institution, or 1994 Institution.

"(b) Program.—

"(1) In General.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

"(2) Purpose.—The program shall be designed to assist a producer to develop the skills necessary—

"(A) to understand the financial health and capability of the producer's operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

"(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

"(C) to understand legal, governmental, environmental, and human resource issues that impact the producer's operation.

"(c) Coordinating Centers.—

"(1) Establishment and Purpose.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

"(2) Site Selection.—

"(A) In General.—The Secretary shall locate the Center for a region at—

"(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

"(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

"(B) LAND-GRANT COLLEGES.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

"(d) COORDINATING COUNCIL.—

"(1) ESTABLISHMENT.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

"(2) MEMBERSHIP.—Each council shall consist of a minimum of 5 members, including representatives from—

"(A) public organizations;

"(B) private organizations;

"(C) agricultural producers; and

"(D) the Regional Service Offices of the Risk Management Agency in that region.

"(e) CENTER ACTIVITIES.—

"(1) INSTRUCTION FOR RISK MANAGEMENT PROFESSIONALS.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who work with agricultural producers, including professionals who are—

"(A) extension specialists;

"(B) county extension faculty members;

"(C) private service providers; and

"(D) other individuals involved in providing risk management education.

"(2) EDUCATION PROGRAMS FOR PRODUCERS.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

"(3) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

"(4) COORDINATION OF RESOURCES.—

"(A) IN GENERAL.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

"(B) USE OF AVAILABLE EXPERTISE.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, nongovernmental organizations, government agencies, and the private sector.

"(f) GRANTS.—

"(1) SPECIAL GRANTS.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

"(2) COMPETITIVE GRANTS.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

"(g) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—The National Agriculture Risk Education Library shall—

"(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

"(2) provide a means for the electronic delivery of risk management information and materials.

"(h) FUNDING PROVISIONS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2001 and each subsequent fiscal year.

"(2) DISTRIBUTION.—

"(A) NATIONAL AGRICULTURE RISK EDUCATION LIBRARY.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

"(B) CENTERS.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

"(C) ADMINISTRATION BY LAND-GRANT COLLEGES.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

"(3) PROHIBITION ON CONSTRUCTION.—

"(A) LOCATION OF CENTERS.—Each Center shall be located in a facility in existence on the date of enactment of this section.

"(B) PROHIBITION.—Funds provided under this section shall not be used to carry out construction of any facility.

"(i) EVALUATION.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).".

SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled "General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities", published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 92, line 15, insert "subsection (c)(2) and" after "carry out".

On page 92, line 17, strike "204" and insert "206".

Beginning on page 92, strike line 23 and all that follows through page 93, line 9, and insert the following:

"(2) INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS OF DURUM WHEAT.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

"(B) BASE AND HARVEST PRICES.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

"(C) REINSURANCE.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

"(D) VOIDING OF BULLETIN.—Bulletin MGR-99-004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

"(E) EFFECTIVE DATE.—This paragraph takes effect on October 1, 2000."

On page 93, line 10, strike "**SEC. 402.**" and insert "**SEC. 502.**".

On page 94, strike lines 1 and 2 and insert the following:

"1508(a)) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively."

On page 94, line 5, strike "203" and insert "205".

On page 94, line 24, strike "subsection (c)" and insert "subsections (c), (d), and (e)".

On page 45, between lines 2 and 3, insert the following:

"SEC. 204. OPTIONS PILOT PROGRAM.

"(a) IN GENERAL.—Section 191 of the Agricultural Market Transition Act (7 U.S.C. 7331) is amended—

"(1) in the first sentence of subsection (a), by striking '2002' and inserting '2004';

"(2) in subsection (b)—

"(A) in the first sentence, by striking '100 counties, except that not more than 6' and inserting '300 counties, except that not more than 25'; and

"(B) in the second sentence, by striking '2002' and inserting '2004'; and

"(3) in subsection (c)(2), by inserting before the semicolon the following: 'during any calendar year in which a county in which the farm of the producer is located is authorized to operate the pilot program'.

"(b) FUNDING.—From amounts made available under section 516(a)(2)(C) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)(C)) (as added by section 203(b)(2)(C)) for the choice of risk management options pilot program, the Federal Crop Insurance Corporation shall transfer to the Secretary of Agriculture to carry out the amendments made by subsection (a) $27,000,000 for each of fiscal years 2002 through 2004."

On page 45, line 3, strike "**SEC. 204.**" and insert "**SEC. 205.**".

On page 72, line 19, strike "204(a)(2)" and insert "205(a)(2)".

On page 92, line 17, strike "204" and insert "205".

Mr. LUGAR. Mr. President, this completes the amendments list. At this point, I yield the floor to Senators who wish to speak on the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

I am very pleased to support a crop insurance reform bill that has been a long while in the making. I compliment the chairman of the Senate Agriculture Committee for his diligence in this. He has certainly worked hard and put forth a great effort in working with all of us to come up with a final product. I appreciate his diligence and patience and all his hard work and wisdom that have gone into it.

As we all know, the Budget Committee included funds to reform our ailing Crop Insurance Program last year. I have been working diligently with the Senate Agriculture Committee to develop a bill that will improve the current program because for us in the South, the current program doesn't work. What we are considering today is the result of the efforts and hard work of all of us.

I believe this bill makes fundamental changes to the existing Federal Crop Insurance Program that are necessary to make crop insurance more workable and affordable for producers across the country, and I urge its passage. Congress has been attempting to eliminate the ad hoc disaster program for years because it is not the most effective way of helping our farmers who suffer yield losses.

Last year, Senator COCHRAN and I introduced a comprehensive bill that addressed what we saw as the various reforms necessary in the Crop Insurance Program. I am pleased that many of those provisions are included in the bill we are considering today.

As we all know, the Government's role in farm programs has changed. The 1996 farm bill phased out our traditional support for our farmers, and the current farm programs require producers to assume more risk than ever before.

Due to the agricultural economic crisis we are experiencing, there has been much discussion lately on the issues of the safety net for our Nation's producers. On that point, I will be perfectly clear. Crop insurance is a risk management tool to help producers guard against yield loss. It was not created and was never intended to be, and will never be, the end-all, be-all solution for the income needs of our Nation's producers.

As the crop insurance reform debate proceeds, I am hopeful my colleagues will be cognizant of the various needs in the agricultural community and recognize that while crop insurance is an important part of the safety net, it is not and should not be the only income guard for our Nation's farmers.

In Arkansas, the last estimates I heard indicated that fewer than 2 percent of our cotton producers were participating in the buy-up program. Buy-up coverage for all commodities in Arkansas historically is below 20 percent. That tells me the producers in my home State don't think crop insurance is currently providing the kind of help they need.

In the South, we traditionally grow capital-intensive crops. As we have grown these crops in the past, and certainly as we will in the future, the way the current Crop Insurance Program is structured, the rating program has never suited our needs or made it a good business decision for southern farmers to purchase crop insurance. This bill establishes a process for reevaluating crop insurance rates for all crops and for lowering those rates if warranted.

It was only after pressure from Congress last year that the risk management agency reduced rates by as much as 50 percent for cotton in Arkansas and the Midsouth. The provision included in today's bill will require further review of all southern commodities in the rating structure. By making the Crop Insurance Program more affordable, additional producers will be encouraged to participate in the program and protect themselves against the unforeseeable factors that will be working against them once they put a crop into the ground. This is the ultimate goal, to get more participation in our insurance program.

The bill also provides for an enhanced subsidy structure so producers are encouraged to buy up from their current level of coverage. The structure included in this bill will make the step from catastrophic to buy-up easier for producers and will make obtaining the highest level of coverage easier for those who are already participating in the Crop Insurance Program.

In an attempt to improve the recordkeeping process within USDA, this legislation also requires that FSA and RMA coordinate their recordkeeping activities. Current USDA recordkeeping, split between FSA and the RMA, is redundant and insufficient. By including both Crop Insurance Program participants and nonprogram participants in the process, we hope to enhance the agricultural data held by the agency and make acreage and yield reporting less of a hassle for already overburdened producers.

In addition, this bill establishes a role for consultation with State FSA committees in the introduction of new coverage to a State. The need for this provision was made abundantly clear to Arkansas' rice producers last spring.

A private insurance policy was offered to farmers at one rate, only to have the company reduce the rate once the amount of potential exposure was realized.

In my discussions with various executives from the company on this issue it became apparent that their knowledge of the rice industry was fairly minimal. Had they consulted with local FSA committees who had a working knowledge of the rice industry before introduction of the policy, the train wreck that occurred might have been stopped in its tracks.

I am pleased that another reform measure that I worked on has been included to help rice producers suffering losses caused by drought.

Recent droughts have left many Arkansas farmers with low reservoirs and depleting aquifers. If rains do not replenish them, an adequate irrigation supply may not exist by summer.

In addition, drought conditions in Louisiana have caused salt to intrude into the water supply used for irrigation on many farms. Current law states that rice is excluded from drought policies because it is irrigated. This is not equitable since rice producers do suffer losses due to drought.

I have worked with Senators BREAUX and LANDRIEU to provide these policies for our rice producers who are experiencing reduced irrigation opportunities due to the severe drought conditions that have plagued the South for the last two years. I am pleased that this provision has been included in the bill. I thank Senators LANDRIEU and BREAUX for their hard work on it.

Many of the problems associated with the crop insurance program have been addressed in previous reform measures. However, fraud and abuses are still present to some degree.

This bill strengthens the monitoring of agents and adjusters to combat fraud and enhances the penalties available to USDA for companies, agents and producers who engage in fraudulent activities.

There is simply no room for bad actors that recklessly cost the taxpayers money.

In closing, Mr. President, I was prepared during our committee markup earlier this month to offer an amendment related to a cooperative's role in the delivery of crop insurance.

I held off at that time due to concerns from the committee related to possible "rebating" ramifications and preemption of state law.

I am pleased that Senators KERREY and GRASSLEY, as well as the Risk Management Agency, were willing to work with me to include my amendment in this bill.

This amendment does nothing to preempt state law or even change current federal law. It simply provides that current approved business practices be maintained.

With the inclusion of my amendment Congress is recognizing the valuable role cooperatives play in the crop insurance program, specifically, encouraging producer participation in the crop insurance program, improving the delivery system for crop insurance, and helping to develop new and improved insurance products.

My amendment requires the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the crop insurance program and to do so within 180 days of enactment of this act.

If farmer owned entities are not allowed to sell crop insurance, then anyone can sell crop insurance in America except an American farmer. Such a legal result would give the appearance that crop insurance is designed for a closed club to exploit farmers.

In my opinion, that appearance would inhibit broader use of crop insurance, which is the overall objective we have been trying to reach. I don't believe that such a result is the intent of those who have put so much effort into improving the Crop Insurance Program, and I am pleased our amendment has been worked in.

Mr. President, I personally want to thank all of the staff members of the committee and the industry representatives who have helped in this effort. It certainly doesn't happen without their long hours of work, diligence, and perseverance in making all of this come together.

Arkansas farmers have told me time and time again that crop insurance isn't affordable for the amount of coverage they receive. As the program currently exists, it does not make sound business sense to purchase crop insurance in our State. Since this reform process began, I have been working to correct this inequity. I hope the changes we make today will lead to a Crop Insurance Program that is equitable, affordable, and effective.

I yield the floor.

Mr. LUGAR. Mr. President, the Senator from Alaska has asked the Senate to consider adding wild salmon to the list of crops for a pilot study to be conducted as a basis for making federally-sponsored crop insurance available to fishermen. My understanding is that this is not the first time that the Department of Agriculture has reviewed fish stocks for crop insurance. In the past, there was concern that wild fish can be too hard to track, and that fisheries managers don't really know when the stocks have failed. However, fisheries managers track fish stocks, especially wild salmon, very closely.

Mr. STEVENS. My good friend, the chairman of the Agriculture Committee, is correct. The State of Alaska has been managing wild salmon since statehood more than 40 years ago. In fact, one of the driving forces behind our statehood movement was to gain management control over our resources, particularly the salmon fisheries. I see my friend, the Senator from Kansas, may have a question on fisheries management.

Mr. ROBERTS. And is it true that fisheries managers can accurately predict how much fish can be caught from year-to-year?

Mr. STEVENS. The chairman of the Agriculture Committee is correct. Fisheries managers try to ensure that salmon returning to spawn reach their escapement goal, which is the number of spawners needed to return a heathly population of juveniles to the streams and oceans. Historically, managers can accurately estimate how many fish are expected to return based on the lifespan of the salmon and the escapement numbers from previous years. Fisheries managers also track historical trends, which are often linked to long term weather cycles, and their relationship to escapement numbers. The State of Alaska in particular uses in-season management to ensure its pre-season escapement goals.

However, occasionally the fish do not return. For example, chum salmon runs in areas of western Alaska were at all time lows in 1997 and 1998. The low chum runs have had a devastating effect on the western Alaska economy. This is exactly the type of crisis that could be alleviated by making crop insurance available to salmon fishermen. Fishermen are the farmers of the sea, and they deserve the same protections we afford to our farmers in the inland states.

Mr. LUGAR. I thank the Senator from Alaska for informing us of these aspects of fish harvests.

Mr. STEVENS. I thank the Senator from Indiana and the Senator from Kansas for their hard work on this important legislation and for addressing my request.

Mr. DASCHLE. Mr. President, the farmers and ranchers of this country have been struggling with terrible economic conditions over the past three years. They have seen their prices collapse and remain at, or in many cases below, the cost of production. Not only have farmers in my state and across the country endured these low prices, they have also been subject to the unpredictable forces of droughts, floods and crop disease.

We have before us a bill that will help farmers and ranchers survive these bad times and manage production risks. S. 2251, the Risk Management for the 21st Century Act, is a comprehensive approach to reforming and improving crop insurance for producers across the country. It will make the federal crop insurance program more affordable and effective.

Currently, the government provides subsidies for multi-peril crop insurance, but subsidies are progressively less at higher levels of coverage. This aspect of the crop insurance program often has the effect of restricting farmers from investing in the most efficient levels of coverage for their farms. This bill inverts this subsidy, so the higher levels of coverage are subsidized at the highest levels. This makes meaningful and comprehensive coverage much more affordable to farmers in this country who rely on the program to manage their production risks.

This bill also addresses another issue of critical importance to farmers in South Dakota and nationwide. Many parts of the country have suffered devastating crop losses for several years in a row. As disastrous conditions persist, farmers' eligibility under the current crop insurance program decreases—the opposite of what common sense would dictate. This bill enables producers to protect and sustain their crop insurance eligibility so that crop insurance remains an economically viable option for them for the long term.

This legislation also authorizes the Risk Management Agency (RMA) to develop insurance products on a pilot basis for livestock producers. For too long, we have excluded our cattle ranchers, hog producers, and other livestock producers from federal agriculture programs, including crop—or perhaps we should say "commodity"—insurance. This bill expands the flexibility of the program in this way so that more producers can benefit from this important investment.

This legislation also provides great benefits for producers of specialty crops. It improves catastrophic loss insurance coverage by increasing the access specialty crop farmers have to quality crop insurance policies. Current crop insurance policies do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. This bill will promote specialty crop producer participation in the federal crop insurance program, encourage higher levels of coverage than provided by catastrophic insurance, and enable those producers to make better planning and marketing decisions. Furthermore, the bill requires that at least fifty percent of the funds dedicated to research and development for new crop insurance products are focused on specialty crop product development. This legislation also specifically provides funds to the RMA to enter into public and private partnerships to develop specialty crop insurance policies, and authorizes funds for pilot programs that would be conducted at the state, regional, and national levels.

Finally, this bill eliminates the area trigger for the non-insured assistance program, making any grower whose crop is uninsurable and who experiences a federally-declared disaster eligible for disaster funds.

Some have shared a concern that this crop insurance plan does not adequately address the range of problems across the country. They should be assured that this bill was written with the input and support of lawmakers, farmers, and agricultural organizations from all regions of the country.

The crop insurance program has grown in popularity over the last several years. This bill will significantly improve an already important and successful program. Effective and affordable crop insurance is a vital part of an improved safety net that farmers and ranchers need to protect themselves from production risks, and to survive and succeed this year and in years to come.

But make no mistake. Passage of this bill is only one part of our overall effort to improve farm policy. We must consider the many other ways in which our current policies have contributed to the poor economic conditions plaguing our farmers and ranchers. I look forward to that debate.

Mr. COCHRAN. Mr. President, I commend the distinguished chairman of the committee, Mr. LUGAR, for his work on the legislation before the Senate today. The Senators from Kansas and Nebraska deserve commendation also because of their active influence in shaping this bill.

I wish I could support this effort to reform crop insurance, but it has a built in bias against Southern agriculture. I supported the measure that was put before the Committee by the Chairman and I voted against the substitute amendment that was offered during the committee markup by the Senators from Kansas and Nebraska. Their amendment prevailed, and it is now the pending business before the Senate. The Chairman's mark offered farmers a choice between higher government contributions to their crop insurance premium or a new risk management payment that they could use for eligible activities which lower the financial risk of their farming operation.

Farmers in Mississippi preferred the Lugar bill. Mississippi has the third lowest crop insurance participation rate in the country. This bill will not increase the participation rate in my state and I don't think it will eliminate the need for Congress to provide disaster assistance in the future.

The bill now before the Senate, while including some of the programmatic changes that I have advocated and introduced in a bill with the distinguished Senator from Arkansas, Mrs. LINCOLN, falls short of the reform that we have promised agriculture producers.

Here are two specific examples. First, it contains a subsidy structure which heavily favors regions of the country which already have high crop insurance participation rates and low premiums. This bill will make premiums even lower for those producers, while at the same time, effectively raising rates for producers that purchase coverage in the middle levels. The effect of this subsidy structure is that farmers who currently purchase catastrophic coverage and want to move into higher levels of coverage will only benefit from this legislation if they buy at the lowest and highest levels of coverage. Otherwise, they would be better off under current law.

Second, farming is not a "one-size-fits-all" enterprise, but some believe that crop insurance should be. This bill fails to provide benefits for those producers that find crop insurance to be uneconomical. Certainly many of the changes that are incorporated in this bill will result in lower premiums, but for some producers in Mississippi, that will not be enough.

I am encouraged that the Committee has provided $500 million in a pilot program that may address the needs of those who find that crop insurance is not a good business decision. However, the funds provided are significantly less than those that were included in the Lugar bill and will likely not produce a program that will be meaningful. I hope that this amount will be increased in conference so that it can provide meaningful assistance while not setting dangerous precedents for future farm bill debates. I'm hopeful this legislation can be improved in conference with the other body.

Mr. President, I will vote no on this bill. I will work with the Chairman and other committee members to resolve these concerns in conference.

Mr. KOHL. Mr. President, I am pleased that my amendment to include dairy in this $6 billion crop insurance bill has been accepted by the bill managers and I thank them for their cooperation. In particular, I want to thank Senators LUGAR, KERREY, ROBERTS, and DASCHLE for their assistance. I look forward to working with them prior to and during conference to ensure my amendment is part of the final bill reported by the conference committee.

Dairy farmers have for too long been without any risk management tools to help them manage the risk of milk price volatility. The Dairy Options Pilot Program, authorized by the 1996 farm bill, was set to expire in 2002 and would have reached its 100 county cap at the end this year. If we had allowed that to happen, we would have taken from dairy farmers this important educational risk management program at a time when milk prices have hit their lowest levels in more than two decades. The DOPP program helps farmers pay for the out-of-pocket costs of buying "put" options on the commodity exchanges while the pilot is in effect in their county. Equally important, the program requires that farmers participate in an education and training program on the use of the futures market for risk management purposes.

My amendment extends the Dairy Options Pilot Program until 2004 and raises the number of counties that can participate to 300. Moreover, the amendment raises the number of counties in each state that can participate from six to 25. This is important to Wisconsin since, at the end of this year, Wisconsin would have hit its county cap as well.

The DOPP, on top of forward contracting through their cooperatives or other milk buyers, provides dairy farmers with an additional risk management tool. It is a tool that will be available, under my amendment, to dairy farmers throughout the nation. It is a national program, not a regional program. And I hope my colleagues from other regions will join me in looking for every possible national tool we have to help dairy farmers across the United States.

This is, Mr. President—and I cannot stress this enough—only one of the many things we need to do to help dairy farmers struggle through increased dairy market volatility. Dairy farmers in my state are hurting right now. The DOPP, while important, is not the answer to the unacceptably low milk prices. We must do more—much, much more. DOPP, even with my amendment, will still be available to farmers in only 300 counties.

That is why I am also seeking $500 million in additional dairy market loss payments to put more money in the pockets of dairy farmers. Farmers nationwide need that help right now and I hope to work to provide that assistance through my role as ranking Democrat on the Agricultural Appropriations subcommittee.

I also want to work with my colleagues to craft a national dairy policy that will provide dairy farmers with a meaningful safety net that does not distort markets or provide unfair regional advantages.

But I am pleased that S. 2251 bill will make this one tool—the DOPP—available to more farmers. It is, Mr. President, the very least we can do. And I thank the managers for working with me to include this amendment in the bill.

Mr. MACK. Mr. President, I rise to make a few remarks regarding the Risk Management for the 21st Century Act.

Floridians know all too well the impact of natural disasters on the agriculture community. While I am proud of the ability of our growers to rebuild their farms after such devastating losses, enormous disaster aid bills only serve as a band-aid fix to the problem. We must work harder to ensure that all farmers have access to the necessary risk-management tools. This bill encourages growers to purchase appropriate levels of crop insurance, hopefully avoiding the band-aid fix in future appropriation measures.

Florida is the ninth leading agricultural state in the nation, with annual farm receipts totaling $6 billion. The industry employs over 80,000 people and generates more than $18 billion in related economic activity. In 1998, hard working Floridians produced more than 25 billion pounds of food, and more than 2 million tons of livestock feed. I am proud to say that Florida leads the nation in production of 18 major agricultural commodities including oranges, sugarcane and fresh tomatoes. With these statistics in mind, it is imperative to ensure that federal programs work with, not against, Florida's farmers.

As an original co-sponsor of S. 1401, the Specialty Crop Insurance Act of 1999, I support the effort to reduce the dependence of the specialty crop industry on catastrophic loss insurance coverage by improving its access to quality crop insurance policies. By failing to account for the unique characteristics associated with farming specialty crops, current crop insurance policies do not include many specialty crop producers.

Through promotion of affordable crop insurance policies, S. 1401 would increase specialty crop producer participation in the Federal Crop Insurance Program. Today's legislation, S. 2251, the Risk Management for the 21st Century Act, includes many of these specialty crop provisions.

This legislation requires that 50% of the funds dedicated to research and development for the new crop insurance products are focused on specialty crop product development. At a level of $20 million per year, the legislation authorizes the Risk Management Agency to enter into partnerships with private and public entities to increase the availability of risk management tools for specialty crops. The expertise of outside agencies will most certainly help the Risk Management Agency develop sound specialty crop insurance policies.

The Risk Management for the 21st Century Act also includes an expansion of Risk Management Agency pilot authority, removal of the Non-insured Assistance Program (NAP) area trigger, incentives for growers who purchase "buy-up" coverage, and it proposes a premium refund for low-risk producers. These reforms will ease our nation's growers dependence on short sighted disaster relief bills.

This bill is the product of countless hours of negotiation, and I believe it represents an incredible opportunity to improve our Federal Crop Insurance Program. The Agriculture Committee has been extremely helpful in including the interests of specialty crop producers, and I thank them for their time and effort. I urge my colleagues to support the Risk Management for the 21st Century Act.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I commend the Chairman for moving this issue forward today. One of Georgia farmers' biggest complaints has been the inadequacies of the crop insurance program. The current program does not work and needs to be substantially reformed. Georgia farmers and ranchers continue to experience severe financial difficulties as a result of the lowest commodity prices in a decade, the devastating loss of international markets, and back to back disasters. They need a crop insurance program that provides the most economic benefits possible. While Congress helped stave off disaster in rural America by providing economic and weather related loss assistance in the fiscal year 1999 and 2000, it is evident that more needs to be done. Farmers need risk management programs that provide some protection against weather related and economic losses beyond their control. As it currently stands, crop insurance is too expensive for most farmers and has resulted in a low participation rate by many Georgia farmers.

The legislation before us today, while not perfect by any means, is a step in the right direction. I am reluctantly supporting this measure in an effort to move the debate forward. I would like to thank the Chairman for all his efforts on this important issue. While we are disappointed, of course, that the Chairman's mark did not prevail in committee. The Chairman's bill would have allowed Georgia farmers to choose whether or not traditional crop insurance was a viable risk management tool for their farms. There is $6 billion at stake though, and we need it to reform the program. The House has passed a bill with favorable provisions for the Southeast. We intend to fight for perfections to the bill we pass today, so our region of the country is treated fairly.

The Roberts/Kerry bill has many important reform provisions that were included in the Cochran/Lincoln bill, of which I was proud to be a cosponsor. Some of these provisions included are increased subsidy rates for farmers, affordable specialty crop insurance policies, multi-year APH adjustments, equal prevented planting for all crops, and rating methodology reform. This bill also includes over $400 million for a risk management pilot program which we hope to tailor to the Georgia farmers' needs. All in all, this bill needs to go forward. We will ultimately arrive at a program that will be much better for our farmers than the status quo.

Mr. GRAHAM. Mr. President, members of the Senate, I am proud to offer my support for the legislation. As many before me have said, this bill is the product of extended debate and compromise on all sides of this debate.

CROP INSURANCE IS A TOOL TO REDUCE DISASTER AID

Over the last 3 years, we have passed large disaster aid packages to farmers. Over the last 2 years, we have spent billions of dollars in disaster relief for farmers.

Mr. President, Benjamin Franklin said it best: a stitch in time saves nine. If we invest in crop insurance, it will significantly lower the costs associated with agricultural disasters. The choice is simple: give farmers the tools they need to plan for catastrophic weather, or risk emergency, after-the-fact spending that impedes our ability to preserve social security.

Of particular interest to my state of Florida are the provisions in this legislation dealing with the needs of specialty crop producers. Agriculture in Florida has many different faces. There are 40,000 commercial farmers in the state.

In 1997, Florida farmers utilized a little more than 10 million of the state's nearly 35 million acres to produce more than 25 billion pounds of food and more than 2 million tons of livestock feed.

Florida ranks number nine nationally in the value of its farm products and number two in the value of its vegetable crops. Florida agriculture is not only valuable, but also diverse. Florida ranks number two nationally in horticulture production with annual sales of over $1 billion. Florida grows 77 percent of U.S. grapefruits and 47 percent of the world supply. The state produces 75 percent of the nation's oranges and 20 percent of the world supply.

Florida's farmers led the Nation in the production of 18 major agriculture commodities in 1997 ranging from oranges and grapefruits, to a wide variety of vegetables, to tropical fish. Florida livestock and products sales were $1.1 billion in 1997. Florida is the largest milk-producing State in the southeast. The bottom line for Florida agriculture is that our State has a wide variety of non-traditional crops.

On July 29, 1999 I introduced S. 1401, the Specialty Crop Insurance Act of 1999, with my colleagues Senators MACK, FEINSTEIN, BOXER, and BINGAMAN. This legislation sought to reduce the dependence of the specialty crop industry on catastrophic loss insurance coverage by improving its access to quality crop insurance policies.

Current crop insurance policies available for specialty crops do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. We need a different approach for this unique sector of U.S. agriculture.

Our legislation sought to promote the development and use of affordable specialty crop insurance policies. This action is intended to increase specialty crop producer participation in the Federal Crop Insurance Program, encourage higher levels of coverage than provided by catastrophic insurance, and encourage better planning and marketing decisions.

I am extremely pleased that the legislation we are considering today incorporates the provisions in my legislation.

(1) The biggest problem for specialty crop growers is availability of affordable policies. According to a 1999 GAO Report on USDA's progress in expanding crop insurance coverage for specialty crops, even after an expansion in policies available to specialty crops planned through 2001, the existing crop insurance program will fail to cover approximately 300 specialty crops that make up 15 percent of the market share.

To increase the availability of affordable crop insurance products, I proposed that we give the Risk Management Agency the resources and the ability to tap into expertise in the private sector during product development. S. 2251 accomplishes this goal.

The bill before us today requires that at least 50 percent of the funds dedicated to research and development for new crop insurance products are focused on specialty crop product development. Fifty percent of these funds are to be spent on outside contractors, giving those with expertise on specialty crops the opportunity to develop policies.

The legislation specifically authorizes $20 million per year for RMA to enter into public and private partnerships to develop specialty crop insurance policies.

It also establishes a process to review new product development and ensure that crop insurance products are available to all agricultural commodities, including specialty crops.

I believe the actions taken by S. 2251 will give RMA the authority and resources it needs to use the expertise of the private sector to develop good crop insurance products for specialty crops.

(2) To further encourage development of new policies, I proposed expansion of the RMA pilot authority. This legislation authorizes funds for pilot programs. It allows pilots to be conducted on state, regional, and national basis for a period of four years to be extended if desired by RMA. S. 2251 also includes the authority for RMA to conduct a pilot program on crop insurance for timber, a provision I originally introduced on April 22 of last year in S. 868, the Forestry Initiative to Restore the Environment.

(3) Growers who do not have access to crop insurance policies depend on the Non-insured Assistance Program (NAP). To ensure that aid from this program actually reaches farmers in need, I proposed elimination of the area trigger for non-insured assistance program, making any grower whose crop is uninsurable and experiences a federally-declared disaster, eligible for these funds. This bill does the same.

(4) My legislation took action to encourage growers to purchase buy-up coverage. The Risk Management for the 21st Century Act increases the rate for 50/100 coverage, the initial buy-up level after catastrophic coverage to 60 percent.

(5) To encourage farmers to take proactive risk management action, both my legislation and S. 2251 propose a premium refund for low-risk producers.

I believe that the provisions in the Risk Management for the 21st Century Act will ensure that specialty crop producers have access to high-quality insurance products designed to meet their needs.

I am pleased that the goals of my legislation, S. 1401, the Specialty Crop Insurance Act of 1999, are met by the legislation before us today. I commend my colleagues for their efforts to ensure that crop insurance reform passed by the 106th Congress will take into account the needs of all agriculture producers, not just one sector. I offer my support for this legislation and urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, this is an important day. Today we are finally bringing to bear over eighteen months of hard work toward reforming the Federal Crop Insurance Program. This is an issue of vital importance to Montana.

First, however, I urge my colleagues in the Senate to join me in applauding Senators ROBERTS and KERREY for their hard work in bringing a comprehensive solution to the table as well as Chairman LUGAR for helping us work quickly to pass this important legislation. We can all be proud of a job well done.

The bill before you to day, the Risk Management for the Twenty First Century Act, is a fine example of what can be done when we work on a bipartisan basis to solve a difficult problem. I am pleased that Montana producers and crop insurance providers also contributed largely to this effort.

Last spring, I held a crop insurance community hearing in Shelby, MT. Ken Ackerman, director of the Risk Management Agency, flew out for that hearing and got quite an earful. Montana farmers told us they wanted a program they could count on. A risk management tool that would be more efficient, more cost effective, more responsible, and more accountable. A program that encourages farmers to try new and innovative crops. And a reliable system that moves us away from the annual ad hoc disaster band-aids. I would like to extend a personal thank you to Ken Ackerman and his agency for listening to our concerns and helping draft them into this legislation.

Today, I am optimistic that we in the Senate are soon to make those goals a reality. The $6 billion legislative package before us today will amend the Federal Crop Insurance program in several specific ways. The measure will:

Make crop insurance more affordable and broaden coverage to encourage producers to purchase the highest levels of coverage;

Create more realistic production history so that producers won't be penalized for losses over several years;

Encourage producers to plant new specialty crops;

Require producer input on the federal crop insurance program board of directors to ensure that the program works for the people who are buying the insurance product; and

Make it easier for producers to get disaster assistance for crops that have no production history.

I would like to highlight one particular section in this bill—that is the provision that at long last addresses the fact that during previous farm programs, Montana specialty crop producers have had little or no safety net. This is important since traditional crop prices have collapsed and farmers have ventured into specialty markets to survive. But because they have little or no production history, they are not eligible for traditional crop insurance coverage. Instead they are subject to the Non-Insured Agriculture Program.

Unfortunately, the NAP program does not work. I have been told that in order for a farmer to be indemnified, she must be a "very lucky person." A loss suffered per se does not trigger payments. Instead, at least five other producers in a defined 320,000 acre area must also suffer severe losses in order to trigger NAP coverage. Clearly, unless all the pieces fall together in a perfect puzzle, it is likely that the producer will not be paid.

Last year, I offered legislation that will help Montana farmers try new and innovative crops by streamlining the NAP. Among other provisions, our proposal eliminates the area trigger. That way if disaster strikes, the producer will be covered. Plain and simple. Senator LARRY CRAIG joined me in that effort, and I am pleased that our legislation is included in the Senate bill that we are currently considering.

Folks at home want to farm. They can not control the weather, but they should be able to invest in a program that helps them manage nature's unpredictable whims. With an improved crop insurance program, Montana farmers will be able to diversify, take risks and move beyond our traditional way of thinking.

We have before us the perfect opportunity to do what is right for Montana and the rest of rural America—pass comprehensive crop insurance reform. I thank everyone who contributed to this effort and look forward to passage in the Senate, a successful conference and President signing the bill into law in the very near future.

Mr. JOHNSON. Mr. President, I am extremely pleased to support legislation on the Senate floor today that improves and expands the crop insurance and risk management tools available to farmers in the United States. After months of uncertainty on this issue it is my hope that farmers desiring enhanced crop insurance and risk management options will be reassured that Congress will take a positive step and enact reform this year.

Beyond the day-to-day uncertainties facing family farmers and ranchers, matters are complicated today by current economic conditions in rural America. Collapsed crop and livestock prices, weak export demand, and agribusiness concentration continue to threaten the viability of our independent family farmers and ranchers. Crop insurance provides many agricultural producers with a risk management tool, but Congress needs to reform the current program at this time to avoid allowing both low prices and an inadequate safety net to force farmers out of business.

Nonetheless, I must caution that no matter how well crop insurance is improved, it is not a substitute for a sound farm policy or safety net. Instead, crop insurance is an important part of that farm safety net. It is my desire to also participate in a farm bill debate this year so Congress can reform the underlying farm bill. But, we must take advantage of this day to act on crop insurance.

In 1994, I chaired the House of Representatives subcommittee charged with reforming crop insurance. At the time one of our goals was to improve insurance to a point where the government would not need to develop ad hoc disaster programs. Ad hoc disaster programs are difficult to create, difficult to administer, and are politically unpopular. While I am pleased with many of the reforms we made in 1994, action in Congress to pass crop loss disaster programs in the last two years reminds us that crop insurance has not fully replaced the need for ad hoc disasters.

Crop insurance is critical to the farmers of South Dakota. Nearly twenty South Dakota grown crops are currently eligible for crop insurance, and among our major commodities, participation in the crop insurance program is high. Ninety-five percent of our corn acreage is enrolled in crop insurance while 92 percent of our soybean acres are in this program. Wheat producers in South Dakota place 76 percent of their acreage in crop insurance. After the reforms made to the program in 1994, over 10 million acres of farmland in my state have been enrolled in crop insurance.

I am pleased to co-sponsor a bipartisan reform bill that is a modification of S. 1580, the Kerrey-Roberts Crop Insurance for the 21st Century Act. Our bill clearly recognizes improved crop insurance is absolutely necessary for farmers in the future. Our underlying bill closely mirrors the crop insurance reform bill enacted in the House of Representatives last year. Finally, our bill addresses some of the most serious concerns of the current crop insurance program; affordability, dependability, and flexibility.

The major reform proposed in our bill ensures greater affordability for farmers, especially for higher levels of protection. Nearly every farmer I talk to wants the opportunity to purchase higher levels of coverage, but most have found that a threshold exists where buy-up coverage becomes cost prohibitive. The Kerrey/Roberts bill makes coverage more affordable by providing higher subsidies for higher levels of coverage. South Dakota farmers support this provision of our bill because affordability seems to be the most pressing issue facing crop insurance today.

In recent years, the issue of coverage dependability has come into serious question. Farmers in South Dakota and elsewhere have suffered under multiple years of weather related disasters.

The bill I support ensures greater coverage dependability by providing relief for producers suffering from insurance coverage decreases and premium increases due to multi-year crop losses resulting from natural disasters. The bill adjusts actual production yield history—APH—for farmers by allowing producers who have suffered under three natural disasters in five years to drop their lowest APH. It also provides APH credit to assist beginning farmers and those who are diversifying with new crop rotations.

Finally, the proposal I support authorizes the development of cost of production crop insurance policies. This should eventually be a new, useful tool for producers. It also provides livestock producers hope that the development of some type of livestock coverage is a priority. Livestock producers are the major contributor to South Dakota's agricultural economy, and risk management options are essential for these producers.

However, our proposal, S. 2251, differs somewhat from our underlying bill, S. 1580, as well. Months of debate between members of the Senate Agriculture Committee has resulted in a certain degree of compromise on the overall issue of crop insurance and risk management. Some in our Committee believe a lump sum risk management payment is preferred by farmers in parts of the United Sates. While I am very concerned that a de-coupled, lump sum payment is the wrong approach to take for several reasons, I understand the need to have comity and reasonable compromise in the Senate. Therefore, our proposal includes a pilot project to give farmers a choice between either crop insurance coverage or a risk management payment on a commodity by commodity basis. Yet, there are differences between the two risk management pilot programs offered by our coalition and those supporting large direct lump sum payments.

I am concerned the de-coupled payment alternative offered by others of the Committee is flawed. First, dividing a limited amount of money among many producers with a risk management payment fails to ensure the need for ad hoc disaster programs is eliminated. These direct lump sum payments will also be capitalized in land values and make it difficult for small and beginning farmers to compete for land.

Moreover, the alternative bill pushed by others in the Committee allows "double dipping" of benefits which I oppose. Those who choose a risk management payment are then also eligible for crop insurance under the current premium subsidy structure in the alternative supported by others today. This leads to a problem of complexity in terms of administration because crop insurance agents would be required to be able to quote two sets of premium rates available for farmers.

Nonetheless, members of the Senate have every right to propose risk management alternatives that they believe suit the interests of the farmers they represent. So with caution, I understand the need to offer a compromise bill with my colleagues on the floor today that offers some degree of "choice" and compromise. So, while the bill I support today also includes a risk management payment choice, it requires a more rigorous set of conditions through certification and random auditing to ensure program compliance. Therefore I believe the risk management payment in our approach is more responsible. That said, I would be remiss if I did not state, unequivocally, that I deeply appreciate the chairman's leadership in the Senate Agriculture Committee, and I respect the fashion in which he allowed the mark-up hearing to take place on March 2.

I want to mention one final issue very critical to the overall acceptance and viability of a taxpayer funded program like crop insurance. The issue of potential abuse in the insurance program was discussed in Congressional hearings on crop insurance reform last year. I do not believe fraud or abuse is of epidemic proportion in the crop insurance program. In fact, I believe the lion's share of interests (farmers, agents, loss adjusters, industry, and government) working in and around federal crop insurance are doing so with the highest degree of integrity. However, I am cognizant that questionable claims and potential abuse were of great concern last year. That said, unless steps are taken to bolster compliance and oversight the public support for this vital program may diminish.

I am pleased to learn that earlier this month the risk Management Agency announced a major commitment to work with the private insurance industry to strengthen the integrity of crop insurance. I am hopeful this joint effort begins to end the concerns of this important program. I commend those involved in taking this positive step.

Mr. LUGAR. Mr. President, I ask unanimous consent that the vote in relation to the pending amendment No. 2888 occur at 11 a.m. Thursday morning, with 2 minutes equally divided for closing remarks prior to the vote. I further ask consent that following that vote the bill be read the third time, under the previous consent, and the Senate proceed to vote on passage of H.R. 2559, the crop insurance risk management bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LUGAR. Mr. President, I note the presence of two distinguished Senators and perhaps more will come to the floor to offer comments on this bill or other bills.

On behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, Senators may then speak on crop insurance or other subjects. The unanimous consent request I have stated on behalf of the leader will permit that debate to continue.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

CROP INSURANCE

Mr. GRAMS. Mr. President, I want to address the crop insurance reform proposal. I thank you for the opportunity to address this legislation that I think is so crucial to the economic health of farmers in Minnesota and across the country. I have appreciated the hard work and effort put into this bill, and I believe it is one of the key reform issues the Congress must address this year to create an economic climate that will enable America's farmers to thrive.

As a sponsor of crop insurance legislation in both the 105th and 106th Congress, I am certainly no stranger to this issue. Working with producers, rural lenders, economists, and other stakeholders, I think we have fashioned a bill that would encourage more participation in the program, help encourage producers to buy higher levels of coverage, and will also reduce the instances of "moral hazard" to keep everybody's premiums lower, and also help maintain the integrity of the program.

Mr. President, I first introduced my crop insurance bill in the 105th Congress, and I am pleased that much of my own legislation has now been incorporated into the Roberts-Kerrey measure, including pilot programs that would offer farmers premium discounts for using whole farm units or one crop units of insurance, and allowing producers to cross State and county boundaries to form insurable units, plus a pilot program permitting producers to ensure their crops are based upon a future price. Also, I am pleased that this bill will now also include an expansion of the dairy options pilot program. I think this is also a very important tool for producers who are attempting to weather the ups and downs in the dairy market. So I think it is great that we have included this provision that is going to help dairy farmers in the Midwest and across the country as well.

Participation in the Federal Crop Insurance Program has increased from 10 percent of the eligible acres in 1980 to about 70 percent of eligible acres last year, 1999. I think that is encouraging, but we still need higher levels of participation if our farm is to successfully manage its risk in the face of ever-changing global markets. Like almost no other form of employment, producers are subject to a host of variables that impact their bottom line, including weather, disease, production levels in other countries, foreign trade, increasing production costs, and changing consumer demand. All are out of the control of the producer.

As most of you know, America's farmers are fiercely independent and ever optimistic and were glad to get the freedom to make their own production decisions that came with the 1996 farm bill. However, part of the promise of Freedom to Farm was that there would be accompanying efforts to bring about trade negotiations to reduce barriers, regulatory reform, and improvements to the Crop Insurance Program to help producers manage the risk in open markets. Unfortunately, the administration has not eased the regulatory burden on farmers, and we have not initiated new WTO talks or negotiations. I am confident this crop insurance reform legislation remains one of the most important pieces of the farm prosperity puzzle. Tax relief and tax reform for our farmers across the board is also very important because it directly impacts the bottom line, the net income of our farmers and the ability of our farmers to pass farms from one generation to another.

Again, I am proud to be one of the early advocates for reform and that the basic concepts of my proposal again were carried into this reform bill.

I strongly urge my colleagues to speedily approve this bill so it can be reconciled with the House bill and be completed as soon as possible.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

Mr. CRAIG. Mr. President, I am pleased to join many of my colleagues today in support of S. 2251, the crop insurance reform bill. Senator GRAMS spoke most eloquently on the issue and of its importance. He has certainly led the issue, along with a good many other of our colleagues who brought us to this point of shaping the legislation and bringing it to the floor.

I thank the chairman of the Agriculture Committee, Senator LUGAR, for recognizing the issue and the need for the legislation. While he didn't agree with all that is in S. 2251, he recognized its importance. He recognized the importance of building a compromise, as we were able to do in the committee.

At this time, I am proud to join not only the chairman but certainly my good friend, Senator ROBERTS, and Senator KERREY, who really led the issues that are found and embodied in S. 2251.

There is no question that reform of the Federal Crop Insurance Program was not only a necessity but it was an obligation. It was a promise that we in the Senate and the House made to America's production agriculture when we moved to the new agricultural policy embodied in the current farm bill, Freedom to Farm. We said not only would we free up individual farmers to produce for the market absent specific Federal programs but we would provide them with the necessary tools to compete. One of them would be a risk management tool—crop insurance—so they could use it against downturns in the market or certain environmental circumstances such as drought, frost, or floods that might impede their ability to produce or destroy the very crop they planted in the ground.

We also said we would look at the trade issue, and obviously the sanctions our Government had placed against certain potential markets across the world. We addressed that last year in the Senate. We will address it again this year. If we can pass the sanctions legislation and it becomes law, and if S. 2251 becomes law, then we will have completed a package that was promised a good number of years ago to our farmers and ranchers across this country.

The bill before us addresses several concerns farmers in my State and I have had about crop insurance. The bill provides increased subsidies for a greater buy-up of the crop insurance; funding for research and development of specialty crop insurance, which is critically important; removal of the noninsured assistance program, better known as NAP, area trigger which was a true impediment in past Federal crop insurance programs; and several other items.

Let me explain the uniqueness of Idaho agriculture.

There are sometimes two or three crop components to our large Midwestern agricultural producing areas. Idaho's great agricultural economy is based on minor crops and nontraditional crops. We know about Idaho's potatoes. But we oftentimes don't know about Idaho's winter peas, or our trout, or our seed peas, or our lentils, or our sugar beets, or our barley, or our mint.

Many people don't recognize that I have one of the most diverse agricultural counties in the Nation that produces large quantities of seeds for sweet corn, carrots, onions, celery, and all of those kinds of things you would not expect a State such as Idaho to grow, but we do because of our unique environment and our ability to control moisture through irrigation, and, as a result, creating the ideal situation for the growing of some of these seed crops. These are all minor crops and high-value crops that are sensitive to certain environmental or market downturns.

Current Federal crop insurance does not always provide for them. This legislation not only provides for the research to move us in that area, but it removes the NAP area trigger that was very prohibitive.

That is why I have worked with Senator KERREY and Senator ROBERTS to include a provision to reform the Noninsured Assistance Program, or NAP, in this amendment. NAP is used by farmers who grow these "specialty" or "minor" crops across our Nation. This legislation removes the area trigger and makes it a much more workable proposition for farmers in my State.

I often hear from farmers who are frustrated that crop insurance does not exist for our many specialty crops. It is why my farmers don't use it at the rate other producers across the country do.

This legislation should move us in the direction of creating another risk management tool for Idaho's agricultural production. I hope we can accomplish that. This legislation specifically encourages the development of specialty crop produce and allows the risk management agency to partner with entities to develop new crop insurance products. The bill also inverts the subsidy formula to make higher levels of coverage more affordable to farmers. These changes will speed new products to the market and make crop insurance a real risk management tool. These changes will help farmers protect crops against the disasters that oftentimes hit.

I once farmed and ranched. I remember one day standing at the window of my farm and ranch home watching a hailstorm wipe out 200 acres of the most beautiful barley crop I had ever raised. But I was fearful that year that we were going to have hailstorms, and this was a unique crop. This was a seed crop, and a high-volume crop because it was a new, hydrosized barley. I had it insured. While I was rather fearful of the destruction of crop, as I watched it, I also knew I had protected my investment. I had done the right thing. It was a tool that was available in the market at that time, and it was affordable.

That was 25 years ago. Today, that tool doesn't exist at the level of affordability that it did in those days. As a result, farmers have walked away from crop insurance and have oftentimes during disastrous circumstances simply turned toward Washington to say to those of us who serve here: Help us.

What we are saying today with this legislation on the floor of the Senate is: Agriculture, help yourself. We are providing you with the ultimate of risk management tools, so you should not have to rely on a Federal Government to bail you out of a circumstance that is beyond your control. We give you the option, and we want you to use the option, providing for yourself as a stand-alone, private entrepreneurial entity of this economy.

This bill, however, provides a provision that concerns me, and it concerns the cattle producers of my State. The provision is federally-subsidized revenue insurance for livestock production. This could disrupt markets by masking market signals and create dependency on subsidies that could stimulate overproduction and create perverse incentives for producers who are striving to make sound, market-oriented management decisions.

The livestock industry of our Nation has never turned to the Federal Government to help them. They have received in situations of drought sometimes feed assistance, but there has been no program in the past that simply provided a level of stability to their income as has been true of other commodities produced by the agricultural sector. They are inherently worried about a Federal program that might create or cause market incentives that are not true to the livestock or beef industry market.

The beef industry is recovering now from a market downturn of the past few years. Relative to other segments of agriculture, the beef industry works unobstructed by Government pricing and direct payments to producers and other controls. This allows beef producers to make decisions about their own enterprises without having to worry about what Congress will do about the program or to the program. Cattle ranchers tell me they like it that way although it is sometimes very tough. I would like to see the beef industry continue down the path toward an open market approach, unstifled by any form of government involvement in their situation.

I hope in conference with the House we might work out this livestock provision in a way that will not create a preferred market incentive.

In my view, S. 2251 does the most for specialty crops and minor crop insurance of any proposal I have seen to date. Once again, I want to thank Senator ROBERTS, Senator KERREY, Senator LUGAR, and others who have directed a tremendous amount of their energy to resolving the issue of Federal crop insurance by presenting the legislation now before the Senate. I hope we will have a sizable vote on it tomorrow and that we can move it to conference with the House to work out our differences and put it on the President's desk at the earliest possible date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ICAO NOISE STANDARDS

Mr. INHOFE. Mr. President, I don't think there has been anyone in this body who has been more critical of the administration for the things that have taken place, for what has happened to our defense industry, for what has happened in many other problem areas that have come up, but I have to rise today to actually compliment the administration for an action that they took on March 14 of this year when they filed an article 84 action with the International Civil Aviation Organization, usually referred to as ICAO.

ICAO was put together as an organization where all of the nations that with aviation and commercial aviation would agree to certain standards so there is some degree of uniformity. They got together and determined we would have a noise standard that was classified as chapter 3.

The European Union, and I hate to say this, has demonstrated much arrogance. I guess they think that all of a sudden they have gone from a small fish in the pond to the big fish in the pond and they have totally disregarded agreements they have made. They signed an agreement, a trade agreement, an ICAO agreement with all of the other countries saying that by a certain date they would have to have chapter 3 noise level.

Then, not too long ago, they unilaterally decided they were going to abrogate that treaty and unilaterally say that they are going to not allow chapter 3 noise level unless it is done through new airplanes or re-engining, so a muffling system that takes it to the same noise level would not comply.

This means we in the United States are discriminated against. I think everyone is aware the big competition worldwide now is Boeing aircraft in the United States and Airbus in Europe. As a result of this, it gives a tremendous advantage to Airbus over Boeing. They would be financially discriminating against the U.S. in a way that would cost the United States and depreciate the value of the inventory of many of our Boeing aircraft.

The "hush" industry is a huge industry in the United States. They have been able to use this technology to bring down the noise level of existing aircraft to chapter 3 standards, and it shouldn't make any difference how we get to this level.

The administration has taken this into consideration when on March 14 they passed an article 84 against the European Union with ICAO. I think it is very significant. I know it will be a long and drawn out process, but I hope and I admonish the administration not to use the fact that it will be a long and drawn out process to go sideways or to cave in on this very critical issue to American workers and American manufacturers.

I can assure the administration that we will be working with them very closely to correct this action to be able to use any method that can be used that is on the market today in order to reach the chapter 3 noise standards.

I yield the floor.

CROP INSURANCE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I come to the floor to stand in support of S. 2251, the crop insurance reform bill. I thank all of my colleagues on the Senate Agriculture Committee for the tremendous work they did in getting this bill to the floor. First and foremost, thanks goes to the chairman of the committee, Senator LUGAR, for his willingness to bring this issue up in a timely fashion, so we could get this legislation out of committee and to the floor to get some meaningful support for our Nation's farmers, particularly those farmers who are not participating in the current Crop Insurance Program.

Congress is reaching out to farmers, encouraging them to participate in the Crop Insurance Program to give them the kind of risk management tools they need to deal with the uncertainties of weather conditions, prices, et cetera, experienced in the past several years in agriculture.

I thank the chairman for his good-faith adherence to moving this bill in a prompt fashion. I thank in particular also Senator PAT ROBERTS of Kansas and Senator BOB KERREY of Nebraska for their incredible work with me as one of two Senators from the Northeastern part of the United States on the Agriculture Committee. They reached out to see what we could do in crafting a piece of legislation which would broaden the base of the Crop Insurance Program to include many areas of the country that have not participated in the old Crop Insurance Program, basically because it wasn't tailored to meet the needs of many regions of the country, particularly the Northeast.

Believe it or not, agriculture is the No. 1 industry in the Commonwealth of Pennsylvania. Most people don't realize that, but we also have the largest rural population of any State in the country. Agriculture is very important to the way of life for the millions in Pennsylvania who do not live in Pittsburgh or Philadelphia, who live in between those two cities in the great rural areas of our commonwealth.

We have the third lowest participation rate in crop insurance in the country. We are anywhere from single digits to reaching a high of about 20 percent participation of our farmers. It is a very small rate of participation. We need to encourage our very diversified farmers to get into this program to provide a safety net for them in the event of drought, floods, or other problems they may encounter in producing their crops.

There is an opportunity for them now with this bill. With about a third of the money in this bill devoted to specialty crops, it is a real opportunity for our fruit growers and for our vegetable growers—truck farmers, we call them—folks who produce potatoes up in the great northwestern part of our commonwealth, and a variety of other producers, as well as nursery men and women. Those are the folks who now cannot get any kind of help or support. We have provisions included for them in pilot programs. There is a real opportunity for risk management tools that many farmers in our States have not had the opportunity to enjoy.

Special thanks, again, go to Senator ROBERTS and Senator KERREY. They come from the bread basket, Nebraska and Kansas. Frankly, they understand very well the issues of agriculture. To their credit, they understood that if we were going to move forward with agriculture policy under Freedom to Farm, we would have to make sure that all areas of the country had the kind of tools necessary to be able to farm successfully. This legislation will go a long way in providing government aid to an area of the farming country that has been left behind in the past.

I heard Senator ROBERTS and I thank him for his kind comments. Senator ROBERTS talked about the battle we had on the floor of the Senate last year with respect to the agricultural supplemental.

There was a record drought, a 100-year drought in Pennsylvania, which caused about $1 billion in crop losses. It was a frustration to me in that there was a very small part of that bill which was designated to help farmers who had suffered as a result of that nonprogram crop, former program crop farmers. We have a very small percentage of those in Pennsylvania.

As a result, a lot of the help in that bill was in the form of AMTA payments. A very small percentage of our farmers in Pennsylvania receive any AMTA payments. As a result, the bill was of minimal help to our farmers. We tried to include some things for dairy and livestock and some things for specialty crops, and we were successful—I thank the Senator from Mississippi for including that—but it highlighted the concern that many of us in the Northeast have with the direction of farm policy in the Senate and in the Congress generally.

In this legislation, for the first time in quite some time, we have seen a nod to the Northeast, saying what goes on up there is not insignificant. Pennsylvania, for example, is the fourth largest dairy-producing State in the country. New York is the third largest dairy-producing State in the country. We have real production agriculture in many States in the Northeast and that production agriculture needs to have the same tools available to be able to survive through the difficult times as other areas of the country. We may not have the frequency of disasters as in other areas of the country, and I understand that and respect that, but it does not mean we should have any fewer tools to be able to deal with the vagaries of the marketplace or the vagaries of the weather.

This bill does that. It does it in a very fair way, reaching out to farmers who have not participated in the program in the past. It eliminates some of the hurdles and obstacles which have limited our access in the past and I think will create a much stronger backbone for agriculture in Pennsylvania which we desperately need.

Rural Pennsylvania is lagging behind economically from the rest of the Commonwealth. We have record employment rates in metropolitan areas, but, still, some rural counties in Pennsylvania have double-digit unemployment rates where the principal economy is either mining or agriculture.

These kinds of tools to support farmers who are the backbone of that economy are very important to keep these farms operating through very difficult weather disasters. It is very important to have these tools available to our farmers at an affordable rate and to provide real coverage for these losses, not as we have seen in the past.

I again thank Senator LUGAR and particularly Senator ROBERTS and Senator KERREY for their outstanding work on this legislation. I hope we can move on this bill rather quickly, get this passed, and move forward to join with the House in a conference that can result in a strong, bipartisan piece of legislation to be sent to the President. I am enthusiastic about the product we have on the floor and hope we can take care of that quickly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in support of the legislation before us. I think the crop insurance legislation before us this evening is very important. It is one of the pieces of legislation that should have been passed in 1996 when we passed the current farm bill. We promised farmers we were not only going to provide a safety net for them, we were also going to do what we could to expand trade, change the tax laws so they could better manage the highs and lows associated with on-farm income, spend more money for research, and provide a crop insurance program that provided a more opportunities to managing risk.

We still have not passed the necessary tax legislation. We have not done all we can do to promote trade in American agricultural products. And we have not done all we can to tear down the barriers to trade around the world. There is still a lot that should have been accomplished in 1996 that has not been done, but finally we are able to add one more thing that was promised in 1996. Now 4 years later, we are finally getting it done. What I am refering to is the ability of farmers to protect themselves from natural disasters over which they have no control by insuring for the productivity that they would normally experience in a good year.

This legislation will provide farmers in Iowa and across the country sound risk management opportunities that were promised in 1996. As everyone involved in agriculture knows, the weather is an unavoidable risk farmers must deal with every day. The Federal Crop Insurance Program was established to protect farmers from unavoidable risks such as adverse weather, plant disease, and insect infestation. There are two ways to respond. One is through a crop insurance program that farmers can manage and make their own participation decisions. This would be their decision, not my decision. The other way is through disaster relief. The farmer has little control over whether Congress will provide, at the time of a natural disaster, some disaster relief for him.

In most instances, Congress has responded. But that makes the individual family farmer a pawn of Washington. His welfare is based upon decisions that Members of Congress might make, which might not provide the relief that is needed.

Once again, the 1996 farm bill was meant to give farmers more control over their own destiny, with the proper tools. Crop insurance is one of those proper tools.

The agricultural community has recently been subjected to more than just unavoidable natural disasters. My neighbors in Iowa, where my son and I have a family farm have felt the brunt of the world economic crisis and its increased foreign competition and poor trade diplomacy. These factors have led to significant reductions of farm income.

Just last year, it was necessary for Congress to provide $8.7 billion in additional assistance to farmers. This was only a short-term fix, not a long-term solution. But it did keep a promise to the family farmers of America that we made in 1996 when we passed a 7-year farm bill. We set aside $43 billion to meet the obligations of the safety net in that farm bill because we thought $43 billion was enough. But nobody anticipated 4 good crop years with record yields, reduced prices, and the Far East financial crisis that reduced our exports.

The $43 billion that was set aside for the 7 year farm bill in 1996 was not enough to meet our promise of a smooth transition for farmers and the maintenance of a safety net. Consequently, we had to provide more money. In doing so we kept our commitment to the farmers of America to provide a strong safety net.

With the farm economy in the tank and the price of multiple commodities hitting 20-year lows last year, many individuals have decided to lash out against the 1996 farm bill.

I would be the first to admit that Government policy was partly responsible for the instability within the agricultural community. But that is not the farm bill. That is a lack of wise International Monetary Fund policy regarding loans to countries whose banks went in the tank, a seemingly passive pursuit of trade opportunities for agriculture, and Congress, for that matter, not giving the President the authority to negotiate. While I have found fault in the past in our inability to pass a substantive crop insurance bill and the administration's failed efforts to open markets for our agricultural commodities, I hope this bill remedies one of those shortcomings. This legislation provides a long-term solution to the agricultural community for risk management which better mediates the unavoidable risks farmers experience.

The Congress can do disaster relief with the political exigencies that are involved with that or it can promote risk management. Through this legislation, we are promoting risk management, giving farmers the tools to respond to and control their destiny rather than having Congress involved in the family farmers destiny.

This legislation is entitled the Risk Management for the 21st Century Act. It is bipartisan. It will accomplish many of the most important goals requested by my farm constituency.

This has been a bipartisan cooperative effort from the beginning because those of us who understand agriculture know this is the right thing to do. Senators PAT ROBERTS and BOB KERREY wrote an excellent piece of legislation. Senator CONRAD of North Dakota and I, along with Senator ROD GRAMS and Chairman DOMENICI of the Budget Committee, worked hard 12 months ago to provide sufficient budgetary authority to fund this blue ribbon reform proposal that is now before us.

By adopting this legislation, we will increase the affordability of crop insurance, make the program more flexible and more responsive to changing demands, improve the public-private partnership, provide opportunities for livestock coverage—so that livestock farmers will have the same opportunity to better manage risk as crop producers have had in the past—and last, but certainly not least, equalize subsidies for revenue-based products.

This means a lot for my State of Iowa. Eighty-one percent of all corn and soybeans are insured in the State of Iowa; in other words, meaning 81 percent of the acreage that is planted to corn and soybeans is insured. 85 percent of the insured acres are covered by buy-up policies. And 65 percent of the insured acres in Iowa are covered by a revenue insurance product.

Iowa has the highest percentage of revenue coverage in the United States. This might reflect the idea that farmers in my home State of Iowa distrust Congress to respond with disaster relief more than farmers in any other State in the Nation. My farmers are taking the bull by the horns, making the independent judgment that each one of the 97,000 farmers in my State has an opportunity to make. They are managing their own risks by purchasing crop insurance and not relying upon the Congress to cover their losses.

This bill makes crop insurance more affordable, especially when it comes to revenue products. Iowa farmers will use the improved subsidy formula to benefit from the highest subsidy at the highest level of coverage. The higher levels of coverage will help to support family farmers in poor years and alleviate some of the need for what is becoming an annual economic relief payment. Economic relief payments will only end when we stop losing our foreign market share and increase agricultural exports for the one-third of our agricultural products that we produce beyond the necessity of domestic consumption.

If we do not export, we will shut down one-third of our production. By shutting down one-third of our production, we would not only be hurting farm income but obviously endangering our manufacturers. We would be manufacturing fewer John Deere tractors with fewer jobs at "John Deeres," having less market for feed, for seed, fertilizer, and chemicals. There would be less income for farmers to buy products from the retail merchants of the small towns of America, and more of those small businesses in the small towns of America would go out of business.

When we talk about the necessity of exporting one-third of our products—because that is what we produce in excess of domestic production—we are talking not only about enhancing the income of the family farmers of America, but we are also showing the ripple effect that positive cash-flow has through the economy of rural America. We must reverse this trend to preserve small businesses and preserve numerous other enterprises in America, including the union jobs at John Deere and other farm manufacturers.

This program we have before us won't open new markets abroad for new commodities, but it will stabilize the potential losses my friends and neighbors could experience due to poor exports. This legislation will provide the security necessary to help farmers through lean years so they will be around to experience better prices and increased revenue in the future.

We have an opportunity tomorrow at 11 o'clock, when we vote on this bill, to provide the agricultural community with a tool, a very important tool to better manage the risks inherent in farming. Improving the Crop Insurance Program and ensuring that quality coverage is more affordable and better suited to the needs of farmers will only serve to provide much needed stability in rural America, not just stability among the family farms.

While we have more to accomplish to guarantee stability for the family farmer, this is a very important first step, a step that should have been accomplished in 1996 but wasn't. In so doing, it would have provided the farm bill more of the safety net as we promised. Today we are taking an important additional step. I appreciate the opportunity of fulfilling some of the unfulfilled promises made in 1996, to make the 1996 farm bill the landmark measure it was meant to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

TWO-YEAR ANNIVERSARY OF JONESBORO

Mr. LEVIN. Mr. President, this week we remember another tragedy in America's history, the 2-year anniversary of the school shooting in Jonesboro, AR. Two years ago this Friday, the Nation watched two boys, ages 11 and 13, open fire on their classmates, killing four young people and a teacher.

At the time the school shooting in Jonesboro had the distinction of being one of the Nation's bloodiest. We were stunned that two boys so young had so much anger in them, anger that was made deadly by access to more than a half a dozen guns and 3,000 rounds of ammunition. In 1998, the pastor of a church attended by one of the four children shot to death in Jonesboro said:

> Nothing touches us more than when our children are hurt. There's never been anything you could possibly compare this to.

He didn't know that over the next 2 years there would be school shootings in Georgia, Colorado, Oregon, Pennsylvania, and recently in my own home State of Michigan.

Sadly, these tragedies have not convinced Congress to act to try to take guns out of the hands of children. In the aftermath of Columbine, almost a year ago, the Senate passed a juvenile justice bill with moderate gun safety amendments designed to reduce juvenile access to guns. That bill has been stuck in conference committee for months, and legislative proposals to prevent juvenile access to guns has been stymied by this Congress.

Americans cannot understand why Congress has done nothing to prevent the tide of shootings in our schools and public places. Americans do not believe the National Rifle Association's rhetoric—the argument that guns don't kill people, people kill people. They are absolutely and utterly appalled by the most recent statement of the NRA that the President is "willing to accept a certain level of killing to further his political agenda."

I believe the NRA owes an apology to the American people for those incendiary comments by Wayne LaPierre, its executive vice president. His words represent the lowest level of personal attack that has been hurled against any President that I can remember. They cross the line of acceptable political debate. There should be an outpouring of revulsion, not just from persons who disagree with policies supported by the NRA but from the NRA's own members and from those who agree with its positions.

Americans may be divided on the need to pass gun-related legislation but are surely united when it comes to protecting the lives of our fellow citizens and our children.

I yield the floor.

TRIBUTE TO HERMAN WELLS

Mr. LUGAR. Mr. President, a beloved gentleman, Herman Wells, the former president of Indiana University, has passed away. We are thoughtful about Herman Wells in our State of Indiana, as are all Americans who were touched by this remarkable man.

I have mentioned the legion of Hoosiers who have talked about the profound and inspirational influence of Herman Wells on Indiana University and on individual student lives. Herman Wells made a big difference in my life. He chaired the Indiana Rhodes Scholar Selection Committee in 1953, which included, at the same time, President Fred Hovde of Purdue and Byron Trippett, the president of Wabash. This committee sent me to the scholarship finals in Chicago, where ultimately I was successful.

During the past 46 years, I visited frequently with President Wells about that selection committee, about our first meeting. He wrote about it in his memoirs. He has been extraordinarily supportive throughout that period of time in all of my aspirations.

I thank President Wells for all the opportunities we had to work together for Indiana University and for my State. I thank him for the extraordinary vision he had for this country. I counted on his counsel and his generous enthusiasm. I will miss him very much, as will all Hoosiers.

TRIBUTE TO CAPTAIN LOUIS V. MARCHETTE CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, I take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Captain Louis V. Marchette, upon his retirement from the Navy at the conclusion of more than 24 years of commissioned service. Throughout his distinguished career, Captain Marchette has truly epitomized the Navy core values of honor, courage, and commitment. It is my privilege to commend him for a superb career of service he has provided the Navy and our great Nation.

Captain Marchette was born in Ogden, Utah and grew up in a Marine Corps family. After graduating from the University of South Carolina with a Bachelor of Science degree in mechanical engineering, he was commissioned an Ensign in the Navy in 1976. Captain Marchette began his career as a line officer but soon found his true calling and transferred to the staff corps as a Civil Engineer Corps officer. His first assignment was with the Seabees of Naval Mobile Construction Battalion FORTY, homeported in Port Hueneme, California. In subsequent assignments, Captain Marchette was given some of the most challenging assignments the Navy Civil Engineer Corps had to offer.

As a junior officer, he served as Staff Civil Engineer, Naval Technical Training Center Corry Station, Pensacola, Florida; Assistant Public Works Officer, Naval Air Station Key West, Florida, and; Resident Officer in Charge of Construction, Barksdale Air Force Base, Louisiana. In recognition of his exemplary performance and construction engineering expertise, he was then assigned as Operations Officer, Naval Mobile Construction Battalion SEVENTY-FOUR, homeported in Gulfport, Mississippi. In this assignment, he directed contingency construction and military operations throughout Japan, Korea, the Caribbean, and Central America. He followed this tour with assignment as the Civil Engineer Corps Lieutenant Commander Assignment and Placement Officer, Bureau of Naval Personnel, his only tour within the "Beltway."

At this juncture, Captain Marchette had developed a truly outstanding reputation as a naval officer and engineer and he was rewarded with a variety of leadership opportunities to include, Public Works Officer, Naval Station Roosevelt Roads, Puerto Rico; Commanding Officer, Naval Mobile Construction Battalion ONE, homeported in Gulfport, Mississippi, and; Chief Staff Officer, 20th Naval Construction Regiment, Gulfport, Mississippi. On October 30, 1997, Captain Marchette took command of Naval Construction Battalion Center Gulfport, Mississippi, assuming the dual responsibility of Commanding Officer, 20th Naval Construction Regiment, the pinnacle of a most outstanding career.

In this capacity, Captain Marchette has spearheaded development of a world class mobilization complex capable of mobilizing Seabees for deployment anywhere in the world within 48 hours. Selfless commitment, exceptional technical prowess, and extraordinary accomplishment have been the hallmarks of this most outstanding professional. Whether restoring order for the Mississippi Gulf Coast in the aftermath of hurricanes, responding to military contingencies throughout the world, or maneuvering through periods of severe budget constraints, he provided unparalleled leadership, innovative concepts, and overall brilliant managerial insight in accomplishment of the Navy and our Nation's objectives. Under his dynamic leadership the Naval Construction Force has experienced dramatic improvements in comprehensive readiness, training attainment, mobilization, and manpower/equipment resourcing. In short, Atlantic Fleet Seabees are now better trained and better equipped to accomplish the mission as a direct result of Captain Marchette's efforts.

Captain Marchette holds a Master of Science degree in engineering from the University of Florida. He is a registered Professional Engineer in the State of Louisiana and a member of the Louisiana Society of Professional Engineers and the Society of American Military Engineers. He is a Seabee Combat Warfare Officer whose personal decorations include the Legion of Merit, five Meritorious Service medals, the Navy/Marine Corps Commendation medal, and Navy Humanitarian Service medal.

Captain Marchette's visionary leadership, exceptionally creative problem solving skills, and uncommon dedication have created a legacy of achievement and excellence. Having spent half his 24-year career in the great State of Mississippi, Captain Marchette and his lovely wife, Fran, are true Mississippians who have brought great honor and praise to our State. Captain Marchette will retire on July 1, 2000 after 24 years of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Captain Marchette fair winds and following seas. Congratulations on completion of an outstanding and successful career.

CHANGES TO H. CON. RES. 68 PURSUANT TO SECTION 204

Mr. DOMENICI. Mr. President, section 204 of H. Con. Res. 68 (the FY2000 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 204, I hereby submit the following revisions to H. Con. Res. 68:

[Dollars in millions]

Current Allocation to Senate Agriculture Committee:	
FY2000 Budget Authority	$10,843
FY2000 Outlays	7,940
FY2000–2004 Budget Authority	40,012
FY2000–2004 Outlays	24,704
FY2000–2009 Budget Authority	75,410
FY2000–2009 Outlays	45,523
Adjustments:	
FY2000 Budget Authority	....
FY2000 Outlays	....
FY2000–2004 Budget Authority	5,997
FY2000–2004 Outlays	5,227
FY2000–2009 Budget Authority	5,637
FY2000–2009 Outlays	5,667
Revised Allocation to Senate Agriculture Committee:	
FY2000 Budget Authority	10,843
FY2000 Outlays	7,940
FY2000–2004 Budget Authority	46,009
FY2000–2004 Outlays	29,931
FY2000–2009 Budget Authority	81,047
FY2000–2009 Outlays	51,190

FAA REAUTHORIZATION

Mrs. HUTCHISON. Mr. President, on March 7, 1959, history was made when the first aviator charted over a million miles in a jet. Although it seems commonplace today, at the time, traveling a million miles was indeed, an aviation milestone. Well, today, more than forty years later, we are considering another aviation milestone of sorts: a reauthorization of the Federal Aviation Administration which will be of significant benefit to our nation's communities, our air infrastructure and the flying public.

I represent a state that has an enormous amount of aviation. Texas is home to one of the Nation's busiest airports, DFW, but we also have 27 other primary airports, 21 designated reliever airports and more than 1600 other small airports that Texans depend upon to get from one place to another. Therefore, I recognize the importance of aviation to my state, the critical role my state plays in the national aviation system and the important of Airport Improvement Program funding in maintaining it.

This bill provides a framework and the necessary tools to responsibly and substantially fund our nation's air infrastructure as we have never done before. For the first time we will guarantee that all receipts and interest in the Air Trust Fund—totaling more than $33 billion—will be spent over the next three years for only aviation purposes. We will enhance air safety, allow local areas to provide for their financial needs, and assist our traffic controllers in watching our skies and protecting the flying public.

The Airport Improvement Program, on which so many of our airports rely, will see an increase of $1.9 billion this year alone. It will increase to as high as $3.4 billion over the next four years. This funding will allow our airports to make necessary improvements to their existing facilities and expand to accommodate the amazing growth that all of our nation's airports have seen in recent years. Additionally, the Military Airport Program, which helps to assist our current and former military airports by providing funds for needed structural improvements, will see a boost from twelve airports to fifteen designated and eligible this year, and 20 designees, thereafter.

In Texas, we are affected by both national and international air traffic growth. Traffic to Latin America in the next few years is set to exceed capacity and place an even larger burden on neighboring air route systems. This will affect traffic in the Gulf of Mexico, in particular, where traffic is controlled in large part by the air traffic control center in Houston.

In fact, this is one important area where improvements are greatly needed. A large portion of the Gulf of Mexico remains without visual communication on radar, nor sufficient two-way communication, in general. Traffic in much of the gulf is controlled solely by one-way radio communications. The Gulf of Mexico airspace accommodates passenger airlines serving destinations worldwide, cargo and general aviation traffic engaging in air commerce, and heavy helicopter traffic serving the offshore petrochemical industry. It also serves important users such as our armed forces, Coast Guard, Customs Service, and the Drug Enforcement Agency. All aircraft, from large commercial planes, to military aircraft, to helicopters need to have direct two-way communication to protect the safety of all those who fly these skies.

Currently, if a craft hits turbulence due to poor weather and seeks to ascend or descend the pilot must radio in to a controller, who must check the frequency and the surrounding traffic and then dial and pilot back and advise him on altering his position. One-way communication alone simply to reach the controller can take as long as seven minutes, and as long as fifteen minutes total to relay back to the controller. This is unacceptable for a pilot who needs to respond immediately to escape violent turbulence and blindly must change his altitude. This frightening scenario could be all too real and common as air traffic grows.

The FAA Gulf of Mexico Task Force was formed to highlight the problems in the gulf and recommend solutions. More than 100 individuals representing the Federal Aviation Administration, airlines, the military, and others in the industry have come together to address this problem and seek an expeditious and thorough remedy. We can wait no longer to let this safety hazard go unaddressed. This bill gives the FAA the tools to begin to remedy this situation.

This bill is a step in the right direction to provide for our aviation needs, both on the ground and in the sky. By putting our Aviation Trust Fund dollars to work we can help all airports large and small provide for their needs. We can ensure that our skies are safe, our airports are secure and that our controllers have modernized tools to accommodate the growing air traffic demand.

I am pleased that the Senate has decided to pass this important legislation.

EDUCATION BLOCK GRANTS

Mr. KENNEDY. Mr. President, on Saturday, March 11, an editorial in the New York Times emphasized the significant concerns about the Republican education block grant proposal which was recently approved by the Health, Education, Labor and Pensions Committee. As this editorial points out, education block grants to states would not be the most effective use of public tax dollars. Block grants do nothing to ensure change and reform through proven effective methods such as a: well-qualified teacher in every classroom; reduced class sizes to give children the individual attention they need and allow teachers to maintain order and discipline; helping all children to meet high standards; and holding schools accountable for improving student achievement and giving the neediest children the extra help they need. Education is a high priority for states, communities, teachers, parents, and students throughout the country, and it is important that we listen to them as we consider the reauthorization of the Elementary and Secondary Education Act in the full Senate in the weeks ahead.

I believe that the editorial will be of interest to all of us concerned about this issue, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 2000]

MISDIRECTED EDUCATION MONEY

Congressional Republicans, who in 1995 wanted to abolish the federal Department of Education, now acknowledge that federal support for education is necessary. But their misguided insistence on sending federal education aid to the states in the form of large, unfocused block grants threatens to undermine services for disadvantaged students in the poorest districts.

The federal government currently contributes less than 10 cents of every dollar spent on public schools. That contribution, though small, is crucial because much of the money is directly aimed at especially needy schools in poor communities. The Senate is now in the process of reauthorizing the 1965 Elementary and Secondary Education Act, the law that governs how more than $15 billion in annual federal aid to public schools is spent. The House has been working through similar legislation in several smaller bills.

The Republicans in both the Senate and House want to roll a number of aid programs, including the Title I program that provides $8 billion a year for instructional support for disadvantaged children, into a single general block grant that would allow states to spend the money with less accountability and less focus on the neediest students.

Last October the House passed the "Straight A's" block-grant bill that creates a 10-state pilot project. This week the Senate Health, Education, Labor and Pensions Committee approved a broad measure that would allow all states to receive most of their federal school aid in the form of a block grant. Although the measure would require that states allocate Title I money in the block grant to school districts on the basis of poverty, it would also make available more than $3 billion of block grants without targeting high-poverty areas. State governors could direct the money toward any "educational purposes," including private school vouchers.

The Senate committee also approved an amendment sponsored by Judd Gregg, Republican of New Hampshire, that would allow 15 states to join a separate pilot project that would make available a higher level of block grants with even less federal oversight.

The Republicans want to give states flexibility. But their proposals do not create adequate mechanism to ensure that funds are spent effectively or where they are most needed. Block grants could also become targets for cuts because they are unfocused and susceptible to misuse. The Democrats and the Clinton administration are right to oppose them. Congress should be guiding the states in education reform by asking them to focus on specific targets—better teachers, smaller classes and higher standards—for all students, but particularly for the most disadvantaged. The Republican approach runs counter to that purpose.

PRESIDENT'S TRIP TO INDIA

Mr. GRAMS. Mr. President, I rise to speak in support of President Clinton's trip to India. For too long, the cold war, and India's leadership of the non-aligned movement, strained what should have been the natural bond between our two great democracies. The end of the cold war has now brought us together. India is a true friend to the United States in a region where respect for democracy is rare.

India has made great strides since achieving independence. Literacy has doubled, life expectancy has doubled, and infant mortality has been more than halved. However, India recognizes that commitment to democracy must be accompanied by free-market principles in order for prosperity to flourish. India's initial pursuit of socialist economic policies, including nationalizing production, subsidizing industries, and raising tariffs and other trade barriers, while imposing high taxes, caused its economy and its people to suffer.

With the end of the cold war, India's experiment with a centralized economic system is waning. India is starting to liberalize the economy, prompting foreign investment and reducing barriers to trade. The results are encouraging: India's growth rate, which had been stuck at 3 percent, is now exceeding 6 percent, and the outlook is promising for further improvement. While a commitment to socialism may still be enshrined in its Constitution, the economic reforms India is embracing are clearly leading the nation in a positive, new direction. For example, India's prowess in the high-technology sector makes it an able partner in that area. The recent decision to open its insurance and telecommunication sectors to foreign investors is emblematic of the kind of changes that will enable India to achieve its potential.

Mr. President, the only shadow over President Clinton's visit is the eruption of violence in Kashmir. Indian and Pakistani troops started exchanging heavy artillery fire along the disputed border a day ahead of his arrival in the region. While Kashmir has been a source of conflict between India and Pakistan for nearly a half century, the recent nuclear and ballistic missile tests by India and Pakistan have compelled the international community to increase pressure on the parties to resolve this dispute. There has been a recognition of the very real danger that Kashmir could become the "flashpoint" which sparks a wider regional war. I hope President Clinton uses this visit to encourage officials of India and Pakistan, and representatives of the people of Jammu and Kashmir, to begin an official dialogue.

Mr. President, there is an Indian saying that, "it is the spirit of the quest that determines its outcome." The President's trip is an important symbol of the renewed spirit of cooperation between the United States and India. I look forward to the achievements we will reach together, as both partners and friends, in the next half century.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 21, 2000, the Federal debt stood at $5,728,846,067,846.82 (Five trillion, seven hundred twenty-eight billion, eight hundred forty-six million, sixty-seven thousand, eight hundred forty-six dollars and eighty-two cents).

Five years ago, March 21, 1995, the Federal debt stood at $4,843,694,000,000 (Four trillion, eight hundred forty-three billion, six hundred ninety-four million).

Ten years ago, March 21, 1990, the Federal debt stood at $3,020,865,000,000 (Three trillion, twenty billion, eight hundred sixty-five million).

Fifteen years ago, March 21, 1985, the Federal debt stood at $1,709,314,000,000 (One trillion, seven hundred nine billion, three hundred fourteen million).

Twenty-five years ago, March 21, 1975, the Federal debt stood at $505,306,000,000 (Five hundred five billion, three hundred six million) which reflects a debt increase of more than $5 trillion—$5,223,540,067,846.82 (Five trillion, two hundred twenty-three billion, five hundred forty million, sixty-seven thousand, eight hundred forty-six dollars and eighty-two cents) during the past 25 years.

ADDITIONAL STATEMENTS

EDUCATION REFORM

• Ms. LANDRIEU. Mr. President, I thank my colleagues, Senator LIEBERMAN and Senator EVAN BAYH, for their leadership on this important issue. I am proud to stand with them and several others in support of an outstanding piece of legislation, one which calls for us to reinvent the federal funding stream, reinvest in our children's education and, perhaps most importantly, hold the system responsible when it fails to work for our kids. Over the past year, we have worked together with individuals and organizations from all fifty states, in an effort to craft a bill which reflects the concerns of all those involved in elementary and secondary education in America. We spoke with parents, teachers, principals, administrators and, most importantly, the students. In doing so, we came to this rather simple conclusion, we owe our children more than we are giving them. The future of this country depends on how well we are able to educate our children and prepare them for the changing global marketplace. In order to raise academic achievement in our public schools, we must put the priority of federal programs on performance instead of process, on delivering results instead of developing rules and on actively encouraging bold reforms instead of passively tolerating failure.

It is true that the Federal Government only contributes 7% to the overall spending in elementary and secondary education. But it is an important 7%, the portion which is directed to the most needy and challenged children. We must begin to use this $13 billion annually as leverage to promote national priorities such as quality teachers, smaller schools, lower teacher pupil ratios and raising the academic performance of minority and disadvantaged students. By streamlining the many different programs and funding streams currently under ESEA, over sixty to be exact, into six goal oriented titles we put the day to day decisions of education back where it belongs, at the local level.

With this added flexibility, we propose to double our contribution to Title I schools. As many of us know, Title I funding is essential for bridging the ever increasing gap in the quality of education available for the rich and the poor. In Louisiana, this would mean a $100,000,000 increase to support existing Title I programs as well as additional funding to develop and implement new and innovative strategies for improvement.

Of course, we all agree that those who are in the class room should be qualified and confident to teach the subjects they are assigned to teach, yet we must ask ourselves what are we doing to ensure that they are. What are we doing to attract the best and the brightest to the classroom? This bill would increase the funding available to states for the professional development of teachers to $3 billion. With this money, states could develop and maintain programs to address the increasing national teacher shortages and retain the quality teachers. It supports efforts like Troops to Teachers and other transitional teaching programs. Most importantly, it requires that those who teach our children are competent to do so.

And finally the third and final R—Responsibility. Our proposal calls for the Federal government to rededicate ourselves to the basic principles of accountability and consequences. In my view, accountability is an essential ingredient in any recipe for success.

As parents, how many of us would offer to pay our child a $10 or other incentives for every F they received on their report card? As investors, how many of us would double our investment in a company that continued to show poor earnings? Yet this is exactly what we continue to do in public education at the local and state level, we continue to fund failure and we do not reward progress. It is time to change that approach, it is not working. This proposal gives local educators the freedom they need to meet their specific needs, since they know best what their students require. However, it also requires that they meet specific performance measures—with real consequences for failure.

I am proud to say that Louisiana has been a leader in the call for accountability in public education. According to a recent report on accountability, "Louisiana has one of the Nation's most comprehensive accountability systems including ratings and consequences for schools, exit tests for students to graduate from high school and monetary rewards for successful schools." By using the carrot and stick approach, Louisiana has begun to see some positive results. A recent National Assessment of Educational Progress study found that Louisiana was one of only seven states that achieved significant gains between 1992 and 1994 in the percentage of fourth graders reading at proficient level or above.

In 1994, we decided, as a nation, that states should be held more accountable. Therefore, we attached Title I funding to standards based assessments to force states to take a long hard look where improvements needed to be made. But we did not go far enough in making sure that the consequences for not meeting these assessments were real. Under Three Rs we do. Right now, regardless if a state or local agency is making the grade, they receive equal funding. We aim to change that. Like a parent, we need to encourage schools to strive to achieve. We need to begin to reward them for A's not F's.

We also make accountability mean more than statewide tests. We create a funding structure that encourages states to implement an accountability system which includes report cards that summarize the performance of individual schools; targeted assistance to help schools improve; rewards for schools with high performance and the authority to close or take over and reconstitute schools that don't get better over time. In other words, real accountability.•

Also, this proposal ensures that state and local educational agencies have systems for additional or specialized assistance for children who are struggling to perform. Implementing a policy to end social promotion before ensuring appropriate school accountability and the opportunity for all students to learn in well equipped schools with high quality teachers is fundamentally unfair and must be stopped.

In closing, I would again like to thank my esteemed colleague from Connecticut. Because of his leadership and insight, this bill promises to bring about great change in public education. It is a bold step in the right direction. A step I am happy to join him in making.●

RECOGNITION OF PALADIN DATA SYSTEMS' SUPPORT OF THE WESTSOUND CONSORTIUM

● Mr. GORTON. Mr. President, when I travel across Washington state, one of the first topics I hear about from local businesses and high-tech companies is their need for people with high-tech skills. A Poulsbo company, Paladin Data, has taken their efforts to find skilled employees to a new level by donating is time and resources to train teachers in some of Washington state's public schools. For its commitment to working with teachers, improving student learning and expanding their skills, I am pleased to present Paladin Data with one of my 'Innovation in Education' Awards.

Several years ago, seven school districts in Kitsap, Mason, and Pierce Counties developed the West Sound School-to-Career Consortium which provides approximately 14,000 students with high-tech classes. This year Paladin Data will begin its first year of a three-year project that provides high-tech training to teachers involved with the West Sound School-to-Career program. Paladin data is also contributing $50,000 in matching funds to a state grant of $100,000 to provide needed curriculum materials and onsite teacher training in either a Paladin facility in Poulsbo or at a designated school district site. Moreover, each school district will determine what training their teachers will receive based on the needs of their district and their students.

Paladin is giving our teachers more information and skills that they can take back to their classrooms and shows teachers what skills employers are looking for in perspective employees, giving their students a leg up on the competition. Paladin's involvement is not only improving the education of our students, but also giving them an accurate picture of what skills they need well-before they enter the job market.

The Washington Software Alliance reports that over 64,000 computer-related jobs are currently unfilled in the State of Washington—all for lack of properly trained workers. I find it encouraging to see companies like Paladin Data, that are contributing to our booming economy, are taking an active role in ensuring the quality education of our children. I am proud to acknowledge Paladin Data System Systems Corporation's commitment to education and I look forward to hearing about more companies making a contribution to our children's future.●

THE U.S. DEPARTMENT OF ENERGY'S UNDERGROUND NUCLEAR WEAPONS TESTING ORIENTATION PROGRAM CELEBRATES ANNIVERSARY

● Mr. BRYAN. Mr. President, as Vice Chairman of the Senate Select Committee on Intelligence, it is my great pleasure to congratulate the men and women of the U.S. Department of Energy, Nevada Operations Office, the National Laboratories, and affiliated contractors who celebrate the 20th anniversary of the Underground Nuclear Weapons Testing Orientation Program this year. This proliferation training course based at the Nevada Test Site has trained over 500 U.S. Government policy makers and analysts from the arms control, intelligence, and defense communities since its inception in 1980.

This course provides briefings by subject matter experts from DOE and the Labs, to include an overview of how the U.S. historically conducted atmospheric and underground nuclear weapons tests and effects tests, the basis for diagnostic experiments, the challenges of stockpile stewardship, and the process for executing subcritical experiments. Through lectures, discussion, and orientation visits to underground facilities, control rooms, former ground zeros, equipment yards, and nuclear test artifacts, the course provides hands-on experience that goes to the core of nuclear weapons testing. The course also provides essential information suitable to contrast with foreign nuclear weapons testing programs.

The efforts of the DOE staff in Nevada are to be commended. It is their dedication in the planning and execution of this course that will train the next generation of intelligence analysts, collectors, managers, consumers and policy officials with responsibility for nuclear programs, proliferation, arms control, and related disciplines. It is my hope that they will continue this essential training course for many years to come.●

FILING OF ARTICLE 84 WITH ICAO

● Mr. INHOFE. Mr. President, I am pleased that the State Department has filed an Article 84 petition with the International Civil Aviation Organization (ICAO). This will provide the basis for the United States to demonstrate that the European Union's (EU) hushkit regulation is not in accordance with international noise standards set by ICAO and is essentially targeting U.S. aerospace. Already this unfair regulation has hurt U.S. aerospace companies and workers because of the uncertainty it has introduced into the marketplace. Accordingly, it is imperative that the Administration pursue this Article 84 forcefully to show that we will not stand for discriminatory rules that hurt U.S. interests. If we do not make this point clearly, strongly, and now, we will have done nothing to prevent future efforts by the EU to act without regard to international standards and in ways designed to harm the United States' longstanding primacy in aerospace.

Filing an Article 84 is the beginning of what may be a long process. The mere fact that it may take a period of time should not serve as an inducement to the Administration to seek to shortcut the ICAO process by entering into a negotiated settlement that does not fully protect our aerospace industry and workforce. Further, we must make clear that the principle of adhering to international standards is essential in an industry as global as aviation. If we fail to demonstrate the seriousness with which we take this matter, we will inevitably have done nothing more than encourage the EU to try such incursions in the future.

I can assure you that I and many others will be working to see that the right message is delivered on this critical matter.●

44TH ANNIVERSARY OF TUNISIA'S INDEPENDENCE

● Mr. INOUYE. Mr. President, I rise today in recognition of Tunisia, an old and devout friend and ally to the United States. March 20, 2000 marked Tunisia's 44th anniversary of Independence.

In 1797, Tunisia and the newly independent United States signed a "treaty of Amity, Commerce and Navigation." The pact provided for "perpetual and constant peace" between the parties. For more than 200 years, our two nations have enjoyed such a relationship. During World War II, Tunisia suppressed nationalistic sentiment to join the ranks of the Allied Forces and then supported western democratic ideals during the Cold War proving the U.S. could count on Tunisia. If all our foreign relationships were as faithfully observed as this one, our foreign relations would be more serene.

In the face of the ever-present strife that surrounds Tunisia, with its location between Algeria and Libya, the country has managed to maintain internal stability. With its steadily increasing economic growth, Tunisia has built a stable middle class society. This growth has allowed Tunisia to become a strategic partner in the growing African market.

The United States has benefitted greatly from its strong and prosperous relationship with Tunisia. We can not forget our friend in Africa who has stood by our side throughout our country's history.•

TRIBUTE TO WILLIAM J. CRAWFORD

• Mr. ALLARD. Mr. President, yesterday in Colorado, at the chapel of the United States Air Force Academy, our country buried a hero.

William J. Crawford, a recipient of the Congressional Medal of Honor, passed away March 15th at the home he built himself in Palmer Lake, Colorado. And while Mr. Crawford won the Congressional Medal of Honor—our nation's highest award—specifically for his actions during World War Two on a hill in Italy, he showed that the medal was well deserved by the actions of each and every day of his life.

On September 13th, 1943, Private Crawford and his 3rd Platoon, 1st Company, 36th Infantry Division were attacking Hill 424 near Altavilla, Italy. The platoon was pinned down by intense machine gun fire. Private Crawford, without orders and on his own initiative, singlehandedly destroyed the machine gun and allowed the rest of his platoon to advance. Later, the platoon was again blocked, this time from two enemy machine gun positions and small arms fire. Private Crawford once more went into action, destroyed both gun positions, and turned a captured German weapon on the withdrawing enemy, facilitating the company's advance.

As his Medal of Honor citation says, this was an act of "conspicuous gallantry . . . . above and beyond the call of duty." But Mr. Crawford's sacrifice for his country went further. He was captured during the same battle later that day, and eventually served 19 months in a German POW camp. The Army thought he had been killed, and actually awarded his Medal posthumously to his father. It was not until 1984 that a ceremony was held presenting the Medal to William himself. President Ronald Reagan had that honor, at the annual commencement ceremony held at the Air Force Academy.

Every year, Mr. Crawford attended that graduation to present the Outstanding Cadet award. Because Private Crawford, even after his bravery, even after 19 months in a POW camp, and even after an additional 22 years of post-war service to his country, continued to serve his nation. After his retirement in 1967, Mr. Crawford took a job as a janitor at the Air Force Academy. It let him supplement his retirement pay, and—more importantly—kept him around the armed forces life, and in contact with the future leaders of our military, young officers who can always use a outstanding role model of sacrifice, service, and modesty. In his last years he was very active with children, speaking to and teaching them about WWII, and serving as a shining example of dedication and patriotism.

Mr. Crawford's life was one of service: from the gallantry in combat to the less intense but also important roles as mentor, community volunteer, scoutmaster, and role model. As that life ends, as we honor a departed hero, we also recognize the continuance of the memory and legacy of a life well lived. Thank you, Mr. Crawford.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Sherman Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE ANNUAL REPORT FOR FISCAL YEARS 1996, 1997, AND 1998 OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1996–1997, and the annual report for fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

THE ANNUAL REPORT FOR 1998 OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I am pleased to transmit the 1998 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing knowledge and public education in the humanities. Throughout 1998, the agency provided crucial support to hundreds of research and educational projects throughout the United States and its territories. The Endowment also provided grants to innovative educational projects employing the latest computer technologies, as well as to efforts to preserve library and archival resources and make such resources available to schools, scholars, and citizens.

In 1998, the NEH continued to exercise leadership in applying technology to the humanities. The Endowment launched Schools for a New Millennium, a program that provides funding to schools to further humanities education through the creative use of new technologies. In Lawrence, Kansas, one Schools for a New Millennium project is digitizing photographs and historical documents for use in junior high classrooms. The Endowment also extended its Internet strategy by expanding its EDSITEment project in partnership with the Council of Great City Schools and MCI WorldCom, more than doubling the number of high quality humanities sites available to students and teachers.

I am especially pleased by another of the agency's partnerships employing both the Internet and traditional broadcasting. The Endowment is partnering with the White House Millennium Council on the presentation of "Millennium Evenings at the White House," a series of showcase events that explore the ideas and creativity of the American people on the eve of a new millennium. These programs feature prominent scholars and creative thinkers and are accessible to the public by satellite and cable broadcasts, and many State humanities councils are coordinating local downlink sites. With support from SUN Microsystems, these lectures and discussions are cybercast live from the East Room in the White House. Viewers can submit questions via the Internet to the guest speaker or to the First Lady and me.

The NEH is well-known for its support of documentary films based on a collaboration between filmmakers and humanities scholars. In 1998, the Endowment maintained this tradition of excellence with its support of "Eleanor Roosevelt," which drew upon outstanding new historical scholarship, archival films, photographs, and first-hand testimonies to paint a vivid portrait of one of America's most outstanding women.

The Endowment's grants also addressed the long-term needs of the Nation's cultural and academic institutions. In 1998, the NEH created a special program designed to aid the Nation's public libraries in serving the public with humanities programming. Among the institutions aided in 1998 by

Challenge Grants was the African American Research Library and Cultural Center, a new facility created by the Broward County Public Library to serve Broward County's growing and diverse population.

Through its Preservation Programs, the NEH is preserving the content of hundreds of thousands of brittle books, periodicals, and American newspapers—priceless sources for present and future historians and scholars. The Endowment's initiative to save such materials is now entering its tenth year, and will preserve nearly a million books and periodicals by the time it is completed. The U.S. Newspaper Project, an equally important effort to microfilm historic newspapers, is creating a comprehensive national database for scholars, students, and citizens who wish to research their community's history.

In November 1998, the First Lady and I joined the Endowment in honoring at the White House nine distinguished Americans with the National Medal of the Humanities. Through these awards and its grants programs, the National Endowment for the Humanities recognizes and promotes outstanding efforts to deepen public awareness and understanding of the humanities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

MESSAGE FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 1680. An act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day.

The message further announced that pursuant to section 8162(c)(3) of Public Law 106-79, the Speaker has appointed the following Members of the House to the Dwight D. Eisenhower Memorial Commission: Mr. THORNBERRY of Texas, Mr. MORAN of Kansas, Mr. MOORE, and Mr. BOSWELL.

The message also announced that pursuant to section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170), the Minority Leader has appointed the following individuals on the part of the House to the Ticket to Work and Work Incentives Advisory Panel: Mr. Jerome Kleckley of New York, to a 4-year term and Ms. Frances Gracechild of California, to a 2-year term.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office"; to the Committee on Governmental Affairs.

H.R. 1680. An act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 2262. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2263. A bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3081. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8044. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the implementation of the Age Discrimination Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

EC-8045. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health AIDS Research Loan Repayment Program for FY 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-8046. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institute of Child Health and Human Development Contraception and Infertility Research Loan Repayment Program for FY 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-8047. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globin (Human); Confirmation in Part and Technical Amendment" (Docket No. 98N-0608), received March 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8048. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 99F-0461), received March 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8049. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the FY 1999 annual performance report; to the Committee on Health, Education, Labor, and Pensions.

EC-8050. A communication from the General Counsel, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled "Final Rule on Business Practice Standards for Open Access Same-time Information Systems (OASIS) Transactions" (RIN1902-AB78), received March 20, 2000; to the Committee on Energy and Natural Resources.

EC-8051. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service; The Career Conditional Employment System; Promotion and Internal Placement" (RIN3206-Ai51), received March 20, 2000; to the Committee on Governmental Affairs.

EC-8052. A communication from the General Counsel, Cost Accounting Standards Board, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Cost Accounting Standards Board; Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage; Interim Rule", received March 15, 2000; to the Committee on Governmental Affairs.

EC-8053. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of the District of Columbia Sports and Entertainment Commission for Fiscal Years 1996 through 1998"; to the Committee on Governmental Affairs.

EC-8054. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for February 2000; to the Committee on Governmental Affairs.

EC-8055. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report on the accomplishments of the Office for Victims of Crime for fiscal years 1997 and 1998; to the Committee on the Judiciary.

EC-8056. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Nutrient Content Claims, Definition of Term: Healthy" (RIN0583–AC65), received March 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8057. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation and Interstate Movement of Certain Land Tortoises" (Docket #00–016–1), received March 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8058. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Modification of the 'Vegetable Protein Products' Requirements for the National School Lunch Program, School Breakfast Program, Summer Food Service Program and Child and Adult Care Food Program" (RIN0584–AC82), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8059. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Electronic Signatures by Customers, Participants and Clients of Registrants" (RIN3038–AB47), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8060. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption from Registration as a Commodity Trading Advisor" (RIN3038–AB48), received March 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8061. A communication from the Inspector General, Department of Agriculture, transmitting a report of the Audit of the Management of USDA Program Complaints by the Department's Office of Civil Rights; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8062. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health Clinical Research Loan Program for Individuals from Disadvantaged Backgrounds; to the Committee on Health, Education, Labor, and Pensions.

EC–8063. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Devolution of Corporate Governance Responsibilities" (RIN3069–AA96), received March 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8064. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Membership Regulation Advances Regulation" (RIN3069–AA94), received March 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8065. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control); Capital Adequacy Guidelines" (Docket No. R–1067), received March 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8066. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control); Conduct of Merchant Banking Activity" (Docket No. R–1065), received March 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8067. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation H (Membership of State Banking Institutions in the Federal Reserve System)" (Docket No. R–1066), received March 16, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8068. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control); Financial Holding Companies" (Docket No. R–1057), received March 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8069. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Coverage of, and Payments for, Paramedic Intercept Ambulance Services" (RIN0938–AH13), received March 20, 2000; to the Committee on Finance.

EC–8070. A communication from the Chief, Regulations Unit, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority (T.D. ATF–425)" (RIN1512–AB98), received March 16, 2000; to the Committee on Finance.

EC–8071. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of Revenue Procedure 80–18 to Reflect Repeal of U.K. Act" (Rev. Proc. 2000–13) (RP–105329–99), received March 15, 2000; to the Committee on Finance.

EC–8072. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Prevailing State Assumed Interest Rates" (Rev. Rul. 2000–17), received March 15, 2000; to the Committee on Finance.

EC–8073. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Quarterly Interest Rates—April 2000" (Rev. Rul. 2000–16), received March 15, 2000; to the Committee on Finance.

EC–8074. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to-law, the report of a rule entitled "Appeal Settlement Guidelines Excess Moisture" (UIL:4121.01–01), received March 15, 2000; to the Committee on Finance.

EC–8075. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 817(h) Diversification Requirements for Variable Annuity Contracts" (Notice 2000–9), received March 15, 2000; to the Committee on Finance.

EC–8076. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Waiver of Form SS–4 Signature Requirement" (Notice 2000–19), received March 15, 2000; to the Committee on Finance.

EC–8077. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Penalty Mail in the Location and Recovery of Missing Children" (TD 8848), received March 15, 2000; to the Committee on Finance.

EC–8078. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Air-Carrier Pilot Pre-Employment Screening Standards and Criteria Study"; to the Committee on Commerce, Science, and Transportation.

EC–8079. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plans" (RIN0648–AM52), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8080. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; A Cost Recovery Program for the Individual Fishing Quota Program" (RIN0648–AJ52), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8081. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Directed Fishing for Pacific Cod for Inshore Processing Component in the Western Regulatory Area of the Gulf of Alaska", received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8082. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Directed Fishing for Species in the Rock sole/Flathead sole/'Other flatfish' Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area", received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8083. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Cod Fishery by Vessels Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area", received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8084. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area", received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8085. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Hook-and-Line Gear Groundfish Except for Sablefish or Demersal Shelf Rockfish in the Gulf of Alaska", received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8086. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Area Off Alaska—Pollock Closure in Statistical Area 620 Outside the Shelikof Strait Conservation Area in the Gulf of Alaska", received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8087. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Juan Harbor, PR" (RIN2115-AA97) (2000-0004), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8088. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength; Final Rule; Technical Amendment; Response to Petition to Delay Effective Date" (RIN2127-AH84), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8089. A communication from the Legal Technician, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (RIN2127-AH46), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8090. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Devices; 3 Year Old Child Crash Test Dummy" (RIN2127-AG77), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8091. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Safety Fitness Procedures; Safety Fitness Rating Methodology" (RIN2126-AA43), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8092. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of a Single Individual Contemporaneously Acting as the Qualifying Individual for Both an Ocean Freight Forwarder and a Non-Vessel-Operating Common Carrier" (FMC Docket No. 99-23), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8093. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Grant Minority Serving Institutions Partnership Program: Request for Proposals for FY 2000" (RIN0648-ZA80), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8094. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (4); Amdt No. 421 (3-17/3-20)" (RIN2120-AA63) (2000-0002), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Three Jet Routes; Bellingham, WA; Docket No. 00-ANM-04 (3-10/3-16)" (RIN2120-AA66) (2000-0066), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Estherville, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-54 (3-20/3-20)" (RIN2120-AA66) (2000-0070), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshall, MO; Correction; Direct Final Rule; Confirmation of Effective Date and Correction; Docket No. 99-ACE-51 (3-10/3-16)" (RIN2120-AA66) (2000-0068), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Whitesburg, KY; Docket No. 99-ASO-1 (3-10/3-16)" (RIN2120-AA66) (2000-0067), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8099. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Bonham, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-34 (3-20/3-20)" (RIN2120-AA72) (2000-0072), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fort Stockton, TX; Direct Final Rule; Request for Comments; Docket No. 2000-ASW-09 (3-20/3-20)" (RIN2120-AA66) (2000-0073), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8101. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (71); Amdt. No. 1978 (3-14/3-20)" (RIN2120-AA65) (2000-0016), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8102. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (16); Amdt. No. 1980 (3-14/3-20)" (RIN2120-AA65) (2000-0015), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8103. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (81); Amdt. No. 1979 (3-14/3-16)" (RIN2120-AA65) (2000-0014), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8104. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes; Docket No. 98-NM-57 (3-15/3-16)" (RIN2120-AA64) (2000-0141), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8105. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 99-NM-73 (3-20/3-20)" (RIN2120-AA64) (2000-0157), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8106. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes; Docket No. 98-NM-58 (3-20/3-20)" (RIN2120-AA64) (2000-0161), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8107. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99-NM-22 (3-20/3-20)" (RIN2120-AA64) (2000-0162), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8108. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A, and -300A Series Airplanes; Docket No. 99-NM-237 (3-20/3-20)" (RIN2120-AA64) (2000-0163), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8109. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 140-a00A, -200A, and -300A Series Airplanes Equipped with Allied Signal ALF502R Series Engines; Docket No. 98-NM-174 (3-20/3-20)" (RIN2120-AA64) (2000-0158), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8110. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Eurocopter France Model EC 120B Helicopters; Docket No. 99-SW-85 (3-15/3-16)" (RIN2120-AA64) (2000-0142), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8111. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS355N Helicopters; Request for Comments; Docket No. 99-SW-87 (3-15/3-20)" (RIN2120-AA64) (2000-0154), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8112. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model As355N Helicopters; Request for Comments; Docket No. 99-SW-87 (3-17/3-20)" (RIN2120-AA64) (2000-0164), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8113. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300-600 Airplanes; Docket No. 98-NM-211 (3-20/3-20)" (RIN2120-AA64) (2000-0156), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8114. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes; Docket No. 99-NM-241 (3-8/3-16)" (RIN2120-AA64) (2000-0146), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8115. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319 and A321 Series Airplanes; Docket No. 99-NM-353 (3-8/3-16)" (RIN2120-AA64) (2000-0148), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8116. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes; Docket No. 99-NM-337 (3-8/3-16)" (RIN2120-AA64) (2000-0147), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8117. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050, 200, 500, and 600 Series Airplanes; Docket No. 98-NM-186 (3-8/3-16)" (RIN2120-AA64) (2000-0149), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8118. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model 400A and 400T Series Airplanes; Docket No. 99-NM-334 (3-8/3-15)" (RIN2120-AA64) (2000-0151), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8119. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Fan Jet Falcon Series Airplanes; Model Mystere-Falcon 20, 50, 200 and 900 Series Airplanes, and Model Falcon 10, 900EX, and 2000 Series Airplanes; Docket No. 99-NM-319 (3-14/3-16)" (RIN2120-AA64) (2000-0143), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8120. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235-100 and Cn-235-200 Series Airplanes; Docket No. 99-NM-261 (3-8/3-16)" (RIN2120-AA64) (2000-0144), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8121. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Ayres Corporation S2R Series Airplanes; Docket No. 99-CE-57 (3-20/3-20)" (RIN2120-AA64) (2000-0160), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8122. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Luftfahrt GmbH 228 Series Airplanes; Docket No. 99-CE-43 (3-20/3-20)" (RIN2120-AA64) (2000-0165), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8123. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc 524 Series and Trent 768-60 and 772-60 Turbofan Engines; Request for Comments; Docket No. 99-NE-59 (3-8/3-16)" (RIN2120-AA64) (2000-0152), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8124. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines; Request for Comments; Docket No. 2000-NE-02 (3-16/3-20)" (RIN2120-AA64) (2000-0155), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8125. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 98-SW-70 (3-8/3-16)" (RIN2120-AA64) (2000-0145), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8126. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Model S-61 Helicopters; Request for Comments; Docket No. 99-SW-61 (3-10)" (RIN2120-AA64) (2000-0140), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8127. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International, Inc. KAP 140 and KFC 225 Autopilot Systems; Request for Comments; Docket No. 2000-CE-11 (3-20/3-20)" (RIN2120-AA64) (2000-0159), received March 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8128. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International 36-300A, 36-280B, and 36-280D Series Auxiliary Power Units; Docket No. 99-NE-34 (3-8/3-16)" (RIN2120-AA64) (2000-0150), received March 16, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-440. A joint resolution adopted by the Legislature of the State of Washington relative to pipeline safety; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT MEMORIAL 8017

Whereas, Ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the oversight of interstate pipelines has been largely preempted by federal law; and

Whereas, Several significant pipeline spills have occurred in Washington State in recent years, including a major petroleum spill in the City of Bellingham, resulting in a fire which killed three people and destroyed much of a city park; and

Whereas, Washington Governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, Washington State through its Legislature and Governor are developing a strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such a program cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support: Now therefore,

Your Memorialists respectfully pray that:

(1) The Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce;

(2) Such Act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards; .

(3) As an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to

states that qualify to enforce federal standards; and

(4) The Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-441. A joint resolution adopted by the Legislature of the State of Washington relative to the environmental clean-up project at the Hanford site; to the Committee on Appropriations.

House Joint Memorial 4022

Whereas, the United States government in the throes and peril of World War II and the following cold war did confiscate and use five hundred sixty square miles of desert on the banks of the Columbia River in Washington State, which came to be known as the Hanford site, to produce plutonium for use in nuclear weapons, which did contribute to bringing both wars to conclusion; and

Whereas, The peace and well-being of the citizens of the United States was furthered for over forty-five years by the work done at the Hanford site; and

Whereas, The Hanford site is now the nation's biggest environmental clean-up project; and

Whereas, Sixty percent of the nation's defense nuclear waste is stored at Hanford in one hundred seventy-seven underground storage tanks, most of which are beyond their design life, and one-third of which have leaked one million gallons to the ground; and

Whereas, The tanks are seven miles south and ten miles west of the Columbia River, the largest river in the Pacific Northwest and a national treasure; and

Whereas, The site is currently in the process of cleaning up the legacy left by the above stated work, which was in the best interests of the American people; and

Whereas, The Hanford site is the only one of the United States Department of Energy sites without a waste treatment facility; and

Whereas, The Department of Energy Office of River Protection was created by Congress in 1998 to manage all aspects of the tank waste remediation project; and

Whereas, Full funding of this environmentally necessary clean-up effort is imperative and overdue: Now, therefore

Your Memorialists respectfully pray that, with due respect for other clean-up projects' needs, full funding as necessary to build a vitrification treatment plant, retrieve waste from the tanks, feed waste into said vitrification treatment plant, and dispose of resulting glass logs be forthcoming on schedule to meet the negotiated dates contained in the Tri-Party Agreement between the Washington State Department of Ecology, the United States Environmental Protection Agency, and the United States Department of Energy, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes (Rept. No. 106–247).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1629. A bill to provide for the exchange of certain land in the State of Oregon (Rept. No. 106–248).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. Hatch, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Biden, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Breaux, Mr. Bryan, Mr. Bunning, Mr. Byrd, Mr. Burns, Mr. Campbell, Mr. L. Chafee, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Coverdell, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Gorton, Mr. Graham, Mr. Grassley, Mr. Hagel, Mr. Helms, Mrs. Hutchison, Mr. Inhofe, Mr. Jeffords, Mr. Johnson, Mr. Kerrey, Mr. Kohl, Mr . Leahy, Mr. Levin, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McConnell, Ms. Mikulski, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Schumer, Mr . Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN (for himself and Mr. Brownback):

S. 2267. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes; read the first time.

By Mr. SMITH of New Hampshire:

S. 2268. A bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. Torricelli):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. Craig, and Mr. Smith of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. Rockefeller, Ms. Landrieu, Mr. Levin, Mr. Kerry, Mr. Kerrey, Mr. Wellstone, Ms. Collins, Mrs. Boxer, Mr. L. Chafee, Mrs. Lincoln, and Mr. Bingaman):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. Rockefeller, Ms. Landrieu, Mr. Levin, Mr. Kerry, Mr. Kerrey, Mr. Wellstone, Ms. Collins, Mrs. Boxer, Mr. L. Chafee, Mrs. Lincoln, and Mr. Bingaman):

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 2273. A bill to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. Kennedy, Mr. Jeffords, Mr. Harkin, Mr. Reed, and Mr. Moynihan):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children; to the Committee on Finance.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. Hatch, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Biden, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Breaux, Mr. Bryan, Mr. Bunning, Mr. Byrd, Mr. Burns, Mr. Campbell, Mr. L. Chafee, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr.

COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. 2266. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking, Housing, and Urban Affairs.

THE 2002 SALT LAKE OLYMPIC WINTER GAMES COMMEMORATIVE COIN ACT

Mr. BENNETT. Mr. President, I rise to introduce legislation that would direct the Secretary of the Treasury to mint coins commemorating the 2002 Salt Lake Olympic Winter Games.

The first modern Winter Olympic Games were held in Chamonix, France in 1924. Since then, the Winter Olympics has been held every four years to recognize outstanding accomplishments of athletes throughout the world. Salt Lake City, Utah is proud to be hosting the 2002 Winter Olympic Games, the first Olympic Winter Games of the new Millennium.

While it is a great honor for us to host the 2002 Winter Olympic Games, our state will have a tremendous financial burden placed upon us. The proceeds from these commemorative coins are greatly needed to help us support these events and train future Olympic athletes. I would like to stress that minting these commemorative coins will have no net cost to the Federal Government, and that the proceeds will be distributed equally to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 and the United States Olympic Committee.

Mr. President, this is the smallest Olympic coin program ever, containing only two coins. Additionally, the program has been developed in consultation with the Mint and the numismatic community to address concerns over previous commemorative coin programs.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "2002 Winter Olympic Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 80,000 $5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 400,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year "2002", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. SELECTION OF DESIGN.

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts;

(B) the United States Olympic Committee; and

(C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereafter in this Act referred to as the "Olympic Properties of the United States"); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2002.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) MARKETING.—The Secretary, in cooperation with the Olympic Properties of the United States, shall develop and implement a marketing program to promote and sell the coins issued under this Act both within the United States and internationally.

SEC. 7. SURCHARGE.

(a) SURCHARGE REQUIRED.—All sales of coins issued under this Act shall include a surcharge of $35 per coin for the $5 coins and $10 per coin for the $1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) UNITED STATES OLYMPIC COMMITTEE.—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee, as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

By Mrs. FEINSTEIN (for herself and Mr. TORRICELLI):

S. 2269. A bill to amend the Federal Election Campaign Act of 1971 to ban soft money donations, increase individual contribution limits to candidates, and increase disclosure for issue advocacy; to the Committee on Rules and Administration.

CAMPAIGN FINANCE REFORM LEGISLATION

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation which I hope might move the Senate closer to the passage of meaningful campaign finance reform. I have voted for versions of the McCain-Feingold reform legislation at least six times in the past 4 years. I continue to support passage of that bill, and I will vote for it in the future.

I am concerned, however, that this legislation might not come up for a vote again in this Congress. Earlier this morning, the Rules Committee, of which I am a member and which Senator MCCONNELL chairs, began a series of hearings on the constitutionality of campaign finance reform. At that time, I indicated that what I wished to do was submit a bill which might have an opportunity to break the gridlock surrounding campaign finance reform, and develop some kind of consensus.

So if I may, on behalf of Senator TORRICELLI and myself, I send a bill to the desk and ask for its submission to committee.

The PRESIDING OFFICER. Without objection, the bill will be received and referred.

Mrs. FEINSTEIN. Mr. President, this bill has three simple provisions. First of all, it bans soft money. Second, it raises hard money contributions to candidates from $1,000 to $3,000. Third, it requires the disclosure of those parties who pay for the so-called issue ads, who contribute to the soft money which at present is undisclosed. So it would require disclosure of any expenditure of $10,000 or more of an independent campaign within 48 hours, and it would require disclosure of any individual who contributes more than $3,000 to an independent campaign. That is all this bill would do.

I think, any way you look at it, looking at campaign spending reform, one has to look at the unregulated nature of soft money and the appearance—and I use the word "appearance"—of corruption that it brings to campaigns.

Clearly, when in the same session of Congress you have tobacco legislation in front of this body and you have a tobacco company that contributes $1 million in soft money at the same time, you can draw a conclusion—perhaps falsely, but nonetheless draw it—that that money is contributed in large amounts with hopes of gaining votes in support of the company.

I think the numbers, the size of soft money contributions, really, are what ought to concern this body. The Republican Party raised $131 million in soft money during the 1998 election cycle. That is a 150-percent increase over the last midterm election, in 1994. So from 1994 to 1998, 4 years, there has been a 150-percent increase in the amount of soft money. The Democratic Party raised $91.5 million during this same period. That is an 86-percent increase over 4 years.

At this rate, you can see the amount of soft money is going to, by far, dominate anything individual candidates can raise or do during an election.

A recent analysis found that national political party committees together raised $107 million just during 1999 alone. That is 81 percent more than the $59 million they raised during the last comparable Presidential election period in 1995. Congressional campaign committees of the national parties raised more than three times as much soft money during 1999 as they raised during 1995—$62 million compared to $19 million.

We clearly have a trendline going. I think the decision one has to make is, is this trendline going to be healthy for the American political process? Those who think it is will be for soft money. But I think most of us believe, truly, that it is not.

The problem comes because the contribution limit is so low for an individual candidate. My bill says eliminate soft money, and the tradeoff is to increase the hard money contribution for every individual candidate from $1,000 to $3,000.

We heard that the 1971 contribution limit of $1,000 today in real dollars is worth about $328. The limit was set 29 years ago and clearly needs to be raised because the costs of campaign materials, consultant services, television, radio, all of the necessary tools of any viable campaign have clearly increased. So what was worth $1,000 in 1971 is now worth $328. This would clearly be equalized to have a meaningful parity with 1971 if the sum were raised to $3,000.

What my bill will do is move campaign contributions from under the table to above the table. Instead of hundreds of thousands of unregulated dollars flowing into the coffers of national political parties, this legislation will increase the amount an individual might contribute to a candidate under the existing rules of the Federal Election Campaign Act. So what we would be doing is exchanging soft money for increased limits, soft money being undisclosed and unregulated and hard money being both disclosed and regulated.

It is not the small contributions to an individual's campaign, I think, that Americans view as corrupting.

It is the large checks of $100,000, $250,000, and $1 million, or more, to parties that creates this appearance. My bill would eliminate this soft money while still allowing candidates to compete without the influence of the national parties and these huge amounts of money.

The final component of the bill is the greater regulation of so-called issues advocacy. A current campaign law loophole allows unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

Issue advocacy does not use the so-called "magic words", such as "vote for," "elect," "defeat" or "reelect" that the Supreme Court has identified as express advocacy and, therefore, are not subject to FEC regulation.

This bill would define "electioneering communications" as an advertisement broadcast from television or radio that refers to a candidate for Federal office and is made 60 days before a general election or 30 days before a primary.

Any individual or organization that spends more than $10,000 on such an ad must disclose the expenditure to the FEC within 48 hours. In addition, all contributions greater than $3,000 to groups that engage in electioneering communications must be disclosed to the FEC within 48 hours.

This takes that anonymous area of independent campaigns and clarifies express advocacy and regulates and discloses all of the money.

The Annenberg Public Policy Center has studied the amount that independent groups have spent on issue advocacy in each of the last two election cycles: 1995–96 and 1997–98. The study estimates that the amount spent on issue ads more than doubled, to some $340 million.

The Center's report indicates that as election day gets closer, issue ads become more candidate-oriented and more negative. This kind of unregulated attack advertisements are poisoning the process and driving voters, I believe, away from the polls.

With the passing of every election, it becomes increasingly clear that our campaign system desperately needs reform. I think this reform measure has a very real chance of being passed.

Once again, let me say, it bans soft money; it increases hard money contribution limits to candidates from $1,000 to $3,000; it ties them to inflation after 2001; it says simply that anyone engaging in independent campaigns must, in effect, disclose, within 48 hours, contributions greater than $3,000 or expenditures of more than $10,000.

I strongly believe that congressional action on meaningful campaign finance reform is a very necessary first step in restoring the public's confidence in our government. I hope that my colleagues will see this as an attempt to reach across the partisan gap, and join me in supporting this bill.

By Mr. HATCH (for himself, Mr. CRAIG, and Mr. SMITH of New Hampshire):

S. 2270. A bill to prohibit civil or equitable actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes; to the Committee on the Judiciary.

THE RIGHT TO BEAR ARMS PROTECTION AND PRIVACY ACT OF 2000

Mr. HATCH. Mr. President, I rise to introduce a very significant bill—the Right to Keep and Bear Arms Protection and Privacy Act.

There is a gun control frenzy taking place in Washington. There are about 1,070 bills either regulating or dealing with firearms pending in the House and Senate. These range from imposing new Federal regulatory standards on the manufacture of firearms to those requiring background checks at gun shows. And President Clinton has written a letter informing me that he will not sign long overdue, worthwhile and comprehensive youth violence legislation unless it includes most of this gun control agenda.

I have become convinced that, for conscientious and reasonable defenders of the Second Amendment, it is not enough to simply oppose the gun control communities legislative agenda. Instead, we just redouble our efforts and set out to pass an affirmative legislative agenda which safeguards the right to keep and bear arms.

Many gun control advocates claim that it is not their goal to interfere with the rights of law abiding gun owners. Many question sincerity. The bill I am introducing today will afford gun control advocates the opportunity to prove their critics wrong. This important bill is a first step in what I hope will become a bipartisan campaign to safeguard the rights of law abiding gun owners.

Simply put, this plainly written bill would end burdensome and frivolous suits against law abiding firearm manufacturers, dealers, and owners, and preclude new ones, except in those cases where plaintiffs could show that the manufacturer or seller knew that the firearm would be used to commit a Federal or State crime. Thus, if it can be shown that manufacturers and sellers knew that a specific product would be used to a commit crime, then they will be subject to a civil action, if not a criminal prosecution. The provision also has the beneficial effect of striking a blow against "legislation through litigation," which has enriched the trial lawyers while harming many of our Nation's law abiding citizens and businesses.

In addition, the bill also addresses the concerns of gun owners and advocates of the Second Amendment that the federal regulatory process will be misused by the government to abridge the constitutional right to keep and bear arms. The bill thus contains the following provisions: (1) a prohibition against the government charging a background check fee in connection with the transfer of a firearm; (2) a gun owner privacy protection component which requires immediate destruction of background check records for approved firearms buyers; and (3) establishes a civil remedy for private citizens aggrieved by government violations of the background check fee or gun owner privacy provisions. After all, if firearms manufacturers should be subjected to civil liability for illegal acts, why shouldn't the government be liable if a law abiding gun owner's privacy protections are violated?

As a Senior proudly representing the people of Utah, I take seriously our oath of office to defend our Union's defining document—the Constitution of the United States. I truly concur with the remarks of the great British Prime Minister William Gladstone when he wrote in 1878 that the "American Constitution is * * * the most wonderful work ever struck off at a given time by the brain and purpose of man."

So too, I am an avid supporter of the Second Amendment. I believe, following the teachings of virtually all the Founders of our Republic, that the right of citizens to keep and bear arms has justly been considered as, in the words of the learned Justice Joseph Story, "the palladium of the liberties of the republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them."

It is astonishing to me that despite this pedigree of the Second Amendment, the enemies of the right to keep and bear arms, those advocates of state-ism and the politics of the left, have stooped to new lows in their crusade to diminish the God-given liberties of the American people. Seeing that radical gun control measures are unpopular and cannot pass Congress and state legislatures, those hostile to the Second Amendment have resorted to a new tactic in a not-so-veiled attempt to undermine the right to keep and bear arms.

They have resorted to misusing our civil litigation system by bringing law suits against the source of guns: firearms manufacturers. They seek damages from firearms manufacturers for any harm caused by gun wielding criminals, even though the manufacturers are not responsible for the crimes. This violates traditional precepts of American law, which is based upon the free-will notion that only those responsible should be held liable.

More specifically, over the past few years the firearms manufacturing industry has been subjected to these numerous "junk" lawsuits seeking damages or injunctive relief for harm caused by third-party criminal actors. Many of these cases have been brought by local government entities, including approximately thirty American cities. The Clinton Administration had announced that it would support these lawsuits and publicly threatened that the Department of Housing and Urban Development would commence an action against the firearms manufacturers.

Generally, the plaintiffs in these cases argue that although the firearms are legal products and despite the criminal actions of third parties, manufacturers and sellers should be held liable because of the negligent fashion in which they designed, marketed, and sold their products. This novel theory stands traditional tort law on its head.

These radical lawsuits are onerous and may well bankrupt many firearms manufacturers. If a maverick judge were to rule in favor of the plaintiffs in one of these cases, the industry could face financial ruin. Indeed, the Louisiana state judge handling the City of New Orleans lawsuit recently refused to dismiss that lawsuit notwithstanding the enactment of a state law that nullified the cause of action. The net result may very well be the disappearance of a lawful product—firearms—from interstate commerce.

Let me mention a junk lawsuit brought by the City of Chicago against 12 suburban gun shops, 22 gun manufacturers, and four gun distributors. The Chicago Tribune, in an editorial dated November 14, 1998, agreed that the mayor's anger at the misuse of handguns was understandable, but called his lawsuit "wrongheaded and ill-advised" because "it represents an abuse of the tort liability system and a dangerous extension of the tactic employed in similar lawsuits against the tobacco industry of using potentially bankrupting lawsuits to force makers of legal but unpopular products to quit."

To one federal district court, such lawsuits are "an obvious attempt unwise and unwarranted to ban or restrict handguns through courts and juries, despite the repeated refusals of state legislatures and Congress to pass strong, comprehensive gun-control measures." [*Patterson* v. *Rohm Gessellschaft*, 608 F. Supp. 1206, 1211 (N.D. Tex. 1985)].

Indeed, in characterizing the federal lawsuit against the tobacco producers and the HUD suit threatened against the firearms industries, and in complete candor, former Clinton Secretary of Labor Robert Reich noted that:

> * * * the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil suits initiated by the executive branch. This is faux legislation that sacrifices democracy to the discretion of administrative officials operating in secrecy.

[Robert Reich, "Don't Democrats Believe in Democracy," The Wall Street Journal, Wednesday, January 12, 2000].

Furthermore, these junk lawsuits seek to reverse the well-established tort law principle that manufacturers are not responsible for the criminal misuse of their products. For instance, the Seventh Circuit Court of Appeals in *Martin* v. *Harrington and Richardson, Inc.*, [743 F. 2d 1200, 1205 (7th Cir. 1984)], held that criminal misuse of a handgun breaks the causal connection between the manufacturers action and the injury "because such criminal activity is not reasonably forseeable."

A judge from a federal district court noted that "under all ordinary and normal circumstances in the absence of any reason to expect the contrary, the actor may reasonably proceed with the assumption that others will obey the criminal law." [*Bennett* v. *The Cincinnati Checker Cab*, 353 F.Supp. 1206, 1209 (E.D. Kent, 1973)]. It is important to note that in his opinion the judge cited the noted tort expert, the late Professor Prosser, for the proposition that entities are not liable for criminal acts of others because such acts are generally unforeseeable and thereby cut the chain of proximate causation. [Prosser, Torts, 3d ed. at 176].

Moreover, these lawsuits suffer from the same defect that some, if not all, of the courts in the federal tobacco lawsuit suffer from: lack of standing. Government entities, absent specific statutory authority—which is not present in either the federal tobacco case or these gun manufacturers cases—may not recoup medical and other expenses paid by government agencies from manufacturers of products alleged to cause the harm to "third party" beneficiaries of government programs. For instance let me mention two cases. *Holmes* v. *Securities Investor Protection Corp.*, [503 U.S. 258, 268–69 (1992)] and *Laborers Local 17 Health Benefit Fund* v. *Phillip Morris*, [191 F. 3d 229 (2nd Cir. 1999)]. These cases stand for the proposition that a complaint is too "remote" when a plaintiff seeks to recover damage to a third party. Therefore, the plaintiff lacks standing to bring the suit.

This is exactly what Connecticut Superior Court Judge Robert McWeeny held when he recently dismissed the City of Bridgport's "junk lawsuit" complaint for recoupment against Smith & Wesson. [*Ganim* v. *Smith & Wesson, [No. CV 990253198S (Superior Ct. Conn., Dec. 10, 1999)]*].

Our judiciary is being transformed by these misguided advocates of gun control from courts of justice into tribunals of the gun control lobby. That is why this legislation is needed. The Congress has both a duty to protect federal constitutional rights such as the right to keep and bear arms, as well as to step in and reform our tort system when it is being abused and the abuse has a significant impact on interstate commerce.

Let me say a few words about last Friday's announcement of the agreement between Smith & Wesson and HUD. Basically, the agreement mandates that Smith & Wesson would provide trigger locks within 60 days and make their handguns child resistant within a year. Smith & Wesson also agreed to a "code of conduct" whereby the manufacturer would sell its products only to "authorized dealers and distributors" who agree to have their contract terminated if "a disproportionate number" of crimes were traced to the firearms they sell. Some sort of outside board will police the settlement. In return, the federal government agreed not to bring suit against the firearms manufacturer and eleven of the thirty cities and local governments dropped their actions.

I believe that this so-called "deal" is the latest attempt by the Administration to play on the fear of the American people for pure political advantage. It makes the Administration look good. It makes it seem that the Administration is doing "something" about gun violence. But the record makes clear that the Administration has done little to enforce the federal laws on the books against gun wielding criminals. So this settlement masks the truth. The Administration has been inept in preventing gun violence.

Let me say, first of all, that I don't believe that the Administration ever really intended to see its lawsuit against the firearms manufacturers to verdict. Indeed, in announcing the projected lawsuit against the gun manufacturers, HUD Secretary Andrew Cuomo admitted to the press that the whole effort was simply a bargaining ploy.

So let's call it what the federal lawsuit really is: extortion. It is an attempt to bypass the legislative process and the Constitution to achieve a gun control agenda that the public's elected officials oppose. Sue the industry and have them cave in or face imminent financial ruin by having to defend an avalanche of legally dubious lawsuits and bad publicity. That's their game plan.

Well, Smith & Wesson caved in. Why? Published reports have it that the owner of Smith & Wesson, Tompkins PLC of Great Britain, could not find a buyer for the $161 million company with lawsuits hanging over its head. And Tompkins understands that three California gun companies have gone out of business and that legal fees may very well bankrupt the industry. So Tompkins surrendered.

And the reward for their surrender: it was announced on Saturday that HUD and the mayors of Atlanta, Detroit and Miami directed their law enforcement agencies to give preferences to Smith & Wesson when purchasing firearms. ["Smith & Wesson Earns Preference," @ Home Network, AP, March 18, 2000] This is outrageous. Not only does this deal undercut the Second Amendment, it undercuts the principle of competitive bidding. It creates an incentive that tax payers will be gouged. It punishes innocent firearms manufacturers. It weakens the rule of law because innocent manufacturers are denied their day in court. It weakens democracy because the heavy hand of big government is used as a tool of despotism.

But it is the "code of conduct" term of the settlement that is the most peculiar. Again, this provision mandates that Smith & Wesson sell its products only to "authorized dealers and distributors" who agree to have their contracts terminated if "a disproportionate number" of crimes are traced to the firearms they sell. Well, how is this to be determined? What is a disproportionate number of crimes? And how will this be traced to the dealer or distributor? And what if the dealer or distributor were innocent of any wrongdoing?

It seems to me that this settlement term suffers from the same defect as the underlying "junk lawsuits"—innocent parties are being held liable for the criminal acts of third parties.

The settlement represents the misuse of governmental power. It represents a weakening of our democracy and the rule of law.

Mr. President, let me turn to the provisions of the bill that will (1) prevent illicit fees to be charged for background checks, and (2) that protect the privacy of gun owners from federal intrusion.

The Brady Handgun Control Act of 1993 is silent on whether the government may charge a fee for the instant background check required under 18 U.S.C. §922(t). And let me add that it was never contemplated that the government would charge such a fee when Brady was debated and passed.

Nonetheless, despite no explicit legal authority, the Administration has repeatedly attempted to require the payment of such a fee by licensed firearms dealers—which fees would almost surely be passed along to purchasers through higher prices. This would truly amount to "taxation without representation."

Section 5 of our bill adds Section 540C to Title 28. This new section prohibits the Administration from promulgating a tax without Congress' approval. It codifies a prohibition on charging or collecting "any fee in connection with any background check required in connection with the transfer of a firearm." The prohibition would apply both to the Federal government and "State or local officers or employees acting on behalf of the United States."

This section thus prohibits an unauthorized fee that may be considered to be a "tax" on the exercise of a constitutional right—in this case, to buy a firearm.

Finally, under the Brady bill, if the instant background check reveals that the buyer is eligible to purchase the firearm, the government is required to "destroy all records of the system with respect to the call and all records of the system relating to the person or the transfer." [18 U.S.C. §922(t)(2)(C)]. The Brady bill also prohibits the government from using the instant check system to establish a registry of firearms, firearms owners, or firearms transfers, except with respect to persons prohibited from receiving a firearm. [Pub. L. 103–159. Sec. 103(i)].

Despite the law, the Administration promulgated regulations in 1998 that allowed the FBI to retain for 6 months information pertinent to an approved firearms sale gathered as part of the instant check system. [*See* C.F.R. §25.9(b)(1)].

But, I concur with those Second Amendment advocates who view these record retention periods as veiled attempts by the government to establish a national firearms registry. Furthermore, the only way to ensure the privacy and security of the information in the instant check system is to immediately destroy the records of approved firearms transfers.

To address these concerns and preempt the Administration's efforts to undermine the Brady bill's ban on a national firearms registry, my bill would establish a new statute, Section 931 to title 18, that would prohibit the use of the instant check system unless the system "require[s] and result[s] in the immediate destruction of all information, in any form whatsoever or through any medium," about any person determined not to be prohibited from receiving a firearm.

The destruction requirement, however, would not apply to (1) "any unique identification number provided by the [instant check] system," or (2) "the date on which that number is provided." These exceptions parallel the exceptions contained in the Brady bill [*see* 18 U.S.C. §922(t)(2)(C)] and allow the government to trace a firearm to a dealer, but not to a purchaser.

In conclusion, Mr. President, I urge my colleagues to support this legislation to prevent extortion against the manufacturers of a lawful product, firearms. I urge my colleagues to support this legislation to prohibit a tax on the exercise of constitutional right—the Second Amendment's guarantee of the right of the American citizen to keep and bear arms. And I urge my colleagues to support this legislation that protects the privacy of citizens who lawfully and peaceably possess firearms from federal intrusion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Right to Bear Arms Protection and Privacy Act of 2000".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, under the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of nondefective firearms, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States is heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, marketing, distribution, manufacture, importation, or sale to the public of firearms or ammunition that have been shipped or transported in interstate or foreign commerce are not, and should not be, liable or otherwise legally responsible for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products.

(5) The possibility of imposing liability or other legal restrictions on an entire industry as a result of harm that is the sole responsibility of others is an abuse of the legal system, erodes public confidence our Nation's laws, threatens the diminution of a basic constitutional right, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in America's free enterprise system, and constitutes an unreasonable burden on interstate and foreign commerce.

(6) The liability and equitable actions commenced or contemplated by municipalities, cities, and other entities are based on theories without foundation in hundreds of years of the common law and American jurisprudence. The possible sustaining of these actions by a maverick judicial officer would expand civil liability in a manner never contemplated by the Framers of the Constitution. The Congress further finds that such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against law-abiding manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others.

(2) To preserve a citizen's constitutional access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To protect a citizen's right to privacy concerning the lawful purchase and ownership of firearms.

(4) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section five of that Amendment.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL ACTIONS IN FEDERAL OR STATE COURT.

(a) IN GENERAL.—A qualified civil action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought.

SEC. 4. DEFINITIONS.

In this Act:

(1) MANUFACTURER.—The term "manufacturer" means, with respect to a qualified product—

(A) a person who is lawfully engaged in a business to import, make, produce, create, or assemble a qualified product, and who designs or formulates, or has engaged another person to design or formulate, a qualified product;

(B) a lawful seller of a qualified product, but only with respect to an aspect of the product that is made or affected when the seller makes, produces, creates, or assembles and designs or formulates an aspect of the product made by another person; and

(C) any lawful seller of a qualified product who represents to a user of a qualified product that the seller is a manufacturer of the qualified product.

(2) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(3) QUALIFIED PRODUCT.—The term "qualified product" means a firearm (as defined in section 921(a)(3) of title 18, United States Code) or ammunition (as defined in section 921(a)(17) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(4) QUALIFIED CIVIL ACTION.—The term "qualified civil action" means a civil or equitable action brought by any person against a lawful manufacturer or lawful seller of a qualified product, or a trade association, for damages or other relief as a result of the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include an action brought against a manufacturer, seller, or transferor who knowingly manufactures, sells, or transfers a qualified product with knowledge that such product will be used to commit a crime under Federal or State law.

(5) SELLER.—The term "seller" means, with respect to a qualified product, a person who—

(A) in the course of a lawful business conducted for that purpose, lawfully sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a qualified product in the stream of commerce; or

(B) lawfully installs, repairs, refurbishes, reconditions, or maintains an aspect of a qualified product that is alleged to have resulted in damages.

(6) STATE.—The term "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(7) TRADE ASSOCIATION.—The term "trade association" means any association or business organization (whether or not incorporated under Federal or State law) 2 or more members of which are manufacturers or sellers of a qualified product.

SEC. 5. PROHIBITION OF BACKGROUND CHECK FEE; GUN OWNER PRIVACY.

(a) PROHIBITION OF BACKGROUND CHECK FEE.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540C. Prohibition of fee for background check in connection with firearm transfer

"No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a) of title 18).".

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540B the following:

"540C. Prohibition of fee for background check in connection with firearm transfer.".

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Gun owner privacy and ownership rights

"(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

"(1) shall perform any criminal background check through the National Instant Criminal Background Check System (referred to in this section as the 'system') on any person if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about any such person that is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922, or by State law, from receiving a firearm; or

"(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

"(A) the NICS Index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

"(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

"(1) any unique identification number provided by the National Instant Criminal Background Check System under section 922(t)(1)(B)(i); or

"(2) the date on which that number is provided.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Gun owner privacy and ownership rights.".

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540C of title 28 or 931 of title 18, United States Code (as added by this section), may bring an action in the United States district court for the district in which the person resides for actual damages, punitive damages, and such other relief as the court determines to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act except that the amendments made by subsection (a) shall take effect as of November 30, 1998.

Mr. SMITH of New Hampshire. Mr. President, I rise along with Senator HATCH to support the Right to Bear Arms Protection and Privacy Act of 2000.

This bill embodies the goals of several bills I have previously introduced, and its passage would be a great relief for millions of law abiding gun owners who want their rights protected.

Mr. President, this administration has launched an all-out assault on gun owners and gunmakers in an attempt to blame them for the crime problem that has resulted from the revolving-door criminal justice approach taken by liberal judges throughout this country.

I look forward to working with Chairman HATCH to move this bill expeditiously through the Judiciary Committee.

By Mr. DEWINE (for himself, Mr. ROCKFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 2271. A bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

THE TRAINING AND KNOWLEDGE ENSURE CHILDREN A RISK-FREE ENVIRONMENT (TAKE CARE) ACT

S. 2272. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

• Mr. DEWINE. Mr. President, I rise today to introduce two pieces of legislation that would impact the lives of many at-risk children living in foster care. In an effort to move forward and figure out what Congress needs to do next to help improve the operation of the child welfare system following the 1997 enactment of the Adoption and Safe Families Act, my friend and colleague Senator ROCKEFELLER and I, as well as Senators LANDRIEU, LEVIN, KERRY, KERREY, WELLSTONE, COLLINS, BOXER, CHAFEE, LINCOLN and BINGAMAN, are introducing the strengthening Abuse and Neglect Courts Act and the Training and Knowledge Ensure Children a Risk-free Environment (TAKE CARE) Act.

Before I talk about these bills, specifically, it's important to understand how we arrived at where we are today with regard to the child welfare agencies and the court system. Back in 1997, I was very involved in one of the success stories of the 105th Congress: The passage of the Adoption and Safe Families Act. This subcommittee played a critical role in shaping that legislation. This law has many goals: First, it encourages safe and permanent family placements for abused and neglected children; second, it makes it clear that the health and safety of the child always must come first in any decision involving a child in abuse and neglect cases; and third, it decreases the amount of time that a child spends in the foster care system. Specifically, the law requires initiation of proceedings to terminate parental rights for any child who has been in the foster care system for fifteen (15) of the last twenty-two (22) months.

The Adoption and Safe Families Act represented a significant change in child welfare laws. Perhaps more important, we were changing the way judges and child advocates looked at child welfare cases. This represented a change in the culture of child welfare, as we know it, and forced the system to stop and rethink its processes and its purposes.

We all knew this law was not a quick nor a complete fix—more work would be necessary to make the law a success and to implement a new way of thinking about child welfare—a way of thinking that says that it is no longer acceptable to place a child in long-term foster care without a plan for permanent placement. We knew that a law that simply tells judges that the health and safety of the child must be paramount would not necessarily be reflected in judicial decisions. To get there, training needs to be available so the law effectively becomes a part of judge's decisionmaking process.

A tragic local case—the death of twenty-three month old Brianna Blackmond—demonstrates the need for this training. Brianna had been placed in foster care at the age of four months, due to her mother's neglect. In January of this year, Brianna was killed just seventeen days after being returned to her mother from foster care. In the aftermath of this tragedy, DC Superior Court Judges told the Washington Post about the agony they feel in making child welfare decisions. One of the judges quoted in the article said this: "These cases are, for me, the most difficult thing we do. We feel the least trained and skilled at it."

These judges are making tough, life-changing decisions for all parties involved. We have a responsibility to make sure they are trained properly and feel confident about those decisions.

When we passed the Adoption and Safe Families Act, we also knew that the imposition of reduced timelines would create additional pressure on an already overburdened court system. These timelines, however, are very important to the welfare of the children involved. Foster care, after all, was meant to be a temporary solution—not a way of life.

These timelines can work only if the courts are able to process cases in a timely manner. To give you an idea of what the courts are up against, consider this: When the Family Court was established in New York in 1962, it reviewed 96,000 cases the first year. By 1997, the case load had increased to 670,000 cases. The courts must have a manageable case load so that an appropriate decision can be made in every case after all of the facts have been heard. We cannot rush decision making in these cases—a child's life is at risk.

We also knew that the courts needed information to make the best possible decision for the child. This problem was demonstrated in Cuyahoga County, Ohio. Until recently, the court had no central clerk's file, so there was no way of tracking the location of a particular file. If the file could not be found on the day of a hearing or review, it would result in a postponement, often adding months to a child's stay in foster care. It is undisputed that children need permanency as quickly as possible. It is simply unconscionable that children should be trapped in foster care by a bureaucratic nightmare of paperwork.

We need to move forward and help improve the operation of the child welfare system, and in particular, the courts. The legislation Senator ROCKEFELLER and I are introducing today will help move us in the right direction. Taken together, our bills would provide competitive grants to courts to create computerized case tracking systems, as well as grants to reduce pending backlogs of abuse and neglect cases so that courts are better able to comply with the timelines established in the Adoption and Safe Families Act. These bills also would allow judges, attorneys, and court personnel to qualify for training under Title IV–E's existing training provisions and would expand the CASA program to underserved and urban areas, so that more children are able to benefit from its services.

Mr. President, let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. After all, that's where a lot of delays occur. As well intentioned as the strict timelines of the 1997 law are, mandatory filing dates are not enough to promote child placement permanency if the court docket is too clogged to move cases through the system, or judges aren't changing their routine in a way that reflects the importance of these timelines and the necessity of placing the child's safety first.

The critical next step is to help the courts improve administrative efficiency and effectiveness—goals of the Adoption and Safe Families Act. I believe that our legislation can do that. I encourage my colleagues to support this important legislation.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.

(a) PAYMENT FOR TRAINING.—

(1) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B), the following:

"(C) 75 percent of so much of such expenditures as are for the training (including cross-training with personnel employed by, or under contract with, the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court (as defined in section 475(8)), and training on related topics such as child development and the importance of developing a trusting relationship with a child) of judges, judicial personnel, law enforcement personnel, agency attorneys (as defined in section 475(9)), attorneys representing parents in proceedings conducted by, or under the supervision of, an abuse and neglect court (as defined in section 475(8)), attorneys representing children in such proceedings (as defined in section 475(10)), guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs, to the extent such training is related to provisions of, and amendments made by, the Adoption and Safe Families Act of 1997, provided that any such training that is offered to judges or other judicial personnel shall be offered by, or under contract with, the State or local agency in collaboration with the judicial conference or other appropriate judicial governing body operating in the State,".

(2) CONFORMING AMENDMENTS.—

(A) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(E)" and inserting "474(a)(3)(F)".

(B) Section 474(a)(3)(E) of such Act (42 U.S.C. 674(a)(3)(E)) (as redesignated by subsection (a)(1)) is amended by striking "subparagraph (C)" and inserting "subparagraph (D)".

(C) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking "subsection (a)(3)(C)" and inserting "subsection (a)(3)(D)".

(b) DEFINITION OF CERTAIN TERMS.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following new paragraphs:

"(8) The term 'abuse and neglect courts' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

"(A) that implement part B and this part (including preliminary disposition of such proceedings);

"(B) that determine whether a child was abused or neglected;

"(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

"(D) that determine any other legal disposition of a child in the abuse and neglect court system.

"(9) The term 'agency attorney' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under part B and this part in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

"(10) The term 'attorneys representing children' means any attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court.".

SEC. 4. STATE STANDARDS FOR AGENCY ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(24) provides that, not later than January 1, 2002, the State shall develop and encourage the implementation of guidelines for all agency attorneys (as defined in section 475(9)), including legal education requirements for such attorneys regarding the handling of abuse, neglect, and dependency proceedings.".

SEC. 5. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT, AND DEPENDENCY MATTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall provide the technical assistance, training, and evaluations authorized under this section through grants, contracts, or cooperative arrangements with other entities, including universities, and national, State, and local organizations. The Secretary of Health and Human Services and the Attorney General should ensure that entities that have not had a previous contractual relationship with the Department of Health and Human Services, the Department of Justice, or another Federal agency can compete for grants for technical assistance, training, and evaluations.

(b) PURPOSE.—Technical assistance shall be provided under this section for the purpose of supporting and assisting State and local courts that handle child abuse, neglect, and dependency matters to effectively carry out new responsibilities enacted as part of the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) and to speed the process of adoption of children and legal finalization of permanent families for children in foster care by improving practices of the courts involved in that process.

(c) ACTIVITIES.—Technical assistance consistent with the purpose described in subsection (b) may be provided under this section through the following:

(1) The dissemination of information, existing and effective models, and technical assistance to State and local courts that receive grants for automated data collection and case-tracking systems and outcome measures.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court (as so defined), and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated interagency interfaces between data bases, and court rules that facilitate timely case processing.

(4) The development and dissemination of training models for judges, attorneys representing children, agency attorneys, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs.

(5) The development of standards of practice for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and parents in such proceedings.

(d) TRAINING REQUIREMENT.—Any training offered in accordance with this section to judges or other judicial personnel shall be offered in collaboration with the judicial conference or other appropriate judicial governing body operating with respect to the State in which the training is offered.

(e) DEFINITIONS.—In this section, the terms "agency attorneys", "abuse and neglect courts", and "attorneys representing children" have the meanings given such terms in section 475 of the Social Security Act (42 U.S.C. 675) (as amended by section 3(b) of this Act).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $5,000,000 for the period of fiscal years 2001 through 2005.

S. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Abuse and Neglect Courts Act of 2000".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) Abuse and Neglect Courts.—The term "abuse and neglect courts" means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) Agency Attorney.—The term "agency attorney" means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) Authority To Award Grants.—

(1) In general.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) Limitations.—

(A) Number of grants.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) Per state limitation.—Not more than 2 grants authorized under this section may be awarded per State.

(C) Use of grants.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) Application.—

(1) In general.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) Information required.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for fiscal year 2001 $10,000,000 for the purpose of making grants under this section.

SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for fiscal year 2001.●

Mr. ROCKFELLER. I am proud to join Senator DEWINE and other concerned colleagues in introducing two bills that are related and designed to help strengthen our court systems that preside over the child abuse and neglect cases. If we want the child welfare system to work well, we must invest in improving our courts, as well as our State agencies. We need to reduce the backlog of cases. We need to invest in computer systems so that the courts keep track of these children. We need to train judges and court personnel so that they can make the tough decisions required by the 1997 Adoption Act to make a child's safety, health, and permanency paramount.

These two bills are identical to a package we introduced last year, but we hope dividing the legislation into separate bills will streamline consideration. Both bills are urgent.

These bills build on the foundation of the Adoption and Safe Families Act, passed in October 1997. For the first time, this law established that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely decisionmaking in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened child abuse and neglect courts.

Our courts play a vital role in the Nation's child protection system. Through my discussions with judges in my State of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system have placed a tremendous burden on our abuse and neglect courts.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozen of judges—especially in my State of West Virginia—who maintained that the biggest problems facing their courts are the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why the Strengthening Abuse and Neglect Courts Act authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future. Grants would also be established to fund computer tracking systems for courts to prevent backlog and ensure timely consideration and information.

We also seek to expand the successful Court-Appointed Special Advocate (CASA) Program. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The bill provides CASA with a $55 million grant to expand its programs into underserved inner cities and rural areas.

The second bill, the TAKE CARE Act, Training and Knowledge Ensure Children a Risk-free Environment, recognizes the need for improved training, continuing educational opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of "best practice" standards for those attorneys representing the agencies in abuse and neglect cases. It extends the Federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-training agency and court personnel and training that focuses on vital subjects such as new research on child development.

Abused and neglected children depend upon the courts to decide their safety and to find a permanent home. This is what children need, and too many are waiting. We should move swiftly on the Strengthening Abuse and Nelgect Courts Act and the TAKE CARE Act to help such vulnerable children.

By Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HARKIN, and Mr. REED):

S. 2274. A bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid Program for such children; to the Committee on Finance.

FAMILY OPPORTUNITY ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today with my colleagues Senators KENNEDY, JEFFORDS and HARKIN in introducing the Family Opportunity Act of 2000. This new legislation will make life easier for many families and their children.

When you're a parent, your main objective is to provide for your child to the best of your ability. If it takes a 12-hour day in the field or in the factory, that's what you do. Our Federal Government takes this goal and turns it upside down for parents of children with special health care needs.

The Government forces these parents to choose between family income and their children's health care. That's a terrible choice. Families must have a low income to qualify their children for both Medicaid and federal disability benefits. This means parents often refuse jobs, pay raises and overtime just to preserve access to Medicaid for their child with disabilities.

Families have to remain in poverty just to keep Medicaid.

Obviously this affects entire families, not just the child with the health care needs. Melissa Arnold, an Iowan, has a 17-year-old son who can't work even part-time for fear of jeopardizing his brother's Medicaid coverage. Ms. Arnold has accepted several promotions without the pay raises she's earned. Despite these challenges, this family has stayed together.

In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services. Why is Medicaid so desirable? It's critical to the well-being of children with multiple medical needs. It covers a lot of services that these children need, such as physical therapy and medical equipment.

Private health plans often are much more limited in what they cover. Many parents can't afford needed services out-of-pocket. Today, my colleagues and I will introduce legislation to fix the Catch-22 for parents of children with disabilities.

Our bill, the Family Opportunity Act of 2000, creates a state option to allow working parents who have a child with a disability to keep working and to still have access to Medicaid for their child. Parents would pay for Medicaid coverage on a sliding scale. No one would have to become impoverished or stay impoverished to secure Medicaid for a child.

Our bill also establishes family-to-family health information centers. These centers would be staffed by actual parents of children with special needs as well as professionals. They would provide information to families trying to arrange health services for their children.

The Family Opportunity Act of 2000 is modeled after last year's successful Work Incentives Improvement Act. Under that law, adults with disabilities can return to work and not risk losing their health care coverage. Parents of children with disabilities should have the same opportunities as adults with disabilities.

Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators GRASSLEY, JEFFORDS, and HARKIN in introducing the Family Opportunity Act of 2000. Our goal is to help children with disabilities by removing the health care barriers that so often prevent families from staying together and staying employed.

Despite the extraordinary growth and prosperity the country is enjoying today, families of disabled children and special needs children continue to struggle to keep their families together, live independently and become fully contributing members of their communities.

More than 8% of children in this country have significant disabilities. Yet many of them do not have access to the health services they need to maintain and prevent deterioration of their health. Too often, to obtain needed health services for their children under Medicaid, families are forced to become poor, stay poor, put their children in institutions, or give up custody of their children entirely. No parent should be faced with that unacceptable choice.

In a recent survey of 20 states, 64% families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family—so that their children can stay eligible for Medicaid through SSI, the Social Security Income Program.

Today we are introducing legislation to close the health care gap for vulnerable families, and enable them to obtain the health care their disabled children deserve.

The Family Opportunity Act of 2000 will remove the unfair barriers that deny needed health care to so many disabled children and special needs children.

It will make health insurance coverage more widely available for children with significant current disabilities, by enabling parents to buy-in to Medicaid at an affordable rate.

It will enable states to develop a demonstration program to provide a Medicaid buy-in for children with potentially significant disabilities—those who will become severely disabled if they do not receive health services.

It will establish Family to Family Information Centers in each state to help families with special needs children.

The passage of the Work Incentives Improvement Act last year demonstrated the nation's commitment to help adults with disabilities obtain the health services they need, in order to lead independent and productive lives. The legislation we are introducing today makes a similar commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation. Disabled children and their families across the country deserve this help in achieving their dreams and participating fully in the social and economic mainstream of our Nation.

Mr. JEFFORDS. Mr. President, I am very pleased to join my colleagues, Senators GRASSLEY, KENNEDY and HARKIN in introducing the Family Opportunity Act of 2000. We are taking the right step, the logical step, and a much needed step.

The last bill signed into law in the 20th Century was the Work Incentives Improvement Act. Through it, we extended health care coverage to adults with disabilities who work, by allowing them to buy-in to Medicaid coverage regardless of their income. Tomorrow, we set out to help children with disabilities by introducing the Family Opportunity Act. This legislation will create a similar Medicaid buy-in option for families of children with disabilities.

When a child is born, it is a time for joy, hope, and dreams. If the child has a serious medical condition that may lead to a significant disability, or if the child is born with a disability, these feelings are often put on hold. Instead, the families of these children must concentrate on some basic facts, facts that may be a matter of life and death. These facts will shape the quality of life that the family can offer the child. The family will have to answer some important questions. First, do they have health insurance? If so, does the insurance cover the cost of the specialized services that their child needs? Families who answer 'NO' to these questions are overwhelmed and fearful, and their vision of the future is filled with uncertainty.

Every day, children in America are born with severe disabilities that require specialized health care services. Too often, the parents of these children do not have health care coverage or their coverage does not cover the needed services. These families do not have many options. Their child can receive health care coverage only if the family is poor, or if the family gives the child up to the state. We have all heard heart wrenching stories, but none are more traumatic than these.

The Family Opportunity Act of 2000 is a solution to this tragic problem. Children without health insurance will now be covered. Those children with disabilities whose health insurance does not cover the services they need, will also be covered. Children with significant disabilities will no longer be denied the health care coverage they need, regardless of their family's income. Their families will, however, be expected to contribute to the cost of coverage. In addition, these families will have access to assistance from a Family Health Information Center. This service will provide families with information about their options and will help them exercise these options. Their children will receive the care they need and deserve.

Data from the Social Security Administration indicates that in December 1999 there were 1,080 Vermont children with disabilities eligible for Medicaid. That means that the families of these children are poor. Some of these families have chosen to keep their income under the prescribed limits in law, so that they can access health care through Medicaid for their child with a disability. These families cannot access health care coverage for their children through the private sector.

With the Family Opportunity Act everyone wins. Through Medicaid, children with disabilities will receive the health care services they desperately need. Through the Family Health Information Centers, their families will be provided with the right information at the right time. Families will be able to make key medical decisions that will maximize the quality of life for their children with disabilities. And, the federal and state governments will have a cost-effective program to help children and families in need.

The Family Opportunity Act of 2000 will make time for joy, hope, and dreams, for families of children with special needs. This is a good start to the 21st Century.

Mr. HARKIN. Mr. President, today, I rise in support of the Family Opportunity Act of 2000. I commend my colleague from Iowa, Senator GRASSLEY, for his work on this important piece of legislation. I also thank Senator KENNEDY for his continued leadership on these issues. This bill would help many children across the country get the services they need to grow up and become independent and productive members of society. And, it will help their families stay afloat financially.

I am always encouraged when issues affecting individuals with disabilities and their families rise above partisan lines. Disability is not a partisan issue. President Bush understood that. Bob Dole understands that. And I am glad to see that my fellow senator from Iowa has joined me in the fight to ensure that children with disabilities and their families get a fair shake in life.

Just last year the Congress and the President agreed that we should remove barriers to work for people with disabilities in our national programs when it passed the Ticket to Work and Work Incentives Improvement Act of 1999 into law. The Family Opportunity Act builds on that bipartisan agreement and says that we should also remove barriers to work for families of children with disabilities. Right now, many families are forced to spend down their savings and earnings on specialized services for their children because their private insurance won't cover them. Other families give up jobs and promotions so that they continue to qualify for Medicaid.

This is wrong for two reasons. First, it's the child that suffers if appropriate services aren't available due to high cost and lack of insurance coverage. Second, if a family is forced to pay for expensive services time and again or forced to give up an employment opportunity, the entire family is pushed to edge financially. As a result, the family can become impoverished or forced to give up custody of their child in order to secure appropriate Medicaid services.

This bill provides a commonsense solution to the problem. The bill allows States to offer Medicaid coverage to children with severe disabilities living in middle-income families through a buy-in program. children will get the right early intervention services, rehabilitation and long-term therapies, and medical equipment they need to keep pace and grow into adulthood. And, parents will no longer have to sacrifice a job, a raise, or overtime so they can stay inside the income bracket that qualifies their child for SSI/Medicaid.

Perhaps most importantly, this bill will ensure that children get the services they need to stay at home with their families. Keeping families strong is the best therapy for everyone—the child, the family, and the entire community.

Finally, the Family to Family Health Information Centers included in the bill will ensure every family knows what about the services and opportunities that are available to them. I know this type of information exchange works because I've taken the lead to fund similar programs in the Labor-HHS appropriations bill.

Ten years ago, as the chief sponsor of the Americans with Disabilities Act, I said on the Senate floor that I wanted every child and individual with a disability to have an equal opportunity to participate in all aspects of American life.

Since that time, I have worked hard to ensure that every national program encourages independence and self-sufficiency for individuals with disabilities. Each step we take to live up to the promise of the Americans with Disabilities Act is progress. Last year's Ticket to Work and Work Incentives Improvement was a big step toward equality. The Family Opportunity Act builds on that legislation.

In my mind, the Medicaid Community Attendant Services Act (MiCASSA), introduced by myself and Senator SPECTER last fall, takes the next big step toward fulfilling the promise of the ADA. Given a real choice, most Americans who need long-term services and supports would prefer to receive them in home and community settings rather than in institutions. And yet, too often decisions relating to the provision of long-term services and supports are influenced by what is reimbursable under Federal and State Medicaid policy rather than by what individuals need. Research has revealed a significant bias in the Medicaid program toward reimbursing services provided in institutions over services provided in home and community settings (75 percent of Medicaid funds pay for services provided in institutions).

Long-term services and supports provided under the Medicaid program must meet the evolving and changing needs and preferences of individuals. No individual should be forced into an institution to receive reimbursement for services that can be effectively and efficiently delivered in the home or community. Individuals must be empowered to exercise and real choice in selecting long term services and supports that meet their unique needs. Federal and State Medicaid policies should facilitate and be responsive to and not impede an individual's choice in selecting needed long-term services and supports.

MiCASSA would eliminate the bias in Medicaid law toward institutional care by providing that states offer community attendant services and supports as well as institutional care for eligible individuals in need of long term services and supports. The legislation also assists states develop and enhance comprehensive statewide system of long-term services and supports that provide real consumer choice consistent with the principle that service and supports should be provided in the most integrated setting appropriate to meeting the unique need of the individual.

I look forward to building further bipartisan agreement on both pieces of legislation. This is an exciting time for disability policy.

By Mrs. BOXER:

S. 2275. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

THE OIL SUPPLY IMPROVEMENT ACT

Mrs. BOXER. Mr. President, gasoline prices have reached astronomical levels. Nowhere has this price increase been more apparent than in California. For several years now, we have been experiencing gasoline prices well above what the rest of the Nation has faced.

But now, this problem, which started on the West Coast, has moved east and is affecting everyone. On Monday, the Energy Information Administration reported that the average price of gasoline in the United States was $1.52 per gallon—the tenth straight week gasoline prices have gone up. That price is 52 cents higher than the national average price just one year ago.

As I said, in California, the problem is even worse. The average price for a gallon of gasoline is now $1.79—up 57 cents per gallon from this time last year.

These prices are all-time highs.

Mr. President, I believe that there are several steps that can be taken to address this problem and to help American consumers. We should impose a moratorium on major oil company mergers. We must have vigorous enforcement of the antitrust laws. We should increase the Corporate Average Fuel Economy standard for SUVs and light trucks so that it equals the standard for cars. And, we should ban the exportation of crude oil from Alaska's North Slope.

I want to talk about this last suggestion, because it is the subject of a bill I am introducing today, called the Oil Supply Improvement Act.

For 22 years—from 1973 to 1995—the export of Alaska North Slope oil was banned. We banned it to reduce our dependence on imported oil and to keep gasoline prices down.

Unfortunately, at the behest of oil producers—and despite warnings of higher gasoline prices—the ban was lifted in 1995. Clearly, the fears of those of us who opposed lifting the ban have become reality. The General Accounting Office has confirmed that lifting the export ban resulted in an increase in the price of crude oil by about $1 per barrel.

In fact, some oil companies have used their ability to export this oil to keep the price of gasoline on the West Coast artificially high. The Federal Trade Commission makes this charge in its lawsuit to block the merger of BP-Amoco and Arco. That suit also alludes to secret internal company documents showing that there was price manipulation. Alaska North Slope oil was exported specifically to keep gasoline prices on the West Coast high.

Mr. President, I am not suggesting that this bill alone is the complete solution. It is only one piece of the puzzle, and only one of the things that I am suggesting. But when we have an energy shortage in this country, we should not be sending the oil in this country somewhere else.

This is oil that is on public lands—and that is transported along a federal right-of-way. Taxpayers own this product. In this time of an energy shortage, it is time to put American consumers and industry first.

By Mr. FRIST:

S. 2276. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

A MILLION QUALITY TEACHERS ACT

Mr. FRIST. Mr. President, I rise today to introduce A Million Quality Teachers Act. Thomas Jefferson once observed that of all the bills in the federal code, "by far the most important is that for the diffusion of knowledge among the people." "No surer foundation," he said, "can be devised for the preservation of freedom and happiness."

Unfortunately, our current foundation of elementary and secondary education is grossly inadequate to enable American children of all income levels and backgrounds to best realize the "American dream" and the economic freedoms that the "American dream" encapsulates.

Most companies dismiss the value of a high school diploma. Twelfth grade students in the United States rank near the very bottom on international comparisons in math and science. The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests.

High school graduates are twice as likely to be unemployed as college graduates (3.9% vs. 1.9%). Moreover, the value of a college degree over a high school degree is rising. In 1970, a college graduate made 136% more than a high school graduate. Today it is 176%. Even more ominous are labor participation rates for high school graduates in an information economy. While labor force participation for adults is at an all time high in the American economy, this boom has masked a 10% decline in participation rates for high school graduates since 1970 from 96.3% to 86.4%.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

The Senate has begun to consider the reauthorization of the Elementary and Secondary Education Act (ESEA). As a member of the Senate Health, Education, Labor, and Pensions Committee, I have worked hard to ensure that we change the current focus of our federal education effort from a confusing, duplicative, categorical system that relies on inputs to one that focuses on effectiveness and on increased student achievement as a result.

The bill that I introduce today is a good complement to the ESEA bill that we will soon debate on the Senate floor. We have all heard about the impending teacher shortage. The Department of Education estimates that we will need over 2.2 million new teachers in the next decade to meet enrollment increases and to offset the large number of baby boomer teachers who will soon be retiring. Additionally, although America has many high-quality teachers already, we do not have enough, and with the impending retirement of the baby boomer generation of teachers, we will need even more.

the President and many Senate Democrats want to continue to devote significant resources to reducing class size, and the concept to hire more teachers isn't a bad idea. Studies have shown that smaller class size may improve learning under certain circumstances. But class size is only a small piece in the bigger puzzle to improve America's education system, not the catapult that will launch us into education prosperity.

My bill takes the class size reduction money and redirects it to strengthening and improving teacher quality. Tennessee's own William Sanders, a professor at the University of Tennessee, has pioneered the "value-added" system of measuring the effectiveness of a teacher. His research demonstrates that teacher quality has a greater effect on student performance than any other factor—including class size and student demographics. He goes on to say that, "When kids have ineffective teachers, they never recover." According to noted education economist and researcher Eric Hanushek of the University of Rochester, "the difference between a good and a bad teacher can be a full level of achievement in a single year."

Unfortunately, there are too many teachers in America today who lack proper preparation in the subjects that they teach. My own state of Tennessee actually does a good job of ensuring that teachers have at lest a major or minor in the subject that they teach—well enough to receive a grade of A in that category on the recent Thomas Fordham Foundation report on teacher quality in the states. Even in Tennessee, however, 64.5% of teachers teaching physical science do not even have a minor in the subject. Among history teachers, nearly 50% did not major or minor in history. Many other states do worse.

Additionally, there is consensus that we are not attracting enough of the best and the brightest to teaching, and not retaining enough of the best of those that we attract. According to Harvard economist Richard Murnane, "College graduates with high test scores are less likely to become teachers, licensed teachers with high test scores are less likely to take jobs, employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return."

A Million Quality Teachers seeks to change that by recruiting, and helping states recruit into the teaching profession top-quality students who have majored in academic subjects. We want teachers teaching math who have majored in and who love math. We want teachers teaching science who have majored in and who love science. This bill helps draw those students into teaching for a few years at the very least, and studies have shown that new teachers are most effective in the first couple of years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

While teachers are one of our nation's most critical professions, it is often very difficult to attract highly skilled and marketable college students and graduates because of a profound lack of competitive salaries and the burden of student loans. In addition to the loan forgiveness and alternative certification stipends, the legislation will allow states to use up to $1.3 billion originally designated in a lump sum to hire more teachers to instead allow the states to use that money more creatively in programs to attract the kind of quality teachers they need but cannot afford. Using innovative tools already tested by many states, such as signing bonuses, loan forgiveness, payment of certification costs, and income tax credits, states will be able to once again make teaching an attractive and competitive career for our brightest college graduates. Additionally, the legislation does not limit states to these tools, but allows them to receive grants to continue testing other innovative and new programs for the same purposes.

There are two parts to the bill:

Part I is a competitive grant program for States to enable them to run their own innovative quality teacher recruitment, retention and retraining programs. Part II is a loan forgiveness and alternative certification scholarship program to entice individuals with strong academic backgrounds into teaching.

The State grant program will help States focus on recruitment, retention and retraining in the way that best serves the individual State. Some states may decide to offer a teacher signing bonus program like the widely publicized and very successful program in Massachusetts. Other states may choose to institute teacher testing and merit pay, or to award performance bonuses to outstanding teachers. The program is very flexible, yet the State must be accountable for improving the quality of teachers in that State.

States who participate must submit a plan for how they intend to use funds under the program and how they expect teacher quality to increase as a result, including the expected increase in the number of teachers who majored in the academic subject in which they teach, and the number of teachers who received alternative certification, if the funds are used for recruitment activities. If the funds are used for retention or retraining, the State must focus on how the program will decrease teacher attrition and increase the effectiveness of existing teachers.

States must also report at the end of the three-year grant on how the program increased teacher quality and increased the number of teachers with academic majors in the subjects in which they teach and the number of teachers that received alternative certification and/or how the program decreased teacher attrition and increased the effectiveness of existing teachers.

The loan forgiveness provision is different than loan forgiveness already in current law in that it targets a different population: students in college or graduate school today who are excelling in an academic subject. The purpose is to attract students into teaching who might not otherwise choose to pursue a teaching career and who are majoring in an academic subject.

Any eligible student may take advantage of the loan forgiveness and deferral. An eligible student has majored in a core academic subject with at least a 3.0 GPA and has not been a fulltime teacher previously. Loan payments are deferred for as long as the student is obtaining alternative certification or teaching in a public school.

The federal government would actually forgive:

35% of all federally subsidized or guaranteed loans after the first two years that an eligible student teaches;

For the next two years, an additional 30% is forgiven;

After 6 years, an additional 20% is forgiven; and

After 8 years, the remaining 15% of the loan obligation is eliminated.

The premise is that teaching is or will soon be like other professions where there is at least some degree of transience. In fact, recent studies show that most new teachers leave within four years. But these studies also show that new teachers are most effective in the first few years of teaching. This bill would attract new students, and different kinds of students, into teaching by offering significant loan repayment.

Alternative certification stipends will provide a seamless transition for a student from school into teaching. The bill provides stipends to students who have received their academic degrees from a college or university in order to obtain certification through alternative means. Students who have received assistance under the loan forgiveness section get first priority, but any student who has received a bachelors or advanced degree in a core academic subject with a GPA of at least 3.0 and who has never taught full-time in a public school is eligible.

Students would receive the lesser of $5,000 or the costs of the alternative certification program, in exchange for agreeing to teach in a public school for 2 years.

There is also a small amount of money available to the Department of Education for the purposes of notifying eligible students of the loan forgiveness and alternative certification stipend programs and contracting with outside groups of broaden public awareness of the program, including to advertise it in various media formats.

A Million Quality Teachers is a good complement to the Teacher Empowerment Act contained in the ESEA proposal voted out of the HELP Committee by a 10–8 vote. The Teacher Empowerment Act (TEA) directs federal funds to local education agencies for professional development, recruitment and class size reduction, while A Million Quality Teachers directs federal funds to states for statewide initiatives like the very successful Massachusetts teacher signing bonus program. A Million Quality Teachers also addresses the pressing need for more highly-qualified teachers in light of the teacher shortage by providing appropriate incentives to top students in order to entice them into the teaching profession.

The job of every new generation is to meet civilization's new problems, improve its new opportunities, and explore its ever-expanding horizons, creating dreams not just for themselves, but for all who come after. Our job—the job of the current generation—is to help them do just that. Learning is the future. Education is the key. I think it's time we embarked upon a national effort to bring up to a standard demanded by the challenge, and improving teacher quality is the first step. I hope that my colleagues will concur.

ADDITIONAL COSPONSORS

S. 71

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 546

At the request of Mr. DORGAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 818

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 931

At the request of Mr. MCCONNELL, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1180

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1364

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1690

At the request of Mr. MACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1941

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1977

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1977, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 1997

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2032

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2032, a bill to amend the Foreign Assistance Act of 1961 to address the issue of mother-to-child transmission of human immunodeficiency virus (HIV) in Africa, Asia, and Latin America.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title

XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2262

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2262, a bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2265

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 96

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 96, concurrent resolution recognizing and honoring members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service in the Armed Forces of the United States.

S. RES. 271

At the request of Mr. WELLSTONE, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

S. RES. 276

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 276, a resolution to express the sense of the Senate that the conferees on the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act should submit the conference report on the bill before April 20, 2000, and include the gun safety amendments passed by the Senate.

AMENDMENTS SUBMITTED

LEGISLATION TO IMPROVE THE FEDERAL CROP INSURANCE ACT

LUGAR (AND OTHERS) AMENDMENT NO. 2887

Mr. LUGAR (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. KERREY, and Mr. GRAMS) proposed an amendment to the bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes; as follows:)

On page 2, strike the table of contents and insert the following:

Sec. 1. Short title; table of contents.

TITLE I—CROP INSURANCE COVERAGE

Sec. 101. Quality adjustment.
Sec. 102. Prevented planting.
Sec. 103. Payment of portion of premium by Corporation.
Sec. 104. Assigned yields.
Sec. 105. Multiyear disaster actual production history adjustment.
Sec. 106. Noninsured crop disaster assistance program.
Sec. 107. Crop insurance coverage for rice.

TITLE II—RESEARCH AND PILOT PROGRAMS

Sec. 201. Research and pilot programs.
Sec. 202. Research and development contracting authority.
Sec. 203. Choice of risk management options.
Sec. 204. Risk management innovation and competition pilot program.
Sec. 205. Education and research.
Sec. 206. Conforming amendments.

TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.
Sec. 302. Good farming practices.
Sec. 303. Sanctions for program noncompliance and fraud.
Sec. 304. Oversight of agents and loss adjusters.
Sec. 305. Adequate coverage for States.
Sec. 306. Records and reporting.
Sec. 307. Fees for plans of insurance.
Sec. 308. Limitation on double insurance.
Sec. 309. Specialty crops.
Sec. 310. Federal Crop Insurance Improvement Commission.
Sec. 311. Highly erodible land and wetland conservation.
Sec. 312. Projected loss ratio.
Sec. 313. Compliance with State licensing requirements.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Improved risk management education.
Sec. 402. Sense of the Senate regarding the Federal crop insurance program.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

Sec. 501. Effective dates.
Sec. 502. Termination of authority.

On page 7, strike lines 13 through 15 and insert the following:

"(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years.".

On page 10, line 2, strike "or greater than 75 percent" and insert "75, 80, or 85 percent".

On page 13, line 5, strike "or greater than".

On page 13, strike lines 20 through 22 and insert the following:

"(F) In the case of additional coverage equal to 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004.".

On page 23, after line 25, add the following:

SEC. 107. CROP INSURANCE COVERAGE FOR RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

"(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.".

On page 25, line 13, strike "and".

On page 25, line 15, strike the period at the end and insert a semicolon.

On page 25, between lines 15 and 16, insert the following:

"(H) subject to paragraph (7), after October 1, 2000, salmon; and

"(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as 'sharka'), including quarantined trees or fruit.

On page 27, line 2, strike "$20,000,000" and insert "$10,000,000".

On page 27, line 4, strike "$40,000,000" and insert "$30,000,000".

On page 27, line 6, strike "$60,000,000" and insert "$50,000,000".

On page 27, line 8, strike "$80,000,000" and insert "$60,000,000".

On page 27, line 10, insert "(3)(H)," after "(3)(G),".

On page 32, line 17, strike "and".

On page 32, line 20, strike the period and insert "; and".

On page 32, between lines 20 and 21, insert the following:

"(IV) results in not less than 10 percent of payments being made to producers in States with significant agricultural sectors and traditionally low rates of participation in the Federal crop insurance program.

On page 41, line 17, strike "516(b)(2)(C)" and insert "516(a)(2)(C)".

On page 44, strike line 19 and insert the following:

period at the end and inserting "; and"; and

On page 45, strike line 2 and insert the following:

fiscal year.".

On page 45, strike line 3 and insert the following:

SEC. 204. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

"(d) Risk Management Innovation and Competition.—

"(1) Purpose.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

"(A) develop and offer innovative risk management products to producers;

"(B) rate premiums for risk management products; and

"(C) competitively market the risk management products.

"(2) Establishment.—

"(A) In general.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

"(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

"(ii) rates of premium for the risk management product; or

"(iii) underwriting systems for the risk management product.

"(B) Submission to board.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

"(C) Determination by board.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

"(i) the interests of producers of commodities are adequately protected by the risk management product;

"(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

"(iii) the underwriting system of the risk management product is appropriate and adequate;

"(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

"(v) the size of the proposed pilot area is adequate;

"(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

"(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

"(D) Confidentiality.—

"(i) In general.—All information concerning a risk management product shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

"(ii) Standard.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

"(3) Marketing of risk management products.—

"(A) Definition of original provider.—In this paragraph, the term 'original provider' means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

"(B) Authority to market.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

"(C) Fee.—

"(i) In general.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

"(ii) Amount.—The original provider shall determine the amount of the fee under clause (i).".

SEC. 205. EDUCATION AND RESEARCH.

Section 522 of the Federal Crop Insurance Act (as amended by section 204) is amended by adding at the end the following:

"(e) Education and Research.—

"(1) In general.—Subject to the amounts made available under paragraph (4), the Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for each of fiscal years 2002 through 2004.

"(2) Education and information program.—The Corporation shall establish a program of education and information for producers in States with traditionally low rates of participation in the Federal crop insurance program.

"(3) Research and development program.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation by producers in States with traditionally low rates of participation in the Federal crop insurance program.

"(4) Funding.—From amounts made available under section 516(a)(2)(C) for the choice of risk management options pilot program, the Corporation shall transfer to—

"(A) the education and information program established under paragraph (2)—

"(i) $5,000,000 for fiscal year 2002;

"(ii) $6,000,000 for fiscal year 2003; and

"(iii) $7,000,000 for fiscal year 2004; and

"(B) the research and development program established under paragraph (3), $3,000,000 for each of fiscal years 2002 through 2004.".

SEC. 206. CONFORMING AMENDMENTS.

On page 65, line 23, strike "section 102(a)" and insert "section 107".

On page 65, line 25, strike "(8)" and insert "(9)".

On page 72, lines 18 and 19, strike "section 204(a)(2)" and insert "section 206(a)(2)".

On page 77, strike lines 1 through 7 and insert the following:

"(2) Purchase during insurance period.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines that the risk associated with the crop can be adequately rated.

On page 79, strike line 8 and all that follows through page 91, line 11, and insert the following:

SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

"SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

"(a) Definitions.—In this section:

"(1) Commission.—The term 'Commission' means the Federal Crop Insurance Improvement Commission established by subsection (b).

"(b) Establishment of Commission.—There is established a Commission to be known as the 'Federal Crop Insurance Improvement Commission'.

"(c) Membership.—

"(1) In general.—The Commission shall be composed of the following 13 members:

"(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

"(B) The manager of the Corporation.

"(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

"(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

"(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

"(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

"(G) 2 agricultural economists from academia, appointed by the Secretary.

"(H) 2 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

"(2) Time of appointment.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

"(3) Term.—A member of the Commission shall serve for the life of the Commission.

"(d) Duties.—The Commission shall review and make recommendations concerning the following issues:

"(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

"(2) Whether the Corporation should—

"(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

"(B) provide assistance in another form, such as by acting as an excess insurer.

"(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

"(4) How to focus research and development of new insurance products to include the development of—

"(A) new types of products such as combined area and yield and whole farm revenue coverages; and

"(B) insurance products for specialty crops.

"(5) The use by the Corporation of private sector resources under section 507(c).

"(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

"(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

“(A) delivery of reasonably priced crop insurance products to agricultural producers;

“(B) loss adjustment procedures;

“(C) good farming practices;

“(D) the establishment of premiums; and

“(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

“(e) Commission Operations.—

“(1) Chairperson; voting.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

“(A) serve as Chairperson of the Commission; and

“(B) vote in the case of a tie.

“(2) Meetings.—The Commission shall meet regularly, but not less than 6 times per year.

“(3) Disclosure.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

“(f) Final Report.—

“(1) In general.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

“(2) Copies.—The Commission shall provide copies of the final report to—

“(A) the Secretary; and

“(B) the Board.

“(3) Interim reports.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

“(g) Termination.—The Commission shall terminate on the earlier of—

“(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

“(2) September 30, 2004.

“(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

On page 92, strike lines 7 through 13 and insert the following:

SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

“(2) Projected loss ratio.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

“(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

“(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.”.

SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 206(a)(1)) is amended by adding at the end the following:

“(n) Compliance With State Licensing Requirements.—Any person that sells or solicits the purchase of a policy or plan of insurance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

“SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

“(a) Definitions.—In this section:

“(1) Center.—The term ‘Center’ means a Risk Management Education Coordinating Center established under subsection (c)(1).

“(2) Land-grant college.—The term ‘land-grant college’ means any 1862 Institution, 1890 Institution, or 1994 Institution.

“(b) Program.—

“(1) In general.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

“(2) Purpose.—The program shall be designed to assist a producer to develop the skills necessary—

“(A) to understand the financial health and capability of the producer's operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

“(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

“(C) to understand legal, governmental, environmental, and human resource issues that impact the producer's operation.

“(c) Coordinating Centers.—

“(1) Establishment and purpose.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

“(2) Site selection.—

“(A) In general.—The Secretary shall locate the Center for a region at—

“(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

“(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

“(B) Land-grant colleges.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

“(d) Coordinating Council.—

“(1) Establishment.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

“(2) Membership.—Each council shall consist of a minimum of 5 members, including representatives from—

“(A) public organizations;

“(B) private organizations;

“(C) agricultural producers; and

“(D) the Regional Service Offices of the Risk Management Agency in that region.

“(e) Center Activities.—

“(1) Instruction for risk management professionals.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who work with agricultural producers, including professionals who are—

“(A) extension specialists;

“(B) county extension faculty members;

“(C) private service providers; and

“(D) other individuals involved in providing risk management education.

“(2) Education programs for producers.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

“(3) Development and dissemination of materials.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

“(4) Coordination of resources.—

“(A) In general.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

“(B) Use of available expertise.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, nongovernmental organizations, government agencies, and the private sector.

“(f) Grants.—

“(1) Special grants.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

“(2) Competitive grants.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

“(g) National Agriculture Risk Education Library.—The National Agriculture Risk Education Library shall—

“(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

“(2) provide a means for the electronic delivery of risk management information and materials.

“(h) Funding Provisions.—

“(1) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2001 and each subsequent fiscal year.

“(2) Distribution.—

“(A) National agriculture risk education library.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

“(B) Centers.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

"(C) ADMINISTRATION BY LAND-GRANT COLLEGES.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

"(3) PROHIBITION ON CONSTRUCTION.—

"(A) LOCATION OF CENTERS.—Each Center shall be located in a facility in existence on the date of enactment of this section.

"(B) PROHIBITION.—Funds provided under this section shall not be used to carry out construction of any facility.

"(i) EVALUATION.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).".

SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled "General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities", published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 92, line 15, insert "subsection (c)(2) and" after "carry out".

On page 92, line 17, strike "204" and insert "206".

Beginning on page 92, strike line 23 and all that follows through page 93, line 9, and insert the following:

(2) INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS OF DURUM WHEAT.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(B) BASE AND HARVEST PRICES.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(C) REINSURANCE.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(D) VOIDING OF BULLETIN.—Bulletin MGR-99-004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(E) EFFECTIVE DATE.—This paragraph takes effect on October 1, 2000.

On page 93, line 10, strike "**sec. 402.**" and insert "**sec. 502.**".

On page 94, strike lines 1 and 2 and insert the following:

1508(a)) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively.

On page 94, line 5, strike "203" and insert "205".

On page 94, line 24, strike "subsection (c)" and insert "subsections (c), (d), and (e)".

WELLSTONE AMENDMENT NO. 2888

Mr. WELLSTONE proposed an amendment to the bill, S. 2251, supra; as follows:

On page 92, strike lines 7 through 13 and insert the following:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.

(a) FINDINGS.—Congress finds that—

(1) on March 20-21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

On page 93, line 10, strike "**Sec. 402.**" and insert "**Sec. 502.**".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 9:30 a.m. on the nomination of Susan Ness to be a commissioner with the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 for hearing regarding the Inclusion of a Prescription Drug Benefit in the Medicare Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 10:00 a.m. for a hearing regarding the Department of Energy's Management of Health and Safety Issues Surrounding DOE's Gaseous Diffusion Plants at Oak Ridge, Tennessee and Piketon, Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 9:30 a.m. to conduct a hearing on the nomination of Mr. Thomas N. Slonaker to be Special Trustee for American Indians. The hearing will be held in the Committee room, 485 Russell Senate building. The hearing will be preceded by a business meeting to mark up S. 1586, Indian Land Consolidation, and S. 1315, Oil and Gas Leases on Navajo Allotted Lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 9:00 a.m., to receive testimony on the Constitution and campaign reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs. The hearing will be held on Wednesday, March 22, 2000, at 10:00 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 22, 2000, at 2:00 p.m. in open session, to receive testimony on tactical aviation issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, at 2:30 p.m., on NASA management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 22 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on H.R. 862, a bill to direct the Secretary of the Interior to implement provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District; H.R. 992, a bill to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes; H.R. 1235, a bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; H.R. 3077, a bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California to facilitate water transfers in the Central Valley Project; S. 1659, a bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights, and Competition be authorized to meet to conduct a hearing on Wednesday, March 22, 2000, at 2:00 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 10:15 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 22, 2000. The purpose of this meeting will be to discuss legislation regarding the appraisal process to make it fair for cabin owners and taxpayers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 22, 2000 at 9:30 a.m., in open session to receive testimony on the Department of Defense's acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the defense industrial base.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 2000, to conduct a hearing on "Trading Places: Markets for Investors."

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2267

Mr. GRASSLEY. Mr. President, I understand S. 2267 is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2267) to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

Mr. GRASSLEY. Mr. President, I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 23, 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 23. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 11 a.m. with the time equally divided between Senator CRAIG or his designee and Senator DURBIN or his designee, and that Senator CRAIG be in control of the first half of the time. Finally, I ask unanimous consent that Senator BAUCUS be allotted up to 10 minutes of the time under the control of Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, at 9:30 a.m. on Thursday, the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 2251, the crop insurance bill. By previous agreement, the Wellstone amendment will be voted on at 11 a.m., with 2 minutes equally divided prior to the vote. Following that vote, the Senate will proceed to a vote on final passage of the bill. Therefore, Senators can expect two back-to-back votes at approximately 11 a.m. During tomorrow's session, the Senate may also begin consideration of any other Legislative or Executive Calendar items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Thursday, March 23, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 2000:

DEPARTMENT OF DEFENSE

BRUCE SUNDLUN, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE EAMON M. KELLY, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

NURIA I. FERNANDEZ, OF ILLINOIS, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE GORDON J. LINTON, RESIGNED.

DEPARTMENT OF STATE

LAWRENCE GEORGE ROSSIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

NATIONAL SCIENCE FOUNDATION

JOHN A. WHITE, JR., OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT. (NEW POSITION)

HOUSE OF REPRESENTATIVES—*Wednesday, March 22, 2000*

The House met at 10:30 a.m.

The Reverend Elizabeth C. Sisco, Christ United Methodist Church, Levelland, Texas, offered the following prayer:

Most Holy One, we are Your people. Today, once again, we ask that Your wisdom, truth and mercy guide the decisions that will be made here in these halls.

May the law made here be such that each of Your children, wherever they may be, experiences Your promise of peace and justice.

May this promise become a reality which recognizes, accepts, affirms and respects our differences; a reality which shares and honors our common humanity; a reality which seeks truth with sensitivity and fairness; a reality which nurtures all of Your creation; a reality which commits to our service of each other in a real and diverse world; a reality which affirms Your gift of grace to all men, women and children.

This we pray in the name of the One who was, is, and always will be. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed until later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. NADLER) come forward and lead the House in the Pledge of Allegiance.

Mr. NADLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 97. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

REVEREND ELIZABETH SISCO

(Mr. COMBEST asked and was given permission to address the House for 1 minute.)

Mr. COMBEST. Mr. Speaker, I rise to welcome and honor the Reverend Elizabeth Sisco, who graciously offered today's morning prayer. Reverend Sisco is a remarkable pastor and civic leader who has touched the lives of many in the West Texas community.

Reverend Sisco serves at Christ United Methodist Church in Levelland, Texas, where she focuses on empowering her congregation. Even before Reverend Sisco went to seminary, she took an extraordinarily active role in her church and worked to raise thousands of dollars to aid the poor in Texas. A proud wife, mother, and grandmother, she also served her community on the Lubbock Independent School Board.

Reverend Sisco began studying theology with the intention of gaining more church responsibility for the lay people of her church. She was called to the clergy when she discovered that she could change lives with her keen understanding of theology and her ability to draw individuals together.

Reverend Sisco has certainly changed lives as a mediator, a confidant, and respected community figure. I thank her for the words she offered this morning and her gift of service to our region.

GUN SAFETY LEGISLATION

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, our country is flooded with deadly weapons, and it is time we take real action to protect our families and children from the wave of gun violence that is sweeping America.

Too many innocent people have died because of the lack of tough, smart, Federal gun control laws. Too many criminals, mentally unstable individuals and children still have easy access to handguns.

The American people are calling out for change in our gun laws. They support closing the gaping gun show loophole in the Brady law. They support banning large capacity ammunition clips. They demand trigger locks. And as the Million Mom March will demonstrate on Mother's Day, they also support handgun licensing and registration.

I urge my colleagues to cosponsor the legislation that I introduced and several others introduced in September to require licensing and registration of all handguns.

Mr. Speaker, the problem is not with the American people; they know what is best for the country. They support common sense gun safety legislation. The problem is with the leadership of this House that is subservient to the NRA. As long as the NRA controls this House, the people's voice will not be heard. Sadly, the American people pay a heavy price for the failure of the leadership of this House.

CAMPAIGN FINANCE LAWS NEED TO BE ENFORCED

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is a good question. Just exactly who is subservient to whom? The Vice President of the United States had as one of his principal campaign fund raisers an agent of the Chinese government.

My colleagues, it is true that our children are vulnerable, but not to law-abiding citizens who obey existing laws. They are vulnerable to those who refuse to enforce existing laws and those who would break campaign laws. Yet our friends from the left will get up and talk about campaign finance reform.

I would remind this body again, to have the Clinton-Gore gang talk about campaign finance reform is akin to Bonnie and Clyde at the height of their crime spree holding a press conference demanding tougher penalties for bank robbers. It is absurd.

We embrace the Constitution, we embrace enforcing and abiding by existing law, and all the laws in the world make no difference if they are not obeyed.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NRA RUNNING OUT OF ARGUMENTS AGAINST GUN SAFETY

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, the House passed the Lofgren motion a week ago instructing the conferees to insist that the comatose gun safety conference meet. A week later, the silence is deafening.

The silence you hear, Mr. Speaker, is the NRA, National Rifle Association, running out of arguments against gun safety. First they said the gun laws do not work, but the Brady law stopped 500,000 felons, fugitives and stalkers from buying guns.

Then they said we need to enforce the laws. So now everyone supports enforcement.

But when you hear the NRA cry its misleading statistics, remember, it is a trick, a trick to divert attention from their opposition to closing the gun show loophole, a trick so that the NRA does not have to explain why it supports laws that allow criminals to get their guns back, and it is a farce. The NRA opposed the laws they now want so badly enforced, and the NRA has made sure that the agencies that enforce the gun laws can only do so with one arm tied behind their back.

PREVENTING A NUCLEAR CATASTROPHE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it is common knowledge that nuclear waste is one of the most dangerous and deadly substances known to man. Yet before us today is Senate bill 1287, a bill which calls for the transportation of this deadly material across 43 States, near your neighborhoods, past your homes and school yards.

Overwhelming scientific evidence shows that transporting the unprecedented amount of nuclear waste as required in Senate bill 1287 endangers our environment and the lives of millions of Americans living across those 43 States. The Department of Energy estimates that a rail accident involving a shipment of nuclear waste would result in the radioactive contamination of a 42-square mile area.

Mr. Speaker, a cleanup of this environmental disaster would cost the taxpayers $620 million and require 460 days just to complete, millions of dollars, hundreds of days spent cleaning up a catastrophe that we can prevent today by voting no on Senate bill 1287.

Protect the lives of your constituents and our precious environment. Vote no on Senate bill 1287.

OVERBURDENING OSHA REGULATIONS HURTING AMERICANS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, this month the Occupational Safety and Health Administration announced that American homes are dangerous and "a hazard to workers who work in their own home."

Now, if that is not enough to bust your subdermal hematoma, check this out: employers who allow their own employees to work out of their own homes are now liable if their employee gets hurt in their very own home.

Beam me up.

What is next? Will husbands be fined for an aggressive honeymoon in their very own home?

I recommend that Congress ship OSHA to Japan and China, and let them screw those countries up.

I yield back the fact that these overburdening regulations in America are killing American jobs and forcing American companies to move overseas.

RISING GAS PRICES HURTING AMERICANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we have recently celebrated the first day of spring, and very soon Americans will take to the roads for their summer vacations. At least that is what they would like to do.

Unfortunately, rising gas prices may keep many Americans from taking summer vacations this year. Gasoline prices are rising out of control, with the possibility of reaching close to $2.00 per gallon this summer. These fuel prices have also forced airlines to raise ticket prices.

Mr. Speaker, today our Nation is more dependent on foreign oil than we were during the gas crisis of the 1970s, and Energy Secretary Bill Richardson admits that the Clinton-Gore administration was "caught napping."

Well, while the administration has been sleeping, gas prices have been skyrocketing. I hope the Clinton-Gore administration wakes up soon, because Americans cannot afford much more of these outrageous gas prices.

SUPPORT THE CHILD HANDGUN AND INJURY PREVENTION ACT

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, today I rise to ask my fellow colleagues a very important question: When is enough? Every day across the country our children are dying due to gun violence, and yet Congress has failed to stop the killing and protect our children.

I want to commend the Smith & Wesson agreement to provide safety locks on their handguns within 60 days and to make them child resistant within a year. I would encourage the manufacturers of Glock, who have the market on the law enforcement guns across this country, to follow suit.

Although this is a monumental step in the right direction for the gun industry, Members of Congress still have a long way to go to protect our children and our communities. My bill, H.R. 515, the Child Handgun and Injury Prevention Act, which I introduced in the first session of this Congress, would require child safety devices on all newly manufactured handguns. We have 72 cosponsors. We need another 363 cosponsors.

Mr. Speaker, we need to provide sensible gun legislation which would mandate child safety protection devices on handguns.

☐ 1045

FEDERAL GOVERNMENT SHOULD OPERATE LIKE PRIVATE SECTOR

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, almost every day we read or hear about some terrible waste of taxpayer dollars by the Federal bureaucracy.

Yesterday, the Associated Press reported that the Veterans Benefits Administration spent more than $200 million to upgrade its computers, but now it is slower than ever in processing claims.

This terrible inefficiency comes at a time when our veterans are dying at a rate of more than 500,000 a year, no major war for many years, and fewer soldiers and veterans now than in the past. It now takes 205 days to complete a veteran's claim compared to 164 in 1991, and 164 days was slow.

The problem is that Federal employees are paid the same whether they work hard or whether they work easy. There is already a big bonus system in place for outstanding performance.

What we need now is to cut the pay of Federal employees who are not working hard and efficiently and producing good results. This is what happens in the private sector. Real estate agents are not paid unless they sell the house. The Federal Government will always be a sea of ineptitude and inefficiency, as former Energy Secretary Watkins just described it, unless we make it operate more like the private sector.

NRA'S GRIP ON CONGRESS RESPONSIBLE FOR CHILDREN DYING

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the Republican majority and the National Rifle Association keep blaming everyone but themselves for this country's epidemic of gun violence, but the American people know that the tactics of the NRA have misfired again.

Guns kill; it is that simple. Until the Republican leadership takes aim at the real culprit, the proliferation of guns in the United States, 13 children a day will continue to die as a result of gun violence.

According to the Justice Department, Federal gun prosecutions are up 16 percent and State and local gun prosecutions have risen 22 percent. But still, our children are dying.

Our children need effective background checks, they need child safety locks, and they need the NRA to loosen its grip on the Republican leadership, and they need this now.

I urge my Republican colleagues to stop playing politics with children's lives and start working on meaningful gun legislation. Our children's lives depend on it.

REPUBLICAN BUDGET RESOLUTION IS FOOLISH AND SPENDTHRIFT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I am not going to talk about guns, but I am going to talk about something we may vote on this week.

My Republican colleagues may bring to the floor a budget resolution that their own colleagues say is foolish and spendthrift. The Republican budget resolution, at least as we see it now, but I understand that it may be changing, does nothing to aid Social Security and Medicare and does not extend the programs' solvency for one single day. It spends the projected tax surplus on tax cuts, and it does not set aside a dime to pay off the $5.5 trillion in debt.

The Republican leadership, I am concerned, are making promises that they cannot keep. As a Democrat, it is not only us that is rejecting that budget. My colleague, the Senator from Texas said this last week, "If this budget is adopted, we will have found a surefire way to stop Democrats from spending the surplus; the Republicans will spend it first."

INTERNATIONAL ABDUCTION NO. 7—MITCHELL AND KELLY GOLDSTEIN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Mitchell Goldstein and his daughter, Kelly. Her story is the seventh account in my series of 1 minutes on the more than 10,000 children who have been abducted to foreign countries.

In 1996, Mr. Goldstein's Swiss ex-wife abducted their then 4-year-old daughter, Kelly Goldstein, of whom Mitchell had custody and took her to Switzerland. Since that time, he has been in the Swiss courts seeking the return of Kelly, via the Hague Convention. After numerous failed appeals filed by his ex-wife, the Supreme Court of Switzerland ordered her return to the United States in a final decision rendered in August of 1997.

Mr. Goldstein has been to Switzerland three times to bring his daughter home. On these three occasions, he has been denied the chance to be reunited with his daughter because his ex-wife has fled with Kelly, placed her in foster care, or the court order has not been enforced by local authorities.

Mr. Speaker, Mitchell Goldstein is asking for someone to take action and help him bring his daughter home. I urge Congress, my colleagues, to step up to the plate and be that someone.

THE JOURNAL

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 49, answered "present" 1, not voting 32, as follows:

[Roll No. 58]

YEAS—352

Abercrombie
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns

Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—49

Aderholt
Baird
Bilbray
Bonior
Borski
Brady (PA)
Brown (OH)
Chenoweth-Hage
Clay
Clyburn
Costello
Coyne
Crowley
DeFazio
Filner
Gibbons
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilliard
Hinchey
Hulshof
Lewis (GA)
LoBiondo
McGovern
Miller, George
Moore
Oberstar
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Stark
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—32

Ackerman
Boyd
Burton
Crane
Davis (IL)
Ewing
Fossella
Frank (MA)
Goodling
Green (WI)
Greenwood
Gutierrez
Hutchinson
Jackson-Lee (TX)
Jones (OH)
Klink
LaHood
Largent
Lowey
Lucas (OK)
Martinez
McCollum
McDermott
Pallone
Porter
Royce
Rush
Scarborough
Schakowsky
Slaughter
Tierney
Young (AK)

□ 1112

Mr. BILBRAY changed his vote from yea to nay.

So the Journal was approved.

The result of the vote was announced as above recorded.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; and (2) one motion to commit.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 444 would grant a closed rule for consideration in the House of the Senate bill, S. 1287, providing for the storage of spent nuclear fuel pending completion of the nuclear waste repository and for other purposes. The bill shall be considered as read for amendment.

The rule provides that the previous question shall be considered as ordered on the bill to final passage without intervening motion except 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Commerce and one motion to recommit.

The Nuclear Waste Policy Act of 1982 was originally enacted on the premise that the Federal Government hold responsibility for the permanent disposal of the Nation's spent nuclear fuel and high level radioactive waste.

□ 1115

The need for subsequent legislation is based on three fundamental realities: First, the development of a permanent repository, originally scheduled to begin in 1998, but has been, unfortunately, derailed by past mismanagement and by political paralysis. Second, the nuclear waste fund financing mechanism needs some revision. And, third, the Department of Energy has requested authority to construct a Federal interim storage facility so that it can discharge its original responsibility.

S. 1287, which the House will consider today, contains a number of specific provisions which the managers of the bill will outline in considerable detail during their general debate, but the bottom line, Mr. Speaker, is that by passing this bill, which has already been passed in identical form by the Senate, the House can now move forward on an issue which has been mired in gridlock for far too long.

By passing this bill today, we will move S. 1287 to the President's desk and with one stroke of the pen we can finally stop stalling and instead begin facing up to our responsibility to the American people. Nuclear energy has long been a safe, clean and reliable means of generating electrical power that has fueled much of America's economic growth, but the nagging question about nuclear power, one that has remained unanswered for too long, is what will we do with the spent fuel that is produced at these plants all across the country?

Today, the long awaited answer to that question is before us. Simply put: This compromise, while it may not be perfect, is a responsible plan that should be implemented without further delay. Accordingly, I strongly encourage my colleagues to support not only the rule, as reported by the Committee on Rules, but the underlying bill, S. 1287, so we can finally put the public's mind to rest on this critically important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary time.

This is a closed rule which will allow for consideration of the Nuclear Waste Policy Amendments Act of 1999. It is known as S. 1287. As my colleague from Washington has explained, this rule will provide for 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Under this closed rule, no amendments may be offered.

The bill provides for the completion of a permanent site at Yucca Mountain, Nevada, for storing high-level radioactive waste generated from nuclear power plants. Mr. Speaker, lack of this permanent site is one of the greatest long-term problems involving electricity generation in our country and we need to move forward to find a safe, scientifically-based solution.

Unfortunately, this bill does not adequately solve the problem. Moreover, the closed rule will prevent House Members from offering amendments to improve the bill. The Energy Department opposes this bill for a number of reasons. The most serious objection is that it undermines the ability of the Environmental Protection Agency to establish adequate safety standards at Yucca Mountain.

The bill also raises concerns about the safety of transporting radioactive material to the site. The President has indicated he will veto the bill in its present form, and there is no reason for us to take up the bill under a closed rule with no chance to amend the bill when there is no chance that it will be enacted into law unless it is amended.

The problem of nuclear waste disposal is too serious for this kind of politics. I urge defeat of the rule so that we can bring this bill up under the normal amending process.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I would like to, first of all, begin by thanking my colleague from Washington for the generous consideration of granting me the time to speak in opposition, and I must say strong opposition, to this closed rule.

This is, first and foremost, a matter of fairness. Nevada has not had a voice in this issue, the issue of storing nuclear waste from other facilities, which, by the way, Nevada has never benefitted from any of the power generated. Secondly, we have never had a hearing on this bill, the Senate bill 1287, and, as a result, we have not had an opportunity to have input into this. This is a 1-hour debate today without the opportunity even to offer an amendment to this rule.

The bill itself is fatally flawed. It creates an interim storage facility, Mr. Speaker, which would, in and of itself, require early shipment of nuclear waste to the State without even so much as putting a roof over the material that is going to be stored there. And there is an inadequacy in terms of the fee that is being charged to pay for the storage of that nuclear waste down the road. This is material that has a half-life of 10,000 years. And all of these nuclear facilities which are supposed to pay for this, after they are closed they will not be able to have additional funding and, therefore, the taxpayer will be required to pick up this tab.

Transportation across America is going to occur. We are going to be transporting this material through some of America's most natural wonders. We need an amendment that would have prohibited shipping it past our national conservation areas, through our parks and our national historic preservation areas as well.

This is an issue of States' rights, Mr. Speaker, one which requires a governor's consent. It is up to a governor to help protect the people of his State. This bill fails to do that. Also, Mr. Speaker, there is an issue of the fifth amendment private property rights. A recent court ruling in New Mexico, which held that an individual whose property was devalued simply by the passage of nuclear waste past his property, cost that agency nearly $800,000 in devaluation. This is an issue if we transport this material across America. The taxpayers of this country are going to pick up an enormous tab for the devaluation under the fifth amendment of individual property rights.

Let me also address the issue of an emergency response. This bill does not provide for those States along the corridor where this material is to be transported to have emergency response teams available to them. If there is an accident, first responders would be the local fire, the local police, and State officers. We must ensure that they have adequate funding and an adequately certified response team to deal with this. This bill fails to address that. We needed an amendment to do that.

This bill fails to protect our children. Because, as I said earlier, passage of this material along the corridors of transportation will, by its very nature, take it near our schools and through school zones, therefore endangering the lives of many of our children to needless exposure to radiation.

One of these accidents, of course, could cause the rupture of these casks that house this material as it is being transported. There is no full-scale testing provided in this bill. There needs to be an amendment, and we were denied this amendment, because the cask testing does not meet full-scale testing standards today.

Let me talk about one of the other issues that this bill does. It removes the limitation on the total amount of nuclear waste that can be stored in Yucca Mountain. Mr. Speaker, all of the scientific studies have been premised on the idea that approximately 77,000 tons of this material will be stored in Nevada. This bill strips the cap off of that. That means that all of those studies, those scientific studies that were designed to assure the safety of the storage of this material, are, in effect, inadequate and do not represent the safety designs and standards for the storage of such material.

This bill also allows for a death sentence to those people who are going to work in this area. There is a disagreement between the EPA and the NRC with regard to the radiation standards. The EPA has historically assessed standards to other nuclear waste facilities of 15 millirems and four millirems for groundwater supply. This bill lets the NRC engage in a discussion which would raise the level of that exposure, that millirem exposure to those people working in the area or just in the process of being nearby the storage, to something at the level of 25 millirems and has no identified groundwater standards. These are unacceptable standards and we must ensure that if we are going to be exposed to this, then we should have the same standards as others.

Mr. Speaker, I ask all my colleagues to vote against this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, first, I want to go on record and state that I am adamantly opposed to S. 1287 and its intent to ship over 77,000 tons of nuclear waste across 43 States to be stored at Yucca Mountain, Nevada.

As a Member from Nevada whose district is frighteningly close to Yucca Mountain, and whose 1.2 million constituents live less than 90 miles from Yucca Mountain, it is outrageous to me that the Republican leadership would even consider a closed rule and not allow me or my colleagues to offer my common sense amendments. I represent southern Nevada. This legislation will ship over 77,000 tons of deadly nuclear waste to be permanently stored in Nevada. It will destroy the economy of the State of Nevada and the health of the people living in Nevada.

My amendments are for the express purpose of protecting the health and safety of the people of my district and all the people that live along the transportation routes that the 77,000 tons of lethal waste are to be transported on.

My first amendment would have prevented the transportation of radioactive waste if it would preempt any State health and safety laws or transportation regulations. And may I remind my colleagues that this House has long prided itself on the ability to recognize and respect States' rights. This issue certainly is just as much a State issue as a Federal issue.

My second amendment would have prevented the establishment of a nuclear storage facility if, after sound scientific geologic testing, the facility site was found to be in an active seismic zone, within 10 miles of a potential volcanic eruption, or found to be threatened by migration of groundwater. All of these things have been found scientifically to exist at Yucca Mountain.

My third amendment would have prohibited the transportation of nuclear waste by highway or rail if the route was within five miles of any hospital, school, or college. It is unconscionable that we would risk the safety of our most vulnerable citizens, our children, our elderly, and those confined in a hospital and subject them to the possibility of lethal contamination by nuclear waste.

I urge my colleagues to join me in voting against this unfair, unjust, and unreasonable rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I appreciate the remarks made by the gentleman from Nevada (Mr. GIBBONS). I really think he touched base on a lot of things that are really very important to all of us. It is about safety and it is about protecting our communities. The gentleman talked about a fair process, a process that should have been done and a process that was not, and that process did not allow individuals to give input.

This is a bad rule. This is a bad rule for America; this is a bad rule for our Nation. In a democracy we allow individuals to give input. We did not allow individuals to give input based on what is going to happen in our immediate area.

I state this because this impacts my area in California. This is a route that goes directly through an area that is going to impact thousands and thousands of people without a specific plan that deals with safety, that deals with regards to what happens in the immediate area.

□ 1130

I am appalled when I think in terms of what may happen if there was a catastrophe in that area where the freeway in that area, which is Freeway 10, there is a lot of trucking that moves in from one area to the other that goes into Las Vegas, if in fact there was a major accident in that area like there was about a month ago where 70 cars were derailed. There is no emergency plan that would deal with nuclear waste, radioactive waste in that area, if it were to spill. How would it affect the people in that area? How would it protect our children in that area?

We recently had a hearing about a month ago in this area. The people of my district rejected this. I believe that we have the responsibility to make sure that we put amendments that have the safeguards, that we put amendments that take care of what needs to be done, that we look at alternatives as we decide.

It is easy to come up here and state, this is nice, this is good that we should do this. But out of sight, out of mind, as long as it does not affect their districts. But it affects my district. And let me tell my colleagues, when you are talking about transferring through the routes of California into Nevada and the effects it could have on many of the individuals, our area is very well populated. California has 34, 35 million people and will continue to use these routes. We have got to look at other alternatives.

It denies the people of my district a voice. I believe the people in my district should have a voice to voice their opinion. I urge everyone to vote no on this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. I would like to congratulate my friend from Washington (Mr. HASTINGS) for his management of this rule, and I would like to say that I believe that we have crafted an extraordinarily fair rule on what clearly will be one the most important environmental votes that we will cast in this Congress.

While more than 20 percent of our Nation's electricity comes from nuclear power, there is not one single safe and isolated location to store nuclear fuel. Consequently, this spent fuel currently sits in the communities where the nuclear power was originally generated.

So if we are talking about a question of safety, the idea of having this waste go to an isolated, safe, secure spot, versus sitting in the back of hospitals around the country, to me it is an absolute no-brainer. The idea of not taking this action poses a very serious environmental public health and safety threat.

By the end of last year, 29 of the Nation's 103 nuclear power plants had exhausted their on-sight storage capacity for spent nuclear fuel with no other long-term storage facilities available at all.

Of all energy sources, nuclear energy has the lowest impact on the environment, including water, land habitat, species, and air resources. Nuclear energy is the most eco-efficient of all energy sources, and it produces the most electricity in relation to its minimal environmental impact.

Nuclear energy is an emission-free energy source. Nuclear power plants produce no controlled air pollutants such as sulfur and particulates or greenhouse gases. The use of nuclear energy in place of other energy sources helps to keep the air clean, preserve the Earth's climate, avoid ground-level ozone formation, and prevent acid rain.

This bill fulfills the commitments given the American taxpayers in 1982 and in 1987, with the enactment and amendment of the Nuclear Waste Policy Act, by removing the bureaucratic and legal roadblocks in the path of building and implementing a permanent nuclear waste repository.

It is time, Mr. Speaker, for the President to tell the American people where he stands on this very important local environmental issue. Moving the Senate bill under a closed rule is the most expeditious way to get this important legislation to the President's desk. And while I have heard people talk about how he plans to veto this measure, I cannot help but look at the past several years and his plan to veto legislation after legislation that we have put forward: the Education Flexibility Act; the National Ballistic Missile Defense Act; the Welfare Reform Act, which he did twice veto, ultimately signed, and today claims as one of his greatest accomplishments.

So I believe that the President can, in fact, take a positive pro-environment move by taking this very well-thought-out measure and having it reported out of both Houses of Congress. I believe that we will be doing the right thing by passing that.

So I urge a "yes" vote on the rule, and I urge a strong "yes" vote in support of this very, very important pro-environment legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, this is a bill that only a Republican leadership could love. It is a bill that does precisely nothing. It is, at best, a sham and a fraud. It is a waste of the time of the House of Representatives. Frankly, if my colleagues are opposed to the nuclear waste storage in Nevada, they could probably vote for it in the perfect comfort and the solid assurance that it will do nothing.

This bill stands in the way of real progress in addressing the difficulty of achieving a program of nuclear waste storage. It stands in the way of addressing the problem of billions of dollars of lawsuits which are now pending or will be pending against the Federal Government because of our breach of understandings with the nuclear power industry to take waste off the hands of the electrical utility generators who use nuclear power to generate nuclear power and to create nuclear waste. It is a piece of legislation which will assure that we will not go forward with an interim waste storage. And so utilities all over this country are going to continue to find their storage facilities choking with nuclear waste.

We address virtually none of the problems that confront us with regard to nuclear waste storage. And we create a very interesting exercise. We enhance the probability of lawsuits against the Federal Government in the amount of billions of dollars. We also do something else: we postpone for a far distant time in the future the real settlement and the real addressing of these problems.

This is a bad piece of legislation. The rule should be rejected because it does not even allow the House sufficient time to address the questions that the bill raises. It stands in the way of a piece of bipartisan legislation which came out of the Committee on Commerce by a vote of 40-6. And it does something else. It assures that, far into the future, this problem is going to continue to plague us and meaningful legislation will not be addressed because of this rather shameful and sham-ful exercise today.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule and to the bill itself. Twenty-four amendments were offered at the Committee on Rules meeting yesterday, and 24 were blocked from any consideration on the House floor.

High-level nuclear waste will remain deadly for a million years. But unfortunately, because of this rule, there will not be any alternatives permitted on the floor.

I offered seven of the 24 barred amendments yesterday, all to improve the safety of nuclear waste transportation. My amendments offered significant, but reasonable, protections for my district and approximately 320 other districts which will see high-level nuclear waste transported through them.

My amendments were critical to protect our constituents from the thousands of shipments of waste through 43 States passing in the vicinity of roughly 50 million Americans.

My amendments were not poison pills. They were common sense approaches to improve the safety of nuclear waste transportation.

The 24 blocked amendments are: the comprehensive transportation safety program, protecting populated communities from transportation, oldest fuel first during transportation, full-scale cask testing, State and local route consultation, private carriers must follow selected routes, advanced notification of shipments. Those seven were all ones that I sponsored.

One sponsored by the gentleman from Nevada (Mr. GIBBONS) included prohibiting an interim storage facility, protecting taxpayers from nuclear waste fees, prohibiting transportation through a national forest or park, State governors must consent to a transport of high-level nuclear waste, compensation of private property is devalued, guaranteeing emergency response capabilities, funding for emergency response teams, prohibiting transportation in school zones, protecting the EPA's authority to set radiation standards, full-scale cask testing, protecting current repository capacity limits, funding for oversight by the State of Nevada and affected local counties. All those were by the gentleman from Nevada (Mr. GIBBONS).

Why are we not protecting our community?

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is now and has been for the last 15 years nothing more, no less than sticking the nuclear queen of spades with the State of Nevada.

We are deciding it here on the floor of Congress. It is not done scientifically. It is not done through some blue ribbon panel. It is done because they have two Senators and two Congressmen. That is it. The smaller the State's representation is the more likely that they would get stuck with all of the nuclear waste from every nuclear power plant in the United States.

Now, the gentlewoman from Nevada (Ms. BERKLEY) does a fabulous job, and I agree with every single word that she laid out in her brilliant, eye-wateringly detailed statement. She did an excellent job. But that is not what this is about. If it was about safety, then we would not have a bill out here on the floor right now which indemnifies, in other words, it says to the companies which are going to be trucking and railroading this nuclear waste all over America that they have no liability, that is, as these atomic trains and trans-uranic trucks start riding across America, and we are talking about 100,000 shipments of nuclear waste criss-crossing America, now riding the streets of our country after they have been put into the form of spent fuel, the most dangerous form of this fuel at the 120 or so nuclear power plants across our country.

What does this bill say? This bill says that even if the truck company, even if the railroad engaged in negligence, gross negligence, willful misconduct as the truck driver careens, for whatever reason from the night before, whatever activity he might have been engaged in the night before, careens through a neighborhood tipping over the truck, dumping nuclear waste in a neighborhood, no liability for the truck company. None. Zero. Zero for the railroad if they have an accident.

Now, what kind of an incentive is that? If they are driving through our neighborhoods with bread in the back of the truck and it tips over, they are liable. If they are driving through our neighborhoods and it is the milkman, they are liable. But because of their spill, if they are driving through with nuclear waste, no liability.

Now, do my colleagues really want to give that incentive to every truck driver and every railroad engineer carrying these 100,000 shipments of the most dangerous material ever known to mankind through their neighborhoods? And by the way, 50 million people are on the routes that will have to be used in order to move all of this waste to the State of Nevada, without any assurance, by the way, that ultimately Yucca Mountain is going to be suitable for the waste. It just might have to get put back on the trucks and the trains and taken to some other place.

Because "congressional experts" is an oxymoron. We are only experts compared to other Congressmen. We are not experts compared to real experts, the scientists. And there has been no scientist who has yet been able to confirm that Yucca Mountain in Nevada is the place where we can bury every bit of nuclear waste for the next 20,000 years. We are just trying to get it off the hands of all the utilities. That is what this is all about. And that is why no liability for the truck drivers.

The Environmental Protection Agency can no longer look at the safety standards. But do my colleagues want to know what they say? Do not worry, an accident cannot happen. Do not worry, this is going to be very safely transported. And so the public kind of scratches their head and says, well, if this can be safely transported, how come they are going to pass a law saying the truck drivers are not liable if an accident takes place?

So this rule, basically, prohibits any amendments from being put in order which can ensure that the health and the safety of all Americans are protected, that there is an opportunity for real debate on this most important of all environmental issues, which is going to be debated on the floor of Congress this year; and, as a result, I have to recommend, reluctantly, that the Members of this body vote "no" because this is not the way that we should be dealing with an issue that deals with the most fundamental health and environmental and safety issues that face our country.

□ 1145

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time. I would just say that we will ask for a vote on the previous question and on the rule. We consider the rule a very closed rule, not a good rule certainly, no amendments, there ought to be amendments offered on this bill. We consider the bill a bad bill. So we hope under the rule and under the bill if the bill comes up that it goes down.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time. I urge Members of the House to vote "yes" on the previous question and "yes" on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. BERKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 195, not voting 20, as follows:

[Roll No. 59]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest

Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Ackerman
Bateman
Boyd
Crane
Crowley
Davis (IL)
Ewing
Greenwood
Jackson-Lee (TX)
Klink
Lowey
McCollum
McDermott
Pallone
Pombo
Porter
Royce
Rush
Schakowsky
Tierney

□ 1208

Messrs. GEJDENSON, STENHOLM and SHOWS changed their vote from "yea" to "nay."

Mr. SPENCE and Mr. HILLIARD changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CROWLEY. Madam Speaker, on March 22, 2000, I was unavoidably detained, causing me to miss rollcall vote 59. I ask that the RECORD reflect that had I been present I would have voted "nay" on rollcall vote 59.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. BERKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 220, noes 191, not voting 23, as follows:

[Roll No. 60]

AYES—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—191

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos

Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—23

Ackerman
Baird
Becerra
Boyd
Crane
Davis (IL)
Ewing
Greenwood
Hill (IN)
Jackson-Lee (TX)
Klink
Lowey
McCollum
McDermott
McKeon
Owens
Pallone
Pombo
Porter
Royce
Rush
Salmon
Schakowsky

□ 1216

Ms. BROWN of Florida changed her vote from "no" to "aye."

Stated against:

Mr. BAIRD. Mr. Speaker, during rollcall vote No. 60 on H. Res. 444, I was unavoidably detained. Had I been present, I would have voted "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. UPTON. Mr. Speaker, pursuant to House Resolution 444, I call up the Senate bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The Clerk read the title of the Senate bill.

The text of S. 1287 is as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Policy Amendments Act of 2000".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "contract holder" means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

(2) the terms "Administrator", "civilian nuclear power reactor", "Commission", "Department", "disposal", "high-level radioactive waste", "Indian tribe", "repository", "reservation", "Secretary", "spent nuclear fuel", "State", "storage", "Waste Fund", and "Yucca Mountain site" shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

TITLE I—STORAGE AND DISPOSAL

SEC. 101. PROGRAM SCHEDULE.

(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

(b) MILESTONES.—(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

(c) RECEIPT FACILITIES.—(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

SEC. 102. BACKUP STORAGE CAPACITY.

(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1) (A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1) (A) and (B)) to—

(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity report.

SEC. 103. REPOSITORY LICENSING.

(a) ADOPTION OF STANDARDS.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) CONSULTATION AND REPORTS TO CONGRESS.—(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonably expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking "The Commission decision approving the first such application . . ." through the period at the end of the sentence.

SEC. 104. NUCLEAR WASTE FEE.

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows: "The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.".

SEC. 105. SETTLEMENT AGREEMENTS.

(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42

U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

(2) settle any legal claims against the United States arising out of such failure.

(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

(1) provide spent nuclear fuel storage casks to the contract holder;

(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

(3) provide any combination of the foregoing.

(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

(1) the cost of acquiring and loading spent nuclear fuel casks;

(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87-315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91-0054-S-EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.

SEC. 106. ACCEPTANCE SCHEDULE.

(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's "Acceptance Priority Ranking" report.

(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tons uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1,300 MTU in year 3, 2,100 MTU in year 4, 3,100 MTU in year 5, 3,300 MTU in years 6, 7, and 8, 3,400 MTU in years 9 through 24, and 3,900 MTU in year 25 and thereafter.

(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors:

Provided, however, That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

(d) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

(e) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

SEC. 107. INITIAL LAND CONVEYANCES.

(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

(2) To the County of Nye, Nevada, the following public lands depicted on the maps

dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty
Map 2: Ione/Berlin
Map 3: Manhattan
Map 4: Round Mountain/Smoky Valley
Map 5: Tonopah
Map 6: Armargosa Valley
Map 7: Pahrump.

(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, Jointly with Lincoln County.

(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

(c) Construction.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

(d) Evidence of Title Transfer.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

(e) Consent.—(1) The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(2) Arguments.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

(3) Liability.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

TITLE II—TRANSPORTATION

SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

"TRANSPORTATION

"Sec. 180. (a) In General.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

"(1) Preferred shipping routes.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

"(2) State rerouting.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of title 49, Code of Federal Regulations.

"(b) Shipping Containers.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

"(1) the design of which has been certified by the Commission; and

"(2) that have been determined by the Commission to satisfy its quality assurance requirements.

"(c) Notification.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

"(d) Technical Assistance.—

"(1) In general.—

"(A) States and Indian tribes.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

"(B) Employee organizations.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

"(C) Training.—Training under this section—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

"(iii) shall include—

"(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(2) No shipments if no training.—

"(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however*, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

"(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

"(ii) the refusal to accept technical assistance by a State or Indian tribe, or

"(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

"(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however*, That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further*, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

"(3) Grants.—

"(A) In general.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation Acts.

"(B) Grants for development of plans.—

"(i) In general.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

"(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

"(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

"(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

"(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

"(II) the amount requested by the President for implementation; and

"(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

"(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

"(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

"(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

"(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

"(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

"(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor States and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

"(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

"(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49; United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

"(i) TRAINING STANDARD.—

"(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

"(i) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of clauses (i) and (ii).

"(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high-level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

"(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.".

TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 301. FINDINGS.

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d) DUTIES.—(1) The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) Report.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

TITLE IV—GENERAL AND MISCELLANEOUS

SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) Authorization.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) Funding.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 402. REPORTS.

(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal Government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, assuming existing State and Federal laws remain unchanged.

(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

SEC. 403. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 404. FAST FLUX TEST FACILITY.

Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.

UNFUNDED MANDATES POINT OF ORDER

Mr. GIBBONS. Mr. Speaker, pursuant to section 425 of the Congressional Budget Act and the Impoundment Control Act of 1974, I make a point of order against consideration of S. 1287.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $50 million annually against State or local governments, or when the committee chairman does not publish, prior to floor consideration, a CBO cost estimate of any unfunded mandate in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Section 104 of S. 1287 contains violations of section 425 of the Congressional Budget and Impoundment Control Act.

Therefore, I make a point of order against consideration of this act.

The SPEAKER pro tempore (Mr. Pease). The gentleman from Nevada makes a point of order that the bill violates section 425(a)of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the bill on which he predicates the point of order.

Under section 426(b)(4) of the act, the gentleman from Nevada (Mr. Gibbons) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the act, after that debate the Chair will put the question of consideration of the bill, to wit: "Will the House consider the bill?"

The gentleman from Nevada (Mr. Gibbons) will be recognized for 10 minutes, and the gentleman from Washington (Mr. Hastings) will be recognized for 10 minutes.

The Chair recognizes the gentleman from Nevada (Mr. Gibbons).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1287 contains violations of section 425 of the Congressional Budget and Impoundment Control Act. More specifically, S. 1287 would effectively stop the flow of revenue into the Nuclear Waste Fund. This is the fund that is responsible for costs associated with the shipment, storage and disposal of commercially generated nuclear waste. Loss of this revenue would leave a multibillion dollar funding gap that must be filled. Loss of this revenue would impose a multibillion dollar unfunded Federal mandate on the American taxpayer.

The May 1995, Department of Energy-sponsored Independent Management and Financial Review concluded, "The Nuclear Waste Fund is currently defined as inadequate." The review panel noted that the Nuclear Waste Fund was between $4 billion and $8 billion underfunded for a single regulatory program, and between $12 billion and $15 billion underfunded for a two-repository program.

S. 1287 shifts the burden of paying the extra costs of a nuclear waste repository program to the American taxpayer by freezing the current mill fee that pays money into the Nuclear Waste Fund. Although this aspect of S. 1287 appeals to the nuclear utilities, it is difficult to justify it to the American taxpayer.

Let us take a quick review of the situation at hand.

The Nuclear Waste Policy Act of 1982 called for disposal of spent nuclear fuel in a deep underground repository. The Nuclear Waste Policy Act set forth two major provisions. First, it established an office in the Department of Energy to develop such a repository; and, secondly, now pay special attention to this, it required the program's civilian costs to be covered by a fee on nuclear-generated electricity.

So here is the situation. The nuclear power industry goes to the Federal Government and says they need help with their nuclear waste. So the nuclear power industry makes a deal in which the Federal Government becomes responsible for transporting, storing, and disposing of nuclear waste. Okay. But who is going to pay for it? The deal essentially says that they, the nuclear power industry, are responsible for picking up the tab. The sad part about this rosy finding and scenario is that, ultimately, your constituents, our constituents, the American taxpayers, will actually be responsible for picking up the tab.

Let me make a quick review of the salient facts associated with the costs of this nuclear waste disposal program. An independent cost assessment of the Nation's high-level nuclear waste program conducted by the Planning Information Corporation, the Thompson Professional Group, and the Decision Research Institute, estimates total system costs at $53.9 billion for fiscal year 1996, about 54.1 percent greater than DOE's estimate in September of 1995.

About $38.5 billion are costs attributable to the disposal of commercial spent nuclear fuel, for which, listen to this, Mr. Speaker, is supposed to be fully recovered from the Nuclear Waste Fund. Full recovery, Mr. Speaker, of $38.5 billion from the Nuclear Waste Fund, is unlikely.

Current estimates put the Nuclear Waste Fund at only $8.9 billion. This balance pales in comparison to the total system costs of almost $54 billion. Those are in 1996 fiscal year dollars.

What is more, the nuclear power industry, the industry, remember, that made the deal with the Federal Government to pay for the nuclear waste disposal program, faces an uncertain economic future. Let me point out just a few of the problems facing this industry, the industry that is supposed to be responsible for paying the costs associated with nuclear waste disposal.

No nuclear power plants have been ordered since 1978. More than 100 reactors have been canceled, including all ordered after 1973. No units are currently under active construction. In fact, the TVA, Tennessee Valley Authority, Watts Bar 1 reactor ordered in 1970 and licensed to operate in 1996 was the last U.S. nuclear unit to be completed.

The nuclear power industry's troubles include a slowdown in the rate of growth of electricity demand, high nuclear power plant construction costs, relatively low costs for competing fuel, public concern about nuclear safety and waste disposal and regulatory compliance costs.

Even more of an immediate concern to the nuclear power industry is the outlook for existing nuclear reactors in a deregulated electrical market. Electric utility restructuring, which is currently underway in several States, could increase the competition faced by existing nuclear plants. High operating costs and the need for costly improvements and equipment replacement has resulted during the past decade in the permanent shutdown of 11 U.S. commercial reactors before the completion of their 40-year license operating period.

Mr. Speaker, the viability of the Nuclear Waste Fund is directly related to the continued viability of the nuclear utility industry. It seems that the economic outlook for both is suspect at best. The vice president of the Nuclear Energy Institute, Mr. Garrish, affirmed the dire strait of fiscal affairs in the Nuclear Waste Fund, the fund that is supposed to pay for the nuclear waste disposal program, is Yucca Mountain.

Mr. Garrish stated, "The Nuclear Waste Fund was established in 1982 by the Nuclear Waste Policy Act. That legislation imposed a 1 mill per kilowatt-hour fee on customers who use electricity generated by nuclear power. In return for paying this user fee to the Nuclear Waste Fund, the Federal Government was made responsible by law for the transport, storage and disposal of all commercially generated used nuclear fuel."

Please note that Mr. Garrish does not say the Federal Government is responsible for paying for the transport and storage or disposal of their nuclear waste, nor does he say that the American taxpayer is responsible for paying for the transport, storage, and disposal of nuclear waste.

That is because he is correct. The American taxpayer is not supposed to fund the program. The program is supposed to be funded by the nuclear energy industry and the ratepayers who purchase and benefit from their electricity.

Let us consider this in order, Mr. Speaker, and review the facts. The total construction costs and operating costs for a repository at Yucca Mountain are close to $54 billion and growing. The nuclear power industry is in dire straits. They are plagued with a slowdown in the rate of growth of electrical demand, high nuclear power plant construction costs, relatively low costs for competing fuels, public concern about nuclear safety and waste disposal and a regulatory compliance cost; and we know that the money being paid into the Nuclear Waste Fund is not used for its intended purpose. What is more, the bill, S. 1287, essentially freezes the mill fee, the mechanism to fund the Nuclear Waste Fund, thus effectively stopping the flow of revenue into the fund. S. 1287 essentially allows the nuclear utilities to be off the hook and sticks the American taxpayer with a burden of paying this $54 billion bill.

Let us get this correct: we are supposed to believe that the American people, our constituents, are supposed to believe that the Nuclear Waste Fund, paid into by the industry, with an uncertain fiscal future, and whose revenue inflows will effectively be frozen by the passage of S. 1287, is supposed to pay for the total construction and the operating costs of Yucca Mountain? I do not think so.

So the Nuclear Waste Fund by itself, Mr. Speaker, is doomed, and there will be no money for the Nuclear Waste Fund coming in the future if the ratepayers are closed out of paying for this with a mill fee, as stated in S. 1287. The Nuclear Waste Fund will become an empty shell, devoid of money. It is pretty simple: you cannot use the money from a fund when there is no money here. So then, ultimately, the taxpayer is responsible for picking up the tab.

Mr. Speaker, my objection to this is that this is an unfunded mandate, and the bill so states.

It takes billions of dollars to construct and operate and maintain a high-level nuclear facility. The nuclear energy industry is responsible for providing this funding. The problem is that the industry is waning in its effectiveness to provide the billions of dollars needed to construct, operate, and maintain a facility in which their spent nuclear fuel will be stored. Sadly, the American taxpayer will be the ones who lose in the end.

The point is crystal clear: S. 1287 shifts the burden of paying the extra costs of a nuclear repository program to the American taxpayer by freezing the current mill fee that pays for the nuclear waste fund. Once the fund is exhausted, the American taxpayers will be responsible for the multibillion dollar price tag.

Mr. Speaker, I urge my colleagues to vote no on this.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason that we are here at this point on the question before the House is whether we should consider this bill. I think, emphatically, yes, we should consider this bill; and accordingly, I urge my colleagues to vote yes on this motion.

The basis of the argument of my friend, the gentleman from Nevada (Mr. GIBBONS), is that this is an unfunded mandate.

□ 1230

We are considering a Senate bill.

I would like to read to my colleagues, Mr. Speaker, a letter to Senator FRANK MURKOWSKI who is the chairman of the Committee on Energy and Natural Resources. The letter is dated June 24, 1999 from Director Dan Crippen of the Congressional Budget Office and he writes specifically on the question of unfunded mandates, and I quote:

"CBO is unsure whether the bill contains intergovernmental mandates as defined by the Unfunded Mandate Reform Act, but we estimated that costs incurred by State, local and tribal governments as a result of the bill would total significantly less," and I want to emphasize this point, "significantly less than the threshold established in the law, which is $50 million adjusted annually for inflation.

"Although this bill would, by itself, establish no new enforceable duties on State, local or tribal governments, shipments of nuclear waste for surface storage at the Yucca Mountain site, as authorized by law, probably would increase the cost to the State of Nevada of complying with existing Federal requirements. CBO cannot determine whether these costs would be considered the direct costs of a mandate as defined by the Unfunded Mandate Reform Act.

"Additional spending by the State would support a number of activities, including emergency communications, emergency response planning and training, inspections, and escort of waste shipments. These costs are similar to those that the State would eventually incur under current law as a result of the permanent repository plan for Yucca Mountain. This bill would, however, authorize DOE to receive and store waste at Yucca Mountain once the NRC has authorized construction of a repository at that site and would set a deadline of December 31, 2006 for NRC to make that decision. This date is about 3 years earlier than DOE expects to begin receiving material at this site under current law."

So, Mr. Speaker, there are some other safeguards within this act that address some of the costs that may be incurred and that obviously would be incurred by the establishment of this act, but the point is, it falls significantly below the threshold, as pointed out by the Unfunded Mandates Reform Act.

Accordingly, Mr. Speaker, I urge my colleagues to vote "yes" on this question of consideration.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is, Will the House now consider the Senate bill?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 206, nays 205, not voting 24, as follows:

[Roll No. 61]

YEAS—206

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Combest
Cook
Cooksey
Cox
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—205

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—24

Ackerman
Barton
Berry
Boyd
Crane
Dunn
Engel
Ewing
Franks (NJ)
Greenwood
Gutierrez
Hill (IN)
Jackson-Lee (TX)
Kingston
Klink
Lowey
McCollum
McDermott
Moran (VA)
Ose
Pallone
Royce
Rush
Schakowsky

☐ 1253

Messrs. PHELPS, BENTSEN, HILLIARD, TALENT and GORDON and Mrs. CUBIN changed their vote from "yea" to "nay."

Messrs. GEJDENSON, HUNTER and GALLEGLY changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 444, the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise in strong support of S. 1287, the Nuclear Waste Policy Amendments Act of 2000. Why are we here? We are here today because the Government broke its promise to the American people that it would begin storing the Nation's nuclear waste at Yucca Mountain by 1998, 2 years ago. The administration has still refused to deal in good faith with a bipartisan majority of both Houses of Congress to fix this problem.

Madam Speaker, there are few in this House who have worked as long to find a bipartisan solution to the problem of nuclear waste storage than I. For three consecutive Congresses, I have introduced bipartisan legislation to implement a safe solution to the problem of nuclear waste storage. Yet, despite the overwhelming bipartisan support for these measures throughout the years, we still cannot get the administration to stop saying no, no, no.

Let us review what has happened. In the 105th Congress, the bipartisan majority in the House overwhelmingly approved our nuclear waste bill, but the promise of a veto killed any further consideration in that Congress.

In this Congress, the House Committee on Commerce, by a vote of 40 to 6 reported out my bill, H.R. 45. Yet the administration continues to say, no, we will still veto it.

Just this past month, the Senate with a bipartisan majority passed the bill that we are considering today, S. 1287, bending over backwards to address each and every concern by this administration. Yet the administration still said no.

One of the big issues was interim storage. That cannot be part of the bill. We took it out over there in the Senate. Yet it seems like this legislation is like Charlie Brown and Lucy with a football. No matter what they did, the football kept going up, and they missed the kick. Sadly, it is the American people who continue to fall on their backs because it is they who are at risk with nuclear waste continuing to pile up in their communities.

So why do I come to the floor today in support of S. 1287 instead of my bill, H.R. 45? Well, the hour is late in this legislative year, and I believe it is better to move forward with the Senate bill today rather than face yet another filibuster in the other body and send it to the President in hopes that perhaps he will sign it.

Mr. Speaker, I rise today in support of this bill, which, if passed today and signed by the President, will in fact remove dangerous nuclear waste from communities all across America and deposit this material at Yucca Mountain, a safe and stable storage facility.

But, Madam Speaker, as I stand here today, I want to be clear about what our failure to pass this legislation will mean. By failing to pass this common sense, reasonable, scientifically sound bill, we are allowing the continuous pileup of nuclear waste in our communities, and we are abdicating our stewardship for future generations.

Right now across America, nuclear power plants are being forced to construct temporary facilities to hold nuclear waste, and they are filling up fast. Many of them are just a baseball throw away from your lakes, rivers, schools, and neighborhoods.

This bill moves high-level nuclear waste into one safe place rather than keep it in environmentally sensitive areas. Clearly, there is a need for a permanent facility to store this material.

But in the middle of the Nevada desert, far away from a populated ecosystem, sits Yucca Mountain, which by scientific accounts is a good place to start, a place, by the way, where we have spent $10 billion preparing it for this day.

Independent analysis in government agencies have shown that we are on the right track to have the Yucca Mountain site be safe, and I am here today to urge my colleagues to look at the sound science behind this proposal.

In addition, emotional pleas, mine, others today, some of our colleagues will say that transporting nuclear waste out of our communities is more dangerous than leaving it there. That makes no sense.

Again, I urge my friends to look at the scientific studies. In fact, over the past 30 years, we have had thousands of these shipments. Not a single release of radioactivity in any of those shipments. Asking consumers, through a tax in our utility bills, every single one of our constituents has contributed more than $17 billion to pay for this project.

□ 1300

By asking them to pay their utility bills to take care of this problem at the local level is unfair. Building temporary storage sites at our Nation's nuclear reactors have put taxpayers in double jeopardy. We are already paying the bill to build the storage site in Nevada, and now we are starting to foot the bill for storage sites in our communities.

With each passing day, we are one day closer to a nuclear power plant running out of storage room; we are one day closer to another cement cask being built in one of our constituents' back yards; and, my colleagues, it is yet another day that the Federal Government has not lived up to its responsibilities. I urge my colleagues to vote "yes" on this measure. Let us get the stuff into one safe place. This bill begins that process.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I begin my comments by paying tribute to my dear friend, the gentleman from Michigan (Mr. UPTON). He is a gentleman and a fine Member. He is also a dear friend of mine, and I grieve to see him placed in a position of handling a turkey like this.

This is one of the most extraordinary examples of legislative bait and switch that I have ever seen. The House Committee on Commerce reported by 40 to 6 a good bill which did all the things that my friend from Michigan was speaking on behalf of. The bill, in a curious process of bait and switch, had a substitute of the Senate bill put in its place last night under a closed rule. No Member will have opportunity to perfect the bill, and the bill does not do any of the things that my good friend from Michigan says it does.

One of the most remarkable things about this is not just that it is legislative bait and switch and that it does not do anything or the false representations, but my poor friend from Michigan is stuck with handling this bill because neither the chairman of the full committee nor the subcommittee have chosen to handle a bill that, quite frankly, stinks.

Now, having said that, let us recognize that we have here a remarkable procedure. Nothing similar to S. 1287 has been considered by any committee of the House. The bill was voted out from the other body last month, held at the desk, and brought to the floor under a closed rule. None of the committees of jurisdiction have consented to this approach. Under the closed rule, all Members are denied the right to offer perfecting amendments to the bill.

I would have offered an amendment today to substitute the text of H.R. 45, sponsored by my able friend and colleague, the gentleman from Michigan (Mr. UPTON). That is a bill which would have done something. It was reported from the Committee on Commerce by a vote of 46 to 0. This puts Members of both parties who support nuclear waste legislation in the position of having to vote against the only bill on this subject that is likely to be brought before the House during this Congress. This is a shame, since the program is in sore need of improvement and a very different bill coming out of the Committee on Commerce during the 105th Congress gathered, as my good friend mentioned, a strong bipartisan vote of 307 to 120.

However, we have been presented now with a take-it-or-leave-it proposition. I urge my colleagues to leave it. This bill is an affront and the procedure is a greater affront to the Members of this body. If any of my colleagues have a utility running out of storage space for its nuclear waste, this bill does nothing to help them, their district, their people, or their utility.

Unlike the House bill, this neither directs the Department of Energy to build an interim storage facility in Nevada nor does it authorize the Department to pay for waste stored at the utility site until it can be taken to Nevada. It also provides no help in moving waste from DOE defense sites located in communities that have done more than their share for the national good.

Second, the bill provides no assurance that the ratepayer money will be used in the nuclear waste program, but it continues to allow it to be diverted to other uses. Nearly $8 billion in taxpayer money has been siphoned off for other purposes; and, without this money, DOE will face funding shortfall in 2003. Unlike the House bill, which would have assured money paid into the nuclear waste fund will stay there, the Senate bill, which we have before us, only assures that the shortfalls will occur when the money is most needed.

Third, the Senate bill does nothing to resolve the litigation questions that plague the DOE program and to ensure that payments for these suits will not drain the nuclear waste fund. These suits amount to billions of dollars, probably $8 or $10 billion at this time, and the number is growing. CBO estimates that there will be $400 million in litigation costs in addition to this between 2000 and 2009 because nothing is done to prevent that from occurring under this legislation.

The bill, in fact, is going to create more lawsuits. And while it fraudulently purports to address the litigation issue, it does not do so until the year 2006 or 2007 and under terms that CBO said were too vague to score. Without an interim storage facility, which this bill does not provide, the utilities' cost and the legal damages, for which the taxpayers are going to probably be liable, will continue to mount.

In short, if Members want nuclear waste to continue to pile up in their district or State, if they want ratepayers to continue to spend money for nothing, if they like lawsuits and want to see more of them, then they should vote for this bill.

We do need a good nuclear waste bill. This is not it. It does more harm than good and, as I have mentioned, it is nothing more or less than bait and switch. It is a sham. It is a fraud upon this body. And we will be sorry if we pass it, because we will delay a resolution to the questions that we should be addressing if the Committee on Rules and the leadership had given us an opportunity to consider these matters under an open rule.

Madam Speaker, I reserve the balance of my time.

Mr. UPTON. Madam Speaker, I yield 7 minutes to the gentleman from Nevada (Mr. GIBBONS), my good friend and, on this issue, a very good adversary.

Mr. GIBBONS. Madam Speaker, I thank the gentleman from Michigan for yielding me this time, and I thank also my other colleague and friend from Michigan for labeling this bill just exactly what it is: A turkey.

Madam Speaker, I rise in strong opposition to this bipartisan bill. It is important that the House of Representatives realize the disastrous impacts S. 1287 would have on the State of Nevada. The issue before us is whether this bill is necessary and whether it is an erroneous waste of time since the Senate has already voted and received enough votes to sustain a promised veto by President Clinton.

This body should not allow short-term political pressure to become serious long-term health and safety problems hundreds of years from now. As Nevadans, we believe that standards based on sound science, along with the protection and welfare of this Nation's citizens, should become our fundamental threshold when we debate this bill today.

Senate bill 1287 will mandate upon the State of Nevada and this Nation the transportation of high-level nuclear waste on a scale unprecedented in history while failing to address the issues of safety and the general well-being of its citizens. The deadliest material ever created, Madam Speaker, would hit the Nation's roads and rails, bringing with it the risk of transportation accidents with the most lethal and toxic proportions.

Many in this chamber have fallen under the false pretense that we have been shipping nuclear waste all along and, if we have done it before, we can do it again. This is a dead wrong assumption. Between 1964 and 1997, there were only 2,913 shipments of used nuclear fuel, which I would like to point out had its share of accidents. Senate bill 1287 would mandate that over 100,000 shipments of high-level nuclear waste over the next 30 years be sent to Nevada. This is a 4,350 percent increase in just the number of shipments alone.

To understand the seriousness of the accidents, consider an analysis done by the Department of Energy on the repercussions of a rural transportation accident. The study, part of a 1986 environmental assessment for Yucca Mountain, warns that a serious accident would contaminate 42 square miles and require 462 days to clean up at a cost to the American taxpayer of $620 million. That was from the Department of Energy.

Does it make sense for anyone to take these unnecessary chances, especially if the accident happened in their district? Realize that over 50 million people live within one mile of the transportation corridors selected for this nuclear material, and these will be our voters and our constituents.

Not surprisingly, Senate bill 1287 fails to use best available science when developing shipping casks. The bill defies logic and does not even require real full-scale testing of nuclear waste shipping containers. So let us get this straight. There will be a 4,350 percent increase in deadly nuclear waste shipments, it will cost $620 million to clean up an accident, and the bill does not even require full-scale testing of the nuclear shipping containers.

For many years, I, and many other Members who oppose this legislation, have urged the debate to be governed by two principles: First, that all decisions with regard to storage of dangerous high-level nuclear waste be made according to science, not politics; and, second, that the health and safety of Americans always be paramount in our concern.

Unfortunately, 1287 blatantly ignores these two principles. It includes provisions that shift responsibility for developing standards for acceptable levels of human radiation exposure from the Environmental Protection Agency, which has lawful jurisdiction over setting such standards, to the Nuclear Regulatory Commission.

The NRC has virtually no experience in either protecting the civilian population from health risks or in determining the impact of radiation on natural resources, such as groundwater. In fact, NRC's proposed Yucca Mountain standards include no radiation standards for groundwater contamination, even though nearby communities rely heavily on groundwater for their drinking water supply.

Senate bill 1287 also mandates an unrealistic and unnecessary timetable for shipping nuclear waste to Yucca Mountain. The bill also proposes a costly temporary storage facility, which is conveniently called in the bill a backup storage facility, and will be in place well before science dictates whether or not Yucca Mountain should be licensed as a repository.

Moreover, Madam Speaker, the bill's language is crafted to protect the nuclear industry from angry customers because it essentially caps the rate charged to utility customers who use nuclear electricity. Unfortunately, there is not enough money generated by the nuclear electric customers to finance the nuclear waste trust fund, which was created to ship the waste and construct, operate and maintain a high-level nuclear repository for 10,000 years. Therefore, the hardworking American taxpayer will soon be footing the bill for this multibillion dollar bill. Again I say to all my colleagues, these are our constituents.

As we know, there are ongoing studies at Yucca Mountain to determine if it is suitable to become a permanent repository. All of these studies work within certain parameters to determine issues such as safety. Senate bill 1287 ignores these parameters and deletes the metric ton limit currently placed on Yucca Mountain. This last-minute change would disqualify the ongoing scientific studies at the site and would be similar to placing a dump truck load of sand into a wheelbarrow.

Finally, let us look at the facts and the Earth science surrounding Yucca Mountain. In the last 20 to 30 years, there have been over 634 earthquakes, and 13 of those earthquakes have occurred in the last 30 days. We could not site, license or construct a nuclear power plant on the site where this nuclear waste facility is to be constructed. It is not safe. And I ask my friends and colleagues in this body to vote against this untimely and unfortunate measure.

Mr. DINGELL. Madam Speaker, I yield 4½ minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), the ranking member of the subcommittee.

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Michigan for yielding me this time. It is with a strong sense of regret that I rise in opposition to S. 1287.

I recently became the ranking member of the Subcommittee on Energy and Power of the House Committee on Commerce. The Subcommittee on Energy and Power has a long tradition of working on a bipartisan basis to address our Nation's energy security in a manner that is both serious and thoughtful. Whether under the chairmanship of Phil Sharp or Dan Schaefer, we have always tried to put the interest of our Nation ahead of the allure of partisan advantage. That tradition is being upheld today in a truly excellent fashion by our current subcommittee chairman, the gentleman from Texas (Mr. BARTON), and the process of creating sound energy policy is advanced by it.

Nowhere has that bipartisan spirit been more in evidence than in our efforts to solve our Nation's nuclear waste problems.

□ 1315

In each of the last three Congresses, Republicans and Democrats representing a broad array of political viewpoints have banded together to draft nuclear waste legislation; and the result has been that these bills have been approved by the House Committee on Commerce by overwhelming margins each time, including a victory just this past May of 40 votes in favor to only six votes opposed.

That type of bipartisan work led to a clear and convincing victory in the last Congress when the nuclear waste legislation reported by the House Committee on Commerce was approved in this House by a veto-proof majority of 307–120.

Unfortunately, the bill that we are considering today flies in the face of what we did just 2 years ago. Let me quickly highlight some of the many differences between what the Members accomplished 2 years ago and what they are being presented this afternoon.

The central element of the bill passed by the House 2 years ago was the construction of an interim storage facility so that waste could be moved from their States to Yucca Mountain beginning in the year 2002.

The bill currently before us does not authorize construction of that vitally needed interim storage facility. It seems to require DOE to begin receiving waste at the site 18 months after the NRC grants a license to construct the repository sometime around the year 2006. However, this is not a schedule that the Department can meet even under the best of circumstances. And for reasons I will lay out in a minute, DOE is not likely to be operating in a best-case scenario.

Now, some proponents point to a provision of section 102 of the bill that authorizes something called backup storage capacity as somehow being similar to interim storage, but that is simply not accurate. The provisions of section 102 are so narrowly focused that only two utilities, if any, could benefit from the provisions of that section.

Another central tenet of the bill that was passed in the 105th Congress, as well as the bill reported this year by the House Committee on Commerce, is that all of the money ratepayers pay into the nuclear waste fund must be used exclusively for the nuclear waste program. Ratepayers have paid more than $11 billion into the waste fund to date, and only a fraction of that money has been spent on the waste programs.

Not only is that wrong as a matter of principle, but without rectifying the funding situation, DOE will not be able to open a repository in 2010, let alone in the year 2006, clearly in not a best-case situation.

There are many other differences between this bill and the bill we passed in the last Congress. But let me point to just one final crucial point of departure. This bill contains language that would tie our ability to transport waste to Nevada in knots.

Madam Speaker, this legislation is clearly not well crafted. It will not further the policy of objectives that we sought to achieve in the House on a bipartisan basis. And I am deeply concerned that the actions we are taking today, for no apparent positive purpose, may do irrevocable damage to our chances of ever enacting the nuclear waste legislation that is so vitally needed.

So more in sorrow today than in anger, and as a long-time supporter of nuclear waste legislation, I urge my colleagues to join with me in voting no on this measure.

Mr. UPTON. Madam Speaker, I yield myself 30 seconds just to respond.

Madam Speaker, I appreciated the leadership of both the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER). They were terrific as we moved H.R. 45, as well as were other members of the committee.

But the major change between the two bills is the interim storage facility. It was the administration that sent us that letter and said, we will veto the bill unless you take that provision out. We took their word for it, and yet they still were not there. It really was Lucy and the football. We did what they asked. The Democratic administration refused to play ball. And here we are today.

Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the Committee on Commerce and a viable Member on this issue.

Mr. NORWOOD. Madam Speaker, I rise reluctantly to oppose my friend, the gentleman from Nevada (Mr. GIBBONS). But I do admire a worthy opponent, and he most assuredly has been that.

I also find it very interesting that I rise and agree with both of the gentlemen from Michigan. The senior Member from Michigan, my good turkey-hunting buddy, has called this bill a turkey; and he and I both know that the turkey is a noble bird. We both know that had it been left to Ben Franklin, of course, that would be one of our national symbols.

So we are ending up with a bill that does not really suit any of us on the Committee on Commerce. We would much rather have our bill. And I am going to support this bill not because I think it is a perfect bill. It is far from that. There are many aspects of this bill that I would certainly like to see changed. I am particularly disappointed that there are no interim storage or take-title provisions, among other things. But, in short, this is a seriously watered down bill.

Now, I support this bill because I am sick and tired of the President playing games with this important issue; and I, for one, am ready to call his bluff. He says he wants to support responsible management of our nuclear waste. Yet every single time, every single time we have made a concession and moved his way, he says it is not good enough and wants more. It has happened every time. It is a classic case of moving the goal post.

It is, obviously, that he does not want a bill to sign. He wants to play politics with this issue like he does with many other issues. We have haggled over and over on the details of this legislation for years now. The only remaining question is whether or not the President will honor a Federal responsibility to store this waste at one site instead of dozens of sites all across the country.

It is my guess that he will not. Since passage of the Nuclear Waste Passage Act of 1982, ratepayers have committed $17.5 billion, and $573 million of those came from Georgia, into the nuclear waste fund for the purpose of building a permanent home for spent nuclear waste. The original deadline was 1998.

The only reason in the world that we do not have a law and a good law that came out of the House and came out of the Committee on Commerce is that the President of the United States is playing politics with hazardous nuclear waste. It is just that simple.

So I say to both of my friends from Michigan, we are doing the best we can do in view of the fact that we have had an administration that did not recognize the great bill that came out of the Committee on Commerce. Now let us see if he will honor his word and sign a watered down bill.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Michigan (Mr. DINGELL), my distinguished ranking member, for yielding me the time to speak on this important issue.

Madam Speaker, I rise in opposition to this legislation. We must stop attempting to pass a nuclear waste bill merely to say we have passed a bill. This is high-level nuclear waste we are talking about sweeping under the rug here, not just household dust; and it must be treated accordingly.

As we all know, one of the more important issues we face at the beginning of the 21st century is how to dispose of our spent nuclear fuel. Solving this issue is essential to the future environmental health and safety of this country.

Unlike some, I am not unequivocally opposed to storing the fuel in one safe centralized location. Unfortunately, this bill does not accomplish this very important goal.

This bill will allow Yucca Mountain to be used as a default temporary storage facility because we will not be able to do the adequate testing to first determine its true viability as a permanent storage facility.

I visited Yucca Mountain last year, and I toured the site. I was very encouraged about the progress that was being made towards certification as a permanent site. But we cannot rush this testing. We cannot move up the water seepage test or the heat test or any of the other tests. Instead, what we are trying to do is take this action before the study is completed. This is dangerous and this is ill-advised.

I asked the scientists when I was there where the temporary storage would be until it was certified; and they said, well, they could put it over there or they could put it over there, whatever they decide. I do not think this is sound nuclear policy.

I am equally troubled by the dangerous potential for accident during transportation of the fuel through dangerous mountain passes and heavily populated urban areas, both of which we have in my State.

In 1984, in this overpass in Denver, Colorado, we narrowly survived a brush with disaster from deadly cargo when a tractor trailer carrying a torpedo rolled over right here in the Mousetrap in central Denver and endangered millions of people in the metropolitan area. Luckily, the torpedo did not explode. But it shut down the entire city of Denver for an entire day.

Imagine if we do not have local involvement in these transportation decisions what high-level nuclear waste will do.

Madam Speaker, rushing to pass a very flawed bill is not smart public policy. Rather, it is a political act to force the President to once again veto a bad bill. Let us do the science. Let us do the science right. Let us survey a site. Let us have involvement from local transportation officials, and let us have smart transportation routes before we go anywhere.

Madam Speaker, like my colleagues, I believe that we should vote down this turkey, as my distinguished ranking member says, and go back to the drawing board.

Mr. UPTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, we have been at this for about 18 years. That is when we passed the first nuclear waste bill. And we kind of set it up like a legit process. We were going to send out all these scientists, and they were going to try to find the best sites in America to characterize in order to take all of this nuclear waste for the rest of eternity or 20,000 years, whichever came first, which is quite a scientific task.

Then we reached 1987 and all of the scientists figured out that maybe we could put it in Washington State. But at that point the majority whip was from Washington State, so he said, I do not want it in Washington. And then the next one on the list was Texas. But the Speaker at the time came from Texas, so he said he did not want it. And then Louisiana. But the Senate energy committee chairman came from Louisiana, so that one was off. Then we had Mississippi. And we know who represents Mississippi. That one was off.

So it came down to handing over the nuclear queen of spades to Nevada, picked by this incredibly distinguished group of scientists here on the House floor, notwithstanding the fact that there is an earthquake fault about 100 miles away from the site.

Now we come back 13 years later, and we are about to say that we are going to authorize 100,000 truckloads of nuclear waste to start heading toward Nevada, kind of mobile Chernobyls out on the street heading towards Nevada.

Have my colleagues ever noticed that, in any of these prison movies, they never break out of prison; it is usually when they put them on trains or trucks that they figure out how to break out of the train or the truck, the fugitive. Well, we have to think of these like loose nukes out on the streets of America.

Maybe a driver that went out last night and had a little toot, unfortunately now careening through our neighborhoods, 50 million people's homes are going to be driven by with this nuclear waste. And this bill says that, believe it or not, if the driver engages in gross negligence, willful negligence, that the trucking company is not liable.

Just think of the disincentive that that would create for a truck driver to get a good night's sleep the night before and not to have that little extra beer before they close up the joint at 2 in the morning and then they careen these trucks right through our neighborhoods. Well, this bill does not allow us to build in any safeguards, any liability for the trucking or for the railroad firms.

In addition, we used to have Elliott Ness and Al Capone. Well, we call these contractors now the untouchables. Cannot get them. It is bad precedent. We would not do it for any other part of American commerce if they were trucking or a railroad. But, in this bill, they do so.

This bill must be defeated. I urge a very strong "no."

□ 1330

Mr. UPTON. Madam Speaker, I yield 4½ minutes to the gentleman from the great State of Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Madam Speaker, I rise in support of this bill, and I commend the gentleman from Michigan (Mr. UPTON) as well as the Committee on Commerce's efforts in pressing for responsible nuclear waste legislation.

It is high time we took the bull by the horns and dealt honestly and professionally with the issue of nuclear waste.

We might ask why, why is this piece of legislation needed now? The answer, Madam Speaker, is very simple. We rely on civilian nuclear power plants for almost one quarter, let me repeat that, almost one quarter of our Nation's electric power supply.

Last year, our 103 nuclear power plants, which is down from a few years back, were more productive than ever before by producing safe, reliable, inexpensive electricity, more than ever before.

Nuclear power is one piece, and by no means, a small piece. It is a part of the engine that drives the American economy. We cannot afford to be small-minded and throw up our hands and walk away from this issue; something must be done.

The thousands of tons of radioactive fuel currently sitting in spent fuel pools across this Nation cannot sit there forever. The United States Government made a commitment to the Nation's nuclear utilities and to its people, a commitment that it would build a repository and begin receiving spent fuel in 1998, a responsibility under law passed in this very Chamber. That deadline is well passed, and a most optimistic estimate for what the Department of Energy now says to begin taking shipments would be the year 2010.

The failure by the administration and DOE to live up to its responsibilities is now forcing the nuclear industry to expend considerable sums of money to construct additional storage. This after those same utilities have kicked in over $12 billion to the Federal coffers for the expressed purpose of constructing a geologic repository.

It is very clear that something must be done, and S. 1287 is a step in the right direction. We have to face reality, the reality of the Clinton administration's lack of leadership with respect to nuclear power and nuclear waste, the reality of opposition by the Nevada delegation in the Senate, and, most importantly, the reality that we, as a Nation, desperately need a repository. And Yucca Mountain is the best place in this country for it to be built.

The amendments to the 1982 act found in this bill will get us back on track by setting up a mechanism through which the costly legal battles between the utilities and the Government are resolved. It sets out the necessary milestones to be met and provides for early receipt of Yucca Mountain spent fuel or spent fuel for Yucca Mountain, potentially as early as 2006.

It is a vital step, Madam Speaker, for those plants with limited existing storage capacity. It ensures that transport of the depleted fuel is done safely along the lines established for the Waste Isolation Plant.

Let me assure you that the transport of spent fuel along the Nation's highways and railways is safe. With over 3,000 shipments since 1964, and shipping casks that can withstand the impact of a speeding locomotive, we certainly know how to safely ship radioactive waste. And S. 1287 leaves the setting of radiation standards up to the EPA and ensures that EPA is aided in its decision by the formidable scientists and engineers at the National Academy and the Nuclear Regulatory Commission.

We need to allow sound science to guide us here and remove the setting of radiation standards from the political arena.

Madam Speaker, Yucca Mountain is perhaps the safest place in the world to store spent nuclear fuel. S. 1287 protects the citizens of Nevada and protects those living near the plants and along the transport routes. The administration has been irresponsible in its failure to live up to its obligations. S. 1287 gets it back on the path to a permanent solution for our Nation's nuclear waste.

Madam Speaker, we need to send to the President S. 1287, and he should sign it. I urge and I vote for this bill.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the distinguished gentleman from Michigan (Mr. DINGELL) for yielding me the time.

Madam Speaker, at the close of debate I will offer a motion to commit S. 1287 to committee. I oppose S. 1287 because it would irresponsibly ship nuclear wastes to Yucca Mountain, a location that scientific evidence has established cannot safely contain the massive heat and radioactivity generated by 100,000 tons of high-level nuclear waste.

After more than 15 years of study, it is clear that Yucca Mountain is not what Congress had in mind when it set high standards for finding a nuclear waste disposal site. A nuclear waste site must be free of groundwater contamination for many, many centuries to come; but Yucca Mountain is now known to be at high risk for water contamination that will speed the release of radioactivity into the water supplies over a vast area of the Nevada desert.

A nuclear waste site must be free of earthquakes, but Yucca Mountain is in one of the more active earthquake zones in the country. It has been shaken repeatedly, even over the past year, by severe earthquake jolts. And a nuclear waste site must be free of volcanic activity, but scientific findings show that Yucca Mountain is subject to potential eruptions deep within the earth that could cause a catastrophe of unimaginable proportions.

I offer this damaging assessment of Yucca Mountain as a backdrop to the many flaws identified with S. 1287. Bills like S. 1287 only exist because they offer a political, not a scientific, approach to the Nation nuclear waste problem.

S. 1287 is the latest ploy in a long line of actions that have been taken to undermine the tough standards for a nuclear repository that Congress established 18 years ago. S. 1287 constrains the Environmental Protection Agency from implementing their final rule for radiation standards, at the same time this bill opens up the door to making radiation standards a political exercise in the hope that a new administration would shift its policies away from strong radiation standards towards more lax limits on radiation exposure.

S. 1287 also takes a dangerous and arbitrary position by mandating that high-level nuclear waste would be shipped to Nevada beginning in the year 2006, years before testing and construction at Yucca Mountain could possibly be completed.

There is absolutely no logic to sending high-level nuclear wastes to Nevada, the most dangerous substance known to mankind, to a place that it is not safe to begin with and certainly would not be ready to safely accept this toxic garbage.

It is an outrage that the Republican leadership is even considering this legislation. Common sense should dictate that in the light of a promised presidential veto and the ability for the Senate to sustain that veto, that we waste not one more moment of our precious time with this issue.

Let us focus our time and energy on fighting for prescription medication for our seniors, a Patients' Bill of Rights, finding ways to protect Social Security and Medicare, and other important issues confronting this great Nation.

Mr. UPTON. Madam Speaker, I yield 5 minutes to my friend, the gentleman from Texas (Mr. BARTON), a member of the Committee on Commerce.

Mr. BARTON of Texas. Madam Speaker, I rise in opposition to the pending legislation before the Congress. I am the chairman of the Subcommittee on Energy and Power that has jurisdiction over this issue. I have held numerous hearings on this issue. I have been in Nevada several times on this issue. I have met with State officials, local officials, and county officials in Nevada on this issue; I have met with the Nevada delegation on this issue. And I want a solution to the problem. I do not believe that there are any Members more committed to a long-term solution to our nuclear waste disposal issue than I am. Having said that, I think the Clinton administration has been absolutely opposed to any reasonable approach to this for 8 years. It appears they are going to succeed in stonewalling a solution in the next year.

I think the world needs to know that since 1998, Federal law requires that the Federal Government take title and take responsibility for the nuclear waste that is in existence from our civilian reactors. The Clinton administration has not done so. They are in violation of Federal law. They are subject as we stand on the House floor to billions of dollars of penalties.

Having said that, if we are going to pass legislation, I think what we ought to do is solve the problem. I give Senator MURKOWSKI all the credit in the world in the Senate for trying to craft a political compromise that might not be subject to a presidential veto. He tried very hard. Unfortunately, he was not successful and in so trying to reach that compromise, he watered down the bill so much that it solves none of the major policy issues that need to be solved.

Let us go through those. Number one, we actually have to have the funding to build the repository. We have put about $15 billion into the nuclear waste fund since 1982. There is still in the neighborhood of $10 billion in the fund. The House bill with the support of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. HALL) and the gentleman from Virginia (Mr. BOUCHER), the leadership on our side, the gentleman from Virginia (Mr. BLILEY) and myself, we solved it. We free up the nuclear waste fund to be used to build and operate the nuclear waste depository. The Senate bill does nothing on that, so you are not going to fund the program. You cannot build a depository with $400 million a year. The Senate bill is fatally flawed on that one issue alone.

What about interim storage? Again since 1998 we are in violation of Federal law. The House bill does two things. It actually funds the building of an interim storage facility that takes the waste beginning in 2003. It also incorporates the Secretary of Energy's recommendation on the take-title option in place. The Senate does neither of those. It strips out the take-title option, and again it has no funding to build an interim storage facility. It has something called early acceptance in 2007 which again will never happen because the funding is not there. So it fails on the interim storage front.

What about the radiation standard? The House again responsibly sets a responsible radiation standard. We put the Nuclear Regulatory Commission in charge of that standard. The Environmental Protection Agency has been sitting on their hands for 18 years claiming vaguely some sort of jurisdiction but doing nothing about it. The House takes the responsible position. The Senate tries but what they basically do is prevent the EPA from issuing a standard for 18 months which punts the issue into the next administration, so the Senate bill fails on that.

What about the transportation issue that the gentlewoman from Colorado spoke about? The House has a very responsible transportation plan that the gentleman from Michigan (Mr. UPTON) and the gentleman from New York (Mr. TOWNS) have worked on in past Congresses. The Senate sets up a cumbersome mechanical process, requires 3 years of specific training by the Federal Government in each State, which is I think inviting endless litigation and appeals by the State governors. I would have to say the Senate fails on that issue.

So if we look at it on policy issues alone, I do not believe one independent, informed observer who has followed the issue for the past 15 years would say the Senate bill solves the problem. In fact, I would say just the opposite. They would say the House has acted responsibly, has a solution that would work. The Senate in trying to craft a compromise that the President might accept had to so back away, in my opinion, that the Senate bill even if the President were to sign the bill, which he says he will not, does not solve the problem. So the responsible policy vote in my opinion is a no vote on the Senate bill.

I want to commend the House leadership for trying to bring the issue to the floor. I believe that they have tried to act in what they think is the best interest of the House, but they have not put the best policy option on the floor. We should reject this, bring up the House bill, then try to go to conference with the Senate.

I reluctantly rise in opposition to S. 1287. I certainly agree with bill supporters that our Nation needs a comprehensive nuclear waste solution. But this legislation does not go far enough to address the critical issues that would actually get spent nuclear fuel out of our communities and where it needs to go, and in proper time.

Probably everyone who votes yes today would also vote in favor of H.R. 45, the Nuclear Waste Policy Act of 1999. In fact, the House bill would receive even more support, likely constructing a bipartisan veto-proof margin of more than 290 votes. On April 21 of last year, for example, the House Commerce Committee passed H.R. 45 on a bipartisan vote of 40 to 6. I thank Chairman TOM BLILEY, Ranking Member JOHN DINGELL, and my other committee colleagues for their work across both sides of the aisle.

On February 10 of this year, the Senate passed this legislation, S. 1287, by a vote of 64 to 34. I applaud the Members of the other body, particularly Senate Energy Committee Chairman FRANK MURKOWSKI, for their efforts to get a strong vote. The Senate took a different approach in its efforts to find a comprehensive solution, and came close to a two-thirds vote, but the Senate vote at least makes clear that a significant majority in Congress supports nuclear waste legislation.

The current administration, however, flaunts the bipartisan will of the Congress with a series of irresponsible veto threats and coalition-breaking efforts. When the Commerce Committee passed H.R. 45 by that overwhelming 40 to 6 vote, the administration chose not to work with us—instead it said it would veto our bill. When the Senate neared the magic 67 votes necessary to override, the only contributions from the White House were a moving of the goalposts and, yes, more veto threats.

I applaud Speaker HASTERT and the Republican leadership fro their continued support of nuclear waste legislation. I understand the constraints on time here and in the Senate that permit us to consider only the Senate bill, without amendment. I do not question the intent in scheduling this bill for floor consideration.

I only wish President Clinton and Energy Secretary Richardson offered a genuine willingness to work with the Congress in a House-Senate conference committee. Instead, this administration continues to stonewall progress toward a real solution and even obstruct our own efforts to find a compromise. Three times Federal courts have ruled that the administration is violating Federal law by ignoring its legal duty to begin acceptance of spent fuel in 1998. Despite these rulings, over the past 8 years the administration has never once offered a solution to the nuclear waste disposal problem. Instead, the administration has focused its energies on obstructing reasonable congressional solutions. Perhaps a real solution will have to wait for a future administration.

When we face an administration so completely uncooperative, we should not lower our sights and pursue the lesser bill. The House bill, H.R. 45, would provide for a safe and licensed interim storage facility while the permanent site is completed and tested. H.R. 45 would move the Nuclear Waste Fund off-budget, a crucial step to ensure funding for the completion of the work at the depository. Our funding solution ensures that the ratepayers, in return for the $15 billion they have already paid to the Nuclear Waste Fund, get the repository that the Federal Government promised to them. If we do not fix the funding arrangement, the general taxpayers will eventually get stuck with the costs of nuclear waste disposal. Even Secretary Richardson testified that the permanent repository program faces a serious funding shortfall in the coming fiscal years.

H.R. 45 provides a safe and efficient intermodal transportation to the Yucca Mountain site, avoiding shipments through Las Vegas. H.R. 45 requires the Nuclear Regulatory Commission to issue a radiation protection standard, finally placing that rulemaking in the proper hands. By requiring a cessation of lawsuits after performance by the Department of Energy, H.R. 45 would instill incentives for utilities to settle outstanding cases and get the waste on its way to the repository. Finally, the schedules in H.R. 45 are realistic and achievable in large part because it provides a secure source of adequate funding for the entire program. By contract, the schedules in the Senate bill (2007 for early acceptance, 2010 for the permanent repository) will never happen without sufficient funding to meet those deadlines.

Looking forward, this administration claims to support nuclear energy, yet it refuses to take the number one step to regain the nuclear power option. Much is said about our dependence upon foreign oil, yet this administration continually tries to find new ways to use the Clean Air Act and other laws to block domestic fossil fuel development. If we solve the nuclear waste problem, we remove the major impediment to constructing new nuclear power plants and at the same time can provide the Nation with a zero-emission source of power.

While the debate on nuclear power's future is for another cay, our current situation cannot be ignored. Spent nuclear fuel continues to accumulate at reactor sites around the country, and the financial liability against the Federal Government grows larger every day. But let no one doubt the readiness of my Energy and Power Subcommittee, the Commerce Committee, the House of Representatives, or the U.S. Congress to address the nuclear waste issue responsibly and on a bipartisan basis.

I promise all of my colleagues that I will return here to stand on the floor in support of comprehensive nuclear waste legislation when we can make good public law. Unfortunately, that will have to wait for a day when we have the votes in both Chambers to override a Presidential veto in both Houses, or better yet when we have a President who will work in good faith with a bipartisan Congress to solve this vital issue.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BACA).

Mr. BACA. Madam Speaker, first of all I want to recognize the gentleman from Michigan (Mr. DINGELL) for his efforts and the gentlewoman from Nevada (Ms. BERKLEY) for fighting very hard on an important issue that is impacting not only their districts but the districts throughout the Nation. I commend them for their effort in bringing this awareness to a lot of us. All of us care about legislation. We care about good legislation. This is not good legislation. It should not be done just for the sake of creating legislation and having a nuclear waste dump in Yucca Mountain. It should be legislation that is positive, legislation that has taken in every safeguard. It should have allowed the input. It did not allow the input. We have many people that are going to be affected. This is a bad bill, especially for my district and Members from Southern California.

This bill does not accurately address the serious issues of highly radioactive nuclear waste being shipped to Nevada. Currently it is estimated that transportation of spent fuel to Yucca Mountain will involve over 100,000 shipments by trucks and trains.

□ 1345

Can we imagine 100,000 shipment of roads and highways and rails through at least 43 States over the next 30 years? Can we imagine if there was a derailment in the area? I know that in California not too long ago we had a derailment in that immediate area with an explosion that affected many individuals. We recently had some of the trucking industry that had a derailment in that area that had the trucks and traffic that was delayed for some period of time.

Can we imagine how many people would be affected in that area without a safety plan, without an emergency plan? It is important that we also know that the Americans and individuals are informed as to what are the safety precautions if, in fact, something was to happen.

Many individuals utilize our freeways and our highways. If, in fact, they could not get to work, what alternate plans or routes would be there? How would we be working with the communities in the area with the fire chiefs, with the police department, with the emergency response team, to notify them of this shipment?

We need to begin to address this issue. It is important for all of us to make sure that we protect our children, we protect our communities but that we do have good legislation that impacts us not to have legislation for the sake of putting legislation before us.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Madam Speaker, let me thank our ranking member, the gentleman from Michigan (Mr. DINGELL), for his leadership on this issue.

Madam Speaker, I rise in opposition to the Nuclear Waste Policy Amendments Act. This bill promotes bad environmental and health policy and it does not allow the EPA to issue public health and safety standards for waste storage in Yucca Valley.

In addition, it does not authorize the Department of Energy to build interim storage facilities or take responsibility for utility waste storage on-site. This process that we are using to consider this bill is a perfect example, Madam Speaker, of how partisan politics have degraded the legislative process. Rather than to bring the House version of the bill to this body, we are considering a Senate measure which does not even garner enough votes to override a veto.

Moreover, we are not being given the opportunity to offer amendments that might bring about some level of bipartisan compromise on this issue.

There are at least 8 amendments that have been offered as a means to strengthen S. 1287. I am a cosponsor of one such amendment which promotes fiscal responsibility. My amendment allows utilities to invest the surcharge nuclear utilities pay to the Department of Energy. Interest earned on this investment would be used to fund onsite storage.

The Department of Energy's obligation to store the waste until a permanent facility is completed is met, and taxpayers' money is saved. My amendment further would create an incentive to speed up the development of a permanent facility.

Madam Speaker, I am dismayed at the fact that my colleagues and I are not able to present our amendments, which would bring about needed reform in nuclear waste disposal. I urge then all of my colleagues on both sides of the aisle to oppose this measure.

Mr. UPTON. Madam Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT), my friend and a leader on this issue.

Mr. GUTKNECHT. Madam Speaker, I thank the gentleman from Michigan (Mr. UPTON) for yielding me the time.

Madam Speaker, I am not an expert on this issue but I do know a little bit about it; and if we look back at history, this all started back in the 1950s when the Federal Government made an agreement with the utilities industry and said they will build these nuclear power plants which we believe to be a peaceful way to use nuclear energy, we will take responsibility for the spent fuel. That was the 1950s, and that was the policy under which a lot of these plants were built.

I do not know why we are here, to be honest. We passed back in 1982 a bill which said, yes, in fact, the Federal Government would take possession of spent nuclear fuel beginning on January 31, 1998.

Why are we here? I think we have been clear all along, Federal policy has been that the Federal Government would take responsibility for spent nuclear fuel. In return for that, ratepayers have paid over $13 billion in additional fees that were supposed to go to help develop a nuclear spent fuel repository. That money has been collected. Ratepayers in my region have paid over a billion dollars, and yet we are still arguing here on the House Floor whether or not the Federal Government is going to be responsible for this spent fuel.

There is no question the Federal Government is responsible. We should not have to even be here passing a bill.

Now some Members have said this bill is not perfect. I agree, but we have to do something. This is the best chance we have.

Madam Speaker, I hope Members will join with me in supporting this very important legislation. It is important not only to the ratepayers but to people who use energy all over the United States.

We have an energy problem in the United States. Shutting down nuclear power plants is not the answer.

Mr. DINGELL. Madam Speaker, I yield myself 4½ minutes.

Madam Speaker, we heard a remarkable speech from my good friend from Texas, a man of remarkable courtesy and courage and decency, wherein he addressed the problems that exist with regard to this bill. I want to express again my affection and respect to my good friend, the gentleman from Michigan (Mr. UPTON), who has handled the bill for the majority.

The simple fact of the matter is this is a bad bill. This is a bad procedure. What we find ourselves confronting is a bill which will be vetoed, a bill which does not have the chance of getting a veto-proof majority. It does not address the problems which confront us with regard to the handling of nuclear waste or what is required in the way of good nuclear waste legislation, but substitutes a Senate bill which everybody recognizes is inadequate.

Why we should pass a bill recognized as inadequate is beyond my ken, particularly since it does not address the problems and since it triggers opposition by many of us, like myself, the gentleman from Virginia (Mr. BOUCHER) and other colleagues on the committee, who have staunchly supported the resolution of this problem by the passage of proper legislation.

We supported the bill so ably handled by my good friend, the gentleman from Michigan (Mr. UPTON), in which the process was led by the distinguished gentleman from Texas (Mr. BARTON).

We supported the bill which passed the House last year. Why? Because we thought that those two pieces of legislation were good bills; that they took steps towards resolving a major national problem and did so in a fair and a proper way.

This legislation does not resolve it. It does not deal with the problem of short-term waste. It, in fact, probably delays the time when utility waste and defense waste could be taken to Yucca Mountain. It does not provide the utilities with the choice of interim storage in Nevada. It does not restore the $11 billion paid by ratepayers to fund the program. It does not ensure there will be enough money to pay for the repository program. It does not expedite transportation of waste from my colleagues' States or my State to Nevada. In fact, it creates a situation which will probably tie up efforts to move waste to Yucca Mountain in knots for years to come.

The interesting thing about this whole process is for some strange reason the leadership on the other side came to the conclusion, and I do not mean my colleagues on the committee but the leadership came to the conclusion that they would put the Senate bill on the floor. There was no consultation with the committee. There were no hearings on this. This bill was held at the Speaker's table. The legislation, if it had had hearings, would have become very plain.

It does not resolve the problems. We have not addressed any of the real concerns that had triggered the enactment or rather the reporting of the original

House bill from the Committee on Commerce, in a bipartisan exercise. The result here is that we are passing a bad bill, under a gag rule, under a bad process, in a fashion which, very frankly, assures we do not address a major national problem; and in fact we are creating further problems, including further litigation and the possibility of large losses to the taxpayers both in terms of the corpus of the fund because of judgments and also because of huge litigation costs that are going to arise.

Clearly, we need to address the problems of procedure and have a procedure which is fair and sensible. Equally, it is clear that we need to address the fact that the substance of this bill affords no relief to the industry, does not resolve the problem and leaves us with a future mess on our hands.

I urge my colleagues to reject the legislation, vote it down or recommit it to the Committee on Commerce. Let us put a decent bill on the floor and let us do it under a process which lets the House work its will. I would have offered the Committee on Commerce's bill, which was sponsored so ably by my good friend, the gentleman from Michigan (Mr. UPTON).

The Committee on Rules and the leadership denied us that right. Not just to me but to all of us, to my colleagues on both sides of the aisle, many of whom strongly desire to have a good piece of legislation because we know that the resolution of this question or these questions is in the national interest.

Regrettably, we are rejecting that opportunity to pass a piece of legislation which will be vetoed by the President; and which I can guarantee cannot muster the votes, either to see an override of that veto in the House or in the Senate.

This is an exercise in futility; and it, quite frankly, is a shameful waste of the time of this body.

Madam Speaker, I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I certainly appreciate the kind words from my friend, the gentleman from Michigan (Mr. DINGELL), and to close I yield the balance of our time, 4 minutes, to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Madam Speaker, the objections to this bill are, in fact, process and schedule. The objections are that perhaps a better bill could have been written and, in fact, the Committee on Commerce I think has produced on occasion better language.

The objections to the bill are that we do not treat in this bill short-term or temporary storage but it is the administration that is opposed to us doing so. We are trying to get a bill passed, trying to get it signed. We have been at this business for 15 years, and in the course of the 15 years of debate high level nuclear waste is now stored at 80 different sites in America in 40 different States.

That is in addition to the DOE waste that is now stored at DOE's weapons facilities and, as a consequence, we have collected during this 15-year period nearly $16 billion from consumers, who we have promised we would take care of this mess; and yet we have failed to keep our commitments.

The Court of Appeals has ruled that DOE has an obligation to take possession of nuclear waste in 1998, whether a repository is ready or not. 1998 has come and gone and yet now we stand in that court that the costs and the expenses of contractual damages could exceed $40 billion to $80 billion. This is taxpayer and ratepayer expenses we ought to be avoiding.

So what is our only solution? Our solution is to pass this bill, and get it as quickly as we can into law.

It does not do everything, but it does a lot. It provides indeed the backup of storage of spent nuclear fuel, for those who cannot build on-site storage. It maintains the nuclear waste fee at the current level until it is changed by Congress. It authorizes DOE to enter volunteer settlements of the billions of dollars of liability that taxpayers now face if we do nothing. It provides additional planning and safeguard.

It requires additional research into new technologies. What it does not do is important. It does not take away EPA's authority to set radiation release standards at Yucca Mountain. It does require a review of EPA's proposed rules by experts at the National Accounting of Science and the Nuclear Regulatory Commission.

It allows EPA and Congress to review their comments and it does not authorize interim storage prior to authorization of permanent repository authority at Yucca Mountain.

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It does not violate the Budget Act, and my understanding is that the administration's objection to this bill makes no sense whatsoever.

Madam Speaker, it is time for us to settle this issue and to begin the process of avoiding this overhanging liability to the American taxpayers. Forty States, 80 different sites; it is time for us to settle it.

I want to commend my friend from Michigan for bringing this bill forward and for understanding the practical realities. Yes, we could argue process; yes, we could argue schedule; yes, we could argue for 12 hours on this floor. The result would be the same. The issue would go undetermined and unsettled.

It is time, schedule permitting, process permitting, for us to settle it, and to begin to bring an end to this awful 15-year debate, an end that provides for some permanent resolution of this issue, some permanent repository for nuclear waste, so that American citizens can avoid this overhanging problem of damages and so that we can rationalize this system of protection and provision for ultimate storage of these wastes.

Madam Speaker, I urge my colleagues to support this bill, to vote for it. It is critical that we pass it on to final action by the Senate and the White House.

Mr. PAUL. Madam Speaker, while nuclear power has conferred a considerable benefit upon power users in this country, today, we confront the symptoms of a federal government run Constitutionally amok which requires our serious attention. As a Congress, we are faced with the decision of whether to further ignore the federal government's constitutional limits and ultimately confront additional future symptoms of such action or acknowledge the necessary consequences of such an extra-Constitutional activity and act to correct the initial "enumerated powers doctrine" transgression.

In 1982, the federal government entered into an agreement with nuclear power industry to take possession of their nuclear waste and properly dispose of it in 1998. It should be noted that it is now March 2000 and the federal government has quite simply breached its contract. More importantly, it should be noted that the federal government had no authority to enter such an agreement in the first place. These facts, of course, did nothing to prevent the federal government from collecting from utility companies and their customers tax revenues for placement in a trust fund to accomplish their illegitimate and unfulfilled promise. Lack of constitutional authority also did nothing to stop the federal government from squandering more than $6 billion of that trust fund without having collected one gram of nuclear waste.

Today we are faced with yet another bill which provides mandates for which neither constitutional authority exists nor for which there is any reason to believe that such mandates will be observed by the Department of Energy any more than the previously legislated mandates have been observed. Additionally, this bill further expands the authority of the Environmental Protection Agency (EPA) and further involves the EPA in the process which could only exponentially increase the difficulty and time required to actually accomplish the legislation's stated purpose.

These facts stated, we nevertheless remain faced with the current status quo requiring a solution. The initial question which must necessarily be asked and answered is "whether one constitutionally illegitimate action by the federal government may ever be used to justify the second?" The answer to this question must always be answered in the negative. This does not mean, however, that those whose taxes have been illegitimately taken should receive nothing in return—quite the contrary. Numerous breach of contract lawsuits have been filed against the federal government for which quick remedies must be effectuated. Not only must the ill-taken revenues be returned to the non-breaching parties but attorneys fees and damages imposed upon the non-breaching parties should be awarded them as well. Perhaps, even more should be done, however, as this "contract" can, in many ways, be likened to the car thief who knowingly sells a stolen car to an unsuspecting customer inasmuch as the federal government promised to deliver something for which they themselves have usurped (stolen) from the state authorities and, hence, had no legitimate right to offer.

Of course, returning the trust fund money including interest and damages to ratepayers and utilities companies quite obviously does not dispose of the hazardous waste. Waste disposal and public safety, though, remains a power of the state governments under the tenth amendment to the U.S. Constitution which specifies that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people." The public safety and police power have long been held to be state law matters and most appropriately so.

While citizens of those forty-nine states exclusive of Nevada may believe that Nevada is a fine place to dispose of one's waste, one must never concede the principle of states right guaranteed by the Constitution or forget that, in so doing, the next choice of the federal government may be to deposit equally dangerous or harmful materials in the rangeland of Texas. To the extent any particular state is unfit for such waste, the Constitution allows for interstate compacts between states. Enlisting the aid of the federal government to impose one's waste on citizens of another state while efficacious for the "dumper" is thus neither prudent, Constitutional, nor particularly pleasant for the "dumpee."

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to S. 1287. The bill poses a serious risk of contaminating our Nation's groundwater with nuclear waste. It also would require the Department of Energy to accept nuclear waste for permanent storage before a storage facility was completed.

Nuclear waste storage policy needs to reflect science, not politics. It must protect Americans health and the safety of their natural resources. This bill does neither.

Under the bill, there would need to be 100,000 shipments of extremely dangerous nuclear waste traveling the roads and highways of 43 States.

The threat to drinking water as a result of the use MTBE as a fuel additive underscores the need to proceed carefully in storing nuclear waste. We are learning that migration of chemicals in groundwater is wider and easier than we previously thought. To hurry to store nuclear waste at Yucca Mountain without fully understanding the risks of groundwater contamination is foolish and dangerous.

Currently the standards for Yucca Mountain include no radiation standards whatsoever for groundwater contamination. A recent article in the journal Science concluded that plutonium dioxide, present in nuclear waste, is water soluble. By rushing 77,000 tons of radioactive waste to Yucca Mountain is to reduce the time available to conduct research to assure that groundwater is protected.

It is regrettable that the Republican leadership has prevented Members from offering amendments to correct the deficiencies of this bill. Almost a year ago, the Commerce Committee reported a nuclear waste bill with bipartisan support to the House. The Republican leadership will not permit us to even consider that bill.

We need to resolve the problem of nuclear waste storage. But a bad bill is no solution. The President has indicated that he will veto this bill. He is right to do so. I will vote against this bill, and will vote to uphold his veto.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

Pursuant to House Resolution 444, the Senate bill is considered read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

MOTION TO COMMIT

Ms. BERKLEY. Madam Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. BERKLEY. I am, Madam Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

> Ms. Berkley of Nevada moves to commit the Senate bill, S. 1287, the Nuclear Waste Policy Amendments Act, to the Committee on Commerce, with instructions that the Committee hold hearings on the bill.

Mr. UPTON. Madam Speaker, I reserve a point of order. I do not think we have seen a copy of the motion.

The SPEAKER pro tempore. The gentlewoman from Nevada (Ms. BERKLEY) will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, the intense debate today makes it clear that the House should not act on this flawed legislation, but should further consider it in committee.

A great many amendments have been drafted by Members of the House who agree that S. 1287 is a dangerous and irresponsible approach to dealing with our greatest environmental challenge, nuclear waste. But we are operating under a closed rule, and no amendments were considered. In view of this rule, our only reasonable option is to commit this bill to the Committee on Commerce so that all issues may be fully addressed.

Here are some of the issues that must be addressed before any legislation can be passed by this body:

Improving the testing of nuclear shipping containers, which are the only, only, line of defense against nuclear contamination on shipping routes in 43 States.

Shipping routes that pass through cities and towns with a combined population of over 50 million people.

Requiring consultation with State and local governments on public safety issues prior to shipping.

Beefing up our emergency response capabilities to deal with radiation releases caused by shipping accidents, including funding for emergency response teams. With well over 100,000 rail and highway shipments looming, the Department of Energy safety experts tell us accidents will happen, it is a mathematical certainty; yet S. 1287 fails to address this awful reality.

Prohibiting transportation in school zones.

Protecting EPA's authority to set radiation standards.

Requiring private carriers of nuclear waste to follow selected routes, determined in advance.

Protecting the American taxpayer from the escalating costs of nuclear waste.

Requiring advance notification to safety agencies and communities of all nuclear waste shipments going through their States and cities and towns.

Assuring compliance with State and local laws regarding transportation and storage of radioactive materials.

Prohibiting storage of nuclear wastes in areas known to be plagued by natural disasters.

Preventing negligence or misconduct by contractors who would handle and ship nuclear wastes.

Madam Speaker, this list of amendments is by no means complete. Many more have been suggested, and all of them should be considered. I know of at least 24 amendments that Members would submit under an open rule.

Clearly our discussion today of S. 1287 is incomplete, as these amendments cannot be debated under the closed rule. The wise course of action is to commit, and I call for your support for this motion to commit S. 1287 to the Committee on Commerce for further review and study.

Madam Speaker, I thank the ranking member from Michigan for his outstanding leadership in this issue.

Madam Speaker, I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I withdraw my reservation of a point of order.

Madam Speaker, I claim the 5 minutes in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Madam Speaker, I appreciate the gentlewoman's request that we hold hearings on the Senate bill. I might say, though, as a member of the committee, we have had days and days and nights on this issue, some would say 40 days and 40 nights, a lot of weeks over the last couple of years, including debate, lengthy debate, on this House floor.

The problem is not hearings; the problem is the administration. The administration has refused to negotiate in good faith on an issue of terrific importance to the entire country on this issue.

Detractors, many of the detractors of this bill were against nuclear power from the get-go. I have to say that I think I was still in grade school when the decision was made, maybe even before that, to go with nuclear power; and we are now 30 or 40 years later, and when the decision was made, the Federal Government promised that it would take care of the long-term storage of high-level nuclear waste.

As the gentleman from Louisiana pointed out earlier, we have more than 80 sites across this country that are storing now high-level nuclear waste. A number of them, including some in my district, but about a dozen sites around the country in fact ran out of room a long time ago.

In my district we have cement silos literally a baseball throw away, a Sammy Sosa relay throw, from Lake Michigan, where it is being stored, probably for at least another decade. I do not want it there. I want it in one safe place.

We transported that material to these sites around the country for the last couple of decades. Not a single case of radioactivity was released in those transfers. I believe that with the standards that we impose, that we will in fact see that waste transported safely again without a single release to one safe site.

I have been to the Nevada site. I have seen some of the $10 billion of Federal money that was used to finally store this for thousands of years, and I think it is going to be safe. The scientists are going to decide that.

Our problem has been an administration that has refused to negotiate with us. Yes, they have given us conditions they wanted. But do you know what? This bill we are taking up this afternoon, many of those conditions were met. We heard the other side talk about the interim storage facilities, this does not have an interim storage facility. Well, I can show you the letter signed by the President, not only this year but last year and the year before that, he is going to veto the bill if that provision is in there. The Senate leadership in good faith negotiations said okay, we are going to have a new President next year, one way or another. We will take that out if that gets you to sign the bill.

Guess what? The veto signal still stayed on. In my State we have a Republican Senator and we have a Democratic Senator. Both of them voted for this bill that we are now debating today.

It is time to get a bill to the President's desk. That is all we are asking. It is not perfect. Our bill, the House Commerce bill, yes, it is better. It is better in a lot of respects. But in negotiations with this administration the Senate felt they had to make some changes that they thought that was the best, to hopefully get the administration on board; and, at the end of the day, Lucy took the football away again, and we are left with what we have got. We are left with the hand that we are dealt.

Madam Speaker, I would urge my colleagues to vote down this motion. We have had a lot of hearings. We spent a lot of time on this issue for the right reasons. It has been bipartisan virtually every which way. I would hope that we could turn down this motion to commit and vote for the bill.

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent that 2 additional minutes be added to this motion to commit, and that those 2 minutes be granted to me.

Mr. DINGELL. Madam Speaker, reserving the right to object; this is a rather unusual process.

Madam Speaker, I will not object, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. UPTON. Madam Speaker, I still have 1 minute remaining.

The SPEAKER pro tempore. The gentleman from Michigan reserves his 1 minute.

The gentleman from Ohio (Mr. TRAFICANT) is recognized for 2 minutes.

Mr. TRAFICANT. Madam Speaker, I was prepared to assist and help with the passage of this bill, but I believe this bill is fatally flawed. I support the motion to commit because it is bad enough, Madam Speaker, that the district of the gentleman from Nevada (Mr. GIBBONS) will become a dump for nuclear waste, but this bill leaves our Nation wide open for foreign nuclear waste.

The Traficant amendment should have been made in order to this bill. Listen to what it said: "No foreign nuclear waste shall be allowed in the United States or be deposited in, on, or under American soil or American water." This is big business. Big business will pay big money to store this, and we will become the nuclear waste dump site of the world. That is reasonable language.

Here is my position: I am going to ask that if this bill is passed that the Traficant language be inserted in conference. That is a reasonable protection that has so much common sense, we look like fools if we leave it open for foreign nuclear waste to be brought in here.

So I am going to vote for the motion to commit; I am going to vote against the bill.

Madam Speaker, I would appreciate Members doing something in the conference to protect the American people and the people from the district of the gentleman from Nevada (Mr. GIBBONS) as well.

Mr. UPTON. Madam Speaker, in my remaining minute I would just again urge my colleagues to support this bill. This bill will go to the President's desk. It has bipartisan support in the Senate. It should have bipartisan support today.

In the next administration I will work with the gentleman from Ohio and other Republicans and Democrats to rightfully craft even a better bill. This bill goes two steps in the right direction. I will be glad to take it the remaining half step to get it to be a good bill eventually with the President.

Again, I urge my colleagues to vote no on this motion to commit, and vote yes on final passage.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. BERKLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 233, not voting 14, as follows:

[Roll No. 62]

YEAS—188

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell

Payne
Pelosi
Phelps
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Boyd
Crane
Greenwood
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Meek (FL)
Pallone
Pomeroy
Royce
Rush
Schakowsky

□ 1436

Mrs. CUBIN, Mr. GEJDENSON and Mr. RILEY changed their vote from "yea" to "nay".

Mr. DAVIS of Florida changed his vote from "nay" to "yea".

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. BERKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 167, not voting 15, as follows:

[Roll No. 63]

AYES—253

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McIntyre
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Northup
Norwood
Nussle
Olver
Ose
Oxley
Packard
Pastor
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—167

Abercrombie
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McGovern
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Ney
Oberstar
Obey
Ortiz
Owens
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stabenow
Stark
Strickland
Stupak
Talent
Tauscher
Thompson (CA)
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waxman
Weiner
Weygand
Wise
Woolsey
Wu

NOT VOTING—15

Ackerman
Boyd
Crane
Greenwood
Herger
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky
Shaw
Waters

☐ 1453

Mrs. MALONEY changed her vote from "aye" to "no."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Madam Speaker, on rollcall No. 63, I was on the floor and voted "yes". The electronic machine did not record that I had voted.

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to insert extraneous material on S. 1287, the Senate bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

OIL PRICE REDUCTION ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by striking subsection 6(c). Each section of that amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) Postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 445 is a modified open rule providing for the consideration of H.R. 3822, the Oil Price Reduction Act 2000. The rule makes in order the Committee on International Relations amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, modified by striking section 6(c).

The rule provides for 1 hour of general debate equally divided between the chairman and the ranking minority member of the Committee on International Relations.

Further, the rule provides the bill shall be open for amendment by section, and makes in order only those amendments preprinted in the CONGRESSIONAL RECORD, to be offered only by the Member who caused it to be printed or his designee, and each amendment shall be considered as read.

In addition, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on votes following a 15-minute vote.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Last Thursday an announcement was made advising Members of the preprinting requirements for amendments, and I believe that House Resolution 445 is a fair approach in order to provide a forum in which to debate the current situation regarding the rising price of oil and its causes. Because the bill is narrowly tailored and deals only with foreign and not domestic oil, it is important all Members have the opportunity to review amendments prior to their being offered in order to ensure that they are germane.

I am sure all of us have been bothered, Mr. Speaker, by the high price of fuel when we have gone to the pump to fill our automobile tanks in the past few weeks, and especially we have been disturbed to see the effect these oil price increases are having on low-income Americans and people trying to live within a family budget each week.

Clearly, oil prices have almost tripled in the past year, and yet the administration failed to respond strongly enough to the OPEC production costs at the time of their institution. The Oil Price Reduction Act provides that it shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price-fixing to be an important determinant in the overall political, economic, and security relationship between these countries. It also provides that it shall be the policy of the United States to work multilaterally with other nations that are major oil importers to bring about the complete dismantlement of oil price-fixing arrangements.

☐ 1500

In addition, the bill requires the President to report to Congress on the overall academic and security relationship between the United States and major oil exporting countries, and also how coordination among these countries with respect to oil production and pricing has affected the U.S. economy in global energy supplies; all the assistance programs under the 1961 Foreign Assistance Act and the 1975 Arms Export Control Act that are provided to oil-producing countries and which countries are engaged in oil price-fixing that harms the U.S. economy.

Further, the bill requires the President after he submits his report to undertake a diplomatic campaign to attempt to persuade any country engaged in price-fixing that the current oil price levels are simply unsustainable and that they will negatively affect global economic growth rates in oil-consuming, as well as developing countries.

The gentleman from New York (Mr. GILMAN) of the Committee on International Relations introduced the Oil Price Reduction Act in response to concerns about rapidly rising oil prices and the role that the intentional increase in oil-producing OPEC countries may have played in this price increase, excessive price increase.

This is an important first step, Mr. Speaker. Passing this bill today will send a message to the international community prior to Energy Secretary Richardson's meeting next week with OPEC members, that the Congress of the United States is serious about finding solutions to the problem of excessive fuel prices.

I urge my colleagues to support the rule as well as to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the do-nothing Republican Congress has a plan for the run-up in gas prices: do nothing. That is right. For over 5 years, the Republican Congress has done nothing about energy.

In the midst of runaway gas prices, the Republicans, apparently, do not want to do anything that might either in the short term or over the long term help American consumers or might have the effect of ensuring the national security of this great country of ours.

Mr. Speaker, case in point: this rule and this bill do nothing, except perhaps allow the Republican majority to bluster and play bipartisan blame games. When the prices at the pump have reached a $1.60 and higher, the Republican leaderships rush to a gas station for a photo-op. Perhaps, my Republican colleagues think that casting aspersions on the Clinton administration in front of a gas pump will magically make the price of gasoline drop, because as far as I can see, press releases are all they are offering as a solution to the current dilemma.

If the Republican majority really wanted to help American customers instead of taking partisan pot shots, the Committee on Rules would have crafted a rule that would allowed the House to consider some common sense and substantive amendments proposed by Democratic Members of this body.

The Committee on Rules last night voted to deny the House the right to consider legislation which would extend the President's authority to use a Strategic Petroleum Reserve to respond to rising gasoline prices and heating oil shortages.

The Committee on Rules Republicans voted to deny the House the opportunity to respond to the President's request that we create a Northeast storage facility for home heating oil.

The Committee on Rules voted on a straight party line vote against an amendment that would have diverted domestic oil sales from Japan to the West Coast where gas prices are soaring to $2.50 a gallon and more.

The Republicans on the Committee on Rules voted against an amendment providing for tax incentives to stabilize the domestic oil industry.

Mr. Speaker, that the Committee on Rules Republican majority should vote to deny the House the right to consider amendments that might actually address the problem does not surprise me in the least. Since the Republicans took over this body 5 years ago, they have slashed funding for energy conservation programs by 62 percent. They have cut weatherization programs and have tried time and time again to eliminate the Low Income Housing Assistance Program, which is a lifeline for so many people in the Northeast in the winter months.

But what is really unbelievable, Mr. Speaker, is the lack of action on legislation to reauthorize the Strategic Petroleum Reserve. In the midst of rising oil prices, the Republican majority has blithely ignored a tool the President can use to help ease oil prices in this country if production limits are not increased after OPEC meets next week.

The Strategic Petroleum Reserve was created to protect our national security and our economy from foreign price and supply problems, but the Republican majority would rather blame the President for rising gas prices than give him the authority he needs to take remedial action.

But what makes this whole exercise laughable, Mr. Speaker, is the fact that last night the Republican Members of the Committee on Rules did vote to accept an amendment to the rule. My colleague, the gentleman from Texas (Mr. SESSIONS), offered a substitute to the rule which deleted the only section of H.R. 3822 which even appeared to be decisive.

That section would have allowed the President to terminate foreign assistance, both economic and military, to any country engaging in oil price-fixing. The bill would not have required the President to do so, of course, but my Republican colleagues decided it was in their best interests to defang the already nearly toothless tiger that they had tottered out of the Committee on International Relations.

This bill is a joke, Mr. Speaker. The Republican response to rising gas prices is laughable; but unfortunately, I do not think many Americans are laughing.

Mr. Speaker, I intend to oppose the previous question on this rule. I would hope that every Member of this body is concerned about the failure of the Republican majority to face this situation squarely and forthrightly. And I hope that all of those Members will join me in voting no on the previous question so that the House might consider another substitute rule.

My rule would allow the House to consider the common sense and practical amendments that were offered last night at the Committee on Rules but which were summarily denied consideration.

I urge my colleagues to vote no on the previous question to allow real solutions to a real problem.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it has become evident that one thing that is never in short supply on the other side of the aisle is partisanship. We are trying to get something serious done here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), my distinguished colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague and friend, the gentleman from Florida (Mr. DIAZ-BALART) from the Committee on Rules, for yielding me this time. I rise, obviously, in support of this very good rule and the underlying bill.

Remembering the subject of the bill, I think that we have a good rule. It does not cover every possible problem we have with energy. But for the subject on the floor, it is an appropriate rule for the aspect of energy we are here to discuss.

Frankly, we should not be here on this issue today. But we are here as a result of an ineffectual Clinton-Gore energy policy which has been very heavy on photo-ops, very heavy on grandstanding and very, very light in substance and has resulted in increased prices of gas at the service station for virtually every American.

As the Energy Secretary's own point man freely admits, since March of 1998, in testimony before one of our committees here when they were expressing concern about this, OPEC has instituted three tiers of production cuts, three. Three times this has happened. None of these cuts were met with any resistance from the Clinton-Gore team at that time. And only now is Secretary Richardson, who has publicly stated that he was asleep at the switch on this, only now is he trying to play catch-up with our friends in the Middle East and elsewhere.

I wonder if Secretary Richardson knows how to leverage our awesome bargaining power with the Saudis, the Mexicans, the Venezuelans, and our other friendly oil producers in the world. After all, what have we done for the Saudis or the Mexicans lately?

Mr. Speaker, it does not make much sense to the folks that I talk to in the town meetings and at the gas stations and out about in my district back home that it is our friends that are responsible for the historic increases at the pumps, that is the oil-producing nations.

People in my district get even more agitated when I tell them that we are not going to be able to expect a tough executive branch response. We have not seen one for 2 years. While this has been happening, the Clinton-Gore administration has not been taking effective action.

Managing our energy portfolio is appropriately an executive branch function. There is no congressional function that says we are in charge of the energy branch portfolio. I know President Clinton is busy in India today doing business for the United States of America, and I know Vice President GORE is focused on other matters. But I also know that Americans are at the gas station looking for lower gas prices, and they deserve them.

The legislation of the gentleman from New York (Mr. GILMAN) today is simply an attempt to prod the Clinton-Gore team into action on a matter of concern to most Americans. While that should not be necessary, I am hopeful that this effort will send a strong message to OPEC that when it comes to protecting Americans from arbitrary and unfair price hikes, not all branches of this Government are asleep at the wheel. In other words, this is a wake-up call.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, this is a day when we appear to be quite determined to dress up nothing in a lot of finery and call it legislation.

This is a piece of legislation which will do little or nothing. I intend to offer an amendment to it at the appropriate time which I hope will address some of the concerns that are held by most Americans, and that is an amendment which will extend the President's authority under EPCA, which will expire on the 31st of March, to operate and draw down as needed the strategic petroleum reserve.

This is perhaps the only tool now readily available to the United States to address the problems of perturbations in the energy market and to see to it that we are able to calm a market which is subject to both overheating and enormous swings in the level of price. I hope my colleagues will support that amendment at the time that I do so.

I would simply observe something which I think that this body should listen to. This is a letter from the executive office of the President, and I am reading the last paragraph:

> The administration also calls on the Congress to immediately reauthorize the strategic petroleum reserve and the international energy program at the Department of Energy. This is necessary to ensure that the President maintains the ability to use all available tools to respond to the needs of the U.S. economy. Further, in order to reduce the likelihood that future heating oil shortages will harm consumers, the administration also calls on Congress to authorize the creation of a home heating oil reserve in the Northeast with an appropriate trigger that could supply additional heating oil to market in the event of a supply shortage.

I urge my colleagues to support these amendments and to recognize that, without these kinds of authorities, the President's ability to negotiate with foreign countries, particularly the energy-producing countries of OPEC and similar bodies, will be virtually nonexistent. Because, without these, his capacity to compel behavior by those countries or to ensure that there will be appropriate negotiations or that the negotiations will be backed up by the apparent ability of the United States to address the problems of supply and price.

So I urge that these amendments be adopted. We consider perfecting this legislation and we pass legislation that, in fact, will accomplish something which will have merit and meaning and be of value to this country and something which will do credit to this body. I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. It is a modified open rule. The only reason it is modified is that we have a preprinting requirement, meaning that we will allow every Member to have an opportunity to see amendments that are printed in the RECORD. It is an open amendment, and for that reason I believe this deserves strong bipartisan support.

Now, I will tell my colleagues that I am not one who regularly comes down here and enjoys pointing the finger of blame. But as I listen to my friend, the gentleman from Dallas, Texas (Mr. FROST), blame the increase in oil prices on the Republican Congress and the lack of action over the last 5 years, I have got to say that it has really happened for a couple of reasons which are unfortunate. We want to deal with them in a bipartisan way. But since the finger of blame has been pointed, I think that we need to responsibly look at exactly who really is responsible here. And that is the Clinton-Gore administration.

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They have categorically failed the international leadership effort that was needed to convince our OPEC trading partners to stop their destabilizing action. I remember going back to the early part of what we now have to refer to, the 1990s, as the last decade, the early 1990s when we saw President George Bush put together this amazing 28-Nation coalition which allowed us to liberate the people of Kuwait from Saddam Hussein. We have obviously seen a failure of leadership when it comes to dealing with countries in that region. This foreign policy is very, very unfortunate and I believe has played a big role in getting us to where we are.

I come from Southern California. I suspect that most people have heard of the Los Angeles area. We have a freeway system out there, great distances that we travel and gasoline is very expensive. I do not like seeing the prices increase myself or for the people whom I am honored to represent here. I think we need to do something about that. The blame that my friend from Dallas was trying to place on the shoulders of the Republican majority has actually been shouldered, I think responsibly, shouldered by the Secretary of Energy who said it is obvious that we were not prepared. It seems to me that the fact that Secretary Richardson courageously stood forward and basically indicated that they were asleep at the switch on this is something that I congratulate him for taking the responsibility but they have taken the responsibility. So do not try to point the fingers at those of us here in this Republican Congress.

The Vice President, as was said by my friend from Sanibel, is obviously engaged in a very vigorous campaign to succeed Mr. Clinton but if you go back to his book "Earth in the Balance," he made it clear he cannot be too unhappy with what has been taking place here. He said, "Higher taxes on fossil fuels is one of the first logical steps in changing our policies in a manner consistent with a more responsible approach to the environment."

I will say this, that I hope very much as our former colleague and very good friend Secretary Richardson prepares to meet with OPEC members, it is important that we here in the Congress send a message to the international community that oil price-fixing and other anti-free market practices that are detrimental to global economic growth and obviously very dangerous to the economic stability of developing nations around the world, that we address that.

The gentleman from New York (Mr. GILMAN) has come forward with responsible legislation. It is basically an open rule, a modified open rule. We should have it carry through with again strong bipartisan support. I believe the legislation should get that, too, to strengthen the administration as they move forward to try and address this problem.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, what is hard to figure out is whether we should be happy that the majority Republicans want to do nothing and are succeeding because it seems if they try to do something, it would either be inconsequential or bad for the country. But it is clear whether we look at prescription drugs, whether we look at a patients' bill of rights, rational gun laws, education or energy, that there is a concerted effort to take no reasonable action. For 6 years, no effort on increasing the efficiency of automobiles. We cannot in the midst of this crisis get the majority to reauthorize the Strategic Petroleum Reserve. A few years ago, they wanted to dismantle it. Even in the midst of this crisis, they cannot get themselves together to bring a bill to the floor, and the rule prohibits us frankly from dealing with reestablishing the Strategic Petroleum Reserve.

So what are we doing here? Well, we are going to ask the President to study the matter, and when he finishes studying the matter, we want him to report to us and we want him to take strong, united, diplomatic action. Pick up the phone. Pick up the phone and call the White House. Frankly, they are doing diplomatic action. I do not think a lot of what they have done is enough. But for God's sakes, this Congress coming here with this bill today is an embarrassment. Why? You are against conservation, you are against alternative energy, you are against providing even the incentives for oil research and going after some of the small producing wells. You come here with a letter to the President of the United States. Maybe we should be happy that this Republican-controlled Congress is do-nothing, in health care, in drugs, and now in energy.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS), a distinguished member of the Committee on Rules.

Mr. REYNOLDS. Mr. Speaker, I rise in support of this rule. The reason we are here today is very simple. The Clinton-Gore administration was caught sleeping on the job. A year ago, OPEC nations cut production quotas by 2 million barrels a day. A year ago, oil-producing nations engaged in a deliberate and calculated effort to drive up energy costs in this country. A year ago, the Clinton-Gore administration did nothing. Energy Secretary Bill Richardson admits that they were, quote, napping. That is not a nap, that is a hibernation. From home heating to gasoline, consumers have been hit with double-digit increases in energy costs. In my own home area of western New York in the Finger Lakes, we have experienced how particularly hard hit the Northeast has been over the past several months. Our only hope is that now that the President has family living in upstate New York, he may be more sensitive to the needs of the Northeast.

It is time for the Clinton-Gore administration to stand up for American consumers and working families by standing up to those nations engaged in price fixing. Finally, in the last year of this administration, it is time for the Clinton-Gore team offering up to the American people a plan for energy management rather than crisis management.

Mr. FROST. Mr. Speaker, I yield myself 1 minute. Let us be very clear what is going on today. The Republicans are debating a press release. They are not debating a bill.

Let me read their bill: Report on Diplomatic Efforts. Not later than 120 days after the date of the enactment of this act, the President shall transmit to the Congress a report describing any diplomatic efforts undertaken in accordance with subsection A and the results achieved by those efforts.

That is all we are debating today. That is it. This is a press release.

Last night, the gentleman from Michigan (Mr. DINGELL) came to the Committee on Rules and asked that an amendment be made in order to permit the President to release oil from the Strategic Petroleum Reserve after March 31. March 31, that is a week from this Friday. That is when the authority runs out under current law. The Republicans will not let that be voted on today. All they want to vote on is a press release. They do not want to vote on specific actions that could help American consumers.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, this is a sad day for the United States Congress. We are legislators. We could legislate today. We could deal with this issue. We could take concrete steps. In this piece of legislation, the Republicans are offering two points.

The President shall undertake a concerted diplomatic campaign. That is the most important thing they are requiring. Two, he should take the necessary steps to begin negotiations.

That is all this does. Diplomatic campaign and should begin negotiations. That is what they are doing. There was another section. It would have given the President the authority to reduce, suspend, or terminate assistance to these countries. We are giving foreign aid and military assistance to the very OPEC nations that are price gouging us.

But the corporate sponsors of the Republican Party did not like that section and the Committee on Rules took it out. This bill could have done something, but now it will do nothing. The bill also could have allowed my amendment, take our Alaska oil and turn it back from Japan and China and ship it to the refineries that need oil on the west coast of the United States.

That was the law of the land in America until the Republicans took control of Congress and they jammed through legislation at the behest of the oil industry to allow the export of oil from Alaska. The district of the gentleman from California (Mr. DREIER) could benefit from that oil. My district could benefit from that oil. But, no, they do not want to fly in the face of their campaign contributors, the oil companies, who are so generously supporting them and their presidential candidate.

No, we would not want to take a concrete step here on the floor of the House and really do something. We are going to undertake a concerted diplomatic campaign and take the necessary steps to begin negotiations. Pretty pathetic for the majority party. I can support that, but I have already asked the President to do more, and they are not doing much down at the White House but they are even doing more than what the Republicans are asking.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

This legislation is sending a message to the international community that the Congress is serious about the fact that there is no one at the helm down the street, that there is a crisis, that oil price fixing has occurred and that that is being suffered by the American people. The consequences of that is suffered by the American people and what we are seeing from the other side of the aisle is attack upon attack upon attack on this side of the aisle when we wanted to bring forth a bipartisan statement before Energy Secretary Richardson's trip in upcoming days to fortify his position before the international community and specifically the OPEC countries.

Now, despite the unfortunate tactics that we are seeing from the other side of the aisle, we are going to continue to send a message; and we are going to say we know there is no one at the helm; we know there is no one at the helm. We know that in Colombia today there is over 50 percent of the population under narco-terrorists and this White House has just found out about it, and that is an oil-producing country right by the largest oil producing country in this hemisphere, Venezuela, and this White House has just found out about it, and yet we hear speaker after speaker after speaker come and talk against the majority in this country, when what we wanted to do and what we are intent on doing and will continue to do is to send a message to the international community that while there may be no one at the helm down the other side of Pennsylvania Avenue, this Congress, the sovereign Congress of the United States takes this issue seriously and is cognizant of the fact that it is unsupportable and condemnable that the American people are suffering every day when they have to go and purchase gasoline because of the lack of action and the lack of leadership of this presidency. That is what we are talking about here today.

Now, what are we discussing at this very moment? My friend the gentleman from Texas (Mr. FROST) got up and started reading some language from the bill. We are talking about a rule. We are talking about a rule that is bringing this underlying legislation to the floor. The rule says that any amendment is possible if you preprinted it and it is germane. I remember when we were in the minority here, when the Republicans were in the minority, how unusual it was to see open rules, to see rules where any Member could bring forth any amendment on any issue as long as it was germane. That is what we have here today, as long as you preprinted the amendment in the CONGRESSIONAL RECORD, in other words, given all of your colleagues prior notice of the fact that you seek to bring forth that amendment. That is what we are talking about now, about the rule. I wonder if there will be any discussion whatsoever about this rule. There may be, there may not be. As of now, what we have seen is total irrelevance.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in support of the rule and in support of the Oil Price Reduction Act. Let us turn back the hands of time to 1978. Gas lines, high prices, President Carter gives us the typical liberal, big-government solution. More government, more programs that never get smaller and never go away. He forms the Department of Energy with the sole purpose of writing a national energy policy and imposing price and supply controls. The relief from high prices come when President Reagan finally rolls back the price and supply controls, but we still do not have an energy policy.

What do we have? We have the Clinton-Gore administration taking millions of acres out of oil production up in Alaska. The gentleman from Oregon wonders how come there is no oil coming to his State. It is because the Clinton-Gore administration has taken it out of oil exploration. Number two, the Clinton-Gore administration increases regulations on existing oil producers.

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Right now, if there is a dead bird found anywhere near an oil production unit in Kansas, the very person that is trying to provide us with energy to take our kids to school, to go to the grocery store, to go to work, could be fined up to $10,000 per dead bird no matter how come the bird has passed away, regardless of why the death occurred.

Maybe that explains why before the Clinton-Gore administration we had 30 rigs in Kansas searching for energy. Today we have 6. There, nationwide, are 450,000 stripper wells that could be producing energy for us. We have a self-inflicted energy problem and it has been inflicted by the Clinton-Gore administration.

What we do is tax incentives for domestic energy production and to ease the regulations on energy productions.

Third, we have failed to engage the OPEC nations that are actively conducting price-fixing. If these were U.S. companies, we would be prosecuting them for price-fixing under the antitrust laws, but instead we have failed to engage them.

Mr. Speaker, this is a good rule. This bill is a good step in the right direction. I agree with the gentleman who spoke before who said it is not enough. I agree, it is not enough. We need to do something for our domestic oil production, but I think it is time to get the administration off dead center.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my friend, the gentleman from Florida (Mr. DIAZ-BALART), said this is an open rule; we can offer any amendment that is germane.

There is not much that is germane to a press release, Mr. Speaker. That is the problem. If we want to offer something that is real, it is not germane to this press release.

The previous speaker just talked about relief for stripper wells. Well, the gentleman from Texas (Mr. SANDLIN) came up to the Committee on Rules and offered an amendment that would address the problem dealing with production from stripper wells and these folks would not make it in order.

There is nothing germane to this press release other than rhetoric. So that is why an open rule for a press release really does not amount to very much, Mr. Speaker. We have to have real solutions, and those are the real solutions that were offered last night and one by one the Republicans voted five votes against, three votes in favor, of making any of those real solutions in order on the floor today.

Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Speaker, the people in my district care neither about whether proposals are made by Democrats or Republicans. They, frankly, need help.

I can only remind this Congress that Americans should not be forced to make a choice between putting food on their table, putting gas in their vehicle, or heating their homes. We owe it to the American people to include in this debate what we plan to do to provide relief for those families and small businesses affected by the recent spike in oil prices and how we are going to prevent this from occurring again.

I applaud the efforts of the gentleman from New York (Mr. GILMAN), but obviously that bill has been neutered, but it is clear the foreign and domestic sides of this issue are inextricably tied and linked.

I urge my colleagues to vote against the previous question and against this rule so that my colleagues and I can offer amendments to address this crisis.

The foreign and domestic sides of this debate are inextricably linked. I urge my colleagues to vote against this rule so that my colleagues and I can offer our amendments and we can have a real debate about helping people suffering the effects of this crisis. Relief for our constituents should not be silenced on a technicality.

Mr. Speaker, while I applaud this Congress for finally raising the oil price issue on the floor, I am forced to rise today in opposition to this rule on H.R. 3288, the Oil Price Reduction Act. Unfortunately, this rule does not make in order several amendments proposed by my colleagues and me that would also address this important issue.

While the underlying legislation claims provide penalties for foreign countries engaging in oil related anti-competitive activities, my colleagues and I have been blocked from raising the issue of support for the great number of Americans affected by this activity.

Specifically, my amendment would establish a trigger mechanism to force the President to investigate potential price fixing, and make a decision about whether or not to release the SPR if crude oil prices stay above $25 per barrel for two consecutive weeks, and make that decision accountable to Congress with appropriate oversight by the Commerce Committee.

This amendment is based on legislation I introduced earlier, H.R. 3543, the Oil Price Safeguard Act, that already has 46 bipartisan cosponsors from across the country. My colleague Mr. SANDERS has another equally important amendment that I support that would establish a home heating oil reserve in the Northeast.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding to me this time and commend the Committee on Rules for improving this bill.

Mr. Speaker, I do not have a problem with the rule. I think it should be supported, but I do have a problem with any part of the bill that tries to blame others for the problems we have inflicted on ourselves.

I would remind my colleagues that it was not OPEC who raised taxes on fuel so that now Americans pay 18 cents for every gallon of gasoline, plus State taxes added on top of that to nearly 40 cents a gallon.

It was not OPEC which imposed a windfall profits tax on the domestic energy industry, that took $78 billion out of that industry and cost thousands and thousands of jobs.

It was not OPEC which vetoed the 1999 tax bill that included several modest provisions to try to enhance domestic exploration and production.

It is not OPEC that continues the extensive regulations that increases the cost of production on domestic producers and results in thousands of wells being shut down every year.

It is also not OPEC that prevents us from exploring and drilling in ANWR when ANWR itself provided enough oil to the United States as we import from Saudi Arabia over a 30-year period, and it is certainly not OPEC that hinders the distribution of natural gas to the Northeast where those folks are paying more than they should to heat their homes.

It has not been OPEC that has prevented us from developing a national energy policy.

Mr. Speaker, I think it is kind of like we have fashioned a noose and put it around our own neck and given OPEC the other end of the rope. It should not surprise us that they want to jerk the rope every once in awhile.

The only way out of this is to take our neck out of the noose, and we can only do that by increasing the production domestically of oil and gas and having greater use of natural gas here at home.

There are a number of good proposals that have been made to increase marginal well production, increase exploration, increase domestic production. We have to have a national energy policy from the administration to get that done.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my colleague, the gentleman from Texas (Mr. THORNBERRY) actually has made some very good points. I would remind him that the Republicans on the Committee on Rules did not make in order any amendments to do any of the things that he is suggesting last night either.

If the gentleman from Texas wants to have a vote on those type matters, he could have come to the Committee on Rules. My guess is the Committee on Rules would have rejected his amendments just as they rejected all the other amendments that were offered. And what did the Republicans on the Committee on Rules bring forward? A press release.

I wish the gentleman from Texas (Mr. THORNBERRY) had come forward and asked for votes on some of those matters. It would have been interesting to have a debate on some of those on this floor but the Committee on Rules did not make any of his proposals in order last night, either. That is why this is a terrible, terrible rule the way it is crafted.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this rule. This bill theoretically is supposed to deal with the high price of oil. Unfortunately, it does not do that but it should do that.

In my rural State and all over this country, people are paying astronomically high prices for the fuel that they need to get to work and to do the things that they have to do, but unfortunately this legislation does not address that issue.

As the gentleman from Texas (Mr. FROST) just indicated, last night at the Committee on Rules a number of people from both political parties went before the committee and proposed different ideas in order to discuss the issue and resolve the issue as to how we can lower fuel prices in the United States, but not one of those amendments was allowed on the floor to debate.

I had an amendment which is essentially the legislation that I have offered which now has 94 cosponsors, including many Republicans, which is now supported by the White House, which suggests that in the Northeast we should have a home heating oil reserve so that when production is cut back we can at least draw on something at lower prices to make sure that we do not go through another winter that we just went through where the price of home heating oil zoomed upwards.

This is a sensible proposal. It would have the impact of lowering home heating oil for millions of homeowners throughout the Northeast. Why spread support?

Yet we could not get that bill on the floor for discussion or debate this afternoon.

Furthermore, many of us believe that, in fact, unlike what the previous speaker just indicated, that we do have a problem. Some of us do believe that OPEC bears some of the responsibility for the current crisis. Let us all remember that 9 years ago, it was American servicemen who brought back to power the emirs in Kuwait, who protected the royal family of Saudi Arabia and some of us have a problem with those folks colluding in what is very clearly a violation of any sense of free trade to limit production to force oil prices up in this country, and we think, in fact, and I say this as not a fan of the WTO, that what they have done is in clear violation of WTO rules.

We wanted to discuss that issue, but we did not have that opportunity. Some of us think that the President should go today to the strategic petroleum reserve, withdraw oil from that in order to bring down the prices. Good debate. We are not going to have an opportunity to debate that issue as well.

In other words, there is a whole lot to discuss. We are not going to have the opportunity to have that discussion. Let us vote no on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an interesting dilemma always in the Committee on Rules when we seek to be fair, and we do a good job of it under the gentleman from California (Chairman DREIER). Some Members, as we have seen, want us to do more. Some want us to do less. One example is the distinguished gentleman from Texas (Mr. BARTON).

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida (Mr. DIAZ-BALART) and the Committee on Rules for this rule. They have improved the bill. Unfortunately, they did not quite improve it enough. They did not kill it entirely, but the rule is a fair rule. It is an open rule if the amendment was pre-printed in the report. I will be on the floor speaking against many amendments that were not, raising points of order.

The gentleman from Virginia (Mr. BLILEY) and I asked that the bill be jointly referred to my committee and my subcommittee, the Subcommittee on Energy and Power of the Committee on Commerce, so we could do many of the things that Members have been coming to the floor talking about with such emotion. Unfortunately, that was not made in order so we have to deal with the issue before us.

I want to point out a few basic facts in the one minute that I have left. First of all, the price of oil is going down. The New York market, spot market today, is $27.50 a barrel. It was $32.42 a barrel about a week ago, so it has fallen about 22 percent.

We expect when OPEC meets in Vienna next Monday, which I asked to go to take a group of Congressmen on a bipartisan basis, and the Secretary of Energy said I should not go, just to give that little fact, we think they are going to announce increased production quotas and that the price will fall further.

I also want to point out that the underlying theme of this bill is that somehow if we rattle our saber the world will quake in fear.

Let me point out two facts. The United States has 21 billion barrels of proven reserve out of the 1,033,000,000. That is about 2 percent. We produce about 8½ million barrels a day. We import about 8 million barrels a day.

The amount of foreign aid and military aid that we give to the OPEC countries is less than $200 million; $197.9 million. That is one day's imports, less than one day's imports.

This bill, even if it were to pass and have teeth, would do nothing but alienate our allies.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would commend the gentleman from Texas (Mr. BARTON) who just spoke. It is very clear this legislation should have been referred to his committee so that at least we could have something real rather than this matter before us which really is an empty vessel.

I wish the House leadership had acceded to the request of the gentleman from Texas (Mr. BARTON) and referred it to the committee where it should have been in the first place.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I am going to call this the stay tuned rule.

and I call it the stay rule because we are talking about this being an open rule, pre-printed amendments and we go on about that.

The problem is that what is going to happen in the next hour or so is we are all going to get up and we are going to offer our amendments, and we are going to be told that they are nongermane; that they are not and will not work within this piece of legislation.

Well, that is fine, except for the fact that I will agree with my colleagues that we should have gone to committee to talk about these issues because we all feel passionately about it.

I do not think anybody on this floor wants to go home and face angry people about the prices in this country. We know what it is costing them. We know what it is costing our senior citizens. We know what it is costing to get goods to service.

□ 1545

We understand that. There is nobody that feels as passionately about that as any of us here in Congress. But the fact of the matter is, you know, the last crisis we had was 20 years ago; and we have had opportunities over the past 20 years to try to solve these problems.

There are pieces of legislation that have been introduced in this Congress that have been introduced in the last couple of Congresses. I am just going to bring one to you that I think needs some attention and has needed some attention and has a bipartisan caucus in this Congress, and that is for renewable energies.

We have got to look at making energy-efficient technology more attractive. We have a tax bill, an incentive bill, a $3.6 billion tax incentive that would in fact do that. We actually put it before the committee last night.

Again, I am going to tell you, stay tuned, because when I offer it in the next hour or so, I am going to be told it is nongermane. But it would in fact do what we have all talked about over the years. Let us look at wind power, biomass. Why are we not looking at how and what best incentives we can give to our families and our businesses and reduce energy costs. I am talking about tax credits.

You will hear more about this, Mr. Speaker. But I just want you to know, stay tuned.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, higher fuel prices have some common denominators: diplomatic efforts, foreign policy, support of the military, environmental extremists.

First of all I would ask you to look at Ronald Reagan. Strong diplomacy, strong foreign policy, strong on the military, and a conservationist.

Let us go to Jimmy Carter. Look at the long gas lines we had with a weak diplomatic effort, even weaker foreign policy. He destroyed the military, an extremist on the environmental scene. We had long gas lines.

Let us look at George Bush, Sr. Remember Desert Storm where we supported OPEC, and what happened to the fuel crisis?

Now let us go to the Clinton-Gore administration. Weak foreign policy in China, Kosovo, Sudan, Mexico, and the Spratleys.

I take a look at the presidential candidates that we have coming up. Who is going to be strong on the military? Who is going to be strong on foreign policy? Who is going to be strong in a conservationist versus an environmentalist extremist?

But the bottom line is, who is hurt from this? Our truckers are having to stall their trucks. People and goods are going up. The folks that you fight for for LIHEAP in the Northeast, the higher costs.

But how dare Saudi Arabia, how dare Kuwait and Qatar, after we had men and women die for them. Yet the President has not had a foreign policy. That is what we are asking the President to do. We feel that there has been a weak foreign policy and even weaker support of the military. Our allies laugh at us.

If you look at the DNC and the China policy, from giving coal, giving coal to Riady and cancelling Utah, and guess where they have that produced? In China. Look at NAFTA.

I would tell the gentleman that weak foreign policy, weak military, is not going to hack it; and we want the President to report on what he is going to do to change these around, because he has not done it so far.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong opposition to this rule. As a cosponsor of H.R. 3822, I agree that we need to engage in more forceful diplomacy with OPEC. However, this rule eliminates the section of the bill that authorizes the President to suspend foreign military and economic assistance to OPEC countries. That makes no sense to me. Getting tough with OPEC without touching their foreign aid is a little bit like dangling that carrot without a stick.

Mr. Speaker, there is no question that we are being taken to the cleaners by OPEC. In the last 15 months this cartel has made a concerted effort, regardless of our protests, to undermine the global supply of oil, with no end in sight. It is time for Congress to act, not to pass a bill that merely instructs the President to conduct additional negotiations.

I cannot think of a better tool to leverage OPEC into boosting oil production than leveraging our foreign aid. Make no mistake about it, we send a lot of money and tens of thousands of young Americans to preserve the stability in the Persian Gulf every year. I am tired of waiting for the oil prices to drop to a reasonable level. If OPEC wants to play hard ball, we should too. I urge my colleagues to oppose this rule and support the original intent of H.R. 3822.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, let me point out that I am supporting this rule. I know my colleagues will find excuses to vote against it, but it is the beginning of the dialogue. It is not an end-all. You know it is not going to be the end-all. But we need to have a dialogue about the fact that the energy issue has not gotten its fair share of time, and it has not gotten its fair share of attention.

My colleagues may want to say it has not gotten enough in the House of Representatives; but let us face it, it has not been a priority at the other end of Pennsylvania Avenue either. I think both sides can say there is more we need to do, and we need to be more comprehensive.

I ask my colleagues on the other side of the aisle, you have to admit that this week, when the administration announces that it is going to pull the trade embargo off of Iran and then announce they are going to do it for caviar and Persian rugs, but not for oil, you have got to say, now, wait a minute. No matter whether Democrat or Republican, you have to say, what are the priorities of our trade negotiators, what are the priorities of our foreign policy, when we say we are going to announce to the American people, Don't worry, the Persian rugs and the caviar is on its way, but the oil is going to continue to be under injunction, under restriction.

Let me just say, can we at least admit that when the administration goes and talks about what they are going to allow Americans to trade in and what we are going to allow into the United States, that it is kind of ridiculous at this time and place that we are allowing caviar and Persian rugs and not oil?

I think all of us want to say we represent the working people of America. Here is a place where the administration and Congress can come together and say, doggone it, the American people need affordable oil more than any caviar and they need Persian rugs. Now, I do not know who lobbied the administration for this. I do not know who said this.

You can say all you want about campaign contributions on either side of the aisle. I do not know where this priority came from. But I would ask both of us, Democrats and Republicans, to ask the administration to reconsider their priorities when they are talking about what the American people need.

All I have got to say to my colleagues from all over this country, you sit here and complain about the price of gasoline. California has been putting up with this way too long, and we have been asking for 5 years for relief. Why do you not join all of us together to address the issue.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I find this whole thing kind of baffling, quite frankly. If the Members on the other side wanted to have a press conference bashing the President, why did they not go back to a gas station or why did they not go up to the press gallery? Why are they taking the time of the House to do this, rather than voting on legislation that means something?

This is an interesting waste of our time this afternoon. The Committee on Rules has been upstairs trying to fashion a rule for the budget. Why do we not spend our time dealing with the budget of the United States? Why do we not spend our time with actual legislation, rather than coming down here and giving speeches and not legislating?

That is all this is. That is all we are doing today. We are not passing anything or considering anything that makes any difference at all, that has any force of law. It just makes my friends on the other side feel good so they can come down to the floor of the House and attack the President of the United States.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I must reluctantly oppose this rule because it is a monument to inaction. It guarantees inaction on Alaska oil for Americans, it guarantees inaction for sanctions against countries that are using monopolistic policies against us, and, one you have not heard today, it guarantees inaction on improving oil tanker safety.

Let me share with you some bad news about oil tanker safety that occurred about a week ago. About a week ago the U.S. Supreme Court knocked a big hole in our national and State ability to guarantee oil tanker safety, because in a ruling involving the State of Washington the Supreme Court said that States, including the State of Washington, could not include very common sense environmental provisions for their oil tankers.

In Washington we had a provision that had a real common sense rule. It said you had to have somebody that could speak English on the bridge of a supertanker when you ply the waters of the State of Washington. Common sense? Legal? According to the Supreme Court, no. We attempted to fix that by an amendment that we will not be able to offer, blocked by this rule, which will guarantee inaction. I would urge my colleagues to join me in future efforts to plug that hole in our safety net, to allow safe environmental measures on oil tankers.

Let me just close by a story from Winston Churchill, a good Tory conservative, who in World War II had a little 3 by 5 card on his desk. It was sort of his rule for World War II. It said "action this day."

This rule guarantees a continuation of the policies of this year, which is inaction this year. Let us defeat this rule and get some action on this issue.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of the rule and the bill.

Mr. Speaker, I rise in strong support of the rule and in strong support of the bill offered by my colleague from New York, Mr. GILMAN.

The citizens in my district and across the Northeast have struggled this winter to pay for their heating bills because of the extraordinary recent spikes in the price of home heating oil. The price of diesel fuel rose sharply, too, delivering a severe economic blow to farmers, truckers, and businesses. It's been a rough winter for the Northeast.

Unfortunately, it looks like we're not in the clear yet. Gasoline prices are steadily rising and experts predict steeper prices yet during the peak driving season this summer, making this winter's crisis seem, in the words of one expert, "like a cakewalk" by comparison.

Are these exorbitant energy prices simply the outcome of free market forces, the perpetual balancing of supply and demand? No. The United States is being held hostage by oil producing countries—many of whom have accepted generous U.S. assistance in the past. These same countries have colluded to slash oil production, distort the market, and drive up the price of oil, which has climbed to over $30 a barrel, up from $12 a barrel around this time last year.

When oil producing countries engage in international price-fixing activities, when they manipulate the price of oil on the world market to the detriment of the U.S. economy, when American taxpayers are directly hurt by their anti-competitive activities, Americans should not have to send their hard-earned taxpayer dollars overseas to help those very same countries.

I support the bill that would make this our policy. I support the rule, and I urge my colleagues to support them both as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership on this important issue. I rise in support of the Oil Price Reduction Act.

Let us face it, the Clinton Administration has been asleep at the switch. Last month the administration's point man on the fuel crisis, Energy Secretary Bill Richardson, said, "It is obvious that the Federal Government was not prepared. We were caught napping. We got complacent."

Complacent indeed. While the Clinton administration was napping over the last 12 months, the price of crude oil has tripled, and the American people were paying the price. That price continues to rise every day.

This legislation has been drafted to assist the administration in its negotiations with those nations who have deliberately damaged the American economy by engaging in crude oil price-fixing. Hopefully, passage of the Oil Price Reduction Act will send a wake-up call to the slumbering Clinton administration and a strong message to those nations whose business practices are harming the American economy. I urge my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I guess the preceding speaker must have missed what the Committee on Rules did last night. What the preceding speaker was asking was that a message be sent to the OPEC nations. The Committee on Rules deleted that message from this bill last night.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine, Mr. BALDACCI.

Mr. BALDACCI. Mr. Speaker, I thank the ranking member for his leadership and to try as hard as he did in trying to make sure that this bill was much more comprehensive than what it has before us.

I oppose this rule. It is not an open rule. It allows for points of order to be made against amendments that we offer.

We in the Northeast have been suffering with a heating oil shortage. We have been suffering as far as higher prices and trying to make sure people could afford to be able to stay in their homes, then to have it translated to a gasoline price spike, and to see how people who are having a hard time getting back and forth to work.

Maine is a rural State. We do not have mass transit. Energy issues are important to us. Not to be able to allow amendments that dealt with energy conservation, weatherization, not to deal with issues that dealt with the heating oiling reserve so we would not be confronted with this problem again, is again I believe not being very responsive.

It is very unfortunate that the majority has not allowed for these amendments to be made in order. It is very unfortunate that we have not been able to deal with this very serious matter which people in Maine and the Northeast are feeling the pinch of and are depending upon their representatives to work together to come up with some comprehensive energy policy and not some weak study which leaves it up to whoever, we do not know who it leaves it up to, to be responsive to the Congress.

We have got to get off foreign oil dependence. This legislation does not do anything about that. The leadership on the other side has cut fuel efficiency standards, they have cut energy conservation, they have cut research and development, and they even wanted to abolish the Department of Energy. What kind of an answer is that to the American public that is wondering what kind of future there is going to be for us, and to making sure we are not being held hostage to any foreign country.

Nothing in this legislation is going to deal with this kind of thing. We have got to be able to work together to come up with a bipartisan comprehensive approach that deals with both the short-term problem and also the long-term problem, because the sequels to this energy situation do not get any better than the original movie.

□ 1600

Mr. DIAZ-BALART. Mr. Speaker, I would inquire of the distinguished gentleman from Texas (Mr. FROST) if he has any remaining speakers.

Mr. FROST. Mr. Speaker, we have one remaining speaker, and then I will close.

I would inquire of the Chair how much time remains.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. FROST) has 1½ minutes remaining; the gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I wanted to take a moment today to express my displeasure with the fact that the Committee on Rules refused to waive points of order against all Democratic amendments to this bill, including mine. Had we been able to consider my amendment, we would be discussing the merits of temporarily suspending a 24.4 percent gasoline Federal tax on diesel fuel.

I drafted this repeal in the diesel tax first as a freestanding bill and then as an amendment to this bill because I was hopeful that this body would be inclined to consider the role of the Federal Government in protecting American consumers from a small and manipulative price-gouging cartel, many Members of which are U.S. allies and recipients of our foreign aid largesse.

While I am disappointed that we will not consider my amendment today, I do encourage the Clinton administration to aggressively push the OPEC members to increase production, and at the same time I urge my colleagues that we reexamine our national energy strategy so that we will not find ourselves hostage to foreign producers ever again.

It is disingenuous for someone to come here and argue that nothing is being done at this point.

Mr. FROST. Mr. Speaker, I yield myself the remaining 30 seconds.

Mr. Speaker, I am inserting into the RECORD at this point the amendments I will offer if the previous question is defeated.

PREVIOUS QUESTION FOR H. RES.—H.R. 3822
OIL PRICE REDUCTION ACT OF 2000

At the end of the resolution add the following new sections:

"SEC. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 3 of this resolution. Each amendment may be offered only by the proponent specified in section 3 or a designee, shall be considered as read and shall be debatable for 10 minutes, equally divided between the proponent or an opponent.

"SEC. 3. The amendment described in section 2 are as follows:

H.R. 3822

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 1: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or "swaps") or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused; and

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner.

H.R. 3822

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 2: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or "swaps") or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused;

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner; and

(3) Congress should immediately pass, and the President should sign into law, legislation to reauthorize the Energy Policy and Conservation Act and extend the President's authority to release oil from the Strategic Petroleum Reserve.

H.R. 3822

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: Page 8, after line 2, insert the following:

(d) LEVERAGE TO SUCCEED IN DIPLOMATIC EFFORTS TO END PRICE FIXING.—In order to increase the chances of diplomatic efforts succeeding to bring about the complete dismantlement of international oil price fixing, the President shall immediately enter into agreements with members of the oil industry for the swap of crude oil from the Strategic Petroleum Reserve for both crude oil and 6,700,000 barrels of home heating oil at a later date. Such arrangements shall provide that—

(1) when the price of crude oil drops below $25 per barrel for a period of two consecutive weeks, the oil industry shall replenish crude oil to the Strategic Petroleum Reserve; and

(2) when the price of heating oil drops below $1.00 per gallon for a period of two consecutive weeks, the oil industry shall provide the President with 6,700,000 barrels of home heating oil for the purposes of establishing a Home Heating Oil Reserve.

Once the President starts receiving heating oil pursuant to such agreements, the President shall create a heating oil reserve containing 2,000,000 barrels of heating oil in leased storage facilities in Albany, New York, the New York Harbor area, or any other appropriate location in the Northeast. The President shall deposit the remaining 4,700,000 barrels of heating oil received pursuant to such agreements in one of the Strategic Petroleum Reserve caverns. The President shall immediately draw down the Heating Oil Product Reserve (consisting of home heating oil received pursuant to agreements under this subsection) only when fuel oil prices in any region of the United States rise sharply because of international oil price fixing or any other anticompetitive activity, during a national or regional fuel oil shortage, or during periods of national or regional extreme winter weather. There are authorized to be appropriated $25,000,000 to the Secretary of Energy for the period encompassing fiscal years 2000 through 2019 for the purposes of carrying out this subsection.

H.R. 3822

OFFERED BY: MR. BALDACCI

AMENDMENT NO. 5: At the end of the bill insert the following new sections:

SEC. 8. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

"(2) Prior credit amounts for taxpayer on same dwelling taken into account.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

"(c) Carryforward of Unused Credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) Qualified Energy Efficiency Improvements.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component, and any energy efficient heating, cooling, or water heating appliance, the installation of which, by itself or in combination with other such components or appliances, is certified to improve the annual energy performance of the existing home by at least 30 percent, if—

"(1) such component or appliance is installed in or on a dwelling—

"(A) located in the United States, and

"(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

"(2) the original use of such component or appliance commences with the taxpayer, and

"(3) such component or appliance reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such improvements, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited home energy rating system provider).

"(e) Special Rules.—

"(1) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

"(2) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(f) Basis Adjustment.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) Application of Section.—Subsection (a) shall apply to qualified energy efficiency improvements installed during the period beginning on January 1, 2000, and ending on December 31, 2004.".

(b) Conforming Amendments.—

(1) Subsection (c) of section 23 of such Code is amended by striking "and section 1400C" and inserting "and sections 25B and 1400C".

(2) Subparagraph (C) of section 25(e)(1) of such Code is amended by striking "and 1400C" and inserting ", 25B, and 1400C".

(3) Subsection (d) of section 1400C of such Code is amended by inserting "and section 25B" after "other than this section".

(4) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(f), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Energy efficiency improvements to existing homes.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1999.

SEC. 9. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 45C the following new section:

"SEC. 45D. ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

"(a) In General.—For purposes of section 38, in the case of an eligible small business, the energy efficiency improvement credit determined under this section for the taxable year is an amount equal to 20 percent of the basis of each qualified energy efficiency improvements placed in service during such taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed by this section for the taxable year shall not exceed $2,000.

"(2) Coordination with rehabilitation and energy credits.—For purposes of this section—

"(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

"(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

"(c) Definitions.—For purposes of this section—

"(1) Eligible small business.—The term 'eligible small business' means any person engaged in a trade or business if the average annual gross receipts of such person (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

"(2) Qualified energy efficiency improvements.—The term 'qualified energy efficiency improvements' means any energy efficient property the installation of which, by itself or in combination with other such property, is certified to improve the annual energy performance of the structure to which it relates by at least 30 percent, if—

"(A) such property is installed in or on a structure located in the United States,

"(B)(i) the construction, reconstruction, or erection of such property is completed by the taxpayer, or

"(ii) such property which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to such property, and

"(D) such property reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such property, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited energy rating system provider).

"(3) Energy efficient property.—The term 'energy efficient property' means—

"(A) any energy efficient building envelope component, and

"(b) any energy efficient heating, cooling, or water heating appliance.

"(d) Application of Section.—Subsection (a) shall apply to property placed in service during the period beginning on January 1, 2000, and ending on December 31, 2004.".

(b) Credit Made Part of General Business Credit.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(13) in the case of an eligible small business (as defined in section 45D(c)), the energy efficiency improvement credit determined under section 45D.".

(c) Credit Allowed Against Regular and Minimum Tax.—

(1) In general.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Special rules for small business energy efficiency improvement credit.—

"(A) In general.—In the case of the energy efficiency improvement credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraph (A) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy efficiency improvement credit).

"(B) ENERGY EFFICIENCY IMPROVEMENT CREDIT.—For purposes of this subsection, the term 'energy efficiency improvement credit' means the credit allowable under subsection (a) by reason of section 45D.".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the energy efficiency improvement credit" after "employment credit".

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF ENERGY EFFICIENCY IMPROVEMENT CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to any taxable year ending before the date of the enactment of section 45D.".

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 of such Code is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding after paragraph (8) the following new paragraph:

"(9) the energy efficiency improvement credit determined under section 45D.".

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

"Sec. 45D. Energy efficiency improvements by small businesses.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 6: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that the President should use authority provided under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) to release petroleum from the Strategic Petroleum Reserve when oil and gas prices in the United States have risen sharply because of international oil price fixing activities, particularly activities by the member nations of OPEC and their allies.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 7: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) international oil price fixing results in wide price fluctuations, which are not beneficial to the United States economy;

(2) higher oil and gas prices mean United States consumers pay more for their home heating bills and more for gasoline to drive their cars;

(3) these inflated prices affect all areas of the United States economy, but have a particularly adverse impact on our senior citizens; and

(4) the President should use all powers necessary to reduce United States domestic oil and gas prices when international anticompetitive practices by the member nations of OPEC adversely affect the price paid by American consumers.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 8: Insert the following after section 6 and redesignate the succeeding section accordingly:

SEC. 7. SUSPENSION OF EXPORTS OF ALASKAN NORTH SLOPE CRUDE OIL.

(a) SUSPENSION.—Effective on the date of the enactment of this Act—

(1) subsection (s) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(s)) shall cease to be effective; and

(2) subsection (d) of section 7 of the Export Administration Act of 1999 (50 U.S.C. App 2406(d)) shall be effective, notwithstanding section 20 of that Act.

(b) ADMINISTRATION.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to carry out subsection (a).

(c) LIFTING OF SUSPENSION.—If the President determines that the United States is not experiencing a shortage of foreign crude oil and an inflationary impact due to the demand for foreign crude oil, subsections (a) and (b) shall cease to apply 30 calendar days after the President submits that determination to the Congress.

H.R. 3822

OFFERED BY: MR. DINGELL

AMENDMENT NO. 9: Page 8, after line 8, insert the following new section:

SEC. 7. ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION.

(a) TITLE I.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 166 (42 U.S.C. 6246)—

(A) by inserting "through 2003" after "2000"; and

(B) by striking ", to remain available only through March 31, 2000"; and

(2) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

(b) TITLE II.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting "through 2003" after "1997"; and

(2) in section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. HOBSON

AMENDMENT NO. 10: At the end of the bill insert the following new section:

SEC. 8. REPEAL OF 1993 INCREASES IN MOTOR FUEL TAXES.

(a) HIGHWAY GASOLINE.—Clause (i) of section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "18.3 cents" and inserting "14 cents".

(b) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking "19.3 cents" and inserting "15 cents".

(c) DIESEL FUEL AND KEROSENE.—Clause (iii) of section 4081(a)(2)(A) of such Code is amended by striking "24.3 cents" and inserting "20 cents".

(d) AVIATION FUEL.—Paragraph (1) of section 4091(b) of such Code is amended by striking "21.8 cents" and inserting "17.5 cents".

(e) FUEL USED ON INLAND WATERWAYS.—

(1) Paragraph (1) of section 4042(b) of such Code is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Paragraph (2) of section 4042(b) of such Code is amended by striking subparagraph (C).

(f) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 40(e)(1) of such Code is amended by striking "during which the rates of tax under section 4081(a)(2)(A) are 4.3 cents per gallon" and inserting "during which the rate of tax under section 4081(a)(2)(A)(i) does not apply".

(2) Subparagraph (A) of section 4041(a)(1) of such Code is amended by striking "or a diesel-powered train" each place it appears and by striking "or train".

(3) Subparagraph (C) of section 4041(a)(1) of such Code is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(4) Subclause (I) of section 4041(a)(1)(C)(ii) of such Code, as redesignated by paragraph (3), is amended by striking "7.3 cents" and inserting "3 cents" and by striking "4.3 cents per gallon" and inserting "zero".

(5) Subsection (a) of section 4041 of such Code is amended by striking paragraph (3).

(6) Subparagraph (C) of section 4041(b)(1) of such Code is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(7) Subparagraph (B) of section 4041(a)(2) of such Code is amended by striking all that follows clause (i) and inserting the following new clauses:

"(ii) 10.4 cents per gallon in the case of liquefied petroleum gas, and

"(iii) 9.1 cents per gallon in the case of liquefied natural gas."

(8) Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

"(3) TERMINATION.—The rate of the taxes imposed by paragraph (1) shall be zero after September 30, 2007."

(9) Subsection (d) of section 4041 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081."

(10) Clauses (i) and (ii) of section 4041(m)(1)(A) of such Code are amended to read as follows:

"(i) 7 cents per gallon on and after the date of the enactment of this clause and before October 1, 2005, and

"(ii) zero after September 30, 2005, and".

(11) Subsection (c) of section 4081 of such Code is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(12) Paragraphs (1) and (2) of section 4081(d) of such Code are amended to read as follows:

"(1) IN GENERAL.—The rates of tax specified in clauses (i) and (iii) of subsection (a)(2)(A) shall be zero after September 30, 2005.

"(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be zero after September 30, 2007."

(13) Subsection (f) of section 4082 of such Code is amended by striking "section 4041(a)(1)" and inserting "subsections (d)(3) and (a)(1) of section 4041, respectively".

(14) Paragraph (3) of section 4083(a) of such Code is amended by striking "or a diesel-powered train".

(15) Subparagraph (A) of section 4091(b)(3) of such Code is amended to read as follows:

"(A) The rate of tax specified in paragraph (1) shall be zero after September 30, 2007."

(16) Paragraph (1) of section 4091(c) of such Code is amended—

(A) by striking "14 cents" and inserting "9.7 cents",

(B) by striking "13.3 cents" and inserting "9 cents",

(C) by striking "13.2 cents" and inserting "8.9 cents",

(D) by striking "13.1 cents" and inserting "8.8 cents", and

(E) by striking "13.4 cents" and inserting "9.1 cents".

(17) Subsection (c) of section 4091 of such Code is amended by striking paragraph (4), and by redesignating paragraph (5) as paragraph (4).

(18) Subsection (b) of section 4092 of such Code is amended by striking "attributable to" and all that follows and inserting "attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section. For purposes of the preceding sentence, the term 'commercial aviation' means any use of an aircraft other than in noncommercial aviation (as defined in section 4041(c)(2))."

(19) Subparagraph (B) of section 6421(f)(2) of such Code is amended by striking "and," and all that follows and inserting a period.

(20) Paragraph (3) of section 6421(f) of such Code is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081."

(21) Subparagraph (A) of section 6427(b)(2) of such Code is amended by striking "7.4 cents" and inserting "3.1 cents".

(22) Paragraph (3) of section 6427(l) of such Code is amended to read as follows:

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof."

(23) Paragraph (4) of section 6427(l) of such Code is amended by striking "attributable to" and all that follows through the period and inserting "attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section."

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of the enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of the enactment of this Act, based on a request submitted to the taxpayer before the date which is 3 months after such date of enactment, by the dealer who held the liquid on such date of enactment, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(i) EXCLUSION OF EFFECTS OF THIS SECTION FROM THE PAYGO SCORECARD.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates of changes in receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 3822

OFFERED BY: MR. LARSON

AMENDMENT NO. 11: Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRICE SAFEGUARDS.

(a) DRAWDOWN OF STRATEGIC PETROLEUM RESERVE.—Section 161(d) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)) is amended by adding at the end the following:

"(3) REDUCTION IN SUPPLY CAUSED BY ANTICOMPETITIVE CONDUCT.—

"(A) IN GENERAL.—For the purposes of this section, in addition to the circumstances set forth in section 3(8) and in paragraph (2) of this subsection, a severe energy supply interruption shall be deemed to exist if the President determines that—

"(i) there is a significant reduction in supply that—

"(I) is of significant scope and duration; and

"(II) has caused a significant increase in the price of petroleum products;

"(ii) the increase in price is likely to cause a significant adverse impact on the national economy; and

"(iii) a substantial cause of the reduction in supply is the anticompetitive conduct of 1 or more foreign countries or international entities.

"(B) DEPOSIT AND USE OF PROCEEDS.—Proceeds from the sale of petroleum drawn down pursuant to a Presidential determination under subparagraph (A) shall—

"(i) be deposited in the SPR Petroleum Account; and

"(ii) be used only for the purposes specified in section 167.".

(b) REPORTING AND CONSULTATION REQUIREMENTS.—If the price of a barrel of crude oil exceeds $25 (in constant 1999 United States dollars) for a period greater than 14 days, the President, through the Secretary of Energy, shall, not later than 30 days after the end of the 14-day period, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report that—

(1) states the results of a comprehensive review of the causes and potential consequences of the price increase;

(2) provides an estimate of the likely duration of the price increase, based on analyses and forecasts of the Energy Information Administration;

(3) provides an analysis of the effects of the price increase on the cost of home heating oil; and

(4) states whether, and provides a specific rationale for why, the President does or does not support the drawdown and distribution of a specified amount of oil from the Strategic Petroleum Reserve.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MRS. THURMAN

AMENDMENT NO. 20: Add at the end thereof the following new title:

TITLE II—ENERGY EFFICIENT TECHNOLOGY TAX INCENTIVES

SEC. 201. SHORT TITLE.

This Act may be cited as the "Energy Efficient Technology Tax Act".

SEC. 202. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48 the following new section:

"SEC. 48A, ENERGY CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

"(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

"(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

"(b) ENERGY PERCENTAGE.—

"(1) IN GENERAL.—The energy percentage shall be determined in accordance with the following table:

"Column A—Description	Column B—Energy Percentage	Column C—Period	
		For the period:	
In the case of:	The energy percentage is:	Beginning on:	Ending on:
Solar energy property (other than elected solar hot water property and photovoltaic property) and geothermal energy property	10 percent	1/1/2000	no end date
Elected solar hot water property	15 percent	1/1/2000	12/31/2004

"Column A—Description	Column B—Energy Percentage	Column C—Period	
		For the period:	
In the case of:	The energy percentage is:	Beginning on:	Ending on:
Photovoltaic property	15 percent	1/1/2000	12/31/2006
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Combined heat and power system property	8 percent	1/1/2000	12/31/2002.

"(2) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under paragraph (1).

"(3) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

"(4) TRANSITIONAL RULES.—Rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

"(c) MAXIMUM CREDIT FOR CERTAIN PROPERTY.—In the case of property described in the following table, the amount of the current year business credit under subsection (a) for the taxable year for each item of such property with respect to a building shall not exceed the amount specified for such property in such table:

Description of property:	**Maximum allowable credit amount is:**
Elected solar hot water property	$1,000.
Photovoltaic property with respect to which the energy percentage is greater than 10 percent	$2,000.
20 percent energy-efficient building property:	
fuel cell described in subsection (e)(3)(A)	$500 per each kw/hr of capacity.
natural gas heat pump described in subsection (e)(3)(D)	$1,000.
20 percent energy-efficient building property (other than a fuel cell and a natural gas heat pump)	$500.
10 percent energy-efficient building property	$250.

"(d) ENERGY PROPERTY DEFINED.—

"(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

"(A) which is—

"(i) solar energy property,

"(ii) geothermal energy property,

"(iii) 20 percent energy-efficient building property,

"(iv) 10 percent energy-efficient building property, or

"(v) combined heat and power system property,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(D) which meets the performance and quality standards (if any), and the certification requirements (if any), which—

"(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

"(ii) are in effect at the time of the acquisition of the property.

"(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). The preceding sentence shall not apply to combined heat and power system property.

"(e) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

"(1) SOLAR ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy—

"(i) to generate electricity,

"(ii) to heat or cool (or provide hot water for use in) a structure, or

"(iii) to provide solar process heat.

"(B) ELECTED SOLAR WATER HEATING PROPERTY.—

"(i) IN GENERAL.—The term 'elected solar water heating property' means property which is solar energy property by reason of subparagraph (A)(ii) and for which an election under this subparagraph is in effect.

"(ii) ELECTION.—For purposes of clause (i) and the energy percentage specified in the table in subsection (b)(1), a taxpayer may elect to treat property described in clause (i) as elected solar water heating property.

"(C) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means solar energy property which uses a solar photovoltaic process to generate electricity.

"(D) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

"(E) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

"(2) GEOTHERMAL ENERGY PROPERTY.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

"(3) 20 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '20 percent energy-efficient building property' means—

"(A) a fuel cell that—

"(i) generates electricity and heat using an electrochemical process,

"(ii) has an electricity-only generation efficiency greater than 35 percent, and

"(iii) has a minimum generating capacity of 5 kilowatts,

"(B) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater,

"(C) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

"(D) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.70 for cooling,

"(E) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater, and

"(F) an advanced natural gas water heater that has an energy factor of at least 0.80.

"(4) 10 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '10 percent energy-efficient building property' means—

"(A) an electric heat pump that has a heating system performance factor (HSPF) of 7.5 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(B) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater, and

"(C) an advanced natural gas water heater that has an energy factor of at least 0.65.

"(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

"(A) IN GENERAL.—The term 'combined heat and power system property' means property comprising a system—

"(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(iii) which produces—

"(I) at least 20 percent of its total useful energy in the form of thermal energy, and

"(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

"(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities).

"(B) SPECIAL RULES.—

"(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

‘‘(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

‘‘(II) the denominator of which is the lower heating value of the primary fuel source for the system.

‘‘(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

‘‘(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

‘‘(iv) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

‘‘(v) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.

‘‘(f) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

‘‘(1) CREDIT AMOUNT.—

‘‘(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

‘‘Applicable percentage		Credit amount is:
Greater than or equal to—	Less than—	
5 percent	10 percent	$ 500
10 percent	20 percent	$1,000
20 percent	30 percent	$1,500
30 percent		$2,000

‘‘(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

‘‘Applicable percentage		Credit amount increase is:
Greater than or equal to—	Less than—	
20 percent	40 percent	$ 250
40 percent	60 percent	$ 500
60 percent		$1,000

‘‘(2) QUALIFIED HYBRID VEHICLE.—The term ‘qualified hybrid vehicle means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

‘‘(A) A consumable fuel.

‘‘(B) A rechargeable energy storage system.

‘‘(3) MAXIMUM AVAILABLE POWER.—The term ‘maximum available power’ means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

‘‘(4) AUTOMOBILE.—The term ‘automobile’ has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

‘‘(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

‘‘(A) any property for which a credit is allowed under section 25B or 30,

‘‘(B) any property referred to in section 50(b), and

‘‘(C) the portion of the cost of any property taken into account under section 179 or 179A.

‘‘(6) REGULATIONS.—

‘‘(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

‘‘(B) ENVIRONMENTAL PROTECTION AGENCY.—

‘‘(A) TREASURY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

‘‘(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

‘‘(g) SPECIAL RULES.—For purposes of this section—

‘‘(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

‘‘(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

‘‘(i) subsidized energy financing, or

‘‘(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,

the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

‘‘(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

‘‘(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

‘‘(ii) the denominator of which is the basis of the property.

‘‘(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term ‘subsidized energy financing’ means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

‘‘(2) BUSINESS USE.—The rule similar to the rule of section 25(B)(d)(5)(B) shall apply for purposes of determining the business use of a vehicle.

‘‘(3) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

‘‘(4) DOUBLE BENEFIT.—Property which would, but for this paragraph, be eligible for credit under more than one provision of this section shall be eligible only under one such provision, the provision specified by the taxpayer.’’.

(b) CONFORMING AMENDMENTS.—

(1) Section 48 of such Code is amended to read as follows:

“SEC. 48. REFORESTATION CREDIT.

‘‘(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 10 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

‘‘(b) DEFINITIONS.—For purposes of this subpart, the terms ‘amortizable basis’ and ‘qualified timber property’ have the respective meanings given to such terms by section 194.’’.

(2) Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

‘‘(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.’’.

(3) Paragraph (3) of section 50(c) of such Code is amended by adding at the end the following flush sentence:

‘‘In the case of the energy credit, the preceding sentence shall apply only to so much of such credit as relates to solar energy property and geothermal property (as such terms are defined in section 48A(e)).".

(4) Subclause (III) of section 29(b)(3)(A)(i) of such Code is amended by striking "section 48(a)(4)(C)" and inserting "section 48A(g)(1)(C)".

(5) Subparagraph (E) of section 50(a)(2) of such Code is amended by striking "section 48(a)(5)" and inserting "section 48A(g)(3)".

(6) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) in clause (vi)(I)—

(i) by striking "section 48(a)(3)" and inserting "paragraphs (1) and (2) of section 48A(e)", and

(ii) by striking "clause (i)" and inserting "paragraph (1)(A)", and

(B) in the last sentence by striking "section 48(a)(3)" and inserting "section 48A(d)(2)".

(7) Subparagraph (E) of section 168(e)(3) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by inserting after clause (iii) the following new clause:

"(iv) any combined heat and power system property (as defined in section 48A(e)(5)) for which a credit is allowed under section 48A and which, but for this clause, would have a recovery period of less than 15 years.".

(8) The table contained in subparagraph (B) of section 168(g)(3) of such Code is amended by adding at the end the following:

"(E)(iv) .... 22".

(c) Clerical Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new items.

"Sec. 48. Reforestation credit.

"Sec. 48A. Energy credit.".

(d) Effective Date.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) Extension of Credit for Qualified Electric Vehicles.—Subsection (f) of section 30 of such Code (relating to termination) is amended by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Repeal of Phaseout.—Subsection (b) of section 30 of such Code (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) No Double Benefit.—

(1) Subsection (d) of section 30 of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

"(5) No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(f).".

(2) Paragraph (3) of section 30(d) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(3) Paragraph (5) of section 179A(e) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) Extension.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by striking "July 1, 1999" and inserting "July 1, 2004".

(b) Qualified Facilities Include All Biomass Facilities.—

(1) In general.—Paragraph (1) of section 45(c) of such Code (relating to definition of qualified energy resources) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B), and by inserting after subparagraph (B) the following:

"(C) biomass (other than closed-loop biomass).".

(2) Biomass defined.—Paragraph (2) of section 45(c) of such Code is amended to read as follows:

"(2) Biomass.—

"(A) In general.—The term 'biomass' means—

"(i) closed-loop biomass, and

"(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

"(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

"(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

"(B) Closed-loop biomass.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.".

(c) Electricity Produced From Biomass Co-fired in Coal Plants.—

(1) Credit amount.—Paragraph (1) of section 45(a) of such Code (relating to general rule) is amended by inserting "(1.0 cents in the case of electricity produced from biomass co-fired in a facility which produces electricity from coal) after "1.5 cents".

(2) Qualified facility.—Paragraph (3) of section 45(c) of such Code (relating to definitions) is amended by striking the period at the end and inserting the following: ", and any facility using biomass other than closed loop biomass to produce electricity which is owned by the taxpayer and which is originally placed in service after June 30, 1999.".

(3) Adjustment for inflation.—

(A) In general.—Paragraph (2) of section 45(b) of such Code (relating to credit and phaseout adjustment based on inflation) is amended by striking "1.5 cent amount" and inserting "1.5 and 1.0 cent amounts".

(B) Base year for inflation adjustment factor.—Subparagraph (B) of section 45(d)(2) of such Code (relating to inflation adjustment factor) is amended by adding at the end the following new sentence: "In the case of the 1.0 cents amount in subsection (a), the first sentence of this subparagraph shall be applied by substituting '1999' for '1992'.".

(d) Credit Not To Apply to Electricity Sold to Utilities Under Certain Contracts.—Subsection (b) of section 45 of such Code (relating to limitations and adjustments) is amended by adding at the end the following new paragraph:

"(4) Credit not to apply to electricity sold to utilities under certain contracts.—

"(A) In general.—The credit determined under subsection (a) shall not apply to electricity—

"(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

"(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

"(B) Exception.—Subparagraph (A) shall not apply if—

"(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

"(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

"(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

"(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

"(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

"(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

"(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in section 292.304(d)(1) of title 18, Code of Federal Regulations, or any successor regulation.".

(e) Effective Date.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years ending after June 30, 1999.

(2) Adjustment for inflation.—The amendments made by subsection (c)(3) shall apply to taxable years ending after December 31, 1999.

SEC. 205. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. NONBUSINESS ENERGY PROPERTY.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

"(B) the credit amount (determined under section 48A(f)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(f)(2)), and

"(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

"New, Highly Energy-Efficient Principal Residence:	Credit Amount:
30 percent property	$1,000.
40 percent property	$1,500.
50 percent property	$2,000.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

"Column A—Description	Column B—Applicable Percentage	Column C—Period	
In the case of:	The applicable percentage is:	For the period:	
		Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Solar water heating property	15 percent	1/1/2000	12/31/2006
Photovoltaic property	15 percent	1/1/2000	12/31/2006.

"(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

"Description of property item:	Maximum allowable credit amount is:
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property:	
fuel cell described in section 48A (e)(3)(A)	$ 500 per each kw hr of capacity.
natural gas heat pump described in section 48A (e)(3)(D)	$1,000.
10 percent energy-efficient building property	$ 250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

"(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

"(A) is located in the United States, and

"(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) QUALIFIED ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'qualified energy property' means—

"(i) energy-efficient building property,

"(ii) solar water heating property, and

"(iii) photovoltaic property.

"(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (D) and (E) section 48A(e)(1) shall apply.

"(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by paragraphs (3) and (4) of section 48A(e).

"(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

"(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' has the meaning given to such term by section 48A(e)(1)(C).

"(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

"(i) such property is located in the United States,

"(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

"(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

"(B) 50, 40, OR 30 PERCENT PROPERTY.—

"(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

"(ii) PROCEDURES.—

"(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

"(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

"(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

"(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

"(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

"(D) COMPLIANCE.—

"(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

"(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

"(D) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as his principal residence.

"(d) Special Rules.—For purposes of this section—

"(1) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) Joint ownership of energy items.—

"(A) In general.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) Limits applied separately.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(5) Allocation in certain cases.—

"(A) In general.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

"(B) Special rule for vehicles.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

"(6) Double benefit; property used outside United States, etc., not qualified.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

"(A) any property for which a credit is allowed under section 30 or 48A,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(7) When expenditure made; amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) Expenditures part of building construction.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

"(C) Amount.—The amount of any expenditure shall be the cost thereof.

"(8) Property financed by subsidized energy financing.—

"(A) Reduction of expenditures.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(g)(1)).

"(B) Dollar limits reduced.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

"(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

"(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

"(e) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) Conforming Amendments.—

(1) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Nonbusiness energy property.".

(c) Effective Date.—The amendments made by this section shall apply to expenditures after December 31, 1999.

Page 2, after line 5, insert "**TITLE I—OIL PRICE REDUCTION**".

Page 2, line 6, strike "2" and insert "101".

Page 5, line 4, strike "3" and insert "102".

Page 5, line 16, strike "4" and insert "103".

Page 6, line 10, strike "section 5" and insert "section 104".

Page 6, line 12, strike "5" and insert "104".

Page 6, line 15, strike "section 4" and insert "section 103".

Page 6, line 17, strike "section 4(1)" and insert "section 103(1)".

Page 6, line 21, strike "6" and insert "105".

Page 6, line 24, strike "section 4" and insert "section 103".

Page 7, line 3, strike "section 5" and insert "section 104".

Page 8, line 2, strike "section 4" and insert "section 103".

Page 8, line 7, strike "section 5" and insert "section 104".

Page 8, line 9, strike "7" and insert "106".

Page 8, line 10, strike "Act" and insert "title".

H.R. 3822

Offered By: Mr. Traficant

Amendment No. 21: Page 8, after line 2, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) In General.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) Unreasonable Price Increase Defined.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) Determination of Unreasonable Price Increase.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 3, redesignate section 7 as section 8.

H.R. 3822

Offered By: Mr. Traficant

Amendment No. 22: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) In General.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

AMENDMENT TO H.R. 3822, AS REPORTED

OFFERED BY MR. HASTINGS OF FLORIDA

Page 8, after line 8, insert the following new section (and redesignate section 7 as section 8):

SEC. 7. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

"(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

"(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

"(B) 4.3 cents per gallon after September 30, 2005.", and

(3) by striking "clauses (i) and (iii) of subsection (a)(2)(A)" in paragraph (1) and inserting "subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene".

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking "shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005)." and inserting "shall be—

"(aa) zero during the 1 year period beginning on the date of the enactment of the Oil Price Reduction Act of 2000,

"(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

"(cc) 4.3 cents per gallon after September 30, 2005.".

(2) Section 4081(c)(6) of such Code is amended by inserting "(other than paragraph (5))" after "subsection".

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting "(the date of the enactment of the Oil Price Reduction Act of 2000, in the case of diesel fuel)" after "October 1, 2005" both places it appears,

(B) by inserting "(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after "March 31, 2006" both places it appears, and

(C) by inserting "(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after "January 1, 2006".

(4) Section 6427(f)(4) of such Code is amended by inserting "(during the 1 year period beginning on the date of the enactment of the Oil Price Reduction Act of 2000, in the case of diesel fuel)" after "September 30, 2007".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

AMENDMENT TO H.R. 3822, AS REPORTED

OFFERED BY MR. MARKEY OF MASSACHUSETTS

Page 8, after line 8, insert the following new section:

SEC. 7. REFINED PETROLEUM RESERVE.

Section 160(g) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)) is amended—

(1) in paragraph (1), by striking "conduct a test" and all that follows through "the Reserve which" and inserting "establish a program of storage of refined petroleum products within the Reserve. Such program shall include mechanisms for storage of such products, which";

(2) in paragraph (2), by striking "demonstrated" and inserting "to be included";

(3) in paragraph (3), by inserting ", other than the site of the Reserve established pursuant to section 154,";

(4) in paragraph (4)—

(A) by inserting "up to" after "amount equal to";

(B) by striking "of the fiscal years 1992, 1993, and 1994" and inserting "fiscal year"; and

(C) by striking "of the fiscal years covered by the test program" and inserting "fiscal year";

(5) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5); and

(6) in paragraph (5), as so redesignated by paragraph (5) of this section—

(A) by striking "the test program may be withdrawn from the Reserve before the conclusion of the test program" and inserting "this subsection may be withdrawn from the Reserve";

(B) by striking "or" at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) on the basis of a finding by the President that a severe shortage in the supply of such refined petroleum products has occurred.".

Page 8, line 9, redesignate section 7 as section 8.

Mr. FROST. Mr. Speaker, sometimes people laugh at Congress. This is a day for laughing at Congress. We have spent the last hour debating a bill that provides a report on diplomatic efforts from the President and rejecting the opportunity to offer amendments to actually deal with the problem. No wonder people laugh.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the remaining time.

This is an open rule, so long as one preprinted one's amendment in the CONGRESSIONAL RECORD.

With regard to one of the last statements from the distinguished gentleman from Texas, specifically in response to the gentleman from Ohio (Mr. CHABOT), when the gentleman from Texas said that the Committee on Rules deleted the sanctions section and the gentleman from Ohio had not found out about it, the gentleman from Texas voted for the deletion of the sanctions section in a voice vote.

But this is important legislation. The OPEC countries are about to meet. They are following this vote. The message must be sent clearly that Congress stands firm behind a policy that says that this must be taken with all due seriousness, despite the fact that there has been no one at the helm on the other end of Pennsylvania Avenue. So I would urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. So the vote is without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

At this point in the RECORD I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE

DEAR REPUBLICAN COLLEAGUE: In light of recent public statements regarding the intent of the minority to utilize all available procedural options to advance their legislative endeavors, I believe it is important to understand that the vote on the previous question is strictly a procedural vote that has no substantive policy implications.

The previous question is a motion made in order under House Rule XIX, and accorded precedence under clause 4 of Rule XVI, and is the only parliamentary device in the House used for both closing debate and preventing amendment. The effect of adopting the previous question is to bring the pending proposition or question to an immediate, final vote. The motion is most often made at the conclusion of debate on a special rule, motion or legislation considered in the House prior to a vote on final passage. A Member might think about ordering the previous question in terms of answering the question "is the House ready to proceed to an immediate vote on adopting the pending question?"

Furthermore, in order to amend a special rule (other than by the managers offering an amendment to it or by the manager yielding for the purpose of amendment), the House must vote against ordering the previous question. If the motion for the previous question is defeated, the House is, in effect, turning control of the Floor over to the Member who led the opposition (usually a Member of the minority party). The Speaker then recognizes the Member who led the opposition (usually a minority member of the Rules Committee) to control an additional hour of debate during which a germane amendment may be offered to the rule. This minority Member then controls the House Floor for the hour.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications.

Sincerely,

DEBORAH PRYCE,
Member of Congress.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 200, not voting 12, as follows:

[Roll No. 64]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

Ackerman
Crane
Franks (NJ)
Greenwood
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky

□ 1626

Mr. UDALL of Colorado and Mr. HINCHEY changed their vote from "yea" to "nay".

Messrs. MCKEON, NORWOOD and BALLENGER changed their vote from "nay" to "yea".

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HANSON). Pursuant to House Resolution 445 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3822.

□ 1625

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

☐ 1630

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in strong support of H.R. 3822, the Oil Price Reduction Act of 2000. I urge my colleagues on both sides of the aisle to support this measure, which spotlights OPEC'c price-fixing activities. Its enactment will help to ensure that the force of demand and supply set the prevailing price of oil, and not a backroom deal among countries that do not share our national interest.

If we are concerned about excess oil profits going to the oil-producing nations, we should be supporting this measure. In early March, a news release from the Energy Department confirmed what we had all suspected at that time: that oil revenues to OPEC and other major oil exporting countries have doubled over the past 2 years to $212 billion, their highest level since 1984.

If we are concerned that the Energy Secretary is riding on empty every time he visits an OPEC country, then I urge my colleagues to support this measure and put our energy diplomacy in high gear. If we are concerned that the administration has been asleep at the switch over the past 18 months as OPEC oil production cutbacks led to a tripling of energy prices, then I urge my colleagues to support this measure as we put the administration back to work on a long-term approach to America's energy security.

The House Committee on International Relations held 2 days of hearings on OPEC and the Northeast energy crisis and on U.S. policy toward OPEC in February and in March; and we heard testimony from several administration witnesses, including our Secretary of Energy Bill Richardson. This measure was fully debated in our Committee on International Relations and was ultimately reported out of our committee in mid-March. It is a balanced, responsible approach to the challenge that the American economy and the American consumer faces from the current energy price crisis that was engineered by OPEC and other major net oil exporters.

We need to send a strong message to the OPEC price cartel, prior to its forthcoming March 27 meeting in Vienna, that continued price-fixing efforts to prop up the price of oil will be an important consideration in our Nation's foreign policy.

Is OPEC price-fixing? Let me answer by quoting a statement issued on Tuesday of this week by the secretary general of that organization, and I quote: "We should increase production by an amount needed to reach the target price of around $24 a barrel." In so many words, that is a resounding yes to the fact that they are price-fixing.

Does OPEC have to make any major increases in its current production to get to that price level? The answer is not at all. That organization calculates the current global composite price at slightly over $25 a barrel. With very minor production increases, OPEC could achieve its purposes and literally thumb its nose at our Nation with our skyrocketing gas prices.

This late-breaking news about OPEC's intentions at the upcoming March 27 Vienna meeting provides ample evidence to the administration that their price-fixing activities are still alive and well and that they are prepared to dismiss concerns in this country about low oil stocks and our steadily rising fuel prices.

How has the administration handled OPEC? It has dispatched the Secretary of Energy to OPEC countries to engage in quiet diplomacy over the past 2 years. However, as prices continue to rise, Secretary Richardson conducted business as usual, with OPEC members pursuing business for American companies while failing to protect the interests of the American consumer.

In fact, it appears that Secretary Richardson might well have been giving the green light to OPEC ministers when he told them prior to their meeting in March of last year, and I quote, "We feel that lower prices are good for the consumers, but we recognize they can have a negative impact domestically on some of our friends. So far OPEC's response has been responsible and restrained," said Secretary Richardson.

If my colleagues believe that OPEC has not been responsible or restrained in its policy toward their constituents, then they should support this measure.

How does this bill respond to OPEC and the ongoing energy crisis? Specifically, this bill requires our President, not later than 30 days after its enactment, to send to the Congress a report containing a description of our security relationship with each OPEC member and any other major net oil exporting countries, together with information about our assistance programs and our government supported arms sales to those countries.

This bill requires a presidential determination as to whether or not an OPEC member is engaged in price-fixing to the detriment of our Nation's economy.

Finally, this bill further directs the President to undertake a concerted bilateral and multilateral diplomatic campaign to bring about the end of international oil price-fixing arrangements.

It is my understanding that many, if not all, of the proposed amendments to this bill are nongermane and subject to a point of order. And while I am sympathetic to many of these important policy proposals, the Oil Price Reduction Act has a much narrower focus and cannot be a vehicle for the overdue reform of our entire policy in energy.

If we are concerned about the oil price-fixing, and if we are concerned about its impact upon our economy, then I urge my colleagues to support this bill, a bill which sends a clear message to the administration and to the oil-producing nations that oil price-fixing is harmful to our American consumers and detrimental to the American economy.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

This legislation, in the midst of a crisis, is akin to what a city council would do. It has no common sense energy proposal, we do not reinstate SPR, and we ought to be taking real action.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I will say that while decorum is important, it seems to me the Members were paying this bill about as much attention as it deserves.

I should explain to some of my colleagues, whose amendments will be ruled out of order, that I will not be able to side with them if they appeal the ruling of the Chair, because I am afraid that they are not germane. I have looked at these amendments, and those amendments each try to accomplish something. The governing principle of this bill is to do nothing. And an amendment which tries to do something is clearly not germane to this feel-good piece of legislation. So I would have to say to my friends that I cannot be with them, because we have to uphold the spirit of this bill. Something is not germane to nothing. That is an important parliamentary point.

This is a bill which the Republicans could have brought forward anything they wanted. Part of it is a ratification. This is the Republican ratification of the tax increase of 1993. Members will remember some of them and others will remember the gnashing and wailing and lamentation about the gas tax increase. It was a terrible thing, that gasoline tax increase. Well, the Republican Party had the opportunity to bring forward a bill repealing the

1993 gasoline tax increase, and their answer is a resounding "never mind," in the words of Emily Litella.

So we have on the part of the Republican Party a ratification of the gasoline tax increase of 1993. Better late than never.

We now have on our side suggestions for taking some of the strategic petroleum reserve and making it available to the American people, who paid for it. That is not to be considered. The Republican Party is adamant, apparently, against doing anything with this strategic petroleum reserve or setting up a new one for the future.

What we have, instead, is a very interesting political phenomenon: a man who is being talked about for vice president, but is still only the Secretary of Energy, apparently has coattails. Because as the gentleman who spoke said, this is an effort to mandate a diplomatic campaign to get OPEC to change its position. Well, that is what Secretary Richardson has been doing.

Now, a week before the vote we come forward, and I think what we have here is an effort to take credit for what might happen anyway. So Secretary Richardson turns out to have coattails not in November but in March. Because what we have is a bill that if OPEC changes its position, as the administration has been working to have them do, we will take the credit for it.

In fact, I differ with the administration. I do not think they should be simply relying on trying to move OPEC by persuasion. I think we should have been doing things with the strategic petroleum reserve. But the bill absolutely agrees with the administration. As we heard the chairman say, we have two things here: first of all, a report, a report the issuance of which no doubt is having them quaking in Kuwait. It has them terrorized in Venezuela. A report is coming. The Congress of the United States is going to issue a report. And no doubt that strikes terror into the hearts of the oil-producing nations.

But beyond the report, what do we have? We have a diplomatic campaign to get OPEC to change its position. Exactly what the administration has been doing. So this bill fails to push the administration to do more and, instead, violates the copyright laws by trying to take credit for what they are already doing.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I just have to say to my colleagues that it is mind-boggling, and I do not think anybody in the United States believes, that the other side of the aisle has an answer to this problem, period. They talk about emptying out the strategic petroleum reserve. What do my colleagues think OPEC would do if we did that? They would just tighten the valve down just enough to offset that amount that we are doing. That is not the point here.

Now, gas taxes. I am for cutting the gas taxes. I am for cutting more than the Gore gas tax. I am for cutting the Bush gas tax. Mr. Chairman, today's high gas and oil prices are unnecessary, and it is unfortunate that we have to do a bill like this because this administration has no credibility in the world, and everybody in America understands that.

We are having a tin cup diplomacy running around begging OPEC to open their valves. And the reason is because the Clinton-Gore administration is squarely to blame for this, what is going on in America today, the high prices of gasoline. The simple fact is that the American economy is too dependent on foreign oil because this administration refuses to allow an increase in domestic oil production.

Just this month, just this month this administration has increased the royalties on drilling in the Gulf of Mexico, despite the repeated objections of Congress. They have also banned new pipeline and dam construction and forbidden access to multipurpose Federal lands. These restrictions should be lifted.

Kowtowing to environmental extremists, Clinton and Gore policies have severely restricted oil, coal, hydro- and natural gas energy production across the board. And if my colleagues do not believe me, read the Vice President's book, Earth in the Balance. It is all here. It is all designed to drive up the cost of gasoline so he can eliminate the internal combustion engine.

Steps must be taken across the board to make all these energy sources more viable. The facts speak for themselves. Today our domestic oil production is at the lowest point since World War II, and we are importing more oil than ever before, even more than during the 1973 embargo when everybody was in gas lines to fill up their cars.

☐ 1645

In fact, every day Americans spend more than $300 million on foreign oil. In light of this situation, you would think that American refineries and wells would be working overtime to provide as much fuel as possible, but that is not the case.

During the 1998 oil price crash, over 150,000 marginal oil wells were closed and never reopened, because the Clinton-Gore administration simply did not care about domestic production. Now, while these wells each produce less than 15 barrels a day, the total output derived by opening only half of them would boost domestic oil production by 250,000 barrels of oil every day, but Federal tax incentives, like ones we have in Texas, could easily achieve this increase.

On March 27, a little less than a week away, OPEC ministers will be meeting to discuss a possibility of increasing their production levels to help stabilize oil prices. This bill is an honest effort to encourage them to do the right thing. And I am going to vote for it; but let me be perfectly clear, the reason we are in this mess in the first place is because for the last 7 years, this administration has turned its back on our domestic energy needs.

In effect, Clinton and Gore have left us with no choice but to beg our OPEC allies to turn the spigot up. This is a humiliating position for America, and it hurts families and businesses, especially truckers who are stuck with paying higher prices.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), and say in doing so, the only report that we really need is the report on where Congress has been for the last 6 years.

Mr. MENENDEZ. Mr. Chairman, my constituents in New Jersey have not been immune to skyrocketing oil and gas prices. We have seen consumers, truckers, and oil-dependent industries suffering for months as a result of exorbitant prices, including some independent truckers having to take their trucks off the road, because they simply cannot afford to operate them.

In essence, what this legislation does, which we voted for in the community, but let us be honest, what it does is, it does exactly what the administration has been doing, which is to leverage its relationship with OPEC countries and diplomacy to get them to produce and, therefore, help the price. That is what we expect the result to be next Monday when OPEC meets; that is the diplomacy that we need.

This is a cheering of that effort. Regardless of what happens on Monday, we need steps to protect the American economy and consumers in the short and long terms. In addition to passing this bill, we will send a message to OPEC that the administration has already done through its diplomacy, that we will not be held hostage to its monopolistic practices. We need to implement President Clinton's initiative to create a home heating oil reserve for the Northeast to cushion future spikes in oil prices. And we should also reauthorize the strategic petroleum reserve, which is set to expire in a few days on March 31, next week.

Regardless of your position on drawing down the reserve in these prices, we think we can all agree that that option should remain available, including to create opportunities for fluctuations in the market. The majority has the power and should have already brought that bill to the floor.

Over the last 5 years the majority has failed to provide Americans with energy security. When they vote against alternative fuel research and development, when they send Alaskan oil to Japan, when they do not reauthorize the strategic petroleum reserve with provisions to deal with extreme market fluctuations, when they make the administration sell off part of the reserve in order to meet some of their budget requirements and when they fail to assist the administration in buying oil, that will give us the opportunities.

Let us not have our constituents choose between heating their homes and feeding their families. Let us get some real energy policy going here.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I noticed one thing when I listened to this debate. If we can bottle the hot air that has been coming from some people on this side of the aisle over here, we can solve the energy crisis right now.

I have never heard so many what I call knee-jerk reactions, if we check each one of your cheeks, you will see a black eye, about this whole oil crisis. The solution that I have heard today, we are going to have our strategic reserve drawn down.

I happen to agree with the gentleman from Texas (Mr. DELAY). If I was an OPEC member, I would say draw it, buddy, because when it is all gone, you are going to pay $55 a barrel of oil. That is what I would do, and that is what they will do if we do that.

What I want to talk about is the selling of Alaskan oil. My good friend, the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO) talking about Alaskan oil, we sell from Alaska 55,000 barrels a day of heavy crude. And by the way, we also sell 59,000 barrels a day from California, heavy crude.

Now, think about that a moment; but more than that, we are importing 8,650,000 barrels a day from the OPEC countries. If we would stop that 55,000 barrels, it would not stop one bit of the prices increased on the Western States. But more than that, you do not have the capability to refine the oil. The refineries are not there. They are not there, and they will not be there. And most of you know that. This is all, again, hot air.

But more than that, we have to set an energy policy. This administration has not done so. I would suggest one thing, the only policy this administration has is a set of kneepads for Mr. Richardson, because he is going to have to beg and beg and beg again.

As the gentleman from Texas (Mr. DELAY) also reminds us, they will drop the price of oil down to about $24, $25 a barrel, and we will go on our merry way, because this Congress, in fact, will not come to grips with producing oil.

And by the way, gentlemen, all of you in this room are opposing opening ANWR; think about it a moment. I passed that bill in 1995, and your President vetoed it. That is 2,200,000 barrels a day that could come to the West Coast and the East Coast if we had the refining capability; but we do not, and trying to get a refinery built in this country is nearly impossible because it is of this administration. I am saying let us talk about real domestic production.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, somebody ought to call the police. Something ought to call the police because this bill is simply a fraud on the public. This bill does nothing about the current gas price crisis in our country. It does nothing about America's future energy problems. This bill is simply to try to make the Republicans look good while they do nothing. It is a fraud.

It is a fraud on the American public. Let us understand what the Republicans have done. When oil was $10 a barrel, they would not allow us to buy it for the strategic oil reserve. Now, when oil is $35 a barrel, they will not let us use the reserve to help the American people. They cut $1.3 billion out of energy conservation efficiency and research and development. They put a rider on the transportation appropriations bill so we cannot even investigate getting better mileage in people's automobiles.

Between the 1970s and the 1980s, we doubled the mileage on automobiles. But we have not been able to do anything since then because of the Republican Presidents and Republican Congress. So now people have to sit in automobiles that are not fit and pay $2 for gasoline.

No, we need the Republicans to stop their actions, to stop their actions against conservation, to stop their actions against home heating oil. They cut home heating oil; and 250,000 people who have homes in the Northeast that could have been weatherized were not weatherized, so 250,000 people this year had to go out and be gouged in the home heating oil market.

Obviously, the Republicans now are trying to cover their tracks. Obviously, now they want to pretend like they had nothing to do with the energy problem that we have. But in appropriations bill after appropriations bill, we see the cuts on kinds of programs that can lead to new energy efficiencies, can lead to automobile mileage standards, that can bring about the kind of technology that can save this country millions and millions and millions of barrels every day. Because that is what we did during the 1970s, but we cannot do that with the Republicans.

Call the police and get these frauds out of here.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Chairman, this debate is not about the Congress, and it is not about the President of the United States. This debate is about Gene Wilmarth from Leaf River, Illinois.

Gene has to go out and pay more interest on his note to buy cattle, and he has got to pay more interest on his operating loan because the Fed increases the short-term interest rate because the price of gasoline goes up and the Fed thinks it is going to fuel inflation. And Gene Wilmarth has to buy diesel fuel to put his crops and cultivate them, and he has got to haul them to the market and to the elevator, all in a time when crop prices are one of the lowest in history.

The debate is not about the President. It is not about the Congress. It is about the thousands of Gene Wilmarths across this country. They cannot take any more.

How ironic it would be for the young men and women who are farming today if some of those had fought in the Gulf War to protect the countries of Kuwait and Saudi Arabia, who, in exchange for the gratitude of the nearly 300 American lives that were lost, turn around and stick it to the American people by being engaged in an international criminal conspiracy to fix the price of oil. It has got to come to a stop.

The purpose of this bill today is to remind the President that he can do something, something to send a message around the world that when we pump money through the IMF to bail out countries, that when we send foreign aid, that, in exchange for our benevolence, help out the American farmer, help out the American consumer, help out the American people, do not hold hostage the friend that they have in this country.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), and I yield the balance of the time to the gentlewoman from California (Ms. LEE) for the purpose of controlling the time.

Mr. MARKEY. Mr. Chairman, this was not a half bad resolution as it was produced by the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) out of the committee.

In fact, what it said was that the President would be able to use his existing legal authorities to reduce, to suspend, or to terminate assistance to these OPEC nations, including military aid or arms sales.

So in other words, if the heads of all these counties are going to go into a room and say, they are not getting any more oil from us or we are going to reduce it dramatically, then leaders from our country are going to go into a room and say, well, they are not going to get what we have got in our country that they want.

But by the time that it had been transformed by the miracle of the Committee on Rules, every meaningful part of this resolution has been removed; and all we have left is, basically, a resolution which says this oil crisis is really a very bad thing.

Now, we are all going to agree with that. It is a bad thing. But the Committee on Rules had a chance to put into order for us to debate out here on the floor the reauthorization of the strategic petroleum reserve, which is what our President can use to talk to the leaders of their country in deploying our oil reserves, 560 million barrels of oil.

The Committee on Rules did not put into order my amendment, which said that we should build a regional home heating oil reserve up in the northeastern part of the United States for Maryland, for New Jersey, for New York, for all of New England. That is not in order here. Let us just go through another winter without giving those people up in the Northeast the chance not to have themselves tipped upside down and have money shaken out of their pockets by OPEC when their governments, not private companies, my colleagues, when their governments decide that they are going to take our consumers hostage and just stick them up.

So as this resolution is out here on the floor, it is really worse than meaningless because it gives the false message to the rest of America that we are doing something here today when, in fact, we are not doing anything at all.

□ 1700

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, over the past year we have watched this country slide further and further into what could very well be described as a full-blown energy crisis. Gas prices have increased dramatically over the past year to the point of being the largest price increase in history. American oil inventories are at their lowest level in 4 years. This has all occurred under the Clinton-Gore administration's watch. This administration's lack of an energy policy and its resistance to allowing oil and gas exploration on public lands has brought us to this point.

Clinton and GORE pay lip service to energy policy but in reality they do all they can to prevent domestic industries from meeting our energy needs. This administration has locked up one of the largest clean coal sources in the lower 48 States, in Utah's Grand Escalante National Monument. This administration has been opposed to any new nuclear power plants and has been opposed to waste disposal.

This administration is importing more oil than ever with regulations and taxes designed to close our domestic oil industry. It is closing vast areas to gas development in the outer continental shelf. Due to extreme environmental policies, domestic reserves of oil and gas in the Rocky Mountains are too expensive to produce. And possibly more importantly, in the Rocky Mountains, pipelines are tougher than ever to permit. We must be able to increase domestic crude oil production not only to help alleviate the risks to our national security but also to make energy in the United States more affordable.

This administration is importing more oil than ever, with regulations and taxes designed to close our domestic oil industry.

We have a wealth of untapped energy resources in this country and yet we can't get at them because this administration keeps throwing up barriers through needless rules and regulations.

Why should we have to depend on any foreign energy resource when we have it setting right here in our backyard.

I implore this administration to wake up and start working on a solution to this crisis so that our national security will not be jeopardized, and our constituents can know and appreciate stable energy prices.

This bill, the Oil Price Reduction Act, is a step in the right direction.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time. We have heard a lot today about OPEC and sending the message to OPEC and how there was an expression of surprise that OPEC would be fixing prices. Well, they have been doing it since 1960. It should not come as a surprise. Is OPEC a problem? Of course OPEC is a problem. At the same time, there was reference to Secretary Richardson being dispatched by the President.

Let us go back a bit in history. In 1990, it was President Bush that dispatched a half a million men and women in combat to the Gulf. Let us be candid. They were not dispatched there to safeguard democracy. They went there to protect economic interests of the United States. They went there because of the oil. Not only did we fail to remove Saddam Hussein, but when we had the leverage in terms of our relationship with OPEC, when they needed us, what happened, when we could have absolutely once and for all crushed the cartel? Nothing happened. That is what happened. That is why we are in the problem today. Not because of the failure of this administration but what went on back in 1990.

Mr. Chairman, with gas prices hitting record highs, approaching the $2-a-gallon mark, consumers are understandably searching for villains. OPEC is an easy target.

Last year, OPEC removed about 6 percent of world production from the market. These cutbacks have significantly reduced worldwide stockpiles of crude oil and refined petroleum products, and nearly tripled crude oil prices to around $30 a barrel.

According to the Energy Department, this winter distillate fuel stocks nationwide were nearly 32 percent below last year. The supply shortfall was even more severe in the Northeast, where distillate fuel stocks were 13 million barrels below average levels.

The Clinton administration's sluggish response has made it another easy target, especially when the original rationale for inaction was "Sorry, can't intervene. Leave it to market forces."

I, for one, believe government intervention is entirely appropriate. When the price of home heating oil triples in a few weeks, the public interest demands that we help. I believe we must act aggressively to lower prices by increasing supplies; provide additional relief to the most vulnerable; and combat any anti-competitive actions—both domestically and abroad.

While we're sorting causes from effects, let's look a little deeper.

It should come as no surprise that OPEC is a cartel. We've known that since 1973. And we haven't done much about it for almost 20 years.

When American troops marched toward Iraq in 1991, their mission was broader than saving democracy in Kuwait. They were also there to keep our hands on the oil spigot. When former President Bush had the leverage to keep that spigot open, he blew it.

By failing to take care on the cartel then, former President Bush allowed American families today to be held hostage to OPEC nations.

Now, almost a decade later, there's a chorus of outrage against OPEC. And for good reason—the cartel's continued efforts to restrain supply has affected prices throughout the world.

But when there is a drastic price hike in home heating oil—as much as 300 percent in a year, and 100 percent in just a few weeks—when the majority of supplies come from domestic producers, then factors other than OPEC reductions may be at work. When I hear accounts of a $9 per barrel fee assessed on crude oil during the refining process in domestic ports, then we have an obligation to oppose any unscrupulous actions by domestic producers, too. And an obligation to intervene.

Beyond stepping up pressure on OPEC to boost production, I support an immediate release of oil from the Strategic Petroleum Reserve to exert a downward pressure on prices. This is a step that is completely within our discretion.

Back in 1991, within hours of the first air strike against Iraq, former President Bush authorized a draw-down of the reserve. When the Energy Department activated it, crude prices plummeted by nearly $10 per barrel overnight, falling below $20 per barrel for the first time since the original invasion.

Some of our colleagues oppose a draw-down out of blind faith in the "invisible hand" of market forces. To them, I ask, what about price supports for domestic cartels—for example, for dairy farmers.

Why a helping hand for farmers, but no hand for the elderly trying to heat their homes, or the small independent trucker trying to bring goods to the market?

So let's be clear. OPEC production cuts are a big factor. But there's a lot more to this current crisis, and a lot more at our disposal than relying on OPEC production to increase supplies and reduce prices.

For instance, what about suspicions of domestic price gouging? Yes, it's possible there are culprits within our own borders.

The fact that fees are added at different points along the process of moving crude oil to consumers—from processors to refiners to shippers to dealers—makes it hard to pin down all the factors which have contributed to the price spikes. No matter who you blame or how you calculate it, however, consumers are now paying two-and-a-half times the cost of crude straight out of the ground.

Although milder weather is on its way, we cannot wait idly for the sun to shine and for OPEC to convene next week while soaring gas prices continue to afflict and affect families and businesses.

So, I rise in support of immediate action. With or without this bill, the Administration has the authority to withhold foreign assistance. It has the authority to draw down from the Strategic Petroleum Reserve. It has the authority to create heating oil reserves to provide supplies to cushion against future shortages and price hikes. The Congress has the authority to broaden LIHEAP to struggling families who can't pay exorbitant heating bills, and to invest more in energy conservation and renewables to wean us off dependency on foreign oil and help our environment.

At a time when U.S. taxpayers are suffering, our government has every right—and an obligation—to press OPEC countries, who receive substantial U.S. aid, to consider the impact of their policies on the streets of the United States. I urge the administration to act now—and to learn from and help compensate for the mistakes of almost a decade ago.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SAXTON) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

OIL PRICE REDUCTION ACT OF 2000

The Committee resumed its sitting.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I applaud the enthusiasm of the Committee on International Relations to bring forward something to at least focus the Nation's attention on the energy price increase we have had in the last 3 or 4 months. I cannot applaud, though, their work product. I am going to oppose the bill. I am going to insist on a point of order on the amendments that should have been before the subcommittee that I chair, the Subcommittee on Energy and Power of the Committee on Commerce.

I want to point out one fact. In the fiscal year that just ended, the United States of America gave directly in foreign aid, military aid, economic aid and food aid to the OPEC nations $197.9 million. Based on $30 per barrel for oil, that is less than one day's supply of imports of oil to this country. So if the amendment as reported out of the Committee on International Relations had kept the teeth in it and if the President of the United States had dictated that all of our aid be suspended to the OPEC nations that have engaged in their cartel, it would have impacted the cartel by one day of oil imports to this Nation. I hope we will oppose the bill and work for responsible solutions.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this bill does absolutely nothing to help working families cope with higher energy prices but frankly we can expect an energy bill without content from a Republican Party without an energy policy. Just take a look at their record. They want to lay the blame elsewhere. But they slashed $1.3 billion from energy efficient programs that would reduce our dependence on gas and oil. They wanted to sell off the Strategic Petroleum Reserve. They wanted to abolish the Department of Energy. They will not reauthorize the President's authority to draw down from the Strategic Petroleum Reserve. We had an opportunity here last night with amendments that were offered to set up a Northeast Petroleum Reserve in order to deal with home heating oil, to look at tax incentives for our domestic production of gas and oil, renewable sources of energy, all kinds of ways in which we could address the problem that people are facing today in this country.

And what did they say? No. They said no because this is about politics. This is not about an energy policy. What we need to do is to look people straight in the eye and say, this is what we want to do to help you cope with the high cost of energy.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of this measure, the Oil Price Reduction Act, although it will not do that but I think it is important that we do send a signal that we are concerned about this issue and that we recognize this issue hits at the very heart of America's prosperity and it hits at every American family.

I want to make a couple of observations, though. This is a bipartisan issue, and it really deserves some bipartisan solutions. Unfortunately my Republican colleagues in many instances chose to play politics. They denied concrete amendments which would have really done something, amendments to use the strategic reserve to calm the marketplace, amendments to provide incentives for greater production, a reserve that could help the Northeast with home heating costs. Those are real action items that we could have done on a bipartisan basis but they said no and blocked the amendments.

Second, I want to observe that since they have been running this place for the last 6 years, they could have instituted an energy policy that would have made us self-reliant. They have not done so.

Third, I want to observe that this bill is not a bad idea but it does not do anything more than the President already can do. So let us not oversell this. The President has the right to engage in these negotiations. He should and in point of fact he is doing so in the form of a quiet diplomacy that we believe will yield positive results when OPEC meets. But it is important that we do send a signal and Congress in fact does have a role.

What am I saying? Simply this. We need to say to our foreign oil-producing allies that there is a link between your cooperation and our generosity in foreign aid. When I look at the foreign aid request of Indonesia for $135 million, of Nigeria for $80 million, of Russia for $252 million, I believe these countries can play a constructive role in helping us lower oil prices. I do not think we should have to beg. I think we should send an important signal to them which this bill does. That is, that we are serious about oil prices in this country and we expect and hope that our allies will be supportive. I think that is an important first step. But we need to do more. It needs to be more concrete and we need to do it on a bipartisan basis.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise today to call attention to the threat that rising oil prices pose to our economy. We are witnessing the most drastic price increases since the oil crisis of the 1970s. Many of my colleagues recall the devastating impact of high oil prices during that period. Long lines at the pumps and rationing were only modest inconveniences compared to the economic impact of double-digit inflation.

soaring interest rates and high unemployment.

We are at a crossroads. We need to act now. Our country's economic well-being depends on how we respond to this crisis. The United States has been fair and generous towards oil-producing nations. We have invested in their economies; we have rescued their currencies from collapse; we have risked the lives of our men and women to defend their sovereignty.

Now we must go begging for fairness. OPEC is playing Russian roulette with the world's economy. While there are serious questions as to whether this bill in its final form will be effective, our oil-producing friends need to know and understand that we mean business.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this resolution is an imposter. Its very name, the Oil Price Reduction Act, is a trick and a deception. If we wanted to do something about it and we must, that is, the price of oil, we know what we have to do. But the majority party here has refused to do it. You have refused to allow a bill on the floor which will allow us to tap into the Strategic Petroleum Reserve to deal with price fluctuations. You have refused to allow a bill on the floor which will establish a home heating oil reserve in the Northeast to deal with the cost of home heating in that part of the country. You have refused to deal with a bill, and bring a bill out on the floor which will reduce the consumption of oil through transportation, particularly through automobiles. You have refused to bring legislation out on the floor which will allow this one to be amended which would allow for conservation and for the development of alternative energy.

All of these things are needed. Yet you have refused to do any one of them. Instead, what you have done is dragged this imposter out here to pretend you are doing something when it is clear you are doing nothing.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, let me tell Members what this bill does, and I read: "It shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price-fixing to be an important determinant in the overall political, economic and security relationship between the United States and these countries."

This bill requires a report. It requires a study. And in fact if it does what I think it will do, it will label these OPEC nations as price-fixing. They have raised this price of oil at over $30 a barrel, and that has increased the price at the gas pump from 98 cents a year ago to, in my district, $1.55 this weekend.

That is not acceptable. As I have told my constituents and as they have told me, we need to respond to this. What we ought to be doing if we can label these folks, any sixth, seventh grade economic individual can tell you, they have cut off our oil, which has raised the price. They have turned off the spigot not only to the United States but to the rest of the world as well and we ought to turn off the spigot on them. Economic aid, foreign military aid, it ought to go until they open up the spigot back on us.

Mr. Chairman, I urge my colleagues to support this resolution.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

□ 1715

Mr. DEFAZIO. Mr. Chairman, Congress has awesome power when it wants to act but today that power is being squandered. American consumers are being price gouged by an unholy alliance of OPEC and big oil.

The gentleman who preceded me wants to do a study to see if they are price gouging. Oh, come on. Did the gentleman see the movie Casa Blanca? This is ridiculous. We know price gouging, price fixing is going on. It is time, it is past time, to act. Concrete actions could be taken today on the floor but they will not be allowed by the majority because they fly in the face of big oil, their campaign sponsors.

We could ban the export of oil from Alaska. We could file a complaint in the World Trade Organization for these violations of their charter. We could reinstitute programs which they decimated for conservation for renewable resources. We could give the President the authority to tap the strategic petroleum reserve. There are things we could do.

They want a study. They want to undertake a concerted diplomatic campaign and take the necessary steps to begin negotiations. The White House has already done that and I think they are pathetic steps. You are even more pathetic by telling them to do what they are already doing.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, the problem is, we have to do something because the administration, by their own admission, has been caught napping and they are still napping. And the people of this country and the people of South Dakota cannot afford to wait until the alarm clock goes off. We have farmers and ranchers who are going to be going into the field to plant. We have tourism season coming on in our State, and we have people who travel a long distance between points to get to their destinations.

There is no place that is more dependent upon a reliable energy supply than is my State of South Dakota. The administration has failed in the past. They are currently failing and that is why Congress needs to act. This legislation sends OPEC a very loud and clear message that time and time again we have come to their defense and it is high time for those nations to do what is right, to recognize the past support of the United States and to stop manipulating the supply of the world's oil.

This legislation is an important first step. It calls upon the administration to take strong measures to see that if there is price-fixing going on, that arms sales and other sales, economic and political measures, are taken to stop the abuse of the oil prices and oil supply crisis.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, yesterday the Committee on Transportation and Infrastructure held a hearing on matters pertaining to the soaring costs of gasoline and diesel fuel. Ostensibly the purpose of the hearing was to determine whether consumers would benefit from repealing a 4.3 cents Federal fuel tax, which they would not. Such a proposal is SSI, a simply stupid idea.

Experts in the transportation field, including consumer groups such as the AAA, all said this proposal would have severe adverse effects on our country in terms of highway safety, congestion relief and employment while, at the most, saving the American consumer about fifty cents a week; the price of a pack of chewing gum, if that, because the oil companies would probably take that amount themselves.

What every witness did support, however, is releasing oil from the SPR, and I join them in calling on the President to do so immediately. This is very important within the context of the measure we now consider. I am sure that the President and our former colleague, Energy Secretary Bill Richardson, are doing their best on the diplomatic front, but one cannot fight a cartel without weapons and our best weapon is to turn on the spigots, bring our fuel prices down and show OPEC that we will not be at its mercy, that we will not be held hostage.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say to my colleagues on both sides, the Department of Energy that is caught napping and retired on active duty should be eliminated; that an energy policy where they said we were in the majority, I would like to remind my colleagues that the President vetoed our energy policy. The President vetoed our bill when we wanted to open up ANWR, and we are asking him to change that policy and to review those kinds of policies.

I would ask the President, when he took over the Utah coal, who was his direct competitor? It was a guy named Mr. Trie. And guess what? He doubled the price of coal that he sells to China, and yet the DNC gets millions of dollars from Trie and Huang and Riady, and yet when we look at the Spratly Islands and China and the oil reserves there, fighting both Japan and the Philippine Islands, there has been zero taken care of and we are asking the President, any foreign policy to take a look and to change that. I think that is legitimate.

I would say that I am just as upset at OPEC as my colleagues on the other side of the aisle. We had men and women die to support the freedom for Saudi Arabia, Kuwait and Qatar, and I think it is outrageous what they are doing.

I agree with the gentleman, we in San Diego have seen price-fixing even during normal times. I agree with the gentleman. We ought to do something about that as well. In the meantime, I think it is legitimate to ask the President to come forward and review those policies, both the ones that he has supported and those that he has not; that we have supported. We will join with the President because like my colleague, the gentleman from Illinois (Mr. MANZULLO) talked about, it is the farmers, it is the truckers, it is the consumers that are paying the bill. It is the people in the Northeast that demand heating oil.

So I ask my colleagues to support this resolution and bill.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I appreciate the reasoned statement of my colleague, the gentleman from California (Mr. CUNNINGHAM) that he just made because that is exactly the tone in which we ought to be speaking today; not the continuous blame game that I have heard. That is why I rise to express my great disappointment in this legislation which pathetically fails to address any of the fundamental energy policy questions that Congress and the administration should be working on together to reduce our Nation's dependence on foreign energy sources.

Unfortunately, this legislation is a knee-jerk reaction which is targeted towards publicity far more than solving our long-term needs. Right now consumers are paying high gasoline and diesel prices at the pump and folks in the Northeast faced very high home heating costs this winter. These are very serious problems, just as critically low oil prices were serious problems only 14 months ago.

Over a 2-year period, our Nation lost over 500,000 barrels per day of domestic oil and gas production when prices were so low that it cost more to find and produce crude than could be made by selling it.

When prices are so low that our domestic producers are forced out of business, our Nation's dependence on foreign oil inevitably increases. Now that we depend on foreign sources for almost 60 percent of our fuel demands, we begin to see the folly of our earlier inaction.

We cannot afford to continue ignoring the desperate need for a comprehensive energy policy which encourages and promotes domestic production of oil and gas, provides for incentives for renewable energy sources, and reduces our Nation's dependence on foreign oil.

Congress should act, and to my friends on this side of the aisle they would be surprised how many Democrats are willing to reach out and work with them.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Chairman, first and foremost I want to congratulate the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for stepping up to the plate at a time when the American people are being hurt and being hurt badly.

The fact is, this administration, the Clinton administration, should have acted a year ago and finally it takes us in Congress and the gentleman from New York (Mr. GILMAN) and his leadership to step up to try to do something about this actual theft of money from the American people.

What is happening? We are talking about hundreds of dollars being taken out of the pockets of each and every American family by an international, a criminal conspiracy, to control the prices on oil and gas.

This was not a covert conspiracy. A year ago, OPEC openly worked, blatantly and openly decided that they were going to cut production in order to bring up prices. Where was the Clinton administration? It is supposed to be watching out for the well-being of our people. This is the worst regressive tax we can have. It is hurting the very poorest and middle-class people in America that can be hurt. This is taking the money out of people's salary; it is taking money out of their pockets that they would spend on food, et cetera.

Let us make it clear here, what is happening is OPEC has gotten together in a conspiracy to raise prices. This administration did nothing over a full year and now the prices are going through the roof and the American people are seeing that their standard of living is going down. That is what is happening.

Now the bottom line is that makes it even worse, this administration could have done something. Some of these people involved in this conspiracy to raise prices, we are defending them, whether it is Saudi Arabia or Kuwait, friends of ours. We have troops over there right now defending them. And this administration does not use that as leverage to try to get them to treat the American people fairly?

This is an insult to the American people that after defending these people they end up taking us to the cleaners; they end up hurting our people; they end up decreasing the standard of living or the well-being of the American people down after we have defended them. That is an insult.

It is incompetence on the part of this administration or cowardice that they have not confronted those people in OPEC, used the leverage that we have and said if they are going to abuse the American people we are not going to defend them anymore.

Believe me, had we done that we would have gotten their attention. Instead, by the time this gets fixed, there will be billions of dollars being taken out of the pockets of the American people and it is going to hurt some people's lives here.

I salute the gentleman from New York (Mr. GILMAN) for stepping up to the plate. I am just sorry that this administration did not do the same.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, legislation should not be necessary. The President and Congress should mutually sign a letter and send the letter to the kings and monarchs of these OPEC countries and tell them the next time they are attacked call Mobile Oil in the rotary because we are not going to defend them.

Mr. Chairman, OPEC is not the only villain. The gentleman from Texas (Mr. BARTON) should not have objected to the Traficant amendment. The gentleman from New York (Mr. GILMAN) should not object to the Traficant amendment, and I may test the ruling of the Chair.

In the 1970s, OPEC was blamed when American companies kept tankers out in the ocean denying the product, artificially driving up the prices.

OPEC is not the only villain. American companies are taking license with this increase and gouging our citizens. My amendment would force an investigation and if it proves that this, in fact, occurred, a fine of up to $100 million would be imposed on American companies who rip us off.

First of all, I think we should send the letter and say the next time they are attacked, call the rotary.

I may appeal the ruling of the Chair, and I am asking the gentleman from Texas (Mr. BARTON) and the gentleman from New York (Mr. GILMAN) to listen carefully to the Traficant amendment. It deals with the other side of the issue.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Oil Price Reduction Act encourages President Clinton to take stronger action against those involved in price-fixing, but he is already doing that. This energy crisis should really be a wake-up call for Congress to seriously reconsider our current energy policy, and there is no better time than now to take up real long-term solutions.

Secretary Richardson's diplomatic efforts are the right thing to do, and I am hopeful like all of us are, that OPEC will reconsider its production policy when it meets.

According to press accounts, Saudi Arabia, Norway, Mexico, and Venezuela say they are in favor of raising production levels. Now this is good news. The President's initiative to strengthen America's energy security, particularly his $1.4 billion investment in energy efficiency and alternative energy technology, is a right step. However, now is the time for Congress to push for long-term solutions. Now is the time to encourage stronger energy efficiency standards.

The State of California, for example, is leading the Nation in requiring the development of electrical and hybrid vehicles, which is an excellent example of how we both reduce emissions and also reduce our reliance on fossil fuels and also emissions.

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Now is really certainly the time to invest in alternative fuels and renewable energy. Currently, in my district, Alameda Contra Costa Transit Company is taking great strides to invest in fuel cell engines, which offers a very promising alternative and is a zero emissions energy source.

Now is the time to encourage a wider spread use of mass transits. As in many cities across the Nation understand, increasing our investment in buses and light rail will help reduce traffic congestion, pollution and our dependence on gas.

Now is the time to end our dependence on OPEC oil. For example, there are numerous countries in Africa, such as Angola and some off the west coast of Africa, that are examples of oil-producing countries with promising opportunities for the United States.

In my district in Northern California, prices rose by 15 cents to $1.66 in early March. Now my constituents are looking at gas prices of almost $2.00 and above. This has got to stop. Low-income wage earners can barely make it in many areas across our country with the high cost of housing. They can ill afford these high prices for gas and oil. Our response to their concerns must start by promising to never allow this to happen again by committing ourselves to long-term solutions.

The time is now for us to really be for real, by getting down to work for a consumer-friendly national energy policy.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise in support of the Oil Price Reduction Act. I would like to commend the gentleman from New York (Chairman GILMAN) for his timely response to address this energy crisis.

I believe that this bill is a step in the right direction. Last winter we in the Northeast were feeling the economic sting of this oil crisis due to high heating oil and diesel prices. Now, with increased gasoline prices, the rest of the country is feeling the pain we in the Northeast have experienced for the last 3 months.

I was going to offer an amendment today that would require a report from the administration distilling what our national energy policy really is and how we can reduce our dependency on foreign oil. Although this amendment was printed in the RECORD, I have been informed that it is not germane.

The thrust of my amendment was to address the question everyone is asking: Why did we not see this coming? Why were we not prepared to meet it?

I am here today to work with you and the Members of this Chamber to find the answers to these questions and also to make sure that we will never again be held hostage by the princes and potentates of the Middle East. These are the same friends for whom a decade ago we risked our sons' and daughters' lives to protect against Iraqi aggression.

The bottom line is that we lack a coherent national energy policy to insulate us from volatility in the markets. To my knowledge, the only visible policy this administration has demonstrated is to have Secretary of Energy Richardson globe-trot to palaces in the Middle East to plead and petition those princes to ease our burden.

As this drama unfolds and more bankruptcies pile up, more independent trucks will be idled, parked or sold, another farmer will go out of business, another family will have their budget busted.

On the 27th, OPEC will meet to determine our near-term economic future. We should not have to wait on OPEC to determine our economic future. OPEC may extend the existing production cuts; and according to the international energy agency, global supplies could be as much as 3 million barrels per day below demand. Now we have to have a coherent energy policy so that we are working towards a long-term solution.

Ms. LEE. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I think everyone recognizes that we are in the midst of a serious crisis. The leadership of the House decides for this serious crisis that each side will have one-half hour for the discussion; that any amendments that would directly affect the supply, availability of product, alternative energy, any attempt to provide additional support for the strategic petroleum reserve, will be out of order.

Think about this: it may be understandable that the leadership of this House, for the 6 years they have been in control, they have stopped every effort at increasing the fuel efficiency of automobiles, that they have resisted filling the strategic petroleum reserve, and now sit on that legislation which expires this month and refuses to reauthorize it.

All that may have been understandable for the last 6 years, that ideologically they felt government had no role in energy policy, that we did not need to invest in more efficient automobiles and weatherizing homes and having a substantial strategic reserve, in working on alternative energy policy, on conservation programs. But now we have been awakened again. We now find ourselves in a created crisis. OPEC has used its coordinating production policy to drive up the price of heating oil, first; and as the heating oil season demands are reduced, we are now seeing the impact on gasoline prices.

What is the response from the Republican leadership? We are going to have a half-hour on each side to discuss sending the President a request for a report.

It seems to me that we owe our constituents more; that the gentleman from New York may be restricted by jurisdiction, but clearly the Committee on Rules and the leadership of this House could have brought to the floor legislation that starts today that would authorize this strategic petroleum reserve.

The Speaker of the House and the Committee on Rules could have brought to the floor legislation to help us create new energy through conservation. Every study indicates you can produce more energy dollar for dollar through conservation, insulation and weatherization than even drilling for new oil in proven fields.

In the 1970s, as we began to press the automobile industry to increase the fuel efficiency of cars, time and time again we were told you could not do so. Time and time again we were told by the automobile industry, you cannot get cars that Americans will drive to get 20 or 22 miles to the gallon.

Again, I tell you, I was thinking about when my children graduated from college. I was in a Chevrolet dealer, and I looked at a brand new Corvette. Twenty-seven miles to the gallon, fun to drive, fast, a substantial car. Family cars getting 22, 25, 26 and 30 miles to the gallon.

We do not have to tell people who need large vehicles or large trucks they cannot have them. We merely must demand that the fleet averages are increased. But, no, the Republican leadership in the House has, year after year, prevented the Clinton administration from moving forward to increase automobile standards.

If we had as illogical a system for electric energy as we have for heating oil in the Northeast, there would be criminal charges against the administrators. It is as if we would allow the electric companies to shut down half the generating capacity, and then be shocked when we were short of power in August.

We have had the lowest reserves, we have had the whole system changed to just-on-time delivery; and yet today, when the Congress has been doing virtually nothing, we do not take the time to pass a Northeast reserve for heating oil.

Again, we are given 30 generous minutes to discuss the very limited jurisdiction the gentleman from New York has for his bill, which was even further shrunk by the Committee on Rules; and, no, we cannot deal with the strategic reserve, we cannot deal with the heating oil reserve for the Northeast, we cannot deal with conservation measures.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, the Northeast heating oil reserve is on the books. It is on the books. The Clinton administration has asked that it be repealed.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from California (Ms. LEE) has 1 minute remaining, and the gentleman from New York (Mr. GILMAN) has 3 minutes remaining.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, in closing, what is clear here is we have had an extended period of time of the most powerful economy in the history of this country. We have had a situation where it may be reasonable to assume that both the administration and Congress went to sleep. At least the Republicans refused to move any conservation legislation forward.

Today, and for the last several months, we have had the wake-up call. We have had a wake-up call that there is a crisis; 60,000 barrels from Alaska go to Japan. We have a situation today where that oil ought to be coming home here to the United States. We ought to be working on conservation. We ought not wait even for this administration.

We ought to be doing more than having a 30-minute discussion about a bill that asks the President to send us a report about a crisis we well understand. We need to move legislation from the House to protect the people we were sent here to represent.

Mr. Chairman, I urge Members to press the Speaker and the leadership of this House to move positive legislation.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, section 157(a)(1) of the Energy Policy and Conservation Act is entitled Regional Petroleum Reserve. It gives the strategic petroleum reserve plan. It shall provide for the establishment and maintenance of a Regional Petroleum Reserve in, or readily accessible to, each Federal Energy Administration Region, as defined in title 10, Code of Federal Regulations in effect on November 1, 1975.

It is in effect today. The Clinton administration has sent a letter to my subcommittee asking this be repealed.

Mr. GILMAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 2½ minutes.

Mr. GILMAN. Mr. Chairman, the debate on this measure has revealed that there a strong sentiment in the House regarding the recent sharp rise in world oil prices and the impact these increases have had on our Nation's economy.

There is also a clear understanding among our Members that these increases have not been produced by any natural economic force in an open and free marketplace, but by the concerted effort of a cartel, a cartel fixing higher prices for its product by restricting supply.

I am fully aware, Mr. Chairman, that a number of our Members would have preferred that this bill address a number of broader energy policy issues, such as the establishment of the heating oil reserve, the release of the oil in the strategic petroleum reserve, and a wide range of tax credits and incentives for increased domestic production. Some too prefer an even tougher approach to those petroleum exporters that have engaged in price-fixing to the detriment of our Nation's economy.

While I am sympathetic to those views, I am convinced that upon the whole, this measure is balanced, forward looking, and prescribes a policy that the administration may pursue to address and alleviate this problem.

This is a first and perhaps the most concrete step that the Congress will take in addressing the problem caused by the recent excessive increase in the price of oil. By adopting this measure, the House will be sending a strong signal to the OPEC countries and to other petroleum exporters that also are artificially restricting their oil production that continued price-fixing efforts to prop up the price of oil will be an important consideration in our overall foreign policy considerations.

Although our Nation has one of the most unselfish approaches to its foreign policy of all the world's nations, when countries that benefit from our good will conspire to harm our interests, economic or otherwise of the America people, we will respond accordingly. While our energy requirements may make us dependent, we are not powerless.

Accordingly, to address our oil crisis, I urge my colleagues to vote in support of H.R. 3822, the Oil Price Reduction Act of 2000.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in favor of the Oil Price Reduction Act of 2000. Like most Americans, I am deeply troubled by the sharp increase in the price of petroleum products, as well as their impact. Fuel oil is especially crucial in the Northeast, and in my home state of New Jersey, where about one-third of the residents heat their homes with oil. Middle class families and seniors on fixed incomes cannot afford the nearly doubling of their heating oil expenses.

It requires the President to send Congress a report explaining our security, economic, and trade relationships with Organization of Petroleum Exporting Countries' (OPEC) members and other key oil exporting countries. And it requires the President to outline the diplomatic efforts that we are taking to convince all oil exporting nations that price fixing is wrong, and that volatile oil prices will have a negative effect on the world economy. Additionally, it requires the Administration to take the steps necessary to dismantle oil price fixing arrangements.

I believe that just the threat of action, such as exemplified by the Oil Price Reduction Act, has already encouraged OPEC and other oil exporting nations to change their production quotas. Mexico, Norway, and Venezuela are already on record supporting an increase in crude oil production, and next week OPEC nations will meet to discuss raising their quotas. We need to continue this diplomatic momentum and pass this bill today.

Unfortunately, for too long, the Clinton Administration, particularly, Energy Secretary Bill Richardson, has seemed satisfied with a wait and see attitude. I reject this approach. If we just wait around for prices to drop on their own, people will go bankrupt and the economy could catch a nasty bout of inflation. I am worried that the Clinton Administration is playing with fire here through its inaction.

The administration should have been addressing the energy crisis with oil exporting nations on a daily basis and it should have long ago been applying pressure where and when it was needed. The Oil Price Reduction Act will force the Administration to stay focused on the need for stable and reasonable oil prices and get tough with oil price fixing countries. If the United States told oil exporting nations that we would be forming an international cartel to raise the price of grains and bread by 200 or 300 percent, they would be the first to yell 'foul,' and they would be justified in doing so. But I fail to see why the Clinton Administration's diplomacy is so bereft of outrage.

The OPEC cartel's production cuts have unquestionably been the catalyst for rising oil prices, driving the price per barrel from $11 in December of 1998 to over $30 a barrel today. While we have recently been somewhat effective in our energy related discussions with OPEC, the Oil Price Reduction Act will ensure that we take the critical steps necessary to identify the threats to our energy security, develop options and a coherent plan, and effectively pursue policies that will stabilize world prices and head off price fixing arrangements that threaten the U.S. and world economies.

Middle class American families, senior citizens of fixed incomes, and truck drivers cannot afford inaction. The Oil Price Reduction Act will help lower prices and provide a mechanism to guard against future price fixing schemes.

Mrs. FOWLER. Mr. Chairman, I rise in support of the Oil Price Reduction Act of 2000.

The increase in gas prices over the last 12 months has been the largest in history.

Last week I received a call from an independent trucker in my district asking Congress to do something about the sharp increase in the price of fuel. He is currently paying $200 more a week for fuel than he was paying less than a year ago. This is money that comes directly from his pocket. It is money that should be going toward taking care of his family—not to a cartel of oil billionaires.

This gentleman called my office pleading for help. Help that has not been delivered by the current administration, whose own Secretary of Energy admitted that they were not prepared when the problem arose. The Energy Secretary has stated "We were caught napping. We got complacent."

The Oil Price Reduction Act calls upon the President to implement a foreign policy related to oil producing nations who are involved in price-fixing. A policy that would help stem the type of energy crisis we are seeing right now. A policy that for almost 8 years, the Clinton-Gore administration has done nothing to develop.

I ask for your support of this bill to send a message to the international community that the United States government takes the price-fixing of foreign oil very seriously. This is an important step in providing relief for constituents in my district and throughout the country.

Mr. SANDLIN. Mr. Chairman, for the life of me, I cannot understand why we are debating a bill that does absolutely nothing to address the problem at hand. H.R. 3822 is not even a band-aid solution to the problem—it is mere lip service.

When is this House going to have a real debate on national energy policy—or better yet, our lack of one?

I have no doubt that every Member in this House is concerned about the economic ramifications of the recent oil price spike. When the price of gas at the pump goes up drastically in just a week, everyone feels it in his pocket. This unexpected economic hardship on the consuming public and the economy is of great concern to us all.

But where was the concern in late 1997, 1998, and 1999, when the domestic oil and gas industry was being decimated by eighteen (18) months of historically low prices? During that time, the federal government stood by and watched as thousands upon thousands of independents—many of whom were Texans with family-owned businesses that had been in operation for generations-called it quits. The government did nothing to help those producers.

Now, I know it is hard for Members from non-producing states to care much about the price of gas when it is rock-bottom cheap. The economy buzzes along and the consuming public benefits at the pump. But Members from producing states feel the crunch at both ends of this country's wild energy price fluctuations. During that eighteen (18) month period, more than 150,000 oil wells—25 percent of total U.S. oil wells—were shut down, and U.S. industry lost more than 65,000 jobs. Where was the help then?

As policymakers, we need to acknowledge that the boom-and-bust cycle in oil prices—which dropped prices to below $10 per barrel just last year, then boosted them to more than $30 in recent days—negatively impacts the economy, the consuming public and the domestic petroleum industry. This country cannot stand by and ignore the implications of an unstable oil market. The benefits we derived from low oil prices last year are quickly stripped away by the high prices of today. No one benefits from this instability.

Furthermore, in addition to the economic disruptions caused by oil price instability, these fluctuations also endanger our national security. When oil prices began dropping to historic lows in November of 1997, independent oil and gas producers lost billions of dollars as foreign governments fought for market share in the U.S., with the express intention of eliminating our domestic production.

As domestic oil production continues to decline, U.S. dependence on foreign oil has actually grown, from 36 percent in 1973, to about 56 percent today. That makes the U.S. more vulnerable than ever, both militarily and economically, to disruptions in foreign oil supplies.

Mr. Chairman, it is time we recognize that oil is a strategic commodity. It is absolutely vital that the government have policies in place that protect the U.S. oil and gas resource base. Oil is the nation's economic lifeblood, and we need to get ourselves off foreign life support.

This is not an easy task. Now that the price of crude is high, we might make the mistake of assuming that domestic oil and gas producers do not need our assistance. One only has to look to history to know that this assumption is a dangerous one. Prices will continue to wildly fluctuate unless we act now to stabilize the market. The best way we can do that is to take back some of the control we have lost to other oil producing nations.

After the sustained drop in the price of crude in recent years, it will take time and stability for the domestic industry to fully recover. Tax reforms could be a major step toward directing capital to finding and recovering oil and gas in the United States and bringing these resources to market for the benefit of all Americans.

With this goal in mind, I had hoped to bring a package of tax incentives for domestic oil and gas producers to the floor today as an amendment to this bill. Unfortunately, the Republican leadership did not allow my amendment to be made in order. My amendment would have reformed the tax code to provide incentives for domestic oil and gas production and exploration by removing the barriers to capital access that are causing the mass exodus of independent producers from the domestic industry. The lack of foresight and hindsight on this issue is frustrating and troubling to me.

Mr. Chairman, I am not suggesting that we should vote against this bill. It at least brings some level of attention to the underlying problem. But this is clearly an exercise in futility, and I am greatly disappointed that the Republican leadership has chosen to deny us a meaningful debate on the policies that would get to the heart of this country's energy problems. I urge my colleagues and the leadership to join me in a serious effort to craft a national energy policy, one that affords us price stability as well as economic and national security. Our independence and future security depend on it.

Mrs. LOWEY. Mr. Chairman, I support the Oil Price Reduction Act of 2000, but I regret that the rule has substantially lessened the potential impact of this legislation by preventing the consideration of meaningful proposals to relieve our country's energy crisis.

This bill makes an important statement—the United States will no longer tolerate the manipulation of our energy supplies by a price fixing cartel, and we are prepared to take concrete measures to protect the American people from inadequate supply and astronomical prices. We have the opportunity today to begin dismantling OPEC's unfair and disingenuous pricing policies by investigating the detrimental effects of these policies on the United States economy, and by undertaking decisive diplomatic steps to change the current situation. We have a responsibility to our constituents to ensure that our economy is no longer held hostage to the whims of those countries that export their oil to us.

But while this legislation is a good start to solving our energy problems, it could have been a great deal stronger. We should be debating legislation that explicitly authorizes the President to consider a country's involvement in oil price fixing when making decisions about U.S. assistance or arms sales. We should be debating an amendment to use the Strategic Petroleum Reserve to increase the supply of oil in the domestic market. And we should be debating an amendment to strengthen programs that develop energy efficient technologies.

Mr. Chairman, this bill is a good start, but it doesn't go far enough. I urge my colleagues to support this legislation, and also to continue to work together to enact the meaningful remedies that we could not debate today.

Mr. SWEENEY. Mr. Chairman, I rise in support of this legislation that takes a reasonable first step at illuminating the failure of our nation's energy policy.

Gene Sperling, the chief economic advisor in the Clinton Administration might have it right when he calls their dealings with OPEC "'Quiet Diplomacy."

'Quiet" is what this Administration's reaction has been since experts began warning of an impending crisis last November. The silence is deafening.

In the Northeast, we've been calling for help for months. I contacted the Administration in January to urge action, and I know many of my colleagues here did as well. We received what I would call a "quiet" response. Our pleas have fallen on deaf ears.

After a winter of economic hardship for so many in the Northeast, Spring breaks with no promise of easing their burden. While the rest of the nation reels from daily-increasing gas prices, we in the Northeast have been suffering for many months.

Mr. Chairman, Northeasterners' budgets continue to get socked, the only difference being it hits at the gas pump instead of their heating oil tanks. Silence from the Clinton Administration.

I would ask the President, when are you going to start feeling our pain?

"Quiet" does not describe the anger of my constituents bearing this burden. "Quiet" does not describe my response or that of my colleagues joining me here today.

We are here to raise the volume on this debate and talk about ensuring a consistent energy policy.

An energy policy that promotes reasonable fuel prices through the growth of domestic oil production.

A policy that supports alternative energy sources, takes the needs of America into account and preserves the environment.

Mr. Chairman, by ending the silence I hope we can forge a consensus and move towards a sound energy policy.

Mr. BLUMENAUER. Mr. Chairman, our nation needs a real energy policy rather than allowing ourselves to be surprised with global price changes. We need to support incentives to improve energy efficiency such as tax credits for new energy and alternative fuel technologies, as well as improved efforts to weatherize homes and businesses.

As Charles Krauthammer pointed out in the Washington Post, we are becoming a nation of oil addicts. The past decade has seen an increase in gas-guzzling SUV's and a dramatic increase in the number of vehicle miles traveled. Average fuel efficiency has remained unchanged for the last 10 years. Congress has repeatedly refused to increase CAFE standards for SUVs and light trucks, going so far as to prevent the U.S. Department of Transportation from even studying the impacts on oil consumption and air quality from increased CAFE standards.

In real terms, there have only been four years out of the last 70 where the price of a regular gallon of gasoline was as low as it is today. Gasoline is getting cheaper and cheaper all the time. There are some real problems for home heating oil costs and supply flows, but it is important to put gas prices in perspective.

Nevertheless, we need to make sure that the free market is really free. If that requires legislation, let's get on with it. Everyone needs to play fair and by the rules. Any suspicion that oil producers are artificially "fixing" the price of oil should be investigated fully. Oil producing nations do receive assistance from us, and we need to make sure they understand that unless the free market is allowed to work, we may reconsider future assistance. Our diplomatic efforts should be firm but not heavy-handed.

Our nation cannot afford to set our own energy policy with the assumption that petroleum supplies are unlimited and that we will always have the world's lowest oil prices. Record low oil prices last year made us lazier on conservation and the development of new energy technologies. A kink in the supply chain today could develop into a full blown oil crisis tomorrow. We need to remain vigilant on providing people with more transportation choices and higher efficiency standards to conserve the oil we have.

Mr. HALL of Texas. Mr. Chairman, I rise today on this legislation by my good friend from New York (Mr. GILMAN)—not to point fingers at anyone for finding ourselves in the circumstances we find ourselves in today, but simply to make a plea—that we develop and implement a workable national energy policy.

Today's legislation does not do that. In fact it deals mostly with symptoms of the problem—not the underlying problem itself.

OPEC is only a transitory problem. Oil prices rise and oil prices fall—and it has been that way since oil took its place as the fuel of choice for such basic uses as transportation, hearing and industrial processes. The measures contained in this bill to bring the OPEC cartel to its knees are nothing more than a reiteration of authorities that already exist in law today.

One of the real problems is availability of competing fuels in the areas of the country reliant on heating oil. And there are others. Let's look at the northeast. Natural gas provides a clean alternative to heating oil, but they can't burn it in those areas if they can't get it. The federal government can do more to ensure that natural gas is more readily available to industrial New England as well as its residential consumers. I believe fuel competition would do wonders for fuel prices in the Northeast and help clear the air in the process.

Let's work on things like getting natural gas into the northeast—things that we can accomplish—not tilt at windmills like OPEC—which we are unlikely to influence in the short term. The OPEC members will have a falling-out—just like they always do—and prices will fall. Let's pay more attention to what we can do domestically to avoid the problems of this winter.

I'm going to vote for this bill but without any enthusiasm. I believe it will accomplish little or nothing and it detracts from dealing with the hard issues that really will help bring about stable oil prices. The northeast and the oil patch have a common objective—stable prices, and we ought to have the opportunity to bring legislation to this floor which will do that.

Let's don't kid ourselves. It's easy to beat up on OPEC. The hard part is finding agreement on things that really work—like increasing domestic production, expediting pipeline projects, opening up some of our public lands to exploration and development. When we take on those issues, I will know that we are really serious about finding solutions that will help us out the next time prices run-up. Let's finish our fun today, then turn our attention to the really hard issues.

Mr. UDALL of Colorado. Mr. Chairman, I reluctantly support the rule and will support the bill, but I think we should be doing more. The bill, as amended by this rule, would direct the President to undertake diplomatic efforts to convince countries engaged in oil-price fixing that the current high oil price levels will negatively affect global economic growth rates.

I think this is something that the President has been doing all along, but I support this congressional action to emphasize the importance of this strategy.

I am hopeful that the passage of this bill will spark a much-needed global discussion on current high oil prices. But it's not enough for us to hope that this global discussion will result in reduced oil prices. Here at home, we need to remember the importance of seeking out alternative energy sources to replace our dependence on ever-dwindling supplies of fossil fuels.

That's why I hoped to offer an amendment to the bill that would have authorized the President's fiscal 2001 budget request for the Department of Energy's solar and renewable energy research programs. It was to be very similar to an amendment I offered and the House unanimously adopted on the Floor during last year's debate on HR 1655, the bill to authorize the Department of Energy's energy research programs. However, the rule does not make that amendment in order. I would have preferred a rule that would have done so.

Unfortunately, the Senate has not yet acted on the DOE authorization bill, It seems to me that we ought to seize the opportunity for the House to once again move to reauthorize these important programs that can lessen our dependence on foreign oil.

There would have been no inconsistency between my amendment and the purpose of the underlying bill. Just like the underlying bill, my amendment would have helped to lessen America's dependence on foreign oil and thus to act as leverage against the price increases of foreign producers. Given the current public concern about the high price of imported oil, I believe it would have been appropriate for the House to consider not just one approach to reducing oil prices, but to consider all approaches that promise to bring down prices by addressing the core problem: our continued dependence on imported oil.

We need to invest more in renewable energy programs. They benefit our economy by stimulating private sector activity and adding jobs. They reduce our reliance on imported oil. They have a positive impact on air and water quality. Renewable energy and energy efficiency is all about an investment in America's future—the future of our energy security, our environment, and our international competitiveness.

We can't go on year after year without giving adequate attention to developing renewable energy. For our investment in these technologies to pay off, our efforts must be sustained over the long-term. To me, the recent rise in energy prices indicates that we haven't been paying enough attention to the long-term.

Once again, Mr. Chairman, I am pleased that we are here today to address this urgent issue. I just wish we were being asked to vote on a bill that did more than merely encourage the President to engage in diplomatic efforts as a way to reduce oil prices. It's time for us to think about addressing serious problems with serious solutions.

Mr. GALLEGLY. Mr. Chairman, I rise today in support of H.R. 3822 regarding OPEC's role in raising oil prices to the detriment of the U.S. and other industrialized nations. I want to commend the Chairman of the International Relations Committee, Mr. GILMAN for his efforts to find ways to help our constituents with this problem.

Everyone knows prices are skyrocketing at the gas pump. Others are beginning to realize that crude oil prices are also driving up the costs of paving your driveway, painting your house or installing new carpet—all of which contain oil products.

Prices for most everything else will also likely rise as well as transportation costs are passed on to consumers.

It is critical, Mr. Chairman, that we find a short-term solution to this problem. But it is equally critical that we find long-term solutions so that we are not faced with another price crisis next Fall or next year.

The International Relations Committee reported this bill which was designed to reduce or terminate foreign assistance or weapons sales to any country that engages in oil price fixing. This is a reasonable position to take because it sends a message that if our friends among the oil producing nations wish to continue to have good relations with the U.S., which is supporting their efforts to defend themselves and their resources, then we all must cooperate across the board.

Last week, I wrote to President Clinton, urging him to take immediate action to persuade the Organization of Petroleum Exporting Countries to increase production. OPEC is meeting next week to reconsider whether they should boost oil production in order to allow oil consuming nations, particularly the U.S., to refill its critical oil reserves and to stabilize oil prices. We all know that the oil producers were not happy when oil sold for $10 per barrel. And maybe we, as a nation, did lower our commitment to energy conservation in the wake of cheap prices at the pump. But now the pendulum seems to have swung too far in the opposite direction and it is critical that the OPEC nations understand the position of the United States well in advance.

As I pointed out to President Clinton, we went to war and shed American blood to protect two Persian Gulf OPEC nations—Kuwait and Saudi Arabia—from Saddam Hussein and we pitched in with unswerving support for Venezuela during its recent natural disaster. It is inexcusable, then, that these same countries are conspiring to keep oil production low which results in increased gas and other fuel costs. Similarly, in the case of Mexico, the health of their economy is highly dependent on the strength of ours. They must know that these policies will slow the economic vitality of the U.S., which in the long run will negatively affect their own economies.

Having said that, Mr. Chairman, once crude oil prices are stabilized, the President and the Congress must resolve to create a new national energy strategy. As Energy Secretary Bill Richardson said on February 16th: "It is obvious that the federal government was not prepared. We were caught napping."

That is unacceptable. It is also unacceptable that the U.S. relies on foreign imports for 56 percent of its crude oil needs—up from 35 percent during the 1973 Arab oil embargo. At the same time, domestic production has fallen dramatically.

U.S. energy policy is serious business. It affects our entire economy. When the administration is admittedly caught napping, the American people suffer.

Mr. Chairman, I urge passage of this legislation as a sign of our concern to our friends in OPEC. But beyond that, we must, as a nation, get serious about our future energy needs.

Mr. WELDON of Florida. Mr. Chairman, we have a crisis in this country, and I rise in support of using all of the tools at our disposal to end this crisis. I rise in support of the American people, the American family, and the American worker. Mr. Speaker, today I rise in support of the Oil Price Reduction Act of 2000.

We need to pass the Oil Price Reduction Act to officially hold the Clinton-Gore Administration accountable for the oil crisis that they have created. Any spike in the oil prices dramatically affects every family in the country. When the price of transportation rises—all prices rise. Nothing, not a loaf of bread, not a home computer, not a gallon of milk can get from their points of production to the home without using petroleum to fuel the machines to get it there.

Families in the Midwest and the northeast have been forced to readjust their budget to ensure that they could afford heating oil during the mass cold spells this winter. Now families are looking to take a vacation, and have to take another look at their wallets to make sure they can afford it. Even if they can make the trip, many will be forced to change the duration or possibly the destination of their vacation.

How did we get this point? According to the Congressional Research Service, OPEC decided at a meeting in March 1999—more than a year ago—to drastically scale back petroleum production. Today the American people are feeling the brunt of the OPEC cartel's decision.

What does the Clinton-Gore Administration say about this? Well, let me tell you, on February 17, Energy Secretary Bill Richardson told some consumer groups and industry leaders in Boston, "We were caught napping. We got complacent." Later that same day, on the NewsHour with Jim Lehrer, he reiterated, "Everyone was caught napping.

Secretary Richardson, you knew a year ago that OPEC was cutting production. That's not napping, that's hibernating. That's a slumber that would give Rip Van Winkle a run for his money. It is the responsibility of the U.S. Department of Energy to ensure a stable supply of affordable energy. Look at the Department's own website where it states: "The Department of Energy is working to assure clean, affordable, and dependable supplies of energy for our nation, now and in the future."

On accepting the position of Secretary of Energy, on August 24, 1998, Secretary Richardson stated: "One of my highest priorities at the Department of Energy will be to let the American people know the many ways in which we serve them and to determine how we can serve them better. I want the American people to know that the Department is their public servant and that we are working for them.—August 24, 1998."

Napping while OPEC cut production in order to push gas prices over $2/gallon is not the sort of thing we had in mind.

It seems that only in the past month, the Clinton-Gore-Richardson team got engaged in this issue. One of the principle responsibilities of the U.S Department of Energy is to ensure a stable supply of affordable energy. The Administration has failed miserably in this respect, and the American people are paying the price, literally. The average family will have to pay out between $500 and $1,000 extra this year, just to fill their tank with gasoline. This will cut into the family budget significantly.

This bill before us will force the President to determine the oil pricing practices of the OPEC countries. We have known that they have been involved in price-fixing. It's not legal here in the United States—so why would the Administration tolerate price fixing among other countries?

We give these OPEC countries millions of dollars in federal aid and defense assistance each year. We protect them and their citizens every time they have a Middle East squabble. We are the first to assist them in their times of need. And how do they thank us? By consorting among themselves to ensure the highest price for their oil exports to the United States—and the Clinton Administration sat idly by until the American people saw what was in store and got outraged.

While giving the President ample time to pursue a diplomatic remedy to this crisis, this Act ensures that, should OPEC nation's continue price-fixing to the detriment of the U.S. economy, we will scale back or even revoke our federal assistance to these nations. This is a fair and prudent process. A process which has been well within the authority of the Clinton-Gore Administration since OPEC's decision to cut back production a year ago.

This increase in gas prices over the last 12 months, is the largest increase in U.S. history, the average cost for a gallon of gas to the American family is $1.54, and our national oil inventories are at the lowest level in four years.

Mr. Chairman, we are in a time of crisis, I look to the Members of this body to pass the Oil Price Reduction Act of 2000 and force the Clinton-Gore Administration and Secretary Richardson to wake up from their hibernation, smell the coffee, and take firm action against those who have been permitted to hold the American people hostage to higher gas prices.

Mr. PETRI. Mr. Chairman, I rise today in strong support of H.R. 3822, "The Oil Price Reduction Act of 2000."

I would like to thank the gentleman from New York, Mr. GILMAN, for his leadership in bringing this important piece of legislation to the floor this afternoon.

H.R. 3822 represents an effective, forward-thinking approach to reforming our Nation's failed energy policy and providing long-term relief to our Nation's consumers.

Every day we see newspaper or television reports on the rising cost of fuel. There are stories about truckers having to park their trucks because they can't afford to keep them running. Many airlines have already imposed surcharges to reflect their higher costs. And there is plenty of speculation in the press about how high prices will really go before the summer vacation season. Prices of $2 per gallon, which seemed far-fetched just weeks ago, now don't seem out of the question.

Prices are simply too high and have risen too fast. The United States has been caught flat footed and its economy is at the mercy of foreign oil suppliers. The situation is unacceptable and we must take action.

Since the current Administration took office, domestic oil production has dropped by 17% while consumption has increased by 14%. This, along with an oil cartel run by countries that are supposed to be our allies who the President is supposed to be able to influence, seem to me to be the real causes of high fuel prices.

This legislation is an important tool that the U.S. can use against foreign oil producers who constrict supply to drive up the price of their product. It affords us significant diplomatic leverage in difficult economic times, and I believe that this sort of supply-side solution is the most effective way to prevent the kind of price escalation we see today from occurring in the future.

Mr. COSTELLO. Mr. Chairman, we find ourselves in an unhappy situation today with respect to fuel oil, gasoline, and diesel prices. We learned from our last experience with high energy prices in the 1970's the importance of energy supplies to our citizens and our economy.

This bill is a weak attempt to address our current and long-term energy needs. We need sustained funding for long-term and medium-term programs that improve the efficiency of energy use and that diversify our energy supplies. We have let low energy prices that we have enjoyed in the past few years be the justification for cuts in energy efficiency and energy research and development programs. The administration has consistently requested larger sums for these accounts than have been appropriated.

For example, the Weatherization Assistance Program, which was cut by 50 percent in 1995, helps to make housing more energy efficient. The program now weatherizes an average of 70,000 dwellings a year at a current appropriation of $135 million. If we had level funded the Weatherization Assistance Program from 1996 through this year, DOE would have weatherized 248,000 more homes than we were able to under the existing appropriations.

Compare this to the funds we need to spend under the Low Income Heating Assistance Program which serves over 4 million households at a cost of more than $1 billion. By making homes and buildings more efficient, we can serve more of our needy constituents with the limited LIHEAP funds that we have and ultimately we would be able to reduce the funds that we must pay under LIHEAP.

One of our best defenses against high energy prices is to decrease our energy demand through the use of energy efficient products both by industry and by consumers. Some of our past investments in these areas have helped us to weather this current high energy price storm, but obviously we must do more. High energy prices take a toll on household budgets directly through home and transportation energy use and indirectly as consumer prices for goods rise in response to energy prices. Decreasing the proportion of these budgets that are devoted to energy purchases saves money for households and for businesses everyday and is our best insurance against future price increases.

Mr. MENENDEZ. Mr. Chairman, residents in my home State of New Jersey certainly haven't been immune to exorbitant energy prices. The cost of home heating oil for my constituents has doubled to $2 a gallon in just a matter of weeks. As a result, a typical household could spend an additional $350 or more in home heating costs this winter.

Consumers, truckers, and other oil dependent industries have been suffering for months as a result of these excessive prices. Some independent truckers have taken their trucks off the road because they simply can't afford to operate them.

The legislation before us, which I voted for in committee, simply does exactly what the administration has been doing. Secretary of Energy Bill Richardson has already been engaged in diplomatic efforts to leverage our relationship with oil producing nations and to demand an increase in oil production. As a matter of fact, he just recently completed his whirlwind OPEC diplomatic tour, which I'm hopeful will yield results at next Monday's OPEC meeting. Today's debate is simply a "cheering-on" of those efforts.

But regardless of what happens on Monday, we need to take steps to protect the American economy and American consumers in the short- and long-terms.

In addition to passing this bill which will send a message to OPEC that the United States will not be held hostage to its monopolistic practices, we should implement President Clinton's initiative to create a home heating oil reserve for the Northeast to cushion future spikes in oil prices. We should also reauthorize the Strategic Petroleum Reserve, which is set to expire next week—on March 31. Regardless of your position on drawing down the reserve in this crisis, I think we can all agree that the option should remain available to address fluctuations in the market.

For the last 5 years, the Republican majority has failed to provide Americans with energy security. Rather than address the real issues, our Republican colleagues have failed to bring a Strategic Petroleum Reserve reauthorization bill to the floor; they continue to send Alaskan oil to Japan, despite our current domestic price spike; and they have failed to fund research and development into alternative fuels and energy efficiency. They have not only failed to build up the Strategic Petroleum Reserve when fuel was cheap, but they proposed eliminating the Department of Energy and selling off the reserve, even when the nation was not facing an energy crisis, simply in order to balance the federal budget. Despite their claim that the administration should repeal the gas tax, they have failed to even bring the issue to the floor for a debate.

It's obvious that we must do more than has been proposed today to ensure that consumers in the Northeast will never again have to forfeit heating their homes, in order to feed their families.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by striking subsection 6(c), shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate.

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Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Price Reduction Act of 2000".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Oil producing countries, including the nations of the Organization of Petroleum Exporting Countries (OPEC), took concerted actions in March and September of 1999 to cut oil production and hold back from the market 4,000,000 barrels a day representing approximately six percent of the global supply.

(2) OPEC, in its capacity as an oil cartel, has been a critical factor in driving prices from approximately $11 a barrel in December 1998 to a high of $30 a barrel in mid-February 2000, levels not seen since the Persian Gulf Conflict.

(3) On February 10, 2000, a hearing before the Committee on International Relations of the House of Representatives on "OPEC and the Northeast Energy Crisis" clearly demonstrated that OPEC's goal of reducing its oil stocks was the major reason behind price increases in heating oil, gasoline, and diesel oil stocks.

(4) During this hearing, the Assistant Secretary in the Office of International Affairs of the Department of Energy noted that artificial supply constraints placed on the market are ultimately self-defeating in so far as they increase volatility in the market, lead to boom and bust cycles, and promote global instability, particularly in developing countries whose economies are extremely vulnerable to sharp price increases.

(5) These price increases have caused inflationary shocks to the United States economy and could threaten the global economic recovery now underway in Europe and Asia where the demand for oil is rising.

(6) The transportation infrastructure of the United States is under stress and tens of thousands of small- to medium-sized trucking firms throughout the Northeast region are on the verge of bankruptcy because of the rise in diesel oil prices to more than $2 per gallon—a 43 percent increase in the Central Atlantic region and a 55 percent increase in the New England region—an increase that has had the effect of requiring these trucking firms to use up to 20 percent of their operating budgets for the purchase of diesel oil.

(7) Many elderly and retired Americans on fixed incomes throughout the Northeast region of the United States cannot afford to pay the prevailing heating oil costs and all too often are faced with the choice of paying the grocery bills or staying warm.

(8) Several key oil producing nations relied on the United States military for their protection in 1990 and 1991, including during the Persian Gulf Conflict, and these nations still depend on the United States for their security.

(9) Many of these nations enjoy a close economic and security relationship with the United States which is a fundamental underpinning of global security and cooperation.

(10) A continuation of the present policies put in place at the meeting of OPEC Ministers in March and September of 1999 threatens the relationship that many of the OPEC nations enjoy with the United States.

The CHAIRMAN. Are there any amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC 3. POLICY OF THE UNITED STATES.

(a) POLICY WITH RESPECT TO OIL EXPORTING COUNTRIES.—It shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price fixing to be an important determinant in the overall political, economic, and security relationship between the United States and these countries.

(b) POLICY WITH RESPECT TO OIL IMPORTING COUNTRIES.—It shall be the policy of the United States to work multilaterally with other countries that are major net oil importers to bring about the complete dismantlement of international oil price fixing arrangements.

The CHAIRMAN. Are there any amendments to section 3? If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. REPORT TO CONGRESS.

Not later than 30 days after the date of enactment of this Act, the President shall transmit to the Congress a report that contains the following:

(1) A description of the overall economic and security relationship between the United States and each country that is a major net oil exporter, including each country that is a member of OPEC.

(2) A description of the effect that coordination among the countries described in paragraph (1) with respect to oil production and pricing has had on the United States economy and global energy supplies.

(3) Detailed information on any and all assistance programs under the Foreign Assistance Act of 1961 and the Arms Export Control Act, including licenses for the export of defense articles and defense services under section 38 of such Act, provided to the countries described in paragraph (1).

(4) A determination made by the President in accordance with section 5 for each country described in paragraph (1).

The CHAIRMAN. Are there any amendments to section 4? If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. DETERMINATION BY THE PRESIDENT OF MAJOR OIL EXPORTING COUNTRIES ENGAGED IN PRICE FIXING.

The report submitted pursuant to section 4 shall include the determination of the President with respect to each country described in section 4(1) as to whether or not, as of the date on which the President makes the determination, that country is engaged in oil price fixing to the detriment of the United States economy.

The CHAIRMAN. Are there any amendments to section 5? If not, the Clerk will designate section 6.

The text of section 6, as modified, is as follows:

SEC. 6. DIPLOMATIC EFFORTS TO END PRICE FIXING.

(a) DIPLOMATIC EFFORTS.—Not later than 30 days after the date on which the President transmits to the Congress the report pursuant to section 4, the President shall—

(1) undertake a concerted diplomatic campaign to convince any country determined by the President pursuant to section 5 to be engaged in oil price fixing to the detriment of the United States economy that the current oil price levels are unsustainable and will negatively effect global economic growth rates in oil consuming and developing countries; and

(2) take the necessary steps to begin negotiations to achieve multilateral action to reduce, suspend, or terminate bilateral assistance and arms exports to major net oil exporters engaged in oil price fixing as part of a concerted diplomatic campaign with other major net oil importers to bring about the complete dismantlement of international oil price fixing arrangements described in such report.

(b) REPORT ON DIPLOMATIC EFFORTS.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the Congress a report describing any diplomatic efforts undertaken in accordance with subsection (a) and the results achieved by those efforts.

The CHAIRMAN. Are there any amendments to section 6?

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO: Insert the following after section 6 and redesignate the succeeding section accordingly:

SEC. 7. SUSPENSION OF EXPORTS OF ALASKAN NORTH SLOPE CRUDE OIL.

(A) SUSPENSION.—Effective on the date of the enactment of this Act—

(1) subsection (s) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(s)) shall cease to be effective; and

(2) subsection (d) of section 7 of the Export Administration Act of 1999 (50 U.S.C. App. 2406(d)) shall be effective, notwithstanding section 20 of that Act.

(b) ADMINISTRATION.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to carry out subsection (a).

(c) LIFTING OF SUSPENSION.—If the President determines that the United States is not experiencing a shortage of foreign crude oil and an inflationary impact due to the demand for foreign crude oil, subsections (a) and (b) shall cease to apply 30 calendar days after the President submits that determination to the Congress.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order that the amendment is not germane.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Alaska. Mr. Chairman, under rule 16 clause 7 of the Rules of the House of Representatives, the amendment deals with a different subject matter than the text of the bill. The fundamental purpose of the amendment is unrelated to the bill which is offered. H.R. 3822 addresses issues relative to the U.S. policy regarding foreign assistance to other countries which engage in oil price-fixing of oil produced in other countries and imported to the United States.

The subject of the amendment is very different from that bill. It would take away the authority of the President to determine whether to ban the exported oil produced on public lands within the United States to other countries. Therefore, the amendment is not germane and I ask my point of order be sustained

The CHAIRMAN. Does the gentleman from Oregon wish to speak on the point of order?

Mr. DEFAZIO. I do, Mr. Chairman.

Mr. Chairman, the bill purports to deal with the oil shortage. My amendment deals directly with the oil shortage, particularly as it relates to the West Coast of the United States. By keeping the Alaskan oil home, we would deal with the oil shortage. So it is certainly, in terms of the intent of the legislation in the bill, in order.

The bill purports in its title and in the assertions in the debate to be targeted at reducing the price of oil. My amendment, by restricting the export of the oil from Alaska, would reduce the price of oil.

The bill says that it will go after countries which fix the price of oil. My amendment goes after companies which fix the price of oil.

The bill finds that oil producing countries took concerted actions in March and September to cut oil production and hold back from the market 4 million barrels a day. My amendment addresses a cut-back in oil available to the West Coast of the United States in the amount of 60,000 barrels a day by bringing this oil home.

So I would argue, Mr. Chairman, that my amendment is germane to the bill. We heard earlier from the Committee on Rules that their intent was to allow amendments to the bill, and I would offer that that is a false promise if all of the amendments that people are going to attempt to be offering are found out of order.

So I would ask the Chair to rule in favor of offering a substantive amendment to a symbolic piece of legislation so that it might actually do something about the problem which is being discussed.

Mr. YOUNG of Alaska. Mr. Chairman, may I explain the reason I brought the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the amendment is redundant, number one. It relates to the export of Alaskan oil. The President now has the authority to do so. The cases in law, 104–58—Section 201, states that if the Secretary of Commerce finds that exporting oil has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels, and further finds these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, shall recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking the authority to revoke and export.

Mr. Chairman, we also had a GAO report that says there is no impact on the West Coast, and I again remind the gentleman from Oregon that there is no capacity for refining the oil from Alaska. Frankly, I would like to sell it all to the lower 48 if they had refinery capabilities.

So I ask the Chair to sustain the point of order.

Mr. DEFAZIO. Mr. Chairman, if I might just further respond.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, in response to the gentleman from Alaska, his initial point I think was very well taken in this matter, that the authority which I am attempting to extend through this amendment does exist, but this would encourage the President to use that authority.

That is exactly what the bill is doing. The bill does nothing new; it encourages the President to go out and negotiate. The bill encourages the bill to go out and gather information. Certainly, those things are within his authority. In fact, he is already doing them.

So I would argue that my amendment is probably less redundant, and certainly more meaningful, than other provisions of the bill.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Alaska raises a point of order that the amendment printed in the record and numbered 8 offered by the gentleman from Oregon is not germane.

The bill, H.R. 3822, addresses a variety of diplomatic efforts to curb alleged price-fixing in the global oil market. Specifically, the bill states a policy regarding such price-fixing requires the President to identify oil exporting countries that engage in price-fixing and requires the President to undertake certain oil-related negotiations. H.R. 3822 is referred to and reported by the Committee on International Relations and its provisions are confined to the legislative jurisdiction of that committee.

The amendment seeks to suspend exportation of Alaskan North Slope crude oil. It would achieve this result, in part, by waiving application of section 28 of the Mineral Leasing Act. The amendment falls within the jurisdiction of the Committee on Resources.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition "on a subject different from that under consideration shall be admitted under color of amendment." One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee reporting the bill. This principle is recorded on page 671 of the House Rules and Manual.

The amendment offered by the gentleman from Oregon falls outside the jurisdiction of the Committee on International Relations. The amendment is not germane, and the point of order is sustained.

Are there other amendments under section 6?

AMENDMENT NO. 9 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. DINGELL:

Page 8, after line 8, insert the following new section:

SEC. 7. ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION.

(a) TITLE I.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 166 (42 U.S.C. 6246)—

(A) by inserting "through 2003" after "2000"; and

(B) by striking ", to remain available only through March 31, 2000"; and

(2) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

(b) TITLE II.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting "through 2003" after "1997"; and

(2) in section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, this bill here does not do much with regard to energy conservation. One thing that has to be done is to reauthorize the Energy Policy and Conservation Act, specifically with regard to the President's authority to draw down the strategic petroleum reserve to deal with any prolonged energy crisis, or any sharp spikes in the energy supply to the United States. It has been used before for this purpose, and it has worked admirably in terms of diminishing some of the more extraordinary movements in the oil and petroleum industry.

The text of the amendment is exactly and precisely identical to S. 1051, which was authored by Senator MURKOWSKI of Alaska, which passed the Senate by unanimous consent last year. I have always opposed precipitous use of the Reserve, which Congress directed should only be drawn down in a severe energy supply interruption, as determined by the President, and in accordance with specific statutory criteria. Certainly there is agreement now as to whether or not the hardships that Americans are currently experiencing, such as high heating oil prices and high gasoline costs, warrant the use of the Reserve. It is my view that they do not at this time.

However, there is no disagreement I think amongst people who are familiar with the situation and with the law and with the history that the Congress must ensure the President continues to have the necessary authority to deploy the Reserve if it becomes necessary to protect either our economy, our national interests or, indeed, the defense of the United States.

The Reserve contains some 570 million barrels of oil which has served useful purposes, as I have mentioned, in connection with the 1991 Persian Gulf War.

This is not, fortunately, a complex drafting matter. The amendment consists of a few small, but necessary, changes to the relevant dates in EPCA. I would submit that the President's petroleum reserve authority is far more useful than some of the other things in this provision.

The White House has warned about the possibility of a veto to this legislation, and the President has issued a statement which says as follows in the last paragraph: "The administration calls for Congress immediately to reauthorize his Strategic Petroleum Reserve and the International Energy Program at the Department of Energy. This is necessary to ensure that the President retains the ability to use all available tools to respond to the needs of the U.S. economy. Further, to reduce the likelihood of future heating oil shortages which will harm consumers, the administration calls on the Congress to authorize the creation of a home heating oil reserve in the Northeast with an appropriate trigger that could supply additional heating oil to the market in the event of a supply shortage.

Mr. Chairman, I urge my colleagues to support the amendment. I urge them to recognize that there is no controversy with regard to this particular amendment, and indeed, it is something that makes the best of good sense from the standpoint of our national security, from the standpoint of pricing and supply of petroleum products to American consumers.

Mr. Chairman, I urge my colleagues to support the amendment.

POINT OF ORDER

Mr. BARTON of Texas. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BARTON of Texas. Mr. Chairman, first I want to tell my good friend, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, I know that he knows this, but I want to repeat it; I have no greater respect for any Member of the House than I do for my distinguished friend from Michigan. However, I rise to insist on this point of order to maintain the prerogatives of the Committee on Commerce for which the former chairman served with distinction for so many years.

The pending amendment that he has just put forward violates clause 7 of rule 16 of the Rules of the House of Representatives which requires that an amendment be germane to the matter that it is amending. It is not germane to the bill because it has a different subject than the underlying bill and the amendment concerns matters entirely within the rule 10 jurisdiction of the Committee on Commerce.

First, the purpose of H.R. 3822 is to direct the President to reduce, spend or terminate foreign assistance in arms export authority for countries determined to be engaged in oil price-fixing. The Dingell amendment, however, reauthorizes the Energy Policy and Conservation Act for the fiscal year 2003. These provisions address an entirely separate question from the one in the underlying bill which renders the amendment nongermane under the rules.

The pending amendment also is entirely within the jurisdiction of the Committee on Commerce under rule 10 of the Rules of the House. The underlying bill, on the other hand, is exclusively within the jurisdiction of the Committee on International Relations. The jurisdiction test has long been regarded as a primary indicator of germaneness.

For these reasons, the pending amendment is not germane to the bill under consideration, and I must insist on my point of order.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

□ 1800

The CHAIRMAN. The Chair would inform Members that there is no opportunity to yield. The gentleman may proceed.

Mr. DINGELL. Mr. Chairman, I can save a lot of time if I am permitted to have the gentleman yield.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the distinguished gentleman from Michigan be allowed to speak for 1 minute.

The CHAIRMAN. The Chair will let the gentleman from Texas (Mr. BARTON) proceed and then the Chair will go back to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to simply observe that if the unanimous consent is granted, I would simply concede the point of order and would save substantial time to the House and some aggravation to the Chair.

The CHAIRMAN. The gentleman from Texas (Mr. BARTON) may proceed.

Mr. BARTON of Texas. Mr. Chairman, based on that understanding, I would terminate any comments simply to say that sometime next week there are two pending bills at the Committee on Rules, one of which came out of the House, the Committee on Commerce on H.R. 2884, which deals with the reauthorization of EPCA. We should be able to move one of those bills next week.

I insist upon my point of order if the gentleman does not withdraw his amendment.

The CHAIRMAN. The gentleman from Michigan desires to be heard on the point of order?

Mr. DINGELL. Mr. Chairman, I have been doing my best.

Mr. Chairman, may I be recognized on the point of order?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Texas (Mr. BARTON) for his kindness to me. I want to express great affection and respect for the chairman of the foreign affairs committee, the gentleman from New York (Mr. GILMAN). I want to observe that I have been much impressed with the gentleman's statement on the point of order. Regretfully, he is correct, but we still need this language to be enacted into law, and the reason is, without it, the President's ability to address national security questions with regard to oil is very much impaired and the country is put significantly at risk.

Mr. BARTON of Texas. Mr. Chairman, is the gentleman from Michigan (Mr. DINGELL) withdrawing his amendment?

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Texas (Mr. BARTON) raises a point of order that the amendment printed in the RECORD and numbered 9 offered by the gentleman from Michigan (Mr. DINGELL) is not germane. As stated previously, the bill, H.R. 3822, is within the jurisdiction of the Committee on International Relations.

The amendment seeks to reauthorize the Energy Policy and Conservation Act. The amendment falls within the jurisdiction of the Committee on Commerce. The amendment offered by the gentleman from Michigan (Mr. DINGELL) falls outside the jurisdiction of the Committee on International Relations.

The amendment is not germane in violation of clause 7 of rule XVI, and the point of order is sustained.

Are there any other amendments to section 6?

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am hoping to take up enough time that maybe the gentleman from New York (Mr. GILMAN) and the gentleman from Texas (Mr. BARTON) might have to use the restroom when I offer my amendment.

I want to offer to this Congress a suggestion, and I am not going to challenge the ruling of the Chair when I do offer my amendment, because I have too much respect for the Chairman on transportation. He would probably kill all of my projects that I desperately need in my district, so I am not going to do that.

I want to make a couple of points before I offer my amendment, and I want the gentleman from Texas to consider this. And I would like the gentleman from Texas (Mr. BARTON) to pay attention, because I think the chairman should be listening. I can remember about 10 years ago, I had an amendment in a bill before the Committee on Science that would appropriate X amount of dollars to retrieve oil trapped in shale rock.

We have oil reserves trapped in shale rock that can keep America operating without use of 1 pint of foreign oil and not using 1 ounce of our reserves and not using 1 ounce of our normal oil fields.

I want the distinguished chairman of the Committee on Appropriations to listen as well. You know what I was told? We can buy oil, TRAFICANT, at $18 a barrel. Your cost is $28 a barrel to retrieve it. Therefore, we are not going to do it.

Ladies and gentlemen, we can put Americans to work. We have coal coming out of our ears, and we are still dependent upon foreign oil. Before I offer my amendment, I say to the gentleman from Texas (Mr. BARTON), I want the gentleman to listen to it carefully; the Traficant amendment deals with what I think is another conspiracy. In the 1970s those tankers were out at sea, it was not OPEC countries that kept those tankers out at sea; it was American oil companies depriving us of the product, made the demand go up.

They artificially raised above those prices that OPEC would have generated, a tremendous cost factor, and had our people like stupids standing in line waiting to get fuel.

The Traficant amendment would impose the following: the Energy Information Administration within the Department of Energy, if they find reasonable that the American domestic industry is conspiring or has unreasonably raised prices, they can be fined up to $100 million.

I want to know, I say to the gentleman, when your next bill comes up, if the Traficant amendment would be germane to that bill.

Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON) for an answer.

Mr. BARTON of Texas. Mr. Chairman, I will be happy to commit to the gentleman from Ohio (Mr. TRAFICANT) that I am planning to do a series of hearings on our energy policy in this country in the next month.

Mr. TRAFICANT. Reclaiming my time, would the Traficant amendment be germane to the bill that the gentleman talked with the gentleman from Michigan (Mr. DINGELL) about?

I yield to the gentleman from Texas.

Mr. BARTON of Texas. It would not be germane to that bill which is a straight reauthorization of this Energy Policy Conservation Act, no. So a straight answer to that particular bill, it would not be germane.

Mr. TRAFICANT. The gentleman would not allow an amendment to be made in order to it?

Mr. BARTON of Texas. It would not be germane to that bill, but it might well be germane to some other bills that we are going to bring to the floor.

Mr. TRAFICANT. Reclaiming my time, here is what I am trying to tell the Congress. We have 300 years of oil trapped in shale rock. If we put Americans to work, we would not be dependent on monarchs and dictators. And we are still playing around now 20 years later, but they are not only the villain, OPEC. Nobody's investigating these domestic oil companies who ripped us off before. I do not feel comfortable with what they are doing now.

And I think, I say to the gentleman from Texas (Mr. BARTON), what bothers me is this may be the only real instrument we have. How can I vote against a report and how can I go against the judgment of the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON)?

I am going to vote for it. And with that, I yield back the time that I had when I had stricken the amendment.

The CHAIRMAN. Are there any further amendments to section 6?

Mr. TRAFICANT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Will the gentleman tell us which amendment he would like to offer?

Mr. TRAFICANT. The amendment that was preprinted in the RECORD, Mr. Chairman.

The CHAIRMAN. The gentleman has three amendments printed in the RECORD.

Mr. TRAFICANT. The one that is germane, Mr. Chairman.

The CHAIRMAN. The Chair will rule on the germaneness after the gentleman from Ohio tells us which amendment he would like to offer.

Mr. TRAFICANT. I do not have all the numbers. I have to see the amendments, Mr. Chairman.

Mr. BARTON of Texas. Why do we not start with the Traficant number 21.

AMENDMENT NO. 21 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 21.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. TRAFICANT:

Page 8, after line 2, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 3, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order on the Traficant amendment No. 21.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. TRAFICANT. I concede the point of order, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Ohio withdraws his amendment No. 21.

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 22.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TRAFICANT:

Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States:

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order on the Traficant amendment No. 22.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Is the gentleman from Ohio (Mr. TRAFICANT) withdrawing his amendment?

Mr. TRAFICANT. Mr. Chairman, I was hoping that the gentleman from Texas (Mr. BARTON) would have to use the restroom. Since he is not, I concede the point of order on amendment No. 22.

The CHAIRMAN. Does the gentleman from Ohio withdraw his amendment?

Mr. TRAFICANT. I withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Ohio withdraws his amendment No. 22.

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. TRAFICANT:

Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section

205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term "unreasonable price increase" means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, with reluctance, I also reserve a point of order on Traficant amendment No. 23.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, the gentleman from Texas (Mr. BARTON) not only does a great job, as the gentleman from Michigan (Mr. DINGELL) said, he certainly has a strong physical constitution and strong bladder, and it is evident that he is going to be there standing.

I have worked with the gentleman from Texas (Mr. BARTON) for years. I believe he is an original helper of JIM TRAFICANT when we tried to take that oil from shale rock. I am going to be introducing a bill to go after that oil in shale rock. I am going to ask the gentleman from Texas to help.

Second of all, I am going to ask the gentleman from Texas to help me in the goal that I pursue, that if there is an unreasonable gouging and conspiracy with these domestic oil companies, we can impose a fine of $100 million. A million dollars, $5 million is nothing to these companies. With that, Mr. Chairman, I want to thank the distinguished gentleman from Texas (Mr. BARTON) who has been a friend.

Mr. Chairman, I withdraw my third amendment, No. 23.

The CHAIRMAN. Without objection, the gentleman from Ohio withdraws his amendment No. 23.

There was no objection.

The CHAIRMAN. Are there any other amendments to section 6?

AMENDMENT NO. 12 OFFERED BY MR. GARY MILLER OF CALIFORNIA

Mr. GARY MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GARY MILLER of California:

Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRODUCTION REPORT.

The Secretary of Energy, in conjunction with the Administrator of the Environmental Protection Agency, shall, not later than September 30, 2000, transmit to the Congress a report on all possible means of protecting the national security of the United States by increasing domestic oil production without harming the environment.

Page 8, line 9, redesignate section 7 as section 8.

Mr. BARTON of Texas. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. GARY MILLER of California. Mr. Chairman, I am concerned over the recent rise in prices being paid for gasoline at the pump. Right now, my constituents are facing extremely high gas prices. I have received letters and e-mails from many of the people I represent informing me they have recently paid as high as $1.90 a gallon for the lowest grade of gasoline at the pump. Predictions from the Department of Energy have indicated that unleaded gasoline could get as high as $2.25 a gallon by June, at the same time my constituents will be taking their families on summer vacation.

As we all know, the reason for the recent price spike is the result of OPEC deciding to decrease production to raise the price of oil. OPEC made this decision last March. We have been well aware of the possibility that a price increase would occur from that. But, because the Clinton administration lacks a definitive national energy policy; and according to the Energy Secretary Bill Richardson, the administration was caught napping, Americans were not shielded from this crisis.

I am the first to admit there is no overnight solution to the problem. But I will be the first to say this problem would not have been as costly if President Clinton would have also shown leadership. Instead, the President jeopardized the economy and national security of this country. Now Congress is forced to act on this problem.

My amendment to H.R. 3822 would require the Secretary of Energy to prepare a report for Congress on how we can strengthen the United States national security by increasing domestic oil production. The United States is the number one consumer of oil. Even if we increase domestic production, the United States will still rely on foreign oil. But we must diversify our sources of supply so we do not find ourselves in a compromising position should OPEC decide to decrease production again down the road.

Moreover, by requiring the Secretary of Energy to report to Congress on how to increase domestic oil production, a blueprint can be provided for future administrations to avert this problem. In addition, future Congresses would not be in the position that we are currently in where Congress is forced to react to a crisis that arguably could have been foreseen and averted.

Because the environment is very important and should not be neglected in the decision-making process, my amendment would also require the Secretary of Energy to work with the administrator of the EPA to determine how domestic oil production can be increased without harming the environment.

Since President Clinton has taken office, America's dependency on foreign oil has almost doubled to 55 percent. Furthermore, President Clinton has reduced access to Federal lands in the western United States by nearly 60 percent. This is where nearly 67 percent of our onshore oil reserves are located. If Federal lands had been opened to exploration, we may never have been in this position we find ourselves in today.

President Clinton has also been responsible for increasing regulations on U.S. oil refineries without consideration of the economic impact these regulations may have on their ability to produce oil. In many cases, independent refineries are forced to close up shop because of the burdensome regulation imposed on them. For every refinery that goes out of business, this is a decline in the domestic oil produced.

Although I will withdraw this amendment, I will continue to push the administration to come up with a strategic national energy policy that can thwart another situation like this again and strengthen U.S. national security. I plan to offer this amendment again at a more appropriate time. I hope that my colleagues will support this amendment when I reintroduce it at a later time.

Mr. CALVERT. I rise today in strong support for the amendment offered by my good friend and colleague on the Energy and Environment Subcommittee of the Science Committee, Mr. GARY MILLER.

The price of gasoline in my home state of California is already over $2 per gallon. Instead of investing in this great nation's plentiful domestic energy resources, this Administration has been "asleep at the fuel pump." We are now more dependent on imported oil than at the height of the Oil Embargo Crisis of 1973.

As Chairman of the Subcommittee on Energy and Environment, we have just completed two authorization hearings on this Administration's Budget Request for the Department of Energy. This Administration's requests for Petroleum, Natural Gas Technologies, Other Fossil Energy R&D and Nuclear Energy are, in general, below last year's funding levels. R&D and production of these major and fundamental domestic energy resources should not be short-changed.

The Secretary of Energy finally went on his diplomatic mission to beg for increased production from OPEC and some of the more notorious OPEC members have only thumbed their noses at his request. Last week on the House floor, I talked about the Administration's "F" for failure on oil diplomacy and domestic oil production. We still don't know whether OPEC will agree to step up production to reduce prices—we are at OPEC's mercy once again.

On the domestic production side, the Administration has discouraged—in every way—the opportunity to take advantage of this country's domestic oil resources and I would like to add coal and nuclear energy to the list. It is time for us to seriously develop our great country's domestic oil reserves—we know we have the oil—it's time to produce it—of course, in an environmentally sound way—so that the American people will no longer be dependent on OPEC's whims.

I urge my colleagues to support this amendment.

Mr. GARY MILLER of California. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman from California withdraws his amendment.

There was no objection.

Are there any other amendments to section 6?

AMENDMENT NO. 4 OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BACHUS:

Page 8, after line 2 insert the following:

SEC. 7. DENIAL OF FINANCIAL ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o-2) is amended by adding at the end the following:

"SEC. 1504. DENIAL OF FINANCIAL ASSISTANCE FOR MAJOR OIL EXPORTING COUNTRIES ENGAGED IN PRICE FIXING.

"The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2)) to use the voice, vote, and influence of the United States at the institution to urge the institution to adopt as a matter of policy and practice not to provide financial assistance of any kind to a country determined by the President pursuant to section 5 of the Oil Price Reduction Act of 2000 to be engaged in oil price fixing to the detriment of the United States economy.".

Redesignate succeeding sections accordingly.

Mr. GILMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. BACHUS. Mr. Chairman, first of all, let me say that I am a cosponsor of the main legislation, and I fully endorse the legislation and the purpose of the legislation.

Now, one thing that this legislation does is it looks at the OPEC nations and we look at the assistance that we are giving to the OPEC nations.

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In this regard we have heard testimony that the United States gives $415 million worth of assistance to the OPEC nations. We have heard testimony that we have 10,000 troops in these OPEC nations. What my amendment says is not only do we consider these assistance programs and this foreign aid, but we also look at something else that we cannot overlook, and that is the fact that through the World Bank, through the IMF, through the Asian Development Bank, through the African Development Bank, through the multilateral development banks we are also, as a contributor to these banks, pumping billions of dollars into these countries.

It may come as some surprise to Members of this body, but through the multilateral development banks we have given $4.4 billion worth of loans to Algeria alone, $30 billion to Indonesia, and $3.7 billion to Venezuela. What my amendment says, when we look at OPEC and the price gouging that they are doing, the fact that they are yanking our chain, we need to not only look at direct aid, but we need to look at aid that the multilateral development banks are giving to these countries.

And let me say this. We are dealing literally with billions of dollars worth of aid. And if we are going to have a comprehensive approach to using all leverage under our control, then we must also consider this multilateral aid. If we do not, we have an incomplete remedy here.

Punishing or withholding assistance from the OPEC nations is a short-term solution. The long-term solution to our problem is increasing our domestic oil production. These are some figures that I think will astound the American people. In 1973, when we had the Arab oil embargo, we were importing only 35 percent of our oil needs. In 1991, at the time of the Gulf War, we were importing 46 percent. Only 9 years later, we are now dependent on foreign sources for 56 percent of our needs.

When we depend on these sources for 56 percent of our oil needs, we are going to be dependent. We are going to be at their mercy. So the long-term solution is to urge the President to open our domestic oil fields to exploration, make us less dependent on foreign oil, and get us out of this dependency on foreign oil. But until such time, we simply must take all action we can.

Mr. Chairman, I ask unanimous consent to withdraw my amendment. I will introduce it at a more appropriate time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

I simply wanted to seek recognition so that I could thank and to commend the gentleman from Alabama for his amendment. I just wish we had jurisdiction of the financial institutions or I would have been pleased to support the gentleman's request.

The CHAIRMAN. Are there further amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. DEFINITIONS.

In this Act.

(1) OIL PRICE FIXING.—The term "oil price fixing" means participation in any agreement, arrangement, or understanding with other countries that are oil exporters to increase the price of oil or natural gas by means of, inter alia, limiting oil or gas production or establishing minimum prices for oil or gas.

(2) OPEC.—The term "OPEC" means the Organization of Petroleum Exporting Countries.

The CHAIRMAN. Are there any amendments to section 7?

AMENDMENT NO. 20 OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Chairman, I offer amendment No. 20.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mrs. THURMAN:

Add at the end thereof the following new title:

TITLE II—ENERGY EFFICIENT TECHNOLOGY TAX INCENTIVES

SEC. 201. SHORT TITLE.

This Act may be cited as the "Energy Efficient Technology Tax Act".

SEC. 202. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48 the following new section:

"SEC. 48A. ENERGY CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

"(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

"(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

"(b) ENERGY PERCENTAGE.—

"(1) IN GENERAL.—The energy percentage shall be determined in accordance with the following table:

"Column A—Description	Column B—Energy Percentage	Column C—Period	
In the case of:	The energy percentage is:	For the period:	
		Beginning on:	Ending on:
Solar energy property (other than elected solar hot water property and photovoltaic property) and geothermal energy property	10 percent	1/1/2000	no end date
Elected solar hot water property	15 percent	1/1/2000	12/31/2004
Photovoltaic property	15 percent	1/1/2000	12/31/2006
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Combined heat and power system property	8 percent	1/1/2000	12/31/2002.

"(2) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under paragraph (1).

"(3) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

"(4) TRANSITIONAL RULES.—Rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

"(c) MAXIMUM CREDIT FOR CERTAIN PROPERTY.—In the case of property described in the following table, the amount of the current year business credit under subsection (a) for the taxable year for each item of such property with respect to a building shall not exceed the amount specified for such property in such table:

Description of property:	**Maximum allowable credit amount is:**
Elected solar hot water property	$1,000.
Photovoltaic property with respect to which the energy percentage is greater than 10 percent	$2,000.
20 percent energy-efficient building property:	
fuel cell described in subsection (e)(3)(A)	$500 per each kw/hr of capacity.
natural gas heat pump described in subsection (e)(3)(D)	$1,000.
20 percent energy-efficient building property (other than a fuel cell and a natural gas heat pump)	$500.
10 percent energy-efficient building property	$250.

"(d) ENERGY PROPERTY DEFINED.—

"(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

"(A) which is—

"(i) solar energy property,

"(ii) geothermal energy property,

"(iii) 20 percent energy-efficient building property,

"(iv) 10 percent energy-efficient building property, or

"(v) combined heat and power system property,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(D) which meets the performance and quality standards (if any), and the certification requirements (if any), which—

"(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

"(ii) are in effect at the time of the acquisition of the property.

"(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). The preceding sentence shall not apply to combined heat and power system property.

"(e) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

"(1) SOLAR ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy—

"(i) to generate electricity,

"(ii) to heat or cool (or provide hot water for use in) a structure, or

"(iii) to provide solar process heat.

"(B) ELECTED SOLAR WATER HEATING PROPERTY.—

"(i) IN GENERAL.—The term 'elected solar water heating property' means property which is solar energy property by reason of subparagraph (A)(ii) and for which an election under this subparagraph is in effect.

"(ii) ELECTION.—For purposes of clause (i) and the energy percentage specified in the table in subsection (b)(1), a taxpayer may elect to treat property described in clause (i) as elected solar water heating property.

"(C) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means solar energy property which uses a solar photovoltaic process to generate electricity.

"(D) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

"(E) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

"(2) GEOTHERMAL ENERGY PROPERTY.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

"(3) 20 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '20 percent energy-efficient building property' means—

"(A) a fuel cell that—

"(i) generates electricity and heat using an electrochemical process,

"(ii) has an electricity-only generation efficiency greater than 35 percent, and

"(iii) has a minimum generating capacity of 5 kilowatts,

"(B) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater,

"(C) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

"(D) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.70 for cooling,

"(E) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater, and

"(F) an advanced natural gas water heater that has an energy factor of at least 0.80.

"(4) 10 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '10 percent energy-efficient building property' means—

"(A) an electric heat pump that has a heating system performance factor (HSPF) of 7.5 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(B) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater, and

"(C) an advanced natural gas water heater that has an energy factor of at least 0.65.

"(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

"(A) IN GENERAL.—The term 'combined heat and power system property' means property comprising a system—

"(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(iii) which produces—

"(I) at least 20 percent of its total useful energy in the form of thermal energy, and

"(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

"(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities).

“(B) SPECIAL RULES.—

“(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

“(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

“(II) the denominator of which is the lower heating value of the primary fuel source for the system.

“(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

“(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

“(iv) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

“(v) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.

“(f) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

“(1) CREDIT AMOUNT.—

“(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

“Applicable percentage		Credit amount is:
Greater than or equal to—	Less than—	
5 percent	10 percent	$ 500
10 percent	20 percent	$1,000
20 percent	30 percent	$1,500
30 percent		$2,000

“(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

“Applicable percentage		Credit amount increase is:
Greater than or equal to—	Less than—	
20 percent	40 percent	$ 250
40 percent	60 percent	$ 500
60 percent		$1,000

“(2) QUALIFIED HYBRID VEHICLE.—The term ‘qualified hybrid vehicle means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

“(A) A consumable fuel.

“(B) A rechargeable energy storage system.

“(3) MAXIMUM AVAILABLE POWER.—The term ‘maximum available power’ means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

“(4) AUTOMOBILE.—The term ‘automobile’ has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

“(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

“(A) any property for which a credit is allowed under section 25B or 30,

“(B) any property referred to in section 50(b), and

“(C) the portion of the cost of any property taken into account under section 179 or 179A.

“(6) REGULATIONS.—

“(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

“(B) ENVIRONMENTAL PROTECTION AGENCY.—

“(A) TREASURY:—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

“(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

“(g) SPECIAL RULES.—For purposes of this section—

“(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

“(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

“(i) subsidized energy financing, or

“(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,

the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

“(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

“(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

“(ii) the denominator of which is the basis of the property.

“(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term ‘subsidized energy financing’ means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

“(2) BUSINESS USE.—The rule similar to the rule of section 25(B)(d)(5)(B) shall apply for purposes of determining the business use of a vehicle.

“(3) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(4) DOUBLE BENEFIT.—Property which would, but for this paragraph, be eligible for credit under more than one provision of this section shall be eligible only under one such provision, the provision specified by the taxpayer.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 48 of such Code is amended to read as follows:

“SEC. 48. REFORESTATION CREDIT.

“(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 10 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

“(b) DEFINITIONS.—For purposes of this subpart, the terms ‘amortizable basis’ and ‘qualified timber property’ have the respective meanings given to such terms by section 194.”.

(2) Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(9) No carryback of energy credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.".

(3) Paragraph (3) of section 50(c) of such Code is amended by adding at the end the following flush sentence:

"In the case of the energy credit, the preceding sentence shall apply only to so much of such credit as relates to solar energy property and geothermal property (as such terms are defined in section 48A(e)).".

(4) Subclause (III) of section 29(b)(3)(A)(i) of such Code is amended by striking "section 48(a)(4)(C)" and inserting "section 48A(g)(1)(C)".

(5) Subparagraph (E) of section 50(a)(2) of such Code is amended by striking "section 48(a)(5)" and inserting "section 48A(g)(3)".

(6) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) in clause (vi)(I)—

(i) by striking "section 48(a)(3)" and inserting "paragraphs (1) and (2) of section 48A(e)", and

(ii) by striking "clause (i)" and inserting "paragraph (1)(A)", and

(B) in the last sentence by striking "section 48(a)(3)" and inserting "section 48A(d)(2)".

(7) Subparagraph (E) of section 168(e)(3) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by inserting after clause (iii) the following new clause:

"(iv) any combined heat and power system property (as defined in section 48A(e)(5)) for which a credit is allowed under section 48A and which, but for this clause, would have a recovery period of less than 15 years.".

(8) The table contained in subparagraph (B) of section 168(g)(3) of such Code is amended by adding at the end the following:

"(E)(iv) .... 22".

(c) Clerical Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new items:

"Sec. 48. Reforestation credit.
"Sec. 48A. Energy credit.".

(d) Effective Date.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) Extension of Credit for Qualified Electric Vehicles.—Subsection (f) of section 30 of such Code (relating to termination) is amended by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Repeal of Phaseout.—Subsection (b) of section 30 of such Code (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) No Double Benefit.—

(1) Subsection (d) of section 30 of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

"(5) No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(f).".

(2) Paragraph (3) of section 30(d) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(3) Paragraph (5) of section 179A(e) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) Extension.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by striking "July 1, 1999" and inserting "July 1, 2004".

(b) Qualified Facilities Include All Biomass Facilities.—

(1) In general.—Paragraph (1) of section 45(c) of such Code (relating to definition of qualified energy resources) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B), and by inserting after subparagraph (B) the following:

"(C) biomass (other than closed-loop biomass).".

(2) Biomass defined.—Paragraph (2) of section 45(c) of such Code is amended to read as follows:

"(2) Biomass.—

"(A) In general.—The term 'biomass' means—

"(i) closed-loop biomass, and

"(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

"(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

"(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

"(B) Closed-loop biomass.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.".

(c) Electricity Produced From Biomass Co-fired in Coal Plants.—

(1) Credit amount.—Paragraph (1) of section 45(a) of such Code (relating to general rule) is amended by inserting "(1.0 cents in the case of electricity produced from biomass co-fired in a facility which produces electricity from coal) after "1.5 cents".

(2) Qualified facility.—Paragraph (3) of section 45(c) of such Code (relating to definitions) is amended by striking the period at the end and inserting the following: ", and any facility using biomass other than closed loop biomass to produce electricity which is owned by the taxpayer and which is originally placed in service after June 30, 1999.".

(3) Adjustment for inflation.—

(A) In general.—Paragraph (2) of section 45(b) of such Code (relating to credit and phaseout adjustment based on inflation) is amended by striking "1.5 cent amount" and inserting "1.5 and 1.0 cent amounts".

(B) Base year for inflation adjustment factor.—Subparagraph (B) of section 45(d)(2) of such Code (relating to inflation adjustment factor) is amended by adding at the end the following new sentence: "In the case of the 1.0 cents amount in subsection (a), the first sentence of this subparagraph shall be applied by substituting '1999' for '1992'.".

(d) Credit Not To Apply to Electricity Sold to Utilities Under Certain Contracts.—Subsection (b) of section 45 of such Code (relating to limitations and adjustments) is amended by adding at the end the following new paragraph:

"(4) Credit not to apply to electricity sold to utilities under certain contracts.—

"(A) In general.—The credit determined under subsection (a) shall not apply to electricity—

"(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

"(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

"(B) Exception.—Subparagraph (A) shall not apply if—

"(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

"(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

"(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

"(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

"(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

"(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

"(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in section 292.304(d)(1) of title 18, Code of Federal Regulations, or any successor regulation.".

(e) Effective Date.—

(1) In general.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years ending after June 30, 1999.

(2) Adjustment for inflation.—The amendments made by subsection (c)(3) shall apply to taxable years ending after December 31, 1999.

SEC. 205. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. NONBUSINESS ENERGY PROPERTY.

"(a) Allowance of Credit.—

``(1) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

``(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

``(B) the credit amount (determined under section 48A(f)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(f)(2)), and

``(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

``New, Highly Energy-Efficient Principal Residence:	Credit Amount:
30 percent property	$1,000.
40 percent property	$1,500.
50 percent property	$2,000.

``(2) Applicable Percentage.—

``(A) In General.—The applicable percentage shall be determined in accordance with the following table:

``Column A—Description	Column B—Applicable Percentage	Column C—Period	
In the case of:	The applicable percentage is:	For the period:	
		Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Solar water heating property	15 percent	1/1/2000	12/31/2006
Photovoltaic property	15 percent	1/1/2000	12/31/2006.

``(B) Periods for which Percentage not Specified.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

``(b) Maximum Credit.—

``(1) In General.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

``Description of property item:	Maximum allowable credit amount is:
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property:	
fuel cell described in section 48A (e)(3)(A)	$ 500 per each kw/hr of capacity.
natural gas heat pump described in section 48A (e)(3)(D)	$1,000.
10 percent energy-efficient building property	$ 250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

``(2) Coordination of Limitations.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

``(c) Definitions.—For purposes of this section—

``(1) Residential Energy Property Expenditures.—The term `residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

``(A) is located in the United States, and

``(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

``(2) Qualified Energy Property.—

``(A) In General.—The term `qualified energy property' means—

``(i) energy-efficient building property,

``(ii) solar water heating property, and

``(iii) photovoltaic property.

``(B) Swimming Pool, etc., Used as Storage Medium; Solar Panels.—For purposes of this paragraph, the provisions of subparagraphs (D) and (E) section 48A(e)(1) shall apply.

``(3) Energy-Efficient Building Property.—The term `energy-efficient building property' has the meaning given to such term by paragraphs (3) and (4) of section 48A(e).

``(4) Solar Water Heating Property.—The term `solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

``(5) Photovoltaic Property.—The term `photovoltaic property' has the meaning given to such term by section 48A(e)(1)(C).

``(6) New, Highly Energy-Efficient Principal Residence.—

``(A) In General.—Property is a new, highly energy-efficient principal residence if—

``(i) such property is located in the United States,

``(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

``(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

``(B) 50, 40, or 30 Percent Property.—

``(i) In General.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

``(ii) Procedures.—

``(I) In General.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

``(II) Component Approach.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

``(III) Performance-Based Approach.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

``(IV) Approval of Software Submissions.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

``(C) Determinations of Compliance.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

``(D) Compliance.—

``(i) In General.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry

National Accreditation Procedures for Home Energy Rating Systems.

"(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

"(D) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as his principal residence.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

"(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(5) ALLOCATION IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

"(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

"(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

"(A) any property for which a credit is allowed under section 30 or 48A,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

"(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

"(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

"(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(g)(1)).

"(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

"(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

"(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

"(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Nonbusiness energy property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 1999.

Page 2, after line 5, insert "**TITLE I—OIL PRICE REDUCTION**".

Page 2, line 6, strike "2" and insert "101".

Page 5, line 4, strike "3" and insert "102".

Page 5, line 16, strike "4" and insert "103".

Page 6, line 10, strike "section 5" and insert "section 104".

Page 6, line 12, strike "5" and insert "104".

Page 6, line 15, strike "section 4" and insert "section 103".

Page 6, line 17, strike "section 4(1)" and insert "section 103(1)".

Page 6, line 21, strike "6" and insert "105".

Page 6, line 24, strike "section 4" and insert "section 103".

Page 7, line 3, strike "section 5" and insert "section 104".

Page 8, line 2, strike "section 4" and insert "section 103".

Page 8, line 7, strike "section 5" and insert "section 104".

Page 8, line 9, strike "7" and insert "106".

Page 8, line 10, strike "Act" and insert "title".

Mr. GILMAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order. The gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes on her amendment.

Mrs. THURMAN. Mr. Chairman, I kind of knew this was going to happen, but I still think this is a very important part of the debate that is going on today. It seems that we are talking about a lot of issues that are not coming before this House that, quite frankly, probably could give us an energy policy that we would all be proud to be going home with.

We all know that we are talking about issues that are affecting our constituency every day. It is just obnoxious and absurd that we are seeing folks having to pay $2, and many of these folks just cannot do it. Many of them live in rural areas, they cannot get to work, and they cannot afford that $2. It is costing them everything they have. Our seniors are trying to get around and they cannot afford it either.

However, I think even within that, since we are going to talk about energy today, that we would be remiss if we did not bring into this debate energy efficiency and renewable energy assistance. For several years now, we have had a bipartisan caucus, an Energy Renewable Caucus here in this Congress, that has continued to look at ways to increase our funding for research. But on top of that, we also have a piece of legislation, H.R. 2380, which is the Energy Efficient Technology Tax Act.

I have to tell my colleagues that I think as we go through this and we look at the fact of being able to develop low carbon energy sources, that if we as the Congress could actually give incentives for this, it would be a marvelous thing for us to do.

Imagine in this world today if we could say to people, both private-owned and business-owned buildings, that we would actually give them tax credits for having energy efficient equipment in their new and existing buildings. Would it not be wonderful if we could give tax credits for new energy efficient homes, up to as much as $2,000 if they do this? Imagine if we could tell people that we would give them a tax credit for solar systems.

And just to add into this particular part of the debate, do my colleagues know that the United States used to be the number one issuant of solar energy and we have dropped to number seven in this world economy? That is absolutely absurd.

Then we could do for industry. We could encourage the CHP systems, make effective use of thermal energy that is otherwise wasted in producing electricity. We could encourage accelerated investment in this kind of equipment. In transportation, we could give tax credits for highly fuel efficient vehicles; extend the current tax credit for electric vehicles; expand the credit to include hybrid vehicles, and go on with the idea of what we could do with renewable energy.

Last year, this Congress passed in the tax bill a credit for wind production. We now need to do the same with biomass.

The fact of the matter is that any energy policy that we put together we need to include these very important steps in making sure that we make energy efficient technology more attractive.

Mr. Chairman, I ask unanimous consent to withdraw my amendment, and I concede the point of order.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The CHAIRMAN. Are there further amendments to section 7?

AMENDMENT NO. 5 OFFERED BY MR. BALDACCI

Mr. BALDACCI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BALDACCI:

At the end of the bill insert the following new sections:

SEC. 8. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

"(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

"(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component, and any energy efficient heating, cooling, or water heating appliance, the installation of which, by itself or in combination with other such components or appliances, is certified to improve the annual energy performance of the existing home by at least 30 percent, if—

"(1) such component or appliance is installed in or on a dwelling—

"(A) located in the United States, and

"(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

"(2) the original use of such component or appliance commences with the taxpayer, and

"(3) such component or appliance reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such improvements, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited home energy rating system provider).

"(e) SPECIAL RULES.—

"(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

"(2) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) APPLICATION OF SECTION.—Subsection (a) shall apply to qualified energy efficiency improvements installed during the period beginning on January 1, 2000, and ending on December 31, 2004.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 23 of such Code is amended by striking "and section 1400C" and inserting "and sections 25B and 1400C".

(2) Subparagraph (C) of section 25(e)(1) of such Code is amended by striking "and 1400C" and inserting ", 25B, and 1400C".

(3) Subsection (d) of section 1400C of such Code is amended by inserting "and section 25B" after "other than this section".

(4) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(f), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A, the following new item:

"Sec. 25B. Energy efficiency improvements to existing homes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999.

SEC. 9. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 45C the following new section:

"SEC. 45D. ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible small business, the energy efficiency improvement credit determined under this section for the taxable year is an amount equal to 20 percent of the basis of each qualified energy efficiency improvements placed in service during such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by this section for the taxable year shall not exceed $2,000.

"(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

"(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

"(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means any person engaged in a trade or business if the average annual gross receipts of such person (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

"(2) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The term 'qualified energy efficiency improvements' means any energy efficient property the installation of which, by itself or in combination with other such property, is certified to improve the annual energy performance of the structure to which it relates by at least 30 percent, if—

"(A) such property is installed in or on a structure located in the United States,

"(B)(i) the construction, reconstruction, or erection of such property is completed by the taxpayer, or

"(ii) such property which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to such property, and

"(D) such property reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such property, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited energy rating system provider).

"(3) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means—

"(A) any energy efficient building envelope component, and

"(b) any energy efficient heating, cooling, or water heating appliance.

"(d) APPLICATION OF SECTION.—Subsection (a) shall apply to property placed in service during the period beginning on January 1, 2000, and ending on December 31, 2004.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(13) in the case of an eligible small business (as defined in section 45D(c)), the energy efficiency improvement credit determined under section 45D.".

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR SMALL BUSINESS ENERGY EFFICIENCY IMPROVEMENT CREDIT.—

"(A) IN GENERAL.—In the case of the energy efficiency improvement credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraph (A) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy efficiency improvement credit).

"(B) ENERGY EFFICIENCY IMPROVEMENT CREDIT.—For purposes of this subsection, the term 'energy efficiency improvement credit' means the credit allowable under subsection (a) by reason of section 45D.".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the energy efficiency improvement credit" after "employment credit".

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF ENERGY EFFICIENCY IMPROVEMENT CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to any taxable year ending before the date of the enactment of section 45D.".

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 of such Code is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding after paragraph (8) the following new paragraph:

"(9) the energy efficiency improvement credit determined under section 45D.".

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

"Sec. 45D. Energy efficiency improvements by small businesses.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Mr. GILMAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Maine (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Chairman, I appreciate the opportunity to be able to address the House in regard to this very important matter.

This is a matter that we in the Northeast were hit with first when there was a heating oil shortage and the price got spiked and we had to divert the gasoline production to home heating oil so that we would have enough fuel oil to make sure that people were able to heat their homes.

About 75 percent of our Nation's home heating oil is consumed in the Northeast. That is why it was important for Secretary Richardson to have an energy summit in Boston and in Maine, to be able to listen to people directly, the truckers, the loggers, the small business people that were impacted negatively by what was taking place both with the high cost of home heating oil and the high cost of diesel fuel oil.

A lot of our agricultural products were not able to get to market. They could not afford to get them to market because of the distance in traveling and the prices people would have to bear. The President, in his radio announcement last Saturday, came forward with a proposal for a Northeast heating oil reserve, which is going to act as a buffer. It is going to be like a beachhead against this happening again so that we will not end up diverting those stocks and dwindling what limited resources we have.

The President also proposed to have tax credits for some of the small stripper wells, well producers in the Southeast that had their wells capped when prices were too low trying to increase production. It would have been a very effective course of quiet diplomacy, as quiet as can be done within the circumstances of an election year, to try to increase the production level that is taking place in this country.

Mr. Chairman, it is unfortunate we were not able to address this issue. The amendment that I offered was going to be able to deal with energy conservation, energy weatherization, issues which the leadership has cut back and gutted over the years and not given the priority that it should be given.

We know firsthand that by being able to make sure that the older homes in the Northeast have the insulation and weatherization and the fuel efficiency of those oil burners that we are going to be able to save oil. It is a shame that we have gone from 35 percent consumption of foreign oil to over 50 percent consumption of foreign oil. We need to make sure that we are producing less foreign dependency and more independence, which is why my amendment dealt with conservation, weatherization, and tax credits to make sure that small businesses and individual homeowners were able to take the measures themselves to reduce their demands for fuel and increasing our independence.

Mr. Chairman, we had an opportunity to make sure that we were not going to be dependent on any foreign nation; that we were going to take steps to make sure that we told our people that we were in control of our destiny and we were able to develop a comprehensive energy policy which would be able to take care of the short term, with the heating oil reserve, with increased production, and then by having tax relief for small businesses, loggers, farmers, fishermen, people who have been impacted by these higher prices. Those are the people that we are here to speak to.

I am sure that the chairman and other Members of the Congress are concerned about these issues. It is really unfortunate that we were unable to bring these issues up at this time. I know that the chairman is very concerned about it. Being in the Northeast, he has been there and understands the pressures that people go through. It is really unfortunate that we were not able to do that.

The President has to have the authority in the reauthorization. We have got to work together, because the people depend upon us to do this and it is time that we work together and show the American public that we can do what is in the best interest of the country first. Politics should be second.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from New York.

Mr. GILMAN. I want to commend the gentleman for his worthy proposal, Mr. Chairman. I have not had a chance to examine it, but it sounds like it is worthy and I hope I can work together with the gentleman at a later date. Regrettably, we do not have jurisdiction over this matter.

Mr. BALDACCI. Reclaiming my time, Mr. Chairman, I thank the gentleman and look forward to working with him.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1979, when oil prices hit $41 a barrel, then President Jimmy Carter called it the moral equivalent of war. At that time, we were only 32 percent dependent on foreign oil. Today, we are almost 60 percent dependent and we are rapidly losing that war.

Our domestic oil industry has been decimated by periodic and well-orchestrated dumping of cheap oil in an effort by OPEC and others to drive producers at home out of business and replace our oil with their own.

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In essence, they have been winning the moral equivalent of war while we stood by seduced by cheap fuel and did nothing. America is at risk, and both sides of the aisle are to blame.

We are no closer today to a sound national energy policy than we were 20 years ago. If we are to ever control our energy destiny again, we must have the courage to adopt a national energy policy that fosters U.S. domestic production, yes, encourages conservation measures, and promotes the development of domestic energy.

Today we are focused on the high price of gasoline. Why were we not concerned when our domestic production was set in a rapid decline by manipulation of these same entities when they dumped oil on our market in 1998, resulting in the loss of over 600,000 barrels of oil per day and nearly 75,000 jobs were lost in the domestic oil patches?

Yes, oil prices are fixed by the OPEC cartel. They run prices down in order to maintain and strengthen their market share by producing more oil. Having achieved their market objectives, then they run oil prices up by withholding production from the market. Neither practice is beneficial to the American consumer. In fact, such OPEC policies are a disaster to the consumer and the producer. With each price/production manipulation cycle, they increase their stranglehold on America itself.

I had hoped to offer two amendments today. However, the Committee on Rules has required all amendments to be preprinted in the CONGRESSIONAL RECORD. I will not be able to offer those amendments at this time.

I wanted to move to set up a bipartisan commission to develop a lucid and definite national energy policy. Currently, our energy policy is a mess. This amendment would require the President to establish a bipartisan commission, similar to the Medicare Commission, to develop a national energy policy based on consideration of the issues I just mentioned.

My second amendment would have required the administration to begin an anti-dumping investigation into whether the oil exporting companies conspired to decrease oil prices by increasing production which forces domestic producers out of business and to close wells. This allows exporting countries to turn around and decrease production, leaving the United States with less domestic producers and then they can demand higher prices. The investigation would commence after the price of oil fell below a certain threshold for 30 consecutive days.

At this time, I would like to ask the chairman to allow me to engage him in a colloquy.

Mr. Chairman, the bill provides for a provision that requires the President to provide a description "of the effect that coordination among the countries described. . . with respect to oil production and pricing has had on the United States economy."

I ask the chairman if he agrees that the report provided should include, and would be meant to include, a description of how predatory pricing in the oil markets has also disadvantaged American producers.

Because so many American producers have relatively high costs of production compared to the Saudis, they are especially vulnerable to low prices and the sharp swings in oil prices.

So I ask the gentleman from New York (Mr. GILMAN) if I am correct that the report should include reference to this side of the equation, also.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, the long-term intention of the OPEC nations is to raise prices. But in the short-term, they certainly have been manipulating oil prices for predatory purposes.

The gentleman from Oklahoma (Mr. WATKINS) is certainly correct to point out the need for a careful review of our Nation's energy policy, and he is correct to call attention to the particular problem of low and volatile prices for our domestic oil producers.

The gentleman called for the establishment of a bipartisan commission to develop a national energy policy similar to the Medicare Commission. Clearly, the interests of domestic producers need to be safeguarded just as much as the interests of all consumers need attention.

I would be inclined to support such a commission, although it would not be primarily within the jurisdiction of our House Committee on International Relations. And it is a jurisdictional issue that has prevented us from addressing the issue at this time.

The definition of "oil price-fixing" does not explicitly refer to the predatory low pricing of oil, but I think that a fair reading of the general intent of the bill would lead one to conclude that any predatory practices were improper and ought to be condemned, just as they are condemned in our antitrust laws. In other words, if OPEC or any other oil exporters manipulate prices to drive domestic producers out of business, that needs to be of critical concern as a matter of our national energy policy.

I would say to the gentleman from Oklahoma (Mr. WATKINS) that I would endeavor to clarify these matters relating to the report and the definition of "oil price-fixing" in conference. I want to thank the gentleman from Oklahoma (Mr. WATKINS) for sharing his important views on this measure.

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened to this long debate this afternoon; and I have listened to Members complain that our Republican party does not have an energy policy, that our country does not have an energy policy.

We do have an energy policy in America. It is an energy policy defined over many years but certainly endorsed by the Clinton-Gore administration. It is an energy policy that depends upon foreign imports. It is a policy that says we will not necessarily produce enough energy for our own people. We do not need to. We can just depend upon foreign imports. That is our policy.

We resist the production of our own resources where they are available with all sorts of moratoria against drilling. We refuse to look realistically at the potential of ANWR, will not open it up to drilling and production, even with all the proper environmental controls in place. We have a policy in this country, and the Clinton-Gore administration endorses it; and that is to depend upon foreign imports.

Our Vice President has even written in his book that the gasoline engine was a scourge of mankind and that his policy would be for higher and higher taxes on gasoline to discourage us from even using it. So we have a policy in place. It is import what we need, and we ought to stop using it to begin with. That is our policy. It is pretty sad.

Now, I rose on the floor of this House to support our troops in the Persian Gulf to go and defend those oil fields in Saudi Arabia. I would like to remind my colleagues about what I said that day. Because the highest percentage per capita of the troops who went to the Persian Gulf came from Louisiana. We had a higher per capita of soldiers, men and women, in that battle in the Persian Gulf defending those oil fields than any other State in America. Do my colleagues know how sad that was?

And the reason that was true was we had such an unemployment in the oil fields of Louisiana that more of our men and women had signed up for the Reserves for extra income and signed up with the National Guard for extra income only to find themselves out of work in the Louisiana oil fields while they could be in battle defending somebody else's oil fields.

I made a speech that night and said, I hope I am never called upon again to send another Louisiana man or woman into battle to defend somebody else's oil field when we do not have a national energy policy promoting production at home. But we still do not. We have an administration that still believes it is okay to import all we need and we are at the whim of whoever wants to charge us whatever they want for it. That is the policy we have in America.

I had an explosion at a Shell plant not too long ago in my district. A cat cracker exploded and caused a couple of tragedies, a terrible experience. When that cat cracker exploded and that Shell plant was demolished, that whole community came together, and we recognized how critical it was to rebuild that plant. I wonder if that plant could have been rebuilt anywhere in America. But we rebuilt it in Louisiana.

We have oil and chemical plants up and down the river in my district producing energy, producing products out of petroleum products for Americans, producing fuel oil, yes, and gasoline and diesel for this country. We accept the risk in Louisiana.

I wonder how many new refineries we could build in this country in the other States of our great Nation. I wonder how many people would permit the building of another refinery. We have done them in Louisiana, and we rebuild them when something happens like what happened at the Shell plant. But we have got a national energy policy that relies upon imported refined products now because we do not have a policy to encourage the refining and production of refined products in America.

Not only is our policy to import crude, our policy is to import the refined products, too. If my colleagues think we have a problem today with prices, just wait and see if ever there is another oil embargo like there was in 1976, just wait and see when the countries that control refined products decide to stop selling to us and the gasoline lines form again and the homes do not have heating oil and we go through a winter where the people suffer through it the way they did in 1973 and 1974. Remember those days.

We do not have an energy policy in America because we are too timid to produce our own resources, and we are too timid to refine our own resources, and we are dependent on other people to do it for us; and then we complain because we do not like the price.

Let us get a good energy policy in America. Let us not depend upon OPEC and foreign countries. Let us start thinking realistically about producing in America, for America, and refining in America the products we need in America instead of depending upon other people. Then maybe we would not need resolutions like this and we would not be crying over the high prices of gasoline.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to echo what the gentleman from Louisiana (Mr. TAUZIN) just said. But, as chairman of the Subcommittee on Energy and Power, I want to make several points before we go to final passage.

We have several bipartisan groups in this Congress willing to deal with energy policy. One is called the Subcommittee on Energy and Commerce, which I serve on. One is called the Committee on Ways and Means, which many other Members serve on. One is called the Committee on Resources. One is called the Committee on International Relations. There may be other committees.

What we need to do is begin to address some of these fundamental problems on a long-term basis, not bring a piece of legislation to the floor that, while well-intended, does nothing but exacerbate the problem and nothing to solve the problem. Let me elaborate on that.

We currently consume in the United States about 17 million barrels of crude oil and refined products. We currently produce about 8½ million. So we are importing around 9 million barrels per day. That is a number that none of us are happy with.

What have we done to maximize domestic oil and gas production in the last 7 years? Absolutely nothing. In fact, we have gone just the other way. We have taken more of the OSC leasing program and put it in moratorium. We have taken the on-shore programs on Federal lands and put them in moratorium. We have enforced stricter and stricter environmental standards on our refineries so that refinery capacity in the United States is declining. We have done absolutely nothing at all except make it more and more difficult to maximize domestic energy production.

So is the solution to pass a bill that alienates not only our OPEC partners but also the non-OPEC countries, like Mexico, Russia, Norway, and Great Britain?

Let me give my colleagues some production numbers. The United States has 21 billion barrels of proven crude oil reserves. The world has 1 trillion and 33 billion. So we are less than 2 percent.

We are producing, obviously, quite a bit at 8½ million barrels per day, but that is nowhere near what we need. The amount of foreign aid, military aid, economic aid, and food aid that we gave the 11 OPEC nations in the last fiscal year was less than $200 million, $198 million. That is less than one day's imports if we were to look at it on an equivalent based on $30 per barrel oil.

Do my colleagues think that OPEC countries are going to think that giving up $200 million is any great loss to them? That is not a sword. That is not a paddle. That is not even a rubber band. This is a spitball. That is what that is.

Would it not be better to work with OPEC, to work with the non-OPEC producers, to work with our domestic oil and gas and interpretive energy producers in this country to develop a comprehensive energy policy? Would it not be better to do that than to bring this bill to the floor and send the signal to OPEC that we can just rattle our indignation?

No one has suffered any worse than my constituents from rising energy prices.

□ 1845

We have seen gasoline prices at the pump go up 60 to 70 cents per gallon in Texas where I live. We have seen some of our low-income residents have to seek assistance to pay their heating bills this winter. We are not saying we need high, high energy prices like have happened. But on the other hand we are not saying that we should react in a knee jerk fashion when the solution is no solution at all.

Mr. Chairman, I would hope that we would oppose this legislation, work with the committees that have jurisdiction, that could do some tax incentives like the Committee on Ways and Means, that could do some energy policy initiatives like the Committee on Commerce, that could do some of the leasing provisions like the Committee on Resources and bring forward bipartisan legislation in the very near future to address these problems in a fundamental fashion. I would hope that we would do that and oppose this legislation.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes, pursuant to House Resolution 445, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEJDENSON. Yes, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. GEJDENSON of Connecticut moves to recommit the bill (H.R. 3822) to the Committee on International Relations with instructions to consider effective measures that reduce the high oil prices on the international market created by the Organization of Petroleum Exporting Countries (OPEC) and report the bill back to the House with amendments containing such effective measures.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 38, answered "present" 1, not voting 13, as follows:

[Roll No. 65]

YEAS—382

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Cook
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—38

Archer
Baker
Barton
Bentsen
Blumenauer
Bonilla
Brady (TX)
Cannon
Coburn
Combest
Condit
Conyers
Cooksey
Dingell
Hastings (FL)
Hefley
Hinchey
Houghton
Kolbe
Largent
McCrery
McKinney
Miller, George
Moran (KS)
Murtha
Oberstar
Peterson (MN)
Pickering
Rahall
Sabo
Sanford
Sessions
Smith (TX)
Stenholm
Sununu
Tauzin
Thornberry
Watkins

ANSWERED "PRESENT"—1

Frank (MA)

NOT VOTING—13

Ackerman
Bereuter
Crane
Franks (NJ)
Greenwood
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky

☐ 1913

Messrs. COOKSEY, PICKERING, COBURN, ARCHER and LARGENT changed their vote from "yea" to "nay."

Messrs. RANGEL, BOUCHER, ABERCROMBIE and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to combat international oil price fixing.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3822, the legislation just considered.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 36

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent to remove Congressman KEVIN BRADY's name from my bill, H.R. 36. His name was inadvertently added to the list of cosponsors, and I ask that his name now be removed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMBINED ANNUAL REPORTS OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEARS 1996–1997 AND 1998

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To Congress of the United States:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1996–1997, and the annual report for fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

□ 1915

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce:

To the Congress of the United States:

I am pleased to transmit the 1998 annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing knowledge and public education in the humanities. Throughout 1998, the agency provided crucial support to hundreds of research and educational projects throughout the United States and its territories. The Endowment also provided grants to innovative educational projects employing the latest computer technologies, as well as to efforts to preserve library and archival resources and make such resources available to schools, scholars, and citizens.

In 1998, the NEH continued to exercise leadership in applying technology to the humanities. The Endowment launched Schools for a New Millennium, a program that provides funding to schools to further humanities education through the creative use of new technologies. In Lawrence, Kansas, one Schools for a New Millennium project is digitizing photographs and historical documents for use in junior high classrooms. The Endowment also extended its Internet strategy by expanding its EDSITEment project in partnership with the Council of Great City Schools and MCI WorldCom, more than doubling the number of high quality humanities sites available to students and teachers.

I am especially pleased by another of the agency's partnerships employing both the Internet and traditional broadcasting. The Endowment is partnering with the White House Millennium Council on the presentation of "Millennium Evenings at the White House," a series of showcase events that explore the ideas and creativity of the American people on the eve of a new millennium. These programs feature prominent scholars and creative thinkers and are accessible to the public by satellite and cable broadcasts, and many States humanities councils are coordinating local downlink sites. With support from SUN Microsystems, these lectures and discussions are cybercast live from the East Room in the White House. Viewers can submit questions via the Internet to the guest speaker or to the First Lady and me.

The NEH is well-known for its support of documentary films based on a collaboration between filmmakers and humanities scholars. In 1998, the Endowment maintained this tradition of excellence with its support of Eleanor Roosevelt, which drew upon outstanding new historical scholarship, archival films, photographs, and first-hand testimonies to paint a vivid portrait of one of America's most outstanding women.

The Endowment's grants also addressed the long-term needs of the Nation's cultural and academic institutions. In 1998, the NEH created a special program designed to aid the Nation's public libraries in serving the public with humanities programming. Among the institutions aided in 1998 by Challenge Grants was the African American Research Library and Cultural Center, a new facility created by the Broward County Public Library to serve Broward County's growing and diverse population.

Through its Preservation Programs, the NEH is preserving the content of hundreds of thousands of brittle books, periodicals, and American newspapers—priceless sources for present and future historians and scholars. The Endowment's initiative to save such materials is now entering its tenth year, and will preserve nearly a million books and periodicals by the time it is completed. The U.S. Newspaper Project, an equally important effort to microfilm historic newspapers, is creating a comprehensive national database for scholars, students, and citizens who wish to research their community's history.

In November 1998, the First Lady and I joined the Endowment in honoring at the White House nine distinguished Americans with the National Medal of the Humanities. Through these awards and its grants programs, the National Endowment for the Humanities recognizes and promotes outstanding efforts to deepen public awareness and understanding of the humanities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 22, 2000.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IMPORTANCE OF FILLING OUT CENSUS FORMS PROPERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I rise today with an important message about the census to members of the gay, lesbian, bisexual and transgender community.

While the census will not account for how many people are in the gay and lesbian community, the 2000 Census will count same-sex couples who live together. The census counts unmarried partners, regardless of gender, as well as their children.

Mr. Speaker, the census is the most important source of information about who we are, where we live, what we earn, how we vary by race and ethnicity, and how many children we have. The census numbers matter. They lead to changes in laws and policies that affect all of our lives.

I believe everyone in this Chamber is in agreement that it is important for every American to fill out their census forms and be counted. I do not believe I would be going out on a limb to say we all want people to fill out the forms openly and honestly. So if anyone out there is living with someone else as a couple, you should check "unmarried partner" to describe your relationship.

The category "unmarried partner" appeared for the first time on census forms 10 years ago in 1990. That year, 150,000 households were counted as consisting of same-sex unmarried partners, clearly a severe undercount. Since then, we have seen an unparalleled increase in visibility for members of the gay, lesbian, bisexual, and transgender community, including those in unmarried partnerships. Yet, they are not accounted for.

I applaud the efforts of the National Gay and Lesbian Task Force Policy Institute and the Institute for Gay and Lesbian Strategic Studies. These advocacy organizations are conducting an important national campaign known as "Make Your Family Count," which urges same-sex couples to check the "unmarried partner" box on the census form when describing the relationship of two people from the same sex that are living together.

The campaign is supported by other advocacy groups such as Human Rights Campaign and is receiving a good deal of attention in lesbian and gay news outlets throughout the country. They have also launched a Web site, http://www.wecount.org, with information about the census and guidance to gay, lesbian, bisexual, and transgender couples on answering the census forms.

Correcting this lack of accounting is an important step so that we can get an accurate picture of the American population and the current American family. The information is vital to determining congressional representation and funding for various community-oriented programs as well.

I encourage everyone to accurately report to the Census Bureau critical demographic information that can lead to changes in Federal law and policy. Federal law guarantees that your answers will be kept confidential and the Census Bureau has a great record for preserving privacy, so there is no excuse for not being truthful in your response.

You should make your family, you should make your relationships count. You should fill out your census forms. And if you are living with someone to whom you are not married, you should check the box for "unmarried partners." Fill it out today. You will not be sorry.

SETTING PRIORITIES FOR FIGHTING THE WAR ON DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, in today's St. Paul Pioneer Press this headline caught my attention this morning. It reads, "Drug-Related Deaths Set Record."

The story goes on to say that "drug-related deaths in the United States have reached a record level, while illegal drug users can buy cocaine and heroin at some of the lowest prices in two decades, according to a White House report." It further states that "some 15,973 people in this country died from drug-induced causes in 1997, an increase of 1,130 people over the previous year."

The story further states that "only four of every 10 addicts in the United States who needed treatment received it," according to the report. Then it concludes by stating that "the figures surely are distressing news for the Clinton Administration, which is spending record amounts of money to fight the war on drugs."

Mr. Speaker, why do we have a record number of deaths from illegal drugs? Because we are spending the money in the wrong places.

Now the administration is calling for the expenditure of another $1.7 billion for drug eradication and interdiction in Colombia. We have already spent $600 million fighting the drug war in Colombia. What has been the result? The production of cocaine and heroine has skyrocketed. In fact, 80 percent of the cocaine and 75 percent of the heroin today in the United States comes from Colombia.

Mr. Speaker, our priorities are all out of line in the war against drugs. For the $400 million proposed to build new helicopters for Colombia, we could treat 200,000 addicts in the United States. When President Nixon in 1971 declared war on drugs, he directed 60 percent of the funding to treatment, and do you know what it is today, Mr. Speaker? Eighteen percent, 18 percent of the funding.

Overall, since the war on drugs started, we have spent $150 billion on crop eradication and drug interdiction. What has been the result? We have 26 million addicts and alcoholics in the United States today. Most are unable to get into treatment. Ten million have no insurance and therefore cannot get treatment through Medicaid. Sixteen million have insurance, but the insurance companies are blocking the access of all but 2 percent of these to treatment.

In the last 10 years, Mr. Speaker, we have seen 50 percent of the treatment centers close in America. Even more alarming, 60 percent of the adolescent treatment centers in this country are gone.

We need to wake up. The Congress needs to wake up. The President needs to wake up. We have a national epidemic of addiction on our hands, and we are about to spend good money after bad, another $1.7 billion for the Colombia boondoggle.

We need to listen to former Lieutenant Commander Sylvester Salcedo, who for 3 years worked on this effort with our intelligence forces and our military in Colombia. This is the way Lieutenant Commander Salcedo put it: "This is a misdirection of our priorities. This money should be going to treating addicts in the United States, rather than trying to eradicate crops in Colombia."

Mr. Speaker, I hope that wisdom and good judgment prevail in this body when this vote comes up, because this is truly a defining moment in our effort to curb illegal drug use in the United States. Are we going to continue wasting money on these eradication and interdiction efforts that do not work? All the studies show that treatment is 23 times more effective, more cost effective, than eradication. All the studies show that treatment is 11 times more cost effective than interdiction efforts.

When are we going to learn? When are we going to learn? Let us remember when this war on drugs was first declared by President Nixon, he said we should spend 60 percent of the money on treatment. Today it is down to 18 percent. We need to reverse those priorities. We need to emphasize treatment, provide access to the 26 million Americans already addicted to drugs and alcohol. Until we do something about the demand side, the disease of addiction that causes people to crave and demand drugs, we are never going to put a dent in this problem, which everyone in this body says is the number one public health and public safety problem.

Mr. Speaker, I urge this body to defeat the almost-$2 billion for more wasteful efforts in Colombia and redirect those priorities to drug treatment here at home.

DIGITAL DIVIDE ELIMINATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I am pleased to announce that today my colleagues and I introduced the Digital Divide Elimination Act of 2000, legislation designed to extend technology access to every home in America. I urge every Member's support of this vital piece of legislation.

More and more, America is transforming into a technologically driven nation, with every institution being impacted by the Internet and e-mail. In this new tech-driven economy, computers are becoming the crucial link to education, to information, to technological skills, to job sources, and to commerce.

For all Americans, personal and economic success will depend on having the ability to understand and use these powerful information tools. However, according to the Commerce Department's report defining the digital divide, a large segment of the population has no access to technology at all. In fact, less than 10 percent of households with income below $20,000 own computers or have used the Internet, an alarming statistic. Unless this changes, these poor families, in both rural and urban areas, will be left behind. Millions of Americans will not have the tools necessary to compete in the new economy and will become the first second-class citizens of the information age.

The digital divide has replaced Y2K as the major tech crisis facing America. Educators, Federal and local legislators and industry leaders have all begun to realize that the digital divide in America is a reality and are taking steps to bring technology to schools and libraries across America. We as public officials applaud them for their philanthropic efforts.

In addition, there are current and pending Federal legislation that provides incentives for private corporations to increase computer donations. The increased charitable deduction for computers under Tax Code section 170(e)(6) has boosted computer contributions to public schools. The additional tax incentives proposed in the New Millennium Classroom Act, H.R. 2303, and the President's budget proposal, will provide further inducements and will extend access to libraries and technology centers. I support both these efforts.

However, these efforts are not enough. To truly bridge the digital divide, we must build a public-private partnership to bolster these efforts, and, more importantly, extend technology access to every home in America. Only then will these children and their families truly gain an appreciation for technology and the Internet, in the home, unfettered by the constraints of an institutional setting.

The legislation which we introduced this morning provides the incentives to bridge this gap and ignite the massive effort needed to make the information age a classless society. The legislation will induce private companies to donate computers, Internet access, software and technology training to schools, libraries, computer centers, and homes of poor families. In addition, the tax incentives will make it less costly for poor families to purchase computers.

Let me tell you what the legislation will do: first, the legislation will provide a refundable credit equal to 50 percent of the cost for computer purchases by families receiving the Earned Income Tax Credit, up to $500. While the costs of computers and Internet access are dropping, the cost of a computer still remains a barrier for many low-income families and many working families. Returning half of the cost of the computer to these families, or, in some cases, all, if computers are less expensive, will help to lessen the financial toll. Just a little assistance can go a long way towards helping working families help themselves and provide a brighter future for their children.

Second, the legislation increases the charitable deduction for computer donations to the higher of the depreciated costs of the computer and the market price of the computer.

□ 1930

Many corporations have already stepped up to the plate and have offered their assistance in trying to bridge this digital divide. However, if we are truly to give every American access to technology, more has to be done and here government should play a role. As a result of this provision, computer manufacturers will have a greater incentive to donate unsold computers because they can deduct the full value of the computer.

Mr. Speaker, in addition, nonmanufacturers will also have a greater incentive to donate computer equipment even where the depreciated cost of the computer exceeds the market price of the computer. Under current law, it is more economical for many nonmanufacturers to throw away used computers than to donate them to charity because they can take a higher tax deduction for disposing of the computer than for donating it. That is clearly bad tax policy, Mr. Speaker, and thankfully this provision will change that result.

Third, the legislation will extend the special charitable deduction for computer donations through 2004 and expand it to include donations, not only to libraries and training centers, but also to nonprofits that provide computer technology to poor families.

The experience of Computers for Youth in New York City which to date has delivered 103 fully-loaded Pentium computers to the homes of 7th and 8th graders in a South Bronx middle school highlights the need to extend these tax incentives to nonprofit organizations that are placing computers in the homes of poor families.

Computers for Youth has scratched the surface in this one place in New York. We need to encourage similar efforts by nonprofits across the country.

In conclusion, the President has placed priority on this issue and included $2 billion of tax incentives in his budget. I applaud him for this effort. This legislation goes even further to bridge the digital divide by focusing itself not only on provisions outside the home, but to bring computers to every home of every poor family in America. I appreciate this chance to bring this legislation to the American people.

HONORING DONNIS H. THOMPSON ON 20TH ANNIVERSARY OF THE NATIONAL WOMEN'S HISTORY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I am delighted to have this opportunity to recognize the achievements of one of Hawaii's extraordinary women as we celebrate the 20th Anniversary of the National Women's History Project.

Dr. Donnis H. Thompson virtually founded women's collegiate athletics in Hawaii. She was one of the individuals who inspired my authorship of federal Title IX legislation by highlighting the inequities in funding of women's collegiate sports. During her 30 years at the University of Hawaii, Dr. Thompson pioneered numerous health and athletic programs. She served as Hawaii's first woman Superintendent of Education, was the first Women's Director of Athletics at the University of Hawaii, and authored the innovative "Vision of Excellence," a 10-year blueprint for public education. Dr. Thompson has been a state and national leader in promoting girls and women's participation in sports and in promoting civil rights.

Donnis Thompson is the recipient of the Dr. Martin Luther King, Jr., National Outstanding Service Award, a member of the University of Hawaii Hall of Fame, and an Honor Fellow of the National Association of Girls and Women in Sports. April 15, 1981 was proclaimed as "Donnis Thompson Day" in the State of Hawaii.

Donnis is a dear friend and one of the women whose opinion and advice I value most highly. Today I celebrate her life of achievement and the positive impact she has had on improving opportunity for women in Hawaii.

FAIRLY COMPENSATING OUR MEN AND WOMEN IN UNIFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I want to start my comments off tonight by reading a poem that I think reminds us of just how important the men and women in uniform are to this Nation.

And the poem is written by a Father Denis Edward O'Brien, the United States Marine Corps, and it says:

It is the soldier, not the reporter, who has given us freedom of the press.
It is the soldier, not the poet, who has given us freedom of speech.
It is the soldier, not the campus organizer, who has given us the freedom to demonstrate.
It is the soldier, who salutes the flag.
It is the soldier who serves beneath the flag.
It is the soldier whose coffin is draped by the flag.
It is the soldier who allows the protester to burn the flag.

Mr. Speaker, the reason I read that poem is to remind the Members of Congress as well as the American people that we have many men and women in uniform who are willing to die for this country and to die for our freedoms. The reason I come to the floor once a week is to remind my colleagues in the Congress, both Republican and Democrat, that we have between 5,000 and 11,000 men and women in uniform on food stamps.

The reason I use that figure between 5,000 and 11,000, it depends on which agency we are talking about, but the way I look at this, if we have one, just one family in the military on food stamps, that is one too many. We have 60 percent of our men and women in uniform who are married who serve this Nation.

Our men and women are being deployed more than ever before. In fact, between 1982 and 1990, Army and Marine Corps operations, the number was 17 deployments. Between 1990 and today, our Army and Marine Corps have been deployed 149 times. We know that we have men and women in Bosnia. We have men and women in Kosovo. We have men and women in uniform all over this world.

My point in coming to the floor once a week is that I introduced, several months back, H.R. 1055 that has been signed by over 90 Members of Congress, both Democrat and Republican, that says that the men and women in uniform, if this bill should pass, would receive a $500 tax credit, if they qualify for food stamps.

I am first to say that this would not get each and every one off, whether it be 5,000 or 11,000 on food stamps, but what it would say to those men and women in uniform, we care about you. And, yes, we need to do more. At this point, this is the best that we can do.

Mr. Speaker, I am first to say that, yes, it would be nice if we could raise the salaries of those in the military so no one would ever be on food stamps, but that is not possible. Who is to say that 2 or 3 years from now we might not have any extra money to give any increases to those in our military?

I bring this picture, this happens to be a Marine, it could be a member of the Air Force or the Army or the Navy. I bring this Marine to the floor of the House, because this Marine represents all married men and women in uniform.

You can see standing on his feet it happens to be his daughter Megan. In his arms, he is holding his daughter Bridgett. And I look at this photograph, and I see this little girl's look. Of course, she is looking at the camera. But I am thinking, this little girl does not know this, but possibly her daddy might not come back from deployment. Hopefully, he will.

But each and every time our men and women in uniform go overseas, no matter where it might be, there is always that possibility that they might not come back. So I want to say to my colleagues, both Democrat and Republican, I want to thank those first who have signed the bill. Again, we are somewhere around 90 Members who have signed the bill.

I want to say to my colleagues on both sides of the aisle that I think it is unacceptable. I think it is deplorable that any man or woman in uniform who is willing to die for this country should be in the need of WIC, the WIC program or food stamps.

I will be sending out a dear colleague letter this coming week, and I hope that my colleagues on both sides of the aisle will sign with me on this bill, H.R. 1055. It is only a modest step forward, but it is a step forward for those in uniform on food stamps.

STEM CELL RESEARCH HELPS US FURTHER UNDERSTAND CERTAIN MEDICAL CONDITIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY of New York) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week, there was a hearing before the Subcommittee on Health and the Environment of the Committee on Commerce concerning fetal tissue. Though the hearing was purported to be about alleged abuses involving fetal tissue for medical research, I believe it was an attempt by antichoice Members to try to stop lifesaving research involving fetal tissue and stem cells.

Mr. Speaker, I have introduced House Resolution 414 in a bipartisan manner with the gentlewoman from Maryland (Mrs. MORELLA) and many others to allow Federal funding of human pluripotent stem cell research to help us further understand Parkinson's Disease and other medical conditions.

I am asking for no specific amount of money nor to direct disease-specific research. I am only asking that Federal money be allowed to be used to utilize the next best chance science has to not only treat, but to cure debilitating and life-threatening illnesses that afflict millions of Americans.

Many people have been confusing human pluripotent stem cell research with human embryo research. Stem cells are not embryos. There is now a ban on the use of Federal funds for human embryo research in the United States. Stem cells cannot develop into a complete human being and therefore, under the law, they are not embryos. Stem cells are a type of cell that can be turned into almost any type of cell or tissue in the body. With further research, these cells can be used as replacement cells and tissues to treat many diseases, including Parkinson's Disease, Alzheimer's, Diabetes, AIDS, Lou Gehrig's Disease, and many others.

Stem cell research holds hope of one day being able to treat brain injury, spinal cord injury and stroke for which there is currently no treatment available. They may solve the problem of the body's reaction to foreign tissue, resulting in dramatic improvements in the treatment of a number of life-threatening conditions, such as burns and kidney failure, for which transplantation is currently used.

Mr. Speaker, my resolution, House Resolution 414, discusses Parkinson's Disease in particular for many reasons. My family has been personally affected by this devastating illness, and I am proud to serve as cochair of the congressional working group on Parkinson's Disease. However, it is science that makes the best argument to lead with this disease.

With all that is already known about Parkinson's Disease, it is believed that with Federal funds and stem cell research, it is very possible that Parkinson's Disease could not only be treatable, but curable within as little as 5 years.

Dr. Gerald Fischbach, the Director of the National Institute of Neurological Disorders and Stroke, said last year in the Senate, and I quote, "I concur that we are close to solving, and I mean the word 'solving,' Parkinson's Disease. I hesitate to put an actual year or number on it. I think with all the intensive effort, with a little bit of skill and luck, 5 to 10 years is not unrealistic. We will do everything possible to reduce that below 5 years. I would not rule that out."

Mr. Speaker, here is why that is possible. Parkinson's Disease is a progressive degenerative brain disease which kills a specialized and vital type of brain cell, a cell which produces the substance dopamine, that is essential for normal development and balance. The loss of these dopamine-producing cells causes symptoms, including slowness and paucity of movement, tremors, stiffness and difficulty walking and balancing, which makes the sufferer unable to carry out the normal activities of daily living.

In 30 percent of the cases, those symptoms include dementia. As the disease progresses, it inflicts horrific physical, emotional, and financial burdens on the patient and family, requiring the care-giver to assist in the activities of daily living and may eventually lead to placement in a nursing home until death. With further research into stem cells, scientists will be able to reprogram the stem cells into the dopamine-producing cells which are lost in Parkinson's Disease.

Parkinson's Disease affects at least 1 million Americans. Fifty thousand are diagnosed each year, and for every one diagnosed, two who have Parkinson's Disease are not diagnosed. It is alarming to think that 2 million Americans with Parkinson's Disease are undiagnosed. Parkinson's Disease costs the Federal Government approximately $10 billion in health care costs and, on an average, the cost per patient is 5,000 per year.

As a society, we spend $15 billion a year on Parkinson's disease and that is only in direct costs for treatments that only bring temporary relief.

Building on the technology developed from research on Parkinson's disease makes treatments and even cures possible for many conditions. These include Alzheimer's, diabetes, AIDS, Lou Gehrig's, brain injury, spinal cord injury, stroke, and problems with the body's reaction to foreign tissue.

It may even provide for safer and more effective ways to test drugs without experimenting on humans and animals.

We cannot allow the opportunities afforded us by stem cell research to go untapped!

The National Institutes of Health has proposed guidelines to human stem cell research to address the legal and ethical issues surrounding this particular type of research.

It is being approached in a responsible way to utilize the technology while being sensitive to the ethical questions raised.

The National Bioethics Advisory Commission (NBAC) even felt they could have gone further and is very supportive of allowing this type of research to continue with Federal funding.

The NBAC points out that Federally funding this research will allow Federal oversight to ensure this type of research continues ethically.

And finally, the American people support stem cell research as shown by a nationwide survey conducted by Opinion Research Corporation International last year that found that 74% of those polled favored funding of stem cell research by NIH.

Federal funds are crucial to allow scientists to proceed with stem cell research and to exploit fully this novel, innovative, and groundbreaking technology.

RESPONSIBLY MANAGING OUR NATION'S DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Minnesota (Mr. MINGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. MINGE. Mr. Speaker, this evening I wish to address this body with respect to the problem of our Nation's debt and how we responsibly handle this debt in a time of budget surpluses. We are indeed fortunate as Americans to have the robust economy that we have experienced over the last 8 years. It is unprecedented. We have had the strongest sustained period of economic growth in the 220 year history of the United States of America.

At the same time, we have a record debt. I would like to begin my remarks by sharing with my colleagues an anecdotal story that is commonly used in my home State of Minnesota and it refers to two fictitious individuals named Oley and Lena. I happen to be of Scandinavian ancestry and one of my grandfathers was named Oley, so I do not know if it is my grandfather, but in any event, the story goes as follows.

Oley got up one morning and Oley went outside to do his business in the outhouse. And as he pulled up his bib overalls, a couple of quarters fell out of his pocket and down into the hole. Well, Oley was disgusted. He took out his wallet, took off his watch and he threw them down the hole as well. Oley went back in the house and did not have much to say and Lena said after a while, well, Oley, what is wrong? Why do you not talk to me?

□ 1945

Olie just said, humph. She kept pressing him. Finally, Olie shared with his wife Lena the account of what had happened out at the outhouse.

Lena said, well, Olie that was a dumb thing to do. Why did you throw your watch and wallet down the hole? Olie said to Lena, well, you did not expect me to go down after 50 cents, did you?

Well, this may be humorous and it may appeal to grade school children; but on the other hand, it holds a certain kernel of truth with respect to the problems that we face out here.

We struggle with the losses that we have had as Americans, the losses in terms of an enormous national debt. We try to figure out what to do about it. Sometimes we think that by creating a little bit more debt and then going down and rescuing what we just created that maybe we have solved the overall problem. But I submit that is not the case. A lot like Olie, we go back into the house, and there is a certain order to us, and we really do not have any more to show than before we started.

I would like to just use a couple of charts here to illustrate this problem with the accumulating national debt, and then I know I have some colleagues here; and I would like to make sure that they join in the colloquy here this evening and that we fully inform the other Members of this body as to the gravity of the situation and the opportunities that await us.

This first chart shows the accumulation of the debt that we have at the Federal level in the United States. This goes back to 1980 when the debt was approximately $1 trillion, which would be about $4,000 at that time for every man, woman, and child in our country.

As my colleagues can see, there is a tremendous amount of red ink. By the time we get to 1998, the debt has exploded to $5 trillion. It has expanded by more than 500 percent. Now it is up to about $5.7 trillion, or about $20,000 for every man, woman, and child in our country.

So it is important for us as Americans to understand that, when we talk about a balanced budget, it does not mean there is no debt. Indeed, the debt is unprecedented. When we think of $20,000 for every man, woman, and child in our country, we are talking about a very serious situation. It is not just the humor of an Olie and Lena story.

It is important for us to understand the difference between the words "debt" and "deficit." This next chart shows the birth and the sort of the difference between the debt and the deficit. Now, remember that we had that $5.7 trillion debt. The deficit is how much we have gone into debt each year. It is an annual figure.

Again, if we go back to, in this case, we are going back to the 1970s, 1969, we had a little bit of a surplus. That was in President Johnson's administration. Then in the 1970s, during President Nixon, we have some losses. We see the yellow. During President Ford's administration with the green, we have some more losses. President Carter's administration, now we can call it red ink. It is getting red. During President Reagan's administration, we have an enormous amount of red ink. During President Bush's administration, we can see the turquoise.

So these are deficits. Each year we are accumulating more debt. That is what leads to the $5.8 trillion we talked about.

Here is President Clinton coming in. We can see that we have a large deficit the first 4 years. The fifth year, it is a fairly modest size deficit. Then finally we begin to show some surpluses here in 1999 and 2000.

So this talk about a surplus has to be understood against the fact that we have an existing $5.7 trillion debt. We cannot be confused by the difference between the debt and the deficit. It is kind of like, Mr. Speaker, we have got to go back to budgeting 101.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM) to continue our discussion because there are many more developments here that are important for us to consider if we are going to do a responsible job as Members of Congress in developing a budget for the year 2001.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Minnesota (Mr. MINGE) for yielding to me. I thank him for his leadership on the budget and for his calling this special order tonight to talk about deficits and debt.

The Blue Dog budget that will be hopefully eligible or allowed to be considered tomorrow is one in which we emphasize paying down the debt. We are going to hear a lot of rhetoric perhaps later tonight, and I know we will tomorrow, about surpluses.

One thing that everyone needs to understand, Mr. Speaker, is when we are talking about $4 trillion in projected surpluses, they are projected. The lion's share of those surpluses are projected to occur in 2006, 2007, 2008, 2009 and 2010. Now, who among us can predict tomorrow much less predict 5 years, 6 years, 7 years from now?

That is why the Blue Dogs have taken the position for the last 2 years that the conservative thing to do with projected surpluses is to apply as much of them to our debt as we can. That is the conservative thing to do just in case they do not materialize.

That is why we have suggested that any non-Social Security, and let me emphasize that because the record will clearly show that both sides of the aisle are now dedicated to not touching Social Security surpluses or Social Security trust funds, and that is good. That is positive. It is the non-Social Security Trust Fund or surpluses or dollars yet to be achieved that we are talking about.

Just for rounding off purposes tonight, we are talking about $2 trillion. Many people are going to contend that that is your money, meaning the American people's money; and, therefore, it ought to be returned to you. But some of us will be contending that it is also your debt.

There are charts that the gentleman from Minnesota (Mr. MINGE) has just shown, the one that stands to his right right now showing the build up of the debt and then the building of the debt and showing that we now owe approximately $5.6 trillion.

Now I ask all of you who are so exuberant about a tax cut so we might return it to those of you earning it today, what about your children and grandchildren? Why not take this longest sustained economic expansion in the history of our country that has occurred in the last 7 years, why not take this period in which a lot of folks are doing very, very well and use this opportunity to pay down some of that debt which this generation has built up?

That is the message that we are going to continue to hammer on. We think it makes sense. We think it is the conservative thing to do. We do not think there is anything conservative about giving a tax cut and spending our children and grandchildren's future now, particularly when these surpluses may not occur.

This is one thing that has really bothered me and why I have on occasion said that the trillion dollar tax cut proposed by some is the most fiscally irresponsible bill to come before the House of Representatives in my 21 years here. Many people almost get to fighting with me when I say that because they say I can point to others. I say, no, you are misunderstanding what you are saying. It is not the current effect of the tax cut that worries me. It is 2014. It is when this debt to our Social Security retirees, the baby boomers, are about to retire.

It is in 2014 when we are going to see the surpluses built up by Social Security suddenly evaporate, and then that Congress in 2014 will either have to increase taxes or reduce benefits, promised benefits to that generation.

Now, to me that is fiscally irresponsible. It is why we are saying that, when we look at tax cuts that start slow and then explode in 2010 to 2014 to 2020 at exactly the same time that the economy to pay off Social Security is going to require tremendous additional dollars, it is irresponsible for this Congress in 2000 to have a tax cut that ignores that debt and that deficit that will occur in 2014. No one disagrees with that.

This is why, again, going back to the short term, and that is tomorrow and the budget, why the Blue Dogs have proposed a budget that will pay down the debt held by the public by 2012. Now that may not sound like much compared to 2013. The Republican substitute says that they will pay it down by 2013. We say we will do it by 2012, one year.

But here is the significant thing about our deficit reduction package. We retire over 30 percent of the debt held by the public within 5 years, and 80 percent of the debt held by the public would be retired within 10 years because we have a plan that actually reduces the debt.

I believe it was the idea of the gentleman from Minnesota (Mr. MINGE) who came up with the 50/25/25. I do not remember. But I think it was. He came up with this proposal originally when we started down this path, taking 50 percent of any surpluses and using that to pay down the debt.

Mr. MINGE. Mr. Speaker, reclaiming my time, I know we struggled with this question, what is an appropriate balance. I think that most of us in our Blue Dog Coalition Group felt that our responsibility is first to our children and grandchildren; and that reducing the debt and the interest burden on the next generation is critical; and that our generation has had the benefit of many of these Federal expenditures. We should not demand that we continue to eat dessert indefinitely and that part of what we needed to do was to pay down the debt. So the first 50 percent there. Then we also recognize that there are some priority programs, especially for young people, for veterans, other sectors of our society that are struggling; and, finally, that some tax relief is needed. We have some inequities in the tax code. Simplification should be done, and these adjustments in the tax code do affect Federal revenue. So we try to strike a balance of that.

One thing that we have noticed is we are joined by the gentleman from Mississippi (Mr. TAYLOR). I know that he has fought long and hard with respect to this challenge of how we responsibly deal with this era of surplus.

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. TAYLOR) to give him a chance to share his views. I know that he is very forceful on this subject.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would hope that one of the thoughts I could leave with the American public tonight is that, yes, Congress did balance the budget last year; but there was a lot of trickery in the budget to achieve that goal.

One of the tricks that I regret the most about that budget that was done in order to balance it was the fact that the troops have traditionally been paid on the last Friday of the month. As the gentleman from North Carolina (Mr. JONES) pointed out earlier, we have a lot of troops who are just getting by.

It is interesting to note that a higher percentage of people in uniform are married than the general public, about 60 percent of them. Many of those young couples have instant families, two, three, four children within a very short period of time. They tend to be the ones who end up on food stamps because they simply are not getting enough in their pay and in their benefits.

So I found it particularly distressing that, in the Republican budget this year, that in order to balance the budget, they delayed the pay raise for the troops from Friday, September 29 to October 1, the following Monday.

Now, for a Congressman who is making very good money, over 130,000 a year, delaying our pay for 2 days really is not a big deal. But when one is an E4 or an E3 and one has three kids, probably several of them in diapers, that means a weekend of somebody digging around in the cushions of the couch and rolling pennies so one can have diapers for the babies and formula for the kids, and that is wrong.

So to run around and, as the gentleman from Texas (Mr. STENHOLM) talked about, give away a trillion dollar tax break when one is playing games just to make ends meet is highly irresponsible.

Something the gentleman from Texas (Mr. STENHOLM) mentioned, and again I do not think it can be said often enough, yes, it is their money. Yes, it is their country. Yes, it is our debt. Almost all of this debt has occurred in our lifetimes. If you are listening to me tonight, most of that debt has occurred in your lifetime. Between 1776 and 1980, our Nation acquired $1 trillion worth of debt.

□ 2000

From 1980 to 1988, the debt doubled, from $1 trillion to $2 trillion. But, sadly, it continues to get worse. From 1988 until now, our Nation is now $5.7 trillion in debt. And just like anyone else who is in debt, not only does it have to be paid off, but it has to be paid off with interest. The biggest shocker for most of the people I encounter is when they find out that the biggest expense of their Nation, the biggest outlay of their tax dollars is interest on that debt; a billion dollars a day.

I come from an area that is very pro military. We have a number of shipyards; we have a number of military bases; a lot of kids enlist. I regularly have moms and dads write me saying why is my son flying around in a 30-year old helicopter? Why is he flying around in a 30-year old transport plane? Why is he traveling on a 30-year old ship? Well, the truth of the matter is for what we are squandering in interest, we could be buying a destroyer a day for the United States Navy. A new destroyer a day.

Instead, because of a lack of money, we are only going to buy three destroyers this year. For what we are squandering in interest, we could buy 10 B-22s a day, or about, geez, 30 new UH-60 Blackhawk helicopters. The list is endless for what we are squandering on interest.

The other thing I really think our citizens need to be aware of is the change in demographics. Because not only do we have to pay off this debt, but the window of opportunity for paying off this debt is rapidly closing. My dad is still living, and my dad was born in the 1920s. Therefore, when my dad was a teenager in the 1930s, when Social Security was just starting, there were 19 working people for every one retiree. Right now, the year 2000, there are three working people for every retiree. If I live to 2030, and I hope I do, there will be only 1.5 working people for every retiree.

So not only has this generation run up an incredible debt, but the number of workers available to pay that debt off is shrinking, and it is shrinking on a daily basis. And it will simply be impossible for that young person who is a page today up here, that young person who is in grammar school, or that young person who is in high school, when they reach their peak income earning years it will be physically impossible for them to pay their house note, take care of their kids and retire our national debt if we do not take those steps right now. That is something I would hope Americans would consider.

Quite frankly, I am distressed when I hear folks tell me, particularly young folks, I want a strong military, but do not ask me to serve. I want a strong Nation. I want this to be the best Nation on earth. I want the best roads, the best canals, the safest air travel, with the most secure future as far as medicine, the most secure future as far as my retirement but, by the way, I do not want to pay for it.

It is the same thing. We do not get to be the best by taking the easy path. And what troubles me the most about my Republican colleagues when they talk about these tax breaks is that they somehow imagine we can spend all kinds of money and not pay for it; that we can somehow have great health care, a great defense, that we can have great roads and great public safety in the air and on the roads, but that we do not have to pay for it. That is not what life is all about. Life is if we want good things we have to earn them. And if our Nation wants to continue to be the best, we have to earn that as well.

Demographically, we are going to have, as I mentioned, in 2030, an extremely small percentage of Americans who are eligible to serve age-wise in the military services. That is why we need to modernize our military. In the past few weeks, the Joint Chiefs of Staff came before the House Committee on Armed Services and identified $16 billion worth of unfunded requirements for this budget. And that is why I want to commend the gentleman from Minnesota (Mr. MINGE), the gentleman from Texas (Mr. STENHOLM), and the other people who put together the Blue Dog budget, because the Blue Dog budget would increase the Fed's spending this year and for each of the next 5 years $15 billion over the Republican plan.

Better than that, the people who made this Nation great, the greatest generation, the people who got us through World War II, they are reaching that point in their lives where they need some help healthwise, and particularly our veterans. Because, again, I mentioned the travesty of cheating the troops on their pay, but what aggravates me even more is that for 3 of the past 4 years the Republican Congress has flat-lined the VA budget. No increase at all. And only last year, after a group of us got together and said what is more important, taking care of our veterans or tax breaks, did they finally realize that taking care of our veterans was more important.

The Blue Dog budget would increase veterans care by $10 billion more than the Republican budget over the next 5 years and fully pay to fulfill the promise of free lifetime health care for our military retirees. The Republican budget does not do that.

Great nations keep their words. One of the words that we have to keep are those words to our military retirees that they would be given free health care for themselves and their dependents the remainder of their lives if they served their country honorably for 20 years. The Blue Dog budget, which will be on the floor tomorrow, will do that; and I commend all my colleagues for making that possible.

Mr. MINGE. Mr. Speaker, I would like to thank our colleague from Mississippi. He has been an outstanding fighter, one of the most articulate Members of this body, in forcefully addressing this problem of how do we responsibly deal with the surplus.

I would like to next yield to my colleague from Wisconsin (Mr. KIND), who has worked long and hard on this. And I know he has a little levity that he can share with us on how we should assess our Nation's priorities.

Mr. KIND. Mr. Speaker, I thank my good friend from Minnesota for yielding to me, and I commend his work, as well as the gentleman from Texas (Mr. STENHOLM) on the Blue Dog budget. I am not a member of the Blue Dog Coalition, but I have consistently in the past supported Blue Dog budgets when they have been offered as alternatives during these budget resolution debates that we have had, because I feel that when we put these Blue Dog budgets together that they are more in line with where I think the American people are and where our priorities really should exist.

Tomorrow we will have a very important day on a budget resolution. This establishes the blueprint of where the Federal budget is going to be heading throughout the duration of this year and for many years to come. We are in a position now with the strength of our economy, with some projected budget surpluses around the corner in the future, that hopefully will materialize, to do some extraordinarily good things for the future of this great Nation of ours.

I am afraid, however, that when we start the debate tomorrow it will be, as Yogi Berra once said, "Deja vu all over again;" that what the majority governing party in this Congress will be offering on the floor tomorrow will be an emphasis on their first and main priority, which is trying to pass the biggest tax cut that they possibly conceivably can do here in this Congress, as they have now over the last couple of years.

Fortunately, we have had a President in the White House who has felt that that has not been the fiscally responsible best approach that we should be taking as a Nation. And yet tomorrow we will be seeing a budget resolution which is very comparable to past years' budget resolutions, ones with a heavy emphasis on large tax cuts.

That is also unfortunate because the district I represent in western Wisconsin, I think, brings a lot of common sense to this debate. They tend to view the Federal budget process similar to their own family finances, and that is that if they start running into some good times in their family, what should be the first obligation is taking care of already existing obligations, and that includes already existing family debt, before they give themselves a vacation or spend whatever excess funds that they might have on a new item for the family.

I think if this Congress were to operate under the same type of principles and values, we would be a lot better off as far as securing economic opportunity and ensuring a very bright and hopeful future for all of our children.

I have two young little boys back home in Wisconsin, Johnny will be 4 in August, Matt will be 2 the end of May. Much of what I do here in Congress in the votes that I cast are done through their eyes and with the hope of a very bright and prosperous future that they have to look forward to. With the advancements of medical science we are seeing today, which is truly mind-boggling, these young kids that are being born today could, in all likelihood, live to see the 22nd century, which is amazing when we think about it. So the decisions that we are making are not just decisions that are going to affect us today and tomorrow and for the next fiscal years but for generations to come.

That is why I think it is so important that we make these decisions and get them right. That is why I feel so strongly that a $1 trillion tax cut that will be proposed tomorrow over the next 10 years, one that is anywhere from $150 billion to $200 billion over the next 5 years, which would virtually spend every nickel, every dime of a projected surplus that, hopefully, will materialize, and there is no guaranty that the surpluses will materialize to that magnitude, with the energy crisis we are in today, with a lot of indications out there where this economy could turn south on us, that if we pass large permanent tax cuts today, they could come back to haunt us tomorrow.

Mr. MINGE. If my colleague would allow me to interrupt for a moment, he referred to the energy costs and tax cuts. I had a very interesting experience just this last week. I visited a small trucking company, and the founder of the trucking company pulled me to one side. He is an older gentleman. And he said, I always want tax cuts. I always want tax relief. We are going to have a bad year or two here with these high fuel costs. But he said I want you to go back to Washington and pay down on the debt.

And I must say that that made a deep impression on me, because he shared his priorities. He said, I vote Republican almost every reelection, but this is what I think is right for the Nation.

Mr. KIND. Well, that is what I am hearing back home as well, from Republicans, from wealthy families. They understand we have existing obligations that really need our attention at this time.

We have a $5.7 trillion national debt. I am glad the gentleman was able to bring those charts tonight highlighting when this debt was accumulated. By and large 85 percent of that $5.7 trillion was accumulated during the 1980s and 1990s, relatively recently. This is a new phenomenon for this Nation. We have never seen a debt burden of this magnitude, except during time of war, such as the Second World War, and it was accumulated recently, with our generation.

If we want to talk about morals and values in Congress and what we do around here, what is more immoral than passing on a huge debt burden on to our children and grandchildren and future generations? That is exactly what we will be doing tomorrow if we pass a budget resolution that places the first and foremost priority on large tax cuts in the future rather than getting serious about debt reduction.

There are a lot of merits to debt reduction, a lot of economic benefits to it. And people do not have to take our word for it tonight, they should just listen to what Chairman Greenspan consistently testifies about when he is before our committees here on Capitol Hill. He has consistently, over the recent years, said that if we do anything with projected budget surpluses, we should first see if they materialize and, if they do, use it for debt reduction, because that will mean less Federal borrowing in the private sector. It will enable the Federal Reserve to lower long-term rates in this county, which is going to make it cheaper for people and businesses, farmers, even students to borrow money for their purposes, and create jobs. Invest in the infrastructure. With lower rates, that is really the key, I think, of this extraordinary growth that we have seen in this Nation.

I brought with me today just a few quotes from Chairman Greenspan based on his previous testimony before Congress. When asked about the wisdom of passing large tax cuts today, his response was, and I quote,

> I'm saying hold off on tax cuts for a while. I'm saying that because the timing is not right.

What he means by that is if we pass a large tax cut now, which will spur consumption in this country, it has the potential of igniting inflation. And with the increase in inflation, or any type of inflationary indicators out there, the first thing the Fed is going to do is really start raising rates up, as they have been trying to do recently by tapping on the brakes. But with a large tax cut that could spur inflation, they will slam their foot on the brakes, and that is going to stop the growth that we have had in the country.

That is why Chairman Greenspan is saying hold off, make sure what we do not do is something that will be inflationary in our economy. He also stated, and I quote,

> Therefore, as I have said previously, my first priority, if I were given such a priority, is to let the surpluses run. To me, currently, the first best is to allow the surpluses to run and the government debt to run down.

Why is this important? Again, no one has to listen to us here tonight, listen to what Chairman Greenspan has had to say, someone that I think has an incredible amount of credibility when it comes to managing the economy in this country. He went on to say,

> It is precisely that imprecision and the uncertainty that is involved which has led me to conclude that we probably would be better off holding off on a tax cut immediately, largely because of the fact that it is apparent that the surpluses are doing a great deal of positive good to the economy in terms of long-term interest rates, in terms of the cost of capital and the ability effectively of the American government to borrow when it has to. Because as we reduce the amount of debt outstanding, the borrowing capacity of the Federal Government rises, which is a very important long-term issue.

□ 2015

That is why I think we are right now at the crossroads of being able to pursue what is a very fiscally responsible and disciplined course.

As a member of the New Democratic Coalition, that is our first priority is to maintain fiscal discipline and bring fiscal responsibility into the creation of these budgets and in these budget debates. But it is sad that we are having a rehash of previous year budgets that we are going to have tomorrow morning, an emphasis on large debt reduction, less of an emphasis on the need to reduce the national debt, less of an emphasis as far as taking care of our existing obligations, which means shoring up and saving Social Security and Medicare for future generations.

Mr. MINGE. Mr. Speaker, I really appreciate the insights of the gentleman on this. I think it is helpful to those of us in Congress. It certainly, I hope, is helpful to the staff and everyone else that we work with.

It is interesting, there are several groups, my colleague has alluded to one, the New Democratic Coalition, the New Democratic Network. We have the Blue Dog Coalition. So within the Democratic Caucus here, the 205 or 207 Democrats in the House of Representatives, we have subgroups that have a deep commitment to reducing the Nation's debt. The people that are speaking here this evening are drawn from these two subgroups of the Democratic Caucus.

One thing that is also of interest to me is that the gentleman from Wisconsin (Mr. KIND) and I are from the upper Midwest, so we started at the northern end of the country, Minnesota, went down to Texas, went over to Mississippi, now we are up to Wisconsin. And we have got a couple of colleagues here from the east coast and the west coast; and as much as we sometimes think could we not just let those coastal areas go out to sea, we better also get the benefit of their wisdom here.

Mr. KIND. Mr. Speaker, before we conclude with our comments tonight, I again commend the gentleman from Minnesota (Mr. MINGE) for the outstanding leadership that he has provided on this issue. But I do not want people to be under the impression that we do not believe that we can provide some tax relief in these budgets. I think we can as long as we do it in a fiscally responsible and disciplined manner so we do not lock into some long-term commitment that could come back and haunt us and start adding to rather than detracting from the debt.

It is sad tomorrow we are going to have a budget resolution that virtually spends the entire projected surplus that may not even materialize. But what is even sadder is that we have got the Republican candidate for President out there running who is calling for an even larger tax cut plan than what is being proposed in the majority party's budget resolution tomorrow.

I just brought with me today what perhaps is the saddest part of this whole debate, and that is that there is a comic strip in this country that is probably more reflective of where the American people are on our responsibilities and Social Security and Medicare and debt reduction than the governing parties in this Congress.

I do not know how many of my colleagues saw the Doonesbury cartoon that appeared about a week ago or so, but I thought it was very insightful as far as the feedback I am getting from my constituents back in the district.

Just to go through it real quickly, there is a group of men here talking amongst themselves it looks like in a cafe. One guy says, "Heads up. He's coming this way." There is an empty hat that appears that I think is supposed to depict Governor Bush. And one of the other gentlemen says, "Try not to make eye contact." Governor Bush says, "Hi, fellas. I'm Governor Bush and I am asking for your support. If you vote for me, I will give you a huge tax cut. How is that for a straight deal, huh?"

The gentleman responds, "Well, I'm not sure. I mean, I can see how the wealthy might get excited. They will be averaging $50,000. But it wouldn't mean much to a guy in my bracket. Besides, I care a lot more about shoring up Social Security and Medicare and paying down our national debt."

"Yeah, didn't fiscal responsibility used to be a Republican issue," another gentleman says. And then the Governor responds, "But, but, but, you don't understand. I'm offering you something for nothing, free money. Don't you want free money?"

"Sure, but not until we pay our bills."

"What is the matter with this country," Governor Bush says.

"I guess we have grown up a lot as a people. I know I have."

I thought that comic strip was very insightful of what I think is, by and large, where the American people are on this issue, that if we do have surplus money, let us use it for debt reduction to secure future generations opportunities in the country and let us start taking care of Social Security and Medicare rather than putting ourselves in this box that we have created.

Mr. MINGE. Mr. Speaker, my friend the gentleman from Texas (Mr. STENHOLM) is on his feet, and I yield to the gentleman.

Mr. STENHOLM. Mr. Speaker, I want to use this opportunity since it might appear to everyone listening to us that the Blue Dog budget has no tax relief. We do. We provide for approximately $250 billion in tax cuts over the next 10 years. We provide for a true and honest mitigation of the marriage tax penalty that we have talked about so much on this floor. But we truly attack the marriage tax penalty, not the added on $100 billion.

We expand the earned income tax credit. We facilitate financing of school construction and renovation. We provide for increasing credits and deductions for tuition for postsecondary education. We have foster community development and combat urban sprawl relief.

We reduce the death tax. Remember that one? This is one of which we provide that every small businessman or woman, farmer and rancher, with a $4 million estate would have immediate exemption from all death taxes. In this budget we are talking about, that is possible to do. And many others.

So I do not want anyone to get the misimpression that we are opposed to all tax cuts. Remember the 50/25/25? We are saying any available surpluses, 50 percent should go to pay down the debt; 25 percent should be spent on priorities, of which the gentleman from Mississippi (Mr. TAYLOR) spoke so eloquently about, priority of defense, veterans' and military retirees, which we fully fund, at least the retiree part of it; and then we have 25 percent of the projected surpluses that can and will be and should be used for tax relief. That is in this what we are talking about.

Mr. MINGE. Mr. Speaker, I know that we are joined here this evening by our colleague from North Carolina (Mr. MCINTYRE) and I would like to yield to the gentleman.

Mr. MCINTYRE. Mr. Speaker, each of us are expected to balance our own checkbooks. We all go through that ritual usually at least once a month when we pay our personal and family bills and our business bills back home. So why should we ever expect any less from the Federal Government?

Right now, with our debt being about $5.6 trillion, this is approximately $21,000 for every man, woman, and child in this Nation. That is outrageous. And as my colleague from Mississippi (Mr. TAYLOR) spoke a minute ago when he was talking about the military, and I, too, serve on the Committee on Armed Services, we are spending more on the interest on the national debt than on our entire national defense budget.

Now, when people do say why are we in 30-year-old fighter planes and 40-year-old bombers and 30-year-old ships, we know the answer. Now is the time. Now is that window of opportunity to reverse this terrible trend and to restore financial integrity to our financial Government.

As the gentleman from Wisconsin (Mr. KIND) was saying, we do want to have moral integrity in Government. We also need to have financial integrity. And that is part of what it means to offer the moral type of leadership in this Nation is to be honest with people and to quit running up debt. Because, after all, as we all will too well realize come April 15 next month, it is not the Government's money, anyway; it is the people's money. And this is the people's House. And as stewards of that money, we ought to be paying down debt.

I had a phone-caller the other day on a radio show back home in North Carolina who said, why is the term "surplus" even being used? Personally, I think he made a good point. When we look at our budgets, if we owe money, I do not consider myself having a surplus if I owe money. And our Nation owes money. We owe a lot of money when we talk about $21,000 per man, woman, and child.

So, under the Blue Dog budget, we have got a great opportunity now to pay off that debt; and by doing that we are giving the best tax break of all.

We do have some targeted tax cuts, as the gentleman from Texas (Mr. STENHOLM) was saying. But we also get the across-the-board tax cut that everybody will feel who has a credit card or who has a home mortgage or has a car loan. That is most of all of us in America, whatever our socioeconomic status may be or whatever part of the country we may live in by reducing interest rates. Everyone will feel that type of tax cut by having lower interest rates on their credit cards and their home mortgage payments and their car loans.

And by paying down the national debt, that puts us in a position of strength, strength to help us shore up Social Security, strength to help us shore up Medicare, and to allow families who do have debt ahead of them, such as for college education, to be able to better afford that for their children.

Mr. MINGE. Mr. Speaker, if my colleague would allow me to just illustrate the point he has made.

Here is a graphic depiction of the type of interest rate reduction that Chairman Greenspan has said is realistic if we make a substantial reduction in the outstanding Federal debt.

On a home mortgage, we could reasonably expect interest rates to drop by 2 percent if we reduce the public debt by about $2 trillion. On a home with a mortgage monthly payment of $844, that would provide a dividend of $155. That is an annual dividend that would be equal to what most families would expect in any tax cut.

So not only do we reduce the debt, which is a benefit to our children, but we have this dividend, as well. That is exactly what the gentleman is talking about. And this plays out. We can look at the farmer buying a combine. We can look at the college student with his college loans. And that dividend is important. And that is a type of tax cut, if you will, in and of itself.

Mr. McINTYRE. Mr. Speaker, that is the best of all because everyone benefits from it.

The saying is that the time you fix a leaky roof is while the sun is shining. Well, thank the good Lord the sun is shining on our Nation. Some areas are not prospering as much as others.

My home county and Robison County, North Carolina, and the adjoining county of Columbus County have more than twice the unemployment rate of our State. We are suffering. We need to find a way to help pay down the debt that we can then let people invest in their jobs and have job opportunity for economic growth in the underserved rural areas of our Nation, as well.

This is the time, while the sun is shining, to fix the leaky roof that all Americans can share in the prosperity; and the best way to do that is to pay down the debt that we all, as Americans, owe.

This, indeed, is our golden opportunity. As I said, it is not the Government's money. It is our money. Let us do the responsible thing and let us pay down the debt.

With that, I look forward now to going from coast to coast with the gentlewoman from California (Ms. SANCHEZ), as I know she is getting ready to speak, from North Carolina to California.

Mr. MINGE. Mr. Speaker, like the gentleman has indicated, we are going to the west coast. We have a distinguished member of the Blue Dog Coalition and of the Hispanic Caucus, the gentlewoman from California (Ms. SANCHEZ). Would she please share with us some of the analysis that she brings to bear on this from her perspective in California.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Minnesota (Mr. MINGE) for yielding.

Mr. Speaker, it is really a pleasure, actually, to be a member of the Blue Dogs. I know that there are quite a few people across the United States that have not really found out about our group here in the Congress on the Democratic side. But the reality is that one of the reasons I really enjoy being a part of this group is because I do have a financial background, having a degree in economics and an MBA in finance and having been in the financial industry for 14 years before I got to this Congress.

It is always important to me to apply the financial rules that I know that I use in my daily life or that I would expect somebody coming through the front door and asking for a loan to apply. And first and foremost of that, of course, is, What is your liability situation? What are your assets? What is the income that you are earning or what you think you are going to have as far as money coming in on a monthly or annual basis? And it should not be any different for what we do here in Congress.

First and foremost, when we have the good times, as my colleague from North Carolina (Mr. McINTYRE) said, when the sun shines, we need to think about what we do with this extra money that is coming in.

Most families, most businesses, a lot of us pay down the liabilities that we have, we pay down our debt. If we have gotten into tough financial times and we have had to go to the bank or we have had to put a second mortgage on our home, and then if it gets worse, we go and we use the credit cards we get through the mail, sometimes a little too easily these days, but we go and we get the credit where we can get it. And every time, I am sure most families think they are going to get the credit at the least amount and then, as they need more, they get more and more credit at a higher rate.

This is what we did during that 1980's time period. We increased the debt to pay several programs that we had ongoing, without the money coming in to pay for those programs.

Now we are in the reverse. Now we have a good economy. We have a strong economy. But it is not going to last forever. So what do they do when they finally have that good job where they are getting the extra money? First they pay down the credit cards. Then they take the second mortgage off their home. They pay back their family the money they borrowed. And maybe they keep a little bit of debt. But they certainly do not keep all of that debt, because there will be at some point some sort of a downturn and they have to prepare for that.

Sometimes we forget about that when we are in the good times. We have had 7½ years of really good times in the United States. And I, as a lawmaker, want to see all the people in my district and as many Americans continue that. But things do change, and we all know that.

Today we have a prime example of that. When I was younger and first driving my first car, I remember standing in lines of 50 cars waiting to try to get some gas into my car the last time we had a real oil crisis.

□ 2030

At that time we paid almost anything just as long as we could get that gas in our cars to run it. While we were going through that, we said to ourselves as a Nation, as a people, we said, "Never again. We're never going to let this happen again to us. We're going to drive more efficient cars. We're going to find alternative fuels." As the good times came, we began to forget that. Today, about 15 or 20 years later, here we sit again and guess what? The prices of gas are going up. I sit there and I think to myself, maybe we will have a recurrence of this. So we have to remember things go in cycles. We are in the good part of the cycle. We need to take that money and we need to pay down the debt. The Blue Dog budget does that. It says, "Let's take care of the first thing first."

It also says we are not afraid of tax cuts. We realize that we can give tax cuts to people, tax cuts that are important if you are investing in a business, if you are investing in research, let us allow American businesses and people to do that. If you are investing in yourself, if you are investing in your children by getting an education, let us help Americans decide that that is the right thing to do. If we want to invest in our schools and new school construction like we all run around and say, then let us give tax credits so communities will step up to the plate and do what is right and build that new classroom or build that new high school that they need. Our budget allows Americans to do that. It also allows us to work on the programs that need to be worked on, like Social Security and Medicare.

Mr. MINGE. Maybe before the gentlewoman gets into any of the specifics there, we could just give some of the numbers actually on this debt reduction. The Blue Dog proposal which we have been talking about over 5 years would reduce the national debt by $85 billion. Given the size of the debt, that is just a small nibble. But compare that with the bottom line here. The Republican proposal with the tax cuts that they are including, modest actually by comparison to ones that they have proposed over these last few months, and if they are going to do the prescription drug correction that they have promised they are going to do, would leave us about one-tenth of that amount. In the middle is the proposal coming from the Democratic Caucus, which is, as you can see, fiscally more conservative than the Republican proposal. Let us take a 10-year projection. Here we are beginning to see larger sums. Approximately 10 percent of the debt would be paid down, maybe 9 percent under the Blue Dog proposal. Under the Republican proposal actually we would go to more red ink. Again we are assuming the tax cuts that they have been talking about, we are assuming some of the program expansions that they have been proposing. So there is a dramatic difference. I think that we also have to be careful that we are not misled by talk about the so-called public debt and the privately held debt and all of these things. There are proposals to have Social Security trust fund money saved for Social Security and the net effect of that is to reduce the amount of debt that is outstanding in our hands as individuals, the Arabs, foreign investors and so on, but, if you wrap it all together, the Social Security trust fund and the debt that is held by those of us as individuals, they in their 10-year plan will not be making a dent in that debt. It is still $20,000 roughly for every man, woman and child that is owed to the Social Security trust fund and is owed to individuals, banks, institutions that hold these Federal bonds.

Ms. SANCHEZ. I would agree with my colleague. I guess I will just end with the old adage. If it sounds too good to be true, then it is probably not true. The Republicans have offered an enormous tax cut. Granted not as enormous as the guy who is running for President that is a Republican, but it is enormous. They have promised to do the prescription drug benefits. They have promised to build defense up. They have promised that education is important to them and they are going to do something about it. Promise after promise after promise. You cannot do it all and get there. They have promised to help make Social Security safe for the next 60 years. You cannot do all of these all at once and offer the type of tax cut that they want to do. But politically, they think that you are going to believe all of that. So the reality is what do we choose to do? Let us bring down the debt. Let us give some tax cuts. Let us invest. And let us reward people for doing that. And let us make sure that our veterans are taken care of, that some schools are built for our children, and that we invest in education for our kids. I think that the Blue Dog budget reflects those priorities.

Mr. MINGE. I would like to thank the gentlewoman from California. I see that we have been joined by another colleague from Texas. We have so many Texans here we cannot keep them all straight. They are a fairly tight, frugal bunch. They have a lot of good advice for us here in our country. I yield to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. I thank the gentleman from Minnesota for yielding, and I am honored to be a part.

Mr. Speaker, I like others here rise to support the use of a portion of our surplus to pay down on our national debt. We have got a golden opportunity in front of us. For the first time in 30 years we have a budget surplus. During most of my tenure here, the great budget challenge has been to get control of the deficit. In the last 2 years, the landscape has completely changed. We are now focused on what to do with the surplus. That is a very good feeling. I am thrilled that the term surplus has entered our vocabulary up here. Now comes the hard part. Everyone has an idea as to the best way to use this surplus, tax cuts, new government programs, protecting the solvency of Social Security and Medicare and paying down the national debt.

As a Member of the Blue Dog coalition, I think the gentleman from Texas (Mr. STENHOLM) and the gentleman from Minnesota (Mr. MINGE) are members of that coalition, we have advocated using half of the on-budget surplus for debt reduction, a fourth for shoring up Social Security, Medicare, education and our national infrastructure and the last fourth or parts of it for tax cuts. That can be eased around and changed some, if it takes more for Social Security, Medicare, Medicaid, infrastructure, national defense, whatever we see that is a necessity, that we can move that fourth from one to the other. But I think what I am hammering hard on is paying at least half of it on the debt. By applying the framework, this framework to the budget, we are told that we can pay off the national debt by the year 2012. It would retire over 30 percent of the debt in 5 years. I think that is just amazing. Many of us can see 5 years down the road. I think this is the most sound way to both plan for the future and reap both short- and long-term rewards from the growing surplus. As anyone outside the Beltway knows, when you have some extra money, it is important to pay off your debts. This is a simple idea that many Americans practice whenever they can. We should learn from them and do the same thing here in Washington.

The benefits of paying down the debt are enormous and long lasting. One of the most important is the more we lower the national debt, the less we will have to pay in interest on that debt. As of 5 p.m. this afternoon, this very day, our national debt was approximately $5.75 trillion. During FY 1999 we paid $229 billion, Mr. Speaker, in interest on this debt. To put that number in perspective, during the same year we spent $275.5 billion on national defense. That is only $46 billion more than our interest payment. Our interest payment is estimated to go down to $220 billion in our current budget year because we are paying off a small portion of the debt. It certainly affects it. This is a portion of our Federal budget that we cannot reduce by any other means other than paying down on the national debt. Imagine how we can reduce that number if we really dedicate ourselves to it. This is money that would be available for tax cuts, many of which I support, assistance of senior citizens and other efforts to maintain our economic growth and improve the future for our children and for our grandchildren. Tomorrow, Mr. Speaker, we will vote on a framework for the coming year's budget. As we look at the surpluses from anywhere from $200 billion to $637 billion over the next 5 years, the most responsible thing we can do is dedicate half of it to paying down on the debt.

Mr. MINGE. I would like to thank my colleague from Texas for that comment. I would like to just emphasize for the benefit of all of our colleagues that we have heard from people from the Midwest, from the northern part of the country, we have heard from people from the southern part of the country, from the East Coast, from the West Coast. All areas have spoken out here this evening from within our ranks and said that the first goal has got to be to pay down on this enormous debt that we have, over $20,000 for each man, woman and child. If you hear anyone on the other side of the aisle claim that this is not what is happening, that the publicly held debt is going to be smaller, do not be beguiled by that. What is truly happening is they are hiding behind the Social Security trust fund and they are assuming that we do not have to prepay whatever the Social Security trust fund buys in terms of government bonds. That is just as much debt as any other debt that we have. Ask why is it under the Republican budget that we have to raise the debt ceiling, go up to $5.9 trillion? If we are reducing the debt, we should not be increasing the debt ceiling. I sit on the Committee on the Budget. I am embarrassed that that committee has reported out a proposal, the Republican proposal, which in a time of surpluses requires a higher debt ceiling than we have ever had before in this country. This is fiscal irresponsibility of the greatest order. You can tell from these charts, if what has been promised by the Republicans on the Committee on the Budget is going to occur, the path is towards a larger debt for this country, a greater burden for our children and our grandchildren. This does not make sense. This is fiscal irresponsibility. We have alternative budgets which will be presented tomorrow coming from the Democratic Caucus, from the Blue Dog group. They will respectively propose reducing our Nation's debt in a realistic fashion. It is not just by hiding behind the Social Security trust fund, it is by doing the heavy lifting and denying ourselves some of the dessert that we would like to be able to have and a promise on the eve of an election. I think that political strength and integrity depends upon saying to our constituents, there are certain things that are high national priorities and at the top of the list is dealing responsibly with our Nation's debt and using our surplus to reduce it; secondly, to recognize that tax simplification and tax fairness requires some modest adjustments; and, third, that we have some priority programs. This evening, my colleagues have discussed what these programs are. Veterans, certain defense investments, education, agriculture, health care. These are top priorities that we have as a country. We have to fit it all together. We would like to be able to do all things for all people. I would like to be in a situation where I did not have to pay any tax at all. But we know that we are not going to be able to sustain our country and deal responsibly with the affairs of state unless we address not only priorities but also the debt burden that we are leaving to the next generation.

REPUBLICAN BUDGET PROPOSAL

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. CHAMBLISS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CHAMBLISS. Mr. Speaker, it is a real privilege to be here tonight to talk to my colleagues as well as people all across America about what is going to happen in this Chamber tomorrow. This is going to be another in a series of very important budgets to be presented here tomorrow that once again we will have the opportunity in this Chamber to show the American people that we are serious about fiscal responsibility. Because tomorrow we are once again going to have a budget that achieves balance. We are not going to spend more money than we take in.

□ 2045

In fact, we are going to take in more money than we are going to spend.

We have heard a lot of conversation here tonight about a surplus. Well, that surplus means that we have more money on hand than what we are going to spend, but really, when there is a $5.5 trillion debt that this country owes we do not really have a real surplus. We only have a surplus when we finally get to the day when we pay that debt off.

We are going to talk about that tonight and we are going to talk even more about it tomorrow.

I do want to take just a minute to commend my colleagues on the other side of the aisle who for the last hour have been talking about their budget. The Blue Dogs are a group of conservatives on that side who do come forward with a lot of good ideas from time to time. In fact, that group votes with the conservative majority in this House on a number of occasions. The problem is that there are only 20 or 25 or 30 of those folks on that side, somewhere around 10 percent of the total number of people on the Democratic side of the aisle, and they are simply not going to carry the day on that side of the aisle.

If they were, if their philosophy were the philosophy that would be adopted by that side of the aisle, perhaps they would still be in power over here.

The American public saw through this in 1994, sent a new majority to Congress who promised to be fiscally conservative and responsible to the American people and tomorrow we are once again going to be fiscally responsible.

Their budget is not a totally bad budget because it does several things that I like. It does address paying down the debt. It does address providing tax relief to hard-working Americans and at the same time provides an increase in funding for very valuable programs, some of which, again, we are going to talk about tonight.

So I look forward to debating with those folks tomorrow and to having a conversation with them about their ideas and giving us an opportunity to explain why our ideas are better.

Tomorrow is going to be another very important day in the history of the House of Representatives because for the last 6 years we have had a chairman of the House Committee on the Budget, the gentleman from the great State of Ohio (Mr. KASICH).

The gentleman from Ohio (Mr. KASICH) is not running for reelection. He is retiring from the House so tomorrow will be the last budget that he presents on the floor of this House. The gentleman from Ohio (Mr. KASICH) is the author of the balanced budget of 1997. He is the author of the balanced budget of 1996 and 1995 and each year subsequent to 1997, but 1997 is the critical year because that is the year that we actually did achieve a balanced budget in this House and we struck an agreement with the President that has moved this country forward into this era of having excess cashflow on hand.

Tomorrow we are going to pass another balanced budget in the era of the gentleman from Ohio (Mr. KASICH), and that balanced budget that we pass tomorrow is going to provide six critical things to the American people.

First of all, we are going to protect 100 percent of the Social Security surplus. Now what that means is that we are going to take every dime that the American people pay in Social Security taxes and we are going to put it away to make sure that every single penny of that money is used for exactly what it is designed to be used for, and that is for Social Security benefits.

The other side over here talks a lot about, we have to do this and that with this so-called surplus that they refer to, but the ironic thing is they were in control of this House prior to 1995 for 42 years. During that 42 years, we became mired in debt to the tune of almost $5 trillion. During that 42 years, we spent Social Security money year in and year out to pay our bills. We did not set aside that money for what it was designed to be used for, and that is to pay Social Security benefits.

Tomorrow we are once again going to dedicate all of the Social Security taxes that are sent to Washington for exactly what it is designed to be used for, and that is to pay Social Security benefits.

This chart that we have up here right now illustrates exactly what I just said. It starts back in 1985 and shows how much money we used on an annual basis, and I say we, how much money Congress used to pay our bills every month that came out of the Social Security trust fund. Here it is. We reached a high of in excess of $80 billion. It started out in 1985 at somewhere around $10 billion, but look over on the end and look what happened in 1999, after the new majority came in and put its balanced budget in place.

What have we done with Social Security taxes? We have started spending zero of the Social Security tax monies for anything other than Social Security benefits. 1999 and this year again we will take all of the Social Security tax money, we will put it into a real Social Security trust fund and we will use it for nothing other than to pay Social Security benefits.

The next thing that we are going to do as a part of this budget is that we are going to strengthen Medicare, including a prescription drug benefit that is going to be made available to senior citizens. We have set aside $40 billion in our budget for prescription drugs.

We do not write that prescription drug program. The committees of jurisdiction will be working on that, and they are going to be able to draft a prescription drug program that will be of benefit to our senior citizens for years to come. The $40 billion is going to be provided for over a 5-year period.

We are going to retire the public debt that has been talked about here for the last hour by the year 2013.

I have some other colleagues here who are going to talk a little more specifically about that.

The gentleman from Minnesota (Mr. MINGE), who is my good friend and I serve on the Committee on the Budget and the Committee on Agriculture with him, he is a very sincere individual and what he just told us was that under the Blue Dog budget, which is a much more fiscally conservative budget than what the Democrats will be proposing tomorrow, they are going to pay down $85 billion of the public debt over the next 5 years.

Under our budget, over the next 5 years, we are going to pay down $1 trillion of the public debt, $1 trillion.

The next thing we are going to do is we are going to promote tax fairness for families, farmers and seniors. We have been passing some tax reduction bills up here over the last month or so that are going to the heart of what America is all about. We are providing tax relief for married couples. We are providing tax relief for senior citizens, encouraging those senior citizens to stay in the workforce, make the valuable contribution which they are capable of making.

This budget is going to provide money that is going to allow additional tax fairness opportunities for farmers, families and seniors.

The next thing we are going to do is we are going to restore America's defense. Currently, our defense of this country, our national security, is in a terrible state. It is in a terrible state because we simply are having to fight every year up here with the White House over how much money we are going to be able to put into defense.

We are going to be providing tomorrow $17 billion more in defense spending over what we provided in last year's budget. That money is going to go into three primary areas. It is going to go in the area of readiness, going to go in the area of procurement and it is going to go in the area of quality of life so that we can continue, number one, to attract the very finest young men and women that this country has to offer into each branch of our services. We are going to equip them with the highest technology, from a weapons system perspective, that is available to mankind. Then again we are going to make sure that they are the best trained Army, Air Force, Marine Corps and Navy in the world.

The last thing that we are going to do is we are going to strengthen the support for education and science. There is no greater asset in this country than our children, but our children are only able to contribute based upon the level of education that they have. It is not as much the amount of money that is put into education. It is where it is put. Under our budget, we are going to put a little bit more money in there and we are going to allow flexibility in our education system to allow more money to go to the State and local level where the rubber meets the road and the people know what is needed to educate our children in a better manner than what they are being educated today.

At this time I would like to stop and I would like to recognize my friend, the gentleman from Connecticut (Mr. SHAYS), for any comments he might like to make, my fellow Member on the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Georgia (Mr. CHAMBLISS) for yielding.

Mr. Speaker, I am not going to make a lot of comments because we have other Members who are going to go into specific detail, but I would like to make some general comments before that happens to say that when we started in 1995 to get our country's financial house in order, as the majority party, we were looking at deficits that were actually going to increase every year. In 1997, we began to develop a budget that ultimately turned our deficits into surpluses. We tried earlier but the President kept vetoing it. We finally had an agreement. We were moving closer towards eliminating those deficits but by 1998 that budget, for the first time since 1968, we had more money coming into the Federal Government than going out. Last year, in 1999, for the first year since 1960, we were not spending the Social Security reserves.

In the next 10 years, we estimate there is going to be $4 trillion of surplus revenues, $4 trillion. Two trillion of those dollars are being walled off for Social Security because that is what they are. We are going to set them off, and I know my colleague is going to talk about that. The exciting thing is that is going to be there for debt reduction. So we have $2 trillion left.

Basically, the President and too many of our colleagues on the other side of the aisle want to take that $2 trillion that is left and spend it.

What we know is we need to do more debt reduction and we know that we need to have a tax cut. People are going to be saying, well, a tax cut is only going to the wealthy. No, it is going to the people who pay taxes. The people who pay taxes are going to benefit from the tax cut.

Two years ago we attempted to have a tax cut that would be comprehensive and something that we clearly could afford, and it included a number of items. This year we separated them. The first tax cut that we moved forward with was the marriage penalty tax, and the logic behind the marriage penalty tax was why should a couple that then gets married pay $1,400 more? That passed this Chamber by a fairly overwhelming majority, with a number of our colleagues on the other side of the aisle joining us.

The second tax cut that we moved forward with was the penalty tax on Social Security. Why should someone who has earned Social Security, who makes more than $17,000, for every three dollars lose a dollar in Social Security? Obviously they should not, and we brought forward this legislation that passed with a wide margin on both sides of the aisle after our colleagues on the other side of the aisle had criticized this proposal for years, and it passed by all the members of the Senate just recently.

So I would just like to conclude by saying over the last 6 years we have gotten our country's financial house in order. We have balanced the Federal budget. We are having surpluses. Now we are managing those surpluses. We are not spending any of the Social Security trust fund money. We have walled it off. We are paying back debt. We are going to have significant but meaningful tax cuts, and we are going to set aside in the next 5 years $200 billion for tax cuts. They will be targeted tax cuts that deal with fairness, enabling people to buy health insurance; enabling people to have retirement funds and set aside more money for their retirement; enabling people to not pay the penalty on the marriage when they get married; and enabling Social Security workers to continue to work.

With the details of many of our proposals, I would like to acknowledge the presence of my colleague from New Hampshire (Mr. SUNUNU), who has really been a leader in so much of this and really was there in the beginning when we started this process.

Mr. SUNUNU. Mr. Speaker, if the gentleman from Georgia (Mr. CHAMBLISS) would yield, I would say that while I appreciate the comments of the gentleman from Connecticut (Mr. SHAYS), I cannot say I was here at the beginning of this process because, as he pointed out, it really began in 1995 with the change in majority control of this body.

I think more than any other issue, Democrats lost control of Congress and Republicans took control of Congress on the fundamental commitment to change the way we look at this country's finances, to balance the Federal budget, to balance it in 7 years and to do it while cutting taxes. Critics at the time, the other side of the aisle at the time, said that is simply impossible; it cannot be done; it is a political gimmick; this is just a bunch of rhetoric.

The Republican majority demonstrated over the next 2 years that they were serious, they were committed to this goal no matter how difficult at times some of the choices may have appeared. They put forward a balanced budget. They put forward a balanced budget that even included tax relief. The President vetoed that program but the American people spoke loud and clear over the ensuring 2 years, resoundingly supporting the goal of balancing the budget and in 1996 we had a Democrat President agree with a Republican-controlled Congress that we should and could balance the budget, and we should and could do it while cutting taxes. That was really the beginning of an enormous change in the way this country does its books.

We passed the Balanced Budget Act in 1997 and we saw the first unified balanced budget in 1998, and even then the critics said, well, yes the budget has been balanced but Social Security is still being borrowed from.

□ 2100

And it was last year that, again, the Republicans lead on this issue by stating clearly and unequivocally we are going to balance the budget without using Social Security. And, again, the President said it cannot be done.

And here is an outline of exactly where the President was just 1 year ago; here is his budget. It sets aside 62 percent of the Social Security surplus, spent almost 40 percent of the Social Security Trust Fund surplus. The Republican budget, by contrast, said, no, Mr. President, that is wrong. We should set aside every penny of the Social Security surplus.

And in point of fact, there was another important turning point when, again, last year in the budget debate the President quite literally changed his mind. He agreed with the Republican Congress that we could and should set aside every penny of the Social Security Trust Fund surplus, and that lead to really another historic achievement, the Republican-lead Congress passing legislation that balanced the budget without using Social Security for the first time in 40 years.

Even during the budget debate last year, though, the critics still said no, it cannot be done. It will not happen. They said we were using certain projections; we were using estimates. The simple fact is, of course, we were and we are. We are putting together a budget that is trying to look forward 5 years. We are making estimates about revenue growth, estimates about how we will spend on Medicare and Social Security. We are trying to make the best possible projections.

We have estimated less than 3 percent economic growth. I think that is realistic. Obviously, only time will tell. If we continue on the path that we began, first in 1995, and again with this historic achievement last year, then the economy will be better, the American people will be better off, and better off for a few fundamental reasons.

My colleague from Georgia pointed out that we have begun not just balancing the budget without Social Security, we actually have begun paying down debt. This graph gives a very clear picture of how that process started, when it started, and where we are today. In 1998, paying back over $50 billion in the public debt; 1999, over $80 billion; and this current fiscal year, 2000, we will top $150 billion in debt repayment. Finally, with the budget we are working on now, we will take the 4-year total and a reduction in the public debt to over $450 billion.

This is what those on the other side of the aisle might call fiscally irresponsible, but I think it is not just a step in the right direction, it is the fundamentally correct fiscal policy for the country at this particular time. Because by paying down this debt, we are doing an enormous favor to working families all across the country.

We are helping to keep interest rates low. When interest rates are lower, the cost of a home mortgage is lower, the cost of a college loan or automobile loan is lower, working capital loan for a small business, all of those costs are lower. Over the life of a $100,000 home mortgage, that can mean $20,000 or $30,000 to a family, and that is money they do not have to send to Washington and hope that we return to them. It stays in their pocket. They can invest in their family's quality of life, their children's education or health care, or save it for a rainy day.

So we have begun the process of paying down debt. And with this Republican budget that we will be debating on the floor tomorrow, it will pay down over $170 billion in debt. Now, we could cut spending further and pay down a little bit more in debt, but that is, obviously, a difficult task, to a certain extent, when we have such a sharply divided House of Representatives. We could decide not to return any money to working families and try to pay down a little more debt, but at the same time, I think it is important that we remember where that money came from.

Moreover, I think we should pass tax relief, not because of a particular number, whether it is $4 billion or $8 billion or $10 billion, we should pass tax relief because it is the right thing to do. It is the right thing to eliminate the marriage penalty so a couple does not have to pay more in taxes just because they choose to get married.

It is the right thing to give individuals health insurance deductibility. And my colleagues will talk a little more about the tax relief provisions dealing with education or retirement security, getting rid of the Social Security earnings limit. It is not a question of whether or not we have the exact right-on budget surplus, or some technical lingo to justify giving American taxpayers back their own money, it is a question of whether or not it is the right thing to do. And I fundamentally believe it is.

Who would have believed back in 1995 that we would be paying down this much debt? Who would have believed back in 1995 that we would have set in motion a path not just to continue to retire debt but to pay off the entire national debt in 2013? Over the next 5 years, we are going to pay off over a trillion dollars in public debt, and, again, pay off the entire $3.6 trillion public debt by 2013.

Now, someone could say, well, how do we know it will be 2013? Granted, this is a projection based on the budget we are putting together that looks forward 5 years, but it is realistic. It is based on an average level of economic growth that we have seen over the past 5 or 10 years.

It is based on the spending projections that we have tried to put together over the next 5 years that invest in things like the national security, increase funding for Veterans health care and the National Institutes of Health as well.

I think it is realistic, but whether or not we pay off the debt by 2013 or 2012 or 2015. I think what is most important is that we have the public debt being reduced. It is headed in the right direction. I view it like a home mortgage. You certainly do not try to pay off your home mortgage in one fell swoop simply because you might have a Christmas bonus or get a raise at work, but what you do is make every effort to achieve a constant payment against that home mortgage so you are reducing the size of the mortgage, increasing the equity and the home that you might own and, obviously, keeping your fiscal house in order so that your family, your children, might feel more and more secure at home. I think that is fiscally responsible.

This is something we are able to achieve with historic tax relief in this budget. I think it is something that we can be proud of, which is exactly why this budget will pass this House and pass the Senate and set us on the right path for the fiscal year.

I would like to yield back to the gentleman.

Mr. CHAMBLISS. Mr. Speaker, while the gentleman is speaking about paying down the public debt, the gentleman might just remind the American people what we have done over the last 3 years, or what we are doing, including this year, with respect to paying down the public debt.

Mr. SUNUNU. Mr. Speaker, in 1998, when we balanced the unified budget for the first time, we paid off over $50 billion in debt. In 1999, we took that to over $80 billion in debt retirement. This year, fiscal year 2000, over $150 billion. The 4-year total, including the budget we are going to be debating on the Floor here tomorrow, is over $450 billion in debt relief.

The budget that we will have on the floor, which covers the years 2001 through 2005, will have over $1 trillion in debt relief, even taking into consideration the $40 billion that we have set aside for Medicare reforms and prescription drug coverage, even taking into consideration the elimination of the marriage penalty, the health insurance deductibility for individuals, the small business tax relief package that has already passed this House. Taking into consideration all of those measures, we are going to pay down over a trillion dollars in debt in the next 5 years.

Mr. CHAMBLISS. Mr. Speaker, I yield now to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's comments on reducing the public debt. I am a new Member of Congress. When I ran for Congress last year, I asked people what they wanted to see Congress do above all else? They said balance the budget, pay off our debt and stop raiding the Social Security Trust Fund.

For many years, this institution has been taking money out of the Social Security Trust Fund and spending it on other government programs. Both parties can be to blame for this. Over the last 30 years, we have taken over $800 billion out of Social Security to spend in other government programs that have nothing to do with Social Security.

When you are working hard, paycheck to paycheck, seeing those FICA taxes coming out of your paycheck, just remember for the last 30 years a lot of that money has been going to spend on other things other than Medicare and Social Security. For the first time in 30 years, last year, this Congress actually stopped the raid on Social Security.

One thing that I want to talk about is the fact that, and as my colleague from New Hampshire pointed out, Congress has been doing this for so long. Last year, 1999, that was the first year that Congress actually passed a budget that did not take any money out of Social Security and they put that money back into Social Security and into paying off our national debt.

This year, Congress has stopped the raid on Social Security. It is putting that money back into the Social Security Trust Fund and paying off the national debt with that money. What we will be trying to achieve with this new budget that we are passing are four key objectives:

First, continue to stop the raid on the Social Security Trust Fund.

Second, pay down our national debt.

Third, modernize our Medicare programs so that Medicare, which is a law written in 1965, actually corresponds with the year 2000 health care. Where I come from, in the State of Wisconsin, we can do a lot better in Medicare. Some States get great Medicare rates, and I am happy for those States, but not all states, and especially Wisconsin. So we are going to fix the problems we have with Medicare.

Fourth, if people are still overpaying their taxes, give them their money back.

What we are going to be hearing tomorrow on the floor as we debate these budgets is basically a key debate over these priorities. I think it goes very much to the point of a difference in philosophy that exists between the two parties and between the budget objectives we are going to be hearing debated tomorrow.

I think the philosophy was really portrayed quite well by President Clinton a year ago when he was addressing an audience in Buffalo, New York. Last year, there was about 35,000 people he was speaking to in Buffalo, New York. He said, with respect to all of the government surpluses, which are people overpaying their income taxes and people overpaying their Social Security taxes, he said, and I quote, "We could give you your money back, but we wouldn't be sure that you would spend it right."

Well, therein lies the difference in philosophy. Your money is spent correctly so long as we decide how to spend it. That is the difference in philosophy we have. The President last year gave us a budget that said, let us continue raiding Social Security, as this chart next to me says, let us take 38 percent out of the Social Security Trust Fund to spend on the creation of 120 brand new Federal government programs. There is not enough money coming into Washington that we can ever send money back to the people.

We countered with a different proposal, we said, for once, we have to stop raiding the Social Security Trust Fund and put 100 percent of the Social Security surplus back into Social Security. We have got to get a handle on paying off our national debt. We have been doing that, $450 billion over the last 4 years under this new majority's leadership. We have been paying off on the national debt.

If people are still overpaying their taxes, after we have stopped the raid on Social Security, after we have our debt going down to where, if our plan is enacted, we will pay off the public debt entirely within 12 years, as fast as we can do it, and if people are still overpaying their taxes, give them their money back by making the Tax Code simpler, by making the Tax Code fairer.

How are we trying to accomplish this? After stopping the raid on Social Security, after paying off our public debt, we are eliminating the Marriage Tax Penalty; we are eliminating the tax on the earnings limit for Social Security; we are making the Tax Code fairer. We are trying to tell working Americans that their work will pay off; that when they work more and they provide more for their family and they overpay their taxes, we will want them to keep some of their own money.

We want them to have more of their own paycheck, because there is a limit to how much Washington will take out of their paycheck. That is a clear philosophical difference between the President's vision and the congressional majority's vision. Nowhere can this be more clear than taking a look at the family's budget, taking a look at how much money the government has been taking out of their paycheck.

For years, we have been raiding the Social Security Trust Fund. For years, we have been piling on the mountain of debt that is facing our children. Now, we are finally getting a handle on these core challenges, giving families more of their own money after they overpay their taxes, paying off our national debt, completely paying off our public debt in 12 years. And for once, if an individual pays their Social Security taxes, it is actually going to go to Social Security and not to other government programs.

There is another issue I want to talk about, and I know the gentleman from Kentucky (Mr. FLETCHER) is going to be joining us shortly on this, and that is Medicare.

□ 2115

The President has proposed some changes to Medicare lately, and I think those are worth talking about. This budget we are going to be talking about tomorrow proposes some changes to Medicare as well. There are big differences between what the President is proposing in Medicare and what this Congress is proposing in Medicare.

If my colleagues recall, last November we passed a Medicare bill which put $15 billion back into the Medicare trust fund, back into the Medicare network, because we noticed, after countless town hall meetings, after countless tours of the hospitals, of the skilled nursing facilities, of the home health agencies, we noticed that Medicare was suffering and we had to fix some problems in the Medicare network. So we put $15 billion back into the Medicare situation to help those States that were hit the hardest, States like Kentucky, States like Georgia, States like Wisconsin.

Well, this year the President, who signed that law in November said, sorry, let us cut that money back out. Let us actually cut Medicare by $16 billion this year to the same accounts, to the same people: the skilled nursing facilities, the home health agencies, the hospitals, the Medicare patients and the Medicare Plus Choice plan itself; the same people we just helped in November he wants to cut right now. On top of that, the President has a prescription drug plan, a prescription drug plan which does not means test, which pays for Ross Perot's prescription drugs and a prescription drug plan which puts the government at the nucleus of the pharmaceutical industries. Basically, the Federal Government telling doctors what they can and cannot prescribe to their patients.

Well, I hope that my family, my mother, my stepfather who are on Medicare right now, if they are in trouble, if they have some health problems on Medicare, I want to make sure that their doctor has the freedom to prescribe whatever he or she thinks is best for them, not what a government bureaucrat says is best for them.

So as we reform Medicare, as we are proposing to do with this budget, we must reform it by making sure that the doctor has the choice of what to prescribe to our parents, what to prescribe to our Medicare patients. We have to make sure that when we add prescription drugs to Medicare, we do it in a way that makes sure that we do not eliminate all of the research and development that is currently being invested in our pharmaceutical industries; make sure that the doctor chooses the drugs, make sure that the centerpiece of our Medicare universe is the patient, not the government.

Well, the President has a different vision: cut Medicare further, raise taxes, raise premiums on beneficiaries, and have a prescription drug plan which does not take care of catastrophic problems and gives drugs to everyone, regardless of one's income, whether one is a multimillionaire or a billionaire.

Now, these are just different principles, different philosophies. But the budget that we are trying to pass tomorrow is the vision we have for the country, which is to take care and address the challenges we have facing us; namely, a national debt that we have to deal with. We have, for the last 4 years, begun to pay that off: $450 billion, as my colleague from New Hampshire just mentioned. Tomorrow we are going to bring a budget to the floor that makes that look like small potatoes. We are going to bring a budget to the floor that over the next 5 years pays $1 trillion off of our national debt. Tomorrow, we are going to bring a budget to the floor that completely stops the raid on Social Security, that calls for the passage of legislation which I am actually a coauthor of, Social Security lockbox legislation which says no longer, never again can the Congress and the President go back to the days of raiding the Social Security Trust Fund.

We believe that we have to say that there is an end to the days of raiding Social Security, so we are going to back it up with a law that prohibits the Federal Government from going back and dipping into that Social Security Trust Fund. Then, if one continues to overpay one's taxes, as people are going to be doing, as we see this money coming into Washington, because the President wants to create new government spending programs. Specifically, in this year's budget, he called for creating over 80 new Federal Government spending programs from income tax overpayments. We are saying no to that, yes to paying off debt, yes to stopping the raid on Social Security, and yes to letting people keep their money if they still overpay their taxes by making our Tax Code much fairer, much more simpler.

With that, I would like to have a dialogue with my friend, the gentleman from Kentucky (Mr. FLETCHER). I know he has been such a champion on health care issues. I appreciate the gentleman's participation in this debate. He has done so much on the Committee on the Budget for Medicare. I applaud him for the measurements he has passed, for the leadership and insight he has given us on Medicare. I know the gentleman wants to talk about the Medicare reforms.

Mr. FLETCHER. Madam Speaker, I think the gentleman has covered a lot of these areas very well.

It is my understanding, and I would ask the gentleman, but if we took how much the President spends over the next 5 years really on his prescription drug plan and Medicare, it is only about $28 million, and how does that compare to what we are doing in this budget?

Mr. RYAN of Wisconsin. Madam Speaker, if we look at the President's budget, he is saying let us spend $28 billion in Medicare for prescription drugs, but that is only over 2 years. In the year 2003, in the year 2004 and in the year 2005, he spends zero money on Medicare.

Mr. FLETCHER. Madam Speaker, the gentleman means he has no benefits for anyone over the next several years?

Mr. RYAN of Wisconsin. Madam Speaker, that is right: $28 billion over the next 3 years and then zero after that.

What our budget does is spend $40 billion of hard cash, $40 billion over the next 5 years, for prescription drugs for Medicare and for reforms for the Medicare system itself.

Mr. FLETCHER. Madam Speaker, I think what the gentleman points out is very true. The President cut Medicare or proposed to cut Medicare by $16 billion. What I am seeing as I travel across my district, as I have held a number of town hall meetings, is that right now we have hospitals that are operating in the red, rural hospitals that provide that local care that is needed, to where if there is an emergency, a stroke, for example, it is very important to get there immediately, yet we have rural hospitals that possibly will have to close because of the cuts that this administration has already done through HCFA and these further cuts that they are talking about.

Then the President is also talking about raising taxes and fees, and some of those fees are to some of these providers. I read recently and what we hear is that now some of the providers and physicians are beginning to drop out of Medicare and they are beginning to drop out of Medicare because of the cuts, as well as the administrative difficulties of dealing with this administration have become so complex that they are saying we can no longer provide the care. What is this going to do for our senior citizens? When we start operating a hospital or nursing home, a long-term care facility and we really have to cut back on the number of nurses that we have that are caring for those patients, it is going to have a tremendous impact on the health care and the quality of health care that we can provide for our senior citizens.

I think it is very important to point out that as I was out traveling across the district, we compared the President's prescription drug plans with a plan that focuses on those that are the most needy. Now, this $40 billion that we have set aside would really allow us to focus on a prescription drug plan that really addresses those that are in need without, as the gentleman has said, providing benefits for the Ross Perots of the world that really do not need this benefit.

Madam Speaker, can my colleagues imagine having a school teacher or a brick layer paying taxes so that they can buy drug benefits for Ross Perot. That makes no sense at all. Yet, I have had patients that have come into my office and they have not been able to afford their prescription drugs because they are living on maybe just Social Security, maybe $600 or $700 a month, and they have a $30 to $100 prescription drug bill a month, and how are they going to pay for that. It is a difference between am I going to buy food and clothing or am I going to buy this prescription drug. Oftentimes they do not buy the prescription drug. Their hypertension goes untreated or their heart disease goes untreated and they have complications that they really did not have to have, so that our families and our senior citizens suffer because of that.

So we have proposed, let us set aside this $40 billion, and this money starts immediately. It does not start down the road. Also, as we look at the President's plan, the cost escalates tremendously. He projects it as only $28 billion over the next 5 years and the reason is because he does not give any benefit for the last couple of years. But then, if we look at the projections to his costs, they rise tremendously because he is covering those very wealthy or those folks that do not need it.

Yet, if we target it toward those in need and then we look at those that have high costs, those that have very high-cost medications that cannot afford it and if we have it targeted toward those truly in need, then I think we have a benefit that does not wreck Medicare and it is something that is fiscally responsible, and it also targets the people that need it the most.

I am very encouraged by what we have done, and I think that it really has taken the Republican Congress to focus, and to first get our House in order to make sure that we balance the budget, that we have this surplus that we can pay down the debt so that we eliminate the debt, the publicly-held debt that we are leaving to our children, and now we can start working and providing the kind of health care benefits that are needed in this country.

Madam Speaker, I would like to talk a little bit too about when we are talking about health care and what we have done, we have to get back to basic research, because I think it is very important to look, and we can see here on this chart that deals with NIH funding. If we look at this, actually, over the last 5 years, there was a real effort made when the Republicans took control of this Congress to say, we are going to try to double the funding on basic research, National Institutes of Health research. What we see is that we have continually funded NIH, science, basic research, well above what this administration and the Clinton-Gore and Democrats have proposed.

Mr. RYAN of Wisconsin. Madam Speaker, did the gentleman just say that the Republican Congress has actually put more of a commitment toward basic health research than the President's administration has?

Mr. FLETCHER. Madam Speaker, there is no question. This chart I think really shows that clearly. This blue line represents what the Republicans have put in compared to what the administration, the Democrats want to, and we can see that every year it is more. Now, this year, finally, we have convinced the administration to come up with the same level, but we have increased the funding this year by $1 billion to basic research.

Mr. RYAN of Wisconsin. Madam Speaker, I know the gentleman is a physician. Could the gentleman just explain what kind of things we are funding with this kind of basic research? What kinds of diseases are we attempting to cure? What kinds of institutions is this money going toward?

Mr. FLETCHER. Madam Speaker, I am glad the gentleman asked that, because when we look at the quality health care we have in this country, it really derives from our basic research. A number of years ago, and the gentleman may remember back when JFK said he wanted to put a man on the moon and had a goal of doing that. Well, we have many diseases that NIH is funding and diseases like the gentleman has mentioned, like cancer. There are several cancers that we really have cures for now, but there are many that we do not, and this increased funding will go toward finding cures for the different types of cancer that we have. If anyone has been affected by that in the family, they know what a tragedy it is to have someone struck down in the prime of their life or even in their later years with cancer and how devastating that disease can be. I will tell the gentleman, there is probably not any greater impact that we could have in this country than to find a cure for those diseases. This is exactly where it will come from, as we begin to fund more basic research to find the causes of cancer and the cures.

There are other things like disease which is obviously very important. Madam Speaker, 24 percent of our Medicare budget goes toward treating diabetes and the complications of diabetes. It is one of the largest reasons for kidney failure in the country. It is one of the largest reasons that we have in blindness. I think we are close. I do not know how far away, but we are close because of the funding we have of being able to find some real breakthroughs in diabetes. But we continue to raise the funding for diabetes and Alzheimer's disease. How many people have seen the tragedy of that. We think of even Ronald Reagan and the tragedy that Alzheimer's has caused in our country.

So these are the kinds of programs that it funds. When we look at the consequence and the benefits, how much we will get a return on this investment, how much more we have put in than the Democrats, then we really understand the difference in priorities that we have.

Mr. RYAN of Wisconsin. Madam Speaker, if the gentleman will yield, I think he just hit the nail right on the head, and that is priorities.

It is very important that people who look at these budgets see that it is a series of priorities, what we are trying to achieve in this budget. We hear all the time: I did not think the Republicans ever wanted to put more money into government programs than the Democrats. We hear that kind of thing all the time. It is all about priorities. The priorities we believe so fundamentally in is the proper role of the Federal Government, and one of the most important and proper roles of the Federal Government is in the funding of basic research, basic research to improve the health and welfare of our people.

One of the things that we have to tackle is all of these diseases that are plaguing our society. Heart disease is something that affects my own family. My father passed away by a heart attack, so did my grandfather. Personally I very much would like to see a breakthrough in heart disease research. Cancer is something that has hit our families. I know it has for so many people. We are getting close to breakthroughs in cancer research. These are important things the Federal Government can do to improve the lives of millions of Americans. Alzheimer's, all of these things are hard commitments that the Republican Party has made. More importantly, it is not about Republicans or Democrats, it is about doing what is right.

The budget that we are bringing to the floor tomorrow is a continuation on the priorities that we have established here in Congress with these budgets: funding basic research to try and find breakthrough cures for cancer, Alzheimer's, heart disease, diabetes, stopping the raid on the Social Security Trust Fund so that when one pays their Social Security taxes, it actually goes back to Social Security.

□ 2130

We have priorities such as fixing our Medicare program, making sure that Medicare is corresponding with the year 2000 medicine, paying off our national debt, paying off our public debt in 12 years' time, a trillion dollars over the next 5 years.

If people still overpay their taxes after we reach these priorities, we are going to give them their money back by making the Tax Code fairer and simpler. That is basically the priorities that we are seeking to establish with this budget.

The President has vastly different priorities: raiding Social Security, increasing debt, less of a commitment to health research, and new Federal Government programs, 80 new programs this year alone that he is calling for.

Mr. FLETCHER. Madam Speaker, if the gentleman from Georgia will yield, let me say in conclusion that this increase in funding that is going to have a tremendous impact on finding breakthroughs and cures, as the gentleman said, only came about because we looked back a number of years; and we had deficits in the $200 billion range. Now we are going to be paying off $170 billion of the publicly held debt this next year.

But the only reason we can put and continue to put money in basic research is because of the fact that we have not started all the new programs that the President asked for, that he wanted to spend more money on more programs and bigger government.

We have restrained the growth of government. But we have emphasized those priorities that are very important. We are doing a better job of doing what government is supposed to do and not spending money and wasting it on a lot of programs that have been proven to be ineffective.

So I am very encouraged that we are spending it in Medicare and targeted prescription drugs where it is needed, basic research, and that we are still able to pay down the debt, provide some tax fairness and relief.

I think we have got an outstanding budget. I do hope my colleagues on the other side will find their way to support this budget.

Mr. CHAMBLISS. Madam Speaker, as we wind down on our time here, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Kentucky (Mr. FLETCHER) is like me, they come from an area that is rich in agriculture.

There is one thing in this budget that I want to make sure we point out to all our friends in ag country. Ever since I have been here, for the last 6 years, one of my passions has been to try to reform our crop insurance program. We know, coming from ag country, that the current crop insurance program we have is a disaster.

Well, last year in this House, we passed a historic crop insurance reform package. I am told that tomorrow the Senate takes up their crop insurance reform package, and we are going to be going to conference very quickly.

The really good thing about this budget is that last year we put some $6 billion into our budget for crop insurance reform. This year, over the next 5 years, we plussed that up to $7.4 billion.

So we are going to be able to provide our farmers with a real risk management tool that is going to take the decision out of the hands of the government when it comes to crop insurance and put that decision into our farmers' hands finally and will allow our folks to manage their own crop insurance and give them the flexibility of deciding what they are going to insure and how they are going to insure it, the same way they insure their car and their home. There is going to be one more tremendous asset that we are going to be able to deliver to our farmers.

I am excited about this budget. It does any number of things that are going to benefit every single American. We are going to provide real meaningful tax relief. We are going to continue to save and protect Social Security and Medicare. We are going to continue to provide research dollars to improve the health care of every single American. We are going to improve the national security of this country.

This is the commitment that Republicans have made to the American people. Once again, we are going to live up to the commitment that we have continued to make.

Madam Speaker, the gentleman from South Dakota (Mr. THUNE) has joined us here. I am happy to yield to the gentleman from South Dakota.

Mr. THUNE. Madam Speaker, the gentleman from Georgia (Mr. CHAMBLISS) shares the same concerns I have and is very instrumental in trying to achieve some meaningful reform in the area of crop insurance.

I just want to say, too, and echo some of the things my colleagues have said here this evening in terms of this budget and what it accomplishes and the statements that it makes as far as what our priorities are and the people that we want to try and help.

I think, again, this makes a strong statement that we are going to support our producers in this country. The dollars that have been put in here for crop insurance, the dollars that are set aside for emergency assistance again this year is an important statement I think to our farmers and ranchers across this country and many of whom were in town here earlier this week to talk about the plight of rural America.

The gentleman from Kentucky (Mr. FLETCHER), the good doctor, also well acquainted with the health care and the issues that affect a lot of our rural hospitals and the changes that are being proposed in the area of Medicare reform have been significant in terms of the last few years and what we have been able to accomplish and what we did last year in assisting rural hospitals and home health care agencies and skilled nursing facilities and others, trying to restore some of the savings that have been achieved as a result of the balanced budget agreement of a couple of years ago.

But in my area of the country, in rural areas of the country, we have not participated to the same extent in this great economy that we have had the last few years. Rural areas are suffering, our farmers and our ranchers, our seniors, the populations that predominate where I come from, the State of South Dakota.

This is a budget which recognizes those needs which attempts to address the concerns that our constituents have in the area of prescription drugs, which is a pocketbook issue. It strikes very hard. We want to make sure that those low-income seniors who do not have some form of coverage, that we craft something as a percent of this budget process that will address that need that is out there.

Paying down the debt. What is more important to the future of our children? Also, the commitment that we make in the area of education.

If we look at this budget and what it accomplishes, the priorities that it sets, farmers, seniors, our children, our military, restoring and strengthening America's defenses, paying down public debt, dealing with the issue of prescription drugs, locking up the Social Security surplus, there are so many positives in this budget.

This is going to be a tough vote tomorrow because our friends on the other side who are more interested in adopting the President's budget, which included higher taxes, more government programs, 84 new programs, and 200 billion plus in new fees and taxes, is a very different approach. It is a statement of their priorities.

This budget that we vote on tomorrow and hopefully adopt is a statement of our priorities. It talks about the things that we think are important. We do believe in America's families. We have got to do better by our children in the area of education as well as ensuring that they are not saddled with a burden of debt that has been piled on by generations of poor spending habits here in Washington.

So I appreciate the work that has been done in the Committee on Budget, the gentleman from Georgia (Mr. CHAMBLISS), the hard work that has been done in the area of crop insurance to ensure that we have funding in there for our farmers and our ranchers for obviously the very difficult times they have had in the last several years with low prices and weather-related disasters. I certainly, in my part of the country, know firsthand what that is like.

This is a budget which addresses those needs, which I think is a statement, a reflection, frankly, of our priorities and where we think we ought to be moving and from a public policy standpoint in the future.

So I appreciate the hard work of the gentleman from Kentucky (Mr. FLETCHER) as well and the expertise that he brings in the area of health care in helping us craft policies that make sense for a Medicare program that serves the populations that need it, and that is responsible to taxpayers, that makes those needed reforms to make it viable into the future, and addresses that much needed concern out there, an issue, again, which is very important in South Dakota and I am sure in the gentlemen's districts as well, dealing with prescription drugs and what we might be able to do.

Mr. CHAMBLISS. Madam Speaker, I thank the gentleman from South Dakota (Mr. THUNE) for his comments and his strong leadership, particularly in the area of agriculture where we work so closely together.

Madam Speaker, I yield to the gentleman from Kentucky (Mr. FLETCHER) to wrap it up. I know he has a couple points he wants to close with.

Mr. FLETCHER. Madam Speaker, this budget, as we have heard and been able to speak about tonight I think is really the work, and I have to give the gentleman from Ohio (Chairman KASICH) certainly a lot of credit for all the work he has done to work and even get an agreement with the Senate. We begin to work with an agreement with them. It is the culmination of that to making sure we save 100 percent of the Social Security, that we strengthen Medicare, that we set aside $40 billion.

Because we believe that, now that we have saved the money, the taxpayers' money, that we have actually the revenue now to strengthen Medicare and to improve it with the Medicare prescription drugs we talked about, pay down the debt by 2013, promote taxes that are fair, and restore American defense and education.

We have passed several bills that have given back more local control, give 95 percent of the dollars back in the classroom, increase our funding for IDEA, those individuals with disability, continue to provide more resources back to the classroom with local flexibility and control.

Lastly, and I appreciate the opportunity to close, is that I sat here 2 years ago and listened to the President's speech, and he talked about family farms. He talked about wanting to support the family farms. I tell my colleagues our farmers are really hurting back in Kentucky. I know that the gentleman from South Dakota (Mr. THUNE) mentioned that.

We have got a problem. We have had it. The administration, the Clinton-Gore administration has certainly come after our burly growers. I understand why they have done that. We all are concerned about smoking and the health care interest of our youth. But they have provided absolutely no relief for our farmers back home. We have seen a 65 percent reduction in their incomes.

I am glad, with the gentleman from Georgia (Mr. CHAMBLISS) here, that we were able to put the $7 billion or so, $6 billion last year, that we can certainly increase crop insurance, that we have been able to, even with some supplemental payments, we were able to bring back $125 million this year back to Kentucky alone to help our farmers.

As we look at this budget, I think it covers the full gamut. I think we have got an outstanding budget. I am just very happy and pleased to join my colleagues to say that this can strengthen our family farms, our education, for our senior citizens, and really provide a brighter future for our children. So I am very pleased to be here tonight to participate in this discussion on our budget.

CONGRESSIONAL BLACK CAUCUS BUDGET

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, we have heard two presentations, one by the Democrats and one by the Republicans, on the budget. We will have the budget on the floor tomorrow to vote on, and nothing is more important than the budget this week. But nothing is more important than the budget at any time.

The most important decisions we make in Washington are the decisions related to the budget and the appropriations process. The budget is the opening of the process which ends with the appropriations process. People should understand that we broadly categorize certain spending goals in the budget, and then it is the appropriations process that carries them through with the detailed expenditures.

I want to talk about the Congressional Black Caucus Budget, a budget for maximum investment and opportunity, which we will have on the floor tomorrow as an alternative to the President's budget and the budget of the majority Republicans.

Our budget is very important, and I am going to spend half my time talking about the priorities of that budget, the six priorities of that budget. But the seventh priority is the one that I want to begin with. The mission of our budget is clearly, the Congressional Black Caucus Budget, an advocacy budget. It advocates for those that are left out and forgotten, the poor in general, and more specifically African Americans and other neglected minorities.

We concur with three-quarters of the President's budget and his priorities. But we would like to emphasize certain kinds of things that get left out. So in each one of these seven areas, education, housing, health care, economic development and livable communities, foreign aid, welfare and low-income assistance, and juvenile justice and law enforcement, we have special kinds of priorities that we have within those categories. We would like to make certain that those do not get left out.

This presentation will start with priority number seven, which is a very unusual priority for the Congressional Black Caucus to focus on. That is juvenile justice and law enforcement. Law enforcement.

Now, I understand that in the Democratic alternative budget that is going to be presented tomorrow, there will be some recommended increases in the law enforcement budget, the Justice Department budget. But that is all about increasing at the investigative end, increases for the prosecutions in general.

There are a number of things that are going to happen in that proposed set of budget increases that we are not particularly concerned with. We would like to see the Justice Department capacity increased to handle some other kinds of pressing emergencies.

For example, we have an explosion of high profile corruption and malfunctioning of the criminal justice system across America. In Los Angeles, in Illinois, Louisville, Kentucky and New York, on and on it goes. Right now, we have these high profile cases that should attract the attention of all Americans. Certainly the overwhelming majority of Americans are concerned about these malfunctionings and this corruption.

Certainly in the case of Amadou Diallo and the verdict of a jury there in New York State, the capital, Albany, related to a case where Amadou Diallo was standing on his front step and was approached by four policemen, and they shot him to death. Forty-one bullets were fired.

□ 2145

He was hit 19 times, and some of the bullets show he was hit after he was on the porch. Nevertheless, those policemen were found not guilty of anything; not negligent homicide, not reckless endangerment, not guilty of anything. A survey taken a few days later showed that the overwhelming majority of the people of New York State were outraged. They disagreed profoundly with that verdict and felt that a great miscarriage of justice had occurred.

But on the other coast, in Los Angeles, we had a series of revelations over the last few months indicating that the police department has been carrying out corrupt practices for almost two decades; that there are people in the police department who routinely, routinely, have planted evidence on people of drug selling, evidence of various kinds, planted guns on people, beaten people, and shot people. And the Los Angeles government now is getting ready to pay out millions of dollars in response to court suits that are being brought on these matters, as well as many, many cases that will be overturned.

The lives of numerous individuals, thousands of individuals when we consider the families of the people who have been wrongfully convicted or harassed, beaten up, the lives of thousands of individuals are involved in this gross systemic ongoing set of miscarriages of justice.

In the State of Illinois we have a situation where there were 25 people on death row, 25 people about to be executed. We were about to play God and take their lives. I am against the death penalty, but those who are for the death penalty certainly would not like to see innocent people executed. There was a special project conducted by some university students and they utilized the most advanced detective techniques, including DNA, to check to see whether these 25 people were really guilty or not. They were on death row. They had gone through the whole system. The district attorneys had brought cases against them, they had been prosecuted by public prosecutors, a judge had sat on the case, a jury heard the case, and now it was all over. They were on death row to be executed.

Under our constitution we guaranty the right to life, liberty and the pursuit of happiness. But if a person's life is taken, there is nothing else they are going to be able to do. They cannot pursue happiness. Liberty means nothing. A death penalty takes away that life. And of the 25 people who were on death row, 12 were found to be innocent. DNA evidence, about as conclusive as it gets, was used to prove that 12 of the 25 on death row were innocent. And I congratulate the governor of Illinois for acting after that, immediately, to say there will be no more executions until we straighten out this tangle.

Where is the criminal justice system going wrong? How did it produce an almost 50 percent error rate in a matter as serious as taking the life of an individual for the commission of a crime? Twelve of the 25 were innocent.

Let me see, I have mentioned Los Angeles and Illinois. Let us now go to Louisville, Kentucky. There was a killing of a young man by the Louisville, Kentucky, police. Two policemen were involved. The police commissioner, without telling the mayor, decided to give these two policemen a medal, awarded both of them a medal.

Now, they have gone through a process, I think, of being checked out, with disciplinary hearings, and steps have now been taken, but they were given a medal and the mayor was not informed about this. They were just given a medal, two medals, by the commissioner. And the mayor, rightfully so, felt that that was an outrage to do that for something that, one, was questionable, but to do it without his approval, without his involvement, was a usurpation of his authority, and it was making a statement about his position on this kind of action that clearly was in defiance of his policies.

So the mayor of Louisville, Kentucky, fired the police commissioner. And right now we have almost a coups taking place in Louisville, Kentucky. The police are marching through the streets indicating that they are really in command. The police that should be under civil authority are refusing to acknowledge that the mayor is the final authority; that the man who is elected, who hired the commissioner, had the right to fire him.

The problem is if we allow a police state mentality to develop in a small group, that spreads to the larger group, and pretty soon we are the victims of police state actions. I cannot remember any time that a whole police force has defied their chief executive, the mayor of a city, and gone out and thrown down the gauntlet. They are refusing to protect the citizens. They spend their time in demonstrating their strength.

It is illogical to allow the criminal justice system to become corrupted. What we have in America is a small percentage of police, the extremists, the fanatics, and sometimes they are racists, who commit crimes and acts of misconduct that by themselves are outrageous but we say, after all, it is only a small percentage of a total police department. The problem that all America should be concerned with is the way the rest of the police department goes to work to cover up, to protect and to nurture the fanatics and the extremists and the racists.

There is the so-called blue wall of silence, where no matter what is done they will protect them. And anybody that tells the truth will be isolated and browbeaten and harassed to the point where they will have to leave the force. The code of conduct in police departments all across the country is that the truth is not to be told if it will get one of their colleagues in trouble. So it makes the whole system corrupt. As we go up the chain of command, the officer at the top, including the commissioner, becomes involved in a pattern of cover-up. If the pattern of cover-up and protection is there, it means that the officers who are at the extreme end begin to have more and more people join them, more of their kind come on to the force because they have protection of the system.

I have talked about Los Angeles, Illinois, and Louisville, Kentucky. In Louisville, Kentucky, it is the police marching to take over the city, a coups by the police department against the city government. In New York, where the overwhelming majority of the people have indicated their outrage in the Amadou Diallo shooting, we now have another shooting of a young man named Patrick Dorismond, who lives in my district. He was killed. The mayor and the commissioner are behaving as if they want to stage a coups and take over the city against the majority. The majority are outraged, but they insist on behaving in ways that protect and encourage and nurture that small percentage of extremists in every police department.

The mayor has made outrageous statements about the last killing. Patrick Dorismond, a constituent of mine, his family lives in my district. Patrick Dorismond was in Manhattan, leaving work as a guard. He was a uniformed guard. He left work and went to a bar nearby. He left the bar and was hailing a taxi to get home when an undercover policeman approached him attempting to entrap him in a drug sale. The undercover policeman asked him if he had some drugs to sell. He wanted some drugs.

This same undercover police team had already made eight or nine arrests that night. They just wanted to bolster their statistics and make ten collars that night, so they approached one more, Patrick Dorismond. Patrick Dorismond was outraged as he was being approached and asked for drugs. An argument ensued and the backup policeman came on the scene to support his partner who was in the argument. He shot Patrick Dorismond to death.

Patrick Dorismond is dead and the two policemen say it was an accident. Most unfortunate; it was an accident. And the Mayor of the City of New York, Mayor Guiliani, ordered the commissioner, told the commissioner to immediately release the criminal record of Patrick Dorismond. Patrick Dorismond, at 13, had had some kind of encounter with the police. The laws of the State of New York say that the record of a juvenile should be sealed. Not only did they disobey the laws of the State of New York and open sealed records, but they also broadcast them all over the Nation.

Patrick Dorismond had had a run-in with the police when he was 13, like a lot of 13 year olds may have a run-in with the police. Patrick Dorismond had had two arrests as an adult for disorderly conduct. So happens that Patrick Dorismond wanted to be a policeman. So the two disorderly conduct arrests that he had had as an adult, plus the arrest that he had had as a juvenile, would not have disqualified him from becoming a policeman. They were not that serious. But the mayor has chosen to make Patrick Dorismond look like a criminal by putting these things together. And he has fooled no one.

The whole city is outraged again. It is double outrage after the Amadou Diallo verdict. Now comes Patrick Dorismond, with the mayor and the commissioner engaging in a blatant way in a cover-up. I mean, they are encouraging and setting the parameters for the cover-up in this case.

The system has gone to work to deal with some extreme activities on the part of individual policemen. There were other cases, of course, besides Amadou Diallo. There was Abner Louima, who was sodomized with a broomstick in a police precinct. Abner Louima almost bled to death. In fact, the hope was, by the policeman who had so injured him, that he would die, but, unfortunately for the policeman, he lived.

Fortunately, there were complaints made by the family, and they got through to a reporter and he got to a hospital and he survived. And the whole case broke as an exposure of what had gone on in that precinct. Most of the police in that precinct would not tell the truth. The blue wall of silence went into effect immediately and nobody saw anything. Abner Louima had to endure a horrible experience, and they tried to pretend that nobody held him down while the guilty police officer committed that crime.

Fortunately, the Federal Government stepped into the situation and, from the beginning, showed a great interest and prosecuted the policeman for violating the civil rights of Abner Louima. Abner Louima is not dead, fortunately. He is probably injured for life. He will never function normally again. But there was a trial and, after almost a year of denying that any crime had been committed, the blue wall of silence was at work concocting stories about Abner Louima having engaged in homosexual activity and that is how his guts were erupted or torn inside him. All kinds of concocted ridiculous stories were manufactured, until finally in the Federal trial, in Brooklyn, the perpetrator confessed that he had done it, and was found guilty, of course, by his confession.

☐ 2200

However, even after confessing, he wanted the world to believe he did it all by himself and nobody else saw it, wanted to protect his colleagues, and came back to court to testify in a second trial, a conspiracy trial.

The conspiracy trial related to Abner Louima was probably more important than the trial which convicted the man who perpetrated the heinous act against Abner Louima. Because the conspiracy trial goes to the heart of the problem.

The heart of the problem is the fact that the colleagues of the perpetrators, the colleagues of the extremists, of the fanatics, of the racists cover up for them. They pretend they saw nothing.

they heard nothing, the system, in effect, to cover up for the crime committed against Abner Louima. His relatives went to the police station the next day, and they were threatened and told to get away from there or they would be arrested.

All kinds of horrible things happened before this case began to rise and surface in such a way that the police department had to admit that a great crime had been committed and they had to go to work to do something about it.

But when the Federal Government entered the case early and began to question the police officers, the blue wall of silence went into effect. So they took a very important step in trying four of those officers for conspiracy to cover up. Because that is the heart of the problem. The system has to be changed. The system has to be attacked.

The Federal Government at this point has also completed a study of the pattern of activity in New York City with respect to the stop-and-frisk and the way they police minority neighborhoods.

What does this have to do with the budget? Let me go back for a moment and say that all those people out there who were upset about the Amadou Diallo verdict, and there were many people, there was a spontaneous set of demonstrations. High school kids, without any tutelage or planning, left their schools and demonstrated in the streets. College kids demonstrated, white and black. There was no group that did not show their outrage.

Today, on the steps of New York Police Plaza, a press conference took place of businessmen, businessmen and labor leaders, rabbis, civil liberties leaders, urban league, a press conference took place where they all together condemned the latest activities of the mayor with respect to exposing the criminal record of Dorismond as a 13-year-old child and taking a position in defense of the killing of Patrick Dorismond before the facts were examined thoroughly.

Our constituents in New York are very upset, outraged, demanding action from their leaders. Our constituents are demanding action against these gross misjustices.

Fortunately, none of these spontaneous responses have been violent. We keep telling people it does not pay to go out in the streets and burn anything down or conduct riots. As leaders, we have been successful in making people understand that negative and unproductive set of conduct that should not be followed. However, they turn to us and say, What are you going to do? What about it?

Well, I want to say it does relate to the budget here. Because in our budget, item number 7 is the juvenile justice system. We want more money put into the Federal criminal justice system, juvenile justice, adult justice, law enforcement in general. We want more money put in.

We also have a bill that will require more funds in the Justice Department. That bill was put in by the gentleman from Michigan (Mr. CONYERS) 2 weeks ago. And I would like to let everybody know out there, the constituents, that we are not standing still, we are taking certain kinds of actions. This bill, the Law Enforcement Trust and Integrity Act, is going beyond what we have done already.

We have gone to the Justice Department. We have gone to the deputy of Janet Reno. We made our appeals there. We have gone through those motions on these particular cases, especially Amadou Diallo. And we have now gone to the Justice Department about Patrick Dorismond. In Brooklyn, the U.S. Attorney in that district, the Eastern District, now has had a discussion on that. So we are taking action at the level that we think we can take the most relevant actions.

We have accreditation of the bill that the gentleman from Michigan (Mr. CONYERS) has introduced, the Law Enforcement Trust and Integrity Act, which will require additional funding by the Justice Department if they carry out these points.

I will just quickly summarize what the bill says. The bill calls for the accreditation of local law enforcement agencies not to operate so loosely. They should have a set of procedures and standards, a training regiment which does not allow for inexperienced people to be set loose on the street with guns in their hands but make certain that they have had thorough training not only in the use of force but also an understanding of the community that they are patrolling.

This bill authorizes the Department of Justice to work cooperatively with independent accreditation law enforcement and community-based organizations to further develop and refine these accreditation standards.

Second point: Law enforcement agency development programs. The bill authorizes the attorney general to make grants to local States and governments to develop programs, such as civilian review boards, early warning and detection programs, which have proven effective in many jurisdictions, and many kinds of activities which would help develop a greater rapport between police and the community.

Administrative due process procedures. The bill requires that the attorney general study the prevalence and impact of any law, rule, or procedure which interferes with prompt and thorough investigations of abuse.

In New York City, they have the 48-hour rule. The police department, the Police Benevolent Association, their union negotiated an agreement where no policeman who is involved in an excessive use of force case can be interrogated before 48 hours. Forty-eight hours must pass before they have the right to interrogate a policeman who is involved in some incident related to excessive use of force or the firing of a gun even if it resulted in the killing of an individual.

Item four in the Law Enforcement Trust and Integrity Act sponsored by the gentleman from Michigan (Mr. CONYERS). It enhances the funding of the Civil Rights Division in the Civil Rights Department. It authorizes appropriations for expenses for ongoing investigations of pattern and practice of abusive investigation by the Justice Department.

Item five in the pattern and practice investigations: It enhances the authority to bring private cause of actions limited only to declaratory and injunctive relief when there is a pattern and practice of discrimination.

Item six: Deprivation of rights under color of law. The bill amends section 242 of Title 18 of the Code to expressively define "use of force" and "nonconsentual sexual conduct" as deprivations of rights under color of law.

Item 7: The study of deaths in custody, referring back to the Illinois case. The bill amends the Code to require assurances that States will follow guidelines established by the attorney general for reporting deaths in custody.

National Task Force on Law Enforcement Oversight. The bill requires the Department of Justice to establish a task force to coordinate the investigation, prosecution, and enforcement efforts of Federal, State, and local governments in cases related to law enforcement misconduct.

Immigration Enforcement Review Commission. The bill creates a commission to investigate civil rights complaints against the INS and Customs Services with authority to make policy and disciplinary recommendations.

It is very interesting that, in New York, several of the cases that have taken place have related to immigrants. Amadou Diallo was an immigrant from Africa, the country of Guinea. Patrick Dorismond is a Haitian American. Abner Louima is a Haitian American.

I know this is only a coincidence because I have lived in New York for 42 years and there is a long list of victims of excessive force, negligent homicide, that were not necessarily immigrants.

Eleanor Bumpers was a grandmother who was shot down in her living room. Claude Reece was a 13-year-old who lived in a housing project in my district. Clifford Glover was 11 years old and was shot in the back. Randolph Evans was shot point-blank by a policeman who used a defense in court called psychomotor epilepsy. I have never heard that term before; and since that case, that trial, I have never heard it since. Well, the jury found the policeman not guilty because he had had a seizure of psychomotor epilepsy and he could not stop his hand from raising the gun and pointing to young Randolph Evans's head. He walked off scot-free.

So there have been a long list of deaths, of police killings and police brutality which did not deal with immigrants. But it just happens that recently the focus has been, by accident I think, on immigrants. So an Immigrant Enforcement Review Commission is very much in order.

Item 10: Federal Data Collection on Racial Profiling. The bill requires the Justice, Treasury and Interior Departments to collect data concerned with personal characteristics of individuals targeted for investigation, etcetera.

The bill establishes civil and criminal penalties for retaliation against law enforcement officers who in God's faith disclose, initiate, or advocate on behalf of a civilian complainant in actions alleging police misconduct and creates private cause of action for retaliation.

These are 11 of the points that are emphasized in the Law Enforcement Trust and Integrity Act. Many of them will require additional funding. My colleague the gentlewoman from Texas (Ms. JACKSON-LEE) has added to that some other provisions that will require additional funding in the budget. She wants a budget increase to deal with the Weed & Seed program. She wants to address juvenile delinquency prevention with certain projects, a program to reintegrate great young offenders, and a program to reduce youth gun violence.

So in our seventh category, juvenile justice and law enforcement, in our budget, we are addressing some of the issues that are of great concern to my constituents back in New York. CBC, the Congressional Black Caucus, wants to support these issues in every way. Tomorrow we will deal with a budget which does that.

In addition to that, I think it is important to note that we are proposing and, in fact, I proposed at a meeting of the Brooklyn African American Clergy and Elected Officials, consisting of 96 members, on March 3, 2000, I proposed the following in reaction to my constituents and all those who are outraged and want some leadership, I proposed we have a declaration against surrender to this kind of activity.

We will not surrender to police abuse and a policeman state mentality. We will not surrender to a mayor and a commissioner who insist on protecting the extremists and the fanatics who constitute only a small part of the police department.

This declaration of surrender reads as follows: "We, the undersigned leaders of the caring majority, pledge to unite in solidarity against continuing oppression by the extremist law enforcement establishment and the collaborating criminal justice system. With unrelenting fervor, we pledge to provide continuous leadership for the following actions and activities:

(1) negotiations to achieve the 10 demands for police and criminal justice reform set forth on March 27, 1999, almost a year ago.

A coalition of leaders from all parts of the city met at Local 1199 in the heart of the city, and we drew up a 10-point plan on misconduct and brutality. These 10 points cover the need for civilian review board which has real teeth. It covers the call for a special prosecutor to be appointed in cases involving police brutality or police homicide. It calls for a residency law for New York City.

Most of the country requires policemen to live in the city or the county. Most of the counties in New York State require policemen to live in the city or county. But not in New York City. The legislature exempts New York City from that requirement despite the fact that the city council and the people of New York want a residency law to guarantee that they get police that have a greater comprehension of the people that they are serving and the cultures that make up New York City.

□ 2215

On and on it goes. There are 10 demands here drawn up March 27, 1999. The problem with these demands is that for the 40 years that I have been in New York, most of these demands have been made repeatedly over and over again every time there has been some excessive use of force or misconduct among the police. The time that I have been in New York, for 40 years, there have been three commissions to investigate corruption and excessive use of force. They all come up with the same recommendation. Nothing gets done. For that reason, we are insisting that we negotiate again. We like to go to our constituents and say we are reasonable people, we are leaders who do not under any circumstances want our constituents to resort to violence. We want to proceed in a nonviolent way, in a reasonable way to try to get these so-called intractable problems that seem not to be solvable, to get something done. So we want to negotiate these 10 demands. We want to ask the mayor to negotiate again, but beyond the mayor we want the fathers of the city, we have a phrase in New York called the permanent government of the city. In a lot of the cities and towns across the country, there is a permanent government, the business people, the civic leaders, a group of people who really behind the scenes, if you do not have their approval, if elected officials do not have their approval, they cannot survive, they cannot exist. There is a combination of financial contributions as well as the press being on your side, indignation of people in high places who have the bully pulpit. They can govern in certain ways. We think that they are guilty in New York City of not weighing in and doing more over the years to rein in the excessive police abuse that continues to erupt again and again in New York City. So we want to negotiate with them as well as with the mayor and the governor. That is point one in this Declaration Against Surrender.

We want to, point two, take the necessary actions to achieve intervention in the Diallo case by the Justice Department and the prosecution of the four police defendants for the violation of the civil rights of Amadou Diallo. Four policemen have already been found innocent of anything, including reckless endangerment or negligent homicide, nothing, totally innocent, just as the people who beat up Rodney King in California were found innocent. Despite the fact that you had a videotape of them surrounding him and beating him, they still found the perpetrators innocent. The Federal Government had to go in and try those same people on a charge of violation of civil rights of Rodney King. We have asked and we are pressing hard to get the Justice Department to try the people who killed Amadou Diallo on the basis of the violation of the civil rights of Amadou Diallo, a victim of police profiling. Nowhere in the history of New York City have you had a person standing on his front porch shot down by the police. Only racial profiling gone mad and seeing any black as a threat could have conjured up an image of Amadou Diallo as being a danger to society or to the four policemen who shot him in self-defense, they say, because they thought he was reaching for a gun when he pulled out his wallet. Probably, being a foreigner, he knows the first thing you do when you are confronted by the law is show your papers, show your papers and identify yourself. We think that we have a good case and that the Justice Department will move, we hope, to prosecute these defendants for the violation of Amadou Diallo's civil rights. We are trying to tell our constituents that this is a society where ultimately there is justice for all. If you cannot get justice for all at the city level or the State level, then there is finally the Federal Government which will guarantee that there will be justice for all.

Our third point here is an appeal to the United Nations to secure an objective review of the violations of minority human rights in the United States as evidenced by the following. Violations of minority rights in the United States are out of control. Too many people in high places are not excited about the fact that they are out of control. Why? Because, one, there is a national pattern, a national pattern of systemic police brutality with recurring unjustified homicides. Two, death penalty laws which result in a disproportionate number of minorities executed, a disproportionate number of minorities executed and a high probability of innocent victims on death row. I gave you the case of Illinois where the death row inmates who were innocent were fortunate enough to have a local university project conduct an exercise using the latest detective techniques including DNA, and they found 12 of 25 of the people on death row to be innocent. The next point, widespread officially sanctioned racial profiling. The next point, exposures of massive long-term corruption and illegal arrests in police departments. The next point of great racial disparity in sentencing. Great racial disparity. We have several studies which show that a black person and a white person accused of the same crime going through the same similar investigative procedure standing before a judge, the racial minority will get a tougher sentence, a higher sentence. Disparity in sentencing. Finally, the imprisonment of 2 million persons, most of whom are poor and members of minority groups. In the United States there are now about 2 million people in prison. Prisons have become a major industry. You can invest in prisons. If you invest in prisons, they do not pay off unless you have inmates. You are paid according to the number of inmates. There is something grossly unjust about this kind of system. There is something grossly unjust about so many people in prison. The highest number now of any of the industrialized nations are imprisoned in the United States of America. Almost half of them are imprisoned for nonviolent offenses related to drugs. There is something wrong with the system. We complain on the floor of this House, we have many bills which have made matters worse sponsored by the Republican majority. We complain. Nothing happens. An appeal to the United Nations may be where we have to go in order to get some attention focused on these gross abuses.

Finally, in this Declaration Against Surrender, we the undersigned leaders of the caring majority pledge to sponsor periodic "Weeks of Outrage" with citywide nonviolent actions including civil disobedience. Such Weeks of Outrage will be periodically sponsored until our just demands are met. Going back to point one, the demands we ask to be negotiated, we will not sit still and let those demands be treated with contempt nor ignored. We intend to have Weeks of Outrage starting with an April Week of Outrage which is in the process of being planned. There is a call for an April Week of Caring Majority Nonviolent Outrage.

The Declaration Against Surrender continues by saying that in the last 40 years, more than 50 outrageous killings of New York citizens by the police have gone unpunished, from the children, Clifford Glover and Randolph Evans, to grandmother Eleanor Bumpers, mental patient Gideon Bush, and immigrant Amadou Diallo, the callous actions of individual policemen have been supported and excused by a collaborating judicial system, by the establishment press and media, by the power brokers and the permanent governors of New York City. We declare that the caring majority of New York City will no longer surrender to these gross injustices.

Mr. Speaker, I submit the statement related to the Declaration Against Surrender for the RECORD.

Declaration Against Surrender

We, the undersigned Leaders of the "Caring Majority" pledge to unite in solidarity against continuing oppression by the extremist law enforcement establishment and the collaborating criminal justice system. With unrelenting fervor we pledge to provide continuous leadership for the following actions and activities:

Negotiations to achieve the ten demands for police and criminal justice reform set forth on March 27, 1999.

Necessary actions to achieve intervention in the Diallo case by the U.S. Justice Department and the prosecution of the four police defendants for the violation of the Civil Rights of Amadou Diallo.

An Appeal to the United Nations to secure an objective review of the violations of minority human rights in the United States as evidenced by: a national pattern of systemic police brutality with recurring unjustified homicides; death penalty laws which result in a disproportionate number of minorities executed and a high probability of innocent victims on death row; widespread officially sanctioned racial profiling; exposures of massive long-term corruption and illegal arrests in police departments; a great racial disparity in sentencing; the imprisonment of two million persons most of whom are poor and members of the minority groups.

Sponsorship of periodic "Weeks of Outrage" with citywide nonviolent actions including civil disobedience. Such "Weeks of Outrage" will be periodically sponsored until our just demands are met.

We, the undersigned Leaders of the "Caring Majority" invite all citizens everywhere who deem themselves as members of the "Caring Majority" to unite with us in the "Declaration Against Surrender".

Submitted by Congressman Major Owens and Approved by the Brooklyn African American Clergy & Elected Officials (March 3, 2000).

10-Point Plan on Misconduct and Brutality

FOLLOWING ARE THE PROPOSALS ISSUED BY A BROAD COALITION OF POLITICAL LEADERS AND COMMUNITY ORGANIZERS IN RESPONSE TO THE SHOOTING OF AMADOU DIALLO: MARCH 27, 1999

1. Mayor Giuliani must immediately implement the recommendations of the Mollen Commission, especially the call to establish an independent investigative body with full subpoena power that has jurisdiction over police corruption and brutality in New York City. Twice, the City Council has passed legislation creating a body to monitor corruption, but the Mayor has done everything in his power to block its implementation—first by veto and then, when the Council overrode his veto, by tying the matter up in court. The Mayor must also implement the recommendations (from both the majority and dissenting reports) of his own Task Force, that he appointed in 1997 in the wake of the shocking Abner Louima incident.

2. The Civilian Complaint Review Board must be immediately reconstituted, strengthened and fully funded so that it can effectively investigate civilian complaints of police misconduct.

3. The State Legislature must pass legislation creating a permanent special prosecutor for police brutality and corruption in New York. In conjunction with this, the State Attorney General must create a special unit on police misconduct and should issue an annual report documenting instances of misconduct throughout the state.

4. The Police Department must develop a comprehensive training program, developed in consultation with outside experts, to school its officers in racial and cultural sensitivity and must also implement a rigorous process of in-depth psychological screening of its recruits and office.

5. The New York Police Department should reflect the makeup of the citizen population it serves—N.Y.C. police officers should live in New York City. The State Legislature must immediately pass a law mandating residency for city officers.

6. The Police Commissioner must also take specific and immediate steps to recruit more minorities and women to serve as police officers and develop a plan to increase promotion opportunities for women and minority officers.

7. The salary and benefits for police officers must be improved. Law enforcement officers are entrusted with extraordinary responsibility and they should be compensated accordingly.

8. The Police Department's "48-hour" rule, which delays the ability of N.Y.P.D. investigators to question police officers charged with violations of N.Y.P.D. rules and regulations, must be eliminated.

9. The weapons, ammunition and tactics used by the department must be assessed and periodically reviewed, not only to measure effectiveness, but to protect the safety of innocent New Yorkers. The use of hollow-point bullets should be discontinued immediately.

10. Congress must call on the Justice Department to honor its commitment to monitor and issue annual reports documenting instances of police misconduct throughout the country. This promise was made in the wake of the Rodney King incident and has yet to be acted upon.

Demands Cited in the Major Owens Declaration Against Surrender

Declaration Against Surrender—Congressman Major Owens

Call for an April Week of Caring Majority Non-Violent Outrage

THE DECLARATION AGAINST SURRENDER

In the last forty years more than fifty outrageous killings of New York citizens by the police have gone unpunished. From the children, Clifford Glover and Randolph Evans, to grandmother Eleanor Bumpers, mental patient Gideon Bush, and immigrant Amadou Diallo, the callous actions of individual policemen have been supported and excused by a collaborating judicial system; by the establishment press and media; by the power brokers and the permanent governors of NYC. We declare that the Caring Majority of

NYC will no longer surrender to these gross injustices.

THE TARGETS AND THE GOALS

—The Caring Majority Must Be Empowered To Realize How Strong They Are

—City Hall Must be Made To Understand The Ultimate Power Of The Caring Majority

—The Police And The Power Brokers Must Be Made To Understand The Limitations Of Their Control

—Reasonable Demands Must Receive A Respectful Response, Serious Negotiations And Meaningful Legislation Action

Our primary goal is to provide leadership for the following:

Negotiations to achieve the ten demands for police and criminal justice reform set forth on March 27, 1999.

Necessary actions to achieve intervention in the Diallo case by the U.S. Justice Department and the prosecution of the four police defendants for the violation of the Civil Rights of Amadou Diallo.

An Appeal to the United Nations to secure an objective review of the violations of minority human rights in the United States as evidenced by: a national pattern of systemic police brutality with recurring unjustified homicides; death penalty laws which result in a disproportionate number of minorities executed and a high probability of innocent victims on death row; widespread officially sanctioned racial profiling; exposures of massive long-term corruption and illegal arrests in police departments; a great racial disparity in sentencing; the imprisonment of two million persons most of whom are poor and members of minority groups.

Sponsorship of periodic "Weeks of Outrage" with citywide nonviolent actions including civil disobedience. Such "Weeks of Outrage" will be periodically sponsored until our just demands are met.

The list of the ten demands set forth on March 27, 1999 are attached at the end of this Call Statement.

STRATEGY AND TACTICS

Using non-violent principles and techniques the purpose and mission of the "Week Of Outrage" is to provide every outraged citizen with an opportunity to publicly express that outrage and bear witness to the fact that the "Caring Majority" of New York City will not surrender to the oppression of the police establishment and the collaborating criminal justice system.

For each of five days in all five boroughs Action Groups shall simultaneously assemble at several strategically selected protest sites within each borough for a citywide total of no less than fifteen sites. The nonviolent soldiers at each site shall rally, march, conduct civil disobedience or engage in any other pre-planned non-violent activity. The absolute necessity is that citywide actions take place simultaneously in order to demonstrate the lack of capacity of the police to control citizens who are righteously indignant and organized. New York City belongs to the people and each day's coordinated mass actions will deliver the message of this forgotten truth.

In order to maximize citizen participation and conserve resources the primary strategy for the assembled Action Groups shall be to march through key streets and intersections in ways that take command of the thoroughfares and public places. Civil disobedience with pre-planned arrests shall be carefully targeted. Most of each operation will be merely the assertion of the right to assemble—and for this activity no one can be arrested.

The decision-making structure for the "Week Of Outrage" shall be lean, decentralized and flexible. There shall be an overall "Caring Majority" citywide Coordinating Committee and each borough shall have a Borough Coordinating Committee. Each Action Group must choose its own Captains and Marshals. Action Group must have representation at all planning sessions and must accept a set of Caring Majority Non-Violent Principles and Procedures; however, approval of specific and detailed action plans will not be mandated.

The Week Of Outrage War Plan

To drive home the self-evident truth that the City belongs to the people and that the police and the power brokers can only operate with "the consent of the governed", five days of coordinated citywide actions are necessary.

On Sunday prior to the first day of activity Meditation and Evaluation Rallies will be held in each borough to finalize the week's master-plan.

On Monday the important first day of action must be launched on a test scale in order to pinpoint problems and weaknesses.

On Tuesday an attempt will be made to raise the level of activity and to maximize the repetition of the most effective actions.

On Wednesday the peak of participation will be reached.

On Thursday and Friday variations and innovations in activity will be maximized.

The Daily Outrage Action Schedule

In accordance with the Daily Outrage Action Plan that has been agreed on during a Meditation and Evaluation Rally on the night before, Action Groups must assemble each morning at the designated protest sites. At the designated sites actions must begin simultaneously throughout New York City.

Morning Actions must be conducted in ways that maximize participation by local residents. In selected neighborhoods within each borough, demonstrators must assemble without notifying the police in advance.

Transitional Activities must move the masses to a designated citywide central protest site in Manhattan. This means that local morning actions should end by 1 P.M. in time for the citywide high visibility action of the day to begin by 3 P.M.

Afternoon Action will be conducted at a designated site of high visibility and great traffic vulnerability in the heart of the City. Without engaging in civil disobedience the number of participants must be great enough to stop the business-as-usual activities of the business community.

Evening Meditation and Evaluation Rallies shall be conducted in each borough. A review of strengths and weaknesses must take place and clear directions be given for the next day's Outrage Action Schedule.

THE WEAPONS AND RESOURCES

A non-violent crusade must be an organized mobilization which understands how to best utilize its weapons and resources:

Mobile Cell Phones must be available in large numbers to maximize communication at all times. A set of vital numbers will be compiled.

Cameras of all kinds must be recruited to record incidents, especially the actions of the police. Each Action Group must have a Camera Unit responsible for coverage of the action from the periphery out of the reach of possible confiscation by the police.

Bull Horns must be spread through each large group.

Marshalls and Captains must be thoroughly trained to keep order, and to contain and isolate the agents of sabotage.

A Legal Unit with at least one law student or paralegal must be attached to each Action Group.

An Emergency Unit with at least one person capable of administering first aid must be a part of each Action Group.

THE CEASE FIRE AND EVALUATION

At the end of the "Week Of Outrage" a cease fire will be called for an indefinite period of time while the following factors are evaluated:

—Has the pressure of the week's actions forced the Mayor, the Governor and the other significant power brokers to respond to the stated demands?

—Has the one week crusade raised the level of awareness and strengthened the resolve of the "Caring Majority" to fight for justice?

—Are the ranks of the "Caring Majority" expanding in all segments of the City's population?

—Can future similar "Weeks of Outrage" be sustained with existing resources?

—What strengths and weaknesses in the operation have thus far been identified?

—What are the adjustments in structure with respect to decision-making and leadership which need to be made?

—Can the one week crusade be effectively turned off with the capacity to resume at a later date?

Mr. Speaker, the rest of my presentation is also concerned with the budget. I wanted to deal thoroughly with point seven. Point seven is juvenile justice and law enforcement. This is our seventh priority in the Congressional Black Caucus budget. Let me go back and deal with item one. Housing, health care, economic development, livable communities, foreign aid, welfare, low-income assistance, those are all important, but item one is education.

In the remaining time I have, I would like to talk about our emphasis on education. The caring majority budget begins with the following introduction. We call our budget the Congressional Black Caucus Budget, a Budget for Maximum Investment and Opportunity.

"Carrying forward the great Democratic Party traditions of Franklin Roosevelt's New Deal, Harry Truman's Marshall Plan and health care proposals, Lyndon Johnson's Great Society that produced Medicaid and Medicare. As advocates for the Democratic Party mainstream philosophy, the Congressional Black Caucus sets forth this budget for maximum investment and opportunity.

"As we prepare the year 2001 budget, we are blessed by the long warm rays of the sun of a coming decade of surpluses. Compassion and vision are no longer blocked by the specter of budget deficits. The conservative estimate is that there will be a $1.9 trillion non-Social Security surplus over the next 10 years. Using simple logic, we should be able to program about $200 billion for year 2001 as this window of opportunity opens." Program it means it may be in some tax cuts. It might be in investments in education. It could be in increases in jobs and training for welfare workers. There are a number of ways it can be programmed.

I was pleased to hear that the Blue Dog budget, I do not know why they call themselves Blue Dogs but the conservative Democrats they are, the conservative Democrats are almost in agreement with what we are proposing on education. I will get back to that in a few minutes.

"Investment for the future must be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and expansion of a U.S. superpower economy. It is the "age of information," stupid. It is the time of the computer and digitalization. It is the era of thousands of high level vacancies because there are not enough information technology workers. With enlightened budget decisions we can at this moment begin the shaping of the contours of a new cyber-civilization.

"If we fail to seize this moment to make investments that will allow our great Nation to surge forward in the creation of this new cyber-civilization, then our children and grandchildren will frown on us and they will lament the fact that we failed not because we lacked the fiscal resources but our failures, our very devastating blunder was due to a poverty of vision.

"We are the custodians of unprecedented wealth in a giant economy. But midget minds and tiny spirits have seized control and the only big sweeping idea being generated during this budget discussion is the negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible, such a proposal maximizes great selfishness."

Let me just repeat that. "We are the custodians of unprecedented wealth in a giant economy. But midget minds and tiny spirits have seized control and the only big sweeping idea being generated during this budget discussion is the negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible, such a proposal maximizes great selfishness."

I want to criticize my Democratic colleagues. They have no sweeping, big proposals when that is what we need at this time. In the area of education, we need a big, sweeping proposal. It is pretty clear that education is the key to the future of this Nation. It is the key to our building a cyber-civilization.

Mr. Speaker, I submit the introduction of the Congressional Black Caucus budget consisting of an introductory statement and a statement of a set of principles and assumptions for the Record.

The Congressional Black Caucus Budget: A Budget for Maximum Investment and Opportunity

Carrying forward the great Democratic Party traditions of Franklin Roosevelt's New Deal; Harry Truman's Marshall Plan and Health Care Proposals; Lyndon Johnson's Great Society that produced Medicaid and Medicare; as advocates for the Democratic Party mainstream philosophy the Congressional Black Caucus sets forth this Budget for Maximum Investment and Opportunity.

As we prepare the year 2001 budget, we are blessed by the long warm rays of the sun of a coming decade of surpluses. Compassion and vision are no longer blocked by the spectre of budget deficits. The conservative estimate is that there will be a 1.9 trillion dollar non-social security surplus over the next ten years. Using simple logic we should be able to program about $200 billion dollars for year 2001 as this window of opportunity opens.

Investment for the future must be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and expansion of the U.S. superpower economy. It is the "Age of Information" stupid! It is the time of the computer and digitalization. It's the era of thousands of high level vacancies because there are not enough Information Technology workers. With enlightened budget decisions we can at this moment begin the shaping of the contours of a new Cyber-Civilization.

If we fail to seize this moment to make investments that will allow our great nation to surge forward in the creation of this new Cyber-Civilization then our children and grandchildren will frown on us and lament the fact that we failed not because we lacked fiscal resources, but our failures, our very devastating blunder was due to a poverty of vision.

We are the custodians of unprecedented wealth in a giant economy. But midget minds and tiny spirits have seized control and only the big sweeping idea being generated during this budget discussion is the negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible such a proposal maximizes great selfishness.

The preparation of this Budget for Maximum Investment and Growth was guided by the set of principles and assumptions set forth in the statement below:

1. We accept the general direction of the President's Budget and the House Democratic Caucus. "Families First" is a motto we wholeheartedly endorse; however, more resources must be directed toward working families and the unique problems of African American families.

2. We view the projection of a 1.9 trillion dollar surplus over a ten year period as an overriding factor for the basic decisions to be made for the FY 2001 Budget. Common sense dictates that we approach this first year of the decade of budget surpluses with proposals for the most advantageous uses of one-tenth of the projected surplus.

3. Investment in the CBC designated priorities shall be our number one concern. We support a moderate plan to pay the national debt; however, the President's blueprint moves too far and too fast with debt reduction at the expense of investment.

4. The protection of Social Security, Medicaid and Medicare are among the highest priorities of the CBC; however, investments in the education and training of the present and future workforce will provide greater guarantees for the solvency of Social Security and the sound financing of health care than any other policies or actions under consideration.

5. In budgeting for each function, the CBC accepts the principles of a balanced budget, however, increases in CBC priorities must not be inhibited by present budget caps and conventional assumptions. We assume that there is waste in several key areas which may be transferred to enhance better investments for the future. We also assume that there are excessive revenue expenditures to continue corporate welfare which may be eliminated to increase funding for our designated priorities. And finally, we assume that one-tenth of the projected ten year surplus must be factored into the development of this budget for maximum opportunity and investment.

6. The CBC accepts the basic thrust of President Clinton's proposal for the distribution of the surplus; however, the CBC will insist that the emphasis in priorities must be shifted. At least 10 percent of the surplus should be devoted to investments in programs for education and a second 10 percent should be allotted for investments which benefit working families and for safety net programs.

7. Tax cuts, which must be taken from the 80 percent of the surplus which remains, are not a high priority of the CBC; however, since the current political power equation dictates the inevitability of a White House approved tax cut, the CBC must insist that the tax cuts not exceed the percentage of the surplus which is allocated for CBC priorities.

8. Within the priorities earmarked by the President's budget, in each function, the CBC will strive to target some portion of the proposed allocations to the special needs of working families, the poor and the African American Community. New market opportunities and minority contract set-asides must apply across the board—and special units should be funded to implement and facilitate the targeting of CBC designated constituents.

9. Budget allocations for necessary programs that currently do not exist are encouraged. The proponents must also later develop legislation for authorization as part of the process to sell the ideas and convince the President to place the item on his priority list at the time of the end-game negotiations. Proposals for new methods of proposal solicitation, peer review, technical assistance, etc. are also in order.

10. The currently stated CBC FY 2001 Priorities are: Education, Housing, Health, Economic Development and Livable Communities, Foreign Aid, Welfare and Low income Assistance and Juvenile Justice and Law enforcement. Some additions or subtractions from these categories are possible; however, they will remain as the basic frame-work for CBC Budget and appropriations demands for the entire session of the 106th Congress. Members preparing budget functions should also consider promoting tactics and strategies which support the CBC's ongoing advocacy of these dollar allocation positions.

To focus specifically on the most important item, education, everybody agrees that it is the number one priority. I wonder why everybody agrees. Every elected official agrees because we all read the same polls. We have been reading the polls for some time now. For the last 5 years, education has ranked among the top five priorities of the American people. Finally this year it has been the number one priority. Above concerns about Social Security, above concerns about crime reduction, the number one concern of the American public is education. So every party, every elected official has responded. Why is the response so feeble when the demand is so great? There are 53 million children out there in our American public schools. Yet the response is so feeble to their needs that we have up to now in the last 5 years appropriated not a single penny for school construction. Why is our response so feeble on a basic item like school construction?

□ 2230

Is there a need for school construction? Our own General Accounting Office said 6 years ago that we needed $110 billion at that time, 6 years ago, in order to just maintain a physical infrastructure for the students in school at that time, without projecting what was coming.

There have been tremendous increases in the number of school children who are attending public school in the last 6 years, so the problem has been compounded. But our feeble response has been on the Republican side, the Republican majority, zero, zero for construction. There is some kind of inbred instinctive reaction against the word "construction."

I hear many of my Republican colleagues say well, the Federal Government is not responsible for education, should not be responsible for school construction.

The Federal Government is not responsible for roads and highways and sidewalks, but we have appropriated, we have approved, authorized $218 billion for roads and highways and mass transit over the next 6 years.

There is nothing in the Constitution that says we should deal with highways and sidewalks and mass transit, but we are doing it. The highway system was not projected in the Constitution but we did it, we are doing it. Many other activities undertaken by the Federal Government are not mandated in the Constitution. It is a need we feel the Nation has and we rise to meet that need.

We have great concern with defense. In all the budgets other than the Congressional Black Caucus budget there are proposals to increase the amount of defense. The President started with a huge increase for defense, and beyond that the Republicans want to add $17 billion more for defense.

The Democratic Blue Dogs, conservatives, want to add money for defense. What will it gain us if we spend billions of dollars to perfect and to create more of these high-tech military systems if we do not have the people who can run them?

The last great aircraft carrier that was launched in the United States was 300 personnel short. They had places for 300 people more and they could not find them because the high-tech systems on that aircraft carrier required a certain level of intelligence that would allow one to be trained in a certain way and a certain amount of exposure to previous training related to computers and the digital world.

The world is going that way and we are rapidly pushing it that way. We are in the leadership. Our military technology is in the leadership above all. Who created the Internet? It was the American people who financed the Internet through the Defense Department. Our military created the Internet. There would be no Internet if it had not been for the genius of the people in the military who saw the need for that kind of system and began that system.

So how are we going to operate this 21st Century military fighting machine unless we have more young people who have the appropriate training and education? No matter where one goes, they are going to find a need for more and better trained people. One cannot accomplish that if they refuse to construct decent schools, renovate schools. It is not just a matter of wiring the schools so that they can have computers and maybe hook up to the Internet, taking advantage of the fact that we have a thing called the e-rate which will give them a discount on the use of the Internet. It is not just a matter of that. It is a matter of they cannot even achieve in the basic areas of reading, writing and arithmetic if they are in schools that are unhealthy, unsafe and not conducive to learning.

In New York City we have 200 schools that still have furnaces that burn coal. We subject children in New York City to the fumes of a coal-burning school to pollution in the air. We also have an asthma epidemic in New York City that goes on year after year. Is it surprising that we can take a map and the asthma epidemic is at its greatest in the areas where there are the coal-burning schools?

One coal burning school has 500 students, and 100 of those students have serious respiratory illnesses and asthma, and half the teachers in the school also have serious respiratory illnesses, those who chose to stay. A lot of them left the school, which brings us to another problem. We are focused on the fact that there is a great teacher shortage looming. It is already in effect in New York City. One-third of the teachers are not certified because they cannot get certified teachers so they have to use uncertified teachers. So we have a problem already. Many other big cities have the same problem but it is going to get worse and the cities and the suburbs and everywhere will be without teachers unless we do something to make up for this great coming retirement of massive numbers of teachers.

There are all kinds of programs being proposed but the simple matter of creating working conditions where those who are teachers will stay in the profession and those who are not teachers will look at what is going on and come in is a first step. One must have a decent place to work. Why should a teacher, a young person, want to study and become a teacher when he has other alternatives that are safer? Why go into a school where they have a coal-burning furnace? Why go into a school where the top floor has been abandoned because of the fact that it leaks so and the walls are crumbling; no matter how they try to fix it, it is just not going to work? They need a new school. Why go into a school where there are 35 students in a classroom where classes are being held in the hallways and closets and in some cases they have converted the boys' and girls' rooms into classrooms? Why teach under those conditions? Why work under those conditions? Why ask any young person to have that kind of dedication in the United States of America, the richest country that ever existed on the face of the earth?

We are able to provide. There is no reason why we cannot provide decent school buildings. But school construction, as I said, meets a zero when it comes to the Republican majority.

The President over the last few years has proposed a program which was zero in appropriations but at least it was a program which proposed that a setup be created whereby school boards and local education agencies or State governments or local governments could borrow money to build schools, up to $25 billion nationwide, and the Federal Government would pay the interest on the bonds. That was the President's proposal, to pay the interest on the bond of $25 billion and the Federal Government, if that program went into effect, over a 5-year period and all the $25 billion was spent, the Federal Government would be contributing over a five-year period $3.7 billion to school construction, to the problem of school infrastructure.

Now, the General Accounting Office has said in 1995 we need $110 billion just to keep our present schools going. We are proposing in the Congressional Black Caucus budget that we spend $10 billion this year, next year and for the whole 10 years in this decade. Ten billion dollars would be $100 billion for school construction.

If we have a $1.9 trillion, let us round it off, about $2 trillion expected in surpluses above and beyond the Social Security surplus, if we have $2 trillion and that is a conservative estimate, then we are proposing that only 5 percent of that be used for school construction. Is that an unreasonable proposal in a nation where the people have indicated again and again that they view education as a highest priority? Is that an unreasonable proposal when some of the surveys and polls have gone even further to ask people, among the priorities within education, what do they think is most urgent?

One poll showed overwhelmingly people said fix the schools, we need to fix up the schools. Fixing up the schools means in some cases repairing existing schools that can be fixed. Fixing up the schools in some cases means modernizing the school, dealing with asbestos problems and being able to wire the school so they can have computers and get on the Internet. Fixing some schools and some problems in areas means they want new security measures taken and they need to have some capital items taken care of in terms of security. In most cases, fixing up schools means they need to build some new schools. Ten billion dollars per year is proposed.

I have a bill which would authorize that by using provisions in the Elementary and Secondary Education Act. We will be marking up the Elementary and Secondary Education Act, the rest of it, next week, I am told, in our committee. I am on the Committee on Education and the Workforce and the chairman of the Committee on Education and the Workforce is one of those people who adamantly opposes spending a dollar for school construction, but he is in favor of education being cited as a number one priority.

The Republican candidate for President, Mr. Bush, is in favor of education action by the Federal Government because he understands it is a number one priority. He is going to have a great education program but he has ridiculed the idea of spending money for school construction. In fact, in a very strange dialogue, I heard him say on television we should not spend money on school construction; bricks and mortar are not important.

The Democratic candidate, AL GORE has said he is willing to mount a program of $115 billion for education reform over the next 10 years. He is moving in the right direction. How much of that will be committed to school construction? That is my question.

I have here a hard hat that I carry around as a symbol of where we need to go. We need to let the builders of America take over to end this number one problem. One cannot solve any of the problems in education until they deal with the problem of physical infrastructure. We are winning, though, because the President moved beyond his proposal for bonds and interest and he put $1.3 billion in the budget for immediate repairs. We are winning.

I understand the Republicans have also agreed to the bond proposal. We are winning. They need to hear from the American people that not only is education a priority but number one in education is school construction.

MTBE, A PROBLEM FOR THE WHOLE NATION

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, on January 16, 60 Minutes broadcast into the homes of millions of Americans an important story about water quality. A chemical additive is used to improve a car's performance and clean the air. It has seeped into groundwater supplies throughout the Nation. It makes water stink. It causes water to smell and taste like turpentine, and the U.S. Environmental Protection Agency thinks it may cause cancer.

This chemical is methyl tert-butyl ether, MTBE.

Mr. Speaker, here is a sample of MTBE in this vial. If I smell this, oowee, this stuff smells bad. I will say something else. It takes only one teaspoon of this stuff to make an Olympic-sized swimming pool smell and taste like this sample, like turpentine.

This little vial here contains several teaspoons of MTBE. 60 Minutes reported that MTBE-contaminated water is being found all across the country, in places like Santa Monica, Albuquerque, Denver, Dallas, among other places.

Water wells in Long Island and New Jersey are contaminated with this stuff. One could say, okay, I can see how it got into the water there. A lot of MTBE is used in those markets.

Well, I want to say something. It is not only a problem in those high-use areas. Last month, Iowa's Department of Natural Resources issued a report that showed that 32 percent of groundwater samples had MTBE levels of at least 15 micrograms per liter.

What is worse is that 29 percent of the groundwater samples had MTBE concentrations above the level at which EPA issues a drinking water advisory. Think about this. There is no MTBE sold or used in Iowa today. Yet 29 percent of groundwater samples in Iowa qualify for a Federal drinking water advisory due to contamination of this product.

So how can that be? Well, probably some of it is residual from years before when an MTBE might have been used in my State.

□ 2245

But much of MTBE comes from cars just driving through Iowa or maybe from two-cylinder engines spewing MTBE blended gasoline.

These few teaspoons of MTBE will contaminate several Olympic-sized swimming pools. Let us assume that this vial contains 2 ounces of MTBE. It probably contains less. But for the sake of argument, let us say it is 2 ounces. To comply with the oxygenate requirement of the Clean Air Act, MTBE must be added at a volume of 11 percent.

In a large sport utility vehicle with a gasoline tank capacity of 25 gallons, this means that approximately 128 of these vials are being carried around in sport utility vehicle gas tanks. If that sport utility vehicle gas tank were to empty into a lake, that amount of MTBE would contaminate about 375 Olympic-sized pools.

To further demonstrate the potency of this chemical, those 128 vials of MTBE would render 71.5 million gallons of water undrinkable. And MTBE moves through water very quickly. It is incredibly difficult and expensive to remove.

Mr. Speaker, we must address this issue now. What is the problem? Why do we not just ban MTBE? Well, this is where the issue of clean air arises. When I mentioned that MTBE makes fuel burn cleaner, this is because it adds oxygen to the gasoline.

The Clean Air Act amendments of 1990 established what is called the Reformulated Gasoline Program to address poor air quality in the Nation's most polluted cities. To achieve cleaner air, Congress required refiners in reformulated gasoline areas to blend 2 percent by weight of an oxygenate into their gasoline.

Now, this practice has produced significant air quality improvements throughout the Nation by dramatically reducing harmful automobile emissions; therefore, we simply cannot remove MTBE without replacing it with another oxygenate.

Some have recommended eliminating the oxygen requirement altogether, arguing that will solve the MTBE problem, that would trade air quality for water quality, and that is not an acceptable solution, nor is it necessary.

Nonetheless, on Monday, the administration released a set of legislative principles regarding the problems associated with MTBE. They recommended that Congress do the following: First, phase out or eliminate MTBE. I think that is a good idea. I am glad the administration has finally decided to take an official position on this issue.

Their second point, ensure air quality gains are not diminished, and I say right on. The reformulated gasoline program of the Clean Air Act has produced terrific reductions in automobile emissions. I am glad that the administration decided to take an official position on environmental positions.

Third, the administration said replace the 2 percent by weight oxygen requirement with a 1.2 percent by volume renewable fuels standard. Now, this is where I have some concerns.

The administration identified MTBE as the problem and also committed to ensuring air quality, but then it abandons the program which has produced air quality benefits for millions of Americans, the oxygen requirements of the Clean Air Act.

I want to read to you a quote from testimony submitted to the Committee on Commerce on May 6 by Bob

Perciasepe, assistant administrator of air and radiation at the EPA who said, quote, ozone has been linked to a number of health effect concerns, ozone. Repeated exposures to ozone can make people more susceptible to respiratory infection, result in lung inflammation and aggravate preexisting respiratory diseases, such as asthma. Other health effects attributed to ozone exposures include significant decreases in lung function and increased respiratory symptoms, such as pain, chest pain and coughing.

Mr. Perciasepe continues, quote, reformulated gasoline is a cost effective way to reduce ozone precursors, such as volatile organic compounds or nitrogen oxides when compared to other air quality measures.

The Clean Air Act amendments of 1990 required that reformulated gasoline contain 2 percent minimum oxygen content by weight. The first phase of the reformulated gasoline program from 1995 through 1999 requires average reductions of ozone forming volatile organic compounds and toxics of 17 percent each and of nitrous oxides by 1.5 percent.

His testimony continues, quote, in the year 2000, the second phase of the reformulated gasoline program will achieve even greater average benefits, a 27 percent reduction in volatile organic compounds, 22 percent reduction in toxics, and a 7 percent reduction in oxides of nitrogen emissions that also contribute to the formation of urban smog. This is equivalent to taking more than 16 million vehicles off the road.

Mr. Perciasepe finishes by saying "reformulated gasoline provides these reductions at a cost of less than 5 cents per gallon." The reductions, Mr. Perciasepe outlined, were required in the Clean Air Act amendments of 1990; however, he continued to discuss the real world benefits of the reformulated gasoline program.

He said "since 1995, reformulated gasoline on average has exceeded expectations for volatile organic compounds, nitrous oxides and toxic reductions. Most notably, overall, toxic reductions are about twice that required, with about a 30 percent reduction versus a 17 percent requirement. It is estimated that about two-thirds of the additional air toxic reduction is a result of the use of oxygenates."

That is a significant reduction in emissions beyond what is required. In addition, when developing EPA's complex model for evaluating emissions, the Auto Oil Research Program found that oxygenates in gasoline reduce tailpipe emissions of carbon monoxide by 15 to 20 percent.

Why on earth, I ask you, would we want to abandon such a successful program? Why has the administration turned its back on sound scientific evidence that its own EPA administrators present to Congress? Well, I will tell you why. It is because the product of this vial, this stuff contaminates water.

Despite the administration's call for Congress to protect air quality advances in advocating an elimination of the oxygen standard, the administration is saying we must choose between clean air and clean water.

Mr. Speaker, we do not have to choose between clean air and clean water. We do not have to abandon the successful reformulated gasoline program because MTBE contaminates the water, just replace the MTBE with another oxygenate, a safe one, ethanol. Some of my colleagues and, evidently, the administration believe that MTBE and oxygen are synonymous.

Even 60 Minutes said "how did MTBE end up in gasoline? Well, 10 years ago Congress told the oil companies to put it there, either MTBE or some other oxygenate that would make the gasoline burn cleaner."

I want my colleagues in Congress, members of the administration and the media to understand a very important point, nowhere in the EPA regulations or in the Clean Air Act does it say that refineries must blend MTBE in their gasoline to comply with the requirements of the reformulated gasoline program.

It just so happens that refiners chose MTBE in large quantities to ensure compliance. Now, why did they do this? Well, because this product, MTBE, is an oil product. The refiners can make MTBE right in their existing facilities or they can purchase it from oil suppliers. The availability of this stuff compelled many to turn to it exclusively.

Now, I understand the economic motivation, but neither Congress, nor EPA required them to use MTBE. Refiners made that decision on their own, and it turns out it was a very bad decision.

Now, if you want to solve the MTBE problem, ban MTBE. The administration is on the right track in that regard. But when you remove MTBE and lift the oxygen requirement, you introduce a whole new set of environmental problems.

We have to fix real problems, like MTBE water contamination, we should not abandon real solutions, like oxygenated fuels.

Last month Dr. Michael Graboski, director of the Colorado Institute of Fuels and Higher Altitude Engineer Research, testified before the Committee on Commerce about the characteristics of oxygenated fuels. He told us that oxygenates in gasoline replace aromatics to increase the fuel's octane. That is a good trade-off, because aromatic compounds are highly toxic, and some, like benzene, are known human carcinogens. They cause cancer.

Dr. Graboski told us that if the oxygenate requirement is lifted, refiners will replace oxygenates with aromatics resulting in more potent toxic emissions. The level of potency measures the degree or strength to which certain compounds pose a risk to human health.

Dr. Graboski said "the toxic potency of aromatics and their combustion byproducts are, in many cases, orders of magnitude greater than the potency of oxygenates or their combustion byproducts." To explain this he said "all toxics are not created equal, but the mass standard of the Clean Air Act treats them as equal.

Let me be clear, the oxygen requirement in reformulated gasoline has a real and substantial benefit because clean burning oxygenates are substitutes for highly toxic aromatics."

Well, to test Dr. Graboski's assertion that aromatics would be used to replace oxygen if MTBE were banned, I asked Mr. Bob Campbell, CEO of Sunoco, I asked Mr. Campbell if the oxygen requirement was waived and MTBE was phased out, what would you use in your gasoline to ensure emissions reductions do not rise? He responded, "I would expect that the first hydrocarbon that would go in would be potentially some toluene."

Mr. Speaker, toluene is one of those toxic aromatics that Dr. Graboski warned about. In summary, if we remove oxygenates from gasoline, refiners will replace them with aromatics. The emissions from many of these aromatics are cancer-causing. Furthermore, the toxics that are emitted from aromatics are more dangerous to human health than the toxics emitted from oxygenated fuels. So we should not regress to a market of gasolines with high aromatic content.

What does this all mean? It means if you want to solve the problem of water contaminated with MTBE, ban MTBE! If you want to maintain clean air, use oxygenated fuels. Fortunately, these are not mutually exclusive goals. We do not have to choose between clean air and clean water. The administration's legislative proposal makes a false choice. It does not solve the problem, but it potentially creates new problems.

□ 2300

So I have introduced legislation, along with the gentleman from Illinois (Mr. SHIMKUS) that solves this problem and, unlike the administration's proposal, does not create new ones. My bill, H.R. 4011, the Clean Air and Water Preservation Act of 2000, addresses the problems of MTBE in gasoline and in water, preserves the air quality benefits of the Clean Air Act, and promotes renewable ethanol.

Specifically, my bill will first, phase out MTBE in 3 years and urge refiners to replace it with ethanol. Ethanol is a much more environmentally friendly oxygenate than MTBE. Based on EPA's

1998 complex model comparing an 11 percent volume blend of MTBE with a 10 percent volume blend of ethanol, as used in the oxy-fuels program, we find that both products produce equivalent emissions reduction of aromatics, olefiants, volatile organic compounds and nitrous oxides. The toxic emissions of ethanol-blended gasoline are less potent than those emitted from MTBE-blended fuels. Using 1.00 as the potency for toxic emissions from nonoxygenated fuels, i.e. regular gasoline without any oxygenated compounds, the potency of MTBE computes to 0.94, while the potency of ethanol is 0.875. Ethanol is less toxic than MTBE in emissions.

Furthermore, when MTBE is spilled into water, it causes considerably more trouble. As I mentioned before, this vial, the small vial with an ounce or so can contaminate several Olympic-sized swimming pools. On another scale, one could take 1 gallon of this chemical, just 1 gallon of MTBE and it will contaminate 26 million gallons of water. The high solubility of this compound, MTBE in ground water, causes its high mobility. It is also resistant to bio breakdown. This allows it to spread very quickly and it allows it to stay in the water for a long, long time.

On the other hand, ethanol does not have a negative effect on water quality. Its movement and persistence in ground water is controlled primarily through biodegradation and it rapidly breaks down in virtually any environment. Ethanol is a naturally occurring product; it is produced during the fermentation of organic matter; it has been found to occur naturally in lake sediments, the tissue of living and decaying plants, in sewage sludge and many other environments. Also, plants are known to metabolize ethanol and incorporate the carbon from ethanol into plant tissues. As a bio-based, naturally occurring product, ethanol represents an environmentally friendly alternative to this stuff, MTBE.

As we say in Iowa, Mr. Speaker, with ethanol, we can drink the best and we can drive the rest.

In order to replace MTBE in the Nation's fuel supply, the ethanol industry must produce about 3.1 billion gallons each year. That is the estimate. Last year, the industry estimated its production capacity at 1.8 billion gallons, but since then, several new plants have come on board, increasing capacity by several hundred thousand gallons and pushing the new capacity to above 2 billion gallons per year. It will not be difficult for many of the existing ethanol plants to increase their production. Ethanol processing units are modular and they can be expanded at relatively low cost.

With this ability to increase production, the ethanol industry would be able to satisfy the demands of the reformulated gasoline program by the time the bad stuff is phased out. Adequate transition time is necessary.

Besides replacing MTBE with ethanol, my bill would also address existing water contamination, as I mentioned earlier. Areas of this country are struggling to find clean water. Santa Monica must import all of its water because its own groundwater is contaminated. South Lake Tahoe is in the same dire straits. Long Island is surrounded by contaminated water. We cannot address the MTBE problem by only removing MTBE from gasoline. The MTBE contamination I mentioned in Iowa is relatively minimal compared to these other communities, but my own constituents are concerned also. My bill would direct the Federal Government to own up to its share of its responsibility and do what it can to help these communities figure out how to clean up the existing contamination.

Mr. Speaker, I have a copy of a memorandum from the U.S. EPA from 1987. At this time, EPA reported that "Known cases of drinking water contamination have been reported in 4 States. These cases affect individual families as well as towns of up to 20,000 people. It is possible that this problem could rapidly mushroom due to leaking underground storage tanks at service stations. The tendency of MTBE to separate from the gasoline mixture into groundwater could lead to widespread drinking water contamination."

Mr. Speaker, that is in this EPA memo from 1987. I submit this document for the RECORD.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC.

MEMORANDUM

Subject: Division Director Briefing for Methyl tert-Butyl Ether (MTBE)

From: Beth Anderson, Project Manager, Test Rules Development Branch (TS–778)

To: Addressees

Attached are the briefing materials for the course setting meeting on MTBE. The meeting is scheduled for Monday, April 13, 1987 in Room 103 of NE Mall at 11 am to noon. Please bring the attached information with you at that time.

Attachment.

METHYL TERT-BUTYL ETHER (1634–04–4) COURSE-SETTING RECOMMENDATIONS

(1) ITC recommendations: (Recommended with intent-to-designate November 1, 1986)

A. Health Effects:

(1) Chronic inhalation toxicity including neurotoxic, hematologic, and oncogenetic effects.

B. Chemical Fate:

(1) Monitoring studies to determine typical concentrations of MTBE in the breathing zone of workers and consumers at sites where MTBE-containing gasoline is being transferred, including gasoline terminals and service stations.

Rationale: The basis for these concerns was: the dramatic increase in T-MTBE production and use in the past few years. As lead is phased out, MTBE has filled the role of octane enhancer which is added to many gasoline blends. Workers and consumers are exposed to vapor emissions via skin contact and inhalation when transferring MTBE or MTBE-containing gasoline.

(2) TRDB Recommendations

A. Finding 4(a)(1)(B)

There was a production capacity of approximately 4 billion pounds for MTBE in 1986. At least two major companies are building new plants to produce MTBE. NIOSH estimates worker exposure at 2,571 workers, but it is unclear during what processes these workers are exposed. There are 189,200 "private" service stations and approximately 300,000 service station attendants, so exposure to MTBE vapor is greater than the NIOSH estimate.

Concern about MTBE in drinking water surfaced after the ITC report was published. Known cases of drinking water contamination have been reported in 4 states. These cases affect individual families as well as towns of up to 20,000 people. It is possible that this problem could rapidly mushroom due to leaking underground storage tanks at service stations. The tendency for MTBE to separate from the gasoline mixture into ground water could lead to wide spread drinking water contamination.

(3) Background information

A. Chemical Description

Methyl tert-butyl ether (or 2-methoxy-2-methyl propane) is a clear liquid with a vapor pressure of 245 mm Hg. The water solubility of MTBE has been estimated at 40,000 to 51,260 mg/L. The high value of the Henry's law constant, 5.8 10^{-4}, indicates that MTBE will volatilize from water. The estimated halflife of MTBE is 2.5 hours in a stream and 137 days in a 50 m deep lake. The halflife of MTBE in the air is estimated between 3 to 6 days based on the reaction of MTBE with hydroxyl radicals in polluted and normal atmospheres respectively.

B. Manufacturing Process and Use

MTBE is made from isobutylene and methanol in the presence of an acidic ion-exchange resin catalyst in the liquid phase at temperatures between 30–100°C and 7–14 atm. MTBE can be manufactured in either a 1 or 2 stage reactor. Chemical Marketing Reporting estimated that MTBE production will grow 19% per year between 1985 and 1990. MTBE is used almost exclusively as an octane enhancer in unleaded gasoline. Typical MTBE content ranges from 2–8% by volume, although use of up to 11% by volume has been approved by EPA.

Minute quantities of MTBE have been used in an experimental procedure to dissolve gallstones using injection of MTBE through a catheter. MTBE is also used as a solvent in some liquid chromatography procedures.

Issues

(1) Mode of exposure for health effects testing.

ECAD recommends that the potential hazards due to dermal, oral and inhalation exposure be evaluated. Two 90-day subchronic tests, one by oral route, one by inhalation should be conducted. A pharmacokinetics study relating dermal, oral, and inhalation exposure should also be done. EPA will use the results of this testing to determine the route of exposure for the bioassay and remaining tests.

(2) ITC request for monitoring study to determine MTBE vapor concentrations at sites of MTBE-containing gasoline transfer.

ECAD does not recommend a monitoring study for MTBE vapor. ECAD believes that studies of gasoline vapor release can be combined with information on MTBE vapor concentration above MTBE-containing gasoline to estimate consumer exposure to MTBE vapor. Contacts with regional offices have been made to determine if there is regional interest in monitoring information.

(3) ECAD recommends adherance to the previous OTS policy of requiring the end points obtained in a two generation reproduction and fertility study. A single generation reproduction/fertility study by inhalation was submitted under TSCA 8(d).

Tests	Maxi-B	Full-B	8(d) Submissions	
			Adequate	Not adequate
Sub chronic	....	X	....	X
Oncogenicity	X	[1] X	....	....
Developmental Toxicity	X	X	?	....
Reproduction and fertility	X	X	....	X
Gene Mutation	X	X	?	....
Chromosomal Aberrations	X	X	....	....
Neurotoxicity	X	X	....	....
Pharmacokinetics	X	....	....	X
Dermal Sensitization	X	X	....	....

[1] Trigger.

Mr. GANSKE. Mr. Speaker, because the EPA knew the potential for widespread MTBE water contamination back in 1987, I think it shares some responsibility in helping States remedy contaminated water supplies. Therefore, my bill raises the importance of MTBE within the Safe Drinking Water Act and directs EPA to provide technical assistance to States for the removal of MTBE from water. It is essential that these communities receive some support in their efforts to reclaim their drinking water supplies.

My bill would also address concerns about the volatility of ethanol during warm weather months by allowing oxygen-averaging. Some opponents of ethanol have claimed that its higher volatility during warm months makes it inappropriate for use in some markets. The Clean Air Act amendments of 1990 required that refiners blend 2 percent oxygen by weight into all gasoline sold in the reformulated gasoline program. However, when enacting the law, the EPA inserted into the regulations a minimum per-gallon oxygen content requirement. Refiners have said this per-gallon requirement is too restrictive.

My bill, H.R. 4011, strikes that regulation in order to allow refiners flexibility in complying with the Clean Air Act. By providing refiners with that flexibility, they can decide how best to blend oxygen into their gasoline. They would be able to increase the gasoline content in high octane fuels and reduce it in lower octane fuels, as best fits their business plan. They would also be able to increase oxygen content during winter months and reduce it during summer months. As long as they averaged 2 percent content-by-weight through the year, they would be in compliance. This would help them address the volatility of ethanol during warm weather and maximize the blending formulations of their gasoline. However, when providing that flexibility, we must not allow emissions levels to increase. Therefore, my bill includes stringent anti-backsliding environmental protections.

Bob Perciasepe of the EPA testified that oxygenated fuels of the reformulated gasoline program have greatly exceeded the expectations for emissions reductions. Therefore, when we consider any legislation that amends this portion of the Clean Air Act, it is essential that we take these real-world achievements into consideration and ensure that emissions do not exceed those levels. The Clean Air and Water Preservation Act of 2000 raises the bar of the Clean Air Act emissions requirements to real-world, more environmentally sound levels being experienced in the reformulated gasoline program today.

☐ 2310

At no time in reformulated gasoline areas will the emissions levels be allowed to exceed those currently achievable by fully oxygenated fuels. Therefore, while the bill gives refiners a flexibility to market a variety of fuel blends, it ensures that the air quality in the reformulated gasoline areas is not negatively impacted. That is sound environmental legislation.

Yet, controlling emissions is not sufficient. As I mentioned earlier, if we reduce the use of oxygenates in gasoline, refiners may add more aromatics. That is not acceptable. Therefore, H.R. 4011 prohibits refiners from increasing the aromatic content of gasoline above current levels.

Finally, H.R. 4011 directs the EPA and the Department of Energy to work on developing alternative oxygenates. Ethanol is a ready, viable alternative. But we can seek many different sources of oxygen.

I believe H.R. 4011 effectively solves the MTBE problem in both gasoline and water. It protects the environment. It promotes the expanded use of the renewable fuel ethanol. We do not have to choose between clean air and clean water. With ethanol, we can have both.

I think it is very important that we promote renewable fuels. By replacing MTBE with ethanol, as my bill does, we will greatly increase the use of renewable fuels in this country. Under this bill, the use of renewable ethanol would increase from 1.5 billion gallons last year to more than 3.1 billion gallons in the year 2004. That increased usage would be spread throughout the Nation benefiting air and water quality and reducing the use of fossil fuels.

The administration's proposal does not promote an expanded use of renewable fuels. It holds its use at the status quo. For example, if the administration's 1.2 percent average renewable content provision would be enacted into law, it would not increase the use of renewable fuels in America. Rather, it would set a floor for the use of renewable fuels below which the refining industry could not drop. Well, that floor is equivalent to the current level of renewable fuel used throughout the Nation. That is the status quo.

The administration's proposed 1.2 percent would be the average volume content of all gasoline sold throughout America, not just in reformulated gasoline areas. So the likely outcome would be a concentration in the use of ethanol and biodiesel in the Midwest with no discernible increase in the use of renewable fuels in other parts of the country. That would not greatly advance our energy security, nor expand the potential for a renewable market.

If the administration is truly sincere about promoting the use of renewable fuels like ethanol and biodiesel, it should simply encourage Congress and refiners to replace MTBE with ethanol. That would more than double the use of renewable fuels throughout the Nation rather than stagnating their use at our current levels. It would reduce our dependence on fossil fuels.

Those concerned with the human impacts on climate change and emissions of greenhouse gases should pay close attention to this. While the use of ethanol and gasoline has not been shown to significantly reduce emissions in greenhouse gases from automobiles, it does significantly replace the use of fossil fuel components in gasoline. That helps reduce the fossil fuel contribution to greenhouse gas emissions.

My bill would greatly enhance the market potential for renewable fuels. Expanding the role of ethanol is a vital component of renewable energy. This bill is the best way to accomplish this.

In addition to the environmental benefits of renewable fuels like ethanol, the Department of Agriculture has clearly demonstrated a positive impact on ethanol on America's agricultural community.

A report by the USDA details the benefits America's farmers will experience if we replace MTBE with ethanol. It would increase demand for corn by more than 500 million bushels per year. It would increase the average price of corn by 14 cents per bushel each year through the year 2010. It would create 13,000 new jobs by the year 2010. It would increase the average total farm cash receipts by an average of $1 billion each year.

It would significantly reduce the need for emergency agricultural assistance payments, something that my colleagues spoke about tonight when they were talking about the budget, or at least they should have. It would increase U.S. agricultural net export value by more than $200 million each year.

Mr. Speaker, I submit the USDA report for the RECORD, as follows:

ECONOMIC ANALYSIS OF REPLACING MTBE WITH ETHANOL IN THE UNITED STATES

This paper analyzes the effects of replacing MTBE with ethanol. The analysis assumes that the current Federal oxygen content requirement for reformulated gasoline (RFG) is continued. The following issues are examined: The effects on farm prices and net farm income; the effects on U.S. trade; the effects on employment in the United States; the effects on Department of Agriculture (USDA) farm program spending from increased demand for corn attributable to greater ethanol production; and the logistical issues associated with supplying substantial quantities of ethanol to new markets, including an assessment of the capacity for transporting and storing ethanol to meet the demands of these markets.

ASSUMPTIONS AND ANALYTICAL PROCEDURES

Although California has decided to phase-out MTBE by 2002, most other states have not taken any actions regarding the use of MTBE. This analysis assumes all MTBE in the United States is phased-out and replaced with ethanol. In order to allow for production capacity and other infrastructure adjustments, the phase-out is assumed to begin in 2000 and end in 2004 when all oxygen demand for the RFG and carbon monoxide (CO) markets is met with ethanol. In addition, the analysis assumes Congress maintains the oxygen standards adopted by the Clean Air Act Amendments of 1990; the current gasoline oxygen requirement in California for Federal RFG is maintained; all new ethanol capacity brought on comes from large dry mills; 90 percent of U.S. ethanol is produced from corn, with the remaining 10 percent produced from sorghum, barley, wheat, and waste products. The rate at which ethanol replaces MTBE is assumed to start out gradually and accelerate over time as the ethanol industry expands capacity to meet the increase in demand.

An economic model of the U.S. agricultural sector was used to estimate the effects of replacing MTBE with ethanol on the U.S. agricultural economy over the period 2000–2010. The econometric model, the Economic Research Service's Food and Agricultural Policy Simulator (FAPSIM), estimates production, use and prices of major crops and livestock products; retail food prices; and net farm income. The method of analysis compares projections of market variables under a baseline that assumes continued use of MTBE with projections of those variables under the assumed 4-year phase-out of MTBE.

The baseline for the analysis is the President's FY 2000 Budget projections. The baseline assumes provisions of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Farm Bill) continue through 2010. The baseline includes projections of farm prices, production, domestic use (including corn use for ethanol), exports, net farm income and food prices for the period 1999–2010.

The President's FY 2000 Budget projections are based on specific assumptions formulated at the end of last year regarding the macro economy, weather, and international developments. As a result, the baseline does not reflect the current very weak price situation for most major crops, including corn. However, over the next few years, crop prices are likely to improve as the world economy improves and as world grain and oilseed production declines in response to low prices and less favorable weather.

A 1992 input-output (I–O) multiplier model was used to estimate the effects of replacing MTBE with ethanol on U.S. employment. Data from the 1993 County Business Patterns (U.S. Department of Commerce) were used to estimate employment effects for the Corn Belt region.

MTBE PHASE-OUT SCENARIO

In 1998, about 1.5 billion gallons of denatured ethanol were consumed in the United States—about 384 million gallons were used in RFG and 1.1 billion gallons went to other markets such as the CO and octane markets (table 1). Before denaturing, corn-ethanol consumption equaled 1.3 billion gallons in 1998 and approaches 1.5 billion gallons in 2004 in the USDA baseline projections (table 2). In order to meet the oxygen needs met by MTBE, ethanol production under the MTBE phase-out would have to rise to 3.0 billion gallons in 2004. Some ethanol is assumed to be bid away from lower-value octane markets and move to RFG markets.

The volume of ethanol required in a gallon of RFG is less than MTBE volume because 5.7 percent ethanol replaces 11 percent MTBE, at 2 percent oxygen. The reduced volume of ethanol raises an issue of how the market will compensate for the volume reduction. This analysis concludes that refineries will replace volume and octane with increased alkylate production. Refiners with the processing capability will convert the isobutylene currently used for MTBE to alkylate. Alkylate has a high octane rating and can be used to produce premium gasoline. In addition, merchant producers looking for alternatives to MTBE production will purchase isobutylene from refineries and switch their MTBE production to alkylate. Thus, the feedstocks that were used to produce MTBE will remain in the gasoline pool in the form of alkylate. It is assumed that the current supply of isobutylene used in MTBE production is sufficient to produce enough alkylate to offset the volume shortage created by ethanol. Consequently, the analysis assumes the quantity of gasoline consumed in the United States is the same under the baseline and the MTBE phase-out scenario.

FARM EFFECTS

The MTBE phase-out is projected to increase the amount of ethanol produced from corn by 72 million gallons in 2000 and by 1.4 billion gallons per year in 2010 (table 2). The increase in ethanol production would increase the demand for corn above baseline by 28 million bushels in 2000 to over 500 million bushels per year beginning in 2004. The analysis assumes all of the increase in corn-ethanol production occurs in new dry mills, which produce 2.6 gallons of ethanol per bushel of corn, and 17 pounds of distillers dried grains (DDG) with 27-percent protein. DDG are assumed to substitute for soybean meal on an equivalent protein basis (table 2).

The increase in ethanol demand resulting from MTBE's phase-out is projected to increase the average price of corn by about $0.16 per bushel in 2010 and about $0.14 bushel annually over the study period, 2000–2010 (table 3). Higher corn prices cause feed use of other crops to increase, leading to price increases of other grains, including sorghum, barley, oats, and wheat. Soybean prices are projected to decline by less than 1 percent. Higher corn prices reduce soybean production, but the decline in production is about offset by lower demand for soybean meal resulting from the increase in DDG production. Soybean oil prices increase in response to lower soybean production, but soybean meal prices fall in the face of increased competition in the protein feed market.

For cattle, hog and dairy producers, feed costs increase as higher corn prices more than offset the drop in soybean meal prices (table 3). In contrast, poultry, turkey, and egg producers feed a higher portion of protein in their rations, and for these producers, feed costs decline. Generally, the effects on feed costs are very modest and there is little change in livestock production and prices. Milk, steer and hog prices are 1 to 2 percent higher, whereas poultry prices are 1 to 2 percent lower on average over the 2000–2010 period.

Total farm cash receipts are projected to average $1.0 billion higher during 2000–2010 compared with the baseline (table 4). Corn cash receipts rise due to higher prices and more production (table 5). Over the period 2000–2010, cash receipts for corn average $1.2 billion higher and increase by over $1.6 billion, or about 9 percent, during 2010 (table 5). Cash receipts for other feed grains and wheat also increase. In contrast, slightly lower production (less than 2 percent) and lower prices reduce soybean cash receipts by an average of $315 million per year. Total livestock cash receipts increase by less than 0.1 percent (table 6). Annual net farm income is projected to average over $1.0 billion higher during 2000–2010. Cumulatively over the 2000–2010 period, net farm income increases by about $12 billion (table 4).

EFFECTS ON TRADE

The MTBE phase-out is projected to increase prices for corn and other agricultural commodities causing the average U.S. agricultural net export value to increase by about $200 million per year (table 7). The export value for grains and feeds increase by about $225 million per year, while the export value of oilseeds and oilseed products decline slightly. The export value of livestock and animal products remains nearly unchanged.

The MTBE phase-out is expected to eliminate MTBE imports, since one third of the MTBE currently consumed in the United States is imported. Based on Energy Information Administration (EIA) gasoline consumption projections, MTBE consumption is expected to increase about 2 percent per year without an MTBE phase-out. Assuming that the current price of MTBE (about $0.72 per gallon) will increase by almost 1 percent annually, the import value of MTBE would average about $1.1 billion per year. Thus replacing MTBE with ethanol would reduce import value by $1.1 billion per year and almost $12 billion from 2000–2010 (table 7). The net increase in agricultural exports combined with the decrease in MTBE imports is projected to result in an average annual positive increase in the U.S. balance of trade of $1.3 billion per year.

EMPLOYMENT EFFECTS

Input-output analysis indicates that employment from increasing ethanol production to 3.4 billion gallons (denatured) in 2010 would create 13,000 additional jobs across the entire economy. Over a third of the new jobs, or 4,300, would be in the ethanol sector itself. Another 6,400 jobs would be in the trade and transportation and service sectors. Farm sector jobs increase by 575. Jobs in other industry, food processing, and energy sectors also increase by another 1,600 in 2010.

The Corn Belt region produces almost 80 percent of U.S. ethanol production. Thus, 80 percent of the new jobs in ethanol production, or about 3,600 jobs, are expected to occur in this region. In addition, the MTBE phase-out would create about 700 jobs in trade and transportation, 500 jobs in other services, and 400 jobs in energy, food processing and other industries in this region. The potential loss of U.S. jobs from reducing MTBE imports were not estimated.

FARM PROGRAM COSTS

The increase in ethanol production with a MTBE phase-out would be eligible for the Federal excise tax exemption on gasoline, or equivalent tax credit, which would reduce federal tax revenues. The exemption is currently $0.54 per gallon and it is scheduled to drop to $0.53 on January 1, 2001, $0.52 on January 1, 2003 and $0.51 on January 1, 2005. Under the current law, the tax exemption expires on December 31, 2006.

Under the FY 2000 President's Budget baseline, farm crop prices are expected to strengthen from current levels, which results in increased ethanol use having little to no impact on the cost of farm price and income support programs during the projection period. While loan deficiency payments and marketing loan gains are currently forecast to reach $5.5 billion for the 1999 crops, these payments are projected to drop rapidly under the baseline after the current year under the projected price increases. And, since 1996 Farm Bill production flexibility contract payments are not tied to the level of market prices, these farm program costs do not fall as market prices for corn and other grains increase, compared with the baseline. However, farm prices are extremely volatile and farm prices and incomes could fall enough in the future to trigger loan deficiency payments and marketing loan gains and, possibly, emergency aid to offset declines in farm income. Higher corn and other grain prices under the MTBE phase-out would lessen the need for emergency relief and reduce loan deficiency payments and marketing loan gains should prices soften considerably from baseline levels. Where loan deficiency payments are being made, each $0.10 increase in corn prices could lower farm program outlays by about $1 billion per year.

TRANSPORTATION EFFECTS

Initially, ethanol is expected to be shipped by barge to the Gulf and distributed to fuel blenders through customary shipping channels. However, it is likely rail transport would play an increasing role as the demand for ethanol increases, and more rail connections between ethanol plants and refiners are developed. In the long term, several transportation options, including barge, rail, ocean vessels, and trucks would be available for moving ethanol. Given a period of 3–5 years, there appears to be no transportation impediment to the use of ethanol as a replacement for MTBE.

TABLE 1.—GASOLINE AND ETHANOL CONSUMPTION PROJECTIONS WITH MTBE PHASE-OUT [1]

Year	By billion gallons—projected [2] gasoline consumption	By million gallons—		
		Projected ethanol use in RFG (denatured) [4]	Projected [3] ethanol use in other markets (denatured) [4]	Ethanol production from all crops (denatured) [4]
1997	126	372	1,041	1,413
1998	125	384	1,142	1,526
1999	127	457	1,103	1,560
2000	132	514	1,170	1,684
2001	135	774	1,119	1,893
2002	137	1,403	918	2,321
2003	139	1,802	899	2,701
2004	141	2,347	784	3,131
2005	144	2,384	894	3,278
2006	146	2,419	858	3,277
2007	148	2,452	824	3,276
2008	149	2,510	791	3,304
2009	152	2,570	780	3,330
2010	153	2,627	729	3,356

[1] On an oxygen equivalent basis, 0.52 volume of ethanol replaces 1 volume of MTBE.

[2] Source: Energy Information Administration, Department of Energy. Total gasoline consumption is assumed to be the same under the baseline and under the MTBE phase-out.

[3] Ethanol use in other markets include CO market, State mandated markets and octane market.

[4] Ethanol is denatured with 5-percent gasoline.

Mr. Speaker, Congress paid approximately $22.7 billion in farm support programs last year. More than $15 billion of this was in emergency payments. We should pursue policies which will allow farmers to make a living off their land, not rely on government handouts.

A proposal which would hold the renewable fuels market to the status quo does not help farmers, as that report shows. Replacing MTBE with ethanol is a sensible agricultural policy we should enact, as well as a sensible environmental policy.

Now, several groups have reviewed the provisions of H.R. 4011 and have sent me letters expressing their reviews. I would like to share some of their comments with my colleagues.

The Renewable Fuels Association, the trade group that represents the domestic ethanol industry, writes: We are "writing on behalf of the members of the Renewable Fuels Association to express the enthusiastic support of the domestic ethanol industry for Clean Air and Water Preservation Act of 2000. Your bill forthrightly addresses the growing national crisis of MTBE water contamination while preserving the air quality benefits of the RFG program and stimulating rural economies by increasing the demand for clean-burning fuel ethanol."

"Clearly, the Clean Air and Water Preservation Act of 2000 meets" these requirements. "By phasing down MTBE use over three years, the bill protects water supplies of every citizen". "The bill's anti-backsliding provisions; particularly the cap on aromatics, assures" air quality standards. "The legislation also provides refiners with significant flexibility and encourages the development of alternative oxygenates so that the transition from MTBE can be made without disruptions in gasoline supplies or increases in prices."

The National Corn Growers Association says: "With oil prices at their highest levels in many years, it is clear that ethanol not only should be used because it benefits public health, but also because it reduces our dependence on foreign oil."

We are writing "on behalf of the 31,000 members of the National Corn Growers Association in support of your bill entitled the Clean Air and Water Preservation Act of 2000."

The American Farm Bureau Federation sent the following bulletin to its State offices yesterday. They wrote that the "Farm Bureau supports H.R. 4011, the Clean Air and Water Preservation Act, sponsored by Representative GREG GANSKE and Representative JOHN SHIMKUS." The bill phases out the use of MTBE in 3 years, provides assistance to States to clean MTBE pollution, provides refiners flexibility with the oxygen requirement, preserves air quality improvements under the Clean Air Act, and urges refiners to switch to ethanol as soon as possible. "Similar legislation is contemplated in the Senate."

Mr. Speaker, I include the letters and the Bulletin for the RECORD, as follows:

RENEWABLE FUELS ASSOCIATION,
Washington, DC, March 15, 2000.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GANSKE: I am writing on behalf of the members of the Renewable Fuels Association to express the enthusiastic support of the domestic ethanol industry for the Clean Air and Water Preservation Act of 2000. Your bill forthrightly addresses the growing national crisis of MTBE water contamination while preserving the air quality benefits of the RFG program and stimulating rural economies by increasing the demand for clean-burning fuel ethanol.

As you know, I testified earlier this month before the House Commerce Subcommittee on Health and the Environment regarding the reformulated gasoline program and the need to address MTBE water contamination. I noted that the ethanol industry wants to be part of the solution, and outlined four principles that should guide congressional action: Develop a national solution; address the cause of the problem—MTBE; protect the environment, i.e., no backsliding; and, provide the necessary time and "flexibility" to allow refiners to make a rational transition to increased ethanol utilization.

Clearly, the Clean Air and Water Preservation Act of 2000 meets each of these objectives. By phasing down MTBE use over three years, the bill protects the water supplies of every citizen, not just those in certain states. The bill's anti-backsliding provisions, particularly the cap on aromatics, assures the current air quality benefits of the RFG program will be preserved. The legislation also provides refiners with significant flexibility and encourages the development of alternative oxygenates so that the transition from MTBE can be made without disruptions in gasoline supplies or increases in price.

Oil prices are rising to record levels. The farm economy continues to suffer. And water supplies from coast to coast are being jeopardized by the uncontrolled use of MTBE. Never has the need for ethanol been greater. We need to protect both air quality and precious water resources. With ethanol, and your legislation, we can. I look forward to working with you to see the Clean Air and Water Preservation Act of 2000 become law.

Sincerely,

ERIC VAUGHN,
President.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, March 17, 2000.

Hon. GREG GANSKE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GANSKE: I am writing this letter on behalf of the 31,000 members of the National Corn Growers Association in support of your bill entitled the Clean Air and Water Preservation Act of 2000. Your bill embraces many of the principles NCGA believes are important if Congress is going to successfully address the problems surrounding MTBE water contamination across the country.

In addition, NCGA supports the principles in your bill that call for a national solution to the MTBE problem, protection of the environment and public health, and flexibility that allows markets to adjust as the demand for ethanol increases. We enthusiastically support this approach because it recognizes that ethanol is not part of the problem, it is part of the solution. We especially appreciate the support your bill gives to ethanol as a clean oxygenate in the reformulated gasoline program.

With oil prices at their highest levels in many years, it is clear that ethanol not only should be used because it benefits public health, but also because it reduces our dependence on foreign oil.

We appreciate your efforts and look forward to working with you on passage of this important legislation.

Sincerely,

Lynn Jensen,
President.

Governmental Relations Bulletin—
Action Requested

March 21, 2000.

Re Clinton administration takes action on fuel requirements.

To: Presidents, Secretaries and/or administrators, coordinators of national affairs, directors of information, directors of commodity activities, coordinators of natural and environmental resources, area field service directors, park ridge and Washington office distribution.

From: Dick Newpher, Executive Director, Washington Office.

Yesterday, EPA Administrator Carol Browner and Agriculture Secretary Dan Glickman announced proposals that will reduce and ultimately eliminate the use of methyl tertiary butyl ether (MTBE) in reformulated fuels. MTBEs have been blamed in numerous cases of water pollution. The petroleum-based product currently has more than 80 percent of the market for oxygenate additives used in gasoline to comply with the Clean Air Act. Ethanol provides the remainder of the oxygenate additives used in the U.S.

The proposal outlines both a regulatory and legislative strategy. The EPA will proceed with a proposed notice of rulemaking and the Clinton Administration will push for statutory changes in the Clean Air Act to implement the announced changes.

The proposal outlined the following steps:

Amend the Clean Air Act to provide authority to reduce or eliminate the use of MTBE;

Assure that the goals of the Clean Air Act are not diminished; and,

The administration recommends that Congress replace the 2 percent oxygenate requirement in the Clean Air Act with a renewable fuel annual average content for all gasoline at a level that maintains the current use level of renewable fuel (1.2 percent of the gasoline supply).

The standard of 1.2 percent renewable fuels content would be a national average content requirement and would NOT significantly increase the use of ethanol. A better scenario for the ethanol industry would be to retain the two percent oxygenate requirement under the current Clean Air Act because ethanol is the only viable alternative to MTBE. Additionally, there will be substantial political opposition in the Congress to any measure calling for a mandate on renewable fuel content.

AFBF will analyze the proposed rule when it is released sometime in the next few months. However, the main effort will be to work with members of Congress to move legislation that will eliminate MTBE and replace it with ethanol. Farm Bureau supports H.R. 4011, the Clean Air and Water Preservation Act, sponsored by Rep. Greg Ganske (R–IA) and Rep. John Shimkus (R–IL). The bill: (1) phases out the use of MTBE within three years; (2) provides assistance to states to clean MTBE pollution; (3) provides refiners some flexibility with the oxygen requirement; (4) preserves air quality improvements make under the Clean Air Act; and, (5) urges refiners to switch to ethanol as soon as possible. Similar legislation is contemplated in the Senate.

Action requested: State Farm Bureaus are requested to contact their members of the House to cosposnor H.R. 4011.

(Contact: Jon Doggett, jond@fb.org) F:/grb/ethanol00.321

Mr. Speaker, I have also received letters from the Iowa Farm Bureau Federation and the Illinois Corn Growers Association expressing support for H.R. 4011. I include those letters for the Record, as follows:

Iowa Farm
Bureau Federation
West Des Moines, IA, March 16, 2000.

Hon. Greg Ganske,
House of Representatives,
Washington, DC.

Dear Congressman Ganske: The Iowa Farm Bureau Federation supports your efforts to ban the use of MTBE and to preserve the oxygenate requirement under the Clean Air Act. The issue of MTBE's negative impact on water quality has elevated this issue in the public's eye. It is imperative that Congress take action to address these concerns.

We believe that a federal ban on MTBE use can be coupled with an expansion of ethanol use. Several states are pushing to waive their participation in the reformulated gasoline program under the Clean Air Act. Farm Bureau strongly opposes such efforts. We believe that ethanol is a good alternative to MTBE and that these states should be encouraged to replace their MTBE use with ethanol.

Your legislation ensures that Iowa farmers will continue to have a role in providing clean air by creating a stronger role for ethanol. We applaud your efforts and look forward to working with you to implement this legislation.

Sincerely,

Ed Wiederstein,
President.

Illinois Corn Growers Association,
Bloomington, IL, March 22, 2000.

Hon. — —
House of Representatives,
Washington, DC.

Dear Congressman — — —: We would appreciate your consideration of co-sponsoring H.R. 4011. This bill addresses concerns which have surfaced concerning MTBE contamination of groundwater and continues to maintain a role for ethanol in the Reformulated Gasoline Program (RFG) of the Clean Air Act.

H.R. 4011 was introduced by Congressman Shimkus (IL) and Congressman Ganske (IA) and has bi-partisan support from downstate Illinois Congressmen co-sponsoring the Bill for the following reasons:

1. This bill addresses the problems with MTBE by banning MTBE within three years and requiring labeling of MTBE on gasoline dispensers in the interim. The Chicago City Council, led by the efforts of Alderman Bernard Hansen, has unanimously passed a resolution asking for a ban on MTBE use in our largest city because of the environmental implications.

2. This bill gives refiners flexibility in blending oxygen and meeting the oxygenate requirement of RFG without eliminating the requirement and hurting the ethanol market. Ethanol is critical to the success of the state's agricultural economy. Ethanol uses 160 million bushels of corn to supply the Chicago metro market alone. This market results in an additional 10 cents per bushel for all the corn sold in Illinois, according to the Illinois Resource Allocation Model. This sophisticated computer model is operated by the U of I Agricultural Economics Department.

3. Lastly, H.R. 4011 prohibits environmental backsliding by raising the standards on emissions reductions and prohibiting an increase in the use of gasoline aromatics (which can lead to cancer-causing particular emissions).

For these reasons, farmers in Illinois need your help. Please consider co-sponsoring H.R. 4011.

Sincerely,

Leon Corzine,
President.

☐ 2320

Mr. Speaker, this is good agricultural policy. This is good environmental policy. Now, despite the benefits of ethanol for the Nation's air quality, water quality, and agriculture, some groups have decided to question ethanol. Those detractors include some well-known environmental groups, like the Sierra Club, the Natural Resources Defense Council, two groups that also consistently extol the virtues of renewable fuels. Well, let us go into this in some detail.

In yesterday's Washington Post a spokesperson from the NRDC said, "Ethanol, when combusted forms formaldehyde and other by-products which pose potential public health threats." According to the article, some "scientists" claim that very few studies have been done on the health effects associated with inhalation of ethanol vapors. I would like to address these allegations.

First of all, ethanol does not produce formaldehyde. MTBE produces formaldehyde. NRDC sites as their reference a study submitted to the California legislature entitled "An Evaluation of the Scientific Peer Review Research and Literature on the Human Health Effect of MTBE, its Metabolites, Combustion Products and Substitute Compounds." However, in another report, "Air Quality Impacts on the Use of Ethanol in California Reformulated Gasoline," the California Environmental Protection Agency's Air Resources Board states, "The major products of concern for ethanol are acetaldehyde and peroxyacetyl nitrate, an eye irritant. These compounds are offset by reductions in formaldehyde."

Let me repeat that. The California Environmental Protection Agency directly contradicts a statement by the NRDC by saying that some products from the burning of ethanol produce acetaldehyde and certain nitrates, but that those compounds are offset by reductions in formaldehyde due to the elimination of MTBE. So it appears that NRDC was mistaken.

There have also been allegations that ethanol produces what is called ETBE, ethyl tertiary butyl, ether when run through a combustion engine. Once again, that is not true. Ethanol can be used to produce ETBE, but that would require additional components and a catalyst for a chemical reaction, and that does not occur in the internal combustion engine.

Associated with that statement is speculation that ethanol's increased volatility will increase hydrocarbon emissions, thereby posing an increased inhalation hazard. Well, Mr. Speaker, research evaluating ethanol blended fuel and nonethanol fuel has shown that while the evaporation rate for ethanol blended gasoline was increased, less hydrocarbon was volatilized relative to nonethanol fuel. It was determined the increased evaporation of ethanol blended fuel was due to the evaporation of the ethanol itself.

Another statement contained in yesterday's Post concerned health implications associated with the inhalation of ethanol. Well, Mr. Speaker, I am a physician. I have looked at this in some detail. Now, those "some scientists" may be right that there has not been a great amount of research done on the project, but ethanol is a naturally occurring compound which is found in very low levels in the blood and the breath of humans, even those who do not drink alcohol. The available scientific literature shows that there is a low risk of harm from ethanol inhalation. That can be attributed to the rapid metabolism of ethanol and the difficulty of significantly raising blood ethanol concentrations through breathing.

I have here a report by Cambridge Environmental Incorporated entitled "Ethanol: A Brief Report on Its Use in Gasoline." Mr. Speaker, I would like to submit this for the RECORD at this point as well.

ETHANOL—BRIEF REPORT ON ITS USE IN GASOLINE

(By Sarah R. Armstrong, M.S., M.S.)

INTRODUCTION

The purpose of this short paper is to summarize information about ethanol's health and environmental effects, given ethanol's use as a fuel oxygenate. The conclusions are: (1) ethanol is readily degraded in the environment; (2) anticipated human exposures to ethanol are very low; and (3) voluminous information on metabolism of ethanol by humans, and on the health effects of ingested ethanol, strongly suggests that environmental exposures to ethanol will have no adverse health impact.

ENVIRONMENTAL BEHAVIOR

Recent reviews of the environmental behavior of gasoline oxygenates generally note that ethanol is not likely to accumulate or persist for long in the environment. For example, the Interagency Assessment of Oxygenated Fuels (NSTC, 1997) observes that ethanol is expected to be rapidly degraded in groundwater and is not expected to persist beyond source areas. Ethanol in surface water is also expected to undergo rapid biodegradation, as long as it is not present in concentrations directly toxic to microorganisms (NSTC, 1997; Malcolm Pirnie, Inc., 1998). The half-life of ethanol in surface water is reported to range from 6.5 to 26 hours (Howard et al., 1991). Atmospheric degradation is also predicted to be rapid (Malcolm Pirnie, Inc., 1998).

In part, expectations of ethanol's degradability rely on experiments that use microcosms of groundwater and soil mixtures to demonstrate that ethanol is rapidly degraded both aerobically (100 mg/l in 7 days, Corseuil et al., 1998); and anaerobically (100 mg/l in 3 to 25 days, depending on conditions, Corseuil et al., 1998; 96 mg/l within 30 days, Suflita and Mormile, 1993; 100 mg/l within 14 days, Yeh and Novak, 1994). In these experiments, ethanol generally delays degradation of BTX, but not always, and some investigators (Corseuil et al., 1998) caution against generalizations about ethanol's effect.

HEALTH EFFECTS

Ethanol, the active ingredient of alcoholic beverages, has been part of the human diet—and the human environment—for thousands of years. It is produced by fermentation by fungi and other microorganisms, and is found at low levels in the blood and breath of persons who do not drink alcohol. Biological exposures and responses to ethanol are typically evaluated in terms of the blood concentrations, where the units of concentration are milligrams of ethanol per deciliter of blood, or mg/dl. Some blood ethanol concentrations (BEC) and associated effects are shown in Table 1. Endogenous blood levels of ethanol range from non-detectable to 0.02 mg/dl to 0.15 mg/dl (Jones, 1985; Lester, 1962). A typical alcoholic beverage contains 12 g of alcohol, corresponds to a dose of about 170 mg/kg for a 70-kg adult, and produces a peak blood ethanol concentration on the order of 25 mg/dl. Legal limits on blood alcohol for drivers of vehicles are typically 80-100 mg/dl.

Ethanol is widely ingested in alcoholic beverages, usually with only mild effects. However, at sufficiently high doses, ethanol can cause toxic effects in humans, both short-term (such as inebriation) and long-term (such as cirrhosis of the liver). If ethanol becomes a common fuel additive, there may be opportunities for exposure by inhalation: ethanol vapors might be inhaled at gasoline stations or in automobiles, for example. Thus, concern has been raised about the possible health consequences of using ethanol for this purpose.

The scientific literature contains virtually no reports of injury to humans from inhaled ethanol. The apparent lack of harm may be attributable to rapid metabolism of ethanol and the difficulty in significantly raising blood ethanol concentrations by inhalation exposure, which keep internal doses extremely low except in unusual situations, such as heavy exercise in the presence of concentrated vapors. The occupational standard for ethanol in air is 1000 ppm (1900 mg/m^3) on an eight-hour basis. The occupational experience with ethanol in air appears to be favorable: no symptoms at levels below 1000 ppm are reported: at this or higher concentrations, ethanol vapor causes eye and upper respiratory tract irritation, fatigue, headache, and sleepiness (ACGIH, 1991; Clayton and Clayton, 1994). No reports regarding chronic exposure of humans to ethanol vapors have been located.

Laboratory animals, chiefly rats, have been subjected to inhalation exposure in a variety of experiments, most investigating aspects of central nervous system or developmental toxicity. The majority of exposures have been short-term, of less than two weeks, but many of these were continuous. The study of longest duration, 90 days, also used the lowest concentration of ethanol, 86 mg/m^3 (45 ppm); otherwise, experimental designs typically produced atmospheres of thousands of mg/m^3 (or ppm), frequently in order to develop ethanol dependence. Blood ethanol concentrations were often, but no always, determined. The great majority of BEC measurements were above 100 mg/dl.

The paucity of direct evidence regarding the possible effects of inhaled ethanol does not mean, however, that the possible consequences are unpredictable. In fact, the data strongly suggest that exposure of the general public to ethanol vapors coming from oxygenated gasoline is very unlikely to have any adverse consequences. While there is little, if any data, on the toxicity of ingested ethanol itself in humans, it is generally accepted that the vast literature on the effects of alcoholic beverages is highly relevant. Alcohol abuse is a significant medical and social problem, and is the impetus for most research into ethanol toxicology, both in humans and Experimental animals. A consequence of this is that little experimental data address the levels of internal exposure that can be reasonably anticipated to result from using ethanol as an oxygenate. A second motivation for experimental work in ethanol is fetal alcohol syndrome (or fetal alcohol effects) which, in theory at least, could be caused by relatively brief maternal exposures to ethanol during pregnancy.

Since ethanol's important toxic effects require that the material first enter the bloodstream, one can evaluate inhalation exposures in terms of the blood alcohol concentrations they would produce. Prediction of BEC following exposure to ethanol vapors must consider several factors: (a) the concentration of ethanol in air, (b) the duration of exposure, (c) breathing rate, (d) absorption of ethanol across the lungs, and (e) the body's elimination rate of ethanol. Two of these factors are more or less constant in every situation. Experiments in humans have shown that from 55% to 60% of inhaled vapors are absorbed into the bloodstream (Kruhoffer, 1983; Lester and Greenberg, 1951). The rate of clearance of ethanol from the blood (V_{max}) is about 15 mg/dl/hr (Pohorecky and Brick, 1987) but may be as high as 23 mg/dl/hr (Holford, 1987); these rates correspond to elimination of 83 mg/kg/hr to 127 mg/kg/hr, or about 6 to 9 g of ethanol per hour for an adult. For comparison's sake, it should be noted that a single alcoholic drink contains about 12 g of ethanol (IARC, 1988).

As long as a person's intake of ethanol does not exceed V_{max}, blood alcohol levels will stay low. In table 2 are shown the intake rates for ethanol inhaled under a variety of conditions, assuming absorption across the lungs of 55% and a standard body weight of 70 kg. In bold type are intakes above 83 mg/kg/hr, the lower estimate of alcohol clearance: exposure under these conditions could lead to an accumulation of ethanol in the blood and a rising BEC. Under the other conditions given, the body's ability to eliminate ethanol is not exceeded, and BEC levels would remain below toxic levels.

The calculations suggest that exposure to ethanol vapors that are irritating to the eyes and mucous membranes, while uncomfortable, would not cause a significant rise in BEC in persons at rest. As actively increases, ethanol increases, but vapor concentrations would need to exceed the occupational limit by a substantial margin in order to cause a rise in BEC. Some experimental work demonstrates that significant uptake of ethanol through the air is unusual, or difficult, as shown in Table 3. Moderate activity in the presence of irritation vapors is required.

POSSIBLE INHALATION EXPOSURES TO ETHANOL DUE TO USE IN GASOLINE

Opportunities for inhalation exposure of the general public to ethanol used as gasoline oxygenated include vapors inhaled while fueling vehicles and ambient air. The first sort of exposure would be relatively brief, no more than five minutes, perhaps, while the second could last for many hours. These scenarios are considered in more detail below.

Very limited investigations of personal exposures during refueling have so far failed to detect ethanol, where detection limits were 50 ppm or less (HEI, 1996). If refueling involved five-minute exposures at the occupational limit of 1,000 ppm, an adult might receive an ethanol dose of 0.13 g (about 2 mg/kg). Such an exposure might increase BEC by about 0.3 mg/dl, at most. Exposure to such a high level of ethanol is unlikely. The Health Effects Institute evaluated hypothetical exposures of 1 ppm for three minutes and 10 ppm for 15 minutes, and determined that incremental changes in BEC would be insignificant (HEI, 1996).

Data on ambient air concentrations of ethanol are few. The average ambient level in air in the city of Porto Alegre, Brazil, where 17% of vehicles run entirely on ethanol, is 12 ppb (0.023 mg/m^3) (Grosjean et al., 1998). The lowest concentration of ethanol tested for toxicity in animals was almost 4,000-times greater than this (86 mg/m^3, 45 ppm). A person might receive half a milligram of ethanol per day from ambient air containing 12 ppb of ethanol, a negligible dose.

OTHER HEALTH EFFECTS ISSUES

Some of ethanol's known or suspected toxic effects have not been, or can not be, quantified in terms of BEC. Fetal alcohol syndrome (FAS), for example, is constellation of physical and mental deficiencies in children linked to maternal alcohol ingestion. Risk of FAS is a function of alcohol intake during pregnancy: the frequency of this syndrome is twice as great for children of heavy drinkers as for children of moderate or non-drinkers (Schardein, 1993). While it may be prudent to abstain from alcohol during pregnancy, a risk from daily consumption of less than 30 g of alcohol has not been proved (Schardein, 1993). Cancer of certain organs has been observed to occur at elevated rates in some groups of drinkers—the World Health Organization, for example, has linked alcohol consumption to cancer of the oral cavity, pharynx, esophagus, larynx, and liver (IARC, 1988). In almost all of the studies, risks were observed among alcoholics or were seen to increase with consumption.

Finally, if we look to human experience with alcohol consumption for information regarding toxic effects of ethanol, it is fair also to look at the evidence for possible health benefits. Numerous epidemiologic studies have observed that light-to-moderate drinkers of alcohol have lower mortality rates than either alcohol abstainers or heavy drinkers. Reduced mortality is due to decrease rates of fatal coronary heart disease and cardiovascular disease. To be sure, the picture is complicated, varying by sex, age, and disease risk factors, and competing causes of death. We are not suggesting that low-level exposures to ethanol due to its use as an oxygenate is desirable. At the least, however, the apparent beneficial effects of alcohol (or ethanol) for some cohorts should be recognized.

CONCLUSION

It is highly unlikely that exposure to airborne ethanol associated with gasoline use could produce toxic effects. The reasons for this are (a) the tiny doses that might be received, which might not be observable in light of endogenous levels of ethanol in blood, (b) the body's rapid elimination of ethanol, and (c) the relatively large doses of ethanol and high blood levels of ethanol associated with toxic effects in people. No data in the scientific literature support the hypothesis that chronic exposure to non-irritating levels of ethanol in air could cause significant elevation of BEC (unless exposed individuals are exercising at the time), or that a risk of cancer or birth defects would be created. A recent survey of the literature regarding the inhalation toxicity of ethanol by the Swedish Institute for Environmental Medicine reached similar conclusions, namely that "a high blood concentration of ethanol is needed for the development of adverse effects" and "ethanol at low air concentrations should not constitute a risk for the general population (Andersson and Victorin, 1996).

TABLE 1.—ETHANOL DOSE-RESPONSE DATA

BEC (mg/dl)	Observation	Reference
0.02–0.15	Endogenous (i.e. natural) level	Jones, 1985; Lester, 1962.
50	Central nervous system stimulant; talkativeness; relaxation	Pohorecky and Brick, 1987.
100	Legal limit for automobile drivers in many states	
>100	Central nervous system depressant; decreased sensory and motor function; decreased mental and cognitive ability	Pohorecky and Brick, 1987.
110	No effect on heart function	Pohorecky and Brick, 1987.
140	No effect on cerebral blood flow; effects occur above this level	Pohorecky and Brick, 1987.
300	Stupefaction	Pohorecky and Brick, 1987.
400	Possible lethal level	Pohorecky and Brick, 1987.

TABLE 2.—INTAKE RATE OF ETHANOL UNDER VARIOUS EXPOSURE CONDITIONS

Ventilation rate (l/min)	Intake rate of ethanol (mg/kg/hr) when the concentration in air is (mg/l)				
	1.9 (occupational standard)	5	10 (causes coughing and eye irritation; adaptation occurs)	20	30 (causes continuous lacrimation)
6 (rest)	5	14	28	57	85
25 (moderate activity)	22	59	118	236	354
40 (heavy activity)	36	94	189	377	566
50 (very heavy activity)	45	118	236	471	707

TABLE 3.—EXPERIMENTAL STUDIES OF VAPOR UPTAKE BY HUMANS

Ventilation rate (l/min)	Concentration of ethanol in air (mg/l)	Duration of exposure (hrs)	BEC (mg/dl)	Symptoms	Reference
Rest (approx. 6)	1.9	3	<0.2	None reported	Campbell and Wilson (1986).
15	15		Steady at 7–8	Vapors irritating but adaptation occurred; no intoxication	Lester and Greenberg (1951).
22	16	6	47 and rising	Vapors irritating but adaptation occurred; no intoxication	Lester and Greenberg (1951).
Rest (approx. 6)	Maximum of 17 average approx. 9	2.5	<5	Vapors irritating but adaptation occurred; no intoxication	Mason and Blackmore (1972).

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Mr. GANSKE. Mr. Speaker, that report succinctly addresses the health risks associated with ethanol inhalation, and I would like to read a couple of excerpts from the report.

> The occupational standards for ethanol in air is 1,000 parts per million on an 8-hour basis. No symptoms at levels below 1,000 parts per million are reported. At this or higher concentrations, ethanol vapor may cause eye and upper respiratory tract irritation, fatigue, headache or sleepiness.

But then it goes on to say,

> Data strongly suggests that exposure to the general public to ethanol vapors coming from oxygenated gasoline is very unlikely to have any adverse consequences.

Ethanol vapors only affect the health of an individual if the blood ethanol content reaches a level associated with intoxication. Most definitions of legal intoxication are about 80 milligrams per deciliter. In order for that to occur, the inhalation rate of ethanol vapors would have to exceed the rate at which the body eliminates ethanol from the blood stream. Conservative estimates place that elimination rate at 83 milligrams per kilogram per hour.

Tests show that within the occupational standard ethanol concentration level of 1.9 milligrams per liter, a person could engage in heavy activity with a ventilation rate of 50 liters per minute and still only intake vapors at a rate of 45 milligrams per kilogram per hour, far below the rate of blood metabolism. Only when the concentration of ethanol in the air begins to significantly increase does the intake rate begin to supercede the elimination rate.

According to these studies, even concentrations that would irritate the eyes would not cause a significant rise in blood ethanol concentrations. Only under highly elevated concentration levels, combined with at least moderate activities would the blood ethanol concentration exceed the elimination rate. The real world experience shows that that is just not going to happen.

A study done in Brazil, which uses ethanol in almost all of its gasoline, indicates that the ambient air concentrations of ethanol are far below the occupational standard of 1,000 parts per million. In fact, in Porto Alegre, where 17 percent of vehicles run on 100 percent ethanol, the ambient air concentration is only 12 parts per billion. The lowest concentration of ethanol tested for toxicity in animals was 4,000 times greater than this concentration.

We can rest assured that ethanol inhalation will not be a health problem, Mr. Speaker.

There are several other allegations circulating about the negative attributes of ethanol, and I would like to address a couple of these today. Some have said that ethanol is not energy efficient. I beg to differ.

I have a report issued by the Department of Agriculture's Office of Energy in July 1995 that says ethanol produces 25 percent more energy than is required to make it. This estimate incorporates the energy required to till the fields, plant the corn, run the combine to harvest the product, mill the corn and produce the ethanol. A 25 percent net energy gain.

Another study, this one by the Institute for Local Self-reliance, says the net energy gain is higher than that. If you take into consideration all energy inputs required to grow corn, like fertilizer, pesticide, irrigation, transport, and process it into one gallon of ethanol, total energy inputs are about 81,000 Btus. In return, one gallon of ethanol provides about 84,000 Btus of energy.

But if you also consider the energy associated with other by-products of ethanol production, such as high protein feed grain, total energy output potential is about 111,000 Btus, or a 38 percent net energy gain.

□ 2330

That is based on industry averages. Furthermore, that study reported that if farmers are using state-of-the-art agriculture practices, they can significantly reduce their own energy inputs and they can raise the net energy gain to 151 percent.

Mr. Speaker, ethanol is a very energy efficient product. Now, some have argued that ethanol makes no sense outside of the Midwest because it is difficult and expensive to transport. Now, it is true that transporting ethanol by pipeline may not be an option.

But the Department of Agriculture's report, which I mentioned earlier and is now a part of the RECORD, details the likely distribution of ethanol. "Given a period of 3 to 5 years, there appears to be no transportation impediment to the use of ethanol as a replacement for MTBE."

The most likely distribution scenario is that corn ethanol from the Midwest would travel by freighter or by rail. But I have to remind any colleagues that corn is not the only product being converted into ethanol, and the Midwest is not the only potential source for ethanol production. Ethanol is being produced from 27 different raw materials throughout the Nation. It can be produced by cellulose, bio-mass, municipal waste.

In California there is a product to convert rice straw into ethanol, thereby providing an alternative to sending that by-product to landfill. The potential, Mr. Speaker, is enormous.

But even while those other sources are being developed and perfected, we have evidence that ethanol can be transported successfully throughout the Nation. Getty Petroleum proves that.

Last year, Getty switched its 1,200 stations located throughout 12 northeast States from MTBE to ethanol in a transition which the company described as "seamless."

Getty wrote to California Governor Gray Davis in September 1999. They said,

> Virtually every one of our terminals is capable of receiving gasoline products, including ethanol, by either rail or barge. Receiving products in this way as opposed to pipeline shipment is not problematic. I can tell you, for example, that receiving water-borne tank-loads of ethanol is no different from receiving water-borne shipments of gasoline. It is done all the time and represents no additional burden to gasoline marketers. Blending equipment for gasoline additives exists at every fuel terminal in the country. Merely augmenting those systems to allow for ethanol blending is neither complex nor time consuming. I see no reason why my experience in the northeast is unique and could not be duplicated in California.

Well, Mr. Speaker, Getty's experience tells us ethanol can be supplied throughout the Nation. In addition, I have learned of experiments in which petroleum companies are trying to pipe ethanol. To do that and to prevent water absorption, they send a slug of gasoline followed by a slug of ethanol followed by another slug of gasoline. The components are then blended near the point of final dispersion.

This may be a new method for transporting ethanol. But we have to remember, the petroleum industry is very innovative, they will find a way. But I would like to ask my colleagues to consider one thing. What happens if we continue to ship MTBE by pipeline, and let us say that pipeline breaks somewhere and we have thousands, maybe tens of thousands, of gallons of MTBE soaking into the ground and contaminating the water? That would be an environmental disaster.

Finally, let me say a third of MTBE use in America comes from the Middle East. I find it hard to believe that transporting MTBE from Saudi Arabia is more cost effective and less difficult than transporting ethanol from Iowa. And with ethanol, we do not need to station a carrier, battle group on the Mississippi River to protect our supplies.

Some have also claimed that ethanol will ruin modern vehicle engine components. That is just baloney. Studies have shown the use of ethanol in motor fuels does not produce mechanical problems. In fact, currently all vehicle manufacturers approve the use of up to 10 percent ethanol blended fuels. Modern fuel system components are designed to ensure that they are compatible with a wide range of fuel formulations.

In fact, the oil company Mobil says that ethanol keeps fuel injection systems clean so they perform better.

Mr. Speaker, this brochure issued by Mobil discusses many of the benefits associated with ethanol blended fuels. Some of the key points conclude ethanol is safe to use in any type of engine. Ethanol will help vehicles run in the winter. Ethanol produces significant reductions in both carbon monoxide and hydrocarbon tailpipe emissions. Using ethanol blended fuel is one of the easiest ways you can help reduce air pollution and our dependence on foreign oil.

Mr. Speaker, this is a brochure put out by Mobil. It says, "why is ethanol good for your car?" Well, the oil industry has spoken and it is clear that it believes that ethanol is a good fuel additive.

I would like to note, since ethanol was introduced in the late 1970s, Americans have driven more than 2 trillion miles with ethanol renewable fuel.

Mr. Speaker, the MTBE clean water/clean air quandary requires a comprehensive and sensible approach. It is not just one issue. It is several issues. My bill addresses them all. It phases out MTBE in 3 years and replaces it with ethanol. H.R. 4011 helps States clean up existing MTBE water contamination. It protects air quality by raising the standards for emissions and aromatic content. It spurs the development of additional oxygenates to ensure continued water and air quality. It contributes to our energy security by promoting the expansion of domestically produced renewable energy. It is the solution that this Congress has been looking for for many years.

Mr. Speaker, I include for the RECORD this Mobil brochure:

WHY IS ETHANOL GOOD FOR YOUR CAR?

Did you know . . .

Last year over 10% of all gasoline in the United States contained ethanol.

Fuel with 10% ethanol has been certified by the Environmental Protection Agency to reduce carbon monoxide emissions by up to 30%.

Since 1981, over 152 billion gallons of ethanol blends have been used in the United States. With an average mileage of 20 mpg, that is over 3 trillion miles of proven experience with ethanol blends.

Mobil goes to great lengths to ensure that we deliver to you the best quality gasoline available—with or without ethanol. All of our gasoline meets or exceeds the specifications of the federal government and the American Society for Testing and Materials. In many cases we will use ethanol to oxygenate our gasoline in order to help meet clean air goals and reduce emissions. Like our customers, we believe in doing our part to protect our planet's natural resources and our environment.

Ethanol . . . Engine friendly, Clean burning, American made . . . Power.

Q. How will ethanol affect my engine?

A. Ethanol is safe to use in any type of engine. Ethanol is covered under warranty by every automaker that sells cars in the United States. It's safe to use in your car, truck, motorcycle or any other engine. In fact, many automakers actually recommend reformulated gasolines like those that contain ethanol.

Tests have concluded that ethanol does not increase corrosion, nor will it harm any seals or valves.

Q. Will ethanol plug my fuel filter?

A Generally no. You can feel safe using ethanol. Ethanol is a very clean burning fuel that has some detergent properties.

These detergents work to reduce build-up and keep your engine running smooth. In fact, using ethanol may even improve the performance of your vehicle.

Q. How will ethanol affect my fuel injection system?

A. Ethanol helps keep fuel injection systems clean so they perform better. Problems with fuel injection plugging are the result of dirty fuel—not ethanol. Some gasolines today do not, by themselves, contain enough detergent additive. Therefore, ethanol is also valuable as a cleaning agent that helps prevent problems.

Q. Will using ethanol help me during the winter?

A. Yes. The ethanol recommended for use in motor fuels is an anhydrous, or water-free additive. It absorbs moisture and helps prevent gas-line freeze-up in cold weather. It works much like gasline antifreeze that some motorists add to their gas tanks in the winter.

Using ethanol-blended fuel in the winter means you won't need to add expensive and possibly harmful additives to your fuel. Ethanol in your gasoline will protect your vehicle from gas-line freeze-up.

Q. Does ethanol help reduce air pollution?

A. Yes. There is a significant reduction in both carbon monoxide and hydrocarbon tailpipe emissions when ethanol is used. Many cities and states across the nation take advantage of the environmental benefits that ethanol provides. These cities include Chicago, Denver, Milwaukee and Minneapolis.

Ethanol is used in virtually every state in the nation, from Alaska to Florida and from California to New York. For the United States, ethanol-blended fuels offer the promise of cleaner air. Ethanol is an abundant new source of energy for the future that also helps conserve natural petroleum resources.

Q. What is ethanol?

A. Ethanol is a clean burning, renewable, domestically produced product made from fermented agricultural products such as corn.

Ethanol contains oxygen, which helps gasoline burn cleaner and more efficiently. When used in vehicles, ethanol reduces all types of emissions including carbon dioxide—a major contributor to global warming.

Although burning ethanol releases carbon dioxide during its production and combustion, the crops that ethanol is produced from absorb that carbon dioxide. So, during ethanol production, greenhouse gases do not build up in the environment—they are naturally recycled.

Q. What does research say about ethanol-blended fuels?

A. The American Institute of Chemical Engineers compared ethanol fuel to straight gasoline. In a published report, the institute said ethanol was "very similar in driving characteristics to straight gasoline, except that pre-ignition and dieseling (run-on) are noticeably reduced and acceleration can be improved" with ethanol.

The report continued, "Ethanol should be looked at as an octane enhancer. Mixing it with gasoline in a 9 to 1 ratio improves the octane rating about three octane numbers." There have been many other tests of ethanol during the past 20 years. Those tests found ethanol completely safe to use in all types of engines.

THE CLEAN AIR CHOICE

Using ethanol-blended fuel is one of the easiest ways you can help reduce air pollution and our dependence on imported oil. While many solutions for improving our nation's air quality are being debated, ethanol is here today. Using ethanol-blended fuels in your car, outboard motor, lawnmower, chainsaw, snowmobile and other small engines can make a difference now.

Mr. Speaker, Congress should pass this bill. We would be making good sound policy decisions. We would be benefiting America's environment. We would be helping America's farmers, and we would be addressing our Nation's energy needs.

I urge my colleagues to join me in supporting a comprehensive solution that does not force us to choose between clean air and clean water. I urge my colleagues to cosponsor H.R. 4011. I will be happy to share any additional information with them.

RECESS

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0317

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 3 o'clock and 17 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 290, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2001

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–535) on the resolution (H. Res. 446) providing for consideration of the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States government for fiscal year 2000, and setting forth appropriate budgetary levels for each of the fiscal years 2002 through 2005, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILL of Indiana (at the request of Mr. GEPHARDT) for today after 12 p.m. on account of personal reasons.

Mr. DOOLITTLE (at the request of Mr. ARMEY) for March 21 on account of attending a funeral.

Mr. BEREUTER (at the request of Mr. ARMEY) for today after 5 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mrs. WILSON) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, March 28.

Mr. BURTON of Indiana, for 5 minutes, March 29.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; to the Committee on Commerce.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes a.m.), the House adjourned until today, Thursday, March 23, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6714. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Changes in Producer District Boundaries [Docket No. FV00-993-1-FIR] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6715. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Changing the Term of Office and Nomination Deadlines [Docket No. FV00-955 2 FIR] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6716. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Streamlining of Regulations for Real Estate and Chattel Appraisals; Correction (RIN: 0569-AF69) received March 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6717. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Tinker Air Force Base (AFB), Oklahoma has conducted a cost comparison to reduce the cost of the Civil Engineering functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6718. A letter from the Secretary of Defense, transmitting the Fiscal Year 1999 report on Purchases From Foreign Entities; to the Committee on Armed Services.

6719. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting Final Funding Priorities—Rehabilitation Engineering Research Centers and Model Spinal Cord Injury Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6720. A letter from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 2000-2001 for Certain Centers—received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA 200-0217; FRL-6550-4] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6722. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2000-17: to Provide Emergency Disaster Assistance in Southern Africa, pursuant to 22 U.S.C. 2318(a)(2); to the Committee on International Relations.

6723. A letter from the Assistant Secretary-Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (RIN: 1090-AA71) received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6724. A letter from the Director, Financial Services, Library of Congress, transmitting the United States Capitol Preservation Commission Annual Report for the fiscal year ended September 30, 1999; to the Committee on House Administration.

6725. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 030100D] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6726. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Adjustment in the Opening Date of the Recreational Seasons from Point Arena to the U.S.-Mexico Border [Docket No. 990430113-913-01; I.D. 02220E] received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6727. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear and Aleutian Islands Management Area [Docket No. 000211040-0040-01; I.D. 030200B] received March 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90-85B Series Turbofan Engines [Docket No. 2000-NE-06-AD; Amendment 39-11619; AD 2000-05-10] (RIN: 2120-AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals [Docket No. 98-CE-88-AD; Amendment 39-11621; AD 98-21-21 R1] (RIN: 2120-AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher GmbH & Co. Model ASW-27 Sailplanes [Docket No. 99-CE-70-AD; Amendment 39-11609; AD 2000-04-26] (RIN: 2120-AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Powered by Rolls-Royce RB211-535C/E4/E4B Turbofan Engines [Docket No. 2000-NM-67-AD; Amendment 39-11618; AD 2000-05-09] (RIN: 2120-AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA 318C, SA.319B, SE 3130, SE.3160, and SA 3180 Helicopters [Docket No. 99-SW-76-AD; Amendment 39-11620; AD 2000-05-11] (RIN: 2120-AA64) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98-NM-193-AD; Amendment 39-11581; AD 2000-03-21] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, -200, and 747SP Series Airplanes [Docket No. 98-NM-339-AD; Amendment 39-11582; AD 2000-03-22] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S 206H, and T206H Airplanes [Docket No. 2000-CE-07-AD; Amendment 39-11583; AD 2000-04-01] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Models DC-3 and DC-4 Series Airplanes [Docket No. 99-NM-139-AD; Amendment 39-11585; AD 2000-04-03] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hoffmann Propeller Co. H027() and HO4/27 Series Propellers [Docket No. 98-ANE-64-AD; Amendment 39-11592; AD 2000-04-10] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes [Docket No. 99-NM-256-AD; Amendment 39-11587; AD 2000-04-05] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cameron Balloons Ltd. (Thunder & Colt) Titanium Propane Cylinders, Part Number (P/N) CB2380 and P/N CB2383 [Docket No. 2000-CE-08-AD; Amendment 39-11594; AD 2000-04-12] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6740. A letter from the Deputy Administrator, General Services Administration, transmitting the Report of Building Project Survey for the Food and Drug Administration Consolidation in Suburban Maryland, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 89. Resolution recognizing the Hermann Monument and Herman Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage (Rept. 106-534). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 446. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (Rept. 106-535). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCCOLLUM:

H.R. 4051. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself and Mr. Oberstar):

H.R. 4052. A bill to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN (for himself, Mr. Smith of New Jersey, Mr. Bereuter, Ms. Ros-Lehtinen, Mr. Rohrabacher, Mr. Goodling, Mr. Hyde, Mr. Gillmor, Mr. McHugh, Mr. Armey, Mr. DeLay, Mr. Young of Florida, Mr. Spence, Mr. Radanovich, Mr. Cooksey, Mr. Manzullo, Mr. Souder, Mr. Doolittle, Mr. Mica, and Mr. Traficant):

H.R. 4053. A bill to authorize assistance to the countries of southeastern Europe for fiscal year 2001, to authorize assistance for democratization in Serbia and Montenegro, to require equitable burdensharing in multilateral assistance programs for southeastern Europe, and for other purposes; to the Committee on International Relations.

By Mrs. BIGGERT:

H.R. 4054. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GOODLING (for himself, Mr. McKeon, Mr. Martinez, Mr. Kildee, Mr. Ballenger, Mr. Hoekstra, Mr. Greenwood, Mr. Norwood, Mr. Hilleary, Mr. Ehlers, Mr. Upton, Mr. McIntosh, Mr. Graham, Mr. Deal of Georgia, Mr. Fletcher, Mr. Isakson, and Mr. Vitter):

H.R. 4055. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010; to the Committee on Education and the Workforce.

By Mr. BISHOP:

H.R. 4056. A bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mrs. Morella, Ms. Pelosi, Mr. Waxman, Mr. Bonior, Mr. Coburn, Mr. Stark, Mr. Lantos, Mr. Hall of Ohio, Mr. Greenwood, Mr. English, Mr. Neal of Massachusetts, Mr. George Miller of California, Mr. Hinojosa, Mr. Inslee, Mr. Bentsen, Mrs. Meek of Florida, Mr. Green of Texas, Mr. Lewis of Georgia, Mr. Andrews, Mr. Wynn, Mrs. Thurman, Mrs. Wilson, Mr. Frost, Mr. Gonzalez, Mr. Filner, Ms. Jackson-Lee of Texas, Mrs. Capps, Mrs. Lowey, Mr. Baird, Ms. Rivers, Mr. McDermott, Mr. Traficant, and Mr. Bilbray):

H.R. 4057. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on International Relations.

By Mr. BURR of North Carolina:

H.R. 4058. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CAMPBELL (for himself, Mr. Udall of New Mexico, Mr. Gillmor, Mr. Hall of Texas, and Mr. Hutchinson):

H.R. 4059. A bill to establish a system for businesses engaged in electronic commerce to adopt, and certify their compliance with, internationally recognize principles concerning the collection, use, and dissemination of personal information, and for other purposes; to the Committee on Commerce.

By Mr. DEAL of Georgia:

H.R. 4060. A bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia; to the Committee on Transportation and Infrastructure.

By Mr. JEFFERSON (for himself, Mr. Frost, Mr. Rogan, Mr. McDermott, Mr. Towns, Mr. Lewis of Georgia, Ms. Jackson-Lee of Texas, Mrs. Meek of Florida, Ms. Kilpatrick, Mrs. Christensen, Mr. Payne, Mr. Bishop, Mrs. Mink of Hawaii, Mrs. McCarthy of New York, Mr. Clyburn, Mr. Wynn, Ms. McKinney, Ms. Pelosi, Mr. Ford, Mr. Hastings of Florida, Mr. Owens, Ms. Lee, Mr. Scott, Mr. Watt of North Carolina, Ms. Carson, Mr. Davis of Illinois, Mr. Rangel, Mr. Matsui, Mr. Hayworth, Mr. Hilliard, Mr. Meeks of New York, Ms. Brown of Florida, and Mr. Tanner):

H.R. 4061. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 4062. A bill to amend the Fair Labor Standards Act of 1938 to repeal the exemption from the overtime requirements of such Act for employees of motor carriers; to the Committee on Education and the Workforce.

By Mr. George MILLER of California (for himself, Mr. Dixon, Mr. Brown of Ohio, Ms. Roybal-Allard, Mrs. Christensen, Ms. DeLauro, Mr. Evans, Mr. Frost, Mr. Kind, Mrs. Mink of Hawaii, Ms. Danner, Mr. Bonior, Ms. Lee, and Mr. Vento):

H.R. 4063. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; to the Committee on Resources.

By Mr. MORAN of Kansas (for himself and Mr. Pomeroy):

H.R. 4064. A bill to amend the Internal Revenue Code of 1986 to exclude from net earnings from self-employment certain payments under the conservation reserve program; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 4065. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York (for herself, Mr. Conyers, Mr. Blagojevich, Mr. Pascrell, Mrs. Morella, Mrs. Lowey, Ms. DeLauro, Mr. Weiner, Mr. Delahunt, Ms. Eshoo, Mr. Frank of Massachusetts, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Kennedy of Rhode Island, Mr. Stark, Mr. Cardin, Mr. Nadler, Ms. Norton, Mr. Wynn, Mr. Serrano, Mr. Wexler, Ms. Millender-McDonald, Ms. Schakowsky, Mrs. Jones of Ohio, Mrs. Maloney of New York, Mr. Hoeffel, Mr. Meehan, Mrs. Napolitano, Mr. Ackerman, Mr. Vento, Ms. Brown of Florida, Mrs. Tauscher, Ms. Woolsey, Ms. Carson, Mr. Evans, Mrs. Mink of Hawaii, Mr. Rangel, Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, and Mr. Moore):

H.R. 4066. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 292. Concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Metcalf, Mr. Shimkus, and Mr. Thomas.

H.R. 53: Mr. Sessions.

H.R. 148: Ms. DeLauro and Mrs. Cubin.

H.R. 324: Mr. Kildee.

H.R. 353: Mr. Schaffer, Mr. Blunt, and Ms. DeGette.

H.R. 355: Ms. Granger.

H.R. 410: Mr. Frank of Massachusetts.

H.R. 415: Ms. Schakowsky.

H.R. 518: Mr. Skeen.

H.R. 568: Ms. DeLauro.

H.R. 583: Mr. Gilman, Mrs. Mink of Hawaii, and Mr. Stark.

H.R. 632: Mr. Canady of Florida, Mr. Traficant, Mr. Hayworth, and Mr. Ganske.

H.R. 816: Mr. Bilbray.

H.R. 837: Ms. Schakowsky.

H.R. 838: Mr. Davis of Virginia and Mrs. Morella.

H.R. 840: Ms. Carson.

H.R. 860: Mrs. Capps.

H.R. 864: Mr. Stenholm, Mr. Norwood, Mr. Vitter, Mr. Baca, and Mr. Cooksey.

H.R. 923 Ms. Schakowsky.

H.R. 927: Mr. Gary Miller of California.

H.R. 1041: Mr. Canady of Florida, Mr. Barr of Georgia, Mr. Blunt, Mr. Watts of Oklahoma, Mr. Lucas of Oklahoma, Mr. Watkins, Mr. Combest, Mr. Hyde, Mr. Rohrabacher, Mr. Ryun of Kansas, and Mr. Whitfield.

H.R. 1046: Mr. Canady of Florida.

H.R. 1055: Mr. Spence.

H.R. 1093: Mr. Stenholm and. Mr. Mollohan.

H.R. 1102: Mrs. Jones of Ohio.

H.R. 1103: Mr. Weiner and Ms. Woolsey.

H.R. 1113: Mr. Simpson, Mr. Gibbons, Mrs. Chenoweth-Hage, and Mr. Peterson of Pennsylvania.

H.R. 1216: Mr. Hilleary and Mr. Coyne.

H.R. 1260: Mr. Pombo.

H.R. 1271: Ms. Lofgren.

H.R. 1294: Mr. Tancredo, Mrs. Thurman, and Mr. DeLay.

H.R. 1304: Mr. Stenholm.

H.R. 1358: Mr. Weygand.

H.R. 1367: Mr. Phelps.

H.R. 1495: Mrs. Maloney of New York, Mrs. Napolitano, and Mr. Deutsch.

H.R. 1505: Mr. Cramer.

H.R. 1510: Ms. Woolsey.

H.R. 1532: Mr. Brady of Pennsylvania.

H.R. 1573: Mr. Paul.

H.R. 1625: Mr. Doyle and Ms. Brown of Florida.

H.R. 1728: Mr. Smith of Washington and Mr. Holden.

H.R. 1785: Mr. Weiner.

H.R. 1795: Mr. Vitter, Mr. Schaffer, Mr. Wolf, and Ms. Norton.

H.R. 1806: Ms. Carson, Mr. Gejdenson, and Ms. DeLauro.

H.R. 1837: Mr. Hyde.

H.R. 2002: Ms. Roybal-Allard, Mr. Bachus, and Ms. McCarthy of Missouri.

H.R. 2059: Mr. Green of Texas and Mr. Evans.

H.R. 2101: Mr. Dickey.

H.R. 2129: Mr. Kingston and Mr. Deutsch.

H.R. 2141: Mrs. Napolitano.

H.R. 2175: Mr. Owens.

H.R. 2267: Mr. Cannon and Mr. Houghton.

H.R. 2308: Mr. Cooksey.

H.R. 2335: Mr. Jones of North Carolina.

H.R. 2341: Mr. Weldon of Pennsylvania and Mr. Kildee.

H.R. 2416: Mr. Blunt.

H.R. 2420: Mr. Weller, Mr. Neal of Massachusetts, Mr. Boehner, Mr. Kleczka, Mr. Gary Miller of California, Mr. Hunter, and Mr. Skeen.

H.R. 2511: Mr. Norwood and Mr. Gilman.

H.R. 2624: Mr. Wu, Ms. McKinney, and Mr. Blagojevich.

H.R. 2631: Mr. Price of North Carolina.

H.R. 2686: Mr. Kucinich.

H.R. 2749: Mr. Gallegly and Mr. Forbes.

H.R. 2768: Mr. Salmon and Mr. Wynn.

H.R. 2771: Mr. Owens and Mr. Weiner.

H.R. 2789: Mr. Green of Texas.

H.R. 2814: Mr. Berman, Ms. Woolsey, and Ms. Lofgren.

H.R. 2827: Mr. Souder.

H.R. 2842: Mr. Stark.

H.R. 2856: Mr. Price of North Carolina.

H.R. 2892: Mr. Wexler and Mr. Portman.

H.R. 2901: Mr. John.

H.R. 2919: Mr. Hastings of Florida.

H.R. 2955: Mr. Filner, Mr. Kennedy of Rhode Island, Mr. Frost, Mr. Sanders, Mr. Baldacci, Ms. DeLauro, Mr. Clay, Ms. Kilpatrick, Mr. Bonior, Mr. Kucinich, Mr. Lampson, Ms. Hooley of Oregon, and Mr. Owens.

H.R. 2966: Mr. Edwards.

H.R. 2987: Mr. Ose.

H.R. 3004: Mr. Pallone, Mr. Hoeffel, Mr. Matsui, Mr. Hall of Ohio, Mr. Sherman, Mr. Borski, Mr. Coyne, and Ms. Pelosi.

H.R. 3032: Mr. Bilbray, and Mr. Gejdenson.

H.R. 3059: Mr. Moran of Virginia.

H.R. 3087: Ms. Schakowsky.

H.R. 3193: Ms. Schakowsky, Mr. Watt of North Carolina, and Mr. Bonior.

H.R. 3195: Mr. Wu and Mr. Deutsch.

H.R. 3198: Mr. Aderholt.

H.R. 3249: Mr. Gutknecht and Mr. LaFalce.

H.R. 3315: Mr. Pomeroy, Ms. Carson, and Ms. Schakowsky.

H.R. 3396: Mr. Bilbray, Mr. Thompson of California, Mr. Lantos, Mrs. Capps, and Mr. Becerra.

H.R. 3433: Mr. Cooksey, Mr. Stupak, and Mr. Nadler.

H.R. 3439: Mr. Shadegg, Mrs. Johnson of Connecticut, Mr. Wolf, Mr. Lucas of Kentucky, Mr. Sawyer, Mr. Blagojevich, Mr. Lipinski, and Mr. Schaffer.

H.R. 3489: Mrs. Cubin.

H.R. 3514: Mr. Goode.

H.R. 3544: Mr. Lampson.

H.R. 3571: Ms. Schakowsky, Ms. Rivers, and Mr. Green of Texas.

H.R. 3573: Mr. Edwards, Ms. Schakowsky, and Ms. Woolsey.

H.R. 3575: Mr. King and Ms. Danner.

H.R. 3580: Mr. Pallone, Mr. Deutsch, Mr. LaHood, Mr. Phelps, Mr. Davis of Illinois, Mr. Aderholt, Ms. Eshoo, Mr. English, Mr. Blunt, Mr. Gilman, Mr. LoBiondo, Mr. Evans, Mr. Stupak, Ms. Danner, Mr. Rush, Mr. Sherwood, Mr. Coyne, Mr. Serrano, Ms. Schakowsky, Ms. Velázquez, Mr. Franks of New Jersey, Mr. Klink, Ms. DeLauro, Mr. Allen, Mr. Watkins, Mr. Blagojevich, Mr. Kildee, Mr. Jackson of Illinois, Mr. Bonior, Mr. Borski, and Mr. Kanjorski.

H.R. 3581: Mr. Weiner, Ms. DeGette, and Mr. Rangel.

H.R. 3608: Mrs. Tauscher and Mr. Barcia.

H.R. 3614: Mr. Hastings of Florida, Mr. Stump, Mr. Hilliard, Mr. Thompson of California, Mr. Matsui, Mr. Lewis of Kentucky, and Mr. Bachus.

H.R. 3624: Mr. Lucas of Kentucky and Mr. Mascara.

H.R. 3631: Mr. Frank of Massachusetts, Mr. Frost, Mr. Matsui, and Mrs. Thurman.

H.R. 3634: Ms. Millender-McDonald and Ms. Schakowsky.

H.R. 3661: Mr. Coble and Mr. Burton of Indiana.

H.R. 3663: Mr. Houghton.

H.R. 3686: Ms. Jackson-Lee of Texas.

H.R. 3688: Mr. Blumenauer.

H.R. 3692: Mr. McIntosh.

H.R. 3694: Mr. Schaffer and Mrs. Myrick.

H.R. 3712: Mr. Walsh.

H.R. 3732: Ms. Berkley, Mr. Manzullo, Mr. Underwood, Mr. Pickering, Mr. Inslee and Mr. Coburn.

H.R. 3765: Mr. Rahall, Mr. Waxman, Mr. Matsui, Mr. Klink, Mr. Levin, Mr. Strickland, Mr. George Miller of California, and Mrs. Thurman.

H.R. 3816: Ms. SCHAKOWSKY and Mr. BONIOR.

H.R. 3819: Mrs. TAUSCHER and Mr. GOODLING.

H.R. 3825: Mr. MCDERMOTT and Mr. STARK.

H.R. 3826: Mrs. CLAYTON.

H.R. 3842: Mr. DOYLE, Mr. MEEHAN, Mr. GEJDENSON, Mr. FROST, and Mr. KLINK.

H.R. 3844: Mr. KOLBE.

H.R. 3887: Mr. MCGOVERN, Mrs THURMAN, Mr. DEUTSCH, and Mr. LEWIS of Georgia.

H.R. 3895: Ms. BALDWIN.

H.R. 3905: Mr. TANNER and Mr. WATKINS.

H.R. 3916: Mr. COYNE, Mr. KOLBE, Mrs. CUBIN, Mr. BILBRAY, Mr. NUSSLE, and Mr. HAYWORTH.

H.R. 3998: Ms. SCHAKOWSKY.

H.R. 4003: Mr. SHAW.

H.R. 4004: Mrs. TAUSCHER and Mr. COX.

H.R. 4011: Mr. TRAFICANT and Mr. GILCHREST.

H.R. 4017: Mr. COSTELLO and Mrs. THURMAN.

H.R. 4025: Mr. PAUL and Mr. KOLBE.

H.R. 4033: Mr. DELAHUNT, Mr. SOUDER, Mr. GEJDENSON, Mrs. CAPPS, Mr. MORAN of Virginia, Mr. TAYLOR of Mississippi, Ms. DELAURO, Mr. LAFALCE, Mr. BALDACCI, Mrs. THURMAN, Mr. COYNE, Mr. BERMAN, Mr. OXLEY, Mr. KILDEE, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Mr. TRAFICANT, Mr. BUYER, and Mr. JOHN.

H.R. 4041: Mr. LAFALCE, Mr. HANSEN, and Ms. NORTON.

H.R. 4042: Mr. LAFALCE, Mr. HANSEN, Ms. NORTON, Mrs. MORELLA, and Mr. INSLEE.

H. Con. Res. 30: Mr. SOUDER.

H. Con. Res. 58: Mr. BROWN of Ohio, Mr. WOLF, and Mr. SPRATT.

H. Con. Res. 77: Mr. MCCOLLUM.

H. Con. Res. 115: Mr. RAHALL.

H. Con. Res. 182: Mr. MEEKS of New York.

H. Con. Res. 209: Mr. DAVIS of Illinois, Mr. RANGEL, Ms. NORTON, and Mr. COYNE.

H. Con. Res. 220: Ms. SCHAKOWSKY and Mr. BONIOR.

H. Con. Res. 229: Mrs. MORELLA, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. LIPINSKI, Mr. PASTOR, Mr. MCGOVERN, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, and Mr. ROMERO-BARCELÓ.

H. Con. Res. 275: Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. DINGELL, Mr. ENGLISH, Mr. LANTOS, Mr. ACKERMAN, Mr. FROST, Mr. CAMPBELL, Mr. STARK, and Ms. STABENOW.

H. Con. Res. 283: Mr. BONIOR and Mr. COYNE.

H. Res. 187: Ms. PELOSI.

H. Res. 320: Ms. SCHAKOWSKY.

H. Res. 332: Mr. SMITH of Washington.

H. Res. 388: Mr. MANZULLO.

H. Res. 415: Ms. PELOSI, Mr. PALLONE, and Mr. ABERCROMBIE.

H. Res. 421: Mr. SCHAFFER.

H. Res. 429: Mr. NADLER, Mr. FROST, Mr. DOYLE, Mr. RANGEL, Mr. BERMAN, and Mr. FILNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 36: Mr. BRADY of Texas.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT OF 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mrs. BIGGERT. Mr. Speaker, the U.S. General Accounting Office [GAO] released reports in 1995 and 1996 outlining the deplorable conditions in many of our Nation's elementary and secondary schools. A sample GAO survey showed that America's schools are in need of an estimated $112 billion in repairs and that $11 billion alone is needed to get schools in compliance with Federal mandates requiring the elimination of hazards such as asbestos, lead in water and radon, and to improve accessibility for the disabled.

The decline in the condition of our Nation's schools is not limited to a particular region. Every State has schools that are in need of repair and modernization, and my home State of Illinois is no exception. Last August, the Illinois State Board of Education released the results of its own survey, which showed that over the next 5 years, Illinois' school districts will need more than $7 billion in infrastructure work.

Mr. Speaker, as a strong supporter of local education, I believe that school construction and renovation are areas best directed by States and local communities. That's why I applaud those States that have passed measures designed to help schools replace and modernize their facilities. Illinois is one of those States that have stepped up to the plate in this regard.

In December 1997, the Illinois General Assembly passed a school construction law to address the shortage of classroom space brought on by population growth and aging buildings. To fund the program, the General Assembly approved the sale of $1.1 billion in school construction bonds over a 5-year period. Just last year, Illinois Governor George H. Ryan's Illinois FIRST program increased funding for the school construction grant program by $1 billion, adding another $290 million for fiscal year 2000.

Despite the best efforts of Illinois and other States, the long-term costs of repairing and upgrading our Nation's schools are proving more than many State and local governments can bear. And in this era of budget surpluses, it would not be right for Congress to sit idly by and let schools fall into further disrepair and obsolescence.

That's why I rise today to introduce the Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act—legislation addressing our Nation's exploding need for elementary and secondary education school repair. This legislation is a slightly modified companion bill to S. 1992, which was introduced in the other chamber by my friend and colleague, Senator SNOWE of Maine.

Here is what the BRICKS Act does. First, it provides $20 billion in interest-free and low-interest Federal loans to support school construction and repair at the local level. These loans will be used to pay the interest owed by States and localities to bondholders on new school construction bonds that are issued through the year 2003. These loans will be interest-free for the first 5 years, with low interest rates to follow.

Second, the BRICKS Act allocates these school construction loans on an annual basis, using the title I distribution formula. Monies would be distributed to States at the request of each State's Governor and without a lengthy application process.

The money provided for under this bill is used to support, not supplant, local school construction efforts. These loans are designed to allow States and localities to issue bonds that would not otherwise be made due to financial limitations.

Third, and perhaps most importantly, these loans will be distributed in a fiscally responsible manner that does not take away from the Social Security program or the projected on-budget surpluses. Specifically, my bill will generate funding from the Exchange Stabilization Fund [ESF]—a fund that was created through the Gold Reserve Act of 1934 and that currently has more than $40 billion in assets.

Finally, the school construction and modernization loans are not a government handout. The BRICKS Act requires a State entity or local government that receives funding under this legislation to repay the loan to the Exchange Stabilization Fund. At the same time, this proposal ensures that States and local governments will not be burdened by excessive interest rates—or be forced to repay the loan in an unreasonable amount of time.

After the first five interest-free years, the interest rates on these loans will be set at the average prime lending rate for the year in which the bond is issued, but it cannot exceed 4.5 percent. Again, no payment will be owed, and no interest will accrue for 5 years, unless the Federal Government prior to that time meets its financial commitment to funding 40 percent of the costs borne by local school districts for providing special education services, as is currently required by Federal law.

Mr. Speaker, the BRICKS Act is a fiscally responsible answer to a serious national problem. I am proud to offer this legislation for the House's consideration. I am more pleased to note how this legislation will help schools located in the 13th Congressional District of Illinois, which I represent. As my colleagues may know, the 13th district encompasses some of the fastest growing communities in the nation.

School administrators in my district have made it known that school construction and renovation have failed to keep pace with the explosive population growth and increased rates of student enrollment. What's more, they tell me that the growth in tax revenues from new households has not kept up with the costs of construction needed to serve them. By providing schools and States with more fiscal flexibility and options, the BRICKS Act addresses this problem in my congressional district and in districts across the United States.

I urge my colleagues to support the BRICKS Act. This timely legislation makes responsible use of limited Federal resources and effectively meets a commitment to giving every child an opportunity to attend school in an environment that is physically safe and conducive to learning.

CHINA: THE HUMAN RIGHTS VIOLATIONS CONTINUE—REBIYA KADEER SENTENCED TO 8 YEARS IN JAIL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. PORTER. Mr. Speaker, today I rise to highlight on yet another incidence of the Chinese Government's blatant violation of human rights. 1999 was one of the worst years yet in recent Chinese history for arbitrary detentions, arrests, and human rights violations, and it is looking like 2000 will be no different.

This time the victim is a 53-year-old Uighur businesswoman, Rebiya Kadeer. On March 10, 2000, Ms. Kadeer was sentenced to 8 years in jail for "giving information to separatists outside the country."

Ms. Kadeer is a well respected businesswoman who was once officially touted as an inspiration to her fellow members of the Uighur ethnic group. Her efforts to business enterprises have been recognized by Chinese authorities as contributing to the overall economic and social development of the Xinjiang Uighur Autonomous Region. So respected was she by the Beijing establishment that she was chosen in 1995 as part of China's official delegation to the U.N. Fourth World Conference on Women in Beijing.

However, in 1997, Ms. Kadeer was stripped of her passport, and with it the right to freedom of movement as well as subjected to continual police harassments. These actions were clearly aimed at silencing her husband, Mr. Sidick Rozi, a former political prisoner who has been an outspoken critic of China's treatment of the Uighur minority in western China. Mr. Rozi, now living in the United States, has made numerous statements on Radio Free Asia, Voice of America and testified last July before the Congressional Human Rights Caucus concerning the extremely harsh discriminations suffered by the Uighur minority. Ms. Kadeer was made a hostage in her own country, unable to join her husband and a number

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of her children in the United States, simply because of the political activities of her husband.

On August 11, 1999 Rebiya Kadeer was arrested while she was on her way to meet with a group of Congressional Staff visiting China. She was charged in September with "providing secret information to foreigners." Ms. Kadeer does not have access to "state secrets", she is a businesswoman, not a political activist. After seven months of detention and the arrest and subsequent arbitrary sentencing of her secretary and one son, Ms. Kadeer was given a 4-hour trial. During this trial, neither she nor her lawyer were able to speak, none of her children were allowed to attend and the 300 Uighurs who had gathered at the courthouse were dispersed by Chinese police.

This was not a trial. It was a farce. If China wants to be a full partner in the international arena, it has to start abiding by international norms and living within the rule of law. Seven months of arbitrary detention and a trial where the defendant's lawyer is not allowed to speak is not an accepted practice within the international community and should not be an accepted practice in China.

Ms. Kadeer was traveling to meet with congressional staff, official representatives of the U.S. Government, when she was detained. This did not seem to matter to the Chinese and it appears to be one of the factors for the timing of her arrest. Clearly, the Chinese were sending a signal: Any citizen who meets with or talks to United States citizens is risking detention, arrest and a prison sentence.

I call on the Chinese Government to immediately and unconditionally release Rebiya Kadeer, her son, Ablikim Abyirim and her secretary, Kahriman Abdukirim. They have not committed any crimes. Further, I call on the Clinton administration to do everything in its power to secure these releases.

Incidences like this prove that this is not the time to ease the pressure on China. We in the United States, and around the world must never give up our ideals and belief in human freedom, and need to pressure dictators, oppressors and abusers around the world that lack the respect for the rule of law and for human life. Only if Ms. Kadeer's case is brought to the highest level of our Administration and the Chinese Government is there any hope that Ms. Kadeer will not spend the next 8 years of her life in a Chinese prison—8 years she should be spending with her husband and 10 children—and for speaking up for the most basic human rights of her people, the Uighurs.

FOR ITALIANS, "SOPRANOS" IS A SOUR NOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. RANGEL. Mr. Speaker, it is time to end racial and ethnic stereotyping in our national media. While many ethnic groups have been victimized in this way, Italian-Americans have lately been the target of a hit television program about a family of gangsters, titled "Sopranos."

Frankly, all of the Italian-Americans that I know are honest, upstanding citizens who work every day to support their families, to educate their children, and to build their communities. They are blue- and white-collar workers and professionals. They vote, pay taxes, and believe in the American dream that hard work will yield success.

My dear friend and our former colleague in the House of Representatives, the Hon. Frank Guarini, eloquently addressed this issue in a letter to the Wall Street Journal on February 15, 2000.

[From the Wall Street Journal, Feb. 15, 2000]

FOR ITALIANS, "SOPRANOS" HIT A BIG, SOUR NOTE

(By Frank J. Guarini)

Eric Gibson's Jan. 28 de gustibus column ("Second Thoughts About a Mob Hit on Sunday Night," Taste page, Weekend Journal) correctly notes that the HBO series "The Sopranos" and others like it have put a slick entertaining face on a subgroup of criminals who rightly deserve society's harshest condemnation. We wish he had taken his criticism one step further, however, and included the harm that programs like "The Sopranos" do to the image of an estimate 20 million Americans of Italian descent.

Thanks to Hollywood and television, Italian Americans see their culture, religion and customs repeatedly used to give "color" to stories about organized crime. As a result of such stereotyping, most Americans believe Italian Americans are prone to the same violent, immoral behavior that "The Sopranos" offers up as entertainment.

The National Italian American Foundation would like to see HBO present Italian-Americans as they really are: as scientists, educators, military and political leaders and entrepreneurs. It's time for the entertainment industry to balance the false and harmful stereotypes of organized crime figures like Tony Soprano and his mob crew by creating Italian American characters who are educated, law-abiding and articulate.

IN HONOR OF THE 100TH ANNIVERSARY OF THE OHIO STATE FIRE MARSHAL'S OFFICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Ohio State Fire Marshal's office on its 100th Anniversary, on April 8, 2000.

The Ohio State Fire Marshal's Office is the oldest established State Fire Marshal's Office in the United States. The office is very proud of its history of fire safety. The Ohio State Fire Marshal serves the citizens of Ohio who rely on the safety of the public buildings in the state, including hospitals, nursing homes, and hotels. They serve and train the firefighters of the state, they investigate cases of arson, and they provide fire safety and fire prevention education to the children in Ohio's school system. The mission of the Ohio State Fire Marshal's office is to "focus on education, research, regulation, and enforcement in the area of fire safety and fire prevention."

In order to celebrate this important day and to honor the four living former Ohio Fire Marshals, the Fire Marshal's office has planned a Fire Service Exposition on April 8, 2000. Included in the day's festivities will be safety performances by Ohio firefighters and demonstrations by the Ohio arson dogs, as well as interactive children's activities and historical firefighting exhibitions. The Expo will also honor fallen firefighters with a "last call" and bagpipe tribute.

The Fire Marshal plays an important role in preserving the safety of all the citizens of the state of Ohio. Please join me in honoring the Ohio State Fire Marshal's Office on the occasion of its 100th Anniversary.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BATEMAN. Mr. Speaker, I was regrettably absent on Tuesday, March 21, 2000, and consequently missed two recorded votes. Both were conducted under suspension of the rules. Had I been present, I would have voted as follows: H. Con. Res. 288, vote No. 56, "yea"; H. Res. 182, vote No. 57, "yea."

PRIVATE PROPERTY RIGHTS

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the following article to accompany the speech I gave on March 16, 2000.

[From the Washington Times, Mar. 16, 2000]

PROPERTY OWNERS DUE A HEARING

(By Nancie G. Marzulla)

In 1992, Bernadine Suitum faced the ultimate nightmare for a homeowner. When she was ready to build a retirement house on a lot she and her late husband bought years earlier, she was informed that the property, in the middle of the bustling Incline Village subdivision, suddenly was deemed part of a "stream environment zone."

This meant she could not build because a government regulation, imposed after she and her husband had bought the property, required the lot to remain open space. Mrs. Suitum sued the Tahoe Regional Planning Agency (TRPA) for compensation for her property, as the Fifth Amendment explicitly requires in such instances. TRPA argued that her case was not "ripe" for court review because there had not been a final agency action.

After six years of bitter litigation, the elderly Mrs. Suitum was carried in her wheelchair into the U.S. Supreme Court—not to be compensated for her property, but merely to win the right to have her case declared ripe for court review. During oral argument, Justice O'Connor turned to the government attorney and asked incredulously, "Why can't you just let this poor woman have her day in court?"

The House of Representatives is expected to vote on the same question today. H.R. 2372, the Private Property Rights Implementation Act of 1999, was referred out of the

House Judiciary last week. If passed, the bill would cut through the bureaucratic red tape that hobbles property owners such as Mrs. Suitum when they attempt to take their constitutional claims to federal court. H.R. 2372 takes head-on the issue of when a case is ripe for court review by defining when an agency action is sufficiently final so court review is appropriate. By providing an objective standard of when enough is enough, the bill eliminates the need for the endless, expensive and excruciating cycle of appeals.

Government attorneys often win cases by taking full advantage of the confusion over when a case is ripe for court review. They win by nitpicking procedural battles, exhausting the resources and the will of property owners. This has had a chilling effect on landowners who know they simply cannot compete with bottomless government resources in a judicial system tilted toward the side with the biggest war chest.

Professor Mandelker from Washington University in St. Louis reported to Congress last session that 81 percent of the federal constitutional takings cases taken to federal court for claims against a local or state government are dismissed on procedural grounds. In his testimony he cites another study that reports a whopping 94 percent dismissal rate. Of the small percentage of cases not dismissed, those same studies show it takes property owners almost a full decade to have their cases heard on the merits in federal court. According to Professor Mandelker, the current ripeness rules "are an open invitation for some local governments to do mischief." He confirmed that "land use agencies across the country have applied the ripeness requirement to frustrate as-applied takings claims in federal court."

While H.R. 2372 goes a long way toward preventing abuses of the current ripeness requirements, it does not guarantee property owners a win once they are in court. H.R. 2372 still requires property owners to meet the strict burden of proof needed to win their cases on the merits. Nor does H.R. 2372 amend any land use laws or any environmental protection statutes, or require compensation at some designated level. In short, the bill does not change substantive "takings" law or the ease the burden of winning a case for a property owner. It simply makes the litigation process fairer and less expensive.

The constitutional right to just compensation for the taking of property rights is so important to Americans that many people refer to it as the linchpin of liberty. By clearing out the underbrush in the procedures for litigating takings claims in federal court, Congress can take a crucial first step in achieving protection for this critical constitutional right.

ROTARY OF RIVERSIDE 80TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. CALVERT. Mr. Speaker, I rise today to commemorate the Rotary Club of Riverside's 80th anniversary. From their very conception on April 20, 1920, when they received their charter from Rotary International, the Club has enriched the Riverside community by observing the Rotary motto, "Service Above Self." Members of the club include community leaders in business, trade, professions and government.

The Rotary Club of Riverside has given to the local community by sponsoring projects to aid Riverside youth through the sponsorship of Bryant Elementary School; through an annual awarding of scholarships to deserving Riverside high school seniors, from the $200,000 John Cote Scholarship Fund; through the establishment of a vibrant Interact Club at Riverside Poly High School; and through contributions to the establishment of the Riverside Youth Museum.

On an international basis the Rotary Club of Riverside has contributed and supported the Rotary International Polio Plus program to eradicate polio in developing countries and regions worldwide; and a little closer to home, through materials, gifts and caring to the children of orphanages in Tijuana, Mexico, in partnership with the Rotarian of Centenario Rotary Club of Tijuana.

The Rotary Club of Riverside will officially observe its anniversary with a Picnic Celebration on April 2, 2000, in Riverside, CA. It will be attended by the club's members and their families, guests and dignitaries, including: the Honorable Ronald Loveridge, the mayor of Riverside; the Honorable Tom Mullen, chairman of the Riverside County Board of Supervisors representing the 5th county district; and the Honorable Rod Pacheco, California Assemblyman representing the 64th assembly district.

Mr. Speaker, I congratulate the Rotary Club of Riverside on its 80th anniversary and commend its local community and international service.

WOMEN'S HISTORY MONTH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BISHOP. Mr. Speaker, as we celebrate Women's History Month, it's fitting to recall the words of a writer and historian from Georgia named Octavia Albert, who said: "I believe we should not only treasure our history, but should transmit it to our children's children as the Lord commanded Israel to do in reference to their deliverance from Egyptian bondage." The stories of our history, she explained, can inspire our own generation and the generations that follow to fulfill the country's promise of freedom and opportunity for all.

Octavia Albert's story is certainly inspirational. She was born into slavery in Oglethorpe, GA, in the area of the state that I have the privilege of representing. After becoming a teacher in the county where she was born and raised, she published a book based on interviews with former slaves that was widely read at the turn of the century. Her book eventually helped improve conditions for a newly emancipated people and, in late years, provided a wealth of information for historians.

More than a century later, another Georgian named Susan Still Kilrain is inspiring young people in our state and across the nation. A graduate of Georgia Tech, she became a U.S. Navy pilot in 1987, who served as a flight instructor and later as a test pilot who eventually logged more than 2,000 flight hours in more than 30 different aircraft.

In 1994, Susan Kilrain was accepted into the country's space program as an astronaut. Her first space mission came in 1997 as part of the crew of the Microgravity Science Laboratory-1, making 63 orbits of Earth and traveling more than 1.5 million miles in space. Three months later, the Microgravity Science Lab went back into space, and she was on it. This time, she spent 16 days in space, making 251 orbits and traveling 6.3 million miles.

Marguerite Neel Williams of Thomasville, GA, which is also located in my area of Georgia, who passed away not long ago, is certainly an inspiration. Just this month, she was formally recognized by the Georgia Women's History Committee and the Georgia Commission on Women as one of the greatest historic preservationists in our State and, in fact, in the country.

During her years as president and director of Landmarks of Thomasville, she was instrumental in saving the community's historic district and in saving and restoring many homes, churches, and other beautiful buildings. She salvaged the city's old post office, which now houses a Welcome Center, a fine Arts Library, and the offices for the Antique Show and Sale in Thomasville, which she founded and which has become one of the most outstanding events of its kind in the country. She devoted her life to civic improvements, and helped raise the quality of life for many thousands of her fellow Georgians.

To one former President, and to all of her neighbors in Plains, GA, Maxine Reese is certainly an inspiration. She served as Jimmy Carter's campaign manager in Plains, where the Presidential campaign headquarters was officially located. Maxine Reese later played a big part in persuading Congress to designate Plains as a National Historic Site, which has promoted tourism in this area and a better quality of life for many families. The people of Plains recently rededicated the city park as the Maxine Reese Park in recognition of her service to her community, State and country.

When inspiration is the topic of discussion, another person who qualifies is Harriett Riggins McGhee, a native of Lee County in the heart of Georgia's Second District. Surrounded by scores of friends and family members, she recently celebrated her 116th birthday at the Union Missionary Baptist Church, where she has been a member for more than 80 years. Mrs. McGhee spent many of her earlier years picking cotton and peanuts to support her family. Throughout those years, she was always active in her church and ready to help others in need. Even in hard times, recalls her great-great-grandnephew Eddie Holsey, she has always been "the sweetest woman on God's earth."

These are women with extraordinary courage and commitment, whose exemplary lives have helped the country fulfill its promise. They are exceptional people. But they are certainly not alone. There are countless examples of women from my State of Georgia, and from throughout the country, who have made heroic contributions in public service; civic leadership;

business; religion; the military; the arts; sports; entertainment, and in every endeavor that has made our country what she has been and what she is.

Mr. Speaker, Women's History Month gives us an opportunity to treasure our history—and, in so doing, to inspire us to strive even harder to fulfill our country's great promise for ourselves and future generations.

IN HONOR OF JANE SCOTT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Jane Scott of Cleveland, Ohio. A Cleveland native, Jane has covered the rock 'n' roll scene since September 15, 1964.

Born in Mt Sinai Hospital April 30, 1919, Jane graduated from Lakewood high school in the Class of 1937. After which she attended the University of Michigan where she studied English & Speech and received a teacher's certificate she admits to never having used. During World War II, Jane served in the Navy as one of Cleveland's first WAVES where she was a code breaker.

March 24, 1952, Jane joined the Plain Dealer as an assistant to the Society Editor and with a salary of $50 a week. She became the newspaper's rock writer when she took over as the "Boy and Girl" editor. She gradually switched the emphasis from the "schoolydooley stuff" to music. After seeing the Beatles on the Ed Sullivan show she immediately realized that was what American youth really wanted to hear. Jane's first interview was with the Beatles on September 15, 1964. Over the years Jane has interviewed countless legends, and is on a first-name basis with most of rock's finest performers.

Jane has been a familiar face in the audience at concerts. The image most Cleveland-area concert goers have of Ms. Scott is, Jane swooping down upon a group of fans with notebook in hand to drill them on their opinions and to ask her infamous question, "What high school do you go to?" Jane's spirit and attitude sets her apart from many rock journalists; she has always tried to tell a piece of her story through the eyes of the fans. At age 80, she says she doesn't understand the word retirement and has a notion to cover the 50th anniversary of Woodstock.

Please join me in honoring Ms. Jane Scott for her 81st birthday and almost 40 years of rock 'n' roll coverage.

THE NEED FOR A NATIONAL DIALOGUE IN KAZAKHSTAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. PORTER. Mr. Speaker, last December, President Nursultan Nazarbayev of Kazakhstan was in Washington for the annual meeting of the U.S.-Kazakhstan Joint Commission. The purpose of these meetings, which are alternately held in the United States and Kazakhstan, is to promote economic and political cooperation between our two countries. Among other things, the U.S. side regularly presses the government of Kazakhstan to improve its human rights record and undertake economic and political reform.

I understand that U.S. officials pressed the Kazakhstan side especially hard this year, because of the sham parliamentary elections that were held last October, heightened corruption, and an acceleration of abusive action taken against opponents of President Nazarbayev's increasingly repressive government. In an apparent move to blunt the severity of U.S. pressure during the upcoming Joint Commission meeting, President Nazarbayev issued a statement on November 4, 1999 saying that he was ready to cooperate with the opposition in Kazakhstan and that he would welcome the return of former Prime Minister Akhezan Kazhegeldin, the exiled leader of the main opposition party.

On November 19, Mr. Kazhegeldin responded to President Nazarbayev by calling for a "national dialogue" to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Similar national dialogues have met with success in Poland, South Africa, and Nicaragua. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government.

However, President Nazarbayev has reacted only with silence to Mr. Kazhegeldin's proposal. Mr. Nazarbayev also arranged to have a kangaroo court convict an opposition leader for having the temerity to criticize Nazarbayev's government. Finally, and this is very troubling, an investigation and a trial have failed to find anyone to blame for the delivery last year of 40 MiG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the Administration needs to stop turning the other cheek every time that Mr. Nazarbayev commits an outrage. The cause of freedom and democracy will continue to backslide in Kazakhstan unless the Administration comes out strongly in favor of a national dialogue along the lines that former Prime Minister Kazhegeldin has proposed. At the very least, the government of Kazakhstan should make an hour a week of state-controlled television available for use by the opposition. The U.S., for its part, should assist the democratic opposition by providing a printing press to replace those that have been confiscated by the government. It is time to stand up for democracy in Kazakhstan and to stop coddling dictators like Nazarbayev.

GEORGE JACKSON: HARLEM'S SHINING MEDIA STAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to George Jackson, whose outstanding record of accomplishment in the media and entertainment was cut short with his passing on February 10, 2000.

Jackson was Harlem's shining media star. Before his death at age 42, he had compiled a record of successes in film, music and the internet.

I offer special commendation and condolences to the mother of George Jackson, Henrietta "Hennie" Hogan, who as production supervisor at my hometown newspaper, the Amsterdam News, nurtured his interest in communications.

Therefore, I commend to my colleagues the following tribute on George Jackson which appeared in the Amsterdam News.

[From the Amsterdam News]

SHOOTING STAR LEAVES US

(By Vinette K. Pryce)

It is the letter "h" which sums up George Jackson's life as a legacy who enhanced the music industry.

During a sentimental journey, titled "From Henrietta, to Harlem, to Harvard, to Hollywood, to Heaven," his longtime mentor Brian Carty reflected on Jackson's life with friends and admirers on Monday at St. Paul the Apostle Cathedral. A life which began when he was born to Henrietta "Hennie" Hogan on Jan. 6, 1958.

Carty's eulogy was punctuated with Biblical quotations from Philippians, Chapter 2, verses 1–4 and 12–18, which discuss servitude and a spiritual connection to duty.

Hogan, he said, considered her son a gift. Encouraging George's every endeavor, Hogan nourished his ideas by enrolling her son in a preparatory school. Hogan's career as production supervisor at the New York Amsterdam News helped supplement George's zeal for media/communication and entertainment. When he graduated from Monsignor William R. Kelly and Fordham Prep, there was no doubt that George's next venture would be advanced education at one of America's most prestigious universities, Harvard. The Ivy League institution proved fertile ground for George's broad sociological outlook on society. He chose the field as one of two majors (the other was economics).

It was that fundamental preparation which motivated him to venture west to a state where he had few connections, but a much bigger sociological challenge than any other he had ever embraced. George tackled his commitment by combining Hogan's teachings, his Harlem upbringing and his Harvard education with film to project poignant issues and some very successful films.

Richard Pryor's Indigo Productions at Columbia Pictures helped hone Jackson's career from 1984–86. It was a new day for the white-washed movie world, which had not yet embraced faces like Wesley Snipes. Jackson partnered with Doug McHenry, and the pair decided on bold collaborative ideas. They co-produced 12 films including "Krush Groove," "New Jack City" and the Martin Lawrence hit "Thin Line Between Love and Hate."

While the films' messages sparked curiosity, the soundtracks spawned success after success, reaping platinum and multi-platinum status. Assured of his impact and dedication, a slumping Motown Records borrowed his talent by naming him president of the legendary record label.

That appointment returned the Harlemite to the East Coast, Hogan and a whole new challenge. Again George accepted the mantle. It was here be attempted to use his college education in sociology in the making of music videos, which sell CDs.

Hogan completely understood that her son was destined on a course which extended from coast to coast and would impact on millions.

Jackson's tenure at Motown ended with a new venture—one which prepared him for the 21st century and a whole new approach to sociology. George dedicated nights and days to Urban Box Office, an Internet venture which focused on the hip-hop culture. In addition, he started working on Soul Purpose, an online media magazine which was on the verge of a major breakthrough.

"He worked 18-hour days," said Vivian Chew, president of Time Zone International. "He was always at everyone's beck and call."

Immersed in preparations for a major hip-hop convention planned for London in May, Chew explained that Jackson virtually "held [her] hand" through acquisitions of many deals surrounding the international music meet.

When Chew heard of the Feb. 10 tragedy, she said she felt as if she had lost a best friend.

"My heartfelt condolences are extended to George's family," Rev. Jesse Jackson said, adding, "He was a tremendous talent in an industry where people come and go. He had staying power. Because of his commitment to quality product, film, video and music, he leaves a legacy of excellence and creativity for future generations to follow. His vision will not be lost on those who will work in his footsteps of inclusion."

Jackson's journey ended on Feb. 10. Mourning his departure are Hogan, his beloved mother; Yuko, his wife; Kona Rose, his 16-month-old daughter; Dr. Sharon Jackson, his sister; Bobbie E. Stancil, his brother; and friends and fans all across the United States.

Contributions may be sent to the George Jackson Memorial Scholarship Fund c/o De Salle Academy, 200 W. 97th St., New York 10025.

HONORING THOMAS R. CAFFREY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SAXTON. Mr. Speaker, today I rise to congratulate Mr. Thomas R. Caffrey of Tuckerton, NJ. Mr. Caffrey was a first prize winner in C–SPAN's American Presidents: Life Portraits Viewers' Contest. Mr. Caffrey's poem on President John Adams is worthy of high praise.

President Adams served as our second President from 1797 to 1801. President Adams, as one of our Nation's Founding Fathers helped shape a newly formed nation with his intellect and vigor. His personal correspondence with Thomas Jefferson have delighted scholars for years as they provide a personal glimpse of these two very important Presidents. Mr. Caffrey's poem encapsulates the life and times of President Adams.

I enter into the RECORD Mr. Caffrey's poem, "Our Dearest Friend".

"OUR DEAREST FRIEND"

(A POEM OF JOHN ADAMS)

(By Thomas R. Caffrey)

From Puritan seed a seminal birth to Ancient, he was for the ages.
A blend of the heavens and merciless Earth To a man needing many assuages
The genesis of this patriot as Founder will yet be revealed.
Portending rejection of British flat his fate about to be sealed.
So stubborn affixing himself to the law in defense of the British who fired.
Yes justice was blind and everyone saw that murder had not transpired.
While sufferings mixed with physical his angst was most profound.
So loving his country, he's practical; can America make it uncrowned?
A man in the midst of Freedom's vortex imploring the thirteen to one.
The lover of laws because they protect and make 'That Chair' a rising sun.
Declaring their freedom with principles inspiring Jefferson's pen.
The Wordsmith's text would soon convulse all parties, including them.
Though stunned by the Lion's thundering roar, some cowed by fear of this mother.
Undaunted courage he'd force to the show, a rally for most of the others.
Prevailing at Yorktown made him celebrate, Conquest! On his date of birth!
Yet sober he was knowing full well his station, the Treaty would reflect' his worth.
In Europe he felt the growing unease of absence from 'Portia'.—his 'Friend'.
He often would stir for his quick release, when will this humility end?
The tenuous peace was forged with his mettle, in Paris the year '83.
The subsequent years would provoke much nettle. In Britain he yearned to be free.
Soon after he mixed into dear Quincy's soil, a call came for services, more.
For eight years his self-doubt would burden the toil. 'It's hopeless', he'd like to implore.
Before him the Giant of Mount Vernon, the deified A Priori.
In whose shadow he often fell striving for his own glory.
Leading was harder than Founding, it seemed. Not service but politics he loathed.
Betrayals were bad, from Jefferson worse, impossible when they were betrothed.
A premature move back home was his fate, no destiny to be a two-term.
Oft' ringing his hands and imploring his mate, his worth would she please affirm?
He passed many by on the farm at Peacefield, to dust they went, compost for life.
As his time drew near, posterity sealed, he relented, and thus joined his wife.
Today we think mainly of First and of Third, on Rushmore and our currency.
Remember Our Friend, a' man of his word, whose heartsleeve was for you and me.

IN TRIBUTE TO ARTHUR E. GOULET

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Arthur E. Goulet, who will be honored this week for 22½ years as director of the Ventura County Public Work Agency. Art will retire at the end of this month.

My district includes most of Ventura County, CA, and I have had the pleasure of working with Art on many projects throughout the years, both in my role in Congress and my prior service as mayor of Simi Valley.

Most recently, Art Goulet has been the lead staff member in the county's effort to determine if Matilija Dam near Ojai should be torn down. We also worked closely on the Santa Paula Creek Flood Control Project, which is nearing completion after two decades of perseverance.

He was instrumental in building the Freeman Diversion dam, which protected agriculture in the Oxnard Plain by pumping fresh water into underground aquifers and pushing the salt water back to the sea.

Art Goulet is Ventura County's longest-serving department head. His expertise and sense of history in the county will be sorely missed.

As Director of Public Works, Art Goulet oversees five departments with nearly 400 employees and a budget of close to $150 million. His agency is responsible for roads, county buildings, flood control projects, water resources, wastewater management, solid waste and surveying.

Art Goulet is considered an expert, and has testified as such, in public works administration, contracting and financing matters. He serves on too many state committees and task forces and is a member and officer of too many associations for me to list here, but suffice it to say he is well respected throughout the State of California. In 1995, he was awarded the County Engineers Association of California Ed-Hanna Memorial Award as the California County Engineer of the Year.

Art and his wife, Judy, have called Camarillo home for many years. They have two children and three grandchildren.

Mr. Speaker, I know my colleagues will join me in wishing Art and Judy a long, happy and healthy retirement.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

SPEECH OF

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. COOK. Mr. Speaker, I want to express my strong support for the conference agreement provisions in AIR 21 which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I believe these provisions fairly balance the interest of members from communities inside the perimeter and those of us from western states, who currently do not have convenient access to Reagan National.

While I would have preferred the complete elimination of the perimeter rule, the final agreement includes 12 slots, which is a small step in the right direction. Now the Department of Transportation must ensure that all parts of the West benefit. I am particularly concerned that small- and mid-sized communities in the

West, especially in the northern tier, have improved access through hubs like Salt Lake City.

Improved access to Reagan National from hubs like Salt Lake City will improve service to our Nation's Capital for dozens of Western cities beyond the perimeter—consistent with the overall intent of the bill to improve air service to small- and medium-sized cities.

As this legislation has progressed, our goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provisions related to improved access to Reagan National is no different. Today, passengers from small- and medium-sized communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is that passengers from all points west of the perimeter will have better options to reach Washington and Ronald Reagan Washington National Airport via connections at Western hubs like Salt Lake City. Large cities, which already have a variety of point-to-point service options, are not intended to be the only beneficiaries of this legislation. I trust the DOT will ensure that small- and medium-sized cities like Salt Lake City are given the opportunity to receive some of these new slots as well.

IN APPRECIATION OF CARDINAL IGNATIUS KUNG

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. WOLF. Mr. Speaker, I rise today to honor the passing of Cardinal Ignatius Kung, who died on March 12 at the age of 98. Cardinal Kung was the Roman Catholic bishop of Shanghai, China, and he was proclaimed a Cardinal by Pope John Paul II on June 28, 1991.

Cardinal Kung was the first native born Chinese Bishop of Shanghai. Cardinal Kung was a genuine man of faith, possessing deep conviction and a vital moral character—attributes that enabled him to endure some 30 years in prison. He was a man who inspired millions of faithful in China and throughout the world.

After his arrest by the Chinese Communist Government in 1955, Cardinal Kung was forced onto a stage before thousands of people and was pushed forward to a microphone to publicly confess for his supposed "crimes". Dressed only in pajamas and with his arms tied behind his back, the Cardinal defied Beijing saying instead, "Long live Christ the King; Long live the Pope!" The Chinese police quickly dragged him away and Cardinal Kung was not heard of until he was brought to trial in 1960.

Throughout his leadership, Cardinal Kung refused to compromise or cooperate with the Communist Chinese Government. The night before his public trial, the Cardinal rebuffed the chief prosecutor's attempts to have him lead the government-backed Chinese Catholic Patriotic Association. The next day, Cardinal Kung was sentenced to life in prison.

The Cardinal spent the next 30 years behind bars, spending much of that time in isolation. He was not permitted to receive visitors, including his relatives, or receive letters or money to buy essential items—rights which other prisoners usually received.

After intense international pressure, in 1985 the Chinese Government released Cardinal Kung to serve another term of 10 years under house arrest. After 2½ years under house arrest, he was officially released.

He spent most of the rest of his life in the United States receiving medical treatment and in 1998, the Chinese Government confiscated the passport of this elderly man.

Cardinal Kung will be remembered as a hero to millions of faithful Chinese for his determination against the Chinese Government that refused to allow him and millions to freely worship.

Cardinal Kung stands out as one of the great religious figures in the 20th century—a standard-bearer and a vigilant witness for those who have been persecuted during the reign of the communists in China.

HONORING MIDLAND COGENERATION VENTURE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. CAMP. Mr. Speaker, I rise today to honor the Midland Cogeneration Venture, which is celebrating its 10th Anniversary.

Located in Midland, Michigan, the Midland Cogeneration Venture was established in 1987 and operates a natural gas-fired combined-cycle Cogeneration facility. For ten years, the facility has served the community and helped build a better Midland. The facility commenced commercial operation in 1990 with a capacity of about 1,370 megawatts of electricity and approximately 1.5 million pounds of processed steam per hour. The Midland Cogeneration Venture continues to sell electricity under long-term contracts for more than 1,300 megawatts of electrical capacity.

Electricity and energy generating permeate every part of our daily lives. The Midland Cogeneration Venture utilized natural gas to produce electricity and process steam and is the largest facility of its kind in the United States. It represents a unique partnership and is responsible for meeting the community's needs. Through this partnership, local companies have helped build a solid foundation which not only provides power to the community and jobs, but which also helps make Midland a better place to live.

Mr. Speaker, for ten years the city of Midland and the surrounding areas have benefitted from the Midland Cogeneration Venture. Moreover, under Mr. James Kevra's guidance, the facility has enjoyed tremendous success. I look forward to another successful decade in the years to come.

Mr. Speaker, I know you will join me in congratulating the Midland Cogeneration Venture and its employees on its successful operation over the last ten years.

25TH ANNIVERSARY OF GARY EDUCATIONAL DEVELOPMENT FOUNDATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Gary Educational Development Foundation on the occasion of its 25th anniversary. Founded in 1975, the Gary Education Development Foundation is committed to enhancing learning within the Gary Schools. Various external resources are utilized to help ensure that students of every level acquire the skills, knowledge, and vision needed for success in careers and as citizens.

Though the Gary Educational Development Foundation is celebrating its 25th anniversary of service, the seed for this revolutionary initiative was planted four decades ago with the idea of a fund to expand educational opportunities beyond those provided by tax dollars.

In December 1950, Gary College was dissolved. After the passage of a resolution offered by Dean Fertsch, the College Board of Directors donated its remaining fiscal assets to public school officials to be used by Gary students. The grant remained dormant until June 1956, when Acting Superintendent of Gary Public Schools Clarence Swingley assembled a group of high school principals to determine the disposition of the Gary College assets. The committee of principals divided the $11,153 of assets into a $10,000 scholarship endowment and left the remainder in an expendable account to be used for annual scholarship awards. The endowment fund was named the William A. Wirt Scholarship in memory of the first superintendent of Gary public schools.

The idea of the business community participating in the program evolved during the 1969–70 school years, when Frederick C. Ford was a member of the Gary School Board. The notion was warmly received by the business sector, and a steering committee was formed. It consisted of Superintendent Gordon McAndrew; board members Ford, YJean Chambers, Joe Torres and Montague Oliver; schools business manager Richard Bass; attorney Fred Eichorn and Assistant Superintendent Haron J. Battle. The committee established the Gary Educational Development Foundation as a not-for-profit corporation. In September 1970, Urban Ventures, Inc.—a non-profit corporation in Chicago with which Ford was involved—made the first donation of $28,000. The money was earmarked for the Foundation, but placed in escrow with the Gary Community Schools until the organization was fully established. In January 1977, the Gary School Board passed a resolution that recognized the Foundation as an operating entity, and pledged to it the support of the board and school system.

The school board then transferred several trust fund assets to the Foundation and encouraged gifts, bequests, legacies and other donations from varied sources. The trust funds included the assets for the Wirt and Urban Ventures scholarships. It also included two other "identified" funds: William Titzel contributions to assist primary teachers through workshops, and gifts toward a scholarship in memory of Catherine Hughes who served as supervisor of Foreign Languages for Gary schools. The foundation grew considerably from the modest nucleus of a $28,000 endowment, and exceeded $1.4 million in assets by 1990. The money continues to address the educational needs of Gary students—beyond those provided by tax dollars—and promises to benefit our community for generations to come.

Beyond the distinguished alliance with the education community, the Foundation has collaborated with other community organizations and programs that share the Foundation's commitment to the learning needs of Gary students. This year over sixty students in Gary will receive scholarships from the Foundation to help defray college costs.

The Gary Educational Development Foundation will hold an anniversary reception at the Genesis Center in Gary, Indiana on March 24, 2000, and a formal banquet will occur at St. Timothy's Church the following day.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending the Gary Educational Development Foundation on the occasion of its 25th anniversary. The hard work and dedication of everyone involved with this distinguished organization is truly inspirational.

CONGRATULATING MILLWRIGHT LOCAL #548's CENTENNIAL ANNIVERSARY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. VENTO. Mr. Speaker, I rise today to recognize the Centennial anniversary of the Millwright Local #548 in Saint Paul, Minnesota.

Unions have become a key element in the strong economy and culture of Minnesota, and the Millwright Local #548 is no exception. In fact, chartered on December 4, 1900, Local #548 is the oldest organization in the United Brotherhood of Carpenters & Joiners of America, and the oldest Millwright organization in the country. The Millwrights currently are 600 members strong, serving the needs of industry, improving the quality of life and maintaining high standards for their families in our area.

I applaud the dedication of this Millwrights union to their organization and advocacy of worker's rights. They have worked hard to ensure that their members have safe work places, receive fair benefits and earn livable wages. But beyond this, the Millwrights have promoted the idea of being responsible members of the community. They encourage members to reach out to others and to become active, informed citizens.

The Millwright apprenticeship programs combine both academic and hands-on experience. Over a period of years these trades people have become the most productive in their craft. It is just such performance that broadly results in good products and a strong economy. The Millwrights, for over 100 years, have been a part of the fabric of our great state. In fact, they have significantly contributed to the building of the culture and infrastructure of Minnesota.

It is my pleasure to take this opportunity to congratulate Local #548 on 100 years of service and advocacy, and I wish them the best in the next century. I am confident they'll keep their faith in one another and in their union solidarity.

ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORIC PARK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I am today introducing legislation to create the "Rosie the Riveter/World War II Home Front National Historic Park" in Richmond, California—a feature of our National Park system that will recognize and salute the role of the homefront during World War II and particularly the significant changes in the lives of women and minorities and the major social changes that resulted from this era.

The images of Rosie the Riveter and Wendy the Welder, and the films of giant Liberty and Victory ships sliding into the water are all familiar to millions of Americans. These features of home front life during the war, and the demographic changes and social institutions that evolved during the 1940s, significantly shaped the nature of post-war American life for the remainder of the 20th century. Richmond was ground zero for the dizzying home front innovations and stresses that marked the period, and is a perfect place to educate future generations of Americans about the experiences of our people during World War II.

The House passed my legislation in the last Congress (H.R. 3910, section 505) to authorize the National Park Service (NPS) to conduct a feasibility study to determine if Richmond was a suitable place for designation as an NPS affiliated site and whether to provide technical assistance to the City of Richmond for interpretive functions related to the park, including oral histories from former workers.

That report has now been completed and finds, as we had hoped, that Richmond "played a significant role during the Home Front years." In fact, many of the dry docks, buildings and related infrastructure constructed and operated during the war remains in place, evoking even today a sense of the enormous commitment of the nation to industrial war production. In 1941–42, four shipyards were built in Richmond with a total employment eventually reaching 98,000. Overall, Richmond housed 56 war-related industries, more than any other city in the United States, producing everything from ships to uniforms and vegetable oil for the war effort. The four Kaiser Yards in Richmond were the largest shipyard construction site on the West Coast and produced 747 ships, more than any other facility in America, including the S.S. *Robert E. Peary* which was constructed in 4 days, 15 hours, and 30 minutes.

Tens of thousands of men, women and children poured into this city on San Francisco Bay and the population of Richmond grew from 24,000 to over 100,000 in just a few short years. These immigrants imposed enormous demands for housing, education, child care, health care and other vital services, and in response, local officials and employers developed innovative approaches for meeting these needs that serve as the precursors to many of our current educational, health and social service programs.

Large numbers of women and minorities sought jobs in the yards in positions formerly occupied by skilled craftsmen, creating both new employment opportunities and labor tensions. By 1944, over a quarter of all those working at the Kaiser yard were women, including over 40 percent of welders and 24 percent of all other craft employees. The racial composition of the area was significantly altered by the wartime economy, with the black population in Richmond rising from about 1 percent to over 13 percent during the decade of the 1940s. Southern whites encountered often for the first time black men and women who demanded equal treatment and equal rights.

The effort to preserve the remaining structures and to build a memorial to the Rosies and Wendys who labored on behalf of the war effort has very much been promoted by local leaders including Mayor Rosemary Corbin, Councilman Tom Butt, Donna Powers, Donna Graves, Sy Zell and many others. Significant local funds have been raised and the city has committed more than $600,000 for the memorial. I want to recognize the contributions already made by the City of Richmond, as well as Kaiser Pemanente, Ford Motor Corporation, Chevron, and others who are strongly committed to this project. My bill builds on these local efforts by providing assistance both for Richmond and to coordinate Home Front sites throughout the country, but we do not acquire property or assume the major responsibility for restoring or managing the exhibits.

Under this legislation, Richmond will not alone be selected to represent the Home Front during World War II/Instead, the major facilities still existing will be preserved and staffed to serve as a means of linking other sites including the Charlestown Navy Yard (Boston) and Springfield Armory National Historic site to assist help historians, interpreters, caretakers and the public to more fully appreciate the role this and other communities played in winning the war and in transforming the nature of post-war America.

We must act now to save the remaining buildings, drydocks, and other facilities that bring this picture to life for future generations of America. Many of these artifacts are aging, in need of restoration, and threatened by sale or deterioration which will obliterate their historical value. I am hopeful the Committee on Resources will act swiftly to review the Rosie the Riveter Feasibility Study that we commissioned by law in 1998 and then holding hearings on this legislation so that it can be enacted by the Congress this year.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. HINOJOSA. Mr. Speaker, last Tuesday was the Democratic primary in Texas and because of that and other commitments I had made in my congressional district, I was not here in Washington the remainder of the week. This resulted in my missing several rollcall votes. Had I been present I would have voted as follows:

Rollcall No. 46, on a motion to suspend the rules and pass H.R. 3699, designating the Joel T. Broyhill Post Office Building—"yea";

Rollcall No. 47, on a motion to suspend the rules and pass H.R. 3701, designating the Joseph L. Fisher Post Office Building—"yea";

Rollcall No. 48, on agreeing to the conference report on H.R. 1000, Wendell H. Ford Aviation Investment and Reform Act for the 21st Century—"yea"

Rollcall No. 49, on passage of H.R. 3843, Small Business Authorization Act—"yea";

Rollcall No. 50, on motion to instruct conferees on H.R. 1501, Juvenile Justice Act—"yea";

Rollcall No. 51, on agreeing to H. Res. 441, providing for consideration of H.R. 2372, Private Property Rights Implementation Act of 2000—"yea";

Rollcall No. 52, on agreeing to the Watt of North Carolina amendment to H.R. 2372, Private Property Rights Implementation Act of 2000—"aye";

Rollcall No. 53, on agreeing to the Boehlert of New York substitute amendment to H.R. 2372, Private Property Rights Implementation Act of 2000—"no";

Rollcall No. 54, on motion to recommit H.R. 2372, Private Property Rights Implementation Act of 2000—"no";

Rollcall No. 55, on passage of H.R. 2372, Private Property Rights Implementation Act of 2000—"yea".

INTRODUCTION OF H.R. 4053, THE UNITED STATES-SOUTHEASTERN EUROPE DEMOCRATIZATION AND BURDENSHARING ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GILMAN. Mr. Speaker, I am today introducing H.R. 4053, the United States-Southeastern Europe Democratization and Burdensharing Act of 2000, a measure that authorizes continued assistance for political and economic reforms in the states of Southeastern Europe for fiscal year 2001 under the Foreign Assistance Act and the Support for East European Democracy Act of 1989 and that provides certain guidelines for such assistance and related assistance to that region.

While supporting continued United States assistance for the countries of Southeast Europe, this measure makes it clear that no United States bilateral assistance, other than that provided for democratization and humanitarian purposes, may be provided to the Republic of Serbia until the character of its government has changed. It does, however, ensure that aid may proceed to the region of Kosovo. It also authorizes a special program to assist the democratic opposition throughout Serbia and the Republic of Montenegro, providing for $42 million in fiscal year 2001 for that purpose alone. This measure also ensures that at least $55 million will be provided for economic and political reforms in the Republic of Montenegro in fiscal year 2001 in recognition of the increasingly positive efforts the Government of Montenegro has taken in support of democracy, peace, and stability in the Balkans region.

H.R. 4053 indeed provides some important limitations on United States assistance to Southeastern Europe. In addition to prohibiting bilateral assistance for economic reforms in the Republic of Serbia until the character of its government has changed for the better, it requires that assistance for democratization in Serbia not be channeled through the Serbian Government or through those individuals who do not subscribe to effective measures to ensure truly democratic government in Serbia. It also sets forth United States policy regarding the apprehension and trial of suspected war criminals, such as Slobodan Milosevic.

Mr. Speaker, this measure also takes an important step in recognizing that, while the United States has and will continue to provide considerable aid to the states of Southeastern Europe, the predominant burden in that region must be upheld by our friends and allies in Europe. The United States is facing increasing burdens in our efforts to fight drugs and terrorism in Colombia, to support the peace process in the Middle East, and to fight the proliferation of technology related to weapons of mass destruction. Our military forces are also stretched thin, with peacekeeping missions in the Balkans adding to that strain. This measure would therefore limit United States bilateral assistance to the countries and region of Southeastern Europe to a certain percentage—15 percent—of the total aid provided by the European Union under the Stability Pact for Southeastern Europe or under any other such multilateral aid program for that region. Such a cap, while ensuring that United States assistance will continue, will also ensure that the European Union and other donors take the lead in this region of Europe.

Mr. Speaker, I am pleased to be joined by several members of the International Relations Committee in introducing this important legislation, including Congressman CHRIS SMITH, Congressman BEREUTER, Congresswoman ROS-LEHTINEN, Congressman ROHRABACHER, Congressman GOODLING, Congressman HYDE, Congressman GILLMOR, Congressman MCHUGH, Congressman MANZULLO, Congressman RADANOVICH, and Congressman COOKSEY. Congressmen BILL YOUNG, DELAY, SPENCE, DOOLITTLE, SOUDER, MICA, and TRAFICANT are also sponsors of this measure, and I am hopeful that it will gain the support of other of our colleagues as well.

HONORING DR. VELMA BACKSTROM SAIRE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SHUSTER. Mr. Speaker, it is with great pride that I rise today to honor Dr. Velma Backstrom Saire for her distinguished career in education, and especially for her being named as this year's Distinguished Woman in Education by the University of Pittsburgh.

Dr. Saire will be concluding 45 years as a public educator when she retires this June from her position as Assistant Superintendent for the Quaker Valley School District in Sewickley, PA. Her professional career includes experience as a Restructuring Specialist for the Mon Valley Education Consortium and service in school districts in Pennsylvania, Ohio, Indiana, California, New Hampshire, and Connecticut as an elementary teacher and principal, special education teacher, director of the Allegheny County Schools Child Development Centers, central office administrator, middle school and high school principal, and part-time university instructor. She counts her experience as one of the developers of the Model School in McKeesport in the late 60's and early 70's, as the "Camelot of her career." She has been a consultant and workshop leader at professional meetings throughout the nation on a number of topics related to curriculum and supervision. Since Carnegie Mellon University's John Heinz School of Policy and Management's Educational Leadership program's inception 10 years ago, she has been an adjunct professor where she helps prepare future school administrators. She notes that she will continue to do this after her retirement.

Both high schools she led were designated as Blue Ribbon Schools by the U.S. Department of Education, recognizing them as exemplary schools along with the other 100 top schools selected each year. She has served as a site visitor for this program and as a reader for the U.S. Department of Education's National Dissemination Network. In 1992, she received the Educational Leadership Award from the University of Pittsburgh's Tri-State Study Council. In 1989, the Connecticut Association of Supervision and Curriculum Development designated her as one of three finalists for their Educational Leader of the Year Award. As a Connecticut high school principal, she was one of 25 public school educators selected for membership in the prestigious 100-member Headmasters Association, a group in which she continues to hold membership as an honorary member.

A graduate of Glassport Jr.-Sr. High School, she is cum laude graduate of the University of Pittsburgh where she received a B.S. in Elementary Education, her M.Ed. in School Administration in 1967, and her Ed.D. in Administration in 1973.

She serves her local church as Chairman of the Council on Ministries, Chairman of the Memorial Endowment Fund, and is a member of the Administrative Board. She is on the Sewickley Public Library's Board of Trustees.

On a personal note, it is a special pleasure for me to recognize this distinguished woman in education because many years ago she was the little girl whom I escorted to a junior high school dance.

UNITED STATES ARMY CORPS OF ENGINEERS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. CRAMER. Mr. Speaker, I have worked with the United States Army Corps of Engineers for my entire service in Congress. I have always found the integrity of the Corps beyond question. I have great confidence in the Corps, including an outstanding group of people who work in the Huntsville, Alabama, Division office of the Corps.

Serious charges have been laid on the military leadership of the Corps by some in the press recently. These claims about the soundness of the Upper Mississippi and Illinois River Navigation Study must be fully evaluated and whatever steps these evaluations indicate to be appropriate must be taken. Until that time, however, I find it unacceptable and unfair to our armed forces to challenge the professional appointees who have given their entire professional career to serve this country. All of these officers have come highly recommended by their peers. Many of us have worked with them earlier in our careers.

The Upper Mississippi and Illinois River Navigation Study has not been completed and is yet to be distributed for state and agency review. To criticize the unknown outcome of the study before the public review has even started may inhibit reasoned development of final recommendations for water improvement by the Secretary of the Army and unfairly color Congress' deliberations on those recommendations. There are certainly many potential alternatives and points of view that have to be considered; there is not just one. There are many uncertainties and unknowns that we will encounter as we plan and prepare for the future, but there is one certainty: the importance to the national welfare of navigation as an essential element of a sound transportation infrastructure.

Through the Corps Civil Works program, the Federal Government has created the world's most advanced water resources infrastructure contributing to our unprecedented standard of living. The program is essentially a capital investment and management program that returns significant economic, environmental, and other benefits to the nation. Though relatively small in the context of total Federal expenditures, investments in, and sound management of the Corps water resources projects have beneficial effects that touch almost every facet of modern American society—navigation projects that provide the Nation with its lowest-cost mode of transportation for bulk commodities; flood control projects that protect the lives, homes and businesses of thousands of Americans; and recreation facilities that enable millions of visitors to relax and enjoy the beauty of our country's waters.

I say that these kinds of decisions are extremely complex and controversial and are best left to the American people, acting through the Congress, to make. The stakes are so high and the potential impacts so great because national security, national competitiveness in the global market place, national health and welfare, and economic well-being of the Midwest grain producers, just to mention a few considerations are at stake. And I, as a member of this body, stand ready to review all of the alternatives and to make the difficult decisions that are necessary to serve our great nation and the needs of my constituents.

There are many outstanding public servants, military and civilian, involved in this and other Corps studies. I support the Corps' process and urge my colleagues to join me in expressing confidence that the Corps, working together with all of the interest groups, as it has so often in the past for great national benefit, will produce recommendations from the Upper Mississippi and Illinois Navigation Study that will stand the test of time.

TRIBUTE TO BOBB McKITTRICK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LANTOS. Mr. Speaker, I would like to invite my colleagues to join me in paying tribute to the memory of Bobb McKittrick of San Mateo, California. Mr. McKittrick, the longtime offensive line coach of the San Francisco 49ers, passed away last Wednesday after a lengthy battle against bile duct cancer. He leaves behind a loving family and a reputation as one of the premiere leaders and motivators in the National Football League. His legacy includes the affection of the hundreds of athletes whose lives he touched with his passion, determination, and commitment to excellence as well as to tens of thousands of devoted fans, for whom he was an example of dedication and public spiritedness.

Mr. Speaker, I ask that an article by Michael Silver from the April 26, 1999, issue of Sports Illustrated about the courage, inspiration, and example of Bobb McKittrick be placed in the RECORD. It chronicles his extraordinary coaching record with the 49ers, his positive influence on the careers and lives of his players and friends, and his characteristically tenacious fight against cancer. Mr. Speaker, the story of Bobb McKittrick is an inspiring one.

ONE TOUGH CUSTOMER: OUTSPOKEN NINERS ASSISTANT BOBB McKITTRICK IS BATTLING CANCER AND LIVER DISEASE WITH THE SAME FIERCE DETERMINATION THAT MADE HIM ONE OF THE BEST COACHES IN THE GAME

They were embattled behemoths in big trouble, and they felt like the smallest men on earth. Late in the third quarter of a game against the Eagles on a chilly September afternoon in Philadelphia 10 years ago, Harris Barton and his fellow San Francisco 49ers offensive linemen trudged off the field with their heads down and their ears pricked. Joe Montana, the Niners' fine china, had been sacked eight times. The Eagles led by 11 points, and censure was a certainty: Coach George Seifert's face was convulsing like Mick Jagger's, offensive coordinator Mike Holmgren was growling into his headset, and offensive line coach Bobb McKittrick was preparing to vent his frustrations. As the linemen took a seat on the bench, McKittrick stared down at veterans Guy McIntyre, Bubba Paris and Jesse Sapolu and said calmly, "You three might want to start praying about now." Then he turned to Barton. "And Harris," McKittrick added, "if you know a Jewish prayer, you might want to say it."

Without swearing, getting personal or raising his voice, McKittrick, a former Marine who makes Chris Rock seem vague and indirect, had delivered a sharp motivational message. The linemen buckled down. Montana threw four touchdown passes in the fourth quarter, and San Francisco won by 10. The next day McKittrick called Montana into an offensive line meeting and apologized for the breakdown in protection. Montana shrugged it off, but word got around, giving players another reason to respect a man who may be the most successful position coach of his era.

In a business in which coaches get relocated, recycled and removed as a matter of course, McKittrick, 63, has been the Niners' offensive line coach for 20 seasons. During that time San Francisco has won five Super Bowls and put together the most successful two-decade run in NFL history, and the fact that McKittrick has been entrenched in the same job throughout that span, under three head coaches, is not accidental. In addition to routinely milking exceptional production out of players overlooked or cast off by other teams, McKittrick has been the glue that has held together the Niners' vaunted West Coast attack. Bill Walsh, recently rehired as San Francisco's general manager, says McKittrick "has developed more offensive line knowledge than anyone, ever. The continuity of the line, its consistent ability to protect the quarterback and open running lanes, has been the cornerstone of the 49ers' success over the past 20 years, and without Bobb, I don't think it happens. His men have played longer, with better technique, more production, fewer injuries. In every possible category you can measure, he's right at the top."

The Niners are so queasy about the notion of ever working without McKittrick that they told him he'd have a job for life when he was mulling an offer to become the St. Louis Rams' offensive coordinator after the 1994 season. He recently signed a two-year deal, and in the weeks leading up to the draft, he was busy breaking down film on top line prospects—an endeavor that in most years is about as fruitful for McKittrick as Academy Award voters viewing Brian Bosworth movies. The San Francisco brass concentrates on drafting talent at other positions and relies on McKittrick to excel with lesser-regarded linemen. Few coaches have done so much with so little, but no one is taking McKittrick for granted anymore.

In January, four days after the 49ers were eliminated from the NFC playoffs by the Atlanta Falcons, McKittrick received a medical double whammy: Doctors told him that he had cancer and that he needed a liver transplant. McKittrick, whose colon was removed 17 years ago after precancerous cells were detected, has a malignancy on his bile duct. He has begun undergoing radiation and chemotherapy at Stanford Hospital in Palo Alto. He needs a liver transplant because he is suffering from cholangiocarcinoma. He is on a waiting list for a new liver.

While his relatives, friends and colleagues are worried sick, McKittrick, predictably, has been calm, even upbeat. Though down 20 pounds from his normal 200, he insists on keeping the bulk of his coaching responsibilities, faithfully reporting to work with the catheter used to administer chemotherapy treatments sticking out of his left arm. "It's a difficult situation," he says, "but I went through six weeks of boot camp, and it can't be any worse than that. I think I can go through anything—and it sure beats the alternative."

On a mild Monday afternoon in late March, McKittrick walks into the three-bedroom house in San Mateo where he and his wife, Teckla, have lived since 1979. "You've got this place freezing," he tells her before leaving the room to turn up the heat. "He's cold," Teckla says to a visitor. "Now can you tell something's wrong?"

Raised in Baker, a northeast Oregon farm town where the winters are frigid, McKittrick developed a stubborn resistance to cold at an early age. He unfailingly wears shorts and a T-shirt to even the most bone-chilling practice sessions, and when the 49ers travel to colder climes, McKittrick packs lightly. During a Monday-night game played in freezing rain at Chicago's Soldier Field in October 1988, McKittrick wore a short-sleeve shirt but no jacket. At one point his teeth were chattering so much that he was unable to enunciate a running play to Walsh, who subsequently decreed that all coaches must cover their arms during harsh weather. When the Niners returned to Chicago the following January for the NFC Championship Game, McKittrick complied with the new policy by donning a windbreaker—on a day in which the windchill factor reached −47[degrees]. At such moments McKittrick, with his shaved head and stocky frame, seems to be as much caricature as character. "Everybody notices the physical part, but when it comes to emotional strength, he's probably the toughest person I know," says Seifert, who now coaches the Carolina Panthers. "He has an ability to deal with things that would shatter most people."

After having his colon removed, McKittrick wore a colostomy bag for a year before a second operation allowed him to discard it. "He had this device strapped to his hip," Seifert says, "and I'll never forget the sight of him running onto the practice field holding that bag so it wouldn't fall. How devastating and emotionally trying that must have been. Had it been me, I don't know that I could have coached again."

McKittrick's toughness is rivaled only by his bluntness. "He's brutally honest with me, too," says Teckla, who married Bobb in 1958. "It's one thing when he tells me my hair looks funny, but I'm constantly worried he's going to get fired [for speaking his mind]." Barton says he and other linemen used to write down some of McKittrick's more eye-opening statements. "One of the classics was when we drafted this 6'7" guy named Larry Clarkson [in '88]," Barton says. "Every day in training camp [defensive end] Charles Haley would run around him, then so would the second-teamer, and Larry would end up on the ground. Finally we're in a meeting one night, and Bobb says, 'Jeez, Larry, I don't think you have the coordination to take the fork from the plate to your mouth.'"

As harsh as he sometimes sounds, McKittrick gets away with it, partly because he can take criticism as unemotionally as he dishes it out. He regularly challenges his bosses in meetings, but, says Seifert, "after a while, that becomes part of the charm of the man." McKittrick says one reason he has not sought jobs with bigger titles is the political correctness he associates with such roles. "I'd rather teach than be an administrator," he says. "I don't like a lot of the things that administrators have to do."

While some head coaches might view vocal dissent as a threat, at least one of McKittrick's friends—a man who had some pretty decent success as UCLA's basketball coach from 1949 to '75—believes it's invaluable. "An assistant coach who's afraid to speak his mind isn't very helpful," says John Wooden, who grew close to McKittrick during the latter's stint as a Bruins football assistant from 1965 to '70. "A head coach should never want a yes-man: He'll just inflate your ego, and your ego's probably big enough as it is. An assistant as bright as Bobb could only be an asset."

Honest as he is, McKittrick could not bring himself to tell Teckla about his cancer. He found out shortly before they embarked upon a nine-day trip to visit their two sons, in Oregon and California and, not wanting to spoil the vacation, stayed mum.

For all of Bobb's sensible stoicism, Teckla is his polar opposite, an emotional worrywart who sheds tears as readily as some people clear their throats. They met as Oregon State undergrads at a study table, conversing for 20 minutes in a group setting. "The next day," Teckla says, "he told someone he had met the woman he was going to marry." Together they've had more of a life together than most coaching couples, sharing a passion for history that has inspired vacations to places like Normandy and Russia as well as cruises on the Danube and the Baltic Sea.

In late January, McKittrick returned from his vacation and went back to work, figuring he'd break the news to Teckla that evening. Before he could, however, he received a frantic call from her: An oncologist's assistant had phoned the McKittrick house to confirm an appointment. "My wife was in tears for the next two weeks," Bobb says. "She hears cancer and immediately thinks, You're going to die. That's not the way I'm approaching it."

McKittrick's approach to life has never been orthodox. In seventh grade he added a third b to his first name because, he says, "I just wanted to be different." A high school valedictorian who was also a decorated student at Oregon State, McKittrick was persuaded by Tommy Prothro, his coach when he walked on as an offensive lineman for the Beavers, to return to his alma mater as an assistant after his three years of service in the Marines. McKittrick followed Prothro to UCLA, the Los Angeles Rams and then to the San Diego Chargers, where he and fellow assistant Walsh became friends. When Walsh was hired as 49ers coach in 1979, he asked McKittrick to come along.

McKittrick compares Walsh's recent return to the 49ers, who had been reeling from front-office turmoil, to Churchill's reign as Britain's prime minister during World War II. "He had been out of favor," McKittrick says, "but when the Nazis were threatening to overrun Europe, they turned to him for his dynamic leadership, and he held them together."

McKittrick is not only a voracious reader of nonfiction but also a genealogy freak who serves as an unofficial historian for his hometown. He also keeps a meticulous journal designed to "give my [two] grandkids an idea of what my life was like." According to his good friend, Loring De Martini, McKittrick's life is easy to describe: "Bobb is almost a saint. He's a guy who has never willfully done a wrong thing."

Not everyone would nominate him for sainthood. Drawing on some of the blocking methods he learned from Prothro, McKittrick recruited relatively small, agile linemen and taught them techniques—the cut block, the reverse-shoulder block, the chop—most of which were legal, at least when executed perfectly, but which infuriated opponents. After a 1985 game, Los Angeles Raiders defensive lineman Howie Long charged after McKittrick in a tunnel at the L.A. Coliseum and vented; the two haven't spoken since. In his book Dark Side of the Game, former Falcons defensive lineman Tim Green referred to McKittrick as Dr. Mean. McKittrick notes that in recent years, at least a third of the teams in the NFL have adopted his controversial techniques. "Those big, tough guys on defense want to play our strength against their strength," he says. "I'd rather play our strength against their weakness."

McKittrick's supporters far outnumber his detractors. Holmgren, 49ers coach Steve Mariucci and Denver Broncos coach Mike Shanahan credit him with helping them assimilate Walsh's concepts, and Raiders coach Jon Gruden, who began his NFL career breaking down film for McKittrick in 1990, refers to McKittrick as "my idol, the best coach I've ever been around." Shanahan says McKittrick, with whom he worked for three seasons as a San Francisco assistant, "has forgotten more football than I know, but what really stands out is his incredible work ethic. He leaves no stone unturned, and that's why everybody considers him the best in the business."

Alas, McKittrick's prowess as a coach is not at the forefront of his friends' minds. Call someone looking for a quote, and instead of answers you get questions: How's Bobb? Is he going to get his liver? The answers are unclear, but things could be better. The chemotherapy has sapped McKittrick, and last weekend he was hospitalized with a 104[degree] temperature. He has another worry. In mid-March, Teckla was rushed to Stanford's emergency room with what doctors feared was a heart attack. It turned out to be a problem with her gallbladder, which is scheduled to be removed in early May. The doctors would like Bobb to finish fighting the cancer before replacing his liver, but he's one of many on a waiting list, and the timing is largely out of their control.

Recently McKittrick was at Stanford shuttling between appointments when a team of physicians tracked him down. They ushered him and Teckla into a room and informed them that a liver had become available. The chief transplant surgeon, Carlos Esquivel, then explained the various risks, including the possibility that Bobb could die on the operating table. The doctors said they needed a decision within two hours. Teckla broke into tears. Bobb stroked her hand, calmly questioned the doctors and finally said, "Let's do it."

He was told to return to the hospital later that afternoon for surgery. Teckla worried that he had rushed his decision, but Bobb said, "I made a life-altering decision 40 years ago in 20 minutes, and I haven't regretted it." He was sitting in the living room of his house when the phone rang. A nurse told him the doctors had found the liver to be unsuitable. When he repeated the news, Teckla's knees buckled and she fainted. Bobb took the news in stride.

"He has incredibly tough skin," Barton says of his coach. "It's a crisis situation, but he won't show a weakness."

Barton lets his thought hang for a moment; it occurs that he might want to say a

Jewish prayer right about now. "Believe me," Barton says, "I will." He won't be alone.

"When it comes to emotional strength, he's probably the toughest person I know," Seifert says of his former assistant.

"Teckla was in tears for two weeks," says Bobb. "She hears cancer and immediately thinks, You're going to die. That's not the way I'm approaching it."

McKittrick "has forgotten more football than I know," Shanahan says, "but what really stands out is his incredible work ethic."

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. ESHOO. Mr. Speaker, on March 21, 2000, I was unable to be in Washington and, consequently, missed two votes.

Had I been present. I would have voted "aye" on rollcall No. 56 and rollcall No. 57.

HONORING THE 12TH ANNUAL FRIENDS FOR LIFE BANQUET FOR THE CRISIS PREGNANCY CENTER IN ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize the Crisis Pregnancy Center in Rome, Georgia. On March 23, 2000, at the Friends for Life Banquet, the Crisis Pregnancy Center in Rome, Georgia will be honored for the work it does in the community to save the lives of unborn children.

Currently, in Washington, DC, we are working in the Judiciary Committee, as well as on the House Floor, to ban the heinous practice of partial-birth abortion and take other steps to protect the unborn. However, what we do in the Congress, even if we had a President who shared our regard for the unborn, can only address the symptoms of a societal problem that results in so many abortions each year. The real, long term solutions have to come from our communities. The Crisis Pregnancy Center in Rome, Georgia fills this vital role in aiding and assisting pregnant women so that neither the mother nor the child fall victim to abortion.

The Center has a direct and positive impact on many constituents here in Georgia's 7th district as well as citizens throughout North Georgia, and I would like today to pause and commend Rome's Crisis Pregnancy Center for all the hard work and dedication it provides to so many women and families in time of need, day in and day out. They truly are doing our Lord's work.

TWENTY-FIVE YEARS OF "A PRAIRIE HOME COMPANION"

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. PETERSON of Minnesota. Mr. Speaker, A Prairie Home Companion is more than just a good radio program. It's a good radio program that has been around for twenty-five years. When it debuted on July 6, 1974, before a live audience of twelve at Macalester College in St. Paul, Minnesota, no one would have suspected that twenty-five years later it would delight a national weekly radio audience of 2.8 million listeners, and many thousands of international fans across the globe from Edinborough to Tokyo.

Over the past quarter century, A Prairie Home Companion has broadcast over 2,600 hours of programming, and has toured to forty-four of the fifty states. Close to one million people have attended live broadcasts. It's now heard on more than 470 public radio stations from coast to coast. The program, with origins in the American Midwest, has made a successful leap overseas. In 1985, Minnesota Public Radio started sending reel-to-reel tapes of the shows to Australia and Sweden. In 1990, digital audiotapes were sent to Taiwan. Since 1996, the show goes directly by satellite for broadcast worldwide. Now, it can be heard in dozens of European cities including Amsterdam, Berlin, Brussels, Bonn, Vienna, Geneva and London. In twenty-five years, A Prairie Home Companion has become a true national treasure with international appeal.

The origin of the name, A Prairie Home Companion, is the Prairie Home Cemetery in Moorhead, Minnesota, near Concordia College, all of which are located in my home district back in Northwestern Minnesota. Mr. Garrison Keillor, a fellow Minnesotan and the program's host, inventor, chief writer, and heart and soul, has stated, "You can't name a show Prairie Home Cemetery, so I substituted Companion for Cemetery." His legions of fans are glad he did.

Every week the two-hour live variety show is packed with musical guests, comedy sketches and Mr. Keillor's commentary about small-town life in his fictional hamlet of Lake Wobegone. Many people in this country and around the world identify Minnesota with the image of Lake Wobegone, a town "where all the women are strong, the men are good-looking, and all the children are above average." Though there are other ways to pass the time Saturday evenings, fans of A Prairie Home Companion often plan their weekends around the show. Nutritionist Leslie Cordella-Simon has said, "It's a little respite at the end of the week." Here in Washington, Ruth Harkin, the wife of Iowa Senator TOM HARKIN, has commented that they rarely miss the program. She echoes the sentiments of many when she says, "Lake Wobegone is the town we both grew up in." NBC news anchor Tom Brokaw denies the rumor that he will not admit dinner guests to his house during the Lake Wobegone segment of the show. "I just don't pay much attention to them," he explains.

The first road trip of A Prairie Home Companion was to Fargo, North Dakota, and to Moorhead, Minnesota, in October 1974. Now, they routinely travel farther down the road to places like Edinborough, Scotland, and Dublin, Ireland. In the last twenty-five years, the show's truck has traveled over 230,000 miles, and personnel have flown or driven over 385,000 miles. The traveling shows are so popular that a sponsoring station manager in Peoria, Illinois, made the following remark after A Prairie Home Companion visited his town: "I could've run for mayor and gotten elected." In 1985, Time magazine discovered A Prairie Home Companion and put Mr. Keillor on its cover. Over a span of twenty-five years there have been 941 live performances and 864 live broadcasts of A Prairie Home Companion. From February to June in 1987, A Prairie Home Companion made the jump to television, running in an un-edited time-delayed version on the Disney Channel. Since October 5, 1996, the show's audio has been delivered live over the Internet to anyone with a computer and a modem.

A Prairie Home Companion and Mr. Keillor have already received a silo-full of well-deserved national recognition, including a Grammy Award, two ACE Awards for cable television, and a George Foster Peabody Award. In 1994, Mr. Keillor was inducted into the Radio Hall of Fame at Chicago's Museum of Broadcast Communication. In 1999, he was awarded the National Humanities Medal by President Clinton at the White House. Mr. William R. Ferris, Chairman of the National Endowment for the Humanities, said, "The 1999 National Humanities Medalists are distinguished individuals who have set the highest standards for American cultural achievement."

Mr. Keillor likes to describe Lake Wobegone as a place "that time forgot and the decades cannot improve." The same could be said about his radio show. Mr. Speaker, I congratulate Minnesota Public Radio, the staff of A Prairie Home Companion, and Garrison Keillor on the occasion of the notable achievement of twenty-five years of proud representation of the art, culture and people of Minnesota.

HONORING THE LATE WILLIAM W. "BILL" GEARY, AMERICAN HERO

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. MOAKLEY. Mr. Speaker, today I pay tribute to genuine American hero, William W. "Bill" Geary, who died on November 15, 1999. Bill was a veteran of World War II. He saw action in eight major campaigns throughout Europe during the war. Bill was a true to friend to many people as well as a devoted husband to his loving wife "Bea".

Even though Bill witnessed atrocities and violence, he was a man of peace and he refused to accept that he was a hero among men. Fortunately, Bill's brother Joe Geary, U.S. Navy (Ret.) provided me a detailed history of Bill's service to his country. I am pleased to have this history inserted in the CONGRESSIONAL RECORD for all American's to see:

WILLIAM W. GEARY, BORN FEBRUARY 8, 1921—DIED NOVEMBER 15, 1999

William W. "Bill" Geary enlisted in the U.S. Army on October 15, 1941. After extensive training he was assigned to the 456th Battalion of the 505th Parachute Infantry Regiment of the 82nd Airborne division.

SICILY—OPERATION HUSKY

On the evening of July 9, 1943, Bill Geary, along with 3,400 other paratroopers, were enroute to Sicily. Somewhere east of Gela shortly before midnight, Bill Geary jumped and landed close to a German outpost. Advancing toward the German position he saw another paratrooper who had landed in the barbed wire. The Germans poured gasoline on him and set him on fire. Bill was shooting at the Germans and the trooper on fire was screaming. There was no way that Bill Geary could rescue the other trooper.

The next day Bill Geary was wounded by shrapnel. His wound was treated with sulfa and bandaged and he immediately returned to his platoon and resumed fighting off German counterattacks.

By 23 July, after two weeks of heavy fighting, the 82nd Airborne Division had completed its mission. The Germans had taken a severe beating from the 82nd Airborne Division.

ITALY—SALERNO—OPERATION AVALANCHE

On September 9, 1943, elements of the Fifth U.S. Army made an amphibious landing at Salerno Bay. Two German Divisions moved south to attack and exploited a gap between U.S. and British forces.

On September 13, an urgent message was sent to the 82nd on Sicily for immediate help. The next night the 505th Parachute Infantry Regiment jumped into the beachhead. Bill Geary was in his second major battle against the Germans. They saved General Clark's Fifth U.S. Army from defeat. The 82nd then pushed the Germans north to the Volturno River.

ITALY—ANZIO—OPERATION SHINGLE

An amphibious landing was carried out on January 22, 1944, at Anzio, north of the German lines. The Germans rushed in reinforcements and another stalemate developed. In late February 1944, elements of the 82nd Airborne Division, with Bill Geary taking part, were transported to the Anzio beachhead as reinforcements. They were involved in continuous heavy fighting against the Germans until mid-April 1944, when they were withdrawn to England.

NORMANDY, FRANCE—OPERATION OVERLOAD

On the evening of June 5, 1944, Bill Geary, loaded down with arms and ammunition, was boosted up into a C-47, along with 23 other paratroopers of the 505th Parachute Infantry Regiment. The initial objective of the 505th was the capture of the town and roads around Sainte-Mere-Eglise. Bill Geary jumped out of the C-47 into the black of night. There were tracer bullets flying up from many directions. He landed and immediately detached his "chute" and joined up with other troopers.

Some of the 505th paratroopers landed within the town of Sainte-Mere-Eglise. Most of them were killed while floating down in their parachutes. Others, that had their "chute" hung up in trees, were killed while struggling to get loose. This was not to be forgotten by the troopers of the 505th.

Bill Geary, along with others, fought their way in the dark to the outskirts of the town. They fought their way into the town and by daylight June 6, 1944, the town was in the hands of the 505th.

The 82nd then pushed south and west to block off the Contentin Peninsula. Fighting through the hedge rows of Normandy for four weeks, against stiff German resistance, capturing the high ground overlooking the town of Haye-du-Puits. There it remained in a defensive posture until it was relieved on July 11, 1944.

The 82nd Airborne Division suffered 47 percent casualties during 33 days of continuous fierce fighting without relief or replacements.

HOLLAND—OPERATION MARKET-GARDEN

The British 1st Airborne was to jump and seize the bridge over the Rhine River at Arnhem, some 64 miles into Holland. Several other bridges would be seized by the 82nd around the city of Nijmegen to the south of Arnhem. The 101st Division was to jump and capture bridges 25 miles north of the Allies front lines.

Sunday, September 17, 1944, Bill Geary, along with 23 other paratroopers in his group, was heavily burdened with all the ammunition and grenades he could possibly carry. The troopers of the 505th shouted to each other "Remember Sainte-Mere-Eglise," referring to the murder of 505th troopers by the Germans.

As the C-47s crossed the coastline of Holland anti-aircraft fire became intense, 118 of the transports were damaged and 10 were shot down. The C-47 carrying Bill Geary reached its drop point, the high ground near Groesbeek. The green jump light came on and the 24 paratroopers exited in quick succession, as fast as they could. They were receiving small arms fire from German troops in the woods as they descended. Unbuckling their chutes and laying prone on the ground, they returned fire.

Fighting continued through the day and into the night. The 505th was spread thin on their front, a line of about 6-7 miles. By then end of the day all but one of the bridges had been taken.

The next day 450 C-47s, towing 450 gliders heavily laden with glider troops and equipment, started landing. The 505th had been battling the Germans all that day to clean the landing area of German troops. The landing area was within one-quarter mile of the border of Germany. On Tuesday, September 19, the Nijmegen bridge was seized. The 82nd troops held off numerically superior German troops for the next two weeks.

Allied forces suffered more casualties (17,000) in Market-Garden than they did in the invasion of Normandy. The 82nd Airborne Division's casualties were heavy. More than a thousand troops were buried in a cow pasture between Molenhoek and the Maas-Waal Canal.

In mid October the 82nd moved into some old French Army barracks about 80 miles from Paris. Numerous replacement paratroopers were received to fill huge voids in the ranks.

BATTLE OF THE BULGE

On December 16, 1944, the Germans launched a massive attack through the Ardennes against a green U.S. infantry division with no previous combat. The only U.S. Army reserve divisions were the 82nd and the 101st Airborne Divisions. General Gavin soon ordered both the 82nd and the 101st Divisions to move out to the battle area.

The 82nd, was the first to move out. They passed north through Bastagone and took up a blocking position west of St. Vith, spreading out along a 25 mile front. Some hours later the 101st moved out with orders to hold the vital crossroads and the town of Bastagone.

The weather was severe, extremely cold and heavy snowfall had started. The 82nd was scattered over 100 square miles of terrain. On the 19th of December the 505th paratroopers, including Bill Geary, were occupying the best defensive positions along their six mile front. Fierce fighting against two German Divisions soon began and continued for a week. By December 27, the first phase of the Battle of the Bulge was over. The German advance had been stopped.

The First U.S. Army, of which the 82nd was the spearhead, launched a counter attack on January 3, 1945. In the first day of fighting the 82nd completely overran the German 62nd Volksgrenadier Division and the 9th S.S. Panzer Division, inflicting severe casualties on the enemy, capturing 2,400 prisoners. A German reserve column of trucks and troops moving up to support the decimated German divisions advanced straight into the 82nd's lines and was totally destroyed. On January 8, the 82nd advanced to the Salm River in heavy fighting. The Battle of the Bulge was over.

THE ARDENNES

On January 28, 1945, the 82nd and 1st Infantry Division would lead the Allied assault through the Seigfried Line. Heavy fighting ensued as the 82nd, with Bill Geary, fought it's way into Germany through the Ardennes Forest. At 4:00 a.m. on February 2, the division mounted an aggressive attack. It penetrated through two miles of the Seigfried Line in fierce fighting. The German troops were retreating in the face of a tremendous onslaught.

Three days later the 82nd was en-route to the Huertgen Forrest. The paratroopers of the 505th pressed on pushing the Germans back through the towns of Lammersdorf and Schmidt in two days of fierce fighting, moving closer to the Roer River which would be their next objective. Fighting continued all the way to the Roer River. On February 17, 1945, the 82nd was pulled out of the front lines.

RHINELAND

In late March, the 82nd fought its way to the Rhine River on a 20 mile front north and south of the city of Cologne, Germany. On April 29, 1945, the 82nd moved out of its positions and north more than 200 miles to a crossing site on the Elbe River. The 505th reached the site by dark. At 1:00 a.m. on April 30, the 505th made a crossing and caught the Germans completely by surprise. Bill Geary was now across the Elbe River and once again fighting Germans. The 505th advanced all day on May 1, as the Germans retreated.

When news of the 82nd's crossing reached General Omar Bradley's 12th Army Group headquarters, there was much delight and laughter. British General Montgomery had been complaining that the German opposition was far too great for him to cross the Elbe River.

On May 2-3 1945, the advance of the 82nd continued and a complete German Army Group of 250,000 men, with all their weapons of war, surrendered to the 82nd Airborne Division.

THE WAR IN EUROPE HAD COME TO AN END

For the 82nd Airborne Division the war in Europe had been costly. More than 60,000 men had passed through the ranks of the division. They left thousands of white crosses on foreign soil.

On November 15, 1999, Bill Geary lost a two year battle. It was a battle against Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease.

CONGRESSIONAL RESEARCH SERVICE'S MEMOS SHOW S. 1895 MEDICARE BOARD IS A RECIPE FOR DISASTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. STARK. Mr. Speaker, S. 1895, the Breaux-Frist Premium Support proposal to change Medicare is a recipe for administrative disaster.

Don't take my word for it. Following are quotes from two Library of Congress Congressional Research Service memos describing the many problems with S. 1895.

Just ask yourself, in the history of the world, has the administration of a large program (and Medicare is spending about $220 billion a year) ever been successfully accomplished by a committee of seven?

As the ultimate Founding Father, George Washington said,

> . . . wherever and whenever one person is found adequate to the discharge of a duty by close application thereto, it is worse executed by two persons, and scarcely done at all if three or more are employed therein.

The full CRS papers are available from my office at 239 Cannon HOB, Washington, DC 20515 (202–225–5065).

Following are other quotes from the studies.

Describing how Medicare would be largely independent of the Secretary of HHS and the Administrator of HCFA, the CRS writes:

NEW, UNTESTED IDEAS

> This organizational and administrative design is somewhat unusual when considered in light of traditional guidelines regarding the effective administration of government programs. These guidelines normally call for placing major elements of a program in the same agency or department, and lodging authority over the program in the head of the agency or department, while authorizing the agency head to delegate that authority.

* * * * *

> The Secretary of HHS and the administrator of HCFA appear to be almost totally removed from any role regarding the Division of HCFA-Sponsored Plans, although they would apparently retain supervision and authority over the Division of Health Programs.
>
> To a large extent, the proposed organizational and administrative restructuring of the agencies that would be administering the proposed Medicare program appears to depart from the traditional guidelines for the administration of government programs.

DIVIDED ADMINISTRATION: A RECIPE FOR CONFUSION?

> The administration of the Medicare program is divided between the board and the Division of HCFA-Sponsored Plans. The fact that the Division must submit its sponsored plans to the board for approval compounds the problem. . . . What happens if the Division is unwilling or unable to develop plans the board finds acceptable? The board may appeal to the President for assistance, but since he appears to have little or no administrative or supervisory authority or responsibility regarding the operations of the board, he may have little motivation to intervene on its behalf.

The CRS points out that OMB is the only independent agency "exercising considerable authority over other independent bodies . . . as the President's surrogate . . .

> Even OMB, however, does not share or assume operating authority over government programs assigned to other agencies or departments.
>
> It is difficult to find an example where independent bodies share administrative responsibility over a program, and where one body may veto the plans of another, as with the board and the Division of HCFA-Sponsored Plans.

CRS writes:

WHO'S IN CHARGE HERE? WHERE'S THE ACCOUNTABILITY?

> Under S. 1895 the Secretary of HHS appears to be stripped of supervisory authority over the Medicare Program and of practically all authority over the Division of HCFA-Sponsored Plans [even though that Division is within HHS and operating under Federal laws].
>
> Apparently, the Secretary would retain supervisory authority over only the Division's budget. Since the Secretary would have no role to play in the Division's activities, there is a possibility that its budget requests might not receive much support compared to other agencies in the Department.

The CRS memo notes "two of the most independent units existing within departments appear to be the Office of Comptroller of the Currency and the Office of Thrift Supervision," both in Treasury.

> . . . such independence generally is given only to independent regulatory commissions that for convenience sake are located within departments.

But note, Mr. Speaker: Medicare is not just a regulatory program: It is an insurance program for 40 million people that spends $220 billion a year and processes nearly a billion medical claims a year.

CRS writes:

WHY 7 MEMBERS?

> A further issue of authority and ease of decisionmaking is raised by the seven-member composition of the proposed Medicare Board. The current trend is to establish boards of three to five members, because larger boards often experience great difficulty in reaching a decision. Most recently, the former Interstate Commerce Commission, which initially consisted of 11 members, and was later reduced to five members, was abolished and many of its functions were transferred to a three-member Surface Transportation Board.

WHAT PRESIDENT?

> The amount of independence granted the Medicare Board from the President and from congressional oversight is highly unusual and serves to limit the accountability of the board members . . .
>
> Presidential authority over one of the largest government programs would . . . be severely limited, because the Chief Executive would have virtually no authority over board activities . . . Congressional influence and direction would also be limited because the board, able to raise its own operating funds, would not be subject to the yearly appropriations process.

TALK ABOUT MAKING HCFA MORE UNRESPONSIVE!

> It is rare for such agencies to be authorized to generate their operating funds. Only a handful of such agencies, nearly all involved with banking and financial matters, have such authority.

IN CONCLUSION, LET'S BE ANTI-DEMOCRACY

> Congress Sometimes departs from traditional guidelines regarding what is considered the type of organizational and administrative structure most likely to result in the effective delivery of government programs. The proposed bill restructuring the Medicare program, departing as it does from those guidelines, raises questions because it would divide program responsibility and authority between two government entities, an independent Medicare Board and the Division of HCFA-Sponsored Plans. Difficulties in administering the program are more likely to arise and produce conflicts more difficult to resolve when a program is divided between two distinct federal entities than when located within one entity. Additionally, there may be a problem when one of the entities is located within a department and the head of the department has little if any supervisory authority over that entity. That situation may serve to separate the department head from any problems that the entity may be experiencing and make it less likely that he or she would be willing or able to help resolve those problems. Finally, the amount of independence proposed for the Medicare Board would make it more difficult for the President to exercise guidance and direction over the Medicare program, and for Congress to provide guidance and direction to the board through its use of the appropriations process.

TRIBUTE TO DENMARK'S AMBASSADOR TO THE UNITED STATES, K. ERIK TYGESEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in bidding farewell to Ambassador K. Erik Tygesen, who has served as Denmark's extraordinary envoy to the United States for the past five years. Ambassador Tygesen's outstanding efforts to promote the diplomatic relations between the United States and Denmark are a reflection of his exemplary devotion to democratic ideals, and we are immensely grateful for his commitment and integrity. He will be missed here in Washington.

In July 1997 President Clinton traveled to Denmark, the first-ever visit of a United States President in office. The trip was an overwhelming success, due in large part to the preparations and planning of Ambassador Tygesen. This visit further strengthened the long and strong lasting ties between our two countries. In his speech to Her Majesty the Queen of Denmark, President Clinton said, "The United States has had relations with Denmark longer than with any other country, and our nations have never been closer than today. On almost every issue we stand together, and on some of the most important issues we stand together almost alone. But America always knows it is in the right if Denmark is by our side."

Ambassador Tygesen embodies these sentiments that President Clinton voiced. Consistent with a long Danish tradition of championing peace, Ambassador Tygesen was a platoon leader in the first United Nations peacekeeping force, UNEF, in Gaza from 1956 to 1957. He subsequently devoted his life to the diplomatic service. After holding numerous high-level positions in the Danish cabinet, Ambassador Tygesen was appointed Deputy Head of the Danish delegation to the United Nations' 11th Special Assembly on Economic Affairs in 1980, where his performance was so commendable that he shortly thereafter was appointed Ambassador to Brazil and then to Germany. In 1995 he was made Ambassador of the Kingdom of Denmark to the United States of America.

In this last post, Ambassador Tygesen encouraged Denmark to join the United States as an active part of the international effort to counter the destabilizing effects of President Milosevic's ethnic cleansing agenda in the former Yugoslavia. Consequently, Denmark was the one of the largest per capita contributors to peacekeeping missions in Kosova, participating in the air campaign and providing troops and police as well as humanitarian aid and reconstruction assistance.

Ambassador Tygesen also promoted Danish support of NATO expansion. At the Washington Summit in April 1999, Denmark welcomed Poland, Hungary and the Czech Republic to NATO. This generosity of spirit and global awareness were also evident as Ambassador Tygesen sought, both in Washington and in Copenhagen, to support further liberalization of transatlantic trade in the interest of both our countries. His efforts to contain and eliminate trade frictions and to devise an early-warning system so that both sides of the Atlantic might avoid such trade disputes in the future have strengthened cooperation between the United States and the European Union.

Last year the Ambassador also secured Danish funds which made it possible to sign an agreement between the Danish Ministry of Culture and the government of the United States Virgin Islands (the former Danish West Indies). Denmark shares a rich common heritage with these islands, and through this agreement will transfer original archival material on the history of the Danish West Indies from the Danish National Archives in Copenhagen to the Unites States Virgin Islands.

Ambassador Tygesen has been integral to promoting the continued good relations between the United States of America and the Kingdom of Denmark. He displays all the noble qualities of compassion, reasonableness and foresight which characterize his countrymen, and we in Washington shall miss him greatly.

HONORING CENTRAL CONNECTICUT STATE UNIVERSITY'S MEN'S BASKETBALL TEAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LARSON. Mr. Speaker, on behalf of Congressman SAM GEJDENSON (CT–02) and myself, today I honor a special group of college athletes who have captured the hearts and minds of people across the State. On March 16, the Central Connecticut State University Men's Basketball team played in the NCAA Division I tournament for the first time since joining the division in 1986.

When the Blue Devils traveled to the Minneapolis Metrodome for their big game, they brought with them the accomplishment of a 25 and 5 overall record during the 1999–2000 season, including a 15-game winning streak, and the title of Northeast Conference Champions. They had set their sights on a win in the first round of action, but they were already winners in the hearts of many across the Nation.

Central waited many years, but it was finally their turn at the "big dance." As an alumnus of the University, I could not be happier for the team.

There is nothing better than school pride. The approximately 12,000 students who attend the University, which is located on a campus that encompasses both Newington and New Britain Connecticut, were given two more reasons to feel this pride with the team's win at the Northeast Conference on March 6, and with the announcement on Sunday, March 12 that they were headed to the NCAA Division I Championship playoffs.

The great, former Central coach Bill Detrick summed up the passion and pride that alumnus, students and friends of the University felt when the team won the Northeast Conference Championship, "When those nets were cut down, oh boy, all the players, coaches and fans ever at Central were up on that ladder, too."

Yes, in a manner of speaking, we were on that ladder. And the person who helped us experience that amazing moment was the Blue Devil's coach and fellow University alumnus, Howie Dickenman. Under his leadership the team won the Northeast Conference Championship just two years after joining the conference. In just his fourth year as head coach, Dickenman has transformed the Blue Devils' from a 4 and 22 team into champions. No one is more deserving of the Northeast Conference Coach of the Year recognition than Howie Dickenman.

Here is a man who just earned a remarkable professional achievement, but who gave the glory of the moment to the memory of his best friend from college and former coaching staff colleague, Dave Rybczyk. Dave past away in September 1999, but he spent 11 years working as assistant coach along side his dear friend Howie. What a moving moment when Howie let Dave's son and former Blue Devil's player, Mark, cut the final strands of the net after the Northeast Conference Championship game in honor of his father.

I had the pleasure of going to college with Howie Dickenman so I know first hand what a caring individual he is, and how passionate he is about coaching. He takes the legacy passed down to him by his father, a former basketball coach at Norwich Free Academy in Norwich, CT, very seriously. So much so, that he carried one of the bowties that his father used to wear as a coach in his pocket during Central's championship game.

Words of gratitude for this "dream season" must also be expressed to the team's assistant coaches Steve Pikiell, Patrick Sellers, and Anthony Latina. Central's men's basketball program truly encompasses the meaning of the word "team." The dedication and support of Steve, Patrick, and Anthony played a key role in helping these amazing players be their best.

And finally, the amazing players. Each one has helped make this very special moment happen for the school and they should be extremely proud of their accomplishment. Wherever life may take them upon graduation from Central Connecticut State University, the memories of this remarkable season will remain with them forever.

We would be remiss if we did not mention the most selfless act of one player in particular, Victor Payne, which was observed by University President Richard Judd.

A dedicated fan, who is a wheelchair-bound Central student, has attended every one of the team's games. And the team's Northeast Conference championship game in Trenton, NJ, was no exception. After the net was lowered, Victor Payne cut off a string and quietly, without fanfare walked over to this student and handed it to him. What a heart-rendering act of team spirit that embodies what the athletic program at Central Connecticut State University is all about. Victor Payne wasn't told to do that, he just knew in his heart it was the right thing to do.

We offer our most sincere congratulations to the Central Connecticut State University Men's Basketball team on their many successes this season. Thank you for the wonderful memories you have provided.

We wish the Blue Devils many years of continued success. Thanks for making two of your biggest fans very proud.

TRIBUTE TO EDWARD HEALEY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. FOLEY. Mr. Speaker, I rise today to recognize a gentleman from southern Florida who devoted his life to public service. State Representative Edward Healey, a former opponent and a valued colleague passed away last Wednesday.

Ed dedicated his professional and personal life to the people of Florida and as a state legislator he served as one of the most senior members in the history of the Florida House. His contributions to the lives of all Floridians will continue to pay dividends for generations to come. As he was fond of saying, "A life of service is the only life worth living."

Originally from New York, Ed was awarded the Purple Heart for his actions in northern France during the invasion of Normandy. He moved to Florida in 1957 and quickly became involved in public service. Never one to grandstand, Mr. Healey was a true statesman, following his convictions and transcending political wrangling.

Long before ethics and campaign finance reform became buzz words in elections, Ed Healey was an advocate of good government. He worked to build the infrastructure of Florida through a solid knowledge of transportation issues and his work on the Joint Management

Committee. He was known as one of the hardest working members in Tallahassee.

He is the epitome of a gentleman. As a former opponent in state politics, I can say he was always a true gentleman and a fair competitor. Ed was a person that would reach out to people whether you agreed with his views or not and was as comfortable meeting with people in Dunkin Donuts as he was at the Breakers. He will be truly missed.

Mr. Speaker, on behalf of the citizens of Florida, I would like to say thank you to Mr. Healey.

INTRODUCTION OF THE IDEA FULL FUNDING ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GOODLING. Mr. Speaker, today, I am introducing the IDEA Full Funding Act of 2000 which will set us on the course of reaching the commitment the U.S. Congress made 24 years ago to children and families with special education needs. That commitment was to provide children with disabilities access to a quality public education and contribute 40 percent of the average per pupil expenditure to assist States and local school districts with the excess costs of educating such children.

Unfortunately, we have failed to fully meet this commitment. Nevertheless, over the past four fiscal years (fiscal year 1997, fiscal year 1998, fiscal year 1999, and fiscal year 2000), we have fought for and achieved a dramatic $2.6 billion funding increase for IDEA. This is a 115 percent increase in the Federal share for Part B of IDEA. However, this amounts to only 12.6 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities.

Failing to meet our full commitment contradicts the goal of ensuring that children with disabilities receive a quality education.

The Congressional Research Service estimates that over $15 billion would be needed to fully fund Part B of IDEA. The fiscal year 2000 appropriation for Part B was $4.9 billion, leaving States and local school districts with an unfunded mandate of more than $10 billion.

The bill I am introducing today sets a schedule to meet the 40 percent commitment by the year 2010. While many of us believe we should already be paying our fair share, this bill will authorize increases of $2 billion each year to ensure that our commitment becomes a reality in 10 years.

This Congress overwhelmingly passed a resolution stating that our highest education funding priority should be fully funding the Individuals with Disabilities Education Act.

I think that before we create new programs out of Washington, the Congress needs to ensure that the Federal Government lives up to the promises it made to the students, parents, and schools over two decades ago. If we had followed that commitment, local school districts would have the funds necessary to build new schools, hire new teachers, reduce class size and buy more computers. All new programs that the Administration has promoted over the last several years without funding the promise we made in 1975.

In my district, the York City School District receives $363,557. If IDEA were fully funded, this school district would receive $1,440,000, an increase of $1,080,000. The York City School District currently spends $6.4 million each year on special education services, which represents about 16 percent of its total budget. The Federal contribution is currently only 5.7 percent of this.

If the Federal Government paid the promised 40 percent for special education, York City would have approximately $1.1 million in additional funds to spend on other pressing educational needs. While $1.1 million may not sound like a lot of money, I can assure you that in a school district like York City, this represents a significant source of funds.

Just 3 years ago, Congress and the administration worked together in a true bipartisan fashion to reauthorize IDEA so those children with special needs can have more options and services. It is my hope that we can continue that bipartisan work to fully fund the IDEA and finally make good on our commitment.

I urge my colleagues to support this bill.

HONORING THE 50TH ANNIVERSARY OF THE BELLE-SCOTT COMMITTEE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. COSTELLO. Mr. Speaker, today I ask my colleagues to join me in honoring the 50th anniversary of the Belle-Scott Committee of Belleville and Scott Air Force Base, IL.

The Belle-Scott Committee evolved from the "Belleville Plan" which was created in 1950 by then Belleville mayor, H.V. Calhoun, Maj. Gen. Robert Harper, commander of the Air Training Command at Scott Air Force Base and Col. George W. Pardy, Scott's commanding officer.

The "Belleville Plan" was announced at the First "G.I. Pal Dinner" which was held on November 29, 1950, at the U.S.O. Canteen in Belleville, IL. This committee, which has been in continuous existence since that time, offers a direct means by which the two communities, military and civilian, work together to promote matters of mutual interest.

Military and civilian representatives meet on a monthly basis to discuss cooperative social, recreational and cultural efforts between Scott Air Force Base and the city of Belleville, IL. The group works toward more cooperative active participation in religious and educational programs and also fosters a closer working relationship between both Belleville and Scott's governmental operations.

The Belle-Scott Committee arose from the need to address community and base relationships in the late 40's and early 50's. Media reports at that time, which indicated that local military personnel were treated as second class citizens, paying higher prices than normal and unable to secure appropriate housing opportunities were reasons that the Belle-Scott Committee came into existence.

Since then, the Belle-Scott Committee has received national recognition. It was featured on the CBS Radio Network's "The People's Act" series in March 1952, and at least 10 nationally circulated magazines have published special features to list their achievements. In addition, newspapers throughout the country have also published articles dealing with the work of the committee. Several other air force bases and their host communities are using "Belle-Scott" as a guide in developing their efforts. The committee's research leads them to believe that they are the oldest military/community cooperation committee in continuous existence at any U.S. military installation.

This year will be the 50th anniversary of the first "G.I. Pal Dinner" now known as the "Belle-Scott Enlisted Dinner." The event brings more than 150 civilians, 50 officers from Scott Air Force Base and more than 100 enlisted guests. While the reasons for the formation of this committee had initially to do with civilian-military cooperation, it is the solving of these problems by persons both from the Base and from the city and the 50 years of continuous good relationships fostered by the Belle-Scott Committee that we now look to with pride.

Mr. Speaker, I ask my colleagues to join me in honoring the service of the Belle-Scott Committee and for the assistance it provides in fostering the support of our civic and military personnel.

MEDICARE BOARD: BAD IDEA NO. 4

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. STARK. Mr. Speaker, some people are proposing legislation, such as S. 1895, that would turn Medicare over to a 7-person board and noncivil service staff.

Bad idea.

For the last 3 days I've entered in the RECORD portions of Congressional Research Service memos describing the administrative problems such a board could create.

I would like to submit in full the following footnote from the CRS memo that quotes the National Academy of Public administration's warning about boards:

> The National Academy of Public Administration is on record as being opposed to boards of directors for most corporate bodies.
>
> We believe that this arrangement, borrowed from the private corporation model, has more drawbacks than advantages and that in most cases the governing board would be better replaced by an advisory board and the corporation managed by an administrator with fully executive powers. A governing board may cut or confuse the normal lines of authority from the President or departmental secretary to the corporation's chief executive officer. With an advisory board, the secretary's authority to give that officer policy instruction is clear, as is the officer's right to report directly to the secretary and to work out any exemptions from or qualifications of administration or departmental policies and practices which the corporation requires.—National Academy of

Public Administration, NAPA Report on Government Corporations, vol. 1 (Washington: NAPA, 1981), pp. 31–32.

CASTELLINO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a close personal friend and devoted public servant, Frank Castellino, upon the occasion of his retirement. Frank will be honored by his friends and colleagues on March 23rd, and I am honored to have been asked to participate in this event. Frank Castellino is an institution in Luzerne County Courthouse, and his daily presence will be missed by everyone who has become so accustomed to his warmth and genuine concern for people.

Frank Castellino began his public service as a clerk in the Luzerne County Recorder of Deeds office in 1940. In 1968 he was elected Recorder of Deeds and proceeded to serve eight consecutive terms. No matter how busy he was, Frank always had time to get personally involved in solving people's problems.

I first came to know Frank Castellino when I was a boy tagging along with father as he visited the Recorder of Deeds office in his law practice. Later I grew to know him as the father of one of my classmates at Dickinson School of Law. Once I began my own practice of law, I frequently took advantage of his considerable expertise and helpfulness.

A lifelong resident of Pittston, Frank also served as Alderman from 1946 to 1966. He is a member and past president of the Pittston Lions Club and the Luzerne County Columbus League, which erected the Columbus memorial in Pittston. He served in the U.S. Navy during World War II. Under Frank's leadership, the Luzerne County Recorder of Deeds office was the first in the state to computerize its records.

Mr. Speaker, the Luzerne County Board of Commissioners paid a fitting tribute to Frank when they praised him as a "gracious and good-natured gentleman, who carried out his professional and personal responsibilities with a zeal many of us would envy, and whose broad community impact can never be fully measured."

I am pleased and proud to join with the Commissioners in thanking Frank Castellino for his years of dedicated service to Luzerne County and commending him on a "job well done." I send my sincere best wishes for a happy, healthy and productive retirement.

BENIN MAKES PROGRESS IN DEMOCRACY AND HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues to the West African nation of Benin and its President, Mathieu Kerekou. This country's story is a remarkable one, and an encouraging one. Under President Kerekou's leadership in the 1970s and 1980s, Benin made the difficult transition from authoritarian rule to democracy. President Kerekou won the country's second free election in 1996, an election which our Department of State called "generally free and fair"—strong praise for a country on this continent where democracy has suffered many setbacks in recent years. President Kerekou succeeded the former president in a peaceful transition of power.

The State Department's 1999 Country Reports on Human Rights Practices notes that President Kerekou "continued the civilian, democratic rule begun in the 1990–91 constitutional process." The report also notes that the government has generally respected the human rights of its citizens. The Constitutional Court has shown its independence of the government, and when the court recently ruled provisions of a decentralization law unconstitutional, the legislature and the President accepted this decision.

Benin is a small country and a poor one, but the Kerekou government has taken positive steps to strengthen its economy through privatizing state-owned enterprises and deregulating the economy. Under President Kerekou's leadership, Benin has been peaceful and stable.

Mr. Speaker, Benin has been willing to take courageous foreign policy decisions that run counter to generally accepted practice. The Government of Benin recently announced that it plans to open an embassy in Israel's capital city of Jerusalem. Benin becomes just the third country to establish an embassy in Israel's capital, after Costa Rica and El Salvador. Mr. Speaker, I look forward to the time when the United States will join these three countries and move our embassy in Israel to Jerusalem as mandated by the Congress.

Mr. Speaker, I invite my colleagues to join me paying tribute to the nation of Benin and its President, Mathieu Kerekou.

HONORING THE GOOD SHEPHERD REHABILITATION FACILITY VOLUNTEERS

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. TOOMEY. Mr. Speaker, today I pay tribute to a group of my constituents who do volunteer work helping others in my district. Over 300 volunteers at the Good Shepherd rehabilitation facility recently received Raker Memorial Awards for their service. These volunteers contributed over 38,000 hours of service in 1999, helping to improve the lives of thousands of people in the community. From assisting residents with their chores to inspiring them during difficult physical therapy, the acts of these volunteers show the depth of their generosity and compassion. The volunteers help individuals with disabilities achieve their full potential, and represent a light of hope to the entire community. I applaud Good Shepherd's wonderful volunteers for providing a service that aids so many members of the Lehigh Valley community. Mr. Speaker, all the volunteers at the Good Shepherd rehabilitation facility are Lehigh Valley Heroes.

LIST OF HONOREES

Mr. Bruce Achey, Ms. Edna Adams, Mr. David Allen, Ms. Janet Ober, Ms. Althea Axe, Ms. Veronica Baker, Ms. Lucille Balzano, Ms. Virginia Bankhard, Ms. Betty Barrall, Ms. Rachael Bartek, Ms. Kathleen Batz, Ms. Shirley Baum, Ms. Christine Beck, Mr. James Beck, Ms. Dori Ann Becker, Mr. Michael Beecham, Ms. Diane Beil, Mr. Joseph Bemolas, Mr. Nicholas Bolling, Jean Borchick, Ms. Michelle Botelho, Ms. Evelyn Bouchat, Ms. Diane Bozzelli, Ms. Marilyn Breitenfeld, Ms. Sarah Brint, Ms. Donna Buzby, Ms. Heather Capuano, Mr. Matthew Cascioli, Mr. Vincent Carvallaro, Ms. Sandra Christman.

Ms. Sara Christman, Ms. Lois Cocanougher, Ms. Barbara Colby, Mr. James Collins, Mr. Frank Conlon, Richard Covert, M.D., Ms. Gloria Cowdrick, Mr. James Craig, Ms. Amber Cromer, Ms. Shannin Crone, Ms. Krystal Cruz, Mr. William Czar, Ms. Katie Czekner, Mr. Michael Daniels, Ms. Heather Deeble, Mr. Stephen DeLacy, Ms. Dorothy DeLazaro, Mr. Michael Delgrosso, Ms. Sarah D'Emilio, Ms. Ashley Donchez, Ms. Mary Dreisbach, Mr. Nathan Druckenmiller, Ms. Patricia Engler, Ms. Jill Farrara, Ms. Catherine Favata, Jean Feldman, Ms. Linda Ferrol, Ms. Elizabeth Fillman, Mr. Joseph Fischl, Ms. Jennifer Fleck.

Ms. Nichol Foster, Ms. Irene Francoeur, Ms. Janet Frederick, Ms. Lauren Gallagher, Ms. Erica Garber, Ms. Suzanne Garber, Ms. Cynthia Ann Garguilo, Mr. Sephen Gaul, Ms. Katherine Geiger, Ms. Mary Geiger, Ms. Maria Gentis, Ms. Sharon George, Ms. Kristen Gilbert, Ms. Megan Gilbert, Ms. Katie Grasso, Ms. Henrietta Graul, Ms. Maureen Griffin, Mr. William Griffith, Ms. Kristen Grob, Mr. Raymond Grube, Ms. Pauline Gruber, Mr. Warren Haas, Ms. Gladys Hahn, Ms. Rachel Halton, Ms. Mary Lou Hann, Ms. Katie Hannon, Mr. George Hargesheimer, Nichole Harris, Ms. Alison Hartman, Francis Hartneft.

Mr. William Hathaway, Ms. Dolores Hauze, Ms. Elizabeth Held, Ms. Helen Held, Ms. Hillary Hermansader, Ms. Elaine Herzog, Ms. Kitty Heydt, Ms. Sarah Hilbert, Ms. Varta Hojjat, Ms. Connie Holleman, Ms. Erin Hontz, Ms. Jennifer Hoyt, Ms. Sahnnon Hrabina, Mr. Nathan Huskey, Ms. Gale Hyman, Ms. Brittany Johnson, Ms. Carol Ann Johnson, Phyllis Johnson, Ms. Julie Kametz, Ms. Valerie Kamon, Mr. Joseph Kane, Ms. Davene Kates, Ms. Kristie Kapinas, Ms. Dolores Kelhart, Ms. Andrea Kiechel, Ms. Debbie Kiniuk, Ms. Tammy Kissel, Mr. Christopher Kissel, Mr. Kenneth Kissinger, Kelly Klampert.

Mr. Jason Klepac, Mr. Frederick Knauss, Mr. Winfield Knechel, Ms. Anne Knecht, Ms. Dorothy Knerr, Ms. Eugene Knerr, Ms. Sue Ann Knoebel, Mr. Donald Knowles, Mr. Joseph Koch, Mr. Sean Kopishke, Ms. Caitlin Kordek, Ms. Linda Kreithen, Ms. Cynthia Kutz, Ms. Sarah Lang, Mr. Brian Larrimore, Ms. Elizabeth Lawson, Mr. James Layland, Curelle Lee, Maur Levan, Mr. and Mrs. Arthur Lichtenwalner, Ms. Maria Lieberman, Mr. and Mrs. Delsin Lindter, Mr. and Mrs. Douglas Lloyd, Ms. Samantha Loving, Mr. and Mrs. Alan Lucas, Ms. Harriet MacDonald, Ms. Virginia MacDonald, Ms. Holly Macko, Ms. Susann Madara, Elfie Maniatty.

Ms. Reba Marblestone, Ms. Tara Marsh, Ms. Judith Marushak, Ms. Ellen

Masenheimer, Ms. Rita Maugle, Jahvon McAuley, Ms. Ann McCandless, Ms. Marie McClay, Mr. and Mrs. Frank McCormick, Mr. Daniel McFadden, Mr. Charles McKenna, Ms. Patricia Mease, Mr. Hector Mendrell, Ms. Elizabeth Messer, Ms. Pauline Metzger, Ms. Erica Miller, Ms. Justine Miller, Mr. Kyle Miller, Ms. Sharon Miller, Ms. Stephanie Minarik, Ms. Ruth Morgan, Ms. Doris Moser, Mr. Patrick Murphy, Mr. and Mrs. Michael Nagle, Ms. Milly Nagle, Ms. Lauren Neveling, Mr. and Mrs. Matthew Oberdoester, Ms. Elizabeth Oberly, Mr. Kevin O'Neill, Mr. and Mrs. Edward Orach.

Mr. Michael Orendock, Mr. Gus Orphanides, Mr. Michael Palumbo, Ms. Georgine Patt, Mr. and Mrs. John Pello, Vergen Perez, Ms. Lillian Peters, Ms. Cheryl Petrakovich, Ms. Betsey Pitt, Kelly Potter, Ms. Judy Prodes, Ms. Linda Quinn, Marian Ramacci, Ms. Cynthia Raub, Ms. Eleanor Reichard, Ms. Valerie Reinhard, Ms. Sara Reinik, Ms. Janna Reiss, Ms. Sara Reiter, Phares Reitz, Ms. Susan Reynard, Ms. Kimberly Reynolds, Ms. Sharon Ritchey, Ms. Patricia Rice, Mr. Rey Rivera, Mr. Jorge Rodriguez, Mr. Joshua Rodriguez, Ms. Reina Rodriguez, Ms. Julia Rossi, Mr. Charles Roth, Mr. Ryan Ruch.

Ms. Allison Ruyak, Ms. Jennifer Sabot, Ms. Virginia Saemmer, Mr. James Sawruk, Mr. Roger Scanlon, Ms. Brenda Schaadt, Mrs. Betty Scharfenberg, Ms. Dorothy Scherer, Mr. Charles Schmehl, Ms. Mary Schmitt, Mr. Joshua Schnalzer, Mr. Justin Schnoll, Mr. Justin Schurawlow, Ms. Marie Scofield, Ms. Berverly Seibert, Mr. Richard Seitzer, Mr. Bobbie Shuhler, Ms. Kathy Schumack, Ms. Tara Siegle, Ms. Cathryn Sinnitz, Ms. Catherine Smicker, Ms. Dariene Smicker, Ms. Brenda Smith, Jamie Smith, Mr. and Mrs. Michael S. Smith, Ms. Arline Snyder, Ms. Melanie Snyder, Ms. Susan Soler, Mr. Simon Song, Mr. and Mrs. Travis So.

Mr. Justin Spanburgh, Mr. Jason Stauffer, Mr. Jerome Stephan, Ms. Lucille Stephens, Ms. Ruth Stier, Ms. Farahlee Straukas, Ms. Joyce Szmodis, Ms. Tamey Nora Lee, Ms. Nichole Taylor, Mr. Ted Terry, Ms. Lynn Teumim, Ms. Carol Thompson, Ms. Mary Lynn Thompson, Mary Kay Thomson, Mr. Bradley Trabosh, Ms. Jamie Trumbauer, Ms. Arlene Uhl, Ms. Mary Jane Uhl, Ms. Hope Ulmer, Mr. and Mrs. Richard Vorholy, Ms. Louise M. Wagner, Ms. Phyllis Wagner, Ms. Philomay Walker, Mr. Allen Walp, Ms. Mildred Wehr, Mr. James Wickert, Ms. Alice Widmann, Mr. Henry Williams, Ms. Geraldine Wilson, Ms. Katrina Wilson, Mr. Fred Yeakel, Mr. and Mrs. Jeff Youst, Ms. Dolores Zale.

JOSEPH W. DIEHN AMERICAN LEGION POST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. KAPTUR. Mr. Speaker, I rise today at the request of the Auxiliary of the Joseph W. Diehn American Legion Post in Toledo, Oh. The auxiliary has asked that its 2000 Annual Americanism Program be officially recognized, and I am pleased to submit the auxiliary's report for the record. The American Legion Auxiliary continues to play a vital role in holding dear the flame of freedom and imbuing its spirit in generations of young people through its annual Americanism program. Further, the program benefits the young participants directly by awarding academic scholarships to winners.

The Joseph W. Diehn American Legion Post Auxiliary's Legislative Chair, Jane Ann Rhoades submits:

"On February 20, 2000, J.W. Diehn held its annual Americanism program. The program was opened by Sylvania's Town Crier. Colors were posted by the newly formed Post Color Guard. The program was attended by local dignitaries including Sylvania's Mayor, Craig Stough, and Lucas County Commissioner Harry Barlos.

"The Sylvania Southview band played the 'Star Spangled Banner' and several patriotic hymns, including those of each branch of the armed services.

"The Americanism and Government test winners were presented with scholarships. This year's topic was 'Voting and the Importance of One Vote.' The winners were Chung Van Koh of Southview, Karen Wabeke of Northview, and Mike Samples of Northview. The government test winners were Rustam Salari of Southview, Jeff Allota of Northview, and Alexi Osborne of Southview.

"Miss Poppy, Cortney Furguson, read the 'Poppy Story.' The program concluded with the singing of "God Bless the USA."'

HONORING CONGRESSWOMAN PATRICIA SCHROEDER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. UDALL of Colorado. Mr. Speaker, to mark National Woman's History Month, I rise to honor an outstanding leader from Colorado—a woman who broke down stereotypes and fought hard for what she believed was right, Representative Patricia Schroeder.

Pat represented Colorado's 1st Congressional District from 1973 to 1996. As a 12-term Member of Congress, she was affectionately known as the feminist "Dean" on Capitol Hill at a time when feminism was thought of as a radical idea. She helped change the way people thought about women. Her hard work in Congress ensured that women would be allowed to take care of their newborn children, that men and women would be able to take family and medical leave to care for a loved one, and that violence against women would not be tolerated in America.

Representative Schroeder was first elected to Congress in 1972 on an anti-Vietnam war platform. One of her first committee assignments was the Armed Services Committee, where she helped reshape the debate about arms control, responsible defense spending and improved working conditions for military personnel. On that committee, Pat worked to make sure that spouses of military personnel received health and survivor benefits. She also authored legislation that authorized State courts to divide military pensions in accordance with State divorce laws.

During her tenure on the Armed Services Committee, Pat was the chair of the Subcommittee on Military Installations, and later she chaired the Subcommittee on Research and Technology. She also served on the Committee on Post Office and Civil Service and the Select Committee on Children, Youth and Families, which she eventually chaired. In addition, Pat was a member of the Committee on the Judiciary.

When she retired in 1996, Representative Schroeder was the dean of Colorado's congressional delegation. Coloradans are independent in thought and deed, and Pat is a perfect example of that characteristic. She fought old attitudes and prejudices and overcame great odds to make a difference in how women are perceived and treated. When Pat was asked why she was running as a woman, she would respond, "What choice do I have?" One of her slogans was, "When She Wins, We Win"—and so we did during the 24 years she served in the House. I am pleased to honor former Representative Patricia Schroeder during National Women's History Month.

RONGELAP RESETTLEMENT EXTENSION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I want my colleagues to be aware of a constructive and welcome agreement concluded this month by the Department of the Interior with the Rongelap Atoll Local Government which is a direct result of a bill passed by the House last year. H.R. 2970, "A bill to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands." The primary intent of the legislation which I introduced with the Senior Democratic Member of the Committee on Resources, George Miller, was to extend for ten years the existing resettlement agreement initially required by Congress. Finally, the objective of Congress in H.R. 2970 was accomplished with the signing on March 10, 2000, of the Memorandum of Agreement on Implementation of the "Agreement Regarding United States Assistance in the Resettlement of Rongelap Concluded Between the United States Department of the Interior and the Rongelap Atoll Local Government".

Rongelap is an atoll in Micronesia and the home of people and islands which was contaminated by high level radioactivity during the U.S. nuclear testing program in the Marshall Islands. The United States provides assistance to this former Trust Territory community in accordance with the Compact of Free Association between the United States and the Republic of the Marshall Islands, as well as subsequent treaties and agreements relating to the current resettlement projects at Rongelap Island. The background on H.R. 2970 and Rongelap resettlement is set forth in House Report 106–404.

The Committee on Resources, which I chair, developed H.R. 2970 on a bipartisan basis, recognizing the success to date of the resettlement and radiological rehabilitation of

Rongelap and the need to continue the decision-making process of the resettlement of Rongelap by the local atoll government, rather than directly by the Department of the Interior. However, the legislation was also in recognition that the Department of the Interior had done a good job carrying out the resettlement policies embodied in Section 103(i) of Public Law 99–239, Public Law 102–154, and Section 118(d) of Public Law 104–134. Specifically, in the bill, we agreed to continue for at least another ten years the current program under which the Rongelap Atoll Local Government (RALGOV) manages the Rongelap Resettlement Trust Fund and determines its use to achieve the resettlement goals defined by the Rongelap people and address their current condition of dislocation.

On October 26, 1999, the House unanimously approved H.R. 2970, to extend by law the program for the resettlement of Rongelap which has been established by the Department of the Interior as directed by Congress under statutes authorizing resettlement assistance. The bill was referred to the Senate Committee on Energy and Natural Resources, which is chaired by my good friend from Alaska, Senator FRANK MURKOWSKI. I believe the Senate's willingness to take consideration of H.R. 2970 if the current policy were not continued by agreement between DOI and RALGOV contributed directly to the recent conclusion of just such an agreement.

What the DOI and RALGOV have now agreed to and accepted are indeed the same result as would have obtained under H.R. 2970. This outcome could have been accomplished by agreement of the parties or enactment of legislation, and I am pleased that the House action approving H.R. 2970 and the Senate's support for the underlying policy led the parties to take the initiative and agree to extend that policy for ten years as the House bill provided.

While the Secretary of Interior necessarily retains the power to disapprove use of the trust fund in a way that does not advance resettlement or address the conditions of dislocation, we believe RALGOV established a good record administering the resettlement program. Use of up to 50% of the annual earnings of the trust fund for local government operations so that it can bear the costs and burdens of administering the resettlement program has proven the efficient and economical way to carry out the resettlement program.

Without enabling the local government to support and manage the resettlement program directly, a community decision-making process and administrative structure that would duplicate the local government would have to be created to manage the resettlement process. Instead, the local government has taken responsibility for resettlement, dealing with dislocation and resettlement have become the central organizing mission and purpose of the local government instead of a program being carried out by the U.S. government. This has a democratic institution building effect for the community, and ensures a stable policy and program. This is important for planning purposes because resettlement is a long term project the ground rules for which should not change unless there is a good reason for it.

I commend the Rongelap Atoll Local Government for its successful management of Phase I of the resettlement program. Mayor James Matayoshi has improved local government operations in order to make RALGOV administration of resettlement possible. Coordination and cooperation between the local council and the Marshall Islands government is enabling far greater progress than anyone expected. With the extension of the agreement for ten years, Rongelap leaders can confidently engage in long-term planning and take action locally consistent with the federally-funded resettlement plan to move forward in the process of both physical resettlement, radiological rehabilitation, and cultural recovery that is taking place under the resettlement program.

Following is the agreement by the Department of the Interior with the Rongelap Atoll Local Government, dated March 10, 2000:

MEMORANDUM OF AGREEMENT ON IMPLEMENTATION OF THE "AGREEMENT REGARDING UNITED STATES ASSISTANCE IN THE RESETTLEMENT OF RONGELAP CONCLUDED BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE RONGELAP ATOLL LOCAL GOVERNMENT"

1. With respect to implementation of the "Agreement Regarding United States Assistance in the Resettlement of Rongelap Concluded Between the United States Department of the Interior and the Rongelap Atoll Local Government", dated September 19, 1996, as amended, it is hereby agreed that Section 3 thereof, as amended effective September 29, 1999, shall terminate at the end of fiscal year 2010, unless extended thereafter by agreement of the Secretary of the Interior or applicable law.

2. This agreement shall enter into full effect upon its signature on behalf of the United States Department of the Interior and the Rongelap Atoll Local Government.

Date: March 10, 2000.

JOHN BERRY,
Assistant Secretary for Policy, Management and Budget.

For the United States Department of the Interior.

Date: March 10, 2000.

HOWARD HILLS,
Counsel for Resettlement Affairs.

For the Rongelap Atoll Local Government.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GARY MILLER of California. Mr. Speaker, on Thursday, March 16, 2000 I had to return to my district in order to attend to personal business. During my absence, I missed roll call votes 53, 54, and 55.

Had I been present, I would have voted "no" on Mr. BOEHLERT's substitute amendment to H.R. 2372. I would have voted "no" on the motion to recommit H.R. 2372 with instructions. I would have voted "yes" to pass H.R. 2373, the "Private Property Rights Implementation Act of 2000".

TRIBUTE TO EAST TEXAS LITERACY COUNCIL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in recognition of the East Texas Literacy Council, which recently was selected to be the first literacy agency in the nation to receive accreditation from Literacy Volunteers of America. The Literacy Council is well known in my district for its outstanding work in promoting adult literacy, and it is with a great sense of pride that I join citizens and officials of Longview, TX, and Gregg County in paying tribute to those community leaders and volunteers who have contributed so much to the success of this organization.

Literacy Volunteers of America is a national, nonprofit organization consisting of more than 375 community programs in 42 states. The organization delivers local literacy services through a network of more than 50,000 volunteers nationwide who have helped more than half a million adults and their families gain literacy skills. It is quite an accomplishment for the East Texas Literacy Council to be chosen as the first local affiliate in the nation to receive accreditation from the Literacy Volunteers—and it is a testament to the dedication, hard work and quality of service of the Literacy Council's staff and volunteers.

The East Texas Literacy Council was founded as a community-based, nonprofit organization in 1987. Through collaboration with other community agencies, the Literacy Council provides opportunities for adults in Gregg County to develop the basic literacy skills necessary to attain self-sufficiency and to function successfully in their community. Last year more than 500 adults benefitted from this program—almost 200 learning basic literacy skills and more than 300 learning English as a Second Language. These adults were instructed by more than 100 volunteer tutors who received ten hours of basic literacy training.

Executive Director of the East Texas Literacy Council is Freda Peppard, who has provided effective leadership for the organization over the past nine years. Current officers of the Board of Directors are Mary Price, president; Clement Dunn, vice president; Jerre Jouett, secretary; and Jennifer Slade, treasurer. Others who have been instrumental in the Council's success include Cissy Ward, longtime community leader who helped organize the East Texas Literacy Council and became its first Executive Director, and Retta Kelly, formerly publisher of the Longview News-Journal, who served as the Council's first Board president. Another influential community leader, Nancy Jackson, served as Executive Director following Mrs. Ward's tenure. Mrs. Ward and Mrs. Jackson continue to advise and work with the Council.

The East Texas Literacy Council is a community success story—and an example of what can be accomplished through public/private funding and through community-based partnerships. Funding sources for the Literacy Council include the United Way, Community Development Block Grant funding and various fund-raising initiatives. Affiliations include Longview Partnership, Laubach Literacy Action, The Nonprofit Coalition and Literacy Volunteers of America.

Mr. Speaker, the cost of illiteracy to individuals, to their families and to society is enormous. Literacy programs, such as those sponsored by the East Texas Literacy Council, are vital in our efforts to help individuals acquire the skills they need to be productive citizens and to be able to support themselves and their families. It is a privilege to pay tribute today to this exemplary literacy organization in the Fourth District of Texas—the East Texas Literacy Council—and to those dedicated staff members and volunteers whose hard work has helped make this organization such a success.

PERSONAL EXPLANATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. SKELTON. Mr. Speaker, on Thursday, March 16, 2000, during debate of H.R. 2372, the Property Takings legislation, I was unavoidably detained due to a prior family commitment. Unfortunately, I was unable to vote on rollcall votes 53, 54, and 55. Had I been present, I would have voted "no" on rollcall vote 53, the Boehlert substitute, "no" on rollcall vote 54, the Motion to Recommit, and "yes" on final passage of the bill—rollcall vote 55.

HONORING ZETA BETA TAU FRATERNITY AND ROGER WILLIAMS DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. GILMAN. Mr. Speaker, today I applaud Zeta Beta Tau Fraternity, my brotherhood, for celebrating the life of Roger Williams, founder of the colony of Rhode Island, and a strong supporter of religious and political liberty.

In 1631, clergyman Roger Williams, left England, a land where he was dubbed a nonconformist and was persecuted for his religious beliefs, and came to the Massachusetts Bay Colony in America. Along with him came his wife and great wind of change, idealism and freedom. He would be called a troublemaker, because he believed that the royal charter did not justify taking land that belonged to the Native Americans and declared that people should not be punished for religious differences. In 1664, he published his most famous work, "The Bloudy Tenent of Persecution", which upheld his argument for the separation of church and state. In 1657, as president of the Rhode Island colony, he fought to provide refuge for Quakers who had been banished from other colonies, even though he disagreed with their religious teachings.

Today, as a member of Zeta Beta Tau Fraternity, I join my brotherhood in remembering and recognizing Roger Williams as an early champion of democracy and religious freedom. As we struggle against religious intolerance throughout our world, we should look to men, such as Roger Williams, who stood for freedom, in a world of persecution.

I am proud to be a member of the distinguished brotherhood of Zeta Beta Tau Fraternity, a organization of young men who are dedicating this day to the principles of tolerance, understanding, and brotherly love, by remembering Roger Williams.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Tuesday, March 21, 2000, I was unable to cast my floor vote on rollcall numbers 56 and 57. The votes I missed include rollcall vote 56 on Suspending the Rules and Agreeing to H. Con. Res. 288, Recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; and rollcall vote 57 on Suspending the Rules and Agreeing to H. Res. 182, Expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense.

Had I been present for the votes, I would have voted "aye" on rollcall votes 56 and 57.

HONORING 20TH CENTURY WOMEN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in celebration of extraordinary women of the 20th Century. Throughout our history women artists such as Missouri author, Laura Ingalls Wilder, have brought about needed social change in our State and Nation. Today, I honor a recording artist From Kennett, Missouri who has maintained strong ties to our State. Sheryl Crow joins a list of Missouri women who have contributed to an extraordinary century of women.

Ms. Crow's parents were big band musicians who encouraged her musical skills at an early age. She began playing the piano around the age of six and composed her first song at age 13. In the 1990's, Sheryl Crow forcefully expressed her thoughts and emotions on social causes such as youth violence, addressed in her platinum album lyrics', "Watch out sister, Watch out brother/Watch our children as they kill each other/With a gun they brought at the Wal-Mart discount stores" in her ongoing battle with the discount giant over guns and children. In retribution, Wal-Mart refused to sell her award winning records. A Florida State Supreme Court eventually ruled against Wal-Mart for illegally selling ammunition to minors who used the bullets to kill a Pensacola man.

Ms. Crow's music encompasses her personal experience and her passionately held beliefs to electrify audiences. Inspired by the likes of Walt Whitman and Bob Dylan. Sheryl Crow has influenced a generation of women to artistry and activism. Her ability to span generations and musical tastes has led Ms. Crow to be one of the most sought after musicians of our time. Her reputation for taking risks is demonstrated by her professional and personal courage to make mistakes and to achieve success. Her song, "My Favorite Mistake," reminds us that we must all have the courage to take risks in order to create something worthwhile.

In 1994 Sheryl Crow won Gammy Awards for Best New Artist, Record of the Year, and Best Female Pop Vocal Performance for her hit "All I Wanna Do." Two years later, the singer/songwriter won Grammys for Best Rock Album and Best Female Rock Vocal Performance for the song, "If It Makes You Happy." Her 1998 double platinum album, "The Globe Sessions" was named Best Rock Album at the 1999 Grammy Awards. Her latest effort, "Sweet Child O' Mine," received the 2000 Grammy for Best Female Rock Vocal Performance. Her peers in the music industry and her many dedicated fans have recognized Ms. Crow as a gifted musician and a woman empowered to inspire others.

Sheryl Crow cares passionately about eliminating the use of land mines, as demonstrated by her recent efforts in Southeast Asia on behalf of the victims of such weapons of war. The artist has journeyed to Capitol Hill in support of debt relief for the world's most impoverished nations. Ms. Crow has been an outspoken advocate of women's rights and has highlighted her concerns about youth violence issues in songs such as "Love is a Good Thing." I share her belief that one of the most effective ways of reducing youth violence in our culture is to support arts education in schools.

Ms. Crow exemplifies the positive value of artistic expression. I salute Sheryl Crow for being an inspiration as an artist and advocate. Her efforts to make the world a better place will continue to contribute to a better future in the new millennium. "For all you wanna do," Sheryl Crow, Missouri women thank you for your artistry, advocacy, your commitment to the Campaign for a Landmine Free World and a better life for our children.

COMMENDING THE WISCONSIN HISPANIC CHAMBER OF COMMERCE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. KLECZKA. Mr. Speaker, I would like to take this opportunity to commend the Wisconsin Hispanic Chamber of Commerce, which I'm proud to say is located in my district, for the outstanding job it has done to help Milwaukee's Hispanic community thrive. I would like to especially note the work of one of its leaders, Maria Monreal-Cameron, President of the Chamber. Her ceaseless energy and countless efforts on behalf of the Hispanic community in Milwaukee serve as a model to all those concerned with the improvement of civil life. The following is an article extolling Ms. Monreal-Cameron's efforts from the March 16th issue of The Wall Street Journal that I would like to submit for inclusion in the RECORD.

[From the Wall Street Journal, Mar. 16, 2000]

IN THE LAND OF BRATWURST, A NEW HISPANIC BOOM

IN A BIG POPULATION SHIFT, LATINO IMMIGRANTS FLOCK TO TOWNS IN THE MIDWEST

(By Paulette Thomas)

Milwaukee—Better known for beer and bratwurst, this city has dozens of Mexican restaurants and watering holes stretching block after block of low-slung buildings on the Hispanic south side.

Groceries distribute not one but three local Hispanic newspapers. A Yellow Pages for Hispanic businesses runs to 300 pages. Last year, Hispanic magazine rated Milwaukee the seventh-best city in America for Hispanics.

Milwaukee?

Hispanic immigrants and their descendants are fanning out and settling into Midwestern towns, far from the border regions and metropolitan centers more renowned as Latino hubs. "Vision Latina" began publishing last year for Nebraska Hispanics. Kansas City, Mo., and Cleveland have thriving Hispanic communities.

While about 60% of the U.S. Hispanic population, 18 million people, live in 10 major metropolitan areas, about 13 million Hispanics reside in second-tier cities across the U.S. Though little noticed, "that dispersal is one of the big stories of the 1990s," says Michael Fix, director of immigration studies for the Urban Institute, a Washington, D.C., think tank.

Many immigrants find second-tier cities more hospitable to newcomers than bigger cities, with affordable homes, decent public schools and job opportunities, particularly in Midwestern meatpacking plants, factories and foundries.

Once a family gets a foothold, others follow. That migration, dating back to the 1930s, has created a pool of Hispanics that represents about 4% of the Milwaukee population, leaving a deep imprint on the shores of Lake Michigan.

Across Wisconsin, the Hispanic population has tripled since 1980, to 185,000. "Milwaukee feels like home," says Gianfranco Tessaro, who moved from Peru to Milwaukee in 1981, following a brother, who met him at the airport with a pair of thick-soled shoes for the snow. Like most of the new Hispanic arrivals, Mr. Tessaro quickly found a low-skilled job. He started in a sheet-metal factory, cleaning and doing odd jobs. Since then, he married a Midwesterner, raised two sons, and now owns his own business, Inspired Artisans Ltd., which sells liturgical art and renovates churches.

Isolation of the first Hispanic Midwesterners has turned into community: "When I grew up in Boulder, there was one other Hispanic family," says Loren Aragon, who is 33. Today, Mr. Aragon lives in Milwaukee and works for his brother's thriving firm, Site Temporaries Inc., which places temporary workers, nearly all Puerto Rican immigrants, in light industrial jobs. About 600 a week pile into buses, along with translators on staff, who help pave the way. He supplies companies with lists of Spanish translations for words such as "breakroom" or "restroom," if they like.

With Wisconsin unemployment hovering around 3%, the foundries and factories of Milwaukee—home of Harley-Davidson Inc., Quad Graphics and a large J.C. Penney Co. distribution center—have given an especially warm welcome to the Hispanic workers. When Allen Edmonds Shoe Corp. couldn't fill jobs at its factory in northern Ozaukee County, it moved some of its operations to a facility on the south side of Milwaukee. Now, nearly all of its employees there are Hispanic, and most walk to their jobs. Strolling out after Friday's regular short shift, manager Sue Samson describes turnover at the facility in one word: "None."

A wariness of government has kept many Hispanics underground and without political voice. Hispanic leaders believe the census bureau has woefully undercounted the number of Hispanics in Milwaukee. Only 7% of the registered Hispanics voted in the past general election. Milwaukee has elected only two Hispanics to public office, Circuit Judge Elsa Lamelas and State Rep. Pedro Colon. Without a unified voice, Mr. Colon warned in a recent speech, "The south side will continue to decay."

Often a community is galvanized by a single energetic force, and in Milwaukee's Hispanic quarters it is 54-year-old Maria Monreal-Cameron. Presiding from a cluttered office in an incubator of mostly Hispanic businesses, a floor below Allen Edmonds, she is nominally the president of the Wisconsin Hispanic Chamber of Commerce, but her mission is to advance Hispanic people through every means she knows.

As a child in Wisconsin, Ms. Monreal-Cameron often woke up to find strangers huddled under blankets on her living room floor. They were families from Mexico and Puerto Rico, journeying for work in the factories of Milwaukee. Her parents, Mexican immigrants themselves, never turned away the new arrivals.

As an adult, she began joining local community boards when her youngest of six children was grown. She now is active on 18, often the first Hispanic representative.

She plays matchmaker with banks and businesses, acts as informal adviser to local entrepreneurs, and presses her political contacts for improvements on the south side. She successfully took on the political establishment in a fight to upgrade the Sixth Street Viaduct, a ratty-looking 99-year-old bridge over the channel and industrial section that separates the Hispanic south side from Milwaukee's downtown. "It's the gateway to our community," she says.

She also helped secure government grants for the incubator, the Milwaukee Enterprise Center, with 25 small firms, mostly Hispanic. Their numbers include people like Roberto Fuentez, a former migrant worker who now has a small machine tooling shop. "This is something that doesn't take a lot of education, but you need some training," he says, sauntering past his machines.

Adalberto Olivares, a local Vietnam veteran, wanted to start a trucking business on a small loan from a former employer. "Al was leasing one truck," she says. "I said, 'You know what? Let's get going here, let's make it happen.'" She persuaded him to move his business into the incubator, and helped him get financing. He now has a fleet of 23 trucks, 12 of which are owner-operated.

Ms. Monreal-Cameron rolls her eyes at the inevitable stereotyping she encounters. A human-resources person from a local hotel called Ms. Monreal-Cameron blurting, "I need housemaids." Ms. Monreal-Cameron responded that the chamber isn't a placement service, but she knew several executives who would be fine human-resource candidates. "She hung up on me," Ms. Monreal-Cameron says.

THE NEW MELTING POT—RANKED BY PERCENTAGE INCREASE OF IMMIGRANTS FROM 1995 TO 1999[1]

State	*Growth*
1. North Carolina	73
2. Nevada	60
3. Kansas	54
4. Indiana	50
5. Minnesota	43
6. Virginia	40
7. Maryland	39
8. Arizona	35
9. Utah	31
10. Oregon	26

[1] For states with a foreign-born population of at least 50,000 in 1995. Source: Urban Institute

RESTORING SANITY TO FEDERAL BUDGET PRIORITIES

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. DEFAZIO. Mr. Speaker, I would like to bring to my colleagues' attention and submit for the RECORD an opinion piece included in the March 22, 2000, edition of the Washington Post. It was written by Doug Bandow, a Senior Fellow at the CATO Institute and former special assistant to President Reagan. The article makes a persuasive case for reducing the Pentagon budget and deflates the over-heated rhetoric of my colleagues about the need for over $300 billion in military spending. As Mr. Bandow writes, "To suggest that America is weak, let alone as weak as before Pearl Harbor, is nonsense."

Fortunately, there is an alternative. The Congressional Progressive Caucus budget proposal I offered makes sensible, realistic reductions in the Pentagon budget in order to more adequately fund education, health care, housing, veterans, nutrition and social service programs. Budgets are about priorities. Unfortunately, as this opinion piece from a former Reagan Administration official makes clear, our current budget priorities are "nonsense."

[From the Washington Post, Mar. 22, 2000]

SCALING DOWN IN A SAFER WORLD

(By Doug Bandow)

In political debates, America is often portrayed as a beleaguered isle of freedom in a world threatened with a new Dark Ages. Yet the truth is that the United States is safer today than it has been at any time in the past half-century. It's time for Washington to cut military outlays sharply.

While Al Gore and Bill Bradley were sparring over health care in the primary campaigns, the leading Republican candidates pushed to "strengthen" the military. For instance, Texas Gov. George W. Bush complains that "not since the years before Pearl Harbor has our investment in national defense been so low as a percentage of GNP." Sen. John McCain (R-Ariz.) sounded like an echo when he warned that "the last time we spent so little on defense was 1940—the year before Pearl Harbor."

Even more apocalyptic is conservative radio personality Rush Limbaugh, who warns that "we cannot survive more liberalism" at home or abroad. After all, he explains, "the world is far more dangerous than the day Ronald Reagan left office."

It is unclear, however, in what world they believe Americans to be living.

True, the percentage of GNP devoted to defense, about 3.2 percent, is lower than at any time since before World War II. Although that number fell to 3.5 percent in 1948, it climbed sharply with the onset of the Cold War and the very hot Korean War. One must go back to 1940, when military outlays ran about 1.7 percent of GNP, to find a lower ratio.

But so what? America's GNP then was $96.5 billion, or about $1.2 trillion in today's dollars. That compares with a GNP of more than $8.7 trillion in 1999. In short, one percent of GNP today means eight times as much spending as in 1940.

Moreover, the United States was a military pygmy in 1940, with just 458,000 men under arms, up from around 250,000 during the mid-1920s through 1930s. America lagged well behind Britain, China, France, Germany, Japan, Russia—and even Italy.

Today Washington dominates the globe. It accounts for more than a third of the globe's defense outlays. It possesses the strongest military on earth: a well-trained force of 1.4 million employing the most advanced weapons. The United States spends as much on the military as the next seven nations combined, five of which are close allies.

In short, to suggest that America is weak, let alone as weak as before Pearl Harbor, is nonsense.

No less silly is the contention that the United States faces greater threats today than a decade ago. The world is messy, yes, and the end of the Cold War unleashed a series of small conflicts in the Balkans. But most of the globe's nasty little wars—such as in Angola, Kashmir, Sri Lanka and Sudan—began well before 1989. And none of these conflicts threatens the United States as did the struggle with the Soviet Union.

Moreover, virtually every pairing today favors America's friends. The Europeans spend more on the military than does Russia; Japan's outlays exceed those of China; South Korea vastly outspends North Korea. America's implacable enemies are few and pitiful: Cuba, Iran, Iraq, Libya, North Korea and Serbia collectively spend $12 billion to $13 billion on the military, less than such U.S. Allies as Israel and Taiwan.

A decade ago was not so rosy. Not only did the Soviet Union spend more than twice as much as does Russia, but it formally confronted America. The Warsaw Pact states spent as much as NATO's eight smallest members. Heavily militarized Third World communist nations such as Angola, Ethiopia, North Korea and Vietnam, threatened U.S. surrogates. Most important, the American homeland was at risk. Today the possibility of a foreign attack on the United States is a paranoid fantasy.

Except in one form—terrorism. Although foreign governments, facing the threat of massive retaliation, are unlikely to strike America, ethnic, ideological and religious groups might not be so hesitant. But they are unlikely to do so out of abstract hatred of the United States. To the contrary, most acts of violence, such as those perpetrated by Osama bin Laden, are in response to U.S. intervention abroad. Terrorism is the weapon of choice of the relatively powerless against meddling by the globe's sole superpower.

In this case, America's strength, its global pervasive presence, is America's weakness. The solution is not more military spending but greater military caution. The risk of terrorism must be added to the other costs of intervening in foreign quarrels with little relevance to U.S. security.

Should America's military be strengthened? Yes: Problems with readiness, recruiting and retention should be addressed, and missile defenses should be constructed. But outlays could still be slashed by shrinking force levels to match today's more benign threat environment. The world is less, not more dangerous, than a decade ago. America is relatively stronger today than ever before, notwithstanding the misguided claims of Messrs. Bush and McCain.

HONORING THE CONGRESSIONAL AWARD PROGRAM

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Mr. TAUZIN. Mr. Speaker, I urge all my colleagues to join me today in recognizing The Congressional Award and the thousands of young Americans and adult advisors who participate in this truly outstanding youth program. The Congressional Award is our own, United States Congress' own, award program for America's youth. The Congressional Award is a public private partnership created by Congress to promote and recognize achievement, initiative and service in America's youth. The Congressional Award provides a unique opportunity for young people to set and achieve personally challenging goals that build character and foster community service, personal development and citizenship.

A 1986 recipient of The Congressional Award Gold Medal, John M. Falk in commenting on The Congressional Award said the following:

> The United States Congress, through the Congressional Award, has made a lasting and positive impact on every young person to receive this Award by simply recognizing and encouraging their service to our communities, their initiative and their unique achievements.
>
> The Congressional Award is a true public private-partnership that is premised upon the very basic concept that by recognizing and encouraging young people to give of themselves to their communities and their neighbors, not only will our communities be better off but so will our young people by the very nature of the experience—hopefully for the rest of their lives.
>
> The power and importance of the Congressional Award draws from the fact that truly any young person willing to accept the challenge can earn the Award. If you speak with a former Award recipient you will quickly learn how their lives have been changed in very positive ways by building self esteem and leadership skills, encouraging initiative and reinforcing the value of service to others. The Congress has every right to be proud of this bipartisan program and the manner in which they have directly enriched the lives of thousands of young Americans since 1979.

On Wednesday, March 22, 2000 The Congressional Award Foundation will hold its Annual Gala at the Ronald Reagan International Trade Center to celebrate 20 years of service and commitment to America's youth. I encourage all of my colleagues to support this program and join in the celebration. In addition, I would add special thanks to our private sector partners who make The Congressional Award possible through their support; they are:

2000 CONGRESSIONAL AWARD GALA STEERING COMMITTEE

Gala Chair

Glaxo Wellcome, Inc.

Gala Co-Chairs

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Cinergy Corporation
Colombian Flower Council
Comsat Corporation
Centennial Communications
CSX Corporation
Discovery Communications, Inc.
General Dynamics
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Halliburton Company
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International Paper Company
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Lockheed Martin Corporation
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MCI WorldCom Corporation
National Mining Association
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Philip Morris Companies, Inc.
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RAG American Coal Holding, Inc.
Southern Company
Thomas D. Campbell & Associates
Thompson Creek Metals
UST Public Affairs, Inc.
Wachovia Corporation
The Willard Group
The Williams Company, Inc.

The support of these private sector sponsors has enabled The Congressional Award National Office to create exciting new partnerships with schools and youth organizations across the Nation.

Thousands of new participants will enjoy the benefits of participation in the Congress Award thanks to their efforts. I commend them for it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 23, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on DOD policies and programs to combat terrorism.
SR–222

10 a.m.
Governmental Affairs
To hold oversight hearings to examine rising oil prices.
SD–342

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR–253

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Environmental Protection Agency's clean air programs and the Army Corps of Engineers wetlands programs.
SD–406

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD–430

Small Business
To hold hearings to examine the extent of office supply scams, including tonerphoner schemes.
SD–562

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with mind body and alternative medicines.
SD–192

Governmental Affairs
Investigations Subcommittee
To hold oversight hearings to examine settlements between the Health Care Financing Administration (HCFA) and certain Medicare providers and whether these settlements conform to HCFA regulations.
SD–342

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD–192

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine cyber attacks, focusing on removing roadblocks to investigation and information sharing.
SD–226

2:30 p.m.
Foreign Relations
To hold hearings to examine issues dealing with Iran and Iraq, focusing on the future of nonproliferation policy.
SD–419

3 p.m.
Energy and Natural Resources
Foreign Relations
To hold joint hearings to examine United States dependency on foreign oil.
SH–216

MARCH 29

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold oversight hearings to examine the Dr. Peter Lee case.
SD–226

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD–124

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Governmental Affairs
To hold hearings on how to structure government to meet the challenges of the millennium.
SD–342

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD–192

Finance
To resume hearings to examine the inclusion of a prescription drug benefit in the Medicare program.
SD–215

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.
SD–342

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, and S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land.
SD–366

Indian Affairs
To hold hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band; S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments; and S. 1509, to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations.
SR–485

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD–138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.
SD–124

Energy and Natural Resources
To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD–430

10:30 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on the Administration's fiscal year 2001 budget for programs with the Environmental Protection Agency's Office of Solid Waste and Emergency Response.
SD–406

2 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine racial profiling within law enforcement agencies.
SD–226

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the President's October 1999 announcement to review approximately 40 million acres

of national forest lands for increased protection.

SD–366

MARCH 31

9:30 a.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold oversight hearings to examine the Department of Energy's findings at the Gaseous Diffusion Plant in Paducah, Kentucky, and plans for cleanup at the site.

SD–366

APRIL 4

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.

SD–138

APRIL 5

9:30 a.m.

Indian Affairs

To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD–192

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD–138

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

SD–366

APRIL 8

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD–192

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD–138

10 a.m.

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

APRIL 12

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD–138

Indian Affairs

To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD–366

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD–192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

SENATE—*Thursday, March 23, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Giver of every good gift for our growth as Your people, we acknowledge our utter dependence on You. All that we have we received from You. You sustain us day by day, moment by moment. We deliberately empty our minds and hearts of anything that does not glorify You. We release to you any pride, self-serving attitude, or willfulness that we may have harbored in our hearts. We ask You to take from us anything that makes it difficult not only to love but to like certain people. May our relationships reflect Your initiative love and forgiveness.

We commit to You the work of this day. Fill this Chamber with Your presence and each Senator with Your power that whatever is planned or proposed may bring our Nation closer to Your righteousness in every aspect of our society. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. HAGEL). The acting majority leader.

SCHEDULE

Mr. CAMPBELL. Mr. President, today the Senate will be in a period for morning business until 11 a.m. By previous consent, the Senate will proceed to a vote on the Wellstone amendment No. 2888 at 11 a.m. with 2 minutes equally divided prior to the vote. Following that vote, the Senate will immediately vote on final passage of the bill. Therefore, Senators may expect the first votes of the day at approximately 11 a.m. This afternoon, the Senate may begin consideration of any other Legislative or Executive Calendar items cleared for action.

MEASURES PLACED ON THE CALENDAR—H.R. 3081 AND S. 2267

Mr. CAMPBELL. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

> A bill (H.R. 3081) to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.
>
> A bill (S. 2267) to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

Mr. CAMPBELL. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. Under the rules, the bills will be placed on the calendar.

Mr. CAMPBELL. Mr. President, I had reserved 10 minutes for morning business. My friend from Nevada has a comment he wants to make.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I express my appreciation to the Senator. I want to speak now and use some of the leader's time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I appreciate the courtesy of my friend from Colorado. He and I have worked together on many different issues.

EXPORT ADMINISTRATION ACT

Mr. REID. Mr. President, this morning I want to talk about export controls. We all brag and are enthused about what is going on in the high-tech industry in America. There are stories we can tell of friends who have made huge amounts of money in the new economy.

It is truly unbelievable and remarkable what we can do today. This little thing I carry in my pocket has all my addresses and phone numbers. It has in it a dictionary. It has in it a calculator. It has in it the Old and New Testaments. It is unbelievable what is in this little, tiny thing I carry around in my pocket. With the flick of my hand, I can get anything I want out of this.

While we are talking a good game in Washington, we are not doing a good job to support this strong economy and to make sure the high-tech industry is allowed to continue.

We need to pass the Export Administration Act. We have not passed it. As a result—and it will happen if we do not pass a law—this industry is going to go someplace else with the jobs. The Bureau of Export Administration and the Defense Department are still conducting their business as if we were in the cold war. The cold war is over, and we have to really understand the economic and political world has changed dramatically.

Last year, Senators GRAMM, ENZI, and JOHNSON, together with the leader, Senator LOTT, agreed to move forward the Export Administration Act before the end of 1999. Each one of those Senators has lived up to what they said they would do. They have tried to move the bill forward. The chairman of the Banking Committee, Senator GRAMM, has worked very hard to move this legislation forward. Senators ENZI and JOHNSON have worked hard. The majority leader has tried to move this legislation forward.

Frankly, the majority is unable to join together to allow us to move this bill forward. It was on the floor for an hour or so 2 weeks ago. I repeat, it is not for lack of trying by Senators GRAMM, ENZI, and JOHNSON. They all worked in good faith and have tried to accommodate everyone.

When the bill passed out of the Banking Committee, it had the full support of the committee, while still protecting our national security. I am afraid, due to the serious disagreements within the majority, this bill will not come to the floor anytime soon. That is really too bad.

I have the greatest respect and admiration for the ability of Senator GRAMM of Texas to legislate. He has done many things from the time he was in the House to his time in the Senate. I hope he can use some of the experience and wisdom he has to move this forward. The majority must move this bill. I do not believe we are living up to what is necessary for this burgeoning economy if we do not move this legislation.

A couple days ago, I met with members of the high-tech industry. They voiced concerns about the need to update our export policies. They said it was one of their two or three top concerns and, frankly, a few Members of the majority are stopping our Nation's progress in this area.

As with many issues, I often hear Congress will best serve the public and industry by doing nothing at all. That is simply not true. This is one of the areas in which we can be of great help to the high-tech community, in export controls. It is essential. There are currently a number of U.S. products that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cannot compete with our foreign competitors due to export control limitations, not because of national security interests but because of the slow review process in Congress. We are trying to change that. That is what I am talking about.

In June of 1999 and January of this year, with the urging of the minority leader, Senator DASCHLE, myself, and others, the administration agreed to ease the level of controls which are referred to as MTOPS—million theoretical operations per second. MTOPS. We, as well as those in the computer industry, were elated by the news.

However, as it stands now, there is a 6-month congressional review period for raising the level of MTOPS. The Banking Committee bill reduces the time from 180 days to 60 days. This is a step in the right direction. But I, along with Senator BENNETT of Utah, Senator DASCHLE, Senator KERRY of Massachusetts, Senator MURRAY, Senator BINGAMAN, Senator KENNEDY, and Senator BOXER, believe a further reduction is necessary; that is, to 30 days. There is an amendment pending, if this bill ever comes back up, to change it to 30 days. I am confident it will be adopted overwhelmingly.

The reality of the situation is, by limiting American companies to this degree, we are not only losing short-term market share but we are allowing foreign companies to make more money and, in turn, create better products in the future, to which we will never catch up. This could lead to the eventual loss of our Nation's lead, and it is an absolute lead in computer technology, which has propelled the United States to the good economic standing we are experiencing today. The issue of updating our export controls is critical to our Nation's economy and the success of our high-tech industry.

I urge the majority to move this bill forward, to allow the amendment process, and let's get on with it. The cold war is over. People must understand the cold war is over. If American companies can make more money overseas, they will simply invest more money into research and development there, and that is wrong.

I extend my appreciation to my friend from Colorado for allowing me to proceed.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with time to be equally divided between the Senator from Idaho, Mr. CRAIG, or his designee, and the Senator from Illinois, Mr. DURBIN, or his designee.

Under the previous order, the Senator from Idaho, Mr. CRAIG, shall be in control of the first half of time.

The Senator from Colorado.

THE OIL CRISIS

Mr. CAMPBELL. Mr. President, I would like to proceed in morning business for about 10 minutes. I would like to add my comments to those of my colleagues who spoke yesterday who were concerned about the rising cost of fuel. Many of my friends and colleagues have spoken to the issue of our rising dependency on foreign oil. This morning, I would like to take a little different perspective and talk a little bit about how the crisis affects the backbone of American commerce, which is the backbone of the American trucking industry.

Over 95 percent of all commercial manufactured goods and agricultural products are shipped by truck at some point. Mr. President, 9.6 million people have jobs directly or indirectly related to trucking. In addition, trucking contributes over 5 percent of America's gross domestic product which is the equivalent of $272 billion in the economy every single year. Over 6.7 billion tons of goods are shipped in this Nation every year. Those are staggering numbers. I use them to emphasize the impact that trucks have in America.

I know the trucking life myself. I started driving when I was 21, when I got out of the service. I put myself through college by driving an 18-wheeler. Last year, I decided to renew my commercial driver's license in the State of Colorado and I attended a truck-driving school to do that. I have a small tractor trailer so I know firsthand the impact of the increase of fuel. Paying the bill for 200 gallons of fuel in a truck is not like filling up the family car, and these long-line trucks, by the way, fill up every day.

Last week, while the Senate was in recess, I spent the week making deliveries in a truck along Colorado's Front Range. I did it so I could see and hear firsthand what truckers, as well as shippers and other related businesses, are going through. At diners, gas stations, and delivery points, they told me from their perspective it is much worse than anyone in Washington may imagine.

While I was driving, I met a man named Wesley White from Oregon who said he was on his last run. He couldn't afford to continue fueling his truck. He had been a policeman for over 20 years and at the end of his police service he retired, took his pension, and bought a truck with the intent of going into business for himself. But, this time around when he gets home he is going to park the truck for good. Without the income from delivering goods, he is not going to be able to make his truck payments. He will lose the business of the truck and he will also lose his pension which he used to buy the truck.

Wesly is not alone. Three times in the last 2 months, hundreds of truckers from all over the United States have come to Washington to ask for help. I attended the first rally in February, and I went to another one yesterday. One thing I did learn, when these people come to Washington, they are not here to complain about profit margins or stock prices. They are here because their very livelihood is on the line.

I have to tell you, Mr. President, I never met a trucker who wanted a handout. They want a job, a fair shake, and fairness from Congress. One trucker I met at the last rally I went to had a wife and two small children. The four of them were actually living in the sleeper of the truck because the increased price of diesel fuel did not leave them enough money at the end of the month to even pay house rent.

Unfortunately, this administration has ignored the plight of these hard-working Americans. The administration has got us into this mess by the total lack of any energy policy. They stand in the way of domestic oil production, they refuse to release Federal fuel stockpiles to drive the cost of fuel down, and they continually lock up public lands so we cannot explore for new resources. Now faced with sky-rocketing diesel prices, they still do nothing of substance, instead they are hoping the OPEC oil ministers will reverse their strategy to limit production and increase fuel prices.

We fought the gulf war, as you and I know, and this is how we get repaid. In fact, in a rather strange twist of fate we are now also dependent on Iraqi oil.

Instead of increasing our own resources, the Secretary recently went to the Middle East, hat in hand, to beg for fuel. Now administration officials are coming before Congress to propose we study alternative energy resources. I have news for them. Trucks don't run on solar and they don't run on wind; they run on diesel. Everything we buy, eat or wear is delivered on a truck. If they stop rolling, very simply this Nation also comes to a stop.

Even if OPEC increases production, the effect on the American consumers will be months away, we need immediate relief. In that context, I recently introduced S. 2161 entitled "The American Transportation Recovery and Highway Trust Fund Protection Act of 2000." This bill would temporarily suspend the Federal excise tax on diesel fuel for 1 year, or until the price of crude oil is reduced to the December 31, 1999, level. It would replace lost revenues with moneys from the budget surplus in the general fund while protecting the highway trust fund. The bill has bipartisan support, with 12 cosponsors. Even at that, we know it is only a short-term solution.

The real problem is our dependency on foreign oil. All the negotiations this administration is doing to get OPEC to open its spigots is not more than a Band-Aid approach to the problem that will continually revisit us as long as we are dependent on foreign oil. The administration has known this and the danger to our national security since 1994. Senator MURKOWSKI spoke to that yesterday.

It is unfortunate we, as a global superpower, are reduced to begging. More forceful actions are needed and must be taken to expose the severity of the problem and to address it now and in months to come. We cannot simply stand by and do nothing.

We can do better. We should be opening new oil fields. We should be doing better incentive work to keep the stripper wells from closing, and certainly we should renew our efforts in oil shale and other renewable fuels that can be turned into gasoline oil. Most of all, we have to untether ourselves from Mideast oil.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, a number of my Republican colleagues have spoken on the floor about the absence of an energy policy on the part of the Clinton-Gore administration. I believe that description is only half right. It is true the Clinton-Gore administration has no express energy policy that would lead or even contribute to U.S. energy independence. But the Clinton-Gore administration, on the other hand, does have a very significant implicit energy policy. Under that policy, it discourages or prohibits exploration for either oil or natural gas over extensive and increasingly large areas of our country.

Under that implicit energy policy, it proposes to reduce the amount of hydroelectric power we have and, in fact, to treat hydroelectric power as though it were not renewable.

Under that implicit energy policy, it has given us an increasing dependence each year on foreign sources for petroleum products, now at 55 or 56 percent, and inevitably directed at 65 percent or two-thirds of that oil. Implicitly, it has given us an energy policy that resulted last month in the largest single trade deficit in the history of the United States, due, in major part, to imports of petroleum products and a trade deficit that will inevitably continue to increase.

So suddenly we do have a short-term explicit energy policy. It is to send the Secretary of Energy of the United States of America, hat in hand, to countries in Latin America, in Southwest Asia, and now most recently into Nigeria, to plead with these countries to lower the cost of the oil they send to us. This is a total abdication of the appropriate policy of an administration interested in the trade balance of the United States and in energy independence for the United States.

Mr. President, what is the answer to this question? Obviously, in the short term our hands are relatively tied. We do, however, have one option in front of us which we can engage immediately that will provide at least modest relief to the American people during the course of this energy crisis, and that is the elimination—whether permanent or temporary—of the 4.3-cent motor vehicle fuel tax that was imposed by the President and the Congress in 1993. I am convinced we should follow that course of action. It is urgent for everyone. It is overwhelmingly urgent for the airlines of the United States that operate in a highly competitive atmosphere. They are being brutally punished, along with their passengers, with the increased airfare caused by that tax.

This is an option the Congress could and should take up and pass with extreme promptness. However, in the long run, the more important solution is a longer-term solution. That solution lies on two sides: the supply of energy for the people of the United States to use and the way in which we use that energy with appropriate conservation measures.

From the point of view of supply, when we deal with petroleum alone, we should change policies which have discouraged production in the United States—policies of regulation and taxation and hostility that have closed down existing sources of supply in various parts of the United States.

We should very seriously consider and move toward the creation of new sources of supply rather than cutting them off and prohibiting them, whether they are in the North Slope of Alaska or in various parts of the lower 48 States of the United States. We need to do this in order to have any leverage with the rest of the world with respect to the prices it charges us for petroleum supplies. This policy should apply not only to petroleum but to natural gas as well.

Second, I am convinced we should continue to encourage and should encourage even more the production of at least supplements to our petroleum supply that are totally within the control of the United States and that are renewable in nature. Ethanol perhaps ranks as No. 1 on this particular list. It can be produced by American grain. It adds to our supply, and it is, of course, completely within our own control, and it enriches the people who provide these agricultural commodities.

Next, from the point of view of conservation, I point out the utter and insane folly of proposing to remove dams from the Snake River that produce renewable and environmentally benign electric power. If those dams are removed, as many in the administration wish to do, we will end up putting 700,000 trucks on the roads of the northwestern part of the United States each and every year more than are on those roads at the present time—major trucks that carry grain and other products for export. The idea that we should be using all of that additional amount of diesel and gasoline fuel is simply, in my view, beyond reasonable consideration.

Finally, I believe we have to aim at the way in which we as Americans use power, and particularly motor vehicle fuels. Last July, for the first time in several years, this body was asked once again by me and by other Senators to go back to the successes of the 1970s and to reestablish a Government program to improve the energy efficiency of our automobiles and small trucks, the so-called CAFE standards. In the 1970s, this was one of the most successful programs—the single most successful governmental program—in history. We came close to doubling the average mileage of our passenger automobiles during that period of time. This crisis would not be a crisis; it would be an unmitigated disaster had those who perceived it not established and implemented those policies of the 1970s. But in the early 1980s, we abandoned that policy, and we have abandoned it ever since.

We have even gone so far in this body and in the other body to prohibit any study of increasing CAFE standards, as far as small trucks are concerned, and even automobiles at any time in the immediate future. When we voted on that proposition last July, 40 Members of this body—not a majority but a very substantial minority—voted in favor of it before there was a crisis. Now the crisis is upon us. Now we have people wondering why it is our small trucks and SUVs are so energy inefficient. People are being punished by the lack of foresight of this administration and having the cost of operating those vehicles increase exponentially, and it is often not affordable.

I am convinced that in addition to providing a greater degree of supply from sources within the United States we must, once again, focus on making our use of that energy and particularly making petroleum energy more efficient. The best way we can do that is by going back to the CAFE standard regime we had a generation ago in the United States and doing what is technologically quite feasible to do by increasing anywhere from 20 to 50 percent the efficiency of the engines that use petroleum products. That would be a true energy policy—an energy policy both for the short term and the long term, a policy which is totally and completely lacking in the Clinton-Gore administration at the present time.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to join many of my colleagues in expressing my deepest concern about the problem concerning energy and the cost of energy to many working Americans, and certainly to my constituents in the State of Maine.

We have been plagued by a significant surge in increases at the pump—certainly during the wintertime in the State of Maine concerning oil prices, home heating oil prices that more than doubled within a 1-month period, not to mention the gasoline prices we are seeing and the tremendous spike in those prices, as well. And, even according to the Department of Energy's own information, we will not expect an abatement of those prices by the end of the year. In fact, we can expect to have continuously high prices in terms of gasoline.

We know that the OPEC countries are going to be meeting on Monday, 4 days from now. We hope the administration and the Congress sends an unequivocal message that they rethink their unconscionable policy of keeping a very low level of production when it comes to petroleum products.

We know that a year ago in October they made a decision to limit production when it came to oil. The administration was well aware of the fact that the OPEC cartel had made a deliberate and concerted decision to limit the production of oil. Even last fall, the Department of Energy's own report indicated that we could expect a 40-percent rise in home heating oil prices, and if it was a severe winter, a 30-percent rise in home heating oil prices. That was more than a 70-percent increase projected by the Department of Energy with respect to home heating oil prices. That was anticipated by our own Department of Energy last October.

In fact, my constituents in the State of Maine faced a 100-percent increase in home heating oil prices—a 100-percent increase. Yet we had silence from the administration—silence when the OPEC cartel made this decision to limit the production of oil without any apparent reason, and without any rationale.

Then the Department of Energy anticipated we could have up toward a 70-percent increase in home heating oil prices. In fact, we face a 100-percent increase. Yet there was a deafening silence from the administration when it came to the types of policies that could mitigate the burden the surging prices imposed on working Americans.

Here we are today anticipating what might or might not happen on Monday, the kinds of decisions made by the OPEC cartel. I hope the administration is working very hard to send a strong message that the OPEC cartel should reconsider its policy. Its policy is all the more shocking when we consider the men and women all across this country who defended the freedom of democracy for countries such as Kuwait and Saudi Arabia, that the United States lost 147 American lives, 458 were wounded, and 23 were taken prisoner in the struggle during the Persian Gulf war.

I think it is entirely appropriate for Congress and the administration to press OPEC in terms of the kind of decision they should be making on Monday. The administration also should consider predicating foreign assistance to some of these foreign countries that are part of the decisionmaking of the OPEC cartel, such as Mexico, whom we bailed out 5 years ago when it came to the peso crisis to the tune of $13.5 billion. We were prepared to bail them out up to the tune of $20 billion to ease the economic hardship imposed on their people. It is no different now.

Or Indonesia and Nigeria, for whom the President is proposing $256 million in economic assistance because these are countries in transition. Again, our assistance should be predicated on their cooperation.

Those are the kinds of issues we must confront. In the short term, we have to deal with the reality of what is happening at the gas pump. I hope Congress will give consideration to recommendations that will be made by many who have been working on this issue to suspend the 4.3-cent gas tax which many Members opposed back in 1993 because we didn't think this was a hardship we should impose on the American people.

Beyond that, if the price of gasoline is going to surge upwards of $2—which it is already doing in California—we should clearly suspend all of the taxes on diesel and gasoline because it is that important to our economy and to Americans in all parts of the country, not just in one region; it will be in all regions.

When the Department of Energy says it would undoubtedly be too late to deflect domestic gasoline prices on their way to record nominal levels and may be too little to reduce prices much by the end of the year 2000, clearly we have something to be concerned about.

No one really knows even if OPEC will make a positive decision on Monday. I am concerned about the decision they will make on Monday or if they decide to have other meetings.

What does that all mean if this does not translate into lower prices at the gas pump this summer? We clearly will have problems. I know my State will have problems. It is a tourist State. We rely on tourism. It is the second biggest industry in the State of Maine.

I think we have to be prepared. I hope we do fashion a policy that is contingent upon what the price might be, irrespective of the decision made by OPEC. That is a decision the administration is not prepared to make, and they are not even prepared to take a step forward in any direction. The President announced last week: We will do a reserve in the Northeast but we need to do an environmental impact study; it needs legislation from Congress.

Senator DODD introduced legislation in which many joined because we think it is a prudent policy to set up a reserve in the Northeast to mitigate the impact of high price increases or an interruption in oil supply. What is so difficult about that? The President can't even take that step. He says there are a lot of contingencies involved. In effect, we don't have anything from this administration to address this problem. We don't have an energy policy.

Congress is going to have to take the concerted steps necessary to address these problems in the short term to be sure these are short-term solutions. We also have to look at the long term. I did support the CAFE standard issue that Senator GORTON addressed today as well. Obviously, the costs have been significant to this country in terms of transportation. We need to get better fuel efficiency with respect to automobiles and minivans.

We also should look at providing some incentives for the marginal producers in this country, the small producers, about which Senator HUTCHISON has also talked, as well. Congress will have to take the lead because it is clear that this administration is not intending to in any respect. Beyond anticipating we will have this problem this year, the administration has been virtually silent. I hope they make the message very clear to the OPEC countries about how important their decision will be on Monday.

Beyond that, we also have to be prepared for any contingencies in the future that these prices might not decline in the short term or for the reminder of this year. Frankly, it is not just my word, it is the word of the Department of Energy.

Again, I hope we will be taking actions in the next few days irrespective of what the decision might be from the OPEC nations.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Idaho.

Mr. CRAIG. Mr. President, I have come to the floor today, as has the Senator from Maine, to speak about the energy crisis our country finds itself in. Let me use those words again: energy crisis.

A week and a half ago, Senator SNOWE was before my subcommittee testifying on some key legislation she has introduced. The Senator from Maine recognizes the phenomenal impact high energy costs have on her State. Whether it is home heating or the transportation systems that drive her industries, she has recognized it clearly and early on announced to this administration there was a problem coming and encouraged them to change their policy. Yet they have done nothing.

As I listened to the Senator from Maine this morning, she spoke very clearly about what this country needs to do. I strongly support the words she has stated for the RECORD.

When the Clinton-Gore administration came to town in 1993, it announced its intent to drastically alter the way the Nation used energy, especially fossil fuels. Remember, briefly, the President and the Vice President determined that through the use of a broad-based Btu tax, they would drive us away from our most abundant and economical fuels to a renewable solar wind or biomass system. The objective has remained a hallmark of this administration's energy policy. That is all they have wanted to talk about until now.

Their policy now is to send the Secretary of Energy abroad with a tin cup, begging at the wells of foreign energy producers, asking them to please turn on their tap. We will know next Monday whether the begging of Bill Richardson and the energy policy of this administration has worked.

President Clinton promised early when he came to town that the tax he proposed, $72 billion over 5 years, was going to be fair, it was going to be healthful, it was going to force down dependency on foreign oil, and do the right things for consumers. In fact, it would have unfairly punished energy-intensive States such as mine, Western States where transportation needs and movements spread across broad expanses in agricultural States such as mine. The American Petroleum Insurance Institute and the National Association of Manufacturers predicted the tax would hurt exports, reduce GDP in this country by $38 billion, and destroy some 700,000 jobs. Yet the administration wouldn't listen. They drove on, pushing the tax issue.

Clinton and Gore claimed the tax was needed to balance the budget and fund large new spending programs to offset the negative impact of the tax. They also claimed the use of crude oil imports would fall dramatically, by 400,000 barrels a day.

At that time, DOE's own projections predicted the tax would shave oil import growth by less than one-tenth after 10 years. DOE predicted by the year 2000, Americans would depend on foreign oil for three-fifths of their total crude oil requirements.

The American Petroleum Institute testified before the Energy Committee on which I sit. It said:

> . . . even if imports were to fall by the full 400,000 barrels a day claimed by the administration, the cost of $34 billion in lost GDP is excessive relative to other alternatives for improving energy security. Using the administration's optimistic predictions, the cost of the Btu tax works out to be about $230 a barrel.

That is right, $230 a barrel. In the end, Congress refused. Thank goodness we listened to the experts. We didn't listen to the politics of the Clinton-Gore administration, and we said no. Hopefully, in the next few days we will also reverse something that was largely a Clinton-Gore initiative and that was the 4.3-cent-per-gallon gas tax that our consumers are now paying.

The Clinton-Gore administration's obsession with the use of fossil fuel reduction has actually put us in the position we find ourselves today. What does our President say? On March 7 of this year, he said:

> Americans should not want them [oil prices] to drop to $10 or $12 again because that . . . takes our mind off the business of . . . alternative fuels, energy conservation, reducing the impact of all of this on global warming.

Mr. President, we should not take our minds off energy conservation. That is good policy. We should not take our minds off alternative fuels, that is also good policy. But saying you are going to tax hydrocarbons out of existence and now finding this Nation pushing itself into an inflationary mode, finding our costs going up dramatically because of your policies, it was wrongheaded then and it is wrongheaded now. And we know it.

What has happened since 1993? Domestic oil production is down 17 percent. Domestic crude oil consumption is up 14 percent. Dependence on foreign oil sources of crude oil has risen to 56 percent of our total crude requirements.

In 1973, during the Arab oil embargo, our dependence on foreign crude was 36 percent of our crude oil requirement.

Iraq is our fastest growing source for U.S. crude imports, about 700,000 barrels a day. I have one thing to say to the President: Shame on you. Shame on you for the absence of policy and the clear knowledge that you had, that all of us had, that this kind of dependency would ultimately result if we did not push and we did not drive toward a more effective domestic policy to increase production and find all the other effective conservation uses we could find.

The Clinton-Gore administration, while making much of the increase in efficiency, greater use of renewables from biomass, and other things, ignores the very fundamental fact that a large part of our energy use cannot be addressed by these measures. Sure, it is an important part of the blend but a very small percentage of what is absolutely and necessarily needed.

Of course, those of us who come from agriculture recognize the importance of crude oil feed stocks to the chemical industry and the products they produce, which results in the high quality of agriculture production in our country. The administration fails to encourage domestic oil production and the production of coal and natural gas that now leads us to this point.

The administration has refused to acknowledge the vast reserves of oil and gas offshore, in Alaska and the Rocky Mountain overthrust area. Of course, we, the consumers, are now paying the price.

The Clinton-Gore administration recently announced a ban on future exploration on most of the Federal Outer Continental Shelf until the year 2012. Can you imagine that? Here we are, increasingly dependent on foreign sources, and the President turns his back on some of the largest reserves left in this country to be explored by some of the finest technology in environmentally sensitive ways that we now know, to bring oil into production in the Outer Continental Shelf.

In 1996, the administration resorted to the use of the Antiquities Act to lock up 23 billion tons of mineable low-sulfur, high-quality coal in Utah. The story goes on and on.

I would argue the Clinton-Gore administration has acted in other ways designed to force us away from the use of all of these resources that are so abundant and so available to us and wise for us to use. At the present rate, we are now demonstrating our unwillingness to produce at the local, national level. We will be 56-percent dependent, moving into 60-percent dependent in very short order.

The U.S. Forest Service has issued road construction policies that are designed to restrict the energy industry's ability to explore for oil and gas on Forest Service lands.

The Clinton-Gore administration has vetoed legislation that would have opened the coastal plain of the remote Alaska National Wildlife Reserve denying the Nation access to an estimated 16 billion barrels of domestic crude oil.

The administration has ignored a report prepared by the National Petroleum Council, requested by the Energy Secretary, explaining how the Nation can increase production and use of domestic natural gas resources from about 22 trillion cubic feet per year to more than 30 trillion cubic feet per year over the next 10 to 12 years.

The Clinton-Gore administration has shown little interest in solving our domestic energy problems until now as foreign oil producers have forced crude oil prices to over $30 per barrel and gasoline prices to almost $2 per gallon—double prices of only little more than a year ago.

I would argue that the Clinton-Gore administration has acted in other ways designed to force us away from the use of readily available, relatively inexpensive fossil fuels. It has chosen especially to vilify and deny the use of our most abundant national energy resource—coal. My distinguished friend from West Virginia, Senator ROBERT BYRD spoke eloquently yesterday on this subject and I want to add a few thoughts to his.

The U.S. has the world's largest demonstrated coal reserve base and accounts for more than 90 percent of our total fossil energy reserves.

At present rates of recovery and use, U.S. reserves will last more than 270 years.

Coal is used to generate over 56 percent of our electricity supply—and about 88 percent of the Midwest's electricity needs.

Coal use for electric power has risen more than 250 percent since 1970 while sulfur dioxide emissions have decreased to 21 percent below 1970 levels and introduction of new cleaner coal combustion technologies will continue to push emissions of all types down.

Electricity from hydro represents about 10 to 12 percent of our electricity needs.

Nuclear powerplants meet about 20 percent of our total electricity demand.

Yet the Clinton-Gore administration takes a dim view of these sources and has taken steps to reduce their use.

In November 1999 the Environmental Protection Agency sued several coal burning utilities claiming they made major modifications to their facilities without applying for New Source Review permits. Utilities maintain that the modifications fall within the "routine maintenance" exception to the new source rule, and that EPA had routinely approved such actions in the past.

EPA is discussing the notion that new source review should include "voluntary" regulation of CO_2—which is not a poisonous gas and which is not regulated by any part of the Clear Air Act.

EPA recently changed the toxics release inventory to require electric utilities to report chemical release data. The level at which reporting is required for Mercury was lowered by an order of magnitude. In making these changes EPA presented no studies or supporting rationale for why nearby communities should suddenly be concerned about such releases. Nevertheless, the reports will be widely published thereby placing utilities at the top of the list of "dirty" facilities.

In 1993, EPA concluded that coal combustion wastes (fly ash, bottom ash, slag waste, and other combustion products) from electric utility generation do not warrant hazardous waste regulation. EPA appears now to be prepared to reverse an EPA staff decision that coal combustion wastes do not warrant regulation as "hazardous."

In 1998, EPA issued revised Nitrogen Oxides New Source Performance Standards for all new and existing utility and industrial boilers. It based its standard on a single, very expensive control system regardless of boiler and fuel type.

Interior Secretary Bruce Babbitt has talked openly about "tearing down dams" in the West to restore habitat for fish, ignoring the power and transportation benefits they provide. And, the administration is imposing new, often impossible criteria that must be met before federal licenses can be reissued. Many existing hydro projects will seek relicensing over the next several decades.

Finally, the Clinton-Gore administration continues to threaten veto of legislation designed to create a permanent nuclear waste storage facility and which fulfills a longstanding promise by the federal government to create such a facility. Without a federal storage facility, U.S. nuclear generating stations, which are running out of onsite storage capacity may be forced to shut down their operations.

There are too many more examples of the Clinton-Gore administration's failure to produce a coherent, balanced national energy plan. It almost seems they are trying to create crisis after crisis in the hope that a magical solution will rise from the chaos—fat chance. Solving these problems requires tough choices and I suggest that we begin now by pursuing a number of short to long term objectives.

We should work with our Western Hemisphere neighbors to help them increase their crude oil production.

We should provide relief to consumers by cutting taxes on fuels derived from crude oil, such as the 4.3-cents a gallon tax and the 24-cent a gallon tax on highway diesel fuel and taxes on fuels for air, rail and barge transportation.

We need to step away from punitive, command and control environmental regulations and move toward performance based regulatory concepts that offer the regulated community opportunities to find flexible approaches to reducing emissions of legally regulated contaminants.

Finally, we need to face up to the fact that we are part of the problem. Our unwillingness to develop our own abundant oil, gas and coal resources dooms us to greater dependence on foreign sources, especially for crude oil. We must make the conscious choice to carefully find and develop our resources while protecting our environment.

CROP INSURANCE

Mr. HAGEL. Mr. President, I rise in support of S. 2251, the Risk Management for the 21st Century Act regarding crop insurance reform. I am an original co-sponsor of this important legislation and I thank my colleagues Senators BOB KERREY and PAT ROBERTS for their leadership on this issue.

Crop insurance reform has been a major, bipartisan legislative effort for farm state Senators. Reforming crop insurance is vital to America's agricultural producers and to the rural economies in all of our ag-producing states. We need to pass this legislation today.

The need for crop insurance reform has been a common denominator in my conversations with all of Nebraska's agricultural producers and agri-businesses, as I am sure it has for my colleagues as they have spoken with ag-producers across the country.

Every commodity organization and farm group that I've spoken with has urged Congress to reform and improve America's crop insurance programs.

Why is crop insurance important? By increasing and expanding private crop insurance coverage, ag producers can make long-term market decisions without being devastated by short-term economic downturns.

If we can assist in making crop insurance—an important risk management tool—more affordable and expansive, we will help producers weather the bad times.

S. 2251 makes a number of important changes to the crop insurance system that will benefit America's ag producers.

This bill establishes a new premium assistance formula to encourage producers to increase their crop insurance coverage by making higher levels of coverage more affordable, and increases the level of coverage farmers can purchase.

It will ease actual "production history" rules so that farmer's insurance coverage is less likely to be artificially depressed by successive years of bad weather.

This legislation will reduce the potential for insurance fraud and abuse with strong program compliance provisions.

It includes new pilot projects for livestock insurance, specialty crops, and coverage reinsured through futures markets.

By passing the Risk Management for the 21st Century Act we can help eliminate some of the uncertainty and instability in farm operations, thus allowing farmers to plan for the long-term.

Additionally, this legislation should help Congress and the American taxpayers reduce the need for disaster-assistance packages for our ag producers, and the costs associated with him.

If we can help provide farmers with the management tools they need to plan for their future, there will be less of a need to rely on future emergency supplemental appropriations bills when bad times strike.

I again thank Senators ROBERTS and KERREY and their staffs for their diligence in spearheading crop insurance reform, and acknowledge Senate Agriculture Chairman LUGAR for his leadership in getting this bill out of the Agriculture Committee and onto the floor of the Senate for a vote.

I urge my colleagues to support this important legislation. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Illinois controls the time until 11 a.m., of which the Senator from Montana, Mr. BAUCUS, shall have 10 minutes.

The Senator from Washington.

WHAT REALLY MATTERS IN EDUCATION

Mrs. MURRAY. Mr. President, 2 weeks ago, I sat through several days of discussion on education policy as we marked up the Elementary and Secondary Education Act in the Health, Education, Labor, and Pensions Committee.

Just last week, I went home and visited schools across Washington State and met with administrators, teachers, parents, and students.

The discussions we had here in Congress and the discussions I had in those classrooms could not have been more different. No wonder so many educators and parents are frustrated with Congress. Too often, what they hear from Congress has nothing to do with the real challenges they are facing.

While some of my colleagues were pushing their agenda of block grants and vouchers here in Washington, DC, the teachers I met with in Washington State were concerned about their ability to teach the basics and maintain discipline in their classrooms.

While these same colleagues of mine sought to diminish accountability, the parents I met with want us to insist that we have the highest possible academic standards in safe and modern classrooms.

While these same colleagues of mine were figuring out ways to shift resources away from meeting specific needs, the students I met with were wondering when there would be enough fully qualified teachers in their classrooms to help them get the individual attention they need to succeed.

Those parents, teachers, and students were shocked when I told them that my amendment to guarantee money for smaller class sizes was rejected by members of the Education Committee. It just does not make sense to them.

I wish that when we discussed ESEA, we had a few of those teachers sitting in the room with us. And whenever the discussion drifted to things that are far from the realities in today's classrooms, I wish those teachers were here to stand up and bring the discussion back to the real challenges our students face, day-in and day-out.

Today, too many teachers see overcrowded classrooms, children who arrive with basic needs unmet, jammed hallways, and tougher curriculum requirements.

Today, too many parents see teachers who are overworked—teachers who spend so much time on discipline it is hard for them to give every child the time and attention they need.

Today, too many students feel their needs are lost and their education is not a priority. All of us want to make sure that schools are safe centers of learning.

To reach their potential, our kids need real help now. They need the common sense solutions that we know can help them succeed.

It is simple. We know what works in education. We know what it takes to help children reach their potential. It is not a great mystery. These are the things that years of research have shown us are effective. They are the things that parents, teachers, and community leaders know make a difference. To show how simple this is, I have listed those ingredients we know work.

I am proud that Democrats are focusing on results with a commonsense agenda. We know that if we want children to succeed in school, they need a highly-motivated, fully-qualified teacher. We know they need a safe and modern classroom. We know they need a small, uncrowded class in which to learn. We know they need a focus on the basics. We know they need high standards and discipline. We know they need support from family and adults. We know they need resources for the classroom.

These are the commonsense policies that serve America's children—the policies that improve education and get results.

But unfortunately, this Congress is ignoring these proven approaches. They are ignoring what works. They do not want money to be targeted to these essential ingredients. They do not want us to focus on making sure that every school has guaranteed resources in each of these areas.

Many of us want to use these key ingredients to make the best schools possible. We want to guarantee that every school has the resources it needs. We want to change our schools—for the better—so we can get the results parents, students, and teachers are demanding.

Some have proposed block grants as the cure-all for education. Today, our nation's education policy guarantees that specific resources will be targeted to meeting specific needs. That is how responsible budgeting is done. That is how we ensure accountability.

But this Congress is working toward eliminating those guarantees. They do not want money to be guaranteed for reducing class sizes or for technology training for teachers or for modernizing schools. They want to eliminate all of those guarantees, create a pot of money, and give it to the States.

One teacher asked me: "Are there any studies that show that giving all the money to States in block grants actually improves education?"

Of course not. In fact, 35 years ago the American people made the national Government a partner in education because they realized that State and local governments cannot do it all on their own.

Public schools are one of the foundations upon which our democracy is built, and we need to do a better job of helping them perform at the highest levels.

Most disconcerting about these proposals for block grants is they are simply a blank check policy that will diminish the guarantee that education resources go to the students who need them most. Money that currently goes to hiring and training teachers and helping students with special needs—under these proposals could be used "for any education purposes"—anything from building a new lockerroom to redecorating office space.

In response to many who want a better education, some have proposed vouchers. What will that do? Without a doubt, it will drain scarce dollars away from public schools where 90 percent of America's children are trying to learn. Vouchers plans shift taxpayer dollars away from public schools to private and religious schools.

One parent in Washington told me last week: "I don't want you to give me a few hundred dollars to send my kid to another school. I want you to make my school work better."

The real question, and the one we are failing to answer, is: How can we work in partnership with states, educators, and parents to make sure that every student gets the things they need to reach their potential?

Many of my colleagues are asking the wrong question. they ask: How can the Federal Government's role in education be eliminated? They are talking about process, when we should be focusing on results.

This Congress should be asking: How can the Federal Government support local schools? How can we meet our national education priorities, like making sure every child can read, write, and use a computer?

And how can we help school districts do the things that are hardest for them to do, like hiring new teachers and building new schools?

I am afraid some of my colleagues aren't looking for ways to answer these questions. I am afraid they just want to gut our national education partnership.

In this country, we already have local control over education. State and local school districts set the curriculum. They hire the staff. States set standards and certify teachers. States and localities raise and spend 93 percent of all education funding. A lack of local control is not the problem. It is a lack of sufficient support and resources.

States, school districts, parents, and teachers are demanding that we, at the Federal level, work in partnership to ensure our kids get a good education. What matters to parents is that their kids get the best education possible. Parents don't care how the workload is divided. They care about results. And Democrats are focused on results.

One of the problems with block grants is that—in the budgeting process—they always end up getting cut because those dollars are not longer tired to a specific need. With block grants, our kids end up with fewer educational resources than they had before. In fact, we are already seeing a move underway to give our students fewer resources.

The Republican budget plan passed out of the House could jeopardize our ability to meet the needs in America's schools. Their plan could jeopardize our ability to keep hiring new teachers to make classrooms less crowded. They could jeopardize our ability to provide afterschool programs, to ensure safe and drug-free schools, to modernize old schools, and to build new ones.

Their plan could result in having $2.6 billion less for education than the President has requested. We shouldn't be shortchanging America's students, but I am concerned that is what the House Republican budget plan would do.

In fact, according the Congressional Budget Office, the Republican budget plan doesn't even keep up with inflation for key domestic investments, like education.

Parents, teachers and students in my home State—and across the country—are asking for help in education.

They want us to work in partnership with them to help their children reach their potential.

They want us to support the commonsense solutions that produce real results for our students.

And when they hear Members of this Congress talking about things that really don't make a difference in the classroom, they get pretty frustrated.

After meeting with and listening to so many frustrated parents and educators, I have come to the floor today to carry their message.

They want us to: Focus on what works. They want us to support the things that make a difference for children in the classroom. And they want us to work together in partnership with State and local educators to help children learn to meet the challenges of the new millennium.

I urge my colleagues to hear these calls loud and clear, to respond by bringing the debate here in Congress back to the realities that teachers, students and parents see in their classrooms every day across this country, and to pass a budget that follows our recipe for success by investing in the resources that every student needs.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY FARMERS

Mr. HARKIN. Mr. President, I support the pending amendment, which, as I understand, is the Wellstone amendment, a sense-of-the-Senate resolution commending the many farmers—the thousands of farmers and their families—who came to Washington over the last few days to rally in support of what I would call a sensible, sane, rational, and compassionate farm program that would support our farm families throughout this country.

We had farmers from every State. In fact, I listened to one farmer from Alaska who was here, a dairy farmer. So the rally actually was a national rally, one that encompassed all parts of our country.

What I heard, in talking to these farm families from across America, was a plaintive cry for us to have a farm policy in America that recognizes the essential worth, the essential importance, of having a structure of agriculture based upon family farming—widely dispersed, broadly based—rather than having a vertical structure characterized by conglomerates and huge vertical integrators that does not respond to the needs of local areas.

What these farm families were expressing was a frustration, a frustration borne out of their life experiences in knowing that what they have done and what their parents and grandparents before them had done in agriculture, knowing that this had benefited not only our Nation but had benefited the areas in which they lived. Because we had a lot of farm families in rural areas, we had prosperous small towns and communities. We had businesses in those communities. We had good schools and churches. We had a sense of community in rural America. Out of this structure in rural America came the sons and daughters who went on to colleges—land grant colleges, many of them—and who then became some of the great leaders of our country.

I need not remind those in this body of some of the great leaders in our own Senate who came from rural America, small towns and communities, farm families. I just saw our distinguished former majority and minority leader, Senator Dole, come across the floor. He comes from Russell, KS. You can't find a much smaller town than that. He has dedicated his life to public service. He is a great friend of mine and was a great leader in the Senate. I wonder how many more leaders we will get in this country coming from small towns and rural America when all these small towns have dried up, when there are no more opportunities there.

I think what I heard at this rally was this frustration. The farm families know what they have contributed to the well-being of our country and our communities. Yet now they are being decimated. They see their neighbors, one by one, being driven off the farm because of the economic structure we have in America. In 1998, two Iowa State University economists reported that as many as one-third of Iowa farmers would face serious financial problems if the farm economy did not improve. They would either restructure their operations or go out of business entirely. That was one out of three estimated in 1998.

Earlier this year, an updated study by the same economists concluded that as many as half of all Iowa farmers are classified as financially weak or severely stressed; that is, every other farmer in the State of Iowa is in real trouble.

A couple of farm families spoke to me when I was at the rally on the Mall in response to something I had heard, saying that their churches, which used to be packed on Sunday morning—all the pews were filled—are now half empty, that they can't even afford to pay their own minister any longer. They have a circuit rider who rides to three or four churches a week. So they lack that kind of pastoral counseling upon which families have come to rely. Indeed, we are seeing a wholesale selling out of our farm and ranch families and our rural communities. The stakes are very high.

I heard this great frustration from all of these farm families. Their question to us is: What are you going to do? Is this just some inevitable, invisible hand that is doing this, or are the laws of our country structured so they discriminate unfairly against family farmers? I think the latter is true. There is no invisible handwriting that farm families are a relic of the past, that our farmers have to get bigger and bigger and bigger, that our small towns have to dry up. I think it is because of policies we set in the Congress. I think those policies have to change.

The farm bill we have now, the so-called Freedom to Farm bill, has been a wreck. There is only one good part of it, and that is planting flexibility. That is all. The rest of it has been a wreck. The Federal Government has sent out over $15 billion in emergency money in the past 2 years. That is not counting what we sent out under the regular farm bill itself. Of course, that money was needed by the bankers, by the chemical and fertilizer dealers, by the repair shops, by the fuel dealers, by the landlords. A lot of that money went out not to save the farmer but to save the very people about whom I speak: the bankers, chemical and fertilizer dealers, repair shops, and the landlords. In fact, a lot of that money went to farmers who didn't even plant a crop last year. Tell me if that makes sense.

The bailout packages we have had over the last couple of years have been bailouts for the Freedom to Farm bill and not for our farmers. That was a record amount of money we sent out last year. What did it get us? Is the farm economy any healthier? No.

USDA tells us if we don't pass an emergency package again this year, net farm income is going to fall by 17 percent compared to last year. Tell me what farmer can afford to take another 17-percent cut. That is net farming; that is not gross. That is what they used to clothe and feed their families and buy some new equipment, pay the mortgage, and hopefully set aside a little bit for the children to go to college.

So it looks as if we will have to come up with another emergency package again this year. That is not a farm program. That is not a farm bill. That is lurching from one emergency to the next. Again, our farmers are the victims.

I was hopeful that this year we could have some hearings and a debate on the Freedom to Farm bill to see what changes we could make in it to get to a rational system of farm supports, a farm program combining conservation, storage payments, better loan rates, some shorter term set-aside programs, so we would have a balanced package, the prices at the farmgate would be higher, so the farmers could get their money from the marketplace and not from a Government paycheck. That is the debate we need. Yet that debate is not going to happen this year. We are not going to have the hearings, and we will not have the debate.

Quite frankly, the frustration felt by most of these farm families is going to continue to fester and grow. I think we will see even more frustration in rural America because we lack the will and, quite frankly, we lack the leadership to redress the failed Freedom to Farm bill.

I compliment the Senator from Minnesota for his sense-of-the-Senate resolution. I believe the farm families who took money out of their own pockets, which they could ill afford to do—they got on buses; they came here and endured rain and cold weather, slogging around in mud and water to make their case known to Congress, exercising their first amendment rights to petition their Government—did what is in the best tradition of America. I hope their voices and the frustration we heard will not go unheeded. I hope we can understand that we have an obligation in this body and in the other body to address the plight of what is happening in rural America today.

I come from a small town of 150 people. I remember growing up as a child when we had an elevator, we had a grocery store, a hardware store, and a small implement dealer. They are all gone now. They are all gone. I am not saying we have to save every town of 150 people. But it is not only those towns. It is those towns of 2,000, 3,000, or 5,000 people that are also going under, because I believe we don't have an adequate farm program that will enable our farmers to get a better price in the marketplace.

Again, I support this resolution. I commend the farmers who came here. I hope and trust we can hear their plea and do something about changing the failed Freedom to Farm bill.

I also wish to say I hope after this vote at 11 o'clock we can have a resounding vote in support of the crop insurance bill that is before us. We need to fix the Crop Insurance Program.

I commend Senator ROBERTS from Kansas and Senator KERREY from Nebraska for their leadership in this area.

The Crop Insurance Program needs to be changed. We put $6 billion in the budget last year for that. I believe it will be a very strong part of helping farmers get through some of these tough times that we have right now. It is not the answer to all of the problems in the farm communities, but it is a part of it.

Hopefully, with this modified crop insurance bill, we can go to conference with the House right away and get it to the President by May. I will for my part do everything I can with the conferees on our side to expedite the conference. There are not that many differences between the House and the Senate bill—a few, but nothing we can't work out in a timely manner.

I hope we can get this crop insurance bill through. I hope we can get a resounding vote for it, and at least send some hope to our family farmers that at least in the area of crop insurance and revenue insurance coverage we are going to pay some attention.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

RISK MANAGEMENT FOR THE 21ST CENTURY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2251, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2251) to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agricultural producers with choices to manage risk, and for other purposes.

Pending:

Wellstone Amendment No. 2888, to express the sense of Congress regarding the Rally for Rural America and the rural crisis.

AMENDMENT NO. 2888

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on amendment 2888.

The Senator from Minnesota.

Mr. WELLSTONE. Two minutes for each side?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. WELLSTONE. Mr. President, this is a sense-of-the-Congress amendment. It thanks the people who came here for the rally for rural America. It makes it clear that the Congress has heard their plea and that we will respond with a clear and strong message to alleviate the agricultural price crisis, to ensure competitive markets, to invest in rural education and health care, and to ensure a safe and secure food supply for all.

The crop insurance bill is a good bill. I thank my colleagues for the work. I want to make sure with this amendment we are clear this is just the first step. We need to do much more. We hear the people who came. We commend them for coming. Many of them came by bus from Minnesota and many other States. We are committed to taking some important action that will make a positive difference.

That is what this sense-of-the-Senate amendment is all about. When colleagues vote for this, I think it is a strong vote. We will come back with specific proposals which will be a part of what I think this amendment calls for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Minnesota for his amendment. On our side of the aisle, we are hopeful that Members will vote for the amendment.

I simply add, we do hear loudly and clearly the voices of those who participated in the rally for rural America. This very day, the Senate will take action, we believe, to at least answer a part of the problem of a strong safety net for the income of farmers in our country. Indeed, $6 billion of taxpayer resources will be devoted, given Budget Committee action, to the safety net for our producers in the event we take timely action. I stress the timely aspect of that.

As all Senators note, we have tried very hard, working with the distinguished ranking member, Senator HARKIN, with the cooperation of Senator WELLSTONE, concerning those who have pioneered this effort—Senator ROBERTS, Senator KERREY, and others—to bring about something I hope will be almost unanimous.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2888. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Thompson

The amendment (No. 2888) was agreed to.

Mr. WELLSTONE. I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

FURTHER MODIFICATION TO AMENDMENT NO. 2887

Mr. LUGAR. Mr. President, two clerical errors were made in the manager's amendment adopted yesterday. I ask unanimous consent that the manager's amendment, as adopted, be amended to correct these two clerical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The further modification is as follows:

On page 5, line 9, after "2000," insert "wild".

On page 14, line 14, strike "13" and insert "15".

On page 15, line 12, strike "2" and insert "4".

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, H.R. 2559 is discharged from the Agriculture Committee and the Senate will proceed to its immediate consideration. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 2251, as amended, is inserted.

Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. LEAHY. Mr. President, I am very hopeful that this bill can, at long last, make crop insurance work for all regions of our nation. It includes creative provisions to bring new producers under its protections, and to bring new crops under its protections. The compromise worked out yesterday protects what the Midwest wanted while reaching out to other regions and producers.

Historic participation in New England has been very low—this bill helps address this issue. Crop insurance will give our producers one more tool to help manage risk—risks from ice storms, droughts, flood, hail and other natural disasters.

I want to thank Senators ROBERTS and KERREY for their leadership and willingness to include our region, so that we can all now vote together for this effort.

Chairman LUGAR and Ranking Member HARKIN were faced with a very difficult challenge—leadership of the Agriculture Committee, as I well know, can be a very difficult balancing act. Also the Democratic leader and his staff—Zabrae Valentine—were extremely helpful in delicate negotiations.

Bev Paul with Senator KERREY, Mark Halveson with Senator HARKIN, Dave Johnson, Keith Luse, Michael Knipe and Andy Morton with Chairman LUGAR, put in very long hours in this massive effort. Ken Ackerman, of USDA, provided excellent technical advice in this complex area. Senator CONRAD and his staff Scott Carlson put a huge amount of effort into this.

I am grateful that the Leahy, Torricelli, Schumer, Rockefeller, Reed, and Kennedy amendment was included in the managers' package.

The Senate has spoken in a united voice on this amendment and it is crucial that it be included in any conference report.

Mr. ROBB. Mr. President, I rise in support of the Risk Management for the 21st Century Act. This bill contains some welcome new tools to help manage risk on the farm. It is not a perfect bill, but it is a very good bill. Virginia farmers will have more risk management tools available to them than ever before, and these tools will be able to cover more crops than ever before, making the crop insurance system more equitable and more available.

In particular, I thank the members of the Agriculture committee for their hard work on this bill. I know that the discussions have been contentious, and that different regions of the country view risk management in entirely different ways. I for one am thankful that the necessary compromises were made to bring this bill forward for a vote. It is gratifying to know that on the important issues, and this is a very important issue, that we can still work together and do what is necessary to improve the lives of the people we represent.

So, I say thank you Chairman LUGAR, and Senators KERREY, ROBERTS, GRAHAM, LINCOLN, LEAHY and MACK, the rest of the committee, and all of your staffs. You have done the hard work. The country, our food supply, and our farmers will all benefit.

I yield the floor.

Mr. BURNS. Mr. President, I rise today as one of the proud co-sponsors of S. 2251, "The Risk Management for the 21st Century Act."

This bill offers much-needed changes in the area of risk management for farmers and ranchers. Managing risk in agriculture has become perhaps the most important aspect of the business. Agricultural producers who are able to effectively manage their risk are able to sustain and increase profit. An effective crop insurance program will provide farmers and ranchers possibilities for economic sustainability in the future and help them out of the current financial crisis.

The federal government can help facilitate a program to unite the producer and the private insurance company. The control must be put ultimately in the hands of the agricultural producer. Although he cannot control risk, an effective management plan will help him to manage the effects of risks, such as weather, prices and natural disasters.

This bill addresses the inadequacies of the current crop insurance program. The problems and inconsistencies with the current program make it both unaffordable and confusing to agricultural producers. Costly premiums are the biggest problem. In years of depressed market prices, crop insurance, though badly needed, is simply unaffordable for farmers.

This bill inverts the current subsidy formula, in order to provide the highest levels of subsidies to producers at the highest levels of buy-up coverage, and thus alleviate the unaffordable premiums. It also allows for the revenue policies to be fully subsidized.

Another important provision in this bill is a pilot program to reward producers for risk management activities. It will allow producers to elece to receive a risk management payment or a crop insurance subsidy. The risk management payments will be given to those producers that utilize any two of several activities, including using futures or options, utilizing cash forwards, attending a risk management class, using Agricultural Trade Options or FFARRM accounts or reducing farm financial risk. This bill also takes into account lack of production histories for beginning farmers or those who have added land or use crop rotation. This will make it possible for those producers to get a foot in the door and receive affordable crop insurance.

Many times, especially in Montana, multi-year disasters occur. This bill helps producers that take a blow several years in a row, which reduces their Annual Production History (APH). If a producer has suffered a natural disaster during at least 3 of the preceding 5 years and their APH was reduced by at least 25 percent they may exclude one year of APH for every five years experience. During this time, the producer's APH may increase without limit back up to the level before the multi-year disaster began.

Specialty crops such as canola or dry beans, are another important addition to this bill. The Risk Management Agency (RMA) is now authorized to spend up to $20 million each fiscal year to create partnerships for developing and implementing specialty crop risk management options. Additionally, the Non-Insured Assistance Program (NAP) area trigger has been removed. The Secretary now has the authority to provide assistance for specialty crops without any requirement of an area loss. Before, producers were penalized in the case of a disaster for planting alternative crops if their neighbors continued to plant traditional commodities. I would like to thank my colleague, Senator BAUCUS, for his hard work on getting the provisions for specialty crops in this bill.

This bill will ultimately put more control in the hands of active producers by including four active producers on the Federal Crop Insurance Commission (FCIC) Board. The board would also include nine private insurance industry experts the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Rural Development, and the Chief Economist of USDA. In addition, it mandates that the Board Chairperson be one of the non-governmental members. These are important steps to ensure that the new program is run for the producers by the producers.

This bill is an important tool to reform the current crop insurance program into a risk management program, designed to help the producer in the long-term. It is vital to find a solution to provide a way for farmers to stay in agriculture. They must be able to continue to produce and distribute the world's safest food supply at a profitable margin.

Mr. President, I look forward to working with Senators ROBERTS and KERREY, as well as Senator LUGAR on this important piece of legislation. I believe this bill will pave the way for massive crop insurance reform and help agricultural producers out of this economic crisis.

Thank you, Mr. President.

Mr. SMITH of Oregon. Mr. President, I am pleased to take this opportunity to speak briefly in support of this legislation, S. 2251, the Risk Management for the 21st century Act. Clearly, this bill represents a good compromise between the major risk management proposals that have been discussed here in the Senate in recent months. I command my colleagues—specifically Senator LUGAR, Senator KERREY, and Senator ROBERTS—for producing legislation which enjoys broad support in the agricultural community and is unquestionably needed during these times of crisis on the family farm.

As we all know, these are not the best of times for farming. Like their counterparts in other natural resources industries, farmers by and large have not equitably shared in the remarkable prosperity we have seen in recent years. Most farmers are faced with another year of low commodity prices on the Horizon. I know that for wheat growers in Oregon, this is the third year of historic low prices. At the same time, the rising costs of production—fueled by energy price spikes, an extremely tight labor market, and incredibly burdensome regulations and government mandates—continue to squeeze the farmer's bottom line. We need to work together to ease this price pressure on farmers and we need to act quickly. Opening up trade, relieving estate tax burdens, seriously reviewing some of the labor and environment regulations that seek to make farmers felons—these are just a few of the issues we need to address to turn around the fortunes of America's farmers. The development of more practical risk management tools is another. That is exactly the promise S. 2251 offers us today—not a fix-all, but a significant and necessary step on the road to farm recovery.

S. 2251 improves the federal crop insurance system in several key ways. First, it makes higher levels of coverage more affordable. By raising premium subsidies, we will offer farmers the chance to help themselves today and avoid an expensive federal bailout tomorrow. Second, this bill will make crop insurance more effective for farmers experiencing successive years of disaster, by changing the way production history is calculated. In Oregon, we are blessed that we have not had widespread and recurring natural disasters, such as my colleagues have described in the Dakotas. However, we have had recent recurring flood problems in certain areas of my State—the Tillamook Bay area and the Harney County Lakes Basin, for example. This bill will address some of the problems producers have had in getting a fair accounting of their production. Finally, and perhaps most significantly for Oregon, this bill has a number of provisions designed to assist specialty crop producers. My State has a number of specialty crops—from nursery products in the Willamette Valley to tree fruits in the Columbia Gorge and southern Oregon to potato and onion growers in the east. With $20 million annually set aside for specialty crop risk management pilot projects, this bill represents a substantial effort to make federal crop insurance relevant to producers of nonprogram commodities. I believe this attention to the needs of specialty crop producers is an overdue but welcome change.

Once again, I commend my colleagues for their work on this legislation and for their willingness to listen to concerns and suggestions from those of us not on the Agriculture Committee. Much work remains to be done before I think we can say that we have truly kept our promise to farmers under Freedom to Farm, but this is an important step in that direction. I look forward to voting in favor of this bill, and I hope that we will have before us in relatively short order a conference agreement as well. It is vital we get this legislation passed and take advantage of the budget authority we have provided for this purpose.

Mr. REED. Mr. President, I rise to express my support for H.R. 2559, the "Federal Crop Insurance Act". Today the Senate will approve a $6 billion crop insurance reform bill designed to increase premium subsidies for farmers who buy more comprehensive coverage and expand the availability of crop insurance for specialty crops. The reforms in this legislation will enable farmers in Rhode Island and across the country to obtain more crop insurance coverage and reduce income losses due to natural disasters.

I and my colleagues from the Northeast and Mid-Atlantic opposed last year's farm disaster bill because it did not provide adequate relief to farmers in our region who were hit by the terrible drought conditions of 1999. The National Oceanic and Atmospheric Administration (NOAA) found that four states in the Northeast, including Rhode Island, New Jersey, Maryland, and Delaware, experienced the driest growing season in their histories. From April through July, Rhode Island was the driest it has been in 105 years of record-keeping by NOAA's National Climatic Data Center.

Unfortunately, forecasters at the National Weather Service are predicting continued drought conditions this year, because we are starting out with a deficit of rainfall and, even with the snowstorms of January, winter precipitation was 3.5 inches below normal for our region.

The prospect of another long dry summer makes this crop insurance reform bill all the more important. I know that people may not always think of the Northeast when they think of farming. But in my small state alone there are about 700 farms. Farmers in Rhode Island grow vegetables, turf, nursery stock, cranberries, strawberries, and potatoes. My state is also home to many orchards and dairy farms. Many of our crops are not insurable under the current federal crop insurance program, and that's why I strongly support the significant investment in research and development of new specialty crop policies provided by this bill.

I also support provisions in the bill to remove the "area trigger" for the Non-insured Crop Disaster Assistance Program (NAP). I believe broader NAP eligibility is one of the most effective ways to assist farmers in the eastern United States who face severe production losses due to drought, floods, or other disasters.

Currently, NAP crops are eligible for assistance when: (1) expected "Area Yield" for the crop is reduced by more than 35 percent because of natural disaster; and (2) individual crop losses are in excess of 50 percent of the individual's approved yield, or the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop.

These criteria have proven to be unworkable in many eastern states, both in terms of program accessibility and timeliness of payments. For individual growers of specialty crops, typically grown on small acreage, a loss of as little as 20 percent can be devastating, especially given the high per-acre value of these crops. Moreover, the process of verifying area yield reductions is cumbersome and exceedingly time-consuming, resulting in waiting periods of several months or, in some cases, more than a year for payment.

Giving the Secretary of Agriculture broader discretion over delivery of NAP program funds will streamline the approval process and make direct assistance available to thousands of farmers whose substantial losses do not meet NAP criteria under the current area trigger. I am pleased that removal of this trigger is among the many valuable reforms in the bill before us today.

Finally, I was proud to join several of my Senate colleagues from the Northeast to offer an amendment to provide $60 million for expanded education and outreach for farmers in states with low levels of crop insurance participation, as well as research and development of new crop insurance policies for currently uninsured crops in these states. Our amendment would also set aside $66 million for farmers in underserved states to participate in the bill's proposed risk management pilot project which allows farmers to choose between traditional crop insurance and a direct payment for adopting new risk management practices such as farm diversification, futures contracts and options, creation of conservation buffers, soil erosion control, and irrigation management. While offering increased income to farmers for whom crop insurance has not worked well, the pilot will test whether incentive payments can encourage producers to adopt new risk management strategies that are good for the environment. I thank the distinguished Chairman of the Committee on Agriculture for making this amendment part of the overall package we will vote on today, and I urge the Senate conferees to ensure that this important provision remains in the bill after conference with the House. Otherwise, I will likely oppose the conference report when it comes before the Senate. Together with the substantial new funding for research and development of specialty crop insurance policies, this amendment will ensure that we have a farm policy that is truly national in scope.

With the passage of this legislation we will give farmers the tools they need to manage their risk more effectively, and possibly reduce the need for Congress to pass massive farm disaster packages year after year. At the same time, we recognize the contribution and needs of farmers in every region of the country, who not only feed the world but preserve a way of life that makes our nation stronger and protects our precious open spaces from the encroachment of development and urban sprawl.

I urge my colleagues to support the Federal Crop Insurance Act.

Mr. BREAUX. Mr. President, I want to express my personal thanks and deep appreciation for adoption of an amendment to the Senate's crop insurance bill which would authorize crop insurance coverage for the 2001 and future rice crops for losses due to drought and saltwater intrusion.

The rice language was included in the Chairman's floor amendment which the Senate approved yesterday.

I want to thank Senator LUGAR and Senator HARKIN sincerely for agreeing to the amendment. My sincere appreciation also goes to Senator KERREY and to Senator ROBERTS for accepting the provision.

Senator LANDRIEU, Senator LINCOLN and I have been working together for several weeks to help our rice growers who have been experiencing a prolonged drought. It has been my privilege to work with Senator LANDRIEU and Senator LINCOLN in addressing the absence of rice crop insurance coverage for the drought and saltwater intrusion perils.

Currently, the rice crop insurance policy does not include coverage for losses due to drought and saltwater intrusion. A meeting about the current policy and how to address the absence of coverage was held with our staff, grower representatives and USDA's Risk Management Agency. The willingness to meet and the attention given to the situation at the meeting and subsequent to it by Mr. Ken Ackerman, the RMA's Administrator, and his staff are also sincerely appreciated.

To ensure that drought and saltwater intrusion coverage are provided in time for the 2001 rice crop and prior to the USDA policy change deadline, legislation was prepared which is now in the Senate's crop insurance bill. In order for a crop insurance policy change to become effective, it must be adopted by November 30, which is USDA's annual deadline for such changes.

With the rice crop insurance language being only in the Senate bill, it is my hope that it will be retained in conference with the House. I take this opportunity to urge the Senate's conferees to keep the rice crop insurance provision in the final conference bill.

Insurance coverage for rice crop losses due to drought and saltwater intrusion is an important risk management tool for rice growers to have available to them. Again, I express deep personal appreciation for the Senate approving inclusion of the bill language which Senator LANDRIEU, Senator LINCOLN and I have worked on, which we strongly support and which we submitted for the Senate's consideration.

Thank you, Mr. President.

NONCONTIGUOUS UNITS

Ms. COLLINS. Mr. President, I have heard from many Maine potato farmers that one barrier to their using the crop insurance program is the inability to insure the crops of a farm that may consist of several non-contiguous units under one policy. Therefore, I was pleased to see that The Risk Management for the Twenty-first Century Act authorizes pilot programs to allow farmers to receive premium discounts for using whole farm units or single crop units of insurance and to cross State and county boundaries to form insurable units. This provision has the potential to significantly help farmers in Maine and I appreciate your efforts to ensure its inclusion in the crop insurance bill. I hope, too, that you will make every effort to retain this provision in the bill that emerges form conference.

Mr. ROBERTS. A major purpose of this bill is to make crop insurance more available to our Nation's farmers. I understand the importance of the provision you cite to farmers in your State and will work hard to see that is retained.

Ms. COLLINS. Again, I appreciate the assistance of my good friends, Senators LUGAR and ROBERTS, who chair the Agriculture Committee and Subcommittee on Production and Price Competitiveness, respectively. A pilot program that could allow farmers to combine noncontiguous units under one policy and to receive premium discounts could be extremely beneficial to my State. I hope that we can strongly encourage the U.S. Department of Agriculture to give Maine every consideration as a location for such a pilot program.

Mr. LUGAR. The pilot programs authorized in this bill are a tool to find new ways to improve crop insurance for farmers. I agree that the USDA should give every consideration to including farmers in Maine in such a pilot program. I would also commend the Senator from Maine's efforts to work with us in crafting a bill that address the concerns of farmers in her state.

Mr. ROBERTS. I agree that Maine appears to be an excellent candidate for such a pilot program. I thank the Senator for bringing this important matter to our attention.

Mr. ASHCROFT. Mr. President, first, I commend the bipartisan efforts of the Agriculture Committee. In S. 2251 the committee has produced a bill which will deliver much needed expansion and improvement of the federal crop insurance program. Additionally, I appreciate Senators ROBERTS and KERREY for accepting a proposal I put forward that will establish a commission to examine reform issues over the long term.

Missouri farmers are hurting. Prices for cotton, soybeans, corn, rice, and almost all commodities dropped so low last year that University of Missouri economists predicted grain farmers could face prices almost as low as those seen in 1986. The Senate responded to the crisis strongly by supporting a disaster assistance package worth about $9 billion in 1999. The Senate now has the opportunity to assist farmers by helping them protect their losses that are due to bad weather and market fluctuations. Our farmers need more affordable crop insurance, to obtain higher levels of coverage and revenue protection.

Missourians, like farmers in many other states, are diversifying their agricultural production and increasingly focusing on specialty crops. S. 2251 also provides a realistic basis for expanding and improving insurance for specialty crops.

As good as this bill is, I offered, and Senators ROBERTS and KERREY graciously accepted, a provision that would establish a commission to review the effect of the changes made in traditional crop insurance and the addition of a pilot project for alternative risk programs. The Federal Crop Insurance Improvement Commission will report to Congress in 2 years with its findings. The Commission strengthens the public-private partnership that farmers rely on to deliver crop insurance by bringing together Government officials, economists, farm interests, and insurers to review various proposals. As we review farm policies down the road, I want to have the input of those that are actually out there "in the field."

Again I thank my Senate colleagues from Kansas and Nebraska for bringing this important issue to the Senate floor. I want farm families to be able to encourage their children to continue the traditions of family farming and agri-business. The crop insurance reform detailed in S. 2251 puts us one step closer to that goal.

Mr. McCAIN. Mr. President, I commend the managers of this bill and all those who worked hard to forge this agreement to help address the continuing crisis facing American farmers. However, I regret that I cannot vote for this legislation, S. 2251, the Risk Management for the 21st Century Act.

Over the last 2 years, the Congress was forced to spend more than $15 billion of taxpayer dollars in emergency disaster assistance to farmers. Proponents of this bill claim that if S. 2251 is enacted, the need to pass ad hoc emergency farm relief would be avoided. However, even with passage of this bill, these same proponents are not willing to voice their opposition to further emergency spending should Congress be forced to consider additional relief measures for farmers.

This bill, at a cost of $6 billion, is more of an expanded federal subsidy for crop coverage, rather than thorough and necessary reform of the larger problems stemming from our nation's farm policies. It has become clear that the 1996 Freedom to Farm bill failed to alleviate the heavy reliance by the farming community on federally subsidized programs and financial assistance. However, instead of turning back the clock and increasing subsidies, we should be working for responsible reform of farm policies. That is why I voted in favor of Senator WELLSTONE's amendment which calls for broader reform.

Even with the expanded coverage and more affordable insurance premiums for farmers called for in this bill, Congress does not have the assurance that other problems, such as fluctuations in the market or limited trade opportunities, will not create additional burdens on farmers requiring another costly congressional budgetary response.

Mr. President, this bill also includes provisions that appear capricious and unnecessarily bureaucratic. Five new regional centers will be established at a price tag of $30 million, and new pilot programs are authorized to develop and market risk management tools. I support efforts to evaluate innovative risk management options or to ensure that farmers understand changes to insurance coverage and options. But why should we spend taxpayer money on new information centers when this information is already available and accessible through local USDA offices? And, the private sector is in no way prohibited from exploring opportunities to develop and market new products to manage risk.

Mr. President, I agree with the fundamental principle of this bill, that farmers need to have risk management tools to allow them to prepare for, and deal with, crop losses and disaster-related problems. However, I am not convinced that this bill will do much more than increase taxpayer burdens and only partially solve a much bigger problem facing our nation's farmers.

Mr. President, I ask unanimous consent that my remarks be placed in the RECORD immediately following passage of S. 2251.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—5

Cochran
Gregg
Kyl
Lott
McCain

The bill (H.R. 2559), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2559) entitled "An Act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Risk Management for the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CROP INSURANCE COVERAGE

Sec. 101. Quality adjustment.
Sec. 102. Prevented planting.
Sec. 103. Payment of portion of premium by Corporation.
Sec. 104. Assigned yields.
Sec. 105. Multiyear disaster actual production history adjustment.
Sec. 106. Noninsured crop disaster assistance program.
Sec. 107. Crop insurance coverage for rice.

TITLE II—RESEARCH AND PILOT PROGRAMS

Sec. 201. Research and pilot programs.
Sec. 202. Research and development contracting authority.
Sec. 203. Choice of risk management options.
Sec. 204. Options pilot program.
Sec. 205. Risk management innovation and competition pilot program.
Sec. 206. Education and research.
Sec. 207. Conforming amendments.

TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.
Sec. 302. Good farming practices.
Sec. 303. Sanctions for program noncompliance and fraud.
Sec. 304. Oversight of agents and loss adjusters.
Sec. 305. Adequate coverage for States.
Sec. 306. Records and reporting.
Sec. 307. Fees for plans of insurance.
Sec. 308. Limitation on double insurance.
Sec. 309. Specialty crops.
Sec. 310. Federal Crop Insurance Improvement Commission.
Sec. 311. Highly erodible land and wetland conservation.
Sec. 312. Projected loss ratio.
Sec. 313. Compliance with State licensing requirements.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Improved risk management education.
Sec. 402. Sense of the Senate regarding the Federal crop insurance program.
Sec. 403. Sense of Congress on Rally for Rural America and rural crisis.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

Sec. 501. Effective dates.
Sec. 502. Termination of authority.

TITLE I—CROP INSURANCE COVERAGE

SEC. 101. QUALITY ADJUSTMENT.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by striking paragraph (6) and inserting the following:.

"(6) QUALITY ADJUSTMENT POLICIES.—

"(A) IN GENERAL.—The Corporation shall offer coverage that permits a reduction in the quantity of production of an agricultural commodity produced during a crop year, or any similar adjustment, that results from the agricultural commodity not meeting the quality standards established in the policy.

"(B) ELECTION NOT TO RECEIVE COVERAGE.—

"(i) IN GENERAL.—A producer may elect not to receive quality adjustment coverage..

"(ii) PREMIUM REDUCTION.—In the case of an election described in clause (i), the Corporation shall provide a reduction in the premium payable by the producer for a plan of insurance in an amount equal to the premium for the quality adjustment coverage, as determined by the Corporation.

"(C) REVIEW OF CRITERIA AND PROCEDURES.—The Corporation shall—

"(i) contract with a qualified person to analyze the quality loss adjustment procedures of the Corporation; and

"(ii) based on the analysis, make adjustments in the quality loss adjustment procedures of the Corporation necessary to more accurately reflect local quality discounts that are applied to agricultural commodities insured under this title, taking into consideration the actuarial soundness of the adjustment and the prevention of fraud, waste, and abuse.".

SEC. 102. PREVENTED PLANTING.

(a) IN GENERAL.—Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 101) is amended by inserting after paragraph (6) the following:

"(7) PREVENTED PLANTING.—

"(A) ELECTION NOT TO RECEIVE COVERAGE.—

"(i) IN GENERAL.—A producer may elect not to receive coverage for prevented planting of an agricultural commodity.

"(ii) PREMIUM REDUCTION.—In the case of an election described in clause (i), the Corporation shall provide a reduction in the premium payable by the producer for a plan of insurance in an amount equal to the premium for the prevented planting coverage, as determined by the Corporation.

"(B) EQUAL COVERAGE.—For each agricultural commodity for which prevented planting coverage is available, the Corporation shall offer an equal percentage level of prevented planting coverage.

"(C) AREA CONDITIONS REQUIRED FOR PAYMENT.—The Corporation shall limit prevented planting payments to producers in the area in which the farm is located that are generally affected by the conditions that prevent an agricultural commodity from being planted.

"(D) SUBSTITUTE COMMODITY.—

"(i) AUTHORITY TO PLANT.—Subject to clause (v), a producer that has prevented planting coverage and is eligible to receive an indemnity under the coverage may plant an agricultural commodity, other than the commodity covered by the prevented planting coverage, on the acreage originally prevented from being planted.

"(ii) NONAVAILABILITY OF INSURANCE.—A substitute agricultural commodity planted under clause (i) for harvest in the same crop year shall not be eligible for coverage under a policy or plan of insurance under this title or for noninsured crop disaster assistance under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333).

"(iii) RELATIONSHIP TO OTHER REQUIREMENTS.—The producer of a substitute agricultural commodity under clause (ii) shall remain eligible for the benefits described in subsection (b)(7).

"(iv) EFFECT ON ACTUAL PRODUCTION HISTORY.—If a producer plants a substitute agricultural commodity under clause (i) for a crop year, the Corporation shall assign the producer a yield, for that crop year for the commodity that was prevented from being planted, equal to 60 percent of the producer's actual production history for that commodity for purposes of determining the producer's actual production history for subsequent crop years.

"(v) EFFECT ON PREVENTED PLANTING PAYMENT.—If a producer plants a substitute agricultural commodity under clause (i) before the latest planting date established by the Corporation for the agricultural commodity prevented from being planted, the Corporation shall not make a prevented planting payment with regard to the commodity prevented from being planted.

"(E) RELATIONSHIP TO OTHER LAW.—This paragraph shall supersede subsection (h)(7) to the extent that this paragraph is inconsistent with subsection (h)(7).

"(F) CROP YEARS.—This paragraph shall apply to each of the 2001 through 2004 crop years.".

(b) APPLICATION.—The amendment made by subsection (a) shall be reflected in the rates for applicable plans of insurance not later than the 2001 reinsurance year.

SEC. 103. PAYMENT OF PORTION OF PREMIUM BY CORPORATION.

(a) EXPECTED MARKET PRICE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (5) and inserting the following:

"(5) EXPECTED MARKET PRICE.—

"(A) IN GENERAL.—For the purposes of this title, the Corporation shall establish or approve the price level (referred to in this title as the 'expected market price') of each agricultural commodity for which insurance is offered.

"(B) AMOUNT.—The expected market price of an agricultural commodity—

"(i) except as otherwise provided in this subparagraph, shall be not less than the projected market price of the agricultural commodity, as determined by the Corporation;

"(ii) may be based on the actual market price of the agricultural commodity at the time of harvest, as determined by the Corporation;

"(iii) in the case of revenue and other similar plans of insurance, shall be the actual market price of the agricultural commodity, as determined by the Corporation; or

"(iv) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity, as determined by the Corporation.".

(b) PREMIUM AMOUNTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C.

1508(d)(2)) is amended by striking subparagraph (C) and inserting the following:

"(C) In the case of additional coverage at greater than or equal to 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, but less than 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.

"(D) In the case of additional coverage equal to 75, 80, or 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.".

(c) Payment of Portion of Premium by Corporation.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) In general.—

"(A) Mandatory payments.—For the purpose of encouraging the broadest possible participation of producers in the crop insurance plans of insurance described in subsections (b) and (c), the Corporation shall pay a part of the premium in the amounts determined under this subsection.

"(B) Discretionary payments.—For the purpose of encouraging the broadest possible participation of producers, in the case of a plan of insurance approved by the Corporation under subsection (h), the Corporation may pay a part of the premium as determined under this subsection."; and

(2) in paragraph (2), by striking subparagraphs (B) and (C) and inserting the following:

"(B) In the case of additional coverage less than or equal to 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 60 percent of the amount of the premium established under subsection (d)(2)(B)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(B)(ii).

"(C) In the case of additional coverage at 55 percent or 60 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 45 percent of the amount of the premium established under subsection (d)(2)(B)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(B)(ii).

"(D) In the case of additional coverage at 65 percent or 70 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 50 percent of the amount of the premium established under subsection (d)(2)(C)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(C)(ii).

"(E) In the case of additional coverage equal to 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established for coverage at 75 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(F) In the case of additional coverage equal to 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 38 percent of the amount of the premium established for coverage at 80 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(G) In the case of additional coverage equal to 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or a comparable coverage for a plan of insurance that is not based on yield, the amount shall be equal to the sum of—

"(i) 28 percent of the amount of the premium established for coverage at 85 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price under subsection (d)(2)(D)(i); and

"(ii) the amount of operating and administrative expenses determined under subsection (d)(2)(D)(ii).

"(H) Subparagraphs (A) through (G) shall apply to each of fiscal years 2001 through 2004.".

(d) Revenue Coverage for Potatoes.—Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by striking paragraph (3) and inserting the following:

"(3) Exclusions.—

"(A) In general.—Insurance provided under this subsection shall not cover losses due to—

"(i) the neglect or malfeasance of the producer;

"(ii) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to reseed; or

"(iii) the failure of the producer to follow good farming practices (as determined by the Secretary).

"(B) Revenue coverage for potatoes.—No plan of insurance provided under this title (including a plan of insurance approved by the Board under subsection (h)) shall cover losses due to a reduction in revenue for potatoes except as covered under a whole farm plan of insurance, as determined by the Corporation.".

(e) Conforming Amendments.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (e), by striking paragraph (4); and

(2) in subsection (g)(2)(D), by striking "(as provided in subsection (e)(4))".

SEC. 104. ASSIGNED YIELDS.

Section 508(g)(2)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(B)) is amended—

(1) by striking "assigned a yield" and inserting "assigned—

"(i) a yield";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(ii) a yield determined by the Corporation, in the case of—

"(I) a producer that has not had a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary;

"(II) a producer that produces an agricultural commodity on land that has not been farmed by the producer; and

"(III) a producer that rotates a crop produced on a farm to a crop that has not been produced on the farm.".

SEC. 105. MULTIYEAR DISASTER ACTUAL PRODUCTION HISTORY ADJUSTMENT.

Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following:

"(4) Transitional adjustment for disasters.—

"(A) Definition of a producer that has suffered a multiyear disaster.—In this paragraph, the term 'a producer that has suffered a multiyear disaster' means a producer (or a successor entity through which the actual production history of the producer can be traced) that has suffered a natural disaster during at least 3 of the immediately preceding 5 crop years that resulted in a cumulative reduction of at least 25 percent in the actual production history of the crop of an agricultural commodity.

"(B) Elimination of certain years of production history.—Notwithstanding paragraph (2), effective beginning with the 2001 crop year, for the purpose of calculating the actual production history for a crop of an agricultural commodity, a producer that has suffered a multiyear disaster with respect to the crop may exclude 1 year of production history for each 5 years included in the actual production history calculation of the crop for which the producer purchased crop insurance.

"(C) Corporation's share of changed costs.—In the case of an exclusion under subparagraph (B), in addition to any other authority to pay any portion of premium, the Corporation shall pay—

"(i) the portion of the premium that represents the increase in premium associated with the exclusion;

"(ii) all additional indemnities associated with the exclusion; and

"(iii) any amounts that result from the difference in the administrative and operating expenses owed to an approved insurance provider as the result of an exclusion in actual production history under this paragraph.

"(D) Increase in actual production history after exclusions.—In the case of a producer that has received an exclusion under subparagraph (B), the Corporation shall not limit the increase of the actual production history based on the producer's actual production of the crop of an agricultural commodity in succeeding crop years until the actual production history for the producer reaches the level for the crop year immediately preceding the first year of the multiyear disaster.

"(E) Termination of exclusion authority.—The authority to apply this paragraph to a producer shall terminate with respect to the first crop year in which crop insurance is available to the producer that adequately insures against natural disasters that occur in multiple crop years, as determined by the Corporation.

"(F) Reinsurance years.—This paragraph shall apply to each of the 2001 through 2004 reinsurance years.".

SEC. 106. NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

(a) Operation and Administration of Program.—Section 196(a)(2) of the Agricultural

Market Transition Act (7 U.S.C. 7333(a)(2)) is amended by adding at the end the following:

"(C) COMBINATION OF SIMILAR TYPES OR VARIETIES.—At the option of the Secretary, all types or varieties of a crop or commodity, described in subparagraphs (A) and (B), may be considered to be a single eligible crop under this section.".

(b) RECORDS AND APPLICATION DATE.—Section 196(b) of the Agricultural Market Transition Act (7 U.S.C. 7333(b)) is amended—

(1) in the second sentence of paragraph (1), by striking "at such time as the Secretary may require." and inserting "not later than March 15.";

(2) by striking paragraph (2) and inserting the following:

"(2) RECORDS.—To be eligible for assistance under this section, a producer shall provide annually to the Secretary records of crop acreage, acreage yields, and production for each crop, as required by the Secretary."; and

(3) in paragraph (3), by inserting "annual" after "shall provide".

(c) LOSS REQUIREMENTS.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) is amended by striking subsection (c) and inserting the following:

"(c) LOSS REQUIREMENTS.—

"(1) CAUSE.—To be eligible for assistance under this section, a producer of an eligible crop shall have suffered a loss of a noninsured commodity as the result of a cause described in subsection (a)(3).

"(2) ASSISTANCE.—On making a determination described in subsection (a)(3), the Secretary shall provide assistance under this section to producers of an eligible crop that have suffered a loss as a result of the cause described in subsection (a)(3).

"(3) PREVENTED PLANTING.—The Secretary shall make a prevented planting noninsured crop disaster assistance payment to a producer if the producer is prevented from planting more than 15 percent of the acreage intended for the eligible crop because of a cause described in subsection (a)(3), as determined by the Secretary.

"(4) AREA TRIGGER.—The Secretary may provide assistance to individual producers without any requirement of an area loss.".

(d) NEW ELIGIBLE CROPS.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) is amended—

(1) in subsection (d)(1)—

(A) by inserting "(except as provided in subsection (j))" after "percent"; and

(B) by inserting "determined under subsection (e)" after "for the crop";

(2) by redesignating subsection (j) as subsection (l); and

(3) by inserting after subsection (i) the following:

"(j) NEW ELIGIBLE CROPS.—

"(1) IN GENERAL.—Subject to paragraph (2), if a producer produces an eligible crop that is new to an area (as determined by the Secretary), a payment for the producer shall be computed by substituting the following percentages of yields for the percentages of yields specified in subsection (d)(1):

"(A) In the case of the first crop year of the eligible crop produced by the producer, 35 percent of the established yield for the crop determined under subsection (e).

"(B) In the case of each of the second through fourth years of the eligible crop produced by the producer—

"(i) 45 percent of the established yield for the crop determined under subsection (e); or

"(ii) if the producer received a payment under this section for the first crop year of the eligible crop produced by the producer, 35 percent of the established yield for the crop determined under subsection (e).

"(2) TEMPORARY INELIGIBILITY.—If a producer of an eligible crop described in paragraph (1) receives a payment under this section in both the first and second crop years of the eligible crop, the producer shall be ineligible for a payment under this section until the producer has successfully produced the crop for at least 3 consecutive crop years with no loss reported, as determined by the Secretary.".

(e) SERVICE FEE.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) (as amended by subsection (d)) is amended by inserting after subsection (j) the following:

"(k) SERVICE FEE.—

"(1) IN GENERAL.—To be eligible to receive assistance for an eligible crop for a crop year under this section, a producer shall pay to the Secretary (at the time at which the producer provides reports under subsection (b)(3)) a service fee for the eligible crop in an amount that is equal to the lesser of—

"(A) the equivalent of the per policy fee for catastrophic risk protection available under section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)); or

"(B) $200 per producer per county, but not to exceed a total of $600 per producer.

"(2) WAIVER.—The Secretary shall waive the service fee required under paragraph (1) in the case of a limited resource farmer, as defined by the Secretary.

"(3) USE.—The Secretary shall deposit service fees collected under this subsection in the Commodity Credit Corporation Fund.".

(f) CROP YEARS.—This section and the amendments made by this section shall apply to each of the 2001 through 2004 crop years.

SEC. 107. CROP INSURANCE COVERAGE FOR RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 102(a)) is amended by adding at the end the following:

"(8) SPECIAL PROVISIONS FOR RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crop of rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.".

TITLE II—RESEARCH AND PILOT PROGRAMS

SEC. 201. RESEARCH AND PILOT PROGRAMS.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 522. RESEARCH AND PILOT PROGRAMS.

"(a) GENERAL PROVISIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Corporation may conduct research, surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses based on proposals developed by the Corporation or by an approved insurance provider to evaluate whether the proposal or new risk management tool is suitable for the marketplace and addresses the needs of producers of agricultural commodities.

"(2) PRIVATE COVERAGE.—Under this section, the Corporation shall not conduct any activity that provides insurance protection against a risk if insurance protection against the risk is generally available from private companies.

"(3) COVERED ACTIVITIES.—The activities described in paragraph (1) include insurance on losses involving—

"(A) reduced forage on rangeland caused by drought or insect infestation;

"(B) livestock poisoning and disease;

"(C) destruction of bees due to the use of pesticides;

"(D) unique special risks related to fruits, nuts, vegetables, and specialty crops in general, aquacultural species, and forest industry needs (including appreciation);

"(E) loss of timber due to drought, flood, fire, or other natural disaster;

"(F) other agricultural products as determined by the Board;

"(G) after October 1, 2000, insurance coverage for livestock and livestock products;

"(H) subject to paragraph (7), after October 1, 2000, wild salmon; and

"(I) subject to paragraph (7), after October 1, 2000, loss of or damage to trees or fruit affected by plum pox virus (commonly known as 'sharka'), including quarantined trees or fruit.

"(4) SCOPE OF PILOT PROGRAMS.—The Corporation may—

"(A) offer a pilot program authorized under this title on a regional, State, or national basis after considering the interests of affected producers and the interests of, and risks to, the Corporation;

"(B) operate the pilot program, including any modifications of the pilot program, for a period of up to 4 years;

"(C) extend the time period for the pilot program for additional periods, as determined appropriate by the Corporation; and

"(D) provide pilot programs that would allow producers—

"(i) to receive premium discounts for using whole farm units or single crop units of insurance; and

"(ii) to cross State and county boundaries to form insurable units.

"(5) EVALUATION.—After the completion of any pilot program under this section, the Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the operations of the pilot program, including the evaluation by the Corporation of the pilot program and the recommendations of the Corporation with respect to implementing the program on a national basis.

"(6) FUNDING.—The amount of funds used to carry out research and pilot programs that are established after the date of enactment of this section (other than subsection (b)(2)) shall not exceed—

"(A) in the case of fiscal year 2001, $10,000,000;

"(B) in the case of fiscal year 2002, $30,000,000;

"(C) in the case of fiscal year 2003, $50,000,000; and

"(D) in the case of fiscal year 2004, $60,000,000.

"(7) FISCAL YEARS.—Paragraphs (3)(E), (3)(G), (3)(H), (4), and (6) shall apply to each of fiscal years 2001 through 2004.

"(8) RELATION TO OTHER LAWS.—

"(A) IN GENERAL.—The terms and conditions of any policy or plan of insurance offered under this section that is reinsured by the Corporation shall not—

"(i) be subject to the jurisdiction of the Commodity Futures Trading Commission or the Securities and Exchange Commission; or

"(ii) be considered to be accounts, agreements (including any transaction that is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'), or transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market for the purposes of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

"(B) EFFECT ON CFTC AND COMMODITY EXCHANGE ACT.—Nothing in this paragraph affects the jurisdiction of the Commodity Futures Trading Commission or the applicability of the Commodity Exchange Act (7 U.S.C. 1 et seq.) to any transaction conducted on a contract market under that Act by an approved insurance provider to offset the approved insurance provider's risk under a plan or policy of insurance under this section.".

SEC. 202. RESEARCH AND DEVELOPMENT CONTRACTING AUTHORITY.

Section 522 of the Federal Crop Insurance Act (as added by section 201) is amended by adding at the end the following:

"(b) RESEARCH AND DEVELOPMENT CONTRACTING AUTHORITY.—

"(1) IN GENERAL.—Subject to section 523(a), to obtain the best research and analysis concerning any significant issue pertaining to crop insurance, including outreach and education, pilot programs, or the development of a new plan of insurance, the Corporation may use only the authority provided by this section and funds made available under section 516(b)(2)(A) to—

"(A) contract on a competitive basis with qualified persons;

"(B) reimburse research costs associated with product development; and

"(C) reimburse costs associated with the reassessment and modification of plans of insurance.

"(2) ALTERNATIVE RATING METHODOLOGIES.—

"(A) IN GENERAL.—The Corporation shall enter into contracts with qualified persons to study and develop alternative methodologies for rating plans of insurance for catastrophic risk protection and higher levels of additional coverage under subsections (b) and (c), respectively, of section 508, and rates for the plans of insurance, that take into account—

"(i) producers that elect not to participate in the Federal crop insurance program; and

"(ii) producers that elect to obtain only catastrophic risk protection.

"(B) PRIORITY.—The studies conducted under this paragraph shall provide priority to agricultural commodities with—

"(i) the largest average acreage nationwide; and

"(ii) the lowest percentage of producers that purchase additional coverage.

"(C) FUNDING.—

"(i) IN GENERAL.—The Corporation shall fund the studies conducted under this paragraph from funds in the insurance fund available under section 516(b)(2)(A).

"(ii) AMOUNT.—There are authorized for the studies conducted under this paragraph—

"(I) in the case of each of fiscal years 2001 and 2002, $1,000,0000; and

"(II) in the case of each of fiscal years 2003 and 2004, $250,000.

"(D) FISCAL YEARS.—This paragraph shall apply to each of fiscal years 2001 through 2004.

"(3) RESEARCH AND DEVELOPMENT PRIORITIES.—The Corporation shall establish, as 1 of the highest research and development priorities of the Corporation, the development of a pasture, range, and forage program to promote land stewardship.

"(4) STUDY OF MULTIYEAR COVERAGE.—

"(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine whether offering plans of insurance that provide coverage for multiple years would reduce fraud and abuse by persons that participate in the Federal crop insurance program.

"(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).".

SEC. 203. CHOICE OF RISK MANAGEMENT OPTIONS.

(a) IN GENERAL.—Section 522 of the Federal Crop Insurance Act (as amended by section 202) is amended by adding at the end the following:

"(c) CHOICE OF RISK MANAGEMENT OPTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means each agricultural commodity specified in section 518—

"(i) for which catastrophic risk protection or additional coverage is available under this title, other than solely this section; and

"(ii) that is selected by the Secretary in a manner that—

"(I) encourages the maximum number of participants in the program under this subsection;

"(II) provides a mixture of program, specialty, and regional crops;

"(III) gives consideration to agricultural commodities with low crop insurance participation rates; and

"(IV) results in not less than 15 percent of payments being made to producers in States in which—

"(aa) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

"(bb) the Secretary of Agriculture determines that the State is underserved by Federal crop insurance.

"(B) APPLICABLE CROP.—The term 'applicable crop' means each of the 2002 through 2004 crops of an agricultural commodity produced by a producer.

"(C) APPLICABLE YEAR.—The term 'applicable year' means the year in which—

"(i) the applicable crop is produced on the farm of a producer; and

"(ii) the producer elects to receive a risk management payment or crop insurance premium subsidy under this subsection.

"(D) REGULATED EXCHANGE.—The term 'regulated exchange' means a board of trade (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)) that is designated as a contract market under section 2(a)(1)(B) of that Act (7 U.S.C. 2a).

"(2) RISK MANAGEMENT PAYMENTS.—

"(A) OFFER.—The Corporation shall offer either to make either risk management payments or to provide crop insurance premium subsidies for each of the 2002 through 2004 crops of an agricultural commodity in accordance with subparagraph (B).

"(B) TERMS.—Not later than the sales closing date for obtaining coverage for an agricultural commodity for each applicable year, an eligible producer may elect to receive, with respect to the agricultural commodity—

"(i) a risk management payment under this subsection; or

"(ii) a crop insurance premium subsidy, including a catastrophic risk protection subsidy, under this subsection.

"(3) RISK MANAGEMENT PAYMENT.—

"(A) IN GENERAL.—In the case of a producer that elects to receive a risk management payment for an applicable crop of an agricultural commodity under this subsection, the Corporation shall make a risk management payment to the producer that covers the agricultural commodity produced by the producer for the applicable crop.

"(B) BASIS FOR PAYMENT.—The amount of a risk management payment shall be determined in accordance with paragraph (5).

"(4) QUALIFYING RISK MANAGEMENT PRACTICES.—To be eligible for a risk management payment under this subsection for an applicable crop of an agricultural commodity, a producer shall obtain or use for the applicable crop a qualifying risk management practice from at least 2 of the following categories:

"(A) CROP INSURANCE CATEGORY.—A producer may purchase coverage for an agricultural commodity under a private plan of insurance or a Federal plan of insurance that is not subsidized.

"(B) MARKETING RISK CATEGORY.—

"(i) FUTURE OR OPTION.—A producer may enter into a future or option for an agricultural commodity produced on the farm of the producer for the applicable crop on a regulated exchange that is (as determined by the Corporation)—

"(I)(aa) in the case of a future, at least 1 regulated futures contract (as defined in section 1256(g) of the Internal Revenue Code of 1986); and

"(bb) in the case of an option, at least 1 listed option (as defined in section 1256(g) of that Code); and

"(II) a hedging transaction (as defined in section 1256(e)(2) of that Code) involving an agricultural commodity that is used to reduce production, price, or revenue risk.

"(ii) AGRICULTURAL TRADE OPTION.—A producer may purchase, on other than a regulated exchange, an agricultural trade option for the applicable crop of an agricultural commodity produced on the farm of the producer that (as determined by the Corporation)—

"(I) provides coverage for at least 10 percent of the estimated monetary value of the agricultural commodity;

"(II) is an equity option (as defined in section 1256(g) of the Internal Revenue Code of 1986); and

"(III) is a hedging transaction (as defined in section 1256(e)(2) of that Code) involving an agricultural commodity that is used to reduce production, price, or revenue risk.

"(iii) CASH FORWARD OR OTHER MARKETING CONTRACT.—A producer may enter into a cash forward or other type of marketing contract for at least 20 percent of the monetary value of an agricultural commodity produced on the farm of the producer for the applicable crop, as determined by the Secretary.

"(iv) MARKETING THROUGH COOPERATIVES.—A producer may market at least 25 percent of an agricultural commodity produced by the producer through a cooperative that is owned by agricultural producers.

"(C) FINANCIAL RISK CATEGORY.—

"(i) TRUST.—A producer may make a deposit of an amount equal to at least 10 percent of the payments of the producer for the applicable year under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) into a trust authorized by statute for eligible farming businesses that may be established to accept tax deductible contributions.

"(ii) AGRICULTURAL MARKETING AND RISK MANAGEMENT EDUCATION.—A producer may attend and complete in the applicable year an agricultural marketing or risk management class or seminar approved by the Corporation.

"(iii) FINANCIAL RISK REDUCTION.—A producer may reduce farm financial risk by reducing debt in an amount that reduces leverage or by increasing liquidity, as determined by the Secretary.

"(iv) DIVERSIFICATION.—A producer may address production or financial risk by—

"(I) diversifying production on the farm of the producer by producing at least 1 additional commodity on the farm;

"(II) significantly increasing farm enterprise diversification in the applicable year, as determined by the Secretary;

"(III) maintaining an integrated farming system with a substantial degree of diversification, as determined by the Secretary; or

"(IV) implementing a transition to organic farming.

"(D) FARM RESOURCES RISK CATEGORY.—

"(i) CONSERVATION PRACTICES.—A producer may implement new or existing conservation practices consisting of—

"(I) nutrient management;

"(II) integrated pest management;

"(III) conservation tillage;

"(IV) conservation buffers; or

"(V) other conservation practices that are appropriate for the farm, as determined by the Secretary.

"(ii) AGRICULTURAL CONSERVATION MANAGEMENT PLAN.—A producer may develop a plan to mitigate financial risk associated with resource conservation through practices consisting of—

"(I) nutrient management;

"(II) integrated pest management;

"(III) soil erosion control;

"(IV) conservation buffers;

"(V) soil residue management;

"(VI) water quantity or quality management; or

"(VII) other conservation practices that are appropriate for the farm, as determined by the Secretary.

"(iii) AGRICULTURAL RESOURCE IMPROVEMENTS.—A producer may invest in the improvement or development of 1 or more of the following capital land improvements on the farm of the producer to reduce production risk:

"(I) Irrigation management.

"(II) Watershed management structures.

"(III) Planting trees for windbreaks or water quality.

"(IV) Soil quality management options.

"(V) Animal waste management structures.

"(VI) Other land improvements, as determined by the Secretary.

"(E) OTHER CATEGORY.—A producer may engage in any other risk management practice approved by the Secretary.

"(5) DETERMINATION OF RISK MANAGEMENT PAYMENT.—

"(A) IN GENERAL.—The Secretary shall determine the amount of a risk management payment for an agricultural commodity produced on the farm of a producer for an applicable crop taking into consideration the expenditure by the producer on the risk management practices obtained or used by the producer.

"(B) MAXIMUM PAYMENT.—No payment shall be made in excess of an amount equal to the national average of the previous year's liability for all catastrophic risk protection policies.

"(C) FUNDING.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be expended to carry out this subsection from the insurance fund under section 516(a)(2)(C) not more than $500,000,000 for the period of fiscal years 2002 through 2004.

"(ii) ANNUAL LIMITATION.—Not more than $200,000,000 may be expended in any fiscal year to carry out this subsection.

"(6) ADMINISTRATIVE PROVISIONS.—

"(A) CERTIFICATION.—A producer shall submit to the crop insurance agent or approved insurance provider a risk management practices form that certifies, in accordance with standards prescribed by the Secretary, the qualifying risk management practices and associated costs that were obtained or used by the producer during the applicable year.

"(B) COMPLIANCE.—The Corporation may perform random audits of producers that obtain a risk management payment to ensure that the producers obtained or used the qualifying risk management practices described in the form.

"(C) VIOLATION OF TERMS OF RISK MANAGEMENT PAYMENT.—If a producer has accepted a risk management payment or crop insurance premium subsidy for an applicable year and the producer fails to comply with subparagraph (A), or to carry out a qualifying risk management option elected by the producer under paragraph (4), with respect to the applicable year, the producer—

"(i) shall refund to the Corporation an amount equal to the risk management payment; and

"(ii) may be subject to debarment from loans and payments for a period of not to exceed 5 years, as provided in section 506(n)(3)(B).

"(D) ASSIGNMENT AND SHARING OF BENEFITS.—

"(i) ASSIGNMENT OF BENEFITS.—Assignment of a benefit provided under this subsection shall be carried out as provided in section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)).

"(ii) NOTICE.—The producer making the assignment, or the assignee, shall provide the Corporation with notice, in such manner as the Corporation may require, of any assignment.

"(iii) SHARING OF BENEFITS.—The Corporation shall provide for the sharing of benefits under this subsection among all producers that are at risk in the production of an applicable crop on a fair and equitable basis.

"(7) FISCAL YEARS.—This subsection shall apply to each of fiscal years 2002 through 2004.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 516(a) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) DISCRETIONARY EXPENSES.—There are authorized to be appropriated for fiscal year 1999 and each subsequent fiscal year such sums as are necessary to cover—

"(A) the salaries and expenses of the Corporation; and

"(B) the expenses of approved insurance providers incurred in carrying out section 522(c)."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) risk management payments authorized under section 522(c) in an amount not to exceed $500,000,000 for the period of fiscal years 2002 through 2004, of which not more than $200,000,000 may be expended for any 1 fiscal year.".

SEC. 204. OPTIONS PILOT PROGRAM.

(a) IN GENERAL.—Section 191 of the Agricultural Market Transition Act (7 U.S.C. 7331) is amended—

(1) in the first sentence of subsection (a), by striking "2002" and inserting "2004";

(2) in subsection (b)—

(A) in the first sentence, by striking "100 counties, except that not more than 6" and inserting "300 counties, except that not more than 25"; and

(B) in the second sentence, by striking "2002" and inserting "2004"; and

(3) in subsection (c)(2), by inserting before the semicolon the following: "during any calendar year in which a county in which the farm of the producer is located is authorized to operate the pilot program".

(b) FUNDING.—From amounts made available under section 516(a)(2)(C) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)(C)) (as added by section 203(b)(2)(C)) for the choice of risk management options pilot program, the Federal Crop Insurance Corporation shall transfer to the Secretary of Agriculture to carry out the amendments made by subsection (a) $27,000,000 for each of fiscal years 2002 through 2004.

SEC. 205. RISK MANAGEMENT INNOVATION AND COMPETITION PILOT PROGRAM.

Section 522 of the Federal Crop Insurance Act (as amended by section 203(a)) is amended by adding at the end the following:

"(d) RISK MANAGEMENT INNOVATION AND COMPETITION.—

"(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine what incentives are necessary to encourage approved insurance providers to—

"(A) develop and offer innovative risk management products to producers;

"(B) rate premiums for risk management products; and

"(C) competitively market the risk management products.

"(2) ESTABLISHMENT.—

"(A) IN GENERAL.—The Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board risk management products involving—

"(i) loss of yield or revenue insurance coverage for 1 or more commodities (including commodities that are not insurable under this title as of the date of enactment of this section, but excluding livestock);

"(ii) rates of premium for the risk management product; or

"(iii) underwriting systems for the risk management product.

"(B) SUBMISSION TO BOARD.—The Board shall review and approve a risk management product before the risk management product may be marketed under this subsection.

"(C) DETERMINATION BY BOARD.—The Board may approve a risk management product for subsidy and reinsurance under this title if the Board determines that—

"(i) the interests of producers of commodities are adequately protected by the risk management product;

"(ii) premium rates charged to producers are actuarially appropriate (within the meaning of section 508(h)(3)(E));

"(iii) the underwriting system of the risk management product is appropriate and adequate;

"(iv) the proposed risk management product is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

"(v) the size of the proposed pilot area is adequate;

"(vi) insurance protection against the risk covered by the proposed risk management product is not generally available from private plans of insurance that are not covered by this title; and

"(vii) such other requirements of this title as the Board determines should apply to the risk management product are met.

"(D) CONFIDENTIALITY.—

"(i) IN GENERAL.—All information concerning a risk management product shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

"(ii) STANDARD.—If information concerning a risk management product of an approved insurance provider could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

"(3) MARKETING OF RISK MANAGEMENT PRODUCTS.—

"(A) DEFINITION OF ORIGINAL PROVIDER.—In this paragraph, the term 'original provider' means an approved insurance provider that submits a risk management product to the Board for approval under paragraph (2).

"(B) AUTHORITY TO MARKET.—If the Board approves a risk management product under paragraph (2), subject to subparagraph (C), only the original provider may market the risk management product.

"(C) FEE.—

"(i) IN GENERAL.—An approved insurance provider (other than the original provider) that desires to market a risk management product shall pay a fee to the original provider for the right to market the risk management product.

"(ii) AMOUNT.—The original provider shall determine the amount of the fee under clause (i).".

SEC. 206. EDUCATION AND RESEARCH.

Section 522 of the Federal Crop Insurance Act (as amended by section 205) is amended by adding at the end the following:

"(e) EDUCATION AND RESEARCH.—

"(1) IN GENERAL.—The Corporation shall establish the programs described in paragraphs (2) and (3), respectively, for the 2001–2004 fiscal years, not to exceed the funding limitations established in paragraph (4).

"(2) EDUCATION AND INFORMATION.—The Corporation shall establish a program of education and information for States in which—

"(A) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

"(B) the Secretary of Agriculture determines that the State is underserved by Federal crop insurance.

"(3) RESEARCH AND DEVELOPMENT.—The Corporation shall establish a program of research and development to develop new approaches to increasing participation in States in which—

"(A) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

"(B) the Secretary of Agriculture determines that the State is underserved by Federal crop insurance.

"(4) FUNDING.—The following amounts shall be transferred from funds made available in section 516(a)(2)(C) for the Choice of Risk Management Options pilot program—

"(A) for the Education, Information and Insurance Provider Recruitmant program in paragraph (2), $10,000,000 for each of fiscal years 2001 through 2004.

"(B) for the Research and Development program in paragraph (3), $5,000,000 for each of fiscal years 2001 through 2004.".

SEC. 207. CONFORMING AMENDMENTS.

(a) Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

(b) Section 516(b)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)(A)) is amended by striking "exceed $3,500,000 for each fiscal year." and inserting "exceed—

"(i) in the case of each of fiscal years 2001 and 2002, $4,500,000;

"(ii) in the case of each of fiscal years 2003 and 2004, $3,750,000; and

"(iii) in the case of each subsequent fiscal year, $3,500,000.".

(c) Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by striking "subsection (a) or (m) of section 508 of this title" and inserting "section 508(a), 522, or 523".

TITLE III—ADMINISTRATION

SEC. 301. BOARD OF DIRECTORS OF CORPORATION.

(a) IN GENERAL.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking subsection (a) and inserting the following:

"(a) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors, subject to the general supervision of the Secretary.

"(2) COMPOSITION.—The Board shall consist of—

"(A) 4 members who are active agricultural producers with or without crop insurance, with 1 member appointed from each of the 4 regions of the United States (as determined by the Secretary);

"(B) 1 member who is active in the crop insurance business;

"(C) 1 member who is active in the reinsurance business;

"(D) the Under Secretary for Farm and Foreign Agricultural Services;

"(E) the Under Secretary for Rural Development; and

"(F) the Chief Economist of the Department of Agriculture.

"(3) APPOINTMENT AND TERMS OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (A), (B), and (C) of paragraph (2)—

"(A) shall be appointed by, and hold office at the pleasure of, the Secretary;

"(B) shall not be otherwise employed by the Federal Government;

"(C) shall be appointed to staggered 4-year terms, as determined by the Secretary; and

"(D) shall serve not more than 2 consecutive terms.

"(4) CHAIRPERSON.—The Board shall select a member of the Board described in subparagraph (A), (B), or (C) of paragraph (2) to serve as Chairperson of the Board.

"(5) OFFICE OF RISK MANAGEMENT.—The Office of Risk Management shall provide assistance to the Board in developing, reviewing, and recommending—

"(A) new plans of insurance and pilot projects under this title that are proposed by the Office or by a private insurance provider;

"(B) terms of the Standard Reinsurance Agreement;

"(C) rates for plans of insurance under this title; and

"(D) other issues involved in the administration of Federal crop insurance, as requested by the Board.

"(6) EXECUTIVE DIRECTOR; STAFF.—

"(A) EXECUTIVE DIRECTOR.—An executive director appointed by the Secretary, with the concurrence of the Board, shall—

"(i) assist the Board, as provided in subparagraph (C); and

"(ii) report to the Secretary.

"(B) STAFF.—

"(i) IN GENERAL.—A staff of 4 individuals appointed by the Executive Director shall report to the Executive Director.

"(ii) QUALIFICATIONS.—An individual described in clause (i) (except the Executive Director) shall be knowledgeable and experienced in quantitative mathematics and actuarial rating.

"(C) FUNCTIONS.—The Executive Director and staff appointed under this paragraph shall—

"(i) assist the Board in reviewing and approving policies and materials with respect to plans of insurance or other materials authorized or submitted under section 508, 522, or 523;

"(ii) provide at least monthly reports to the Board on crop insurance issues, which shall be based on comments received from producers, approved insurance providers, and other sources that the Executive Director and staff consider appropriate;

"(iii) review policies and materials with respect to—

"(I) subsidized plans of insurance authorized under section 508; and

"(II) unsubsidized plans of insurance submitted to the Board under section 508(h);

"(iv) make recommendations to the Board with respect to approval of the policies and materials, including recommendations with respect to the disapproval of any policies and materials that contain terms or conditions that promote fraud;

"(v) make recommendations to the Board to encourage cooperation between United States attorneys, the Corporation, and approved insurance providers to minimize fraud in connection with an insurance plan or policy under this title;

"(vi) review and make recommendations to the Board with respect to methodologies for rating plans of insurance under this title; and

"(vii) perform such other functions as the Board considers appropriate.

"(D) FUNDING.—

"(i) INSURANCE FUND.—From amounts in the insurance fund under section 516(c)(1), effective for fiscal year 2001, $500,000 shall be available to pay the salaries and expenses of the Executive Director and staff appointed under this paragraph.

"(ii) SALARIES AND EXPENSES.—Subject to the availability of appropriations, the Risk Management Agency shall transfer $500,000 for fiscal year 2001, and $1,000,000 for each subsequent fiscal year, at the beginning of the fiscal year to the Executive Director for the salaries and expenses of the Executive Director and staff appointed under this paragraph.".

(b) SUBMISSION OF POLICIES AND MATERIALS TO BOARD.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

"(1) IN GENERAL.—In addition to any standard forms or policies that the Board may require be made available to producers under subsection (c), a person may propose to the Board—

"(A) loss of yield or revenue insurance coverage on an individual, area, or a combination of individual and area basis, for 1 or more agricultural commodities;

"(B) rates of premium for a proposed or existing policy; and

"(C) underwriting systems for a proposed or existing policy.

"(2) SUBMISSION OF PROPOSALS.—

"(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), a proposal submitted to the Board under this subsection may be prepared without regard to the limitations of this title, including limitations—

"(i) concerning actuarial soundness;

"(ii) concerning levels of coverage;

"(iii) concerning rates of premium;

"(iv) that the price level for coverage for each insured commodity must equal the expected market price for the commodity as established by the Board; and

"(v) that an approved insurance provider shall provide coverage under a policy throughout a State for all commodities if the approved insurance provider elects to provide any coverage in the State.

"(B) MAXIMUM ALLOWABLE SUBSIDY.—The payment by the Corporation of a portion of the premium of the policy approved by the Board under this subsection may not exceed the amount that would otherwise be authorized under subsection (e)..

"(3) STANDARDS.—

"(A) IN GENERAL.—The Board shall approve a proposal under this subsection for subsidy and reinsurance if the Board finds that the proposal adequately ensures that—

"(i) the interests of producers of commodities are adequately protected;

"(ii) premiums charged to producers are actuarially appropriate;

"(iii) the underwriting system included in the proposal is appropriate and adequate; and

"(iv) the proposal is reinsured under this title, is reinsured through private reinsurance, or is self-insured;

"(B) RATES OF PREMIUM.—A proposed rate of premium (including the part of premium paid by the Corporation) shall be considered to be actuarially appropriate if the rate is sufficient to cover projected losses and expenses, a reasonable reserve, and the amount of operating and administrative expenses of the approved insurance provider determined under subsection (d)(2).

"(C) PROPOSED UNDERWRITING PLANS.—A proposed underwriting plan—

"(i) may be on an area or individual farm basis; and

"(ii) shall, at a minimum, specify factors such as yield history for the farm or region, soils and resource quality for the farm, and farm production practices.

"(D) REINSURANCE.—

"(i) FEDERAL REINSURANCE.—The Corporation shall, to the maximum extent practicable, make reinsurance available to an approved insurance provider under this subsection.

"(ii) PRIVATE OR FEDERAL REINSURANCE.—An approved insurance provider may—

"(I) obtain private reinsurance for the proposal;

"(II) obtain reinsurance for the proposal under this title; or

"(III) self-insure the proposal.

"(E) ACTUARIALLY APPROPRIATE.—The Board shall prescribe standards for determining whether premium rates are actuarially appropriate considering the risk inherent in the proposed product.

"(4) REVIEW AND APPROVAL BY BOARD.—With respect to any policy or other material submitted to the Board after October 1, 2000, under this subsection, the following guidelines shall apply:

"(A) IN GENERAL.—The policy or other material shall be reviewed by the Board in accordance with subparagraphs (C) and (D).

"(B) MULTIPLE INSURANCE AGREEMENTS.—The Corporation may enter into more than 1 reinsurance agreement simultaneously with the approved insurance provider to facilitate the offering of the new policy.

"(C) PROCEDURES FOR SUBMISSION AND REVIEW.—The Corporation shall promulgate regulations that establish procedures for the submission and review by the Board of proposals submitted to the Board under this subsection, including—

"(i) the standards applicable to a proposal under paragraph (3) (including documentation required to establish that a proposal satisfies the standards);

"(ii) procedures concerning the time limitations provided under this paragraph; and

"(iii) procedures that provide an applicant the opportunity to present the proposal to the Board in person.

"(D) REVIEW BY THE BOARD.—

"(i) PERIOD FOR APPROVAL.—Notwithstanding any other provision of law, a proposal submitted to the Board shall be considered to be approved unless the Board disapproves the proposal by the date that is 60 business days after the later of—

"(I) the date of submission of the completed proposal to the Board; or

"(II) the date on which the applicant provides to the Board notice of intent to modify the proposal under clause (ii)(IV).

"(ii) NOTICE OF DISAPPROVAL.—

"(I) IN GENERAL.—Not later than 15 days before the date on which the Board intends to announce disapproval of a proposal, the Board shall provide the applicant, by registered mail, with notice of intent to disapprove the proposal.

"(II) RIGHT TO MODIFY.—An applicant that is notified under subclause (I) may modify the proposal.

"(III) ORIGINAL APPLICATION.—For the purposes of this clause, any modified proposal shall be considered to be an original proposal.

"(IV) NOTICE OF INTENT TO MODIFY.—Not later than 5 business days after receipt of a notice under subclause (I), an applicant that intends to modify the proposal shall so notify the Board.

"(E) TIMING.—In establishing procedures under this subsection, the Board shall prescribe a reasonable deadline for the submission of proposals that approved insurance providers expect to market during the reinsurance year.

"(F) CONFIDENTIALITY.—

"(i) IN GENERAL.—A proposal submitted to the Board under this subsection (including any information generated from the proposal) shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

"(ii) STANDARD OF CONFIDENTIALITY.—Except as provided in clauses (iii) and (iv), if information concerning a proposal could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

"(iii) EXCEPTION FOR PURCHASERS OF PLANS OF INSURANCE.—Clause (ii) shall not apply in the case of an approved insurance provider that elects to pay a fee to sell a plan of insurance developed by another provider under paragraph (5).

"(iv) APPROVED PROPOSALS.—In lieu of publication in the Federal Register, a general summary of the content of the proposal shall be made available to other approved insurance providers at the time at which the proposal is approved by the Board, consisting of a description of—

"(I) the identity of the approved insurance provider;

"(II) the coverage provided; and

"(III) the area to be covered by the approved proposal.";

(2) by striking paragraphs (6), (8), and (10); and

(3) by redesignating paragraphs (7) and (9) as paragraphs (6) and (7), respectively.

(c) CONFORMING AMENDMENTS.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) the salaries and expenses of the Executive Director and staff appointed under section 505(a)(6) for fiscal year 2001, but not to exceed $500,000 for the fiscal year; and".

SEC. 302. GOOD FARMING PRACTICES.

Section 508(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(3)) (as amended by section 103(d)) is amended in subparagraph (A)(iii) by inserting after "good farming practices" the following: ", including scientifically sound sustainable and organic farming practices".

SEC. 303. SANCTIONS FOR PROGRAM NONCOMPLIANCE AND FRAUD.

(a) IN GENERAL.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by striking subsection (n) and inserting the following:

"(n) SANCTIONS FOR PROGRAM NONCOMPLIANCE AND FRAUD.—

"(1) FALSE INFORMATION.—A producer, agent, loss adjuster, approved insurance provider, or other person that willfully and intentionally provides any false or inaccurate information to the Corporation or to an approved insurance provider with respect to a policy or plan of insurance under this title may, after notice and an opportunity for a hearing on the record, be subject to 1 or more of the sanctions described in paragraph (3).

"(2) COMPLIANCE.—A person may, after notice and an opportunity for a hearing on the record, be subject to 1 or more of the sanctions described in paragraph (3) if the person is—

"(A) a producer, agent, loss adjuster, approved insurance provider, or other person that willfully and intentionally fails to comply with a requirement of the Corporation; or

"(B) an agent, loss adjuster, approved insurance provider, or other person (other than a producer) that willfully and intentionally fails to comply with a requirement of the Standard Reinsurance Agreement.

"(3) AUTHORIZED SANCTIONS.—If the Secretary determines that a person covered by this subsection has committed a material violation under paragraph (1) or (2), the following sanctions may be imposed:

"(A) CIVIL FINES.—A civil fine may be imposed for each violation in an amount not to exceed the greater of—

"(i) the amount of the pecuniary gain obtained as a result of the false or inaccurate information provided or the noncompliance with a requirement of this title; or

"(ii) $10,000.

"(B) DEBARMENT.—

"(i) PRODUCERS.—In the case of a violation committed by a producer, the producer may be disqualified for a period of up to 5 years from receiving any monetary or nonmonetary benefit provided under—

"(I) this title;

"(II) the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), including the noninsured crop disaster assistance program under section 196 of that Act (7 U.S.C. 7333);

"(III) the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.);

"(IV) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

"(V) the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.);

"(VI) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

"(VII) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.); and

"(VIII) any law that provides assistance to a producer of an agricultural commodity affected by a crop loss or a decline in the prices of agricultural commodities.

"(ii) OTHER PERSONS.—In the case of a violation committed by an agent, loss adjuster, approved insurance provider, or other person (other than a producer), the violator may be disqualified for a period of up to 5 years from participating in any program, or receiving any benefit, under this title.

"(4) ASSESSMENT OF SANCTION.—The Secretary shall consider the gravity of the violation of the person covered by this subsection in determining—

"(A) whether to impose a sanction under this subsection; and

"(B) the amount of the sanction to be imposed.

"(5) DISCLOSURE OF SANCTIONS.—Each policy or plan of insurance under this title shall provide notice about the sanctions prescribed under paragraph (3) for willfully and intentionally—

"(A) providing false or inaccurate information to the Corporation or to an approved insurance provider; or

"(B) failing to comply with a requirement of the Corporation or the Standard Reinsurance Agreement.

"(6) INSURANCE FUND.—Any funds collected under this subsection shall be deposited into the insurance fund under section 516(c)(1).".

(b) CONFORMING AMENDMENTS.—Section 516(c) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is established the insurance fund, which shall include (to remain available without fiscal year limitation)—

"(A) premium income;

"(B) amounts made available under subsection (a)(2); and

"(C) civil fines collected under section 506(n)(3)(A).".

SEC. 304. OVERSIGHT OF AGENTS AND LOSS ADJUSTERS.

Section 506(q) of the Federal Crop Insurance Act (7 U.S.C. 1506(q)) is amended by adding at the end the following:

"(3) OVERSIGHT OF AGENTS AND LOSS ADJUSTERS.—The Corporation shall—

"(A) develop procedures for an annual review by an approved insurance provider of the performance of each agent and loss adjuster used by the approved insurance provider;

"(B) oversee the annual review conducted by each approved insurance provider; and

"(C) consult with each approved insurance provider regarding any remedial action that is determined necessary as a result of the annual review of an agent or loss adjuster.

"(4) COMPLIANCE REPORTS.—Not later than the end of each fiscal year, the Corporation shall submit, to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Board, a report concerning compliance by approved insurance providers, agents, and loss adjusters with this title, including any recommendations for legislative or administrative changes that could further improve compliance.".

SEC. 305. ADEQUATE COVERAGE FOR STATES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 107) is amended by adding at the end the following:

"(9) ADEQUATE COVERAGE FOR STATES.—

"(A) DEFINITION OF ADEQUATELY SERVED.—In this paragraph, the term 'adequately served' means having a participation rate that is at least 50 percent of the national average participation rate.

"(B) REVIEW.—The Board shall review the plans of insurance that are offered by approved insurance providers under this title to determine if each State is adequately served by the plans of insurance.

"(C) REPORT.—

"(i) IN GENERAL.—Not later than 30 days after completion of the review under subparagraph (B), the Board shall submit to Congress a report on the results of the review.

"(ii) RECOMMENDATIONS.—The report shall include recommendations to increase participation in States that are not adequately served by the plans of insurance.".

SEC. 306. RECORDS AND REPORTING.

(a) CONDITION OF OBTAINING COVERAGE.—Section 508(f)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(3)(A)) is amended by striking "provide," and all that follows through "sought" and inserting "provide annually records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each agricultural commodity insured under this title".

(b) COORDINATION AND USE OF RECORDS AND REPORTS.—Section 506(h) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)) is amended—

(1) by striking "The Corporation" and inserting the following:

"(1) IN GENERAL.—The Corporation"; and

(2) by adding at the end the following:

"(2) COORDINATION AND USE OF RECORDS AND REPORTS.—

"(A) COORDINATION.—The Secretary shall ensure that recordkeeping and reporting requirements under this title and section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) are coordinated by the Corporation and the Farm Service Agency—

"(i) to avoid duplication of records and reports;

"(ii) to streamline procedures involved with the submission of records and reports; and

"(iii) to enhance the accuracy of records and reports.

"(B) USE.—Records submitted under this title and section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) shall be available to agencies and local offices of the Department, appropriate State and Federal agencies and divisions, and approved insurance providers for use in carrying out this title, that section, and other agricultural programs and related responsibilities.".

SEC. 307. FEES FOR PLANS OF INSURANCE.

(a) IN GENERAL.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (5) and inserting the following:

"(5) FEES FOR PLANS OF INSURANCE.—

"(A) FEES FOR EXISTING PLANS OF INSURANCE.—

"(i) IN GENERAL.—Effective beginning with the 2001 reinsurance year, if an approved insurance provider elects to sell a plan of insurance that was developed by another approved insurance provider and the plan of insurance was approved by the Board before January 1, 2000, the approved insurance provider that developed the plan of insurance shall have the right to receive a fee from the approved insurance provider that elects to sell the plan of insurance.

"(ii) AMOUNT.—The amount of the fee that is payable by an approved insurance provider for a plan of insurance under clause (i) shall be—

"(I) for each of the first 5 crop years that the plan is sold, $2.00 for each policy under the plan that is sold by the approved insurance provider;

"(II) for each of the next 3 crop years that the plan is sold, $1.00 for each policy under the plan that is sold by the approved insurance provider; and

"(III) for each crop year thereafter that the plan is sold, 50 cents for each policy under the plan that is sold by the approved insurance provider.

"(B) FEES FOR NEW PLANS OF INSURANCE.—

"(i) IN GENERAL.—Effective beginning with the 2001 reinsurance year, if an approved insurance provider elects to sell a plan of insurance that was developed by another approved insurance provider, the plan of insurance was approved by the Board under this subsection on or after January 1, 2000, and the plan of insurance was not available at the time at which the plan of insurance was approved by the Board, the approved insurance provider that developed the plan of insurance shall have the right to receive a fee from the approved insurance provider that elects to sell the plan of insurance.

"(ii) AMOUNT.—

"(I) IN GENERAL.—Subject to subclause (II), the amount of the fee that is payable by an approved insurance provider for a plan of insurance under clause (i) shall be an amount that is—

"(aa) determined by the approved insurance provider that developed the plan; and

"(bb) approved by the Board.

"(II) APPROVAL.—The Board shall not approve the amount of a fee under clause (i) if the amount of the fee unnecessarily inhibits the use of the plan of insurance, as determined by the Board.

"(C) PAYMENTS.—The Corporation shall annually—

"(i) collect from an approved insurance provider the amount of any fees that are payable by the approved insurance provider under subparagraphs (A) and (B); and

"(ii) credit any fees that are payable to an approved insurance provider under subparagraphs (A) and (B).

"(D) EXCEPTIONS.—In the case of a policy developed by an approved insurance provider that does not conduct business in a State—

"(i) the approved policy may be marketed in the State by another approved insurance provider if the approved insurance provider marketing the policy pays any fee for marketing the policy imposed by the developing provider; and

"(ii) the developing provider shall not deny payment of a fee by another provider to maintain full marketing rights of the approved policy.".

(b) FUNDING.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) (as amended by sections 301(c) and 303(b)) is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(E) payment of fees in accordance with section 508(h)(5)(C)."; and

(2) in subsection (c)(1)(A), by inserting "and fees" after "premium income".

SEC. 308. LIMITATION ON DOUBLE INSURANCE.

Subsection (m) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as redesignated by section 207(a)(2)) is amended by adding at the end the following:

"(3) LIMITATION ON DOUBLE INSURANCE.—The Corporation may offer plans of insurance or reinsurance for only 1 agricultural commodity produced on specific acreage during a crop year, unless—

"(A) there is an established practice of double-cropping in an area, as determined by the Corporation;

"(B) the additional plan of insurance is offered with respect to an agricultural commodity that is customarily double-cropped in the area; and

"(C) the producer has a history of double cropping or the specific acreage has historically been double-cropped.".

SEC. 309. SPECIALTY CROPS.

(a) IN GENERAL.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (as amended by sections 201 through 203) is amended by adding at the end the following:

"SEC. 523. SPECIALTY CROPS.

"(a) RESEARCH REGARDING THE DEVELOPMENT OF NEW OR REVISED CROP INSURANCE POLICIES.—To encourage the development of new or revised crop insurance policies and other materials for specialty crops by qualified private entities, and the submission of those insurance policies and other materials to the Corporation under section 508(h), the Specialty Crops Coordinator may—

"(1) make grants on a competitive basis for the research and development of plans of insurance for underserved specialty crops;

"(2) reimburse research costs associated with product development; and

"(3) enter into contracts on a competitive basis for the research and development of plans of insurance for underserved specialty crops.

"(b) PARTNERSHIPS FOR DEVELOPMENT OF RISK MANAGEMENT TOOLS FOR SPECIALTY CROPS.—

"(1) PURPOSE.—The purpose of this subsection is to authorize the Specialty Crops Coordinator, on behalf of the Corporation, to enter into partnerships with qualified public and private entities for the purpose of increasing the availability of risk management tools for producers of specialty crops.

"(2) AUTHORITY.—

"(A) IN GENERAL.—For each of fiscal years 2001 through 2004, the Corporation may use not more than $20,000,000 from funds in the insurance fund under section 516(c)(1) to enter into partnerships with the Cooperative State Research, Education, and Extension Service, the Agricultural Research Service, the National Oceanic and Atmospheric Administration, and other appropriate public and private entities with demonstrated capabilities in developing and implementing risk management and marketing options for specialty crops.

"(B) EXCLUSION.—Amounts necessary to carry out subparagraph (A) shall not be counted toward the limitation on research and development expenses established in section 516(b)(2)(A).

"(3) OBJECTIVES.—The Corporation may enter into a partnership under this subsection to—

"(A) enhance the notice, and timeliness of notice of weather conditions, that could negatively affect specialty crop yields, quality, and final product use in order to allow producers to take preventive actions to increase end-product profitability and marketability and to reduce the possibility of crop insurance claims;

"(B) develop a multifaceted approach to pest management to decrease inputs, decrease the development of pest resistance, and increase the effectiveness of pest prevention applications;

"(C) develop a multifaceted approach to fertilization to decrease inputs, decrease excessive nutrient loading to the environment, and increase application efficiency;

"(D) develop or improve techniques for planning, breeding, growing, maintaining, harvesting, storage, and shipping that will address quality and quantity challenges for specialty crops and livestock associated with year-to-year and regional variations;

"(E) provide assistance to State foresters or equivalent officials for the prescribed use of burning on private forest land for the prevention, control, and suppression of fire; and

"(F) develop other risk management tools that specialty crop producers can use to further increase their economic and production stability.

"(c) TIME PERIODS FOR PURCHASE OF COVERAGE FOR SPECIALTY CROPS.—

"(1) SALES CLOSING DATE.—The sales closing date for obtaining coverage for a specialty crop under this title may not expire before the end of the 120-day period beginning on the date of the final release of materials for policies from the Risk Management Agency and the Specialty Crops Coordinator.

"(2) PURCHASE DURING INSURANCE PERIOD.—A producer of a specialty crop may purchase new coverage or increase coverage levels for the specialty crop at any time during the insurance period, subject to a 30-day waiting period and an inspection by the insurance provider to verify acceptability by the insurance provider, if the Corporation determines that the risk associated with the crop can be adequately rated.

"(d) STUDIES OF NEW SPECIALTY CROP INSURANCE POLICIES.—

"(1) IN GENERAL.—The Corporation and the Specialty Crops Coordinator authorized under section 507(g) shall jointly conduct studies of the feasibility of developing new insurance policies for specialty crops, including policies based on the cost of production or adjusted gross income, quality-based policies, or an intermediate program with a higher coverage and cost than the catastrophic risk protection offered on the date of enactment of this section.

"(2) SUBMISSION OF RESULTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Corporation and the Specialty Crops Coordinator shall submit to Congress a report containing the results of the studies required under this subsection.

"(e) FISCAL YEARS.—Subsections (b) and (c) shall apply to each of fiscal years 2001 through 2004.".

(b) REPORT ON COVERAGE OF NEW AND SPECIALTY CROPS AND METHOD FOR PROVISION OF CATASTROPHIC RISK PROTECTION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report assessing—

(1)(A) the progress made by the Department of Agriculture in expanding crop insurance coverage for new and specialty crops; and

(B) the plans of the Department to continue to expand coverage for additional crops; and

(2)(A) whether provision of catastrophic risk protection by private sector insurance providers—

(i) has resulted in a uniform quality of risk protection services in all regions of the United States; and

(ii) has fulfilled the goal of increased participation in the Federal crop insurance program, particularly in States with traditionally low crop insurance participation rates and States with a high proportion of specialty crops; and

(B) whether, particularly in States described in subparagraph (A)(ii), the Secretary should resume direct provision of catastrophic risk protection and performance of loss adjustment functions through local offices of the Department.

SEC. 310. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended to read as follows:

"SEC. 515. FEDERAL CROP INSURANCE IMPROVEMENT COMMISSION.

"(a) DEFINITION.—In this section the term 'Commission' means the Federal Crop Insurance Improvement Commission established by subsection (b).

"(b) ESTABLISHMENT OF COMMISSION.—There is established a Commission to be known as the 'Federal Crop Insurance Improvement Commission'.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Commission shall be composed of the following 15 members:

"(A) The Under Secretary for Farm and Foreign Agricultural Services of the Department.

"(B) The manager of the Corporation.

"(C) The Chief Economist of the Department or a person appointed by the Chief Economist.

"(D) An employee of the Office of Management and Budget, appointed by the Director of the Office of Management and Budget.

"(E) A representative of the National Association of Insurance Commissioners, experienced in insurance regulation, appointed by the Secretary.

"(F) Representatives of 4 approved insurance providers or related organizations that provide advisory or analytical support to the crop insurance industry, appointed by the Secretary.

"(G) 2 agricultural economists from academia, appointed by the Secretary.

"(H) 4 representatives of major farm organizations and farmer-owned cooperatives, appointed by the Secretary.

"(2) TIME OF APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of enactment of the Risk Management for the 21st Century Act.

"(3) TERM.—A member of the Commission shall serve for the life of the Commission.

"(d) DUTIES.—The Commission shall review and make recommendations concerning the following issues:

"(1) The extent to which approved insurance providers should bear the risk of loss for federally subsidized crop insurance.

"(2) Whether the Corporation should—

"(A) continue to provide financial assistance for the benefit of agricultural producers by reinsuring coverage written by approved insurance providers; or

"(B) provide assistance in another form, such as by acting as an excess insurer.

"(3) The extent to which development of new insurance products should be undertaken by the private sector, and how to encourage such development.

"(4) How to focus research and development of new insurance products to include the development of—

"(A) new types of products such as combined area and yield and whole farm revenue coverages; and

"(B) insurance products for specialty crops.

"(5) The use by the Corporation of private sector resources under section 507(c).

"(6) The progress of the Corporation in reducing administrative and operating costs of approved insurance providers under section 508(k)(5).

"(7) The identification of methods, and of organizational, statutory, and structural changes, to enhance and improve—

"(A) delivery of reasonably priced crop insurance products to agricultural producers;

"(B) loss adjustment procedures;

"(C) good farming practices;

"(D) the establishment of premiums; and

"(E) compliance with this title (including regulations issued under this title, the terms and conditions of insurance coverage, and adjustments of losses).

"(e) COMMISSION OPERATIONS.—

"(1) CHAIRPERSON; VOTING.—The Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture shall—

"(A) serve as Chairperson of the Commission; and

"(B) vote in the case of a tie.

"(2) MEETINGS.—The Commission shall meet regularly, but not less than 6 times per year.

"(3) DISCLOSURE.—To the extent that the records, papers, or other documents received, prepared, or maintained by the Commission are subject to public disclosure, the documents shall be available for public inspection and copying at the Office of Risk Management.

"(f) FINAL REPORT.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Risk Management for the 21st Century Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report on the review under subsection (d).

"(2) COPIES.—The Commission shall provide copies of the final report to—

"(A) the Secretary; and

"(B) the Board.

"(3) INTERIM REPORTS.—To expedite completion of the work of the Commission, the Commission may submit 1 or more interim reports or reports on 1 or more of the issues to be reviewed.

"(g) TERMINATION.—The Commission shall terminate on the earlier of—

"(1) 60 days after the date on which the Commission submits the final report under subsection (f); or

"(2) September 30, 2004.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 311. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION.

(a) HIGHLY ERODIBLE LAND.—Section 1211(3) of the Food Security Act of 1985 (16 U.S.C. 3811(3)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the following:

"(E) crop or revenue insurance, or a risk management payment, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq).".

(b) WETLAND CONSERVATION.—Section 1221(b)(3) of the Food Security Act of 1985 (16 U.S.C. 3821(b)(3)) is amended by adding at the end the following:

"(E) Crop or revenue insurance, or a risk management payment, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq).".

SEC. 312. PROJECTED LOSS RATIO.

Section 506(o) of the Federal Crop Insurance Act (7 U.S.C. 1506(o)) is amended by striking paragraph (2) and inserting the following:

"(2) PROJECTED LOSS RATIO.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve—

"(A) during the period beginning on October 1, 1998, and ending with the 2001 crop year, an overall projected loss ratio of not greater than 1.075; and

"(B) beginning with the 2002 crop year, an overall projected loss ratio of not greater than 1.0.".

SEC. 313. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) (as amended by section 207(a)(1)) is amended by adding at the end the following:

"(n) Compliance With State Licensing Requirements.—Any person that sells or solicits the purchase of a policy or plan of insurance or adjusts losses under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State, and shall comply with all State regulation of such sales and solicitation activities (including commission and anti-rebating regulations), as required by the appropriate insurance regulator of the State in accordance with the relevant insurance laws of the State.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. IMPROVED RISK MANAGEMENT EDUCATION.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 409. IMPROVED RISK MANAGEMENT EDUCATION FOR AGRICULTURAL PRODUCERS.

"(a) Definitions.—In this section:

"(1) Center.—The term 'Center' means a Risk Management Education Coordinating Center established under subsection (c)(1).

"(2) Land-grant college.—The term 'land-grant college' means any 1862 Institution, 1890 Institution, or 1994 Institution.

"(b) Program.—

"(1) In general.—The Secretary shall carry out a program to improve the risk management skills of agricultural producers, including the owners and operators of small farms, limited resource producers, and other targeted audiences, to make informed risk management decisions.

"(2) Purpose.—The program shall be designed to assist a producer to develop the skills necessary—

"(A) to understand the financial health and capability of the producer's operation to withstand price fluctuations, adverse weather, environmental impacts, diseases, family crises, and other risks;

"(B) to understand marketing alternatives, how various commodity markets work, the use of crop insurance products, and the price risk inherent in various markets; and

"(C) to understand legal, governmental, environmental, and human resource issues that impact the producer's operation.

"(c) Coordinating Centers.—

"(1) Establishment and purpose.—The Secretary shall establish a Risk Management Education Coordinating Center in each of 5 regions of the United States (as determined by the Secretary) to administer and coordinate the provision of risk management education to producers and their families under the program in that region.

"(2) Site selection.—

"(A) In general.—The Secretary shall locate the Center for a region at—

"(i) a risk management education coordinating office of the Cooperative State Research, Education, and Extension Service that is in existence at a land-grant college on the date of enactment of this section; or

"(ii) an appropriate alternative land-grant college in the region approved by the Secretary.

"(B) Land-grant colleges.—To be selected as the location for a Center, a land-grant college must have the demonstrated capability and capacity to carry out the priorities, funding distribution requirements, and reporting requirements of the program.

"(d) Coordinating Council.—

"(1) Establishment.—Each Center shall establish a coordinating council to assist in establishing the funding and program priorities for the region for which the Center was established.

"(2) Membership.—Each council shall consist of a minimum of 5 members, including representatives from—

"(A) public organizations;

"(B) private organizations;

"(C) agricultural producers; and

"(D) the Regional Service Offices of the Risk Management Agency in that region.

"(e) Center Activities.—

"(1) Instruction for risk management professionals.—Each Center shall coordinate the offering of intensive risk management instructional programs, involving classroom learning, distant learning, and field training work, for professionals who work with agricultural producers, including professionals who are—

"(A) extension specialists;

"(B) county extension faculty members;

"(C) private service providers; and

"(D) other individuals involved in providing risk management education.

"(2) Education programs for producers.—Each Center shall coordinate the provision of educational programs, including workshops, short courses, seminars, and distant-learning modules, to improve the risk management skills of agricultural producers and their families.

"(3) Development and dissemination of materials.—Each Center shall coordinate the efforts to develop new risk management education materials and the dissemination of such materials.

"(4) Coordination of resources.—

"(A) In general.—Each Center shall make use of available and emerging risk management information, materials, and delivery systems, after careful evaluation of the content and suitability of the information, materials, and delivery systems for producers and their families.

"(B) Use of available expertise.—To assist in conducting the evaluation under subparagraph (A), each Center shall use available expertise from land-grant colleges, nongovernmental organizations, government agencies, and the private sector.

"(f) Grants.—

"(1) Special grants.—Each Center shall reserve a portion of the funds provided under this section to make special grants to land-grant colleges and private entities in the region to conduct 1 or more of the activities described in subsection (e).

"(2) Competitive grants.—Each Center shall reserve a portion of the funds provided under this section to conduct a competitive grant program to award grants to both public and private entities that have a demonstrated capability to conduct 1 or more of the activities described in subsection (e).

"(g) National Agriculture Risk Education Library.—The National Agriculture Risk Education Library shall—

"(1) serve as a central agency for the coordination and distribution of risk management educational materials; and

"(2) provide a means for the electronic delivery of risk management information and materials.

"(h) Funding Provisions.—

"(1) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2001 and each subsequent fiscal year.

"(2) Distribution.—

"(A) National agriculture risk education library.—For each fiscal year, of the funds made available to carry out this section, 2.5 percent shall be distributed to the National Agriculture Risk Education Library.

"(B) Centers.—For each fiscal year, the remainder of the funds made available to carry out this section shall be distributed equally among the Centers.

"(C) Administration by land-grant colleges.—The land-grant college at which a Center is located shall be responsible for administering and disbursing funds described in subparagraph (B), in accordance with applicable State and Federal financial guidelines, for activities authorized by this section.

"(3) Prohibition on construction.—

"(A) Location of centers.—Each Center shall be located in a facility in existence on the date of enactment of this section.

"(B) Prohibition.—Funds provided under this section shall not be used to carry out construction of any facility.

"(i) Evaluation.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall evaluate the activities of each Center to determine whether the risk management skills of agricultural producers and their families are improved as a result of their participation in educational activities financed using funds made available under subsection (h).".

SEC. 402. SENSE OF THE SENATE REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Senate that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled "General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities", published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

SEC. 403. SENSE OF CONGRESS ON RALLY FOR RURAL AMERICA AND RURAL CRISIS.

(a) Findings.—Congress finds that—

(1) on March 20–21, 2000, thousands of rural citizens, working families, and those representing the environmental and religious communities traveled to Washington, D.C., to participate in the Rally for Rural America;

(2) a broad coalition of over 30 farm, environmental, and labor organizations that are concerned that rural America has been left behind during this time of prosperity participated in organizing the Rally for Rural America;

(3) although the majority of America has reaped the benefits of the strong economy, rural Americans are facing their toughest times in recent memory;

(4) the record low prices on farms and ranches of the United States have rippled throughout rural America causing rural communities to face numerous challenges, including—

(A) a depressed farm economy;

(B) an escalation of mergers and acquisitions;

(C) a loss of businesses and jobs on rural main street;

(D) erosion of health care and education;

(E) a decline in infrastructure;

(F) a reduction of capital investments; and

(G) a loss of independent family farmers;

(5) the Rally for Rural America urged Congress to reform the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127) to formulate rural policies in a manner that will alleviate the agricultural price crisis, ensure fair and open markets, and encourage fair trade;

(6) thousands of rural citizens have advocated farm policies that include—

(A) a strong safety net for all agricultural producers;

(B) competitive markets;

(C) an investment in rural education and health care;

(D) protection of natural resources for the next generation;

(E) a safe and secure food supply;

(F) revitalization of our farm families and rural communities; and

(G) fair and equitable implementation of government programs;

(7) because agricultural commodity prices are so far below the costs of production, eventually family farmers will no longer be able to pay their bills or provide for their families;

(8) anti-competitive practices and concentration are a cause of concern for American agriculture;

(9) rural America needs a fair and well reasoned farm policy, not unpredictable and inequitable disaster payments;

(10) disaster payments do not provide for real, meaningful change; and

(11) the economic conditions and pressures in rural America require real change.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the participants in the Rally for Rural America are commended and their pleas have been heard; and

(2) Congress should respond with a clear and strong message to the participants and rural families that Congress is committed to giving the crisis in agriculture, and all of rural America, its full attention by reforming rural policies in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets;

(C) invest in rural education and health care;

(D) protect our natural resources for future generations; and

(E) ensure a safe and secure food supply for all.

TITLE V—EFFECTIVE DATES; TERMINATION OF AUTHORITY

SEC. 501. EFFECTIVE DATES.

(a) In General.—Except as provided in subsections (b) and (c)(2) and section 502(a), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) Delayed Obligation.—The Federal Crop Insurance Corporation shall not obligate funds to carry out subsection (c)(2) and the amendments made by sections 102, 103, 105, 106, 201 through 207, 309, and 310 until October 1, 2000.

(c) Regulations.—

(1) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to carry out this Act and the amendments made by this Act.

(2) Indemnity Payments for Certain Producers of Durum Wheat.—

(A) In General.—Except as otherwise provided in this paragraph, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer of durum wheat that purchased a 1999 Crop Revenue Coverage wheat policy by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(B) Base and Harvest Prices.—The base price and harvest price under the policy shall be determined in accordance with the Commodity Exchange Endorsement for wheat published by the Federal Crop insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(C) Reinsurance.—Subject to subparagraph (B), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(D) Voiding of Bulletin.—Bulletin MGR-99-004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(E) Effective Date.—This paragraph takes effect on October 1, 2000.

SEC. 502. TERMINATION OF AUTHORITY.

(a) Effective Date.—This section and the amendments made by this section take effect on September 30, 2004.

(b) Repeal.—

(1) In General.—The amendments made by sections 102, 103, 105, 106, 203(b), and 310 are repealed.

(2) Applicability.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) shall be applied and administered as if the provisions described in paragraph (1) had not been enacted.

(3) Conforming Amendment.—Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by redesignating paragraph (8) (as added by section 107) and paragraph (9) (as added by section 305) as paragraph (7) and paragraph (8), respectively.

(c) Pilot Programs.—Section 522 of the Federal Crop Insurance Act (as added by sections 201, 202, 203, 205, and 206) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (D), by adding "and" at the end;

(ii) by striking subparagraphs (E) and (G);

(iii) in subparagraph (F), by striking "; and" and inserting a period; and

(iv) by redesignating subparagraph (F) as subparagraph (E);

(B) by striking paragraphs (4), (6), and (7); and

(C) by redesignating paragraphs (5) and (8) as paragraphs (4) and (5), respectively;

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) by striking subsections (c), (d), and (e).

(d) Board of Directors of Corporation.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) (as amended by sections 301(c) and 307(b)(1)) is amended—

(1) in subparagraph (C), by inserting "and" after the semicolon;

(2) by striking subparagraph (D); and

(3) by redesignating subparagraph (E) as subparagraph (D).

(e) Specialty Crops.—

(1) In General.—Section 523 of the Federal Crop Insurance Act (as added by section 309(a)) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsections (c) and (e); and

(C) by redesignating subsection (d) as subsection (c).

(2) Report.—Section 309 of this Act is amended by striking subsection (b).

(f) Funding.—Neither the Secretary of Agriculture nor the Federal Crop Insurance Corporation may use the funds of the insurance fund under section 516(c)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)(1)), the funds of the Commodity Credit Corporation, or funds under any provision of law to carry out a provision repealed or struck by this section.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I ask unanimous consent that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer (L. CHAFEE) appointed Mr. LUGAR, Mr. HELMS, Mr. COCHRAN, Mr. COVERDELL, Mr. ROBERTS, Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, and Mr. KERREY conferees on the part of the Senate.

COMMENDATION OF STAFF

Mr. LUGAR. Mr. President, I commend the staff of Senator ROBERTS, particularly Mike Seyfert; Senator KERREY's staff, Bev Paul; Senator HARKIN's staff, Mark Halverson and Stephanie Mercier; Senator GRASSLEY's staff, Mark Reisinger; my own staff, Andy Morton, Michael Knipe, Chimene Dupler, Bob Sturm, Dave Johnson, Keith Luse, and Terri Nintemann; Senator COCHRAN's staff, Hunt Shipman; and Senator DASCHLE's staff, Zabrae Valentine, who made very instrumental contributions to this bill.

Mr. HARKIN. Mr. President, I want to thank the Chairman for his leadership and work with all of us on the Agriculture Committee and in the Senate as a whole to bring this bill along to this point. It is a good bill and it will provide a lot of needed help to our nation's farmers and rural economy. I also want to thank and congratulate my colleagues, especially Senator KERREY and Senator ROBERTS, for their fine efforts. I too express my gratitude for the hard work and dedication of all the staff as mentioned by Chairman LUGAR, who have contributed to crafting this important piece of legislation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I congratulate Senator LUGAR, the chairman of the Committee on Agriculture, and Senator ROBERTS, on the bipartisan work that was done on this legislation. While it didn't get a 100-percent vote, I think they should be commended for keeping their commitment made last fall to get crop insurance to the floor. Senator LUGAR, in his usual way, has worked very hard to bring all divergent views together. I thank the Senator for this important legislation.

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the majority leader. Senator LUGAR, in the committee as well as on the floor, demonstrated once again why he is admired on both sides of the aisle as a leader in agriculture. This was not easy for him, beginning last year. He maneuvered the committee and brought the Senate to a point where we successfully completed our work.

I congratulate the Senator, and especially I congratulate Senators ROBERTS, KERREY, CONRAD, and others who had a role to play in bringing the Senate to this point. Our thanks to all Senators for their cooperation. I am grateful for the opportunity to have completed this work.

Mr. LOTT. Mr. President, let me add, thanks, too, to Senator KERREY and others involved on the Democratic side of the aisle. It was truly a bipartisan effort. I think they should be congratulated. I hope when it comes out of conference it will have 100-percent support.

SENATOR TED STEVENS—ALASKAN OF THE CENTURY

Mr. LOTT. Mr. President, I wish to comment at this time about one of the most effective and respected Senators in this Chamber. He can be ferocious in trying to get his work done, but he always winds up doing it with a smile on his face. He quite often acts as a typical trial lawyer making his case against the opposing counsel or pleading his case to the jury. Of course, we enjoy referring to him sometimes as the "Tasmanian devil." When he comes to the Senate floor wearing his Tasmanian devil tie, look out; he is ready to do the people's business in quick order.

For more than 30 years, the Alaskan of the Year Committee has named an Alaskan of the year who has significantly affected the character and the development of the 49th State. Thus, it is no surprise that in 1974 Senator STEVENS, along with the newspaper publisher, was named "Alaskan of the Year." Recently, the Alaskan of the Year Committee set out to name the Alaskan of the Century.

I inquired of the Senator from Alaska, which century? The past century for past favors or the present century for expected ones? With the usual sense of humor, he deferred to maybe the past century.

Mr. President, 88 names of great Alaskans appeared on the first ballot. The second ballot contained 12; the third ballot contained 3. On the final ballot, Alaska's senior Senator, who has served so well in this body, TED STEVENS, was named "Alaskan of the Century."

What a great honor. On Saturday night, in Anchorage, AK, surrounded by family and friends, this great honor, Alaskan of the Century, will be conferred on Senator STEVENS. Senator STEVENS has had a role in every significant event in Alaska for the last half century, whether it be as a youth working for Alaskan statehood or his mastery in crafting and shepherding through Congress the Alaska Native Claims Settlement Act, landmark legislation for which there is no other precedent.

It would take all day to list the great many things Senator STEVENS has accomplished during his 31 years serving in the Senate, and even longer to list all of his friends. Mr. President, not only is TED STEVENS a great Senator and a great Alaskan, he is, above all, a loyal friend to all who know him. Even in the heat of battle, when it gets tough around here, in the next minute or the next hour, he is lovingly trying to do something to help his previous opponent, whether it be in the leadership of his own party or across the aisle in the other party.

His 6 children and 10 grandchildren, and his wife, Catherine, who is special in her own way, know for sure that Senator TED STEVENS, chairman of the Appropriations Committee, senior Senator for the 49th State, is indeed worthy of the honor he will receive this week as Alaskan of the Century.

His service in the military, his service in that State, his service of bringing that State into the Union, his service as a Senator, and his service as chairman of the Appropriations Committee is truly unique. I offer my personal congratulations. I know I speak for all of my colleagues in applauding TED STEVENS.

I don't know how in the world we would even pick a Mississippian of the century. There have been so many great ones in this past century, but in Alaska, it is obvious: The man for that job and for that honor is TED STEVENS. Thank you, TED, for what you do for your country and for your State. We are proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, let me say with enthusiasm how completely this Senator agrees with the statement made by the majority leader. Ted STEVENS is one who is admired, I say even loved, by colleagues on both sides of the aisle. We have worked with him; we have admired his work; we have seen on so many occasions he has effectively led not only the Appropriations Committee but the Senate itself in bringing together the kind of consensus, the kind of compromises, for successful legislative action.

We all joke about his temperament. We sometimes say it is hard to understand how a guy from so cold a State could be so hot under the collar. I have to say, as Senator LOTT has noted, he is quick to respond and quick to find ways with which to overcome his frustrations, as we all face them and deal with them on both sides of the aisle.

Alaskans have every right to be proud. They have every reason to nominate and name this individual as Alaskan of the Year. Indeed, he is an Alaskan of the Century. We are proud to work with him, proud to call him a colleague, proud in this case to call him our chairman, and proud of the fact that Alaskans recognize him for the unique talents and the unique dedication and the unique leadership that he provides not only his State as an Alaskan, but his country as a Senator. I congratulate him on this special occasion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank both leaders for their kind comments about the honor I will receive on Saturday at home. I have been humbled and confused by the decision of those who voted. Having been in our State now for over the last half of the last century, I have known a great many great people who have contributed to our State during the period of the century. For instance, I refer to my first senior partner, E.B. Collins, of Fairbanks, AK, who came to Alaska before the turn of the last century and was a gold miner in Nome. When he was unsuccessful, he walked from Nome to Fairbanks. That is a good 1,500 miles. He read law in an attorney's office, became an attorney, and by 1913 he was named the Speaker of the first territorial House of Representatives. I worked with him and he gave me great advice in the first days when I went to the State.

There are so many others who have been so effective and have done so much for the State that I find it hard to accept the honor.

I intend to make a speech, of course, about that when I get home on Saturday, and point out the number of people who have done the work for which I get credit. Many of them are right here in this room.

We have been, really, very successful in trying to defend the proposition that once Alaska became a State, it should be an equal among equals in our National Government. It has taken many hours on the floor to ask for and receive the support of the Senate to defend the proposition that a new State is entitled to the same benefits, the same prerogatives, as those States that were in the Union ahead of it. I am but the third Senator who has ever served the State of Alaska. My colleague is the fifth. We are unique in the sense we are still a young State. Our State has been a member of the Union only 9 years longer than I have been in the Senate.

It is a distinguished privilege to be here. I am certain this award is being given to me because I am a Member of the Senate and because I am alive and others are not. But I do respect those who made the judgment. I question it, but I respect them, and I do thank my colleagues for what they have done today recognizing that.

Mr. MURKOWSKI. Mr. President, I will take the opportunity, as the junior Senator from Alaska, to make a few comments relative to the designation by Alaskans of Senator TED STEVENS, Alaskan of the Century. For years we have been proclaiming the Alaskan of the Year. This is an extraordinary designation to honor an extraordinary individual.

When I first came to the Senate in 1980, as a freshman with virtually no experience in the legislative process, I had an opportunity to have an extended discussion with Senator STEVENS. He suggested the best position for the State of Alaska would be for him to give up his position, his longstanding seniority on the Energy and Natural Resources Committee, so I could serve on that committee, and he vacated that spot. He could be not only the chairman of the Appropriations Committee but senior member of the Energy and Natural Resources Committee and could be chairman if he so chose. But he chose to leave that committee and make an opening available to me. Now I have the honor of serving in that capacity. But it was a sacrifice for him. It was a sacrifice he made on the basis of what was good for Alaska that he pursued the appropriations process, the Governmental Affairs Committee on which he served and continues to serve, as well as the Commerce Committee.

I might add, with his seniority he has the option of serving as chairman of those committees, as well as of the Rules Committee, I believe. So he is really in an extraordinary position of seniority within this body. As a consequence of that, the contribution he has made, it is quite fitting Alaskans have selected him the State's Man of the Century. I do not believe there is a more deserving individual in our State. That is evidenced by the support Senator STEVENS has received in this nomination.

I am going back to Alaska tomorrow, along with our House colleague, Representative DON YOUNG, to acclaim, if you will, the recognition of Senator STEVENS and his wife Catherine in receiving this award.

He has been a central figure in our young State's history. It has been a time of unparalleled changes in the 49th State. The remarkable thing is that TED, while he has become a figure of national prominence, has not lost his interest and relationship with Alaskans. When we became a State in 1959, we had a lot of catching up to do. Senator STEVENS has been very active in ensuring that Alaska catch up. The rest of the States have been around 100, 150 years, some of them 200 years, but ours has not.

While TED currently ranks sixth in the Senate in overall seniority, second among Republicans—and is just one of 109 Senators who have served in this body for more than 24 years—he still can be found meeting every Alaskan Close-Up student group, talking with residents about health concerns and meeting villagers about their rural sanitation needs.

In his 36-year legislative career—four years in the Alaska House of Representatives and now in his 32nd year in the U.S. Senate, TED has played the largest single role in seeing Alaska, a territory of just 210,000 people 41 years ago, grow into a vibrant, modern state that has more than tripled in population.

In the state's House he crafted legislation to help the state recover from the devastating 1964 Good Friday earthquake. As majority leader in the state's House and Speaker pro tempore, he helped Fairbanks residents recover from the massive flooding they faced in 1967. And in 1989-90 he and I worked together to help craft federal legislation to help Alaska recover from the aftereffects of the 1989 wreck of the *Exxon Valdez* oil tanker in Prince William Sound.

His encyclopedic knowledge of Federal-Alaska State relations is legendary in Washington. In the Senate, which has lost much of its institutional memory in the past decade, TED is able to offer insights on everything from passage of the Trans-Alaska Pipeline Act in 1974, to the Alaska Native Claims Settlement Act of 1971. He can talk about passage of the Magnuson Fisheries Conservation Act of 1978—a law now justly named after him—to passage of the Alaska Lands Act in 1980. Those four laws are the keys to shaping the direction of Alaska as we enter the 21st century. His recollection of events is so extraordinary not only because he helped draft the Alaska Statehood Act, while serving as a legislative counsel at the Department of the Interior starting in 1956, but because he served as chief counsel and solicitor for the Interior Department in Alaska in 1960—helping to get the young State off and running after Statehood in 1959.

I won't take this Chamber's time to talk about the Senator's early life, or even his impressive military career, where he served as a Flying Tiger in the U.S. Air Force in China during World War II—service that helped form his comprehensive knowledge of the military, which has been such a help to him in shaping our Nation's Armed Forces budgets over the past two decades from his post on the Senate Appropriations Committee.

I do want to speak a bit about what it has been like working with Senator STEVENS. While we have disagreed on only a handful of issues over the past 20 years, TED STEVENS has truly given of his time and shared his great knowledge and expertise to help me to represent the citizens of our State. He has selflessly given guidance and counsel to help our delegation reach a common accord on what is best for Alaskans. And I can't personally thank him enough for his many kindness. We have truly worked together to help our small State, one that sports just three electoral votes, have a voice in the direction of our Nation. It has not always been easy.

We have had to battle those who have no knowledge of what life is truly like in Alaska, whether we are trying to save our timber industry in Southeast Alaska, or trying to protect our rights to access our natural resources—Alaska's main means of supporting our citizens and our State government. We are working together to win the right to produce oil, without environmental damage, from North America's last great storehouse of energy—the Arctic coastal plain.

While TED served eight years as assistant Republican leader (whip) handling key national issues, especially defense matters, he has been willing to put aside personal ambition for the good of his State. Many forget that TED sacrificed his seniority on the Commerce Committee to move to the Energy and Natural Resources Committee during the key fight over the Alaska lands act. He then moved back to Commerce to represent Alaska fishermen—proof positive that TED always puts Alaska first. During his years on the Appropriations Committee, he has battled hard to make sure Alaska receives its fair share of Federal funding—money needed to help Alaska provide basic services to its citizens—piped water and sanitary sewers, roads and schools that Americans elsewhere take for granted.

Today I, join with all Alaskans, to thank him for his skill, drive, and dedication and congratulate him on the honor he will justly receive this weekend. I also offer him a heart-felt wish for many, many more years of service to the State and the Nation. Nancy joins me in congratulations to both TED and Catherine on this honor. It's been a great privilege working with you my friend.

Mr. HOLLINGS. Mr. President, it gives me great pleasure to congratulate my friend and colleague, TED STEVENS, on being named Alaskan of the Century. From his efforts to achieve Alaskan statehood to his work on behalf of the State of Alaska, TED STEVENS has dedicated his life to public service and proven his leadership both in his home state and in the United States Senate. I know of no one more deserving of this honor. I am proud to have the opportunity to know and work with him and I extend him my heartfelt congratulations on this momentous occasion.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the following exceptions: The first 60 minutes under the control of Senator DURBIN or his designee, the second 60 minutes under the control of Senator CRAIG or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Will the Senator yield?

Mr. MURKOWSKI. Surely.

Mr. DURBIN. My intention is to speak for 10 minutes, and then I will be happy to exchange time, whatever is appropriate under the rules, so the Senator from Alaska can have his 15 minutes at that point.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that pending the statement by my good friend, Senator DURBIN, I be recognized for 15 minutes. I intend to enlighten my colleagues on the facts and fiction of ANWR, the Arctic National Wildlife Refuge, an issue coming up in the budget and an issue coming up in a legislative package we are proposing. I thank my friend.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, just in case there is a session tomorrow, I ask unanimous consent I be excused from any rollcalls until Monday, next Monday morning.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

The Senator from Alaska.

GUNS

Mr. DURBIN. Mr. President, hardly a day goes by that we do not hear of another tragic shooting across America. The latest news from Texas is still sketchy, but the results are horrible: Four people who apparently were injured by gunfire in a church and the assailant taking his own life with a gun. It is a constant reminder. Only 2 or 3 weeks ago, a Michigan first grader took a loaded handgun to school and killed his little classmate. That is America today, a nation of some 300 million weapons.

On Capitol Hill, the debate over guns and their future really gets pretty heated and inflammatory on both sides, and the parties are at it. Frankly, as I travel across the State of Illinois and I talk with people from other States, I believe the families in this country get it. They understand what this is all about. They appreciate what we can and cannot do to make things better.

They do not believe for a second that we can pass a law that will end gun violence in America. That is beyond us. I wish we could. I do believe there are things we can do to make America a safer place.

Some want to argue between the possibilities of increased enforcement of current laws and closing loopholes which allow people to get guns who should not have them. That is a false choice. This Senator wants both. The people who misuse guns should be prosecuted and imprisoned, no questions asked. By the same token, we should do everything in our power to keep guns out of the hands of criminals, people with a history of violent mental illness, and children. I think we need both—zero tolerance and zero loopholes. I do not think it is a choice. We need both. If we go after both in an aggressive bipartisan approach, we can start to see the numbers come down on gun violence; we can have a little more peace of mind about our kids going to school and coming home safe and sound at the end of the day.

Last year, we had a bill on the floor of the Senate after the Columbine massacre which focused on two major points: If you buy a gun at a gun store in America, they do a background check. They will figure out whether or not you can legally own a gun. That is the Brady law. The Brady law has been successful.

It is hard to believe, but true, that people with a history of committing crimes and felonies, people who have outstanding arrest warrants—not very bright, I might add—show up at gun stores trying to buy guns. We do not want that to happen. We want to stop them.

There is a role there for the Federal Government in having this law. There is a bigger role for State and local law enforcement in making sure those people who have outstanding arrest warrants, for example, are prosecuted. That is what happens when you go to a gun store.

We also know in America one can buy guns at gun shows. There is a loophole there: There is no background check. If you happen to have a problem under the law—let's say a felony record or perhaps a history of mental illness or you are too young—you do not go to the gun store where they enforce the law, you go to the gun show where they do not. That is the loophole we want to close. That was in the law that was passed last year in the Senate. The vote was 49–49, incidentally. Vice President GORE cast the deciding vote. We sent the bill over to the House where it has languished for almost a year. Nothing has happened.

The second thing that was in that law, which I think most Americans would agree is common sense, was: Is there a way for those who own guns to store them safely? The answer is obviously yes. It involves trigger locks. You may have heard that Smith & Wesson, the largest handgun manufacturer in the United States, suggested they will start selling trigger locks automatically with their handguns. It is common sense they will give to the gun owner the wherewithal to make their gun childproof.

Some people say: It is the middle of the night and a burglar comes to the door; I am fumbling around trying to find the key—you can decide what you do at night. When you go off to work and leave the gun behind with children in the house or when other kids visit, don't you want to lock it up so a kid cannot get his hands on it and shoot himself or a playmate?

That is what trigger locks are all about. That was the second major part of the bill that passed the Senate last year and still languishes in the House of Representatives.

What is so radical about those two suggestions: That a gun show will try to find out whether or not you are legally eligible to own a gun before they sell it to you; that if you are going to sell a gun in America, it is with a trigger lock so it can be safer?

It is time for us to cool down the political rhetoric around here—and let me be the first to volunteer because I feel very strongly about this—and try to see if maybe there is some common ground. If the people on one side want more enforcement, such as Operation Exile, which is working in some cities across America, I will support it, I will vote for it.

I want more enforcement, too. In fact, I am going to offer an amendment in the Budget Committee which is going to say to my colleagues, Democrats and Republicans: Let's put some money into this. Let's show that we believe in enforcement and prosecution on a bipartisan basis. This is not a partisan issue. I do not want criminals roaming the streets, gang bangers shooting up the streets of Chicago or my hometown of Springfield. I am ready to push for more prosecution and enforcement, without question. Let's put the money into more ATF agents and more prosecutors to get that job done.

I will concede to the other side that prosecution and enforcement are important. Let's do it. This Democrat will stand with Republicans to get that done.

I ask in return that Republican Senators take a look at what we passed last year. Some, including the Presiding Officer, voted for it, and I am very proud that he did. We need more. We need to have Senators on both sides of the aisle to come forward and say, yes, trigger locks make sense; let's make them part of America's landscape to protect children; and those who will also say that gun shows should not be exempt from the basic laws of this country.

There are other things we can talk about in terms of sensible, commonsense gun control. I do not know if we will get them accomplished this year, but certainly I hope that before the first anniversary of the Columbine tragedy, this Congress will end its gridlock on the gun control issue. The people of this country expect more. They do not want to see this historic Chamber grind to a halt because of a special interest group in this town. They want to see goodwill on both sides of the aisle.

I will say this: If we fail, if we do nothing, if another day, another week, and another month go by with the tragic headlines we see so often about killings in churches and schools and day-care centers, if that happens, the American people will be justifiably angry in this election. They should hold all candidates accountable.

Members of the House of Representatives, Members of the Senate, and the two men who are likely to be the leading candidates for President of the United States—all of us, I should say—should be held accountable to answer the basic question: When you had the chance serving in the U.S. Congress, what did you do? Did you try to do anything to make this country safer, to make certain that when I walk out on the streets of my town or send my little boy or girl to school, I have a little more peace of mind?

We have the ability; we have the opportunity. The question is whether we can summon the political will. One cannot turn on the television in this town, and probably in others, without seeing ads from one special interest group or the other that wants to get us tangled up in some theoretical debate about the second amendment and the future of gun control.

I hope this Congress, and particularly this Senate, can get beyond the theory into the reality. The reality is: Over 40 percent of Americans own guns; there are over 300 million guns now in our Nation of some 275 million people; and even the gun owners believe intensely in sensible and responsible gun control. They believe guns should be stored safely, that those who own them should know how to use them, and they should be kept out of the hands of the wrong people. That is a consensus among gun owners, not to mention those who do not own guns who feel even more strongly about the same issues.

I hope this Congress, which tends to lurch back and forth from minor but somewhat important issues, will focus on a major and very important issue: Making America a safer place.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANWR

Mr. MURKOWSKI. Mr. President, I would like to take this opportunity to address an issue that is very close to Alaska, Senator STEVENS, our Representative YOUNG, and myself. It represents the myth associated with ANWR and the realization that Alaska has been producing almost 25 percent of the total crude oil that has been produced in this Nation for the last 23 years or thereabouts.

I have here a map of Alaska that shows the pipeline and gives you a dimension of the magnitude of this particular area of our State. It is necessary that you recognize, as we address the disposition of allowing exploration in ANWR, that this was established as a responsibility that only Congress could address in releasing this particular area for exploration.

I am going to give you an opportunity to view a map of Alaska. Alaska is a pretty big piece of real estate. On a map, if you overlayed Alaska on the United States, it would extend from Canada to Mexico and from Florida to California. We have the Aleutian Islands that go out almost 2,000 miles. The breadth of the State from the pipeline alone at Prudhoe Bay to where the pipeline ends at Valdez is 800 miles. It is a big piece of real estate.

Until a few years ago, we had four time zones in the State alone. When Senator STEVENS or I go back to the State, we just begin our travel. We have a very small segment of the State that has a road system. This entire western area is without any roads, with the exception of a few miles in Nome and Kotzebue, and the villages.

We are not connected to the continental United States, as you can see. Our neighbor to the right, Canada, constitutes a barrier—a foreign country; a good friend—from the rest of the United States. We have our southeastern part where our State capital is in Juneau, roughly 700 miles from our largest city, Anchorage. Our second largest city, Fairbanks, is 400 miles to the north of Anchorage.

I go into this detail because it is important, as we look at the issue of ANWR, to keep it in perspective. I am going to refer to the chart behind me because I think it represents an appropriate comparison.

Let me advise my colleagues of a couple facts.

One, ANWR is going to be in the budget. We are going to be addressing the budget in the coming weeks. It is going to be in there at an anticipated revenue forecast of about $1.5 billion to the Federal Treasury. You can evaluate the pros and cons of that. It is also going to be in the Republican package that we are preparing to try to do something meaningful about the energy crisis in this country, which the current administration has not done. They have no energy policy, as evidenced by their inability to address what they are going to do with hydro.

Some want to tear the dams down. What are they going to do with the electric industry? Obviously, Carol Browner wants to close half a dozen coal-fired plants, with no indication where we are going to pick up the alternative. Our nuclear situation is such that we cannot address what we are going to do with our nuclear waste, yet the nuclear industry contributes 20 percent of our energy in this country.

If you look at gas, you may assume, as some do, that all we have to do is plug into it. If you read the National Petroleum Council report on gas, you have to recognize a harsh reality: We are using about 20 trillion cubic feet of gas a day. In another 10 to 15 years, we will be using 31 trillion cubic feet a day. We do not have the infrastructure to deliver the anticipated demand. It just isn't there. It is going to require over $1 trillion—the industry figures $1.5 trillion—in the next decade, and that is only if we have access to areas where we are likely to find gas.

Much of the overthrust belt—which is the Rocky Mountains—65 percent of that has been removed from exploration. So where do we go? We go offshore; we go to Louisiana; we go to Texas; we go, to some extent, to Colorado and Wyoming, but we do not have an aggressive plan.

But we have an opportunity, in my State of Alaska—a significant opportunity—and that is ANWR.

What is the significance of ANWR? ANWR is shown on this map in this little tight corner, over here by the Canadian border. It looks small on this map, but it is in proportion.

There are those who say: Good heavens, you are going to jeopardize this area for exploration.

What we, as Alaskans, have not been able to portray—because the media will not pick up on it, and people are evidently not interested enough to recognize the proportion here—this is ANWR. This is 19 million acres, as shown by this little spot up here. It is as big as the State of South Carolina, a pretty big hunk of real estate. What have we done with this?

In 1980, we made some permanent designations. We created the refuge, the arctic refuge: 9.5 million acres in perpetuity. We went up and created a wilderness: 8 million acres in this area that is shown on the map marked with the slices.

But we left for Congress's dictate 1.5 million acres, so-called 1002 areas, up here. The reason we left it is, Congress was concerned there might be major deposits of hydrocarbons in this area, just like there were in Prudhoe Bay.

Let's look at Prudhoe Bay for a moment because there is an interesting parallel here. Prudhoe Bay is where the oil development is today. Let's look at Prudhoe Bay today and let's look at the traditional oil development and a picture that is an actual scene showing Prudhoe Bay and the animal activity that surrounds the area.

I show you a picture taken some years ago, but it represents the heart of Prudhoe Bay. There you see the pipeline. You see the oil derricks, and you see the caribou.

There is a degree of compatibility there. The reason it is there, obviously, is nobody is shooting these animals; nobody is running them down. There are no snow machines. It is summertime. There is no threat. They feel very much at home.

These are nomadic herds that move in and out, but there is a compatibility. We have seen a tremendous growth in this western arctic herd since we developed this area. The reason we have seen that is there are no guns allowed in the area. These animals are protected. They prosper, as they should. To suggest somehow they are in jeopardy defies reality. When we started oil drilling in Prudhoe Bay, there were 3,000 or 4,000 caribou in this herd. There are over 18,000 today. That is just a fact associated with experience that we have already had. Prudhoe Bay's technology is 30 years old. We can do a better job if we are allowed in here.

What is the footprint going to be if we indeed are allowed to open up ANWR? The footprint is estimated by the industry to be 2,000 acres out of all of ANWR's 19 million acres. That is what we are looking at. We are keeping the refuge, we are keeping the wilderness, and we are making a determination.

What does it look like when they are drilling in the area? This is what we would like to communicate to the American people. It is a pretty tough environment. There it is. We have a well under construction. This is not in ANWR because there is no entry or activity allowed. It is a typical scene in the Arctic in Prudhoe Bay. This is an ice road. They don't allow anything on the tundra in the summertime, but the ice roads stay there about 9 months of the year because you are way above the Arctic Circle, nearly 400 miles. It is a harsh environment.

That is a typical rig. When the disposition of this is made one way or the other, what is going to be left? Well, let's look at it in the summertime. Same site, summertime activity is gone; ice road is gone. There you have it, Mr. President: the tundra, a spigot; that's it.

I always think of my good friend, Senator Mark Hatfield. Mark Hatfield, it is safe to say, was a pacifist. He said: I will vote for ANWR any day of the year rather than send our troops in danger in the Mideast to keep oil flowing from neighbors we cannot count on.

All right. Where are we? This is an extraordinary chart. This marks from where our increasing oil exports are coming. Ironically, they are coming from Iraq. Last year, we imported 300,000 barrels a day from Iraq. This year we are importing 700,000 barrels a day. How many people remember 1990 and 1991? Do you know what happened over there? We fought a war. We fought a war to keep Saddam Hussein from invading Kuwait. What did that cost us? That cost us 147 American lives. We had 448 wounded. We had 23 taken prisoner. That is a cost.

We had another cost. What has it cost the taxpayers of this country since that war was over? What has it cost us in the last 10 years, from 1991 until today, to keep Saddam Hussein fenced in, enforcing the no-fly zone, enforcing, if you will, the embargoes, putting the fleet over there? We added it up. It is $10 billion. That is what it has cost the American taxpayer: 147 lives, 448 wounded, 23 prisoners, $10 billion.

Where are we getting our oil now? The fastest increasing imports are from our old buddy, Saddam Hussein. Isn't that ironic?

Look at the national security interests of this country. We are today 56-percent dependent on imports. When we fought this war, we were 47- to 49-percent dependent. I think the President will recall, in 1973, we had an energy crisis in the country. We called it the Arab oil embargo. We had gasoline lines around the block in this Nation. People were inconvenienced. So Congress acted. At that time we were 37-percent dependent on imported oil. Congress set up the Strategic Petroleum Reserve and said we would never approach 50 percent. We are going to take action. We never got 100 days supply of oil in SPR. We got a 56-day supply. That is what it is now.

Now there are proposals we should take oil out of SPR for the national crisis that we have on oil prices. That is very dangerous because if you take it out of SPR, you still need more imported into the country. And your good neighbors, the Saudis and the Mexicans, know it; the Venezuelans, you have less leverage. If we are ever going to take anything out of SPR, we should have a certification from the Secretary of Defense that it does not jeopardize our national security because you can only pull about 4 million barrels a day out of SPR.

The point is—and it is a very important one—go very slow with the Strategic Petroleum Reserve because after that, you don't have a backup. So here we are, depending on Saddam Hussein today. I find it inexcusable. This administration has no energy policy. They hope this won't be an issue in the campaign. They hope the issue will go away, and they hope the Secretary of Energy is going to be successful in his efforts to go around with that tin cup and try and get more production.

Let's see what he has done so far. He went over to Saudi Arabia about 10 days ago and said: We have an emergency in this country. They said: Well, we will have a meeting on March 27. We will address greater oil production then. He said: No, you don't understand; we have an emergency now. We fought a war over here. We kept Saddam Hussein out of Kuwait. They said: I'm sorry. We are going to have a meeting on March 27, and we will address it then.

He got stiffed by the Saudis. So he went to Mexico and said: We need more production. The Mexicans said: Well, we appreciate that. We would like to help you, but you have been buying oil at $11, $12, $13 a barrel. Our economy went in the bucket. Where were you? The Secretary said: Well, we bailed you out of the tesobonos. We had a tremendous refinancing commitment for Mexico. They said: Sorry. We got stiffed.

So where did the Secretary go next? Well, he went over to some of the other countries. Nigeria, you might get a little out of Nigeria. I don't know.

Here is the superpower of the world, a Nation that is the most productive and has become the most dependent on imported oil. Make no mistake about it, we have to conserve. We have to have alternative energy. We have to develop the technology, but we have to be realistic. If somebody drove here, somebody came in on an airplane, they are going back the same way. We don't have the technology now for hydrogen. Fuel cells won't do it. Four percent of our energy is alternative. I wish it were more. Some of you came in here in a sports vehicle. Gasoline, at $1.70 a gallon, is going to shoot a pretty good hole in a $100 bill when you fill up that 40-gallon tank. What are we doing about it? We are hoping the problem will go away.

It is not going to go away. It is going to get worse. We are going to be held hostage again and again. So our alternative is greater production in the U.S. Keep the jobs at home, keep the dollars at home, and for heaven's sake, why can't we do it? We have the technology; we have the know-how.

We have a very active, extreme environmental community that is opposed to any resource development on public land, whether it be grazing, whether it be timber—timber, of course, is renewable—whether it be mining, whether it be oil and gas.

This administration doesn't have a policy. They want to tear down the dams. They won't do anything about nuclear. Nuclear is 20 percent of our energy in this country. They don't have a policy.

We are trying to do something about it. I am chairman of the Republican Energy Task Force. We have a legislative package, short-term, interim, and long-term. We are proposing to do away with the gasoline tax and not jeopardize the highway trust fund. It can be done. If gasoline gets up to $2 a gallon, or thereabouts, I am of the opinion that we ought to do away with all of the tax. That is a little over 18 cents a gallon.

We have a positive approach. We are going to stimulate development and on public land and on offshore areas. We are going to stimulate development of our agricultural potential in ethanol. My good friend, Senator GRASSLEY, has been a proponent of that for some time. We need all the domestic sources of energy we can get—the sooner the better—to get off this kick of paying tribute to Saddam Hussein.

Do not be misled. We have an opportunity to open up an area. We can do it safely. We have the technology.

I am going to counter some of the myths that are associated with ANWR.

Some ask: What do you want to open this area for because all of this Arctic coast is available? It is not available. That is truly a myth. With the exception of the area between the Colville and the Ganning Rivers, which is owned by the State of Alaska—this little area in here—more than 1,000 miles of the Arctic coastline is closed. That is just the harsh fact.

What you have over here is a rather interesting piece of real estate because it happens to be an old naval petroleum reserve, now called the Petroleum Reserve Alaska.

For heaven's sake, if you can't initiate exploration of a petroleum reserve that was designated in the 1900s or thereabouts, where can you? What an irony. There have been a few leases here. There is some production in there. But where the independents wanted to lease, the Department of Interior wouldn't put up the area for lease. As a consequence, that is an unrealistic statement. It is not factual because this is the Coastal Plain that borders clear around to here, and a very small portion is open. That happens to be State land. The Federal lands are not open. The Department of Interior won't issue a permit. They won't put up a proposed bid. That is just the fact.

Let's move a little further.

The State of Alaska will get 90 percent of the royalties.

That is not true. The royalties are split 50-50, just like they are in Oklahoma or Louisiana or any other State.

Somebody said Alaska's indigenous people are against all oil exploration in the Coastal Plain. That is very inaccurate. There are Inupiaq people in one Eskimo village called Katiovik that sits right here.

I have another chart that shows you a greater portion of where this little village is. It is the only community within ANWR. They strongly support onshore exploration for oil and gas. That is in their backyard.

Let me give you another example. We have a group called the Gwich'in near the Canadian border who are opposed to opening ANWR.

It is kind of interesting. I am going to ask that this be printed in the RECORD. The Gwich'in at one time offered to lease all of their land of 1.799 million acres to the oil industry for exploration. The only problem is the oil industry didn't find any interest there. So they didn't opt to purchase the leases. Maybe they should have. Since that time, the Gwich'in, for the most part, have been funded by the national environmental groups and the Sierra Club.

It is kind of interesting that one of the prominent members' names, Sarah James, is on the lease. They are free to choose. But, by the same token, the reality of what they were prepared to do at one time is kind of inconsistent with what they have chosen to do now.

This is a copy of the lease that I ask unanimous consent to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIVE VILLAGE OF VENETIE,
March 21, 1984.

To whom it may concern:

This letter is authorization for Donald R. Wright, as our consultant, to negotiate with any interested persons or company for the purpose of oil or gas exploration and production on the Venetie Indian Reservation, Alaska; subject to final approval by the Native Village of Venetie Tribal Government Council.

Edward Frank, First Chief; Allen Tritt, Second Chief; Virginia Henry, Secretary; Gideon James, Treasurer; Lincoln Trill, Robert Frank, Sr., Lawrence Roberts, Sarah James, Calvin Tritt, Council Members.

NATIVE VILLAGE OF VENETIE

REQUEST FOR PROPOSALS FOR OIL & GAS LEASES

The Native Village of Venetie Tribal Government hereby gives formal notice of intention to offer lands for competitive oil and gas lease. This request for proposals involves any or all of the lands and waters of the Venetie Indian Reservation, U.S. Survey No. 5220, Alaska, which aggregates 1,799,927.63 acres, more or less, and is located in the Barrow and Fairbanks Recording Districts, State of Alaska. These lands are bordered by the Yukon River to the South, the Christian River to the East, the Chandalar River to the West and are approximately 100 miles west of the Canadian border on the southern slope of the Brooks Range and about 110 miles East of the Trans-Alaska Pipeline. Communities in the vicinity of the proposed sale include Arctic Village, Christian and Venetie. Bidders awarded leases at the sale will acquire the right to explore for, develop and produce the oil and gas that may be discovered within the leased area upon specific terms and provisions established by negotiation, which terms and provisions will conform to the current Federal oil and gas lease where applicable.

Bidding Method

The bidding method will be cash bonus bidding for a minimum parcel size of one-quarter of a township, or nine (9) sections, which is 5,760 acres, more or less, and a minimum annual rent of $2.00 per acre. There shall be a minimum fixed royalty of twenty percentum (20%).

Length of Lease

All leases will have an initial primary term of five (5) years.

Other Terms of Sale

Any bidder who obtains a lease from the Native Village of Venetie Tribal Government as a result of this sale will be responsible for the construction of access roads and capital improvements as may be required. All operations on leased lands will be subject to prior approval by the Native Village of Venetie Tribal Government as required by the lease. Surface entry will be restricted only as necessary to protect the holders of surface interests or as necessary to protect identified surface resource values.

Prior to the commencement of lease operations, an oil and gas lease bond for a minimum amount of $10,000.00 per operation is required. This bonding provision does not affect the Tribal Government's authority to require such additional unusual risk bonds as may be necessary.

Bidding procedure

Proposals must be received by 12:00 p.m. sixty (60) days from the date of this Request for Proposals, at the office of the Native Village of Venetie Tribal Government, Attention, Mr. Don Wright, S.R. Box 10402, 1314 Haldiver Way, Fairbanks, Alaska 99701, telephone (907) 479-4271.

Additional information

A more detailed map of reservation lands and additional information on the proposed leases are available to the bidders and the public by contacting Mr. Don Wright at the office identified above.

Dated this 2nd day of April, 1984.

Mr. MURKOWSKI. Mr. President, this lease is from the native village of

Venetie. It has the signatures of Sarah James and a number of others. It is dated April 2, 1984, and it specifically states that the acreage offered under the lease is 1,799,927.65 acres, U.S. Survey 5220.

That is where we are relative to the issue of some of the folks who feel that this is not in their interest, but by a long shot that is not all the people.

I point this out not to condemn the attitude of my constituents but just to point out a reality that at one time they were willing to sell their interest in leasing this land for oil and gas, and now, to a large degree, their public relations efforts are funded by the Sierra Club and others.

I will submit at a later time the specific financial contributions that are paid to the Gwich'in by the various environmental organizations.

What is happening in Alaska is a molding of our State into the image that much of America's environmental community would like to see established as opposed to the reality associated with the population of our State, some 700,000, and the fact that we are the new kids on the block. We have been a State for 41 years. We don't own our own land.

Here is the land ownership in Alaska, unlike Illinois or California or any other State. We have 368 million acres in our State.

What is it made up of? Let's look at private land ownership in our State: 5 million acres; less than 2 percent. Why is that? Because the Federal Government owns it. OK? We have 51 million acres of national parkland; 76 million acres of Fish and Wildlife land; 23 million acres of U.S. Forest Service; and 57 million acres of wilderness forever locked up.

How much is enough? Where is the balance?

This is the Bureau of Land Management alone controls 65 million acres. The State has 104 million acres in State land. The State is so lucky. It must have had a fortune teller. This little piece of land right here is what funds our State, the land it had when it became a State.

The Natives finally gave land to residents of Alaska. The Natives got 43 million acres. But the Federal Government owns our State. That is just the reality.

Some say we need to save ANWR for our grandchildren. We need to know if oil is there. If there isn't, it is not going to be developed. You have to find a lot of oil in Alaska before drilling. Otherwise you can't afford to drill it. If they cannot produce 5,000 barrels a day, the cost is not economical.

Prudhoe Bay came in. It is 30-year-old technology. It is a pretty big footprint. We went from there to Endicott. Endicott is up in this area.

The significance is that when it came on it was the tenth largest producing field in the United States. It came in at a little over 100,000 barrels a day. Today, it is the seventh largest producing field. The footprint is 56 acres because it is all directional drilling from one spot. It makes sense in Alaska, but the costs are high. We could do a better job if we had an opportunity over here.

As a consequence of whether we need this oil now or later, we had better find out whether it is there or not. They can only do that through exploration. Then they can make a decision.

As a consequence of this, we run into one other argument, which really bewilders me because it is so unrealistic. They say, well, the Coastal Plain may only have a 200-day supply of oil, and that is not worth developing.

Let me tell you a little bit about it. First of all, Prudhoe Bay was supposed to have 9 billion barrels of oil. It has been producing now for 23 years. We have had a total of 12 billion barrels from Prudhoe Bay in the last 23 years. We were supposed to get 10 billion barrels. It is still producing at a million barrels a day. It is good for another 10 years with the technology that we have.

When you say this only has a 200, do you know what you are implying? An unrealistic argument because you are saying the rest of our domestic oil production would stop. That is totally unrealistic. A two-hundred-day supply, but that is assuming the rest of the oil is produced domestically in this country is going to stop. First of all, it is not going to stop; is it? That is an argument so full of holes that it defies imagination.

Let me show you what happens when we bring oil on line from Alaska and what it does to our imports because I think it states in no uncertain terms the reality associated with the opportunity we have now.

Let's recognize what has happened here. This body passed ANWR 5 years ago, in 1995.

The President vetoed it. Had he not vetoed it, today we would have had a lease sale and we would know what the prospects for a major discovery were. We might be within a very short time of production.

Somebody says opening ANWR will not have any impact. Wrong. Here is the proof. This chart identifies our imports in 1975, 1976, 1977, and 1978. They were going up dramatically, 6 or 7 million barrels a day. We developed Prudhoe Bay in 1976, the current field we have. We can see when it came online and production increased, imports dropped dramatically, it was a major contribution. It was 2 million barrels a day, 25 percent of our total domestic production.

To open up Prudhoe Bay, it took this Senate meeting in this Chamber with a tied vote. Vice President Spiro Agnew broke the tie. That is why we have Prudhoe Bay today. That is why we have production of 20 to 25 percent of our crude oil. That is reality.

Don't be misled by the myths. We are not going to destroy the Coastal Plain. We are not going to destroy the caribou. We are only going to allow activity in the wintertime when the caribou come through and calve. As the picture demonstrates, caribou are healthy for the most part. Do not suggest we cannot address our concern over the migratory Porcupine caribou herd; we can do it if given the opportunity.

Somebody says ANWR oil will be exported and not reduce our dependency. I have received a letter from BP that says they are curtailing their small amount of exported oil.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BP AMOCO CORP.,
Washington, DC, March 23, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I would like to respond to your inquiry regarding BP Amoco's plans concerning Alaska North Slope oil exports. Pending completion of contracts due at the end of April, at this time we do not have subsequent plans to export.

We applaud the Administration and the Congress for its wisdom to permit the market to work and to remove an historical penalty imposed on Alaska North Slope oil. The West Coast is part of the global crude market. The ultimate destination of Alaskan crude has no effect on either West Coast supply or gasoline prices. Once our acquisition of ARCO is complete, we would expect to run all of our Alaska crude through ARCO's excellent West Coast refining and marketing network.

Sincerely,

LARRY D. BURTON,
Vice President.

Mr. MURKOWSKI. That situation may be resolved by the takeover by Phillips of ARCO. BP did not have on the west coast any refineries. ARCO did.

To make a long story short, with BP acquiring ARCO refineries, there will not be a surplus on the west coast. I think the amount varied. There were up to 60,000 barrels a day at one time. I have been assured as a consequence of the change, the purchase by Phillips of ARCO, that the little oil that was exported will be terminated simply because it will be utilized by BP in their refinery.

Some say any development in Alaska would be environmentally damaging. People might not like oil fields, but Prudhoe Bay is the best oil field in the world. We can do a better job if we can get into ANWR; there is no question about it.

They say the Coastal Plain is unspoiled. Let me say something about the Coastal Plain. It is not unspoiled. In one sense, there is an Eskimo village there. Those people live there. There are a couple of radar sites that are, and for all practical purposes have been abandoned. This section of the State is pretty remote. One cannot find anything much more remote than this particular area of our State. It is probably one of the better areas if one were looking for less of an impact on mankind and animal-kind.

Some ask what will happen to the birds. Most of the birds are near the lakes. Birds come in, they migrate. The issue isn't that there are no birds in ANWR, because there are.

Some ask about the polar bears. They den on the ice; they do not come ashore. A few do. Do you know what we have done to save the polar bear? We don't allow the white man to shoot the polar bear in our State. You can't shoot them. That is the greatest threat they have. The native people can keep them for subsistence. A white man can go to Canada or Russia and take a polar bear. So that is a bogus argument. We are protecting the polar bear. To suggest a little exploration is going to threaten the polar bear is a specious argument.

This is what the press and the public do not digest. I guess we have a hard time communicating that reality.

Here is another picture of our friends taking a walk. Three bears are walking on top of the pipeline. Why are they walking on the pipeline? Because it is easier than walking in the snow. They don't get their feet cold or damp. It is just easier.

The predictions that were associated with developing Prudhoe Bay have not come true. They said: You are putting a fence across Alaska; the caribou and the moose will never cross it. When you put a hotline in permafrost, it will sink to China.

These things never happened. That pipeline is one of the construction wonders of the world. It has been bombed, shot at, dynamited, not to mention having withstood earthquakes. We had a bad accident with a ship called the *Exxon Valdez*. It was the fault of the crew. We had a 10-and-a-half-wide channel, and they ran on to a rock because they were drinking coffee and not paying attention. That is a harsh reality of that. Then they took on a little alcohol and everything was lost.

The public ought to understand reality. I would love to debate some of the extreme environmentalists because they don't know what they are talking about, but they won't give me the courtesy or the chance. They refuse to let me participate in any of their gatherings. We have a letter that gives an idea of the extent to which some of the environmentalists go to generate public opinion. They are entitled to that, but by the same token, we are entitled to communicate some of the tactics.

In a letter from the Sierra Club, Friday, January 2000, called "The New Millennium Action Special Edition," it says:

This February 5th, the Sierra Club, together with the Alaska Wilderness League, the Wilderness Society, the National Audubon Society, is hosting another National Arctic Wilderness Week in Washington. Supporters from grass roots are key in protecting the Arctic National Wildlife Refuge and its fragile Coastal Plain. This gathering will help arm you with the skills and knowledge you need to build support in your community.

They give hands-on training. They will provide you with opportunities for training. You will learn how to intensify your skills in lobbying, message development, meetings, communications and legislative advocacy. All are worthwhile and appropriate.

It says further: We've got you covered.

That is the last paragraph: "We know your time is valuable so we don't ask you to cover all your expenses for the trip."

A trip from where? A trip from Alaska, that's where. It is expensive, about a $1,000 to get here from Alaska. It also says that you need to pay a $40 registration fee, but if you don't have it, some scholarships are available. Where does that money come from? The Wilderness Society and the Sierra Club of course:

> We'll pay for your travel to Washington, DC, your hotel, two in a room, a continental breakfast each morning and several dinners. Unfortunately, space is limited so hurry up. To find out if you are eligible phone the Sierra Club.

I don't know any development groups that have that kind of money to do that kind of lobbying. Nevertheless, that is reality. It is fair game. Just make sure the public knows about it. Many of these people have never been to ANWR. That is what bothers me. I have been there. I take a group of Senators up there every year so they can see for themselves and make their own evaluation as they represent their State.

One of the things I will conclude with: If you are from the Northeast corridor and you are sick and tired of high prices for heating oil, you haven't seen anything yet. The Northeast corridor is just getting started. And here is why.

This is the harsh reality of where we are today. Our crude production is represented by this gray line. It is roughly 6 million barrels a day domestically, this is down from 7.5 million. So our crude production is dropping. It is dropping significantly. The crude oil production is dropping and the petroleum demand is going up. What is happening here is the crude oil production has dropped about 17 percent, and the petroleum demand, which is the black line, has gone up 14 percent. So we have a shortfall. So we have to make up the difference.

We have had the heating oil crisis in the Northeast corridor. There was an assumption we would have a cold winter. We didn't. There was an assumption we would have storage. A funny thing is, 20 percent of the crude oil storage in the Northeast corridor has been eliminated because it did not meet legitimate environmental concerns, as well as 15 percent of the heating oil storage. These are old tanks that didn't meet specs and were not rebuilt.

We have lost 37 refineries in this country in the last decade. Why? The refinery business is not too attractive for a lot of reasons. You have Superfund exposures, you have EPA requirements, you have a situation where the return on investment is questionable. Many of the majors have gone out of the refining business because of the consequences associated with that.

So you have a situation now where the Northeast corridor better look out for their high electric bills. This winter it was high heating oil bills, but it is going to be electric bills this summer. Only 3 percent of the Nation's electricity comes from oil-fired generating plants, but that is not true in the Northeast corridor. It is nearly one-third. New England relies on fuel oil for about a third of its power generation. Just a small handful of those plants will be setting the electric prices in the region during the periods of high demand. This is going to cost Northeast residents millions of dollars. So what do they want us to do about it? Do they want us to import more oil, or do they want us to relieve our dependence by producing safely and domestically?

The arguments I get from all of the Northeast groups: You can't open ANWR. You cannot do it safely. They are breathing the fire of the radical environmental movement that wants three things: They want a cause, they want dollars, and they want membership. They sell America short—especially America's ingenuity and our technical ability. The fact is, we can produce energy here at home. They will not debate me. They refuse, they absolutely refuse.

So this is what is going to happen in the Northeast corridor. I hope the newspapers and their editorial writers start figuring this out because it is going to happen. Remember when you heard it first.

Electricity establishes a rate structure from a uniform price. Under that method, the central dispatchers first tap generation offering to sell electricity at the lowest price. But as the demand goes up, air-conditioning use goes up, and you are going to see the more costly generating powerplants come on line. Those are the ones that are oil fired.

The power purchasers pay all bidders the price charged by the last powerplant called into service. In many cases, the final unit will be an old, oil-fired plant which will charge a rate higher because of the higher oil prices. All other non-oil-burning plants will reap a windfall profit because they will be paid as if burning oil. That is the way the process works. I hope somebody can take heed of what I am telling you. New England relies on 30 percent fuel oil for its own power generators.

What do they want us to do? They say: Alternative energy. Fine. Let's do it. What are we going to do? Four percent is what we produce currently.

Let's spend more on development. We are. We do not have the hydrogen technology yet.

In the meantime, we have an opportunity for domestic relief, and I implore those people up there to seize that opportunity. It is as if they are born with their eyes closed, and they keep them closed to the reality that we can open these areas safely. They say: The Senator from Alaska comes to the floor and his motivation is selfish.

Sure, I represent my State. Sure, this is in my State. But my State doesn't consume it. Sure, we get half the revenue, just like Oklahoma or any other area. But this is domestic energy for domestic jobs paying domestic taxes and providing for the national energy security of this Nation.

Some of these other folks would rather have us import it from Saddam Hussein. That is where it is coming from, 700,000 barrels a day, from a country where we lost 147 servicemen fighting a war.

So we are going to be facing higher prices. Non-oil-burning plants are going to reap a huge windfall. New England is going to take it and they are going to scream and ask why we are not doing something about it. It has been estimated an oil plant that offered electricity at $37 a megawatt hour for power 1 year ago is probably going to be seeking a price of $75 or more because they are going to have to buy oil on the open market. Remember, oil has gone from $10 to over $30. That is significant.

There are a couple of other factors a lot of people overlook. There is an inflation factor. They figure every time oil goes up $10, it contributes about ½ percent to inflation. We have seen the truckers come to Washington. They came twice. Do you know why they were here? Because they cannot pass on the increased price of diesel fuel. They are stuck. They are going out of business.

Wait until you see the farmers when they start fueling up to plant their crops. They are going to be screaming. They will be driving their tractors to Washington. They will want relief. The relief of this administration is to go beg for more oil production in the Mideast. I find it inexcusable.

We concern ourselves with the deficit in the balance of payments, $300 billion a year. That means we are buying more from countries than they are buying from us. But of the $300 billion, $100 billion is the cost of imported oil. We are sending our jobs overseas. We have seen employment in the domestic oil industry drop dramatically.

It is important that Members understand what has happened to this country and to our ability to maintain a growing industry that we have become so dependent on, and what a poor job we have done on it. What we have done, under this administration, is to simply import more oil, propose more taxes. I think the administration's tax proposal is about $2.5 billion this year.

We have seen the gas tax, 4.3 cents a gallon. I would like to do a little short review because I remember 1993. I remember when the Republicans lost control of this body and the Democrats took control and the administration came in with a huge Btu tax—British thermal unit—a tax on energy. We defeated that tax then. It is a good thing we did. But we also had a 4.3 cent-per-gallon gas tax and that was not going to go into the highway trust fund. That was proposed to go into the general fund.

We had a vote. Every Republican voted against it. We had six Democrats join us. The vote was tied. Vice President AL GORE broke the tie, and that is why we have the 30-percent increase in the gas tax that went on in 1993 at 4.3 cents a gallon. Our Vice President, who broke that tie, deserves accolades, if you will, because he bears that responsibility. We are living with it today, and it has cost the taxpayers somewhere in the area of $43 million.

That gives us some idea of the background of how we got to where we are and what kind of a policy this administration has toward our energy crisis. They hope it will go away. There is so much finger pointing around here that one cannot believe it.

The Secretary of Energy the other day said an interesting thing. He said: We were caught by surprise; we were caught napping.

Come on. Let's recognize facts, and facts are that in 1994 the independent petroleum producers were concerned about our dependence on imports. They solicited Secretary Brown under the Trade Expansion Act and asked him to do an evaluation of the national security risk, and he did. As a consequence of that, even the President acknowledged our energy dependence on the Mideast and our oil imports affect the national security interests of the Nation.

He did that. What happened? Nothing. There was no relief. So we went along even more. In any event, nothing was done. Time went on. We became more dependent. As a consequence, we found ourselves in a situation last March where many of us became concerned. We became so concerned that we wrote a bipartisan letter to the Secretary of Commerce, Secretary Daley.

I have the letter dated March 21 to our President. I am going to quote what he said in November after he received the report from the Department of Commerce by Secretary Daley. He said:

> I'm today concurring with the Department of Commerce's finding that the Nation's growing reliance on the imports of crude oil and refined petroleum products threaten the Nation's security because they increase U.S. vulnerability to oil supply interruption.

He was on notice in 1994.

To bring my colleagues up to date, in March of last year a bipartisan letter went to Secretary Daley asking him to again initiate, under the Trade Expansion Act, an evaluation of the danger to our national security because of our increased dependence on imports. That was done. It was delivered to the White House in November of last year, and the White House either did not open their mail, sat on it, or put it at the bottom of the stack. In any event, they have refused to release that report.

Clearly, it is going to say the same thing. The national security of our Nation is at risk because of our increased dependence on imported oil. I am told we are looking at billions of dollars of increased appropriations this year for the military so they can have fuel for our defense. We have another case of this administration refusing to recognize reality. It is as though they want to get out of town before this becomes a political issue or before the American people understand the danger of what is happening because of our increased dependence on imported oil.

The chairman of the Armed Services Committee, JOHN WARNER, the chairman of the Foreign Relations Committee, JESSE HELMS, our majority leader, TRENT LOTT, and I as chairman of the Energy and Natural Resources Committee, all wrote a letter to the President asking him why he has not opened that report he received in November from the Secretary of Commerce. We asked why he has not shared that with the American people, and to tell us whether our national security is at risk because of our increased dependence, again on our old buddy, Saddam Hussein. How ironic. What goes around comes around.

Last year, we had 300,000 barrels a day from Saddam Hussein; this year, 700,000 barrels a day. The fastest growing source of our imports is coming from Iraq. I will say it again and again and again. In 1991, we lost 147 lives, 448 soldiers were wounded, 23 were taken prisoner, and the U.S. taxpayers paid $10 billion to fence in Saddam Hussein.

Where does this oil go? It goes to the United States—to you and me, and for our airplanes and cars. Where does the money go? Do you think it goes to the people of Iraq? It goes to Saddam Hussein who controls the flow of that money. Do you know where most of it goes? It goes to the Republican Guard that guards him and keeps him alive. He has probably had more assassination attempts than we know. But he takes good care of those people. How does he do it? He has one source of cash-flow—oil. I just cannot accept the policies of this administration to enrich that man.

We have the farmers, and we have the truckers. Mr. President, have you flown lately? Have you looked at your airplane tickets? They put on a surcharge. Nobody can figure out what the ticket costs anyway. If it is a short trip, it is $20. If it is a long trip, it is $40.

Have you received a FedEx package lately? There is a surcharge added.

Pretty soon, the American people are going to wake up. A surcharge is going to be on everything. They say: Oil really hasn't affected inflation. Don't be too sure it has not hit yet.

Do my colleagues think we will get relief? We will see what happens on Monday. Anything that happens on Monday is 8 weeks getting to your gas station. That is the harsh reality.

The policy of this administration is more imports. That is it. They never learn by history: 37-percent dependent in 1973; 47-percent dependent when we fought the war in the Persian Gulf; 56-percent dependent now; 65-percent, according to the Department of Energy, in the year 2015 to 2020. Does it behoove us to take action now? I think so.

I told you a little bit about exploration and production. Here is what happened in our employment in energy: 405,000 employed is down to 293,000. That is the position we are in.

Our oil production domestically dropped from about 7 billion to about 6 billion in this period of time because we don't have an aggressive posture. It is not that we do not have oil and gas. This administration will declare victory, I guess, on the 27th if OPEC releases more oil. But I think Americans are going to have to ask a basic question, a simpler question, and that is: Will the administration's actions decrease our oil dependence or increase it? That is the basic question, and the American people ought to understand it.

Next Monday is March 27, and they say there will be an increase in foreign production of another 1 million to 2 million barrels. Then the administration—the Secretary of Energy and the President—is going to claim victory. They will say: We have more oil.

How hollow, because it is going to increase our dependence, it is going to give them more leverage. We are going to have another crisis. They said OPEC could never get together and did not have the discipline. They did. They got together. They would rather sell their oil at a higher price than sell less oil, obviously. They would like to see it somewhere at $20 to $25 to keep us on the hook. That is the thought.

I encourage the American people to ask: Is this in our national interest to swallow the administration's claim of victory? If indeed there is a significant increase coming, if we swallow the administration's claim of victory that it is in the Nation's interest to become more dependent on imported oil, or strike out with an aggressive posture based on American technology and American can-do spirit to develop resources at home in the overthrust belt in my State of Alaska?

I implore my colleagues who want to speak on behalf of America's environmental community, to know what they are talking about. I ask them to get up to ANWR and Prudhoe Bay and take a look at it. See what we have done and look at some other oil fields. Just do not take the word of the self-anointed environmental groups that have a mission. That mission is membership, dollars, and a cause.

I am not suggesting they do not make a significant contribution. The problem is that they refuse to recognize that we are going to be needing crude oil—petroleum products—for a long time. They refuse to recognize that we are better off developing domestically than importing it. They refuse to recognize where we are getting our imports, the significant role of our rock. They refuse to recognize the role of the lives we lost in the Persian Gulf war. They refuse to recognize we have done a pretty good job in developing oil and gas resources. We can do a better job, if given the opportunity.

I do appreciate the time that has been allotted to me today.

I think it is important to recognize that, in all honesty, we do not have an oil policy, we do not have an energy policy. I fear my colleagues from the Northeast are going to be exposed to substantial increases in electricity.

I have the obligation to proceed with electric reliability bills, electric restructuring. But the fact is, they are going to be dependent on fuel oil making electricity. The price is going to be a lot higher than they have ever had before. People are going to be asking, What are you doing about it to relieve the problem? I hope their answer is not solely to increase imports.

I again extend my willingness to travel to the Northeast corridor, my willingness to meet with the editorial writers of the Northeast papers that continually misrepresent facts. I encourage them to give us an opportunity to be heard. I encourage them to come on up and take a look and spend the money so they can objectively make recommendations and decisions upon those to whom they and their papers and their media extend themselves.

I would like them to know that our Governor, and our delegation would love to have you. We will treat you with a level of hospitality that you will find quite suitable and quite comfortable. You might want to bring some long underwear though.

Give us an opportunity to contribute to this country.

The last thing I want to say is, we became a State in 1959. That was 41 years ago, or thereabouts. The rest of the country established their land patterns 100, 150 years ago. We are still trying to develop an economy. We have 700,000 people. We are trying to develop a university. We don't have any roads across our State. The Federal Government owns it. We are dependent on natural resources. Our fish are renewable. Our timber is renewable. We also have a lot of oil and gas.

MEASURE RETURNED TO CALENDAR—S. 2251

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that S. 2251 be placed back on the Senate calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 14

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that at 1:30 p.m. on Monday the Senate begin consideration of S. J. Res. 14 regarding the flag desecration and it be considered under the following time agreement:

At 1:30 p.m. Monday, following the reporting of the resolution by the clerk, Senator McCONNELL be recognized to offer an amendment in the nature of a substitute regarding a statute, and it be limited to 2 hours equally divided in the usual form, and an additional 30 minutes under the control of the Senior Senator from West Virginia, Mr. BYRD, with no amendments in order to the substitute, and, if agreed to, it be considered original text for the purpose of further amendments;

Further, following the debate on the McConnell amendment, Senator HOLLINGS be recognized to offer his first-degree amendment regarding campaign spending limits, with no amendments in order to the amendment and time limited to 4 hours equally divided in the usual form, with 1 of the 4 hours under the control of Senator McCAIN;

Further, that no motions to commit or recommit be in order or any additional amendments;

Further, that at 9:30 a.m. on Tuesday, the Senate resume the Hollings amendment for up to 2 hours of their designated debate time, equally divided;

Further, that at 11:30 a.m. on Tuesday, there be up to 60 minutes equally divided between the chairman and the ranking minority member of Judiciary for general debate on the joint resolution;

And, finally, that following the debate on the amendments, the amendments be laid aside, with votes to occur on or in relation to the amendments in the order in which they were offered, beginning at 2:15 p.m. on Tuesday, with 4 minutes for debate prior to each vote.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MURKOWSKI. In light of this agreement, there will be no further votes today. The next vote will occur on Tuesday, at 2:15 p.m.

Mr. President, let me again thank you for your courtesy, and that of the clerks, who listened to me intently. I understand there may be some more morning business time available. I invite my colleagues to engage in the debate on the subject of ANWR at any time they appear on the floor, in my office, or outside.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE STORAGE

Mr. MURKOWSKI. Mr. President, I alert my colleagues that an extraordinary thing happened yesterday in the House of Representatives. The House accepted the Senate bill on nuclear waste without amending the Senate bill.

As the occupant of the Chair knows, oftentimes the House has a little difference of opinion on what is good for the country. The bill we passed in the Senate on nuclear waste had certainly a vigorous debate in this body. There were 64 votes recorded for the legislation which would resolve what to do with our high-level nuclear waste and how to proceed with the dilemma associated with the reality that the Federal Government had entered into a contract in 1998 to take this waste from the electric-power-generating units that were dependent on nuclear energy. This is the high-level rods that have partially reduced their energy capacity and have to be stored. We have had this continued buildup of high-level waste adjacent to our reactors.

The significance of this is that this industry contributes about 20 percent of our power generation in this country. There are those who don't favor nuclear energy and, as a consequence, would like to see the nuclear industry come to an end. But they accept no responsibility for where the power is going to be made up. Clearly, if you lose a significant portion, you will have to make it up someplace else.

The point of this was to try to come to grips with a couple of things. One is that the ratepayers have paid the Federal Government $15 billion over an extended period of time to take the waste in 1998. The second issue is the cost to the taxpayers because since the Federal Government has failed to meet the terms of the contract and honor the sanctity of the contract agreement, there are damages and litigation from the power companies to the Federal Government. That cost is estimated to be somewhere in the area of $40 to $80 billion to the taxpayer in legal fees associated with these claims that only the court will finally adjudicate.

By passing the Senate bill in the House—I believe the vote was 275—indeed, it moved the issue closer to a resolve. Many in this body would like to not address it. That is irresponsible, both from the standpoint of the taxpayer and from the standpoint of the sanctity of a contractual commitment. If we don't do it, somebody else is going to have to do it on a later watch.

The difficulty is, nobody wants the nuclear waste. But if you throw it up in the air, it is going to come down somewhere.

France reprocesses theirs. The French learned something in 1973, during the Arab oil embargo. They learned that they would never be held hostage by the Mideast oil barons and be subservient to whatever the dictates of those oil nations were and what it cost the French economy in 1973. As a consequence, they proceeded towards the development of a nuclear power capability second to none. About 92 percent France's power is generated by nuclear energy. They have addressed the issue of the waste by reprocessing it through recycling, recovering the plutonium, putting it back in the reactors, and recovering the residue. The residue, after you take the high-level plutonium out, has a very short life. It is called vitrification.

In any event, we are stuck still. We can't resolve what to do with our waste. But we have a bill that has moved out of the House. It is our bill. I have every belief it will go down to the White House. We will have to see if the President wants to reconsider his veto threat in view of the energy crisis we have in this country now and the fact that the administration does not have an energy policy, let alone the willingness to address its responsibility under the contractual terms to accept the waste. If the administration chooses to veto it, we have the opportunity for a veto override. In this body, we are two votes short.

I encourage my colleagues, particularly over this weekend as they go home, to recognize that this issue is going to be revisited in this body. If they have nuclear reactors in their State and they don't support a veto override, they are going to have to wear the badge, the identification of being with those who want to keep the waste in their State. That is where it will stay. It will stay in temporary storage near the reactors that are overcrowded and that were not designed for long-term storage. It will never get out of their State unless we come together and move this legislation, if the President does not sign it now that it has gone through the House and Senate.

Unfortunately, this would put the waste ultimately in Nevada where we have had 50 years of nuclear testing out in the desert, an area that has already been pretty heavily polluted. We have spent over $7 billion in Nevada at Yucca Mountain where we are building a permanent repository. Quite naturally, the Nevadans, my colleagues, will throw themselves down on the railroad track to keep this from happening.

But the point is, you have to put it somewhere. In my State of Alaska, we don't currently have any reactors.

As chairman of the Energy Committee, my responsibility is to try to address this national problem, with a resolve. What we have, obviously, is this legislation that has passed both the House and the Senate. It will be back. It will be revisited. I encourage my colleagues to recognize that we have a responsibility to address this on our watch. If we put it off, somebody else is going to have to address it. It is going to cost the taxpayer more. Now is the time, since we finally have a bill that has gone through the House and Senate.

The interesting thing is, had the House taken up our bill and amended it, we would be hopelessly lost because there would be a filibuster on appointment of conferees. It would take 9 days or something like that. It could not be done.

That didn't happen in the House. I commend the Speaker, DENNY HASTERT, for keeping a commitment. I commend our leader, Senator LOTT, who made a commitment that we were going to bring this up. Not only did we bring it up but we passed it.

I alert my colleagues, again, what goes around comes around. We are going to get this back. If you are against it, you had better come up with something else that is a better idea. Otherwise, it will stay in your State. If you want to get it out of your State in a permanent repository, you had better get behind this bill, if we have to go for a veto override.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. We are in morning business, and the Senator from Idaho controls 60 minutes.

ENERGY CRISIS

Mr. CRAIG. Mr. President, earlier today I came to the floor, as did several of my colleagues, to discuss what I believe is now nearing a crisis in our country; that is, the tremendous runup in the price of energy that we have watched for well over 3 months creep up on the reader boards at the local gas station or in fuel bills for those in homes heated with fuel oil.

A lot of Americans are scratching their heads and saying: What is happening? Last year, at this time out in Northern Virginia, I purchased regular gasoline for 78 cents a gallon. There was a bit of a price war going on at that time that probably bid the price down 10 or 12 cents, but there is no question that America's driving public a year ago was paying at least 100 percent less, in some instances, than they are paying today.

It is right and reasonable to ask why? What has happened? What happened is obvious to many who watched the energy issue. I serve on the Energy Committee. For the last several years, we have become quite nervous about the fact that we as Americans have grown increasingly dependent on foreign sources of crude oil to fuel the economy of this country. Several speakers on the floor today, and over the past several days, have talked about a dependency that has gone up from 30-plus percent in the 1970s to over 55 percent today for oil flowing in from outside the United States.

Why is that happening? Why don't we have a policy stopping it? Why are all these things happening at a time when our economy is doing so well?

This morning I joined some of my colleagues to discuss some of the whys. This country, for at least the last 8 years, has been without an energy policy. When the current Secretary of Energy, Bill Richardson, came to that seat, I asked him in his confirmation hearing: If we don't have an energy program, can't we at least have an energy policy that looks at all aspects of the energy basket—both, of course, crude oil for the hydrocarbons and for all that it provides for our country, a recognition of electrical generation in this country, both nuclear, hydro, and certainly coal fired and oil fired? He assured me that would be the case.

Of course, today, that simply isn't the case. In the budgets this Department of Energy has presented to this Congress in the last 2 years, there has been a tremendous increase in the money the Clinton-Gore administration has wanted to allocate for solar and wind, but they have constantly dropped the research dollars on hydro production or clean coal production for the use of coal in the firing of our electrical generating facilities.

While all of that has been going on, there has been something else that I find fascinating and extremely disturbing: a progressive effort to lock up exploration and development of our public lands and public areas where the last of our oil reserves exist. The administration has not tried to encourage domestic production. In most instances, they have openly discouraged it or they have set the environmental bar so high that no one company can afford to jump over it.

Over the course of the last 5 or 6 years, we have seen a tremendous number of our production companies leave this country. In fact, the CEO of one company sat in my office 5 years ago in a rather embarrassing way saying: Senator, after having been in this country drilling, developing, and producing oil and gas for almost 100 years, my company is being forced to leave the United States if we want to stay profitable or productive.

Of course, that company did largely go overseas. That is an American company and they will be producing oil and gas. But they are, in most instances, producing for a foreign government, and they don't control their supply. Most importantly, that supply is not a U.S. supply. It is a foreign supply being brought into this country, dramatically changing our balance of trade. Of course, many of those nations are members of OPEC or are other oil-producing nations that are, in part, causing the problems our consumers are currently experiencing.

I have found it fascinating over the last several years as we have watched this administration refuse to acknowledge our vast reserves of oil and gas, offshore, and in Alaska. The Senator from Alaska, chairman of the Energy and Natural Resources Committee, was on the floor to speak for the last hour about one of the great remaining reserves in northern Alaska that could be tapped, and tapped in a sound and safe environmental way so the beautiful area would not be damaged. Literally, tens of thousands of barrels a day of oil could be produced from that region of our country and brought into the lower 48 to be refined and sold.

The Rocky Mountain overthrust belt in my area of the country is largely now off limits to further exploration and production. Yet in the 1970s and the early 1980s a lot of the new domestic production in our country came from the overthrust belt areas of Wyoming and Colorado.

We have seen the Clinton administration recently announced a ban on any future exploration of many areas of the Outer Continental Shelf, where some of the largest oil reserves exist today, all in the name of the environment. Even though some of the great new technologies have allowed the kind of development in the Gulf of Mexico and other areas where the chance of a spill is almost nonexistent today. In fact, the greatest concern for a spill is not drilling and development and transfer onshore of crude oil; it is the shipping in the great supertankers from all around the world. That is where the greater risk to our oceans exist, not offshore oil production. Yet this administration, all in the name of the environment, says, no, we will not develop our offshore capabilities.

In 1996, the administration resorted to the little-used Antiquities Act. I mentioned that earlier this morning. They made 23 billion tons of low-sulphur mineable coal off limits to production in southern Utah. The U.S. Forest Service issued road construction policies designed to restrict the energy industry's ability to explore for gas and oil on Forest Service lands. The Clinton-Gore administration has vetoed legislation that would have opened the coastal plain, as I mentioned, in the remote Alaska National Wildlife Refuge, where an estimated 16 billion barrels of domestic oil may be found.

The administration has ignored a report prepared by the National Petroleum Council requested by the Energy Secretary explaining how the Nation can increase production and use of domestic natural gas resources from about 22 trillion cubic feet per year to more than 30 trillion cubic feet per year over the next 10 to 12 years.

Doable? Yes. Environmentally sound? Yes. A clean fuel source? Yes. Then why aren't we doing it? Because we have an administration that is hostile to the idea of actually producing in this country and providing for this country, and their 8 years of record clearly show that.

The Clinton-Gore administration has shown little interest in solving these kinds of domestic problems and, as a result, as I mentioned earlier, we have watched our dependence on foreign crude tick up to 56 percent of our total crude demand. The price last year of a barrel of crude was around $10 and peaked last week at somewhere near $34 a barrel.

Did we see it coming? You bet we did. Has the administration known it? Yes, they have. On two different occasions, and in two very well-developed reports over the last several years, that message has been so clearly sent to this administration.

Why would they ignore it? There are probably a lot of reasons, and I have already expressed some of those reasons why this country cannot use its energy resources.

Yesterday, my distinguished friend from West Virginia, Senator ROBERT

BYRD, spoke eloquently on the floor on this very subject. Of course, his State of West Virginia is a great coal State, a great producing State. The United States has the world's largest demonstrated coal reserve base and accounts for more than 90 percent of our total fossil energy reserve. In other words, we have more coal than any other country. Yet we have an administration that truly wants to deny the use of it or the development of technologies that will cause it to be burned in an ever increasingly clean way.

At the present rate of recovery and use, U.S. coal reserves can last us for more than 270 years. Let me repeat that. For 270 years, we can be self-sufficient at our current level of coal consumption. Of course, we all know the technology that will develop over that period of time that might well make the use of fossil fuels unnecessary at some point in the distant future.

Coal is used to generate over 56 percent of our electrical supply and about 88 percent of the Midwest's electrical needs. Coal use for electrical power has risen more than 250 percent since 1970, while sulfur dioxide emissions has decreased to 21 percent below the 1970 level.

While there has been a dramatic increase in the use of coal, there has been a dramatic drop in coal-fired emissions. Why? Technology, the application of technology, the kind of combustion technology that has continued to drive down emissions and make continued use of coal economically attractive.

Why shouldn't we be putting more research dollars into even better technology? Of course, we should, but it does not show up in this administration's budget. Not at all. They want windmills and solar cells. The last I checked, to provide electricity for Los Angeles with solar energy, one has to cover the whole State of Arizona with solar panels. President Clinton, don't you understand that would be environmentally unsound? It would not make a lot of sense and would not be a very, shall we say, aesthetically valuable thing to do.

Somehow they are caught in this mythical illusion: Pop up a solar cell, put a propeller on the end of a stick, tie a generator to it, and the world is going to light up. We simply know that is not the case when it comes to the kinds of energy we need to fuel our households and drive our industries. That kind of energy has to be of large capacity. It has to have the ability to peak and supply our needs during high-demand periods. Of course, it says little for the need of America's farmers and ranchers when they go to the pump this year to find out their energy costs have now doubled.

What about nuclear? Nuclear drives 20 percent of our electrical needs, and yet this administration is the most antinuclear administration in the history of this country. They have on every occasion attempted to block the effective storage of nuclear waste, high-level waste, the kind that comes from nuclear generation of electricity. They are basically saying to the electricity industry, the power industry, at least the generating industry: Don't build any more nuclear plants, even though there are no emissions from such plants. If you want to strive to get to the clean air standards that we want in our unattainment areas, you cannot do it any other way than to assure that we at least maintain the 20 percent of our electricity being generated by nuclear power.

What does that mean? It means we have to bring newer reactors online, safer reactors with new technology. Yet this administration will not invest in the necessary research.

In November of 1999, the Environmental Protection Agency sued several coal-burning utilities claiming they made major modifications in their facilities without applying for new source review permits. Utilities maintain that the modifications fell within the routine maintenance provisions that had been provided and grandfathered into the Clean Air Act in 1990.

What kind of a message does a central government send to the generating industries of this Nation? It tells them: We will not stick by the rules; we will not play by the rules; we are interested in politics at this moment, EPA politics, environmental politics; we are not interested in the pocketbooks of the consumer or, more important, the strength of the economy, even though the utility industries are providing ever cleaner sources of energy.

EPA is discussing the notion that new-source review should include voluntary regulation of CO_2, which is not a poisonous gas and which is not regulated under the Clean Air Act. President Clinton, don't you understand that you cannot keep beating this economy and our energy supplies over the head with these silly notions and expect the economy to remain productive?

EPA recently changed the toxic release inventory, or the TRI, to require electric utilities to report chemical release data. The level at which reporting is required for mercury was lowered by an order of magnitude. In making these changes, EPA presented no studies or supporting rationale for why nearby communities should suddenly be concerned about such releases. Nevertheless, the reports will be widely published, thereby placing utilities at the top of the "dirty" facilities list.

Again I say to the President: From where are you coming? What is the game? Because it appears you are attempting to game this issue.

In 1993, EPA staff concluded that coal combustion waste, or fly ash, bottom ash, slag waste, or other combustion products, from electric utility generation do not warrant hazardous waste regulation. Yet, EPA at the behest of the environmental community seems to be about to overrule the staff recommendation. The story goes on and on.

Here is the other message. Out in my area of the country, a very large portion of the electric generating capacity comes from hydropower. We dam up rivers and we put generators in the face of the dams and we generate large quantities of renewable clean electricity.

Ever since Secretary Babbitt took office, he has been running around the country trying to find a dam to blow up. On numerous occasions, he said: I would like to blow up a really big dam. That is what the Secretary of Interior wants as his legacy. What kind of a legacy is that? I think it is called a cave man mentality legacy. Give everybody a candle and send them to a cave? Come on, Bruce Babbitt. You know the tremendous value of clean hydroelectric generation. Some 15 to 18 percent of our market blend today is hydro.

In my area, it is much larger than that. Do we need to modify our dams to save fish? Do we need to make them operate more efficiently with new technology? Absolutely we do. And we are doing that. Already we are putting in new fish-friendly turbines at Bonneville Dam at the lower end of the Columbia River. We are going to work our way up the Columbia-Snake Rivers system and that marvelous hydro facility that fuels the States of Washington, Oregon, Idaho, and Montana. No, Mr. Babbitt, we "ain't" going to blow up any really big dams.

It is going to be kind of refreshing when that man leaves office to leave that silly mentality by the wayside.

Technology? Yes, you bet. Bring on the new technology. But shouldn't we be encouraging clean fuel, renewable resource technology of the kind that is so abundant in the West today?

I could talk a good deal more about this, but what I hope we accomplish is a reduction in the overall fuel cost of this country by eliminating the 4.3-cent Gore tax. That is right, that is AL GORE's tax. He is the one who sat in the Chair and broke the tie and caused the tax to become law. I want him to get the credit for raising the cost of energy in this country by that vote.

Here is something else I want to close with today that is added frustration as to why this country finds itself increasingly in an energy dilemma. The Clinton-Gore administration embraces the Kyoto Protocol. What is the Kyoto Protocol? It is the misguided result of concern by scientists around the world—and by all of us—that our world may be getting warmer as a result of the generation of greenhouse gases.

We all know that we have phenomenal long-term cycles in our country of warming and cooling. Once upon a time ago, there was an ice age. Prior to that, there was a warm period. Those 5,000- to 10,000-year cycles are very evident throughout geologic time. We know, as a fact, we get warmer. We know, as a fact, we get colder. Right now we are getting warmer.

The question is, Does the presence of man on the globe and what we are doing to our climate cause us to get warmer or does it cause us to get a little warmer under a normal warming cycle? We don't know that yet. Yet this administration, in the absence of science, and in the full-blown presentation of world environmental politics, said: Let me tell you what we are going to do. We are going to put all kinds of restrictions on the United States and other developed nations. We are going to tax the use of hydrocarbons. We want those lessened in their use. To do that, we are going to drive up the cost. AL GORE thinks the internal combustion engine is a really bad idea. He's said so on numerous occasions.

But what they did not recognize was the double kind of impact that would result from driving up the costs through taxes and limiting production at a time when the world was not ready to shift away from conventional forms of energy.

The Kyoto Protocol would require the United States to vastly reduce the use of oil, natural gas and coal, and achieve emission reduction standards when, frankly, the rest of the world would not have to play—or at least the rest of the newly developing world that will be the largest generators of greenhouse gases.

Thank goodness this Senate, in July of 1997, stood up, in a very bipartisan way, and said: No, Mr. President. No, Mr. Vice President. Your idea and the protocol is wrongheaded. We are going to stand together as a nation. More importantly, we are going to convince the rest of the world to go with us. If we are going to develop this kind of policy, we will all share equally.

What we ought to be doing, with our tremendous talents, is developing the technology for the rest of the world to use to clean up their air and to clean up their water. We should not ask them to sacrifice. We should not ask the people of developing nations to live with less than we have simply because we do not want them to use their resources for the purpose of advancing their economies. Yet that is exactly what this President and this Vice President have said by the proposal of and the endorsement of the Kyoto Protocol.

Our Senate said no, on a vote of 95–0. Thank goodness we did. It had a chilling effect. In fact, I have not heard AL GORE mention Kyoto once in the last 6 months. Why? Because he knows he has created a tremendous liability for himself politically, when the American public really understands what would have happened if the protocol had become law, and those kinds of standards and those kinds of taxes had been placed on the American consumer on the eve of a dramatic runup in the cost of crude oil that has resulted from our OPEC neighbors getting their political act together.

We will be back next week. Stay tuned.

On Monday of this coming week, on the 27th, the OPEC nations meet. Bill Richardson has been running around, all over the world, with his tin cup, begging them to turn on the oil. They turned them off 6, 8 months ago—or turned them down by several millions of barrels of production a day. They may open them a little bit. But my guess is, their goal is to keep crude oil prices well above $20 a barrel, which means the price at the pump will remain high. It may come down some this summer—and I hope it does. I hope we can jawbone them. I hope we can convince them, through good foreign policy, that wise economic policy dictates that they ought to increase production.

Yesterday, the House spoke very clearly. It said to the OPEC nations: If we are going to provide for your defense, as we have in the past, maybe you need to help us provide for some of our energy needs. All of that is a part, in combination, of what we ought to be involved in and what we ought to be talking about. I think our consumers would expect nothing less of us because, clearly, energy policy is a Government responsibility in this country, especially if there is policy that is negative in its impact on the ability of the private sector to produce an abundant source of low-cost energy to the consuming public.

This is an issue that will not go away because every day, when the consumer goes to the gas pump, and sticks his or her credit card in it, and pulls out 10, 12, 15, 20 gallons of gas, they are going to feel the impact. If you go out to buy new carpeting, if you go out, as a farmer, to buy pesticides, herbicides, and insecticides—all with a hydrocarbon base—you are going to find out that this runup in cost is having a dramatic impact on the economy and, ultimately, could have an impact on the lifestyle of all American citizens.

We must act. I hope we act both with short-term and long-term policy that is sensible, environmentally sound, but recognizes that energy abundance in this country has been the key to our tremendous economic successes down through the decades.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Democratic leader.

THE MINIMUM WAGE

Mr. DASCHLE. Mr. President, today the distinguished and esteemed Senator from Massachusetts and I are reintroducing the Democratic proposal to raise the minimum wage.

For those familiar with the legislation, they know that our legislation—the bill being reintroduced this afternoon—raises the minimum wage by $1 over 2 years, to $6.15 an hour. It is a modest but badly needed bill. It is overdue. It has already passed in the House, as most of our colleagues know, by an overwhelming margin, with strong bipartisan support. It deserves equally strong and bipartisan support in this Chamber.

Among the many people who support our proposal are America's religious leaders—the U.S. Catholic Conference, the United Church of Christ, the Jewish Council for Public Affairs, the American Friends Service Committee, the Unitarian Association of Congregations, the Episcopal Church, the Methodist Church, and many more religious organizations. There are Republicans and Democrats in this coalition of religious leaders, and all have joined together in supporting the effort to raise the minimum wage by $1 an hour over 2 years.

A job isn't only a source of income. A job, frankly, is a source of pride—or it should be. The Catholic Conference tells us that the minimum wage ought to reflect the principles of human dignity and economic justice. That is what it ought to reflect. There ought to be more to a minimum wage than simply what pay you get. There ought to be a sense of dignity and a sense of pride and a sense of accomplishment. There ought to be a feeling of goodwill in a workplace. But today's minimum wage precludes much of that. The U.S. Catholic Conference is right, the minimum wage today denies dignity, it denies economic justice.

When you adjust the increased cost of living, the real value of the minimum wage today is almost $2.50 below what it was in 1968. This chart reflects, very graphically, what we are talking about. This shows the value of the minimum wage over the years.

We started in 1968, with a value of the minimum wage, in today's dollars, at $7.66. But look what has happened. We come down now to the year 2000, and we have a minimum wage value of slightly over $5.

But look what has been happening to the trendline representing the value of the minimum wage, in the last couple years. While there have been peaks the trend is actually going down. Next year, the value of the increase, in constant dollars, will be $4.90—almost $3 below what it was 30 years ago.

Is it any wonder people are working two and three jobs? Is it any wonder we have lost some of the value, some of the dignity, some of the economic justice that was concomitant with the minimum wage of 30 years ago?

What is remarkable is that all we are asking with this increase is to bring it to $5.85 next year. This proposal, as you can see, is still below the value of the minimum wage in 1968. That is what is disconcerting. If we do not raise the minimum wage by the end of the year, every single penny of the value of the 1996 increase will be erased by increases in the cost of living.

As the chart shows, at one time we were able to increase the value of the minimum wage. Now, we would like to bring the wage back to its value in 1996. But look what happens. If we do not raise the wage, we will have eliminated entirely the previous increases of the minimum wage.

I think people ought to remember, all we are trying to do is to maintain virtually the status quo. We are not even able to bring it up to where it should be. So forget economic justice, dignity—working families are living in poverty.

The Senate passed the welfare reform legislation several years ago. We said we want to dignify work. We want to reward work. We want to ensure that people who work get the rewards that otherwise they would get on welfare. Look what has happened. As the minimum wage continues to decline, the poverty line continues to go up. So even with the minimum wage increase, minimum wage workers are going to be below the poverty line. How does that reward work? How does that keep people off welfare? If this gap continues to spread, where is the economic justice?

Under our proposal, a full-time minimum-wage worker would earn $12,792 a year. That is an increase of $2,000. That doesn't sound like a lot of money. As I noted, right now minimum wage workers are below the poverty line. But the fact is, $2,000 would buy 7 months of groceries for a family of four.

I was in a grocery store not long ago. Somebody came up to me, a total stranger, and said: I know you are Senator DASCHLE. I hate to interrupt. I know you are out there buying your groceries. I am just one person, but I want to thank you. I want to thank you for trying to fight for the minimum wage increase because I am a minimum wage worker. I have two jobs. I have no health insurance. I have a daughter who is very sick. You don't know me, and you may never see me again. I'm telling you, Senator DASCHLE, I need that money, without it I don't know what I am going to do.

You remember conversations like that. That brings life to charts like this.

It is very troubling to me that, as we fight over the minimum wage this year, we are fighting about that worker, working two jobs, trying to stay above the poverty line with a sick daughter. We are trying to decide in the Senate today whether we are going to make this worker wait another year and lose $1,200 over that period of time in this era of economic growth and vitality.

What do we say to that man in that grocery store: Look, I am glad you are working two jobs. I am sorry your daughter is sick? We want you to stay off welfare? And while we have more and more people becoming billionaires in this country, we are going to make you wait 1 more year to get that full $1 increase in minimum wage, even though it is $3 below what it was in 1968?

I can't do that. I don't know how anybody can do that. But that is what we are asking. That is why we care so much about this fight now. We didn't have the chance to bring it up last year. We forced it on the bankruptcy bill. Now the House, because I believe we forced that action last year, has acted, as they should, on minimum wage. I have some real problems with the House-passed tax package, but they acted appropriately on the minimum wage.

Why, in Heaven's name, given the economic strength we have in this economy, given the extraordinary increase we have seen in income at just about all levels but the lowest, why would we make that man, or anybody like him, wait 3 years rather than 2 to get a $1 increase so that he might be able to stay above the poverty line?

Recently, my State created 17,000 new jobs. Unemployment is lower now than it has been in 30 years. Yet we hear our colleagues say this somehow is going to hurt small business. This age-old argument has been so totally ripped apart by virtually every credible source. The Wall Street Journal, Business Week—hardly the mouthpiece of a liberal agenda—now say the 1996 predictions about job loss, the last time we increased the minimum wage, could not have been further from the truth. They were wrong. We have created more jobs in my State and in every State. Unemployment is lower, not higher. There is no question whatsoever, we can create more jobs and still provide dignity in the workplace.

Of what value is a job if you need four of them to survive? Of what value can a job be if you can't even buy health insurance for your children?

The other argument we hear so often is that minimum-wage workers are teenagers, or that they are part-time people, who pay for cars and CD players, who will be working in a high paying job someday. Again, the facts could not be more the opposite: Seventy percent of all minimum-wage workers are in their twenties or older; 60 percent of minimum-wage workers today are women in that age category; 40 percent of minimum-wage workers today are the sole breadwinners in their families.

You hear these arguments over and over again: The minimum wage costs jobs. These jobs are for teenagers. That is just bunk. There is absolutely no truth to these assertions that we hear over and over again. We are talking about people who walk up to me in grocery stores telling me about their kids, telling me they have more than two jobs, telling me that unless they get this increase in the minimum wage, they don't know how they are going to survive. What an irony—talk of survival in a period of unprecedented growth and prosperity.

I am hopeful that somehow over the course of the next couple of weeks we can reach an agreement. The House has acted on an overwhelmingly bipartisan basis. The Senate ought to go to conference. We ought to resolve this minimum wage issue. But we ought to accept the fact that we have no real argument to ask that person or anybody else to wait 3 years for a $1 increase in the minimum wage when they need it so badly right now. I am very hopeful that we can work out a procedural arrangement whereby every single person this year can count on a minimum wage increase within 2 years.

The average family now works an additional 265 hours a year just to maintain the same standard of living they had at the beginning of this decade. That is an additional 6 weeks a year that parents could be spending with their children that they are not. How much more in that direction should we be going? Three hundred hours more a year to maintain the status quo; 7 or 8 weeks a year that parents ought to be spending with their kids that they are now spending on a second or third job?

The distinguished Senator from Massachusetts and I, and so many of our colleagues, have said if we do anything this year, if we really mean what we say about economic justice and about dignity in the workplace and keeping people off welfare and addressing the real needs of working families, there is nothing more important than ensuring an increase in the minimum wage, this year, over 2 years. It ought to be over 1 year, but if we can't do it in 1 year, the compromise was, well, then let us at least try it in 2. If we can't do it in 2 years, I don't know how we turn to those working those extra hours, those extra weeks, with any sense of compassion or understanding for their circumstances.

I ask whether or not it could be a bipartisan goal that we sign and pass a measure before Mother's Day this year. What better opportunity to tell those women who make up 40 percent of the minimum wage workforce and who head households that we are going to give you some help. We are going to do all we can to keep you off welfare. We are going to try to put a little more dignity into the workplace, and we are going to provide the kind of economic justice we all say is important to us.

I have admired Bob Dole for a lot of reasons, but one thing he once said, while he was the Republican leader, is something we ought to remember again and again. He said:

> I never thought the Republican Party would stand for squeezing every nickel out of the minimum wage.

That wasn't something Senator KENNEDY or I said or anybody else on our side said. That was the Republican leader who said it wasn't the role of the Republican Party to squeeze every nickel out of the minimum wage.

I hope the majority will not squeeze every last nickel from this minimum wage either. I hope they will join us. I hope they will remember the families below the poverty line. I hope they will remember where we are and from where we have come, when it comes to dignity, economic justice, and the minimum wage today. I hope they will join us in passing this 2-year bill before Mother's Day.

Let's sign it into law. Let's send the right message.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the senior Senator from Massachusetts.

Mr. KENNEDY. Does the Senator agree with me that here we are on Thursday afternoon, early afternoon, 2:45, most Americans are out working. The Senate, as I understand the schedule, will not be voting until next week on Tuesday. It is Thursday afternoon. Does the Senator agree that we have an opportunity to debate this this afternoon, and, if there were additional questions, we could debate it on Friday where, again, most Americans are working? We could stay here, doing our business, and then vote sometime on Friday or Friday afternoon, that we could dispose of this issue in a timely way? Will the Senator not agree with me that someone who bears a responsibility—as well as the majority leader, in terms of a schedule—that this particular issue could be easily disposed of this afternoon, or on tomorrow, without interrupting the Senate schedule?

Mr. DASCHLE. The distinguished Senator from Massachusetts is absolutely right. We have declared now an end of official business. We are in morning business this afternoon. We are not going to be in session tomorrow. We will be taking up the flag amendment on Monday and voting on it on Tuesday. But we are told there is not time to bring this matter to the floor. Yet tomorrow is a perfectly opportune time for us to be debating and talking about this. We would love nothing more than to have a good debate. Let's talk about whether or not this affects jobs. Let's talk about whether or not this is for teenagers or for working mothers and working families. Let's entertain amendments.

The fact is, we wouldn't have debated this last year were it not for the extraordinary efforts made by the Senator from Massachusetts who offered this amendment to a bankruptcy bill. That is what triggered the action in the Senate. I believe that is what triggered the action in the House. Now we are in a situation where we are prepared to split the bankruptcy conference from the minimum wage conference. But unless we have a vehicle with which to go to conference, it is very hard for us to conference a minimum wage that has never been considered in the Senate.

How can we go to conference without a vehicle? That is unheard of. I think Daniel Webster would be rolling over in his grave trying to understand what the modern Senate has done to the process. The process, as I used to understand it is you pass a bill in the Senate, you pass it in the House, it goes to conference, you work out the differences, and you bring it back. We haven't passed a minimum wage bill in the House.

The distinguished Senator is right. We are introducing this bill. We could bring it up today. We could have a vote on it tomorrow.

Mr. KENNEDY. Mr. President, if the Senator will yield, this is an issue on which I believe every Member of this body has voted at one time or another. It is not an extraordinary, complex issue, as issues go that we deal with. This is a rather basic issue and a rather fundamental issue. As the leader pointed out, it is basically a question of whether we are going to respect the dignity of those who want to work and can work, who are willing to work 40 hours a week, 52 weeks of the year.

Institutionally, we have voted, if my memory serves me correctly, over the history of this, probably 10 to 14 times. It is not a new issue. Members know what the dimensions of this particular question are really about.

The Senator, as I understand it, would agree with me that it wouldn't take a very long period of time to permit the Senate to express its will on whether they believe there should be an increase in the minimum wage.

As I understand the leader's position, he introduced this legislation. It is 50 cents this year; it is 50 cents next year. If we don't see this increase, we will see that the increase we provided in the 1996–1997 period will effectively be wiped out. It will be about the lowest period in the history of the country in terms of the purchasing power of the minimum wage at a time perhaps of greatest prosperity.

Does the Senator find that is something that is difficult to explain to people back in his own State of South Dakota, as I do in Massachusetts, and who wonder why we aren't willing to take some action?

Mr. DASCHLE. Mr. President, the Senator is so right. This is a $2,000 increase. That $2,000 increase is probably made, in the case of many American entrepreneurs, in a matter of moments, minutes, or hours. We are talking about a $2,000 increase over the course of a couple of years. That is what we are talking about. These people are already struggling to retain some form of dignity in the workplace. They are determined not to go back on welfare. They are determined to try to find ways to ensure that their children have the quality of life we all dream about as Americans.

As the Senator said, how ironic it is that at a time when we have more billionaires in this country than we have ever had in our Nation's history, at a time when income has gone up exponentially for the top 20 percent of those in this country, at that very time we see potentially the lowest level of purchasing power the minimum wage has ever brought about in our Nation's history. What an incredible irony that is.

The Senator is absolutely right. I appreciate his calling attention to that.

Mr. BAUCUS. Mr. President, if the Senator will yield for a question, something perplexes me.

Is the Senate in session tomorrow?

Mr. DASCHLE. The Senate is not in session tomorrow.

Mr. BAUCUS. Are there going to be votes on Monday?

Mr. DASCHLE. There are not any votes on Monday. We will not have any votes now until Tuesday afternoon.

Mr. BAUCUS. Has the Senate had many votes lately on Mondays or Fridays?

Mr. DASCHLE. I do not recall the last time we had a vote on Monday or Friday.

Mr. BAUCUS. Is there any reason the Senate cannot meet, do its business, and vote on matters of importance on Mondays and Fridays?

Mr. DASCHLE. The Senator from Montana raises a very good point. It used to be that we considered a workweek working 5 days. The workweek is becoming more and more 3 days. Not only that: our work periods are only 3 weeks. Then there is no workweek at all. It is a remarkable juxtaposition.

First of all, we have a limited time each week. Then we have these periods for which there is no legislative work. Then we are told we don't have time to bring up the minimum wage. We don't have time to bring up issues that are of importance to families all across this country.

The Senator is absolutely right.

Mr. BAUCUS. Maybe the Senator can answer another question.

I think the Senator may have a good answer for this. But I don't. Why is it that the Senate spends so much time debating campaign contributions and campaign expenses at such astronomical and almost exponential rates so they can get elected but doesn't want to be here to do the Nation's work?

Can the Senator explain that discrepancy?

Mr. DASCHLE. I wish I could. All I know is that if you take what it costs to get elected to the Senate and divide it over the number of legislative days, it comes out to millions of dollars per day. It is a remarkable change in the circumstances we face since I have come to the Senate.

Mr. BAUCUS. Isn't it true that people at home who elect us want us to do the Nation's work? Isn't that what the people at home expect us to do?

Mr. DASCHLE. We are talking about minimum-wage workers working 40 hours and sometimes 80 hours a week. If we are not in session long enough to address the concerns they have, it seems to me, we will have a lot of explaining to do to a lot of those people who are wondering: If they are working that long, why can't we work a 5-day week?

Mr. BAUCUS. Didn't we just get a pay raise that went into effect this year?

Mr. DASCHLE. It was a cost-of-living increase.

Mr. BAUCUS. It went into effect this year.

I compliment the Senator. I compliment both Senators for what they want to do. I want to join them. To me, it is a tragedy that the Senate is not doing the Nation's work, particularly on an issue such as the minimum wage. I commend the Senators.

Mr. DASCHLE. The Senator makes a good point. I defended the cost-of-living adjustment. I think there are times when we have to recognize we want people in public service. But if we want to bring about the kind of cost-of-living increases that we understand we need at our salary level, I think everyone would also understand the need for a cost-of-living adjustment for minimum-wage workers to at least stay equal to the poverty line, and to at least give them some encouragement not to go back on welfare.

I appreciate very much the Senator from Montana pointing out that matter.

Mr. KENNEDY. Mr. President, I see others who wish to address the Senate.

On this issue of the scope of what we are talking about and increasing the minimum wage 50 cents and 50 cents, as I understand it, all Americans combined earn about $4.2 trillion per year. The impact of a $1 wage increase over 2 years would be one-fifth of 1 percent of the national payroll. This is effectively what we are talking about.

If the leader has given up the floor, I ask for recognition on my own right.

Mr. DASCHLE. Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I see others who desire to be recognized. But I want to at this time join with our leader, Senator DASCHLE, in the introduction of this measure. He has pointed out that it is 50 cents this year and 50 cents next year. That is a very modest increase.

We have been debating this issue for the last 2½ years. We have been denied the opportunity to bring this up to the Senate. We have been told by Republican leadership, day in and day out, that we haven't the time to debate this issue, that this is a complex issue that will impact inflation, that it will impact employment.

These are very important macroeconomic issues. We need time to debate.

Let the record show that our Democratic leader and others introduced this measure this afternoon. We are prepared this afternoon, on a Thursday in late March, to consider this legislation and deal with amendments, as we have done day in and day out over the period of the last 2 and a half years since we introduced minimum wage legislation. But we are prepared to deal with those arguments and finally take action.

We are being denied the opportunity as elected officials of our respective States to be able to have a vote on the increase in the minimum wage because of process, because of procedures, and because of the rules of the Senate. That is so today. But it isn't always going to be that way. As the leader pointed out, we are strongly committed to getting a vote on this measure as soon as we possibly can. We would like to do it in an orderly way so Members can participate in the debate and offer amendments. We can reach a final resolution. But if we are denied that opportunity, we are going to find a way or means to insist that the Senate address this particular issue.

I will just take a few moments to review exactly where we are in terms of the people about whom we are talking and those who would be the beneficiaries of this particular action.

We have taken action at other times in our history in order to provide for and to say to those who are working at different levels of our economy 40 hours a week for 52 weeks of the year that they are not going to have to live in poverty. That is what this is all about.

Are we going to say in the United States of America that men and women who work 40 hours a week, 52 weeks of the year, who play by the rules, are not going to have to live in poverty in the year 2000 and 2001, when we have this extraordinary prosperity? We say yes; the other side says no. That is a principal difference between our two parties on this issue. The American people ought to understand it.

If TOM DASCHLE were the majority leader, we would be debating and acting on this issue this afternoon in the Senate. But we are not. We are denied it because of the Republican position. Our leader has pointed out, all Members, Republicans and Democrats, were quite willing, without delay, without any kind of prolonged debate, to take the cost-of-living index increase of $4,600 without delay, which is what our Republican friends want us to do, delay the increase of the $1 minimum wage over 3 years. We didn't hear any of them say during the debate on the increase in the cost of living of $4,600: Spread that out.

No, no, no, we took that quickly.

We want for those working, who are needy and who are poor and who are struggling, we are saying we will spread out your increase of $1 over 3 years. How does anyone dignify that position?

We can see what has happened. The bottom fifth of families have fallen behind some 6 percent. This is from 1979 through 1999, over the last 20 years. Middle-income families are working harder. Generally, additional members of the family are going into the workforce. These middle-income families have seen a 5 percent increase in income. But most of them are working longer.

The United States of America today has workers working over 50 hours more a year than any other industrial society in the world. They are working harder and barely hanging on. Look what has happened to the top 5 percent of income families, those earning $246,000 versus the bottom 20 percent earning $12,500. Of the bottom 20 percent, many are minimum wage earners, with incomes of $10,000 or less.

Look what has been happening in the workforce during this period. People have always said the real issue in question for wage increase is productivity. There must be an increase in productivity for a wage increase. Look what has happened regarding productivity and the American worker. The real value of the minimum wage drops as productivity grows. We have had one of the greatest spurts in American productivity in the history of this Nation by American workers in recent years. At the same time, the real value of the minimum wage has collapsed. We have a dramatic increase in productivity, with more goods being produced by these workers, and they are still getting paid less and less.

What is the possible justification for that? Every indicator we have—the size of employment, the impact on inflation, the issues of productivity—all come to the same conclusion, that this Nation at this time as never before can afford an increase in the minimum wage. That is what this is about.

Finally, as the leader has pointed out, we have found now in order to get some action in the House of Representatives in the Senate of the United States, our Republican leader said we are going to "piddle" out an increase in the minimum wage over 3 years. We will take 3 years. However, we will provide $75 billion in unpaid for tax expenditures.

I hope we don't hear from the other side about being responsible economically. Mr. President, that is $75 billion for 3 years.

That wasn't good enough for the House of Representatives. Do you know what they said? We will give you 2 years, but we have $122 billion in unpaid-for tax cuts where 94 percent of the benefits go to the top fifth. Is that not interesting? We have to take care of the small little mom-and-pop stores; we have to help them out. We are interested in doing that. We would work with our Republican friends in terms of the mom-and-pop stores. Our Democratic leader indicated a willingness to do that. We did it in the last minimum wage increase. We are glad to take modest steps in order to be able to do that. We heard we are going to have some tax expenditures in order to protect the mom-and-pop stores. Except under this tax cut, mom-and-pop stores aren't helped; 94 percent goes to the top fifth.

Maybe that goes over in some areas of the country, but we want our friends on the other side to know this issue will not go away.

When we have that kind of action that has been taken previously, a delayed minimum wage increase spread out over 3 years, added to a $75 billion in unpaid-for tax expenditures, it makes me wonder. How many times have we come on the floor of the Senate saying: Let's do something about Head Start; let's do something about immunization, or on mental health. How much will it cost? Is it paid for? Is it paid for? Is it paid for? Well, you are not getting that, Senator.

I don't know what happened to that particular position where we have now $75 billion and $122 billion in play, holding that minimum wage hostage to benefit the wealthiest individuals in this country.

Can we justify that? Is it a position that is defensible? I don't believe so. It is wrong. Fundamentally, it is wrong.

This issue is basically a women's issue because the majority of those who receive the minimum wage are women. It is a children's issue because many women who are receiving the minimum wage have children. This is about the quality of life. As the Council of Economic Advisers has pointed out, the children in minimum-wage families spend 22 hours a week less with their parents than they did 20 years ago.

When we talk about the minimum wage, it is a family issue. It is a civil rights issue because many of the people who earn the minimum wage are people of color. And it is a fairness issue because it says in the United States we stand for men and women who work hard, play by the rules, and they ought not to live in poverty. We believe the overwhelming majority of Americans support it.

I thank our leader for bringing this matter to the Senate again and for all of the leadership he has provided. I am proud to stand with some of my colleagues on this side who have stood for that kind of increase and for the brave few on the other side who have joined. As the leader has pointed out, we will have this issue up one way or the other. It will come back again and again and again until we get fairness in our society for working men and women.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I hope people listened to the words of the Senator from Massachusetts. He couldn't be more right on: namely, it is the right thing to do. Purely and simply, it is the right thing to do. For that reason only I urge Members of the Senate and my colleagues to take requisite action to get to the issue, pass the minimum wage, and do the right thing, which is pass this very significant increase in minimum wage.

TRIBUTE TO SEAN-MICHAEL MILES

Mr. BAUCUS. Mr. President, I want to pay tribute to a young man, Sean-Michael Miles. Slightly over a year ago, his life was taken tragically in an automobile accident in Bozeman, MT, while he was home celebrating the Christmas holidays with his family. Everyone privileged to know Sean was touched by his contagious zest for life. He was among the very best to emerge from our State, from "The Last Best Place." He was a shining star. He is my friend.

Sean's father and I grew up as neighbors. We went to school together and remained close friends ever since. I might add, Sean's grandmother, affectionately known as Granny Miles, was one of my baby sitters. I know this family well. Their strength and love for one another is an inspiration to all of us who know them. Sean-Michael's future was as bright as one could imagine. He graduated at the top of his class in Bozeman High School in 1997 and was selected by his classmates to deliver the commencement address. That same address, filled with familiar compassion for our Native American heritage, is still talked about today. Such was its honesty, its power, its celebration of promise.

At Princeton University, where Sean was in his second year, he was admired as an exceptional writer, an accomplished artist and musician. Perhaps a classmate put it best: Sean was totally brilliant and completely humble, a cool combination.

Following his graduation from Princeton, Sean intended to return to his beloved Montana and commit himself to a career dedicated to writing and the preservation of our last remaining wildlands. Sean enjoyed considerable gifts, and was truly living up to them.

Sean wanted to make the world a better place, and believed completely that one person can truly make a difference. There was no cynicism in his life. He befriended the friendless, and remembered the forgotten. Above all, he was making a difference. It is a loss beyond Montana's boundaries as well. Professor John McPhee of Princeton echoed such sentiments:

> By my lights, Sean-Michael Miles was the best that we can do—bright, responsive, hardworking, clear in expression, clear in thought, and with a personality immediately likable, immediately demanding respect. We will all miss him terribly.

Sean enjoyed a way with words. I would like to share a small piece of his brilliant work.

After climbing atop a remote buffalo jump, he discovered the "drive lines" that the Native tribes of our region used centuries ago to funnel herds of bison over the cliff's edge. Looking out beyond that edge, toward the vast expanse of the Absoorka Beartooth Wilderness, Sean wrote:

> Whenever I think of the changes sweeping over Montana like a spring storm, a lump forms in my throat. My first breath was drawn from mountain air.
>
> Yet I know that this land may pay a price for being beautiful, as change advances, carrying with it the prospect of loss. It is a land I desperately love. It is a part of me. It hurts so much to care so much. Yet as a Westerner, I am invited to breathe it all in deeply each day.
>
> Despite change and loss, a drive line containing wisdom offered through memories stretches before me. For now I am satisfied to walk along its path, eyes fixed on what remains a geography of hope.

Sean-Michael Miles was proud to live his entire life surrounded by the majestic spine of mountains that he fondly referred to with the Blackfeet phrase, "the backbone of the world."

Sean's death casts a dark shadow over the future of those of us who knew and loved him. Yet it is the light he offers that we commemorate today.

I have risen today to announce that I will create a fellowship in Sean's name that will focus on the conservation issues that were so dear to him. I am also pleased and honored to announce that the first Congressional Fellow serving in this prestigious position will be Sean's beloved sister Michelle. Her younger sister, Shaleen, once served as Democratic page on the floor of the Senate. So today, Michelle, who is sitting behind me, I welcome you to my staff, and I know that you bring with you your brother's finest qualities. May the legacy of Sean-Michael Miles, who walked with the silent feet of reverence through the wilds, forever serve as a source of inspiration for generations to come.

The PRESIDING OFFICER. The Senator from Georgia.

MEDICARE PRESCRIPTION DRUG COVERAGE

Mr. CLELAND. Mr. President, prescription drugs currently constitute the largest out-of-pocket health care cost for seniors. Over 85 percent of Medicare beneficiaries take at least one prescription medicine, and the average senior fills eighteen prescriptions per year.

Because prescription drug coverage was not a standard part of health insurance when Medicare was enacted 35 years ago, many seniors must pay for the high cost of prescription drugs out of their own pockets. We are now facing a crisis of monumental proportion for many older Americans.

The simple fact is, the high cost of today's modern medicines and the absence of Medicare coverage have placed needed medications out of reach for too many seniors. Most older Americans must juggle daily costs like groceries and utilities with paying for medicine. They are being forced to compromise by buying only a portion of the needed medications, too often making their treatment regimens incorrect and ineffective. Without the proper medication and dosage for conditions such as high blood pressure, diabetes, and heart problems, seniors may find themselves faced with even more costly hospitalizations and compromised health.

Recently, I received a letter from Reverend Lois Congdon of Decatur Georgia. Reverend Congdon wrote to me about her impending retirement. She told of her expensive drug treatment costs and the coverage she was currently receiving under her employer-based insurance plan. Without her current salary, and once she is placed on Medicare, Reverend Congdon will no longer be able to afford her expensive prescription drugs. Even supplemental prescription coverage such as medigap offers only limited benefits and is too expensive for most seniors. Currently only one-fourth of Medicare enrollees have supplemental drug insurance and the number of firms offering such coverage has declined by 25 percent in the last four years alone.

Last month, I cosponsored legislation to provide similar prescription drug coverage for military retirees. The bill would enable military retirees over age 65 to use the National mail order pharmacy program for drug coverage. However, affordable prescription drug coverage is a benefit that all seniors should be able to obtain, not just armed service men and women. Seniors make up 12 percent of our nation's population and they purchase over one-third of all prescription drugs in America. Most older Americans live on fixed incomes of $15,000 a year which is adjusted slightly for inflation each year. However, for far too long, the rate of increase in prescription drug costs has exceeded the rate of inflation. This situation has created a need more urgent than ever to strengthen the Medicare Program with a prescription drug plan, and thereby protect millions of American seniors from more costly hospitalizations and treatments.

Expanding Medicare by adding a prescription drug benefit will bring the program in line with the realities of modern medicine. Prescription drug coverage is essential to the delivery of 21st century medicine. These medicines keep people healthy, independent, and out of the hospital. To not include prescription benefits in Medicare today is akin to not including a major form of treatment such as a surgical procedure when Medicare was established in 1965. It is absolutely unthinkable. Too many seniors lack dependable drug coverage and their health is being compromised. I am committed to providing Medicare coverage for prescription drugs, and promise to continue fighting for America's seniors. The Congress must move forward expeditiously to adopt legislation to accomplish this important objective.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Delaware.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH and Mr. MOYNIHAN pertaining to the introduction of S. 2277 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2284

Mr. MOYNIHAN. Mr. President, I understand that S. 2284, introduced earlier today by Senator DASCHLE, and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 2284) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. MOYNIHAN. I thank the always generous clerk.

I now ask for its second reading and object to my own request on behalf of the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. If the distinguished Chair understands that, he understands more than I do. But the matter is now concluded. Once again, I suggest the absence of a quorum. And thank Heaven for Mr. Dove.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. GORTON. With any time limitations?

The PRESIDING OFFICER. There are none.

PIPELINE SAFETY

Mr. GORTON. Mr. President, last week the city of Bellingham was the site of a Senate field hearing on pipeline safety. This hearing comes after the unspeakable tragedy that took place when three young boys were killed after a gasoline pipeline exploded in Bellingham on June 10.

I want to share with you my thoughts from the hearing and outline future congressional action as the Senate Commerce Committee prepares to reauthorize the Office of Pipeline Safety this year.

Unfortunately, my Senate Commerce Committee colleagues were unable to attend last Monday's hearing in Bellingham, but I believe the committee has no greater priority than to making sure the pipelines running underneath our schools, neighborhoods, churches, and senior centers are safe.

Pipeline safety concerns aren't unique to Washington. We're seeing States such as Texas, Wisconsin, Florida, New Jersey, and Pennsylvania respond to various local pipeline issues from oil spills and leaks to siting battles. In the last decade, there were 3,917 liquid fuel spills and natural gas leaks, averaging roughly one per day. These accidents resulted in 201 deaths, close to 3,000 injuries and $778 million in property damage. And for the first time, a National Pipeline Safety Conference will be held in Washington, D.C. next month.

Though the sacrifice is one that no family and no community should have to make, the tragedy in Bellingham would be even worse if we did not learn from it and apply those lessons to try to prevent other accidents. To this end, last week's hearing was invaluable.

While the cause of the explosion remains under investigation, here's what we do know:

We know that many people in Bellingham were unaware that a pipeline was even running through their neighborhood.

We know that the Office of Pipeline Safety ignored enhanced safety requirements, including increased inspections inside pipes, in highly populated and environmentally sensitive areas as Congress required in 1992 and 1996.

We learned that cities through which the Olympic Pipelines Company line runs have tremendous concerns with the integrity of the pipelines, and have had problems getting information and cooperation from the company.

We know that the National Transportation Safety Board has criticized OPS for its poor record of responding to NTSB recommendations. NTSB Chairman Jim Hall has even said, "There's no indication that the Office of Pipeline Safety is in charge or that its regulations, its inspections, its assets, its staffing and its spirit are adequate to the task."

We know that right now, the power to oversee and regulate the safety of the millions of miles of pipelines running underneath our communities rests with the federal Office of Pipeline Safety under the supervision of the Department of Transportation. And in the case of implementing pipeline safety standards in Washington State they have failed miserably.

We learned that only a handful of States have the power to implement tougher safety standards, and when States are given this authority, their safety record is equal if not greater to that of OPS.

So, where does this leave us?

State government, local government, and citizen groups in Washington State were quick to answer the wake-up call from Bellingham and examine what they could do to improve pipeline safety. What they found was that while there are significant actions Washington can take to prevent and respond to accidents, such as improving the State's call-before-you-dig requirements, increasing public awareness, and training emergency response personnel, there is a lot the state cannot do with respect to prescribing safety standards because Federal law preempts state regulations.

Today is already March 23. We know this is going to be a short legislative year. Many will say we won't have the time to address this issue this year. I disagree. Congress is due to reauthorize the Office of Pipelines Safety and we've been told the administration will submit its proposal to Congress any day now.

Senator MURRAY and I are supporting legislation to give states greater authority in adopting tougher pipeline safety standards. Given the Office of Pipelines Safety's failure to make pipeline safety a priority, its reluctance to cede any authority to states, I feel we must move forward.

When I asked both the Office of Pipeline Safety and the NTSB last week to take a position on our pipeline legislation, the answer was less than clear. After listening to the painful and damaging testimony that scourged OPS's safety record and failure to comply with congressionally-mandated safety requirements, I was speechless at their unwillingness to relinquish oversight authority to the states. The State of Washington, the people of Bellingham and communities along the pipeline route are ready and capable of implementing tougher safety standards. I demand OPS to take a firm position on this pipeline legislation.

I also request that my good friend and colleague, Senator JOHN MCCAIN, chairman of the Senate Commerce Committee, schedule a vote on the various pipeline safety proposals.

As I have said before, this pipeline legislation may not be perfect, and I believe we need to do some more listening before we arrive at the final pipeline safety proposal. NTSB officials highlighted the complexities of regulating pipelines that pass through a number of States. They made their case as to why they should retain sole authority to regulate interstate pipelines. But it was an unpersuasive case. I encourage the Office of Pipeline Safety to consider my proposal to allow States which have at least 90 percent of a pipeline passing through their borders, to have greater authority in setting and implementing its own safety and inspection standards.

As Senator MURRAY and I await the administration's proposal, we agree that the following proposals must be included in the final legislation:

Allow States greater authority to adopt and enforce safety standards for interstate pipelines, particularly in light of the absence of meaningful federal standards.

This increase in authority should be accompanied by an increase in grants to States to carry out pipeline safety activities.

Improve the collection and dissemination of information about pipelines to the public and to local and State officials responsible for preventing and responding to pipeline accidents. This includes ensuring that operators are collecting the information necessary to accurately assess and respond to risks. The public should be informed about where pipelines are, what condition they are in, when they fail and why they fail.

Adopt more stringent national standards for pipeline testing, monitoring, and operation.

Ensure congressional mandates are followed, and make sure there are sufficient resources to enforce regulations.

Invest more in research and development to improve pipeline inspections.

Create a model oversight oil spill advisory panel in Washington State. This body would have the authority to not only respond, but to initiate the development of pipeline safety measures.

I have long believed that those closest to the problem are in a better position to help develop the solution. Families in Washington State, and across the country, have already paid to high a price for us to miss this opportunity to put higher federal safety standards into law.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, is the Senate currently in morning business with Senators permitted to speak for up to 10 minutes?

The PRESIDING OFFICER. Yes.

OIL PRICES AND ENERGY POLICY

Mr. GRAMS. Mr. President, I rise to talk this afternoon about this country's overall energy policy or, more truthfully, to talk about the lack of this country's overall energy policy.

With fuel prices continuing their rise to levels that threaten farmers, truckers, families, and, in fact, our entire economy, I felt I needed to come to the Senate floor for a few minutes to discuss this very important issue.

As my colleagues know, I come from a rural State that is heavily dependent on agriculture. When farmers in Minnesota are hurting, it has an impact on businesses, on families, and individuals far removed from the fields of our family farms. Because Minnesota is a large State and so heavily reliant upon agriculture, it is also reliant upon truckers to move products to market and to bring products to communities. It is also important to note that Minnesota is well known as one of our Nation's coldest States, a State where many residents rely on fuel oil to heat their homes. These realities are a few examples of why crude oil prices and supplies are so important to the people of my State. They are also examples of why, since coming to the Congress in 1993, I have been a strong critic of the Department of Energy's failure to strengthen our Nation's energy policies.

In the late 1970s, our Nation responded to the energy crisis by creating the Department of Energy and charging it with developing a stable energy policy that would decrease our reliance on foreign sources of energy. At the time, our Nation was reliant on foreign oil for about 35 percent of our needs. When DOE was created, with its charge to create an energy policy to make us more energy independent, our reliance on foreign fuels was 35 percent. Despite the countless billions of dollars taxpayers have invested in the Department of Energy over the past two decades, our Nation is now roughly 60 percent reliant on foreign energy sources, and that reliance is growing and growing rapidly.

That's one of the reasons why I'm an original cosponsor of S. Res. 263, which calls on both the administration and Congress to undertake steps which will lead to a long-term reduction of our reliance on foreign sources of energy. Among those steps, the resolution calls on the administration to review all programs, policies, and regulations that place an undue burden on domestic oil and gas producers. I believe this is an important aspect of the DOE's failure to reduce reliance on foreign energy sources. Sadly, this administration's opposition to virtually all exploration and production activities on public lands has rendered our nation's domestic producers incapable of responding to supply shortages. That is why we are in the position we are in today. In fact, since 1992, U.S. oil production has been reduced by 17% while our consumption of oil has increased by 14%. In 1990, U.S. jobs in oil and gas exploration and production were roughly 405,000—today those jobs have been reduced to roughly 290,000, a 27% decline in jobs in energy-related fields. In 1990, the United States was home to 657 working oil rigs. Today, there are only 153 working oil rigs scattered across the Nation—a decline of 77 percent; again, a reason the United States did not respond to shortages in supply. During a recent hearing before the Senate Budget Committee, I asked Energy Secretary Bill Richardson if he would consider supporting the exploration of the Arctic National Wildlife Refuge (ANWR), which is estimated to hold enough oil to offset 30 years of imports from Saudi Arabia. In his response, he indicated that he believes we have sufficient areas for exploration on federal lands without developing ANWR. We have opportunities, he says, to go onto other Federal lands and do the exploration. If we do, the question is, Why haven't we? If that is the case, then why has the Clinton administration failed to move forward in allowing expanded exploration and production activity on those Federal lands instead of leaving us vulnerable to the OPEC nations?

Why has this administration waited until an oil price crisis has gripped our nation before suggesting increased development of domestic oil and gas reserves on public lands? Why does this administration still maintain its opposition to exploring our nation's most promising oil reserves like ANWR? And why does this administration maintain opposition to exploration in the United States based on environmental considerations but has no reservations about calling on other nations to do so?

For some reason, this administration seems to believe that it is an environmentally friendly proposition to expect other nations to produce our oil for us. The United States has some of the most stringent environmental standards for oil exploration and production—standards that aren't embraced by many of the oil producing nations of the world. I simply cannot see how sending our nation's Energy Secretary across the world to beg for increased oil production every time we have a supply problem is sound energy, economic, or environmental policy. I do not connect the two.

I believe it's also important to note that this administration is currently engaged in a number of other activities that severely limit our nation's ability to increase our energy independence. First, this administration's failure to remove nuclear waste from civilian nuclear reactors threatens to shut down nuclear power plants across the country. In Minnesota, the DOE's inaction may force the premature closure of the Prairie Island Nuclear Generating Facility. If it should close, Minnesota will lose 20% of its generation capacity. At the same time, this administration is attempting to breach hydropower dams in the Pacific Northwest—dams that are crucial to the energy needs of that region. In each of these situations, consumers will be forced to rely more heavily upon fossil fuels to replace the loss of clean energy technologies. As if that weren't enough abuse of America's energy consumers, the Clinton administration has undertaken a number of activities that have severely impacted the ability of utilities to turn to coal-fired plants to meet the energy demands of consumers. And I need not remind any of my colleagues of the lack of infrastructure in our nation to dramatically increase our use of natural gas as a reliable, base-load source capable of replacing hydropower, nuclear, and coal-fired generation.

What continues to amaze me is how this administration sends its "yes men" in front of Congress to pledge support for each of these generation technologies. I do not hear the administration telling Congress they want to eliminate coal-fired generation. But the EPA is doing its best to regulate coal plants out of business. I have never heard the administration say they want to close down nuclear plants, but I have yet to see them lift a finger to keep them operating. When anyone in this body confronts the administration with the impending brown outs and energy price increases its policies are going to force, all its representatives can say is that they're working on it and they support renewable energy technologies.

Well, I too, am a strong supporter of renewable energy technologies. I've been a strong proponent of the development and promotion of ethanol and biodiesel as a means of reducing our reliance on foreign oil and improving the environment. I was a cosponsor of legislation signed into law last year extending the tax credit for electricity generated from wind and expanding that tax credit to electricity generated from poultry waste. I have written letters in each of the past two years to Senate appropriators supporting significant increases in renewable energy programs, and I was one of 39 Senators to vote in support of a $75 million increase for renewable energy programs last year. I wrote to President Clinton this year asking him to include more money for renewable energy programs in his budget. However, I know that simply calling for increased funding for renewable energy can't even approach the loss of generation in hydropower, nuclear, coal, and other sources that this administration has pursued through its energy policies.

I'd like to believe that this administration has a grasp on the long-term energy needs of our nation and has plans for meeting those needs, but the actions of the administration and the DOE's failures on the spectrum of energy challenges prove otherwise.

That's why, in a letter to Secretary Richardson last week, I urged him to take immediate actions to allow for both on and offshore oil and gas exploration and production in states that want to do so. I urged him to take immediate steps to ensure that nuclear power plants such as Minnesota's Prairie Island Facility are not forced to shut down due to DOE inaction. I urged him to work with the Department of Interior to resist attempts to reduce the use of hydropower. And I urged him and the administration to undertake an immediate review of all regulations that impose undue burdens on the development of domestic energy sources that could reduce our reliance on foreign oil.

Long ago, the Congress charged the U.S. Department of Energy with the job of reducing our nation's reliance on foreign oil and establishing a long-term, stable energy policy to guide our economy for decades to come. It goes without saying that the Department has failed miserably in that, its most basic mission.

I look forward to working with my colleagues in the coming days, weeks and months in enacting a number of both short-term and long-term responses to the needs of farmers, truckers, the elderly, and all energy consumers. I've been a strong supporter of renewable energy technologies and increased funding for the Low Income Home Energy Assistance Program—or LIHEAP. I strongly support the efforts of my colleagues to increase domestic oil and gas exploration and production on public lands, including offshore reserves and the tremendous potential of ANWR. I remain committed to finding a resolution to our nation's nuclear waste storage crisis—a crisis that threatens to shut down nuclear plants and further weaken our nation's domestic energy security. And I'll continue to be one of the Senate's strongest critics of the Department of Energy's unbelievable neglect of the long-term energy needs of our nation.

The PRESIDING OFFICER. the Senator from Tennessee.

THE 17TH ANNIVERSARY OF PRESIDENT REAGAN'S STRATEGIC DEFENSE INITIATIVE

Mr. THOMPSON. Mr. President, seventeen years ago today President Reagan first committed his administration and the country to the concept of a National Missile Defense. He rightfully viewed the concept of Mutually Assured Destruction—the prevailing strategic concept of the day—as dangerous to this Nation. President Reagan understood that the only way to protect the American people and our homeland was through common sense, straight talk, and a strong, credible defense, not threats of mutual annihilation. While President Reagan and his Strategic Defense Initiative were mocked by critics, he remained steadfast in his vision and his belief that the American people could achieve anything they committed themselves to doing.

Seventeen years later the United States remains vulnerable to missile attack, but from newer and more likely threats, some of which we may not be able to deter: accidental launches, terrorist groups, and rogue states. The United States Intelligence Community and outside expert groups like the Rumsfeld Commission tell us that the threats are real and growing. Less than two years ago North Korea launched a three-stage missile over Japan, demonstrating a North Korean capability to send a missile with a nuclear, biological or chemical weapon to the United States. Meanwhile, other rogue states like Iran, Iraq, and Libya are developing similar capabilities.

Despite these real dangers, the current administration has kept the American people vulnerable to attack by failing to vigorously pursue missile defense programs started by previous Republican administrations. It has put the fate of our country and our people in the hands of the 1972 ABM Treaty—a treaty signed with a country that no longer exists, which was written for a vastly different strategic environment, and which codified the concept of Mutual Assured Destruction.

It is imperative that the United States aggressively pursue Ronald Reagan's vision of an American homeland free and safe, protected from intimidation, blackmail, and attack by missile-armed adversaries. We can start by putting greater effort and resources into programs like the National Missile Defense program—which has already demonstrated through actual tests that missile defense is technologically feasible—a fact acknowledged privately by defense officials, and publicly by Secretary of Defense Bill Cohen following the most recent test when he stated that "the technology is certainly proving to be on the right track."

The United States should also continue to develop other initiatives which will complement our ground based system and provide for a multi-layered defense. I'm talking specifically about a sea-based system mounted on Navy Aegis cruisers that can be placed off an adversary's coast and destroy enemy missiles immediately after launch; or the Airborne Laser program that seeks to destroy missiles during their ascent; and a space-based system that can shoot down ballistic missiles in the outer atmosphere and vacuum of space.

I might also take this opportunity to compliment the Center for Security Policy and the Heritage Foundation that made valuable contributions in the discussion toward these alternatives.

The key to such a system is working with the Russians to allay their concerns, address their fears, and modify the ABM treaty to accommodate a robust, multi-layered national missile defense. We must try to convince the Russians that they share the threats we face—limited attacks or threats by rogue states—and that our missile defense plans in no way undercut their strategic deterrent. But ultimately, whether Russia is convinced or not, America must do what is necessary to protect itself.

I am concerned that the Clinton administration is currently negotiating changes to the ABM Treaty that will not allow us to fulfill these plans; that they are negotiating to make limited changes to the treaty that will sound good in an election year but will prevent us from building the robust, multi-tiered missile defense we need. This would be unsatisfactory and irresponsible. Marginal changes to the ABM Treaty will only keep America vulnerable to missile attack, mislead the public about their safety, and tie the hands of the next Administration that may choose to do what is right, not politically or diplomatically expedient.

Finally, we must work with our Allies to address their concerns, interests, and our mutual defense obligations. We stood guard together during the dark days of the Cold War and eventually defeated communism. We must stand together again now and face the threats of the post-cold-war era.

Only through a sustained commitment to a national missile defense system—which can defend the American people from these horrible weapons of mass destruction—can the government fulfill its first responsibility of defending the United States. This is the right and sensible thing to do, and the American people are capable of achieving it. President Reagan understood that almost twenty years ago today.

Mr. COCHRAN. Mr. President, on several occasions I have discussed missile defense programs and the importance of moving as quickly as possible to develop and deploy missile defense systems—both theater and national—to protect forces that are deployed around the world and our citizens here at home. Of all the programs designated as "Major Defense Acquisition Programs" by the Office of the Secretary of Defense, only the Airborne Laser program has distinguished itself by being on schedule and on budget while meeting or exceeding all of its technical requirements. The spectacular performance of this program is the standard all defense programs should aspire to.

Our debates on defense programs usually focus on budgets, schedules, performance, requirements, and threats, but seldom do we pause to recognize success; more specifically, we hardly ever acknowledge the human component of success.

The many accomplishments of the Airborne Laser program did not just happen by accident. Rather, the program has succeeded because of the human element; because of the many people who, over the course of the last three decades, have advanced our science and engineering to the point where the United States will be able to put chemical lasers on 747 aircraft and use them to defend America, its interests, and its deployed forces.

Most recently, the Airborne Laser program has succeeded because of the leadership of Col. Mike Booen and Dr. Paul Shennum, both of whom will be leaving the program in April after having driven the Airborne Laser program forward for the last four years. They deserve special recognition for their efforts.

Colonel Booen was named Deputy Airborne Laser Program Director in the summer of 1996 and promoted to Director in November of that year. While Colonel Booen has been an energetic and tireless advocate for the Airborne Laser program and its people, his latest achievements are just the most recent in a notable career that includes early promotions, academic recognition as a distinguished graduate of the Air Force Academy, and assignments as a Defense Department Manned Space Flight Engineer and Deputy Chief of the Secretary of the Air Force's Staff Group. In recognition of his success Colonel Booen has been selected to become the next Director of the Air Force's System Program Office for the Space-Based Infrared System. It is an assignment of critical importance to our nation's security, and I look forward to continuing to work with Colonel Booen as he resuscitates that program.

Over a distinguished career of 40 years with Boeing, Dr. Paul Shennum has developed a reputation as a leader who leads with energy and integrity, embraces change, encourages innovation, and challenges people to contribute more than they thought they could. Dr. Shennum is one of the rare program managers who can be counted on to provide factual answers when asked a question. He does not give evasive responses, however convenient they may sometimes be for his company or the Pentagon. His straightforward approach with the Pentagon, Congress, and within his industry team has been instrumental in the Airborne Laser's outstanding program performance. I wish him the best in his well-deserved retirement.

The Booen-Shennum team has succeeded because both of these men understand what the word "leadership" means. They know it involves fixing on an objective, setting high, but realistic, standards, and leading the government and industry components of the Airborne Laser team effectively to that objective. They have refused to accept excuses for work that hasn't met their standards. They have inspired their colleagues to accomplish more than many thought possible. They appreciate effort, but expect results.

And it is results, unparalleled in any other defense program, that Mike Booen and Paul Shennum have given us.

Colonel Booen and Dr. Shennum have demonstrated how a government-industry team should act. This program is not a team in name only, thanks to the constant efforts of Colonel Booen and Dr. Shennum. They have caused the team members, including the various defense contractors, industry and government employees to really work together to achieve a common goal.

In their relentless pursuit of excellence, Col. Mike Booen and Dr. Paul Shennum have reminded us that America's defense programs will ultimately succeed or fail because of the people involved. I congratulate them and thank them for doing such a great job.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILLENNIUM DIGITAL COMMERCE ACT

Mr. THOMPSON. I ask that the Chair lay before the Senate a message from the House to accompany S. 761.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. THOMPSON. I ask unanimous consent that the Senate disagree to the amendments of the House, agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard.

MEASURE READ THE FIRST TIME—S. 2285

Mr. THOMPSON. Mr. President, I understand that S. 2285 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2285) instituting a Federal fuels tax holiday.

Mr. THOMPSON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR MONDAY, MARCH 27, 2000

Mr. THOMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 12 noon on Monday, March 27, 2000. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 1:30 p.m. with Senators permitted to speak for up to 10 minutes each, with the exception for the following: the first 45 minutes under the control of Senator DURBIN, or his designee; the second 45 minutes under the control of Senator THOMAS, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMPSON. For the information of all Senators, following the morning business period at 1:30 on Monday, the Senate will begin consideration of S.J. Res. 14 regarding the desecration of the flag. Under the agreement reached earlier, two amendments will be debated during Monday's session of the Senate.

As announced, no rollcall votes will occur on Monday, and therefore the votes in relation to those amendments are scheduled for 2:15 on Tuesday. Any Senators interested in debating this important measure should be prepared to do so on Monday or early Tuesday.

Again, the next scheduled rollcall vote will occur beginning at 2:15 on Tuesday.

Mr. REID. Mr. President, prior to leaving the floor, I hope the leader gets the message that we have a lot of work to do. There was a dialog that went on in the Chamber today talking about the many things that need to be done. Minimum wage was talked about at some length. I also remind the majority that there are other things we need to get to work on. We are not doing anything related to education. We have health care delivery problems that need to be addressed, including Patients' Bill of Rights, prescription drugs for seniors, and Medicare.

There are other things that may not sound as important but are just as important. I met again today with some high-tech people. I know the Senator from Tennessee has spent some time on the Export Administration Act. I hope the majority will allow us to move forward on that legislation. It is extremely important to the high-tech industry, which is the flagship that is now driving this economy.

The minority is ready to work day and night on all these issues. The reason I am so concerned is I have worked since my time in the Senate with Senator BYRD. He has been whip, he has been majority leader, minority leader, chairman as well as ranking member of the Appropriations Committee, and many other positions, but I have worked with him my entire 14 years in the Senate on the Appropriations Committee. I know how long it takes to work the appropriations process. We have 13 appropriations bills we must move, and it must be done before October 1.

We don't have a budget yet. We have 13 subcommittees with the appropriators waiting to move their bills. We cannot do it until we get a budget. I don't think we are at a point of desperation yet, but there is a lot of work to do and not much time to do it. I hope the majority allows the Senate to move forward on all these important things as quickly as possible.

TRIBUTE TO RICHARD BEST—AN AMERICAN HERO

Mr. HELMS. Mr. President, Tom Brokaw's recently released a best-selling book, "The Greatest Generation" is a tribute to the contributions of the millions of Americans who grew up during the Great Depression, then went on to fight and win WWII.

I suggest that most Americans will agree that Mr. Brokaw's father's generation is one of unique and lasting significance.

Having lived through that dark hour when totalitarian regimes in Europe and Asia threatened the survival of our republic, and having witnessed the sacrifices unhesitatingly borne by our servicemen, I must confess that I, like most of that generation, can never take our liberties for granted.

More than a half-century removed from victory in WWII, in retrospect I am convinced that far too many Americans have forgotten (or perhaps never learned) how bleak the prospects for our success appeared to be in the spring and early summer of 1942.

Victory was not preordained, and our fate might well have been vastly different had it not been for the heroic actions of U.S. Navy Lieutenant Richard Best and others like him who won that decisive victory at the Battle of Midway in June 1942, reversing a decade of previously unchecked (and largely unchallenged aggression) by the Japanese Imperial Navy.

Mr. President, to understand fully the heroic nature of Lieutenant Best's heroism, it is essential to understand the events leading up to the battle. Prior to Midway, American forces in the Pacific had endured a devastating series of losses and withdrawals that had crippled the U.S. Pacific Fleet.

Beginning with almost 3,600 casualties at Pearl Harbor in December 1941, Americans witnessed the fall of Hong Kong, Singapore, and Rangoon to battle-hardened Japanese forces; the collapse of a spirited defense of Battan by American and Filipino forces; and finally, the devastating loss of Corregidor, the island at the entrance of Manila Bay—an island that the United States had heavily fortified and which had been dubbed the "Gibraltar of the East."

These losses led many Americans to the conclusion that Japan's success in the Pacific was inevitable. Some voices at home began to call for the withdrawal of U.S. forces from the Pacific theater so that we could first concentrate on winning the war against fascism in Europe.

After the selfless and courageous action of Lieutenant Best on June 4, 1942, and the American victory at the Battle of Midway, it became clear that America would not abandon the Pacific theater to an unprovoked aggressor. Instead, America would stand and fight.

Mr. President, the Japanese plan of attack on Midway was designed as part of the largest operation in the history of the Imperial Japanese Navy. Anticipating complete surprise and equipped with four fast carriers, *Kaga*, *Akagi*, *Soryu*, and *Hiryu*, the First Carrier Striking Force had reason to expect a crushing victory. The early action of the battle seemed to justify that confidence.

The first action saw three successive waves of American torpedo bombers attack the Japanese carriers. While avoiding damage to their carriers, Japanese fighters and antiaircraft guns quickly managed to shoot down 35 of the 41 American aircraft.

Following these devastating losses, two squadrons of United States dive bombers from the U.S.S. *Enterprise* swooped down on the Japanese carriers. Leading the *Enterprise*'s Bombing Squadron Six, a group of 15 Dauntless SBD aircraft was their commanding officer, Lieutenant Richard Best (later lieutenant commander).

Regarded as one of the Navy's most skilled dive-bomb pilots, Lieutenant Best took the point attacking the well-defended Japanese flagship, the *Akagi*. With precision, he delivered his bomb on the flight deck of the powerful carrier, scoring the first direct hit, one that would eventually lead to the sinking of the ship.

Of the 15 planes in his squadron, only Lieutenant Best and four others returned to the *Enterprise* that day. After refueling and rearming, Lieutenant Best soared into the air again. This time he was searching for the *Hiryu*, the one Japanese carrier that had managed to survive the day's earlier fighting.

According to the Naval Historical Center, Richard Best scored a second direct hit against the *Hiryu*, helping to deliver a devastating blow to the overconfident and seemingly invincible Japanese Navy.

In addition to being the only American pilot to score two successful direct hits on Japanese carriers at the Battle of Midway, there was something else remarkable about Lieutenant Best's courage that day. At the time of the attack, he was physically weakened and suffering from severe lung damage. Doctors later diagnosed him as suffering from tuberculosis, a condition that would (1) prevent him from ever flying again and (2) would cause him to spend the next two years recovering in Navy hospitals.

For his actions at Midway, Lieutenant Commander Best received the Navy Cross in 1942, the second highest military award presented to members of the Naval Service. It now appears that this award was based on incomplete information and that at the time, the Navy was not aware (1) that Best was the only pilot who scored two direct hits and (2) that he was suffering from tuberculosis.

Since then, a number of distinguished retired Naval officers, including Admiral Thomas H. Moorer, have "weighed-in" in support of awarding Dick Best the Congressional Medal of Honor. Should the Department of the Navy and the Department of Defense determine that an upgrade of the Navy Cross is appropriate I will unhesitatingly support it.

Mr. President, tomorrow night, at a dinner in New York City, the International Midway Memorial Foundation, will celebrate the 90th birthday of Dick Best and honor him for his selfless and courageous conduct in the Battle of Midway. While I am unable to be present, I certainly extend my gratitude and respect for his incredible heroism that day.

HONORING THE DEDICATION OF RICE-TOTTEN STADIUM, MS VALLEY STATE UNIVERSITY

Mr. LOTT. Mr. President, I rise to recognize the importance of this weekend in my home State of Mississippi. On March 25th, Mississippi Valley State University (MVSU) will rededicate and rename its football complex. Formerly known as Magnolia Stadium, the Rice-Totten Stadium will honor two of MVSU's great athletes and two ambassadors for the Itta Bena school.

Jerry Rice is a legend—not only in Mississippi, but throughout the world. After completing an extraordinary career at Valley, Jerry went on to become the greatest professional wide receiver ever. During his time with the San Francisco 49ers, Jerry dazzled fans with his ability to make the impossible look easy, broke numerous NFL reception records, and led his team to multiple Super Bowl Championships.

Willie Totten is one of collegiate athletics's greatest competitors. From 1983–1986 Willie led Valley to the top of Division I-AA football. He also raised the bar by which all college offenses are now judged. Today, almost every college football team utilizes a strong pass-oriented offense game plan, but that hasn't always been the case. Football fans have Willie to thank for showing us how exciting passing over 50 times a game can be. Following a solid career with the Buffalo Bills, Willie served the future of competitive athletics as a college and high school coach.

I believe it's only fitting that MVSU recognize and honor Jerry Rice and Willie Totten for their accomplishments and achievements by naming Magnolia Stadium after them. Although I will not be able to attend the rededication ceremony, I wish MVSU, Jerry Rice, Willie Totten, their families, and those associated with the University they celebrate this occasion.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 22, 2000, the Federal debt stood at $5,727,734,275,348.06 (Five trillion, seven hundred twenty-seven billion, seven hundred thirty-four million, two hundred seventy-five thousand, three hundred forty-eight dollars and six cents).

One year ago, March 22, 1999, the Federal debt stood at $5,642,227,000,000 (Five trillion, six hundred forty-two billion, two hundred twenty-seven million).

Five years ago, March 22, 1995, the Federal debt stood at $4,844,513,000,000 (Four trillion, eight hundred forty-four billion, five hundred thirteen million).

Ten years ago, March 22, 1990, the Federal debt stood at $3,022,412,000,000 (Three trillion, twenty-two billion, four hundred twelve million).

Fifteen years ago, March 22, 1985, the Federal debt stood at **$1,708,934,000,000** (One trillion, seven hundred eight billion, nine hundred thirty-four million) which reflects a debt increase of more than $4 trillion—**$4,018,800,275,348.06** (Four trillion, eighteen billion, eight hundred million, two hundred seventy-five thousand, three hundred forty-eight dollars and six cents) during the past 15 years.

KEEP OUR PROMISES TO AMERICA'S MILITARY RETIREES ACT OF 2000

Mr. BURNS. Mr. President, I rise today in support of S. 2003, Keep our Promises to America's Military Retirees Act of 2000.

This is an important step in providing the men and women who serve our Nation with a benefit our government promised them when they entered the military and, a promise that our government broke. It is our duty to restore these benefits.

There are still a few of us who serve in the Senate that wore our country's uniform in time of war and in time of peace that know of the hardships placed on the military people and their families. We also know, first-hand, of the promises made by our government to our service men and women. This bill is just a small step in restoring one of those most important promises—health care for military retirees. There are military retirees in my State of Montana that drive hundreds of miles to get their health care. There are some living a few miles from Malmstrom AFB, who cannot get an appointment on base. Mr. President, these are the folks that we promised to take care of it they spent 20 years of their lives defending our freedom.

We have a long way to go and much more to be done for our military personnel, active duty, retired, as well as our veterans. As chairman of the Appropriations subcommittee on Military Construction, I place a high priority on providing the active duty men and women and their families with adequate homes and facilities to work and live in. Mr. President, we have the best trained and the most highly educated military in the world—we must make a commitment to provide them with the tools necessary to do their jobs, with the salaries and benefits to recruit and retain them and with adequate homes and facilities to live and work. Just as these people honor their country with their commitment, this country must honor our commitment to them. With anything less, we lose these valuable people.

I encourage my colleagues to support S. 2003.

ADDITIONAL STATEMENTS

DAY OF HONOR OBSERVANCE

• Mr. SANTORUM. Mr. President, I rise today to wholeheartedly support a resolution to designate May 25 as "Day of Honor 2000," to recognize African American and other minorities who fought so valiantly during World War II. I would like to take this opportunity to encourage nationwide participation in this Day of Honor Observance.

African Americans and other minorities fought and died in World War II to protect the freedom and liberty that we so often take for granted. Too often during the war and in years since, these brave men and women were subjected to unfair discrimination and have never received the recognition they deserve.

In 1941, we lived in an era in which African Americans could not eat at a lunch room counter with others, or drink from the same water fountains. Yet, we felt no hesitation in asking these same Americans to fight for democracy. As a member of the Senate Armed Services Committee, I see first-hand the sacrifices that our men and women in the armed forces make to preserve America's freedom. How much harder must it have been to make these same sacrifices fifty years ago. We owe them more than we can ever repay, and for this reason I wholeheartedly support a resolution and encourage nationwide participation in recognizing those African Americans who helped to preserve the liberty that has made our country great.

Pittsburgh will be joining cities across the Nation who will host a "Day of Honor Observance" on April 19, 2000, as part of the effort to recognize these citizens to whom we owe so much. I will be participating in this observance and I encourage you to join me in honoring those who put their lives on the line so that we might be free.•

JOHN AND MICHAEL DONOGHUE—FATHER & SON NEW ENGLAND PRESS ASSOCIATION HALL OF FAMERS

• Mr. LEAHY. Mr. President, today I am pleased to recognize two outstanding Vermont journalists, both affiliated with my alma mater, St. Michael's College, and both recently elected to the New England Press Association Hall of Fame. This prestigious honor recognizes lifetime achievements in journalism. I am well acquainted with the work of both, and know that this recognition is well deserved.

The late John D. Donoghue was the first Public Relations/Sports Information Director at St. Michael's, the first chairman of the Journalism Department there, was a music and arts critic for 35 years at the Burlington Free Press, and Executive Editor of the Vermont Catholic Tribune. During his tenure as professor and journalist, John Donoghue worked through his association with the New England Press Association and Vermont Press Association to improve professionalism within the industry, and fought for the public's right to know. He was a trailblazer among journalists from my home state, and his legacy continues in Vermont, across the United States, and in the foreign press, through his students who have successfully pursued journalism careers.

Michael Donoghue has served Vermonters for three decades as a journalist at the Burlington Free Press, and in the tradition of his father, teaches journalism at St. Michael's College. During Mike's tenure at the Free Press, he has been at the center of efforts to improve reporters' access to information, thus increasing Vermonters' access to their government. Mike helped lead the effort to allow cameras into Vermont courts, was a leader in efforts to improve the Vermont Public Records Law, has successfully fought to keep court records open, and recently was one of four Americans invited to Ireland to make presentations on Freedom of Information after that country adopted such a law. He is a past President of the Vermont Press Association, and active in several national journalism organizations. At the Burlington Free Press, he has proven to be among Vermont's most versatile reporters, covering everything from sports to politics to the court beat with expertise.

In honor of this outstanding father and son duo, I ask that the article Dedication Runs in the Family for Donoghues, from the Saturday, February 12, issue of the New England Press Association Daily News, be printed in the RECORD.

[From the NEPA Daily News, Feb. 12, 2000]

DEDICATION RUNS IN THE FAMILY FOR DONOGHUES

(By Jaclyn Tammaro)

They have always said "like father like son," and NEPA board member Mike Donoghue and his late father, John D. Donoghue, are a perfect example.

Both were honored by NEPA last night for their strong commitment and contributions to community journalism.

Mike Donoghue, who lives in Vermont, has written for the Burlington Free Press for 30 years, covering a variety of news. Recently, he began specializing in sports reporting.

In what Donoghue calls his "spare time," he teaches journalism classes at St. Michael's College in Vermont. In 10 of the 15 years he has taught there, he has been a co-adviser to the award-winning student newspaper, The Defender.

Aside from his work with NEPA, the Burlington Free Press and St. Michael's College, Donoghue has also served as an officer of the Vermont Press Association for 20 years, mainly pressing the issue of camera use in Vermont's courtrooms.

The last 13 years, he has taken the position of volunteer executive director. In this seat, he ran meetings and dealt with newspaper comments.

"I've tried to improve professionalism in Vermont and move it to the rest of New England" Donoghue said.

On a national level, Donoghue is state chairman of Project Sunshine, a society for professional journalists. As chairman, he has testified for the release of public records and has tried to improve various laws.

His job as journalism educator at St. Michael's College has allowed him to become a member of the Journalism Education Committee.

A member of NEPA since 1996, Donoghue has served as chairman of the Publications Committee, and has chaired the legislative and membership services committees.

"NEPA is a vital organization," he said. "Approximately 1,500 people come to Boston each winter to hear topnotch speakers and to see the best work in six neighboring states being honored. The convention is a tribute to the organization and a highlight of New England journalism each year."

Donoghue said he is strongly motivated by his wife, Ann Marie. "If it wasn't for her, I wouldn't be doing this," he said.

Donoghue shared some memories about the contributions of his father, John D. Donoghue. A former NEPA board member, John Donoghue was an arts and entertainment critic for the Burlington Free Press for 35 years. He also worked as an editor for the Vermont Catholic Tribune for four years, before retiring.

Involved in journalism education like his son, John Donoghue served as the first chairman of journalism at St. Michael's College.

Both father and son have shown a strong dedication to the field of journalism and their contributions have been recognized by NEPA's Hall of Fame.●

ANNIVERSARY OF JONESBORO TRAGEDY

● Mr. HUTCHINSON. Mr. President, tomorrow, March 24, is the 2-year anniversary of the day on which Natalie Brooks, Paige Ann Herring, Stephanie Johnson, Brittheny Varner, and Shannon Wright were the victims of senseless violence at the Westside Middle School in Jonesboro, AR. Today, I rise simply to offer my condolences to their families and friends and to the other victims of that tragedy. They are, and will continue to be, in my thoughts and prayers.●

COMMEMORATION OF GREEK INDEPENDENCE

● Mr. REED. Mr. President, I am honored to rise today to acknowledge and celebrate the 179th anniversary of Greek Independence. On March 25, 1821, courageous Greeks, poorly armed but imbued with an ancient calling for democracy, initiated a revolution that would successfully end 400 years of oppression by the Ottoman Empire. I am proud to join my distinguished colleagues as a cosponsor of Senator SPECTER's Senate Resolution 251 which designates Saturday "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The achievements of Greek civilization in art, architecture, science, philosophy, mathematics, and literature became legacies for succeeding generations living around the world. But it was the idea of democracy, born in Athens over two thousand five hundred years ago, that signaled the beginning of a lasting revolution to which we as Americans are eternally grateful.

As citizens of the United States, we are proud to recognize the contributions of Greek culture in the creation of our great Nation. The Founding Fathers, deeply inspired and influenced by Hellenic ideals, developed our representative democracy from the example of the ancient Greeks. As U.S. democracy flourished, its principles inspired citizens in other nations, sparking revolutions across time and space, from France in 1789 to Portugal in 1974.

As vital as the culture of ancient Greece was to the formation of our Nation, modern Greek culture continues to enrich our society today. I can speak firsthand of the significant contributions that Greek-Americans make in my home state of Rhode Island. They serve our communities in many professions and continue to contribute to the state through their hard work and active citizenship.

Greece's commitment to democracy has been essential in fostering stability and supporting the ideals of freedom and equality among its neighbors in the Balkans and in the Mediterranean region. Today, the United States supports Greece in its call for fellowship and peace in the Balkan peninsula and on the divided island of Cyprus. I applaud the Greek people for their commitment to the protection of democratic principles in these regions.

Therefore, on the day marking the 179th anniversary of the revolution for independence, I congratulate all Greeks and Greek-Americans and express my appreciation for their contributions and those of their ancestors.●

IN RECOGNITION OF TC DRAYTON

● Mr. HOLLINGS. Mr. President, I take this opportunity to recognize one of Charleston, South Carolina's finest and feistiest community activists, Thelma "TC" Drayton. People who have known my friend TC over the years will tell you that nothing, and I mean nothing, stands in her way in spurring the East Side community to action. Thanks in large part to TC's hurricane-force commitment, the at-risk neighborhood where she has lived for 53 years is cleaner, safer and more in control of its destiny. Last week, the community acknowledged her many contributions when Agape Ministries established the TC Drayton Award for volunteerism to be presented each year.

Volunteers in search of encouragement during tough times need look no further than TC's example. Like Charleston's East Side, which developers have begun to acquire an appetite for, TC Drayton is up against a formidable foe these days. She is fighting her battle against lung cancer with characteristic force and optimism. She hopes to retire from her job as community liaison with the city of Charleston and devote more time to volunteer projects. One that is closest to her heart is a new Agape project known as COAT—Coalition of Older Americans Task Force. TC has always been quick to lend a hand to older members of her church family at Friendship Baptist and would like to extend her reach to other seniors in need.

We all wish TC a speedy recovery and a chance to touch even more lives in Charleston. She is a credit to South Carolina, deserving of all the accolades that she receives.●

CALVIN COLLEGE KNIGHTS

● Mr. LEVIN. Mr. President, I rise today to congratulate the Calvin College Knights on their recent athletic success. On Saturday, March 18, 2000, Calvin College's Men Basketball team completed their "storybook" season by winning the Division III Men's National Championship. The National Championship is the Men's second since 1992 and the third for Calvin College in the last two years. The Calvin Women's Cross Country team captured the National Title in 1998 and 1999.

With only two seniors on their roster, the young Knights opened the season by winning the Lee Pfund Classic in Wheaton, Illinois. After the tournament, Calvin began play in the competitive Michigan Intercollegiate Athletic Association, the nation's oldest athletic conference, where they compiled a perfect 17–0 record. Included in this total were two thrilling victories over arch-rival Hope College. For the uninitiated, this intrastate rivalry has the ability to make or break either school's season. Sports Illustrated has noted that the rivalry between these "two Division III schools in Western Michigan, is the equal of Duke-North Carolina, Georgetown-Syracuse or any of the big Division I rivalries," and Tim Russert announced the outcome on "Meet the Press" this year.

The drama and success of the regular season served as a prelude to the NCAA Tournament. Calvin's first tournament game was an overtime cliff-hanger against Franklin in which Nate Burgess, of Grand Rapids, MI, tipped in the winning basket with 3.6 seconds left. This basket allowed Calvin to advance to the "Sweet 16" for the first time since 1993. After two lopsided victories, Calvin relied on the last minute of heroics of Bryan Foltice, of Grandville, MI, who hit a running jumper as time expired to propel Calvin into the National Championship game.

The Championship game against the University of Wisconsin Eau Claire featured a torrid first half, clutch plays in the waning minutes and a well-balanced attack in which five Knights scored in double figures. With this 79–74 victory, Calvin concluded the season with a 22-game winning streak, and became only the sixth Division III school to have won two national championships.

The season became even sweeter when Jeremy Veenstra, of Kalamazoo, MI, and Aaron Winkle, of Lake City, MI, were named to the Final Four All-Tournament team. In addition, Winkle was both an All-American and Academic All-American. I know my Senate colleagues will join me in saluting Calvin College for their extraordinary individual achievements and their National Championship. Go Knights!

Mr. President, I ask that the team roster be printed in the RECORD.

The material follows:

CALVIN COLLEGE MEN'S ROSTER

Name	Yr	Ht	Wt	P	Hometown
No. 4. Kyle Smith	Fr.	6–0	175	G	Jenison, MI
No. 10. Bryan Foltice.	Fr.	6–0	165	G	Wyoming, MI
No. 12. Jon Potvin	So.	5–11	165	G	Gladstone, MI
No. 14. Aaron Winkle[1].	Sr.	6–6	195	F	Lake City, MI
No. 20. Dave Bartels.	Fr.	6–3	175	G	Kalamazoo, MI
No. 22. Nate Burgess.	Jr.	5–11	170	G	Byron Center, MI
No. 24. Nate Karsten[1].	Sr.	6–2	190	G	Zeeland, MI
No. 30. Tim Bruinsma.	So.	6–3	190	G	Grand Rapids, MI
No. 32. Jason DeKuiper.	Jr.	6–2	190	G	Fremont, MI
No. 34. Jeremy Veenstra.	Fr.	6–6	205	F	Kalamazoo, MI
No. 40. Brian Krosschell[1].	Jr.	6–8	215	F/C	Grand Rapids, MI
No. 42. Nick Ploegstra.	So.	6–4	215	F	Cleveland, MI
No. 44. Jon VanderPlas.	Fr.	6–6	210	F/C	Kalamazoo, MI
No. 50. Derek Kleinheksel.	Jr.	6–6	200	F/C	Hamilton, MI
No. 52. Josh Tubergen.	So.	6–7	205	C	Zeeland, MI
Rob Dykstra	So.	6–3	215	F	Byron Center, MI

[1] denotes tri-captains.

Head Coach: Kevin Vande Streek.

Assistants: Chris Fear, Tim VanDyke.●

TRIBUTE TO DAVE McDUFFEE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dave McDuffee on his receiving the Merrimack Chamber of Commerce Organization of the Year award. This award recognizes one organization or business which is dedicated to reaching out to the community.

At the helm of any corporation, there is always one individual who stands out as beacon which lights the path for fellow workers to follow. Dave is such an individual. As President of McDuffee Insurance, Dave has learned that a solid business structure rests on the surrounding community.

Dave's working career has been dedicated to both the insurance business and the community. In 1981, Dave started his own insurance agency with offices in Pepperell, Massachusetts and Merrimack, New Hampshire. A few years later, he added another office in Dover. Dave's business, which began with himself and a secretary, has grown to be the largest independently owned agency in New Hampshire with nearly 40 employees. With effort, dedication, and hard work, Dave has built a growing empire in its own right. Few men could do as he has done without his courage and drive.

Additionally, Dave has managed to place his agency at the forefront of community affairs. Dave is a firm believer in people and businesses coming together for the betterment of the community. He strongly urges members of his board to participate in community events and activities. His agency has been a sponsor of the Merrimack Chamber's golf tournaments, MYA teams, and numerous other charities.

It is an honor to represent Dave McDuffee in the United States Senate. Mary Jo and I wish you the best of luck in your future endeavors. May you always continue to inspire those around you in their dedication to the community.●

TRIBUTE TO THOMAS PESCHKE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Master Chief Thomas Peschke upon his retiring from the United States Naval and Marine Corps. Thomas has faithfully served his country and its citizens for more than thirty years. As a Navy veteran myself, I know firsthand the dedication and hard work that this entails. Thomas is one who has exhibited integrity, courage, honor, and leadership, and has gained the respect of his peers, and superiors. He is truly an example by which future generations can set their compass as they sail into the future.

I wish Thomas much happiness as he embarks upon his new journey in life. He will be greatly missed. Thomas, it has been a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

TRIBUTE TO THE ROCHESTER FIRE DEPARTMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the brave men and women of the Rochester Fire Department, whose quick thinking and willingness to put their lives on the line for their fellow citizens helped save the lives of three families trapped inside their burning apartment building.

The fire that engulfed the apartment building on 19 Sumner Street the night of January 11th could have resulted in the loss of many lives. Instead, the families that lived there, including two very young children, are alive and recovering today because the men and women of the Rochester Fire Department risked their lives to save these families. We often forget just how much these courageous people risk in the service of others. As they go to work each and every day, firefighters are taking the ultimate risk so they can protect and serve their neighbors.

Despite their heroic deeds, the men and women of the Rochester Fire Department remain humble about their amazing rescue. Ask any of them and they will tell you they were merely "doing their job", and they would do it again if someone else's family needed help. Their unselfishness, professionalism, and dedication keep all of us safe.

I thank the men and women of the Rochester Fire Department for their bravery and hard work. It is truly an honor to serve them and all of the firefighters in our great state.●

TRIBUTE TO CINDY TAYLOR

● Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to Cindy Taylor upon the occasion of her being recognized as the Merrimack Chamber of Commerce 1999 Business Person of the Year. Cindy has faithfully served the chamber and its members for the past two years, and she has become an example for other volunteers to follow.

Her position with the Public Service Company of New Hampshire inspired Cindy to become involved with the chamber in 1998. She was almost immediately nominated as the ambassador at various chamber events. In 1999, Cindy became vice president of membership for the chamber. With Cindy at the helm, the committee increased its numbers by 20%. During this period, Cindy also co-chaired the annual banquet committee. This position required an extensive amount of effort in planning and executing the celebration. Cindy's participation in any project guarantees organization, dedication and quality. She is one whose input is valued on all projects, and who desires to hear the opinions of others. She is truly a team-player, and was subsequently nominated as Chamber President for the year 2000.

Cindy, it is a pleasure to represent such a valuable woman from New Hampshire in the United States Senate. Mary Jo and I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

TRIBUTE TO TERRY WHEELOCK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Terry Wheelock upon the occasion of his receiving the Merrimack Chamber's Presidential Award. Terry has been with the Chamber for many years, and he has proven himself to be an integral asset. Terry has invested much effort, time, and dedication to chamber events and meetings. His love of the game of golf has aided the chamber through fund-raising tournaments. His personality fills the group with enthusiasm, and his talents constantly gain praise from his peers. His warmth and personality have been a constant positive influence for those around him. Mary Jo and I applaud his devotion and hard work for the Merrimack Chamber.

Terry, it is a pleasure to represent you in the United States Senate. I wish you the best of luck in you future endeavors. May you always continue to inspire those around you.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3822. An act to combat international oil price fixing.

The message also announced that the House has passed the following bill, without amendment:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3822. An act to combat international oil price fixing; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 3081. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

S. 2267. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

The following bill, received previously from the House of Representatives for concurrence, was read twice and placed on the calendar:

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8129. A communication from the Acting General Counsel, Department of Defense transmitting, pursuant to law, a report of proposed legislation relative to appropriations and military personnel strengths for fiscal year 2001; to the Committee on Armed Services.

EC–8130. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the event-based decision making for the F–22 aircraft program for FY 2000 and on event-based decisions planned FY 2001; to the Committee on Armed Services.

EC–8131. A communication from the Deputy Director, Defense Research and Engineering, Department of Defense transmitting, pursuant to law, the FY 1999 annual report of the Scientific Advisory Board of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC–8132. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report entitled "Multi-Technology Automated Reader Card Demonstration Program-Smart Cards in the Department of the Navy"; to the Committee on Armed Services.

EC–8133. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the annual report on contingent liabilities under Title XII, Vessel War-Risk Insurance Program for 1999; to the Committee on Armed Services.

EC–8134. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Department's certification of employers' labor condition applications; to the Committee on the Judiciary.

EC–8135. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117–AA51), received March 21, 2000; to the Committee on the Judiciary.

EC–8136. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Irish Peace Process Cultural and Training Program" (RIN1115–AF51) (INS No. 2000–99), received March 22, 2000; to the Committee on the Judiciary.

EC–8137. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Temporary Exemption from Chemical Registration for Distributors of Pseudophedrine and Phenylpropanolamine Products" (RIN1117–AA46), received March 21, 2000; to the Committee on the Judiciary.

EC–8138. A communication from the Assistant Attorney General, Legislative Affairs transmitting an analysis of proposed legislation regarding police powers for Inspector General Agents engaged in official duties; to the Committee on the Judiciary.

EC–8139. A communication from the Administrator, General Services Administration, transmitting a draft of proposed legislation relative to travel expense for Federal employees; to the Committee on Governmental Affairs.

EC–8140. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received March 21, 2000; to the Committee on Governmental Affairs.

EC–8141. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate System; Change in the Survey Cycle for the Orleans, LA, Nonappropriated Fund Wage Area" (RIN3206–AJ05), received March 22, 2000; to the Committee on Governmental Affairs.

EC–8142. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Agency Use of Appropriated Funds for Child Care Costs for Lower Income Federal Employees" (RIN3206–AI93), received March 21, 2000; to the Committee on Governmental Affairs.

EC–8143. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1999-Crop Peanuts National Poundage Quota" (RIN0560–AF48), received March 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8144. A communication from the Inspector General, Department of Agriculture transmitting a report entitled "Office of Civil Rights Management of Employment Complaints"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8145. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Housing Act of 1949; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM—442. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to an amendment to the Constitution regarding taxation; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, Separation of powers is fundamental to the United States' form of government; and

Whereas, Section eight, article one of the Constitution of the United States of America vests the Congress, the legislative branch of government, with the power to lay and collect taxes; and

Whereas, The duty and responsibility of the judiciary is to interpret law, not to create law; and

Whereas, Recent federal court decisions, including Missouri v. Jenkins of 1990, have resulted in the judicial branch levying taxes or increasing the amount of taxes imposed upon our citizenry to raise revenue sufficient to support various court orders or federal mandates; and

Whereas, These federal courts, through their mandates, have strayed from the provisions of the Constitution of the United States of America and the separation of powers doctrine and have intruded into the legitimate public policy making function of the states; and

Whereas, Taxation is and must remain the exclusive prerogative of elected representatives in the legislative branch of government, and not be subject to imposition by an appointed judiciary; and

Whereas, Numerous other states have petitioned the Congress of the United States to propose an amendment to the Constitution of the United States of America reiterating that the federal courts are prohibited from levying or increasing taxes without the representation of the people; and

Whereas, The Legislature of the State of West Virginia reaffirms in no uncertain terms that the power and authority to levy or increase taxes is and should continue to be retained by the citizens, who do delegate that power and authority explicitly to their duly elected representatives in the legislative branch of government, with such representatives being responsible and accountable to those who have elected them; therefore, be it

Resolved by the Legislature of West Virginia: That in accordance with the provisions of article five of the Constitution of the United States of America, the West Virginia Legislature hereby petitions the Congress of the United States to adopt an amendment to the Constitution of the United States of America, for submission to the states for ratification, a new article providing substantially as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; and, be it

Further Resolved, That the West Virginia Legislature requests the Legislatures of the states who have not yet done so to make a similar petition to the Congress of the United States; and, be it

Further Resolved, That the Clerk of the house of Delegates is directed to send copies of this resolution to the presiding officers of both houses of the legislature in each of the other states in the union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the President of the United States, to the Vice president of the United States and to members of West Virginia's congressional delegation.

POM–443. A joint resolution adopted by the Legislature of the State of Washington relative to Migratory bird predation on salmonid stocks; to the Committee on environment and Public Works.

HOUSE JOINT MEMORIAL 4026

Whereas, The state of Washington has embarked on a major salmon recovery effort as reflected in significant legislation enacted in 1998 and 1999; and

Whereas, The state of Washington has formulated a state-wide strategy to recover salmon; and

Whereas, The state of Washington has spent and is prepared to spend millions of dollars to protect and restore salmon populations; and

Whereas, The state of Washington is aggressively pursuing salmon recovery through a comprehensive undertaking in partnerships with federal agencies, Indian tribal nations, local governments, nonprofit organizations, and others; and

Whereas, The national marine fisheries service has listed under the federal endangered species act a number of salmon species that live in evolutionarily significant units within Washington state; and

Whereas, Predation by certain migratory birds such as the Caspian Tern is widely viewed as a significant issue for recovery of listed fish species throughout Washington inland and coastal waters; and

Whereas, The federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., has proven ineffective in managing migratory bird predation on salmonids; and

Whereas, Washington's efforts toward salmon recovery, while addressing nearly all the factors that have led to the decline of salmon, cannot currently, because of federal law, effectively address predation by these migratory birds; and

Whereas, Public confidence and support of Washington's salmon recovery efforts will be diminished unless the interaction among migratory birds and salmonid populations is better understood and site-specific conflicts are addressed;

Now, Therefore, Your Memorialists respectfully pray that Congress pass legislation that amends the federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., to provide a more effective means to allow for the protection and restoration of salmonid populations.

Congress is further urged to:

(1) Fund joint federal and state research on migratory and resident predatory bird interactions with salmonids, especially site-specific investigations to determine the significance of migratory and resident bird predation on adult and juvenile salmonids for stock recovery, and to develop a cohesive conservation plan that balances protection of both migratory and resident birds and salmonids;

(2) Grant at least limited management authority for state and federal agencies to remove those migratory and resident birds preying on listed fish stocks at areas of restricted fish passage;

(3) Prohibit the relocation of predatory bird nesting areas that could result in shifting predation to salmonid stocks that need recovery in other geographic areas.

Be it Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the United States House of Representatives Committee on Resources, the United States Senate Committee on Commerce, Science, and Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–444. A resolution adopted by the Legislature of the State of Michigan relative to the low-income housing tax credit; to the Committee on Finance.

SENATE RESOLUTION NO. 138

Whereas, The Congress of the United States created the low-income housing tax credit as an incentive for developers and investors to provide affordable rental housing. Under this program, states are authorized to allocate federal tax credits in block grant form. The awarded tax credits may be taken annually for 10 years by developers and investors to offset federal taxes otherwise owed on their income; and

Whereas, Low-income families cannot afford to construct and rehabilitate apartments. The low-income housing tax credit program leverages about $7 billion in investments each year and produces approximately 75,000 apartments. These apartments rent at prices affordable to low-income working families, the elderly, and people with special needs; and

Whereas, Low-income housing tax credit apartments help stabilize neighborhoods by improving housing quality and supply. They rent out quickly because the need for them is so much greater than the supply created under the present housing credit volume limit; and

Whereas, Despite rapid growth in the economy and in states' low-income housing needs, the present housing credit limit, $1.25 per state resident, has not been adjusted for inflation since the program was created in 1986. Consequently, states are severely shortchanged in their capacity to produce badly needed urban and rural low-income apartments. Every year, another 100,000 low-cost apartments, more than the housing credit replaces, are demolished, abandoned, or converted to market rate use; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to increase the cap on the low-income housing tax credit and index it in accordance with the Consumer Price Index; and be it further

Resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Adopted by the Senate, March 15, 2000.

POM–445. A concurrent resolution adopted by the Legislature of the State of Arizona relative to federal redesignations of land in Arizona; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, efforts are underway within the current administration to redesignate millions of acres of western lands as National Monuments or Forest Service roadless areas, including more than one million acres in Arizona alone. The Secretary of the Interior has requested the President to designate nearly a dozen sites in the West as National Monuments under the 1906 Antiquities Act. Additionally, there is a recent proposal to redesignate forty million acres of federal lands under a "roadless areas" policy within the United States Forest Service; and

Whereas, these proposals, which would bypass input and consent from the public, the states and even the Congress, would result in the redesignation of lands in Arizona without any consideration of state or local interests. The people of Arizona, the Arizona Legislature and the Congress of the United States have not considered, debated or approved the federal redesignations that are proposed by the administration; and

Whereas, instead of working as a partner to help local communities define and achieve their conservation goals, the federal government proposes unilateral actions that would affect this state and exclude citizens from determining or even having a voice in land management decisions in their communities; and

Whereas, land management and conservation efforts are best administered and managed at state and local levels of government. Failure by the federal government to recognize and respect this basic tenet would leave this state no recourse but to turn to the judicial system to halt the further redesignations of federal land in this state.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the President, the Secretary of the Interior and the Congress of the United States take action to prevent the designation of any additional National Monuments or Forest Service roadless areas in this state without full public participation and an express act of Congress.

2. That the recipients of this Memorial convey to the Arizona Legislature their plan to consider this request.

3. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

POM-446. A joint resolution adopted by the Assembly of the State of California relative to Sudan; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION NO. 38

Whereas, According to the United States Committee for Refugees an estimated 2,000,000 people have died over the past decade due to war and war-related causes and famine, while millions have been displaced from their homes and separated from their families; and

Whereas, The National Islamic Front government's war policy in southern Sudan, the Nuba Mountains, and the Ingessena Hills has brought untold suffering to innocent civilians and is threatening the very survival of a whole generation of southern Sudanese; and

Whereas, The people of the Nuba Mountains and the Ingessena Hills are at particular risk, because they have been specifically targeted and, as a consequence, they are deliberately prevented from receiving international food aid, resulting in manmade famine, and are the targets of routine bombing of their civilian centers, including schools, hospitals, and areas where religious services are being held; and

Whereas, The Convention for the Prevention and the Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, defines "genocide" as official acts committed by a government with the intent to destroy a national, ethnic, or religious group, and this definition also includes "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part"; and

Whereas, By that definition, the National Islamic Front government is deliberately and systematically committing genocide in southern Sudan, the Nuba Mountains, and the Ingessena Hills; and

Whereas, The National Islamic Front government has systematically and repeatedly obstructed peace efforts of the Intergovernmental Authority for Development over the past several years; and

Whereas, The Declaration of Principles put forth by the Intergovernmental Authority for Development mediators is the most viable negotiating framework to resolve the problems in Sudan and to bring lasting peace; and

Whereas, Humanitarian conditions in southern Sudan, especially in Bahr al-Ghazal and the Nuba Mountains, deteriorated in 1998, largely due to the National Islamic Front government's decision to ban United Nations' relief flights from February through the end of April in that year and the government continues to deny access to certain locations; and

Whereas, an estimated 2,600,000 southern Sudanese have been at risk of starvation in southern Sudan and the World Food Program currently estimates that 4,000,000 people are in need of emergency assistance; and

Whereas, The United Nations-coordinated relief effort, Operation Lifeline Sudan, failed to respond in a timely manner at the height of the humanitarian crisis and has allowed the National Islamic Front government to manipulate and obstruct the relief efforts; and

Whereas, The relief work in the affected areas is further complicated by the National Islamic Front's repeated aerial attacks on feeding centers, clinics, and other civilian targets; and

Whereas, Relief efforts are further exacerbated by looting, bombing, and killing of innocent civilians and relief workers by government-sponsored militias in the affected areas; and

Whereas, these government-sponsored militias have carried out violent raids in Aweil West, Twic, and Gogrial counties in Bahr el Ghazal/Lakes Region, among others, killing hundreds of civilians and displacing thousands; and

Whereas, The National Islamic Front government has perpetrated a prolonged campaign of human rights abuses and discimination throughot the country; and

Whereas, The National Islamic Front government-sponsored militias have been engaged in the enslayement of innocent civilians, including children, women, and the elderly; and

Whereas, The now common slave raids being carried out by the government's Popular Defense Force militias are undertaken as part of the government's self-declared jihad (holy war) against the predominantly traditional and Christian south; and

Whereas, According to the American Anti-Slavery Group of Boston, there are tens of thousands of women and children now living as chattel slaves in Sudan; and

Whereas, These women and children were captured in slave raids taking place over a decade by militia armed and controlled by the National Islamic Front regime in Khartoum—they are bought, sold, branded, and bred; and

Whereas, The Department of State, in its report on Human Rights Practices for 1997, affirmed that "reports and information from a variety of sources after February 1994 indicate that the number of cases of slavery, servitude, slave trade, and forced labor have increased alarmingly"; and

Whereas, The enslavement of people is considered in international law to be a "crime against humanity"; and

Whereas, Observers estimate the number of people enslaved by government-sponsored militias to be in the tens of thousands; and

Whereas, Former United Nations Special Rapporteur for Sudan, Gaspar Biro, and his successor, Leonardo Franco, reported on a number of occasions the routine practice of slavery and the complicity of the Government of Sudan; and

Whereas, The National Islamic Front government abuses and tortures political opponents and innocent civilians in the north and many northerners have been killed by this regime over the years; and

Whereas, The vast majority of Muslims in Sudan do not subscribe to the National Islamic Front's extremist and politicized practice of Islam and moderate Muslims have been specifically targeted by the regime; and

Whereas, The National Islamic Front government is considered by much of the world community to be a rogue state because of its support for international terrorism and its campaign of terrorism against its own people; and

Whereas, According to the Department of State's Patterns of Global Terrorism Report, "Sudan's support to terrorist organizations has included paramilitary training, indoctrination, money, travel documentation, safe passage, and refuge in Sudan"; and

Whereas, The National Islamic Front government has been implicated in the assassination attempt of Egyptian President Hosni Mubarak in Ethiopia in 1995 and the World Trade Center bombing in 1993; and

Whereas, The National Islamic Front government has permitted Sudan to be used by well-known terrorist organizations as a refuge and training hub over the years; and

Whereas, The Saudi-born financier of extremist groups and the mastermind of the United States embassy bombings in Kenya and Tanzania, Osama bin-Laden, used Sudan as a base of operations for several years and continues to maintain economic interests there; and

Whereas, On August 20, 1998, United States Naval forces struck a suspected chemical weapons facility in Khartoum, the capital of Sudan, in retaliation for the United States embassy bombings in Nairobi and Dar'es Salaam; and

Whereas, Relations between the United States and Sudan continue to deteriorate because of human rights violations, the government's war policy in southern Sudan, and the National Islamic Front's support for international terrorism; and

Whereas, In 1993, the United States government placed Sudan on the list of seven states in the world that sponsor terrorism and imposed comprehensive sanctions on the National Islamic Front government in November 1997; and

Whereas, The struggle by the people of Sudan and opposition forces is a just struggle for freedom and democracy against the extremist regime in Khartoum; and

Whereas, On June 16, 1999, the United States House of Representatives adopted House Concurrent Resolution 75, introduced by Representative Don Payne (D-NJ), with only one dissenting vote, condemning the Government of Sudan for "deliberately and systematically committing genocide"; and

Whereas, In Congress, both the Senate and House of Representatives have introduced the Sudan Peace Act, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan that would, among other specific measures, condemn slavery and other human rights abuses by the Government of Sudan; support the Inter-Governmental Authority on Development sponsored peace process; increase pressure on combatants to end slavery and human rights abuses; and protect humanitarian operations, separating civilians from combatants, and reducing food diversion; and

Whereas, This act passed in the Senate by unanimous consent on November 19, 1999; and

Whereas, Representative Christopher Smith (R-NJ), Chairman of the Subcommittee on International Operations and

Human Rights has written that, in addition to sponsoring terrorism, mass murder, enslavement, and other grave crimes against its own people, "the regime has also been identified as among the world's most egregious violators of the fundamental right to freedom of religion"; and

Whereas, Secretary of State Madeleine Albright has stated that the Sudanese regime has an ". . . appalling human rights record, including torture, religious persecution, and forced imposition of sharia (Islamic) law. And it has prolonged a vicious and inhumane war, not hesitating to enslave, starve and bomb civilians in violation of international humanitarian law"; and

Whereas, The Los Angeles Times stated on October 23, 1999 that "The Clinton Administration considers the Sudanese government to be a brutal dictator and by far the worst offender in an atrocity-filled regional, religious and ethnic war that has claimed as many as two million lives"; and

Whereas, The Center for Religious Freedom of Freedom House, a vigorous proponent of democratic values and a steadfast opponent of dictatorships of the far left and far right founded in 1941 by Eleanor Roosevelt, Wendell Willkie, and others, declares that "the religious and ethnic genocide now occurring in Sudan has destroyed many more lives than Chechyna, Bosnia, Kosova and Rwanda combined"; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature (1) strongly condemns the National Islamic Front government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations; (2) strongly deplores the government-sponsored and to immediately end the practice of slavery; (3) urges Congress to support and adopt the Sudan's Peace Act; and (4) commends the persecuted Sudanese people for their strength and endurance in continuing resistance to the current regime ruling Sudan, and for risking their lives for their faith; and be it further

Resvoled, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute.

H.R. 1658. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HATCH, for the Committee on the Judiciary.

Nicholas P. Godici, of Virginia, to be an Assistant Commissioner of Patents and Trademarks.

(The above nomination was reported with the recommendation that it be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2277. A bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2278. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2279. A bill to authorize the addition of land to Sequoia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL:

S. 2280. A bill to provide for the effective punishment of online child molesters; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 2281. A bill to name the United States Army missile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan; to the Committee on Armed Services.

By Mr. CAMPBELL (for himself, Mr. THOMPSON, and Mr. INOUYE):

S. 2282. A bill to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself, Mr. JOHNSON, and Mr. INOUYE):

S. 2283. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Mr. WELLSTONE, and Mr. REED):

S. 2284. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. LOTT (for himself, Mr. MURKOWSKI, Mr. CRAIG, Ms. SNOWE, Mrs. HUTCHISON, Mr. ABRAHAM, and Mr. GRAMS):

S. 2285. A bill instituting a Federal fuels tax holiday; read the first time.

By Mr. COCHRAN:

S. 2286. A bill to establish the Library of Congress Financial Management Act of 1999, and for other purposes; to the Committee on Rules and Administration.

By Mr. L. CHAFEE (for himself and Mr. REID):

S. 2287. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 2288. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations and the disbursement of such support and to require the Internal Revenue Service to collect and disburse such support through wage withholding and other means; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2289. A bill for the Relief of Jose Guadalupe Tellez Pinales; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. REID):

S. 2290. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Finance.

By Mr. DASCHLE:

S. 2291. A bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife of the Missouri River in the State of South Dakota, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 2292. A bill to amend the Atomic Energy Act of 1954 to renew the authority of the Nuclear Regulatory Commission to indemnify its licensees, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. McCAIN, Mr. JOHNSON, and Mr. INOUYE):

S. Res. 277. A resolution commemorating the 30th Anniversary of the Policy of Indian Self-determination; to the Committee on Indian Affairs.

By Mr. DEWINE (for himself, Mr. THURMOND, Mr. WARNER, Mr. ROCKEFELLER, Mr. ROBB, Mr. THOMAS, Mr. DODD, Ms. LANDRIEU, Mr. HATCH, and Mr. STEVENS):

S. Con. Res. 98. A concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2277. A bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Finance.

PERMANENT NORMAL TRADE RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROTH. Mr. President, I rise today for myself and Senator MOYNIHAN to introduce legislation that will make normal trade relations with the People's Republic of China permanent when China accedes to the World Trade Organization. The legislation I am introducing is the same as that sent up by the administration. It is a clean bill, and I believe we should keep it that way.

Last year, the Chinese made a series of bold commitments to United States negotiators to open their market in return for WTO accession. In sector after sector—and by a date certain—the Chinese have pledged to open their markets to foreign goods, investment and services. These openings represent an unparalleled opportunity for U.S. farmers, manufacturers, and service providers to expand their exports into a rapidly growing market.

Those commitments will help move the Chinese economy toward a rules-based system and end many forms of state control. In essence, China has conceded that its future depends on the replacement of its communist-style economy with an open, market-oriented system based on the rule of law. Indeed, in a number of sectors, economically backward China will be more open to American exports than some of our developed-country trading partners in Asia and Europe.

What must the United States give away in terms of access to our market in return for China's pledge to enact these sweeping reforms? The answer is as striking as it is simple: absolutely nothing. The cost of our access to China's market is simply to comply with our own WTO obligations. Indeed, for the United States to reap the benefits of China's open markets once it joins the WTO, the only act necessary is passage of this legislation. This legislation will thus end the annual normal trade relations renewal process required by the Jackson-Vanik provisions in current trade law.

Some believe we must retain the annual renewal process because it gives us leverage in checking China's conduct on a number of fronts. But the annual debate on renewing normal trade relations has not been a very effective means of achieving any of the goals we all share with respect to China: peaceful settlement of the Taiwan question; enhanced human rights, religious freedom and stronger worker rights for the Chinese people or curbing China's irresponsible behavior on security matters. But the active involvement of United States firms in China can only help open that society and reinforce the changes already under way in China toward free markets and a rules-based society.

The enormous benefits of enacting permanent normal trade relations, on the other hand, are clear. Just as clear is the huge cost of failing to do so. In passing PNTR, American workers, farmers and exporters will gain access to market-opening concessions the Chinese made to our negotiators after 13 long years of hard negotiations.

If we fail to pass PNTR, then every member economy of the World Trade Organization will gain such access except the United States. Our European, Japanese and Asian competitors could not hope for a more lucrative gift, and all at the expense of our farmers and workers.

Here is what Leonard Woodcock, many years the President of the United Auto Workers, had to say in support of PNTR 2 weeks ago:

> American labor has a tremendous interest in China's trading on fair terms with the U.S. The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal. The agreement expands American jobs. And while China already enjoys WTO-based access to our economy, this agreement will open China's economy to unprecedented levels of American exports, many of which are high-quality goods produced by high-paying jobs.

With that sentiment I most strongly agree.

What about the rights of Chinese workers themselves? On this point I agree with Mr. Woodcock, as well. To be sure, nothing in the U.S.-China trade agreement requires that free trade unions be formed in China. Yet the WTO does not require this of any of its 136-member countries, and the WTO is the wrong instrument to use to achieve that goal. We should, instead, be asking a more important question: Are Chinese workers better off with this agreement? The answer is a resounding yes.

With so little to lose in ending the annual renewal process and so much to gain by enacting PNTR, I would hope this body will pass this legislation overwhelmingly.

Mr. MOYNIHAN. Mr. President, I rise with enthusiasm to join our chairman in introducing this measure which is word for word as the President sent to us on March 8. In doing so, he put the matter clearly enough. He said:

> The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade.

I point out, sir, that the negotiations that have led us to this point have taken 13 years. They began prior to the creation of the World Trade Organization, under its predecessor, the GATT. It has been hard slogging, painful, detailed work, but it has come to a conclusion.

China wants into the WTO, the World Trade Organization. The price is to give us access to her markets. She has access to ours; hence, the imbalance of our trade, which is enormous just now.

I say, sir—and I think it would be agreed to—this will be very likely the most important legislative decision we have made in a decade or will make for a decade. At issue is the opening of American and world markets, which followed the calamitous conditions brought about by the Smoot-Hawley tariff in 1930. The opening began by Cordell Hull, in the form of the reciprocal trade agreements.

Every President since has expanded and continued this process. You see it all around you in unprecedented prosperity in those countries which first participated.

Now China wishes to do so. The condition is that we share in the Chinese market. It could not be more simple. We are not giving them anything they do not now have. They are giving us the treatment that is required by a member of the World Trade Organization.

Just this morning, the Wall Street Journal reported, in a Wall Street Journal/NBC poll, that a solid majority of Democrats—almost 2 to 1—is in favor of this legislation. I am hesitant to tell my revered chairman that Republicans do not do as well. But on balance, the American people sense this. They have had the experience of it for three generations now.

Let's do it.

We had a fine hearing today. We had wonderful testimony from respected scholars on the subject—Merle Goldman from the Fairbanks institution—well, from Boston University—Nelson Graham, East Gates Ministries International, who is the son of the Rev. Billy Graham, and Michael A. Santoro, a professor from Rutgers.

The case is so clear, it should not be obscured or delayed. It is up to us. I think there is going to be another hearing, at least. I believe it is the intention of the chairman to have a legislative markup and, as we say, actually reporting out a bill in about a month's time.

Mr. ROTH. I say to the distinguished leader, it is my intent to bring this up at least within a month.

Mr. MOYNIHAN. At least within a month.

Mr. ROTH. I think the sooner we can move on it, the better off we are. I expect this legislation to be adopted with overwhelming bipartisan support.

Mr. MOYNIHAN. Exactly so. It should. I do not think we can name it for you, but it certainly will be one of the great measures you have achieved in a long career, not yet concluded. I would observe that it took some prodding to get the legislation sent up to us. In his State of the Union Address on January 27, 2000, the President called upon Congress to pass legislation authorizing PNTR for China "as soon as possible this year." It took almost two months to get the Administration to produce a draft of the legislation, which the President formally transmitted to Congress on March 8.

But we have it now, and the President is fully committed to this, and we ought to move swiftly.

I want to clarify one important point: passage of this legislation will not determine whether China enters the WTO. China will enter the WTO regardless of Congress' action with respect to PNTR. But until we grant

China PNTR, we cannot enter in to a full WTO relationship with China, which means that we cannot reap the full benefits of the trade agreement.

This is because the WTO—under the General Agreement on Tariffs and Trade 1994, the General Agreement on Trade in Services and the Agreement on Trade-Related Aspects of Intellectual Property Rights—requires that WTO members grant each other immediate and unconditional normal trading relations status. We do not do so now with respect to China.

China's trade status is conditioned on an annual review of China's compliance with the so-called Jackson-Vanik freedom-of-emigration provisions of the Trade Act of 1974. The President makes a determination by the third of June each year, which is then subject to review by the Congress. Because of this conditionality, the trade treatment that we currently accord China is insufficient under WTO rules. Until we grant China PNTR, we must invoke the WTO's so-called "non-application" provision—that is, Article XIII of the Agreement Establishing the World Trade Organization—meaning that WTO benefits will not apply.

Simply put, we must grant China permanent normal trade relations status in order to reap the benefits that the United States, its workers and its companies will gain from China's entry into the WTO. And we ought to do so promptly.

Mr. ROTH. Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PEOPLE'S REPUBLIC OF CHINA (CHINA).

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to China; and

(2) after making a determination under paragraph (1) with respect to China, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) CHINA'S ACCESSION TO THE WORLD TRADE ORGANIZATION ("WTO").—Prior to making the determination provided for in subsection (a)(1) and pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for China's accession to the WTO are at least equivalent to those agreed between the United States and China on November 15, 1999.

SEC. 2. EFFECTIVE DATES.

(a) The extension of nondiscriminatory treatment pursuant to section 1(a)(1) shall be effective no earlier than the effective date of China's accession to the WTO.

(b) On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of China, title IV of the Trade Act of 1974 shall cease to apply to that country.

By Mrs. LINCOLN:

S. 2278. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM AUTHORIZATION ACT

Mrs. LINCOLN. Mr. President, I am pleased to be here today to introduce the "Junior Duck Stamp Conservation and Design Program Authorization Act". The Junior Duck Stamp program gives youth a valuable opportunity to study waterfowl and learn about environmental conservatism through the arts.

I believe we have an unique opportunity to instill in our children a love of the outdoors and must encourage our children by example to protect our natural resources for future generations. Through my own personal experiences in the outdoors, I have learned to value and appreciate the joys of hunting and fishing and look forward to raising my twin boys with the proper respect for the environment so that they too will enjoy a lifetime of experiencing one of America's greatest treasures.

The Junior Duck Stamp Reauthorization Act provides us with one of these opportunities to instill the importance of conservation in our nation's children. This legislation will reauthorize a program which helps teach children to love and respect the environment, while encouraging artistic development. By concentrating on nature, students have an opportunity to appreciate our country's great natural resources and explore their own talents.

The Junior Duck Stamp program allows students from elementary to high school to research any species of North American waterfowl and portray it artistically. Students then may enter their design in a state contest. The "Best of Show" winners at the state level are then sent to Washington D.C. for a national competition. The first place national winner receives a $2500 scholarship award and his/her design is used to create a Federal Junior Duck Stamp each year. Proceeds from the sale of the stamp, which costs $5, are then invested back into the program.

The Junior Duck Stamp Program was originally developed through the Fish and Wildlife Service with a grant from the National Fish and Wildlife Foundation. The program was expanded by Congress in 1994 and authorized through the year 2000. In 1998, more than 42,000 students entered the art contest. It is estimated by educators who work with the program, that for every student who enters the contest, ten other students actually participate in the curriculum.

I encourage my colleagues to join with me in supporting legislation which will continue the Junior Duck Stamp Program and encourage conservation practices and appreciation of the outdoors in our children.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2279. A bill to authorize the addition of land to Sequoia National Park and for other purposes; to the Committee on Energy and Natural Resources.

DILLONWOOD SEQUOIA GROVE BILL INTRODUCTION

Mrs. BOXER. I am pleased to introduce legislation to expand the boundary of Sequoia National Park to include Dillonwood Grove.

The 1,540-acre Dillonwood Grove is the largest privately owned stand of giant sequoias and borders the southern boundary of Sequoia National Park.

The Dillonwood and Garfield Groves together form one of the five largest giant sequoia groves in the world. The Garfield Grove is already in the Park. Management of these groves as a single unit as part of the National Park will reunite the 3,085-acre Dillonwood-Garfield Grove, historically separated in name only.

For more than one thousand years, the massive trunks of Dillonwood's giant sequoias have towered above the headwaters of the North Fork of the Tule River at the foot of Moses Mountain in California's southern Sierra Nevada.

Home to mountain lions and bears, Dillonwood's canyons and steep mountain ridges funnel wind currents flown by some of the last California condors seen in the wild.

More than a thousand years ago, Indians gathered at a high-elevation summer camp below Dillonwood's granite outcroppings.

In the late 1800s, early settlers operated a mill on the site. Today a healthy, 120-year-old giant sequoia forest is rising among the ancient monarch trees. No second-growth giant sequoia forest of this age is currently fund anywhere in the Park.

The Save-the-Redwoods League has negotiated an option to purchase the Dillonwood Grove for $10 million, based on its appraised value. This funding will be equally matched by federal and non-federal sources.

I am pleased that my Republican colleague Congressman RADANOVICH introduced the identical bill in the House last week. I also want to thank my colleague Senator FEINSTEIN for cosponsoring my bill.

Dillonwood's rich natural and cultural heritage will be an important and significant addition to the legacy of our national parks. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80.044, and dated September 1999.

(c) ADDITION TO PARK.—On acquisition of the land under subsection (a), the Secretary shall—

(1) add the land to Sequoia National Park;

(2) modify the boundaries of Sequoia National Park to include the land; and

(3) administer the land as part of Sequoia National Park in accordance with all applicable law (including regulations).

By Mr. McCONNELL:

S. 2280. A bill to provide for the effective punishment of online child molesters; to the Committee on the Judiciary.

CYBERMOLESTERS ENFORCEMENT ACT OF 2000

Mr. McCONNELL. Mr. President, as we are all aware, the Internet has revolutionized communication and business. However, it also provides a new tool for some very traditional villains: child molesters. Unfortunately, loopholes in the current law allow some of these predators to escape without any real consequences. For this reason I have introduced the Cybermolesters Enforcement Act to ensure that these new on-line molesters are brought to justice.

It is already a federal crime to cross state lines to sexually molest a minor. In recent years the number of people using the Internet to violate this law has skyrocketed. In the last two years alone the FBI's cybermolester caseload his increased by 550 percent.

Most cybermolesters are well-educated, middle-class, and have no previous criminal record. As a result, many judges are giving them laughably light sentences. Ironically, the purveyors of child-pornography receive a ten-year mandatory sentence, but those who use the Internet to meet children and act out pornographic fantasies often receive no jail time at all. We need to end the double standard that gives lighter sentences to a special set of privileged criminals. The Cybermolesters Enforcement Act takes a measured approach to this problem by imposing a five-year mandatory minimum sentence without changing the maximum sentence already contained in the law.

I would like to thank the high-tech industry for their help in drafting this bill. In particular, I would like to thank the Law Enforcement Security Council of the Internet Alliance. This broad-based internet industry coalition is doing important work in the fight against online crime, and helped to ensure that this bill will not burden Internet service providers.

The Cybermolesters Enforcement Act addresses a real and chilling threat to our children. It is supported by the FBI's "Innocent Images" program, which is on the front lines of the battle against on-line pedophiles. It doesn't create any new federal crimes or regulations. It simply takes a common sense step to ensure that we bring today's high-tech child molesters to justice. I hope my colleagues will join me in co-sponsoring this important legislation.

I ask unanimous consent that this article by George Will outlining this problem be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 23, 2000]

NASTY WORK

(By George F. Will)

To visit a crime scene, turn on your computer. Log on to a list of "bulletin boards" or real-time chat rooms, which come and go rapidly. Look for names like "Ilovemuchyoungerf" ("f" stands for females) or "vryvryvrybrlylegal" or "Moms'nsons" or "likemyung."

The Internet, like the telephone and automobile before it, has created new possibilities for crime. Some people wielding computers for criminal purposes are being combated by FBI agents working out of an office park in Calverton, Md.

The FBI operation, named Innocent Images, targets cyber-stalkers seeking sex with children, and traffickers in child pornography. As one agent here says, "Business is good—unfortunately." Criminal sexual activity on the Internet is a growth industry.

In many homes, children are the most competent computer users. They are as comfortable on the Internet as their parents are on the telephone. On the Web, children can be pen pals with the entire world, instantly and at minimal cost. But the world contains many bad people. Parents should take seriously a cartoon that shows two dogs working on computers. One says to the other, "When you're online no one knows you're a dog."

A child does not know if the person with whom he or she is chatting is another child or a much older person with sinister intentions. The typical person that the agents call a "traveler"—someone who will cross state lines hoping to have a sexual encounter with a child—is a white male age 25-45. He has above-average education—often an advanced degree, and he can find his way around the Internet—and above-average income, enabling him to travel. Many "travelers" are married.

But these cyber-stalkers do not know if the person with whom they are chatting is really, as they think, a young boy or girl, or an FBI agent. Some "travelers" who thought they had arranged meetings with children have been unpleasantly surprised, arrested, tried and jailed.

Since the first arrest under Innocent Images in 1995, there have been 487 arrests of "travelers" and pornographers, and 409 convictions. Most of the 78 nonconvictions are in cases still pending. The conviction rate is above 95 percent. However, the FBI is distressed by light sentences from some judges who justify their leniency by the fact that the offenders are socially upscale and first offenders. (Actually, probably not: How likely is it that they get caught the first time they become predators?) Lenient judges also call the crime "victimless" because it is an FBI agent, not a child, receiving the offender's attention.

Agents are trained to avoid entrapment, and predators usually initiate talk about sexual encounters. But children implicitly raise the subject by visiting such chat rooms. Most children recoil when sexual importunings become overt. ("When you come to meet me, make sure you're not wearing any underwear.") But some importunings, including gifts and sympathetic conversation about the problems of children, are cunning, subtle and effective.

Publicity about Innocent Images may deter some predators, but most are driven to risk-taking by obsessions. America Online and other service providers look for suspect chat rooms and close those they spot, but they exist in such rapidly changing profusion that there are always many menacing ones open.

Digital cameras, and the plunging price of computer storage capacity for downloaded photographs, have made this, so to speak, the golden age of child pornography. The fact that the mere possession of it is a crime does not deter people from finding, in the blizzard of Internet activities, like-minded people to whom they say things like, "I'm interested in pictures of boys 6 to 8 having sex with adults."

A booklet available from any FBI office, "A Parent's Guide to Internet Safety," lists signs that a child might be at risk online. These include the child's being online for protracted periods, particularly at night. Being online like that is the unenviable duty of FBI agents running Innocent Images.

Each of the FBI's 56 field offices has an officer trained to seek cyber-stalkers and traffickers in child pornography. Ten offices have Innocent Images operations. Agents assigned to Innocent Images can spend as many as 10 hours a day monitoring the sexual sewer that is a significant part of the "information superhighway." So the FBI looks for "reluctant volunteers" who, while working, are given psychological tests to see that they are not becoming "damaged goods." Whatever these agents are being paid, they are underpaid.

By Mr. SMITH of New Hampshire:

S. 2281. A bill to name the United States Army misssile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan; to the Committee on Armed Services.

LEGISLATION TO RENAME KWAJALEIN TESTING ATOLL FOR PRESIDENT RONALD REAGAN

• Mr. SMITH of New Hampshire. Mr. President, twenty years ago, President Ronald Reagan took office with daunting tasks before him. A year before, the Soviet Red Army had invaded

Afghanistan, and Soviet proxy forces were challenging U.S. allies and interests in Central America, in Africa, and elsewhere. American hostages were still being held in Tehran, and the United States was suffering an acute crisis of confidence. Faced with an expansionistic Soviet Union that intimidated the Free World with nuclear weapons and a Communist ideology spread by Soviet-supported insurgencies and armed coups, President Reagan dedicated his Administration to resisting this global menace and toward winning the Cold War.

President Reagan rejected the notion that the Soviet Union would modify its belligerence if only allowed to match U.S. military strength. He rejected the idea that the Evil Empire was indivisible, by implementing the Reagan doctrine, which met the Soviet proxy challenge in the Third World in Afghanistan, Nicaragua and Angola, and by funding Solidarity in Poland.

On March 23, 1983, President Reagan set forth a broad vision of building a space-based defense, the Strategic Defense Initiative (SDI), to free the American people from the threat of nuclear annihilation and to protect the public from an accidental nuclear launch initiated by the Soviet Union or by a rogue state or actor. The critics labeled it "Star Wars" after the blockbuster hit by the same name and scoffed that it would never work. They publicly floated the notion that SDI was only a bargaining chip for arms control negotiations. America held its breath while President Reagan, remaining faithful to his vision, turned down President Gorbachev's offer at Reyjavik, because it would have meant the end of SDI. Reagan refused to give up his dreams of assured survival to replace assured destruction.

Yet only twenty years earlier, President John F. Kennedy, after the Soviet launching of Sputnik, promised to put a man on the moon, and the Apollo program was born. Today, as the technology to intercept incoming missiles is being tested, Reagan's vision, like that of John F. Kennedy, is being realized, and the irrational notion of mutual assured destruction (MAD) pushed by arms control zealots is being dealt a mortal blow.

Progress towards a national missile defense has not been impeded primarily by technical limitations, but rather by political obstruction, foot-dragging and by restraints of an imprudent treaty signed with a power that no longer exists. The ABM Treaty signed with the now-defunct USSR denies effective antimissile protections for the United States. As a result, the American people continue to remain undefended in the event of a missile attack.

Since the fall of the Berlin Wall more than 10 years ago, and the collapse of the Soviet empire, Russia continues to pursue programs and policies that place the U.S. in conflict with the Russian Government, especially in the area of weapons of mass destruction and nuclear war-fighting. There is also rapid proliferation of ballistic missile and nuclear technology world-wide.

In recognition of President Reagan's dedication to providing America with protection from her enemies, I ask my colleagues in the Senate to join with me in supporting the renaming of the Army Missile Testing Range in the Republic of the Marshall Islands as the Ronald Reagan Strategic Defense Initiative Test Site at Kwajalein Atoll.

I would like to point out that Kwajalein is a valuable national asset with a prime location for space surveillance, the ability to handle both long and short-range missions, and a suite of radars unsurpassed for assesssing missile intercepts. In 1986, President Reagan isssued Proclamation 5564, implementing the Compact of Free Association between the two nations, a key element of which granted the U.S. Department of Defense leasing rights to the Kwajalein Atoll for development of a national missile defense program, or the Strategic Defense Initiative. SDI was Ronald Reagan's greatest dream, and I believe that most of us look forward to its near-term fulfillment.

The Marshallese legislature in February of 1999 decided to commemorate President Reagan in this manner by enacting Resolution 85. Therefore, I think it only fitting that the Senate concur in this tribute to a great President, leader and patriot, and a man, who because of his courage in attacking the conventional wisdom of his era, and because of his extraordinary and courageous vision, has changed the course of history.

I am also including in the RECORD a fitting tribute to President Reagan by Winston Churchill which describes the impact that SDI had on the Soviet empire.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN STRATEGIC DEFENSE INITIATIVE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall be known and designated as the "Ronald Reagan Strategic Defense Initiative Test Site at Kwajalein Atoll". Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Strategic Defense Initiative Test Site at Kwajalein Atoll.

FROM THE REMARKS OF WINSTON S. CHURCHILL, MP, AT THE OPENING OF AN EXHIBITION OF HIS GRANDFATHER'S PAINTINGS AT THE RONALD REAGAN PRESIDENTIAL LIBRARY, DECEMBER 1992

Mr. President, You have made reference to Sir Winston Churchill's Iron Curtain speech at Fulton, Missouri, in 1946, but more than any other single person, it was you who brought about the collapse of the Iron Curtain and the demise of the "evil empire."

Historians will ponder the intriguing fact that in 1979 electorates on both sides of the Atlantic simultaneously smelled a rat. They sensed that if things were allowed to drift on through the 1980s as they had so disastrously in the 1970s, with the West in full retreat in the face of Soviet expansionism in Africa, Asia and Latin America, the free world be heading for catastrophe.

Accordingly, the U.S. and British electorates placed you and Margaret Thatcher in office—and what a formidable partnership you forged! You inspired NATO with a new resolve. You strengthened the defenses of the West. You made clear that the bugle would no more sound "retreat!"

When you unveiled your Strategic Defense Initiative, it was mockingly dubbed "Star Wars" and dismissed by all too many in both our countries as pure Hollywood hype. Fortunately, there were a few people who believed it would work.

I believe that when the history of this cataclysmic period comes to be written, it will be seen that it was SDI—more than any other factor—that broke the Soviet camel's back by convincing the incumbents of the Kremlin that they could no longer afford to compete militarily with the United States as their economy could no longer bear the burden.

All mankind owes you a debt of gratitude for bringing the Cold War to an end, for putting the arms race in reverse and for promoting reconciliation between East and West, so that today we all live in a safer world.●

By Mr. CAMPBELL (for himself, Mr. JOHNSON, and Mr. INOUYE):

S. 2282. A bill to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN AGRICULTURAL RESEARCH, DEVELOPMENT AND EXPORT ENHANCEMENT ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator TIM JOHNSON in introducing the Native American Agriculture Research, Development and Export Enhancement Act of 2000 to encourage the development of the Indian agricultural sector. This bill will help make efficient use of Federal agriculture research, development and export resources in the U.S. Department of Agriculture.

Agriculture has been a central part of the Native American culture, way of life, self sufficiency, and economies from time immemorial. This is still true today with many Indian tribes using agriculture and agribusiness to sustain their livelihoods and economies.

There are some 55 million acres of Indian lands in the United States, approximately 2 percent of all lands in the country, with nearly 47 million of these acres made up of crop and range land.

Indian agriculture production is not limited to just farming and ranching, it also includes such diverse products as timber and forest goods, fish and seafood, bison, wild rice, fruits and nuts, cotton and a host of other Native-made and gathered products.

Agriculture constitutes the second largest revenue generator and employer in Indian country but often takes a back seat to other initiatives in the development of tribal resources and economies. By reinvigorating the Indian agriculture sector we can develop the value-added industries to provide food security, as well as increase employment and raise incomes in Indian communities.

Although there are many programs within the Department of Agriculture for which tribal and individual Indian producers are eligible, Indian producers have not fully benefitted from these programs because of a lack of thoughtful coordination and attention within the Department.

In fact, these is now pending a class action lawsuit filed by Indian farmers against the Department charging discrimination and neglect in the availability and use of funds, programs, and services.

This bill will afford Indian farmers and producers the same benefits, assistance and organization that non-Indian producers currently enjoy by promoting the coordination of existing agriculture and related programs within the Department to provide maximum benefit to Indian tribes and their members.

It is my hope that this initiative will encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity, access to specialty markets, export promotion, marketing assistance, access to capital, and at the same time help facilitate agricultural ventures with non-Indian entities.

Under the provisions of this bill, a Native American Research, Development, and Export Office would be established within the Department and would have a Director appointed by the Secretary to ensure the intra-agency and inter-agency coordination of programs that assist Indian agriculture and economic development.

This bill is not intended to reduce, rather than create, more federal bureaucracy. Therefore, this office will be formed using funds already appropriated to the Department.

Within this office, the Director would establish the Native American Trade and Export Promotion Program to help coordinate and cooperate with the other appropriate Federal agencies to promote Indian agriculture and related value-added industries.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Agricultural Research, Development and Export Enhancement Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes.

(2) Beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each successive President has reaffirmed the special government-to-government relationship between Indian tribes and the United States.

(3) In 1994, President Clinton issued an executive memorandum to the heads of all Federal departments and agencies that obligated all such departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes.

(4) The United States has an obligation to guard and preserve the agricultural and related renewable resources of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes.

(5) Despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States.

(6) Reservation-based Indians tend to be the most rural of any minority group. They tend to be geographically isolated, resource limited, and the least likely of any farm group to receive payment or loans from the United States.

(7) Indian land represents close to 55,000,000 acres, or about 2 percent of the United States land base, with nearly 47,000,000 of these acres consisting of range and cropland.

(8) Indian agriculture constitutes the second largest revenue generator and employer in Indian country and is not limited to farming and ranching, but often includes such products as forestry, bison, wild rice and fruits, cotton, tobacco and other Native-made or grown products.

(9) Because of the lack of Federal intra-agency and inter-agency coordination in agriculture programs and policies, the development of Indian agriculture and related tribal business and economic development potential has been hindered.

(10) It is estimated that about 20 percent of reservation grazing land and about 70 percent of cropland is leased to non-Indian producers.

(11) American Indians today use their lands and natural resources for agriculture and agribusiness to provide food and other staples for consumption, improving their economic self-sufficiency, agriculture income and reservation employment.

(12) Although there are many programs within Department of Agriculture for which tribal and individual Indian producers are eligible, Indian producers have not fully benefited from these programs because of insufficient coordination within the Department of Agriculture.

(13) The United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities.

(14) The economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals.

(b) PURPOSE.—It is the purpose of this Act to—

(1) promote the coordination of existing agricultural and related programs within the Department of Agriculture to provide the maximum benefit to Indian tribes and their members;

(2) encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the Indian tribes;

(3) through improving the administration of Federal program, improve the access of Indian tribes to capital, specialty markets, export promotions, and marketing assistance that non-Indian agriculture producers currently have access to;

(4) improve the development and coordination of Indian agriculture and related value-added industries to promote self-sustaining Native economies and communities; and

(5) promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an Indian tribe, a tribal organization, a tribal enterprise, a tribal marketing cooperative, or any other Indian-owned business.

(2) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN GOODS AND SERVICES.—The term "Indian goods and services" means—

(A) goods produced or originated by an eligible entity; or

(B) services provided by eligible entities.

(4) INDIAN-OWNED BUSINESS.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interest of the entity is owned by Indians or Indian tribes (or a combination thereof).

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) TRIBAL ENTERPRISE.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(8) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that

term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. NATIVE AMERICAN RESEARCH, DEVELOPMENT AND EXPORT OFFICE

(a) In General.—

(1) Establishment.—There is established within the Department of Agriculture a Native American Agricultural Research, Development 'and Export Office (referred to this Act as the "Office").

(2) Director.—The Office shall be headed by a Director of the Native American Agricultural Research, Development and Export Office (referred to in this Act as "Director") to be appointed by the Secretary. The Director shall be compensated at a rate not to exceed that for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Duties of the Secretary.—

(1) In general.—The Secretary, acting through the Director, shall ensure the coordination of all programs that provide assistance to Native American communities within the following 7 mission areas of the Department of Agriculture:

(A) Farm and foreign agricultural services.

(B) Food, nutrition, and consumer services.

(C) Food safety.

(D) Marketing and regulatory programs.

(E) Natural resources and environment.

(F) Research, education and economics.

(G) Rural development.

(2) Activities.—In carrying out paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) activities to promote Indian agricultural programs, including the development of domestic and international trade programs;

(B) activities to facilitate water and waste programs, housing, utility and other infrastructure development with respect to Native American communities;

(C) activities to provide assistance to Indian tribal college programs;

(D) activities to implement rural economic development programs for Native American communities; and

(E) activities to promote food and nutrition services for Native American communities.

(3) Interagency coordination.—In carrying out Department of Agriculture programs, the Secretary, acting through the Director, shall coordinate with other Federal agencies, including the Department of Energy, the Department of Housing and Urban Development, the Department of the Interior, the Department of Justice, the Department of Commerce, or any other Federal agency responsible for administering related Indian programs.

(4) Assistance.—In conjunction with the activities described in paragraph (2), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities in—

(i) identifying and taking advantage of business development opportunities; and

(ii) complying with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) Priorities.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) In General.—The Secretary, acting through the Director, shall establish and implement a Native American export and trade promotion program (referred to in this section as the "program").

(b) Coordination of Federal Programs and Services.—In carrying out the program, the Secretary, acting through the Director and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services that are designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) Activities.—In carrying out subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs that are designed to provide technical or financial assistance to eligible entities;

(2) activities to develop promotional materials for eligible entities;

(3) activities for the financing of appropriate trade missions;

(4) activities for the marketing of related Indian goods and services;

(5) activities for the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) Technical Assistance.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities in—

(1) identifying appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) complying with foreign or domestic laws and practices with respect to financial institutions concerning the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and trade of Indian agricultural and related products.

(e) Priorities.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

By Mr. CAMPBELL (for himself, Mr. Johnson, and Mr. Inouye):

S. 2283. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

THE INDIAN TRIBAL SURFACE TRANSPORTATION ACT OF 2000

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senator Tim Johnson in introducing today a bill to make needed clarifications in the law to aid in the administration of the Indian Reservation Road and Bridge Program to better meet the transportation needs in Indian country.

There is an enormous need for physical infrastructure on Indian lands throughout the country. This infrastructure is necessary for Indian tribes and their citizens to carry out emergency services, law enforcement, and the transportation of goods and services.

In addition, physical infrastructure is just as important for Indian communities as it is for other communities because Indian economies are still in need of significant investment and private sector activity.

When entrepreneurs or investors are calculating whether to invest in any community they look first to see if basic building blocks are there: roads, highways, electricity, potable water, and other factors.

So for Indian communities an efficient federal roads financing and construction system holds the key to healthier economies and higher standards of living for their members.

In 1998, Congress enacted the Transportation Equity Act of the Twenty-First Century ("TEA-21") to authorize Federal surface transportation programs with the goals of improved highways, increased safety, protecting the environment, and increased economic growth.

In passing TEA-21, Congress approved several Indian amendments that I was happy to propose to require a negotiated rule-making to determine the allocation formula to allow the kind of flexibility needed for an Indian country-wide formula; as well as a provision to ensure that all TEA funds set aside for Indians would be made available to tribes that choose to enter contracts under the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93-638, as amended.

On October 20, 1999, the Committee on Indian Affairs, which I chair, held an oversight hearing on the Indian reservation roads program and TEA-21. From testimony and other evidence presented it is evident that there remain serious obstacles to a more efficient functioning of TEA-21 in Indian communities. I am sorry to say that one of the obstacles appears to be the administration of the program by the Bureau of Indian Affairs itself.

The Indian reservation roads program is set up in such a way that the roads funding is transferred from the Department of Transportation's Federal Highway Administration [FHWA] to the Bureau of Indian Affairs, which in turn allocates the funds to Indian tribes based on a pre-existing formula.

Although reservation roads compose 2.63 percent of the Federal highway system, less than 1 percent of Federal aid had been allocated to Indian roads.

This bill would remove the so-called "obligation limitation" contained within TEA–21 and in effect would allow the already-authorized funds for Indians to reach the intended beneficiaries.

In 1999, the amount of funds that reached the Indian communities was $34 million less than that authorized in TEA–21 because of the obligation limitation.

This bill also authorizes the Federal Lands Highway Program to establish a Pilot Program to contract directly with Indian tribes for the administration of these tribes' roads programs. By allowing tribes to voluntary enter this program, it is intended that a better use can be made of existing resources and at the same time encourage Indian tribal self-determination.

Under current law, the BIA is authorized to use "up to 6 percent" of the roads funding for oversight and administration of the Indian roads program. If it was not clear in 1998, it should be clear now that these funds are not intended to be available to subsidize other BIA roads operations nor are they intended to be used for any other purposes.

The bill I am introducing today contains an amendment that clarifies the "up to 6 percent" language by reiterating Congress' intention that the figure was and is intended as a maximum, not a minimum, funding level with regard to BIA administrative costs.

Finally, with regard to the option to tribes to administer these funds and programs, the bill clarifies that all Indian reservation roads program funds are to be made available to Indian tribes which want to assume the administration of their reservation roads program under Public Law 93–638.

The bill also seeks to eliminate the current redundancy is required health and safety certification by allowing tribes the option of meeting statutorily required Health and Safety Standards without the need for a second, duplicative effort by the BIA. It is important to note that the standards themselves will not change, nor will the need for tribal compliance with those standards change.

Mr. President, that is a brief description of the amendments in this bill, and I urge my colleagues to support them.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Surface Transportation Act of 2000".

SEC. 2. AMENDMENTS RELATING TO INDIAN TRIBES.

(a) OBLIGATION LIMITATION.—Section 1102(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following:

"(9) under section 1101(a)(8)(A).".

(b) PILOT PROGRAM.—Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

"(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

"(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A), shall be made available, upon request of the Indian tribal government involved, to the Indian tribal government for contracts and agreements for the planning, research, engineering, and construction described in such subparagraph in accordance with the Indian Self-Determination and Education Assistance Act.

"(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies, shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

"(iii) SELECTION OF PARTICIPATING TRIBES.—

"(I) PARTICIPANTS.—

"(aa) IN GENERAL.—The Secretary may select not to exceed 12 Indian tribes in each fiscal year from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

"(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for purposes of becoming part of the applicant pool under subclause (II).

"(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

"(aa) has successfully completed the planning phase described in subclause (III);

"(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

"(cc) has, during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested, demonstrated financial stability and financial management capability through a showing of no material audit exceptions by the Indian tribe during such period.

"(III) PLANNING PHASE.—An Indian tribe (or consortium) requesting participation in the project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation. The tribe (or consortium) shall be eligible to receive a grant under this subclause to plan and negotiate participation in such project.".

(c) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) INDIAN RESERVATION ROAD, ADMINISTRATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, not to exceed 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs shall be used to pay the administrative expenses of the Bureau for the Indian reservation roads program and the administrative expenses related to individual projects that are associated with such program. Such administrative funds shall be made available to an Indian tribal government, upon the request of the government, to be used for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act.

"(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence construction that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act only if the Indian tribe or tribal organization has—

"(A) provided assurances in the contract or agreement that the construction will meet or exceed proper health and safety standards;

"(B) obtained the advance review of the plans and specifications from a licensed professional who has certified that the plans and specifications meet or exceed the proper health and safety standards; and

"(C) provided a copy of the certification under subparagraph (B) to the Bureau of Indian Affairs.".

By Mr. COCHRAN:

S. 2286. A bill to establish the Library of Congress Financial Management Act of 1999, and for other purposes; to the Committee on Rules and Administration.

THE LIBRARY OF CONGRESS FINANCIAL MANAGEMENT ACT OF 1999

• Mr. COCHRAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Library of Congress Financial Management Act of 1999".

TITLE I—LIBRARY OF CONGRESS REVOLVING FUND

SEC. 101. AVAILABILITY OF FUND FOR SERVICE ACTIVITIES.

The Librarian of Congress is authorized—

(1) to establish Fund service units to carry out Fund service activities; and

(2) to make the library products and services constituting Fund service activities available for purchase through Fund service units at rates estimated by the Librarian to be adequate to recover the direct and indirect costs of the activities, with respect to each Fund service unit, over a reasonable period of time.

SEC. 102. FUND SERVICE ACTIVITIES.

The Fund service activities that may be conducted by Fund service units are—

(1) preparation of research reports, translations, analytical studies, and related services for departments and other entities of the Federal Government;

(2) centralized acquisition of publications and library materials in any format, information, research, and library support services; training in library and information services; and related services for departments and other entities of the Federal Government;

(3) decimal classification development;

(4) gift shop and other sales of items associated with collections, exhibits, performances, and special events of the Library of Congress;

(5) location, copying, storage, preservation and delivery services for library document and audio-visual materials, not including basic domestic interlibrary loan services; and international interlibrary lending;

(6) special events and programs; performances, exhibits, workshops, and training; and

(7) cooperative acquisitions of foreign publications and research materials and related services on behalf of participating institutions.

SEC. 103. LIBRARY OF CONGRESS REVOLVING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Library of Congress Revolving Fund. The Fund shall be available to the Librarian of Congress without fiscal year limitation, for the conduct of Fund service activities operated by the Library on a cost-recovery basis. Obligations for Fund service activities are limited to the total amounts specified in the appropriations act for any fiscal year. The Fund shall consist of amounts deposited under subsection (b) and credits under subsection (c).

(b) CAPITAL; AMOUNTS DEPOSITED.—The Fund shall consist of—

(1) amounts from funds appropriated to the Library of Congress that the Librarian may temporarily transfer to the Fund for capitalization of the Fund, in which case the Fund shall reimburse the Library for amounts so transferred before the period of availability of the Library appropriation expires;

(2) any amounts transferred as capital from the fund authorized under section 207(b)(2) of Legislative Branch Appropriation Act, 1998 (Public Law 105–55) (as such section was in effect on the day before the date of enactment of this Act);

(3) any obligated, unexpended balances existing as of September 30, 2000, or the date of enactment of this Act, whichever is later, attributable to the activities specified in section 102 that the Library conducts, which balances the Librarian may transfer to the Fund notwithstanding the requirements of section 1535(d) of title 31, United States Code;

(4) upon the transfer of an activity of the Library of Congress to a Fund service unit, the difference between—

(A) the total value of the supplies, inventories, equipment, gift fund balances, and other assets of the activity; and

(B) the total value of the liabilities (including the value of accrued annual leave of employees) of the activity; and

(5) any amounts appropriated by law for the purposes of the Fund.

(c) CREDITS.—The Fund shall be credited with all amounts received by Fund service units with respect to Fund service activities, including—

(1) fees, advances, and reimbursements;

(2) gifts or bequests of money or property for credit to the Fund;

(3) receipts from sales and exchanges of property;

(4) payments for loss or damage to property;

(5) receivables, inventories, and other assets; and

(6) amounts appropriated by law.

(d) ADVANCES OF FUNDS.—Participants in Fund services activities shall pay by advance of funds in all cases where it is determined by the Librarian that there is insufficient capital otherwise available in the Fund. Advances of funds also may be made by agreement between the participants and the Librarian.

(e) INDIVIDUAL ACCOUNTING REQUIREMENT FOR FUND SERVICE UNITS.—Separate accounts of the Fund shall be maintained with respect to individual Fund service units.

(f) EXCESS FUNDS.—Any unobligated and unexpended balances in the Fund that the Librarian determines to be in excess of amounts needed for activities financed by the Fund shall be deposited in the Treasury of the United States as a miscellaneous receipt. For the purpose of the preceding sentence the term "amounts needed for activities financed by the Fund" means the direct and indirect costs of the activities, including the costs of purchasing, shipping, and binding of books and other library materials; supplies, materials, equipment and service needed in support of the activities; salaries and benefits; general overhead; and travel.

(g) MULTIYEAR CONTRACTING AUTHORITY.—In the operation of Fund activities, the Librarian is authorized to enter into contracts for the lease and acquisition of goods and services (including severable services) for a period that begins in one fiscal year and ends in the next fiscal year, and to enter into multiyear contracts for the acquisition of property and services, in the same manner and to the same extent as the head of an executive agency may enter into such contracts under sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 2531 and 254c).

(h) ANNUAL REPORT.—Not later than March 31 of each year, the Librarian shall submit to Congress an audited financial statement for the Fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

SEC. 104. DEFINITIONS.

As used in this title—

(1) the term "departments and other entities of the Federal Government" means any department, agency or instrumentality of the United States Government, including executive departments, military departments, independent establishments, wholly owned Government corporations, and entities in the legislative and judicial branches, and includes any department, agency or instrumentality of the District of Columbia government;

(2) the term "Fund" means the Library of Congress Revolving Fund established under section 103;

(3) the term "Fund service activities" means the library information products and services described in section 102;

(4) the term "Fund service unit" means an organizational entity of the Library of Congress that, at the direction of the Librarian, is partially or fully sustained through the Fund; and

(5) the term "Librarian" means the Librarian of Congress.

SEC. 105. REPEAL.

Section 207 of the Legislative Branch Appropriations Act, 1998 (Public Law 105–55) is repealed.

SEC. 106. EFFECTIVE DATE.

This title shall take effect on October 1, 2000.

TITLE II—CATALOGING PRODUCTS AND SERVICES

SEC. 201. AVAILABILITY OF CATALOGING PRODUCTS AND SERVICES.

(a) IN GENERAL.—The Librarian of Congress is authorized to make cataloging products and services, created by the Library of Congress, available for purchase at prices that reflect as closely as practicable the cost of distribution over a reasonable period of time. The amounts received for such products and services shall be deposited in the Treasury of the United States to the credit of the appropriation for salaries and expenses of the Library of Congress, to remain available until expended for necessary distribution of such products and services.

(b) DEFINITION.—As used in this section, the term "cataloging products and services" means those bibliographic products and services, in any format now known or later developed, that are used by libraries and library organizations, including other Library-created data bases, and related technical publications.

SEC. 202. REPEAL.

The paragraph beginning "The Librarian of Congress" under the heading "PUBLIC PRINTING AND BINDING" in the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved June 28, 1902 (2 U.S.C. 150), is repealed.

SEC. 203. EFFECTIVE DATE.

This title and the amendment made by this title shall take effect on October 1, 2000.

TITLE III—LIBRARY OF CONGRESS TRUST FUND BOARD AMENDMENTS

SEC. 301. ADDITION OF BOARD MEMBER.

The first sentence of the first paragraph of the first section of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes," approved March 3, 1925 (2 U.S.C. 154) is amended by inserting "and vice chairman" after "chairman."

SEC. 302. TEMPORARY EXTENSION OF BOARD MEMBER TERM.

The first paragraph of the first section of such Act (2 U.S.C. 154) is amended by inserting after the first sentence the following: "Upon the request of the chairman of the Joint Committee on the Library, any member whose term has expired may continue to serve on the Library of Congress Trust Fund Board until the earlier of (A) the date on which such member's successor is appointed, or (B) the end of the two-year period beginning on the date such member's term expires.".

SEC. 303. TRUST FUND BOARD QUORUM.

The third sentence of the first paragraph of the first section of such Act (as amended by section 302) (2 U.S.C. 154) is amended by striking "Nine" and inserting "Seven".●

By Mr. L. CHAFEE (for himself and Mr. REID):

S. 2287. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2000

Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senator HARRY REID in introducing the Breast Cancer and Environmental Research Act of 2000. This bill would establish research centers that would be the first in the nation to specifically study the environmental factors that may be related to the development of breast cancer. The lack of agreement within the scientific community and among breast cancer advocates on this question highlights the need for further study.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. The Breast Cancer and Environmental Research Act of 2000 will enable us to conduct more conclusive and comprehensive research to determine the impact of the environment on breast cancer. Before we can find the answers, we must determine the right questions we should be asking.

While more research is being conducted into the relationship between breast cancer and the environment, there are still several issues that must be resolved to make this research more effective.

There is no known cause of breast cancer.—There is little agreement in the scientific community on how the environment affects breast cancer. While studies have been conducted on the links between environmental factors like pesticides, diet, and electromagnetic fields, no consensus has been reached. There are other factors that have not yet been studied that could provide valuable information. While there is much speculation, it is clear that the relationship between environmental exposures and breast cancer is poorly understood.

There are challenges in conducting environmental research.—Identifying links between environmental factors and breast cancer is difficult. Laboratory experiments and cluster analyses, such as those in Long Island, New York, cannot reveal whether an environmental exposure increases a woman's risk of breast cancer. Epidemiological studies must be designed carefully because environmental exposures are difficult to measure.

Coordination between the National Institutes of Health (NIH), the National Cancer Institute (NCI), and the National Institute of Environmental Health Sciences (NIEHS).—NCI and NIEHS are the two institutes in the NIH that fund most of the research related to breast cancer and the environment; however, comprehensive information specific to environmental effects on breast cancer is not currently available.

This legislation would establish eight Centers of Excellence to study these potential links. These "Breast Cancer Environmental Research Centers" would provide for multidisciplinary research among basic, clinical, epidemiological and behavioral scientists interested in establishing outstanding, state-of-the-art research programs addressing potential links between the environment and breast cancer. The NIEHS would award grants based on a competitive peer-review process. This legislation would require each Center to collaborate with community organizations in the area, including those that represent women with breast cancer. The bill would authorize $30 million for the next five years for these grants.

"Genetics loads the gun, the environment pulls the trigger," as Ken Olden, the Director of NIEHS, frequently says. Many scientists believe that certain groups of women have genetic variations that may make them more susceptible to adverse environmental exposures. We need to step back and gather evidence before we come to conclusions—that is the purpose of this bill. People are hungry for information, and there is a lot of inconclusive data out there, some of which has no scientific merit whatsoever. We have the opportunity through this legislation to gather legitimate and comprehensive data from premier research institutions across the nation.

According to the American Cancer Society, each year 800 women in Rhode Island are diagnosed with breast cancer, and 200 women in my state will die of this terrible disease this year. We owe it to these women who are diagnosed with this life-threatening disease to provide them with answers for the first time.

I urge my colleagues to join me in supporting and cosponsoring this important legislation, and ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer and Environmental Research Act of 2000".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Breast cancer is the second leading cause of cancer deaths among American women.

(2) In 1999, 175,000 women will be diagnosed with breast cancer, and more than 43,000 are expected to die from this disease.

(3) The National Action Plan on Breast Cancer, a public private partnership, has recognized the importance of expanding the scope and breadth of biomedical, epidemiological, and behavioral research activities related to the etiology of breast cancer and the role of the environment.

(4) To date, there has been only a limited research investment to expand the scope or coordinate efforts across disciplines or work with the community to study the role of the environment in the development of breast cancer.

(5) In order to take full advantage of the tremendous potential for avenues of prevention, the Federal investment in the role of the environment and the development of breast cancer should be expanded.

SEC. 3. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; AWARDS FOR DEVELOPMENT AND OPERATION OF RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l et seq.) is amended by adding at the end the following section:

"SEC. 463B. RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to public or nonprofit private entities for the development and operation of not more than 8 centers for the purpose of conducting multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer. Each such center shall be known as a Breast Cancer and Environmental Research Center of Excellence.

"(b) RESEARCH, TRAINING, AND INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—Each center under subsection (a) shall, with respect to the purpose described in such subsection—

"(A) conduct basic epidemiologic, population-based and clinical research outreach activities;

"(B) develop protocols and conduct for training, including continuing education programs, of physicians, scientists, nurses, and other health and allied health professionals; and

"(C) disseminate information to such professionals and the public.

"(2) STIPENDS FOR TRAINING OF HEALTH PROFESSIONALS.—A center under subsection (a) may use funds under such subsection to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (B) of paragraph (1).

"(c) COLLABORATION WITH COMMUNITY.—Each center under subsection (a) shall establish and maintain ongoing collaborations with community organizations in the geographic area served by the center, including those that represent women with breast cancer.

"(d) COORDINATION OF CENTERS; REPORTS.—The Director of the Institute shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(e) REQUIRED CONSORTIUM.—Each center under subsection (a) shall be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

"(g) GEOGRAPHIC DISTRIBUTION OF CENTERS.—The Director of the Institute shall, to the extent practicable, provide for an equitable geographical distribution of centers under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2006. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.".

By Mr. ABRAHAM:

S. 2288. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations and the disbursement of such support and to require the Internal Revenue service to collect and disburse such support through wage withholding and other means; to the Committee on Finance.

THE COMPASSION FOR CHILDREN AND CHILD SUPPORT ENFORCEMENT ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise today to introduce the Compassion for Children and Child Support Enforcement Act. This important legislation would ensure that children from single parent households will have the financial support necessary for a healthy, happy and secure childhood.

Mr. President, over one quarter of today's American children live in a single-parent household. These children are more likely to live in poverty than children living in homes where both parents are present. Children growing up in a state of poverty suffer from far reaching, long-term effects: inadequate education, lack of access to quality health care and instability arising from lack of affordable housing frequently leads to poorer health, lower earning potential and greater instability as an adult.

Tragically, the financial hardship endured by many of these children is avoidable—simply put, Mr. President, these children are suffering because their absent parent has chosen to shirk his parental obligations and refuse to provide his child with the financial support he or she deserves and so desperately needs. According to the Federal Office of Child Support in its preliminary report for 1998, over $50 billion in accumulated unpaid child support is due to over 30 million children in the United States. This dismal statistic is due to the 23 percent collection rate in cases handled by overwhelmed state agencies.

Of the children living in a household with only one present parent, 40 percent are not eligible for child support because paternity has not been established or a support order has not been issued by the courts. Of the remaining 60 percent with established paternity and a support order, only half actually receive any financial support from their absent parent and more than half will not receive the full amount of their support payments.

The Compassion for Children and Child Support Enforcement Act would work to decrease the rate of delinquent child support payments and increase the rate of paternity establishment.

Mr. President, the Department of the Treasury is in the unique position to address problems arising from a lack of resources, organization and communication which frequently arise in child support cases involving two or more jurisdictions, by allowing the Internal Revenue Service to collect child support in the same manner that taxes are collected and then disburse the payments to the custodial parents with penalties and interest if applicable. The IRS is already the most effective means by which child support is collected under the entire state/federal child support program nexus through its system of federal tax intercepts.

By taking over responsibility of enforcing all child support orders through routine withholding of support from obligated parents and the use of the enforcement tools at its disposal to collect from delinquent parents, the Department of Treasury would significantly reduce the demands on State judicial resources now devoted to child support enforcement. And, Mr. President, by reducing the drain on State resources in the area of support enforcement, States would be able to better focus on establishing paternity for the 40 percent of children currently unable to even file for a support order due to lack of recognized paternity.

Congress failed again and again to find a way to ensure that families receive the child support that is owed to them by deadbeat parents. Despite reforms in 1984, 1988, 1993 and most recently in 1996, there have not been any significant improvements in the rate of child support collections.

The Compassion for Children and Support Enforcement Act represents a unique opportunity to pass effective and efficient child support enforcement legislation which creates state /federal partnerships by capitalizing on the strengths of the governments, agencies and networks already in place. Chairman HYDE has already introduced this legislation in the House of Representatives, where it enjoys the bipartisan support of 21 cosponsors. It is my sincerest hope that my colleagues in the Senate will follow the lead of the House and demonstrate their support for ensuring that our children receive the financial support necessary for them to grow into healthy and productive citizens.

By Mr. GRASSLEY:

S. 2289. A bill for the Relief of Jose Guadalupe Tellez Pinales; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. GRASSLEY. Mr. President, today I am introducing a private relief bill on behalf a constituent of mine, Jose Pinales.

His family and friends call him Lupe, and a private relief bill is his only hope to avoid being separated from the people and the country he loves. Lupe was brought to the United States sixteen years ago, when he was two years old, by his uncle, Miguel Landeros. Mr. Landeros, now a U.S. citizen, never formally adopted Lupe. Not until recently did Lupe learn that he was not a U.S. citizen, when he tried to enlist in the United States Marines, to serve what he believed was his country.

The United States is the only country Lupe knows. It's the country he loves, and wishes to serve. Lupe grew up reciting the pledge of allegiance to the United States along with the rest of the children in his class at Jefferson Elementary School. He is now a Senior at Fort Madison High School in Iowa, and works part-time as he prepares to graduate this spring. This young man has almost completed a milestone in his life and has a dream of joining the United States Marines upon graduation. It wasn't until Lupe sought to fulfill this dream did he learn that not only was he not a U.S. citizen, but he was in possible danger of being forced to go to Mexico, a country where the people and customs are foreign to him. He doesn't even speak the language.

Faced with Lupe's plight, the generous people of Fort Madison have rallied together asking for our support in passing a private relief bill for him. My office has been inundated with letters and petitions from citizens imploring us to allow Lupe to fulfill his dream and serve our great nation and not be forced to a country he doesn't know.

Lupe is a fine example of what an American citizen should be. His love and respect for his country are to be admired and rewarded. So, I ask you to join me and the citizens of Iowa, and allow Jose to serve his country by supporting this legislation.

By Mr. GRASSLEY (for himself and Mr. REID):

S. 2290. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Finance.

LEGISLATION TO CLARIFY THE TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

Mr. GRASSLEY. Mr. President, today I am introducing legislation on behalf of myself and the senior Senator from Nevada, Mr. REID, to clarify that water and sewage service laterals are included in the definition of contributions in aid of construction (CIAC). The bill clarifies current law by specifically stating that "customer service fees" are CIAC. It maintains current treatment of service charges for stopping and starting service (not CIAC). Because this is a clarification of current law, the effective date for the bill is as if included in the original legislation, which is section 1613(a) of the Small Business Job Protection Act of 1996.

The need for this legislation is brought about because the Department of Treasury has issued proposed regulations to provide guidance on the definition of CIAC. Despite the fact that Congress specifically removed language concerning "customer services fees" in its amendment in 1996, the Department added the language back into the proposed regulation specifying that such fees are not CIAC. They then defined the term very broadly to include service laterals, which traditionally and under the most common state law treatment would be considered CIAC.

The Senator from Nevada and I, along with many of our colleagues here in this chamber, worked hard over the course of a number of years to restore the pre-1986 Act tax treatment for water and sewage CIAC. In 1996, we succeeded in passing our legislation. It was identical to pre-1986 law with three exceptions. Two of the changes were made in response to a Treasury Department request. The third removed the language dealing with "service connection fees" primarily because of potential confusion resulting from the ambiguity of the term. The sponsors of the legislation were concerned that the IRS would use this ambiguity to exclude a portion of what the state regulators consider CIAC.

As part of our efforts, we developed a revenue raiser in cooperation with the industry to make up any revenue loss due to our legislation, including the three changes. This revenue raiser extended the life, and changed the method, for depreciating water utility property from 20 year accelerated to 25-year straight-line depreciation. As a consequence of this sacrifice by the industry, our CIAC change made a net $274 million contribution toward deficit reduction.

It is my belief that the final revenue estimate done by the Joint Committee on Taxation on the restoration of CIAC included all property treated as CIAC by the industry regulators including specifically service laterals. In an October 11, 1995 letter to me, the Joint Committee on Taxation provided revenue estimates for the CIAC legislation. A footnote in this letter states, "These estimates have been revisited to reflect more recent data." The industry had only recently supplied the committee with comprehensive data, which reflected total CIAC in the industry including service laterals.

I urge my fellow Senators to join with us in supporting this clarification of current law.

By Mr. DASCHLE:

S. 2291. A bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife habitat of the Missouri River in the State of South Dakota, and for other purposes; to the Committee on Environment and Public Works.

THE MISSOURI RIVER RESTORATION ACT OF 2000

Mr. DASCHLE. Mr. President, the Missouri River is one of our nation's greatest natural resources. Millions of visitors travel to the river each year to hunt, camp and fish. Millions more Americans rely on the Missouri's federal dams for affordable electricity. And, tens of thousands of South Dakotans depend upon the river as their only source of clean drinking water.

The river is rich in history. For thousands of years, Native Americans have lived along the river, and countless sites of deep spiritual and cultural importance to tribes line its shores. The river was also part of the route used by Lewis and Clark as they explored our nation. As we approach the bicentennial of that journey, it is expected that millions of Americans will visit the Missouri River to retrace their steps.

Because the river is so important to the economy of our nation and to its heritage, it is critical that we meet head-on the growing array of challenges that it is facing. That is why I am introducing the Missouri River Restoration Act of 2000. This legislation will provide critically needed resources to ensure that future generations will continue to benefit from the river as we do today.

I am deeply concerned by the dramatic changes that we have witnessed since the construction of four federal dams on the river in South Dakota decades ago. These dams, which have prevented billions of dollars of flood-related damage downstream to cities like St. Louis, have altered the natural flow of the river. Sediment that used to be carried downstream, giving the river its nickname of "Big Muddy," is now being deposited in South Dakota's reservoirs, Lake Oahe, Lake Sharpe, Lake Francis Case and Lewis and Clark Lake.

The siltation of the river is having a dramatic impact. In the cities of Pierre and Ft. Pierre, it has raised the water table and flooded shoreline homes. Already, Congress has had to authorize a $35 million project to relocate hundreds of affected families, and the Corps of Engineers has been forced to curtail the generation of electricity at Oahe dam in the wintertime to prevent additional flooding. In the town of Springfield, the economy has suffered a decline in tourism because few boaters can navigate the tons of silt that have clogged the river.

The problem will only grow more serious in the future. Each year, the river's tributaries deliver more than 40 million tons of sediment to the reservoirs. It is estimated that in less than 75 years, Lewis and Clark lake—the smallest of the reservoirs—will fill with sediment completely. The lake, and the development and recreation the lake has created for cities like Springfield and Yankton, will disappear altogether.

The economic impact of these changes on South Dakota would be very serious. Currently, visitors to counties bordering the Missouri River spend over $85 million each year. Anglers spend over $200 million in the state, and support more than 5,400 jobs. The loss of the Missouri's fisheries to sedimentation and the decline in the number of visitors to the river would have grave economic consequences. Furthermore, limitations imposed on electrical generation and flood control caused by sedimentation will have a dramatic impact in states throughout our region, as electricity prices and damages from flooding increase.

In addition to the problems caused by the siltation of the river, the river has faced a growing amount of erosion. While erosion is natural on all rivers, its pace has picked up on the Missouri due to the operation of the dams. Erosion has destroyed thousands of acres of farmland and is a serious threat to irreplaceable sites of spiritual importance to Indian tribes. Thousands of sites, ranging from burial grounds to campsites, are found up and down the Missouri River in South Dakota. It is unacceptable to let them wash away into the river. We must respect all those who came before us, and preserve this part of our nation's heritage.

Last January, Governor Bill Janklow, Lower Brule Sioux Tribe Chairman Mike Jandreau and I hosted a Missouri River Summit in the city of Springfield to bring together the best minds in the state to find a solution to these pressing problems. Over 400 South Dakotans attended this meeting and provided their thoughts and ideas. Virtually all those in attendance agreed that there is a critical need for more resources to improve conservation, to stop erosion and to help communities better utilize the river. The Missouri River Restoration Act of 2000 will help us to meet these goals as soon as possible.

This legislation, which I have developed in consultation with Governor Janklow of South Dakota, Chairman Jandreau and other state leaders, would establish a $200 million federal trust fund to provide the resources necessary to address the critical needs of the Missouri River watershed. Of these funds, 30 percent would be set aside for projects in Indian reservations or administered by Indian tribes.

Trust fund revenues would be administered by a 25-member "Missouri River Trust" composed of all the river's major stakeholders. Each of South Dakota's nine Indian tribes would appoint one member, as would the Three Affiliated Tribes of North Dakota. The remainder would be appointed by the Governor, and must equally represent environmental, agricultural, hydropower and other river interests. In consultation with appropriate federal agencies, the Trust must develop a plan for the use of trust fund revenues that will reduce the siltation of the river by improving conservation in fragile riparian lands, better protect Indian cultural and historical sites, reduce erosion and improve our ability to recreate on the river. It will also be responsible for reviewing grant proposals to meet these goals.

Funding decisions would be made by a 5-member Executive Committee. To ensure that its decisions are balanced and represent the best interests of the state, the Executive Committee must be composed of members representing tribal, hydropower, agricultural, environmental and state government interests.

By establishing a trust fund and administrating board that effectively represents all stakeholders, we can provide South Dakota with the tools it needs to preserve the Missouri River for generations to come. I hope my colleagues will give this important legislation their support.

I ask unanimous consent that an editorial from the Sioux Falls Argus Leader be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MISSOURI RIVER TRUST FUND IS WORTHY IDEA

GOOD MANAGEMENT IS VITALLY IMPORTANT TO STATE'S ECONOMY

Nothing has chiseled South Dakota's personality and tailored its economy quite like the Missouri River. Though, it geographically divides the state into East River and West River, it is the lifeblood that unites the state as one.

The powerful waters of the Missouri River, which once determined survival for early settlers, are central today to the state's economic well-being and its quality of life.

Growing communities like Sioux Falls—and smaller towns like Pipestone, Minn.—look to the river as a future water source to sustain residential and industrial growth.

Yet, riverside landowners have seen acres of their property swept away by the unruly river while others watch tons of silt clog the channel, increasing lowland flooding and killing recreational opportunities.

The millions of tons of silt that accumulate in the river also have negatively affected wildlife and recreation.

Properly managed, its waters can nurture the environment, enhance recreation and tourism opportunities and support growing communities.

However, the practices that controlled the Missouri River in past decades do not necessarily well serve state residents today. With the dawn of the 21st century, it's time to rethink and revamp policies established in the 1940s and '50s.

The U.S. Army Corps of Engineers has begun tweaking longstanding practices to improve habitat for fish and birds along North America's largest reservoir system. It also has developed a plan to address the sediment buildup near Pierre and Fort Pierre.

It is unacceptable, however, to allow the problems to be addressed in a piecemeal fashion. The reasons are clear. Consider:

Visitors spent an estimated $85.2 million in 1998 on lodging, food and beverage in countries along the Missouri River.

In 1996, anglers on South Dakota waterway spent $206.4 million in the state, generated more than $8 million in state sales taxes, and supported more than 5,400 jobs.

Last year, 1.6 million people visited recreation areas along the Missouri River to hike, hunt, fish and participate in water sports.

More than 300,000 South Dakotans will ultimately receive clean and safe drinking water from the Missouri River through the Mid-Dakota, Mni Wiconi, WEB and proposed Lewis and Clark water systems.

The four hydroelectric dams of the Missouri River provide cheap, clean hydroelectric power to about 3.5 million people in the Missouri River Basin. Rural customers benefit the most from this low-cost power supply.

If something isn't done soon, tourism, recreation and hydropower generation will be hobbled. Homeowners and businesses will be hurt.

To this end, we support Tom Daschle, D-S.D., who is pressing federal legislation to create a "Missouri River Trust Fund" to protect and enhance the river. The fund would support efforts to reverse the sediment buildup and shore erosion that have taken place on the river since construction of federal dams in the 1960s. It also would pay for improvements in recreation, conservation and the protection of cultural sites. It would also extend the ability of the dams to generate affordable electricity for the region.

A trust fund would ensure that a steady source of revenue would be available to address the problems for years to come.

Daschle is rallying support of federal, state, local and tribal leaders and wants to secure the first installment this year.

The sooner the better.

ADDITIONAL COSPONSORS

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Minnesota (Mr. GRAMS), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1276

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1276, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1412

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1412, a bill to amend the Internal Revenue Code of 1986 to limit the reporting requirements regarding higher education tuition and related expenses, and for other purposes.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1941

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1993

At the request of Mr. THOMPSON, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1993, a bill to reform Government information security by strengthening information security practices throughout the Federal Government.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2112

At the request of Mr. TORRICELLI, the names of the Senator from Arkansas (Mrs. LINCOLN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2112, a bill to provide housing assistance to domestic violence victims.

S. 2123

At the request of Ms. LANDRIEU, the names of the Senator from Virginia (Mr. ROBB), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2161

At the request of Mr. CAMPBELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2161, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

S. 2225

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2242

At the request of Mr. THOMAS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2242, a bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes.

S. 2262

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2262, a bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2263

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2263, a bill to amend the Internal Revenue Code of 1986 to institute a Federal fuels tax holiday.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. CON. RES. 87

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 263

At the request of Mr. ASHCROFT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 263, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 276

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 276, a resolution to express the sense of the Senate that the conferees on the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act should submit the conference report on the bill before April 20, 2000, and include the gun safety amendments passed by the Senate.

SENATE CONCURRENT RESOLUTION 98—URGING COMPLIANCE WITH THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Mr. DEWINE (for himself, Mr. HELMS, Mr. THURMOND, Mr. WARNER, Mr. ROCKEFELLER, Mr. ROBB, Mr. THOMAS, Mr. DODD, Ms. LANDRIEU, Mr. HATCH, and Mr. STEVENS) submitted the following concurrent resolution: which was referred to the Committee on Foreign Relations:

S. CON. RES. 98

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many more cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of abducted and wrongfully retained American children to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998–1999 and 2000–2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the "Hague Convention") and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes reciprocal rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas Article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a "grave risk" that the return would expose the child to "physical or psychological harm or otherwise place the child in an intolerable situation" or "if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of the child's views";

Whereas some contracting states, for example Germany, routinely invoke Article 13 as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas Article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the Article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

Mr. DEWINE. Mr. President, I rise today to submit a resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction. Joining me in introducing this resolution are Senators HELMS, WARNER, THURMOND, ROBB, ROCKEFELLER, THOMAS, DODD, LANDRIEU, and HATCH. Congressmen NICK LAMPSON of Texas and STEVE CHABOT of Ohio have introduced a similar measure in the House.

The Hague Convention on the Civil Aspects of International Child Abduction sets forth the legal mechanism for returning internationally abducted children to their countries of habitual residence, where custody can then be decided. Fifty-four countries, including the United States are signatories to the Convention.

According to the State Department, each year the United States sends an estimated 90% of kidnapped children back to foreign countries. But, the rate at which other nations belonging to the Convention return American children is much lower. A State Department report singles out several countries for their noncompliance with the accord, including Austria, Honduras, Mauritius, Mexico and Sweden. Notably absent from the report, however, was Germany, which also has established a disturbing pattern of noncompliance. According to "Insight Magazine," State Department records show that of the 243 Hague cases filed in Germany, there were only 40 court-ordered returns.

Last fall, the General Accounting Office (GAO) testified before the House International Relations Committee on their preliminary review of the federal government's response to international parental child abduction. They cited noncompliance with the Hague Convention on the part of other countries as one of the problems with our federal government's response to international parental kidnappings. According to GAO's testimony: "The State Department acknowledges that more systematic and aggressive diplomatic efforts are needed to address problems with the Hague Convention." The GAO also noted that while increased diplomatic efforts are needed, recommendations developed by the State Department and Department of Justice to rectify the noncompliance problem "seek to review, study, and explore Hague implementation issues, but fail to identify how these activities will actually help solve Hague implementation problems."

What we have to remember in any case where a parent abducts a child is that each of these cases involves the destruction of a family. A good illustration of this is what happened to Tom Sylvester of Cincinnati, the father of a little girl named Carina, whom he has seldom seen since his ex-wife abducted her from Michigan in 1995, and took her to Austria. The day after the kidnapping, Mr. Sylvester filed a complaint with the State Department and started legal proceedings under the terms of the Hague Convention. An Austrian court heard his complaint, and the court ordered the return of Carina to Mr. Sylvester. However, this court order was never enforced and Carina's mother took the child into hiding. Eventually, though, when Carina's mother surfaced with the child, the Austrian courts reversed their decision on returning Carina to her father, finding that Carina had "resettled into her new environment"—a decision clearly contrary to the terms of the Hague Convention.

While the State Department recently has indicated some willingness to work more aggressively through diplomatic channels in individual cases, like that of Tom Sylvester, we must do more to improve compliance with the Hague Convention overall. The resolution we are introducing today encourages all of the contracting parties, particularly those countries that consistently violate the Convention—namely Austria, Germany and Sweden—to comply fully with both the letter and the spirit of their obligations under the Convention. In order to improve compliance rates, the resolution urges all Hague signatories to educate their judges and law enforcement personnel about the Convention. And, finally, this resolution urges countries to return children under the Convention, without reaching the underlying custody dispute, and to remove barriers to parental visitations.

Mr. President, as a parent and grandparent, I cannot begin to imagine the nightmare that so many American parents face when their children are kidnapped by a current or former spouse and taken abroad. But, tragically, this is a very real and daily nightmare for hundreds of parents right here in this country. That's why the resolution I have introduced is critical to encouraging the safe return of children to the United States. It gives us an opportunity to help make a positive difference in the lives of children and their families. I urge my colleagues to support it with their cosponsorship.

SENATE RESOLUTION 277—COMMEMORATING THE 30TH ANNIVERSARY OF THE POLICY OF INDIAN SELF-DETERMINATION

Mr. CAMPBELL (for himself, Mr. MCCAIN, Mr. JOHNSON, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 277

Whereas, the United States of America and the sovereign Indian Tribes contained within its boundaries have had a long and mutually beneficial relationship since the beginning of the Republic;

Whereas the United States has recognized this special legal and political relationship and its trust responsibility to the Indian Tribes as reflected in the Federal Constitution, treaties, numerous court decisions, federal statutes, executive orders, and course of dealing;

Whereas Federal policy toward the Indian Tribes has vacillated through history and often failed to uphold the government-to-government relationship that has endured for more than 200 years;

Whereas these Federal policies included the wholesale removal of Indian tribes and their members from their aboriginal homelands, attempts to assimilate Indian people into the general culture, as well as the termination of the legal and political relationship between the United States and the Indian Tribes;

Whereas President Richard M. Nixon, in his "Special Message to Congress on Indian Affairs" on July 8, 1970, recognized that the Indian Tribes constitute a distinct and valuable segment of the American federalist system, whose members have made significant contributions to the United States and to American culture;

Whereas President Nixon determined that Indian Tribes, as local governments, are best able to discern the needs of their people and are best situated to determine the direction of their political and economic futures;

Whereas in his "Special Message" President Nixon recognized that the policies of legal and political termination on the one hand, and paternalism and excessive dependence on the other, devastated the political, economic, and social aspects of life in Indian America, and had to be radically altered;

Whereas in his "Special Message" President Nixon set forth the foundation for a new, more enlightened Federal Indian policy grounded in economic self reliance and political self determination;

Whereas this Indian self determination policy has endured as the most successful policy of the United States in dealing with the Indian Tribes because it rejects the failed policies of termination and paternalism and declared that "the integrity and right to continued existence of all Indian Tribal and Alaska native governments, recognizing that cultural pluralism is a source of national strength."

Now Therefore be it *Resolved*, That the Senate of the United States recognizes the unique role of the Indian Tribes and their members in the United States, and commemorates the vision and leadership of President Nixon, and every succeeding President, in fostering the policy of Indian Self-Determination.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senator McCAIN and Senator TIM JOHNSON in submitting today a resolution to commemorate the anniversary of a little-noticed but critical event that took place 30 years ago this summer.

In July 1970, President Richard M. Nixon delivered his now-famous "Special Message to the Congress on Indian Affairs" that revolutionized how our nation deals with Native governments and Native people from Florida to Alaska, from Maine to Hawaii.

With centuries of ill-conceived and misdirected federal policies and practices behind us, I am happy to say that the Nixon Indian policy continues as the bedrock of America's promise to Native Americans.

In his Message to Congress, the President made the case for a more enlightened federal Indian policy. Citing historical injustices as well as the practical failure of all previous federal policies regarding Indian Nations, President Nixon called for the rejection of both the "termination" policy of the 1950s and the "excessive dependence" on the federal government by Indian tribes and people fostered by federal paternalism.

Nixon observed that "[t]he first Americans—the Indians—are the most deprived and most isolated group in our nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people rank at the bottom."

Thirty years later, Indians continue to suffer high rates of unemployment, are mired in poverty, and still rank at or near the bottom of nearly every social and economic indicator in the nation.

Nonetheless, there is cause for hope that the conditions of Native Americans are improving, however slowly.

The twin pillars of the policy change initiated in 1970 are political self determination and economic self reliance. Without doubt, the most enduring legacy of the 1970 Message is the Indian self determination policy best embodied in the Indian Self Determination and Education Assistance Act of 1975, amended several times since then.

This Act, which has consistently been supported, promoted, and expanded with bipartisan support, authorizes Indian tribes to assume responsibility for and administer programs and services formerly provided by the federal government.

As of 1999, nearly 48% of all Bureau of Indian Affairs (BIA) and 50% of all Indian Health Service (IHS) programs and services have been assumed by tribes under the Indian Self Determination Act.

With this transfer of resources and decision making authority, tribal governments have succeeded in improving the quality of services to their citizens, have developed more sophisticated tribal governing structures and practices, have improved their ability to govern, and have strengthened their economies.

Self determination contracting and compacting have improved the efficiency of federal programs and services and at the same time have devolved control over these resources from Washington, D.C. to the local, tribal governments which are much more in tune with the needs of their own people.

As steps are taken to provide tribes the tools they need to develop vigorous economies and generate tribal revenues, our policy in Congress and across the federal government should be to encourage and assist tribes to expand self determination and self governance into other agencies and programs, and in the process help Native people to achieve real and measurable success in improving their standard of living.

The challenge of the Nixon Message was not only to the federal government but to the tribes themselves: that by building strong tribal governments and more robust economies, real independence and true self determination can be achieved.

Our experience has shown that any cooperative efforts between the United States and the tribes must include a solemn assurance that the special relationship will endure and will not be terminated by the fits and starts of periodic economic success enjoyed by some Indian tribes.

President Nixon wisely realized that the mere threat of termination results in a tendency toward an unhealthy dependence on the federal government which has plagued Native people for decades. As President Nixon himself knew, Native people are not hapless bystanders in this process. His Message recognized that the story of the Indian in America is one of "endurance, survival, of adaptation and creativity in the face of overwhelming obstacles."

This persistence and tenacity by Native people have been the foundation in forging a more enlightened Indian policy and with the assistance of the United States will, I am confident, result in true self determination for Native people in the United States.

I urge my colleagues to join me in recognizing the Nixon Message and the combined efforts of Natives and non-Natives alike in making Indian self determination a reality.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, March 29, 2000, in Room SR–301, Russell Senate Office Building, to receive testimony on Presidential primaries and campaign finance.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Thursday, March 30, 2000, in Room SR–301, Russell Senate Office Building, to conduct an oversight hearing on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact Mary Suit Jones at the Rules Committee on 4–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 23, 2000, at 9:30 a.m., in open session to continue to receive testimony on the national security implications of export controls and to examine S. 1712, the Export Administration Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 23, at 9:30 a.m. to conduct an oversight hearing. The committee will consider the nomination of Thomas A. Fry III, to be Director of the Bureau of Land Management, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 23, for hearings regarding Trade with China and its Implications for United States National Interests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 23, 2000, at 9:30 a.m. and 2:30 p.m. to hold a hearing and a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, March 23, 2000 at 10:30 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on "Safety Net Providers" during the session of the Senate on Thursday, March 23, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 23, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, March 23, 2000, at 3:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 23, 2000, at 2:00 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Thursday, March 23, 2000, 10:00 a.m., to conduct a hearing on the impact to the regulated community of EPA's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 23 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the status of monuments and memorials in and around Washington, D.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. LUGAR. Mr. President, I ask unanimous consent that the Seapower Subcommittee, of the Committee on Armed Services, be authorized to meet during the session of the Senate on March 23, 2000, at 2:30 p.m. to receive testimony on Navy and Marine Corps Seapower operational capability requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 23, 2000, at 10:30 a.m. on the Surface Transportation Board 15 month merger moratorium and rulemaking proceeding.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Robin Myer, a Pearson Fellow in my office, be permitted the privilege of the floor while I deliver this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–23

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on March 23, 2000, by the President of the United States: International Plant Protection Convention (IPPC), Treaty Document No. 106–23.

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to acceptance, I transmit herewith the revised International Plant Protection Convention (IPPC), adopted at the Conference of the Food and Agriculture Organization (FAO) of the United Nations at Rome on November 17, 1997. In accordance with Article XIII of the existing IPPC, the revised text will enter into force for all contracting parties 30 days after acceptance by two-thirds of the contracting parties.

The revisions are designed to bring the IPPC into line with modern practices and concepts, and to establish new mechanisms to promote the development and adoption of international phytosanitary standards.

It is my hope that the Senate will give prompt and favorable consideration to this Convention, and give its advice and consent to acceptance by the United States, subject to the two proposed understandings set forth in the accompanying report, at the earliest possible date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 2000.*

Mr. WARNER. Mr. President, I ask unanimous consent that I may proceed in morning business for such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO AMENDMENT

Mr. WARNER. Mr. President, on March 9, I advised the Senate of my intention to offer an amendment on Kosovo to the supplemental, assuming that legislation comes up. If not, I will consider other avenues of legislation to incorporate the basic structure of this amendment.

I have been joined in this effort by a thoughtful and well-respected number of my colleagues; indeed, the distinguished Senator from Alaska, who just departed the floor, and the distinguished Senator from Hawaii.

I placed a draft copy of the amendment in the RECORD at that time and invited comment and constructive criticism. I am so pleased to report that has happened in abundance.

I am here today to report to the Senate there has been an increasing interest in this amendment—positive, in most instances. I will refer to one bit of very constructive criticism momentarily.

We have taken into consideration the views of many. I will be putting in today's RECORD an amendment which shows certain modifications, technical modifications, which I hope will meet some of the very fine constructive ideas I have received.

To summarize, the amendment would require our European allies to fulfill a certain percentage of the commitments they have made to provide assistance and police personnel to Kosovo before the entire $2 billion contained in the supplemental for United States military operations in Kosovo would be made available.

The amendment would allow for the provision of 50 percent of the money—over $1 billion—immediately for the use of the Department of Defense. But the remainder would be dependent on a certification by the President of the United States that our allies had provided a certain percentage of their commitments of assistance to Kosovo.

If the President is not able to make that certification by June 1, then the remaining $1 billion could be used only to conduct the safe, orderly, and phased withdrawal of our troops from Kosovo—not a cut and run; not a fixed timetable; I repeat, a safe and orderly phased withdrawal.

Again, I have been pleased by the response that has been generated by this amendment. It is clear, we have already achieved our first goal of focusing attention on this very serious problem in Kosovo.

Actions on the part of our allies are being taken at an accelerated rate, and much more detailed information on such actions, past and present, are becoming available daily.

For example, this past week I received letters from Lord Robertson, the Secretary General of NATO, and Dr. Bernard Kouchner, the head of the UN Mission in Kosovo, outlining the increased efforts of burdensharing of certain allies.

According to the letter I received from Dr. Kouchner—I would like to quote a paragraph—I quote:

> I very much appreciate the efforts that you have made so far which have been instrumental in improving our budget situation. Existing donor pledges have now been honored. The next challenge will be to get new donor pledges and to ensure that the pledges for the reconstruction budget of 17 November 1999 do materialize.

Mr. President, I ask unanimous consent that the letters from Lord Robertson and Dr. Kouchner be printed in the RECORD at the conclusion of my remarks, with certain other documents that I will attach, and letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibits 1 and 2.)

Mr. WARNER. In addition, I had the opportunity to meet yesterday with Ambassador Guenter Burghardt, the European Commission representative in Washington, who provided me with valuable information on the contributions of the EU, particularly their efforts to streamline their process for providing assistance.

Several weeks ago, it was very difficult to get accurate information on what had been pledged by our allies—not that they were withholding it; people just could not find it, in many instances, and put it into writing—and almost impossible to get data on what had actually been supplied to Kosovo.

Now we are clearly making progress on this front, but more remains to be done.

I asked for constructive criticism. And within the hour, by pure coincidence, because I planned to deliver these remarks, came a letter from our former distinguished majority leader, and my very close friend and mentor, Senator Robert Dole.

I ask unanimous consent to print a letter from Senator Dole in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. WARNER. Senator Dole wrote:

> Accordingly, I would urge you to consider, at a minimum, allowing a Presidential waiver authority based upon compelling national security needs.

That sort of thing is often done. We carefully considered that. But after consultation with my cosponsors and many others, we decided not because it would make the amendment so weakened that it loses its purport. Therefore, I say respectfully to my former leader that that I cannot do. However, he has made other suggestions. And by pure coincidence and timing, they have been incorporated in the revised amendment, which I will file as a part of these remarks.

For example, he said:

> That said, I believe in principle that you are entirely right to try to hold the Administration's feet to the fire to ensure that the United States continues to lead, while at the same time preventing it from shouldering an inordinate share of the international burden in the Balkans. The devil is in the details, however, and I am concerned that some of the targets identified in your amendment simply cannot be met, and that the European powers are being held to a higher standard than the United States. For example, is it realistic for the United States and/or Europeans to be required to disburse 33 percent of the funds needed for Kosovo reconstruction by June 1, 2000?

Prior to receiving this letter, we had made technical changes from "disbursed" to "obligated or contracted for." This gives the flexibility that is needed to obviate the problems raised by Senator Dole and others.

These technical changes, if I may enumerate them, give added flexibility to the President of the United States in making this very important certification. We have not, in my judgment, diminished in any way the strength of this amendment, but it has given added flexibility. No. 1, it makes it clear that the performance we are seeking on the part of the allies is to be evaluated, as we put in our amendment, "on the aggregate." Performance of one nation which falls short, one nation which may not be able to make it, will not prevent the President from making the required certification. No. 2, we require that reconstruction and humanitarian assistance must be, as I said, obligated or contracted for. That point we covered in the recitation of Senator Dole. This is in recognition that even if the money has been set aside for Kosovo, some of these projects "spend out" at a slow rate.

These are the types of constructive changes that have come to my attention and we have incorporated them. We are still working on this. As I say, I have also been engaged in discussions with a number of administration officials over the past 2 weeks.

Last Friday, I had a productive meeting with the National Security Adviser, Sandy Berger, on the eve of his departure on this important trip the President is now undertaking. We were joined by OMB Director Jack Lew and Under Secretary of Defense, Walter Slocombe. As a result, of some of the technical information relayed to me at that meeting—it was a very good meeting—I have redrafted my amendment to take into account some of the concerns that were raised. While I think it is fair to say the redraft which I and my cosponsors have agreed to will not satisfy all the concerns of the administration, I believe our consultations are making progress.

I ask unanimous consent to print the latest version of my amendment in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 4.)

Mr. WARNER. Mr. President, the bottom line for the United States and for the other nations involved in KFOR—that is the entire military operation in Kosovo—is the current safety and well-being of our troops being deployed there—U.S. troops and those of some 35 other nations are involved and the formulation of a timetable, safety first, but the formulation of a timetable. We can't do it right now, but if the purport of this amendment is met, we will be able in the reasonable future to formulate a timetable for the establishment of the infrastructure, both economic and security, which will allow for the safe return of our troops and those of other nations to their respective homes.

Today, I had the opportunity to meet in my office with the Italian Minister of Defense, for example. He shares the common goal of this amendment.

We are now one day away from the 1-year anniversary of the start of the NATO war on behalf of Kosovo, on behalf of human rights. The world could not have stood by idly and watched the killing and the rape and the pillaging of that nation and done nothing. It was a challenge to figure out what to do. On a number of occasions, I consulted with General Clark. Indeed, I was with him in part of that campaign, watching the operations he directed, and directed very skillfully. We could not have done nothing.

This is an appropriate time for reflection and assessment. What have we accomplished and what remains to be done? Clearly, the large-scale ethnic cleansing has stopped and hundreds of thousands of Kosovar Albanian refugees have returned to their homes. For this, NATO should be proud of their military action.

But what better way to express our pride in their successful accomplishment of that military mission than for the United States, in concert and partnership with its allies, to come forward in a timely manner and meet the commitments to solidify the military gains? None of us are totally satisfied. A regrettable chapter relates to the Serbian people who lived in those areas, many of whom have left after the cessation of the 78-day campaign. But I think the KFOR troops are doing their best to provide equal protection and that we are continuing to address that situation because we have to have an evenhanded policy. Human rights, to be successful, has to be implemented evenhandedly.

Yes, the fighting has stopped. Unfortunately, the violence continues. Recent events in Mitrovica and in the vicinity of the Presevo Valley are cause for great concern. Bottom line, until there is an economic structure in place, together with a security structure, we will not see substantial progress in creating peaceful, civil society in Kosovo. Until that happens, under the administration's current plan, U.S. troops could remain indefinitely in Kosovo.

Earlier this week, General Reinhardt, the commander of KFOR, said—and I believe I am quoting him accurately—that he believed KFOR troops would be in Kosovo for up to a decade. To make such a declaration at this time, I say, with respect to this fine professional military officer whom I have met—I met him in Pristina about a month ago, right in his office—I repeat, to make such a declaration at this time I find unacceptable. This is one of the motivating factors behind the amendment I have proposed. We cannot let General Reinhardt or anyone else set a timetable of a decade. We need to see more progress on the civil implementation side.

The U.N., the E.U., and the OSCE must move more swiftly to fulfill their responsibilities for rebuilding Kosovo, and our European allies must provide the assistance and personnel they have promised to provide if these goals are to be achieved. Time is of the essence.

The amendment I and others have placed before the Senate is but one approach to deal with the situation in Kosovo. I know other colleagues have their own approaches on this issue, not necessarily dissimilar. We share common goals. In particular, I commend Senator ROBERT BYRD, who has proposed a concept for rapid turnover of the KFOR mission to the European allies.

I now ask unanimous consent that the editorial by Senator BYRD be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 5.)

Mr. WARNER. It outlines in full his concepts, which are very interesting. I have been on the Senate floor with Senator BYRD so many times. He is a member of the Senate Armed Services Committee. No one takes to heart more dearly the welfare of the men and women of the Armed Forces and their families than Senator BYRD. He is concerned about their welfare as am I. We have joined together at a meeting in the White House, I think some 3 weeks ago, to discuss this very subject.

He spoke up with great courage and determination to the President and the Secretaries of State and Defense. It was quite an interesting meeting. What we cannot allow to happen is for the current situation in Kosovo to drift on for a decade. I say no. There are problems. Those problems are surmountable if we work together. They must be addressed. They must be addressed in a timely manner.

I hope the amendment in its present form, revised, will contribute to this goal. I, once again, encourage my colleagues and others to come forward with any constructive suggestions they may have. I continue to say that this Senator—I think I can speak for my cosponsors—is going to stand firm, firm in furtherance of the goals of human rights in Kosovo, in furtherance of remaining as a vital partner of NATO, in furtherance of creating a record to show that NATO can handle peacekeeping missions. To do that, we need more timely assistance from those who have committed to provide the infrastructure of economics and security.

I thank the Chair and yield the floor.

EXHIBIT NO. 1

SECRETARY GENERAL, NATO,
Bruxelles, March 15, 2000.

Senator JOHN WARNER,
Chairman, Senate Armed Services Committee,
Russell Senate Office Building, U.S. Senate,
Washington, DC.

MY DEAR JOHN: I am glad we had the chance to talk by phone yesterday. As I noted, I share your concern that the Allied nations need to react more swiftly and forcefully to the current challenges in Kosovo. I have been pressing hard to ensure that nations provide additional forces for KFOR.

Dire press reports notwithstanding, progress has in fact been made. Let me give you an update on what steps are being taken.

On force levels for Kosovo, the European Allies are now stepping up their contributions.

Italy has agreed to provide a manoeuvre battalion of two companies for a limited time period.

France is putting under NATO command two companies that had already been dispatched to Kosovo on short notice under national authority, and is adding one further company. Together, these three companies will form a new French manoeuvre battalion.

This still leaves a shortfall of three companies relative to the needs in theatre as identified by the Supreme Allied Commander, General Clark, and the KFOR Commander General Reinhardt. I have been in direct contact with several Allied governments, and General Clark and the Military Committee Chairman Admiral Venturoni have been in touch with Chiefs of Defense. As a result of these contacts, a further five countries have indicated that they are seriously considering sending additional forces to Kosovo.

Even before the addition of these forces, European nations are contributing a majority of the forces on the ground in Kosovo. The following figures relate to forces to theatre on 13 March. While these figures fluctuate by small amounts on a daily basis, the overall ratio of forces has been fairly constant for some time.

EU nations makes up 60.3 percent of all the forces in Kosovo.

European nations—leaving aside Russia and the CIS states—make up 69.2 percent of the forces in Kosovo.

Adding in Russia and the other CIS states, European nations account for 80 percent of all the forces in theatre.

The remainder is made up by Argentina, Jordan, the United Arab Emirates, Morocco, Canada and, of course, the United States, for a total of 38 nations contributing to KFOR.

On the civil implementation side, there has also been some notable progress:

The European Union has started to disburse 45 million Euro ($43.6 million) of the 360 million Euro ($349 million) pledged to UNMIK for the year 2000. Several NATO members states have also increased their financial contributions to both UNMIK and the KPC.

Germany, Italy and Turkey have strengthened their civil police contingents to Kosovo, and the United Kingdom has agreed to provide additional judiciary officials.

Let me emphasize in providing you this data that I am only reporting to you what I have been told as Secretary General. Implementation is key, and I will continue to press hard to make sure that nations follow through both on their KFOR contributions and on civil implementation.

With these points in mind, I have to convey to you my firm belief that it would be wrong for NATO right now to have a reduction or limitation on the U.S. commitment, just as the situation in Kosovo is becoming more challenging and the European Allies, who are already carrying a large load, are beginning to do even more.

This is particularly true when looking at the situation in the Presevo Valley, which is adjacent to the U.S. sector in Kosovo. I hope the U.S. will play a strong role in heading off a potential crisis there. The U.S. forces did a superb job today in raiding a number of support bases in Kosovo for extremists operating in southern Serbia. We need that kind of effective military presence to continue.

On a related point, I understand your concerns for not deploying American forces away from these Southeastern trouble spots to help reinforce other Allies in Mitrovica. But I would not want to see the U.S. position cast in stone as a means of justifying lack of routine responsiveness to the operational commander. Such a position would be at odds with the principle of unity of command, which is essential to the effective of NATO forces in multinational operations over the long term.

I appreciate your ongoing concern for the success of the KFOR operation. I am working very hard to ensure that the European Allies hold up their end of the bargain—in both the military and the civil implementation areas—and am counting on you and your colleagues to help maintain the valuable U.S. contribution.

All the very best.

GEORGE.

EXHIBIT NO. 2

U.N. INTERIM ADMINISTRATION,
MISSION IN KOSOVO,
Pristina, March 18, 2000.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR: Let me first of all thank you whole heartedly for your unfettered support and assistance as Chairman of the Armed Services Committee: the kind of tough questioning that took place as a result of your interventions have been instrumental in helping UNMIK achieve some of its objectives.

I want to give you an update on the situation regarding the Kosovo Consolidated Budget, which is now in considerably better shape than it was earlier in the year. Donor pledges made at the end of last year have now crystallized into cash in the bank. Recently the Kosovo Budget has received contributions from the United States, the UK, France, Japan, and the European Union. As you will see from the attached tables, it is now estimated that the budget has sufficient cash to carry us through the summer. Furthermore our revenue collection is now improving. In particular, the European Union has already paid in some of its contributions, and clear and rapid procedures are in place for the remaining of the Union's contributions to be paid in (another more than Euro 55 Millions will be transferred to the Kosovo Budget in the next three months). Further, and as planned, the Union will contribute over Euro 240 Millions for reconstruction in 2000.

I would however also stress that there were never sufficient pledges to cover the whole of the needs for the year 2000. There is still an uncovered gap of about 35 million DEM, as per attached table, and any assistance you can extend to us to cover that gap will be deeply appreciated by this mission.

I very much appreciate the efforts that you have made so far which have been instrumental in improving our budget situation. Existing donor pledges have now been honored. The next challenge will be to get new donor pledges and to ensure that the pledges for the reconstruction budget of 17 November 1999 do materialize.

I look forward to a continued dialogue with you, and I hope to see you soon.

Sincerely,

BERNARD KOUCHNER,
Special Representative of the Secretary General.

KOSOVO CONSOLIDATED BUDGET 2000 BUDGET UPDATE

BACKGROUND ON THIS WEEK'S UPDATE

Attached are documents that detail donor pledges and domestic revenue. Tables 1, 2, and 3 review donor pledges to date. Table 4 projects cash flow through mid-June 2000. Tables 5 through 9 review revenue estimates and actual collections. Table 10 reviews budget 2000 revenue estimates and summarizes donor support.

Noteworthy items are:

Donor pledges have started to arrive.—Since the last report we confirm that roughly DM 76.9 million of donor pledges for budgetary support are either in our account or en-route, including (see Table 2):[1] United States—DM 24.2 million; Great Britain—DM 15.9 million; France—DM 3.5 million; Japan—initiated transfer of DM 13.7 million; European Union—initiated transfer of DM 19.6 million. A further £35 million is expected shortly.

Cash Needs.—The recent influx of cash will allow the Kosovo Consolidated Budget to continue functioning until mid-June (see Table 4). Kosovo's cash requirements will be met through September 2000 upon receipt of the European Union's pledge of £35 million.

Revenue collections improve.—The last two weeks witnessed a 55 percent increase in collections (from DM 5.8 year-to-date to DM 9.8 million). Two factors appear to drive this increase. First, sales and excise tax collection at the Montenegro Administrative Boundary Line (ABL) has become operational, collection over DM 756,684 in the last two weeks. Collections at the ABL has the direct effect of capturing lost revenue through that crossing, and an indirect effect of re-diverting trucks back to previously established border points for collection. Second, customs collections are slightly higher because vehicle registration requires proof of customs payment on imported cars. The former is expected to continue, while the latter is a short-run effect that will dissipate. (See Table 7.)

Pledge shortfall.—There still remains a pledge shortfall of DM 38.5 million, based on revised revenue estimates (see Table 10, Part 2).

TABLE 1.—KOSOVO CONSOLIDATED FUND BUDGETARY ASSISTANCE DONOR GRANTS FISCAL YEAR 2000

Donor	Pledged	Currency	Approx DM equivalent	Date received	Cash received (DM)		
					Budget support	Targeted support	Intended program
Netherlands	15,000,000	USD	28,686,300	13 Dec	28,686,300 DM		Budget Support
USA	5,000,000	USD	9,685,000	22 Dec		9,685,000	KPC[1]
EU	5,000,000	EU	9,779,150	29 Dec.	9,779,150		Budget Support
USA	3,000,000	USD	5,692,170	14 Jan		5,692,170	Civil Registration[1]
Canada	1,000,000	CAD	1,296,913	14 Jan		1,296,913	District Heating
GTZ	1,700,000	DEM	1,700,000	28 Dec		1,700,000	District Heating
EU	120,000	EU	234,699	29 Dec		234,699	Peja/Klina Water[1]
WB	1,000,000	USD	1,875,915	6 Jan	1,875,915		Budget Support
Germany[2]	3,089,963	DEM	3,089	10 Dec		3,089,963	KPC Salaries[1]
Germany[2]	3,089,963	DEM	3,089	10 Dec		3,089,963	Civil Registration[1]
Germany[2]	3,089,693	DEM	3,089	10 Dec	13,389,839		Budget Support
Netherlands	2,750,445	EU	5,379,404	9 Dec		5,379,404	Bulldozers[1]
EU	2,761,000	EU	5,400,046	15 Dec		5,400,046	Electricity Salary
Ireland	200,000	USD	372,508	6 Dec		372,508	District Heating
1999 total			89,671,870		53,731,204	35,940,666	

[1] Limited or no expenditures in this sector in Fiscal Year 1999. Balance will be carried forward to Fiscal Year 2000 for expenditures processed after 1999 fiscal year end.

[2] Grants received from Germany increased by DM 588,765 this report, reflecting an appreciation in USD against this DM.

TABLE 2.—KOSOVO CONSOLIDATED FUND BUDGETARY ASSISTANCE DONOR GRANTS FISCAL YEAR 2000

Donor	Pledged	Currency	Approx DM equivalent	Date received	Cash received (DM)		
					Budget support	Targeted support	Intended program
EU	72,120	EU	141,054 DM	3 Jan		141,054 DM	Heating Repairs
EU	35,000,000	EU	68,453,000 DM				Budget Support

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[1] Total pledges received to date are DM 79.6 million, which includes the previously reported amount of DM 2.7 from Canada.

TABLE 2.—KOSOVO CONSOLIDATED FUND BUDGETARY ASSISTANCE DONOR GRANTS FISCAL YEAR 2000—Continued

Donor	Pledged	Currency	Approx DM equivalent	Date received	Cash received (DM)		
					Budget support	Targeted support	Intended program
EU	10,000,000	EU	19,600,000 DM	10 Mar	19,600,000 DM		Budget Support
EU	20,000,000	EU	39,200,000 DM				Import Costs—Electricity
USA [1]	10,000,000	USD	20,200,000 DM	7 Mar	20,200,000 DM		Budget Support
USA	2,000,000	USD	3,959,180 DM	22 Feb	3,959,180 DM		Budget Support
UK	5,000,000	GBP	15,950,000 DM	7 Mar	15,950,000 DM		Budget Support
UK	2,000,000	USD	3,927,427 DM	19 Jan		3,927,427 DM	Civil Registration
Switzerland	1,970,000	USD	3,703,600 DM				
Japan	7,300,000	USD	13,724,000 DM	10 Mar	13,724,000 DM		Budget Support
Canada	2,000,000	CAD	2,719,202 DM	9 Feb	2,719,202 DM		Budget Support
Canada	3,000,000	CAD	3,890,739 DM				Budget Support
World Bank	5,000,000	USD	9,400,000 DM				Budget Support
France	12,000,000	FF	3,482,538 DM	22 Feb	3,482,538 DM		Budget Support
Italy	375,000	DM	375,000 DM	13 Jan		375,000 DM	Pristina Hospital
Italy	2,000,000,000	LIT	2,020,202 DM				Budget Support
Sweden	60,000.00	DM	60,000 DM	14 Jan		60,000 DM	
EU	45,600.18	DM	45,600 DM	7 Jan		45,600 DM	Building Refurbishment
Germany	25,000.00	DM	25,000 DM	9 Feb		25,000 DM	Heating Repairs
Germany	25,000.00	DM	25,000 DM	9 Feb		25,000 DM	Heating Repairs
2000 Total			210,901,543 DM		79,634,920 DM	4,599,081 DM	

[1] US contribution adjusted to reflect inadvertent double counting of $5 million contributed to IOM.

EXHIBIT NO. 3

WASHINGTON,
March 22, 2000.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR JOHN: To follow up on our recent conversation, I would like to share a few further thoughts regarding the Administration's proposed supplemental spending bill for the Balkans.

You and I have worked together on Balkan issues for many years and have more often than not agreed on the policy direction that should be taken. We have frequently shared a critical view of the Clinton Administration's policies and their implementation. In addition, we have always agreed that the President of the United States has the ultimate responsibility to carry out U.S. foreign policy according to our national security objectives, which include a strong and effective NATO.

As you know, my support for U.S. military and other operations in the Balkans is based on the firm belief that democratization and stability in the region must be achieved, and that the U.S. troop deployments in Bosnia and Kosovo are vital to these goals. To this end, I am concerned that, as drafted, the amendment that you are introducing to the Administration's supplemental bill would, based solely upon the action or inaction of a third party (our European allies), prohibit the President from maintaining a U.S. troop presence—even though he may have determined this presence to be in our country's national interest. In my view, this legislative restriction would tie the hands of the President in a sphere of power that clearly lies within the prerogative of the executive branch of the U.S. government. Accordingly, I would urge you to consider, at a minimum, allowing a Presidential waiver authority based upon compelling national security needs.

Second, I am concerned that your amendment could, albeit unintentionally, adversely affect our role in NATO and our relations with our Alliance allies. Our credibility within NATO and our strong bilateral relations with each of our allies in the Alliance could be damaged by policies that link our presence in the Balkans to extraneous factors, as opposed to our national and collective European security objectives.

That said, I believe in principle that you are entirely right to try to hold the Administration's feet to the fire to ensure that the United States continues to lead, while at the same time preventing it from shouldering an inordinate share of the international burden in the Balkans. The devil is in the details, however, and I am concerned that some of the targets identified in your amendment simply cannot be met, and that the European powers are being held to a higher standard that the United States. For example, it is realistic for the United States and/or the Europeans to be required to disburse 33 percent of the funds needed for Kosova reconstruction by June 1, 2000?

In my view, the Congress and those of us who support stronger U.S. leadership in the international arena should focus more on exerting direct pressure on the Administration to implement policies that promote democratization, political stability, and security in the Balkans. The issue, it seems to me, is not so much whether our troops are deployed in the region, but what they are actually doing on the ground. While the United States and its allies can point to a number of successes in Bosnia and Kosova, severe problems remain. At times, it even seems as though we are taking steps backwards. For example, I wholly disagree with the Administration's failure to support General Clark's recent effort to deploy U.S. troops in Mitrovica. The troops putatively in charge of that sector of Kosova have clearly failed to perform their mission to create a stable security environment. While their actions have not put them in the league of their predecessors in Bosnia's now infamous UNPROFOR, continuation on their current course will almost certainly lead to a de facto partition of Kosova—a highly destabilizing situation that would put our troops at even greater risk. A resumption of large-scale conflict may then follow. I would therefore urge you and others in the Congress to do your utmost to ensure that the Pentagon takes stronger action to get this situation in hand as quickly as possible.

A second example can be found in Bosnia, where the U.S.-led equip-and-train program for the Federation forces has floundered. As you know, in 1996, the Administration secured Senate majority support for the U.S. troop deployment in Bosnia based on President Clinton's written commitment to equip and train the Federation forces. In the past four years, the United States has done far too little to honor this commitment. When the war in Bosnia ended, an Administration-commissioned assessment determined that, to maintain adequate defenses, the Federation needed equipment that would cost an estimated $800 million to $1 billion. To date, only $250 million in equipment and training has been provided to the Federation. Of this, the U.S. contribution was only $100 million in Congressionally mandated drawdown authority. Beyond these initial sums, the Administration has neither proposed nor sought significant funding for the program. In my view, the Congress should provide additional drawdown authority for the purchase of the major equipment and provision of the training that remain necessary for Bosnia to be able to defend itself. It should also immediately increase FMF funding so that the equipment we have provided thus far can be adequately maintained.

Thank you for giving me this opportunity to share my views. I wish you every success as you continue your leadership in the Senate.

Thank you.

Sincerely,

BOB DOLE.

EXHIBIT NO. 4

On page , between lines and , insert the following:

SEC. . (a) Of the amounts appropriated in this Act under the heading "OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND" for military operations in Kosovo, not more than 50 percent may be obligated until the President certifies in writing to Congress that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(1) obligated or contracted for at least 33 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(2) obligated or contracted for at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(3) provided at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(4) deployed at least 75 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(b) The President shall submit to Congress, with any certification submitted by the President under subsection (a), a report containing detailed information on—

(1) the commitments and pledges made by each organization and nation referred to in subsection (a) for reconstruction assistance in Kosovo, humanitarian assistance in

Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(c) If the President does not submit to Congress a certification and report under subsections (a) and (b) on or before June 1, 2000, then, beginning on June 2, 2000, the 50 percent of the amounts appropriated in this Act under the heading "OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND" for military operations in Kosovo that remain unobligated (as required by subsection (a)) shall be available only for the purpose of conducting a safe, orderly, and phased withdrawal of United States military personnel from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any Act enacted before the date of the enactment of this Act may be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President shall submit to Congress, not later than June 30, 2000, a report on the plan for the withdrawal.

EXHIBIT NO. 5

[From the New York Times, Mar. 20, 2000]

EUROPE'S TURN TO KEEP THE PEACE

(By Robert C. Byrd)

A year ago, American and NATO warplanes began 78 days of air assaults that halted the murderous assault of Slobodan Milosevic on the Kosovar Albanians. If the United States has learned anything in the nine months of peacekeeping that followed, it should be that once again we are proving to be a lot better at waging war than we are at managing peace. Kosovo today appears to be on the verge of unraveling.

American and NATO peacekeepers skirt danger daily. Reconstruction has been negligible. Mr. Milosevic remains firmly in control in Serbia and, by most reckoning, is stepping up his effort to foment trouble along the border between Serbia and Kosovo. In the latest eruption of violence, ethnic Albanian insurgents have begun attacking Serbs across the border in Serbia.

The administration's response to this deepening crisis? Stern words to the Albanians, urgent pleas to our allies for more troops and money, and a request to Congress for a supplemental $2 billion to continue American peacekeeping business as usual in Kosovo.

Is that really the best we can do?

I see three options we can practically consider at this juncture.

We can stay the course, reacting to events as they occur and hoping for the best as we settle into a semi-permanent role of soldiers on patrol and cops on the beat. We can pick a date and simply pull American troops out of Kosovo. Or Congress can give the administration unequivocal direction and a reasonable period of time—say three months—to craft a framework for turning the Kosovo peacekeeping operation over to our European allies. Congress can then examine the plan, gauge the progress being made, and vote either to stay or to go.

It is my firm belief that the United States should take steps to turn the Kosovo peacekeeping operation over to our European allies. NATO undertook the Kosovo mission with an understanding that Europe, not America, would shoulder the peacekeeping and reconstruction duties. The United States, with its outstanding military forces and weaponry, effectively won the war; the European allies were to keep the peace.

But now, as the United Nations interim administration in Kosovo teeters on the brink of bankruptcy, NATO allies are squabbling over the need for military reinforcements, and the international police that were supposed to help bring law and order remain undermanned, underfinanced, and unable to cope.

If Congress agrees to the administration's request for additional financing for Kosovo, it should be with the clear understanding that the money is tied to a plan for establishing an all-European peacekeeping force. The plan should have benchmarks, like numbers of European troops to be added to the forces by particular dates, and Congress should have an opportunity to vote on whether to keep troops in Kosovo if those benchmarks are not being met.

Removal of American troops from Kosovo need not be abrupt and need not mean that the United States is turning its back on the victims of Slobodan Milosevic. We can continue to support humanitarian relief and can provide support in military logistics, communications, intelligence and effective command.

It is just possible that the Europeans will excel at peacekeeping duties in Kosovo if ever they are allowed to emerge from the overwhelming shadow cast by the United States. Unfortunately, we will never know if we do not tie further American investment in Kosovo to a rock-solid plan to turn the peacekeeping operation over to them—sooner rather than later.

The PRESIDING OFFICER. The Senator from Massachusetts.

AGAINST LIFTING THE TRAVEL BAN ON LIBYA

Mr. KENNEDY. Mr. President, on Wednesday of this week, a team of State Department officials departed for Libya as part of a review of the travel ban that has been in effect since 1981.

State Department officials will be in Libya for 26 hours in the next few days, visiting hotels and other sites. They will then prepare a recommendation for the Secretary to help her determine if there is still "Imminent danger to . . . the physical safety of United States travellers," as the law requires in order to maintain the ban.

Because of the travel ban, American citizens can only travel to Libya if they obtain a license from the Department of the Treasury. In addition, the State Department must first validate a passport for travel to Libya.

The travel ban was imposed originally for safety reasons and predates the terrorist bombing of Pan Am Flight 103. But lifting the ban now, just as the two Libyan suspects are about to go on trial in the Netherlands for their role in that atrocity, will undoubtedly be viewed as a gesture of good will to Colonel Qadhafi.

Indeed, just after the State Department announced that it would send this consular team, a Saudi-owned daily paper quoted a senior Libyan official as saying the one-day visit by the U.S. Team was a "step in the right direction."

The official said the visit was a sign that "the international community was convinced that Libya's foreign policy position was not wrong and there is a noticeable improvement in Libya's relations with the world."

I have been in contact with many of the families of the victims of Pan Am Flight 103, and they are extremely upset by the timing of this decision. The families want to know why the Secretary of State is making this friendly overture to Qadhafi now—just six weeks before the trial in the Netherlands begins. They question how much information the State Department will be able to obtain by spending only 26 hours in Libya. They wonder why the Department cannot continue to use the same sources of information it has been using for many years to make a determination about the travel ban.

These courageous Americans have waited for justice for eleven long years. They feel betrayed by this decision. They have watched with dismay as our close ally, Great Britain, has rushed to reestablish diplomatic relations with Libya, before justice is served for the British citizens killed in the terrorist bombing. The State Department denies it, but the families are concerned that the visit signals a change in U.S. policy, undermines U.S. sanctions, and calls into question the Administration's commitment to vigorously enforce the Iran Libya Sanctions Act. That Act requires the U.S. to impose sanctions on foreign companies which invest more than $40 million in the Libyan petroleum industry, until Libya complies with the four conditions specified by the UN Security Council.

The bombing of Pan Am Flight 103, in which 188 Americans were killed, was one of the worst terrorist atrocities in American history. The State Department should not have sent a delegation to Libya now and it should not lift the travel ban on Libya at this time. The State Department's longstanding case-by-case consideration of passport requests for visits to Libya by U.S. citizens has worked well. It can continue to do so for the foreseeable future.

ORDER FOR ADJOURNMENT

Mr. THOMPSON. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator BYRD.

The PRESIDING OFFICER. Without objection it is so ordered.

The distinguished Senator from West Virginia.

ALASKA'S MAN OF THE CENTURY

Mr. BYRD. Mr. President, it gives me great pleasure to acknowledge my good friend Senator TED STEVENS' special honor as Alaska's Man of the Century, which I understand will be awarded to him this Saturday in Anchorage.

Speaking as a Senator from the State of West Virginia, it is a fitting tribute, I believe, for a man whose life has been devoted to Alaska since long before Alaska became a State.

Calvin Coolidge once said:

> No person was ever honored for what he received. Honor has been the reward for what he gave.

Calvin Coolidge was a man of few words.

The Bible says:

> A word fitly spoken is like apples of gold in pictures of silver.

Calvin Coolidge spoke words that were fitly stated. Senator TED STEVENS has given much to Alaska, and he has given much to the Nation. He has given much to the Senate. He served his nation in war as a pilot in the 14th Air Force in World War II. As chairman of the Defense Subcommittee of the Committee on Appropriations, which he also leads with great distinction, and as a cofounder of the Senate Arms Control Observer Group, Senator STEVENS has continued to look after U.S. national security interests and the men and women who serve, as he did, in the uniform of her armed forces.

Senator TED STEVENS has served his nation well in war, and he has served his nation well in peace, upholding the laws of the land as an attorney, as a U.S. attorney, and as a solicitor for the Department of the Interior. He has served in the executive branch of Government working as an assistant to the then Secretary of the Department of the Interior, Mr. Seaton, to create and pass legislation making Alaska the Nation's 49th State.

I am proud to have voted to support the entry of both Alaska and Hawaii into the National Union. I am the only person on Capitol Hill who voted for statehood for both Alaska and Hawaii. I believe that is right. I was in the House when I voted for statehood for Alaska.

Senator STEVENS has been a leader in the legislative branch as a Senator from Alaska, looking out first, last, and always for the unique interests of his unique State, as well as for the interests of the Nation while serving as the assistant Senate Republican leader, serving as the Republican whip, and serving as chairman of the Appropriations Committee. His legislative accomplishments in behalf of Alaska are many—many—and they reflect the challenges of living, working, and traveling in a State that possesses half of the coastline of the United States, some of the most varied and spectacular terrain in the Nation, ranging from giant glaciers to volcanoes, and some of the most punishing weather, as well as some of the most delightful weather, on the planet.

The old adage says that cream rises to the top, and it is safe to say then that Senator STEVENS is the cream of the cream, the very best, for he has risen to the top of every profession, every endeavor, every challenge that he has ever tackled. His fellow Alaskans will add the cherry on top of the cream of the cream by recognizing his multitudinous accomplishments, his supreme dedication, and his deep passion for service when they bestow upon Senator STEVENS the very distinct honor of naming a very special man, Senator STEVENS, Alaska's Man of the Century

Now the century is not over yet. I hope the people of Alaska understand that. Our own people need to understand that as well. The century is not over yet, nor is the second millennium. It is still going on. The new millennium will begin next year, not this year, and the new century will begin next year, not this year. But this is the man, the Man of the Century for Alaska.

Although he was not born in the earliest years of this century, his legacy for Alaska is more than enough to span the century and to reach into the next century as well.

Senator STEVENS is a worthy representative of his great State. He is the kind of Senator whom the framers of the Constitution had in mind when, on July 16, 1787, they reached the Great Compromise out of which came this, the greatest Senate of the world in all of the history of man.

His sometimes fiery temper matches the fiery volcanoes that rim the Aleutians, while his dogged persistence mirrors the inexorable push of the icy glaciers of the frozen North. His understanding of the appropriations process is as thorough as an Alaskan snowfall, blanketing every nook, every cranny, every corner of the budget. But his warm and courteous consideration of his colleagues and his staff reflects the loyalty and the teamwork necessary to survive in the cold wastes of faraway Alaska.

I know him to be a worthy competitor. I know him to be a loyal friend, a man of his word. What more can a man say? And only the Man of the Century could be like this man. He is an honest speaker of even the hardest and difficult truths, a man of surprising compassion and unexpected mirth. I am proud to see him honored. I wish I could be in Alaska when he is honored. I would like to just have a few minutes in Alaska to speak about this man to his own people. They know him best. The Bible says:

> A prophet is not without honour save in his own country, and house.

But you see how this man's own house, how his own country, how his own State, how his own constituents, how his own people who know him best, how they honor him. I am proud to see him honored. I hope he enjoys the good wishes and the attention that will be his on Saturday.

Supreme Court Justice Oliver Wendell Holmes once said this:

> Through our great good fortune, in our youth our hearts were touched with fire. It was given us to learn at the outset that life is a profound and passionate thing. While we were permitted to scorn nothing but indifference, and do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honor, and it is for us to bear the report to those who come after us.

TED STEVENS of Alaska surely has a heart touched early by the fire of public service. That flame has fueled his passion through a long and distinguished career which continues to burn brightly. But the report on Senator STEVENS is already in. From his fellow Alaskans. And they view him admiringly. And in their eyes he has crowned the snowy heights of honor. And in my eyes he has also.

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could.
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

I did not write the poem, but I dedicate it to my good and dear friend, Alaska's Man of the Century, TED STEVENS.

May God continue to bless him and his family always.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. STEVENS. I am once again humbled by the words of my good friend from West Virginia. There is no man, I think, in history who knows more about the Senate, and loves and serves it better, than the Senator from West Virginia. The honor to be here and serve with him is honor enough for this Senator.

I am still humbled by the award I will receive on Saturday night. But I am warmed by the Senator's comments, and thank him for his comments about this honor I will receive.

Believe me, I think if there is a Man of Two Centuries, it is the Senator from West Virginia.

Mr. BYRD. Thank you.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with complete humility, may I ask to be associated with the remarks of the distinguished Senator from West Virginia on behalf of our colleague.

I have had the privilege of serving both with the Senator from West Virginia and the Senator from Alaska. This is my 22nd or 23rd year, I think. I have lost count. But in those years, I have come to so respect both Senators. As we look at life in the Senate, there are no moments that are more cherished, no more well deserved than when a colleague rises at his or her own initiative to speak from the heart, as our distinguished Senator from West Virginia has done. He evoked the great quote from the Bible about the prophet without honor. But I would say to my friend from West Virginia, I have never thought of Senator STEVENS—until this moment—as being a prophet, but I have always thought of him with honor.

Although we are from the same side of the aisle, we have had very strong and vigorous debate in dissent, but I have never left the Chamber with less than the feeling that it has been a fair fight, and an honest fight, having even greater respect for our distinguished colleague.

How richly he deserves this honor. Like you, I say to the Senator, I only wish I could be there. But we will be there in spirit.

I thank my colleagues.

Mr. BYRD. We will.

I thank the Senator.

ADJOURNMENT UNTIL MONDAY, MARCH 27, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until Monday, March 27, 2000, at noon.

Thereupon, the Senate, at 4:53 p.m., adjourned until Monday, March 27, 2000, at 12 Noon.

NOMINATIONS

Executive nominations received by the Senate March 23, 2000:

DEPARTMENT OF DEFENSE

MANUEL TRINIDAD PACHECO, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE HILDA GAY LEGG, RESIGNED.

MERIT SYSTEMS PROTECTION BOARD

BETH SUSAN SLAVET, OF MASSACHUSETTS, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BENJAMIN LEADER ERDREICH, RESIGNED.

DEPARTMENT OF LABOR

GORDON S. HEDDELL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE CHARLES C. MASTEN, RESIGNED.

DEPARTMENT OF JUSTICE

STEVEN S. REED, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE WALTER MICHAEL TROOP, RESIGNED.

JULIO F. MERCADO, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE DONNIE R. MARSHALL.

HOUSE OF REPRESENTATIVES—*Thursday, March 23, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 23, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O merciful God, that You are with us wherever we are and whatever we do. We know that Your spirit gives us forgiveness for the ways of our past, direction for the path ahead, and the comforting assurance that we are never alone.

We gain strength from the words of the Psalmist:

"Be still, and know that I am God,
I am exalted among the nations,
I am exalted in the Earth.
The Lord of hosts is with us;
The God of Jacob is our refuge."

May Your good word, O God, be with all Your people, and give them the peace and confidence that You alone can give. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. HUTCHINSON) come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches per side.

PASS THE COLOMBIAN AID PACKAGE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, each week that we delay the passage of the Colombia aid package costs America the lives of 1,000 of its children. That means every day we sit here and do nothing about the drug trade from Colombia, 143 of our young people will die from drug-related causes. In the time it takes us to debate and vote on the aid package, 12 children will succumb to drug addiction.

In 1998, 5 million young people in this country required treatment for drug addiction, and nearly 600,000 required an emergency room visit. In the United States, there are 1.6 million drug-related arrests annually, and over half of our prison population has committed drug related crimes. Even more disturbing, while the average age of marijuana users is increasing, heroin abusers are getting younger.

Seventy-five percent of all the heroin entering this country comes from Colombia. Delaying this aid package will only bring in more.

Mr. Speaker, we have worked hard to stop the genocide in other countries. We now have the duty to stop the senseless slaughter of a generation of young Americans. If we love our children as much as we claim, then we must pass the Colombia aid package, and soon.

PACT: PARENTS OF ABDUCTED CHILDREN TOGETHER

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, today I rise to talk about Lady Catherine Meyer, wife of the British Ambassador to the United States and mother of Constantin and Alexander, and the organization she has formed called PACT, Parents of Abducted Children Together.

Constantin and Alexander left for a summer holiday with their father in Germany in 1994, and their father has kept them in Germany ever since. In the last 6 years, Lady Meyer has only seen her sons for a total of about 24 hours. Lady Meyer formed PACT to help American parents gain at least basic access rights to their children.

Today I will join my colleague, the gentleman from Ohio (Mr. CHABOT), in introducing a concurrent resolution urging signatories to uphold the Hague Convention on the civil aspects of international child abduction. This resolution was introduced today with over 90 original cosponsors, a powerful statement on the importance of this issue. The gentleman from Ohio (Mr. CHABOT) and I may be the legs and the feet to move this legislation through the House, but Lady Meyer is truly its heart and soul.

Mr. Speaker, children should be a nonpartisan issue, and I urge the House to pass this resolution and bring our children home.

UPHOLDING THE CONSTITUTION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, earlier this week the United States Supreme Court ruled that the President had illegally exceeded the power granted to him under the Constitution. In his quest to regulate every aspect of American life and society, the President issued an executive order in 1996 granting the Food and Drug Administration the power to regulate tobacco marketing. However, Congress never gave the President, this administration nor his agency the authority to issue these regulations.

Mr. Speaker, I am relieved that the United States Supreme Court has upheld the Constitution and the basic tenets of our democracy. But, Mr. Speaker, I am also worried, worried that what the Clinton administration will continue to do is usurp the powers granted to this Congress.

Mr. Speaker, we need to ensure that the balance of power as envisioned by our Founding Fathers is maintained.

I yield back the monocratic attempts of this current administration to govern by edict and executive order, rather than by democratic principles.

REFORM OF JUSTICE DEPARTMENT NEEDED NOW

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after 80 Americans were killed at Waco, the Justice Department investigated the Justice Department. When half of the Weaver family was shot down and killed, the Justice Department investigated the Justice Department. When serious charges concerning top government officials accused of doing business with Chinese nationals to influence our election was brought to the Justice Department, they looked the other way and did not investigate.

Unbelievable. The hen house fox in America investigates the hen house fox.

Now, Mr. Speaker, we reformed welfare, the IRS, and I am submitting a bill to reform the Justice Department. I am asking Rush Limbaugh to read it carefully, Michael Reagan, Tom Pope, Blanquita Cullum, Ron Verb, Tom Joyner, and help me from the outside like you did with the IRS.

I yield back the lack of oversight on the Justice Department of the United States.

AMERICANS FACING LOSS OF PERSONAL PRIVACY

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, each day in the newspaper we read or hear of the news of yet another account of how Americans have a growing concern about invasions of their own personal privacy.

Today in the USA Today, the headline reads, "Filesafe, health records may not be confidential." It says, "Most patients assume that what they tell their doctor is confidential, but it might not be. Blame the loss of privacy on the Internet or on the growing use of computer records."

Mr. Speaker, more and more Americans are voicing their concern about the loss of their own personal privacy. They are alarmed at the accessibility of medical records, their financial information, how it is being used. They want to know how they can get on the Internet without strangers downloading personal information about them. In today's information society, all of these issues are hopelessly interwoven.

This Congress should adopt privacy legislation. The best approach is the bipartisan Privacy Protection Commission, which I introduced along with the gentleman from Virginia (Mr. MORAN). A Supreme Court Justice said the most cherished right of civilized man is the right to be left alone. In this Congress, we need to address that, and I urge my colleagues to consider that legislation.

PROPOSED BUDGET NEGLECTS CHILDREN AND SENIORS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, every policy decision we make here in the House affects our children, and today we are going to consider a Republican budget resolution that does not consider the needs of our children.

Their budget resolution increases the national defense budget by over $17 billion in the year 2001, while increasing education spending by only $2 billion. That is $15 billion less. What a disgrace.

We spend billions of dollars each year on nuclear weapons, but we have to scrape together money for new schools, we have to scrape together money for critical school breakfast programs. It is wrong. It is wrong for our children, it is wrong for our Nation.

Our children need us to invest in their future. They need us to invest in education, they need Social Security and Medicare protected for their future, and they need the national debt paid down. By the way, this works to help our seniors also.

The Republican budget resolution takes care of millionaires and their risky tax breaks, but it does not take care of our seniors and our children.

PORNOGRAPHY: A CANCER EATING AWAY AT THE AMERICAN FAMILY

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, I stand this morning appalled at a cancer that is eating away at the American family. That cancer is illegal pornography.

Federal law prohibits interstate transportation and distribution of this material. Through the Internet, the family rooms and home offices of our Nation have turned into the worst porn shop you can imagine. The fact is that America's children and families have been assaulted by more obscene, lewd, and disgusting material than imaginable just 8 years ago. For instance, when a child doing research types in whitehouse.com, what do they see? Illegal pornography.

The revenues that illegal pornography rakes in are more than all the money generated by rock and country music combined. And how has the Department of Justice responded? We have seen a drop in the rate of prosecutions of illegal pornography of nearly 75 percent since 1992.

Mr. Speaker, I urge my colleagues to call on the Department of Justice to begin aggressively prosecuting illegal pornography for the long-term health of our children and the soul of our country.

AMERICA DESERVES A RESPONSIBLE BUDGET

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, once again the Republican leadership has designed a budget that is completely out of touch with the needs and the values of middle class families. Even conservative members of their own party claim that the GOP budget is too spendthrift.

The Republican budget is a reckless plan that fails to extend the life of Social Security and Medicare by even one day. Instead of strengthening these pillars of retirement security, the Republican budget spends the surplus on $250 billion in tax cuts for the wealthiest people in this country. It is irresponsible, and it is wrong.

The Democrats have provided an alternative which strengthens and preserves Social Security and Medicare, provides targeted tax cuts to working middle class families who need it the most, provides a prescription drug benefit for all seniors, focuses on education and lowering class size and increasing discipline and accountability and standards. We can do this and still lower the national debt, lower the interest rates, and provide that targeted tax cut relief to the middle class.

The American people deserve a budget that is responsible and that is fair, not what has been concocted by the Republican leadership.

ENFORCEMENT OF OBSCENITY LAWS NEEDED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, pornographers in this country make more money than rock and country music combined. Pornographers bring in more dollars in a year than all Broadway productions, all theater shows, all ballet, jazz and classical music combined. And this administration is doing almost nothing about it.

The Supreme Court has ruled that obscenity is not protected by the First Amendment. Federal law prohibits interstate transportation and distribution of obscenity. But since 1992, prosecutions for interstate distribution and sale of illegal pornography are down 75 percent. In all of 1997, there were only six prosecutions by all 93 U.S. Attorneys.

The cause and effect between pornography and crime, violence against women and children, rape and child abuse, is clearly established. The President and the Department of Justice should enforce the law, not ignore it.

AN IRRESPONSIBLE BUDGET

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today to speak about the budget. The Republican budget contains tax breaks for the wealthy while ignoring working Americans, which I think is irresponsible. It is not a fiscally oriented budget that looks toward the future.

It contains deep cuts in domestic spending. The Republican budget would cut FBI agents and Drug Enforcement agents, college scholarships, air traffic controllers, and programs for women and children.

By contrast, the Democratic plan invests in education, our future in preparing our working force for the 21st Century. It reduces class sizes, protects our senior citizens, builds schools, provides college scholarships, provides affordable drug prescriptions, preserves Social Security and Medicare and pays down the deficit in a responsible manner before spending and emptying the bank account.

□ 1015

The Democratic plan looks toward the future and a sensible, balanced tax relief. It is an investment in support and strength of our Social Security and Medicare, and it pays off the debt. It provides everyone with an opportunity to succeed and work hard. It provides our children, our senior citizens who are less fortunate.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, last week the world watched as five cloned piglets were introduced before an international news core. Scientists cheered the achievement as a scientific and medical breakthrough. Maybe the American people should have cheered as well since we paid for a good bit of that research with $2 million of our tax dollars.

The Advanced Technology Program, a corporate welfare program managed by the Department of Commerce, gave a grant to the company responsible for cloning the piglets. The company, PPL Therapeutics, claims it needs taxpayer assistance because it cannot find private backing for cloning research. It will certainly be interesting to see if that company shares its profits with the American taxpayers now that they have found success.

In this modern-day nursery rhyme, five little piggies got cloned, and the American public got taken to market. The ATP gets my "Porker of the Week" Award.

BUDGET AND DEBT REDUCTION

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, I want to talk about the upcoming budget debate and the opportunity we have to pay off our debt.

Did my colleagues know that reducing our national debt would provide a tax cut in itself to millions of Americans because it will restrain and lower interest rates? Did my colleagues know that more than 25 percent of our individual income taxes go to paying off interest on our national debt? We can greatly restructure our budget and get our real tax savings to America if we pay off the debt now.

Did my colleagues know that more than $1.2 trillion is held by foreign investors? In 1998, the U.S. Government paid $91 billion in interest payments to these foreign investors.

We must reduce this drain and create a stronger global economy for American business and agriculture.

This is the right thing to do. Let us give our children a strong America. Let us pay off the national debt. I urge everyone to take an honest look at the Blue Dog Coalition's proposal. I believe it would put us on the right track.

SOUND ENERGY POLICY NEEDED FOR ECONOMY, NATIONAL SECURITY, AND LOWER GAS PRICES

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, working Americans across the country are paying the highest prices at the pump at any time since World War II. More and more of their hard-earned dollars are spent on gasoline, leaving far less dollars to be spent on their loved ones.

But the lack of any energy policy by the Clinton-Gore administration has put not only our economic security at risk but our national security as well. The United States relies on foreign imports at this point for 56 percent of its crude oil needs today. That compares to 35 percent during the Arab oil embargo in 1973. Think what that would mean to the United States if that supply were suddenly cut off.

The Clinton-Gore energy policy will just make things worse before they get better. The Department of Energy estimates that in 20 years the United States will be dependent on foreign imports for 65 percent of our crude oil needs.

We must have a sound energy policy to provide for America's economic and national security interests and lower prices at the pumps.

SUPPORT THE STAMP OUT CANCER REAUTHORIZATION ACT

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, today I am introducing the Stamp Out Cancer Reauthorization Act. Now, this bill would extend for an additional 2 years the breast cancer research stamp program enacted by us in the last Congress.

Now, this is a 40-cent stamp used normally for 33-cent postage. The excess revenue raised is used to provide funding for breast cancer research at NIH.

As of last month, almost 160 million stamps had been sold, raising $11.3 million for breast cancer research. 182,800 new cases of breast cancer are estimated for the year 2000; and, sadly enough, there will be 41,200 deaths expected.

Breast cancer remains the most common form of cancer among women. We need every dime we can to promote research in this important field. Please join me in cosponsoring this bill, which I plan to introduce today.

TIME TO MOVE FORWARD ON GUN LEGISLATION IS NOW

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, next month, very soon, we will unfortunately mark the 1-year anniversary of the tragedy at Columbine High School. Unfortunately, sensible gun control or legislation still languishes here in the Congress.

Forty-three percent of households in America with children have guns. Nothing is wrong with that. It would seem to me, though, that those of us in this Congress, in the face of horrors and tragedies around the Nation, would feel compelled to act.

In my home State of Tennessee, 95 percent of background checks for those who wish to purchase guns take place within 2 hours. Only 5 percent require additional information from law enforcement authorities.

Is it that much of an inconvenience, I say to those Members of the other side and even on my side, those in the National Rifle Association, and those in the gun lobby community? Is it that much to wait to ensure that we are able to cut down on human loss? Is it that much to wait to ensure that children, indeed, would be safer?

The conferees in the House and Senate have not met since August. I applaud the gentlewoman from California (Ms. LOFGREN) for bringing a motion to instruct the conferees to meet. Let the leadership in the House and Senate call the meeting of the Senate conferees. Let us do right by our children.

FISCAL YEAR 2000 BUDGET RESOLUTION

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, later today we are going to have a heated debate about the next Federal budget. We have already heard that some of our friends on the left are saying there are tax cuts for the rich. I guess if one is married, one is considered rich because we do make room to eliminate the marriage penalty tax. I guess if one owns a small business or if one is a farmer, I guess they consider one rich because we do make it easier in terms of estate taxes.

But the really good news about this Federal budget, and I hope Members are paying attention, is that this year, in this fiscal year, we will spend in the Federal budget $1,780 billion. Under the budget we are proposing, we are talking about spending $1,820 billion. That is a 2.2 percent increase. That is the smallest increase in my adult life.

More importantly, Mr. Speaker, the Bureau of Labor Statistics tells us that this year the average family budget will grow at 4.9 percent. Now, when is the last time we have had a Federal budget that grew at half the rate of the average family budget? This is a good budget. It is fair. It has been evenly crafted. I hope Members will join me in supporting it.

THE JOURNAL

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 58, not voting 31, as follows:

[Roll No. 66]

YEAS—345

Abercrombie
Allen
Andrews
Archer
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tierney
Traficant
Turner
Udall (CO)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—58

Aderholt
Baird
Bilbray
Bonior
Borski
Brady (PA)
Brown (OH)
Clay
Clyburn
Condit
Costello
Crowley
DeFazio
English
Filner
Gillmor
Gutknecht
Hefley
Hill (MT)
Hilliard
Hooley
Hulshof
Kucinich
LaFalce
Larson
Latham
Lewis (GA)
LoBiondo
McGovern
McKinney
McNulty
Metcalf
Miller, George
Moore
Oberstar
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Scott
Slaughter
Snyder
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Weller
Wicker

NOT VOTING—31

Ackerman
Armey
Barton
Bliley
Bono
Crane
Dingell
Dixon
Dooley
Engel
Greenwood
Herger
Hill (IN)
Jackson-Lee (TX)
Jefferson
Klink
Kuykendall
Linder
Lowey
Martinez
McCollum
McDermott
Pallone
Pomeroy
Royce
Schakowsky
Sessions
Tiahrt
Toomey
Wise
Young (AK)

□ 1047

Mr. OWENS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2418, ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. GOSS. Mr. Speaker, this afternoon a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of March 27 to grant a rule which may limit the amendment process on H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Tuesday, March 28, to the Committee on Rules in Room H-312 in the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on Commerce.

Members should use the Office of Legislative Council to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House. Again, this is the Organ Procurement and Transplantation Network Amendments of 1999.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, we are talking about the organ transplant bill?

Mr. GOSS. The gentleman is correct.

Mr. MOAKLEY. Is this the bill that we will eventually work on, unlike the budget that we are voting on today that was constructed at 3 o'clock this morning without anybody testifying on it?

Mr. GOSS. Reclaiming my time from the distinguished gentleman, the ranking member of the Committee on Rules, who I am delighted to see this morning again, I will assure the gentleman, to the best of my knowledge, this will proceed in the normal way of the Committee on Rules business and should be discovered on your desk at the Committee on Rules meeting time as we normally do at the daylight hour.

We will hopefully proceed through a hearing process and hopefully proceed through the rulemaking process in a timely fashion with the cooperation of the gentleman's minority party.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. Of course, I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I appreciate my friend yielding. I have not seen him since 3 o'clock this morning, and also the wonderful chairman we have here, I have not seen him since 3 o'clock this morning.

Mr. DREIER. Why did the gentleman leave so early?

Mr. MOAKLEY. I had to catch a bus, but the only thing I want to be sure is that all the efforts that we go to in getting ready for this piece, if this is going to be the bill that we are ultimately going to vote on, unlike the budget bill that was put before us at 2:30 this morning, after being constructed in the dark of night in some den by I do not know who, but that bill never saw a committee, and it was never voted on by a committee. I want to make sure that is the way it is going to go.

Mr. GOSS. Reclaiming my time, I can assure the gentleman that is my understanding. We are fortunate to have the chairman of the Committee on Rules here who can give the gentleman further assurance. I shall yield to him.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let us not have a vote on his assessment.

Mr. MOAKLEY. I thank the gentleman.

Mr. DREIER. I thank my friend for yielding. Let me assure my colleague, who was in his office I know last night at 8:29 last evening, the gentleman received 99.9 percent of this budget package that we had. And I know that the gentleman spent the following several hours carefully scrutinizing this legislation. I think that he will find when we have this vote today it is a very responsible, appropriate way to move ahead with this.

I thank the gentleman for yielding.

Mr. GOSS. Reclaiming my time from the chairman, I yield further to the distinguished ranking member.

Mr. MOAKLEY. Mr. Speaker, there was an additional $5 billion added that was not in the bill when we heard it.

Mr. DREIER. I do not know about $5 billion that was added.

Mr. MOAKLEY. The gentleman does not know that. Maybe we should take more time to look at it.

Mr. DREIER. We looked closely at it.

Mr. GOSS. Mr. Speaker, I reclaim my time and assure the distinguished gentleman from Massachusetts (Mr. MOAKLEY) that the next piece of business we hope to see on the floor which I am about to call up will give us the opportunity to discuss further matters of interest that he has raised.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005. The first reading of the concurrent resolution shall be dispensed with. Points of order against consideration of the concurrent resolution for failure to comply with clause 4(a) of rule XIII are waived. General debate shall not exceed three hours, with two hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original concurrent resolution for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendment printed in part B of the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of amendments to the amendment in the nature of a substitute made in order as original text. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the concurrent resolution or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. Rule XXIII shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2001.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, House Resolution 446 is a structured rule, which is fairly typical for bringing forward the annual congressional budget resolution. For a number of years, we have gotten into the very good habit of managing debate on the budget by asking that all amendments be drafted in the form of substitutes so that Members could consider the whole picture as we debate and weigh our spending priorities. This rule continues that tradition and wisely so.

We have gone to great lengths with this rule to juggle the competing needs of having a full debate on a range of issues and perspectives without allowing the process to become so unwieldy that it breaks down of its own weight.

In that regard, I think the rule is fair in making in order five substitute amendments reflecting an array of points of view.

Specifically, the rule provides for 3 hours of general debate, with 1 hour specifically designated for discussion of economic goals and policies as described by the Humphrey-Hawkins provisions of the current law.

Two hours of the debate time shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and 1 hour shall be equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK).

The rule waives clause 4(a) of rule XIII, requiring a 3-day layover of the Committee report, against consideration of the resolution. The rule makes in order an amendment in the nature of a substitute printed in Part A of the Committee on Rules report as an original concurrent resolution for the purpose of amendment.

This new base text makes a number of technical and substantive changes to the underlying resolution, changes that were discussed and negotiated throughout the day yesterday. This text is available to Members in the Committee on Rules report, which was filed last night.

The rule waives all points of order against this amendment. The rule further makes in order only those amendments printed in Part B of the Committee on Rules report. I would note that, of those five substitutes I mentioned, four are sponsored by Members of the minority.

Those amendments may be offered only in the order specified in the report, only by a Member designated in the report, and they shall be considered as read, they shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and they shall not be subject to amendment.

The rule waives all points of order against the amendments except that, if an amendment in the nature of a substitute is adopted, it is not in order to consider further substitutes.

The rule provides for a final period of general debate not to exceed 10 minutes equally divided and controlled by the chairman and ranking member of the Committee on the Budget to occur upon conclusion of consideration of the concurrent resolution for amendment.

The rule permits the chairman of the Committee on the Budget to offer amendments in the House necessary to achieve mathematical consistency.

Finally, the rule suspends the application of House Rule XXIII relating to the establishment of the statutory limit on the public debt with respect to the concurrent resolution on the budget for fiscal year 2001.

Mr. Speaker, thanks to the effort of our congressional majority, we have emerged from decades of deficits; and we are now operating in a brave new world of surplus. But that does not mean we can or should now abandon our commitment to fiscal discipline. In fact, it is when the sky looks most blue that we should be thinking about how best to shovel out from the mountain of debt we have incurred and prepare for the next rainy day, which inevitably we know will come.

So I am delighted to be bringing forward to the House, House Concurrent Resolution 290, the fiscal year 2001 fiscal budget blueprint. This document, although not binding as a law, sets forth the guideposts that will dictate the path we take for the rest of this session of Congress as we complete our budgeting work.

The budget reflects conservative principles and lays the groundwork for continued success in our mission of paying down the debt, protecting Social Security, shoring up Medicare, strengthening the national defense and education, and offering meaningful tax relief to our seniors, our families, and our small businesses.

□ 1100

This budget outlines $1 trillion in deficit reduction while taking the Social Security trust fund completely off the table and while opening the door for Congress to provide realistic prescription drug coverage for Medicare beneficiaries. At the same time, we have gone further than the President in the area of defense, something that is so critical in this changing world and at a time when we are asking so much of our men and women in uniform and those in our intelligence activities.

Mr. Speaker, I commend the gentleman from Ohio (Mr. KASICH) and his committee for the work they have done. I particularly share their interest from a process standpoint in seeking ways to enforce the fiscal discipline this budget document outlines. I am delighted that we have been able to work out an arrangement that meets the concerns of some Members about setting aside surplus moneys up front for further debt reduction even while we make sure that we have provided the resources necessary so the appropriators can bring forward legislation that brings to life our commitments in key areas.

This rule brings that negotiation to fruition, and we have now put in place a process so that the issue of debt reduction will continue to be addressed as we move through this year's spending process. That is good news all around for all Americans. This is a fair rule. I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule. This resolution has never seen the light of day. This is not the resolution that the Committee on the Budget worked over for a few months. It is certainly not the resolution that the Committee on Rules held hearings on for several hours yesterday. In fact, I have talked to Members who have been here much longer than I, and they can recall no time in which a bill has come to the floor under those circumstances.

It arrived at 2 in the morning, hours after the final vote when the majority of the Members of this House had left the Hill. The ink will barely be dry when the leadership makes Members vote on this document. How many Members will see this new substitute before they have to vote? I would note that these are not technical changes. The majority has added $3 billion for science, still below what the President requested. The new resolution calls for $5 billion in unspecified cuts all to be announced later, and this is a travesty. The measure changes reconciliation numbers and includes two new points of order. It even changes the public debt limit though the rules of the House prohibit changing that number from what is reported by the Committee on the Budget.

Mr. Speaker, we have been down this road with this budget process time and time again. The leadership in this body reminds me of the bridal contestants in the television show "Who wants to marry a millionaire." They know it is a charade, but they are going through the motions anyway. This budget is as unrealistic as the failed budgets from

1998 and 1999. This proposed budget by the majority maintains a single-minded obsession with large tax cuts. It does nothing to extend the solvency of Social Security and Medicare for a single day and cuts funding for critical education, housing, and environmental protection programs.

In 1998, the majority party in the House and Senate failed to pass a budget resolution for the first time since the creation of the congressional budget process. In 1999, the budget adopted by the majority called for draconian cuts in appropriations to finance a huge $792 billion tax cut for the wealthy. This budget was disregarded by the majority almost as soon as they began the appropriations process.

When the final appropriations bill passed Congress in November, 2 months into the fiscal year, appropriated spending overran the budget resolution by $43.8 billion. In both 1998 and 1999, the American people rejected these same unrealistic cuts in essential Federal spending and excessive tax cuts for the very rich. Why on earth does the majority party believe the American people will suddenly change their minds and reject essential government services like Social Security and Medicare in favor of benefits for the wealthiest among us?

The definition of folly is to repeat what has failed and expect it to succeed, and that is just what this resolution does. It assumes that Congress will cut nondefense spending by $7 billion below this year's level and by $20 billion below the level needed to make up for inflation. Congress must then keep its foot on the brake for 4 more years, eventually taking nondefense spending $114 billion below the level of current purchasing power.

Compounding the problem of calling for implausible program cuts is the fact that the resolution already spends some of the Social Security surplus. The resolution's $200 billion tax cuts overwhelm the $114 billion reduction in the purchasing power of domestic appropriations. As a result under the resolution, the non-Social Security surplus is virtually gone by the year 2003. By 2004, the Government begins spending the Social Security surplus. And by 2010, the measure spends $68 billion of the Social Security money.

We have a choice. We can substitute this budget for one that extends the solvency of Social Security and Medicare, repays the national debt by the year 2013, provides targeted tax cuts to working families, invests in domestic priorities such as school modernization and improved access to health insurance for families.

I would like my colleagues to reflect for a moment. The surpluses on our horizon offer an extraordinary opportunity to pay down our large public debt which would be the ultimate tax cut. They allow us to make Social Security and Medicare sound and solvent for future generations. They mean that we can close the gaping hole in Medicare coverage and they make it possible for us to do more for education at all levels.

Unfortunately, this proposed budget resolution squanders this opportunity and jeopardizes the progress that we have made in eliminating the annual deficits and paying down the public debt. This measure also passes up the opportunity to put Social Security, Medicare, and the Nation as a whole on sound fiscal footing.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself 15 seconds. I would urge Members to pay very close attention to debate on the five substitutes we have made in order, four of them being from the other side of the aisle. Members need to know that under the process of this rule as I stated, once a substitution passes, we are not going to continue any others. In the vernacular, that means there are no free votes.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule. I think it is important for us to note that this rule in fact puts into place what has been the case under both Democratic control of this institution and Republican control. What we have done is we have made four Democratic substitutes in order, one Republican substitute in order. We have been able to provide an opportunity for a wide range of proposals, to be very fairly debated. We listened up in the Committee on Rules to authors of those substitutes. They have indicated their willingness to be supportive of what it is we are trying to do here by moving ahead with a very fair and open debate, and I believe that it is in fact that.

99.9999 percent of this package was provided by the Committee on the Budget. We had the package placed in the hands of the minority and other Members of the Committee on Rules by 8:30 last night, and we did in fact make a modification. It deals with increasing spending for science. I happen to think that is a very high priority. For me as a Californian it is very important for us to do that. So let me just say that the rule is fair. The rule provides the minority with four opportunities to offer substitutes; the majority with one opportunity. So I think it should continue to enjoy very strong bipartisan support.

Let me move beyond the debate that we have going on right here to talk for just a few moments about the issue of the budget itself. I have found, maybe this is just my perspective as a Californian, that the American people very much want to see an end to the extraordinary partisanship that goes on, the partisan bickering which we have seen back and forth, just listening to some of the speeches that have been made and criticism of this very fair rule. They do not like those sorts of partisan attacks, and I hope very much that we can bring an end to that kind of harsh partisanship, and I think we have evidence of it coming to an end by simply looking at this budget.

Frankly, just take the example of education. Republicans and Democrats alike want to improve our public schools. This budget actually increases by almost 10 percent over last year the level of funding for schools. That is a $20 billion increase over 5 years. As we develop policies to go with those resources, we need to make sure that every American child has a chance to learn the skills and knowledge to succeed in our new 21st century economy.

Now, let us take another issue on which we have bipartisan agreement, national defense. Most Democrats, I am happy to say, now agree with what we Republicans have been saying for years, that we must bolster our national security spending so that we can get every soldier, sailor, and airman and their families and their children off of food stamps and into quality housing.

Let us look at a third issue, Social Security. This budget shows how Republicans and Democrats now stand together to ensure that the Social Security surplus is never again spent on other government programs. I am very happy to say that it is under this Republican leadership, under the strong leadership of Speaker Hastert, we have successfully protected every dollar of the Social Security surplus for the past 2 years, and this plan now does that for an additional 5 years. This is clearly the basis for long-term bipartisan retirement security reform.

Republicans and Democrats stand together to increase medical research. This budget dedicates $1 billion more than last year to find cures that will ease the pain of millions of American families. Republicans and Democrats stand together on key science initiatives, as I was saying. When we pass this rule, we will ensure that the science and space programs funded in this budget are supported at a level needed to continue the cutting-edge science and space work that go on in places like the Jet Propulsion Laboratory in Southern California and other fine facilities throughout the region that I am privileged to represent.

Now, Republicans and Democrats do agree on a wide range of very important priorities. But of course, there is still quite a bit of politics left. There is a difference between the basic philosophy of the competing budgets with the five substitutes that we will have today. Republicans believe that the Government has an important role in helping to address many problems, but we never lose sight of the fundamental fact that America is great because of the American people, families, entrepreneurs, neighborhoods, businesses and farmers, not the Federal Government.

What does this mean in a budget? It means that while we work hard to address education, medical research, national defense, retirement security, and health care, we also set something aside for families. The Republican budget helps families by paying down $1 trillion in public debt by 2005 and retiring the entire debt by 2013. This will provide a tremendous boost to ensuring a strong, stable, vibrant economy for our children and grandchildren.

The Republican budget also provides some tax relief for American families, senior citizens, small businesses and farmers. Make no mistake, this budget spends a lot of money. As I said, we increase spending on education, health care, medical research, defense and science. But we believe that families should be in that priority list as well so that they have a little more of their own money to spend on school clothes for the kids, college tuition, or a new home computer. With half of American households participating in financial markets today, our Nation has what we like to call an emerging investor class. More than ever before, the American people recognize that they have a direct stake in policies focused on expanding economic prosperity, including smart tax relief.

Mr. Speaker, the investor class supports pro-growth, pro-investment tax reductions because they know that America's strength, our prosperity, is driven more by the emerging Internet economy and the NASDAQ, the wonder of NASDAQ and the companies involved there, than the Federal bureaucracy that exists here in Washington, DC.

This is a very, very good budget that the gentleman from Ohio (Mr. KASICH) is going to be moving forward here. I think that this rule deserves again strong bipartisan support by providing all these alternatives to our colleagues, and we can move ahead focusing on the areas of agreement and we can have what the gentleman from South Carolina (Mr. SPRATT) describes as a full, vigorous, tough debate on these areas of disagreement.

I urge support of the rule and our budget package.

□ 1115

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, judging from comments by the campaign of Governor Bush, this Republican budget abandons conservatives. If we take a close look at the details of this budget, it is clear that this budget also abandons middle-class families. In their haste to embrace massive fiscally irresponsible tax cuts, Republicans are abandoning Social Security, Medicare, and fiscal responsibility.

Despite their talk about how much they care about seniors, the Republican budget does nothing to strengthen the retirement security for current and future retirees.

This Republican budget does nothing to extend the life of Social Security and Medicare. It does not provide one dime to strengthen the Social Security or Medicare trust funds. They ignore the looming shortfall that threatens the future retirement security of all Americans.

The Republican budget fails to propose a Medicare prescription drug benefit to cover all seniors. The cost of prescription drugs is hurting all seniors. This is not a problem which is just limited to low-income retirees.

The Republican budget does not help middle-class seniors. Their budget says that they need to be spending themselves into poverty with prescription drug costs before they get Medicare coverage of prescription drugs.

To make matters worse, I understand at 3:00 a.m. in the morning, the funding that was in their budget to support a Patients' Bill of Rights was taken out. So I suppose that priority will also be lost.

The Republican budget abandons the fiscal responsibility that we worked so hard to achieve and tries to turn back the clock to the early 1990s. They threaten the balanced budget and efforts to pay off the debt by the year 2013.

The analysis by the Democratic staff of the House Committee on the Budget found that the Republicans would spend some of the Social Security surplus by 2004 and as a result we would be revisited by on-budget deficits if we enact this budget once again.

The Republican budget proposes deep cuts in investments in education, health, and veterans affairs, putting our children and others even further behind.

One may ask, why this abandonment? The Republican budget sacrifices fiscal responsibility on the altar of massive tax cuts. The Republican budget proposes $150 billion in tax cuts now, $50 billion after the smoke clears, and then possibly another $50 billion in tax cuts for the wealthy and special interests if revenues increase.

The American people rejected these massive tax cuts that threaten our economic progress and retirement security last year, in last year's budget debate. Clearly, Republicans still have not gotten the message. The American people want a budget plan that pays off the debt, extends the life of Social Security and Medicare, provides a prescription drug plan for all seniors, and addresses our pressing health and educational priorities.

So this is not the right budget. We need to vote against the rule and vote against this budget. Let us reject this budget and protect the surplus for the priorities of working families.

I urge my colleagues to vote against this budget and for our alternative that puts families first and keeps our fiscal house in order.

Mr. GOSS. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I am frankly kind of astounded by what I have just heard because I thought that was a speech laying in the bottom of the desk drawer from 6 years ago. It is so far from representing reality. I am really stunned.

I want to say what the budget does. I think the people will be very surprised when they hear about what we have in this budget.

First of all, this will be the second year, I think in my lifetime, that the politicians in Washington kept their mitts off of Social Security. That never happened before. In 1995, we were running $175 billion deficits; and they were projected to be as far as the eye could see, and here we are for the second year in a row, because of the leadership of people in this House, we are not going to touch the Social Security surplus. We are locking it up. We are saying to senior citizens, we are not going to take one dime of it and use it for any other spending like my colleagues on the other side of the aisle did for all of my lifetime.

We are saying we are not going to touch it. We are going to lock it up. We are going to put an electric fence around it, and it will only be used to pay for Social Security benefits or to pay down debt. We are the first group of leaders in this town to keep our mitts off of Social Security in decades. It is amazing.

Secondly, in terms of Medicare, not only are we going to have a reform agenda on Medicare to try to strengthen Medicare, but we have money set aside so that our poorest senior citizens can have access to prescription drugs; $40 billion worth of potential resources to both reform Medicare, strengthen Medicare and to provide a prescription drug benefit to our poorest seniors who cannot afford to go to the pharmacy because they do not have any money. That is in this budget.

Thirdly, we are going to pay down a trillion dollars in the publicly held debt. Did my colleagues hear what I said? We are going to pay down $1 trillion of the debt that is owed to the public in this country.

Now, if Regis was here and he was flashing this up on the wall about being a millionaire, everybody in the gallery would be standing up and cheering; but the fact is I think they will be cheering when they realize that by paying down a trillion dollars in the publicly held debt we are lifting a huge burden off the backs of our children.

When we came to this body in 1995 and took our majority, the guiding star was the future of our children. We are beginning to carry through with our promises, which is unusual for politicians.

Fourthly, the gentleman from Missouri (Mr. GEPHARDT) just said that we do not have any tax relief for the middle class. I have to send him our budget because the first thing we passed around this House was to ease the marriage penalty so that when people get married they do not get punished for getting married. Now that is not something that does not apply to the middle class. Most of the people who are going to benefit are middle-class couples who got married, who are not going to be punished anymore because they got married. This budget will accommodate that.

In addition to that, if one is a senior citizen and they have decided to work, in this town we have a formula: if they work, we punish them.

Well, we just passed a bill through this House that I think received total support from everybody in this House that said if seniors work we are not going to take away their Social Security benefits.

Who does that apply most to? People at the lower end of the economic spectrum.

Now, say someone is a little family farmer. We just had a thousand farmers show up in this town. We are saying that when they die, they are not going to have to visit the undertaker and the IRS on the same day. They can take their family farm, and they can give it to their kids.

Is that not what we want in America? I think so.

Someone owns this little pharmacy, they are struggling every day to make it, they make their dollars, they get old, they want to pass it on to their kids, that is the American dream. To say that that does not reflect a middle-class value, I mean, come on, shame. We know better than that.

There are going to be more programs for tax relief for all Americans. If someone is self-employed and they want to get health insurance, we are going to make that available to them. If one is a mother and father that has their kid in a school where their kid is not safe and not learning, we are going to give them incentives so they will be able to save so their kid can go to the school of their choice.

It is going to be in this budget. It is all provided for.

We strengthen defense, and we also strengthen education. We also continue our historic increases in investments at the National Institutes of Health to help people fight the diseases that afflict them with heart, with cancer, and with lung.

I am astounded. I believe in a good old-fashioned, fair fight, but let us just fight on the facts. Let us not make stuff up. Let us not scare people.

The question today is whether we are going to advance the reform agenda in Washington or whether we are going to continue to be obstacles in this town to the need to reform and pare down government and prioritize government and clean up waste, fraud and abuse and protect Social Security and provide tax relief.

If one is for the reform agenda, they will support this budget. I know that for the period of the next, I do not know, 6 or 7 hours, we are going to hear a lot of code words: risky, dangerous, irresponsible. Those are code words for more bureaucracy. They are code words for more standing in line. They are code words for more frustration. They are code words for higher taxes.

That is fine, but let us not just make stuff up out of the thin air.

Mr. Speaker, I hope some of my colleagues will have the good sense to fight this fair. If they want more spending, great; say it. If they want higher taxes, fine; say it. That is what the fight ought to be on.

This is a budget we should all support.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my dear colleague, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me the time.

Mr. Speaker, last week things were looking pretty good around here. Last week the Republican members of the Committee on the Budget showed the world their proposed budget. They gave people plenty of time to read it, and they were not ashamed of it.

Last night, all that changed. Last night, or this morning, at 2:00 a.m. this morning, the real Republican budget came out. But unless one is a member of the Committee on Rules, they did not see the Republican budget until 2:00 this morning, just hours before its coming up for a vote.

Mr. Speaker, these days the only creatures that stir in the middle of the night, long after the sun goes down, are vampires and members of the Committee on Rules. Eighty percent of the members' meetings on the Committee on Rules do not start until the lights have to be turned on, and from the looks of some of these bills, Mr. Speaker, I could see why. They read a lot better in the dark.

This budget does nothing to save Social Security or Medicare or help seniors with the Medicare prescription drug plan. The chairman of the committee said that 99.9 percent of this was the same budget. Let me say some of the other parts of that budget.

Some of the changes are pretty big, Mr. Speaker. This was all done after the hearing concluded. They went back into this room somewhere, and they changed the public debt limit, which is a violation of the Budget Act. They promised to cut $5 billion, but they did not say where they were going to cut it from. They added $3 billion for science, which still is far less than the gentleman from New Jersey (Mr. HOLT) would have added if his amendment was made in order.

They still did not do much more middle-class families.

They added two brand-new points of order. They changed the reconciliation directives. They changed the provision dealing with health care and Patients' Bill of Rights. They changed the reserve fund for thrift savings plans and benefits. These were all done, Mr. Speaker, after the hearing had been concluded for hours.

This bill that we are voting on today never appeared before the Committee on the Budget.

So I urge my colleagues to reject this budget and send it back and let the Committee on the Budget who have expertise in this field really have a chance to look at it and do something about Social Security and Medicare, and preferably earlier in the day.

□ 1130

Mr. GOSS. Mr. Speaker, may I inquire of the time available on both sides.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) has 11 minutes remaining and the gentlewoman from New York (Ms. SLAUGHTER) has 19 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, last year, for the first time in 40 years, we balanced the budget without including the surplus and Social Security. We balanced it to the tune of $704 million. Having reached this milestone, we made a vow on both sides of the aisle when we brought our budget resolution to the floor last year that we would not get back into an on-budget deficit again, we would not slip back into borrowing from the Social Security trust fund. We would use the surplus, we said, in the Social Security trust fund instead to buy up existing Treasury bonds and notes, reduce debt rather than create new Federal debt.

To accomplish that purpose we both trotted out something we called "lockboxes," a portentous name. When you got through all the boilerplate, both of them came down to this. You have a point of order. If somebody brought to the House floor a resolution, like this resolution, a budget resolution, and it dipped into Social Security again, went into deficit, you could raise a point of order.

Now, to the American people, that suggests summary dismissal. It disposes of the question. But in truth, the Committee on Rules in the House is the task master at waiving points of order.

We have before us today a rule that ought to be subject to a point of order if we take the lockbox seriously, because this rule waives all points of order. This rule permits a budget resolution to come to the floor that, in our opinion, would wipe out the surplus in 3 years and, in the 4th and 5th years, 2004, 2005, and subsequent years, it would put us back into deficit again, put us back into borrowing from Social Security.

This simple chart, this simple arithmetic on this chart shows you why. The Republicans claim that they have $110 billion surplus over the next 5 years. But the gentleman from Ohio (Mr. KASICH) just showed that they intend to use $40 billion for a prescription drug benefit, and we welcome them to the fold on this issue, because we think it needs to be done. So they have matched us. They have $40 billion for a Medicare benefit.

In addition, the gentleman from Ohio (Mr. KASICH) has said on repeated occasions in committee markup, yesterday in the Committee on Rules, last night on the floor, that they will have a tax cut of $150 billion, plus $50 billion more, and if CBO says there are more revenues, they will go up still more. When you factor in that additional $50 billion, the $40 billion for Medicare prescription drugs, guess what? The surplus disappears in 3 years and we are back in deficit, back into borrowing from Social Security.

So this in simple arithmetic is the argument why this rule should be voted down. Vote it down. Make the Republicans bring back to the floor a budget resolution that safely is in surplus, and not this one, which clearly puts us in danger of backsliding into deficit and borrowing again from Social Security.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from New York for yielding me time to speak in opposition to this rule.

Mr. Speaker, this rule is restrictive. Although there are claims that it is allowing all debate on all points of view, it, in fact, does not do that.

I spent a considerable amount of time with my staff putting together a substitute amendment that certainly would have allowed this debate to be expanded out to talk about tax fairness and the kind of investments we need to keep our economic growth and to keep families secure in this country. I think it was a point of view that deserved to be debated, deliberated and voted upon.

We ought not to have just a debate about whether we are going to have incredibly huge tax cuts that favor only a small segment of already wealthy individuals and corporations, or a situation where people talk about taxing some more.

We have within this trillions of dollars of budget a huge amount of unnecessary and unwarranted advantages that are given to special interests. If we were to recapture those, we can do the two things that we need to do in this country, invest in our economic growth, in education and job training, in health care and retirement security, and research and development, in infrastructure, and, at the same time, have the kind of fairness we need.

Mr. Speaker, we need to have this process go back to the drawing board and come out again.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I do not have a problem with the rule, but I do have a problem with the budget resolution offered by the Republican Party today. Yogi Berra should be with us here today, because it is "deja vu all over again." Last year it was a $800 billion risky tax cut scheme, this year it is a $1 trillion 10-year risky tax cut scheme.

You would think that the Republican leadership would get it eventually and start listening to the American people about where our priorities should lie. But the problem is not that they do not get it, the problem is that they cannot sell it. They could not sell it last year when it was a $800 billion tax cut, they are not going to be able to sell it this year with a $1 trillion tax cut.

They can't sell it because the American people won't buy it. The American people understand if these projected budget surpluses do in fact materialize, although there is no guarantee they will, now is the time to take care of existing obligations, to shore up Social Security, Medicare, and pay down the $5.7 trillion national debt. That is the fiscally responsible and fiscally disciplined approach.

It is sad that when the Republican leadership and members on the committee had an opportunity to vote for their presidential nominee's fiscal plan, a $1.5 trillion tax cut scheme, they were all ducking for cover, hiding under their desks and trying to flee the budget room in order to avoid having to vote on that issue.

But the saddest commentary of all is that a contemporary American comic strip is more reflective of the values of the American people today than the governing majority party in the House of Representatives. I do not know how many of my colleagues had the opportunity to see the Doonesbury article that appeared about a week ago, but I think it tells the story very, very well.

It opens up with a scene of men with one guy saying, "Heads up, he is coming this way."

Another gentleman, "Try not to make eye contact."

And an empty hat, which I suppose depicts Governor Bush. Then Governor Bush saying, "Hi, fellows, I'm George Bush and I'm asking for your support. If you vote for me I will give a huge tax cut. How is that for a straight deal, huh?"

"Well, I'm not sure. I mean, I can see how the wealthy might get excited. They'd be averaging $50,000. But it wouldn't mean much to a guy in my bracket."

Another gentleman says, "Besides, I care a lot more about shoring up Social Security and Medicare and paying down the national debt."

"Yeah, didn't fiscal responsibility used to be a Republican issue?"

Then Governor Bush: "But, but, you do not understand. I am offering you something for nothing. Free money. Don't you want free money?"

Then another gentleman: "Sure, but not until we pay our bills."

"Right."

Governor Bush: "What is the matter with this country?"

The last gentleman: "I guess we have grown up a lot as a people. I know I have."

Now, I am not saying the Doonesbury comic strip should set fiscal policy in this Nation, but I do believe, sadly, this comic strip better reflects the values of the American people and why we should support the Democratic alternative today.

I certainly didn't come to this Congress in order to leave a legacy of debt for my two little boys or for future generations.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, today we enjoy the fruits of fiscal responsibility and an expanding economy. This budget resolution, thrown together at 3 in the morning in the dark of night in a secret room, this budget resolution puts all that at risk. Why? To support huge tax cuts that threaten to bust budget and endanger Social Security and Medicare.

The only good thing that can be said about this resolution is that it is slightly less fiscally irresponsible than the plan put forward by Governor George Bush, to which Senator MCCAIN responded that it represented fiscal irresponsibility.

What kind of tax cuts are we asked to risk Social Security and Medicare for? We saw earlier this month, when the Republican tax bill provided three-quarters of the benefits to 1 percent of the richest Americans.

Mr. Speaker, in his earlier speech, the gentleman from Ohio (Chairman KASICH) invoked the sacred name of Regis Philbin. What game are we playing here?

The Republicans are not playing the game who wants to be a millionaire or who wants to marry a multimillionaire. They have a new game, who wants to risk Social Security to give huge tax breaks to multi-multi-multimillionaires.

Let us not play that game. Let us reject this rule and reject the Republican budget resolution and return to fiscal responsibility.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SCARBOROUGH)

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

I love listening to these budget debates every year. It is like back to the future. It is like deja vu all over again. Unfortunately for the Democrats, they seem to be what Paul Simon called a one trick pony. It is the same thing over and over and over again.

Except this year they have got three trick ponies. They have MediScare. They talk about how Republicans are going to destroy Medicare and Social Security. They have class warfare, talking about massive tax cuts for the rich, and Americans are not going to buy it. Well, heck, Democrats are buying it. One hundred Republican and Democrat Senators last night supported stopping penalizing senior citizens for earning money. They supported the marriage tax penalty reduction, bought and sold for by Democrats. God bless America. Everybody is doing it.

They also spend without care. Every one of their substitutes spends more and taxes more than the Republican budget.

Now they are reading cartoons. That is how sad it has gotten. I understand, because you know, in 1995, when we got here, they were doing the same class warfare argument, saying that we were going to destroy the economy. You cannot balance the budget in 7 years without destroying the economy and killing the middle class.

Yet Alan Greenspan came to the Committee on the Budget and testified if you all would pass this Balanced Budget Act, I predict Americans will see unprecedented growth over the next 5 to 7 years. Greenspan said it in 1995. The gentleman from Ohio (Mr. KASICH) had the courage and vision to follow through with it, as did the Republican Congress. We did it, and you know what? It was not 7 years later. Five years later we balanced the budget. We gave the middle class Americans the strongest economic boom in over a generation. And we did something else. For the first time in a generation, this Congress did not steal from Social Security in their budget.

Yet these same Democrats that come to the floor today, that have the nerve to call themselves protectors of Social Security, were the very ones while in power for 40 years, stole from Social Security.

Mr. Speaker, I remember when some of us in 1995 said we could balance the budget and not steal from Social Security's trust fund, we were called radical extremists. Five years later, the budget is balanced; and we are keeping Social Security solvent by keeping our hands off of it.

I will tell you what, this year continues what we have done for the past 5 years. The gentlewoman from New York defined folly as repeating what has failed and expecting it to succeed. They have repeated the same class warfare arguments. They have repeated the same arguments of fear. They have repeated the same arguments of risky schemes. And their arguments have failed.

It is time to look at what has happened because of the vision of the gentleman from Ohio (Mr. KASICH), the Committee on the Budget's vision, and this Congress' vision. We have balanced the budget. We have saved Social Security. And we have given tax cuts to middle class Americans.

□ 1145

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise to speak on the budget rule. I am totally against the budget debate and the budget rule. I think it is wrong for America. We just heard the debate right now, and we talked about keeping the budget balanced. It is not just about keeping the budget balanced today. We are talking about a solvent budget, a budget that will be there for the future as well, protecting our children for today, investing in our future, protecting Social Security, taking down the debt, taking care of drug prescriptions, taking care of what we need to do.

It is easy to get up here and talk about a balanced budget. Yes, we can talk about it today, but what is the impact it will have on the future? That is what is so important right now. It is being fiscally responsible, taking that budget and doing what needs to be done. We are not doing that.

The Democrats have a budget proposal right now that deals with taking care of the American people, working families; taking care of investing in our future, protecting as well what we need to do, and that is to make sure that we have good education, quality education, scholarships that will be available. It is investing in the future.

I ask my colleagues to vote against this rule.

Mr. GOSS. Mr. Speaker, may I ask again where we stand on the time.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) has 8 minutes remaining; the gentlewoman from New York (Ms. SLAUGHTER) has 9½ minutes remaining.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Again, I did not have time before, but I think I should call to the attention of the House, in light of what the gentleman from Ohio (Mr. KASICH) said earlier, that this resolution offered by the Republicans does not provide for the abolition of the Social Security earnings test. If it did, on page 33 of the concurrent resolution of the budget under function 650, Social Security over the next 5 years would have to be adjusted by $20 billion. They do not adjust it. They do not provide for this waiver, repeal of the earnings test, despite what the gentleman from Ohio (Mr. KASICH) just said.

Now, this is an example of doing something hurriedly, doing something slipshod and not attending to important detail. They are not doing what they are purporting to say that it does.

We had the same problem last year. We had a military pay raise on the floor, retiree increases; and the budget resolution did not reflect those, did not account for those.

Mr. Speaker, I call it to the attention of the House. Function 650 is unadjusted, does not reflect the cost that over the next 5 years if we are going to repeal the earnings test, we have to add $20 billion in outlay expenditures by the Social Security Trust Fund. Everybody should know that when voting on this rule.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS), a distinguished member of the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

The minority leader's speech today was a speech taken out from something he said 5 or 6 years ago, and the speech I just heard from the distinguished ranking member of the Committee on the Budget reminds me of straining out gnats and swallowing camels. We set aside $200 billion for tax cuts. Now, we are told it is irresponsible. We are told it is outrageous. We are told it is something we cannot afford.

The fact is, in the next 5 years we are going to raise $10 trillion in revenues, and we are going to return to the

American people $200 billion. The tax cut ends the marriage penalty. A good number of Democrats voted for that. The tax cut repeals Social Security earnings limit. All Democrats voted for that. The next tax cut, which a good number of Democrats voted for, reduces the death penalty. We are expanding educational savings accounts. We are increasing health care deductibility. We are providing tax breaks for poor communities, and we are strengthening private pension plans. Mr. Speaker, $200 billion out of $10 trillion, a 2 percent tax cut. But our colleagues on the other side of the aisle do not even want to return 2 percent.

Mr. Speaker, we protect Social Security. Last year was the first year since 1960 that a Congress did not spend Social Security reserves. We protect it in this budget we are in, and we protect it in the budget we are now voting on. We are strengthening Medicare. We are setting aside $40 billion for prescription drugs, $40 billion. That is what we are setting aside, and yet the minority leader said we were cutting Medicare.

We retire the public debt. Mr. Speaker, $1 trillion of public debt in the next 5 years, $1 trillion. It never happened under Democrat rule. We are doing it now, and it is in this bill. We are providing that tax fairness for families. It is not just returning revenue to the American people, but dealing with fairness. Couples should not have to pay taxes when they get married; seniors should not have to lose Social Security when they work. And we are restoring Americans defense; we are putting more money in education, science, and health. We are doing exactly what we should do.

Now, we are going to have 5 amendments come up and we are going to oppose 4 of them. We are going to oppose them because they do not meet these tests. We are going to protect Social Security; and if it does not do that, we will oppose that. We want Medicare prescriptions, $40 billion. If it is not there, we are going to oppose it. We want to retire debt. We have already retired $302 billion of debt. We are going to promote tax fairness, which on the other side of the aisle they seem to be opposed to. We are going to restore America's defense, and we are going to strengthen and support education and science. That is what we are going to do in our budget, and we are determined to succeed.

Ms. SLAUGHTER. Mr. Speaker, I was so struck by what the gentleman from South Carolina (Mr. SPRATT) said just a moment ago, that this budget fails to take into account the repeal of the earnings test, and I want to yield to the gentleman from South Carolina (Mr. SPRATT) the rest of my time, save 1 minute, to sum up.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding, and I would inquire of anyone on this side who wants to explain why the $20 billion is not provided in function 650, spending by Social Security, to effect this policy that the chairman of the Committee on the Budget just claimed that he is accommodating. Where is it?

Mr. SUNUNU. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Speaker, Social Security is off-budget, is it not?

Mr. SPRATT. It is indeed.

Mr. SUNUNU. Mr. Speaker, function 650 is a discretionary account, is it not?

Mr. SPRATT. Mr. Speaker, function 650 is a discretionary account, but it also has an off-budget account.

Mr. SUNUNU. Mr. Speaker, it does not include mandatories. We passed that bill unanimously in the House; it passed unanimously in the Senate. It will be signed by the President into law. It was initiated by the Speaker of this House, and it does not need to be included in function 650, because it is a mandatory outlay and not a discretionary fund.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I would advise the gentleman simply to look at page 33 and the gentleman will see there is an on-budget provision and an off-budget provision, and the off-budget provision is the Social Security benefit spending provision. It is $20 billion short. I mean this is government work, but $20 billion is still real money. It is a big mistake.

Mr. SUNUNU. Mr. Speaker, if the gentleman will continue to yield, I think the point is clear, is eminently clear. All of Social Security spending is off-budget. Function 650 is a discretionary account. What we are voting on here today includes the incorporation of the Social Security earnings test to the extent that it needs to be included in this budget document. I think it is misleading to suggest that it was put together in a slipshod way when the gentleman knows that the legislation has already passed, the House and the Senate and will be signed into law and that it will not have a material impact on discretionary outlays.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation, although I think it falls short.

The fact of the matter is there is provision for off-budget spending. It is on page 33, function 654 and your report; and that function understates spending over the next 5 years by Social Security to the tune of $20 billion. Because my colleagues understate spending here in calculating how much debt reduction they will achieve in the purchase of our debt held by the public, they owe the State the accomplishment of debt reduction. That is a significant mistake, unless they want to say this is a waivable mistake; it is not. It is bad work. It is a good reason to vote against the rule and to take this thing back and clean up.

Let me go back to my chart. I did not have enough time to talk about it. This chart is simple arithmetic. In simple arithmetic, it shows my good friend, the gentleman from Connecticut (Mr. SHAYS), whom I have enormous respect for and who was just on the floor saying they are going to have a $200 billion tax cut. That is what the gentleman from Ohio (Mr. KASICH) said in the Committee on Rules yesterday, and that is what he said repeatedly in our markup.

If they have a $200 billion tax cut, then they have to add $50 billion to the amount of tax reduction over the next 5 years. In addition, if they have a pharmaceutical benefit, a drug benefit in Medicare, they have to add $40 billion. And when they add those two things that they both claim are included, $50 billion and $40 billion, guess what? The surplus disappears.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I rise in opposition to this rule. This bill does not, in fact, reflect what the Committee on Budget did. Until the Committee on Rules stops rewriting budgets, we are going to be in a situation where neither the Committee on the Budget on the Democratic or Republican side or any House Members have had any real role in its construction. That is just plain wrong. This is the most important document which we produce.

Moreover, let me tell my colleagues that in the Committee on Budget they blocked our ability to put the Bush tax cut up as an amendment. They do not want to vote on it. It was not a pretty sight in the Committee on Budget; it was not a pretty sight in the Committee on Rules. Neither one of them put the Bush tax cut in order for us to be able to take a vote upon it. And there is a good reason why, because two-thirds of the Bush tax cut goes to the richest 10 percent of taxpayers. The richest 1 percent of taxpayers get an average of $50,000 tax cut. It does not leave enough money to shore up Social Security, Medicare, education, all the way down the line.

So I urge a vote against the rule so that we can debate this issue fairly, openly and freely; let us have an open vote on the Bush tax cut. It is the centerpiece of the economic claim which is being proposed by the other party. All of us should be allowed to vote upon it.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his comments.

Let me go back just in conclusion to this chart so that everybody understands it. This is simple arithmetic. This is not smoke and mirrors. This takes their numbers, their assumption, their claims about what their budget resolution does and adds them up correctly. They claim that they are providing for a tax cut over 5 years of $200 billion, so we adjust their tax cut of $150 billion by $50 billion to show and allow for a tax cut of $200 billion, which is what they claim on the floor and in committee.

In addition, they claim on the chart that they just showed and through comments that they have just made that they too will have a pharmaceutical drug benefit for Medicare beneficiaries. They assume costs of that, they have it in a reserve fund, it is $40 billion. If they are going to claim it, they have to count it. They claim it, but do not count it. We count it. Add the $50 billion, add the $40 billion, adjust for debt service, and in 2003, the surplus of which we are all so proud which we want to protect, we do not want to backslide into Social Security, the surplus virtually vanishes. In 2004, there is a $6 billion deficit. We are $6 billion into Social Security again if this resolution is adopted. In 2005, it is down to $2 billion, and the subsequent years are just as bad. That is the consequence.

Now, we have tax cuts in our budget resolution, the Spratt substitute, the Democratic budget resolution. We provide for $50 billion net tax cuts over 5 years and $201 billion net tax cuts over 10 years. We think those are reasonable; and we believe that if our colleagues do the tax cuts that they are talking about that they are claiming, they are back in deficit, and that is why this rule should be voted down. Because it waives what we tried to establish as a major point of order last year in the lockbox when we said, we cannot bring a resolution, we cannot bring an appropriations bill.

Mr. GOSS. Mr. Speaker, just to be sure both sides understand, could we have a statement of the times again, please?

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) has 5 minutes remaining; the gentlewoman from New York (Ms. SLAUGHTER) has 1 minute remaining.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I want to tell my colleagues what is amazing about the chart we just saw. It is all made up. In fact, the numbers do not even add up. Talk about slipshod.

Let me tell my colleagues how they put these numbers together, and I give them credit for actually explaining how they come up with this chart. In their document, they say figures 2002 to 2005 are interpolated by the Democratic staff. That means made up, interpolated. Extrapolations for the second 5 years made by the Democratic staff. In addition to that, my good friend, the gentleman from South Carolina (Mr. SPRATT), on November 2 of last year, said that we will be $17 billion into the Social Security account, which, of course, never happened.

☐ 1200

So he was wrong last year about arguing we were going to be into Social Security. His staff made up the numbers with extrapolations and interpolations. I am going to start including that language in my vocabulary.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise to engage the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, in a colloquy with respect to the points of order contained in the budget resolution.

The first point of order prohibits the inclusion of directed scorekeeping language, and the second prohibits the consideration of advanced appropriations above $23 billion in the fiscal year 2001.

My question is: Does either point of order preclude the consideration of H.R. 2563, a bill that provides advanced contract authority for the Woodrow Wilson Bridge?

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would say no, there is absolutely no point of order that precludes consideration of H.R. 2563.

Mr. DAVIS of Virginia. Mr. Speaker, I would further engage the gentleman from California. Does either point of order preclude the inclusion of H.R. 2563 with directed scorekeeping language in an appropriations bill?

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, it is important to note that, while the new directed scorekeeping point of order would affect the timely consideration of H.R. 2563 with directed scorekeeping language, there are several other points of order that would currently apply. I would make a commitment to the gentleman from Virginia (Mr. DAVIS) that we will work together to craft a rule that would remove all obstacles to consideration of this important bill.

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate the gentleman's assurance.

Mr. Speaker, I yield to the gentleman from Ohio, Mr. KASICH.

Mr. KASICH. Mr. Speaker, I wanted to complete the thought that the Republican budget does not use extrapolations and interpolations to cook numbers and make things up and make claims that never come true.

We will have an ending of the Social Security earnings limit. It will be paid for through this bill. It passed the House. It passed the Senate. It will be signed into law.

The fact is that, by the time we are at the end of this summer, we are going to have in the vicinity of $250 billion worth of tax relief for every American who pays taxes without any extrapolations, interpolations or any other hyperbolations that the Democrats may want to lay on this floor today. But they are my friends, and I appreciate their ingenuity. They are just wrong.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to be calling a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule to allow an up-or-down vote on Governor Bush's proposed tax cut. There has been a good bit of discussion about where the House stands on those tax cuts. I think the House should have the opportunity to go on record and end the speculation.

Mr. Speaker, I ask unanimous consent that the text of the amendment I would offer be printed immediately before the vote on the previous question. The vote on the previous question may be the only opportunity the House has to vote on Governor Bush's proposal.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss: Page 2, line 10, after "comply with" insert "clause 3(b) or".

Mr. GOSS. Mr. Speaker, this amendment waives clause 3(b) of House Rule 13, which requires each committee report to include specific vote information from that committee's markup session. All Members are familiar with that.

This amendment is necessary to address an inadvertent technical error in the report of the Committee on Budget to accompany H. Con. Res. 290. Specifically, on page 88 of the report, the rollcall vote on the motion to report the concurrent resolution fails to indicate how the gentlewoman from Oregon (Ms. HOOLEY) voted, although her vote is reflected in the total vote.

Again, this is an inadvertent technical error in the report that is not intended to be captured by clause 3(b) of House Rule XIII.

Ms. SLAUGHTER. Mr. Speaker, I include the amendment that I previously referred to, as follows:

AMENDMENT TO HOUSE RESOLUTION 446

On page 3, line 5, after "Rules" strike the period and add the following:

"or the amendment printed in section 3 of this resolution which shall be treated as if it were the last amendment printed in part B of said report." and

At the end of the resolution, add the following:

Section 3. Amendment to be offered by Representative Markey of Massachusetts.

Amend section 4 to read as follows:

SEC. 4. RECONCILIATION.

Not later than May 26, 2000, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction sufficient to accommodate tax relief of $10,000,000,000 for fiscal year 2001, $483,000,000,000 for the period of fiscal years 2002 through 2006, and $1,269,000,000,000 for the period of fiscal years 2001 through 2010.

Mr. GOSS. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the amendment and to the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 203, not voting 11, as follows:

[Roll No. 67]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

Ackerman
Crane
Dixon
Greenwood
Jackson-Lee (TX)
Lowey
McCollum
McDermott
Pallone
Royce
Schakowsky

□ 1237

Mr. CUNNINGHAM and Mr. KNOLLENBERG changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 194, not voting 12, as follows:

[Roll No. 68]

YEAS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham

LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

Ackerman
Crane
Dixon
Greenwood
Jackson-Lee (TX)
Lowey
McCollum
McDermott
Pallone
Rangel
Royce
Schakowsky

□ 1253

Mr. PORTER changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 446 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, House Concurrent Resolution 290.

□ 1256

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, with Mr. BOEHNER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

Under the rule, the general debate shall not exceed 3 hours with 2 hours confined to the Congressional Budget equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK).

The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 1 hour of debate on the Congressional Budget.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one more time, it is probably going to be about five more times, I want to go through what we are presenting in this budget today. If I can just take us back a few years. I mean, it is pretty astounding that a Congress that was increasing spending through the roof, having deficits in the neighborhood of several hundred billion dollars, could reverse itself today under a policy that we believe as majority Republicans that, if we could just restrain the growth of the Federal Government, we could contribute mightily to the growth of this economy. That, in fact, has happened.

Starting in 1995, we made a commitment that we would relieve the burden that has been placed upon our children's backs. We do not believe that at the end of our lives our children should show up for the reading of the will to find out that what mom and dad left them was a big bagful of bills totalling into the trillions of dollars.

So we made a commitment that, frankly, was pretty amazing. As for me, I have held public office now for approaching 25 years. For those that gasp at that number, do not worry, I am leaving at the end of this year. I am going to retire. As you can see, I am, you know, tenderly young, even though I have been here so long. But what I can tell you, I can tell my colleagues that in politics, in the 25 years that I have been involved with it, it is very seldom that I have been able to see public officials put aside their own self-interests and instead adopt the community interest, the interest of the country.

We did that starting in 1995. And we had a rough road. We were outwitted at times. We were outspoken at times. We were out-PR'd at times, but that is soft stuff. That is not about results, and that is not about policy, and that is not about programs.

We kept our eye on the ball. And the eye on the ball was to balance the Federal budget. And starting in 1995, with our rollercoaster ride of emotions to try to get to a balanced budget, we demonstrated our commitment. I believe the chairman of the Federal Reserve, who sets the interest rates policies for this country, noted our commitment and gained confidence in what result we would produce here on Capitol Hill; and as a result, he lowered interest rates, which, of course, has allowed this economy to grow in a spectacular fashion with the wealth generated from this economy being shared by all Americans.

We get to 1997, and we make a budget agreement with the administration; and what we find in 1998 is the first balanced budget in a generation. In 1999, we wrote a budget that for the first time in my lifetime kept our mitts off the Social Security surplus.

The leadership of many members of the Committee on the Budget, most notably the gentleman from California (Mr. HERGER), with assistance of the gentleman from Iowa (Mr. NUSSLE), the gentleman from Wisconsin (Mr. RYAN), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Kansas (Mr. RYUN), and the gentleman from New Hampshire (Mr. SUNUNU), there was an effort being made to say that we should not any longer grab the Social Security surplus and use it for anything other than protecting Social Security; that we should not take that Social Security surplus and use it on running any other department agency and bureau, because it is the people's money.

In 1999, we were able to achieve something that was even more significant than the balanced budget, it was not just balance the budget, but also put ourselves in a position where we would safeguard Social Security, keep our hands off it, put an electric fence around it, and say that the Social Security money should only be used to pay the benefits of Social Security recipients and kept in surplus to pay down the public debt until we solved long term the Social Security problems for both our baby boomers and their children.

□ 1300

For the second year, we will protect Social Security in that fashion. With the efforts of my good friend, the gentleman from the State of Wisconsin (Mr. RYAN), we will bring to this floor a bill that will provide that the politicians in this town cannot grab Social Security for any other purpose than paying down debt or paying benefits. That is a significant accomplishment, Mr. Chairman.

We are also very aware of the fact that the American people are saying, in an era of surpluses, we not only want Social Security to be protected but we would like Medicare to be strengthened.

I must say that Medicare is a program that is in trouble. I must say that the next President, elected next January, whether it is a Republican or a Democrat, must work with the Congress of the United States, leave the demagoguery, the name calling, and the political hyperbole behind, and begin to deal with the two giant issues of Social Security and Medicare so that we do not end up in generational warfare.

We are setting the stage for that to be able to happen, to solve that problem long term. We are strengthening Medicare; we are going to reform Medicare. We are going to improve Medicare, and with those reforms and improvements we will also provide for our neediest senior citizens a prescription drug benefit.

Now, we know that there are many seniors, and think about it for a second, they need the prescription drugs; they need to go to the pharmacy and many times it is a choice between the utilities, the trip down the street, the meal or a drug that their doctor has prescribed for them.

We believe, as Republicans, and I think are joined by our friends on the other side of the aisle, that our poorest senior citizens must have access to prescription drugs. This budget will provide it, while at the same time encouraging the preservation, strengthening, and reforming of Medicare; two significant accomplishments.

Thirdly, we also do something for our children. We will reduce the total publicly held debt over the next 5 years by $1 trillion. In 1995, our guiding star were the children, to lift that burden from their backs, to not ring up more debt, to begin to reduce the national debt. We already have a headstart on paying down that publicly held debt. Last year, we paid it down in the vicinity of $100 billion, but over the next 5 years we are going to have more momentum, and we achieve it by restraining the growth of spending in this town.

We do it and we take those savings and we use a large chunk of it, $1 trillion, to begin to pay down the publicly held debt.

I say today that we achieve it in large part by restraining the growth of government. Now people might call us names and say we are heartless. I have to say that when the Agriculture Department, the Justice Department, the Education Department, the Pentagon, and the Agency for International Development cannot even have their books audited to figure out how they are spending their money, is it not time we get back on the reform agenda and send money back home to people and to pay down some of the debt?

My great friend, the gentleman from Michigan (Mr. HOEKSTRA), told me that in the bowels of the Department of Education there are 48 VCRs operating day and night to record television shows, and yet they cannot even add up their books.

Think the days of thousand-dollar hammers and screwdrivers and bolts are gone? Wrong. The Pentagon loses ships; they do not know where they are. Yet, they say we cannot restrain spending in this town? They are wrong, because they have gotten too addicted to the Potomac fever. They need the antidote, and the antidote are our children and our seniors.

So we restrain the growth in public spending, and we pay down a trillion in the public debt; and that then leaves us room for tax relief. Who does the tax relief go to? It goes to our senior citizens who are punished because they decide to go to work and earn more money so they can have more for themselves and more for their grandchildren.

We eliminate the penalty that they are now exposed to that says if they earn money they lose Social Security benefits. We also say to our farmers, our small businesspeople, that at the end of the day when they leave this earth they should not have to visit the undertaker and the IRS on the same day; that we are trying to ease the tax on inheritance, which is double and triple taxed. We are trying to say that if someone works a lifetime to build something, something I would like to build for my children Emma and Reese, that at the end of my life I would like to give them the fruit of my bounty, the fruit of my toil. Whatever burdens my wife and I experience, we want to pass on the good results to my children, and the Government should not take 55 percent of everything I have earned to spend it on what? More VCRs in the bowels of the Department of Education? I think not.

We want tax fairness for families. When people get married, they should not be punished for having a union. Today, if one pays their taxes individually, in too many cases they will have a lower tax burden to the Federal Government different than if they get married. We believe that that tax burden ought to be ended. We ought to ease the marriage penalty, and this House has already voted for it.

In addition to that, we believe that if one is self-employed they should be able to get the same insurance opportunities and the same tax provisions that are available to large companies so they can afford health insurance for themselves. So the fact is that we are going to have a variety of tax-cut measures that will pass this House, but these tax-cut measures come, once we have secured Social Security and Medicare and paid down some of the national debt, we want to send money back; we want to get it out of town because I want us all to understand one thing. If people get bigger, government gets smaller. If government gets smaller, people get bigger.

I believe in the 21st century, in the Information Age, on the edge of an incredible revolution, that it is the individual that we prize; that it is the individual who is paramount in our society, not bureaucracy and bureaucrats and standing in line. It is about speed. It is about innovation. It is about excitement.

The more power we have in our pockets, the more we can do for ourselves and our communities and our schools and our children; and that is why we are committed to cutting taxes, not at the expense of our seniors, not at the expense of our children; but we believe every day that we should reduce the size and scope of this Federal Government. Let it do the things that people cannot do or business cannot do for itself and use government in a limited fashion.

We believe we need to restore America's defense. Now, we do have a very strange time where we have a department whose books cannot be audited.

yet we are giving them more money. Why? Because we do not want our people in uniform to pay the price for sloppy management inside the Pentagon. But I must say there is a crusade building in this House, on this side of the aisle, that we want that building changed; we want to force the services to work together; we want accountability and we intend to make every effort to secure that.

We will also strengthen support for education, trying to send more Federal dollars to meet the Federal mandate of special education. School districts are handicapped because the Federal Government ordered them to carry out a task but never provided the money. Because of the gentleman from New Hampshire (Mr. BASS), the gentleman from New Hampshire (Mr. SUNUNU), and the gentleman from Iowa (Mr. NUSSLE), we are going to provide more money for special education; and because of the gentleman from Pennsylvania (Mr. PITTS) we are going to make sure that the remaining dollars are sent to the classroom so that flexibility is provided to our educators.

In addition, we are going to improve the National Institutes of Health and basic science research, because we think it is a priority of the Federal Government. It is a proper role for the Federal Government, and we are committed to the efforts to eliminate cancer, to improve the treatment for heart disease, to be able to deal with the pain that families experience in Alzheimer's. Yes, we are going to spend more money on the National Institutes of Health, and we are going to spend more money on basic science, because it was through basic science programs in the Pentagon that we got the Internet. It was not invented by any politician. It was developed through a basic science initiative so that computers could talk together through the Pentagon. Basic science is a proper role of this Federal Government.

Mr. Chairman, we are going to hear this budget called a lot of things: risky, reckless, irresponsible. They are code words, for me. They are code words for more bureaucracy, more standing in line. Is there anything you hate more than standing in line? More frustration, higher taxes. The fact is that there will be charges that we are somehow affecting these programs for the elderly. It is false.

The proof is in the pudding. We have secured them, like no one has in a generation.

The fact is, we believe that this budget that invests in limited priorities in the Federal Government, reduces the public debt, transfers wealth that we have given to government back to people and secures the programs not just for our seniors but for baby boomers and their children. We believe this is a budget that is consistent with the economic development that is going on in America today. There really is no reason for Members not to come and in a unanimous fashion support this budget.

I would ask my colleagues to think carefully about it. I think it is an outstanding blueprint, and I think it is consistent with those that believe in limited government, in strong economic growth in the private sector. So I would urge support of the Republican budget proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have come a long way in 8 years. We have come from a deficit in 1992, a record deficit of $290 billion and deficits projected as far as the eye can see, to a surplus computed the same way of $175 billion and that has underlaid this phenomenal economy.

We are now at a fiscal fork in the road. We have wiped out the traditional deficit, the deficit in our annual budget. We have created surpluses in place of those deficits as far as the eye can see, but those surpluses only exist because of the way we keep books. We keep a cash set of books. If we had accrual accounting instead of cash accounting and if we recognized our liability to the Social Security program and the benefits promised to those working today and to the Medicare program and the benefits that it entails, we would be booking substantial costs to both of those programs; and I do not think we would be in surplus. We would be in deficit again.

There are many differences between our budget, the Democratic substitute, and their budget, the Republican budget. The resolution is on the floor today, but the main difference is this: we recognize our liability to Social Security and Medicare. They do not, and I will say why.

Our budget generates savings, too. We have a cumulative surplus over the next 5 years of $48 billion; over the next 10 years of $365 billion. We take the $365 billion surplus, a substantial share of it over the next 10 years, and we direct the Committee on Ways and Means to provide legislation so that $300 billion of that surplus will be taken out of the general fund and contributed to the Medicare Trust Fund so that it will be more solvent than ever; we think more solvent to the tune of at least 10 additional years.

□ 1315

We further direct the Committee on Ways and Means to reconcile legislation so that in 2011, 10 years from now, the total amount of debt savings that we are able to achieve because we have accumulated these surpluses over 10 years, the total amount of debt service, the reduction in interest on the national debt, will be computed, and that amount will then be transferred from the general fund to the Social Security trust fund for a period of years such that we can extend its life by 15 years. Those proposals have been made by the President. We put them in reconciliation language in our budget.

They simply do not have anything. They are saying they are going to leave the Social Security surplus alone, and we are too. Good policy, and we agree. They are saying they will pay down $1 trillion of debt. So will we, using the Social Security trust fund. But we are going further. We are extending the life of both programs, and that is the main difference between us and them.

We have shown in this budget resolution that we are presenting that we can cut taxes, by less, but significantly. We can pay down debt, $48 billion over the next 5 years, $365 billion over the 10-year period in time. We can do all of these things and still provide for the reasonable needs of our country. $20.5 billion more for education, for example, in our budget than their budget. More for community development. In fact, they cut community development by nearly $2.5 billion between this year and next year. The Community Development Block Grant, the Economic Development Administration that means so much to many of our districts, they slice it, $2.5 billion. We plus it up. More money for law enforcement in ours.

There is also an account that is vitally important, because this is not spending, this is an investment, more money for science, more money specifically for the National Science Foundation.

You know, Mr. Chairman, when we had our markup in the Committee on the Budget, one of our Members from Princeton, from New Jersey, who is a professor of physics at Princeton and knows something about science, offered an amendment to the budget markup which would have added $2.8 billion over 5 years. The gentleman from New Jersey (Mr. HOLT) made that amendment, $2.8 billion over 5 years, $675 million a year to Function 250, which provides for the National Science Foundation.

The Holt amendment was rejected. There was a compromise reached such that the committee did give him $100 million plus-up in the mark. But, you know, the arguments of the gentleman from New Jersey (Mr. HOLT) began to resonate apparently with the majority. Over the last week, something happened.

Last night, haunted by the persuasive arguments that the gentleman from New Jersey (Mr. HOLT) made in our committee last week, a majority had some kind of an epiphany, because they came around, and after rejecting his requested increase in NSF, they put $3 billion, exactly what he wanted, even more, in the National Science Foundation function.

Mr. Chairman, in light of that, I yield 2 minutes to the gentleman from

New Jersey (Mr. HOLT), to explain what we have also put in our budget resolution to accommodate an increase in scientific research and exploration.

Mr. HOLT. Mr. Chairman, I thank my good friend, the ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) for yielding me time.

Mr. Chairman, I want to see that the budget does not amount to a fiction. What we want is to see that we can maintain the kind of robust economy that stands behind our projections. We want to have an economy with real productivity growth. And what is behind that? New ideas and smart workers. It is necessary ingredients.

I thank the ranking member for the kind remarks, and I would like to extend my thanks to the chairman and to the gentleman from Michigan (Mr. SMITH) and the gentleman from Michigan (Mr. EHLERS) for helping to prevail on our colleagues to see the benefit of my amendment.

The strong economy that we enjoy today is due in large part to previous investments in research and education, and the increase that we now see in the budget at the 11th hour, or actually it was the 2 a.m. hour last night, in research, is most welcome. But that is only part of what we need.

We should approve the Democratic substitute budget which will provide for increased funding in education as well.

The Republicans' budget cuts the purchasing power of education by $8.5 billion over 5 years, it freezes funding at the 2000 level for 5 years, it would reduce funding for 316,000 low-income students to receive Pell Grants to attend college. Head Start would have to cut services to more than 40,000 students.

The Democratic alternative budget, on the other hand, rejects this Republican freeze for educational funding. It provides $4.8 billion more for education for 2001 than the Republican budget. Over 5 years, the Democratic budget provides $21 billion more than the Republicans.

So we have made a partial fix in research, but we need to do more in education, so that we can have the new ideas, the well-trained workforce, necessary for the kind of productivity growth that we have been enjoying.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. STARK) for a colloquy about prescription drugs.

Mr. STARK. Mr. Chairman, I would like to enter into a colloquy with the distinguished ranking member.

Somewhere in this budget there is supposedly a reserve of $40 billion that is supposed to take care of Medicare and the pharmaceutical benefit and whatever, but I cannot seem to find it. Could the gentleman explain to me where that is?

Mr. SPRATT. Mr. Chairman will the gentleman yield?

Mr. STARK. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, this budget resolution, the Republican resolution, sets up a so-called reserve fund. It basically says if and when the Committee on Ways and Means reports a prescription drug benefit for Medicare, along with, coupled to, Medicare reform, whatever that means, then $40 billion is provided for that purpose.

Unlike their resolution, our resolution has reconciliation language. That is the whole purpose of having the reconciliation power vested in the Committee on the Budget. We can use this resolution to tell committees they should change basic law to provide for things like drug benefits. We have directed it and we have put up $40 billion also.

Mr. STARK. Mr. Chairman, reclaiming my time, if I could further inquire of the distinguished ranking member the chances, I would like to ask the gentleman's opinion of the chances of the Committee on Ways and Means passing a prescription drug benefit, when just recently the gentlewoman from Florida (Mrs. THURMAN) offered an amendment to provide a discount on prescription drugs to seniors at no cost to the Federal Government and every Republican voted no, and every Democrat, of course, voted yes. So the Republicans voted, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Florida (Mr. SHAW), the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Arizona (Mr. HAYWORTH), the gentleman from Illinois (Mr. WELLER), right down the line, they voted to deny seniors a discount on prescription drugs when it would have had no budget impact at all.

Now, given that kind of compassion, and this is a word that comes out of Texas, given that kind of compassion, what do you think the chances are that the Republican-led Committee on Ways and Means would vote out a prescription drug benefit that would help anybody?

Mr. SPRATT. I take it the gentleman's question is rhetorical.

Mr. STARK. Oh, no, it is a question that I hope the gentleman from Florida (Mr. SHAW) will answer to the seniors in Florida, and that the gentleman from Arizona (Mr. HAYWORTH) will answer to the seniors in Arizona, and the gentleman from Pennsylvania (Mr. ENGLISH) will answer to the seniors in Pennsylvania, and that the gentleman from Illinois (Mr. WELLER) will answer to the seniors in Illinois, because they have denied their own constituents the chance to buy these prescription drugs which they so vitally need at no cost to the Federal Government.

What kind of assistance is that to your constituents, I ask the gentleman rhetorically? And the answer is they do not want any prescription drug benefit. They do not want to save Medicare as we know it. I think that should be pointed out in this debate today.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I just would like to follow up on the great comments made by the gentleman from California (Mr. STARK) and our ranking member, the gentleman from South Carolina (Mr. SPRATT).

In 1965, this Congress took a bold move in policy. It set forth a program called Medicare, because the highest costs that were encountered by our seniors was the hospital stays. They deliberately went out and determined that, indeed, we as a budget, we as a Congress, should in fact develop that kind of a program.

Today, 35 years later, the highest costs that are being encountered and incurred by our seniors is the cost of prescription drugs. Yet when we put forward a program, a real program of reform, on how to pay for and provide for prescription drugs for our seniors, the Republicans on the Committee on the Budget turned it down.

As a matter of fact, what they did was they put together a double count kind of system of providing $40 billion for Medicare reform and prescription drugs, but they counted it in another fashion as a surplus. So they have double-counted it.

We indeed then put forward a program of providing $40 billion strictly for prescription drugs so that the gentleman from California (Mr. STARK) and the Committee on Ways and Means and all the members of the Committee on Ways and Means could truly vote on and pass legislation that would reduce prescription drugs costs for our seniors.

We have been denied that. But, more importantly, our seniors have been denied that. This budget that is before you today does not provide one penny for prescription drugs. As a matter of fact, since they already made a mistake of $20 billion on the Social Security earnings limit portion of this budget, you know where that reserve fund will go to? $20 billion of it will go to making up for that mistake. Then we have even less for any kind of Medicare reform or prescription drugs.

Each one of us in our district knows the anecdotes, knows the stories, of seniors who have gone without paying their rent or paying for food to buy prescription drugs or the reverse. It is time to change that kind of situation for our seniors and make a bold move in leadership to truly give prescription drugs an opportunity to be lowered and to benefit our seniors.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentleman from North Carolina, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Chairman, recent calls for biennial budgeting have claimed that the budget process around here is broken and needs fixing. Well, I would like to suggest that the problem is less one of process, and more one of a failure on the part of the majority to produce realistic budget resolutions. What we need is not endless tinkering with the budget process. What we need is to use the existing process responsibly.

The Republican budget resolution before us today repeats patterns that are all too familiar to us from fiscal 1999 and fiscal 2000. It makes highly unrealistic domestic spending assumptions, like those that led to last year's budgetary train wreck. It relies on false assumptions about the level of cuts which can be absorbed by critical domestic accounts.

The only way the Republican plan can make room for its exorbitant $200 billion in tax cuts over 5 years—and that goes up to $1 trillion over 10 years—is to drastically undercut domestic programs that are critical for working families and for the most vulnerable among us.

In 2001 the Republican plan would cut non-defense domestic spending by $7 billion, compared to a freeze at the 2000 level. When you account for inflation, this represents $19.7 billion, or a 6.4 percent cut in purchasing power, from our current level of activity. By 2005, the Republican plan would cut non-defense domestic spending by $39.4 billion or 11.5 percent relative to the funding necessary to keep pace with inflation.

Mr. Chairman, we need to remember that since 1962, non-defense appropriations have grown by 2.8 percent annually above the rate of inflation. From 1996 to 2000, the Republican Congress has increased non-defense spending at an average rate of 2.5 percent above inflation. So how can we realistically expect to suddenly reduce non-defense spending, not only below the level needed to maintain constant purchasing power, but below even the current year's nominal spending level? The answer is we cannot expect to do that, we should not, and we are not being honest with ourselves if we suggest that we can.

I am not talking here merely about cuts to domestic programs in a generic sense. It is easy to talk about belt tightening, and we indeed do need to press the war against waste and fraud and abuse. But what is at stake here are large cuts to programs that serve as essential safety nets which help struggling families help themselves. We are talking about cutting 310,000 people out of the Women, Infants and Children nutrition program. We are talking about making Pell grants to 316,000 fewer students by 2005. We are talking about eliminating more than 40,000 children from Head Start.

By contrast, Mr. Chairman, the Democratic resolution is realistic and it is responsible. Under the Democratic alternative, we would pass our appropriations bills on budget, on time. Unlike the Republican resolution, we would extend the solvency of both Social Security and Medicare, and we would mandate the addition of a prescription benefit to Medicare. We would buy back publicly-held debt, not only with the entire Social Security surplus, but, unlike the Republican plan, with $365 billion of the non-Social Security surplus. And we would create room for a reasonable and well-targeted tax cut.

□ 1330

The Democratic plan is well-balanced, by reducing debt, protecting and strengthening Social Security and Medicare, providing targeted tax relief, and maintaining our investments in public education, research, transportation and affordable housing.

Mr. Chairman, I urge my colleagues to adopt the Democratic alternative.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, today I rise in support of my distinguished colleague's budget proposal which will provide prescription drug coverage and better access to the Department of Defense health system for Medicare-eligible military retirees.

This legislation upholds the obligation; and yes, we do have an obligation to those who have served. In Orange County alone, we have over 100,000 military retirees, and we need to provide these Americans the access to health care they deserve. It is time to do it, and this bill does it.

Fortunately, our society has been blessed with many leaders who imparted the values of leadership, responsibility, and loyalty while wearing the uniform of this country. For without their dedication to duty, we would not enjoy the many freedoms that America has to offer. Congress should keep the promises made to these brave men and women. We should vote yes on the Spratt substitute.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman from Connecticut for yielding me this time.

I would just like to bring us back down to earth and talk about what this budget achieves. This budget that we are talking about here protects 100 percent of the Social Security surplus; it strengthens Medicare with a prescription drug plan by setting aside $40 billion; it retires the public debt by the year 2013; it promotes tax fairness for families, farmers and seniors; it restores America's defense systems; and it strengthens our support for education and science.

But what I would like to focus on today is Social Security. I think it is important to note where we have been on Social Security. Well, over the last 30 years, the Federal Government has been taking money out of the Social Security Trust Fund and spending it on other government programs. In fact, just last year alone, the President of the United States gave us a budget last year where he said, I want to take 62 percent of the Social Security Trust Fund and dedicate that to Social Security, but take 38 percent of the Social Security Trust Fund out of Social Security to spend on other government programs.

Well, last year we said enough is enough. Mr. Chairman, 100 percent of Social Security should go to Social Security.

So last year the President basically said, let us take $52 billion out of the Social Security Trust Fund, spend it on the creation of 120 other Federal Government programs.

Well, if we take this year's budget and take last year's rhetoric, we can see the difference between the two parties. Last year's rhetoric was this: a number of Members from the Democratic side of the aisle said on the same day, the Republican budget already dips in to the Social Security Trust Fund by more than $18 billion. The Republican budget has already spent $13 billion of the Social Security Trust Fund. The Republican budget raids Social Security by $24 billion. Another Member on the next day said the Republican budget takes $17 billion out of the Social Security Trust Fund. All remarks last year by Members of the other side.

Well, let us take a look at actually what happened. Last year, in 1999, guess what happens? We took zero money out of the Social Security Trust Fund. We locked away every penny of the Social Security Trust Fund. We are doing it again this year, and we are going to bring budget language to the floor that says never again will Congress go back to the days of raiding the Social Security Trust Fund.

Mr. Chairman, if we look at the President's budget, if we take out his Medicare cuts, if we take out his tax increases, the President is sending us another budget that takes $60 billion out of the Social Security Trust Fund.

Let us look at the facts. Let us not believe the hype. We have already stopped the raid on the Social Security Trust Fund, and we are going to continue to stop the raid on the Social Security Trust Fund.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I believe we are at a crossroads in our Nation's history. In front of us is every opportunity for a future so bright, so filled with promise that our children and grandchildren have a chance to live in a Nation where every person truly has the opportunity to reach their fullest potential, a Nation where every child is educated in a modern school, in smaller classes with an excellent teacher; a Nation where people who have worked a lifetime can retire with security and without worries; a safe Nation with guns off of our streets and away from our schools. We can achieve these things if we make the right choices today.

Mr. Chairman, I say to my colleagues, this Republican budget makes all the wrong choices. Its main goal is a $1 trillion tax cut that snuffs out the aspirations of all but the wealthiest among us. It cuts 310,000 low-income babies and mothers off the nutritional assistance they use to buy things like milk and baby food. It takes away home heating assistance from 164,000 poor families. It cuts financial aid from hundreds of thousands of students. It ends Head Start for 40,000 preschoolers. It does not extend Social Security and Medicare, not even for a single day. That is no way to lift people up, to give them a chance to make a brighter future.

Great nations recognize that families in trouble are families with untapped potential, not problems to be swept under the rug.

Mr. Chairman, we can pay off our debt, save Social Security and Medicare, give our children the education they deserve, and our seniors the retirement they have earned, and lift people up to join in the prosperity and opportunities of this country. But we cannot lift people up if they are buried under the mountain of debt the Republican plan would pass along to our children.

Mr. Chairman, let us reject the shortsighted choices of the Republican budget and pass a Democratic budget that will help us get to that even brighter future that is now well within our reach.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. NUSSLE), a member of the Committee on the Budget as well as the Committee on Ways and Means.

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Protect 100 percent of the Social Security surplus, strengthen Medicare with prescription drugs, retire the public debt by 2013, promote tax fairness, restore America's defense, and lets us strengthen and support education and science.

Let us talk Medicare. Here come the me-too Democrats. That is not what they were saying a month ago. The me-too Democrats a month ago were rushing in and saying the President has a fantastic prescription drug benefit. Well, let us look at that. Let us see what the prescription drug benefit did.

Well, the President in the first year cut Medicare. No money left for prescription drugs. Second year, $2 billion, but the President's plan did not start yet. The third year, a $100 million increase for Medicare according to the President's budget; no room for prescription drugs.

What does the Republican plan do? Mr. Chairman, $40 billion set aside for Medicare, and what do the Democrats do? Last night, rush in with a substitute, saying oh, me too, me too, me too. I want to give a prescription drug benefit that is real, not the President's that is not real, that cuts Medicare; and let us look at some of those cuts.

In order for the President to fund his Medicare benefit, it increases beneficiary costs, it cuts kidney dialysis, cutting prescription drug payments, cutting hospitals.

Let me tell my colleagues something. Out in rural America, out in Iowa, you close my hospital, you do not have health care, let alone the President's fake prescription drug benefit that did not even go into effect until 2004. So do not come in here and "me-too," 2 months after the President stood right up here and promised America a drug benefit that was not even real. Do not come here 2 months later and claim credit for a prescription drug benefit that is a "me-too" with our Republican budget.

We welcome our colleagues in a bipartisan way to solve this problem, but do not tell us that this is where you have been, because you have been cutting benefits under Medicare. The President's plan did that. It is not real. Vote for the Republican plan for Medicare.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to answer the gentleman and say, if the gentleman's proposal is real, why did he not put reconciliation directly to the Committee on Ways and Means and the Committee on the Budget? If your proposal is real, why did you not say here is $40 billion, not here is a reserve fund, if you can reform Medicare and if you can report a bill?

Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, last year the Republicans in the House of Representatives beat their chests mightily to talk about a $792 billion tax cut over 10 years. That tax cut was so fiscally irresponsible that it was rejected throughout the country. We are back this year with the same situation, except now we will not even talk about it.

In our Committee on the Budget hearing I asked our chairman, what was the price tag over 10 years for this tax cut? I could not get a straight answer. But today, I understand that number has been put out here before the body. It is $200 billion over 5 years.

Now, the question that the public deserves to have the answer to here, and we ought to answer it for ourselves, is what is the 10-year cost of this tax cut?

Well, last year the $792 billion tax cut was $156 billion over 5 years. We are talking about $200 billion over 5 years. So the math is pretty simple. We are looking at a $1 trillion tax cut over 10 years.

Now, there are those up here that think we ought to use the projected surplus for massive tax cuts and some that want to go on a spending spree, and I reject both positions. We should take the lion's share of the projected surplus and use it to pay down this massive Federal debt. Why should we focus on paying down a $3.47 trillion Federal debt?

Consider these facts: in 1999, we spent $230 billion in interest payments, 13 percent of our discretionary spending. That is $3,644 per every family in America with four people. That is more than we spend on Medicare; it is slightly less than what we spent on national defense. Think of the things that we could do by paying down the debt and not having that interest payment. We can do a responsible tax cut. We spent $60 billion last year on education. We spent $230 billion in interest payments.

Paying down the debt has also been an offense to our wallets at home. Several economists, including the chairman of the Federal Reserve, Alan Greenspan, have said, that as we pay down the debt it has a positive impact on interest rates, as much as 2 points. Take a homeowner in my home State of Florida with a $115,000 mortgage. If his or her interest rate goes down by 2 points, that is a reduction of $155 a month in their mortgage payment. That is a better benefit than most of the tax cuts that are being proposed up here.

Mr. Chairman, let us stop playing games with the future of America.

This budget is not a responsible step towards paying down the debt and extending the solvency of Social Security and Medicare. In fact, under this plan, the Social Security surplus will be spent as early as 2004. The public does not want gargantuan tax cuts at the expense of paying down the debt and preserving Social Security and Medicare, and we should reject the resolution for that reason.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. SUNUNU), a distinguished member of the House Committee on the Budget and the Committee on Appropriations.

Mr. SUNUNU. Mr. Chairman, we have a Republican budget on the floor here today, and it cannot be emphasized enough. It sets the right priorities: it protects every penny of the Social Security surplus. It sets aside $40 billion for Medicare and makes sure that there is enough for prescription drug coverage for those that need it. It retires public debt. It promotes tax fairness by eliminating the marriage penalty, by making the Tax Code more fair for those seeking to purchase health insurance or send their children to school. It restores the strength of our defense system, and it invests in education and science as well.

The previous speaker spoke a little bit about the importance of retiring public debt, and I think he spoke the truth. It is important. It does help lower interest rates, and it does make a difference in our economy. But I think it is also important to remember where we started.

The President was not setting aside every penny of the Social Security surplus a year ago; he was not making the commitment to pay down the debt that we have in this budget. Just 1 year ago, the President suggested that we spend 40 percent of the Social Security surplus. We have come a long way, and what a difference just a year makes.

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In 1998, we paid down $50 billion in public debt. In 1999, over $80 billion in public debt retired. Last year, when the critics on the other side of the aisle said, no, you are not going to set aside every penny of the Social Security surplus, we proved them wrong. We not only did it, we paid down over $160 billion in debt.

With this Republican budget, we will bring the 4-year total of debt retirement to over $450 billion. Paying down debt to protect our future, to lower interest rates, to keep the economy growing, it does make a difference on every home mortgage someone has. It does make a difference in lowering the cost of college loans and lowering the cost of an automobile loan. It helps keep interest rates low, and it helps protect America's savings.

When one's interest rates are lower, those are funds that one never even has to send to Washington. We are paying down debt, over $450 billion in the most recent 4 years. But over the next 5 years, we will pay down over a trillion dollars in debt, paying down that debt to protect the public.

Now, the critics say, well, maybe we could pay down more debt if we did not cut taxes. We could pay down more debt if we did not eliminate the marriage penalty and kept penalizing married couples. We could, but that would be wrong. We could pay down more debt if we did not get rid of the Social Security earnings limit. We could, but that would be wrong. We could pay down more debt if we did not give individuals health insurance deductibility. We could, but it would be wrong.

We set aside over a trillion dollars over the next 5 years, and we can criticize and harangue and suggest that maybe we should keep raising taxes so that we can spend more.

My colleagues have heard the code words, risky scheme. My colleagues have heard the code words, it is a dangerous plan. Taxes are not high enough. The fact of the matter is those are code words for spending more and for keeping more of the money that the public sends here.

We are paying down over a trillion dollars in 5 years, and that is why my colleagues should support the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from North Carolina for yielding me the time.

Mr. Chairman, the budget resolution in front of us today has a misguided focus. It double counts. It cooks the books. It does not have enough debt reduction. It has unrealistic assumptions in terms of cuts and domestic programs. It has risky tax cuts, risky indeed. Because they are simply too big, and they risk the future of Social Security.

If the Republican budget resolution is fully implemented, it would use up all of the surplus funds and threaten the future of Social Security. But if it is not fully implemented, if they cannot make the domestic spending cuts of 10 percent over 5 years that they include in this document, then they are directly going to raid Social Security. That is an important subject for us to focus on.

All of us know how important debt reduction is. There is bipartisan agreement on that fact. The question is who accomplishes it. Debt reduction is important. This year, 12 percent of our budget is going to pay interest debt service on our debt, $224 billion. That money crowds out private sector investment. It keeps interest rates artificially high.

If we can reduce that debt, we can free up money for tax cuts or other spending needs. If we can reduce government borrowing, then the private sector interest rates will be kept lower, and we will strengthen our economy. But we have got to have a realistic budget.

The Republican budget resolution in front of us calls for 10 percent reductions in domestic discretionary programs. That is across the board. But they pick on some particularly important programs such as the community in regional development function that would have a reduction in purchasing power over 5 years of one-third.

I do not believe there are enough votes on that side of the aisle to do that. I hope there are not enough votes on that side of the aisle to do that because of the pain that would cause.

Two years ago, I was a county commissioner, and I was dealing with community development block grants in a wealthy county, Montgomery County, Pennsylvania, which this year will get $7.5 million in CDBG grants. It gets about $20 million in requests from the townships, the bureaus, and the housing groups, the nonprofits in Montgomery County.

So the county commissioners can fund one-third of those requests presently. If this budget goes through and across-the-board cuts are made as envisioned by the Republicans, that money is going to drop 20 percent. Over 5 years, it will drop by one-third. We are not meeting the needs of the public. This budget does not work. We have got to vote "no" on it.

Mr. CHAMBLISS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, our budget protects 100 percent of the Social Security surplus, 100 percent. It does it in the next year's budget just as it is doing in this year's budget just as we did not spend any Social Security money last year. It strengthens Medicare with prescription drugs. We set aside $40 billion in the next 5 years. It retires debt, $1 trillion in the next 5 years. We have already retired $302 billion. It promotes tax fairness for families, farmers, and seniors.

The GOP tax plan ends the marriage penalty, repeals Social Security earnings limit, reduces the death tax, expands educational savings accounts, increases health care deductibility, promotes tax breaks for poor communities, and strengthens private pension plans. We set aside $200 billion in the next 5 years, just 2 percent of the budget in the next 5 years.

The Clinton plan came in with $96 billion of gross increases in taxes. The Republicans had zero. We do not have any taxes.

The Clinton plan increases taxes $10 billion in the next year. We provide tax relief of $10 billion in the year.

The Republican tax relief plan, over the next 5 years, $200 billion for the marriage penalty, the death tax, the educational savings account, health care deductibility, the community renewal, and pension reform. We set aside $50 billion in potential update. We want to make sure it is locked up for paying down debt or tax relief. We do not want it spent by the Democrats on the other side of the aisle.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, the Republican majority's fiscal year 2001 budget resolution before us today tests the bounds of fiscal reality while failing the tests of fiscal responsibility.

The Republican budget resolution is premised upon an unsustainable tax cut of $250 billion over 5 years and $1 trillion over 10 years, which absorbs the entire on-budget surplus and then some, while requiring untenable, unreasonable cuts in nondefense discretionary programs. These cuts amount to 11 percent in real terms in the funding of such things as community and regional development, health care, and the environment.

Further, the Republican budget does nothing to address the need for a prescription drug benefit and Medicare, does nothing to extend the solvency of Social Security and Medicare. If fully implemented, it fails to adequately reduce the debt.

In short, Mr. Chairman, the Republican budget is designed solely to provide huge tax cuts at the expense of proper investment and human resources and prudent debt reduction.

The Republican budget assumes that nondefense discretionary spending will be cut by $363 billion over 10 years, cuts such as 1,000 FBI agents, 800 Drug Enforcement Agents, and hundreds of Border Patrol Agents.

It means a retreat from our bipartisan efforts to double the funding for the National Institutes of Health. It means cutting Pell Grants for kids to go to college and Head Start for kids to begin to learn.

In reality, we know the Republicans will never achieve these cuts for two reasons. First, the American people oppose them; and, second, the Republicans themselves oppose them.

According to the Congressional Budget Office, between 1995 and 2000, Republican Congresses have increased discretionary spending faster than the rate of inflation. The majority knows that these cuts will never occur, but they provide cover for their huge tax cut which will ultimately eat through the on-budget surplus and into the Social Security surplus at the expense of Social Security solvency.

On Medicare, the Republicans offer lip service to the public's desire to a new prescription drug benefit with the so-called $40 billion reserve. During the Committee on Budget markup, that reserve was spent several times on prescriptions, Medicare reform, and debt reduction. But the fact is we can only spend it once.

Finally, the Republican budget fails in debt reduction. If fully implemented, the Republicans will use none of the on-budget surplus to pay down debt and spend a portion of the Social Security surplus for their tax cut. If history is any judge and the Republican majority fails to make huge discretionary spending cuts they propose, it will spend even more of the Social Security surplus.

So, Mr. Chairman, the budget before us will ultimately lead the Nation back to debt finance spending, doing nothing to extend the life of Social Security and Medicare, failing on prescription drugs for seniors, and failing on paying down the national debt adequately.

The Democratic substitute offered by the gentleman from South Carolina (Mr. SPRATT) is a far better fiscal plan for the Nation. It provides for tax relief, debt reduction far more than the Republicans offer, and investment in the Nation's priorities of education, health care, the environment, and economic development.

The Democratic substitute does so in a way which is fiscally prudent and solvent, dedicating 100 percent of the Social Security surplus and 40 percent of the on-budget surplus to paying down the national debt, $400 billion more than our Republican friends.

I encourage my colleagues to oppose the Republican budget resolution and adopt the resolution of the gentleman from South Carolina (Mr. SPRATT).

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 32½ minutes remaining. The gentleman from Connecticut (Mr. SHAYS) has 34 minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the vice chairman of the Committee on Budget.

Mr. CHAMBLISS. Mr. Chairman, we are here today to discuss a budget which Republicans have put forward that, number one, is going to protect Social Security, 100 percent of the Social Security surplus. We are going to strengthen Medicare, and we are going to provide our Medicare beneficiaries with a real meaningful prescription drug plan.

We are going to retire over the next 5 years, under this budget, $1 trillion. By the year 2013, we are going to pay down all of the public debt that this country now owes.

We are going to promote tax fairness for families, for farmers, for small business people, and for seniors. We are going to restore America's defense. We are going to strengthen support for education and science.

I want to concentrate just a minute on the area of national defense. Let us look at where we were when this new majority came in in 1995. When the current administration and the Democratic Congress took over back in 1993, the budget for defense that year was $282 billion. Over the next 2 years, this administration and the Democratic-controlled Congress reduced spending for defense by $20 billion, down to $262 billion.

Well, what was the effect of that reduction in spending? Well, let me show my colleagues what happened. We have reduced the number of Army divisions from 18 to 10. We have reduced the number of fighter wings in the United States Air Force from 24 to 13. We have reduced the number of ships in the United States Navy from 546 down to 333.

Well, since this majority has been in control, we have been about the business of providing more money for the national security of this country. We have taken the Clinton budget since 1996 alone, and have increased it by almost $40 billion. This year, again, in the current budget that we are debating today, we are going to add $1 billion over the President's request for defense.

What are we doing with that money? Let us look at what we are going to do with that money. We today are competing in our military services with every Fortune 500 company in the country. We have got to provide our folks with the quality of life in the military services that is second to none, and we are going to do that.

We are going to provide them with pay raises. We are going to provide them with better housing. We are going to provide them with better recreational opportunities to be able to continue to attract the finest men and women that America has to offer.

We are going to make sure that, from a readiness standpoint, that those folks are the best trained forces in the world today; that our folk in the depots have the parts to repair the equipment; and that our forces are equipped with the latest technologically advanced weapons systems that the world has to offer.

We are the world's greatest country in large part because we are the world's strongest military power. This Republican budget maintains that commitment to the national security of this country.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say in response to the gentleman from Georgia (Mr. CHAMBLISS), by my reading of their budget, it pluses up the President's budget $1 billion this year and no more than $300 million in the out year. It basically tracks the Clinton budget.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of the Democratic alternative to the budget resolution offered by the gentleman from South Carolina (Mr. SPRATT). As a veteran, I urge my colleagues to support this alternative which keeps the promises to our veterans.

We have debated on a lot of different issues in the Committee on Budget, which I am a member of: education, national defense, social security, Medicare, health care, and a plan to retire the national debt.

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But the fact is the Democratic alternative offers us more hope and more opportunity to accomplish our goals and objectives for the 21st century.

For 2001, the Democratic alternative provides $22 billion in appropriations for veterans' programs, $100 million more than the Republican plan. Over 5 years, the Democratic alternative provides $1 billion more than the Republicans.

In addition, the Democratic budget provides for an expansion of the Montgomery GI Bill education benefits, a key recruiting retention tool for the Armed Services. The value of these benefits has failed to keep up with the rising cost of higher education. Our budget increases the basic monthly GI bill benefit to nearly $700 for 2001, a 25 percent increase for the benefit level in current law.

Our veterans are growing sicker and older each year. As a result, their health care needs only will grow in the years to come. It is imperative that we fund the various mandates included in the Millennium Health Care and Benefits Act, which the overwhelming majority of my colleagues supported last year.

In addition to increasing funding for health care benefits, our alternative also provides for an increase in the benefits available to veterans under the Montgomery GI Bill. The erosion of purchasing power severely hampers the effectiveness of these education benefits in recruiting and retention at a time when all branches of the military are falling short of their recruiting goals.

America and our veterans need a Montgomery GI Bill for the new millennium. I urge my colleagues to join me in support of this alternative budget resolution.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA), a member of the Committee on the Budget and a member of the Committee on Education and the Workforce.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time.

What does a Republican budget mean for our families? Very simply, it means that we start moving towards a debt-free Nation for our children. Now that we have balanced the budget, we will eliminate the $3.6 trillion public debt over the next 13 years.

It means a more secure retirement for our seniors. We stop the raid on Social Security, and we protect the Social Security surpluses into the future; a stronger effort to find cures for cancer and other life-threatening diseases, and a safer world while we fulfill our promise and our pledge to those who made it that way.

It also means more education dollars for our classrooms. It means more money for our kids; more money for learning, instead of bureaucracy and red tape.

We are committed to funding special education. We are committed to funding Title VI. What does that mean? It means that we are going to fund innovative education program strategies, the area that gives local school districts the most flexibility in educating their kids and spending their dollars to meet their needs.

We are going to make sure that we keep our commitment to those areas that have Federal facilities, military facilities, by increasing impact aid. These are areas that we are committed to because when we fund them, it gives flexibility to local school districts to meet the needs of their children and their schools.

It is a sharp contrast to the President's direction. The President's direction builds on the failed Washington approach which has given us 760 education programs spread over 39 different agencies, an education department that for 4 years will fail its audits. They have already failed two audits; they are going to fail the next two.

We give the Department of Education $35 billion per year to help educate our kids, and the thanks that we get is a department that does not even commit to the basics of balancing its books and providing us with a clean audit. They have failed two, and they are going to fail the next two.

They have a theft ring operating within the Department of Education requiring a vigorous investigation identifying where their computers and their electronic equipment is going.

They recently printed 3.5 million forms for financial aid. Only one problem, they printed the wrong ones. They recently notified 39 students that they got a great scholarship. The only problem is these 39 students did not qualify.

This is an agency that is out of control. We need to move away from the failed bureaucracy here in Washington and move these dollars to people who know the names of our children and empower them to make the decision for learning environments that will enable them to learn and succeed.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I rise in opposition to the Republican budget proposal as it is presented here today and in support of the Democratic proposal.

I am particularly concerned that the Republicans are not near as generous with American students as they claim to be. In fact, the Democratic proposal offers $20.25 billion more in spending for America's students than the Republican proposal on the floor at this time.

I am also concerned that the Republicans will actually do damage to many of the programs we support in this country. For example, much of the Republicans' claimed increase for special education exists on paper only. Although they claim to provide a $2.2 billion increase for 2001, only $200 million in real spending increases will be available to America's schools.

And this sleight of hand grows dramatically over the next 5 years. Despite claiming that they will add $20.3 billion in budget authority, this hollow $11 billion promise, they will have only $9.3 billion available in real dollars; this hollow proposal will not buy one book; it will not hire one teacher; it will not pay for $1 toward spending for special education.

But more importantly, as the Republicans put together this package, they are going to hurt other educational programs. If we follow their proposal and say that any additional monies are going to go to special education, what we find is that the other elementary and secondary education programs must be frozen at 2000 levels. What does that mean? It represents a real cut in purchasing power of almost 9 percent by the year 2005.

This represents a real loss of 316,000 fewer low-income students who could get Pell Grants, and Head Start would have to cut services to more than 40,000 children and their families. They are not raising educational spending. They are hurting educational programs.

Instead, I would urge Members to support the Democratic proposal which increases education funding. As an individual who served for the better part of a decade on a local school board, I am pleased to support the Democratic proposal. I believe the programs we are advancing will offer support to the activities of local school boards. We will, in fact, supplement, rather than supplant, the hard work that is going on in communities all across the country.

The Democratic proposal provides real spending increases, unlike the Republican proposal. The Democrats will provide dollars to move forward on the President's promise to hire 100,000 new teachers. The Democratic increase is enough to continue that 7-year initiative, and we can expect we will be able to support about 49,000 teachers in the third year of funding. Research has proven that adding new teachers and reducing class size produces real improvement in student achievement.

Democrats also provide dollars to renovate schools. The Democratic budget provides tax credits and funding to help low-income school districts to make needed repairs to crumbling schools, something we know is a problem all across this country. It provides for loans and grants to leverage nearly $8 billion for about 8,300 renovation projects.

We increase Pell Grants, Head Start, employment and training, and funding for all elementary and secondary education. Please support the Democratic plan.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN), a member of the Committee on the Budget, the Committee on Banking and Financial Services, and the Committee on Armed Services.

Mr. RYUN of Kansas. Mr. Chairman, I rise today in support of the Republican budget.

I want to direct my focus to defense and to education in particular, because the Republican budget does support our military families, those that have been suffering from low morale. The quality of life in the military has been allowed to fall to historic lows over the last 8 years while deployments have risen to historic highs.

The Republicans began to reverse this trend last year by following through with the first real dollar increases in defense in the last 15 years, and this year we will do it again. We are going to make those changes.

I want to talk specifically about an issue that not only affects our Nation's defense but our education as well, and that is impact aid. Impact Aid provides funding to educate children of our military personnel. Impact Aid gives parents that are serving in uniforms the assurance that their children are being educated while they are deployed throughout the world. The fine men and women of our Armed Services deserve the assurance that while they are away doing their job their children are being taken care of.

The Clinton-Gore budget wants to cut the funding by 16 percent this next year while providing for an overall increase in education spending. That cut is a slap in the face to the parents who are serving in the uniforms that serve our country.

The Clinton-Gore budget wants to cut education programs like Impact Aid that provide flexibility in and local control of education. Instead, it wants to increase the number of Federal mandates that are often left unfunded. Republicans want to invest in education by prioritizing their funding in a way that directly benefits children and allows local educators to make those decisions as to how that money is spent; whether it is in a classroom, whether it is for teachers, or perhaps new computers.

The Republican budget rejects new Federal mandates and prioritizes the best needs for our children. I urge adoption of the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume in response to the last speaker, the gentleman from Kansas (Mr. RYUN).

Every President while I have served here has sought to reduce Impact Aid, and I agree with him that we should increase it. I would say to him that its chances of being increased are far greater under our budget, with $20.5 billion over 5 years more for education, than their budget.

Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, this budget is based on a false assumption; and no better than Senator JOHN MCCAIN makes the observation that, indeed, this great surplus we think we have to give a big tax is problematic. Indeed, if we do that, we may indeed affect Social Security.

Mr. Chairman, this budget resolution before us promises much to farmers but delivers little. In this budget, programs for agriculture are weakened at a time when they should be strengthened. Discretionary spending for agriculture is cut. Resources needed to process claims and make timely loans are cut. Funds for programs to provide vital information to farmers are cut.

Over a 5-year period, this budget resolution cuts the purchasing power of agriculture by $1.6 billion. At a time when the Department of Agriculture field offices face staff shortages and funding squeezes, at a time when farmers face long lines at the service counters and delays in getting needed assistance, this budget cuts agriculture.

Mr. Chairman, American farmers as we know them are in peril. Commodity prices are down. The cost of farming is up. Foreign competition is unfair. The farm safety net is virtually nonexistent, and many farmers have borrowed to the brim. Yet the very offices that can help them are understaffed and overwhelmed.

While this budget resolution offers larger farm payments, it withholds the resources to administer those same programs. This budget resolution, with its wizardry and magical acts, gives something; but guess what, at the same time it takes it away.

Mr. Chairman, there is an answer. The Democratic alternative provides $4.7 billion more to agriculture in the fiscal year 2001. The Democratic alternative budget provides some $213 million more for agriculture than this resolution does for this year. Over a 5-year period, the Democratic alternative budget provides $1.8 billion more for agriculture than this provides.

This budget resolution gives farmers rights without any relief. It is a promise without any substance. It is an illusion. The Democratic alternative extends the solvency of Social Security and Medicare, repays the entire debt by the fiscal year 2013, and gives targeted tax cuts to working families.

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The Democrat alternative is fiscally responsible. Mr. Speaker, reject this budget. Support the Democrat alternative. Our farmers and our citizens deserve better.

Mr. SHAYS. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. SMITH), a member of the Committee on Agriculture and the Committee on the Budget, so that he can respond to what was just said.

Mr. SMITH of Michigan. Mr. Chairman, I agree with the gentlewoman from North Carolina (Mrs. CLAYTON) that ag and farmers deserve better. But I think it should be very clear that in our budget, unlike the budget of the President, we immediately put in $6 billion for use and then we add another $6 billion over the next 5 years for crop insurance to beef up that program. So, for the first time ever, we put in ahead of time $6 billion right away.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, as this first point shows, this Republican Congress has ended the 30-year, $655 billion raid on Social Security.

As the next chart shows, regrettably, Congresses of the past raided Social Security to pay for unrelated Washington programs. This was wrong, and this Republican Congress has done something about it. Seniors deserve to have their Social Security protected.

First, Congress adopted the Contract with America that led to the first balanced budget in more than 30 years. We moved from $200-plus billion deficits to surpluses by 1998. But we knew and the gentleman from Ohio (Chairman KASICH) and the Republican leadership and the American public knew that we could do more.

With their support, the House passed, despite the opposition of the Clinton-Gore administration, legislation I sponsored, the Social Security lockbox, by an overwhelming 416–12 vote.

As this next chart shows, last year President Clinton and AL GORE only agreed to set aside 62 percent of the Social Security surplus and proposed to spend the other 38 percent, or $52 billion, of Social Security on risky spending schemes. But we knew 62 percent was not good enough and refused to allow this reckless Social Security raid to continue.

Even with the overwhelming endorsement of the Social Security lockbox vote, again this year the Clinton-Gore administration budget would have raided the Social Security Trust Fund by an additional $60 billion when the tax hikes and budget gimmicks were taken out.

The budget resolution we are considering here today reinforces our Social Security lockbox for fiscal year 2001 and beyond. I urge my colleagues to support our seniors by protecting their Social Security benefits, vote for this Republican budget resolution.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to introduce the subject that the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services, is going to address, because it deals with a major difference between our resolution and their resolution.

Our resolution contains $16.3 billion over the next 10 years specifically earmarked for health care initiatives for military retirees over the age of 65.

Our alternative includes the funding that would be necessary to cover the major provisions of H.R. 3655, a bill that was introduced by the gentleman from Hawaii (Mr. ABERCROMBIE) who is the ranking Democrat on the Military Personnel Subcommittee of the House

Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON) who is the ranking Democrat on the House Committee on Armed Services, and the gentleman from Mississippi (Mr. TAYLOR).

Over that 10-year period, our Democratic alternative provides $5.4 billion in Function 550 for a prescription drug initiative and $10.9 billion in Function 570, the Medicare function, to provide for what we call around here Medicare subvention, to make military retirees over the age of 65 able to use their Medicare benefits at military treatment facilities. This is a major initiative and a major distinction between our budget and their budget.

Mr. SHAYS. Mr. Chairman, I am curious how much time the gentleman from South Carolina (Mr. SPRATT) yielded to himself. How much did he consume?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPRATT) consumed 1½ minutes.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I appreciate the gentleman from South Carolina (Mr. SPRATT) yielding me the time.

Mr. Chairman, I urge my colleagues to support the Spratt budget alternative that is offered this afternoon.

As a ranking member of the House Committee on Armed Services, I believe this alternative is the only one that addresses the critical need to improve access to health care services for our men and women in uniform and for our military retirees who have given so much to the Nation in the past.

I also want to express my disappointment that the Kasich budget does not provide adequate funding for our military. In my view, it shortchanges the military by at least $12 billion this year.

But let me speak about the Spratt budget and the military health care. Today I speak for those young men and young women, their families, and the military retirees who have given so very much to our Nation, because they are entitled to the best health care available from our Government.

The Spratt substitute is the only one that meets the obligation we owe our active duty members, our military retirees, and their families. I am pleased that the Spratt substitute embodies a bill that the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Mississippi (Mr. TAYLOR) and I have introduced, H.R. 3655, to provide access to quality health care services for our retirees and for active duty and their families.

H.R. 3655 is supported by the Military Coalition, an organization comprised of 28 nationally prominent associations representing more than 5½ million current and former members of the seven uniform services.

The Spratt substitute provides for a comprehensive approach to address the problem of access to military health care, particularly for retirees and family members over the age of 65. It includes a comprehensive mail order and retail pharmacy benefit for all military retirees. It includes an expansion of the Medicare subvention program so that Medicare-eligible retirees may be treated at military hospitals and have the cost of their care reimbursed by Medicare.

It includes the elimination of co-payments for active duty family members under TRICARE so that our active duty service members will have fewer out-of-pocket expenses.

It also includes expansion of the TRICARE program to remote locations so the service members not near military hospitals may receive better, more affordable health care.

Overall, this Spratt substitute provides over $16 billion over 10 years for military health care.

How many times, Mr. Chairman, have we heard military retirees say, do something to live up to the obligation? This does it. This provides the money therefor.

Mr. SHAYS. Mr. Chairman, I yield myself 10 seconds to say that, in our defense budget, we are going to be adding $17.4 billion more to our defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH) a member of the House Committee on the Budget and the Committee on Science and the Committee on Agriculture.

Mr. SMITH of Michigan. Mr. Chairman, I say to the gentleman from Missouri (Mr. SKELTON), my understanding is, I read in the Democrat Spratt budget that my colleagues are putting in the same amount that the President did at $306.3 billion, and the Republicans are putting $307.3 billion into the defense. How they divide it up, we were not as articulate as our colleagues are, but just the fact that we are upping them one on the military budget.

I would yield to the gentleman, but I only have a minute to talk about what I need to talk about, and that is where we are going on Social Security.

Too often I think Republicans want to move ahead and do not look back to how much they have accomplished. And what we have accomplished is significant since 1995, when we took the majority. We actually for the first time in almost 40 years quit using Social Security surplus for other Government programs.

What has happened is, in 1995, we were looking at on-budget deficits of approximately $300 billion. Today we have a surplus. We are moving ahead in the right direction.

I am disappointed that this budget, Republican, Democrat, nobody else, deals with the huge problem of really fixing Social Security. The Democrat budget says they are extending the life of Social Security and Medicare by 13 years and 10 years, respectively, but actually what they are doing is adding just two more giant IOUs to those trust funds. It does nothing to fix the program. That has got to be the challenge in the years ahead.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I want to point out that the Kasich budget has not one cent in that budget for the military retirees and the Spratt budget does.

We have got to think of our military retirees. They have given us so much.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I agree. If the Spratt budget is the same as the budget of the President budget, we add an additional $1 billion to up that budget by, I think, $18 billion.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, would the gentleman from South Carolina (Mr. SPRATT) please explain that, in his budget, we do take care of military retirees, as opposed to the Kasich budget, which does not.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute to say that that is absolutely correct and to further clarify the difference, the very slight difference, between our resolution and theirs, the budget of the President and theirs.

Over this year and next year, their budget would add $1 billion for defense. It would increase the President's request of $16.4 billion up to $17.4 billion.

When the gentleman from Connecticut (Mr. SHAYS) says they provide $17.4 billion, that is a billion more than the President requested.

By the way, the President's request is $24.4 billion more than we provided for defense in 2001 when we did the Balanced Budget Agreement of 1997.

Over the 5-year period of time, both budgets provide about $1.6 trillion. The difference between our budget and theirs over that period of time is less than one-tenth of one percent.

When my colleagues add what we just provided, we are adding $16.3 billion on top of that, on top of that $1.6 trillion, $16.3 billion to go to military retirees and to be reconciled and designed for application to them by the House Committee on Armed Services.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, the Republican budget contains tax breaks for the wealthy while ignoring working Americans, which I think is an irresponsible and not a fiscally oriented budget that looks toward the future.

I believe the budget that has been presented right now from the Democratic side has specifics in terms of the dollars for each of the areas. I am not going to go into depth in that area, but I will go into areas that I feel impact our area.

The Republican budget cuts down domestic spending. The Republican budget cuts down the FBI agents and Drug Enforcement agents. This will open up a season for drug dealers. We already have enough drug dealers in our streets.

College scholarships. It will cut down college scholarships. This presents an opportunity of hope for many of our individuals to go to school. Many of our individuals will be dropping out if we do not provide the assistance.

The Republican party cuts down the air traffic controllers. We are already having a lot of problems with our flights every day, and every day we are looking at the emergency on that level. So if we cut down the funding in that area, look at the impact it has on many of us who fly in that area.

Programs for women and children. Women and children will be out on the streets. We look at the services that we need to provide there. There will be more latch-key kids with nowhere to go in my area or many other areas. There will also be a burden on our churches to take care of these individuals because we have not provided the assistance.

By contrast, the Democratic plan would invest in education. And it is a high priority. Education is the foundation. It affects behavior and attitudes. It prepares us for the working force of the 21st century. It reduces class size. It builds more schools. It provides scholarship opportunity. It protects our seniors. It provides affordable drug prescription. It preserves Social Security and Medicare that is very important to a lot of our seniors. And our seniors know that that is the one issue that they very much care about when we are talking about Social Security and we are talking about Medicare and protecting them.

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It eliminates the marriage penalty on low-income households. It invests in public safety. It helps veterans as we just discussed earlier. Democrats have a responsible budget. It pays down the debt before spending and emptying the bank account. The Democrats look at the future. It saves for a rainy day, it is a sensible budget, it deals with tax relief, it deals with opportunities for all individuals of America. It provides for our children, our senior citizens, those who are less fortunate, for the middle class and for all working Americans.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the Committee on the Budget as well as the Committee on Agriculture and the Committee on Education and the Workforce.

Mr. FLETCHER. Mr. Chairman, I think one of the things that we need to come back and look at is that when the Democrats controlled Congress, we had deficits approaching $200 billion a year. Now we have surpluses, a surplus last year of $178 billion that we have used to pay down the publicly held debt. And so even the fact that they can have this discussion about talking about paying down the debt, it amazes me; and it is because of the work of the Republican Congress that they have been even able to talk about paying down the debt, which was really not part of their dialogue until we were able to balance the budget and to have the surpluses.

What does this budget do? First, it protects Social Security. Remember last year when the President wanted to spend 38 percent of Social Security on more and bigger government? We are saving 100 percent of Social Security. We are strengthening Medicare and prescription drugs, setting aside $40 billion for that over the next 5 years. The President had a plan. He has a plan that puts zero in next year, the year after that zero, the year after that zero and then the last 2 years of his plan, he begins to put in some money.

When you watch his plan, the cost skyrockets. Why? Because you have working people, a bricklayer, a teacher paying taxes to buy prescription drugs for the Ross Perots of the world. But we have set aside $40 billion for prescription drugs and for Medicare for help with our hospitals back home that we will be able to provide targeted relief for those who need it in a fiscally responsible way.

We also plan on retiring the public debt by 2013. Who wants to see a child born here and have the debt of $20,000 upon their back? We are going to eliminate that publicly held debt that has been passed on by the minority for years to our future generations. We are going to strengthen and support education. We put more money into education, more flexibility, more money coming right back to the classrooms where it can be used most effectively with local control.

We promote tax fairness for families, farmers and seniors. It is interesting, they are talking about the huge tax breaks. What we are talking about is tax breaks that have to do with relief and fairness. I can remember them talking about not wanting to pass the marriage penalty tax, not wanting to relieve that $1,400 penalty. We have been able to set aside money to make sure that our taxes are more fair while we are paying down the debt and certainly restore America's defense.

Let me say additionally, we are adding money to basic research and science, hoping to find cures for disease like cancer, diabetes, Alzheimer's disease. We have consistently increased our support for the National Institutes of Health well above what the Democrats have proposed.

I am very pleased with this budget. I certainly encourage my colleagues to vote against the Democratic budget and for the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I want to thank my friend from South Carolina for yielding me this time. The budget speaks to priorities. The Republicans are not very subtle as to what their priority is all about. It is about a tax cut. We know that this budget, their budget, says that that is their top priority. We do not have the details as to how it would specifically be organized, but all we have to do is look to last year and know that it will be an irresponsible tax cut, reckless and benefit the most wealthy. And we know that it jeopardizes the Social Security and Medicare and our ability to reduce our national debt.

We could take a look at what Senator McCAIN said when he said it is fiscally irresponsible to promise a huge tax cut that is based on a surplus that we may not have. To bank it all on the unending surpluses at the possible risk of the Social Security trust fund is our fundamental disagreement. We could not agree more with Senator McCAIN.

Now, we have an alternative. The Democratic alternative makes it clear that our priority is to protect Social Security, Medicare, and reduce our national debt, to have targeted tax relief to those who really need it, to make sure that we can continue our investments in education and the priorities that are important for our economic progress to continue. Fortunately, the budget that the Republicans enacted last year did not become law. The irresponsible tax cut was vetoed by the President. It is interesting that that veto message was never brought up before this body for a veto override, because I think my Republican colleagues know how reckless that really was.

Mr. Chairman, we are going to have a choice in a few moments to speak to what we think the priority should be for our Nation. Should we put tax cuts first or should we put the Social Security Medicare and continuing our economic prosperity first? I urge my colleagues to defeat the Republican resolution and to pass the substitute.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds to respond with no disrespect, but I think some of what I heard was almost silly. The bottom line is we are reducing taxes in the next 5 years by 2 percent of total revenues. Out of $10 trillion, the gentleman from Maryland thinks we cannot afford $200 billion of tax cuts, some of which many of his members have even voted for. Of course we can afford to reduce taxes 2 percent. And we are doing it after we are paying down our debt. We are doing it after we are dealing with Social Security. We are doing it after we pay for Medicare payments and prescription drugs.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of both the Committee on the Budget and the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of the resolution today. I want to commend the gentleman from Ohio (Mr. KASICH) for the work that he has done. I wish the chairman luck in his future endeavors. He has made a substantial difference here, and his leadership has been extraordinary.

The Republican budget pays down $1 trillion in debt, protects Social Security, strengthens Medicare, and increases funding for defense and education. With these priorities fulfilled, it is time to give back to Americans their hard-earned money. Promoting tax fairness is the subject. When the Government is running continuous on-budget surpluses and CBO is forecasting surpluses far into the future, it is now time to provide tax relief. If we cannot return the overpayment of taxpayers' money now at a time when we have surpluses and a strong economy, when can we?

It is obvious that money left in Washington will be spent. Why do I say that? The Clinton-Gore budget creates 84 new Federal programs, increases spending at twice the rate of inflation, and despite our surpluses the administration again proposes to raise taxes and fees on working families. Our Republican budget would return the surplus back to the American people who earned it and who deserve it.

The Republican budget provides at least $150 billion in tax relief, including the recently passed marriage penalty relief and small business tax relief. A very responsible $60 billion will be included for additional tax relief or further debt reduction. Let us look at facts. Facts are facts. American taxpayers are overpaying the Federal Government. This money does not belong in Washington, not to Washington bureaucrats. The budget is paid for by the hard work and the sweat of the American worker. With the strong economy and the Federal Government in the black, it is our responsibility to provide tax relief. The Republican budget is a responsible plan for our Nation's future. I urge my colleagues to support this budget resolution.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the Budget Committee budget recommendation for fiscal year 2001. As was said by previous speakers, this is quite an extraordinary event which we can produce over a period of less than 5 years a budget that goes from deficit to not only to going to surplus but protecting 100 percent of that surplus for Social Security while strengthening Medicare and providing the resources that are necessary to provide prescription coverage for seniors; retiring potentially the entire public debt by the year 2013; at the same time promoting tax relief for families, farmers and seniors; providing significant increases in defense; and strengthening support for education and science.

I am here specifically to talk about one aspect of education that is of particular interest to me, and that is funding for the Individuals with Disabilities Education Act, commonly known as special education. When I came to Congress in 1996, total funding was just a little bit more than $3.5 billion, or about 5 percent of the total 40 percent mandated as required by law. I am pleased to say that in this budget this year, we have incorporated instructions to the appropriators to increase special education funding by a full $2 billion, which is almost 100 percent of what the entire funding was when I came to Congress in 1996.

Full funding of special education is good education policy. It is good policy for communities, for families, for school administrators, for those who are affected and participate in IDEA programs; but most importantly it is also a form of tax relief. For us to have failed to meet this unfunded mandate for so many years is inexcusable. What we do in this budget is move a long way towards meeting that obligation.

I stand here today as a proud supporter of the budget plan that we have here before us today; and for American families, for taxpayers, I urge the adoption of this budget.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER), a member of the Committee on the Budget.

Mr. GARY MILLER of California. Mr. Chairman, I rise to speak in support of the House budget resolution. The American people need to know what we are really talking about here, $1.8 trillion of your money. The money does not belong to government. It is the money we took from you and you have asked us to spend wisely or allow you to keep it, in many cases. What we are talking about today and what the other side is arguing against is allowing you to keep a little of your hard-earned money. What we happen to think does not matter. It is what the American people happen to think and what they say.

I would like to read part of a letter written to me by Mr. Todd Kolber of Upland, California. His dad was a physician; his dad was raised poor and worked his way through college. He specialized in chemotherapy to help people with cancer. His father passed away. He wrote me:

"I am the son and executor of the estate that he worked so hard saving for and didn't get to enjoy. Today I am going to have the pleasure of writing two checks totaling nearly $1 million divided between the State and Federal Government. This is the most revolting and disgusting thing that I have ever had to do. When the CPA told me how much money the death penalty imposed on my dad's estate, I literally almost threw up. I was sick to my stomach."

Mr. Kolber closes with the following question:

"Can you write me back with even one good reason that validates the usurpation of $1 million that was left by my dad to my family?"

I cannot justify this tax of 50 percent on this family. I cannot justify this tax on any American citizen. For this reason I urge my colleagues to do what is right, the right thing for Mr. Kolber and his family and the right thing for you and the constituents of my district who will undoubtedly find themselves in the same situation at some time. I urge my colleagues to vote for the budget resolution that begins to dismantle this unfair tax that does nothing for grieving families. It is wrong. We need to change it. The debate here should be focusing on the fact that this is your money. It is not our money. We got this money because we took this money from you. We are saving Social Security. We are saving Medicare and Medicaid. It is time for you to save a little bit for your family. If you want to buy shoes or clothes or whatever you want to do, you should have your money to do that.

Mr. Chairman, I include the following letter for the RECORD.

TODD M. KOLBER,
Upland, CA, March 7, 2000.

Representative GARY MILLER,
Diamond Bar, CA.

DEAR REPRESENTATIVE MILLER: Today marks the 1st day of the 9th month since my dad passed away. He was a physician specializing in chemotherapy treatments for cancer patients. He grew up in a very poor family in Brooklyn, New York, and he still managed to put himself through school and become a doctor, without the help of the government I might add. His plan was to retire this summer, after doing so much good for his patients and our community, and spend time sailing the 15 year old 27 foot sailboat he bought two weeks before he died. He paid untold sums of money in taxes throughout his lifetime while working to the age of 65, a requirement necessary to save enough money to retire at a financial level that a physician deserves. While paying 50% of his income in taxes to the government, money that might otherwise have been used to fund an early retirement, he died.

I am his son and executor of the estate that he worked so hard saving for and didn't get to enjoy. Today I am going to have the pleasure of writing two checks totaling nearly one million dollars divided between the state and federal government. This is the most revolting and disgusting thing that I have ever had to do. When the CPA told me how much money the death penalty imposed on my dad's estate, I literally almost threw up. I was sick to my stomach. As a result of my dad's strong desire to save for his retirement the majority of his estate is in Individual Retirement Accounts and you know the tax consequences that creates when distributed to heirs, right? After all is said and done, the government will have taken over 50% of my dad's property and money.

I adamantly believe that the government's only societal role is to protect the rights, lives, and property of the law abiding. Period. All socialized legislation beyond that is an unnecessary intrusion into my life and a waste of my money.

The government already confiscates too much money through taxation by means of Income tax, Property tax, Capital Gains tax, Gasoline tax, Social Security tax, Medicare tax, Telephone tax, Hotel tax, Airline Ticket tax, Energy Tax, Entertainment tax and numerous other hidden Excise taxes that I continuously pay.

Having stated that, and inasmuch as you are supposed to be representing me, can you write me back with even one good reason that validates the usurpation of one million dollars that was left by my dad, to my family?

Sincerely,

TODD M. KOLBER.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine (Mr. BALDACCI).

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Mr. BALDACCI. Mr. Chairman, first of all, I would like to point out that we are probably $200 billion or plus each year having to pay interest on the debt that we do have. I think what we need to do, and we owe it to the American public, is to reduce the debt and the interest on the debt that they are paying for and that we are all paying for and the children are going to be paying for and to begin to be responsible in addressing those issues in not allowing for a very large tax cut to benefit the very few in America at the expense of everybody else in America.

We know from hearing from small business people if we can reduce an interest rate by 1 point over a 30-year note that we are going to be able to save them $25,000 on $100,000. And businessmen are telling me if you do more to reduce the interest rates, to reduce the rates and the interest on the debt, that is going to mean more business for me, more purchases that people are going to be able to make, and by keeping our economy strong.

We have to keep our economy strong, because our economy has produced the benefits that we are now enjoying, and it was the American public through the hard work that they have been undergoing that have given us this opportunity; and we should not do it and jeopardize it on a very risky large tax scheme that does nothing for prescription drugs, that does nothing on the interest on the debt, that does nothing to preserve and protect Medicare or strengthen Social Security.

We need to be able to make sure that those are the programs that we take care of and the interest that we take care of, not on a very risky tax scheme that is going to benefit very few people.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the very distinguished gentleman from Oklahoma (Mr. WATTS), a member of the Committee on Armed Services and Chairman of the Republican Conference.

Mr. WATTS of Oklahoma. I thank my friend from Connecticut (Mr. SHAYS) for yielding me the time.

Mr. Chairman, we hear that giving people their money back is a risky thing. It is a risky thing for the economy not to give people their money back, because what happens is, if those dollars stay here in Washington, we then grow the Government and create more government; and then we have to take more money from the American people to feed those new government programs.

It is an amazing thing to me that someone would say that it is risky to give people their money back when you consider that the economy, the strength of the economy is driven by, or 70 percent of the economy is driven by consumer spending. So when you give people their money back to buy appliances, to buy food for the kids, to buy cars, or to buy new tires, to buy a new washer and dryer, to make the house payment, that is good for the economy. That is not risky.

Again, I repeat, it is risky to leave that money here in Washington. I think the Committee on the Budget has come up with a very responsible budget. It takes care of 100 percent of the Social Security surplus. It strengthens Medicare and prescription drugs.

It sets aside about $40 billion for the prescription drug benefit, retires the public debt by 2013. I think it is important that we pay down the public debt, that we get rid of that public debt and not strap our kids and our grandkids with that. It promotes tax fairness for families and farmers and seniors. So it benefits our farmers. It eliminates the marriage tax penalty.

We set aside a dedicated reserve fund of $50 billion for tax and debt relief only, rejects the $96 billion gross tax increases over the next 5 years by the Clinton and Gore budget, restores America's defense, puts more dollars in national defense, and strengthens support for education and science.

Again, I think the Committee on the Budget has come up with a very responsible budget.

One thing before I sit down, Mr. Chairman, I want to add, I just had a press conference with the gentleman from Ohio (Chairman KASICH), about 10 or 11 of us; we had a press conference talking about the waste, fraud and abuse and what the General Accounting Office has found in our Federal agencies. We looked through some of those reports.

We have a Dow that is approaching 11,000. The economy is good. Unemployment is low. And I hope we do not get complacent, because our economy is doing good and we have surpluses; and it still does not mean that the Federal Government is not wasting money or abusing taxpayers' dollars.

We should be good stewards of taxpayers. We have a lot of waste and a lot of abuse in this government that we can go at and go after and even create more tax revenue for the American people.

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

I would say to my good friend, the gentleman from Oklahoma (Mr. WATTS), here is what we are concerned about. Here are the risks that we are really concerned about. The gentleman claims that he generated an on-budget surplus of $110 billion, but he is also claiming a tax cut of $250 billion. We have spread that tax cut out at the same rate as the gentleman increases the $150 billion tax cut over time. And when we look at the bottom line, when we add in the gentleman's $40 billion for Medicare, prescription drugs, add in the additional 50 for additional tax cuts, the surplus vanishes in the year 2003. It goes into the red in 2004 and stays in the red in 2005.

The bottom line, instead of being $110 billion of cumulative surplus instead is $11 billion and declining, because it has been in a deficit for 2 years. We are back in the Social Security fund, back into Social Security in 3 years if the gentleman does it this way. That is what is risky. That is what concerns us.

If somebody will show us this arithmetic is wrong, we will listen; but until then, we say this is what the budget leads us to, dangerously close to being in deficit again, back into the Social Security Trust Fund.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank my colleague from Connecticut for yielding me the time.

I would like to actually take a look at some of the numbers that the minority staff continues to bring on the floor of Congress. If you take a look at the numbers, they are trying to tell us that we are dipping into the Social Security surplus.

Take a look at these numbers. These numbers they made up. These numbers they made up. These numbers right here, the costs of the Medicare plan.

they do not even add up on their chart. If you look at this chart, in their report, I noticed they took a little bit out of this on the chart.

They say, on this chart over here, that the figures in the year 2002 to 2005 are interpolated by the Democratic staff. In Webster's dictionary, interpolate, that means to alter by text, by insertion of a new matter deceptively or without authorization.

They go on to say that the extrapolations for the second 5 years are made by the Democratic staff.

Well, Mr. Chairman, if we take a look at these numbers, they are wrong. The numbers on the surplus are wrong. The numbers that they are making up are wrong. The numbers do not add up. It is an extrapolation. It is an interpolation, which the definition is simply stated here in Webster's Dictionary.

Mr. SHAYS. Mr. Chairman, if the gentleman will yield, I would ask the gentleman from Wisconsin (Mr. RYAN) a question.

Mr. Chairman, what the gentleman is reading, the quote, is the footnotes in their own documents?

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, yes, absolutely.

Mr. SHAYS. So these are their own words?

Mr. RYAN of Wisconsin. Yes.

If we take a look at the chart that the minority staff has prepared, the footnote of these two quotes on this chart, the figures on this chart are interpolated by Democratic staff. They are extrapolations for the second 5 years made by the Democratic staff.

If we look at the dictionary, interpolation means insert new or spurious matter in this manner, meaning insert, estimate or find an immediate term deceptively or without authorization.

That is what we see here with these numbers. They do not even add up their totals. The numbers that they are taking from the Republican budget, if we look at the Republican budget, they are different numbers. This does not add up.

Mr. Chairman, it is the same thing. Last year they said we were raiding Social Security. Guess what? We stopped the raid on the Social Security trust fund. Last year they said we were going to take $17 billion out of Social Security when we debated this bill last year.

Guess what happened? For the first time in 30 years this Congress actually stopped the raid on Social Security and put 100 percent of the Social Security money back in the Social Security trust funds.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, would the gentleman please tell us then what is the year-by-year impact of the $200 billion tax cut over the next 5 years so that we can put it in the chart correctly and we can tell what the bottom line properly is?

Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. RYAN) to respond.

Mr. RYAN of Wisconsin. Mr. Chairman, I appreciate the fact that the gentleman has recognized that his numbers are interpolations; that his numbers are estimates.

Our numbers add up. Our numbers on the 5-year spendup, our numbers on the tax relief, do add up. If we take a look at the gentleman's surplus numbers, taken out of our budget, they are lower numbers as well. They do not add up.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman has a year-by-year breakout for the $150 billion tax cut.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, yes, we do.

Mr. SPRATT. For the $50 billion tax cut that is additional to that, the gentleman has no year-by-year break out. That is all I am asking for, if we could see the year-by-year breakout of the $50 billion tax cut, too.

Mr. RYAN of Wisconsin. Mr. Chairman, to respond to the gentleman's question, in his chart he says in the first year that we have zero tax cuts. If we take a look at page 29 of the bill, we actually have $5 billion in tax cuts.

So looking at the legislation that we are here voting on right now, the chart that the gentleman has prepared is actually in error by $5 billion in the first year alone.

Mr. SPRATT. Well, we know that because the chart was changed last night at 1:00 a.m., and we received that information then.

We have adjusted the numbers, added the $50 billion to the $150 billion, and increased it at the same rate that the $150 billion tax cut was increased.

Using that method of interpolation, the budget is still $5 billion in deficit by 2004 and a billion dollars in deficit in 2005. We are using the gentleman's same numbers, the gentleman's same proportionate increases each year and we come up with that result.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who is a member of both the Committee on Science and Committee on Agriculture, as well the Committee on the Budget.

Mr. GUTKNECHT. Mr. Chairman, I want to thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

Mr. Chairman, this has been an interesting debate but it almost is as if there is an echo in here. This debate certainly sounds like debates we have had around this House. Every year when the budget comes up, many of the same expressions, we are hearing terms like exploding tax cuts, risky tax cuts. Somehow I am not really certain what a risky tax cut is and especially when we look at what we are doing with this budget. All we are really doing is making room to eliminate the marriage penalty tax.

Now, nobody wants to debate that because we all know that it is incredibly unfair to say to married couples that they have to pay extra taxes just because they are married.

I do not think it is risky for us to say we are going to make room in our budget to eliminate that unfairness over the next 5 years. That is not risky.

Then we hear always, and this is a common refrain, that this is a tax cut for the rich. Well, I think the only tax cut that they can be talking about, because certainly what is being said is not that married people, just because they are married they are rich. Perhaps what is being talked about is reducing or eliminating the estate tax.

Now, currently, as we all know, it does not take very long for a small business person or a farmer to reach that threshold where their estate is going to pay 55 percent, 55 percent.

That is confiscatory.

How can it be risky to say it is wrong to say to a farmer or a small business person, to their families, that we are going to take away 55 percent of their estate after they reach a certain level?

If the tax relief that we have put into this bill is looked at, it is absolutely fair.

I am reminded of the story and I said it the other day, of the little red hen. Nobody wanted to help bake the bread.

No one wanted to help create the surpluses, but it is amazing how people argue about who is going to get the biggest slice.

This budget, Mr. Chairman, is absolutely fair, and for the first time in my adult lifetime we are actually allowing the Federal budget to grow at a slower rate, in fact about half the rate of the average family budget. If we do that over the next 5 years, if we control Federal spending, we are going to create big surpluses. Some of that surplus ought to go back to the people who pay the taxes.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, I rise today to express my disappointment that once again our friends on the other side have chosen to offer what I consider to be a very irresponsible and unrealistic budgetary mirage rather than a real budget based upon real values.

Rather than work toward our common objectives, they have again put irresponsible tax cuts first. They have offered a budget that puts Social Security at risk, and for the same reasons backed off their proposals last summer, in 1999, in that particular budget, when they saw that Social Security was at risk.

Senator McCAIN has repeatedly said this is a, quote/unquote, "fiscally irresponsible approach."

□ 1500

There is a simple question here: Are we better off now than we were 8 years ago? Are we better off with the fiscal discipline and key investments we started in 1993? The answer is yes, and we should not fail our values by endorsing the failed policies of the past.

Most importantly, the budget from our friends on the other side proposes cuts that just will not happen. Do they believe that by October of this year Head Start will be cut by 40,000 kids? Do they believe that if we provide for 300,000 less college students for Pell grants over the next 5 years, that that will be a part of the final budget? And do they believe that cutting home energy assistance to 160,000 families will actually be a reality in October? This budget is irresponsible. It is not a base from which to do our work here.

We believe in tax cuts, we believe in paying down our debt, we believe in allocating money for veterans health care and prescription drugs for seniors. We can do that. We should do it together. We agree on it.

Let us get down to business and do something today that will actually be useful when decisions must be made later this year. Let us adopt a budget blueprint that embraces all of our values, not one that ignores them.

I ask that Members support the Democratic substitute.

Mr. SHAYS. Mr. Chairman, could the chairman tell us who has the right to close and how much time is remaining on each side?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Connecticut (Mr. SHAYS) has 6 minutes remaining, the gentleman from South Carolina (Mr. SPRATT) has 6½ minutes remaining, and the gentleman from Connecticut has the right to close.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), a member of the Committee on Banking and Financial Services and the Committee on Science.

Mr. GREEN of Wisconsin. Mr. Chairman, my colleague from Minnesota a little while ago talked about the story of a little red hen. I was reminded of a different story. It is a story about the rooster who used to get up every morning and crow right before the sun came up. One morning the rooster overslept, and the sun came up anyway and the rooster was shattered and crushed.

I think our friends on the other side in the minority are like that rooster. They have been crowing, as they have been every year, about how Republican plans would hurt the debt, hurt Social Security and set us back. Yet, every year we have made great progress.

Here we are again. We are here today on the threshold of a chance to make history, paying down the debt, strengthening our retirement security system, making major new investments in the programs that families care about. With our budget plan, we will make sure that every family has the tools and the opportunity to pursue the American dream, and we do it in a responsible fashion, built on conservative values and conservative priorities.

I strongly urge my colleagues to support this great budget plan.

Mr. SPRATT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, one more time let me put our chart up. The reason we had zero in allocating the $50 billion tax cut to 2001 is that is what your resolution provided, until last night at 1 o'clock. Your resolution now provides $5 billion, no more in that particular year.

We have, therefore, taken that single number, the only one you provided in breaking out the tax cut, and we have increased the $50 billion tax cut at the same rate that your $150 billion tax cut increased it every year. The same proportion.

When you do that, in 2001 the tax cut becomes $15 billion. In 2002, the total tax cut becomes $29 billion. In 2003, it becomes $41 billion. In 2004, it becomes $55 billion. In 2005, it becomes $59 billion. The total tax cut over that period of time is $200 billion.

As a result, using simple arithmetic, as a result of those adjustments, just trying to figure out how your $200 billion tax cut would distribute, we get a bottom line that is $5 billion in deficit in the year 2004, and in the year 2005, still negative, minus $2 billion. You are back in deficit, back in the Social Security surplus.

If these numbers are wrong, come change them.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY), a member of the Committee on Transportation and Infrastructure, the Committee on Banking and Financial Services, and the Committee on Small Business.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am not a member of the Committee on the Budget and have not been part of the process that caused this incredible debt that caused this high taxation or that has caused repeated raids on the Social Security system, but I am proud to be part of the solution.

I am proud to support this budget which strengthens Medicare. I am proud to be part of this process that pays down the national debt. I am proud to support this budget that provides tax relief in the areas of marriage penalty tax, death tax, education, health care, and repeal of seniors' earning limitations.

I am proud to support this budget which strengthens national defense, strengthens education funding, aggressively attacks waste and fraud.

Lastly, I am proud to support this Republican budget which strengthens and protects Social Security and permanently ends the raid on that. I am proud to do that, Mr. Chairman, as the father of three children, because I am proud to give them the future and America's children the future they deserve.

Mr. SPRATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, as I said at the outset, we have come a long way since 1992 when the budget was in deficit $290 billion. We have wiped out the deficit. Now we stand at a fiscal fork in the road, deciding whether or not we take on the second biggest and toughest problem, and that is the long-term solvency of Social Security and Medicare, or whether we take another fork and ignore those particular problems.

We have presented to the House a budget resolution which cuts taxes, not by as much as our Republican colleagues, but it is a significant tax cut, $50 billion net tax cut over 5 years, $201 billion over 10 years. We provide for tax cuts. We also pay down our mountainous national debt, at long last, $48 billion over 5 years in debt reduction, $364 billion over 10 years in debt reduction.

But we go further. Given the opportunity that we have, we step up to the problem of the long-term solvency of Social Security and Medicare by transferring over the next 10 years $300 billion into the Medicare trust fund, extending its life by 10 years, and then by transferring funds from the general fund into Social Security and extending its life by 15 years.

We do this, and at the same time we provide for things that the country needs. I come from a district where there are a lot of military retirees. I have heard their complaints about the kind of commitment we have made to them and the extent to which we have kept it. So, consequently, we have made room in our resolution to provide for a major increase in retiree health care benefits. We are going to say to them, Medicare subvention, we can do it. If you want to use your Medicare benefits at a military treatment facility, we have provided for it in this resolution.

Furthermore, for those over 65 who do not have a drug or pharmacy benefit anymore, we are going to reinstate it. We are going to fully fund the Abercrombie-Skelton bill.

When you look at these things, the $20.5 billion for education, the additional amounts we provide for law enforcement over and above what they provide, the realistic level of funding we provide for community and regional development, as opposed to their cut, which is $2.5 billion in CDBGs, EDA and these agencies that help us help the hardest hit parts of our country, there is no question about it, we have not just a balanced budget in the sense that the bottom line is in the black, thank goodness, but it is balanced as to its priorities. It is the better budget of the two, and I urge support for it.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to engage the gentleman in a colloquy here about this tax cut debate we have been having.

I understand that one of our friends on the other side said there was no such thing as an irresponsible tax cut. That is a dangerous view. In fact, the tax cut proposed by George W. Bush, the Republican presidential candidate, seemed to fit that category very well, because our Republican friends refused to even allow us to vote on it in the Committee on the Budget.

This chart indicates where we are with these various tax cut proposals. The Republican tax cut proposal that is included in this budget would use the entire non-Social Security surplus and take us into deficit, into borrowing from the Social Security surplus to the tune of $68 billion over the 10 year period. It would just barely avoid doing that over the first 5 years and be $68 billion in the red over 10 years.

The Bush tax cut is even more irresponsible, $136 billion into the red in 5 years, and $376 billion over 10 years. So, it is not surprising, I suppose, that our Republican friends would not permit a vote on that.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I think that is a good presentation of exactly the point we have been trying to make all day long. We have called it risky and dangerous. What we are talking about is skating on thin ice. For the first 5 years, this resolution, which has $200 billion of tax reduction in it, comes perilously close to putting us back in deficit. If we do, we are back into the Social Security trust fund.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, the Democratic alternative does have responsible tax relief, targeted at the marriage penalty, targeted at the need to get school construction moving in this country, targeted at a number of important priorities. But it is balanced and responsible. That is the key point. It is balanced with the other priorities of shoring up Medicare and Social Security and paying down the national debt. It is that sort of balance that I think is missing in our Republican friends' resolution.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from South Carolina has 15 seconds.

Mr. SPRATT. Mr. Chairman, in the time remaining, I would urge every Member to look in earnest at these two proposals. We have made the House a budget proposal that pays down the debt, provides for tax relief, but also provides for the real needs of this country.

The CHAIRMAN pro tempore. The gentleman from Connecticut has 3¾ minutes to close this portion of the debate.

Mr. SHAYS. Mr. Chairman, only in Washington when you cut taxes by $200 billion in a $10 trillion revenue stream would people call it irresponsible.

Mr. Chairman, I yield the remainder of the time to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, it is never easy to put together a budget that spends $1.8 trillion. It is difficult to bring together all of the Members on this floor on either side of the aisle, talk through priorities, make tradeoffs and set forth a blueprint that talks about our broad vision for where this economy ought to be headed, for where Federal spending ought to be headed and for what we ought to be doing to protect the taxpayers of this country. But the gentleman from Ohio (Mr. KASICH) has provided tremendous leadership to the Committee on the Budget; and I think it is worth reviewing, not just the record that he has established in setting these priorities, but where this budget is really going to take us.

Let us cut through the rhetoric a little bit and talk about what our priorities are. First and foremost, it is to set aside every penny of the Social Security surplus. This is not old hat. This is not an idea that Democrats or Republicans have been talking about for 4, 5, or 6 years. It was just last year that Republicans responded to the President's call to spend 40 percent of the Social Security surplus with a commitment that no longer will we take funds out of the Social Security surplus, that we will set aside every penny. We did it despite the calls of critics that we would not be able to do it. We did it because we had the will and determination to put forward spending bills that achieve that goal.

What else does this budget do? It sets aside funds for Medicare, for prescription drug benefit. We have heard a lot of scare tactics about losing benefits, Medicare or Social Security, trying to intimidate Members of this House, trying to intimidate the American people. But the fact is we have set aside $40 billion. If you just take a look at the allocations for Medicare, the red showing the President's set-aside for Medicare, the blue slowing the Republic plan for Medicare, there is a dramatic difference. If we have the wherewithal and will to pass bipartisan legislation in the Committee on Ways and Means, we will achieve historic Medicare reform and deliver that prescription drug benefit to those seniors in need.

□ 1515

Set aside Social Security surplus, protect Medicare, and pay down debt.

Look at the record on debt relief. This is not a projection; this is what has actually been done. In 1998, $50 billion. In 1999, over $80 billion. This fiscal year, $163 billion. Despite the fact that the critics on the other side said we were going to dip into the Social Security Trust Fund surplus, we did not. Over 4 years we have paid down over $450 billion in debt. It keeps interest rates low, it keeps the cost of one's home mortgage or car loan low, and that money never has to be sent back to Washington.

Critics say we could pay down more debt if we did not cut taxes. Well, of course, we could pay down a little more debt if we did not cut the marriage penalty, if we kept penalizing married couples; but that would be the wrong thing to do. If we did not eliminate the Social Security earnings ban, we could pay down a little bit more in debt, but that would be the wrong thing to do. If we did not give individuals health insurance deductibility just like we give to big corporations, we could pay down a little bit more in debt, but that would be wrong. We are supporting this historic tax relief for Americans, not because of what it does or does not add up to, but because of eliminating the marriage tax penalty, eliminating the death tax, because giving individuals health insurance deductibility is the right thing to do.

Even with this historic tax relief, we pay down debt over the next 5 years. Mr. Chairman, $1 trillion in debt paid down over the next 5 years. What a historic achievement, bringing public debt from over $3.9 trillion to well under $3 trillion over the next 5 years. That achievement will not just serve fiscal responsibility or serve our budget priorities well, but it will serve the American people well.

Mr. Chairman, this is the right set of priorities for America, from paying down debt and cutting taxes to investing in defense and funding our special education mandate. I urge my colleagues to support this vision, this set of priorities, and support the Republican resolution.

Mr. McGOVERN. Mr. Chairman, I rise today in strong opposition to this Republican Fiscal Year 2001 Budget Resolution and in strong support of America's home healthcare agencies and patients. This resolution is skewed and misguided. It is a framework for disaster and for a return to the deficit spending of the 1980s. It is a political document designed to further the Majority's ill-advised tax cut agenda. Instead of focusing on strengthening Social Security, improving education, and extending Medicare, this budget will place our surplus in jeopardy through the risky tax cut scheme that was vetoed last year. I challenge the Republicans to take a stand for America and fund the programs Americans depend on.

One of those programs is home healthcare, which received some of the worst cuts in the Balanced Budget Act of 1997 (BBA). Home healthcare is vital to millions of people across this country. It allows patients to recover from illness or surgery and to receive treatment in the comfort of their own homes and in the security of their own families, instead of having to move into a nursing home or stay in a hospital. In addition, treating patients at home saves money for Medicare in the long run.

Home healthcare received attention last year because there was a pressing need to restore funding for ailing home healthcare agencies. This need has not diminished. An important provision in last year's budget resolution expressed support for delaying the automatic 15 percent cut in home healthcare funding upon implementation of the Prospective Payment System (PPS) and for the enactment of the PPS in a timely fashion. At the end of the year, the BBRA included a one-year delay of the 15 percent cut, in part due to the language in the Budget Resolution.

Today we are debating the FY 2001 Budget Resolution, and while I will not support final passage because of the misguided policies outlined in this resolution, I am somewhat encouraged by the home healthcare language it includes. However, I believe it is time for the Majority to show some courage and dedicate specific funds for home healthcare agencies.

This Budget Resolution contains a Sense of Congress that "Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the prospective payment system and ensured timely implementation of that system."

Instead of a Sense of Congress, I challenge the Majority to include $5 billion to eliminate the 15 percent reduction. It is time for the Majority to admit it made a mistake with the BBA and begin to fix that mistake.

I am extremely disappointed that the Republican Majority does not recognize the damage done by the BBA, especially to home healthcare. We are living in the most prosperous time in this nation's history. Our seniors deserve better than this budget.

Mr. SANDLIN, Mr. Chairman, today I address H. Con. Res. 290, the Republican budget resolution for FY 2001. Further, I would like to discuss the opportunities that the Blue Dog substitute provides. I am working to amend some of the inequities in the resolution drafted by my Republican colleagues.

In 1993, when President Clinton first came to office, the deficit stood at $332 billion. Beginning with the Deficit Reduction Act in 1993, the Administration worked its way to a surplus. By Fiscal Year 1998, the Congressional Budget Office (CBO) reported that total revenues exceeded spending by $70 billion, producing the first surplus in almost 30 years. This surplus allowed us to move our attention beyond the deficit and onto other pressing national problems.

Mr. Chairman today seniors make up a greater percentage of our population than ever before. The generation that made this nation great—that lifted us out of an economic depression, won both world wars and the cold war—is retiring by the millions and in need of care. This trend will continue with the fast-approaching retirement of the baby boom generation, placing an unprecedented strain on Social Security and Medicare—programs created by the Democrats for the people.

Medicare, the primary vehicle of health care for seniors, is threatened with insolvency by 2008. Population increases, coupled with rising health costs, have threatened to annihilate this program. However, we have an opportunity to change this.

The Blue Dog substitute, which I support, pays heed to these vital programs. This substitute promotes responsible budgetary policy by reserving half of the on-budget surplus for debt reduction and saving the entire Social Security surplus. While the Republicans budget uses the surplus for irresponsible tax cuts, we save Medicare and Social Security. We also establish a Medicare reserve of $40 billion over 5 years that could be used to finance reforms that extend solvency, create a prescription drug benefit, or allow for additional health care provider relief. Further, we take care of our rural health care programs by increasing funding for discretionary health care programs by $4.6 billion over the Republican budget.

The Blue Dog substitute will put the government on the path to completely eliminate the publicly held debt by 2012, one year earlier than the goal set forth by the President. Because the Republican plan spends the Social Security surplus for other purposes, it reduces less debt. Federal reserve Chairman Alan Greesnspan has stated that paying down the debt is crucial to preparing for the fiscal hurdles that face Medicare. It's clear that social Security, Medicare, Social Security and the national debt are intricately linked.

Mr. Chairman, another thing I simply cannot overlook is the lack of funding that the Republican budget resolution provides for education programs. The substitute I am supporting provides $15 billion more funding over the next five years for education than proposed in the Republican budget. These funding increases are targeted toward education reform initiatives. Although our children have no legislative voice, they represent our nation's future and deserve an investment in their education today.

Our budget should not only educate our children, but also protect their security in an increasingly dangerous world. I support a budget that will give this nation an appropriate level of military readiness. Mr. Chairman, several renegade nations have recently completed successful nuclear weapons testing. Although the Cold War has ended, the nuclear arms race continues to this day. With this concern in mind, the Blue Dog substitute provides $15 billion more in defense budget authority (over 5 years) than the Republican budget. In addition, the Blue Dog substitute takes care of veterans by providing funding for prescription drug benefits.

The Blue Dog budget also meets the agricultural and energy needs of this nation—areas of crucial importance in my district of East Texas. The Blue Dog substitute increases the baseline for mandatory agricultural programs by $23.6 billion over the next five years, in addition to providing $6 billion for assistance in fiscal year 2000. This increase provides funding for crop insurance legislation, long-term agricultural safety net and income support programs, and agricultural research. In contrast, the Republican budget does nothing to increase the agricultural baseline beyond the minimum necessary to fund crop insurance reform.

While the Republican budget cuts the energy function by $2.2 billion, the Blue Dog substitute includes funding for research to increase domestic energy production, develop alternative energy sources, and promote energy conservation. The Blue Dog budget prioritizes funding for energy initiatives critical to the economic vitality of this nation.

Although I have only highlighted a few differences between the Republican budget resolution and the Blue Dog substitute, it should be obvious that they are significant. I encourage my colleagues to vote for the blue Dog substitute, a budget with responsible priorities. This is our opportunity to vote for comprehensive fiscal change and support a budget that will improve the lives of our fellow Americans.

Mr. LIPINSKI. Mr. Chairman, I rise tonight to say a few words about the budget resolution. Unfortunately, I will not be able to vote for the resolution or any of the five alternatives put forth before us tonight, because none of them have a good combination of debt relief and spending priorities.

The Republican resolution offered by Mr. KASICH shortchanges important domestic programs by cutting non-defense discretionary spending by $6.9 billion over 2000 levels. This would mean that over 300,000 students will lose their Pell grants for college, and that almost 2,000 FBI and DEA agents will lose their jobs. In addition, the Kasich resolution does not provide near enough money for debt relief. Virtually all economists, including Federal Reserve Chairman Alan Greenspan, have argued that there is almost no better way of improving the government's finances than reducing the debt. That is also why I am opposing the Democratic, Black Caucus, and Progressive Caucus alternatives, because they do not reserve enough money for debt reduction.

In contrast, while I support the Blue Dog's position on using one-half of the surplus debt reduction, I believe that their high spending on defense—even higher than the Kasich resolution—jeopardizes other discretionary spending. Specifically, I am particularly opposed to the Blue Dog substitute because of the cuts in transportation spending. Under this proposal, and that of the CATS substitute and the Black Caucus substitute, it would not be possible to honor the commitments Congress made in TEA 21 and AIR 21 transportation bills, thereby risking the safety of millions of motorists and air travelers.

I appreciate the hard work and effort that my colleagues put into their respective proposals, but unfortunately, I do not feel that any of these proposals have the right mix of savings for debt reduction and funding for our nation's infrastructure needs. Moreover, this and other recent budget resolutions have been composed of blue smoke and mirrors that do not reflect year-spending agreements, Rather, it is unfortunate that the budget resolutions have been and will continue to be breached during appropriations negotiations between Congressional leaders and the White House. Hopefully, this and future Congress will break that cycle and lead us into the 21st Century in a fiscally responsible manner.

Mrs. LOWEY. Mr. Chairman, I oppose this Budget Resolution because I believe that, in this time of great prosperity and urgent needs, we can do better. We should be voting on a bipartisan and realistic budget resolution.

Instead, we have a resolution that doesn't secure the future of Social Security and Medicare, and doesn't focus on critical education, health, and consumer safety needs.

Under this resolution, our federal commitment to education would be $4.7 billion under the President's budget. The increases proposed are solely for elementary and secondary education, leaving no increase for critical needs in school modernization, professional development, Title I, and higher and adult education.

Under this resolution, the NIH would received a lower increase than necessary to continue our bipartisan effort to double funding for the world's premiere biomedical research institution. And this increase would mean that other, equally worthy health programs at CDC, SAMHSA, HRSA and related agencies would be at or below a freeze.

Under this resolution, programs like LIHEAP—so desperately needed this winter—would serve 164,000 fewer low-income families. Pell Grants would go to 316,000 fewer students by 2005; and more than 40,000 kids would be denied access to Head Start by 2005.

The fact is that this budget resolution sets us against each other. We cannot have tax cuts of the extraordinary magnitude being discussed unless we make deep cuts in programs that millions of Americans rely upon.

I believe maintaining a strong defense and providing meaningful tax relief does not need to come at the expense of vital programs that help get kids through college, translate scientific discoveries to patient care, and help families raise healthy kids. No one wins when we set program against program.

I hope we can avoid that destructive game and work together to provide strong support to the important and worthy efforts that Americans are calling on us to support. Together, we can improve the lives of the American people.

Mr. LEVIN. Mr. Chairman, the greatest magician of all time was Harry Houdini. He was the first person to do the Straight Jacket Escape. In that one, Houdini allowed himself to be tied up in a straight jacket and hung upside down from the eaves of a tall building. Invariably, Houdini found some sensational way to escape.

The Republican majority has turned the budget process into an annual escape act. Each year, the Republicans march down here and tie themselves up in a straight jacket budget. Then they spend the next few months trying to escape from it. Invariably they fail and they resort to budgetary sleight-of-hand, smoke and mirrors and accounting gimmicks. Invariably, the appropriation bills are not passed and we are left with a last minute, take-it-or-leave-it, catch-all budget that funds most of the government.

This year's Republican budget is no exception. The budget the Republican Majority is advancing today is completely unrealistic. It calls for a $150 to $200 billion tax cut, but the only way they can achieve this is through draconian cuts in discretionary spending, which even they won't be willing to vote for when the appropriations bills reach the Floor.

The fact is that if the Majority actually implemented everything in their budget, the tax cuts would significantly exceed the projected non-Social Security surpluses for the next five years. This is irresponsible. We should use the budget surpluses to pay down the debt and extend the solvency of Social Security and Medicare.

The bottom line is this: The GOP budget is a straight jacket that Houdini himself couldn't escape from. I urge my colleagues to reject the Majority's budget and adopt the Spratt Substitute.

Mr. BONIOR. Mr. Chairman, when I was growing up near Detroit, the Four Tops had a hit single called: "It's The Same Old Song." Well, that could be the title of this Republican Budget Resolution. Because when you listen closely to what they're proposing you'll hear is the same old song they were singing this time last year.

What's in their budget? Over $1 trillion dollars in tax cuts for the wealthy over 10 years. And who gets stuck with the tab? You guessed it: America's families do.

Sound familiar? It ought to: this is what the Republicans tried to peddle to the American people last year. It's the same old song.

Well, I've got some news for the Republican leadership: the American people weren't dancing to it then and they're not dancing to it now. And what made their proposal a bad idea last year makes it an even worse one today.

It's the fact that while they wrote a tax cut for the rich into their plan, they wrote America's working families out.

Mr. Chairman, when I listen to working families back home in Michigan they're not telling me they want to cut taxes for the rich. No. What they're telling me is that they want to see us start paying down the debt. They're telling me they want us to strengthen Social Security.

What they're telling me is they want us to make Medicare efficient and modern—and that includes making sure it offers a prescription drug benefit.

But this budget plan not only fails to address any of those priorities—it would tie our hands so we couldn't respond to them in the future. And, if that's not enough, it would also slash needed investments to the tune of $114 billion dollars. That would knock the stuffing out of our efforts to provide clean drinking water and promote energy conservation.

It would rob us of the resources we need to enforce environmental protection laws the way they ought to be. And it doesn't stop there.

Under their plan, the WIC nutrition program would have to turn away three-quarters of a million pregnant women, new moms, babies and little children.

Mr. Chairman, if that's what George W. Bush calls compassionate conservatism I'd hate to see the other kind.

It's the same old song—and today we're saying that America's families deserve better.

What America's families want is a sensible, balanced budget that invests in America's future, not some "golden oldie" of a budget that would only repeat the mistakes of the past. What working families back home in Michigan want is a budget that's responsive—and responsible. We want a budget that enables us to strengthen Social Security. A budget that allows us to modernize Medicare. We want a budget that gives us the ability to pay down the national debt. Those are the priorities of the families I listen to.

And while the Republicans talk sometimes like they know the words—proposals like this remind us that they just can't carry the tune.

I urge you to vote "no" on the resolution.

Ms. MCCARTHY of Missouri. Mr. Chairman, the American people have told us exactly what we're here to do: we are here to retire the national debt so our children aren't forced to pay our bills, we are here to maintain a balanced budget, we are here to ensure the long term solvency of Social Security and Medicare, we are here to relieve the tremendous burden from our nation's seniors by including basic prescription drug benefits in Medicare, we are here to invest in our children's future. We are here to offer prudent, targeted tax cuts for America's working families.

H. Con. Res. 290 abandons the middle-class family, disregards the plight of America's senior citizens, and sacrifices our hard won fiscal discipline. H. Con. Res. 290, if adopted, will spend us right back into deficit, thus jeopardizing the Social Security trust funds, and will fail to stabilize Medicare or improve the quality of health care. Not one single dime will be used to reduce our national debt. In fact, by 2004 the budget must dip into the Social Security trust funds in order to finance the massive tax cuts for special interests sought in the Republican measure.

Mr. Chairman, in 1999 our Federal Government spent 13 percent of its entire budget just paying off the interest on our national debt. Because of the Budget Act of 1994 and our continuing fiscal discipline to maintain a sound economy, we can pay off our debt by 2013. This must be our top priority. H. Con. Res. 290 jeopardizes paying off the debt and continuing our strong economy.

Mr. Chairman, I support the Spratt substitute because it pays down the debt, ensures the solvency of Social Security, invests in our children, and includes prescription drug coverage in Medicare. Throughout my district I am approached by seniors who express their frustrations with having to choose between medically needed prescription drugs and putting food on their table. Whether these seniors live in the public housing complex at Brush Creek Towers in the economically depressed central city or in the more affluent part of my district in Lee's Summit's John Knox Village, the astronomical cost of their medications is forcing them to make an impossible choice: food or medicine. This must not continue.

I strongly encourage my colleagues to reject H. Con. Res. 290, and vote to protect the Social Security trust fund. We must pay down the national debt. We need to ease the burden on our seniors and invest in our children, and provide for modest, prudent, targeted tax cuts for working families. Let's do what's right for the future of America.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong opposition to the Republican budget resolution.

In order to make room for $150 billion of irresponsible tax cuts, the Republicans cut budget authority for nondefense discretionary programs by a total of $138 billion over 5 years below the baseline needed to maintain program levels. As a result, this would among other things: Cut 310,000 low-income women, infants, and children off WIC assistance in 2001 alone, and more in years thereafter; cut 1,000 FBI agents and 800 Drug Enforcement agents by 2005; cut LIHEAP to only 164,000 low income families in 2001, just as oil prices are skyrocketing; provide Pell grants to 316,000 fewer low-income students by 2005; eliminate Head Start for more than 40,000 children and their families by 2005; and raid the Social Security surplus to pay for its tax cuts.

It is time for the Republicans to stop trying to cut taxes on the backs of America's seniors, working families and children.

It is also time for the Republicans to stop claiming that we can't afford to spend more on important programs, like education and health, when they are pouring more and more money into defense.

We have 11 million children who are not covered by health insurance; we have a Head Start program so chronically underfunded that only 2 out of every 5 eligible children can get in; and we have 26,000 schools—serving 14 million kids—that need major repair or replacement.

This past fall, 53.2 million U.S. students returned to school. For the fourth year in a row, we set a record for enrollment rates—447,000 more children than last year. And public high school enrollment is expected to increase by 11 percent between 1998 and 2008—on top of a 16 percent jump since 1988.

Schools are straining to accommodate the influx of students, setting up classrooms in trailers, hallways and closets. The U.S. Department of Education estimates that 6,000 new schools must be built by 2006, at a cost of billions of dollars, to handle this overflow.

Yet the Republicans have chosen to cut non-defense discretionary spending, like education.

Furthermore, 46 percent of today's schools lack adequate electrical wiring to support the full-scale use of technology. And our schools are still suffering from a digital divide. Schools with 90 percent or more of minority students have less access to computers—17 students per computer compared with only 10 students per computer in schools with less than 25 percent minority students.

Yet, instead of focusing on these important issues, the Republicans are increasing defense spending by $17.4 billion.

The biggest percentage increase in the DOD budget (11 percent) is not for what is really needed, like pay raises or operations and maintenance. Countless numbers of our soldiers are on food stamps, but the Republican budget focuses more on building new weapons than helping to retain our soldiers, and to improve their quality of life.

Our long-term national security depends not just on how many bombs and missiles we build, but how well we can retain our soldiers and how we can prepare our children for the highly-competitive global economy they will face.

The Democratic alternative focuses on these important issues. It focuses on the needs of Americans by: Extending the solvency of both Social Security and Medicare and protecting 100 percent of the Social Security surplus; providing a voluntary prescription drug benefit for all schools through Medicare and issuing reconciliation instructions to the Ways and Means Committee to make it real; providing more debt reduction than the Republican budget by not spending all of the on-budget surplus. The Democratic alternative maintains on-budget surpluses for the next ten years, unlike the Republican budget. Thus, the entire debt would be eliminated by 2013 under the Democratic alternative; maintaining funding for non-defense discretionary programs at the level needed to adjust for inflation; Providing targeted tax cuts to average families of $78 billion over five years and $263 billion over ten years, and offsetting this cost by closing corporate loopholes and shutting down corporate tax shelters; and, by including initiatives to extend access to health care and health insurance and reforming the health care system for military retirees.

What we do in this budget will affect more than what we do next year—it will affect what we do years down the road.

We must prepare for our future. We must provide security for our Seniors. We must support our working families, and we must invest in our children. The Democratic alternative does that.

I urge my colleagues to vote against the Republican proposal and to support the Democratic alternative.

Mr. CALVERT. Mr. Chairman, I rise today in proud support of a responsible Fiscal Year 2001 Budget Resolution put forth by this Republican Congress. This budget provides the blueprint to do great things this year, including: Balancing the budget for the second consecutive year, eliminating the public debt by 2013, safeguarding Social Security, increasing defense spending, setting aside $40 billion for Medicare reform and prescription drug coverage, increasing elementary and secondary education funding by more than 9 percent and much more.

The Clinton-Gore administration's budget, submitted to Congress on February 7 this year, increases discretionary spending by over $39 billion. That is an increase of more than twice the rate of inflation—evidence that the Clinton-Gore-Gephardt alliance continues to support a "government on autopilot" approach.

Mr. Chairman, that is simply irresponsible. There is plenty of fat that can still be trimmed off Uncle Sam. Just because we have increasing surpluses does not mean all Government spending is responsible or justified. We need to continue to address the billions of dollars lost on waste, fraud, and abuse. We need to eliminate those programs that don't work and are a burden to the American taxpayers. This budget resolution will do that by restraining federal spending, setting aside funds for paying down the debt and saving Social Security.

This budget resolution will allow Americans to keep more of their hard earned dollars and allow us to keep our promises to the nation's youth, small businesses, parents and seniors.

In closing Mr. Chairman, I strongly encourage my colleagues on both sides of the aisle to support the Fiscal Year 2001 Budget Resolution.

Mr. BALDACCI. Mr. Chairman, today, the House will vote to approve a Republican budget resolution which will set the priorities for spending in the next fiscal year. I will join many of my colleagues in opposing this irresponsible plan.

I have many concerns about the resolution. It fails to take the necessary steps to keep our economy going strong so that all parts of our country can benefit. It does not meet our national priorities of paying down the debt, preserving Social Security, providing targeted tax cuts for working families, and making crucial investments in important areas.

The majority's resolution calls for spending $114 billion less on domestic programs than is required simply to keep up with inflation. This could have a devastating effect. It would require us to stop providing LIHEAP assistance to 164,000 families; to cut-off 310,000 low-income women, infants, and children from WIC assistance; to give Pell grants to 316,000 fewer low-income students; to end Head Start services for more than 40,000 children and their families by 2005. These cuts do not match our national priorities, especially as we enjoy a significant non-Social Security surplus for the first time in decades. Moreover, at the same time it erodes support for important safety net programs, the majority's resolution provides for a $250 billion tax cut over the next 5 years, which could grow to up to $1 trillion over 10 years. These cuts are not targeted to working people, but rather would benefit primarily those who are most wealthy. I could not support such a plan.

Instead, I supported a substitute plan which would have paid off the national debt by 2013, provided $50 billion in targeted tax cuts, invested in domestic priorities, and extended the solvency of Social Security and Medicare. This plan struck me as being more balanced with regard to maintaining our fiscal discipline and planning for future needs. Unfortunately, it did not prevail.

We are fortunate to be enjoying a robust economy which has resulted in significant budgetary surpluses. Instead of splurging on expensive giveaways, we need to maintain fiscal discipline and keep an eye toward the challenges that are coming our way. Social Security and Medicare will soon be facing serious financial problems due to the huge demographic shift that will occur when the baby boomers retire. We must act now to prepare for that reality.

I also believe that we should use more of our surplus to retire our national debt. Currently, the federal debt is about $5.5 trillion. In 1998 alone, we paid about $243 billion just in interest on that debt. By paying down the debt, we could free up tens, if not hundreds of billions of dollars for more productive use. In addition, it would prepare the country for future fiscal challenges.

I am not opposed to tax cuts. The plan that I supported includes $50 billion in targeted cuts. Last year, I voted for approximately $100 billion in tax cuts that were signed into law. However, the $250 billion plan contained in this year's budget resolution runs the risk of not only eating up the entire budget surplus, but some of the Social Security surplus as well.

As we continue work on the budget this year, my goal remains to ensure that we maintain fiscal discipline to keep our economy going strong, to shore up Social Security and Medicare, to pay down the national debt, and to provide adequate funding levels for our domestic priorities. I look forward to working with my colleagues on both sides of the aisle to achieve a budget of which all Americans can be proud.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H. Con. Res. 290, the FY 2001 Budget Resolution, as approved by the House Budget Committee.

This budget resolution proposes $596.5 billion in total discretionary spending for fiscal year 2001, a $10.5 billion increase which amounts to half of the rate of inflation. In fact, the spending limits for most of the five budget alternatives offered today are relatively close in total spending. This Member votes for H. Con. Res. 290 only with the expressed understanding the resolution presents an overall guidance to the House on spending and revenues which he supports. However, this Member views the spending breakdown by categories as only advisory; he does not agree with several areas of this part of the committee's recommendations. Therefore this Member does not view himself as committed to the detailed budget function breakdown included in H. Con. Res. 290. Indeed, this Member intends to ask the leadership to make certain different recommendations to the Appropriation Committee as allocation decisions are made among its subcommittees.

Having said that, this Member is pleased that H. Con. Res. 290 provides an increase for the category education, training, employment, and social services programs. The resolution also includes a necessary increase for Medicare. Moreover, the budget category for transportation is adequate to permit spending of accumulated dollars in the highway trust fund and aviation trust fund, so these funds will not be diverted for other purposes. This Member strongly supports that concept. Also very importantly, the budget resolution stipulates that if a portion of a FY 2001 tax relief is vetoed by the president, the vetoed amount must be allocated toward debt reduction, not additional spending—in effect creating a debt reduction "lockbox." In addition, H. Con. Res. 290 proposes to devote the entire amount of excess Social Security receipts (an estimated $166 billion in FY 2001) to a lockbox to prevent these Social Security funds from being used to finance other government programs.

Importantly, there is $8 billion over the next 5 years for crop insurance reform. It is this Member's hope that since the other body passed its version of crop insurance legislation today, we will have a conference committee appointed shortly and actually enact crop insurance reform well before FY 2001 begins. Furthermore, H. Con. Res. 290 includes $6 billion for a reserve fund to address potential agriculture emergencies during FY 2000. This fund will allow Congress the flexibility to quickly address agricultural emergencies within the framework of the budget throughout the year.

In closing, Mr. Chairman, this Member supports the Budget Committee version of H. Con. Res. 290 and urges his colleagues to vote "aye."

Mr. COYNE. Mr. Chairman, I rise in opposition to the budget resolution before us today.

This resolution, like many in recent years, makes unacceptable cuts in domestic discretionary spending to pay for unwise tax cuts and increased defense spending. This bill would hold domestic discretionary spending $114 billion below inflation over the next five years. That means that a number of important Government functions would be shortchanged—maybe education, maybe veterans, maybe scientific research, or maybe air traffic control. I don't think that we should shortchange any of those activities. In fact, I think that we need to invest more in the federal programs that will make this country safer, healthier, and more productive in the future.

In addition, this budget fails to do enough to pay down the national debt and shore up Social Security and Medicare. By providing such a large tax cut, this budget consumes the projected on-budget surpluses in just a few short years. In fact, according to Representative John Spratt, Ranking Member of the House Budget Committee, the tax cuts provided for in this budget resolution would start eating into the Social Security Surplus by 2004. That means the Government would pay down less on the debt than it otherwise would. That means the Government would do less to strengthen Social Security and Medicare. And that means that a comprehensive Medicare prescription drug benefit would be much harder to enact. I believe that paying down the debt and fixing Social Security and Medicare must come first.

Finally, I would like to point out that Congress has not adhered to similar budget resolutions passed in the last few years. It couldn't—these budgets required unrealistic and unacceptable levels of spending for important domestic programs like education and health care. Many Members, myself included, have pointed out how unrealistic these budget resolutions were when the House considered them in past years, but the Majority pushed them through without regard for our concerns—concerns which with hindsight appear to have been correct.

In conclusion, I urge my colleagues to reject this unrealistic and unwise budget. Instead, let us work together to produce a budget resolution which pays down the debt, strengthens Social Security and Medicare, provides a Medicare prescription drug benefit, and invests in the health and education of our people.

Mr. SHUSTER. Mr. Chairman, I rise to urge support for H. Con. Res. 290, the concurrent resolution on the budget for fiscal year 2001.

The budget allocations for transportation contained in this resolution are fully consistent with the Transportation Equity Act for the 21st century (TEA 21) and the Aviation Investment and Reform Act for the 21st century (AIR 21).

As a result, this budget resolution keeps faith with the American taxpayer and preserves the integrity of the transportation trust funds.

TEA 21

The resolution allocates to the Appropriations Committee sufficient budget authority and outlays to fully fund TEA 21, thereby ensuring that highway trust fund revenues are used for their intended purpose of improving our Nation's highway and transit systems.

In addition, the function 400 allocation in this resolution is sufficient to restore in fiscal year 2001 the 0.38 percent across-the-board cut that was imposed on highway and transit programs in fiscal year 2000.

Last year's Omnibus appropriations bill applied this cut to the highway and transit budget categories even though highway and transit spending was within the levels established by the TEA 21 firewalls. In effect, highway and transit spending was cut to cover a funding breach in the general discretionary budget category.

The House leadership has assured me that these funds will be restored in fiscal year 2001 so that, over the two-year period from 2000–2001, the link between highway trust fund revenues and spending that was established in TEA 21 will be maintained.

Not only does the resolution fully fund TEA 21, it assumes that all TEA 21 funds will be used according to the formula distribution that was agreed to in TEA 21.

The resolution also assumes that highway and transit programs are held harmless from, and not reduced by, technical differences between Office of Management and Budget and Congressional Budget Office scoring of the TEA 21 firewalls. Similar to last year, these technical scoring differences will be accommodated in a manner that does not reduce the guaranteed spending levels below those provided by TEA 21.

AIR 21

Regarding aviation, the budget resolution allocates to the Appropriations Committee sufficient budget authority and outlays to fully fund AIR 21, thereby ensuring that the taxes and interest credited to the airport and airway trust fund each year are used for their intended purposes and that the general fund contributes its fair share toward meeting aviation funding needs.

The 18 percent general fund contribution that is assumed both in AIR 21 and in this budget resolution is far less than the historical average of 30 percent.

It is important to note that this budget resolution ensures sufficient resources to fully fund Federal Aviation Administration operations, as well as aviation capital programs, and it does so without reducing funding for any other transportation program, such as Coast Guard and Amtrak.

This is because the function 400 allocations in this resolution have been increased to accommodate the funding increases in TEA 21 and AIR 21 without requiring reductions in any other function 400 programs.

Therefore, it is simply not accurate to say that TEA 21 or AIR 21 will force the Appropriations Committee to reduce funding for FAA operations, Amtrak, on Coast Guard. Funding for all of these programs has been accommodated within this budget resolution.

I congratulate the Budget Committee for restoring honesty to the budget process, and ending the use of the transportation trust funds to mask the deficit or fund other, non-transportation programs.

Given the commitment of the Senate majority leader and the chairman of the Senate Budget Committee to fully fund AIR 21 without affecting other transportation programs, I am confident that the conference report on the budget resolution will likewise be fully consistent with TEA 21 and AIR 21.

Again, I urge you to support the fiscal year 2001 budget resolution as proposed by Chairman KASICH.

Mr. RADANOVICH. Mr. Chairman, I rise today in support of the budget and to highlight the need for budget accountability in our federal agencies. Waste, fraud and abuse is rampant under the Clinton-Gore Administration and has plagued my own congressional district. $300,000 toilets and half-million dollar federal employee housing in Yosemite National Park demonstrate the gross misuse of taxpayer dollars by the National Park Service. This is an outrage.

The budget before us today provides federal agencies with needed funds. It is now up to the Administration to eliminate the blatant fiscal irresponsibility found in these agencies. By operating more efficiently, federal agencies can accomplish their purpose without flushing taxpayer dollars down $300,000 toilets.

Mr. CLAY. Mr. Chairman, I rise in opposition to the Republican Majority's socially and fiscally irresponsible budget resolution for fiscal year 2001. I strongly support the Democratic substitute, and urge Members to do the same.

This bill is socially irresponsible because it cuts non-defense discretionary spending $114 billion below inflation over the next five years. It does so in order to fund a fiscally irresponsible tax cut that could balloon to as much as $200 billion in five years, and over $1 trillion in ten years. This bill hurts the most needy Americans whom the Republican Party has traditionally ignored. It benefits the most wealthy, as well as the Republicans' special interest friends.

Let's take a close look.

Under the Majority's bill funding for critical education, training, employment, and social service programs is either frozen or cut, producing significant reductions in current service levels. Only special education is spared the sledgehammer. For example, by fiscal year 2005, 40,000 fewer children would be able to participate in Head Start; and 164,000 fewer low-income families would be able to receive LIHEAP assistance. In just one year, 316,000 fewer low-income students would be able to receive Pell Grants; and 310,000 fewer low-income women, infants, and children would be able to participate in the WIC program.

The bill would also slash Title I funding, forcing school districts to provide services to a smaller number of low-income students. The Clinton/Clay class size reduction initiative would be cut, leaving school districts with fewer resources to hire and train new teachers. After-school and summer programs established to help improve student achievement and reduce juvenile crime would be cut back, undermining vital school reform efforts.

Clearly, this budget abandons those most in need of Federal support. It also fails to address important national priorities such as securing Social Security and Medicare, and paying down the debt. None of this is necessary. The Democratic substitute shows why. Our substitute cuts taxes, but does so in a manner that targets the benefits to working families. Our substitute provides sufficient resources to invest in education and develop our communities. Our substitute would make Social Security and Medicare strong and solvent, while reducing the debt and preserving the hard-won budget surplus.

Mr. Chairman, for these reasons, I urge the rejection of the Republican Majority's budget resolution, and urge the adoption of the Democratic substitute.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to the GOP's Budget Resolution. Once again, we are confronted with a Republican budget that inserts risky tax cuts in place of a sound federal budget and the general welfare of our nation. The current reality of budget surpluses presents this Congress with a historic opportunity to help ensure the solvency of the Social Security and Medicare trust funds, pay down the national debt, and make necessary investments in our public infrastructure and education system. Yet, the Republicans continue to adhere to the mantra that tax cuts should drive the Congressional agenda, even with the certain risk of future deficits that results from such action. Moreover, they continue to show an inexplicable willingness to shortchange critical spending programs for millions of Americans to help pay for these tax cuts.

This second session of the 106th Congress should have at least learned from the mistakes of the first. Last year's GOP budget denied reality and insisted upon tax cuts beyond the performance of the growing economy. Finally, last November, after the public had resoundingly rejected those tax cuts, and through unusual manipulation of budgetary gimmicks, we were able to come to agreement. Today, just four months later, the Republicans seem to want to resuscitate that legislative farce.

Despite widespread public opposition to last year's irresponsible tax schemes, the Republicans are again seeking to facilitate large tax cuts. Numerous reports and studies have shown that these tax proposals will disproportionately benefit a very small, wealthy segment of Americans. In addition, these tax cuts will grow exponentially over the next ten years, completely obviating future surpluses and jeopardizing the fiscal prudence that has allowed us to start paying for our burgeoning national debt. Congress should be seeking ways to help all Americans share in this time of prosperity, not exacerbating income disparities between rich and poor. It is particularly unfortunate that the Republican leadership is prepared to implement cuts to environmental programs, Head Start, the Federal Bureau of Investigation, the Goast Guard, anti-drug activities, and the National Park Service to realize misguided tax breaks.

As another example of the skewed priorities in this Republican budget, five times the resources have been dedicated to tax cuts as for a Medicare prescription drug benefit, and nothing has been devoted to the solvency of the overall Medicare program. Millions of Americans have no prescription drug coverage and the insurance that does exist is in many instances inadequate. Yet, this budget does little to address the financial burden of escalating drug costs or improve access for millions of middle income seniors. Furthermore, the Republican prescription drug proposal is a contingent fund, which means there are no guarantees. Without a substantial investment in Medicare, a new wave of retirees will quickly overburden the program. Congress should take advantage of this booming U.S. economy and ensure that this critical program is modernized to meet the needs of our nation's seniors.

Not surprisingly, this budget blueprint also fails to take any steps to extend the solvency of the Social Security program. In fact, this resolution is completely silent on the most important insurance challenge facing older Americans. Republicans have repeatedly rejected President Clinton's proposal to dedicate a portion of debt reduction savings to Social Security solvency, even though non-partisan actuaries have certified that the President's plan significantly extends the lifespan of the program. Still worse, this resolution fails to save the entire Social Security surplus solely for debt reduction. Walling off the surplus allows the federal government to pay down the national debt and then channel interest savings to other government programs. The so-called GOP "lock box" has broken hinges.

Education is a key area of investment in our future and in the engine of economic success that drives our nation. On the surface, the increase in funding for education seems like a step in the right direction. However, virtually all of this increase is for special education. The GOP plan essentially freezes funding for all other education initiatives, and that translates into a $1.1 billion cut in purchasing power for higher education, social services, and employment training programs. Make no mistake, ensuring the success of children with special needs should be a priority, but focusing only on this segment of students shortchanges the other education programs. All of our children could benefit from initiatives such as reducing class sizes, modernization of facilities and greater financial support for higher education. Unfortunately, this budget plan simply does not allow enough dollars to implement these important programs.

The Pentagon budget continues to mushrooms and consume over half of the total discretionary expenditures. With this resolution, defense spending would increase each year until reaching a whopping level of $328.9 billion in FY 2005. Of course, under the Republican plan, these increases in defense spending will be accompanied by decreases in other domestic social programs. Now is the time to reassess our national security goals and show that a strong military does not preclude other important spending initiatives. We need to eliminate unnecessary pork projects and Cold War era programs, reduce the U.S. nuclear weapons force to the START III level of 2,500, stop any further production of the budget busting F–22 fighter jets, and finally abandon the unsuccessful deployment of a national missile defense. We need smart soldiers and sailors, not just more smart weapons.

This budget resolution also reduces the government's ability to spend additional funds on important environmental initiatives. Funding programs such as the Lands Legacy Initiative would go a long way toward helping communities around the nation develop smart growth strategies, preserve open space and restore oft-neglected urban parks. While this resolution fails to look toward the future to solve today's problems, it also fails to look back at the huge maintenance backlog in our national parks. As a result, our parks will have to wait indefinitely for badly needed upgrades to facilities that serve millions of visitors each year.

The United States imports more crude oil now than at any other time in this nation's history, and gasoline, diesel and heating oil prices are reaching an all time high. Congress must develop solutions to reduce our dependence on foreign oil through energy research and conservation programs. Instead, this budget resolution reduces funds for these programs by almost one-third. The rise in home heating oil prices has also left our low-income families struggling to keep their homes warm. While energy bills have almost doubled as a result of price increases this past winter, the Republican's want to cut access to LIHEAP, an important federal heating assistance program. The volatility of the oil market is too great to rely on low heating oil prices to get our needy families through cold, harsh winters.

The budget resolution also does little to solve the many hardships that our family farmers face. Our nation is built upon and around an agrarian society, and owes must of its success to this agricultural sector. The resolution, which is akin to patching the holes in a boat when the hull must be replaced, provides money to farmers, but not to those who need the economic assistance most. It is inflexible and unworkable.

Finally, in regard to housing and community development allocations, the GOP budget is unrealistic at best or destined to gut core programs at worst. The very lack of specificity in most cases within the different functions should not give anyone comfort. For example, under Function 370, which covers housing credits, the allocation could lead one to wonder if the billion dollar slight will harm the Federal Housing Administration (FHA), one of the most successful homeownership programs in the world. Although the FHA has contributed to record homeownership rates by providing the opportunity for millions of Americans to own their first home, the GOP continues to attack this program!

As written, though I would again point to the lack of specificity, Function 450, Housing and Regional Development, could do nothing less than gut core rural, suburban and urban community development. Assessing only across the board reductions, CDBG, a core component of community upkeep and revitalization, faces a $1.1 billion cut in purchasing power and a $1 billion cut below the FY 2000 freeze level.

I am particularly concerned about Function 600, Income Security. While there may have been statements that the Section 8 outstanding would be fully renewed, a similar attitude to that taken in the past could prevail, whereby Section 8 continues to serve as a honey pot for those looking for money to spend on other, non-housing programs. Furthermore, presuming a full renewal of Section 8, this function is woefully inadequate to meet the needs in other accounts under this function. People will face serious harm if Congress were to actually implement the goals as encompassed by this GOP budget.

In sum, the budget does nothing to address the affordable housing crisis being faced across this nation. It does nothing to further community and economic development in neighborhoods across this nation. And it places in jeopardy the lives of millions of Americans who are served by the programs of housing, community development and homeownership.

I urge all members to vote no on this GOP budget resolution, as it does not reflect the priorities of the American people to strengthen Social Security and Medicare, reduce our national debt, and invest in necessary and important public programs.

Mr. PASTOR. Mr. Chairman, I rise today to support the "Straight Talk Express!" As you all will recall, the Presidential candidate from my home state, Arizona, took to the campaign trail and gave our country some "Straight Talk" on some important issues, including campaign finance reform, health care reform, veterans programs, defense spending, deficit reduction, and massive tax cuts.

But of all his "Straight Talk," Candidate MCCAIN made one point perfectly clear. He called it irresponsible to propose and implement massive tax cuts in this time, or even in the near future. He believes, as do many people in this Chamber, that any significant tax reduction will only weaken Social Security and Medicare. And while it may give the wealthiest one percent of the people in our nation more spending change, it will do nothing to stimulate the economy, it will do nothing to pay down the debt which continues to drain precious funds away from important programs that can really help people, it will do nothing to ensure that a strong Medicare program exists as the baby boom generation begins to age, and a huge tax cut will do nothing to shore up a Social Security that many claim will be broke in thirty years.

But Candidate MCCAIN went a step further. He not only said that a huge tax cut will weaken Medicare and Social Security, he said that huge tax cuts will actually hurt Social Security and Medicare. And this doesn't mean it will hurt these programs—these words "Social Security" and "Medicare." What it means is that it will hurt people. It will hurt the elderly woman in Yuma, Arizona who is trying to decide if she should turn off her air conditioner so she can pay her doctor, or if she will be able to go to the drug store and get her much needed medicine and still have enough to eat at the end of the month. It will hurt the elderly widower in Phoenix who has been saving for months, maybe even years, to finally visit his grandchildren in Tucson, but then has the unexpected illness that keeps him at home because he can't afford to pay his rent and his doctor's bills and his drug store bill.

My point is simple. We can talk of cutting taxes all we want, but, according to the "Straight Talk Express," such a tax cut will cut into Social Security and Medicare. It will cut into the daily lives of our parents, and our grandparents, and it will cut into our own lives in just a few years when we reach that age of dependence.

This Republican budget makes irresponsible tax cuts. Over the next five years, this budget cuts $150 billion worth of taxes, with another $50 billion "reserve tax cut fund," for a total of $200 billion in tax cuts. And there is another $40 billion "reserve fund" set up for Medicare reforms. If both these "reserve funds" are used as the authors of this Resolution intend, it will mean the Social Security surplus will be breached. We might give a little to Medicare, but it will be at the expense of Social Security. And while we give some wealthy businesses and super wealthy individuals a little extra money in their pockets, we will be taking it from the pockets of the elderly.

But worse, over the next ten years, it is projected that this budget resolution will cut taxes by $750 billion, with another $250 billion in a tax cut "reserve fund." This is a $1 trillion tax cut! One trillion dollars!

Mr. Chairman, I support tax cuts. I support tax cuts when they make sense for our economy. When we needed to stimulate our economy and put some capital on the streets, we have done that, and I have supported it. And I could support tax cuts now, if I knew they were going to help that elderly lady in Yuma and that elderly man in Phoenix, and the plumber in Tucson who is trying to make this house payments and keep his two kids in good clothes and maybe put a little something away in case they have the opportunity to go to college. But I can't support this huge, massive tax cut proposal that I know will only go to line the pocket of multi-millionaires.

We should take this money, this $1 trillion, and use it for our people.

We should use it for education. We should make sure that every child in this country has a fair and equal chance to use his talents and intelligence and knowledge to make us a stronger nation in the long run. We should try and give every eligible child the opportunity to attend college. We should make sure that every child is taught to read, that every child is given the chance to learn about, enjoy and appreciate the arts and music, that every child has a place to go after school where he feels safe and can continue to learn. We should make sure that every child is given a fair chance to learn English and is not penalized because he can't. We should make sure that every child can go to a school where he is not afraid and his parents are never concerned that a classmate has come to school with a gun. We should make sure that every child is attending a school where the teachers still care and are trained in the newest techniques and are still motivated when they look into the wonders gleaming from a kid's eyes when he finally "gets" the math problem.

Could we not even give just a portion of this one trillion dollars to education?

And a trillion dollars would go a long way in our hopes of solidifying a strong and viable Social Security system beyond 2032. We have spent almost four years around here talking about how Social Security is going broke, yet we never do anything about it, except put it in a "lockbox" that is not made of steel, but only of worthless words. It's time to put our money where only our words have been. Let's take some of this $1 trillion and put it into Social Security and Medicare. Let's take the advice from the "Straight Talk Express" that rolled through this whole country winning the hearts and minds of people. They know we need to do something to strengthen Social Security. The people know we must do something to stabilize Medicare. Let's do it. And we have $1 trillion to use.

And finally, Mr. Chairman, we can use some of this $1 trillion to pay down the debt. When President Carter left office we owed $930 billion. When President Bush left office we owed $4.1 trillion. We borrowed ourselves out of a recession. And now, the American economy is the strongest economy in the history of civilization and we have the opportunity to pay back some of that money we owe. Our alternative is to continue to use more than ten percent of our money to pay only the interest on this debt. But this budget resolution only ignores this responsibility.

Mr. Chairman, the Presidential candidate from Arizona and I do not agree on a lot of things a lot of times. But we do agree that these will be irresponsible tax cuts. Let's use this money wisely. We owe it to ourselves, we owe it to our elderly, and we owe it to our children.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of the Fiscal Year 2001 Budget Resolution.

Building on last year's historic $1.7 billion increase in funding for veteran's health care, this year's budget continues to increase our commitment to veterans by providing an additional $1.3 billion.

Last year, I hosted the largest town meeting in the history of the Texas Hill Country. Over 1,400 veterans and concerned citizens came together to discuss the Administration's short-changing of veteran's medical care. The message was clear: veterans will stand up for what is right. And what is right, Mr. Speaker, is full funding for veterans' medical care. This budget moves us in that direction.

The Kerrville VA Hospital in my district provides health care to more than 16,000 veterans in Texas. This is just one hospital among hundreds across the nation that veterans depend on for their health care needs. With the $3 billion increases in the last two years, veterans can be assured that the high quality health care they deserve will continue.

Responsibility tells us that this finding is necessary. Commitment and dedication is what the men and women of the armed services have given to our country, and commitment and dedication to our veterans is what this budget rightly gives.

I urge my colleagues to support the resolution.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time allocated for the Committee on the Budget has expired.

The gentleman from Wisconsin (Mr. RYAN), as now the designee of the gentleman from New Jersey (Mr. SAXTON), and the gentleman from California (Mr. STARK) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to show my colleagues a couple of charts regarding the budget. Last year, the President gave us a budget which said, he wanted to take $52 billion out of the Social Security surplus to spend on other Federal Government programs. We countered with a different budget which said, put all of the Social Security surplus back into Social Security. At this time during this debate on this bill last year, we had so many Members of the other side coming to Congress on the floor saying, we are going to raid Social Security. The Republican budget will raid $13 billion from Social Security. The Republican budget will raid $18 billion, $24 billion, $17 billion from Social Security.

Well, Mr. Chairman, here is what actually transpired last year.

For the first time in 30 years, this Congress stopped the raid on the Social Security Trust Fund. So when we hear the rhetoric now that we will be raiding Social Security again, remember they said that last year and here is what happened. We raided nothing from Social Security. In fact, for the first time in my lifetime, for the first time in 30 years, this Congress in 1999 stopped raiding the Social Security Trust Fund.

If we look at all past years dating back to 1969, the red ink, Congress, the President, both parties, I might add, dipped into the Social Security Trust Fund. Now, that is what we are offering the American people, an extension of this policy, of not raiding the Social Security Trust Fund.

The gentleman from Ohio (Mr. KASICH) and myself will be bringing legislation later this year to make sure that never again will Congress go back to the days of raiding the Social Security Trust Fund, that every dime we pay in Social Security taxes will actually go toward paying off our national debt and paying back the debt we owe to Social Security so Social Security can be a program that is solvent, not just for the current generation, but for the baby boomer generation and for their children.

Many things have been talked about regarding what the Democratic plan has done for the Social Security solvency of the Social Security Trust Fund. The President gave us a plan. Well, here is exactly what the President and the Democratic budget does with the Social Security Trust Fund. It simply takes a credit card and increases the credit limit. What they are doing is putting $300 billion of IOUs into the Social Security Trust Fund. It is illusory. It creates the illusion that we are going to increase the solvency of Social Security; yet according to the GAO, according to the Congressional Budget Office, it does not put one more penny into the Social Security Trust Fund. It gives us the illusion that we are fixing Social Security when, in actuality, here is what they are doing. They are taking the U.S. Government credit card, they are taking the limit and they are adding to it.

They are not changing the income to Social Security. They are simply saying, we are saving Social Security, extending solvency from the year 2034, crossing that out and making it solvent to the year 2050 by simply raising the credit limit on the Social Security credit card from $7.8 trillion to $28.6 trillion. No new income to Social Security, no changes in the Social Security program, just more IOUs into the Social Security Trust Fund, which gives the illusion of reform; but what in actuality it does is simply raise the credit limit to the Social Security credit card. It does nothing to reform Social Security.

Lastly, Mr. Chairman, I think it is very important to note, what did the President propose this year? Last year the President said, take 38 percent out of the Social Security Trust Fund, or $52 billion to spend on other government programs. This year, the President said, he is in favor, he agrees with the Republican Congress that we will stop raiding Social Security; but in order for the President's budget to add up, in order for the President's budget to work, to stop him from actually raiding Social Security, he does this: he takes the estimated surplus; then he increases taxes by $96 billion; he increases user fees by $19 billion; he cuts Medicare, skilled nursing facilities, home health agencies, hospitals; he cuts Medicare by $18 billion; and he has fantom interest savings of another $17 billion; cuts to Medicare, tax increases by $60 billion to keep the President from raiding Social Security.

If Congress, which it wisely will do, I believe, on a bipartisan basis, rejects these tax increases and Medicare cuts, then the President's budget will have raided Social Security by $60 billion.

This is what we are dealing with. We are simply trying to take rhetoric and divide it with truth. The truth is, this Congress, for the first time in a generation, last year actually stopped the raid on the Social Security Trust Fund. The other side said that would not be possible; the other side said it was not happening, but it did happen.

This budget attempts to do the same thing and move on to it, for once and for all, forever, stop raiding the Social Security Trust Fund, so that when one pays their Social Security taxes, it actually goes to Social Security. Pay off our national debt. This budget over the next 5 years alone pays off $1 trillion in national debt. If people are still paying their taxes after we stop the raid on Social Security, after we put money back into Medicare for prescription drugs and paid off our national debt, if they are still overpaying their taxes, the President is proposing to create 84 new government spending programs.

We are saying no to that. We are saying give hard-working Americans, working families their money back, by making the Tax Code more fair and simpler if they still overpay their taxes.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman I yield myself such time as I may consume.

Many years ago distinguished legislators, Senator Humphrey and Congressman Hawkins, had the Humphrey-Hawkins bill which was to deal with unemployment and the right of all Americans to participate in our economy and the largest that this country has to offer. We have had success. Currently unemployment and inflation are low, and the average wages are rising; productivity is growing, and there is cause to celebrate. These economic gains were due largely to the policies of the last 7 years. But we may have met the numeric targets of Humphrey and Hawkins, but we still have a lot to do to meet the overreaching goals which the Joint Economic Committee is charged with researching and analyzing.

Despite the prosperity that we have experienced, the average after-tax income of the wealthiest families grows faster than that for all Americans. Some of my colleagues would like to argue that the Tax Code should not be used to redistribute income to the poor, and I will buy that; but we should also stop using the Tax Code to redistribute income to the rich, such as we have been doing.

Today, 2 million or 3 million people took home as much after-tax income as 100 million people in the lowest 38 percent of our population combined. That does not seem right. We have been ignoring these 100 million people. It has led us to some serious problems.

As the Republican budget would call for increasing defense $17 billion above the administration's request and above, in many instances, the request of the Defense Department branches themselves, this additional $17.5 billion could, indeed, provide Head Start to 2 million additional children; it could provide child care to 8 million additional children; it could provide, in addition, good high-quality 21st century after-school to close to 35 million additional children. Think what we could do for our children if we were willing to forgo just one new weapons system that, indeed the armed forces say they do not want.

In addition to being a budget-buster, this excessive defense spending forces us to shift priorities away from feeding and clothing and educating children, caring for the sick, the elderly and the poor. The Republicans, of course, have a solution to this problem: cut nondefense discretionary spending by 6 percent or $115 billion. Where are they going to get that money? Well, they are going to cut 310,000 low-income women off of WIC just next year. The Republicans will deny child care to over 12,000 children of working parents in 2001; they will eliminate Head Start services for more than 40,000 children and their families by 2005; and they are going to cut emergency energy assistance to 164,000 low-income families.

Now, that may be compassion, but with compassionate senior-friendly friends like that, who needs enemies?

The Republicans say they set aside money for reforming Medicare, but they did not; and as I said before, every Republican on the Committee on Ways and Means voted against providing a prescription drug benefit to seniors at no cost. This was free.

Now, I would invite the gentleman from Florida (Mr. SHAW), for instance, who has a lot of seniors in his district, to explain to the seniors. Come to the floor, I say to the gentleman from Florida, and I will give him time, and tell the seniors in Florida why he will not give them a discount on their prescription drugs such as we get, say, for the Veterans' Administration. Or the gentleman from Arizona (Mr. HAYWORTH) where we have a lot of seniors to come and say why he voted against providing a drug benefit to seniors in Arizona, or the gentlewoman from Connecticut (Mrs. JOHNSON), and why she voted against it for seniors in Connecticut, or the gentleman from Pennsylvania (Mr. ENGLISH), why the seniors in Pennsylvania should be hamstrung and have to pay twice the reasonable cost for their prescription drugs because he voted against a provision to provide a discount to seniors for their prescription drugs, and it would have no cost.

I know the Republicans do not want to spend any money and take it away from the tax cuts they want to give to the rich, but why can we not help all of the seniors at no cost? I would like any Republican to stand up and explain to the seniors of America why they oppose giving them a break on their prescription drug benefits. To me, that is not compassion, that is indifference and arrogance. The only answer could be is that they want to help those pharmaceutical companies, with big campaign contributions, to continue to make their outrageous profits on the backs of our poor elderly citizens. And to campaign for the White House on the basis of compassion with that kind of a record, to me, is a travesty; and I am sure that the American people will see through it.

□ 1530

The Democrats will offer several budgets. We are a broader coalition. We include more people. We have more than just rich people in our party.

My colleagues will hear some disagreement, and there will be different votes this afternoon. None of the budgets offered will increase defense spending, and particularly on unneeded, unwanted weapons and, in many cases, weapons that have been proven not to work. None of the budgets will cut programs to the needy and the elderly and children in our country at the rate the Republicans will.

This is a priority that we are establishing. This budget tells one what one's legislators believe in. Look at it carefully. The Democrats believe in helping all Americans in closing the income gap and educating our children and providing prescription drug benefits and good health care to all Americans.

The Republicans would give it to the 2 or 3 percent richest people and the largest campaign contributors only and let the poor people and the innocent children take the hind most. If that is what my colleagues want, and there may be some very rich people in the country who want it, fine, vote for Republican. But for those of my colleagues who want to help our seniors and children and provide education and medical care to all Americans, they better support the Democratic budget, because it is the humane, decent American thing to do.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I guess I should begin by suggesting to the gentleman from California (Mr. STARK) that that was about the best political speech I ever heard on the floor. I am not sure what it had to do with the budget, but it was a great speech anyway.

The purpose of the Humphrey-Hawkins section of this budget debate is to reflect on perhaps what the economy is doing and what it is that the Federal Government has done in some way to effect that. I would just like to reflect on those thoughts for a few minutes here.

Mr. Chairman, the performance of the economy in recent years has been very, very strong, and I think that all Americans have noted for one reason or another, either because they watched job growth, perhaps they watched the rate of unemployment fall, or perhaps they have watched income go up. But the performance has been strong and people are working all across the country. It is very encouraging.

During the expansion, the Federal Reserve's policy has been gradually moving to price stability and has resulted in declines of inflation, which is hardly perceptible today, and as a result, lower interest rates, and, of course, the lowest unemployment in many decades. Those things have happened all at the same time.

Now, let me repeat, we do not usually hear about low rates of inflation, low unemployment, and low interest rates all at the same time. That is a very interesting phenomenon, and I think one that we ought to say if we have done something collectively to make that happen that, maybe, we ought to continue to do the things that made it happen.

The thrust of this policy has been very successful. Although I have some differences with recent explanations of Fed policy overall, over the last 2 decades, we have seen very successful economic growth with the exception of one 9-month period in 1990, 1991. The health of the economic performance has also generated higher than expected revenues for the Federal Government.

As a result, we get to have this discussion today about how we are going to spend money over the next fiscal year in the atmosphere of surpluses. State and local governments have also enjoyed a fiscal bonus from the combination of positive economic trends.

The benefits of the United States economic growth have also been seen outside the country, and this has produced very positive results for the citizens of our country as well as citizens of many other countries.

All of this, including the role of Chairman Greenspan, is more or less well recognized by most Americans. What is less well known is the specific policy framework which the Federal Reserve has used to achieve the positive results that I have just described.

Chairman Greenspan's exceptional leadership of the Fed is associated with the framework of policy-making known as inflation targeting. That is right. The Fed has had its sites set on creating an environment in which low rates of inflation will take place.

As the chairman and I have discussed at previous JEC hearings, the Federal Reserve has essentially adopted an informal policy of inflation targeting and used it to gradually reduce or squeeze inflation out of our economy.

Now, serious discussion of this policy might be useful to explain what the Fed under Chairman Greenspan has done and how it has fostered the extraordinary economic expansion we enjoy. Personal judgment and wisdom have played an important role, and that, of course, is the personal judgment of Chairman Greenspan. But the framework for policy-making is even more important. The success of Fed policy is a combination of several factors, but more understanding is needed about the basis of the policy framework itself.

Formal inflation targets are a narrow range of permissible increases in a broad-priced index expressed as annual percentage increases. For example, an inflation target could be defined as an increase in a retail price index of between, say, zero to 2 percent. We have been within that zero to 2 percent on many occasions for the last couple of years.

Price stability improves the operation of the price system and promotes economic and efficient growth.

As noted previously, during this expansion, inflation has been reduced, but unemployment has fallen as well. Low employment and low inflation, low rates of inflation are mostly unheard of or have been mostly unheard of in economic circles until the last decade or possibly a little bit longer.

In addition to its successful monetary policy, recently the Federal Reserve has made further strides toward increased transparency. Another important factor.

Perhaps my colleagues have noticed with me, however, that things have begun to change just a little. We have had five interest rate increases in the last year by the Fed.

In recent months, the public explanation of Federal policy has increasingly tended to shift from trends in price measures to tight labor market conditions and excessive economic growth related to GDP. In other words, the Fed now appears to be less targeted on inflation and more targeted on economic growth and potential GDP growth.

In other words, the recent explanations of Fed policy are reminiscent of the notion of a Phillips curve tradeoff, which essentially said that good economic growth always causes high rates of inflation. We have proven over the last decade that that is false, and, yet, there are indications that the Fed is returning to that framework for some reason.

This shift towards the view that solid labor market and economic conditions may increase the potential for inflation seems to be associated with the changing composition of the Federal Reserve Board. As new members have come on board, things have begun to change.

Although Chairman Greenspan has relatively new colleagues on the board that seem to have a somewhat Keynesian perspective, I hope he is able to avoid the mistakes that this point of view is prone to produce.

I hope that we will be able to continue on the path that we have, which has produced this budget situation where we can debate this budget in terms of a surplus rather than the deficits that persisted for so many years.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the motion to rise offered by the gentleman from New Jersey (Mr. SAXTON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SAXTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 165, not voting 24, as follows:

[Roll No. 69]

AYES—245

Abercrombie
Aderholt
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Farr
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—165

Allen
Andrews
Baird
Baldwin
Bentsen
Berkley
Berman
Berry
Blumenauer

Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Edwards
Engel
Etheridge
Evans
Fattah
Filner
Ford
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer

Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mollohan
Moran (VA)
Nadler
Napolitano
Oberstar
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)

Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—24

Ackerman
Archer
Bonior
Crane
DeMint
Dixon
Dooley
Doyle
Forbes

Greenwood
Hastings (FL)
Jackson-Lee (TX)
Lowey
Martinez
McCollum
McDermott
McHugh

Murtha
Pallone
Quinn
Royce
Schakowsky
Thomas
Vento

□ 1601

Messrs. FATTAH, PASCRELL, and MORAN of Virginia changed their vote from "aye" to "no."

Messrs. PICKERING, HILLEARY, LEWIS of Kentucky, LIPINSKI, BLAGOJEVICH, BALDACCI, BONILLA, COSTELLO, LARGENT, KILDEE, and Mrs. ROUKEMA changed their vote from "no" to "aye."

Mr. OXLEY changed his vote from "present" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, had come to no resolution thereon.

PERSONAL PRIVILEGE—SELECTION OF HOUSE CHAPLAIN

Mr. HASTERT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. Based on press accounts examined by the Chair, the gentleman from Illinois (Mr. HASTERT) is recognized for 1 hour on a question of personal privilege.

Mr. HASTERT. Mr. Speaker, I come to this well today following a long period of prayerful consideration. I want to talk to you about the choice of our next Chaplain, a man whose job it is to ask God's blessing on our work.

When I became your Speaker last year, I stood in this very spot and said that this House needed to heal. Impeachment had hardened the hearts of too many of our Members and ruptured the trust necessary for effective legislating.

Frankly, we had made progress toward that end. We successfully worked together to bring economic security to our country. We worked together to strengthen our schools and our national defense. And, working together, we lowered our rhetoric from this well and we returned some sense of civility to this chamber.

When I first heard that our current Chaplain wanted to retire, I decided I wanted to build on that growing sense of trust. Instead of simply appointing a Chaplain, as some of my predecessors had done, I appointed the largest and most bipartisan search committee in the history of this House.

I want to take a moment to describe that process because it has been much distorted in the last 4 months.

I knew that finding the right person would be difficult. Many religious faiths are represented in this House, and many of you had candidates you believed would be good for the job.

The Search Committee the gentleman from Missouri (Mr. GEPHARDT) and I created was asked to review the many applicants and to send to the leadership up to three unranked candidates for final consideration.

I suppose that the committee could have ignored those instructions and sent us only one candidate because they believed he or she far superior, that they stood out above all the other applicants. But they did not.

In fact, I learned early and recently that the search committee discussed that very option and rejected it. Instead, the committee, under the able leadership of the gentleman from Virginia (Mr. BLILEY), a Catholic, and the gentleman from North Dakota (Mr. POMEROY), a Presbyterian, selected three outstanding candidates: Reverend Robert Dvorak, Father Tim O'Brien, and Dr. Charles Wright.

These names were sent to us in alphabetical order. There was no ranking of candidates. There was no first choice of the committee, as some would have the public believe. And, in fact, there could not be a first choice because the committee never set out to select a first choice.

The report to this House by the bipartisan co-chairman of the committee makes this fact abundantly clear. The truth is simple: each of the three candidates was deemed as acceptable to the search committee.

Along with Majority Leader ARMEY and Minority Leader GEPHARDT, I interviewed the three candidates sent to us by the bipartisan search committee. I was looking for a kind person with a caring heart. I was looking for a person who had extensive counseling and pastoral or parish experience. And I was looking for a person who Members of Congress could take their problems to and find reassurance and wisdom.

I was not looking for a particular denomination or faith, and I did not make my selection based on a candidate's religious doctrine or the past history of other House Chaplains. I was trying to be fair to all candidates.

While I found all three candidates to have impressive credentials, I was most impressed with the pastoral experience and personal warmth of Dr. Charles Wright, who for years has ministered to the needs of the Capitol Hill community. And, in addition, he had years of experience in the inner city, as well as the international community. He spent a long time trying to break down the walls of apartheid in South Africa and to seek common understanding between blacks and whites.

I made my selection based on that experience and the qualities that I found in him. No one other than the candidates themselves influenced my decision. Any suggestion to the contrary is simply wrong.

After the interviews and a period of reflection, I consulted with majority leader and the minority leader twice before I made my final decision.

In the first discussion, one preferred Dr. Wright and one preferred Reverend Dvorak. In the second discussion, one preferred Dr. Wright and one preferred Father O'Brien. The choice was not unanimous. But both signed off on the choice of Dr. Wright, and we issued a joint press release announcing the selection. I thought we had reached consensus.

Following our joint press statement, there were immediate charges of anti-Catholic bigotry, I was surprised and disappointed. Since there was no bias in the decision, I assumed that the disappointment held by some that a

Catholic was not chosen would go away when people understood the truth. But I was wrong.

I then thought that once the search committee issued their report and laid out the facts of the selection process that the controversy would be over. Sadly, the facts were ignored and the controversy continued to be stoked.

It was then that I realized that a far more serious effort was afoot. Some were trying to take political advantage out of what was essentially a spiritual decision and charged me with anti-Catholic sentiment.

Is there anti-Catholic sentiment still alive in our country? In fact, is there anti-religious bias alive in our country? Sad as it is to admit, I believe the answer to both these questions may be yes.

This bias comes in many shapes and sizes. Whether it be television shows that hold the church in contempt, the activist who desecrates St. Patrick's Cathedral, or the so-called "artists" who denigrate important religious symbols, my friends, that is anti-Catholic and anti-religious bias.

Certainly, there are those who differ with some of the views held by the Catholic Church; and even some Catholics respectfully disagree with some Church positions.

I agree with the Catholic Church on many things. I agree with the Catholic Church that we should protect the unborn. I agree with the mission of the Catholic schools to help so many Catholic and non-Catholic students get a values-based education.

I wholeheartedly support the Catholic Church's great work to help the poor. And I believe that the Vatican should have a seat at the United Nations.

I have the greatest respect and admiration for the Pope, who has done so much to bring peace to our troubled world and played such a critical role in ending the scourge of communism in Eastern Europe.

I am a patient man. In my role as Speaker of the Whole House, I believe I should try to be especially patient and seek compromise and not confrontation. But even I did not easily take in stride carelessly tossed accusations of bigotry. Where I come from, such slander is an ugly business. I can only conclude that those who accuse me of anti-Catholic bigotry either do not know me or are maliciously seeking political advantage by making these accusations.

The institution of this House means a great deal to me. I believe each of us, as Members of this House, should look out for this institution and treat it with respect.

As your Speaker, I feel a special burden to do so. It is with that conviction that I say to each of you that I believe the political maneuvering on this issue may have catastrophic unintended consequences, like children playing with matches.

In fact, in light of this controversy, some critics now advocate that we get rid of the Office of the Chaplain altogether. There are editorials being written to that effect in papers around this country. I ask each of you to search your heart: Is that what is good for this institution? I hope your answer is no.

But that, my friends, is where the political games could be taking us. I think to lose the Office of the Chaplain would be a grave mistake. Ever since the first prayer was offered in the Continental Congress on September 7, 1774, 2 years before the Declaration of Independence was written, Congress has been blessed by a daily prayer.

The daily prayer has served as a peaceful refuge for the partisan wrangling. It has bound disparate factions under the unifying theme of God's love.

The first amendment to the Constitution states clearly that "Congress should make no law respecting an establishment of religion." But, at the same time, the rules and precedents of this House say that the Chaplain shall attend at the commencement of the House and open the same with prayer.

These contrary impulses signify two great American themes: Americans should have the freedom to practice any religion they want, but Americans also believe that this Nation was founded under God to fulfill a greater mission.

The House Chaplain must reflect both traditions. The Chaplain of the House must submerge his or her own doctrinal views while reaching out to all Members regardless of religious faith. He must say a prayer that unites us rather than divides us.

Our current House Chaplain, Jim Ford, has blessed us with daily prayers and counseled Members quietly with honesty and integrity.

Jim Ford is a Lutheran, but he does not preach Lutheran doctrine from the House pulpit.

□ 1615

His message is universal. In fact, Tip O'Neill, an Irish Catholic and our respected former Speaker, often called Jim Ford monsignor as a way to signify his approval of Ford's universal message. I believe that any representative of any religion can provide a similar universal message for the House of Representatives. My support for Charles Wright had nothing to do with Mr. Wright's denomination or his religious doctrine. Of the three candidates presented to me by the committee, I believed he had the best ability to help the Members of the House based on his extensive experience in counseling. I agree with our colleague Tony Hall, who first suggested to Dr. Wright that he apply, that first and foremost Charles Wright has a pastor's heart.

Sadly, it has become clear that the minority will never support Charles Wright to be the House Chaplain. I have waited more than 4 months in the hope that voices of reason would prevail. Charles Wright is a good and decent man. He would make an excellent chaplain. That is why I asked Leader GEPHARDT to allow him to meet with the Democratic Caucus and that is why our colleague TONY HALL, a man whose respect in this House is unmatched, made the same request. But those requests have not been fulfilled. Instead of hearing the positive voice of a Godly and caring man, the only voices we hear are whispered hints in dark places that his selection is the result of anti-Catholic bias.

My friends, in all my years in this Congress, I have never seen a more cynical and more destructive political campaign. That such a campaign should be waged in connection with the selection of the House Chaplain brings shame on this House.

During the interview process, DICK GEPHARDT explained very eloquently to one of the candidates that democracy was a substitute for war. He was warning the candidate that if he became the Chaplain, his flock would not always behave like folks on a Sunday afternoon picnic. He went on to say that unlike war, where men set out to destroy one another, in a democracy, we were constrained by a set of rules and a common decency. It was a moving and profound observation that I have often thought a lot about. But I must say that the history of this Chaplain issue over the last 4 months does not appear to be constrained by common decency. It looks a lot like war and it has an ugly face.

This institution, so important in the protection of our freedom, is more important than which one of us sits in that chair. In the light of this controversy, Charles Wright has told me that he does not want to serve as Chaplain in a divided House. I reluctantly agreed that I would accept his decision not to be our Chaplain. I regret that decision of Dr. Wright, but I understand it.

So where do we go from here? As Speaker of this whole House, I will act to stop those who want to persist in this unseemly political game. I will not allow this House to be torn apart and the office of Chaplain to be destroyed. Having formally received the resignation of Chaplain Ford, I am today under the authority granted to me under the rules and precedents of this House to fill vacancies naming Daniel Coughlin to serve as Chaplain of the House. Father Coughlin is the vicar of the Archdiocese of Chicago and comes with the highest recommendations from a man of God for whom I have great respect, my good friend Cardinal George of Chicago. I believe that Daniel Coughlin will bring to the House a caring and a healing heart. He has been a parish priest and spent the past several years counseling parish priests within the Archdiocese. He brings 40 years of ministerial experience to this House.

Daniel Coughlin is a Catholic. That does not make him more nor less qualified for the job. But I am proud of his historic appointment. I hope his appointment will help us to heal and that it will bring a sense of pride to the millions of Catholic men and women around this country who have had legitimate feelings of past discrimination which some in this House have sought to manipulate.

I urge all of my colleagues to get to know Father Coughlin. He is a good man who will provide this House with spiritual guidance and counseling support necessary to bring us together again. Let me say to every leader of this House and to every Member of this House: let us embrace our new Chaplain, put this episode behind us, and move forward to do the people's business.

RESIGNATION AS CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following resignation.

OFFICE OF THE CHAPLAIN,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: During the last 21 years it has been my privilege and honor to serve as Chaplain of the U.S. House of Representatives. I came to the House with a view that the practice of politics can be a noble vocation and should be considered a high calling and I leave with that view strengthened and with my admiration enhanced for the people who serve in government.

I write now to inform you that effective Thursday, March 23, 2000, I resign my office as Chaplain of the House of Representatives.

It has been a singular opportunity to be elected to the position of Chaplain and now to be named Chaplain Emeritus, as I have sought to serve all the Members of the House and to honor their political and religious traditions. The friendships that have begun here have nourished my life and my work and I leave with appreciation for our years together and with a salute for the opportunities of the future.

With every good wish, I remain.

Sincerely,

JAMES D. FORD,
Chaplain.

The SPEAKER pro tempore. Without objection, and with regret, the resignation is accepted.

Mr. KLECZKA. Reserving the right to object, Mr. Speaker, I have an inquiry of the Chair. Is the Chair prepared to allot some time for this side of the aisle to be heard on this issue?

The SPEAKER pro tempore. The Chair will entertain requests, and it depends on what the request is.

Mr. POMEROY. Mr. Speaker, I ask unanimous consent to be recognized for up to 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. KLECZKA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the Chaplain's resignation is accepted, with regret.

There was no objection.

CONCERNING THE CHAPLAIN SELECTION PROCESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Dakota (Mr. POMEROY) for 15 minutes.

Mr. POMEROY. Mr. Speaker, I thank my colleagues for allowing us to express our thoughts on this important matter. I would begin my thoughts by joining the Speaker's expression of regret about the resignation of Dr. Ford, who has served this institution so well and been a dear friend and an important chaplain to each of us. I thought that at some point, I might, as cochair of the chaplain selection process, have the opportunity to address the body as to the version, our version in the minority, of the events that have transpired throughout this chaplain selection process. I did not anticipate it coming today, in the middle of the budget vote; and I did not anticipate following the Speaker of the House, a person for whom I have considerable regard relative to his obviously heartfelt remarks just delivered. My remarks are not prepared. I ask you to bear with me.

I want to convey a deep sense of sorrow and regret that a process that began so honorably by the Speaker has ended in this fashion. Clearly, Speaker HASTERT wanted to capture the bipartisan efforts of other Speakers as the chaplain was selected but improve upon it. So when Speaker O'Neill asked the chairman of the Committee on Appropriations and the ranking member of the Committee on Appropriations to go and agree on a chaplain that he might then appoint, that was bipartisanship. It could have been improved upon and Speaker HASTERT set upon a process that did improve upon it. It had even broader involvement, eight minority, eight majority. We were even given a cochair opportunity. We were very, very pleased and heartened by this gesture by the Speaker, because we believe that the chaplain is the chaplain of the House, not the Speaker's chaplain, not the majority chaplain, but the chaplain for all of us.

We advanced with the work, and it was considerable. Thirty-eight resumes to pore through. We culled it down in a process that had more comity and agreement across the party aisle to 17 interviews. Going through the hours of interviews, we developed friendships across party aisles, members of the committee. I so enjoyed working with my cochair, the gentleman from Virginia (Mr. BLILEY), and each of the members, majority and minority alike.

□ 1630

We then got it down to six semifinalists working toward the list of three. And while the Speaker is absolutely correct, his letter to us says send up to three names, the discussion throughout was to send three names. And we did not seriously consider sending less than three names.

As the final balloting occurred, even though this had been a process utterly without partisanship, there were, and it is not surprising, party distinctions in the relative support behind the candidates.

The candidate that finished fourth had only Democrat support. The candidate that finished third, Dr. Wright, had Republican support, with 1½ Democrat votes and a token showing across the party aisle. Two candidates, Dr. Dvorak and Father O'Brien, had significant bipartisan support, with Father O'Brien having the first showing in terms of vote totals.

We did not rank these candidates. We decided not to rank them. Ranking involves making a judgment, who is the best one, who is the second best one. We thought all three were qualified individuals, but what was important was the bipartisan consensus behind them.

Again, this is the chaplain of the House. It was a bipartisan process; and, therefore, the degree of consensus behind the final three is very important to us in the selection process, because this determines really the candidates that were able to capture support across the party aisle.

In this respect, in my presentation to the Speaker, the Minority Leader, as they began their work of the final committee of three, I indicated that Father O'Brien had had the most support; that Dr. Dvorak had the second level of support; that Dr. Wright had the third level of support.

I believed that the discussions that followed also captured this sense of consensus behind O'Brien, consensus behind Dvorak, not consensus behind Wright. So there were two meetings, as the Speaker just indicated, largely because they did not come to closure the first time. And the second time, in a divided vote, we in the minority know how divided votes go, you lose them. And the selection was made, Dr. Wright; not a consensus selection.

Here is where I really hope you can understand where our hard feelings on this matter arise. We are asked to participate. We willingly participated. We cared a great deal about the chaplaincy, and we felt as though our view was ignored when the final decision was made. Majority only, once again. We felt that. We believed that.

You may disagree with that interpretation, but that is what we believed.

Others had another feeling as well, and that is that in the passing over of the top candidate, a Roman Catholic priest, there had to be some other motives that were at issue that were untoward. Frankly, I did not have that view.

I felt that the problem was ignoring the bipartisan consensus for the candidate, that it did not have bipartisan consensus. We did not ask Dr. Wright to our caucus because Dr. Wright was not the issue for us. The process was the issue. The process was the problem.

In reacting to how the Speaker has resolved this matter, we look forward to getting to know Father Coughlin, if I have the name right. He is an individual we have not met. I think we can do better than this going forward.

I would ask each of us to seriously consider a resolution that will be offered this week by the gentleman from California (Mr. DOOLEY) that would call for the selection of the chaplain to be much in the same way as the selection of Inspector General.

At the end of the process, two votes, two for the majority, two for the minority. This is the chaplain of the House. This individual will be our minister. This individual will be our counselor. This individual will be our friend, not just the Speaker, not just the majority, but all of us.

And so next time, we will never let this happen again, next time. I would ask that we pass this resolution, changing the rules by which we deal with the chaplain and so that both sides have equal say.

Perhaps my deepest regret from this is, I felt a lot of good could come from the institution of the chaplain. I still have that hope for the institution and would only echo the Speaker's comments relative to the chaplain and what the chaplain might mean to this institution.

I look forward to working collectively under the newly announced chaplain and with the chaplains to come in the future, should I still be a Member of this body. I do think it might be one institution that can play an important role in restoring a greater degree of civility and trust between us.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

I would like to say a few things in regard to what the Speaker said. First, nothing in anyone's mind today is anything but concern for Dr. Wright. I am sorry that it has come to this. And I would hope that we would welcome the new Chaplain that has been appointed by the Speaker and try our level best to make his service in this Congress as positive as it possibly can be. I am very sorry that we have come to this point.

I tried in what we did in our committee with Majority Leader ARMEY and Speaker HASTERT to come to a bipartisan agreement on who the Chaplain would be. I had concerns when the process was announced that it would be maybe difficult to get to a bipartisan selection, but I hoped we could do that.

We have a different view of the facts of what happened in the meetings, but that is not important. When we finally got to the point where there was not complete agreement between all three of us, I asked to come back to the bipartisan committee so that both the Speaker and Dr. Wright knew exactly the feelings of the members of our committee. And I tried in the best way that I could to get those feelings across.

I have never said and never believed that there was bias of any kind in the making of this selection. And I have never said that.

I do believe that in the future, as the gentleman from North Dakota (Mr. POMEROY) has just said, we can find a process that will ensure bipartisanship in the selection of this important office. I will certainly work toward that end.

I respect the Speaker's choice, and for my part and our part we will do everything in our power to welcome this new Chaplain and to make his service here a positive force for every Member of this body.

The SPEAKER. For what purpose does the gentleman from Wisconsin (Mr. KLECZKA) rise?

Mr. KLECZKA. Mr. Speaker, since I was the one who asked Father Tim O'Brien to seek the chaplaincy, I would ask the courtesy of 2 or 3 minutes to make a few comments.

The SPEAKER. We will give the gentleman the courtesy of 2 to 3 minutes, but first let us have the courtesy of swearing in the Chaplain.

APPOINTMENT AS CHAPLAIN OF THE UNITED STATES HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to 2 U.S. Code, 75a-1, the Chair appoints Father Daniel Coughlin of Illinois to act as and to exercise temporarily the duties of Chaplain of the House of Representatives.

Will Father Coughlin please come forward and take the oath of office.

Father Daniel Coughlin appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion; that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

□ 1645

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Before we return to the Committee of the Whole, the Chair intends to recognize the gentleman from Wisconsin (Mr. KLECZKA) for 5 minutes and the gentleman from Virginia (Mr. BLILEY) for 5 minutes.

Without objection, the gentleman from Wisconsin (Mr. KLECZKA) is recognized for 5 minutes.

There was no objection.

COMMENTS ON FATHER TIM O'BRIEN

Mr. KLECZKA. Mr. Speaker, I join with all of you in welcoming our new Chaplain, Father Coughlin, to the House of Representatives.

What I would like to do is spend a few moments not reopening the wounds of this, what I would term a sorry chapter in the House of Representatives, but I take the floor today to defend a family friend, a person who I asked to think about running for the post of Chaplain of the House of Representatives, Father Tim O'Brien, who I have known for over 30 years.

Father Tim O'Brien comes from the State of Wisconsin, born on a family dairy farm in Eden, Wisconsin. His ordination was from St. Francis Seminary in my district in Milwaukee. He was an associate pastor in a parish in my district. He went on to complete his education and received a doctorate, and he is a professor at Marquette University.

Because of his love of politics and this House and teaching young minds, he started on his own the Les Aspin Institute named after our former colleague Les Aspin. His intention in starting this program was to bring students from Marquette University in Milwaukee, Wisconsin, here to Washington, DC, to work in our offices, to work for the agencies, to possibly work for some lobby firms, to get a hands-on feel for what the government is all about, so when they graduate and start their livelihood, in no matter what job it might be, they will understand what goes on here, and hopefully they will be a better citizen, hopefully they will be a better voter, or a voter, and possibly they might run for office.

Mr. Speaker, one of those interns who was in my office who has graduated from Marquette was the first Hispanic elected to the State legislature in Wisconsin who hales from my district. So I think the program is working.

So I said to Father O'Brien, "Because of your love of the institution and government, consider becoming our Chaplain," and he did. He put his nomination and his application in, and in every step of the process he came out on top.

Oh, I tracked this process like a hawk. I talked to every member of that screening committee. How did Father O'Brien do? And you know what I heard repeatedly, time after time? Home run. A triple. Best of the lot. And, in the final analysis, he was the top pick of the committee.

Now, was that related to the leaders who made the choice of someone other than him? Yes. The gentleman from North Dakota (Mr. POMEROY) admitted that even though the formal paper did not have the ranking, he verbalized it, and so did the gentleman from Virginia (Mr. BLILEY). So to say that we did not know who was the top candidate is not accurate.

One of the Republican leaders said, My gosh, I did not know the denominations of the candidates. That is not accurate. I personally talked to that leader on at least two occasions on the floor. I am just so hesitant to go and try to correct all the misstatements, because I think that opens up the issue again.

I want closure, like you. But here we have this Catholic priest, who just thought he would like to be the Chaplain. He thought he could do well for all of us in the House. And, since that time, he has been greatly maligned.

In Roll Call last week we read, Well, he does not have enough counseling experience. Well, he can weather that, because we all know as a colonel in the Army Reserves he counsels enlisted and officers every day he is on duty. As a faculty member, he counsels students and other faculty. He has counseled me and continues to do so. So it is not the idea of counseling.

But to go after this Catholic priest, who did nothing but want to be the Chaplain. There were rumors leaked, and I cannot point fingers because I do not know where they came from, that his home in Wauwatosa, Wisconsin, was purchased with some Federal funds. Naturally, the reporters descend on the poor guy like locusts. Is that true? Is it true? Is that true? Actually, it was not true.

He absconded with some money from a drug and alcohol program, one which he has never run, and the reporters again called him and descended. Is it true?

It is not, because I never was involved in such a program. I never got any funding. So I know full well that throughout the process this individual and his reputation have suffered also.

So, today, Mr. Speaker, we close the book on this sad chapter. But I ask my Republican colleagues not to rewrite history, because that we should not do. But I think there are some in this body that owe Father Tim O'Brien an apology. As we go on from today, I think I can be confident that not only Father Tim O'Brien has been vindicated, but a lot of us, with the appointment of our new Chaplain.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. BLILEY) is recognized for 5 minutes.

There was no objection.

COMMENTS ON SELECTION OF HOUSE CHAPLAIN

Mr. BLILEY. Mr. Speaker, I, too, was not prepared to speak today, by I think the record does need some correction.

We met, as my cochair, the gentleman from North Dakota (Mr. POMEROY), said, we had endless meetings. We narrowed the 38 to 17. We narrowed those to six. Then we decided, we at the next meeting, we would reduce the six to three. We interviewed the 17, and then we re-interviewed the six.

We decided that we would send them, and "we" as a group, without instructions from the leadership on either side of the aisle, that we would send the names to the leadership unranked, and, as the Speaker said, in alphabetic order. And that is exactly what we did.

Now, the gentleman from North Dakota (Mr. POMEROY) and I met with the Speaker, the majority leader and the minority leader in the Speaker's rooms, and we presented the three names. The gentleman from North Dakota (Mr. POMEROY) and I both said we personally thought that Father O'Brien was the best. But that was our personal opinion, that was not the statement from the committee. The committee clearly intended that the decision be made by the three leaders, without any bias for what we had done. Our job was to go out and advertise, bring in applicants, interview them, narrow the field to three, and send the names up to be picked by the leadership.

This Speaker should be commended for opening the process. Three of the last four Democrat Speakers were Catholic. They never considered a priest. Over 50 years of the last 60-some in the history of this House, the Democrat party has been in charge. They never considered a priest.

So I think that we have said enough. The record was we did not rank these people, and the decision was to be made by the leadership without bias.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 446 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 290.

□ 1655

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 290) with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, 40 minutes of debate remained on the subject of economic goals and policies.

The gentleman from New Jersey (Mr. SAXTON) has 17½ minutes remaining, and the gentleman from California (Mr. STARK) has 22½ minutes remaining.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before we were delayed for the proceedings that just concluded, I was involved with the gentleman from California (Mr. STARK) in carrying out the statutory rights that we have as members of the Joint Economic Committee to discuss the budget in the context of our economy and the various aspects of the economy that may have something to do with policies of our government.

I would like to turn to another subject. I discussed Fed policy at some length earlier, and I would like to spend a few minutes discussing one other set of issues that had to do with the potential effect of high oil prices on the economy as we move forward.

As I said before, overall economic conditions are strong. Rising oil prices and gasoline prices are one of several economic issues, however, that concerns millions of Americans.

This week Energy Secretary Richardson began a trip to OPEC nations to try to convince them to lower sky-high oil and gas prices. I believe the administration should release some oil from the Strategic Petroleum Reserve, like several other Members do, but there is another source of pressure also available to help American consumers.

A review of the situation reveals that U.S. taxpayer dollars are being provided to nations involved with the OPEC conspiracy to raise oil and gas prices. Consumers across America are outraged when they pull up to the pump and view each day or each week the rapid price increase in home heating fuel and gasoline prices over the last few months. In the section of the country where I live, that is the Northeast, I am from New Jersey, of course, we are especially hard hit because of our dependence on home heating oil.

OPEC's supply restrictions are a primary reason for these price hikes. I think all Americans know that today, and many Americans are justifiably angry at the oil producing nations and their allies. These citizens would be even more angry if they knew their hard-earned tax dollars were being funneled to key oil producing nations by the United States Government. That is right, billions of U.S. taxpayer dollars are being funneled to oil producers such as Algeria, Venezuela, Indonesia, and Mexico. These U.S. resources are first contributed to the international monetary fund, the IMF, and then lent to various nations at cut-rate rates.

The oil producers are now borrowing from the IMF at interest rates of about 4.7 percent, much lower interest rates than typical taxpayers can get on their home or their car or their credit card loans. Interest rates this low do not make any economic sense. Subsidies are being provided by taxpayers, our constituents, to these borrowing nations who are Members of OPEC who are forcing up the price of petroleum.

Many argue that this is a way to provide foreign aid or to promote U.S. interests. However, the IMF is not supposed to be an aid agency, and much of its activity does not reflect U.S. interests. Only a year ago I had to act to force the IMF to stop a planned mission to Iraq, another oil producing Nation that is also an enemy and on the U.S. list of states that sponsor terrorism.

□ 1700

If taxpayer subsidies to several of the oil-producing nations cause them to argue against OPEC supply reductions, this would be consistent with the argument that U.S. subsidies to the IMF and its borrowers were in our Nation's best interest. However, this is not the case. These oil producers cooperate with OPEC even after receiving IMF loans. In other words, they take our money and act against us anyway. In fact, at least four of these oil-producing nations have been among the most active borrowers of the IMF over the last 2 decades. One of these, of course, is Algeria, traditionally one of the hard-line price hawks in OPEC.

I am currently drafting legislation to address this situation, and I hope to have the grand support of Members from both sides of the aisle. We will address the situation by exerting pressure on oil-producing nations that are subsidized by U.S. taxpayers through the IMF. The U.S. Government should tell these countries in no uncertain terms that past aid extended through the IMF demands reciprocity now. The perpetual IMF borrowers should be reminded that the U.S. is the largest single source of IMF funds and that the U.S. will not support continued IMF borrowing by unfriendly nations. The U.S. Government, including the U.S. representative on the executive board of the IMF, should pressure oil-borrowing producers to undercut the OPEC cartel and let market forces lower oil prices. U.S. taxpayers are under no obligation, Mr. Chairman, to subsidize OPEC or its allies as they conspire to keep oil prices high.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair will remind all Members to remove charts and exhibits from the well of the House when they are not being utilized in debate. The point is, if Members are not utilizing these, they should not be exhibited. When the Members come to the well, they can use them; but when they are not in the well, they should be removed.

Mr. STARK. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, may I respond to the Speaker's comment before we go on?

The CHAIRMAN pro tempore. The gentleman has 3 minutes. He may proceed.

Mr. MINGE. Mr. Chairman, I was the next speaker and had these charts up earlier, and I am the next speaker now, and that is why they are on the floor, in answer to the Chairman's announcement.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will remind all Members to remove charts and exhibits from the well of the House when they are not being utilized in debate.

The Chair recognizes the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, we are embarked on a very important exercise this week, the adoption of the House budget resolution. I think that it is well that we keep in mind the state of our Nation's economy and the state of the Nation's debt as we proceed. So as a member of the Joint Economic Committee, I would like to review these matters in the context of the budget.

First, with respect to the debt, the United States currently has a debt of about $5.7 trillion, about $21,000 for every man, woman, and child in this country. And we can see, Mr. Chairman, how this debt has mushroomed since 1980. It has increased over fivefold, 570 percent, in fact, in a period of 20 years.

Now, Mr. Chairman, the previous person to address the House reminded us that we have seen good economic times. I would point out that during these good economic times we built the economy or strengthened it, if you will, on the backs of our children and our grandchildren. Now that we finally have an era when a balanced budget is possible, I think it is very important not to forget that even with a balanced budget, we still have $5.7 trillion of debt.

Balancing the budget in the year 2000 in no way wipes out the enormous size of this debt. Our first obligation, I submit, as we move ahead is to make sure that we responsibly use this surplus to pay down on this debt. We cannot say that we are doing that if we simply respect the integrity of the Social Security program. Yes, it may reduce some of this red ink in terms of what we owe to private investors or foreign investors in American bonds, but in no way does it diminish the debt that we owe all together. I submit that what we owe to the Social Security program is just as much debt as anything else that we owe.

Mr. Chairman, I know that my Republican colleagues like to try to paint over this with a happy scenario and neglect to explain that even with the 5-year projections that they have for their budget, that the size of the U.S. debt grows, let me emphasize that, that over the next 5 years, the size of the United States debt will grow to $5.9 trillion. This, I submit, is unconscionable. In a period of surplus, we ought to be reducing the debt that we owe, not seeing it expand to $5.9 trillion.

We have several different budget proposals that will be voted on this evening. I would like to point out the differences between three of them. This is how much is devoted to debt reduction over the next 10 years; that is, how much smaller will our debt be. The debt, unfortunately, will not shrink with the Republican proposal; it will shrink with the Democratic proposal, and it will shrink more dramatically with the Blue Dog Coalition proposal.

Mr. STARK. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I sat in my office and I was listening to some of the debate today. I was meeting with different constituents, all coming up to ask for different things because of needs that they have, and I was somewhat astonished that we kept hearing about how only the Republican Congress put this national government back into surpluses. Well, I quite frankly do not agree with that. I just have to voice my opinion about that. I think that is just a real stretch here.

However, I do want to say that I will not vote for the Republican budget resolution and will support the Democratic alternative for lots of reasons. Yesterday on this floor I talked about renewable resources for gas so that we could go on with solar energy, wind, biomass; and I think that is an absolute necessity for this country. I think the veterans' mail order plan is absolutely something that has to be done, something that I have looked at and actually introduced. I think the extension of Social Security for 15 years, the Republican plan, does nothing in that area, Medicare by 10 years, and then the long-term tax credit for caregivers, and then also in education, reducing class size, renovation of schools, Pell grants, Head Start; we can go on and on. And as importantly as all of these expenditures are, so is paying down the debt.

Mr. Chairman, one of the reasons I come here today is to talk about an issue that I think has become a national interest; and obviously, it has caught people's attention, because everybody wants to talk about it now, and that is prescription drugs. Last year my colleagues and I on the Committee on Ways and Means actually offered a no-cost program to this country to have a prescription drug plan that would have cut the benefit or to have cut the actual drug cost in half. It was denied. We never even had the chance to talk about it last year.

Now, we have $40 billion in the Democratic budget, which I think is tied to a prescription drug benefit; and my understanding is that on the Republican side they have $40 billion reserve fund for an undefined prescription drug benefit and defined only if Medicare reform happens. If Medicare reform happens, as I know some on the other side would like to have, it changes how we see Medicare in this country. It actually potentially puts us in a voucher system, some people like to call it premium support.

So I cannot support something that is tied. Why, why are we going to hold our seniors hostage, hostage to Medicare reform to get a prescription drug benefit? Let us face it. We give them in the hospitals through health care already prescription drugs to make them better. We get them stabilized, we do everything that we possibly can, and then we send them home and we do nothing.

So please support the Democratic substitute.

Mr. SAXTON. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman from New Jersey (Mr. SAXTON), the vice chairman of the Joint Economic Committee on which I serve.

The purpose of this Humphrey-Hawkins debate here is to talk about the law and how it relates to the Federal Government; and for educational purposes, the Humphrey-Hawkins law is the law that governs the Federal Reserve. We are here to talk about how these laws impact our economy.

The chairman of the Federal Reserve, in multiple testimony to Congress in both the House and the Senate, has said, and this is a quote from the chairman of the Federal Reserve, Alan Greenspan, January 26, 2000, testifying before the Senate Banking Committee. Chairman Greenspan said,

> My first priority would be to allow as much of the surplus to flow through and into a reduction of the debt to the public. If that proves politically unfeasible, I would opt for cutting taxes, and under no conditions do I see any room in the longer term outlook for major changes in expenditures.

Let us review what we are trying to accomplish in this budget. What we have accomplished just in the last few years alone is an unprecedented level of debt reduction, following Chairman Greenspan's advice. In 1998 we paid $51 billion off on the Federal debt. In 1999, $88 billion paid toward reducing the Federal debt. In the year 2000, this year alone, we are dedicating $163 billion toward reducing the national debt held by the public; and next year as we project, we will be dedicating $170 billion to reducing the public debt, for a grand total of paying off the Federal debt held by the public to zero in 12 years.

Mr. Chairman, this budget we are considering before us today is the most sweeping document this body has ever agreed to in a generation. We, for the first time in a generation, are stopping the raid on the Social Security Trust Fund.

The gentleman from Ohio (Mr. KASICH) and I plan to bring legislation to the floor of Congress which says no longer can Congress ever go back to the days of dipping into the Social Security Trust Fund. We are going to use those surpluses to pay off the debt held by the public. In the first 5 years alone in this budget, we will pay off $1 trillion of debt. We will bring our public debt from $3.5 trillion down to $2.4 trillion in the next 5 years alone. This is what fiscal responsibility is all about. This is what we are achieving in this budget resolution we are having here. This is what Chairman Alan Greenspan is telling us to do.

Remember what he said after we get the debt paid off. He said, after you pay off the public debt, reduce taxes. Under no conditions spend more money.

So here is what we are doing. The priorities of this budget are basically this: first, stop raiding the Social Security Trust Fund. Second, pay off the national debt. And as we pay off the national debt, if taxpayers are still overpaying their taxes, give them their money back, rather than spend it on new programs in Washington. That is the division here.

What are we trying to do by giving people their money back after paying off the debt, after stopping the raid on Social Security? We are doing this: we are ending the marriage tax penalty so that those who are married do not have to pay taxes just for being married. We are repealing the Social Security earnings limit so seniors who want to go back into the workforce are not penalized by losing some of their Social Security benefit simply for trying to supplement their insurance income. We are reducing the death tax, so that small business owners, family farmers, can pass their businesses, their farms on to the next generation without the Government taking it away from them. We are expanding educational savings accounts so parents can pay for sending their children to schools, to private schools, to public schools, to college, to vocational technical colleges. We are increasing health care deductibility for the self-employed. For people who, if they do not get health insurance from their job, we are saying, you should be able to write your premiums off of your income taxes just like any other corporation can do.

□ 1715

We are providing tax breaks for poor communities to revive those urban, inner-city areas that are in despair that need help on that rung of the economic ladder where they are at the bottom.

We are trying to strengthen pension plans so that workers who are changing jobs in a rapidly changing economy can bring their pensions with them as they change those jobs without fear of tax taking away their pensions, without fear of losing some of their pension when they change their jobs. This is the priority spelled out in this budget.

Mr. Chairman, the responsible budget is the Republican budget and a budget that pays off debt and lets people keep more of their own hard working money in the Republican budget.

Mr. STARK. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. Doggett).

Mr. DOGGETT. Mr. Chairman, as the gentlewoman from Florida (Mrs. THURMAN) just pointed out, we offered the Republican majority an opportunity in the Committee on Ways and Means last fall in the Thurman-Doggett proposal to deal with this problem of prescriptions for our seniors. It was soundly rejected, as it is in this resolution.

Instead of addressing the price discrimination that our seniors face where, in Travis County, for example, on the five most commonly used drugs, those seniors who do not have insurance are paying 136 percent more than the most favored customers of the pharmaceutical industry, instead of addressing that discrimination which could be done for very little no cost to the federal government, the pharmaceutical industry's best friends in this Congress are blocking action.

What do they offer in this proposal as an alternative? A new welfare program. I can tell my colleagues that our seniors do not need another welfare program. What they need is an end to the discrimination that the pharmaceutical industry, backed by its many Republican supporters in this Congress, cause our American seniors to face with reference to getting the essentials for their health care.

But of course there is a medicinal aspect to this resolution. One can almost see in this resolution, coming out of the Old West, a dilapidated wagon with a banner that promises "better health, restored youth, quality schools, more of one's money in one's pocket," this is the old time medicine man with "tax cut elixir," the same old snake oil that pours out here every spring. We seem to have spring ritual, rite of spring in this House with this medicine man coming along most every year. It does not make any difference what the season is economically or the reason politically, there is always a tax cut for every need of this country. The same elixir that is offered every year at this time.

Mr. Chairman, they used to say, how do you spell relief? T-U-M-S. Now it is "tax relief." What kind of tax relief does the ordinary American citizen get? Not much from this Congress.

We had the so-called "marriage penalty relief." I do not know if my colleagues have noticed, but our Republican leadership devotes a lot more energy to the titles they put on their bills than what is in them. What did the marriage tax penalty bill do? Well, it gave most of its relief to people that do not incur any marriage tax penalty.

Yesterday, in committee, we considered the educational savings account that is to allow people to send their kids to elite private academies. It is not the kind of tax relief that benefits most American families. I believe in reasonable tax relief but it must be accomplished in a fiscally responsible way. And this resolution fails to do that.

Mr. SAXTON. Mr. Chairman, may I ask how much time is remaining on each side.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from New Jersey (Mr. SAXTON) has 7 minutes remaining. The gentleman from California (Mr. STARK) has 14 minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on Budget.

Mr. KASICH. Mr. Chairman, I appreciate the gentleman yielding me that skimpy amount of time, but I will try to do it in that time.

Mr. Chairman, I wanted to just talk for just a few minutes about the economic condition of our country. I wanted to say that it is amazing the prosperity that we are experiencing and continue to experience, with many Americans every day getting up and watching the market, reading the economic reports with disbelief.

I do not think this is just a wild happenstance that we have seen such economic growth and such economic progress. Number one, we have revived our tradition of free trade. When nations are able to trade across borders, it brings prosperity to everyone. That does not mean trade should supplant all values. But it does mean that the fundamental policy of free trade will lift all boats, as my friend Jack Kemp likes to say. He stole that, by the way, from John Kennedy. A free trade will, in fact, rise all boats.

Secondly, of course, we have had new markets. With the fall of the Berlin Wall and with the ability to trade in many parts of the world that we could not trade before, we have been able to, not only experience and promote free trade, but we have been able to practice it with more opportunity because more nations can avail themselves of a unique opportunity to practice free enterprise and free markets and free trade.

We also have had a policy of sound money. Obviously Alan Greenspan deserves a lot of the credit. But all of the Fed Board, and, frankly, even I will give credit today to Robert Rubin, the former Treasury Secretary. I think they always pursued the policy of sound money, which allowed this Nation and the Fed to pursue a policy of low interest rates, which has driven economic growth.

I also believe that the House, the Senate, and the President deserves a great amount of credit for the 1997 budget agreement, for our vigilance in wanting to keep government growth at a low rate to provide continual tax cuts to reduce some of the public debt.

But also, of course, has been the development of new technologies. We are on the edge of what is a remarkable revolution. It comes about every hundred years. How do we recognize it? We recognize it because industries grow off the major growth industries in these kinds of periods.

What we are seeing in biotech and with the communications and with all the information technologies is an amazing development of a new revolution that is driving the essential part of economic growth, which is greater productivity, the ability of people in the same amount of time with the same amount of resources to produce more.

With growing productivity, we begin to dampen the threat of inflation because we eliminate the bottlenecks. Increased productivity means more income for more workers, and it means more supply. When supply is consistent with demand and meets the wage growth, we lose the prospects of inflation.

Let me just give my colleagues a warning and a suggestion that I think the House ought to consider. We need to keep the incentives in place. We need to cut capital gains. Frankly, I think we ought to zero out the capital gains tax because we want people to have incentives to invest, risk take, and build this economy.

Secondly, we should do nothing destructive that damages this new economy. I want to applaud the commission that just met in Dallas for agreeing to extend the no tax of the Internet until at least 2006. We have obviously got to continue to promote free trade in the world.

In addition, the legal system in this country needs significant reform. We need a loser pays legal system with limits on the liabilities, the punitive damages that are strangling, not only medicine, education, all businesses in America, it is choking us, and it holds us back from even stronger economic growth.

Finally, Mr. Chairman, we also need to have a school choice program in America where mothers and fathers can send their kids to the best educational settings. With all those, I believe we can continue to grow.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT) a member of the Committee on Budget.

Mr. WATT of North Carolina. Mr. Chairman, if my colleagues review carefully the Republicans' budget, it really appears to be a massive shell game. They would have us believe that they can deliver massive tax cuts, extend the life of Social Security and Medicare, eliminate every dime of public debt, increase defense spending by massive amounts, not reduce other domestic programs, give prescription drug benefits. They sound like they used to accuse the Democratic Party of being, everything for everybody.

The problem is that the numbers system do not add up. There is not enough money to do all of this. So what one then has to do is figure out now what is their top priority, what will it be under all circumstances, regardless of what happens; and that is reducing taxes by unreasonable and massive amounts.

Now, what did Alan Greenspan say about this? One of the previous speakers put his quote up, and he said we ought to be paying down the debt. I was at the hearing where he testified, and he said we should not be giving tax cuts before we pay down the debt. That is the highest priority we have, paying down the debt. That is what is going to keep our economy moving and sustain the economy moving in the direction that it is going now.

Yet, do they put that at the top of the priority list? No. They put massive tax cuts ahead of paying down the debt. They want to be everything to everybody in this equation.

Mr. Chairman, when we look at the number of dollars that are projected in surplus, the money is simply not there to do all this. We should reject the Republican budget and pass some of the alternative budgets.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, last week, House Republicans held a press conference to announce that their budget would include $40 billion to help low-income elderly pay for their prescription drugs. Today the House Republicans present their budget. But they have already abandoned last week's $40 billion promise. The Republican budget contains no funds specifically reserved for a prescription drug benefit.

Instead, the resolution allows the chairman of the Committee on the Budget to allocate up to $40 billion of the non-Social Security surplus if a bill that reforms Medicare also provides coverage for prescription drugs. This is a separate reserve fund. If they did not create a separate reserve fund, their budget would have a deficit.

Furthermore, their prescription drug reserve is contingent upon a plan to reform the entire Medicare program by turning it over to HMOs. That is a nonstarter.

In short, to make room for huge tax cuts for the wealthy, they have abandoned seniors who are trying to stretch their Social Security checks and modest pensions to cover both food and medicine. It is wrong, and this budget should be rejected.

Our seniors do not need empty promises. They need relief now. They are 12 percent of the population, but they use one-third of all prescription drugs. We have done studies which show that, on average, seniors pay twice as much for their medications as the drug companies' best customers, the HMOs, the hospitals, and the Federal Government. They pay more than consumers in Canada or Mexico or anywhere else in the world.

Seniors need action now. They do not get it in the Republican budget. They need a universal prescription drug benefit under Medicare and an end to pharmaceutical company price discrimination. The Democratic budget has $40 billion committed to those goals, and the Republican budget does not.

Mr. STARK. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, here we are today debating the budget, which is the most important work that we have to do as Members of Congress. Our national budget should be a statement of our national values. We should spend our money on what is important to us. But it is hard to see how the Republican budget, the risky, irresponsible Republican budget is a statement of the values of the American people.

The differences between the two parties have been highlighted for us once again in today's debate on the budget resolution. While the Democrats fight for a budget that protects middle class values, extends the life of Social Security and Medicare trust funds, and enables families to meet their responsibilities at home and at work, the Republicans again have sacrificed fiscal responsibility for large and risky tax breaks.

Is it a statement of our national values to give a $200 million tax break to the wealthiest over the next 5 years while cutting $114 billion in domestic initiatives for education, health care, and the environment?-

□ 1730

This downpayment that Republicans are making on the trillion dollar tax scheme proposed by candidate George W. Bush will result in 750,000 fewer women receiving WIC benefits, and that applies to women, infants, and children; 316,000 fewer Pell Grants; and 1,100 fewer FBI agents.

Is it a statement of our national values to give a Republican tax break over the next 10 years which will utilize all of the resources needed to pay down the debt, strengthen the Social Security and Medicare trust funds, and fund priority investments like education, child care and law enforcement?

We know that trading health care, education, and law enforcement for tax cuts does not match the priorities of many American people. It is not a statement of our national values and should be rejected by this House of Representatives.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, as the ranking member of the House Subcommittee on Military Personnel of the Committee on Armed Services, I rise today in strong support of the amendment offered by my dear friend and colleague, the gentleman from South Carolina (Mr. SPRATT).

All Members who believe that we owe our military service members and their family members access to quality health care should support the substitute amendment being offered by the gentleman from South Carolina. The budget being proposed by the gentleman from South Carolina upholds the commitment to our armed forces personnel, particularly our military retirees who were promised health care in return for service to this great Nation.

I support the Democratic budget amendment because it embodies the spirit of H.R. 3655, a bill I introduced along with the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services, and the gentleman from Mississippi (Mr. TAYLOR), to improve health care services for our Nation's service members, retirees, and their dependents.

I regret deeply that the Committee on the Budget failed to incorporate necessary authority for the Subcommittee on Military Personnel, enabling us to complete that which should be a bipartisan task. I have high regard for the commitment of the gentleman from Indiana (Mr. BUYER) on these issues. Last year's success on efforts regarding pay, promotion, and benefits in the context of recruitment, retention, and retirement demonstrated what can be done when we set aside partisan considerations. I intend to continue to work with the chairman to accomplish these goals.

But absent the Committee on the Budget preparing us for this, we have to go with the Democratic substitute in order to have our military retirees, our existing active duty members and their families receive the kind of health care that they have been promised. Our active duty troops and their families are having difficulty with access to military health care systems.

The budget alternative before us today would allow for the elimination of copays for active duty personnel and their families who are in the TRICARE Prime program. The amendment also increases access to health care.

Currently, families that receive care at a military treatment facility pay no co-payments. However, families that are not fortunate to live near a military treatment facility and use civilian health care providers in the TRICARE PRIME system must pay co-pays. This is not fair.

The amendment also increases access to health care for our military family members who are often living in remote, rural areas by expanding the TRICARE Prime Remote program. These families are doing some of the hardest duty in the military. We should ensure that these families are cared for, which means that they should not have to drive hundreds of miles to receive health care for which they are entitled. Their ability to access health care services is just as important.

Mr. Chairman, as our honored retired service members continue to age, their need for access to quality health care continues to grow. Today, thousands of our military retirees and their families are often going without the necessary medical care that they need and deserve because they have been shut out of the military health care system.

As you may know, under the current program, military retirees who reach the age of 65 are forced out of the TRICARE Program and receive their health care services through Medicare. For many of these retirees who were promised access to military health care for their lifetime, this has been a broken promise of their faith. Many of these retirees and their families were led to believe that they would have access to military health care services if they made a career of serving their nation.

Unfortunately, as the Department of Defense has drawn down and a number of military hospitals and clinics continue to close, space-available care remains elusive for most retirees. For these Medicare-eligible retirees, many of who are living on a fixed income, the prospects of costly medical care and high-priced pharmaceuticals is a scary proposition.

The alternative budget proposal before us today would allow us to restore the necessary access to quality health care for military retirees over age 65 and their families. The amendment includes a provision that would incorporate the expansion of the TRICARE Senior Prime program, more commonly known as

Medicare Subvention. This three-year demonstration program, which will be completed at the end of the year, has been well received by the over 65 retirees. Expansion of this program within the Department of Defense will help a number of military retirees who live near military treatment facilities.

For those who may not live near a military treatment facility, the budget proposal includes funding to expand the current pharmacy benefits. Pharmacy costs for these individuals are often the largest share of health care spending. The average retiree over age 65 spends approximately $620 for prescriptions. For a retired enlisted noncommissioned officer and his family, pharmacy costs can sometimes be nearly 50 percent of their monthly income. Often these families are placed in a difficult and traumatic position of choosing between whether to purchase their prescription drugs or food on their table.

The substitute amendment before us today will improve access to the TRICARE program and enhance access to care for military retirees. I hope that my colleagues will support the Spratt budget amendment and uphold our moral obligation to provide for the health care of our nation's Armed Forces.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Republican budget returns to its old ways. The budget that is being offered to us ignores the wishes of the American public and caters to special interests. I would have thought the Republicans would have learned; but they did not, and they are back at it again.

The Republican leadership is offering a budget that fails to extend the life of Social Security and Medicare, that recklessly cuts taxes and squanders the surplus we have worked so hard to gain for the American public. At the same time, they are cutting Head Start and telling 40,000 children and their parents that they cannot participate in this very valuable program. They cut millions of funding from child care, even though families are having a more difficult time finding quality care for their children as more and more Americans find a place in the American work force for the sustainability of their families.

They make empty promises about fully funding special education, but they do so without providing the necessary funds to achieve that goal. They freeze higher education and training funds and cut the purchasing power by 9 percent over 5 years. That means that they deny Pell Grants to 316,000 students who desperately need that assistance to go on to higher education so they can participate in the American economy.

They fail to make the needed investments to fix crumbling and overcrowded schools. They fail to invest in boosting the skills and the knowledge of teachers while continuing to funnel money into scores of wasteful programs and dozens of tax loopholes that benefit those who least need it.

We, on the other hand, are offering a substitute and a clear alternative, a budget that supports millions of hardworking families; that protects Social Security and Medicare; that provides better care and real prescription drug coverage for all of our Nation's seniors with dedicated funds to do so; and that would direct sorely needed support to our schools, provide the resources necessary to help our children reach their highest academic potential.

When it comes to special education, we put our money where the Republicans' mouths are because we provide $4.8 billion more in our plan. We should support the Democratic substitute.

Mr. STARK. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Chairman, it has been almost comical to watch Republican Member after Republican Member come to the floor today and read the same talking points off the same blue chart. Well, Mr. Chairman, in politics as in life, talk is cheap.

I was reminded of this fact earlier this week when I had the pleasure of speaking with a group of high school students. One of their major concerns, as we can all imagine, is the future of Social Security and Medicare. I remembered that the Republican talking points called this GOP budget "senior friendly," Mr. Chairman. But these students wanted the facts, and the fact is that this Republican budget would have us spending the Social Security surplus in 4 years.

The fact is that this budget does not devote a single dime to extending the life of the Social Security and Medicare trust funds. Mr. Chairman, under the Republican budget, the Social Security Trust Fund would be insolvent just about the time these 17 and 18 year olds that I spoke to this week reach retirement age.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I wish to issue a statement in response and in disagreement with the position of the gentleman from Hawaii (Mr. ABERCROMBIE) that only the Democrats' budget has a response to military health care. That is false.

Mr. STARK. Mr. Chairman, may I ask what the remaining time is?

The CHAIRMAN pro tempore (Mr. LAHOOD). Each side has 3 minutes remaining.

Mr. STARK. And the majority closes; is that correct, Mr. Chairman?

The CHAIRMAN. That is correct, the majority closes.

Mr. STARK. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there have been a lot of comments made on the floor, particularly by the majority, about how they have come around to not spending any of the Social Security surplus. I think in our debate we have made it clear if their budget is fully implemented, if they really do make the cuts in discretionary spending, the 11 percent real cuts they talk about, even with their huge tax cut they will still spend part of the Social Security surplus.

But I think history is an even better guide, and there are two points of history that I will bring up. One is that back in 1998 the Republicans brought their budget to the floor, which cut into the Social Security surplus, spent the Social Security surplus as part of their tax cut. They made the argument then that they were going to preserve 80 percent of the Social Security surplus, but they were going to spend 20 percent for a tax cut.

The second point of history that I think needs to be made clear is that since the Republicans have been in control of the Congress, and this is the whole time I have been here, the rate of spending, for nondefense discretionary spending, has gone up above the rate of inflation. As such, it would be hard to make the case that the Republican majority this year is going to actually cut nondefense discretionary spending by 6 percent and by 2003 by 11 percent.

Now, they may pursue that, and they may tell us they are going to do that; but history is working against them. So I think the protestations that they are not cutting into the Social Security surplus are rather hollow.

Mr. STARK. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. EVANS) to close the debate for us.

The CHAIRMAN. The gentleman from Illinois (Mr. EVANS) is recognized for 1½ minutes.

Mr. EVANS. Mr. Chairman, as the ranking Democrat on the House Committee on Veterans' Affairs, I rise in strong support for the substitute budget resolution offered by the gentleman from South Carolina (Mr. SPRATT), the ranking Democratic Member of the House Committee on the Budget.

The Spratt budget resolution is a strong pro-veteran proposal that deserves the support of every Member of this body. It provides more discretionary spending in fiscal year 2001 for the Department of Veterans Affairs than either the budget proposed by the President or the budget resolution reported by the committee. With these additional funds, VA can better meet the medical needs of our Nation's aging veteran population.

Specifically, for fiscal year 2001, the Spratt alternative provides $22.3 billion in appropriations for veterans' programs, $100 million more than the Republican plan and $200 million more than the President's plan. Over 5 years, 2001 through 2005, the Spratt alternative provides $1 billion more than the Republican proposal for veterans' medical care.

Significantly, the Spratt proposal also increases the monthly GI bill benefit, which is mandatory spending. This increase in the educational benefit for veterans who have honorably served our Nation in uniform is clearly needed and long overdue.

This increase proposed by the gentleman from South Carolina (Mr. SPRATT) is an important first step in restoring our commitment to providing veterans a readjustment benefit for education which is worthy of their sacrifices to this country. Under this proposal, the basic educational benefit for veterans will increase from the current $535 a month for 36 months to nearly $700 a month.

Mr. SAXTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been an interesting debate; but I would like to remind the last string of 1½ minute or 2-minute speakers on the other side that the purpose of the Humphrey-Hawkins discussion is to talk about the Federal Government and the potential effect the Fed has on the economy and the potential effect that our government has on the economy.

Let me make five points, five reasons why the economy is doing good. And maybe some people will feel good about it, I hope they will, because we have done some things right around here, both Republicans and Democrats, Members of the House and the administration.

I already talked about point number one. Lower inflation actually improves growth. And the Federal Reserve has gone out of its way to target inflation. It has brought interest rates down along with inflation and that has provided a lift for our economy.

Number two. Government spending has actually fallen as a percentage of GDP. This is an important point. As a matter of fact, in 1992, our government spent 22 percent of our GDP. Today, we spend 19.5 percent of our GDP. And members of the Committee on the Budget, led by the gentleman from Ohio (Mr. KASICH), should say a cheer for themselves for that point.

Number three. Lower tax rates remain in place. In spite of the hyperbole coming from the other side about Republicans that want to the cut taxes, marginal rates are still lower than they were in the 1960s, the 1970s, or the 1980s; and it is a primary factor in helping us lift the economy.

Number four. Investment has worked to expand capacity, particularly technological change, which has increased productivity. American workers today produce more per man-hour and woman-hour than ever before because of the technological changes that have taken place, another important factor in improving our economy.

Finally, global competition and freer trade have fostered growth. As we have opened markets around the world, as we have encouraged exports to take place, we have opened those new markets and created new opportunities for businesses all across our country and, therefore, opportunities for workers all across our country, another major boost to our economy.

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So, Mr. Chairman, when speaker after speaker gets up on the other side, they are ignoring the facts, they are ignoring the progress that we have made in terms of spending, in terms of taxing, in terms of fighting inflation. All of these are important factors that need to be discussed.

So I am pleased to have had the opportunity to close, Mr. Chairman, to make these points.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in Part A of House Report 106–535 is considered as an original concurrent resolution for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H. CON. RES. 290

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

The Congress declares that the concurrent resolution on the budget for fiscal year 2000 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,465,500,000,000.
Fiscal year 2001: $1,504,800,000,000.
Fiscal year 2002: $1,549,400,000,000.
Fiscal year 2003: $1,598,500,000,000.
Fiscal year 2004: $1,650,600,000,000.
Fiscal year 2005: $1,719,100,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $10,000,000,000.
Fiscal year 2002: $22,000,000,000.
Fiscal year 2003: $31,000,000,000.
Fiscal year 2004: $42,000,000,000.
Fiscal year 2005: $45,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,478,300,000,000.
Fiscal year 2001: $1,524,100,000,000.
Fiscal year 2002: $1,557,800,000,000.
Fiscal year 2003: $1,603,900,000,000.
Fiscal year 2004: $1,653,400,000,000.
Fiscal year 2005: $1,712,200,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,460,500,000,000.
Fiscal year 2001: $1,490,700,000,000.
Fiscal year 2002: $1,536,900,000,000.
Fiscal year 2003: $1,581,800,000,000.
Fiscal year 2004: $1,630,500,000,000.
Fiscal year 2005: $1,689,200,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $5,000,000,000.
Fiscal year 2001: $14,100,000,000.
Fiscal year 2002: $12,500,000,000.
Fiscal year 2003: $16,700,000,000.
Fiscal year 2004: $20,100,000,000.
Fiscal year 2005: $29,900,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,640,300,000,000.
Fiscal year 2001: $5,710,600,000,000.
Fiscal year 2002: $5,787,300,000,000.
Fiscal year 2003: $5,869,900,000,000.
Fiscal year 2004: $5,944,300,000,000.
Fiscal year 2005: $6,007,800,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2005 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,900,000,000.
(B) Outlays, $282,500,000,000.
Fiscal year 2001:
(A) New budget authority, $306,300,000,000.
(B) Outlays, $297,600,000,000.
Fiscal year 2002:
(A) New budget authority, $309,300,000,000.
(B) Outlays, $302,000,000,000.
Fiscal year 2003:
(A) New budget authority, $315,600,000,000.
(B) Outlays, $309,400,000,000.
Fiscal year 2004:
(A) New budget authority, $323,400,000,000.
(B) Outlays, $317,600,000,000.
Fiscal year 2005:
(A) New budget authority, $331,700,000,000.
(B) Outlays, $328,100,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $15,500,000,000.
Fiscal year 2001:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $17,300,000,000.
Fiscal year 2002:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $17,200,000,000.
Fiscal year 2003:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $16,100,000,000.
Fiscal year 2004:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $15,200,000,000.
Fiscal year 2005:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $14,800,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,500,000,000.
Fiscal year 2001:
(A) New budget authority, $20,300,000,000.
(B) Outlays, $19,400,000,000.

Fiscal year 2002:

(A) New budget authority, $20,400,000,000.

(B) Outlays, $20,000,000,000.

Fiscal year 2003:

(A) New budget authority, $20,600,000,000.

(B) Outlays, $20,000,000,000.

Fiscal year 2004:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $20,200,000,000.

Fiscal year 2005:

(A) New budget authority, $21,000,000,000.

(B) Outlays, $20,500,000,000.

(4) Energy (270):

Fiscal year 2000:

(A) New budget authority, $1,100,000,000.

(B) Outlays, −$600,000,000.

Fiscal year 2001:

(A) New budget authority, $1,200,000,000.

(B) Outlays, −$100,000,000.

Fiscal year 2002:

(A) New budget authority, $700,000,000.

(B) Outlays, −$400,000,000.

Fiscal year 2003:

(A) New budget authority, $500,000,000.

(B) Outlays, −$700,000,000.

Fiscal year 2004:

(A) New budget authority, $400,000,000.

(B) Outlays, −$900,000,000.

Fiscal year 2005:

(A) New budget authority, $300,000,000.

(B) Outlays, −$900,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2000:

(A) New budget authority, $24,300,000,000.

(B) Outlays, $24,200,000,000.

Fiscal year 2001:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $24,800,000,000.

Fiscal year 2002:

(A) New budget authority, $25,100,000,000.

(B) Outlays, $25,100,000,000.

Fiscal year 2003:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $25,200,000,000.

Fiscal year 2004:

(A) New budget authority, $25,300,000,000.

(B) Outlays, $25,200,000,000.

Fiscal year 2005:

(A) New budget authority, $25,400,000,000.

(B) Outlays, $25,100,000,000.

(6) Agriculture (350):

Fiscal year 2000:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $34,300,000,000.

Fiscal year 2001:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $16,900,000,000.

Fiscal year 2002:

(A) New budget authority, $18,500,000,000.

(B) Outlays, $16,700,000,000.

Fiscal year 2003:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $15,900,000,000.

Fiscal year 2004:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $15,500,000,000.

Fiscal year 2005:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $14,200,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $3,100,000,000.

Fiscal year 2001:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $2,300,000,000.

Fiscal year 2002:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $5,000,000,000.

Fiscal year 2003:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $4,700,000,000.

Fiscal year 2004:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $8,700,000,000.

Fiscal year 2005:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $9,600,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $54,300,000,000.

(B) Outlays, $46,600,000,000.

Fiscal year 2001:

(A) New budget authority, $59,200,000,000.

(B) Outlays, $50,300,000,000.

Fiscal year 2002:

(A) New budget authority, $57,400,000,000.

(B) Outlays, $52,500,000,000.

Fiscal year 2003:

(A) New budget authority, $58,800,000,000.

(B) Outlays, $54,800,000,000.

Fiscal year 2004:

(A) New budget authority, $58,800,000,000.

(B) Outlays, $55,100,000,000.

Fiscal year 2005:

(A) New budget authority, $58,800,000,000.

(B) Outlays, $55,100,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $10,800,000,000.

Fiscal year 2001:

(A) New budget authority, $9,100,000,000.

(B) Outlays, $11,100,000,000.

Fiscal year 2002:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $9,700,000,000.

Fiscal year 2003:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $8,800,000,000.

Fiscal year 2004:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $8,300,000,000.

Fiscal year 2005:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $7,800,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $57,700,000,000.

(B) Outlays, $61,400,000,000.

Fiscal year 2001:

(A) New budget authority, $72,600,000,000.

(B) Outlays, $69,200,000,000.

Fiscal year 2002:

(A) New budget authority, $74,000,000,000.

(B) Outlays, $72,100,000,000.

Fiscal year 2003:

(A) New budget authority, $75,000,000,000.

(B) Outlays, $73,200,000,000.

Fiscal year 2004:

(A) New budget authority, $76,100,000,000.

(B) Outlays, $73,500,000,000.

Fiscal year 2005:

(A) New budget authority, $77,800,000,000.

(B) Outlays, $74,200,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $159,300,000,000.

(B) Outlays, $152,300,000,000.

Fiscal year 2001:

(A) New budget authority, $169,700,000,000.

(B) Outlays, $167,100,000,000.

Fiscal year 2002:

(A) New budget authority, $179,600,000,000.

(B) Outlays, $177,900,000,000.

Fiscal year 2003:

(A) New budget authority, $191,500,000,000.

(B) Outlays, $190,600,000,000.

Fiscal year 2004:

(A) New budget authority, $205,600,000,000.

(B) Outlays, $205,000,000,000.

Fiscal year 2005:

(A) New budget authority, $221,700,000,000.

(B) Outlays, $220,300,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $199,600,000,000.

(B) Outlays, $199,500,000,000.

Fiscal year 2001:

(A) New budget authority, $215,700,000,000.

(B) Outlays, $216,000,000,000.

Fiscal year 2002:

(A) New budget authority, $221,600,000,000.

(B) Outlays, $221,600,000,000.

Fiscal year 2003:

(A) New budget authority, $239,700,000,000.

(B) Outlays, $239,500,000,000.

Fiscal year 2004:

(A) New budget authority, $255,300,000,000.

(B) Outlays, $255,500,000,000.

Fiscal year 2005:

(A) New budget authority, $278,700,000,000.

(B) Outlays, $278,700,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $238,400,000,000.

(B) Outlays, $248,000,000,000.

Fiscal year 2001:

(A) New budget authority, $252,200,000,000.

(B) Outlays, $254,900,000,000.

Fiscal year 2002:

(A) New budget authority, $263,000,000,000.

(B) Outlays, $264,300,000,000.

Fiscal year 2003:

(A) New budget authority, $272,100,000,000.

(B) Outlays, $273,400,000,000.

Fiscal year 2004:

(A) New budget authority, $281,700,000,000.

(B) Outlays, $283,200,000,000.

Fiscal year 2005:

(A) New budget authority, $294,000,000,000.

(B) Outlays, $295,900,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,700,000,000.

Fiscal year 2001:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,000,000,000.

Fiscal year 2002:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $14,900,000,000.

Fiscal year 2003:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,600,000,000.

Fiscal year 2004:

(A) New budget authority, $16,600,000,000.

(B) Outlays, $16,500,000,000.

Fiscal year 2005:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,400,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $46,000,000,000.

(B) Outlays, $45,200,000,000.

Fiscal year 2001:

(A) New budget authority, $47,800,000,000.

(B) Outlays, $47,400,000,000.

Fiscal year 2002:

(A) New budget authority, $49,000,000,000.

(B) Outlays, $48,900,000,000.

Fiscal year 2003:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $50,600,000,000.

Fiscal year 2004:

(A) New budget authority, $52,000,000,000.

(B) Outlays, $51,700,000,000.

Fiscal year 2005:

(A) New budget authority, $55,300,000,000.

(B) Outlays, $54,900,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $27,300,000,000.

(B) Outlays, $28,000,000,000.

Fiscal year 2001:

(A) New budget authority, $28,000,000,000.

(B) Outlays, $28,000,000,000.

Fiscal year 2002:

(A) New budget authority, $27,800,000,000.

(B) Outlays, $28,000,000,000.
Fiscal year 2003:
(A) New budget authority, $27,900,000,000.
(B) Outlays, $27,900,000,000.
Fiscal year 2004:
(A) New budget authority, $28,200,000,000.
(B) Outlays, $27,900,000,000.
Fiscal year 2005:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $28,100,000,000.
(17) General Government (800):
Fiscal year 2000:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2001:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $14,200,000,000.
Fiscal year 2002:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,900,000,000.
Fiscal year 2003:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,700,000,000.
Fiscal year 2004:
ew budget authority, $13,500,000,000.
(B) Outlays, $13,700,000,000.
Fiscal year 2005:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,500,000,000.
(18) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $284,600,000,000.
(B) Outlays, $284,600,000,000.
Fiscal year 2001:
(A) New budget authority, $288,500,000,000.
(B) Outlays, $288,500,000,000.
Fiscal year 2002:
(A) New budget authority, $290,000,000,000.
(B) Outlays, $290,000,000,000.
Fiscal year 2003:
(A) New budget authority, $285,700,000,000.
(B) Outlays, $285,700,000,000.
Fiscal year 2004:
(A) New budget authority, $280,900,000,000.
(B) Outlays, $280,900,000,000.
Fiscal year 2005:
(A) New budget authority, $275,400,000,000.
(B) Outlays, $275,400,000,000.
(19) Allowances (920):
Fiscal year 2000:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $11,500,000,000.
Fiscal year 2001:
(A) New budget authority, −$4,700,000,000.
(B) Outlays, −$8,700,000,000.
Fiscal year 2002:
(A) New budget authority, −$2,100,000,000.
(B) Outlays, −$1,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$2,600,000,000.
(B) Outlays, −$2,200,000,000.
Fiscal year 2004:
(A) New budget authority, −$4,300,000,000.
(B) Outlays, −$4,000,000,000.
Fiscal year 2005:
(A) New budget authority, −$4,400,000,000.
(B) Outlays, −$4,300,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, −$34,100,000,000.
(B) Outlays, −$34,100,000,000.
Fiscal year 2001:
(A) New budget authority, −$38,400,000,000.
(B) Outlays, −$38,400,000,000.
Fiscal year 2002:
(A) New budget authority, −$41,300,000,000.
(B) Outlays, −$41,300,000,000.
Fiscal year 2003:
(A) New budget authority, −$40,700,000,000.
(B) Outlays, −$40,700,000,000.
Fiscal year 2004:
(A) New budget authority, −$38,100,000,000.
(B) Outlays, −$38,100,000,000.
Fiscal year 2005:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.

SEC. 4. RECONCILIATION.

(a) LEGISLATION PROVIDING $150 BILLION IN TAX RELIEF OVER A 5-YEAR PERIOD.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than May 26, 2000;

(2) not later than June 23, 2000;

(3) not later than July 28, 2000; and

(4) not later than September 22, 2000;

that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $10,000,000,000 for fiscal year 2001, and $150,000,000,000 for the period of fiscal years 2001 through 2005.

(b) SUBMISSIONS REGARDING DEBT HELD BY THE PUBLIC.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than May 26, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by $10,000,000,000 for fiscal year 2001; and

(2) not later than September 22, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by not more than $20,000,000,000 for fiscal year 2001.

SEC. 5. LOCK-BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2001, the social security surplus will be $166 billion;

(5) this resolution balances the Federal budget without counting the social security surpluses;

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and

(7) Congress and the President should take such steps as are necessary to ensure that future budgets are balanced excluding the surpluses generated by the social security trust funds.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for fiscal year 2002, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.

(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.

(c) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted in this session of Congress that would enforce the reduction in debt held by the public assumed in this resolution by the imposition of a statutory limit on such debt or other appropriate means.

SEC. 6. DEBT REDUCTION LOCK-BOX.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any reported bill or joint resolution, or any amendment thereto or conference report thereon, that would cause a surplus for fiscal year 2001 to be less than the level (as adjusted for reconciliation or other tax-related legislation, medicare, or agriculture as considered pursuant to section 4, 7, 8(a) or (c), 9, 10, 11, or 12) set forth in section 2(4) for that fiscal year.

(b) SPECIAL RULE.—The level of the surplus for purposes of subsection (a) shall take into account amounts adjusted under section 314(a)(2)(B) or (C) of the Congressional Budget Act of 1974.

SEC. 7. SPECIAL PROCEDURES TO SAFEGUARD TAX RELIEF.

(a) ADJUSTMENTS TO PRESERVE SURPLUSES.—Upon the reporting of a reconciliation bill by the Committee on Ways and Means pursuant to section 4(a) or, the offering of an amendment to, or the submission of a conference report on, H.R. 3081, H.R. 6, or H.R. 2990, whichever occurs first, the chairman of the Committee on the Budget of the House shall reduce to zero the amounts by which aggregate levels of Federal revenues should be reduced as set forth in section 2(1)(B) (and make all other appropriate conforming adjustments).

(b) ADJUSTMENTS FOR REVENUE BILLS.—After making the adjustments referred to in paragraph (1), and whenever the Committee on Ways and Means reports any reconciliation bill pursuant to section 4(a) (or an amendment thereto is offered or a conference report thereon is submitted) or an amendment to H.R. 3081, H.R. 6, or H.R. 2990 is offered or a conference report thereon is submitted after the date of adoption of this resolution, the chairman of the Committee on the Budget of the House shall increase the levels by which Federal revenues should be reduced by the reduction in revenue caused by such measure for each applicable year or period, but not to exceed, after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that causes a reduction in revenues for such year or period, $10,000,000,000 in fiscal year 2001 and $150,000,000,000 for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 8. RESERVE FUND PROVIDING AN ADDITIONAL $50 BILLION FOR ADDITIONAL TAX RELIEF AND DEBT REDUCTION.

(a) ADDITIONAL TAX RELIEF AND DEBT REDUCTION.—Whenever the Committee on Ways and Means reports any reconciliation bill pursuant to section 4(a) (or an amendment thereto is offered or a conference report thereon is submitted), or an amendment to H.R. 3081, H.R. 2990, or to H.R. 6 is offered or a conference report thereon is submitted after the date of adoption of this resolution (after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that would cause a reduction in revenues for fiscal year 2001 or the period of fiscal years 2001 through 2005) that would cause the level by which Federal revenues should be reduced, as set forth in section 2(1)(B) for such fiscal year or for such period, as adjusted, to be exceeded, the chairman of the Committee on the Budget of the House may increase the levels by which Federal revenues should be reduced by the amount exceeding such level resulting from such measure, but not to exceed $5,155,000,000 in fiscal year 2001 and $50,000,000,000 for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments, including reconciliation instructions set forth in section 4(a)).

(b) Sense of Congress on Additional Health-related Tax Relief.—It is the sense of Congress that the reserve fund set forth in subsection (a) assumes $446,000,000 in fiscal year 2001 and $4,352,000,000 for the period of fiscal years 2001 through 2005 for health-related tax provisions comparable to those contained in H.R. 2990 (as passed the House).

(c) Sense of Congress on Federal Employees Benefit Package.—It is the sense of Congress that the reserve fund set forth in subsection (a) assumes $17,000,000 in fiscal year 2001 and $107,000,000,000 for the period of fiscal years 2001 through 2005 for legislation that permits Federal employees to immediately participate in the Thrift Savings Plan.

SEC. 9. RESERVE FUND FOR AUGUST UPDATE REVISION OF BUDGET SURPLUSES.

(a) Reporting a Surplus.—If the Congressional Budget Office report referred to in subsection (c) projects an increase in the surplus for fiscal year 2000, fiscal year 2001, and the period of fiscal years 2001 through 2005 over the corresponding levels set forth in its March 2000 economic and budget forecast for fiscal year 2001, submitted pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget of the House may make the adjustments as provided in subsection (b).

(b) Adjustments.—Whenever the Committee on Ways and Means reports any reconciliation bill pursuant to section 4(a) (or an amendment thereto is offered or a conference report thereon is submitted), or an amendment to H.R. 3081, H.R. 6, or H.R. 2990 is offered or a conference report thereon is submitted after the date of adoption of this resolution that (after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that would cause a reduction in revenues for such year or period) would cause the level by which Federal revenues should be reduced, as set forth in section 2(1)(B) for fiscal year 2001 or for the period of fiscal years 2001 through 2005, as adjusted, to be exceeded, the chairman of the Committee on the Budget of the House may increase the levels by which Federal revenues should be reduced by the amount exceeding such level resulting from such measure for each applicable year or period (or for fiscal year 2000 may increase the level of the surplus and make all other appropriate conforming adjustments, including reconciliation instructions set forth in section 4(a)), but not to exceed the increase in the surplus for such year or period in the report referred to in subsection (a).

(c) Congressional Budget Office Updated Budget Forecast for Fiscal Year 2001—The report referred to in subsection (a) is the Congressional Budget Office updated budget forecast for fiscal year 2001.

SEC. 10. RESERVE FUND FOR MEDICARE.

Whenever the Committee on Ways and Means or Committee on Commerce of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that reforms the medicare program and provides coverage for prescription drugs, the chairman of the Committee on the Budget may increase the aggregates and allocations of new budget authority (and outlays resulting therefrom) by the amount provided by that measure for that purpose, but not to exceed $2,000,000,000 in new budget authority and outlays for fiscal year 2001 and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 11. RESERVE FUND FOR AGRICULTURE IN FISCAL YEAR 2000.

Whenever the Committee on Agriculture of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that provides income support to owners and producers of farms, the chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal year 2000 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $6,000,000,000 in new budget authority and outlays for fiscal year 2000, $0 in new budget authority and outlays for the period of fiscal years 2001 through 2004, and $6,000,000,000 in new budget authority and outlays for the period of fiscal years 2000 through 2004 (and make all other appropriate conforming adjustments).

SEC. 12. RESERVE FUND FOR AGRICULTURE IN FISCAL YEAR 2001.

Whenever the Committee on Agriculture of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that provides risk management or income assistance for agricultural producers, the chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) if such legislation does not exceed $1,355,000,000 in new budget authority and $595,000,000 in outlays for fiscal year 2001 and $8,359,000,000 in new budget authority and $7,223,000,000 in outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 13. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application.—Any adjustments of allocations and aggregates made pursuant to section 7(b), 8(a) or (c), 9, 10, 11, or 12 for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 14. SENSE OF THE HOUSE ON WASTE, FRAUD, AND ABUSE.

(a) Findings.—The House finds that—

(1) while the budget may be in balance, it continues to be ridden with waste, fraud, and abuse;

(2) just last month, auditors documented more than $19,000,000,000 in improper payments each year by such agencies as the Agency of International Development, the Internal Revenue Service, the Social Security Administration, and the Department of Defense;

(3) the General Accounting Office (GAO) recently reported that the financial management practices of some Federal agencies are so poor that it is unable to determine the full extent of improper government payments; and

(4) the GAO now lists a record number of 25 Federal programs that are at "high risk" of waste, fraud, and abuse.

(b) Sense of the House.—It is the sense of the House that the Committee on the Budget has created task forces to address this issue and that the President should take immediate steps to reduce waste, fraud, and abuse within the Federal Government and report on such actions to the Congress and that the resolution should include reconciliation directives to the appropriate committees of jurisdiction to dedicate the resulting savings to debt reduction and tax relief.

SEC. 15. SENSE OF CONGRESS ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) Findings.—The Congress finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) a partnership with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Congress should enact legislation that would consolidate thirty-one Federal K-12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms.

SEC. 16. SENSE OF CONGRESS REGARDING EMERGENCY SPENDING.

It is the sense of Congress that, as a part of a comprehensive reform of the budget process, the Committees on the Budget should develop a definition of, and a process for, funding emergencies consistent with the applicable provisions of H.R. 853, the Comprehensive Budget Process Reform Act of 1999, that could be incorporated into the Rules of the House of Representatives and the Standing Rules of the Senate.

SEC. 17. SENSE OF THE HOUSE ON ESTIMATES OF THE IMPACT OF REGULATIONS ON THE PRIVATE SECTOR.

(a) Findings.—The House finds that—

(1) the Federal regulatory system sometimes adversely affects many Americans and businesses by imposing financial burdens with little corresponding public benefit;

(2) currently, Congress has no general mechanism for assessing the financial impact of regulatory activities on the private sector;

(3) Congress is ultimately responsible for making sure agencies act in accordance with

congressional intent and, while the executive branch is responsible for promulgating regulations, Congress should curb ineffective regulations by using its oversight and regulatory powers; and

(4) a variety of reforms have been suggested to increase congressional oversight over regulatory activity, including directing the President to prepare an annual accounting statement containing several cost/benefit analyses, recommendations to reform inefficient regulatory programs, and an identification and analysis of duplications and inconsistencies among such programs.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the House should reclaim its role as reformer and take the first step toward curbing inefficient regulatory activity by passing legislation authorizing the Congressional Budget Office to prepare regular estimates on the impact of proposed Federal regulations on the private sector.

SEC. 18. SENSE OF THE HOUSE ON BIENNIAL BUDGET.

It is the sense of the House that there is a wide range of views on the advisability of biennial budgeting and this issue should be considered only within the context of comprehensive budget process reform.

SEC. 19. SENSE OF CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—Congress finds that—

(A) 44.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(2) SENSE OF CONGRESS ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed Medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers and delayed the automatic 15 percent payment reduction until after the first year of the implementation of the prospective payment system; and

(C) patients whose care is more extensive and expensive than the typical Medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF CONGRESS ON ACCESS TO HOME HEALTH CARE.—It is the sense of Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical Medicare patient, including the sickest and frailest Medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the prospective payment system and ensured timely implementation of that system.

SEC. 20. SENSE OF CONGRESS REGARDING MEDICARE+CHOICE PROGRAMS/REIMBURSEMENT RATES.

It is the sense of Congress that the Medicare+Choice regional disparity among reimbursement rates is unfair, and that full funding of the Medicare+Choice program is a priority as Congress deals with any medicare reform legislation.

SEC. 21. SENSE OF THE HOUSE ON DIRECTING THE INTERNAL REVENUE SERVICE TO ACCEPT NEGATIVE NUMBERS IN FARM INCOME AVERAGING.

(a) FINDINGS.—The House finds that—

(1) farmers' and ranchers' incomes vary widely from year to year due to uncontrollable markets and unpredictable weather;

(2) in the Taxpayer Relief Act of 1997, Congress enacted 3-year farm income averaging to protect agricultural producers from excessive tax rates in profitable years;

(3) last year, the Internal Revenue Service (IRS) proposed final regulations for averaging farm income which fail to make clear that taxable income in a given year may be a negative number; and

(4) this IRS interpretation can result in farmers having to pay additional taxes during years in which they experience a loss in income.

(b) SENSE OF THE HOUSE.—It is the sense of the House that during this session of the 106th Congress, legislation should be considered to direct the Internal Revenue Service to count any net loss of income in determining the proper rate of taxation.

SEC. 22. SENSE OF THE HOUSE REGARDING THE STABILIZATION OF CERTAIN FEDERAL PAYMENTS TO STATES, COUNTIES, AND BOROUGHS.

It is the sense of the House that Federal revenue-sharing payments to States, counties, and boroughs pursuant to the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.), and sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) should be stabilized and maintained for the long-term benefit of schools, roads, public services, and communities, and that providing such permanent, stable funding is a priority of the 106th Congress.

SEC. 23. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NATIONAL SCIENCE FOUNDATION.

(a) FINDINGS.—The Congress finds that—

(1) the year 2000 will mark the 50th Anniversary of the National Science Foundation;

(2) the National Science Foundation is the largest supporter of basic research in the Federal Government;

(3) the National Science Foundation is the second largest supporter of university-based research;

(4) research conducted by the grantees of the National Science Foundation has led to innovations that have dramatically improved the quality of life of all Americans;

(5) grants made by the National Science Foundation have been a crucial factor in the development of important technologies that Americans take for granted, such as lasers, Magnetic Resonance Imaging, Doppler Radar, and the Internet;

(6) because basic research funded by the National Science Foundation is high-risk, cutting edge, fundamental, and may not produce tangible benefits for over a decade, the Federal Government is uniquely suited to support such research; and

(7) the National Science Foundation's focus on peer-reviewed merit based grants represents a model for research agencies across the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the function 250 (Basic Science) levels assume an amount of funding which ensures that the National Science Foundation is a priority in the resolution; recognizing the National Science Foundation's critical role in funding basic research, which leads to the innovations that assure the Nation's economic future, and in cultivating America's intellectual infrastructure.

SEC. 24. SENSE OF CONGRESS REGARDING SKILLED NURSING FACILITIES.

It is the sense of Congress that the Medicare Payment Advisory Commission continue to carefully monitor the medicare skilled nursing benefit to determine if payment rates are sufficient to provide quality care, and that if reform is recommended, Congress should pass legislation as quickly as possible to assure quality skilled nursing care.

SEC. 25. SENSE OF CONGRESS ON SPECIAL EDUCATION.

(a) FINDINGS.—Congress finds that—

(1) all children deserve a quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

(3) the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act stretches limited State and local education funds, creating difficulty in providing a quality education to all students, including children with disabilities;

(4) the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education;

(5) the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Act to assist States and localities to educate children with disabilities; and

(6) the levels in function 500 (Education) for fiscal year 2001 assume sufficient discretionary budget authority to accommodate fiscal year 2001 appropriations for IDEA at least $2,000,000,000 above such funding levels appropriated in fiscal year 2000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the President should increase fiscal year 2001 funding for programs under the Individuals with Disabilities Act by at least $2,000,000,000 above fiscal year 2000 appropriated levels;

(2) Congress and the President should give programs under the Individuals with Disabilities Education Act the highest priority among Federal elementary and secondary

education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act prior to authorizing or appropriating funds for any new education initiative;

(3) Congress and the President may consider, if new or increased funding is authorized or appropriated for any elementary and secondary education initiative that directs funds to local educational agencies, providing the flexibility in such authorization or appropriation necessary to allow local educational agencies the authority to use such funds for programs under the Individuals with Disabilities Education Act; and

(4) if a local educational agency chooses to utilize the authority under section 613(a)(2)(C)(i) of the Individuals with Disabilities Education Act to treat as local funds up to 20 percent of the amount of funds the agency receives under part B of such Act that exceeds the amount it received under that part for the previous fiscal year, then the agency should use those local funds to provide additional funding for any Federal, State, or local education program.

SEC. 26. ASSUMED FUNDING LEVELS FOR SPECIAL EDUCATION.

It is the sense of Congress that function 500 (Education) levels assume at least a $2,000,000,000 increase in fiscal year 2001 over the current fiscal year to reflect the commitment of Congress to appropriate 40 percent of the national per pupil expenditure for children with disabilities by a date certain.

SEC. 27. SENSE OF CONGRESS ON A FEDERAL EMPLOYEE PAY RAISE.

It is the sense of Congress that the pay increase for Federal employees in January 2001 should be at least 3.7 percent.

SEC. 28. SENSE OF CONGRESS REGARDING HCFA DRAFT GUIDELINES.

(a) FINDINGS.—Congress finds that—

(1) on February 15, 2000, the Health Care Financing Administration in the Department of Health and Human Services issued a draft Medicaid School-Based Administrative Claiming (MAC) Guide; and

(2) in its introduction, the stated purpose of the draft MAC guide is to provide information for schools, State medicaid agencies, HCFA staff, and other interested parties on the existing requirements for claiming Federal funds under the medicaid program for the costs of administrative activities, such as medicaid outreach, that are performed in the school setting associated with school-based health services programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) many school-based health programs provide a broad range of services that are covered by medicaid, affording access to care for children who otherwise might well go without needed services;

(2) such programs also can play a powerful role in identifying and enrolling children who are eligible for medicaid, as well as the State Children's Health Insurance programs;

(3) undue administrative burdens may be placed on school districts and States and deter timely application approval;

(4) the Health Care Financing Administration should substantially revise or abandon the current draft MAC guide because it appears to promulgate new rules that place excessive administrative burdens on participating school districts;

(5) the goal of the revised guide should be to encourage the appropriate use of Medicaid school-based services without undue administrative burdens; and

(6) the best way to ensure the continued viability of medicaid school-based services is to guarantee that the guidelines are fair and responsible.

SEC. 29. SENSE OF CONGRESS ON ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress finds that—

(1) 33 percent of all American households and 60 percent of African American households have either no financial assets or negative financial assets;

(2) 46.9 percent of children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children;

(3) in order to provide low-income families with more tools for empowerment, incentives, including individual development accounts, are demonstrating success at empowering low-income workers;

(5) middle and upper income Americans currently benefit from tax incentives for building assets; and

(6) the Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that Congress should modify the Federal tax law to include Individual Development Account provisions in order to encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 30. SENSE OF CONGRESS ON THE IMPORTANCE OF SUPPORTING THE NATION'S EMERGENCY FIRST-RESPONDERS.

(a) FINDINGS.—The Congress finds that—

(1) over 1.2 million men and women work as fire and emergency services personnel in 32,000 fire and emergency medical services departments across the Nation;

(2) over eighty percent of those who serve do so as volunteers;

(3) the Nation's firefighters responded to more than 18 million calls in 1998, including over 1.7 million fires;

(4) an average of 100 firefighters per year lose their lives in the course of their duties; and

(5) the Federal Government has a role in protecting the health and safety of the Nation's fire fighting personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) recognizing the Nation's firefighters and emergency services crucial role in preserving and protecting life and property, such Federal assistance as low-interest loan programs, community development block grant reforms, emergency radio spectrum reallocations, and volunteer fire assistance programs, should be considered; and

(2) additional resources should be set aside for such assistance.

SEC. 31. ENHANCED ENFORCEMENT OF BUDGETARY LIMITS.

(a) PROHIBITION ON USE OF DIRECTED SCOREKEEPING.—

(1) It shall not be in order in the House to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that contains a directed scorekeeping provision.

(2) As used in this subsection, the term "directed scorekeeping" means directing the Congressional Budget Office or the Office of Management and Budget to estimate any provision providing discretionary new budget authority in a bill or joint resolution making general appropriations for a fiscal year for budgetary enforcement purposes.

(b) PROHIBITION ON USE OF ADVANCE APPROPRIATIONS.—(1) It shall not be in order in the House to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would cause the total level of discretionary advance appropriations provided for fiscal years after 2001 to exceed $23 billion (which represents the total level of advance appropriations for fiscal year 2001).

(2) As used in this subsection, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations for fiscal year 2001 that first becomes available for any fiscal year after 2001.

(c) EFFECTIVE DATE.—This section shall cease to have any force or effect on January 1, 2001.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except the amendments printed in Part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by the Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

After conclusion of consideration of the concurrent resolution for amendment, there shall be a final period of general debate which shall not exceed 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

It is now in order to consider Amendment No. 1 printed in Part B of House Report 106–535.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B Amendment No. 1 in the Nature of a Substitute offered by Mr. OWENS:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

The Congress declares that concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2001 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $2,026,000,000,000.
Fiscal year 2002: $2,097,000,000,000.
Fiscal year 2003: $2,171,000,000,000.
Fiscal year 2004: $2,262,000,000,000.
Fiscal year 2005: $2,352,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2001: $96,800,000,000,000.
Fiscal year 2002: $109,700,000,000,000.
Fiscal year 2003: $129,994,500,000,000.
Fiscal year 2004: $154,043,480,000,000.
Fiscal year 2005: $182,241,520,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:
Fiscal year 2001: $1,548,700,000,000.
Fiscal year 2002: $1,618,600,000,000.
Fiscal year 2003: $1,918,041,000,000.
Fiscal year 2004: $2,272,878,500,000.
Fiscal year 2005: $2,693,361,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:
Fiscal year 2001: $1,525,200,000,000.
Fiscal year 2002: $1,589,200,000,000.
Fiscal year 2003: $1,883,202,000,000.
Fiscal year 2004: $2,231,594,300,000.
Fiscal year 2005: $2,644,439,200,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:
Fiscal year 2001: $20,000,000,000.
Fiscal year 2002: $20,000,000,000.
Fiscal year 2003: $20,000,000,000.
Fiscal year 2004: $20,000,000,000.
Fiscal year 2005: $20,000,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:
Fiscal year 2001: $3,287,000,000,000.
Fiscal year 2002: $3,100,000,000,000.
Fiscal year 2003: $2,903,000,000,000.
Fiscal year 2004: $2,690,000,000,000.
Fiscal year 2005: $2,465,000,000,000,

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2001 through 2005 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $255,000,000,000.
(B) Outlays, $252,000,000,000.
Fiscal year 2002:
(A) New budget authority, $262,080,000,000.
(B) Outlays, $261,080,000,000.
Fiscal year 2003:
(A) New budget authority, $268,081,000,000.
(B) Outlays, $267,000,000,000.
Fiscal year 2004:
(A) New budget authority, $271,000,000,000.
(B) Outlays, $270,000,000,000.
Fiscal year 2005:
(A) New budget authority, $286,090,000,000.
(B) Outlays, $287,071,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2002:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2003:
(A) New budget authority, $26,070,000,000.
(B) Outlays, $30,892,950,000.
Fiscal year 2004:
(A) New budget authority, $30,892,950,000.
(B) Outlays, $36,608,145,000.
Fiscal year 2005:
(A) New budget authority, $36,608,145,000.
(B) Outlays, $43,380,651,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2002:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2003:
(A) New budget authority, $17,656,500,000.
(B) Outlays, $20,922,952,000.
Fiscal year 2004:
(A) New budget authority, $20,922,952,000.
(B) Outlays, $24,793,698,000.
Fiscal year 2005:
(A) New budget authority, $24,793,698,000.
(B) Outlays, $28,380,532,000.

(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $3,300,000,000.
(B) Outlays, $1,800,000,000.
Fiscal year 2002:
(A) New budget authority, $3,000,000,000.
(B) Outlays, $1,500,000,000.
Fiscal year 2003:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $1,200,000,000.
Fiscal year 2004:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $900,000,000.
Fiscal year 2005:
(A) New budget authority, $2,100,000,000.
(B) Outlays, $600,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $20,818,000,000.
(B) Outlays, $20,518,000,000.
Fiscal year 2002:
(A) New budget authority, $20,818,000,000.
(B) Outlays, $20,418,000,000.
Fiscal year 2003:
(A) New budget authority, $20,818,000,000.
(B) Outlays, $20,418,000,000.
Fiscal year 2004:
(A) New budget authority, $20,818,000,000.
(B) Outlays, $20,418,000,000.
Fiscal year 2005:
(A) New budget authority, $20,818,000,000.
(B) Outlays, $20,418,000,000.

(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $7,100,000,000.
Fiscal year 2002:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $6,900,000,000.
Fiscal year 2003:
(A) New budget authority, $10,546,500,000.
(B) Outlays, $8,176,500,000.
Fiscal year 2004:
(A) New budget authority, $12,492,602,000.
(B) Outlays, $9,689,152,500.
Fiscal year 2005:
(A) New budget authority, $14,809,658,000.
(B) Outlays, $11,481,645,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $7,600,000,000.
Fiscal year 2002:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $8,200,000,000.
Fiscal year 2003:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $8,800,000,000.
Fiscal year 2004:
(A) New budget authority, $13,300,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2005:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $10,000,000,000.

(8) Transportation (400):
Fiscal year 2001:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $2,100,000,000.
Fiscal year 2002:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $1,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $2,000,000,000.
Fiscal year 2004:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $1,900,000,000.
Fiscal year 2005:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $1,900,000,000.

(9) Community and Regional Development (450):
Fiscal year 2001:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $13,100,000,000.
Fiscal year 2002:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $13,300,000,000.
Fiscal year 2003:
(A) New budget authority, $13,905,500,000.
(B) Outlays, $14,114,082,000.
Fiscal year 2004:
(A) New budget authority, $14,114,082,000.
(B) Outlays, $14,325,793,000.
Fiscal year 2005:
(A) New budget authority, $14,325,753,000.
(B) Outlays, $14,540,679,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2001:
(A) New budget authority, $88,875,000,000.
(B) Outlays, $76,875,000,000.
Fiscal year 2002:
(A) New budget authority, $89,875,000,000.
(B) Outlays, $85,005,000,000.
Fiscal year 2003:
(A) New budget authority, $77,875,000,000.
(B) Outlays, $84,910,000,000.
Fiscal year 2004:
(A) New budget authority, $89,250,000,000.
(B) Outlays, $88,764,000,000.
Fiscal year 2005:
(A) New budget authority, $90,750,000,000.
(B) Outlays, $89,984,000,000.

(11) Health (550):
Fiscal year 2001:
(A) New budget authority, $198,800,000,000.
(B) Outlays, $198,000,000,000.
Fiscal year 2002:
(A) New budget authority, $215,500,000,000.
(B) Outlays, $214,700,000,000.
Fiscal year 2003:
(A) New budget authority, $233,602,000,000.
(B) Outlays, $231,661,300,000.
Fiscal year 2004:
(A) New budget authority, $253,224,560,000.
(B) Outlays, $249,962,540,000.
Fiscal year 2005:
(A) New budget authority, $274,495,420,000.
(B) Outlays, $269,709,580,000.

(12) Medicare (570):
Fiscal year 2001:
(A) New budget authority, $222,000,000,000.
(B) Outlays, $218,300,000,000.
Fiscal year 2002:
(A) New budget authority, $232,000,000,000.
(B) Outlays, $223,700,000,000.
Fiscal year 2003:
(A) New budget authority, $242,000,000,000.
(B) Outlays, $241,500,000,000.
Fiscal year 2004:
(A) New budget authority, $258,100,000,000.
(B) Outlays, $255,400,000,000.
Fiscal year 2005:
(A) New budget authority, $287,000,000,000.
(B) Outlays, $277,500,000,000.

(13) Income Security (600):
Fiscal year 2001:
(A) New budget authority, $241,300,000,000.
(B) Outlays, $217,200,000,000.
Fiscal year 2002:
(A) New budget authority, $241,300,000,000.
(B) Outlays, $229,700,000,000.
Fiscal year 2003:
(A) New budget authority, $241,800,000,000.
(B) Outlays, $240,900,000,000.
Fiscal year 2004:
(A) New budget authority, $242,900,000,000.

(B) Outlays, $221,100,000,000.
Fiscal year 2005:
(A) New budget authority, $243,800,000,000.
(B) Outlays, $234,300,000,000.
(14) Social Security (650):
Fiscal year 2001:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2002:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $15,400,000,000.
Fiscal year 2003:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,662,000,000.
Fiscal year 2004:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
Fiscal year 2005:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $16,100,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2001:
(A) New budget authority, $44,000,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2002:
(A) New budget authority, $45,100,000,000.
(B) Outlays, $45,400,000,000.
Fiscal year 2003:
(A) New budget authority, $46,902,400,000.
(B) Outlays, $48,124,000,000.
Fiscal year 2004:
(A) New budget authority, $47,196,405,000.
(B) Outlays, $51,011,440,000.
Fiscal year 2005:
(A) New budget authority, $48,329,118,000.
(B) Outlays, $54,072,126,000.
(16) Administration of Justice (750):
Fiscal year 2001:
(A) New budget authority, $24,700,000,000.
(B) Outlays, $25,600,000,000.
Fiscal year 2002:
(A) New budget authority, $24,100,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2003:
(A) New budget authority, $24,565,000,000.
(B) Outlays, $25,365,000,000.
Fiscal year 2004:
(A) New budget authority, $25,030,000,000.
(B) Outlays, $25,830,000,000.
Fiscal year 2005:
(A) New budget authority, $25,495,000,000.
(B) Outlays, $26,295,000,000.
(17) General Government (800):
Fiscal year 2001:
(A) New budget authority, $14,700,000,000.
(B) Outlays, $14,000,000,000.
Fiscal year 2002:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 2003:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $14,000,000,000.
Fiscal year 2004:
(A) New budget authority, $14,800,000,000.
(B) Outlays, $14,600,000,000.
Fiscal year 2005:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $14,900,000,000.
(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $0.
(B) Outlays, $208,300,000,000.
Fiscal year 2002:
(A) New budget authority, $0.
(B) Outlays, $198,600,000,000.
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, $189,200,000,000.
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $177,400,000,000.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, $163,600,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, $200,000,000.
(B) Outlays, $0.
Fiscal year 2002:
(A) New budget authority, $200,000,000.
(B) Outlays, $0.
Fiscal year 2003:
(A) New budget authority, $300,000,000.
(B) Outlays, $0.
Fiscal year 2004:
(A) New budget authority, $300,000,000.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $300,000,000.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, $200,000,000.
(B) Outlays, $45,700,000,000.
Fiscal year 2002:
(A) New budget authority, $200,000,000.
(B) Outlays, $49,100,000,000.
Fiscal year 2003:
(A) New budget authority, $200,000,000.
(B) Outlays, $47,300,000,000.
Fiscal year 2004:
(A) New budget authority, $200,000,000.
(B) Outlays, $46,900,000,000.
Fiscal year 2005:
(A) New budget authority, $200,000,000.
(B) Outlays, $48,600,000,000.

The CHAIRMAN pro tempore. Pursuant to House Resolution 446, the gentleman from New York (Mr. OWENS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to present the Congressional Black Caucus budget. I shall manage only a small part of the time.

The Congressional Black Caucus budget is a budget for maximum investment and opportunity. We are carrying forward the great Democratic Party traditions of Franklin Roosevelt's New Deal, Harry Truman's Marshall Plan and health care proposal, Lyndon Johnson's Great Society that produced Medicaid and Medicare.

As advocates for the Democratic Party mainstream philosophy, the Congressional Black Caucus sets forth this budget for maximum investment and maximum opportunities.

As we prepare the year 2001 budget, we are blessed by the long, warm rays of a sun of a coming decade of surpluses. Compassion and vision are no longer blocked by the spectre of budget deficits.

The conservative estimate is that there will be a $1.9 trillion non-Social Security surplus over the next 10 years. Using simple logic, we should be able to program and apply this year about $200 billion for the 2001 budget as this window of opportunity opens.

Investment for the future must be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and the expansion of a U.S. superpower economy.

It is the age of information, stupid. It is a time of a computer and a time of digitalization. It is the era of thousands of high-level vacancies because there are not enough information technology workers. With enlightened budget decisions, we can at this moment begin the shaping of the contours of a new cybercivilization.

The boldest and most vital proposal contained in the CBC budget is the Function 500. It is at the heart of our budget. Funding for school construction, responding to the fact that the American people in numerous polls have indicated that their number one priority for Federal budget action is education.

Each of the budgets being presented offer increases in education. Even the Blue Dog budget at one end of the spectrum of the Democratic Party offers a $21 billion increase in education. The Republican budget offers a slight increase, also.

But only the CBC budget has chosen to focus on the kingpin issue of school physical infrastructure. While we applaud the President's inclusion of $1.3 billion for our emergency repairs, we deem it to be grossly inadequate.

We support school financing via the Tax Code, also. However, most of the local education agencies cannot borrow money without a lengthy taxpayer referendum procedure. This CBC budget proposes a $10 billion increase for funding for school construction. This amount would be taken from the $200 billion surplus.

In addition to this 5 percent for infrastructure, and by "infrastructure" we mean wiring, repair, security, and new construction, the CBC budget also proposes another 5 percent, another $10 billion, to address other education, social service, and employment initiatives.

Only 10 percent of the overall surplus will be utilized for the all-important mission of investment in human resources, only 10 percent of this amount available above the Social Security surplus.

Other projected increases in our budget, and certainly the critical Function 500 section, include additional funding for Head Start, summer youth employment, TRIO programs, historically black colleges and universities, and community technology centers.

We oppose the Department of Education's elimination of certain vitally needed ongoing technical assistance and research programs. OERI projects should not be dumped into a general slush fund for the Department of Education.

The Department of Education's weak administration, with its bargain basement peer-review procedures, is not in a position to mount new programs on a timely basis. A better utilization of existing programs will be more efficient and more effective.

For the critically important welfare to work programs administered by the Department of Labor, the year 2001 budget assumes a life-and-death importance. Infant mortality rates in poor communities will continue to rise, and families will suffer needlessly unless there is an end to the current Federal permissive policy which allows States to pilfer funds from the poor and to use welfare contracts as political patronage.

The CBC proposes greater earmarking of funding connected with the chaotic welfare reform measures. A better funded and stronger Federal administration and direction is needed to restrain the greed and the neglect of our State governments.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this budget because it taxes too much, spends too much, and does not pay down enough debt.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, I want to just take a few minutes to say that we really believe that today, in the consideration of all these budgets, that we would like to take the six themes that I know the gentleman from Texas (Mr. FROST) is so fond of. I am disappointed that he has left the floor. We wanted to take these six themes and kind of compare all the different budgets that are going to come to the House floor today against what we think is the best proposal.

If I could go through this again rather quickly. As my colleagues know, the Republican budget proposal will protect 100 percent of the Social Security surplus for the second year in a row. We will not dip into that surplus. We will use that Social Security surplus only for purposes of paying benefits and paying down the publicly held debt.

Secondly, we, in our budget, provide for the strengthening of Medicare, reform of Medicare, and also make money available for a prescription drug for the neediest of our senior citizens. We think it is absolutely vital that those who are needy have access to prescription drugs.

Thirdly, we also move to retire the publicly held debt over the next 5 years by $1 trillion. Now, some budgets are going to propose that we pay it down by more. Other budgets are going to propose that we pay it down by less.

We think that the trillion-dollar paydown, in combination with additional spending needs and with tax cuts, are the right formula. So we believe that not only should we move first to protect Social Security and Medicare, but we also believe that the trillion-dollar number is the right number to pay down public debt, thereby giving good signals to the Federal Reserve in terms of their interest rate policies.

Fourthly, we believe that we can have tax fairness. And we have a tax cut bill that approaches by the end of this summer, we believe, somewhere in the neighborhood of $250 billion. We provide for $200 billion in tax relief. That will provide tax relief to America's families by being able to ease the penalty on getting married that all too many couples face today; that, in fact, we will take small businesses and farmers and not force them to visit the undertaker and the IRS on the same day but begin to ease that penalty on success, ease that penalty that people experience when they try to pass their bounty on to their children.

We also believe that our senior citizens ought not to be penalized for their independence and hard work by cutting their Social Security as an offset to any dollar they earn. We think that is just a bogus idea that was cooked up here in Washington.

Furthermore, we think that it is important that we restore America's defense and also believe, however, that the message that the Black Caucus sends of one that this Pentagon needs reviewed and reformed is clearly a point of which we can all agree, and that we believe we need to support education and the National Institutes of Health and basic science research in the country.

So, today I would like to say that I think that this is the right formula. And if we can come with a formula that protects Social Security and strengthens Medicare and provides the prescription drug and pays down the public debt by a trillion dollars and provides significant tax relief while rebuilding our defense and education as a priority, we are going to be pretty close to what we think is the right formula.

I know that the Congressional Black Caucus comes to the floor every year with a budget, they lay it out there, and their priorities reflect the needs as they see them in this country. I want to offer my respect and congratulations to the members of the Black Caucus for their hard work. I know it is a tradition, and I am very thankful that they have the opportunity to come to the floor.

I do not want to stand here and say a number of negative things against their budget, because I think it reflects their priorities as they see them. We should study their budget and communicate with them; and perhaps at a later point we can improve on our priorities, we can have a better understanding of some of the priorities that they have. I hope that at some point, and maybe even in the conference committee, we can perhaps improve on our document.

But, nevertheless, I think that we should not approve that budget; and I think we ought to stick to the Republican proposal that we have today. I think it will provide for a continued strong economy, more power for individuals, and a sense of fairness for families and small businesses and our senior citizens in the country.

Mr. OWENS. Mr. Chairman, may I inquire as to how much time we have remaining?

The CHAIRMAN pro tempore. The gentleman from New York (Mr. OWENS) has 14½ minutes remaining, and the gentleman from Connecticut (Mr. SHAYS) has 15 minutes remaining.

Mr. OWENS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to express my appreciation for the remarks of the distinguished gentleman from Ohio (Mr. KASICH), our brilliant and distinguished budget chairman, and tell him that we welcome criticisms of our budget; and we certainly would criticize the other budgets. We very much would like to see some dialogue take place between the people who put forward these budgets.

We think a $17 billion increase for defense over the President's already very generous increases shows that there is a basic misunderstanding as to what the world is all about and where America and the rest of the world is going.

It is brain power, stupid. It is brain power. Brain power drives everything else. It drives the military. It drives the economy. And if we do not invest in education, we will have beautiful high-tech ships out there that nobody can operate.

□ 1800

We would like to see some dialogue. If you would agree to take part of that $17 billion and put about $10 billion of it into education, school construction, computers and wiring of schools, I think you would do far more for defense than you are doing with the kinds of increases that are there.

Mr. Chairman, I yield the balance of my time for the management of our bill to the distinguished gentleman from South Carolina (Mr. CLYBURN), chairman of the Congressional Black Caucus; and I ask unanimous consent that the gentleman control the time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLYBURN. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from New York for his help in substituting for us as we got to the floor.

Let me begin by thanking the distinguished chairman of the Committee on the Budget for all of his hard work and to assure him that we, the members of the Congressional Black Caucus, are very, very aware of the work that he has put into this budget, and we commend him for the work. I would also like to thank the Committee on Rules for working with us and helping us to bring our budget to this floor, because we think that we have some things worth discussing.

Mr. Chairman, if we fail to seize this moment to make investments that will allow our great Nation to surge forward in the creation of this new cybercivilization, then our children and grandchildren will frown on us and will lament the fact that we failed not because we lacked fiscal resources but our failures, our very devastating blunder was due to a poverty of vision.

Mr. Chairman, we are the custodians of unprecedented wealth in a giant economy. But we must not allow midget minds and tiny spirits to control our destiny. At a time when positive generosity is possible, such a proposal maximizes great selfishness.

The preparation of this budget for maximum investment and growth was guided by a set of 10 principles and assumptions set forth below.

Number one. We accept the general direction of the President's budget and the House Democratic Caucus. Families First is a motto we wholeheartedly endorse. However, more resources must be directed toward working families and the unique problems of African American families.

Number two. We view the projection of a $1.9 trillion surplus over a 10-year period as an overriding factor for the basic decisions to be made for fiscal year 2001. Common sense dictates that we approach this first year of the decade of budget surpluses with proposals for the most advantageous uses of one-tenth of the projected surplus.

Number three. Investment in the CBC-designated priorities should be our number one concern. We support a moderate plan to pay down the national debt. However, the President's blueprint moves too far and too fast with debt reduction at the expense of investment.

Number four. The protection of Social Security, Medicaid, and Medicare are among the highest priorities of the CBC.

Number five. In budgeting for each function, the CBC accepts the principles of a balanced budget. However, increases in CBC priorities must not be inhibited by present budget caps and conventional assumptions.

Number six. The CBC accepts the basic thrust of President Clinton's proposal for the distribution of the surplus. However, the CBC will insist that the emphasis in priorities must be shifted. At least 10 percent of the surplus should be devoted to investments in programs for education and a second 10 percent should be allotted for investments which benefit working families and for the safety net programs.

Number seven. Tax cuts, which must be taken from the 80 percent of the surplus which remains, are not a high priority of the CBC.

Number eight. Within the priorities earmarked by the President's budget in each function, the CBC will strive to target some portion of the proposed allocations to the special needs of working families.

Number nine. Budget allocations for necessary programs that currently do not exist are encouraged.

And, number 10, the currently stated CBC fiscal year 2001 priorities are education, housing, health, economic development, and livable communities.

Mr. Chairman, I believe that serious consideration of this budget is called for at this time. We believe it provides a blueprint for the launching of this new millennium.

NATIONAL DEFENSE (050)

Function in brief

Function 050 funds the pay and benefits of military and civilian personnel; operations and maintenance; research, development, testing, evaluation, engineering, and procurement of new weapons systems (including nuclear weapons and research provided by the Department of Energy); and military construction, including family housing; and other military-related activities.

The CBC believes that the Defense budget, with it current estimates consumes more than one-half of the discretionary spending of the Federal government's budget. While the Caucus wants to ensure that our men and women in uniform enjoy necessary and proper support from sufficient forces and the right equipment, training, and housing, we do not want this reality to prevail at the expense of our nation's other priorities.

Function 050: National defense

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	255.0
Outlays;	
2001	252.0
Budget Authority:	
2002	262.0
2003	268.0
2004	271.0
2005	286.0
Outlays:	
2002	261.0
2003	267.0
2004	270.0
2005	287.0

INTERNATIONAL AFFAIRS (150)

Function in brief

Functions 150 funds the operation of the State Department, embassies and consulate offices abroad, bilateral assistance programs, democracy and free market economies education, multilateral assistance programs, multilateral development banks, and public diplomacy through educational and cultural exchanges. It also funds libraries and broadcasting abroad as well as international security through peacekeeping assistance, nonproliferation and disarmament, foreign military grants and loans, military education and training, and refugee and disaster assistance: Some of the specific programs it funds include: Development Fund for Africa, African Development Fund, African Development Bank, Great Lakes Initiative, Development Assistance, Peace Corps, Inter-American Development, Debt Restructuring, Debt Restructuring (HIPC), Wye and Egypt Supplemental, UN Arrearage Payments, Migration and Refugee Assistance, Peacekeeping Operation (PKO), Child Survival and Disease Fund, Economic Support Fund (ESF), International Development Association, National Endowment for Democracy, World Health Organization, African Crisis Response Force, International Disaster Assistance, Trade and Development Agency and PL 480 Titles II and III.

Function 150: International affairs

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	22.0
Outlays:	
2001	20.0
Budget Authority:	
2002	22.0
2003	26.0
2004	30.8
2005	36.6
Outlays:	
2002	20.0
2003	30.8
2004	36.6
2005	43.3

GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250)

Function in brief

Function 250 provides funding for general science and basic research, including the National Science Foundation; Department of Energy general science programs, particularly the high energy physics and nuclear physics programs; space flight, research and supporting activities.

The CBC maintains a significant overall Federal investment in science and engineering research and development while paring back support for those research initiatives which offer minimal public benefits and would be more appropriately financed by private industry.

HIGHLIGHTS

NASA—Funds the International Space Station at the level proposed by the President which allows for space based medical research and breakthroughs in medicine for diseases that greatly affect the African American community.

HBCU's—Provides additional funding for Historically Black Colleges and Universities (HBCU's) Minority University Research and Education Programs.

NSF—Provides additional funding for the Next Generation Internet initiative in order to connect HBCU's and other similarly situated educational institutions to the Internet.

Elementary, Secondary and information education—Provides additional funding to the Elementary, Secondary and Information Educational activity of the Educational and Human Resources appropriation of the NSF.

National Oceanic and Atmospheric Administration—Provides additional funding for the Global Learning and Observations to Benefit the Environment Program (GLOBE).

Function 250: General science, space and technology

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	14.9
Budget Authority:	
2002	14.9
2003	17.6
2004	20.9
2005	24.7
Outlays:	
2001	14.9
Outlays:	
2002	14.9
2003	20.9
2004	24.7

Function 250: General science, space and technology—Continued

2005	28.3

ENERGY (270)

Function in Brief

Function 250 provides funding for most of the programs for the Department of Energy, including research and development and energy conservation; the Power Marketing Administrations, the Strategic Petroleum Reserve; uranium enrichment; funding for electrification and telephone credit subsidies provided through the Rural Utilities Service; the Tennessee Valley Authority power program; the Nucelar Regulatory Commission and other activities.

Function 270: Energy

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	3.3
Outlays:	
2001	1.8
Budget Authority:	
2002	2.0
2003	2.7
2004	2.4
2005	2.1
Outlays:	
2002	1.5
2003	1.2
2004	2.4
2005	0.6

NATURAL RESOURCES AND ENVIRONMENT (300)

Function in brief

Function 300 Funds water resources management; activities of the Army Corps of Engineers; the Environmental Protection Agency (EPA); the National Park Service, including recreation programs; the Department of the Interior; conservation and land management, pollution control and abatement. Other agencies under this function are the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, certain agencies within the Department of Agriculture, including the Forest Service and the National Oceanic and Atmospheric Administration (NOAA), in the Department of Commerce.

Function 300: Natural resources and environment

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	20.8
Outlays:	
2001	20.5
Budget Authority:	
2002	20.8
2003	20.8
2004	20.8
2005	20.8
Outlays:	
2002	20.4
2003	20.4
2004	20.4
2005	20.4

AGRICULTURE (350)

Function in brief

Function 350 provides funding for agricultural programs, including farm income stabilization, commodity price support programs, crop insurance, export credit guarantee loans, the emergency food assistance program, the Foreign Agricultural Service, the Agricultural Marketing Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, National Agricultural Statistics Service, animal and plant protection, and other agricultural programs and agricultural export promotion.

Function 350: Agriculture

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	8.6
Outlays:	
2001	7.1
Budget Authority:	
2002	8.9
2003	10.5
2004	12.4
2005	14.8
Outlays:	
2002	6.9
2003	8.1
2004	9.6
2005	11.4

COMMERCE AND HOUSING CREDIT (370)

Function in brief

Function 370 includes funding for mortgage credit rural housing programs, the Census Bureau, International trade and export promotion programs, technology programs, and the patent and trademark program of the Department of Commerce; small business assistance; the U.S. Postal Service; and major regulatory agencies, such as the Securities and Exchange Commission, the Federal Communications Commission, and the Federal Trade Commission.

Function 370: Commerce and housing credit

[Fiscal years, in millions of dollars]

Budget Authority:	
2001	12.4
Outlays:	
2001	7.6
Budget Authority:	
2002	12.7
2003	13.0
2004	13.3
2005	13.6
Outlays:	
2002	8.2
2003	8.8
2004	9.4
2005	10.0

TRANSPORTATION (400)

Function in brief

Function 400 includes ground transportation programs, such as the federal-aid highway program, mass transit, rail transportation, and the Interstate Commerce Commission; air transportation through the Coast Guard and Maritime Administration; and related transportation support activities.

Rather than cutting investment in the nation's transportation infrastructure, the CBC Alternative Budget maintains investment in these vital functions by funding them at the level of current services through fiscal year 2000. Public investment in transportation produces broad economic benefits, and our nation must have a safe and efficient transportation system for all people if the United States is to compete successfully in the 21st Century.

Function 400: Transportation

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	14.5
Outlays:	
2001	12.1
Budget Authority:	
2002	14.5
2003	15.1
2004	15.6
2005	16.3
Outlays:	
2002	12.1
2003	12.7
2004	12.9
2005	13.0

COMMUNITY AND REGIONAL DEVELOPMENT: 450

Function in brief

The Community and Regional Development function provides for a wide variety of urban and rural development programs, including the Community Development Block Grant Program (CDBG), the Economic Development Agency (EDA), the Appalachian Regional Commission (ARC, numerous rural development programs administered by the Rural Development Administration (RDA) and the non-power programs of the Tennessee Valley Authority (TVA). The function also includes funding for most Bureau of Indian Affairs (BIA) programs.

Function 450: Community and regional development

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	13.7
Outlays:	
2001	13.1
Budget Authority:	
2002	13.7
2003	13.9
2004	14.1
2005	14.3
Outlays:	
2002	13.3
2003	14.1
2004	14.3
2005	14.5

EDUCATION, TRAINING AND EMPLOYMENT SERVICES (500)

Function in brief

The boldest and most vital proposal contained in the CBC Budget is at the heart of this function: funding for school construction. Responding to the fact that the American people in numerous polls have indicated that their number one priority for federal budget action is Education, each of the budgets being presented offer increases in Education. But only the CBC Budget has chosen to focus on the kingpin issue of school physical infrastructure. While we applaud the President's inclusion of 1.3 billion dollars for "emergency repairs," we deem it to be grossly inadequate. We support school financing via the tax code; however, most of the Local Education Agencies can not borrow money without a lengthy taxpayer referendum procedure. This CBC Budget proposes a 10 billion dollar increase over the President's Budget for school construction. This amount would be taken from the 200 billion dollar surplus. In addition to this five percent for infrastructure-wiring, repair, security, and new construction—the CBC Budget proposes another five percent, 10 billion dollars, to address other education, social service, and employment initiatives. Only ten per cent of the overall surplus would be utilized for the all important mission of investment in human resources.

Other projected increases include additional funding for Head Start, Summer Youth Employment, TRIO programs, Historically Black Colleges and Universities, and Community Technology Centers. We oppose the Department of Education's elimination of vitally needed ongoing technical assistance and research programs. OERI projects should not be dumped into a general slush fund. The DOE's weak administration with its bargain basement peer review procedures, is not in a position to mount new programs on a timely basis. A better utilization of existing programs would be more efficient and more effective.

For the critically important welfare to work programs administered by the Department of Labor, the Year 2001 Budget assumes a life and death importance. Infant mortality rates in poor communities will continue to rise and families will suffer needlessly unless there is an end to the current federal permissive policy which allows states to pilfer funds from the poor, and to use welfare contracts as political patronage. The CBC proposes greater earmarking of funding connected with the chaotic welfare reform "measures." A better funded and stronger Federal administration and direction is needed to restrain the greed and neglect of state governments.

Function 500: Education, training and employment services

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	88.8
Outlays:	
2001	76.8
Budget Authority:	
2002	89.8
2003	77.8
2004	89.2
2005	90.7
Outlays:	
2002	85.0
2003	84.9
2004	88.7
2005	89.9

HEALTH (550) AND MEDICARE (570)

Function in brief

Functions 550 and 570 include funds for health care services, health research and training, consumer and occupational health and safety, and Medicare. The major agency budgets accounts include the Health Resources and Services Administration, National Institutes of Health, Centers for Disease Control and Prevention, Occupational Safety and Health Administration, Health Care Financing Administration, the Substance Abuse and Mental Health and the Office of Minority Health.

Function 550: Health

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	198.8
Outlays:	
2001	198.0
Budget Authority:	
2002	215.5
2003	233.6
2004	253.2
2005	274.4
Outlays:	
2002	214.7
2003	231.6
2004	249.9
2005	269.7

Function 570: Medicare

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	14.5
Outlays:	
2001	14.5
Budget Authority:	
2002	15.4
2003	12.5
2004	13.2
2005	14.0
Outlays:	
2002	15.4
2003	12.6
2004	13.1
2005	14.0

INCOME SECURITY (600)

Function in briefs

Function 600 contains programs which help meet the needs of individuals by insuring against loss of income from retirement, disability, death or unemployment of a wage earner, and by assisting those whose incomes are inadequate to meet minimum levels of nutrition, housing or other basic necessities.

Major programs within this function include: retirement and disability programs for federal civilian and military personnel; food stamps, school lunch, WIC and other nutrition programs; unemployment insurance; family support payments (AFDC); Supplemental Security Income (SSI); low-income home energy assistance; foster care and child welfare programs; child care; low-income and elderly housing assistance and programs for the homeless; and the Earned Income Tax Credit (EITC).

Function 600: Income security

[Fiscal years, in million of dollars]

Budget Authority:	
2001	241.3
Outlays:	
2001	217.2
Budget Authority:	
2002	241.3
2003	241.8
2004	242.9
2005	243.8
Outlays:	
2002	229.7
2003	240.9
2004	221.1
2005	234.3

SOCIAL SECURITY (650)

Function in brief

Function 650 includes Social Security, Old-Age and Survivors Insurance (OASI), and the Disability Insurance (DI) programs. These programs provide monthly cash assistance to more than 42 million beneficiaries.

Function 650: Social Security (650)

[Fiscal year, in billions of dollars]

Budget Authority:	
2001	14.5
Outlays:	
2001	14.5
Budget Authority:	
2002	15.4
2003	12.5
2004	13.2
2005	14.0
Outlays:	
2002	15.4
2003	12.6
2004	13.1
2005	16.1

VETERANS BENEFITS AND SERVICES (700)

Function in brief

Function 700 includes compensation for veterans with service-related disabilities; pensions for low-income wartime veterans with non-service connected disabilities; education and training; medical care; and housing loan guarantees.

Function 700: Veterans benefits and services

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	44.0
Outlays:	
2001	42.8
Budget Authority:	
2002	45.1
2003	46.9
2004	47.1
2005	48.3
Outlays:	
2002	45.4
2003	48.1
2004	51.0
2005	54.0

ADMINISTRATION OF JUSTICE (750)

Function in brief

Function 750 provides funding for the law enforcement and anti-drug abuse activities of the Departments of Justice and Treasury; federal judicial, litigation, and correctional activities; criminal justice assistance grants to state and local governments; and legal services for the poor.

The CBC Caring Majority Budget understands the urgency of addressing the rising rate of crime in the United States. All credible research has shown that prevention and early intervention initiatives, combined with a continuum of services aimed at high-risk youth, best serve to reduced crime when compared to incarceration and other punitive approaches.

A comprehensive prevention strategy includes an investment in education and training resources as well as research and evaluation of model programs that offer non-punitive methods of crime reduction.

Function 750: Administration of Justice

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	24.7
Outlays:	
2001	25.6
Budget Authority:	
2002	24.1
2003	24.6
2004	25.0
2005	25.5
Outlays:	
2002	25.6
2003	25.4
2004	25.8
2005	26.3

GENERAL GOVERNMENT (800)

Function in brief

Function 800 provides funding for general overhead costs of the federal government.

Function 800: General government

[Fiscal year, in million of dollars]

Budget Authority:	
2001	14.7
Outlays:	
2001	14.0
Budget Authority:	
2002	14.5
2003	14.6
2004	14.8
2005	15.0
Outlays:	
2002	14.3
2003	14.0
2004	14.6
2005	14.9

NET INTEREST (900)

Function in brief

Function 900 provides for interest payments on the national debt. Net interest outlays are determined by the size of the debt, market interest rates, and debt management practices.

Function 900: Net interest

[Fiscal years, in billions of dollars]

Outlays:	
2001	208.3
Outlays:	
2002	198.6
2003	189.2
2004	177.4
2005	163.6

ALLOWANCES (920)

Function in brief

Function 920 reflects amounts of any budget increase or reduction for which specific funding levels by program or function have yet to be determined. It also includes amounts for contingencies which may affect more than one function.

Function 920: Allowances

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	200.0
Budget Authority:	
2002	200.0
2003	300.0
2004	300.0
2005	300.0

UNDISTRIBUTED OFFSETTING RECEIPTS (950)

Function in brief

Function 950 includes the employer's share of employee retirement costs; government receipts (bonuses, rents, royals) from the sale of oil and gas produced from the Outer Continental Shelf (OCS); and receipts for the sale of assets controlled or owned by the federal government.

Function 950: Undistributed offsetting receipts

[Fiscal years, in billions of dollars]

Budget Authority:	
2001	.200
Outlays:	
2001	45.7
Budget Authority:	
2002	.200
2003	.200
2004	.200
2005	.200
Outlays:	
2002	49.1
2003	47.3
2004	46.9
2005	48.6

PRINCIPLES AND ASSUMPTIONS FOR THE CONGRESSIONAL BLACK CAUCUS MAXIMUM OPPORTUNITY AND INVESTMENT BUDGET FY' 2001

CONGRESSIONAL BLACK CAUCUS

[Congressman James Clyburn, Chairman; Congressman Bennie Thompson, Chairperson—CBC Budget Task Force; Congressman Major R. Owens, Vice Chairperson, CBC Budget Task Force]

The mission of the Congressional Black Caucus is advocacy for those left out and forgotten: the poor in general and more specifically African Americans and other neglected minorities. To guide the budget preparation process and fully accomplish our mission we shall begin by adopting the following Principles and Assumptions:

1. We accept the general direction of the President's Budget and the House Democratic Caucus. "Families First" is a motto we wholeheartedly endorse; however, more resources must be directed toward working families and the unique problems of African American families.

2. We view the projection of a 1.9 trillion surplus over a ten year period as an overriding factor for the basic decisions to be made for the FY'2001 Budget. Common sense dictates that we approach this first year of the decade of budget surpluses with proposals for the most advantageous uses of one-tenth of the projected surplus.

3. Investment in the CBC designated priorities shall be our number one concern. We support a moderate plan to pay the national debt; however, the President's blueprint moves too far and too fast with debt reduction at the expense of investment.

4. The protection of Social Security, Medicaid and Medicare are among the highest priorities of the CBC; however, investments in the education and training of the present and future workforce will provide greater guarantees for the solvency of Social Security and the sound financing of health care than any other policies or actions under consideration.

5. In budgeting for each function, the CBC accepts the principles of a balanced budget, however, increase in CBC priorities must not be inhibited by present budget caps and conventional assumptions. We assume that there is waste in several key areas which may be transferred to enhance better investments for the future. We also assume that there are excessive revenue expenditures to continue corporate welfare which may be eliminated to increase funding for our designated priorities. And finally, we assume that one-tenth of the projected ten year surplus must be factored into the development of this budget for maximum opportunity and investment.

6. The CBC accepts the basic thrust of President Clinton's proposal for the distribution of the surplus; however, the CBC will insist that the emphasis in priorities must be shifted. At least 10 percent of the surplus should be devoted to investments in programs for education and a second 10 percent should be allotted for investments which benefit working families and for safety net programs.

7. Tax cuts, which must be taken from the 80 percent of the surplus which remains, are not a high priority of the CBC; however, since the current political power equation dictates the inevitability of a White House approved tax cut, the CBC must insist that the tax cuts not exceed the percentage of the surplus which is allocated for CBC priorities.

8. Within the priorities earmarked by the President's budget, in each function, the CBC will strive to target some portion of the proposed allocations to the special needs of working families, the poor and the African American Community. New market opportunities and minority contract set-asides must apply across the board—and special units should be funded to implement and facilitate the targeting of CBC designated constituents.

9. Budget allocations for necessary programs that currently do not exist are encouraged. The proponents must also later develop legislation for authorization as part of the process to sell the ideas and convince the President to place the item on his priority list at the time of the end-game negotiations. Proposals for new methods of proposal solicitation, peer review, technical assistance, etc. are also in order.

10. The currently stated CBC FY 2001 Priorities are: Education, Housing, Health, Economic Development and Livable Communities, Foreign Aid, Welfare and Low Income Assistance and Juvenile Justice and Law Enforcement. Some additions or subtractions from these categories are possible; however, they will remain as the basic frame-work for CBC Budget and Appropriations demands for the entire session of the 106th Congress. Members preparing budget functions should also consider promoting tactics and strategies which support the CBC's ongoing advocacy of these dollar allocation positions.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, the health budget is a critical piece of our overall budget and agenda. It is defined by the glaring disparities in health status that exist for the African American community. HIV and AIDS have been our focus, but we also die from heart disease, cancer, diabetes, infant mortality, stroke, and other diseases in numbers greater than all other minority groups combined.

Mr. Chairman, this is an emergency. Specifically, this budget will include a minimum of $500 million for the CBC Minority HIV/AIDS initiative. In addition to continuing the programs already started, the increase will allow us to address HIV and AIDS in correctional facilities, increase funding to more vulnerable groups, increase prevention and treatment activities for sexually transmitted diseases and substance abuse, expand research, increase Medicaid funding, bring our programs to smaller cities and rural areas, and greatly increase the technical assistance that will enable our community-based organizations to take advantage of this important resource.

In the broader area of disparities, we will fund an expansion of the racial and ethnic approach to community health programs, to expand it beyond the existing 32 communities and enhance funding to the health careers opportunities program and National Health Service Corps to do better outreach and provide scholarships for young people of color to enter health profession schools. We would fully fund, also, the provisions of H.R. 1860, 2391, and 3250.

Mr. Chairman, with regard to our children, the CBC funds the continuation and strengthening of the Healthy Start program in communities of color and also provides for increased child care at $917 million. Mr. Chairman, the elimination of health disparities in African American communities and other communities of color is one of the most important challenges facing this country. For the sake of all of those who have been left behind in past centuries and for the sake of a fairer and healthier Nation, I ask my colleagues to support the CBC budget.

Mr. Chairman, I thank Chairman CLYBURN for yielding me this time to present the CBC Health Budget.

This is a critical piece of the overall Budget and Agenda. Our health is the necessary underpinning of everything else we aspire to accomplish to make our communities whole, and prepared to meet the challenges of the new Century and the Coming millennium.

What defines our Health Agenda and thus this budget are the glaring disparities in health status, and services that exist for the African American community and other communities of color. HIV and AIDS has been our focus, and rightfully so because of our overwhelmingly disproportionate numbers, and the devastation it has wrought in our communities.

But we also die and are disabled in far greater proportion than our representation in the population from heart disease, cancer, diabetes, infant mortality, stroke and other diseases in numbers greater than all other minority groups combined.

Our budget not only includes funding to address prevention and treatment for HIV/AIDS and related illnesses, and continue and expands capacity building within communities of color in this country for this disease, it will extend this effort to the international community. Beyond this it will better address some of the glaring infrastructure deficiencies that have caused the epidemic to take root, and the other diseases to have such adverse impact, severely reducing our life expectancy, in our communities in the first place.

Mr. Chairman, responding to our health needs is nothing less than an emergency, and a matter of national security.

We ask our colleagues to consider the CBC request in that light.

More specifically, this budget will include a minimum of $500 million for the CBC Minority HIV/AIDS initiative.

In addition to continuing the programs already started, the increase will allow us to address HIV and AIDS in correctional facilities, increase funding to more vulnerable and at-risk groups, such as women and youth, increase prevention and treatment activities for Syphilis, other sexually transmitted diseases and substance abuse which contribute greatly to this crisis, expand research, increase Medicaid funding to provide treatment at the earlier stages of HIV infection, bring our programs to smaller cities and rural areas, and greatly increase the technical assistance that limited many of our community based organizations from taking advantage of these important resources.

In the broader area of the disparities, we are asking for $162.3 million for REACH—Racial and Ethnic Approach to Community Health—to expand this program beyond the now 32 communities who have been provided the resources to improve their health outcomes. The CBC Budget will also enhance funding for the Health Careers Opportunities Program, and National Health Service Corps to do better outreach and provide scholarships for young people of color to enter health profession schools. We would fully fund the provisions of H.R. 1860, H.R. 2391, and H.R. 3250, to increase access for providers and patients of color into managed care, address the need for data, and diversity training in the health professions, and elevate the Office of Minority Health Research at NIH to a center.

Mr. Chairman, in all this, we have grave concern for the welfare of our children, and are committed to giving them the best possible start in life. The CBC Budget therefore funds the continuation and strengthening of Healthy Start in communities of color and other disadvantaged communities, in the amount of $130 million. This measure also provides, among other things, for increased child care. In this regard our request is above that of the Department, at $917 million.

Our communities are at great risk. The elimination of health disparities in African American communities and other communities of color is one of the most important challenges facing this country.

For the sake of all of those who have been left behind in past centuries, and for the sake of a fairer and healthier nation, I ask my colleagues to support the CBC budget.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. I thank the gentleman for yielding me the time.

Mr. Chairman, I have only had the privilege of serving in this House for 4 years. Over these 4 years we have had this annual budget debate. What I have noticed is that my Democratic colleagues have come to the floor every one of those 4 years, and they have predicted doom and gloom over the Republican budget. They are the most pessimistic group of people I have ever met in my life.

When Republicans 4 years ago said that we wanted to balance the budget, this group cried crocodile tears saying that we were going to create great hardship in America. But they were wrong when they said that budget would threaten seniors. They were wrong when they said that budget would threaten Social Security. They were wrong when they said that budget would threaten the economy. The fact is the economy is now stronger, Social Security is more secure than ever, Medicare is more solvent than it has been in over a decade; and we are doing more to educate our children today than we ever have.

Just last year when Republicans said we were going to set aside 100 percent of Social Security for Social Security, they said that was impossible. But we did it. Some of those who were so strong in their opposition now cannot wait to stand in line to take credit for that effort. Two years ago, we said we could lower taxes and we could keep the economy growing. They said that tax cut was irresponsible, some said it was a risky scheme; and they said it would undermine government. They were wrong again.

I asked my constituents what should we do with this surplus. Here is what they said. They said protect Social Security so that Congress cannot raid it ever again in the future. They said pay down the debt. This budget pays down $1 trillion of the debt in 5 years, and pays it off entirely by the year 2015. They said to me, let us modernize Medicare. We have made it solvent now till the middle of the next decade, but let us modernize it. This budget sets aside $40 billion to do that. And then they said, let us make the Tax Code fairer than it has been. Get rid of this marriage penalty and the unfair death tax that is out there.

But bigger government and higher taxes were never on that list. But one or the other of every one of the Democrat alternatives either raises taxes or cuts Medicare or puts more IOUs in the Social Security Trust Fund, and that is wrong. They are wrong again. I say reject all of these Democrat plans and support the Republican budget.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, the budget we are trying to accomplish here has six very simple principles. We have been talking about these six principles today, but I want to talk about the Social Security portion of our budget, the most important aspect of this budget. This budget with Social Security starts on the work we tried to accomplish last year. If Members recall last year, Mr. Chairman, the President sent us a budget that said he would take 38 percent of the Social Security surplus out of Social Security to spend on the creation of other government programs, 120 to be specific, and keep 62 percent of the Social Security surplus in Social Security. Last year we said, no, that is not enough. One hundred percent of Social Security should go to Social Security. We, in fact, did that.

But last year during consideration of this budget resolution, many Members from the other side of the aisle were actually saying we were raiding Social Security, we were taking money out of Social Security. So what actually happened last year? We heard the rhetoric, and we are hearing it again today. Let us dispense with the rhetoric and look at the results. The results are that for the first time in a generation, this Congress actually stopped the raid on Social Security. If we look at the year 1999, last year, we stopped raiding Social Security. This year, in the year 2000, we stopped raiding Social Security. What we are trying to accomplish is to forever stop the raid on the Social Security Trust Fund with this budget, make sure that every penny of Social Security taxes actually go to Social Security.

I am going to be bringing a piece of legislation to the floor later with the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, to pass a law to make sure that we never again go back to the days of raiding the Social Security Trust Fund and so that we take that money to pay back the debt we owe to Social Security and pay off the national public debt.

If we take a look at the President's plan, the President tries to give the illusion that he is actually increasing the solvency of Social Security; but what the President's plan actually only does, and I would like to add the Spratt budget's plan as well, is take the Social Security government credit card and add more money to the credit card limit. They are putting more IOUs into the Social Security Trust Fund, not committing an additional penny to paying benefits to Social Security. But they are simply saying, put more IOUs, raise the credit card limit to Social Security and hope the problem goes away.

Mr. Chairman, we need results. We need legislation that actually stops the raiding of Social Security. We need to pass this budget resolution.

Mr. CLYBURN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to stand in strong support of the Congressional Black Caucus budget. This substitute shows that supporting good fiscal policy does not have to mean excluding low-wage workers, the poor, communities of color and African Americans. This budget increases domestic spending by 50 percent and spends 25 percent less on defense by cutting waste, fraud and abuse.

Let me highlight what we have proposed in the areas of housing and also in order to end the HIV/AIDS crisis abroad. First, the Congressional Black Caucus addresses these issues by investing $1 billion more for section 8 housing, $100 million more for the community development block grant program, and $350 million more for the HOME program. We also invest over $1 billion over 5 years to stop the spread of HIV and AIDS in countries hardest hit in sub-Saharan Africa and the Caribbean.

□ 1845

It funds H.R. 3519, the World Bank AIDS Marshal Trust Fund Plan. And we passed that last week out of the House Banking Committee. I stand in strong support for the CBC alternative.

Mr. Chairman, I commend my colleagues for their vision and leadership in bringing this to the floor.

Mr. CLYBURN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding me the time.

I congratulate the caucus for a budget that very well represents what the priorities ought to be. We have a very wealthy Nation now. We have a greater degree of power disparity between the United States militarily and the rest of the world than we have ever seen in our history.

What this budget does is to make a sensible, prudent reduction in the amount of money spent on the military so that we can deal with the real threats to America's security to the problems of health, poverty, inadequate education. We have a real deadlock in this country right now. We have people telling us that we ought to participate more enthusiastically in the international economy for the World Trade Organizations and elsewhere.

As long as grave disparities persist within this country, as long as lower-income people, people working at the low end of the skill level feel threatened by it, we are not going to be able to go forward. This budget takes a very big set of steps forward towards creating within the United States by reducing the excess that the military has gotten the kind of social stability that we need as a framework for going forward.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from South Carolina (Mr. CLYBURN) has 4½ minutes remaining. The gentleman from Connecticut (Mr. SHAYS) has 10½ minutes remaining.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding me the time.

I would first like to compliment the Congressional Black Caucus on their budget. Every year since I have been in Congress, the CBC has come forward with a budget. It is not easy to do; but every single year, you have in a very responsible way outlined your priorities.

And, in fact, it has always amazed me that you have been able to do a better job than even, in some instances, over the last 7 years than our President has been able to do in outlining the priorities that you happen to believe in and putting real numbers with those priorities.

Your numbers add up. The concern I have with the President's budget, and it is probably the reason why the Congressional Black Caucus and so many others are providing substitute amendments is they do not agree with the priorities that the President has laid out. We did not agree with that either.

We felt it was important to protect 100 percent of the Social Security Trust Fund; to strengthen Medicare and provide a real prescription drug benefit within that; to retire the public debt entirely; to promote tax fairness for families, farmers, seniors; to restore America's defense, and to do it in a way that recognizes that people do come first; and strength for support for education and science.

Let me just talk about Medicare, because I think this is the one that probably is the most different. We have heard so many folks run to the floor today to talk about how their plan looks exactly like the Republicans, and there is a reason, because when the Democrats or through the President provided their original proposal, what we found out is that the way they paid for a prescription drug benefit was by cutting Medicare.

You cut Medicare in one side to pay for increases in another side, and those increases did not even take effect to the fourth year. So the President held this great Rose Garden ceremony and had a great 96-minute State of the Union address; and he said how we were all going to have prescription drug benefit and then didn't fund it in the budget he proposed 2 weeks later.

So I can understand why you would come forward with a substitute amendment, a substitute amendment that hopefully does not cut, as the President does, the kidney program, the hospital payments. As I said to a gentleman earlier today, you cannot close hospitals around this country and extend a prescription drug benefit and call that health care.

If my hospital in my hometown of Manchester, Iowa, closes, that is a 30-minute drive for everybody who lives in my town for every emergency that occurs in that town, and you can add up your own miles and minutes that that would occur. You cannot cut hospitals to give a prescription drug benefit. That is why we reject the President's budget, and I believe that is why you do, too.

Mr. CLYBURN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, we all know that budgets really are about priorities. And this budget presented by the Congressional Black Caucus speaks to the needs of millions of Americans who, in many instances, are left behind and left out of the great economic expansion we are experiencing.

It speaks to the needs of the 165,000 people in my congressional direct who live at or below the poverty line and millions of others throughout America. It speaks to the needs of individuals living in public housing and low-income communities. This budget is compassionate, comprehensive, and balanced.

This budget would provide 250 million additional dollars for community and migrant health centers who do an outstanding job of providing health care for the poor.

In reality, Mr. Chairman, this budget protects Medicare, Social Security, and small businesses and provides a prescription drug benefit for older Americans.

It lifts a lot of those considered to be at the bottom of the economic ladder, the working poor, children, older Americans. I am proud to support it and urge its adoption.

Mr. SHAYS. Mr. Chairman, might I clarify, we do have the right to close, is that correct? We may end up having 1 minute or 1½ minutes that we will be able to yield over. We will go through our speakers and see how much time we do have.

The CHAIRMAN pro tempore. The gentleman is correct, he does have the right to close.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, the preceding speakers on this side talked a little bit about the vision and the values that are embodied in the Republican budget, setting aside every penny of Social Security, paying down debt. The gentleman from Iowa (Mr. NUSSLE) talked about the importance of setting aside $40 billion, not just to cover prescription drug benefits but to improve and strengthen the Medicare system as well.

We have heard about the investments that we think are important to make in education and in defense and in basic science, and, of course, the tax relief that is in this budget, to make the Tax Code more fair and to reduce taxes for all Americans. And, unfortunately, that is one of the real shortcomings of the alternative being offered here, not only does it not lower taxes, it increases taxes, and that is just the wrong direction to take the country.

Let us, in fact, look where we have come over the past few years, even while cutting taxes. Under this Republican Congress, we have seen the public debt begin to decrease. We are actually making payments against the debt held by the public, reducing that debt and increasing America's financial security.

We can see clearly the red, increases in debt year after year under a Democrat Congress. The tide was turned in 1998. Shortly after we had a Republican Congress, clearly the amount of debt was lower and lower in 1996, 1997. And what has happened over the past 4 years? What a turn around. In 1998, we paid down over $50 billion in debt; 1999 paid down over $80 billion in debt; and in fact, with this Republican budget that is here on the floor today, we will reduce the debt held by the public $450 billion over just 4 years.

It gets even better, because over the next 5 years we will pay down a trillion dollars in public debt, reducing the public debt, keeping interest rates low, even while making the Tax Code more fair, eliminating death tax provisions, giving health insurance deductibility for those that are self-employed.

Those are the values that are embodied in the Republican budget, and that is why we should reject this alternative and support the resolution.

Mr. SHAYS. Mr. Chairman, if there is no objection, we have 1½ minutes of our time we can yield to the gentleman from South Carolina (Mr. CLYBURN) and allow him to distribute it.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. CLYBURN. Mr. Chairman, that means that according to my records we have 5 minutes left?

The CHAIRMAN pro tempore. That is correct.

Mr. SHAYS. Mr. Chairman, my understanding is we have 4½ minutes remaining?

The CHAIRMAN pro tempore. That is correct.

Mr. CLYBURN. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from South Carolina (Mr. CLYBURN) for yielding, and I also recognize the hard work of the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. OWENS).

Mr. Chairman, I would like to rise in strong support of the CBC budget. The Congressional Black Caucus gives a progressive vision with an emphasis on education. We need to look to our future, and that means protecting education for our children. The CBC budget emphasizes an increase for Head Start to help our youngest children; an increase in Pell grants to help young people who are trying to go to college; and, critically, an increase in the 21st century schools programs that will enable us to provide care for young people after school to address the problem of crime and violence.

This is a progressive vision of a budget that will work for all Americans. I urge support of the CBC budget.

Mr. CLYBURN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, America's veterans are not just Function 700 of the budget. They are the men and women who put their lives on the line protecting our freedom, and they need to be made a priority now, when they need our help the most.

I will never understand how Republicans can offer billions of dollars of tax cuts while our veterans are struggling for the services in health care that we promised them. The CBC budget offers our veterans the service that they have earned. It provides additional funds for medical research, nursing home construction, and the Montgomery GI bill, and the VA Center for Minority Veterans.

Mr. Chairman, we talk about a surplus; but we cannot have a surplus when we have not paid our bills. We owe the veterans. We should make them a priority, and I urge the support of the CBC budget substitute.

Mr. CLYBURN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, since we have such little time, we have heard about the domestic priorities which I support. I would just like to say that in light of the flooding in Mozambique we have requested $320 million to the Office of U.S. Foreign Disaster Assistance to support in that emergency. Also we are asking for emergency supplemental of $1.6 billion for the HIPC countries hit by the floods, such as Mozambique, South Africa, Madagascar, Zimbabwe, and Zambia.

We also ask to restore the Development Fund for Africa to $804 million. This budget also provides an additional $100 million for the African Development Fund; $10 million for the Great Lakes Initiative, designed to build a credible and impartial system of justice in that region. We support an additional $200 million for AIDS through the World Bank; $60 million for economic development to support democratic institutions in Haiti; and $1 million to support bilateral/multilateral efforts in Papua New Guinea and to help the United Nations administration resolve the conflict on the island of Bougainville.

Mr. SUNUNU. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, we are evaluating all of the budgets based on six basic principles. One is to protect Social Security surpluses. Another is to provide for prescription drugs. Another is to retire debt. Another is to promote tax fairness. Another is to restore America's defense and strengthen education, science and health care. That is why we oppose the budget that is coming before us.

With regards to tax cuts, we want to provide an end to the marriage penalty tax, repeal Social Security earnings limits, reduce the death tax, expand educational savings accounts, increase health care deductibility, provide tax breaks for poor communities, and strengthen private pensions.

The President regretfully came in with a gross tax increase of $96 billion. Republicans have no tax increase. This tax increase results in the fact that next year the President would increase taxes $10 billion; we would cut taxes $10 billion.

Finally, over 5 years, the President has a net tax cut of $5 billion. We have over $200 billion of tax relief.

The reason we have that is we want a marriage penalty tax elimination. We want to eliminate and phase out the death tax. We have educational savings accounts. We would have health care deductibility. We had community renewal and we want pension reform.

The bottom line for us is that we need to get our country's financial house in order. A tax cut is part of it. We are cutting down and reducing debt. We are saving Social Security. We are providing $200 billion in the next 5 years for a tax cut.

□ 1830

It is only 2 percent of all revenues that are going to come in, $10 trillion, and we are asking this Congress to accept the fact that the taxpayers deserve a break of $200 billion in the next 5 years.

Mr. CLYBURN. Mr. Chairman, may I inquire of the Chair the time remaining?

The CHAIRMAN pro tempore (Mr. SHIMKUS). Each side has 2½ minutes remaining.

Mr. CLYBURN. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this substitute, and especially call attention to the section dealing with the National Science Foundation and NASA, which is the area that will have the potential of closing the digital divide. I will point out that the President's recommendations clearly took care of this area.

This is not a substitute for the President's proposal, it is a substitute for the Republican's proposal. If the President's proposal had been presented here today, we would have very little alteration to it.

So I rise in support of this substitute, in lieu of the fact that we have to speak on behalf of the people.

Mr. CLYBURN. Mr. Chairman, I yield 30 seconds to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, the Congressional Black Caucus alternative budget is fiscally sound and family fair. It continues our stride towards debt elimination, one of those principles, while making a stand against poverty. It protects Social Security and Medicare, while giving priority to our families and our children.

Mr. Chairman, we are experiencing the longest economic expansion in the history of the United States. However, many people are left out of that. Housing is an example of that. In fact, The Washington Post said that people are sleeping in their cars making $60,000.

Mr. Chairman, in our proposal there is a reasonable proposal in section 8, $100 million, and it could go into $1 billion, and you could buy homes. That is the way you accumulate wealth.

Mr. Chairman, The Congressional Black Caucus Alternative Budget is fiscally sound and family fair.

It continues our stride towards debt elimination, while making a stand against poverty.

It protects Social Security and Medicare while giving priority to our families and our children.

Mr. Chairman, we are experiencing the longest economic expansion in the history of the United States.

However, despite this rosy economic picture, many are being left out.

One sign of this dichotomy is in the area of housing.

It should concern all of us that, according to a recent report in the Washington Post, a man earning Sixty Thousand Dollars a year can not afford housing in Silicon Valley.

He sleeps in his car.

The headline in a recent edition of the Christian Science Monitor is equally alarming, "Hot economy, but more homelessness".

Housing is basic.

Housing affects every person alive on this earth.

Everyone has to live somewhere.

The lack of adequate housing is a problem, but the lack of affordable housing is an even greater problem.

A growing number of poor households have been left to compete for a shrinking supply of affordable housing.

The Congressional Black Caucus Alternative Budget addresses this problem, and we do so without any new spending. No offsets are required.

In our Budget, we shift $100 Million of Section 8 Voucher Funds to a cash assistance program.

This program would be used to promote home ownership, and thereby, stabilize families, help create wealth and ultimately reduce the dependency on Section 8 funds.

Moreover, when leveraged against private sector dollars, this program is valued at least ten times the amount of the investment.

One Hundred Million Dollars multiplies to a Billion Dollars.

Mr. Chairman, housing is the most important asset for wealth accumulation.

Home ownership is a good way to ease "Cost-burden."

Home ownership instills pride in a family.

Home ownership provides dignity.

When one owns a home, they are more likely to take care of it, maintain it and keep it clean and presentable.

The Congressional Black Caucus Alternative Budget embodies prudent economic policies while putting people as priority. It deserves our support.

THE NATION'S ECONOMY IS ROBUST

The economy of the United States is strong and robust, however, the challenge of the Congressional Black Caucus to find ways to have more citizens benefit from the growth we are currently experiencing.

We are experiencing the longest economic expansion in the history of the United States. We have gone from record federal deficits to record surpluses. 20 million new jobs have been created in the last eight years, and we currently have the highest overall home ownership rate ever, the lowest unemployment rate in 30 years and the lowest poverty rate in 20 years. Based upon current projections, we can expect to eliminate the federal debt in ten years. In 1992, when my Class entered Congress, we faced a $290 billion deficit that was on the rise and spiralling out of control. Today, we are anticipating a surplus in the unified budget of almost $3 trillion over the next ten years and to eliminating the federal debt by the year 2015.

YET, MANY ARE BEING LEFT OUT

For at least twenty years, however, there has been a troubling trend emerging—a trend that affects the quality of life for many Americans. Income and wealth inequality—the disparity in incomes and wealth due to wages, accumulated wealth, equity, investments and returns, etc.—has increased in intensity. As a result of this trend, those who have more end up getting more, while those who have less end up merely treading water, or in some instances, getting less.

This is a disturbing trend because, even in this time of prosperity, many Americans still cannot afford to purchase healthy meals for their families night after night or afford decent housing or health care. Many still cannot afford education expenses and other means needed to better their lives. This is a disturbing trend because slightly less than one-third of Americans remain poor; many remain hungry; many remain homeless.

John C. Weicher, a Senior Fellow at the Hudson Institute notes that, "Wealth is much more concentrated than income." The top 1 percent of U.S. households own roughly one-third of total household net worth, yet receive roughly 10 percent of income. On the other hand, some 20 percent of the poorest households have no net worth, and a few percent have negative net worth.

But, the most troubling aspect of this trend is that income and wealth inequality is often influenced by Government Policy—what Government does and does not do. This has been documented by reliable sources—the Internal Revenue Service, the Census Bureau, the Center on Budget and Policy Priorities and the Federal Reserve Board, among others.

WHAT IS THE TREND?

"By 1997, one Man, Bill Gates, was worth about as much as the 40 million American households at the bottom of the wealth distribution!"

According to Edward N. Wolff, a Professor of Economics at New York University and a leading authority on income and wealth inequality. "In the 1970s, the level of wealth inequality in the United States was comparable to that of other, developed, industrialized countries." Since 1983, however, those with incomes in top 5 percent have steadily accumulated wealth and grown income. Persons with incomes in the lower brackets, however, have steadily fallen behind in wealth accumulation and income growth. As a consequence, according to Professor Wolff, the United States has now become the most unequal society with respect to the distribution of wealth among industrialized nations.

This inequality is reflected in the raw income and wealth data as well as by the inequity's apparent social impact. Recent Survey of Consumer Finances information assembled by the Federal Reserve Board, illustrates that the "mean" household net worth—adding together the net worth of the rich and poor alike, and then finding an average value—is close to $250,000. However, the "median" household net worth—ranking net worth values and finding the very middle value in the overall distribution—is slightly more than $60,000.

To further illustrate, in 1983, the top 1 percent of our population held 34 percent of total net worth, while the bottom 40 percent held .9 percent. Since then, the share of the top 1 percent has grown to nearly 40 percent, while the share of the bottom 40 percent has declined, to .2 of one percent. In 1998 dollar values, mean net worth of the top 1 percent was more than $7 million and has now grown to almost $8 million. On the other hand, the mean net worth of the bottom 40 percent was $47,000 in 1983, and currently has declined to $10,000—a precipitous decline in net worth!

Professor Edward Wolff in noting the trend toward the greater concentration of wealth, is mindful of the racial implications of this trend. More than 95 percent of the top one percent of wealth holders are White. Less than 1 percent are Black. Asians represent about 4 percent of the top one percent of wealth holders. The wealthiest 20 percent of households own 84 percent of the Nation's wealth. The top 2.7 million Americans—mostly White Americans—have as much income as the bottom 100 million persons in the Nation, which encompasses a sizeable portion of Black Americans. This wealth gap will likely continue to grow, especially if our economy remains strong and prosperous. The Center on Budget and Policy Priorities has concluded that both the top 2 percent and the top 20 percent of households are projected to receive a larger share of the after-tax income in the United States than in any previous year since data began to be collected.

WAGES ARE THE MOST IMPORTANT FACTOR AFFECTING INCOME

There is a close association between wealth and income. Income, however, is largely driven by wages. Moreover, there is greater inequality in the distribution of wages than in the distribution of income generally. Yet, while employment has been growing and unemployment falling, hourly wages—taking inflation into account—have remained stagnant. Due to the fact that wages have remained relatively stagnant, the overall gap in income distribution has widened.

WHITES EARN MORE AND HAVE MORE THAN BLACKS

More than one-fifth of Black households, about 21 percent, have incomes under $10,000 per year. Another 30 percent of Blacks have annual incomes above $10,000 but below $25,000. Thus, more than half of Black households have incomes below $25,000. On the other hand, only 11 percent of all Americans have incomes under $10,000, while 22 percent of all Americans have incomes between $10,000 and $25,000. The per capita income of all White Americans is $20,425, while the per capita income of Black Americans is $12,351. Asian Americans have a per capita income of $18,226, while Hispanics, the only group below Blacks, have a per capita income of $10,773.

THERE IS A RELATIONSHIP BETWEEN EDUCATION, INCOME, AND WEALTH

More education generally means more income and more wealth. Those with more schooling generally experience fewer bouts with unemployment and have higher earnings. Male college graduates today earn 92 percent more, on average, than male high school graduates. This compares to thirty years ago, when male college graduates earned 50 percent more than their high school counterparts. Female college graduates have a similar earnings advantage over those females with only a high school diploma. This advantage grew from 41 percent in 1970 to 76 percent in 1998.

While education generally means higher earnings, Black men and women college graduates do not always fare as well as White men and women college graduates. And, for women, Black or White, income disparities remain between them and their male counterparts.

HOUSING AN IMPORTANT ASSET FOR INCREASING WEALTH

Owner-occupied housing is the single most important asset that increases wealth. Indeed, almost two-thirds of the wealth of the bottom eighty percent of households is invested in their home. Yet, in the past decade, the percentage of owner-occupied housing as it relates to all assets has declined from more than 30 percent in 1990 to less than 24 percent in 1998. Mortgage debt has increased, from 21 percent of the value of homeowners' property in 1983, to 36 percent in 1995. This increase in debt relates to income and wealth inequality. Inasmuch as debt accounts for less than 10 percent of the assets of the top 1 percent of the population, it accounts for 71.7 percent of the bottom 80 percent of the population.

WHAT ARE SOME PROBLEMS RELATED TO INCOME AND WEALTH INEQUALITY?

Children are affected the most

Until 1993, there had been a steady decline in the number of children in poverty. This decline however, has slowed markedly, and worse yet, the children who remain in poverty are becoming poorer. Changes in government policies and practices have had severe impacts on children. Food stamps and cash assistance to families have in the past, been a vital part of helping to reduce the stinging pain of poverty. However, according to the Center on Budget and Policy Priorities, in 1995, 88 children received food stamps for every 100 who were poor, while 57 children received cash assistance for every 100 such poor children. By 1998, only 72 out of 100 poor children received food stamps, and only 41 out of 100 poor children received cash assistance—the lowest proportion since 1970.

Housing is often not affordable or available

The lack of adequate housing is a problem, but the lack of affordable housing is an even greater problem. A growing number of poor households have been left to compete for a shrinking supply of affordable housing. Studies indicate that a dearth of some 4 million affordable housing units exists in the country.

Also, unfortunately, substandard housing is a way of life for millions across the Nation. As unimaginable as it may seem, in the year 2000, some 3 million renters and another 3 million owners of housing reside in homes without bathrooms or fully equipped kitchens, in homes with poor and dangerous electrical wiring, in homes with falling ceilings and peeling plaster and in homes that have little or no heat in the winter and little or no cooling in the summer. Overcrowding for many remains a harsh reality.

Recently, there have been record lows in mortgage interest rates, leaving many to believe that housing in the United States is more affordable than ever. That is not true. Despite lower mortgage rates, many people are unable to afford to purchase homes. This is because income growth for the poor and working poor has been limited. This group of Americans are "cost-burdened" under H.U.D. standards. That is, they spend more than 40 percent of their income for housing. Therefore, many in the ranks of the poor and working poor find themselves on a treadmill to nowhere when it comes to breaking into the home ownership market.

Much attention has been placed on low interest rates and "affordable" mortgages, but the rising prices of rental housing have been ignored. Families locked into paying spiraling rental costs have a more difficult time of improving the quality of their lives, lifting themselves up, warding off poverty, mainstreaming and laying a solid foundation for the future.

Homelessness is on the rise

For too long in America, the homeless have been those we do not want to see. We believed that the homeless were those who wanted to be homeless—vagrants and derelicts who just did not want to work to improve their situations. We now know better. We know that the causes of homelessness are poverty, joblessness, declining incomes, changing family structures and the lack of affordable housing.

While it is hard to obtain an accurate account of the homeless, some estimates suggest that there may be as many as one and a half million who are homeless in America on any given day. They are not vagrants and derelicts. According to a 1996 study by the Urban Institute, about one-fifth of the homeless are families, with children. Many are women, single, female heads of households. The average age of homeless adults is mid to late thirties. Many of the homeless have been jobless longer than they have been homeless. The homeless, in urban areas primarily, are also disproportionately minority. According to one estimate, 54 percent of the homeless are nonwhite persons.

The average homeless person experienced a range of health difficulties. More than half had at least one major health problem. Lethal problems like HIV/AIDS and tuberculosis occur with uncommon frequency among the homeless. At least half have had a problem with the debilitating diseases of alcohol and drug abuse. It is no wonder then that more than half of the homeless have suffered from depression and demoralization, many have a history of mental hospitalization. Suicide attempts, far too many, is a way of life. Homeless women with children are five times more likely to attempt suicide than other adults. Almost half of the homeless have answered this Nation's call in the Armed Services of the United States. A large number of these veterans, who happen to be homeless, suffer from post-traumatic stress disorder.

WHAT CAN THE CBC DO TO ADDRESS THESE CONCERNS?

While we cannot and must not rely solely on the Federal Government as the solution to our problems, we must be prepared to push our federal partners to provide more help with this problem. This pushing will not be easy, however, we know that the best way to stabilize our communities is by increasing home ownership and by providing a sufficient stock of affordable housing.

In July of last year, we convened our first Regional Housing Summit. There in Charlotte, North Carolina, we pledged to try to help create a million new African American homeowners. Home ownership is a good fundamental way to generate equity and wealth. Home ownership instills a sense of pride and dignity in families and communities alike. When people own homes, they are more likely to establish strong ties and commitments to the community, and because of those ties, are more inclined to become civically engaged.

One of the greatest barriers to home ownership, however, is credit. According to recent reports, a disproportionate number of African Americans are especially burdened by what the industry deems as "bad credit." Fannie Mae and Freddie Mac have exercised important leadership in dealing with credit problems many African Americans face. This is the kind of leadership we need as we begin this new millennium.

So, what do we have to do? First, we need to join together and push the public and private sectors to help resolve the "hurricane-like" housing situations that African Americans face each and every day.

Second, we have to fight to preserve Section 8 Housing and to increase funding for the Community Development Block Grant Program—the largest source of federal funding for housing. We need to protect the Community Reinvestment Act—an act that has played a critical role in improving housing. We need to be strong advocates for the full funding of the Shelter Plus Care Program. Let us push for improvement in the Section 202/811 GAP Funding Program. Let us ensure that Congress extends the HOPE Six Program. Let us vow that our elderly are properly housed. We must push for adequate funding for Empowerment Zones and Enterprise Communities. If we advocate and fight for the provisions listed above, we will have taken measurable steps toward bringing more African Americans into the fold of home ownership and decent housing.

EXAMPLES OF RELATED GOVERNMENT POLICIES AND PRACTICES WE CAN INFLUENCE

Increasing the minimum wage or restructuring tax rates are obvious ways to increase income for those who have less. There are, however, other actions we can seek, actions that in some cases may be more achievable. The mortgage deduction program in the United States is an $83 billion program. Again, however, the largest beneficiaries of this program are those with more income and wealth. Those with less income and wealth get fewer benefits from this program Some $53 billion of the mortgage deduction program benefit those in the higher income brackets. The other $30 billion benefits those in the remaining income brackets. Thus, persons earning $40,000 and below get minimal benefits from the program.

Do persons like Bill Gates really need to participate in the mortgage deduction program? What harm would it do to the rich—what good might it do the working class—if the mortgage deduction program were changed to exclude those with incomes of a quarter of a million dollars or more and to ensure substantive benefits for those with incomes of $40,000 or less? The answer is no harm, but a lot of good!

Another example relates to how we spend money for housing programs. The President is seeking additional funds for Section 8 vouchers, and that, on its face, is a good thing. However, we have had generation upon generation of families, dislocated from the rest of society, isolated in public housing and, very often, dependent upon the government to provide them with a relatively decent place to live. Why not take some of those Section 8 funds and provide a suitable amount of cash assistance to these families—assistance that can be used to finance homes! If we do that, these families can begin the process of reducing their reliance on government and take the first step toward accumulating equity and wealth.

Investing in education can produce similar results. Education is a major contributor to net worth. According to reports, the average wealth of college graduates is 2.5 times the wealth of those with only a high school diploma. Moreover, a better educated population means a stronger and better work force, well into the future. We must develop programs and policies that provide lower income and working families with affordable educational options for our children.

For too long, the rich have gotten richer and the poor have gotten poorer, and America is less well off because of that trend. We, in the Congressional Black Caucus must work to reverse this trend. This rising tide of economic prosperity must lift many more boats. That is why it is important that we present and push an Alternative Budget. In so doing, we can send a critical message and lay the foundation for the enactment of authorizing and appropriations language that will impact Government policies and practices that will begin to reverse the severity of existing income and wealth inequality trends. By presenting and pushing an Alternative Budget, we can force policies and measures that benefit all of society, not just those who are better off.

Mr. CLYBURN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the only budget that has been submitted that will help the conscience of the American people.

Mr. Chairman, I rise in support of the Congressional Black Caucus' (CBC) substitute budget for FY 2001. Included in the CBC budget is an allocation for $150 million in support of lupus research and the delivery of lupus services. These funds will help to expand and intensify the research efforts of the NIH to diagnose, treat, and eventually cure lupus.

Lupus attacks the immune system. A patient's immune system loses its ability to tell the difference between foreign substances and the patient's own cells. As a result, the patient's immune system makes antibodies which end up attacking the patient's immune system. This can result in debilitating pain and fatigue, making it difficult for lupus victims to maintain employment and lead normal lives. Lupus can be fatal if not detected and treated early.

Thousands of women with lupus die each year. Lupus afflicts women nine times more than it does men, and has its most significant impact on women during the childbearing years. About 1.4 million Americans have some form of Lupus—one out of every 185 Americans. As estimated 1 in 250 African American women between the ages of 15 and 65 develop lupus.

Perhaps the most discouraging aspect of lupus for sufferers and family members is the fact that there is no cure. Lupus is devastating not only to the victim, but to family members as well. Research, treatment, education and financial support are essential so that we can help victims and their families cope until we are able to conquer this terrible disease.

I urge my colleagues to join us in providing this essential support for persons suffering from lupus and vote in favor of the CBC budget.

Mr. CLYBURN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of this fundamentally fair and morally principled budget.

Mr. CLYBURN. Mr. Chairman, I yield such time as she may consume to the gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the substitute budget.

I rise to support the alternative budget resolution presented by the Congressional Black Caucus (CBC). In particular, the CBC's alternative is significant for the funding allocated in the International Affairs portion of the budget resolution.

Between the fiscal years 2001 and 2005, the CBC budget resolution would allocate $43 billion more to International Affairs compared to the Republican budget resolution. This would provide essential funding to institutions such as the African Development Bank, the African Development Fund, the Child Survival and Disease Fund, and the Peace Corps.

This additional funding is critical particularly to ensure full funding for debt relief for heavily indebted poor countries.

Today, I am introducing the Limpopo River Debt Relief and Reconstruction Act to provide assistance to Mozambique and other countries of southern Africa that have been devastated by recent floods.

The Limpopo River Debt Relief and Reconstruction Act would completely cancel the debts owed by these countries to the United States and provide assistance for the repair and reconstruction of damaged infrastructure in these countries. Limpopo River Debt Relief and Reconstruction funding is essential to enable Mozambique and other southern African countries to provide for the needs of their people, repair their damaged infrastructure and rebuild their economies.

Debt relief is desperately needed by many other heavily indebted poor countries as well. The governments of these countries have been forced to make drastic cuts in basic services such as health and education in order to make payments on their debts.

Nigeria, for example, is a deeply impoverished country that would receive tremendous benefits from debt relief. Nigeria's per capita income is only $300 per year and the country spends no more than $5 per person per year on health services. Without debt relief, Nigeria's fragile democracy is in danger of collapse. Debt cancellation will give Nigeria a fresh start and a sound basis for a democratic future.

For these and many other important reasons, I urge my colleagues to support the Congressional Black Caucuses' alternative budget.

Mr. CLYBURN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the Congressional Black Caucus alternative budget.

Mr. CLYBURN. Mr. Chairman, I thank the other side for being so generous with their time this afternoon.

Mr. Chairman, to close this debate, I yield 1½ minutes to the gentleman from Mississippi (Mr. THOMPSON), who sort of put this whole thing together for us.

Mr. THOMPSON of Mississippi. Mr. Chairman, first of all, let me thank the gentleman from South Carolina (Mr. CLYBURN) for his leadership in directing the gentleman from New York (Mr. OWENS) and myself to prepare this budget. This budget, as you have heard, clearly reflects the priorities of the Congressional Black Caucus. Those priorities reflect our district.

For too long this economic upswing has missed a lot of the people we represent. So our budget, offered in the nature of a substitute, clearly directs the resources of this country to those individuals who have been left out.

Mr. Chairman, this budget will increase the education budget over $10 billion. We have to do something about educating our children.

In addition to this, we have to work on housing. The gentlewoman from North Carolina (Mrs. CLAYTON) talked about a housing initiative for home ownership. We support that home ownership initiative.

More than that, Mr. Chairman, this budget is a balanced budget. Unlike many budgets of the past, we understand fiscal integrity. So what we have offered, in addition to this balanced budget, is one that also provides modest tax cuts for working Americans.

Mr. Chairman, we also protect Social Security, Medicare, and, yes, we pay down on the national debt.

Mr. Chairman, the Congressional Black Caucus budget is a reasonable budget, and one I urge all my colleagues to support.

Mr. SHAYS. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. CHAMBLISS), the vice chairman of the Committee on the Budget.

Mr. CHAMBLISS. Mr. Chairman, I, too, want to take a minute to commend the Black Caucus for putting this budget together and setting their priorities right. I have an historic black college in my district, Fort Valley State University, which I am very proud to represent and work very closely with those folks individually as well as through the university system to ensure their priorities are addressed. I have any number of good friends who are members of this caucus, and we appreciate the hard work that you all have done.

I want to talk for just a minute and remind folks again why we deem our budget to be the best. First of all, we are going to save and continue to protect Social Security by setting aside 100 percent of the Social Security surplus to pay the beneficiaries of Social Security. We are going to strengthen Medicare to include a prescription drug provision. We are going to retire the public debt. We are going to set it on course to be retired by 2013. In this budget, over the next 5 years we are going to retire $1 trillion worth of debt.

We are going to promote tax fairness for families, for small business people, for farmers, and for seniors. We are going to restore America's defense, and we are going to strengthen support for education and science.

I want to take just a minute to refer back to the defense budget that the President has submitted and show again what we have done with respect to plussing up the President's defense budget over the last 5 years. The red line represents the President's proposed budget. The blue line represents what we in this Congress have passed. The majority has made a real commitment to the defense of this country, and we continue to do so in this budget.

There is one particular provision that I want to make reference to that has an effect on everybody in this room, and it is the provision on impact aid. If you live near a military reservation, a military base of any sort, and you do not get the appropriate impact aid for your school system, then the ad valorem taxpayers in that jurisdiction wind up paying a penalty.

So what the President has done every year that this majority has been in Congress is to come in with a reduction in his budget for impact aid. What that is is a hidden tax on the landowners or everybody who resides close to a military base. We have got to have impact aid going to the school districts where our children are educated if they are going to get the quality education that we demand.

So what we have done over the last 5 years, what we again do in our budget this year, is to plus up the President's budget from an impact aid standpoint, so that we can ensure that all children, irrespective of whether their parents are in the military or not, will be able to get the quality of education that we dictate and demand.

I urge a "no" vote on the Black Caucus budget and a "yes" vote on the Republican budget.

Mr. TOWNS. Mr. Chairman, I rise in strong support of the substitute amendment to H. Con. Res. 290 offered by Representative CLYBURN.

In particular, I offer my enthusiastic support for the $225.5 million in funding the substitute provides to the National Telecommunications and Information Agency (NTIA). NTIA administers many important programs designed to begin closing the Digital Divide—the gap between those with access to the Internet and information technologies and those without. NTIA will also be active next year in encouraging meaningful improvements to the Nation's telecommunications infrastructure by giving directed research and program grants.

Mr. Chairman, I am encouraged that the Clyburn substitute allocates $97.5 million to NTIA's Digital Divide cluster of programs. The centerpiece of this cluster of programs is the allocation of $45.1 million to fund grants for the Technology Opportunities Program. The Technology Opportunities Program matches private contributions with government funds to promote the widespread availability of advanced telecommunications technologies. Dollars allocated through this program would be used to purchase equipment for building networks and linking networks to one another, connect communications networks such as the Internet, train people in the use of equipment and software, and purchase telephone links and access to commercial on-line services. With these projects, rural and low-income communities that may not otherwise have the means or opportunity, are able to tap into the wealth of information that is accessible via advanced telecommunications technologies and use this technology to improve the delivery of health care, public safety efforts and other services.

Another important allocation for part of the NTIA's Digital Divide cluster of programs is $50.0 million for the Home Internet Access Program. This new program would provide low-income individuals and families with the connections, training, and support necessary for full participation in today's information economy. The goal of the Home Internet Access program is to bridge the digital divide by providing targeted investments to bring these at-risk populations online.

Mr. Chairman, in addition to closing the Digital Divide, the Clyburn substitute would support NTIA's programs to support critical infrastructure projects. Specifically, the Clyburn substitute allocates $110.1 million for Public Telecommunications Facilities, Planning, and Construction. Grants funded by this allocation would assist communities in purchasing the equipment needed by local public broadcasting organizations to meet the 2003 FCC deadline for public broadcasting organizations to convert to digital transmission.

Mr. Chairman, the Digital Divide is a major socio-economic problem facing our nation today, and it threatens future opportunities for large segments of the population that lack access to the Internet and other new technologies. In the new digital age, it is vital that all Americans have access to the new telecommunications and information technologies, and the Clyburn substitute provides essential funding to meet this challenge.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. OWENS) as the designee of the gentleman from South Carolina (Mr. CLYBURN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 348, not voting 16, as follows:

[Roll No. 70]

AYES—70

Barrett (WI)
Becerra
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Capuano
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Engel
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jefferson

Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Larson
Lee
Lewis (GA)
Lofgren
Markey
Martinez
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Mink
Nadler
Napolitano
Olver
Owens
Pastor
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Stark
Thompson (MS)
Towns
Velazquez
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOES—348

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Archer
Bonilla
Crane
Dixon
Greenwood
Jackson-Lee (TX)
Largent
Lowey
McCollum
McDermott
McHugh
Quinn
Royce
Schakowsky
Vento

☐ 1900

Ms. DeGETTE and Messrs. PALLONE, ADERHOLT and BEREUTER changed their vote from "aye" to "no."

Messrs. KUCINICH, FARR of California, JACKSON of Illinois, and Mrs. NAPOLITANO changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LaHOOD). It is now in order to consider amendment No. 2 printed in Part B of House Report 106–535.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DeFAZIO

Mr. DeFAZIO. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B Amendment No. 2 in the nature of a substitute offered by Mr. DeFAZIO:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

The Congress declares that concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2001 through 2005:

(1) Federal revenues.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,533,703,000,000.
Fiscal year 2002: $1,582,252,000,000.
Fiscal year 2003: $1,634,316,000,000.
Fiscal year 2004: $1,702,913,000,000.
Fiscal year 2005: $1,766,406,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2001: $0.
Fiscal year 2002: $4,000,000,000.
Fiscal year 2003: $10,000,000,000.
Fiscal year 2004: $17,000,000,000.
Fiscal year 2005: $24,000,000,000.

(2) New budget authority.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,558,245,000,000.
Fiscal year 2002: $1,595,233,000,000.
Fiscal year 2003: $1,640,506,000,000.
Fiscal year 2004: $1,706,914,000,000.
Fiscal year 2005: $1,775,092,000,000.

(3) Budget outlays.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,502,313,000,000.
Fiscal year 2002: $1,566,294,000,000.
Fiscal year 2003: $1,616,960,000,000.
Fiscal year 2004: $1,682,278,000,000.
Fiscal year 2005: $1,752,016,000,000.

(4) Surpluses.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $31,390,000,000.
Fiscal year 2002: $15,958,000,000.
Fiscal year 2003: $17,357,000,000.
Fiscal year 2004: $20,636,000,000.
Fiscal year 2005: $14,390,000,000.

(5) Public debt.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $.
Fiscal year 2002: $.
Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2001 through 2005 for each major functional category are:

(1) National Defense (050):

Fiscal year 2001:
(A) New budget authority, $276,216,000,000.
(B) Outlays, $274,507,000,000.
Fiscal year 2002:
(A) New budget authority, $279,140,000,000.
(B) Outlays, $276,447,000,000.
Fiscal year 2003:
(A) New budget authority, $284,794,000,000.
(B) Outlays, $283,017,000,000.
Fiscal year 2004:
(A) New budget authority, $291,766,000,000.
(B) Outlays, $287,368,000,000.
Fiscal year 2005:
(A) New budget authority, $299,355,000,000.
(B) Outlays, $296,317,000,000.

(2) International Affairs (150):

Fiscal year 2001:
(A) New budget authority, $21,710,000,000.
(B) Outlays, $18,979,000,000.
Fiscal year 2002:
(A) New budget authority, $22,306,000,000.
(B) Outlays, $18,691,000,000.
Fiscal year 2003:

(A) New budget authority, $22,615,000,000.

(B) Outlays, $18,617,000,000.

Fiscal year 2004:

(A) New budget authority, $23,120,000,000.

(B) Outlays, $18,998,000,000.

Fiscal year 2005:

(A) New budget authority, $23,777,000,000.

(B) Outlays, $19,284,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2001:

(A) New budget authority, $19,527,000,000.

(B) Outlays, $18,857,000,000.

Fiscal year 2002:

(A) New budget authority, $19,883,000,000.

(B) Outlays, $19,508,000,000.

Fiscal year 2003:

(A) New budget authority, $20,141,000,000.

(B) Outlays, $19,727,000,000.

Fiscal year 2004:

(A) New budget authority, $20,732,000,000.

(B) Outlays, $20,129,000,000.

Fiscal year 2005:

(A) New budget authority, $21,100,000,000.

(B) Outlays, $20,573,000,000.

(4) Energy (270):

Fiscal year 2001:

(A) New budget authority, $1,238,000,000.

(B) Outlays, $197,000,000.

Fiscal year 2002:

(A) New budget authority, $1,310,000,000.

(B) Outlays, $37,000,000.

Fiscal year 2003:

(A) New budget authority, $1,186,000,000.

(B) Outlays, $-83,000,000.

Fiscal year 2004:

(A) New budget authority, $1,265,000,000.

(B) Outlays, $-131,000,000.

Fiscal year 2005:

(A) New budget authority, $1,297,000,000.

(B) Outlays, $-31,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2001:

(A) New budget authority, $26,862,000,000.

(B) Outlays, $25,926,000,000.

Fiscal year 2002:

(A) New budget authority, $26,621,000,000.

(B) Outlays, $26,619,000,000.

Fiscal year 2003:

(A) New budget authority, $26,325,000,000.

(B) Outlays, $26,416,000,000.

Fiscal year 2004:

(A) New budget authority, $27,004,000,000.

(B) Outlays, $26,626,000,000.

Fiscal year 2005:

(A) New budget authority, $27,518,000,000.

(B) Outlays, $26,851,000,000.

(6) Agriculture (350):

Fiscal year 2001:

(A) New budget authority, $21,697,000,000.

(B) Outlays, $19,923,000,000.

Fiscal year 2002:

(A) New budget authority, $19,848,000,000.

(B) Outlays, $18,583,000,000.

Fiscal year 2003:

(A) New budget authority, $16,093,000,000.

(B) Outlays, $14,633,000,000.

Fiscal year 2004:

(A) New budget authority, $15,498,000,000.

(B) Outlays, $13,944,000,000.

Fiscal year 2005:

(A) New budget authority, $14,230,000,000.

(B) Outlays, $12,642,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2001:

(A) New budget authority, $6,827,000,000.

(B) Outlays, $2,656,000,000.

Fiscal year 2002:

(A) New budget authority, $8,988,000,000.

(B) Outlays, $5,089,000,000.

Fiscal year 2003:

(A) New budget authority, $9,711,000,000.

(B) Outlays, $5,016,000,000.

Fiscal year 2004:

(A) New budget authority, $14,144,000,000.

(B) Outlays, $9,099,000,000.

Fiscal year 2005:

(A) New budget authority, $14,150,000,000.

(B) Outlays, $10,076,000,000.

(8) Transportation (400):

Fiscal year 2001:

(A) New budget authority, $58,756,000,000.

(B) Outlays, $50,537,000,000.

Fiscal year 2002:

(A) New budget authority, $55,580,000,000.

(B) Outlays, $52,270,000,000.

Fiscal year 2003:

(A) New budget authority, $57,017,000,000.

(B) Outlays, $53,712,000,000.

Fiscal year 2004:

(A) New budget authority, $58,439,000,000.

(B) Outlays, $54,403,000,000.

Fiscal year 2005:

(A) New budget authority, $60,077,000,000.

(B) Outlays, $55,326,000,000.

(9) Community and Regional Development (450):

Fiscal year 2001:

(A) New budget authority, $20,048,000,000.

(B) Outlays, $22,279,000,000.

Fiscal year 2002:

(A) New budget authority, $30,420,000,000.

(B) Outlays, $27,144,000,000.

Fiscal year 2003:

(A) New budget authority, $30,780,000,000.

(B) Outlays, $28,710,000,000.

Fiscal year 2004:

(A) New budget authority, $31,723,000,000.

(B) Outlays, $29,944,000,000.

Fiscal year 2005:

(A) New budget authority, $32,542,000,000.

(B) Outlays, $30,855,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $85,882,000,000.

(B) Outlays, $74,768,000,000.

Fiscal year 2002:

(A) New budget authority, $86,635,000,000.

(B) Outlays, $82,645,000,000.

Fiscal year 2003:

(A) New budget authority, $87,788,000,000.

(B) Outlays, $85,645,000,000.

Fiscal year 2004:

(A) New budget authority, $89,453,000,000.

(B) Outlays, $87,708,000,000.

Fiscal year 2005:

(A) New budget authority, $91,570,000,000.

(B) Outlays, $89,757,000,000.

(11) Health (550):

Fiscal year 2001:

(A) New budget authority, $171,749,000,000.

(B) Outlays, $166,795,000,000.

Fiscal year 2002:

(A) New budget authority, $184,237,000,000.

(B) Outlays, $181,297,000,000.

Fiscal year 2003:

(A) New budget authority, $197,553,000,000.

(B) Outlays, $194,924,000,000.

Fiscal year 2004:

(A) New budget authority, $213,097,000,000.

(B) Outlays, $211,383,000,000.

Fiscal year 2005:

(A) New budget authority, $231,207,000,000.

(B) Outlays, $230,061,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $218,227,000,000.

(B) Outlays, $214,711,000,000.

Fiscal year 2002:

(A) New budget authority, $227,226,000,000.

(B) Outlays, $225,737,000,000.

Fiscal year 2003:

(A) New budget authority, $243,556,000,000.

(B) Outlays, $242,517,000,000.

Fiscal year 2004:

(A) New budget authority, $265,454,000,000.

(B) Outlays, $265,253,000,000.

Fiscal year 2005:

(A) New budget authority, $289,877,000,000.

(B) Outlays, $289,519,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $265,819,000,000.

(B) Outlays, $260,890,000,000.

Fiscal year 2002:

(A) New budget authority, $276,396,000,000.

(B) Outlays, $277,000,000,000.

Fiscal year 2003:

(A) New budget authority, $287,353,000,000.

(B) Outlays, $289,509,000,000.

Fiscal year 2004:

(A) New budget authority, $299,200,000,000.

(B) Outlays, $301,594,000,000.

Fiscal year 2005:

(A) New budget authority, $313,203,000,000.

(B) Outlays, $316,095,000,000.

(14) Social Security (650):

Fiscal year 2001:

(A) New budget authority, $9,723,000,000.

(B) Outlays, $9,723,000,000.

Fiscal year 2002:

(A) New budget authority, $11,567,000,000.

(B) Outlays, $11,567,000,000.

Fiscal year 2003:

(A) New budget authority, $12,266,000,000.

(B) Outlays, $12,266,000,000.

Fiscal year 2004:

(A) New budget authority, $13,013,000,000.

(B) Outlays, $13,013,000,000.

Fiscal year 2005:

(A) New budget authority, $13,833,000,000.

(B) Outlays, $13,833,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2001:

(A) New budget authority, $47,791,000,000.

(B) Outlays, $46,703,000,000.

Fiscal year 2002:

(A) New budget authority, $50,428,000,000.

(B) Outlays, $50,125,000,000.

Fiscal year 2003:

(A) New budget authority, $51,903,000,000.

(B) Outlays, $51,606,000,000.

Fiscal year 2004:

(A) New budget authority, $53,248,000,000.

(B) Outlays, $52,906,000,000.

Fiscal year 2005:

(A) New budget authority, $56,651,000,000.

(B) Outlays, $56,285,000,000.

(16) Administration of Justice (750):

Fiscal year 2001:

(A) New budget authority, $80,392,000,000.

(B) Outlays, $29,814,000,000.

Fiscal year 2002:

(A) New budget authority, $30,869,000,000.

(B) Outlays, $30,297,000,000.

Fiscal year 2003:

(A) New budget authority, $30,655,000,000.

(B) Outlays, $30,472,000,000.

Fiscal year 2004:

(A) New budget authority, $30,866,000,000.

(B) Outlays, $31,077,000,000.

Fiscal year 2005:

(A) New budget authority, $31,579,000,000.

(B) Outlays, $31,503,000,000.

(17) General Government (800):

Fiscal year 2001:

(A) New budget authority, $15,924,000,000.

(B) Outlays, $15,190,000,000.

Fiscal year 2002:

(A) New budget authority, $16,053,000,000.

(B) Outlays, $15,512,000,000.

Fiscal year 2003:

(A) New budget authority, $16,131,000,000.

(B) Outlays, $15,816,000,000.

Fiscal year 2004:

(A) New budget authority, $16,392,000,000.

(B) Outlays, $16,465,000,000.

Fiscal year 2005:

(A) New budget authority, $16,619,000,000.

(B) Outlays, $16,512,000,000.

(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $287,910,000,000.
(B) Outlays, $287,910,000,000.
Fiscal year 2002:
(A) New budget authority, $288,957,000,000.
(B) Outlays, $288,956,000,000.
Fiscal year 2003:
(A) New budget authority, $284,821,000,000.
(B) Outlays, $284,821,000,000.
Fiscal year 2004:
(A) New budget authority, $280,128,000,000.
(B) Outlays, $280,128,000,000.
Fiscal year 2005:
(A) New budget authority, $275,160,000,000.
(B) Outlays, $275,160,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, $20,000,000.
(B) Outlays, $20,000,000.
Fiscal year 2002:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, $−38,073,000,000.
(B) Outlays, $−38,073,000,000.
Fiscal year 2002:
(A) New budget authority, $−41,230,000,000.
(B) Outlays, $−41,230,000,000.
Fiscal year 2003:
(A) New budget authority, $−40,381,000,000.
(B) Outlays, $−40,381,000,000.
Fiscal year 2004:
(A) New budget authority, $−37,629,000,000.
(B) Outlays, $−37,629,000,000.
Fiscal year 2005:
(A) New budget authority, $−38,652,000,000.
(B) Outlays, $−38,652,000,000.

SEC. 4. RECONCILIATION.

The House Committee on Ways and Means shall report to the House a reconciliation bill not later than May 26, 2000, that consists of changes in laws within its jurisdiction sufficient to increase the total level of revenues by $9,345,000,000 for fiscal year 2001, and $151,574,000,000 for the period of fiscal years 2001 through 2005.

The CHAIRMAN pro tempore. Pursuant to House Resolution 446, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Georgia (Mr. CHAMBLISS) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a debate about values and priorities. We are setting the scene for the entire spending of the budget of the United States of America, all the billions of dollars in taxes collected from our citizens. We want to see a change in the priorities.

Today, the United States ranks first in military spending. We spend five times as much as our strongest potential adversary, the Russians, who are pretty pathetic. Yet, the United States is tenth, tenth in per capita education spending. If we addressed what the gentleman from Ohio (Chairman KASICH) of the Committee on the Budget referred to earlier as sloppy management at the Pentagon with the 10 percent cut in exotic weapons procurement, keeping whole the readiness budget, keeping whole the housing, personnel, and other budgets, supporting our troops, we could be number one in the world in military spending by four and a half times instead of five times our next adversary.

But we could move from tenth to first in education. We could invest more in health care; in our veterans, fulfilling our obligations to them; infrastructure; schools; clean waters; sewers; transportation; housing. The list goes on.

The Republican budget assumes that all of those things I listed, except for the Pentagon, will be reduced by $19 billion below current levels of spending. Our budget, instead, would raise the levels of spending on education by more than $20 billion over the Republican levels. Health care would be dramatically increased. We would increase veterans over $2 billion over the Republican budget. Infrastructure, schools, clean water, sewers, housing, the list goes on.

This is about priorities, and it is about values, and it is about how we spend our people's money. We are proposing a budget that would spend the money more in line with the values of a majority of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time.

Mr. Chairman, I think the most important thing that we compare this budget to the budget that the Republicans have proposed is that the Republicans have proposed a balanced, common sense approach.

What will this mean to the average American family? It means that we will have a debt-free Nation for our children. We have balanced the budget. The Republican budget will pay down the $3.6 trillion debt over the next 13 years. It means a more secure future for our seniors. We stop the 30-year raid on Social Security, and we preserve the Social Security surplus into the future.

It means a stronger effort to find cures for cancer and Alzheimer's. We are making a significant commitment to further research in the health area.

It means a safer world and fulfilling our pledge to those who made it that way. We are going to keep our commitment to our veterans.

We increase funding for education. What we do in education is we target those dollars so that, when the Federal dollars get down to the local level, it gives the local entities a maximum amount of flexibility to design the programs that best fit the needs of that community, that school, and the children in that area.

We increase funding for IDEA, the Individuals With Disabilities Education. We increase funding for title VI. This is innovative education programs. This is the most flexible dollars that come to a local school district.

We keep our commitment to defense by ensuring that those communities that have defense installations will get the Federal assistance that they need.

What does this mean? It means that we give local communities maximum flexibility. It is a very different approach than what the President is taking. The President's approach, the Democratic approach, is to develop more programs and run them through a bureaucracy in Washington and force local communities to accept programs that do not necessarily work, in many cases that do not work at all. We are running them through a bureaucracy that for 2 years has failed its audits and has told us that for 2 more years we can expect failed audits. It means that we are running $35 billion through this agency each and every year, and they cannot tell us where the dollars are going.

The Republican budget says and the Republican program says let us get these dollars back to a local community, let us give these dollars to local administrators, to parents and teachers that know the names of our kids.

It is not an issue of spending. It is an issue of getting maximum effectiveness for each and every dollar that we have committed to education.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time.

Mr. Chairman, I rise today in strong support of the Progressive Caucus budget. Unlike the Republicans, progressives understand and have developed a budget which addresses the reality that millions of Americans today are working longer hours for lower wages; that this country has, by far, the most unfair distribution of wealth and income in the industrialized world; and that, while the wealthiest people have never had it so good, 20 percent of our children live in poverty, 44 million Americans lack health insurance, and millions more are unable to afford the prescription drugs they need.

This budget understands that many in the middle class are going deeply into debt to be able to send their kids to college and that we must significantly increase funding for education so that every child has the opportunity to succeed.

This budget understands that we do not need to give tax breaks to billionaires, spend huge sums of money on wasteful and unneeded weapons systems, or provide multinational corporations with $125 billion a year in corporate welfare.

Mr. Chairman, the progressive budget addresses two particular outrages that this Congress must deal with. First, we significantly increase funding for the veterans of this country who have put their lives on the line to defend this Nation, and we are proud to do that.

Secondly, this budget in a meaningful way begins to address the horrific Medicare cuts brought about by the so-called Balanced Budget Act of 1997, cuts which have caused terrible reductions in services for the elderly, in hospitals, home health care agencies, and nursing homes.

The bottom line is that when we talk about priorities, we do not give tax breaks to millionaires and billionaires and turn our backs on the elderly, the children, or the veterans. The Progressive Caucus budget is a sensible budget that meets the needs of the middle class and working families of this country and must be passed.

Mr. CHAMBLISS. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the Committee on the Budget and also a member of the House Committee on Agriculture.

Mr. FLETCHER. Mr. Chairman, we have heard a lot of rhetoric regarding this progressive budget. But let me say this, as I was listening, if Ronald Reagan had paid attention to this sort of rhetoric and allowed our national security to slip as much as what this progressive budget would be, I could imagine we would still have the Soviet Union, we would still have the Iron Curtain.

But let me talk about what our budget does. It protects 100 percent of the Social Security surplus, strengthens Medicare with prescription drugs, $40 billion for that. It retires the publicly held debt by the year 2013. It strengthens education and science, and I want to talk specifically about science. It promotes tax fairness. Eliminating the marriage penalty tax is not to the wealthy, it is a fairness issue. It gets to the very values that we have in eliminating the earnings limit and decreasing the inheritance tax and allow farmers to pass on their farm from one generation to the next. It restores America's defense.

I want to talk a little bit about NIH funding, the National Institutes of Health. As we can see from this chart, we clearly show that the Republican priority over the Clinton-Gore priority and the Democratic priority has been to fund basic research, the kind of research that provides the cures to diseases that affect every family in this country.

Let me read a statement from the NIH: In these final years of the 20th century, we have seen an explosion of progress against cancer. We have begun to gather significant information from programs launched only 2 or 3 years ago, right during the time we increased the funding. With our recent funding increase, we have been able to launch innovative new programs that will have far-reaching effects into the next century.

I think about results from the breast cancer prevention trial, showing that we had a 49 percent reduction in the incident of primary breast cancer during the treatment period in women of high risk for the disease. Things like this that affect every single family in America.

Is there anybody out there that has not been affected by Alzheimer's disease?

We have one of the major centers at the University of Kentucky, the Sanders Brown Center for Aging that does a lot of research on Alzheimer's disease. NIH is very important to that institution providing money to back basic research. One day my hope is that we do not have any family affected by this disease that has such tragic effects.

Because of the increased funding, I am hopeful that one day, because of the Republican priorities, which stand for the values of making sure that we provide the health care for this Nation, that we are going to cure diseases like cancer, diabetes, and Alzheimer's disease.

So I encourage my colleagues to vote against this progressive budget, vote for the Republican budget. It provides the necessary basic dollars for science, education, national defense, paying down the debt, providing real tax relief and fairness, and protecting Social Security.

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Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I begin by congratulating the Progressive Caucus budget for going a long way toward strengthening our defense and our security because they recognize that education is the most important priority of our government.

It is brainpower that will carry us forward in the military sector, the economic sector, whatever. Brainpower. Viewing our schools and our education system as a giant mobilization for whatever the future brings.

In our Republican budget, and even to some degree in the President's budget, we are still making the same error that the Russians made. They were building tanks, millions and millions of tanks, for a war theater that had long ago left tanks behind. We are increasing defense by $17 billion in the Republican budget and increasing it by too much in the President's budget; and we are neglecting the place where we should mobilize for all kinds of contingencies, and that is education.

I want to congratulate the Progressive Caucus budget. I want to say the Blue Dogs' budget is impressive in the area of education. They have increased education in their budget. It is only the Democratic substitute that lags behind and the President that lags behind in terms of understanding that it is brainpower that is going to drive our future.

As we go into a cyber-civilization, where digitalization is the key to all activities, it is "dot com" all over the place. We need smarter and smarter people to run our economy.

Social Security is jeopardized if we have a workforce that cannot get out there and generate the income and we have to contract all our income-generating activities to foreign countries which have the people who can run our high-tech society.

We are way behind in our thinking. This was a golden opportunity. I think that we should look at education, defense, and economics as being inextricably interwoven. We cannot separate education out from the rest and education comes first.

Mr. CHAMBLISS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the Committee on the Budget and the Committee on Armed Services.

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, anytime we have to try to put together a Federal budget, we have a number of priorities and demands, and we have to try to find the appropriate balance among those different demands and priorities. I think that the budget which the Committee on the Budget has recommended is a far superior budget to the substitute now being offered.

It starts out by making sure that we set aside 100 percent of the money we take from people in social security taxes and not let that money be spent for any other government program. It then goes on to strengthen Medicare and trying to set aside $40 billion so that we can modernize and improve Medicare to include a prescription drug benefit. I think all of us recognize that a system born in the 1960s needs to try to keep up with the changes of health care and this will allow us to do that.

It goes further to retire a billion dollars of debt over the next 5 years, and it will strengthen and increase support for education and science, including vital medical research.

It then has two other important priorities, I think, that are missing from the substitute now before us. The budget recommended by the Committee on the Budget has important provisions to have tax relief for American taxpayers. And I think it is very easy for those of us in Washington to forget whose money it is that we are talking about. We have got to remember that the Federal Government reaches into the pockets of hard-working Americans and takes away from them part of the money that they work hard each day to earn. We have to be sure that if we are going to do that, and take their money out of their pockets, that we spend that money better than they. I think that is a very difficult test for us to meet.

Federal taxes are now higher than they have been at any time since World War II, and one of the priorities of this budget is to allow people to keep more of the money that they earn.

Finally, this budget also has a priority to restore America's defenses. I believe that the first function, really, of the Federal Government, is to defend the country. So we have a 6 percent increase in defense spending, $1 billion more than the President.

Our armed forces are committed all around the world. Some of us would not choose to have those same commitments, but the fact is they are there. Texas National Guard people are today on station in Bosnia. And while I wish they were not there, it is essential that we provide them everything that they need to do their job.

But in addition to making sure we keep the commitments we have today around the world, we have to prepare for the future, and that means some investment; that means research; that means developing new kinds of systems to help protect us from incoming ballistic missiles, to help fight against the spreading of nuclear, chemical, biological and radiological weapons that are going all across the world.

It means we have to be prepared to deal with new kinds of threats, threats with computers and threats to our vital national infrastructure. New things are threatening our country, and we have to be prepared to defend against them.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, how this Congress chooses to spend our Federal funds says a lot about who we are as people and as a Nation.

So what are we saying today? The Republican budget, which will cause 40,000 children to lose Head Start services by the year 2005, says that preschool services for low-income children just is not very important. On the other hand, the Progressive Caucus budget is the only budget resolution being offered today that will fully fund Head Start.

And should this Nation not increase funds for child care subsidies by $4 billion, as the Progressive Caucus budget does, instead of causing over 12,000 low-income children and their families to lose their child care subsidies, as the Republican budget does?

What priorities are being reflected when the Republican budget freezes funding for higher education, for training and employment programs? The progressive budget increases funding for education at every level, including education technology and after-school programs.

The Republican budget, which increases defense spending, while making deep cuts in domestic spending, says loud and clear that weapons are more important than people. Is that what this Nation is really about? Is that who we are as people? I am not, and I say that this Nation's national security should be measured by how we invest in our children, not weapons.

Our true national security depends on how well our children are educated. That is why I will be voting against the Republican budget resolution, and I will be voting for the progressive budget. I urge all of my colleagues to do the same.

Mr. CHAMBLISS. Mr. Chairman, I yield 2 minutes to the gentleman from the 8th District of North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me this time to speak about what is an excellent Republican budget.

This is a good budget. Maybe it is not a perfect budget, but it has balance. It meets critical needs. It addresses crucial policy issues. It saves every penny of Social Security for our seniors.

This budget provides generously for education, while stressing local decisions, local control, assuring opportunities for our public school system and for our children.

This budget wipes out the national debt in the very near future.

This budget restores our national defense and begins to mend broken promises made to our veterans and active duty personnel by this administration.

This budget addresses vital health care needs, strengthens Medicare, and provides assistance for seniors with prescription drugs.

Last but not least, the theme of my friends on the left is that Washington is more wise than the taxpayers are; Washington can spend taxpayers' money more wisely than they can. I respectfully disagree with this position. It is my belief that Americans can make better decisions than Washington can about how they spend their own money. Americans, and my folks in the 8th District, deserve tax fairness, and they deserve more of their own money to spend on their own needs.

This budget is good for North Carolina's 8th District and it is good for America. I recommend a "yes" vote for this fine Republican budget.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to the House Republican budget and in support of the Progressive Caucus budget.

Mr. Chairman, at a time when our Nation is experiencing the most unprecedented economic expansion ever, more than 35 million Americans still live below the poverty level and have yet to experience benefits of this historic boom. Never in our Nation's history have so many had so much, and still the gap widens between this country's haves and have-nots. As the greatest industrial Nation in the world, this is a travesty; and changing this should be our top priority.

Instead of addressing this issue head on, the Republican budget fails to help those across ethnic communities that need the most help. It fails our seniors by providing nothing to strengthen Social Security or Medicare. It fails more than 300,000 low-income women dependent on programs like WIC and Head Start. It fails our youth by cutting student loans. And it fails our urban communities who want to help themselves by cutting funding for empowerment zones.

Republicans have sacrificed this Nation's working families all to fund another reckless scheme to benefit a wealthy few. My colleagues, the American people have been clear. They want Social Security fixed, they want better schools for their children, and they want all Americans to benefit from this current economic prosperity, not just the wealthy few who the Republicans carve out a special tax break for.

I ask my colleagues to vote "no" on this irresponsible budget that includes a risky tax proposal which leaves working families, American families, behind.

Mr. CHAMBLISS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN), an outstanding freshman member of the Committee on the Budget.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

Right now we are talking about the so-called progressive substitute amendment. That term, progressive, actually means something very specifically to me, because I come from the State of Wisconsin, where the Progressive Party perhaps reached its greatest heights. Our two statutes, our contribution to Statuary Hall, include Fighting Bob La Follette, really the father of the Progressive Party.

I would also say that that progressive tradition is alive and well in Wisconsin today. All of my colleagues know about what we are doing in the area of education reform and welfare reform. Well, it seems to me, from the Wisconsin perspective, if we want to talk about progressive themes and a progressive budget, the budget that we should be supporting, quite frankly, is not the so-called progressive substitute, but is, instead, this budget, the Republican budget plan. Because in my view that is the true Republican progressive plan.

Number one, it strengthens retirement security. It protects 100 percent of the Social Security surplus. It sets aside $40 billion to provide for prescription drug coverage. That is progressive, to me.

It promotes tax fairness, attacking some of the absurdities, some of the injustices in our Tax Code. It provides for reducing the marriage penalty. It provides for small business tax relief. And thanks to a sense of the Congress resolution that we added in the Committee on the Budget, it also takes care of one of the great problems that our farmers are facing in income averaging.

My colleagues may not be aware, but as the IRS is looking to implement the income averaging plan from the 1997 balanced budget agreement, they will not let farmers take into account years in which they lose money. Well, I have news for the IRS. Coming from the Midwest, I know that we have lots of family farms who are losing money.

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That to me is a progressive plan. Our budget plan strengthens support for science and education. We increase education funding by 9.4 percent over last year; that is progressive. A difference between our budget and the so-called progressive plan is that our education funding is student centered, not bureaucracy centered.

Under our plan, we ensure that money leaves Washington, leaves the bureaucracy and gets in the hands of classrooms and communities all across the Nation. We believe that our budget plan is the true progressive plan, because it seeks to make sure that every American will have the tools and the opportunity to pursue the American dream; that is progressive.

Let us take a look quickly at the progressive budget plan. It is well-intentioned; however, it cuts $30 billion out of defense. How is that progressive? How is that progressive? How can you worry about progressive values if you are not secure? How can you worry about progressive values if your Nation is at risk?

The progressive plan also raises taxes by about $151 billion over 5 years. How is that progressive? As we all know, the tax burden that we are facing right now is the highest that we faced since World War II. We are paying wartime taxes at a time when we are supposedly at peace.

More and more families have to have two wage earners, not by choice, they have to have two wage earners just to make ends meet. And, yet, the progressive plan would increase their tax burden.

My friends, I do not believe it is progressive. I am afraid I believe it is regressive. It is going backwards. It is going back to the days of tax and spend. Look carefully at what our budget does. It strengthens the retirement security system by locking away 100 percent of the Social Security surplus and providing for prescription drug coverage; that is progressive.

It retires the debt by the year 2013 to hopefully keep interest rates down and keep the economy growing and keep those good jobs coming; that is progressive. It strengthens dramatically our investment in education and science; that is progressive. It promotes tax fairness for families and farmers and seniors, and, yes, it provides for defense. My friends, this is the progressive budget plan.

I urge you all to vote for it. I urge you all to reject the well-intentioned, but, I am afraid, regressive progressive budget plan.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Oregon (Mr. DEFAZIO) has 9½ minutes remaining and the gentleman from Georgia (Mr. CHAMBLISS) has 4½ minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

If it is progressive to cut taxes for the wealthy and continue huge corporate tax loopholes while taking the money out of the pockets and cutting the programs for middle-income and lower-income Americans, then, yes, your version of a budget is progressive. Our version of a budget puts money in the pockets of middle-income and working families, funds programs that are important to them. Yes, it does raise taxes on the largest corporations in the world that are skating on their taxes today and those who are the most wealthy who are doing very well.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the Progressive Caucus Budget. I want to talk about one of the most important pieces of this budget, housing. As we all know, home is where the heart is, but if we leave America's current housing crisis in the hands of our Republican counterparts, a lot of hearts and families will be broken.

Do not ever forget that in 1994 the Republicans wanted to abolish the Department of Housing in their Contract on America. At a time when we have seen economic expansions throughout the Nation, the Republican budget makes significant decreases in critical housing programs.

Our housing and development programs are some of the most important things that we do to help communities and working people help themselves. The progressive budget increases funding for community development, grants empowerment zones, and economic development.

This budget would help our cities develop sewer systems and help our local government rebuild schools and water treatment plants. This budget would make a real difference for the Americans who need it the most.

I want to make it clear that I will be voting for the progressive budget and against the Republican continual reverse Robin Hood, robbing from the poor and working people to give a tax break to their rich friends.

Mr. DEFAZIO. Mr. Chairman, could the Chair tell us the remaining time, please?

The CHAIRMAN pro tempore. The gentleman from Oregon (Mr. DEFAZIO) has 7½ minutes remaining and the gentleman from Georgia (Mr. CHAMBLISS) has 4½ minutes remaining.

Mr. CHAMBLISS. Mr. Chairman, I believe we have the right to close.

The CHAIRMAN pro tempore. The gentleman from Georgia has the right to close.

Mr. DEFAZIO. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, the gentleman who was here just a few moments ago mischaracterizes the tax portion of the progressive budget. I think that ought to be noted. During the Eisenhower administration, corporations in this country paid about one-third of the taxes that are collected by the Federal Government, under the Republican-run Congress, that number has declined to one-eighth, therefore, all of that tax obligation has been transferred to working Americans.

The working Americans that he was complaining about are bearing a higher share of the burden, as a result of the tax policies that are contained within the Republican budget.

The progressive budget would create a much fairer system, a system which recognizes that working people ought to get tax relief, and that is what that budget does. Among the other deficiencies in the Republican budget, it fails to recognize the fact that we live in community and community obligations and responsibilities.

The progressive budget would help rebuild America by providing a rebuild America infrastructure program which would provide tens of billions of dollars to communities across our country to rebuild schools, highways, bridges, and to fund water supply and sewer treatment facilities, all of which are desperately needed in every community across America.

Furthermore, the progressive budget recognizes our responsibility to education. For the first time, it fully funds Head Start. Head Start is recognized as the most effective educational program ever devised. It gives little children an opportunity to get a head start with their education. The progressive budget does many things that are good for our communities. Let us support it.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank him for introducing the progressive budget substitute.

There are many reasons to support this budget substitute: education, Head Start, the commitment to working people. But I would like to comment on fulfilling the long overdue commitment on public lands resources in this country.

Over 300 Members of the House have cosponsored legislation in this session which would reverse the shameful record of recent Congresses in severely underfunding programs to protect the public lands to promote recreation and resource protection.

The House Committee on Resources has reported out the Conservation Reinvestment Act by a 3-1 margin, and we are waiting for the Republican leadership to allow the full House to work its will on this historic bill.

In the meantime, the Republican budget perpetuates the failure of recent Congresses to protect threatened resources on behalf of future generations.

Congress made a promise to the American people 35 years ago: when we develop our offshore energy reserves, we will dedicate a small portion of the proceeds to the permanent protection of America's parks, wilderness, forests and other public lands.

So what happened? The leasing, exploration and development of the Outer Continental Shelf has proceeded for four decades, but the taxpayers and the Lands and Water Conservation Fund have been cheated. The money has been credited to the Land and Water Conservation Fund, but the Congress has refused to spend it year after year. And now the leaders of the Republican Party in this House are telling the American people that they want more offshore oil drilling off of California, off of New Jersey, off of Alaska, off of Florida, but still no willingness to live up to the promise they made in 1965 to protect our natural resources.

The Republican budget resolution that is before this House today perpetuates this larceny against the American public and American environment. Because the Republican budget ignores the Land and Water Conservation Fund, it ignores the current bill and it ignores what the American people said they want.

Eighty to 90 percent of the American people want the full funding of the Land and Water Conservation Fund. They want it in the North and the South, in the East and the West, and even in the Rocky Mountain West. These people want their resources protected, and the way that can be done is by fully funding the Land and Water Conservation Fund.

The substitute introduced by the gentleman from Oregon (Mr. DEFAZIO) on behalf of the Progressive Caucus is a substitute that does that, and this Congress ought to support that effort tonight.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong support of the alternative budget presented by the Progressive Caucus.

This resolution is a significant alternative for many reasons. Particularly, it is significant for the funding allocated to education, training, employment services, housing, and community development programs.

For Fiscal Year 2001, the progressive budget resolution will provide $9.13 billion more to education, training, and employment services and $15 billion more to community and regional development programs compared to the Republican budget resolution. This would provide essential funding to programs and institutions such as the Community Development Block Grant, the Economic Development Agency, the Bureau of Indian Affairs, historically black colleges and universities, summer youth employment, community technology centers, Head Start, and Pell Grants.

These programs are essential to enable America's most vulnerable citizens to improve their economic, educational, and housing circumstances.

Conversely, the Republican's budget resolution would cut those programs and other essential services such as Women, Infants and Children's nutrition program, known as WIC; the Low Income Home Energy Assistance Program, the Child Care Block Grant, and Section 8 Housing.

The Republicans intend to cut these important programs in order to give unreasonable and massive tax cuts.

Unlike the Republicans' plan, the Progressive Caucus's alternative budget puts America's most vulnerable citizens first.

For this reason, I urge my colleagues to support the Progressive Caucus's alternative budget.

Mr. CHAMBLISS. Mr. Chairman, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, it is not enough around here to be against something. We have to be for something.

What we have laid out here is our marker. It is what we believe in. The President told us what he believed in in his budget. Nobody around here wanted it, which is why we have all these alternative budgets.

The alternative budget in front of us right now is different from the press's but, in a lot of respects, it is the same. It increases spending and raises taxes, cuts defense. That is what they are for.

What we are saying what we are for in this budget is protecting 100 percent of the Social Security surplus, strengthening Medicare, providing $40 billion, and making possible a prescription drug program, retiring the public debt by the year 2013, paying it down, strengthening support for education, increasing spending on special-ed by $2 billion, and promoting tax fairness for families, farmers and seniors, getting rid of the marriage penalty, earnings limit for seniors, and also dealing with small business tax relief. These are the things that we believe in. And, also, making investment and rebuilding the defense system in this country, which has been badly neglected for the past several years.

That is what this debate is about. We all get to vote. Everybody has their day. Everybody gets to talk about what they believe in. We have heard what they believe in. This is what we believe in. This is our budget. This is our statement of priorities. This is our vision for the future: Paying down debt, locking up Social Security for our seniors, strengthening support for education, promoting tax fairness, and helping our families and farmers, and also making investment in agriculture.

Mr. DEFAZIO. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Oregon (Mr. DEFAZIO) for his leadership and his vision and thank the Progressive Caucus for putting forth this vision for a better America. I want to stand today in strong support of this budget.

Like the Congressional Black Caucus, the Progressive Caucus budget balances the budget, saves Social Security and Medicare, without excluding low-wage workers, the poor, and communities of color.

☐ 1945

While poverty and unemployment have gone down, there are still millions of Americans who are not able to take advantage of this great economic boom. As a member of the Subcommittee on Housing and from northern California, I am particularly concerned about the rising cost of housing and access to affordable housing. The Joint Center for Housing Studies at Harvard University reports that because of the cost of housing, because it has actually outpaced wages, some renters are paying more for their housing today than they did for comparable units in the 1970s.

According to a February 12 Washington Post article which I will submit for the RECORD, the cost of housing is so high in northern California that software executives making over $53,000 a year are homeless and living out of their cars. In fact, the article cites one individual making $80,000 a year forced to live in a shelter. This is outrageous. The Progressive Caucus budget invests more in section 8 housing, homeless assistance, senior housing, housing for the disabled and other important housing programs.

This budget shows that during significant economic growth, we can invest where it is most needed, for education, for housing, the environment, foreign assistance, health care and violence prevention. This budget shows that sound fiscal policy does not have to leave out the poor, low-wage workers, communities of color, the disabled, our senior citizens, and our veterans. Let us make our peace dividend work here in America by ensuring our national security interest from within our own country as well as ensuring a safe and secure world. We must defend our country, not only from outside threats but from the threats of poverty and unemployment and income inequality and inadequate education and the growing gap between the rich and the poor.

Mr. Chairman, I include the following article for the RECORD:

THE HIGH-TECH HOMELESS: IN SILICON VALLEY, A DARK SIDE TO BOOMING ECONOMY

(By Mark Leibovich)

CUPERTINO, CALIF.—Each night, on the floor of a church that sits a few hundred yards from the campus of Apple Computer Inc., software executive Gordon Seybold unfurls a bedroll and attempts to sleep. It rarely comes. He often spends hours staring into blackness, wondering how Silicon Valley's wealth stampede could keep rushing past a man with his resume.

Last January, Seybold lost his job as a corporate sales manager for Oakland-based C2Net Software Inc., where he said he was on track to earn $125,000 last year, including commissions. He tried to find a new job, came close a few times, but ultimately turned up nothing after several months. In August, he was evicted from his $1,600-a-month apartment in West San Jose.

Since then Seybold, who holds three degrees and speaks five languages, has landed on the Silicon Skids, joining a fast-growing homeless population that might be the best credentialed in the nation.

They are marked by the same runs of bad luck, bad habits and bad decisions that lead to shelter doors anywhere. But Silicon Valley's homeless also provide a starkly different perspective on the giddy high-tech world, one that mocks every common mythology about this place. They are, in many cases, victims of the same aura of promise that keeps technology workers flooding here. Largely hidden and ignored—in shelters, on floors, in cars—their plights define this boom era just as aptly as any overnight geek tycoon.

If this were another place, at another time, it might be easier to reduce expectations, forget stock options and move to a place where tiny rooms don't rent for $1,200 a month. But it's hard not to wish big here. New millionaires get spawned in bull market litters—64 a day, by one count—and it imbues even homeless shelters with a gambler's sense of possibility.

"There's so much sudden wealth here, it's creating a Vegas mentality," said Barry Del Buono, executive director of the Emergency Housing Consortium, which operates seven shelters in Silicon Valley. "A lot of our homeless are living on the hope this economy is creating. But people don't realize how brutal it can be here if you lose your footing."

Or how the downward spiral can spin just as fast as the sudden-wealth machine. Seybold, 56 said he lost his job at C2Net in a mass layoff, though a company spokesman cited "other factors." Whatever the reason, it caused him to become depressed, which hurt his employment prospects. So did his advancing age, an unspoken liability in a high-tech industry obsessed with the new and young. He spent last fall living in a 1984 Chevrolet van.

Today, Seybold is in a program for homeless men run by Cupertino Community Services. It provides career guidance, shelter and donated meals at a network of Silicon Valley churches, many of them nestled in neighborhoods of million-dollar homes. At night, his floormates keep him awake with their somnolent gunts and moans, which echo through the sanctuary in a chorus of unconscious unease.

"One of the drawbacks of sleeping in a big church room is that they have perfect acoustics," Seybold said. He stays in Silicon Valley because he has worked in technology for 25 years. "There is 10 times more opportunity here than anywhere else for someone like me," he said, but added that he is thinking about leaving to join the Peace Corps. He recently took a job as a salesclerk at a drugstore in Cupertino. It pays $8.50 an hour.

RETHINKING FAILURE AS SUCCESS

Here, as elsewhere, accounts of becoming homeless often involve a unique, precipitating circumstance: a fire or a big rent increase; some physical or mental hardship. It is rare to find a homeless person who has had plenty of breaks and has done everything right.

But the pioneer's mentality of Silicon Valley can impose perverse interpretations on personal failure. In entrepreneurial circles, failure is said to be a valuable experience, laudable even. It can be the source of vital business lessons and proof of a pioneer's willingness to take chances. And in the strange calculus of the dot-com world, failure is success, as revealed by the stock prices of Internet companies that have never made a profit.

But that's a sanitized notion of failure, describing an entrepreneur's ability to make large amounts of money vanish, often someone else's. Technology workers who wind up homeless represent a baser notion of failure.

"This is the kind of failure that no one in Silicon Valley likes to think about," said Ray Allen, who runs the Community Technology Alliance, a San Jose organization that provides voice-mail service to local homeless people and online resources to community aid groups. "The fact is, the technology industry is creating incredible wealth, and it's also creating incredible poverty."

At its crux, this poverty is born of simple economics. The prosperity has sent the cost of housing soaring and pushed lower-income people, many of them employed, onto the * * * margins of society.

"We all have perceptions of what a homeless person is supposed to be like, and I'm not it," said Tom McCormack, 38, who works as a system engineer at CompuNet Systems Solutions Inc., a network-software firm in San Jose. He wears crisp blue dress shirts and earns $52,000 a year, which should be enough to pay for a low-rent place, but isn't when it's added to child-support payments and past credit-card debts.

McCormack faced desperate circumstances last spring when a roommate moved out of his San Jose apartment and his landlord doubled the rent to $1,600. "I'm a workaholic and I didn't have much of a social network," he said. "I had nowhere to go." He moved into his 1982 Subaru.

Until a few days ago McCormack lived at Inn-Vision, a beige concrete shelter tucked between the San Jose Arena and a cluster of auto body shops. His quarters were a 4-by-7-foot cubicle separated from 88 roommates by curtain walls, as in a military hospital ward. Rules are strict. Last week one of his shelter mates, Randall Condon, 46, a computer-networking expert, said he was written up by a shelter manager for leaving a book about non-Euclidian geometry on his bunk bed.

Last weekend McCormack reached his six-month limit at Inn-Vision and is back living in his Subaru. He spends hours at night lying in the back seat, reading books on computer programming by flashlight.

The question recurs: Why does he stay in Silicon Valley?

The answer recurs: "This place is just full of opportunity," he said. "This is where my brain food is."

And prospective Cyber Cinderellas keep coming: "This place has this incredible mystique," said Cathy Erickson, who runs the Georgia Travis Center, a drop-in office for homeless people in San Jose. "People come from all over the world to expect instant success, instant hope. But there's only so long you can afford to stay in a hotel." She frequently tells them to go back where they came from.

HIGH-TECH HELPING HANDS

Cisco Systems Inc., the San Jose-based computer-networking giant, comes to the main Emergency Housing Consortium shelter to train prospective technology workers. And Mary Ellen Chell, the executive director of Cupertino Community Services, said one large technology company, the name of which she can't divulge, has inquired about housing new-to-town employees in its shelters. This symbiosis between Silicon Valley's wealth centers and its fringes underscores a precarious separation between the two.

While homeless populations are notoriously difficult to track and quantify, Silicon Valley's has risen steadily in recent years, local social service workers said. Nearly 20,000 people will experience a "homeless episode" this year in Santa Clara County, which covers most of Silicon Valley, up from about 16,000 five years ago.

But what's most striking is the increasing percentage of working people who now live in homeless shelters, a nationwide phenomenon that is poignantly evident in Silicon Valley. Since 1992, 250,000 new jobs have been created here and only about 40,000 new housing units have been built.

"If they were somewhere else, there's a good chance they'd be living in the suburbs," the Emergency Housing Consortium's Del Buono said. "We turn out people every day who are making $60,000 a year." He said that about half of the consortium's 1,100 clients are employed. The biggest shelter, a converted office building that houses 250 people next to a San Jose industrial park, is open 24 hours, but is nearly empty at midday.

Many of Silicon Valley's shelter dwellers fit the conventional shopping cart prototype: hard-luck veterans, unemployed single mothers, the mentally or criminally deinstitutionalized. But talk to enough homeless people and a theme resonates—it doesn't take a lot of misfortune here to start a rapid descent.

"I have a good job and I can't believe I wound up without a place to live," said

Tracy Ramirez, a customer service representative at Cyantek, which makes chemicals for the semiconductor industry. She lives half a mile from the main runway of San Jose Airport in a one-room, Emergency Housing Consortium "transitional home," where she shares a bed with her 3- and 9-year-old daughters.

Ramirez, 35, earns $16.90 an hour, about $34,000 a year. She pays $600 a month in daycare costs, $300 a month in car payments. She also has a litany of other bills, expenses and debts trailing from her past, many accrued during a since-ended marriage. A bad credit history, a bankruptcy and an eviction last September inevitably kill her chances with landlords, aside from the fact that the Department of Housing and Urban Development considers $47,800 a year to be "low income" for a three-person household in Silicon Valley. She started getting anxiety attacks last summer.

Her mother, Carolyn Cabral, earns $14.80 an hour working on an assembly line at 3COM Corp. but can't afford a place closer than Mantica, a two-hour drive to her office in Santa Clara. Cabral, 59, who has worked 16 years at 3COM, wakes up at 3:15 a.m. to come to work in the valley. (The commute can reach three hours with traffic.) She could get a job closer to home, but says it would cut her pay by half.

"Silicon Valley is a victim of its own success," said Carl Guardino, chief executive of the Silicon Valley Manufacturers Group, the area's biggest high-tech industry trade organization. With an unemployment rate of 2.7 percent and average annual wages that are nearly $20,000 higher than the national average, it's impossible to deny the success.

It's of some consolation that shelters receive donations from tech zillionaires, especially during the holidays. In December, for example, a Yahoo Inc. employee gave $100,000 in stock to 10 social service agencies, said Maury Kendall, communications manager at the Emergency Housing Consortium. Last month, after local news outlets reported that pets belonging to homeless people could not stay in shelters, donations poured in, Kendall said. "We just got $15,000 to start a kennel."

But the housing crisis is clearly exacting a toll on humans. A study revealed this week that for the first time in five years, more people are leaving Santa Clara County than are arriving. While the difference was negligible—1,284 more people moved out than in—the lack of affordable housing has become the biggest obstacle that valley companies face in keeping and recruiting employees, Guardino said.

"We would like technology workers to drive their cars, not live in them."

A FAST FREE-FALL

"There's a very thin line in Silicon Valley between being a director and being a derelict," said Randall Condon, the computer-networking expert encamped at San Jose's Inn-Vision. "Everything here is accelerated—business cycles, wealth creation, and certainly the rate at which your life can fall apart."

Condon was living in Olympia, Wash., where he had moved to be with a girlfriend and work at an Internet service provider. In November, as the relationship was ending, he lost everything in an apartment fire. He came to Silicon Valley because he had worked in technology for 20 years.

After a brief and futile search for a rental, Condon came to Inn-Vision. He sleeps—or tries to—in a large room with 43 other men, whom he collectively refers to as "the snoring symphony." Condon, who has sad blue eyes and oily chestnut hair, said he tries to stay busy and positive.

On a rainy Monday in mid-January, he calls his existence "tortuous." Libraries were closed for Martin Luther King Jr. Day, which denied him access to his prime job-seeking tool, the Internet. "I'm a total cyber-cripple in here," he said.

But a postscript: Condon got a job last week, at a San Jose Internet start-up company where he says he will earn more than $80,000 a year, plus stock options. He won't name his new employer because he doesn't want people there to see this article. They don't know that he lives in a shelter.

Mr. CHAMBLISS. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. GUTKNECHT), a member of the Committee on the Budget.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Minnesota is recognized for 3 minutes.

Mr. GUTKNECHT. Mr. Chairman, I rise tonight in opposition to the Progressive budget and in favor of the common sense Republican budget. I do want to at least congratulate the progressives for their intellectual honesty. I may disagree with their conclusions, but at least I think they have been intellectually honest in bringing this budget forward. In fairness, what this budget does that they are proposing would cut $30 billion from defense. That is at a time when we have 265,000 troops in 132 different countries. Some of us do not believe that is the right thing to do. They increase spending by $38 billion in fiscal year 2001, and they raise taxes by about $9 billion this year and $151 billion over 5 years. That is their conclusion. That is the plan that they are offering. We respect that.

But let me talk a little bit about where we are. I told the story earlier about the little red hen. That was that little red hen that had the chicks and she found some wheat, she planted the wheat, she asked how many of her barnyard friends would help her grow the wheat. Not I, said the cow; not I, said the pig; not I, said the cat. No one wanted to help her grow the wheat. Then when it was time to harvest the wheat she asked for help. Not I, said the cow; not I, said the pig; not I, said the cat. When it was time to bake the bread, nobody wanted to help. Not I, said the cow; not I, said the pig; not I, said the cat. But when it was time to eat the bread, everybody wanted to be there.

Over the last several years, we have built up a surplus. We have done it by making some of those tough decisions. Now everybody wants to get in on the act and decide how we will divide that surplus. This is a common sense budget, but let us look at where we have been. If we would have stuck just to the spending levels that we were left when we came here as a majority in 1995, we would have spent an additional $625 billion. That is not my numbers, that is the Congressional Budget Office.

Let us compare where we are compared to what the President proposed. What the President proposed this year in additional discretionary spending was a 6.6 percent increase. We are proposing only 1.8 percent. You can see the inflation line. We are making tremendous progress. But I think this is the most important chart of all. For the first time in my adult lifetime, the Federal budget is going to grow at a slower rate than the average family budget over the next 5 years.

The average family budget according to the Bureau of Labor Statistics is going to grow by 4.6 percent annually and our total Federal budget is going to increase by 2.9 percent. What will happen? We will create enormous surpluses and we are saying, $1 trillion over the next 5 years ought to go to pay down debt, debt held by the public, about another third of it ought to go to strengthen Social Security and Medicare, and yes, make room for a prescription drug benefit. But the final third ought to go back to the people who pay the taxes.

Here is one other area where we differ. We do not believe that married couples just because they are married are rich. We do not think businesspeople and farmers just because they are farmers are rich. We believe this is a fair budget. We hope that you will support us in the common sense Republican budget and oppose the so-called Progressive budget.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 61, noes 351, not voting 22, as follows:

[Roll No. 71]

AYES—61

Baldwin
Becerra
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Capuano
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Engel
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hilliard
Jackson (IL)
Jefferson
Jones (OH)
Kilpatrick
Lee
Lewis (GA)
Markey
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Oberstar
Olver
Owens
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Serrano
Slaughter
Stark
Thompson (MS)
Towns
Velazquez
Waters
Watt (NC)
Weiner
Woolsey
Wynn

NOES—351

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca

Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—22

Ackerman
Archer
Bonilla
Boucher
Crane
Davis (VA)
Delahunt
Dixon
Greenwood
Hinchey
Jackson-Lee (TX)
Lowey
Martinez
McCollum
McDermott
McHugh
Moran (VA)
Quinn
Royce
Schakowsky
Taylor (NC)
Vento

□ 2012

Messrs. RADANOVICH, PASTOR, PALLONE and HOLT changed their vote from "aye" to "no."

Ms. SLAUGHTER changed her vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 3 printed in part B of House Report 106–535.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 3 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 3 offered by Mr. STENHOLM:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

The Congress declares that the concurrent resolution on the budget for fiscal year 2000 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,405,500,000.
Fiscal year 2001: $1,509,718,000.
Fiscal year 2002: $1,557,246,000.
Fiscal year 2003: $1,610,844,000.
Fiscal year 2004: $1,610,757,000.
Fiscal year 2005: $1,738,810,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $5,082,000,000.
Fiscal year 2002: $6,254,000,000.
Fiscal year 2003: $7,556,000,000.
Fiscal year 2004: $8,281,000,000.
Fiscal year 2005: $9,919,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,475,000,000,000.
Fiscal year 2001: $1,527,000,000,000.
Fiscal year 2002: $1,569,000,000,000.
Fiscal year 2003: $1,619,000,000,000.
Fiscal year 2004: $1,704,000,000,000.
Fiscal year 2005: $1,753,000,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,465,000,000,000.
Fiscal year 2001: $1,504,000,000,000.
Fiscal year 2002: $1,507,200,000,000.
Fiscal year 2003: $1,551,200,000,000.
Fiscal year 2004: $1,603,200,000,000.
Fiscal year 2005: $1,737,000,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $8,200,000,000.
Fiscal year 2001: $14,017,000,000.
Fiscal year 2002: $16,547,000,000.
Fiscal year 2003: $19,112,000,000.
Fiscal year 2004: $16,429,000,000.
Fiscal year 2005: $20,103,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,640,300,000,000.
Fiscal year 2001: $5,710,600,000,000.
Fiscal year 2002: $5,766,007,000,000.
Fiscal year 2003: $5,866,788,000,000.
Fiscal year 2004: $5,947,471,000,000.
Fiscal year 2005: $6,018,197,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2005 for each major functional category are:

(1) National Defense (050):

Fiscal year 2000:
(A) New budget authority, $287,700,000,000.
(B) Outlays, $282,200,000,000.
Fiscal year 2001:
(A) New budget authority, $308,300,000,000.
(B) Outlays, $298,900,000,000.
Fiscal year 2002:
(A) New budget authority, $311,300,000,000.
(B) Outlays, $303,700,000,000.
Fiscal year 2003:
(A) New budget authority, $317,600,000,000.
(B) Outlays, $311,200,000,000.
Fiscal year 2004:
(A) New budget authority, $327,300,000,000.
(B) Outlays, $320,700,000,000.
Fiscal year 2005:
(A) New budget authority, $336,700,000,000.
(B) Outlays, $332,400,000,000.

(2) International Affairs (150):

Fiscal year 2000:
(A) New budget authority, $17,510,000,000.
(B) Outlays, $16,640,000,000.
Fiscal year 2001:
(A) New budget authority, $19,080,000,000.
(B) Outlays, $20,600,000,000.
Fiscal year 2002:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $15,990,000,000.
Fiscal year 2003:
(A) New budget authority, $18,330,000,000.
(B) Outlays, $15,030,000,000.
Fiscal year 2004:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $14,750,000,000.

Fiscal year 2005:

(A) New budget authority, $18,480,000,000.

(B) Outlays, $14,840,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2000:

(A) New budget authority, $19,280,000,000.

(B) Outlays, $18,460,000,000.

Fiscal year 2001:

(A) New budget authority, $19,670,000,000.

(B) Outlays, $19,260,000,000.

Fiscal year 2002:

(A) New budget authority, $20,740,000,000.

(B) Outlays, $20,150,000,000.

Fiscal year 2003:

(A) New budget authority, $20,840,000,000.

(B) Outlays, $20,240,000,000.

Fiscal year 2004:

(A) New budget authority, $21,240,000,000.

(B) Outlays, $20,640,000,000.

Fiscal year 2005:

(A) New budget authority, $21,540,000,000.

(B) Outlays, $21,150,000,000.

(4) Energy (270):

Fiscal year 2000:

(A) New budget authority, $-1,020,000,000.

(B) Outlays, $3,328,000,000.

Fiscal year 2001:

(A) New budget authority, $167,000,000.

(B) Outlays, $3,731,000,000.

Fiscal year 2002:

(A) New budget authority, $-140,000,000.

(B) Outlays, $3,728,000,000.

Fiscal year 2003:

(A) New budget authority, $-110,000,000.

(B) Outlays, $3,730,000,000.

Fiscal year 2004:

(A) New budget authority, $-120,000,000.

(B) Outlays, $3,817,000,000.

Fiscal year 2005:

(A) New budget authority, $0.

(B) Outlays, $3,850,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2000:

(A) New budget authority, $24,330,000,000.

(B) Outlays, $24,160,000,000.

Fiscal year 2001:

(A) New budget authority, $25,010,000,000.

(B) Outlays, $24,780,000,000.

Fiscal year 2002:

(A) New budget authority, $25,080,000,000.

(B) Outlays, $25,070,000,000.

Fiscal year 2003:

(A) New budget authority, $25,150,000,000.

(B) Outlays, $25,220,000,000.

Fiscal year 2004:

(A) New budget authority, $25,280,000,000.

(B) Outlays, $25,170,000,000.

Fiscal year 2005:

(A) New budget authority, $25,350,000,000.

(B) Outlays, $25,070,000,000.

(6) Agriculture (350):

Fiscal year 2000:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $34,300,000,000.

Fiscal year 2001:

(A) New budget authority, $22,830,000,000.

(B) Outlays, $20,910,000,000.

Fiscal year 2002:

(A) New budget authority, $24,130,000,000.

(B) Outlays, $22,090,000,000.

Fiscal year 2003:

(A) New budget authority, $21,150,000,000.

(B) Outlays, $19,180,000,000.

Fiscal year 2004:

(A) New budget authority, $20,020,000,000.

(B) Outlays, $18,600,000,000.

Fiscal year 2005:

(A) New budget authority, $18,350,000,000.

(B) Outlays, $16,770,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $3,400,000,000.

Fiscal year 2001:

(A) New budget authority, $7,000,000,000.

(B) Outlays, $2,900,000,000.

Fiscal year 2002:

(A) New budget authority, $9,600,000,000.

(B) Outlays, $5,800,000,000.

Fiscal year 2003:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $5,700,000,000.

Fiscal year 2004:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $10,000,000,000.

Fiscal year 2005:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $13,600,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $51,820,000,000.

(B) Outlays, $46,580,000,000.

Fiscal year 2001:

(A) New budget authority, $55,960,000,000.

(B) Outlays, $50,260,000,000.

Fiscal year 2002:

(A) New budget authority, $54,060,000,000.

(B) Outlays, $52,520,000,000.

Fiscal year 2003:

(A) New budget authority, $55,360,000,000.

(B) Outlays, $54,840,000,000.

Fiscal year 2004:

(A) New budget authority, $56,300,000,000.

(B) Outlays, $56,050,000,000.

Fiscal year 2005:

(A) New budget authority, $56,330,000,000.

(B) Outlays, $56,860,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $10,760,000,000.

Fiscal year 2001:

(A) New budget authority, $12,030,000,000.

(B) Outlays, $11,220,000,000.

Fiscal year 2002:

(A) New budget authority, $11,870,000,000.

(B) Outlays, $11,340,000,000.

Fiscal year 2003:

(A) New budget authority, $12,040,000,000.

(B) Outlays, $11,180,000,000.

Fiscal year 2004:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,300,000,000.

Fiscal year 2005:

(A) New budget authority, $12,490,000,000.

(B) Outlays, $11,480,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $57,740,000,000.

(B) Outlays, $61,450,000,000.

Fiscal year 2001:

(A) New budget authority, $74,380,000,000.

(B) Outlays, $69,650,000,000.

Fiscal year 2002:

(A) New budget authority, $76,380,000,000.

(B) Outlays, $74,820,000,000.

Fiscal year 2003:

(A) New budget authority, $78,050,000,000.

(B) Outlays, $76,920,000,000.

Fiscal year 2004:

(A) New budget authority, $79,660,000,000.

(B) Outlays, $78,420,000,000.

Fiscal year 2005:

(A) New budget authority, $82,220,000,000.

(B) Outlays, $80,640,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $159,300,000,000.

(B) Outlays, $152,300,000,000.

Fiscal year 2001:

(A) New budget authority, $170,100,000,000.

(B) Outlays, $167,172,000,000.

Fiscal year 2002:

(A) New budget authority, $181,100,000,000.

(B) Outlays, $181,272,000,000.

Fiscal year 2003:

(A) New budget authority, $193,700,000,000.

(B) Outlays, $191,572,000,000.

Fiscal year 2004:

(A) New budget authority, $207,700,000,000.

(B) Outlays, $206,372,000,000.

Fiscal year 2005:

(A) New budget authority, $224,400,000,000.

(B) Outlays, $222,172,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $199,600,000,000.

(B) Outlays, $199,500,000,000.

Fiscal year 2001:

(A) New budget authority, $218,400,000,000.

(B) Outlays, $218,700,000,000.

Fiscal year 2002:

(A) New budget authority, $227,500,000,000.

(B) Outlays, $227,500,000,000.

Fiscal year 2003:

(A) New budget authority, $247,500,000,000.

(B) Outlays, $246,900,000,000.

Fiscal year 2004:

(A) New budget authority, $269,100,000,000.

(B) Outlays, $269,400,000,000.

Fiscal year 2005:

(A) New budget authority, $295,600,000,000.

(B) Outlays, $295,700,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $238,400,000,000.

(B) Outlays, $247,900,000,000.

Fiscal year 2001:

(A) New budget authority, $252,400,000,000.

(B) Outlays, $255,000,000,000.

Fiscal year 2002:

(A) New budget authority, $263,400,000,000.

(B) Outlays, $264,600,000,000.

Fiscal year 2003:

(A) New budget authority, $272,700,000,000.

(B) Outlays, $274,000,000,000.

Fiscal year 2004:

(A) New budget authority, $294,800,000,000.

(B) Outlays, $285,100,000,000.

Fiscal year 2005:

(A) New budget authority, $295,200,000,000.

(B) Outlays, $297,200,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,700,000,000.

Fiscal year 2001:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,000,000,000.

Fiscal year 2002:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $15,000,000,000.

Fiscal year 2003:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,700,000,000.

Fiscal year 2004:

(A) New budget authority, $26,600,000,000.

(B) Outlays, $26,500,000,000.

Fiscal year 2005:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,400,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $46,000,000,000.

(B) Outlays, $45,180,000,000.

Fiscal year 2001:

(A) New budget authority, $48,760,000,000.

(B) Outlays, $48,160,000,000.

Fiscal year 2002:

(A) New budget authority, $50,070,000,000.

(B) Outlays, $50,670,000,000.

Fiscal year 2003:

(A) New budget authority, $52,520,000,000.

(B) Outlays, $52,400,000,000.

Fiscal year 2004:

(A) New budget authority, $55,100,000,000.

(B) Outlays, $53,720,000,000.

Fiscal year 2005:

(A) New budget authority, $58,400,000,000.

(B) Outlays, $57,340,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $27,330,000,000.

(B) Outlays, $28,000,000,000.

Fiscal year 2001:

(A) New budget authority, $28,410,000,000.

(B) Outlays, $28,330,000,000.

Fiscal year 2002:

(A) New budget authority, $28,290,000,000.

(B) Outlays, $28,750,000,000.

Fiscal year 2003:

(A) New budget authority, $29,010,000,000.

(B) Outlays, $28,940,000,000.

Fiscal year 2004:

(A) New budget authority, $31,080,000,000.

(B) Outlays, $30,760,000,000.

Fiscal year 2005:

(A) New budget authority, $31,850,000,000.

(B) Outlays, $31,550,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $14,680,000,000.

Fiscal year 2001:

(A) New budget authority, $13,640,000,000.

(B) Outlays, $14,240,000,000.

Fiscal year 2002:

(A) New budget authority, $13,570,000,000.

(B) Outlays, $13,860,000,000.

Fiscal year 2003:

(A) New budget authority, $13,540,000,000.

(B) Outlays, $13,740,000,000.

Fiscal year 2004:

(A) New budget authority, $13,530,000,000.

(B) Outlays, $13,700,000,000.

Fiscal year 2005:

(A) New budget authority, $13,560,000,000.

(B) Outlays, $13,520,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $284,600,000,000.

(B) Outlays, $284,600,000,000.

Fiscal year 2001:

(A) New budget authority, $288,200,000,000.

(B) Outlays, $288,200,000,000.

Fiscal year 2002:

(A) New budget authority, $290,000,000,000.

(B) Outlays, $290,000,000,000.

Fiscal year 2003:

(A) New budget authority, $286,800,000,000.

(B) Outlays, $286,800,000,000.

Fiscal year 2004:

(A) New budget authority, $281,100,000,000.

(B) Outlays, $281,100,000,000.

Fiscal year 2005:

(A) New budget authority, $28,700,000,000.

(B) Outlays, $278,700,000,000.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, $7,732,000,000.

(B) Outlays, $10,730,000,000.

Fiscal year 2001:

(A) New budget authority, $−3,430,000,000.

(B) Outlays, $−7,270,000,000.

Fiscal year 2002:

(A) New budget authority, $−1,500,000,000.

(B) Outlays, $−3,130,000,000.

Fiscal year 2003:

(A) New budget authority, $−1,700,000,000.

(B) Outlays, $−1,100,000,000.

Fiscal year 2004:

(A) New budget authority, $−2,300,000,000.

(B) Outlays, $−2,200,000,000.

Fiscal year 2005:

(A) New budget authority, $−2,500,000,000.

(B) Outlays, $−2,500,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, $−41,800,000,000.

(B) Outlays, $−41,800,000,000.

Fiscal year 2001:

(A) New budget authority, $−46,700,000,000.

(B) Outlays, $−46,700,000,000.

Fiscal year 2002:

(A) New budget authority, $−50,300,000,000.

(B) Outlays, $−50,300,000,000.

Fiscal year 2003:

(A) New budget authority, $−50,020,000,000.

(B) Outlays, $−50,020,000,000.

Fiscal year 2004:

(A) New budget authority, $−48,210,000,000.

(B) Outlays, $−48,210,000,000.

Fiscal year 2005:

(A) New budget authority, $−50,130,000,000.

(B) Outlays, $−50,130,000,000.

SEC. 4. RECONCILIATION.

(a) SUBMISSIONS REGARDING REVENUES.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than May 26, 2000;

(2) not later than June 23, 2000;

(3) not later than July 28, 2000; and

(4) not later than September 22, 2000;

that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $5,082,000,000 for fiscal year 2001, and $35,680,000,000 for the period of fiscal years 2001 through 2005.

(b) SUBMISSIONS REGARDING DEBT HELD BY THE PUBLIC.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than May 26, 2000; and

(2) not later than September 22, 2000;

that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by not more than $8,189,000,000 for fiscal year 2001, and $80,580,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. USE OF CBO ESTIMATES IN ENFORCEMENT OF RESOLUTION.

For purposes of enforcing the budgetary aggregates and allocations under this resolution, the Chairman of the House Committee on the Budget shall, in advising the presiding officer on the cost of any piece of legislation, rely exclusively on estimates prepared by the Congressional Budget Office or the Joint Tax Committee, in a form certified by that agency to be consistent with its own economic and technical estimates, unless in each case he first receives the approval of the Committee on the Budget by recorded vote to use a different estimate.

SEC. 6. TAX CUTS AND NEW SPENDING CONTINGENT ON DEBT REDUCTION.

Notwithstanding any other provision of this resolution, it shall not be in order to consider a reconciliation bill pursuant to Section 4 of this resolution or any legislation reducing revenues for the period of fiscal years 2001 to 2005 or increasing outlays for mandatory spending programs unless there is a certification by Director of the Congressional Budget Office that the House has approved legislation which:

(1) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the government on a path to eliminate the publicly held debt by 2013 under current economic and technical projections;

(2) legislation has been enacted which establishes points of order or other protections to ensure that funds reserved for debt retirement may not be used for any other purpose, except for adjustments to reflect economic and technical changes in budget projections.

SEC. 7. RESERVE FUND FOR AUGUST UPDATE REVISION OF BUDGET SURPLUSES.

(a) ALLOCATION OF INCREASED SURPLUS PROJECTIONS.—If the Congressional Budget Office report referred to in subsection (b) projects an increase in the surplus for fiscal year 2000, fiscal year 2001, and the period of fiscal years 2001 through 2005 over the corresponding levels set forth in its economic and budget forecast for 2001 submitted pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget of the House shall make the adjustments as provided in subsection (c).

(b) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEAR 2001.—The report referred to in subsection (a) is the Congressional Budget Office updated budget forecast for fiscal year 2001.

(c) ADJUSTMENTS.—If the Committee on Ways and Means reports any reconciliation legislation or other legislation reducing revenues exceeding the revenue aggregates in section 2(1)(B), reduce the revenue aggregates in section 2(1)(A) and increase the amounts the revenues can be reduced by in section 2(1)(B) by an amount not to exceed one-quarter of the increased surplus. If the Committees on Agriculture, Appropriations, Commerce, National Security, or Ways and Means report legislation increasing spending above the allocation for that committee, increase the allocation for that committee and the aggregates set forth in sections 2(2) and 2(3) by an amount not to exceed one-quarter of the increased surplus.

(d) APPLICATION.—Any adjustments made pursuant to subsection (c) for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 8. SAFE DEPOSIT BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2001, the social security surplus will exceed $166 billion;

(5) for the first time, a concurrent resolution on the budget balances the Federal budget without counting the social security surpluses;

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and

(7) Congress and the President should take such steps as are necessary to ensure that future budgets are balanced excluding the surpluses generated by the social security trust funds.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for fiscal year 2002, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.

(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.

SEC. 9. DEBT REDUCTION LOCK-BOX.

(a) Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider any reported bill or joint resolution, or any amendment thereto or conference report thereon, that would cause a surplus for fiscal year 2001 to be less than the level (as adjusted pursuant to section 7) set forth in section 2(4) for that fiscal year.

(b) Special Rule.—The level of the surplus for purposes of subsection (a) shall not take into account any adjustment made under section 314(a)(2)(C) of the Congressional Budget Act of 1974.

SEC. 10. RESERVE FUND FOR MEDICARE.

If the Committee on Ways and Means or Committee on Commerce of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that reforms medicare, provides coverage for medicare prescription drugs, or adjusts medicare reimbursement for health care providers, the chairman of the Committee on the Budget may increase the aggregates and allocations of new budget authority (and outlays resulting therefrom) by the amount provided by that measure for that purpose, but not to exceed $2,000,000,000 in new budget authority and $2,000,000,000 in outlays for fiscal year 2001 and $40,000,00,000 in new budget authority and $40,000,000,000 in outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 11. RESERVE FUND FOR AGRICULTURE.

(a) Fiscal Year 2000.—If the Committee on Agriculture of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that provides income support to owners and producers of farms, the chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal year 2000 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $6,000,000,000 in new budget authority and $6,000,000,000 in outlays for fiscal year 2000, $0 in new budget authority and outlays for the period of fiscal years 2001 through 2004, and $6,000,000,000 in new budget authority and $6,000,000,000 in outlays for the period of fiscal years 2000 through 2004 (and make all other appropriate conforming adjustments).

(b) Fiscal Year 2001.—If the Committee on Agriculture of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that provides risk management or income support or other assistance for agricultural producers, the chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) if such legislation does not exceed $4,998,000,000 in new budget authority and $4,354,000,000 in outlays for fiscal year 2001 and $24,761,000,000 in new budget authority and $23,610,000,000 in outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 13. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application.—Any adjustments of allocations and aggregates made pursuant to section 10, 11, or 12 for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 14. SENSE OF CONGRESS REGARDING BUDGET ENFORCEMENT.

It is the sense of Congress that legislation should be enacting enforcing this resolution by—

(1) establishing a plan to eliminate the publicly held debt by 2012;

(2) setting discretionary spending limits for budget authority and outlays at the levels set forth in this resolution for each of the next five years; and

(3) extending the pay as you go rules set forth in Section 252 of the BBEDCA for the next ten years.

SEC. 15. SENSE OF THE HOUSE REGARDING THE STABILIZATION OF CERTAIN FEDERAL PAYMENTS TO STATES, COUNTIES, AND BOROUGHS.

It is the sense of the House that Federal revenue-sharing payments to States, counties, and boroughs pursuant to the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.), and sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) should be stabilized and maintained for the long-term benefit of schools, roads, public services, and communities, and that providing such permanent, stable funding is a priority of the 106th Congress.

SEC. 16. SENSE OF THE HOUSE ON DIRECTING THE INTERNAL REVENUE SERVICE TO ACCEPT NEGATIVE NUMBERS IN FARM INCOME AVERAGING.

(a) Findings.—The House finds that—

(1) farmers' and ranchers' income vary widely from year to year due to uncontrollable markets and unpredictable weather;

(2) in the Taxpayer Relief Act of 1997, Congress enacted 3-year farm income averaging to protect agricultural producers from excessive tax rates in profitable years;

(3) last year, the Internal Revenue Service (IRS) proposed final regulations for averaging farm income which fail to make clear that taxable income in a given year may be a negative number; and

(4) this IRS interpretation can result in farmers having to pay additional taxes during years in which they experience a loss in income.

(b) Sense of the House.—It is the sense of the House that during this session of the 106th Congress, legislation should be considered to direct the Internal Revenue Service to count any net loss of income in determining the proper rate of taxation.

SEC. 17. SENSE OF THE HOUSE ON ESTIMATES OF THE IMPACT OF REGULATIONS ON THE PRIVATE SECTOR.

(a) Findings.—The House finds that—

(1) the Federal regulatory system sometimes adversely affects many Americans and businesses by imposing financial burdens with little corresponding public benefit;

(2) currently, Congress has no general mechanism for assessing the financial impact of regulatory activities on the private sector;

(3) congress is ultimately responsible for making sure agencies act in accordance with congressional intent and while the executive branch is responsible for promulgating regulations, Congress ultimately can and should curb ineffective regulations by using its oversight and regulatory powers; and

(4) a variety of reforms have been suggested to increase congressional oversight over regulatory activity, including directing the President to prepare an annual accounting statement containing several cost/benefit analyses, recommendations to reform inefficient regulatory programs, and an identification and analysis of duplications and inconsistencies among such programs.

(b) Sense of the House.—It is the sense of the House that the House should reclaim its role as reformer and take the first step toward curbing inefficient regulatory activity by passing legislation authorizing the Congressional Budget Office to prepare regular estimates on the impact of proposed Federal regulations on the private sector.

SEC. 18. SENSE OF CONGRESS REGARDING EDUCATION REFORM.

(a) Findings.—The Congress finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) a partnership with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom;

(5) our Nation's children deserve an educational system that will provide opportunities to excel; and

(6) our children and society will benefit from States and local educators working together with the Federal Government to raise standards and improve educational opportunities, particularly for America's poorest children.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Federal funding should be increased to States and local schools, with funds targeted to the poorest schools;

(2) the role of Federal education policy is to raise standards for all children, and close the achievement gap between groups of students;

(3) legislation should be enacted which gives States and local schools flexibility with Federal funds coupled with increased accountability for performance and results, including the requirement that states to ensure that all students have fully qualified teachers; and

(4) the Federal Government should demand increased student performance, with consequences for schools and school districts that continuously fail.

SEC. 19. SENSE OF CONGRESS ON SPECIAL EDUCATION.

(a) Congress finds that—

(1) all children deserve a quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

(3) the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act stretches limited State and local education funds, creating difficulty in providing a quality education to all students, including children with disabilities;

(4) the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education;

(5) the Federal Government has failed to appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individuals with Disabilities Act to assist States and localities to educate children with disabilities; and

(6) the levels in function 500 (Education) for fiscal year 2001 assume sufficient discretionary budget authority to accommodate fiscal year 2001 appropriations for IDEA at least $2,000,000,000 above such funding levels appropriated in fiscal year 2000.

(b) It is the sense of Congress that—

(1) Congress and the President should increase function 500 (Education) fiscal year 2001 funding for programs under the Individuals with Disabilities Act by at least $2,000,000,000 above fiscal year 2000 appropriated levels;

(2) Congress and the President should give programs under the Individuals with Disabilities Education Act the highest priority among Federal elementary and secondary education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act prior to authorizing or appropriating funds for any new education initiative;

(3) Congress and the President should, if new or increased funding is authorized or appropriated for any education initiative, provide the flexibility in such authorization or appropriation necessary to allow local educational agencies the authority to use such funds for programs under the Individuals with Disabilities Education Act; and

(4) if a local educational agency chooses to utilize the authority under section 613(a)(2)(C)(i) of the Individuals with Disabilities Education Act to treat as local funds up to 20 percent of the amount of funds the agency receives under part B of such Act that exceeds the amount it received under that part for the previous fiscal year, then the agency should use those local funds to provide additional funding for any Federal, State, or local education program.

SEC. 20. SENSE OF THE CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—Congress finds that—

(A) 43.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families and children will suffer from reduced access to health insurance.

(2) SENSE OF CONGRESS ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed Medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers, added $900 million in funding, and delayed the automatic 15 percent payment reduction for one year, to October 1, 2000; and

(C) patients whose care is more extensive and expensive than the typical Medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF CONGRESS ON ACCESS TO HOME HEALTH CARE.—It is the sense of Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical Medicare patient, including the sickest and frailest Medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the interim payment system and ensure timely implementation of the prospective payment system.

SEC. 21. SENSE OF CONGRESS ON EMERGENCY SPENDING.

It is the sense of Congress that as a part of a comprehensive reform of the budget process the Committees on the Budget should develop a definition of and a process for, funding emergencies consistent with the applicable proviso of H.R. 853, the Comprehensive Budget Process Reform Act of 1999 that could be incorporated into the Rules of the House of Representatives and the Standing Rules of the Senate.

SEC. 22. SENSE OF CONGRESS ON MEDICARE+CHOICE PROGRAMS/REIMBURSEMENT RATES.

It is the sense of Congress that Medicare+Choice regional disparity among reimbursement rates are unfair; and that full funding of the Medicare+Choice program is a priority as Congress deals with any medicare reform legislation.

SEC. 23. SENSE OF CONGRESS ON SKILLED NURSING FACILITIES.

It is the sense of Congress that the Medicare Payment Advisory Commission continue to carefully monitor the medicare skilled nursing benefit to determine if payment rates are sufficient to provide quality care, and that if reform is recommended, Congress pass legislation as quickly as possible to assure quality skilled nursing care.

MODIFICATION OF AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 3 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be modified.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment in the nature of a substitute No. 3 offered by Mr. STENHOLM:

Page 11, line 5, in the matter proposed to be inserted, strike $51,820,000,000. Insert $54,320,000;

Line 9, strike $55,960,000,000 and insert $55,020,000;

Line 13, strike $54,060,000,000 and insert $57,360,000;

Line 17, strike $55,360,000,000 and insert $58,760,000;

Line 21, strike $56,300,000,000 and insert $58,800,000;

Line 25, strike $56,330,000,000 and insert $58,800,000.

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The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 446, the gentleman from Texas (Mr. STENHOLM) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, for 4 years, the Blue Dogs have offered an honest, fiscally responsible budget. We were the first to talk about balanced budgets without counting Social Security surpluses. We are the folks who consistently have hounded our colleagues about debt reduction. Why have we obsessed on this one topic? Because, just as tax dollars are your money, as is so often said by Members on this floor and at home, so is the $5.6 trillion debt your debt, and it is unconscionable to continue to pass that burden on to our children and grandchildren.

In a release just delivered to my office, the highly respected Concord Coalition says, "We believe the Blue Dog alternative provides the best overall budgetary framework for the next 5 years."

Last year the Blue Dog budget established the 50-25-25 rule in dealing with any non-Social Security surpluses: 50 percent to debt reduction, 25 percent to tax cuts, 25 percent to spending priorities. This substitute we now consider continues that philosophy.

We retire the debt by 2012, 1 year earlier than any other proposal considered in the House today. We reject all budget gimmicks, like unrealistic caps or baselines, insecure lockboxes, backloading, and directed scorekeeping. We protect 10 percent of the Social Security trust funds. We provide for fiscally responsible tax cuts. We also respond to critical program needs in agriculture, in defense, for veterans and military retirees, in education and health care, including Medicare.

We are proud of this budget, and we are proud of the influence which we think our small band of relentless true believers have had on this body over the past number of years. We encourage Members on both sides of the aisle, regardless of your label, to listen seriously to the next 40 minutes of debate to see if you do not agree with us, and with the Concord Coalition, that this is the most reasonable and responsible and doable budget on the floor today.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise in opposition to the substitute.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. RYAN) is recognized for 20 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, balanced budget security for America's future, a GOP plan. I would like to go down this, if I could, to outline the six points of the Republican plan.

Number one, protects 100 percent of Social Security surplus. All of the $166 billion Social Security surplus is off limits to Clinton-Gore spending. This will be the second year in a row that Republicans will be protecting the Social Security surplus.

Secondly, we strengthen Medicare with prescription drugs. It sets aside $40 billion to help needy seniors afford their prescription drugs, and it rejects the $18.2 billion Clinton-Gore Medicare cuts.

Point three, it retires the public debt by 2013. It pays off more than $1 trillion of public debt over the next 5 years. Our budget has already repaid $302 billion since 1998.

Our next point, it promotes tax fairness for families, farmers, and seniors. It provides for the House-passed marriage penalty an average of $1,400 per married couple and small business tax relief, education and health care assistance amounting to $150 billion, and it rejects the $96 billion gross tax increase over 5 years in the Clinton-Gore budget.

Number five, it restores American defense, 6 percent more than last year's for overdeployed Armed Forces. The GOP defense budget provides $1 billion more than the Clinton-Gore plan.

Finally, number six, it strengthens support for education and science, 9.4 percent for elementary and secondary education, IDEA increases of nearly $2 billion. It fights cancer, AIDS and diabetes and other diseases with $1 billion more for NIH, and also $1 billion for basic research into biology, science, engineering, and math.

In addition, Mr. Chairman, our Federal public debt stands now at $3.6 trillion. This equates to $56,000 for the average family of four. This year nearly $1,000 in taxes from every man, woman, and child in the United States will be used just to pay the interest on the debt.

The Republican budget resolution sends our Nation on the path towards eliminating public debt by paying off $1 trillion over the next 5 years. Paying off public debt makes good sense. It makes more money available in the private sector and saving and for investment in health.

Mr. STENHOLM. Mr. Chairman, I yield myself 5 seconds to respond in saying that this was great rhetoric we just heard, but it has nothing to do with the budget we are now discussing.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, the critical question this evening as we debate the budget is how much are we doing to reduce our Nation's debt?

The budget that is before us, the Blue Dog Coalition budget, clearly comes out ahead. To understand this, we have to begin by understanding the size of the Nation's debt. It now stands at about $5.7 trillion. My good friend from California, the previous speaker, talked about the debt that is held by Federal trust funds. Well, that is all very interesting, and he is talking about limiting the debt to Social Security.

Well, that is interesting. But that does not mean it is not debt. If you look at the Republican budget that is under consideration tonight, you will find that at the end of 5 years the debt that we owe, that is that the United States of America owes, is up to $5.9 trillion. We are not reducing debt. All we are doing is what we are supposed to do with the Social Security trust fund, we are not invading it.

Now, the Blue Dog Coalition budget is going to reduce the Nation's debt in a significant way. Over a 10-year projected period of time it would reduce the debt, and this includes the debt owed to Social Security, by $428 billion. We are also doing the same things that our colleagues on the Republican side talk about, prescription drugs and so on. We are not neglecting that. But we are reducing our debt by $428 billion, whereas the Republican proposal is increasing that debt by $84 billion over that 10-year period of time.

I believe that this is a stinging indictment of the budget that the majority is trying to pull over our eyes. This is not a budget that they proposed that meets the demands of the American people, that we protect our children and grandchildren from this enormous $5.9 trillion debt that has been accumulated.

I would like to ask my colleagues how they can explain that, when they are done, the debt will be $5.9 trillion over 5 years.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to quickly reiterate and correct the math from the past speaker. If you look at the debt at the end of the 5-year window, the debt by the Republican budget resolution, the total debt subject to limit is actually lower than the debt in the Blue Dog budget, subject to limit, at the end of the 5 year window.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I appreciate the opportunity to rise in support of the Committee on the Budget budget and in opposition to the Blue Dog budget, with all due respect to what I think is a good effort to deal with the issue of debt retirement. However, as is the case in all budgets, we need to achieve balance. I just want to reiterate that what our budget does, most importantly, is to set aside 100 percent of the entire surplus in Social Security for Social Security. That will result in the reduction in the national debt of over $1 trillion over 5 years.

Now, we need to talk apples and apples here. I think, unfortunately, we had a 10-year budget cycle last year. We are back to 5 years this year. We should stick with 5 years, because it is as easy to predict the budget 5 years from now or 6 years from now as it is to predict the weather 6 or 7 days from now. We know with our budget we will strengthen Medicare and provide a prescription drug coverage for seniors; and, if we fail to do it, those resources will go into debt reduction as well.

Our budget will retire the entire public debt, if you believe in projections that go way out, by the year 2013, and our budget balances the issues of debt reduction and a stronger defense with the need to promote tax relief for working Americans. Never have taxes been higher than they are today. As we strive to deal with making a balance in a budget surplus environment, some portion of that budget surplus has to go to tax relief, to eliminate the marriage tax penalty, to eliminate the Social Security earnings limit, just to name a couple of them.

Lastly, what our budget does, and it is so important, is to strengthen support for education and science, most notably to increase funding for IDEA by over $2 billion.

Mr. Chairman, I respect the Blue Dog budget, but I think that our budget is a more balanced budget that will meet the needs of the American people.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I rise tonight in support of the Blue Dog substitute and in opposition to the Republican budget resolution.

The Republican budget is plain and simple, it is irresponsible. Basically their budget adds up to $800 billion in tax cuts that they pay for at the expense of everything else in the budget, especially at the expense of future generations and our Nation's seniors. It puts Social Security and Medicare at risk.

The Blue Dog budget protects our Nation's seniors. It increases funding for discretionary health care programs by $4.6 billion over the Republican budget. This higher funding level will allow for increased funding for rural health care programs, health research, and other programs to expand access to health care.

The Blue Dog budget establishes a Medicare reserve of $40 billion over the next 5 years and $150 billion over the next 10 years. This reserve could be used to extend the solvency of Medicare, create a prescription drug benefit and provide provider relief that is desperately needed by our hospitals.

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The Blue Dog budget allocates 25 percent of the debt reduction dividend of the savings and interest on the debt held by the public to provide additional resources for Medicare reform after 2010. We need to do what is right for our Nation's seniors and for our Nation's children and pass the Blue Dog budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, there has been a lot of debate today. Our budget clearly protects 100 percent of the Social Security surplus. Our budget strengthens Medicare and prescription drugs. I am going to save retiring the debt to last because I think that is an important issue here. Our budget promotes tax fairness, our budget restores America's defense where it should be, and our budget strengthens and supports education.

The reason we are here today with our debt is because the Democrats controlled this Congress from 1962 to 1994, and every dollar they took in, they spent $1.20. Since Republicans took over Congress, since 1994, for every new dollar we took in, we only spent 50 cents.

But that is not the main issue today. I rise to draw attention as to why we should not pass this amendment, and that is because this amendment puts the Federal budget on auto pilot again. We need to reform government; we need to get rid of the waste.

Let me show my colleagues one agency we could attack to get rid of much of the waste, and that is HUD. HUD is losing taxpayer dollars in huge amounts by keeping large inventories of foreclosed FHA houses. Just let me list a few of the statistics that we have.

The Federal Housing Administration, FHA mortgage insurance paid out almost 77,000 claims, or $6 billion, in 1998. There is no reform for that. That cost is passed on to consumers in higher premiums. In 1997, single-family homes stayed in Federal inventory on an average of 5.4 months; in 1998 it was 6.6 months; and in 1996, they had 25,000 single-family homes in inventory; and in 1998 it increased to 40,000; and in 1999, it was 50,000.

The HUD single-family inventory was valued at $1.9 billion in 1996, and it increased in value to $3.3 billion in 1998. Fifteen percent of HUD inventory properties are held longer than 12 months. The industry average out there has about 3 months in inventory for 12 months. In 1996, the average loss for property was $28,000. In 1998, the average loss had increased to $31,700. The average loss in 1999 was $32,470. If we multiply 50,000 properties in inventory by an average loss of $32,470, it is $1.6 billion.

This is a bad proposal. Let us take government off auto pilot. Let us give people their money back. Let us give people tax cuts. Let us not say that we are going to take the money that belongs to taxpayers and we are going to continue to invest it in programs that do not work. Let us change the Federal Government, and the best way to change the Federal Government is get the money out of Washington. We can do it two ways. Are we going to continue to have government on auto pilot, or are we going to give hardworking people their money back to do what they think they should do with it? This is a bad proposal.

The focus on paying down debt by 2012 compared to our proposal, paying it down by 2013 only changes the focus from the issue of putting government on auto pilot. We need to take it off auto pilot, we need to reform government, we need to get the waste and abuse out of government.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, American families deserve an honest budget based on realistic and conservative estimates of the surplus, a budget that takes a responsible approach to protecting Social Security and to ensuring that our children will not inherent a big national debt.

The Blue Dog Democrat budget protects 100 percent of the Social Security surplus for Social Security. It commits the projected surplus 50 percent to paying down the national debt, 25 percent to saving Social Security and Medicare, and 25 percent to tax relief. It is not fancy, it is not gimmicky, and it does not make promises that it cannot deliver. Most importantly, it is an honest budget that is good for our future.

The Blue Dog budget contrasts sharply with the Republican budget. The Blue Dog budget adopts a more conservative estimate of the surplus. After all, this good economy may not go on forever. The Blue Dog budget makes a stronger commitment to paying off our $5 trillion national debt, rather than risking our historic opportunity to give our children a debt-free America. The Blue Dog budget is stronger on national defense and veterans' health care.

The Blue Dog budget offers a realistic promise that not only will we keep our hands out of the Social Security Trust Fund, but that we will be prepared to put more in it when the baby boom generation retires and those deficits begin to mount in the trust fund. Finally, the Blue Dog budget guarantees that the tax relief we grant will be targeted to working, middle-income families who deserve to have their fair share of the prosperity of this new economy.

Mr. Chairman, I say to my colleagues, do the right thing and support the Blue Dog Democrat budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time. I would just like to say I have the greatest respect for the Blue Dogs; I think they honestly approach things in a straightforward fashion. I just think they are a little shy when it comes to the amount of money that they are getting back to the taxpayer.

With taxes at an all-time high and non-Social Security surpluses growing, we need to provide tax relief to the hard-working Americans who earned it. The Blue Dog budget, as I understand it, would provide a net tax cut of only $36 billion over the next 5 years. That will not even begin to pay for the marriage penalty relief; it will not pay for the Social Security earnings limit or the small business tax relief bills that have been demanded by the American people.

The Republican budget provides tax relief of at least $150 billion over the next 5 years, and an additional $60 billion for tax relief or debt reduction. The Republican budget is a responsible plan for all Americans. We have set our Nation on a course to pay down the public debt, to protect Social Security, to provide needed funds for Medicare reform and with prescription drug coverage. With these priorities met, how can we not justify providing tax relief for the American worker?

Mr. Chairman, this is not our money. It does not belong to Washington bureaucrats; it does not belong to Members of Congress. This budget is paid for by the hard work and the sweat of the American worker. Americans know how better to spend their money than a micromanaging Washington bureaucrat.

By lowering taxes, we will be telling the American people they are more important than bloated government bureaucracy. The Federal tax burden is at an all-time high, as I have said; and taxpayers frankly have overpaid. If we cannot give them their money back now, with the Government in the black and taxes at an all-time high, when the economy is strong, when can we do it?

Mr. Chairman, I urge a no vote on this amendment so that we can give the taxpayers what they rightly deserve.

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I rise today to speak to the agriculture part of the Blue Dog budget. Those of us from farm country, and I think we all ought to listen up and look at what is in this budget for agriculture. As we all know, we have a big problem out in farm country. Farmers are having a tough time. The Blue Dog budget increases the baseline for mandatory agriculture programs by $23.6 billion over the next 5 years, in addition to the $6 billion that is in the Republican budget, as well as ours. The increase in the agriculture baseline will provide funding for crop insurance legislation, initiatives to provide long-term agricultural safety net and income support programs, including dairy.

I would point out to my good friend from Wisconsin, this budget has money to extend the price supports for the program for dairy, and the Republican budget does not. We also have money for agriculture research, expanded conservation research programs. So we have the money to do the kinds of things that we need to do in agriculture.

The Republican budget does not provide any increase in the agriculture baseline beyond the increase necessary to fund crop insurance reform. I want to repeat that. There is no increase in the Republican budget for the baseline, which is going to be very important to us when we move out into doing something meaningful for agriculture in the future. There are no funds in the Republican budget to improve the agriculture safety net by providing any kind of income support program, which we all know we are going to need.

So support the Blue Dog budget, because we provide a greater commitment to agriculture with over $16 billion more than the Republican version over the next 5 years.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the vice chairman of the Committee on the Budget, a gentleman who has worked long and hard on agriculture issues.

Mr. CHAMBLISS. Mr. Chairman, I want to say, as I said last night, that this budget is not a bad budget. It has a lot of provisions in it that I really like, particularly when it comes to agriculture and defense, two issues which I have a very keen interest in.

But there is a problem here. There are a couple of problems with this budget that need to be addressed; and if those were addressed, it would certainly make it a much better budget.

First of all, there is too much spending. The budget that the Republicans have put forward, really we had hoped would not spend as much money as we do, but we spend $595 billion. The Blue Dog budget spends $606 billion over the next 5 years, and those are uncontrollable expenses out there.

From an agricultural perspective, I agree with the gentleman that we have to work towards a safety net. I am not sure we know what the answer to it is, but some of the things that are in your budget I think do head us down that direction.

But there is one other problem with the agricultural portion in your budget that really ought to be addressed, that is, my farmers want a balance. They want a balance between some sort of income security and some sort of tax relief. The number one issue with my farmers outside of income is estate tax relief, and there is not enough room in the Blue Dog budget to provide for real meaningful estate tax relief.

Now, we are going to get there eventually. I think we are going to wind up working together to get there because I know my colleagues' feelings on that; and I think it is something that ultimately we are going to be able to get together on that is going to be extremely beneficial for farmers. But unless my Democratic colleagues address those major issues in the budget, it simply does not provide for the things that we provide for in the Republican budget that create that balance in agriculture country.

Mr. STENHOLM. Mr. Chairman, I yield myself 5 seconds.

I would remind my friend from Georgia that our budget provides a better death tax than the budget that our Republican colleagues are supporting. Our budget does.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I rise in strong support of the Stenholm substitute, better known as the Blue Dog budget.

Mr. Chairman, the cornerstone of this budget is debt reduction, and the Republican budget guarantees only $8 billion of their own budget surplus for debt reduction over 5 years. The Blue Dog budget, in contrast, provides $85 billion of their own budget surplus for debt reduction. The Blue Dog budget pays down 30 percent of the publicly held debt over the next 5 years. The Republican budget, in contrast, has most of its debt reduction after 2005.

Secondly, the Blue Dog budget provides realistic domestic discretionary spending levels. The Republican budget calls for a $20 billion inflation-adjusted cut in domestic spending. I say to my colleagues, the 5 years that the Republicans have been in control of this Congress, the average nondefense discretionary spending has increased by 2½ percent. We all know that a $20 billion inflation-adjusted cut is unreasonable. The Blue Dog budget recognizes this and provides for realistic budget-spending levels.

Thirdly, the Blue Dog has five spending-priority areas. Number one is defense, and it provides $15 billion more than the Republican budget in defense.

Fourthly, veterans. It provides over $3 billion more; agriculture, over $2 billion more; education, over $15 billion more; and health care, over $4 billion more than the Republican budget.

In addition to all of this, the Blue Dog budget provides over $36 billion over the next 5 years in tax relief. I say to my colleagues to support the Blue Dog budget, support realistic spending levels that will not require gimmicks in the appropriations process later this year. This is a fiscally-responsible budget, and it provides responsible tax relief.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Wisconsin (Mr. RYAN) has 8 minutes remaining; the gentleman from Texas (Mr. STENHOLM) has 8½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank my colleague for yielding me this time.

The Republican budget as we have heard tonight has six key features, and I want to take a moment to talk about one of them, which is tax relief for hard-working Americans. When we talk about Federal taxes, it is useful to consider the overall context of the Federal budget here.

Let us remember, Federal spending is higher than it has ever been. Federal taxes are higher than any peacetime in our Nation's history. As we heard earlier, about 21 percent of our entire economic output goes to the Federal Government.

What the Republican budget does is it says after we set aside all of the Social Security funds for Social Security and to retire debt and after we pay down $1 trillion in debt over the next 5 years and after we set aside $40 billion of additional funding for Medicare over the next 5 years, and after rebuilding our national defense and reprioritizing funding for elementary and secondary education; after all of that, there is still an unprecedented surplus projected as far as the eye can see.

□ 2045

When taxpayers are paying more money than it takes to fund all of that, then it is obvious to me that taxes are just too high. So the Republican budget offers a modest but a meaningful measure of tax relief and tax fairness. We need to lower taxes and restore to working Americans some more of their freedom to decide how they want to spend their own money.

Our colleagues with this amendment are offering a tiny, little, merely symbolic, but not a real meaningful tax cut. It is just not enough.

Let us remember, when the Federal Government takes people's money away from them, it is taking part of their freedom away. This is money that the government takes from hard-working Americans that they will never be free to spend for themselves as they see fit. It is money that takes time to earn and that means time taken away that folks could spend doing other things like maybe spending more time with their children, maybe caring for an elderly family member, maybe volunteering in their community, or just enjoying some leisure time.

At a time of already huge government spending, record high Federal taxes, it is unconscionable at this point not to provide the American people with the opportunity to keep a little bit more of the money that they earn.

The Republican budget strikes the right balance. No more raiding of the Social Security surplus for the second consecutive year. Funding America's priorities like national defense and education, retiring a trillion dollars of debt over 5 years in tax relief for an overtaxed Nation.

Mr. Chairman, I urge my colleagues to reject this amendment with its puny, little tax cut and, instead, support the Republican budget.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, truly a budget debate is strictly over priorities, priorities on what one does with one's money. The indisputable champion of debt reduction is the Blue Dog budget, $5.7 trillion, $21,000 for every man, woman, and child to pay off our national debt, $354 billion in interest.

Let me give my colleagues an idea of what that means. That is 100 times more than we spend on cancer research. It is six times more than we pay for salaries for the military, 15 times the size of the veterans' budget. The debt simply should be the priority.

The Republicans say that they pay off the debt by 2013. But their plan allots $50 billion over 5 years towards debt reduction, but it provides a loophole that says that they can use it for tax cuts. I do not understand that.

Let us give a true tax cut. Pay down the debt, keep interest rates low. The Blue Dog plan is the champion.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, when I sent out my legislative questionnaire, my constituents wanted me to protect Social Security and not spend the surplus. My constituents wanted prescription drug assistance. They wanted us to pay down the debt, and they wanted tax fairness. They wanted a tax cut. That is what our budget does. That is why we see absolutely no reason at all to have any other budget but the one we have.

What have we done? In the year 1999, the last year, we do not spend Social Security. We are not spending it in this year's budget, and we are not spending it in next year's budget. That is in our budget plan.

When we were elected in 1994 and took office in 1995, we were looking at public debt going up $34 billion, $48 billion, $67 billion. That is what we were looking at. Our plan changed that so it goes down rather than up. Public debt is going down.

In fact, what happened is, not only is it going down, it would have continued to go up but we are actually reducing public debt significantly.

What have we paid back? We paid back $51 billion in 1998, $88 billion in 1999, $163 billion in the year we are in now, for $332 billion of debt payment down, and in our budget another $170 billion in the budget to come. That has left us as well the opportunity, out of $10 trillion, to have a $200 billion tax cut.

I am absolutely amazed that we cannot cut 2 percent of our revenue in the next 5 years. We get $10 trillion, and we cannot cut $200 billion? We can, and we do.

We have a marriage penalty tax elimination. We reduce the death tax. We have educational savings account. We have health care deductibility, community renewal, and pension reform. Not a tax cut for the wealthy, as my colleagues would imply, but a tax cut for the middle class.

Then we make sure that, if we get additional surplus, we do not allow Democrats, frankly, to spend it. We set it aside for further debt reduction and more tax cuts. This is a sensible budget. We do not need another one.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HILL), the newest member of the Indiana Basketball Hall of Fame.

Mr. HILL of Indiana. Mr. Chairman, for many years, people in Washington, Democrats and Republicans, have not been writing budgets that use real numbers. The majority's budget we are considering today is more of the same old song and dance, spend money the government does not have and make promises Congress cannot keep.

The budget we are asked to vote on today sets spending levels that we all know will not address our national priorities and forces us to take money from Social Security and increase the national debt.

I am a fiscal conservative Democrat who believes we should write a budget that uses real numbers and makes promises Congress can actually keep. The Blue Dog budget does this. It proves we can write a realistic budget that addresses the national priorities both parties share.

For example, the Blue Dog proposal makes a serious commitment to our national defense and to the men and women who serve in the military. It provides $15 billion more than the Republicans do and the administration's plan and $10 billion for veterans. The Blue Dog budget also calls for a $40 billion tax relief. The American people need it, and we can afford this. It gives families, farms, and small business owners much needed tax relief but within a framework of fiscal responsibility.

The organizing principle behind this Blue Dog budget is restoring fiscal responsibility to a government that has been spending more than it has taken in over the years. It pays off the national debt faster than any other budget proposal the House will consider today.

The moral thing to do is to relieve our children and our grandchildren of this debt. I urge my colleagues to support this Blue Dog budget resolution.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. STENHOLM) has 5½ minutes remaining. The gentleman from Wisconsin (Mr. RYAN) has 3½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, article 1, section 8 of the United States Constitution gives Congress the authority to provide for the common defense. It goes on to say that no money can be drawn from the Treasury except by appropriation by Congress.

For more than a decade, the budget for national defense has decreased. In particular, for the past 6 years, a Democratic President has asked for far too little, and the Republican Congress has achieved almost all of the debt reduction at the expense of our Nation's defense.

The result is its shrinking Navy fleet, almost 300 ships, aging weapons systems, the shortchanging of our men and women in uniform, the delay of their paychecks so that it will go on next year's bill instead of this.

In human terms, it means people like Harry Schein, a Marine Corps lance corporal has to work two part-time jobs to make ends meet and to take care of his son. It means that people like Lisa Joles, the wife of a United States Marine, has to pick up used furniture on the side of the road to take care of her and other Marine families.

But do my colleagues know, it gets worse. Our military retirees who were promised a lifetime of free health care if they served our country honorably for 20 years are being told they cannot come to the base hospital anymore.

The Blue Dog budget increases defense spending over the Republican proposal by over $4 billion a year. One billion dollars of that would fulfill the promise of lifetime health care to our military retirees. That proposal has been endorsed by over 24 veterans organizations.

The other $3 billion can go to address the pay problems. It can go to address the aging weapons systems. It can go to take care of readiness.

The promise that was made to our service members and military retirees are more important than the promises that were made over a steak dinner and cocktails to some big contributor for a tax break.

Tonight my colleagues get to decide which they think are more important.

Mr. STENHOLM. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I support the Blue Dog budget very simply because it provides debt reduction with savings to Social Security and Medicare, priority spending for education, veterans, agriculture, defense, health care and prescription drugs, and provides responsible tax relief from the death tax, the marriage penalty, and it gives deductions for health care to the self-employed. It is a good budget. It is fiscally responsible, and we just ought to pass it.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the caps are right. The budget we will consider next recognizes the gimmicks in the budget that we are considering at the base bill.

The reason my colleagues can claim all of the things that they claim regarding debt is they are back end loading. They are in fact double counting in areas in which many of them who have been speaking do not truly appreciate what their committee has done. They are back end loading.

It is true when we talk about Social Security and our tax cuts, it is true, ours are puny compared to theirs. The problem is that theirs explodes in 2014 when the Social Security drain will become real. When the baby boomers become retirees and begin drawing Social Security, that is when their tax cut will become a problem that the Blue Dogs wish to avoid. I wish they would recognize that.

We have been criticized for too much spending, but at the same time folks on this side have said we agree with your military spending. We agree with your defense spending. We agree with your spending for veterans. They cannot have it both ways. Ours is the most responsible.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 5 seconds to rebut.

The difference between the Blue Dog budget and the Republican budget is that the Blue Dog budget cuts less taxes and spends more money.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, one of the previous speakers, the gentleman from Pennsylvania (Mr. TOOMEY), described very clearly what the fundamental difference is between these two budgets.

The Republican budget, after we set aside every single penny of the Social Security surplus, and after we set aside $40 billion for medical care reforms and prescription drug coverage, and after we pay down $1 trillion in debt over 5 years, and after we fund critical needs and defense, $2 billion more for the unfunded mandate of special education costs, after we invest in veterans' health care, only then do we recognize the importance of letting Americans keep a little bit more of their own money.

The Blue Dog budget just does not understand this. It is a minuscule tax cut over 5 years.

Let us look at the difference, the difference in values here. This is the tax relief in the Republican budget and the marriage penalty. Now, we could pay down a little bit more debt if we wanted to keep penalizing married couples simply because they chose to get married, but that would be wrong.

Repeal the Social Security earnings limit. We could pay down a little bit more debt if we wanted to keep punishing those seniors that want to be a productive part of the workforce, but that would be terribly wrong.

We could keep taxing family farms and small businesses, send them to the IRS and the undertaker on the same day, but that would be wrong.

We could decide not to give individuals health insurance deductibilities just like we give to big corporations, but that would be wrong.

□ 2100

Sure, we could pay down a little bit more debt in addition to the trillion dollars in debt over 5 years, but that would be wrong.

We fundamentally recognize that what we need to do is not just reduce the tax burden on citizens in this country, which is at an all-time high, but we need to make the Tax Code more fair through health insurance deductibility, eliminating the death tax, repealing the earnings limit, and expanding the opportunity to invest in IRAs and education savings accounts. The Republican proposal does just that.

Reject this amendment that does not treat the American taxpayer fairly and support the Republican resolution.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I didn't know whether I was going to get into this debate or not. But after listening to everything that has been said today, I think I have to. Make no mistake about it: I support the Blue Dog Budget.

The Blue Dog Budget is the most balanced plan of any before us. It eliminates the public debt more quickly than any other plan. It makes room for responsible tax cuts. It provides realistic discretionary spending. It makes Medicare work better. It saves 100% of the Social Security surplus.

It addresses many other problems, ranging from agriculture to health care for military retirees, in better ways than any other option.

But what is of major importance to me is—over the next five years, it increases defense discretionary spending by $32 billion over the inflated baseline.

What's good about that is that it's $15 billion more than the Republican budget.

What's problematic is that it still doesn't meet unfunded requirements submitted by the service chiefs. To do that, you would need to add at least $15 billion a year for the next five years. And while not going that far, the Blue Dog Budget clearly moves us closer to meeting our requirements. And let me tell you why that's important.

Our fleet admirals say they need more than 350 ships to carry out the missions assigned today. But we're not building enough ships.

The Army is trying to build a force that is both more maneuverable and more lethal—in order to respond to current contingencies.

But we're forcing them to achieve that goal by canceling systems and undercutting current capabilities. There's not enough money. And the future of the Air Force depends on whether we can afford the development of two new planes, the F–22 and joint strike fighter.

You know what's so great about those two planes? They have the capabilities and characteristics to ensure that their pilots always come home. You only have to think back to Kosovo, where we lost two aircraft and no pilots, to see how important that is.

Nevertheless, with money so tight, I'm afraid we may postpone one of the programs simply to harvest the money for other defense programs. I hope it doesn't come to that, but that's how desperate the situation really is.

Not only are we short of money, we're short of people. We've negated our commitments to health care.

The net result is that veterans and military retirees—from families who have served this country for many generations—are telling their sons and daughters: "Don't go into the service, they don't keep their promises." That's a very sad state of affairs.

It's a state of affairs that the Blue Dog budget tries to remedy, in part, by adding nearly $7 billion more for military retiree health care, and $10 billion more for veterans programs, than the Republican plan. I could go on and on. There are so many constructive solutions in the Blue Dog budget.

Unless you have a political agenda that carries you off in some other direction, this should be the easiest budget to vote for.

I ask you to support responsible, constructive solutions that will strengthen our nation at home and abroad. Vote "yes" on the Blue Dog budget.

Mr. STENHOLM. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, it has been a long day, and I think almost everything has been said, just not everyone has had a chance to say it.

I think it would be wise to remind ourselves that a budget and a budget resolution is merely a forecast of future economic events with an attending set of priorities based thereon.

It has been very well pointed out by the speakers before me that this country is right now laboring with a 13 percent mortgage on us. Over $300 billion a year. Now, my colleagues, no rational businessperson on earth, with a 13 percent mortgage on his business, would not make it a priority, when he came into some extra money, to reduce that staggering overhead.

My colleagues say the American people are overtaxed. We agree. And the reason they are overtaxed is because they are lugging around a 13 percent mortgage on themselves and their country.

Now, President Eisenhower said one time that he considered no money here in Washington a surplus as long as the Nation's children had a debt. And I know that all my colleagues have a priority of tax relief for the here and now, but the Blue Dog budget has a priority for tax relief for the then and there.

It is simply wrong to leave this country to our children, our posterity, with water so dirty that fish cannot live in it, air so polluted people cannot breathe it, and a 13 percent mortgage on it that they are going to have to strain and struggle and pay for eternity. That is simply wrong.

Our priority is debt reduction first, funding the programs we need to for the military; for the agriculture sector; for veterans; for education and for health care. It is a balanced budget. Tax relief for some; but more importantly, tax relief for those who follow.

This country will be stronger if we adopt the Blue Dog budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, let me first of all pay tribute to the Blue Dogs, because I think what the gentleman from Texas (Mr. STENHOLM) said early on is right. I think the Blue Dogs have made an enormous contribution in this House towards the effort of being able to balance a budget and pay down debt.

I am, however, a little bit mystified with this budget because I have always felt that the Blue Dogs did not like the tax cuts because they wanted to pay down more debt. And in this budget they do not have the tax cuts, and they do not even pay down as much debt as we do. They went into the spending mode. We actually pay down $25 billion more than the Blue Dogs do.

But I want to pose a challenge to the Blue Dogs, because I am hopeful that we are going to beat their budget, and I am hopeful ours will pass. I think my colleagues ought to like our budget. It does cut a lot of taxes, but it pays down a trillion dollars in debt; and it does restrain spending, and it does protect Social Security. So I would ask my colleagues to think about it when we get to final passage.

But I also want my colleagues to know that today we unveiled, I think it was 170,000 general accounting reports today on waste, fraud and abuse in the Federal Government. And the Committee on the Budget is going to start an effort to try to root out that waste in order to make this government more efficient. And we need the Blue Dogs. We need all my colleagues to participate with us, and we invite them to participate with us through the Committee on the Budget. If Members want to come and sit with us, we would like to deputize them.

I think on a bipartisan basis we ought to attack the waste and the fraud and the abuse, and set our priorities. And the things that touch my colleagues' hearts, the poverty, they touch all our hearts too. So let us prioritize; but at the same time, let us clean it up and let us do it together.

Mr. DINGELL. Mr. Chairman, I rise in support of the Blue Dog budget which balances fiscal responsibility with the need to adequately fund programs addressing our national priorities and needs. The Blue Dog budget is a responsible plan that balances the budget and retires public debt without tapping into the Social Security trust fund.

Mr. Chairman, I am particularly pleased the Blue Dog budget provides needed funding to expand the Montgomery G.I. bill. The Armed Forces face serious recruiting problems. In order to meet our defense needs, the Armed Forces must have the tools it needs to draw men and women into uniform. The Montgomery G.I. bill has proven to be the military's most valuable recruiting tool. Unfortunately, the combination of a substantially devalued G.I. bill, which now pays only 36 percent of the cost of receiving a 4-year college education, and expanded Federal financial assistance to college-bound students without military service has crippled the G.I. bill's effectiveness.

Recent recruiting gimmicks such as psychedelic humvees, Spike Lee advertisements, drag racers, or desperate cash giveaways are not the answer to these problems. Nor is conscription. Congress would best help our Armed Forces by improving the G.I. bill. Providing access to higher education in exchange for national service is the right thing to do. A strong G.I. bill helps veterans and their families, aids our national defense, and strengthens the economy.

Last year, my colleague, LANE EVANS and I introduced the Montgomery GI Bill Expansion Act (H.R. 1071) to ensure that our All-Volunteer Armed Forces had the ability to attract recruits, and, at the same time, provide veterans with the skills they need to better our economy and their lives. The Blue Dog budget wisely provides funding to expand the G.I. bill in line with H.R. 1071 and will restore the MGIB's value both as a meaningful readjustment benefit and an effective recruiting incentive.

Mr. Chairman, the Blue Dog budget is good for America's veterans and soldiers and is a solid blueprint for our Nation's future. Unlike the Republican budget that would foolishly squander the surplus, the responsible Blue Dog budget pays down the national debt. It will put the nation on a course to eliminate the publicly held debt by 2012 with a strong, immediate commitment to debt reduction. In addition to this, it provides for needed investments in our Nation's health, establishing a $40 billion Medicare reserve fund that can be used to fund Medicare reform and a prescription drug benefit for our seniors.

Mr. Chairman, I urge my colleagues to do the right thing for veterans, soldiers and our nation's future. Vote for the Blue Dog budget.

Mr. MOORE. Mr. Chairman, I rise today in strong support of the conservative Blue Dog substitute to H. Con. Res. 290, the fiscal year 2001 budget resolution, because it establishes a responsible fiscal framework for Congress to maintain a true balanced budget and to eliminate our national debt.

The majority's budget resolution calls for $596.5 billion in discretionary spending for fiscal year 2001, which is 2 percent more than the current levels. This budget protects funding for some education programs, veterans, and the NIH; however, it does so at the expense of other domestic priorities—most of which would be cut by the majority, on average, by nearly 10 percent. While I commend the majority's discipline on setting spending levels and prioritizing funding for some of our most pressing domestic needs, I am disappointed about the insistence on passing huge tax cuts that jeopardize our efforts to save Social Security, protect Medicare, and pay down the national debt.

Additionally, the majority plan sets no funding aside to extend the solvency of Social Security one single day. While the majority plan creates a "reserve" that could be used to fund Medicare reform or provide a prescription drug benefit; however, how these funds might be used are undefined. Finally, the majority plan provides little, if any room for debt reduction; they allow for a $150 billion tax cut that could explode to almost $250 billion if the majority uses its $40 billion Medicare "reserve" for tax cuts and the additional $50 billion reserve for tax cuts. Worse, if both reserves are used, all on-budget surpluses would be wiped out and there would be a $7 billion on-budget deficit in fiscal year 2004.

The majority's budget resolution clearly guides us down the wrong fiscal path by proposing risky tax cuts that will return us to an era of fiscal deficits and exploding national debt, without extending Social Security solvency, protecting Medicare, or reducing any of our national debt.

Similarly, the Democratic alternative does not do enough to focus on this nation's most pressing needs. While this substitute preserves Social Security and Medicare for the long run, begins paying down our national debt and provides targeted tax relief, it forsakes immediate attention to these needs by unnecessarily increasing discretionary spending levels by calling for $19.2 billion in spending increases for fiscal year 2001 and $118.3 billion more in discretionary budget authority than the majority's plan over five years. Like the majority budget resolution, the Democratic alternative directs our fiscal resources away from Social Security, away from Medicare and away from debt reduction.

The conservative Blue Dog budget, by contrast, sets out responsible budgetary policy that achieves and maintains a true balanced budget raiding Social Security. The Blue Dog budget reserves half of the on-budget surpluses for debt reduction rather than spending it on tax cuts or new programs. This will allow the budget to remain balanced without dipping into the Social Security trust fund even if optimistic budget projections don't materialize. The Blue Dog budget divides the remaining half on the on-budget surplus between tax reduction and shoring up our nation's commitment to our other domestic priorities—education, veterans, health care and a strong national defense.

Mr. Chairman, the conservative Blue Dog budget, by prudently and responsibly allocating our resources, will allow this nation to maintain our unprecedented economic growth. This budget gets back to basic and common sense principles that most American families follow in their daily lives: Paying our debts; don't spend money we don't have; and provide for basic needs.

I urge my colleagues to join me in supporting the conservative Blue Dog budget substitute.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time has expired.

The question is on the amendment in the nature of a substitute, as modified, offered by the gentleman from Texas (Mr. STENHOLM).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 243, answered "present" 1, not voting 19, as follows:

[Roll No. 72]

AYES—171

Abercrombie
Aderholt
Andrews
Baca
Baird
Baldacci
Barcia
Barrett (NE)
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blumenauer
Bonior
Boswell
Boyd
Brady (PA)
Brown (FL)
Bryant
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Coburn
Condit
Cramer
Crowley
Danner
Davis (FL)
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frost
Gilman
Gonzalez
Granger
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hill (IN)
Hinchey
Hinojosa
Holden
Holt
Houghton
Hoyer
Hunter
Inslee
Jefferson
John
Kanjorski
Kaptur
Kelly
Kind (WI)
Kleczka
Klink
LaFalce
LaHood
Lampson
Lantos
Larson
Levin
Lofgren
Lucas (KY)
Luther
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McIntyre
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Norwood
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pickering
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Scarborough
Scott
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Tiahrt
Turner
Upton
Visclosky
Wamp
Watkins
Watt (NC)
Waxman
Weldon (PA)
Wu
Wynn
Young (FL)

NOES—243

Allen
Armey
Bachus
Baker
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Bass
Biggert
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady (TX)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clay
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutierrez
Gutknecht
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
McCrery
McGovern
McInnis
McIntosh
McKeon
McKinney
McNulty
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Myrick
Nadler
Nethercutt
Ney
Northup
Nussle
Obey
Ose
Owens
Oxley
Packard
Paul
Payne
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vitter
Walden
Walsh
Waters
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—19

Ackerman
Archer
Bonilla
Crane
Dixon
Gordon
Greenwood
Jackson-Lee (TX)
Lowey
Martinez
McCollum
McDermott
McHugh
Porter
Quinn
Rangel
Royce
Schakowsky
Vento

☐ 2125

Mr. GALLEGLY and Mr. HOEKSTRA changed their vote from "aye" to "no."

Ms. GRANGER, Ms. BROWN of Florida and Messrs. WELDON of Pennsylvania, GILMAN, and GREEN of Texas changed their vote from "no" to "aye."

Mr. BATEMAN changed his vote from "no" to "present."

So the amendment in the nature of a substitute, as modified, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment Number 4, printed in part B of House Report 106-535.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 4 OFFERED BY MR. SUNUNU

Mr. SUNUNU. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 4 offered by Mr. SUNUNU:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

The Congress declares that the concurrent resolution on the budget for fiscal year 2000 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2001 and that the appropriate budgetary levels for fiscal years 2002 through 2005 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of the fiscal years 2000 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:
Fiscal year 2000: $1,945,000,000,000.
Fiscal year 2001: $2,016,000,000,000.
Fiscal year 2002: $2,096,000,000,000.
Fiscal year 2003: $2,177,000,000,000.
Fiscal year 2004: $2,263,000,000,000.
Fiscal year 2005: $2,361,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:
Fiscal year 2000: $0.
Fiscal year 2001: $13,207,000,000.
Fiscal year 2002: $40,337,000,000.
Fiscal year 2003: $54,528,000,000.
Fiscal year 2004: $67,518,000,000.
Fiscal year 2005: $95,497,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:
Fiscal year 2000: $1,799,400,000,000.
Fiscal year 2001: $1,839,500,000,000.
Fiscal year 2002: $1,877,900,000,000.
Fiscal year 2003: $1,933,100,000,000.
Fiscal year 2004: $1,991,800,000,000.
Fiscal year 2005: $2,059,700,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:
Fiscal year 2000: $1,784,000,000,000.
Fiscal year 2001: $1,809,000,000,000.
Fiscal year 2002: $1,860,000,000,000.
Fiscal year 2003: $1,914,000,000,000.
Fiscal year 2004: $1,968,000,000,000.
Fiscal year 2005: $2,037,000,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:
Fiscal year 2000: $.
Fiscal year 2001: $.
Fiscal year 2002: $.
Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:
Fiscal year 2000: $.
Fiscal year 2001: $.
Fiscal year 2002: $.
Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2005 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,900,000,000.
(B) Outlays, $282,500,000.
Fiscal year 2001:
(A) New budget authority, $309,000,000,000.
(B) Outlays, $299,700,000,000.
Fiscal year 2002:
(A) New budget authority, $317,500,000,000.
(B) Outlays, $307,800,000,000.
Fiscal year 2003:
(A) New budget authority, $326,300,000,000.
(B) Outlays, $319,800,000,000.
Fiscal year 2004:
(A) New budget authority, $335,200,000,000.
(B) Outlays, $328,400,000,000.
Fiscal year 2005:
(A) New budget authority, $344,300,000,000.
(B) Outlays, $340,500,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $15,500,000,000.
Fiscal year 2001:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $14,200,000,000.
Fiscal year 2002:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $13,900,000,000.
Fiscal year 2003:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $12,100,000,000.
Fiscal year 2004:
(A) New budget authority, $15,500,000,000.
(B) Outlays, $12,000,000,000.
Fiscal year 2005:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $11,800,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,500,000,000.
Fiscal year 2001:
(A) New budget authority, $19,200,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2002:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,100,000,000.
Fiscal year 2003:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2004:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2005:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,000,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $1,100,000,000.
(B) Outlays, −$600,000,000.
Fiscal year 2001:
(A) New budget authority, $0:
(B) Outlays, −$1,300,000,000.
Fiscal year 2002:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$1,200,000,000.
Fiscal year 2003:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$1,500,000,000.
Fiscal year 2004:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$1,500,000,000.
Fiscal year 2005:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$1,500,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24,300,000,000.
(B) Outlays, $24,200,000,000.
Fiscal year 2001:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2002:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2003:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2004:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2005:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,800,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $35,700,000,000.
(B) Outlays, $34,300,000,000.
Fiscal year 2001:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $16,900,000,000.
Fiscal year 2002:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2003:
(A) New budget authority, $17,600,000,000.
(B) Outlays, $15,900,000,000.
Fiscal year 2004:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $15,500,000,000.
Fiscal year 2005:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $14,200,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $4,100,000,000.
Fiscal year 2001:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $2,900,000,000.
Fiscal year 2002:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $4,000,000,000.
Fiscal year 2003:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $4,300,000,000.
Fiscal year 2004:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $7,900,000,000.
Fiscal year 2005:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $8,400,000,000.

(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $46,600,000,000.
Fiscal year 2001:
(A) New budget authority, $54,700,000,000.
(B) Outlays, $43,900,000,000.
Fiscal year 2002:
(A) New budget authority, $52,200,000,000.
(B) Outlays, $44,900,000,000.
Fiscal year 2003:
(A) New budget authority, $53,000,000,000.
(B) Outlays, $46,100,000,000.
Fiscal year 2004:
(A) New budget authority, $53,000,000,000.
(B) Outlays, $46,200,000,000.
Fiscal year 2005:
(A) New budget authority, $53,000,000,000.
(B) Outlays, $46,100,000,000.

(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $11,200,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 2001:
(A) New budget authority, $9,100,000,000.
(B) Outlays, $11,100,000,000.
Fiscal year 2002:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2003:
(A) New budget authority, $8,400,000,000.
(B) Outlays, $8,800,000,000.
Fiscal year 2004:
(A) New budget authority, $8,400,000,000.
(B) Outlays, $8,300,000,000.
Fiscal year 2005:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $7,800,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $57,700,000,000.

(B) Outlays, $61,400,000,000.

Fiscal year 2001:

(A) New budget authority, $70,400,000,000.

(B) Outlays, $70,100,000,000.

Fiscal year 2002:

(A) New budget authority, $71,000,000,000.

(B) Outlays, $70,100,000,000.

Fiscal year 2003:

(A) New budget authority, $71,000,000,000.

(B) Outlays, $69,800,000,000.

Fiscal year 2004:

(A) New budget authority, $71,100,000,000.

(B) Outlays, $69,800,000,000.

Fiscal year 2005:

(A) New budget authority, $71,800,000,000.

(B) Outlays, $70,300,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $159,300,000,000.

(B) Outlays, $152,300,000,000.

Fiscal year 2001:

(A) New budget authority, $168,400,000,000.

(B) Outlays, $166,800,000,000.

Fiscal year 2002:

(A) New budget authority, $127,200,000,000.

(B) Outlays, $177,200,000,000.

Fiscal year 2003:

(A) New budget authority, $189,100,000,000.

(B) Outlays, $189,200,000,000.

Fiscal year 2004:

(A) New budget authority, $202,700,000.

(B) Outlays, $203,000,000,000.

Fiscal year 2005:

(A) New budget authority, $218,300,000,000.

(B) Outlays, $217,800,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $199,600,000,000.

(B) Outlays, $199,500,000,000.

Fiscal year 2001:

(A) New budget authority, $215,700,000,000.

(B) Outlays, $216,000,000,000.

Fiscal year 2002:

(A) New budget authority, $221,600,000,000.

(B) Outlays, $221,600,000,000.

Fiscal year 2003:

(A) New budget authority, $239,700,000,000.

(B) Outlays, $239,500,000,000.

Fiscal year 2004:

(A) New budget authority, $255,300,000,000.

(B) Outlays, $255,500,000,000.

Fiscal year 2005:

(A) New budget authority, $278,700,000,000.

(B) Outlays, $278,200,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $238,400,000,000.

(B) Outlays, $248,000,000,000.

Fiscal year 2001:

(A) New budget authority, $251,400,000,000.

(B) Outlays, $255,000,000,000.

Fiscal year 2002:

(A) New budget authority, $258,700,000,000.

(B) Outlays, $265,600,000,000.

Fiscal year 2003:

(A) New budget authority, $267,300,000,000.

(B) Outlays, $273,900,000,000.

Fiscal year 2004:

(A) New budget authority, $276,400,000,000.

(B) Outlays, $278,700,000,000.

Fiscal year 2005:

(A) New budget authority, $288,100,000,000.

(B) Outlays, $290,500,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $405,000,000,000.

(B) Outlays, $405,000,000,000.

Fiscal year 2001:

(A) New budget authority, $422,800,000,000.

(B) Outlays, $422,700,000,000.

Fiscal year 2002:

(A) New budget authority, $443,000,000,000.

(B) Outlays, $443,000,000,000.

Fiscal year 2003:

(A) New budget authority, $463,800,000,000.

(B) Outlays, $463,200,000,000.

Fiscal year 2004:

(A) New budget authority, $486,000,000,000.

(B) Outlays, $485,900,000,000.

Fiscal year 2005:

(A) New budget authority, $510,100,000,000.

(B) Outlays, $510,100,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $46,000,000,000.

(B) Outlays, $45,200,000,000.

Fiscal year 2001:

(A) New budget authority, $47,800,000,000.

(B) Outlays, $47,400,000,000.

Fiscal year 2002:

(A) New budget authority, $49,000,000,000.

(B) Outlays, $48,900,000,000.

Fiscal year 2003:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $50,600,000,000.

Fiscal year 2004:

(A) New budget authority, $52,000,000,000.

(B) Outlays, $51,700,000,000.

Fiscal year 2005:

(A) New budget authority, $55,300,000,000.

(B) Outlays, $54,900,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $27,300,000,000.

(B) Outlays, $28,000,000,000.

Fiscal year 2001:

(A) New budget authority, $25,500,000,000.

(B) Outlays, $25,900,000,000.

Fiscal year 2002:

(A) New budget authority, $25,100,000,000.

(B) Outlays, $25,600,000,000.

Fiscal year 2003:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $25,100,000,000.

Fiscal year 2004:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $24,900,000,000.

Fiscal year 2005:

(A) New budget authority, $24,900,000,000.

(B) Outlays, $24,800,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $14,700,000,000.

Fiscal year 2001:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,900,000,000.

Fiscal year 2002:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $12,600,000,000.

Fiscal year 2003:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,300,000,000.

Fiscal year 2004:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,300,000,000.

Fiscal year 2005:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $12,000,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $.

(B) Outlays, $.

Fiscal year 2001:

(A) New budget authority, $.

Fiscal year 2002:

(A) New budget authority, $.

(B) Outlays, $.

Fiscal year 2003:

(A) New budget authority, $.

(B) Outlays, $.

Fiscal year 2004:

(A) New budget authority, $.

(B) Outlays, $.

Fiscal year 2005:

(A) New budget authority, $.

(B) Outlays, $.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $11,500,000,000.

Fiscal year 2001:

(A) New budget authority, −$4,200,000,000.

(B) Outlays, −$8,600,000,000.

Fiscal year 2002:

(A) New budget authority, −$1,500,000,000.

(B) Outlays, −$500,000,000.

Fiscal year 2003:

(A) New budget authority, −$1,700,000,000.

(B) Outlays, −$1,400,000,000.

Fiscal year 2004:

(A) New budget authority, −$2,300,000,000.

(B) Outlays, −$2,200,000,000.

Fiscal year 2005:

(A) New budget authority, −$2,500,000,000.

(B) Outlays, −$2,500,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$41,800,000,000.

(B) Outlays, −$41,800,000,000.

Fiscal year 2001:

(A) New budget authority, −$46,700,000,000.

(B) Outlays, −$46,700,000,000.

Fiscal year 2002:

(A) New budget authority, −$50,200,000,000.

(B) Outlays, −$50,200,000,000.

Fiscal year 2003:

(A) New budget authority, −$50,200,000,000.

(B) Outlays, −$50,200,000,000.

Fiscal year 2004:

(A) New budget authority, −$48,200,000,000.

(B) Outlays, −$48,200,000,000.

Fiscal year 2005:

(A) New budget authority, −$50,100,000,000.

(B) Outlays, −$50,100,000,000.

SEC. 4. RECONCILIATION.

(a) SUBMISSIONS REGARDING REVENUES.—In addition to changes in revenues included the House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than May 19, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $4,100,000,000 for Fiscal Year 2001, and $50,700,000,000 for the period of fiscal years 2001 through 2005;

(2) not later than May 19, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $578,000,000 for Fiscal Year 2001, and $12,984,000,000 for the period of fiscal years 2001 through 2005;

(3) not later than May 19, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $2,353,000,000 for Fiscal Year 2001, and $45,750,000,000 for the period of fiscal years 2001 through 2005;

(4) not later than May 26, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $5,200,000,000 for Fiscal Year 2001, and $26,000,000,000 for the period of fiscal years 2001 through 2005;

(5) not later than June 23, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $500,000,000 for Fiscal Year 2001, and $15,600,000,000 for the period of fiscal years 2001 through 2005;

(6) not later than July 28, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $476,000,000 for Fiscal Year 2001, and $7,718,000,000 for the period of fiscal years 2001 through 2005; and

(7) not later than September 22, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $0 for Fiscal

Year 2001, and $113,000,000,000 for the period of fiscal years 2001 through 2005;

(b) SUBMISSIONS REGARDING DEBT HELD BY THE PUBLIC.—The House Committee on Ways and Means shall report to the House a reconciliation bill—

(1) not later than May 26, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by not more than $10,000,000,000 for Fiscal Year 2001; and

(2) not later than September 22, 2000 that consists of changes in laws within its jurisdiction sufficient to reduce the debt held by the public by not more than $40,000,000,000 for the period of fiscal years 2002 through 2005.

(c) SUBMISSIONS REGARDING MEDICARE.—The House Committee on Ways and Means shall report to the House a reconciliation bill not later than September 22, 2000 that reforms the medicare program and provides coverage for prescription drugs, but not to exceed $4 billion in new budget authority and $4,000,000,000 in outlays for fiscal year 2001 and −$2,000,000,000 in new budget authority and −$2,000,000,000 in outlays for the period fiscal years 2001 through 2005.

SEC. 5. SPECIAL PROCEDURES TO SAFEGUARD TAX RELIEF.

(a) ADJUSTMENTS.—

(1) Upon the reporting of a reconciliation bill by the Committee on Ways and Means pursuant to section 4(a) or, the offering of an amendment to, or the submission of a conference report on, H.R. 3081, H.R. 6, or H.R. 2990, whichever occurs first, the chairman of the Committee on the Budget of the House shall reduce to zero the revenue aggregates set forth in section 2(1)(B) (and make all other appropriate conforming adjustments).

(2) After making the adjustments referred to in paragraph (1), and whenever the Committee on Ways and Means reports any reconciliation bill pursuant to section 4(a) (or an amendment thereto is offered or a conference report thereon is submitted or an amendment to H.R. 3081, H.R. 6, or H.R. 2990 is offered or a conference report thereon is submitted after the date of adoption of this resolution, the chairman of the Committee on the Budget of the House shall increase the levels by which Federal revenues should be reduced by the amount of revenue loss caused by such measure for each applicable year or period, but not to exceed, after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that causes a reduction in revenues for such year or period, $ in fiscal year 2001 and $ for the period of fiscal year 2001 through 2005 (and make all other appropriate conforming adjustments).

(b) APPLICATION.—Any adjustments made pursuant to subsection (a)(1) for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 6. RESERVE FUND FOR AUGUST UPDATE REVISION OF BUDGET SURPLUSES.

(a) REPORTING A SURPLUS.—If the Congressional Budget Office report referred to in subsection (b) projects an increase in the surplus for fiscal year 2000, fiscal year 2001, and the period of fiscal years 2001 through 2005 over the corresponding levels set forth in its economic and budget forecast for 2001 submitted pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget of the House may make the adjustments as provided in subsection (c).

(b) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEAR 2001.—The report referred to in subsection (a) is the Congressional Budget Office updated budget forecast for fiscal year 2001.

(c) ADJUSTMENTS.—If the Committee on Ways and Means reports any reconciliation bill pursuant to section 4(a) (or an amendment thereto is offered or a conference report thereon is submitted), or an amendment to H.R. 3081, H.R. 6, or H.R. 2990 is offered or a conference report thereon is submitted after the date of adoption of this resolution that, after taking into account any other bill or joint resolution enacted during this session of the One Hundred Sixth Congress that causes a reduction in revenues for such year or period, would cause the level by which Federal revenues should be reduced, as set forth in section 2(1)(B) for fiscal year 2001 or for the period of fiscal years 2001 through 2005, to be exceeded, the chairman of the Committee on the Budget of the House may increase the levels by which Federal revenues should be reduced by the amount exceeding such level resulting from such measure for each applicable year or period, but not to exceed the increase in the surplus for such year or period in the report referred to in subsection (a).

(d) APPLICATION.—Any adjustments made pursuant to subsection (c) for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 7. SAFE DEPOSIT BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2001, the social security surplus will exceed $166 billion;

(5) for the first time, a concurrent resolution on the budget balances the Federal budget without counting the social security surpluses;

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and

(7) Congress and the President should take such steps as are necessary to ensure that future budgets are balanced excluding the surpluses generated by the social security trust funds.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for fiscal year 2002, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.

(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.

SEC. 8. DEBT REDUCTION LOCK-BOX.

POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any reported bill or joint resolution, or any amendment thereto or conference report thereon, that would cause a surplus for fiscal year 2001 to be less than the level (as adjusted) set forth in section 2(4) for that fiscal year.

(b) SPECIAL RULE.—The level of the surplus for purposes of subsection (a) shall not take into account any adjustment made under section 314(a)(1)(C) of the Congressional Budget Act of 1974.

SEC. 9. RESERVE FUND FOR AGRICULTURE IN FISCAL YEAR 2001.

If the Committee on Agriculture of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that provides risk management or income assistance for agricultural producers, the chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) if such legislation does not exceed $ in new budget authority and $ in outlays for fiscal year 2001 and $ in new budget authority and $ in outlays for the period of fiscal years 2001 through 2005 (and make all other appropriate conforming adjustments).

SEC. 10. RESERVE FUND FOR RETIREMENT SECURITY

Whenever the Committee on Ways and Means of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that enhances retirement security through structural programmatic reform and the creation of personal retirement accounts, the chairman of the Committee on the Budget may—

(1) increase the appropriate allocations and aggregates of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for that purpose;

(2) reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose; and

(3) make all other appropriate conforming adjustments.

SEC. 11. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocation and aggregates made pursuant to section 9 or 10 for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 12. SENSE OF THE HOUSE REGARDING THE STABILIZATION OF CERTAIN FEDERAL PAYMENTS TO STATES, COUNTIES, AND BOROUGHS.

It is the sense of the House that Federal revenue-sharing payments to States, countries, and boroughs pursuant to the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), the Act of August 8, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), the Act of May 24, 1939 (chapter 144; 53 Stat. 753, 43 U.S.C. 1181f–1 et seq.), and sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) should be stabilized and maintained for the long-term benefit of schools, roads, public services, and communities, and that providing such permanent, stable funding is a priority of the 106th Congress.

SEC. 13. SENSE OF THE HOUSE ON DIRECTING THE INTERNAL REVENUE SERVICE TO ACCEPT NEGATIVE NUMBERS IN FARM INCOME AVERAGING.

(a) FINDINGS.—The House finds that—

(1) farmers' and ranchers' income vary widely from year to year due to uncontrollable markets and unpredictable weather;

(2) in the Taxpayer Relief Act of 1997, Congress enacted 3-year farm income averaging to protect agricultural producers from excessive tax rates in profitable years;

(3) last year, the Internal Revenue Service (IRS) proposed final regulations for averaging farm income which fail to make clear that taxable income in a given year may be a negative number; and

(4) this IRS interpretation can result in farmers having to pay additional taxes during years in which they experience a loss in income.

(b) SENSE OF THE HOUSE.—It is the sense of the House that during this session of the 106th Congress, legislation should be considered to direct the Internal Revenue Service to count any net loss of income in determining the proper rate of taxation.

SEC. 14. SENSE OF THE HOUSE ON ESTIMATES OF THE IMPACT OF REGULATIONS ON THE PRIVATE SECTOR.

(a) FINDINGS.—The House finds that—

(1) the Federal regulatory system sometimes adversely affects many Americans and businesses by imposing financial burdens with little corresponding public benefit:

(2) currently, Congress has no general mechanism for assessing the financial impact of regulatory activities on the private sector;

(3) Congress is ultimately responsible for making sure agencies act in accordance with congressional intent and while the executive branch is responsible for promulgating regulations, Congress ultimately can and should curb ineffective regulations by using its oversight and regulatory powers; and

(4) a variety of reforms have been suggested to increase congressional oversight over regulatory activity, including directing the President to prepare an annual accounting statement containing several cost/benefit analyses, recommendations to reform inefficient regulatory programs, and an identification and analysis of duplications and inconsistencies among such programs.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the House should reclaim its role as reformer and take the first step toward curbing inefficient regulatory activity by passing legislation authorizing the Congressional Budget Office to prepare regular estimates on the impact of proposed Federal regulations on the private sector.

SEC. 15. SENSE OF CONGRESS ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—The Congress finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) a partnership with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consideration of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should enact legislation that would consolidate thirty-one Federal K&ndash;12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms.

SEC. 16. SENSE OF THE HOUSE REGARDING TAX RELIEF.

(a) FINDINGS.—The House finds that this concurrent resolution dedicates $272,800,000 over 5 years to reduce the tax burden on American families.

(b) SENSE OF THE HOUSE.—It is the sense of the House that these funds should be used to—

(1) eliminate the marriage penalty by enacting into law the provisions of H.R. 6;

(2) increase access to health care by enacting into law the revenue provisions of H.R. 2990;

(3) provide tax relief to small business owners by enacting into law the revenue provisions of H.R. 3832;

(4) repeal the 1993 tax increase on Social Security benefits;

(5) expand educational opportunities by expanding Education Savings Accounts;

(6) repeal the 1993 4.3 cent tax increase on motor fuels;

(7) repeal the "death tax".

SEC. 17. SENSE OF THE HOUSE REGARDING SOCIAL SECURITY REFORM.

(a) FINDINGS.—The House finds the following:

(1) For more than 30 years, the Social Security Trust Fund has been used to mask on-budget deficits and this year the debt to the Social Security Trust Fund will exceed $1 trillion.

(2) While the debt held by the public will decrease over the next 10 years, the debt owed to the Social Security Trust Fund will continue to increase and the national debt is projected, by the Congressional Budget Office, to increase to more than $6 trillion by Fiscal Year 2006.

(3) By 2014, in order to pay benefits, the Social Security Trust Fund will begin redeeming the certificates of debt that are currently held and if nothing is done to reform the system before then, Congress will be forced to implement emergency provisions that either raise taxes, increase publicly held debt, or cut benefits.

(4) Although the Social Security Trust Fund has been taken off-budget, the only true way to prohibit Congress and the President from borrowing from the surpluses of the Social Security Trust Fund is to return those surpluses to workers today in the form of rebates to be used solely for the purposes of personal retirement accounts.

(5) Personal Retirement Accounts are the key to true retirement security and wealth creation that is owned and controlled by the worker, not the government.

(6) Only through Personal Retirement Accounts can this country achieve a fully-funded retirement program, and not one dependent on the taxation of the next generation.

(7) Sec. 10 of this concurrent resolution provides the necessary authority to accommodate structural Social Security reform that includes personal retirement accounts within the Fiscal Year 2001 budget.

(b) SENSE OF THE HOUSE.—It is the sense of the House that prior to the adjournment of the 106th Congress that Congress should enact structural Social Security reform that includes personal retirement accounts.

SEC. 18. SENSE OF THE HOUSE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The House finds the following:

(1) The health insurance coverage provided under the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) During the nearly 35 years since the Medicare Program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the Medicare Program has not kept pace with such transformations.

(3) Former Congressional Budget Office Director Robert Reischauer has described the Medicare Program as it exists today as failing on the following four key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(4) The recommendations by Senator JOHN BREAUX and Representative WILLIAM THOMAS received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare.

(5) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the Medicare Program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Sec. 4 of this concurrent resolution provides the necessary authority to accommodate structural Medicare reform within the Fiscal Year 2001 budget.

(b) SENSE OF THE HOUSE.—It is the sense of the House that:

(1) Congress should work in a bipartisan fashion to extend the solvency of the Medicare Program and to ensure that benefits under that program will be available to beneficiaries in the future.

(2) The recommendations by Senator BREAUX and Congressman THOMAS provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the Medicare Program without transferring to the Federal Hospital Insurance Trust Fund

new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(3) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

SEC. 19. SENSE OF THE HOUSE REGARDING FOREIGN AID.

(a) Findings.—The House finds the following:

(1) The nation of Israel has been a reliable and dependable ally to the United States.

(2) The United States' support for Israel is vital to achieving peace in the Middle East.

(b) Sense of the House.—It is the sense of the House that aid to Israel should not be reduced.

SEC. 20. SENSE OF THE HOUSE REGARDING DEPARTMENT AND AGENCY AUDITS AND WASTE, FRAUD, AND ABUSE.

(a) Findings.—The House finds the following:

(1) Each branch of government and every department and agency has a fiduciary responsibility to ensure that tax dollars are spent in the most efficient and effective manner possible and to eliminate mismanagement, waste, fraud, and abuse.

(2) A minimal measure of whether a department or agency is upholding its fiduciary responsibility is its ability to pass an audit.

(3) The most recent audits, for Fiscal Year 1998, revealed that six major agencies—the Department of Agriculture, Defense, Education, Justice, and Transportation, and the Agency for International Development—could not provide financial statements that could be independently audited.

(4) Mismanagement, waste, fraud, and abuse cost American taxpayers billions of dollars.

(b) Sense of the House.—It is the sense of the House that no agency or department which has failed its most recent audit should receive an increase in their budget over the previous year, unless the availability of the increased funds is contingent upon the completion of a complete and successful financial audit.

SEC. 21. SENSE OF THE HOUSE REGARDING TITLE X FUNDING.

(a) Findings.—The House finds the following:

(1) The title X of the Public Health Service Act family planning program provides contraceptives, treatment for sexually transmitted diseases, and sexual counseling to minors without parental consent or notification.

(2) Almost 1,500,000 American minors receive title X family planning services each year.

(b) Sense of the House.—It is the sense of the House that organizations or businesses which receive funds through Federal programs should obtain parental consent or confirmation of parental notification before contraceptives are provided to a minor.

SEC. 22. SENSE OF THE HOUSE REGARDING INTERNATIONAL POPULATION CONTROL PROGRAMS.

(a) Findings.—The House finds the following:

(1) There is international consensus that under no circumstances should abortion be promoted as a method of family planning.

(2) The United States provides the largest percentage of population control assistance among donor nations.

(3) The activities of private organizations supported by United States taxpayers are a reflection of United States priorities in developing countries, and United States funds allow these organizations to expand their programs and influence.

(4) The United Nations Population Fund (UNFPA) has signed contracts with the People's Republic of China (PRC) which persists in coercing its people to obtain abortions and undergo involuntary sterilizations.

(b) Sense of the House.—It is the sense of the House that—

(1) United States taxpayers should not be forced to support international family planning programs;

(2) if the Congress is unwilling to stop supporting international family planning programs with taxpayer dollars, the Congress should limit such support to organizations that certify they will not perform, or lobby for the legalization of, abortions in other countries; and

(3) United States taxpayers should not be forced to support the United Nations Populations Fund (UNFPA) if it is conducting activities in the People's Republic of China (PRC) and the PRC's population control program continues to utilize coercive abortion.

SEC. 23. SENSE OF THE HOUSE REGARDING HUMAN EMBRYO RESEARCH.

(a) Findings.—The House finds the following:

(1) Human life is a precious resource which should not be created or destroyed simply for scientific experiments.

(2) A human embryo is a human being that must be accorded the moral status of a person from the time of fertilization.

(b) Sense of the House.—It is the sense of the House that Congress should prohibit the use of taxpayer dollars for the creation of human embryos for research purposes and research in which human embryos are knowingly destroyed, a prohibition which also excludes support for stem cell research which depends upon the intentional killing of a living human embryo.

SEC. 24. SENSE OF THE HOUSE REGARDING FUNDING OF UNAUTHORIZED PROGRAMS.

(a) The House finds that—

(1) Each year, the House Appropriations Committee provides funding to hundreds of programs whose authorization has expired or were never authorized by an Act of Congress.

(2) For Fiscal Year 2000, there were 247 programs funded in 137 laws totaling over $120 billion whose authorization had expired.

(3) Rule XXI of the Rules of the House of Representatives prohibits the funding of an appropriation which has not been authorized by law.

(4) The House Rules Committee typically waives Rule XXI when considering general appropriation bills.

(5) The respective authorizing committees have not made reauthorization of unauthorized programs a priority.

(6) The lack of congressional oversight over the years, some as late as 1979, has led to the deterioration of the power of the respective authorizing Committees and thus the loss of congressional oversight and fiscal responsibility, which is a blow to the voters of America and their role in the process.

(7) The lack of congressional oversight over the years has led to the shift of power away from the Legislative Branch toward the Executive Branch and unelected federal bureaucrats.

(b) It is the sense of the House that—

(1) Congress should pass, and the President should sign into law, legislation to amend the Congressional Budget Act of 1974 to require Congress to fund programs that are currently unauthorized at 90 percent of prior fiscal year levels.

(2) Congress should pass, and the President should sign into law, legislation to require the Congressional Budget Office to prepare budget baselines based on the figures where unauthorized programs are frozen and funded at 90 percent of current levels.

SEC. 25. SENSE OF CONGRESS ON FULLY FUNDING OF SPECIAL EDUCATION.

(a) Congress finds that—

(1) all children deserve a quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

(3) the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individual with Disabilities Education Act stretches limited State and local education funds, creating difficulty in providing a quality education to all students, including children with disabilities;

(4) the current level of Federal funding to States and localities under the Individual with Disabilities Act is contrary to the goal of ensuring that children with disabilities receive a quality education;

(5) the Federal Government has failed to fully fund the Individuals with Disabilities Education Act and appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Individual with Disabilities Act to assist States and localities to educate children with disabilities;

(6) the levels in function 500 (Education) for fiscal year 2001 assume sufficient discretionary budget authority to accommodate fiscal year 2001 appropriations for IDEA at least $11 billion above such funding levels appropriated in fiscal year 2000, thus, fully funding the Federal Government's commitment to special education;

(7) the levels in function 500 (Education) to accommodate the fiscal year 2001 appropriation for fully funding IDEA may be reached by eliminating inefficient, ineffective and unauthorized education programs.

(b) It is the sense of Congress that—

(1) Congress and the President should increase function 500 (Education) fiscal year 2001 funding for programs under the Individual with Disabilities Act by at least $11 billion above fiscal year 2000 appropriated levels, thus fully funding the Federal Government's commitment;

(2) Congress and the President can accomplish the goal by eliminating inefficient, ineffective and unauthorized education programs.

SEC. 26. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) Compliance.—When complying Section 302(b)(1) of Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) Report.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to Section 301(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2001 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this Section.

SEC. 27. CHANGES TO HOUSE RULES.

(a) Rule XIII(f)(1)(B) of the Rules of the House Representatives is amended by striking the section and inserting the following:

"(B) a list of all appropriations contained in the bill for expenditures not currently authorized by law along with the last year for which the expenditure was authorized, the level of expenditures authorized that year, the actual level of expenditure that year, and the level of expenditure contained in the accompanying bill (This provision shall not apply to classified intelligence or national security programs, projects or activities)."

(b) Rule X 2.(d) of the Rules of the House of Representatives is amended by adding at the end of section (b) the following and redesignating (C) as (D):

"(C) give priority consideration to including in its plan the review of those laws which are currently unauthorized and outline how the Committee intends to authorize currently unauthorized programs under its jurisdiction."

SEC. 28 SENSE OF THE CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) Access to Health Insurance.—

(1) Findings.—Congress finds that—

(B) the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers, added $900 million in funding, and delayed the automatic 15 percent payment reduction for one year, to October 1, 2000; and

(C) patients whose care is more extensive and expensive than the typical Medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) Sense of congress on access to home health care.—It is the sense of Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical Medicare patient, including the sickest and frailest Medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the interim payment system and ensure timely implementation of the prospective payment system.

SEC. 29. REDUCTION OF PUBLICLY-HELD DEBT.

(a) Purpose.—It is the purpose of this section to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly-held debt.

(b) Reduction of Publicly-held Debt.—

(1) Point of order against certain legislation.—Except as provided by paragraph (2), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

(C) the enactment of that bill or resolution in the form recommended in that conference report.

would cause a decrease in the on-budget surplus for fiscal year 2000.

(2) Exception.—The point of order set forth in paragraph (1) shall not apply to a bill, joint resolution, amendment, motion of conference report if it—

(A) reduces revenues;

(B) implements structural social security reform; or

(C) implements structural medicare reform.

(3) Waivers and appeals in the senate.—

(A) Waivers.—Paragraph (1) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) Appeals.—(i) Appeals in the Senate from the decisions of the Chair relating to paragraph (1) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, joint resolution, amendment, motion, or conference report, as the case may be.

(ii) An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(c) Effective Date.—The provisions of this section shall cease to have any force or effect on October 1, 2000.

The CHAIRMAN pro tempore. Pursuant to House Resolution 446, the gentleman from New Hampshire (Mr. Sununu) and the gentleman from South Carolina (Mr. Spratt) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. Sununu).

Mr. SUNUNU. Mr. Chairman, I yield myself 3 minutes.

This is a budget proposal that highlights the vision and the priorities of the conservative Members of the House. It establishes a clear benchmark for fiscal responsibility, for commitment to our national security, and for lowering the tax burden on the American people.

We pay down over a trillion dollars in Federal debt over the next 5 years. We offer tax relief for all Americans that makes our Tax Code more fair.

We have a commitment to a strong defense that meets the priorities that have been outlined by the Joint Chiefs of Staff, and we do not just set aside funds for Medicare or talk about Social Security.

We make a commitment to real reform of these programs, to strengthen them, not just for today's beneficiaries, but for future retirees and our children as well.

□ 2130

We set aside every penny of the Social Security surplus, and this is an idea that while it seems somewhat new was first offered in the conservative budget 2 years ago. But we go further than that. We endorse proposals to let employees control a portion of their own payroll taxes, empower the individual to invest in their own retirement security, and give them the peace of mind that comes from knowing that that savings will be there for them when they retire. We invest in priorities. As I mentioned, national defense, which over 15 years has been allowed to decay year on year. We saw our first real increase in defense spending last year. This budget increases our defense priorities up to a higher level than any other budget offered in this session. We make a commitment to veterans' health care, $1 billion above last year's spending. And we make a greater commitment to special education, the largest unfunded mandate on the books today, than any other budget that has been offered before us today, over $2.4 billion in immediate additional funding for special education, and make clear that this is our number one education priority to fully fund the special education mandate.

And once we fund these priorities, once we set aside the entire Social Security surplus, once we set aside funds to honestly reform and strengthen Medicare and provide prescription drug coverage, then we reduce taxes in a way that makes the Tax Code more fair for every American. We eliminate the marriage penalty entirely. We eliminate death taxes entirely, not because we are concerned about one income group or another but because we recognize that it is unfair to take 55 percent of what anyone in America wants to leave to their descendants whether they are rich or poor or otherwise.

We eliminate not just the Social Security earnings limit, but we repeal the 1993 increase on the taxes on Social Security beneficiaries. We expand IRA savings opportunities, educational savings opportunities, and cut the gasoline tax, the tax increase imposed as part of the biggest tax increase in this country's history that raised the price of gasoline at the pump. We roll back that tax as well.

Mr. Chairman, this is a budget that is committed not just to fiscal responsibility and lower taxes, not just to a real commitment to national defense; but it is committed to reform, reforming and strengthening Social Security and Medicare in a way that we recognize needs to be done on a bipartisan basis.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. Davis).

Mr. DAVIS of Florida. Mr. Chairman, I think we have finally reached the point in this debate where we are getting to the facts. And I think we need to start off with the central fact that has finally been established tonight and that is the size over 10 years with respect to the tax cut. Let me start by reminding everyone about a statement that was made during the presidential campaign that we need to honor, both Democrats and Republicans, or it will come back to haunt us. It is a statement by Senator JOHN MCCAIN. He said,

> It's fiscally irresponsible to promise a huge tax cut that is based on a surplus that we may not have. To bank it all on unending surpluses at the possible risk of the Social Security trust fund is our fundamental disagreement.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman will suspend.

Members are reminded that the rules of the House do not permit such quoting of Senators.

The gentleman may proceed.

Mr. DAVIS of Florida. Mr. Chairman, that concludes the quote with respect to a presidential candidate, but here is the point. There has been no even attempt tonight to rebut the statement that the tax cut that we are dealing with here over 10 years exceeds $1 trillion. This exceeds the tax cut that we adopted here last year and ultimately failed, and it will fail again ultimately. The reason it will fail is because what the American public expects us to do is to use the lion's share of this projected surplus to pay down the Federal debt, to preserve Social Security and Medicare for the future, to contribute to lower interest rates; and because it is simply the right thing to do, we should not pass this enormous Federal debt on to our children and grandchildren.

We can do a responsible tax cut, we can do responsible spending, we can invest in education and defense; but we need to take the lion's share of the projected surplus and pay down the Federal debt. That is why this particular proposal should be defeated. It is why the underlying budget resolution should be defeated.

Mr. SUNUNU. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I rise in support of the CATs budget for many reasons, but in particular I would like to emphasize the principal statement that this budget makes regarding true, meaningful Social Security reform by acknowledging the need to create personal savings accounts. What we are talking about in this budget is first of all that the CATs budget sets aside every penny of Social Security surplus dollars for Social Security, not to be spent on other programs. We do that because we recognize we have got a sacred obligation to honor the promise we have made to senior citizens, those who are at or near retirement. They need to have this program ensured for their benefit.

But we also acknowledge that that alone does not solve the problems facing our Social Security system. But one way to solve that problem is to allow younger workers the opportunity to take a portion of the payroll tax they already pay and put that into accounts that they would own and control. They could invest and that savings would grow and provide the basis for their future benefits and their retirement, giving them more security and a better retirement than the current system promises and cannot deliver. This would be a permanent solution to the unfunded liability problem of Social Security. It would grant unprecedented freedom to working people who currently do not have the opportunity to make this kind of savings because the payroll tax takes it away from them.

We know this will cost money. This CATs budget is honest enough to acknowledge that it will cost money and create a mechanism that would provide the flexibility to fund that transition of one of our most important programs in the history of this government to one that would have long-term financial stability and provide enormous freedom to the working people of America.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

The gentleman has explained that his resolution, which we are trying to understand over here because there is a huge paucity of information about it, but he said that it provides more for defense; but I think it probably forgets an essential element. There is something in the Democratic resolution that we will bring up shortly that distinguishes it sharply from what is being proposed here and, that is, we have specifically included in our resolution $16.3 billion over 10 years specifically for health care initiatives for military retirees who are over the age of 65. We have not forgotten defense, and in particular we have not forgotten the men and women who fought to make this country free. We provide for them. We keep the promises that were made to them by military health care. We put the money in function 550 and function 570. We provide $5.4 billion for a prescription drug initiative, $10.9 billion to allow Medicare eligible military retirees simply to go to a military treatment facility and use their Medicare benefits to gain admission. Today most of those over the age of 65 are not able to be treated there.

I would like to ask the gentleman if he makes any provision anywhere in his resolution for these men and women who are military retirees.

Mr. SUNUNU. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, we have a number of Members that are going to talk about the defense provisions, the increase for funding of defense that is in this bill, the billion additional dollars for veterans' health care that is in this bill, and the fact that it represents $187 billion in real increases, in investment in the men and women serving in our armed services over 5 years. That is an unprecedented investment as compared to any of the budgets on this floor, whether it is yours or any other budget.

So I think that the commitment is there, it is delineated clearly in the resolution, and it is a substantial increase. And it is based on the recommendations of President Clinton's own Joint Chiefs that pointed out that there is an enormous unfunded mandate in operations and maintenance and in materiel and in procurement. That is where we are focused, on the technology and the resources necessary to provide adequate defense when we are deploying more military than ever before. I thank the gentleman for yielding.

Mr. SPRATT. Reclaiming my time, the point still remains, you have put all this additional money into defense and forgotten the men and women who fought to defend this country. We in our resolution, everybody should know this, have included $16.3 billion, $5.4 billion for a prescription drug initiative for Medicare retirees and another $10.9 so that they can use their Medicare benefits at military treatment facilities. We are doing something about subvention. We have put it in a budget that is balanced and pays down the debt and also provides a modest tax cut.

Mr. Chairman, I reserve the balance of my time.

Mr. SUNUNU. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. This is not a bidding war for the veterans. As a matter of fact, right now for every veteran we spend $4,000 more per veteran than we spend on the average Medicare patient in this country. So if we are going to spend more money into the VA system we have now that is not offering them the care, not giving them equivalent care, not offering them quality care that they could get in the private sector, you are throwing money down a rat hole. The fact is we spend $4,000 per year per veteran more than we do for the same person in Medicare. So yes, we may not direct it the way that your budget directs it; but the fact is we recognize that there is not an efficient system out there and that needs to be changed. Every veteran in this country needs to be given a card. Go get your health care wherever you want because we have an obligation to you. And if we did that, we can deliver the same health care for about 30 percent less than we are doing in the VA system now.

Mr. SPRATT. Mr. Chairman, if I could respond to the gentleman on my own time, this is not about the Veterans' Administration health care system. This is about retiree health care at military treatment facilities, base hospitals, not VA hospitals. However, I would add, if I can continue on my own time, that we do better in our resolution by veterans who have a claim, I think, on the Federal Government for the services they have rendered and the promises we have made. We have more than a billion dollars provided over 5 years than they have provided in their resolution for veterans' health care. We have an additional $16.5 billion for retiree health care.

Mr. Chairman, I reserve the balance of my time.

Mr. SUNUNU. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER) who understands probably better than anyone else in Congress the scope and the nature of the unmet needs of our men and women serving in the armed forces.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his compliment which is undeserved, but let me tell my friend from South Carolina where we really have an obligation to those men and women and those service veterans of World War II who are departing at the rate of about 30,000 a month. Most of those folks now have young people, sons and daughters, serving in our armed forces around the world. I will tell him the best way to serve them, and I will tell him how this budget serves them.

We are short on ammunition. We are short on spare parts. We have so few precision munitions for our pilots, most of them do not even get a chance to train with one before they are sent into battle. We have a shortage on shipbuilding. We are building to a 200-ship Navy. We are short on military construction. I have got one of those veterans that the gentleman from South Carolina talked about. He is my uncle. But one thing he has got in his house is an old picture on the wall. That picture is of my cousin, Son Stillwell, who was killed in Korea along with 50,000 other people because the United States was not ready to fight.

The budgets that President Clinton has been presenting to the United States have taken us into a state of unreadiness where we cannot win a major war without massive casualties on our side. The best service we can give to those senior veterans is to make sure that their children have the ammo, the spare parts and all the other things that they do not have right now to be able to fight effectively and to survive and come home. With the $45 billion in extra money that this budget provides on defense, which the Democrat budget does not provide, of course you have got the head space for the gentleman from Indiana (Mr. BUYER), who is chairman of the Subcommittee on Personnel, to work a beautiful health care plan along with having something called ammunition.

The tragedy of the Democrat budget is it makes the service choose between having ammunition for the young people who are out there defending the country and having health care for the senior retired people.

□ 2145

That is a choice that we should not make them have to come to.

I thought the gentleman was going to come with a Democrat budget that would offer $40 billion, maybe $50 billion above this baseline Clinton budget on national defense, and he did not do it.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I thought the gentleman in the well, who is one of the strongest proponents and advocates of defense in this House, and I sit on the same committee with him, week after week he has bemoaned how much the President had sought in defense for next year and the next 5 years. I thought surely the gentleman would persuade his conference, the Republicans, to come forward with a resolution that provided more for defense.

What do we get? One-tenth of 1 percent over the next 5 years. That is all the increase the gentleman could muster.

Mr. HUNTER. Mr. Chairman, reclaiming my time, over the last 5 years we have provided $45 billion above the President's budget.

The commandant of the Marine Corps said it best. He said if we had not provided it, the Marines would be the 9-1 force instead of the 911 force for this Nation.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, I first want to commend the CATs. I guess that is permissible for a dog to do because their budget enforcement mechanisms are something that I totally support. I think they are right on target and I think their criticisms of the base bill are right on target and we agree with them.

We look at their defense numbers. They are making a move in the right direction there, and I appreciate the fact that they are talking about Social Security in a much more honest and realistic way than most folks have talked about it today.

My concerns with their budget stem from their funding for agriculture at the committee level. I believe that is totally inadequate, given the problems of rural America and agriculture, and I happen to disagree with that.

I also disagree in the area of veterans. As the gentleman from Mississippi (Mr. TAYLOR) so eloquently explained the Blue Dog position on military retirees and veterans, I happen to believe the CATs are inadequate in that area, but there again we can do as we have been doing all day. We can nitpick around.

That is not nitpicking. That is serious. My primary opposition to their budget stems again in the area of the tax cut and the size of it. Here again, I commend them because they are honest in saying that theirs is $270 billion over the next 5 years, which amounts to something like over a trillion dollars over 10, and that is an honest presentation and they are very honest in coming forward with that and they believe in that.

I happen to not believe in that, for a fundamental reason and it goes back to Social Security. I have joined with the gentleman from South Carolina (Mr. SANFORD), I have joined with the gentleman from Arizona (Mr. KOLBE) and others in working in a bipartisan way on a long-term Social Security reform bill, and anyone that has spent any amount of time whatsoever knows that every year we delay in fixing Social Security for the long-term, every day we delay it makes it that much more difficult. 2014 is the magic day. That is when the surpluses we are all wanting to give away tonight, that is when they no longer are surpluses and that is when somebody in the Congress in 2014 is going to have to deal with it.

That is why I think it is fiscally irresponsible. With all due respect to those that believe otherwise, it is fiscally irresponsible to give back money today that we are going to need in the Social Security system in 2014, particularly since we are talking about projected surpluses.

How many times have we heard it, both sides of the aisle tonight, people talking about these surpluses like they are real? They are projected. They may or may not occur in 2006.

If they pass their budget and it becomes law and we do have a tax cut that benefits today, the people today that we are now in the longest peacetime economic expansion in the history of our country, people are doing well, they are paying taxes, but what if that stops in 2006?

More importantly, I ask all of my colleagues to start looking at the numbers of 2014. My primary opposition tonight to their bill is the 2014 problem that comes with tax cuts in the area of a trillion dollars over the next 10 years, which they advocate.

Anyone that has spent any time looking at the long-term problems of Social Security know we really cannot afford that. That is why with all due respect, I say to those who advocate tax cuts in this area that we are talking about tonight, in my judgment it is the most fiscally irresponsible thing that we could be doing.

They disagree. I respect that. I commend them for the things in their budget. They are honest. They are going at it. I just cannot bring myself to vote for this kind of a tax cut for two reasons. Their names are Chase and Cole, mine and Cindy's 4½ year old and 2½ year old grandsons. I resolved four and a half years ago that I did not want them to look back 65 years from tonight and say if only my granddad would have done what in his heart he knew he should have done when he was in the Congress we would not be in the mess we are in today.

That is why I would strongly oppose the CATs resolution on that one issue. I commend them on the other areas where they are very honest, and am offering some potential bipartisan support.

Mr. SUNUNU. Mr. Chairman, I certainly thank the gentleman for his supportive words about many elements in our budget, and I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, tonight we will talk about this and we will vote a little after midnight. A lot of my colleagues have their minds made up. So what can I say tonight to perhaps change their minds and have a realistic picture of this budget?

The gentleman from Texas (Mr. STENHOLM), Mr. DAVIS, and others on this side talk about these huge tax cuts. Let us get real. This is $270 billion over 5 years. What is that, 20-some-billion a year? And we are spending $2 trillion a year.

The spending alone is going up at 9 percent. Last year, between 1999 and the year 2000 budget we spent 9 percent with emergency supplementals. The people in this House should be embarrassed that spending is increasing at 9 and 10 percent a year, with emergency supplementals, and we are talking about a tax cut, a tax cut of $24 billion a year.

Let us look at what Federal Reserve Chairman Greenspan said, appointed FBI Clinton administration. "My first priority would be to allow as much of the surplus to flow through into a reduction of debt to the public. If that proves politically infeasible, I would opt for cutting taxes. And under no condition do I see any room in the longer term outlook for major changes in expenditures."

"I would opt for cutting taxes." This is an objective individual who is trying to say reduce spending.

Now this budget by the CATs is the only budget that we are going to vote on tonight that has 302(B) allocations restraint. It actually puts restraints. The gentleman from Texas (Mr. STENHOLM) was kind enough to acknowledge that.

I hope everybody in the House realizes that the CATs budget is going to restrain spending. If spending is not restrained around here, it is going to continue at 9 percent; 9 and 10 percent means that in 7 years this budget is going to double. Instead of $2 trillion we are talking about $4 trillion.

The other last point I want to make is our Nation's seniors would benefit because it repeals the 1993 tax increase on Social Security. So those who are going to vote against the CATs budget are going to vote with the Clinton administration on the tax increase on Social Security.

Mr. SPRATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, what concerns me, and I think many on my side of the aisle, about this proposal is that it looks a lot like 1981.

First of all, what we have is an enormous tax cut, $270 billion over 5 years, bigger than anybody has yet proposed for this period of time.

We have shown earlier today how if one tries to fit a $200 billion tax cut over 5 years into the other numbers assumed in the Republican budget resolution, the base bill, it goes into deficit. In 2003, the surplus vanishes. In 2004 and 2005, the budget is in the red. This would go even deeper.

It avoids the deficit only by having enormous cuts in nondefense discretionary spending. Right out of the box, this particular resolution, the CATs resolution, proposes an immediate cut of $16 billion; $16 billion between this year and next year in nondefense discretionary spending.

Look at last year and ask if that is realistic. Look at 1998 and ask if that is realistic. Look at the entire period of the 1990s. Just 1996, since the Republicans have been in control of the House, we have had an annual rate of increase in nondefense discretionary spending of 2.5 percent real increase.

So what is being assumed here is an abrupt, radical about face, a cut of a magnitude in one year we have not been able to achieve in any recent year that I can recall. The whole surplus is being bet. All of this that we have worked to accomplish and achieve and have finally been able to succeed on, it is all going to be bet on a big tax cut and very unrealistic discretionary spending cuts.

If those discretionary spending cuts are not attained politically here on the House Floor in the Congress, because of presidential vetoes or for whatever reason, we are in the red again, big time and in a hurry. That is what is scary about this resolution.

It promises a lot, sure. I would like to go home and talk about $270 billion in tax relief over the next 5 years, but I could not realistically tell my people that we could make those cuts when I have been here 18 years and I have not seen the Congress, Democrat or Republican Congress, muster the will to make cuts of that magnitude.

I think this is a very risky venture. I think extremely thin ice is being skated on, and I think the budget that we have worked so hard to get in the black is being put back in the danger zone, back in the zone where we are likely to be in deficit. Once we go into deficit, we are right back into the Social Security trust fund. That is where this resolution leads us.

Mr. SUNUNU. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD), who understands that only in Washington and only in a Democrat budget is repealing taxes on Social Security beneficiaries called spending.

Mr. SANFORD. Mr. Chairman, with that lead-in, I will simply pick up on the Social Security portion and I would say to the gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. STENHOLM) in particular has been magnificent in his leadership on Social Security. The gentleman from Pennsylvania (Mr. TOOMEY) touched on just a moment ago the issue of Social Security and personal accounts, and that is what personally gravitates me towards the CATs budget, what it does to get us off dead center, a dead center that the gentleman from Texas (Mr. STENHOLM), I will not say on the left by any means, but on the Democratic side has been what the gentleman from Pennsylvania (Mr. TOOMEY) and others have been on the Republican side, and that is how do we get off dead center on Social Security?

To this budget's credit, it moves us forward because it begins this process of personal accounts. It is a sense of Congress, which is a small start, and it is a point of order for personal accounts but that is, again, a step in the right direction that we very, very much need.

Last year Washington borrowed $100 billion from Social Security and they did it without a lot of fanfare. Most of the folks back home I talked to do not even know that it happened and those that did, at most they wrote a letter to their Congressman or their Senator but they did not march on Washington. We had truckers in town last week. We had farmers in town last week, all protesting different things going on in Washington and yet this is sort of the quiet secret that is kept under the rug. It is something that I think would be brought about with simple private property rights.

The only thing that will in the long run protect Social Security balances are private property rights. So what this budget does is it sets up for the first time a move toward a system of personal accounts wherein, for instance, Social Security money, surplus Social Security money, would be rebated back to the people paying Social

Security taxes to begin their own personal Social Security savings account, and by doing so would protect it because it would be out of Washington.

I think that that is a very small step but important step that we have to take in this debate.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, you will recall that two years ago this House failed to adopt a concurrent budget resolution. It was the first time in the 26-year history of the Budget Act that Congress failed to adopt a budget.

It disrupted the appropriations process and made it much more difficult for the entire House to complete any of its legislative business in an orderly way.

Then again last year we adopted a budget but it was an unrealistic budget. It was shot full of holes with gimmicks and blue smoke and mirrors. It treated things like the decennial census, that has been going on since 1790, as an emergency. We did not complete action on the appropriations bills until well after the fiscal year had begun. We failed the American people again.

Now again this budget resolution is equally unrealistic.

□ 2200

It is so filled with assumptions that we know will not be met that it is not fair to the American people to even propose it, never mind pass it, on the floor of the House.

We know it is not a real budget. We know that what this is is not serious legislation, but political expediency. We would probably be better off doing what we did in 1998 without a budget resolution; whether it be the Republican leadership budget or the CATs budget, which are not all that substantively different. These Republican budgets start with the wholly unrealistic assumption that we will be able to hold non-defense discretionary outlays to $114 billion below inflation over the next 5 years. That is not going to happen.

Next year alone, as the gentleman from South Carolina (Mr. SPRATT) suggested, we will have to cut nearly $20 billion below the level needed just to keep level with inflation. Yet we know that the Congress has increased nondefense appropriations faster than inflation every year since 1996. Who are we kidding?

If we were honest with the American people, we would admit that we have no intention of cutting Federal law enforcement or education or environmental programs, or veterans care. You name it, we are not going to cut it. We are going to do what our constituents demand that we do, and at least keep these programs level with inflation.

Who are we kidding? Ourselves? Why are we proposing a budget that we know we are not going to hold to? Maybe we are planning on putting all this money into the supplemental, hiding it, shifting it from fiscal year 2001 to fiscal year 2000. Maybe that will be this year's gimmick. But it is not right to the American people to be deceiving them in this way. The main problem is that to accommodate a tax cut in the range of $200 billion, whether it be the Republican leadership budget or the CATs budget, we know that we are putting in place a situation where we are going to be cutting revenue by almost $1 trillion over 10 years.

Those tax cuts are not fair. They are not fair to the American people. But, most importantly, they are not fair to our children. We have an opportunity today to pay off the debt that we incurred in the 1980s, to pay down that debt, to eliminate that debt by the year 2013. As well as the quarter of a trillion dollars in interest we have to pay every year on that debt. If we do not, our children have to pay off that debt. What could be more immoral than to pass that debt on to our children? What could be worse than to say to our children that they are going to have to pay for our retirement and our health care when we retire? We would not do that to our own children. Let us not do it to America's children. Oppose this budget.

Mr. SUNUNU. Mr. Chairman, I yield myself 30 seconds to emphasize that only in Washington do people fail to realize that improving performance by 1, 2 or 3 percent per year is not just realistic, but it is expected, year after year after year. Those that say it is unrealistic to achieve any reduction at all in overall government spending are the same ones that said we could not balance the budget in 1994, the same ones that said we could not pass welfare reform in 1996, the same ones that said it was unrealistic and unattainable to set aside every penny of the Social Security surplus. They have been proved wrong time and again.

Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I rise today as a member of the Committee on the Budget who believes we can meet not only spending caps, but we can pay down public debt, and we can do better for our defense as well as provide for tax relief to our working families.

This substitute provides enough tax relief to eliminate the marriage penalty, to provide greater access to health care, to expand choice in education, to give seniors relief by repealing the 1993 tax increase on Social Security benefits, and to give small businesses tax relief to keep our economy moving forward and to end the unfair death tax that penalizes savings.

Unfortunately, there are those on the other side that would like to call this risky and irresponsible. I ask them to talk to the hard-working people of my district in Kansas who believe that they should have relief, and ask them also to tell this to the hard-working people in their district who deserve to have some additional tax relief.

As a member of the Committee on Armed Services, I have also seen the effects on morale caused by the years of neglect of our fine military personnel by this present administration. We have military families that are on food stamps; one family member is often deployed throughout the world on endless peacekeeping missions, with little time to spend at home. And there has been a failure to provide new equipment and spare parts as well as quality health services. This resulted in a dangerously low readiness, as well as serious problems with regard to recruiting and retention. We should never, never forget that providing for the common defense of our country is our first duty.

For those who say this substitute cannot be done, I say you have not tried hard enough. I urge my colleagues to support the CATs substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from South Carolina for yielding me time.

Mr. Chairman, my friends who offer this budget have done a great public service, because I think they have shed some light upon the underlying dilution of the majority's Republican resolution that is the base bill. The base bill says that we are going to bring in $171 billion more over the next 5 years than we take in. Then it proceeds to spend $268 billion more than we take in, a $97 billion gap.

What they say to the American public is we can reduce your taxes by $200 billion and provide a prescription drug benefit under Medicare, and we can increase defense spending and increase some other spending, all to the tune of $268 billion. So, see, your surplus is $171 billion, but your additional giveaways are $268 billion.

To the credit of the alternative of the gentleman from New Hampshire (Mr. SUNUNU), you do not do that. The Sununu alternative tells the truth. It says in order to do those things, to have the prescription drug benefit and pay down the debt and cut taxes, one has to make very significant cuts in the budget. That is an honest proposition with which I disagree.

The proposition of the gentleman from South Carolina (Mr. SPRATT) and the proposition of the gentleman from Texas (Mr. STENHOLM) are honest. They say that to pay down the debt you basically have to leave taxes alone and leave spending alone and that will work.

The underlying bill is a repetition of the dilution of 1981. It says you can have your cake and eat it too; you can have your cake and bake it too; you can have your cake and give it away too, that you can increase Medicare, increase defense, cut taxes, and spend more money than you bring in. I think the priorities of this resolution are wrong in the CATs budget, but they are internally consistent.

The truth is the way to pay down the debt is to essentially leave spending alone, the way the gentleman from South Carolina (Mr. SPRATT) does, to leave taxes alone, the way the gentleman from South Carolina (Mr. SPRATT) does, not rely upon rosy scenarios, and pay down the national debt. I oppose this, but support the alternative of the gentleman from South Carolina (Mr. SPRATT).

Mr. SUNUNU. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. TANCREDO), who understands leaving spending on autopilot and taxing at a higher level than ever in the history of our country is no way to run the Federal Government.

Mr. TANCREDO. Mr. Chairman, among the many other positive aspects of the Conservative Action Team budget that I am up here to applaud and support is something that is a little less sexy perhaps than tax cuts, a little less easy to understand perhaps than increases in defense appropriations or anything else; but it is something, nonetheless, that we need to address, and this CATs budget does, in fact, address it for the first time in a long time, the first time, as far as I know, ever, and that is the practice of providing funds, authorizing every single year, year in and year out, money for unauthorized programs.

There is a process in this House that we are supposed to go through. The rule says that we cannot fund programs that are not authorized. Yet, year after year after year this has happened. Republicans, Democrats, it does not matter. This is not the way to provide fiscal responsibility. It is shirking our responsibility, if anything.

For example, of the programs that we have been appropriating for but are not authorized, I just bring these few to your attention. The National Endowment for the Arts, $98 million funding received this year. It has not been authorized for 7 years. The National Endowment for Humanities has not been authorized for 7 years. The Federal Communications Commission, for 9 years. Family planning programs have not been authorized for 15 years. Power Marketing Administration, 16 years.

Some of these are wonderful programs. They may be the most important things we do. But the fact is, unless we let the authorizing committees review what they are supposed to do, review them every few years, and unless we allow them to do it, we will never know.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, once again, we are debating a budget that does not strengthen social security or Medicare. In fact, none of the non-Social Security surplus is earmarked specifically for Medicare. The American people have made themselves heard loud and clear: they want Congress to save Social Security and Medicare, add a voluntary prescription drug program to Medicare, help our schools and help our children. Instead, we once again are seeing a bill that will provide tax cuts for the wealthy and cuts spending for programs that help our children.

How can Republicans claim to be pro-education when they will eliminate Head Start for more than 40,000 children and their families by 2005? We already have a long waiting list for families wanting to get their children into Head Start and this budget will only lengthen that list. Additionally, this budget would deny college access to 316,000 low-income students by 2005. In my district, Pell Grants are what enable many students to continue on to college.

Another area of concern to me in the Republican Budget is the cut to the LIHEAP program. As we all know, it has been a cold winter and with oil prices rapidly increasing, many families and especially senior citizens, are being forced to choose between heat and food.

In my district, one building that house senior citizens had no heat for 3 days before they contacted my office and we had the heat turned back on. At a time when oil prices are climbing higher, we must not cut LIHEAP assistance, as the Republican budget does, to 164,000 low-income families.

There are several Democratic substitutes that not only pay down the debt and shore up Social Security, but also increase funding for education programs.

My colleagues highlight their commitment to fully funding special education, yet when Democrats offered an amendment to provide full funding of the federal governments maximum authorized contribution for special education, Republicans diluted it to only a Sense of the Congress Amendment that Congress should provide this funding. If we should, why did they not vote to put it in the budget?

The Democratic Substitutes all provide a voluntary prescription drug benefit for seniors, provides targeted tax cuts to hard working families, and maintains or increases funding for non-defense discretionary programs. I urge my colleagues to vote against the Republican budget and support the democratic alternatives.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this afternoon we talked about the Republican majority's budget resolution and some of the risks that it would pose. Their $200 billion tax cut in the first 5 years would take us into the red by 2004.

Well, if you are worried about that risky venture, just look at this CATs budget. It proposes a $270 billion tax cut in the first 5 years. Still not as much, I must say, as George W. Bush's proposed tax cut, which our Republican friends refused to vote on, but still $270 billion in the first 5 years, enough to eat up the entire non-Social Security surplus and to require renewed borrowing from the Social Security surplus. So the proposed tax cut is reckless. It bets the store on doubtful projections, which I think are simply not risks that our country ought to take.

Secondly, we talked this afternoon about the unrealistic assumptions about our domestic obligations and how the Republican budget assumes devastating and unrealistic declines in domestic investments, in education, in law enforcement, across the board.

Well, if you are worried about that set of cuts, look at this CATs budget. It goes even deeper. In fact, $16.5 billion deeper in 2001 alone.

I invite my colleagues to contrast the Democratic budget substitute, which is reasonable, which is balanced. It will provide a targeted, affordable tax cut. But it will also extend the solvency of both the Medicare and the Social Security trust funds. It will mandate the addition of a prescription drug benefit to Medicare. And it will use not only the entire Social Security surplus to buy down the publicly-held debt, but in fact will apply over $300 billion of the non-Social Security surplus to that same critical purpose.

Support the Democratic substitute.

Mr. SUNUNU. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me time. I want to thank my colleague from New Hampshire for his hard work on the CATs budget. He has put in tremendous effort and drawn up what I believe is by far the best budget presented here tonight.

But I also want to begin by addressing this notion that appears to exist in Washington, D.C., and nowhere else in the world. Every single business in America and every single business in the world understands that each year you must do more with less. They also understand that the way you can do that is through improvements in efficiency and productivity. Indeed, every single report which now analyzes productivity in America shows that we as a society are becoming more productive, year after year after year.

In the last 2 years alone, we have grown more productive by 3 percent per year. That means that Ford Motor Company or General Motors or Motorola produces a better product year after year at a lower cost. Yet in government, nowhere else in all of the world do we say Oh, no, we can't do more with less, we have to do less with more. So you hear our colleagues on the other side decry the budget and say it cannot be done.

I would again compliment my friend from New Hampshire for pointing out that the people who say this cannot be done, that we can never deliver more government services because of improvements in efficiency or productivity, are the same people who said we could not balance the budget, the same people who said we could not accomplish welfare reform, and the same people who say the American people do not deserve a penny of tax relief.

Let us talk about what this budget does. Number one, it protects 100 percent of the Social Security surplus.

Number two, as the gentleman from South Carolina (Mr. SANFORD) just pointed out, it provides the reform for Medicare by providing individual retirement accounts.

Let us talk about what it does for defense, since that is the number one priority of the government. It provides the strongest national defense of any of the budgets.

But, most importantly, and I want to compliment my friend the gentleman from Texas (Mr. STENHOLM), it does what is critically important: It contains real budget enforcement. We cannot continue to pass budgets which are a fraud.

□ 2215

Mr. SUNUNU. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have before us a conservative budget that sets the right priorities, represents a vision of a good number, a very large portion of the Members of this House. It starts by setting aside every single penny of the Social Security Trust Fund surplus, a vision that was criticized when it was first offered 2 years ago in a conservative budget. It pays down $1 trillion in debt over 5 years. That is four times more than this budget contains in tax relief. It strengthens the national defense, and it provides support for real bipartisan reform of both Social Security and Medicare. Finally, it offers unprecedented support for paying for the unfunded mandate of special education that burdens cities and towns at the local level all over this country; unprecedented, meant to fully fund that special education mandate.

After we have done all of these things, after we have paid down $1 trillion in debt, set aside for Social Security and done real reform on Medicare and Social Security, then we do cut taxes. We could pay down more in debt if we decided not to lift the tax increase on Social Security beneficiaries. Sure, we could pay down a little more debt if we did that; but if we did that, it would be wrong. We could pay down a little bit more debt if we did not think we should eliminate the marriage penalty, but penalizing a couple simply because they choose to get married is wrong.

In the Democrat budget and in the Blue Dog budget, there was no real effort to deal with that serious problem. We could pay down a little bit more debt if we decided that individuals should not get to deduct their health insurance costs, like big businesses can.

The final question I ask my colleagues is what hoops do the American people have to jump through to get a Tax Code that treats them a little bit more fair. I think we should support this resolution, and we should reject the notion that the American people cannot deal with their own money.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from New Hampshire (Mr. SUNUNU).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SUNUNU. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 78, noes 339, not voting 17, as follows:

[Roll No. 73]

AYES—78

Aderholt
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Boehner
Brady (TX)
Bryant
Burr
Burton
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Cox
Cubin
Cunningham
Deal
DeMint
Dickey
Dreier
Ewing
Gekas
Gibbons
Goode
Goodlatte
Goss
Graham
Hansen
Hayworth
Hefley
Herger
Hilleary
Hunter
Istook
Johnson, Sam
Jones (NC)
Kingston
Largent
Latham
Lewis (KY)
Manzullo
McInnis
McIntosh
McKeon
Miller, Gary
Myrick
Norwood
Nussle
Paul
Pickering
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Ryun (KS)
Salmon
Scarborough
Schaffer
Sessions
Shadegg
Smith (TX)
Souder
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Tiahrt
Toomey
Vitter
Whitfield
Young (AK)

NOES—339

Abercrombie
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—17

Ackerman
Archer
Bonilla
Crane
Dixon
Greenwood
Jackson-Lee (TX)
Lowey
Martinez
McCollum
McDermott

McHugh
Porter
Quinn
Royce
Schakowsky
Vento

□ 2239

Mr. KASICH and Mr. SMITH of New Jersey changed their vote from "aye" to "no."

Mr. STUMP and Mr. GRAHAM changed their vote from "no" and "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 5 printed in Part B of House Report 106–535.

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B Amendment No. 5 in the nature of a substitute offered by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.
Sec. 2. Special rule.

TITLE I—BUDGETARY PROVISIONS

Sec. 101. Concurrent resolution on the budget for 2001 and covering 2000–2010.
Sec. 102. Recommended aggregate levels and amounts.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation directives; social security and medicare solvency.
Sec. 105. Social security lockbox.
Sec. 106. Allocations to the Committee on Appropriations.
Sec. 107. Applicability of adjustments.

TITLE II—SENSE OF CONGRESS PROVISIONS

Sec. 201. Sense of Congress on discretionary caps.
Sec. 202. Sense of Congress on asset building for the working poor.
Sec. 203. Sense of Congress on access to health insurance and preserving home health services for all medicare beneficiaries.
Sec. 204. Sense of Congress regarding medicare+choice programs reimbursement rates.
Sec. 205. Sense of the Congress regarding the stabilization of certain Federal payments to States, counties, and boroughs.
Sec. 206. Sense of Congress on the importance of the national science foundation.
Sec. 207. Sense of Congress regarding skilled nursing facilities.
Sec. 208. Sense of Congress on the importance of special education.
Sec. 209. Sense of Congress on a Federal employee pay raise.
Sec. 210. Sense of Congress regarding HCFA draft guidelines.
Sec. 211. Sense of Congress on corporate welfare.

SEC. 2. SPECIAL RULE.

In this resolution, all references to years are fiscal years and all amounts are expressed in billions.

TITLE I—BUDGETARY PROVISIONS

SEC. 101. CONCURRENT RESOLUTION ON THE BUDGET FOR 2001 AND COVERING 2000–2010.

The Congress declares that the concurrent resolution on the budget for 2000 is hereby revised and that the concurrent resolution on the budget for 2001, including the appropriate budgetary levels for 2002 through 2010, is hereby set forth.

SEC. 102. RECOMMENDED AGGREGATE LEVELS AND AMOUNTS.

(a) ON-BUDGET LEVELS (EXCLUDING SOCIAL SECURITY AND THE POSTAL SERVICE FUND).—

For purposes of enforcement of this resolution, the following budgetary levels are appropriate for each year 2000 through 2010:

[In billions of dollars]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
New budget authority	$1,475.2	$1,541.9	$1,578.2	$1,634.3	$1,696.2	$1,762.4	$1,815.1	$1,873.4	$1,947.4	$2,022.0	$2,102.4
Outlays	1,459.2	1,496.5	1,555.9	1,610.4	1,672.2	1,739.2	1,786.8	1,841.6	1,920.4	1,995.4	2,077.9
Revenues	1,465.5	1,512.3	1,564.8	1,620.4	1,680.0	1,741.9	1,819.5	1,896.9	1,980.7	2,072.5	2,169.3
Revenue change	0.0	2.6	−6.5	−9.1	−12.6	−19.2	−23.0	−25.7	−29.3	−34.0	−39.0
Surpluses	6.3	15.8	8.9	10.0	7.8	5.7	32.7	55.3	60.3	77.1	91.4
Publicly held debt	3,472.3	3,312.1	3,131.3	2,942.0	2,740.8	2,524.0	2,265.2	1,967.7	1,650.2	3,102.2	926.8

(b) UNIFIED BUDGET SURPLUSES AND REDUCTION IN THE PUBLICLY HELD DEBT.—Congress declares that on-budget surpluses and the surpluses in the Old-Age, Survivors, and Disability Trust Funds (Social Security trust funds) shall be devoted exclusively to reducing the debt held by the public. The cumulative ten-year on-budget surpluses of $365.0 billion set forth in subsection (a), combined with the estimated cumulative ten-year off-budget (Social Security) surpluses of $2,265.8 billion, will retire 73 percent of the publicly held debt by 2010 and all of it by 2013.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the following are the appropriate levels of new budget authority and budget outlays for each major functional category for each year 2000 through 2010:

(a) National Defense (050):

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
New budget authority	$288.9	$305.3	$309.0	$315.4	$323.1	$331.4	$340.1	$349.0	$358.2	$367.6	$377.3
Outlays	$282.5	$297.2	$301.6	$309.1	$317.3	$327.8	$332.4	$338.2	$351.7	$361.4	$371.0

(b) International Affairs (150):

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
New budget authority	$20.1	$20.3	$20.2	$20.3	$20.6	$21.3	$21.7	$22.2	$22.5	$22.9	$23.2
Outlays	$15.5	$17.6	$16.6	$16.7	$17.0	$17.2	$17.1	$17.9	$18.4	$18.9	$19.4

(c) General Science, Space, and Technology (250):

	2000	2001	2002	2003	2001	2005	2006	2007	2008	2009	2010
New budget authority	$19.3	$20.8	$20.4	$20.6	$20.8	$21.1	$21.5	$21.9	$22.3	$22.8	$23.2
Outlays	$18.4	$19.6	$20.1	$20.3	$20.8	$20.8	$21.1	$21.5	$21.9	$22.3	$22.8

(d) Energy (270):

	2000	2001	2002	2003	2004	2005
New budget authority	$1.1	$1.7	$1.3	$1.5	$1.5	$1.5
Outlays	$0.6	$0.2	$0.2	$0.2	$0.1	$0.2

	2006	2007	2008	2009	2010
New budget authority	$1.6	$1.4	$1.8	$2.0	$2.0
Outlays	$0.1	$0.1	$0.2	$0.4	$0.5

(e) Natural Resources and Environment (300):

	2000	2001	2002	2003	2004	2005
New budget authority	$24.3	$25.8	$26.2	$26.8	$27.4	$28.0
Outlays	$24.2	$25.3	$26.0	$26.6	$27.0	$27.4

	2006	2007	2008	2009	2010
New budget authority	$28.7	$29.4	$30.1	$31.3	$32.1
Outlays	$28.0	$28.7	$29.3	$30.5	$31.3

(f) Agriculture (350):

	2000	2001	2002	2003	2004	2005
New budget authority	$36.7	$19.3	$18.8	$18.0	$17.4	$16.4
Outlays	$34.3	$17.2	$17.0	$16.3	$16.0	$14.8

	2006	2007	2008	2009	2010
New budget authority	$15.7	$15.1	$15.1	$15.3	$15.6
Outlays	$14.1	$13.5	$13.4	$13.8	$14.2

(g) Commerce and Housing Credit (370):

	2000	2001	2002	2003	2004	2005
New budget authority	$7.5	$6.6	$8.8	$9.5	$13.7	$13.8
Outlays	$3.1	$2.4	$4.9	$4.8	$8.7	$9.7

	2006	2007	2008	2009	2010
New budget authority	$13.7	$12.3	$12.4	$12.8	$17.3
Outlays	$9.3	$8.0	$8.0	$8.3	$12.0

(h) Transportation (400):

	2000	2001	2002	2003	2004	2005
New budget authority	$54.3	$59.5	$57.8	$59.5	$59.7	$59.9
Outlays	$46.6	$51.1	$52.9	$54.6	$54.9	$55.4

	2006	2007	2008	2009	2010
New budget authority	$60.8	$61.3	$61.8	$62.3	$62.8
Outlays	$56.8	$57.6	$58.6	$60.0	$61.4

(i) Community and Regional Development (450):

	2000	2001	2002	2003	2004	2005
New budget authority	$11.2	$11.9	$12.0	$12.2	$12.4	$12.7
Outlays	$10.7	$11.1	$11.4	$11.3	$11.5	$11.6

	2006	2007	2008	2009	2010
New budget authority	$13.0	$13.2	$13.4	$13.7	$13.8
Outlays	$12.0	$12.2	$12.5	$12.7	$12.9

(j) Education, Training, Employment, and Social Services (500):

	2000	2001	2002	2003	2004	2005
New budget authority	$57.7	$76.7	$77.8	$78.8	$80.0	$81.8
Outlays	$61.4	$69.7	$77.2	$78.4	$79.4	$81.0

	2006	2007	2008	2009	2010
New budget authority	$83.5	$85.4	$87.2	$89.2	$91.1
Outlays	$82.6	$84.3	$86.2	$88.1	$90.5

(k) Health (550):

	2000	2001	2002	2003	2004	2005
New budget authority	$159.3	$171.0	$182.0	$194.6	$210.2	$228.4
Outlays	$152.4	$168.2	$180.8	$194.0	$209.8	$227.3

	2006	2007	2008	2009	2010
New budget authority	$247.7	$266.8	$286.8	$309.2	$333.0
Outlays	$246.4	$264.7	$284.8	$307.3	$331.7

(l) Medicare (570):

	2000	2001	2002	2003	2004	2005
New budget authority	$199.6	$217.7	$225.0	$247.5	$267.5	$293.9
Outlays	$199.5	$218.0	$224.9	$247.2	$267.7	$293.9

	2006	2007	2008	2009	2010
New budget authority	$303.6	$332.0	$356.6	$384.6	$413.7
Outlays	$303.4	$332.2	$356.5	$384.3	$413.9

(m) Income Security (600):

	2000	2001	2002	2003	2004	2005
New budget authority	$238.4	$254.8	$265.8	$276.4	$287.5	$298.0
Outlays	$248.0	$255.6	$267.2	$277.7	$288.4	$298.9

	2006	2007	2008	2009	2010
New budget authority	$312.0	$316.1	$331.1	$341.8	$353.4
Outlays	$312.9	$316.9	$331.8	$342.2	$353.6

(n) Social Security (650):

	2000	2001	2002	2003	2004	2005
New budget authority	$11.5	$9.7	$11.6	$12.3	$13.0	$13.8

	2000	2001	2002	2003	2004	2005
Outlays	$11.5	$9.7	$11.6	$12.3	$13.0	$13.8
		2006	2007	2008	2009	2010
New budget authority		$14.7	$15.7	$16.8	$18.0	$19.2
Outlays		$14.7	$15.7	$16.8	$18.0	$19.2

(o) Veterans Benefits and Services (700):

	2000	2001	2002	2003	2004	2005
New budget authority	$46.0	$48.2	$49.4	$51.0	$52.2	$55.6
Outlays	$45.1	$47.7	$49.2	$50.9	$52.0	$55.3
		2006	2007	2008	2009	2010
New budget authority		$55.3	$54.8	$58.1	$59.6	$61.1
Outlays		$54.9	$54.2	$57.8	$59.2	$60.7

(p) Administration of Justice (750):

	2000	2001	2002	2003	2004	2005
New budget authority	$27.4	$29.1	$29.4	$30.2	$31.0	$31.7
Outlays	$28.0	$28.7	$29.5	$30.0	$30.6	$31.4
		2006	2007	2008	2009	2010
New budget authority		$32.5	$33.3	$34.2	$35.1	$35.9
Outlays		$32.2	$33.0	$33.8	$34.7	$35.5

(q) General Government (800):

	2000	2001	2002	2003	2004	2005
New budget authority	$13.9	$13.4	$13.6	$13.8	$13.9	$14.1
Outlays	$14.7	$14.0	$13.7	$13.8	$13.8	$13.7
		2006	2007	2008	2009	2010
New budget authority		$14.6	$15.0	$15.5	$16.1	$16.5
Outlays		$14.1	$14.6	$15.2	$15.6	$16.1

(r) Net Interest (900):

	2000	2001	2002	2003	2004	2005
New budget authority	$284.6	$288.6	$290.4	$286.6	$282.4	$278.2
Outlays	$284.6	$288.6	$290.4	$286.6	$282.4	$278.2
		2006	2007	2008	2009	2010
New budget authority		$274.6	$270.1	$266.0	$261.1	$256.0
Outlays		$274.6	$270.1	$266.0	$261.1	$256.0

(s) Allowances (920):

	2000	2001	2002	2003	2004	2005
New budget authority	$8.5	$0.4	$0.0	$0.0	$0.0	$0.0
Outlays	$13.4	$ −7.0	$2.0	$0.3	$0.1	$0.0
		2006	2007	2008	2009	2010
New budget authority		$0.0	$0.0	$0.0	$0.0	$0.0
Outlays		$0.0	$0.0	$0.0	$0.0	$0.0

(t) Undistributed Offsetting Receipts (950):

	2000	2001	2002	2003	2004	2005
New budget authority	$ −34.1	$ −38.4	$ −41.3	$ −40.7	$ −38.1	$ −39.2
Outlays	$ −34.1	$ −38.4	$ −41.3	$ −40.7	$ −38.1	$ −39.2
		2006	2007	2008	2009	2010.
New budget authority		$ −40.2	$ −41.6	$ −42.5	$ −43.4	$ −44.8
Outlays		$ −40.2	$ −41.6	$ −42.5	$ −43.4	$ −44.8

SEC. 104. RECONCILIATION DIRECTIVES; SOCIAL SECURITY AND MEDICARE SOLVENCY.

(a) SUBMISSION OF BUDGETARY RECOMMENDATIONS.—Not later than June 22, 2000, the following House committees shall submit legislation changing current law within their jurisdictions to the House Committee on the Budget in the specified manner and amounts.

	2000	2001	2001–2005	2001–2010
Agriculture—increase outlays	$6.000	$0.676	$9.015	$23.365
Armed Services—increase outlays	0.000	0.437	5.400	16.324
Banking and Financial Services—decrease outlays	0.000	0.367	1.035	1.170
Commerce—increase outlays	0.000	2.270	48.983	193.696
Education and Welfare—decrease outlays	0.000	−0.001	0.040	0.128
Government Reform and Oversight—decrease revenues	0.000	0.071	0.473	1.157
Resources—decrease outlays	0.000	−0.026	0.057	0.230
Transportation and Infrastructure—decrease outlays	0.000	0.065	0.001	−0.159
Veterans' Affairs—increase outlays	0.000	0.259	0.548	0.568
Ways and Means—increase outlays	0.000	2.174	40.441	156.022
Ways and Means—decrease revenues	0.000	0.012	1.413	1.412

(b) POLICY ASSUMPTIONS.—(1) Within the framework of this budget resolution, which provides for the extension of the solvency of the social security and medicare trust funds, the policy of this resolution is that there shall be gross tax relief of $5.6 billion and net tax relief of $2.6 billion in 2001, gross tax relief of $77.8 billion and net tax relief of $50.0 billion over fiscal years 2001 through 2005, and gross tax relief of $263.3 billion and net tax relief of $201.0 billion over fiscal years 2001 through 2010, including by illustration and not limitation provisions that—

(A) mitigate the marriage penalty on middle-income families and the application of the individual alternative minimum tax to middle-income taxpayers;

(B) expand the earned income credit to mitigate the marriage penalty on low-income households and to increase the credit for families with three or more children;

(C) facilitate financing of school construction and renovation;

(D) increase credits and deductions of tuition for post-secondary education;

(E) expand deductions and credits for medical insurance and the cost of long-term care;

(F) provide patient protections contained in the Dingell-Norwood Patient's Bill of Rights Act;

(G) foster community redevelopment and combat urban sprawl;

(H) reduce estate taxes, especially on decedents owning small businesses and family farms;

(I) encourage and expand retirement savings accounts; and

(J) extend credits that promote employment opportunities for welfare beneficiaries and low-income workers.

(2) The resolution assumes that $7.0 billion over fiscal years 2001 through 2005 and $14.6 billion over fiscal years 2001 through 2010 of the revenues forgone as a result of these new tax provisions may be offset by reinstating Superfund taxes; $9.8 billion over fiscal years 2001 through 2005 and $24.2 billion over fiscal years 2001 through 2010 may be offset by repealing or restricting some of the unwarranted deductions, credits, exemptions, and exclusions whose repeal or restriction were proposed by the President in submission of his budget for fiscal year 2001; and $11.0 billion over fiscal years 2001 through 2005 and $23.5 billion over fiscal years 2001 through 2010 may be offset by provisions restricting abusive tax shelters and other provisions proposed by Mr. Rangel in the motion to recommit H.R. 3832.

(3) The resolution also assumes $40 billion over fiscal years 2001 through 2005 and $155 billion through fiscal year 2010 for a medicare prescription drug benefit and cost-sharing protections. The resolution assumes voluntary prescription drug coverage for all Americans age 65 or older, in which not less than 50 percent of the cost of the benefit, based on the price of the prescription drugs, is borne by the Government. Beneficiaries also will pay monthly premiums. Beneficiaries with annual incomes below 150 percent of poverty ($12,525 for a single person; $16,875 for a couple) will not pay premiums, and those with annual incomes below 135 percent of poverty ($11,273 for a single person; $15,188 for a couple) are protected from the plan's cost-sharing requirements.

(c) FLEXIBILITY FOR THE COMMITTEE ON WAYS AND MEANS.—If the reconciliation submission by the Committee on Ways and Means alters the Internal Revenue Code in ways that are scored by the Joint Committee on Taxation as outlay changes, as through legislation affecting refundable tax credits, the submission shall be considered to meet the revenue requirements of the reconciliation directive if the net cost of the revenue and outlay changes does not exceed the revenue amount set forth for that committee in subsection (a). Upon the submission of such legislation, the chairman of the House Committee on the Budget shall adjust the budget aggregates in this resolution and allocations made under this resolution accordingly.

(d) EXTENDING THE SOLVENCY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUNDS.—

(1) The purpose of this subsection is to extend the solvency of Social Security by at least 15 years and to extend the solvency of Medicare by at least ten years.

(2) Not later than June 22, 2000, the Committee on Ways and Means shall submit legislation to the House Committee on the Budget providing for the annual transfer from the General Fund of the Treasury to the Hospital Insurance (Medicare Part A) Trust Fund of an amount equal to $300 billion from 2001 to 2010. Such funds shall be derived from the on-budget surplus over that ten-year period.

(3) Not later than June 22, 2000, the Committee on Ways and Means shall submit legislation to the House Committee on the Budget providing for the annual transfer from the General Fund of the Treasury to Old-Age and Survivors Insurance Trust Fund, starting in 2011, of an amount equal to the reduction in unified budget Net Interest outlays in 2010 below the level of unified budget Net Interest outlays in 2000. Under this resolution, that reduction is expected to equal $148.9 billion.

(4) Provisions of legislation that only carry out the requirements of paragraphs (2) or (3) shall not be considered extraneous to a reconciliation bill under section 313 of the Congressional Budget Act of 1974.

(e) REPORTING OF RECONCILIATION BILL.—After receiving the legislation submitted under subsections (a), (b), and (d), the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

SEC. 105. SOCIAL SECURITY LOCKBOX.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses each year for seventeen years, and until this year, these surpluses have been borrowed to fund the operations of the Federal Government;

(3) this resolution balances the Federal budget without including the social security surpluses in each year from 2000 through 2010;

(4) balancing the Federal budget exclusive of the social security surplus will strengthen the Nation's financial condition so that it is better prepared to ensure the long-term solvency of the social security program.

(b) POINT OF ORDER.—It shall not in order in the House of Representatives or the Senate to consider any revision to this resolution or a concurrent resolution on the budget for any fiscal year between 2001 and 2010, or any amendment thereto, or conference report thereto, or any reported bill or joint resolution or any amendment thereto or conference report thereon that sets forth or causes an on-budget deficit for any fiscal year.

SEC. 106. ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS.

(a) TREATMENT OF OASDI ADMINISTRATIVE EXPENSES.—In addition to amounts in this resolution, allocations to the Committee on Appropriations shall include the following amounts, which are assumed to be used for the administrative expenses of the Social Security Administration, and those allocations shall be considered to be allocations made under section 302 of the Congressional Budget Act of 1974:

	2000	2001
New budget authority	$3.175	$3.400
Outlays	$3.202	$3.370

(b) SPECIAL ALLOCATION FOR LANDS LEGACY INITIATIVE.—

(1) Except as provided in paragraph (2), $1.4 billion in discretionary new budget authority and $1.0 billion in discretionary outlays included in this resolution shall not be allocated to the Appropriations Committee for 2001.

(2) Prior to consideration by the House of Representatives or the Committee of the Whole of any appropriations measure, amendment, or motion providing $1.4 billion in new budget authority for 2001 for: Federal land acquisitions; conservation-related grants to states, tribes, and localities; and ocean and coastal conservation programs, the chairman of the House Committee on the Budget shall increase the allocation for 2001 of the House Committee on Appropriations by $1.4 billion in new budget authority and by the outlays flowing therefrom.

SEC. 107. APPLICABILITY OF ADJUSTMENTS.

Section 314(c) of the Congressional Budget Act of 1974 shall apply as though the adjustments described in sections 104(c) and 106(b) were adjustments under section 314(a) of that Act.

TITLE II—SENSE OF CONGRESS PROVISIONS

SEC. 201. SENSE OF CONGRESS THAT CONGRESS AND PRESIDENT AGREE ON DISCRETIONARY CAPS BASED ON REALISTIC LEVELS.

It is the sense of Congress that Congress and the President adopt discretionary caps based on the levels set forth in this resolution in order to control spending, establish sound budgeting projections and policies, and avoid budgeting gimmicks.

SEC. 202. SENSE OF CONGRESS ON ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress finds that—

(1) 33 percent of all American households and 60 percent of African American households have no or negative financial assets;

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children;

(3) in order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established;

(4) middle and upper income Americans currently benefit from tax incentives for building assets; and

(5) the Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this concurrent resolution assume that Congress should modify the Federal tax law to include provisions which encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 203. SENSE OF CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) ACCESS TO HEALTH INSURANCE.—

(1) FINDINGS.—Congress finds that—

(A) 44.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(2) SENSE OF CONGRESS ON IMPROVING ACCESS TO HEALTH CARE INSURANCE.—It is the sense of Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) PRESERVING HOME HEALTH SERVICE FOR ALL MEDICARE BENEFICIARIES.—

(1) FINDINGS.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed Medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers and delayed the automatic 15 percent payment reduction until after the first year of the implementation of the prospective payment system; and

(C) patients whose care is more extensive and expensive than the typical Medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) SENSE OF CONGRESS ON ACCESS TO HOME HEALTH CARE.—It is the sense of Congress that—

(A) home health care for seniors and disabled citizens is vitally important;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical Medicare patient, including the sickest and frailest Medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the imposition of the 15 percent reduction in the prospective payment system and ensure timely implementation of that system.

SEC. 204. SENSE OF CONGRESS REGARDING MEDICARE+CHOICE PROGRAMS/REIMBURSEMENT RATES.

It is the sense of Congress that the Medicare+Choice regional disparity among reimbursement rates is unfair, and that full funding of the Medicare+Choice program is a priority as Congress deals with any medicare reform legislation.

SEC. 205. SENSE OF CONGRESS REGARDING THE STABILIZATION OF CERTAIN FEDERAL PAYMENTS TO STATES, COUNTIES, AND BOROUGHS.

It is the sense of Congress that Federal revenue-sharing payments to States, counties, and boroughs pursuant to the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.), and sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) should be stabilized and maintained for the long-term benefit of schools, roads, public services, and communities, and that providing such permanent, stable funding is a priority of the 106th Congress.

SEC. 206. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NATIONAL SCIENCE FOUNDATION.

(a) FINDINGS.—The Congress Finds that—

(1) Recognizing the importance of the National Science Foundation, during the Budget Committee markup, the Holt amendment was offered which would have increased budget authority by $675 million in fiscal year 2001 and by $3.9 billion over five years and increased outlays by $170 million in fiscal year 2001 and by $2.8 billion over five years in Function 250 (General Science, Space and Technology) to reflect greater funding for the National Science Foundation;

(2) recognizing the National Science Foundation's importance during the markup, the Committee accepted a modified Holt amendment which succeeded in increasing the Chairman's mark for Function 250 by $100,000,000 in budget authority for 2001;

(3) further recognizing the National Science Foundation's importance and the wisdom of the original Holt amendment, the Rules Committee approved a substitute which changed the budget resolution, as approved by the Budget Committee, to increase budget authority for the National Science Foundation by an additional $.5 billion in 2001 and $3.0 billion over five years and to increase outlays by $0.1 billion in fiscal year 2001 and by $2.2 billion over five years to reflect increased funding for the National Science Foundation;

(4) even with the increases approved in the Rules Committee substitute for function 250, the outlays levels in this Democratic concurrent budget resolution are still above the levels in the House Republican budget resolution, as modified by the Rules Committee substitute, by $200 million for fiscal year 2001 and $1.3 billion over five years (2001–2005);

(5) the National Science Foundation is the largest supporter of basic research in the Federal Government;

(6) the National Science Foundation is the second largest supporter of university-based research;

(7) research conducted by the grantees of the National Science Foundation has led to innovations that have dramatically improved the quality of life of all Americans;

(8) because basic research funded by the National Science Foundation is high-risk, cutting edge, fundamental, and may not produce tangible benefits for over a decade, the Federal Government is uniquely suited to support such research; and

(9) the National Science Foundation's focus on peer-reviewed, merit-based grants represents a model for research agencies across the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the function 250 discretionary levels assume an increase for National Science Foundation that is sufficient for it to continue its critical role in funding basic research, cultivating America's intellectual infrastructure, ,and leading to innovations that assure the Nation's economic future.

SEC. 207. SENSE OF CONGRESS REGARDING SKILLED NURSING FACILITIES.

It is the sense of Congress that the Medicare Payment Advisory Commission should devote particular attention to the medicare skilled nursing benefit to determine if payment rates are sufficient to provide quality care and to determine if reforms in payment are required. If reforms are recommended, Congress should pass legislation expeditiously to assure quality skilled nursing care.

SEC. 208. SENSE OF CONGRESS ON THE IMPORTANCE OF SPECIAL EDUCATION.

(a) FINDINGS.—Congress finds that—

(1) all children deserve a high quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities; and

(3) the discretionary levels in this concurrent resolution for function 500 (Education) are above the levels in the House Republic Budget Resolution by $4,800,000,000 for fiscal year 2001 and by $20,600,000,000 over five years (fiscal years 2001 to 2005).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the higher discretionary levels for function 500 (Education) in this budget resolution compared with the Republican resolution recognize the importance of special education by allowing Congress to provide sufficient increases for special education while also funding the President's other top educational priorities.

SEC. 209. SENSE OF CONGRESS ON A FEDERAL EMPLOYEE PAY RAISE.

It is the sense of Congress that the pay increase for Federal employees in January 2001 should be at least 3.7 percent.

SEC. 210. SENSE OF CONGRESS REGARDING HCFA DRAFT GUIDELINES.

(a) FINDINGS.—Congress finds that—

(1) on February 15, 2000, the Health Care Financing Administration in the Department of Health and Human Services issued a draft Medicaid School-Based Administrative Claiming (MAC) Guide; and

(2) in its introduction, the stated purpose of the draft MAC guide is to provide information for schools, State medicaid agencies, HCFA staff, and other interested parties on the existing requirements for claiming Federal funds under the medicaid program for the costs of administrative activities, such as medicaid outreach, that are performed in the school setting associated with school-based health services programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) many school-based health programs provide a broad range of services that are covered by medicaid, affording access to care for children who otherwise might well go without needed services;

(2) such programs also can play a powerful role in identifying and enrolling children who are eligible for medicaid or for the State Children's Health Insurance programs;

(3) undue administrative burdens may be placed on school districts and States and deter timely application approval;

(4) the Health Care Financing Administration should substantially revise or abandon the current draft MAC guide because it appears to promulgate new rules that place excessive administrative burdens on participating school districts;

(5) the goal of the revised guide should be to encourage the appropriate use of Medicaid school-based services without undue administrative burdens; and

(6) the best way to ensure the continued viability of medicaid school-based services is to guarantee that the guidelines are fair and responsible.

SEC. 211. SENSE OF CONGRESS ON CORPORATE WELFARE.

It is the sense of Congress that the Committees on the Budget of the House of Representatives and the Senate should hold hearings on H.R. 3221, the Corporate Welfare Commission Act of 1999.

The CHAIRMAN pro tempore. Pursuant to House Resolution 446, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we have considered a number of budget resolutions today. Naturally I think the one we are now presenting is the best of the lot. I want to give the Members of the House five strong reasons that this resolution is the best of the lot.

First of all, prescription drug coverage, a gaping hole in Medicare for many years, we need to close it. We provide reconciliation instructions and $40 billion to the Committee on Ways and Means with the directive to do it. We provide seniors with prescription drug coverage.

Education, the difference between our resolution and the base resolution is clear and distinct, $20.5 billion more for education over the next 5 years.

Debt reduction. Our resolution would lead to debt reduction cumulative surpluses of $48 billion over the next 5 years, $364 billion over the next 10 years.

Social Security and Medicare solvency, the two are directly related. We extend the solvency of Social Security, and we extend the solvency of Medicare. The base bill does not.

Finally, the clear distinct and very important distinction, civilian and military retirement. We provide $16.5 billion to keep the promises we have made to military retirees, particularly those reaching the age of 65 who have not been able to use their Medicare benefits at military treatment facilities.

Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND), going to the first aid that I mentioned, prescription drugs, a distinct difference between us and the base bill.

Mr. WEYGAND. Mr. Chairman, I thank the gentleman from South Carolina for yielding me the time.

Mr. Chairman, Paul and Judy came to me about a year and a half ago. They were both retired. He was 70. She was 66. About 4 years ago, when they retired, they thought their small pension and their Social Security check would be enough for them. They both had open heart surgery. They both had high blood pressure problems.

Now, after 4 years of retirement, Paul is going back to work part time, and his wife is going back to work part time to pay for their $8,350 a year of prescription drugs. They need relief now.

There are seniors that are in New Jersey, California, Washington, Rhode Island, wherever it may be. There are seniors across this country that want relief now for prescription drugs.

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Our plan clearly does that. We reconcile it. We direct Ways and Means to come up with a plan. We put aside, truly, $40 billion over the next 5 years for prescription drug coverage. The Republican plan does not do that. It is elusive, it is smoke and mirrors, it puts it in a reserve fund that is dwindling as we speak today because of a $20 billion error in the way they reconciled their own bill.

Paul and Judy need that relief now, not smoke and mirrors. They need the Democrat alternative that truly addresses the problem, sets aside the money, and comes up with a solution now for Medicare. This takes leadership. This takes courage. This takes bringing us into the 21st century, rather than keeping us in the 20th century.

If we are to make a difference for our seniors, this is the way we can start today. This is a budget proposal that has teeth, has leadership, and will provide the seniors the kind of relief they need. If we are serious about this, no matter what side of the aisle we are on, this is the alternative and this is the plan that will get us to that solution.

I implore my colleagues, forget about the bias between one plan or the other, think about the people in our districts that are truly like Paul and Judy and resolve the prescription drug plan today with our alternative.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I want to applaud the gentleman from South Carolina (Mr. SPRATT) on putting together a budget, but I want to talk about what the base budget does, the goals we are accomplishing here.

First, we are protecting 100 percent of the Social Security surplus. We protected Social Security last year, we are going to do it again, and we are going to do it ad infinitum. We are strengthening Medicare by adding a prescription drug benefit to it; $40 billion to Medicare. We are retiring the entire public debt by the year 2013. We are promoting tax fairness for families, farmers and seniors. We are restoring America's defense capabilities. And we are strengthening support for education and science.

But I want to talk about Social Security. What are we doing on Social Security? Well, last year the President said on Social Security, let us take 38 percent out of the trust fund and spend it on other government programs and dedicate just 62 percent to Social Security. That was not good enough. And we countered last year by saying lock away 100 percent of Social Security funds for Social Security.

Guess what? That is what we achieved this year. This Congress achieved the stop on the raid of the Social Security Trust Fund for the first time in 30 years. That is what we are accomplishing here. The reforms in the underlying bill, in the budget resolution on Social Security are real reforms.

The reforms in the Spratt budget on Social Security, and on Medicare, for that matter, are phony reforms. They are simply nothing more than adding more paper IOUs to the Social Security and Medicare trust funds. It is kind of like having a credit card, but our income does not change. We do not get more money on our FICA taxes, we do not get more money on our paycheck; but our credit card limit goes up.

That is what the Spratt budget does for Social Security. It simply says increase the limit on the credit card, but do not increase the income to the beneficiary. It does not add one extra penny to Social Security or Medicare. It just transfers IOUs to the two programs to give us the illusion that we are reforming Social Security and Medicare. It lulls us into thinking we are actually making a difference in Social Security and Medicare. My fear is that it will delay the important reforms to Social Security and Medicare that we so dearly need.

Mr. Chairman, the underlying budget, the Republican budget resolution, is the serious plan. It is the plan that locks away Social Security for now and future generations. It is the plan that pays off the entire national public debt in 13 years, a trillion over the next 5 years. It is the plan that lets people continue to keep more of their hard-earned money if they still overpay their taxes. It is a plan that fixes our problems in education and science. It is the plan that puts money back into our vital national defense interests. It is the plan for America's future for the 21st century.

Mr. SPRATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, no challenge faces our country like the challenge of education. We, in our budget resolution, rise to that challenge. We pay down the debt, we provide for tax cuts, but we also provide for priority spending on things like education, which we believe the American people want.

What is the difference between our resolution and the base bill? $20.5 billion more in our resolution for education.

Mr. Chairman, I yield the balance of my 3 minutes to the gentleman from North Carolina (Mr. PRICE), who was a college professor at Duke University before coming here; and to the gentlewoman from Oregon (Ms. HOOLEY), who was a high school teacher before coming here, to talk about the difference between our resolution and the base bill.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time, and the gentleman is certainly correct that there is no greater area of contrast in these two budgets than in the area of education.

This is a time when we need to be renewing our commitment to public education, our investments in public education so it becomes an engine of opportunity for all of our people. And what do our Republican friends do? Well, they freeze most education programs for a period of 5 years in this budget. They have a small increase for special education, which is mainly budget authority that cannot be spent. It is a kind of a hollow promise. And then the rest of the education budget is basically frozen.

Ms. HOOLEY of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentlewoman from Oregon.

Ms. HOOLEY of Oregon. Mr. Chairman, one of the things we talk about all the time is how important education is. And what this budget does, the Democratic substitute, is actually put money where our mouths are. That is the most important investment we can make, is in our children.

One of the things I find ironic about the Republican budget is that they cut 40,000 children out of Head Start, for example. And yet all the research shows us that that is the vital age for children to learn, and it is so important for them to have a good start.

Mr. PRICE of North Carolina. Reclaiming my time, the gentlewoman is absolutely correct.

If there were ever a successful program in getting children ready to learn it is Head Start. Why over the next 5 years we would want to actually cut that program escapes me.

Then we look at the other end of the educational spectrum, Pell grants, these cuts would require that 316,000 fewer students receive Pell grants.

Ms. HOOLEY of Oregon. If the gentleman will continue to yield, again this is one of those areas where we say that to succeed with the new technologies and the new kind of markets that we have, it is vitally important that we provide a higher education and some training, and yet again the Republican budget cuts 316,000 students out of the opportunity to go to college.

Mr. PRICE of North Carolina. Again reclaiming my time, I would point out that, by contrast, our Democratic alternative makes room for as much or more for special education, that is, education for disabled and handicapped children. It lets us get going on school construction in low-income and high-growth areas with an innovative tax plan, and it lets us proceed to hire these 100,000 new teachers, skilled teachers to get class size down in the early grades.

Ms. HOOLEY of Oregon. And the reason it is so important to hire 100,000 new teachers is because they are for kindergarten through third grade. And we know if children have smaller classroom sizes, they learn better and it follows them all the way through.

So let us put our money where our mouths are and vote for a budget that funds education.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding me this time.

It is interesting. I would like to focus on this prescription drug benefit and Medicare benefit that the Democrats are now rushing in at the last minute and providing. Interestingly enough, Paul and Judy, just a few months ago, I would say to my friend, did not get squat from the President. Did not get squat. In fact, when the President came here, Paul and Judy did not get a prescription drug benefit.

The President promised that, but it did not start until the fourth year. And the ultimate is that Paul and Judy's hospital probably had to close because of the provider cuts that went in order to fund this so-called prescription drug benefit that the President put into his budget.

So what did the Democrats do at the last minute, last night? They rushed in and said, oh no, we cannot do that. So, me too, $40 billion, just like the Republicans put into their plan. And now they come in and say, but we have a reconciliation protection.

Do my colleagues know what that means? That means that the committee is instructed to do the work. But if it is not done, the Democrats can spend that $40 billion anywhere they want. The Republicans have a reserve fund for their $40 billion. It has to be spent for Medicare reform with a prescription drug benefit.

Those are the facts. They can run as fast as they want from the President's budget, but the President did not provide a prescription drug benefit that was real. It included provider cuts that were real. And now they run from that, but they run in here with a weaker proposal.

Let us support the Republican plan that gives Paul and Judy and the people across this country the opportunity to have a real prescription drug benefit and a real Medicare reform that not only makes sure that prescription drug benefits are available but makes sure that our hospitals and our doctors and our health care providers are able to keep giving them quality health care.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to tell my colleagues that the third thing we would emphasize about our budget is debt reduction; that we provide for a Medicare prescription drug benefit; that we provide $20.5 billion more for education, but we also reduce spending and we save $48 billion in cumulative surpluses over the next 5 years, $364 billion.

This side has said repeatedly they are paying the debt down by $1 trillion. So are we. We are all going to use the Social Security surplus, $976 million over the next 5 years, to pay down debt held by the public. But we have $48 billion more in debt reduction over the next 5 years.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN) to talk about the difference between our budget and the base budget when it comes to debt reduction.

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is a big difference between the Republican and the Democratic budgets, and one of those big differences is the amount of debt that is paid down. The Republican budget does not use one cent of the on-budget surplus to pay down the national debt, whereas the Democratic budget uses 40 percent of the projected on-budget surplus to pay down the national debt, on top of the Social Security surplus, which both budgets, to be honest, propose paying down the debt.

But then there is a key difference as well, and that is that the Republican budget is predicated on unsustainable cuts in domestic discretionary spending that the Republican Congresses themselves, since 1995, have failed to make.

The Congressional Budget Office, in its most recent report, found that the Republican Congresses had increased nondefense discretionary spending above the rate of inflation, which is contrary to what they have in their budget. Therefore, combined with the trillion dollar tax cut that is in here, the Republican budget would end up not only eating through the on-budget surplus but would also go into the Social Security surplus. So, actually, they are paying down far less debt than what we propose in the Democratic budget.

I am glad, quite frankly, that the Republicans have come around to this way. When we had the budget markup last year, I proposed we dedicate all the surplus, both on-budget and off-budget to paying down the debt, and I was told that was not a good idea. And in 1998, the Republicans proposed using, I think it was either 10 or 20 percent of the Social Security surplus for a tax cut and then dedicating the rest of it.

It is a little bit like a tent meeting and everybody has gone and gotten religion now and they have come back and they want to pay down the debt. But the bottom line, when we compare the two, the Democrats pay down far more than the Republicans in debt.

□ 2300

Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, let us be clear about where we really were a year ago and who was making statements about setting aside the surplus, setting aside 100 percent of the Social Security Trust Fund surplus. It cannot possibly be more clear.

The President's budget, which we had a vote on on this very House floor, only received two votes because he was spending 38 percent of the Social Security surplus. And it was the Republican budget that, for the first time ever set aside every penny of the Social Security surplus. This year we are going to do it again for a historic third year in a row, set aside every penny of the Social Security surplus, create a reserve fund for Medicare, not just prescription drug coverage, but honest reforms, as well.

We are going to retire a historic level of the public debt, a trillion dollars over 5 years; promote a much fairer Tax Code; and make essential investments in defense, in veterans' health care, and in education.

But the previous speaker spoke a little bit about retiring debt, and they are talking about this budget being reckless. Well, let us take a look and see how reckless this budget is and how reckless Republican budgets of the past several years have been, paying down over $50 billion in debt 2 years ago, 1998; in 1999, paying down over $80 billion of the public debt.

Fiscal Year 2000, we are in the midst of it, we will pay down over $160 billion in debt. And in the budget we have brought to the floor here today, we are paying down over $170 billion in debt. $450 billion in debt retirement. And this is what the other side would term "reckless"?

I do not think this is reckless. This is historic. This is an unprecedented commitment to paying down debt. A trillion dollars in debt relief over 5 years in this very budget. This is reckless? I do not think this is reckless. This is an historic commitment to reducing public debt. And that means lower interest rates for every American on home mortgages and car loans and student loans.

One to two percent lower interest rates on $100,000 home mortgage is $10,000 or $20,000 over a 20-year mortgage, $30,000 over a 30-year mortgage, money that never has to get sent to Washington, that the electorate never has to ask for us to return it back to them because we are in a charitable mood.

Lowering interest rates, tens of thousands of dollars of savings for average American families. I do not think this is reckless at all.

I think, instead, it is reckless to oppose tax fairness as the Democrat proposal has done; to oppose eliminating the marriage penalty; to oppose giving individuals health insurance deductibilities so that they can have a fair playing field with large corporations, that is reckless; to oppose repealing the Social Security earnings limit; to oppose expanding opportunities for retirement savings or education savings. That is reckless when we want to trap a family into leaving their child in a family school.

This is a budget of responsibility. It sets the right tone on debt retirement and it strengthens our country.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a very significant difference between our bill and the base bill. We have something in our bill that there is no semblance of in the base bill, and that is $16.3 billion to provide for military retirees' health care at military treatment facilities.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, there are two groups I want to talk about. It is easy to beat up on Federal employees. After all, we are their bosses and they really cannot fight back. And maybe that is why they have had to contribute over $200 billion in the last few years toward deficit reduction. But at 3 a.m. last night, it was decided to require Federal employees to pay another $1.2 billion toward their retirement costs.

But worse than the way we treat Federal employees is the way we treat military retirees in this bill. It is wrong. We have brochures that are as current as 1991 that promise free lifetime quality health care if they will contribute 20 years of their life serving their country, defending their country.

And they took that promise. And now when they turn 65, they are out in the cold, no health care coverage, they get at the back of the line.

Well, the Democratic budget brings them in from the cold, provides full Medicare coverage, provides the same kind of prescription drug coverage that we provide enlisted personnel and their families.

I have got to tell my colleagues, if they vote for the Republican budget, they had better be willing to look in the face of our military retirees and explain why a politically appealing tax cut was more important than keeping their promise to them.

Mr. SHAYS. Mr. Chairman, I yield 10 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I am a combat veteran and a veteran. I support the Republican budget, and so do other veterans.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman from Connecticut for yielding me the time.

Mr. Chairman, we have heard all throughout the day and actually for several years now this recurring theme from the people on the other side about reckless, exploding, risky tax cuts for the rich.

Well, let us talk about the tax relief that is in our bill and let us let the American people decide just how risky or reckless and how much this really is for the rich.

We are talking about ending the marriage penalty tax. We believe fundamentally it is wrong to say they ought to pay extra taxes just because they have a marriage license. We think that is wrong.

We think it is wrong that Social Security recipients have this earnings limit and have to pay among the highest tax rates of any working people in America.

We think it is wrong that families have to visit the IRS and the undertaker in the same week.

We think it is wrong that we have a confiscatory tax of 55 percent on estates we have been paying taxes every year.

We think it is wrong that we are not making it easier for expanded education savings accounts. We want to increase the health care deductibility for self-employed for farmers, small business people.

We want to provide tax relief and breaks for poor communities. And we want to strengthen private pension plans.

Now, if those are tax cuts for the rich, if those are risky schemes, well, then let us have more of it.

Let us compare our plan to the Clinton-Gore plan. In the first year, the Clinton-Gore plan actually increases net taxes by $10 billion. We provide $10 billion of tax relief.

If we look at over 5 years, we are talking at least $200 billion in tax relief. We hope to increase that as additional surpluses go up. The President provides $5 billion in tax relief for the first 5 years.

This is not a risky plan. This is a common sense plan. But it is really a debate between those who believe in tax relief for working families; and ultimately, at the end of the day, it is a debate between two world views. It is a debate between those who believe that we know best and can spend the people's money smarter than they can and those of us who believe that they know best and they can spend their own money smarter than we can.

This is a common sense budget. The tax relief that is contained in this budget is really common sense. I think once the American people understand it is not just about numbers, it is about basic fairness.

I would ask my colleagues on the other side which of these tax relief provisions do they want to take away, the marriage penalty tax, the death tax, education savings accounts, health care deductibility, community renewal, or pension reform? Which of those is so unfair? How do they benefit the rich?

They are going to have to answer those questions if they vote against this budget. Because it is a common sense budget and the tax relief that is contained in here is common sense.

I think once the American people understand what we have put into this bill, they will demand the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the fifth point that we would make about our budget as opposed to the base budget deals with Social Security and Medicare.

There is a distinct difference, indeed there is a chronic difference, between the way we deal with Social Security and Medicare and the way they deal with it.

First of all, our budget protects, preserves, and defends the Social Security Trust Fund. Over the next 5 years, we are going to rack up $48 billion in surpluses under our budget. What do these ensure? They ensure that the Social Security Trust Fund will remain intact and untouched.

The Republican resolution, on the other hand, puts the budget back in the danger zone, on thin ice, close to the edge.

We have been talking about this chart all day long. The numbers can be argued over, but we have run the numbers different ways and the chart stands uncontradicted.

□ 2310

To begin with, to do what they propose, to achieve this surplus that they claim of $17 billion, $110 billion over the next 5 years, they have got to do $117 billion in real reduction in discretionary spending over the next 5 years. That has not been done over the last 10 when we had deficits. It is not likely to be done over the next 5. And if it is not done, if that assumption is not met, the budget is back in the red again. It is that simple.

Secondly, even if that unlikely assumption were somehow met, if you claim a drug benefit for Medicare which you have got on all your posters, if you claim it, you have got to count the cost of it. That is $40 billion. And if you claim that you are going to do a $200 billion tax cut, then you have got to calculate in your calculation of the surplus the $200 billion tax cut.

And when you put the $40 billion for Medicare prescription drugs and the $200 billion tax cut over 5 years into this budget, the surplus is wiped out in 2003 and you are in the red, back into Social Security in 2004 and 2005. Our budget stays out of Social Security, it stays in the black; it has a $48 billion cushion over that 5-year period of time. That is the first reason ours is better for Social Security.

By the way, we would also buy back Treasury bonds. With the surplus built up in Social Security, we would pay down debt held by the public. We will pay down $976 million of debt just as you will with your proposal, so long as you stay out of Social Security; and over 10 years we will pay down $2.3 trillion in debt, and by the year 2013 we will wipe out the public debt if we abide by the budget that we are proposing.

Now, there is a second, more important, reason that our budget is better for Social Security, Medicare and distinctly different from the base budget. The Republican budget does not add a dime to Social Security or Medicare over the next 5 years or 1 day to the solvency of either program. Over the next 10 years, our budget contributes $300 billion out of the surpluses that we will accumulate. It takes $300 billion from the general fund and puts that money into the Medicare trust fund.

I have heard this talk over here about IOUs. If anybody has a government bond lying around that is an IOU and he would like to put it somewhere, I will be glad to receive it. It has a lot of value to it. It gives you secured status. We are going to put $300 billion in government bonds into the Medicare trust fund paid for, a net addition to national savings out of the general fund. And in 2011, we propose to calculate how much we have saved in the way of debt service on the last year and take that amount of money and transfer it into the Social Security Trust Fund. As a result, we extend the solvency of Medicare by 10 years and the solvency of Social Security by 15 years. These are profound differences and good reasons to vote for our substitute over the base bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds to point out that our colleagues on the other side of the aisle had 40 years to spend the Social Security surplus and this side of the aisle ended that practice. In the very footnotes of the chart just referred to, Democrats admitted they interpolated and they extrapolated to get their figures. In other words, they guessed.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. WELDON) from the Committee on Armed Services.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in strong support of the base budget bill. As one of the few classroom teachers in this body, who ran a chapter 1 program for 3 years in an urban school district, I am strongly in favor of this budget because of what it does for education. We focus on teachers. We focus on kids. We do not focus on bureaucracy. I am proud of what this budget does in terms of Social Security and Medicare, what it does to pay down the public debt. But I am most proud of what this budget and what this part of the Congress and the House has done for our defense.

The other side talks about rebuilding our defense. Over the past 5 years, Mr. Chairman, it has been this side who has increased defense spending by $43.1 billion over the President's request. Even the former Clinton Secretary of Defense, Bill Perry, just 2 months ago acknowledged if we had not done that, we would be in a devastating position right now as this President tries to recapture a $15 billion increase and that is not enough.

This President has committed our troops to deployments 34 times in 8 years, versus 10 times in the previous 40 years. None of those 34 deployments were budgeted for. All the money for those deployments came out of an already decreasing defense budget. Our morale has never been lower. Our retention rates for pilots in the Air Force and Navy is hovering at 15 percent. Our ability to recruit young people, except for the Marine Corps, is going unmet by all the services. We are sending aircraft carriers into harm's way with five and 600 sailors short.

We have military personnel on food stamps. That is the legacy of this administration even though we have increased defense spending by $43 billion over the past 5 years. This budget reinvests in defense and makes a commitment to our military. But it does something else, Mr. Chairman, that no one has talked about tonight in any of the budgets and is not even mentioned in the budget that my good friend and colleague is offering tonight on behalf of the minority.

We talk about police and both budgets spend billions of dollars on law enforcement. We buy vests for police. We talk about teachers; 100,000 new teachers. What does your budget do for the 1.2 million men and women who are domestic defenders, our fire and emergency services personnel? What statement does your budget make about the 32,000 fire and EMS departments that have responded to every flood, every tornado, every earthquake, every disaster our country has? Your budget has zilch, zero, nada, nothing. Our budget for the first time ever recognizes the brave heroes of America who respond to our domestic problems, the 1.2 million men and women, 85 percent of whom are volunteers, in every one of your congressional districts, that day in and day out supports the job of protecting our American people. Even though we lose 100 of these people a year, you say nothing. We provide support for them.

For that reason, I say vote for the Republican base budget bill.

Mr. SPRATT. Mr. Chairman, I yield myself enough time to answer one question the gentleman put to me with respect to fire personnel and emergency personnel. This budget, the base budget, cuts FEMA, the account in which FEMA is included, function 450, by $2.8 billion between this year and next year, and over 5 years by $18.3 billion. That is what you are cutting out of function Community and Regional Development.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, if the gentleman would know anything about FEMA, none of that money goes to local fire and emergency response. None of it. Not one dime of it. The gentleman needs to get his facts straight.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, the Democratic budget does many things. It is both prudent and caring. Certainly it pays down the debt by the year 2013 and certainly it protects Medicare, it protects Social Security; and yes, it does a sufficient amount of investment in our military and our retirees who have served our country well. But in addition to that, it invests in education. It also does something that the Republican budget does not do. It cares about its most vulnerable people, those people who are left out of the bountiful plenty of prosperity that we are enjoying. It cares about legal immigrants. It cares about the poorest of the poor trying to get day care going to work. It invests in after-school programs. It invests and brings up the shelter and provision caps for food stamps. It makes it even for all States.

Not only is the Democratic budget a prudent one, but it says American prosperity should be for everyone. I invite my colleagues to make sure that everybody is included in this prosperity. The Democratic budget does that.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to my great friend, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding me this time.

Mr. Chairman, what does the Republican budget mean for you and your family? It means a debt-free Nation for our children. In education it means more dollars for our classrooms and more dollars for our children instead of dollars for bureaucracy and redtape.

□ 2320

The distinction could not be more clear. The Democratic alternative wants to force on our local schools programs and mandates that do not work. They want to build our schools, hire our teachers, buy the technology, feed our kids breakfast, dictate the curriculum, teach our kids about sex, teach them about drugs, teach them about art, feed our kids lunch, and then they want to test them. Other than that, they believe in local control.

And then they are going to move all of those programs and move those decisions for each one of those areas into a department in Washington that for 2 years has failed its financial audits, has told the American people give us $35 billion per year, but we are not going to take the time or the energy to be able to account where that money is spent. That is wrong.

The alternative is providing resources to local schools to tailor solutions to meet the needs of our local school districts, to meet their particular needs, a vision that gives decision-making and discretion to local administrators, to parents and teachers, the people that know our kids' names and know their needs. The differences could not be clearer.

Are we going to move decision-making to the Department of Education here in Washington, or are we going to leave the decision-making at the local level? It is time to support the Republican budget. It increases spending and investment in education, but it preserves and builds educational excellence through local decision-making, not through decision-making based here in Washington.

Support this budget. It is the right thing to do. It builds on what we know works and walks away from that which we know that does not work.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

I ask the gentleman from Ohio (Mr. KASICH) if I could borrow one of his charts.

This is the chart I wanted to hold and borrow, because I think throughout this debate the gentleman sort of indirectly unwittingly complimented us. The only thing the gentleman got wrong on this whole chart is a GOP plan, because if the gentleman goes down the items on this chart, the gentleman will see that our budget resolution does everything the gentleman says, except we do it better.

It protects 100 percent of the Social Security surplus. I just explained that. We have a $48 billion cushion that keeps you out of Social Security, strengthens Medicare with prescription drugs. We have reconciliation. We do not say report a bill that has structure reforms and then you can have the $40 billion. We say just do prescription drugs, get it done. Retire the public debt by 2013, we do it. Promote tax fairness, give us a break. We have got a $50 billion net tax cut. Read the language of it.

We have the AMT correction in it. We have mitigation of the marital penalty in it. We have deductibility of college tuition in it. We have tax fairness and tax relief for families. Restore America's defense? Come on. There is one-tenth of 1 percent over the 5 years difference between what the gentleman is providing for defense than what we are providing for defense.

Add in the $16.3 billion that we are providing for retiree health care, and we are way ahead of the gentleman. Finally, strength and support for education and science. We match you in science. And we are $20.5 billion ahead of you in education. You ought to vote for us.

I rest my case and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Ohio has 3 minutes remaining to close.

Mr. KASICH. Mr. Chairman, I ask unanimous consent to make sure we have another one of these charts made so we can present it to the gentleman from South Carolina (Mr. SPRATT) tomorrow.

Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP) for his closing comments.

Mr. WAMP. Mr. Chairman, I thank the gentleman very much for yielding the time. It is an honor to come and close this debate today. I know later tonight as we close up this great debate on the budget this year that we are going to give proper recognition to the gentleman from Ohio (Chairman KASICH), but I think over the last 15 years, as many have labored in the fields for a more responsible approach on the Federal level, there is not a person in the United States Congress that deserves more credit for bringing us to a balanced budget than the gentleman from Ohio (Mr. KASICH).

He is a genuine man, and everyone in this institution I think respects and appreciates the gentleman. Do not take too much of my time. We are going to do this again a little later on. We are going to do that again.

I admire the gentleman from South Carolina (Mr. SPRATT), but I have to tell you, I spent the first half of my life as a Democrat for 20 years. And I spent the second half of my life as a Republican, and I joined the Republican party in 1980 because I felt like the Federal Government was growing too big and out of control in some respects, and we needed to restore more accountability to Washington, D.C.

I would say as a member of the Committee on the Budget and the Committee on Appropriations that this majority has hit its stride in balance, fairness. And I think this budget is the best product that we have come up with in the 5½ years that we have had an opportunity to present our way.

My 13-year-old son is in the Chamber tonight. He will be 13 Sunday. And I really believe that this issue, I have heard reckless tax cuts all night long, but let me tell you when I was in born in 1957, the American people paid less than 10 percent to the Government at all level combined. And today it is almost half.

When my son is at my age, at the current pace, three-fourths of what he makes is going to go to the Government at some level, and that is reckless. That is the truth.

We need to bring more accountability to this process of where we are going to restrain government growth. That is what this budget does. Greenspan knows it. He says it, the economy is the goose laying its golden egg. And we have to restrain the growth of spending.

The Democratic substitute here actually grows discretionary spending at twice inflation. We cannot continue to do that. Tax fairness, ladies and gentlemen, time has come, and Democrats and Republicans are agreeing that we need to reduce the tax burden on working families in this country. And I am proud of this budget, because it is fair and reasonable.

I come from sort of the center here to say that it is time that we all come together around this budget, live within our means, fuel the economy, save Social Security, protect 100 percent of it, strengthen Medicare, do all we can with that prescription drug benefit, retire that public debt in a bipartisan way, give some tax relief to the American families while we can. If we do not do it now, with unprecedented surpluses, we will never do it. We have to do it now. Let us come together.

Yes, we are not restoring America's defense. We need to do more, I say to the gentleman from South Carolina (Mr. SPRATT). We need do a lot more, because we got people spread all over the world overdeployed, underpaid, ill-equipped. We need to do more, but a billion dollars is at least a step in the right direction and invest in education and science.

Let us pass this budget tonight.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Democratic substitute to the budget resolution.

I want to commend the ranking member, Mr. SPRATT for working to make the Democratic substitute a plan that pays down the debt, protects the future of Social Security and Medicare, and helps our low-income families.

During this period of economic good times, it may be difficult to comprehend that across America, 28 percent of families with three or more children are living in poverty.

But the fact is, poverty rates for families with three or more children are much higher than for smaller families.

By providing them with an increased tax credit, this expansion of the EITC for families with three or more children recognizes the economic difficulties of raising a large family today.

Expanding the earned income tax credit for these larger families is a common-sense tax policy; a policy that will directly benefit 7.7 million kids whose hard-working parents are struggling to climb the economic ladder out of poverty.

In closing, Mr. Chairman, today we have a choice between the Republican budget, which gambles away the surplus on risky tax cuts and jeopardizes crucial programs such as Social Security and Medicare, or the Democratic substitute, which protects these programs and gives a boost to millions of hard-working American families.

I urge my colleagues to vote for the Democratic substitute and invest in the future of all Americans.

Mr. EVANS. Mr. Chairman, as the Ranking Democrat on the House Veterans' Affairs Committee, I rise to express my strong support for the substitute budget resolution offered by the gentleman from South Carolina, Mr. SPRATT, the Ranking Democratic Member of our House Budget Committee. The Spratt budget resolution for fiscal year 2001 is a strong pro-veteran proposal. It deserves the support of every Member of the House.

The budget authored by Congressman SPRATT provides more discretionary spending in fiscal year 2001 for the Department of Veterans Affairs (VA) than either the budget proposed by the President or the budget resolution reported by the Committee. With these additional funds, VA can better meet the medical care needs of our nation's aging veterans population. Specifically for fiscal year 2001, the Spratt alternative provides $22.3 billion in appropriations for veterans' programs, $100 million more than the Republican plan and $200 million more than the President's request. Over five years (2001–2005), the Spratt alternative provides $1 billion more than the Republican proposal.

Significantly, the Spratt proposal also increases the basic monthly education benefit veterans will receive under the Montgomery GI Bill (MGIB). Educational benefits provided under the MGIB are mandatory spending. This increase in the basic monthly education benefit for veterans who have honorably served our nation in uniform and then pursue post-secondary education is an important first step in restoring our commitment to provide veterans a readjustment benefit for education which is worthy of their service to our nation.

Under the Spratt proposal the basic educational benefit for veterans will increase from the current $536 per month for 36 months to nearly $700 per month. This is a well-deserved and much needed 25 percent increase in MGIB education readjustment benefit for veterans. As the gentleman from South Carolina knows, I believe the MGIB benefit should be increased more than has been proposed in the resolution which he has authored. This proposed increase, however, is a strong, positive step to achieving the goal of providing a more meaningful education benefit for our nation's veterans than is provided today.

MIGB enhancements are long overdue. I strongly agree with the report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, which concluded ". . . an opportunity to obtain the best education for which they qualify is the most valuable benefit our Nation can offer the men and women whose military service preserves our liberty." I applaud the Commission's bold, new plan for the MGIB. This proposal, however, must be further strengthened and enhanced if the MGIB is to fulfill its purposes as a meaningful readjustment benefit and as an effective recruitment incentive for our Armed Forces. Since the implementation of the Montgomery GI Bill on July 1, 1985, there have been significant economic and societal changes in America that mandate revisions in the structure and benefit level of this program.

In the House, MGIB legislation has been introduced by Mr. STUMP, Chairman of the House Veterans' Affairs Committee, and together with Mr. DINGELL, I introduced my own bill, H.R. 1071, the Montgomery GI Bill Improvements Act of 1999, to provide benefits for two tiers of service members, those who enlist for a minimum of 4 years (Tier I) and those who enlist for less than 4 years (Tier II). Benefits for Tier I would pay for full cost of tuition, fees, books and supplies, plus provide a subsistence allowance of $800 per month of full-time college studies for up to 36 months. Tier II would increase the basic benefit under the MGIB to $900 per month.

According to an analysis performed by the Congressional Research Service last year, the mean earnings of workers 18 years or older in 1998 were $23,320 for high school graduates, $27,618 for those with some college or an Associate's degree and $43,255 for those with a Bachelor's degree. The analysis then calculated the average federal income tax for these workers, using 1999 tax rates for single taxpayers, and using the standard deduction of $4,300 and the personal exemption of $2,750. These figures are listed in the table below.

This information confirms our common sense understanding of the importance of education. Education is of benefit to individual servicemembers and veterans and to American society in general. Servicemembers and veterans who have earned through their honorable military service a meaningful readjustment benefit which provides the opportunity to obtain a higher education will be more productive, earn more and based on their increased earnings pay higher taxes.

	High school graduate	Some college or associate's degree	Bachelor's degree only
Average Annual Earnings	$23,320	$27,618	$43,255
Average Federal Income Tax	2,441	3,086	6,796

The economic impacts are compelling. Servicemembers and veterans who attain a Bachelor's degree pay back 36 percent more in federal tax revenues each year. If the policy rationale for an MGIB benefit increase is not a strong enough argument on its own, it is obvious that an increase would, in essence, be self-funded as well. These calculations, unfortunately, are not given commensurate weight when Congress evaluates cost under pay-as-you-go requirements.

As illustrated by the Congressional Research Service, the amount of education that individuals receive has an important influence on their experience in the labor market. For example, those who have completed more years of schooling typically experience less unemployment than other workers do. In addition, workers' earnings generally increase as their level of education increases. These relationships have held up over time, and in some instances, have intensified. Workers with a bachelor's degree are much better off today, compared to less-educated workers, than they were some two decades ago. The average male college graduate earned about 50 percent more than the average male high school graduate during the latter half of the 1970s. In contrast, the premium paid to males with college degrees in 1998 was 92 percent. The average wage advantage of female college graduates over female high school graduates grew from about 41 to 76 percent.

Of immediate concern is the ineffectiveness of the MGIB as a readjustment program for servicemembers making the transition from military service to a civilian society and workforce. While costs of higher education have soared, nearly doubling since 1980. GI Bill benefits have not kept pace. In fact, during the 1995–96 school year, the basic benefit paid under the MGIB offset only a paltry 36 percent of average total education costs. A disappointingly low usage rate of 51 percent for 1998 confirms the inadequacy of the current program's benefit levels.

Young men and women who serve in our Armed Forces have the option of enrolling in the MGIB when they enter the military. This includes their agreement to a $100 per month pay reduction during the first twelve months of service, for a total contribution of $1,200. Once their initial term of service has been honorably served, a veteran is eligible to receive the basic monthly educational benefit of $536 each month he or she is enrolled in full-time college study. The benefit continues for up to 36 months. Assuming he or she is enrolled for a typical nine-month academic year, the veteran's total benefit for that year is $4,824. With this modest amount he or she is expected to pay for tuition, fees, room and board.

The average annual cost of tuition and basic expenses at a four-year public college is $8,774 for commuter students and $10,909 for students who live on campus according to the College Board. Not surprisingly, the same annual costs for four-year private colleges are even higher: $20,500 for commuter students and $23,651 for residents. The disparity between these ever-increasing costs and a veteran's ability to pay for them is clear. This disparity recently prompted key military and veteran organizations to join together with organizations representing colleges to form the "Partnership for Veterans' Education." The coalition launched an energetic campaign calling for Congress to at least increase the basic benefit under the MGIB to $975 per month, enough to cover the $8,774 average annual cost of attending a four-year public college as a commuter student.

HIGHER EDUCATION ANNUAL COSTS: 1999–2000 SCHOOL YEAR

	4 year private institutions resident students	4 year private institutions commuter students	4 year public institution resident students	4 year public institution commuter students
Tuition and Fees	$15,380	$15,380	$3,356	$3,356
Books and Supplies	700	700	681	681
Room and Board	5,959		4,730	
Board Only		2,324		2,213
Transportation	558	907	658	1,005
Other	1,054	1.189	1,484	1,519
Annual Cost	23,651	20,500	10.909	8,774
Per Month Cost for Nine Months	2,628	2,278	1,212	975
Four Year Cost (36 months)	94,604	82,000	43,636	35,096
Current Benefit (36 months)	19,296	19,296	19,296	19,296
Current Benefit Percent of Cost	0.20397	0.23532	0.4422	0.5498062

Source: Trends in College Pricing, The College Board, 1999.

In addition to inadequate benefit levels, the unsatisfactory usage rate is also a result of the inflexible structure of the present program. Under today's law, benefits are generally paid only on a monthly basis and may not be used for specialized courses, such as computer training; provided by for-profit and nonprofit entities that do not meet the current definition of "educational institution." As a result, veterans' education and training choices are limited, and they are not permitted to use their GI Bill benefits if they want to take advantage of the many excellent technology-related courses sponsored by companies like Microsoft or Novell. This is precisely the type of training that is important now and will be even more important in the future.

The current structure of the MGIB served the veterans during the second half of the 20th century very well. However, the MGIB must now be re-examined in the context of a January, 1999 report by the Departments of Commerce, Labor, and Education, the Small Business Administration, and the National Institute for Literacy. This report, entitled "21st Century Skills for 21st Century Jobs," has important implications for veterans entering the civilian workforce. Emphasizing the importance to the nation of investing in education and training, the report concluded changes in the economy and workplace are requiring greater levels of skill and education than ever before. It predicted eight of the ten fastest growing jobs in the next decade will require college education or moderate to long-term training, and jobs requiring a bachelor's degree will increase by 25 percent. The report also noted workers with more education enjoy greater benefits, experience less unemployment and, if dislocated, re-enter the labor force far more quickly than individuals with less education. It also reports that, on average, college graduates earn 77 percent more than individuals with only a high school diploma. If America's veterans are to successfully compete in the challenging 21st century workforce, they simply have to have the ability to obtain the education and training critical to their success. As noted by the Transition Commission, ". . . education will be the key to employment in the information age." Although the current GI Bill provides some degree of assistance, it is a key that opens very few doors, and it is my belief that all the doors of educational opportunity must be open to our veterans.

According to the 1997 Department of Defense report entitled "Population Representation in the Military Services," 20 percent of the new enlisted recruits for that year were African American, 10 percent were Hispanic, 6 percent were other minorities, including Native Americans, Asians, and Pacific Islanders, and 18 percent were women. The report further notes that, although members of the military come from backgrounds somewhat lower in socioeconomic status than the U.S. average, these young men and women have higher levels of education, measured aptitudes, and reading skills than their civilian counterparts. These young people, most of whom do not enter military service with financial or socioeconomic advantages, have enormous potential, and it is in the best interests of the nation they be given every opportunity to achieve their highest potential. Access to education is the key to achieving that potential. It is also important to remember that, through the sacrifices required of them through their military service, this group of young Americans—more than any other—earns the benefits provided for them by a grateful nation.

Of equal concern to me as a member of the Armed Services Committee is the MGIB's failure to fulfill its purpose as a recruitment incentive for the Armed Forces. Findings of the 1998 Youth Attitude Tracking Study (YATS) confirm that recruiters are faced with serious challenges, and these challenges are likely to continue. This survey of young men and women, conducted annually by the Department of Defense, provides information on the propensity, attitudes and motivations of young people toward military service. The latest YATS shows the propensity to enlist among young males has fallen from 34 percent in 1991 to 26 percent in 1998, in spite of a generally favorable view of the military. In addition to a thriving civilian economy, which inevitably results in recruiting challenges, the percentage of American youth going to college is increasing and the young people most likely to go to college express little interest in joining our Armed Forces. Interestingly, these same youth note that if they were to serve in the military, their primary reason for enlisting would be to earn educational assistance benefits.

The study concluded the propensity to enlist is substantially below pre-drawdown levels and, as result, the services would probably not succeed in recruiting the number of young, high-ability young men and women they needed in FY 1999. High-ability youth, defined as those who have a high school diploma and who have at least average scores on tests measuring mathematical and verbal skills. The Department of Defense tells us about 80 percent of these recruits will complete their first three years of active duty while only 50 percent of recruits with a GED will complete their enlistment. GAO notes that it costs at least $35,000 to replace a recruit who leaves the service prematurely. The report states these findings underscore the need for education benefits that will attract college-bound youth who need money for school, a segment of American young people we conclude are now opting to take advantage of the many other sources of federal education assistance. The current structure and benefit level of the MGIB must be significantly amended if these high quality young men and women are to be attracted to service in our Armed Forces.

The Army missed its enlistment goals in FY 1998 and 1999. Additionally, for the first time since 1979, the Air Force missed its goal in FY 1999, and will likely miss again this year. Although the Navy and Marine Corps are currently meeting their objectives, it is getting more difficult each year. The continuing recruiting and retention challenges necessitate our taking quick and effective action. Even though the Army and Navy are recruiting more GED holders than in the early 1990s, all Services are meeting or exceeding the DoD recruit quality benchmarks of 90 percent high school diploma graduates and 60 percent scoring above average on the enlistment test. But this quality does not come inexpensively. The Services have increased their enlistment bonus and advertising budgets and added additional recruiters to meet the challenge. The cost to recruit has grown by over 50 percent in just the last five years.

Percent of Objective

Service	1998			1999		
	Actual	Objective	Percent	Actual	Objective	Percent
Army	71.8	72.6	99	68.2	74.5	92
Navy	48.4	55.3	88	52.6	52.5	100
Marine Corps	34.3	34.3	100	33.7	33.7	100
Air Force	31.7	30.2	105	32.7	34.4	94
DoD Total	186.2	192.3	97	187.2	195.1	96

Many factors have come together to create what may soon become a recruiting emergency. First, our thriving national economy is generating employment opportunities for our young people. Additionally, young Americans increasingly understand a college education as the key to success and prosperity. In 1980, 74 percent of high school graduates went to college but, by 1992, that percentage has risen to 81 percent and is increasing. As a result, the military must compete head-to-head with colleges for high-ability youth. As I have mentioned already, the percentage of young Americans who are interested in serving in the Armed Forces is also shrinking. Make no mistake about it—the strength of our Armed Forces begins and ends with the men and women who serve our nation. Just as education is the key to a society's success or failure, it is also key to the quality and effectiveness of our military forces—and the MGIB increases included in this substitute budget resolution are a step in the right direction toward providing that key.

Veterans are not using the MGIB benefits they have earned through honorable military service, and high-ability, college-bound young Americans are choosing not to serve in the Armed Forces. Significant changes in the MGIB readjustment program will increase program usage and will enable the military services to recruit the smart young people they need. Accordingly, several bills have been introduced in both the House and the Senate during the 106th Congress that would significantly improve the MGIB. The Senate has twice passed legislation that included numerous changes designed to enhance educational opportunities under the MGIB. In the House, MGIB legislation has been introduced by Mr. Stump, Chairman of the House Veterans' Affairs Committee. Together with Mr. DINGELL, I introduced H.R. 1071, the Montgomery GI Bill Improvements Act of 1999.

The brave men and women who serve in America's Armed Forces deserve, and have indeed earned, far better than the inadequate educational assistance program now available to them. I strongly urge my fellow colleagues to support this substitute budget resolution and the policy it represents of demonstrating a continued national commitment to our veterans.

Mr. Chairman, I rise today in support of the Democratic Substitute to the Budget Resolution for FY 2001.

Once again, the Republicans have presented a budget that would betray middle-class working families. Instead of supporting our communities, their proposal would make deep cuts in investments in education, healthcare and veterans programs. They even fail to include a Medicare prescription drug plan for all seniors.

At a time when America's farm economy is suffering, the Republicans have cut discretionary spending for agriculture, making the agriculture programs impossible to administer. If the field office staff cannot do their jobs, farmers do not get their money. The Republican plan, if adopted, could mean that fewer and fewer farmers will actually get the help they need and that Congress has approved in a timely fashion. The Democratic Substitute does not forget the farmers who work so hard to keep America prosperous.

The Democratic Substitute also extends Social Security and Medicare solvency while paying down the national debt. We care about the future of these important programs not just for the present, well into the future. Instead of ignoring a growing need in our country, Democrats also include a prescription drug benefit for all Medicare recipients beginning in FY 2001.

The Republican proposal would provide Pell Grants to 316,000 fewer low-income students by 2005 and eliminate Head Start for 40,000 children and their families by 2005. Why are the Republicans giving tax breaks to the wealthy and penalizing families who need help the most?

As the Ranking Member of the Veterans' Affairs Committee, I am appalled that the Republican resolution does not provide any funding over the next five years to improve health care for military retirees over the age of 65, not even funds to pay for prescription drug coverage. However, the Democratic Substitute provides funds to improve health care for military retirees and directs the Armed Services Committee to provide prescription drug coverage and better access to the DoD health system for Medicare-eligible military retirees. It also includes a well deserved increase in funding for the Montgomery G.I. Bill, which will help us recruit and retain high quality personnel for our armed forces. I applaud Ranking Member SPRATT for including this at my urging.

I ask my colleagues to reject the misguided Republican proposal. Vote for the substitute that helps working families—vote for the Democratic substitute.

Mr. SPRATT. Mr. Chairman, just about a month ago, the Chairman of the Joint Chiefs of Staff, Gen. Henry Shelton, testified that guaranteeing life-time health care is not only important to keeping the promises made to those who have dedicated their careers to military service, but also to attract and retain quality personnel today. This issue is tied to the readiness of our Armed Forces, and will be one of the top defense issues Congress will have to address this year. In truth, I was surprised to see that the Republican budget resolution does not provide any funding over the next five years to improve health care for military retirees over the age of 65, not even funds to pay for prescription drug coverage. The Democratic alternative budget, however, does not dodge this issue.

Currently, military retirees 65 or older lose guaranteed access to the Department of Defense (DOD) health care system. The Democratic budget funds two major initiatives the Republican resolution ignores: a permanent and nationwide expansion of Medicare Subvention, and a guarantee that these retirees have access to the Department of Defense's prescription drug plans. These are the major provisions of H.R. 3655 that are geared to Medicare-eligible military retirees. H.R. 3655 is a comprehensive military health care bill introduced by Representatives NEIL ABERCROMBIE, IKE SKELTON, and GENE TAYLOR.

The Democratic alternative directs the Armed Services Committee to write legislation to improve health care benefits for Medicare-eligible military retirees, and includes mandatory funding for both initiatives: $10.9 billion over ten years for Medicare Subvention, and $5.4 billion over ten years for prescription drug coverage. The prescription drug initiative is treated as an entitlement so it will not have to compete every year with other defense priorities for discretionary funds.

The Military Coalition, which represents many different uniformed services and veterans' organizations and more than 5.5 million current and former members of the Armed Forces and their families, supports H.R. 3655 and has commended the Democratic budget for including this funding. The Military Coalition states that the military retiree health care provisions of the Democratic Alternative "are important steps toward fulfilling the commitment of health care for life that was promised uniformed services retirees as an inducement to dedicate themselves to careers in uniforms." The entire text of their letter is included for the record.

If the Democratic budget resolution is passed by the House, the following is the report language which will accompany our reconciliation directive to the Armed Services Committee:

REPORT LANGUAGE TO ACCOMPANY SEC. 104 OF THE DEMOCRATIC ALTERNATIVE BUDGET RESOLUTION

Section 104 issues a reconciliation directive to the Armed Services Committee for $16.3 billion for the 2001–2010 period. The Budget Committee assumes that the additional funding made available will be used to extend and improve the Department of Defense health care system to Medicare-eligible retirees. The year by year amounts are as follows:

For fiscal year 2001, $437,000,000;
For fiscal year 2002, $699,000,000;
For fiscal year 2003, $990,000,000;
For fiscal year 2004, $1,426,000,000;
For fiscal year 2005, $1,848,000,000;
For fiscal year 2006, $2,069,000,000;
For fiscal year 2007, $2,126,000,000;
For fiscal year 2008, $2,184,000,000;
For fiscal year 2009, $2,243,000,000; and
For fiscal year 2010, $2,301,000,000.

The Budget Committee believes these amounts are consistent with the provisions of H.R. 3655 that apply to Medicare-eligible military retirees. H.R. 3655, which was introduced by Reps. Neil Abercrombie, Ike Skelton, and Gene Taylor, is a comprehensive bill that addresses the health care needs of active duty personnel, military retirees, and their families. The active-duty provisions of this legislation that are funded within the President's budget are also accommodated within the budget resolution. Specifically, $10.9 billion is consistent with the funding required to meet the bill's provision to extend Medicare Subvention nationwide by January 1, 2006. In addition, $5.4 billion is to meet the bill's provision to provide access to the Department Defense's prescription drug programs for all retirees, including Medicare-eligible retirees. All of the funds are mandatory expenditures.

The $10.9 billion is displayed in Function 570 (Medicare) and the $5.4 billion is displayed in Function 550 (Health). While the amounts provided by the Budget Committee conform with the major provisions of H.R. 3655, the Armed Services Committee has sole jurisdiction over this legislation, and may provide the benefits in the manner and function(s) it thinks best.

Last year, even though the Democratic alternative did not pass, it provided the impetus to increase funding for veterans' health care by $1.7 billion. Win or lose, the Democratic alternative is a strong message to retirees and a strong step forward for the Abercrombie-Skelton-Taylor legislation. As a cosponsor of H.R. 3655, I hope the Democratic alternative will spur Congress to pass this important legislation.

ALEXANDRIA, VA.
March 23, 2000.

Hon. JOHN SPRATT,
Ranking Minority Member, House Budget Committee, O'Neill House Office Building, Washington DC.

DEAR REPRESENTATIVE SPRATT: The Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations, representing more than 5.5 million current and former members of the seven uniformed services, plus their families and survivors, would like to express its gratitude for the proposed budget alternative that you introduced this week. We appreciate your leadership in proposing an additional $16.3 billion over the next ten years to improve access to military health care for the most aggrieved group—Medicare-eligible uniformed services beneficiaries.

Although the Coalition would have preferred the House Budget to completely fund health care for life for retirees as provided for in H.R. 2966, we recognize that your budget proposal will provide for immediate and demonstrable progress toward this goal by providing funding for the TRICARE Senior Prime program and making the military BRAC pharmacy benefit available to all Medicare-eligible retirees. These are important steps toward fulfilling the commitment of health care for life that was promised uniformed services retirees as an inducement to dedicate themselves to careers in uniform.

Again, thank you for your strong support, for which we are most grateful. It's our hope that you and other members of Congress will not stop with these first, substantial steps, but will continue to address this issue next year, and every year thereafter, until full equity is achieved for those retired members who have done so much to protect the democracy that their countrymen enjoy.

Sincerely,

THE MILITARY COALITION.

Mr. POMEROY. Mr. Chairman, I rise in strong support of the alternative budget resolution offered by the Ranking Member of the Budget Committee, Mr. SPRATT, and in opposition to H. Con. Res. 290. The Spratt alternative, in contrast to the majority plan, extends the solvency of Social Security and Medicare; pays down more publicly held debt; provides targeted tax relief for working families; and makes a real commitment to providing prescription drug coverage for senior citizens. For these reasons, I urge my colleagues to support the Spratt alternative and to oppose H. Con. Res. 290.

The Spratt alternative saves 100 percent of the surplus generated by Social Security for Social Security. The majority plan, if you assume that the so-called reserve funds for additional tax cuts and Medicare are spent, actually drains more than $60 billion of the Social Security surplus over the next ten years. Even if you assume that the reserve funds are not spent and that Social Security surplus is not tapped, the Republican budget still fails to extend the life of either Social Security or Medicare by even one day. In contrast, the Spratt alternative extends Social Security by 15 years by crediting the trust fund with the interest savings generated by the Social Security surplus. With regard to Medicare, the Republican resolution adds nothing to the solvency of the program while the Spratt alternative adds ten years by reserving $300 billion of the on-budget surplus for Medicare.

The Spratt alternative makes debt reduction the top fiscal priority rather than exploding tax cuts. The Chairman of the Federal Reserve and countless other economists have advised Congress that paying down the debt is the best thing we can do to maintain our strong economy. Eliminating the debt and lowering interest rates is also the best thing Congress can do for working families. Lower interest rates cut mortgage payments by $2,000 for families with a $100,000 mortgage. The cost of care loans and student loans would also be reduced. Paying down the debt is effectively a large tax cut that also lifts a financial burden from our children and grandchildren.

In addition paying down the debt and extending the life of Social Security and Medicare, the Spratt alternative provides targeted tax relief for working families. The Spratt budget allocates more than $210 billion for tax cuts that would allow Congress to enact marriage penalty relief, estate tax relief for family farmers and small business people, full deductibility of health insurance for the self-employed, and tax credits for higher education. By targeting resources to families trying to make ends meet, the Spratt alternative is able to deliver significant tax relief while protecting other key priorities.

When it comes to prescription drugs, the Spratt alternative makes a hard commitment of $40 billion over the next five years to provide Medicare prescription drug coverage for all senior citizens. The Spratt alternative will not only allow prescription drug coverage for all senior citizens, it will protect low-income seniors from any cost-sharing requirements. The majority plan, on the other hand, does not actually dedicate resources for a new prescription drug benefit. Rather, the resolution creates a $40 billion reserve fund that depends on improved future budget projections.

Finally, the agriculture function in the Spratt alternative is superior to the majority plan. The Spratt budget provides $6 billion in farmer income assistance for fiscal year 2000 and $7.2 billion to reflect the House-passed crop insurance. Unlike the GOP resolution, which freezes discretionary agriculture spending for the next five years, the Spratt budget provides a responsible increase so that critical agriculture research, trade development and marketing programs may continue. The Spratt budget also ensures that USDA will have sufficient administrative resources to deliver key farm programs such as crop insurance as well as income and disaster assistance.

In summary, Mr. Chairman, I urge my colleagues to support the Spratt alternative and oppose H. Con. Res. 290.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 233, not voting 17, as follows:

[Roll No. 74]

AYES—184

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Levin
Lewis (GA)

Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—233

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Archer
Bonilla
Crane
Dixon
Greenwood
Jackson-Lee (TX)
Lowey
Martinez
McCollum
McDermott
McHugh
Porter
Quinn
Royce
Schakowsky
Vento

□ 2348

Mr. PHELPS changed his vote from "aye" to "no."

Messrs. GEORGE MILLER of California, SANDLIN, and BORSKI changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment in the nature of a substitute made in order as original text.

The amendment in the nature of a substitute was agreed to.

□ 2350

(Mr. SPRATT asked and was given permission to speak out of order.)

LAST BUDGET RESOLUTION FOR REPRESENTATIVE JOHN KASICH

Mr. SPRATT. Mr. Chairman, this is the last budget resolution that the gentleman from Ohio (Mr. KASICH) will bring to the House floor after many years. As he leaves the House, he leaves a large void.

I came here with him in 1983. I can speak from personal experience because I served on the same committee with him from the day we first arrived here. As a matter of fact, the reason I am on the Committee on Armed Services is that, when the gentleman from Ohio (Mr. KASICH) did not get on it, he went to Bob Michael, raised hell, they went to Tip O'Neill, and Tip and Bob Michael agreed to enlarge the committee by two people. I got one seat. The gentleman from Ohio got the other.

I have enjoyed his company. I have enjoyed his friendship. I have admired his commitment to public service, his energy, his effervescence, that infectious boyish smile that, after all these years, has not gone away. In fact, with the addition of twins, it has really blossomed back again. We are going to miss him on the floor, in the gym, committee room, and everywhere.

I can say this genuinely, no one that I know of in the 18 years I have been here brought more fervor to the support of an issue and yet less spite than the gentleman from Ohio (Mr. KASICH). No one in my recollection has been better in the well of the House, somebody one always wanted to have on one's side, better on his feet particularly extemporaneously than the gentleman from Ohio (Mr. KASICH). Nobody has been better liked in the 18 years I have been here on both sides of the aisle.

He has made a great contribution to this House, one of the great institutions of the republic, and to this country. I am sorry to see him leave after this term. He is not gone yet. I do not want to write his obituary too soon.

I am sorry to see him leave, and I am assuaged to some extent by the feeling I do not think I have seen the last of him in public office.

It has been a pleasure working with the gentleman from Ohio (Mr. KASICH) and serving with him, and we are going to miss him.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the hour is late. But on this side of the aisle, there are some of us who remember 1989 and the first budget of the gentleman from Ohio (Mr. KASICH). He had 29 Members who supported him. But he never gave up. He never gave up. He did it in such a fresh way.

This is the last budget of the gentleman from Ohio (Mr. KASICH). What a legacy he has left us. What a legacy he has left his wife and his daughters, Emma and Reese. The gentleman from Ohio dealt with a lot of numbers, but numbers were never important to him. It was people, the friends he has here, the people he cares about in this country.

I know the gentleman from Ohio has a dream to transfer the power and the money and the influence out of Washington back home to local communities. I think he set us on our way. We love the gentleman from Ohio a lot.

The CHAIRMAN pro tempore (Mr. LAHOOD). A final period of general debate is now in order. The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I would waive my time, but I will save 30 seconds just in case I have to answer something that the gentleman from Ohio (Mr. KASICH) may have to say. I have no purpose in using the 5 minutes time.

Mr. Chairman, I yield back the balance of my time.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with a fond memory that I do look back to 1989 when I first announced to my staff, after sitting through one of those contentious budget fights that, yes, I think we have got to write our own budget. We came here to the floor and I offered the budget and we got 30 votes.

I remember walking back to my office, and everybody had their heads down. I walked in, and I said, Can you believe how great we did? We had 29 other people in this House think that we had a budget worth voting for.

Every year, we fought; and we got more and more support. All we were trying to do then was to reduce the deficits, something everybody in this House was concerned about, because we all care about what is going to happen to our children. We want our children to have a great opportunity to have the kind of life that we have.

Tonight is pretty amazing. We spent, what, I guess almost 12 hours fighting. We were fighting about a lot of detail. We should be doing a little bit more celebrating for what we have been able to achieve as Republicans and Democrats alike.

I mean, we are going to bring up a budget tonight, and we are going to pay down over the next 5 years about a trillion dollars of the publicly held debt. That is a trillion dollars that we are not going to have on the backs of our children when we all leave here. It is astounding when we think about it.

Working together, we decided we were going to keep our hands off of Social Security. We struggled to get there. The President laid out his plan. We laid out ours. We fought with one another a little bit. At the end of the day, where are we? We are not raiding Social Security.

I want to give a number of my colleagues on the Democrat side of the aisle some credit for their fight on Medicare prescription drugs. But I also want to give people on my side of the aisle the credit for also developing innovative and creative and imaginative programs on Medicare.

What is going to happen by the end of this year, we will have a prescription drug program for the neediest of our seniors. No senior citizen should be so poor as they get older in life to not be able to get the magic of modern medicine today to extend their lives and so that their children can celebrate their life as they get older. We all deserve a quality life at the end, and we are going to be able to do that.

As much as we squabble about tax cuts, we did pass the earnings test on this floor unanimously, I believe, where we said that seniors should not be punished for working extra hours and trying to have some independence.

I think, frankly, our seniors are perhaps our greatest untapped resource because they have the wisdom. Many of them have the energy to use the wisdom to make for a better country.

Would it not be great to combine our seniors with our young children who are often neglected? We need to think about a program like that.

At the same time, we are also going to make an effort with the gentleman from California (Mr. CONDIT) and his efforts with the gentleman from Illinois (Mr. SHIMKUS) to try to cut the penalty on people who have small businesses and family farms. It is the right thing to do.

At the same time, we are going to spend more money on education and try to rebuild our Nation's defense.

But I hope that all of us will work to better define America's interest throughout the world. The Cold War is over. We have got to be more innovative and creative in foreign policy and with our national defense.

For the future, we are going to have a new President very soon. It is going to be a new President in a new millennium. What an opportunity.

I think we ought to take the opportunity to put aside a lot of our partisan differences for this reason. We have a generational problem, do we not, so many baby boomers getting to retire and not enough children to work to pay all the bills.

We have health care crisis in this country. I believe that we have got to adopt more market-oriented solutions to the problems of health care and Social Security.

I also think we have got to make this government more effective, more efficient so that we can have respect and regard for it so that what it does it can do well, like our National Institutes of Health which are a real gem, and not just in the United States but, frankly, for the whole world.

□ 2400

I also believe that the greatest civil rights issue of the 21st century is the education of our children, and I think we have to search our hearts to make sure that our children are set free. No child should have to walk through a bunch of drug dealers in this country to get a decent education and to be safe, and we have to do it together.

Then, finally, finally, my colleagues, we have to continue to provide the incentives for savings and investment. And I say to my colleagues that we are on the edge of an incredible revolution, and I hope we will embrace the new economy, not inhibit it.

One final word, my colleagues, and that is this: if you are a Member here and you believe something, and we have a lot of dreamers, we could start with the gentleman from Georgia (Mr. LEWIS), who we just saw not long ago when he recelebrated walking across that bridge in Selma, Alabama, that was his dream. But we are all dreamers here. That is why we are here. I just leave you with one thought. If you dream, if you believe, if you have passion, if you have to stand alone, so be it. If your cause is just, a crowd will form and you can change the world. Go for it.

The CHAIRMAN pro tempore (Mr. LAHOOD). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, pursuant to House Resolution 446, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 207, not voting 17, as follows:

[Roll No. 75]

YEAS—211

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley

Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Archer
Bonilla
Crane
Dixon
Greenwood
Jackson-Lee (TX)
Lowey
Martinez
McCollum
McDermott
McHugh
Porter
Quinn
Royce
Schakowsky
Vento

☐ 0019

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded:

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. LOIS CAPPS, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from Sharon Siegel, District Director of the Honorable LOIS CAPPS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
March 14, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a hearing subpoena for testimony issued by the Superior Court for Santa Barbara County, California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SHARON SIEGEL,
District Director.

☐ 0020

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Con. Res. 290, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY, MARCH 24, 2000 TO FILE REPORT ON H.R. 7, EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight, Friday, March 24, 2000 to file a report on H.R. 7, the Education Savings and School Excellence Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 27, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 28, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 27, it adjourn to meet at 12:30 p.m. on Tuesday, March 28, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CLINTON-GORE FAILED ENERGY CRISIS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the Organization of Petroleum Exporting Companies, or OPEC, in its capacity as an oil cartel or monopoly, has been a critical factor in driving prices of oil from approximately $11 a barrel in 1998 to a high of $30 a barrel last month. These are levels that we have not seen since the Persian Gulf War.

Foreign countries that export oil to the United States have been engaged in a price-fixing scheme which has driven the average price at the pump to almost $2 in some parts of this country. Yet, the Clinton-Gore administration has done nothing to stop this, even with the OPEC strategy of price control. Even Energy Secretary Bill Richardson admits his administration, his department, was "caught napping."

Once again, the leadership in the White House has been lax, and foreign nations have taken advantage of our apparent weakness.

We passed a plan yesterday with Republican leadership. So I urge the administration to adopt our plan and fight this oil cartel.

LA BELLA MEMORANDUM

Mr. Speaker, last week, someone at the Justice Department leaked the La Bella memo to the press. The La Bella memo is a 94-page document calling on the Attorney General to appoint an Independent Counsel to investigate the White House. The memo also spells out all of the ways that Janet Reno and her political advisors avoided any thorough investigation of the 1996 campaign fundraising scandal. A year after he was brought in to head the campaign fundraising investigation, La Bella concluded that Janet Reno and her political advisors had used "gamesmanship" and "legal contortions" to avoid a thorough investigation. He also concluded that the result was a double standard for the President, the Vice President, the First Lady and Harold Ickes, protecting them from any real investigation.

There is something seriously wrong at the Justice Department when career prosecutors are not allowed to follow the facts wherever they lead. The result is an investigation that has no credibility. There are numerous examples of the failed investigation:

The President and Vice President were never thoroughly questioned. Can you imagine—the Justice Department failed to ask the President a single question about James Riady and foreign money. They didn't ask the Vice President any questions about the Buddhist Temple fundraiser. Unbelievable!

The Justice Department has apparently never asked the White House to turn over hundreds of thousands of e-mails that have never been reviewed.

Central figures in the scandal, like John Huang and Charlie Trie, have received light sentences without giving up useful information to the Justice Department.

Mr. Speaker, we have a right to know whether the Justice Department has done a thorough and credible job investigating the 1996 campaign fundraising scandal. The Justice Department has already leaked the La Bella memo to the press. They should now turn it over to congress, so that we can see if Janet Reno has allowed her career prosecutors to do their job.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for March 21 and the balance of the week on account of official business.

Mr. VENTO (at the request of Mr. GEPHARDT) for after 5 p.m. today and the balance of the month on account of health reasons.

Mr. QUINN (at the request of Mr. ARMEY) for after 3 p.m. today until March 31 on account of medical reasons.

Mr. MCHUGH (at the request of Mr. ARMEY) for after 2 p.m. today on account of medical reasons.

ADJOURNMENT

Mr. WALDEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes a.m.), under its previous order, the House adjourned until Monday, March 27, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6741. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Food Additives for Use in Meat and Poultry Products: Sodium Diacetate, Sodium Acetate, Sodium Lactate and Potassium Lactate [Docket No. 99–028DF] received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6742. A letter from the Associate Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. FV00–955–1 FR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6743. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit [Docket No. FV99–905–6 FIR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6744. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Field Study; Definition, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6745. A letter from the the Comptroller General, the General Accounting Office, transmitting an updated compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress through October 1, 1999; (H. Doc. No. 106—217); to the Committee on Appropriations and ordered to be printed.

6746. A letter from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Loan Guarantee Decision; Availability of Environmental Information (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6747. A letter from the Executive Director, Emergency Steel Loan Guarantee Board, transmitting the Board's final rule—Loan Guarantee Decision; Application Deadlines (RIN: 3003–ZA00) received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6748. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–291, "Tax Conformity Temporary Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6749. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–290, "Closing of Public Alley in Square 6159, S.O. 98–125, Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6750. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–289, "Recreation Volunteer Background Check and Screening Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6751. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–287, "Long-Term Care Insurance Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6752. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–273, "Muhammad Mosque No.4 Equitable Real Property Tax Relief Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6753. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–272, "Victory Memorial Baptist Church Equitable Real Property Tax Relief Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6754. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–271, "Compensating-Use Tax Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6755. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–270, "Bread for the City & Zacchaeus Free Clinic Equitable Real Property Tax Relief Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6756. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–269, "University of the District of Columbia Board of Trustees Residency Requirement Amendment Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6757. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–268, "Litter Control Administration Amendment Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6758. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–267, "Underground Facilities Protection Amendment Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6759. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–266, "District of Columbia Uniform Disposition of Unclaimed Property Amendment Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–265, "Child Helmet Safety Amendment Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6761. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-264, "School Proximity Traffic Calming Act of 2000" received March 22, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6762. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-288, "Medicare Supplement Insurance Minimum Standards Amendment Act of 2000" received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6763. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Sidalcea keckii (Keck's checker-mallow) from Fresno and Tulare Counties, California (RIN: 1018-AE30) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6764. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 000119015-0015-01; I.D. 012700E] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6765. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 000119015-0015-01; I.D. 012800B] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6766. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 991210334-9334-01; I.D. 112399A] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. 95-NM-150-AD; Amendment 39-11580; AD 2000-03-20] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6768. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98-NM-150-AD; Amendment 39-11584; AD 2000-04-02] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6769. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit (RIN: 1545-AV44) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1605. A bill to designate the United States courthouse building located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the "Judge J. Smith Henley Federal Building"; with amendments (Rept. 106-536). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 938. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building" (Rept. 106-537). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1279. A bill to designate the Federal building and United States post office located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron E. Henry Federal Building and United States Post Office"; with amendments (Rept. 106-538). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 277. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 106-539). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2412. A bill to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Rose Adair Federal Building and United States Courthouse" (Rept. 106-540). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 278. Resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service (Rept. 106-541). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 279. Resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress (Rept. 106-542). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 280. Resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds (Rept. 106-543). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 281. Resolution authorizing the use of the East Front of the Capitol Grounds for performance sponsored by the John F. Kennedy Center for the Performing Arts (Rept. 106-544). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 910. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers and in coordination with other Federal agency heads, to participate in the funding and implementation of a balanced, long-term solution to the problems of groundwater contamination, water supply, and reliability affecting the San Gabriel groundwater basin in California, and for other purposes; with an amendment (Rept. 106-545). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. METCALF (for himself and Mr. Leach):

H.R. 4067. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. PEASE:

H.R. 4068. A bill to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. BASS (for himself, Mr. Bachus, Mr. Baldacci, Mr. Bentsen, Mrs. Biggert, Mr. Bilirakis, Mrs. Bono, Mr. Boyd, Mr. Brown of Ohio, Mr. Camp, Mr. Canady of Florida, Mr. Castle, Mr. Coburn, Mr. Conyers, Mr. Cook, Mr. Cooksey, Mr. Cunningham, Ms. Danner, Mr. Davis of Virginia, Ms. Dunn, Mrs. Emerson, Mr. Filner, Mrs. Fowler, Mr. Franks of New Jersey, Mr. Frost, Mr. Gejdenson, Mr. Green of Texas, Mr. Hinchey, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. King, Mr. Kleczka, Mr. Lazio, Mr. Lipinski, Mr. McIntyre, Mr. McNulty, Mrs. Morella, Mrs. Myrick, Mr. Nadler, Mr. Oberstar, Mr. Packard, Mr. Pascrell, Mr. Romero-Barcelo, Ms. Ros-Lehtinen, Mr. Sanders, Mr. Schaffer, Ms. Schakowsky, Mr. Shays, Mr. Spence, Ms. Stabenow, Mr. Traficant, and Mr. Wolf):

H.R. 4069. A bill to extend the authority under which postal patrons may contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOYD (for himself and Mr. Scarborough):

H.R. 4070. A bill to direct the Secretary of the Interior to correct a map relating to the Coastal Barrier Resources System Unit P31, located near the city of Mexico Beach, Florida; to the Committee on Resources.

By Mr. CASTLE:

H.R. 4071. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 4072. A bill to prohibit the transfer of F-16 aircraft to the Government of the United Arab Emirates; to the Committee on International Relations.

By Mr. CONDIT (for himself, Mr. Dooley of California, Mr. Radanovich, Mrs. Clayton, Mr. Spratt, Mr. Graham, Mr. Clyburn, and Mr. Thompson of California):

H.R. 4073. A bill to amend the Poultry Products Inspection Act to include pigeons that are distributed in commerce for use as human food; to the Committee on Agriculture.

By Ms. DUNN:

H.R. 4074. A bill to amend the Internal Revenue Code of 1986 to treat State Developmental Disabilities Endowment Programs as tax exempt organizations; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. Brady of Pennsylvania, Ms. Carson, and Mr. Owens):

H.R. 4075. A bill to require each State to provide a minimum level of access to health care to all citizens of such State as a condition for participation in Federal health care funding programs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself and Mr. Lucas of Oklahoma):

H.R. 4076. A bill to provide for the effective punishment of online child molesters; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. Riley, Mr. Shows, Mr. Boucher, Mr. Burr of North Carolina, Mr. McIntyre, Mr. Holden, Mr. LaTourette, Mr. McGovern, Mr. Maloney of Connecticut, Ms. Danner, Mr. Strickland, Mr. Wu, Mr. Ney, Mr. Hall of Texas, Mr. Evans, and Mr. English):

H.R. 4077. A bill to amend the Trade Act of 1974 to extend the benefit period for trade adjustment assistance for those adversely affected workers enrolled in training programs; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 4078. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. Schaffer, Mr. Norwood, Mr. Kasich, Mr. Nussle, Mr. Chambliss, Mr. Sununu, Mr. Green of Wisconsin, Mr. Tancredo, Mr. Ewing, Mr. Sanford, Mr. Coburn, Mr. Toomey, Mr. Herger, Mr. Doolittle, Mr. McKeon, Mr. Manzullo, Mr. Shays, Mr. Gutknecht, Mr. Hayes, Mr. Stearns, Mr. Sam Johnson of Texas, Mr. Cunningham, Mr. Shadegg, Mr. Jones of North Carolina, Mr. Bryant, Mr. DeMint, Mr. Pitts, Mr. Upton, Mr. Hutchinson, Mr. Wamp, Mr. Camp, Mr. Blunt, Mr. Armey, Mr. Ryan of Wisconsin, Mr. Burton of Indiana, Mr. Hayworth, Mr. Weller, Mr. Rohrabacher, Mr. Kingston, Mr. DeLay, and Mr. Collins):

H.R. 4079. A bill to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA:

H.R. 4080. A bill to require the Secretary of Labor to issue regulations specifying the application of the Occupational Safety and Health Act of 1970 to home office employment to foster 21st Century telework opportunities, to maximize public participation in the formulation of such regulations, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. Dooley of California, Mr. Smith of Washington, Mr. Wu, Mr. Roemer, Mrs. McCarthy of New York, Ms. Sanchez, Mr. Holt, Mr. Ford, Mr. Blumenauer, Mr. Etheridge, Mr. Davis of Florida, Mr. Moran of Virginia, Mr. Stenholm, Mrs. Napolitano, Mr. Larson, Mr. Sandlin, Mrs. Tauscher, and Mr. Gonzalez):

H.R. 4081. A bill to establish a program that improves achievement through the integration of technology into curriculum; to the Committee on Education and the Workforce.

By Mr. LUCAS of Oklahoma (for himself, Mr. Watt of North Carolina, Mr. Bereuter, Mr. Maloney of Connecticut, Mr. Jones of North Carolina, Mr. Taylor of North Carolina, Mr. Price of North Carolina, Mr. Coble, Mrs. Clayton, Mr. Burr of North Carolina, Mr. Ballenger, Mr. Hayes, Mr. Etheridge, Mr. McIntyre, Mrs. Myrick, Mr. Terry, Mr. Ryun of Kansas, and Mr. Hutchinson):

H.R. 4082. A bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM:

H.R. 4083. A bill to ensure that schools implement adequate safeguards before distributing certain prescribed medications to students; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 4084. A bill to amend the Housing and Community Development Act of 1974 to prohibit the use of community development block grant funds for activities involving acquisition of church property, unless the consent of the church is obtained; to the Committee on Banking and Financial Services.

By Mr. PAUL:

H.R. 4085. A bill to amend title 13, United States Code, to provide that decennial census questionnaires be limited to requesting only the information required by the Constitution; to the Committee on Government Reform.

By Mr. RYUN of Kansas (for himself, Mr. Stenholm, Mr. Armey, Mr. Boswell, Mr. Hilleary, Mr. Hall of Texas, Mr. Sensenbrenner, Mr. Traficant, Mr. Watkins, Mr. Pombo, Mr. Campbell, Mr. Buyer, Mr. Green of Wisconsin, Mr. Pitts, Mr. Tauzin, Mr. Hefley, Mr. Tiahrt, Mr. Herger, Mrs. Cubin, Mr. Doolittle, Mr. Paul, Mr. Rogan, Mr. Largent, Mr. Brady of Texas, Mr. Hostettler, Mr. Sessions, Mr. Hansen, Mr. Thornberry, Mr. Collins, Mr. Hill of Montana, Mr. Schaffer, Mr. Coburn, Mrs. Chenoweth-Hage, Mr. Jones of North Carolina, Mr. Burton of Indiana, Mr. Souder, Mr. Hayworth, Mr. Gibbons, Mr. Peterson of Pennsylvania, Mr. Shimkus, Mr. Cannon, Mr. Tancredo, Mr. Calvert, Mr. Nethercutt, Mr. Radanovich, Mr. DeLay, Mr. Hayes, Mr. Duncan, Mr. Gallegly, Mr. Peterson of Minnesota, Mr. Walden of Oregon, Ms. Danner, and Mr. Ortiz):

H.R. 4086. A bill to amend the National Trails System Act to require that property owners be compensated when certain railbanked trails are developed for purposes of public use, and for other purposes; to the Committee on Resources.

By Mr. SALMON: (for himself and Mr. Souder):

H.R. 4087. A bill to amend title XVIII of the Social Security Act to provide for payment of claims by health care providers against insolvent Medicare+Choice organizations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4088. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4089. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. VITTER (for himself, Mrs. Kelly, Mr. Lucas of Oklahoma, Mr. Bilbray, Mr. Moran of Kansas, Mr. Hilliard, and Mr. Sanders):

H.R. 4090. A bill to authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding in fiscal year 2001 and fiscal year 2002, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. Meeks of New York, Ms. Lee, Mr. Rangel, Mr. Davis of Illinois, Mr. Clyburn, Mr. Payne, Ms. Jackson-Lee of Texas, Mr. Wynn, Mr. Hastings of Florida, Mrs. Christensen, Mr. Jackson of Illinois, Ms. McKinney, Mrs. Jones of Ohio, Mr. Hilliard, Ms. Carson, and Ms. Millender-McDonald):

H.R. 4091. A bill to provide debt relief and reconstruction aid to Mozambique and the other countries severely damaged by the recent flooding in southern Africa; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 4092. A bill to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT (for himself, Mr. Lampson, Mr. Gilman, Mr. Portman, Mr. Kucinich, Mr. Ose, Mrs. Fowler, Mr. Abercrombie, Mr. Turner, Mr. Horn, Mr. Thompson of California, Mr. Greenwood, Mr. Larson, Mr. Brady of Texas, Mr. Ackerman, Mr. Franks of New Jersey, Mr. Hastings of Florida, Mr. Forbes, Mr. Foley, Mr. Barcia, Ms. Woolsey, Mr. Green of Wisconsin, Ms. Lee, Mr. Sherman, Mr. Pascrell, Ms. Eshoo, Mr. Farr of California, Mr. Crowley, Mr. Hinchey, Mr. Clement, Mr. Boswell, Mr. Edwards, Mr. Sawyer, Mr. Green of Texas, Ms. Jackson-Lee of Texas, Ms. DeLauro, Mr. Levin, Ms. Millender-McDonald, Mr. Ford, Mr. Mascara, Mr. Pallone, Mr. LaFalce, Mr. Blunt, Mrs. Mink of Hawaii, Mr. Davis of Florida, Mr.

Capuano, Mr. Baird, Mr. Aderholt, Mr. Doolittle, Mr. Shadegg, Mr. Tancredo, Mr. Coburn, Mrs. Chenoweth-Hage, Mr. Crane, Mr. Hostettler, Mr. Burton of Indiana, Mr. Schaffer, Mr. Hunter, Mr. Salmon, Mr. Sessions, Mr. Bliley, Mr. Bryant, Mr. Lewis of Kentucky, Mr. Gutknecht, Mr. Metcalf, Mr. Ballenger, Ms. Granger, Mr. Kingston, Mr. Jones of North Carolina, Mr. Dickey, Mr. Largent, Mr. Rogan, Mrs. Bono, Mr. Gekas, Mr. Barr of Georgia, Mr. Jenkins, Mr. Gonzalez, Ms. Pelosi, Mr. King, Mr. Gejdenson, Mr. Skelton, Mr. Coble, Mr. McKeon, Mr. Tiahrt, Mr. Doggett, Mr. Hinojosa, Mr. Reyes, Mr. Stenholm, Mr. Frost, Mr. Ortiz, Mr. Rodriguez, Mr. Cramer, Mr. Ehlers, Mr. McGovern, Mr. Ehrlich, Mr. Traficant, Mr. McNulty, Ms. Velázquez, Mr. Serrano, Mr. Evans, Ms. Brown of Florida, Mr. Chambliss, Mr. Cunningham, Mr. Young of Alaska, Mrs. McCarthy of New York, Ms. Stabenow, Mr. Vento, Mr. Weygand, Mr. Olver, Mr. Luther, Mr. Snyder, Mr. Wu, Ms. Baldwin, Mrs. Napolitano, Mrs. Tauscher, Ms. Rivers, Ms. Pryce of Ohio, Mr. Knollenberg, Mr. Gibbons, Mr. Pombo, Mr. Porter, Mr. Bateman, Mr. Norwood, Mr. Cook, Mr. Owens, and Mr. Bentsen):

H. Con. Res. 293. Concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on International Relations.

By Mr. DOOLEY of California (for himself and Mr. Pomeroy):

H. Res. 447. A resolution amending the Rules of the House of Representatives to require that a Chaplain be elected by the House after having been nominated by the Speaker, the Majority Leader, and the Minority Leader, acting jointly; to the Committee on Rules.

By Mr. FRANKS of New Jersey (for himself and Mr. Lucas of Oklahoma):

H. Res. 448. A resolution expressing the sense of the House of Representatives in continued sympathy for the victims of the Oklahoma City bombing on the occasion of the 5th anniversary of the bombing; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. Royce, Mr. Hastings of Florida, Mr. Meeks of New York, and Ms. Lee):

H. Res. 449. A resolution congratulating the people of Senegal on the success of the multi-party electoral process; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Rogan, Mr. Terry, Mr. Smith of New Jersey, and Mr. DeMint.

H.R. 175: Ms. Norton, Mr. Deal of Georgia, and Mr. Cooksey.

H.R. 357: Mr. Sisisky.

H.R. 371: Mr. Rogan and Mr. Hyde.

H.R. 406: Mr. Green of Wisconsin.

H.R. 443: Mr. Smith of Washington.

H.R. 460: Mr. Rangel.

H.R. 487: Mr. Camp.

H.R. 515: Mr. Blagojevich.

H.R. 534: Mr. Spence, Mr. Fletcher, Mr. Kucinich, Mr. Lewis of Georgia, Mr. Minge, Mr. Reynolds, Ms. Millender-McDonald, Mr. Pombo, and Mr. Gutknecht.

H.R. 566: Ms. McKinney.

H.R. 583: Mr. Greenwood and Ms. Slaughter.

H.R. 612: Mr. Foley.

H.R. 632: Mr. Vitter.

H.R. 648: Ms. Granger.

H.R. 728: Mr. Edwards, Mr. Thompson of Mississippi, and Mr. Strickland.

H.R. 762: Mr. Turner and Mr. Cramer.

H.R. 860: Mr. Engel.

H.R. 1021: Mr. Abercrombie.

H.R. 1032: Mr. McIntosh.

H.R. 1044: Mr. Hayworth and Mr. Simpson.

H.R. 1046: Mr. Moore and Mr. Boehner.

H.R. 1168: Mr. Conyers, Mr. Thornberry, Mr. Nadler, Mr. Isakson, Mrs. Jones of Ohio, Mr. Smith of Mississippi, Mr. Meeks of New York, Mr. Bryant, Mr. Hayes, Mr. Petri, Mr. Pickering, Mr. Simpson, Mr. Foley, Mr. Lantos, Mr. Mollohan, Mr. Towns, Mr. Franks of New Jersey, and Mr. LaHood.

H.R. 1182: Mr. Schaffer.

H.R. 1187: Mr. Davis of Virginia, Mr. Rush, Mr. Souder, Mr. Holt, Mr. Packard, Mr. Holden, Mr. Hastings of Florida, Mr. Ramstad, Mr. Spence, Mr. Rogan, Mr. Dicks, Mr. Oxley, Mr. Bryant, Mr. Meeks of New York, Ms. Ros-Lehtinen, Mr. Udall of Colorado, Mr. Turner, and Mr. Ryun of Kansas.

H.R. 1205: Mr. Conyers.

H.R. 1293: Mr. Hastings of Washington.

H.R. 1322: Mr. Portman and Mr. Campbell.

H.R. 1349: Mrs. Myrick.

H.R. 1366: Mr. Rahall and Mr. Hastings of Washington.

H.R. 1388: Mr. Sandlin and Mr. Dreier.

H.R. 1459: Mr. Lampson.

H.R. 1509: Mr. Canady of Florida, Mr. Klink, Mr. Deutsch, and Ms. Stabenow.

H.R. 1592: Mr. Bereuter.

H.R. 1621: Ms. Millender-McDonald, Mr. Cardin, and Mr. Snyder.

H.R. 1667: Mr. Ney.

H.R. 1681: Mr. Stark and Mr. Brady of Pennsylvania.

H.R. 1705: Mr. Rothman.

H.R. 1708: Mr. Coyne.

H.R. 1732: Mr. Ford.

H.R. 1824: Mr. Wamp.

H.R. 1839: Mr. Sanders.

H.R. 1870: Mr. Baird.

H.R. 1926: Mr. Camp.

H.R. 2000: Mr. Wise, Mr. Holt, Mr. Frost, Ms. Danner, Mr. McDermott, Mrs. Kelly, Mr. Dicks, Mr. Wexler, Mr. Peterson of Minnesota, Mr. Sam Johnson of Texas, Mr. McNulty, Mr. Weller, Mr. Sherwood, and Ms. Granger.

H.R. 2121: Mr. Rangel, Mr. Baca, Mr. Cooksey, and Mr. Sanford.

H.R. 2149: Mr. Levin.

H.R. 2264: Mr. Weller.

H.R. 2265: Mr. Owens.

H.R. 2267: Mr. Wexler.

H.R. 2545: Mr. Stark.

H.R. 2595: Mr. Conyers.

H.R. 2596: Mr. Shows, Mr. Goodling, Mr. Shuster, and Mr. Sununu.

H.R. 2631: Mr. Forbes, Mr. Frelinghuysen, Mr. Hinchey, and Mr. Ackerman.

H.R. 2640: Mr. Minge and Mr. Hilleary.

H.R. 2696: Mr. Hinchey.

H.R. 2697: Ms. Granger.

H.R. 2749: Mr. Hayes and Mr. Lampson.

H.R. 2772: Mr. Moran of Kansas.

H.R. 2790: Ms. Woolsey.

H.R. 2814: Mrs. Napolitano.

H.R. 2867: Mr. Deal of Georgia.

H.R. 2870: Mr. Kucinich.

H.R. 2894: Mr. Salmon, Mr. Kind, and Mr. Hayworth.

H.R. 2900: Mr. Maloney of Connecticut, Ms. Sanchez, Mr. Crowley, Ms. Velázquez Mr. Menendez, Mr. Gilchrest, Mr. Capuano, Ms. Woolsey, and Ms. Carson.

H.R. 2934: Mr. Evans, Mr. Dixon, Mr. Blumenauer, and Mr. Gejdenson.

H.R. 2962: Mrs. Thurman.

H.R. 2966: Ms. Eddie Bernice Johnson of Texas.

H.R. 2982: Mr. Waxman, Mrs. McCarthy of New York, Mr. Frost, and Ms. Schakowsky.

H.R. 2987: Mr. Herger.

H.R. 2991: Mr. Barton of Texas, Mr. Canady of Florida, and Mr. Lewis of Kentucky.

H.R. 3034: Mr. Armey.

H.R. 3044: Ms. Norton.

H.R. 3058: Mr. Deutsch.

H.R. 3087: Mr. Blagojevich.

H.R. 3091: Mr. Callahan and Mr. Ackerman.

H.R. 3171: Mrs. Fowler.

H.R. 3235: Mr. Conyers.

H.R. 3293: Mr. Davis of Virginia, Mr. Coyne, Ms. Brown of Florida, Mr. Nethercutt, Mr. Barcia, Mr. Lazio, Ms. Schakowsky, and Ms. Rivers.

H.R. 3299: Mr. Watt of North Carolina.

H.R. 3519: Ms. Woolsey, Mr. Watt of North Carolina, and Ms. Norton.

H.R. 3571: Mr. Blumenauer and Mr. Engel.

H.R. 3573: Ms. Eddie Bernice Johnson of Texas.

H.R. 3590: Mr. Cox.

H.R. 3591: Mr. Snyder.

H.R. 3594: Mrs. Myrick.

H.R. 3608: Mr. Gilman.

H.R. 3634: Ms. Velázquez, Ms. Rivers, Mr. Sawyer, Mr. Nadler, Mr. Green of Texas, Ms. Brown of Florida, Mrs. Clayton, Mr. Gonzalez, Ms. Norton, Mr. Owens, Ms. Lee, Ms. Sanchez, Mrs. Jones of Ohio, Mrs. Napolitano, Mrs. Tauscher, Mr. Hastings of Florida, and Mr. Pascrell.

H.R. 3652: Mr. LoBiondo.

H.R. 3673: Mr. Rogan, Mr. Cunningham, Mr. Nethercutt, Mr. Cook, Mrs. Thurman, and Mr. Cooksey.

H.R. 3675: Mr. Ryun of Kansas.

H.R. 3688: Mr. Allen.

H.R. 3695: Mr. Tiahrt.

H.R. 3697: Mr. Rogan, Mr. Gilman, Mr. Cooksey, Mr. Shows, Mr. Barton of Texas, Mr. Sanders, Mr. Jenkins, Mr. Rahall, Mr. Frost, Ms. Stabenow, and Mr. Cramer.

H.R. 3698: Mr. Oxley, Mr. Romero-Barceló, Mr. McGovern, Mr. Rush, Mr. Baird, Mr. Mascara, Mr. McNulty, Mr. Aderholt, Mr. Rogers, Mrs. McCarthy of New York, Ms. Lofgren, Mr. Kucinich, Mr. Norwood, Mr. Visclosky, Mr. Cunningham, Mr. Hilliard, Mr. Kolbe, Mr. Baldacci, and Ms. DeLauro.

H.R. 3707: Mr. Rohrabacher, Mr. Smith of New Jersey, and Mr. Gejdenson.

H.R. 3710: Mr. Evans, Ms. DeLauro, Mr. Kanjorski, Mr. Sanders, and Mr. McDermott.

H.R. 3732: Ms. Schakowsky, Mr. Roemer, Mr. Rahall, Ms. Roybal-Allard, Mr. Rangel, Mr. Moakley, and Mr. Barrett of Wisconsin.

H.R. 3806: Mr. Abercrombie, Mr. Barrett of Wisconsin, Ms. Lofgren, and Mr. Frost.

H.R. 3825: Mr. Bonior and Ms. Rivers.

H.R. 3836: Mr. Armey.

H.R. 3842: Mr. Evans, Mr. King, and Mr. Phelps.

H.R. 3859: Mr. Radanovich.

H.R. 3872: Mr. Bilirakis, Ms. Millender-McDonald, Mr. Hall of Ohio, Mrs. Kelly, Mr. McDermott, Mr. Gilchrest, Ms. Slaughter, and Mr. Goode.

H.R. 3880: Mr. Frost, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Evans, Mr. Boehlert, and Mr. McHugh.

H.R. 3885: Mr. CRANE, Mr. LIPINSKI, Mr. COSTELLO, Mr. EWING, Mr. KLINK, Mr. DAVIS of Illinois, Mr. PHELPS, Mr. DOYLE, Mr. PORTER, Mr. WELLER, and Ms. SCHAKOWSKY.

H.R. 3895: Ms. SCHAKOWSKY.

H.R. 3896: Mr. GREEN of Texas, Mr. INSLEE, Mr. FROST, Mr. CUNNINGHAM, Mr. WATT of North Carolina, and Mr. NEY.

H.R. 3900: Mr. LAZIO and Mr. HULSHOF.

H.R. 3911: Mr. GALLEGLY and Mrs. THURMAN.

H.R. 3916: Mr. SALMON, Mr. ARMEY, Mr. MCDERMOTT, and Mr. EHRLICH.

H.R. 3928: Mr. KUYKENDALL, Mr. BARRETT of Nebraska, Mr. JEFFERSON, Mr. BISHOP, and Ms. SCHAKOWSKY.

H.R. 3981: Mr. PAYNE, Mrs. CLAYTON, and Mr. KENNEDY of Rhode Island.

H.R. 3983: Mr. FORD, Mr. WOLF, and Mr. HOUGHTON.

H.R. 4003: Mr. STARK, Mr. NUSSLE, Mr. LEWIS of Kentucky, Mr. CAMP, Mr. HERGER, and Mr. PORTMAN.

H.R. 4011: Mr. NUSSLE, Mr. COSTELLO, Mr. TALENT, Mr. BEREUTER, Mr. SKELTON, and Mr. Pomeroy.

H.R. 4022: Mr. SCARBOROUGH, Mrs. FOWLER, and Mr. KINGSTON.

H.R. 4029: Mr. ANDREWS.

H.R. 4033: Mr. KENNEDY of Rhode Island, Mr. STUPAK, Mr. LAHOOD, Mr. FROST, Mr. LATHAM, Mr. MCHUGH, Mr. BAKER, Mr. WELDON of Pennsylvania, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BONIOR, Mr. PAYNE, Mr. SWEENEY, Mr. STRICKLAND, Mr. DEUTSCH, Mr. DEFAZIO, Mr. MALONEY of Connecticut, Mr. WISE, Mr. ACKERMAN, Mr. GUTIERREZ, Mr. HOLDEN, Mr. HASTINGS of Florida, Mr. OLVER, Mr. PALLONE, Mr. RAHALL, Mr. SERRANO, Ms. MCCARTHY of Missouri, Ms. CARSON, Mr. SISISKY, Mr. SAXTON, Mr. HOBSON, Mr. HAYES, Mr. ENGEL, Mr. KNOLLENBERG, Mr. MATSUI, and Mr. LIPINSKI.

H.R. 4040: Mrs. MORELLA, and Mr. DAVIS of Virginia.

H.R. 4042: Mr. BROWN of Ohio and Mr. BALDACCI.

H.R. 4051: Mr. CUNNINGHAM, Mr. MCINNIS, Mr. BARR of Georgia, Mr. SESSIONS, Mr. ARMEY, Mr. EHRLICH, Mr. ROGAN, Mr. WATTS of Oklahoma, Mrs. MYRICK, Mr. DELAY, Mr. HUTCHINSON, Mr. TANCREDO, Mrs. WILSON, Mr. BRADY of Texas, Mr. BACHUS, and Mr. BLILEY.

H. Con. Res. 58: Mr. GREEN of Texas, Mr. KING, and Mr. BISHOP.

H. Con. Res. 77: Mr. SPENCE.

H. Con. 119: Mr. DEAL of Georgia.

H. Con. Res. 229: Mr. JONES of North Carolina.

H. Con. Res. 233: Mr. SOUDER.

H. Con. Res. 252: Mr. GANSKE, Mr. TERRY, and Mr. CALVERT.

H. Con. Res. 253: Mr. HASTERT.

H. Con. Res. 256: Mr. MINGE.

H. Con. Res. 265: Mr. FRANK of Massachusetts, Mr. ROHRABACHER, and Mr. EVANS.

H. Con. Res. 269: Mr. REYES, Mr. FILNER, and Mr. GONZALEZ.

H. Con. Res. 271: Mr. KENNEDY of Rhode Island, Mrs. MORELLA, and Mr. SHIMKUS.

H. Con. Res. 276: Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Ms. HOOLEY of Oregon, Mrs. THURMAN, and Mr. SHAYS.

H. Con. Res. 285: Mr. MORAN of Virginia and Mr. ABERCROMBIE.

H. Con. Res. 286: Mr. NADLER.

H. Con. Res. 292: Mr. STUMP, Mr. OXLEY, Mr. SCHAFFER, Mr. DELAY, Mr. BEREUTER, Mr. LANTOS, Mr. ROHRABACHER, Mr. TIAHRT, Mr. COOKSEY, Mrs. FOWLER, Mr. BRADY of Texas, Mr. BARTLETT of Maryland, Mr. BAKER, Mr. BILBRAY, Mrs. BONO, Mr. CALLAHAN, Mr. BOEHLERT, Mr. GILMAN, Mr. COX, Mr. MCNULTY, Mr. GILCHREST, Ms. DUNN, Mrs. EMERSON, Mr. LARSON, Mr. GIBBONS, Mr. DIAZ-BALART, Mr. EHRLICH, Mr. TRAFICANT, Mr. TAUZIN, Mr. VITTER, Mr. WATKINS, Mr. BUYER, Mr. CANNON, Mr. CHABOT, Mr. THOMAS, Mr. PORTER, Mr. SIMPSON, Mr. MCINTOSH, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. SPENCE, Mr. NUSSLE, Mr. RAMSTAD, Mr. ROGAN, Mr. ROYCE, and Mr. SESSIONS.

H. Res. 347: Ms. SCHAKOWSKY.

H. Res. 414: Mr. RANGEL, Mr. OWENS, Mr. MATSUI, Ms. WOOLSEY, Mr. WAXMAN, Mrs. THURMAN, Mr. ROMERO-BARCELÓ, Mrs. JOHNSON of Connecticut, Mr. EVANS, Ms. SCHAKOWSKY, and Ms. SLAUGHTER.

H. Res. 420: Mrs. JOHNSON of Connecticut and Mr. HOEKSTRA.

H. Res. 430: Mr. GONZALEZ.

H. Res. 437: Mr. KING, Mr. GILCHREST, Mr. BORSKI, Ms. SLAUGHTER, Mr. GONZALEZ, and Ms. DEGETTE.

H. Res. 443: Mrs. CHRISTENSEN, Mr. GIBBONS, Mr. KILDEE, Mr. PICKETT, and Mr. UDALL of Colorado.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7, by Mr. SHOWS on House Resolution 371: Bruce F. Vento and Maxine Waters.

Petition 8, by Mr. STARK on House Resolution 372: Bruce F. Vento and Maxine Waters.

EXTENSIONS OF REMARKS

THE "CHILD SUPPORT FAIRNESS AND FEDERAL TAX REFUND INTERCEPTION ACT OF 2000"

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. CASTLE. Mr. Speaker, I rise today to introduce the "Child Support Fairness and Federal Tax Refund Interception Act of 2000." This legislation expands the eligibility of one of our most effective means of enforcing child support orders—intercepting the Federal tax refunds of parents delinquent in paying their court-ordered financial support for their children. Under current law, the Federal tax refund offset program operated by the Internal Revenue Service (IRS) is limited to cases where the child is either a minor or a disabled adult.

It goes without saying that a parent who brings a child into this world is responsible for providing for that child's physical needs regardless of any conflict with the child's custodial parent. Last July, I received a letter from Lisa McCave of Wilmington, Delaware. She wanted to know where the justice was in the IRS allowing her husband to collect a $2,426 tax refund when he still owed her nearly $7,000 in back child support just because her son is no longer a minor and is not disabled.

Since her son was three, Ms. McCave has had to work two jobs to make up for child support installments that were never paid. She has spent the better part of her time away from work tracking down her former husband, who has often quit his job as soon as his wages were garnished to repay this debt. Now, she is trying to pay off $55,000 in parent loans she incurred to send her son to college. Mr. Speaker, we all know the answer to Lisa McCave's question. Under the current law, there is no justice in limiting the eligibility for this tax intercept program to minors and disabled adults.

The good news is that we can correct this injustice. Improving our child support enforcement programs is neither a Republican nor a Democrat issue—it is an issue that should concern all of us. According to recent government statistics, there are approximately 12 million active cases where a child support order requires a noncustodial parent to contribute towards the support of his/her child. Of the $13.7 billion owed pursuant to these orders in 1998, only half have been paid. Similar shortfalls in past years bring the combined delinquency total to $35.3 billion. I am confident we can all agree to fix this injustice in our Federal tax refund offset program and help some of our most needy constituents receive the financial relief they are owed.

I would like to clarify for everyone's benefit that this legislation does not create a cause of action for a custodial parent to seek additional child support. The existing program merely helps custodial parents recover debt they are owed for a level of child support that was set by a court after both sides had the opportunity to present their arguments about the proper size of the child support.

The Federal tax refund offset program is responsible for retrieving nearly one-third of all back child support collected. The time has come to make it a greater success. I urge my colleagues to cosponsor this legislation and thank the Ways and Means Committee for its commitment to moving this bill to the House floor for debate in the near future.

HONORING THE GOLDEN APPLE SCHOLARS AWARD PROGRAM AND MS. SARAH OBERMARK FROM ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, today I commend the 2000 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Ms. Sarah Obermark from Bond Community High School in Sorento, Illinois. Teachers, like parents, have a unique opportunity—to touch the life of a child. I can't think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Sarah all the same joy and success that I shared in my teaching career.

CONGRATULATING ALISON LITTELL McHOSE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. ROUKEMA. Mr. Speaker, I congratulate Alison Littell McHose for her work on the behalf of unwed mothers and their infant children. Mrs. McHose has been chosen as the honoree at the annual dinner dance held by Birth Haven, a compassionate and supportive shelter for unwed mothers. Her selection comes in recognition of the extensive work Mrs. McHose has done on behalf of Birth Haven, including her efforts to secure funding from the New Jersey Department of Health and Senior Services.

It should come as no surprise that Alison Littell McHose is dedicated to public service and helping those less fortunate than herself. She is the daughter of my good friends state Senator Robert Littell and Virginia Littell, former chairwoman of the New Jersey Republican State Committee. The Littells raised their daughter with a clear sense of responsibility to the community around her, and instilled in her their own firm values, sense of dedication and fearlessness of hard work.

Mrs. McHose has worked as a legislative aide in her father's Senate office in Franklin, NJ, for 4 years, handling budget issues, constituent case work, news releases, speeches and correspondence. As part of her duties, she acted as liaison between Birth Haven and Senator Littell, who chairs the State Senate Budget and Appropriations Committee. Mrs. McHose helped Birth Haven secure state grants of $40,000 in the fiscal 1999 state budget and $50,000 in the 2000 budget. In addition, she was instrumental in handling the case of a former Birth Haven resident who needed state assistance.

Mrs. McHose's work with Birth Haven led to a strong personal interest in the organization. She has visited the facility and made extensive donations of supplies needed by the residents and volunteered her time.

Located in Newton, New Jersey, Birth Haven is a shelter for homeless pregnant women, able to house up to nine women simultaneously in a home-like setting where meals and housework are shared. The women, mostly in their teens or early 20's, are given proper prenatal care and counseling and enrolled for benefits such as Medicaid and the Women, Infants and Children nutrition program. Those without a high school diploma are required to attend class or seek a GED. Courses in homemaking, parenting and job-seeking skills are available as well. Some of the residents were homeless before they became pregnant. Others were kicked out of their homes by parents or boyfriends.

Mrs. McHose's work on behalf of Birth Haven and in Senator Littell's office are only her most recent accomplishments in public service. She was previously a policy council director in education and health care for a grassroots organization in Washington. She also spent four years at the National Endowment for the Humanities and the Treasury Department under the Bush administration.

Active in her community, she is vice-chairwoman of both the Franklin Economic Development Committee and the Franklin Business Development Corporation. She is a founding member of the Franklin Historical Society, a member of the capital campaign committee of the Sussex County YMCA, and an active member of the Junior League of Morristown. She also edits a nationally distributed family publication, Living Age.

Mrs. McHose is a graduate of the University of Maryland and Pope John XXIII High School in Sparta. She and her husband, Morgan, are the parents of a 2-year-old son, Logan, and make their home in Franklin.

I ask my colleagues to join me in congratulating Mrs. McHose on her work on behalf of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

unwed mothers and their infant children, and in wishing her the best as she continues to address the needs of those less fortunate than herself.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BOYD. Mr. Speaker, on Wednesday, on March 22, 2000, I was unavoidably detained, causing me to miss roll call votes 58, 59, 60, 61, 62 and 63.

I ask that the RECORD reflect that had I been present I would have voted "yea" on rollcall vote 58, "nay" on rollcall vote 59, "yea" on rollcall vote 60, "yea" on rollcall vote 61, "nay" on rollcall vote 62, and "yea" on rollcall vote 63.

LIFE UNIVERSITY RUNNING EAGLES—NAIA CHAMPIONS, AGAIN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BARR of Georgia. Mr. Speaker, it is with great pride and admiration I recognize the Life University Running Eagles Men's Basketball Team from Marietta, Georgia. On Monday, March 20, 2000, the NAIA Division I Defending Champion Running Eagles defeated Georgetown College (KY) to win a second NAIA Championship in as many years. This marked the first time in nearly a decade an NAIA team had won back-to-back titles. This was also the third time in four years Life University had captured the NAIA Championship.

Excellence has become the hallmark of Life University sports; but the school excels also in academic pursuits. Life University was founded in 1974 as Life Chiropractic College, and achieved university status in 1997. It has a 26-year history of producing graduates, from a wide variety of degree programs, with the study of Chiropractic remaining its primary focus.

For their achievements, I want to congratulate all of the members of the Men's Running Eagles team, their Coach Roger Kaiser, and the President and Founder of Life University, Dr. Sid E. Williams.

HONORING THE CHAMPION JACKSON COUNTY LADY BLUE DEVILS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding season of the Jackson County Lady Blue Devils basketball team, which recently captured the 2000 Tennessee Secondary School Athletic Association Class AA Girls Basketball Tournament championship.

This is the high school's first championship season since winning the small school tournament way back in 1973. Last year the team lost in the tournament final and used that experience to win this year's tournament.

At 29–7, this year's Lady Blue Devils team displayed a tenacious will to win. This championship season will forever be remembered by each of those talented players who proved that hard work and dedication pay rich dividends.

Members of the championship team are Heather Davidson, Joanna Chaffin, Becca Focer, Jessica Smith, Sarah Jane Breidert, Andrea Davidson, Emily Lane, Lacy Sircy, Ashley Hopkins, Deanna Apple, Alyssa Bowman, Jennifer Harris, and managers Faith Henshaw, Stephanie Clayton and Lucy Anderson. Head coach Jim Brown and assistant coaches Kevin Bray and Barbara Brown, with the support of principal Herbert Leftwich, did a magnificent job preparing the team for this year's stellar season.

Jackson County is proud of its Lady Blue Devils, and I congratulate each of these young ladies for a job well done.

RURAL HEALTH CARE PROTECTION ACT OF 2000

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SALMON. Mr. Speaker, I rise to introduce the Rural Health Care Protection Act of 2000. Among other things, the bill mandates that Medicare+Choice enrollees cannot be held liable by contracted or non-contracted providers for any claims that are unpaid by a Medicare+Choice plan. It also allows the insurance commissioner of a state to apply to the Secretary of HHS for reimbursement for all valid, unpaid provider claims. And, the legislation establishes HCFA as a creditor for Medicare+Choice Amos that go bankrupt.

The need for this legislation is clear. In Arizona, Premier HMO recently announced it was insolvent. Roughly 20,000 seniors have left Premier to return to traditional Medicare (which provides no prescription drug benefit) or have enrolled in an alternative Medicare HMO. Unfortunately, nine Arizona counties no longer have an HMO option. We need to make sure that Medicare+Choice enrollees are not held responsible when bankrupt HMOs fail to pay providers' claims.

Under current law, the Health Care Financing Administration (HCFA) has the discretion, but is not required, to provide direct reimbursement to health care providers when an HMO fails to make payments for providers' claims. Quite often HCFA makes payments only where Medicare+Choice HMOs continue to operate. If an HMO becomes insolvent, doctors, hospitals, and others are often left unpaid for services already rendered.

In 1997 Congress passed the Balanced Budget Act which included a provision to expand choices for Medicare beneficiaries through the new Medicare+Choice program. It was anticipated that the program would lead to a wider variety of health plan choices for beneficiaries in all areas of the country—particularly in rural counties. Unfortunately, there was never a plan to deal with organizations who could not maintain financial solvency. And HCFA has not recognized the need to protect Medicare beneficiaries from defunct health plans—even though they are the financing arm for Medicare.

Even worse, HCFA's regulations have added to the problem by making it more difficult for HMOs and other like organizations to enter the Medicare+Choice program. They make it tough to get in the program and do little for beneficiaries once the HMOs leave. As of last year, there were only 262 health plans across the Nation that participated in the Medicare+Choice program, 84 less than 1998. According to the American Association of Health Plans, nearly 700,000 beneficiaries have had their Medicare+Choice coverage disrupted since the program's inception.

Seniors shouldn't be left holding the bag when health plans go bankrupt. The Rural Health Care Protection Act would ensure that the government fulfills its promise to those seniors who have chosen to participate in the Medicare+Choice program. I urge my colleagues to cosponsor this legislation.

HONORING THE AMERICAN LEGION JEFFERSON POST 141 2ND SQUAD CHAPLAIN, HOWARD PHILLIPS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, today I commend the American Legion, Jefferson Post 141, from Mt. Vernon, Illinois and their Squad Chaplain, Mr. Howard Phillips.

For 27 years, Mr. Phillips has been the Squad Chaplain. He has presided over 800 military funerals for our veterans. He never asks for any compensation for his time or services. I wanted to tell him that he makes this soldier very proud. Thank you Howard.

CONGRATULATING JANIE PFEFFERKORN, OF SIKESTON, MISSOURI ON HER RECOGNITION BY THE "DAUGHTERS OF SUNSET"

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. EMERSON. Mr. Speaker, on Saturday March 25, 2000, Janie Pfefferkorn is being honored by the Sikeston, Missouri "Daughters of Sunset" at their 16th Annual Recognition Program. I would like to extend my congratulations to Janie who is being recognized on this day for her community involvement.

Janie was the valedictorian of her senior class at Chafee High School in Chafee, Missouri. She attended Central Methodist College and Southeast Missouri State University. She is the co-founder of the 1996 Christian block Party which evolved into the Mission Missouri.

Today Janie is the executive director of Mission Missouri.

Janie is currently affiliated with the Missouri School for the blind Board of Directors, Bootheel Healthy start, Breast Cancer support Group, Sikeston Middle School, the Diabetes Foundation-Missouri Delta Hospital Advisory Board, the Sikeston Area Chamber of Commerce President's roundtable, and the Ministerial Alliance and inter-Agency Council of Scott County.

Janie also has bee active in lifelong faith-based learning, receiving training as a Precept Inductive Bible Study Teacher and Group Leader and completing workshops on church growth, discipline training, outreach, administration, new membership integration. Janie also trained in family learning for parents of children with disabilities and has facilitated and participated in support group settings to address addictive behaviors and dysfunctional relationships.

Janie is married to Dr. David Pfefferkorn. They are the proud parents of four beautiful girls, Molly, Corrie Jo, Abby and Maggie, and the proud grandparents of twins girls, Bylie and Kylie.

Congratulations, Janie, on your recognition by the "Daughters of Sunset." Your lifelong dedication to your community of Sikeston, Missouri is an inspiration to us all.

MEXICO BEACH PROPERTY BOUNDARY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BOYD. Mr. Speaker, today, along with my Florida colleague Representative JOE SCARBOROUGH, I am introducing legislation that is intended to correct a boundary mistake made on a map in the Department of Interior's 1988 Report to Congress: Coastal Barrier Resources System. The map was subsequently adopted by Congress in the 1990 Coastal Barrier Improvement Act.

The St. Joe Company owns 45 acres east of the City of Mexico Beach, Florida. In 1988, the U.S. Fish and Wildlife Service (the "Service") proposed certain additions and modifications to the Coastal Barrier Resources System (CBRS). This proposal was accompanied by maps which depicted the existing boundaries of the CBRS as well as the proposed additions and modifications. However, while the maps expressly reported to show the existing CBRS boundaries, at least one of them instead contained a boundary line that erroneously included about 45 acres of St. Joe property. Because the boundary was unintentionally misdrawn neither the property owner nor Congress was given notice of this action. In 1990, Congress enacted the Coastal Barrier Improvement Act. The CBRS maps adopted by Congress with the 1990 Act included the erroneous boundary line from the Service's proposed map.

Several years after the Mexico Beach property was mistakenly included in the CBRS, St. Joe representatives discovered the mistake while examining maps at the Federal Emergency Management Agency. Last year, representatives of St. Joe met with Department of Interior and Service officials to discuss the mistake. As a result of those discussions a letter was written to the Company from the Acting Director of the United States Fish and Wildlife Service, Gary Frazier, acknowledging that a boundary mistake had been made and stating that the Service would not object to legislation to correct the mistake. Specifically, Mr. Frazier sated:

> The Service recognizes that in the 1988 Report to Congress the inclusion of the property in question was not identified as a boundary change for this unit, either in the accompanying map or text of the Report. Regrettably, this meant that neither the property owner nor Congress was provided with adequate notice of the boundary change reflected in the revised map for P-31. Therefore, because of this error in the Report and the equities associated with this specific situation, the Service would not oppose future legislative action to remove the 45 acres owned by the St. Joe Company from the System.

The St. Joe Company has taken the proper steps in approaching the Department of Interior and the Service about this problem. Representative SCARBOROUGH and I are taking the next step in this process by introducing legislation to correct this mistake. It has been over ten years since Congress enacted the legislation which adopted the new map misdrawing the boundary of the Mexico Beach property. Therefore, I urge the House to act expeditiously on this legislation.

SOUTHWIRE COMPANY'S 50TH ANNIVERSARY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BARR of Georgia. Mr. Speaker, it all started with one man's dream of bringing electricity to rural Georgia. Roy Richards, Sr. wanted to supply his mother and grandmother with electricity, and from that dream, he founded Soutwire Company in Carrollton, Georgia, exactly 50 years ago. On March 23, 1950, Southwire started cranking out wire with 12 employees. Two years later, the company had shipped 5 million pounds of wire and had doubled its plant size. Southwire has continued to grow, and has become a world leader in the manufacture of wire and cable.

In 1992 Southwire opened the D.B. "Pete" Cofer Technology Center. For the past five years, the center has witnessed development of the next generation of power cables—superconductors. A trio of 30-meter cables now provides power to three of the company's manufacturing plants. Southwire continues on its path of quality assurance and will remain a giant in the world of wire and cable.

I salute Southwire Company on its 50th Anniversary, and I am proud to count it as an outstanding employer, business, and community citizen in the 7th Congressional District of Georgia.

HONORING THE DISTINGUISHED CAREER OF JOHN ED MILLER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding career of John Ed Miller, who is retiring from BellSouth on March 31 after working more than 30 years with the company. John Ed has not only had a distinguished career with BellSouth, but he has also been an outstanding civic leader in the Middle Tennessee area.

John Ed began his long telephone career with BellSouth soon after his graduation from Vanderbilt University in 1966. He progressed through a number of assignments in the Nashville and Birmingham offices before assuming his present position as BellSouth's corporate and external affairs vice president for Tennessee.

John Ed has also taken an active role in his Middle Tennessee community. He serves and has served on numerous civic boards and organizations, demonstrating his concern and love for Middle Tennessee. His tireless dedication to these organizations has truly made Middle Tennessee a better place to live.

His leadership and vision at BellSouth will be sorely missed. I congratulate John Ed Miller on his outstanding career and wish him well in his retirement.

OIL PRICE REDUCTION ACT OF 2000

SPEECH OF

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes:

Mr. SALMON. Mr. Chairman, it is well known that, for close to a year, countries from the OPEC cartel and other oil-producing countries have conspired to steal from Americans by artificially inflating the price of oil. It has had a dramatic effect on the life of every American and threatens the state of our economy. It takes more to fill our gas tanks, it is more costly to fly, and even grocery prices have risen significantly. For example, we pay an extra $10 every time we go to a gas station to fill our tanks. This year, increased gas and oil prices will cost the average family an alarming $700. In my home state of Arizona, higher gas prices will cost the Paradise Valley Union School District up to $60,000 more to bus kids to and from school this year.

Unfortunately, the President's response has been tepid at best. Energy Secretary Bill Richardson recently admitted, "it is obvious that the federal government was not prepared. We were caught napping. We got complacent." The Administration, which seems to have no problem attacking American companies they suspect of being a monopoly, refuses to use its current legal arsenal to sanction foreign countries that collude in monopolistic alliances to fleece the American people.

Last year, I requested that Congress look into OPEC's price fixing scheme. And last night, Congress took a small step towards helping American consumers by passing H.R. 3822, which encourages the President to use his current authority to stop OPEC from inflating gas prices. But, I believe we can, indeed we must, do more.

First and foremost we should have included a mechanism in this legislation to penalize countries for gouging our constituents. Secondly, we should have repealed the 4.3 cent gas tax that President Clinton and Vice-President GORE included in their tax increase package of 1993. And finally, we should have examined cost effective ways to increase domestic oil production.

Looking forward, we need to pursue the development of alternative energy sources that will reduce our dependence on foreign oil. To that end, we should support tax credits for people who purchase environmentally friendly, energy efficient solar heating equipment. We should also support funding for research on solar, wind, biofuels, geothermal, and other environmentally friendly alternative forms of energy.

Perhaps we will revisit this matter when our constituents are paying $2.50 for a gallon of gas. H.R. 3822 is a first step towards resolving the current crisis. But, Congress should have done more. Americans should not have to pay more at the gas pump, or for groceries, or to heat their homes, simply because we did not do enough to stop foreign nations from artificially increasing the price of oil. We've been far too passive for too long.

CONGRATULATING ELDER ANTHONY G. GREEN I, OF SIKESTON, MO, ON HIS RECOGNITION BY THE DAUGHTERS OF SUNSET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. EMERSON. Mr. Speaker, on Saturday, March 25, 2000, Elder Anthony G. Green I is being honored by the Sikeston, MO Daughters of Sunset at their 16th Annual Recognition Program. I would like to extend my congratulations to Elder Green who is being recognized on this day for his community involvement.

Elder Green is a graduate of Sikeston High School. He earned an associate degree in engineering from ITT Technical Institute in St. Louis, MO and is currently attending Green Memorial Biblical University and Andersonville Baptist Seminary. Elder Green is currently chief executive officer and pastor of Rhema World Breakthrough International Ministries of Cape Girardeau, MO and is president of the Sikeston Branch of the NAACP. He was also honored by the Department of Justice National Symposium on Civil Rights in Washington, DC.

Elder Green is the cofounder and editor-in-chief of the African American Informant, Inc. Newspaper of Sikeston, MO. His many community activities include the Neighborhood Improvement Association, Martin Luther King, Jr. Day Celebration Co-Coordinator, Citizens Home Mission tutor and mentor, Green Memorial Biblical University Board of Directors, and the Hundred Men Rally Committee speaker and co-coordinator. Elder Green also is a member of various organizations including the NAACP, Justice League, Weed & Seed Steering Committee, Jurisdictional Djutancy Church of God in Christ, and Bootheel Healthy Start.

Elder Green has received training in a number of fields, including Community Development Training Ad Hoc Group Against Crime, Advisory Council Legislation Training, Missouri Division of Family Service—seminar on recognizing child abuse, and Southeast Missouri State University seminars in time management, cultural diversity, and conflict resolution.

Elder Green is married to Vanissa McCauley-Green and is the father of one son, Anthony Green II.

Congratulations, Elder Green, on your recognition by the "Daughters of Sunset." Your lifelong dedication to family and community is truly inspirational.

TRIBUTE TO MICHELLE RAKERS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, today I commend a former constituent of mine, Michelle Rakers of Aviston, Illinois. Michelle now plays trumpet for the elite United States Marine Band.

As one of eleven children, Michelle comes from a very musically inclined family where all her siblings played an instrument. Michelle's determination is a testament to her success. Let me explain. She auditioned five times before she was selected as a member of the band. She never took no for an answer. I want to congratulate her for her success and thank her for her determination—we can all learn a lesson from her example.

IN HONOR OF KRISTEN STRYKER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Kristen Stryker of Canton. Kristen has been named as one of Ohio's top two student volunteers for the year 2000 in the fifth annual Prudential Spirit of Community awards.

Kristen, an eighth grader at Faircrest Middle School, has a vegetable garden in her backyard. The harvest from this garden is donated to needy Native Americans in her area. Kristen's grandmother is 50 percent Native American and through this Kristen feels a connection to those who share her heritage. When she heard that the nearby Allegheny Indian Center was a beneficiary of the national "Plant a Row for the Hungry" program, Kristen was eager to participate. After planting rows of zucchini, yellow squash and green and purple beans, she worked 1 hour every morning and evening from March through August weeding, watering and mulching the garden. The people who received the vegetables were able to enjoy the health benefits and the Allegheny Indian Center was able to purchase other necessary items with the money saved. Now Kristen hopes to encourage her 4–H club to adopt "Plant a Row for the Hungry" as its countywide service project. "I think this project has helped me become more sensitive to the needs of others," says Kristen.

Kristen was nominated by Stark & Summit Counties Extension 4–H in North Canton, OH for her ingenious service project. As as State honoree she will receive $1,000, an engraved silver medallion, and an all-expense paid trip in May to Washington DC.

Please join me in honoring Kristen for her outstanding leadership and service in her community.

RECOGNITION OF TERRY WARD AS RECIPIENT OF DISTINGUISHED CAREER INTELLIGENCE MEDAL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHUSTER. Mr. Speaker, I rise to recognize an honor for distinguished public service being accorded today to Terry Ward, a former constituent of mine. The Central Intelligence Agency is honoring Mr. Ward for over thirty years of distinguished government service in a wide range of dangerous and sensitive intelligence assignments in Southeast Asia, Europe, and Latin America.

Mr. Ward was born in Altoona, Pennsylvania and graduated from the University of Pennsylvania in 1961. Following ROTC training, Mr. Ward joined the U.S. military and joined the U.S. Embassy staff in Laos. In 1964, Mr. Ward was transferred to the CIA's Western Hemisphere Division. During the next thirty years, Mr. Ward served his country honorably and well in numerous dangerous overseas assignments in Latin America.

In my capacity as a Member of the House Intelligence Committee, I met Terry when he served in Honduras. I saw first-hand how he contributed in significant ways to fighting the efforts of the Sandinista regime in Nicaragua to destabilize its democratic neighbors. Contrary to some new reports, Terry worked hard to ensure that U.S. assistance to the Nicaraguan democratic resistance was closely managed and appropriately directed. Today, Nicaragua is a democratic ally and trading partner of the United States in no small measure to the efforts of Terry and other officers who served in the CIA's clandestine service in Central America during the 1980s.

As some may know, Mr. Ward was one of the subjects of a 1995 CIA Inspector General investigation into allegations of improper conduct by CIA officers in Guatemala in the deaths of U.S. citizen Michael Devine and Guatemalan terrorist Efrain Bamaca. The IG report, and a subsequent review by President Clinton's Intelligence Oversight Board found no information whatsoever that any employee of the CIA was either involved in the murder of Mr. Devine or in the disappearance of Bamaca. After the IG report was published, Mr. Ward was effectively forced to retire from government service by then-DCI John Deutch.

When Dr. Deutch announced his disciplinary decisions regarding the Guatemala inquiry on September 29, 1995, he stated that Mr. Ward was "respected" and "otherwise had made important contributions throughout his career." Importantly, Dr. Deutch said that he intended that Mr. Ward's retirement would involve "no loss of appropriate recognition for previous service."

Despite what you might have read in some newspapers during the past few weeks, Mr. Ward is one of the unsung heroes of the Cold War. These press accounts note that he served as the CIA's station chief in Honduras from 1987–89—what they don't say is that his efforts there and elsewhere in Central America during the mid to late 1980s contributed significantly to the strengthening of democratic governance in Honduras, Nicaragua and El Salvador.

These unsung heroes of our intelligence community neither ask for nor expect the American people to know how they protect us from terrorists, narco-traffickers and other threats to our nation's security. The CIA's recognition today of Terry Ward's honorable service to his country is long overdue and fully merited. I applaud DCI George Tenet for doing the right thing for our country and for those who bravely serve its interests in our clandestine service.

CHUCK LEWIS WAS A TRUE HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to ask that we all pause for a moment to remember a man who will live forever in the hearts of all who knew him and many who didn't. Chuck Lewis will be remembered as a wonderful entrepreneur and mentor. He had a great love of the outdoors and of skiing. His wife, Penelope, and children, C. Randall, Christina and Vonda, brought him endless joys.

Chuck was a native of Colorado and attended the University of Denver. His fiscal wizardry led him to the ski industry where he was able to turn around the troubled Eldora Mountain Resort. Lewis was also a former chairman of the Colorado Wildlife Commission, founder of Cooper Mountain and model rancher. He is regarded by many as the best chairman of the Colorado Wildlife Commission, because he cared about nature and people.

Chuck Lewis is remembered as a person who would cherish any moment he could squeeze out of his busy schedule to spend on a river with a fly rod in his hand. He had a wonderful touch for people. His family and friends will miss the man that they enjoyed spending time with. The rest of us will miss the man who exemplified the selflessness that so few truly possess. But, when we lose a man such as Mr. Lewis, being missed is certainly no precursor to being forgotten.

EXPRESSION OF SORROW FOR THE VICTIMS OF THE MASSACRE IN THE VILLAGE OF CHATI SINGHPORA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BONIOR. Mr. Speaker, I rise today to express my profound sorrow at the horrific massacre of 35 Sikh men in the Kashmiri village of Chati Singhpora.

Today in Chati Singhpora, 35 families are mourning the loss of their fathers, their brothers and their sons. These men are victims of an inhumane war, suffering an unspeakable death before the eyes of their loved ones. The assassins who inflicted this punishment upon the families of Chati Singhpora are unknown. Regardless of their nationality and religion, they have covered this Kashmiri village with the blood of their victims and have taken 35 innocent men from the arms of their loving families.

Hundreds of villages like Chanti Singhpora are trapped, guilty only of unfortunate geography. I call upon all people to end the slaughter of innocents, to halt the violence which has divided Kashmir, and to search for common ground upon which a just and lasting peace may be erected. No more families should know such horror. I ask all of my colleagues here today to pledge themselves to peace in Kashmir, and to stop at nothing until the bloodshed has ended.

CONGRATULATING HARRY G. SHARP, III. OF SIKESTON, MO. ON HIS RECOGNITION BY THE DAUGHTERS OF SUNSET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. EMERSON. Mr. Speaker, on Saturday, March 25, 2000, Pastor Harry G. Sharp, III is being honored by the Sikeston, MO Daughters of Sunset at their 16th Annual Recognition Program. I would like to extend my congratulations to Harry who is being recognized on this day for his community involvement.

Harry is the son of Ruth Felker and the late H. Garwood Sharp, Jr. and is one of six generations of the Sharp family who have lived and been involved in the community of Sikeston, MO. Harry is the pastor of the Smith Chapel United Methodist Church in Sikeston. As the pastor of Smith Chapel and an active member of the Sunset community, Harry appreciates the work of those generations that helped make Sikeston a better place to live.

Graduating from Sikeston High School, Harry attended and earned a degree from Westminster College and Florida State University. He is a Vietnam era veteran of the Army Corps of Engineers, has taught mathematics at Florida State and Spelman College, operated a consulting business in Atlanta, taught physics at Sikeston and Kelly High School, and consulted with the Sharper System. After two tours in the Army, Harry joined IBM Corporation in St. Louis.

During most of his adult life, Harry has been involved in mission and outreach activities in countries from Korea to Russia, Haiti to Hayti, and he has found that people are much the same everywhere. His travel experience includes passing a peace pipe with the Menominee Indians one year before our Nation's bicentennial and talking about what this country has meant to each of us. Whether it was working with folks in the coal mining regions of Appalachia, hurricane ravaged people in the Caribbean, orphans in Korea, or refugees from Nicaragua, Harry found that volunteer hands accomplished much more than government programs.

An early supporter of Sikeston area organizations such as Weed & Seed, Bootheel Healthy Start, and Save Our Children, Harry has continued his family's active involvement in their community. Harry has observed that his involvement as the pastor of a church in Sunset has prompted many people who didn't know each other to meet, enjoy fellowship, and strengthen ties across the community of Sikeston. To quote Harry's words, "There are very few problems here, or anywhere, that cannot be solved if we just sit down to a meal of fellowship with one another."

Harry and his wife Anita returned to Sikeston in 1993. His son, Woody, brought his family to Sikeston the following year providing the enjoyment of three grandchildren. Anita's son and daughter attend college in Georgia, and the couple has an adopted Russian daughter who has been part of Sikeston and has hosted Anita and Harry in Russia.

Congratulations, Harry, on your recognition by the Daughters of Sunset. Your lifelong dedication to family, community and fellowship is an inspiration to us all.

HIGHLAND COUNCIL CHAPTER OF THE CATHOLIC FRATERNAL LIFE INSURANCE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend a great organization in my district, the Highland Council Chapter of the Catholic Fraternal Life Insurance organization. Catholic Fraternal Life is a 115 year old, member owned, life insurance organization. It is also the largest volunteer organization in the United States, with 10 million members, representing thousands of volunteers.

The Highland Council recently participated in the "Hearts and Hands" project by adopting a needy family for Christmas. They were able to donate $600 dollars in gifts for this family.

Catholic Fraternal Life represents the true meaning of Christmas. They are a shining light for all of us to follow.

IN HONOR OF JACOB KASKEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Jacob Kaskey of Olmsted Falls. Jacob has been named as one of Ohio's top two student volunteers for the year 2000 in the fifth annual Prudential Spirit of Community awards.

Jacob, a senior at Olmsted Falls High School, initiated a coloring book and crayon drive to benefit homeless children staying at various shelters in area. Jacob was awakened to this need during one of his regular visits to help serve meals at a homeless shelter. It was a cool night, too cold for the children to play outside, they had nothing to do. "A toy could not be found for mile," Jacob said. He mentioned this problem to his minister, he was told that a lack of toys is a common problem in shelters. Jacob decided to help. But rather than toys—which are not permitted to leave the shelter—he collected coloring books and crayons. He enlisted the help of his classmates and others to help. He wrote letters and made personal visits to area businesses asking for donations of money and coloring books. Jacob received a very strong response. When they delivered the books to the shelter Jacob and his volunteers stayed to serve dinner and play with the children.

Jacob was nominated by his high school for his outstanding service to the community. An effort which needed to be recognized. As a State honoree he will receive $1,000, an engraved silver medallion, and an all-expense-paid trip in May to Washington, DC.

Please join me in honoring Jacob for his outstanding leadership and service in his community.

RECOGNITION OF GREEK INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 179th anniversary of Greek Independence.

In March of 1821, Alexandros Ypsilantis led his small band of troops across the Prut River into Ottoman-held Moldavia. Much like the men and women who fought for our own nation's independence, the soldiers who followed Ypsilantis came from all corners of the Ottoman territories, from all classes of Greek society, and from all walks of life. They traversed the waters of the Prut toward an enemy that vastly outnumbered them, and toward an empire which posed an almost insurmountable obstacle to the pursuit of freedom.

Though they were defeated, the courageous efforts of Ypsilantis and his troops planted a seed in the hearts of thousands of Greeks. This seed grew into a flourishing movement toward religious freedom, a re-inspired sense of cultural identity, and a long awaited return to the democratic ideals which were born in ancient Greece. On March 25, 1821, a series of revolts spread across northern Greece and the Peloponnese with the unified purpose of establishing Greek sovereignty. Today, 179 years later, Greeks throughout the world pause in thanks to their ancestors for returning to them the basic rights of representation and civil and religious freedom that we all assume to be our birthrights, but which are truly blessings.

I would like to congratulate Greece and the Greek-American community for their renewed freedom, and I ask you to join with me in wishing them an upcoming century of peace, prosperity, and self-determination.

A TRIBUTE TO THE COLLEGE OF JOURNALISM AND COMMUNICATIONS AT THE UNIVERSITY OF FLORIDA

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. THURMAN. Mr. Speaker, the College of Journalism and Communications at the University of Florida is celebrating two very important anniversaries this year—the introduction of journalism courses at the university 75 years ago and the remarkable man who founded the journalism school 50 years ago, the late Mr. Rae O. Weimer.

Mr. Rae Weimer's vision and dedication to journalism guided the formation of the journalism school in 1949 and later the transition of the school into an actual college in 1967. He went on to serve as the first dean of the College of Journalism and Communications.

Today, in many ways, Mr. Weimer's legacy remains visible throughout the College. The building where the College is housed bears his name, and the remarkable growth of the College and caliber of the faculty and students are considered a testament to his vision and leadership.

People who had the privilege of knowing and working with Mr. Weimer compliment his uncompromising commitment to quality journalism.

Among Mr. Weimer's many admirers is Brent Williams, a graduate of the College and the Director of Development and Community Relations at the University's public TV and radio stations. He describes Mr. Weimer as a man "totally committed to the students."

He speaks fondly of Mr. Weimer's gentle manner in dealing with students struggling to perform to the best of their abilities. He was known to meet with students to encourage them to do better. His uplifing and supportive pep talks helped the students to believe in themselves and excel.

Mr. David Flagg, another graduate of the College who is a former state legislator and now the director of government relations for Shands HealthCare, said Mr. Weimer often talked to students about a reporter's role as "gatekeeper" and impressed upon the students the importance of responsible and unbiased reporting.

Mr. Weimer's newsroom experience often guided him in knowing how to best prepare students for careers in journalism and communications. He emphasized "hands-on" as well as academic preparation for both faculty members and students.

Today, the College's undergraduate and graduate programs provide extensive opportunities for hands-on journalism experience in print, television, radio and in news media.

I've had the pleasure of being interviewed many times by student reporters at the university's radio and television stations and The Independent Florida Alligator. The students work hard, ask pointed questions and produce thorough, accurate and informative stories.

This shows me that the students at the University of Florida's College of Journalism and Communications are getting a first-rate education. They are also providing a valuable community service.

In addition to Mr. Weimer's remarkable contribution, many other people deserve recognition for the College's achievements, including the three deans who came after him and built upon his vision: Dr. John Paul Jones, Jr., Dr. Ralph L. Lowenstein and, currently, Dr. Terry Hynes.

"Celebration 2000" is a tribute to all of them, including the students and faculty members over the last 75 years who have played a role in the College's outstanding growth and climb to national stature.

The University of Florida College of Journalism and Communications consistently ranks among the top 10 journalism schools in the country and students place prominently in a variety of national and regional collegiate journalism competitions.

The list is also getting longer of distinguished alumni.

This year, the College's Alumni of Distinction Awards for 2000 were presented to Dennis Kneale of Forbes magazine; Rene S. "Butch" Meily, vice-president of the public relations firm of Rubenstein Associates; Yvette Miley, executive producer of WTVJ–TV in Miami; W. Richard "Dick" Monroe, vice-president for environmental affairs for DARDEN Restaurants (Red Losbster and The Olive Garden); Joan Ryan, a columnist for the San Francisco Chronicle; and Carol A. Sanger, vice president of corporate communications and external affairs for Federated Department Stores, Inc.

These fine men and women represent merely a small sampling of the hundreds of successful graduates from the College who are now leaders in newsrooms and businesses throughout this community, the State of Florida and the entire country. They are all proof that the University of Florida's College of Journalism and Communications provides students with the skills they need to build successful careers in journalism, public relations, advertising and other professions.

That's the real measure—far and above national rankings and awards—of a college's educational quality. After all, as the University's capital campaign makes clear, "It's performance that Counts."

Many thanks to all of you for making this College among the best in the country and for maintaining a steadfast commitment to educational excellence.

CONGRATULATING MISSIONARY GEARLENE (GERRI) LUTTRELL, OF SIKESTON, MO ON HER RECOGNITION BY THE DAUGHTERS OF SUNSET

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. EMERSON. Mr. Speaker, on Saturday, March 25, 2000, Gearlene (Gerri) Luttrell is being honored by the Sikeston, MO Daughters of Sunset at their 16th Annual Recognition Program. I would like to extend my congratulations to Gerri who is being recognized on this day for her community involvement.

Gerri is the daughter of Mattie Riggs and the late Hershel Riggs, Sr. and is a long time resident of Sikeston, MO. Gerri is the mother of four children, D'Ann, Delisa, Cheryl and Derek. She attended O'Brannon High School in New Madrid, MO and Richland High School in Gray Ridge, MO where she graduated in 1962. Gerri went on to graduate from the Licensed Practical School of Nursing in Sikeston, MO in 1964 and was employed with Missouri Delta Medical Center for over 20 years. Gerri retired from the Delta Medical Center this past December.

Gerri is a member of Travelers Rest Missionary Baptist Church, pastored by Minister Sylvester Morgan. She is a member of the adult choir and holds the position of minister of music. In March 1999, Gerri accepted her call into the Preaching and Teaching Ministry. Gerri is also a member of the Daughters of Sunset and is the vice president and minister of music for Mission Missouri Organization.

Congratulations, Gerri, on your recognition by the Daughters of Sunset. Your lifelong dedication to the health of your community and to the ministry in Sikeston, MO is an inspiration to us all.

TRIBUTE TO LINDSAY NICHOLS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Lindsay Nichols from my hometown of Collinsville, Illinois. Lindsay was named as one of Illinois' top student volunteers for the year 2000 in the fifth annual Prudential Spirit of Community Awards.

Lindsay is a 17 year-old senior at Collinsville High School. She launched a month-long drive to encourage responsible pet adoption and to collect donations of soda cans, paper towels, pet food, and cash for the benefit of two Humane Shelters in our community.

I heartily applaud Lindsay for her initiative in seeking to make our community a better place to live, and for the positive impact she has on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world. Lindsay's actions show that young Americans can and do play important roles in our communities and that the American spirit is alive and well in the actions of our younger generation. Thank you Lindsay.

HONORING A MILITARY HERO

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. HEFLEY. Mr. Speaker, today I pay tribute to my constituent, Bill Crawford, who was one of our Nation's distinguished military heroes and one of my community's great treasures. Bill passed away on March 15 at the age of 81, having led an exemplary life that took him from being a small-town grocery delivery boy to a recipient of the nation's highest military honor.

As an Army private in the fall of 1943, Bill was on a scouting mission near Altavilla, Italy when he encountered an enemy machine-gun nest prepared to fire at his platoon. Without orders, Bill advanced to within yards of the German fighters, threw a grenade into the pit from which they were firing and saved his platoon.

Private Crawford then turned his valor on not one, but two, additional machine-gun nests firing at American soldiers. He was able to overtake both German encampments and turn the captured machine-guns on fleeing German soldiers.

When United States forces moved ahead, Crawford stayed behind to care for a friend who had been injured. He was captured by German soldiers and spent 19 months as a prisoner of war.

Presumed dead, Crawford was awarded the Medal of Honor posthumously on May 11, 1944. Maj. Gen. Terry Allen presented the award to Bill's grieving father at Camp Carson, just 30 miles from Bill's hometown of Pueblo, CO.

Two months after Private Crawford's Medal of Honor was presented to his father, the family received news that Bill was alive. One year later, Private Crawford was released from prison.

After his release, Bill returned to his Colorado roots. He met and married his wife Eileen, and began a family that eventually included two children, five grandchildren and four great-grandchildren. He returned to military service, much of it as an Army recruiter in his home town of Pueblo.

Bill ended his career at the U.S. Air Force Academy, where he worked as a janitor and served as a mentor to the students. The cadets at the Academy loved Bill and paid tribute to his distinguished military career by asking him each spring to present the "Outstanding Cadet" award to a member of the graduating class.

On May 30, 1984, Bill was presented with an honor of his own. President Ronald Reagan was the commencement speaker that day at the graduation ceremonies at the U.S. Air Force Academy. During his speech, President Reagan turned his attention to Bill, who was crisply dressed in his military uniform, and hung the Medal of Honor around his neck. Seventeen years after his retirement from the military, and 40 years after his heroism at Altavilla, Bill was finally presented with his Medal of Honor award.

As a Medal of Honor recipient, Bill distinguished himself through exemplary service to this nation. He answered the call to arms and bravely faced hazardous duty, hand to hand combat and imprisonment by the German army.

He was also dedicated to his family and his community. He was an extraordinary man, who displayed humility, kindness and love in all that he did. We will miss this gentle man in Colorado Springs, and we extend to his family our sincere condolences.

Our Nation bids farewell to one of her great heroes and I bid farewell to a friend.

NATIONAL POISON PREVENTION WEEK

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. TANCREDO. Mr. Speaker, today marks the beginning of National Poison Prevention Week, an event each and every parent ought to mark in big, bold letters on their calendar. Ever since 1962, we've set aside one week each year to raise awareness about accidental poisonings and how to prevent them. But we also know poison prevention is a round-the-clock, day-in, day-out concern. Between two and four million poisonings occur each year, sending thousands to the hospital. Most accidental poisonings occur in the home, and more than half of the victims each year are children. It is critical we all learn how to prevent children from accidentally gaining access to these products.

The theme of this year's poison prevention campaign is "Children Act Fast. So Do Poisons." Poisonings can occur in the blink of an eye, when parents or caregivers are briefly distracted by the telephone or doorbell, leaving curious children alone for a split second. Because poisons act quickly, quick action is needed to save the child's life. Often, the first and best response is to call the nearest Poison Control Center or local emergency personnel. Time after time they are quickly able to determine what the child has swallowed and what's the best remedy.

How do they do it? How do they do it so fast? And most miraculously, how do they do it while a distraught parent waits and prays on the phone? Do these heroes have encyclopedic memories? No, but they have the next best thing. They have access to a comprehensive electronic database called POISINDEX® which identifies and provides ingredient information with 1.2 million entries for commercial, pharmaceutical and biological substances. It also provides treatment protocols—or antidotes—for poisons. Every day, emergency teams are tapping into POISINDEX® to get answers while a life hangs in the balance.

I am proud to have MICROMEDEX and their 500 employees which provide such important products in my district. It is especially appropriate we recognize the value of this under-appreciated database as Congress prepares to take steps to prevent database piracy. MICROMEDEX, of Englewood, Colorado and the producer of POISINDEX®, has grave concerns that unless we close a gap in the law its work could be stolen, an act of piracy that could endanger the safety of many people.

Some might argue that the more widely we distribute information about poisons and their antidotes, the better. Although this notion is well intended, it is also misguided and could have serious consequences. Scientific knowledge is constantly moving forward, and as a result, medical information can rapidly go out-of-date. The POISINDEX® team of 125 industry expert editors is dedicated—as a business and as corporate citizens—to providing unbiased information of unsurpassed breadth and depth. For 25 years they have invested a lot of time, money and effort doing precisely that. The problem is, a commitment to the integrity of the information is not necessarily shared by people who would pirate the contents of POISINDEX® and distribute or sell them on the Internet or elsewhere. This is the type of "sweat of the brow" databases that Congress needs to prevent from being pirated.

If POISINDEX® can be copied and distributed by pirates, it raises a truly frightening specter: the emergency team searching frantically for information, only to find it is incomplete, out-of-date or inaccurate. Imagine yourself as the parent in that nightmare.

Legislation pending before the House, H.R. 354, of which I am a cosponsor, will prevent database piracy and ensure that POISINDEX® will continue to help save lives. By preventing piracy, H.R. 354 maintains the incentives database publishers need to stay in business. It also encourages competition within this growing industry, which will lead to the creation of more high quality products.

Yes, POISINDEX® is an extreme example with potentially extreme consequences. But even in less dire cases, the principle is the same. Unless we do something about database piracy, we will undermine the commitment of producers to build and maintain the integrity and accuracy of the databases we depend on every day.

We can all be grateful to MICROMEDEX for creating and maintaining such a vital product, and for showing how accurate information can literally save lives. It is the most graphic example I can imagine of how poison prevention and database protection go hand-in-hand.

I urge my colleagues to join me in supporting this year's National Poison Prevention Week and timely action on H.R. 354. We must prevent database piracy and maintain the integrity of databases that are critical to us all. We owe that to every child and every parent who picks up that phone in their moment of distress.

HONORING NOTU ON ITS 50TH BIRTHDAY

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. WELDON of Florida. Mr. Speaker, the Naval Ordnance Test Unit (NOTU) in Florida's 15 Congressional District is celebrating its 50th birthday this year, and I want to extend my congratulations to the men and women who work at NOTU today, and to those who have supported its vital mission in the past.

In 1956, NOTU became the site for all test firings of the Fleet Ballistic Missile Program, launching first from land and then from submerged submarines a continuous series of Polaris, Poseidon, and, today, Trident missiles. Although NASA and Air Force space launches are the most publicized, the Navy is the largest user of the Eastern Range at Cape Canaveral, conducting over half of the missile firings on the Range.

NOTU's anniversary happens to fall in the same year as the 100th anniversary of the U.S. Submarine Force. On October 12, 1900, the U.S. Navy commissioned the first submarine, the U.S.S. *Holland,* so this year is even more special for the people of NOTU. I'm pleased that there is an effort underway in Congress to honor this important national achievement, and I am a proud cosponsor of House Resolution 397 that does just that.

But it gets even better—this year is also the 50th anniversary of the first launch from Florida's Space Coast. Bumper 8, a captured German V–2 rocket, was launched on July 24, 1950 at 9:28 a.m.

We'll be celebrating all three of these important anniversaries on April 1 in Florida, one of several events planned, and I want to thank everyone involved—including NOTU, the 45th Space Wing, NASA's Kennedy Space Center, the aerospace industry, and a very supportive community—for their hard work during this important trio of anniversaries.

NOTU continues to be a vital part of Florida's Space Coast. They have played a role in the rich heritage of Florida for half a century, and I know they will continue to serve this nation with honor for another half century and beyond.

GOLDEN APPLE SCHOLAR AWARDS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend the 2000 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Ms. Shalonda Carr from Lanphier High School in Springfield, Illinois. Teachers, like parents, have a unique opportunity to touch the life of a child. I can't think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Shalonda all the same joy and success that I shared in my teaching career.

TRIBUTE TO THE SIMI VALLEY HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. GALLEGLY. Mr. Speaker, today I pay tribute to the California State Champion Simi Valley High School Academic Decathlon Team.

The Simi Valley team's win this past weekend was impressive, beating last year's National Champions by a mere 21 points. Last year's National Champions also hail from my district—Moorpark High School. The two have been trading the Ventura County title for the past eight years, and now have the distinction of trading the California State title.

Next month, Simi Valley High School will travel to San Antonio, Texas, where they will compete against 37 other schools from across the United States in an attempt to capture the National Champion title for Ventura County for the second consecutive year.

The nine-student Simi Valley High School team is representative of the best and brightest our country has to offer. They have been accepted to such universities as Harvard and Stanford. Seniors David Bartlett, Steve Mihalovitz, Cary Opal, Jeff Robertson, Jennifer Tran, Michael Truex, Justin Underhill, Randy Xu and junior Kevin White are truly America's future leaders. Their coach, Ken Hibbitts, is a dedicated educator who deserves equal praise for a phenomenal job of preparing his students.

Whatever the outcome in San Antonio, Simi Valley High School has proven that Ventura County is an educational powerhouse. They have also proven that Ventura County students and teachers have the dedication and perseverance to be the best they can possibly be. It takes months of studying from early morning to late at night to prepare for these competitions. Jobs, friends and family are placed on the back burner.

Coach Hibbitts says his team has the dedication and determination to win a national award. They will be champions either way.

Mr. Speaker, I know my colleagues will join me in congratulating the California State Champion Simi Valley High School Academic Decathlon Team for its impressive win this week, and in wishing the team great success in the national championships.

HONORING THE MARCH ON SELMA

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. FORBES. Mr. Speaker, it's truly an honor to join those distinguished colleagues who traveled to Alabama for the 35th anniversary of the March on Selma and to honor the people who struggled for so many years to bring equality and civil rights to all Americans.

This year, my daughter came with me to retrace the steps of the civil rights movement. Together, we walked arm in arm over the Edmund Pettus Bridge. This is the same bridge where my good friend and colleague, Congressmen JOHN LEWIS, and others were met by brutal police and vicious dogs as they attempted to march from Selma to Montgomery. These brave souls prevented from Freedom of Movement by those charged to uphold the laws.

Together, my daughter and I sat in the 16th Street Baptist Church where four young innocent girls were kill by a bomb. A bomb thrown out of fear and hate, in a sad attempt to frighten and intimidate. These four young children doing nothing more than exercising their First Amendment right to Freedom of Religion.

Together, my daughter and I stood in front of a charred bus in which young men and women sat as it was set ablaze by people of Birmingham. Courageous people, known as the Freedom Riders, who were traveling throughout the South protesting segregation laws. Beaten for engaging in lawful civil disobedience.

Together, my daughter and I met so many men and women that fought so bravely and proudly and sacrificed themselves for something they believed in. We met Fred Shuttlesworth in front of a statue of himself, and heard him recount his personal experiences of the movement. We were inspired and humbled as he spoke of things he endured.

We sang spirituals with Bettie Mae Fikes at the Civil Rights Memorial—feeling the strength of her voice and emotion. The words touching our very souls.

We listened to the words of Coretta Scott King. We heard of her own struggles and those of her husband to ensure dignity and equality for all people.

As we traveled together throughout the South, I looked into my daughter's eyes. She is now in college—still though, my little girl. And, I knew why these men and women were fighting so hard, so bravely, for so long. They were fighting for not just for themselves—but for the future. The future of their children. The future of my children—of my daughter.

These men and women of all ages, creeds, and races sacrificed themselves in both mind and body. Some of them died merciles deaths at the hands of hatred. I pray that those who lost their lives are looking down on us today and know that they made the difference. They changed direction of this country. They changed the future of this country.

Thirty-five years ago, black and white children did not go to school together. Black men and white men did not use the same water fountain or eat at the same restaurant counter.

Today, Americans are electing people of all races to political office, and these men and women are working together to represent everyone. But, so much more needs to be done.

We cannot rest. We cannot stop. We cannot give up until all people, of all races, of all faiths are equal.

To ensure that we do not forget. That we do not stop. We must educate our children and our children's children.

One of the most memorable events during this trip was meeting Mrs. Mobley. Mrs. Mobley was the mother of Emmett Till, the young black man that was lynched after being accused of whistling at a white woman. Mrs. Mobley said, as she looked at myself and my colleagues, "I now know why God has kept me alive for so long."

We, as the generation that took part and remembers the civil right movement, have a duty. We must educate our children. Our children, black, white, Hispanic, Asian and Native American must know the sacrifice that our fellow men and women made to advance all of us. We must not allow their efforts to fade into history. Their struggle must not become just another paragraph in our history books. We must keep the memories alive.

So Mr. Speaker, I stand before you today to say: I Remember and I will not stop.

IN RECOGNITION OF THE 2ND ANNUAL FINDING YOUR ROOTS CONFERENCE, AN AFRICAN AMERICAN FAMILY HISTORY RESEARCH PROJECT IN OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Ms. LEE. Mr. Speaker, I rise today in recognition of the 2nd Annual Finding Your Roots Conference, an African American Family History Research Project taking place on Saturday, March 25, 2000, in Oakland, California

Genealogical research helps bridge the racial divide, brings understanding between races, and provides for the powerful "sankofa" experience of recognizing our past to better understand who we are today. Therefore, it is my belief that this conference is a wonderful testimony to the complexity and the magnificence of the human experience.

This event is designed to raise awareness within the African American community about the importance of tracing one's ancestry, particularly those whose ancestors were original depositors of the Freedman's Savings and Trust Company. Freedman's was created by Congress and President Lincoln in 1865 for emancipated slaves. Unfortunately, Freedman's went bankrupt when 95% of the bank's money was borrowed and never repaid by white Americans. This conference will also provide opportunities for African Americans and all American families to share their ancestral information with each other.

The conference is co-sponsored by the California Genealogical Society, African-American Genealogical Society of Northern California, Legacy Jubilee Arts, Mid-Peninsula NAACP, Oakland Temple Family History Center, Center for Urban Black Studies and the Church of Jesus Christ of Latter-day Saints. Additional participating organizations include the Evergreen Missionary Baptist Church and the Voices of Evergreen Choir and the Morningstar Baptist Church. The featured speakers of the conference include Senior Research Consultant of the Family History Library in Salt Lake City, Utah, Ms. Marie Taylor and award-winning broadcaster Mr. Darius Gray, who has traced his own family's ancestry back to the 1700's. Together, Ms. Taylor and Mr. Gray have been working on a project to extract one million names from Freedman's deposit records.

"Finding Your Roots" it is truly a valuable resource for all and I encourage everyone to begin finding their own roots today.

MAKE DUBAI INVESTMENTS PAY ITS BILLS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. COLLINS. Mr. Speaker, today I am introducing legislation to apply pressure to Dubai Investments, a very profitable joint stock public holding company in the United Arab Emirates (UAE), to pay its debts to American companies. The proposal is directed toward the government of the UAE, because both the government of Dubai and Sheikh Hamdan bin Rashid al-Maktoum, the deputy ruler of Dubai, are founding investors and major stockholders in Dubai Investments—a rogue company that utilized unethical business practices left over 100 Georgians.

The Dubai Investment/United Arab Emirates Debt Repayment Act of 2000 addresses the situation that brought this issue to my attention—Dubai Investments' refusal to fulfill the terms of its contract with Pascoe Building Systems, Inc. Pascoe was once a mid-sized manufacturer with over $20 million in annual sales. Today, Pascoe's doors are shut as a result of Dubai Investments' failure to fulfill its contractual compensation obligation. My legislation will prevent the pending sale of F–16 fighter aircraft to the UAE until the President certifies that Dubai Investments has fulfilled its obligations under its agreements with Pascoe Building Systems, Inc.

It is time for Congress to defend American businesses against rogue foreign corporations that intend never to pay their bills. I encourage my colleagues to support The Dubai Investments/United Arab Emirates Debt Repayment Act of 2000.

GOLDEN APPLE SCHOLAR AWARDS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend the 2000 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Mr. Allen Dixon from Lanphier High School in Springfield, Illinois. Teachers, like parents, have a unique opportunity—to touch the life of a child. I can't think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Allen all the same joy and success that I shared in my teaching career.

A PROCLAMATION RECOGNIZING THE 57TH ANNIVERSARY OF GLADYS AND WILLIAM KEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Gladys and William Ney will celebrate their 57th Anniversary today, March 24, 2000;

Whereas, Gladys and William declared their love in a ceremony before God, family and friends in Bellaire, Ohio;

Whereas, 2000 will mark 57 years of sharing, loving, working together and raising a family of two children, three grandchildren and two great-grandsons;

Whereas, may Gladys and William be blessed with all the happiness and love that two can share and may their love grow with each passing year;

THEREFORE: Mr. Speaker, I am pleased to congratulate the Neys on their 57th anniversary. I ask that my colleagues join me in wishing this special couple many more years of happiness together.

COLORADO'S FIRST LADY RECEIVES EDGAR F. "DADDY" ALLEN AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize an exceptional woman, Colorado's First Lady, Frances Owens. On June 9th, she will receive the Edgar F. "Daddy" Allen Award, the highest honor presented by the Easter Seals. Frances is the recipient of this award because of her work on behalf of children and for supporting many programs that benefit the well-being of the state's youth. The award is named for the founder of The National Easter Seals Society, who was nicknamed "Daddy" by the children he helped. Mrs. Owens emulates the goals and objects of "Daddy" Allen.

Mrs. Owens has volunteered her time to many charitable organizations. She sits as Honorary Chair for several organizations including, Habitat for Humanity's Women's Build, the Osteoporosis Foundation's America Walks for Strong Women, Recording for the Blind and Dyslexic, Samaritan's Purse, ArtReach and the Colorado Historical Society. Mrs. Owens also served as Honorary Chair for the first Early Childhood Intervention Awareness Day and sits on the Board of the Children's Hospital Cardiac Care Center. Most importantly, Mrs. Owens enjoys spending time as a mother of three children.

It is obvious why First Lady Frances Owens was chosen as the recipient of the Edgar F. "Daddy" Allen Award. I think we all owe her a debt of gratitude for her service to the state. Because of Mrs. Owens' dedication, it is clear that Colorado is a better place.

HONORING THE ROTARY CLUB OF WESTCHESTER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. KUYKENDALL. Mr. Speaker, today I recognize an important organization within my district, the Rotary Club of Westchester. Tomorrow the Rotary Club of Westchester will celebrate its 50th anniversary as a valuable member of the community.

For the last 50 years, the Rotary Club of Westchester has provided generous support to various programs throughout the community. Its members are community and professional leaders who have been active in education and literacy, scholarship programs, student exchange programs, and book sales to benefit the local region.

As the Rotary Club of Westchester holds its 50th Anniversary Gala this Saturday, Richard Jones will also be celebrating a milestone. Dick Jones is the last remaining charter member who is still active in the organization, and he has achieved a remarkable 100 percent attendance for 49 consecutive years. Dick has helped make the Rotary Club of Westchester the fine organization that it is today. He is a Paul Harris Fellow, a Westchester Patron, served as rotary president, and is a Lifetime Achievement Award recipient. I commend Dick for his commitment to the Rotary Club of Westchester and thank him for his service to the community.

I congratulate the members of the Rotary Club of Westchester on achieving this milestone. It is a valuable member of the Westchester community and its contributions are appreciated. I wish the Club continued success for the future.

TRIBUTE TO NEW BERLIN WEST HIGH SCHOOL BASKETBALL TEAM

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to commend the New Berlin West High School Boys' Basketball team, which won the Division II State Championship on March 18, 2000. These impressive young men brought home the first state title in school history, and were only the 27th school in tournament history to win a championship in their first try. With an outstanding 26–0 record, the Vikings swept their way to the Woodland Conference title, State title, and a Number One ranking in state polls. I would like to offer my heartfelt congratulations to the entire team, including Head Coach Jeff Lewiston and All-State Honorable Mentions John and Jason Chappell, for a job well done. The students, faculty and staff of New Berlin West High School, as well as the greater communities of New Berlin, Waukesha County, and the 4th Congressional District, have reason to be proud.

GOLDEN APPLE SCHOLAR AWARDS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend the 2000 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Ms. Rachel Ladage from Taylorville High School in Taylorville, Illinois. Teachers, like parents, have a unique opportunity to touch the life of a child. I can't think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Rachel all the same joy and success that I shared in my teaching career.

IN MEMORY OF THE LATE MARY NEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. NEY. Mr. Speaker, I honor today the memory of Mary A. Ney, who passed away on March 19, 2000.

Mary was a member of St. John's Catholic Church. She and her husband, Thomas J. Ney, Sr. had one son and Mary had three stepsons and six step-grandchildren.

Mr. Speaker, it is a privilege for me to pay my last respects to a lady who gave so much of herself to her community, her church and her family. Mary will be missed by all whose lives she touched.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize Greek Independence Day, March 25, 2000.

During the rule of the Ottoman Empire from the fifteenth through nineteenth centuries, the Greek people never lost sight of their distinct identity and deep devotion to their Orthodox Church, whose clergy played a critical function in maintaining their language and religion. As the eighteenth century ended, the Greeks began organizing a struggle for their freedom. On March 25, 1821, Bishop Germanos called for all to join the campaign for Greek independence. Despite overwhelming odds, thousands of Greeks throughout the region responded to this inspiring call and fought heroically.

The combination of Greek sacrifice and bravery with the help of foreign volunteers succeeded by the end of the 1820s in establishing an independent Greek state. The Greek-American community offers a cultural bridge between the two countries and takes pride that Greek ideals contributed to America's revolution before Greeks themselves had the chance to follow a related and successful campaign for freedom.

This year, Greek Independence Day will be celebrated in Cleveland with an annual parade led by his Eminence Metropolitan Maximos of the Diocese of Pittsburgh. The parade will be a celebration of the Greek struggle for independence that took place 179 years ago. Parade Committee Chairperson Toula Spirtos stressed the value of this event when she said, "We owe it to our children to preserve those ideas for which the fighters of 1821 shed blood to win and our fathers shed sweat and tears to preserve for us."

My fellow colleagues, please join me in celebrating Greek Independence Day.

HONORING PAT HALBERSTADT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Ms. SANCHEZ. Mr. Speaker, I proudly honor a wonderful citizen and community member from my Congressional District in California. My friend Pat Halberstadt will be recognized this weekend by the Sister City Association of Garden Grove.

This is a local grassroots, citizen-directed effort to promote international understanding and build bridges between communities. The association carries on a relationship with Garden Grove's sister city, Anyang, South Korea. In a city that is home to so many Korean Americans, the association is to be commended for its work.

Pat Halberstadt is known for her work with the Boys & Girls Club of Garden Grove. In fact, I think it's fair to say that without Pat, there wouldn't be a Boys & Girls club there.

Pat has lived in Garden Grove all her life—perhaps that's why she cares about our community so much. Her dedication knows no bounds and goes above and beyond the call of duty.

Because of her work, we can provide a safe, high-quality source of activities and resources for our children and young people after school and for their families. Pat is also recognized for her expertise in her field, and has been asked to serve on numerous state, county and local boards.

Mr. Speaker, we are so grateful to Pat for all she's given our community's kids, and I am proud to honor her in Congress today.

HONORING KATHRYN ELIZABETH GRANAHAN DURING WOMEN'S HISTORY MONTH

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to celebrate Women's History Month by recognizing the contributions of an important figure from my home area. Kathryn Elizabeth Granahan had an extensive career in public service as a former Congresswoman and Treasurer of the United States.

Kathryn Granahan first served as supervisor of public assistance in the Pennsylvania State Auditor General's Department and the liaison officer between that department and the Department of Public Assistance. She also was a member of the national board of the Woman's Medical College of Pennsylvania. She forayed into national politics as a delegate to the Democratic National Convention in 1960. Kathryn Granahan was first elected to the U.S. House of Representatives in 1956 by a special election held after her husband, representative William Thomas Granahan, passed away. She filled the vacancy for that Congress and then was elected three more times, serving a total of eight years.

Kathryn Granahan, the first woman elected to Congress from the Philadelphia area, demonstrated leadership and resolve during her time in this body. She eventually became Chairman of the House Post Office and Civil Service Subcommittee on Postal Operations and took the lead in sponsoring important and controversial legislation. Kathryn Granahan was at the forefront of the fight against pornography in the mail. She introduced legislation to increase criminal penalties for perpetrators who sought to send pornographic material in the mail and she strengthened the power of the Post Office to impound such mail. She also contributed to the Supreme Court guidelines on obesity.

Kathryn Granahan served on the Committee on the District of Columbia, the Committee on Government Operations, and the Committee on Post Office and Civil Service. Among other important votes for housing for veterans, an increase in wages for federal employees and increased funding for federal agencies, she voted for the monumental Civil Rights Act of 1957.

After the 1960 Census it was determined that Philadelphia would lose one of its seats in the House of Representatives. Her seat was chosen for elimination. However, as compensation, President Kennedy appointed Kathryn Granahan as Treasurer of the United States. She served as Treasurer for three years before resigning in October of 1966 due to health reasons. She passed away in Morristown, Pennsylvania in July, 1979.

I am proud to acknowledge Kathryn Granahan and her accomplishments, both for Pennsylvania and for Women's History Month.

WORLD TB DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. MORELLA. Mr. Speaker, this Friday is World TB Day, and it reminds us that we are still not safe from this devastating disease. Although we have long known a treatment for TB, the sad truth is that this year, it will kill more people than any other year in history.

TB is the biggest infectious killer of young women in the world. In fact, TB kills more women than any single cause of maternal mortality—more than childbirth or AIDS.

In the developing world, tuberculosis also destroys girls' and women's futures. TB tends to attack its victims in their most productive years, often killing or sickening the primary breadwinner of a family. In order to pay for medical costs and generate income, families frequently take their young girls out of school and put them to work. TB often means the loss of educational opportunity for girls of poor families.

In some parts of the world there is a great stigma attached to contracting TB. This leads to increased isolation, abandonment and divorce of women. According to WHO, recent studies on India found that 100,000 women are rejected by their families because of TB every year. In Nepal, there are numerous stories of young widows with no income and no prospects for another marriage turning to prostitution in order to support their families.

Currently an estimated one third of the world's population including some 10–15 million people in the United States are infected with the TB bacteria. Because TB is an infectious disease which can be transmitted simply by breathing in TB bacteria, there is no way to stop TB at national borders. The only way to eliminate TB here in the U.S. is to control it abroad.

It is crucial that we act immediately to control the spread of TB worldwide. There is only a small window of opportunity available to us to do so. If we fail to act now, resistant strains of TB will continue to develop which will be incredibly costly and possibly even impossible to treat. The Foreign Operations SC has led in the effort to make TB control a global priority for the U.S. Now is the time to ratchet up that effort.

Yesterday, my colleague, SHERROD BROWN and I introduced H.R. 4057, the Stop TB Now Act which calls for a U.S. investment of $100 million in international TB control in fiscal year 2001. An investment of $100 million would jump start effective TB control programs in those countries with the highest TB rates. If we do not invest in international TB control now when we have the means to cost-effectively control this disease around the globe, we may lose that opportunity altogether, and see a surge of MDR–TB that becomes a nearly uncontrollable plague. I urge my colleagues to cosponsor this important legislation.

A TRIBUTE IN HONOR OF CHARLIE REAGAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. BARCIA. Mr. Speaker, I honor a fine gentleman, Mr. Charlie Reagan of my home town of Bay City, Michigan, on the occasion of his retirement from the Social Security Administration. As our area Congressional Liaison for Social Security matters, Charlie has been an invaluable resource for the constituents of the Fifth Congressional District, which I am proud to represent in Congress today.

Charlie was born in Gladwin, Michigan and has a long history of contributing to our community, both in his capacity as a representative of the Social Security Administration and as a citizen and community leader.

Charlie graduated from the former Bay City Handy High School and later, from my alma mater, Saginaw Valley State University. In 1968, he became one of our nation's most honored citizens, when he joined the United States Army. He served two years in Anchorage, Alaska, and was honorably discharged in 1970.

Charlie began his career with the Social Security Administration [SSA] prior to his service in our nation's armed forces, and upon his discharge, rejoined the agency in Bay City. In 1973, he was transferred to the Quality Assurance Group in Chicago, and in 1975, was promoted to Supervisor in the Muskegon SSA office. In 1982, we were fortunate to welcome Charlie to the Saginaw SSA office, where he has helped countless men, women and children with their Social Security rights and benefits.

Not only has Charlie's career effectively served the greater public interest, he has been involved in our community as a private citizen as well. Charlie and his wife of twenty-eight years, Beverly, are both members of St. John's Episcopal, where Charlie has served as Senior Warden, Junior Warden and Usher Coordinator. Both he and Beverly are members of the Education For Ministry at the Church. Charlie has, for many years, lent his services to helping the United Way in our community, where he has chaired the Combined Federal Campaign program. Charlie has also been involved in the Social Security Find Program, which helps sons and daughters find their parents and grandparents. And in 1999, Charlie received an award from the Office of the Inspector General, Office of Investigations for his service in bringing to justice individuals who commit Social Security fraud.

In his retirement, it is my understanding that Charlie intends to spend some quality time with his wife, Beverly, and their son, Christopher. Charlie is an avid racquetball player and dedicated crossword puzzle fan, so I fully expect him to continue with his favorite hobbies. It is also my understanding that Charlie has plans to build a state-of-the-art hot rod, much to the dismay of his wife. I wish Beverly much luck in this endeavor.

Mr. Speaker, I invite you and our colleagues to join with me in congratulating Mr. Charlie Reagan on the occasion of his retirement, and thanking him for his selfless service to our community. I wish him, and his family, continued success in all his future endeavors.

100TH ANNIVERSARY OF THE BOROUGH OF HIGHLANDS, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to my constituents in the Borough of Highlands, NJ, as this community celebrates its 100th anniversary. To commemorate this great occasion, a centennial dinner was held yesterday evening at Bahr's restaurant, since 1917 an institution in this community located on beautiful Sandy Hook Bay.

Mr. Speaker, we stand at the threshold of a new century. At the last turn of the century, Highlands became a borough, having separated from Middleton Township. But, the history of the area goes back a great deal further. The first Europeans to see Highlands were Giovanni Verrazano and his crew aboard the *Dauphine*. The first map of the Highlands area was made by the Spaniard Diego Ribero, who called the area now known to us as Sandy Hook as Cabo De Arenas (cape of sands) and the Navesink/Shrewsbury River as Rio de Santiago. It was on September 2, 1609, that Henry Hudson first saw the Highlands area. The name of this explorer continues to be a household name in the Borough as the regional high school serving the young people of the area is Henry Hudson Regional High School.

Throughout the Colonial and Revolutionary eras, many of the illustrious names still recalled throughout Monmouth County, New Jersey and the nation were associated with Highlands. Richard Hartshorne, for whom Hartshorne Woods County Park is named, settled in Highlands in 1678. In 1778, the British General Clinton retreated through Highlands after his defeat in the Battle of Monmouth, a major turning point in America's War for Independence. In 1782, Captain Joshua Huddy was hanged at Water Witch.

Phillip Freneau, known as the "poet of the Revolution," wrote a poem called "Navesink" focused on the Highlands hills. James Fennimore Cooper served in the Navy doing shore patrol of the Raritan Bay area during the years 1805–11, and in 1830 this great American writer would produce The Water Witch, whose setting is the Highlands hills. (Water Witch Avenue is to this day one of the borough's thoroughfares.) In 1872, the noted engraver Granville Perkins came to Highlands to sketch several scenes for the first edition of Picturesque America. In 1876, William Cullen Bryant published the Centennial Edition of Picturesque America in which Highlands was featured in the picture and text as the leading site. In 1875, Walt Whitman visited Highlands and wrote two poems, "Fancies at Navesink." In 1889, Harper's magazine writer F.E. Fryatt visited Highlands and wrote extensively of its beauty, sites and quaint way of life. That same year, the noted writer Gustav Kobbe visited Highlands and described town life, writing the first description of the clamming industry.

Perhaps the best known landmark of Highlands is the Twin Lights, which holds a commanding position overlooking Sandy Hook Bay and the gateway from the New Jersey/New York Harbor area to the Atlantic Ocean. The first single beacon lighthouse was built in 1765. It was in 1828 that the first Twin Lights were built. In 1841, the south tower of the Twin Lights received a Fresnel lens. In 1862, the present Twin Lights were constructed, and in 1889 the south tower was fitted with an electric arc light to produce 25,000 candle power output. In 1924, an incandescent lamp replaced the arc light, to produce 9,000,000 candle power output. The Twin Lights were deactivated and shut off in 1952, and in 1965 it was made a National Historic Site.

Highlands has been throughout its history a major transportation hub. In 1832, the steamboat *Saratoga* was the first to serve Highlands from New York City, ushering in the steamboat age which ran for 100 years. In 1865, the Long Branch and Sea Shore Railroad began its run between Long Branch and Spermaceti Cove steamboat dock, bringing New York City vacationers to the Jersey Shore. During the 19th and early 20th centuries, rail and trolley service helped bring people to Highlands and on to other transportation infrastructure. In 1872, the first Highlands-Sea Bright bridge was opened (although it was struck by a sloop and wrecked three years later.) The current drawbridge along Route 36, built in 1932 and called the Million Dollar Bridge, has proven much more durable in our present-day transportation age.

Today, Highlands is still well known for its fishing industry and marinas. In 1947, the Highlands boat basin was renovated. Although the age of steam ships has passed into memory, Highlands today is the site of ferry service that continues to provide round trip transportation to New York for commuters and day-trippers.

Through the years, members of diverse religious denominations found a home in Highlands, as members of various denominations established meeting places, often in people's homes. Today, the Borough is the home to a number of houses of worship with deep roots in the community.

During the 19th and 20th centuries, the community developed a strong system of schools and other public services as the quality of life and sense of community continued to improve. Residential communities took shape and a strong commercial life was established. Highlands Borough was established in name in 1900. Twelve years later, the Water Witch section officially became part of the Borough. Also in 1912, the waterfront area bounded by Bay Avenue, Shrewsbury Avenue and Miller Street was filled in and streets were laid out for houses to be built. Throughout the 20th century, Highlands developed its fame and renown as home of some of the Jersey Shore's best seafood restaurants, as well as charming bed-and-breakfast establishments.

At the time of Highlands' founding in 1900, the United States Census listed a population of 848 persons. By the time the 2000 Census is completed, it will indicate that the community has grown by a factor of six. The people of Highlands have played an important role in the history of our country, state and nation, involved at every stage of our history from the earliest days. In the last 100 years, The Borough has survived and rebounded from natural disasters, such as nor'easters and hurricanes, as well as fires and other disasters. It even enjoyed a brief period of notorious fame during Prohibition as a center for illicit trade on water and land for illegal whiskey.

On this great occasion, I want to express my best wishes to Mayor Richard W. O'Neil, Council Members John Bentham, Dolores Monohan Howard, Sherry Ruby and Robert M. Rauen, and all of the dedicated men and women who make the Borough services work day-in and day-out.

Mr. Speaker, it is a great privilege and an honor for me to pay tribute to the Borough of Highlands, a beautiful community with an unsurpassed location, a place with a proud history, a bright future and many, many great people.

GREEK INDEPENDENCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. MALONEY of New York. Mr. Speaker, it is with profound pleasure that I speak today in honor of the 179th Anniversary that marks Greece's declaration of independence from the Ottoman Empire. Greece had remained under the Ottoman Empire for almost 400 years. Even though they were deprived of all of their civil rights during this time they continued to educate their children in their culture, their language, and their religion under the threat of death. On March 25, we celebrate this courage on the 179th Anniversary of freedom and independence in Greece.

I wish we had more to celebrate—to be able to celebrate on Greek Independence Day the return of the Elgin Marbles to their homeland. Taken from Greece in 1806, these ancient sculptures from the Acropolis of Athens have been on view in the British Museum. In this age of open communication, friendship, and a unified Europe, lets hope that these marbles will soon be returned to their home.

This year the Greek Independence Day parade will be honoring His Eminence Archbishop Demetrios, Primate of the Greek Orthodox Church of America. I join with my Hellenic neighbors in honoring him on the auspicious occasion of the Greek Independence Day Parade.

I am very fortunate and privileged to represent the largest Hellenic community outside of Athens, one of the most vibrant communities of Hellenic Americans in this country. It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Hellenic American friends that I have come to know are one of its greatest rewards.

While commemorative resolutions are no longer allowed in the House, there is enormous support for Greek Independence Day among my colleagues. In 1993, inspired by the strong Hellenic American presence in my own congressional district, I co-founded, and now Co-Chair, the Congressional Caucus on Hellenic Issues. The Caucus is composed of seventy-two, bipartisan members who are committed to bringing the voices of Hellenic Americans to the floor of the U.S. Capitol. Since its beginning in 1993, the Congressional Caucus on Hellenic Issues has grown in both size and strength to foster and improve relations between the United States and Greece. The Hellenic Caucus serves to strengthen the voice of Hellenic Americans in promoting legislation, monitoring and arranging briefings on current events, and disseminating information to all Congressional Members on such important developments as the renewed talks between Greek Cypriots and Turkish Cypriots, U.S. aid to Greece and Cyprus, and the continued conflict in the Aegean.

In the coming year, may we see peace in the Aegean, justice in Cyprus, peace in Northern Greece, and the restoration of human rights to the many cultures and people suffering throughout the world. As we celebrate the 179th anniversary of Greek Independence and the special bond of friendship between our two countries, I would like to leave you with a quote from Percy Shelley, "We are all Greeks! Our laws, our literature, our art, have their roots in Greece."

AIDS IMPACT ON LATIN AMERICANS AND HISPANICS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. GONZALEZ. Mr. Speaker, it is important to note that AIDS is a global issue. What happens overseas always affects what happens in the U.S. It is in America's national interest to ensure that we do all we can to assist all countries in addressing HIV/AIDS, not only because of the potential for a tremendous loss of life, but for economic, political and security reasons.

Globally, about 2.6 million people worldwide will die of AIDS this year, the most of any years since the epidemic began, according to a report by the United Nations AIDS program. About 16.3 million people have already died of AIDS since 1981. In addition, about 5.6 million new infections with the human immunodeficiency virus (HIV) will occur this year, raising the number of people currently living with the disease to about 33.6 million, with more than 23 million of those individuals being in sub-Saharan Africa. More than 1.3 million individuals living with HIV and AIDS are in Latin America and some 360,000 are in the Caribbean. It is estimated that some 920,000 individuals living with HIV and AIDS are in North America.

Some 300,000 Americans are infected with HIV and do not know it since they have never been tested for HIV infection. Sadly, my own city of San Antonio has experienced over 3,704 cases of people with AIDS; 53% of these people have died. This means that over 1,950 people in San Antonio have died from this disease. Of the reported cases of AIDS in San Antonio, 48% are in the Hispanic community, 39% are White and 11% are Black. The majority of San Antonio's population is of Hispanic origin and maintains close ties with Mexico and other countries in Central and South America. Many return to visit, to work and live, and then return to the United States. Many of my constituents are very interested in reuniting with their families, bring family members to the U.S. to visit or become U.S. citizens.

AIDS has affected Hispanics in San Antonio more than in most other communities around the country. One thing we can all do is to continue to educate our friends and relatives about AIDS, not only as to its causes but also on its impact on our local, national and global community. We can also push for increased funding for research and treatment of this deadly disease.

Our efforts targeting African Americans here in the United States, and our efforts to address AIDS in Africa and elsewhere are to be commended and expanded. We must do more for those most in need, and we must do more to prevent HIV from becoming a problem in those areas where it has not yet established itself. To do any less is to allow a disease that we can prevent. And we must begin now to look at how we address AIDS in Latin America so that we can prevent it from becoming the next epicenter of the epidemic. Public health practices have shown that it is much more effective to prevent an illness than to treat an illness. Clearly, what we do now in our efforts to address HIV will affect the quality of our lives tomorrow.

We must fight the complacency that is threatening our efforts to address HIV and AIDS in the U.S. and worldwide. Yes, new drug combination therapies have prolonged the lives of many Americans who have access to them, who can afford them, and who can tolerate them. Unfortunately, not all have access or can afford them. Imagine how difficult it will be for those in countries outside the U.S. whose average health care expenditures are less than a few hundred dollars a year to pay for drugs which can cost up to $14,000 a year in the United States.

Unfortunately, many of our leaders are still afraid to discuss HIV/AIDS in public. This silence is also evident in many Latin American countries where AIDS is just starting to take hold. This silence only leads to continued denial that AIDS is affecting Latinos, and it will only lead to additional infections and deaths. By not publicly discussing HIV/AIDS, we send a message to our community that AIDS is not an issue of concern to us or that it is taboo. The number of cases, new infections, and deaths in our community have shown that our silence has been deadly.

The Congressional Hispanic Caucus, of which I am a member, is proud of its role in securing additional funding and in providing leadership in this area. But we have a long way to go. We need the Hispanic community, especially our Hispanic leaders both here in the U.S. and in other countries, to expand their efforts. The Congressional Hispanic Caucus believes that health issues that disproportionately affect Latinos must be addressed openly and publicly. The Caucus understands the importance of public leadership in addressing HIV/AIDS as a means to educate the public of the impact that HIV/AIDS is having on the Latino community both here and internationally.

I offer these comments to honor those from the Hispanic and other communities who have lost their lives to this dreaded disease and to remind the House, the country and the world that AIDS is indeed threatening the lives of a wide variety of people.

HONORING TAESOO "TOM" KIM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Ms. SANCHEZ. Mr. Speaker, I proudly recognize a wonderful citizen and community member from my Congressional District in California. Taesoo "Tom" Kim will be recognized this weekend by the Sister City Association of Garden Grove.

This is a local grassroots, citizen-directed effort to promote international understanding and build bridges between communities. The association carries on a relationship with Garden Grove's sister city, Anyang, South Korea. In a city that is home to so many Korean Americans, the association is to be commended for its work.

Tom Kim has dedicated many, many years in service to our community.

He is currently a member of the Advisory Council for Democratic Unification of Korea. His leadership and volunteerism have included terms as President of the Korean Chamber of Commerce of Orange County and many years as the chair of the Korean Festival of Orange County. Mr. Kim can also be thanked for his work to found the first Korean Festival of Orange County.

He has served as the President of the Sister City Association, and his dedication to international understanding and the relation between our sister cities has always been clear. He proudly served as the liaison between Garden Grove and Anyang, Korea in order to form the sister city relationship we are so proud of today.

His service on the board of the Garden Grove Chamber of Commerce and the city Parks and Recreation Commission tell us what we already know, that Tom is a true leader and a friend to Garden Grove.

Mr. Speaker, I want to thank Tom for all he's given, and I am proud to honor him in Congress today.

IN HONOR OF ROBERT MORVILLO

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. NADLER. Mr. Speaker, today I honor Mr. Robert Morvillo, a distinguished lawyer from the city of New York. Tonight, Mr. Morvillo will receive the prestigious Norman S. Ostrow Award, from the New York Council of Defense Lawyer. The Norman S. Ostrow Award is a symbol of the New York Council of Defense Lawyers' aspirations, namely the defense of liberty and the preservation of individual rights. Past recipients include such notable attorneys as Arthur Liman and Charles Stillman. I am pleased that Mr. Morvillo will soon join these distinguished ranks.

A former president of the New York Council of Defense Lawyers, Mr. Morvillo graduated from Colgate University in 1960, and received his Juris Doctor from Columbia Law School in 1963. In 1964 he was admitted to the Bar in New York State and has appeared in federal courts across the country, as well as the U.S. Supreme Court.

Mr. Morvillo has had an extensive and impressive career beginning in 1963 when he worked as a Law Clerk to William B. Herlands, U.S. District Judge for the Southern District of New York. From 1964–1968 Mr. Morvillo was an Assistant U.S. Attorney for the Southern District of New York. He then went on to become an associate at Reavis & McGrath, currently known as Fullbright & Jaworski. In 1970 Mr. Morvillo served for 1 year as the Chief Trial Assistant for the U.S. Attorney in Charge of Frauds Unit, and then served 2 years as Chief, Criminal Division, U.S. Attorney's Office, Southern District of New York. From 1973 up to the present, Mr. Morvillo has been a Principal of Morvillo, Abramowitz, Grand, Iason & Silberberg.

In addition to these achievements, Mr. Morvillo lectured at Columbia Law School from 1973 to 1985, and since 1982 he has been the columnist of "White Collar Crime" for the New York Journal. He is a member of both the Association of the Bar of the City of New York and the New York State and American Bar Association. From 1992 to 1996 Mr. Morvillo sat on the Board of Trustees for the Columbia Law School Association and he sat on the Board of Trustees for the Federal Bar Council from 1989 to present. He has been a Fellow of the American College of Trial Lawyers since 1990, and is currently the Chairman of the American College of Trial lawyers, New York Downstate Committee.

Mr. Speaker, I salute Robert G. Morvillo for his many years of dedication and hard work defending liberty and preserving individual rights.

ANNUAL WEEK OF CLASSROOM TEACHER CELEBRATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. UNDERWOOD. Mr. Speaker, in my district of Guam, we have a wealth of talented and devoted educators responsible for teaching more than 33,000 students each year. It is unfortunate, however, that only a handful are actually recognized for their diligence and commitment to educating our children. In reality teachers can never be honored enough for their hard won successes. At times, it may seem like teachers may feel they have a thankless job with minimal or no recognition. At times, teachers may feel their efforts in the classroom seem inconsequential and go unappreciated. At times, teachers may feel like they are in a profession which no longer holds the prominence it once did.

It has been said that teaching is the most unappreciated profession. Conversely, it has also been said that teaching is the most self-gratifying profession. As a long-time educator, I understand the daily quandaries that teachers encounter—the limited resources, the financial constraints and the juggling of school staff to make certain that the needs of every student are met. As a parent, I can certainly appreciate the challenges and sacrifice they face to get the best education readily available for our children. Thus, teachers rarely receive the commendation they deserve.

On March 19–25, 2000, the Annual Week of the Classroom Teacher Celebration officially commences on Guam. During this week, 91 teachers from 17 schools will be formally recognized. The appreciation of the dedication of all educators island-wide will be spotlighted as the following teachers are recognized:

Kyma Scadlock (Andersen Elementary), Donna Rhodes (Andersen Elementary), Fumi Marquez (Andersen Elementary), Debra Hall (Andersen Elementary), Martha Sudo (Andersen Elementary), Arlene B. Cruz (Mt. Santa Rosa Elementary), Betty Santos (Mt. Santa Rosa Elementary), Tarslia Muth (Mt. Santa Rosa Elementary), Marina Pangelinan (Mt. Santa Rosa Elementary), Katherine Rives (Mt. Santa Rosa Elementary), Tina Buendicho (Inarajan Elementary), Amy Holland (Inarajan Elementary), Brigida Agustin (Inarajan Elementary), Sr. Teresa Cruz (Inarajan Elementary), Jerry Nartia (Inarajan Elementary), Rosario Quinata (Inarajan Elementary), Diana Dungca (Astumbo Elementary), and Mark Olin (Astumbo Elementary).

Yvonne Rado (Astumbo Elementary), Elaine Ulloa (Astumbo Elementary), Fred Fensler (Astumbo Elementary), Denis Watabayashi (John F. Kennedy High School), Susan Seay (John F. Kennedy High School), Barbara Roberto (John F. Kennedy High School), Roberta Abadahay (John F. Kennedy High School), Collette Beausoleil (John F. Kennedy High School), Abigail Carbullido (John F. Kennedy High School), Gloria Estampador (Jose Rios Elementary), Rebecca Benavente (Jose Rios Elementary), Ivy Baleto (Jose Rios Elementary), Valerie Quinata (Jose Rios Elementary), Elizabeth Apiag (Jose Rios Elementary), Ray Leon Guerrero (Jose Rios Elementary), Gwendolyn Taimanglo (F.B. Leon Guerrero Middle School), Irene Mafnas (F.B. Leon Guerrero Middle School), and Diono Rolando (F.B. Leon Guerrero Middle School).

Ann Aguon (F.B. Leon Guerrero Middle School), Marien Taitano (F.B. Leon Guerrero Middle School), John Shook (F.B. Leon Guerrero Middle School), Shery Nixt (Maria Ulloa Elementary School), Marilyn VanderWeide (F.B. Leon Guerrero Middle School), Esther Keone (F.B. Leon Guerrero Middle School), Danilo Dimag (F.B. Leon Guerrero Middle School), Amafael Silvestre (F.B. Leon Guerrero Middle School), Erlinda Arriola (Lyndon B. Johnson, Elementary), Lynette Quitugua (Lyndon B. Johnson Elementary), Tricia Gumba (Lyndon B. Johnson Elementary), Lolita Siguenza (Lyndon B. Johnson Elementary), Lanee Lim (Lyndon B. Johnson Elementary), Carmelita Guiterrez (Finegayan Elementary), Denise San Nicolas (Finegayan Elementary), John Wagganer (Finegayan Elementary), Josephine Opinion (Finegayan Elementary), and Gwendolyn Perez (Finegayan Elementary).

Diane Pegarido (Marcial Sablan and Elementary), Alma Neglerio (Marcial Sablan Elementary), Sharon DeVera (Marcial Sablan Elementary), Marybelle Iglesias (Marcial Sablan

Elementary), Ninfa DeVerra (Marcial Sablan Elementary), Betsy Bonhoff (Ordot/Chalan Pago Elementary), Rosalyn Jurinario (Ordot/Chalan Pago Elementary), Daisy San Miguel (Ordot/Chalan Pago Elementary), Leah Fernandez (Ordot/Chalan Pago Elementary), Dolores Cayanan (Ordot/Chalan Pago Elementary), Dawn Reyes (Inarajan Middle School), Davia Gofigan (Inarajan Middle School), Norval Marsh (Inarajan Middle School), Therese Iglesias (Inarajan Middle School), Barbara Blas (Inarajan Middle School), Carmen Bermudes (Oceanview Middle School), Curtis Ibbotson (Oceanview Middle School), and Joseph Leon Guerrero (Oceanview Middle School).

Larry Kennedy (Oceanview Middle School), Marissa Quitugua (Oceanview Middle School), Patty Bamba (Oceanview Middle School), Ritana Guerrero (P.C. Lujan Elementary), Maaria Y. Cruz (P.C. Lujan Elementary), Agnes Rivera (P.C. Lujan Elementary), Peter Pangelinan (P.C. Lujan Elementary), Annette Payne (P.C. Lujan Elementary) Doris Baza (Talofofo Elementary), Richard Cruz (Talofofo Elementary), Marie D.C. Taimanglo (Talofofo Elementary), Rita R. Anderson (Talofofo Elementary), Elizabeth R. Pablo (Talofofo Elementary), Estella C. Simon (Talofofo Elementary), Claire Santos (Daniel L. Perez Elementary), Shelly Hughes (Daniel L. Perez Elementary), Janice Banks ((Daniel L. Perez Elementary), Rowena Dimla (Daniel L. Perez Elementary), and Yolanda Rosal (Daniel L. Perez Elementary).

The Annual Week of the Classroom Teacher Celebration is sponsored by the University of Guam Association for Childhood Education International, the Guam Department of Education, and the Department of Defense Schools. Throughout the week, numerous activities are scheduled at the various schools, culminating with an awards ceremony at the Guam Hyatt Regency Hotel on March 25, 2000.

Teachers are the pillars of our educational system. They provide the foundation and support to foster education of our children. They inspire our children to strive further in academics. They help mold and shape students into knowledgeable young adults.

Good teachers help students realize their potential for success and foster self-confidence. They have a personal commitment to help students become a whole person, equipped with the knowledge, self-confidence, and respect they need to compete and excel in today's ever changing world.

And, there must be a concerted commitment to our children's educational health and well-being. This commitment must be a partnership among educators, parents, and the administrators. As a majority of our students have become successful individuals in their own rights, such success would not have been possible without such a commitment and partnership. We are only as strong as our weakest link. Therefore, we must continue to work hard to help our future generation attain success. No one aspect of education is the panacea for its process. To achieve success, everyone must work together.

I take great pride and pleasure in joining my island community saluting Guam's educators for their hard work and dedication to the development and cultivation of our children's education. Dangkalu Na Si Yu'os Maase. Keep up the good work.

HONORING FREDERICK W. CLARK, JR., FROM MASSACHUSETTS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. MOAKLEY. Mr. Speaker, today I honor a young man that I have had the privilege of knowing and working with for many years. Frederick W. Clark, Jr., my district director in Boston, is being honored this evening by the Boston Jaycees as one of their Ten Outstanding Young Leaders of 2000. At a time when many despair that young leaders and solid role models are hard to find, I am happy to say I know one such young person.

Fred is a loyal friend, a devoted family man, and a genuinely easy person to work with. Neither his family, nor his coworkers, is surprised that he was chosen for this award. They have seen his selfless commitment to service.

Between his job and working on behalf of various groups. Fred often sacrifices time with his wife Carrie and their two sons, Justin and Derek. I remember a story Fred once told me about his son, Justin. One evening after a long day, Fred came home to find little Justin was a little cranky and feeling a bit neglected. When Fred told him it was time to go to bed, Justin had a better suggestion. Justin looked Fred in the eye and said, "Go to a meeting"! I hope that Justin and Derek understand that while Daddy is often very busy serving the needs of other people, he loves them very much. They should be proud of their father and honored to share him with the world. I know I am.

Fred has been involved in many important issues for my constituents for many years. I hope he is proud of his hard work and involvement in numerous building projects in and around Boston. Fred's hands have helped shape the construction of the New Federal Courthouse, the Evelyn Moakley Bridge, the expansion of the World Trade Center, and the construction of the Moakley Center for Technological Applications at his alma mater, Bridgewater State College. He has fought for the historic preservation of the Customs House, the Old South Meeting House, and Faneuil Hall. He worked tirelessly for the citizens of Walpole during the sludge landfill debate. Fred also provided critically important legal research during the lawsuit involving Massachusetts and the 1990 Census. In fact, his hard work help lay the groundwork for Massachusetts' prevailing in the historic census Supreme Court case.

But it is not just these grand issues to which Fred devotes himself. Indeed, I know that he takes great pleasure in helping a veteran in Brockton get his benefits, helping students in Taunton find financial aid, and helping people find safe and affordable housing in South Boston.

Fred has always enjoyed a commitment to politics and to public service. He has been involved in political campaigns at all levels. He ran his father, Fred Sr.'s successful election and re-election to the Board of Selectmen in his hometown of Easton. He has run many of my campaigns for re-election to the U.S. House of Representatives. In 1988, he worked at the Democratic Convention in Atlanta and helped organize Governor Mike Dukakis's campaign for President in St. Louis, MO. Fred enjoys all levels of campaign activities, from designing political messages and strategies, to organizing efforts to get people out to vote, to walking the neighborhoods doing literature drops. He believes in good old-fashioned democracy and feels lucky to be a part of it. He leads by his example of hard work and devotion to the causes he supports.

Fred has proven himself to be a wonderful son and brother, a caring and devoted husband and father. His loyalty and commitment to his friends and coworkers has earned him their continued admiration and support.

Fred has been my dear friend, my trusted advisor, and a tireless advocate for my constituents. I have watched him grow both, professionally and personally. I have been blessed by his service. I hope he will pause to reflect and enjoy this well-deserved acknowledgement of his hard work and dedication.

PERSONAL EXPLANATION

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Ms. RIVERS. Mr. Speaker, I inadvertently voted "yes" on rollcall vote 41—H.R. 3081. It was my intention to vote "no" on rollcall vote 41—H.R. 3081.

INTRODUCTION OF THE SAVE MONEY FOR PRESCRIPTION DRUG RESEARCH ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. STARK. Mr. Speaker, I introduce the Save Money for Prescription Drug Research Act of 2000, a bill to deny tax deductions to drug companies for certain gifts and benefits, but not product samples, provided to physicians and to encourage use of such funds for pharmaceutical research and development.

In its January 19, 2000 issue, the Journal of the American Medical Association (JAMA) published a critical examination of the extent to which physicians interact with the pharmaceutical industry. The study found that U.S. drug companies spend more than $11 billion per year on drug promotion and marketing that is, an estimated $8,000 to $13,000 per physician is spent on drug company gifts every year. These promotions include "gifts" such as free meals, travel subsidies, sponsored teachings, drug samples, and recreational benefits such as sporting event tickets and golfing fees, to name just a few. According to JAMA's analysis, physician-industry interactions appear to affect prescribing and professional behavior and should be further addressed at policy and education levels.

Over the years, I have personally received numerous examples of outlandish drug company gifts to physicians. One memorable example came from a physician who sent me a sample of perks he received over the course of one week. The week started with an invitation to the horse races—including a private suite, lunch and open bar from noon to 3:00 pm. Only a day later, he was offered free dinner at a fine restaurant where meals averaged $25/plate, and on the next day he received major league baseball tickets for the entire family.

As yet another example of industry-physician interaction. I would like to insert in the RECORD, a March 9, 2000 USA Today article. This article describes a growing trend among advertising and marketing firms to sponsor physician continuing medical education courses that doctors in 34 states need to keep their licenses. These marketing firms are paid by drug companies and often hire faculty to teach these courses and educate medical professionals about their sponsors' products. This provides drug companies with another opportunity to impact physician prescribing practice and attitudes while increasing their company profits.

At my request, the Congressional Research Service (CRS) last December completed an analysis of the tax treatment of the pharmaceutical industry. The conclusion of that report is that tax credits contributed powerfully to lowering the average effective tax rate for drug companies by nearly 40% relative to other major industries from 1990 to 1996. For this reason, I introduced the Prescription Price Equity Act of 2000 to deny research tax credits to pharmaceutical companies that sell their products at significantly higher prices in the U.S. as compared to their sales in other industrialized countries. The U.S. government already provides lucrative tax credits to the pharmaceutical industry in this country, making additional tax deductions seem particularly unnecessary.

The pharmaceutical industry reaps billions in profits every year and certainly does not need excessive tax breaks. Fortune magazine rates the pharmaceutical industry as the most profitable business in America. The average compensation for 12 drug company CEOs was $22 million in 1998. Likewise, CRS reported that after-tax profits for the pharmaceutical industry averaged 17%—three times higher than the 5% profit margin of other industries.

Although U.S. drug companies claim their exorbitant profits are justified by the high cost of research and development, pharmaceutical companies generally spend twice as much on marketing and administration as they do on research and development. In fact, some companies are guilty of spending even more than twice as much on advertising/administration expenses. For example, Merck & Pfizer spent only 11% of revenues on R&D in 1997, and spent more than twice that amount (28%) on administration and marketing making available an abundance of funds for generous drug company "gifts."

Research and development is a much more important pharmaceutical expenditure than the billions of dollars wasted on drug company gifts to physicians. Our nation has reaped great rewards as a result of pharmaceutical research; pharmaceutical and biotech research have discovered life-saving cures and treatments for ailments that afflict our society. But drug companies can do more. If the pharmaceutical industry would stop wasteful spending on promotions and spend instead on R&D, think of all the additional lives that could be saved.

Currently, one third of Medicare beneficiaries have no coverage for prescription drugs and two-thirds of beneficiaries have no coverage or unreliable drug coverage. Over half of our most vulnerable are above the poverty level. That's why I've introduced H.R. 1495, Access to Prescription Medications in Medicare Act. This bill provides a universal, comprehensive Medicare drug benefit with a $200 deductible and 20% coinsurance for seniors up to $1,700 per year. Seniors with very high drug expenses get 100% of their drug costs paid by Medicare (i.e., stop-loss) after $3,000 in annual out-of-pocket spending.

The need for this bill is clear. Denying the pharmaceutical industry the ability to deduct expenditures for certain gifts and benefits to physicians is a critical step in providing Americans with access to more life-saving drugs. By redirecting drug company promotional expenditures to their R&D budgets, the American public should reap the benefit of increased medical breakthroughs. To the extent the companies do not redirect these expenditures to R&D, the denial of the tax deduction will help finance a Medicare prescription drug benefit to ensure that our nation's seniors and disabled have access to the medications they need.

A TRIBUTE TO COL. JOSEPH D. HUGHES, JR.

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. McINTYRE. Mr. Speaker, today I pay tribute to Col. Joseph D. Hughes, Jr., who is retiring from the North Carolina National Guard after 37 years of service to the Tar Heel State.

As superintendent of the Maneuver Area Training Equipment Site at Fort Bragg, NC for the past 11 years, Colonel Hughes has been responsible for a variety of tasks, including supervision of essential personnel and maintenance of defense equipment. Through each of these duties, Colonel Hughes has performed admirably and thoroughly. In addition, Colonel Hughes has worked with my Fayetteville district office on a variety of issues to assist the citizens of the seventh congressional district. For his service to our region, our State, and our Nation, I am thankful, and we all should be grateful.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?" Colonel Hughes will truthfully be able to answer each of these questions in the affirmative. He is indeed a man of courage, judgment, integrity, and dedication.

Colonel, as you enter this next stage of your life, may the time with your family and loved ones be blessed and plentiful. May your memories be proud and positive, and may your life continue to be enriched with peace, joy and heartfelt thanks from your neighbors, friends, and loved ones.

IN HONOR OF SHERRILL'S BAKERY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Sherrill's Bakery, the "Fine Pastry, Fine Foods" bakery located at 233 Pennsylvania Ave., in Washington, DC. Sherrill's Bakery has fed Capitol Hill and countless visiting tourists from throughout the nation for generations.

Established in 1922, Sherrill's Bakery has changed hands once to current owner, Dorothy Paletto, known to her employees as Dottie. Dottie and her mother, affectionately known as "Miss Lola," have owned the bakery since 1941. The recipes are their own special recipes, reminiscent of a time when all restaurants were family-owned, when everybody knew your name and you knew theirs. Along with Dottie, Miss Lola, the remarkably loyal staff of Tommie Kennedy (who has worked at Sherrill's since 1941), Yolanda, and Patrick serve as the wait staff, with Leon and Ivory holding the honors in the kitchen.

Upon entering the restaurant you are pulled into a comfort zone, a laid back atmosphere where you talk to the wait staff about more then just your order. It's more than just a restaurant; it's a community, with a common bond of enjoying Sherrill's unique ambiance and tasty delights. Sherril's Bakery is just like returning to your favorite neighborhood restaurant from your youth, always there and never changing. For all the changes that have taken place, on Capitol Hill and its immediate neighborhoods, the one constant has been Sherrill's Bakery.

The bakery serves breakfast, lunch, and dinner. It is open 7 days a week, Monday through Friday, from 6 am until 6 pm. Saturdays hours are from 7 am until 6 pm, and on Sundays the bakery is open from 7 am until 4 pm. On weekends, the line of customers stretch out the door.

Sherrill's Bakery is my favorite restaurant here on Capital Hill; I go there faithfully every morning since it reminds me of my favorite neighborhood diners back in Cleveland, Ohio. The wait staff recognizes regular customers like me and my regular waiter, Patrick, is quick to promptly place my breakfast order, which he knows by heart: two slices of plain wheat toast, a bowl of oatmeal and a cup of hot water with a slice of lemon on the side. Three bucks the entire meal, the best bargain anywhere.

In 1990, a film documentary was done on the bakery for the Public Broadcasting Service. The PBS documentary was nominated for an Emmy Award for best documentary, finishing in second place. Many celebrities have relaxed in the dusty diner with dingy windows and neon lights. Celebrities such as actors Mike Farrell (from M*A*S*H*) and Robert Bedford, California State Senator, Tom Hayden; Rock 'n' Roll legend, Sam Moore of Sam & Dave; Apollo 11 astronaut, Buzz Aldrin; and former California Governor and current Oakland Mayor, Jerry Brown, have all spent time in its timeless booths and on its counter stools. Sherrill's has also been the subject of several in-depth news articles and profiles, most notably in the New York Times, the Washington Post, the Washington Times, and Roll Call.

Please join me honoring Sherrill's Bakery for their wonderful food and presence here on Capitol Hill.

HONORING MRS. ESTER GEDDIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Mrs. Ester Geddis, an educator, entrepreneur, wife, parent, and a pillar of her community. I honor her today because she has devoted her life to serving the needs of others.

Mrs. Geddis was born the tenth of eleven children to Enoch and Geneva Pringle in South Carolina. Upon the completion of her formal education in Charleston, SC, Ester married her husband, James Geddis, in 1959. That union has given her two daughters, Ava Gaillard and Felisa Geddis-Hawkins, adopted son Antonio L. Litmon, granddaughters Heaven and Joy Hawkins, and son-in-law Jerome Gaillard.

Mrs. Geddis attended Brooklyn College in the midst of marriage and motherhood, where she received her bachelor of science degree in education in 1977. Upon completion of her education, Mrs. Geddis began her career in education in 1978 as a classroom teacher in the Children and Youth Department at Kingsborough Psychiatric Center. She was then promoted to the position of educational supervisor in 1986. Mrs. Geddis went on to serve as educational supervisor at Brooklyn Children's Center, and then as supervisor for the Department of Aging's Foster Grandparent program, where she has remained until her retirement.

Mrs. Geddis has been actively involved in the Lions Club for over 20 years. She has been a member in the East New York Lions Club, East Brooklyn Lions Club, and she is currently active in the Central Brooklyn Lions Club. She also has always been a member of the Riverside Club. She has also been an active member of the First Baptist Church of Crown Heights for 25 years.

Mrs. Geddis' hard work had not gone unnoticed. She was listed in "Who's Who In America—1980," and "Who's Who In The World—1990." The Concerned Women of Brooklyn recognized her with an award for her dedicated service, and the Riverside Club presented her with their Achievement Award for Outstanding Achievement in Business and Profession.

Because she knows what hard work and dedication can do, Mrs. Geddis founded E & E Catering in 1980, along with her partner Ermine Myers. In addition to catering many events for me, through E & E Catering, Mrs. Geddis has had the opportunity to nourish many distinguished persons, including President Nelson Mandela, Mayor David Dinkins, Reverend Herbert Daughtry, and numerous others as well as civic, private, and community organizations.

Mrs. Geddis has traveled to Africa and many other continents. However, it was in Africa where she gained many friends and met many people whom she helped and sponsored over the years. It can truly be said that all of the many people who have been in the company of Mrs. Ester Geddis have truly been blessed and inspired by her undying spirit and love.

Mrs. Ester Geddis is more than worthy of receiving this honor, and Mr. Speaker, I hope that all of my colleagues will join me today in honoring this truly remarkable woman.

IN MEMORY OF HOLLIS M. KETCHUM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of an outstanding Missourian, Hollis Ketchum of Jefferson City. He was 81.

Hollis Ketchum was born July 4, 1918, in Downing, MO, a son of Ellis and Melvina Donaldson Ketchum. He graduated from Downing High School and Kirksville State Teachers College. As an Army veteran of World War II, Mr. Ketchum received two Purple Hearts and a Bronze Star with Oak Leaf Clusters. He entered the Army Reserve and then transferred to the Missouri National Guard. He retired at the rank of colonel after 34 years of military service.

Prior to entering the service, Mr. Ketchum taught school in Schuyler County for 4 years. Upon his return from the war, he was employed at the Division of Liquor Control for 19 years, serving as the director for 12 years. After that, he was employed by the Distilled Spirits Council of the United States for 18 years and acted as director of field activities for the last 10 years.

Mr. Ketchum was an active member of his community. He belonged to the First Baptist Church, Jefferson Lodge 43, Capital Shrine Club and the Moolah Temple in St. Louis. Additionally, he was a member and past president of the National Conference of State Liquor Administrators, the Missouri State Skeet Association, Capital City Square Dancers Association, and the United Sportsman Club.

I know the members of the House will join me in extending heartfelt condolences to his family: his wife, Bobbie Nail; his daughter, Jackie Soltys; his son, Randy Ketchum; his stepson, Dr. Roger Nail; his stepdaughter, Patricia Stokes; his brother, two grandchildren and five step grandchildren.

TRIBUTE TO MR. AND MRS. PHIL AND CHARLOTTE PETERSON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a great privilege to pay tribute to Phil and Charlotte Peterson, who will be feted by hordes of friends and admirers this Sunday, March 26, 2000, beginning at 6:30 p.m. at historic Miami Shores Country Club. If there was ever a dynamic duo that genuinely enhances the good name and stellar reputation of a particular community, then Phil and Charlotte would admirably fit that billing.

Phil Sheridan Peterson, Jr. was born in Sturgeon Bay, WI and comes from a very distinguished lineage. Named after his grandfather, the legendary General Philip Sheridan, Phil faithfully upholds to this very day the tradition of duty to country and honor to God that buttressed the much-heralded exploits of his granddad. Growing up during the Depression era and losing his mother at the tender age of three, Phil had to quickly become the steady hand and exemplar to three other younger siblings, a sister and two brothers.

His wife Charlotte, on the other hand, was delicately schooled in the appreciation of music and the arts. As fate would have it, she met Phil when she was barely 12 years old, while picking cherries to contribute to her family's sustenance at a Wisconsin orchard managed by him. It was indeed love at first sight, and as she is wont to say: "* * * from that day on, I've been working for him ever since."

As World War II unleashed its fury, young Phil, then a fresh high school graduate, unhesitantly responded to his country's call to duty and joined the U.S. Navy. His tour of service sent him to the Baltic Sea where he soon braved numerous air raids, sea battles and killer storms that wrecked havoc on his fleet ships, tragically claiming the lives of some 1,200 brave Americans. Having survived the war's harrowing ordeals, Phil Peterson returned home a much-decorated hero and thereby earned his rightful niche in the annals of the greatest generation of Americans who ever lived.

Upon his discharge from the U.S. Navy, Phil went back to school to finish his education at the University of Wisconsin where he became an extraordinary feature on the school's football and wrestling team. During this time Charlotte was also at the end of getting her college degree. Upon graduation from college, Phil and Charlotte got married on December 27, 1947. Through this union they were blessed with five wonderful children, who are now themselves successful and productive adult members of society.

While they managed to get back and tend to the family Peterson orchard farm in Wisconsin, their adventurous spirit soon propelled their relocation in Florida's Key West, finally settling down in what was then called Miami's model community of "Liberty City." Working as entrepreneurs for the first Harley Davidson's motorcycle franchise in South Florida, Phil and Charlotte found time to immerse themselves in key leadership positions helping several civic organizations, such as the American Red Cross, the Muscular Dystrophy Association, Easter Seals, the Covenant House, Toys for Underprivileged Children, St. Jude's and Miami Children's Hospital, Shelters for Abused Women, Miami Rescue Mission, Ronald McDonald House, Paralyzed Veterans of America, the Florida Motorcycles Dealers Association, the Knights of Columbus, St. Vincent de Paul Society, and many local schools.

Phil & Charlotte Peterson truly epitomize the preeminence of ordinary and decent folks who have tried to do their level best toward contributing to the amelioration of their community and the welfare of their fellow human beings. Indeed, we have tremendously benefitted from their unique brand of tireless commitment and generosity.

In fact, Phil's first-hand experience, thorough knowledge and solid reputation at Harley Davidson motivated him to address the varied issues and complex problems surrounding America's burgeoning motorcycle business. Accordingly, his compelling testimonies before the U.S. Congress paved the way for shedding light on the devious schemes of fast-buck entrepreneurs who were illegally dumping foreign-made substandard motorcycles in the American market. His expert observations subsequently led to the adoption of important pieces of initiatives that have now become our nation's laws in this area.

In their own quiet but dignified way, Phil & Charlotte Peterson have been and continue to be our community's consummate activists. They genuinely abide by the dictum that those who have less in life, through no fault of their own, deserve the help of community leaders to help them get back up and lead normal, productive lives. Friends and admirers are oftentimes touched by their unique sincerity and selfless giving. The numerous accolades from various organizations represent an unequivocal testimony of the utmost respect and admiration they both enjoy from our community.

Their word is their bond to those who have dealt with them not only in their moments of triumphal exuberance, but also in their quest to help us transform our community into the kind of a caring neighborhood where the young and the old, the rich and the poor, the mighty and the humble converge together to hasten the emergence of the spirit and optimism that nobly represent the true character of America.

I am deeply honored to extend my best wishes and utmost gratitude to Phil & Charlotte Peterson for what they have done to our community. They truly exemplify a genuine leadership whose courage and kindheartedness appeal to our noblest character as a nation.

OIL PRICE REDUCTION ACT OF 2000

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes:

Mrs. CAPPS. Mr. Chairman, I am an original cosponsor of the Oil Price Reduction Act. We simply must take some common sense steps to reduce the price of gas. In my district, which normally has some of the highest gas prices in the country, gas now costs over $2 per gallon. My constituents are hurting and need help.

In its original form, H.R. 3822 would have allowed the Administration to halt arms sales to countries that are gouging American consumers by raising oil prices. But the House leadership has weakened the bill and now it only counsels diplomacy.

I'm all for diplomacy and have encouraged the Administration to forcefully engage all the OPEC countries about this issue. But diplomacy has its limits. Simply put, this country should seriously reexamine our policy of selling arms to countries that seek to gouge American consumers and hurt our economy.

And to add insult to injury, these are some of the same countries that American men and women risked their lives for in the Persian Gulf war. Today, thousands of dedicated soldiers, sailors, airmen and women continue putting their lives on the line to keep Saddam at bay and these countries safe.

I will vote for this bill, but we need to take a much firmer stance with the OPEC nations. For example, while the original bill would allow the administration to restrict arms sales, I might have gone further and required that arm sales be halted. Amendments to that effect won't be allowed in today's debate.

In addition, I am very disappointed that the House is not going to be voting on other key issues to address high gas prices.

I believe we should stop exporting Alaskan oil to foreign countries and I have cosponsored legislation to do that. While our gas prices have doubled over the last year, we send 60,000 barrels of oil a day to Asia. If not exported, this oil would go to the west coast. We should be voting to halt those exports and give American families the benefit of American oil.

We should also consider proposals to swap oil out of the Strategic Petroleum Reserve. Making available oil from the SPR could offset the shortages produced by the OPEC countries production cuts. This would weaken OPEC's ability to unilaterally raise our gas prices.

Finally, we should be aggressively developing renewable energy sources and alternative fuels. This would reduce our reliance on foreign fuels, while at the same time helping to preserve our environment.

But we must also make sure we don't do certain things that would not lower the price of gas, but would reduce safety on our roads and threaten the Central Coast economy and environment.

For example, some have advocated getting rid of the 4.3 cents federal gas tax. That won't help consumers who have seen a gallon of gas double in price. And it would cost California alone over $1.7 billion over the next 2 years in funds to build and maintain our roads and bridges. This funding has provided for the installation of call boxes on Highway 166 near Santa Maria and will support the widening of the dangerous Highway 46 near Paso Robles in my district.

Others have advocated more oil drilling off the California coast. This would be a huge mistake—most of the oil there is for making roads and tar, not gasoline. And new oil drilling threatens to devastate the local economy and environment.

Mr. Chairman, we need to take some serious steps to address high gas prices and I am deeply disappointed that the House will only be allowed to vote today on one, largely symbolic gesture. The American people deserve a lot more than that.

HONORING ALICE RUMBAUGH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Ms. SANCHEZ. Mr. Speaker, I proudly recognize a wonderful citizen and community member from my Congressional District in California. Alice Rumbaugh will be recognized this weekend by the Sister City Association of Garden Grove.

This is a local grassroots, citizen-directed effort to promote international understanding and build bridges between communities. The association carries on a relationship with Garden Grove's sister city, Anyang, South Korea. In a city that is home to so many Korean Americans, the association is to be commended for its work.

And it is clear why Alice Rumbaugh was chosen for this honor. Alice is a master teacher who has proved her dedication to teaching our children to appreciate Hispanic culture. She was key to the establishment of the Spanish culture program at Pacific High School, a program that now travels throughout the district.

Alice's colleagues, and all our city students, are fortunate to have the opportunity to take advantage of these resources and of Ms. Rumbaugh's tireless work.

She is an award-winning educator, a master educator who has never given up in her efforts to inspire and empower her students. She is also known for her work as a mentor and a peer leader among her colleagues. Ms. Rumbaugh has been honored repeatedly for her innovation and excellence in her field.

Mr. Speaker, I want to thank Alice for her work. I am proud to honor her in Congress today.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows.

March 14, 2000—Rollcall vote 46, on the motion to suspend the rules and pass H.R. 3699, designating the Joel T. Broyhill Post Office Building, I would have voted "yea." Rollcall vote 47, on the motion to suspend the rules and pass H.R. 3701, designating the Joseph L. Fisher Post Office, I would have voted "yea."

March 15, 2000—Rollcall vote 48 on agreeing to the Conference Report to H.R. 1000, The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, I would have voted yea. Rollcall vote 49, on passage of H.R. 3843, the Small Business Authorization Act, I would have voted yea. Rollcall vote 50, on the motion to instruct Conferees for H.R. 1501, the Juvenile Justice Reform Act, I would have voted nay.

March 16, 2000—Rollcall vote 51, on agreeing to the Resolution, H. Res. 441, providing for consideration of the Private Property Rights Implementation Act of 2000, I would have voted yea. Rollcall vote 52, on agreeing to the Watt Amendment, I would have voted nay. Rollcall vote 53, on agreeing to Boehlert substitute amendment, I would have voted nay. Rollcall vote 54, on the motion to recommit with instructions, I would have voted nay. Rollcall vote 55, on passage of H. 2372, the Private Property Rights Implementation Act of 2000, I would have voted yea.

SALUTING THE NCAA DIVISION III NATIONAL CHAMPION CALVIN COLLEGE KNIGHTS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I rise today to honor the NCAA Division III National Basketball Champion Calvin College Knights from Grand Rapids, Michigan. The Knights capped off their magical season on March 18, by defeating a very strong and talented Wisconsin-Eau Claire squad in the championship game, 79–74. The Knights finished their dream season with a 30–2 overall record enroute to the school's second national basketball title.

Under the tutelage of fourth-year Head Coach Kevin VandeStreek and assistants Tim VanDyke and Chris Fear, the Knights provided excitement every time they hit the floor this season. Not only did these young men provide numerous memorable moments for the Calvin faithful, they did so with a strong sense of teamwork both on and off the floor.

Members of the 1999–2000 Calvin College Knights include Kyle Smith, Bryan Foltice, Jon Potvin, Aaron Winkle, Dave Bartels, Nate Burgess, Nate Karsten, Tim Bruinsma, Jason DeKuiper, Jeremy Veenstra, Brian Krosschell, Nick Ploegstra, Jon VanderPlas, Derek Kleinheksel, Josh Tubergen, and Rob Dykstra.

National championships are becoming the norm at Calvin College. In addition to the men's basketball championship, the women's cross country team has captured national titles the past two seasons. And if there were a championship for fans, Calvin would also be in the running for that title. Calvin College fans, also known as the best fans anywhere, are also to be commended for the tremendous support they provide to the student-athletes that represent Calvin College.

Mr. Speaker, I ask my colleagues to join me today in saluting these young men for their fine conduct and stellar play throughout this storybook season. Not only did they serve as fine representatives for Calvin, they also served as ambassadors for all of West Michigan and for their league, the Michigan Intercollegiate Athletic Association. Congratulations and best wishes to everyone associated with the Calvin College Knights!

TURKEY REMAINS A STRATEGIC U.S. ALLY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

Mr. WEXLER. Mr. Speaker, President Clinton's trip to South Asia, home to one-fifth of the world's population and to two nuclear powers, reminds us of the volatility of the world around us. It reminds us as well of our obligation, as the world's remaining superpower and as the world's greatest exponent of democracy, to seek a strengthening of the democratic principles wherever we are.

Over the years, we have forged a network of allies who have shared this burden with us, often at considerable human and economic cost to themselves. Few of our allies have been as important to us as Turkey.

During the Cold War era, Turkey guarded NATO's southern flank. For five decades, Turkey stood as a bulwark against the Soviet Union's southern expansion. Its soldiers stood side by side with ours in Korea and its land was utilized by our armed forces for bases.

During the Gulf War, Turkey was integral to our strategy for blunting and then defeating the aggression launched by Saddam Hussein. Turkish bases were the launching pad for the northern attacks and our large base at Incirlik continues to offer protection for Iraqi opposition as part of Operation Northern Watch. Turkey's alliance with us cost it $35 billion in foregone trade and pipeline fees—a sum whose equivalence in the U.S. context would be $900 billion.

Today, even as the Cold War is a decade gone, Turkey remains one of our most steadfast and crucial allies. Their contributions to the United States, and the policies we seek to implement remain crucial to us. Let me offer several examples:

Turkey is the only secular democracy in the Islamic world. At a time when Islamic fundamentalism and its attendant anti-American stance are on the rise, Turkey provides a model for the co-existence of Islam and a pluralistic society.

Turkey is central to the containment of Saddam Hussein and ultimate removal of him from office. There can be no successful anti-Saddam strategy without the full involvement and support to Turkey.

Turkey was the first Muslim nation to recognize Israel and remains one of only a few Muslim nations to establish full diplomatic relations with that nation. The two have forged close military and political linkages that serve as a means to help bring peace and security to the Middle East.

Turkey will be home to new pipelines carrying oil and gas from the Caspian Basin to U.S. and Western markets. Turkey is integral to our long-term energy security.

Turkey is partnering with the United States in an effort to provide economic and technical support to the emerging democracies from the former Soviet Union in order to help ensure their economic viability and democratic future.

Turkey works with the United States in trying to stabilize the situation in the Balkans, and Turkey has taken the lead in trying to rebuild Bosnia.

Mr. Speaker, the above examples demonstrate the fundamental importance of maintaining, and in fact expanding, strong U.S.-Turkish economic, defense and political ties.

I am pleased that we continue to have a good and strong relationship with Turkey. It is vital in today's volatile world that such relations continue.

HOUSE OF REPRESENTATIVES—*Monday, March 27, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 27, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

We pray to You, Almighty God, and eternal God, ever-present to all our undertakings and all our needs. Touch every aspect of our lives with Your holiness. Endow us with faith as we begin a new week and these activities in the House of Representatives of the 106th Congress.

May Your Divine Wisdom direct all of our deliberations and be revealed in all the proceedings and laws framed by this government.

May the gracious work of Your Spirit in us preserve peace, promote national happiness and increase in the people of this Nation, dedication to industry, a sense of compassion for others and useful knowledge, so that the blessings of so many in this country may be extended to all with equal liberty.

May this House and this Nation be preserved in unity and enjoy the peace which the world cannot give, a deep and abiding peace, which is Your gift alone to give. We pray to You who live and reign for ever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2559) "An Act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. HELMS, Mr. COCHRAN, Mr. COVERDELL, Mr. ROBERTS, Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, and Mr. KERREY, to be the conferees on the part of the Senate.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SENATOR STEVENS CHOSEN ALASKAN OF THE CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to pay special tribute to one of our colleagues, who happens to be from the other body, who received a very distinguished award this weekend. The recipient of that award was Senator TED STEVENS of Alaska who was chosen as the Alaskan of the Century.

Now, this is a remarkable achievement by Senator STEVENS, since he has served this Congress for over 30 years and served the State of Alaska with great distinction and great honor and integrity for more than that period of time.

I became acquainted with Senator STEVENS as a younger man in 1972 when I was finishing the service, as a law clerk for a Federal judge in Anchorage, Alaska, and was hired by Senator STEVENS, came back here to Washington, D.C. in 1972, and served on his staff as his staff counsel and legislative director and then chief of staff, until I got married and left this community of Washington, D.C. and the Congress in 1977.

Senator STEVENS during that time and ever since has been a wonderful teacher for me and a great friend of our family, as he has been for a generation of Alaskans who have come to respect him and his work in the United States Senate and his work for our country, as well as his work for the State of Alaska.

There is no greater advocate for the State of Alaska and for the American system than Senator STEVENS. It is absolutely fitting that he receive this Alaskan of the Century award. He has served Alaska as a resident before statehood and after statehood.

He served in the Alaska legislature achieving high marks there for his service to the State, worked for the solicitor for the Department of Interior before statehood, and then was appointed to the United States Senate in 1968, and has been reelected overwhelmingly ever since.

Senator STEVENS brings a respect for his State and our system to the Congress of the United States. He was elected as the assistant majority leader in the United States Senate. He went on to become chairman of the Committee on Appropriations in the Senate, a position which he holds today, with a special expertise in interior issues and public lands issues, and also a great experience in defense issues.

There probably is no greater expert in the area of national security and national defense than Senator STEVENS. The residents of Alaska recognize that, and, in choosing him to be the Alaskan of the Century, confirmed their love for him and reward him in essence for his great service to that State; a reward that he has undertaken with great passion and great commitment.

Senator STEVENS is not just a great legislator and a great American, he is a wonderful father to Susan and Beth and Teddy and Walter and Ben and

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lilly. He is a champion for them, as well as a champion for all others in Alaska of all economic levels and all races and backgrounds. The Alaskan Native community has recognized the STEVENS legacy by respecting him, not only with their votes, but with their support.

The Alaskan Native Land Claims Settlement Act was one that Senator STEVENS championed to settle the claims of the first Alaskans. And in doing so, he has endeared himself in their hearts and in the hearts of all Alaskans. The TransAlaska Pipeline project that was just a monumental undertaking that brought energy, efficiency, and assistance to the rest of the Nation was spearheaded by this man. The 2000 Mile Fishing Limit was spearheaded by this man, Senator STEVENS.

As you total up a person's contributions in life, I think TED STEVENS' greatest are his contributions, as I say, as a father, as a husband to Ann Stevens, who tragically was deceased in 1978, and his current wife, Catherine, also a great supporter of the Alaskan system.

So I speak, I hope, on behalf of all Members of Congress in recognizing TED STEVENS' great contributions and congratulating him for being Alaskan of the Century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that personal references to sitting Members of the other body are not to be included in remarks in debate in the House.

AIR WAR AGAINST SERBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in today's Scripps-Howard newspapers around the Nation is an editorial entitled "Unhappy Anniversary." It reads in part, "after its ill-advised air war against Serbia that started a year ago this month and concluded with the deaths of many innocent civilians, NATO finds itself administering a stalemate with no evident means of disengaging. The outcome certainly has not been a happy one for NATO."

All around the world, NATO is seen as the U.S., and I think it is obvious that this war would never have been started if the White House had not insisted on it.

How easily, how cavalierly we say those words "air war" that "concluded with the deaths of many innocent civilians."

We made the situation much worse and many thousands more were made homeless or killed by what we did there. Billions of dollars of U.S. taxpayer money down the drain and billions in damage done by U.S.-NATO bombs. And around the world, the U.S. is seen more and more as a big bully trying to run the whole world instead of taking care of our own country.

The globalist elites in this administration who are not satisfied just running the U.S. are making more enemies than friends for this country. We are being seen around the world as continually butting our nose into situations that are none of our business.

As the Scripps-Howard editorial says, "Kosovo is basically a problem for Europe and its institutions," or at least it should be, and it always was.

Many months ago, at the end of the air war, William Ratliff and David Opponheimer wrote a column in The Washington Times which said in part, "NATO's bombings precipitated floods of refugees and other disasters that have destabilized the region in political, economic, and other terms far beyond what Mr. Milosevic could have ever done on his own."

They added, "Since for most people NATO is America, this war has reignited anti-Americanism and suspicion of U.S. intentions from Argentina to China. Most people do not believe this war was to defend human rights, particularly since we harmed so many innocent people in and far beyond the Central Balkans."

The Washington Post reported a few days ago that our soldiers are now having to fight and take weapons away from the ethnic Albanians, the very people we supposedly went in originally to help.

Today's Scripps-Howard editorial says, "the Serbians weren't killing as many ethnic Albanians as contemporary accounts claimed," adding this "in Kosovo today, the ethnic Albanians are intent on revenge on the dwindling number of remaining Serbs, Kosovar courts and police are corrupt and inefficient, and the still heavily armed Kosovo Liberation Army is staging cross-border raids into parts of Serbia."

In other words, Mr. Speaker, the situation is a mess, and as Scripps Howard says today, "Kosovo is a tragic example of where President Clinton ordered bombs instead of continuing with diplomacy."

Why is it important that we talk about these things now since this air war ended months ago? Well, for two very important reasons.

First, we need to talk about this so we will not make these mistakes again. There are always numerous shooting wars going on around the world, some right now worse than Kosovo was when we went in.

Second, this week, presently scheduled for Wednesday, the House is scheduled to take up a $9 billion supplemental appropriations bill, $4.95 billion, almost .5 billion of which is for our expenses in Kosovo.

This 5 billion is on top of all the billions this stupid war cost us when we were doing all the bombing. We are told that we have to pass this supplemental bill because the military has already spent this money by taking it from other accounts. However, we gave the Pentagon a huge increase in spending with the fiscal year that started just 5 months ago, about a $17 billion or $18 billion increase.

This supplemental bill, just a couple of months ago, when people started talking about it was less than half what it is now with all the things that have been added to it.

What we need now, though, is what syndicated columnist Doug Bandow calls a foreign policy for a Republic not an Empire, one that puts our country and its security first and does not have us wasting billions and making millions of enemies trying to be the policeman of the world.

We will make many more friends by bombing only as an absolute last resort and only when our own national security is threatened or a very vital U.S. interest is at stake, neither of which was the case in Kosovo.

SPECIAL ORDERS GRANTED

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. DUNCAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 28, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6770. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas and Treatment [Docket No. 98-125-2] received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6771. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Dairy Tariff-Rate

Import Quota Licensing (RIN 0551–AA58) received January 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6772. A communication from the President of the United States, transmitting the National Security Strategy of the United States, 1999, pursuant to Public Law 99—433, section 603(a) (100 Stat. 1075); to the Committee on Armed Services.

6773. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability Compliance Measurement Cooperative Agreements—received February 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6774. A letter from the Chairman, Amtrak, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6775. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the report on the management control and financial systems compliance with Section 2 and 4 of the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

6776. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, National transmitting the Administration's final rule—Federal Acquisition Regulation; Document Availibility [FAC 97–15; FAR Case 99–018; Item VI] (RIN 9000–AI58) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6777. A letter from the Acting Deputy Associate Administrator for Aquisition Policy, Office of Governmentwide Policy, General Services Administration, National transmitting the Administration's final rule—Federal Acquisition Regulation; Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshhold [FAC 97–15; FAR Case 99–304; Item VIII] (RIN 9000–AI59) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6778. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, National transmitting the Administration's final rule—Federal Acquisition Regulation; SBA's 8(a) Business Development Program [FAC 97–15; FAR Case 98–011; Item VII] (RIN 9000–AI33) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6779. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, National transmitting the Administration's final rule—Federal Acquisition Regulation; Transition of the Financial Management System Software Program [FAC 97–15; FAR Case 99–602; Item V] (RIN 9000–AI57) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6780. A letter from the Chairman, National Endowment for the Humanties, transmitting the report on the internal control and financial systems within the objectives of the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

6781. A letter from the Director, Office of Personnel Management, transmitting the FY 1999 management controls as required by the Federal Managers' Financial Integrity Act (FMFIA); to the Committee on Government Reform.

6782. A letter from the Secretary of Transportation, transmitting the report that both objectives of Section 2 and Section 4 of the Federal Managers' Financial Integrity Act of 1982 were met during FY 1999, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6783. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to Required Observer Coverage [Docket No. 981221311–9096–02; I.D. 021400F] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6784. A letter from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting the Department's final rule—Corrections Program Office's Interpretation of Eligibility Requirements for Truth-in-Sentencing Incentive Grants Under 42 U.S.C. 13704(a)(2) [OJP(OJP)-1258] (RIN: 1121–ZB92) received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6785. A letter from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting the Department's final rule—Timing of Police Corps Reimbursements of Educational Expenses [OJP(OJP)-1250f] (RIN: 1121–AA50) received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6786. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting the Department's final rule—Distribution of Fiscal Year 2000 Indian Reservation Road Funds (RIN 1076–AD99) received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Special Flight Rules in the Vincinity of Grand Canyon National Park [Docket No. 28537; Amendment Nos. 91–260, 93–79, 121–272, 135–74] (RIN: 2120–AG97) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Reduced Vertical Separation Minimum (RVSM) [Docket No. FAA–1999–5925 Amendment No. 91–261] (RIN: 2120–AG82) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6789. A letter from the Chief, Office of Regulation and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Regulation; Los Angeles-Long Beach Harbors, CA [CGD11–99–008] (RIN: 2115–AA98) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6790. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Tampa Bay, Tampa, Florida [COTP Tampa 99–042] (RIN: 2115–AA97) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6791. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Norwalk River, CT [CGD01–00–006] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6792. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY [CGD01–00–008] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of the El Toro Marine Corps Air Station (MCAS) Class C Airspace Area, and Revision of the Santa Ana Class C Airspace Area; CA [Airspace Docket No. 99–AWA–10] (RIN: 2120–AA66) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace, Amendment of Class D Airspace; Key West, FL [Airspace Docket No. 99–ASO–28] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hutchinson, KS [Airspace Docket No. 99–ACE–48] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Habin Aircraft Manufacturing Corporation Model Y12 IV Airplanes [Docket No. 99–CE–41–AD; Amendment 39–11544; AD 2000–02–26] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 99–NM–309–AD; Amendment 39–11539; AD 2000–02–21] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800 and 1000 Airplanes and Model DH.125, HS.125, and BAe.125 Series Airplanes [Docket No. 99–NM–160–AD; Amendment 39–11553; AD 2000–02–35] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B Helicopters [Docket No. 98–SW–63–AD; Amendment 39–11550; AD 2000–02–32] (RIN: 2120–AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 99-NM-34-AD; Amendment 39-11552; AD 2000-02-34] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100 and -200 Series Airplanes [Docket No. 99-NM-88-AD; Amendment 39-11558; AD 2000-03-01] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-41-AD; Amendment 39-11555; AD 2000-02-37] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes Equipped with General Electric CF6-80C2 Series Engines [Docket No. 98-NM-252-AD; Amendment 39-11551; AD 2000-02-33] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300-600, and A310 Series Airplanes [Docket No. 99-NM-23-AD; Amendment 39-11556; AD 2000-02-38] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 2000-NM-16-AD; Amendment 39-11557; AD 2000-02-39] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321 Series Airplanes [Docket No. 99-NM-254-AD; Amendment 39-11554; AD 2000-02-36] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80, and C-9 (Military) Series Airplanes, and Model MD-88 Airplanes [Docket No. 98-NM-381-AD; Amendment 39-11541; AD 2000-02-23] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped with General Electric Model CF6-80C2 Series Engines [Docket No. 98-NM-231-AD; Amendment 39-11538; AD 2000-02-20] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 97-NM-323-AD; Amendment 39-11537; AD 2000-02-19] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. 97-NM-133-AD; Amendment 39-11536; AD 2000-02-18] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6811. A letter from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Changes in Watch, Watch Movement and Jewelery Program for the U.S. Insular Possessions [Docket No. 990813222-0035-03] (RIN 0625-AA25) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6812. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Automatic Waiver of Certain Excise Tax [Revenue Procedure 2000-17] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6813. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing Agreements Concerning Variable Annuity Contracts [Notice 2000-9] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6814. A letter from the Chairman, International Trade Commission, transmitting the results of the investigation under section 204(a) of the Trade Act of 1974 with respect to the domestic industry since quanitative limitations on imports of wheat gluten were imposed on June 1, 1998; to the Committee on Ways and Means.

6815. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal to amend the provisions of the Inspector General Act, as amended, 5 U.S.C. Appendix 3, by adding a new section 6(e); jointly to the Committees on Government Reform and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 24, 2000]

Mr. ARCHER: Committee on Ways and Means. H.R. 7. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; with an amendment (Rept. 106-546). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 27, 2000]

Mr. BLILEY: Committee on Commerce. H.R. 1089. A bill to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes; with an amendment (Rept. 106-547). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3244. Referral to the Committees on the Judiciary, Banking and Financial Services, and Ways and Means for a period ending not later than April 14, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WEINER (for himself, Ms. Roybal-Allard, and Ms. Millender-McDonald):

H.R. 4093. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; which was referred to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Klink.

H.R. 61: Mr. Baca.

H.R. 218: Mr. Hayes, Mr. Baca, and Mr. Lewis of California.

H.R. 252: Mr. Armey, Mr. DeLay, Mr. Baker, and Mr. Paul.

H.R. 860: Mr. Udall of Colorado.

H.R. 876: Mr. Latham.

H.R. 960: Ms. Carson.

H.R. 1168: Mr. Sandlin and Ms. Velázquez.

H.R. 1215: Mr. Blumenauer.

H.R. 1413: Mr. Terry, Ms. Lofgren, Mr. Jenkins, Mr. Cook, and Mr. Romero-Barcelo.

H.R. 1485: Mrs. Mink of Hawaii.

H.R. 1525: Mr. Frank of Massachusetts, Mr. Dicks, and Mr. Baird.

H.R. 1967: Mr. Baca.

H.R. 2641: Mr. Udall of New Mexico.

H.R. 2697: Mr. Wexler.

H.R. 2814: Mrs. Wilson.

H.R. 2964: Mr. Cunningham and Mr. Stupak.

H.R. 3044: Mr. George Miller of California.

H.R. 3180: Mr. Baca.

H.R. 3202: Mr. LoBiondo.

H.R. 3535: Mr. Hefley, Mr. Smith of Washington, and Mr. Calvert.

H.R. 3575: Mr. Pickett, Mr. LaFalce, and Mr. Capuano.

H.R. 3631: Ms. SLAUGHTER.

H.R. 3639: Mr. ETHERIDGE.

H.R. 3686: Mr. BLUMENAUER.

H.R. 3694: Mr. GILMAN.

H.R. 3850: Mr. HILLEARY, Mr. DEAL of Georgia, Mr. PORTMAN, and Mr. KLECZKA.

H.R. 3891: Mr. VENTO, Ms. SLAUGHTER, Ms. CARSON, and Mr. GONZALEZ.

H.R. 4006: Mr. WELDON of Pennsylvania.

H.R. 4051: Mr. PICKERING, Mr. HYDE, Mr. HERGER, and Mr. SMITH of Texas.

H. Con. Res. 62: Mr. CANADY of Florida, Mr. BOEHNER, Mr. ANDREWS, and Mr. WEXLER.

H. Res. 346: Mr. SPRATT.

SENATE—*Monday, March 27, 2000*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The guest Chaplain, Bishop David R. Brown, Chaplain of the American Legion, offered the following prayer:

O God of our hearts, we thank You for the fullness of joy which has come to us from serving You and has made itself apparent in the growth of this great country. We ask for Your unwavering blessings that we may rediscover and strengthen the faith in ourselves, the faith in each other, the faith in the process, and the faith in You that we may live our motto "In God We Trust."

O God of hope, grant wisdom and guidance to these men and women who have been placed in positions of trust by their peers. Lead them, O Beloved, so that the desire in each of our hearts for justice and equality will resound as a clarion call throughout this hallowed Senate Chamber. We ask that Your all-encompassing love and forgiveness make equal the voice of the power broker and the most humble citizen; make equal the voice of every citizen regardless of race, creed, or gender.

Beloved, help us to renew our faith and trust in those deeply felt spiritual and reasonable truths of our forefathers that all men and women are created equal. They proposed a theory. We ask You for the strength of heart and will to give it life throughout this land of ours so that we might shine as a beacon of hope and equality, of faith and trust, for the rest of Your creation. Amen,

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 1:30, with Senators DURBIN and THOMAS in control of the time. Following the morning business period, the Senate will begin consideration of S. Res. 14 regarding the desecration of the flag. Under a previous agreement, amendments by Senators MCCONNELL and HOLLINGS will be debated throughout the day.

As previously announced, there will be no rollcall votes today, with any votes ordered in relation to the flag desecration measure scheduled to occur on Tuesday at 2:15 p.m. Any Senators interested in debating this important measure should be prepared to do so today or early tomorrow.

I thank my colleagues for their attention.

MEASURES PLACED ON THE CALENDAR—S. 2284 AND S. 2285

Mr. THOMAS. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDENT pro tempore. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

> A bill (S. 2284) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.
>
> A bill (S. 2285) instituting a Federal fuels tax holiday.

Mr. THOMAS. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDENT pro tempore. Under the rules, the bills will be placed on the calendar.

Mr. THOMAS. I yield the floor.

The PRESIDENT pro tempore. The able Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that you have or will shortly call us into a period of morning business.

The PRESIDENT pro tempore. The Senator is correct.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak therein for not exceeding 10 minutes each.

Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee, will be in control of the first 45 minutes.

TOM FEREBEE SAW HIS DUTY AND HE DID IT AT HIROSHIMA

Mr. HELMS. Mr. President, when a remarkable North Carolina native died on March 16, a more perfect world would have dictated that his death be given far more attention than it received, attention that would have invoked memories of a distinguished, decorated war veteran; a career Air Force officer; and a conscientious, hard-working real estate agent; and most importantly, it would have kindled memories of a kind, gentle grandfather who enjoyed bass fishing and tending to his beloved roses.

But, when death came to Thomas Wilson Ferebee, some of the media mentioned these fine personal qualities only in passing, but many others will remember Tom Ferebee's carrying out his awesome, solemn responsibility as lead bombardier on the *Enola Gay*. It was he, on duty that fateful day when the first atomic bomb was dropped on Hiroshima, helping to bring, finally, an end to the costly, destructive, most terrible conflict that history records as World War II.

The decision to use the atomic bomb was an extraordinarily difficult one. And, too often, revisionist historians have tried to rewrite the lessons of Hiroshima and Nagasaki, with unjustified suggestions that Harry Truman's decision to use the bomb to end the war was immoral.

What would have been immoral, of course, would have been to force the world into a further, protracted, bloody struggle when the means were available to end it—with, in the end, less suffering, destruction, and killing.

The weight of that decision was placed on the shoulders of the crew of the *Enola Gay*, among whom was a farm boy from Davie County, NC. In nearby Mocksville, where Tom Ferebee went to school, nobody could have predicted that this four-sport star of baseball, football, basketball, and track would be remembered one day around the world.

Throughout his later years, Tom Ferebee was often questioned about his *Enola Gay* role. One journalist after another with their minds made up in advance tried to press Tom Ferebee to admit guilt about his role—which Tom Ferebee rejected, saying, for example in 1995:

> I'm sorry an awful lot of people died from that bomb, and I hate that something like that had to happen to end the war. But it was war, and we had to do something to end it.
>
> None of us who were on the *Enola Gay* ever lost a minute's sleep over it. In fact, I sleep

better because I feel a large part of the peace we have had in the last 50 years was what we brought about. If we hadn't forced the surrender, there would have had to be a land invasion of Japan and the estimates are that a million Americans and as many Japanese would have died in it.

Which is absolutely correct. The fact is, Mr. President, that Tom Ferebee and his comrades deserve better than to be symbols of phony guilt resulting from an absolute necessity of war. Tom Ferebee knew—as we do—that he did the right thing by carrying out his mission.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE BUDGET

Mr. REID. Mr. President, last year we spent a great deal of time talking about whether or not we should have an $800 billion tax cut. We spent an inordinate amount of time working on that. The minority, the Democrats, thought we should not do that, that it was too much; that instead of having this large tax cut, we should have some targeted tax cut, much, much, much smaller. This debate went on for months. The sad part about it is, when we came to the appropriations bills, the 13 appropriations bills, suddenly there was no money. Even though there had been $800 billion set aside, supposedly for tax cuts, there was no money to take care of the expenses that were necessary in the funding of this country.

Day after day we were talked to—some say talked down to—by our friends on the other side of the aisle, that the economy would come to a grinding halt if we did not pass this $800 billion tax bill. Of course, that has not happened. Not only did the minority not buy the plan of the majority, but the American people did not buy the plan. In any poll taken, the American people decided there were more important priorities.

What were those priorities?

Education—when you have 3,000 children dropping out of high school every day, you would think that would be a priority.

Social Security is a priority. We have to make sure in the outyears Social Security is as good to people as it is today. Social Security is going to be doing just fine until the year 2035, maybe 2036. But after that period of time, people will only be able to draw 75 percent or 80 percent of their benefits. We need to make sure after that time they can draw all their benefits.

We have to make sure Medicare is taken care of, that we do something on this program that has been in existence for 35 years to take care of people who need prescription drugs; that is, all seniors. The average senior over age 65 fills 18 prescriptions a year. So we have to make sure Medicare, a very important program that has done a great deal to help the American senior population, that has allowed them to live longer and live more productive lives—we have to make sure that as a component of that there are some benefits for prescription drugs.

We have to make sure the debt is paid down. During the Bush-Reagan years, we accumulated a huge debt of some $5 trillion. It is time we started paying down that debt. We are not going to have the rosy economic scenario we now have forever. We are in the longest economic growth period in the history of this country. We are now in the 108th or 109th month, but that does not mean it will go on forever. It will not. I hope when the economic downturn comes, we will have paid down that debt and not have voted for irresponsible tax cuts.

It is interesting that the demagoguery and rhetoric has not stopped. It is at full blast—again, talking about tax cuts. Governor George W. Bush has recently proposed tax cuts which would add up to $1 trillion over 10 years. House Majority Whip DELAY from Texas—Congressman DELAY—last week, when asked about this, said let's do that and even more. He wants even larger tax cuts than George W. Bush has called for. I think there could be no better example of ignoring the wishes of the American people and ignoring what the economy needs.

As justification for this $1 trillion worth of tax cuts over programs such as saving Social Security, doing something about education, Medicare, and of course doing something about the national debt, the Governor and others in the majority continually point to the overwhelming tax burden on the American people. I imagine there were a few people around America this past Sunday wondering why have we been talking about that after reading newspapers all over America.

A column in the Washington Post from the front page reads: "Federal Tax Level Falls for Most; Studies Show Burden Now Less Than 10%."

This was not a partisan poll put out by the Democrats or some liberal think tank. This information is from a series of studies by liberal and conservative tax experts. It shows that taxes are at their lowest point in more than 40 years; Federal income taxes are at their lowest point in more than 40 years.

I ask unanimous consent the article that appeared in the Washington Post and other newspapers around the country be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 26, 2000]

FEDERAL TAX LEVEL FALLS FOR MOST; STUDIES SHOW BURDEN NOW LESS THAN 10%

(By Glenn Kessler)

For all but the wealthiest Americans, the federal income tax burden has shrunk to the lowest level in four decades, according to a series of studies by liberal and conservative tax experts, the Clinton administration and two arms of the Republican-controlled Congress.

Each of the studies slices the data in different ways, but the bottom line is the same: Most Americans this year will have to fork over less than 10 percent of their income to the federal government when they file federal income taxes.

The Congressional Budget Office estimates the middle fifth of American families, with an average income of $39,100, paid 5.4 percent in income tax in 1999, compared with 8.3 percent in 1981. The Treasury Department estimates a four-person family, with the median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965. And the conservative Tax Foundation figures that the median two-earner family, making $68,605, paid 8.8 percent in 1998, about the same as 1955.

Federal income taxes are so low for so many Americans that it is little wonder many voters place tax cuts near the bottom of their priorities in many opinion polls.

"It's a shocker," said Bill Ahern, spokesman of the Tax Foundation, of the group's calculation that families paid just 8.8 percent of their income in federal tax. Low federal taxes make it harder to make a case for tax cuts, he added. "With the lower- to middle-income taxpayers paying so little . . . there won't be pressure" for change.

George Velasquez agrees. "I don't have any complaints on the federal side," said the 29-year-old network engineer as he left an H&R Block office in Falls Church last week. Velasquez, who says he makes about $50,000, said he got hit with unexpected state taxes when he moved recently, but thinks his federal taxes are fair.

The low effective rates are the result of years of tinkering with the tax code by Congress and various administrations—rates were cut in the 1980s, millions of Americans were removed from the tax rolls in 1990s by an expansion of a tax credit for the working poor, and a bevy of tax credits for children and education was added in 1997. More than one-third of eligible taxpayers pay no income taxes, according to the congressional Joint Committee on Taxation.

These effective tax rates don't include payroll taxes to fund Social Security and Medicare, which have risen since the 1970s, now taking on average about 9 percent of income, the CBO says. Most Americans, however, now receive far more in benefits after retirement than they paid while working. Federal excise taxes for such items as alcohol, gasoline and cigarettes—on average 1 percent of income—also aren't included; neither are state and local taxes.

But federal income taxes are a key point of contention between Texas Gov. George W. Bush and Vice President Gore in the presidential race. Bush has proposed a tax cut estimated to cost from $1.1 trillion to $1.7 trillion over 10 years as the centerpiece of his economic plan, much of it aimed at cutting tax rates for all taxpayers.

Gore has countered with what is now $350 billion in tax cuts targeted at middle-income Americans. The size of Gore's package has grown in recent months as the vice president has added tax breaks aimed at what a spokesman describes as other burdens, such as the rising cost of college.

Neither man has suggested changing payroll taxes or significantly altering excise taxes. Bush has called for repealing 23 percent—4.3 cents—of the 18.4 cent federal gas tax.

"I look at the data all the time," said Bruce Bartlett, senior policy analyst at the Dallas-based National Center for Policy Analysis, a conservative group. "Taxes are never showing up as a major factor. As far as people wanting a big Reaganesque tax cut, I just don't see it. People are satisfied with their economic situation."

In the latest Battleground 2000 poll, conducted March 10–13 by the Tarrance Group and Lake, Snell Perry & Associates, only 6 percent of respondents listed reducing taxes as a very important issue—behind restoring moral values, improving education, strengthening Social Security and improving health care.

Celinda Lake, a Democratic pollster, conducted a series of focus groups earlier this year that in part looked at attitudes toward taxes. She said that in contrast to previous years, "there was a lot less energy" to the tax issue, in part because people are cynical about whether they will personally ever get much from a tax cut.

People appear more interested in government benefits that would put money in their pocket—such as for prescription drugs or college loans. Interestingly, Lake said, blue-collar workers were more interested in tax breaks than more affluent, college-educated workers who pay the bulk of taxes.

There now are five tax brackets that range from 15 percent to 39.6 percent, depending on income level. But deductions, exemptions and tax credits help to dramatically reduce the effective rate for many taxpayers. Bush has proposed replacing the current brackets with four ranging from 10 percent to 33 percent because, as he put it earlier this month, "after eight years of Clinton-Gore, we have the highest tax burden since World War II."

Bush acknowledged that polls show little support for tax cuts, but said: "I'm not proposing tax relief because it's the popular thing to do; I'm proposing it because it's the right thing to do."

Bush's assertion that the tax burden is so high is based on dividing tax revenue into the nation's gross domestic product. According to the Clinton administration's latest budget, anticipated federal tax revenue from both corporate and personal taxes will represent 20.4 percent of gross domestic product this year, which is the highest since 1945.

The booming economy has added millions of jobs to the work force, boosting tax revenue, and many economists also attribute the surge in tax revenue in part to increased capital gains revenue from the booming stock market.

But the gross domestic product, the broadest measure of the economy, does not include capital gains income, thus overstating the impact of increased capital-gains revenue. And taxpayers making more than $200,000 pay more than three-quarters of all capital gains taxes, according to calculations by the Institute on Taxation and Economic Policy, which uses a computer model to calculate the impact of tax policy for Citizens for Tax Justice, a progressive organization.

John Cogan, senior fellow at the Hoover Institution and a Bush economic adviser, said the ratio of taxes to the nation's goods and services is an accurate way to measure the nation's tax burden. But he acknowledged that taxes have declined for many low- and middle-income Americans.

"That's a point worth talking about," Cogan said. The burden of paying taxes has mostly shifted to high-income Americans while taxes have decreased for others, he said.

The CBO estimates the wealthiest 20 percent of families (with average income of $132,000) paid 16.1 percent of their income in federal taxes in 1999—about the same as the late 1970s, before the Reagan tax cuts took effect. The top 1 percent (with average income of $719,000) paid more, 22.2 percent—but still far from the 39.5 percent top rate.

Sen. William V. Roth Jr. (R-Del.), chairman of the Senate Finance Committee, acknowledged that federal taxes have declined for many working Americans. "We made some progress because of the Republican Congress," he said, "and we are very proud of that fact." But he said taxes are still too high, citing the ratio of tax revenue to the gross domestic product.

In many of Bush's speeches, he expresses concern for the tax burden of ordinary Americans, such as a waitress trying to raise two children on $22,000 a year, as their incomes increase. Larry Lindsey, Bush's chief economic adviser, agrees that tax credits and the like have reduced effective tax rates. But Lindsey said there is "an egregious problem" of higher marginal rates—how much of additional income goes to taxes—as the credits begin to phase out.

Bush's World Wide Web site (www.georgewbush.com) includes a "Bush Tax Calculator," which also demonstrates how low taxes are for most Americans. A family of four making $56,000 pays 8.3 percent of its income in federal tax, according to the Bush online site, which Cogan said is based on the tax code.

The online site's calculator also says a single parent with two children making $22,000 a year pays $110 in federal income taxes, or 0.05 percent of her wages. But the Bush calculator doesn't include the impact of the earned-income tax credit, which results in a rebate of $1,700 for this wage-earner. A single parent with two children actually doesn't owe federal tax until her income reaches nearly $27,000.

Bush's plan would take many Americans who already pay relatively low taxes off the tax rolls. But because Bush has focused on cutting tax rates, the largest share of the tax savings would go to Americans who pay most of the taxes.

The institute on Taxation and Economic Policy estimated that the wealthiest 10 percent of taxpayers would receive more than 60 percent of the tax cuts in the Bush plan. Someone making $31,100 would receive a tax cut of $501, about 1.6 percent of income, while a taxpayer making $915,000 would receive a tax cut of $50,166—5.5 percent of income.

The Bush online calculator doesn't calculate taxes—or tax cuts—for people making more than $100,000.

Mr. REID. I draw my colleagues' attention to this front-page story and a few of the statistics the article discusses.

The middle fifth of American families with average incomes of $39,100 paid 5.4 percent in income tax in 1999, down from 8.3 percent in 1981. Families with an income of $54,900 paid 7.46 percent in income tax, the lowest level since 1965. Even the median two-earner families making $68,605 a year were at 8.8 percent, paying their lowest level of income tax in 50 years.

According to the Washington Post and other newspapers around America, even conservative think tanks see the writing on the wall. A spokesperson for the Conservative Tax Foundation said:

> It's a shocker.

That was referring to the 8.8-percent income tax level.

> Low Federal taxes make it harder to make a case for tax cuts. With the lower- to middle-income tax payers paying so little there won't be pressure [for change].

Bruce Bartlett, senior policy analyst at the Dallas-based National Center for Policy Analysis, another conservative group:

> Taxes are never showing up as a major factor. As far as people wanting a big Reaganesque tax cut, I just don't see it. People are satisfied with their economic situation.

It is time we start addressing the real problems facing this country. Sure, we would all like less taxes, but let's look where the taxes are coming from. They are coming from State and local government, not from the Federal Government. Take a look at payroll taxes, but get off the income tax kick. The taxes are the lowest they have been in some 40 to 50 years, according to your tax category. Even a Bush adviser acknowledges that taxes have declined for many low- and middle-income Americans. I don't know if this adviser for Governor Bush will continue working for him.

The problem, which is what we have been saying, as quoted in the article:

> Federal income taxes are so low for so many Americans that it is little wonder many voters place taxes near the bottom of their priorities in many opinion polls.

Why are our friends on the other side of the aisle not listening to the American people? The public continues to demand first things first. What are they? Save Social Security, especially when we have the budget surpluses which allow extending Social Security's long-term solvency. The fact can't be ignored. We must do something about Social Security in the outyears. Republicans basically want to ignore Social Security, ignore the debt of $5 trillion, and squander this surplus with rhetoric which champions more than $1 trillion worth of tax cuts.

Remember, we have the lowest taxes in some 40 to 50 years, according to your tax category, yet most of the rhetoric on that side of the aisle has been: Lower Federal income taxes.

As I said on numerous occasions, paying down the debt is a tax cut for everyone. If we cut down the $5 trillion debt, which means we pay less interest every year as the Federal Government's biggest obligation, other than military, we would save billions and billions of dollars every month. It seems to me that is where we should put our priorities. Paying down the debt is a tax cut for everyone. Interest saved from paying down the debt could be credited to the Social Security and Medicare trust funds, which would extend their solvency and give us flexibility to target tax cuts. In other words, let's do tax cuts we can afford.

Certainly, there are some tax cuts that are necessary. We can increase the standard deduction for both single and married filers. We can provide tax relief to married couples who suffer as a result of their having been married. We can offer a long-term tax credit, providing a deduction for long-term-care insurance premiums. In America today, people are living longer, more productive lives. As a result, there are a lot of people going to extended-care facilities. It has become a tremendous burden for people placed in these institutions. We need to provide some tax credits for people who buy insurance for their golden years. This tax cut makes it easier not only for the people who buy the insurance but for families who care for their elderly family members.

We need to increase deductions to make health insurance more affordable and accessible, especially for self-employed Americans. We need to increase the maximum amount of child care expenses eligible for tax credit. These are targeted, reasonable tax cuts that would more evenly distribute the load.

I think it is remarkable we can pick up the paper Sunday and get the good news. The good news is, Federal income taxes are the lowest they have been in America for 40 to 50 years. I think that says a lot for the 1993 Budget Deficit Reduction Act that passed without a single Republican vote; we passed it. The Vice President came to the Senate and broke the tie. As a result of that, America has been put on a long-term economic upturn. Not only has there been great economic news in that the economy is doing well for a record amount of time but, in addition to that, taxes are lower than they have been in 40 to 50 years.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I understand we have 45 minutes in morning business set aside.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, if I could be notified after 12 minutes.

NEED FOR ACTION ON PRESSING HEALTH ISSUES

Mr. DORGAN. Mr. President, I want to talk about two issues we must address in this Congress before the end of the year, both dealing with health care. I will describe very briefly why these are important and why many have been pushing for some long while to try to get the Senate to act on this issue.

First is prescription drugs and Medicare. On Friday of the past week, I was in New York City with Senator CHUCK SCHUMER holding a hearing on the issue of prescription drugs and Medicare. I have held similar hearings in Chicago, in Minneapolis, and various places around the country as the chairman of the Democratic Policy Committee. We have had virtually identical testimony no matter what part of the country we were in. Senior citizens say drug prices are very high. When they reach their senior years, living on fixed incomes, they are not able to access prescription drugs that they need.

In Dickinson, ND, a doctor told me of a patient of his who had breast cancer. He told the woman after her surgery that she was going to have to take some prescription drugs in order to reduce the chances of the recurrence of breast cancer. When she found out what the cost of the prescription was, she said: I can't afford to take these drugs.

The doctor said: Taking them will reduce the risk of recurrence of breast cancer.

The woman said: I will just have to take my chances.

Why did she say that? Because there is no coverage in the Medicare program for prescription drugs and because many of these prescription drugs cost a significant amount of money. Senior citizens in this country are 12 percent of America's population, but they consume 33 percent of the prescription drugs in our country.

Last year, spending on prescription drugs in the United States increased 16 percent in 1 year. Part of this increase is the increase in drug prices and part is greater utilization of prescription drugs.

What does that mean? It means that everyone has a rough time paying for prescription drugs, especially senior citizens who live on fixed incomes. Many of us believe that were we to create a Medicare program today in the Congress, there is no question we would have a prescription drug benefit in that program.

Most of these lifesaving prescriptions were not available in the sixties when Medicare was created. But a lifesaving prescription drug can only save a life if those who need it can afford to access it. That is the point. That is why many of us want to include in the Medicare program a benefit for prescription drugs. We do not want to break the bank. We want to do it in a thoughtful way. We would have a copayment. We would have it developed in a manner that allows senior citizens to choose to access it or not. They could either participate in this Medicare prescription drug program or they could decide not to do it.

In any event, we ought to do something on this subject. Those of us who have come to the floor over and over again saying this is a priority believe with all our hearts this is something we should do for our country.

I will take a moment to describe part of the pricing problem with prescription drugs. The U.S. consumer pays the highest price for prescription drugs of anyone else in the world.

I ask unanimous consent to show a couple of pill bottles on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, these are two pill bottles. They are a different shape, but they contain the same pill made in the same factory, made by the same company.

This happens to be a pill most of us will recognize. It is called Claritin. It is commonly used for allergies. This bottle of 100 tablets, 10 milligrams each, is sold in the United States for $218. That is the price to the customer in the United States. This pill bottle is sold in Canada. It is the same pill made by the same company, in the same number of tablets and the same strength, but this bottle costs only $61. The same bottle of pills is $218 to the U.S. consumer; to the Canadian consumer, $61. By the way, the Canadian price has been converted into U.S. dollars.

One must ask the question: Do you think the pharmaceutical manufacturers are losing money in Canada selling it for $61? I guarantee you they would not sell it there if they were losing money, but they charge 358 percent more to the U.S. consumer. I will demonstrate another drug.

These two bottles contain Cipro. It is a common medicine to treat infection. This time, the drug is actually packaged in the same type of bottle, with the same marking, same coloring, and containing the same pills made by the same company. Incidentally, both were from facilities inspected by the FDA in the United States. Cipro, purchased in the United States, 500 milligram tablets, 100 tablets, costs $399. If one buys the pills in the same bottle in Canada, it is $171. The U.S. consumer is charged 233 percent more.

We need to do something about two issues: One, we need to put some downward pressure on pharmaceutical drug prices and to ask the legitimate question: Why should the American consumer pay higher prescription drug prices than anyone else in the world? Is that fair? The answer, of course, is no.

What does it mean to those who can least afford it? It means lifesaving medicine is often not available to those who cannot afford access to it. I can tell my colleagues story after story of folks who came to hearings I held in Chicago, New York, and all around the country describing their dilemma. There were people who had double lung transplants, heart transplants and cancers, talking about $2,000 a month in prescription drug costs.

This is serious, and this is trouble for a lot of folks. We need to do something about putting downward pressure on prescription drug prices.

I have a solution for that, and that is to allow US pharmacists and distributors access to the same drugs in Canada and to bring it down and pass the savings along to the US consumers. We have to pass a law to do that. We are having a little trouble passing that bill.

Second, we need to add a prescription drug benefit to the Medicare program.

I will now turn to the Patients' Bill of Rights, which is the second piece of legislation we ought to get done. The Senate has passed a bill, some call it the "Patients' Bill of Goods" because it did not do much and it covered few people. The House passed a bipartisan bill, the Dingell-Norwood bill. Democrats and Republicans joined to pass this bill. It is a good bill.

The Senate and House bills are in conference. The House appointed conferees who voted against the House bill because the House leadership does not support the bipartisan bill that passed the House. We have a paradox of conferees from the House who, by and large, do not support the House bill, which is the only good bill called the Patients' Bill of Rights.

I will describe a couple of the elements of the Patients' Bill of Rights, which are so important.

First is the situation with Ethan Bedrick. One might say: You have done that before; that is unfair. It is not unfair. Health care denied to individuals is a very personal issue. When we have a framework for health care delivery in this country that denies basic health care services under certain HMOs and certain policies to people who need it, it is perfectly fair to talk to people in the Senate about the need to change public policy.

This is little Ethan Bedrick from Raleigh, NC. When he was born, his delivery was very complicated. It resulted in severe cerebral palsy and impaired the motor functions in his limbs. As you can see, he has bright eyes and a wonderful smile. When he was 14 months old, his insurance company curtailed his physical therapy. Why? Because they said he only had a 50-percent chance of walking by age 5. A 50-percent chance of walking by age 5 is not enough, they said. This is a matter of dollars and cents, so Ethan shall not get his physical therapy.

Is it fair to raise these questions? Of course it is. Should someone like Ethan with a 50-percent chance of walking by age 5 have an opportunity for the physical therapy he needs? You bet. Should we have a Patients' Bill of Rights that will guarantee him that access under an HMO contract? You bet.

We have in the House of Representatives Dr. GREG GANSKE, a Republican, and very courageous fellow, I might add. He is one of the key sponsors of the Patients' Bill of Rights in the House of Representatives. Dr. GANSKE is also someone who has done a substantial amount of reconstructive surgery.

He used this photograph, which is quite a dramatic photograph showing a baby born with a very serious defect, a cleft lip shown in this picture. Dr. GANSKE was a reconstructive surgeon before he came to Congress. He said he routinely saw HMOs turn down treatment for children with this kind of defect because they said it was not medically necessary.

I thought when I heard Dr. GANSKE make that presentation the first time: How can anyone say correcting this is not medically necessary?

Then Dr. GANSKE used a picture which showed what a correction looks like when reconstructive surgery is done. Isn't it wonderful what can happen with good medicine? But it can only happen if that child has access to that reconstructive surgery.

Is it a medical necessity? Is it fair for us to discuss and debate the Republican policy? The answer is clearly yes.

Let me also mention a case I have discussed before on the floor of the Senate, young Jimmy Adams. Jimmy is now 5. When he was 6 months old, he developed a 105-degree fever. When his mother called the family's HMO, they were told they should bring James to an HMO-participating hospital 42 miles away, even though there were emergency rooms much closer.

On that long trip to the hospital, this young boy suffered cardiac and respiratory arrest and lost consciousness. Upon arrival, the doctors were able to revive him, but the circulation in his hands and feet had been cut off. As you can see, he lost his hands and feet.

Why didn't they stop at the first emergency room or the second emergency room that was closer? Because the HMO said: We will only reimburse you if you stop at the emergency room we sanction. So 42 miles later, this young boy had these very serious problems and lost his hands and feet.

What are we to make of all this? We have very significant differences in the Patients' Bill of Rights between the House and the Senate. The differences in the bill of rights in the House and the Senate are the differences dealing with medical necessity. As used in HMO contracts:

> Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or provided, as determined by us.

The fact is, health care ought not be a function of someone's bottom line. Young Ethan, young Jimmy, or the young person born with a severe birth defect, like the cleft palate defect of the type I described, ought not be a function of some insurance company's evaluation of whether their profit or loss margin will suffer by providing treatment to these patients.

A woman fell off a cliff in Virginia, dropped 40 feet and was rendered unconscious. She went into a coma and was brought into an emergency room and treated for broken bones and a concussion. They wheeled her into the emergency room on a gurney, while unconscious, yet the HMO later, after she survived, said: We will not pay for your emergency room treatment because you did not have prior approval.

This is a woman, unconscious, in a coma, wheeled into an emergency room, but she did not get prior approval. That is the sort of thing that goes on too often in this country in health care. It ought to be stopped. It can be stopped if we pass a Patients' Bill of Rights. Not if we pass a patients' bill of goods that someone tries to misname to tell their constituents they have done something when, in fact, they stood up with the insurance companies, rather than with patients. We need a Patients' Bill of Rights that really digs in on these issues: What is a medical necessity? Do patients have a right to know all of their options for treatment, not just the cheapest? Do they have those rights?

The piece of legislation that was passed in the House gives patients those rights. The piece of legislation the majority passed in the Senate does not. We are going to continue to fight to try to get something out of this conference committee that medical patients in this country, that the American people can believe will give them some basic protection, some basic rights, so that the kinds of circumstances I have described will not continue to exist in this country.

Health care ought not be a function of someone's profit and loss statement. People who need lifesaving treatment ought to be able to get it. The ability to access an emergency room during an emergency ought not be something that is debatable between a patient and an HMO.

Those are the issues we need to deal with in the coming couple of months—both of them health care issues, both of them important to the American people. I hope that as this debate unfolds, we will have some bipartisan help in trying to address prescription drugs in Medicare, No. 1, and, No. 2, passing a real Patients' Bill of Rights, to give real help to the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent I be able to proceed in morning business for a period of 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET PRIORITIES

Mr. JOHNSON. Mr. President, this week the Senate Budget Committee is about to proceed with a markup of the budget resolution, an effort that is overdue. Nonetheless, it will be taken up this week. I think we should examine the context in which the budget resolution will be considered in the Senate.

There was some awfully good news for American families this weekend. It was announced this weekend that the Federal income tax burden for American families has shrunk to the lowest level in 40 years. Who says this? Studies by both liberal and conservative tax experts, the administration, and two arms of the Republican-controlled Congress confirmed that the Federal income tax burden for families in America is lower than it has been for 40 years.

The middle fifth of American families, with an average income of $39,100, paid 5.4 percent in income tax last year compared to 8.3 percent in 1981.

A four-person family, with a median income of $54,900, paid 7.46 percent of their income in income tax—the lowest since 1965. And a median two-earner family, making $68,605, paid 8.8 percent in 1988, which is about the same as in 1955.

In fact, one-third of American families no longer pay income tax.

That is the context in which we need to take up what we are going to do as a people relative to our newfound economic prosperity that is being projected by so many.

We need to remember, too, how we arrived at this point.

In 1993, when President Clinton took office, he inherited a budget with a record deficit of $290 billion per year. In 1993, we passed the Budget Act without a single Republican vote—none in the House; none in the Senate. In fact, Vice President AL GORE cast the deciding vote on this floor in the Senate and created a framework for a remarkable turnaround.

From almost 30 years of continuing hemorrhaging red ink and growing deficits, we then had 7 years in a row of declining deficits—in fact, the last 3 in surplus, even over and above that required for Social Security.

For fiscal year 2000, we are looking at a $26 billion surplus over and above Social Security. In the meantime, that set the framework for 107 consecutive months of economic growth. There have been 20.4 million new jobs since 1993. Home ownership is up a record 67 percent. Real wages have increased since the beginning of the Clinton administration by 6.6 percent, reversing a two-decade-long trend of declining real wages.

From 1993 to 1998, the number of poor people in America declined by 4.8 million and the number of poor children went down by 2.1 million. In these past 7 years, 7.2 million have left the welfare rolls—a 51-percent decline in the welfare rolls. Welfare recipients now account for the lowest percentage of the U.S. population since 1967, the height of the Vietnam war.

In 1999, Federal spending was the smallest share of our gross domestic product since 1966. Lower- and middle-income Americans had the smallest tax burden in 40 years, as noted by the study that came out this weekend. And we are now paying down debt.

By the end of fiscal year 2000, the Treasury expects to have reduced our debt held by the public by about $300 billion—that is "billion" with a "B"—from where it was only 3 years ago.

Now we have this great national debate. The experts in both the House and the Senate are projecting about a $3 trillion surplus over the coming 10 years, thanks, in very large part, to the decision made in 1993 to set that framework for prosperity and growth. We are talking about a $3 trillion surplus. And $2 trillion of that is attributable to Social Security. To the good credit of the President of the United States, he said: Save Social Security first. Our Republican friends have concurred. That is off the table.

The next question is, then: What do you do about the remaining $1 trillion over the coming 10 years? The first thing is to be very cautious. Indeed, we have a hard time projecting 1 year in advance, much less 10 years in advance, what is going to happen to our economy.

We cannot get too giddy about how to spend or give back or do whatever with $1 trillion that may or may not materialize. But that is the debate that is going on today. It is going on between the two Presidential candidates. It has been going on between the parties. The American public themselves are trying to digest what kind of vision we have for America in the first 10 years of this century, the first 10 years of this millennium.

George W. Bush has said he knows what to do with the $1 trillion dollars: essentially give it all back in a tax cut, commit to that now. If $1 trillion doesn't actually show up, too bad, because Social Security, Medicare, and virtually everything else we do will be in jeopardy.

There are others, including myself, who say, first, be prudent about whether this trillion is going to materialize. To the degree that it does, let us look at making sure that we protect the long-term viability of Medicare, which is in shaky financial condition. Most concur. Secondly, let us put some additional dollars towards paying down the debt. That will keep the interest rates down. It will continue to foster economic growth and prosperity. It will make the ability to buy a car, a house, to create new jobs, to run a farm or ranch all cost less. It will do more than many other things the Federal Government could do.

Third, let's make sure we do make key investments in our schools. We have crumbling schools all across the country. We have schools that have a greater need for better technology. We have teacher pay problems. We have problems all the way from Early Head Start through our graduate programs and research programs, including our technical and vocational programs. Let's put some dollars there as well. That will create a foundation for continued economic growth and prosperity, if we continue to invest in the minds of American citizens.

We are in a global economy today. The world is full of people who work as hard as any American for a dollar a day. The question is, Do American workers bring to the table more than just a willingness to work hard but also bring with them the technical skills and intellectual abilities to do things other people in the world cannot do? That is where we need this growing, developing, and constructive partnership between the Federal, State, and local government, public and private, whereby we empower more American citizens to take care of their own needs, to grow the economy, and to make sure America remains the foremost economic power in the world bar none.

Yes, in the context of how to use this $1 trillion, let's try to find some room for tax relief, too, but let's target it to middle-class and working families, families who have the most difficult time meeting their bills. When you look at George W. Bush's proposal, it is blown on a tax cut, with nothing for the schools, nothing to invest, nothing to reduce the deficit, nothing to protect Medicare, at least not to the degree that it needs to be done. Then look and see who are the winners and losers on this.

The typical middle-class family gets about a $500 tax cut; a-million-dollar-a-year income gets about a $50,000 tax cut. That is not fair, not when we are being told we don't have the money to build new schools. We can't pass a bond issue in most of the counties in my State of South Dakota. Real estate taxes are through the roof. Our ag economy is not doing well. We are wondering how to replace all those 1910, 1920 vintage schools across my State. We are looking at still a great many children who would benefit from Early Head Start programs, Head Start programs. We are looking at the need for better law enforcement. We are looking at the need for investing in our infrastructure, including our rural water. We are looking at all the things we need to do to prepare ourselves for the increasingly challenging economy of this coming century, the coming millennium.

That is where the American public is in concurrence with those of us who say, first be prudent about that $1 trillion, making sure that we stay in the black, that we don't go back into the bad red-ink days of the Reagan-Bush years and the years before that which were bipartisan; both parties were in the red prior to 1993, for over 30 years. We don't want to go back to those days.

To the degree we have these dollars to utilize, let's make sure we cover an array of needs we have: Paying down further debt; protecting Medicare; investing in our schools, education, making us a more competitive society; doing some things for our families; and, yes, some tax relief as well. But let's do it all in that package rather than some sort of radical libertarian vision of America where the role of the Federal Government is to guard the border and deliver the mail. Many of our friends seem to think we shouldn't be delivering the mail anymore either.

I think most Americans have a more moderate, mainstream view. The American people are not ideologues. They are not far to the left. They are not far to the right. They don't want the Government to do everything, and they don't want a situation where the Government does nothing. They are commonsense about their vision of where we need to be. I think we should use caution in taking public opinion polls too seriously around this place.

Time after time, poll after poll taken reveals the American public is on the side of this more balanced, thoughtful, deliberative approach to how we are going to position ourselves to be in a situation of strength in the years to come. A lot of people's eyes glass over when we talk about budget issues, dollars and cents, talking about trillions of dollars. It is almost unfathomable. Yet at the heart of it all, where our real values and priorities lie is determined by those dollars-and-cents decisions we make in this body and on which we are about to begin this week.

The rhetoric is never lacking. The rhetoric is always in favor of almost everything. But when it comes time to see whether we are going to protect the environment, whether we are going to help our kids, whether we are going to rebuild schools, strengthen Medicare, whether we are going to do something about prescription drugs and health care, as Senator DORGAN from North Dakota has noted, whether we are going to do these kinds of things is, in large measure, dictated by the dollar-and-cents decisions we make on this floor.

This is going to be a very crucial week. We will be establishing a budget resolution. I am fearful from what I see headed our way that there is a likelihood that it will be another partisan political exercise at a time when the American public is rightfully frustrated by the lack of ability of the two parties to work together as well as they should. If that is the case, we will see, as we go through the 13 separate appropriations bills or omnibus bill in the end, as may wind up being the case, whether we come out in a way that is, in fact, balanced, which does, in fact, use the resources necessary.

It is a once-in-a-lifetime opportunity. Two generations have gone by waiting for this opportunity to have our Federal Government in the black and to make some policy decisions about how we can partner together to continue opportunity and prosperity for all of our citizens and not just a few. How tragic it would be if we were to lose this opportunity, if we would say, no, there is no role for the Federal Government to improve Medicare, to keep our rural hospitals open with a decent level of reimbursement, to rebuild our schools, to do the things that need to be done while at the same time providing some tax relief and paying down debt. What a loss that would be if we were to miss that opportunity.

There is no more fundamental decision to be made in this the 2nd session of the 106th Congress than these budget issues that are before us this week. We can be proud and we can take some satisfaction in the fact that taxes for middle-class families are now the lowest in 40 years, that we have had 3 years in a row of budget surpluses over and above that required for Social Security, and that our economy has had 8 years in a row of continuous GDP growth. But there is no automatic pilot on which to put our economy. It requires difficult decisions to be made each and every year by the Congress to set the stage for continued prosperity.

That is the challenge before us. I am hopeful that before we adjourn at the end of this year, we will be able to look back at this 2nd session of the 106th Congress as truly a watershed time, a fork in the road where we chose the right road to go down in terms of strengthening our society and creating a framework for continued growth and prosperity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I understand there has been time set aside this morning?

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming or his designee shall be in control of the next 45 minutes which has now begun.

ENERGY

Mr. GRAMS. Mr. President, I rise to discuss our long-term energy needs and the energy problems we are currently facing in this country and to express my dismay with the Clinton administration last week because of the neglect of the long-term energy needs of our Nation's economy and its energy consumers.

I spent a great deal of time outlining my concern with the administration's failure to develop a coherent plan for reducing our reliance on foreign oil and for increasing our nation's energy security. I outlined my disgust for how this administration has ignored our nuclear waste storage crisis, moved to breach hydropower dams in the northwest, forced regulation upon regulation on other energy production technologies, and displayed a complete disregard for the men and women who find and produce domestic supplies of oil and natural gas.

In fact, this administration has virtually ensured that the oil price crisis we're now facing will pale in comparison to the electricity price and supply problems that are just around the corner for our nation's electricity consumers. I know both the energy producers and consumers of Minnesota are astutely aware of the generation and transmission problems that will grip our state in the not-too-distant future. Those problems are not confined to Minnesota. Many States in the upper Midwest face generation and transmission shortages, as do States across the country. Those problems are rooted in the failure of this administration to comprehend the generation needs of a growing economy and the transmission requirements of that growing demand.

While I strongly believe that, in the absence of a coherent administration energy policy, Congress needs to step in and forge its own path for meeting the long-term energy needs of our economy. I've come to the floor today to talk about the need for some short-term measures to address high oil prices.

In Minnesota, farmers are preparing to enter the fields for spring planting. They're trying to budget for the year and put in place a business plan that will put food on the table and put their children through school. As everyone knows, doing these most basic things is no easy task when commodity prices are low, the weather is uncooperative, and government regulations eat away at the ability to show a profit. This year, however, farmers have a new worry that threatens to make matters even worse—the growing price of diesel fuel and gasoline. Farming is an extremely energy intensive industry. Everything farmers do require energy: from plowing the field to milking the cows, energy is an essential part of a farm's bottom line.

Likewise, truckers throughout America are essential to delivering the products we use in our everyday lives to markets across the country. Without truckers, we wouldn't have access to most of the things we all take for granted on a daily basis. Even the internet becomes virtually worthless to consumers if truckers can't deliver to our doorsteps the products we buy. Like farmers, truckers rely heavily upon stable energy costs to make a living and run their businesses. When fuel prices go up, truckers feel the impact first. Too often, they have to absorb the increases in fuel prices, but it's not long before everything from fruits and vegetables to our children's school supplies begin to rise in price as a result of climbing fuel costs. We need look no further than the surcharges now being placed on delivery services to see the compounding negative impacts of increased transportation costs.

Many of us in the Senate have witnessed the stream of truckers from across the country who have descended upon Washington, DC, in recent weeks. They have come to their Nation's Capitol not because they want government to give them something, but because they cannot make a living when the Department of Energy is caught napping on the job. They expect, demand, and deserve an Energy Department that comprehends the importance of energy costs to our economy and has a long-term plan for meeting the needs of energy consumers.

Mr. President, I know I do not have to remind my colleagues of how the rising cost of oil threatens almost every aspect of our economy and communities. Senior citizens on fixed incomes cannot absorb wild fluctuations in their energy costs. Business travelers and airlines cannot afford dramatic increases in airline fuel costs. Families struggling to feed and educate their children cannot withstand higher heating bills, increasing gasoline costs, or the domino effect this crisis has on the costs of goods and services.

To begin addressing this problem, I have joined Majority Leader TRENT LOTT, Senator LARRY CRAIG, and a number of my colleagues in offering legislation to repeal the 4.3-cent gas tax while protecting the Highway Trust Fund and not spending any of the Social Security surplus. Our legislation is aimed at getting some short-term relief directly into the hands of energy consumers. Our bill will eliminate 4.3-cent tax on gasoline, diesel, and aviation fuel so the American consumer can see some relief at the pump when they fuel up for a day on the road, in the field, or traveling to and from school or work. Our bill will eliminate the 4.3-cent tax starting on April 16 through January 1, 2001. For farmers, truckers, airlines, and other large energy consumers, this action will have an even greater positive impact because of the large amounts of fuel they consume.

I have heard some of my colleagues argue that 4.3 cents a gallon has a negligible impact on consumers. To them, I say look at the amount of fuel a farmer or trucker consumes during an average week. Look at the thousands of gallons of diesel fuel required to operate a family farm or deliver products from California to Maine. Or look at the tight profit margins that can make the difference between going to work and being without a job. I'm convinced this action is going to help farmers, truckers, businesses, and families in Minnesota and that's why I strongly support it.

For those who are concerned that eliminating the 4.3-cent gas tax is going to deplete important highway and infrastructure funding, we've included language in this legislation that will ensure the Highway Trust Fund is completely protected. The Highway Trust Fund will be restored with on-budget surplus funds from the current fiscal year as well as the fiscal year 2001.

If gas prices reach $2 a gallon, on-budget surplus funds will allow additional reductions in the gas tax without impacting the Highway Trust Fund in any way. Depending on the size of the on-budget surplus, our legislation could provide a complete reduction of federal gas taxes until January 1, 2001 if prices rise to, and remain above, the $2 mark. Let me make this very clear: we are not going to raid the Highway Trust Fund with this legislation. In fact, we've ensured that the on-budget surplus will absorb all of the costs of the gas tax reduction. I also want to assure my colleagues and my constituents that this legislation walls off the Social Security surplus. We will not spend any of the Social Security surplus to pay for the gas tax reduction.

Our legislation is quite simply a tax cut for the American consumer at a time when it's needed most. We're going to use surplus funds—funds that have been taken from the American consumer above and beyond the needs of government—and give them back to consumers every day at the gasoline pumps.

For me, this legislation boils down to a very simple equation. Are we going to sit by and do nothing as farmers prepare to enter the fields this spring, or are we going to take whatever short-term actions we can to support our farmers and provide them with a needed boost? Are we going to help those most impacted by high fuel costs, or are we going to ignore their needs and let them absorb thousands of more dollars in fuel costs this summer? There is overwhelming proof that the Clinton administration's complete rejection of a national energy policy has caused this mess, so I believe the Congress must step in and help get them out of it.

I joined my colleagues in the Senate earlier this year in requesting and receiving emergency releases of Low-Income Home Energy Assistance funding. We did so on at least three separate occasions, and I've supported the President's request for $600 million in additional funding this year. This crucial funding for Minnesota and many other cold weather States was a vital short-term approach to mitigating the impact high fuel costs have had on senior citizens and low-income families. Our constituents were in need, and we responded exactly as we should have. Right now, even more of our constituents are in need, and by responding with a reduction in the Federal gasoline tax, Congress can again act in a way that is expected, even demanded, by our constituents.

As I started earlier, the gasoline crisis requires that Congress act now to stem rising energy costs in the near term. It also requires that elected officials and bureaucrats across Washington take a serious look at the direction in which our Nation is headed with its energy policy. I am prepared to take a hard look at any options that might help my constituents right now, and I demand that this administration explore options to ensure that our nation reduces its reliance on foreign oil and establishes a much more sound energy policy for decades to come, to make this country energy independent and not so dependent on foreign sources of energy that when they turn them on or off, it can have dramatic impact on our economy. While those solutions will not happen overnight, I believe a reduction in the gas tax will help. It is going to help now, and it is going to help when that help is needed the most.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for about 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Thank you.

TAXES

Mr. THOMAS. Mr. President, I wish to talk a little bit about oil prices. I guess most everyone wants to talk about oil prices and gas prices at the pump—those things that affect each of us. First of all, I have had the opportunity to meet in the Chamber this morning and hear a little discussion about taxes. So I will comment for a moment on that.

We are now dealing with the budget, which of course is one of the basic responsibilities of Congress, and the question of how much money we spend in the Federal Government. That has to do with the whole philosophical question of how large a Government we want and the things we want the Federal Government to be involved in, how much involvement we want in all of those things—what is the division between the responsibility of the Federal Government, local government, and State government. I think these are obviously some of the most important issues with which we deal. These are broad issues. These are philosophical issues. The budget has a great deal to do with it.

In fact, I suspect that the total amount of expenditures is probably the most important issue we deal with all year, depending on how you view the role of Government. Keep in mind this year we will spend about $1.8 trillion. That is $1,800 billion in the Federal budget. About a third of that will be so-called discretionary funding, which is determined by the Congress. The remainder, two-thirds of that, $1,800 billion, will be mandatory spending—things such as Social Security, Medicare, and others.

We are dealing with setting a budget that basically is an expenditure limit on that discretionary spending, which last year, as I recall, rose about 7.5 percent more, much more than inflation. This year I think there is an effort being made to see if we can control that level of spending. It has to do with the size of Government. Clearly, everyone has different views, of course, as to how to adequately fund programs we think are most important—the priorities the public sets through their representatives in terms of Government programs.

One of the things it seems to me we haven't done as well as we might is to review programs that have been in place for a very long time. Some of them, obviously, are important programs that need to go on. Others were designed to do something for a relatively short time, but they are always there. They never go away because we do not have the opportunity to have the oversight to see if, in fact, those programs have accomplished the things they were designed to accomplish, and if, indeed, those dollars can be spent more productively in some other programs.

We find ourselves in a situation of having these programs that have been in place forever and are almost automatically funded and the obvious need for new programs from time to time as time and needs change. It is simply an accumulation of programs. Those of us who occasionally say to ourselves that we ought to control the size of Government, have to take a look at those kinds of issues.

I hear my friends talk about the evils of tax reduction. They ought to review that a little bit, it seems to me.

First of all, we ought not spend Social Security dollars for operating funds. We have been doing that for 40 years, but we have not done that in the last 2 years. We hear our friends on the other side of the aisle and the administration and President Clinton saying: Save Social Security. Not one program has come from them as to how to do that.

These young pages sitting here will pay out of their first paycheck 12.5 percent for Social Security. The likelihood is, if we don't do something, that they will not have benefits when they are eligible for them.

We need to do something. We have a plan. We set aside at least a portion of that for individual retirement accounts. Let it belong to the persons who made it, and, indeed, let them invest in private sector equities or bonds so that the return is much higher.

The choices we have are fairly simple. We can reduce benefits. Nobody wants to do that. We can increase taxes. I don't know of anybody who wants to do that. Social Security taxes are the highest that most people pay of any tax. Or we can increase the return for the trust funds. We are for that. The administration has no plan at all other than to say: Save Social Security.

We need to do something about paying down the debt. Most everyone would agree with that. The debt that the President brags about paying down is taking Social Security money and putting it into debt. It would be replacing public debt. But it is still debt. It is debt to the Social Security trust fund.

What I propose and what I think we ought to do is set money aside just like with a home mortgage, and each year we will take so much money. It will take this amount of money to pay this year's obligation to pay off the debt in real dollars. So instead of being replaced by Social Security dollars, that debt is being reduced. That is what we are for. The President has no plan. All we hear is this great talk about it but nothing is happening.

Then, quite frankly, we talk about taxes. What we are talking about, at least to some extent, is not simply reducing debt. It is a fairness issue. The marriage penalty tax is a fairness issue. Why should two people who work independently and are married pay this amount of tax? That isn't fair. It is a fairness issue. It is not just tax reduction.

There are ways to change the estate taxes. The Presiding Officer has a proposal that estate taxes ought to be paid when they pay taxes as a matter of capital gains. Good idea. Then there is money left, unless one continues to spend it.

People talk about taxes and balancing the budget and the economy growing starting in 1993. I am sorry, it didn't start in 1993; it started in 1991. It has been going on for a good long time. I cannot imagine the President's tax increase has contributed a great deal to the economic growth.

People have different views. That is what it is all about. We have different views of how we best serve this country. There are many views.

We talk about energy. Thirteen leaders of the OPEC nations are meeting in Vienna to discuss boosting oil production. I appreciate the efforts of Secretary Richardson. I hope the answer is they will increase production. That is a good thing to have happen.

We have to talk about how we got ourselves in a position of having to go over to OPEC, saying: We have real problems; will you help us out? And then we do not get much of a response from the very group we have contributed so much to, not only in dollars but in the gulf war. Then we find them deciding whether they will do us a favor by increasing oil production.

How did we get where we are? I think we have had a lack of a policy regarding energy, not only in petroleum but in the whole sphere of energy. I come from the largest coal-producing State. This administration has made it increasingly difficult to produce energy as it has sought to close down energy powerplants because of maintenance.

We find ourselves depending on others and that puts at risk not only our economy but also our security. We find ourselves now in the neighborhood of 57-percent dependent on foreign oil. We see consumption going up each year; domestic production is going down at the same time.

What are some of the reasons? Some are what have happened in the last few months in terms of this administration which has set about to leave a "land" legacy—and I understand Presidents desire to have different legacies. This is called a land legacy where they will set aside more and more private lands and put them into public ownership to have a billion dollars a year they can spend at their own discretion without going through the process of Congress and appropriations to acquire more Federal lands.

In my State of Wyoming, nearly 50 percent of our land belongs to the Federal Government. Selfishly, it makes a lot of difference if the land can be used as multiple-use public lands, if we can protect the resource, protect the environment, but also use those lands—whether for hunting, for recreation, for grazing, whether it be for coal and gas production. We can do these things in such a way that we have multiple use as well as protection of the environment.

This administration has moved in a different direction. I have been on the Energy Committee since I came here in 1994. We have not had from the Energy Department a coherent policy on energy for a very long time. We had a meeting this morning on the Kyoto treaty, the meeting in Japan where we were supposed to sign a treaty which would reduce our energy by about 40 percent, while asking less of the rest of the world. Of course that has not been agreed to. As a matter of fact, this Senate voted 95-0 not to agree to it—not that we shouldn't be doing something about clean air, not that we shouldn't be doing something to reduce the effect of economic growth—but not to just sign a treaty that says we are going to put ourself at a disadvantage.

This is part of where we are, including access to Federal lands, where we have 40 million acres, using the Antiquities Act, to set aside other lands for single purpose uses. We have had for some time offshore oil drilling, one of the great opportunities to provide domestic oil. We have tried from time to time to do something to give a tax advantage for marginal oil wells so they would produce, but the administration is opposed.

We talked about looking at ANWR, to do something in Alaska, to provide more domestic oil so we are not totally dependent on foreign countries to provide that energy source. That is not only good for the economy and jobs, but it is a security measure.

Since 1992, oil production is down 17 percent in the United States; consumption is up 14 percent. In just 1 year under this administration, oil imports increased almost 8 percent; they are now getting close to 60 percent. DOE predicts a 65-percent oil dependency on foreign oil by the year 2020. We have become even more dependent.

The United States spends about $300 million each day on imported crude oil, $100 billion each year. We are concerned the trade deficit from oil amounts to about one-third of the trade deficit. Now we are looking at short-term issues when what we have to do is take a look at the longer term resolution to these problems.

The policy that would change this, and one we look forward to, is increased access to public land, continuing to emphasize, however, the idea that we need also to protect the environment. We can do that.

I mentioned tax incentives that would increase production. We need to look at the Clean Air Act and the Clean Water Act which is being used to reduce the use of lands as well. It has a real impact to a lot of people in my State which is largely a State that has mineral production.

In 1990, U.S. jobs exploring and producing oil amounted to over 400,000; in 1999, these jobs are down to 293,000, a 27-percent reduction in the ability of America producing our own oil. In 1990, we had 657 working oil rigs; now it is down to 153, a 77-percent decline.

I think we need to take a long look at where we are and where we want to go. Any government looking at energy has to recognize the stewardship responsibility that we have for the environment. We do that. At the same time, we have to be able to produce for ourselves so we have the freedom and opportunity to continue to have the strongest economy in the world, the greatest for jobs, while strengthening our security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

ENERGY POLICY

Mr. CRAIG. Mr. President, I come to the floor this afternoon to join my colleague from Wyoming who has so clearly outlined in the last few moments part of the problems our country faces at this time in our history relating to energy policy, or a lack thereof.

As I speak on the floor, as my colleague has just completed his comments, all eyes are turned on Vienna. That is not Vienna, NY, that is Vienna, Austria, where the OPEC nation members are meeting to decide whether they will be generous enough to turn their valves on a little more and increase crude oil production to a million or a million and a half barrels a day so that our gas prices will come down at the pump. How can a great nation such as ours now find itself so dependent upon a group of nations, almost all of them quite small but all of them very rich in crude oil? How do we find ourselves dependent on their thinking? What is the reason we find ourselves dependent? This is part of what my colleague from Wyoming was talking about. It is the loss of production units and the drop in number of rigs out exploring, and that is all our fault, our fault collectively as a nation, for having failed over the last several decades to put in place an energy policy that had, as its first criterion, relative independence from other nations of the world as suppliers of our fundamental energy-based need for crude oil, crude oil production for our petrochemical industry.

I have been to the floor several times in the last couple of weeks to speak about this because the price at the pump today is not an aberration. It is not something that was just quick in coming. We, as a country, have known for some time this day would be at hand. Several years ago, we asked our Government to investigate whether a lack of domestic production would put us at some form of vulnerability as to our ability to defend ourselves. The answer was yes. Those studies were placed on the desk of our President, Bill Clinton. Nothing was done. A year ago similar studies were done, and they reside on the President's desk as we speak. They have been there since last November, and nothing has been done.

Only in the last month has the President sent his Secretary of Energy out and about the world, with his tin cup in hand, begging—begging producing nations to turn their valves on a little bit.

What is the consequence of turning your valve on at the pump? The consequence is a reduction in the overall world spot price of crude oil. When you do that, the cash-flow pouring out of this country to the OPEC nations of the world declines; oil production goes up, cash-flow declines. Why would they want to do that? Out of the generosity of their hearts?

For the last year-and-a-half or 2, they have been in political disarray. During that time, they were largely pumping at will into the world market. A year ago, we saw crude oil prices at $10 a barrel on the world market. Today, they are over $30. Now $10 a barrel is probably too low, but $30 is a huge and bountiful cash-flow to the treasuries of these countries—Saddam Hussein's country, the man whose country we fought against to free Kuwait and the Kuwaiti oil fields less than a decade ago.

In fact, it was Northeastern Senators who, some months ago, wrote a letter to our President asking him to become sensitive to this issue because they were aware, with the run-up in oil prices—and we knew it was coming the minute the OPEC nations got their act together—the Northeastern Senators would see their States hit by heavy home heating oil costs. Sure enough, that is what happened. It happened because of the run-up in price. It also happened because of a loss of refinery capacity that has been going on for some time.

What was going on in the Northeast, 2 and 3 months ago, is now going on across America. I come from the West, where energy prices are extremely high and the impact on goods and services, and our citizens, can be dramatic. So even if the OPEC oil countries decide to raise crude oil output, my guess is it will be just a little bit. It may sound like a lot to the average listener—a million, million-and-a-half barrels a day—and it could bring crude oil prices down a little bit. But the OPEC nations' goal is to keep crude oil prices above $20 a barrel and therefore keep regular gas at the pumps at somewhere in the $1.40 to $1.50 range. That is still a dramatic increase, nearly doubling east coast prices. It will be even higher on the west coast.

The failure of the Clinton-Gore administration to recognize it, to understand it, and therefore to deal with it, is one of the great domestic and foreign policy tragedies of the decade. I say that from an economic point of view, but it is true also from a defense point of view—our ability to defend ourselves and stand as an independent nation in a community of nations around the world.

Here are some statistics. Probably everyone's eyes glaze over a little bit when you use statistics, but it is important for the record. U.S. crude oil production is down by 17 percent since 1992. We have actually had wells shut off and shut in. What does that mean?

The price of oil got so low, they could not afford to pump them. It cost money to produce. So they turn the well off and they shut the well in, meaning it no longer has the capability of producing.

U.S. crude oil consumption during that same period of time went up 14 percent: 17 percent down in production, 14 percent up in consumption. It sounds like a ready-made situation for a crisis, and that is exactly where we find ourselves today. The United States is 55-percent dependent upon those nations that are meeting in Vienna at this moment; 55-percent dependent for so much of what we do. That is dramatically up from just a couple of decades ago when we were in the mid-30s, relating to dependency.

While all of this is going on and nothing is being done by this administration, and most of what we are trying to do here has either been denied or vetoed or blocked by this administration, the U.S. Department of Energy estimates we will have a 65-percent dependency on foreign producers by the year 2020. Some would say that is good because we will not have the environmental risks in this country; we will not be drilling and we will not be refining as much, and therefore the environmental risks will be gone.

What they did not tell you is, it puts hundreds of new supertankers out there on the open ocean on a daily basis—even if our foreign neighbors will produce and even if they will sell to us, hundreds more of those huge supertankers out there in the open ocean, coming into our ports, offloading. Let me tell you, there are greater environmental consequences for that than the use of today's technology on our land or out in our oceans, drilling, finding, and shipping to our refineries.

The United States is spending $300 million a day on imported crude oil. That is $100 billion a year flowing out of this country to the coffers of the OPEC nations. That is big money, huge money, in any sense of the words. We sit here and wring our hands over a balance of payments, yet we do nothing to bring that production back to our shores and to be able to control our own destiny in the production of crude oil.

As I mentioned, the world oil price reached over $30, about $34 a barrel on March 7. It is down a little bit now on speculation that the OPEC nations today will make decisions that will increase production. But, of course, we already know energy prices on the west coast are at nearly $2 a gallon at the pump and are certainly extremely high here. More than half of all crude oil we use, about 18 million barrels per day, goes directly into home heating oil, motor gasoline, diesel fuel, and other transportation fuels.

The Clinton-Gore administration has failed to do one single thing to develop more of our Nation's crude oil reserves, of which we have an abundance. In fact, I was watching CNN a few moments ago. Some people in the oil industry would suggest only about half of the crude oil capability of this Nation has been used since we first discovered crude oil. Only about half of it has been used. The rest of it is under the ground. It is more difficult to find, more expensive to produce, but it is still there, and the great tragedy is we are not producing it. In fact, we are doing quite the opposite.

Since this administration has come to town, there has been an anti-oil attitude from a standpoint of domestic production. From the very beginning, they pushed through a 4.3 percent gas tax increase. They argued it was for deficit reduction. But when one listens to the soundings of the Vice President when he talks about crude oil and combustion engines and how negative they are to the environment and we ought to tax them out of existence—and he has said all of those things; I am paraphrasing, but it is not new; he has been replete in those expressions over the years—it is not unexpected that he cast the single vote that broke the tie between Democrats and Republicans on this floor that put the gas tax in place.

We now are looking to try to take that gas tax off in the very near future, at least roll it back a ways, and give our consumers some flexibility. We are going to balance the budget this year and have surpluses. Why not use some of that surplus money to offset the runup in expenses that consumers are now feeling at the gas pump at this moment and that certainly our transportation industry is feeling? It ought to be something we do.

I argue that we hold the highway trust fund fully offset. That is the trust fund that funds the pouring of concrete for our roads and our bridges and creates hundreds of thousands of jobs a year in the building and rebuilding of our infrastructure. Those need to be funded. I do not argue they should not be. But here we are dealing with a surplus, fighting with our Democrat colleagues over whether we should give tax relief to the taxpayers this year. What better way to give some of it back than to reduce the cost at the pumps? Most Americans today who drive cars find themselves paying increasingly higher fuel bills.

For the next few moments, I will talk about rural America. I come from a rural State. Many of us do. While runups in energy costs are dramatically impacting urban America, it is even greater in rural America. Why? It is quite simple. Many of my friends in Idaho drive 50, 60, 70 miles a day to just get their kids to school or just to shop at the local grocery store. That is not unusual in rural America.

All of the goods and services that flow to our farms and from our farms travel on the backs of 18-wheeler trucks, all consuming diesel oil.

Diesel oil is now being acquired by farmers across the Nation as they enter our fields for the spring farming season. All of that is going to drive up the overall cost of the farmers this year. In agriculture, farmers have experienced a 4-year run of very low commodity prices and have found most of their farms and ranches below break even. Now, because of an absence of a national energy policy, they find their cost of production could double, at least in the energy field. Many of the tools they use—the insecticides, the pesticides, and the herbicides that are made up of oil bases—are going to go up dramatically in cost.

In my State of Idaho, farming and ranching, logging and mining are also an important part of the rural economy. All of them very energy intensive. Those industries have found themselves nearly on their backs from the last few years at a time when we see energy costs ready to double or triple.

We have heard it from the homeowner and the apartment dweller in the Northeast for the last several months, that their fuel costs have doubled, their heating bills have doubled. Some are having to choose food over warmth or warmth over food. Many are senior citizens on fixed incomes.

While we have tried to offset that some with help from Washington, we have not been able to do it all. And in the next month and a half, we are going to hear it from the farmers and the ranchers as their fuel bills skyrocket.

We have already heard from the truckers. They have been to town several times, and many of our independent truckers are literally driving their trucks into their driveways, shutting them down, and not turning them back on, therefore, risking bankruptcy and the loss of that income-making property because they cannot afford to pay the fuel bills.

Why? It is time we ask why, as a country, and it is time Congress dealt with at least some short-term provisions while we look at and strive for some long-term energy policy.

I do not think one can expect the Clinton-Gore administration to be very helpful, except begging at the doorsteps of the palaces of the sheiks of the OPEC nations, because that is their only energy policy.

Those are the kinds of things we are going to look at and abide by. I think this Congress will attempt to respond and respond in a positive way for the short-term provisions while we look at long-term policy to increase production of crude oil inside the 50 States of our Nation in a way that we can control it, we can shape our energy future without a group of energy nations meeting in Vienna having a choke hold around our very neck.

Secretary of the Interior Bruce Babbitt is talking about taking down valuable hydroelectric dams in the Pacific Northwest—the administration does not consider hydropower a renewable resource. Electricity from hydro meets about 10 to 12 percent of U.S. needs.

Environmental Protection Agency Administrator Carol Browner is trying to shut down coal fired electric generating plants in the midwest—which depends on those plants for 88 percent of its electricity. The U.S. depends on coal for 55 percent of its electricity needs.

While the Clinton-Gore administration tried to kill off the use of coal fired electricity it is doing nothing to increase the availability of domestic natural gas which is the fuel generators will use if they cannot use coal. To replace coal the U.S. must increase its use of natural gas by about 10 trillion cubic feet per year.

Federal land in the Rocky Mountain West could contain as much as 137 billion cubic feet of natural gas but the Clinton-Gore administration refuses to allow any oil and gas exploration on those lands.

Last week the President announced his plans for dealing with our current energy problem. Once again, his emphasis focused on conservation and renewable energy sources like solar, wind and biomass. We cannot put windmills on trucks or solar panels on trains or barges.

The Clinton-Gore administration has refused to even consider allowing exploration in the Alaska National Wildlife Refuge which could contain up to 16 billion barrels of domestic crude oil which could easily be moved to refineries in the lower 48 through the Alaska pipeline.

The Vice President has vowed to prohibit any future exploration for oil and natural gas on the Federal outer continental shelf when there are clearly areas that have great potential for new domestic energy supplies. The President recently closed most of the Federal OCS to any exploration until 2012.

The Clinton-Gore administration embraces the Kyoto Protocol which would impose staggering economic costs on the United States. The Protocol would require the U.S. to vastly reduce its use of fossil fuels like oil, natural gas and coal to achieve reductions in emissions of carbon dioxide—which is not a pollutant under the Clean Air Act and has not yet been proven to be the cause of climate change. The U.S. Senate voted 95–0 to reject it.

Clearly, there is a pattern.

It started in 1993 when the Clinton-Gore administration proposed a $73 billion 5-year tax to force U.S. use of fossil fuels down.

It continues with misguided Federal land use policies, environmental policies designed not necessarily to protect the environment but to kill fossil fuel use, and continues with administration support for the economically punitive Kyoto Protocol. This administration hates the fossil fuel industry and apparently the economic well-being these abundant and relatively cheap fuels have helped the U.S. economy achieve. These are the words of the Vice President:

> Higher taxes on fossil fuels . . . is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment.

That is by Senator AL GORE, from "Earth in the Balance," 1992, page 173.

To me it is pretty clear that this administration is unwilling to commit to a rational energy policy that will help America's families.

I yield the floor.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider S.J. Res. 14, which the clerk will report by title.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

The Senate proceeded to consider the joint resolution.

Mr. GRAMS. Mr. President, the Constitution begins with the ringing words—"We the People"—for a reason. In our great nation, the people are empowered to decide the manner in which we are to be governed and the values we are to uphold. I join 80 percent of the American people in the belief the flag of the United States of America should be protected from physical desecration. And I am blessed to live in a nation where the will of the people can triumph over that of lawyers and judges.

In light of the U.S. Supreme Court decisions *Texas* v. *Johnson (1989)* and *United States* v. *Eichman (1990)*, which essentially abrogated flag desecration statutes passed by the federal government and 48 states, a constitutional amendment is clearly necessary to protect our flag. This would take the issue of flag protection out of the Courts and back to the legislatures where it belongs. As Chief Justice Rehnquist stated in his dissent, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flagburning."

Mr. President, the fight to protect "Old Glory" is a fight to restore duty, honor, and love of country to their rightful place. As Justice Stevens noted, "The flag uniquely symbolizes the ideas of liberty, equality, and tolerance." These are the values that form the bedrock of our nation. We are a nation comprised of individuals of varying races, creeds, and colors, with differing ideologies. We need to reinforce the values we hold in common in order for our nation to remain united, to remain strong.

Sadly, patriotism is on the decline. That's dangerous in a democracy. Just ask the military recruiters who can't find enough willing young people to fill the ranks of our military during this strong economy. What happened to the pride in serving your country? Where are the Americans willing to answer the call?

Protecting the flag reflects our desire to protect our nation from this erosion in patriotism. It signals that our government, as a reflection of the will of the people, believes all Americans should treat the flag with respect. The men and women of our armed forces who sacrificed for the flag should be shown they did not do so in vain. They fought, suffered, and died to preserve the very freedom and liberty which allow us to proclaim that desecrating the American flag goes too far and should be prohibited.

To say that our flag is just a piece of cloth—a rag that can be defiled and trampled upon and even burnt into ashes—is to dishonor every soldier who ever fought to protect it. Every star, every stripe on our flag was bought through their sacrifice.

The flag of the United States of America is a true, national treasure. Because of all that it symbolizes, we have always held our flag with the greatest esteem, with reverence. That is why we fly it so high above us. When the flag is aloft, it stands above political division and above partisanship.

Under our flag, we are united.

Most Americans cannot understand why anyone would burn a flag. Most Americans cannot understand why the Senate would not act decisively and overwhelmingly to pass an amendment affording our flag the protection it deserves.

This simple piece of cloth is indeed worthy of Constitutional protection. I urge my colleagues to follow the will of "We the People" and accord the American flag the dignity it is due by supporting Senate Joint Resolution 14.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky, Mr. MCCONNELL, is recognized to offer an amendment in the nature of a substitute.

AMENDMENT NO. 2889

(Purpose: To provide for the protection of the flag of the United States and free speech, and for other purposes)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk pursuant to the order previously entered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. BINGAMAN, Mr.

BENNETT, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. TORRICELLI, Mr. BYRD, and Mr. LIEBERMAN, proposes an amendment numbered 2889.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

§700. Incitement; damage or destruction of property involving the flag of the United States

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

"(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

"(c) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(d) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

"700. Incitement; damage or destruction of property involving the flag of the United States.".

The PRESIDING OFFICER. Under the previous order, there shall be 2 hours for debate on the amendment equally divided, with an additional 30 minutes under the control of the Senator from West Virginia, Mr. BYRD.

Mr. MCCONNELL. Mr. President, the amendment that I sent to the desk is on behalf of myself, Senator BENNETT, Senator CONRAD, Senator DORGAN, Senator DODD, Senator TORRICELLI, Senator BINGAMAN, Senator BYRD, and Senator LIEBERMAN.

I am glad we are having this debate today. The American flag is our most precious national symbol, and we should be concerned about the desecration of that symbol.

This debate is also about the Constitution which is our most revered national document. Both the flag and the Constitution represent the ideas, values, and traditions that define our Nation. Brave Americans have fought and given their lives defending the truths these both represent. We should be concerned with defending both of them.

Today I am proud to offer, along with the colleagues I previously listed—Senator BENNETT, Senator CONRAD, Senator DORGAN, Senator DODD, Senator TORRICELLI, Senator BINGAMAN, Senator BYRD, and Senator LIEBERMAN—the Flag Protection Act as an amendment in the form of a substitute to the bill before us.

This amendment would ensure that acts of deliberately confrontational flag-burning are punished with stiff fines and even jail time. My amendment will help prevent desecration of the flag, and at the same time, protect the Constitution.

As all of us do, I revere the flag. Among my most prized possessions is the American flag which honored, as he was laid to rest, my father's service in World War II. That flag rests proudly on the marble mantle in my Senate office. Further, one of my first acts as chairman of the Rules Committee last year was to offer, along with the senior Senator from New Hampshire, Mr. SMITH, an amendment to the Standing Rules of the Senate to provide that we begin each day's business in the Senate Chamber with the Pledge of Allegiance to the flag.

I want to be perfectly clear, I have no sympathy for those who desecrate the flag. These malcontents are simply grabbing attention for themselves by inflaming the passions of patriotic Americans. There is no reason we should respect them or what they are saying.

Speech that incites lawlessness or is intended to do so merits no first amendment protection, as the Supreme Court has made abundantly clear. From Chaplinsky's "fighting words" doctrine in 1942 to Brandenburg's "incitement" test in 1969 to *Wisconsin* v. Mitchell's "physical assault" standard in 1993, the Supreme Court has never protected speech which causes or intends to cause physical harm to others.

That is the basis for this legislation. My amendment outlaws three types of illegal flag desecration. First, anyone who destroys or damages a U.S. flag with a clear intent to incite imminent violence or a breach of the peace may be punished by a fine of up to $100,000, or up to 1 year in jail, or both.

Second, anyone who steals a flag that belongs to the United States and destroys or damages that flag may be fined up to $250,000 or imprisoned up to 2 years, or both.

And third, anyone who steals a flag from another and destroys or damages that flag on U.S. property may also be fined up to $250,000 or imprisoned up to 2 years, or both.

Some of my colleagues will argue that we have been down the statutory road before and the Supreme Court has rejected that road. However, those arguments are not valid with respect to this amendment I am now discussing. The Senate's previous statutory effort to address this issue wasn't tied to the explicit teachings and principles of the U.S. Supreme Court.

Put simply, my statutory approach for addressing flag desecration is completely compatible with the first amendment and in no way conflicts with the Supreme Court's relevant rulings in the two leading cases: *Texas* v. *Johnson, (1989)* and *U.S.* v. *Eichman, (1990)*.

In the Eichman case, the court clearly left the door open for outlawing flag burning that incites lawlessness.

As is made clear by these distinctions in cases and the direction pondered by the Supreme Court in Eichman, my amendment will pass constitutional muster. But you don't have to take my word on it. The Congressional Research Service has offered legal opinions concluding that this initiative will withstand constitutional scrutiny. CRS said:

> The judicial precedents establish that the [Flag Protection Act], if enacted, while not

reversing Johnson and Eichman, should survive constitutional attack on First Amendment grounds.

In addition, Bruce Fein, a former official in the Reagan administration and respected constitutional scholar, concurs. He said:

> [The Flag Protection Act] falls well within the protective constitutional umbrella of Brandenburg and Chaplinsky . . . [and it] also avoids content-based discrimination which is generally frowned on by the First Amendment.

Several other constitutional specialists also agree that this initiative respects the first amendment and will withstand constitutional challenge. A memo by Robert Peck, formerly of the ACLU, and Professors Robert O'Neil and Erwin Chemerinsky concludes that this legislation "conforms to constitutional requirements in both its purpose and its provisions."

And, these same three respected men have looked at the few State court cases which have been decided since we had this debate a few years ago and have reiterated their original finding of constitutionality.

As I am sure you will hear later today, opponents of my amendment have asked a number of constitutional scholars to find constitutional concerns with my bill. One of the most revealing responses was from Professor William Van Alstyne, a professor at Duke Law School and a dean of constitutional law. Professor Van Alstyne wrote that although he is not in favor of any law or constitutional amendment punishing those who abuse the flag, he did not find any constitutional infirmity with my legislation.

In closing, I would like to share some thoughts recently conveyed by General Colin Powell, a great American. In a recent letter he so eloquently expressed his sentiments which explain my own. He wrote:

> I understand how strongly so many . . . veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an [constitutional] amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.
>
> I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

There is nothing wrong with the Bill of Rights or the first amendment. It has stood the test of time for 200 years. It would be unfortunate if we began tampering with the important and fundamental protections of the first amendment because of a tiny handful of malcontents. This is especially true when we have this viable, constitutional statutory alternative, which I have just offered, for dealing with those malcontents who would desecrate one of our Nation's most cherished symbols.

Mr. President, I ask unanimous consent that the full text of the various memos and letters I have referred to be printed in the RECORD. I note that some of the memos refer to S. 982 in the 105th Congress and some refer to S. 1335 in the 104th Congress. These bills were introduced in different sessions of Congress but they are, in fact, the same amendment.

I would also like to refer Senators and other interested parties to the CONGRESSIONAL RECORD for April 30, 1999, pages 54488–54489 and the following supporting memos and letters: statement of Bruce Fein, Esq. and statements of Robert S. Peck, Esq. et al.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAIRFAX STATION, VA,
May 11, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: Recently, Senator Hatch sent an inquiry to a number of constitutional scholars raising questions about the constitutionality of your bill, S. 931, the Flag Protection Act of 1999. One of those scholars, Professor William Van Alstyne, one of the deans of First Amendment law, wrote back that he found no constitutional infirmity in the legislation. In reaching that sound conclusion, Professor Van Alstyne allied himself with the Congressional Research Service and with Professor Robert O'Neil of the University of Virginia, who also serves as the Founding Director of an important First Amendment study center, the Thomas Jefferson Center for Free Expression, Professor Erwin Chemerinsky of the University of Southern California, former Associate Attorney General Bruce Fein and myself, a constitutional lawyer and law professor.

One letter received by Senator Hatch did raise several questions about the legislation. It was jointly signed by Professors Richard Parker and Laurence Tribe of Harvard. As you know, Professor Parker is an advisor to the Citizens Flag Alliance (CFA) and a supporter of the flag desecration constitutional amendment that is the CFA's entire reason for existence. In his advisory role, he has repeatedly staked out a position, inconsistent with the explicit teachings of the U.S. Supreme Court, that nothing short of a constitutional amendment is valid or appropriate. Professor Tribe, however, is an opponent of the constitutional amendment. His position, as articulated in this May 5 joint letter, is similarly at odds with existing precedent, as well as with testimony that Professor Tribe himself has previously given in Congress. See Hate Crimes Sentencing Enhancement Act of 1992: Hearings on H.R. 4797 Before the Subcomm. on Crime and Criminal Justice of the House Comm. on the Judiciary, 102d Cong., 2d Sess. 7 et seq. (1992) (statement and testimony of Professor Laurence Tribe). As this letter details, the concerns raised by Professors Parker and Tribe should not give any pause to you or to the bill's other supporters; S. 931 remains compatible with the First Amendment and does not conflict with the U.S. Supreme Court's relevant rulings.

I will answer the issues raised by Professors Parker and Tribe one at a time.

Lack of Congressional Authority—Relying on the Supreme Court's decision in *Lopez*, which struck down the Gun-Free School Zones Act of 1990, Professors Parker and Tribe assert that Congress "probably lacks affirmative authority" to pass laws prohibiting use of the flag to incite violence. Not only is their statement couched in uncertainty ("probably"), but seems to suggest that Congress could neither pass a law prohibiting violent crimes, as it has done in a number of instances already, nor any laws relating to the flag. If the latter were true, then Congress could not have passed the statute that designates the familiar scheme of stars and stripes as the flag of the United States. If the federal government has no legal interest in the flag that symbolizes our Nation, then it is difficult to imagine what legal interest it has at all.

In discussing this issue, it is important to note that the professors' reliance on *Lopez* is misplaced. *Lopez* was a Commerce Clause decision. In that case, the Supreme Court held that the problem of guns in schools did not have a sufficient nexus to interstate commerce to allow Congress to invoke federal authority; the guns-and-schools issue, it said remains a state matter, as it has traditionally. Unlike the law struck down in *Lopez*, your bill does not rest on the commerce power, but instead relies on the unique nature of the flag and the inherent federal interest in it. Only the federal government has the authority to define what constitutes a flag of the United States. And it retains the primary interest in defining what constitutes proper use of the flag. No one could plausibly contend that the asserted interests more properly and traditionally reside within state authority.

Moreover, nothing in the Supreme Court's *Flag Burning Cases* suggest that the federal government may not assert such an interest in the flag. In fact, the Court implicitly recognized what it thought unnecessary to articulate: that government has a real interest in the uses to which the flag might be put. It indicated, in words that have real meaning for the proposed statute, that the First Amendment would not be violated by a law that prosecuted a person who drags "a flag through the mud, knowing that this conduct is likely to offend others, and yet have no thought of expressing any idea." *Texas* v. *Johnson*, 491 U.S. 397, 403 n.3 (1989). Note that this articulation of a constitutional approach to regulating flag-related conduct is extremely similar to S. 931's treatment of flag-related conduct that is intended and likely to result in imminent violence.

The *Johnson* Court went on to say that it would not have struck down the Texas flag desecration law if the government had been able to assert truthfully that it was motivated in its prosecution by a realistic concern for preventing violence. Id. at 399. This statement, by itself, should be viewed as definitive authority in favor of the constitutionality of S. 931. As Ohio's Supreme Court held, relying on *Johnson*, punishing use of the flag to incite violence poses no constitutional problem. *Ohio* v. *Lessin*, 620 N.E.2d 72 (Ohio 1993), *cert. denied*, 510 U.S. 11194 (1994). The U.S. Supreme Court was given an opportunity to correct the Ohio decision, if correction was needed, but chose not to take the case. Maryland has also enacted a flag statute aimed at dealing with violence without any adverse court ruling as to its constitutionality. Md. Ann. Code art. 27, §83 (1990). If states can enact such a law, there is certainly no bar on congressional enactment, where the federal authorizing interest is significantly greater and such a statute would be a valid exercise of the police power.

Section 3(b).—Professors Parker and Tribe also claim that the bill's punishment for use of the flag to incite violence draws an impermissible content-based line because it effectively suppresses, through threat of punishment, those forms of expressive use of the flag that are intended and likely to incite violence. This is a remarkable assertion because, if correct it would render all incitement and conspiracy statutes that rely on criminal communications invalid. Yet, as demonstrated by the *Johnson* Court's language quoted above, the Supreme Court anticipated a statute along the lines of S. 931 and found it valid.

Contrary to the implication made by the professors that line-drawing by Congress is unconstitutional, all laws draw lines. In the First Amendment area, the Supreme Court has both recognized this reality and mandated that such lines be drawn with utmost precision so that it is limited to those evils that legislation may properly address. See, e.g., *NAACP* v. *Button*, 371 U.S. 415, 433 (1963). In fact, the courts have long experience upholding laws that punish certain types of conduct that contains aspects of expression. In *Cox* v. *Louisiana*, 379 U.S. 559 (1965), for example, the Supreme Court upheld a statute that criminalized picketing or parading near a state courthouse "with the intent of interfering with, obstructing, or impeding the administration of justice." Picketing and parading are indisputably forms of expressive conduct that are accorded full First Amendment protection, yet could be made criminal when the governmental interest is overriding, as it is when that interest is the prevention of violence as it is in S. 931. Even earlier, the Court had upheld a prohibition on picketing intended to further unlawful objectives. *International Brotherhood of Electrical Workers* v. *NLRB*, 341 U.S. 674 (1951). S. 931 is indistinguishable from the laws upheld by these quite solid precedents.

Similarly, anti-discrimination laws are not invalid just because the discriminating party wishes to express racial or sexual opinions. *See Hishon* v. *King & Spaulding*, 467 U.S. 69, 78 (1984), *See also United States* v. *J.H.H.*, 22 F.3d 821, 826 (8th Cir. 1994) (upholding civil rights laws prohibiting conduct intended to deprive victims of their legal rights).

By relying on *R.A.V.* v. *St. Paul*, 505 U.S. 377 (1992), for a broad proposition that government has no power to criminalize conduct that contains elements of expression, the two professors make the same error that was made by the Wisconsin Supreme Court and corrected by the U.S. Supreme Court. In striking down a hate-crime sentencing enhancement law on First Amendment grounds, the Wisconsin court asserted that the U.S. Supreme Court's *R.A.V.* decision preordained the result. The U.S. Supreme Court then unanimously reversed the Wisconsin court. It recognized, as Professors Parker and Tribe assert about S. 931, that the "Wisconsin statute singles out for enhancement bias-inspired conduct," but found that this singling out posed no First Amendment issue because such "conduct is thought to inflict greater individual and societal harm. *Wisconsin* v. *Mitchell*, 508 U.S. 476 487–88 (1993). Among those legitimate concerns for harm that validated the law which the Supreme Court enumerated were: a concern for inspiring retaliatory crimes, the distinct emotional harms visited upon victims, and the likelihood that community unrest would be engendered. Id. at 488. The Court further found that the "desire to redress these perceived harms provides an adequate explanation for its penalty-enhancement provision over and above mere disagreement with offenders' beliefs or biases." Id.

S. 931 similarly focuses on conduct (incitement to violence through the instrumentality of a flag) with substantial potential harms that include the ones listed by the *Mitchell* Court. In his congressional testimony on hate crimes sentencing enhancement, Professor Tribe saw no constitutional dilemma with a law that punished those who target their victims by race or gender with longer sentences even if the criminal act might be interpreted as an expression of racial hatred. Hate Crimes Sentencing Enhancement Act of 1992. Hearings on H.R. 4797 Before the Subcomm. on Crime and Criminal Justice of the House Comm. on the Judiciary, 102d Cong., 2d Sess. 7–30 (1992) (statement and testimony of Professor Laurence Tribe). In taking his position in defense of the use of bias motivation as a sentencing factor and calling it properly narrow even though it singled out a particular form of opinion, he anticipated the *Mitchell* Court's finding of greater societal harm. Somehow, this time around with respect to S. 931, Professor Tribe seems blinded to the greater societal harm that is inherent in the use of a symbol of freedom and national unity to provoke violence and unrest. I cannot imagine the Court turning a blind eye to the distinctive harms involved in using the national flag to incite violence. As the *Mitchell* Court recognized, there is a considerable difference between laws that control conduct and those directed at controlling speech. *Mitchell*, 508 U.S. at 486–90.

Section 3(c).—The two professors part company, however, on whether the government may especially punish the destruction of certain kinds of government property, in this instance, government-owned flags. Professor Tribe, consistent with his hate-crime testimony and the Court's holding in *Mitchell*, recognizes that a special form of emotional harm might be at issue and that this translation of the government's interest into law could be constitutional.[1] Professor Parker takes the opposite view because he finds the same flaw throughout the bill: the singling out of the flag as something of especial interest to the federal government. For the same reasons stated in defense of Section 3(b), this argument fails.

Section 3(d).—Perhaps most remarkable of all is the two professors' assertion that S. 931 cannot constitutionally punish theft and destruction of another's U.S. flag on federal property. Certainly, the theft and destruction of property on federal land is well within the police power of the federal government to punish. In their constitutional analysis of this section, the professors wonder what especial federal interest there is in protecting U.S. flags from theft and destruction on federal land over, to use one of their examples, "great-grandmothers' wedding dresses." To pose the question, though, is to answer it. There is, as the *Johnson* and *Eichman* Courts conceded, a definite and unique interest on the part of government in the flag of the United States. For people to be invited onto government property, perhaps, for example, to celebrate Armed Forces Day when they are likely to engage in flag-waving, and be subjected to theft and destruction of property produces a special and distinctive harm that it is well within the government's authority to punish. It is difficult to imagine the argument that might be made to justify a similar federal interest in a treasured family heirloom, such as a wedding dress, that somehow made it onto federal property, was stolen and then destroyed there.

Contrary to the letter drafted by the two distinguished professors, the constitutionality of S. 931 should not give any Member of Congress paase. The Supreme Court has virtually invited Congress to pass such an Act and indicated its validity. Because wise constitutional counsel and the lessons of history indicate that amending our Constitution should not be undertaken when a statutory resolution is available, it is imperative that Congress give serious consideration to S. 931 rather than embark on a constitutional journey that holds implications for our freedoms that even the most foresighted cannot anticipate.

Sincerely,

ROBERT S. PECK, Esq.

DUKE UNIVERSITY,
SCHOOL OF LAW,
Durham, NC, March 31, 1999.

Senator ORRIN G. HATCH,
Chairman, Senate Judiciary Committee,
Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATOR HATCH: I have reviewed S. 1335 styled "The Flag Protection and Free Speech Act of 1995." I have also reviewed the November 8, 1995 Memorandum of the Congressional Research Service, and the recent letters you received from Professors Stephen Presser and Paul Cassell offering comments and observations on the proposed act. My observations, such as they are, are these—

I. If the principal provisions of this proposed bill are narrowly construed—as I believe they might well be[1]—then I am inclined to agree more nearly with the analysis provided by the Memorandum of the Congressional Research Service than with that provided by my able colleagues at Northwestern (Steve Presser) and Utah (Paul Cassell). In brief, as narrowly construed and rigorously applied, the principal section of the act (§3(a)) may not be inconsistent with the First Amendment and may withstand judicial scrutiny when reviewed in the courts. I say this because as thus narrowly construed and applied, §3(a) may apply only in circumstances in which it would meet the requirements the Supreme Court itself has laid down in the principal case applicable to more general laws of this same sort.[2] Herein is how that analysis is likely to proceed:

A. Specifically, §3(a) proposes to amend §700 of title 18 (the Criminal Code of the United States). It does so, however, by subjecting to criminal prosecution only such person who—destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace.

Fairly (albeit strictly) read, the statute thus may require both of the following matters to be proved in any case brought pursuant to this section—and both of these matters must, as in any other criminal case, be proved beyond reasonable doubt:

1. That "the primary purpose" (i.e., the principal objective[3]) sought by the defendant was to incite "violence or a breach of the peace" and, indeed, that it was his specific intent to do just that;

2. That when he acted primarily to bring about that result (and only secondarily, if at

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[1] He hesitates in his opinion, in part because he mistakenly distinguishes the federal government (which has no emotions) from the people that constitute that government (who do have emotions). The assertion of an interest on behalf of the people, as the *Mitchell* Court made evident, is a valid one by the government.

Footnotes at end of letter.

all, to achieve some other aim), moreover, the circumstances were such that it was at least "reasonably likely" in fact his actions would have precisely that consequence (as he fully intended) even as he himself fully understood.

3. Likewise, however, according to the plain implication of its own terms as thus understood, nothing in this section[4] is meant otherwise to subject one to prosecution merely for destroying or damaging a flag of the United States—no matter how offensive or objectionable others may find any such act to be. And, specifically, to make this latter matter quite clear in a relevant fashion, §2(a)(4) (which immediately precedes §3(a))—expressly distinguishes any and all cases where one destroys or damages a flag when one does so to "make a political statement," rather then merely "to incite a violent response."[5]

4. Subsection (a)(3) of §2, separately declares that "abuse of the flag . . . may amount to fighting words," which doubtless is true (i.e., it *may*, just as the provision thus also equally acknowledges, however, that *it may not*.) To avoid constitutional difficulties—difficulties that would arise from any broader understanding of this provision—it would be appropriate to interpret this provision merely to declare that abuse of the flag may be a means chosen deliberately to provoke a violent reaction and *if undertaken just for that purpose* then—as in the instance of "fighting words" (e.g., when "fighting words" are themselves used not as a form of political statement but, rather, in order to provoke a violent reaction)—it is the author's understanding that such conduct *when intended to incite a violent response rather than to make a political statement* is outside the protections afforded by the first amendment. Again, taken this was, the observation may be substantially correct—but in being correct, it also covers very little ground.[6]

B. Necessarily, all of this should mean[7] that even if the circumstances were such that violence (or a breach of peace) could reasonably be expected to result as a consequence of the defendant's actions, so long as it was not his primary purpose or intent to induce or incite it—when he burned or destroyed a flag[8]—he is *not* to be subject to *any* penalty under this law. Specifically, if this is correct, all merely "reactive" violence—violence *not* sought as the immediate object by the defendant (who burns a flag as a political statement or as a public, politically demonstrative act of protest) but violence by those who, say, are but observors or passersby made angry or indignant by what they regard as outrageous behavior by him, for example, is thus *not* to be utilized as sufficient reason to seek his imprisonment rather than theirs.—Or so, at least, I believe the statute can be interpreted to provide. And if (and probably *only* if) it is so interpreted as I believe it thus *can* be understood, I think it will survive in the courts.[9]

II. The vast majority of all instances when the American flag has been used in some fashion others find offensive (and some may be inclined to react to it in ways involving violence or a breach of the peace) have been so overwhelmingly merely an inseparable part of some kind of obvious political statement, however, that a criminal statute reaching such a use of the flag (including defacing or burning a flag) *only* when "primarily . . . intended to incite a violent response rather than [to] make a political statement," will cover very little. For example, so far as I can determine, it will cover *no* instance of public flag "desecration" of *any* of the *many* (allegedly) offensive kinds of "flag abuse" that have been a fairly commonplace feature of our political landscape during the past fifty years in point of fact. And unless these past practices suddenly take a different turn, therefore, whatever the pretensions of the sponsors of the bill might be, there will be little or no real work for this proposed act to do.[10]

But permit me to get quite specific about this last observation, since it may seem counterintuitive. Still, there is frankly no question that this observation is fully applicable, by way of example, both to the events involved in *Texas* v. *Johnson*[11] and to those also involved in *United States* v. *Eichman*,[12] which events and cases previous bills (and now this bill) were evidently meant to respond to in some fashion, but that this bill could by its own terms *not affect at all*.[13] And I press this observation, because precisely to the extent the bill *has* been drafted—and *can* be construed—to avoid the constitutional infirmities of prior, failed, "flag protection" acts—by being very narrowly drawn as the sponsors have striven to do, it merely indicates limitations in no way reflecting on its drafters, but merely what the First Amendment itself protects—and will continue to protect unless itself altered, amended, or abridged.

A. So, for example, in *Texas* v. *Johnson*, Justice Brennan begins the Opinion for the Court by expressly noting that Johnson was convicted for publicly burning an American flag,[14] but strictly as an expressive part and feature of a public and political demonstration, neither more nor less, as Justice Brennan expressly observed in the opening sentence of the Court's Opinion in the case.[15] Indeed, it was this fact—that the particular acts of the defendant were so entwined—that brought the first amendment to bear, and it was also this fact that served as the basis of the Court's decision reversing his conviction—nor would the proposed bill apparently affect the case in any way at all.[16] As Justice Brennan also noted in the case,[17] while "several witnesses testified they were seriously offended by the flag-burning," it was also clear that "[n]o one was physically injured or threatened with injury" by anything Johnson said or did, including (among the things he did) burning a flag.

B. Next, when this Congress nevertheless reacted to the furor created by the Supreme Court's decision in *Texas* v. *Johnson*, by enacting the Flag Protection Act of 1989 (as I and others urged it at the time not to do and testified would not withstand constitutional scrutiny consistent with the Court's decision in *Johnson*), that act in turn was at once tested by individuals who protested the act's enactment by very publicly burning flags in demonstrative opposition to the act itself.[18] In reviewing the several convictions obtained in the lower courts (under the new act of Congress) in both these cases, the Supreme Court at once did all of the following: (a) It expressly affirmed its decision in *Johnson*; (b) applied it to these cases (which had been brought to it for prompt review of those convicted under the new act of Congress); (c) reversed both convictions; and (d) held the act unconstitutional as applied.[19]

Nor—and here's the immediate point to which these observations are meant to be pertinent—do I read or understand the provisions of the proposed bill, S. 1335, as presuming to try to dictate a different result in any case involving similar facts and acts as were all present in these cases—for, indeed, if it did, presumably the outcome would once again be the same—the act as thus applied (were it thought to apply) would be unconstitutional as applied unless the Court itself is prepared simply to overrule itself as there is no reason to think it would or should.

C. And again, in still a different case, in *Spence* v. *Washington*,[20] the alleged criminalized misuse of a flag consisted of defendant's effrontery in having presumed to tape a peace symbol onto the face of a flag—thus "defacing" it—which flag he then displayed (as a political demonstration of his views) outward from the window of his apartment for public view. Here, again, the Supreme Court reversed the conviction (a conviction obtained under a state law forbidding such defacing and public display of a flag). It reversed that conviction "on the ground that as applied to appellant's activity the Washington statute impermissibly infringed protected expression."[21]

In brief, here, too, the facts involved a politically expressive use of a physical flag, not burned, but nevertheless altered in a manner the state statute forbade, and then publicly displayed, as Spence saw fit to do. Moreover, that Spence's use of his flag in this way may have offended others (as indeed it did), or may have motivated some even to want to act against him in some way, was neither here nor there. As the Court itself observed in *Spence*:[22] "We are unable to affirm the judgment below on the ground that the State may have desired to protect the sensibilities of passersby. 'It is firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers.'"[23]

D. The just-quoted portion of *Spence*, moreover, was itself taken from a still earlier "flag-abuse" case, itself once again, however, also involving a political demonstrative destruction (burning) of a flag on the public street, with the defendant's conviction once again reversed on First Amendment grounds. In *Street* v *New York*,[24] as in each of these other real cases, it was plain on the facts that the incident was one involving the public expression of political feelings (nor was there any evidence that Street presumed to burn a flag when and as he did to incite lawless action either against himself or anyone else). Indeed, however, I have found no case at all where it was plain that the "destruction of the flag of the United States" was in fact "intended to incite a violent response *rather than* make a political statement,"[25] so to lift it out from First Amendment protection, much less any that appear to meet the full requirements of the act.

IV. Briefly Then To Sum Up: Unless the critical provision of the act is applied more broadly than a tightly constrained construction would approve[26]—

(a) If thus construed (as it can be construed) to apply only in circumstances consistent with the requirements of *Brandenburg* v. *Ohio*, within that restricted field of application, it may well be sustained in the Supreme Court;

(b) However, as thus very tightly constrained, it will not reach many—possibly not any—of the various kinds of "flag burning" cases, or other "flag desecration" or "flag abuse" cases involving varieties of political expression and political demonstrations previously held by the Supreme Court to be protected by the First Amendment.

(c) Moreover, the cases it—the act—may *clearly* reach *without* substantial risk of being held unconstitutional as applied, are cases involving acts *already* so subject to such criminal penalties (e.g., for incitement to violence or riot) as state and federal criminal law *already cover*, as to raise as a fair question respecting the need for or propriety of this legislation at all. And in brief, if this is so, one must finally ask, just what is there, if anything, of a constitutionally proper concern, that is honestly sought to be served by the act?

V. I am frankly unable to answer this last question I have just posed, and may be forgiven a reluctance to speculate. Yet, whatever it is, it will be most unseemly, I cannot help but believe, that Congress may exhibit no equal interest in bringing to bear the full impact of harsh national criminal sanctions against anyone mistreating the flags of *other* nations in demonstrations of protest as may occur in this country, as Congress appears so willing to provide for our own. But evidently this is what some in Congress appear eager and willing to do. Again, however, I cannot imagine why.

Yet, if so, is this, then, finally to be the example of "liberty" and of "freedom" we now mean to broadcast to the world?—That Americans are free to burn the English Union Jack, or despoil the French Tricolor, or trample the flag of Canada, South Africa, Iraq, Pakistan, India, or Mexico, as they like, in messages and demonstrations of discontent or protest as they may freely occur in this country, but assuredly *not* (or not so far as this Congress will be given license by the Supreme Court to prevent it) as to make any equivalent use of our own? And indeed that *this* is how we now want to present ourselves to the world?

But I would hope, Senator Hatch, that you and your colleagues would think otherwise, and that you will conclude that to "wrap the flag" in the plaster casts of criminal statutes in this way—as this and virtually every similar bill[27] seeks to do—would be a signal mistake. Its occasional burning, utterly unattended by arrest, by prosecution, by sanctions of jail and imprisonment, is surely a far better tribute to freedom than that it is never burned—but where the explanation is not that no one is ever so moved to do (we know some are) but are stayed from doing so by fear of being imprisoned, as some would seek to have done. *That* kind of inhibiting fear is merely the example even now, halfway around the world. It is furnished in a place called Tianamen Square. It is a quiet, well-ordered place.[28] But Tianamen Square is *not* what ought to appeal to us—it is but a quietude of repression, it has a desuetude of fear, it is a place occupied by the harsh regime of criminal law. It furnishes no example whatever of a sort we should desire to emulate or pursue.[29]

So, I hope in the end that you and your colleagues may come to believe the flag of the United States is *not* honored by putting those who "abuse" it, whether in some egregious or in some petty incendiary fashion, in prison or in jail. Rather, let us regard them even as Jefferson spoke more generally to such matters in his first Inaugural Address,[30] leaving them "undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it," as surely is true.

Sincerely,

WILLIAM VAN ALSTYNE.

FOOTNOTES

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[1] It is the firm practice of the Supreme Court to construe acts of Congress very stringently (i.e., narrowly) when any broader construction would at once draw it into serious first amendment question. (For useful and pertinent examples, *see National Endowment for the Arts* v. *Karen Finley et al.*, 118 S.Ct. 2168 (1998); *Watts* v. *United States*, 394 U.S. 705 (1969); *Yates* v. *United States*, 354 U.S. 198 (1957).)

[2] That controlling case is almost certain to be *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969) (discussed *infra*, in footnote 9).

[3] not a secondary or even related, co-equal, objective. . . .

[4] To be sure, other sections do reach some other acts (e.g., "damaging a flag belonging to the United States" (§700(b)) or stealing or knowingly converting and destroying a third person's flag (§700(c)), but these provisions are doubtless secondary in significance and so I defer consideration for such slight discussion of these provisions as they are worth. (Briefly, however, there is no likely problem with the provision re "a flag belonging to the United States." (*See* e.g., *Spence* v. *Washington*, 418 U.S. 405, 409 (1974) (dictum) ("We have no doubt that the State or National Governments constitutionally may forbid anyone from mishandling in any manner a flag that is public property.") As to a flag merely owned by a third party, that one "steal[s], knowingly convert[s], and destroy[s]," there may be—as the other commentators have noted—a federalism problem (the act in this regard would not appear to meet any of the requirements under *United States* v. *Lopez*, 514 U.S. 549 (1996), nor does the act appear to be connected to any other enumerated power provided in Article I §8 of the Constitution (e.g., the spending power, tax power, etc.). It remains arguable, however, that the same (merely implied) power providing Congress with legislative authority to establish incidental insignia of nationhood (e.g., a flag, motto, seal, etc.) could conceivably permit it to draw on the "necessary and proper clause" to protect personal flag ownership from interference (including interference by theft or conversion), so the ultimate answer to this question is a bit unclear. I agree with the other commentators, however, that without doubt state criminal (and tort) laws already reach all instances that would come within this provision—so it is at best redundant and may inadvertently?) represent still one more instance of gratuitously piling federal criminal sanctions on top of pre-existing state sanctions (a practice the American Bar Association, as well as the Chief Justice of the United States, has recently asked Congress to use more sparingly if at all). In brief, neither need for, nor any special utility of, these provisions has been shown.)

[5] Subsection (a)(4) of §2. ("Findings and Purposes") declares (with emphasis and bracketed material added) that "destruction of the flag . . . *can* [but need not] be intended to incite a violate response *rather than make a political statement* and such conduct [presumably meaning by 'such conduct' only such conduct as is indeed intended to incite a violent response and not intended to make a political statement] is outside the protections afforded by the first amendment. . . ." As thus understood (i.e., understood as aided by the words I have placed in brackets), the subsection is not necessarily inaccurate as a strict first amendment matter.

[6] (*See* discussion *infra* in text at II.).

[7] And to avoid first amendment objections, must probably be construed to mean. . . .

[8] Whether as "a political statement" or for any other purpose. . . .

[9] As thus construed and applied, it may meet the test provided in *Brandenburg* v. *Ohio*, 395 U.S. 444, 447 (1969) ("[Our decisions] have fashioned the principle that the guarantee of free speech . . . do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."). If such "advocacy" (i.e., such "speech act" as one engages in) *is* directed to "inciting or producing" imminent lawless action (and is "likely to incite or produce such action"), on the other hand, the Court plainly implies that "the guarantees of free speech" do *not* immunize one from arrest or from prosecution under a suitably framed, properly applied law.

[10] Moreover, to the extent there is any such useful work, such as it might be thought to be, it would be largely merely redundant of what is already subject to a multitude of state and local criminal laws—laws that already reach incitement to riot, violence, or breach of the peace, whether or not it involves torching a flag. Nor is there any reason at all to believe that any of the states—all of which already have such laws—are either unable or unwilling to bring the full force of any such merely standard criminal statutes to bear when any actual case would arise of a kind any of these criminal statutes can validly reach. In brief, this is simply *not* a subject where state or local law enforcement authorities lack encouragement or means to apply the regular force of applicable state criminal law, nor do I think the sponsors of the bill could readily provide examples of such local or state prosecutorial laxity. Far from this being the case, quite the opposite tends to be the rule—prosecutorial zeal in this area is surely the more usual response. The "need" for some overlapping, largely duplicative, criminal statute by Congress in this area, in short, is thus fare from clear.

[11] 491 U.S. 397 (1989).

[12] 486 U.S. 310 (1990).

[13] Indeed, however, the observation is fully applicable as well to virtually every other case the Supreme Court and indeed the lower courts have had occasion to consider during the past fifty years, involving politically controversial uses of the flag. Some of these are discussed *infra* in the text.

[14] (—For which he was promptly prosecuted under the relevant Texas statute punishing acts of physical desecration of venerated objects including the American flag as one such object, ultimately and successfully appealing that conviction to the Supreme Court.).

[15] 491 U.S. 397, 399 (1989).

[16] Johnson was not arrested or prosecuted for "inciting, or attempting to incite, a riot or violence," nor is there any reason to think he would not have been charged with that offense had the arresting officers believed there were suitable grounds (rather there was simply no evidence that this was his intent—to incite or to provoke a riot—in burning the flag in a public plaza—as an incident of expressing bitter feelings for ongoing proceedings in the Republican Convention then in progress, in Dallas).

[17] 491 U.S. at 399.

[18] In one instance the defiance of Congress' handiwork was demonstrated very publicly indeed, specifically, as noted in the Court's subsequent Opinion, by several persons who "knowingly set[] fire to several United States flags on the steps of the United States Capital while protesting various aspects of the Government's domestic and foreign policy" and virtually simultaneously by others, "by knowingly setting fire to a United States flag in Seattle while protesting the Act's passage." (*See United States* v. *Eichman*, 496 U.S. 310 at 312 (1990).

[19] *United States* v. *Eichman*, 496 U.S. 310 (1990).

[20] 418 U.S. 405 (1974).

[21] Id at 406.

[22] Id at 412.

[23] And in *Spence*, note, too, that the Court had also declared: "Nor may appellant be punished for failing to show proper respect for our national emblem [citing still previous decisions of the Court]." There was no novelty in any of this. The Court has for decades made it perfectly plain that the first amendment protected uses of flags (e.g., incidental to political demonstrations) were not to be made subject to any offended person's veto; nor may the state use the disturbance of the peace, much less the threat of riot, by persons affronted or made angry over one's provocative use of first amendment rights (including flag uses) as a justification to arrest the person exercising those rights. *See* e.g., *R.A.V.* v. *City of St. Paul*, 112 S. Ct. 2538 (1992); *American Booksellers* v. *Hudnut*, 771 F.2d 323 (7th Cir. 1985), *summarily aff'd*, 475 U.S. 1001 (1986); *Houston* v. *Hill*, 482 U.S. 451 (1987); *People* v. *Cohen*, 403 U.S. 15 (1971) ("[T]he issue is whether California can excise, as 'offensive conduct' one particular scurrilous epithet from public discourse, either upon the theory . . . that its use is inherently likely to causes violent reaction or upon a more general assertion that the State, acting as guardian of public morality, may properly remove this offensive word from the public vocabulary. * * * The argument amounts to little more than the self-defeating proposition that to avoid physical censorship of one who has not sought to provoke such a response by a hypothetical coterie of the violent and lawless, the State may more appropriately effectuate that censorship [itself]."); *Rosenfield* v. *New Jersey*, 408 U.S. 901 (1972); *Lewis* v. *New Orleans*, 408 U.S. 913 (1972); *Brown* v. *Oklahoma*, 408 U.S. 914 (1972); *Gooding* v. *Wilson*, 405 U.S. 518 (1972); *Terminiello* v. *Chicago*, 337 U.S. 1, 4 (1949) ("[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.") *Cantwell* v. *Connecticut*, 320 U.S. 296 (1940). *See also Skokie* v. *National Socialist Party*, 373 N.E.2d 21 (Ill. 1978).

[24] 394 U.S. 576 (1969).

[25] —Whether or not by means one could expect to stir some to resentment or anger (that it may do so

does not in any degree make it less of a means of making a political statement on that account).

[26] —In which event, if it is given any significantly broader sweep it is likely to be held unconstitutional (even as Professors Presser and Cassell suggested).

[27] —And even some proposed amendments to the Constitution itself.

[28] No one would dare burn the national flag of The Peoples' Republic, not now, not in Tianamen Square.

[29] The better contrasting example we should desire to furnish, surely, is to be found in the compelling remarks by Thomas Jefferson in his own first Inaugural Address. It was Jefferson's straightforward view that—

"If there be any among us who would wish to dissolve this union or change it republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

[30] (*See* quotation *supra*, n. 29.)

GEN. COLIN L. POWELL, USA (RET),
Alexandria, VA, May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I yield such time as he may need to Senator BENNETT.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am not happy rising in this situation because it puts me in a difficult personal conundrum. I have enormous respect for my senior colleague, Senator HATCH, who is a primary sponsor of this resolution. He has been gracious to me as a junior Senator entering this Chamber. He has supported me and guided me and counseled me in ways that are invaluable.

I do my very best, on every possible occasion, to stand with Senator HATCH and to support him and recognize his great wisdom, particularly in matters relating to the law. I am unburdened with a legal education, and he is one of the better lawyers in this body, so I do what I can to listen to him and follow him. Unfortunately, on this issue, I am unable to follow him. That is why there is some personal angst in the fact that I take the floor to make this statement.

I am not a lawyer, but I do have an academic background as a political scientist. That was my degree in college. In that situation, I spent a good deal of time studying the Constitution, studying the circumstances surrounding its adoption, and studying particularly the Federalist Papers, which were the political tracts written at the time to try to achieve ratification of the Constitution.

From that study, I have come to the conclusion that this amendment to the Constitution would be a mistake. Because I have taken an oath in this Chamber to uphold and defend the Constitution to the best of my ability, and have come to the conclusion that I cannot be true to that oath, as I understand it—I cast no aspersions on those who interpret the oath differently—I will not vote for this amendment. People say: What is wrong with it? It is simply enabling language. You read the language, and it is indeed relatively innocuous. Do I think it would damage or mar the Constitution in some fundamental way if it were adopted? No, I don't. So why not go along with my colleague and go along with public opinion and go ahead and put it in the Constitution?

Let me share with my colleagues my reasoning on this. The flag is a symbol. By itself, intrinsically, it is nothing more than a piece of cloth or several pieces of colored cloth sewn together. It has great power as a symbol because of what it represents, and we must do what we can to teach respect for that symbol among our youth and to maintain that respect as we mature.

The Constitution is something more than a symbol. The Constitution is our fundamental basic law. Everything we do is measured against it. If we do something in this body that does not meet that measure, it is appropriately struck down and made invalid. The Constitution is more than a symbol.

We are dealing here with a nonissue. No one is burning the flag in America today in any discernible numbers. No one is creating outcry throughout our populace. No one is doing anything to incite any kind of reaction over this issue. This is a nonissue that came out of the 1960s and 1970s. We are 30 years beyond the time when this was something really happening in this country.

If we adopt this amendment, we will be putting a symbol in the Constitution that I do not want my name attached to. The symbol will be this: We will have decided that whenever the Congress, responding to public opinion, disagrees with a Supreme Court decision, they will amend the Constitution, and they will even do it if the issue is a nonissue. The words will lie there. I think they won't make much difference one way or the other, but they will be there as a symbol of our willingness to overturn more than 200 years of tradition with respect to individual rights as outlined in the first amendment. That is a symbol of what I consider to be our foolishness to which I do not want my name attached.

For that reason, I am not in support of this amendment. I have taken the floor opposing this amendment on a previous occasion and so do now.

I will make one other comment before I sit down. I have just come from a television interview where the issue was campaign finance reform. The Vice President has just made a very long and stirring call to arms that we must somehow protect the Nation against the rising cancer of what he calls "special interest money." I think the Vice President is profoundly wrong in his understanding of what happens in the campaign situation. I will save that discussion for another time.

The thing he did not say and that I tried to say in my television response to the Vice President was that he was ignoring the constitutional implications of what he was proposing. As I pointed out to the television audience, one of the more honest members of the Democratic Party, Senator HOLLINGS, will be on the floor in this debate to recognize that you cannot do what the Vice President wants to do with respect to campaign finance reform unless you amend the first amendment, unless you amend the Constitution. There are some who are not as honest as Senator HOLLINGS who are saying you can do it without amending the Constitution. Senator HOLLINGS will have an amendment to the Constitution. Again, I think he is profoundly wrong, but he is at least honest and straightforward and open about his intentions.

An editorial ran in the Washington Post some years ago, speaking of myself and other Republicans, and said: If they were really serious in their opposition to campaign finance reform on constitutional grounds, they would oppose the flag amendment as well. I had already made up my mind and had already made public statement of my intention to oppose the flag amendment. I say to those who are in favor of the flag amendment but claim they want the Hollings amendment, they should adopt the same kind of consistency that the Washington Post urged upon the rest of us. If they oppose the flag amendment, they should oppose the Hollings amendment with respect to campaign finance reform as well.

The Hollings amendment on its history will lose. It will lose overwhelmingly because most people do not want to tinker with the first amendment. One of my colleagues said: I don't want to look back on my history as a Senator and say the most significant vote I cast the whole time I was there was one that weakened the Bill of Rights.

I don't either. I do not intend to vote for the Hollings amendment, and I do not intend to vote for the Hatch amendment. I think it is consistent that we stand firm to protect the liberties of the people to express their views however much we disagree with them.

A final footnote, if it is that: The Senator from Kentucky has shown great leadership in crafting a bill that can solve this nonexistent problem for those who insist that we must have a solution in a statutory way. It will not amend the Constitution. It will lay down a statutory marker to which all of us can repair. I urge the adoption of the statutory solution to this situation as drafted by the Senator from Kentucky and urge the Senate not to tinker with the first amendment and first amendment rights, either in the name of protecting the flag or in the name of clean elections, both of which are worthwhile goals. There are better ways to do it. In this Chamber, we can debate those ways.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I listened with great interest to the comments of the junior Senator from Utah, with whom I agree on this issue entirely.

One of the items I would like to engage him on—I certainly didn't cover it in my comments, and in listening to his, neither did he—was the definitional difficulty, in addition to all the other reasons why the Constitution or the first amendment should not be amended for the first time in 200 years, for either one of these proposals.

Focusing on the flag desecration amendment, it leads the Senator from Kentucky to ask the Senator from Utah if he understands what flag desecration is, because I have always had a little difficulty trying to figure out what that was. I remember I took my kids to the beach one time and saw lots of flags on T-shirts. I even saw one on the behind of some blue jeans. There are a variety of ways in which flags are displayed in this country that, it seems to me, might be arguably inappropriate.

I wonder if the Senator from Utah thinks if this amendment were to become part of the Constitution, we would have a definitional problem here as well.

Mr. BENNETT. Mr. President, the Senator from Kentucky has raised a very interesting question because, as I understand it, the requirement for a definition would fall to the Congress under this amendment, which means it would be decided by statute. It is the intention of the Senator from Kentucky to solve the whole problem by statute from the beginning. The constitutional amendment would end up being subject to congressional definition, as I understand it, and we would be right back where we are right now. We would have put this symbol in the Constitution and not have resolved any of the issues the Senator from Kentucky raises.

I think it is a very appropriate issue to be raised at this point. I can't give you a definition of what constitutes desecration of the flag.

Mr. McCONNELL. I had a marvelous friend who was a veteran of World War I. He lived up until a couple years ago. He lived in my hometown of Louisville, KY. His mission, toward the end of his life, was to make sure that flag etiquette was always followed. He had become an expert on the subject of flag etiquette, which is apparently quite complicated because it includes ways in which the flag can be displayed, in addition to what we are all familiar with as Boy Scouts, about folding the flag properly. He was constantly irritated and offended by ways in which well-meaning citizens groups used the flag that he felt were a violation of respect with which the flag should be treated in a category of behavior generally referred to as flag etiquette. Frankly, we were all somewhat confused in trying to do that properly.

I wonder if we would not, here in the Congress, be right back in the same soup, so to speak, as the Senator from Utah points out, in trying to determine what is and what isn't proper respect for the flag.

Mr. BENNETT. Mr. President, the Senator from Kentucky reminds me of a similar individual in the State of Utah who constantly berates me every time he gets the opportunity on what he considers to be a desecration of the flag, which is the addition of gold fringe to the edge of the flag. He insists that has a particular legal implication and, indeed, went to the point of insisting that if a Federal judge presides in a courtroom where the flag has gold fringe on its edge, the actions of that Federal judge are not legal and that the flag, to be properly displayed, must have no gold edge.

I noted on one of the rare times I have been in the Oval Office with President Clinton, the flag that hangs behind the President's desk has a gold edge on it. If indeed we were to come to the conclusion that that was a desecration of the flag and that all acts taken in the presence of a flag thus desecrated were illegal, then every bill signed by the President in the Oval Office under that definition would be illegitimate. Obviously, I don't think it will go to that point. But I think the Senator from Kentucky has made a legitimate point as to who is going to argue which position with respect to what constitutes improper handling of the flag.

Mr. McCONNELL. Mr. President, it could be argued that we might even need "Federal flag police" to go around and look after proper respect to the flag under this amendment. It seems me if we were going to take it seriously and amend the first amendment for the first time in 200 years and enshrine this in the Constitution, presumably we would take this as a serious matter.

Mr. BENNETT. There is no question but that there would be pressures to move in the direction the Senator from Kentucky is talking about. I come back to my same observation, which is that if we wanted to do that, we could do it by statute. We could do it right now. We don't need to amend the Constitution in order for the Congress to pass laws with respect to appropriate flag etiquette and apply penalties to those who violate the flag etiquette. I am not sure I would vote for those kinds of laws, but we have the authority to do that. I think the statute offered by the Senator from Kentucky, of which I have the privilege and honor of being a cosponsor, moves us in the sensible direction to that extent, without leaving behind, as I say, a symbol of, in my view, overreaction in the Constitution itself.

Mr. McCONNELL. Finally, I am not an expert on these matters, but I am told that the appropriate way to dispose of a flag that is tattered and really torn—in fact, I saw one recently at a school where I brought them a flag that had been flown over the Capitol as a replacement for a flag that had flown at this elementary school for a long time; it was battered and torn and was going to be destroyed. I am told the appropriate way to do that is to burn it. I wonder if the Senator from Utah shares my view with regard to if that is, in fact, the appropriate way to dispose of a flag that actually has reached the end of its useful life, how would we determine which flag burning was a desecration and which was actually an honor?

Mr. BENNETT. The Senator raises a very worthwhile point. It is my understanding as well that the appropriate way to destroy a flag that has outlived its usefulness, or destroy its remnants, is to burn it. That is considered an act of great respect. So it becomes a question of determining motive; and you can't simply regulate the act, you have to go into an understanding of the motive of the act, and, once again——

Mr. McCONNELL. You have to understand intent, I say to the Senator.

Mr. BENNETT. Yes, intent. And, once again, if you are dealing with the first amendment, the first amendment is very clear that Congress shall make no law that impacts on intent; it only has to do with actual acts. If you speak against the Government, that is fine. If you enter into a conspiracy to actually overthrow the Government, it becomes an overt act, and the act is dealt with, but not your intention to demonstrate your disapproval.

So I think the Senator from Kentucky raises a very significant point as to how pernicious this could be if it were part of the Constitution as opposed to a statute.

Mr. McCONNELL. Mr. President, I thank the Senator for his important contributions. It reminds me of when we discussed this issue previously. It leads me to believe that the appropriate way to deal with someone who desecrates the flag might be a punch in the nose as opposed to evisceration of the first amendment to the U.S. Constitution, which we have not changed—and I think wisely—in the 200-year history of our country.

I thank the Senator from Utah.

I yield such time as he may desire to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from Kentucky and the Senator from Utah. This has always been a very difficult issue for me. I voted against a constitutional amendment to prohibit flag desecration both as a Member of the House of Representatives and also previously as a Member of the Senate. But it has been very difficult, largely because I believe, as do most Americans, that desecrating our flag is repugnant. It is an act that none of us would find anything other than disgusting. Yet the question is not that; the question is, Shall we amend the Constitution of the United States?

As I said on two previous occasions, I have voted against a constitutional amendment to prohibit the desecration of the flag, not because I believe the flag is not worth protecting—I believe it is worth protecting—but because I believe the Constitution should be altered only rarely and only in circumstances where it is the only method available to achieve a desired result.

The Constitution was written by 55 men over a couple of centuries ago. The room in which they wrote that document still exists, the assembly room in Constitution Hall. I was privileged to go back there for the 200th birthday of the writing of the Constitution. On that day, 55 of us went back into the chamber where they wrote the Constitution. Men, women, and minorities were among the 55 of us who went into that room. Sitting in that room, I got the chills because I saw the chair where George Washington sat as he presided over the Constitutional Convention. You can see where Ben Franklin, Mason, Madison, and others sat as they discussed the development of a constitution for this new democracy of ours. That Constitution begins with the three words: We the people. Then it describes the framework for self-government, representative democracy.

That framework has served this country very, very well over a very long period of time. As I understand it, there have been over 11,000 proposals to change the Constitution since the Bill of Rights. There have been 11,000 different ideas on how to alter the U.S. Constitution. Fortunately, over two centuries, 17 have prevailed. The framers of the Constitution actually made it fairly difficult to amend the Constitution. They did that for good reason. Only 17 of the 11,000 proposals have actually prevailed. Those 17, of course, are significant. Three of them are Reconstruction-era amendments that abolished slavery and gave African Americans and women the right to vote. There have been amendments limiting the President to two terms and establishing an order of succession for a President's death or departure from office.

We have had proposals, for example, to amend the Constitution to provide that the Presidency shall be rotated with one term by a President from the southern part of the United States and then the next term by a President from the northern part. That is just one example of the 11,000 proposals to change the U.S. Constitution. It has been done only very rarely.

I indicated to those who support a constitutional amendment that when we are confronted with this question again—I greatly respect their views; I know they have great passion in doing so; they are patriots—I would do a significant review once again, and I have. I reviewed virtually all of the writings of the constitutional scholars on this issue. I read almost anything anyone has written about it, evaluated all of the research, and concluded once again that I think the best approach would be to pass a statute of the type described by the Senator from Kentucky and the Senator from Utah, and provide protection for the flag in that manner which constitutional scholars of the Congressional Research Service say will be upheld by the Supreme Court. I believe that is the more appropriate and right approach as opposed to amending the Constitution.

I will read something from Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff. He puts it probably better than I can. I read it only to describe again that there are some who say, well, if you are not supporting a constitutional amendment to prohibit desecration of the flag somehow you don't support the flag or you are unworthy. That is not the case at all. I hope all of us will respect the various positions on this.

Let me read the letter from Gen. Colin Powell.

He said:

> I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.
>
> Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.
>
> We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.
>
> If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.
>
> I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.
>
> I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.
>
> Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.
>
> If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

I think this letter from Gen. Colin Powell says it well, particularly when he says:

> I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

The statute that has been introduced by my colleagues from Utah and Kentucky, cosponsored by myself, Senator CONRAD and others, is a statute that offers some protection. I am convinced that it would be upheld constitutionally, and the constitutional scholars of the Congressional Research Service have written us with their opinion that it would be upheld as well.

I believe in every circumstance we ought to find ways to do that which is necessary and which is important without the resulting desire to change the framework of this democracy, the Constitution.

I greatly respect those who disagree with me, but I believe that over a long period of time—a decade, a half a century, a century—America will be better served if we resist the impulse to amend the Constitution in ways that will create unintended consequences.

Once again, that room in which George Washington, Madison, Mason, Franklin, and others wrote the Constitution of the United States with the advice and consent of Thomas Jefferson, who was serving in Europe at the time and contributed most to the Bill of Rights, contains a great sense of history for those of us who have been there, as well as an understanding that the framework for our democracy, the U.S. Constitution, is a very special and very precious document. It should be changed only in rare circumstances, and even then only when it is the last method available for achieving a result we deem imperative for this country.

I believe the statute that has been offered as an amendment is a statutory approach that will solve this issue in an appropriate way, and will at the same time preserve the Constitution as intended, especially with the Bill of Rights and most especially with the care that Congress and the American people have nurtured over nearly two centuries.

Mr. President, let me commend the Senator from Kentucky. I know this amendment has been offered before on the floor of the Senate. I heard the debate by the Senator from Kentucky and the Senator from Utah. I concur with that discussion and hope we can achieve a positive vote on this proposal when it is voted on.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the Senator from North Dakota for his remarks. I listened carefully to them and am glad to have him cosponsor the amendment. I hope the amendment will prevail this time, as opposed to the constitutional amendment.

I thank my friend from North Dakota.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, this is one of those issues that is very emotional. We have people on both sides who truly have the same goals. We believe alike—that those who burn the flag or desecrate the flag in any way are despicable people for whom we should have no sympathy.

I say up front, before I make my remarks, that I certainly have the deepest respect for all of my colleagues who believe that we do not need a constitutional amendment, especially Senator McCONNELL for whom I have the greatest respect.

I think we need to look very carefully at this issue. The Constitution has been amended. Actually, it has been amended 27 times—not 17—once with the first 10 amendments, of course, and 17 times later. When it was amended, it was amended to clarify, to make clear. That is why we have an amendment process. That is why the founders put it in there.

I do not think the constitutional Republic will tremble, shake, and fall because we decide to deal with an issue such as flag desecration with an amendment. That seems to be the gist of what we are hearing, perhaps in an overly legalistic argument that somehow the constitutional Republic will have acted irresponsibly to pass an amendment to the Constitution which would stop the desecration of the flag.

I am an original cosponsor of the constitutional amendment introduced by Senator HATCH, S.J. Res. 14. I am proud to be a cosponsor of that amendment.

The act of the desecration of the U.S. flag is an aggressive and a provocative act. It is also an act of violence against a symbol of America, our flag. Even more disturbing, it is an act of violence against our country's values and principles.

The Constitution guarantees freedom. There is no question about it. It guarantees freedom of speech. But it also seeks to ensure, in the words of the Preamble, "domestic tranquility."

Many Americans have given their lives to protect this country as symbolized by that flag. My own family, as thousands of other families, endured the same thing. My dad died in World War II, and my family has that flag. It is a very important item in our home, as it is in Senator McCONNELL's home when he mentioned his father.

I believe the flag deserves the constitutional protection because it is more than just a flag. It is more than just a symbol.

I use the example of a $5 bill which I happen to have in my hand. If this is merely a symbol and has no other meaning, then I suppose I could ask millions of Americans to send me $5 bills and I will be happy to send them back plain pieces of paper because it is just paper. This is paper, therefore it is a symbol, and it doesn't have any meaning. So I can take all these pieces of paper and send them back to you in return for $5 bills.

If anybody does choose to do this, I will be happy to provide it to some charity. I am not looking for $5 bills to be mailed to me.

There is something beyond the meaning of just this piece of paper on this $5 bill, and there is something beyond the meaning of just a piece of cloth with the flag of the United States. Some people believe outlawing the desecration, which this amendment would authorize Congress to do, will lead somehow to the destruction of freedom. I disagree. Our Constitution was carefully crafted to protect our freedoms, not to diminish them. It also was crafted to promote responsibility. We are stepping on very dangerous ground when we allow reckless behavior such as flag desecration, whether burning, trampling, or whatever the desecration may be.

This Constitution has served the test of time very well. It has been amended on 27 occasions. Interestingly enough, the first ten amendments, the Bill of Rights, passed shortly after the Constitution itself was passed. Why? Because they wanted to clarify. They didn't want anybody to misunderstand that we needed to have certain basic freedoms such as the freedom of speech, freedom of religion; the second amendment, the right to keep and bear arms, and so forth.

Oftentimes in the debates on the floor of the Senate many of my colleagues pick and choose which amendments they choose to support and which they choose to ignore. It is all the Constitution.

Under our discussion, I don't think the Supreme Court has more power than the people. If we were to vote today or tomorrow or the next day on this constitutional amendment on flag desecration, it goes to the people. It goes to the State legislatures. We are not making a final judgment. This is a constitutional process. It was very carefully laid out by the founders so that amendments would be very difficult to pass. If the American people support Congress if it passes, then we will have an amendment to the Constitution, No. 28. If they don't, it will not happen. All we are asking is the opportunity to let the people make the decision.

Amending the Constitution is serious, but a simple statute is not enough. We tried that and the Court struck down the statute.

A little bit of history on the legal history of flag burning is relevant. Over the years, Congress and the States have recognized the devotion our diverse people have for the flag and they have enacted statutes over the years that both promote respect for the flag and protect the flag from desecration.

In the *Texas* v. *Johnson* case in 1989, by 5-4 vote, referred to earlier in the debate, the Supreme Court overturned a conviction of Gregory Lee Johnson who desecrated an American flag. Johnson burned an American flag at the 1984 Republican National Convention. A fellow protester had taken a flag from a flagpole and had given the flag to Johnson. At Dallas City Hall, Johnson unfurled the flag, poured kerosene on it and burned it.

That is not speech, I say in all humbleness, candor, and with respect to my colleagues. That is not speech. That is an action. That is a direct action of desecrating the symbol of America. While the flag burned, protesters chanted "America, the red white and blue, we spit on you."

A few moments ago, my colleague from Utah, Senator BENNETT, was saying he didn't know whether we would be able to determine whether or not somebody who takes the flag with respect and disposes of it the way we are supposed to dispose of it under law—burning it in a respectful way—whether there would be any confusion. I do not think there is any confusion between that act and what I just referred to, "America, the red white and blue, we spit on you," when the flag was torn down from a flagpole and kerosene was poured on it. I don't know why anybody would be confused by that.

Johnson was convicted of desecration of a venerated object, in violation of section 42.09 of the Texas Penal Code which, among other things, made illegal the intentional or knowing desecration of a national flag. The Court held the government's interest did not outweigh the interest of the flag burner. The act was not oral or written political speech; it was conduct. It was conduct, not speech. There is a difference.

Justice Rehnquist, for himself and Justices White and O'Connor, stated in dissent: For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way respondent Johnson did here.

The constitutional amendment would enable Congress to punish the next flag burner or the next flag desecrator. In 1989, Congress enacted a fairly neutral statute, the Flag Protection Act of 1989, with an exception for the disposal of worn or soiled flags as a response to the Johnson decision. Based on the new rule announced in Johnson, the Supreme Court struck down the statute by a 5-4 vote in *United States* v. *Eichman* in 1990. S.J. Res. 14 would restore the traditional balance to the Court's first amendment interpretation.

That is all it does. Only a constitutional amendment can restore the traditional balance between a society's interest and the actor's interest concerning the flag. The first amendment prohibits abridgement of freedom of speech. There is always a balancing of society's interest with the individual's interest in expression.

A few examples have been used many times on the floor in debate. Here is a good example: Can you yell "fire" in a crowded theater?

Could anyone yell something out now? You would be removed if you were in the galleries making a loud comment that disrupted the proceedings. You would be removed.

There are limits on speech. It is simply incorrect to say there are no limits to free speech. There are limits to free speech, and it has been held as being constitutional. "Fire" in a crowded theater was held to be unconstitutional in *Schenk* v. *U.S.* in 1919.

There is no constitutional right to disclose State secrets. Some have gotten away with it, but we don't have the constitutional right to go out to the media and announce all the national secrets that we have access to as Senators, along with many individuals who work for the U.S. Government who have access to U.S. secrets. They don't go out and hold press conferences, nor do they tell our enemies what those secrets are. There is not a constitutional right to disclose those secrets.

There is no constitutional right to defame or libel a person's character. That was upheld in *Gertz* v. *Welch*. There is no constitutional right to engage in partisan political activity in working for the Federal Government.

There is no constitutional right to commercially promote promiscuous activity by minors.

The American flag has not been given that protection by the Supreme Court. Congress has a compelling interest in protecting the flag. Congress needs to preserve the values embodied by the flag—liberty, equality, freedom, and justice for all.

The flag enhances national unity and our bond to one another in our aspiration for national unity. If we read history about the fall of the Roman Empire, it is when Rome lost the glue that held it together, when they became too big, they became so splintered and there was no unity, no cohesion, that they lost their symbol of what the Roman Empire meant.

When we lose the symbol of what we are about, we will lose this country. The flag enhances national unity. It enhances the bond. Even if we are wrong, even if we do not need the amendment—and I do not make that case—even if perhaps Senator MCCONNELL and others are correct that we do not need this amendment, so what? We err on the side of caution.

We survived an amendment on prohibition, and we survived an amendment to repeal prohibition. The Constitution and the constitutional Republic did not fall and die as a result of those amendments which were controversial, to say the least. So good amendments and bad amendments occur, and the Constitution survives because that is the way it is supposed to be.

Let's err on the side of caution. Let's err on the side of caution. It sends a good message to everyone—to young and old, those who fought and died, those who survived, and those young people in first, second, and third grade classes, and all through our schools all across America, that the flag is more than just a symbol. It represents that cohesion, that bond, that special thing that makes us Americans. We can carry it into battle. We can have it standing behind the Presiding Officer. We salute it every morning, as Senator MCCONNELL said, before we start our proceedings. If we can salute it, we can protect it. What is wrong with that?

I repeat for emphasis, err on the side of caution. It is not going to cause the destruction of America because we reinforce something we believe in by amending the Constitution.

James Madison stated that desecration of the flag is "a dire invasion of sovereignty."

Thomas Jefferson considered violation of the flag worthy of a "systematic and severe course of punishment."

S.J. Res. 14 would remove the Government sanction of flag desecration and flag burning. The Judiciary Committee found in hearings that there have been between 40 and several hundred acts of flag desecration over the past decade. Our Supreme Court has granted the flag burner a sanction under the first amendment to engage in the conduct of burning an American flag.

Forty-nine State legislatures and most of the American people want an amendment to protect the American flag. All we are doing, if we can get the requisite number of votes, is to pass an amendment on to the people and the legislatures to make a final decision.

Our heritage, sovereignty, and values are uniquely represented by this flag.

The flag of the United States of America has long unified our countrymen during times of great strife, upheaval, and during the more common times of prosperity and pride. It inspired men and women to win our independence in the Revolutionary War. Over the years, it has represented to a people of all nations freedom and all the values that has made America the envy of the world.

I say to my colleagues, regardless of the technical/legal aspect of this, as to whether or not it is legal, whether or not it is constitutional, whether it is necessary or not, what is the message we send to the world? They will not understand that the Congress of the United States, the Senate, refused to pass an amendment to protect the flag. It will be misperceived, in my view.

It is an inspiration. It has been praised in song and in verse. It has been honored with a day of its own—Flag Day—and its own code of etiquette on how to store it, how to salute it, and what to do with it. It has been given allegiance by our schoolchildren and given honor by the Supreme Court. The Supreme Court recognizes "love both of common country and of State will diminish in proportion as respect for the flag is weakened." That was a Nebraska case in 1907.

How can one say it any better than that? Unfortunately, more recent court decisions have struck down State and Federal statutes banning the desecration of Old Glory.

So we debate again. We have done this before. We are going to do it again. We debate a constitutional amendment. We should remember the important relationship over the years the American flag has had with American history, with American freedoms and, indeed, the American conscience.

On June 14, 1777, the Marine Committee of the Second Continental Congress adopted a resolution that read:

> Resolved, that the flag of the United States be 13 stripes, alternate red and white, that the union be 13 stars, white in a blue field representing a new constellation.

Red for hardiness and courage; white for purity and innocence; and blue for vigilance, perseverance, and justice.

George Washington described the flag in much the same way:

> We take the stars from heaven and the red from our mother country, separating it by white stripes, thus showing that we have separated from her; and the white stripes shall go down to posterity representing liberty.

This new flag made one of its first appearances 2 months later at the Battle of Bennington. On August 16, 1777, the American soldiers faced the dreaded Hessian mercenaries. While the two forces clashed, American General John Stark rallied his troops by saying:

> My men, yonder are the Hessians. They were bought for 7 pounds and 10 pence a man. Are you worth more? Prove it. Tonight the American flag floats from yonder hill or Molly Stark sleeps a widow.

The brave Americans triumphed under their new flag at the Battle of Bennington, and the new stars and stripes floated from the hill which the Hessians once possessed.

It was the first time that liberty and freedom was advanced under the flag and, as we all know, it was most certainly not the last.

I can go on and on. Of course, we all know the story of the "Star-Spangled Banner." How in 1814, Francis Scott Key, a Washington attorney, boarded a British warship in the Chesapeake Bay to negotiate the release of a prisoner taken when British forces burned the Capitol in August.

While aboard the ship, the British fleet turned its attention to Baltimore, and that is where Key witnessed the bombardment of Fort McHenry on September 13, 1814. It continued most of the day and night, until the British abandoned their failed attack and withdrew.

Shortly after dawn on the 14th, the morning fog parted and Key saw the flag had survived its night of 1,800 13-inch bombshells and rockets. Its "broad stripes and bright stars," he said, were still "gallantly streaming."

Although the forces at Fort McHenry were like sitting ducks under the merciless British assault, they withstood the volleys and emerged victorious once again under the besieged but still-standing American flag.

Key was inspired by this. It was not a piece of canvas that inspired Key to write these things. It was not a piece of cloth. It was more than that. It was a flag. There is a difference. It is the same reason the $5 bill is not a piece of paper. It has meaning. The flag has meaning.

In 1931, Congress made the "Star-Spangled Banner" the official national anthem of the United States. We owe our flag, once again under siege, constitutional protection. In May 1861, just before the Civil War that would tear our Nation apart, Henry Ward Beecher gave a speech on "The National Flag." It is worth mentioning a few of the things he said in that 1861 speech, bearing in mind that our Nation was about to be torn asunder in a war that almost destroyed us:

> A thoughtful mind, when it sees a nation's flag, sees not the flag, but the nation itself. . . .
>
> Wherever [our flag has] streamed abroad men saw day break bursting on their eyes. For the American flag has been a symbol of Liberty, and men rejoiced in it. . . .
>
> If one, then, asks me the meaning of our flag, I say to him, it means just what Concord and Lexington meant, what Bunker Hill meant; it means the whole glorious Revolutionary War. . . .
>
> . . . [it means] the right of men to their own selves and to their liberties. . . .
>
> . . . our flag means, then, all that our fathers meant in the Revolutionary War; all that the Declaration of Independence meant; it means all that the Constitution of our people, organizing for justice, for liberty, and for happiness, meant.

Whatever that meant, that is what the flag meant.

> . . . our flag carries American ideas, American history and American feelings. . . .

Again, my colleagues, err on the side of caution. If you think we do not need the amendment to protect it, we will not rock the Republic that much if we would just make that statement with the amendment.

Henry Ward said:

> Every color [of our flag] means liberty; every thread means liberty; every form of star and beam or stripe of light means liberty; not lawlessness, not license; but organized institutional liberty—liberty through law, and laws for liberty!

I could not agree more. Because the highest court in the land will not preserve the liberty represented by our flag from lawlessness and license, we must protect it with a constitutional amendment.

One of the most inspirational and emotional places to visit in Washington, DC, I say for those who are here who may be listening—you have all kinds of things out there that you can visit, from the Treasury Building, to the White House, to the Washington Monument, to the Lincoln Memorial, to the Jefferson Memorial. They are all wonderful. I have been to them all. Let me add one to the list you ought to see before you leave: The raising of the flag on Iwo Jima; the Iwo Jima Memorial right here in Washington—an image that signifies the steep price of freedom.

On February 19, just last month, we remembered the 55th anniversary of that bloody battle. Six thousand Americans gave their lives on Iwo Jima. What were they fighting for? Most of them probably did not know where Iwo Jima was when they went into the service.

After 4 days, some Marines finally made it to the top of Mount Suribachi. They tried twice to plug a wooden flag pole into the ground. Both times it broke. The third time, they wrapped the flag to a metal pole. Later during the battle, the second flag was ordered raised when commanders on the beach could not easily recognize the first one, which was considerably smaller.

A photographer captured the moment, which has become the U.S. Marine Memorial outside Arlington at the National Cemetery.

Marines later said they could see the flag from a quarter of a mile away, and it gave them the courage and inspiration to overcome their exhaustion and fear to keep fighting.

It is amazing. It is not just a flag; it is more than a piece of cloth. Ask those guys who were at Iwo Jima. Go see that memorial, and see how you feel about an amendment after you see that monument.

It goes on. We could talk all day—"Buzz" Aldrin, when he planted the flag on the moon. The only good thing about it, I guess, is there is no oxygen on the moon so no one could burn it there. Maybe we ought to put a few more up there.

Obviously, there have been many treasured moments in American history intertwined with our flag. History shows our laws have reflected the values represented by our flag and our Government's interest in preserving it.

In 1634, Massachusetts colonists prosecuted, tried, and convicted a person who defaced the Massachusetts State flag. The court concluded that defacing the flag was an act of rebellion. This case, called the "Endicott's Case," reflects the traditional balance between the interests of society in preserving the flag and freedom of expression.

We have early examples of why we can make a strong and powerful case for a constitutional amendment. The colonists saw the need to punish the act, flag desecration, that violated Government sovereignty.

The framers of our Constitution, through their words and actions, clearly showed the importance of protecting the flag as essential to American sovereignty.

James Madison, in 1800, an expert certainly of the Constitution, if there ever was one—he wrote it—denounced the hauling down of the American flag from the ship the George Washington as a "dire invasion of [American] sovereignty."

In 1802, Madison pronounced an act of flag defacement in the streets of Philadelphia to be a violation of law.

We sometimes overanalyze and overdebate what the founders meant. I am amazed by the people in the 20th, now in the 21st century, who know what the founders meant. They know all about what they meant. Even though they said something different, they still know what they meant, which is the exact opposite of what they said. It seems to me we should go back and look at what the founders said.

Madison wrote the Constitution. I think he had a little understanding about what he meant. If he said something, then it ought to be pretty good support to say: You know, he might have meant what he said. He said it. He said that an act of flag defacement in the streets of Philadelphia was a violation of law.

In 1807, when a British ship fired upon and ordered the lowering of an American ship's flag, Madison told the British Ambassador that "the attack on the [ship] was a . . . flagrant insult to the flag and the sovereignty of the United States."

As the author of the first amendment, Madison knew what freedom of speech was. However, his repeated stands for the integrity of the flag show that he believed that there had been no intent to withdraw the traditional physical protection from the flag.

Thomas Jefferson also believed in the sovereignty and the integrity of the flag. While he was Washington's Secretary of State, there were many foreign wars and naval blockades. The American flag was a neutral flag during this time, and other countries wanted to fly it. Jefferson instructed American consuls to punish "usurpation of our flag."

To prevent the invasion of the sovereignty of the flag, Jefferson did not think that the first amendment was an obstacle to a "systematic and severe" punishment for people who violated the flag.

Both Madison and Jefferson considered protecting the flag and punishing its abusers very important.

There are all kinds of examples in American history from our greatest founders, and all kinds of resources to draw from in support of this amendment. They believed that sovereign treatment for the flag was not inconsistent with protecting free speech.

They consistently demonstrated that they wanted to protect commerce, citizenship, and neutrality rights through the protection of the flag. They did not mean to suppress ideas or views or free speech. That was not what they were about. They just wanted to protect the Government's interests in protecting the sovereignty of the Nation as personified in the flag. Freedom of speech protects that, not conduct. There is a difference.

William Rehnquist said:

> The uniquely deep awe and respect for our flag felt by virtually all of us are bundled off under the rubric of "designated symbols" that the First Amendment prohibits the government from "establishing." But the government has not "established" this feeling; 200 years of history have done that. The government is simply recognizing as a fact the profound regard for the American flag created by that history when it enacts statutes prohibiting the disrespectful public burning of the flag.

We have seen the Supreme Court defy the "deep awe and respect" that the American people, through their elected representatives, have for that flag.

The Supreme Court further denied the American people any voice in protecting the integrity of the flag in the *RAV* v. *City of St. Paul* case in 1992. In that decision, the Court ruled it will no longer balance society's interest in protecting the flag against an individual's interest in desecrating it.

The Court's recent decisions have led us down this path. In order to preserve the values embodied by our flag, in order to enhance national unity, and in order to protect our national sovereignty, we, the people's representatives, have to take the first step here to amend the Constitution. It is going to be a slow and difficult process, as the Founding Fathers intended. They wanted it to be slow and difficult. It was not supposed to be easy.

We should have this debate. We should rise up and take each other on directly. We should have a vote, and we should be recorded. If it prevails with the 67 votes necessary, it will move forward for the people and the legislatures. It is a necessary process in order to remove the Government's seal of approval of flag burning and desecration.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally deducted from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from New Hampshire has 25 minutes remaining, and the Senator from Kentucky has 20 minutes remaining.

Mr. SMITH of New Hampshire. I thank the Chair and yield myself 15 minutes.

Turning to the substance of the McConnell amendment, I find that it fails to protect the flag or the people who revere it. This is a very narrow proposal. In order to be prosecuted under the statute Senator MCCONNELL has proposed, one must: No. 1, intentionally destroy or damage the flag with an intent to incite or produce imminent violence or breach of the peace; No. 2, one must steal and intentionally destroy a flag belonging to the United States; or, No. 3, one must steal or intentionally destroy someone else's flag on Federal property.

Now if you come to the conclusion that I have—and I think we all have on both sides—that flag desecration is wrong, why limit the desecration to those instances I just cited? Why make it legal to burn a flag in front of a crowd that loves flag desecration or on television or at some safe distance and yet make it illegal to burn a flag in front of people who would be upset? That is what is happening here.

Let me repeat that. Why make it legal to burn a flag in front of a crowd that loves flag desecration and yet make it illegal to burn a flag in front of people who would be upset? That is pretty much what we have here. Why make it illegal to burn a post office flag but not a flag belonging to the hospital across the street? Why make it illegal for a lone camper to burn a flag at a campfire in Yellowstone Park when it is legal to burn a flag before hundreds of children at a public school? To anybody who is interested in protecting the flag from desecration, how does this make sense? It is not common sense.

There are other problems with this statute as proposed. First, the Supreme Court is likely to hold that the amendment's attempt to prohibit flag burning that may breach the peace is unconstitutional. In *Texas* v. *Johnson*, the State of Texas defended its flag desecration statute on the ground that it was necessary to prevent breaches of the peace, and the Court rejected the argument because there was no showing that a disturbance of the peace was a likely response to Johnson's conduct regardless of Johnson's intent. So in order to qualify for the breach of the peace exception under *Brandenberg* v. *Ohio*, the Court said the flag burning must both be directed to inciting or protecting imminent lawless action and is likely to incite or produce such action.

Since the McConnell amendment fails to require any showing that the destruction of a flag objectively is likely to incite or produce the breach of peace, the Court will strike it down as unconstitutional. This is a lot of legalese—legal gobbledygook, I might call it. This is what the lawyers like to do. But this is more than a legal issue. Your speech cannot be suppressed because it might breach the peace, even if you believe you are breaching the peace. You must have both intent and the objective likelihood that others nearby will be compelled to violent action because of your speech.

So in this regard, I note that the Court, in Johnson, found that the flag burning did not threaten to breach the peace, nor was there any finding that Johnson intended to breach the peace. The Court also found that no reasonable onlooker would have considered the flag burning to be an invitation to a fight. In other words, the Court held that flag burning did not constitute fighting words. As a result, the McConnell amendment would not even apply to the flag burning in Johnson.

Even if the McConnell statute satisfied the breach of peace exception to the first amendment, the other sections of the proposed statute wouldn't. The Johnson and Eichman cases seem to require that the same general analysis apply. Could the Government say that all racist fighting words are illegal on Government property but that others are not in some other location? Of course not. The Court has said that this amounts to impermissible content-based discrimination. But that is the effect of the amendment Senator MCCONNELL offers because it only criminalizes stealing and destroying a flag rather than all Government property and because it only criminalizes the burning of a flag stolen from another on Government property rather than all other property that could be stolen and destroyed. A lot of legal language, but it is important because this is what we would be dealing with if the statute Senator MCCONNELL proposes were to pass as opposed to the amendment.

Even if these portions of the McConnell amendment could survive constitutional scrutiny, which I doubt they could, they are no substitute for real flag protection. The McConnell statute would not have punished Gregory Johnson's notorious flag burning. When he took it down from that pole, burned it, and spat on it, he didn't steal the flag from the United States; so he wouldn't be punished. It was stolen from a bank building; therefore the statute would not apply. Johnson didn't burn his stolen flag on Federal property; he burned it in front of city hall; therefore the bill would not apply. If the amendment would not punish Johnson, who would it punish? We need to be reasonable. We would look foolish to take this kind of legalistic approach rather than the substance of what Madison and Jefferson and Washington and so many others so eloquently put many years ago when they wrote this Constitution.

Now, some say it is better than an amendment because they want to preserve the first amendment rights. But if we are going to punish flag destruction on Federal property during a political rally, if we are going to say that is not an infringement of free speech when the flag is stolen, then why does the first amendment protect desecrating the flag under the same circumstance?

The ownership of the flag is not relevant to the first amendment analysis. It is not the ownership of the flag that matters, it is the flag. It is what it symbolizes. It is the act that matters. It seems to me that the statute by my friend from Kentucky is perfectly consistent without allowing flag desecration on city or State property regardless of whose flag it is. Once you make it a Federal crime to burn a flag, you are reaching communicative conduct the Supreme Court says is constitutionally protected. If you are prepared to punish flag desecration based on the theft of the flag and the location of the desecration as consistent with the first amendment, you cannot logically argue that punishing the desecration of one's own flag on that same property or other property is inconsistent with the first amendment.

I think any Senator who can vote for this statute, frankly, can vote for an amendment that authorizes broader protection of our flag. We need to stop splitting hairs here and understand what we are talking about, understand the incitive act that we are talking about in the desecration of that flag and what it means to the fabric and fiber of our Nation. While the Federal connection to property may give you jurisdiction for a Federal statute, it simply does not change the first amendment analysis.

Why would anyone vote for an ineffective statute? It is a weak way to say we don't want an amendment. It is not a good alternative. I would almost prefer that you voted no on the basis of it being unconstitutional in your mind than to offer this amendment. But adoption of the McConnell amendment will amount to the government's unintended declaration of open season on all American flags. It says: Do what you want to the flag—whatever you want—but don't start a riot, whatever you do. Don't steal it from the government; steal it from a bank, and whatever you do, don't burn it on government property. Otherwise, have a good time, burn away, desecrate away. Pick and choose where you want to burn, where you want to desecrate, and you will be fine.

Now, really, does that make sense as an alternative to the amendment? We can do better than that. The proposed constitutional amendment allows us to do better than that. By giving Congress the power to enact a sensible flag protection statute, the flag amendment will allow for meaningful flag protection that doesn't make silly, legalistic distinctions. So let's have the courage of our convictions to say, yes, we need the constitutional amendment because without it, the flag can be desecrated, and this will have a harmful effect on our country and on its fabric, if you will. Or say, no, we don't need the amendment, it will have no impact, it doesn't matter, and let it go at that.

I urge my colleagues who support protection for the flag to vote no on the McConnell amendment and to vote yes on the constitutional amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. SMITH of New Hampshire. Madam President, opponents of the amendment like to say that America is not facing an epidemic, that we have a few acts of flag desecration. Depending on how you want to define them, they are usually by some crazy person or some nut, or whatever term you want to apply to it, or someone who is demented. But I think opponents try to downplay the number of desecration incidents that we have in this country. They not only use flawed statistics, but I think they also miss the point that numbers don't always tell the story, and who is doing it is another issue. I would like to give an example.

I am a former schoolteacher. You are never a former teacher. You are always a teacher; once a teacher, always a teacher. I used to try to instill in my students the patriotism and respect for the country. I taught civics.

I wonder if you will hear the opponents of our amendment talk about what happened a few weeks ago in a town called Somerset, MA. Two teenagers—just two—smashed several dozen Civil War-era gravestones, toppled several others, and burned and shredded 87 American flags that were placed on 60 gravestones in that cemetery—Civil War veterans. Sixty stones were toppled or vandalized. One hundred American flags marking the graves of war veterans were either stolen, ripped, or burned, according to the Boston Herald.

Opponents who argue that no great and extraordinary occasions justify the proposed amendment are simply off the mark, in my view. Eighty-seven burnt flags, particularly flags honoring heroes who made the supreme sacrifice defending the Union in the Civil War, is a great and extraordinary occasion.

Regardless of how we count the number of desecration incidents, the point of our discussion today is not statistics. It is not how many but rather the impact that this kind of incident has on our values, on our culture, and on our children. What do we say to those children who did that? What do we say to the children who didn't do it, the vast majority of children, I might add? What do our children learn by hearing that our Government is powerless to punish those vandals? What do we want to teach our children about that incident? We can remain silent. It didn't happen on Government property, unless it was a VA cemetery. Maybe it was. So we couldn't punish them under the statute being proposed.

If we don't have a constitutional amendment, maybe we can figure out some other way to punish them. But it is more than punishment of the vandals that is at stake. It is a message to the rest of America why this is wrong and why it is not right to go in there and desecrate those flags and those graves.

Many people today—I am not alone—believe we live in a culture that suffers profoundly from a lack of common values, ideals, morals, and patriotism. Further, many people believe if it continues, that, in and of itself, will destroy the constitutional Government that we have.

I will make this suggestion with all due respect. That kind of action and that kind of lack of statement or commitment to values will bring our country down a lot sooner than an amendment to the Constitution that prevents the desecration of our flag.

My colleagues, an amendment doesn't mean the end of our constitutional Republic. It reinforces. It says this Senate, this country, this Congress, the people of America, the legislatures, your parents, their parents, and people all across America say: You don't do that. It is wrong. It can mean that our country may not survive with this kind of disrespect.

The idea that everyone's viewpoint is just as good as anyone's can grow just a little bit too large. Is that free speech? Is that what we want to say in America, that it is free speech for two young people to go into a cemetery where Civil War veterans are buried, take the flags off their graves, desecrate the flags, and desecrate the tombstones, and say it is OK, free speech? I say that is conduct. I don't think it has one thing to do with speech. It is conduct, and it is conduct for which you should be held accountable.

The fact is, the founders of our country developed some ideas about government that all Americans believe are the best, that all Americans find some common ground upon the ideals for which this Nation was founded—common ground, cement, glue—to bring us together. This divides us in a way that goes right to the essence and to the heart of what our country stands for and what it is. Our flag, those flags, 87 of them on those graves, represent those ideals.

As much as our culture downplays our common beliefs—God knows we hear enough about it—everybody has a right to be a free spirit these days; don't have anything in common; do what you want; instant gratification; you want to go desecrate a cemetery, go ahead; it is just free speech.

As much as our culture downplays those beliefs, it is our duty as Americans—I am using the word "duty"—to protect those beliefs and our duty to protect the one symbol that unites us. If you don't think desecration of that flag threatens us, then maybe you had better take another look.

It is our responsibility to ensure the integrity of our country and to say that there is at least one principle that unites our society. We divide on every issue. You name it; we divide on it. There is somebody for and somebody against everything we debate.

We need this amendment to say that our flag should be protected under the law. It is not enough to say if somebody walked up here now—a staff member, anyone—and took that flag, threw it on the floor and began to deface it, stomp on it, in the name of free speech that is OK. It is not speech. I will say again. It is not speech. It is conduct, and conduct you should be responsible for and responsible to someone for doing it. If we can't say that, if it is a threat to our constitutional Republic to have an amendment that precludes that action, then I am not sure what we could have a constitution for that really matters.

We have survived amendments that weren't that great. The Constitution survived, the people survived, the American Government survived, because the Founders gave us the opportunity, provided that for us in the Constitution.

We see evidence of moral decay and a lack of standards all around. Our families are breaking down, our communities are divided, our leaders are not providing appropriate moral leadership for the American public. Everyone knows what I am talking about—moral leadership comes from the White House. You can shake it off, you can say it doesn't matter, there is no personal accountability, say whatever you want. The bottom line is, if you are going out for the weekend and you want to leave your 14-year-old daughter home, most of you say: I don't know if I want to leave her with the President of the United States. That is pretty sad.

I will make people angry saying that, but we are dividing ourselves. We have to stand for something. If we stand for something, we will stand up and be counted as a nation. If we don't stand for something, then we stand for nothing.

We can laugh it off. We do it all the time. It is a gun's fault that children are dying. No, it is not the gun's fault the children are dying. The culture of death in this country is not about guns.

The desecration of the flag and all of the other things happening is about us as a people. It is because we don't stand up often enough. If we are threatened because we want an amendment to the Constitution to stop that, then we have a problem. We have moral decay in this country. We are falling apart at the seams because people should be able to do what they want. There is no personal accountability. Desecrate the graves, stomp the flag, disrespect the veteran. It is OK. Spit on the flag. That is OK, it is free speech.

Look at our culture. If you are a parent, look at movies to which your kids have access. Look at the video games, look at the music, look at the TV. Our children are bombarded every day with messages of violence, selfishness. The incidence of gun violence, particularly at our public schools, is a predictable result of a culture that is afraid to teach that certain ideas are right and certain ideas are wrong.

That is what this is about. It is wrong to desecrate the flag. Color it up any way you want, hide it any way you want, take another position and say the law is OK, I don't care. The point is, it is wrong to desecrate the flag for the same reason it is wrong to overturn gravestones, it is wrong to be disrespectful to veterans, and it is wrong to leave your children alone and give them access to this kind of violence. Frankly, it is wrong for some in society to give them access to that violence.

Why don't we do something about it? No, we have a right, they say, to be free spirits.

Blame somebody else. It is not our fault. It must be the Government's fault, the church's fault, our minister's fault, the Senator's fault; it has to be somebody else's fault, not mine. It couldn't possibly be my fault; I didn't do anything.

Do you see what is happening to this country? This is just a perfect example of it. It is one symbol of what is wrong with America.

From the 1800s and the 1900s, wave after wave after wave of immigrants came to this country; they built this country. It was the glue. They saw the Statue of Liberty. They became a part of the essence of America. That flag is the essence of America. We ought to pass a constitutional amendment so it will not be desecrated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. McCONNELL. I yield whatever time the Senator from North Dakota may desire.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair. I thank Senator McCONNELL.

Madam President, I rise today to support the McConnell-Bennett-Dorgan-Conrad effort to pass a statute to protect the flag, rather than to amend the Constitution of the United States for that purpose.

It seems to me that anybody who advances an amendment to the Constitution has to clear a very high threshold. I personally believe the Constitution of the United States is one of the greatest documents in human history. It is not to be amended lightly. It is certainly not to be amended when there are other ways of addressing a problem.

I believe in this circumstance the issue is really quite clear. Flag burning and flag desecration are unacceptable to me and I think unacceptable to a majority of Americans, certainly unacceptable to the people of the State that I represent. But the first answer cannot and should not be to amend the Constitution of the United States.

In our history, more than 10,000 amendments to the Constitution have been proposed. Only 27 have been approved. Since I have been in the Senate, more than 850 constitutional amendments have been offered. Thank goodness we have not adopted them. Many of them would have made that document worse. Many of them would have taken positions that are really things that ought to be done by statute.

The Constitution is a framework. It does not deal with specifics. It deals with the larger framework of how this Government should operate. Individual laws, individual statutes are meant to deal with the specific problems that we encounter as a society within the framework provided by the Constitution. Some would have us change that basic organic document to deal with this problem. I believe that would be a mistake, and we would look back on it in future years and say: My, that was an overreaction.

Yes, it is unacceptable to engage in flag desecration. Yes, it is abhorrent to desecrate the flag. Those are obviously true statements and those are genuine feelings. But we have an alternative. The alternative is to pass a statute.

The proponents of the constitutional amendment will say to you: But that will be ruled unconstitutional, as has the previous attempt to pass a statute.

This statute has not been ruled unconstitutional, and the American Law Division of the Library of Congress tells us it would be upheld as constitutional.

I ask unanimous consent that the letter from the American Law Division addressed to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, November 8, 1995.

To: Honorable Kent Conrad Attention: Dan Kelly

From: American Law Division

Subject: Analysis of S. 1335, the Flag Protection and Free Speech Act of 1995

This memorandum is furnished in response to your request for an analysis of the constitutionality of S. 1335, the Flag Protection and Free Speech Act of 1995. This bill would amend 18 U.S.C. §700 to criminalize the destruction or damage of a United States flag under three circumstances. First, subsection (a) of the new §700 would penalize such conduct when the person engaging in it does so with the primary purpose and intent to incite or produce imminent violence or a breach of the peace and, in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace.

Second, subsection (b) would punish any person who steals or knowingly converts to his or her use, or to the use of another, a United States flag belonging to the United States and who intentionally destroys or damages that flag. Third, subsection (c) punishes any person who, within any lands reserved for the use of the United States or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person and who intentionally destroys or damages that flag.

The bill appears intended to offer protection for the flag of the United States in circumstances under which statutory protection may still be afforded after the decisions of the Supreme Court in *United States* v. *Eichman*[1] and *Texas* v. *Johnson*.[2] These cases had established the principles that flag desecration or burning, in a political protest context, is expressive conduct if committed to "send a message;" that the Court would review limits on this conduct with exacting scrutiny; and legislation that proposed to penalize the conduct in order to silence the message or out of disagreement with the message violates the First Amendment speech clause.

Subsections (b) and (c) appear to present no constitutional difficulties, based on judicial precedents, either facially or as applied. These subsections are restatements of other general criminal prohibitions with specific focus on the flag.[3] The Court has been plain that one may be prohibited from exercising expressive conduct or symbolic speech with or upon the converted property of others or by trespass upon the property of another.[4] The subsections are directed precisely to the theft or conversion of a flag belonging to someone else, the government or a private party, and the destruction of or damage to that flag.

Almost as evident from the Supreme Court's precedents, subsection (a) is quite likely to pass constitutional muster. The provision's language is drawn from the "fighting words" doctrine of *Chaplinsky* v. *New Hampshire*.[5] In that case the Court defined a variety of expression that was unprotected by the First Amendment, among the categories being speech that inflicts injury or tends to incite immediate violence.[6] While the Court over the years has modified the other categories listed in Chaplinsky, it has not departed from the holding that the "fighting words" exception continues to exist. It has, of course, laid down some governing principles, which are reflected in the subsection's language. Thus, the Court has applied to "fighting words" the principle of *Brandenburg* v. *Ohio*,[7] under which speech advocating unlawful action may be punished only if it is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.[8]

A second principle, enunciated in an opinion demonstrating this continuing vitality of the "fighting words" doctrine, is that it is impermissible to punish only those "fighting words" of which government disapproves. Government may not distinguish between classes of "fighting words" on an ideological basis.[9]

Subsection (a) reflects both these principles. It requires not only that the conduct be reasonably likely to produce imminent violence or breach of the peace, but that the person intend to bring about imminent violence or breach of the peace. Further, nothing in the subsection draws a distinction between approved or disapproved expression that is communicated by the action committed with or on the flag.

There is a question which should be noted concerning this subsection. There is no express limitation of the application of the provision to acts on lands under Federal jurisdiction, neither is there any specific connection to flags or persons that have been in interstate commerce. Therefore, application of this provision to actions which do not have either of these, or some other Federal nexus, might well be found to be beyond the power of Congress under the decision of the Court in United States v. Lopez.[10]

In conclusion, the judicial precedents establish that the bill, if enacted, while not reversing Johnson, and Eichman, should survive constitutional attack on First Amendment grounds. Subsections (b) and (c) are more securely grounded in constitutional law, but subsection (a) is only a little less anchored in decisional law.

We hope this information is responsive to your request. If we may be of further assistance, please call.

JOHN R. LUCKEY,
Legislative Attorney,
American Law Division.

FOOTNOTES

[1] 496 U.S. 310 (1990).

[2] 491 U.S. 397 (1989).

[3] See, 18 U.S. §§641, 661, and 1361.

[4] Eichman, supra, 496 U.S., 316 n. 5; Johnson, supra, 412 n. 8; *Spence* v. *Washington*, 418 U.S. 405, 408–409 (1974). See also *R. A. V.* v. *City of St. Paul*, 112 S. Ct. 2538 (1992) (cross burning on another's property).

[5] 315 U.S. 568 (1942).

[6] *Id.*, at 572.

[7] 395 U.S. 444 (1969).

[8] *Id.*, at 447. This development is spelled out in *Cohen* v. *California*, 403 U.S. 15, 20, 22–23 (1971). See, also *NAACP* v. *Claiborne Hardware Co.*, 458 U.S. 886, 928 (1982); *Hess* v. *Indiana*, 414 U.S. 105 (1973).

[9] *R. A. V.* v. *City of St. Paul*, 505 U.S. 377 (1992).

[10] 115 S. Ct. 1624 (1995).

Mr. CONRAD. Madam President, here we have the American Law Division of the Library of Congress, which houses the Congressional Research Service, telling us this statute authored by Senator McCONNELL would be upheld as constitutional. That is the best advice

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Footnotes at end of analysis.

we have available to us as Members of Congress. They are saying to us this statute would be upheld.

Why ever would we go out and amend the Constitution when we have a statute that our own legal advisers inform us would be upheld as Constitutional. Why would we do that? It makes no sense to me. Not only does it make no sense to me, it makes no sense to veterans organizations. I ask unanimous consent that resolutions of support by veterans organizations in the State of North Dakota be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CONRAD. Madam President, these are resolutions in support of the Flag Protection Act of 1999 by AMVETS of North Dakota, by the AMVETS Ladies Auxiliary of North Dakota, and by the North Dakota State Council of the Vietnam Veterans of America. All of these veterans organizations, some of the finest in my State, have said this is the proper approach; that we ought to attempt to pass this statute rather than amend the Constitution of the United States.

I just got word, moments ago, that the editor of the 164th Infantry Association Newsletter, of my State, has contacted my office and agrees with the position that I am taking, that it is not necessary to amend the Constitution of the United States.

I think he is exactly right. I would just conclude by saying, not only do veterans organizations back home support the position I am taking, but many who are in the American Legion have contacted me and told me they support the position that I am taking.

Finally, Gen. Colin Powell was quoted at length in a full page ad of a major newspaper in my State today as saying that he does not believe that the appropriate response is to amend the Constitution of the United States. Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff, the man who led us in Desert Storm, a man for whom I have profound respect, saying to us, yes, it is abhorrent to desecrate the flag, yes, it is abhorrent to burn the flag, but that flag is going to survive long after, as he describes it, these miscreants who desecrate the flag are long gone. Long after they are gone, that flag is still going to be flying proudly over this great Nation.

One of the reasons this is a great Nation is because of the Constitution of the United States. What a brilliant document. I doubt very much anything we are going to be doing in the next 2 days would improve upon that Constitution that is the organic law for our country.

I urge my colleagues to take a look—take a serious look —at the work Senator McCONNELL has done and that the four of us, on a bipartisan basis, are offering our colleagues as an alternative to taking the very drastic step of amending the Constitution of the United States.

I hope my colleagues will support this approach.

I commend my colleagues who have joined in offering this—with a special thanks to Senator McCONNELL, who has drafted this approach—Senator BENNETT, and Senator DORGAN.

I believe this is the wiser course. It is the right course. It is one that will stand the test of time.

I thank the Chair and yield the floor.

EXHIBIT 1

AMVETS LADIES AUXILIARY, DEPARTMENT OF NORTH DAKOTA, RESOLUTION TO SUPPORT THE "FLAG PROTECTION ACT OF 1999"

Whereas: the delegates of the 15th Annual Convention of the AMVETS Ladies Auxiliary, Department of North Dakota, assembled in Minot on this 15th day of May, 1999, desire to support Senator Dorgan and Senator Conrad on "The Flag Protection Act of 1999" which they are co-sponsoring, therefore be it

Resolved: We support the "Flag Protection Act of 1999" for the protection of the flag, free speech and other purposes, to ensure our symbol of national pride and freedom be protected, that the embodiment of our democracy and unity be preserved, especially since our veterans fought for this freedom, it further be

Resolved: That a copy of this courtesy resolution be spread upon the records of this annual convention and a copy be presented to the above mentioned.

ANGIE LEKANDER,
President.
VICKIE TRIMMER,
Secretary.

VIETNAM VETERANS OF AMERICA,
NORTH DAKOTA STATE COUNCIL,
Bismarck, ND, May 10, 1999.

Hon. KENT CONRAD,
U.S. Senator, Hart Office Building, Washington, DC.

DEAR SENATOR CONRAD: On behalf of the North Dakota State Council of Vietnam Veterans of America, it is my honor to inform you that at our quarterly meeting on May 8, 1999 in Bismarck, the following action was taken regarding the Flag Protection Act of 1999, which you are cosponsoring.

"Bob Hanson moved that the North Dakota State Council of the Vietnam Veterans of America support enactment of legislation by Congress to protect the nation's flag, such as that cosponsored by Senators Byron Dorgan and Kent Conrad and that a copy of this resolution be forwarded to our state's entire Congressional delegation. Seconded by Richard Stark. Approved unanimously."

Thank you for continual support of veterans and we wish you success in your endeavors in this matter.

Sincerely,

BOB HANSON,
State Secretary, ND VVA.

RESOLUTION NO. 9911—A RESOLUTION TO SUPPORT THE "FLAG PROTECTION ACT OF 1999"

Whereas, a Constitutional amendment to protect the desecration of the American flag has been before Congress for several years and has failed to garner the votes for passage, and

Whereas, those opposed to the Constitutional amendment believe that a statute can effectively provide protection and be upheld by the Supreme Court, and

Whereas, Senator Mitch McConnell of Kentucky has introduced a statute, "The Flag Protection Act of 1999", cosponsored by Senator Kent Conrad of North Dakota, Senator Byron Dorgan of North Dakota, and Senator Bennett of Utah, and have been assured by the Congressional Research Service and constitutional scholars that it would be upheld by the courts, and

Whereas, the AMVETS of North Dakota have consistently supported a statutory remedy over a Constitutional amendment at our annual conventions, now therefore be it

Resolved, that the AMVETS of North Dakota express appreciation to Senators McConnell, Conrad, Dorgan and Bennett and further supports the Flag Protection Act of 1999 and urge the National Department to also support the Flag Protection Act of 1999.

Submitted for consideration at the Department Convention by the Department Commander.

RANDALL A. LEKANDER,
Commander.

Adopted as amended by AMVETS Department of North Dakota in convention at Minot this 16th day of May, 1999.

Mr. REED. Mr. President, I stand in opposition to this amendment. As a graduate of the United States Military Academy and a former officer in the Army, I view the American flag with a special reverence borne by experience. I am deeply offended when people burn or otherwise abuse this precious national symbol, and I believe that we should teach young people to respect the flag.

I also feel, however, that the values and beliefs that the American flag represents are more important than the cloth from which the symbol is made. Prominent among these beliefs are the right to voice views that are unpopular and the right to protest. It is these fundamental values, reflected in our Constitution, that have distinguished our Nation for more than 200 years. It is these beliefs that give our flag its great symbolic power.

Flag burning is despicable. However, the issue before us is whether our great charter document, the Constitution, should be amended so that the Federal Government can prosecute the handful of Americans who show contempt for the flag. To quote James Madison, is this a "great and extraordinary occasion" justifying the use of a constitutional amendment?

I would argue no, this is not such an occasion. This is an answer in search of a problem. According to Professor Robert Justin Goldstein, a noted author on this topic, there have been only 200 reported incidents of flag burning during the entire history of our country—that is less than one a year. There is no epidemic of flag burnings plaguing our nation.

Others have said that flag burning is representative of a general decay of American values and patriotism, and something needs to be done about it before it is too late. I would argue the way to encourage patriotism is through encouraging civic involvement, not constitutional amendments. It almost goes without saying that people who are proud of their country will be proud of their flag.

I am still moved by the statement made by James Warner, a decorated Marine flyer who was a prisoner of the North Vietnamese from 1967 to 1973, about flag burning:

> I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There" the officer said. "People in your country protest against your cause. That proves that you are wrong."
>
> "No," I said, "that proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us."

And I think that is the essence of this debate for me. We live in a democracy, not a dictatorship. The flag symbolizes a political system that allows its people, through their actions and words, to express what they think and feel, even when the government or a vast majority of others disagree with them. I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the substance of these freedoms.

Finally, this amendment to the Constitution is technically problematic. The language of the amendment is vague and fails to offer a clear statement of just what conduct the supporters of the amendment propose to prohibit, or to advise the American people of the actions for which they may be imprisoned. There is no definition of what a "flag" is for purposes of this amendment, or any consensus regarding the meaning of "desecration." This leaves the Supreme Court to clarify these meanings, the same court that supporters believe erred in protecting flag burning as freedom of speech in the first place.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished Senator from North Dakota for his outstanding remarks in support of the effort we have, on a bipartisan basis, put together to try to deal with the flag desecration problem through statute rather than by amending the first amendment to the United States Constitution for the first time in its 200-year history. It has been a pleasure working with the distinguished Senator from North Dakota. I thank him for his support.

We hope all of our colleagues will take a look at a different approach to this problem when the vote occurs tomorrow afternoon.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. McCONNELL. I yield it back.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I believe we are now about to move to the Hollings amendment. Is that the next agenda item?

The PRESIDING OFFICER. The Senator from West Virginia, Mr. BYRD, still controls 30 minutes of time which, under the previous order, was to occur prior to moving to the Hollings amendment.

Mr. SESSIONS. Are there 2 hours equally divided on the Hollings amendment?

Mr. HOLLINGS. Madam President, I understand that the Senator from West Virginia is not going to use that 30 minutes. So I am authorized to yield back that time. I yield back Senator BYRD's 30 minutes.

The PRESIDING OFFICER. All time has been yielded back.

Under the previous order, the Senator from South Carolina is to be recognized to offer a first-degree amendment. Under the previous order, there shall be 4 hours of debate on the amendment, equally divided, with one of the 4 hours to be under the control of the Senator from Arizona, Mr. MCCAIN.

Mr. SESSIONS. I am prepared to yield the floor to the Senator from South Carolina and ask unanimous consent that I be allowed to have 30 minutes on this subject.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Thirty minutes when?

Mr. SESSIONS. Whenever.

The PRESIDING OFFICER. Out of the 2 hours that has been set aside?

Mr. SESSIONS. In the next hour.

The PRESIDING OFFICER. Following Senator HOLLINGS?

Mr. SESSIONS. Yes. If we can finish in 1 hour.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

AMENDMENT NO. 2890

(Purpose: To propose an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections)

Mr. HOLLINGS. Madam President, has the amendment been reported?

The PRESIDING OFFICER. The amendment is at the desk.

Mr. HOLLINGS. I ask that the clerk report the amendment.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. SPECTER, and Mr. REID, proposes an amendment numbered 2890.

Mr. HOLLINGS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 2, line 4, strike beginning with "article" through line 10 and insert the following: "articles are proposed as amendments to the Constitution of the United States, either or both of which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of submission for ratification:".
>
> "'ARTICLE—
>
> "'SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.
>
> "'SECTION 2. A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.
>
> "'SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.
>
> "'ARTICLE—".

Mr. HOLLINGS. Madam President, this amendment is offered on behalf of myself, the distinguished Senator from Pennsylvania, Mr. SPECTER, and the distinguished Senator from Nevada, Mr. REID.

Let me go right to the heart of some comments just made because I want to emphasize what the distinguished Senator from North Dakota said.

One, with respect to the matter of actually passing a statute whereby the statute would suffice, I only refer specifically, because I have been reading it at length, to the decision of the U.S. Supreme Court in Nixon v. Shrink, that for nearly a half century the Court has extended first amendment protection to a multitude of forms of speech, such as making false inflammatory statements, filing lawsuits, dancing nude, exhibiting drive-in movies with nudity, burning flags, and wearing military uniforms. It goes on to cite even more examples.

That is why this Senator would not vote for the statute. I think that is dancing around the fire and a putoff. On the contrary, I intend to support the constitutional amendment. But I do agree with the observation of the distinguished Senator from North Dakota that the Constitution should not be amended lightly, and, as the Senator stated, not amended when there are other ways.

There is a definite difference between the matter of burning the flag—there is really no threat to the Republic. There is no threat to our democracy. There is no corruption. I do not like it; others do not like it. I hope we can pass the amendment.

But there is basis for the concern that a constitutional amendment is not in order because there is no threat to the Republic. We have seen and, unfortunately, been hardened in a sense to observing the flag being burned. I happen to be like the man: Convinced against his will is of the same opinion still. They can keep on saying that is constitutional. I do not believe it.

I think an amendment to the Constitution is necessary. But only look around us. Where is everybody? Out raising money. The Senator from South Carolina is not charging that an individual is bribed. I know of no bribes. That is not my argument.

My argument and position is that this Congress, the process, and the Government have been corrupted by the money chase. We all know the amount of money. But all you have to do is have been around here for 30-some years and you get the feel, very definitely, that the money chase has taken over and we are thoroughly corrupted.

I say that because here it is Monday. It is really a wash day. There are no votes. There is nobody here to hear you. This is no deliberative body. That is really a nasty joke on all of us because we do not deliberate anymore. I remember over 30 years ago when we would come in on Monday morning and work all day, have votes at 9 o'clock on Monday morning, go throughout Tuesday, Wednesday, Thursday, Friday, and hope to get through by 5 on Friday and take Saturday and Sunday off and go back to work on Monday. But we start the week here with no votes, nobody around, no deliberation, no exchange of ideas, no legislation, just a sort of fill-in so you can give those who are concerned their time at bat, limited as it is, because it is only half time. Nobody is here to listen, so you can learn the fallacy in your arguments or the substance thereof. But there is no really good exchange out here by the Members themselves. Monday is gone, and Tuesday morning follows suit because we have to wait for everybody to get back from their Monday evening fundraisers. Then we have Tuesday afternoon, Wednesday, Thursday, and Friday is gone.

If you don't think it is corrupted, go up and ask the majority leader, if you please, to take up a bill. "Oh", he says, "wait a minute, that might take 3 or 4 days." It's a given, that you are not going to call a bill that is going to take 3 or 4 days of consideration and debate by colleagues. It is not going to be called. Nothing is called unless the jury is fixed.

Why haven't we taken up the budget? Because they haven't been able to fix the vote of the Senator from Texas. They fixed all the others. They got them in line. I don't know what their budget is. There has been give and take among the members on the Budget Committee on the Republican side, but we on the Democratic side have yet to see a budget, even though it is the end of March. We are supposed to have had the markup for several weeks and be ready to report it out by this weekend. We do have notice, but you can bet your boots if we come together tomorrow afternoon and Thursday, they will use Thursday night and the threat of, "wait a minute, you will have to work on Friday, so hurry up, let's vote until 1 o'clock in the morning," whatever it is, because none of your amendments is going to pass; we have the votes.

That is the most deliberative process. That is the corruption the money chase has gotten us into. You can't consider anything here. Come Tuesday, they say, "well, we will have a caucus." In the main, that is about money and how we are going to collect it, and how we will dock each other so many thousands of dollars, and who has been to meetings, and everything else of that kind. Otherwise, come evening, "hurry up and let's adjourn early because I have a fundraiser Tuesday evening." Or, on Wednesday we have a window. "Can we make sure; I have to go all the way downtown at lunchtime, so let's not have any real conduct of the Senate or work of the Congress because I want a window so we can go down and have that fundraiser; or wait until the evening." The same thing occurs on Thursday.

By the way, there is a special Wednesday afternoon set up where we are supposed to go over to our campaign committees and get on the phone for hours in the afternoon. To do what? To call for money. I thought when we got elected, the campaign was over and we were going to work for the people. Instead, we go to work for ourselves. The entire process has been corrupted. That is why we need a constitutional amendment.

No, not likely. We have tried for 25 years to get around Buckley v. Valeo. We got a little squeak from Justice Stevens in the Nixon v. Shrink decision. He said: Money is property, not speech. But he was only one. The rest of the Court, in other words, had every opportunity to consider it being property and not speech, but they reiterated Nixon v. Shrink, that money is speech. My gracious, if you read that dissenting opinion with Scalia and the other two Justices, they read it to go with removing the limits on contributions. Just buy it. This thing is a real disaster; it is an embarrassment.

Just coming on the floor, they called my staff and said: Why in the world would you want to amend the Constitution here but not with the flag? Well, of course, I corrected that. I would amend the Constitution with the flag. But those who have some concern about the flag amendment to the Constitution need not hesitate with respect to this particular amendment. Otherwise, they have been living in a cocoon somewhere, or they have been in China during the last campaign, because all you have to do is look at the primaries and see that the one thing, whether it was Independent, Democratic, Republican or any other kind of votes, that they were trying to clean up this system.

Senator GORE, Vice President GORE, got the message. He said: The first thing I will do as President of the United States is introduce McCain-Feingold and do away with soft money.

Governor George W. Bush said that was a terrible thing. I read that in the news. But I remembered back to January 23, in his interview with George Will, when Governor Bush said soft money, both corporate and labor, should be banned. I agree. But I will have to agree with the distinguished Senator from Kentucky that it is patently unconstitutional according to the Court. All we are trying to do is constitutionalize McCain-Feingold or any and every other idea you want, whether you want to publicly finance, whether you want to give free TV time, whether you want to limit, whether you want to not limit, whether you want to increase the limit—whatever you want to do. Don't give me the argument on this one because this only constitutionalizes your particular idea.

Let me read exactly what it says:

> Congress shall have the power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for the election to, Federal office.

We have had this up for over 10 years, Senator SPECTER and myself. I have had it up for over 20 years. I can tell you, the States in unanimity, the Governors' conference and all, came and said: Please put us in. We have the same problem, not just for Federal office but for State office. It is costing $1 million to get elected to the city council. It has corrupted the entire process over the land, and everybody knows it.

Section 2—this is why we added it—

> A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

Of course, Congress is empowered to implement and enforce the article by appropriate legislation.

That is a very simple amendment. You can bet your boots it is far more important at this particular hour of our history. The 27th amendment has to do with our pay. Well, it is certainly more important than the Fed raising his pay because if he votes that way, they are going to jump all over him at the next election. So they didn't even need this. This was just puffing and blowing and demonstrating and flagellating. That is all we have been doing up here this year. We figured as long as we could put the people off and sneak back in, we could get the money to buy the time to buy the office.

The 22nd amendment, Presidential term limits. More important than that. The 23rd amendment, D.C. electoral votes. This is more important—this particular corruption to be corrected. The elimination of the poll tax, the

24th amendment, and the 25th amendment, Presidential succession. The 26th amendment, giving 18-year-olds the right to vote. You have taken away the vote of all the people, not just the 18-year-olds.

I ask unanimous consent that this short article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, Mar. 19, 2000]
>
> PANDER GAP
>
> (By Richard Morin)
>
> This may be really hard to believe: Neither Congress nor the President panders to public opinion. And they don't craft policy to match the latest poll numbers, either.
>
> You scoff. But those are the claims of two political scientists who have documented the gap between what Americans say they want and what their politicians deliver. "We have found a dramatic decline of political responsiveness to the wishes and preferences of the public on major policy decisions in at least the past 20 years," assert Lawrence R. Jacobs of the University of Minnesota and Robert Y. Shapiro of Columbia University in their forthcoming book, "Politicians Don't Pander."
>
> The researchers tracked Americans' views on a range of political issues and compared them with the relevant legislation that Congress eventually approved. Twenty years ago, lawmakers did what a majority of Americans wanted about two-thirds of the time, they found. Today, Congress is on the same page with the public only about 40 percent of the time. This growing disconnect, the authors argue, is at the heart of America's mistrust of politicians, government and the political process.
>
> The reputation that President Clinton has developed for governing by poll isn't accurate, the contend. Certainly, Clinton and other politicians do a lot of polling, but not to make policy; instead, the authors say, the surveys are used to figure out how to sell policies that have already been constructed (much as market researchers convene focus groups and sponsor surveys to find new ways to get you to buy soap).
>
> Rather than hewing to the demands of voters, the researchers say, today's lawmakers answer to "the extreme ideological elements of their parties, to their contributors, and to special interests." They say the split between politicians and the people accelerated in the 1990s, as Congress became increasingly partisan.
>
> In their book, Jacobs and Shapiro offer two revealing case studies of how the sausage is really made in Washington. The first was the failed Clinton health care plan; the second was the "Contract With America," led by former House speaker Newt Gingrich. These peeks inside the process included interviews with dozens of policymakers as well as access to reams of memorandums and policy drafts.
>
> "Our research showed that public opinion played no role, or [was] secondary at best," Jacobs said, 'We don't trust public opinion. . . . Constituencies are important to us.'"
>
> Remarkably, Jacobs said, Republicans told them "much the same thing, sometimes using nearly the same words." Partisan concerns, special interest pleadings and narrow ideological concerns consistently trumped the vox pop. "What a majority of Americans really wanted was never a driving factor," he said.
>
> Jacobs says he's not suggesting that politicians should march in lock step with the polls. "There are times, like Nixon's opening to China, when politicians should disregard public opinion. But it should be part of a larger discussion about why the public will is being ignored. These should be the exceptions."

Mr. HOLLINGS. This is entitled "Pander Gap." We are not pandering to the people. We have taken away the votes of all the people, not just the 18-year-olds. The survey is used to figure out this so-called polling. They say we followed the polls. I am quoting this part of it:

> . . . the surveys are used to figure out how to sell policies that have already been constructed (much as market researchers convene focus groups and sponsor surveys to find new ways to get you to buy soap).
>
> Rather than hewing to the demands of voters . . . today's lawmakers answer to "the extreme ideological elements of their parties, to their contributors, and to special interests."

In short, to money, money, money, millions and millions. The year before last I was supposed to run a race in South Carolina on about $3 million at the most. I had to spend $5.5 million. Since the South has gone Republican, it made it more difficult. With two Republican Senators from Alabama, two from Mississippi, two from Texas, two from Tennessee, it seems everywhere I look, I've got Republicans buzzing around me.

I am not critical because I got a lot of good Republican votes. I am grateful for the Republicans who did vote for me. But, in essence, it was tough to get those contributions because they didn't want their names to appear, and then go to the club and have to explain why in the world they contributed to that scoundrel HOLLINGS? They were ready to give me the money, but they could not. So I had to travel the land and tell my story. I was lucky. They gave me a rather hard-working fellow as an opponent who was all over the place. Didn't know what he was talking about, about the polls and everything, and trying to take a fellow who had been in office almost 50 years, and being arrogant about it. You can't be arrogant and get elected seven times to the Senate. I can tell you that. You respond to the people, and I happily do so. I am responding to the people of this country.

I am not amending the Constitution lightly. I will yield in a moment to give my colleague from Alabama time. Let's hearken back to 1971 and 1974, the Federal Election Campaign Practices Act. I will never forget in the 1968 race, Maurice Stans was running around almost like the Chamber of Commerce. He told various businesses: Your fair share is this. He came to the textile industry in South Carolina and said it is $350,000. This was 30-some years ago. They had never raised $350,000 for this fellow, and I had done everything in the world for the textile industry. They got together 10 of them with $35,000 apiece.

What happened was individuals gave a million, or $500,000, $2 million, different amounts in cash. And it so happened that after President Nixon had taken office, the Secretary of Treasury, John Connolly came to the President and said: Mr. President, a lot of people have given you a lot of money. You haven't met them, you haven't shaken their hands, you haven't been able to thank them. I think it would be in order for you to come down to the ranch. I will put it on at the ranch.

Nixon said: Fine business, that's what we will do.

A few weeks later, they turned into the ranch. But as they turned into the ranch in Texas, there was old Dick Tuck with the Brinks truck—you know the prankster from the Kennedy years. My heavens, the Government was up for sale. We were all embarrassed, Republican and Democrat. We got to the floor and presented the 1974 Campaign Practices Act—we said to our friend, the Senator from Massachusetts: You can't buy it. We looked over there to the Senator from New York, Mr. Buckley and he said: You can't tell me. I am going to buy it. We passed it with an overwhelming bipartisan majority. But Senator Buckley then sued the Secretary of the Senate and took it all the way to the Supreme Court. That is where we got this distortion which causes the corruption. It was by one vote, 5-4.

If you want to raid the erudite decisions on this particular matter, read Justice White and Justice Marshall in the dissenting opinion. They foresaw this corruption in the process, where we can't get anything done, where we have the unmitigated gall to stand up and say: I am going to buy this office. Of course, they say: Freedom of speech; freedom of speech. Nobody is listening to that. I never thought the day would come when they would stand on the floor and proudly say, "I am going to buy the office," or a particular party would come and say, "We are going to buy the Presidency." That is exactly what they have done. The Republican Party said: Get out of the way, Steve Forbes, and all the rest of you; we are going to get our candidate, Governor Bush down in Texas, and we are going to raise him $70 million. He has already spent $63 million, and it is only March. We have almost 7 or 8 months to go before the election. They are not worried about that. We just never did think.

I can see Senator Long of Louisiana. Every mother's son ought to be able to run for the Presidency. That is why we have the checkoff on the income tax return and the matching funds for those who qualify. We thought that was good and plenty. But they spent, by the first of March, $63 million, and they will spend another $63 million very easily. That crowd has an investment.

If I were going to run for the Presidency, I would run on one particular message: Let the people of America know here and now this office is not for sale. That ought to be a fundamental Americanism—that you can't buy the office.

Now, we have several in the body who had millions in their campaigns and have gotten to the Senate. I will say in the same breath, I look at them and their service, and they would have done the same without the millions, but they did spend millions to get here. That is the kind of body we are turning it into more and more each year. You can't consider anything. You can't debate anything. You can't take time to speak to your colleagues. It is a veritable money chase. That is exactly why we are not doing anything this year. It is the year 2000, the year that the U.S. Congress squats and does nothing. There is an old political axiom: When in doubt, do nothing, and stay in doubt all the time. That reelects a lot of people. That is what we are motivated by on this particular afternoon.

I am going into the details of the amendment again out of necessity and will emphasize why we need a constitutional amendment, because we have tried it every other way. The Court has found, more and more, free speech implications in any and all legislation. Unless we can amend the Constitution to extract this cancer and this corruption from the body politic, we are goners. I can tell you that democracy is gone.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for up to 30 minutes.

Mr. SESSIONS. Madam President, I always enjoy the remarks of the Senator from South Carolina. I am glad he doesn't speak with an accent. I can understand him better than most around this body. He is a straight shooter and a skilled lawyer who understands what the legal system is about and what we are doing in the Senate. I respect that.

I respect his conclusion, which I believe is legally sound, that most of the campaign proposals which have been proposed in recent years run afoul of the Constitution, according to a majority of the U.S. Supreme Court. That is a fact. I believe that is a good fact.

Some would say: Well, you want to limit free speech when you want to stop burning the flag and you want to prohibit that and that is free speech. The Supreme Court, by a 5-4 majority, held that the act of burning a flag is free speech. I don't agree with that. In 1971, the Supreme Court didn't agree with that. For over 200 years they didn't agree with that. Over 40 States have laws against it.

When it passed this time recently, it was a 5-4 majority. But in my view, the flag of the United States is a unique object and prohibiting its desecration will not in any way fundamentally alter the free expression of ideas in this country. You can speak about why the flag ought to be burned and that sort of thing, but we know the act of it is different from speech. It seems to me if it is speech, and if the Court is correct in saying it is speech, then the people of the United States care deeply about protecting the flag. They have an avenue to adopt a restricted, narrow constitutional amendment that doesn't in any way jeopardize the ability of our people in this country to speak freely but would allow States to prohibit the burning of a flag. That is what I think we ought to do.

I think it would be healthy for this country to adopt a constitutional amendment that would allow the protection of the flag because people on the battlefield have died for that flag. More Medals of Honor have been awarded for preserving and fighting to preserve the flag than any other. We know the stories of battle when time after time the soldier carrying the flag is the target of the enemy. When he fell, another one would pick it up. When he fell, another one would pick it up. When he fell, another one would pick it up. That is the history.

We pledge allegiance to the flag, not the Constitution, not the Declaration of Independence. We pledge allegiance to the flag because it is a unifying event. It is a unifying symbol for America, and having a special protection for it is quite logical for me. I do not believe we should never amend the Constitution. I do not think we amend the Constitution enough. But we want to have good amendments that are necessary, that are important, that enrich us, and that make us a stronger nation. I support that.

With regard to the amendment of the Senator from South Carolina, I respect his honesty and his direct approach. I think by his amendment he recognizes in the most fundamental sense that when you constrain the right of people in this country to come together, raise money, and speak out on an issue that they care deeply about, you are indeed affecting independent thought, free debate, and freedom of speech.

The Constitution of the United States says Congress shall make no law abridging the freedom of speech.

I am really surprised to look at this amendment. It goes in just the opposite way. It says Congress shall have the power to place reasonable limits. So right away we are amending the first amendment. We are saying Congress shall have the power to place reasonable limits on the amount of contributions that may be made and accepted, and the amount of expenditures made by and in support of or in opposition to a candidate for office in the United States, State and Federal—the two clauses of this amendment. We are saying incumbent politicians in this body ought to be seeking to encourage laws that would prohibit people from gathering together and raising funds and speaking out. The Senator said we want a constitutional amendment because it will allow any other thing you want to do, whatever you want. He said it will allow that in terms of campaign finance. That is a scary thing to me—whatever we want.

What do incumbents want? They want many times to keep down debate. They want to keep from the people the errors they may have made, or the acts they have carried out with which the people do not agree. Many times the only way we can ever know what the truth is, is for people who care about those issues to raise money and speak out against it.

I feel very strongly about this. I think this is a major event. If the flag amendment is a 1 on a constitutional scale, this Hollings amendment is a 9 or a 10. It is the first time in the history of this country I know of where we have submitted a constitutional amendment that does not increase our freedom, our liberties, and our ability to act and speak as we choose. It will be the first time I know of where we are proposing a constitutional amendment that would clearly dampen, reduce, and control the free rights of American citizens to speak out on issues they care deeply about.

The Cato Foundation, a conservative think tank, and the ACLU, a liberal group, are horrified at the very thought of this.

This is basic constitutional law. We are talking about restricting the right of people to run advertisements during a campaign season to say why they care about issues. What more is free speech about?

Chief Justice Rehnquist, in talking about the flag burning, said, "At best, burning a flag is a grunt or a roar." It is not really speech at all, if you consider it some sort of expression, which I think is a stretch. But even then, you consider it inarticulate speech. That is not of great value compared to the unifying symbol of the flag.

But when you talk about taking away the right of American citizens to run ads on television, to buy newspapers, to print handbills and pass them out, and to say they can't do that; why? Well, you just can't do it during an election cycle. When do you want to speak out? What good is it if you do not want to do it during an election cycle?

I do not want to use all the time I have. We have two excellent scholars who care deeply about this issue who wanted to speak before I got unanimous consent. I don't want to take their time.

I will just say this before I yield the floor and ask that my time be given back to them.

We do not need to be retreating from freedom. We do not need to be retreating from free debate. We do not need to be adopting a constitutional amendment that will allow our children and grandchildren not to rise up, raise money, and speak out and condemn a group of incumbents who they believe are not doing the right thing in America. Sometimes that is the only way you can get the message out.

Frankly, I am not one of those who believes our national news media is fair. I think it is ludicrous to expect and to suggest they are fair and objective. They are clearly, in my view, biased toward big government and liberal activity.

I am not going to say I am going to subject my campaigns to constant reinterpretation of what I do to some media outlet that may get worse than it is today. Apparently, they have unlimited rights to run their programs every day and call it "news" if they want to. Somebody who has a different view cannot raise money, buy time on their program, and rebut that?

This is fundamental stuff. This is right to the core of what the first amendment was all about. The first amendment is about intelligent debate, argument, concern over policy issues—not whether or not you have a "grunt" or a "roar" in burning a flag. I don't believe that was ever intended to be covered by the Constitution.

If so, we don't need to go in this direction. It is one of the most adverse steps we could take. It would be an error of colossal proportions if this Senate were to vote to amend the great charter of freedom, the first amendment to the Constitution of the United States, out of some vain, hopeless effort that we are going to suppress the right of free American citizens to raise money and speak out on what they believe in.

I am prepared to vote on reasonable controls on campaign funding as long as it can pass constitutional muster. I believe fundamentally our best protection is to allow people to speak; if people give money, disclose how much money they give, and let everybody know promptly and immediately. If the public knows where the money is coming from, they may judge the value of the ads.

In my Republican primary 3 years ago for the Senate, I had eight opponents. They spent $5 million among them. I spent $1 million. Two of my opponents spent more than $1 million of their own money. I had to raise every dime I could raise, some $900,000. I worked hard, and I won the race. John Connolly, mentioned earlier, spent more money per vote than any man, and he got clobbered. Other senatorial candidates have spent tens of millions of dollars and have been clobbered in races.

I do not believe money always tells the tale. It was difficult for me when I faced the guy spending $1.5 million of his own money on a Republican primary in Alabama, but that is the way it is. I do not see how I can tell that person he cannot spend that money and express what he believes and cares about in that election about why he would be an outstanding candidate.

Many gave to me because they believed I could be an effective voice for their concerns. That is what America is all about. I don't believe it corrupts politicians. I believe it sucks them into the system and makes them be participants. They speak, run ads, and attack, sometimes, unfairly. If we can figure out a way to do a better job of disclosing how this money is spent and from whom it comes, I think that will help the public.

I appreciate the leadership of Senators BENNETT and McCONNELL, who are scholars on these issues. I believe the Senate should do well to listen to them. I agree with the Senator from South Carolina, this is really important. More Senators need to be paying attention to this crucial issue in our Nation's history.

I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Senator from Alabama, who has faithfully participated in the campaign finance debates in the years he has been here, always very skillfully. I am sure some of the things I will say will be repetitious because he was right on the mark in his observations about the Hollings amendment.

It is important to note at the beginning of the debate, the last time we had a vote on the Hollings amendment was March 18, 1997. Only 38 Senators voted for the Hollings amendment, an effort to amend the first amendment for the first time in the 200-year history of our country, restricting avenues of political speech. Only 38 of the 100 Senators believe it necessary, no matter what our views on the various campaign finance proposals before the Senate, to carve a chunk out of the first amendment to give the Government this kind of truly draconian power to control everybody's speech.

I know Senator FEINGOLD of McCain-Feingold fame is also going to oppose this amendment. I note that the Washington Post, with which I have essentially never been aligned with on a campaign finance issue, also opposes this amendment.

With due respect to the Senator from South Carolina, he has framed the issue correctly by pointing out that in order to do what many of the so-called reformers have tried to do, you do need to amend the first amendment. Of course, that is a terrible idea. I respectfully suggest.

The campaign finance debate is all about constitutional freedom. Soft money, hard money, issue advocacy, express advocacy, PACs, independent expenditures, bundling, and the other terms of art in the campaign finance debate are euphemisms for freedoms of speech and association protections under the first amendment to our Constitution, freedoms belonging to citizens groups, candidates, and parties. It is no more complicated than that.

The measure before the Senate, the Hollings constitutional amendment to empower the Federal and 50 State governments to restrict all contributions and expenditures "by, in support of, or in opposition to Federal and State candidates," illustrates this simple fact beautifully and succinctly. The Hollings amendment is a blunt instrument. Where a statutory approach such as a Shays-Meehan or McCain-Feingold and their ilk slices and dices at this freedom—a cut here, an evisceration there—the Hollings amendment reaches out and rips the heart right out of the first amendment.

Before this week is out, we could be on our way to getting rid of the first amendment protection for everyone except pornographers. But I rather enjoy this debate. No pretense, no artifice, no question about it: If you believe that the Government, Federal and State, ought to have the unchecked power to restrict all contributions and spending "by, in support of, or in opposition to Federal and State candidates," then, by all means, vote for the Hollings amendment. If you believe that the U.S. Supreme Court should be taken out of the campaign finance equation, then the Hollings constitutional amendment is for you.

If the Hollings amendment had been in place 25 years ago, there would have been no Buckley decision; Congress would have gotten its way. Independent expenditures would be capped at $1,000. Any issue advocacy that the FEC deemed capable of influencing elections would be capped at $1,000. Everyone would be under mandatory spending limits. There would be no taxpayer funding. It would not be necessary because spending limits would not have to be voluntary.

That is why the American Civil Liberties Union counsel, Joel Gora, who was part of the legal team in the Buckley case, has called the Hollings constitutional amendment a "recipe for repression."

The media, news and entertainment industries, ought to take note. There is no exemption for them in the Hollings constitutional amendment, no media loophole. Under the Hollings constitutional amendment, the Federal and State governments could regulate, restrict, even prohibit the media's own issue advocacy, independent expenditures, and contributions just as long as the restrictions were deemed reasonable.

What we have traditionally done in order to assert what the Congress might consider reasonable is look to the American people and their views. Let's look at their views with regard to the press.

Eighty percent of Americans want newspapers' political coverage regulated. You cannot do that under the first amendment; you could under the Hollings amendment.

Eighty-six percent want mandatory equal coverage of candidates by newspapers. You cannot do that under the first amendment; you could do it under the Hollings amendment.

Eighty percent want newspapers required to give equal space to candidates against whom they editorialize. You can't do that under the first amendment; you could under the Hollings amendment.

Seventy percent believe reporters' personal biases affect campaign and issue coverage.

They are right about that. Sixty-eight percent believe newspaper editorials are more important than a $10,000 contribution.

Sixty-one percent believe that a newspaper-preferred candidate trumps the better-funded candidate.

Forty-two percent of Americans believe editorial boards ought to be forced to have an equal number of Republicans and Democrats.

Finally, 45 percent of Americans think newspapers should be required to give candidates free ad space.

I mention this survey to make the point that if Congress is going to have the power to regulate all of this speech, presumably, it will refer to the opinions of the American people in trying to make these regulatory decisions, and all of those items I mentioned could be fair game in determining what is reasonable to be spent "by and on behalf of or in opposition to a candidate."

Again, I commend the Senator from South Carolina for offering this amendment insofar as he lays on the table just what the stakes are in the campaign finance debate. To do what the reformers say they want to do, limit "special interest influence," requires limiting the U.S. Constitution which gives special interests—all Americans—the freedom to speak, the freedom to associate, and the freedom to petition the Government for redress of grievances. That is called lobbying.

We have to gut the first amendment and throw on the trash heap that freedom which the U.S. Supreme Court said six decades ago is the "matrix, the indispensable condition of nearly every other form of freedom."

Some would call that horror reform. A few dozen Senators may even vote for it. As I said, last time 38 voted for it. We can all agree to disagree on campaign finance. We can even agree to disagree on what is reform. But surely we can also agree that this business of amending the Constitution whenever the Supreme Court hands down a result we do not like is wrong and is dangerous. We trivialize that sacred document which so embodies the spirit of America, which guarantees the success of America, and we treat it as if it were a rough draft. To be seriously contemplating chopping off a huge chunk of the Bill of Rights must seem incomprehensible to the casual viewer of this discussion.

This debate, like the debate over Shays-Meehan and McCain-Feingold, is not only about politicians' first amendment freedoms. The "in support of or in opposition to" components of the Hollings constitutional amendment refer to the freedom of everyone else in America—private citizens and groups and, yes, as I pointed out, even the media, the entire universe of political speech.

What makes the Hollings amendment on many orders of magnitude so much more egregious than the statutory proposals is that the Supreme Court cannot intervene and save America from whatever folly we would engage in on the floor in defining what "reasonable" is.

As I said, I recoil in horror from the substance of the Hollings amendment while I embrace the clarity of the choice it presents us. It exposes the fallacy of McCain-Feingold and other such speech suppression schemes. If one believes that McCain-Feingold is constitutional, as its advocates claim it is, then we do not need the Hollings constitutional amendment. If my colleagues vote for the Hollings constitutional amendment, then they have affirmed what so many of us inside and outside the Senate have been saying: That to do what McCain-Feingold proponents want to do—restrict spending by, in support of, and in opposition to candidates—then we need to get rid of the first amendment. That is what the Hollings constitutional amendment does: No more first amendment protection of political speech for anyone, politician or not.

Fifteen years ago, when I first took the oath of this office to support and defend the Constitution of the United States against all enemies foreign and domestic, I had no idea how much time and energy I would expend doing just that—defending the Constitution, not from foreign enemies, mind you, but from the Congress itself. I certainly could not have imagined that the Senate would spend so much time seriously discussing whether we should wipe out core political freedoms. We need to stop this, and I am confident and hopeful that the Hollings amendment will be defeated overwhelmingly tomorrow, as it has been defeated overwhelmingly in the past.

I will mention a couple of recent letters in relation to this amendment. One is from Roger Pilon at the Cato Institute who says in pertinent part:

> . . . I am heartened to learn that those who want to "reform" our campaign finance law are admitting that a constitutional amendment is necessary. But that very admission speaks volumes about the present unconstitutionality of most of the proposals now in the air. It is not for nothing that the Founders of this nation provided explicitly for unrestrained freedom of political expression and association—which includes, the Court has said, the right to make political contributions and expenditures. They realized that governments and government officials tend to serve their own interests, for which the natural antidote is unfettered political opposition—in speech and in the electoral process.
>
> In the name of countering that tendency this amendment would restrict its antidote. It is a ruse—an unvarnished, transparent effort to restrict our political freedom and, by implication, the further freedoms that freedom ensures. That it is dressed in the gossamer clothing of "reform" only compounds the evil—even as it exposes its true character.

I also have a letter from the ACLU, dated March 24, 2000, indicating its opposition to the Hollings constitutional amendment. In pertinent part, the ACLU says the constitutional amendment:

> . . . would also give Congress and every state legislature the power, heretofore denied by the first amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed articles or commentary printed at the publisher's expense are most certainly expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.
>
> Even if Congress exempted the press from the amendment, what rational basis would it use to distinguish between certain kinds of speech? For example, why would it be justified for Congress to allow a newspaper publisher to run unlimited editorials on behalf of a candidate, but to make it unlawful for a wealthy individual to purchase an unlimited number of billboards for the same candidate? Likewise, why would it be permissible for a major weekly news magazine to run an unlimited number of editorials opposing a candidate, but impermissible for the candidate or his supporters to raise or spend enough money to purchase advertisements in the same publication? At what point is a journal or magazine that is published by an advocacy group different from a daily newspaper, when it comes to the endorsement of candidates for federal office? Should one type of media outlet be given broader free expression privileges than the other? Should national media outlets have to abide by fifty different state and local standards for expenditures? These are questions that Congress has not adequately addressed or answered.

All of which would be before the Congress if the Hollings amendment were to become law.

Madam President, I ask unanimous consent that the letter from the Cato

Institute, the ACLU, and an editorial from the Washington Post, also opposing the Hollings amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CATO INSTITUTE,
Washington, DC, March 24, 2000.

Hon. MITCH MCCONNELL,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCONNELL: Your office has invited my brief thoughts on S.J. RES. 6, offered by Senator Hollings for himself and Senators Specter, McCain, and Bryan, which proposes an amendment to the Constitution of the United States that would grant power to the Congress and the States "to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to," any federal, state, or local office.

It is my understanding that on Monday next, Senator Hollings is planning to offer this resolution as an amendment to the flag-burning amendment now before the Senate. For my thoughts on the proposed flag-burning amendment, please see the testimony I have given on the issue, as posted at the web site of the American Civil Liberties Union, and the op-ed I wrote for the Washington Post, copies of which are attached.

Regarding the proposed campaign finance amendment, I am heartened to learn that those who want to "reform" our campaign finance law are admitting that a constitutional amendment is necessary. But that very admission speaks volumes about the present unconstitutionality of most of the proposal now in the air. It is not for nothing that the Founders of this nation provided explicitly for unrestrained freedom of political expression and association—which includes, the Court has said, the right to make political contributions and expenditures. They realized that governments and government officials tend to serve their own interests, for which the natural antidote is unfettered political opposition—in speech and in the electoral process.

In the name of countering that tendency this amendment would restrict its antidote. It is a ruse—an unvarnished, transparent effort to restrict our political freedom and, by implication, the further freedoms that freedom ensures. That it is dressed in the gossamer clothing of "reform" only compounds the evil—even as it exposes its true character. If the true aim of this amendment is incumbency protection, then let those who propose it come clean. Otherwise, they must be challenged to show why the experience of previous "reforms" will not be repeated in this case too. Given the evidence, that will not be an enviable task.

Fortunately, candor is still possible in this nation. This is an occasion for it. I urge you to resist this amendment with the focus that candor commands.

Yours truly,

ROGER PILON,
Vice President for Legal Affairs.

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON NATIONAL OFFICE,
Washington, DC, March 24, 2000.

DEAR SENATOR: The American Civil Liberties Union strongly opposes S.J. Res. 6, the proposed constitutional amendment that permits Congress and the states to enact laws regulating federal campaign expenditures and contributions.

Whatever one's position may be on campaign finance reform and how best to achieve it, a constitutional amendment of the kind here proposed is not the solution. Amending the First Amendment for the first time in our history in the way that S.J. Res. 6 proposes would challenge all pre-existing First Amendment jurisprudence and would give to Congress and the states unprecedented, sweeping and undefined authority to restrict speech protected by the First Amendment since 1791.

Because it is vague and over-broad, S.J. Res. 6 would give Congress a virtual "blank check" to enact any legislation that may abridge a vast array of free speech and free association rights that we now enjoy. In addition, this measure should be opposed because it provides no guarantee that Congress or the states will have the political will, after the amendment's adoption, to enact legislation that will correct the problems in our current electoral system. This amendment misleads the American people because it tells them that only if they sacrifice their First Amendment rights, will Congress correct the problems in our system. Not only is this too high a price to demand in the name of reform, it is unwise to promise the American people such an unlikely outcome.

Rather than assuring that the electoral process will be improved, a constitutional amendment merely places new state and federal campaign finance law beyond the reach of First Amendment jurisprudence. All Congress and the states would have to demonstrate is that its laws were "reasonable." "Reasonable" laws do not necessarily solve the problems of those who are harmed by or locked out of the electoral process on the basis of their third party status, lack of wealth or non-incumbency. The First Amendment properly prevents the government from being arbitrary when making these distinctions, but S.J. Res. 6 would enable the Congress to set limitations on expenditures and contributions notwithstanding current constitutional understandings.

Once S.J. Res. 6 is adopted, Congress and local governments could easily further distort the political process in numerous ways. Congress and state governments could pass new laws that operate to the detriment of dark horse and third party candidates. For example, with the intention of creating a "level playing field" Congress could establish equal contributions and expenditure limits that would ultimately operate to the benefit of incumbents who generally have higher name recognition, greater access to their party apparatus and more funds than their opponents. Thus, rather than assure fair and free elections, the proposal would enable those in power to perpetuate their own power and incumbency advantage to the disadvantage of those who would challenge the status quo.

S.J. Res. 6 would also give Congress and every state legislature the power, heretofore denied by the First Amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed article or commentary printed at the publisher's expense are most certainly expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.

Even if Congress exempted the press from the amendment, what rational basis would it use to distinguish between certain kinds of speech? For example, why would it be justified for Congress to allow a newspaper publisher to run unlimited editorials on behalf of a candidate, but to make it unlawful for a wealthy individual to purchase an unlimited number of billboards for the same candidate? Likewise, why would it be permissible for a major weekly newsmagazine to run an unlimited number of editorials opposing a candidate, but impermissible for the candidate or his supporters to raise or spend enough money to purchase advertisements in the same publication? At what point is a journal or magazine that is published by an advocacy group different from a major daily newspaper, when it comes to the endorsement of candidates for federal office? Should one type of media outlet be given broader free expression privileges than the other? Should national media outlets have to abide by fifty different state and local standards for expenditures? These are questions that Congress has not adequately addressed or answered.

Moreover, the proposed amendment appears to reach not only expenditures by candidates or their agents but also the truly independent expenditures by individual citizens and groups—the very kind of speech that the First Amendment was designed to protect.

If Congress or the states want to change our campaign finance system, then it need not throw out the First Amendment in order to do so. Congress can adopt meaningful federal campaign finance reform measures without abrogating the First Amendment and without contravening the Supreme Court's decision in Buckley v. Valeo. Some of these reform measures include:

Public financing for all legally qualified candidates—financing that serves as a floor, not a ceiling for campaign expenditures.

Extending the franking privilege to all legally qualified candidates.

Providing assistance to candidates for broadcast advertising.

Improving the resources for the FEC so that it can provide timely disclosure of contributions and expenditures.

Providing resources for candidate travel.

Rather than argue for these proposals, many members of Congress continue to propose unconstitutional measures, such as the McCain/Feingold bill that are limit-driven methods of campaign finance reform that place campaign regulation on a collision course with the First Amendment. Before Senators vote to eliminate certain First Amendment rights, the ACLU urges the Congress to consider other legislative options, and to give these alternatives its considered review through the hearing and mark-up processes.

The ACLU urges Senators to oppose S.J. Res. 6. As Joel Gora, Professor of Law of the Brooklyn Law School recently stated, "This constitutional amendment is a recipe for repression."

Sincerely,

LAURA W. MURPHY,
Director.

[From the Washington Post, Dec. 2, 1996]

WRONG WAY ON CAMPAIGN FINANCE

Campaign finance reform is hard in part because it so quickly bumps up against the First Amendment. To keep offices and officeholders from being bought, proponents seek to limit what candidates for office can raise and spend. That's reasonable enough, except that the Supreme Court has ruled—we think correctly—that the giving and spending of campaign funds is a form of political speech, and the Constitution is pretty explicit about that sort of thing. "Congress shall make no law . . . abridging the freedom of speech" is the majestic sentence. So however laudable the goal, you end up having to regulate lightly and indirectly in this area, which means you are almost bound to achieve an imperfect result.

As a way out of this dilemma, Senate Minority Leader Tom Daschle added his name the other day to the list of those who say the Constitution should be amended to permit the regulation of campaign spending. He wasn't just trying to duck the issue by raising it to a higher level as some would-be amenders have in the past. Rather, his argument is that you can't win the war without the weapons, which in the case of campaign finance means the power not just to create incentives to limit spending but to impose spending limits directly.

But that's what everyone who wants to put an asterisk after the First Amendment says: We have a war to fight that we can win only if given the power to suppress. It's a terrible precedent even if in a virtuous cause, and of course, it is always in a virtuous cause. The people who want a flag-burning amendment think of themselves as defenders of civic virtue too. These amendments are always for the one cause only. Just this once, the supporters say. But having punched the one hole, you make it impossible to argue on principle against punching the next. The question becomes not whether you have exceptions to the free speech clause, but which ones?

Nor is it clear that an amendment would solve the problem. It would offer a means but not the will. The system we have is a system that benefits incumbents. That's one of the reasons we continue to have it, and future incumbents are no more likely to want to junk it than is the current crop.

The campaign finance issue tends to wax and wane, depending on how obscene the fund-raising was, or seemed, in the last election. The last election being what it was, Congress is under a fair amount of pressure to toughen the law. The Democrats doubtless feel it most, thanks to the revelations of suspect fund-raising on the part of the president's campaign, though the Republicans have their own sins to answer for—not least their long record of resistance to reform. With all respect to Mr. Daschle, a constitutional amendment will solve none of this.

The American political system is never going to be sanitized, nor, given the civic cost of the regulations that would be required (even assuming that a definition of the sanitary state could be agreed upon), should that be anyone's goal. Rather, the goal should be simply to moderate the role of money in determining elections and of course the policies to which the elections lead. The right approach remains the same: Give candidates some of the money they need to run, but exact in return a promise to limit their spending. And then enforce the promise. Private money would still be spent, but at a genuine and greater distance from the candidates themselves. It wouldn't be a perfect world, and that would be its virtue as well as a flaw.

Mr. McCONNELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 32 minutes remaining.

Mr. McCONNELL. I yield to the distinguished Senator from Utah whatever time he may need.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I have enjoyed this discussion because it is always enlightening and is the kind of discussion the American people need to hear in the present atmosphere, when there is a rush to blame all of our problems on our campaign finance system, and say: If we only reform the campaign finance system, the millennium will come. Everything will be marvelous. We will vote on Mondays. Our political system will take care of itself. There will be purity throughout all the land.

I come to this debate not as a lawyer but as a businessman. One of the things I learned in the business world is: Find out if it works. It is very interesting to have the theory laid out before you, but the question is, Does it work? Will the situation be as advertised before you make the purchase?

We have enough examples before us that I think make it clear that the current reforms being talked about—whether it is a constitutional amendment or McCain-Feingold, which I believe would be struck down as unconstitutional—do not work. Let's look at the evidence. Let's see what we have.

Stuart Rothenberg has a column in Roll Call, a newspaper with which all of us on the Hill are familiar. This appeared on March 20, 1997, but it is still applicable. It is talking about campaign finance reform applied in the State of Colorado. The headline is: "Look Before You Leap: Colorado's Lesson on Campaign Finance." It goes through and describes the reforms that were established in Colorado, backed by Common Cause and the League of Women Voters, setting limits on candidates and limits on contributions. To quote Rothenberg:

> Now, however, most seasoned political operatives and many candidates will tell you privately that they think the law is terrible. They complain that the limits are too low . . . and they note that the law doesn't address independent expenditures, which will now balloon.

That is the point I want to make over and over again: "independent expenditures, which will now balloon."

He goes on in the column to say:

> So instead of making candidates more responsible for the campaign environment, the law actually encourages independent forces to become active.

Here is where they have tried it. They have found that special interest power has gone up, not down, and that candidates have been forced out of the equation to a great degree, while special interests have filled the vacuum.

He concludes his column by saying:

> Clearly, the voters don't like the current campaign finance system, and they are eager for change. But they haven't considered the ramifications of many of the proposals, and most of the suggestions for reform have ignored the realities of political campaigns. Reformers would be well advised to start at the beginning, not at the end.

If I may be a little parochial for a moment, there is an editorial that appeared in the Salt Lake Tribune, my hometown newspaper, entitled "Don't Ban Soft Money." The Salt Lake Tribune is not known for its friendliness to Republican candidates. But they have raised this issue, as is their first amendment right as a newspaper. They say:

> The campaign-reform prescription of the moment is "ban soft money." Beware. The cure could be worse than the disease.

They go on to describe all of that, and then they make the same point as Stuart Rothenberg:

> A ban on soft money would simply encourage big donors to run issue campaigns themselves. Then a candidate's supporters could do a hatchet job on an opponent without any accountability to anyone. Some groups already are adept at this tactic.

I do not know if they ever met, but the Salt Lake Tribune and Stuart Rothenberg are making the same point: If you put the campaign finance reform pressure on the candidate, you increase the power of independent expenditures, you increase the power of special interest groups.

Here is a column by Dane Strother, a Democratic political consultant. I am trying to not just quote Republicans here. This appeared in the New York Times on February 1, 1997. He said:

> Limiting candidates' spending usually succeeds only in giving special interests even more clout.

Once again, that is the same statement as these others. I will repeat it:

> Limiting candidates' spending usually succeeds only in giving special interests even more clout. Consider recent "reform" efforts in Kentucky and the District of Columbia.

We are dealing with actual results here. We are not dealing with theory. He describes how, when he was living in the District of Columbia, campaign contributions were limited. He says:

> In 1993, Washington limited contributions in mayoral races to $100—

Boy, that is draconian—

> down from $2,000 per election cycle. Some candidates struggled mightily to raise even $30,000, and couldn't get their messages to the public. I lived in the District then, and didn't receive a single political flier or piece of mail. Some do-gooders would find this an improvement, but information is the basis of an educated vote.

Then here is the punch line—the same point. He said:

> Special interests filled the vacuum. Unions and big business set up independent campaigns to help the candidates of their liking.

> while politicians were reduced to begging them for support. After the election, the City Council returned to the old system.

"Special interests filled the vacuum"—it is the pattern that has been repeated again and again. When you put limits on the ability of a candidate to express himself, to raise the money and get his message out, you create an enormous opportunity for special interests to fill the vacuum.

Here is another example. This one had to do with an election in Chicago. It is written by R. Bruce Dold. He talks about the 1984 race where Charles Percy lost his seat to Paul Simon.

He said this was brought about, in large measure, because of a campaign run by an outsider whom he identifies as a man named Michael Goland who had no connection whatsoever to Paul Simon but who did not like Charles Percy's voting record. So he ran a series of ads. He spent more than $1 million running his ads, independent of either Percy or DURBIN, attacking Percy as a chameleon. He said, if you put pressure on the candidates, you will see far more chameleon ads.

He points out that in 1996, the AFL-CIO spent millions of dollars to run "Mediscare" ads against Republicans; and then, to balance it, he shows that the Christian Coalition and the National Rifle Association tried similar maneuvers. He says, summarizing once again:

> If these groups want to express a political opinion, more power to them. But McCain-Feingold would make them more powerful than the candidates themselves.

That is another example, another place. You go to Colorado, you go to Utah, you go to Washington, DC, you go to Chicago—everywhere it is tried, it is demonstrated again and again, the more pressure you put on the candidates in the name of campaign finance reform, the more you give to the special interest groups who then, in the words of one of the columnists there, fill the vacuum.

I have more that I would like to say, but I see my colleague from Washington is here, and I want to close so we can hear from him.

I simply want to commend to the Members of the Senate an article reprinted from the University of West Los Angeles Law Review written by James Bopp, Jr., and Richard E. Coleson, in which I think they summarize it all in the title of their article. The title is: "The First Amendment Is Not A Loophole." I cannot think of a better summary of this entire debate than that title of this article by these lawyers in this law review: "The First Amendment Is Not A Loophole." Then they add the subhead: "Protecting Free Expression In The Election Campaign Context."

I may come back to this article at a later point in the debate. But as I say, now I wish to wind up so we can hear from the Senator from Washington. I cannot think of a better summary than that of this title, and I leave it at that: "The First Amendment Is Not A Loophole."

Mr. McCONNELL. Madam President, again I thank my good friend from Utah for his support and important contribution to this debate. We will have another hour in the morning where I hope he will be available and we will discuss that further.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 21 minutes remaining.

Mr. McCONNELL. I yield to the distinguished Senator from Washington such time as he may need.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, Members of this body, in speaking against a similar, though not identical, attempt to amend the Constitution of the United States 2 or 3 years ago, I spoke of amending the first amendment.

As I read this short and very simple proposal from the Senators from South Carolina and Arizona with respect to political speech, it does not amend the first amendment. It repeals it. It states that the Congress of the United States has the power reasonably to limit contributions or expenditures with respect to elections for Federal and State offices. That is exactly the power the Congress of the United States would have were there no first amendment to the Constitution of the United States. Our actions in that respect would have to meet some test of reasonableness under the 14th amendment in that field as they do in every other. But for all practical purposes, the first amendment to the Constitution of the United States, ratified by the States 209 years ago, would be repealed with respect to political speech.

Now, it is not deemed that obscenity is a significant enough threat to the people of the United States to repeal or even to amend the first amendment in that respect. It is not considered important enough to change the first amendment with respect to tobacco or alcohol advertising. But it is considered that free and open political speech, through anything other than an individual's voice, is now such a great threat to the free institutions of the United States that Congress—that is to say, incumbent officeholders—ought to be able to limit it in any way they deem reasonable. This is clearly, as was its predecessor in 1997, the most profound threat to first amendment rights, literally, since that Constitution was adopted.

The Alien and Sedition Acts in the last decade of the 18th century were, after all, only statutes that were subject to challenge under the Constitution. They also had an automatic termination date to them. They are nonetheless constant examples of how a Congress can misuse its powers to limit speech and are considered such in almost any thorough history of the Constitution and of the United States itself.

Now, what is it that leads us to this moment? Clearly, it is the feeling, the opinion, that too much money is spent on politics, that there is too much political speech, and that it is clearly too free. The distinguished colleague who sits in front of me and was recently a candidate for President was, I think, rightly critical of two Texas millionaires who advertised in a way he considered misleading and false. This proposal would say that they could be completely muzzled, that they could be denied the right to speak at all, if it was deemed unreasonable. And certainly the candidate who was the victim of such speech deems it to be unreasonable, as would many incumbents in many Congresses in the United States.

We are here dealing with this proposition: Too much money is being spent on politics. Not that too much money is being spent on regulating the activities of the people of the United States, not that too much money is being spent on social or political programs of the United States, but that too much money is spent in responding to those programs and to that regulation and that somehow or another the power of the Federal Government to regulate economic, environmental, and social activities is so benign that we can muzzle the criticisms of those who are adversely affected by that regulation. At least we can muzzle those expressions which are directed at changing the people who write the very laws that impose those regulations.

We can at the very least ascribe consistency and thoughtfulness to the promoters of this constitutional amendment who are also eloquent spokespersons for the original McCain-Feingold legislation, legislation that limits, that comes close to eliminating the right of an outside person so much as to mention the name of a candidate 6 weeks before an election.

Yes, if you want to say that anyone—including a newspaper editorialist but even more significantly, someone who does not own a newspaper—who wants to criticize a candidate for office in the 6 weeks before an election, if you want to eliminate that right, if you think it is desirable to limit or to eliminate that right, you do, in fact, need this constitutional amendment.

McCain-Feingold, as it came before this body, in that respect at least is clearly and blatantly and openly in violation of a constitutional provision, the first amendment, that says: "Congress shall make no law respecting freedom of speech or of the press." That may be the single most quoted line in the entire Constitution of the

United States. But the proponents of this amendment here today propose effectively to strike it from the Constitution as it relates to election campaigns for Federal or State or local office.

The statement of the case should assure its defeat. The statement of the case that somehow or another we are too political, that campaigns for office are too robust as they deal with this massive engine of the Federal Government, and that we should repeal one of the founding theories of this Government, the right of completely untrammeled and totally free political speech, to state that proposition is to defeat.

We should not repeal the first amendment to the Constitution of the United States with respect to free political speech. We should not modify the first amendment to the Constitution of the United States with respect to free political speech. We should, though we may lack the imaginations of James Madison and his colleagues in the first Congress, at least have the wisdom and the humility not to destroy what they wrought at the very founding of this constitutional Republic.

Mr. McCONNELL. Madam President, how much time does my side have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 9 minutes remaining.

Mr. McCONNELL. Madam President, I am not sure I will use the entire 9 minutes. I thank the Senator from Washington for his contribution to this debate once again, and also my friend from Utah, and remind everyone the last time we voted on the Hollings amendment, it only got 38 votes. Even the Washington Post, with whom I am seldom aligned on this subject, opposes the measure. Senator FEINGOLD opposes the measure.

Mr. GORTON. Will the Senator from Kentucky yield for a question?

Mr. McCONNELL. I yield to the Senator from Washington for a question.

Mr. GORTON. Is it appropriate, I ask my friend from Kentucky, to describe 38 votes to repeal the first amendment to the Constitution as "only" 38?

Mr. McCONNELL. I say to my friend from Washington, it is discouraging that there were even 38, but I say also to my friend from Washington, in earlier Congresses the Hollings amendment got greater support, including up to 52 votes in favor of the proposition back in 1988. So I prefer to look at the bright side of this, I say to the Senators. It makes progress. We are moving in the right direction and, hopefully, tomorrow there will be even fewer than 38 votes. I think we are heading in the right direction. We have some time remaining. I don't know whether the Senator from Utah would like to speak further. I would be happy to give him the remainder of the time. It is my understanding there are 2 hours equally divided in the morning?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator is correct in that assumption.

Mr. McCONNELL. It is not yet determined when that would begin, is it?

The PRESIDING OFFICER. At 9:30.

Mr. McCONNELL. Two hours equally divided beginning at 9:30 a.m.?

The PRESIDING OFFICER. That's correct.

Mr. McCONNELL. I yield the remainder of the time on this side to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I wish to add another point to the points I made earlier when I said that holding down the ability of candidates to express themselves in terms of the amount of money they can raise and the amount of advertising they can do only creates an opportunity for special interests to fill the vacuum. There is one other point I need to make with respect to the perceptions on this issue. The first perception, which I have attacked, is that holding down the expenditures and the contributions will somehow control the special interests. I am sure the results of where it has been tried has been in the opposite direction.

The special interest rule now through campaign contributions—I want to share this with the Senate. A survey was done in Fortune magazine, published in December of 1999, byline, Jeffrey Birnbaum, who, again, is not normally known for his sympathy of the positions of this Senator, he talks about the impact of money on politics in Washington in this article. Fortune magazine does an annual survey of who has the most clout in Washington, which special interests are the most powerful.

For 3 years running now—and in this article it is the same one—the No. 1 special interest that has the most power in Washington, rated by those who have done the survey, is—the envelope please—the AARP, which is a group that, by its rules, does not give any campaign contributions to anyone. The group that is considered the most powerful special interest in Washington by this independent survey is a group that does not give campaign contributions, hard or soft.

One of the individuals involved in pulling together the survey, a man from the Mellman Group—Mark Mellman is his name—he is one of the pollsters. He normally polls on the Democratic side of the aisle. I think my Democratic colleagues might recognize his name. He made this comment, "We couldn't find any direct relationship between campaign donations and clout."

I think that is worth repeating in this superheated atmosphere about how campaign contributions are "buying" the Congress. Here is an outsider coming in to do a survey of the most powerful special interest groups in Washington and how they got their power, and he says: "We couldn't find any direct relationship between campaign donations and clout."

The question arises: if their clout does not come from the campaign contributions, why does the AARP have so much power? It is because they have so many members. It is voters who make the difference.

What is the group in second place behind the AARP. It is the National Federation of Independent Businessmen. Why do they have so much power? Because they have so many members. It is voters who make the difference.

I am sure that no one would want to say to the AARP, in the name of campaign finance reform, we are going to forbid you to tell your members what you think about how people vote in Washington. Are we going to say to the NFIB we are going to forbid you to talk to your own members in the name of campaign finance reform? Those are the groups that are 1 and 2 in this independent survey.

You can go through the whole thing and you will begin to realize that all of the conversation about contributions and power in Washington is conversation that takes place in the press gallery. In the reality of where we compete in the election process, it misses the mark.

I remember during the hearings someone said: Senator, with this process you are allowing people to buy access to you. I responded then as I respond now: The best way for you to get access to me is to register to vote in the State of Utah. If you are a voter in the State of Utah, I will do my best to get access to you, greet you, sign autographs, make you feel good about me. It will not cost you anything, particularly if you live in Utah. If you don't live in Utah, it would be a little hard to register there. So I think there are some myths that need to be dispelled.

The final one I want to address has to do with this question of the amount of money that is flowing and is being raised. I am quoting now from a paper presented by Professor Joel Gora from the Brooklyn Law School, another Democrat, a man who was heavily involved in Senator Eugene McCarthy's insurgent campaign for the Presidency in 1968. He makes this point:

> Senator McCarthy's landmark and principled 1968 Presidential campaign raised more money, adjusted for inflation, than George W. Bush's campaign this year . . .

I didn't hear anybody complaining in 1968 that Eugene McCarthy was a tool of special interests bought with special interest money. He raised more money, adjusted for inflation, than George W. Bush has raised this year. And Professor Gora goes on to say:

> . . . and did so relying on an extremely small handful of extremely wealthy individuals who shared the ideals and values of Senator McCarthy and his supporters. Only in

> the perverted post-Watergate world of campaign "reform" would the word "corruption" or "the appearance of corruption" possibly be used to describe that noble endeavor.

I didn't support Eugene McCarthy in 1968, but I agree that nobody would have said that Eugene McCarthy in 1968 was a tool of special interests or that he was part of corruption or the appearance of corruption? Why? He disclosed every dollar immediately when it was received, and everybody knew who his supporters were and why they were with him. They were with him because they opposed the war in Vietnam.

There is much more that can be said, and undoubtedly will be said, but I want to leave it at that. A number of myths are swirling around this whole debate. We need to look at the reality, which is that every time campaign finance reform has been tried at the State level, the power of special interest groups have gone up, not down, as a result. The reality of it is that we do not have an inordinate amount of money washing through politics today. If you take it on an inflation-adjusted basis, it is the same today as it was back in 1968. We do have a great deal of hysteria which, if we don't puncture the balloon of that hysteria, could lead us to make a seriously significant mistake. I don't want us to do that. That is why I am as vigorous as I can be to see to it that we do not pass the Hollings amendment and we do not, subsequent to that, pass McCain-Feingold.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. HOLLINGS. I yield such time as is necessary.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SPECTER. I thank my distinguished colleague from South Carolina.

Mr. President, on January 30, 1976, the Supreme Court of the United States handed down a most extraordinary decision equating freedom of speech with money. That was a shock to me on the day the decision came down, and it remains a shock, because in a democracy political power ought not to be determined by who has the most money.

Since 1988, for more than 12 years, Senator HOLLINGS and I have proposed a very basic constitutional amendment which would permit Congress to regulate contributions and expenditures. There is nothing in this amendment which would limit political speech otherwise, but deals solely with the issue of contributions and expenditures.

The amendment states Congress shall have the power to set reasonable limits on the amount of contributions that may be accepted by and the amount of expenditures that may be made by or in support of or in opposition to a candidate for nomination or election to or for election to Federal office. Section 2 gives similar power to the States in identical language.

In 1976, the day Buckley v. Valeo was handed down, I was an announced candidate for the Republican nomination for the Senate in the State of Pennsylvania. I had entered into that contest on the basis of the 1974 Campaign Finance Act, which said that a candidate for nomination for the Senate in the State the size of Pennsylvania would be limited to spending of $35,000. My opponent in that primary contest was Congressman John Heinz. On January 30, the Supreme Court said that John Heinz could spend millions, which he did, and my brother, Morton Specter, who might have been able to finance my campaign, was limited to $1,000. I had a little bit of a hard time understanding at that point why Congressman Heinz's speech was different from Morton Specter's speech.

When I came to the Congress, I pursued this issue. As I say, since 1988, Senator HOLLINGS and I have pursued this constitutional amendment. This is the 106th Congress. It was in the 105th Congress and the 104th Congress, et cetera. I believe it is a very important amendment if we are to eliminate certain dangers, and certainly the perception of dangers, in our election system.

In the 1996 Presidential campaign, the expenditures were some $400 million. In the congressional campaigns in 1996, there was almost $300 million in the Senate, and more than $477 million in the House. In the 1988 congressional campaigns, the Senate spending level remained at about the same, while the House spent about $452 million. The time that it takes Members of Congress to raise the money has been well documented. There is a perception in the land that Members of Congress—Senators and Representatives—are for sale. I think that votes are not for sale, but I believe there is no doubt of the public perception to the contrary.

The amendment which has been presented is necessary because of the decision in the Buckley case, and it is improperly characterized as an amendment to the first amendment of the U.S. Constitution. In my personal view, the first amendment to the U.S. Constitution is inviolate. Those words have stood this country tremendously well, and I would fight any effort to change the language of the first amendment. But a decision by the Supreme Court of the United States in interpreting the first amendment is not inviolate. It is not Holy Writ. These judgments are handed down by individuals who are nominated and confirmed in the Senate, and they write opinions because that is their opinion as to what the first amendment means.

I submit that to say speech is equivalent to money is basically outrageous. But until that is changed and our Constitution requires that in the form of a constitutional amendment, it ought more accurately to be said that it is the opinion of the Congress by a two-thirds vote backed up by the opinion of the State legislatures, three-fourths of which are necessary to have the amendment come through, that the opinion of the Supreme Court is not correct.

We are debating at the same time a constitutional amendment on the flag-burning issue. Here again, it is not the Constitution which says that in the first amendment a citizen or anyone has a constitutional right to burn a flag. But five Justices said in opinions the first amendment raises that implication. Four Justices said the first amendment did not raise that implication. They are opinions. With all due respect to the men and women who occupy the chambers of the Supreme Court, with the columns lining directly up with the Senate Chamber, having participated in my tenure in eight confirmation proceedings, their opinions are not inviolate. And their opinions are subject to modification. As our Constitution is written, they have the last word unless the provisions of the Constitution are followed to have a change and an amendment.

When the Constitution was formulated, the Congress was in the first article, and I think the drafters of the Constitution thought that Congress was the primary article I body. The executive branch came in in article II. The Court came in in article III. There is nothing in the Constitution which says the Supreme Court of the United States has the power to invalidate an act of Congress. There is nothing in the Constitution which says that. But the Supreme Court of the United States, in 1803, in perhaps the most famous of all Supreme Court decisions, in Brown v. Board of Education—perhaps some others—said that the Supreme Court had that authority. I believe it was a wise decision because someone has to have the last word. But their pronouncements are not statements from the tabernacles, from the Ten Commandants, or Holy Writ. They are their opinions. It is a very tough mountain to climb to have this amendment adopted because it brings together a coalition of people who articulate the sanctity of the first amendment really misstating it as the sanctity of the opinions of the Justices.

Buckley v. Valeo was a split decision. Those individuals, institutions, agencies, are combined with the people who want to maintain the money chase for elective office the way it is at the present time, so there is no doubt it is a very tough proposition.

Go into the Cloakrooms of both parties and you find in common parlance the people who say they are for campaign finance reform really are not but say so because it will not pass. It is like the constitutional amendment for a balanced budget that requires 67 votes. There are people who say they are going to vote for it, but until it gets to 66, nobody will cast that 67th vote, so there is a fair amount of posturing on the issue before anything can be adopted.

It is important to focus on the fact that this provision, this amendment, this change in the opinions of the Justices of the Supreme Court in Buckley v. Valeo does not adopt any specific kind of change in the campaign laws. It does not say what will happen to soft money, it does not say what will happen to corporate contributions, it does not say what will happen to the union money, it does not say what will happen to money of millionaires or billionaires.

As we speak, there are campaigns underway for $25 million in one State in a primary. Is a seat in the Senate something that ought to be up for sale? I think $25 million for a primary is too high. Our seats ought not to be up for sale. There is too much of a public trust here for any individual to buy a seat in the Senate or the House of Representatives. That is the practical fact of life.

When the Supreme Court of the United States decided Buckley v. Valeo—and it is one of the most challenging opinions to read; it goes on for 128 pages of single-spaced opinions—the Court said at one point:

> We agree that in order to preserve the provision against invalidation on vagueness grounds, section 608(e)1 must be construed to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for Federal office.

Then they have a footnote which says: The Constitution would restrict the application to communications containing express words of advocacy of election or defeat such as "vote for, elect, support, cast your ballot for, Smith for Congress, vote against, defeat, reject," et cetera.

That interpretation, on what is called express advocacy, has led to extraordinary approval of political advertisements, so-called "issue advertisements," not regulatable by campaign finance and which can be paid for by soft money which corporations or individuals or unions or anyone can put up in large amounts—millions of dollars.

Let me read a couple of commercials from the 1996 election early on purchased with soft money, which really turned the election. This is not a Democrat issue or a Republican issue. Both sides comport themselves about the same.

This is a commercial for President Clinton's reelection.

> American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

Could anybody with hearing and sanity say that is not an advertisement for President Clinton? The Supreme Court of the United States says it is not. That is an issue ad. Why? Because it doesn't say "elect Clinton." It doesn't say "defeat Dole." But it says President Clinton protects Medicare. It says Dole-Gingrich tried to raise taxes on 8 million citizens.

Try another one:

> 60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police because President Clinton delivered. Dole and Gingrich? Vote no, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No, again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

Try this one on for size:

> Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare 270 billion. Cut college scholarships. The President defended our values. Protected Medicare. And now, a tax cut of 1,500 a year for the first two years of college. Most community colleges are free. Help adults go back to school. The President's plan protects our values.

That is not a commercial for President Clinton, that is an issue advertisement, so says the law of the land handed down by the Supreme Court of the United States. To say it is ridiculous or to say it is outrageous or to say it is nonsensical, to say it is stupid is an understatement. Those are the laws we are operating under now.

We face very determined opposition. I heard a lot of arguments about myths and facts, arguments that the Constitution's right to freedom of speech would be changed by what Senator HOLLINGS and I and others are proposing. That is not so. It doesn't deal with the right to freedom of speech under the Constitution. It deals with campaign contributions and campaign expenditures.

When you talk about a good bit of the legislation which is pending, it is not going to do the job even if it is enacted. Better to try than not to try, but if you are dealing with soft money, it is going to be rejected under the clear-cut language of Buckley v. Valeo on what is express advocacy contrasted with what is issue advocacy.

The only way to get this job done is to adopt an amendment. We call it a constitutional amendment, but it really is not a constitutional amendment. It is not a constitutional amendment because it does not seek to change the words of the Constitution. It does not seek to change the words of the first amendment. It seeks only to say the opinions of the Justices in a split Court are not correct. Those are men and women, not too dissimilar from Senator HOLLINGS, a very distinguished lawyer who could have been on the Supreme Court if he had chosen to be on the Supreme Court. In a fact not widely known, you don't have to be a lawyer to be on the Supreme Court.

Parenthetically, I tried to urge Senator Hatfield to become a Supreme Court Justice at one stage because I thought he had extraordinary qualifications, one of which was he wasn't a lawyer, but there are others who have different opinions.

When you equate money with speech, Justice Stevens said in his concurring opinion in Nixon v. Shrink Missouri Government PAC: Money is property, it is not speech.

It seems fundamental that in a democracy the power of a person with money is greater than the power of a person without money. The proportion of the power goes directly in line with how much money that person has. It is not good for America.

Senator HOLLINGS and I are going to be around for a while pushing this constitutional amendment. We may even push it until Senator HOLLINGS is a senior Senator. He has only been here since 1966. He has a record of being the senior junior Senator in the history of the Senate. I say that only in a moment of light jest. We have a very distinguished senior Senator from South Carolina, Mr. THURMOND, who is the longest serving Senator in the history of the Senate.

We intend to keep pushing this. The votes go up and down as the constituency of the Senate changes. We believe very strongly that we are right and that money is not speech. One day we will prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Pennsylvania. He is so learned in the law and so long on common sense. He just laid out what the situation is and how we are going about, in a very deliberate, constitutional way, repairing the tremendous damage done by Buckley v. Valeo.

There is no question about the process being corrupted. He mentioned a minute ago that I have been here since 1966. I have been here when we have had everybody here at 5:30 and we would debate these things and, yes, on a Monday. But we do not meet on Mondays. Why? Because we have been corrupted by the money chase.

I have gone to the leaders on both sides: Give me a window; how about seeing if we do not go late on Thursday night because I have to get back to South Carolina for a fundraiser. Every Senator has done it. We are not here on Monday. We are not here on Friday. In 1966 and 1967, under Senator Mansfield, I can tell you right now, we worked until late Friday afternoon and we reported back for rollcalls at 9 o'clock on Monday morning.

We worked the full time. We worked the full months. We did not have January off and then another big break in February and another break in March and another break in April and another break in May-June and another break of a month in August. Why the breaks? To raise the money. If you are not raising it for yourself, you are supposed to go out and raise it for your colleagues.

The whole process has been corrupted. Recognize it. We cannot get a bill. We cannot get a debate. We cannot talk to each other. Nobody is here. They are not expected to be here. TV has corrupted that. If one wanted to know what was going on in the Chamber, they had to get out of their office and come to the floor. We always had 15 or 20 Members on one side and 20 or 30 Members on the other side listening and joining in, and we had debates on serious matters. We debated. The most deliberative body in the world was our reputation.

Now we do not bring up a serious matter unless it is fixed. We cannot produce a budget unless the vote is fixed in the Budget Committee, and when they can get it through it is late Thursday evening, when it is quite obvious none of the amendments are going to be adopted. The vote is fixed. The jury is fixed. There is no deliberation. They will bring that up, and then they have fixed time on it.

Go to the leader and say: We want to take up this measure, and it takes 3 or 4 days; and he will look at you as if you are stupid: Don't you know better, we don't have time to deliberate, we don't have time to debate.

The system is corrupted. Get a life. Get along. Go out. Collect some money. After all, it is the money chase. We have to work for ourselves to stay in office or to keep our colleagues in office. That is the name of the game.

Important issues, I can go down the list—but when they want money, oh, wait a minute, there is an exception. That sham, that fraud, that charade of Y2K. For 30 years, the computer industry had notice of the year 2000. For 30 years, they all could have changed. They still have 7 months or so to change.

There was a big debate. Why? Because the lawyers got the Chamber of Commerce to gin up Silicon Valley. The gentleman from Intel told me there was not a real problem, and everybody else said there was not a real problem. But we had a problem. It was a money chase for getting Silicon Valley's money in Y2K, and the media covered it: How much Bush had received, how much Gore had received, how much this group had received, and we continue to invite Silicon Valley here for special sessions. We are really interested.

That is not middle America, and they are not going to create our industrial backbone. We admire their ingenuity and their talent. We are not jealous of the money. Let them all make millions. We just want our share.

Y2K came, and we passed it. Nothing happened. In opposition to the States, in opposition to the States' supreme court justices, in opposition to the American Bar Association, we repealed 200 years of State tort law. Why? Because of the money. Why, we spent 4 days on that one. That was highly important. Just put up a straw man, knock it down, and then go home, boldly and proudly saying: Look what we have done; we took care of Y2K.

Yet, on the other hand, if we have a real problem, they will not call it up. Why? On account of the money. I have a TV violence bill. There is no mystery to this. Europe, Australia, and New Zealand do not have children shooting each other in schools. They have a safe harbor practice so that violence appears on television after hours.

I introduced the same thing, and it was in the Commerce Committee in the last two Congresses. Senator Dole was there. When he went out to the west coast, he came back and said: Oh, this is terrible. I said: Senator Dole, why don't you be the chief sponsor, you run it, you take credit for it. It has already been debated and we have had testimony on it, and it was reported out by a vote of 19–1 from the Commerce Committee. It is on the calendar. Call it.

Oh, no, it wasn't called. We needed the Hollywood money. I have it on the calendar now. Again, we debated it. We brought out the study the industry conducted, and the motion picture industry itself found that violence was on the rise.

It is a real problem in this country, but we talk a little bit here and there. When we want to get a tried and true approach and it is on the calendar, they say: Wait a minute, don't call that, let's not debate it.

It is not called up because of the money. This attitude has corrupted the process, and we have a gang over there that loves the corruption. They come here with their octopus defense. I have seen it before. We used to try cases, and if you do not have the facts and you do not have the lawyer beaten on the desk, you squirt out that dark ink of freedom of speech, first amendment, 2,000 years, 20,000 amendments. This is a shocking thing.

They were not shocked when the 1976 decision of Buckley v. Valeo came down because that decision is what amended the freedom of speech. It said: If you have the money, you have all the speech you want. If you don't have the money, you get lockjaw. Shut up. You don't have speech.

In that Buckley v. Valeo decision, read what they said in this distortion: "Money is property; it is not speech." said Justice Stevens.

Then Justice Kennedy:

> The plain fact is that the compromise the Court invented in Buckley set the stage for a new kind of speech to enter the political system. It is covert speech.

This is, of course, the famous case of Nixon v. Shrink, the most recent decision of this Court:

> The Court has forced a substantial amount of political speech underground, as contributors and candidates devise ever more elaborate methods of avoiding contribution limits, limits which take no account of rising campaign costs. The preferred method has been to conceal the real purpose of the speech. . . .
>
> Issue advocacy, like soft money, is unrestricted, see Buckley, supra, at 42–44, while straightforward speech in the form of financial contributions paid to a candidate, speech subject to full disclosure and prompt evaluation by the public, is not. Thus has the Court's decision given us covert speech. This mocks the First Amendment.

That is what Justice Kennedy talks about. That is what I am talking about. Don't give me this: Freedom of speech and first amendment. What a shocking thing it is with that black ink like the octopus, putting up all the billboards about the freedom of the press and how people want editorial writers to be equally Democratic and Republican—what kind of nonsense is all of that? And what about getting up and saying: All I want is for you to register and vote.

Quoting further:

> The current system would be unfortunate, and suspect under the First Amendment, had it evolved from a deliberate legislative choice; but its unhappy origins are in our earlier decree in Buckley, which by accepting half of what Congress did (limiting contributions) but rejecting the other (limiting expenditures) created a misshapen system, one which distorts the meaning of speech.

The Senator from North Dakota said: Let's don't do it lightly. Let's don't amend the Constitution willy-nilly. I agree. But what about when you have a threat to the democracy, to the Republic itself, this corruption of the process here, where the Congress does nothing because of the money chase that we are in.

Quoting further:

> The irony that we would impose this regime in the name of free speech ought to be sufficient ground to reject Buckley's wooden formula in the present case. The wrong goes deeper, however. By operation of the Buckley rule, a candidate cannot oppose this system in an effective way without selling out to it first.

We all have to sell out. I am running around trying to get money to help my colleagues right this minute.

> Soft money must be raised to attack the problem of soft money.

Listen to this sentence:

> In effect, the Court immunizes its own erroneous ruling from change.

Let me quote that one more time:

> In effect, the Court immunizes its own erroneous ruling from change.

That is why you need a constitutional amendment. That is why we are here. If you enjoy the corruption, if you want to continue on, not being able to debate anything around here, not having to amend, just going through the motions of arriving and going home, and getting another break and going home to collect some more money, and coming back and going back to collect more money, and acting as if you are doing the people's business—it is an embarrassment.

They sure know embarrassment when they try to equate it with free speech, when they can jump on Vice President GORE and the Buddhist temple. The Christian right, that fellow Pat Robertson with the Christian right, I have had to face that insidious trickery in all of my campaigns—that Bob Jones crowd. I am glad it is out from under the radar.

Let me tell you, it has been going on. I wish Senator MCCAIN had had a chance to get organized in the State because that is the only way I survived. You have to sort of out-organize it. But they had Ralph Reed in there, and he had been working in there since last June. He had it all greased.

They had the poor Senator from Arizona's family in the Mafia. They had him fathering illegitimate children. And he was in prison. They had him getting along with the North Vietnamese and going against the veterans. They had more dirty rumors—totally false—of anything you can think of. I mean, you never heard such things. He had no chance.

The Christian right and Pat Robertson: They come on Sunday. They brag. I can show you the statement, 75 million leaflets. They come out and give them out to the church on Sunday morning. They distort your record, and everything else of that kind. You cannot answer because the vote is on Tuesday.

He said he spent $500,000 carrying Virginia for George W. Bush. Pat Robertson, he gets respect. He's on TV. We think that is great. He is a bum, I can tell you. I know him. I knew his father Willis. He was a real gentleman. Willis Robertson was one of the finest gentlemen you would ever meet. That fellow is a scoundrel, whining and weaseling and dealing around.

But then, of course, the poor Buddhists, they want to get in the act. There is nothing wrong with the Buddhists getting in the act. They tell me now what had happened is that this young lady, she had gotten contributions from everybody and then reimbursed them. They found her guilty of the—what?—contributions, not of free speech.

See, when we find Johnny Huang guilty, that is in violation of the contribution laws. That is not free speech. That is money. Oh, boy, I wish I was a lawyer before the jury with that crowd.

When they held the committee here with Charlie Trie, we had the Governmental Affairs Committee conduct the activities. I do not know how many months, but 70 witnesses, 200 witness interviews, 196 depositions under oath, 418 subpoenas, with a final report published in 1998 with six volumes, 9,575 pages—about contributions, not free speech.

But now this afternoon, we pushed that aside. The Senator from Texas says, You Democrats have all the labor unions and we have the corporate money. However, in South Carolina, I don't have either one. So let me give you George W. Bush's statement on soft money, because he's an authority on the subject.

This is on January 23. George Will, questioning Governor Bush:

> In which case would you veto the McCain-Feingold bill or the Shays-Meehan bill?

Governor Bush:

> That is an interesting question. Yes, I would. And the reason why is two for one. And I think it does restrict—

I am quoting it verbatim here as written.

> —free speech for individuals. As I understand how the bill was written, I think there has been two versions of it. But as I understand, the first version restricted individuals and/or groups from being able to express their opinion. I've always said that I think corporate soft money and labor union soft money—which I do not believe is individual free speech, this is collected free speech—ought to be banned.

We have Vice President GORE. He got the message about the corruption. He said: The first thing I will do when I am your President is submit to Congress the McCain-Feingold bill.

The people are tired of this political mess up here. I am tired of being a part of it. They will hear from me again and again. The reason you hadn't heard about it is that they forbid a joint resolution from coming up. I studied the calendar and waited for a joint resolution so that my joint resolution won't be objected to on a point of order. It is finally in order and so we can hear it. But then I had to go along or else I wouldn't have had a chance to introduce it at all because then they would have brought the flag amendment up and the cloture vote.

So you bag around here, this most deliberative body, for an hour or 2 hours to get some work done and nobody is here. Nobody wants to be here because they are supposed to be out raising money and having fundraisers and breakfasts in the morning and windows at lunchtime and in the evening. It's taking a few hours on Wednesday afternoon to call on behalf of your campaign committee and come up with thousands of dollars, your fair share. It is money, money, money, money. It is corruption.

You tell me about the Washington Post; that crowd still calls the deficit a surplus. You tell me about the ACLU and all these other authorities running around and the scare tactics, that octopus defense, and the dark ink and all of those other irrelevant matters. We are talking sense. We are talking law. We are talking about what the Justices have just stated. There is no question why Justice Stevens said money is property and not speech. He was only one of the nine. The others could have gone along and reversed Buckley, and we would be out of this dilemma. We would go back to the original intent, which was to control spending. Now we are proudly hollering about this and that and freedoms, and now we are going to take the newspapers and do away with the editorialists and control the press. This amendment doesn't use the word "speech." It says "contributions." It is money. That is exactly what we have controlled throughout and that is what is intended.

The Senator from Alabama, Mr. SESSIONS, stood up there and started reading this. He said that is limiting speech. It is not limiting speech. You can't limit speech. But you can limit the freedom of the contributions. You and I know that. That is what we are trying to do.

Under the 1974 act that computed spending limits by the number of registered voters, Senator THURMOND and I would have had $670,000. Double that to a million or a half or give us 2.5 million. That is a gracious plenty. When I first ran for office I ran against a millionaire—a most respected gentleman, but he had the money. But we outworked him, just like we out-organized my opponent the year before last in South Carolina. That is why I am still here and able to talk.

I don't buy cars in campaigns, but it was suggested that a lot of other candidates do. When they rent, lease, and then later buy a piece of property, all of that is not freedom of speech. That is money. It is contributions. It is where you ought to try to control the spending limits so we don't become a bunch of millionaires and instead go back to what Russell Long said: Every mother's son would be able to run for the highest office in the land.

I could go on and on. The afternoon is late. To repeal the first amendment, the Senator from Washington turned to the Senator from Kentucky and said, read that word, that is to "repeal" the first amendment. Now, if you believe that, you go ahead and vote against this. But you know and I know, it is to repeal the corruption. That is what I am about; I am trying to repeal the corruption. I am trying to get back to the original intent. Yes, you might say we had 38 votes. I remember when we had 52 votes, a majority, for this. I remember when I had a dozen Republican cosponsors.

I admire my colleague from Pennsylvania for sticking with me on this, making it bipartisan. But I don't know of another one over there, because they have been disciplined and put right into the trough and told: You stick with us. This is a party vote, and this is it. It is freedom of speech and don't you forget it.

It is not freedom of speech. It is money. We are trying to control the purchase of the office. We are trying to correct the corruption. We are trying to get back to our work on behalf of the people, which is very difficult to do with the pressures now on Senators up here. It is disgraceful. It is absolutely disgraceful. Everybody knows it. I want somebody to contest it. They are not around. They are not going to contest it. They are going to make these comments about so many years and so many amendments and the freedom of speech and the hallowed document and everything else.

I have gone down five of the last six amendments; all had to do with elections, less important than this corruption to be corrected, far less a threat. I admit, recognize, agree with the Senator from North Dakota that we shouldn't do it lightly, and we are not doing it lightly. If it was only a minor problem, whereby we could merely pass a statute, I would do it. But all of these statutes, McCain-Feingold, as the Senator from Kentucky has contended each time, is patently unconstitutional. You can tell from reading this most recent decision on soft money how they are equating everything with speech. You can see how they have immunized their mistake from change. Those are not my words. Those are Justice Kennedy's words. They have "immunized" their mistake from change.

So we have to have a constitutional amendment. This is written very carefully, very deliberately, and very reasonably, where we don't take sides one way or the other, whether you are for or against McCain-Feingold, whether you are for or against free TV time, whether you are for or against public financing, whether you are for or against your idea you have on campaign finance. This will constitutionalize it so we can quit this sham of beating around the bush. It is hit and run driving with a, yes, I am for reform, knowing good and well that the Court is going to throw it out when it gets there. So we can find out who is who and what is what. I understand that this corruption should cease.

I want to complete the thought I was making with respect to various comments of the Senator from Washington, Mr. GORTON, who said they are being denied under the Hollings amendment the right to speak at all. Not so. The person being denied the right to speak at all in political campaigns is the individual without the money.

Take a campaign against a very affluent or wealthy person, and they buy up all the time. At the end, you do not have the money to match it. The TV station calls you and says: Here are all of these time slots gotten by your opponent, and you have the right to equal it. I don't have the money. Before long, with all of the friends, the family says: Well, I don't understand why John doesn't answer him. He is not interested in this race. He is not working. He looks slovenly. Why? Because he doesn't have the money.

That is the point. Right now, I am trying to prepare, along with the Senator from Pennsylvania, Mr. SPECTER, for being denied the right to speak at all. That is under the Buckley v. Valeo decision. If you have money, you can speak until the sky is the limit and for how long your money will take you. If you do not have the money, you have the right to get lockjaw, shut up, and sit down, that ends it, because 85 percent of your money goes to television and you are not there.

The people do not know you are in the race. They keep talking about repealing the first amendment.

The distinguished Senator from Utah, Mr. BENNETT, said that limiting candidates would give special interests more power. It would create a vacuum, and the special interest would fill the vacuum. There isn't any vacuum, except for the poor. The special interests are in there to the tune of millions and millions. That is what we all know. We are trying to limit the special interests. We are not trying to create a vacuum they can fill.

That is exactly the point of this particular amendment. You go over again and again. They raise these straw men of exactly the opposite of what is intended and what is provided for in the Hollings-Specter amendment; namely, to limit spending in Federal elections, and limit spending, of course, in State elections.

With respect to the cases, I cited the case where the individual got caught trying to go around. I refer now to James W. Brosnan's article in The Commercial Appeal dated November 8, 1998.

The indictment of Chattanooga developer Franklin Haney highlights what some campaign reformers believe could be a frequent, but hard to prove, crime—companies reimbursing their employees for contributions.

The indictment charges that Haney and his administrative assistant, who was not named in the indictment, instructed company employees to make contributions of $1,000 apiece, filled out the donor cards themselves and then wrote Haney Company checks to reimburse the employees.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Nov. 8, 1998]

Funneling to Campaigns May Be Widespread

(By James W. Brosnan)

The indictment of Chattanooga developer Franklin Haney highlights what some campaign reformers believe could be a frequent, but hard to prove, crime—companies reimbursing their employees for contributions.

"I suspect it is a lot more widespread than foreign donors trying to press dollars into the hands of American politicians," said Larry Makinson, executive director of the Center for Responsive Politics, a campaign watchdog group.

Haney Wednesday became the 14th person indicted by the Justice Department's campaign finance task force. He is charged with 42 counts of using his company's employees, friends and relatives to make $86,500 in illegal corporate contributions to the Clinton-Gore campaigns in 1992 and 1995, and the Senate campaigns of former Tennessee Sen. Jim Sasser and former Tennessee congressman Jim Cooper in 1994.

Haney has said he is innocent. The Justice Department said none of the campaigns were aware of the deception. Sasser—who lost to Sen. Bill Frist (R-Tenn.) and became U.S. ambassador to China—said in a statement: "Although I myself am not under investigation, I will of course cooperate fully."

In recent testimony before the House Commerce oversight subcommittee, Sasser depicted Haney as someone eager to show his credentials around Washington by hiring people like Sasser and long-time Democratic fund-raiser Peter Knight. Wednesday's indictment also describes someone who was willing to violate the law in order to make good on his pledge to raise $50,000 for the Clinton-Gore committee.

The indictment charges that Haney and his administrative assistant, who was not named in the indictment, instructed company employees to make contributions of $1,000 apiece, filled out the donor cards themselves and then wrote Haney Co. checks to reimburse the employees.

Justice Department officials indicate they discovered the illegal contribution scheme when Haney came on their radar screen because of reports concerning his hiring of Knight and Sasser. They represented him in efforts to obtain a government lease and private financing for the Portals office complex here.

House Republicans have charged that the fees paid by Haney, $1 million to Knight and $1.8 million to Sasser, may have been illegal contingency fees. Government contractors may not pay lobbyists based on whether a contract is awarded. The Justice Department continues to investigate the Portals lease.

Campaign finance experts say illegal corporate contributions are seldom discovered unless a company employee blows the whistle or the company comes under scrutiny for another matter.

"It's a scheme which is extremely difficult to uncover," said Ellen Miller, executive director of Public Campaign, a group which supports public financing of campaigns.

Gary Burhop, the lobbyist for Memphis-based Harrah's Inc., said he doubts it's a frequent practice.

"If it happens, it happens more out of ignorance than a willful desire to violate the law," said Burhop, based on his observation of cases before the Federal Election Commission.

Larry Sabato, a University of Virginia political scientist who has studied campaign finance laws for 25 years, said he doesn't believe the practice "is widespread, but I don't think they catch everybody who does it, either. It's very difficult to catch unless somebody snitches. You have a know who to target."

Haney's indictment was the second brought by the campaign finance task force. On September 30, Mark Jimenez 52, of Miami, the chief executive officer of Miami-based Future Tech International, was charged with funneling $23,000 into the Clinton-Gore campaign, and $16,500 into four other Democratic campaigns, from his company and another controlled by a relative.

Two companies have been prosecuted by local U.S. attorneys for using straw donors to make illegal contributions to the 1996 presidential campaign of former Kansas Republican Bob Dole.

Simon Fireman, a national vice chairman of Dole's campaign, funneled $100,000 into Dole's campaign using employees of his company, Aqua Leisure Industries of Avon, Mass. He paid a $6 million fine.

Empire Sanitary Landfill of Scranton, Pa., pleaded guilty to contributing $110,000 to the Dole and other Republican campaigns through employees and paid an $8 million fine.

Independent counsel Donald Smaltz was appointed to investigate football game tickets and other gifts to former Agriculture secretary Mike Espy, but his four-year probe has produced six convictions for illegal corporate campaign contributions.

In one case, lobbyist Jim Lake arranged for $5,000 in contributions to the 1994 Mississippi congressional campaign of Espy's brother, Henry Espy, and then padded his expense account to get the money back. He was fined $150,000 and ordered to write and send descriptions of the campaign finance law to 2,000 lobbyists.

In another, New Orleans attorney Alvarez Ferrouilet was sentenced to one year in prison for disguising $20,000 in illegal contributions to Espy.

The other cases have resulted in fines of $1.5 million against Sun-Diamond Growers, $480,000 against Sun-Land Products $80,000 against American Family Life Assurance Co., and $2 million against Crop Growers Corp.

Mr. HOLLINGS. Mr. President, this is the pertinent part.

Simon Fireman, a national vice chairman of Dole's campaign, funneled $100,000 into Dole's campaign using employees of his company, Aqua Leisure Industries of Avon, MA. He paid a $6 million fine.

Empire Sanitary Landfill of Scranton, PA, pleaded guilty to contributing $110,000 to Dole and other Republican campaigns through employees and paid an $8 million fine.

Independent counsel Donald Smaltz was appointed to investigate Mike Espy, which we all know about.

I don't know what happened to Haney, or whether or not he was found innocent. But let's assume so. I am not trying to disparage. I am just trying to say here is the corruption that actually goes on.

In one case, lobbyist Jim Lake arranged for a $5,000 contribution to the 1994 Mississippi congressional campaign of Espy's brother and then padded his expense account to get the money back. He was fined $150,000 and ordered to write and send descriptions of the campaign finance law to 2,000 lobbyists.

Another New Orleans attorney, Alvarez Ferrouilet, was sentenced to 1 year in prison for disguising $20,000 in illegal contributions to Espy.

The other cases have resulted in fines of $1.5 million against Sun-Diamond Growers, $480,000 against Sun-Land Products, $80,000 against American Family Life Assurance Company, and $2 million against the Crop Growers Corporation.

This corruption is rampant, and you can't stop it unless you get this constitutional amendment. Everyone understands what Justice Kennedy said—that you are not going to have this covert speech. You are not going around, and you are not going to employees, because the name of the game is—I know because I ran for President. I know one State that I believe I could have taken, but the one who succeeded in taking it spent *x* thousands of dollars above the limit. It was 2 years later they found out that he spent over the limit. That was the end of that.

What I am saying is, you can't control this. It is a Federal election campaign practices commission because it is all ex post facto. It is lost in the dust.

This has been going on, particularly with you and I serving in the Senate. We can't talk sense, we can't debate, we can't get measures up, and we can't deliberate because we have been corrupted by the money chase.

Mondays and Fridays, gone; Tuesday morning, gone; windows here and there and yonder for lunches, dinners, fund raisers, breaks now every month of the year. Why: They go raise some more money, and we are not getting the work of the people done.

I was here when it worked, when we met at 9 o'clock on Monday morning. Nobody was here at 9 o'clock this Monday morning. Nobody is here now because they are all out raising money. I can tell you, we worked until Friday afternoon at 5 o'clock. Ask Senator BYRD. He remembers. He knows how hard we worked in those days when he was leader.

But the system and the Buckley v. Valeo cancer are overtaking all of us. We are all part of it. I have asked for windows, and I have had to chase at holidays. I continue to do so. I am saying to myself and to all of us that it is time we sort of fess up and understand that this has to stop. We have to start working on behalf of the people and not ourselves. Let's do away with the corruption. Let's get back to the original intent of Buckley v. Valeo, which was totally bipartisan and overwhelmingly passed. That was to limit spending or stop the buying of the office.

We had that enough in 1978, which I explained because I know what was called upon in cash moneys in my particular State. It was listed all over the country. Connolly asked the President, and he went down to collect. They put up with Dick Tuck in the Brinks truck as it turned into the ranch in order to have the barbecue so the President could thank his contributors whom he had not even met.

We all were so embarrassed. It is bad when there is not even any embarrassment in this body. The corruption is exacerbated. I learned that word having come to Washington—"exacerbate." It continues to exacerbate, and it gets worse and worse.

I yield back the remainder of our time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. SESSIONS. Mr. President, on behalf of the leader, it is the leader's hope and intention to have a final vote on the pending joint resolution before the Senate adjourns on Tuesday, March 28. However, if a consent agreement cannot be reached, a cloture vote will occur on Wednesday morning. With that in mind, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 98, S. J. Res. 14, an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Trent Lott, Orrin Hatch, Bill Roth, Peter Fitzgerald, Rod Grams, Ted Stevens, Chuck Hagel, Thad Cochran, Paul Coverdell, Pat Roberts, Phil Gramm, Frank H. Murkowski, Don Nickles, Bob Smith of New Hampshire, Susan Collins, and Tim Hutchinson.

Mr. SESSIONS. It is the leader's hope the final vote will occur tomorrow. However, if this cloture vote is necessary, I now ask consent it occur at 10 a.m. on Wednesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OIL CRISIS

Mr. MURKOWSKI. Mr. President, there has been a great deal of anticipation today on what OPEC might do. For those of you who do not recall the sequence, several weeks ago, our Secretary of Energy went over to OPEC, encouraging them to increase production. The concern was that we were approximately 56-percent dependent on imported oil. A good portion of that came from OPEC. As we saw with the Northeast Corridor crisis on heating oils, there was concern over the availability of adequate supplies of crude oil. It appears that we are using somewhere in the area of 2 million barrels a day more in the world than are being produced currently. That sent a shock through the oil marketeers and resulted in our Secretary going over to OPEC and meeting with the Saudis and urging them to increase production.

They indicated they were going to have a meeting on March 27, which is today, and would respond to us at that time. The Secretary indicated that this was a dire emergency, that oil prices were increasing and the East Corridor was looking at oil prices in the area of nearly one and a half dollars and he needed relief now. The OPEC nations—particularly the Saudis—indicated they would address it at the March 27 meeting. So, in other words, the Secretary was somewhat stiff-armed.

Well, the Secretary, as you know, went to Mexico and encouraged the Mexicans to increase production. The Mexicans listened patiently, but they reminded the Secretary that last year when oil was $10, $11, $12, $13 a barrel, and the Mexican economy was in the bucket, where was the United States? The Secretary indicated we would help Mexico out with the tesobonos, ensuring that they would be bailed out. But to make a long story short, we didn't get any relief from Mexico.

Well, today, we didn't get any relief from OPEC. OPEC said they would address it tomorrow. So the question of whether or not we are going to get relief, I think, points to one thing: We have become addicted to imported oil. We are like somebody on the street who has to have a fix. The fix is more imported oil. And when the supply is disrupted, we look at what it takes to get more.

Well, it takes maybe a higher payment, a shortage of supply. It makes the price go up. That is the position we are in. I encourage my colleagues to look very closely at what OPEC does tomorrow—indeed, if they do anything—because what they have been doing so far is cheating. Who have they been cheating on? They have been cheating, in effect, on themselves at our expense because last year they agreed to cut production. They developed a discipline within OPEC to cut production back to 23 million barrels per day. But they did not keep that commitment. They are currently producing 24.2 million barrels a day. That is about 1.2 million over the agreement.

So if they come up tomorrow and announce they are going to come out with a million and a half barrels a day increase, that isn't a million and a half barrels net; the net is 300,000 barrels a day. So we better darn well look at that arithmetic. If they come up with 2 million barrels a day, that is relief, in a sense, but in the last year our demand increase has been a million and a half barrels a day in addition, and I did not take into account my arithmetic. Remember, we are not the only ones in the world who consume oil from OPEC. Those other countries are going to have to share in whatever increased production comes out.

So it is indeed a rather interesting dilemma that we find ourselves in as we now are dependent 56 percent on imported oil. The Department of Energy tells us that in the years from 2015 and 2020, we will be 65-percent dependent on imported oil. Well, some people say you learn by history. Others say you do not learn very much. Obviously, we have not learned very much.

There is one other factor I think the American people ought to understand. Where has our current increase been coming from? It has been coming from Iraq. Last year, we imported 300,000 barrels a day from Iraq. Today, we are importing 700,000 barrels a day from Iraq. Today, the Department of Commerce lifted some sanctions off of Iraq to allow the Iraqis to import from the United States certain parts so they could increase—these are refinery parts—refining capacity by 600,000 barrels a day in addition.

So here we are, importing 700,000 barrels a day currently from Iraq. Some people forgot we fought a war over there not so many years ago—in 1991. What happened in that war? We lost 147 American lives; 423 were wounded in action, and we had 26 taken prisoner. In addition, the American taxpayer took it. Where did he take it? He took it in the shorts because since the end of the Persian Gulf war in 1991, just to contain Saddam Hussein and keep him within his boundaries, the cost of enforcing the no-fly zone and other things is costing the American taxpayer $10 billion.

So here we are today looking at OPEC for relief, allowing them to get parts for their refineries so they can increase production. Here we are depending and begging and passing the tin cup for OPEC production. The answer lies in decreasing our imports on foreign oil and, as a consequence, producing more oil and gas in the United States. We can do it safely. We have the American technology. We have the overthrust belt, the Rocky Mountains, Colorado, Wyoming, Utah, Montana, Louisiana, Texas, those States that want OCS activity.

My State of Alaska is perfectly capable of producing more oil. We produce nearly 20 percent of the total crude oil; it used to be 25. We have the technology. We know how to open up the Arctic areas and make sure the animals and the character of the land are protected because we only operate in the wintertime. Our roads are ice roads. They melt in the spring. There is no footprint. If there is no oil there, there is no footprint of any kind. We can do that in these areas. But as a consequence, we have to look for a solution.

I hope my colleagues really pick up on this. If OPEC does increase production, there are going to be those who claim victory, that we got relief. But it is going to be a hollow victory because that victory simply says our Nation becomes more dependent on imported oil. I think most Americans are waking up to the reality that that is a very dangerous policy. To suggest we got caught by surprise—I will conclude with two little notes. In 1994, Secretary of Commerce Brown requested that the independent petroleum producers do an evaluation on the national energy security of this country and came to the conclusion that we were too dependent on imported oil.

Last March, Members of the Senate wrote a bipartisan letter to the Secretary of Commerce, Secretary Daley, asking for an evaluation on the national security interests of our country relative to our increased dependence on imported oil. He released that report in November. It sat on the President's desk until Friday. They finally released it in a brief overview. The conclusion was that we have become too dependent on imported sources of oil and it affects the national security of this country. What do they propose to do about it? They don't have an answer.

I will talk more on this tomorrow when we have further information on OPEC.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 24, 2000, the Federal debt stood at $5,730,876,091,058.27 (Five trillion, seven hundred thirty billion, eight hundred seventy-six million, ninety-one thousand, fifty-eight dollars and twenty-seven cents).

One year ago, March 24, 1999, the Federal debt stood at $5,645,339,000,000 (Five trillion, six hundred forty-five billion, three hundred thirty-nine million).

Five years ago, March 24, 1995, the Federal debt stood at $4,846,988,000,000 (Four trillion, eight hundred forty-six billion, nine hundred eighty-eight million).

Twenty-five years ago, March 24, 1975, the Federal debt stood at $505,328,000,000 (Five hundred five billion, three hundred twenty-eight million) which reflects a debt increase of more than $5 trillion—$5,225,548,091,058.27 (Five trillion, two hundred twenty-five billion, five hundred forty-eight million, ninety-one thousand, fifty-eight dollars and twenty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

SEAPOWER

• Mr. CLELAND. Mr. President, over the past several years, our nation's military has become increasingly overcommitted and underfunded—facing problems from recruiting and retention, to cuts in active fleet numbers and a dwindling active duty force. Yet in spite of these problems, the United States' naval power, with it's fleet of nuclear-powered attack submarines, life-saving Coast Guard and Merchant Marine forces, and highly skilled sailors and mariners, is the best in the world. These components are a part of one of the most technologically sophisticated defense systems in the world. In Kings Bay, Georgia, we are fortunate to be home to the greatest submarine base in the nation, Kings Bay Naval Submarine Base. During my visits there, however, I have heard time and again how detrimental the growing gap between commitments and funding has become.

I believe that by appropriating additional funds to our nation's defense system and by supporting efforts to create a larger force structure, we will resolve or at least begin to remedy some of these problems that are facing today's military forces. Since I came to the Senate in 1997, I have supported funding for procurement, research and development, and readiness. In order for the United States to retain it's role as a military super power, we must pay attention to the gaps that exist today and prevent further deterioration in our armed forces. If we do not reverse this trend now, a very high price will be paid tomorrow for our collective lethargy on defense issues and for the massive under-funding of our armed forces.

Mr. President, I now respectfully request that an article from the January, 2000 edition of Seapower magazine be inserted into the RECORD, as I believe it accurately and appropriately outlines the existing gap between our commitments and resources, and effectively argues the case for remedying this situation.

Thank you.

[From Almanac of Seapower, Jan. 2000]

A TALE OF TWO CENTURIES

(By John Fisher)

The old century had come to an end and the United States, its armed services triumphant from victory in a splendid little war over a technologically inferior adversary, as ready to take its rightful place among the major military and economic powers of the world. A former assistant secretary of the Navy, who became a national hero in that war, was soon to become president and use his bully pulpit for, among other things, the building of a Great White Fleet that was the first step in making the United States a naval power "second to none."

That former assistant secretary, later president, Theodore Roosevelt, was a shrewd judge of human nature and a life-long student of American history. He knew that most of his fellow Americans had little if any interest in foreign affairs, or in national-security issues in general. Roosevelt himself was a staunch advocate of the seapower principles postulated by Alfred Thayer Mahan, whom he greatly admired. So to remedy the situation he helped found the Navy League of the United States in 1902, contributing significant financial as well as moral support.

There were many, of course, in the Congress and in the media—indeed, in Roosevelt's own cabinet—who were not sure that the Great White Fleet was needed. It cost too much and, despite its fine appearance, would have little if any practical value for a nation unchallenged in its own hemisphere and unlikely ever to send its sons to fight in Europe's wars, much less Asia's. Besides, there might be an occasional colonial war here and there, but the possibility of a direct war between the major powers of Europe was becoming more and more remote with each passing year.

Within less than five years the vision of a lasting peace throughout the world was demolished when the Japanese Navy shocked the world by defeating the Russian Navy in the Battle of Tsushima (27-28 May 1905), sinking eight Russian battleships and seven Russian cruisers. The Japanese fleet, which started the war a year earlier with a surprise attack on Russian ships anchored in Port Arthur, lost three torpedo boats at Tsushima.

Less than a decade later The Great War—"the war to end all wars," it was called—started in Europe. The United States remained a nonparticipant until April 1917, but then entered the war in force. U.S. seapower contributed significantly to the eventual Allied success. The joyous Armistice of 11 November 1918, however, was followed by the debacle at Versailles that sowed the seeds of World War II.

Again, America and its allies were not prepared. The United States once again stayed on the sidelines until jolted out of its lethargy by the Japanese attack on Pearl Harbor: That put 15 million American men and women in uniform, led to total mobilization of the U.S. economy—and of the mighty U.S. industrial base—and resulted in millions of deaths later on the unconditional surrender of both Nazi Germany and Imperial Japan. The century was less than half over, but it was already the most violent in all human history.

This time around, some lessons were learned—but not very well, and they were not remembered very long. When North Korea invaded South Korea the United States again was unprepared—as it was a generation later in Vietnam. The Cold War cast a nuclear shadow over the entire world for more than four decades, though, and forced the much-needed rebuilding, modernization, and upgrading of America's armed forces.

As the world enters a new century, and new millennium, those forces are the most powerful, most mobile, and most versatile in the world. Moreover, the young Americans in service today are the best-led, best-trained, and best-equipped in this nation's history. But that does not mean that they are capable of carrying out all of the numerous difficult and exceedingly complex missions they have been assigned. The victories of the past are no guarantee of success in future conflicts. And it is not foreordained that the so-called "American century" that has now ended will be extended by another uninterrupted period of U.S. economic and military dominance.

Operation Allied Force, the U.S./NATO air war over Kosovo, is a helpful case in point. The precision strikes against Serbian forces, and against the civilian infrastructure of the former Yugoslavia, eventually led to the withdrawal of Serbian troops from Kosovo and the occupation of that battered province by U.S./NATO and Russian peacekeepers. The one-sided "war" lasted much longer than originally estimated, though. It did not "stop the killings" (of ethnic Albanians), the original purpose of the war. And it left Slobodan Milosevic still in power in Belgrade.

It is perhaps inevitable that political leaders will focus almost exclusively on the "victories"—however fleeting and however gossamer—that can be claimed. The prudent military commander, though, will focus on the problem areas, the near-defeats and potential disasters, the "What-ifs" and the close calls. There were an abundance of all of these in Kosovo last year—just as there were in the war with Iraq in 1990-91.

Logistics is the first and perhaps most important of those problem areas—and the biggest "What if" as well. In both conflicts. In the war with Iraq the question was "What if Saddam Hussein had not stopped with Kuwait but continued into Saudi Arabia and all the way to Riyadh?" The answer—on this, virtually all military analysts agree—is that the war would have lasted much longer and would have cost much more in both lives and money. As it was, it took the greatest sealift in history before the vastly superior U.S./coalition forces could defeat the previously overrated Iraqi army. That massive sealift—more than 10 million tons of supplies carried halfway around the world—would have been impossible, though, were it not for the fact that, on the receiving end, Saudi Arabia had built a large, modern, and well-protected port infrastructure.

Logistics was not a problem in Kosovo, either—but only because the U.S./NATO air forces accomplished their mission (belatedly), and ground forces did not have to be brought in. It was a close call, though—more so than is generally realized—and the end result was due more to good fortune than to careful planning. The ports in the area that might have been available to U.S./NATO shipping are few in number, inefficient, extremely limited in their throughput capacity, and vulnerable both to sabotage and to attack by ground forces. Which is exactly why U.S. sealift planners say that a ground war in Kosovo would have been "a logistics nightmare."

Nightmares aside, there are other problems, of much greater magnitude, affecting all of the nation's armed forces. All are underfunded. All are overcommitted—usually, in recent years, to humanitarian and peacekeeping missions that, however worthwhile in themselves, detract from operational readiness and from the training required for actual combat missions.

There is more: The U.S. defense structure is the leanest it has been in the post-WWII era. Funding for the acquisition and procurement of ships, aircraft, weapons, and avionics/electronics systems has been cut precipitously in recent years and the result has been a steady decline in the size—and, therefore, responsiveness—of the vital U.S. defense industrial base.

Except for the Marine Corps, all of the services also are suffering from prolonged recruiting and retention problems that, if not resolved, will lead to a "hollow force" of the early 21st century similar to that of the late 1970s. There is increasing evidence, anecdotal but mounting, that combat readiness has declined.

Following are some particulars about how the various problem areas enumerated above have affected the nation's sea services—balanced by a report on the current strengths and capabilities, as well as needs, of each service.

Since the end of the Cold War the Navy's active fleet has been cut almost in half, and is now just over 300 ships, the lowest level since the early 1930s. What makes the situation worse is that the administration's future-years defense plan (FYDP) calls for construction of only 6–7 ships per year for the foreseeable future, whereas a building rate of 9–10 ships is needed to meet the minimum requirement of 305 ships postulated by the Quadrennial Defense Review. Independent defense analysts say that a more realistic estimate of Navy fleet requirements would be anywhere from 350 to 400 ships, depending on the scenarios postulated. To maintain a fleet of that size would require a building rate of 10–12 ships per year.

Exacerbating the ship-numbers problem is the fact that, because hundreds of Cold War U.S. air and ground bases overseas have now been closed, and hundreds of thousands of troops have returned to CONUS (the Continental United States), a much heavier share of the collective defense burden is now borne by the Navy's forward-deployed carrier battle groups (CVBGs) and Navy/Marine Corps amphibious ready groups (ARGs). In many areas of the world the CVBGs and ARGs are now the only combat-ready forces immediately available to the national command authorities.

The difficulties imposed on Navy carriers are particularly heavy. The Joint Chiefs of Staff have told Congress that a minimum of 15 active-fleet carriers are needed to maintain a continuous presence in the most likely areas of international crisis—i.e., the Persian Gulf, the Mediterranean, and the Western Pacific (particularly the waters off the Korean Peninsula and, more recently, in the Taiwan Strait between the People's Republic of China on the mainland and the Republic of China on Taiwan). With only 12 carriers now available—11 in the active fleet and one reserve carrier used primarily for training purposes—the Navy has had to adopt a "gapping" strategy that leaves one or more of these "hot spots" without a carrier for several weeks, or sometimes months, at a time. In today's fast-paced era of naval warfare, the Navy League said last year, the gapping strategy is "not a prudent risk, as it is sometimes described, but an invitation to conflict."

The Navy's fleet of nuclear-powered attack submarines (SSNs) is the best in the world, but also undersized to meet all current as well as projected commitments. According to force requirements provided to the Joint Chiefs of Staff by the regional commanders in chief, more than 70 SSNs are needed to meet all of the Navy's worldwide commitments—but there will be only 50 available unless the QDR levels are revised upward. This could pose major risks in areas where land-based enemy aircraft and missiles make it difficult for carriers and other surface ships to operate close to the littorals.

The Navy's SSBN (nuclear-powered ballistic missile submarine) force continues to be the dominant and most survivable leg of the U.S. strategic-deterrent "triad" of SSBNs, manned bombers, and intercontinental ballistic missiles. There are now 18 Trident SSBNs in the active fleet, but only 14 are likely to be needed in the future. The proposed conversion into an SSGN (nuclear-powered guided-missile submarine) configuration of the four SSBNs now slated for deactivation would add significantly to the Navy's overall power-projection capabilities and compensate to some extent for current deficiencies in surface combatants.

Perhaps the brightest stars in the current fleet inventory are the Aegis guided-missile cruisers and destroyers that played such a key role in the Gulf War and in several lower-scale combat actions since then. The combat-proven effectiveness of the Aegis fleet has made it a strong candidate to serve as the principal building block for the national-missile-defense system favored by Congress and likely to be built in the first decade of the new century.

Navy aircraft and weapon systems also are the best and most technologically sophisticated in the world. Because of the continued underfunding in procurement and acquisition, however, all of these fleet assets have been considerably overworked, a spare parts shortage has developed, and the maintenance workload has increased significantly.

The U.S. Marine Corps has changed commandants, but continues the march—and its proud tradition of always being "the most ready when the nation is least ready."

That mandate from Congress is more daunting on the eve of the 21st century than it has been at any previous time since the dark days preceding World War II and the Korean War. In both of those conflicts the Marines suffered a disproportionate number of casualties, particularly in the early months of fighting—primarily because forward-deployed Marine units had to hold the line until the nation (and the other armed forces) could catch up to the Marines in readiness.

Today, all of the nation's armed services are in a reasonable state of readiness. But the operating tempo is the highest it has ever been in peacetime, and most deployments in the past several years have been for humanitarian and peacekeeping assignments rather than for combat missions. Training has suffered, therefore, and there has been a slow but steady degradation of combat readiness—well-documented in hearings before the House Armed Services Committee.

Under former commandant Gen. Charles C. Krulak the USMC's senior leaders developed a cogent and forward-looking plan to field a 21st-century Marine Corps that will be fully combat-ready to meet the asymmetric challenges likely in the foreseeable future. It will be up to Gen. James L. Jones Jr., who succeeded Krulak on 1 July 1999, to implement that plan. But significant additional funding will be needed for, among other things:

Maintaining the Corps at its current authorized strength of approximately 172,000 Marines on active duty and in the Reserves;

Modernizing the Corps' Total Force with the aircraft, weapons, rolling stock, electronics and avionics systems, and other supplies and equipment needed to maintain combat superiority on the littoral and inland battlefields of the future;

Building, upgrading, and maintaining a self-sustaining expeditionary tactical aviation force, including the revolutionary V–22 Osprey tiltrotor aircraft, which can operate from aircraft carriers, amphibious assault ships, and/or expeditionary airfields ashore.

Expediting the early development and procurement of: (a) the joint strike fighter, which USMC leaders have told Congress is urgently needed both to maintain a modern tactical aviation force and to replace the obsolescent aircraft now in the Corps' inventory; and (b) advanced amphibious assault vehicles capable of safely and swiftly carrying Marines and their equipment to and over the beaches to positions that in some combat scenarios will be far inland; and

Implementing Corps-sponsored initiatives to develop and field the advanced-capability shallow-water mine countermeasures systems needed to allow future Marine assault forces to maneuver safely through the littorals.

Alone of all the services, the Marine Corps has consistently met its recruiting and retention goals in recent years. Several studies suggest that this is because the Marine Corps keeps a clear focus on its highest priorities—"Making Marines and Winning Battles"—and that young men and women respond more readily to that inspiring challenge than they do to the less lofty appeal of material benefits.

Today's Coast Guard remains Semper Paratus—but just barely, and at a very high price. The U.S. Coast Guard is perhaps the most overworked and underfunded agency in government today, but it carries out—efficiently and at minimum cost to the taxpayer—a multitude of missions that increase almost annually. Several studies suggest that the Coast Guard returns a minimum of four dollars in services for every tax dollar provided to the multimission service in appropriations.

The Coast Guard is also the world's premier lifesaving organization, and in recent years has saved an annual average of more than 5,000 lives—and has assisted many more thousands of people in distress on the seas, on the Great Lakes, and in the nation's inland and coastal waterways.

But lifesaving is only one of the many "services to taxpayers" in the USCG portfolio. In recent years the Coast Guard has also, on average: conducted 44,000 law-enforcement boardings, identifying 24,000 violations; seized 76,000 pounds of marijuana and 62,000 pounds of cocaine; investigated 6,200 marine accidents; inspected 23,000 commercial vessels; responded to 12,400 spills of oil or hazardous materials; serviced 55,000 aids to navigation; and interdicted 10,000 illegal migrants.

To carry out all of those missions in the future, however—and several others likely to be added—the Coast Guard needs a major recapitalization of virtually its entire physical plant: ships, aircraft, electronic and sensor systems, and shore facilities. To its credit, the Coast Guard itself has taken the initiative by developing a so-called IDS (Integrated Deepwater System) plan that, if fully funded, would permit an orderly and cost-effective replacement of cutters, aircraft, and other assets over a period of years. Failure of the executive and legislative branches of government to support and fully fund that plan would cripple the Coast Guard's continued effectiveness—and would cost the American people in numerous ways.

Even today, very few Americans realize how dependent the United States is on the U.S.-flag Merchant Marine for national defense and its continued economic well-being. In times of war or international crises that might lead to war 95 percent or more of the weapons, supplies, and equipment needed by U.S. forces overseas must be carried by ship—usually over thousands of miles of ocean. It would be military folly to rely on foreign-flag shipping to carry that cargo.

Most innovations in the maritime industries in the post-WWII era—e.g., containerization, LASH (lighter aboard ship) vessels, and RO/ROs (roll-on/roll-off ships)—have been of American origin, and the United States is by far the greatest trading nation in the entire world. Literally millions of U.S. jobs, and billions of tax dollars, are generated by the import and export of raw materials and finished products into and out of U.S. ports.

The port infrastructure itself is badly in need of renovation and remodernization, however. Because of short-sighted laissez-faire economic policies, U.S.-flag ships today carry only a minor fraction of America's two-way foreign trade. The result is the loss of thousands of seafaring jobs, significantly reduced U.S. sealift capacity, and a Merchant Marine that is now in extremis.

The creation of the Maritime Security Program was a helpful first step toward recovery, but it will take many years, perhaps decades, before the U.S.-flag fleet can regain its traditional title as "the vital Fourth Arm" of national defense.

Additional funding, and a larger force structure, will resolve or at least ameliorate some of the most difficult problems now facing the nation's armed services, not only in procurement and RDT&E (research, development, test, and evaluation) but also in readiness. More and better equipment, combined with a lower operating tempo and higher pay, would in turn have a salutary effect on both recruiting and retention.

There are more intractable problems, though, that all the money in the world will not resolve—and that should be of major concern not only to the nation's armed services and defense decision makers, but to all Americans. The most difficult and most obvious of these problems is the proliferation in recent years of weapons of mass destruction (WMDs), and the means to deliver them. There already are a dozen or more nations—several of them extremely hostile to the United States—that already possess (or are close to acquiring) more destructive power than was unleashed by all the armies and navies in the world during World II.

It can be taken for granted that WMDs soon will be available to terrorist groups as well. But what is even more alarming is the near certainty that neither the United States nor the so-called "global community" at large will take the probably draconian steps that would be needed to counter this unprecedented threat. Not, that is, until weapons of mass destruction are actually used by terrorists. The only real question here is not "if," but "when."

There are other dangers, other problems, other defense issues of transcendent importance that must be attended to at the start of this new century and new millennium. The succession in Russia, for example. In China as well. The mentally unbalanced military adventurism of the leaders of North Korea. The list could go on and on.

Quite possibly the greatest threats to world peace, though, are American complacency and American lethargy. The history of the 20th century shows that, once aroused to action, the American people can and will unite to defeat any enemy, no matter how long it takes or how much it costs. That history also shows, though, that it takes more than education and persuasion to unite the American people. It takes sudden and painful shock.

The problem here is that, in the past, the nation always had time to recuperate from its initial losses, and even from a Pearl Harbor. That may no longer be the case. There is now a bipartisan consensus that the United States should build and deploy a national-mission-defense (NMD) system as soon as "practicable." If that consensus had existed several years ago the need today might not be so urgent. As it is, relatively few Americans realize that the United States is still absolutely vulnerable to enemy missile attacks. Another way of saying it is that not one U.S. missile-defense system has yet been deployed that could shoot down even one incoming enemy missile. That is a sobering thought.

The old axiom says that leadership "begins at the top." But in a democracy that is not entirely true. If the American people demand a certain course of action loud enough and long enough, the elected "leaders" in the executive and legislative branches of government almost always will follow. In the field of national defense the American people have demanded very little in recent years, and, with a few notable exceptions, that is exactly what they have been provided.

In his prescient "Prize Essay" (The Foundation of Naval Policy) in the April 1934 Naval Institute Proceedings Lt. Wilfred J. Holmes argued persuasively that the size of the fleet (and, by implication, the size and composition of all naval/military forces) should always be consistent with national policy. "Failure to adjust the size of navies to the needs of external [i.e., national] policy—or, conversely, to adjust external national policy to the strength of the military fleet—has, in the past, frequently led to disaster," Holmes said. At the 1922 Limitation of Armaments conference, he noted, the United States "relinquished naval primacy in the interests of worldwide limitations of armaments." Unfortunately, though, "the retrenchment in [U.S.] naval strength was not followed by retrenchment in the field of national policy."

The circumstances are not exactly the same today—but they are close enough. The current operating tempo, for all of the nation's armed services, is the highest it has ever been in peacetime. Commitments have been increasing annually, without commensurate increases in funding. Ships, aircraft, and weapon systems are wearing out—and so are our military people. The "gapping" of aircraft carriers in areas of potential crisis is an invitation to disaster—and, therefore, represents culpable negligence on the part of America's defense decision makers.

Eventually, a very high price will have to be paid for these many long years of national lethargy, for the massive underfunding of the nation's armed forces, and for the continued mismatch between commitments and resources. When that time comes—sooner is much more likely than later—it may well be the darkest day in this nation's history.

Is there still time to reverse course? Perhaps. But not much time. And the leadership may well have to come not from those who hold high office in Washington, but from the American people themselves.

If they do provide that leadership, there will indeed be another American century. It will not be another century of violence, but of peace.

Peace on earth, for all mankind.●

JOHN McCAIN, AN AMERICAN HERO

● Mr. CLELAND. Mr. President, I want to take this opportunity to salute my dear friend and colleague, the distinguished Senator from Arizona, JOHN McCAIN. Although he has suspended his campaign for President, he should nonetheless know that he has scored a great victory in American electoral politics. More so than any other candidate in recent memory, Senator McCAIN has beaten two of the greatest enemies facing our political system in the twenty-first century—apathy and cynicism. We should all be grateful to him for reminding Americans that "politics" is not a dirty word, that campaigns can be about more than 30 second sound bites, and that heroes still exist. We in the Senate should all feel proud to call him one of our own.

I think I and the four other Vietnam veterans in the Senate feel a particular kinship with Senator McCAIN, for obvious reasons. You do not go through an experience like combat without being profoundly affected. You recognize a change in yourself when you come home, and you recognize it in others when you meet them for the first time. You are brothers. We are brothers. But why did the rest of America respond to Senator McCAIN so strongly? Why did the "Straight Talk Express" appear every night on the evening news? Why did so many people want to see Luke Skywalker emerge out of the Death Star?

I believe it is because JOHN McCAIN reacts to challenges the way we wish we would ourselves, but fear we might not. He remained in the Hanoi Hilton for seven years with his fellow P.O.W.'s even when he could have left. He fights for campaign finance reform, for strong action to reduce youth smoking, and for curbs in pork barrel spending even when he knows it will make him unpopular with his party. He shoots from the hip. He tells reporters how he really feels. He loves his family.

He is not perfect, but none of us are. He and I disagree on many issues, but we agree on this: that the purpose of politics is to generate hope, that serving our country—as a soldier or a sailor or a Senator—is the greatest honor of a person's life, and that, in the words of Babe Ruth, "It's hard to beat a person who won't give up."

Speaking for myself, I am a loyal Democrat who strongly supports the candidacy of AL GORE. But as an American and as a fellow Vietnam veteran, I am proud of the work JOHN has done, and will no doubt continue to do, in restoring the public's faith in their government and the political process.

Mr. President, JOHN MCCAIN is an authentic American hero, and I am proud to serve along side him.●

HEROES OF THE STORM

● Mr. CLELAND. Mr. President, it is with great pride that I come before my colleagues today to pay tribute to the many brave Georgians who pulled together to support one another in the aftermath of the devastating tornadoes that hit Southwest Georgia earlier this month. In the pre-dawn hours of Valentine's day, February 14th, the town of Camilla, Georgia was hit by a series of brutal tornadoes that took the lives of nearly twenty people. This storm caused not only terrible damage—destroying homes, farms and businesses—but it tested the limits of residents across the Southwest portion of the state. It has been said that "Poor is the nation which has no heroes. Poorer still is the nation which has them, but forgets." When the storm calmed, true heroes emerged and they should be recognized.

I ask that I may be able to insert into the Congressional RECORD a list of individuals, organizations, and area businesses that made all the difference in preparing the people of Mitchell, Grady, Colquitt, and Tift counties for recovery from this tragic event. This list reflects only a portion of the many groups and individuals who reached out to our communities in their time of need. There are others who are often lost in the shuffle, whose movements and actions did not attract the media's spotlight. From the children who donated their own toys, to the families who reached into their savings, to the people who opened their doors for relatives or strangers who needed a place to find refuge.

The people and groups mentioned in this insert are not well known. These are everyday people—everyday Georgians. Individually, they each make a small contribution, collectively they make a tremendous difference.

The list follows:

Governor Roy Barnes and the Georgia Legislature; Law Enforcement officials from Mitchell, Colquitt, Tift, and Grady Counties; Chatam County Emergency Management; Mitchell County Community Response Team; Mitchell County Chamber of Commerce; Calhoun County Public Works; C-E Minerals Inc. in Andersonville; Mitchell County Ministerial Alliance of Camilla; Lions Club; Search and rescue teams from Albany/Dougherty, Macon, Colquitt, and Worth Counties; United States Marine Corps; MCLB Fire and Rescue; Georgia K-9 Rescue Association; University of Georgia Department of Student Affairs; Federal Emergency Management Association (FEMA).

Georgia Emergency Management Association (GEMA); U.S. Small Business Administration; Georgia State Highway Patrol; Georgia Legal Services; Georgia Department of Labor; Georgia Department of Family and Children's Services; American Red Cross; United Way; Salvation Army; Mitchell County Hospital; Phoebe-Putney Hospital; Homebuilders Association of Georgia; Lowes in Albany; Home Depot in Albany; Adventists Disaster Response; Fort Benning Air Force Command Center; Randolph Southern School; Dry Bank Elementary School; USS *Maryland* SSBN-738 Gold; Dothan Fire Department; Church of Gainesville; Camilla Lawn and Garden; The Mennonites.

Georgia Baptist Convention Relief Organization; United Methodist Church of Centreville and Macon; Emmanuel Baptist Church of James County; Chestnut Grove Baptist Church; Pitts Chapel United Methodist Church of Macon; Plainfield Baptist Church; Turner County Special Services School; United Methodist Mission Volunteers from Tallahassee, Florida, Lee United Methodist Church, Ebenezer UNC, and Macon Methodist Church; Griffin Church; Chapel Wood United Church of Athens; Zion Hill Baptist Church of Atlanta; Antioch Baptist Church of North Atlanta; County Line Church of Macon.

Waukeenah Methodist Church of Cairo; Calvary Baptist Church; First Baptist of Tifton; Beulah Baptist Church of Camilla; First United Methodist Church of Camilla; East Pelham Baptist Church; First Baptist Church of Camilla; First Baptist Church of Eufala, Alabama; Southern Baptist Group of Georgia; Union Baptist Church of Camilla; and First United Methodist Church of Thomasville.●

TRIBUTE TO THE NATIONAL EXCHANGE CLUB'S 89TH ANNIVERSARY

● Mr. GRAMS. Mr. President, I rise today to commend an organization that has given consistently to our communities over the past 89 years. I am proud to honor the National Exchange Club—an organization that can be characterized by the word "service"—as it celebrates the anniversary of its founding.

The National Exchange Club is a volunteer group of men and women dedicated to serving their communities. Founded in 1911 by Charles A. Berkey, the organization has grown from a single group in Detroit, Michigan to nearly 1,000 clubs and 33,000 members throughout the United States and Puerto Rico. in my home state of Minnesota, there are more than 20 clubs committed to making our state and nation a better place to live.

In keeping with its rich history of helping others, the Exchange Club has established Child Abuse Prevention as its national project. By utilizing a wide array of educational programs, local clubs work to create public awareness of child abuse and develop relationships with parents to counter abuse. This program has helped more than 140,000 children since 1979.

Exchange members participate in a variety of other services, such as Youth Programs and Americanism. The Exchange Club's variety of youth programs encourage and recognize students who display good citizenship, community involvement, and scholastic achievement, and serve as volunteers. Clearly, its efforts are shaping the citizens of the future. Exchange's Americanism efforts spread pride in our nation and work to foster an awareness of the wonderful freedoms with which our country is blessed.

The numerous other community service activities the National Exchange Club undertakes are focused on helping the largest number of citizens as possible in their respective communities. All individuals in a community benefit from the club's crime and fire prevention efforts, its Book of Golden Deeds Award, and the Service to Seniors program.

For 89 years, the volunteers of the National Exchange Club have dedicated themselves to the betterment of our communities. I applaud them on their achievements and wish them a prosperous future.●

TRIBUTE TO MR. THOMAS BRASHER UPON HIS RETIREMENT FROM THE U.S. POSTAL INSPECTION SERVICE

● Mr. BREAUX. Mr. President, I rise to pay tribute to Thomas D. Brasher, a native of my home state of Louisiana, who will be retiring at month's end after a thirty-five-year career in law enforcement, including thirty years as a postal inspector with the U.S. Postal Inspection Service. At the time of his retirement, he will be sixth in seniority among the nation's 2,115 postal inspectors. Although a native of Alexandria, Louisiana, Mr. Brasher has worked with the U.S. Postal Inspection Service in California.

Tom Brasher began his law enforcement career in Lafayette, Louisiana, in 1964, when he joined that city's auxiliary police force while attending the University of Southwestern Louisiana. He became a regular officer in 1965 and worked in patrol. He joined the Louisiana State Police in 1966, where he worked until 1970 when he was recruited by the Postal Inspection Service.

Mr. Brasher's Inspection Service career was in the San Francisco Division, now the Northern California Division. Except for a four-year stint in San Francisco, he worked his entire career in San Jose. Mr. Brasher was primarily involved in investigating external crimes and was the first External Crimes Prevention Specialist for the division. He covered all of seven states and the Pacific Islands in that assignment. He also had assignments in child pornography, embezzlements, and the monitoring of the design and construction of post offices. He also served as an ad-hoc EEO counselor for a four-division area. His last assignments have been on the San Jose External Crimes Team, the San Francisco Bay Area Violent Crimes Team, the Northern

California Workplace Violence Team and a detail to the Postal Service's robbery task force.

While Mr. Brasher will retire, his wife, Gay Ann, an award-winning school teacher in San Jose, will continue her teaching career. Together they will continue their travels, which so far have taken them to 94 countries around the world.

I know I speak for my Senate colleagues when I wish Tom and Gay Ann Brasher all the best in this new phase of their lives and thank him for thirty years of distinguished service to the United States of America.•

LOUISIANA BUSINESS LEADER BILL RAINEY TO RETIRE

Mr. BREAUX. Mr. President, I rise today to honor longtime Baton Rouge business and community leader Bill Rainey, site manager of ExxonMobil's Baton Rouge Chemical Plant. Bill is retiring at the end of this month after a 33-year Exxon career that began at the company's Baton Rouge Refinery in 1966.

Those of us in government who spent parts of our careers in Baton Rouge recognize Bill Rainey as one of the most tireless community leaders and effective problem solvers in the Louisiana capital. Bill's leadership in the community and direction of ExxonMobil's philanthropic works will be hard to replace and the company's more than 4,000 employees in Baton Rouge will miss his steady hand on the ExxonMobil rudder.

A native of Auburn, Alabama, Bill earned a bachelor's degree in chemical engineering from Auburn University in 1966 before embarking on his Exxon career. He left Baton Rouge in 1973 for a three-year stint in Exxon USA's Houston headquarters but returned to the Refinery in 1976 to accept the first of many management positions in Baton Rouge. In 1985, he became manager of the Exxon Research and Development Laboratories (ERDL) in Baton Rouge before returning to the Refinery as mechanical manager in 1988.

Like many of Exxon's top performers around the world, he was called to Valdez, Alaska in 1989 where he served as operations manager for Exxon's oil spill recovery and cleanup operations. In 1992, he was named manager of the Baton Rouge Refinery, where he served with distinction until moving up Scenic Highway to the adjacent Baton Rouge Chemical Plant as site manager in 1996.

While moving up the ranks to ExxonMobil's two top positions in Baton Rouge, Bill also moved up the ranks in almost every industry and charitable organization in which he was involved. He is a member of the board of directors and the executive committee of the Louisiana Chemical Association and has served with distinction as chairman of the board of directors of the Louisiana Chemical Industry Alliance since 1996. While refinery manager he served on the board of directors of the Louisiana MidContinent Oil and Gas Association and provided outstanding leadership to that organization's initiatives and responses to various legislative proposals over the years.

One of the organizations that will miss Bill the most is the Capital Area United Way, which he served as board chair in 1996–97. ExxonMobil's annual combined corporate and employee and annuitant contribution of more than $1 million makes it the largest United Way supporter in the state and says volumes about his leadership of that essential and worthwhile effort.

Bill also serves currently as a member of the board of directors of the Greater Baton Rouge Chamber of Commerce and the Partnership for Excellence Board of LSU's E.J. Ourso College of Business Administration and as co-chair of Community Action for Children.

Among Bill's many awards are the 1998 Alumni Recognition Award for Community Services from the LSU School of Social Work and the 1998 Volunteer CEO of the Year Award from the Volunteer Baton Rouge Corporate Volunteer Council.

Probably Bill's most notable accomplishment since arriving in Baton Rouge 33 years ago, though, was discovering his lovely wife, the former Emilie Steffek of Baton Rouge, and with her raising their three sons—Will, 29; Chase, 27; and Kyle, 25—all of whom make their homes in Baton Rouge.

I know that Bill and Emilie will continue to be active in their efforts to help others and I hope to be able to call on Bill from time to time as oil and gas or petrochemical industry issues critical to our state arise.

Bill is a frequent visitor to Washington and I know the entire Louisiana delegation joins me in wishing both him and Emilie a long and happy retirement.

CAPTAIN JERRY BURKE, EVERETT POLICE DEPARTMENT

• Mr. GORTON. Mr. President, throughout Washington state there are thousands of people who volunteer their free time to tutor, mentor, support our teachers and make a difference in their communities and in lives of our children. I would like to take this opportunity to recognize an outstanding volunteer, Captain Jerry Burke of the Everett Police Department who has passed his love of the theater onto a group of elementary students at Madison Elementary in Everett. For his efforts, I am proud to award him with my "Innovation in Education" Awards.

Captain Burke participates in a program in which members of the Police Command Staff adopt an elementary school in the Everett School District. While it is no surprise to see a police officer donating his or her time to a local school, Captain Burke is teaching something a little out of the ordinary for a cop who used to go undercover to bust drug dealers—he teaches a drama class.

When Captain Burke first approached principal Joyce Stewart, she was intrigued by his Fine Arts Degree in Designing for the Theater and his experience teaching theater arts prior to entering law enforcement. Furthermore, she was already interested in creating a drama program to expose interested students to the fine arts. Though he had no prior experience in creating such a program, or in teaching drama to elementary school students, Captain Burke agreed to take on the challenge.

This program has been a tremendous success. Captain Burke and the school created a drama club open to fourth and fifth graders that meets after school one day a week. The program continues to grow and approximately 35 students are now participating. The program combines lectures with creative drama games that emphasize communication, visualization, creativity, and improvisation. More importantly, the students enjoy the club and Captain Burke. Fourth grader Shawn Cook said, "Police officers are always supposed to be tough. Mr. Burke is funny and tough."

This spring's club is limited to 10 weeks since Captain Burke is attending the FBI academy in April, but he and Ms. Stewart are already considering options for spring of 2001 that would create a second creative drama class of third and fourth graders. The more experienced fifth grade students from this year's club are planning to put on the school's first ever dramatic production. Clearly, Captain Burke has made a significant contribution to the lives of these students and given them an interest that will last throughout their life.

One remarkable aspect of this program is that it demonstrates the importance of community involvement in our local schools. From this program, students will not only have an appreciation for the fine arts, but the will also have an appreciation for police officers and have a greater sense of community. I applaud the work of Captain Burke and wish his students the best of luck in producing their first play. Thank you to Captain Burke, and to all the members of the Everett Police Command staff for your contributions to local elementary schools.•

PALADIN DATA SYSTEMS SUPPORT OF THE WEST SOUND CONSORTIUM

• Mr. GORTON. Mr. President, when I travel across Washington state, one of the first topics I hear about from local businesses and high-tech companies is their need for people with high-tech skills. A Poulsbo company, Paladin Data, has taken their efforts to find skilled employees to a new level by donating its time and resources to train teachers in some of Washington state's public schools. For its commitment to working with teachers, improving student learning and expanding their skills, I am pleased to present Paladin Data with one of my "Innovation in Education" Awards.

Several years ago, seven school districts in Kitsap, Mason, and Pierce Counties developed the West Sound School-to-Career Consortium which provides approximately 14,000 students with high-tech classes. This year Paladin Data will begin its first year of a three-year project that provides high-tech training to teachers involved with the West Sound School-to-Career program. Paladin Data is also contributing $50,000 in matching funds to a state grant of $100,000 to provide needed curriculum materials and onsite teacher training in either a Paladin facility in Poulsbo or at a designated school district site. Moreover, each school district will determine what training their teachers will received based on the needs of their district and their students.

Paladin is giving our teachers more information and skills that they can take back to their classrooms and shows teachers what skills employers are looking for in perspective employees, giving their students a leg up on the competition. Paladin's involvement is not only improving the education of our students, but also giving them an accurate picture of what skills they need well-before they enter the job market.

The Washington Software Alliance reports that over 64,000 computer-related jobs are currently unfilled in the State of Washington—all for lack of properly trained workers. I find it encouraging to see companies like Paladin Data, that are contributing to our booming economy, are taking an active role in ensuring the quality education of our children. I am proud to acknowledge Paladin Data Systems Corporation's commitment to education and I look forward to hearing about more companies making a contribution to our children's future.•

HONORING DR. WAYNE S. KNUTSON

• Mr. JOHNSON. Mr. President, I rise today to recognize Dr. Wayne S. Knutson, of Vermillion, South Dakota, a distinguished member of the arts community. On December 11, 1999, the University of South Dakota renamed Theatre I of the Warren M. Lee Center for the Fine Arts in Dr. Knutson's honor. This is an honor he richly deserves.

Dr. Knutson has had a distinguished career as an educator, artist, and administrator at the University of South Dakota and in the state arts community over the past fifty years. His tenure at USD began in 1952 as Professor of Speech and Dramatic Art and Director of University Theatre. Subsequently, he has also held the positions of Professor and Chair of the Department of English (1966–1971), Dean and Professor of Fine Arts (1972–1980), Vice-President for Academic Affairs and Professor of Fine Arts (1980–1982), and Professor of English and Theatre (1982–1986). In 1987, Dr. Knutson was appointed by the South Dakota Board of Regents as the first University Distinguished Professor.

As a member of the arts community, he has also served on the Literature Panel of the National Endowment for the Arts (1975–1977) and as chairperson of both the South Dakota Arts Council (1971–1978) and the South Dakota Humanities Council (1989–1991).

Dr. Knutson's honors include a Distinguished Service Award from the Speech Communication Association of South Dakota, the Governor's Award for Distinction in the Arts, the Burlington-Northern Faculty Achievement Award, a South Dakota Arts Council Senior Fellowship for Play Direction, and an award for Outstanding Achievement in the Humanities from the South Dakota Humanities Council.

In addition to his instrumental work as a professor and an actively involved member of the arts community, Dr. Knutson is also an accomplished author, director, and playwright. He wrote "The Dakota Descendants of Ola Rue" and "Dream Valley", as well as a number of articles on theatre for Dramatics magazine and a short history of the University of South Dakota. He has directed over sixty-five plays and musicals for USD, the Black Hills Playhouse, Pierre Players, Lewis and Clark Theatre, and the Group Theatre of Rapid City. He has also written ten plays and opera librettos, one of which was aired on Voice of America.

Mr. President, Dr. Knutson has a immensely enriched life in South Dakota and the honor of having Theatre I at USD renamed the "Wayne S. Knutson" is one he highly deserves. He has been an extraordinary pioneer and supporter of the arts. He is a man of great scholarship and knowledge, and will continue to shape the arts community for years to come. It is an honor for me to share the accomplishments of Dr. Wayne S. Knutson with my colleagues and to publicly commend him on his talent and commitment to the arts and education.•

HONORING BRIANNE COX AND GIRL SCOUT TROOP 290

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Girl Scout Troop 290 of Yankton, South Dakota.

The girls of Troop 290 have worked especially hard this last year, donating their time and energy to the community. Their wonderful efforts to enhance the lives of many unfortunate South Dakotans at Christmas and Thanksgiving, to assist the community's elderly, to aid impoverished people in Haiti, and to undertake many other key projects has had a very important positive impact in the world around them.

Sadly, on November 24, 1999, Brianne Cox, a member of Troop 290, was killed in a tragic accident. She was active not only in Scouts, but enjoyed soccer, softball, dance, violin, trumpet, cross country, basketball, and many other activities. This young lady had a wonderful spirit that touched everyone who knew her.

In her name, the Troop 290 scouts have undertaken a very special project. These wonderful girls want to keep Brianne's memory alive and stay close to her family. To this end, they hold a fundraiser every summer to raise money for the 'Brianne Cox Memorial Fund'. This effort, in the name of a special girl, will designate funds to other middle school students who wish to participate in the many activities Brianne enjoyed, and who otherwise could not afford it.

Mr. President, these girls are true examples of charity and goodness. Their work to elevate the spirit of their hometown is inspiration in itself, but added to their work to keep Brianne Cox's memory alive, is truly extraordinary. I am pleased to be able to share their story with my colleagues and to be able to publicly commend their work.•

THE SAGINAW COUNTY COMMISSION ON AGING HONORS MS. HAZEL WILSON

• Mr. ABRAHAM. Mr. President, on March 31, 2000, the Saginaw County Commission on Aging will hold a luncheon honoring four women who have selflessly dedicated a significant amount of their time and their energy to improving the community of Saginaw, Michigan. Their tremendous efforts over the years have not only touched a great many lives, they have truly changed lives, whether by providing those in need with food and clothing, saving seniors hundreds of dollars in medical insurance payments, mentoring elementary school students, or helping people to understand and accept a culture different from their own. Thus, I rise today on behalf not only of myself, but also of the entire Saginaw County, Michigan, community, to sincerely thank Ms. Hazel Wilson, Ms. Mary Flannery, Ms. Sue Kaltenbach, and Ms. Yoko Mossner for their incredible efforts.

Ms. Hazel Wilson has been a Saginaw community leader for more than thirty years. Her charitable endeavors include working for the Family Indepence Agency in the 1960s, counseling laid-off auto workers for the UAW–GM Human Resource Center in the late eighties, serving on the Board of Trustees for the Saginaw Public Schools, and also serving on the Board of Directors for the Saginaw Voluntary Action Center. For the last ten years, she has been employed by the Saginaw County Community Mental Health Authority as a Prevention Coordinator.

Ms. Wilson demonstrated her outstanding leadership capabilities, and indelibly left her mark on the Saginaw community, when in the early 1970s she established the Good Neighbors Mission. Ms. Wilson's original goal in establishing this organization was to provide needy families with food and clothing. But because of her dedication the Good Neighbors Mission has continually grown, to the point where today it stands as a community resource center, a hub of activity, and, I am told, a virtual clearinghouse, where people can find help fulfilling much more than just their food and clothing needs.

Aside from working as a Prevention Coordinator, Ms. Wilson is also currently a member of the Zion Baptist Church, Zeta Phi Beta sorority, the Michigan T.A.G. Workgroup, and the Michigan Prevention Association. I take great pride in recognizing community-oriented constituents like Ms. Wilson, and I applaud the Saginaw County Commission on Aging for ensuring that her efforts are not overlooked. On behalf of the United States Senate, I extend gratitude to Ms. Wilson for her dedication and work for her community.•

THE SAGINAW COUNTY COMMISSION ON AGING HONORS MS. MARY FLANNERY

• Mr. ABRAHAM. Mr. President, on March 31, 2000, the Saginaw County Commission on Aging will hold a luncheon honoring four women who have selflessly dedicated a significant amount of their time and their energy to improving the community of Saginaw, Michigan. Their tremendous efforts over the years have not only touched a great many lives, they have truly changed lives, whether by providing those in need with food and clothing, saving seniors hundreds of dollars in medical insurance payments, mentoring elementary school students, or helping people to understand and accept a culture different from their own. Thus, I rise today on behalf not only of myself, but also of the entire Saginaw County, Michigan, community, to sincerely thank Ms. Hazel Wilson, Ms. Mary Flannery, Ms. Sue Kaltenbach, and Ms. Yoko Mossner for their incredible efforts.

Ms. Mary Flannery has been a resident of Saginaw, Michigan, long enough to remember that an ice cream cone once cost a mere three cents there. For many years, she was an employee of the Family Independence Agency. Fortunately for the citizens of Saginaw, no one has reminded Ms. Flannery that she has in fact retired from her position there. She remains a regular fixture at local hospitals and nursing homes, and also continues to volunteer her time at the Commission on Aging.

At the Commission on Aging, she shares the knowledge and skills she collected while working at the Family Independence Agency, assisting seniors who have questions related to Medicare, Medicaid, and general health insurance. I am told that Ms. Flannery's expertise, and her willingness to venture beyond the call of duty, have saved Saginaw's seniors thousands of dollars they may have spent on duplicated medical bills or services. I guess when one has lived their life aiding individuals in need, even retirement cannot prevent them from continuing to do so.

Mr. President, on behalf of the entire United States Senate, I take pride in extending gratitude to Ms. Mary Flannery for her dedication to making the lives of others better. She is truly a role model for us all.•

THE SAGINAW COUNTY COMMISSION ON AGING HONORS MS. SUE KALTENBACH

• Mr. ABRAHAM. Mr. President, on March 31, 2000, the Saginaw County Commission on Aging will hold a luncheon honoring four women who have selflessly dedicated a significant amount of their time and their energy to improving the community of Saginaw, Michigan. Their tremendous efforts over the years have not only touched a great many lives, they have truly changed lives, whether by providing those in need with food and clothing, saving seniors hundreds of dollars in medical insurance payments, mentoring elementary school students, or helping people to understand and accept a culture different from their own. Thus, I rise today on behalf not only of myself, but also of the entire Saginaw County, Michigan, community, to sincerely thank Ms. Hazel Wilson, Ms. Mary Flannery, Ms. Sue Kaltenbach, and Ms. Yoko Mossner for their incredible efforts.

Ms. Sue Kaltenbach has been a resident of Saginaw County for thirty-seven years. During this time, she has served the Saginaw Township Community School Board in many ways: as president, vice president, secretary and treasurer. She was also once president of the Saginaw County School Board Association, a vice president of the Assistance League of Saginaw, president of the Saginaw County Lawyer's Auxiliary. In addition, Ms. Kaltenbach served the Junior League of Saginaw Valley as a corresponding secretary and the Street Smarts Investment Club as recorder.

Ms. Kaltenbach has been a mentor at Coulter Elementary School since 1996, as part of the H.O.S.T.S. program. She participates on the Election Scheduling Committee for Saginaw County, and is involved with numerous educational programs dealing with art, literature, drug abuse prevention and law related education. She is also chairperson of Family in Action, a former member of the Christian Service Commission and the Paris Council and a member at St. Stephen's Church.

Perhaps the most remarkable thing about Ms. Kaltenbach is that she has managed to do all of this while placing her primary focus upon raising her own three children. Mr. President, on behalf of the entire United States Senate, I applaud Ms. Sue Kaltenbach for her outstanding contributions to her community.•

THE SAGINAW COMMISSION ON AGING HONORS MS. YOKO MOSSNER

• Mr. ABRAHAM. Mr. President, on March 31, 2000, the Saginaw County Commission on Aging will hold a luncheon honoring four women who have selflessly dedicated a significant amount of their time and their energy to improving the community of Saginaw, Michigan. Their tremendous efforts over the years have not only touched a great many lives, they have truly changed lives, whether by providing those in need with food and clothing, saving seniors hundreds of dollars in medical insurance payments, mentoring elementary school students, or helping people to understand and accept a culture different from their own. Thus, I rise today on behalf not only of myself, but also of the entire Saginaw County, Michigan, community, to sincerely thank Ms. Hazel Wilson, Ms. Mary Flannery, Ms. Sue Kaltenbach, and Ms. Yoko Mossner for their incredible efforts.

During the forty-three years that she has lived in Saginaw County, Ms. Yoko Mossner has become involved with numerous organizations. She served as president and treasurer of People to People Chapter Seven, was a member of the Board of Trustees of People to People International, and has also held various leadership roles in the Saginaw's Culture Club, the Women's National Farm and Garden Association, the Saginaw County Lawyers' Auxiliary, and the Valparaiso University Guild. She is a former member of the Saginaw Zonta Club, and is currently a member of the Good Shepherd Lutheran Church.

More importantly, Ms. Mossner has played a leading role in finding Japanese culture a place in Saginaw County. For the last six years, she has served as volunteer director for the Japanese Cultural Center and Tea House, a project that was made possible by her efforts as a member of the Board of Trustees of the Saginaw County Building Fund Committee. She also serves as Special Envoy and Liaison Officer from Saginaw to its Sister City, Tokushima, Japan. Undoubtedly, her efforts in this regard have played a significant role in expanding the cultural awareness of an entire community.

Perhaps the most remarkable thing about Ms. Mossner is that she has managed to do all of this while placing her primary focus upon raising her own three children. Mr. President, on behalf of the entire United States Senate, I applaud Ms. Mossner for her dedication to expanding the cultural knowledge in Michigan. I am sure that the effects of her work are immeasurable.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 96

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 27, 2000.*

SEMIANNUAL REPORT ON PAYMENTS TO CUBA WITH RESPECT TO TELECOMMUNICATIONS SERVICES—MESSAGE FROM THE PRESIDENT—PM 97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report "detailing payments made to Cuba . . . as a result of the provision of telecommunications services" pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 27, 2000.*

MESSAGE FROM THE HOUSE

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 290. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005; to the Committee on the Budget.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2284. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2285. A bill instituting a Federal fuels tax holiday.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2366. An act to provide small business certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8146. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on the Revision of Proposed Section 987 Regulations" (Notice 2000–20) (OGI–116999–99), received March 21, 2000; to the Committee on Finance.

EC–8147. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled "Customs Automation Modernization Act of 2000"; to the Committee on Finance.

EC–8148. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to Customs Forms" (T.D. 00–12), received March 23, 2000; to the Committee on Finance.

EC–8149. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2000–13), received March 22, 2000; to the Committee on Finance.

EC–8150. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Treatment of Cafeteria Plans" (RIN 1545–AX58), received March 23, 2000; to the Committee on Finance.

EC–8151. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "Medicare Modernization Act of 2000"; to the Committee on Finance.

EC–8152. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting a draft of proposed legislation entitled "Melrose Range and Yakima Training Center Transfer Act"; to the Committee on Energy and Natural Resources.

EC–8153. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Addition of Gamma-Hydroxbutyric Acid to Schedule I" (DEA–200F), received March 23, 2000; to the Committee on the Judiciary.

EC–8154. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Backup Power Sources for DOE Facilities" (DOE–STD 3003–2000), received March 23, 2000; to the Committee on Energy and Natural Resources.

EC–8155. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "The DOE Corporate Lessons Learned Program" (DOE–STD 7501–99), received March 23, 2000; to the Committee on Energy and Natural Resources.

EC–8156. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Internal Dosimetry" (DOE–STD 1121–98), received March 23, 2000; to the Committee on Energy and Natural Resources.

EC–8157. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–8158. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received March 21, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8159. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8160. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Nonimmigrant classes; Irish Peace Process Cultural and Training Program", received March 16, 2000; to the Committee on Foreign Relations.

EC–8161. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration Delegation of Authority to Medocino County Air Pollution Control District to Administer Permits Issued by EPA" (FRL # 6561–8), received March 16, 2000; to the Committee on Environment and Public Works.

EC–8162. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Guidance Regarding Re-Certification Under the Urban Bus Rebuild Program"; to the Committee on Environment and Public Works.

EC–8163. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL # 6563–9), received March 21, 2000; to the Committee on Environment and Public Works.

EC–8164. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Revisions to Ventura County APCD, Monterey Bay Unified APCD and Santa Barbara County APCD" (FRL # 6563–3), received February 8, 2000; to the Committee on Environment and Public Works.

EC–8165. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Municipal Solid Waste Landfills State Plan for Designated Facilities and Pollutants; Idaho" (FRL # 6566–2), received March 23, 2000; to the Committee on Environment and Public Works.

EC–8166. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Indiana; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills" (FRL # 6566–7), received March 23, 2000; to the Committee on Environment and Public Works.

EC–8167. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Required State Implementation Plan for Carbon Monoxide; Fairbanks, Alaska" (FRL # 6566–5), received March 23, 2000; to the Committee on Environment and Public Works.

EC–8168. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Required State Implementation Plan for Carbon Monoxide; Spokane, Washington" (FRL # 6566–9), received March 23, 2000; to the Committee on Environment and Public Works.

EC–8169. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oklahoma; Final Authorization of State Hazardous Waste Management Program Revisions" (FRL # 6565–4), received March 23, 2000; to the Committee on Environment and Public Works.

EC–8170. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "West Virginia: Final Determination of Partial Program Adequacy of the State's Municipal Solid Waste Landfill Permitting Program" (FRL # 6565–6), received March 23, 2000; to the Committee on Environment and Public Works.

EC–8171. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Preparation Guide for U.S. Department of Energy Nonreactor Nuclear Facility Safety Analysis Reports" (DOE STD 3009–94), received March 23, 2000; to the Committee on Energy and Natural Resources.

EC–8172. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Critical Habitat for 19 Evolutionary Significant Units of Salmon and Steelhead in Washington, Oregon, Idaho and California" (RIN0648–AG49), received March 20, 2000; to the Committee on Environment and Public Works.

EC–8173. A communication from the Under Secretary of Defense, Comptroller reporting a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–8174. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Kirtland Air Force Base, NM; to the Committee on Armed Services.

EC–8175. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to the DoD Chemical and Biological Defense Program, dated February 2000; to the Committee on Armed Services.

EC–8176. A communication from the Program Manager, Pentagon Renovation Program, Department of Defense transmitting, pursuant to law, a report relative to the renovation of the Pentagon Reservation; to the Committee on Armed Services.

EC–8177. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to TRICARE Managed Care Support Contractors; to the Committee on Armed Services.

EC–8178. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–264, "School Proximity Traffic Calming Act of 2000"; to the Committee on Governmental Affairs.

EC–8179. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–265, "Child Helmet Safety Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8180. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–266, "District of Columbia Uniform Disposition of Unclaimed Property Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8181. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–267, "Underground Facilities Protection Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8182. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–268, "Litter Control Administration Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–8183. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–271, "Compensating-Use Tax Act of 2000"; to the Committee on Governmental Affairs.

EC–8184. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–270, "Bread for the City & Zacchaeus Free Clinic Equitable Real Property Tax Relief Act of 2000"; to the Committee on Governmental Affairs.

EC–8185. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–272, "Victory Memorial Baptist Church Equitable Real Property Tax Relief Act of 2000"; to the Committee on Governmental Affairs.

EC–8186. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–273, "Muhammad Mosque No. 4 Equitable Real Property Tax Relief Act of 2000"; to the Committee on Governmental Affairs.

EC-8187. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-287, "Long-Term Care Insurance Act of 2000"; to the Committee on Governmental Affairs.

EC-8188. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-295, "School Governance Charter Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-8189. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-291, "Tax Conformity Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC-8190. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-288, "Medicare Supplement Insurance Minimum Standards Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-8191. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-289, "Recreation Volunteer Background Check and Screening Act of 2000"; to the Committee on Governmental Affairs.

EC-8192. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-290, "Closing of Public Alley in Square 6159, S.O. 98-125 Act of 2000"; to the Committee on Governmental Affairs.

EC-8193. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-269, "University of the District of Columbia Board of Trustees Residency Requirement Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-8194. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Changes in Reporting Requirements" (Docket Number FV00-989-1 FR), received March 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8195. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Relaxation of Container and Pack Requirements" (Docket Number FV00-915-1 FIR), received March 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8196. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Docket Number FV00-916-1 IFR), received March 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8197. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dichlormid: Time-Limited Pesticide Tolerance" (FRL # 6498-7), received March 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8198. A communication from the Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission and Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled "Joint FCC/FTC Policy Statement for the Advertising of Dial-Around and Other Long-Distance Services to Consumers" (File No. 00-EB-TCD-1[PS], FCC 00-72), received March 22, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 671) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes (Rept. No. 106-249).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 1374: A bill to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building."

H.R. 3189: A bill to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office."

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

Herschelle S. Challenor, of Georgia, to be a Member of the National Security Education Board for a term of four years. (Reappointment)

Rudy deLeon, of California, to be Deputy Secretary of Defense.

Douglas A. Dworkin, of Maryland, to be General Counsel of the Department of Defense.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself, Mr. Edwards, Mr. Helms, Mr. Murkowski, and Mrs. Hutchison):

S. 2293. A bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 2294. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 2295. A bill to provide for the liquidation or reliquidation of certain entries of copper and brass sheet and strip; to the Committee on Finance.

By Mr. CRAPO:

S. 2296. A bill to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself, Mr. Reid, Mr. Smith of New Hampshire, and Mr. Baucus):

S. 2297. A bill to reauthorize the Water Resources Research Act of 1984; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. Reed, and Mr. Leahy):

S. 2298. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program; to the Committee on Finance.

By Mr. L. CHAFEE (for himself and Ms. Snowe):

S. 2299. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 2294. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

ROSIE THE RIVETER-WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ACT

Mrs. FEINSTEIN. Mr. President, I am proud to introduce this bill today to establish the Rosie the Riveter/World War II Home Front National Historic Park. This park will be constructed on the former site of Richmond Kaiser Shipyard #2 which produced WWII ships at the site of the present-day Marina Park in Richmond California.

The Home Front industrial buildup in Richmond, California and across America to strengthen U.S. military capability and eventually win World War II started in early 1941 with the Lend Lease Program. Employment at the Richmond Shipyards peaked at 90,000 and forced an unprecedented integration of workers into the nation's work force.

"Rosie the Riveter" was a term coined to help recruit female civilian workers and came to symbolize a workforce mobilized to fill the gap created by working men who left their jobs for active military duty. Nationwide, six million women entered the WWII Home Front workforce, which also provided unprecedented opportunities for minorities.

I am proud to offer this legislation to commemorate these invaluable contributions to the U.S. victory in World War II, and I urge my colleagues to support this bill.

By Mr. CRAPO:

S. 2296. A bill to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities; to the Committee on Environment and Public Works.

PROJECT SEARCH

Mr. CRAPO. Mr. President, I rise today to introduce legislation to authorize a national environmental grants program for small communities called Project SEARCH.

The national Project SEARCH (Special Environmental Assistance for the Regulation of Communities and Habitat) concept is based on a demonstration program that has been operating with great success in Idaho in 1999 and 2000. In short, the bill establishes a simplified application process for communities of under 2,500 individuals to receive assistance in meeting a broad array of federal, state, or local environmental regulations. Grants would be available for initial feasibility studies, to address unanticipated costs arising during the course of a project, or when a community has been turned down or underfunded by traditional sources. The grant program would require no match from the recipients.

Some of the major highlights of the program are:

A simplified application process—no special grants coordinators required;

No unsolicited bureaucratic intrusions into the decision-making process;

Communities must first have attempted to receive funds from traditional sources;

It is open to studies or projects involving any environmental regulation;

Applications are reviewed and approved by citizens panel of volunteers;

The panel chooses number of recipients and size of grants;

The panel consists of volunteers representing all regions of the state; and

No local match is required to receive the SEARCH funds.

Over the past several years, it has become increasing apparent that small communities are having problems complying with environmental rules and regulations due primarily to lack of funding, not a willingness to do so. They, like all of us, want clean water and air and a healthy natural environment. Sometimes, they simply cannot shoulder the financial burden with their limited resources.

In addition, small communities wishing to pursue unique collaborative efforts might be discouraged by grant administrators who prefer conformity. Some run into unexpected costs during a project and have borrowed and bonded to the maximum. Others are in critical habitat locations and any project may have additional costs, which may not be recognized by traditional financial sources. Still others just need help for the initial environmental feasibility study so they can identify the most effective path forward.

With these needs in mind, in 1998, I was able to secure $1.3 million through the Environmental Protection Agency (EPA) for a demonstration grant program for Idaho's small communities. Idaho's program does not replace other funding sources, but serves as a final resort when all other means have been exhausted.

The application process was simplified so that any small town mayor, county commissioner, sewer district chairman, or community leader could manage it without hiring a professional grant writer. An independent citizens committee with statewide representation was established to make the selections and get the funds on the ground as quickly as possible. No bureaucratic or political intrusions were permitted.

Although the EPA subsequently insisted that grants be limited to water and wastewater projects, forty-four communities in Idaho ultimately applied, not including two that failed to meet the eligibility requirements. Ultimately, twenty-one communities were awarded grants in several categories, and ranged in size from $9,000 to $319,000. A Native American community, a migrant community, and several innovative collaborative efforts were included in the successful applicants. The communities that were not selected are being given assistance in exploring other funding sources and other advice.

The response and feedback from all participants has been overwhelming positive. Environmental officials from the state and EPA who witnessed the process have stated that the process worked well and was able to accomplish much on a volunteer basis. There was even extraordinary appreciation from other funding agencies because some communities they were not able to reach were provided funds for feasibility studies. The only negative comments were from those who wished that the EPA had not limited the program to water and wastewater projects.

The conclusion of all participants was that Project SEARCH is a program worthy of being expanded nationally. So many small communities in so many states can benefit from a program that assists underserved and often overlooked communities. This legislation provides us the opportunity to help small communities throughout the United States.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 2298. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the Medicare Program; to the Committee on Finance.

THE HOMEBOUND CLARIFICATION ACT

• Mr. JEFFORDS. Mr. President, I am here today to introduce the Homebound Clarification Act of 2000. This important bill has been crafted to protect Medicare beneficiaries from a growing problem that is impeding access to vital home care services. I want to recognize my cosponsors, Senator REED of Rhode Island and Senator LEAHY, for their continued effort and dedication to protecting access to home health care.

Federally funded home health care is an often quiet but invaluable part of life for America's seniors. Medical treatment can often mean being subjected to a strange and unfamiliar environment. For our nation's elderly, who may have special needs, this inconvenience can be more severe and detrimental to successful recovery. Home health care means that people recovering from surgery can go home sooner—it means that someone recovering from an accident can get physical therapy in their home, it means our seniors can stay at home, and out of nursing homes.

The sooner you can return patients to their homes, the sooner they can recover. The familiar environment of the home, family, and friends is more nurturing to recovering patients than the often stressful and unfamiliar surroundings of a hospital. Home health is also a great avenue for education. It empowers families to assist in the care of their loved ones. It is smart policy from human and financial standpoints.

But there are some seniors who are being denied access to this smart policy. An individual must be considered "homebound" to qualify for Medicare reimbursement for home health. Though an individual is not required to be bed-ridden, the condition of the individual should include "a normal inability to leave the home." Under the current definition, an individual is "homebound" if "leaving the home requires a considerable and taxing effort by the individual, and that absences of the individual from home are infrequent and of short duration, or are attributable to the need to receive medical treatment." The definition allows for "infrequent" or "short duration," recognizing that short excursions may be a part of a successful recovery process, but leaves it up to fiscal intermediaries to interpret exactly what number is frequent and how short an absence must be. Interpretation of this definition has varied widely.

Sadly, there is a ready supply of disturbing examples of the overzealous and arbitrary interpretation of the definition. Many seniors have found themselves virtual prisoners in their homes, threatened with loss of coverage if they attend adult day care, weekly religious services, or even visit family members in the hospital. This makes no sense because all of these activities are steps on the road to successful and healthy recovery. Often, health professionals want patients to get outside for fresh air or exercise, as part of their care plan. This helps fight off depression.

Seniors deserve a more consistent standard to depend upon, rather than a completely arbitrary number of absences from the home. In April 1999, Secretary of Health and Human Services Donna Shalala sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While the Administration unfortunately stopped short of taking action themselves, Shalala did propose that a clarification of the definition is needed to improve uniformity of determination.

The Homebound Clarification Act states that eligibility of an individual depends on the condition of the patient, how "taxing" it is for the patient to leave home. It strikes the clause that states: "that absences of the individual from home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment." This is consistent with the intent of Congress and the Administration. This will not open the door to wider coverage of home health, but rather protect coverage for those who need it.

We ask that seniors put their trust in the Medicare program. We are responsible for making sure that the Medicare program lives up to its promise and that home health will be available to those who need it. Once again, I would like to thank my cosponsors, Senators REED and LEAHY for their work. We look forward to working with the rest of Congress to turn this legislation into law.●

By Mr. L. CHAFEE (for himself and Ms. SNOWE):

S. 2299. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000; to the Committee on Finance.

THE MEDICAID DSH PRESERVATION ACT OF 2000

Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senator SNOWE in introducing the Medicaid DSH Preservation Act of 2000. This legislation will freeze Medicaid disproportionate share hospital (DSH) reductions at Fiscal Year 2000 levels, thereby mitigating the forthcoming reductions in Fiscal Years 2001 and 2002. This bill will also provide a growth rate adjustment to help compensate for the increases in the cost of providing care to the most needy and indigent patients.

In addition to the Medicare payment reductions in the Balanced Budget Act of 1997 (BBA), federal payments to the Medicaid DSH program were also reduced by $10.4 billion over 5 years, with these reductions being absorbed by States and our Nation's vulnerable safety net hospitals. Medicaid DSH payments help reimburse hospitals' costs of treating Medicaid patients, particularly those with complex medical needs. These payments also make it possible for communities to care for the uninsured—a population that is projected to increase considerably during the next few years.

The impact of these financial pressures was not fully anticipated at the time the BBA was enacted. Other financial pressures such as declining Medicaid enrollment have had a significant impact on these safety net hospitals, thereby adding to the rapidly rising number of Americans without health insurance. At a time when our Nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing much-needed Medicaid DSH payments to our nation's safety net hospitals.

Hospitals in Rhode Island will absorb $400 million in reductions as a result of changes made to the Medicare and Medicaid programs in the BBA. Ten out of fourteen hospitals in my State had operating losses in 1999. After the BBA was enacted, it was predicted that cuts in federal Medicare and Medicaid payments would cost hospitals in Rhode Island $220 million over 5 years; however, this estimate has proven to be about $180 million off the mark. Every other State is experiencing similar problems. Since the BBA was signed into law, the American Hospital Association commissioned a study by the Lewin Group, which estimated that there would be $71 billion less paid to hospitals nationwide over 5 years. The original estimate of the impact of the BBA was $18 billion. While the Balanced Budget Refinement Act of 1999 provided some relief to our Nation's financially strapped hospitals, that relief was targeted to the Medicare program. Clearly, more needs to be done to keep our vulnerable safety net hospitals from continuing on this downward spiral.

This legislation we are introducing today represents a commonsense compromise that will help prevent the further erosion of our Nation's safety net hospitals and the long-term viability of our country's health care system.

I urge my colleagues to join me in supporting this important legislation and I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid DSH Preservation Act of 2000".

SEC. 2. CONTINUATION OF MEDICAID DSH ALLOTMENTS AT FISCAL YEAR 2000 LEVELS FOR FISCAL YEAR 2001.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)), as amended by section 601 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by section 1000(a)(6) of Public Law 106–113 (113 Stat. 1501A-394), is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "2002" and inserting "2001";

(B) in the matter preceding the table, by striking "2002" and inserting "2001"; and

(C) in the table in such paragraph, by striking the column labeled "FY 02" relating to fiscal year 2002; and

(2) in paragraph (3)—

(A) in the heading, by striking "2003" and inserting "2002"; and

(B) in subparagraph (A), by striking "2003" and inserting "2002".●

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 873

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 873, a bill to close the United States Army School of the Americas.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 931

At the request of Mr. McCONNELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1037

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1037, a bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes.

S. 1180

At the request of Mr. HELMS, his name was withdrawn as a cosponsor of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1858

At the request of Mr. BREAUX, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1858, a bill to revitalize the international competitiveness of the United States-flag maritime industry through tax relief.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2046

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2046, a bill to reauthorize the Next Generation Internet Act, and for other purposes.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Nevada (Mr. REID), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2132

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2132, a bill to create incentives for private sector research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

S. 2215

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2215, a bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934.

S. 2255

At the request of Mr. McCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2277

At the request of Mr. ROTH, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Wyoming (Mr. THOMAS), the Senator from California (Mrs. FEINSTEIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Montana (Mr. BAUCUS), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. GRAMS), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2281

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2281, a bill to name the United States Army missile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan.

S. 2284

At the request of Mr. KENNEDY, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 2284, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Nebraska (Mr. HAGEL), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 253

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 253, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,700,000,000 in fiscal year 2001.

S. RES. 271

At the request of Mr. WELLSTONE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

AMENDMENTS SUBMITTED

CONSTITUTIONAL AMENDMENT PROHIBITING THE DESECRATION OF THE FLAG

McCONNELL (AND OTHERS) AMENDMENT NO. 2889

Mr. McCONNELL (for himself, Mr. BINGAMAN, Mr. BENNETT, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. TORRICELLI, Mr. BYRD, and Mr. LIEBERMAN) proposed the following amendment to the joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment of the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

"(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

"(c) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than 2 years, or both.

"(d) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

"700. Incitement; damage or destruction of property involving the flag of the United States.".

HOLLINGS (AND OTHERS) AMENDMENT NO. 2890

Mr. HOLLINGS (for himself, Mr. SPECTER, and Mr. REID) proposed the following amendment to the joint resolution, S.J. Res. 14, supra; as follows:

On page 2, line 4, strike beginning with "article" through line 10 and insert the following: "articles are proposed as amendments to the Constitution of the United States, either or both of which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of submission for ratification:".

"'Article —

"'SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

"'SECTION 2. A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

"'SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.

"'Article —".

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. GRAMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on March 27, 2000, from 2 p.m.-4:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Theresa Mullin be allowed floor privileges during my speech today.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF FEDERAL WATER POLLUTION CONTROL ACT REPORTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 324, S. 1730.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A bill (S. 1730) to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1730) was read the third time and passed, as follows:

S. 1731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF SUBMISSION OF CERTAIN ENVIRONMENTAL REPORTS.

(a) WATER QUALITY INVENTORY.—Section 305(b) of the Federal Water Pollution Control Act (33 U.S.C. 1315(b)) is amended—

(1) in paragraph (1), by striking "Each" and inserting "Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), each"; and

(2) in paragraph (2), by striking "The" and inserting "Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the".

(b) CLEAN WATER NEEDS SURVEY.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended by striking "The" and inserting "Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the earlier of—

(1) the date of enactment of this Act; or

(2) December 19, 1999.

CONTINUATION OF A CLEAN AIR ACT REPORT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 325, S. 1731.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1731) to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1731) was read the third time and passed, as follows:

S. 1731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF SUBMISSION OF CERTAIN ENVIRONMENTAL REPORTS.

(a) ATMOSPHERIC DEPOSITION TO GREAT WATERS REPORT.—Section 112(m)(5) of the Clean Air Act (42 U.S.C. 7412(m)(5)) is amended by striking "Within" and inserting "Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), within".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the earlier of—

(1) the date of enactment of this Act; or

(2) December 19, 1999.

CONTINUATION OF AN ENDANGERED SPECIES ACT REPORT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 329, S. 1744.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1744) to amend the Endangered Species Act of 1973 to provide certain species conservation reports shall continues to be required to be submitted.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1744) was read the third time and passed, as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF SUBMISSION OF CERTAIN SPECIES CONSERVATION REPORTS.

(a) ANNUAL COST ANALYSIS.—Section 18 of the Endangered Species Act of 1973 (16 U.S.C. 1544) is amended by striking "On" and inserting "Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), on".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the earlier of—

(1) the date of enactment of this Act; or

(2) December 19, 1999.

COMMEMORATING THE 60TH ANNIVERSARY OF THE INTERNATIONAL VISITORS PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, S. Res. 87.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 87) commemorating the 60th Anniversary of the International Visitors Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 87

Whereas the year 2000 marks the 60th Anniversary of the International Visitors Program;

Whereas the International Visitors Program is the public diplomacy initiative of the United States Department of State that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961;

Whereas the purposes of the International Visitors Program include—

(1) increasing mutual understanding and strengthening bilateral relations between the United States and other nations;

(2) developing the web of human connections essential for successful economic and commercial relations, security arrangements, and diplomatic agreements with other nations; and

(3) building cooperation among nations to solve global problems and to achieve a more peaceful world;

Whereas during 6 decades more than 122,000 emerging leaders and specialists from around the world have experienced American democratic institutions, cultural diversity, and core values firsthand as participants in the International Visitors Program;

Whereas thousands of participants in the International Visitors Program rise to influential leadership positions in their countries each year;

Whereas among the International Visitors Program alumni are 185 current and former Chiefs-of-State or Heads of Government, and more than 600 alumni have served as cabinet level ministers;

Whereas prominent alumni of the International Visitors Program include Margaret Thatcher, Anwar Sadat, F.W. de Klerk, Indira Gandhi, and Tony Blair;

Whereas a new configuration of domestic forces has emerged which is shaping global policy and empowering private citizens to an unprecedented degree;

Whereas each year more than 80,000 volunteers affiliated with 97 community-based member organizations and 7 program agency members of the National Council for International Visitors across the United States are actively serving as "citizen diplomats" organizing programs and welcoming International Visitors Program participants into their homes, schools, and workplaces;

Whereas all of the funds appropriated for the International Visitors Program are spent in the United States, and such spending leverages private contributions at a ratio of 1 to 12;

Whereas the International Visitors Program corrects distorted images of the United States, effectively countering misperceptions, underscoring common human aspirations, advancing United States democratic values, and building a foundation for national and economic security;

Whereas the International Visitors Program provides valuable educational opportunities for United States citizens through special "Back to School With International Visitor" programs and events that increase the knowledge of Americans about foreign societies and cultures, and bring attention to international issues crucial to interests of the United States;

Whereas the International Visitors Program offers emerging foreign leaders a unique view of America, highlighting its vibrant private sector, including both businesses and nonprofit organizations, through farm stays, home hospitality, and meetings with their professional counterparts; and

Whereas the International Visitors Program introduces foreign leaders, specialists, and scholars to the American tradition of volunteerism through exposure to the daily work of thousands of "citizen diplomats" who share the best of America with those foreign leaders, specialists, and scholars: Now, therefore, be it

Resolves, That the Senate—

(1) commemorates the 60th Anniversary of the International Visitors Program and the remarkable public-private sector partnership that sustains it; and

(2) commends the achievements of the thousands of volunteers who are part of the National Council for International Visitors "citizen diplomats" who for 6 decades have daily worked to share the best of America with foreign leaders, specialists, and scholars.

EXPRESSING SENSE OF THE SENATE REGARDING U.S. POSITION OF INCREASING WORLD CRUDE OIL SUPPLIES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 444, S. Res. 263.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 263) expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

There being no objection, the Senate proceeded to consider the resolution, which was reported by the Committee on Foreign Relations, with an amendment to strike out all after the resolving clause and insert the part printed in italic, as follows:

S. Res. 263

Whereas the United States currently imports roughly 55 percent of its crude oil;

Whereas ensuring access to and stable prices for imported crude oil for the United States and major allies and trading partners of the United States is a continuing critical objective of United States foreign and economic policy for the foreseeable future;

Whereas the 11 countries that make up the Organization of Petroleum Exporting Countries ("OPEC") produce 40 percent of the world's crude oil and control 77 percent of proven reserves, including much of the spare production capacity;

Whereas beginning in March 1998, OPEC instituted 3 tiers of production cuts, which reduced production by 4,300,000 barrels per day and have resulted in dramatic increases in crude oil prices;

Whereas in August 1999, crude oil prices had reached $21 per barrel and continued rising, exceeding $25 per barrel by the end of 1999 and $27 per barrel during the first week of February 2000;

Whereas crude oil prices in the United States rose $14 per barrel during 1999, the equivalent of 33 cents per gallon;

Whereas the increase has translated into higher prices for gasoline and other refined petroleum products; in the case of gasoline, the increases in crude oil prices have resulted in a penny-for-penny passthrough of increases at the pump;

Whereas increases in the price of crude oil result in increases in prices paid by United States consumers for refined petroleum products, including home heating oil, gasoline, and diesel fuel; and

Whereas increases in the costs of refined petroleum products have a negative effect on many Americans, including the elderly and individuals of low income (whose home heating oil costs have doubled in the last year), families who must pay higher prices at the gas station, farmers (already hurt by low commodity prices, trying to factor increased costs into their budgets in preparation for the growing season), truckers (who face an almost 10-year high in diesel fuel prices), and manufacturers and retailers (who must factor in increased production and transportation costs into the final price of their goods): Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should take both a short-term and a long-term approach to reducing and stabilizing crude oil prices as well as reducing dependence on foreign sources of energy;

(2) to address the problem in the short-term, the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, prior to their scheduled meeting on March 27, 2000, that—

(A) the United States seeks to maintain strong relations with crude oil producers around the world while promoting international efforts to remove barriers to energy trade and investment and increased access for United States energy firms around the world;

(B) the United States believes that restricting supply in a market that is in demand of additional crude oil does serious damage to the efforts that OPEC members have made to demonstrate that they represent a reliable source of crude oil supply;

(C) the United States believes that stable crude oil prices and supplies are essential for strong economic growth throughout the world; and

(D) the United States seeks an immediate increase in the OPEC crude oil production quotas and not simply an agreement at the March 27, 2000, meeting to lift production quotas at a later date;

(3) the President should be commended for sending Secretary of Energy Richardson to personally communicate with leaders of several members of the Organization of Petroleum Exporting Countries on the need to increase the supply of crude oil;

(4) to ameliorate the long-term problem of the United States dependence on foreign oil sources, the President should—

(A) review all administrative policies, programs, and regulations that put an undue burden on domestic energy producers; and

(B) consider lifting unnecessary regulations that interfere with the ability of United States' domestic oil, gas, coal, hydro-electric, biomass, and other alternative energy industries to supply a greater percentage of the energy needs of the United States; and

(5) to ameliorate the long-term problem of United States dependence on foreign oil sources, the Senate should appropriate sufficient funds for the development of domestic energy sources, including measures to increase the use of biofuels and other renewable resources.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 263), as amended, was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 2366

Mr. SESSIONS. Mr. President, I understand that H.R. 2366 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers.

Mr. SESSIONS. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Under the rule, the bill will be read for a second time on the next legislative day.

CIVIL ASSET FORFEITURE REFORM ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1658, reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the part printed in italic, as follows:

H.R. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Civil Asset Forfeiture Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Attorney fees, costs, and interest.
Sec. 5. Seizure warrant requirement.
Sec. 6. Use of forfeited funds to pay restitution to crime victims.
Sec. 7. Civil forfeiture of real property.
Sec. 8. Stay of civil forfeiture case.
Sec. 9. Civil restraining orders.
Sec. 10. Cooperation among Federal prosecutors.
Sec. 11. Statute of limitations for civil forfeiture actions.
Sec. 12. Destruction or removal of property to prevent seizure.
Sec. 13. Fungible property in bank accounts.
Sec. 14. Fugitive disentitlement.
Sec. 15. Enforcement of foreign forfeiture judgment.
Sec. 16. Encouraging use of criminal forfeiture as an alternative to civil forfeiture.
Sec. 17. Access to records in bank secrecy jurisdictions
Sec. 18. Application to alien smuggling offenses.
Sec. 19. Enhanced visibility of the asset forfeiture program.
Sec. 20. Proceeds.
Sec. 21. Effective date.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 982 the following:

"§983. General rules for civil forfeiture proceedings

"(a) NOTICE; CLAIM; COMPLAINT.—

"(1)(A)(i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.

"(ii) No notice is required if, before the 60-day period expires, the Government files a civil judicial forfeiture action against the property and provides notice of that action as required by law.

"(iii) If, before the 60-day period expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property is subject to forfeiture, the government shall either—

"(I) send notice within the 60 days and continue the nonjudicial civil forfeiture proceeding under this section; or

"(II) terminate the nonjudicial civil forfeiture proceeding, and take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.

"(iv) In a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than 90 days after the date of seizure by the State or local law enforcement agency.

"(v) If the identity or interest of a party is not determined until after the seizure or turnover but is determined before a declaration of forfeiture is entered, notice shall be sent to such interested party not later than 60 days after the determination by the Government of the identity of the party or the party's interest.

"(B) A supervisory official in the headquarters office of the seizing agency may extend the period for sending notice under subparagraph (A) for a period not to exceed 30 days (which period may not be further extended except by a court), if the official determines that the conditions in subparagraph (D) are present.

"(C) Upon motion by the Government, a court may extend the period for sending notice under subparagraph (A) for a period not to exceed 60 days, which period may be further extended by the court for 60-day periods, as necessary, if the court determines, based on a written certification of a supervisory official in the headquarters office of the seizing agency, that the conditions in subparagraph (D) are present.

"(D) The period for sending notice under this paragraph may be extended only if there is reason to believe that notice may have an adverse result, including—

"(i) endangering the life or physical safety of an individual;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

"(E) Each of the Federal seizing agencies conducting nonjudicial forfeitures under this section shall report periodically to the Committees on the Judiciary of the House of Representatives and the Senate the number of occasions when an extension of time is granted under subparagraph (B).

"(F) If the Government does not send notice of a seizure of property in accordance with subparagraph (A) to the person from whom the property was seized, and no extension of time is granted, the Government shall return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time. The Government shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

"(2)(A) Any person claiming property seized in a nonjudicial civil forfeiture proceeding under a civil forfeiture statute may file a claim with the appropriate official after the seizure.

"(B) A claim under subparagraph (A) may be filed not later than the deadline set forth in a personal notice letter (which deadline may be not earlier than 35 days after the date the letter is mailed), except that if that letter is not received, then a claim may be filed not later than 30 days after the date of final publication of notice of seizure.

"(C) A claim shall—

"(i) identify the specific property being claimed;

"(ii) state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous; and

"(iii) be made under oath, subject to penalty of perjury.

"(D) A claim need not be made in any particular form. Each Federal agency conducting nonjudicial forfeitures under this section shall make claim forms generally available on request, which forms shall be written in easily understandable language.

"(E) Any person may make a claim under subparagraph (A) without posting bond with respect to the property which is the subject of the claim.

"(3)(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

"(B) If the Government does not—

"(i) file a complaint for forfeiture or return the property, in accordance with subparagraph (A); or

"(ii) before the time for filing a complaint has expired—

"(I) obtain a criminal indictment containing an allegation that the property is subject to forfeiture; and

"(II) take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute,

the Government shall promptly release the property pursuant to regulations promulgated by the Attorney General, and may not take any further action to effect the civil forfeiture of such property in connection with the underlying offense.

"(C) In lieu of, or in addition to, filing a civil forfeiture complaint, the Government may include a forfeiture allegation in a criminal indictment. If criminal forfeiture is the only forfeiture proceeding commenced by the Government, the Government's right to continued possession of the property shall be governed by the applicable criminal forfeiture statute.

"(D) No complaint may be dismissed on the ground that the Government did not have adequate evidence at the time the complaint was filed to establish the forfeitability of the property.

"(4)(A) In any case in which the Government files in the appropriate United States district court a complaint for forfeiture of property, any person claiming an interest in the seized property may file a claim asserting such person's interest in the property in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims, except that such claim may be filed not later than 30 days after the date of service of the Government's complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the complaint.

"(B) A person asserting an interest in seized property, in accordance with subparagraph (A), shall file an answer to the Government's complaint for forfeiture not later than 20 days after the date of the filing of the claim.

"(b) REPRESENTATION.—

"(1)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed under section 3006A of this title in connection with a related criminal case, the court may authorize counsel to represent that person with respect to the claim.

"(B) In determining whether to authorize counsel to represent a person under subparagraph (A), the court shall take into account such factors as—

"(i) the person's standing to contest the forfeiture; and

"(ii) whether the claim appears to be made in good faith.

"(2)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the property subject to forfeiture is real property that is being used by the person as a primary residence, the court, at the request of the person, shall insure that the person is represented by an attorney for the Legal Services Corporation with respect to the claim.

"(B)(i) At appropriate times during a representation under subparagraph (A), the Legal Services Corporation shall submit a statement of reasonable attorney fees and costs to the court.

"(ii) The court shall enter a judgment in favor of the Legal Services Corporation for reasonable attorney fees and costs submitted pursuant to clause (i) and treat such judgment as payable under section 2465 of title 28, United States Code, regardless of the outcome of the case.

"(3) The court shall set the compensation for representation under this subsection, which shall be equivalent to that provided for court-appointed representation under section 3006A of this title.

"(c) Burden of Proof.—In a suit or action brought under any civil forfeiture statute for the civil forfeiture of any property—

"(1) the burden of proof is on the Government to establish, by a preponderance of the evidence, that the property is subject to forfeiture;

"(2) the Government may use evidence gathered after the filing of a complaint for forfeiture to establish, by a preponderance of the evidence, that property is subject to forfeiture; and

"(3) if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish that there was a substantial connection between the property and the offense.

"(d) Innocent Owner Defense.—

"(1) An innocent owner's interest in property shall not be forfeited under any civil forfeiture statute. The claimant shall have the burden of proving that the claimant is an innocent owner by a preponderance of the evidence.

"(2)(A) With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, the term 'innocent owner' means an owner who—

"(i) did not know of the conduct giving rise to forfeiture; or

"(ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

"(B)(i) For the purposes of this paragraph, ways in which a person may show that such person did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law—

"(I) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

"(II) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

"(ii) A person is not required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger.

"(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property—

"(i) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

"(ii) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

"(B) An otherwise valid claim under subparagraph (A) shall not be denied on the ground that the claimant gave nothing of value in exchange for the property if—

"(i) the property is the primary residence of the claimant;

"(ii) depriving the claimant of the property would deprive the claimant of the means to maintain reasonable shelter in the community for the claimant and all dependents residing with the claimant;

"(iii) the property is not, and is not traceable to, the proceeds of any criminal offense; and

"(iv) the claimant acquired his or her interest in the property through marriage, divorce, or legal separation, or the claimant was the spouse or legal dependent of a person whose death resulted in the transfer of the property to the claimant through inheritance or probate;

except that the court shall limit the value of any real property interest for which innocent ownership is recognized under this subparagraph to the value necessary to maintain reasonable shelter in the community for such claimant and all dependents residing with the claimant.

"(4) Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that it is illegal to possess.

"(5) If the court determines, in accordance with this section, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court may enter an appropriate order—

"(A) severing the property;

"(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

"(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property.

"(6) In this subsection, the term 'owner'—

"(A) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

"(B) does not include—

"(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

"(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

"(iii) a nominee who exercises no dominion or control over the property.

"(e) Motion To Set Aside Forfeiture.—

"(1) Any person entitled to written notice in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute who does not receive such notice may file a motion to set aside a declaration of forfeiture with respect to that person's interest in the property, which motion shall be granted if—

"(A) the Government knew, or reasonably should have known, of the moving party's interest and failed to take reasonable steps to provide such party with notice; and

"(B) the moving party did not know or have reason to know of the seizure within sufficient time to file a timely claim.

"(2)(A) Notwithstanding the expiration of any applicable statute of limitations, if the court grants a motion under paragraph (1), the court shall set aside the declaration of forfeiture as to the interest of the moving party without prejudice to the right of the Government to commence a subsequent forfeiture proceeding as to the interest of the moving party.

"(B) Any proceeding described in subparagraph (A) shall be commenced—

"(i) if nonjudicial, within 60 days of the entry of the order granting the motion; or

"(ii) if judicial, within 6 months of the entry of the order granting the motion.

"(3) A motion under paragraph (1) may be filed not later than 5 years after the date of final publication of notice of seizure of the property.

"(4) If, at the time a motion made under paragraph (1) is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government may institute proceedings against a substitute sum of money equal to the value of the moving party's interest in the property at the time the property was disposed of.

"(5) A motion filed under this subsection shall be the exclusive remedy for seeking to set aside a declaration of forfeiture under a civil forfeiture statute.

"(f) Release of Seized Property.—

"(1) A claimant under subsection (a) is entitled to immediate release of seized property if—

"(A) the claimant has a possessory interest in the property;

"(B) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

"(C) the continued possession by the Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless;

"(D) the claimant's likely hardship from the continued possession by the Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the proceeding; and

"(E) none of the conditions set forth in paragraph (8) applies.

"(2) A claimant seeking release of property under this subsection must request possession of the property from the appropriate official, and the request must set forth the basis on which the requirements of paragraph (1) are met.

"(3)(A) If not later than 15 days after the date of a request under paragraph (2) the property has not been released, the claimant may file a petition in the district court in which the complaint has been filed or, if no complaint has been filed, in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

"(B) The petition described in subparagraph (A) shall set forth—

"(i) the basis on which the requirements of paragraph (1) are met; and

"(ii) the steps the claimant has taken to secure release of the property from the appropriate official.

"(4) If the Government establishes that the claimant's claim is frivolous, the court shall deny the petition. In responding to a petition under this subsection on other grounds, the Government may in appropriate cases submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

"(5) The court shall render a decision on a petition filed under paragraph (3) not later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown.

"(6) If—

"(A) a petition is filed under paragraph (3); and

"(B) the claimant demonstrates that the requirements of paragraph (1) have been met;

the district court shall order that the property be returned to the claimant, pending completion of proceedings by the Government to obtain forfeiture of the property.

"(7) If the court grants a petition under paragraph (3)—

"(A) the court may enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including—

"(i) permitting the inspection, photographing, and inventory of the property;

"(ii) fixing a bond in accordance with rule E(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and

"(iii) requiring the claimant to obtain or maintain insurance on the subject property; and

"(B) the Government may place a lien against the property or file a lis pendens to ensure that the property is not transferred to another person.

"(8) This subsection shall not apply if the seized property—

"(A) is contraband, currency, or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business which has been seized;

"(B) is to be used as evidence of a violation of the law;

"(C) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

"(D) is likely to be used to commit additional criminal acts if returned to the claimant.

"(g) PROPORTIONALITY.—

"(1) The claimant under subsection (a)(4) may petition the court to determine whether the forfeiture was constitutionally excessive.

"(2) In making this determination, the court shall compare the forfeiture to the gravity of the offense giving rise to the forfeiture.

"(3) The claimant shall have the burden of establishing that the forfeiture is grossly disproportional by a preponderance of the evidence at a hearing conducted by the court without a jury.

"(4) If the court finds that the forfeiture is grossly disproportional to the offense it shall reduce or eliminate the forfeiture as necessary to avoid a violation of the Excessive Fines Clause of the Eighth Amendment of the Constitution.

"(h) CIVIL FINE.—

"(1) In any civil forfeiture proceeding under a civil forfeiture statute in which the Government prevails, if the court finds that the claimant's assertion of an interest in the property was frivolous, the court may impose a civil fine on the claimant of an amount equal to 10 percent of the value of the forfeited property, but in no event shall the fine be less than $250 or greater than $5,000.

"(2) Any civil fine imposed under this subsection shall not preclude the court from imposing sanctions under rule 11 of the Federal Rules of Civil Procedure.

"(3) In addition to the limitations of section 1915 of title 28, United States Code, in no event shall a prisoner file a claim under a civil forfeiture statute or appeal a judgment in a civil action or proceeding based on a civil forfeiture statute if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous or malicious, unless the prisoner shows extraordinary and exceptional circumstances.

"(i) CIVIL FORFEITURE STATUTE DEFINED.—In this section, the term 'civil forfeiture statute'—

"(1) means any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense; and

"(2) does not include—

"(A) the Tariff Act of 1930 or any other provision of law codified in title 19;

"(B) the Internal Revenue Code of 1986;

"(C) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

"(D) the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.); or

"(E) section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 982 the following:

"983. General rules for civil forfeiture proceedings.".

(c) STRIKING SUPERSEDED PROVISIONS.—

(1) CIVIL FORFEITURE.—Section 981(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "Except as provided in paragraph (2), the" and inserting "The"; and

(B) by striking paragraph (2).

(2) DRUG FORFEITURES.—Paragraphs (4), (6) and (7) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a) (4), (6) and (7)) are each amended by striking ", except that" and all that follows before the period at the end.

(3) AUTOMOBILES.—Section 518 of the Controlled Substances Act (21 U.S.C. 888) is repealed.

(4) FORFEITURES IN CONNECTION WITH SEXUAL EXPLOITATION OF CHILDREN.—Paragraphs (2) and (3) of section 2254(a) of title 18, United States Code, are each amended by striking ", except that" and all that follows before the period at the end.

(d) LEGAL SERVICES CORPORATION REPRESENTATION.—Section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) In paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) ensure that an indigent individual whose primary residence is subject to civil forfeiture is represented by an attorney for the Corporation in such civil action."

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking "any goods or merchandise" and inserting "any goods, merchandise, or other property";

(2) by striking "law-enforcement" and inserting "law enforcement"; and

(3) by inserting before the period at the end the following: ", except that the provisions of this chapter and section 1346(b) of this title apply to any claim based on injury or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if—

"(1) the property was seized for the purpose of forfeiture under any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense;

"(2) the interest of the claimant was not forfeited;

"(3) the interest of the claimant was not remitted or mitigated (if the property was subject to forfeiture); and

"(4) the claimant was not convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.".

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it accrues; or

(B) is presented by an officer or employee of the Federal Government and arose within the scope of employment.

SEC. 4. ATTORNEY FEES, COSTS, AND INTEREST.

(a) IN GENERAL.—Section 2465 of title 28, United States Code, is amended to read as follows:

"§2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest

"(a) Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law—

"(1) such property shall be returned forthwith to the claimant or his agent; and

"(2) if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

"(b)(1) Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for—

"(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

"(B) post-judgment interest, as set forth in section 1961 of this title; and

"(C) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale—

"(i) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

"(ii) an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid (not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence), commencing 15 days after the property was seized by a Federal law enforcement agency, or was turned over to a Federal law enforcement agency by a State or local law enforcement agency.

"(2)(A) The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

"(B) The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.

"(C) If there are multiple claims to the same property, the United States shall not be liable for costs and attorneys fees associated with any such claim if the United States—

"(i) promptly recognizes such claim;

"(ii) promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;

"(iii) does not cause the claimant to incur additional, reasonable costs or fees; and

"(iv) prevails in obtaining forfeiture with respect to one or more of the other claims.

"(D) If the court enters judgment in part for the claimant and in part for the Government, the court shall reduce the award of costs and attorney fees accordingly.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by striking the item relating to section 2465 and inserting following:

"2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest.".

SEC. 5. SEIZURE WARRANT REQUIREMENT.

(a) IN GENERAL.—Section 981(b) of title 18, United States Code, is amended to read as follows:

"(b)(1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

"(2) Seizures pursuant to this section shall be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, except that a seizure may be made without a warrant if—

"(A) a complaint for forfeiture has been filed in the United States district court and the court issued an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims;

"(B) there is probable cause to believe that the property is subject to forfeiture and—

"(i) the seizure is made pursuant to a lawful arrest or search; or

"(ii) another exception to the Fourth Amendment warrant requirement would apply; or

"(C) the property was lawfully seized by a State or local law enforcement agency and transferred to a Federal agency.

"(3) Notwithstanding the provisions of rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against the property may be filed under section 1355(b) of title 28, and may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement. Any motion for the return of property seized under this section shall be filed in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

"(4)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure.

"(B) The application for the restraining order shall set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.".

(b) DRUG FORFEITURES.—Section 511(b) of the Controlled Substances Act (21 U.S.C. 881(b)) is amended to read as follows:

"(b) SEIZURE PROCEDURES.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General in the manner set forth in section 981(b) of title 18, United States Code.".

SEC. 6. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS.

Section 981(e) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

"(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or".

SEC. 7. CIVIL FORFEITURE OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 984 the following:

"§ 985. Civil forfeiture of real property

"(a) Notwithstanding any other provision of law, all civil forfeitures of real property and interests in real property shall proceed as judicial forfeitures.

"(b)(1) Except as provided in this section—

"(A) real property that is the subject of a civil forfeiture action shall not be seized before entry of an order of forfeiture; and

"(B) the owners or occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, real property that is the subject of a pending forfeiture action.

"(2) The filing of a lis pendens and the execution of a writ of entry for the purpose of conducting an inspection and inventory of the property shall not be considered a seizure under this subsection.

"(c)(1) The Government shall initiate a civil forfeiture action against real property by—

"(A) filing a complaint for forfeiture;

"(B) posting a notice of the complaint on the property; and

"(C) serving notice on the property owner, along with a copy of the complaint.

"(2) If the property owner cannot be served with the notice under paragraph (1) because the owner—

"(A) is a fugitive;

"(B) resides outside the United States and efforts at service pursuant to rule 4 of the Federal Rules of Civil Procedure are unavailing; or

"(C) cannot be located despite the exercise of due diligence,

constructive service may be made in accordance with the laws of the State in which the property is located.

"(3) If real property has been posted in accordance with this subsection, it shall not be necessary for the court to issue an arrest warrant in rem, or to take any other action to establish in rem jurisdiction over the property.

"(d)(1) Real property may be seized prior to the entry of an order of forfeiture if—

"(A) the Government notifies the court that it intends to seize the property before trial; and

"(B) the court—

"(i) issues a notice of application for warrant, causes the notice to be served on the property owner and posted on the property, and conducts a hearing in which the property owner has a meaningful opportunity to be heard; or

"(ii) makes an ex parte determination that there is probable cause for the forfeiture and that there are exigent circumstances that permit the Government to seize the property without prior notice and an opportunity for the property owner to be heard.

"(2) For purposes of paragraph (1)(B)(ii), to establish exigent circumstances, the Government shall show that less restrictive measures such as a lis pendens, restraining order, or bond would not suffice to protect the Government's interests in preventing the sale, destruction, or continued unlawful use of the real property.

"(e) If the court authorizes a seizure of real property under subsection (d)(1)(B)(ii), it shall conduct a prompt post-seizure hearing during which the property owner shall have an opportunity to contest the basis for the seizure.

"(f) This section—

"(1) applies only to civil forfeitures of real property and interests in real property;

"(2) does not apply to forfeitures of the proceeds of the sale of such property or interests, or of money or other assets intended to be used to acquire such property or interests; and

"(3) shall not affect the authority of the court to enter a restraining order relating to real property.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 984 the following:

"985. Civil forfeiture of real property.".

SEC. 8. STAY OF CIVIL FORFEITURE CASE.

(a) IN GENERAL.—Section 981(g) of title 18, United States Code, is amended to read as follows:

"(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

"(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

"(A) the claimant is the subject of a related criminal investigation or case;

"(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

"(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

"(3) With respect to the impact of civil discovery described in paragraphs (1) and (2), the court may determine that a stay is unnecessary if a protective order limiting discovery would protect the interest of 1 party without unfairly limiting the ability of the opposing party to pursue the civil case. In no case, however, shall the court impose a protective order as an alternative to a stay if the effect of such protective order would be to allow 1 party to pursue discovery while the other party is substantially unable to do so.

"(4) In this subsection, the terms 'related criminal case' and 'related criminal investigation' mean an actual prosecution or investigation in progress at the time at which the request for the stay, or any subsequent motion to lift the stay is made. In determining whether a criminal case or investigation is 'related' to a civil forfeiture proceeding, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the 2 proceedings, without requiring an identity with respect to any 1 or more factors.

"(5) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an *ongoing criminal investigation or pending criminal trial.*

"(6) Whenever a civil forfeiture proceeding is stayed pursuant to this subsection, the court shall enter any order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect.

"(7) A determination by the court that the claimant has standing to request a stay pursuant to paragraph (2) shall apply only to this subsection and shall not preclude the Government from objecting to the standing of the claimant by dispositive motion or at the time of trial.".

(b) DRUG FORFEITURES.—Section 511(i) of the Controlled Substances Act (21 U.S.C. 881(i)) is amended to read as follows:

"(i) The provisions of section 981(g) of title 18, United States Code, regarding the stay of a civil forfeiture proceeding shall apply to forfeitures under this section.".

SEC. 9. CIVIL RESTRAINING ORDERS.

Section 983 of title 18, United States Code, as added by this Act, is amended by adding at the end the following:

"(j) RESTRAINING ORDERS; PROTECTIVE ORDERS.—

"(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians, appraisers, accountants, or trustees, or take any other action to seize, secure, maintain, or preserve the availability of property subject to civil forfeiture—

"(A) upon the filing of a civil forfeiture complaint alleging that the property with respect to which the order is sought is subject to civil forfeiture; or

"(B) prior to the filing of such a complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

"(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days, unless extended by the court for good cause shown, or unless a complaint described in paragraph (1)(A) has been filed.

"(3) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when a complaint has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought is subject to civil forfeiture and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.".

SEC. 10. COOPERATION AMONG FEDERAL PROSECUTORS.

Section 3322(a) of title 18, United States Code, is amended—

(1) by striking "civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title" and inserting "any civil forfeiture provision of Federal law"; and

(2) by striking "concerning a banking law violation".

SEC. 11. STATUTE OF LIMITATIONS FOR CIVIL FORFEITURE ACTIONS.

Section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) is amended by inserting ", or in the case of forfeiture, within 2 years after the time when the involvement of the property in the alleged offense was discovered, whichever was later" after "within five years after the time when the alleged offense was discovered".

SEC. 12. DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.

Section 2232 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b);

(2) by inserting "(e) FOREIGN INTELLIGENCE SURVEILLANCE.—" before "Whoever, having knowledge that a Federal officer";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting before subsection (d), as redesignated, the following:

"(a) DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.—Whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government's lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) IMPAIRMENT OF IN REM JURISDICTION.—Whoever, knowing that property is subject to the in rem jurisdiction of a United States court for purposes of civil forfeiture under Federal law, knowingly and without authority from that court, destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of impairing or defeating the court's continuing in rem jurisdiction over the property, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) NOTICE OF SEARCH OR EXECUTION OF SEIZURE WARRANT OR WARRANT OF ARREST IN REM.—Whoever, having knowledge that any person authorized to make searches and seizures, or to execute a seizure warrant or warrant of arrest in rem, in order to prevent the authorized seizing or securing of any person or property, gives notice or attempts to give notice in advance of the search, seizure, or execution of a seizure warrant or warrant of arrest in rem, to any person shall be fined under this title or imprisoned not more than 5 years, or both.".

SEC. 13. FUNGIBLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.—Section 984 of title 18, United States Code, is amended—

(1) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(2) in subsection (a), as redesignated—

(A) by striking "or other fungible property" and inserting "or precious metals"; and

(B) in paragraph (2), by striking "subsection (c)" and inserting "subsection (b)";

(3) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following: "(1) Subsection (a) does not apply to an action against funds held by a financial institution in an interbank account unless the account holder knowingly engaged in the offense that is the basis for the forfeiture."; and

(B) in paragraph (2), by striking "(2) As used in this section, the term" and inserting the following:

"(2) In this subsection—

"(A) the term 'financial institution' includes a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7))); and

"(B) the term"; and

(4) by adding at the end the following:

"(d) Nothing in this section may be construed to limit the ability of the Government to forfeit property under any provision of law if the property involved in the offense giving rise to the forfeiture or property traceable thereto is available for forfeiture.".

SEC. 14. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§2466. Fugitive disentitlement

"A judicial officer may disallow a person from using the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action upon a finding that such person—

"(1) after notice or knowledge of the fact that a warrant or process has been issued for his apprehension, in order to avoid criminal prosecution—

"(A) purposely leaves the jurisdiction of the United States;

"(B) declines to enter or reenter the United States to submit to its jurisdiction; or

"(C) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person; and

"(2) is not confined or held in custody in any other jurisdiction for commission of criminal conduct in that jurisdiction.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2466. Fugitive disentitlement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

SEC. 15. ENFORCEMENT OF FOREIGN FORFEITURE JUDGMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§2467. Enforcement of foreign judgment

"(a) DEFINITIONS.—In this section—

"(1) the term 'foreign nation' means a country that has become a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (referred to in this section as the 'United Nations Convention') or a foreign jurisdiction with which the United States has a treaty or other formal international agreement in effect providing for mutual forfeiture assistance; and

"(2) the term 'forfeiture or confiscation judgment' means a final order of a foreign nation compelling a person or entity—

"(A) to pay a sum of money representing the proceeds of an offense described in Article 3, Paragraph 1, of the United Nations Convention, or any foreign offense described in section 1956(c)(7)(B) of title 18, or property the value of which corresponds to such proceeds; or

"(B) to forfeit property involved in or traceable to the commission of such offense.

"(b) REVIEW BY ATTORNEY GENERAL.—

"(1) IN GENERAL.—A foreign nation seeking to have a forfeiture or confiscation judgment registered and enforced by a district court of the

United States under this section shall first submit a request to the Attorney General or the designee of the Attorney General, which request shall include—

"(A) a summary of the facts of the case and a description of the proceedings that resulted in the forfeiture or confiscation judgment;

"(B) certified copy of the forfeiture or confiscation judgment;

"(C) an affidavit or sworn declaration establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant to defend against the charges and that the judgment rendered is in force and is not subject to appeal; and

"(D) such additional information and evidence as may be required by the Attorney General or the designee of the Attorney General.

"(2) CERTIFICATION OF REQUEST.—The Attorney General or the designee of the Attorney General shall determine whether, in the interest of justice, to certify the request, and such decision shall be final and not subject to either judicial review or review under subchapter II of chapter 5, or chapter 7, of title 5 (commonly known as the 'Administrative Procedure Act').

"(c) JURISDICTION AND VENUE.—

"(1) IN GENERAL.—If the Attorney General or the designee of the Attorney General certifies a request under subsection (b), the United States may file an application on behalf of a foreign nation in district court of the United States seeking to enforce the foreign forfeiture or confiscation judgment as if the judgment had been entered by a court in the United States.

"(2) PROCEEDINGS.—In a proceeding filed under paragraph (1)—

"(A) the United States shall be the applicant and the defendant or another person or entity affected by the forfeiture or confiscation judgment shall be the respondent;

"(B) venue shall lie in the district court for the District of Columbia or in any other district in which the defendant or the property that may be the basis for satisfaction of a judgment under this section may be found; and

"(C) the district court shall have personal jurisdiction over a defendant residing outside of the United States if the defendant is served with process in accordance with rule 4 of the Federal Rules of Civil Procedure.

"(d) ENTRY AND ENFORCEMENT OF JUDGMENT.—

"(1) IN GENERAL.—The district court shall enter such orders as may be necessary to enforce the judgment on behalf of the foreign nation unless the court finds that—

"(A) the judgment was rendered under a system that provides tribunals or procedures incompatible with the requirements of due process of law;

"(B) the foreign court lacked personal jurisdiction over the defendant;

"(C) the foreign court lacked jurisdiction over the subject matter;

"(D) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend; or

"(E) the judgment was obtained by fraud.

"(2) PROCESS.—Process to enforce a judgment under this section shall be in accordance with rule 69(a) of the Federal Rules of Civil Procedure.

"(e) FINALITY OF FOREIGN FINDINGS.—In entering orders to enforce the judgment, the court shall be bound by the findings of fact to the extent that they are stated in the foreign forfeiture or confiscation judgment.

"(f) CURRENCY CONVERSION.—The rate of exchange in effect at the time the suit to enforce is filed by the foreign nation shall be used in calculating the amount stated in any forfeiture or confiscation judgment requiring the payment of a sum of money submitted for registration.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2467. Enforcement of foreign judgment.".

SEC. 16. ENCOURAGING USE OF CRIMINAL FORFEITURE AS AN ALTERNATIVE TO CIVIL FORFEITURE.

Section 2461 of title 28, United States Code, is amended by adding at the end the following:

"(c) If a forfeiture of property is authorized in connection with a violation of an Act of Congress, and any person is charged in an indictment or information with such violation but no specific statutory provision is made for criminal forfeiture upon conviction, the Government may include the forfeiture in the indictment or information in accordance with the Federal Rules of Criminal Procedure, and upon conviction, the court shall order the forfeiture of the property in accordance with the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section.".

SEC. 17. ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.

Section 986 of title 18, United States Code, is amended by adding at the end the following:

"(d) ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.—

"(1) IN GENERAL.—In any civil forfeiture case, or in any ancillary proceeding in any criminal forfeiture case governed by section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)), in which—

"(A) financial records located in a foreign country may be material—

"(i) to any claim or to the ability of the Government to respond to such claim; or

"(ii) in a civil forfeiture case, to the ability of the Government to establish the forfeitability of the property; and

"(B) it is within the capacity of the claimant to waive the claimant's rights under applicable financial secrecy laws, or to obtain the records so that such records can be made available notwithstanding such secrecy laws;

the refusal of the claimant to provide the records in response to a discovery request or to take the action necessary otherwise to make the records available shall be grounds for judicial sanctions, up to and including dismissal of the claim with prejudice.

"(2) PRIVILEGE.—This subsection shall not affect the right of the claimant to refuse production on the basis of any privilege guaranteed by the Constitution of the United States or any other provision of Federal law.".

SEC. 18. APPLICATION TO ALIEN SMUGGLING OFFENSES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended to read as follows:

"(b) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Attorney General.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

"(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

"(B) Official records of the Service or of the Department of State showing that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

"(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.".

(b) TECHNICAL CORRECTIONS TO EXISTING CRIMINAL FORFEITURE AUTHORITY.—Section 982(a)(6) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or" before "section 1425" the first place it appears;

(B) in clause (i), by striking "a violation of, or a conspiracy to violate, subsection (a)" and inserting "the offense of which the person is convicted"; and

(C) in subclauses (I) and (II) of clause (ii), by striking "a violation of, or a conspiracy to violate, subsection (a)" and all that follows through "of this title" each place it appears and inserting "the offense of which the person is convicted";

(2) by striking subparagraph (B); and

(3) in the second sentence—

(A) by striking "The court, in imposing sentence on such person" and inserting the following:

"(B) The court, in imposing sentence on a person described in subparagraph (A)"; and

(B) by striking "this subparagraph" and inserting "that subparagraph".

SEC. 19. ENHANCED VISIBILITY OF THE ASSET FORFEITURE PROGRAM.

Section 524(c)(6) of title 28, United States Code, is amended to read as follows:

"(6)(A) The Attorney General shall transmit to Congress and make available to the public, not later than 4 months after the end of each fiscal year, detailed reports for the prior fiscal year as follows:

"(i) A report on total deposits to the Fund by State of deposit.

"(ii) A report on total expenses paid from the Fund, by category of expense and recipient agency, including equitable sharing payments.

"(iii) A report describing the number, value, and types of properties placed into official use by Federal agencies, by recipient agency.

"(iv) A report describing the number, value, and types of properties transferred to State and local law enforcement agencies, by recipient agency.

"(v) A report, by type of disposition, describing the number, value, and types of forfeited property disposed of during the year.

"(vi) A report on the year-end inventory of property under seizure, but not yet forfeited, that reflects the type of property, its estimated value, and the estimated value of liens and mortgages outstanding on the property.

"(vii) A report listing each property in the year-end inventory, not yet forfeited, with an outstanding equity of not less than $1,000,000.

"(B) The Attorney General shall transmit to Congress and make available to the public, not later than 2 months after final issuance, the audited financial statements for each fiscal year for the Fund.

"(C) Reports under subparagraph (A) shall include information with respect to all forfeitures under any law enforced or administered by the Department of Justice.

"(D) The transmittal and publication requirements in subparagraphs (A) and (B) may be satisfied by—

"(i) posting the reports on an Internet website maintained by the Department of Justice for a period of not less than 2 years; and

"(ii) notifying the Committees on the Judiciary of the House of Representatives and the Senate when the reports are available electronically.".

SEC. 20. PROCEEDS.

(a) FORFEITURE OF PROCEEDS.—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking "or a violation of section 1341" and all that follows and inserting "or any offense constituting 'specified unlawful activity' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.".

(b) DEFINITION OF PROCEEDS.—Section 981(a) of title 18, United States Code, is amended by adding at the end the following:

"(2) For purposes of paragraph (1), the term 'proceeds' is defined as follows:

"(A) In cases involving illegal goods, illegal services, unlawful activities, and telemarketing and health care fraud schemes, the term 'proceeds' means property of any kind obtained directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the offense.

"(B) In cases involving lawful goods or lawful services that are sold or provided in an illegal manner, the term 'proceeds' means the amount of money acquired through the illegal transactions resulting in the forfeiture, less the direct costs incurred in providing the goods or services. The claimant shall have the burden of proof with respect to the issue of direct costs. The direct costs shall not include any part of the overhead expenses of the entity providing the goods or services, or any part of the income taxes paid by the entity.

"(C) In cases involving fraud in the process of obtaining a loan or extension of credit, the court shall allow the claimant a deduction from the forfeiture to the extent that the loan was repaid, or the debt was satisfied, without any financial loss to the victim.".

SEC. 21. EFFECTIVE DATE.

Except as provided in section 14(c), this Act and the amendments made by this Act shall apply to any forfeiture proceeding commenced on or after the date that is 120 days after the date of enactment of this Act.

Mr. HATCH. Mr. President, I am pleased to announce that Chairman HYDE, Senator LEAHY and I reached an agreement with the Department of Justice and Senators SESSIONS and SCHUMER yesterday on civil forfeiture reform legislation. This is an important issue, and I am proud to support this legislation. While civil forfeiture is a valuable law enforcement tool, it has become increasingly clear that some reform of civil forfeiture law is necessary given the numerous controversial seizures of property in the last decade.

Federal civil forfeiture procedures, which are based largely on 19th century admiralty law, provide inadequate protections for private property. For example, under current Federal law, once the government seizes property, the burden of proof is on the property owner to prove that the property is not subject to forfeiture. After property is seized, the property owner must post a cost bond in order to contest the forfeiture. This bond requirement does not entitle the property owner to the return of the property, but merely allows the claimant to contest the forfeiture. If the property owner files a claim to the property, the government has up to five years to file a complaint for forfeiture.

The legislation agreed to today increases protections for property owners, while respecting the interests of law enforcement. Among other provisions, the bill places the burden of proof in civil forfeiture cases on the government throughout the proceeding; places reasonable time limits on the government in civil forfeiture actions; awards attorney fees and costs to property owners who prevail against the government in civil forfeiture cases; authorizes the court to release property pending trial in appropriate circumstances; eliminates the cost bond; and provides a uniform innocent owner defense to all federal civil forfeitures affected by the bill.

All of us here are committed to depriving criminals of the proceeds of crime. To further this goal, the bill increases the ability of the Justice Department to target criminal proceeds. The bill also extends criminal forfeiture authority to any Federal statute in which civil forfeiture authority exists in order to encourage the use of criminal forfeiture. In addition, the bill contains several mechanisms to deter and punish frivolous claims to seized property. Senator SESSIONS will describe these provisions in detail.

A broad coalition of organizations support this bill, including the Chamber of Commerce, the American Bankers Association, the National Association of Homebuilders, the National Association of Realtors, the Institute for Justice, Americans for Tax Reform, the National Rifle Association, the American Bar Association, and the Fraternal Order of Police. In addition, six former Attorneys General—William Barr, Richard Thornburg, Edwin Meese, Benjamin Civiletti, Griffin Bell, and Nicholas Katzenbach—have endorsed the bill.

In closing, I would like to thank Senators SESSIONS and SCHUMER for their patience and cooperation. This agreement would not be possible without their hard work and dedication. Senator SESSIONS is to be especially commended. As a former United States Attorney and state Attorney General, he has more experience in civil forfeiture actions than any Member of Congress. Senator SESSIONS has been an outstanding representative of the law enforcement community, and I am proud to have his support.

Finally, I would like to thank House Judiciary Chairman HENRY HYDE. No one has done more to advance the cause of civil forfeiture reform than Chairman HYDE. His 1995 book on civil forfeiture helped draw national attention to the need for reform. Last June, the House overwhelmingly passed the Hyde-Conyers civil forfeiture reform bill. This victory for forfeiture reform was due in large measure to HENRY HYDE's stature and commitment.

Thank you for your attention to this important reform legislation.

Mr. LEAHY. Mr. President, at long last, after years of effort and several weeks of intensive, tedious and seemingly endless negotiations, we have reached agreement on civil asset forfeiture reform legislation. This is a significant improvement over the current system and should go a long way toward stemming the abuses that have so offended Americans across the country and the political spectrum. It is not often that we see the U.S. Chamber of Commerce, ACLU, NRA, National Association of Criminal Defense Lawyers, American Bankers Association, the Institute of Justice, Americans for Tax Reform, and the American Bar Association joining together on the same side of a legislative effort. Working with Chairman HATCH, Chairman HYDE, Mr. CONYERS, Senator SESSIONS and Senator SCHUMER, we have crafted a good bill, a balanced bill and a reform package that should move forward as consensus legislation and be enacted without further delay this year. I want to thank all who have worked with us in this process. In particular, I want to thank Janet Reno, our Attorney General, for working with us, meeting with us and lending her support to this effort and joining our coalition by agreeing to the consensus civil asset forfeiture reform legislation that the Senate is passing today.

Asset forfeiture is a powerful crime-fighting tool. It has been a particularly potent weapon in the war on drugs, allowing the government to take the cars and boats and stash houses amassed by drug dealers and put them to honest use. Last year alone, the government was able to seize nearly half a billion dollars worth of assets, cutting a big chunk out of criminals' profit stream and returning it to the law-abiding community.

Unfortunately, our nation's asset forfeiture is not fail-safe; it can be and has been abused. In hearings on this issue, the Judiciary Committee has heard examples of what happens when prosecutorial zeal skirts the boundaries of due process, leading to the taking of private property regardless of whether the owner is innocent of, or even cognizant of, the property's use in an illegal act, or whether the seizure is entirely out of proportion to the criminal conduct alleged.

I am well aware from incidents in Vermont about how aggressive use by Federal and State law enforcement officials of civil asset forfeiture laws can appear unfair and excessive, and thereby fuel public distrust of the government in general and law enforcement in particular. For example, in 1989, federal prosecutors seized a Vermont homestead that a family had built and lived in for over a decade. The husband had pleaded guilty in State court to growing six marijuana plants, without his wife's knowledge, and was sentenced to 50 hours of community service, which he fulfilled by building bookshelves for the local public library.

Yet, one year after his arrest, Vermont State police brought his arrest to the attention of the federal authorities and Federal marshals seized the family's home and 49 surrounding acres. Hundreds of Vermonters rallied to the family's defense, including former prosecutors, until the case was settled with no seizure of the property.

In another civil asset forfeiture case, federal prosecutors again seized the home and 10 acres of a Vermont woman in Richmond, Vermont, after two hidden patches of marijuana plants were discovered on her property. Criminal charges against the woman were dismissed when she established she was unaware that her daughter and daughter's boyfriend were cultivating the plants. Three years after the seizure, in 1990, a federal judge ordered the government to return the property to the woman, but by that time it had been destroyed by fire.

By contrast to the obligation under Vermont law that law enforcement agencies must "ensure that the property is properly maintained," 18 V.S.A. § 4246, the federal authorities who made the seizure of this property had no such obligation and did not take good care of the property.

In yet another civil asset forfeiture case, federal prosecutors in 1990, seized the home and 10.7 acres of a family in Craftsbury Common, Vermont, after the homeowners were convicted in State court of cultivating marijuana and given suspended sentences three years earlier in 1987.

Given the fact that in each of these cases, the underlying criminal charges were prosecuted by the State but the forfeiture action was taken federally, one might ask why these related proceedings were divided between the State and Federal authorities? The answer is simple: Vermont law does not allow the forfeiture of real property "which is occupied as the primary residence of a person involved in the violation and a member or members of that person's family." 18 V.S.A. § 4241(a)(5).

Moreover, under Vermont law, state law enforcement authorities carry a heavier burden "of proving all material facts by clear and convincing evidence." 18 V.S.A. § 4244(c). By contrast, federal forfeiture procedures provide more latitude on the property subject to seizure and more lenient requirements for federal law enforcement authorities to meet.

While federal authorities in Vermont have in recent years avoided such egregious asset forfeiture abuses, that is not the situation in other jurisdictions, prompting increasing and exceedingly sharp criticism from scholars and commentators of the federal asset forfeiture system, which in general requires far less from the government than any State forfeiture law.

Federal judges have also added their voices to the growing chorus of concern. In 1992, the Second Circuit Court of Appeals stated: "We continue to be enormously troubled by the government's increasing and virtually unchecked use of the civil forfeiture statutes and the disregard for due process that is buried in those statutes." Four years later, the Eighth Circuit rebuked the government for capitalizing on the claimants' confusion to forfeit over $70,000 of their currency, and expressed alarm that:

> [T]he war on drugs has brought us to the point where the government may seize . . . a citizen's property without any initial showing of cause, and put the onus on the citizen to perfectly navigate the bureaucratic labyrinth in order to liberate what is presumptively his or hers in the first place. . . . Should the citizen prove inept, the government may keep the property, without ever having to justify or explain its actions.

Similarly, the Seventh Circuit recently expressed its belief that "the government's conduct in forfeiture cases leaves much to be desired," and ordered the return of over $500,000 in currency that had been improperly seized from a Chicago pizzeria.

Under current law, the property owner—not the government—bears the burden of proof. All the government must do is make an initial showing of probable cause that the property is "guilty" and subject to forfeiture. The property owner must then prove a negative—that the property was not involved in any wrongdoing. It is time to bring this law in line with our modern principles of due process and fair play, and reform forfeiture procedures to ensure that innocent property owners are adequately protected.

The Hyde-Conyers civil asset forfeiture reform bill, H.R. 1658, passed the House by an overwhelming bipartisan majority (375–48) last June. After lengthy negotiations with the Department of Justice, Chairman HATCH and I introduced a Senate civil asset forfeiture reform bill, S.1931. Our bill addressed every major concern that the Department had raised in our hearings and in the Statement of Administration Policy regarding the Hyde-Conyers bill, and struck a fair compromise on those issues.

For example, the Hyde-Conyers bill put the burden of proof on the Government by clear and convincing evidence. We put the burden of proof on the Government by a preponderance of the evidence. The preponderance standard is used in virtually all other civil cases, and we believe it is sufficient to protect the interests of property owners.

The Hyde-Conyers bill authorized courts to appoint counsel for any indigent person who asserted an interest in seized property. Although I am sympathetic to that proposal—justice should not be only for the wealthy—the Administration strongly opposed it. We provided for appointment of counsel only in the rare case where the property subject to forfeiture was the claimant's primary residence. In other cases, a claimant could recoup attorney fees only if she substantially prevailed in challenging the forfeiture.

We are grateful for the support of so many members of the Committee and others over the last year. The Hatch-Leahy bill was endorsed by the last six Attorneys General of the United States from both parties, William Barr, Richard Thornburgh, Edwin Meese, Benjamin Civiletti, Griffin Bell, and Nicholas Katzenbach, and a wide range of organizations.

Although I knew that we had met the Department more than half way in our bill, we did not stop there. We have met with and worked with Senators SESSIONS and SCHUMER, who had introduced a different type of bill, to see whether we might find common ground. After weeks of intensive efforts, we succeeded in coming together. For our part, Chairman HATCH and I accepted more than 30 substantive changes to the provisions in the Hatch-Leahy bill, plus about a dozen new sections to the bill that give law enforcement new, but measured, authority. In essence we combined the Hatch-Leahy Civil Asset Forfeiture Reform Act, S. 1931, with suggestions from the Sessions-Schumer bill to form a civil asset forfeiture legislative package that we can all agree to support.

Among the important reforms made by the Hatch-Leahy-Sessions-Schumer substitute amendment to H.R. 1658, which the Senate passes today, are the following:

Burden of proof. The substitute amendment puts the burden of proof on the government by a preponderance of the evidence.

Cost bond. Another core reform of the substitute amendment is the elimination of the so-called "cost bond." Under current law, a property owner who seeks to recover his property after it has been seized by the government must pay for the privilege by posting a bond with the court. No other federal statute requires a cost bond, and no

State requires a cost bond in civil forfeiture cases.

The government has defended the cost bond, not as a device for ensuring that its court costs are covered, but as a way of deterring frivolous claims. Of course, we are all in favor of deterring frivolous claims, but there are ways to deter frivolous claims without offending the fundamental principle of equal and open access to the courts, a bedrock of our American system of justice.

The substitute amendment provides that a person who challenges a forfeiture must file his claim on oath, under penalty of perjury. It also provides for imposition of a civil fine, in cases where the claimant's assertion of an interest in the property was frivolous. In addition, claimants will continue to bear the substantial costs of litigating their claims in court, and they and their attorneys will remain subject to the general sanctions for bad faith in instituting or conducting litigation. Frivolous prisoner claimants will be barred from repeated filings on proper court findings. The added burden of the "cost bond" serves no legitimate purpose.

Legal assistance and attorney fees. The substitute amendment permits courts to authorize counsel to represent an indigent claimant only if the claimant is already represented by a court-appointed attorney in connection with a related federal criminal case. This is both fair and efficient, and eliminates any appearance that the government chose to pursue the forfeiture in a civil proceeding rather than as part of the criminal case in order to deprive the claimant of his right to counsel.

Beyond this, the substitute amendment ensures that when the government seeks to forfeit an indigent person's primary residence, that person will be afforded representation by the Legal Services Corporation. When a forfeiture action can result in a claimant's eviction and homelessness, there is more at stake than just a property interest, and it is fair and just that the claimant be provided with an attorney if he cannot otherwise afford one. The Legal Services Corporation will be paid by the government for providing representation in these cases.

For claimants who are not provided with counsel, the substitute allows for the recovery of reasonable attorney fees and costs if they substantially prevail on their claim. The bill also makes the government liable for post-judgment interest on any money judgment, and imputed interest in certain cases involving currency or negotiable instruments.

Filing deadlines. Under current law, a property owner has only 20 days from the date of first publication of the notice of seizure to file a claim challenging an administrative forfeiture, and only 10 days to file a claim challenging a judicial forfeiture. It is therefore unlikely that anyone who misses the first of three published notices will be able to file a timely claim. The substitute extends the property owner's time to file a claim following the commencement of an administrative or judicial forfeiture action to 30 days. The bill also codifies current Department of Justice policy with respect to the time period for sending notice of seizure, and establishes a 90-day period for filing a complaint.

Release of property for hardship. The substitute will allow a property owner to hold on to his property pending the final disposition of the case, if he can show that continued possession by the government will cause the owner substantial hardship, such as preventing him from working, and that this hardship outweighs the risk that the property will be destroyed or concealed if returned to the owner during the pendency of the case. Unlike H.R. 1658, the substitute adopts the primary safeguards that the Justice Department wanted added to the provision—that property owners must have sufficient ties to the community to provide assurance that the property will not disappear, and that certain property, such as currency and property particularly outfitted for use in illegal activities, shall not be returned. Government cannot obtain a grand jury subpoena to obtain such documents.

Criminal proceeds. The substitute also brings clarity and fairness to the confused body of case law concerning the definition of criminal proceeds. Specifically, in cases involving lawful goods or lawful services that are sold or provided in an illegal manner, the term "proceeds" is defined to mean the amount of money acquired through the illegal transactions resulting in the forfeiture, less the direct costs incurred in providing the goods or services. An exception is made for cases involving certain health care fraud schemes, since it would make no sense to allow those who provide unnecessary services to deduct the cost of those unnecessary services. Having resolved this important matter, the substitute amendment broadly extends the government's authority to forfeit criminal proceeds under the civil asset forfeiture laws.

Fugitive disentitlement. The Supreme Court in 1996 disallowed the judge-made doctrine that a fugitive avoiding the jurisdiction of the U.S. courts in a criminal case may not contest a civil forfeiture; however, the Court left open the possibility that Congress could establish such doctrine by statute. The Court was responding, in part, to the government's record of seeking forfeiture of property even though the property is not subject to forfeiture (e.g., because the statute of limitations has expired), when the government believes that the fugitive owner will not be permitted to contest the forfeiture. Opponents of the fugitive disentitlement doctrine say that the prosecutors have gone so far as to indict people whom they know will never return to this country, so that they can invoke the doctrine in civil forfeiture proceedings against such persons' U.S. assets. The substitute provides a statutory basis for a judge to disallow a civil asset forfeiture claim by a fugitive, while leaving judges discretion to allow such a claim in the interests of justice.

Senator HATCH and I share a long-standing and deeply-held appreciation for law enforcement and the officers who work on the front lines to protect our families and communities, and we have worked together on a number of crime-related issues in the past. Recently, for example, we have led the Senate in passing a number of legislative initiatives of importance to State and local law enforcement, including the Bulletproof Vests Partnership Act of 1998, Crime Identification Technology Act of 1998, Care for Police Survivors Act of 1998, the Railroad Police Officers Training Act of 1999, and the Methamphetamine Anti-Proliferation Act of 1999. I want to commend him for his commitment, not just to law enforcement, but to the rights of all Americans. It has been my pleasure to work with him on this issue, to bring balance back in the relationship between our police forces and the citizens of this country.

It has been a privilege to work with Representatives HYDE and CONYERS on this important legislation. And we greatly appreciate the contributions made by Senators SESSIONS and SCHUMER, both knowledgeable and experienced legislators in this area.

I would also like to thank the Senate and House staff who worked so hard to bring this matter to closure: On my staff, Julie Katzman and Beryl Howell; in addition, George Fishman, who has been dedicated to this project for so many years, Manus Cooney, Rhett DeHart, Ed Haden, Ben Lawsky, Tom Mooney, John Dudas, Julian Epstein, Perry Apelbaum, and Cori Flam—their efforts made this day possible. Thanks are also due to Bill Jensen and the other hardworking members of the Senate's Office of Legislative Counsel.

Finally, I would like to express my gratitude to David Smith, a leading expert on civil asset forfeiture, who gave tirelessly of his time over the past few months. His expertise and good counsel were invaluable in producing the legislation that the Senate passes today.

It is time for Congress to catch up with the American people and the courts and do the right thing on this important issue of fairness. I am glad that the Senate is acting without delay to pass this long overdue reform legislation.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (H.R. 1658), as amended, was read a third time and passed.

Mr. SESSIONS. Mr. President, the bill we have just considered is a very important piece of legislation that has been the subject of considerable effort for over a year now in the Judiciary Committee in the House.

Great efforts have been expended by all parties interested in this legislation to achieve a piece of legislation that would provide enhanced protections to private property owners and at the same time would not undermine, in a real and significant and unnecessary way, the ability of law enforcement agencies to seize and forfeit to the interest of the Government assets from illegal drug dealers and other criminal assets that are forfeited.

In the early 1980s, this Congress passed one of its most historic pieces of legislation that attacked crime in America. It was the asset forfeiture law. At that time, I was a U.S. attorney in Mobile, AL. This Federal law became a daily part of the work of my office.

We instructed our assistant U.S. attorneys that whenever they were prosecuting a drug case, it was not just enough to sentence and punish the criminal, they ought to be sure the ill-gotten gains, the profits they made from selling illegal substances in this country, would be seized and forfeited to the United States.

On a regular basis that was done all over this country. It was a major, important, historic step against crime, particularly against drug crime in America. Hundreds of millions, perhaps billions of dollars, have been forfeited from illegal enterprises since that day. The forfeitures are conducted under this Federal law, although States have the ability to forfeit assets, too.

In Federal court, the Government had to prove its case, seize the asset; a cost bond would be posted by the defendant if he wished to contest the seizure, and a court would hear the case and make a ruling in that fashion.

A number of people believed strongly that requiring a person to post a cost bond was not a healthy thing under our legal system. They wanted to change that. Chairman HENRY HYDE in the House Judiciary Committee felt that way; so did Senator ORRIN HATCH, chairman of the Senate Judiciary Committee. We began to analyze and study what we could do to deal with this problem of asset forfeiture.

At the time, Senators SCHUMER, THURMOND, BIDEN, and myself introduced asset forfeiture reform legislation in the Senate. Senators HATCH and LEAHY introduced another piece of legislation that was closer to the Hyde bill.

For some months now, we have worked together to see what we could do to protect legitimate constitutional rights of American citizens, while at the same time protecting this tremendous asset to law enforcement of the seizing and forfeiting of assets.

It is wrong, in my opinion, for a person who has made his money and his livelihood for years selling dope in America to go to jail and leave a mansion out there that he can come back to and the Federal taxpayers having to pay for his time in jail, or to have bank accounts with hundreds of thousands of dollars in them and not have that seized by the Government but, in fact, serving his time in jail and getting out and living high off the ill-gotten gains he achieved as a drug trafficker.

I would say, 98 percent of forfeitures in America today in Federal court are as a result of drug cases.

In my relatively small office in Alabama, when I was a U.S. attorney, we seized probably $8 million to $10 million that we actually turned into the Federal Treasury, after expenses and other items were paid.

In one case, we seized a Corvette automobile that was rumored to be worth hundreds of thousands of dollars because it was a unique Corvette. In fact, the drug dealer's car eventually was sold for $170,000, as I remember. We seized mansions in Florida on the Gulf Coast. We seized bank accounts in foreign countries—big freighters, small boats, expensive sail boats, automobiles of all kinds, and bank accounts into the millions of dollars.

These are effective tools against the drug trafficking industry. In fact, many countries now recognize that, and they are at this time attempting to pass similar laws in their countries. It certainly is important to America.

I believed very strongly that when we set about amending this law, we do not need to place any unnecessary burdens on law enforcement and the prosecutors who will have to handle these cases. In fact, a large percentage, perhaps 90 percent or more, of these cases are confessed by the defendant because he has to establish where he got this money. Not many people can explain why they have $50,000 in cash in the trunk of their car along with maybe a few kilograms of cocaine. Normally, there is evidence in addition that they have been a drug dealer and that they haven't had employment; that their house note is being paid in cash. Oftentimes they paid for their Mercedes automobile in cash, those kinds of things. So the proof turns out to be pretty good, as a normal rule.

I believe the negotiation over this legislation was a fine example of the Senate at work; the Senate and House, as a matter of fact. We believe the agreement that has been reached today will both satisfy the House Judiciary Committee leadership and the Senate Judiciary Committee leadership. Now it has already passed the Senate. If the identical bill passes in the House, it will become law. We will have done what we set out to do, to pass legislation that will strengthen protections and civil liberties in America without undermining the rule of law in this country.

I was proud to be a part of that. We worked very hard on it. I express particular appreciation to my staff on the Judiciary Committee: Kristi Lee, who is now U.S. Magistrate in Mobile, AL, and Ed Haden, who is with me today, who both worked with extraordinary skill to make this legislation become a reality.

In recent weeks, I am particularly proud of the work Ed Haden has done to be firm and strong for good, solid legislation that could have the support of law enforcement in America.

I also express my appreciation for the leadership of Senator HATCH who chairs the Judiciary Committee. His skill and knowledge on these issues is unsurpassed, and his dedication to American law is unsurpassed.

I also was extraordinarily impressed with the commitment and knowledge and ability of Chairman HENRY HYDE of the House Judiciary Committee. His insight and commitment to making this law better was remarkable, and I think the result has been something of which we can all be proud.

ORDER FOR STAR PRINT—S. 2285

Mr. SESSIONS. Mr. President, I ask unanimous consent that a star print of S. 2285 be made with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 28, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, March 28. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S.J. Res. 14, as under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, tomorrow morning the Senate will resume consideration of the pending flag desecration resolution. Under the order, there will be 2 hours remaining for debate relating to the Hollings amendment, to be followed by an additional hour for general debate. At 2:15 on Tuesday, following the party luncheons, the Senate will proceed to two consecutive votes on the pending amendments to the flag desecration resolution. It is hoped that following those votes, the Senate will be able to reach a consent agreement regarding the passage vote of S. J. Res. 14. As a reminder, if an agreement is not reached for a vote on passage, then under the provisions of rule XXII, a cloture vote will occur on Wednesday of this week.

I thank all the Members for their attention.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, March 28, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 27, 2000:

DEPARTMENT OF STATE

GREGORY G. GOVAN, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF U.S. DELEGATE TO THE JOINT CONSULTATIVE GROUP. (NEW POSITION)

THE JUDICIARY

BEVERLY B. MARTIN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE G. ERNEST TIDWELL, RETIRED.

ROGER L. HUNT, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on March 27, 2000, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY

GAIL S. TUSAN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE G. ERNEST TIDWELL, RETIRED, WHICH WAS SENT TO THE SENATE ON AUGUST 3, 1999.

DEPARTMENT OF JUSTICE

JOSE ANTONIO PEREZ, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN SIMPSON GREGG, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 1999.

EXTENSIONS OF REMARKS

IMPROPER TAXATION OF NATIVE AMERICANS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to highlight an ongoing injustice: state taxation of the income of Native American servicemen and women.

The law is clear that a state may not tax the income of tribal members who live on and derive their income from activity within the reservation. Similarly, a state may not tax the income of tribal members who serve in the military and claim their reservation as their home. Nevertheless, these tribal members continue to be taxed by several states. This practice has likely deprived thousands of Native Americans of millions of dollars.

By withholding federal wages of these Native American service personnel for state income taxes, the Department of Defense may unwittingly be assisting this improper taxation. To date, the burden has fallen on individual servicemen and women to press their claims and seek recovery of their federal wages from the states. To redress this wrong on a systemic basis, Mr. YOUNG of Alaska, Chairman of the Committee on Resources, Mr. SKELTON, Ranking Democratic Member of the Committee on Armed Services, and I have asked the Secretary of Defense to ensure that federal withholding procedures do not abet or perpetuate this practice.

I submit for the RECORD the letter to the Secretary of Defense:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, March 7, 2000.

Hon. WILLIAM S. COHEN,
Department of Defense, Office of the Secretary, The Pentagon, Washington, DC.

DEAR SECRETARY COHEN: We are writing on behalf of Native American servicemen and women who, with the Department of Defense's (DOD's) aid, are subject to improper taxation by the states. As you know, Native Americans have a strong tradition of military service and have served their country in proportions greater than that of the general population. Nearly 16% of the Indian population 16 years and older—over 150,000 people—are veterans.

It is well-established that a state may not tax the income of tribal members who live on and derive their income from activity within the reservation. *See*, e.g., *Oklahoma Tax Commission* v. *Chickasaw*, 515 U.S. 450 (1995); *McClanahan* v. *Arizona Tax Commission*, 411 U.S. 164 (1973). The Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. §574, provides that service members do not lose their domicile for taxation purposes when on military assignment. Accordingly, tribal members who claim their reservation as their home when serving in the military are not subject to state income taxation. *See Fatt* v. *Utah State Tax Commissioner*, 884 P.2d 1233 (Utah 1994); *Turner* v. *Wisconsin Department of Revenue*, Tax Appeals Commission, No. I-9755 (June 19, 1986); *Beck* v. *North Carolina Department of Revenue*, Opinion of the Tax Commissioner, No. 99-386 (January 25, 2000).

Although the law is clear, tribal members domiciled on the reservation who are serving their country continue to be taxed by several states. DOD is instrumental in facilitating this improper taxation by withholding federal wages for state income taxes pursuant to 5 U.S.C. §5517. That statute authorizes federal agencies to enter into agreements with states to withhold state income tax from the wages of federal employees.

We are writing to request that DOD review and revise the records of Native American service personnel to ensure that this practice of withholding federal wages for state income tax cease for those claiming the reservation as their home. Over the years, this practice has likely deprived thousands of Native American servicemen and women of millions of dollars. We note that while immediate action on your part will stop this unjust practice and inform states and tribal members of the law, it will not provide retroactive relief for tribal members.

Please let us know of the steps you plan to take to redress this wrong and your progress towards that goal. Thank you for your attention to this important matter.

Sincerely,

GEORGE MILLER,
Senior Democratic Member.
IKE SKELTON,
Senior Democratic Member, Committee on Armed Services.
DON YOUNG,
Chairman.

HONORING LEBANON CATHOLIC HIGH SCHOOL'S GIRLS' AND BOYS' BASKETBALL TEAMS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. GEKAS. Mr. Speaker, today I rise to recognize the incredible achievements of the girls' and boys' basketball teams of Lebanon Catholic High School in Lebanon, Pennsylvania. For the first time ever, the Lebanon Catholic Beavers have captured district basketball championships with both the boys' and girls' teams.

The boys' basketball team captured their first District Three Class A title after a come-from-behind victory of 51–45. The Beaver girls were also successful in their pursuit of the District 3 title. The girls' victory made Lebanon Catholic only the third school in the history of this district's playoffs to capture the title with both the boys' and girls' teams.

Their success was not bought with a short road to victory. The many hours of practice and hard work that these fine young men and women have invested has paid off as they celebrate not only successful seasons, but district championships as well. The athletes on these two extraordinary teams have, undoubtedly, learned valuable lessons of motivation, dedication, and team work.

These young athletes deserve the admiration of their families, teachers, and fellow students for their great accomplishments. I am proud to represent such a fine group of young people from Pennsylvania's 17th District. I know the entire House of Representatives joins me in congratulating this outstanding group of young people from Lebanon Catholic High School. Congratulations and continued success.

TRIBUTE TO THE EDWIN J. LEYANNA V.F.W. POST 671 HONOR GUARD IN DEWITT MICHIGAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. CAMP. Mr. Speaker, today I pay tribute to a group of noble veterans.

There is no more honorable cause or purpose than serving one's nation. As history illustrates, our nation has enjoyed unwavering support as millions of men and women have answered the call for duty. It is their sacrifice that has helped build and protect our great nation.

For many, service does not end at discharge. For them serving means honoring those Veterans who pass on. The Honor Guard at VFW Post 671 in DeWitt, Michigan, is composed of 35 selfless veterans who are quick to heed the call for their services when one of their compatriots passes on. Since the group was formed in 1986, these men have performed some 720 military funerals. Whether it rains or snows, these veterans—who average 69 years of age—answer the call to duty.

Appreciation for our military and for the many sacrifices of those who serve does not always get the attention it so richly deserves. Post 671's Honor Guard ensures that proper recognition will be accorded those who so bravely defended our freedom on the occasion of their final internment. Just as the brave men and women being remembered put their country before themselves, the Honor Guard places the needs of the area's veterans and their families ahead of their own.

Mr. Speaker, please join me and the proud citizens of DeWitt and surrounding communities in saluting these great patriots. I thank the Edwin J. Leyanna V.F.W. Post 671 Honor Guard for their dedication to the fallen heroes of this great nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SAVE MONEY FOR PRESCRIPTION DRUG RESEARCH ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. STARK. Mr. Speaker, I rise today to introduce the Save Money for Prescription Drug Research Act of 2000, a bill to deny tax deductions to drug companies for certain gifts and benefits, but not product samples, provided to physicians and to encourage use of such funds for pharmaceutical research and development. Rather than spending pharmaceutical dollars on these very questionable gifts, the industry should devote these billions of dollars to research and development of life-saving drugs. This bill will enable them to do so.

The magnitude of drug company bribes to doctors is staggering. In its January 19, 2000, issue, the Journal of the American Medical Association (JAMA) concluded that U.S. drug companies spend more than $11 billion per year on drug promotion and marketing—an estimated $8,000 to $13,000 per physician. These "gifts" include free meals, travel subsidies, sponsored teachings, and even recreational benefits such as sporting event tickets and golfing fees, to name just a few. The JAMA article is attached.

JAMA's analysis warns that the present extent of these practices "appears to affect prescribing and professional behavior and should be further addressed at the level of policy and education." The $11 billion that drug companies spend lobbying doctors often leads to distorted, inappropriate, overprescribing of drugs.

Over the years, I have personally received numerous examples of drug company gift-giving to physicians. One physician has sent me many particularly outlandish examples of perks he has been offered. The number of gifts offered over the course of 1 week is staggering. One week included an invitation to the races—with a private suite, lunch, and open bar from noon to 3 p.m. Subsequent days of the week featured a free dinner at a fine restaurant where meals averaged $25/plate and major league baseball tickets for the entire family.

I would also like to insert in the RECORD a March 9, 2000, USA Today article. This article describes a growing tend among advertising and marketing firms to sponsor physician continuing medical education courses that doctors in 34 States need to keep their licenses. These marketing firms are paid by drug companies and often hire faculty to teach courses and educate medical professionals about their sponsors' products. This provides drug companies with another opportunity to impact physician prescribing practice and increase their company profits—while giving doctors a free, questionable way to meet their recertification requirement.

Drug companies will claim that changes in tax treatment will directly decrease their investment in research. In fact, less than 4 months ago the nonpartisan Congressional Research Service (CRS) analyzed the tax treatment of the pharmaceutical industry. That analysis found taxpayer financed credits contribute powerfully to lowering the average effective tax rate for drug companies—by nearly 40 percent relative to other major industries between 1990 to 1996. With an effective tax rate so much lower than that of other industries, it's hard to feel their pain.

On top of their lowered tax rate, this industry already reaps billions and billions in profits every year. Fortune magazine rates the pharmaceutical industry as the most profitable business in America. The average compensation for 12 drug company CEO's was $22 million in 1998. Likewise, CRS reported that after-tax profits for the pharmaceutical industry averaged 17 percent—three times higher than the 5 percent profit margin of other industries.

U.S. drug companies claim their exorbitant profits are justified by the high cost of research and development. Yet pharmaceutical companies generally spend twice as much on marketing and administration as they do on research and development. In fact, some companies are guilty of spending even more than that. Merck & Pfizer spent 11 percent of revenues on R&D in 1997, while spending 28 percent on administration and marketing—including gifts and promotions aimed at physicians.

The pharmaceutical industry appears to have its priorities backward. Research and development is much more important than drug company promotions. Our nation has reaped great rewards as a result of pharmaceutical research; pharmaceutical and biotech research have led to the discovery of life-saving cures and treatments for ailments that would have cut lives short at one time. But drug companies can do more. Think of all the additional lives that could be saved if the pharmaceutical industry would dedicate the resources now spent on physician promotions to R&D.

The need for this bill is clear. Denying the pharmaceutical industry the ability to deduct expenditures for gifts (other than product samples) to physicians is a critical step in providing Americans with access to more life-saving drugs. This will discourage drug company gifts that have been shown to sway physician prescribing behavior and free up more pharmaceutical revenue for R&D. By redirecting drug company promotional expenditures to their R&D budgets, the American public would reap the benefit of increased medical breakthroughs. If the companies choose to keep the $11 billion as company profits, then the additional tax revenue from these increases could be used to provide a much-needed Medicare prescription drug benefit. Any way you look at it, this bill is a winner for the American public.

I look forward to working with my colleagues in support of this legislation to encourage pharmaceutical research and development and to deny drug company tax deductions for gifts to physicians.

[From JAMA, Jan. 19, 2000]

Physicians and the Pharmaceutical Industry

IS A GIFT EVER JUST A GIFT?

(By Ashley Wazana, MD)

There are few issues in medicine that bring clinicians into heated discussion as rapidly as the interaction between the pharmaceutical industry and the medical profession. More than $11 billion is spent each year by pharmaceutical companies in promotion and marketing, $5 billion of which goes to sales representatives. It has been estimated that $8000 to $13000 is spent per year on each physician. The attitudes about this expensive interaction are divided and contradictory. One study found that 85% of medical students believe it is improper for politicians to accept a gift, whereas only 46% found it improper for themselves to accept a gift of similar value from the pharmaceutical company. Most medical associations have published guidelines to address this controversy. Perhaps the intensity of the discussion is related to the potential consequences were it confirmed that gifts influence prescription of medication that results in increasing cost or negative health outcomes.

This article addresses the question by way of a critical examination of the evidence. Two review articles have addressed the factors affecting drug prescribing, but only 1 has focused on the impact of the physician-industry interaction on the behavior of physicians. This article critically examines the literature and highlights articles with rigorous study methods.

METHODS

Studies were identified by searching MEDLINE for articles from 1994 to the present, using the expanded Medical Subject Headings conflict of interest and drug industry, limiting the search to articles in English while excluding review articles, letters, and editorials; each identified study was cross-referenced; a database of 400 articles gathered by the Medical Lobby for Appropriate Marketing was searched; and 5 key informants were sought for their bibliographies on the topic.

A total of 538 studies that provided data on any of the main study questions were targeted for retrieval. Of the 29 studies that were published in peer-reviewed journals and identified as potentially relevant (containing quantitative data on 1 of 3 facets of physician-industry interactions), 10 were from MEDLINE and 19 from other sources. The data extractor (A.W.) was not blinded to the authors of the studies.

Those with an analytical design (having a comparison group) were considered to be of higher methodological quality.

Context. Controversy exists over the fact that physicians have regular contact with the pharmaceutical industry and its sales representatives, who spend a large sum of money each year promoting to them by way of gifts, free meals, travel subsidies, sponsored teachings, and symposia.

Objective. To identify the extent of and attitudes toward the relationship between physicians and the pharmaceutical industry and its representatives and its impact on the knowledge, attitudes, and behavior of physicians.

Data Sources. A MEDLINE search was conducted for English-language articles published from 1994 to present, with review of reference lists from retrieved articles; in addition, an Internet database was searched and 5 key informants were interviewed.

Study Section. A total of 538 of studies that provided data on any of the study questions were targeted for retrieval, 29 of which were included in the analysis.

Data Extraction. Data were extracted by 1 author. Articles using an analytic design were considered to be of high methodological quality.

Data Synthesis. Physician interactions with pharmaceutical representatives were generally endorsed, began in medical school, and continued at a rate of about 4 times per month. Meetings with pharmaceutical representatives were associated with requests by physicians for adding the drugs to the hospital formulary and changes in prescribing practice. Drug company-sponsored continuing medical education (CME) preferentially highlighted the sponsor's drug(s) compared with the CME programs. Attending sponsored CME events and accepting funding for travel or lodging for educational symposia were associated with increased prescription rates of the sponsor's medication. Attending presentations given by pharmaceutical representative speakers was also associated with nonrational prescribing.

Conclusion. The present extent of physician-industry interactions appears to affect prescribing and professional behavior and should be further addressed at the level of policy and education.

[From USA Today, Mar. 9, 2000]

WHO'S TEACHING THE DOCTORS?

DRUG FIRMS SPONSOR REQUIRED COURSES—AND SEE THEIR SALES RISE

(By Dan Vergano)

At first glance, Harvard Medical School and advertising giant Omnicom Group seem to have little in common. But they share one trait: the right to award medical education credits that doctors need to keep their licenses in 34 states.

Omnicom, working through subsidiary Pragmaton, is one of a growing number of advertising and marketing firms that provide continuing medical education (CME) courses for physicians. The firms are fully accredited, but because the marketing firms often are working for pharmaceutical companies, the practice increasingly is setting off ethical alarms.

"It is unconscionable," says Catherine De Angelis, editor in chief of the Journal of the American Medical Association.

Marketing firms "advertise wares under the guise of medical education," she says.

But advocates say commercial CME courses use faculty from top medical schools, ensuring objectivity, while delivering updates on drugs to the medical community more quickly than academic educators.

"Companies live through education" to ensure new products are used appropriately, says Bert Spilker of the Pharmaceutical Research and Manufacturers of America in Washington, D.C.

Without commercial CME firms, "you won't find enough Mother Teresas to provide everything doctors need," says Michael Scotti, a CME official with the American Medical Association. His organization is one of the seven medical groups that charter the Chicago-based Accreditation Council for Continuing Medical Education (ACCME), the office that accredits courses nationwide.

The drug companies provide "unrestricted" grants to the marketers, who hire the course faculty. But growing numbers of critics say there's nothing unrestricted about the involvement of pharmaceutical companies.

They fear that CME firms, which widely refer to course sponsors as "clients," stack their programs with faculty physicians overly friendly to their sponsors' products. Sponsors get a chance to market their products directly to doctors in a venue disguised as education, critics say. In fact, one company, Indianapolis-based Eli Lilly, is directly accredited for CME, raising further concerns.

Regulations going into effect in June promise higher standards of separation between grant providers and course faculty, but critics say they are weak and unenforceable. Meanwhile, attempts to change the practice have been rebuffed even as the number of commercial providers has increased. Last spring, a resolution condemning accreditation of commercial CME firms, signed by educators from 47 medical schools, was offered to the Society for Academic Continuing Medical Education. In November, the document was tabled because of the "possibility or likelihood of grant money to universities being reduced by pharmaceutical companies," says one of its authors, Ruth Glotzer of Tufts University School of Medicine in Boston.

In February, a federal appeals court turned away the Food and Drug Administration's latest bid for oversight of the CME industry, reaffirming a decision made on freedom-of-speech grounds.

PATIENT'S BEST INTEREST?

The concern comes at a time when pharmaceutical influence on doctors is under scrutiny. A January study in the Journal of the American Medical Association found that company-sponsored courses mentioned positive effects of the companies' drugs 2.5 to 3 times more often than other courses. Swayed by such marketing, doctors prescribed the sponsors' drugs 5.5% to 18.7% more often afterward, according to the study, without giving competitive products a similar bounce.

Critics fear that what's in the patient's best interest won't always be the determining factor when a doctor scribbles out a prescription.

They point to firms such as an accredited company called Interactive Medical Networks (IMN) of Rockville, Md., which promises pharmaceutical companies "a collaborative process with a provider who shares your expectations" on its Web site (www.cmemuscle.com). In translation, that means commercial grant providers can freely recommend faculty for courses. IMN head Jan Perez says, "If they're interested in Dr. Jones or Dr. Smith, we try to work with them."

Under current conditions, "it's up to doctors to identify who's shilling for a company," says cardiologist Richard Conti of the University of Florida at Gainesville, editor in chief of Clinical Cardiology.

Despite believing that the CME system works well overall, Conti wrote an editorial last year calling for all providers to have independent monitoring committees to ensure objectivity.

"We recognize that concern," says Murray Kopelow, head of the ACCME. Under the standards going into effect in June, parent companies of commercial CME firms must possess a mission "congruent" with medical education.

Kopelow says commercial course providers will meet the standards if they maintain a "firewall" between corporate departments whose mission is selling advertising to drug companies and the people preparing medical education courses.

PAYING FOR THE SYSTEM

Accredited course providers report about $900 million in annual income to the ACCME. More than 40% of grant funding from drug and medical device firms goes to the 25% of those providers consisting of commercial organizations, not the medical schools and societies that control other aspects of physician training.

"We work the same way academic centers work", says Dennis Hoppe of Chicago-based Pragmaton. At the insistence of clients, employees involved with education cannot have a role in advertising activities. In addition, the company hires external doctors and pharmacists to review programs for objectivity.

Pragmation has higher course standards than his hospital, says psychiatrist Michael Easton of Rush Presbyterian St. Luke's Medical Center in Chicago, a review board member.

If the accrediting group arbitrarily banned commercial firms from offering CME, it would result in a class-action lawsuit aimed not only at the organization, but also against critics, says Jack Angel, head of the Coalition for Healthcare Communication, an industry trade group. "As long as we meet the same standards, we have a right to participate," he says.

"Baloney," De Angelis says. "Show me one of their programs where (faculty) physicians push drugs not made by the sponsor."

On the industry side, Angel says academic providers may be complaining about commercial providers more for competitive than altruistic reasons. "They want more of the action."

FEW PHYSICIAN COMPLAINTS

In response to the dispute, Kopelow says, the ACCME has considered requirements that independent monitoring committees oversee all providers. But even with the new standards, critics note other potential problems with the group's oversight:

Providers get to pick in advance which monitors review courses for objectivity.

No requirements ensure that physicians take courses relevant to their specialties.

No explicit requirement exists for physician involvement in CME planning.

"We rely on faculty professionalism to a large extent," Kopelow says. Industry participation in medicine is standard practice, he says, citing such examples as for-profit hospitals and health maintenance organizations as "the way we do things in the United States." Private companies offering CME simply reflect that phenomenon, in his view.

The required disclosure of who finances a course and of any faculty ties to corporate sponsors goes a long way toward ensuring doctors who take CME courses know where advice is coming from, Kopelow says. "We have millions of eyes out there watching" in some 600,000 annual hours of accredited courses..

Over the past three years his organization has received 56 complaints about programs, 14 resulting in warning letters. But some point out that doctors who want to renew their medical licenses have little incentive to call into question a program that helps them reach that goal.

"Patients should be concerned about this," Glotzer says. "The job and responsibility of these firms is to market drugs, not to teach doctors."

Disputes over industry involvement in medicine extend into many areas, some physicians note.

"It's somewhat insulting to think that doctors don't have inquiring minds that can tell the good from the bad," says Dolores Bacon of New York Presbyterian Medical Center.

"There's a huge variability in commercial (CME) programs," she adds. "Ultimately, as physicians, our job is to be informed consumers.

HONORING THE AMERICAN ASSOCIATION OF DENTAL SCHOOLS (AADS)

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. NORWOOD. Mr. Speaker, today I recognize the tremendous work performed by a group of dedicated and tireless professionals: the members of the American Association of Dental Schools (AADS). Many members, including those from the 10th Congressional District of Georgia, are gathering at the AADS 77th Annual Meeting here in the nation's capital. I congratulate the AADS for its achievements. AADS is the one national organization that speaks exclusively for dental education.

Since 1923 the Association's institutional membership has trained the nation's oral health care providers. The Association has done exemplary work in leading the dental education community in addressing the issues influencing education, research, and the health of the public. Members of the Association including all of the dental schools in the United States, Puerto Rico, and Canada, allied dental education programs, corporations, faculty, and students. The nation owes a great debt to AADS for its unwavering commitment to excellence in dental education.

AADS works to promote the value and improve the quality of dental education, and to expand and strengthen the role of dentistry among other health professions in academia and society. There is currently more focus than ever on oral health and I hope the nation will understand that oral health is a part of total health.

AADS is dedicated to assisting its membership in providing service to patients of limited means and quality education of future practitioners. Dental schools and programs play a major role in access to oral health care, reaching many underserved low-income populations, including individuals covered by Medicaid and the State Children's Health Insurance Program (CHIP). AADS members play a critical role in meeting the oral health needs of the nation. It is with great pride that I honor my distinguished colleagues of the dental profession.

Mr. Speaker, I honor the American Association of Dental Schools for being the leader in dental education. I urge my colleagues to join me in wishing AADS many more years of continued success.

THE 80TH ANNIVERSARY OF BALTIMORE HEBREW UNIVERSITY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Baltimore Hebrew University, a valuable educational institution in my district, on their 80th anniversary.

Following World War I, in response to a community need for Jewish education and teacher training, Baltimore Hebrew University opened its doors as an institution of higher learning devoted solely to Jewish studies. Today, Baltimore Hebrew University has more graduate and credit students than any other Hebrew college in the nation. The University has the fourth largest Master of Arts program in Jewish Studies in the country with only Yeshiva University, Hebrew Union College and the Jewish Theological Seminary having larger programs.

In addition to teaching Jewish Studies on their Baltimore City campus, Baltimore Hebrew University professors provide Jewish Studies curriculum in other Maryland colleges, including Groucher College, Towson University, and University of Maryland Baltimore County. Next year, BHU professors will begin a new program at John Hopkins University. In addition, Baltimore Hebrew University has begun to offer in conjunction with The Baltimore Jewish Times courses "on line" to provide educational opportunities to students in communities lacking Jewish Studies programs.

Baltimore Hebrew University brings together Jews and non-Jews of all religious backgrounds, providing a diverse, open and community-responsive environment in which students gain an understanding of Jewish literary and historical tradition. Baltimore Hebrew University graduates making contributions in many of my colleagues' communities include: Stephen Hoffman, president of the Jewish Community Federation of Cleveland: Brain Schreiber, Executive Director of the Jewish Community Center of Greater Pittsburgh; Lesley Weiss, Association Director of the Anti-Defamation League in Washington, D.C; Gail Naron Chalew, editor of the Journal of Jewish Community Service and Larry S. Moses, President of the Wexner Foundation, to name a few.

I ask my colleagues to join me in congratulating Dr. Robert O. Freedman, president of Baltimore Hebrew University, and the members of the Board of Trustees and the Baltimore Jewish community for their fortitude and foresight in establishing and maintaining Baltimore Hebrew University as a premier institution of higher education.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005:

Mr. UDALL of Colorado. Mr. Chairman, I cannot support this resolution, for two reasons. It fails to do what should be done, for our country and for all Americans. And, it would insist on doing what should not be done for our economy and for future generations.

It does not extend the solvency of either Social Security or Medicare, which we need to do as the first step toward preparing those vital programs to meet the challenges of the years ahead when the "baby boom" generation retires in large numbers.

It does not properly provide for measures to make affordable prescription drugs available to Medicare beneficiaries and other senior citizens.

It doesn't adequately fund essential education programs including Head Start, Pell grants for college students, and special education—in fact, it cuts their purchasing power.

It does not protect programs that are vital for many working families—such as child care subsidies, emergency heating and cooling assistance, or affordable housing—or to improve their access to health insurance. It also does not adequately assist our communities to respond to the problems of growth and sprawl and fails to provide enough funds for saving open space. And it does not provide enough for veterans' programs.

And it does not give the proper priority to reducing the public debt.

But what it does do is to mortgage the future to pay for excessive, unfocused tax cuts that would wipe out almost all of the expected surplus outside of Social Security.

It does cut funding for energy research and conservation programs, even as increased prices for gasoline and heating oil are again showing the importance of reducing our dependence on petroleum, while allowing dangerous erosion of funding for many other important scientific research activities.

And it does lay down a blueprint for going back to budget deficits.

For all these reasons—and more—we should not make the mistake of passing this budget plan. We can do better, and we should.

That's why I voted for the alternative plan proposed by Representative JOHN SPRATT and other Democratic members of the Budget Committee.

The Democratic alternative would have extended the solvency of Social Security and Medicare, while making a downpayment on a plan to let the parents of children who are eligible for Medicaid or the State Children's Health Insurance program gain health-care coverage under these programs. It also would have provided for Medicare prescription drug coverage, beginning next year, while maintaining the funds needed to crack down on Medicare fraud, waste, and abuse. It also would have provided more funds for veterans programs, and would have assisted retirees and people who lose their jobs to keep health insurance.

The Democratic alternative would have increased funding for energy research and development, including energy conservation and the development of alternatives to petroleum. And it would have provided more for science, space, and technology programs.

It also would have provided fund to continue assisting local school districts to hire more teachers for overcrowded schools, would have provided nearly $5 billion more for special education funding, would have provided for tax credits and funding for better school buildings. It would have provided for increases in Pell grants, Head Start, special education, and other educational programs.

The Democratic alternative would fully fund the Lands Legacy Initiative, to save endangered open space and to assist our States and local communities in acquiring parks, conserving wildlife habitat, and protecting sensitive areas.

And while the Democratic alternative would have provided for cutting taxes by some $200 billion over the next decade, it still would have dedicated $364 billion over the next decade for paying down the publicly held debt, more than could be done under the flawed plan put forward by the Republican leadership.

Mr. Chairman, after I compared the Republican leadership's budget and the Democrat alternative, my choice was clear. I think that when the American people make the same comparison, they will agree that the Republican leadership's plan is a collection of wrong choices for the House and for our country.

A PROCLAMATION RECOGNIZING THE 35TH ANNIVERSARY OF PATRICIA AND JIM GLOVER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 27, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Patricia and Jim Glover will celebrate their 35th Anniversary today, March 27, 2000;

Whereas, Patricia and Jim declared their love in a ceremony before God, family and friends in Bridgeport, Ohio;

Whereas, 2000 will mark 35 years of sharing, loving, working together and raising a family of two children;

Whereas, may Patricia and Jim be blessed with all the happiness and love that two can share and may their love grow with each passing year;

THEREFORE: Mr. Speaker, I am pleased to congratulate the Glovers' on their 35th anniversary. I ask that my colleagues join me in wishing this special couple many more years of happiness together.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005:

Mrs. CAPPS. Mr. Chairman, I rise in support of a fiscally responsible federal budget.

I have been very consistent in what I believe we should be doing with our federal budget and projected surplus.

First, we need to pay down the $3.7 trillion national debt. Last year, we paid $230 billion in interest on the debt—that's almost the size of the Defense budget. Families use times of plenty to pay off debt first—the government should as well. We owe it to our children to get rid of this burden.

We must shore up Social Security and modernize Medicare. Social Security faces a huge challenge with the coming retirement of baby boomers and we must prepare for that now. Providing prescription drug coverage, and increasing payments to Medicare HMO's and hospitals will ensure that central coast seniors have the quality health care they deserve.

We must also make critical investments in education, health care, defense, and veteran's programs. Schools on the central coast are overcrowded, putting an extra burden on our teachers and potentially shortchanging our kids. Millions of Americans lack health insurance and this adds to overall health care costs and human misery. Our troops are stretched too thin and we have neglected our veterans' needs for far too long.

And, of course, we must enact some commonsense tax reform. Fixing the marriage penalty, ending the Social Security earnings limit, lifting the estate tax burden from small businesses and family farms—these are all reforms we can accomplish this year.

To meet these goals I will be supporting the alternative budget presented by Mr. SPRATT. While it does not fully reflect all my goals, it comes closest. And it clearly is superior to the leadership plan.

This mainstream budget puts $364 billion of the non-Social Security surplus toward paying down the debt. The leadership bill puts none of the non-Social Security surplus into debt reduction and may even begin spending the Social Security surplus once again. The mainstream proposal will extend Medicare and Social Security solvency by at least 10 and 15 years, respectively. The leadership bill does not provide the necessary safety net for the future generations of seniors.

The budget I support provides for prescription drug coverage for all our seniors. The leadership bill is silent on who is covered. The Spratt proposal puts $1 billion more into law enforcement than the leadership bill. And this budget allows for responsible increases funding for education, science and medical research and development to insure that we provide our kids with the all the opportunities they deserve. The leadership proposal freezes funding for 5 years for all higher education assistance, meaning fewer Pell grants and Head Start slots for our kids. Finally, this mainstream budget provides for critical funding for energy research and conservation programs. The leadership bill, even in these times of high gas prices, actually cuts these budgets.

Simply put, Mr. Chairman, the budget I support allows us to continue on a path of fiscal responsibility, while continuing to meet the future challenges that face our society.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary, levels; for each of fiscal years 2002 through 2005:

Mr. BALLENGER. Mr. Chairman, I applaud my colleagues on the House Budget Committee for their hard work in crafting a fiscal year 2001 budget which all Americans can embrace today. Chairman KASICH has shown vision and leadership in guiding the Congress out of the Democrat-led forty year period of budget deficits and into the Republican era of budget surpluses.

I also would like to give credit to Chairman KASICH for his efforts to publish a summary of where the federal government stands now on combating government waste, fraud, abuse and mismanagement. Sadly, this document (Reviving The Reform Agenda) shows how much reform is still needed in agencies and programs throughout the federal government from the Internal Revenue Service (IRS) to various federal housing programs. As a small businessman, I was appalled to read that the most recent audits (fiscal year 1998) showed six major agencies could not provide financial statements that reliably account for the hundreds of billions of dollars they spent. Put another way, these agencies failed to produce the kinds of financial records that the government requires of every private-sector company that trades its stock publicly. The Budget Committee majority staff point out that the General Accounting Office (GAO) and the inspectors general (IG) of the various agencies believe taxpayers' hard-earned dollars have been wasted and, as a result, beneficiaries of too many federal programs have been deprived of the funding which Congress intended them to receive.

I believe it is important to point to Reviving The Reform Agenda in defense of Republicans' successful push last year for a 0.38 percent across-the-board cut in the fiscal year 2000 spending bills. And, today, as our colleagues across the aisle criticize the fiscal year 2001 Republican budget which will keep spending to about half the rate of inflation, we need to highlight the fact that government waste, fraud, abuse and mismanagement still exists. Why should we ask our constituents to support the Clinton-Gore administration budget which calls for spending $1.3 trillion on bigger government over the next decade when we are having a hard time managing effectively current programs and spending levels?

It is important to note that the fiscal year 2001 Republican budget proposal keeps a lid on runaway federal spending while devoting the entire Social Security surplus, totaling

$166 billion in fiscal year 2001, to a lock box to prevent it from being used to finance other government programs. And, it proposes a $40 billion reserve fund to be used to reform Medicare and provide prescription drug coverage for Medicare beneficiaries who need it.

In addition, the Republican budget proposal contains $150 billion in tax relief over five years, including the elimination of the marriage penalty. It also contains tax relief for small businesses, phases out the estate of "death" tax, establishes tax incentives for educational assistance and tax relief associated with pending health care reform legislation.

Finally, I am pleased to report that the Republican budget increases spending for education, national defense, transportation and veterans programs. In response to many of my constituents; concerns, it also decreases foreign aid expenditures. I believe this budget does it all. I hope my Republican colleagues will continue to spearhead a campaign of reform, beginning with the adoption of the fiscally responsible Republican budget.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 28, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 29

9:30 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs, (to be followed by an open session in SD–192).

SH–219

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold oversight hearings on the handling of the investigation of Peter Lee.

SD–226

Commerce, Science, and Transportation

To hold hearings on S. 2267, to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes (pending on Senate calendar).

SR–253

Rules and Administration

To hold hearings to examine Presidential primaries and campaign finance.

SR–301

10 a.m.

Finance

To resume hearings to examine the inclusion of a prescription drug benefit in the Medicare program.

SD–215

Budget

Business meeting to continue markup a proposed concurrent resolution setting forth the fiscal year 2001 budget for the Federal Government.

SD–608

10:30 a.m.

Governmental Affairs

To hold hearings on how to structure government to meet the challenges of the millennium.

SD–342

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, and S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land.

SD–366

Indian Affairs

To hold hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band; S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments; and S. 1509, to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations.

SR–485

MARCH 30

9 a.m.

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for Treasury Law Enforcement Bureaus.

SD–192

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.

SD–138

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.

SD–124

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.

SD–366

Foreign Relations

To hold hearings to examine the need for nonproliferation policy innovations.

SD–430

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR–301

10 a.m.

Judiciary

Business meeting to markup H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia; and S. 1854, to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

SD–226

Governmental Affairs

To hold hearings on the nominations of Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service; and Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority.

SD–342

Finance

Business meeting to markup H.R. 6, to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals.

SD–215

Commerce, Science, and Transportation

To hold hearings on S. 1361, to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.

SR–253

10:30 a.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings on the Administration's fiscal year 2001 budget for programs with the Environmental Protection Agency's Office of Solid Waste and Emergency Response.

SD–406

2 p.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine racial profiling within law enforcement agencies.

SD–226

Foreign Relations

Meeting to discuss crusial issues before the United Nations.

SD–419

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the President's October 1999 announcement to review approximately 40 million acres of national forest lands for increased protection.

SD–366

MARCH 31

9:30 a.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold oversight hearings to examine the Department of Energy's findings at the Gaseous Diffusion Plant in Paducah, Kentucky, and plans for cleanup at the site.

SD–366

APRIL 4

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.

SD–138

10 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.

SD–192

APRIL 5

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.

SD–124

Indian Affairs

To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD–192

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD–138

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

SD–366

APRIL 8

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD–192

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD–138

10 a.m.

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

APRIL 12

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD–138

Indian Affairs

To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD–366

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD-192

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 29

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

POSTPONEMENTS

MARCH 30

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD-430

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR-485

SENATE—*Tuesday, March 28, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have called the men and women of this Senate to glorify You by being servant-leaders. The calling is shared by the officers of the Senate, the Senators' staffs, and all who enable the work done in this Chamber. Keep us focused on the liberating truth that we are here to serve You by serving our Nation. Our sole purpose is to accept Your absolute lordship over our lives and give ourselves totally to the work of this day. Give us the enthusiasm that comes from knowing the high calling of serving in government. Grant us the holy esteem of knowing that You seek to accomplish Your plans for America through the legislation of this Senate. Free us from secondary, self-serving goals. Help us to humble ourselves and ask how we may serve today. We know that happiness comes not from having things nor getting recognition, but from serving in the great cause of implementing Your righteousness, justice, and mercy for every person and in every circumstance in this Nation. We take delight in the ultimate paradox of life: The more we give ourselves away, the more we can receive of Your love. In our Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The acting majority leader is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will resume consideration of the pending flag desecration resolution. Under the order, there are 2 hours of debate remaining on the Hollings amendment, to be followed by an additional hour for general debate.

At 2:15, following the party caucus luncheons, the Senate will proceed to two consecutive votes on the pending amendments to the flag desecration resolution. Cloture was filed on the resolution during yesterday's session; therefore, under the provisions of rule XXII, a cloture vote will occur on Wednesday. However, it is hoped that an agreement can be reached with regard to a vote on final passage of the resolution and that the cloture vote will not be necessary.

I thank all Members for their attention.

MEASURE PLACED ON THE CALENDAR—H.R. 2366

Mr. HATCH. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

> A bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers.

Mr. HATCH. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rules, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 14, which the clerk will report by title.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

Pending:

> McConnell amendment No. 2889, in the nature of a substitute.
>
> Hollings amendment No. 2890, to propose an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to permit Congress to prevent the desecration of our greatest national symbol: the American flag. I want to thank Chairman HATCH for his leadership on this important issue. Last year, Senator HATCH, on behalf of myself and many others, introduced S.J. Res. 14, a constitutional amendment to authorize Congress to protect the flag through appropriate legislation. Since 1998, the Judiciary Committee has held four hearings on this issue. I am pleased that this resolution now has 58 Senate sponsors. In addition, the House of Representatives has already passed an identical resolution, H.J. Res. 33, on June 24, 1999, by a vote of 305 to 124.

Throughout our history, the flag has held a special place in the hearts and minds of Americans. Even as the appearance of the flag has changed with the addition of new stars to reflect our growing nation, its meaning to the American people has remained constant. The American flag symbolizes an ideal for Americans, and or all those who honor the great American experiment. It represents freedom, sacrifice, and unity. It is a symbol of patriotism, of loved ones lost, and of the American way of life. The flag stands in this Chamber, in our court rooms, and in front of our houses; it is draped over our honored dead; and it flies at half-mast to mourn our heroes. It is the subject of our national anthem, our national march and our Pledge of Allegiance. In short, the flag embodies America itself. I believe that our nation's symbol is a unique and important part of our heritage and culture, a symbol worthy of respect and protection.

This is not a new perspective. The American flag has enjoyed a long history of protection from desecration. Chief Justice Harlan, upholding a 1903 Nebraska statute proscribing use of the Flag in advertisements states,

> [To] every true American the Flag is a symbol of the nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression. *Halter* v. *Nebraska*, 205 U.S. 34, 41 (1907).

It is for these reasons that Americans overwhelmingly support preserving and protecting the American flag. During a hearing I chaired in March 1998, entitled "The Tradition and Importance of Protecting the United States Flag," the witnesses noted that an unprecedented 80 percent of the American people supported a constitutional amendment to protect the flag. Recent polls show that support unchanged. In addition, the people's elected representatives reflected that vast public support by enacting flag protection statutes at both the State and Federal levels. In fact, 49 State legislatures have passed resolutions asking Congress to send a constitutional amendment to the States for ratification.

Regrettably, the Supreme Court has chosen instead to impose the academic and elitist values of Washington, DC, on the people, instead of permitting and upholding the values that people attempted to demand of their government. In 1989, the Supreme Court ignored almost a century of history and thwarted the people's will in the case of Texas v. Johnson by holding that the American flag is just another piece of cloth for which no minimum of respect may be demanded.

In response, the Congress swiftly attempted to protect the flag by means of a statue, the Flag Protection Act of 1989, only to have that statute also struck down by the Supreme Court in United States v. Eichman. In 1989, 1990 and 1995 the Senate voted on proposed constitutional amendments to allow protection of the flag—and each time the proposal gained a majority of votes, but not the necessary two-thirds super-majority needed to send the amendment to the States for ratification. And so we are here today to try again.

Critics of this measure urge that it will somehow weaken the rights protected by the first amendment. I would draw their attention to the long standing interpretation of the first amendment prior to Texas v. Johnson. At the time of the Supreme Court's decision, the tradition of protecting the flag was too firmly established to suggest that such laws are inconsistent with our constitutional traditions. Many of the state laws were based on the Uniform Flag Act of 1917. No one at that time, or for 70 years afterwards, felt that these laws ran afoul of the first amendment. Indeed, the Supreme Court itself upheld a Nebraska statute preventing commercial use of the flag in 1907 in Halter v. Nebraska. As Chief Justice Rhenquist noted in his dissent in Texas v. Johnson, "I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States which make criminal the public burning of the flag."

Mr. President, I also reject the notion that amending the Constitution to overrule the Supreme court's decisions in the specific context of desecration of the flag will somehow undermine the first amendment as it is applied in other contexts. This amendment does not create a slippery slope which will lead to the erosion of Americans' right to free speech. The flag is wholly unique. It has no rightful comparison. An amendment protecting the flag from desecration will provide no aid or comfort in any future campaigns to restrict speech.

Moreover, an amendment banning the desecration of the flag does not limit the content of any true speech. As Justice Stevens noted in his dissent in Texas v. Johnson, "[t]he concept of 'desecration' does not turn on the substance of the message the actor intends to convey, but rather on whether those who view the act will take serious offense." Likewise, the act of desecrating the flag does not have any content in and of itself. The act takes meaning and expresses conduct only in the context of the true speech which accompanies the act. And that speech remains unregulated. As the Chief Justice noted, "flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

But what if we fail to act? What is the legacy we are leaving our children? At a time when our nation's virtues are too rarely extolled by our national leaders, and national pride is dismissed by many as arrogance, America needs, more than ever, something to celebrate. At a time when too many Americans have lost respect because of disrespectful actions of elected leaders, we need a national symbol that is beyond reproach. At a time when Hollywood, which once inspired Americans with Capra-esque tales of heroism, integrity, and national pride, now bestows its highest honors on works that glorify the dysfunctional, the miserable, the materialistic, and the amoral. America needs its flag untainted, representing more than some flawed agenda, but this extraordinary nation. The flag, and the freedom for which it stands, has a unique ability to unite us as Americans.

In sum, there is no principal or fear that should stand as an obstacle to our protection of the flag. The American people are seeking a renewed sense of purpose and patriotism. They want to protect the uniquely American symbol of sacrifice, honor and freedom. The genius of our democracy is not that the values of Washington would be imposed on the people, but that the values of the people would be imposed on Washington. I urge my colleagues to join me in letting the values of the American people affect the work we do here. It is my earnest hope that by amending the Constitution to prohibit its desecration, this body will protect the heritage, sacrifice, ideals, freedom, and honor that the flag uniquely represents.

Mr. HAGEL. Mr. President, I rise today to speak I support of the joint resolution, introduced by my distinguished colleague from Utah, Senator ORRIN HATCH, proposing an amendment to the Constitution authorizing Congress to prohibit physical desecration of the American flag.

From the birth of our nation, the flag has represented all that is good and decent about our country. On countless occasions, on battlefields across the world, the Stars and Stripes led young Americans into battle. For those who paid the ultimate price for our nation, the flag blanketed their journey and graced their final resting place.

Mr. President, the Flag is not just a piece of cloth. It is a symbol so sacred to our nation that we teach our children not to let it touch the ground. It flies over our schools, our churches and synagogues, our courts, our seats of government, and homes across America. It unites all Americans regardless of race, creed or color. The flag is not just a symbol of America, it is America.

Those who oppose this constitutional amendment say it impinges on freedom of speech and violates our Constitution. As a veteran who was wounded twice in Vietnam protecting the principles of freedoms that Americans hold sacred, I am a strong supporter of the first amendment. However, I believe this is a hollow argument. There are many limits placed on "free speech," including limiting yelling "fire" in a crowded theater. Other freedoms of speech and expression are limited by our slander and libel laws.

In 1989 and 1990 the Supreme Court struck down flag protection laws by narrow votes. The Court has an obligation to protect and preserve our fundamental rights as citizens. But the American people understand the difference between freedom of speech and "anything goes."

When citizens disagree with our national policy, there are a number of options available to them other than destroying the American Flag to make their point. Let them protest, let them write to their newspaper, let them organize, let them march, let them shout to the rooftops—but we should not let them burn the flag. Too many have died defending the flag for us to allow it be used in any way that does not honor their sacrifice.

Mr. President, in a day where too often we lament what has gone wrong with America, it's time to make a stand for decency, for honor and for pride in our nation. I urge my colleagues to support the flag amendment. Mr. President, I yield the floor.

Mr. GORTON. Mr. President, with some hesitancy I will vote in favor of the flag protection constitutional amendment. My hesitancy stems not from any doubt that our Nation should provide specially protected status to our flag—I firmly believe the flag should be protected from desecration. I am hesitant because we are voting to amend our Nation's Constitution and every Senator should exercise extreme caution when considering such changes.

I have given careful consideration on the important amendment currently before the Senate. A decade ago, when the Supreme Court issued its 5-to-4 decision invalidating flag desecration statutes, I read each of the three opinions filed by Justices of the Court. I was convinced then, and remain convinced now, that the Court erred in its decision and that such statutes, if properly written, are constitutional. For this reason, I shall vote in favor of both the constitutional amendment to protect our flag and the proposed amendment to substitute a flag protection statute for the constitutional amendment.

Mr. JEFFORDS. Mr. President, I rise today to discuss my thoughts on a constitutional amendment to ban flag burning and other acts of desecration.

As a veteran of 30 years in the United States Navy and United States Naval Reserve, I know the pride members of the Armed Forces have in seeing the United States flag wherever they may be in the world. I share the great respect most Vermonters and Americans have for this symbol.

I personally abhor the notion that anyone would choose to desecrate or burn the flag as a form of self-expression. Members of the Armed Services place their lives at risk to defend the rights guaranteed by the United States Constitution, including the First Amendment freedom of speech. It is disrespectful of these past and present sacrifices to desecrate this symbol.

It seems highly ironic to me that an individual would desecrate the symbol of the country that provides freedoms such as the first amendment freedom of speech. However, in my opinion the first amendment means nothing if it is not strong enough to protect the rights of those who express unpopular ideas or choose a distasteful means of this expression.

I have given this issue a great deal of thought. I must continue to oppose this amendment since I do not think that a valid constitutional amendment, one that does not infringe on the first amendment, can be crafted. The first amendment right of freedom of speech is not an absolute right though as we have in the past recognized the legitimacy of some limits on free speech.

I do not think, however, that we should open the Bill of Rights to amendment for the first time in our history unless our basic values as a nation are seriously threatened. In this case, in recent years there have not been a significant number of incidents of this misbehavior.

In my view, a few flag desecrations or burnings around the Nation by media-seeking malcontents does not meet this high standard and I therefore cannot support the adoption of this amendment.

Mr. HUTCHINSON. Mr. President, as an original cosponsor, I rise today in support of S.J. Res. 14, which would amend the United States Constitution to prohibit the desecration of our flag. Opponents to this measure contend that the right to desecrate the flag is the ultimate expression of speech and freedom. I reject the proposition as I believe that the desecration of our flag is a reprehensible act which should be prohibited. It is an affront to the brave and terrible scarifies made by millions of American men and women who willingly left their limbs, lives, and loved ones on battlefields around the world.

It is an affront to these Americans who have given the greatest sacrifices because of what the flag symbolizes. To explain what our flag represents, former United States Supreme Court Chief Justice Charles Evans Hughes in his work, "National Symbol," said.

> The Flag is the symbol of our national unity, our national endeavor, our national aspiration.
>
> The flag tells of the struggle for independence, of union preserved, of liberty and union one and inseparable, of the sacrifices of brave men and women to whom the ideals and honor of this nation have been dearer than life.
>
> It means America first; it means an undivided allegiance.
>
> It means America united, strong and efficient, equal to her tasks.
>
> It means that you cannot be saved by the valor and devotion of your ancestors, that to each generation comes it patriotic duty; and that upon your willingness to sacrifice and endure as those before you have sacrificed and endured rests the national hope.
>
> It speaks of equal rights, of the inspiration of free institutions exemplified and vindicated, of liberty under law intelligently conceived and impartially administered. There is not a thread in it but scorns self-indulgence, weakness, and rapacity.
>
> It is eloquent of our community interests, outweighting all divergencies of opinion, and of our common destiny.

Former President Calvin Coolidge, echoed Chief Justice Hughes in "Rights and Duties."

> We do honor to the stars and stripes as the emblem of our country and the symbol of all that our patriotism means.
>
> We identify the flag with almost everything we hold dear on earth.
>
> It represents our peace and security, our civil and political liberty, our freedom of religious worship, our family, our friends, our home.
>
> We see it in the great multitude of blessings, of rights and privileges that make up our country.
>
> But when we look at our flag and behold it emblazoned with all our rights, we must remember that it is equally a symbol of our duties.
>
> Every glory that we associate with it is the result of duty done. A yearly contemplation of our flag strengthens and purifies the national conscience.

Given what our flag symbolizes, I find that incomprehensible that anyone would desecrate the flag and inexplicable that our Supreme Court would hold that burning a flag is protected speech rather than conduct which may be prohibited. I find it odd that one can be imprisoned for destroying a bald eagle's egg, but may freely burn our nation's greatest symbol. Accordingly, I urge my colleagues to pass S.J. Res. 14 so that our flag and all that it symbolizes may be forever protected.

Ms. SNOWE. Mr. President, as an original cosponsor of S.J. Res. 14, I am proud to rise in support of the proposed constitutional amendment granting Congress the power to prohibit the physical desecration of the flag of the United States. Last June, the House of Representatives passed an identical resolution by the requisite two-thirds vote margin, so I urge that my colleagues in the Senate also pass this resolution with similar bipartisan support and send the proposed amendment to the states for ratification.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. Our free speech rights do not entitle us to simply consider the flag as "personal property", which can be treated any way we see fit including physically desecrating it as a legitimate form of political protest.

We debate this issue at a very special and important time in our nation's history.

This year marks the 55th anniversary of the allies' victory in the Second World War. And, fifty-nine years ago, Japanese planes launched an attack on Pearl Harbor that would begin American participation in the Second World War.

During that conflict, our proud marines climbed to the top of Mount Suribachi in one of the most bloody battles of the war. No less than 6,855 men died to put our American flag on the mountain. The sacrifice of the brave American soldiers who gave their life on behalf of their country can never be forgotten. This honor and dedication to country, duty, freedom and justice is enshrined in the symbol of our Nation—the American flag.

The flag is not just a visual symbol to us—it is a symbol whose pattern and colors tell a story that rings true for each and every American.

The 50 stars and 13 stripes on the flag are a reminder that our nation is built on the unity and harmony of 50 states. And the colors of our flag were not chosen randomly: red was selected because it represents courage, bravery, and the willingness of the American people to give their life for their country and its principles of freedom and democracy; white was selected because it represents integrity and purity; and blue because it represents vigilance, perseverance, and justice.

Thus, this flag has become a source of inspiration to every American wherever it is displayed.

For these reasons and many others, a great majority of Americans believe—as I strongly do—that the American flag should be treated with dignity, respect and care—and nothing less.

Unfortunately, not everyone shares this view.

In June of 1990, the Supreme Court ruled that the Flag Protection Act of 1989, legislation adopted by the Congress in 1989 generally prohibiting physical defilement or desecration of the flag, was unconstitutional. This decision, a 5-4 ruling in U.S. v. Eichman, held that burning the flag as a political protest was constitutionally-protected free speech.

The Flag Protection Act had originally been adopted by the 101st Congress after the Supreme Court ruled in Texas v. Johnson that existing Federal and state laws prohibiting flag-burning were unconstitutional because they violated the first amendment's provisions regarding free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens.

Accordingly, in 1995, I also joined as an original cosponsor of a proposed constitutional amendment granting Congress the power to prohibit the physical desecration of the flag of the United States. Although the House of Representatives easily passed that resolution by the necessary two-thirds vote margin, the Senate fell a mere three votes short.

I am hopeful that today's effort will deliver the three additional votes that are needed to send this proposed amendment to the states for ratification. Of note, prior to the Supreme Court's 1989 Texas v. Johnson ruling, 48 states, including my own state of Maine, and the Federal government, had anti-flag burning laws on their books for years—so it's time the Congress gave the states the opportunity to speak on this issue directly.

Mr. President, whether our flag is flying over a ball park, a military base, a school or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great nation was built on. And our flag has come not only to represent the glories of our nation's past, but it has also come to stand as a symbol for hope for our nation's future.

Let me just state that I am extremely committed to defending and protecting our Constitution—from the first amendment in the Bill of Rights to the 27th amendment. I do not believe that this amendment would be a departure from first amendment doctrine.

I strongly urge my colleagues to uphold the great symbol of our nationhood by supporting the flag amendment.

Thank you, Mr. President. I yield the floor.

Mr. WARNER. Mr. President, I rise today in support of S.J. Res. 14. This important joint resolution calls for an amendment to the United States Constitution that would allow the United States Congress to prohibit the physical desecration of the flag of the United States.

For years now I have been among the strongest supporters in the United States Senate of amending the United States Constitution to allow Congress to prohibit physical desecration of the United States flag. I was pleased the House of Representatives overwhelmingly passed a resolution identical to S.J. Res. 14 on June 24, 1999, by a vote of 305–124, and I look forward to voting for S.J. Res. 14 in the near future.

In 1989, the United States Supreme Court, in a 5-4 decision in the case of Texas v. Johnson, stated that the First Amendment prevented a state from protecting the American flag from acts of physical desecration. Since that time, a number of individuals have sought to seize on this misguided Supreme Court decision to justify flag burning. Mr. President, why would any citizen, who wishes to continue enjoying the great privileges of being an American, need a legal right to burn our Nation's flag in public?

No amount of tortured legal argumentation can overcome common sense and the plain meaning of the First Amendment. The first amendment to the Constitution states that no law shall abridge the "freedom of speech." The key word in this portion of the amendment is "speech." Laws that do not abridge "speech" are not prohibited by this section of the amendment. Simply put, burning the United States flag is not speech. A flag is not burned with words. Rather, a flag is burned with fire. As such, burning a flag is more appropriately classified as conduct, which is not protected by the first amendment.

The proposition that our greatness as a nation rests on whether or not an individual is permitted to burn Old Glory simply does not add up. At a time in our national history when disparate influences appear to be dividing people, the American flag represents unity. During the American Revolution, and subsequent conflicts, the flag has unified our diverse nation. Our flag symbolizes the freedoms we enjoy everyday. Generations of Americans have gone forth from our shores to stop enemies abroad from taking away these freedoms.

In addition, our great nation has always used the flag to honor those who, proudly in the uniform of our military, made great sacrifices. These are startling statistics that tend to be forgotten with the passage of time: World War II, 406,000 U.S. service members killed; Korea 55,000 U.S. service members killed; Vietnam, 58,100 U.S. service members killed, and Persian Gulf, 147 U.S. service members killed. For all those who gave their life, let us not forget that their caskets were draped in our flag as the final expression of our nation's thankfulness.

The memory and honor of those who have fought under our flag demands that our flag be protected against reckless conduct presenting itself as "free speech."

AMENDMENT NO. 2890

The PRESIDING OFFICER. Under the previous order, there will now be up to 2 hours of debate on the Hollings amendment No. 2890, to be equally divided in the usual form between the Senator from Kentucky, Mr. MCCONNELL, and the Senator from South Carolina, Mr. HOLLINGS.

The Senator from South Carolina, Mr. THURMOND, is recognized.

Mr. THURMOND. Mr. President, I rise today to express my strong support for Senate Joint Resolution 14, the constitutional amendment to protect the flag of the United States. I believe it is vital that we enact this amendment without further delay.

We have considered this issue in the Judiciary Committee and on the Senate Floor many times in the past decade. I have fought to achieve protection for the flag ever since the Supreme Court first legitimized flag burning in the case of Texas v. Johnson in 1989.

The American flag is much more than a piece of cloth. During moments of despair and crisis throughout the history of our great Nation, the American people have turned to the flag as a symbol of national unity. It represents our values, ideals, and proud heritage. There is no better symbol of freedom and democracy in the world than our flag. As former Senator Bob Dole said a few years ago, it is the one symbol that brings to life the Latin phrase that appears in front of me in the Senate Chamber, *e pluribus unum*, which means, "out of many, one."

Ever since the American Revolution, our soldiers have put their lives on the line to defend what the flag represents. We have a duty to honor their sacrifices by giving the flag the protection it once had, and clearly deserves today.

In our history, the Congress has been very reluctant to amend the Constitution, and I agree with this approach. However, the Constitution provides for a method of amendment, and there are a few situations where an amendment is warranted. This is one of them.

The only real argument against this amendment is that it interferes with an absolute interpretation of the free speech clause of the first amendment. However, restrictions on speech already exist through constitutional interpretation. In fact, before the Supreme Court ruled on this issue, the

Federal government and the States believed that flag burning was not constitutionally protected speech. The Federal government and almost every state had laws prohibiting desecration that were thought to be valid before the Supreme Court ruled otherwise in 1989.

Passing this amendment would once again give the Congress the authority to protect the flag from physical desecration. It would not reduce the Bill of Rights. It would simply overturn a few very recent judicial decisions that rejected America's traditional approach to the flag under the law.

Flag burning is intolerable. We have no obligation to permit this nonsense. Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

I strongly urge all my colleagues to join with us today and support this amendment. We are on the side of the American people, and I am firmly convinced that we are on the side of what is right. Once and for all, we should pass this constitutional amendment and give the flag of the United States of America the protection it deserves.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I want to make remarks generally on the flag amendment. Frankly, I think it is a travesty on this constitutional amendment to bring up campaign finance reform as a constitutional amendment to this amendment. But be that as it may, any Senator has a right to do that.

I hope my colleagues will vote down the Hollings amendment, as it should be voted down. That is a serious debate that has to take place, and it should not take place as a constitutional amendment. Having said that, let me comment about why we are here.

The Senate began today's session with the Pledge of Allegiance to our American flag. Today, we resume debate over a proposal that will test whether the pledge we make—with our hands over our hearts—is one of consequence or just a hollow gesture. We resume debate over S.J. Res. 14, a constitutional amendment to permit Congress to enact legislation prohibiting the desecration of the American flag. Now all we are asking, since the Court has twice rejected congressional statutes, is to give Congress the power to protect our flag from physical desecration. It seems to me that is not much of a request.

It should be a slam dunk. But, unfortunately, politics is being played with this amendment. Congress would not have to act on it if it didn't want to, but it would have the power to do so. It also involves the separation of powers doctrine.

The Supreme Court, in its infinite wisdom, has indicated that flag burning, defecating on the flag, or urinating on the flag is a form of free speech.

I don't see how anybody in his right mind can conclude that. There is no question that is offensive conduct and it ought to be stamped out. On the other hand, all we are doing is giving Congress the power to enact legislation that would prohibit physical desecration of the flag. Congress doesn't have to, if it doesn't want to; it can, if it wants to.

When we enacted those prior statutes to protect the flag, they passed overwhelmingly. It was also under the guise that we were trying to protect the flag through statutory protection, which I of course pointed out very unfailingly in both cases was unconstitutional. Of course, the Supreme Court upheld what I said they would uphold.

Symbols are important. The American flag represents, in a way that nothing else does, the common bond shared by the people of this nation, one of the most diverse in the world. It is our one overriding symbol of unity. We have no king; we won our independence from him over 200 years ago. We have no state religion. What we do have is the American flag.

Whatever our differences of party, politics, philosophy, race, religion, ethnic background, economic status, social status, or geographic region, we are united as Americans in peace and in war. That unity is symbolized by a unique emblem, the American flag. Its stars and stripes and rich colors are the visible embodiment of our Nation and its principles and values and ideals.

The American flag has come to symbolize hope, opportunity, justice, and freedom—not just to the people of this Nation but to people all over the world. Failure to protect the flag would lessen the bond among us as Americans and weaken the symbolism of our sovereignty as a nation.

This proposed amendment recognizes and ratifies James Madison's view—and the constitutional law that existed for centuries—that the American flag is an important and unique incident of our national sovereignty. As Americans, we display the flag in order to signify national ownership and protection. The Founding Fathers made clear that the flag reflects the existence and sovereignty of the United States, and that desecration of the flag was a matter of national—I repeat—national concern that warranted government action. This same sovereignty interest does not exist for our national monuments or our other symbols. While they are important to us all, the flag is unique. It is flown over our ships. We carry it into battle. We salute it and pledge allegiance to it. We do these things because the flag is the unique symbol unity and sovereignty.

The proposed amendment reads simply: "The Congress shall have the power to prohibit the physical desecration of the flag of the United States."

S.J. Res. 14 is not an amendment to ban flag desecration, but an amendment to allow Congress to make the decision on whether to prohibit it. It is not self-executing, so a statute defining the terms and penalties for the proscribed conduct will need to be enacted, should this amendment be approved by two-thirds of the Senate today, or whenever.

While it would be preferable to enact a statute, and not take the rare and sober step of amendment the Constitution, our amendment is necessary because the Supreme Court has given us no choice in the matter.

I understand there is some lack of knowledge in this body where people have not realized that for 200 years we have protected the flag and that 49 States have anti-flag-desecration language. But in two narrow 5–4 decisions, breaking from over 200 years of precedent—Texas v. Johnson and United States v. Eichman—the Court overturned prior State statutes prohibiting the desecration of the flag.

Make no mistake about it: The United States Senate is the forum of last resort to ensure that our flag is protected. H.J. Res. 33—an identical measure—has already won the necessary two-thirds vote in the House of Representatives by a vote of 305 to 124, with overwhelming bipartisan support. In fact, nearly 50 percent of the Democrats in the House voted for the measure.

In addition, the people, expressing themselves through 49 State legislatures, have expressed their readiness to ratify the measure by calling upon Congress to pass this constitutional amendment to protect the flag. Protecting the flag is not a partisan gesture, nor should it be. Especially at a time of election-year partisan rhetoric, this amendment to protect our flag is an opportunity for all Americans to come together as a country and honor the symbol of what we all are. This effort will not only reaffirm our allegiance to the flag, it will reestablish our national unity.

The American people revere the flag of the United States as the unique symbol of our Nation and the freedom we enjoy as Americans. As Supreme Court Justice John Paul Stevens said in his dissent in Texas v. Johnson:

> [A] country's flag is a symbol of more than "nationhood and national unity." It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations." [491 U.S. at 437 (dissenting)]

In the long process of bringing this amendment to the floor, we have gone more than half way to address the concerns of critics. I think it is time for opponents of the amendment to join with us in offering the protection of law to our beloved American flag.

Justice John Paul Stevens, in his dissent in the Texas v. Johnson decision, said it best:

> The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach. If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration. [491 U.S. at 439]

I want to talk a little bit about the arguments that I have heard over the past several years, and again this week, from some of my colleagues who oppose this amendment. Opponents contend that preventing the physical desecration of the flag actually tramples on the sacred right of Americans to speak freely. Although I respect many people who have this view, I strongly disagree with it. I hope that, as I have come to understand their perspective, they too will be open to mine and, together, we will be able to achieve consensus on the most important issue of all—protecting and preserving the American flag.

Restoring legal protection to the American flag would not infringe on free speech. If burning the flag were the only means of expressing dissatisfaction with the nation's policies, then I imagine that I, too, might oppose this amendment. But we live in a free and open society. Those who wish to express their political opinions—including any opinion about the flag—may do so in public, private, the media, newspaper editorials, peaceful demonstrations, and through their power to vote.

Certainly, destroying property might be seen as a clever way of expressing one's dissatisfaction. But such action is conduct, not speech. Law can be, and are, enacted to prevent such actions, in large part because there are peaceful alternatives equally expressive. After all, right here in the United States Senate, we prohibit speeches or demonstrations of any kind in the public galleries, even the silent display of signs or banners. As a society, we can, and do, place limitations on both speech and conduct.

Mutilating our Nation's great symbol of national unity is simply not necessary to express an opinion. Those individuals who have a message to the country should not confuse their right to speak with a supposed "conduct right," which allows one to desecrate a symbol that embodies the ideals of a Nation that Americans have given their lives to protect.

For this reason, I must reiterate strongly that the flag protection amendment does not effectively amend the first amendment. It merely reverses two erroneous decisions of the Supreme Court and restores to the people the right to choose what law, if any, should protect the American flag.

I have heard some of my colleagues miss this point and talk about how we cannot amend the Bill of Rights or infringe on free speech, and I was struck by how many of them voted for the flag protection statute in 1989. Think about that. They cannot have it both ways. How can they argue that a statute that bans flag burning does not infringe on free speech, and yet say that an amendment that authorizes Congress to enact such a statute banning flag burning does infringe on free speech?

Moreover, the argument that a statute will suffice is an illusion. We have been down this road before, and it is an absolute dead end, having been rejected by the Supreme Court less than 30 days after oral argument, in a decision of fewer than 8 pages. They will do the same to any other statute of general applicability to the flag. A constitutional amendment is necessary because the Supreme Court has given us no choice in this matter.

We all understand the game that is being played. We have people who changed their vote at the last minute to prevent the flag amendment from passing, as they did on the balanced budget amendment. The same people who voted for the statute are claiming their free speech rights would be violated by this amendment, but I guess not by the statute that allows them to ban desecration of the flag—a statute that I think they all know would be automatically held unconstitutional by the Supreme Court. It is a game. It is time for people to stand up for this flag.

Some of my colleagues argue that because the Supreme Court has spoken we can do little to override this newly minted, so-called "constitutional right." In my view, this concedes far too much to the judiciary.

No human institution, including the Supreme Court, is infallible. Suppose that the year is 1900 and we are debating the passage of an amendment to override the Plessy versus Ferguson decision. That was the decision in which the Supreme Court rules that separate-but-equal is equal, and that the Constitution requires only separate-but-equal public transportation and public education. The Plessy decisions was almost unanimous, 8–1 in contrast to the Johnson and Eichman decisions, which were 5–4. Would any of my colleagues be arguing that we could not pass an amendment to provide that no state may deny equal access to the same transportation, public education, and other public benefits because of race or color simply because the Court had spoken the final word? Would any one of my colleagues argue that the Plessy decision had to stand because an amendment might change the 14th amendment? Of course not.

The suggestion by some that restoring Congress' power to protect the American flag from physical desecration tears at the fabric of our liberties is so overblown that it is difficult to take seriously. In fact, I think it is phony. These arguments ring particularly hollow because until 1989, 48 states and the federal government had flag protection laws. Was there a tear in the fabric of our liberties then? Of course not.

It goes without saying that among the most precious rights we enjoy as Americans is the right to govern ourselves. It was to gain this right that our ancestors fought and died at Concord and Bunker Hill, Saratoga, Trenton, and Yorktown. And it was to preserve that right that our fathers, brothers, and sons bravely gave their lives at New Orleans, Flanders, the Bulge, and Mt. Suribachi. The Constitution exists for no other purpose than to vindicate this right of self-government by the people. The Framers of the Constitution did not expect the people to meekly surrender their right to self-government, or their judgment on constitutional issues, just because the Supreme Court decides a case a particular way. Nor, when they gave Congress a role in the amendment process, did the Framers expect us to surrender our judgment on constitutional issues just because another, equal and co-ordinate branch of government, rules a particular way. The amendment process is the people's check on the Supreme Court. If it were not for the right of the people to amendment the Constitution, set out in Article 5, we would not even have a Bill of Rights in the first place. It was the people through their elected representatives—not the courts—who enshrined the freedom of speech in the Constitution.

The Framers did not expect the Constitution to be routinely amended, and it has not been. The amendment process is difficult and exceptional. But it should not be viewed as an unworthy or unrighteous process either. The amendment process exists to vindicate the most precious right of the people to determine under what laws they will be governed. It is there to be used when the overwhelming majority of voters decide that they should make a decision rather than the Supreme Court.

In Texas versus Johnson and United States versus Eichman the Supreme Court decided for Americans that a statute singling out the flag for special protection is based on the communicative value of the flag and therefore violates the first amendment. The Court decided that what 48 states and the federal government had prohibited for decades was now wrong. Since the Johnson and Eichman decisions, several challenges have been brought against the state statutes prohibiting flag desecration. State courts considering these types of statutes have uniformly held these statutes unconstitutional.

One recent case, Wisconsin versus Janssen, involved a defendant who confessed to, among other things, defecating on the United States flag. Relying on the Supreme Court's Johnson decision, the Wisconsin high court invalidated a state statute prohibiting flag desecration on the ground that the statute was overbroad and unconstitutional on its face.

In reaching that decision, the court noted that it was deeply offended by Janssen's conduct, and stated that "[t]o many, particularly those who have fought for our country, it is a slap in the face." The court further explained that "[t]hough our disquieted emotions will eventually subside, the facts of this case will remain a glowing ember of frustration in our hearts and minds. That an individual or individuals might conceivably repeat such conduct in the future is a fact which we acknowledge only with deep regret." What was particularly distressing about this decision is that the court found the statute constitutionally invalid even though the state was trying to punish an individual whose vile and senseless act was devoid of any significant political message, as so many of them are.

The court noted "the clear intent of the legislature is to proscribe all speech or conduct which is grossly offensive and contemptuous of the United States flag. Therefore, any version of the current statute would violate fundamental principles of first amendment law both in explicit wording and intent." Under prevailing Supreme Court precedent, then, the Court found that the proscribed conducted was protected "speech." The Wisconsin decision, like those before it, demonstrates that, because of the narrow Johnson and Eichman decisions of the U.S. Supreme Court, any statute, state or federal, that seeks to prohibit flag desecration will be struck down.

The Wisconsin Supreme Court, however, noted that all was not lost. The Court opined that "[i]f it is the will of the people in the country to amend the United States Constitution in order to protect our nation's symbol, it must be done through normal political channels," and noted that the Wisconsin legislature recently adopted a resolution urging Congress to amend the Constitution to prohibit flag desecration.

Clearly, with the House having already sent us the amendment on a strong, bipartisan vote, the ball is firmly here in the Senate's court. If we are serious about protecting the American flag, it is up to this body, at this time, to take action and to send this proposed amendment to the people of the United States.

After all the legal talk and handwringing on both sides of this issue, what is comes down to is this: Will the Senate of the United States confuse liberty with license? Will the Senate of the United States deprive the people of the United States the right to decide whether they wish to protect their beloved national symbol, Old Glory? Forty-nine state legislatures have called for a flag protection amendment. By an overwhelming and bipartisan vote, the House of Representatives has passed the amendment. Now it is up to the Senate to do its job. Let us join together and send this amendment to the people.

This resolution should be adopted, and the flag amendment sent to the states for their approval. Our fellow Americans overwhelmingly want to see us take action that really protects the flag and this, my friends, can do just that. I urge you to support the flag protection amendment and, by doing so, preserve the integrity and symbolic value of the American flag.

It is now time for the Senate to heed the will of the people by voting for the flag protection constitutional amendment. Doing so will advance our common morality and the system of ordered liberty encompassed in our history, laws and traditions. We must restore the Constitution and the first amendment, send the flag amendment to the States that have requested it with near unanimity, and return to the American people the right to protect the United States flag. It is time to let the people decide.

Again, I come back do that major point. All this amendment does is recognize that there are three separated powers in this country—the legislative, executive, and judicial branches of Government. When the judicial branch says we can no longer enact by statute the protection of the flag and suggests we have to pass a constitutional amendment if we want to protect the flag, then this amendment gives the Congress the right to be coequal with the other branches of Government. It gives us the right to protect the flag through a constitutional amendment and it gives us the right, if we so choose, to pass legislation similar to the legislation that a vast majority of Members of this body voted for back in 1989.

Last but not least, in this day and age, many of our young people don't even have a clue to what happened back between 1941 and 1945. They don't even realize what happened in the Second World War.

Sending this amendment to the 50 States would create a debate on values, which is necessary in this country, like we have never had before. It will be up to the people to decide. That is all we are asking. Let the people, through their State legislatures, decide whether or not we should protect the flag. That is not a bad request. It is something that needs to be done. Above all, it restores to the Congress the coequal power as a coequal branch of Government that is gone because of the very narrow set of 4-5 Supreme Court decisions. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

Mr. HATCH. How much time does our side have?

The PRESIDING OFFICER. The Senator from Kentucky has 1 hour, the Senator from South Carolina has 1 hour, and the Senator from Vermont has a half hour.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I control the time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. THOMAS. I thank the Chair. Mr. President, I will take a very short time. I speak in favor of the flag protection amendment to the Constitution. It is an honor for me to be a cosponsor of this constitutional amendment, 1 of 58. Most everything has been said, I suppose, that needs to be said about it. Of course, no one here is in favor of desecration of the flag. What we have is a difference of view as to how to deal with that issue.

This constitutional amendment has been around for a very long time and has been considered several times. Certainly, this symbol of the flag is one that should be held in the highest regard. Most everyone agrees with that.

This measure states:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

That should be the case. It seems to me what that does is helps to define freedom of speech. We can do that.

What we are saying is it is illegal to physically desecrate the flag of the United States. I cannot imagine how people can disagree with that. The Senate has voted on this matter in the past in 1989, 1990, and 1995, and each time a majority was in favor. The House passed an identical measure in

June of 1999 by a vote of 305-124 with a sufficient majority. Each year we get a little closer to passing it.

Why do we need a flag protection amendment? Forty-nine State legislatures have already passed resolutions urging this constitutional amendment. The flag, obviously, is a sacred symbol and deserves protection from desecration. It is a symbol of national unity and identification. We all know of the sacrifices that have been made, and this flag typifies that; this flag is symbolic of that. It is an inspiration for people.

The attempts in the past have failed in terms of statutory issues. The Supreme Court struck down the Texas v. Johnson in 1989 in a 5-4 decision. In 1990, there was another 5-4 decision.

This is a reasonable request to accommodate and I believe most Americans want to protect this flag. If this is the necessary way to do it, then I am for that.

I am very pleased to be a cosponsor, and I urge this be passed in the Senate. I yield the floor.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. If neither side yields time, time runs equally.

Mr. HOLLINGS. Mr. President, I understand we are on the flag amendment. That is why I waited for them to complete their hour and I begin mine.

Mr. HATCH. My understanding is, it is the Hollings amendment that is being debated.

Mr. HOLLINGS. That is what Senator HATCH says, but that is not what the Chair says.

The PRESIDING OFFICER. The Senate currently has under consideration the Hollings amendment No. 2890.

Mr. HOLLINGS. All this time has been taken off the Hollings amendment? Come on. We have been talking about the flag. I approached the Chair when we started. Right to the point, the Parliamentarian said they are arguing the flag amendment. Senator THURMOND started, and then Senator HATCH talked on the flag amendment. The others have been talking on the flag amendment.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. It is the Chair's understanding the Hollings amendment is an amendment to the flag amendment.

Mr. HATCH. We can use our time any way we want to on our side. The amount of time is still remaining for Senator HOLLINGS on his side. As I understand it, we are debating the Hollings amendment, but I talked generally about the flag amendment.

The PRESIDING OFFICER. The Hollings amendment is an amendment to the flag amendment and is under consideration.

Mr. HOLLINGS. How much time do I have?

The PRESIDING OFFICER. The Senator from South Carolina has 1 hour.

Mr. HOLLINGS. I thank the Chair.

Mr. HOLLINGS. Mr. President, I'm addressing the so-called freedom of speech with respect to campaign financing. I explained yesterday afternoon how we, in the 1974 act, tried to clean up the corruption. Cash was being given, all kinds of favors and demands were being made on members of the Government, as well as in the private sector. Numerous people were convicted. We enacted the 1974 act after the Maurice Stans matter in the Nixon campaign.

We debated one particular point—that you could not buy the office. Now the contention is that you can buy the office because under the first amendment protecting freedom of speech, and money being speech, there is no way under the Constitution that it can be controlled. Of course, that is a distortion by the Buckley v. Valeo decision for the simple reason that we finally have Justice Stevens saying that "money is property." Justice Kennedy goes right into the distortion. I quote from the case of Nixon v. Shrink Missouri Government PAC:

> The plain fact is that the compromise the Court invented——

I emphasize the word "invented"——

> in Buckley set the stage for a new kind of speech to enter the political system. It is covert speech. The Court has forced a substantial amount of political speech underground, as contributors and candidates devise ever more elaborate methods of avoiding contribution limits, limits which take no account of rising campaign costs. The preferred method has been to conceal the real purpose of the speech.

Then further:

> Issue advocacy, like soft money, is unrestricted . . . while straightforward speech in the form of financial contributions paid to a candidate . . . is not. Thus has the Court's decision given us covert speech. This mocks the First Amendment.

I hope everybody, particularly the other side of the aisle, understands that I am reading from Justice Kennedy:

> This mocks the First Amendment.

He goes on to say:

> Soft money must be raised to attack the problem of soft money. In effect, the Court immunizes its own erroneous ruling from change.

We have it foursquare. There is no question that the majority in Buckley has mocked the first amendment. Four Justices in Buckley v. Valeo found that you could control spending. They treated money as it has been treated in the Congress—as property and not speech.

Let's look, for example, at the hearing we had. When the Senate is asked to consider contributions, they consider them property. So we had the Thompson investigation. Seventy witnesses testified in public over a total of 33 days; 200 witness interviews were conducted; 196 depositions were conducted under oath; 418 subpoenas were issued for hearings, depositions, and documents; and more than 1.5 million pages of documents were received.

They did not say that Charlie Trie, Johnny Huang and others had free speech. The lawyers in those particular cases would be delighted to hear a Congressman who now takes the position that: Oh, it is all free speech. Don't worry about any violations because the first amendment protects this money. The first amendment protects it as free speech. That is out of the whole cloth. They have been singsonging because they enjoy this particular corruption.

What corruption? As I pointed out yesterday, we used to come in here and work. Thirty years ago, under Senator Mansfield, we would come in at 9 o'clock Monday morning and we would have a vote. The distinguished leader at that time usually had a vote to make sure we got here and started our week's work—and I emphasize "week's work." We worked throughout Monday, Tuesday, Wednesday, Thursday, Friday, and we were lucky to complete our work by Friday evening at 5 o'clock.

Now: Monday is gone. Tuesday morning is gone. We don't really work here. We are waiting and not having any votes. People are coming back into town. Nobody is here to listen. On Wednesday and Thursday we have to have windows so we can go fundraise. Can you imagine that? That ought to embarrass somebody. But I have asked for windows, too, because that is the way it is.

The money chase—the amount of money that must be chased—has corrupted this Congress. Everybody knows it. The people's business is set aside. On Friday, we go back home. What do we do? We have fund-raisers. We don't have free-speech raisers, like they are talking about on the floor of the Senate now.

They get all pontifical and stand up and talk oh so eruditely about the Constitution and the first amendment. They know better than anyone that this is property. But as long as they can sell everybody that there are no limits, there are no restrictions on money because it is free speech, then it is "Katie bar the door" and we have really gone down the tube.

It is not that bad; it is worse. We used to have a break, I think it was on February 12, for Lincoln's birthday. It might have been a long weekend, but it was not a 10-day break. Now, January is gone. Then we had a 10-day break in February. We had a 10-day break again in March. We will have another 10-day break in April. We will have another 10-day break in May and at the beginning of June. Then we will have the Fourth of July break. Then we will have the month of August off—all of this keeping us from doing the people's business.

I thought once our campaigns were over we would come up here and go to work on behalf of the people's business. Instead, we work on behalf of our own business: reelection. All in the name of this tremendous volume of money, money, money everywhere. They are trying to defend it on the premise of: Give me the ACLU and the Washington Post. Then they put up a sandwich board about newspapers: If the Hollings amendment is passed, the newspapers can't write editorials. I never heard of such nonsense.

This does not have to do with anybody's freedom of speech. We cannot, should not and would not ever take away anybody's speech. But we can take away the money used in campaigns and limit it just like every other country does. In England, they limit the amount of time in which you can actually conduct the campaign. They do not talk about campaigns in reference to the Magna Carta: Wait a minute, you have taken away my speech here in the Parliament. There is none of that kind of nonsense. But here, it is the kind of thing we are having to put up with.

The question is, Can this problem be solved another way?

That is exactly what the Senator from North Dakota, Mr. CONRAD, says: We have a problem. Let's solve it in another way. He puts in a statutory amendment with respect to the flag.

With respect to campaign financing, give me a break. We have tried for 25 years—everything from public finance to free TV time, to soft money, to hard money limitations, to any and every idea.

Now we have the Vice President proposing an endowment to finance federal campaigns. They think all you have to do is come up with a new idea and then you are really serious about this. If you are going to get serious, vote for this amendment. Then, by gosh, we are playing for keeps.

There are a lot of people on McCain-Feingold getting a free ride voting for it, knowing it is never going anywhere because the Senator from Kentucky is manifestly correct, it is patently unconstitutional. There is no question that this Court would find McCain-Feingold unconstitutional. Everybody knows that. This is one grand charade, as the corruption continues.

I emphasize that this amendment does not take a side with McCain-Feingold, with hard money, with soft money, with the Vice President's endowment, with anything else or any idea one may have about controlling spending in Federal elections. It is not pro, it is not con, it is not for, it is not against. It merely gives authority to the Congress to do what we intended back in 1974 with the amended version of the Federal Election Campaign Act of 1971; and that is, to stop people from buying the office.

The corruption is such that you have to buy the office. We are required to buy it. I can tell you, because two years ago I spent more of my time raising $5.5 million for my seventh reelection to the Senate than I did campaigning. So I speak advisedly. I have asked for windows. I have asked for parts of this corruption that we are all involved in. The only way it is going to be cleaned up is a constitutional amendment.

What does Justice Kennedy say? He says: Buckley mocks the first amendment. Mind you, there was only one Justice who called money property, but another said it mocked the first amendment. Then I read from the decision:

> Soft money must be raised to attack the problem of soft money. In effect, the Court immunizes its own erroneous ruling from change.

Imagine that. The Court has immunized the ruling from change; namely, you cannot change it by statute. Listen Senator CONRAD, and any other Senator interested in playing games with this corruption, saying we will put in a little statute. There have been 2,000 or 20,000 amendments to the Constitution. Give me a break. The last five or seven amendments had to do with elections. None of them is as important as this particular national corruption of Congress. We all know about it. We all participate in it. We have no time to be a Congress. We are just a dignified bunch of money raisers for each other and for ourselves.

It is sad to have to say that on the floor of the Senate, but it is time we give the people a chance. This does not legislate or provide anything. It just says, come November, as a joint resolution, let the people decide. I think the people have decided. That is why my amendment is timely. During this year's presidential primaries everyone was talking about campaign finance reform—reform, reform, reform. Candidates were saying, I am the reform candidate.

The one thing they are trying to reform is campaign financing, this corruption. Now even the Vice President has come out and said: The first day I am your President, I will submit McCain-Feingold—knowing it is an act in futility. Let's pass McCain-Feingold unanimously. The Court throws it out later this year. It is not going anywhere. The Court has time and again said soft money is speech. That is the majority of this crowd. But I admonish the four Justices in Buckley v. Valeo who said they could do it. Now we have two other Justices talking sense. We know good and well that the people want a chance to talk on this, to vote on this.

I had no sooner put this up years ago, back in the 1980s, and the States' Governors came and, by resolution, asked that we amend the Hollings amendment so as to include the States. So that now the Hollings amendment reads that Congress is hereby empowered to regulate or control spending in Federal elections, and the States are hereby allowed to regulate or control spending in State elections.

It should be remembered that the last, I think, six out of seven amendments, took an average of 17 or 18 months. This is very timely for the people to vote on in November, when the issue has already been discussed and debated throughout the primaries. The people are ready to vote on campaign finance reform. And both presidential candidates, Bush and GORE, are now trying to position themselves as reformers on campaign finance. We can solve that by having the people vote on the issue in and of itself. Within 17 months, on average, we can have the people vote and by this time next year have it confirmed by the Congress and this mess will cleaned up. Then we can go back to work for the people of America and cut out this money machine operation that we call a Congress.

We not only have to go out during breaks and raise money, we now have "power hours." We have the "united fund," your fair share allocation that you are supposed to raise and contribute to the committee. It becomes more and more and more. Every time I turn around, instead of trying to get some work done, we have more money demands.

So if you want to stop the corruption and stop the charade of calling campaign contributions free speech, this amendment is the solution. We are not taking away anybody's speech. We in Congress don't call it speech when we conduct these hearings, year-long hearings with hundreds of witnesses and millions of pages of testimony to get the scoundrels. For what? Not for exercising their free speech but for violating limitations on money contributions. We treat money as property when we have these fund raisers. We don't call them free-speech raisers. We treat it as property, except when we try to really stop the corruption.

I hope we will stop it today and vote affirmatively on the Hollings-Specter amendment so that we can move on and get back to our work.

Go up to the majority leader and ask him: Mr. Leader, I would like you to bring up TV violence. He will say: Well, that will take 3 or 4 days. We don't have time.

Why don't we have time? We don't work on Monday. We don't work on Friday, just the afternoons on Tuesday and Wednesday and Thursday. We can't even allow amendments.

We are going in this afternoon at 3:30 to the Budget Committee, but we have been putting that off again and again. I just checked an hour ago and it was said: We really don't know whether the vote is fixed. They try to fix the jury, fix the vote so there are no amendments to be accepted. The vote is fixed. It is an exercise—if you don't go along with their fix—in futility. Yet Members go around and say: I am a Member of the most deliberative body in the United States, most deliberative body in the world. The money chase has corrupted us so that we are fixed in a position where we can't deliberate. We don't deliberate. We have forgotten about that entirely and, in fact, rather enjoy it. So long as nobody raises any questions and we all can go back home and continue to raise money, we think we are doing a good job.

It is a sad situation. I hope we can address it in an up-front manner and support the amendment.

I retain the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I ask unanimous consent that time under the quorum call not be charged.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Reserving the right to object, is the time going to be divided equally?

The PRESIDING OFFICER. The time would ordinarily be divided equally. Under this request, if I understand the request of the Senator from South Carolina, the time will be divided equally. As the time runs, it will be subtracted equally from both sides.

There is a deadline of 12:30, which the Senator's unanimous consent request would violate if time was not charged. Is there objection?

Mr. HATCH. Parliamentary inquiry. Is the time to be charged against this amendment equally referring to the amendment of the Senator from South Carolina?

The PRESIDING OFFICER. Yes. The Senator from South Carolina asked that the time not be charged while the Senate is in a quorum call. However, the Senate is under a previous order of a deadline of 12:30. Therefore, the time would have to be charged one way or another. The time expires at 12:30.

Mr. HATCH. I have no objection to the request as long as the time is divided equally on his amendment to my constitutional amendment.

Mr. HOLLINGS. That is my request, Mr. President.

The PRESIDING OFFICER. Without objection, the time will be divided equally between now and 12:30.

Mr. McCONNELL. Mr. President, on the matter of the Hollings amendment, we——

Mr. HATCH. If the Senator will yield, as I understand it there is an hour for debate on the underlying constitutional amendment between 11:30 and 12:30 against which this time will not be charged.

The PRESIDING OFFICER. That is correct—just a second.

Mr. HATCH. Mr. President, I ask unanimous consent that the time be charged equally only against the amendment of the distinguished Senator from South Carolina and that the hour for debate between 11:30 and 12:30 remain the same.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, we had extensive debate yesterday on the Hollings amendment. Let me repeat some of that for the record today.

The Hollings amendment is at least very straightforward. As I understand what the Senator from South Carolina is saying, in order to enact the various campaign finance schemes that have been promoted around the Senate over the last decade or so, you have to, in fact, amend the first amendment to the U.S. Constitution. I think he is correct in that. I happen to think, however, that is a terrible idea.

His amendment would essentially eviscerate the first amendment to the U.S. Constitution, change it dramatically for the first time in 200 years, to allow the Government—that is us here in the Congress—to determine who may speak, when they may speak and, conceivably, even what they may speak. Of course, under this amendment, the press would not be exempt. So everyone who had anything to say about American political matters in support of or in opposition to a candidate would fall under the regulatory rubric of the Congress. The American Civil Liberties Union called this a "recipe for repression." It is the kind of power the Founding Fathers clearly did not want to reside in elected officials.

So this is a step we should not take. The good news is the last time we voted on the Hollings amendment in 1997, it only got 38 votes. I am confident this will not come anywhere near the 67 votes it would need to clear the Senate.

I am rarely aligned with either Common Cause or the Washington Post on the campaign finance issue. They oppose the Hollings amendment. Senator FEINGOLD, of McCain-Feingold fame, also opposes the Hollings amendment.

This would be a big step in the wrong direction. I am confident the Senate will not take that step when the vote occurs sometime early this afternoon.

Now, some random observations on the subject of campaign finance reform. There has been a suggestion that this has become a leading issue nationally and will determine the outcome of the Presidential election. I think, first, it is important to kind of look back over the last few months at how this issue has fared with the American people, since it has been discussed so much by the press. There was an ABC-Washington Post poll right after the New Hampshire primary among both Republicans and Democrats, weighting the importance of issues. Among Republicans, only 1 percent—this was a national poll—thought campaign finance reform was an important issue and, among Democrats, only 2 percent.

Earlier this year, in January, another poll—a national poll—asked: What is the single most important issue to you in deciding whom you will support for President? Campaign finance was down around only 1 percent of the people nationally who thought that was an important issue in deciding how to vote for President. Further, a more recent CNN-Gallup-USA Today poll, in March—essentially after the two nominations for President for both parties had been wrapped up, after Super Tuesday—asked: What do you think is the most important problem facing this country today? It was open-ended. American citizens could pick any issue they wanted to as the most important problem facing this country today.

In this poll of the American public, over 1,000 adults all across America, 32 different issues were mentioned. It was an open-ended poll among American citizens as to what they thought was the most important issue. Not a single person mentioned campaign finance reform in this open-ended survey after Super Tuesday, after this issue had been much discussed in the course of the nomination fights for both the Democrats and the Republicans. Of course, in California, on the very same day as the Super Tuesday vote, there was, in fact, a referendum on the ballot in California providing for taxpayer funding of elections and all of the various schemes promoted by the reformers here in the Senate in recent years. It was defeated 2–1.

So we have substantial evidence among the American people as to what they feel about this issue in terms of its importance in casting votes for the President of the United States or, for that matter, for Members of Congress as well.

It has been suggested by the reformers on this issue over the years that if we will just pass various forms of campaign finance reform, the public will feel better about us, their skepticism about us will be reduced, and their cynicism about politics will subside. A number of other countries have passed the kind of legislation that has been proposed here over the last 15 or 20 years. Most of those—or all of those countries don't have a first amendment, so they don't have that impeding legislative activity. I think it is interesting to look at these other countries and what the results have been in terms of public attitudes about government that have come after they have passed the kinds of legislation that has been advocated around here in one form or another over the years.

Let's look at some industrialized democracies. Our neighbor to the north, Canada, has passed many of the types of regulations supported by the reformers in the Senate over the years. They have passed spending limits for all national candidates. All national candidates must abide by these to be eligible to receive taxpayer matching funds. The Vice President just yesterday came out with a taxpayer-funded scheme for congressional elections. I have seen survey data on that. It would be more popular to vote for a congressional pay raise than to vote to spend tax money on buttons and balloons and commercials. That is what the Vice President came out for yesterday. We look forward to debating, in the course of the fall election, how the American people feel about having their tax dollars go to pay for political campaigns.

Nevertheless, other countries have done that. I was talking about Canada. Candidates can spend $2 per voter for the first 15,000 votes they get, a dollar per voter for all votes up to 25,000, and 50 cents per voter beyond 25,000. They have spending limits on parties that restrict parties to spending the product of a multiple used to account for the cost of living. This is an incredibly complex scheme they have in Canada—a product of a multiple used to account for cost of living times the number of registered voters in each electoral district in which that party has a candidate running for office.

It almost makes you laugh just talking about this.

Right now, in Canada, it comes out to about $1 per voter. They have indirect funding via media subsidies. The Canadian Government requires that radio and TV networks provide all parties with a specified amount of free air time during the month prior to an election. The Government also provides subsidies to defray the cost of political publishing and gives tax credits to individuals and corporations which donate to candidates and/or parties. It sounds similar to the Gore proposal of yesterday.

They have this draconian scheme up in Canada in which nobody gets to speak beyond the Government's specified amount. The Government's subsidies are put into both campaigns and parties and media subsidies.

What has been the reaction of the Canadian people in terms of their confidence expressed toward their Government?

The most recent political science studies of Canada demonstrate that despite all of this regulation of political speech by candidates and parties, the number of Canadians who believe that "the Government doesn't care what people like me think" has grown from roughly 45 percent to approximately 67 percent.

The Canadians put in this system presumably to improve the attitude of Canadians about their Government, and it has declined dramatically since the imposition of this kind of control over political speech. Confidence in the national legislature in Canada declined from 49 percent to 21 percent, and the number of Canadians satisfied with the system of government has declined from 51 percent to 34 percent.

Here we have in our neighbor to the north, Canada, an example of a country responding to concerns about cynicism about politics in government put in all of these speech controls, and the people in Canada have dramatically less confidence in the Government now than they did before all of this was enacted.

Let's take a look at Japan.

According to the Congressional Research Service, "Japanese election campaigns, including campaign financing, are governed by a set of comprehensive laws that are the most restrictive among democratic nations."

After forming a seven-party coalition government in August, 1993 Prime Minister Hosokawa—this sounds like the Vice President—placed campaign finance reform at the top of his agenda, just as Vice President GORE did yesterday. He asserted that his reforms would restore democracy in Japan. In November 1994, his legislation passed. After this legislation, the Japanese Government imposed the following restrictions on political speech. Listen to this. This is the law in Japan:

Candidates are forbidden from donating to their own campaigns.

Any corporation that is a party to a Government contract, grant, loan, or subsidy is prohibited from making or receiving any political contributions for 1 year after they receive such a contract, grant, loan, or subsidy.

In addition, there are strict limits on what corporations and unions and individuals may give to candidates and parties.

There are limits on how much candidates may spend on their campaigns.

Candidates are prohibited from buying any advertisements.

Listen to this: Candidates are prohibited from buying any advertisements in magazines and newspapers beyond the five print media ads of a specified length that the Government purchases for each candidate.

Parties are allotted a specific number of Government-purchased ads of a specified length.

The number of ads a party gets is based on the number of candidates they have running.

It is illegal for these party ads to discuss individual candidates in Japan. It is illegal.

In Japan, candidates and parties spend nothing on media advertising because not only are they prohibited from purchasing print media ads, they are also prohibited from buying time on television and radio.

Talk about speech controls—in Japan, candidates can't buy any time on television and radio.

The Government requires TV stations to permit parties and each candidate a set number of television and radio ads during the 12 days prior to the election. Each candidate gets to make one Government-subsidized television broadcast.

The Government's Election Management Committee—that is a nice title—provides each candidate with a set number of sideboards and posters that subscribe to a standard Government-mandated format.

The Election Management Committee also designates the places and times that candidates may give speeches.

In Japan, the Government designates the times and places candidates may give speeches.

This is the most extraordinary control over political discussion imaginable. All of this campaign finance reform in Japan was enacted earlier in the 1990s.

What makes it even more laughable is, after all of this happened, all of these regulations on political speech that amount to a reformers wish list were imposed, you have to ask the question: Did cynicism decline? Did trust in government increase? "Not so should be noted," as we say down in Kentucky. Following the disposition of these regulations, the number of Japanese who said they had "no confidence in legislators"—the Japanese passed campaign finance reform that Common Cause could only drool over. They did it in Japan. And after they did it, following the imposition of these regulations, the number of Japanese who said they had "no confidence in legislators" rose to 70 percent.

Following the enactment of this draconian control of political discourse that I just outlined, in Japan only 12 percent of Japanese believe the Government is responsive to the people's opinions and wishes.

After the enactment of all of this control over political discussion in Japan, the percentage of Japanese "satisfied" with the nation's political system fell to a mere 5 percent and voter turnout continued to decline.

Let's take a look at France.

In France, there is significant regulation of political activity:

Government funding of candidates;

Government funding of parties;

Free radio and television time, reimbursement for printing posters and for campaign-related transportation;

They banned contributions to candidates by any entity except parties and PACs;

Individual contributors to parties are limited;

Strict expenditure limits are set for each electoral district;

And every single candidate's finances are audited by a national commission to ensure compliance with the rules.

Despite these regulations, the latest political science studies in France demonstrate that the French people's confidence in their Government and political institutions has continued to decline, and voter turnout has continued to decline.

Let's take a look at Sweden.

Sweden has imposed the following regulations on political speech:

In Sweden, there is no fundraising—none at all—or spending for individual candidates. Citizens merely vote for parties and assign seats on proportion of votes they receive.

The Government subsidizes print ads by parties.

Despite the fact that Sweden has no fundraising or spending for individual candidates since these requirements have been in force, the number of Swedes disagreeing with the statement that "parties are only interested in people's votes, not in their opinions" has declined from 51 percent to 28 percent.

The number of people expressing confidence in the Swedish Parliament has declined from 51 percent to 19 percent.

So we could follow the rest of the world and trash the first amendment and enact all of these draconian controls over political discussion, and there is no evidence anywhere in the world that produces greater faith in government or greater confidence in the process. In fact, there is every bit of evidence that it declines dramatically after the enactment of these kinds of reforms.

I am confident we will not start repealing the first amendment today through the passage of the Hollings amendment. Only 38 Senators voted for this in 1997 when it was last before us, and I am certain there won't be many more than that today.

Mr. President, how much time remains in opposition to the Hollings amendment?

The PRESIDING OFFICER (Mr. ENZI). Three minutes.

Mr. MCCONNELL. The Senator from Wisconsin is here to speak in opposition to the Hollings amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent if I could speak for 15 minutes in opposition.

The PRESIDING OFFICER. The time is under the control of the Senator from Utah.

Mr. MCCONNELL. Since there are 3 minutes more in opposition to the Hollings amendment, I am happy to give the Senator from Wisconsin my 3 minutes and hope he might be accommodated for a few more minutes to complete his statement.

Mr. HATCH. I am happy to give the Senator 3 minutes, and I ask the distinguished Senator from South Carolina if he would give some time.

Mr. HOLLINGS. We have no time. I have the Senator from Pennsylvania coming. I want to be accommodating but time is limited.

Mr. FEINGOLD. Obviously, both sides have the same amount of time. I ask unanimous consent I be allowed to speak for 15 minutes, if necessary adding on to the time. Obviously, if the opponents were to feel the same, I have no opposition.

The PRESIDING OFFICER. The Senator is advised we have a deadline of 12:30. Therefore, the Senator's unanimous consent request would necessarily have to come out of Senator HOLLINGS' time, after the 3 minutes have been used from the opposition.

Mr. HATCH. Mr. President, I ask unanimous consent the debate on the Judiciary Committee amendment to the Constitution be moved to 11:45 to accommodate the distinguished Senator, with the time divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized for 15 minutes.

Mr. FEINGOLD. I certainly thank the Senator from Utah.

Mr. President, I rise today to oppose the proposed constitutional amendment offered by the junior Senator from South Carolina, Senator HOLLINGS.

First I would like to say a few words about the Senator from South Carolina. Our colleague Senator HOLLINGS has been calling for meaningful campaign finance reform for perhaps longer than any other Member of the U.S. Senate. I disagree with this particular approach. But I certainly do not question his sincerity or commitment to reform.

Back in 1993, my first year in the Senate, Senator HOLLINGS offered a sense-of-the-Senate amendment to take up a constitutional amendment very similar to the one that is before us today. I remember we had a very short period of time before that vote came up, and I decided to vote with the Senator from South Carolina on that day. I did so because I believed that other than balancing the Federal budget, there was perhaps no more fundamental issue facing our country than the need to reform our election laws.

Such a serious topic I believed at the time merited at least a consideration of a constitutional amendment. And I will certainly confess to a certain level of frustration at that time with the fact that the Senate and other body had not yet acted to pass meaningful campaign finance reform in that Congress.

To be candid, I immediately realized, even as I was walking back to my office from this Chamber, that I had made a mistake. I started rethinking right away whether I really wanted the U.S. Senate to consider amending the first amendment, even to address the extremely important subject of campaign finance reform.

Then, 18 months later, my perspective on this question began to change even more as I was presented with two new development here in the Senate.

First I was given the privilege of serving on the Senate Judiciary Committee, and, second, I learned that the 104th Congress, newly under the control of what remains the majority party, was to become the engine for a trainload of proposed amendments to the U.S. Constitution. As a member of the Judiciary Committee, I had a very good seat to witness first hand the surgery that some wanted to perform on the basic governing document of our country, the Constitution.

It started with a proposal right away for a balanced-budget constitutional amendment. Soon we were considering a term limits constitutional amendment, and then a flag desecration constitutional amendment, then a school prayer amendment, then a super majority tax increase amendment, and then a victims rights amendment. In all over 100 constitutional amendments were introduced in the 104th Congress. A similar number were introduced in the last Congress as well. And in this Congress already we have seen over 60 constitutional amendments introduced.

As I saw legislator after legislator suggest that every sort of social, economic, and political problem we have in this country could be solved merely with enactment of a constitutional amendment, I chose to oppose strongly not only this constitutional amendment but others that also sought to undermine our most treasured founding principle. I firmly believe we must curb this reflexive practice of attempting to cure each and every political and social ill of our Nation by tampering with the U.S. Constitution. The Constitution of this country was not a rough draft. We must stop treating it as such.

We must also understand that even if we were to adopt this constitutional amendment, and the states were to ratify it, which we all know is not going to happen, it will not take us one single, solitary step closer to campaign finance reform. It is not a silver bullet. This constitutional amendment empowers the Congress to set mandatory spending limits on congressional candidates. Those are the kind of mandatory limits that were struck down in the landmark Buckley v. Valeo decision.

Here is the question I pose for supporters of this amendment: If this constitutional amendment were to pass the Congress and be ratified by the States, would campaign finance reformers have the necessary 51 votes—or more likely the necessary 60 votes—to pass legislation that includes mandatory spending limits? I don't think so.

We do not even have 60 votes to pass a ban on soft money at this point. And we probably don't even have a bare majority of the Senate who support spending limits, much less mandatory spending limits.

I have been working for many years with the senior Senator from Arizona, Senator MCCAIN, on a bipartisan campaign finance proposal. While our proposal has changed over the years, we have consistently been guided by a desire to work within the guidelines established by the Supreme Court. Although our opponents disagree, we are confident that the McCain-Feingold bill is constitutional and will be upheld by the courts.

I am mystified by the comments of the Senator from South Carolina who stated pointblank: Everyone knows the McCain-Feingold bill is unconstitutional. In fact, the recent Missouri Shrink case said by a 6-3 margin such limitations on contributions are constitutional. It was a supermajority of the Supreme Court. It is not credible, I believe, for anyone to argue at this point that a ban on soft money is unconstitutional.

Our original proposal, unlike the law that was considered in Buckley v. Valeo, included voluntary spending limits. We offered incentives in the form of free and discounted television time to encourage but not require candidates to limit their campaign spending. That kind of reform is patterned on the Presidential public funding system that was specifically upheld in Buckley.

Later versions of our bill have focused on abolishing soft money, the unlimited contributions from corporations, unions, and wealthy individuals to political parties. Very few constitutional scholars, other than a current nominee to the FEC, Brad Smith, believe that the Constitution prevents us from banning soft money. As I indicated, the Missouri Shrink case makes that clear.

The key point is this: We don't need to amend the Constitution to do what needs to be done. Of course, when we bring a campaign finance bill to the floor we are met with strong resistance. In fact, so far we have been stopped by a filibuster. The notion that this constitutional amendment will somehow magically pave the way for legislation that includes mandatory spending limits simply ignores the reality of the opposition that campaign finance reformers face in the Senate, and I think we face in the Senate even after a ratification of the Hollings amendment.

This amendment, if ratified, would remove the obstacle of the Supreme Court from mandatory spending limit legislation, but it will not remove the obstacle of those Senators such as the Senator from Kentucky, who believe we need more money, not less, in our political system.

Most disconcerting to me is what this proposed constitutional amendment would mean to the first amendment. I find nothing more sacred and treasured in our Nation's history than the first amendment. It is perhaps the one tenet of our Constitution that sets our country apart from every type of government formed and tested by mankind throughout history. No other country has a provision quite like our first amendment.

The first amendment is the bedrock of the Bill of Rights. It has as its underpinning the notion that every citizen has a fundamental right to disagree with his or her government. It says that a newspaper has an unfettered right to publish expressions of political or moral thought. It says that the Government may not establish a State-based religion that would infringe on the rights of those individuals who seek to be freed from such a religious environment.

I have stood on the floor of the Senate to oppose the proposed constitutional amendment that would allow Congress to prohibit the desecration of the U.S. flag, and I do so again this week. I do so because that amendment, for the first time in our history, would take a chisel to the first amendment. It would say that individuals have a constitutional right to express themselves—unless they are expressing themselves by burning a flag.

Just as I deplore as much as anyone in this body any individual who would take a match to the flag of the United States, I am firmly convinced that unrestrained spending on congressional campaigns has eroded the confidence of the American people in their government and their leaders. I believe we should speak out against those who desecrate the flag. I believe we should take immediate steps to fundamentally overhaul our system of financing campaigns. But I do not believe, as the supporters of this constitutional amendment and other amendments believe, that we need to amend the U.S. Constitution to accomplish our goals.

Nothing in this constitutional amendment before the Senate today would prevent what we witnessed in the last election. Allegations of illegality and improprieties, accusations of abuse, and the selling of access to high-ranking Government officials would continue no matter what the outcome of the vote on this constitutional amendment. Only the enactment of legislation that bans soft money contributions will make a meaningful difference.

I see Members of the Senate as having three choices. First, they can vote for constitutional amendments and one-sided reform proposals that basically have predetermined fates of never becoming law. That allows you to say you voted for something and put the matter aside. Second, they can stand with the Senator from Kentucky and others who tell us "all is well" with our campaign finance system and we should not be disturbed that so much money is pouring into the campaign coffers of candidates and parties.

A third option is that Senators can join with the Senator from Arizona and myself and others who have tried to approach this problem from a bipartisan perspective and have tried to craft a reform proposal that is fair to all, and constitutional.

Without meaningful bipartisan campaign finance reform, the American people will continue to perceive their elected leaders as being for sale. They will continue to distrust and doubt the integrity of their own Government. And they will have good reason for that distrust and doubt. This system of legalized bribery threatens the very foundations of our democracy.

Senator MCCAIN and I intend to make sure that the Senate will have another opportunity to address this issue. We have had many debates on campaign finance reform, and we will have many more until we pass it. I understand and share the frustration of those who support reform and are tired of seeing our efforts fail. I want to finish this job too. But the way to address the campaign finance problem is to pass constitutional legislation, not a constitutional amendment. We must redouble our efforts to break the deadlock and give the people real reform this year, not 7 or more years from now.

I urge the Members of the Senate to reject this amendment. It is not necessary to tinker with the first amendment in order to accomplish campaign finance reform. I greatly admire the sincerity and commitment of the Senator from South Carolina, but I do not think his amendment will bring us any closer to passing campaign finance reform.

I thank the Senator from Utah, again, for his courtesy in allowing me to address this issue. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Wisconsin. I only hasten to add that this particular amendment has nothing to do with favoring or opposing the McCain-Feingold amendment. I have voted for that at least four or five times already.

Read the Nixon v. Shrink decision when they say money is speech, and in the Colorado v. FEC decision when they allowed soft money. One can tell a majority of the Court has no idea. Money talks; money is speech—that is the way the Court is going. I reiterate, McCain-Feingold is an act in futility.

Mr. President, I ask unanimous consent that an article by Jonathan Bingham, "Democracy or Plutocracy? The Case for a Constitutional Amendment to Overturn Buckley v. Valeo" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Annals of the American Academy, Jul., 1986]

DEMOCRACY OR PLUTOCRACY? THE CASE FOR A CONSTITUTIONAL AMENDMENT TO OVERTURN BUCKLEY V. VALEO

(By Jonathan Bingham)

Abstract: In the early 1970s the U.S. Congress made a serious effort to stop the abuses of campaign financing by setting limits on contributions and also on campaign spending. In the 1976 case of Buckley v. Valeo, the Supreme Court upheld the regulation of contributions, but invalidated the regulation of campaign spending as a violation of the First Amendment. Since then, lavish campaigns, with their attendant evils, have become an ever more serious problem. Multimillion-dollar campaigns for the Senate, and even for the House of Representatives, have become commonplace. Various statutory solutions to the problem have been proposed, but these will not be adequate unless the Congress—and the states—are permitted to stop the escalation by setting limits. What is needed is a constitutional amendment to reverse the Buckley holding, as proposed by several members of Congress. This would not mean a weakening of the Bill of Rights, since the Buckley ruling was a distortion of the First Amendment. Within reasonable financial limits there is ample opportunity for that "uninhibited, robust and wide-open" debate of the issues that the Supreme Court correctly wants to protect.

The First Amendment is not a vehicle for turning this country into a plutocracy," says Joseph L. Rauh, the distinguished civil rights lawyer, deploring the ruling in Buckley v. Valeo.[1] It is the thesis of this article that the Supreme Court in Buckley was wrong in nullifying certain congressional efforts to limit campaign spending and that the decision must not be allowed to stand. While statutory remedies may mitigate the evil of excessive money in politics and are worth pursuing, they will not stop the feverish escalation of campaign spending. They will also have no effect whatever on the spreading phenomenon of very wealthy people's spending millions of dollars of their own money to get elected to Congress and to state office.

When the Supreme Court held a national income tax unconstitutional, the Sixteenth Amendment reversed that decision. Buckley should be treated the same way.

BACKGROUND

The Federal Election Campaign Act of 1971 was the first comprehensive effort by the U.S. Congress to regulate the financing of federal election campaigns. In 1974, following the scandals of the Watergate era, the Congress greatly strengthened the 1971 act. As amended, the new law combined far-reaching requirements for disclosure with restrictions on the amount of contributions, expenditures from a candidate's personal funds, total campaign expenditures, and independent expenditures on behalf of identified candidates.

The report of the House Administration Committee recommending the 1974 legislation to the House explained the underlying philosophy:

"The unchecked rise in campaign expenditures, coupled with the absence of limitations on contributions and expenditures, has increased the dependence of candidates on special interest groups and large contributors. Under the present law the impression persists that a candidate can buy an election by simply spending large sums in a campaign.

"Such a system is not only unfair to candidates in general, but even more so to the electorate. The electorate is entitled to base its judgment on a straightforward presentation of a candidate's qualifications for public office and his programs for the Nation rather than on a sophisticated advertising program which is encouraged by the infusion of vast amounts of money.

"The Committee on House Administration is of the opinion that there is a definite need for effective and comprehensive legislation in this area to restore and strengthen public confidence in the integrity of the political process."[2]

The 1974 act included a provision, added pursuant to an amendment offered by then Senator James Buckley, for expedited review of the law's constitutionality. In January 1976 the Supreme Court invalidated those portions that imposed limits on campaign spending as violative of the First Amendment's guarantee of free speech.

In his powerful dissent, Justice White said, "Without limits on total expenditures, campaign costs will inevitably and endlessly escalate."[3] His prediction was promptly borne out. Multimillion-dollar campaigns for the Senate have become the rule, with the 1984 Helms-Hunt race in North Carolina setting astonishing new records. It is no longer unusual for expenditures in contested House campaigns to go over the million-dollar mark; in 1982 one House candidate reportedly spent over $2 million of his own funds.

In 1982 a number of representatives came to the conclusion that the Buckley ruling should not be allowed to stand and that a constitutional amendment was imperative. In June Congressman Henry Reuss of Wisconsin introduced a resolution calling for an amendment to give Congress the authority to regulate campaign spending in federal elections. In December, with the cosponsorship of Mr. Reuss and 11 others,[4] I introduced a broader resolution authorizing the states, as well as the Congress, to impose limits on campaign spending. The text of the proposed amendment was:

Section 1. The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office.

Section 2. The several states may enact laws regulating the amounts of contributions and expenditures intended to affect elections to state and local offices.[5]

In the Ninety-eighth Congress, the same resolution was reintroduced by Mr. Vento and Mr. Donnelly and by Mr. Brown, Democrat of California, and Mr. Rinaldo, Republican of New Jersey. A similar resolution was introduced in the Senate by Senator Stevens, Republican of Alaska. As of the present writing, the resolution has been reintroduced in the Ninety-ninth Congress by Mr. Vento.[6]

No hearings have been held on these proposals, and they have attracted little attention. Even organizations and commentators deeply concerned with the problem of money in politics and runaway campaign spending have focused exclusively on statutory remedies. Common Cause, in spite of my pleading, has declined to add a proposal for a constitutional amendment to its agenda for campaign reform or even to hear arguments in support of the proposal. A constituency for the idea has yet to be developed.

THE NATURE OF THE PROBLEM

This article proceeds on the assumption that escalating campaign costs pose a serious threat to the quality of government in this country. There are those who argue the contrary, but their view of the nature of the problem is narrow. They focus on the facts that the amounts of money involved are not large relative to the gross national product and that the number of votes on Capitol Hill that can be shown to have been affected by campaign contributions is not overwhelming.

The curse of money in politics, however, is by no means limited to the influencing of votes. There are at least two other problems that are, if anything, even more serious. One is the eroding of the present nonsystem on the public's confidence in our form of democracy. If public office and votes on issues are perceived to be for sale, the harm is done, whether or not the facts justify that conclusion. In *Buckley* the Supreme Court itself, in sustaining the limitations on the size of political contributions, stressed the importance of avoiding "the appearance of improper influence" as "'critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.'"[7] What the Supreme Court failed to recognize was that "[6]confidence in the system of the representative government'" could likewise be "'eroded to a disastrous extent'" by the spectacle of lavish spending, whether the source of the funds is the candidate's own wealth or the result of high-pressure fund-raising from contributors with an ax to grind.

The other problem is that excellent people are discouraged from running for office, or, once in, are unwilling to continue wrestling with the unpleasant and degrading task of raising huge sums of money year after year. There is no doubt that every two years valuable members of Congress decide to retire because they are fed up with having constantly to beg. For example, former Congressmen Charles Vanik of Ohio and Richard Ottinger of New York, both outstanding legislators, were clearly influenced by such considerations when they decided to retire, Vanik in 1980 and Ottinger in 1984. Vanik said, among other things, "I feel every contribution carries some sort of lien which is an encumbrance on the legislative process. . . . I'm terribly upset by the huge amounts that candidates have to raise."[8] Probably an even greater number of men and women who would make stellar legislators are discouraged from competing because they cannot face the prospect of constant fundraising or because they see a wealthy person, who can pay for a lavish campaign, already in the race.

In "Politics and Money," Elizabeth Drew has well described the poisonous effect of escalating campaign costs on our political system:

"Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than this opponent wins—though in races that are otherwise close, this tends to be the case. What matters is what the chasing of money does to the candidates, and to the victors' subsequent behavior. The candidates' desperation for money and the interests' desire to affect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry—or that often it is not even a contest. . . . It is not even relevant which interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative government, the soul of this country."[9]

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[1] Footnotes at end of article.

Focusing on the different phenomenon of wealthy candidates' being able to finance their own, often successful, campaigns, the late columnist Joseph Kraft commented that "affinity between personal riches and public office challenges a fundamental principle of American life."[10]

SHORTCOMING OF STATUTORY PROPOSALS

In spite of the wide agreement on the seriousness of the problems, there is no agreement on the solution. Many different proposals have been made by legislators, academicians, commentators, and public interest organizations, notably Common Cause.

One of the most frequently discussed is to follow for congressional elections the pattern adopted for presidential campaigns: a system of public funding, coupled with limits on spending.[11] Starting in 1955, bills along these lines have been introduced on Capitol Hill, but none has been adopted. Understandably, such proposals are not popular with incumbents, most of whom believe that challengers would gain more from public financing than they would.

Even assuming that the political obstacles could be overcome and that some sort of public financing for congressional candidates might be adopted, this financing would suffer from serious weaknesses. No system of public financing could solve the problem of the very wealthy candidate. Since such candidates do not need public funding, they would not subject themselves to the spending limits. The same difficulty would arise when aggressive candidates, believing they could raise more from private sources, rejected the government funds. This result is to be expected if the level of public funding is set too low, that is, at a level that the constant escalation of campaign costs is in the process of outrunning. According to Congressman Bruce Vento, an author of the proposed constitutional amendment to overturn Buckley, this has tended to happen in Minnesota, where very low levels of public funding are provided to candidates for state office.

To ameliorate these difficulties, some proponents of public financing suggest that the spending limits that a candidate who takes government funding must accept should be waived for that candidate to the extent an opponent reports expenses in excess of those limits. Unfortunately, in such a case one of the main purposes of public funding would be frustrated and the escalation of campaign spending would continue. The candidate who is not wealthy is left with the fearsome task of quickly having to raise additional hundreds of thousands, or even millions, of dollars.

Another suggested approach would be to require television stations, as a condition of their licenses, to provide free air time to congressional candidates in segments of not less than, for instance, five minutes. A candidate's acceptance of such time would commit the candidate to the acceptance of spending limits. While such a scheme would be impractical for primary contests—which in many areas are the crucial ones—the idea is attractive for general election campaigns in mixed urban-rural states and districts. It would be unworkable, however, in the big metropolitan areas, where the main stations reach into scores of congressional districts and, in some cases, into several states. Not only would broadcasters resist the idea, but the television-viewing public would be furious at being virtually compelled during pre-election weeks to watch a series of talking-head shows featuring all the area's campaigning senators and representatives and their challengers. The offer of such unpopular television time would hardly tempt serious candidates to accept limits on their spending.

Proponents of free television time, recognizing the limited usefulness of the idea in metropolitan areas, have suggested that candidates could be provided with free mailings instead. While mailings can be pinpointed and are an essential part of urban campaigning, they account for only a fraction of campaign costs, even where television is not widely used; accordingly, the prospect of free mailings would not be likely to win the acceptance of unwelcome campaign limits on total expenses.[12]

Yet another method of persuading candidates to accept spending limits would be to allow 100 percent tax credits for contributions of up to, say, $100 made to authorized campaigns, that is, those campaigns where the candidate has agreed to abide by certain regulations, including limits on total spending.[13] It is difficult to predict how effective such a system would be, and a pilot project to find out would not be feasible, since the tax laws cannot be changed for just one area. For candidates who raise most of their funds from contributors in the $50-to-$100 range, the incentive to accept spending limits would be strong, but for those—and they are many—who rely principally on contributors in the $500-to-$1000 range, the incentive would be much weaker. This problem could be partially solved by allowing tax credits for contributions of up to $100 and tax deductions for contributions in excess of $100 up to the permitted limit. Such proposals, of course, amount to a form of public financing and hence would encounter formidable political obstacles, especially at a time when budgetary restraint and tax simplification are considered of top priority.

Some of the most vocal critics of the present anarchy in campaign financing focus their wrath and legislative efforts on the political action committees (PACs) spawned in great numbers under the Federal Election Campaign Act of 1974. Although many PACs are truly serving the public interest, others have made it easier for special interests, especially professional and trade associations, to funnel funds into the campaign treasuries of legislators or challengers who will predictably vote for those interests. Restrictions, such as limiting the total amount legislative candidates could accept from PACs, would be salutary[14] but no legislation aimed primarily at the PAC phenomenon—not even legislation to eliminate PACs altogether—would solve the problem so well summarized by Elizabeth Drew. The special interests and favor-seeking individual givers would find other ways of funneling their dollars into politically useful channels, and the harassed members of Congress would have to continue to demean themselves by constant begging.

PAC regulation and all the other forms of statutory regulation suffer from one fundamental weakness: none of them would affect the multimillion-dollar self-financed campaign. Yet it is this type of campaign that does more than any other to confirm the widely held view that high office in the United States can be bought.

Short of a constitutional amendment, there is only one kind of proposal, so far as I know, that would curb the super-rich candidate, as well as setting limits for others. Lloyd N. Cutler, counsel to the president in the Carter White House, has suggested that the political parties undertake the task of campaign finance regulation.[15] Theoretically, the parties could withhold endorsement from candidates who refuse to abide by the party-prescribed limits and other regulations. But the chances of this happening seem just about nil. Conceivably a national party convention might establish such regulations for its presidential primaries, but to date most contenders have accepted the limits imposed under the matching system of public funding; John Connally of Texas was the exception in 1980. For congressional races, however, it is not at all clear what body or bodies could make such rules and enforce them. Claimants to such authority would include the national conventions, national committees, congressional party caucuses, various state committees, and, in some cases, country committees. Perhaps our national parties should be more hierarchically structured, but the fact is that they are not.

On top of all this, the system would work for general election campaigns only if both major parties took parallel action. If by some miracle they did so, the end result might be to encourage third-party and independent candidacies.

Let me make clear that I am not opposed to any of the proposals briefly summarized earlier. To the extent I had the opportunity to vote for any of the statutory proposals during my years in the House, I did so. Nor am I arguing that a constitutional amendment by itself would solve the problem; it would only be the beginning of a very difficult task. What I am saying is that, short of effective action by the parties, any system to reverse the present lethal trends in campaign financing must have as a basic element the restoration to the Congress of the authority to regulate the process.

THE MERITS OF THE BUCKLEY RULING

The justices of the Supreme Court were all over the lot in the *Buckley* case, with numerous dissents from the majority opinion. The most significant dissent, in my view, was entered by Justice White, who, alone among the justices, had had extensive experience in federal campaigns. White's position was that the Congress, and not the Court, was the proper body to decide whether the slight interference with First Amendment freedoms in the Federal Election Campaign Act was warranted. Justice White reasoned as follows:

"The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the Act. . . . In this posture of the case, there is no sound basis for invalidating the expenditure limitations, so long as the purposes they serve are legitimate and sufficiently substantial, which in my view they are . . .

". . . expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption. . . .

"Besides backing up the contribution provisions, . . . expenditure limits have their own potential for preventing the corruption of federal elections themselves.[16]"

Justice White further concluded that

"limiting the total that can be spent will ease the candidate's understandable obsession with fundraising, and so free him and his staff to communicate in more places and ways unconnected with the fundraising function.

"It is also important to restore and maintain public confidence in federal elections. It is critical to obviate and dispel the impression that federal elections are purely and simply a function of money, that federal offices are bought and sold or that political races are reserved for those who have the facility—and the stomach—for doing whatever it takes to bring together those interests, groups, and individuals that can raise or contribute large fortunes in order to prevail at the polls.[17]"

Two of the judges of the District of Columbia Circuit Court, which upheld the 1974 act—judges widely respected, especially for their human rights concerns—later wrote law journal articles criticizing in stinging terms the Supreme Court's holding that the spending limits were invalid. For example, the late Judge Harold Leventhal said in the Columbia Law Review: "The central question is what is the interest underlying regulation of campaign expenses and is it substantial? The critical interest, in my view, is the same as that accepted by the [Supreme] Court in upholding limits on contributions. It is the need to maintain confidence in self-government, and to prevent the erosion of democracy which comes from a popular view of government as responsive only or mainly to special interests.[18]

"A court that is concerned with public alienation and distrust of the political process cannot fairly deny to the people the power to tell the legislators to implement this one-word principle: Enough![19]"

Here are excerpts from what Judge J. Skelly Wright had to say in the Yale Law Journal:

"The Court told us, in effect, that money is speech.

". . . [This view] accepts without question elaborate mass media campaigns that have made political communication expensive, but at the same time remote, disembodied, occasionally . . . manipulative. Nothing in the First Amendment . . . commits us to the dogma that money is speech.[20]

". . . far from stifling First Amendment values, [the 1974 act] actually promotes them. . . . In place of unlimited spending, the law encourages all to emphasize less expensive face-to-face communications efforts, exactly the kind of activities that promote real dialogue on the merits and leave much less room for manipulation and avoidance of the issues.[21]"

The Supreme Court was apparently blind to these considerations. Its treatment was almost entirely doctrinaire. In holding unconstitutional the limits set by Congress on total expenditures for congressional campaigns and on spending by individual candidates, the Court did not claim that the dollar limits set were unreasonably low. In the view taken by the Court, such limits were beyond the power of the Congress to set, no matter how high.

Only in the case of the $1000 limit set for spending by independent individuals or groups "relative to a clearly identified candidate" did the Court focus on the level set in the law. The Court said that such a limit "would appear to exclude all citizens and groups except candidates, political parties and the institutional press from any significant use of the most effective modes of communication."[22] In a footnote, the Court noted:

"The record indicates that, as of January 1, 1975, one full-page advertisement in a daily edition of a certain metropolitan newspaper cost $6,971.04—almost seven times the annual limit on expenditures "relative to" a particular candidate imposed on the vast majority of individual citizens and associations."[23]

The Court devoted far more space to arguing the unconstitutionality of this provision than to any of the other limits, presumably because of this point it had the strongest case. Judge Leventhal, too, thought the $1000 figure for independent spending was unduly restrictive and might properly have been struck down. As one who supported the 1974 act while in the House, I believe, with the benefit of hindsight, that the imposition of this low limit on independent expenditures was a grave mistake.

Let us look for a moment at the question of whether reasonable limits on total spending in campaigns and on spending by wealthy candidates really do interfere with the "unfettered interchange of ideas," "the free discussion of governmental affairs," and the "uninhibited, robust and wide-open" debate on public issues that the Supreme Court has rightly said the First Amendment is designed to protect.[24] In *Buckley* the Supreme Court has answered that question in the affirmative when the limits are imposed by law under Congress' conceded power to regulate federal elections. The Court answered the same question negatively, however, when the limits were imposed as a condition of public financing. In narrow legalistic terms the distinction is perhaps justified, but, in terms of what is desirable or undesirable under our form of government, I submit that the setting of such limits is either desirable or it is not.

Various of the solutions proposed to deal with the campaign-financing problem, statutory and nonstatutory, raise the same question—for example, the proposal to allow tax credits only for contributions to candidates who have accepted spending limits, and the proposal that political parties should impose limits. All such proposals assume that it is good public policy to have such limits in place. They simply seek to avoid the inhibition of the *Buckley* case by arranging for some carrot-type motivation for the observance of limits, instead of the stick-type motivation of compliance with a law.

I am not, of course, suggesting that those who make these proposals are wrong to do so. What I am suggesting is that they should support the idea of undoing the damage done by *Buckley* by way of a constitutional amendment.

Summing up the reason for such an amendment, Congressman Henry Reuss said, "Freedom of speech is a precious thing. But protecting it does not permit someone to shout 'fire' in a crowded theater. Equally, freedom of speech must not be stressed so as to compel democracy to commit suicide by allowing money to govern elections.[25]

INDEPENDENT EXPENDITURES IN PRESIDENTIAL CAMPAIGNS

Until now the system of public financing for presidential campaigns, coupled with limits on private financing, has worked reasonably well. Accordingly, most of the proposals mentioned previously for the amelioration of the campaign-financing problem have been concerned with campaigns for the Senate and the House.

In 1980 and 1984, however, a veritable explosion occurred in the spending for the presidential candidates by allegedly independent cmmittees—spending that is said not to be authorized by, or coordinated with, the campaign committees. In both years, the Republican candidates benefited far more from this type of spending than the Democratic: In 1980, the respective amounts were $12.2 million and $45,000; in 1984, $15.3 million and $621,000.[26]

This spending violated section 9012(f) of the Presidential Campaign Fund Act, which prohibited independent committees from spending more than $1000 to further a presidential candidate's election if that candidate had elected to take public financing under the terms of the act. In 1983 various Democratic Party entities and the Federal Election Commission, with Common Cause as a supporting amicus curiac, sued to have section 9012(f) declared constitutional, so as to lay the groundwork for enforcement of the act. These efforts failed. Applying the *Buckley* precedent, the three-judge district court that first heard the case denied the relief sought, and this ruling was affirmed in a 7-to-2 decision by the Supreme Court in *FEC* v. *NCPAC* in March 1985.[27]

The *NCPAC* decision clearly strengthens the case for a constitutional amendment to permit Congress to regulate campaign spending. For none of the statutory or party-action remedies summarized earlier would touch this new eruption of the money-in-politics volcano.

True, even with a constitutional amendment in place, it would still be possible for the National Conservative Political Action Committee or other committees to spend unlimited amounts for media programs on one side of an issue or another, and these would undoubtedly have some impact on presidential—and other—campaigns. However, the straight-out campaigning for an individual or a ticket, which tends to be far more effective than focusing on issues alone, could be brought within reasonable limits.

LOOKING AHEAD

The obstacles in the way of achieving a reversal of Buckley by constitutional amendment are, of course, formidable. This is especially true today when the House Judiciary Committee is resolutely sitting on other amendments affecting the Bill of Rights and is not disposed to report out any such amendments.

In addition to the practical political hurdles to be overcome, there are drafting problems to solve. The simple form so far proposed[28]—and quoted previously—needs refinement.

For example, if an amendment were adopted simply giving to the Congress and the states the authority to "enact laws regulating the amount of contributions and expenditures intended to affect elections,[29] the First Amendment question would not necessarily be answered. The argument could still be made, and not without reason, that such regulatory laws, like other powers of the Congress and the states, must not offend the First Amendment. I asked an expert in constitutional law how this problem might be dealt with, and he said the only sure way would be to add the words "notwithstanding the First Amendment." But such an addition is not a viable solution. The political obstacles in the way of an amendment overturning Buckley in its interpretation of the First Amendment with respect to campaign spending are grievous enough; to ask the Congress—and the state legislatures—to create a major exception to the First Amendment would assure defeat.

The answer has to be to find a form of wording that says, in effect, that the First Amendment can properly be interpreted so as to permit reasonable regulation of campaign spending. In my view, it would be sufficient to insert in the proposed amendment,[30] after "The Congress," the words "having due regard for the need to facilitate full and free discussion and debate." Section 1 of the amendment would then read, "The Congress, having due regard for the need to facilitate full and free discussion and debate, may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office." Other ways of dealing with this problem could no doubt be devised.

Another drafting difficulty arises from the modification in the proposed amendment of the words "contributions and expenditures" by "intended to affect elections." This language is appropriate with respect to money raised or spent by candidates and their committees, but it does present a problem in its application to money raised and spent by allegedly independent committees, groups, or individuals. It could hardly be argued that communications referring solely to issues, with no mention of candidates, could, consistent with the First Amendment, be made subject to spending limits, even if they were quite obviously "intended to affect" an election. Accordingly, a proper amendment should include language limiting the regulation of "independent" expenditures to those relative to "clearly identified" candidates, language that would parallel the provisions of the 1971 Federal Election Campaign Act, as amended.[31]

These are essentially technical problems that could be solved with the assistance of experts in constitutional law if the Judiciary Committee of either house should decide to hold hearings on the idea of a constitutional amendment and proceed to draft and report out an appropriate resolution.

Many of those in and out of Congress who are genuinely concerned with political money brush aside the notion of a constitutional amendment and focus entirely on remedies that seem less drastic. They appear to assume that Congress is more likely to adopt a statutory remedy, such as public financing, than go for an enabling constitutional amendment that could be tagged as tampering with the Bill of Rights. I disagree with that assumption.

Incumbents generally resist proposals such as public financing because challengers might be the major beneficiaries, but most incumbents tend to favor the idea of spending limits. The Congress is not by its nature averse to being given greater authority; that would be especially true in this case, where until 1976 the Congress always thought it had such authority. I venture to say that if a carefully drawn constitutional amendment were reported out of one of the Judiciary Committees, it might secure the necessary two-thirds majorities in both houses, with surprising ease.

The various state legislatures might well react in similar fashion. A power they thought they had would be restored to them.

The big difficulty is to get the process started, whether it be for a constitutional amendment or a statutory remedy or both. Here, the villain, I am afraid, is public apathy. Unfortunately, the voters seem to take excessive campaign spending as a given—a phenomenon they can do nothing about—and there is no substantial consistency for reform. The House Administration Committee, which in the early 1970s was the spark plug for legislation, has recently shown little interest in pressing for any of the legislative proposals that have been put forward.

The 1974 act itself emerged as a reaction to the scandals of the Watergate era, and it may well be that major action, whether statutory or constitutional, will not be a practical possibility until a new set of scandals bursts into the open. Meanwhile, the situation will only get worse.

FOOTNOTES

[1] Personal communication with Joseph L. Rauh, Mar, 1985; *Buckley* v. *Valeo*. 424 U.S. (1976).

[2] U.S., Congress, House, Committee on House Administration, *Federal Election Campaign Act, Amendments of 1974; Report to Accompany H.R. 16090*, 93rd Cong., 2d sess., 1974, H. Rept. 93-1239, pp. 3-4.

[3] 424 U.S., p. 264.

[4] The other representatives were Mrs. Fenwick, Republican of New Jersey; Ms. Mikulski, Democrat of Maryland; and Messrs. Bevil, Democrat of Alabama; Donnelly, Democrat of Massachusetts; D'Amours, Democrat of New Hampshire; Edgar, Democrat of Pennsylvania; LaFalce, Democrat of New York; and Wolpe, Democrat of Michigan.

[5] U.S., Congress, House, *Proposing an Amendment to the Constitution of the United States Relative to Contributions and Expenditures Intended to Affect Congressional, Presidential and State Elections*, 97th Cong., 2d. sess., 1982, H.J. Res. 628, p. 2.

[6] Ibid., 99th Cong., 1st sess., 1985, H.J. Res. 88.

[7] 424 U.S., p. 27, quoting *CSC* v. *Letter Carriers*, 413 U.S. 548, 565 (1973); see also 424 U.S., p. 30.

[8] Quoted by Congressman Henry Reuss, in U.S., Congress, House, *Congressional Record*, daily ed., 97th Cong., 2d sess., 1982, 128(81):H3900.

[9] *New Yorker*, 6 Dec. 1982, pp. 55-56.

[10] *Washington Post*, 2 Nov. 1982.

[11] In the *Buckley* case the Supreme Court simply assumed that limits on spending were not a violation of free speech when acceptance of such limits was made the condition for receiving public funds. 424 U.S., pp. 85-110. See also Charles McC. Mathias, Jr., "Should There Be Public Financing of Congressional Campaigns?" this issue of *The Annals* of the American Academy of Political and Social Science.

[12] A variation of the idea of free television and/or mail, proposed by Common Cause and others, would provide for such privileges as a means of answering attacks made on candidates by allegedly independent organizations or individuals. See Fred Wertheimer, "Campaign Finance Reform: The Unfinished Agenda," this issue of *The Annals* of the American Academy of Political and Social Science.

[13] See ibid.

[14] The Obey-Railsback Act, which contained such restrictions, actually passed the House in 1979, but got no further. See ibid.

[15] See Lloyd N. Cutler, "Can the Parties Regulate Campaign Financing?" this issue of *The Annals* of the American Academy of Political and Social Science.

[16] 424 U.S., pp. 263-64.

[17] Ibid., p. 265.

[18] Leventhal, "Courts and Political Thickets," *Columbia Law Review*, 77:362 (1977).

[19] Ibid., p. 368.

[20] Wright, "Politics and the Constitution: Is Money Speech?" *Yale Law Journal*, 85:1005 (1979).

[21] Ibid., p. 1019.

[22] 424 U.S., pp. 20-21.

[23] Ibid., p. 21.

[24] *Roth* v. *United States*, 354 U.S. 176, 481 (1957); *Mills* v. *Alabama*, 384 U.S. 214, 218 (1966); *New York Times* v. *Sullivan*, 376 U.S. 251, 270 (1964).

[25] U.S., Congress, House, *Congressional Record*, 97th Cong., 2d sess., daily ed., 128(81):H3901.

[26] *New York Times*, 19 Mar. 1985.

[27] *FEC* v. *NCPAC*, 105 S. Ct. 1459 (1985).

[28] U.S. Congress, House, *Contributions and Expenditures;* H.J. Res. 628.

[29] Ibid.

[30] Ibid.

[31] 2 U.S. C.A. § 431(17).

Mr. HOLLINGS. Mr. President, that article was 10 years after Buckley v. Valeo. I am constantly reminded by the opposition that I only got 38 votes in 1997 for my amendment. There is a pleasure, an enjoyment to this wonderful corruption. There is not any question we used to have a better conscience. This article shows how even the Senator from Alaska, Mr. STEVENS, and others cosponsored it. I had a dozen Republican cosponsors.

Now the Senator from Kentucky, Mr. MCCONNELL, and the Senator from Texas, Mr. GRAMM, have it down to a Republican article of faith: We have the money and they, the Democrats, have the unions, and so we are not going to limit the money.

Governor George W. Bush has already raised $74 million and spent all but $8 million of it. He spent $64 million by March. The very idea of buying the office is a disgrace. It is a disgrace. As Senator Long of Louisiana said when we passed the Federal Election Campaign Act of 1971, we want to make sure everyone can participate.

Buckley v. Valeo has stood the first amendment on its head. It has taken it away. That is what the Senator from Wisconsin, the Senator from Kentucky, and others do not understand.

The Court, in Buckley v. Valeo, amended the first amendment to take away the speech of the ordinary American in important Federal elections. There is no question when one has to raise 5.5 million bucks in a little State like South Carolina—I looked around for somebody else to run last time. We could not get them to run for Congress because it cost too much. We could not even get a candidate on our side in the First District, in the Third District, and all around. It has gotten to where people say: Look, this thing costs too much; I don't have the time, I don't have the money.

That is a part of the corruption.

Look at the considerations of Justice White 25 years ago, and I read from his opinion. I remind everybody that four of the Justices found money as property and not speech; it could be controlled. It was only by a 1-vote margin that we are into this 25-year dilemma, like a dog chasing its tail around and around and the corruption growing and growing.

I quote from Justice White:

> It is accepted that Congress has power under the Constitution to regulate the election of Federal officers, including the President and Vice President. This includes the authority to protect the elective processes against the two great natural and historical enemies of all republics—open violence and insidious corruption.

Then talking about the insidious corruption:

> Pursuant to this undoubted power of Congress to vindicate the strong public interest in controlling corruption and other undesirable uses of money in connection with election campaigns, the Federal Election Campaign Act substantially broadened the reporting and disclosure requirements that so long have been a part of the Federal law. Congress also concluded that limitations on contributions and expenditures were essential if the aims of the act were to be achieved fully.

Buckley v. Valeo limited contributions. It took away freedom of speech under the premise here—what a terrible thing. I have the quotes from the distinguished Senator from Kentucky that "we eviscerate the first amendment with this Hollings-Specter amendment that limits who may speak, when they may speak, what they may speak"—by the way, this applies to the press—"what they may report, when they may report and who may report."

Actually, there is no question that the decision in Buckley amended the first amendment. What we are trying to do is complete a uniformity where everybody is treated equally, the speech of the contributor as well as the speech of the candidate.

Going on, I quote from Justice White:

> The congressional judgment which was ours to accept was that other steps must be taken to counter the corrosive effects of money in Federal election campaigns.

This is 25 years ago:

> One of these steps is 608(e), which aside from those funds that are given to the candidate or spent at his request or with his approval or cooperation, limits what a contributor may independently spend in support or denigration of one running for Federal office.

That is the soft money about which we are talking. Moving on, I quote:

> Congress was plainly of the view that these expenditures also have the potential for corruption. But the Court claimed more insight as to what may improperly influence candidates than is possessed by the majority of Congress that passed this bill, and the President who signed it. Those supporting the bill undeniably include many seasoned professionals who have been deeply involved in elective processes and have viewed them at close range over many years.

Then he goes on:

> I have little doubt, in addition, that limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways unconnected with the fundraising function.

Actually talking about freedom of speech, you have time to talk to constituents. I remember after the last campaign, I went around the State, county to county, and they said: Fritz, why in the world are you coming around? You just won. I said: Yeah, but I really didn't get to talk to the voters. I had to talk to contributors. I didn't have time for the voters other than during the scheduled debates. I would like to meet the voters and talk to them in a more intimate way. That is quoted in the press.

This is 25 years ago, foreseeing the corruption.

I quote from Justice White:

> There is nothing objectionable, indeed, it seems to me a weighty interest in favor of the provision in the attempt to insulate the political expression of Federal candidates from the influence inevitably exerted by the endless job of raising increasingly large sums of money. I regret that the Court has returned them all to the treadmill.
>
> It is also important to restore and maintain public confidence in Federal elections. It is critical to obviate or dispel the impression that Federal elections are purely and simply a function of money, that Federal officers are bought and sold, or that political races are reserved for those who have the facility and the stomach for doing whatever it takes to bring together those interest groups and individuals who can raise or contribute large fortunes in order to prevail at the polls.

I could go on and on. There is no question that we had a very erudite observation here by Justice White, very visionary. Everybody says: You have to have somebody who has vision. That is a visionary statement in Buckley v. Valeo. Even though it was in a dissenting opinion, it foretold what we were going to run into.

Once the campaign was over, I thought we would come up here and work for the people of the United States, not for ourselves. We could give all the time to our treadmill here, as Justice White says, but we raise the money, raise the money, raise the money, raise the money. It goes on and on and it takes away from our actual function as the most deliberative body.

Yes, we got only 38 votes the last time. The conscience is diminishing. We got a majority vote back in the 1980s back when we had a conscience.

We also once had a conscience on the budget. Now we hold the totally false premise that a deficit is a surplus. I do not have today's data, but I have the day before yesterday's. We have The Public Debt To the Penny. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Public Debt to the Penny

[Current 03/24/2000—$5,730,876,091,058.27]

Current month:	Amount
03/23/2000	$5,729,458,665,582.66
03/22/2000	5,727,734,275,348.06
03/21/2000	5,728,846,067,846.82
03/20/2000	5,728,253,942,273.38
03/17/2000	5,728,671,330,064.36
03/16/2000	5,724,694,663,639.63
03/15/2000	5,747,793,381,625.76
03/14/2000	5,748,566,517,856.04
03/13/2000	5,745,831,852,208.71
03/10/2000	5,745,712,662,449.10
03/09/2000	5,744,560,824,206.30
03/08/2000	5,745,125,070,490.06
03/07/2000	5,747,932,431,376.73
03/06/2000	5,745,099,557,759.64
03/03/2000	5,742,858,530,572.10
03/02/2000	5,732,418,769,036.22
03/01/2000	5,725,649,856,797.45
Prior months:	
02/29/2000	5,735,333,348,132.58
01/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior fiscal years:	
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

Note.—Looking for more historic information? Visit the Public Debt Historical Information archives.

Source: Bureau of the Public Debt.

Mr. HOLLINGS. This is the conscience of this crowd here. When you can't get votes—it is amazing I get any kind of votes because the overwhelming majority calls this deficit a surplus. You can find out that on 9-30-99, the debt was $5.656 trillion. It has now grown to $5.730 trillion.

I just got back from London. I had lunch there with Parliament, and I asked the Presiding Officer: Do you all have a deficit or a surplus? He said: Oh, we have a surplus. We have a balanced budget. I said: How do you measure it? He said: By the amount of money you have to borrow.

The distinguished Presiding Officer is an eminent certified public accountant. He knows how to keep the books. He would not go along with the kinds of books we keep here, showing that we're borrowing money and calling it a surplus. It's a deficit. It is an increase in the debt.

In addition, the interest expense on the public debt outstanding is $158,799,000,000. That is what we have spent just on interest costs since the beginning of the fiscal year. That is the real waste. We had a conscience under President Reagan; now it's waste, fraud, and abuse. I served on the Grace Commission. Surely, we could get votes in those days because we had a conscience.

We don't have a conscience anymore. Thirty-eight votes; I am lucky to get 18. I don't mind. Somehow, somewhere, some time, this has to be exposed. It is one grand corruption of the Congress itself. We know it. Everybody else knows it. The public showed that they know it, too, during the primaries.

If we do not get a hold of ourselves and do something about it in this particular session, we are gone goslings. That is all I have to say.

It is a tragic thing when you have to stand up here and defend the right of the people to vote on controlling spending in elections. They have it at city hall with the constable. They have it in the State capitals with the Governor. Now we have it with the national Congress. Everybody wants to try to control spending.

We go along with this farce of free speech and that we are amending the Constitution, really, the first amendment. In reality we are amending the Constitution to give the first amendment its freedom of speech. The first amendment gave that freedom of speech, but once money is attached to the speech, you take it away from those who do not have money. That is exactly what has occurred.

Buckley v. Valeo has amended the first amendment. They are all so excited and alarmed about it and laugh as they go back into the Cloakroom because they know exactly what we are talking about on the floor. Nobody is here. It is a Tuesday morning and nobody has to vote until 2:15. We will have a caucus and we will go in and talk about how we have been doing on fundraising. Then when we get through talking about doing the fundraising, we will go ahead and vote this down, according to the Senator from Kentucky. But there will come another day. I am glad for the 6-year term. We have a little time left. I have been at it some 20 years now. We will continue. It takes a little time. But what Justice White stated back in Buckley v. Valeo has come to pass. It has brought us to where the most deliberative body can't deliberate.

I retain the remainder of my time and suggest the absence of a quorum. Does the other side have any time? Both sides?

The PRESIDING OFFICER. The other side has 3 minutes.

Mr. HOLLINGS. Well. I think we will allocate the time to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, there is a right way and a wrong way of reforming our system of campaign finance. The Hollings proposal to amend our Constitution is simply the wrong way. It would, in effect, amend the first amendment to our Constitution to allow any "reasonable" restrictions to be placed on independent campaign expenditures and contributions. Why does he propose that we amend the first amendment? Because the Supreme Court of the United States has held that restrictions on independent expenditures violate the first amendment's free speech protection and that such restrictions could only be justified upon a showing of a compelling—as opposed to any reasonable—reason.

The Hollings amendment would gut the free speech protections of the first amendment. It would allow the curtailing of independent campaign expenditures that could overcome the natural advantage that incumbents have. It would, thus, limit free speech and virtually guarantee that incumbents be reelected. Thus, the Hollings amendment could change the very nature of our constitutional democratic form of government by establishing what the Founders of the Republic feared most: a permanent elite or ruling oligarchy. Let me explain.

The very purpose of the first amendment's free speech clause is to ensure that the people's elected officials effectively and genuinely represent the public. For elections to be a real check on government, free speech must be guaranteed—both to educate the public about the issues, and to allow differing view points to compete in what Oliver Wendell Holmes called "the market place of ideas."

Simply put, without free speech, government cannot be predicated upon, what Thomas Jefferson termed, "the consent of the governed." Without free speech, there can be no government based on consent because consent can never be informed.

The Supreme Court of the United States recognized this fundamental principle of democracy in the 1976 case of *Buckley* v. *Valeo*, 424 U.S. 1 (1976). The Court in *Buckley* recognized that free speech is meaningless unless it is effective. In the words of Justice White, "money talks." Unless you can get your ideas into the public domain, all the homilies and hosannas to freedom of speech are just plain talk. Thus, the Supreme Court held that campaign contributions and expenditures are speech—or intrinsically related to speech—and that the regulating of such funds must be restrained by the prohibitions of the first amendment.

The *Buckley* Court made a distinction between campaign contributions and campaign expenditures. The Court found that free speech interests in campaign contributions are marginal at best because they convey only a generalized expression of support. But independent expenditures are another matter. These are given higher first amendment protection because they are direct expressions of speech. The Court reaffirmed the principles it outlined in *Buckley* just a few months ago in *Nixon* v. *Shrink Missouri Gov't*.

Consequently, because contributions are tangential to free speech, Congress has a sizeable latitude to regulate them in order to prevent fraud and corruption. But not so with independent expenditures. In the words of the Court:

> A restriction on the amount of money a person or group can spend necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating in today's mass society requires the expenditure of money. [424 U.S. at 19–20].

The Hollings amendment's allowance of restrictions on expenditures by Congress and state legislatures would impose direct and substantial restraints on the quantity of political speech. It would permit placing drastic limitations on both individuals and groups from spending money to disseminate their own ideas as to which candidate should be supported and what cause is just. The Supreme Court noted that such restrictions on expenditures, even if "neutral as to the ideas expressed, limit political expression at the core of our electoral process and of the First Amendment freedoms." [*Buckley* at 39].

Indeed, even candidates under the Hollings proposal could be restricted in engaging in protected first amendment expression. Justice Brandeis observed, in *Whitney* v. *California*, 274 U.S. 357, 375 (1927), that in our republic, "public discussion is a political duty," and that duty will be circumscribed where a candidate is prevented from spending his or her own money to spread the electoral message. That a candidate has a first amendment right to engage in public issues and advocate particular positions was considered by the *Buckley* Court to be of:

> . . . particular importance . . . candidates [must] have the unfettered opportunity to make their views known so that the electorate may intelligently evaluate the candidates' personal qualities and their positions on vital public issues before choosing among them on election day. 424 U.S. at 53.

Campaign finance reform should not be at the expense of free speech. This amendment—in trying to reduce the costs of political campaigns—could cost us so much more: our heritage of political liberty. Without free speech our Republic would become a tyranny. Even the liberal American Civil Liberties Union opposes Hollings-type approaches to campaign reform and called such approaches a "recipe for repression."

The simple truth is that there are just too many on the other side of the aisle that believe that the first amendment is inconsistent with campaign finance reform. That is why they are pushing the Hollings proposal. To quote House Minority Leader RICHARD GEPHARDT, "[w]hat we have is two important values in direct conflict: freedom of speech and our desire for a healthy campaign in a healthy democracy. You can't have both."

I strongly disagree. You can have both. We have to have both. For without both, the very idea of representative democracy is imperiled. That is why I oppose the Hollings amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Senator HOLLINGS controls the time until 11:45 a.m.

Mr. LEAHY. Mr. President, does the Senator from Vermont have 30 minutes under a previous order?

The PRESIDING OFFICER. The Senator from Vermont has 22 and a half minutes.

Mr. LEAHY. Mr. President, my understanding was that the Senator from

Vermont had 30 minutes in the order entered into last week.

The PRESIDING OFFICER. The Senator is correct, but the UC was amended by a subsequent UC that moved the time from the beginning time to 11:45.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Vermont be restored to his full 30 minutes, following the time of the Senator from South Carolina.

Mr. HOLLINGS. If the Senator will yield, I am trying to retain some time for my cosponsor, Senator SPECTER from Pennsylvania. I heard 10 minutes ago he was on his way to the floor. I would be glad for the Senator to proceed if we could reserve 10 minutes of time when Senator SPECTER gets here at 11:45.

Mr. LEAHY. Mr. President, I tell the Senator that my only concern—and I am perfectly willing to make sure he is protected, however the time works. I think by mistake somebody on the other side of the aisle yielded some of my time without my permission.

I ask unanimous consent that I be restored to a full 30 minutes, without in any way interfering with the time of the Senator.

The PRESIDING OFFICER. Was that starting time 30 minutes from this moment and then to reserve the 10 minutes for Senator SPECTER?

Mr. LEAHY. Yes, I will start now. But the distinguished Senator from South Carolina will not lose any of the time reserved for him.

The PRESIDING OFFICER. He will retain his 10 minutes, that is correct. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on April 20, 1999, 14 young students and a teacher lost their lives at Columbine High School in Littleton, CO. That was one of a series of deadly incidents of school violence over the last 2 years. The day that happened, the Senate Judiciary Committee was not engaged in working on crime proposals or public safety issues. That day, like today, we were devoting our attention to the symbolism of this proposed amendment to the Constitution, which would weaken the first amendment for the first time in history, so that we might make criminal the burning of the American flag.

Scores of our Nation's children have been killed and wounded over the last 2 years. They haven't been killed or wounded by burning flags. They have been killed and wounded by firearm violence. Our loss has been from school violence that has shaken communities across this country.

Unfortunately, the Republican leadership in the Senate and the House have not found time to have the juvenile crime bill conference meet and resolve the differences. So even though we have passed a juvenile crime bill, one that has modest gun control in it, the gun lobby said we can't meet on that. We cannot have meetings on it. We cannot resolve those differences. Instead, we step forward and say to the American people: We will protect your children, we will protect your schools, we will make sure we have a constitutional amendment banning the burning of flags.

Like all Americans, all parents, I abhor the burning of flags. But like American parents, especially those with children in school, I know the danger to those children of gun violence and other criminal activity in this country is far more of a danger than the burning of a flag.

The Republican majority has not moved the emergency supplemental appropriations bill that is needed to provide Federal assistance to victims of Hurricane Floyd, or to help those who need fuel assistance, or to fund our men and women engaged in international peacekeeping efforts in Kosovo. Nor has the Republican majority moved responsibly to help fill the 77 judicial vacancies plaguing the Federal courts around the Nation. Nor has the majority yet moved a budget resolution to meet the April 1 and April 15 deadlines of the Budget Act. I recall that 2 years ago no final budget resolution passed the Congress, and I hope that experience of congressional inattention will not be repeated. We need to raise the minimum wage, pass a Patients' Bill of Rights, approve prescription drug benefits, and authorize the FDA to help stem the public health hazard of tobacco products. There is a lot to be done, and very little is being done.

I came to the Senate again last week to urge action on the juvenile crime conference. This Congress has kept the country waiting too long for action on juvenile crime legislation and sensible gun safety laws. We are fast approaching a first-year anniversary of the shooting at Columbine High School in Littleton, CO, without any response from Congress except for a bill that passed the Senate 3-to-1, a bill that we all praised and took credit for, a bill that, unfortunately, didn't go anywhere. It sat in a closed conference, behind a door that says: Parents of America cannot be admitted.

If we did all our work, if we did something about gun violence, if we did something about our children who are dying in the streets of America, if we did something about school safety and something about juvenile justice, if we passed our budget on time, as the law requires, if we did something on medical privacy, if we did those things, fine, set aside a couple of weeks for symbolic actions. But let's do our work first. Let's do the things that should be done first.

Next month, Americans have to have their tax returns in, by April 15, because it is the law. It is also the law that says we are supposed to get our budget done. But we won't. The Congress of the United States has shown 2 years ago that we have not followed the law.

For some time I have been urging the Senate to rededicate itself to the work of helping parents, teachers, police and others to curb school violence. On May 11 last year, the Republican majority in the Senate allowed us to turn our attention to the important problems of school violence and juvenile crime. Over the ensuing two weeks the Senate worked its way through scores of amendments. The Hatch-Leahy juvenile justice legislation that passed the Senate last May 20, received a strong bipartisan majority of 73 votes. Under the plan put forward by the Republican leader, this juvenile justice legislation had become the vehicle for the anti-violence amendments adopted by the Senate last May.

I urged a prompt conference. When things bogged down, I took the unusual step of coming to the Senate to offer a unanimous consent request to move to conference on the legislation, which eventually provided the blueprint for finally agreeing to conference on July 28.

Unfortunately, the conference was convened for a single afternoon of speeches. Democrats from the House and Senate tried to proceed, to offer motions about how to proceed, and to begin substantive discussion, but we were ruled out of order by the Republican majority.

Since that time I have returned to the Senate a number of times to speak to these important issues and to urge the Republicans to reconvene the juvenile crime conference. I have joined with fellow Democrats to request both in writing and on the floor that the majority let us finish our work on the conference and send a good bill to the President. On October 20, 1999, all the House and Senate Democratic conferees sent a letter to Senator HATCH and Congressman HYDE calling for an open meeting of the juvenile crime conference. On March 3, 2000, after yet another shocking school shooting involving 6-year-old classmates in Michigan, Representative CONYERS and I wrote again to Senator HATCH and Congressman HYDE requesting an immediate meeting of the conference. The response has been resounding silence.

I worry that after a major debate on the floor, one in which we have both Republicans and Democrats bring up amendments and pass some and vote down others, we then let the subject of juvenile justice languish. We have seen press releases, but the families of America have yet to see a bill.

Three weeks ago, I was honored to be invited to a White House summit by the President of the United States. He had three other Members of Congress—the distinguished chairman of the House Judiciary Committee, HENRY

HYDE; the distinguished chairman of our Judiciary Committee, Senator HATCH; and the distinguished ranking member of the House Judiciary Committee, Congressman CONYERS. We met in the Oval Office in a rather extraordinary meeting. I have been to many over 25 years, and I do not remember one where the President stayed so engaged for such a long period of time in such a frank and open exchange.

The President concurs with the reconvening of the conference and action by the Congress to send him a comprehensive bill before the 1-year anniversary of the Columbine tragedy. But all of his entreaties have been rebuffed as well. We have been in recess more than we have been in session since that time. Take a couple of days and wrap this up, and send it to the President.

Democrats have been ready for months to reconvene the juvenile crime conference and put together an effective juvenile justice conference report that would include reasonable gun safety provisions. It bothers me that this Senate, under its majority leadership, cannot find the time nor the will to pass balanced, comprehensive juvenile justice legislation.

With respect to juvenile crime, I hope the majority will heed the call of our Nation's law enforcement officers to act now to pass a strong and effective juvenile justice conference report. Ten national law enforcement organizations representing thousands of law enforcement officers have endorsed the Senate-passed gun safety amendment. They support loophole-free firearm laws.

These are the ones who do:

International Association of Chiefs of Police;

International Brotherhood of Police Officers;

Police Executive Research Forum;

Police Foundation;

Major Cities Chiefs;

Federal Law Enforcement Officers Association;

National Sheriffs Association;

National Association of School Resource Officers;

National Organization of Black Law Enforcement Executives; and

Hispanic American Police Command Officers Association.

Should we not at least listen to the law enforcement people who are asked every day to put their lives on the line to protect all of us, and should we not at least listen to them when they say, Pass this modest bill? But no. We see the gun lobbies run all kinds of ads basically telling the Congress, Don't do it; we will not allow you to do it. The Congress meekly says, Yes, sir; yes, sir; we will let the gun lobby run our schedule—not those of us who are elected to do it.

I was in law enforcement. I spent 8 years in law enforcement. I know law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them.

I am not talking about people who use guns for hunting or for sport, as my neighbors and I do in Vermont, but about criminals and unsupervised children. The thousands of law enforcement officers represented by these organizations are demanding the Congress act now to pass a strong and effective juvenile justice conference. As leader of the Democrats on this side, I am willing to meet on a moment's notice to do that.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They pray it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the epidemic of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile crime legislation, and measures to keep guns out of the hands of children and away from criminals. It is well past the time for Congress to act.

Instead, the Senate will be called upon to devote several more days this week to debating this proposal to amend the Constitution to restrict the First Amendment's fundamental protection of political expression for the first time in our nation's history in order to criminalize flag burning as a form of political protest. We can debate that. But can't we take at least as much time to debate things that will actually involve the safety of our children?

I am prepared to debate the merits of the proposed constitutional amendment to restrict political speech. I contributed to an extensive set of minority views in the Committee's report that lay out the flaws in the proponents' arguments and the case for protecting the Constitution and our Bill of Rights. We have debated this before and must do so, again.

I treat proposals to amend the Constitution with utmost seriousness. Our role in the process is a solemn responsibility. But when we have concluded this debate, as we will in the next few days, I hope that the juvenile crime bill conference committee will complete its work. I hope that we will move the emergency supplemental appropriations needed to help our citizens hurt by Hurricane Floyd and by high fuel prices. I hope that we will vote to increase the minimum wage without further delay; I hope that we will enact a real patients' bill of rights, and that we will approve a meaningful prescription drug benefit, and that we will pass the statutory authority now needed by the FDA to regulate tobacco products. I hope that we will vote on the scores of judicial nominations sent to us by the President to fill the 77 vacancies plaguing the federal courts and our system of justice; and I hope that we will make progress on the many other matters that have been sidetracked by the majority.

My friends on the Republican side of the Senate control the schedule. They set the priorities. But I hope they realize that these are priorities of the American people and will allow us to vote on them.

Mr. President, on the proposed constitutional amendment we are debating, I note that the minority views in the committee report extend over 30 pages, yet we are asked to limit the debate on the proposal to 2 hours. Nobody wants to filibuster a proposal. But if we are going to amend the Constitution, especially if we are going to amend the first amendment, and especially if we are going to amend the Bill of Rights for the first time in over 200 years, I think the American people deserve more than a couple of hours of chitchat and quorum calls to discuss what we are going to do.

I look forward to hearing from Senator FEINGOLD, the ranking member of the Constitution Subcommittee. I look forward to hearing from Senator BOB KERREY, the only Congressional Medal of Honor recipient among us; or Senator ROBB, of Virginia, who is a decorated veteran and distinguished Senator; and, of course, the constitutional sage of the Senate, the senior Senator from West Virginia, Mr. ROBERT C. BYRD.

The Senate was intended to be a place for thoughtful debate, for the offering of amendments and for votes on amendments. We should not shortchange this debate. Let us do justice to the task of considering this constitutional amendment before we are called upon to vote, again.

This afternoon we will first vote on the Flag Protection Act amendment offered by Senators MCCONNELL, BENNETT, DORGAN and CONRAD with the support of Senators DODD, TORRICELLI, BINGAMAN, LIEBERMAN and BYRD. Having reviewed that proposal, I intend to support it as well. It is a statutory alternative to the proposed constitutional amendment.

Now, let us remember one thing. No matter how Senators vote on the proposed amendment, either for or against it, there is one thing that unites every single Member of this body. We all agree that flag burning is a despicable and reprehensible act. It is usually done to show great disrespect to our country and our institutions and all it stands for. It has to be especially offensive to those who put their lives on the line for this country, whether in the Armed Forces, law enforcement, or elsewhere.

But the ultimate question before us is not whether we agree that flag burning is a despicable and reprehensible act. We all agree that it is. The issue is whether we should amend the Constitution of the United States, with all the risks that entails, and narrow the precious freedoms ensured by the First Amendment for the first time in our history, so that the Federal Government can prosecute the tiny handful of Americans who show contempt for the flag. Such a monumental step is unwarranted and unwise.

Proponents of the constitutional amendment note the views of distinguished American veterans and war heroes who have expressed their love of the flag and support for the amendment. Those who fought and sacrificed for our country deserve our respect and admiration. I remember very much the letters that came back from my uncle in World War II, and other friends and neighbors in subsequent wars.

They know the costs as well as the joys of freedom and democracy. Their sacrifices are lessons for us all in what it means to love and honor our flag and the country and the principles for which our flag stands. On this question of amending our Constitution, some would like to portray the views of veterans as being monolithic, when in fact many outstanding veterans oppose the amendment.

Above all, these veterans believe that they fought for the freedoms and principles that make this country great, not just the symbols of those freedoms. To weaken the nation's freedoms in order to protect a particular symbol would trivialize and minimize their service.

Last year, we were honored to have former Senator John Glenn, my dear friend, who served this nation with special distinction in war and in peace and in the far reaches of space, come back to the Senate to testify before the Judiciary Committee. This is a veteran of both World War II and the Korean conflict.

He told us:

> It would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at those fundamental freedoms themselves. Let the flag fully represent all the freedoms spelled out in the Bill of Rights, not a partial, watered-down version that has altered its protections.
>
> The flag is the nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But it is a symbol. It symbolizes the freedoms that we have in this country, but it is not the freedoms themselves. . . .
>
> Those who have made the ultimate sacrifice, who died following that banner, did not give up their lives for a red, white and blue piece of cloth. They died because they went into harm's way, representing this country and because of their allegiance to the values, the rights and principles represented by that flag and to the Republic for which it stands.

These are powerful words from our former colleague, John Glenn, a man we all agree is a true American hero.

Last spring I wrote to General Colin L. Powell, our Chairman of the Joint Chiefs of Staff during the Persian Gulf War, about this proposed constitutional amendment. I thank him for having answered the call and for adding his powerful voice to this debate. He wrote me the following:

> We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.
>
> If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.
>
> I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.
>
> I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Mr. President, I ask for unanimous consent to have the full text of General Powell's letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEN. COLIN L. POWELL, USA (RET),
Alexandria, VA, May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.

If I were a Member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

Mr. LEAHY. Gary May lost both his legs while serving this country in Vietnam. He spoke about how he felt and why he did not feel that we should amend the Constitution on this point:

> I am offended when I see the flag burned or treated disrespectfully. As offensive and painful as this is, I still believe that those dissenting voices need to be heard. This country is unique and special because the minority, the unpopular, the dissenters and the downtrodden, also have a voice and are allowed to be heard in whatever way they choose to express themselves that does not harm others. The freedom of expression, even when it hurts, is the truest test of our dedication to the belief that we have that right . . .
>
> Freedom is what makes the United States of America strong and great, and freedom, including the right to dissent, is what has kept our democracy going for more than 200 years. And it is freedom that will continue to keep it strong for my children and the children of all the people like my father, late father in law, grandfather, brother, me, and others like us who served honorably and proudly for freedom.
>
> The pride and honor we feel is not in the flag per se. It's in the principles that it stands for and the people who have defended them. My pride and admiration is in our country, its people and its fundamental principles. I am grateful for the many heroes of our country and especially those in my family. All the sacrifices of those who went before me would be for naught, if an amendment were added to the Constitution that cut back on our First Amendment rights for the first time in the history of our great nation.
>
> I love this country, its people and what it stands for. The last thing I want to give the future generations are fewer rights than I was privileged to have. My family and I served and fought for others to have such freedoms and I am opposed to any actions which would restrict my children and their children from having the same freedoms I enjoy.

Many thoughtful and patriotic veterans object to this attempt to legislate patriotism. Those who testified before the Committee did not have to prove their patriotism. They are automatically, by their service to this country, true patriots. They spoke in eloquent terms about the importance of respect and love for country coming from the heart of a citizen or a soldier, not being imposed from without by the government.

I have thought so many times when I have been in countries where dictators rule to be able to say to them, do you have laws that require everybody to respect the symbols of your country, and they say, of course we have laws and we will prosecute anybody who doesn't obey the laws and respect the symbols of our country.

I say, we are better in our country. We don't need the laws. We are a nation of a quarter of a billion people and our people respect the symbols of this great nation and what it stands for, without having to have the "flag police" on the corner, without having to have laws passed by Congress. They do it because they honor those symbols.

For the same reason, my family and I fly the flag proudly at our home in Vermont. We know it is protected by the people of Vermont. We also know that it would probably be a very foolish thing for anybody to step foot on the property to do any damage to that flag. But we don't have to worry about it. People drive by, smile and wave. They know what a proud symbol it is and how proudly we fly the flag.

I remember what Senator BOB KERREY, the only recipient of the Congressional Medal of Honor currently serving in the United States Congress, said last year: "Real patriotism cannot be coerced. It must be a voluntary, unselfish, brave act to sacrifice for others." Senator KERREY reminded us that "it is the right to speak the unpopular and objectionable that needs the most protecting by our government." Speaking specifically of the act of flag burning, he added: "Patriotism calls upon us to be brave enough to endure and withstand such an act—to tolerate the intolerable."

The late John Chafee, a distinguished member of this body and a highly decorated veteran of World War II and Korea, pointed out that just as forced patriotism is far less significant than voluntary patriotism, a symbol of that patriotism that is protected by law will be not more; but less worthy of respect and love. He said: "We cannot mandate respect and pride in the flag. In fact, in my view taking steps to require citizens to respect the flag, sullies its significance and symbolism."

James Warner, a decorated Marine flyer who was a prisoner of war of the North Vietnamese for six years, has made this point in graphic terms. He wrote:

> I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."
>
> "No," I said, "that proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him . . .
>
> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? . . . Don't be afraid of freedom, it is the best weapon we have.

Mr. President, I ask for unanimous consent to have the James Warner editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHEN THEY BURNED THE FLAG BACK HOME—THOUGHTS OF A FORMER POW

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal, of our comrades of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.

Rose Wilder Lane, in her magnificent book "The Discovery of Freedom," said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to "re-educate" us. If we could show them that we would not abandon our belief in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."

"No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The office was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' "History of the Peloponnesian War," Pericles contrasted democratic Athens with totalitarian Sparta. Unlike the Sparatans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, for our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn American into "a city shining on a hill, a light to all nations." Don't be afraid of freedom, it is the best weapon we have.

Mr. LEAHY. Those of us who oppose the constitutional amendment concerning flag protests understand that the political pressure for this amendment is strong, but our hope is that the Senate will in the end heed the wisdom of John Glenn, when he urged us to reject the amendment:

> There is only one way to weaken the fabric of our country, and it is not through a few misguided souls burning our flag. It is by retreating from the principles that the flag stands for. And that will do more damage to the fabric of our nation than 1,000 torched flags could ever do. . . . History and future generations will judge us harshly, as they should, if we permit those who would defile our flag to hoodwink us into also defiling our Constitution.

We should not adopt a proposal that will whittle away at the first amendment for the first time in our history. We act here as stewards of the Constitution, guardians and trustees of a precious legacy. The truly precious part of that legacy does not lie in outward things—in monuments or statues or flags. All that those tangible things can do is remind us of what is precious—our liberty.

Our Constitution guards our freedoms and the first amendment is the marble of our democracy; it is the bedrock of our rights and constitutional protections. It guarantees the freedom of religion—the freedom to practice a religion or not to practice a religion, as you believe. It guarantees our freedom of speech. By doing that, it guarantees diversity. If you guarantee diversity, you guarantee democracy. Our bill of rights has been doing that for over 200 years. We are the envy of the world because of the way we protect our freedoms.

Look at all the other countries, countries that have not achieved and will not achieve greatness because they stifle dissent, because they do not allow freedom of expression.

If, God forbid, some natural disaster or terrorist act swept away all the monuments of this country, the Republic would survive just as strong as ever. But if some failure of our souls were to sweep away the ideals of Washington, Jefferson and Lincoln, then not all the stone, not all the marble, not all the flags in the world would restore our greatness. Instead, they would be mocking reminders of what we had lost.

I trust this Senate will uphold the Constitution and the first amendment. I trust this Senate will uphold the lessons of history. I trust this Senate will tell the founders of this Nation, when they wrote the bill of rights, they gave us a precious gift that we would hold unchanged throughout our lives and the lives of our children and the lives of our grandchildren, because that is the way we honor our country.

That is the way we honor the sacrifices of so many millions who protected our freedoms throughout the years.

Mr. President, do I still have time?

The PRESIDING OFFICER. Twelve seconds.

The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I have sought recognition to comment on the amendment, whose principal sponsor is the Senator from South Carolina, Mr. HOLLINGS, which would authorize the Congress and State legislatures to limit campaign contributions and campaign expenditures.

Senator HOLLINGS and I have been the principal cosponsors of this provision since 1988. It is denominated as a constitutional amendment, but, in fact, it is not a constitutional amendment, but instead it is a provision which would alter the opinion of the Supreme Court of the United States in Buckley v. Valeo which says that money was equated with speech. I believe that to be an incorrect constitutional interpretation, as do 209 professors of law who have submitted a statement urging the overruling of Buckley v. Valeo.

Since the Supreme Court of the United States is not about to do that, the only recourse is to follow the procedure today on what is denominated a constitutional amendment, but it is not a constitutional amendment because there is nothing in the first amendment which says speech is money. That is not in the first amendment. The first amendment guarantees freedom of speech, and an opinion by a majority of the Supreme Court of the United States in Buckley v. Valeo has made that interpretation.

Just as in the flag-burning case, there is nothing in the first amendment which says freedom of speech includes the right to burn an American flag. But in a 5-4 decision, the Supreme Court handed down that interpretation. It is important to note, as a matter of constitutional law, what the Supreme Court says is denominated as the opinion of the Court. If any effort were to be made to change the language of the first amendment, I would strenuously oppose any such effort. But the provision to allow Congress and State legislatures to control campaign contributions and expenditures does not do that.

On a purely personal note, this decision had special significance for me on January 30, 1976, the day it was handed down, because at that time I was in the middle of a campaign for the Republican nomination to the Senate for the Commonwealth of Pennsylvania. When the campaign started in the fall of 1975, the campaign finance law of 1974 governed, which limited the contributions of an individual for his own candidacy to $35,000, which was about the size of my bank account.

My opponent in the campaign was Congressman John Heinz. On January 30, the Supreme Court said that any individual can spend whatever he chose, millions if he chose, and John did. That was the balance of the election.

At the same time, the Supreme Court said that my brother, Morton Specter, who had the financial ability to finance my campaign—not in the Heinz style, perhaps, but adequately—was limited to $1,000 which was provided for in the law. The question, I think not illogically, came to my mind: What was the difference between John Heinz's money and Morton Specter's money? But that is what the Supreme Court said, and they said it in a very curious way.

They said:

> In order to preserve the provisions against invalidation on vagueness grounds—

They cite the statute—

> it must be construed to apply only to expenditures for communications that express in terms that advocate the election or defeat of a clearly identified candidate for Federal office.

They then drop to a footnote:

> . . . which required language such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat and reject."

That has led to the very extraordinary so-called issue advertisements, which are not controllable, where they are bought by soft money. Listen to a couple of illustrative issue advertisements in the 1996 campaign for President Clinton in the summer of 1996, which ultimately tipped the scales:

"American values," "do our duty to our parents," "President Clinton protects Medicare," "the Dole-Gingrich budget tried to cut Medicare $270 billion," "protect families," "President Clinton cut taxes for millions of working families," "the Dole-Gingrich budget tried to raise taxes on 8 million of them," "opportunity," "President Clinton proposes tax breaks for tuition," "the Dole-Gingrich budget tried to slash college scholarships," "only President Clinton's plan meets our challenges, protects our values."

That is curiously, insanely categorized not as an advocacy advertisement, but only an issue ad. But what quality is there in the English language which could more emphatically say: Elect President Clinton, defeat Senator Dole?

That is the consequence when millions of dollars are poured into campaigns in soft money, unregulated under the decision of the Supreme Court in Buckley v. Valeo.

I note one very important factor: That the consequence of this provision, denominated as an amendment, is not to put into effect any specific reforms, but only to give the Congress of the United States the authority constitutionally to do so. This does not say what corporations can do, what unions can do, what individuals can do. It says only that the constraint of Buckley v. Valeo, the opinion of Justices in a split Court, will not preclude Congress from acting on the very important item of having democracy prevail in elections.

It is totally antithetical, in my opinion, to have money equated with power in a democracy. It subverts the principle of one man-one woman equals to one vote if power is equal to money and the rich can dominate the electoral process.

I do not believe that Members of the House and Senate sell their votes, although there is a widespread perception of that kind of corruption.

There is a problem of access which I try to deal with by holding town meetings in the 67 counties in Pennsylvania. On recent economies where the budgets of Senators are limited as to mailing, it has not been possible for me to mail all of my constituents who attended the town meetings. But I think that is a very practical answer to those who complain about access.

If Senators go to the county seat to be in the proximity of their constituents and let their constituents know by a postcard that the Senator will be present at a given time, a given place to answer their questions, then I think that kind of a guarantee of access would answer a great many skeptical comments about fundraisers and the purchase of access.

That is why I am proposing legislation which would permit a Senator to supplement his mailing budget for one postcard, once a year, to each constituent in each county, providing the Senator personally appears at that event.

The reality is, many Senators do not undertake town meetings anymore because they are very rough, tough affairs where people come in—may the RECORD show a smile on the face of the Presiding Officer, the distinguished Senator from Wyoming—they are rough, tough affairs.

I think the cost would probably be fairly low because I think relatively few Senators would avail themselves of that opportunity.

In conclusion, let me remind my colleagues that what Senator HOLLINGS and I are proposing does not change the language of the first amendment, but instead it substitutes our judgment for the judgment of the Court on what is an opinion of the interpretation of the Constitution's first amendment.

I ask unanimous consent that a list of the 209 scholars calling for the reversal of Buckley be printed in the RECORD and that the bill for postal mailings also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF OVERTURNING BUCKLEY V. VALEO

(This statement was organized jointly by: Brennan Center for Justice at NYU School of Law, National Voting Rights Institute, U.S. Public Interest Research Group)

In its 1976 decision, *Buckley v. Valeo*, the Supreme Court of the United States held that mandatory campaign spending limits are an unconstitutional denial of free speech.

We believe that the *Buckely* decision should be overturned. The decision overstated the extent to which reasonable limits on campaign expenditures impinge on free speech. The Court also underestimated the corrosive effect of unlimited campaign expenditures on the integrity of our political process.

We the undersigned call for the reconsideration and overturning of the *Buckley* decision.

209 SCHOLARS OPPOSING BUCKLEY V. VALEO

Prof. Lee A. Albert, Professor of Law, SUNY at Buffalo School of Law.

Prof. George J. Alexander, Elizabeth H. & John A. Sutro Professor & Director, Institute of International & Comparative Law, Santa Clara University School of Law.

Prof. Dean Alfange, Jr., Professor of Political Science, University of Massachusetts at Amherst, Political Science Dept.

Prof. Francis A. Allen, Huber C. Hurst Eminent Scholar Emeritus, University of Florida, College of Law.

Prof. José Julián Alvarez González, Professor of Law, University of Puerto Rico School of Law.

Prof. Howard C. Anawalt, Professor of Law, Santa Clara University School of Law.

Prof. Claudia Angelos, Professor of Clinical Law, New York University School of Law.

Prof. Ellen P. April, Professor of Law, Loyola University School of Law.

Prof. Peter Arenella, Professor of Law, UCLA School of Law.

Prof. Robert Aronson, Professor of Law, University of Washington School of Law.

Prof. Gerald G. Ashdown, Professor of Law, West Virginia University College of Law.

Prof. Gordon E. Baker, Professor Emeritus of Political Science, University of California at Santa Barbara.

Prof. Thomas E. Baker, James Madison Chair in Constitutional Law and Director of the Constitutional Law Resource Center, Drake University Law School.

Prof. Fletcher N. Baldwin, Jr., S.D. Dell Research Scholar & Professor of Law, University of Florida, College of Law.

Prof. William C. Banks, Professor of Law, Syracuse University College of Law.

Prof. Loftus E. Becker, Jr., Professor of Law, University of Connecticut School of Law.

Prof. Patricia A. Behlar, Associate Professor of Social Science, Pittsburg State University.

Prof. Robert W. Benson, Professor of Law, Loyola University School of Law.

Prof. Gary L. Blasi, Professor of Law, UCLA School of Law.

Prof. Vincent A. Blasi, David Lurton Massee, Jr. Professor of Law, University of Virginia School of Law.

Prof. Henry J. Bourguignon, Professor of Law & Distinguished University Professor, University of Toledo College of Law.

Prof. Craig M. Bradley, James Louis Calamaras Professor of Law, Indiana University School of Law, Bloomington.

Prof. Mark E. Brandon, Assistant Professor of Political Science, University of Michigan.

Prof. Daan Braveman, Dean & Professor of Law, Syracuse University College of Law.

Prof. Richard A. Brisbin, Jr., Associate Professor of Political Science, West Virginia University.

Prof. Judith Olans Brown, Professor of Law, Northeastern University School of Law.

Prof. G. Sidney Buchanan, Baker & Botts Professor of Law, University of Houston Law Center.

Prof. Thomas D. Buckley, Professor of Law, Cleveland State University, Cleveland-Marshall College of Law.

Prof. Sarah E. Burns, Professor of Clinical Law, New York University School of Law.

Prof. William G. Buss, O.K. Patton Professor of Law, University of Iowa College of Law.

Prof. Richard M. Buxbaum, Jackson H. Ralston Professor & Dean, International & Area Studies, University of California at Berkeley School of Law.

Prof. Bert C. Buzan, Professor of Political Science, California State University, Fullerton.

Prof. Paulette M. Caldwell, Professor of Law, New York University School of Law.

Prof. Lief H. Carter, McHugh Family Distinguished Professor, The Colorado College.

Prof. Paul G. Chevigny, Professor of Law, New York University School of Law.

Prof. Robert N. Clinton, Wiley B. Rutledge Professor, University of Iowa College of Law.

Prof. Joshua Cohen, Arthur & Ruth Sloan Professor of Political Science & Professor of Philosophy, Massachusetts Institute of Technology.

Prof. William Cohen, C. Wendell & Edith M. Carlsmith, Professor of Law, Stanford Law School.

Prof. Charles D. Cole, Lucille Beeson Professor, Cumberland School of Law of Samford University.

Prof. C. Michael Comiskey, Associate Professor of Political Science, Penn State, Fayette Campus.

Prof. Robert A. Dahl, Sterling Professor Emeritus of Political Science, Yale University.

Prof. David J. Danelski, Mary Lou & George Boone Centennial, Professor Emeritus, Stanford University.

Prof. Perry Dane, Professor of Law, Rutgers University School of Law, Camden.

Prof. George Dargo, Professor of Law, New England School of Law.

Prof. Derek H. Davis, Director, J.M. Dawson Institute of Church-State Studies, Baylor University School of Law.

Prof. Howard E. David, Professor of Political Science, Randolph-Macon College.

Prof. John A. Davis, Professor Emeritus of Political Science, City College of the City University of New York.

Prof. John Denvir, Professor of Law, University of San Francisco School of Law.

Prof. David F. Dickson, Professor of Law, Florida State University College of Law.

Prof. Victoria J. Dodd, Professor of Law, Suffolk University Law School.

Prof. Jameson W. Doig, Professor, Department of Politics & Woodrow Wilson School, Princeton University.

Prof. Dennis D. Dorin, Professor of Political Science, University of North Carolina at Charlotte.

Prof. Norman Dorsen, Stokes Professor of Law, New York University School of Law.

Prof. Donald W. Dowd, Professor of Law, Villanova University School of Law.

Prof. Rochelle C. Dreyfuss, Professor of Law & Director of the Engelberg Center on Innovation Law & Policy, New York University School of Law.

Prof. J.D. Droddy, Assistant Professor of Government, Western Kentucky University.

Prof. Melvyn R. Durchslag, Professor of Law, Case Western Reserve University Law School.

Prof. Ronald M. Dworkin, Frank H. Sommer Professor of Law, New York University School of Law.

Prof. Peter D. Enrich, Professor of Law, Northeastern University School of Law.

Prof. Michael Esler, Assistant Professor of Political Science, Ohio Wesleyan University.

Prof. Daryl R. Fair, Professor of Political Science, The College of New Jersey.

Prof. Antonio Fernos, Professor of Law, Inter American University Law School.

Prof. Nancy H. Fink, Professor of Law, Brooklyn Law School.

Prof. Edwin B. Firmage, Samuel D. Thurman Professor of Law, University of Utah College of Law.

Prof. James E. Fleming, Associate Professor of Law, Fordham University School of Law.

Prof. Edward B. Foley, Associate Professor of Law, The Ohio State University College of Law.

Prof. W. Ray Forrester, Professor of Law, University of California, Hastings, College of Law.

Dean Arthur N. Frakt, Dean, Widener University School of Law.

Prof. Beatrice S. Frank, Clinical Associate Professor, New York University School of Law.

Prof. Paula Galowitz, Professor of Clinical Law, New York University School of Law.

Prof. Daniel G. Gibbens, Regents' Professor of Law, University of Oklahoma College of Law.

Prof. Stephen Gillers, Professor of Law, New York University School of Law.

Prof. James M. Glaser, Associate Professor of Political Science, Tufts University.

Prof. Alvin L. Goldman, Dorothy Salmon Professor, University of Kentucky College of Law.

Prof. Roger L. Goldman, Professor of Law, St. Louis University School of Law.

Prof. Sheldon Goldman, Professor of Political Science, University of Massachusetts at Amherst, Political Science Dept.

Prof. Leslie F. Goldstein, Unidel Professor of Political Science, University of Delaware.

Prof. Howard A. Gordon, Professor Emeritus, City College of Chicago.

Prof. Howard L. Greenberger, Professor of Law, New York University School of Law.

Prof. Benjamin Gregg, Assistant Professor of Government, University of Texas at Austin.

Prof. David L. Gregory, Professor of Law, St. John's University School of Law.

Prof. Martin Guggenheim, Clinical Professor & Director, Clinical & Advocacy Programs, New York University School of Law.

Prof. Lani Guinier, Professor of Law, University of Pennsylvania Law School.

Prof. Samuel O. Gyandoh, Jr., Professor of Law, Temple University School of Law.

Prof. Michael G. Hagen, Associate Professor of Government, Harvard University.

Prof. Richard L. Hasen, Associate Professor of Law, Loyola University School of Law.

Prof. Francis H. Heller, Roy A. Roberts Professor of Law & Political Science Emeritus, University of Kansas School of Law.

Prof. Helen Hershkoff, Assistant Professor of Law, New York University School of Law.

Prof. Richard A. Hesse, Professor of Law, Franklin Pierce Law Center.

Prof. Philip B. Heymann, James Barr Ames Professor of Law, Harvard Law School.

Prof. Daniel N. Hoffman, Associate Professor of Political Science, Johnson C. Smith University.

Prof. Thomas P. Huff, Lecturer in Law & Professor of Philosophy, University of Montana School of Law.

Prof. Joseph Richard Hurt, Dean & Professor of Law, Mississippi College School of Law.

Prof. Stewart M. Jay, Professor of Law, University of Washington School of Law.

Prof. John Paul Jones, Professor of Law, University of Richmond, T. C. Williams, School of Law.

Prof. Ronald Kahn, Monroe Professor of Politics & Law, Oberlin College.

Prof. Stephen Kanter, Professor of Law (Dean 1986–1994), Lewis & Clark Northwestern School of Law.

Prof. Kenneth L. Karst, David G. Price & Dallas P. Price, Professor of Law, UCLA School of Law.

Prof. Thomas A. Kazee, Professor of Political Science, Davidson College.

Prof. Edward Kearny, Professor of Government, Western Kentucky University.

Prof. Gregory C. Keating, Professor of Law, University of Southern California Law Center.

Prof. Alan Keenan, Lecturer on Social Studies, Harvard University.

Prof. Christine Hunter Kellett, Professor of Law, Pennsylvania State University, Dickinson School of Law.

Prof. Robert B. Kent, Professor of Law Emeritus, Cornell Law School.

Prof. Mark Kessler, Chair & Professor of Political Science, Bates College.

Prof. Philip C. Kissam, Professor of Law, University of Kansas School of Law.

Prof. Robert A. Kocis, Professor of Political Science, University of Scranton.

Prof. Donald P. Kommers, Joseph & Elizabeth Robbie Professor of Government & International Studies & Professor of Law, Notre Dame Law School.

Prof. Milton R. Konvitz, Professor Emeritus of Law, Cornell Law School.

Prof. J. Morgan Kousser, Professor of History & Social Science, Caltech—Division of the Humanities & Social Sciences.

Prof. Paul M. Kurtz, J. Alton Hosch Professor & Associate Dean, University of Georgia School of Law.

Prof. James A. Kushner, Professor of Law, Southwestern University School of Law.

Prof. Robert W. Langran, Professor of Political Science, Villanova University.

Prof. Lewis Henry LaRue, Alumni Professor of Law, Washington & Lee University School of Law.

Prof. Sylvia Ann Law, Elizabeth K. Dollard Professor of Law, Medicine & Psychology & Co-Director, Arthur Garfield Hays Civil Liberties Memorial Program, New York University School of Law.

Prof. Timothy O. Lenz, Associate Professor of Political Science, Florida Atlantic University.

Prof. Frederick P. Lewis, Professor of Political Science, University of Massachusetts at Lowell.

Prof. Peter Linzer, Law Foundation Professor of Law, University of Houston Law Center.

Prof. Robert Justin Lipkin, Professor of Law, Widener University School of Law.

Prof. Stephen Loffredo, Associate Professor of Law, CUNY School of Law.

Prof. Jim Macdonald, Professor of Law, University of Idaho College of Law.

Hugh C. Macgill, Dean, University of Connecticut School of Law.

Prof. Holly Maguigan, Professor of Clinical Law, New York University School of Law.

Prof. Joan Mahoney, Professor of Law & Dean Emeritus, Western New England College School of Law.

Prof. Karl M. Manheim, Professor of Law, Loyola University School of Law.

Prof. Clair W. Matz, Professor of Political Science, Marshall University.

Prof. Christopher N. May, James P. Bradley Chair in Constitutional Law, Loyola University School of Law.

Prof. William Shepard McAninch, Solomon Blatt Professor, University of South Carolina School of Law.

Prof. Wayne McCormack, Professor of Law, University of Utah College of Law.

Prof. W. Joseph McCoy, Associate Professor of Public Administration, Marshall University.

Prof. Patrick C. McGinley, Professor of Law, West Virginia University College of Law.

Prof. Wayne V. McIntosh, Associate Professor of Political Science, Dept. of Government & Politics, University of Maryland.

Prof. Evan McKenzie, Assistant Professor of Political Science, University of Illinois at Chicago, Political Science Dept.

Prof. Edward A. Mearns, Jr., Professor of Law, Case Western Reserve University Law School.

Prof. Frank I Michelman, Harvard Law School.

Hon. Abner J. Mikva, Walter V. Schaefer Fellow in Public Policy & Visiting Professor of Law, University of Chicago Law School.

Prof. Mark C. Miller, Associate Professor of American Government, Clark University.

Prof. Arval A. Morris, Professor of Law, University of Washington School of Law.

Prof. Kenneth M. Murchison, James E. & Betty M. Phillips Professor, Louisiana State University Law Center.

Prof. Carol Nackenoff, Chair, Department of Political Science, Swarthmore College.

Prof. James A. R. Nafziger, Thomas B. Stoel Professor of Law, Willamette University College of Law.

Prof. Thomas Nagel, Professor of Philosophy & Law, New York University School of Law.

Prof. Sheldon Nahmod, Distinguished Professor of Law, Chicago-Kent College of Law.

Prof. John B. Neibel, Professor & John B. Neiber Chair, University of Houston Law Center.

Prof. Burt Neuborne, John Norton Pomeroy Professor of Law & Legal Director, Brennan Center for Justice, New York University School of Law.

Prof. Michael DeHaven Newsom, Associate Dean for Academic Affairs, Howard University School of Law.

Prof. Nell Jessup Newton, Professor of Law, American University, Washington, College of Law.

Prof. Gene R. Nichol, Dean Emeritus & Professor of Law, University of Colorado School of Law.

Prof. Harold Norris, Distinguished Professor Emeritus, Detroit College of Law at Michigan State University.

Prof. John E. Nowak, David C. Baum Professor of Law, University of Illinois College of Law.

Prof. James M. O'Fallon, Frank Nash Professor of Law, University of Oregon School of Law.

Prof. Marcia O'Kelly, Professor of Law, University of North Dakota School of Law.

Prof. Daniel R. Ortiz, Professor of Law, University of Virginia School of Law.

Prof. Vernon Valentine Palmer, Thomas Pickles Professor of Law, Tulane University School of Law.

Prof. Simon D. Perry, Professor of Political Science, Marshall University.

Prof. Daniel H. Pollitt, Kenan Professor Emeritus of Law, University of North Carolina School of Law.

Prof. H. Jefferson Powell, Professor of Law, Duke University School of Law.

Prof. Albert T. Quick, Dean & Professor of Law, University of Toledo College of Law.

Prof. Jamin Ben Raskin, Professor of Law & Pauline Ruyle, Moore Scholar, American University, Washington College of Law.

Prof. John Rawls, Professor of Philosophy, Harvard University.

Prof. Clifford Rechtschaffen, Associate Professor of Law, Golden Gate University School of Law.

Prof. David A. J. Richards, Edwin D. Webb Professor of Law, New York University School of Law.

Prof. Daniel C. Richman, Associate Professor of Law, Fordham University School of Law.

Prof. Cary Rickabaugh, Associate Professor of Political Science, Rhode Island College.

Prof. Joel E. Rogers, Professor of Law & Sociology, University of Wisconsin Law School.

Prof. Rand E. Rosenblatt, Professor of Law & Associate Dean, Academic Affairs, Rutgers University School of Law, Camden.

Prof. Victor G. Rosenblum, Nathaniel L. Nathanson Professor, Northwestern University School of Law.

Prof. Albert J. Rosenthal, Dean Emeritus & Maurice T. Moore, Professor Emeritus of Law, Columbia University School of Law.

Prof. Gregory D. Russell, Director, Criminal Justice Program & Associate Professor, Washington State University.

Prof. Rosemary C. Salomone, Professor of Law, St. John's University School of Law.

Prof. Thomas O. Sargentich, Professor of Law, American University, Washington College of Law.

Prof. Thomas M. Scanlon, Harvard University Philosophy Department.

Prof. Douglas D. Scherer, Professor of Law, Touro College, Jacob D. Fuchsberg Law Center.

Prof. Lawrence Schlam, Professor of Law, Northern Illinois University College of Law.

Prof. Leo L. Schmolka, Professor of Law, New York University School of Law.

Prof. Jeffrey M. Shaman, Professor of Law, De Paul University College of Law.

Prof. Peter M. Shane, Dean & Professor of Law, University of Pittsburgh School of Law.

Prof. Sidney A. Shapiro, John M. Rounds Professor, University of Kansas School of Law.

Prof. Stephen Kent Shaw, Professor of Political Science, Northwest Nazarene College.

Prof. Steven H. Shiffrin, Professor of Law, Cornell Law School.

Prof. David M. Skover, Professor of Law, Seattle University School of Law.

Prof. W. David Slawson, Torrey H. Webb Professor, University of Southern California Law Center.

Prof. Rogers M. Smith, Professor of Political Science, Yale University.

Prof. Barbara R. Snyder, Professor of Law, The Ohio State University College of Law.

Dean Aviam Soifer, Dean & Professor of Law, Boston College Law School.

Prof. Rayman L. Solomon, Associate Dean, Northwestern University School of Law.

Prof. Frank J. Sorauf, Regents' Professor Emeritus of Political Science, University of Minnesota.

Prof. Troy M. Stewart, Chair & Professor of Political Science, Marshall University.

Prof. Marc Stickgold, Professor of Law, Golden Gate University School of Law.

Prof. Peter L. Strauss, Betts Professor of Law, Columbia University School of Law.

Prof. Kenneth W. Street, Professor of Political Science, Austin College.

Prof. Frank R. Strong, Cary Boshamer Distinguished Professor Emeritus of Law, University of North Carolina School of Law.

Prof. Allen N. Sultan, Professor of Law, University of Dayton School of Law.

Prof. Cass R. Sunstein, Karl N. Llewellyn Distinguished Professor of Law, University of Chicago Law School.

Prof. Mary Thornberry, Professor of Political Science, Davidson College.

Prof. Michael C. Tolley, Associate Professor of Political Science, Northeastern University.

Prof. James W. Torke, Professor of Law, Indiana University School of Law, Indianapolis.

Prof. Jon M. Van Dyke, Professor of Law, University of Hawaii, William S. Richardson School of Law.

Prof. Kenneth Vinson, Professor of Law, Florida State University College of Law.

Prof. Burton D. Wechsler, Alumni Distinguished Teacher & Professor, American University, Washington College of Law.

Prof. Eldon D. Wedlock, Jr., David H. Means Professor of Law, University of South Carolina School of Law.

Prof. Philip Weinberg, Professor of Law, St. John's University School of Law.

Prof. Brian A. Weiner, Assistant Professor of Politics, University of San Francisco.

Prof. Harry H. Wellington, Dean & Professor, New York Law School.

Prof. William E. Westerbeke, Professor of Law, University of Kansas School of Law.

Prof. James G. Wilson, Professor of Law, Cleveland State University, Cleveland-Marshall College of Law.

Prof. Louis E. Wolcher, Professor of Law, University of Washington School of Law.

Prof. Raymond L. Yasser, Professor of Law, University of Tulsa College of Law.

Prof. Steven Zeidman, Associate Professor of Law, New York University School of Law.

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAIL ALLOWANCES FOR SENATORS.

Section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58) is amended by inserting after subsection (b) the following:

"(c) In addition to the funds provided for in subsection (b), the amount available to a Member under subsection (b)(3)(A)(iii) shall include an additional amount sufficient to pay the expenses that would be incurred mailing 1 letter to each postal address in each county in the State of that Member where the Member holds and personally attends a town meeting (not to exceed 1 town meeting per county per year).".

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. Mr. President, I think we have 5 more minutes. I yield the time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from South Carolina. I think brevity is ideal, and I have said what I have to say. I would not oppose a constitutional amendment to limit Senators' speeches to 10 minutes generally. But I thank my colleague from South Carolina.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. I wish to commend the Senator from Pennsylvania for his comments about town meetings. But I hope there are Senators in this body who will do town meetings. I expect there probably are some. I think they are the most advantageous thing we could possibly do in rural States like mine and, I think, like the distinguished Presiding Officer's State. I do not think either one of us would ever come back here if we were not willing to do them. I think that is the experience of most Senators.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak on the amendment related to flag burning.

The PRESIDING OFFICER. We have a unanimous consent agreement that actually runs over on the time we are allocated. Is the Senator asking unanimous consent to extend the time?

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes on the flag burning amendment.

Mr. HOLLINGS. Mr. President, I have time left. I would be glad to yield it to the distinguished Senator from Illinois. I have no objection to the 10-minute request.

The PRESIDING OFFICER. The Senator has 3½ minutes left. There are meetings we have to get to.

Mr. DURBIN. Mr. President, it is my understanding we will now go to a quorum call rather than to have me speak for 10 minutes?

The PRESIDING OFFICER. The quorum call will be charged against allocated time.

Mr. HATCH. Mr. President, I ask unanimous consent that we be permitted, on our time, to go up to as long as 12:45.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, even though he is on the other side of this issue, I yield 10 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my friend and colleague from the State of Utah for yielding. I am aware of the fact we disagree on this issue. We have been friends and are adversaries only on issues without any personal basis.

Mr. President, this has become a perennial issue before the Senate—the question of whether we will amend the Constitution of the United States to, in fact, somehow ban the desecration of the American flag.

Make no mistake about it, flag burning is an insensitive and shameful act. But the issue before us is not whether we support flag burning but whether we should amend the Constitution, whether we should amend the Bill of Rights for the first time in the history of the United States of America, whether we should narrow the precious freedoms ensured by the first amendment for the very first time in our Nation's history.

When we trace back the origin of this flag burning amendment, we find that it came about as a result of an act by an individual during the 1984 Presidential election campaign in the State of Texas during the Republican National Convention. A person went down there and ignited an American flag, and ignited the passions of many people who feel very strongly about that symbol of our Nation. It gave rise to an effort on the floor of the Congress to pass a law which would ban this sort of activity. Efforts were made, overturned by the Supreme Court, and then finally a constitutional amendment was offered.

It is interesting, to me, to put this in some context because we are talking about first amendment rights—rights of expression, rights of speech—which, in fact, are envied around the world.

As nations came out from under the yoke of communism and were finally given an opportunity to write their own future, they looked to the United States, not to our flag—they had their own flag—but to our values. They said: The United States is different. The United States respects the rights of individuals to express themselves, even when it is unpopular.

In many of these same countries, it had been against the law, punishable by imprisonment, to even question the Government, let alone to burn the flag of the country. But they said: We are going to walk away from that totalitarian view of the world. We are going to stand for freedom, just like the United States of America.

One after another, the leaders of these new democracies came here to the U.S. Capitol to appear before a joint session of Congress and really said, in so many words, their model, their ideal, their goal, was to follow our 200-plus year history of the Bill of Rights.

Those of us who want to stand in defense of the Bill of Rights understand that sometimes our positions are unpopular and sometimes uncomfortable. I think back a year ago. Remember, it was just a year ago the Columbine High School massacre shocked America. It stunned us to believe this could happen in a school, that innocent children could be mowed down with guns.

If the epicenter of this shock was at Columbine, it was certainly in the State of Colorado, as well, as they reflected on this violence.

Do you recall a few days after the Columbine shootings, the National Rifle Association held its convention in Denver, CO? Those in the surrounding areas came out to peacefully protest and demonstrate against the National Rifle Association and its agenda and its insensitivity to the Columbine High School shootings.

As much as I might disagree with the agenda of the National Rifle Association, I will have to stand here and say they had a right to meet. They had a right to meet in Denver, CO, and to express their points of view. As reprehensible and shameful as some might have found it, that is a right guaranteed by the first amendment to the Constitution.

In 1998, in Idaho, white supremacists obtained a permit for a "100-man flag parade," and they marched, carrying American flags alongside Nazi banners. The owner of a local bookstore in Coeur D'Alene made a point of keeping his store opened. He observed: "Nazis were burning books in the 1930s, and I don't want them closing stores in the 90s."

To think of it—Old Glory side by side with the Nazi banner.

I am not certain this amendment would even touch that activity. I find that reprehensible; I find that disgusting. Yet I understand it. That is what America is all about. The real test of our belief in the Bill of Rights, the real test of our belief in freedom of expression is we stand back and say, as much as we disagree and despise every word you are saying, you have a right as an American to say it. That is a core principle of this democracy. That is a principle that is at issue with the offering of this amendment, this amendment which says: We will separate out one group of Americans who engage in this despised conduct of burning flags, and we will say, we will amend the Bill of Rights for the first time in our history to stop that activity.

Senator HATCH, last year, before the Senate Judiciary Committee, invited a man I respect very much, Tommy Lasorda, who was a former manager of the Los Angeles Dodgers, who came and talked about his strong feelings in support of this amendment. He talked about a day in the baseball park when someone jumped out of the stands, started to burn a flag, and one of the other players raced over to grab the flag and put out the fire, how proud he was that this player—Rick Monday—would put out the fire of this flag.

I asked Mr. Lasorda a question when it came my turn. I said: As I understand it, most of the people who jump out of the stands and run onto the field are not televised. A decision is made by the television stations and the management not to put the television cameras on these people who race around the field whenever they do. He said: That is correct. I said: Why is that? He said: Because if you give them attention, it just encourages that kind of activity. I said to Mr. Lasorda—and say today in debate—what more attention could we give to these dim-witted clods who would burn the flag but to amend the Bill of Rights for the first time in history? How seldom this occurs, how reprehensible it is, how awful it would be for us to respond to this terrible conduct by saying: You have our attention. We are going to amend the Bill of Rights. We will show you. Then we will see a flood of this kind of activity, I am afraid.

Some of the people I respect from both sides of the aisle have been quoted during the course of this debate. Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff, no one would question his patriotism, whether they belong to the American Legion or the VFW, AMVETS, or any veterans group. He opposes this amendment. He wrote a letter to Senator LEAHY in 1999 and said:

> We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration. * * * I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

General Powell got it right, a man who has served our country, has put his life on the line in combat like so many other veterans who are quoted in the minority views and who understand they were fighting for something more than a piece of cloth. They were fighting for a piece of history, a piece of history that goes back over 200 years, when men—and they were all men—came forward to write this document, the Constitution of the United States and said: We will make certain that no matter what any State or Federal Government should try to do, we will hold sacred the rights of an individual for freedom of expression and freedom of speech no matter how unpopular it may be.

I ask my colleagues in the Senate to join us in condemning the action but not in desecrating our Bill of Rights. It is a document which has been a source of pride for many generations. It will continue to be.

Some people say even the word "desecration" in this amendment is a little hard to follow. What is a physical desecration of the flag? Well, burning it is one illustration, but is it the only one? For example, I raised this in committee about 2 years ago. Would we consider it a desecration of the flag for someone to use an American flag as a seat cover in their automobile? Some might say that is a desecration, sitting on the flag. I would ask them to think twice. Take a trip down to the Lincoln Memorial in Washington, DC. Get up close and see Abraham Lincoln, that son of Illinois of whom we are so proud. Look very closely at what he is sitting on. He is sitting on an American flag. I don't think that is a desecration. I think we understand the context is trying to indicate the importance of this President.

I urge my colleagues in the Senate to oppose this amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am intrigued by the comments of my colleague from Illinois. I would like to focus all the attention in the world on those who desecrate the American flag. I think it would be a great thing. It would help everybody in this country to know how distasteful it is and how denigrating to our country it is and how denigrating it is for all those who have died for this country following the flag, how denigrating it is to everybody who served in the military, how denigrating it is to every schoolchild, how denigrating it is to people who believe in values and things that are right. I have no trouble focusing on somebody who runs on the field burning a flag. I would like to focus on that creep as much as I could. I think if we did a little bit more of that, we might find a renewed resurgence of feelings about our country out there.

To be honest with you, if I interpret what the Senator said, he basically said that people ought to be able to make their statement. I wonder if he would be happy to have anybody who wants to make a statement in our gallery make any statement they want to every day that we meet. I think he would acknowledge that would disrupt the workings of the most important legislative body in the world.

There are limitations on everything, including the first amendment. By the way, how do you call offensive conduct of defecating, urinating on the flag or burning the flag with contempt, how do you call that free speech? The Supreme Court apparently has done so, but then, again, what we are talking about here, just look at this amendment. It is a very simple amendment. It is not telling us to do anything about the flag. What it says is: The Congress shall have the power to prohibit the physical desecration of the flag of the United States. My gosh, it doesn't tell us what to do. It just says we are going to take back this power that we had before this other third of the three separate powers, the judiciary, took it away from us and took it away from 49 States, all of which have asked us to restore that right to the States and the Federal Government.

These people are arguing against an amendment that gives the Congress back the power it had before, that it had for 200 years. Where is the logic in that? Many of these folks who are going to vote against this amendment voted for an anti-flag-desecration statute back in 1989. If they believe it is free speech today to defecate on the flag, then why wasn't it in 1989 when they voted for that useless statute that I stood up and said was unconstitutional and voted against and which later was declared to be what I said it would be, unconstitutional? Why didn't they vote against it if they are so enamored with this argument on free speech?

But forget the free speech argument. What about the power of three separate branches of Government? Why should we let the judiciary tell 49 States and the Congress of the United States we don't have any power to protect the national symbol of our sovereignty, of our patriotism, of our Nation? Any self-respecting Senator would want to stand up for the rights of the Congress, especially since this amendment doesn't say what we have to do. It basically says we have the right to change things. That is what you do with a constitutional amendment.

Some opponents of the flag-protection amendment have argued that we should be passing more restrictions on gun ownership rather than debating our constitutional amendment to protect the American flag. Give me a break. Everything is gun amendments around here. We have 20,000 laws, rules, and regulations about guns in this society that aren't even being enforced by this administration. While I believe there is no shortage of important issues for the Senate to take up, I believe the flag amendment is not only vital to protect our shared values as Americans, but also that this debate is particularly timely today as we all strive to recover what is good and decent about our country.

We see evidence of moral decay and a lack of standards all around us. Our families are breaking down, our communities are being divided, and there are leaders who are not providing the appropriate moral leadership for the American public. Our popular culture, including movies, television, video games, and music, bombards our children with offensive messages of violence and selfishness. The very disturbing incidents of gun violence—particularly at our public schools—is a particular result of a culture that is afraid to teach that certain ideas are right or wrong. As the saying goes, you have to stand for something, or you will fall for anything.

Today, the Senate has a unique opportunity to say that our country, and our culture, does stand for something; that on the issue of protecting and safeguarding an incident of national sovereignty, we stand for something. Today, we can reaffirm that all Americans share certain beliefs and values and a respect for this symbol of our national sovereignty. We can give a united bedrock of principle to a generation that is increasingly floating adrift and alone. Think about it. If we pass this amendment, we will create a debate on values in this country in all 50 States. That alone justifies this amendment—although I could give many additional justifications even better than that.

The disillusioned young people in our society today learn a very negative lesson by watching our Government sit powerlessly as exhibitionists and anarchists deface the embodiment of our sovereignty and our common values. What do you think they take away from watching people who dishonor the memory of those millions of men and women who have given their lives for the future of America? Allowing desecration of the flag lowers again the standards of elemental decency that all of us must and should live by. This proposed amendment affirms that without some aspirations to national unity, there might be no law, no Constitution, no freedoms such as those guaranteed by the Bill of Rights. The Bill of Rights was never intended to be a license to engage in any kind or type of behavior that one can imagine. Don't sell this amendment, and what it stands for, short.

If we pass this amendment by the necessary two-thirds vote, the Senate will say that our symbol of sovereignty, the embodiment of so many of our hopes and dreams, can no longer be dragged through the mud, torn asunder, or defecated on. We will say to the young people of America that there are ideals worth fighting for and protecting. There is a reason we are united as Americans, and that our experiment in democracy has proven to be the most enlightened government in history.

Can anyone think of a better message to send to our young people than to begin to reclaim the values of liberty, equality, and personal responsibility that Americans have defended and debated?

The flag amendment is not a distraction from matters of violence and education and social decay; nor is it an abdication of responsibility, as it has been called by some who oppose it. If there has been an abdication of responsibility, it has been to defend the irresponsible notion that the Bill of Rights exists to allow people to engage in any type of behavior or conduct that one can imagine. We need more attention to public values and standards, not less.

I am deeply offended by those who say the Senate has more important things to do than discuss a flag-protection constitutional amendment. I urge those of my colleagues who think the Senate is too important for the American flag to listen to the American people on this issue. I just came from a press conference where seven Congressional Medal of Honor recipients were there praying that the people of this country will get the Members of the Senate to support this flag amendment.

The vast majority of our citizens support amending the Constitution to protect our Nation's flag. Even then, this amendment just says it gives the right to the Congress to do that. To these citizens and elected officials, protecting the flag as the symbol of our national unity and community and utilizing the constitutional amendment process to do so is no trivial matter.

Sitting in our gallery today are people who put their lives on the line to defend our flag and the principles for which it stands. These are the fortunate ones who were not required to make the ultimate sacrifice like my brother was in the Second World War, and like my brother-in-law was in Vietnam. Every one of these people—like tens of thousands of American families across our country—have traded the life of a loved one for a flag, folded at a funeral. Let's think about that trade—and about the people who made it for us—before deciding whether the flag is important enough to be addressed in the Senate.

Given the great significance of the flag, it is not surprising that support for the flag amendment is without political boundaries. It is not, as some suggest, a battle between conservatives on one side and liberals on the other. Indeed, the flag amendment transcends all political, racial, religious, and socioeconomic divisions. This is consistently reflected in national polling, in resolutions to Congress from 49 State legislatures requesting Congress to send the flag amendment to the States for ratification, and in the support of a bipartisan supermajority of the House of Representatives both last year and during the 104th Congress.

Is this overwhelming support for the flag amendment, as manifested through polling and through the actions of State and national legislatures, frivolity? Are we trivializing the Constitution, when a vast majority of Americans speaking for themselves or through elected representatives seek to utilize the article V amendment process, itself constructed by our Founding Fathers to right the wrongs of constitutional misinterpretation? Are we irresponsible if we simply restore the law as it existed for two centuries prior to two Supreme Court decisions, which were 5-4 decisions, hotly contested decisions? Does the principle of "government by the people" end where the self-professed "experts" convince themselves that the concerns of the overwhelming majority of ordinary citizens and their representatives are not important?

Is the Constitution, which establishes processes for its own amendment, wrong? I say it is the Constitution which establishes processes for its own amendment, and it is right. It says that the Constitution will be amended when two-thirds of the Congress and three-fourths of the States want to do so. It does not say that this procedure is reserved for issues that some law professors think are important, or issues that would crumble the foundations of our great Republic.

If "government by the people" means anything, it means that the people can decide the fundamental questions concerning the checks and balances in our Government. The people can choose whether it is Congress or the Supreme Court that decides whether flag desecration is against the law.

I urge colleagues to think hard about what they consider to be "important" before they conclude that the Senate should ignore the people and what they think is important and what should be considered important before they conclude that the Senate should ignore the people's desire to make decisions about the Government which governs them. The flag amendment is the very essence of "government by the people" because it reflects the people's decision to give Congress a power that the Supreme Court has taken away. This question is very important. I urge my colleagues not to think that this body is above listening to the vast majority of citizens of this country who want to give Congress the ability to determine whether and how to protect the American flag.

People should not say that there are more important issues than this one. This issue involves the very fabric of our society, what we are all about, and what our children, we hope, will be all about. This issue is very important. Anybody who thinks otherwise is trivializing this very important issue and the 80 percent of the American people who are strongly for it. The other 20 percent are not strongly against it; only a small percentage of those are. The rest of them just don't know or don't care.

You should have been with those seven Congressional Medal of Honor recipients, Miss America, and a whole raft of other veterans outside as we talked about why this amendment is important.

Mr. President, I yield the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:16 p.m.

Thereupon, at 12:39 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—Resumed

AMENDMENT NO. 2889

The PRESIDING OFFICER. We now have 4 minutes equally divided under the McConnell amendment No. 2889, S.J. Res. 14.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we all despise those who desecrate the flag. The issue before the Senate today is how we should deal with that problem.

In the late 1980s, the Congress passed a statute designed to prohibit this vile practice. It was struck down by the Supreme Court on First Amendment grounds. For the last several years we have had proposals in the Senate to amend the Bill of Rights in order to prohibit flag desecration despite the First Amendment. However, I think we should be very reluctant about amending the Bill of Rights.

Therefore, I have offered the amendment which we will be voting on shortly. It takes a new a statutory approach that I am confident would be upheld by the Supreme Court. Simply put, my alternative approach protects the flag by prohibiting three kinds of desecration. First, desecration of the flag that incites violence or breach the peace. Second, desecration of a flag belonging to the United States government. Third, desecration of a flag stolen from someone else and destroyed on government land. Anyone who engages in any of this kind of reprehensible behavior would be subject to fines of up to $250,000 and/or imprisoned for up to 2 years. I think this is a better approach than tinkering with the Bill of Rights for the first time in 200 years.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I generally support the distinguished Senator from Kentucky on all campaign finance reform issues because I think he is one of the most learned people, if not the most learned person in this area and on many other occasions. On this issue I cannot.

I predicted back in 1989 it was unconstitutional when they passed the statute, which passed overwhelmingly by a lot of people who, today, when this amendment is finally voted upon, will vote against it. In other words, they passed the statute that would do what this amendment would allow the Congress, if it so chooses to do, to do.

It seemed illogical to me they are unwilling to do what really has to be done because we have had two statutory attempts to resolve the problem of physical desecration of our beloved American flag. Both times I predicted it was unconstitutional under the Supreme Court's decisions, and both times they were held to be unconstitutional. So a statute is not going to do the job.

In spite of good intentions, the only way we can resolve this problem and do it effectively without taking anybody's rights away is to do what we are doing—not passing a constitutional amendment that prohibits physical desecration of the flag. We are passing a constitutional amendment that gives the Congress a coequal status with the judiciary, two coequal branches of Government to have the right to determine what to do with regard to the flag. That is what we intend to do.

I hope our colleagues will vote against this amendment because it would undermine, of course, the constitutional amendment.

Mrs. BOXER. Mr. President, I rise to oppose amending the Constitution of the United States to outlaw flag burning, and I will support the McConnell statute to punish flag burners who want to incite violence. The flag stands for freedom, and so does our Bill of Rights. I believe that both must be protected.

Colin Powell recently wrote, "I would not amend that great shield of Democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away. Finally, I shudder to think of the legal morass we will create in trying to implement the body of law that will emerge from such an amendment."

As our good friend John Glenn, a great Senator, a great astronaut, and a great Marine, once declared, "[I]t would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at those fundamental freedoms themselves. Let the flag fully represent all the freedoms spelled out in the Bill of Rights, not a partial, watered-down version that alters its protections."

We can solve this problem with an amendment that is identical to a statute written by the Senator from Kentucky, the Flag Protection Act of 1999.

This amendment would protect the flag of the United States from being destroyed or damaged in certain situations. Under this amendment, any person who destroys or damages the flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of peace will receive a stiff fine, imprisonment, or both.

This amendment also increases the fine and imprisonment penalties for damaging a flag belonging to the United States or damaging a flag on Federal land.

I support this amendment because I believe that our flag is the very symbol of our liberty, unity, and equality as a nation—a proud reminder of the democracy we hold so dear. But while we should protect the American flag, we also must remain vigilant in our protection of the Constitution.

This amendment stands on solid constitutional ground. Although the statute criminalizes the destruction or damaging of the American flag with the intent to provoke imminent violence or breach of the peace, Supreme Court precedent supports this approach. In Chaplinsky v. New Hampshire (1942), the Court upheld the constitutionality of laws that prohibit expression calculated, and likely to cause, a breach of the peace.

So I support this amendment because it not only protects our American flag, but it also preserves the rights and freedoms established in the United States Constitution.

Today, we have an opportunity to protect our flag. But just as important, we can preserve the constitutional ideals symbolized by the flag.

Mr. KYL. Mr. President, I rise in support of S.J. Res. 14, the flag protection constitutional amendment, and to explain, quite briefly, my opposition to Senator MCCONNELL's statutory substitute.

The McConnell amendment (No. 2889) would amend the U.S. Code to establish jail terms and fines for (1) damaging a flag "with the primary purpose and intent to incite or produce imminent violence or a breach of the peace," (2) damaging a flag that belongs to the United States, or (3) damaging a flag that belongs to a third party if the damage occurs within the "exclusive or concurrent jurisdiction of the United States." See Section 3, proposed 18 U.S.C. 700.

I oppose the McConnell amendment for three reasons. First, the narrow strictures of the amendment would provide little protection for the flag. For example, the McConnell amendment would not apply to the very case (*Texas* v. *Johnson*, 491 U.S. 397 (1989)) in which the Supreme Court struck down flag protection statutes. In that case, Gregory Johnson burned a flag that had been stolen from a bank. He did not burn the flag on Federal property; he burned it in front of city hall as a political protest. Thus, the second and third restrictions of the McConnell amendment (a ban on destroying flags stolen from the United States, and a ban on destroying stolen flags on Federal property) would not have applied. As for the first restriction (a ban on burning a flag when such action could cause imminent violence or a breach of the peace), it is important to note that the Court in *Texas* v. *Johnson* found that unless there was evidence that a riot ensued or threatened to ensue one could not protect the flag under the breach of the peace doctrine.

Second, it seems unlikely that the amendment would survive scrutiny by the U.S. Supreme Court. In response to *Texas* v. *Johnson*, Congress quickly enacted a facially content-neutral, flag-protection statute that it hoped would pass constitutional muster. See Public Law 101-131. On June 11, 1990, in *United States* v. *Eichman* (496 U.S. 310 (1990)), the Supreme Court struck down that law. The Court found the following: "Although the Flag Protection Act contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the government's asserted interest is 'related to the suppression of free expression,' and concerned with the content of such expression. The Government's interest in protecting the 'physical integrity' of a privately owned flag rests upon a perceived need to preserve the flag's status as a symbol of our Nation and certain national ideas." *Id.* at 315-16. If precedent is an accurate guide, it is likely that the Court would reach a similar conclusion if it considered the McConnell amendment.

Finally, as one of the 58 Senate sponsors of S.J. Res. 14, I want to see that resolution receive an up-or-down vote. The sponsors of the amendment and the numerous veterans, patriotic, civic, and religious groups have worked hard to bring the constitutional amendment to a vote.

In closing, I would like to reaffirm my support for S.J. Res. 14. I cannot believe that our Founding Fathers intended "freedom of expression" to encompass the willful destruction of our national symbol—the symbol of America that so many of our sons and daughters have given their lives to defend.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2889.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—36

Akaka
Bennett
Biden
Bingaman
Boxer
Bryan
Byrd
Chafee, L.
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Gorton
Graham
Harkin
Inouye
Jeffords
Johnson
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moynihan
Murray
Nickles
Sarbanes
Schumer
Smith (OR)
Torricelli
Wyden

NAYS—64

Abraham
Allard
Ashcroft
Baucus
Bayh
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kennedy
Kerrey
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain
Murkowski
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone

The amendment (No. 2889) was rejected.

AMENDMENT NO. 2890

The PRESIDING OFFICER. The Senate will now consider amendment No. 2890 to S.J. Res. 14 offered by Senator HOLLINGS. There are 4 minutes equally divided.

Mr. HOLLINGS. Mr. President, my colleagues all acknowledge the need for more and more money each time we come up for election or get into political campaigns.

There has been very little discussion of the actual chase for that money which has corrupted the institution. I hate to say that. When I got here 33 years ago, we would come to work, and Senator Mansfield, the majority leader, would have a vote at 9 o'clock on Monday morning. Senator BYRD did the same thing as majority leader. We would work throughout the week up until 5 o'clock on Friday. Now Mondays and Fridays are gone. We start on the half day on Tuesdays, and then Wednesdays and Thursdays we all want a window.

There is no window in the Chamber, but there are plenty of windows. You to have get with the dialog, as they call it up here, and that is for the money chase. We used to have the extended Easter break and the Fourth of July, but now we have not only January gone, there are 10 days in February, March, April, 10 days in May, June, the July break, August, the month off, and we are supposed to go home and get money.

If you go to the leader and ask, please call up a bill, it may take 3 or 4 days, he looks at you as if you are loony. Talk about debating, deliberating—this deliberative body has been so corrupted, it can't deliberate. Don't give me this so-called eviscerate the first amendment. Buckley v. Valeo did that. The intent there was that every mother's son, anybody of ordinary means, could offer for the Presidency. What has really happened is that we have taken away the speech of those who are without money. And for those who are millionaires, they can buy the office. In fact, it has stood the intent on its head whereby, instead of forbidding the purchase of the office, we have to buy it. You have to get more money.

I hope we will vote for this constitutional amendment which is neutral. It is not pro or con McCain-Feingold or public financing or whatever it is. It gives the people a chance to vote. All you have to do is look to the primaries we have just gotten through. The people are ready, willing, and able to vote and stop this corruption.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah has 2 minutes.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we had this constitutional amendment before us in 1997. It only got 38 votes, and it takes 67 votes to change the constitution. Frankly, I am surprised it even got 38 votes. This amendment would essentially repeal a major part of the First Amendment. The Bill of Rights has protected our free speech for over 200 years. We do not need to begin eviscerating it now.

The Washington Post opposes this amendment. Common Cause opposes this amendment. The distinguished Senator from Wisconsin, Mr. FEINGOLD, and others oppose this amendment. This amendment is simply a very bad idea.

I yield the remainder of my time to the Senator from Utah, Mr. BENNETT.

Mr. BENNETT. Mr. President, I congratulate the Senator from South Carolina on his honesty in that he recognizes the proposals with respect to campaign finance reform that have been on this floor are, in fact, unconstitutional. But he seeks to solve the problem with a constitutional amendment, which I think is best summarized in the comment by the Senator from Washington, Mr. GORTON, who said this does not amend the first amendment with respect to political speech, it repeals it.

I don't want to vote in favor of something that could be considered by as careful a scholar as the Senator from Washington as repealing free speech for politicians. We have the same rights, I think, that everyone else should have. For that reason, I ask my colleagues to vote against this amendment.

Mr. HATCH. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LIEBERMAN. Mr. President, I rise today to explain my vote on Senator HOLLINGS' proposal to amend the Constitution to allow Congress and the States to impose reasonable limits on contributions and expenditures made to support or oppose candidates for elected office. In this case, I believe that the high threshold I have established for supporting a constitutional amendment—that it address a significant threat to the Republic or some egregious wrong—has been met.

This amendment addresses an unfortunate fact whose truth has become more and more apparent in the past several years: money and the never ending chase for it are threatening the integrity of our political system and jeopardizing the essence of our democracy. Although money has always played a role in American politics, its impact became overwhelming during the last few election cycles. Political fundraising and spending during the 1996 campaign was 73 percent greater than during the 1992 campaign, and there is no reason to believe we won't break that record in 2000. We are all intimately familiar with the time and resources we need to spend to raise that money, and with the numerous questionable events and actions that were spurred by the money chase during the last Presidential election. Most of those events and actions, I have sadly concluded, were legal under our current campaign finance laws. But that does not mean they were not wrong. I think they were. By ensuring that we will be able to put a limit on the amount of money spent in political campaigns, this constitutional amendment would help restore a sense of integrity—and of sanity—to our campaign finance system and to our democracy.

Much of the debate over this proposed amendment centers on what some call its threat to the principle of free speech. That, of course, is a principle we all hold dear. But I say, Mr. President, that free speech is not what is at issue here. Free speech is about the inalienable right all of us have to express our views without government interference. It is about the vision the Framers of our Constitution enshrined in that most important of documents—a vision that ensures that we in Congress will never compromise our American birthright to say things and offer opinions even when those opinions are unpopular or discomforting. But that simply is not at issue here, Mr. President—absolutely nothing in this amendment will do anything to diminish or threaten any American's right to express his or her views about candidates running for office or about any problem or issue in American life.

What would be threatened by this proposed Constitutional amendment, Mr. President, is something entirely different: the ever increasing and disproportionate power those with money have over our political system. As everyone in this chamber knows, the spiraling costs of running for office require all of us to spend more and more time raising money and more and more time with those who give it. We are all far too familiar with events or meetings with elected officials attended only by those who could afford to give $5,000 or $10,000 or even $100,000—sums of money that are beyond the capacity of the overwhelming majority of Americans to give. That, Mr. President, is threatening a principle all of us hold just as dearly as the principle of free speech: the principle of democracy. That sacred principle guides our Republic—it promises that each person has one vote, and that each and every one of us—rich or poor—has an equal right and an equal ability to influence the workings of our government. As it stands now, Mr. President, it is that sacred principle that is under attack and that sacred principle that promises to remain under attack unless we do something to save it. And that something, I submit, is campaign finance reform.

I, for one, believe that most of the campaign finance reform we need can and must be done even without this Constitutional amendment. The Supreme Court, after all, has made quite clear in its decisions that even under its view of money as being equivalent to speech, the Constitution still allows Congress to impose restrictions on the amount that can be contributed to campaigns and parties. This, in my view, means that we have no excuse not to act right now to stop the massive soft money contributions that pose the biggest threat to our system. It is important that we not use the First Amendment as a shield against change because it is clearly constitutional to limit and regulate contributions to political campaigns—including soft money.

What it appears we cannot do under the Supreme Court's rulings is limit the amount of money we and others spend in the course of campaigns unless we adopt convoluted legislation geared toward complying with the Supreme Court's view that money is speech. I think that the need for reform is so great that it is worth accepting convoluted legislation, but I also think that we should act now to vote for this amendment and so ensure that in the future we will be able to properly regulate campaign spending, thereby controlling the amount of money spent in American political campaigns.

Mr. President, nothing less than the future of our democracy is at stake here. Unless we act to reform our campaign finance system, people with money will continue to have disproportionate influence in our system, people who are not even citizens of the United States will try to use money to influence our government's decisions, the American people will continue to lose faith in our government's institutions, and the genius of our Republic—that it is our citizenship, not our pocketbook, that gives each of us equal power to play a role in our country's governance—that genius will be lost.

Mr. President, it is for that reason that I have concluded that this is one of those rare constitutional amendments that is worth supporting. Our current campaign finance system poses an egregious threat to our Democracy. Big money donations, endless spending and the proliferation of anonymously-funded and often inaccurate attack ads all have had an extraordinarily corrosive and distorting affect on our political system and on the citizenry's view of its role in our Democracy's decisions. I frankly can think of few threats to the Republic greater than one that throws into doubt the integrity and well-functioning of our democratic decision-making process.

Mr. WELLSTONE. Mr. President, I rise today to explain my vote against the Hollings amendment to S.J.Res. 14 which would have amended the Constitution to authorize regulation of contributions to, and spending by, Federal and State candidates.

I am a strong proponent of campaign finance reform. I would even go so far as to say that I view the fight to bar private, interested money from dominating our elections as the core battle that needs to be won if Congress is going to turn its attention to enacting an agenda that put working families before wealthy, entrenched special interests. The campaign finance reform debate may be to the nineties what civil rights was to the fifties and sixties. In fact, let me go a step further and say the campaign finance reform may be the new civil rights watershed.

I do not believe that money equals speech, as some of my colleagues have argued during the debate on the Hollings amendment and in previous debates. The vote is undermined by the dollar. The vote may be equally distributed, but dollars are not. As long as elections are privately financed, those who can afford to give more will always have a leg up—in supporting candidates, in running for office themselves, and in gaining access and influence with those who get elected. We all know this is the way it works. And the American people know it, too.

I laud my colleague's intentions in offering this amendment. No one has pushed harder on campaign finance reform than the junior Senator from South Carolina. But while I have supported the Hollings amendment in the past, I voted against it today. There is now significant momentum at both the federal and state levels to enact campaign finance reform—including public financing of elections, which I believe is critical—in a manner that will pass constitutional muster. These efforts, with hard work and determination, have the best chance of resulting in meaningful, lasting improvements in our election system, and therefore in our democracy.

Amending the Constitution is a long and arduous process. It is rarely successful. I simply do not believe that it is now the best mechanism for achieving reform.

The PRESIDING OFFICER. The question is on the motion to table amendment No. 2890. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 67, nays 33, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—67

Abraham
Akaka
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kennedy
Kerrey
Kohl
Kyl
Lautenberg
Leahy
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Murray
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone

NAYS—33

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Daschle
Dodd
Durbin
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kerry
Landrieu
Levin
Lieberman
Lincoln
McCain
Mikulski
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Specter
Wyden

The motion was agreed to.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to take a moment to thank members of my staff for their hard work on the last two amendments: Tam Somerville, staff director of the Rules Committee; Hunter Bates, general counsel, who works with him; Andrew Siff, Denise Grant, and Nathan Oman who have been deeply involved in the last two amendments. I appreciate the great assistance from Senator BENNETT of Utah.

This is a red letter day for the first amendment. The Hollings amendment had only 33 votes in favor of the amendment. As we all know, it takes 67 votes to approve an amendment to the Constitution. There were 67 votes against this amendment to the Constitution. It is clear that the first amendment is secure for another day, and I thank my colleagues who made that possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

Mr. LEAHY. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. And I shall not. What is the parliamentary situation right now?

The PRESIDING OFFICER. The Senate is currently considering S.J. Res. 14.

Mr. SHELBY. I ask it be set aside and that I may proceed in morning business for 10 minutes.

Mr. LEAHY. Again reserving the right to object, and I will not object, will there be any objection then to, at the conclusion of the Senator's morning business speech, we go to the distinguished Senator from Wisconsin who has been waiting to speak on the amendment which is the pending business?

Mr. SHELBY. Absolutely.

Mr. WELLSTONE. Mr. President, I ask my colleague from Vermont, I am waiting to go to another committee, may I follow the Senator from Wisconsin?

Mr. HATCH. Reserving the right to object, is the Senator from Wisconsin just going to speak or is he intending to offer an amendment?

Mr. FEINGOLD. My intent is simply to speak.

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The order will be the Senator from Alabama for 10 minutes, the Senator from Wisconsin, followed by the Senator from Minnesota.

Mr. SHELBY. Mr. President, I thank the Senator from Vermont for his understanding in helping us work this out, and also the Senator from Utah, Mr. HATCH, for his indulgence.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2304 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, we in the Senate speak today to honor the American flag, the symbol of our Nation. Both those who favor and those who oppose the amendment to the Constitution now pending do so. We all, of course, seek to honor the flag.

I dare say that there is not a Senator among us who does not feel goose bumps when first looking up at the dome of the Capitol and seeing our flag. I would wager that no U.S. Senator fails to get a lump in the throat when standing to the strains of the national anthem. And I am confident that there is none among us whose eyes do not sometimes mist over when watching those seven bars of red and six of white ripple in the breeze and tug at the heart.

But, my colleagues, honoring the flag demands that we here fully and fairly debate this amendment. Amending the Constitution is an undertaking of the greatest import. For the Congress to propose an amendment to the Constitution of the United States on the basis of anything less than a full—even an exhaustive—debate would show less than the full respect due to the flag and the Constitution that it represents.

Honor demands that we view any effort to amend the Constitution with trepidation. Since the adoption of the Bill of Rights in 1791, America has amended its Constitution on only 17 occasions. Our Constitution has served this Nation well and withstood the test of time, in large part because Congress has resisted the urge to respond to every adversity, real or imagined, with a constitutional amendment. We should exercise restraint in amending this great charter.

We honor the American flag because we love "the Republic for which it stands." We honor the banner because we cherish "one Nation . . . with liberty and justice for all." We honor the flag because it represents a Constitution, that solemn commitment; and a Bill of Rights, that charter of liberty; unrivaled in the history of humankind.

Honor demands that we seek to protect not just the flag, but the principles in that Constitution and that Bill of Rights—principles of freedom, opportunity, and liberty. I believe these principles, as much as our Nation's cherished symbols, frame our history and define our Nation. As dearly as we hold the flag, we must hold these principles at least as dearly.

Yes, there have been some handfuls of sociopaths who burn our flag to thrust a firebrand in our eye. The question before us today is: Will the misguided actions of these few misfits cause us to curtail our fundamental principles of freedom?

We would only grant them victory if we allow their despicable acts to goad us into desecrating the greatest protection of individual rights in human history—our Bill of Rights. As Senator BOB KERREY has said:

> Patriotism calls upon us to be brave enough to endure and withstand such an act—to tolerate the intolerable.

Let us show our strength, by not rising to the bait. Let us show our bravery, by not giving the flag burners what they want. Let us show our faith in the strength of this country and its institutions, by not lashing out in anger at those who would defile our flag.

The costs of this amendment would exact a far too great a price to pay. This amendment, if adopted, would criminalize the very acts that the Supreme Court has held to be protected by the first amendment. This amendment would clearly and intentionally erode the Bill of Rights.

This amendment would have an unprecedented, direct, and adverse effect on the freedoms embodies in the Bill of Rights. For the first time in our history, this amendment would employ the Constitution and the Bill of Rights—both premised on the idea of limiting the Government—to limit individual rights, and, in particular, the freedom of speech.

Our former colleague, Senator John Glenn, said it very well last year. He said:

> Our revered symbol stands for freedom, but is not freedom itself. We must not let those who revile our way of life trick us into diminishing our great gift or even take a chance of diminishing our freedoms.

I am very proud to attempt to carry on John Glenn's fight against this ill-advised amendment. The Bill of Rights is too fundamental to our history, too important to our people, and too necessary to our future, for us to do anything else.

Honoring the flag demands that we also question the vagueness of the language of the amendment. Our Constitution Subcommittee heard testimony that the term "flag of the United States," as used in this amendment, is "problematic" and so "riddled with ambiguity" as to "war with the due process norm that the law should warn before it strikes." Even supporters of the amendment, including former Attorney General William Barr, have acknowledged that the term "flag" could mean any of a number of different things. No one can assure us as to what the term "flag" will mean other than to suggest it will be up to the governments of particular jurisdictions.

How would the amendment affect flags on T-shirts? How would the amendment affect flags on scarfs? In the memorable example given by the late and revered Senator John Chafee last year, How would the amendment affect a handmade flag rug?

Now the amendment, of course, does not make anything illegal by itself. It simply gives the Congress the power to prohibit the physical desecration of the flag. But the question is still a powerful one. We must still ask: What kind of statute would this amendment insulate from constitutional attack?

Would this amendment permit Congress to enact a statute that would criminalize wearing a T-shirt with a flag on it? Or could Congress criminalize tearing such a T-shirt?

Would the amendment permit Congress to criminalize wearing a scarf with a flag on it? Or could Congress criminalize spitting on such a scarf?

Would this amendment permit Congress to criminalize making a rug with a flag on it? Or could Congress criminalize stepping on such a rug?

More generally, would the amendment allow Congress to enact statutes that permit the prosecution of people based on the views they express when they defile the flag? Consider two cases: In case one, a person smears blood on a flag while screaming protest of U.S. involvement in a foreign war. In case two, another person drips blood on a flag after suffering an injury at a summertime football game. After adoption of this amendment, would it be constitutional to prosecute the one who spoke and not prosecute the other, who did the same thing without speaking?

Here's another example. My colleagues may remember the very exciting victory of the U.S. Women's Soccer team in the Women's World Cup last year. A thrilling moment for sure, and tens of thousands of very patriotic Americans cheered the heroic deeds of the women who represented our country.

That evening, another soccer game was played here in Washington, DC, involving this city's major league soccer team, D.C. United. Many of the same fans who cheered the U.S. women that afternoon turned out to watch the D.C. United soccer team. Some of those fans, seeking to play for the TV cameras and their fellow fans brought a prop, which they unfurled during the game. Here is a picture of it. As you can see, it is an actual flag. It is not a representation or a picture. It is an actual flag of the United States with the words "Thanks Girls!" written on it with some type of chalk or marker.

Obviously the people who defaced this flag intended no disrespect to the United States or the flag. They were excited soccer fans, and probably very patriotic Americans. I wonder if the sponsors of this amendment can be sure of the answer to this question: Would the statute that Congress passes to prohibit flag desecration after this constitutional amendment is ratified allow for these people to be prosecuted? I think it is a fair question.

I think most of us would hope not. But how would the police or the prosecutors make that decision? If they look at the message and the beliefs of the people who have written on the flag, isn't that exactly the kind of content discrimination that the first amendment is designed to prohibit? Do we really want the government examining the motives of those who deface the flag to see if they are patriotic or well meaning enough to avoid discrimination?

I don't think so. I think that is what the first amendment is all about: to protect against Government inquiry into a citizen's political beliefs. On the other hand, if we have a completely content-neutral statute and enforcement that does not look at the motives of those who deface the flag, we might end up prosecuting the excited and patriotic soccer fans shown in this poster. Obviously, I don't think we want that either.

So this example really shows the difficulties with outlawing desecration of the flag. People in this country use the flag to express joy and patriotism as well as opposition to the Government. And the traditions of our country, our respect for free political expression, demands that we not criminalize conduct that we would otherwise accept if it were motivated by patriotism instead of political dissent.

Some people call these kinds of examples "wacky hypotheticals." But we do not have reliable answers to these questions. And when you are talking about amending the Constitution, you have a duty to consider and address hypotheticals. After all, it is not easy to correct a mistaken Constitution. We cannot just, by unanimous consent, pass a technical corrections bill to fix an unintended consequence of a constitutional amendment.

Let me share another case that I witnessed not far from this Senate Chamber. I was eating dinner at the restaurant called "America" over in Union Station. We noticed that the menu is colored like a giant American flag. We talked about having to be careful not to spill anything on it and how damaging our menu might be a crime under this amendment. Then we forgot about it and returned to our meal. But just a half hour later, there was a big commotion in the corner of the restaurant, and we turned to see a woman frantically trying to put out a fire that had started when her oversized American flag menu had gotten too close to the small candles on the table.

Now I hope that that woman was not engaged in an angry argument over the Government. But I suppose that is something that the police might have to investigate if this amendment and a statute that it authorized became law. Don't the police have more important things to investigate than whether the burning of a menu might violate the Constitution?

Some have been misled into believing that one can pull a flag off a building, burn it, and be protected by the Constitution. That is simply not true. There are many laws in effect today that prohibit theft, the destruction of federal property, or disturbing the peace. These can and should be used to address the majority of flag burning incidents.

Honoring the flag demands that we listen, as many on both sides of this debate have, to the true American war heroes who have testified to us on this issue. It was particularly inspiring to welcome John Glenn back to the Senate last year. The perspectives of the witnesses before the Judiciary Committee last year were of particular interest to me because they represented the diversity of views on this amendment by the American people, by veterans, and by war heroes. Those who fought and sacrificed for our country and its flag deserve our utmost respect when it comes to this flag amendment. They know well the costs of freedom and democracy, as well as the joys. Some would portray the views of veterans as monolithic, but, as our hearings showed quite plainly: They are not.

Those many veterans who oppose this amendment do so with conviction and power and strength. They know that no one can question their patriotism or love of country. Listen to the words of Professor Gary May of the University of Southern Indiana, who lost both his legs in the Vietnam war, and who testified before the Judiciary Committee last year. Professor May said:

> Freedom is what makes the United States of America strong and great, and freedom, including the right to dissent, is what has kept our democracy going for more than 200 years. And it is freedom that will continue to keep it strong for my children and the children of all the people like my father, late father in law, grandfather, brother, me, and others like us who served honorably and proudly for freedom.
>
> The pride and honor we feel is not in the flag per se. It's in the principles that it stands for and the people who have defended them. My pride and admiration is in our country, its people and its fundamental principles. I am grateful for the many heroes of our country—and especially those in my family. All the sacrifices of those who went before me would be for naught, if an amendment were added to the Constitution that cut back on our first amendment rights for the first time in the history of our great Nation.

The late Senator John Chafee, who as all will recall also served bravely at Guadalcanal and in the Korean war, last year said simply: "[W]e cannot mandate respect and pride in the flag. In fact, . . . taking steps to require citizens to respect the flag, sullies its significance and symbolism." Senator Chafee's words still bring a brisk, cool wind of caution. What kind of symbol of freedom and liberty will our flag be if it has to be protected from protesters by a constitutional amendment?

My friend and constituent Keith Kruel, a World War II veteran and past National Commander of the American Legion, addressed this point quite well in testimony he submitted for the Judiciary Committee last year. He said:

> Freely displayed, our flag can be protected only by us, the people. Each citizen can gaze upon it, and it can mean what our heartfelt patriotic beliefs tell us individually. Government "protection" of a Nation's banner only invites scorn upon it. A patriot cannot be created by legislation. Patriotism must be nurtured in the family and educational process. It must come from the heartfelt emotion of true beliefs, credos and tenets.

Senator BOB KERREY, who is in the Chamber at this time, the only Congressional Medal of Honor winner to serve in the Senate in this century, spoke directly to the point when he said: "Real patriotism cannot be coerced. It must be a voluntary, unselfish, brave act to sacrifice for others." I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator FEINGOLD for his statement. I will be relatively brief.

I ask unanimous consent that if other Senators aren't here, Senator KENNEDY be allowed to speak after myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I come to the floor not the first time to announce my opposition to this proposed constitutional amendment, giving power to the Congress and the States to prohibit physical desecration of the flag of the United States.

I wish to speak about this a little bit more personally because I think all of us come to our point based upon real-life experience. My father was a Jewish immigrant born in the Ukraine and who fled persecution from Russia. My mother's family came from the Ukraine as well. As a first generation American on my father's side, I revere the flag and I am fiercely patriotic. I love to see the flag flying over the Capitol. I love to recite the Pledge of Allegiance to the flag. I think it is a beautiful, powerful symbol of American democracy.

What I learned from my parents more than anything else, and from my own family experience as the son of a Jewish immigrant who fled czarist Russia, is that my father came to the United States because of the freedom—the freedom we have as American citizens to express our views openly, without fear of punishment.

I am deeply impressed with the sincerity of those who, including Senator HATCH, favor this constitutional amendment. I am impressed with the sacrifice and patriotism of those veterans who support this constitutional amendment. I think in the veterans community there certainly are differences of opinion. I do not question their sincerity or commitment at all.

It is with a great deal of respect for those with whom I disagree, including some members of the American Legion, that I oppose this amendment. I oppose it because, to me, it is ultimately the freedom that matters the most. To me, the soul of the flag, as opposed to the physical part of the flag, is the freedom that it stands for, the freedom that my parents talked about with me, the freedom that all of us have to speak up. I do not want to amend the Bill of Rights for the first time in its 209 years of existence. I don't want to amend the first amendment, the founding principle of freedom of speech from which all other freedoms follow.

I want to very briefly read from some of what our Justices have had to say because I think they say it with more eloquence than I could. In Texas v. Johnson, an opinion written by Justice Brennan, joined by Justices Marshall, Blackmun, Scalia, and Kennedy—and I note this is a diverse group of judges we are talking about—they said:

> If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. . . . The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong. . . . We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents.

If freedom of speech means anything, I think it means protecting all speech, even that speech which outrages us. I have no use for those who desecrate the flag. Speech that enjoys widespread support doesn't need any protection. As the great Justice Oliver Wendell Holmes pointed out, freedom of speech is not needed for popular speech, but instead it is for the thought that we hate, the expression threatened with censorship or punishment.

I quote from General Powell's letter. He has been quoted several times, but it is too eloquent to pass up:

> We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration. . . . I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Our late and dear friend and colleague, Senator Chafee, who was a highly decorated soldier in two wars wrote:

> We cannot mandate respect and pride in the flag. In fact, in my view, taking steps to require citizens to respect the flag sullies its significance and its symbolism.

Finally, my colleague from Wisconsin mentioned Senator Glenn, another real American hero. Senator Glenn said:

> Without a doubt, the most important of those values, rights and principles is individual liberty: the liberty to worship, to think, to express ourselves freely, openly and completely, no matter how out of step these views may be with the opinions of the majority.

That is the first part of my presentation—just to say that I love this flag. I think when you have the family background I have, you are fiercely patriotic. I love this country. My mother and father are no longer alive, but I still think they know I am a Senator. They weren't alive when I was elected. It would mean everything in the world to them. But, to me, the real soul of the flag, going beyond the physical presence of the flag, is the freedom that the flag stands for. I don't think we should give up on that freedom. I don't think we should amend the first amendment to the Constitution. I think it would be a profound mistake. I say that out of respect for those who disagree with me in the Senate. I say it out of respect for those in the veterans community who disagree with me.

Mr. KENNEDY. Mr. President, once again we are debating whether to amend the Constitution to prohibit flag burning. Flag burning is a vile and contemptuous act, but it is also a form of expression protected by the first amendment. Surely we are not so insecure in our commitment to freedom of speech and the first amendment that we are willing to start carving loopholes now in that majestic language.

I strongly oppose the constitutional amendment we are debating today. The first amendment is one of the great pillars of our freedom and democracy. It has never been amended in over 200 years of our history, and now is no time to start. There is not even a plausible factual basis for carving a hole in the heart of the first amendment. There is no significant problem.

Flag burning is exceedingly rare. Published reports indicate that fewer than 10 flag burning incidents have occurred a year since the Supreme Court's decision in Texas v. Johnson in 1989 on the first amendment. Over the last 5 years, there was only one such incident in Massachusetts. This is hardly the kind of serious and widespread problem in American life that warrants an assault on the first amendment. Surely there is no clear and present danger that warrants such a change. This proposal fails the reality test.

The Constitution is not a billboard on which to plaster amendments as if they were bumper sticker slogans. In this Congress alone, over a dozen constitutional amendments have been introduced. With every new proposed amendment, we undermine and trivialize the Constitution and threaten to weaken its enduring strength.

I remember listening to a speech given by Justice Douglas, one of the great Supreme Court Justices of this century. Students asked him: What was the most important export of the United States? He said, without hesitation: The first amendment because it is the defining amendment for the preservation of free speech as the basic and fundamental right in shaping our Nation.

Clearly, it would be a mistake of historic proportions for this Congress to make the first alteration to the first amendment in more than two centuries. The first amendment breathes light into the very concept of our democracy. It protects the freedoms of all Americans, including the fundamental freedom of citizens to criticize their government and the country itself, including the flag.

As the Supreme Court explained in Texas v. Johnson, it is a bedrock principle underlying the first amendment that the Government may not prohibit the expression of an idea simply because the society finds the idea itself offensive and disagreeable.

No one in the Senate condones the act of flag burning. We all condemn it. The flag is a symbol that embodies all that is great and good about America. It symbolizes our patriotism, our achievements, and, above all, our respect for our freedoms and our democracy. We do not honor the flag by dishonoring the first amendment.

Gen. Colin Powell agrees with our opposition to this proposed amendment. He has told us in reaching this decision he was inspired by the words of James Warner, a former marine aviator, who was a prisoner in North Vietnam between 1967 and 1973. As James Warner wrote in 1989: It hurts to see the flag being burned, but I part company with those who want to punish the flag burners. In one interrogation, I was shown a photograph of American protesters burning a flag. There, the officer said: People in your country protest against your cause. That proves you are wrong. No, I said, that proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us.

The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt in using his tool, the picture of the burning flag, against him.

That says it all. We respect the flag the most, we protect it the best, and the flag itself flies the highest when we honor the freedom for which it stands.

I urge my colleagues to vote against this misguided constitutional amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, at least the Senator is consistent because he opposes both the McConnell amendment and the flag amendment.

Having made that point, of the 36 Senators who voted for the McConnell "statutory fix," shall we call the proposal, 30 are opponents of the flag-protection amendment. These 30 Senators apparently believe that some flag desecration should be prohibited. Voting for McConnell makes their first amendment arguments a mockery.

At least the distinguished Senator from Massachusetts is consistent, because the McConnell amendment says, one, that flag desecration on Federal land with a stolen flag should be prohibited; two, damaging a flag belonging to the United States will be prohibited; or three, desecrating a flag intending to promote violence should be prohibited.

It reminds me of 1989 when a high percentage of Senators in this body, who claim to be against the constitutional amendment to prohibit desecration of our beloved flag, voted for the statutory anti-flag-desecration amendment.

If first amendment rights hold with regard to this constitutional amendment, that it would violate first amendment rights, then why wouldn't it have violated first amendment rights with regard to any statute that would prohibit desecration?

I think anyone can see the game that is going on; that is, that some of the folks wouldn't vote to protect the flag no matter what happens because they know the flag desecration amendment or a statutory amendment is not going to protect our flag because it will be stricken down as unconstitutional. I predicted it in both cases where the Supreme Court has stricken it down.

If one agrees that flag desecration is wrong, why limit it to these circumstances provided in the McConnell amendment? Why should it be legal to burn a flag in front of a crowd who loves flag desecration, or on television where people are at a safe distance, yet make it illegal to burn a flag in front of people who would be upset by that act? Why make it illegal to burn a Post Office flag but not a flag belonging to a hospital across the street? Why make it illegal for a lone camper to burn a flag in a campfire at a Yellowstone park, when it is legal to burn a flag before hundreds of children at a public school under current law?

To anyone interested in protecting the flag, these distinctions make no sense. That is what is amazing to me. There is such inconsistency. I personally believe that it is the elitist position that calls the 80 percent of Americans who believe we should sustain the dignity of our flag, of our national symbol, that we are somehow Neanderthals, the 80 percent of the people in this country who want to protect our national symbol from acts of physical desecration.

The funny thing about it, this amendment does not even do that. All this amendment does is restore the power to the Congress of the United States to be able to pass a statute if the Congress so chooses, something that we have to do by constitutional amendment if we want to be coequal with the judicial branch of Government.

Opponents of the constitutional amendment argue that this would be an unprecedented infringement on the freedom of speech, which does not satisfy James Madison's counsel that amendments of the Constitution should be limited to "certain great and extraordinary circumstances." Setting aside the fact that flag desecration is conduct, not speech, and that our freedom of speech is not absolute, these critics never fully address the fact that our Founding Fathers, James Madison in particular, saw protection of the flag as falling outside the scope of the first amendment and was more a matter of protecting national sovereignty. The original intent of the Nation's founders indicates the importance of protecting the flag as an symbol of American sovereignty. Madison and Jefferson consistently emphasized the legal significance of infractions on the physical integrity of the flag.

For example, one of Madison's earliest pronouncements concerned an incident in October 1800 when an Algerian ship forced a U.S. man of war—the *George Washington*—to haul down its flag and replace it with the flag from Algiers. As Secretary of State under Thomas Jefferson, Madison pronounced such a situation as a matter of international law, a dire invasion of sovereignty which "on a fit occasion" might be "revised."

Madison continued his defense of the integrity of the flag when he pronounced an active flag defacement in the streets of an American city to be a violation of law. On June 22, 1807, when a British ship fired upon and ordered the lowering of an American frigate's flag, Madison told the British Ambassador "that the attack . . . was a detached, flagrant insult to the flag and sovereignty of the United States." Madison believed that "the indignity offered to the sovereignty and flag of the Nation demands. . .an honorable reparation." Madison's statements suggests his belief that protecting the physical integrity of the flag ensured the protections of the Nation's sovereignty.

This is the author of the Constitution. We have these people inconsistently voting for statutes—twice in the last 11 years—that are unconstitutional, that would, I suppose if you take their arguments on the floor, denigrate the first amendment to the Constitution. If this constitutional amendment is denigrating it, why isn't the statute they voted for denigrating it as well?

Madison did not conclude, as some defenders of the right to deface the flag contend, that the first amendment protected the rights of Americans to tear down a flag or that defacing the flag was a form of expression protected by the first amendment. On the contrary, It would appear that Madison had an intimate familiarity with the significance of protecting the physical integrity of the flag, especially as such protection related to the first amendment, which he helped draft and move through the First Congress. He knew there had been no intent to withdraw the traditional physical protection from the flag.

Madison and Jefferson intended for the Government to be able to protect the flag consistent with the Bill of Rights. This was based on their belief that obtaining sovereign treatment was distinct from an interest in protecting against the suppression of expression. Madison and Jefferson consistently demonstrated that they sought commerce, citizenship, and neutrality rights through the protection of the flag. They did not seek to suppress the expression of alternative "ideas," "messages," "views," or "meanings."

Although it is commonly asserted that Congress has never sent an amendment to the States to amend the Bill of Rights, this assertion is absolutely false. Even if you assume this amendment would lead to a violation of first amendment rights, it is absolutely false to think the Congress has never sent an amendment to the States to amend the Bill of Rights. Yet the Bill of Rights has been amended in some form on several occasions. For example, the 13th amendment amended the 5th amendment as interpreted in Dred Scott v. Sanford, to provide that the former slaves were not property subject to the due process clause, but were free men and women.

Further, the 14th amendment was interpreted in Bolling versus Sharpe, to have effectively amended the due process clause of the 5th amendment to apply equal protection principles to the Federal Government.

Moreover, in Engel versus Vitale, the Supreme Court circumscribed the 1st amendment rights of American school children by holding that the establishment clause precluded prayer in the public schools.

Each of these constitutional changes substantially modified the rights and correlative duties of affected parties from those originally envisioned by the Framers of the Bill of Rights. The change effected by the Engel versus Vitale decision did not expand rights, but restricted them by taking away the right of children to pray at school.

Further, there have always been numerous limits on free speech. We limit libelous and defamatory speech. We limit speech that constitutes "fighting words." We limit speech that consists of falsely shouting "fire" in a crowded theater. We limit speech that is obscene. We limit speech that jeopardizes national security. And each of these limits balances an important governmental interest in protecting against an individual's right to engage in radical or dangerous speech.

Thus, the Bill of Rights has been amended numerous times and has consistently been interpreted to include limits on speech. The long legal tradition of accepting regulation of physically destructive conduct toward the flag is consistent with these limits that balance society's interest in promoting respect for the nation with an individual's interest in sending a particular message by means of desecrating our beloved flag. The proposed amendment would effect a much smaller change than the other amendments listed and a much narrower limit on speech than the other limits mentioned. The amendment would simply restore the traditional right of the people to protect the physical integrity of their flag, something that existed 200 years before the Supreme Court struck it down. Protestors would still be free to speak their opinions about the flag at a rally, write their opinions about the flag to their newspaper, and vote their opinions at the ballot box.

Most of the American people, men and women, black, brown, and white, support the flag protection amendment and 49 State legislatures have asked for the flag protection amendment. Accordingly, I believe we should send the flag protection amendment to the States for ratification.

The argument that we have never amended the Bill of Rights or limited speech is absurd; it is false, and, in any event, the flag protection amendment would change only the results of a few recent court decisions to restore the true meaning of the Bill of Rights as ratified by our forefathers.

This proposed amendment recognizes and ratifies our Founding Fathers' view—and the constitutional law that existed for nearly 200 years—that the American flag is an important and unique incident or symbol of our national sovereignty. As Americans, we display the flag in order to signify national ownership and protection. The Founding Fathers made clear that the flag, and its physical requirements, related to the existence and sovereignty of the United States and that desecration of the flag were matters of national concern that warranted government action.

This same sovereignty interest does not exist for our national monuments or our other symbols. While they are important to us all, the flag is unique. It is flown over our ships and national buildings. We took the flag to, and planted it for eternity, on the Moon. We carry it into battle. We salute it and pledge allegiance to it. Men and women have died for it and have been tortured for their fidelity to it.

Senator McCAIN, in appearing before our committee, told of one of the experiences he had when he was in the Hanoi prison with others of our men. He said there was a young man who literally could not afford shoes. He had no shoes until he was 13 years of age. He was raised in poverty. But when he joined the military, he stood out as a really fine human being, and ultimately he went to officer's candidate school.

Flying over Vietnam, he was shot down. When he arrived in the Hanoi prison, if I recall it correctly, he took a bamboo needle and he knitted together little bits of cloth to make an American flag, and he put it inside his shirt. Every night, he would bring out that flag and put it on the wall, and they would all salute and pledge allegiance to it. It was one of the things that kept them from going insane.

One day his captors found him with that flag and took him outside and beat him within an inch of his life. Of course, they took his flag from him. Then they tossed his broken and bleeding body inside the compound which had a concrete slab in the middle. Senator McCAIN may tell this story because he can tell it better than I can having been there. I think it is worthwhile to retell it.

Senator McCAIN said they picked him up and cleaned him up as best they could in those very tragic circumstances. He was all black and blue with his eyes shut from having been beaten. They had incandescent light bulbs on all day long, every day, and all night long, every night. As they all went to sleep, suddenly Senator McCAIN looked up and here was this young military man sitting there with another bamboo needle getting little bits of cloth to make another American flag.

To be honest with you, that flag meant an awful lot to those people who were under those very terrible circumstances. It means a lot to me.

Opponents of this proposed constitutional amendment argue this would be an unprecedented infringement on the freedom of speech which does not satisfy James Madison's counsel that amendments to the Constitution should be limited to "certain great and extraordinary circumstances."

Setting aside the fact that flag desecration is conduct not speech and that our freedom of speech is not absolute, what these critics never fully address is the fact that our Founding Fathers, James Madison in particular, saw protection of the flag as falling outside the scope of the first amendment and was more a matter of protecting national sovereignty. The original intent of the Nation's founders indicates the importance of protecting the flag as an incident of American sovereignty. Madison and others did that.

We took this flag, as I said, and planted it for eternity on the Moon. We carry it into battle. We salute it and pledge allegiance to it. Men and women have died for it and have been tortured for their fidelity to it. As Americans we recognize and believe that the flag is our unique symbol of unity and sovereignty. As Madison noted, the flag is a unique incident which, when desecrated, "demands an honorable reparation."

That was how we viewed it—as a people, as a nation—until 1989 when the Court handed down its 5-4 decision in the Johnson case. Are we really going to stand here on the floor of the Senate and pretend that the law never was as it was? Does anyone here believe that two narrow Supreme Court decisions should settle whether we as a nation should and can safeguard our symbol of sovereignty?

There are opponents to S.J. Res. 14 who argue that our flag—this incident of sovereignty—is not important enough to amend the Constitution; that amending the Constitution requires a "great and extraordinary occasion." Tell that to the young man in Vietnam. For reasons I have stated, the Supreme Court's decisions in the Johnson and Eichman cases—decisions which overturned centuries of law and practice—more than meets Senator LEAHY's test, Senator KERREY's test, and others. It certainly meets it more than the 27th amendment which dealt with pay raises for members of Congress or the 16th amendment which gave Congress the power to impose an income tax. I can understand why some in Congress would view the 16th amendment as one of Congress' finest moments, not that I ever have. In fact, my State of Utah was one of only three States to reject the 16th amendment.

The flag amendment presents this Congress with an opportunity to do something great and extraordinary. It is anything but an abdication of responsibility. Indeed, one could argue that, failure to vote for this amendment is an abdication of our responsibility and that restoring the power of Congress the power to prohibit acts of desecration against our symbol of national sovereignty would be a great and extraordinary occasion.

Mr. DORGAN. Ten years ago the U.S. Supreme Court in a 5-4 decision struck down a Texas flag protection statute on the grounds that burning an American flag was "speech" and therefore protected under the First Amendment of the Constitution. I disagreed with the Court's decision then and I still do. I don't believe that the act of desecrating a flag is an act of speech. I believe that our flag, as our national symbol, can and should be protected by law.

In the intervening years since the Supreme Court decision I have twice supported federal legislation that would make flag desecration illegal, and on two occasions I voted against amendments to the Constitution to do the same. I voted that way because, while I believe that flag desecration is despicable conduct that should be prohibited by law, I also believe that amending our Constitution is a step that should be taken only rarely and then only as a last resort.

In the past year I have once again reviewed in detail nearly all of the legal opinions and written materials published by Constitutional scholars and courts on all sides of this issue. I pledged to the supporters of the Constitutional amendment that I would reevaluate whether a Constitutional amendment is necessary to resolve this issue.

From my review I have concluded that there remains a way to protect our flag without having to alter the Constitution of the United States. I joined Senators BENNETT, MCCONNELL and CONRAD today to introduce legislation that I believe accomplishes that goal.

The bill we offered today protects the flag but does so without altering the Constitution and a number of respected Constitutional scholars tell us they believe this type of statute will be upheld by the U.S. Supreme Court. This statute protects the flag by criminalizing flag desecration when the purpose is, and the person doing it knows, it is likely to lead to violence.

Supporters of a Constitutional amendment are disappointed I know by my decision to support a statutory remedy to protect the flag rather than support an amendment to the U.S. Constitution. I know they are impatient to correct a decision by the Supreme Court that they and I believe was wrong. I have wrestled with this issue for so long and I wish I were not, with my decision, disappointing those, including many of my friends, who passionately believe that we must amend the Constitution to protect the flag.

But in the end I know that our country will be better served reserving our attempts to alter the Constitution only for those things that are "extraordinary occasions" as outlined by President James Madison, one of the authors of the Constitution, and only in circumstances when it is the only remedy for something that must be done.

More than 11,000 Constitutional amendments have been proposed since our Constitution was ratified. However, since the ratification of the Bill of Rights in 1791 only 17 amendments have been enacted. These 17 include three reconstruction era amendments that abolished slavery, and gave African-Americans the right to vote. The amendments included giving women the right to vote, limiting Presidents to two terms, and establishing an order of succession in case of a President's death or departure from office. The last time Congress considered and passed a new Constitutional amendment was when it changed the voting age to 18, more than a quarter of a century ago. All of these matters were of such scope they required a Constitutional amendment to be accomplished.

However, protecting the American flag can be accomplished without amending the Constitution, and that is a critically important point.

Constitutional scholars, including those at the Congressional Research Service, the research arm of Congress, and Duke University's Professor William Alstyne, have concluded that this statute passes Constitutional muster, because it recognizes that the same standard that already applies to other forms of speech applies to burning the flag as well. This is the same standard which makes it illegal to falsely cry "fire" in a crowded theater. Reckless speech that is likely to cause violence is not protected under the "fighting words" standard, long recognized by the Supreme Court of the United States.

I believe that future generations—and our founding fathers—would agree that it's worth the effort for us to find a way to protect our flag without having to wonder about the unintended consequences of altering our Constitution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of S.J. Res. 14, a proposed constitutional amendment to protect our national flag from physical desecration.

S.J. Res. 14 would give Congress, and Congress alone, the authority to draft a statute to protect the flag. It would give Congress the opportunity to construct, deliberately and carefully, precise statutory language that clearly defines the contours of prohibitive conduct.

At the outset, let me say that amending the Constitution is serious business, indeed. I know that, and I know we need to tread carefully. The Constitution is, after all, democracy's sacred text. But the Constitution is also a living text. As originally conceived, it had no Bill of Rights. In all, it has been amended 27 times.

If the Constitution is democracy's sacred text, then the flag is our sacred symbol. In the words of Supreme Court Justice John Paul Stevens, it is "a symbol of our freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations." [dissenting opinion in *Texas* v. *Johnson*, 491 U.S. at 437 (1989)]

If the flag had no symbolic value, we would not get chills when we see it lowered to half-mast or draped on a coffin. We wouldn't feel so much pride when we see it flying in front of our homes or at our embassies abroad. I wonder, is there any of us who can forget that wonderful Joe Rosenthal photograph of the six Marines hoisting that flag on the barren crag of Mount Suribachi, after the carnage at Iwo Jima, where over 6,800 American soldiers were killed. There have been many photographs of soldiers. There has been no photograph I know of that so endures in our mind's eye, that has carried so much symbolism, as that one. I remember seeing it because the San Francisco Chronicle ran it on the front page during World War II. I was just a small child, but from that point on, I knew the flag was something special.

People speak metaphorically about the fabric of our society and how it has become frayed. I submit that in a very real sense, our flag is the physical fabric of our society, knitting together disparate peoples from distant lands, uniting us in a common bond, not just of individual liberty but also of responsibility to one another. As such, the flag is more precious to us, perhaps, than we may even know.

The flag flies over government buildings throughout the country. It flies over our embassies abroad, a silent but strong reminder that when in those buildings, one is on American soil and afforded all the protections and liberties enjoyed back home.

Constitutional scholars as diverse as Chief Justices William Rehnquist and Earl Warren and Associate Justices Stevens and Hugo Black have vouched for the unique status of the national flag. In 1974, Byron White said:

> It is well within the powers of Congress to adopt and prescribe a national flag and to protect the unity of that flag. . . [T]he flag is an important symbol of nationhood and unity, created by the Nation and endowed with certain attributes." [Smith v. Goguen, 415 U.S. at 585–87 (1974)]

Justice White continued, "[T]here would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial or to prevent overlaying it with words or other objects. The flag is itself a monument, subject to similar protection."

I could not agree more with the opinion of Justice White: "The flag is itself a monument, subject to similar protection." Since that time, unfortunately, a narrow majority of the Supreme Court has now ruled twice that this great symbol of our national unity is not protected under the Constitution. So that is why we are here today, to begin the process of protecting the flag, which is a symbol of all the protections we are afforded as Americans and all the liberties we enjoy.

The flag flying over our Capitol Building today, the flag flying over my home in San Francisco, each of these flags, separated by distance but not in symbolic value, is its own monument to everything America represents. It should be protected as such.

Our history books are replete with stories of American soldiers who were charged with the responsibility of leading their units into battle by carrying our Nation's flag. To them, it was more than a task, it was an honor worth dying for, and many did. When one soldier would fall, another would take his place, raise the flag, and press forward. They would not fail. Their mission was too important, the honor too great, flag and country too respected to give anything short of the last full measure of their devotion, their lives, to succeed.

The American flag is a revered object as well as a national symbol. Indeed, it is our monument in cloth. I believe it should be viewed as such, and not simply as something that serves as one of many vehicles for free speech.

Everything about the flag—its tangible form, its very fabric—has significance. The shape, the colors, the dimensions, and the arrangement of the pattern help make the flag what it is. The colors were chosen at the Second Continental Congress in 1777. We all know them well: Red for heartiness and courage; white for purity and innocence; blue for vigilance, perseverance, and justice.

Moreover, our flag is recognized as unique not only in the hearts and minds of Americans but in our laws and customs as well. No other emblem or symbol in our Nation carries with it such a specific code of conduct and protocol in its display and handling.

For example, Federal law specifically prescribes that the flag should never be displayed with its union down, except as a signal of dire distress or in instances of extreme danger to life or property. When a flag is flown upside down, it is in fact a signal of distress.

The U.S. flag should never touch anything beneath it: neither ground, floor, water, or merchandise. The U.S. flag should never be dipped to any person or thing. And the flag should never be carried horizontally but should always be carried aloft and free.

Why, then, should it be permissible conduct to burn, to desecrate, to destroy this symbol, this emblem, this national monument? That is not my definition of free speech.

For the first two centuries of this Nation's history, that was not the Supreme Court's definition of free speech either. In fact, until the Court's 1989 decision in Texas v. Johnson, 48 of the 50 States had laws preventing burning or otherwise defacing our flag.

As I said at the outset, I don't take amending the Constitution lightly. But when the Supreme Court issued the Johnson decision and the subsequent United States v. Eichman decision [496 U.S. 310 (1990)], those of us who want to protect the flag were forced to find an alternative path.

In the Johnson case, the Supreme Court, by a 5-4 vote, struck down a State law prohibiting the desecration of American flags in a manner that would be offensive to others. The Court held that the prohibition amounted to a content-based regulation. By design, at least according to the Court, the lawfulness of Johnson's conduct could only be determined by the content of his expression. As a result, the Texas statute could not survive the strict scrutiny required by legal precedent, so the Court struck it down.

After the Johnson case was decided, Congress passed the Flag Protection Act of 1989. That Act prohibited all intentional acts of desecrating the American flag and was, therefore, not a content-based prohibition on speech or expression. Nevertheless—and this is the point why a statute won't do—another narrow majority of the Supreme Court acted quickly to strike down the Federal statute as well, ruling that it suffered the same flaw as the Texas statute in the Johnson decision and was consequently inconsistent with the First Amendment. That 5-4 decision makes today's discussion necessary.

I support S.J. Res. 14 because it offers a way to return the Nation's flag to the protected status it deserves. The authority for a nation to protect its central symbol of unity was considered constitutional for two centuries. It was only a decade ago that a narrow majority of the Supreme Court told us otherwise.

It is important to point out that S.J. Res. 14 is not intended to protect ephemeral images or representations of the flag but only the physical flag itself. In other words, this amendment is not intended to restrict the display of images of the American flag on articles of clothing, patches, or similar items. This amendment would only protect the flag itself.

Because we are protecting our national symbol, it makes sense to me that Members of Congress, representing the Nation as a whole, should craft the statute protecting our flag.

I also believe the amendment is consistent with free speech. I disagree with those who say we are making a choice between trampling on the flag and trampling on the first amendment. Protecting the flag, circumscribing certain conduct, will not prevent people from expressing their ideas through other means in the strongest possible terms.

I support this amendment because I believe flag burning is content, not speech, and can be regulated as such. But to my friends who would argue otherwise, I remind them that even the right to free speech is not unrestricted. For example, the Government can prohibit speech that threatens to cause imminent tangible harm, including face-to-face "fighting words", incitement to violate our laws, or shouting "fire" in a crowded theater. Obscenity and false advertising are not protected under the first amendment, and indecency over the broadcast media can be limited to certain times of day.

Even Justice William Brennan's decision in New York Times Co. v. Sullivan [376 U.S. 253 (1964)] accepted that some speech (in that case, known false statements criticizing official conduct of a public official) may be sanctioned.

There is much that is open to debate about the proper parameters of free speech. In the dissent to the 1990 Eichman case, Justice Stevens wrote that certain methods of expression may be prohibited if three criteria can be met:

First, the prohibition must be supported by a legitimate societal interest unrelated to the ideas the speaker desires to express. I believe protecting the flag meets the first test. It does not matter why an individual chooses to desecrate a flag—all desecration is equally prohibited.

Second, the speaker must be free to express his or her ideas through other means. Again, a law protecting the flag does nothing to keep an individual from expressing his or her views through speech or countless other activities.

Third, societal interest must outweigh the ability of an individual to choose among every possible form of speech. In this case, I believe the significance of the flag—its value as a symbol of freedom and democracy throughout the world, its ability to bring us together as a nation, and the effect its destruction has on many Americans—clearly outweighs the need to protect an individual's ability to express his or her views in every conceivable way.

Is anyone here convinced that desecrating a flag might be the only way for someone to express an opinion?

I recognize that by supporting a constitutional amendment to protect the flag, I am choosing a different course from many of my fellow Democrats in Congress and, quite frankly, from many of my close friends for whom I have the greatest respect. But my support for this amendment reflects my broader belief that the time has come for the Nation to begin a major debate on its values. We need to ask ourselves what we hold dear—is there anything upon which we will not cast our contempt?

How can we foster respect for tradition as well as ideological diversity? How can we foster community as well as individuality? These are all important values, and we must learn to reconcile them. We must not advance one value at the expense of another.

The framers of the Constitution recognized two important elements in our constitutional tradition—liberty and responsibility. Without responsibility, without the rule of law, there could be no protection of life, limb, or property—there could be no lasting liberty. I believe there is a danger in moving too far in either direction—toward too restrictive order, or toward unfettered individual liberty.

The key is the balance. In this instance, I believe we cannot tilt the scales entirely in favor of individual rights when there exists a vast community of people in this country who have gone to war for our flag.

There are mothers and fathers, wives, husbands, and children who have received that knock on their front door and have been told their son or daughter, husband or wife, father or mother has been killed in the line of duty. They have been given a flag on this occasion, a flag which helps preserve the memory of their loved one and which speaks to his or her courage. That is the symbol, that is the emblem, that is the national monument.

Requiring certain individuals to stop defacing or burning the flag, I think, is a very small price to pay on behalf of millions of Americans for whom the flag has deep personal significance.

Less than a decade ago, when 48 States had laws against flag burning, there was no less free speech. And if this amendment is adopted, the First Amendment will continue to thrive. I believe S.J. Res. 14 will protect the integrity of the flag and keep our First Amendment jurisprudence intact.

While expressing my support for S.J. Res. 14, I briefly want to explain why I oppose the amendment my colleague from Kentucky, Mr. McCONNELL, offered. His amendment, derived from the text of S. 982, would have had the effect of replacing the constitutional language with statutory language.

However well-intentioned and earnest the Senator was in offering the amendment, I believe it was flawed. The Supreme Court, following its rulings in Texas v. Johnson and U.S. v. Eichman, would certainly strike it down as violative of the First Amendment. We have been down this road before.

The Johnson and Eichman decisions stipulate that neither Congress nor the States may provide any special protection for the flag. In both decisions, the Court made it clear that special legal protections for the American flag offend the Court's concept of free speech. Because the Court views the flag itself as an object of symbolic speech and not as a monument, any conduct taken with regard to the flag constitutes protected expression, as well. So we cannot overrule such a notion with a statute. That is why, clearly and simply, we need a constitutional amendment. And that is why I stand today to support that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, am I correct that the Senate is not operating under a time agreement?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I note that even without a time agreement, we have had a good debate. Senators on both sides of the issue have spoken. We have had practically no quorum calls. We should have debate like this where Senators can speak.

I see two of the most distinguished veterans of the Vietnam war on the floor, the distinguished Senator from Nebraska, Mr. KERREY, and the distinguished Senator from Virginia, Mr. ROBB. Both are highly decorated veterans of that war.

I ask unanimous consent that I be able to yield to the Senator from Nebraska, and then upon completion of his statement, that he be able to yield to the Senator from Virginia.

Mr. HATCH. Mr. President, reserving the right to object.

Mr. LEAHY. I withhold the request so the Senator from Utah can speak.

Mr. HATCH. Reserving the right to object, as I understand it, the Senate has to go out at about 5:30.

Mr. LEAHY. I renew the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. KERREY. Supporters of this amendment are winning converts. Each election cycle seems to bring them closer to the 67 votes they need to send this 17-word amendment to the States for ratification. And 49 legislatures have already indicated they would ratify this amendment if Congress were to take this action.

Mr. President, these 17 words would make it constitutional for Congress to pass a law giving the government the power to prohibit the physical desecration of the flag of the United States of America.

Let me say at the beginning that I have deep respect for those who have views that are different from mine. The Senator from California spoke very eloquently in favor of this amendment. I have heard the distinguished Senator from Utah, indeed, submit a personal appeal for me to reconsider my views on this issue. I have a great deal of respect for the purpose of this amendment. I especially pay tribute to the U.S. American Legion. These patriots have done more than any others to help young Americans understand that freedom is not free.

I have had the honor, through 16 years of public service, to experience what the American Legion and other service organizations have done, but especially the American Legion and the Girl's State and Boy's State organizations, taking on the people who do not understand the history and the story of the United States of America. They teach them that story, that history, and they teach them to require the respect necessary to be a good citizen. It is the value they add to our community that is immeasurable.

I have listened with an open mind to their appeals that I support this amendment. Regretfully and respectfully, I must say no.

I fear the unintended consequence of these 17 words and the laws that may be enacted later will be far worse than the consequences of us witnessing the occasional and shocking and disgusting desecration of this great symbol of liberty and freedom.

Mr. President, real patriotism cannot be coerced. It must be a voluntary, unselfish, brave act to sacrifice for others. When Americans feel coercion, especially from their Government, they tend to rebel. So none of us should be surprised if one unintended consequence of the laws that prohibit unpopular activity such as this is an actual increase in the incidence of flag desecration.

Another unintended consequence of this amendment will be the diversion of police resources from efforts to protect us from dangerous crime. Nobody should underestimate that this fact will happen. The efforts to protect us from those who desecrate the flag will require the training of police officers on when and where to respond to complaints.

Mr. President, we pass the laws, but others must implement and enforce them. They will receive complaints about neighbors and friends or people who desecrate the flag. The police will have to respond to every one of them. These laws will give the power of the Government to local law enforcement agencies to decide when some individual is desecrating the flag.

There are 45 words in the first amendment and this amendment protects the rights of citizens to speak, to assemble, to practice their religious beliefs, to publish their opinions and petition their Government for redress of grievance. The 17 words that are in this proposed 28th amendment would limit what the majority of Americans believe is distasteful and offensive speech.

Though this seems very reasonable because most Americans do not approve of flag desecration, it is only reasonable if we forget that it is the right to speak the unpopular and objectionable that needs the most protecting by our Government.

In this era of political correctness, when the fear of 30 second ads has homogenized and sterilized our language of any distasteful truths, this amendment takes us in the opposite direction of that envisioned by our Founding Fathers whose words and deeds bravely challenged the status quo.

Last year when I testified about this before the Judiciary Committee, I took the liberty of buying an American flag and gave it to the committee.

I bought that flag because every time I look at it, it reminds me that patriotism and the cause of freedom produces widows. Widows who hold the flag to their bosom as if it were the live body of their loved-one.

The flag says more about what it means to be an American than a thousand words spoken by me. Current law protects the flag. If anyone chooses to desecrate my flag—and survives my vengeful wrath—they will face prosecution by our Government. Such acts of malicious vandalism are prohibited by law.

The law also protects me and allows me to give a speech born of my anger and anguish in which I send this flag aflame. Do we really want to pass a law making it a crime for a citizen despondent over a war, or abortion, or something else they see going on in their country to give a speech born of their anger? Do we really want a law that says the police will go out and arrest them and put them in jail?

I hope not. Patriotism calls upon us to be brave enough to endure and withstand such an act—to tolerate the intolerable. I sincerely and respectfully thank all of those who hold views different from mine for their patriotism. I will pray this amendment does not pass. But I thank God for the love of country exhibited by those who do.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized.

Mr. ROBB. Mr. President, thank you. I thank my distinguished colleague and fellow Vietnam veteran from Nebraska for his words. It is an important topic.

Mr. President, when I came home from Vietnam a little over thirty years ago, I came home to a nation divided. I was assigned by the U.S. Marine Corps to head up a major officer recruiting program on college campuses all across America. It was 1969 and anti-war fever was consuming the nation. As you can imagine, my Marine uniform on a college campus became a lightning rod for protests and protesters. In this assignment, Mr. President, incoming bullets, rockets and artillery were replaced by insults, jeers and demonstrations. At times, it was tough.

I had just spent a tour of duty, which included commanding an infantry company in combat, and over 100 of my men received the Purple Heart, almost a quarter of them posthumously. Like all other warriors who served in uniform, it wasn't their job to question the policy that sent them to Vietnam, but they answered the call and those that died, did so with honor, for our Nation.

So while I did my best to reason with the crowds that came out to greet me on college campuses, I didn't appreciate the instinctive disrespect that was shown to me and the uniform I wore.

But Mr. President, I rise today to defend the rights of those individuals 30 years ago to protest me and my uniform.

Freedom of speech is the foundation of our democracy—and silencing that speech would have been against everything I had fought for in Vietnam. To paraphrase an old saying: I didn't agree with what they said. But I had been willing to die to protect their right to say it.

Mr. President, I am repulsed by any individual who would burn the flag of my country to convey a message of dissent. It is an act I abhor and can barely comprehend. But in the democracy that our forefathers founded, and that generations of Americans have fought and died to preserve, I simply do not have the right to decide how another individual expresses his or her political views. I can abhor those political views, but I cannot imprison someone for expressing them. That's a fundamental tenet of democracies and its what makes America the envy of the world, as the home of the free and the brave.

Mr. President, when we frame the acceptable context for conveying a political message, we qualify freedom in America. We chip away at the extraordinary freedom that has distinguished us from our enemies for 200 years.

Last week, I received an e-mail from a retired U.S. Marine Corps Colonel from Virginia. Like many Americans (and many American veterans) he had struggled with this issue and searched his conscience for what's right. In his message to me, he said: "I have seen our flag torn in battle, captured by our enemies, and trampled on by protesters. In all those events I never felt that the American way of life was in grave peril . . . for whenever our flag fell or was destroyed there was always another Marine to step forward and pull a replacement from his helmet or ruck sack."

He continued: "The Constitution is the bedrock of America, the nation . . . the people. It is not possible to pull another such document from our 'national ruck sack.' We have but one Constitution, and it should be the object of our protection."

Mr. President, there is no question that it is precisely because the flag represents those sacred ideals that define our democracy, that we are so angry to see one being trampled or torn or torched. What angers us the most is the message of disrespect that desecration conveys. The ingratitude of the desecrater is tangible and we simply cannot help but be outraged. How can anyone be so shallow and so ungrateful that they would destroy the flag of a nation so great that it gives them the freedom to commit such a despicable act?

In fact, Mr. President, it is the motivation of the flag burner, not the burning of the flag itself, that makes us so angry that we want to punish that individual and throw away the keys. We know that when an American flag is old and tattered, or damaged and no longer fit to fly, we don't bury it, or throw it in the trash. We burn it. That is the proper, respectful method of disposing of a flag. So it is not the burning of the flag that stirs us to anger. It is the reason why the flag was burned that gets us so upset. And the reason why the flag is burned (to convey a message of dissent) is the reason why the Constitution protects it.

It is precisely because the act of flag burning sends a message that elicits such a visceral and powerful response that it is undeniably speech. Vulgar, crude, infantile, repulsive, ungrateful speech, but undeniably speech.

Mr. President, since speech that enjoys the support of the majority is never likely to be limited, the Bill of Rights, by its very design, protects the rights of a minority in key areas that the founders held dear. And it is the freedom to dissent peacefully that separates the greatest democracy the world has ever known from other regimes like those in China, Cuba, Iraq, and others where political dissent has been met with imprisonment and sometimes death.

We've applauded the awarding of the Nobel Peace Prize to individuals in other countries willing to risk their lives to peacefully protest their government. And we know that the first sign that freedom is in trouble anywhere around the world is when the government starts locking up its dissenters.

If we reach past our natural anger and disgust for a few publicity-hungry flag-burners, we know in our hearts that a great nation like ours, a nation that defends liberty all over the world, should not imprison individuals who exercise their right to political dissent. And we know in our hearts that a few repulsive flag-burners pose no real danger to a nation as great as ours.

Mr. President, a great defender of freedom in the world, General Colin Powell, had this to say in letter last year about this amendment:

> I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The first amendment exists to insure that freedom of speech and expression applies not just to that which we agree or disagree, but also to that which we find outrageous. I would not amend that great shield of Democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Mr. President, our flag stirs very deep emotions in me. It never fails to inspire me. I still get a chill down my spine when it passes in a parade. And I've handed it, folded, to too many widows not to revere it to the core of my being.

I fully support the Citizens Flag Alliance and especially my fellow members of the American Legion for all their hard work to instill in our people a greater respect for our flag. I understand why so many of my fellow veterans support this amendment. But I want the same thing they want. I want all of our citizens to respect our flag and all that it stands for.

Mr. President, I want that flag to be the proud symbol of a nation that is truly free. And for it to be that proud symbol, we must also protect the sacred freedoms placed in the first amendment of the Constitution by our forefathers.

Mr. President, I am a proud veteran of the U.S. Marine Corps. And I learned many lessons serving in combat in Vietnam. I served with Marines who loved this country and were great patriots. They were often young and sometimes scared. But they risked their lives in Southeast Asia.

Some of those brave warriors died for our nation. On two separate occasions, I had men literally die in my arms.

Those who made the ultimate sacrifice may have died keeping faith with their country. They may have died so that others might be free. They may have died for an ideal or a principle or a promise—sacred intangibles that transcend time. Some might say they died for the flag. But I was there, Mr. President, and they did not die for a piece of cloth (however sacred), that eventually becomes worn and tattered and eventually has to be replaced. No. They died fighting for all that our flag represents.

My fellow veterans who died in combat sacrificed their lives for these intangibles that are the core values of our democracy. They died for liberty and tolerance, for justice and equality. They died for that which can never burn. They died for ideals that can only be desecrated by our failure to defend them.

In opposing this amendment, I truly believe that I am again called upon to defend those intangible ideals—like freedom and tolerance—for which so many of us fought, and too many of us died. I am in a different uniform today, in a different place and time. But I feel as if, in some way, I am again battling the odds to defend principles that, as a younger man, I was willing to die for. I'd still put my life on the line today to defend those principles.

I say that because the flag represents freedom to me. But the first amendment guarantees that freedom. And when we seek to punish those who express views we don't share, then we—not the flag burners—we begin to erode the very values, the very freedoms, that make America the greatest democracy the world has ever known. I support our flag, and the republic for which it stands. But I cannot, with the faith I have in that republic, support this constitutional amendment.

I thank the Chair. And I thank my distinguished colleague from Nebraska who has received the highest honor our country can bestow on any who has defended America in battle: the Medal of Honor. I am proud to appear with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Virginia for his statement, as I do the distinguished Senator from Nebraska. I can assure my friend from Virginia, a young marine, my son, will receive a copy first thing in the morning at his home in California of the speech by the Senator from Virginia and a speech by the Senator from Nebraska.

Later this evening I am going to be having dinner with my oldest and dearest friend, a man I went to college with, a marine. He served the Republic and faced the same kind of reaction when he came back from combat from Vietnam. One day he was in a firefight in Vietnam, 2 days later he was walking down the street in his uniform in the United States, facing protesters' shouts.

Having risked his life, as did both of you, he said what saved him through that time was to know exactly for what he fought. At least he has had the satisfaction of seeing so much of that come full circle: The Wall here, people realizing that whatever the protesters had against the war, it should not be against the warriors, especially when they see the names of tens of thousands who did not come back.

I recall last year when the Senate rose as one to commemorate the heroism and valor of the Senator from Nebraska. Both of you have been decorated for heroism, both of you have faced near death in battle. I think both of you have come back here to serve your country in as strong a way as you did there, both as Senators but in bringing a calm, considered, integrity constantly throughout your service in the Senate.

I am not a veteran. I did not serve in battle. But I think how proud I am to have served in the Senate with both of you. I thank you for your speech tonight. I hope all Americans and all Senators will listen.

Mr. President, I met again today with Vermont representatives to the American Legion convention, which is taking place in Washington this week. These are people who deserve our respect, who served this nation in time of war, and who sacrificed so that our freedoms and way of life would triumph over Nazi Germany. As they gather, I pledge to continue to work with them to address the unmet needs of American veterans. Abraham Lincoln reminded us of our sacred obligation "to care for him who shall have borne the battle, and for his widow, and his orphan."

Following the Judiciary Committee's hearings last year on the constitutional amendment to restrict the first amendment to protect the flag from use in political protest, I asked Maj. Gen. Patrick Brady, chairman of the Citizens Flag Alliance, what in his opinion were the most pressing issues facing our veterans. His response may surprise the proponents of the constitutional amendment. His response to my inquiry regarding the most pressing issues facing veterans was "broken promises, especially health care."

I asked the same question of Professor Gary May, an American hero who lost both legs while serving his country in Vietnam. Professor May said:

> Veterans and their families need services and opportunities, not symbolism. Recruitment for military service is predicated in part on a quid pro quo—if honorable service is rendered, then meaningful post-service benefits will follow. Our record of making good on this contract is not good. The favorable expressed sentiment for veterans by supporters of the flag desecration amendment would be better placed in support of extending and stabilizing services responsive to the day-to-day needs of ordinary veterans and their families.

Have we followed this good counsel here in the Senate? The unfortunate answer is no. Our veterans and retirees have received more high-sounding rhetoric about patriotism than real efforts on our part to resolve the broken promises.

During the debate on the Intermodal Surface Transportation Efficiency Act of 1998, the Senate voted to shift over $10 billion worth of critical veterans funding to help pay for extravagant highway spending programs.

Three times that year, the Senate raided veterans' programs: In the budget resolution, in the IRS Reform legislation, and in the VA/HUD Appropriations Bill. All three times, too many Senators voted against the veterans. If only a few more of those who now beat their chests about symbolic actions had voted for them, the necessary funding for veterans would have been assured.

We have had numerous other missed opportunities to increase the funds in the Veteran Administrations medical care account. Hospitals are seeing more patients with less funding and staff, and it can take months to get a doctor's appointment. It is not mere symbolism to fund those hospitals.

It has been estimated that a third of all homeless people in this country are American veterans. Many of those people may be suffering from post-traumatic stress disorder or other illnesses relating to their military service.

We all know that with the end of the cold war, military bases are closing. Military retirees who relied on the base hospitals for space-available free medical care are losing access to care. Many service members retired near military bases specifically so that they could enjoy the free medical care we promised them, but now they have to find health care in the marketplace.

I saw this in Vermont recently, where we had to fight—yes, fight—to keep adequate funding for the only veteran's hospital in the State. The in-patient surgical program at the White River Junction VA hospital was nearly closed down. If the closure had gone through, many elderly Vermont and New Hampshire veterans would have had to travel all the way to Boston for medical care, and many of them just cannot. The VA has recommitted itself to the White River Junction program, but this sort of thing is happening all across the country.

Last year, we finally raised the veteran's budget for medical care by $1.7 billion. I was particularly relieved that Vermont veterans finally received some assistance, in the form of a $7 million Rural Health Care Initiative. That funding will develop a number of innovative programs to bring high quality care closer to home. I would remind everyone that a majority of the Senate defeated an amendment offered by my friend PAUL WELLSTONE that would have raised VA medical care funding an additional $1.3 billion in Fiscal Year 2000. I was proud to vote for the increase, but disappointed that more of our colleagues did not go along with this much-needed amendment.

We have a long way to go in ensuring that our veterans receive the health care that they so richly deserve. After many years of fixed funding and increased costs, we need continued funding increases, and new programs to provide higher quality care.

We must also keep our promises to those who have completed a military career. I have strongly supported efforts to improve TRICARE, the military health care system upon which military retirees rely for their health care. The system is generally sound, but problems have arisen in developing the provider networks and ensuring quick reimbursements for payments. Last November, I supported a TRICARE forum in Burlington, Vermont, to allow retirees and other participants to express their concerns directly to health care providers. Of course, we must also ensure that Medicare-eligible retirees continue to receive high quality health care.

What are we doing instead? In 1996, we changed the immigration laws to expedite deportation proceedings by cutting back on procedural safeguards and judicial review. The zealousness of Congress and the White House to be tough on aliens has successfully snared permanent residents who have spilled their blood for this country. As the INS prepares to deport American veterans for even the most minuscule criminal offenses, we have not even been kind enough to thank them for their service with a hearing to listen to their circumstances. Last year I introduced the Fairness to Immigrant Veterans Act, S. 871, to remedy this situation, but it has been bottled up in committee.

If we truly wish to do something patriotic, what we should be talking about is honoring our veterans. We should honor our veterans by answering Lincoln's call "to care for him who shall have borne the battle, and for his widow, and his orphan." We should honor our veterans with substance rather than symbols.

If we fail to meet the concrete needs of American veterans and try to push them aside with symbolic gestures, we will have failed in our duty not only to our veterans, but to our country, as well. I wonder where we would be if the effort and funds expended each year lobbying for the constitutional amendment had been directed toward the needs of our veterans and their families and to making sure that we honor them by fulfilling our commitments to them.

I see one of the many veterans of World War II serving still in the Senate, and I will yield to my friend and neighbor, the distinguished senior Senator from New York.

Mr. MOYNIHAN. Mr. President, I had not intended to speak in this debate. This is the fourth time this amendment has come to the floor since I have been present. But the speeches, statements, the addresses by the Senator from Nebraska and the Senator from Virginia compel me simply to bear witness to them. There are 10 Members in the Senate today, 10 remaining persons, who were in uniform in World War II.

I was in the Navy—not heroically; and I was called up again briefly in Korea. I was part of that generation in which service to the Nation was so deeply honored, and lived with horror to see the disrespect shown those who answered the country's service in Vietnam, as they were asked to do. They were commanded to do so and they had taken an oath to obey.

What a thrilling thing it is to see, two such exemplars, men of heroism, achievement and spotless honor, come to this floor and speak as they have done. We take one oath which binds us today. Those who have been in the military have taken earlier oaths. Our oath is to uphold and defend the Constitution of the United States against all enemies, foreign and domestic—not "foreign or," not just "foreign." This was added over the course of the 19th century.

Surely, there would be no one, however unintentionally—and I say this as a member of the American Legion—who would propose that to debase the First Amendment to the Constitution meets the criteria of upholding and defending it.

Those two men have defended their nation in battle—one in the Navy, one in the Marines. I speak as one who was involved. I was in 20 years, altogether, before being discharged. I have to grant, I was not aware that I was discharged, but it turned up later in the file somewhere.

Our oath is solemn, and it is binding, and they—Senators ROBB and KERREY—stand there as witness to what it requires of us. If we cannot do this on this floor, what can we expect Americans to do on battlefields, in the skies, under the seas, and on the land in the years ahead?

Please, I say to all Senators, heed them and walk away from this trivializing of our most sacred trust. Defeat this amendment.

I thank the Chair.

Mr. DASCHLE. Will the majority leader allow me to make one brief comment before he propounds his unanimous-consent request?

Mr. LOTT. Yes.

Mr. DASCHLE. Mr. President, I came to the floor to thank the distinguished senior Senator from New York, but also my two colleagues, Senators ROBB and KERREY, for their extraordinary statements on the Senate floor. I hope the American people have had the opportunity to hear, and I hope the opportunity to read what they have said is made to schoolkids and others who have given a great deal of thought to our Constitution and the reason our Founding Fathers wrote as they did.

Their eloquence and their power and their extraordinary persuasiveness ought to be tonic for us all late in the day on an afternoon which has seen a good debate. I am hopeful people have had the opportunity to hear this contribution, above and beyond all of those made so far in this debate.

I yield the floor.

VETERANS BENEFITS

Mr. WELLSTONE. Mr. President, I wish to make one other point, which is not a constitutional argument, but it does have a lot to do with veterans. I say that we have spent some time on this, and we should; it is not an unimportant matter. But I also hope we will spend time on the floor of the Senate talking about a range of other very important issues that affect veterans. I am amazed that every time I meet with veterans in Minnesota, or in other parts of the country, I hear about the ways in which veterans fall between the cracks. We have a budget this year that is better than a flatline budget, but Senator KENNEDY is out here—a health care Senator—and he knows that better than anybody in the Senate.

The fact is, we have an aging veteran population like we have an aging population in general, and that is all for the good because people are living longer. We don't have any real way right now of helping those veterans the way we should. We passed the millennium bill, but the question is, Will the appropriations be there? We ought to be talking about the health care needs of veterans as well. We ought to be talking about how we are going to make sure those veterans can stay at home and live at home with dignity, with home-based health care.

I was at a medical center in Minneapolis, which is a real flagship hospital. It is not uncommon, when you go visit with veterans, you will see spouses who are there with their husbands, or maybe out in the waiting room or the lobby relaxing. You can talk to them for 3 minutes and realize they are scared to death about their husband going home. Maybe they had a knee or a hip operation, or maybe they have cancer. The spouses are mainly women. They don't know how they are going to take care of their husbands.

There isn't even any support for respite care. When are we going to talk about that issue? When are we going to talk about the number of veterans who are homeless? When are we going to talk about the number of them who are Vietnam vets, because they are struggling with posttraumatic syndrome and because they are struggling with substance abuse and they don't get the treatment? When are we going to be talking about this overall budget for veterans' health care, which is not a national-line budget?

There is an increase from the President this year—I am glad for that—but it doesn't really take into account all of the gaps and all of the investment we need to make. When are we going to do that?

I did not come to the floor to not speak to this amendment. I have spoken with as much as I can muster as to why I oppose it. But I also want to say—I want this to be part of my formal remarks because I don't think it is off the Record—colleagues, that I hope we will talk about the whole set of other issues that are very important, not only to veterans but to the American people.

I can assure you that I have worked with veterans to put together their independent budget. That is a whole coalition of veterans organizations. It is really shocking how many veterans fall between the cracks. We have a lot of work to do. We are talking about people's lives. It is no way to say thanks to veterans when we don't come through with the health care we promised them.

I want to make it clear that I hope we will soon focus on these issues as well. I hope the veterans community will—I know the veterans community will—focus on these issues as well. I spend an awful lot of time with veterans. I have a lot of meetings with veterans and with county veteran service officers. These issues come up over and over again.

THE FREEDOM TO FARM ACT

Mr. WELLSTONE. Mr. President, as much as I hate to recognize this, this is the fourth anniversary of the passage by the House and the Senate of the "freedom to fail" bill.

On this date in 1996, both houses of Congress approved a new farm bill, described then as "the most sweeping change in agriculture since the Depression. It would get rid of government subsidies to farmers over the next seven years."

The bill has made sweeping changes in agriculture—it has produced one of the worst economic crises that rural American has ever experienced. Thanks to the Freedom to Farm, or as I call it the Freedom to Fail Act, tens of thousands of farm families are in jeopardy of losing their livelihoods and life savings.

The Freedom to Farm bill is not saving tax payers money, in fact we have spent $19 billion more in the first 4 years of the 1996 farm bill than was supposed to be spent through the 7 year life of the law.

However, what has resulted is the precipitous loss of family farmers because this legislation has not provided small and moderate sized farmers with a safety net. Instead payment loopholes have been inserted in legislation that has allowed the largest argibusiness corporations to receive the lions share of government support. This is unacceptable.

In my State of Minnesota, family farm income has decreased 43 percent since 1996 and more than 25 percent of the remaining farms may not cover expenses for 2000. Every month more and more family farmers are being forced to give up their life's work, their homes, and their communities.

The primary problem is price. The average price paid to producers for their crops has plummeted. Farmers suffer from a negative cash flow. In Minnesota it costs $2.50 to grow a bushel of corn. Today the price of a bushel of corn in Minnesota sells at around $1.75 at the local elevator.

The forecast for prices is gloom. USDA projections for commodity prices are expected to remain low.

USDA estimates that farm income will decline 17 percent this year if Congress does not act.

Wheat prices have dropped $3 in the past 2 years. In May, 1996, wheat was selling $5.75 per bushel. Today, wheat is at $2.78 per bushel. This is well below the cost of production. Farmers need at least $4 a bushel to break even.

Soybean prices will probably average under $5 a bushel. Livestock and dairy prices are also being impacted. Hog farmers still face market prices below their costs of production for the third straight year.

Family farmers have struggled to survive as the devastating results of the 1996 Farm bill, exacerbated by the lack of a reliable farm safety net.

In addition, merger after merger in the agriculture sector leaves producers wondering if they will be able to survive amidst the new giants of agribusiness.

As a direct result, rural bankers, implement dealers, and other small businesses that rely on farm families as their customers have been squeezed as the cash flows have dropped. Rural families with shrunken incomes have less money to pay for quality health care coverage and adequate child care for their children. There is an affordable housing crunch as urgent as in our urban areas. And finally, in our rural communities there is a lack of good jobs at decent wages.

The crisis is real. You can see it in the numbers. You can see it in the eyes of the scores of farmers who are forced to sell off the substance of their history and their livelihood.

Many compare the current farm crisis to the 1980's. We all know there was a massive shake out of family farmers at that time. It changed the face of rural America. Many communities were devastated and have not recovered. I assume many use the comparison to remind us that the distressed farm economy in the '80's somehow survived, and so farmers will survive this one too. But the crisis we now face is much graver than in the 80's, and I fear that family farmers and rural America will not survive.

The tough farm economy may resemble the agricultural crisis of the 1980's, but there is a notable difference, and that difference is namely the passage of the Freedom to Farm Act. The Act ignored the fact that family farming is a business both uniquely important and uniquely affected by nonmarket forces.

The Freedom to Farm has become Freedom to Fail.

The 1996 Freedom to Farm bill was suppose to wean rural America from subsidies by introducing a market-driven agriculture. The bill gave farmers flexibility to plant what they wanted, and it was to make farmers able to adapt to a slump in a particular commodity by switching to a more profitable crop. But the switch in crops doesn't make a difference if they are all drastically low.

We are now witnessing many farmers planting soybeans. Why is that so many farmers are planting soybeans? It isn't because the market demands soybeans. It is because the Freedom to Fail bill capped the loan rate on soybeans higher than other commodities, and so farmers are planting soybeans to get a better rate than from corn or wheat. This is not market driven agriculture.

The Freedom to Farm bill is not saving tax payers money, as I've said we have spent $19 billion in the first 4 years of the bill than was supposed to be spent through the 6-year life of the law. However, what has resulted is the precipitous loss of family farmers because this legislation has not provided small and moderate sized farmers with an adequate safety net.

Instead payment loopholes have been inserted in legislation that has allowed the largest agribusiness corporations to receive the majority of government support. This is unacceptable.

In order to ensure that family farmers remain a part of this country's landscape, need a new farm bill now. We simply cannot wait until reauthorization in 2002 for Congress to act.

Congress must act now to address the impact of plummeting farm incomes and the ripple effect it is having throughout rural communities and their economic base. Farmers are not going to survive if the only help they get from Washington are inadequate, unreliable, long delayed emergency aid bills that are distributed unfairly.

We need policies that equip family farmers to withstand the low prices and weather disasters that are fueling the current farm crisis, so their livelihood is not dependent on the whims of Congress.

This crisis is a crisis of price. Farmers want and deserve a fair price. Farmers do not want a handout. Yet, the 1996 Freedom to Farm bill stripped farmers of their marketing tools, and they have been left empty handed.

People cannot—they will not—be able to survive right now unless there is some income stabilization, unless there is some safety net, unless there is some way they can have some leverage to get a decent price in the marketplace. That is the missing piece of the Freedom to Farm or Freedom to Fail. Flexibility is good. But that has not worked, and I see it every day in every community that I am in.

I'm not talking about AMTA payments, which is severance pay for our Nation's farmer heritage. Our Nation's family farmers want—they desperately need some leverage in the marketplace to get a fair price.

We need to lift the loan rate. The Freedom to Fail Act capped marketing loans at artificial levels so low that they fail to offer meaningful income support. The loan rates have left farmers vulnerable to the severe economic and weather related events of the past 3 years, resulting in devastating income losses.

Family farmers deserve a targeted, countercyclical loan rate that provides a meaningful level of income support when the market price falls below the loan rate, and a loan rate with a CUP rather than a CAP so it doesn't merely track prices when they fall. Lifting the loan rate would provide relief to farmers who need it and increase stability over the long term.

We also need to institute farmer owned reserve systems to give farmers the leverage they need in the marketplace. And conservation incentives to reward farmers who carry out conservation measures on their land.

And finally, unless we address the current trend of consolidation and vertical integration in corporate agriculture, nothing else we do to maintain the family size farms will succeed.

The farm share of profit in the food system has been declining for over 20 years. From 1994 to 1998, consumer prices have increased 3 percent while the prices paid to farmers for their products has plunged 36 percent. Likewise, the impact of price disparity is reinforced by reports of record profits among agribusinesses at the same time producers are suffering an economic depression.

In the past decade and a half, an explosion of mergers, acquisitions, and anti-competitive practices has raised concentration in American agriculture to record levels.

The top four pork packers have increased their market share from 36 percent to 57 percent. In fact, the world's largest pork producer and processor is getting bigger. Smithfield Foods is buying the Farmland Industries plant in Dubuque, Iowa. This deal should be complete by mid-May.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent.

The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

The top four turkey processors now control 42 percent of production.

Forty-nine percent of all chicken broilers are now slaughtered by the four largest firms. The top four firms control 67 percent of ethanol production.

The top four sheep, poultry, wet corn, and dry corn processors now control 73 percent, 55 percent, 74 percent, and 57 percent of the market, respectively.

The four largest grain buyers control nearly 40 percent of elevator facilities.

By conventional measures, none of these markets are really competitive. According to the economic literature, markets are no longer competitive if the top four firms control over 40 percent. In all the markets I just listed, the market share of the top four firms is 40 percent or more. So there really is no effective competition in these processing markets.

But now, with this explosion of mergers, acquisitions, joint ventures, marketing agreements, and anticompetitive behavior by the largest firms, these and other commodity markets are becoming more and more concentrated by the day.

Last week, the Senate passed a resolution 99-1, expressing our feelings on the 1996 Farm bill. It read,

> Congress is committed to giving this crisis in agriculture . . . its full attention by reforming rural policies to alleviate the farm price crisis, [and] ensuring competitive markets . . .

We are committed to having the debate about what kind of changes we could make that would provide some real help for family farmers, that would enable family farmers to get a decent price, that would provide some income for families, what kind of steps we could take that will put some free enterprise back into the food industry and deal with all the concentration of power.

Other Senators may have different ideas. I just want us to address this crisis. I don't want us to turn our gaze away from our family farmers. And I say to my colleagues, on this anniversary of the Freedom of Fail Bill, we need a new farm bill—and I will come to the floor, every opportunity I have to speak about the economic convulsion this legislation has caused in our rural communities.

I say to all of my colleagues who talked about how we were going to get the Government off the farm, we were going to lower the loan rate, and do this through deregulation and exports, that we have an honest to goodness depression in agriculture. We have the best people in the world working 20 hours a day who are being spit out of the economy. We have record low income, record low prices, broken dreams and lives, and broken families.

We had close to 3,000 farmers who came here last week. It was riveting. It was pouring rain, but they were down on The Mall. We had 500 farmers from Minnesota. Most all of them came by bus. They don't have money to come by jet. Many of them are older. They came with their children and grandchildren. They did not come here for the fun of it. They came here because the reality is, this will be their last bus trip. They are not going to be able to come to Washington to talk about agriculture. They are not going to be farming any longer. These family farmers are not going to be farming any longer unless we deal with the price crisis.

Right now, the price of what they get is way below the cost of production. Only if you have huge amounts of capital can you go on. People eating at the dinner table are doing fine. The IVVs, and the Con-Agras and big grain companies are doing fine. But our dairy and crop farmers and livestock producers are going under.

This is, unfortunately, again the anniversary, and we have to write a new farm bill.

That is my cry as a Senator from Minnesota from the heartland of America.

COMMITMENT TO THE CAPITOL HILL POLICE

Mr. WELLSTONE. Mr. President, I had a chance before the last break to talk about a commitment we made to Capitol Hill police.

We lost two fine officers. They were slain. We went to their service. We made it clear that we thanked them for the ways in which they protect the public, for the ways in which they protect us. We said we never want this to happen again.

We have posts where there is 1 officer with 20 and 30 and 40 people streaming in. We made the commitment that we were going to have at least two officers at every post.

I know there are Senators, such as Senator BENNETT, who are in key positions and who care deeply about this. Senator REID was a Capitol Hill policeman. There are others as well.

We have to get this appropriations bill right. We need to hire more officers. We need to make sure the money is there for overtime so we don't have one officer at each post.

This can't go on and on because if we don't do this, there will come a day when, unfortunately, someone will show up—someone who may be insane, someone who will take a life, or lives. One officer at a post and not two officers at a post is an untenable security situation.

My plea to colleagues is, we need to get this right for the public and for the Capitol Hill police. We made this commitment. I think Democrats and Republicans alike care about this.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Massachusetts.

VETERANS BENEFITS

Mr. KENNEDY. Mr. President, I thank my friend, the good Senator from Minnesota, for an excellent presentation and for reminding us about the needs of our veterans, particularly those who are having some service-connected disability. The problems he has talked about that have affected his region are duplicated in my region of the country as well.

I received a call just 2 days ago from a very good friend, a person who worked here in the Senate, about his uncle who is 86 years old and who was at Pearl Harbor. He was one of those wounded at Pearl Harbor, survived, and went on. He was wounded in the Second World War and is now destitute and trying to get into a service home just outside of Boston. The waiting line there is 2½ years.

I remember very well speaking to those who came back from the war. At that time, they all believed they were fortunate to make it back, and they weren't asking very much of this country. We responded in a way in which all of us have been enormously appreciative with the GI bill. Many of these men and women took 4 or 5 years out of their lives to serve their country and risked life and death. We provided the GI bill to them so they could get an education. They got an education and went on to contribute to their country. As the Senator knows, for every $1 invested in that education program, $8 was returned to the Treasury.

But there was not a member of the Armed Forces in any of the services who didn't believe in committing this Nation to taking care of those who served this country, who suffered and were wounded in the line of battle. They believed they should live in peace, respect, and dignity during their golden years. They are not, and it is a national disgrace.

We tried to join with others in this body. And I tell my good friend I will work with him closely, not on those relevant committees, but I think we have been here long enough to know we can make some difference in this area. I look forward to working with him. This is a problem that faces us in New England.

I see my colleague from Rhode Island chairing the Senate this afternoon. I am sure he and his colleague, Senator REID, have these kinds of cases as well. It is a matter of priority. We will join with him at a later time.

Mr. WELLSTONE. Mr. President, I thank my colleague.

NATIONAL RIGHT TO WORK ACT, S. 764

Mr. SESSIONS. Mr. President, I recently reviewed a video tape of some of the violence that occurred during the labor dispute between Overnite Trucking and the Teamsters. I am shocked and disturbed by the violent attacks that have been carried out against Overnite drivers simply because they have decided to work and provide for their families.

Under a legal loophole created in federal law, union officials, who organize and coordinate campaigns of violence to "obtain so called legitimate union objectives," are exempt from federal prosecution under the Hobbs Act. An update of a 1983 union violence study, released by the University of Pennsylvania Wharton School Industrial Research Unit entitled: "Union Violence: The Record and the Response of the Courts, Legislatures, and the NLRB," revealed some disturbing news. While the overall number of strikes has been on the decline, union violence has increased. The study also showed the violence is now more likely to be targeted toward individuals.

Mr. President, violence is violence and extortion is extortion regardless of whether or not you are a card carrying member of a union. I am proud to be a cosponsor of S. 764, the Freedom from Union Violence Act. This legislation would plug the loopholes in the Hobbs Act and make all individuals accountable for their actions. I believe that people should be reprimanded for using violence to obstruct the law. We should not give special treatment to union violence cases or union bosses. Senator THURMOND has set out to clarify that union-related violence can be prosecuted. I commend Senator THURMOND for introducing this much-needed legislation.

During the 105th Congress, the Judiciary Committee conducted a hearing on the Freedom from Union Violence Act. After listening to and reviewing the wrenching testimony of victims of union violence at this hearing, I am now more certain of the need to eliminate these loopholes. For these reasons I respectfully urge my colleague Senator HATCH, chairman of the Senate Judiciary Committee, to schedule hearings and a markup of S. 764, the Freedom from Union Violence Act, as soon as possible. I also urge my colleagues to join me in supporting this important legislation. It is time to end federally endorsed violence. Conducting hearings on this issue would be a step in the right direction.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 27, 2000, the Federal debt stood at $5,731,795,924,886.02 (Five trillion, seven hundred thirty-one billion, seven hundred ninety-five million, nine hundred twenty-four thousand, eight hundred eighty-six dollars and two cents).

Five years ago, March 27, 1995, the Federal debt stood at $4,847,680,000,000 (Four trillion, eight hundred forty-seven billion, six hundred eighty million).

Ten years ago, March 27, 1990, the Federal debt stood at $3,022,612,000,000 (Three trillion, twenty-two billion, six hundred twelve million).

Fifteen years ago, March 27, 1985, the Federal debt stood at $1,709,535,000,000 (One trillion, seven hundred nine billion, five hundred thirty-five million).

Twenty-five years ago, March 27, 1975, the Federal debt stood at $507,841,000,000 (Five hundred seven billion, eight hundred forty-one million) which reflects a debt increase of more than $5 trillion—$5,223,954,924,886.02 (Five trillion, two hundred twenty-three billion, nine hundred fifty-four million, nine hundred twenty-four thousand, eight hundred eighty-six dollars and two cents) during the past 25 years.

ARBITRATION BILLS S. 1020 AND S. 121

Mr. SESSIONS. Mr. President, I would like to make a brief statement on two arbitration bills that are currently pending in the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary. These bills are S. 1020 and S. 121, both of which would create exceptions to the Federal Arbitration Act.

In general, arbitration is fair, efficient, and cost-effective means of alternative dispute resolution compared to long and costly court proceedings. The two bills before the subcommittee today raise concerns about the fairness of allowing some parties to opt out of arbitration and the wisdom of exposing certain parties to the cost and uncertainty of trial proceedings.

S. 1020, the Motor Vehicle Franchise Contract Arbitration Fairness Act would allow automobile dealers and manufacturers to opt out of binding arbitration clauses contained in their franchise contracts and pursue remedies in court. This is troubling because both parties are generally financially sophisticated and represented by attorneys when they enter into a franchise contract. S. 1020's enactment would allow these wealthy parties to opt out of arbitration, but would not allow customers of the dealers to opt out of arbitration. This position is difficult to justify. Indeed, in jurisdictions such as Alabama the allure of large jury verdicts serves as a powerful incentive for trial lawyers to use S. 1020 to argue against all arbitration. Jere Beasley, one of the Nation's most well-known trial lawyers, is making this exact argument in his firm's newsletter. While abandoning arbitration for dealers and manufacturers might increase attorneys fees, I have serious concerns as to whether such a selective abandonment for sophisticated dealers and manufacturers would increase the fairness of dispute resolution between these parties or would be fair to customers and employees of the dealers.

S. 121, the Civil Rights Procedures Protection Act, would prevent the enforcement of binding arbitration agreements in employment discrimination suits. However, when employment discrimination law suits cost between $20,000 and $50,000 to file, many employees cannot afford to litigate their claim in court. Arbitration provides a much more cost-effective means of dispute resolution for employees. Indeed, several studies have shown that in nonunion employment arbitration employees prevail between 63 percent and 74 percent of their claims in arbitration, compared to 15 percent to 17 percent in court. Further, an American Bar Association study showed that consumers in general prevail in 80 percent of their claims in arbitration compared to 71 percent in court. Of course, if both employees and employers could avoid arbitration under S. 121. This would give employers the financial incentive to use the $20,000 to $50,000 cost of a trial as a barrier to employees suits. This does not appear to be good policy.

I note that the Chamber of Commerce, the Alliance of Automobile Manufacturers, and the National Arbitration Forum support arbitration and have raised concerns concerning the bills pending before the subcommittee. Their concerns must be explored more fully.

In sum, I believe that the arbitration process must be fair. When it is fairly applied, it can be an efficient, timely, and cost-effective means of dispute resolution. S. 1020 and S. 121 would create exceptions to arbitration that could expose businesses to large jury verdicts and effectively bar employees with small claims from any dispute resolution. We must examine these bills and the policies behind them more thoroughly before acting upon any legislation.

DEPOSIT INSURANCE FAIRNESS AND ECONOMIC OPPORTUNITY ACT

Mr. EDWARDS. Mr. President, I rise today in support of legislation Senator SANTORUM and I are introducing, the "Deposit Insurance Fairness and Economic Opportunity Act." This legislation would increase the amount of money that is available for banks and thrifts to lend in their communities.

Our financial services industry is incredibly strong, and the public benefits from this strength. Last year, this Senate passed comprehensive banking reform legislation that will increase consumer choice and make our financial institutions more competitive. Throughout the consideration of that measure, I steadfastly supported efforts to improve and increase credit availability to local communities. Though I believe we achieved this goal, I also said that we could and should do more. The legislation I introduce today with my colleague Senator SANTORUM does just that.

This measure would use the extra money that is in the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF), money that banks and thrifts have paid, to pay the interest on Financing Corporation (FICO) bonds. As a result, banks and thrifts will be able to use the money they would otherwise pay to FICO to increase lending in their communities. Right now, a financial institution of approximately $200 million in domestic deposits could expect to pay roughly $42,000 this year for its FICO obligation. If that $42,000 obligation can be paid out of our excess money in the insurance funds, without compromising the safety and soundness of the funds, it will mean that institution has $42,000 more to lend.

Right now, the BIF and the SAIF are beyond fully capitalized. They both contain millions of dollars more than required by federal law. That excess money is sitting here in Washington. The funds keep growing, and the money keeps sitting here. Now, the trouble with pots of money sitting in Washington is that quite often, the money just stays here in Washington and doesn't help our communities. This legislation would change that. By relieving some of the financial burden on our banks and thrifts through this common-sense legislation, we will be opening up opportunities for these institutions to put that money to good use.

The $42,000 saved in my example could translate into hundreds of thousands of dollars more in available credit. This means money available to help folks in eastern North Carolina rebuild their homes and lives after Hurricane Floyd. This means money to help revitalize inner-city neighborhoods. This means more money to help farmers who have suffered crop damage. And it means money to help more Americans know the joys of home ownership.

I would like to say a few words about safety and solvency of the insurance funds. These funds, the BIF and SAIF, are administered by the FDIC and are used to pay insured depositors in the event of a bank or thrift failure. I am pleased to say that in these booming economic times, both funds are well above their statutorily required level. Current law requires each fund to have 1.25 percent of all insured deposits. Right now, the BIF and SAIF are both well above this level, and the funds are growing.

In this legislation, we take great care to recognize the importance of protecting the insurance funds. In fact, we actually build in an additional cushion to help insure the solvency of the funds. Only if the funds are above 1.4 percent will excess money above that level be used to pay the FICO obligation. Moreover, we maintain the authority and ability of the FDIC to make necessary adjustments to the funds to protect their solvency, should the need arise.

Right now, the money is sitting in an account here in Washington. I think it can be put to better use in local communities. This legislation represents a method to help do just that, without sacrificing the safety and soundness protections that are currently in place.

ADDITIONAL STATEMENTS

RECOGNITION OF WEYERHAEUSER COMPANY ON 100TH ANNIVERSARY

• Mr. GORTON. Mr. President, my number one priority as I represent the people of Washington state in the U.S. Senate is protecting the Northwest way of life. An intricate part of that Washington way of life is preserving our healthy and productive forests and streams. With that goal in mind, I am delighted to recognize the Centennial Anniversary of the Weyerhaeuser Company—an organization whose dedication to sustainable forestry has enriched Washington state with both a vibrant timber industry and a tradition of preservation to keep our forests healthy for generations to come.

In 1900, Frederick Weyerhaeuser and fifteen partners began the company that would revolutionize the timber industry. They purchased 900,000 acres of Washington forest land from the Northern Pacific Railway and began the Weyerhaeuser Company. It quickly grew to become one of the most vibrant and remarkable companies, not only in Washington state, but around the world.

The Weyerhaeuser Company had a vision for sustainable and environmentally responsible forest management before "green" became fashionable. In 1904, General Manager George Long sponsored a study to look at the impacts of growing timber as a crop—replenishing the resource with every harvest. Under Long's leadership, Weyerhaeuser pioneered many of the conservation, fire protection and reforestation techniques used in forest management today.

I am proud of and thankful for the great legacy that Weyerhaeuser has given to Washington—the Evergreen State. I hope that with balanced policies and responsible stewardship, Weyerhaeuser will continue to prosper in the next century.●

SENATOR MIKULSKI'S TRIP TO NORTHERN IRELAND

● Mr. KENNEDY. Mr. President, Senator MIKULSKI recently returned from a visit to Northern Ireland, where she held productive discussions with both Catholics and Protestants who are working together for community and economic development. As columnist Thomas Oliphant wrote in a perceptive column on March 19 in the Boston Globe, Senator MIKULSKI's trip, and her work for grassroots development and cooperation in these communities, are important both symbolically and practically.

As all of us who share the dream of a permanent and lasting peace are aware, much remains to be done to carry out the peace process. I commend Senator MIKULSKI for her initiative and leadership on this issue, and I ask that Mr. Oliphant's column about her trip may be printed in the RECORD.

The column follows:

[From the Boston Globe, Mar. 19, 2000]

NEW OPTIMISM OUT OF ULSTER

(By Thomas Oliphant)

The brain connected to the freshest pair of eyes to look into Northern Ireland in some time was somewhat surprised by two things.

The first observation by Senator Barbara Mikulski was that the six counties' political leaders are themselves surprised at their inability to get out of the stalemate-ditches they keep driving into.

The second was that during an intensive visit framed around what's really exciting in the North these days—cross-community, practical efforts by Protestants and Catholics to get basic things done together—it was not until she got to the seat of government at Stormont that she heard the word "decommissioning," the absurd euphemism that refers to the turning in of weapons by paramilitary organizations.

What this shows is merely how the pull of the violent, unjust sectarian past blocks a settlement that the people want. It has been going on for the two years since the U.S.-brokered Good Friday Agreement put all the building blocks for reconciliation except local political will into place.

"But," says the Maryland senator, "even though the peace process appears to be on hold, there is another informal but absolutely crucial peace process going on at the community and neighborhood level."

Mikulski was referring to the overwhelming majority's intense desire to put the troubles in their past. That desire is creating a "social glue" that has enormous potential for Northern Ireland's long-range evolution.

By far the most important example exists under the umbrella of the Northern Ireland Voluntary Trust. Beneath this umbrella exists all manner of activities that involve Catholics and Protestants informally in specific tasks. There are groups that include former prisoners as well as families of the victims of violence and their survivors; organizations working on environmental issues as well as community centers and playgrounds; unions and microeconomic development activists; work on mental health issues as well as children's health problems. As Mikulski notes, it is all specific and local—and loaded with implications.

The best symbol, in the North Belfast Community Development Council, is the cellular phones in use during the Protestant marching season. Rumors are chased down. Catholics hear that a particular march will halt at a predesignated spot without any triumphalist chanting and should thus be of no major concern, and armed with that assurance, keep their own hotheads in check.

A year ago, when some 50 of the trust's most active female activists met with U.S. supporters, they were so fresh to their cause and nervous about the impact that the names of the participants were kept private. Mikulski arranged a meeting for them with women in the U.S. Senate, most of whom came to politics via similar routes of local activism.

Mikulski's involvement at this delicate stage is important both because of what she has done and who she is. She got into her business because of her fight against a highway. Years later she remains a grass-roots political leader, able to understand the byzantine nature of Northern Ireland's street-level culture. And she is a powerful Democratic senator on the Appropriations Committee who is comfortable working across party lines.

Mikulski notes that the Fund for Ireland, the basic aid network to which the U.S. government commits $20 million, is an excellent operation that has been especially useful in economic development and other brick and mortar activities. But she also suggests that the time has come to "take a fresh look at the U.S. role to think about supporting this cross-communal activity."

She is also blunt about looking at the trust's activities and potential, official U.S. support without blinders. "Their idea, what makes them so worthwhile," she said, "is their very careful focus on specific needs and projects. This is not some gooshy-poo, Irish sensitivity training where everybody gets in a hot tub and bonds. It's serious work. The fund has done a very good job, but I think we're now at a different place."

What she says about U.S. policy also should spark new thinking about private American support for Ireland. Given the roaring condition of the Irish Republic's economy, traditional charity and philanthropy appears to be less important than the cutting-edge activism across sectarian lines of the trust's participants.

They cannot be a substitute for the appalling failure of politicians in the North to transcend the past. But they do demonstrate how much of a difference individuals can make when they band together.

There now exist networks of community organizations that personify the broader refusal to regress, and they need all the support they can get. But they can't fill the vacuum without their so-called leaders. "It's like when you put your VCR on pause," said Mikulski. "It holds for a while, but eventually the old tape starts playing again."●

RETIREMENT OF MR. BRUCE AKERS

● Mr. VOINOVICH. Mr. President, I rise today to extend my congratulations to Mr. Bruce Akers on the occasion of his retirement as senior vice president for Civic Affairs at KeyBank in Cleveland, OH. Bruce's accomplishments are not limited to his 40 years of service in the banking industry, but extend to the difference he has made in the lives of countless citizens. His decades of leadership and generosity have helped make Cleveland the great city it is today.

Bruce has served the public at many levels—in government, the private sector, and in civic organizations. From 1975 to 1977, he served as executive secretary to Cleveland Mayor Ralph Perk. Today Bruce continues to show his dedication to civic responsibility and action in local government through his service as mayor of Pepper Pike, OH.

Bruce is also committed to a number of Cleveland's cultural, educational, charitable and civic institutions including service as chairman of the Key Foundation, a trustee of the Cleveland Council on World Affairs and president of the Cleveland Opera. I don't believe I will ever forget Bruce's "cameo" appearance in the Cleveland Opera's rendition of Aida in 1984. He gave a tremendous performance that is still talked about to this day.

Bruce's community commitment also extends to service as a trustee of the Citizens League Research institute, membership on the Executive, Central, and Policy Committee's of the Cuyahoga County Republican Party, membership on the Advisory Council of the Alzheimer's Association, membership on the Cleveland Leadership Prayer Breakfast Steering Committee, and chairman of Cleveland's Promise, the local branch of America's Promise which strives to create an environment for a better future.

Bruce's belief in volunteerism was recently celebrated in "Cleveland Live," a news and information "on-line" publication serving the Cleveland community, where he shared his philosophy on volunteering. Bruce stated, "volunteering is a four-way win: a win for the organization benefitting from the volunteers' services; a win for the volunteers who gain new perspectives and feel self-fulfilled; a win for the employer because the employee-volunteer is a better-rounded employee; and a win for the community whose quality of life is improved, thanks to effective, dedicated volunteers." I could not agree more with Bruce's assessment.

In 1975, Bruce's outreach to others earned him the Big Brother of the Year Award from Big Brothers/Big Sisters of Greater Cleveland. In 1993, he received the Volunteer of the Year Award from Leadership Cleveland for his dedication to making Cleveland a better place. Bruce has supported the Salvation Army in a variety of initiatives throughout the years, and for donating his time and energy, in 1997, he received the General William Booth Award, the Salvation Army's highest award to a civilian.

Bruce's career is an inspiration to those who look to form a better future through active participation in the community. While I know Bruce Akers will enjoy his retirement with his wife Barbara, I also know that he will not cease giving of himself in service to his fellow man.

On behalf of the citizens of Cleveland and of Ohio, I would like to congratulate Bruce Akers and thank him for all he has done for his community and his State.•

THE GOOD FRIDAY PEACE ACCORDS

• Mrs. FEINSTEIN. Mr. President, on March 17, 2000, the Irish and the Irish-at-heart around the world celebrated Saint Patrick's Day, a day to remember the spirit of comradery, friendship, and peace the patron saint of Ireland brought to the Emerald Isle. I rise today to pay tribute to the Irish people and the 40 million Irish Americans in this country—who are also celebrating Irish-American Heritage Month—and offer my thoughts on an issue close to their hearts and mine: peace in Northern Ireland.

The signing of the Good Friday Peace Accords on April 10, 1998 was an historic achievement in the quest for peace. After 32 years of conflict and bloodshed, the leaders of the principal Unionist and Nationalist parties in Northern Ireland agreed to a new governing structure for the province, one in which Catholics and Protestants would, for the first time, share power in a new assembly and executive.

On May 22, 1998, the people of Ireland, in the North and in the South, voted overwhelmingly in favor of the Accords. Their message was clear: it was time for a new era of peace based on reconciliation, compassion, and respect.

Thanks in no small part to the tireless work of our former colleague, Senator George Mitchell, the power sharing executive finally came into existence on December 1, 1999 and the formal devolution of power from London to the people of Northern Ireland took place. It appeared that the Irish would finally be able to celebrate the true spirit of Saint Patrick's Day.

The quest for peace, however, took a step backwards when—on February 11, 2000—the British government suspended the power sharing institutions and resumed direct rule of Northern Ireland from London. The Good Friday Peace Accords is now hanging by a thread.

As I stated earlier, the people of Ireland, Protestants and Catholics, in the North and in the South, have made their feelings clear. They support the Good Friday Peace Accords. They support the power sharing institutions. They support peace and cooperation. They believe that the people of Northern Ireland should have the ability to govern their own affairs.

Representatives of all parties in Northern Ireland met last week here in Washington with British and Irish leaders in an effort to break this impasse and return home rule to Northern Ireland. I am hopeful that their efforts will prove to be successful.

I strongly support the Accords. They represent the best hope for a lasting peace in Northern Ireland. I urge all parties to stick to the agreement and make it work. They have a responsibility to keep their word to the Irish people and stop Northern Ireland from slipping back to the ways of the "Hard Men": intimidation, violence, and death.

On this day, let us reflect on the turmoil the Irish have endured for so many years and commend them for their tremendous hope, persistence, and hard work. Let us remember the true spirit of Saint Patrick's Day and renew our support for the Irish people in the North and the South who desperately want, and deserve, a future of peace and prosperity.•

RETIREMENT OF JOHN CASTILLO

• Mr. SANTORUM. Mr. President, I rise today to recognize John Castillo as he retires from the Department of Defense after 47 years of service.

John Castillo and his wife, Connie, live in Camp Hill, Pennsylvania. They have three children: Mike, who lives in New Cumberland, Pennsylvania; Lisa Marie, who lives in Reston, Virginia; and Tony, who lives in Warren, Michigan.

Mr. Castillo, originally hired in 1953, was recruited as an Inventory Management Specialist Intern for the United States Air Force in 1959, where his assignments included Inventory Manager and Weapon System Logistics Officer (WSLO), supporting the Atlas ICBM Missile Squadrons assigned to the Strategic Air Command. His subsequent assignments were with the United States Army, where he worked for the U.S. Army Security Assistance Command (USASAC) in New Cumberland, Pennsylvania for 24 years. In 1997, he received a promotion to Division Chief of the Asia, Pacific and Americas Case Management Division.

Mr. Castillo has consistently received Sustained Superior Performance awards or promotions throughout his career, and has established a reputation of outstanding service among his superiors and colleagues.

Mr. Castillo will be honored at a retirement luncheon on Thursday, March 30, 2000. It is with great pleasure that I congratulate John Castillo for his 47 years of dedicated service to the Department of Defense, and I wish him continued success in all of his future endeavors.•

RECOGNITION OF DR. MICHAEL AND SHAINIE SCHUFFLER

• Mr. GORTON. Mr. President, I take the floor today to recognize the contributions of two remarkable residents of my state, Dr. Michael and Shainie Schuffler, who have dedicated their lives to strengthening their community, fostering leadership qualities in our young people and working tirelessly to improve the health of countless people.

Michael and Shainie met during their college years in Chicago where they both shared a keen interest in medicine. In 1970, the couple moved to Seattle and have since continued to make the Seattle area a better place. After their move to Seattle, Shainie became actively involved in the Hadassah Hospital. Hadassah is a volunteer women's organization that works to strengthen a partnership with Israel, ensure Jewish continuity, and realize their potential as a dynamic force in American society. In Seattle and around the United States, Hadassah enhances the quality of American and Jewish life through its education and Zionist youth programs, promotes health awareness, and provides personal enrichment and growth for its members.

After joining Hadassah, Shainie found herself inspired by its founder, Henrietta Szold, and has worked tirelessly for the past fifteen years on specific projects at both the chapter and regional levels including the Women's Symposium and last year's Bigger Gifts dinner and has served as the President of Hadassah's Seattle Chapter.

Shainie's dedication to the Seattle community is also evident in her many other involvements such as the Council of Women's Presidents for the Jewish Federation, Jewish Family Service, and the Jewish Federation of Greater Seattle.

I believe that one of the most important aspects of Shainie's work is her dedication to today's youth. Under her leadership as the Seattle area's Director of Admissions for the Alexander Muss High School in Israel, hundreds of local students have been given the opportunity to attend the Alexander Muss High School in Israel and has become one of the most successful youth programs in Seattle. I applaud her tireless efforts and believe that her work has directly impacted the lives of thousands of people throughout our state.

Michael has been equally dedicated to both his career as a leading doctor of Gastroenterology and as a volunteer in his community. Michael is a world authority on the pathology and clinical manifestations of neurological disorders of the intestinal tract and has been recognized by his colleagues for his many accomplishments.

Michael's work does not end, however, when he leaves the hospital. Like his wife, he has dedicated countless hours to Hadassah by serving as a visiting professor of Gastroenterology and as an Hadassah associate. He has also worked to encourage leadership qualities in our children through the Jewish Federation's Young Leadership Program, serving as its co-chair for three years.

One of his greatest loves in life is pro-Israel activism and has dedicated his time to furthering this cause through American Israel Public Affairs Committee otherwise known as AIPAC. He served as the Chairman of AIPAC from 1986 to 1994, strengthening the support of AIPAC across Washington state and furthering its reputation as the leading organization on United States-Israel relations.

Throughout their different commitments Michael and Shainie have always supported one another and recognized the importance of each other's work. Theirs is a true partnership and one that has positively impacted the people of our state. I ask my colleagues to join me as I applaud the outstanding and inspiring work of Dr. Michael and Shainie Schuffler.●

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 2366. An act to provide small business certain protections from litigation excesses and to limit the product liability of nonmanufactuer product sellers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8199. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "April 2000 Applicable Federal Rates" (Rev. Rul. 2000-19), received March 22, 2000; to the Committee on Finance.

EC-8200. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Z, Truth in Lending" (R-1050), received March 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8201. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transfer and Repurchase of Government Securities" (RIN1550-AB38), received March 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8202. A communication from the Acting Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Circular 97-16" (FAC 97-16), received March 24, 2000; to the Committee on Governmental Affairs.

EC-8203. A communication from the Deputy Director, Office of Government Ethics transmitting, pursuant to law, the report of a rule entitled "Exemption Under 18 U.S.C. 208(b)(2)" (RIN3209-AA09), received March 14, 2000; to the Committee on Governmental Affairs.

EC-8204. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate Ammonium, Pesticide Tolerance" (FRL #6498-1), received March 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8205. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Deterioration Factors for Nonroad Engines"; to the Committee on Environment and Public Works.

EC-8206. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Choosing a Percentile of Acute Dietary Exposure as a Threshold of Regulatory Concern"; to the Committee on Environment and Public Works.

EC-8207. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Revision, NUHOMS 24-P and NUHOMS 52-B", received March 24, 2000; to the Committee on Environment and Public Works.

EC-8208. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas, Control of Air Pollution from Volatile Organic Compounds Vent Gas Control and Offset Lithographic Printing Rules" (FRL # 6567-5), received March 24, 2000; to the Committee on Environment and Public Works.

EC-8209. A communication from the Secretary of the Interior, and the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Atlantic Striped Bass Studies—1999 Biennial Report to Congress"; to the Committee on Commerce, Science, and Transportation.

EC-8210. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammals; Incidental Take During Specified Activities" (RIN1018-AF54), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8211. A communication from the Attorney-Adviser, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Third Extension of Computer Reservations Systems (CRS) Regulations" (RIN2105-AC75), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8212. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Satellite Home Viewer Improvement Act of 1999; Retransmission Consent Issues; Good Faith Negotiation and Exclusivity" (CS Docket No. 99-363, FCC 00-99), received March 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8213. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Lufkin and Corrigan, TX" (MM Docket No. 98-135; RM-9300, 9383), received March 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8214. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Refugio and Taft, TX" (MM Docket No. 98-256), received March 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8215. A communication from the Chief, Legal Branch, Accounting Safeguards Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 1" (FCC 00-78; CC Doc. 99-253), received March 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8216. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 CFR Part 305" (RIN3084-AA74), received March 24, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-447. A resolution adopted by the Senate of the General Assembly of the State of Missouri relative to the Individuals with Disabilities Education Act; to the Committee on Appropriations.

SENATE RESOLUTION NO. 1034

Whereas, the Congress of the United States enacted the Education for All Handicapped Children Act of 1975 (P.L. 94-142), now known as the Individuals with Disabilities Education Act (IDEA), to ensure that all children with disabilities in the United States have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

Whereas, since 1975, federal law has authorized appropriation levels for grants to states under the IDEA at forty percent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, Congress continued the forty-percent funding authority in Public Law 105–17, the Individuals with Disabilities Education Act Amendments of 1997; and

Whereas, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the fifteen-percent level, and has usually only appropriated funding at about the eight-percent level; and

Whereas, the Missouri State Plan for Special Education was approved for statewide implementation on the basis of the anticipated federal commitment to fund special education programs at the federally authorized level; and

Whereas, Missouri appropriated approximately $240 million for the 2000 fiscal year in support for the state share of funding for special education programs; and

Whereas, the State of Missouri received approximately $105 million in federal special education funds under IDEA for the 1999–2000 school year, even though the federally authorized level of funding would provide over $313 million annually to Missouri; and

Whereas, local educational agencies in Missouri are required to pay for the underfunded federal mandates for special education programs, at a statewide total cost approaching $208 million annually, from regular education program money, thereby reducing the funding that is available for other education programs; and

Whereas, the decision of the Supreme Court of the United States in the case of Cedar Rapids Community School District v. Garret F. ((1999) 143 L.Ed 2d 154), has had the effect of creating an additional mandate for providing specialized health care, and will significantly increase the costs associated with providing special education services; and

Whereas, whether or not Missouri participates in the IDEA grant program, the state has to meet the requirements of Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34 CFR 104), which prohibit recipients of federal financial assistance, including educational institutions, from discriminating on the basis of disability, yet no federal funds are available under that act for state grants; and

Whereas, Missouri is committed to providing a free and appropriate public education to children and youth with disabilities, in order to meet their unique needs; and

Whereas, the Missouri General Assembly is extremely concerned that, since 1978, Congress has not provided states with the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the laws: Now, therefore, be it

Resolved by the Missouri Senate, Second Regular Session, Ninetieth General Assembly, That the President and Congress of the United States are respectfully requested to provide the full forty-percent federal share of funding for special education program so that Missouri and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; and be it further

Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Chair of the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each member of the Missouri Congressional delegation, and to the United States Secretary of Education.

POM–448. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Physical Education for Progress Act; to the Committee on Health, Education, Labor, and Pensions.

POM–449. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to taxation mandated by U.S. Courts; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 216

Whereas, Unfunded mandates by the United States Congress and the executive branch of the federal government increasingly strain already tight state government budgets if the states are to comply; and

Whereas, To further compound this assault on state revenues, federal district courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

Whereas, The court's actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

Whereas, The Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

Whereas, This usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

Whereas, Fifteen states, including Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah, have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America that reads as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes."; therefore, be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, That this legislative body respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state to levy or increase taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the members of the Illinois Congressional delegation.

Adopted by the Senate, November 18, 1999.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1487. A bill to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (Rept. No. 106–250).

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolution were introduced, read the first and second times, by unanimous consent, and referred as indicated:

By Mr. THOMAS:

S. 2300. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2301. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 2302. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to public libraries and community centers; to the Committee on Finance.

By Mr. GRAHAM:

S. 2303. A bill to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits; to the Committee on Finance.

By Mr. BAYH:

S. 2305. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BROWNBACK, and Mr. ROTH):

S. 2306. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. JOHNSON, and Mr. HARKIN):

S. 2307. A bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 2308. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Finance.

By Mr. DASCHLE:

S. 2309. A bill to establish a commission to assess the performance of the civil works function of the Secretary of the Army; to the Committee on Environment and Public Works.

By Mr. COVERDELL (for himself, Mr. LEAHY, Mr. HELMS, and Mr. DEWINE):

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERREY:

S. Res. 278. A resolution commending Ernest Burgess, M.D. for his service to the Nation and international community; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 99. A concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS:

S. 2300. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State; to the Committee on Energy and Natural Resources.

COAL MARKET COMPETITION ACT OF 2000

Mr. THOMAS. Mr. President, I rise today to introduce the Coal Market Competition Act of 2000. The legislation would amend the Mineral Leasing Act to increase the acreage of coal leases. Companies need this assurance as they plan and finance their operations into the future. Now, more than ever, we need to diversify our Nation's resources. The current oil prices are a daily reminder of what occurs when we allow this country to be too dependent on foreign resources. It is time to focus on domestic energy production and this legislation will facilitate development of one of our Nation's abundant natural resources, coal.

Most of the coal produced in our Nation comes from mines west of the Mississippi River and the vast majority of that coal is mined in western states with significant federal ownership of both the surface and mineral estates. In fact, my state of Wyoming is home to 11 of the top 12 coal mines based on tonnage. We produced approximately one third of the total U.S. coal in 1999, with production exceeding 330 million tons last year. Not surprisingly Wyoming is also the leader in federal coal lease acreage with approximately 145,000 federal acres under lease to 20 companies.

The current federal coal lease limitation under the Mineral Leasing Act of 1920 is 46,080 acres per state. An amendment of the Mineral Leasing Act in 1976 maintained the per-state limit and added a 100,000-acre nationwide limit for any one company. The state coal lease limit has not been changed for 36 years. Coal, sodium, phosphate and oil and gas were all assigned identical or similar per state lease acreage limitations in the 1926 amendments to the MLA (2,560 acres per state for sodium, coal and phosphate, 2,560 acres per geologic structure and 7,680 acres per state for oil and gas). The acreage limitation for each of these minerals was increased in the 1946 and 1948 MLA amendments (coal, sodium and phosphate to 5,120 per state in 1948; oil and gas to 15,360 acres per state in 1946). The per state acreage limitation for oil and gas leases was increased twice more (to 46,080 acres in 1957 and 246,080 acres in 1960) and the per state acreage ceiling for coal (and phosphate) leases was increased once more to 46,080 acres (and 20,480 acres for phosphate) in 1964. In my view, it is time to address the coal acreage limitations both on a state and national level.

The cap on coal needs to be raised to allow producers to remain competitive in the world-wide market. In Wyoming, the coal mine sizes will need to increase in order to maintain economic competitiveness. Our coal industry has grown and prospered because its economic competitiveness allowed Wyoming to be the location of choice for new low-sulfur coal capacity to serve much of the world. The scale of mining operations is much larger now.

In order for this competitiveness to continue, we must raise the acreage cap to alleviate concern from several companies in both Wyoming and Utah about the effect of the limitation on their planning and production abilities. Larger lease acreage areas are required to justify the significant capital investment necessary for mine expansion. Under current leasing operations, the penalty for violation of the acreage limitation is lease cancellation. It is essential during a time like now—when oil prices are soaring—that we diversify and develop our Nation's energy sources rather than be dependent on foreign sources. Expanding lease acreage will allow coal to be competitive and it is essential we have choices for energy here at home.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2301. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

LAKEHAVEN UTILITY DISTRICT WATER RECLAMATION PROJECT

Mr. GORTON. Mr. President, today I join Senator MURRAY from Washington State in introducing legislation that will authorize the Bureau of Reclamation to develop a water reuse project with Lakehaven Utility District in Federal Way, WA.

The Lakehaven Utility District is one of Washington State's largest water and sewer utilities, providing 10.5 million gallons of water a day to over 100,000 residents in South King County. The utility depends on a groundwater supply system that is replenished by local precipitation. As development in this Seattle suburb has increased, aquifer recharge has diminished. The utility district recognizes it must protect its precious resources and has undertaken several projects to ensure it will have an adequate water supply for future generations.

One of these projects involves extensive treatment of the utilities effluent for reuse. Some of the treated water will be used to irrigate golf courses and other facilities, while the rest of the water will be returned to the aquifer through injection wells. The techniques for water reuse are innovative, yet proven, and have been implemented throughout Nevada and California. Currently, the Lakehaven Utility District discharges 6 million gallons of treated water into Puget Sound every day. This new program will allow the district to reuse these crucial resources while replenishing its precious groundwater supply.

This legislation amends title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Bureau of Reclamation to provide the Lakehaven Utility District the technical and financial assistance necessary to implement its reuse project.

I am pleased to support this project, which I believe is crucial to maintaining wetlands and rivers in Washington State. The Northwest is faced with a salmon crisis that demands every available drop of water remain in our streams and riparian areas. The Lakehaven Utility District water reclamation project will ensure that the South King County community continues to rely on groundwater resources rather than turning to other sources that must be preserved for fish recovery.

By Mr. CLELAND:

S. 2302. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to public libraries and community centers; to the Committee on Finance.

COMMUNITY TECHNOLOGY ASSISTANCE ACT

Mr. CLELAND. Mr. President, there has been a lot of talk recently about the "digital divide" and the differences in the availability of information between the technological haves and have nots. With the emerging digital economy becoming a major driving force of our nation's economic well-being, we must ensure that all Americans have the information tools and skills that are critical to full participation in the new economy. Access to such tools is an essential step to ensure that our economy grows strongly and that in the future no one is left behind.

While we know that Americans are more connected to digital tools than ever before, the "digital divide" between certain demographic groups and regions of our country continues to persist and in many cases is widening significantly. As a member of the Commerce Committee, Subcommittee on Communications, I am alarmed by these developments. Just consider:

A third of America's economic growth in recent years has come from information technologies, producing 19 million new jobs. Yet, while thirty percent of white Americans are connected to the Internet only 11 or 12 percent of African Americans or Hispanic Americans are on-line. Households with incomes of at least $75,000 are more than 20 times as likely to have access to the Internet as those at the lowest income levels, and more than 9 times as likely to have a computer at home. Additionally, citizens in rural areas, including large parts of my state of Georgia, are less likely to be connected to the Internet than urban users. Regardless of income level, those living in rural areas are lagging behind in computer ownership and Internet access.

A viable alternative for many of these under served individuals is Internet access outside the home and statistics show that computer use at public libraries and community centers is on the rise. First of all, among all Americans, 17 percent use the Internet at some site outside the home. Secondly, minorities are even more likely to use the Internet and pursue online courses and school research at even higher rates. Third, those earning less than $20,000 who use the Internet outside the home are twice as likely to get their access through a public library or community center. Finally, Americans who are not in the labor force, such as retirees or homemakers, are twice as likely to use public libraries for access.

Given the "digital divide" among these demographic groups, and the dependence of many Americans on the use of technology outside the home, especially at libraries and community centers, I am introducing today the Community Technology Assistance Act. Currently, the special enhanced tax deduction exists in the case of computer equipment donated to elementary and secondary schools. My bill would extend for five years the special enhanced tax deduction, currently scheduled to expire at the end of this year, and would expand it to include computer donations to libraries and community centers as well as to elementary and secondary schools. Consider the many high profile technology and Internet related companies, such as Microsoft, Intel and AmericaOnline, that have donated computer equipment and web access to schools and universities across America. My bill would make it easier for companies and individuals to invest in their community and jump start efforts to help bridge the "digital divide" in rural and low income areas everywhere.

Ensuring access to the fundamental tools of the digital economy is one of the most significant investments our nation can make. Our country's most important resource is its people. Our companies are only as good as their workers. Highly-skilled, well educated workers make for stellar businesses and create superior products. In a society that increasingly relies on computers and the Internet to deliver information and enhance communication, we need to make sure that all Americans have access. Our domestic and global economies will demand it. Ready access to telecommunications tools will help produce the kind of technology-literate work force that will enable the United States to continue to be a leader in the global economy well into the 21st Century and beyond.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Technology Assistance Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A third of America's economic growth in recent years has come from information technologies, including 19,000,000 new jobs.

(2) Thirty percent of white Americans are connected to the Internet while only 11 or 12 percent of African Americans or Hispanic Americans are online. Households with incomes of at least $75,000 are more than 20 times as likely to have access to the Internet than those at the lowest income levels, and more than 9 times as likely to have a computer at home.

(3) Citizens in rural areas are less likely to be connected to the Internet than urban users. Regardless of income level, those living in rural areas are lagging behind in computer ownership and Internet access.

(4) Unemployed persons who access the Internet outside their homes are nearly 3 times more likely to use the Internet for job searching than the national average. Those Americans who are "not in the labor force", such as retirees or homemakers, are twice as likely to use the public libraries for access.

(5) Those earning less than $20,000 who use the Internet outside the home are twice as likely to get their access through a public library or community center than those earning more than $20,000.

(6) Minorities are more likely users of the Internet and pursue online courses and school research at even higher rates outside the home (50.3 percent for Hispanics, 47.0 percent for American Indians/Eskimos/Aleuts, and 46.3 percent for African Americans).

(7) Among all Americans, 17.0 percent use the Internet at some site outside the home. Many Americans who obtain Internet access outside the home rely on such places as public libraries (8.2 percent) and community centers (0.6 percent).

SEC. 3. ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY TO PUBLIC LIBRARIES AND COMMUNITY CENTERS.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES AND COMMUNITY CENTERS.—

(1) IN GENERAL.—Paragraph (6) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking "qualified elementary or secondary educational contribution" each place it occurs in the headings and text and inserting "qualified computer contribution".

(2) EXPANSION OF ELIGIBLE DONEES.—Subclause (II) of section 170(e)(6)(B)(i) of such Code (relating to qualified elementary or secondary educational contribution) is amended by striking "or" at the end of subclause (I) and by inserting after subclause (II) the following new subclauses:

"(III) a public library (within the meaning of section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)), as in effect on the date of the enactment of the Community Technology Assistance Act, established and maintained by an entity described in subsection (c)(1), or

"(IV) a nonprofit or governmental community center, including any center within which an after-school or employment training program is operated,".

(b) CONFORMING AMENDMENTS.—

(1) Section 170(e)(6)(B)(iv) of the Internal Revenue Code of 1986 is amended by striking "in any grades K-12".

(2) The heading of paragraph (6) of section 170(e) of such Code is amended by striking "ELEMENTARY OR SECONDARY SCHOOL PURPOSES" and inserting "EDUCATIONAL PURPOSES".

(c) EXTENSION OF DEDUCTION.—Section 170(e)(6)(F) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 2000" and inserting "December 31, 2005".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2000.

By Mr. SHELBY:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of Social Security benefits; to the Committee on Finance.

OLDER AMERICANS TAX FAIRNESS ACT

Mr. SHELBY. Mr. President, I rise today to introduce the Older Americans Tax Fairness Act. This legislation would eliminate—yes, eliminate—the unfair tax on Social Security benefits in this country.

Last week, this body, the Senate, took a historic step toward giving senior citizens more financial freedom and retirement security by passing legislation to repeal the earnings limit on Social Security benefits. We seized an opportunity to allow seniors to continue to work and contribute their skills and knowledge to the most vibrant economy in recent memory.

While the U.S. economy is currently reporting the lowest unemployment number in years, employers are finding that labor is difficult to come by and they are searching for ways to address this challenge. Increasingly, they are turning to senior citizens to fill the void. However, many seniors are finding that while they may want to work to better their standard of living or have to work to make ends meet, they are being hit by an additional tax burden, one that taxes their Social Security benefits—their retirement security, in other words—such that working, in many cases, is not financially beneficial to them.

When the Social Security program was first established by Congress, Congress did not intend for benefits to be taxed at all. In fact, Social Security benefits were exempt from Federal taxes for half a century. But because of a financial crisis within the program in the eighties and President Clinton's desire to fund new programs in 1993, seniors who earn a modest wage now find that anywhere between 50 and 85 percent of their Social Security benefits are taxed in America. This tax on Social Security benefits is misguided, I believe, and only acts to penalize hardworking and productive senior members of society. As workers, these senior citizens are taxed when they earn their money, as we all know, they are taxed when the Government returns it in the form of Social Security benefits, and if they are smart enough or lucky enough to save it to give it to their children or grandchildren, they will have to pay estate taxes, or a death tax, before anyone sees a penny, in a lot of cases.

Not only is this essentially double taxation to some of our most vulnerable citizens, our seniors, it is harmful to many seniors. Many seniors need to work in order to pay for costly health insurance premiums, prescription drugs, and other expenses which they incur as they grow older. For these seniors, working is not a choice, it is a necessity.

If we eliminate the tax on Social Security benefits in America, most seniors would have more disposable income to pay for many of these necessities of life. But rather than helping them, I believe we hurt them—that is, the seniors—by taxing their Social Security benefits, lowering their standard of living, and decreasing the amount of disposable income they have available to them.

What many fail to recognize is, working seniors continue to contribute to the economy not only in terms of knowledge and added productivity but by paying taxes on their earnings and paying into the Social Security trust fund without ever recognizing an additional benefit.

Clearly, the benefits seniors provide to our economy in terms of investment, knowledge, and skills far outweigh the minimal costs to the Treasury of repealing this unjust tax on Social Security.

This tax on Social Security benefits implies the Federal Government thinks senior citizens have nothing to contribute in the way of effectiveness, efficiency, experience, or knowledge to the workforce. You know and I know this is not true.

Senior citizens are our most valuable resource. They can provide knowledge, insight, and experience to our booming economy. And they do. We should treat them fairly and allow them to continue to earn and to save without imposing a discriminatory "old age tax" simply because they want to continue to contribute to society.

Responsible seniors—who plan for their retirement, who save and invest for the future, and who strive to leave something to future generations—are finding that it is just not worth it. At a time when we are trying to encourage savings and investment, it does not make sense to continue to tax Social Security benefits.

I am today encouraging my colleagues to join me in supporting the Older Americans Tax Fairness Act to bring additional fairness and freedom to the lives of millions of our most respected Americans.

Let's repeal the tax on Social Security benefits. Let's make it like it used to be. It is the right thing for the seniors in America.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BROWNBACK, and Mr. ROTH):

S. 2306. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

GOVERNMENT FOR THE 21ST CENTURY ACT

Mr. THOMPSON. Mr. President, I am pleased to introduce the Government for the 21st Century Act, a bill to establish a commission to bring the structure and functions of our Government in line with the needs of our Nation in the new century. This bipartisan legislation was the result of work done by the Governmental Affairs Committee last Congress and is virtually identical to S. 2623, 105th Congress. The bill has been carefully crafted to address not just what our Government should look like, but the more fundamental question of what it should do.

Clearly, the time has come to take a comprehensive and fresh look at what the Federal Government does and how it goes about doing it. Despite these good economic times, polls repeatedly show that Americans have little trust or confidence in the Federal Government. They want the Federal Government to work, but they don't think that it does.

Unfortunately, our citizens have ample reason for concern. The Federal Government of today is a cacophony of agencies and programs, many of which are directed at the same problems. Much of what Washington does is inefficient and wasteful. Few would dispute that the government in Washington cannot do effectively all it is now charged with doing. When it comes to specifics, however, changing things is extremely difficult. Virtually every Federal agency and program has an entrenched constituency to shield it from scrutiny and fend off challenges to the status quo. Hence, the familiar axiom that the closest thing to immortality is a Washington spending program.

Federal agencies and programs have mushroomed over time, evolving in a largely random manner to respond to the real or perceived needs of the moment. Consequently, duplication and fragmentation abound. There is an obvious need to bring some order out of this chaos. As former Comptroller General Charles Bowsher stated in testimony before the Senate Governmental Affairs Committee in 1995:

> The case for reorganizing the Federal government is an easy one to make. Many departments and agencies were created in a different time and in response to problems very different from today's. Many have accumulated responsibilities beyond their original purposes. As new challenges arose or new needs were identified, new programs and responsibilities were added to departments and agencies with insufficient regard to their effects on the overall delivery of services to the public.

The situation has not improved since then. Just last month, the current Comptroller General, David Walker, recited an all too familiar litany of duplication, waste, mismanagement, and other Federal performance problems in testimony before the Senate and House Budget Committees. The GAO "high-risk list" of those Federal activities most vulnerable to fraud, waste, and abuse has grown from 14 problem areas in 1990 to 26 problem areas today. Only one high-risk problem has been removed since 1995. Ten of the 14 original high-risk problems are still on the list today—a full decade later. Likewise, inspectors general identify much the same critical performance problems in their agencies year after year. Collectively, these core performance problems cost Federal taxpayers countless billions of dollars each year in outright waste. They also exact an incalculable toll on the ability of agencies to carry out their missions and serve the needs of our citizens.

Of course, meaningful reform of the Federal Government will not come from simply reshuffling current organizational boxes and redistributing current programs. We need to conduct a fundamental review of what Washington does and why. Our Founding Fathers envisioned a government of defined and limited powers. Imagine their dismay if they knew the size and scope of the Federal government today. We need to return to the limited but effective government that the Founders intended. This means divesting the Federal Government of functions it is not well suited to perform. However, it also means ensuring that the Federal Government does a better job of performing those core constitutional functions for which our citizens must rely on it.

The commission established in the legislation we are introducing today is a major step in that direction. It will take a hard look at Federal departments, agencies and programs and ask such questions as:

How can we restructure agencies and programs to improve the implementation of their statutory missions, eliminate activities not essential to their statutory missions, and reduce duplication of activities?

How can we improve management to maximize productivity, effectiveness and accountability of performance results?

What criteria should we use in determining whether a Federal activity should be privatized?

Which departments or agencies should be eliminated because their functions are obsolete, redundant, or could be better performed by state and local governments or the private sector?

Obviously, these questions involve subjective policy decisions. However, policy decisions should be the product of honest and open debate that stems from objective and fact-based analysis. I am convinced that this analysis can best be provided by an independent, nonpartisan commission that is removed from the normal pressures of Washington.

The commission will have many information sources available to it. The first cycle of implementation of the Government Performance and Results Act of 1993 will be complete by the end of this month when agencies submit their first performance reports. The plans and reports that agencies have submitted under the Results Act, while far from perfect, should provide a more comprehensive framework for reviewing Federal missions and performance than we have had before.

I am pleased that Senators Lieberman and Voinovich are joining me in introducing the bill today, and I thank them for the time and staff they have devoted to the effort. I look forward to working with them on this important legislation.

I ask unanimous consent that the Government for the 21st Century Act, along with a brief summary and section-by-section analysis, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) Short Title.—This Act may be cited as the "Government for the 21st Century Act".

(b) Purpose.—

(1) In general.—The purpose of this Act is to reduce the cost and increase the effectiveness of the Federal Government by reorganizing departments and agencies, consolidating redundant activities, streamlining operations, and decentralizing service delivery in a manner that promotes economy, efficiency, and accountability in Government programs. This Act is intended to result in a Federal Government that—

(A) utilizes a smaller and more effective workforce;

(B) motivates its workforce by providing a better organizational environment; and

(C) ensures greater access and accountability to the public in policy formulation and service delivery.

(2) Specific goals.—This Act is intended to achieve the following goals for improvements in the performance of the Federal Government by October 1, 2004:

(A) A restructuring of the cabinet and subcabinet level agencies.

(B) A substantial reduction in the costs of administering Government programs.

(C) A dramatic and noticeable improvement in the timely and courteous delivery of services to the public.

(D) Responsiveness and customer-service levels comparable to those achieved in the private sector.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "agency" includes all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations; and

(2) "private sector" means any business, partnership, association, corporation, educational institution, nonprofit organization, or individuals.

SEC. 3. THE COMMISSION.

(a) Establishment.—There is established an independent commission to be known as the Commission on Government Restructuring and Reform (hereafter in this Act referred to as the "Commission").

(b) Duties.—The Commission shall examine and make recommendations to reform and restructure the organization and operations of the executive branch of the Federal Government to improve economy, efficiency, effectiveness, consistency, and accountability in Government programs and services, and shall include and be limited to proposals to—

(1) consolidate or reorganize programs, departments, and agencies in order to—

(A) improve the effective implementation of their statutory missions;

(B) eliminate activities not essential to the effective implementation of statutory missions;

(C) reduce the duplication of activities among agencies; or

(D) reduce layers of organizational hierarchy and personnel where appropriate to improve the effective implementation of statutory missions and increase accountability for performance;

(2) improve and strengthen management capacity in departments and agencies (including central management agencies) to maximize productivity, effectiveness, and accountability;

(3) propose criteria for use by the President and Congress in evaluating proposals to establish, or to assign a function to, an executive entity, including a Government corporation or Government-sponsored enterprise;

(4) define the missions, roles, and responsibilities of any new, reorganized, or consolidated department or agency proposed by the Commission;

(5) eliminate the departments or agencies whose missions and functions have been determined to be—

(A) obsolete, redundant, or complete; or

(B) more effectively performed by other units of government (including other Federal departments and agencies and State and local governments) or by the private sector; and

(6) establish criteria for use by the President and Congress in evaluating proposals to privatize, or to contract with the private sector for the performance of, functions currently administered by the Federal Government.

(c) Limitations on Commission Recommendations.—The Commission's recommendations or proposals under this Act may not provide for or have the effect of—

(1) continuing an agency beyond the period authorized by law for its existence;

(2) continuing a function beyond the period authorized by law for its existence;

(3) authorizing an agency to exercise a function which is not already being performed by any agency;

(4) eliminating the enforcement functions of an agency, except such functions may be transferred to another executive department or independent agency; or

(5) adding, deleting, or changing any rule of either House of Congress.

(d) Appointment.—

(1) Members.—The Commissioners shall be appointed for the life of the Commission and shall be composed of nine members of whom—

(A) three shall be appointed by the President of the United States;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the minority Leader of the House of Representatives;

(D) two shall be appointed by the majority Leader of the Senate; and

(E) one shall be appointed by the minority Leader of the Senate.

(2) Consultation required.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under subsection (b).

(3) Chairman.—At the time the President nominates individuals for appointment to

the Commission the President shall designate one such individual who shall serve as Chairman of the Commission.

(4) Membership.—A member of the Commission may be any citizen of the United States who is not an elected or appointed Federal public official, a Federal career civil servant, or a congressional employee.

(5) Conflict of interests.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this paragraph) shall be a special Government employee.

(6) Date of appointments.—All members of the Commission shall be appointed within 90 days after the date of enactment of this Act.

(e) Terms.—Each member shall serve until the termination of the Commission.

(f) Vacancies.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(g) Meetings.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(h) Pay and Travel Expenses.—

(1) Pay.—

(A) Chairman.—Except for an individual who is chairman of the Commission and is otherwise a Federal officer or employee, the chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the chairman is engaged in the performance of duties vested in the Commission.

(B) Members.—Except for the chairman who shall be paid as provided under subparagraph (A), each member of the Commission who is not a Federal officer or employee shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(2) Travel.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) Director.—

(1) Appointment.—The Chairman of the Commission shall appoint a Director of the Commission without regard to section 5311(b) of title 5, United States Code.

(2) Pay.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(j) Staff.—

(1) Appointment.—The Director may, with the approval of the Commission, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Detail.—

(A) Details from agencies.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(B) Details from congress.—Upon request of the Director, a Member of Congress or an officer who is the head of an office of the Senate or House of Representatives may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this Act.

(C) Reimbursement.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(k) Support.—

(1) Support services.—The Office of Management and Budget shall provide support services to the Commission.

(2) Assistance.—The Comptroller General of the United States may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(l) Other Authority.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(m) Application of Federal Advisory Committee Act.—The Commission shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(n) Funding.—There are authorized to be appropriated to the Commission $2.500.000 for fiscal year 2000, and $5,000,000 for each of fiscal years 2001 through 2003 to enable the Commission to carry out its duties under this Act.

(o) Termination.—The Commission shall terminate no later than September 30, 2003.

SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) Presidential Recommendations.—No later than July 1, 2001, the President may submit to the Commission a report making recommendations consistent with the criteria under section 3 (b) and (c). Such a report shall contain a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(b) In General.—No later than December 1, 2002, the Commission shall prepare and submit a single preliminary report to the President and Congress, which shall include—

(1) a description of the Commission's findings and recommendations, taking into account any recommendations submitted by the President to the Commission under subsection (a); and

(2) reasons for such recommendations.

(c) Commission Votes.—No legislative proposal or preliminary or final report (including a final report after disapproval) may be submitted by the Commission to the President and Congress without the affirmative vote of at least 6 members.

(d) Department and Agency Cooperation.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information expeditiously, or no later than 15 calendar days or such other time agreed upon by the requesting and requested parties.

SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.

(a) Preliminary Report and Review Procedure.—Any preliminary report submitted to the President and Congress under section 4(b) shall be made immediately available to the public. During the 60-day period beginning on the date on which the preliminary report is submitted, the Commission shall announce and hold public hearings for the purpose of receiving comments on the reports.

(b) Final Report.—No later than 6 months after the conclusion of the period for public hearing under subsection (a), the Commission shall prepare and submit a final report to the President. Such report shall be made available to the public on the date of submission to the President. Such report shall include—

(1) a description of the Commission's findings and recommendations, including a description of changes made to the report as a result of public comment on the preliminary report;

(2) reasons for such recommendations; and

(3) a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(c) Extension of Final Report.—By affirmative vote pursuant to section 4(c), the Commission may extend the deadline under subsection (b) by a period not to exceed 90 days.

(d) Review by the President.—

(1) In general.—

(A) Presidential action.—No later than 30 calendar days after receipt of a final report under subsection (b), the President shall approve or disapprove the report.

(B) Presidential inaction.—

(i) In general.—If the President does not approve or disapprove the final report within 30 calendar days in accordance with subparagraph (A), Congress shall consider the report in accordance with clause (ii).

(ii) Submission.—Subject to clause (i), the Commission shall submit the final report, without further modification, to Congress on the date occurring 31 calendar days after the date on which the Commission submitted the final report to the President under subsection (b).

(2) Approval.—If the report is approved, the President shall submit the report to Congress for legislative action under section 6.

(3) Disapproval.—If the President disapproves a final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress.

(4) Final report after disapproval.—The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 calendar days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the President and to Congress.

SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) Definitions.—For purposes of this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the final report

submitted to the Congress under section 5(d) (1)(B), (2), or (4), without modification; and

(2) the term "calendar day" means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately following the date on which a final report is submitted to the Congress under section 5(d) (1)(B), (2), or (4), a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bills introduced under paragraph (1) shall be referred to the appropriate committee of jurisdiction in the Senate and the appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House with amendments proposed to be adopted. No such amendment may be proposed unless such proposed amendment is relevant to such bill.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 30th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) SENATE CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth calendar day after the date on which an implementation bill is placed on the Senate calendar under subsection (b)(3), it is in order (even if a previous motion to the same effect has been disagreed to) for any Senator to make a motion to proceed to the consideration of the implementation bill. The motion is not debatable. All points of order against the implementation bill (and against consideration of the implementation bill) other than points of order under Senate Rule 15, 16, or for failure to comply with requirements of this section are waived. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill.

(2) DEBATE.—In the Senate, no amendment which is not relevant to the bill shall be in order. A motion to postpone is not in order. A motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—At any time on or after the fifth calendar day after the date on which each committee of the House of Representatives to which an implementation bill is referred has reported that bill, or has been discharged under subsection (b)(3) from further consideration of that bill, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of that bill. All points of order against the bill, the consideration of the bill, and provisions of the bill shall be waived, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed 10 hours, to be equally divided and controlled by the Majority Leader and the Minority Leader, the bill shall be considered for amendment by title under the five-minute rule and each title shall be considered as having been read.

(2) AMENDMENTS.—Each amendment shall be considered as having been read, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent and a Member opposed thereto, except that the time for consideration, including debate and disposition, of all amendments to the bill shall not exceed 20 hours.

(3) FINAL PASSAGE.—At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such amendments as may have been agreed to, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(e) CONFERENCE.—

(1) APPOINTMENT OF CONFEREES.—In the Senate, a motion to elect or to authorize the appointment of conferees by the presiding officer shall not be debatable.

(2) CONFERENCE REPORT.—No later than 20 calendar days after the appointment of conferees, the conferees shall report to their respective Houses.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report and the Act enacted under section 6 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations contained in the report as provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 6, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act for each fiscal year. In addition, the report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each action, along with the Secretary's assessment of the effect of the action. The report shall also include a report of any activities that have been eliminated, consolidated, or transferred to other departments or agencies.

(c) GAO OVERSIGHT.—The Comptroller General shall periodically report to Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation of any Act enacted under section 6.

SEC. 8. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 6 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

GOVERNMENT FOR THE 21ST CENTURY ACT—BRIEF SUMMARY

This legislation will reduce the cost and increase the effectiveness of the Federal government. It achieves this by establishing a commission to submit to Congress and the President a plan to bring the structure and operations of the Federal government in line with the needs of Americans in the new century.

Duties of the Commission: The Commission is authorized under this legislation to propose the reorganization of Federal departments and agencies, the elimination of activities not essential to fulfilling agency missions, the streamlining of government operations, and the consolidation of redundant activities.

The Commission would not be authorized to continue any agency or function beyond its current life, authorize functions not performed already by the Federal government, eliminate enforcement functions, or change the rules of Congress.

Composition of the Commission: The Commission would consist of 9 members appointed by the President and the Congressional leadership of both parties.

How the Commission works: The process established in this legislation is bipartisan, allows input by the President, and is fully open and public.

The Commission report: By July 1, 2001, the President may submit his recommendations to the Commission. By December 1, 2002, the Commission shall submit to the President and Congress a preliminary report containing recommendations on restructuring the Federal Government. After a public comment period, the Commission shall prepare a final report and submit it to the President for review and comment.

Presidential review and comment: The President has 30 days to approve or disapprove the Commission's report. The Commission decides whether or not to modify its report based on the President's comments, and shall issue a final report to Congress.

Congressional consideration: The final report shall be introduced in both Houses by request and referred to the appropriate committee(s). After 30 days, the bills may be considered by the full House and Senate and are subject to amendment.

Implementation: Once legislation effecting the Commission's recommendations is enacted, the Office of Management and Budget shall be responsible for implementing it. The General Accounting Office shall report to Congress on the progress of implementation.

GOVERNMENT FOR THE 21ST CENTURY ACT—SECTION-BY-SECTION ANALYSIS

SECITON 1. SHORT TITLE AND PURPOSE

This act may be cited as the "Government for the 21st Century Act." Its purpose is to reduce the cost and increase the effectiveness of the Executive Branch. It achieves this by creating a commission to propose to Congress and the President a plan to reorganize departments and agencies, consolidate redundant activities, streamline operations, and decentralize service delivery in a manner that promotes economy, efficiency, and accountability in government programs.

SECTION 2. DEFINITIONS

This section defines "agency" to include all Federal departments, independent agencies, government-sponsored enterprises and government corporations, and defines "private sector" as any business, partnership, association, corporation, educational institution, nonprofit organization, or individual.

SECTION 3. THE COMMISSION

This section establishes a commission, known as the Commission on Government Restructuring and Reform, to make recommendations to reform and restructure the Executive Branch. The Commission shall make proposals to consolidate, reorganize or eliminate Executive Branch agencies and programs in order to improve effectiveness, efficiency, consistency and accountability in government. The Commission shall also recommend criteria by which to determine which functions of government should be privatized. The Commission may not propose to continue agencies or functions beyond their current legal authorization, nor may the Commission propose to eliminate enforcement functions entirely or change the rules of either House of Congress.

The Commission shall be composed of 9 members appointed as follows: Three by the President, two by the Majority Leader of the Senate, two by the Speaker of the House of Representatives, and one each by the Minority Leaders of the Senate and House.

The Commission shall be managed by a Director and shall have a staff, which may include detailees. The Office of Management and Budget shall provide support services and the Comptroller General may provide assistance to the Commission.

This section authorizes $2.5 million to be appropriated in fiscal year 2000 and $5 million each for fiscal years 2001 through 2003 for the Commission to carry out its duties. It also provides that the Commission shall terminate no later than September 30, 2003.

SECTION 4. PROCEDURES FOR MAKING RECOMMENDATIONS

By July 1, 2001, the President may submit his recommendations on government reorganization to the Commission. The President's recommendations must be consistent with the duties and limitations given to the Commission in formulating its recommendations and must be transmitted to the Commission as a single legislative proposal.

By December 1, 2002, the commission shall prepare and submit a single preliminary report to the President and Congress. That report must include a description of the Commission's findings and recommendations and the reasons for such recommendations. The proposal must be approved by at lest 6 members of the Commission.

This section also provides that all Federal departments and agencies must cooperate fully with requests for information from the Commission.

SECTION 5. PROCEDURES FOR IMPLEMENTATION OF REPORTS

This section provides that any preliminary report submitted to the President and the Congress under section 4 be made available immediately to the public. During the 60-day period after the submission of the preliminary report, the Commission shall hold public hearings to receive comments on the report.

Six months after the conclusion of the period for public comments, the Commission shall submit a final report to the President. this report shall be made a available to the public and shall include a description of the Commission's findings and recommendations, the reasons for such recommendations, and a single legislative proposal to implement the recommendations.

The President shall then approve or disapprove the report within 30 days. If he fails to act after 30 days, the report is immediately submitted to Congress. If the President approves the report, he then shall submit the report to Congress for legislative action under section 6.

If he disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress. For 30 days after the President disapproves a report, the Commission may consider any issues and objections raised by the President and may modify the report with respect to these issues and objections. After 30 days, the Commission must submit its final report (as modified if modified) to the President and Congress.

SECTION 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS

After a final report is submitted to the Congress, single implementation bill shall be introduced by request in the House and Senate by the Majority and Minority Leaders in each chamber or their designees.

This section stipulates that the implementation bill be referred to the appropriate committee of jurisdiction in the House and Senate. Each committee must report the bill to its respective House chamber within 30 days, with relevant amendments proposed to be adopted. If a committee fails to report such a bill within 30 days, that committee is immediately discharged from further consideration and the bill is placed on the appropriate calendar.

Section 6(c) outlines procedures for Senate floor consideration of legislation implementing the Commission's recommendations. On or after the fifth calendar day after the date on which the implementation bill is placed on the Senate calendar, any Senator may make a privileged motion to consider the implementation bill. Only relevant amendments shall be in order, and motions to postpone, recommit, or reconsider the vote by which the bill is agreed to are not in order.

Section 6(d) outlines procedures for House floor consideration of legislation implementing the Commission's recommendations. General debate on the implementation bill is limited to 10 hours equally divided, and controlled by the Majority and Minority Leaders. Amendments shall be considered by title under the five minute rule, and shall be debatable for 30 minutes equally divided. Debate on all amendments shall not exceed 20 hours.

This section further states that within 20 calendar days, conferees shall report to their respective House.

SECTION 7. IMPLEMENTATION

The Office of Management and Budget shall have primary responsibility for implementing the Commission's report and any legislation that is enacted, unless otherwise specified in the implementation bill.

Federal departments and agencies are required to include a schedule for implementation of the provisions of the implementation legislation as a part of their annual budget request.

GAO is given oversight responsibility and is required to report to the Congress and the President regarding the accomplishments, costs, timetable, and effectiveness of the implementation process.

SECTION 8. DISTRIBUTION OF ASSETS

Any proceeds from the sale of assets of any department or agency resulting from the implementation legislation shall be deposited in the treasury and treated as general receipts.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators THOMPSON, VOINOVICH, BROWNBACK and ROTH today to introduce the Government for the 21st Century Act. This bill provides an opportunity to address the challenges our government will face in the new millennium. Our country is undergoing rapid changes—changes brought about by technological advancements, by our expanding and increasingly global economy, and by the new and more diverse threats to our nation and our world. It is essential for our government to be prepared to respond effectively to these challenges.

We should take the opportunity now to rethink the structure of our government to be sure it can meet the needs of our citizens in the years to come. The Commission that will be established under this bill will have a critical task—to study the current shape of our government and to make recommendations about how we can improve its efficiency and effectiveness, streamline its operations, and eliminate unnecessary duplication.

I view the bill we are introducing today as a discussion draft. Our goal is to hear from a wide range of experts on government and management. I look forward to reviewing new ideas that will enhance the value of the Commission's work. For example, I intend to recommend that the Commission focuses on the enormous potential benefit of "E-government." The Commission should consider how government can be restructured to promote the innovative use of information technology. American citizens increasingly expect services and information to be provided electronically through Internet-based technology. While the federal government is working to take advantage of the opportunities technology presents to do its job better, more needs to be done to fully integrate these capabilities and to offer services and information to Americans in a more accessible and cost-effective way.

I look forward to working with Senators THOMPSON, BROWNBACK, ROTH and VOINOVICH on this important legislation.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. JOHNSON, and Mr. HARKIN):

S. 2307. A bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL BROADBAND ENHANCEMENT ACT

Mr. DORGAN. Mr. President, today I am, along with Senator DASCHLE, Senator BAUCUS and Senator JOHNSON, introducing the Rural Broadband Enhancement Act to deploy broadband technology to rural America. As the demand for high speed Internet access grows, numerous companies are responding in areas of dense population. While urban America is quickly gaining high speed access, rural America is—once again—being left behind. Ensuring that all Americans have the technological capability is essential in this digital age. It is not only an issue of fairness, but it is also an issue of economic survival.

To remedy the gap between urban and rural America, this legislation gives new authority to the Rural Utilities Service to make low interest loans to companies that are deploying broadband technology to rural America. Loans are made on a company neutral and a technology neutral basis so that companies that want to serve these areas can do so by employing technology that is best suited to a particular area. Without this program, market forces will pass by much of America, and that is unacceptable.

This issue is not a new one. When we were faced with electrifying all of the country, we enacted the Rural Electrification Act. When telephone service was only being provided to well-populated communities, we expanded the Rural Electrification Act and created the Rural Utilities Service to oversee rural telephone deployment. The equitable deployment of broadband services is only the next step in keeping America connected, and our legislation would ensure that.

If we fail to act, rural America will be left behind once again. As the economy moves further and further towards online transactions and communications, rural America must be able to participate. Historically, our economy has been defined by geography, and we in Congress were powerless to do anything about it. Where there were ports, towns and businesses got their start. Where there were railroad tracks, towns and businesses grew up around them. The highway system brought the same evolution.

But the Internet is changing all of that. No longer must economic growth be defined by geographic fiat. Telecommunications industries and policymakers are proclaiming, "Distance is dead!" But, that's not quite right: Distance will be dead, as long as Congress ensures that broadband services are available to all parts of America, urban and rural.

I look forward to working with Senator DASCHLE, Senator BAUCUS, Senator JOHNSON and my other colleagues in the Senate to pass this legislation and give rural America a fair chance to survive.

By Mr. MOYNIHAN (for himself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 2308. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Finance.

THE MEDICAID SAFETY NET HOSPITAL ACT OF 2000

Mr. MOYNIHAN. Mr. President, today, I join with my colleagues, Senators GRAHAM and FEINSTEIN, in introducing legislation to ensure that our safety net hospitals continue to be able to care for the poor and the uninsured.

The Medicaid Disproportionate Share Hospital (DSH) program provides vital funding to safety net hospitals that primarily serve Medicaid and uninsured patients. The Balanced Budget Act of 1997 placed declining state-specified ceilings on federal Medicaid DSH spending from 1998–2002. In 2003, the limits will begin to be adjusted upwards for inflation. The Medicaid Safety Net Hospital Act of 2000 would freeze the state-specific caps at this year's limits (thereby preventing further declines in the limits) and adjust them for inflation beginning in 2002.

It is essential to provide much-needed support to our safety net hospitals. The number of uninsured in the United States increases every year, in part because of declining Medicaid enrollment as a result of welfare reform. There are now 44 million Americans without health insurance who have no choice but to turn to the emergency rooms of safety net hospitals for care. Yet, even as demands on safety net hospitals increase, DSH spending per State is being further reduced. The Medicaid Safety Net Hospital Act of 2000 would maintain significant savings achieved by prior reductions but would protect safety net hospitals from further DSH cuts. As a result, hospitals would have access to the financing they need for achieving their social mission.

Mr. President, Congress should act now to preserve the financial ability of our safety net hospitals to provide health care to the poor and uninsured/

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Safety Net Hospital Act of 2000".

SEC. 2. FREEZING MEDICAID DSH ALLOTMENTS FOR FISCAL YEAR 2001 AT LEVELS FOR FISCAL YEAR 2000.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "2002" and inserting "2001";

(B) in the matter preceding the table, by striking "2002" and inserting "2001 (and the DSH allotment for a State for fiscal year 2001 is the same as the DSH allotment for the State for fiscal year 2000, as determined under the following table)"; and

(C) by striking the columns in the table relating to FY 01 and FY 02 (fiscal years 2001 and 2002); and

(2) in paragraph (3)—

(A) in the heading, by striking "2003" and inserting "2002"; and

(B) in subparagraph (A), by striking "2003" and inserting "2002".

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Medicaid Safety Net Hospital Act of 2000, a bill that would freeze Medicaid Disproportionate Share Hospital (DSH) payments to hospitals at their 2000 level for Fiscal Year 2001 and 2002. I hope the Senate can act promptly on this bill.

The number of people in our nation who have no medical insurance has hit some 44 million. This is tragic. More than 100,000 people join the ranks of the uninsured monthly. We cannot continue to reduce payments to hospitals that provide care for the uninsured. We cannot balance the budget on the backs of poor people who show up at emergency rooms with no insurance or on the backs of the hospitals that tend to them.

California bears a disproportionate burden of uncompensated care. Twenty-four percent of our population is uninsured. Nationwide, the rate is 17 percent. Currently, over 7 million Californians are uninsured. During the past few months, I have met with many California health care leaders. They fear that the Medicaid cuts contained in the Balanced Budget Act of 1997 have undermined the financial stability of California's health care system, which many believe to be on the verge of collapse.

As a result of Medicaid reductions in the Balanced Budget Act of 1997, California's Medicaid Disproportionate Share Hospital program could lose more than $280 million by 2002. Federal Medicaid DSH payments to California have declined by more than $116 million in the past two years and are slated to be cut by an additional $164 million—17 percent—over the next two years.

Without this bill, for example, by Fiscal Year 2002 Los Angeles County-University of Southern California Medical Center will lose $13.5 million. San Francisco General will lose $5.2 million. Fresno Community Hospital will lose $10.5 million. Over 132 California hospitals, representing rural and urban communities, depend on Medicaid DSH payments. Under this bill, millions of dollars will be restored to California public hospitals.

Public hospitals carry a disproportionate share of caring for the poor and uninsured. Forty percent of all California uninsured hospital patients were treated at public hospitals in 1998, up from 32 percent in 1993. The uninsured as a share of all discharges from public hospitals grew from 22 percent in 1993 to 29 percent in 1998. While overall public hospital discharges declined from 1993 to 1999 by 15 percent, discharges for uninsured patients increased by 11 percent. Large numbers of uninsured add huge uncompensated costs to our public hospitals.

The uninsured often choose public hospitals and frequently wait until their illnesses or injuries require emergency treatment. This makes their care even more costly. California's emergency rooms are strained to the breaking point. Last week at a California State Senate hearing, Dr. Dan Abbott, an emergency room physician at St. Jude Hospital in Fullerton, California said: "We feel that emergency care in California is overwhelmed, it's underfunded and at times, frankly, it is out-and-out dangerous." Statewide, 19 emergency rooms have closed since 1997 despite an increase in the number of uninsured requiring care. The burden to provide care is put on those hospitals who have managed to remain open, and many of those hospitals are currently facing financial problems of their own.

California's health care system, in the words of a November 15th Wall Street Journal article, is a "chaotic and discombobulated environment." It is stretched to the limit:

Thirty-seven California hospitals have closed since 1996, and up to 15 percent more may close by 2005.

Earlier this month, Scripps Memorial Hospital East County closed its doors due in part to reimbursement problems.

Eighty-six California hospitals operated in the red in 1999.

Academic medical centers, which incur added costs unique to their mission, are facing margins reduced to zero and below.

Sixty-two percent of California hospitals are now losing money. Due to the large number of Medicare and Medicaid patients, sixty-nine percent of California's rural hospitals lost money in 1998, according to the California Healthcare Association.

Hospitals have laid off staff, limited hours of operation, and discontinued services.

California physician groups are failing at the rate of one a week, with 115 bankruptcies or closures since 1996.

In short, restoring Medicaid cuts is crucial to stabilizing California's health delivery system.

Circumstances have changed since 1997 when we passed the Balanced Budget Act. We have eliminated the federal deficit. Because we have a robust economy, lower inflation, higher GDP growth and lower unemployment, we also have lowered Medicaid spending growth more than anticipated. This climate provides us an opportunity to revisit the reductions contained in the Balanced Budget Act of 1997 and to strengthen the stability of health care services, a system that in my State is on the verge of unraveling.

We need to pass this bill. Without it, we could have a more severe health care crisis on our hands, especially in California. I urge my colleagues to join me in passing this bill.

By Mr. DASCHLE:

S. 2309. A bill to establish a commission to assess the performance of the civil works function of the Secretary of the Army; to the Committee on Environment and Public Works.

CORPS OF ENGINEERS CIVIL WORKS INDEPENDENT INVESTIGATION AND REVIEW ACT

Mr. DASCHLE. Mr. President, over the last couple of months the Washington Post has published a number of very troubling articles about the operations of the U.S. Army Corps of Engineers.

These stories expose the existence of independent agendas within the Corps. They suggest cost-benefit analyses rigged to justify billion dollar projects; disregard for environmental laws, and a pattern of catering to special interests.

The actions described in the Post articles raise serious questions about the accountability of the Corps. And they present a compelling case for a thorough review of the agency's operations and management.

And it is not only the Post articles that cause me to believe this.

The Corps' current effort to update the Missouri River Master Control Manual—the policy document that governs the Corps' management of the river from Montana to Missouri—illustrates not only that the Corps can be indifferent to the environment. Too often, it actually erects institutional barriers that make achieving certain critical ecological goals difficult or impossible.

This ought to be a concern to all Americans. It is a deep concern to South Dakotans. The Missouri runs down the center of our state and is a major source of income, recreation and pride for us.

More than 40 years ago, the Corps built dams up and down the Missouri River in order to harness hydroelectric power. In return, it promised to manage the river wisely and efficiently.

That promise has not been kept.

Silt has built up, choking the river in several spots.

In recent years, studies have been done to determine how to restore the river to health. An overwhelming amount of scientific and technical data all point to the same conclusion.

The flow of the river should more closely mimic nature. Flows should be higher in the spring, and lower in the summer—just as they are in nature.

Yet the Corps proposes to continue doing largely what it has been doing all these years—knowing the consequences, knowing exactly what the practices have produced now for the last 50-plus years.

The agency's refusal to change will further jeopardize endangered species. And, it will continue to erode the recreational value of the river, which is 12 times more important to the economy than its navigational value.

Why does the Corps insist—despite all the evidence—on this course?

It does it to protect the barge industry—a $7 million-a-year industry that American taxpayers already spend $8 million a year to support. $8 million. That's how much American taxpayers pay each year for channel maintenance, to accommodate the barge industry.

The Washington Post suggests that the Corps handling of the Missouri River Master Manual is not an isolated case.

The Post articles contain allegations by a Corps whistleblower who says that a study of proposed upper-Mississippi lock expansions was rigged to provide an economic justification for that billion-dollar project.

In response to these allegations, the Corps' own Office of Special Counsel concluded that the agency—quote—"probably broke laws and engaged in a gross waste of funds."

In my own dealings with the Corps of Engineers, I too have experienced the institutional problems recorded so starkly in the Post series.

In South Dakota, where the Corps operates four hydroelectric dams, we have fought for more than 40 years to force the agency to meet its responsibilities under the 1958 Fish and Wildlife Coordination Act and mitigate the loss of wildlife habitat resulting from the construction of those dams.

For 40 years, the Corps has failed to meet those responsibilities.

That is why I have worked closely with the Governor of my state, Bill Janklow, and with many other South

Dakotans, to come up with a plan to transfer of Corps lands back to the state of South Dakota and two Indian tribes.

Unfortunately, instead of attempting to work with us, the Corps is fighting us.

The litany of excuses, scare tactics and misinformation the Corps employed to try to defeat our proposal is outrageous. It appears Corps officials are not nearly as concerned with preserving the river as they are with preserving their own bureaucracy.

After the legislation was enacted, the Chief of the Engineers, General Joseph Ballard continued to resist its implementation. In fact, my own experiences with the Corps, and the experiences of other members, repeatedly demonstrates General Ballard's unwillingness to follow civilian direction and ensure the faithful implementation of the law.

When considered in the context of the litany of problems that have come to light in the Post series, Congress has no choice but to consider seriously moving the responsibilities of the Corps from the Army and placing them within the Department of the Interior. Too much power now is concentrated in the hands of the Chief of the Engineers, and that power too often has been abused.

General Ballard's lack of responsiveness to the law, to meeting environmental objectives and to civilian direction, has serious consequences for individual projects.

Beyond that, it raises very troubling questions about the lack of meaningful civilian control over this federal agency.

In a democracy, institutions of government must be held accountable. That is the job of Congress—to hold them responsible.

The existence of separate agendas within the Corps bureaucracy cannot be tolerated if our democracy is to succeed in representing the will of the people. Its elected representatives and the civil servants appointed by them must maintain control of the apparatus of government.

Moreover, contempt for environmental laws and self-serving economic analyses simply cannot be tolerated if Congress is to make well-informed decisions regarding the authorization of expensive projects, and if the American taxpayer is to be assured that federal monies are being spent wisely.

The Corps of Engineers provides a valuable national service. It constructs and manages needed projects throughout the country.

The size and scope of the biannual Water Resources Development Act is clear evidence of the importance of the Corps' civil works mission.

Because the Corps' work is so critical, it is essential that steps be taken immediately to determine the extent of the problems within the agency—and to design meaningful and lasting reforms to correct them.

Our nation needs a civil works program we can depend on. We need a Corps of Engineers that conducts credible analysis.

We need a Corps that balances economic development and environmental protection as required by its mandate—not one that ignores environmental laws as it chooses.

History does not offer much room for confidence that the Army Corps of Engineers can meet these standards under its current management structure. Therefore, I am introducing legislation today to establish an independent Corps of Engineers Investigation and Review Commission.

The commission will take a hard and systemic look at the agency and make recommendations to Congress on needed reforms.

It will examine a number of issues, including:

The effectiveness of civilian control in the Corps, particularly the effectiveness of the relationship between uniformed officers and the Assistant Secretary for civil works with regard to responsiveness, lines of authority, and coordination;

The Corps' compliance with environmental laws—including the Fish and Wildlife Coordination Act, the Endangered Species Act and NEPA—in the design and operation of projects;

The quality and objectivity of the agency's scientific and economic analysis;

The extent to which the Corps coordinates and cooperates with other state and federal agencies in designing and implementing projects;

The appropriateness of the agency's size, budget and personnel; and

Whether the civil works program should be transferred from the Corps to a civilian agency, and whether certain responsibilities should be privatized.

Mr. President, I urge my colleagues to review this legislation.

It is my hope that all those who care about the integrity of the Army Corps of Engineers and its mission will support this effort to identify and implement whatever reforms are necessary to rebuild public support for its work.

I ask unanimous consent that the full text of the legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corps of Engineers Civil Works Independent Investigation and Review Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Corps of Engineers Civil Works Independent Investigation and Review Commission established under section 3(a).

(2) SESSION DAY.—The term "session day" means a day on which both Houses of Congress are in session.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall establish a commission to be known as the "Corps of Engineers Civil Works Independent Investigation and Review Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of not to exceed 18 members, and shall include—

(A) individuals appointed by the President to represent—

(i) the Department of the Army;

(ii) the Department of the Interior;

(iii) the Department of Justice;

(iv) environmental interests;

(v) hydropower interests;

(vi) flood control interests;

(vii) recreational interests;

(viii) navigation interests;

(ix) the Council on Environmental Quality; and

(x) such other affected interests as are determined by the President to be appropriate; and

(B) 6 governors from States representing different regions of the United States, as determined by the President.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 180 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) IN GENERAL.—The President shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) NO CORPS REPRESENTATIVE.—The Chairperson and the Vice Chairperson shall not be representatives of the Department of the Army (including the Corps of Engineers).

SEC. 4. INVESTIGATION OF CORPS OF ENGINEERS.

Not later than 2 years after the date of enactment of this Act, the Commission shall complete an investigation and submit to Congress a report on the Corps of Engineers, with emphasis on—

(1) the effectiveness of civilian control over the civil works functions of the Corps of Engineers, particularly the effectiveness of the relationship between uniformed officers and the office of the Assistant Secretary of the Army for Civil Works with respect to—

(A) responsiveness;

(B) lines of authority; and

(C) coordination;

(2) compliance through the civil works functions of the Corps of Engineers with environmental laws in the design and operation of projects, including—

(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(3) the quality and objectivity of scientific, environmental, and economic analyses by the Corps of Engineers, including the use of independent reviewers of analyses performed by the Corps;

(4) the extent of coordination and cooperation by the Corps of Engineers with other Federal and State agencies in designing and implementing projects;

(5) whether the size of the Corps of Engineers is appropriate, including the size of the budget and personnel of the Corps;

(6) whether the management structure of the Corps of Engineers should be changed, and, if so, how the management structure should be changed;

(7) whether any of the civil works functions of the Corps of Engineers should be transferred from the Department of the Army to a civilian agency or should be privatized;

(8) whether any segments of the inland water system should be closed;

(9) whether any planning regulations of the Corps of Engineers should be revised to give equal consideration to economic and environmental goals of a project;

(10) whether any currently-authorized projects should be deauthorized;

(11) whether all studies conducted by the Corps of Engineers should be subject to independent review; and

(12) the extent to which the benefits of proposed projects—

(A) exceed the costs of the projects; or

(B) accrue to private interests.

SEC. 5. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the department or agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or personal property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2001 through 2003, to remain available until expended.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate on the date on which the Commission submits the report to Congress under section 4(a).

By Mr. COVERDELL (for himself, Mr. LEAHY, Mr. HELMS, and Mr. DEWINE):

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; read the first time.

SUPPORT FOR ELECTIONS AND DEMOCRACY IN PERU

Mr. COVERDELL. Mr. President, I rise today to introduce a joint resolution urging free and fair elections and respect for democratic principles in Peru. I join with my colleagues, Senator LEAHY, Senator HELMS, and Senator DEWINE to express concern about the transparency and fairness of the current electoral campaign in Peru.

Several independent election monitors have issued distressing reports on the conditions surrounding the upcoming April 9 elections in Peru. A Carter Center/National Democratic Institute delegation has concluded that conditions for a free election campaign have not been established. Their report states that "the electoral environment in Peru is characterized by polarization, anxiety and uncertainties . . . Irreparable damage to the integrity of the electoral process has already been done." The Organization of American States (OAS) has come to similar conclusions. An OAS special rapporteur recently concluded that "Peru lacks the necessary conditions to guarantee the complete exercise of the right to express political ideas that oppose or criticize the government."

These reports, and others, detail the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial process to stifle independent news outlets, and harassment or intimidation of opposition politicians—all with the aim of limiting the ability of opposition candidates to campaign freely. Such reports raise serious concerns about the openness in which the electoral campaign is being conducted and whether free and fair elections will actually occur.

Mr. President, this is a disturbing, though not necessarily surprising, trend for a government that already has an inconsistent record on democracy and the rule of law. Despite his many accomplishments, President Fujimori has often demonstrated little respect for democratic principles—his infamous "auto-coup", or dissolution of Congress, and his current bid for a third Presidential term being the best examples. In addition, the current crackdown on independent media highlights Peru's dismal record on press freedom under Fujimori. Freedom House rates only two countries in the Hemisphere, Peru and Cuba, as having a press that is "not free." According to Freedom House, since 1992 media outlets have been pressured into self-censorship or exile by a government campaign of intimidation, abductions, death threats, arbitrary detention, and physical mistreatment. The case of Baruch Ivcher is a good example. In September 1997, a government-controlled court stripped Ivcher of his media business and his Peruvian citizenship after the station ran reports linking the military to torture and corruption. In 1998, Ivcher was sentenced in absentia to 12 years imprisonment.

The continued intimidation of journalists, and the lack of truly independent judicial and legislative branches threaten democracy and the rule of law in Peru. Indeed, Peru, could be said to be undergoing a "slow-motion coup." Though not under attack in a violent or conspicuous manner, democracy and the rule of law in Peru are increasingly in question.

Mr. President, if one considers the incredible spread of democracy around the world over the last century, and in particular over the last twenty years, such a development is indeed disturbing. Consider the following: according to Freedom House, of the 192 sovereign states in existence today, 119 of them are considered true democracies. In 1950, just 22 countries were democracies, meaning that nearly 100 nations have made the transition over this half century. Nowhere was there a more dramatic change than in our own back yard. In 1981, 18 of the 33 nations in the hemisphere were under some form of authoritarian rule. By the beginning of the 1990's, all but one—Castro's Cuba—had freely elected heads of state.

Despite these gains, freedom in the hemisphere remains fragile and uncertain—Peru being just one example. After 7 years of neglect by the current administration, some of the hard-fought victories for freedom in Latin America are weakened and in jeopardy. There is no doubt that if the elections are not deemed to be free and fair, it will represent a major setback for the people of Peru and for democracy in the hemisphere.

Mr. President, we must recommit ourselves to nurturing and protecting the gains of freedom around the world, but with great attention on our own hemisphere. A message must be sent to President Fujimori that if democratic processes are not respected, their economic and diplomatic relations will suffer. This message should be unanimous from every nation in the region, and not just from the United States. A breach of democracy, especially in this hemisphere, must not be allowed to stand.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 43

Whereas presidential and congressional elections are scheduled to occur in Peru on April 9, 2000;

Whereas independent election monitors have expressed grave doubts about the fairness of the electoral process due to the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial processes to stifle independent reporting on radio, television, and newspaper outlets, and harassment and intimidation of opposition politicians, which have greatly limited the ability of opposing candidates to campaign freely; and

Whereas the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere, could result in instability in Peru, and could jeopardize United States antinarcotics objectives in Peru and the region: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress Assembled, That it is the sense of Congress that the President of the United States should promptly convey to the President of Peru that if the April 9, 2000 elections are not deemed by the international community to have been free and fair, the United States will modify its political and economic relations with Peru, including its support for international financial institution loans to Peru, and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

Mr. LEAHY. Mr. President, today I am joining Senators COVERDELL, DEWINE and HELMS in introducing a Joint Resolution regarding the presidential and congressional elections in Peru, which are scheduled for April 9. I want to thank the other sponsors for their leadership and concern for these issues.

These elections have generated a great deal of attention and anticipation, and they have also focused a spotlight on President Fujimori, who is running for an unprecedented third term. He is doing so after firing three of the country's Supreme Court judges, who had determined that a third term was barred by Peru's Constitution.

President Fujimori has often been praised for what he has accomplished since he first took office in 1990. His success in defeating the brutal Sendero Luminoso insurgency, combating cocaine trafficking, and curbing soaring inflation has brought stability and greater economic opportunities.

These are important achievements. Unfortunately, they have often been accomplished through the strong arm tactics of a president who has shown a disturbing willingness to run roughshod over democratic principles and institutions.

In the run up to the April 9th election, President Fujimori's and his supporter's disrespect for democratic procedures and the conditions necessary for free and fair elections has rarely been so blatant.

Journalists and independent election observer groups cite the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial process, alleged falsification of electoral petitions and harassment and intimidation of opposition politicians as just a few of the problems plaguing this process.

In February, the National Democratic Institute and the Carter Center concluded that "extraordinary, immediate and comprehensive measures" were necessary if the Peruvian elections are to meet international standards. Those measures have not been taken, and NDI and the Carter Center recently reported that "irreparable damage to the integrity of the election process has already been done." The Clinton administration, to its credit, has expressed grave concerns about the transparent attempts by President Fujimori and his supporters to manipulate the election process.

Mr. President, the results of the Peruvian elections will not be known until the final ballot is counted. But one thing is already clear. If the elections are not deemed to have been free and fair, it will be a major setback for the Peruvian people and for democracy in the hemisphere. And if that happens, the United States must react strongly. We will have no choice but to modify our economic and political relations with Peru, and work to restore democracy to that country.

That is the message of this resolution, and I urge other Senators to support it so we can send as strong a message as possible to President Fujimori and the Peruvian people.

Mr. President, I also want to take this opportunity to mention another matter that has caused me and other Members of Congress great concern. The Peruvian Government recently brought to the United States a former Peruvian Army intelligence officer who was responsible for torturing a woman who was left permanently paralyzed as a result. He was convicted in Peru, but released after a military tribunal reversed his conviction. For reasons that I have yet to get a suitable answer to, the U.S. Embassy granted him a visa to come to the United States to testify at a hearing before the Inter-American Human Rights Commission. That was bad enough. But the fact that the Peruvian Government saw fit to include such a person in its official delegation to appear as a witness in a human rights forum says a great deal about that government, and it should be condemned.

Finally, I want to express my personal concern about Lori Berenson, who was convicted by a Peruvian military court and sentenced to life in prison. The United States Government, other governments, Amnesty International and other independent human rights groups, have all concluded that she was denied due process. I and others have called for her release or trial by a civilian court in accordance with international standards. Innocent or guilty, every person deserves a fair trial, and I would hope that a country that professes to respect human rights would recognize the obvious—that Ms. Berenson's conviction was a miscarriage of justice.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 577

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 656

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1946

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2058

At the request of Mr. GRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2058, a bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 84

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. ROBB), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Delaware (Mr. ROTH), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN-77, the last vessel of the historic "*Nimitz*" class of aircraft carriers, as the U.S.S. *Lexington*.

SENATE CONCURRENT RESOLUTION 99—CONGRATULATING THE PEOPLE OF TAIWAN FOR THE SUCCESSFUL CONCLUSION OF PRESIDENTIAL ELECTIONS ON MARCH 18, 2000, AND REAFFIRMING UNITED STATES POLICY TOWARD TAIWAN AND THE PEOPLE'S REPUBLIC OF CHINA

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 99

Whereas section 2(c) of the Taiwan Relations Act (Public Law 96-8) states "[t]he preservation and enhancement of the human rights of all the people on Taiwan" to be an objective of the United States;

Whereas Taiwan has become a multiparty democracy in which all citizens have the right to participate freely in the political process;

Whereas the people of Taiwan have, by their vigorous participation in electoral campaigns and public debate, strengthened the foundations of a free and democratic way of life;

Whereas Taiwan successfully conducted a presidential election on March 18, 2000;

Whereas President Lee Teng-hui of Taiwan has actively supported the consolidation of democratic institutions and processes in Taiwan since 1988 when he became President;

Whereas this election represents the first such transition of national office from one elected leader to another in the history of Chinese societies;

Whereas the continued democratic development of Taiwan is a matter of fundamental importance to the advancement of United States interests in East Asia and is supported by the United States Congress and the American people;

Whereas a stable and peaceful security environment in East Asia is essential to the furtherance of democratic developments in Taiwan and other countries, as well as to the protection of human rights throughout the region;

Whereas since 1972 United States policy toward the People's Republic of China has been predicated upon, as stated in section 2(b)(3) of the Taiwan Relations Act, "the expectation that the future of Taiwan will be determined by peaceful means";

Whereas section 2(b)(6) of the Taiwan Relations Act further pledges "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan";

Whereas on June 9, 1998, the House of Representatives voted unanimously to adopt House Concurrent Resolution 270 that called upon the President of the United States to seek "a public renunciation by the People's Republic of China of any use of force, or threat to use force, against democratic Taiwan";

Whereas the People's Republic of China has consistently refused to renounce the use of force against Taiwan;

Whereas the State Council, an official organ at the highest level of the Government of the People's Republic of China, issued a "white paper" on February 21, 2000, which threatened "to adopt all drastic measures possible, including the use of force", if Taiwan indefinitely delays entering into negotiations with the People's Republic of China on the issue of reunification; and

Whereas the February 21, 2000, statement by the State Council significantly escalates tensions across the Taiwan Straits and sets forth a new condition that has not heretofore been stated regarding the conditions that would prompt the People's Republic of China to use force against Taiwan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the people of Taiwan are to be congratulated for the successful conclusion of presidential elections on March 18, 2000, and for their continuing efforts in developing and sustaining a free, democratic society which respects human rights and embraces free markets;

(2) President Lee Teng-hui of Taiwan is to be congratulated for his significant contributions to freedom and democracy on Taiwan;

(3) President-elect Chen Shui-bian and Vice President-elect Annette Hsiu-lien Lu of Taiwan are to be congratulated for their victory, and they have the strong support and best wishes of the Congress and the American people for a successful administration;

(4) it is the sense of Congress that the People's Republic of China should refrain from making provocative threats against Taiwan and should instead undertake steps that would lead to a substantive dialogue, including a renunciation of the use of force against Taiwan and progress toward democracy, the rule of law, and protection of human and religious rights in the People's Republic of China; and

(5) the provisions of the Taiwan Relations Act (Public Law 96-8) are hereby affirmed as the statutory standard by which United States policy toward Taiwan shall be determined.

SENATE RESOLUTION 278—COMMENDING ERNEST BURGESS, M.D. FOR HIS SERVICE TO THE NATION AND INTERNATIONAL COMMUNITY

Mr. KERREY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 278

Whereas Dr. Ernest Burgess has practiced medicine for over 50 years;

Whereas Dr. Burgess has been a pioneer in the field of prosthetic medicine, spearheading ground breaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish Prosthetic Research Study, a leading center for post operative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess is internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' life long commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess has received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care; and

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration: Now, therefore, be it

Resolved, That the United States Senate commends Ernest Burgess, M.D. for a life devoted to providing care and service to his fellow man.

Mr. KERREY. Mr. President, I rise today to honor Dr. Ernest M. Burgess, a man who has dedicated his life to cleansing sickness from the lives of countless people.

When my grandchildren study the events that shaped the development of the twentieth century, the American Century as some call it, they will be learning of the life of Dr. Burgess. I often speak of the admirable sacrifices and tremendous foresight of this generation of Americans: a generation who, more than any before it, left an indelible imprint on the course of human history. Dr. Burgess, like thousands of his contemporaries, was an ordinary citizen who lived an extraordinary life of service and accomplishment.

Born eleven years into the new century, Ernie was raised in the character of the rural American West. Influenced by a remarkable aunt who practiced medicine at a time when most women couldn't vote, he became attracted to serving and caring for the sick. Upon completion of his medical degree and residency at Columbia and Cornell Universities, Dr. Burgess served his country in the U.S. Army from 1943 to 1946.

Mr. President, one of the bitterest effects of war visits those who suffer debilitating wounds and then live a life forever altered. As an orthopedic surgeon involved in ground breaking advancements in prosthetic surgery, Dr. Burgess has allowed thousands of amputees the opportunity to return to activities unimaginable at the time of the injury. He is a pioneer in the field of prosthetic research and responsible for the establishment of Prosthetics Research Study (PRS), which is one of the leading centers in the world for post-operative care. Through a career that spans six decades, Dr. Burgess has used his medical gifts to improve the health of his fellow humans.

As a veteran and amputee, I live with the daily reminder of the costs of war. Because of the work of Dr. Burgess, I and thousands of veterans have a more powerful reminder of our service: one where our lives are complete and rewarding.

Through his work with the Prosthetic Research Study, Dr. Burgess pioneered new surgical techniques that allow amputees to move with more comfort and mobility. The development of lightweight and responsive materials have permitted thousands of amputees the freedom to participate in physical activities from skiing to basketball. On a personal note, my passion for running and my ability to ski and play golf and walk these halls could not be a reality without the advances spearheaded by the PRS and Dr. Burgess.

Throughout his career, Dr. Burgess has continued to be at the forefront of improving prosthetic techniques. A teacher and author of surgical and rehabilitation texts, he tirelessly emphasizes constructive surgery for amputees. As he often states, "the way the surgery is performed will affect the rest of his life." Dr. Burgess takes this philosophy to heart and I admire his continued pursuit of improving medical care.

The effects of war are inflicted mainly on the innocent and young. After American participation in Vietnam ended we slowly realized the breadth of the war's destruction on so many Vietnamese. The existence of thousands of injured civilians highlighted the larger world problem of poor medical treatment in many parts of the world—parts that are also the most war-torn. In 1988, at the prompting of United States Vietnam Veterans who had visited Vietnam, Dr. Burgess and others worked to establish the Prosthetics Outreach Center (POC). This clinic has provided thousands of Vietnamese with free limbs and allowed them to rediscover the completeness of their lives.

Mr. President, as the men and women of America's greatest generation, enter a new century, I remain in awe of their continuing achievements. The remarkable career of Dr. Burgess epitomizes the commitment to improving peoples lives through dedicated effort. I am proud to be able to submit this Resolution recognizing a great man and paying tribute to his attainments and his goals. Thank you, Dr. Burgess, and I know my colleagues join me in recognition of your accomplishments.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, April 5, 2000, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the proposed 5-year strategic plan of the U.S. Forest Service in compliance with Government Results and Performance Act.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-6170.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Thursday, April 6, 2000, at 2:30 p.m., before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources, a hearing to receive testimony on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks, has been cancelled.

For further information, please contact Jim O'Toole or Kevin Cark of the committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 28, for purposes of conducting a joint committee hearing with the Committee on Foreign Relations, which is scheduled to begin at 3:00 p.m. The title of this oversight hearing is "America at Risk: U.S. Dependency on Foreign Oil."

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 2000, at 2:30 p.m., to hold a hearing.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on "Keeping Children Safe from Internet Predators" during the session of the Senate on Tuesday, March 28, 2000, at 9:30 a.m.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, March 28, 2000, beginning at 9:30 a.m., in room 562 of the Dirksen Senate Office Building to hold a hearing entitled "Swindling Small Businesses: Toner-Phoner Schemes and Other Office Supply Scams."

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. HATCH. Mr. President. I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Tuesday, March 28, 2000, at 9:30 a.m., for a hearing entitled "Oversight of HCFA's Settlement Policies: Did HCFA Give Favored Providers Sweetheart Deals?"

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, AND NUCLEAR SAFETY

Mr. HATCH. Mr. President. I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, and Nuclear Safety be authorized to meet during the session of the Senate on Tuesday, March 28, 9:30 a.m., to conduct a hearing to receive testimony regarding the Administration's budget for the EPA Clean Air programs and the Army Corps of Engineers Wetlands budget.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, March 28, 2000, at 9:30 a.m., on broadband deployment in rural areas.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, March 28, 2000, at 10 a.m., in SD-226.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S.J. RES. 43

Mr. LOTT. Mr. President, there is a joint resolution at the desk which was introduced earlier by Senator COVERDELL and others, and I ask for its first reading.

The **PRESIDING OFFICER.** The clerk will report the joint resolution by title.

The senior assistant bill clerk read as follows:

> A joint resolution (S.J. Res. 43) expressing the sense of the Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

Mr. LOTT. I now ask for its second reading and object to my own request.

The **PRESIDING OFFICER.** Objection is heard.

CONGRATULATING THE PEOPLE OF TAIWAN AND REAFFIRMING U.S. POLICY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 99, submitted earlier today by me.

The **PRESIDING OFFICER.** The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 99) congratulating the people of Taiwan for the successful conclusion of Presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BIDEN. Mr. President, on March 18 the people of Taiwan went to the polls and chose their next president through a free and fair multiparty election. The winner of a close three-way race, Chen Shui-bian of the Democratic Progressive Party, will be inaugurated in May.

I had the pleasure of meeting with Mr. Chen in Washington in 1997 when he was the mayor of Taipei. I was impressed by his political smarts and his commitment to building a more democratic and prosperous Taiwan.

I also found him to be genuinely committed to improving relations with the mainland.

I believe that Taiwan's election provides a fresh opportunity for the people of Taiwan and the people of China to reach out and resolve their differences peacefully through dialog on the basis of mutual respect.

I hope that leaders on both sides of the Strait will seize this opportunity and begin to lay the foundation of trust, goodwill, and understanding which must precede true reconciliation.

The inauguration of Chen will end the virtual monopoly of power the Nationalist Party has exercised for most of the past 50 years. This peaceful transition of power at the top of Taiwan's political system will mark the maturation of their democracy, and it is an event worthy of our profound respect and hearty congratulations.

It was only 13 years ago that Taiwan lifted martial law and ushered in a new period of open political discourse and expanded civil liberty. Prior to that, Taiwan's leaders did not tolerate dissent and moved swiftly and sometimes ruthlessly to silence their critics.

Taiwan's president-elect knows this well, because he got his start in politics as a young crusading lawyer working to promote transparency, freedom of speech, and freedom of assembly.

Taiwan's emergence as a genuine multiparty democracy is a significant development in the long history of China. It is all the more remarkable given the fact that China's leaders in Beijing have done their level best to intimidate Taiwan's voters and prevent them from exercising this fundamental right.

I cannot help but wonder how average Chinese on the mainland must view Taiwan's remarkable transformation. On the one hand, the people of China have a deep devotion to national unity and apparently are prepared to use force against Taiwan if it were to declare its independence.

As Zhang Yunling of the Chinese Academy of Social Sciences in Beijing explained to New York Times correspondent Elisabeth Rosenthal on March 20, "China was divided when it was weak, and now that it is getting strong again, people's nationalist feeling rises and they feel strongly it is time to reunite the country."

On the other hand, the people of China are beginning to form their own impressions of Taiwan, no longer content only to listen to the government's official propaganda demonizing the island. Some even admit publicly to a certain grudging admiration for Taiwan's accomplishments and hope their own government will do nothing to precipitate a crisis.

As one 22-year-old Beijing University physics major told Rosenthal, "I think both sides will have to make adjustments to their policies. After all Taiwan is democratic now, and the people have exercised their right to choose a president."

Let me read the words of that university student again, ". . . the people have exercised their right to choose a president."

In America, we take democratic transitions of power for granted. But in China, and until recently on Taiwan, it was a revolutionary concept. And yet that is precisely what the people of Taiwan did on March 18. They changed their leadership through a peaceful, orderly, democratic process. They did so, by all accounts, because they were frustrated with corruption, cronyism, campaign finance abuses, and bureaucratic inefficiency.

These are all faults that China's communist government has in spades. And with Internet use exploding in China, and with cross-straits commercial ties now in the tens of billions of dollars, there is no way that the people of China will not discover what is happening on Taiwan.

And they may become inspired not only by the island's prosperity, but also by its peaceful democratic revolution. I predict they will begin to ask themselves, "How come we don't enjoy the same standard of living and the same political rights here on the mainland?"

Taiwan's people are responsible for the island's miraculous transformation from authoritarian rule and poverty to democracy and prosperity. They deserve all of the credit. But the people of the United States have reason to feel a little bit of pride as well.

If Taiwan wins the Oscar for Best Actor, then we at least get a nomination for Best Supporting Actor. The United States commitment to Taiwan's security under the terms of the Taiwan Relations Act helped create the stable environment in which Taiwan has thrived.

The other critical component of cross-Strait stability has been our adherence to a "One-China" policy, in which we maintain that disputes between the two sides of the Taiwan Strait must be settled peacefully, and that the future relationship between the People's Republic of China and Taiwan must be determined in accordance with the wishes of the people of China and the people of Taiwan.

Maintaining a peaceful, stable environment in the Taiwan Strait has fostered economic growth throughout East Asia. It has also aided the emergence of democratic societies in the Philippines, Thailand, South Korea, Indonesia, and Taiwan.

In the past decade, more people have come under democratic rule in East Asia than were liberated in Europe by the end of the cold war and the collapse of the Soviet Union. This remarkable accomplishment would not have been possible without United States leadership.

Given all that Taiwan has accomplished in such a short span, I look forward to the future with renewed hope that someday all people of China will enjoy the rights and standard of living enjoyed by those fortunate few who live on Taiwan.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 99) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 99

Whereas section 2(c) of the Taiwan Relations Act (Public Law 96-8) states "[t]he preservation and enhancement of the human rights of all the people on Taiwan" to be an objective of the United States;

Whereas Taiwan has become a multiparty democracy in which all citizens have the right to participate freely in the political process;

Whereas the people of Taiwan have, by their vigorous participation in electoral campaigns and public debate, strengthened the foundations of a free and democratic way of life;

Whereas Taiwan successfully conducted a presidential election on March 18, 2000;

Whereas President Lee Teng-hui of Taiwan has actively supported the consolidation of democratic institutions and processes in Taiwan since 1988 when he became President;

Whereas this election represents the first such transition of national office from one elected leader to another in the history of Chinese societies;

Whereas the continued democratic development of Taiwan is a matter of fundamental importance to the advancement of United States interests in East Asia and is supported by the United States Congress and the American people;

Whereas a stable and peaceful security environment in East Asia is essential to the furtherance of democratic developments in Taiwan and other countries, as well as to the protection of human rights throughout the region;

Whereas since 1972 United States policy toward the People's Republic of China has been predicated upon, as stated in section 2(b)(3) of the Taiwan Relations Act, "the expectation that the future of Taiwan will be determined by peaceful means";

Whereas section 2(b)(6) of the Taiwan Relations Act further pledges "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan";

Whereas on June 9, 1998, the House of Representatives voted unanimously to adopt House Concurrent Resolution 270 that called upon the President of the United States to seek "a public renunciation by the People's

Republic of China of any use of force, or threat to use force, against democratic Taiwan";

Whereas the People's Republic of China has consistently refused to renounce the use of force against Taiwan;

Whereas the State Council, an official organ at the highest level of the Government of the People's Republic of China, issued a "white paper" on February 21, 2000, which threatened "to adopt all drastic measures possible, including the use of force", if Taiwan indefinitely delays entering into negotiations with the People's Republic of China on the issue of reunification; and

Whereas the February 21, 2000, statement by the State Council significantly escalates tensions across the Taiwan Straits and sets forth a new condition that has not heretofore been stated regarding the conditions that would prompt the People's Republic of China to use force against Taiwan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the people of Taiwan are to be congratulated for the successful conclusion of presidential elections on March 18, 2000, and for their continuing efforts in developing and sustaining a free, democratic society which respects human rights and embraces free markets;

(2) President Lee Teng-hui of Taiwan is to be congratulated for his significant contributions to freedom and democracy on Taiwan;

(3) President-elect Chen Shui-bian and Vice President-elect Annette Hsiu-lien Lu of Taiwan are to be congratulated for their victory, and they have the strong support and best wishes of the Congress and the American people for a successful administration;

(4) it is the sense of Congress that the People's Republic of China should refrain from making provocative threats against Taiwan and should instead undertake steps that would lead to a substantive dialogue, including a renunciation of the use of force against Taiwan and progress toward democracy, the rule of law, and protection of human and religious rights in the People's Republic of China; and

(5) the provisions of the Taiwan Relations Act (Public Law 96-8) are hereby affirmed as the statutory standard by which United States policy toward Taiwan shall be determined.

UNANIMOUS-CONSENT REQUEST—S. 2285

Mr. LOTT. Mr. President, I have a unanimous-consent request which I have communicated to Senator DASCHLE. He is here to respond. Before I propound it, I will say this does have to do with the issue of gasoline taxes, and it is an effort to get a process started so we can have a discussion and debate about votes on this issue.

I ask unanimous consent that the Senate now turn to Calendar No. 473, S. 2285, regarding gas taxes, and that following the reporting of the bill, there be 4 hours equally divided for debate under control of the two leaders or their designees. I further ask unanimous consent that no amendments or motions be in order and, following the use or yielding back of time, the bill be advanced to third reading and passage occur, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, first, this bill has never been in committee. It has not had the opportunity afforded most legislation to be considered, have hearings, have people come forth and talk about the implications of eliminating the gas tax. Normally bills go through committee, and then they come to the floor. That is No. 1.

No. 2, what kind of a debate would one have when no amendments are made available? I cannot imagine that on an issue of this import we would want to accelerate the debate, accelerate the consideration, and prevent Senators from offering amendments and other ideas.

For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I regret the objection from the minority leader, but I understand. This agreement would allow the Senate to pass and send a message to all Americans that we are trying to do what we can in the short term to alleviate the rising gas prices all Americans are paying at the pumps.

I would not suggest for a moment that this is the long-term solution, and I should emphasize, this legislation would allow for the suspension of the 4.3-cents-a-gallon gas tax for the remainder of the year, with a trigger device that says that if the average price nationwide reaches $2, then there will be a gas tax holiday for the remainder of the year for the full 18.4 cents a gallon.

It is pretty simple and straightforward. There would be time for debate, but I understand.

We will get the process started, and we will see how it develops in terms of the debate and what votes will occur in order for us to start this process, which looks like we will have to go through a motion to proceed to invoke cloture on the bill and then there will be subsequent votes.

In order for this to be considered,in a timely fashion, which could take as long as a week or two, I thought we needed to get it started.

MOTION TO PROCEED—S. 2285

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Calendar No. 473 and send a cloture motion to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

Cloture Motion

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the Gas Tax Repeal Act, S. 2285:

Trent Lott, Frank H. Murkowski, Paul Coverdell, Conrad Burns, Larry E. Craig, Mike Crapo, Judd Gregg, Orrin Hatch, Rod Grams, Susan Collins, Robert F. Bennett, Chuck Grassley, Mike Inhofe, Don Nickles, Sam Brownback, and Richard G. Lugar.

Mr. LOTT. Mr. President, this cloture vote will occur then on Thursday. I will work with the Democratic leader to set this vote, hopefully following the passage of the satellite loan guarantee bill, which I know the Senate is anxious to get completed. It was part of an agreement last year that we entered into with regard to the satellite bill that there was a need for a loan program to make sure that it actually worked, and so this bill will be on the floor. I am sure there are going to be some amendments that will be offered on that, but we would like to complete that and then go to this subsequent vote on Thursday. We will work through the timing of it. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

LEADER'S LECTURE SERIES—BOB DOLE

Mr. LOTT. Mr. President, I note that at 6 o'clock tonight, we will be hearing the sixth presentation in the Leader's Lecture Series. Our presenter tonight is our beloved former minority and majority leader, Bob Dole. I encourage all Senators to attend. I know there will be family and friends and guests of Senator Dole. Hopefully, we will be available on C-SPAN so the American people will be interested in hearing from this patriot and one of America's favorite sons.

ORDERS FOR WEDNESDAY, MARCH 29, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, March 29. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S.J. Res. 14, the flag desecration bill for up to 30 minutes equally divided between the chairman and the ranking member.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. So then at 9:30, we will resume consideration of the resolution. We will have 30 minutes of debate, and the cloture vote will occur on the resolution. Senators can expect the first vote at 10 a.m. on Wednesday. Following that vote, notwithstanding rule XXII, I ask unanimous consent that the Senate begin a period of morning business until 12:30 p.m. with Senators speaking for up to 5 minutes each with the following exceptions: Senator BROWNBACK, or his designee, the first 30 minutes; to be followed by Senator COVERDELL, or his designee, for 30 minutes; and Senator DURBIN, or his designee, for 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. If the cloture motion is agreed to, a final passage vote on the resolution is expected to occur during the day tomorrow, probably in the afternoon session, obviously. As a reminder, cloture was filed on the gas tax legislation, and pursuant to rule XXII, that vote will occur on Thursday at a time to be announced later after consultation between the two leaders.

The Senate will also begin consideration of the loan guarantees legislation as per the unanimous consent agreement.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of the Democratic leader, Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE MATTERS

Mr. DASCHLE. Mr. President, I come to the floor to talk briefly about a matter that we have been especially concerned about in recent months, and that has to do with the Corps of Engineers.

Prior to that, I rise to express my disappointment that we were not able to get to the electronic signature bill conference report today. I thought we had worked out all of the problems. Now, as I understand it, there are some problems on the Republican side. I hope it won't be held up too much longer. We need to get on with that legislation, and we have been trying to move this bill to conference now for some time. We had worked out our concerns with regard to representation, and I was certain we would be able to finish that work today. But given the problems there now appear to be on the Republican side, I am hopeful we can resolve those no later than tomorrow.

I am reminded, again, as we file cloture, that the motion to invoke cloture is a motion to end debate. I am always amused by that phrase, "end debate." How do you end debate that you haven't even started? That is what we are being asked to do on Thursday, end debate on a tax bill that didn't go to the committee, on a tax bill that hasn't had one hearing.

How is it that we would limit Senators' rights to offer amendments when those considerations are paramount as we consider a tax bill—a gas tax bill?

So we are very concerned about why it is we need to move rapidly to this legislation if it is this important, if it is this much a part of finding ways in which to provide relief. You would think that, consistent with past practice and consistent with the recognition of the importance of the issue, it at least would have been given a hearing or some consideration in committee. That has not happened.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 2309 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:46 p.m., adjourned until Wednesday, March 29, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 28, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 28, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1730. An act to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1731. An act to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER) for 5 minutes.

FAILING U.S. SUGAR PROGRAM

Mr. MILLER of Florida. Madam Speaker, today, I would like to bring to the attention of the House the problems with the failing U.S. sugar program. The sugar daddy of corporate welfare is one of the most egregious programs that we have in the Federal Government, and it is now in the process of imploding.

It is a really bad, big government program that is hard to understand in our great government we have here that we continue to have a program that just does not fit in our free enterprise capitalistic economy that we have. It is a program that is bad for the consumer. It is bad for jobs in this country. It is bad for the environment. It is bad trade policy. It just makes zero economic sense.

The way the program works is, the Federal Government kind of acts like OPEC, they want to manage supply to keep the prices high. Now, we are required to allow some sugar to be imported into the United States. The Government has a loan program that they say we will guarantee the price will not drop below this amount or else we will buy the sugar. Well, all of a sudden for the first time in decades, they are on the verge of getting ready to buy a lot of sugar.

As reported in the newspaper this morning, the AP wire service story says "got a sweet tooth? Uncle Sam wants you." The Government is thinking about buying 250,000 tons of surplus sugar to pump up the domestic price, but then what will officials do with all the sugar? Enough to fill two-thirds of the Empire State Building. One idea is to donate it overseas; although, no country has indicated they are willing to even take it.

This is just the beginning, as the article goes on to say. We are talking about $550 million worth of sugar that our agriculture department is going to have to buy this year, and it has no place to even give it away. Wow, do we have an embarrassing situation here in Washington.

The production of sugar has gone up by 25 percent in the past 3 years, because we have this high price. The price of sugar in the United States is three times what it is around the world. You can go across the border into Canada, and it is a third of the price of the United States; or go to Mexico, it is a third of the price of the United States.

What is happening to jobs in the United States? We take companies that use a lot of sugar. Hey, I cannot compete with the Canadian companies that use a lot of sugar. For example, Bobs Candies from Georgia makes candy canes. The candy canes use a lot of sugar, and it is a lot cheaper to produce them in Canada or Mexico or some other place that buys sugar for a third of the price. So we are losing jobs in the country because sugar is used in so many of our different products, whether it is cereal or baked goods.

It is a very costly thing. In fact, the General Accounting Office says it costs over a billion dollars a year extra per year on the consumer, because of the high price we pay for sugar. This is really a regressive program, because the poor pay a lot higher percentage of the total income for the sugar program.

It is bad for the environment. I am from Florida. We are considered to have a real national treasure, the Everglades; and one of the real contributing problems to the Everglades environmentally is the runoff from the sugar plantations in Florida.

Now, we have this high price of sugar. They are growing more sugar in Florida and causing more runoff, and now we are having to buy this sugar from the sugar programs. We are going to spend $8 billion restoring the Everglades. We are encouraging even more production in the sugar. This is one program that is hard to comprehend how you justify it in our country.

Let us talk about trade issues. When we negotiate trade agreements, what we really want to do is encourage our products to be exported around the world, whether it is orange juice from Florida or airplanes from Boeing or computers or computer software. We want to open up markets so we can sell our products. The problem our negotiators have is that we will go around and say, country, you need to open up your markets for us, as we are talking about China, but do not sell us any sugar, we want to protect our sugar plantations, our sugar barrens in Florida and elsewhere around the country, because we have to protect them; but we want you to let us sell anything we want to your country.

Explain to a trade negotiator how you explain that one away. As Mr. MCCAIN has talked about in campaign finance, this is a poster child for campaign finance. Mr. MCCAIN actually led the effort over in the Senate side to get rid of this program. Mr. Gore came out with his plan.

Sugar is one of the biggest contributors, not only in Washington, it is in Tallahassee. They are claiming poverty, but they are the biggest donors of

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PAC contributions in the campaign. It is on both sides of the aisle, Republicans and Democrats.

Now, I used to study economics in graduate school. And I know some economics. There is zero way to explain the economics of this. You have let the marketplace happen. We are not a socialistic country. Socialism does not work where the government manages prices, tries to manage production. It does not work, so we have to get rid of a program like this.

I am encouraging my colleagues as this program starts costing us hundreds of millions of dollars, billions of dollars in the government, we cannot afford to continue to allow this. I urge my colleagues to join with me and the gentleman from California (Mr. GEORGE MILLER) in a bipartisan effort to get rid of the sugar program.

MISTREATMENT OF GAY, LESBIAN, AND BISEXUAL PATRIOTIC AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

JOIN BIPARTISAN EFFORT TO ELIMINATE SUGAR PROGRAM

Mr. FRANK of Massachusetts. Madam Speaker, I want to begin by expressing my agreement with the comments of the gentleman from Florida. One of the things he called attention to is a very curious publishing phenomenon. I have listened to many of my colleagues who are great supporters of free enterprise and who attribute the virtues of the market of free enterprise to all manner of people, mostly poor and working-class people who look for help. But apparently there is in every free market text ever written, Milton Friedman, Ludwig von Mises, et cetera, a secret footnote that can only be read by people who represent certain agricultural interests, which says to them, this free market stuff is great for poor people and for people who try to work in factories, but it does not apply to agriculture, because by some strange literary feat, the strongest supporters of an unrestrained free market system consistently make an exception for some protected and politically favored parts of agriculture.

I will be voting for the amendment that the gentleman mentioned.

Madam Speaker, I want to talk today about the recent report that was issued by the Inspector General documenting a fact that many of us already knew, and that is that the mistreatment of gay, lesbian, and bisexual patriotic Americans who have tried to serve their country has been one of the most discouraging aspects of this administration's record.

Ordinarily, being able to say "I told you so" makes one feel pretty good. People pretend they do not like to say "I told you so," but most people do. But in this case I say it sadly. I and others have been telling the President and the Secretary of Defense and others that for years now that they were allowing patriotic, honorable young men and women who happen to be gay, lesbian, or bisexual and who were motivated by a desire to serve their country to be mistreated.

I do not fault President Clinton for the adoption of the "don't ask, don't tell" policy; I think he tried very hard to get a better policy. But he is culpable for the fact that once the policy was implemented, he did not effectively compel the military to live up even to the slight improvement it represented. Neither he nor Secretaries of Defense under him, particularly Secretary Perry and Secretary Cohen, have taken it seriously. I must say that I am particularly disappointed in Secretary Cohen from whom I expected more.

For years, we have been telling the Secretary the facts that he now has to acknowledge, because a young man was tragically murdered, a young man who made the mistake of wanting to serve his country in the military, who had a flawless record, and who was tragically murdered by anti-gay bigotry, fostered by the policy of the administration. Only after that murder could we get the Secretary to say, okay, I will look into this, and he now has to acknowledge what we have been telling him all along. But he must understand that part of his own actions have been part of a pattern all along.

When the Navy outrageously violated the privacy of a young man named Timothy McVeigh, a patriotic member of the Navy, and a Federal judge ruled that they had violated his rights, the Defense Department resisted that ruling, sought to appeal it, and had to be overruled by the President, one of the few times that the President did get involved. Even now, in the aftermath of the murder of Mr. Winchell, we have the people at that base where absolute harassment was proven to have happened going unpunished. We had an officer at 29 Palms issue a viciously bigoted e-mail about gay people, and he goes unpunished.

The fact is that the administration cannot pretend that it did not know this was happening, and it certainly has to give a more effective response, even now, with the Inspector General documenting what the Secretary should have known because people have told him this for years, his response is well, I am now appointing a commission and in July, at the end of July, I will consider implementing some corrective steps.

There are things he can do right away, from his own personal involvement to some very specific policies. He has made a few steps. They have paled in insignificance to the kind of bigotry that is still there. Secretary Cohen has been there for over 3 years. Does he want to leave office with only the last couple of months of his stewardship of the Defense Department being a time when he paid serious attention to this?

Let us be clear what we are talking about. Young Americans who happen to be gay, lesbian or bisexual who, in accordance with the policy that is now the law, want to serve their country, and they are treated brutally, unfairly; they are ridiculed, they are threatened, they are physically assaulted, and until now, they have not been able to get protection from the military they have sought to serve.

Secretary Cohen has already waited too long. We cannot undo the terrible mistakes that were made by the Secretary that the President allowed to be made, and the President has an excellent record in confronting prejudice based on sexual orientation. He will get history's good judgment for having helped lead the fight against that prejudice. There is this one flaw.

Madam Speaker, it is not too late in these remaining months of the administration to undo it, and I hope that they will.

MEN AND WOMEN IN THE MILITARY ON FOOD STAMPS IS UNACCEPTABLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, again, I am on the floor to talk about our men and women in the military on food stamps. I want to start my comments by reading from the ABC show "20/20," June 25, 1999. This was an interview. The title was "Frontlines Food Lines," and I want to read just a few comments. First, I will start with the reporter, Tom Jarriel; and he says, "Military families redeemed a huge $21 million worth of WIC coupons in Defense commissaries last year. Even with that government help, the Millers cannot afford the insurance copayment to have their son's cavities filled."

I further want to quote an interview with David Lewis. David Lewis is a retired warrant officer and his quote is, "I think the biggest problem is that they just don't have enough."

Going back to Tom Jarriel again, the reporter for ABC's "20/20," and he says, "Retired warrant officer David Lewis, a hardened combat veteran of 26 years in the Marine Corps, teaches financial planning to thousands of Marines a year at Camp Pendleton." David Lewis further states, "At first it really bothered me that they did not have enough pride in themselves and I said," quoting David Lewis, "Well, wait a minute. It doesn't have anything to do with pride. It probably took more courage for that kid to get food. It probably took a lot of courage for that kid to say, I cannot take care of my family; I need help."

Tom Jarriel further states, "Lewis calculated that by total hours junior enlisted troops do not even earn minimum wage."

Madam Speaker, I want to read that again.

□ 1245

"Lewis calculated that by total work hours, junior enlisted troops do not even earn minimum wage."

Madam Speaker, that is why I am on the floor today, and I have been once a week ever since we got back in February.

I introduced H.R. 1055, which would help our men and women in uniform on food stamps. I am pleased to say today that there is strong bipartisan support. We have approximately 90 people who have signed this bill. I am encouraging our leadership, as well as the Democratic leadership, to please, let us not leave here in September or October and not speak to those who are serving our Nation, those who are willing to die for this country, that are on food stamps.

To me that is unacceptable. That to me is what I think America stands for, is to help those in uniform who are willing to give their lives for this country.

What I have before me today is a Marine. This Marine is getting ready to deploy to Bosnia. We seem to be able to find $9 million to $10 million for Bosnia. We have already spent $10 billion to $11 billion in Yugoslavia. Yet, this cost to pass H.R. 1055 to get a $500 tax credit for those on food stamps would only cost this government $59 million over 10 years, roughly $5 million a year.

I will be the first to say this will not get them off food stamps, but what I will say is that it will say to those in the military who are on food stamps that we in the Congress are concerned about the fact that they are on food stamps and they are willing to die for this country.

I look at the other bills that we pass in the Senate and the House, and we can find billions of dollars in tax credits for Tysons Food to study chicken manure and how this might help with energy problems. I say, let us take care of those first who are willing to take care of America. They are our men and women in uniform who are on food stamps.

I look at this little girl. Megan is her name. She is standing on the feet of her daddy. Do you know what, that serious look that she has, she is looking at a camera. In his arms he has his daughter Brittany. I am thinking about Megan. She does not know this at her age, but her daddy might not come back. He might not come back. He is willing to give his life for this country.

This Marine represents all of our military in both Air Force, Navy, Army, and Coast Guard that are willing to serve this Nation.

Madam Speaker, I hope that our leadership, working together with the Democratic leadership, will see that we do something to help men and women in uniform on food stamps. I want to close my comments by sharing with you and the other Members here on the floor today a simple poem but I think a very powerful poem that was written by a Marine, Father Dennis O'Bryan, United States Marine Corps.

His poem goes like this:

It is the soldier, not the reporter,
Who has given us freedom of the press.
It is the soldier, not the poet,
Who has given us freedom of speech.
It is the soldier, not the campus organizer,
Who has given us the freedom to demonstrate.
It is the soldier who salutes the flag,
It is the soldier who serves beneath the flag.

Madam Speaker, it is the soldier whose coffin is draped by the flag who allows the protester to burn the flag.

Madam Speaker, I close by saying to the leadership in the House, please, let us pass this legislation to help those men and women in uniform on food stamps.

LIVABLE COMMUNITIES IN VIRGINIA

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, this week there is a meeting in Norfolk, Virginia, of the unsung heroes of the efforts to promote Virginia's livability, the town planners and the citizen volunteers who are on the front lines doing one of the hardest jobs in terms of coping with the problems of growth and development and sprawl in Virginia, but sadly, they have fewer tools than almost any State in the country.

They know what to do, but despite those efforts, the State of Virginia has had unbalanced growth over the course of the last 15 years. The 1990s were a disaster. There was a failure in 1990 to adopt minimal State planning goals that would have helped provide form and direction.

In 1995, the legislature in Virginia overwhelmingly defeated Virginia's Strategic Planning Act. Today we have a State administration that is asleep at the switch, and a legislature that is not helping the people of Virginia. There is no tie-in between their transportation investments and land use. There is certainly a head-in-the-sand attitude regarding paying the bill.

Even if you are one of those people who still feel that we can pave our way out of traffic congestion, and that number is a smaller and smaller number across the country, because community after community has proven that we do not have enough concrete to pave our way out of congestion, but even if one believes that, in the State of Virginia there is no plan to deal with over $50 billion of transportation investments that are conservatively required over the course of the next 20 years.

The Virginia Department of Transportation, VDOT, which is behind the curve as it relates to many of the transportation agencies around the country, was seriously damaged in the 1990s. There were ill-conceived programs of downsizing which ended up having a number of people who were terminated as retired, only to be hired back at higher salaries afterwards to try and move transportation projects along.

But I am pleased to say that there are some signs that things are happening in Virginia on the right side of the equation. First and foremost is that the citizens at the grass roots level are pushing back. There is increasing concern about unplanned growth.

In Loudon County we saw a sweep of eight smart growth candidates into county office, four Democrats, two Republicans, two Independents. It was a broad bipartisan effort to try and get back in control of their community. There were other electoral wins in Fairfax, Prince William, in Stafford, in towns and cities across Virginia.

In the city of Suffolk there is an integrated comprehensive plan and zoning to direct growth towards designated areas that can handle it. The highly respected Mason-Dixon poll in March showed that growth is the number one issue in the Shenandoah Valley. Even the conservative newspaper, the Richmond Times Dispatch, has had a 180-degree change recently, and recently editorialized on behalf of planning smarter.

Madam Speaker, Virginia has given much to this country, the home of Thomas Jefferson, of George Washington. It was a leader in the entire democratic institutions for the entire world.

It is my hope that their Governor and that their legislature will stop denying the problem, will work with us in Congress, will work more importantly, with people at the grass roots level, all working as partners for livable communities. If they are willing to do so, to deal with those planners, with those citizen volunteers, with simple, commonsense steps and structure to make the planning process work better, Virginia communities will in fact be more livable and all our families can be safer, healthier, and economically secure.

MANY CENSUS QUESTIONS TOO INTRUSIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, there are too many curiosity questions on the Census long form. Right now, on the average, one out of every six citizens of the United States that are sent the census long form are asked questions that take almost 25 minutes to fill out, very personal questions, very intrusive questions.

What we have been investigating and looking at is should there really be a $100 fine if you refuse to answer all of those personal, intimate questions. It asks all sorts of information that the government does not need to know, such as the number of rooms in your house, when it was built, where your water and utilities come from, how much they cost, how much you paid for your house, the number of cars, telephones, bathrooms you have, how much insurance you carry on the contents of your home.

It asks about your education, the time you leave for work, how you get there, your health, your job. This is simply excessive, and I am suggesting a couple of things.

Number one, I suggest that there should not be a $100 fine if you fill out the pertinent information. This was put in our United States Constitution so every 10 years we could have a new count of the number of individuals in the United States so we could reapportion congressional districts for the 435 Members of Congress.

It was not the intent that we expand this to allow an administration, a bureaucracy, a Washington group to pursue all kinds of personal information that they might want to know sometime about you.

We are suggesting that if you fill out the forms and that if you fill out the number of people and their names, in essence, the questions on the short form, there should not be any fine, or any fine that would exceed $5 or $10.

I think with our new technology in this country, with the ability of government to know so much about us, knowing what doctors we go to, when we go to the doctor, for what reason we are going to the doctor, where we buy, what kinds of goods, where we travel, the danger is a government that, out of curiosity, would like to know more than they really need to know about our individual lives.

I am saying that we need to totally review the Census form. I hope the information that came out yesterday, that a Federal judge in Texas has said that there should be no prosecution for any individual that does not fill out the rest of the long form and those intrusive questions, is correct.

In the meantime, I think it is time that this body and the United States Senate, along with the administration, re-evaluate its intrusiveness. It is bad enough that we are taking 41 cents out of every dollar the average American makes in local, State, and Federal taxes. It is worse when we start getting into their lives, their bedrooms, to try to have the kind of information that we think we need to know to make that kind of policy decision.

It is time we slowed down the intrusiveness of the Federal government. It is time that Americans started asking their Representatives in Congress, in the United States Senate, I include in that, and their potential next President their position on this issue.

AMERICA'S HEALTH INSURANCE INDUSTRY FAILS INDIVIDUALS 55 TO 64

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, I would just like to mention, in response to the comments of my friend, the gentleman from Michigan, that we could take care of these problems of what he calls intrusive government in the Census by allowing sampling, which is what many people on this side of the aisle have suggested, Census sampling, where we find out by taking some 10,000 or 20,000 or 50,000 or whatever number of people and find this information out and extrapolate it to the rest of the country, which every company and every government agency and every political candidate has done for years in terms of polling and all of that.

Madam Speaker, our health insurance system fails many Americans, no group more so than individuals age 55 to 64. There are 3.4 million Americans in this age range who are uninsured, the fastest growing segment of the uninsured population. Some of them were blind-sided when their employer terminated retiree health coverage. Others are self-employed or work for firms that do not offer health insurance.

Regardless of the reason behind their situation, the prospects of buying individual insurance in the individual market are grim. Only individuals enrolling directly from an employer-sponsored health plan are guaranteed access to private coverage. Companies can and do deny access to self-employed individuals and those whose employer does not offer coverage.

Even if an individual is lucky enough to be guaranteed access to a health plan, she is not guaranteed an affordable rate. As a matter of fact, she can bank on being quoted a rate so high it takes her breath away.

The purpose of health insurance is to pool risk, not to avoid it. The fact that individuals nearing retirement are priced out of the insurance market underscores how far our system has strayed from that basic tenet. Individuals 55 to 64 have entered a period in their lives when health insurance is particularly important, yet 3 million of them cannot secure coverage in the private health insurance market.

If this problem sounds familiar, there is a reason. Before Medicare, 60 percent of Americans 65 and older were uninsured. The public demanded that the Federal government step in when it became clear that insurers would not willingly cover these individuals.

Our challenge now is to help individuals 55 to 64. As long as health insurers can pick and choose those whom to enroll and whom to exclude, as long as they are permitted to use medical underwriting, rate increases, and skillful marketing to cream-skim, to weed out those they do not want to insure, as long as insurers can avoid those most in need of health care protection, there will always be significant gaps in our health insurance system.

☐ 1300

It is one of realities this Nation faces in the absence of universal coverage. Eventually, the public will get tired of weak-kneed politicians and incremental strategies and the U.S. will implement that universal medical coverage. Until then, it makes sense to expand programs that work and to help those in most need of coverage.

That is where the Medicare Early Access program comes in. This week the gentleman from California (Mr. STARK), the gentlewoman from Florida (Mrs. THURMAN) and I will introduce revised legislation based on last year's Early Access bill. The new version provides tax credits to help more individuals 55 to 64 to buy into Medicare or to purchase COBRA continuation coverage.

The mechanisms for providing more individuals age 55 to 64 coverage has not changed. Our bill would enable people 62 to 64 and displaced workers 55 to 64 to pay premiums to buy into Medicare. It would require employers who drop previously promised retiree coverage to allow early retirees with limited alternatives to have access to COBRA continuation coverage until they reach age 65 and, thereby, qualify for Medicare.

To make these initiatives more affordable, this legislation would establish tax credits equal to 25 percent of the premium for participants in the Medicare buy-in and individuals eligible for COBRA coverage. Our legislation provides uninsured individuals between 55 and 64 an opportunity to buy into Medicare since the private market surely has failed them. And it restores some measure of fairness to individuals who have paid for employer-sponsored retiree coverage paycheck after paycheck only to have it terminated when they actually need it.

Some individuals perceive of Medicare expansion as a backdoor means of establishing universal coverage. Expanding Medicare is not a backdoor means of moving towards universal coverage. I would say we are using the front door. Medicare works. We need universal coverage, and if expanding Medicare will help us put an end to the inefficient, gap-ridden patchwork of private and public health plans we are living in now, then I am all for it.

The United States needs universal health coverage. Nothing short of that can assure security, fairness, or economic efficiency. We need a system that does not discriminate against the very individuals that it is supposed to protect. Until we get there, it makes sense to take this step.

CINCINNATI'S SAINT XAVIER BRINGS HOME ANOTHER STATE CHAMPIONSHIP

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. CHABOT) is recognized during morning hour debates for 3 minutes.

Mr. CHABOT. Madam Speaker, Cincinnati's Saint Xavier High School went to Columbus over the weekend and returned home with the Ohio State Division 1 basketball championship.

Our hardiest congratulations go out to Coach Scott Martin and all the players whose hard work and dedication made it possible. Their families, their fans, and their community are very proud of them.

Saint X's victory marked the school's second State title this year. Just last month, the Bomber swim team also notched the State championship. It has been quite a year for one of Cincinnati's top schools and a stalwart in the GCL.

Madam Speaker, as a graduate of rival LaSalle High School, I must admit I am slightly envious. Hopefully, next year my Lancers will be back on top. But in the meantime, I tip my hat to the scholar athletes from Saint X.

On a sad note, players and students learned Sunday that assistant principal and teacher of some 30 years, Tom Meyer, who was known as Saint Xavier's number one basketball fan, had succumbed to cancer just a few hours after his favorite team won the title. Knowing he was near death, the players had specially made warm-up suits designed to honor their friend, Mr. Meyer, as they made their final run at the State championship. The back of the shirts had the following message, each of them: "May his pain be comforting knowing that he has touched the lives of so many. Thank you, Mr. Meyer, for carrying your cross for us." A very touching message for a man loved by many.

To all the Bomber players and coaches and families and friends, our hardy congratulations. And to the family of Saint X's number one fan, Tom Meyer, our most sincere condolences.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God our help in ages past, our hope for years to come, to You we commend ourselves as Your servants and fit instruments to accomplish Your holy will on this day You have given us. Without You, we can do nothing. With Your guidance and grace, we can accomplish great things, because You alone are holy and good. In You, we find wisdom and power. To You alone belongs the glory.

Bless this assembly today. On this new day, bless Your servant whom You have called to minister to the Members of this House. Fill all of us with Your Spirit of love, forgiveness and peace.

May our prayers be broad and deep. May our words spring forth from hearts purified by Your spirit and our actions manifest Your power taking root in us. In all we say and do, may we grow in awareness that You alone live and reign forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Michigan led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 2000

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, this week the House is considering H.R. 7, the Education Savings and School Excellence Act of 2000.

For years, we have watched as our education quality has gone way below the standards set by other nations. For example, the U.S. 12th graders currently test among the lowest among the industrialized nations in math and science.

If our Nation is to continue setting the standard for the rest of the world in science, research, and technology, then we must take steps now to help ensure that each child learns to their maximum ability.

Mr. Speaker, this education savings account will allow a Roth-type IRA for investment to help assure the best possible education for academic tutoring, for books, for fees, computers, special education services and other education need.

I understand Vice President GORE has now supported tax credits, tax deductions for contributions that will go into political campaigns, but he has denied support for this bill that allows families to have some kind of tax incentive for savings to help assure the best possible education.

CENSUS BUREAU OUT OF CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Census Bureau is literally out of control. Check this out: Reports now say that the Census Bureau is, quote unquote, willing to sacrifice a true head count of American citizens for more personal detailed information. Unbelievable. Forms with questions about your bank account, your cars, how many bathrooms you have, your job. What is next, Congress, your sex life?

The Constitution mandates a simple head count by a Census taker, not an audit by some bureaucratic intrusive nincompoop. I yield back the manipulations of both American citizens and our great Constitution by the Census Bureau.

COMMEMORATING THE LIFE OF LON FOLGER, JR.

(Mr. BURR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, I rise today to pay tribute to the memory of a great man, Mr. Alonzo Folger, Jr., of Rockingham County, North Carolina, who passed away this morning. Lon was the son of one of my predecessors and the nephew of another.

His father, Alonzo Folger, Sr., represented the 5th District of North Carolina from 1939 to 1941, and his uncle, John Folger, represented the district from 1941 to 1949.

Lon Folger was a family man, an attorney, a community leader, a political activist, and a friend to many. I will never forget the support he, a leading Democratic figure in North Carolina, gave me, a Republican, when I ran for Congress in 1994. Lon not only supported me in that election but, from that time until his death, he was always willing to serve as an adviser to me on many issues we dealt with here in Congress.

Lon Folger was the type of person whose word was his bond. A handshake could be counted on to be a valid written contract. Lon was honest and forthright. He was fair in his dealings with people, even those who he disagreed with.

Lon was a leader in his community and, over the years, involved himself in numerous efforts to make his hometown, Madison, North Carolina, a better place to live. He could always be counted on to answer the call when there was a need, and he consistently devoted his time and energy to helping others.

If we are fortunate enough in our lifetimes, we have the occasion to cross paths with a handful of very special people who teach us and are willing to help us understand where they have been before us. Lon Folger was that type of special friend for me, and I will always be grateful for the opportunity to have sought his counsel, knowing that I could trust his judgment.

I extend my sympathy to his wife Elizabeth and to the rest of the family on their loss. Lon Folger's death is a loss not only for his family but for the community and the State he loved so much, and he will certainly be missed by all who knew him.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Robert Marquette and his children, Ben and Rhea. Their story is the ninth in a series of 1-minutes on more than 10,000 children who have been taken, abducted, to foreign countries.

In 1997, Robert Marquette's ex-wife, Rose Marie Marquette, abducted Ben and Rhea from Irving, Texas, and took them to Germany. Although Robert's home was named as the primary residence, Robert subsequently filed a Hague Convention petition through the State Department. His petition was heard by a German judge who violated the Hague Convention by refusing to return Ben and Rhea. He has filed numerous appeals, but they have all been denied.

On June 15 this year, it will be 3 years since Robert has seen his children or spoken with them. The German authorities refuse to tell him where they are.

Mr. Speaker, I urge my colleagues to help me reunite parents with their children and to support the resolution that I introduced, along with the gentleman from Ohio (Mr. CHABOT), which urges signatories to uphold the Hague Convention on the civil aspects of international child abduction. We must bring our children home.

MISGUIDED LEGISLATION ON ILLEGAL GAMBLING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, legislation has been introduced in this Congress that calls for preempting the State laws of Nevada and closing down legal sports wagering entities.

Certainly the problem of illegal gambling and the results of illegal gambling are serious and must be addressed by this Nation. However, banning the highly regulated and closely supervised legal sports betting located in Nevada is not the solution.

According to FBI experts, the strict regulations on sports betting in Nevada have helped law enforcement officials in their efforts to stop illegal sports betting. Mr. Speaker, legislation banning legal sports' wagering is simply not the solution to stopping illegal betting.

I have introduced H.R. 3800, which calls for the U.S. Justice Department to analyze illegal sports gaming and make recommendations in combating it. Enforcement of our current laws is the solution, outlawing a law that enforces these laws is not a solution.

SUCCESS IN AMERICA BEGINS IN THE CLASSROOM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, every American child has a right to a quality education. Yet our education system, as a whole, has been failing to deliver, particularly to minorities.

For example, 63 percent of nonurban fourth graders can read at a basic level, while only 43 percent of urban fourth graders can meet the same standards. And the dropout rate for African American students is about 15 percent, while the Hispanic student dropout rate is between 30 and 35 percent.

Republicans believe educational opportunities should be the same for all children regardless of race, religion, or economic background. That is why I support H.R. 7, the Education Savings and Excellence Act. This legislation helps parents put aside money tax free for their children's education. This money may be spent on tuition, a computer, or even a tutor. Best of all, 76 percent of all the children who will benefit from the ESAs currently attend public schools.

Success in America begins in the classroom. Let us give all children an opportunity to achieve the American Dream. Let us pass H.R. 7.

EDUCATION SAVINGS ACCOUNTS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, 2 years ago we approved legislation which allows parents to put aside $500 each year in education savings accounts, where the money can be invested in order to grow tax free and where it can be added to each year so that it can grow enough to help pay for college tuition.

Ever since we managed to get education savings accounts enacted into law, we have been trying to raise the amounts parents are allowed to put into their children's accounts each year. We have been trying to extend education savings accounts so that parents, grandparents, or other interested parties will be able to use them to prepare for private or parochial, elementary or high school expenses.

If a family were able to put $2,000 in an education savings accounts every year, from the time a child was born, and if the account averaged 7½ percent interest annually, it would hold $14,500 by the time the child got to 1st grade. If nothing were withdrawn and annual savings continued, that amount would rise to $46,500 when it was time for high school.

President Clinton vetoed an extension of education savings accounts last September, but I am confident that most of us in the House think parents should be encouraged to save for their kids' futures and that is why we are going to try again.

U.S. MINT'S DENIGRATION OF FOUNDING FATHER IN ADVERTISEMENT PROGRAM SHOULD BE STOPPED

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to take issue with the United States Mint's misguided decision to denigrate our Founding Father in their current advertisements promoting their new $1 coin.

□ 1415

A current television advertisement campaign has an image of George Washington dancing in a night club. And here is an ad from last Sunday's Washington Post which shows George Washington with two drinking women. Here is one from last Thursday in the same newspaper, the Washington Post, which shows George Washington with the phrase, "Change Happens."

Now, we all know the origin of this phrase, blank happens, and it is disgusting. I can say with complete certainty that our first President would not approve of this portrayal of himself.

And it gets worse. The Mint has initiated a $45 million advertising campaign of which this is a part. That is the taxpayers' money. These funds come directly out of the Treasury Department's budget. I am quite sure this money could be spent on more productive activities.

Mr. Speaker, it is no wonder many of today's youth have little or no knowledge of our Founding Father and first President, George Washington. This type of treatment by our own Government agencies only goes to further denigrate the image of one of our greatest citizens, and this advertising campaign should be halted immediately.

SOCIAL SECURITY EARNINGS LIMIT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, my colleagues have heard of eliminating the Social Security earnings penalty. Well, we are finally doing it today.

It has been a long fight for our seniors, but today we are going to vote to end the Social Security earnings penalty.

The gentleman from Texas (Chairman ARCHER) has been working on that issue since 1973, and I have been working on it since I got in the Congress in 1991.

Our seniors deserve the right to work without being penalized by the Federal Government. Senior Americans are diligent, experienced, productive; and they want to work without the fear of losing their Social Security benefits.

This country was built by Americans of all ages who labored to realize their dreams. We have always rewarded work in America; and it is high time we rewarded, not penalized, our seniors for their hard work.

CONGRATULATING UNIVERSITY OF WISCONSIN MEN'S BASKETBALL TEAM

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to extend my congratulations to the University of Wisconsin's men's basketball team on their first Final Four appearance in 59 years. The Badgers got to the Final Four by winning the Western Regional in the NCAA Tournament over the past 2 weeks.

Led by head coach Dick Bennett, the Badgers pulled off three upsets in a row to make it to the Final Four. The Badgers' style of play proves that defense wins basketball games.

Wisconsin may not be known for having the best athletes in the tournament, but they advanced with a patient and disciplined offense, a tenacious man-to-man defense, and a great deal of heart and perseverance.

The Wisconsin Badgers have exceeded many people's expectations in getting to the Final Four this year. In fact, along with the North Carolina Tar Heels, they are the lowest seed to reach the Final Four since 1986.

Wisconsin's tournament wins can be credited in part to the defensive pressure of Mike Kelley, the three-point sharp shooting of Jon Bryant, and the great front court offensive play of Andy Kowske.

Wisconsin faces a tough assignment on Saturday when we go up against the Michigan State Spartans. I wish the Wisconsin Badgers the best of luck in Indianapolis this weekend in their quest to bring Wisconsin its first championship since 1941.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. PETRI) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on March 16, 2000 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am,

Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 27, 2000 at 4:30 p.m. and said to contain a message from the President whereby he transmits a semiannual report on payments to Cuba related to telecommunications services.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 2000.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 27, 2000 at 4:29 p.m. and said to contain a message from the President whereby he transmits a 6-month periodic report on the national emergency with respect to UNITA/Angola.

With best wishes, I am,
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report "detailing payments made to Cuba . . . as a result of the provision of telecommunications services" pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 27, 2000.*

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions may be taken after debate is concluded on all motions to suspend the rules but not before 6 p.m. today.

SAN GABRIEL BASIN WATER QUALITY INITIATIVE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 910) to authorize the Secretary of the Army, acting through the Chief of Engineers and in coordination with other Federal agency heads, to participate in the funding and implementation of a balanced, long-term solution to the problems of groundwater contamination, water supply, and reliability affecting the San Gabriel groundwater basin in California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Gabriel Basin Water Quality Initiative".

SEC. 2. SAN GABRIEL BASIN RESTORATION.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary of the Army, acting through the Chief of Engineers (in this Act referred to as the "Secretary"). The Secretary shall administer the Fund in cooperation with the San Gabriel Basin Water Quality Authority, or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests. The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by the preceding sentence. The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

SEC. 3. PERCHLORATE.

(a) IN GENERAL.—The Secretary, in cooperation with Federal, State, and local government agencies, is authorized to participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the activities authorized in this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, who is the principal author of this legislation and the driving force behind it.

Mr. DREIER. Mr. Speaker, I would like to begin by saying first, I serve on the Committee on Rules, and it is a great thrill to stand here suspending the rules for consideration of this very important legislation.

I want to congratulate the gentleman from Pennsylvania (Mr. SHUSTER), the distinguished chairman of the Committee on Transportation and Infrastructure, my very good friend, whom I supported in his quest for Whip 2 decades ago; and also the gentleman from New York (Mr. BOEHLERT), the very distinguished chairman of the Subcommittee on Water Resources and Environment; along with the gentleman from Pennsylvania (Mr. BORSKI), the ranking minority member of the subcommittee.

Also, I would like to point to several of my colleagues from the San Gabriel Valley, the gentleman from California (Mr. MARTINEZ), who is here and who, in fact, reminded me of an event out in California that they came to him and talked to him about introducing this legislation, and I am very pleased that he has played a key role in helping to make this possible; our colleague, the gentlewoman from California (Mrs. NAPOLITANO), who joined in cosponsoring; and also a very important driving force behind this legislation has been my colleague, the gentleman from

California (Mr. ROGAN), with whom I share representation of the City of Pasadena, which is in the San Gabriel Valley.

We are here for consideration of some legislation that is very, very important not just for Southern California; but, in fact, for the rest of the Nation.

I see the gentleman from Texas (Mr. SESSIONS), my colleague from the Committee on Rules, here on the floor. He is very concerned about the discovery of perchlorates in groundwater, and it poses a very serious threat to many parts of the country. So this legislation is not simply geared towards dealing with the problem that has developed in Southern California but for the entire Nation.

During the 1950s and 1960s, when we were in the midst of our buildup which allowed us to win the Cold War, there were many companies which legally, and I underscore the word "legally," dumped spent rocket fuel; and, in so doing, it has created problems which have just recently come to the forefront.

I will say that we found that the threat of contaminated water in Southern California could affect literally millions of people. Literally millions of people could be affected by this.

And so, a very strong consensus plan was put together among those in Southern California who deal with the water issue. I am pleased that, in looking at that consensus plan, that we were able to come up with legislation which is designed to provide $75 million for the cleanup and then a very important $25 million to deal with research into ways in which we can ensure that this problem will not expand in other parts of the country.

And so I will say that I know that this very important environmental legislation will enjoy strong bipartisan support, as has been evidenced by those who serve on the committee of jurisdiction and other members from around the country who I know are strongly committed to this.

I want to say that I believe we should move this as expeditiously as possible. This is, in fact, a public-private partnership. I believe that those who are responsible for dumping this spent rocket fuel should be responsible. But unfortunately, many of those businesses which are responsible are no longer in operation. And so that is why we have had to step up to the plate and take on part of this responsibility.

Now, we could have embarked on a big load of litigation. But would those lawsuits do anything to clean up the groundwater contamination, the threat that those perchlorates have? No.

And so that is why the responsible thing for us to do is to say to those businesses which are still in existence, like Arrowjet and other companies, that they need to shoulder part of this responsibility. But at the same time, when we have businesses that are no longer there, to make sure that we have clean drinking water in Southern California and in the rest of the Nation, it is important for us to again step up to the plate and take on the responsibility of cleaning it up and making sure that we do not have a threat that is posed.

And so I am pleased with the very, very strong support that we have enjoyed on this legislation. I hope very much that we will be able to move it through both bodies. And while there was early indication that the Army Corps of Engineers and the White House was less than supportive on this, I am convinced that President Clinton will want to join this strong bipartisan coalition and lend his support for this very important measure.

I again thank my very good friend, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from New York (Mr. BOEHLERT), the gentleman from Pennsylvania (Mr. BORSKI), and the leadership of their committee and the subcommittee for the expeditious way in which they have moved this very responsible legislation.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the San Gabriel Basin is facing a serious water quality and public health problem. The groundwater aquifer underlying this basin has been contaminated with a variety of hazardous substances, threatening the primary water supply of over 1.5 million people in Southern California.

There is also evidence that this contamination may be spreading to the surrounding aquifers that supply drinking water for a majority of the residents of Los Angeles County.

I want to commend the gentleman from California (Mr. DREIER), our distinguished chairman of the Committee on Rules; the gentlewoman from California (Mrs. NAPOLITANO); the gentleman from California (Mr. MARTINEZ); and the gentleman from California (Mr. HORN), a valuable member of our committee; and the entire area delegation for bringing this matter to the attention of the committee and for their efforts to address the cleanup of contaminated groundwater in the San Gabriel Basin.

The bill we are considering today would authorize the creation of a restoration fund to approve water quality within the basin. Monies from this fund could be used by the Secretary of the Army in conjunction with local water quality authorities to construct, operate, and maintain projects within the San Gabriel Basin.

□ 1430

This legislation would authorize funding for the design, planning, and construction of water quality projects in the Central Basin region of California. It is envisioned that these projects would be helpful in halting the spread of perchlorate contamination into the neighboring aquifers.

Mr. Speaker, portions of the San Gabriel Basin have been designated as a Superfund site. That program assigns liability for cleanup costs to responsible parties. Nothing in this bill affects the application of Superfund's liability provisions to the recovery of the Secretary's costs under this bill. As the committee report clearly states, nothing limits the authority of the United States to pursue remedial action and to recover its costs from responsible parties, including the costs of work performed under this bill. I fully expect the Secretary of the Army to exercise his fiduciary responsibilities and recover expenditures made under this bill from responsible parties where such costs are recoverable under Federal or State law.

Finally, this bill would include within the existing studies, investigations and projects on perchlorate contamination an authorization that certain amounts be used to address contamination at designated sites in Texas and California. These projects are authorized to develop new and innovative solutions to the problem of groundwater contamination caused by perchlorates. I want to commend the gentleman from Texas (Mr. EDWARDS) and our committee colleagues the gentleman from Texas (Mr. LAMPSON) and the gentleman from Texas (Mr. SANDLIN) for their work on behalf of this provision.

I urge an "aye" vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of our Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

I rise in strong support of H.R. 910, a bill to clean up groundwater contamination and protect water supply in the San Gabriel and Central Basins in California.

Let me start out by first acknowledging the super efforts of the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules, who brought this matter to our attention. He has been a leader in this effort. I also wish to acknowledge the area's bipartisan delegation, including the gentleman from California (Mr. HORN) and the gentlewoman from California (Ms. MILLENDER-MCDONALD), both of whom serve on the Committee on Transportation and Infrastructure. There are a whole lot of people responsible for the success we are going to enjoy today, none more important than the gentleman from Pennsylvania (Mr. SHUSTER) the chairman of the full committee and the gentleman from Minnesota (Mr. OBERSTAR) the ranking Democrat as well as my partner, the gentleman from Pennsylvania (Mr. BORSKI).

Contamination of the groundwater in the San Gabriel Basin was first detected back in 1979. EPA placed the valley on the Superfund's national priorities list in 1984. Here we are 16 years later with very little progress.

At its hearing on this legislation last fall, the Subcommittee on Water Resources and Environment learned that contamination from the San Gabriel Basin has already spread into the adjacent Central Basin aquifer. This groundwater contamination now threatens the drinking water for half of Los Angeles County. That is totally unacceptable.

Under H.R. 910, the Federal Government would assist the San Gabriel Water Quality Authority in conducting groundwater cleanup projects, and we provide $75 million for that purpose. We also authorize $25 million for investigation into solutions to groundwater contamination caused by perchlorate, a component of rocket fuel. As has been said so eloquently by previous speakers, this is a must-do bill; and we should put it on a fast track.

Mr. BORSKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MARTINEZ), a Member representing the San Gabriel area and one who worked very hard on this bill.

Mr. MARTINEZ. Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle today in support of H.R. 910, the San Gabriel Basin Water Quality Initiative introduced by my good friend and San Gabriel Valley neighbor, the chairman of the Committee on Rules the gentleman from California (Mr. DREIER).

It is refreshing to sponsor and cosponsor legislation which not only crosses party lines but is also strongly supported by environmentalists, local government, and business. It is a bill that came together because of the people who were concerned in that area in an effort to try to avoid costly lawsuits and long litigation.

Since contaminants were discovered in the San Gabriel Valley water supply some 20 years ago, there has been a concentrated effort to find a solution that equitably distributes the responsibility for the pollution while removing the contaminants from our water supply as quickly as possible.

The rocket fuel contamination is a by-product of Federal contract work. For years the Federal Government contracted with local firms to produce greatly needed aircraft and rocket parts. Unknown to any at the time, this production led to the leakage of rocket fuel and other substances into the aquifer, polluting the area's groundwater supplies. There is no question that the groundwater in the San Gabriel Valley is contaminated. Over one-quarter of the 366 water supply wells in the San Gabriel Valley have been contaminated, affecting approximately 1.4 million residents of the greater part of Los Angeles County. Much of the water pollution is a product of Federal contract work. These pollutants are rapidly making their way underground into the Central Basin of Los Angeles County.

I strongly support H.R. 910, the San Gabriel Basin Water Quality Initiative. H.R. 910 addresses the importance of researching rocket fuel contamination and aims to stop the spread of contamination in an economical and time sensitive manner. It is time for the Federal Government to catch up with the others in the San Gabriel Basin in assuming responsibility for its actions. Eleven potentially responsible parties have voluntarily agreed to contribute over $200 million in cleanup expenses. While this funding will cover a large portion of the cleanup, Federal funds are necessary to ensure cooperation by the potentially responsible parties and act as an immediate solution to an ever growing problem.

Although there are still many hurdles to overcome in saving our water supply, the time for Federal action is now. The primary responsible parties in the San Gabriel Basin have demonstrated their commitment to saving the region's groundwater with their checkbooks. They are doing it with their checkbooks. It is time for the Federal Government to use this broadly supported bill as an opportunity to do the same.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. HORN), a member of our committee.

Mr. HORN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for this. The gentleman from Pennsylvania chairs the most bipartisan committee in this House and Members can tell how both sides, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. BORSKI), and the gentleman from New York (Mr. BOEHLERT) have come together and moved this legislation.

Mr. Speaker, the legislation we consider today is absolutely essential. H.R. 910, the San Gabriel Basin Water Quality Initiative, will help restore vital groundwater resources in California where up to 3 million have lost or are in danger of losing access to critical groundwater reserves in our area. H.R. 910 is the key to fixing this problem.

The bill is a product of local cooperation that should be also an example to other areas of the country. Faced with a difficult and expensive problem, the local stakeholders have come together to restore and maintain groundwater for millions of people. H.R. 910 authorizes the closure of a small but critical gap in funding needed to accomplish this goal.

Here in Congress, this bill is also a product of cooperation as I noted earlier. The gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, has forged a bipartisan coalition to support this bill. If a real cleanup is going to occur in California or elsewhere, it requires the level of cooperation demonstrated in H.R. 910.

Let us pass this model pilot program. If this program is successful, many parts of our Nation will soon follow. Vote for H.R. 910.

Mr. BORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), a prime sponsor of the bill.

Mrs. NAPOLITANO. Mr. Speaker, I am so happy that I am hearing the support, the bipartisan support for this measure, and I am also here to join as an original cosponsor of this measure. I would like to also thank my good friend and respected colleague the gentleman from California (Mr. DREIER) for offering this legislation and helping it move quickly through the House.

I thank the gentleman from Pennsylvania (Mr. BORSKI) and others from the Committee on Transportation and Infrastructure for understanding the importance of this particular area of contamination in California that has affected a lot of us that live and work in those areas.

The San Gabriel Basin Water Quality Initiative is of critical importance to the people of my district. Those water aquifers, the underground streams running through the San Gabriel Valley which supply drinking water to 1.4 million people, have been known to be contaminated with volatile organic compounds for over two decades.

I have been working on this issue and trying to bring it to some kind of closure since I served on the local city council and managed to get a water coalition and been following its nonprogress. Then in the past 3 years, perchlorate and other dangerous chemicals related to rocket fuels have also been found in that water. The contamination is seeping below the spreading grounds at Whittier Narrows and into my district. Volatile organic compounds have seeped from the San Gabriel Basin into the Central Basin and it comes down into my area, a large underground water system that provides water for an additional 1.5 million people in Montebello, Pico Rivera, Whittier, Santa Fe Springs, Norwalk, Long Beach, and other communities.

H.R. 910, the San Gabriel Basin Water Quality Initiative, provides the way and the means by which Federal, State and local government agencies and private business can collectively work towards a timely cleanup of the important San Gabriel and Central water basins, and will also serve as my colleagues have heard as an example of how aquifer contaminants can be addressed and effectively implemented to clean up.

Since it was a Federal Government defense contract that led to the introduction of the perchlorate and other rocket fuel related chemicals into our groundwater, I believe that the Federal Government has its share of responsibility and should take a role in helping clean up the contaminated area that threatens our communities.

This legislation will help more than 3 million people in our county that trust the water that flows from their tap.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the opportunity to work with the gentleman from Pennsylvania (Mr. SHUSTER) today.

I rise in support of H.R. 910, the San Gabriel Basin Water Quality Initiative. I commend not only the gentleman from New York (Mr. BOEHLERT) but also the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this legislation to the floor in such a quick and expedited manner.

H.R. 910 is sponsored by my colleague the gentleman from California (Mr. DREIER). I believe it provides a national model for protection of our Nation's water supply from perchlorate. Perchlorate is an inorganic chemical used to manufacture solid rocket fuel and other explosives. I want to thank the gentleman from California (Mr. DREIER) for his assistance in addressing this important conservation issue in a part of my district which also impacts the entire Brazos River Corridor in Central Texas by adding funding to the study of perchlorate contamination originating from the former Naval Weapons Industrial Reserve Plant in McGregor, Texas.

With this funding, the Brazos River Authority and the Corps of Engineers will be able to carefully assess the extent of perchlorate contamination in this very critical watershed. By doing so, they will not only protect the drinking water of Central Texas but will also protect the Brazos Basin from Waco to the Gulf of Mexico.

I am grateful to my colleagues in the Brazos Basin including the gentleman from Texas (Mr. DELAY), the majority whip; the gentleman from Texas (Mr. COMBEST); the gentleman from Texas (Mr. THORNBERRY); and the gentleman from Texas (Mr. BRADY), all of whom have united in requesting this provision. Texans are proud to join with our colleagues from not only California but also other areas of the country in creating a national model for addressing this threat of perchlorate.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, first I thank the distinguished chairman of the Committee on Transportation and Infrastructure for yielding me this time.

I rise today in strong support of H.R. 910, the San Gabriel Basin Water Quality Initiative. In the Southern California area, like much of the West, water is possibly the most precious commodity for local cities. However, in parts of my district and in water tables throughout the Los Angeles Basin, contamination as a result of industrial runoff has become a serious threat to public safety.

In 1984, this water basin was designated a Superfund site. The problem continues.

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Today, cleanup is vital, and it is imperative that government act at all levels.

Mr. Speaker, H.R. 910 is supported by a bipartisan coalition interested in protecting the environmental resources in and around the Los Angeles area. This legislation will establish the San Gabriel Basin Restoration Fund that will be comprised of a unique partnership of State, local and Federal funding sources.

Our measure will authorize $75 million over 5 years and set aside $25 million for research and development of treatment programs to ensure that the mistakes of the past are not the mistakes of the future. This bill will improve the quality of the environment in the San Gabriel Basin region and will put the resources of the Federal Government behind local environmental experts.

Even more significant is the opportunity to make the San Gabriel Valley Water Quality Initiative a test case for similar programs around the country. The Los Angeles area faces unique challenges, but by uniting these officials, we are confident that these challenges can be met and the environment protected. What is more, the San Gabriel Water Quality Initiative can serve as a model for similar areas when they confront cleanup of underground contamination.

Finally, Mr. Speaker, I want to thank the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for his incredible leadership on this bill and in bringing it before the committee.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, this is a powerful piece of environmental legislation, and I strongly urge its support.

Mr. Speaker, I commend our esteemed colleague from California, Congressman DAVID DREIER, for his leadership on this important environmental legislation.

Ground water contamination was discovered in the San Gabriel Basin in 1979. EPA placed this area on the Superfund national priorities list in 1984. Although this basin provides drinking water to 1.4 million people, EPA is only now getting around to addressing the contamination at this site.

To make matters worse, in 1997, perchlorate was discovered in the groundwater. Percholorate is a component of rocket fuel and is very difficult to treat.

And just this past year, the local community received even more devastating news: The contamination from the San Gabriel Basin has spread into the Central Basin aquifer that provides drinking water for half of Los Angeles County.

On a bipartisan basis, the representatives of the San Gabriel Valley and the Central Basin, led by Representative DREIER, worked with the local community to develop a solution to this problem. I commend their efforts and congratulate them on this legislation.

I also would like to thank the committee's ranking Democratic member, Congressman JIM OBERSTAR, as well as Subcommittee Chairman BOEHLERT and Congressman BOB BORSKI for their help in moving this important legislation forward.

Under the solution advanced by the local community and their congressional delegation, the Army Corps of Engineers will help the local community work with the State and the business community to build water treatment projects that will stop the spread of contamination and protect their water supplies.

These treatment plants will accelerate the cleanup of the San Gabriel Basin in advance of EPA's cleanup schedule. This effort also should reduce the overall cost of the cleanup because it is a lot cheaper to keep groundwater from getting contaminated than it is to clean it up.

This assistance should lead to a true public-private partnership for addressing an historic contamination problem of enormous magnitude.

As we looked at this matter, we also discovered that perchlorate contamination is a national problem, particularly at facilities that have manufactured or tested solid rocket fuels for the Department of Defense or NASA.

To address this, H.R. 910 authorizes $25 million for research into solutions to groundwater contamination caused by perchlorate.

Again, I congratulate the sponsor of this legislation and urge all Members to support H.R. 910.

Mr. GARY MILLER of California. Mr. Speaker, I rise in support of H.R. 910, the "San Gabriel Basin Water Quality Initiative." The San Gabriel Basin supplies drinking water for almost one and a half million people in Southern California. It is a valuable natural asset whose management is vital for all who depend on it.

H.R. 910 encourages the input of local industry and businesses, community and environmental leaders and government officials from the local, state and federal levels. Instead of costly litigation to punish or shield from liability, H.R. 910 provides incentives for these groups to participate in clean up and management efforts for ground water and water sources affecting the San Gabriel Water Basin.

One of the greatest obstacles to ground water clean up is the economic cost incurred by private industry and the controlling government authorities. This bill addresses this problem by authorizing funding for technology research that will allow for more cost-effective clean up. Beyond this effort, it also provides for technology development that will help maintain cleaner groundwater systems.

As our population continues to grow, it is important that we protect our groundwater resources against pollution. H.R. 910 provides $25 million dollars in research funding to study ways to prevent future groundwater contamination in areas, like the San Gabriel Basin, which supply drinking water. Through this research private industry and government agencies will have better resources to devise water management plans for future development.

I believe that this bill provides us with a model for future clean up efforts around the country. It maintains the groups already involved in the clean up while empowering those who have vested interests in this clean up effort. I would like to thank the Chairman of the Rules Committee for his efforts in constructing this legislation, and urge Members of this House to support H.R. 910.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 910, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

* * *

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 910.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

* * *

E. ROSS ADAIR FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2412) to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 2412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, shall be known and designated as the "E. Ross Adair Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "E. Ross Adair Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2412 designates the Federal building and United States courthouse in Fort Wayne, Indiana as the "E. Ross Adair Federal Building and United States Courthouse."

Edwin Ross Adair was born in 1907, attended public schools and graduated from Hillsdale College and the George Washington University Law School. Adair volunteered as a lieutenant in World War II and was awarded battle stars for the Normandy, Northern France, Ardennes, Rhine and Central European campaigns. Congressman Adair was first elected to the 82nd Congress and served for 20 years in the United States House of Representatives. He became the ranking member on the Committee on Foreign Affairs and was active on the Committee on Veterans' Affairs and on the Committee on Committees.

After his service in the United States House of Representatives, President Nixon appointed Adair ambassador to Ethiopia, and he served as ambassador until 1974.

This is a fitting honor for this dedicated public servant. I fully support this bill, and I urge all of my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2412 is a bill to designate the Federal building and United States courthouse in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

Congressman E. Ross Adair served his country and his State with bravery and distinction for almost his entire life. He was a dedicated teacher, decorated war hero, conscientious civil servant and diplomat. He served in the House of Representatives for 20 years, from 1951, the year that I was born, until 1971, representing the citizens of the 4th District of Indiana. In 1972, President Nixon appointed him as ambassador to Ethiopia, where he was posted until 1974. In 1976, Adair served on the Indiana State Privacy Commission, and in 1976 he was appointed to President Ford's reelection campaign. He was active in many civic organizations as well as in his church.

Mr. Speaker, it is fitting and proper to acknowledge the accomplishments of Congressman Adair with this designation. I support H.R. 2412 and urge my colleagues to join me in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), the prime sponsor of the legislation.

Mr. SOUDER. Mr. Speaker, it is a great honor for me today to be here with this bill to name the Federal building and U.S. courthouse in Fort Wayne, Indiana, my hometown, after northeast Indiana's longest serving Congressman, E. Ross Adair. He served 20 years in the district, getting elected the year I was born in 1950, and served until 1970, when he was appointed ambassador to Ethiopia.

It is also with great personal satisfaction that I have the honor of doing this, because as a young political activist, when I was still at Leo High School and moving to Indiana Purdue University at Fort Wayne, my first campaign was in Ross Adair's 1968 reelection effort when redistricting had put two Congressmen into the same district. The group that we developed was at that time the second largest youth group ever put together in the country, and as my colleagues can see from this old poster, E. Ross Adair was not necessarily who one would think would attract a lot of young people. In fact, one of my friends, Lauren Smith, did a campaign for Winston Prouty, a Senator in Vermont, and Winston Prouty dressed up in all of these fancy clothes and it said, do we elect Winston Prouty because he is a swinger? You open it up and it says, no, it is because he does a good honest job of representing the people of his district.

That is what E. Ross Adair did, and that is why many, 2,000 young people got involved in that youth campaign to elect him and he won a very close and, quite frankly, unexpected victory in 1968. This particular poster, I collect a lot of Indiana memorabilia, and it is in the 1952 campaign when he still had hair. He lost his hair not too many campaigns after that, as politics is prone to do.

Let me give my colleagues a little bit of his bio. He was born in Albion, Indiana, a small town northwest of Fort Wayne in 1907 to parents Lue and Alice Adair. His mother and father were both educators. His father was a school superintendent and newspaper editor and his mother a school teacher. That newspaper, by the way, still exists in Albion. Ross's parents emphasized the importance of education and encouraged him to be an avid reader. In fact, the family home contained one room solely dedicated to books, which later became the first lending library in Albion. Albion now has one of the most beautiful small-town libraries in the country.

After attending public schools in Noble County, he attended Hillsdale College in Michigan, receiving an AB degree in history in 1928. He was an active member of the debate team, served as fraternity president, was selected to receive a Rhodes Scholarship. But, instead of going abroad, he chose to attend George Washington University School of Law here in Washington from which he received a law degree in 1933. When he was not studying, he actually served as a Capitol Hill police officer, a very honorable profession. In 1934 at age 28, he returned to Indiana to teach history in Noble County before devoting himself full-time to the practice of law in Fort Wayne.

In addition to practicing law, he was a lecturer, giving commencement and holiday addresses. His father was proud of his son, describing him as a country boy living a good and clean life in the city.

Adair later serving as probate commissioner in Albion County until he volunteered on September 15, 1941, to serve in the Army as a second lieutenant in the U.S. Officers Reserve. As my colleagues have heard, he received multiple medals, five battle stars for Normandy, Northern France, Ardennes, Rhine, and the Central European campaigns during World War II.

After the war, he returned to Indiana to first serve again as Allen County probate commissioner and the practice of private law and began political networking, starting his political campaign first as GOP city chairman in Fort Wayne and later as a precinct committee man. In 1950 at the age of 43 he announced his candidacy for the Republican 4th District Congressman. The Adair campaign became a family affair, run by the Adair Family Enterprise, Incorporated. The partnership included Ross's wife, Marian; the two Adair children, Carol, age 11, and Stephen, age 7. The children were common fixtures at political events, passing out campaign literature and urging folks to vote for their dad.

Marian, who is 92 years old and who is watching us on television today, was a dynamo, not only in that campaign and all the campaigns afterwards, but later in Washington; and she is still quite the organizer even at 92. His granddaughter, Amy Adair Horton, is my legislative director, continuing the Adair tradition here in Washington.

His early campaign themes focused on honesty, decency, economy in government, and a definitive foreign policy to not unduly jeopardize American servicemen and that would promote just and lasting peace; and he won that election over incumbent Congressman Ed Kruse.

In 1951 he began serving 20 years, and nobody else in our district has ever served more than 10. Ross' first office was in 433 Cannon, then called the "Old House Building." Back then, Members received $12,500 annually and had a total of only three to six staff members. Even in 1968, when I was helping his campaign, he had one part-time staff person, Rosemary Hillis, in the district office and added a full-time staff person in 1969, Al Harvey, for field work. That shows my colleagues how much it has changed.

He was elected president of the 82nd Club, which consisted of the 45 Republicans who were elected in 1950. He also wrote to the student newspaper at Indiana Purdue in Fort Wayne in 1953 about his daily professional responsibilities:

"The average Congressman works diligently. We maintain unusual office hours and many times are called upon to attend business or social affairs in the evening. It is not infrequent for us to take material home with us at night to study in preparation for the next day's work. It is a very active and varied life. This is a matter of handling the correspondence and dealing with problems of the people in our district as representatives, in addition to studying legislation and attending meetings of committees. The latter occupies an important place in the life of a Congressman, as legislation is studied and many times redrafted by the committees of the House and Senate."

In 1959 he sent a postcard: "When you elect a man to Congress, actually you send a family to represent you. This is my family at our home in Washington. Please let us know if we can be of service in any way, either at home or in Washington."

Despite being from the Midwest, the home of isolationism, he began building a professional expertise in foreign affairs and began his assignment to the House Committee on Foreign Relations.

At the same time, his wife, Marian, was honing her diplomatic skills socially. In 1959 Mrs. Adair organized and founded a program designed to give hospitality and special interest activities to wives of foreign diplomats. Her earlier organization of six international clubs between 1953 and 1957 grew to 170 members who were spouses of Congressmen, diplomats and government and business officials. These clubs were described in Congressional Quarterly as places where "first names and small talk made for pretty good foreign relations."

In 1962 he toured Asia, meeting with high-ranking officials in Taiwan, Pakistan, and Turkey to gauge their loyalty to the West and opposition to the Communist menace in Asia. South Vietnam, he thought, was in trouble because Communist infiltration could not be stopped.

He was also selected as a delegate to the annual sessions of the Interparliamentary Union in 1959, 1963, 1964, and 1965.

During his congressional service, he rose to ranking Republican member on House Veterans by 1966 in the Committee on Foreign Affairs and was also in the Committee on Committees.

Some of his legislative victories, including ushering President Nixon's major proposals on pollution control, introducing legislation to provide tax incentives for voluntary efforts to curb pollution, and assisting the city of Fort Wayne in obtaining funds for storm sewers. He also introduced and helped pass the Peace With Justice resolution, a resolution condemning the treatment of American prisoners of war by the North Vietnamese Communists and a bill to implement President Nixon's plan to curb plane hijacking. He also led efforts which he bragged about in every campaign to slash millions of dollars of wasteful foreign-aid spending.

He lost his final campaign in 1970, but Senator Hruska paid a final tribute to him by saying, "Ross Adair made his mark as a Congressman's Congressman, quiet, hard-working and effective. One of the great things about Adair was his ability to conciliate differences and effect agreements between bitter political enemies."

After his departure from Congress, President Nixon appointed Adair as U.S. ambassador to Ethiopia, a post he held until 1974, just before the Ethiopian revolution erupted, deposing American ally, His Majesty, Haile Selassie.

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Thereafter, he returned to Indiana, where he continued his practice as a senior partner in the law firm of Adair, Perry, Beers, McAlister, and Mallers.

He was also tapped in 1976 by former Governor Otis R. Bowen to serve on the Governor's Privacy Commission, and he also served on an advisory committee for President Ford's re-election campaign.

Ros Adair received honorary Doctor of Laws degrees from Indiana University of Technology in 1964 and from Indiana University in 1982. He was a member of the Southgate Masonic Lodge, Forest Park Methodist Church, Mizpah Temple, and Scottish Rite Cathedral. In 1966, he received the 33rd Degree, the highest honor in Scottish Rite. He died in Fort Wayne in October of 1983.

I have also received a few letters from some of his long-time friends I want to read.

"Ross Adair spent most of his adult life in service to his country and its citizens. He was a lawyer, soldier, Representative, ambassador. It seems fitting that a Federal building be named to honor his service and his loyalty."

That was from Susan Prickett, the wife of his longtime chief of staff. She edited the Albion paper after her husband died, and she passed away just a few months ago. I was hoping she would be able to see us name this building. I am glad we got to put her tribute in the RECORD.

Orvas Beers, his longtime law partner, cousin, and close friend, wrote "I am writing in support of this legislation to designate the Federal building after E. Ross Adair. I think this is a great idea.

"National recognition of our former congressman and United States Ambassador to Ethiopia is long overdue. He dedicated well over 20 years of his life to public service in both Congress and as ambassador. His accomplishments . . . were outstanding. His integrity and statesmanship are unmatched. Ross was among the finest Congressmen ever to represent Northeast Indiana. As a former law partner of Ross, and former chairman of the Republican party of Allen County, I am proud to have known him and worked for his elections.

Ross Adair's word was as good as his name. He meant what he said, and said what he meant. A handshake and his word closed many solid agreements. He served our country during a time when political machines were a big part of how this Nation functioned. Yet, Ross's honesty and integrity were never questioned. He was a fine man. Republicans and Democrats alike were well represented by Ross Adair."

Ken Meyers writes that E. Ross Adair will finally get the recognition he deserved. He tells a story. He was a Republican County Chairman of Steuben County, a county to the north of Fort Wayne, in 1950.

He said, at the time Ross was nominated he was not familiar "outside Allen and Noble Counties—but not for long. His sincere friendly campaigning won him the nomination and election in November.

"E. Ross Adair represented all the people in the district; Republican, Democrat, or Independent received the same attention and consideration. On important legislative matters he was in constant contact with his constituents. He read and studied the legislation before the House.

"One personal incident proved to me that he did his 'homework.' A popular piece of legislation was before the House that would be beneficial to his district. Ross voted against it. As county chairman, I questioned his vote. His reply was, 'Ken, a last-minute amendment was attached to it that made it unacceptable.' When he explained what the amendment was and what it would do, I was proud he was our Congressman.

"The election in 1958 was an indication of his popularity in Steuben County. Statewide, the 1958 election was a disaster for Republicans in Indiana. Ross was roughly 1,100 votes behind until little Steuben County's 1,400 plurality sent him back to Washington, where he remained for 12 more years.

"E. Ross Adair's morals and integrity were of the highest. I have often wondered what our country would be like if all 535 Members of Congress and yes, the President, too, had the same level of morals, integrity, and dedication as E. Ross Adair."

Walter Helmke, a longtime State Senator, father of the immediate past mayor of Fort Wayne and son of the former district chairman and congressional candidate, wrote, "Congressman Adair served the Fourth Congressional District with high distinction . . . having been elected 10 times to the office of Fourth District Representative. I knew him well during the entire 20-year period that he served. He was always responsive to his constituents, and, I believe, represented the sentiments and beliefs of his constituents to an extraordinary degree.

"During 8 of the 20 years that Ross served as Congressman, I served as Prosecuting Attorney of Allen County, and had occasion to call on him for assistance and information a number of times. He always provided me with assistance and support without hesitation.

"After his distinguished career in the United States Congress, he ably served the United States government as the U.S. ambassador to Ethiopia until the emperor of Ethiopia was deposed."

The last letter I would like to read is from Marta Gabre-Tsadick. She is the only female senator to have ever served when Haile Selassie was head of Ethiopia. She writes, "We at Project Mercy," a project that continues today based and working out of Fort Wayne to help those impoverished people who need health care and other things in Ethiopia, "wholeheartedly support this initiative to commemorate a man who not only gave 20 years of his life to serving his country as Congressman, but reached international boundaries as a great Ambassador to Ethiopia. His service there impacted all African countries through his interaction with the Organization of African Unity, headquartered at Addis Ababa, Ethiopia. We are grateful for his service.

"In retrospect, I can think of no one who has contributed more to this area, or anyone who could possibly deserve this honor more than our mutual friend and mentor, E. Ross Adair."

When Haile Selassie fell, roughly one-third of the senate in Ethiopia came to Fort Wayne, Indiana, because Ross Adair meant to them America, and where freedom was. I and many others heard the stories of peoples' heads being chopped off and watching their kids die. Ross Adair represented the values, as do so many of our ambassadors, of America abroad, not only here in this Chamber.

It is a tremendous honor and distinction for me today to be the United States Congressman from the Fourth District to sponsor this bill to have our Federal building and courthouse named after E. Ross Adair.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2412.

The question was taken.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AARON E. HENRY FEDERAL BUILDING AND UNITED STATES POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1279) to designate the Federal building and the United States post office located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron E. Henry Federal Building and United States Post Office," as amended.

The Clerk read as follows:

H.R. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 236 Sharkey Street in Clarksdale, Mississippi, shall be known and designated as the "Aaron E. Henry Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Aaron E. Henry Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 1279, as amended, designates the Federal Building and United States Courthouse located in Clarksdale, Mississippi, as the

Aaron E. Henry Federal Building and United States Courthouse.

Dr. Henry was born in Clarksdale, Mississippi, in 1921, and attended local schools. He served in the United States Army, after which he returned to school and earned a degree in pharmacy from the Xavier University in 1950.

In 1953, Dr. Henry organized the local branch of the NAACP, and served as the State NAACP president from 1960 until 1993. He was instrumental in creating an integrated political system in Mississippi. He also participated in the Freedom Rider Movement, which led to the passage of the public accommodations sections of the Civil Rights Act of 1964.

In 1979, Dr. Henry was elected to the Mississippi House of Representatives, and held this office for 2 additional terms.

The naming of this Federal complex is a fitting tribute to a distinguished African-American. I support the bill. I urge the passage of this bill, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1279 is a bill to designate the Federal building in Clarksdale, Mississippi, as the Aaron Henry Federal Building and United States Courthouse.

Dr. Aaron Henry was a civil rights pioneer, a thoughtful mentor, scholar, and great humanitarian. He led an active, committed, exemplary life.

After attending local public schools, he joined the Armey in 1942 and was a veteran of World War II. After the war, he attended and graduated from Xavier University in New Orleans. In 1953, Dr. Henry organized the Coahoma County Branch of the NAACP, and served as the State NAACP president from 1960 to 1993.

During the 1960s, he participated in the Freedom Rider Movement and in the Mississippi Freedom Summer's nonviolent campaigns of public protest.

Dr. Henry served on numerous boards, such as the Executive Committee of the NAACP, the Federal Council on Aging, and the Southern Christian Leadership Conference. Acknowledging his contributions as a civil rights leader in 1979, the citizens of Coahoma County elected him to the Mississippi House of Representatives, where he was reelected in 1983 and 1987.

Dr. Henry was instrumental in securing passage of legislation that created the Office of Economic Opportunity, and was a strong advocate and spokesman for the Job Corps and Head Start.

Dr. Henry was an active member of the Haven United Methodist Church, serving as its lay leader. He was committed to his community and educational and civic issues throughout his life.

It is most fitting and proper that we support the gentleman from Mississippi (Mr. THOMPSON) and honor the great contributions of Dr. Henry. I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate our colleague, the gentleman from Mississippi (Mr. THOMPSON), for bringing this important legislation to the floor of the House.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the sponsor of this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, today is a very special day for me. Today we will vote on the passage of H.R. 1279, a bill to rename the Federal Building and Post Office in Clarksdale, Mississippi, after one of Mississippi's most notable pioneers in the civil rights movement, Dr. Aaron E Henry.

I might add that I have known Dr. Henry all of my adult life. Until his untimely death, Dr. Henry served as a role model for all of us in the State of Mississippi and the country as a whole for those who believed in fair play and justice.

Dr. Henry's role in the civil rights movement is well documented. His role in the political arena in the State of Mississippi is well documented. His legacy lives on.

Many of us could not, as early public officials, go on TV locally. Dr. Henry, through his efforts, challenged the license of local stations in order for African-Americans to buy time on TV. His legacy is one that we all are proud of.

Mr. Speaker, as the sponsor of this legislation and also the Representative of Clarksdale, Mississippi, I am happy to see this legislation move forward. I am happy to see the bipartisan support that it has received. I look forward to the passage of this bill.

Ms. BERKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am honored to be able to join the gentleman from Mississippi (Mr. THOMPSON) and all of the others who are supporting this legislation.

Mr. Speaker, I first saw Aaron Henry in action in the 1960s, in the battle within the Democratic Party, and at the convention of the Mississippi Freedom Democratic Party for Equality and for Integration.

In the early 1970s, I had the opportunity to work with him in Mississippi as part of what we called the Mississippi-Michigan Alliance. It was an effort to spark registration within Mississippi, and to try to make sure that all voices there were heard.

During those joyful days that I spent with him at his home with his beloved family and at his drugstore on Fourth Street, I had the chance to come to know him firsthand.

Aaron Henry had a dream, a dream of an integrated America, a dream where everybody counted. He lived to achieve that dream. He lived a life of good works. He was instrumental in the founding of the NAACP in Mississippi. He also, as we know, as we have heard, ran for office in Mississippi and was elected to the House of Representatives, which was a proud day for Mississippi.

Aaron Henry came a good long way in his life, and America has come a considerable way on that path of an integrated America because of the likes of Aaron Henry. Today we take another step along that path. I am honored to join the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Ohio (Mr. LATOURETTE).

Mr. Speaker, I close by just briefly referring back to what I had the chance to enter into the RECORD after the passing of Aaron Henry.

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I said at that point, "Hopefully, his native State will mourn him across its cities and its farms. He was born in its rural land, toiled in one of its important towns, and journeyed it throughout from border to border. His legacy is his hopefulness. The task now of his beloved State, of his beloved Nation, and of all of us who loved him is to keep his faith and continue his battle."

Today, with the naming of the building in Clarksdale in his honor, it is another small step in the battle that involved and really enmeshed the life of Aaron Henry.

Ms. BERKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from Nevada (Ms. BERKLEY) for yielding me this time, and I thank and congratulate the gentleman from Mississippi (Mr. THOMPSON) for sponsoring this bill.

Mr. Speaker, there are many ways to mark a Nation's milestones. Naming a public building for Dr. Aaron Henry is one such way for me.

I first met Aaron Henry in 1963 when, as a law student and member of the Student Nonviolent Coordinating Committee, I went into the delta in Mississippi to work in the civil rights movement one summer. The civil rights movement had circled the South, but had not penetrated the "Black Belt" deep in the Mississippi Delta.

I met the President of the NAACP at the time, Aaron Henry. To be President of the NAACP in Mississippi was itself an act of conspicuous courage. It marked a man, both as a marked man and a brave man.

The next year I graduated from law school and became one of the lawyers that summer for the Mississippi Freedom Democratic Party, of which Aaron Henry was the chairman. I went to my files and discovered the brief I filed before the Credentials Committee on behalf of Aaron Henry and the Mississippi Freedom Democratic Party to be admitted into my party, the Democratic Party, on behalf of these Mississippi citizens.

What Aaron Henry and the Mississippi Freedom Democratic Party did is itself a milestone in the Nation's history, because it assured that both parties would now be open to delegates of all races.

Aaron Henry lived such a life to go from the very outside as the head of the NAACP, all the while a working pharmacist in his own drugstore in Clarksdale, to becoming a member of the Mississippi House of Representatives. From the NAACP and civil rights leader, fighting words, in Mississippi, to representative of the people of Clarksdale, Mississippi.

When I went back to Mississippi a number of years later as Chairman of the Equal Employment Opportunity Commission, Aaron Henry had become a true insider. Aaron Henry arranged for a reception for me sponsored by the Governor in the Governor's mansion. Mr. Speaker, when I first met Aaron Henry, the closest he and I could get to the Governor's mansion was to picket it.

Aaron Henry had gone from challenger to change-maker and had himself created much of the change in the State of Mississippi.

He lived to see a peaceful revolution occur in his State, including his own election to the State legislature. All of this was simply unthinkable in the Mississippi in which Aaron Henry was born in 1922. So was naming a building for Aaron Henry.

But naming a Federal building by this body is normally an estimate of the man. However, the Aaron E. Henry Federal Building and Post Office is likely to be regarded as far more than that. The naming of a building for Dr. Henry evokes a milestone in the history of Mississippi and of our country. The triumph of racial struggle and harmony over racial segregation and division. There is no better way, no better person to symbolize this progress than Aaron Henry.

Ms. BERKLEY. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1279, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building and United States courthouse located at 236 Sharkey Street in Clarksdale, Mississippi, as the 'Aaron E. Henry Federal Building and United States Courthouse'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2412 and H.R. 1279, as amended, the measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONGRATULATING THE PEOPLE OF TAIWAN FOR SUCCESSFUL CONCLUSION OF PRESIDENTIAL ELECTIONS AND REAFFIRMING UNITED STATES POLICY TOWARD TAIWAN AND PEOPLE'S REPUBLIC OF CHINA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 292) congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China, as amended.

The Clerk read as follows:

H. CON. RES. 292

Whereas section 2(c) of the Taiwan Relations Act (Public Law 96-8) states "[t]he preservation and enhancement of the human rights of all the people on Taiwan" to be an objective of the United States;

Whereas Taiwan has become a multiparty democracy in which all citizens have the right to participate freely in the political process;

Whereas the people of Taiwan have, by their vigorous participation in electoral campaigns and public debate, strengthened the foundations of a free and democratic way of life;

Whereas Taiwan successfully conducted a presidential election on March 18, 2000;

Whereas President Lee Teng-hui of Taiwan has actively supported the consolidation of democratic institutions and processes in Taiwan since 1988 when he became head of state;

Whereas this election represents the first such transition of national office from one elected leader to another in the history of Chinese societies;

Whereas the continued democratic development of Taiwan is a matter of fundamental importance to the advancement of United States interests in East Asia and is supported by the United States Congress and the American people;

Whereas a stable and peaceful security environment in East Asia is essential to the furtherance of democratic developments in Taiwan and other countries, as well as to the protection of human rights throughout the region;

Whereas since 1972 United States policy toward the People's Republic of China has been predicated upon, as stated in section 2(b)(3) of the Taiwan Relations Act, "the expectation that the future of Taiwan will be determined by peaceful means";

Whereas section 2(b)(6) of the Taiwan Relations Act further pledges "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan";

Whereas on June 9, 1998, the House of Representatives voted unanimously to adopt House Concurrent Resolution 270 that called upon the President of the United States to seek "a public renunciation by the People's Republic of China of any use of force, or threat to use force, against democratic Taiwan";

Whereas the People's Republic of China has consistently refused to renounce the use of force against Taiwan;

Whereas the State Council, an official organ at the highest level of the Government of the People's Republic of China, issued a "white paper" on February 21, 2000, which threatened "to adopt all drastic measures possible, including the use of force," if Taiwan indefinitely delays entering into negotiations with the People's Republic of China on the issue of reunification; and

Whereas the February 21, 2000, statement by the State Council significantly escalates tensions across the Taiwan Straits and sets forth a new condition that has not heretofore been stated regarding the conditions that would prompt the People's Republic of China to use force against Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the people of Taiwan are to be congratulated for the successful conclusion of presidential elections on March 18, 2000, and for their continuing efforts in developing and sustaining a free, democratic society which respects human rights and embraces free markets;

(2) President Lee Teng-hui of Taiwan is to be congratulated for his significant contributions to freedom and democracy on Taiwan;

(3) President-elect Chen Shui-bian and Vice President-elect Annette Hsiu-lien Lu of Taiwan are to be congratulated for their victory, and they have the strong support and best wishes of the House of Representatives and the American people for a successful administration;

(4) it is the sense of the House of Representatives that the People's Republic of China should abandon its provocative threats against Taiwan and undertake steps that would lead to a substantive dialogue, including a renunciation of the use of force against Taiwan and progress toward democracy, the rule of law, and protection of human and religious rights in the People's Republic of China; and

(5) the provisions of the Taiwan Relations Act (Public Law 96-8) are hereby affirmed as the legal standard by which United States policy toward Taiwan shall be determined.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader who has taken a great deal of time in focusing attention on the Taiwan problem.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, the House today is commemorating a very, very special event: The first democratic election leading to a transfer of power in the 5,000-year history of the Chinese people.

This is, indeed, a momentous event not only for the Chinese, not only for Taiwan, but for the cause of democracy itself. It was not that long ago, Mr. Speaker, that many people believed that democracy may be a dying creed. I remember as recently as 1984, one French philosopher respected by some friends of mine wrote that the era of democracy may be, and I quote, "a brief parenthesis that is even now closing before our eyes."

There was a popular view, shared by conservative pessimists as well as left-wing revolutionaries, that some form of dictatorship was the only alternative to even worse forms of government.

At best, these people believed that democracy was only appropriate for some cultures, but not for most. Though they rarely said so, what they really meant was that it was only suited for some kinds of people and not for others. Certainly, not for Asians who, it was said, had unique "Asian values." That made democracy unsuited for them and they unsuited for democracy.

Well, Mr. Speaker, how wrong they were. The Taiwan elections vindicate once again the great wisdom of the American founding fathers when they wrote these wonderful words that "All men are created equal" and all men "are endowed by their Creator with certain inalienable rights."

Mr. Speaker, freedom and democracy are not more precious for our culture than they are for the people of other cultures. There are no alien values that lead some people to prefer dictatorship over self-government. Freedom and democracy are, in fact, the shared aspirations of all human beings everywhere, from Athens to England to America indeed to all of Asia.

Taiwan can now serve as a shining example to the unfree people in its part of the world. It shows that democracy works in a Chinese culture. It shows that democracy can resist threats and bullying from abroad. It shows that democracy is the only way that a Nation can be both rich and free.

Mr. Speaker, let me add that even as we rejoice in Taiwan's democratic success, we also wish to aid all the Chinese people as they seek greater freedom, and that includes those in the People's Republic of China. It is for this reason we are doing everything possible to pass Permanent Normal Trade Relations for China. We know that free and open trade will help make China an open and free society. We will pass PNTR, and we will do it this year.

Mr. Speaker, the House today is pleased to offer our heartfelt congratulations to the people of Taiwan and to their new president and vice president-elect. All the world should know that the people of Taiwan and their democratic government enjoy the friendship, admiration, and support of the government of the United States.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas (Mr. ARMEY) the distinguished majority leader, for his supportive remarks with regard to this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the election of the Democratic Progressive Party's Chen Shui-bian and Annette Lu is truly an historic event with profound and moving implications for Taiwan's people. The race was more than a race between and among candidates. It was a race between the people of Taiwan and the Beijing leadership.

Despite Beijing's protests, despite even its threats, this election signified the long-standing commitment of Taiwan to democratic ideals. I would like to extend my congratulations to the people of Taiwan in their success in conducting a free and a fair election.

On March 15, only three days before the election, the premier of the People's Republic of China, Zhu Rongji, held a news conference which intensified China's threats of violence if Taiwan were to elect a pro-independence candidate and move away from the People's Republic of China "one China" policy. This act was only the latest demonstration of China's attempts to corrupt the Taiwanese democratic process. But as a sign of desire for political change and faith in democracy, the voters of Taiwan overcame any fears of foreign threats and elected a candidate they felt would best lead Taiwan into the 21st century.

I applaud President-elect Chen's immediate overtures to improve the situation with China. Already he has invited President Jiang Zemin to visit Taiwan, and he has suggested abolishing Taiwan's ban on direct trade with China.

Beijing must now also exercise restraint and start accepting the reality that there are two sovereign countries facing the Taiwan Strait.

Mr. Speaker, the U.S. should support the strides Taiwan's new leadership is making toward establishing a peaceful Taiwan and toward making it absolutely clear that the issues between China and Taiwan must be resolved peacefully and must be resolved with the assent of the people of Taiwan.

I had the pleasure last April in my office of meeting now President-elect Chen. He is a man of great ability and representative in many ways of modern Taiwan. I am confident his administration will provide the necessary leadership in these difficult and sensitive times for his country.

I look forward to working with him, as I am sure all of us in this body do, in improving relations between the United States and the Republic of Taiwan.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I congratulate the gentleman from New York (Mr. GILMAN) on this resolution, House Concurrent Resolution 292, and thank him for his leadership on this important issue and his vigorous pursuit of freedom over the many years he has been serving in the Congress. I also thank the gentleman from Ohio (Mr. BROWN) for his support of the resolution.

Mr. Speaker, it is all designed to congratulate the people of Taiwan for the very successful election that they realized a week ago last Saturday. What is important to note, Mr. Speaker, is that this ground-breaking election marks the first transition from one political party to another in the 5,000-year history of the Chinese civilization. Let me say that again. This election that we have just observed marks the first transition from one political party to another in the 5,000-year history of Chinese civilization. That is an extraordinary accomplishment.

In fact, it is important to note that this largely peaceful transition that we have observed over the last decade and a half from an authoritarian regime, to what we have now witnessed as full democracy and a transition from one political party to another, is one of the greatest victories of the 20th century when it comes to our vigorous pursuit of political pluralism worldwide. One which I think it is important to note goes hand in hand with the very important economic reforms and ties that the United States of America has had with Taiwan.

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It does go hand-in-hand. And I think that we all know that the very vigorous public debate that was spawned by competitive elections has played a role in strengthening the foundations for a free and democratic way of life.

And we are witnessing that right now on Taiwan.

The recent election of President-elect Chen sends, I believe, a very strong and positive message that democracy works in China. It works in Asia. It works in a Chinese society. We all hope very much that it will be able to expand on to the mainland.

Mr. Speaker, without a doubt, there are many very, very tough domestic challenges that President-elect Chen will be facing as he takes over the reins in Taiwan. However, it is key to recognize that one of his very first public statements came in an interview that he did with my hometown newspaper, the Los Angeles Times, I do not call it the Chicago Tribune yet; but it is the Los Angeles Times, where he did a very, very important interview stating that he strongly supports mainland China's accession to the World Trade Organization, which, obviously, as we all know, is the global, rules-based trading system, which would allow for the elimination of tariff barriers so that the rest of the world can gain access to the 1.3 billion consumers in China.

We know that following China's accession to the World Trade Organization, we will see Taiwan immediately join the WTO. And the People's Republic of China has supported that.

It is important to note that immediately following his election, President-elect Chen said that he strongly supported the idea of China acceding to the WTO. He recognizes that the economic fates of both Taiwan and mainland China are inextricably tied. In fact, not many people are aware of the fact there are nearly 46,000 businesses on mainland China that are owned by Taiwanese.

In fact, the single largest supplier of foreign direct investment to mainland China happens to be the island of 22 million people of Taiwan. The commercial relations with its cross-strait neighbor are vital to the continued prosperity of mainland China and of Taiwan.

Finally, Mr. Speaker, I am certain that this House is united behind the principle that the future of Taiwan be determined in a manner that is both peaceful and mutually agreeable to the people on both sides of the Taiwan Strait.

We as a Nation stand firmly behind the 1979 Taiwan Relations Act. Military action, threatened or actual, is clearly the wrong way to proceed. And I believe that this election sends a strong signal that we can and, in fact, see improved relations there.

I congratulate President Chen for the strong steps that he has taken to bring the temperature down and to work towards what we hope will be peaceful association there.

I thank my friend for yielding me the time. Again, I appreciate his strong leadership on this very important issue.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from California (Chairman DREIER) for his strong supportive remarks with regard to the People's Republic of China.

Mr. GILMAN. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me the time. I rise in strong support of House Concurrent Resolution 292, the resolution introduced by the distinguished majority leader, Mr. ARMEY, which congratulates the people of Taiwan and Taiwan's leaders for the successful conclusion of their presidential election on March 18.

Indeed, this election represents, as the majority leader and the Committee on Rules chairman just indicated, the first such democratic transition to high national office, one elected leader to another, in the very long history of Chinese society. That fact bears repeating.

The people of Taiwan are to be congratulated for their continuing efforts in developing and sustaining a free democratic society which respects human rights and embraces free markets.

Contrary to the claims of those trying to defend Communism and other authoritarian forms of government, this election demonstrates that democracy clearly could work in the People's Republic of China, and it explains the reason why the Chinese people increasingly yearn for democracy and could flourish under it.

The success of democracy in Taiwan is, indeed, a powerful model for the mainland. This resolution, which was expeditiously considered last week without opposition in the Subcommittee on Asia and the Pacific, which this Member chairs, and subsequently in the full Committee on International Relations, also acknowledges that a stable and peaceful security environment in East Asia is essential to the furtherance of democratic developments in the Taiwan area and in other countries. It reaffirms U.S. policy regarding Taiwan as set forth in the Taiwan Relations Act.

In this regard, the resolution appropriately, this Member believes, expresses the sense of Congress that the People's Republic of China should refrain from making provocative threats against Taiwan and should instead undertake steps that would lead to substantive dialogue, including a renunciation of the use of force against Taiwan, the encouragement of democracy, the rule of law, and the protection of human and religious rights in the People's Republic of China.

Mr. Speaker, this Member is encouraged that since the election in Taiwan, Beijing has curtailed, to a certain degree, its aggressive and unhelpful rhetoric and appears again, to a certain degree, to be extending the offer for a renewed dialogue.

It is hoped that this is an offer which is offered in, in fact, good faith. Across the Taiwan Strait, President-elect Chen and others in Taipei are also calling for renewed dialogue and are already proposing the kind of responsible statesman-like policies that could expand and accelerate this dialogue.

Mr. Speaker, this is a timely, necessary, and straightforwardly positive resolution that sends an important message to both Beijing and Taipei. As a cosponsor of H. Con. Res. 292, this Member urges his colleagues to support the resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Nebreska (Mr. BEREUTER) for his supportive remarks.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. PETRI). The gentleman from New York has 8 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers, but I reserve the balance of my time.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 292.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 292, introduced in the House by the distinguished gentleman from Texas (Mr. ARMEY), the majority leader, who has taken an active role in our international affairs.

I want to take this opportunity to congratulate the people of Taiwan on a successful election and for taking another step in consolidating their democratic evolution. They should be very proud of their achievement, registering a voter turnout of over 80 percent. They have clearly articulated their determination to build a society of freedom and of democracy.

On May 20 of this year, for the first time in Taiwan's history of over 400 years, the mantle of executive power will pass from one democratically elected president to another. This should serve as a source of pride for the Chinese people everywhere.

This peaceful transfer of power will take place despite the misguided attempts by the government of Beijing to intimidate Taiwan's voters and candidates and influence the outcome of their democratic election.

The new government of Chen Shui-Bian faces many challenges as it ascends to office. We look forward to learning more of his vision for his administration.

I want to commend the President-elect for his proposal of embarking on a journey of reconciliation with Beijing and his offer to meet with the Chinese leaders. Talks between Taipei and Beijing should only go forward at a pace and scope that is acceptable to both parties.

I want to encourage the PRC to exercise restraint, to avoid fanning the flames of nationalism over Taiwan in an effort to divert attention from their own internal problems, and to open substantive dialogue with Taipei, and to end its history of military threats toward that island.

As has long been American policy, it is essential that the future of Taiwan be determined in a peaceful and non-coercive and mutually agreeable manner to the people on both sides of the strait.

We hope the world will take adequate notice of what has transpired in Taiwan; that being that another Asian nation has fully embraced democratic principles and practices. This further proves that democracy is not an Eastern or a Western value as some might contend, but it is a universal value of the right of people everywhere.

I especially hope that the 1.2 billion people of the PRC and their unelected government take particular notice of the prosperous, free, and open model Taiwan provides for China's future.

With the new government comes new opportunities. Accordingly, I call upon our administration to work productively with the new government and treat President-elect Chen as an equal partner in addressing the cross-strait issues.

I also urge our administration to adhere to the "Reagan Six Assurances." As my colleagues may recall, in July of 1982, the Reagan administration wisely promised Taipei that it would not: one, set a date for the ending of arms sales to Taiwan; two, consult with China on arms sales; three, play a mediation role between PRC and Taiwan; four, revise the Taiwan Relations Act; five, change its position regarding sovereignty over Taiwan; and, six, exert pressure on Taipei to enter into negotiations with Beijing.

Regrettably, those "Six Assurances" have been set aside in part, or completely ignored, by the present administration. These common sense guarantees are a solid basis for American Taiwan policy and should be reinstitutionalized as guideposts of the conduct of bilateral relations with Taipei and with Beijing.

I recommend strongly that our administration take no action to delay or undermine this year's arms sales talks with Taiwan. The talks should be concluded as scheduled on April 24, and Taiwan's legitimate defense needs should be met in light of China's continuing military build-up.

Despite protestations by some to the contrary, China is, in fact, precipitating an arms race in Asia and is working towards achieving military superiority over Taiwan and the ability to influence that island's future through coercion, an action in direct contravention to long-standing American policy and U.S.-Sino communiques.

We can be assured that Beijing will move at some point in the future to test the mettle of the new Taipei government. China is biding its time for the moment while a Permanent Normal Trade Relations hangs in the balance in the Congress.

But once that issue is addressed and a new Taiwanese administration is inaugurated, China may opt to act militarily in some fashion against Taiwan. Such a misguided policy of restricting arms sales by the Clinton administration to Taiwan now will only serve to increase the likelihood of Chinese adventurism, miscalculation, and military confrontation over Taiwan's future.

Any equivocating on this year's arms sales process will send the wrong signal at the wrong time to both China and to Taiwan. Instead of eclipsing a crisis through strength and deterrence, the administration may be in fact fomenting a crisis in the Taiwan Strait through weakness and through indecision.

Finally, Mr. Speaker, I am proud to be a cosponsor of this legislation. I want to thank the majority leader for his good work in bringing it to the floor.

Accordingly, I urge my colleagues to strongly support this measure.

I congratulate the people of Taiwan once again on a free and fair election.

Ms. PELOSI. Mr. Speaker, today I rise in strong support of H. Con. Res. 292—Congratulating the people of Taiwan on their successful presidential elections on March 18. This election serves as a testament to their continuing efforts in sustaining a free society that respects democracy and human rights.

The people of Taiwan deserve our praise and support for conducting this election. They showed that true democracy can be successful even in the face of military threats by the Chinese government. This election is a reminder that the threat of a military attack will not be successful in a political system where the people can exercise the right to determine their own future. The people of Taiwan have taken great risks in sticking to their principles.

The second free election in Taiwan represents a coming of age for this maturing democracy. This is the first time in 50 years that the Nationalist Party (KMT) will have to give up its political power. The peaceful transfer of power is a key turning point for every successful democracy.

In particular, I would like to congratulate the new President of Taiwan, Mr. Chen Shui-bian. Mr. Chen was born in rural Taiwan about the time of the Chinese Communist Revolution. Since then, Mr. Chen has been an outspoken advocate for human rights and has served as a successful mayor of Taipei in recent years.

Over the course of his campaign, Mr. Chen has shown prudence in handling the China issue. In his victory speech, he promised to continue economic relations with mainland China and seek a "permanent peace." It is my hope that China and Taiwan will continue to negotiate their differences in a peaceful manner. I would also like to commend Vice-President elect Annette Liu who has advocated for democratic reform in Taiwan on her visits to Washington, D.C.

This election proves that the Chinese people, like people all over the world, will choose freedom and democracy when given the opportunity. By contrast, the Chinese government continues to escalate the repression and human rights of its own people—despite the thriving democracy across the strait. The Taiwan elections should serve as an example that the only real hope of eventual reunification rests in the possibility of true freedom and democracy in China.

Mr. PAUL. Mr. Speaker, today with H. Con. Res. 292 Congress bestows well-deserved congratulations upon the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and for their continuing efforts to develop and sustain a free republic that respects individual rights and embraces free markets. President Lee Teng-hui of Taiwan should also be praised for his significant contributions to freedom in Taiwan.

Unfortunately, because the bill pronounces the Taiwan Relations Act (P.L. 96–8) as the legal standard by which U.S. policy toward Taiwan is governed, I cannot support the measure. This Taiwan Relations Act, effectuated a United States policy which recognized an attack against Taiwan as inimical to an attack on the United States.

Just as it is wrong to force our preferences on other countries and cultures, it is wrong to dictate politics. The United States has absolutely no moral or constitutional right to do so. In fact, action of that sort could rightfully be considered an act of aggression on our part, and our founding fathers made it very, very clear that war should be contemplated only when national security is immediately threatened. To play the part of policemen of the world degrades all who seek to follow the Constitution. The Constitution does not allow our government to participate in actions against a foreign country when there is no immediate threat to the United States.

Sadly, the U.S. has in recent years played the role of world interventionist and global policeman. Thomas Jefferson stated in his first inaugural address: "Peace, commerce and honest friendship with all nations—entangling alliances with none, I deem [one of] the essential principles of our government, and consequently [one of] those which ought to shape its administration." Instead, the U.S. government has become the government force that unconstitutionally subsidizes one country and then pledges taxpayer dollars and lives to fight on behalf of that subsidized country' enemies. It's the same sort of wisdom that would subsidize tobacco farmers and pay the health care costs of those who then choose to smoke.

Each year the people of the United States write a check to subsidize China, one of the most brutal, anti-American regimes in the world. It has been in vogue of late for everyone in Washington, it seems, to eagerly denounce the egregious abuses of the Chinese people at the hands of the communist dictators. Yet no one in our federal government has been willing to take China on in any meaningful way. Very few people realize that China is one of the biggest beneficiaries of American subsidization. Thanks to the largesse of this Congress, China enjoys the flow of U.S. taxpayers cash into Beijing's coffers. Yet, today we are asked to pledge support for Taiwan when we could best demonstrate support for Taiwan by terminating subsidies to that country's enemies.

Again, my congratulations to the Taiwanese on their continuing efforts to develop and sustain a free republic that respects individual rights and embraces free markets and to President Lee Teng-hui for his contributions to that end.

Mr. LARSON. Mr. Speaker, I rise today in strong support of H. Con. Res. 292 to congratulate the people of Taiwan on the successful presidential elections on March 18th and for their continuing efforts in developing and sustaining a democratic society which embraces free markets and respects human rights. I am a proud co-sponsor of this bill and encourage my colleagues to vote in favor of it.

I believe that the freedom of Taiwan's 22 million Chinese people to participate in the competitive election of their president is surely a reason for Congress to pass this resolution in celebration of democracy. The bill congratulates Taiwan's current President Lee Teng-hui, Taiwan's "Father of Democracy," who presided over Taiwan's twin miracles of economic development and political reform. It also congratulates Taiwan's President-elect, Chen Shui-bian, and Vice President-elect, Annette Hsiu-lien Lu, on their election, which ended a half-century of one-party rule there.

I have followed these historic events in Taiwan closely and with interest. I have also been assisted in understanding these issues by the Taipei Economic and Cultural Representative Office here in Washington. This Office, and the very capable Benson Wang in particular, have provided me and my staff with straight-forward information on Taiwan and events there, which I appreciate greatly. I am hopeful that the companion measure we will vote on today, to authorize $75 million to upgrade the American Institute in Taiwan's facilities in Taipei, will allow the U.S. to have the same high quality of representation in that country.

This peaceful transfer of power brings Taiwan to the forefront of democratic nations in Asia, and provides a shining example of freedom for mainland China and other nations in the region to follow. This free election took place despite Beijing's clumsy and counterproductive attempts to intimidate President-elect Chen and his supporters. Perhaps the government in Beijing is more concerned that this election will result in further democracy movements in China than they are about the possibility of Taiwan's independence. This is why I especially support this measure's provisions to encourage China to make progress toward democracy, the rule of law, and the protection of human and religious rights.

Mr. Speaker, let me conclude by saying that I believe that it is important for the United States to salute and support Taiwan's democracy, and I therefore urge my colleagues to join me in voting for this resolution. Thank you.

Mr. CROWLEY. Mr. Speaker, I rise today in support of H. Con. Res. 292 and to congratulate the people of Taiwan on their successful presidential elections on March 18, 2000.

The election results impressively demonstrate the strength and vitality of Taiwan's democracy. I strongly support the right of the people of Taiwan to decide their own political future.

The victory for president-elect Chen Shui-bian, the candidate of the Democratic Progressive Party, and vice-president-elect, Annette Lu, a pioneering feminist and former political prisoner, symbolize the beginning of a new era in Taiwanese politics after 51 years of rule by the Nationalist Party.

The development of Taiwan from authoritarian rule to a vibrant democracy during only two decades has been truly inspiring. The pace of political reform accelerated in the middle and late 1980s. Martial law was ended in July 1987 and in 1992, for the first time in Taiwanese history, a new parliament was elected. In its second direct presidential election almost 83 percent of Taiwanese voters cast their ballots—an impressive turn-out that underlines the great support among the population for the democratic process.

I commend the people of Taiwan for this peaceful transition and their commitment to democratic values and ideas. The consistent growth of the Taiwanese economy is closely related to the success of Taiwanese democracy.

I firmly believe that a democratic Taiwan is the best guarantee for prosperity, peace and security in the region.

Taiwan has been a valued and reliable partner to the United States during the previous decades and I am sure this constructive relationship will continue, after president-elect Chen Shui-bian takes office.

Mr. DELAY. Mr. Speaker, I rise today in strong support of the resolution offered by the Majority Leader, Mr. ARMEY, and am proud to be an original cosponsor.

The people of Taiwan should be commended for their brave and inspiring show of courage in support of democratic values.

The people of Taiwan stood in the face of tremendous intimidation and constant threats from the tyrants in Communist China, and they refused to back down. About 80 percent of the people went to the polls to exercise the most sacred of democratic freedoms—the right of citizens to choose their own leaders. Mr. Speaker, that is the essence of democracy.

Undoubtedly, this new administration in Taiwan will face many challenges. For the first time, Taiwan will experience a peaceful transition of executive power. This transition will not be easy, but the peaceful passing of power is at the core of democracy. The United States must support this transition in every way possible.

This expression of freedom should not serve as a threat to Beijing, but as an inspiration. Hopefully, the day will soon come when the people of Communist China, for so long fettered by the chains of communism and tyranny, will be able to determine their own destiny through free and fair elections.

Until that time, it should be clear that the United States is firm in its commitment to Taiwan, and I urge the Administration to use this occasion to signal to the world that we will stand by and support our democratic allies. In the meantime, Taiwan should meet future threats by Beijing with the same strength and determination that guided this most recent election.

Mr. PORTER. Mr. Speaker, I rise today in support of this resolution. I want to thank the gentleman from Texas (Mr. ARMEY) for bringing this important resolution to the floor in such a timely manner.

I want to congratulate Taiwan on its recent free and fair elections. In a region of the world where democracy is not widely accepted, it is important that milestones like the elections of March 18th do not go unrecognized. Despite threats from Beijing, the Taiwanese set themselves apart from their neighbors by going to the polls and voting for the candidate who they wanted to be their leader. It is welcoming to see that there are peoples around the world who do not succumb to threats and pressure and instead exercise their guaranteed rights. Also the record number of the eligible voters who went to the polls, 82.7 percent, is very encouraging.

Taiwan has proven itself to be one of the true democracies in a region surrounded by dictators, military regimes, and human rights abusers. The United States must do everything within its power to stand behind these defenders of democracy and human rights around the world.

President Lee Teng-hui is to be commended for leading his country during a tenuous time. When he took office in 1988 martial law in Taiwan had just ended. He successfully built a strong foundation on which democracy and freedom has flourished. On May 20th of this year, the first peaceful transfer of power to a popularly elected opposition leader by Chinese anywhere will take place. President Lee Teng-hui of the Nationalist Party will turn the presidency over to the recently elected Chen Shui-bian of the Democratic Progressive Party. For the first time in half a century, all of Taiwan's history, the governing party will change.

I wish to convey congratulations to President-elect Chen Shui-bian and Vice-President-elect Annette Hsiu-lien Lu. Leading Taiwan into the next century, and being at the helm during the first changing of a political party in Taiwan's history, will be a great challenge. However, I am confident that with the support of the Taiwanese people and the continued support of the international community, Taiwan will continue to be a pillar in the region for democracy and freedom.

Again, I congratulate Taiwan. I hope and believe that Taiwan can be a window into the future of Asia. A future where everyone is free—free from abuse, free to speak, free to practice the religion of choice and free to vote. A free, stable and prosperous Taiwan serves as a positive example in a region where none of these qualities are widely accepted.

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased to have this opportunity to join my colleagues in congratulating President-elect Chen Shui-bian and Vice President-elect Annette Lu of Taiwan on their impressive victory. The election results are testament to the strength of Taiwan's democracy, which has witnessed the peaceful transition of power from the Nationalist Party that ruled China for 50 years.

The election results are also a testament to the courage and independence of the people of Taiwan, who refused to be intimidated by the increasingly bellicose threats from China on the eve of the election.

I commend President-elect Chen Shui-bian for his constructive and positive statements on relations with China since his election. His sensitivity and statesmanship will be critical to lowering the level of tension between China and Taiwan.

I am especially delighted at Vice President-elect Annette Lu's election. She will be the highest-ranking female government official in Taiwan's history! Her new position and her impressive accomplishments as an advocate for women, human rights, and democracy make her an exciting leader to watch.

Mr. ORTIZ. Mr. Speaker, I rise today to thank the House, particularly Chairman BEN GILMAN and Ranking Member SAM GEJDENSON, for bringing this important resolution to the floor.

I join all in this Congress in congratulating the Republic of China for the success of their recent elections. A successful election is one which is fair to all and whose results are respected by everyone. In fact, in a democracy, the most important election is the second election, not the first. The second election is the truest test of commitment to democracy. If a nation can watch the peaceful transfer of power from one party to another, their journey as a democracy is indeed on solid ground.

President-elect Chen Shui-bian of the Democratic Progressive Party won the presidential election, replacing President Lee Teng-hui. The Far East is a favorite destination of mine when I lead trade delegations, and I have met and worked with President Lee. He has made immeasurable contributions to the solid foundation of democracy in Taiwan, and he will hold a prominent place in Taiwan's history as the first democratically elected president in Taiwan's history.

While the purpose of today's resolution is to congratulate President-elect Chen Shui-bian and Vice President-elect Annette Hsiu-lien Lu on their victory, I am pleased we are also remembering the most important element of this election: the people of the Republic of China. When a democracy freely votes, respects human rights and embraces free markets, they are a democracy among the established democracies of the world.

The United States is hopeful that Taiwan will make use of its new power as a growing democracy to lead a substantive dialogue in that part of the world about democracy, the rule of law, and the protection of human and religious rights.

Again, I thank the Majority Leader and the International Relations Committee for bringing this important resolution to the attention of the House of Representatives.

Mr. LANTOS. Mr. Speaker, I wish to commend the Majority Leader (Mr. ARMEY) for the resolution we are considering today which congratulates President-elect Chen Shui-bian and Vice President-elect Annette Lu on their victory in a free and open and democratic election in Taiwan. I also want to commend my distinguished colleague and friend from Nebraska, the Chairman of the Subcommittee on Asia of our International Relations Committee, Mr. BEREUTER, for his leadership on this issue.

Mr. Speaker, Taiwan is one of the great success stories of the post-World War II era. At the end of the war, Taiwan was a destitute, primitive, backward society. Today, it is one of the great economic triumphs of this century—a vibrant, innovative, creative economy, the 18th largest in the world. The strength of Taiwan's economy is reflected in the fact that it is our nation's 7th largest trading partner.

Taiwan is also one of the great political success stories of the twentieth century. During the last two decades, Taiwan had become a full-fledged democracy. From an American point of view, there is nothing more desirable than to see an economically under-developed autocracy become a full functioning, vibrant democracy as we have seen in Taiwan.

In this regard, Mr. Speaker, the recent election marks another important milestone in the consolidation of democracy in Taiwan. This election marks the first peaceful transfer of power from the KMT (Nationalist) party, which has played the dominant political role in Taiwan for the past half century, to Mr. Chen, the candidate of the Democratic Progressive Party. This peaceful change of political power is reflection of the maturation of Taiwanese democracy.

I do want to pay tribute to President Lee Teng-hui, the first democractically elected President in the history of the Chinese people. He has ably and faithfully served the people of Taiwan during his tenure as president, and as he steps down now at the completion of his presidential term, we owe him our thanks for the friendship he has shown the United States.

I also want to pay tribute to President-elect Chen for the responsible and thoughtful way which he has approached the difficult issue of Taiwan's relationship with mainland China. We in the United States welcome his statesmanship and see it as a further reflection of the maturity of Taiwan's democracy.

Mr. Speaker, these important changes in Taiwan stand in sharp contrast with the continuing authoritarian and dictatorial government which rules the People's Republic of China. I think this resolution we are considering today needs to be viewed as one that congratulates the people of Taiwan on having attained a high degree of economic development and creating a functioning political democracy and starkly contrasts these positive developments with those in the People's Republic of China. There is a free press in Taiwan, unlike the PRC. There are political alternatives in Taiwan, but not in mainland China.

Taiwan also recognizes the desire of its people to function in a free and democratic fashion, unlike China. In particular Taiwan permits religious groups freedom of worship. In China, on the other hand, the practitioners of Falun Gong continue to be persecuted. Those who seek to practice their faith are prohibited or are limited to officially recognized and officially organized churches which have more to do with securing political support for the communist regime than they do with religious worship. The followers of all faiths—in China, as well as Taiwan—must have the freedom to practice their religion. The handful of incredibly courageous individuals in China who have expressed views contrary to the communist regime must be released.

Mr. Speaker, the resolution we are considering today acknowledges the outstanding contributions of the Chinese people. I personally have the highest regard for Chinese civilization and what it has contributed to the culture of all humankind. It is one of the great tragedies of history that these wonderful and cultured people are ruled by an autocratic and dictatorial regime.

Mr. Speaker, I strongly urge my colleagues to join me in supporting this resolution, which recognizes the enormous achievements of the people of Taiwan and holds out great hope for the people of China.

Mr. WU. Mr. Speaker, I rise to congratulate the people of Taiwan on the successful March 18th, 2000 presidential election. Taiwan's decades-long political transformation and the recent election are indeed great examples of Taiwan's commitment to a government of the people, by the people and for the people.

As the first member of the United States Congress born in Taiwan, I observed with great interest Taiwan's extremely competitive presidential campaign. The open process is a tribute to the people of Taiwan, and to the island's real, working democratic process. Taiwan has indeed achieved democracy under adversity and joined the great democracies of the world.

Once again, I would like to congratulate the people of Taiwan on their courage and commitment to forming a more democratic and complete society. In addition, I would also like to congratulate all the candidates, especially President-elect Chen Shui-bian and Vice President-elect Annette Lu, for a very open and competitive campaign. I wish the Taiwanese people well and hope to work together with all people in the region for a peaceful and prosperous future.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 292, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3707) to authorize funds for the site selection and construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan, as amended.

The Clerk read as follows:

H.R. 3707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Institute in Taiwan Facilities Enhancement Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as "AIT"), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;

(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;

(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;

(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;

(5) because of the unofficial character of United States relations with Taiwan, the Department of State is not responsible for funding the construction of a new office building for the Taipei office of AIT;

(6) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and

(7) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure the AIT's requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $75,000,000 to AIT—

(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special statue of AIT.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3707.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 3707, a bill to authorize funds for the construction or acquisition of a new facility for the American Institute in Taiwan.

I would like to thank the distinguished sponsor of the bill, the vice chairman of our committee, the chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), for his efforts in framing this bill and in amending it to improve it further for consideration by the full committee.

Mr. Speaker, the American Institute of Taiwan serves the important function of maintaining relations with Taiwan, and the mission should be appropriately supported by the Congress. There is no doubt that the current facility is inadequate and does not meet security standards. This bill authorizes $75 million for a suitable location for a new facility and for necessary construction costs.

We are looking forward to a long future with Taiwan and it is time to make the long-range commitment and invest in a new facility to support this relationship. Accordingly, I am urging my colleagues to support the bill.

Mr. Speaker, I provide for the RECORD information on a cost estimate done by the Congressional Budget Office on this matter:

H.R. 3707—AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

H.R. 3707 would authorize $75 million for the design and construction of a new facility in Taipei to be used by the American Institute in Taiwan. The American Institute in Taiwan is a nonprofit corporation that facilitates programs and relations between the United States and Taiwan. CBO estimates that implementing H.R. 3707 would cost $6 million in 2001 and $63 million over the 2001–2005 period, assuming appropriation of the authorized amount. (We estimate that the remaining $12 million would be spent after 2005.) Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 3707 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is Sunita D'Monte. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time and, as the author of H.R. 3707, the American Institute Enhancement Act, this Member rises in strong support of what he regards as timely and responsible legislation.

Before commenting on it, though, this Member would like to express his sincere appreciation to the Subcommittee on International Operations and Human Rights, the distinguished gentleman from New Jersey (Mr. SMITH), for his much appreciated assistance in moving this bill forward so quickly and for suggested refinements that were incorporated in the bill during the markup of the Committee on International Relations.

This Member would also like to thank the distinguished chairman of the committee, the gentleman from New York (Mr. GILMAN) and the ranking minority member, the gentleman from Connecticut (Mr. GEJDENSON), for supporting this bill and moving it expeditiously.

Additionally, I express my appreciation to the ranking minority member of the Subcommittee on Asia and the Pacific, the distinguished gentleman from California (Mr. LANTOS), for his cosponsorship and special cooperation in expediting the consideration of this legislation.

Mr. Speaker, this Member believes it is important to note that the United States' commitment to the security and well-being of the people of Taiwan is enshrined in the Taiwan Relations Act of 1979, the TRA, a congressional initiative of that year, responding to a controversial Carter administration initiative of that previous year.

The TRA, which continues to be the guide of our unofficial relations with Taiwan, is an important document for us to consider and to reaffirm from time to time and also to reexamine to make sure that we understand exactly what it is that controls our relationship with Taiwan and, in effect, the relationship between Taiwan and the People's Republic of China.

The TRA established the American Institute in Taiwan, AIT, as a nonprofit corporation to implement on behalf of the United States Government any and all programs, transactions and other relations with Taiwan. In other words, to function as our unofficial embassy in Taiwan. The current AIT facilities, which in some cases consists of aging quonset huts, are grossly inadequate and were not designed for the important functions of AIT. They were built or occupied as temporary facilities almost 50 years ago, and are increasingly difficult and expensive to maintain.

From the perspective of security, AIT fails miserably, surrounded by taller buildings and lacking adequate setbacks. Major, very cost-ineffective enhancements would be required to bring it into compliance with security requirements. In fact, it is an impossibility, and the site is entirely inappropriate for our new construction for the AIT.

Because of our unique relationship with Taiwan, characterized by the agreement itself, the State Department is not able, under routine authority, to proceed with the planning and the construction of a new facility for AIT. The Congress must specifically authorize and appropriate the necessary funds. While AIT has made a good faith effort to set aside funds for the construction of a new office building complex, these funds, while very significant, will never be sufficient for even a modest complex that is sufficient and secure enough to meet AIT's needs.

H.R. 3707, which this Member introduced, has bipartisan support. Although only recently introduced, the resolution is cosponsored by the distinguished ranking member of the committee, the gentleman from Connecticut (Mr. GEJDENSON), as well as other distinguished members of the committee, including the gentleman from California (Mr. LANTOS), the gentleman from New Jersey (Mr. SMITH), the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. ROHRABACHER). The bill authorizes the appropriation of $75 million for planning acquisition and construction of a new facility for AIT.

Over 20 years after the enactment of the Taiwan Relations Act, our unofficial relations with the people of Taiwan are stronger, more robust, and more important than ever. In order to reflect the importance of these relations, as well as for very practical reasons of efficient and secure operations, the Congress needs to act now to authorize the lengthy effort to upgrade our diplomatic facilities on Taiwan.

Mr. Speaker, recently, as is apparent to all, we have been seized with issues involving our relationship with Taiwan and China. Today, relatedly, we just considered another resolution, House Concurrent Resolution 292, that once again congratulates the people of Taiwan on the success of their historic democratic elections. We have also been concerned by the bellicose rhetoric from Beijing that once again preceded the Taiwanese presidential election. The House also recently passed a properly amended version of the Taiwan Security Enhancement Act, while at the same time we are preparing for the upcoming debate on granting permanent normal trade relations for China as a part of the country's accession to the WTO.

In view of all these developments, now is the appropriate time to send another signal of our unshakable, long-term commitment to our critically important relations with Taiwan. We are there in Taipei with the citizens of Taiwan for as long as it takes to assure that any reunification with the mainland is voluntary and as a result of peaceful means. In the judgment of this Member, the Congress should and will work with the administration to approve permanent normal trade relations with the People's Republic of China, the PRC, as part of our support for its accession to the World Trade Organization, just as we support and will lead in the near simultaneity of Taiwan's accession to the WTO, a long-justified accession to the WTO that has been too long delayed.

We will support the accession of the PRC to the WTO because it is in our clear national interest to do so. At the same time, it is very important that we make it crystal clear to the PRC and the world that we are calmly but resolutely standing at the side of Taiwan, providing for the sale of necessary defensive weapons to it for its defense against any hostile or coercive action to force its reunification with the PRC through any process that is not a peaceful noncoercive one.

We are, by our recent actions regarding Taiwan making our continued positive, supportive, TRA-driven relationship with Taiwan unambiguous. We are proceeding in a two-track Taiwan-PRC policy: resolutely, unflinchingly, and unabashedly standing by Taiwan's side while demonstrating our willingness to engage with the PRC in a variety of ways when it is in our national interest to do so and when it is consistent with our region-stabilizing role to do so. We have benign motives for our great and many interests in Asia, but as a superpower, we will act like one and defend our national interest in the region and support all of our loyal allies.

Mr. Speaker, this Member urges his colleagues to join him in supporting the American Institute in Taiwan Facilities Enhancement Act.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3707. I thank my friend, the gentleman from New York (Mr. GILMAN) and the gentleman from Nebraska (Mr. BEREUTER) for their good work on this legislation.

The recent election of President Chen was a monumental event in Taiwan's history. The peaceful transfer of power will stand as a model for all other nations struggling for the Democratic ideals that our Nation holds so dear. Under threats of violence from the People's Republic of China, the people of Taiwan demonstrated their desire to elect the candidate with the ability and the vision to lead them into the 21st century.

The United States must recognize its responsibility to assist the Taiwanese leadership in establishing a peaceful Taiwan. Any resolution to the dispute between China and Taiwan will be through peaceful negotiation with the ascent of the Taiwanese people.

Assisting Taiwan in their pursuit of a Democratic future, we must provide the American Institute in Taiwan with the necessary resources to perform all of their functions properly. The allocation of funds for planning, for acquisition, and for construction for a new facility is a clear gesture of the U.S.'s long-term commitment to the people of Taiwan.

The American Institute in Taiwan plays a valued role in U.S.A.-Taiwan relations. For more than 20 years, the AIT has implemented all programs and transactions for the United States Government in Taipei. But the current conditions of the AIT's facilities are undoubtedly inadequate. Built as temporary structures some 50 years ago, the cost of maintenance and repair are becoming increasingly more expensive. The facilities also have virtually no setback, and steps to meet security standards are not cost effective.

The AIT needs a modern and effective base of operations to perform its duties in these historical times. I urge my colleagues to support this measure.

Mr. LANTOS. Mr. Speaker, I wish to commend my distinguished colleague and friend from Nebraska, the Chairman of the Subcommittee on Asia of our International Relations Committee, Mr. BEREUTER, for his leadership in introducing H.R. 3707, the American Institute in Taiwan Facilities Enhancement Act.

Under the provisions of the Taiwan Relations Act, the American Institute in Taiwan (AID) is the unofficial entity through which we maintain our unofficial relationship with Taiwan. For the past twenty years, the AIT has served us well. I want to commend the individuals who have played such an important role in the activities of the AIT. In particular, I want to express appreciation for the current head of AIT, Richard Bush, who is a former outstanding member of the staff of the Subcommittee on Asia of the House International Relations Committee.

Mr. Speaker, as several of my colleagues have already emphasized, the current AIT facilities in Taipei are grossly inadequate. They were not designed for the important functions which AIT performs. They are old, having been built over 50 years ago, and the facilities are increasingly difficult and expensive to maintain. Furthermore, authorities in Taiwan want back the land on which they are located.

From a security perspective, the facility is even more seriously inadequate. Following the bombings of our nation's embassies in Nairobi and Dar es Salaam, the concern for the security of all American facilities has increased. The AIT buildings in Taipei are dangerously inadequate. There is virtually no setback, and major security enhancements would be necessary to bring the facilities into compliance with current security standards. The legislation we are considering today requires that the new facility meet the embassy security standards set forth in the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (commonly referred to as the Inman Standards) and the Security Embassy Construction and Counter Terrorism Act of 1999.

The Congress has already recognized the need to improve AIT's facilities, and the FY 2000 appropriations legislation included $5 million for the design of a new facility. AIT staff, using standard cost factors unofficially provided by the State Department, have estimated that constructing a new facility would cost in the range of $80 to $100 million. This estimate is in line with recent construction costs of new embassy facilities, such as our Embassy in Nairobi. The staff of AIT has made a good faith effort and has set aside funds for capital construction, managing to accrue approximately $25 million thus far. Therefore, an authorization of $75 million, plus the $25 million AIT already has on hand, should be sufficient to cover construction costs.

Mr. Speaker, United States relations with Taiwan are extremely important, and it is critical that AIT have an appropriate facility in Taipei. We must also protect the safety of those Americans and Taiwanese who work or conduct business at AIT in Taipei. This legislation represents a reasonable and responsible effort to deal with the inadequate facilities currently in use. I urge my colleagues to support this important piece of legislation.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3707, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan."

A motion to reconsider was laid on the table.

COMMENDING LIBRARY OF CONGRESS FOR 200 YEARS OF OUTSTANDING SERVICE

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 269) commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

The Clerk read as follows:

H. CON. RES. 269

Whereas the Library of Congress, America's oldest Federal cultural institution, was established on April 24, 1800, and in its 200 years of existence has become the largest and most inclusive library in human history;

Whereas the Library's mission is to make its resources available and useful to the Congress and the American people and to sustain and preserve a universal collection of knowledge and creativity;

Whereas, in furtherance of its mission, the Library has amassed an unparalleled collection of 119 million items, a superb staff of "knowledge navigators", and networks for gathering the world's knowledge for the Nation's good;

Whereas the Library, the Congress, and the Nation have benefitted richly from the work of thousands of talented and dedicated Library employees throughout the Library's 200-year history;

Whereas the citizens of the United States have generously contributed to the Library's collections through their own creativity, social and scholarly discourse, donation of materials in all formats, and generous philanthropic support;

Whereas the goal of the Library's bicentennial commemoration is to inspire creativity in the centuries ahead and remind Americans that all libraries are the cornerstones of democracy, encouraging greater use of the Library of Congress and libraries everywhere;

Whereas this goal will be achieved through a variety of national, State, and local projects, developed in collaboration with Members of Congress, the staff of the Library of Congress, libraries and librarians throughout the Nation, and the Library's James Madison Council and other philanthropic supporters;

Whereas the centerpiece of the bicentennial celebration is the Local Legacies Project, a joint effort of Congress and the Library of Congress to document distinctive cultural traditions and historic events representing local communities throughout the country at the turn of the 21st century; and

Whereas the bicentennial commemorative activities also include symposia, exhibitions, publications, significant acquisitions, the issuance of a commemorative coin and stamp, and enhanced public access to the collections of the Library of Congress through the National Digital Library: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress commends the Library of Congress and its employees, both past and present, on 200 years of service to the Congress and the Nation and encourages the American public to participate in activities to commemorate the Library's bicentennial.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

□ 1600

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to speak on this resolution today. I hope the Chair will indulge me as I go through some of my history of involvement in libraries and why I believe this is a very important resolution.

This story goes back many years to the time when I was a young lad in Minnesota. I had chronic asthma. I was unable to go to school, and did all my schoolwork at home. I was home schooled before people knew that term. And that left me with a great deal of time to read because I could do most of my schoolwork in 3 hours a day.

I lived in a small town of 800 people. We had a library that contained probably that same number of books, about 800 books. I believe I read every book in that library at least once, except for those that the librarian kept hidden under her desk, as they did in those days. This led me to a great interest in reading and a great appreciation for libraries.

As I grew up, I continued to value and treasure libraries and the resource they represent for our communities and for our country. Little did I know at that time that I would become involved in politics. I never expected to, never intended to, and yet here I am. But, on the way, I have served as a member of a county library board. I have served as a member of a city library board. I also served as a member of the Board of the State Library of Michigan. And now I am on the Joint Committee of the Library of Congress.

My experience with all these libraries increased my appreciation of libraries and librarians. Tremendous resources are available in libraries, and I found this out as I got into the academic world first at Calvin College and then at the University of California at Berkeley.

Coming from a very small town, I was just amazed at what I could find in a library not only in terms of books to read but also in material useful for research.

I also remember the first time I used the Library of Congress. I was engaged in academic research on energy resources sometime after the energy crisis of 1973, and I studied various aspects relating to scientific analysis of energy resources, the use of energy, alternatiave sources of energy, improving efficiency of energy use, and so forth.

On a trip to Washington, I spent a day at the Library of Congress doing research. I was just delighted with all the materials that I found there which were very, very useful in my research. I could easily have spent a couple of weeks devouring the material there and condensing it for use in my work.

I was truly astounded at the resources of the Library of Congress but also very, very pleased at the way the employees helped me and treated someone from a small town in Michigan trying to do research on a major national issue. They were extremely helpful. They determined what I needed to find and they helped me find it.

My appreciation of the Library of Congress increased even more after I came to the Congress and observed firsthand the services they provide to our country and to our Congress. It is a marvelous institution and is blessed with a good administration, and is blessed now and has been blessed for 200 years with an outstanding staff.

It is a venerable institution that started in a small way in this building and then was burned out when the British came in and burned the Capitol and the White House some years ago. Thanks to Thomas Jefferson, who after the fire willingly offered his personal library of some 20,000 volumes to the Congress for purchase at a reasonable price, the Library of Congress was revived and eventually developed into what we have today, the largest collection of books and materials in the entire world.

The Library and its employees have also advanced into the modern age with the addition of the Internet, which first of all helps make all public documents of the House of Representatives and the Senate available to every person in this country and indeed on this planet.

In addition to that, they make much other information available; they have developed what is called the digital library. With the help of grants from various good citizen and corporations in this country, much of the material in the Library of Congress is available to schoolchildren everywhere.

So the Library continues to adapt to the changing times and changing technology, and they are doing a marvelous job of not only providing that information but training the staff to enter the digital age.

I am very appreciative of all that they have done, and I rise to support this resolution and urge its passage. It recognizes not only the history of the institution and the contributions they have made but, in particular, the contributions that the staff has made working very diligently to meet the needs of our citizens.

I must confess to a little personal interest here as well. I have a daughter who became a librarian and has been the manager of a branch library in Grand Rapids, Michigan, and was recently promoted to become the head of the reference section in the main library there; she also has enlightened me about many of the problems of modern-day libraries, and she is my personal consultant on matters relating to libraries.

So it is with great pleasure that I recognize the major role that libraries have played but, in particular, what the Library of Congress has meant to this Nation and, indeed, to all academic institutions worldwide and, in addition to that, recognize the staff and administration for the outstanding work they have done for 200 years.

We welcome their contributions, and we admire them and congratulate them as they reach their bicentennial. We wish them a wonderful bicentennial year as they engage in many different celebrations.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my very distinguished colleague, the gentleman from Michigan (Mr. EHLERS). I might say that he started out with saying that he had a long history in dealing with libraries and was going to go back to his childhood; and I want to tell my friend I was going to jump to my feet and yield him more time on the theory that it might take some time. He is a distinguished scholar and a distinguished Member of this body, and I want to join in his remarks.

Mr. Speaker, I am proud to support this concurrent resolution which honors the Library of Congress and its extraordinary staff. As the oldest Federal cultural institution and the largest library in the world, the Library of Congress serves a unique role in American life. It is the keeper of our past and a teacher of our future.

The Library archives America's cultural history through its collections of 119 million items, including books, films, musical recordings, prints, maps, and photographs.

Make no mistake, though, the Library is not simply a collection of documents wasting away in a Federal warehouse. Due to an extraordinarily talented and dedicated staff, the Library, as the gentleman from Michigan (Mr. EHLERS) has pointed out, is a true American treasure. The employees of the Library of Congress make millions of items in the collection come to life as a living history of our Nation.

Through its 22 reading rooms on Capitol Hill and its extensive web site, the Library, as I said, educates America. Whether it is a Member of Congress examining an issue, a school child researching a report, or an author writing a book, the Library of Congress will have what they are looking for and its staff of "knowledge navigators" will make sure they find it.

Just last month, Mr. Speaker, I introduced my new web site at the James Madison Middle School in Upper Marlboro, Maryland. The student who was helping me demonstrate the site was doing a paper on the Gold Rush. Through my site, we linked to the Library of Congress' American Memory web site.

The student searched for information on the Gold Rush and emerged with a treasure trove of information, letters from frontiersmen, pictures of the Old West, lyrics from music sung on the trail. I saw a light, Mr. Speaker, in that young boy's eyes as history came alive for him.

This is but one small example of the power and impact of the Library of Congress. It is an example that is repeated daily in classrooms all across America. The answers that boy found, the answers the Library helps all of us find, do not come to us simply because we click the mouse or pick up a phone or visit the reading room. The answers, Mr. Speaker, come because of the hard work and dedication of the staff of the Library of Congress.

We do not always know their names, but it is impossible not to know their work. They are the ones who find the books, who organize the materials, who research the issues, who write the summaries, and, yes, who update the web site. Our lives and the American people's lives are richer for their work.

I am proud to join my friend, the gentleman from Michigan (Mr. EHLERS), in honoring them today and the Library itself. I am honored and privileged to support this resolution.

The Library of Congress is among the finest institutions in our land and, yes, even more so than that, probably the finest library in the world and one of the finest institutions in the world.

It is led by an extraordinary American, Dr. Jim Billington, my friend, a scholar himself, one of the intellectuals of this Nation, one of the experts on Russia and many other subjects. But he and the staff with whom he works have brought alive the information so necessary to succeed in our society today.

Mr. Speaker, the Library of Congress was relevant when it was founded 200 years ago. In the information age, I suggest to my colleagues, the Library is more relevant today than it has ever been. It is opening up the gateway to knowledge, knowledge essential not just to the young but to all of us if we are to succeed and to enjoy this information age in which we live. Mr. Speaker, as I said earlier, I rise in strong support of this concurrent resolution.

Mr. Speaker, I do not have any requests for time, I tell the gentleman from Michigan (Mr. EHLERS). I know my colleagues on the committee, the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Florida (Mr. DAVIS), join me in my comments and in the comments of the gentleman from Michigan (Mr. EHLERS) and in their congratulations to the Library of Congress and to its staff.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume in concluding.

Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his comments about the Library. He truly recognizes the value of the Library of Congress and what it has done for this Nation. But one comment in particular rang true, that this has truly become the library of the world.

When I was a youngster, it was a library of Congress. It soon became the library of this country. And now, through the Internet and through its leadership, it has truly become the library of the world. I personally believe it is having as much or more impact on what is happening in the world around us today than the Library of Alexandria over two millennia ago had on the known world at that time.

It is truly a venerable institution and filled with very good people, good scholars, helpful scholars; and it has meant so much to this Congress and to this Nation. I am very pleased that the Congress will be joining us in honoring them for their good work. Mr. Speaker, I urge passage of this resolution.

Mr. LANTOS. Mr. Speaker, I welcome the effort of our colleague from Michigan (Mr. EHLERS) for this legislation we are considering today commending the Library of Congress and its employees, both past and present, on 200 years of service to the Congress and the Nation and encouraging the American public to participate in activities to commemorate the Library's bicentennial.

As my colleagues have noted, Mr. Speaker, on April 24 of the year 1800, President John Adams signed legislation establishing the Library of Congress and appropriating $5,000 for this modest effort. The year after President Adams and the Congress established our nation's national library, 740 volumes and three maps purchased from a London bookseller comprised the initial holdings of the library.

By 1812, the collection had grown to 3,076 books. During the War of 1812, however, the British military occupied Washington, D.C., and burned the Library of Congress as well as torching a number of other prominent Washington buildings, including the White House and the Capitol.

The nature of the institution was transformed in 1815 when Thomas Jefferson sold his personal library to the Library of Congress to reconstitute the collection. The Jeffersonian purchase was fortuitous because it permitted the Library to re-establish a collection, but it also fundamentally changed the nature of the Library of Congress. Before 1814, the Library was a narrow collection of books dealing with legal and historical topics. Jefferson's personal library was a broad collection which included literature on a wealth of topics and fields of knowledge, including literature.

In 1815, some Members of Congress objected to books in foreign languages and books on spiritualism, architecture, and other topics that they considered to be of no interest to the Congress. But Jefferson argued that "there is, in fact, no subject to which a Member of Congress may not have occasion to refer." Fortunately, Jefferson's conception of the Library of Congress won out, and that concept still guides the accessions of the Library today.

The library today comprises almost 119 million items—18 million books, 12 million photographs, 5 million maps, millions of technical reports, music, movies, prints, manuscripts, microfilm. The collection includes items in 490 languages. The library collection requires some 530 miles of bookshelves and the collection increases by 10,000 items each day.

Mr. Speaker, I want to pay particular tribute to Dr. James Billington, the 13th and current Librarian of Congress, who has played such a critical role in the modern transformation of the Library. Dr. Billington has taken the lead in emphasizing the continuing importance of knowledge in the modern world, and he has undertaken a number of critical innovations to bring the library into line with our digital and Internet era.

When he launched the bicentennial of the Library of Congress three years ago, Dr. Billington gave the celebration the theme "Libraries, Creativity, Liberty." That theme is particularly appropriate, Mr. Speaker. Libraries are the knowledge they preserve and disseminate are fundamental to our nation's creativity and innovation in this age of rapid change. At the same time, libraries and their repository of knowledge are essential for the function of a democratic society. Knowledge available to a nation's citizens is a requirement for a free people and for a democratic society to function.

Mr. Speaker, I urge my colleagues to join in supporting this important resolution.

Mr. Speaker, I submit Dr. James Billington's personal reflection, "The Library of Congress turns 200" which appeared in the April 2000 issue of the magazine American History. Dr. Billington reflects his insight regarding the role and position of the Library of Congress in the United States. At the same time, he provides a personal insight as one of our nation's foremost historians.

On April 24 of this year the Library of Congress—America's national library and oldest federal cultural institution—will turn 200. The Library was founded in 1800 with the primary mission of serving the research needs of the United States Congress, but during the past two centuries the collections have evolved into the largest repository of knowledge in the world. The Library now houses more than 115 million books, maps, manuscripts, photographs, motion pictures, and music.

The Library's history reflects in many ways the story of the passions of its builders—beginning with Thomas Jefferson and James Madison. Initially the Library's holdings were no bigger than some home libraries. A mere 740 volumes and three maps ordered by Congress from London booksellers arrived in 1801 and were kept in the office of the secretary of the Senate. A year later Thomas Jefferson appointed the first Librarian of Congress, John J. Beckley, who also was the clerk of the House of Representatives. Little did Jefferson know at the time that his own library would be the seed from which the present collections would grow.

On August 14, 1814, British soldiers burned the U.S. Capitol and with it the contents of the Library of Congress, that by then contained more than 3,000 items. Following the conflagration, Jefferson offered to sell Congress his personal collection of 6,487 volumes for $23,950. Congress approved the purchase, though not without some debate. Several members believed Jefferson's library included books unrelated to legislative work, to which he retorted: "There is, in fact, no subject to which a member of Congress may not have occasion to refer." That statement has guided the collecting policies of the Library of Congress to this day and is one of the main reasons why the institution's collections have a breadth and depth unmatched by any other repository.

Disaster struck the Library again on Christmas Eve 1851 when a faulty chimney flue started a fire that destroyed nearly two-thirds of the Jeffersonian collection. Over the years, the Library has worked, with some success, to find duplicates of these volumes. An aggressive campaign to acquire the remaining missing tomes is currently under way in conjunction with Gifts to the Nation, a bicentennial program that encourages donations of rare and important materials to the national collection. All books found will be featured in "Genius of Liberty," an exhibition about Jefferson that will open in April.

Over the years Congress has generously supported the Library and the Librarians of Congress in their pursuit of building this grand house of knowledge. For example, when Abraham Lincoln appointed Ainsworth Rand Spofford Librarian of Congress in 1864 (he served until 1897), he selected the man, more than any other individual, who transformed a legislative library into an institution of national importance. At the time of Spofford's appointment, the Library's collections numbered only 82,000 volumes. That number was to explode to roughly 900,000 by Spofford's retirement.

In March 1865 Congress followed Spofford's recommendation and changed the copyright law to require that one printed copy of every copyrighted "book, pamphlet, map, chart, musical composition, print, engraving or photograph" created in the United States must be sent to the Library for its use. That law is chiefly responsible for the growth of the institution's collections. In 1870, President Ulysses S. Grant approved an act of Congress requiring that two copies of every copyrighted item be sent to the Library and that all U.S. copyright activities be centered there.

Spofford also persuaded Congress to appropriate funds for a separate Library of Congress building, since space in the Capitol had been exhausted. The new structure, now known as the Thomas Jefferson Building, opened in 1897. Some have called it the most beautiful public building in America. Since then, the Library has constructed two more buildings on Capitol Hill. The John Adams Building opened in 1939, and the James Madison Memorial Building was completed in 1981. The Madison is not only the Library's third major structure but also the nation's official memorial to its fourth president, the "father" of the Constitution and Bill of Rights. While a member of the Continental Congress in 1783, Madison was also the first person to sponsor the idea of a library for Congress, and he was president when Jefferson's personal library became the foundation of the renewed Library of Congress.

Since 1987 I have served as the 13th Librarian of Congress. The position has given me unique access to this vast treasure house, and I have found some items in the collections that stand out for me personally. As a student of Russian history and culture I am intensely interested in the Prokudin-Gorskii Collection of Imperial Russia. Sergei Prokudin-Gorskii was one of the first Russians to experiment with color photography. At the outset of the revolution in 1917, the photographer escaped to Paris with 1,900 glass-plate negatives, providing a remarkable look at Russia from 1909–1911.

Other items of personal interest include the Presidential Papers Collection, which features documents from 23 U.S. presidents, beginning with the Founding Fathers and continuing through to the twentieth century's Calvin Coolidge. The documents constitute the foremost source for the study of American leaders and provide a personal view of history that no textbook can offer.

In 1996, the Library acquired the Marian Carson Collection of Americana, believed to be the most extensive existing private assemblage of rare materials relating to the nation's history. The Carson family of Philadelphia had collected such precious materials as an extremely rare broadside printing (only one other copy is known to exist) of the Declaration of Independence, believed to have been printed circa July 10–20, 1776; an 1839 photographic self-portrait of Robert Cornelius, the earliest extant U.S. portrait photograph known; and a chalk-drawing of George Washington, made within a year of his death in 1799. These and the many other items in the collections have reinforced the Library's preeminence as a source of materials relating to American history.

Established by an act of Congress in 1976, the American Folklife Center holds the largest archives of the nation's distinctive cultures. The center's collections will increase significantly with Local Legacies project, which is providing a snapshot of American creativity at the turn of the century. Local Legacies is the premiere project of the Library's bicentennial effort and is jointly sponsored by Congress.

Among the many resources of the Library's Rare Book and Special Collections Division, the Lessing J. Rosenwald Collection of illustrated books from the fifteenth through twentieth centuries stands out. It features an amazing number of books of great rarity. Two of this collection's many treasures include the magnificent fifteenth-century manuscript known as the Giant Bible of Mainz, kept on permanent display in the Library's Great Hall, and one of only two known copies of the 1495 edition of Epistolae et Evangelia, sometimes called the finest illustrated book of the fifteenth century.

During the 1990s, the Library moved into the digital age, with its award-winning and widely popular web site (www.loc.gov), which now handles more than 80 million "hits" per month. In April internet users will find information on five million items relating to American history that the Library is making available on the site as its Gift to the Nation. This technology makes the collections at the Library of Congress accessible to people from across the country who are unable to make the trip to Washington, D.C. "America's library" has truly become the nation's library.

Mr. THOMAS. Mr. Speaker, on April 24, 2000, the Library of Congress will celebrate its bicentennial. With House Concurrent Resolution 269, we commend the Library and its staff for two hundred years of service to the Congress and to the American people, and encourage all Americans to participate in the Library's bicentennial activities.

On April 24, 1800, President John Adams approved legislation appropriating funds for purchasing "such books as may be necessary for use of the Congress." The first collection of 740 books and 3 maps arrived in 1801 and was stored in the U.S. Capitol, the Library's first home. On January 26, 1802, President Jefferson approved the first law which defined the role and functions of this new institution, creating the post of Librarian of Congress and creating the Joint Committee on the Library to oversee the Library's activities.

Since then, the Library's collections have grown to some 119 million items, making it the largest library in the world. The Library's collections now consist of over 18 million books, 53 million manuscripts, 12 million photographs, 4.5 million maps, 2.4 million sound recordings, nearly a million moving images and millions of other items.

Mr. Speaker, on April 24, 2000, the Library will begin a yearlong program of bicentennial activities, which will be a national celebration of all libraries and the important role they play in our society. The centerpiece of this effort is a project called Local Legacies, which created an opportunity for citizens to participate in the Library of Congress Bicentennial celebration.

Senators and Representatives, working with their constituents and local libraries and cultural institutions, have selected at least one significant cultural event or tradition that has been important to their district or state. These events have been documented and forwarded to the Library to be added to the American Folklife Center's archives to provide a cross section of the grassroots creativity of America that will be preserved and shared with future generations.

Members will be able to provide links on their webpages to the Local Legacies projects they have chosen and to the main Local Legacies Project page on the Library of Congress' website. Materials selected for Internet access will encompass the widest possible range of contributions, including video, sound, print, manuscript, and electronic formats.

Several months ago, I requested that the Library consider further enhancing public participation in the bicentennial by holding an exhibit of the Library's top treasures during the summer when the greatest number of constituents visit our Nation's capital. I am pleased to report that some of the most exciting items from the Library's enormous holdings will be on display throughout the summer at the Library and I would encourage all Members to direct visiting constituents to this once in a lifetime exhibit.

Mr. Speaker, I once again would like to congratulate the Library of Congress, the Librarian of Congress, Dr. James Billington, and all of the Library's staff on two hundred years of outstanding service to the Congress and the American people.

Mr. LARSON. Mr. Speaker, today I rise to honor one of our nation's most revered cultural treasures: the Library of Congress. This year marks the 200th year of the library's compilation of America's history and human knowledge. In this bicentennial year, I am honored to take a moment to extend my deep appreciation to Dr. James H. Billington, the Librarian of Congress. I would be remiss, Mr. Speaker, if I didn't also commend Dr. Billington's fine staff, especially Geraldine M. Otremba, Pamela J. Russell, Ralph Eubanks, Norma Baker, Peter Seligman, and Judy Schneider, who serve the Library so well and have been so helpful during my tenure in Congress. It is through their creative and dedicated efforts that our nation is reminded this year about the importance of libraries, and is encouraged to celebrate the uniqueness of their communities.

The Library's historic architecture may be deceiving to some, but once inside its marble walls the building continues to stimulate and inspire all who visit. It is that inspiration, that re-connection with American culture, which is the focus behind one of the Library's key bicentennial programs, the Local Legacy Project.

The Local Legacy Project was created to give hometown libraries, cultural institutions, and other groups, in concert with their United States Senator or United States Representative, an opportunity to document the unique customs and cultures that make us Americans. I think of the Local Legacy Project as a patchwork quilt of American communities; no two are exactly alike, but each is a true treasure.

I am very pleased that the First Congressional District in Connecticut will be participating in the Library's Local Legacy Project with four projects of our own: The Legacy of Our Education will feature six historic and influencial institutions: American School for the Deaf, Trinity College, University of Connecticut School of Law, University of Hartford, Teaching Hospitals and St. Joseph's College; The Legacy of Our Natural Resources includes the Riverfront Recapture—Connecticut River and Elizabeth Park Rose Garden; The Legacy of Our Proud Heritage includes the First Congressional District Foot Guard, Old State House, Mark Twain House, Harriet Beecher Stowe House, Noah Webster House, Oliver Ellsworth Homestead, Cheney Homestead, Warehouse Point Fife and Drum Corps, and the Eighth Connecticut Regiment Fife and Drum Corps; and The Legacy of the Creative Spirit includes the following organizations: Wadsworth Atheneum, Hartford Stage, Bushnell Memorial Hospital, Hartford Symphony, and Real Art Ways.

I am optimistic that our "creative spirit" will not be limited to our Legacy projects alone. One of the Library's other bicentennial programs includes the exhibition of its unparalleled collection of Thomas Jefferson materials, documents, books, drawings, and prints. I am hopeful that a collection of his works may make their way to Hartford, Connecticut, our state's capital, to be displayed.

While much is taking place in communities across America to preserve our culture, I am pleased to have played a role in the preservation of our legislative culture here in the House of Representatives. As a former high school history teacher, I was heartened by the support I received from Dr. Billington and his staff last year as I worked to obtain passage of my History of the House Awareness and Preservation Act. This bill authorizes the Library of Congress to commission eminent historians to assemble a written history of the House. Presently, the Library is beginning the process by gathering the names of eminent historians.

The largest rare book collection in North America, the largest and most diverse collections of scientific and technical information in the world, and the most comprehensive collection of American music in the world, are just a fraction of the unique documents housed in the Library. In addition, the Library receives 22,000 items each day. How could Thomas Jefferson ever imagine that his personal library of 6,487 books would one day grow to be such a tremendous source of knowledge.

The Library of Congress: an institution that has touched the world, and an institution that has touched history. Congratulations on your bicentennial, and may you continue to make America proud.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 269.

The question was taken.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 14 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1702

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 5 o'clock and 2 minutes p.m.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

Mr. SHAW. Madam Speaker, I ask unanimous consent that it be in order at any time today to take from the Speaker's table H.R. 5, with a Senate amendment thereto, and to consider in the House a motion offered by the Chairman of the Committee on Ways and Means, or his designee, that the House concur in the Senate amendment, that the Senate amendment and the motion be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means, or their designees; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Madam Speaker, pursuant to the unanimous consent request just agreed to, I call up the bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. SHAW

Mr. SHAW. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SHAW moves to concur in the Senate amendment to H.R. 5.

The text of the Senate amendment is as follows:

Senate amendment:

Page 2, line 1, strike out all after "**SECTION**" over to and including line 3 on page 7 and insert:

1. SHORT TITLE.

This Act may be cited as the "Senior Citizens' Freedom to Work Act of 2000".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3), by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. NONAPPLICATION OF RULES FOR COMPUTATION OF EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended by adding at the end the following new subparagraph:

"(E) Notwithstanding subparagraph (D), no deductions in benefits shall be made under subsection (b) with respect to the earnings of any individual in any month beginning with the month in which the individual attains retirement age (as defined in section 216(l)).".

(b) CONFORMING AMENDMENT.—Section 203(f)(9) of the Social Security Act (42 U.S.C. 403(f)(9)) is amended by striking "and (8)(D)," and inserting "(8)(D), and (8)(E),".

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit" and inserting "or, if so entitled, did not receive benefits pursuant to a request by such individual that benefits not be paid".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1999.

The SPEAKER pro tempore. Pursuant to the order of the House today, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

GENERAL LEAVE

Mr. SHAW. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I strongly support H.R. 5, legislation to repeal the earnings penalty for hard-working seniors age 65 and over.

Madam Speaker, I am especially pleased that the Senate acted quickly and unanimously in support of this important legislation. The technical changes made in the Senate improve on the legislation passed unanimously by this House, and I urge all Members to once again support this excellent bill.

Due to this quick work, seniors will soon receive all the benefits that they are owed, even if they continue to work after reaching the age of 65. That is their choice. As the name of our legislation suggests, they deserve the freedom to choose to work without losing Social Security benefits.

It is worth noting that many seniors now affected by the earnings limit will receive back payments from months this year that they have lost their Social Security benefits. That will be a welcome relief for many, including some who have lost Social Security benefits for years due to this unfair penalty. Seniors can save this money for their future, use it to help with their grandchildren's college education, or buy prescription drugs. Again, it is their money and it should be their choice.

Madam Speaker, ending the earnings penalty is the right thing to do. It is also an affordable thing to do, as the Social Security Administration's independent actuaries have told us. They agree this legislation will not affect the soundness of the Social Security program and its trust funds.

We still must address Social Security's long-term financial imbalance, but we were very careful to ensure this legislation does not make that task any more difficult than it already is.

I would like to congratulate the gentleman from Texas (Mr. SAM JOHNSON), our colleague, and the gentleman from Minnesota (Mr. PETERSON) who first introduced this legislation at the beginning of this Congress. I also congratulate the gentleman from Texas (Chairman ARCHER) for his years of tireless work in relaxing and now repealing the earnings penalty. He is a personal testament to what hard-working seniors can do. In large part, passing this legislation is a tribute to his tireless devotion to helping our Nation's taxpayers, including the seniors who have spent decades working to support their families, their businesses, and this great country.

Madam Speaker, I urge all Members to support this outstanding legislation. Our hard-working seniors deserve no less. I would also like to pay tribute to the minority side and thank the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. MATSUI) for making this really a landmark bipartisan bill and one that every Member of the House can be very proud to support.

Madam Speaker, since there will be no House-Senate conference, and the Senate manager's amendment to H.R. 5 proceeded without a full committee report being filed by the Finance Committee, I believe a brief explanation is in order of the differences between the legislation before us today and the version of H.R. 5 that was approved by the House on March 1, 2000.

First, some background is needed. Under current law there are two separate senior earnings limits: a stricter limit that affects those who start drawing Social Security benefits before reaching the full retirement age (which is currently age 65) and a more lenient limit affecting seniors who have reached the full retirement age. After reaching age 70, seniors are no longer affected by an earnings limit. The stricter earnings limit is $10,080 this year, with a 50% benefit offset for earnings above the limit. The more lenient limit is $17,000, with a 33% benefit offset for earnings above the limit. H.R. 5 repeals the earnings limit for seniors who reach the full retirement age.

The legislation before the House today is slightly modified from the version that passed unanimously on March 1 with respect to the earnings limit for the first months of the calendar year during which a senior reaches the full retirement age. For seniors turning 65 in 2000, the issue is what earnings limit will apply for months prior to their 65th birthday (that is, while they are still 64)? Under the legislation previously approved by the House, the more lenient limit would apply for such months for seniors who turn 65 in 2000; for seniors who reach the full retirement age in future years, the stricter limit would apply during those months. Under the legislation we are considering today, the more lenient limit would apply for such months in all years.

I am pleased that the House is supporting this change today, which has the effect of slightly broadening the relief from the earnings penalty afforded by the version of H.R. 5 the House has already passed. It is worth noting that this change will not affect Social Security's long-run financial soundness, just as the underlying H.R. 5 would not affect program solvency. This change is certainly in keeping with the spirit of H.R. 5, which is designed to help seniors who want or have to work to better support themselves and their families. These hardworking seniors deserve to keep the benefits they have paid for, as this legislation provides.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to congratulate the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, for the cooperation that they gave to us in the minority in indicating that this would be a priority piece of legislation. It gave those of us on the Committee on Ways and Means the opportunity to get the support of our Members on this side of the aisle and to demonstrate how cooperation can have both sides of the aisle working a lot more closely.

We hope that this sign of cooperation means that before this year ends, that we will have the opportunity to show that there are plenty of differences between our parties and how we achieve the goals, and we do not challenge each other's intent in terms of what is good for this country, but certainly there should be a lot of things that we can agree upon. I think it would be healthy and it would be the right political thing for us as an institution to bring those things forward. Democrats and Republicans, to show the House, to show the other body, and indeed to show the President and the country that we are a body that can work.

This is a good piece of legislation. It is long overdue. The manner in which it has received overwhelming support is just indicative of what we can do when we put our minds to it.

Madam Speaker, I ask unanimous consent to yield the balance of my time to the distinguished gentleman from California (Mr. MATSUI), ranking member of the Subcommittee on Social Security, and that he may control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHAW. Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I would like to just reiterate what the gentleman from New York (Mr. RANGEL), ranking member on the Committee on Ways and Means, has said. First of all, I want to commend the gentleman from Texas (Chairman ARCHER) for his bipartisan approach on this legislation. And, of course, the gentleman from New York (Mr. RANGEL) for his leadership on the Democratic side.

I want to pay particular thanks and commendation to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security. I think he did a tremendous job on moving the bill from the subcommittee to the full committee and the floor of the House.

Obviously, Democrats and Republicans working together made sure that the other body kept their amendments to a minimum. We just appreciate the cooperation and the bipartisan spirit, I think, that both sides of the aisle have had. But I do want to take that moment to make that observation.

Madam Speaker, I would just like to very briefly reiterate some of the things that have been said before. The Senate had two technical amendments to our legislation. Both were very technical in nature and actually improved the basic underlying legislation.

As a result of that, we think that this bill should have, as it had when it left the House, unanimous approval. 422 Members voted for it and no Member voted against it.

This will go a long way in encouraging senior citizens who are so needed when the unemployment rate is under 5 percent, to stay in the workforce. These are people that undoubtedly have years and years of experience and a wealth of knowledge to pass on to their co-workers, and to ensure that they can stay in the workforce and garner the same wages without any penalty is something that the Congress is now about to do in sending this bill to the President.

Certainly, I think it is a major achievement. Obviously, we have a long ways to go in terms of ultimately the comprehensive Social Security reform. And I think the gentleman from Florida and myself and others such as the gentleman from Texas (Mr. STENHOLM) that have been working on comprehensive reform know that that is a task that looms before us. This action, in and of itself, should not deter us from trying to grapple with that very difficult and complex subject. And we know that there is partisan undertones to it. We also know that it is very difficult to deal with. But we are going to have to address that particular issue.

So, again, I urge my colleagues to vote in favor of this conference report so we can send it immediately to the President. And, again, I want to commend all individual Members who have worked on this legislation, including, I might add, I saw him come in, the gentleman from Texas (Mr. SAM JOHNSON), a member of the Committee on Ways and Means, and, of course, the gentleman from Minnesota (Mr. PETERSON) on the Democratic side who were the original two cosponsors of this legislation.

Madam Speaker, I want to congratulate my colleagues for all their hard work on this bill. I am very pleased to be here today to see this bill through another step toward becoming law.

Our vote today signals the end of the Social Security retirement earnings test for people who have reached the normal retirement age. This is a remarkable event because as the title of the bill indicates, we are freeing our seniors from the work limits imposed by current law.

No longer will the most experienced members of our labor force have to experience a reduction in their Social Security benefits if they choose to work. No longer will seniors have to calculate just how many months and days each year they can work without hitting that earnings limits.

This is good for senior citizens who want to work, good for our workforce which benefits from the experience and knowledge of older workers, and of course good for the economy.

Repealing the retirement earnings test will allow thousands of Social Security recipients to work without a reduction in their benefits. The Social Security Administration estimates that in 1999, 793,000 beneficiaries between the ages of 65 and 69 had some or all of their benefits withheld because of the retirement earnings tests.

By allowing beneficiaries to work without suffering a reduction in benefits, more older workers may decide to remain in, or to return to, the labor force.

Repealing the retirement earnings test will not affect Social Security's finances over the long run and would not change the date by which the Social Security Trust Funds are projected to be exhausted. Repealing the retirement earnings test for beneficiaries above the normal retirement age has a short-run cost, but over the long run, that cost is entirely offset.

Further, repealing the retirement earnings test will make the Social Security program easier and less expensive to administer. The Social Security Administration estimates that savings from the cost of administering the earnings test could be as high as $100 million.

I am particularly pleased that the only modification to the bill that the Senate accepted was a relatively minor one and one that improves the bill. The amendment adopted by the Senate changes the way in which the bill applies to Social Security beneficiaries during the year in which they reach the normal retirement age and ensures that no one will be worse off under this bill than under current law. I am certain that no Member of the House will have an objection to this change and I look forward to sending this bill quickly to the President for his signature.

I'd like to point out that not a single Member of Congress has voted against this bill, a clear testament to the bipartisan support it has received. When the bill was first considered by the House, it passed 422–0.

When the bill was considered by the Senate, it passed 100–0. I expect the outcome of our vote today to be the same.

Additionally, our support for H.R. 5 sends a clear signal that by working together, Democrats and Republicans, we can accomplish much more than we could by working at odds.

Over the past several weeks, as this bill moved through the Ways and Means Committee, the House floor, and the Senate, Members have set aside their differences so that this bill could proceed and we could achieve a victory for seniors who need to work without penalty. I am proud of our accomplishment.

I am extremely pleased that the Congress has addressed the earnings test in a bipartisan manner, and I remain hopeful that the Congress might address other much-needed Social Security legislation in the same fashion to deal with the shortfall that the system will face in the coming decades.

Again, I want to thank my colleagues again for all their hard work. This is truly an historic day and a big victory for our senior citizens.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a respected member of the Committee on Ways and Means.

Mr. ENGLISH. Madam Speaker, I would like to thank the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security, and the gentleman from Texas (Mr. SAM JOHNSON), my distinguished colleague, for their extraordinary efforts as well as my colleagues on the other side of the aisle.

Madam Speaker, right now the Social Security system places a higher tax penalty on working seniors than on billionaires. We have been sending seniors the message that when they hit retirement age, we do not want them anymore. The earnings limit that was created 60 years ago is a relic of Depression era economics that says that seniors should make room for younger workers. But we all know, seniors add more to the workforce and more to the economy than they could ever take away. They add their years of experience and their talents.

H.R. 5 repeals the earnings limit which unfairly punishes seniors who earn more than $17,000 a year. That is not a lot. This legislation has received virtually unanimous support in the House and Senate, but more importantly, a ground swell of support from our constituents. After all, a 65-year-old who works as a barber or a cashier currently loses $500 in benefits just because they have earned $18,500 a year. That is absurd. This arbitrary limit serves as a barrier to many low- and middle-income seniors who need to work in order to improve their quality of life or even to make ends meet.

The Social Security Administration reports that more than 800,000 working seniors between the ages of 65 and 69 lose part or all of their Social Security benefits due to this outdated earnings limit.

□ 1715

My own State of Pennsylvania ranks sixth with the number of seniors adversely affected by that earnings limit. It is important that Congress protect the dignity of retirement. The time has come for us to unshackle the creative energies of America's seniors.

Today, by supporting this legislation, Congress says to seniors, you may choose to work, choose to remain part of the productive economy, and choose to share your talents, and we will not punish you.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Madam Speaker, let me thank the gentleman from California (Mr. MATSUI) for yielding me this time and for his work on bringing this legislation forward and the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security.

This is a very important piece of legislation. It will be enacted, I think, very shortly once we complete our action and it is forwarded to the President. It will affect 800,000 seniors who have had their Social Security checks reduced just because they decided to continue to work. That makes no sense at all.

We need more workers in the workforce, not less. In today's economy and with the shrinking workforce that we have of more people retiring and less people working, it makes common economic sense to allow those 65 years of age who want to work to be able to work.

Without this legislation, the marginal tax rate is 33 percent. That is unacceptable. That is why we are changing it. It is interesting that this particular legislation will have no impact on the long-term solvency of the Social Security system, for it is a plus in having people work and contributing to the system.

It also benefits women more than men, because women's work history is not as strong, generally, as men. This will allow women to be able to continue to work without being penalized under the Social Security system.

Madam Speaker, this legislation becomes effective January 1. It is retroactive to the current year, as it should be, so that individuals in this current year will be able to get their full Social Security benefits without the reduction for their work.

As the gentleman from Florida (Mr. SHAW), Chair of the Subcommittee on Social Security, pointed out, we are able to do this even though we cannot bring forward at this point comprehensive Social Security reform. I think we would all like to do that. We know that we need to deal with the Social Security system in a broader context, but we have an agreement on this very important piece of legislation, so we are bringing that forward. We are doing it in a bipartisan way.

Madam Speaker, as the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, said, we should use this as a model to work together, Democrats and Republicans, to bring other legislation forward.

I think about the need for seniors for prescription drugs. We may not be able to agree on Medicare reform; but we can agree, I would hope, on prescription drugs.

Let us in a bipartisan way bring that forward, which will also help our seniors.

This is a good day for seniors. It is a good day for our Nation. I congratulate all involved.

Mr. SHAW. Madam Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. SAM JOHNSON), a member of the Committee on Ways and Means and one of the original sponsors of H.R. 5.

Mr. SAM JOHNSON of Texas. Madam Speaker, I thank all on both sides of the aisle for their support.

Today, 800,000 seniors are one step closer to gaining their freedom to work. It sounds unbelievable, does it not? To think that, since 1935, when Social Security was first proposed, we have been penalizing our seniors for working. That is right. Since the inception of the Social Security system, our seniors have lost $1 in benefits for every $3 they earn over a set amount.

Currently, as was stated, seniors may only earn $17,000 before losing their benefits.

But today, thanks to the hard work and dedication of the gentleman from Texas (Chairman ARCHER); Speaker HASTERT; the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security, we find ourselves ready to pass the Senior Citizens' Freedom To Work Act, a bill I introduced last year.

I know that 64,500 seniors in Texas alone, including Tony Santos and his family, whom I spoke of earlier, are going to celebrate their new-found freedom to work.

I fought in both Korea and Vietnam for freedom, and I believe that includes the freedom for our seniors to work without being penalized by the Federal Government.

Our seniors are dedicated, experienced workers who have endured this Depression-era law for far too long. We are in a new century, 60 years past the Great Depression, where laws passed in 1935 are no longer relevant.

This Nation was built by generations of Americans who believed in the free enterprise system. In the words of Thomas Edison, "There is no substitute for hard work." This legislation will make sure that our seniors have the freedom to work, save, and invest in a better America for tomorrow.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the distinguished ranking Democrat on the Committee on Agriculture, who has been really one of the leaders in the whole Social Security reform issue.

Mr. STENHOLM. Madam Speaker, I thank the gentleman from California for yielding me this time, and I appreciate the leadership of him and the gentleman from Florida (Mr. SHAW) on this effort and other efforts regarding Social Security.

I strongly support repeal of the Social Security earnings limit. In fact, repeal of the Social Security earnings limit has been part of the comprehensive Social Security legislation that the gentleman from Arizona (Mr. KOLBE) and I introduced in the last two Congresses.

However, I do want to take this time to reiterate my disappointment that we are considering legislation to increase Social Security benefits without even discussing the long-term financial challenges facing Social Security. We should have spent the last year working on a comprehensive plan to strengthen Social Security that would restore solvency, reduce unfunded liabilities, give workers greater control of their retirement income, improve the safety net, and reward work.

But we, both the President and Congress, have ignored our opportunity to deal with the long-term challenges facing Social Security.

Later this week, the Social Security trustees will issue their annual report which will show that the short-term outlook for Social Security has improved slightly. We cannot afford to let this good news distract us from the problems that remain. While the short-term outlook for the Social Security Trust Fund may be improved, the long-term problems and the pressures facing the rest of the budget may actually be worse.

When the Senate considered this legislation, Senator JUDD GREGG proposed an amendment which would have made a modest step in advancing the discussion about the challenges facing Social Security among policy makers and the public. The Gregg amendment would have required the commissioner of Social Security to provide the public and policy makers with easily understood and readily available information about the financial challenges facing Social Security.' The purpose of the amendment was simply to encourage a more honest discussion of the challenges facing Social Security.

Unfortunately, the Senate did not have time to discuss these issues when it considered the earnings bill. However, the Senate Finance Committee chairman did indicate his willingness to work with Senator GREGG on this issue later this year.

I would respectfully encourage the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, and the gentleman from Florida (Mr. SHAW), chairman of the Subcommittee on Social Security, to conduct hearings on these recommendations so that they may receive the attention they deserve.

More importantly, I encourage all of my colleagues to remember that we still have serious financial problems facing Social Security that must be addressed. So while all Members should vote for the earnings limit repeal today for the reasons we have so eloquently heard made already, we should not forget that we still have much hard work to do in making sure that Social Security remains financially sound for our children and for our grandchildren.

Mr. SHAW. Madam Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Madam Speaker, I thank the gentleman from Florida, the chairman of the Subcommittee on Social Security from our Committee on Ways and Means, for yielding me this time.

Madam Speaker, I appreciate the gentleman from Texas (Mr. SAM JOHNSON) lamenting a long-term solution to the Social Security challenges that we face. But I think a word is in order to put this debate and this challenge in context. One of the elemental lessons we learn in civics class is that the President proposes; the Congress disposes.

Sadly, executive leadership has been lacking and, indeed, missing when it comes to a serious, long-term solution of Social Security challenges we face.

Now it is true the gentleman from Texas (Mr. SAM JOHNSON), along with the gentleman from Arizona, have one remedy that they have proposed. The gentleman from Florida (Mr. SHAW), the chairman of the subcommittee, and the gentleman from Texas (Mr. ARCHER), the chairman of the full committee, likewise, have a long-term solution.

But, again, the missing ingredient, sadly, is effective leadership from the administration; and it looks like it will take a verdict of the people on the first Tuesday following the first Monday in November to make that change.

However, Madam Speaker, it is well worth asking the question, what took us so long to correct the injustice that at long last this House will correct tonight? Since the mid-1930s, since the advent of the Social Security program, those seniors who chose to work past retirement age have been penalized to the tune of $1 out of every $3 of benefits earned, simply because they chose to work.

Now, with a labor shortage, with so many senior Americans, healthy, willing and able to work, at long last, this House has moved to correct this inequity.

Again, Madam Speaker, I welcome my colleagues on the left who join with us at long last in this bipartisan effort. But, again, Madam Speaker, the question that so many Americans will continue to ask is, why did it take so long? Even as we deal with the responsible question of a long-term remedy for Social Security, the question remains, why did it take the denizens of the left so long to join with us?

Even as we extend the hand of bipartisanship, we welcome now this newfound coalition. We hope that it will result in other moves to restore tax fairness and balance for all Americans. But this important step we take, and we welcome the newcomers to this endeavor with the hand of bipartisanship.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, one of the issues I think that the gentleman from Arizona (Mr. HAYWORTH) raised of why are we doing this now, if we would have done it 3 or 4 years ago, we would have had either taken it out of Defense or perhaps other domestic programs or else increased the deficit. We have a surplus now. As a result of that, we were able to do it without cutting other programs, including the Defense budget.

In addition, I would just add that, over the length of the Social Security program itself, we will not see any lost revenues because there is a pick up of revenues in terms of the credit that is given.

So the reason we did it is quite simple, we have a surplus. We did not have a surplus before.

Mr. KLECZKA. Madam Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Madam Speaker, the only reason I rise is to ask if the gentleman from California (Mr. MATSUI) would respond to a question.

Mr. MATSUI. Yes, Madam Speaker.

Mr. KLECZKA. Madam Speaker, the gentleman from Arizona (Mr. HAYWORTH), the previous speaker, indicated that there was no initiative coming from this administration on this proposal. I believe the gentleman from California served during the Bush administration and Reagan administration. Does he recall similar legislation coming down from either President Reagan or President Bush asking Congress to repeal the earnings limit?

Mr. MATSUI. Madam Speaker, I think President Reagan did, but I do not know if President Bush did. I am not quite sure.

Mr. KLECZKA. Okay, Madam Speaker.

Mr. MATSUI. Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I think the old adage comes to mind of never ask a question that you do not know the answer to.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means.

Mr. ARCHER. Madam Speaker, I thank the gentleman from Florida for yielding me this time.

Madam Speaker, today is a great day for hundreds of thousands of working seniors across this country. It is also a special day for me personally, because it is a culmination of my 27-year effort to repeal the earnings limit.

In fact, I introduced a bill to do so in 1973, and we have taken out of the archives a copy of that bill, H.R. 10148. The reason to repeal the earnings penalty then was the same as it is today, it is simply wrong.

Twenty-seven years is a long time to wait for me. But I am more thrilled that working seniors will not have to wait any longer to be free from this punishing tax.

I also want to thank the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Florida (Mr. SHAW), chairman of the subcommittee on Social Security, for their tireless efforts on this bill.

The Social Security earnings limit is not only wrong, it is unfair, and it is backwards.

□ 1730

The earnings penalty actually cuts Social Security benefits from many working seniors over the age of 65 and gives them the highest effective tax rate of their entire lives at a time when senior citizens should be realizing lower taxes. It discourages them from working. And why in the world would we want to discourage any American, whether they are 16 or 67, from working?

Clearly, repealing this penalty is the right thing to do. More seniors are choosing to work today past their retirement for many reasons: for their own financial needs, to help their families or their grandchildren through school, or for their own personal fulfillment. The point is Americans are living longer now and older Americans can and do make a great contribution to our society. They should not be punished.

In addition, repealing the earnings penalty will now unleash the productivity of one of the most experienced and talented workforces in this country at a time when our growing economy needs it and will need even more of it in the new century. This is clearly a win-win for everyone, which is why the bill today enjoys widespread bipartisan support.

In summary, repealing the earnings penalty is based on the fundamental principles of fairness and freedom. Seniors can now be free to work without penalty and be treated fairly by a program that they paid into their entire lives.

The victory today goes to the hundreds of thousands of older Americans who do not see retirement as an end but as a new beginning.

Mr. SHAW. Madam Speaker, may I inquire as to how much time remains on either side?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Florida (Mr. SHAW) has 17½ minutes remaining, and the gentleman from California (Mr. MATSUI) has 19 minutes remaining.

Mr. SHAW. Madam Speaker, I yield 2½ minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Madam Speaker, I thank the gentleman for yielding me this time, and I rise today in enthusiastic support for H.R. 5, the Senior Citizens' Freedom to Work Act.

It is really a joy to be on the floor and be debating this bill in concert with the minority. It is a great feeling that we all believe this is something that needs to be changed for the fairness of our Nation's valued seniors.

The Social Security earnings penalty is yet another aspect of the Social Security System that just no longer applies to today's society. It is a 60-year old system. It was written in the 1930s, and it just does not work any longer, and that is why we unite today in wanting to change this provision.

Seniors are living longer, healthier lives and we need their strength and their experience in our communities. We need their examples and their institutional memories to provide the example to young new workers who are moving into the job market.

In my State, Washington State, some of our very best workers right now are sitting in rocking chairs because they cannot afford the loss of their Social Security income that would come with their continuing in their jobs. Thirteen thousand seniors in my State are being forced to choose between the jobs that they love or need and losing the retirement income for which they have worked all their lives. This is not only wrong, as our chairman said, but it keeps an intelligent and productive part of the work force at home.

Seniors who are currently retired have been called the greatest generation for the sacrifices they made in defending freedom and building America into the world's only remaining economic and military superpower. It is time that we honor their contributions to America by allowing them to continue to give one of the most precious gifts of all to us: Their work ethic.

Madam Speaker, I urge my colleagues to support this very important bill.

Mr. SHAW. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time, and I rise today to strongly support the Senate amendments for H.R. 5, the Senior Citizens' Freedom to Work Act.

This modified bill removes earnings limits for working seniors who receive Social Security. For too many years seniors aged 65 to 69, who chose to continue to work, had their Social Security benefits deducted by $1 for every $3 earned when their total earnings exceeded $12,500 annually.

The 104th Congress, with my support, made a needed change, raising the earnings limit to $30,000 by the year 2002. This year's earnings limit went up to $17,000. I have long believed that more needed to be done on this issue. Ever since coming to Washington in our 93rd Congress, I have introduced legislation to either raise the earnings limit or eliminate it all together.

The Social Security earnings limit only serves to discourage seniors from working and diminishes their potential impact on society. It is a condescending regulation. It conveys a message that seniors have nothing to contribute and are better off not serving in the workforce. And, of course, that is not true.

It is gratifying the President has voiced his support for eliminating the earnings limit. I commend the Committee on Ways and Means for their attention to this issue; and, likewise, the Senate should be commended for their rapid attention in bringing the measure to the floor, making their legislation retroactive to December 31, 1999, so that those seniors who turn 65 this year may take full advantage of this bill's benefits.

Accordingly, Madam Speaker, I urge my colleagues to join in supporting this worthy legislation.

Mr. SHAW. Madam Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

Mr. CAMP. Madam Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 5.

I am proud that today we are moving forward in eliminating the Social Security earnings limit. Today, one of the biggest problems facing our country is not lack of jobs but lack of workers. This is in direct contrast to the 1930s, when the earnings limit was enacted and imposed a tax on working seniors.

H.R. 5 is important to seniors in the State of Michigan, where nearly 653,000 adults age 65 and older depend on Social Security to make up half their total income. At least one in 11 seniors in my State are still working. These seniors have earned their Social Security benefits through a lifetime of contributions, and the government does not have the right to impose a 33 percent tax on them.

The earnings limit is unfair and discriminates against working seniors. No retiree should be penalized for choosing to work. Our proposal would eliminate this tax penalty on earnings and would allow seniors to collect their full Social Security benefits if they choose to work. After all, it is their money.

I am pleased that my colleagues on both sides of the aisle are supporting this legislation. It is time to stop penalizing our seniors with such an unjust tax, and I urge my colleagues to vote "yes" on H.R. 5.

Mr. SHAW. Madam Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. WELLER), a respected member of the Committee on Ways and Means.

Mr. WELLER. Madam Speaker, what a great day. We have legislation before us that is all about fairness and it is legislation, I believe, that will pass with overwhelming bipartisan support.

In Illinois there are 800,000 senior citizens between the ages of 65 and 70 who, because of their circumstances, either want to continue working or need to work because their savings and retirement plans did not work out quite the way that they had wanted. But these seniors suffer what is called the Social Security earnings penalty limit. Essentially, their Social Security benefits are taxed away if they continue working. That is just wrong.

This has gone on for far too long. In fact, this was put into place back in the 1930s to discourage senior citizens from working. We are fortunate today to have a pretty good economy. But many times employers who are looking for workers are told by senior citizens who would like to work that if they are hired and they begin working, they are going to lose their Social Security.

I am sure my colleagues can recall conversations they have had with their neighbors or constituents where that has been a statement that they have heard. In my home State of Illinois, 58,000 senior citizens between the ages of 65 and 70 are currently punished because they are working. They are losing almost one-third of their Social Security benefits if they make more than $17,000 a year. Essentially, they are being taxed at Donald Trump's rates. That is not right. That is not fair.

Senior citizens today are working longer; they are living longer; and they want to be active longer, but our Tax Code punishes them. That is just wrong. It is an issue of fairness. Just like elimination of the marriage tax penalty, where 25 million married couples pay higher taxes just because they are married. This is a case where, if a senior citizen wishes to continue working, they must pay higher taxes and lose their Social Security benefits.

My colleagues, this legislation passed the House with a unanimous vote, it passed the Senate with a unanimous vote. Let us send this legislation with this little modification to the President. I am pleased the President is going to sign this legislation: It is nice to see a bipartisan effort work around here.

My colleagues, it is all about fairness. Let us vote today to eliminate the Social Security earnings limit. Please vote "aye."

Mr. SHAW. Madam Speaker, I yield 1½ minutes to the gentleman from Louisiana (Mr. McCRERY), an esteemed member of the Committee on Ways and Means.

Mr. McCRERY. Madam Speaker, I thank the chairman of the Subcommittee on Social Security for yielding me this time.

As I was listening to speakers here on the floor extol the virtues of this legislation, I was reminded of what I think is an old Chinese proverb that I am going to paraphrase, that victory has many fathers, defeat is an orphan. We are all claiming credit for this bill, which is good for us all to claim credit for something that the Congress is doing and makes sense. It is just common sense not to penalize seniors who make work.

But the gentleman from Texas (Mr. ARCHER) is not the only one who took this as a personal project. When I first came to Congress in the spring of 1988 as a Member of the 100th Congress, I was adopted by my colleagues who were elected in the regular election which constituted the 100th Congress. And in one of our early meetings as a class, the gentleman from Illinois (Mr. HASTERT), who was a member of our class, came up with the idea for a class project. And our class project was to introduce legislation and fight to repeal the earnings limit for seniors, for Social Security recipients. So we took that upon ourselves to do, and we introduced legislation.

So I rise today to give the gentleman from Illinois (Mr. HASTERT) and the class of the 100th Congress our due credit for pushing this issue for the last 12 years and, finally today, we gain victory here on the House floor.

But surely every member of the Committee on Ways and Means who saw the benefit of finally doing away with this antiquated law deserves credit; and I do not mind at all Democrats, Republicans, everybody in the House coming to the floor and taking credit for doing this.

It is certainly a happy day for seniors in this country, and I think a happy day for the Congress to finally do something that makes a lot of good old-fashioned common sense to all of us in this country but particularly our seniors, our Social Security recipients.

I thank the Chair for yielding and encourage him to keep up the good work.

Mr. MATSUI. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I feel it is a blessing that many people today are able to continue working and leading productive lives when they reach their golden years. That is why I urge my colleagues to support the Senate amendments to this bill.

Productivity helps give meaning to life. For many it helps prolong life.

□ 1745

We should honor our seniors, not deny them what is rightfully theirs. The earnings penalty is a disincentive to work. In today's world, many seniors need the extra income, particularly when burdened with the high cost of prescription drugs and other essential needs. With so many seniors needing every single penny, Madam Speaker, we must help them in any way we can.

It is about time that we reach out and help our mothers, our fathers, and all those who have helped to shape this Nation. Currently, the amount of income withheld from Georgia beneficiaries exceeds $91.2 million yearly and more than $4.2 billion is withheld nationally. This measure will not only put money in the pockets of nearly 17,000 Georgians but more than 700,000 seniors nationwide.

Let us send this bill to the President and eliminate this burdensome earnings penalty.

Mr. SHAW. Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would again just urge my colleagues to vote for the conference report. Only two changes were made that were technical in nature. Obviously, we want to move this bill on to the President, who strongly supports this legislation.

Again, I want to commend my colleagues on both sides of the aisle for a job well done and for the bipartisan cooperation I think that we saw on both sides of the aisle. That is why we were able to get 422 votes when the bill left the House. I am sure the vote will be unanimous here.

So, again, I urge a yes vote.

Madam Speaker, I yield back the balance of my time.

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when I was in my district this last weekend, an older lady was working where we were eating, and she was waiting on tables. I had helped her some years ago with a matter concerning her son, who is very badly retarded on an SSI matter.

I mentioned it to her, and I asked her her age. Her age is a little above 65 but below 70. She is working waiting on tables, very hard work for someone that age, on her feet all day long, never complains. And yet we are taxing her at such an unconscionable rate. I told her that we were going to be passing this and that she would not only no longer be penalized but that she was going to receive back the penalties that she has incurred from the first of this year.

I do not know whether she really believed me or not, but I am going to be very pleased to go home and tell her that indeed we did. And then I will go home again and tell her indeed that the President joined with this Congress and signed this great piece of legislation.

This is a first step, only a first step, towards Social Security reform, but it is one that is purely one of fairness. It is so unfair for us to have continued to penalize older workers just simply because they were between the age of 65 and 70, saying that they could not keep their entire benefit. So many of them had to work. Whether they were waiting on tables, whether they were working in construction, no matter what they were doing, these wonderful people were working, many because they just wanted to work and many because, as the case of Mary, she had to work.

This is very important that we stay together on this legislation. And I also want to compliment the other body. That is something we do not hear very often in this House is compliments for the other body, but they kept this legislation clean.

The President asked for it to be clean. We asked for it to be clean, and they obliged us and they passed a clean bill. So I think this is really a landmark day for this House. We are coming together in complete cooperation with the Democrats in the White House and with the Republicans controlling the legislative branch.

It is a wonderful day, and I would urge all Members to vote yes and make this again a unanimous statement by this House of Representatives showing our commitment to American seniors.

Again, I want to thank the gentleman from California (Mr. MATSUI), the ranking member on the Democratic side, and the gentleman from New York (Mr. RANGEL).

Of course, again, I want to compliment the gentleman from Texas (Mr. ARCHER), who has steadfastly stood for elimination of the earnings penalty for many, many years now, as he demonstrated on the House floor earlier.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the order of the House of today, the previous question is ordered.

The question is on the motion offered by the gentleman from Florida (Mr. SHAW) to concur in the Senate amendment to H.R. 5.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAW. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 5 o'clock and 51 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motion to concur in the Senate amendment to H.R. 5 and on each motion to suspend the rules on which further proceedings were postponed earlier today in the following order:

H.R. 2412, by the yeas and nays;

House Concurrent Resolution 292, by the yeas and nays;

House Concurrent Resolution 269, by the yeas and nays;

Concurring in Senate amendment to H.R. 5, by the yeas and nays.

The Chair may reduce to 5 minutes the time for any electronic vote after the first such vote in this series. The Chair intends to conduct this series of four votes as one 15-minute vote followed by two 5-minute votes followed in turn by another 15-minute vote.

E. ROSS ADAIR FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2412.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2412, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 76]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter-
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Combest
Crane
Deal
Fowler
Franks (NJ)
Gillmor
Jones (NC)
Klink
McIntosh
Meeks (NY)
Metcalf
Miller, George
Mollohan
Obey
Quinn
Salmon
Taylor (NC)

□ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONGRATULATING THE PEOPLE OF TAIWAN FOR SUCCESSFUL CONCLUSION OF PRESIDENTIAL ELECTIONS AND REAFFIRMING UNITED STATES POLICY TOWARD TAIWAN AND THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 292, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 292, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 15, as follows:

[Roll No. 77]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost

Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush

Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—15

Crane
Deal
Fowler
Franks (NJ)
Gillmor

Klink
McIntosh
Meeks (NY)
Metcalf
Miller, George

Mollohan
Pickett
Quinn
Salmon
Taylor (NC)

□ 1837

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING LIBRARY OF CONGRESS FOR 200 YEARS OF OUTSTANDING SERVICE

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 269.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 269, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 78]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior

Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox

Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing

Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio

Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez

Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand

Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Burr
Crane
Deal
Fowler
Franks (NJ)
Gillmor
Hastings (WA)
Herger
Johnson (CT)
Klink
McIntosh
Meeks (NY)
Metcalf
Miller, George
Mollohan
Quinn
Salmon
Taylor (NC)

□ 1846

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Madam Speaker, on rollcall No. 78, I was inadvertently, detained. Had I been present, I would have voted "yea."

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 2000

The SPEAKER pro tempore (Mrs. BIGGERT) The pending business is the question of agreeing to the motion offered by the gentleman from Florida (Mr. SHAW) to concur in the Senate amendment to H.R. 5.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 16, as follows:

[Roll No. 79]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Canady
Crane
Deal
Franks (NJ)
Gillmor
Klink
Linder
McIntosh
Meeks (NY)
Metcalf
Miller, George
Mollohan
Quinn
Salmon
Taylor (NC)
Weldon (PA)

□ 1904

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3252

Mrs. MYRICK. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3252.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. McKEON). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO HENRY W. McGEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to an outstanding American, Mr. Henry W. McGee, who passed away on March 18 at the age of 90.

Mr. McGee was a trailblazer and an advocate for equal rights and justice throughout his entire life. He worked 44 years as an employee of the United States Postal Service, delivering mail through the rain, sleet, and snow. His entire life was representative of someone who came in at the bottom but worked his way to the top.

In 1952, he was promoted general foreman and later served as superintendent of the largest finance station in the U.S. Postal Service.

In 1976, he became the first African American appointed Chicago Regional Postmaster by President Lyndon B. Johnson, upon the recommendation of U.S. Senator Paul Douglas. Under his leadership, the Chicago Postal Service was able to improve its delivery rates and effectiveness in meeting the needs of its consumers.

There is an old adage that says of life: "It is not how long one lives, but how much one gives." This statement really is the epitome of the life that Henry McGee led. He found time to get involved in the community and take on issues greater than himself, despite his busy career.

In 1946, he was selected to serve as president and acting executive director of the Chicago chapter of the NAACP. While there, he dedicated himself to the causes of ending segregation and fighting for equal justice.

In addition to the NAACP, he became one of the charter members of the Joint Negro Appeal, a self-help organization that was organized by such individuals as Truman Gibson and Judge Odas Nicholson.

As president, Mr. McGee served diligently for more than 17 years and raised thousands of dollars to help such organizations as the Beatrice Caffey Youth Service League, the Good Shepherd Neighborhood Club, and other organizations.

After he retired from the postal service, Mr. McGee still found time to give of himself and his talents, as Mayor Richard J. Daley appointed him to a 5-year term on the Chicago Board of Education. It was an opportunity for him to give back to Chicago and, more importantly, give back to the next generation, our children.

The legacy that Mr. McGee leaves behind is both inspirational and impressive. I am so pleased that the gentleman from Illinois (Mr. RUSH) has determined to name a post office in his honor.

I ask that all of America join me in paying tribute to the life and legacy of Henry McGee, and may his loved ones be comforted in knowing this his life touched thousands of citizens throughout not only Chicago but, indeed, throughout America. He lived a great and inspirational life.

EXPLOSION AT PHILLIPS PETROLEUM PLANT IN PASADENA, TX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise tonight with a great deal of sorrow and concern because yesterday an explosion and fire occurred at Phillips Petroleum Company plant in Pasadena, Texas, which is part of the district that I represent. This tragedy resulted in the death of one worker and the injury of 71 others.

According to the Houston Chronicle, at least three of the injured were listed in critical condition, and six were listed in serious condition. Our thoughts and our prayers are with the men and women of the Phillips plant and their families.

The cause of this accident has not been determined. In fact, just today were they allowed to go back into the plant except for the suppression personnel.

About 850 Phillips employees and about 100 subcontractors work at the Pasadena plant complex. Phillips Petroleum officials said about 600 workers were on duty when the explosion occurred yesterday afternoon about 1 p.m.

As a result of the fire and smoke, 23 campuses in the Pasadena Independent School District and 8 campuses in the Galena Park Independent School District were forced to turn off their air conditioning and close their doors and windows and keep the children inside.

According to Phillips, the chemicals that burned in the fire could irritate one's eyes and nose and throat if inhaled in high concentrations, but the air monitors that were around the plant and in the community found no signs that anyone outside the plant was exposed to these toxic chemicals.

The explosion occurred in the section of the Phillips plant that produces K-Resin. K-Resin is the chemical used to make cups, lids, toys, shower doors, coat hangers, and clear packaging materials, such as shrink wrap that we wrap our groceries in and leftovers, bread wrappers, bottles for drinking water, clear boxes and trays.

I have visited the Phillips plant on several occasions and have met numerous times, not only with the management, but with the employees who are represented by PACE, the Paper, Allied-Industrial, Chemical and Energy Workers, International Union, formally, known as the OCAW.

I have also attended annual events, including the annual memorial that both the industry and the union plan every year in tribute to workers who have lost their lives in workplace accidents.

The work of the chemical plant is dangerous. The employees who work at the Phillips plant and the many others along the Houston Ship Channel know the impact an explosion can make.

That is why we need stronger worker protections. We cannot prevent every accident, but we can ensure that every worker has a reasonable expectation that he or she will be safe.

The Phillips Petroleum plant has a long history of accidents that have resulted in facilities and many safety violations. We hope that again we learn from our experiences.

In the last year, this facility has experienced three other explosions. The worst of these occurred last June and resulted in the death of two employees. The other two explosions occurred in August and April of last year.

By far the deadliest year for Phillips Petroleum was in 1989. On October 23, 1989, an explosion resulted in 23 deaths and 130 injuries. A few months before this explosion, six employees were injured when a natural gas pipeline near the plant's boiler room exploded. Two of the injured workers later died of their injuries.

Producing the products that our Nation and our world require is inherently dangerous. It is important that OSHA inspectors move quickly to investigate the cause of this most recent explosion. We need to do everything we can to ensure that accidents like this will never happen again.

In closing, our prayers are for the speedy recovery for those injured and also for the loss of that one life. The loss of one life is one too many.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise proudly to celebrate Greek Independence Day, an event which marks the symbolic rebirth of democracy.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of freedom and was the first to declare Greece free. We honor the valiant Greek freedom fighters who began an arduous struggle to win independence for Greece and its people 179 years ago.

Although many Greeks died, they were undeterred from their ultimate goal. "Eleftheria I Thanatos," liberty or death, became the Greek patriots' battle cry, a cry all too familiar to us because of the similar pronouncement of Patrick Henry, who said "Give me liberty or give me death."

One particular story best signifies the spirit which existed then. A significant wave of rebellion against Turkish oppression was ignited by the fiercely patriotic Suliotes villagers who took refuge from Turkish authorities in the mountains of Epiros.

□ 1715

When the Suliotes women, left alone, learned that Turkish troops were fast approaching their village, they began to dance the "Syrtos," a patriotic Greek dance. One by one they committed suicide by throwing themselves and their children off Mount Zalongo. They chose to die rather than surrender and face slavery.

When news of the revolution arrived in the United States after the initial uprising, there were widespread feelings of compassion. This sentiment was shared by several American presidents, including James Monroe and John Quincy Adams. Each conveyed his support for the revolution through his annual messages to Congress.

William Harrison, our ninth president, expressed his belief in freedom for Greece, saying, and I quote him, "We must send our free will offering. The Star-Spangled Banner," he went on to say, "must wave in the Aegean, a message of fraternity and friendship to Greece."

So we should not overlook the fact that American leaders have always been drawn to Greece's democratic ideals. In drafting our constitution, American colonial leaders cited Greek and Roman sources. The very basis of our constitution derives from Aristotle and was put into practice in ancient Rome. As Thomas Jefferson once said, "To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of Gothic darkness."

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to me. Every year the gentleman faithfully executes his special order for remembrance of March 25 and what it means to Americans of Greek descent.

The recollections I have as a young person in attending the Greek Orthodox church in my community was that this particular holiday was a blend of two momentous events in the life of a Greek Orthodox Christian. One was the Celebration of the Annunciation and, at the same time, the ethnic revolutionary epic of the revolution to which the gentleman has referred. This blending of both faith and nationalism has made this particular holiday very distinct and very unusual. And it evokes memories not only of those two events simultaneously occurring but the fact that they helped us, those young Americans of Greek descent, recognize the value of being Americans.

We, as Americans, were able to see that democracy's home, Greece, had an inexorable link with the founding of our country, our United States, and continues to have this absolutely wonderful bond between the democracies that we both cherish.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for always joining me year after year after year in this special order.

Mr. Speaker, we all know that the price of liberty can be very high, hundreds of thousands of lives. Socrates, Plato, Pericles, and many other great scholars throughout history warned we maintain democracy only at great cost. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past, in Greece, in America, and all over the world.

Unfortunately, there are several countries where the struggle for freedom continues, and tensions persist in the former Yugoslavia, Kosovo, the Middle East, Africa, Greece, and Turkey, and particularly in the Republic of Cyprus. Turkey still illegally occupies a large part of Cyprus, as it has since its brutal invasion in 1974. The United States has exerted its influence to improve chances for peace in the Middle East and Northern Ireland. Now it is time for the U.S. to promote a fair solution for Cyprus.

Turkey continues to refute U.N. resolutions on Cyprus. Our Nation has the influence to encourage to Turkey to abide by the U.N. resolutions which set out conditions and suggestions for a settlement. Turkey also needs to respect international law regarding Greek sovereignty in the Aegean.

Mr. Speaker, on a more optimistic note, the chronically strained relations between Greece and Turkey have recently become less in the aftermath of severe earthquakes that hit both countries last summer. The acts of humanity that Greece and Turkey demonstrated in aiding each other generated a new favorable world sentiment and opened a new chapter in the relations between the two countries. Consistent with this new spirit of cooperation, Greece has moderated its previous inflexible objection to Turkey's acceptance to membership in the European Union. Hopefully, this new spirit will gain momentum and thereby help to restore harmony and peaceful coexistence between the two countries.

Mr. Speaker, we celebrate Greek independence to reaffirm the common democratic heritage we share. Greek Independence Day, like the Fourth of July, reminds us that we have the duty to defend liberty—whatever the cost. To maintain our freedom, we can take neither it nor its architects for granted. That is why we honor those who secured independence for Greece so many years ago.

Mr. CROWLEY. Mr. Speaker, it is with great respect and profound admiration that I rise today to recognize the 179th anniversary of Greek Independence.

March 25th is a date that will live forever in the hearts and minds of Greeks and Greek-Americans. On March 25, 1821, after nearly 400 years under the Ottoman yoke, the Greeks revolted against the Turks and after a fierce struggle won their independence. During all these years of occupation the people of Greece kept their language, their religion and their sense of identity.

We share with the people of Greece this fierce spirit of independence and love of freedom.

A country with a history stretching back almost 4,000 years, Greece is the cradle of democracy and its great philosophers were an invaluable inspiration for our founding fathers. In ancient Athens they found a model for the new democracy they were going to establish in America.

For many years, Greece has been a reliable ally of the United States. During World War II, the Greeks sided unanimously with the Allies. The years of German occupation were a particularly hard time for Greece. Starvation decimated the population while executions and deportations contributed to the catastrophe. But from the first moments of the occupation a mass resistance movement came into being, bravely fighting the Nazi conquerors.

After enduring a military dictatorship, the Greek people from 1974 onwards devoted all their efforts to consolidating democracy in the land of its birth and laying the foundations for a better life. Today, Greece is a member of NATO and the European Union and remains faithful to the cause of peace and democracy.

My fellow colleagues, please join me as we celebrate Greek independence and remember those of Greek heritage who are living in the United States and have contributed so greatly to our communities and our country.

Mr. TIERNEY. Mr. Speaker, I am pleased to speak today in honor of the 179th anniversary of Greek independence. As a member of the Congressional Caucus on Hellenic Issues, I join my colleagues in paying tribute to the Greek nation and its people.

Over the last year, Greece has continued to be an active and important member of the international community. During the devastating earthquakes that ravaged Turkey last year, Greece reached out its hand to help its neighbor. This act of kindness was inspiring to us all, proving that it is possible to set aside differences in times of need. We should not be surprised, though, by Greece's actions. As a member of NATO and the European Union, Greece has continually shown its commitment to international peace and security.

The United States and Greece share a common philosophy that promotes democracy. Of course, it was Greece that paved the way for the great experiment which became the United States of America. Every American who enjoys freedom and democracy owes the Greek people a debt of gratitude for inspiring our founding fathers.

On behalf of the people of the Sixth Congressional district of Massachusetts and myself, I wish to extend congratulations to the people of Greece on this happy occasion. I am honored to have been selected to be one of two Grand Marshals in this year's Independence Day parade in Boston and know the day will be enjoyed by many. I look forward to many more years of happy and productive relations between the United States and Greece.

Mr. COYNE. Mr. Speaker, I rise today to join in this special order commemorating Greek Independence Day.

As a Member of Congress representing a district with a great many Greek-American constituents, I am well aware of the many contributions that Greek Americans have made to our nation. Today I join over 1 million Greek Americans and the people of Greece in commemorating the fight for Greek independence.

It is only fitting that the Congress of the United States commemorate the struggle that led Greek independence. The ancient city-states of Greece made many vital contributions to western civilization. The foundations of Western literature, drama, science, architecture, and philosophy were laid by the people of ancient Greece. The Greek language has enriched other languages with words and concepts like philanthropy, harmony, music, techne, sophistication, architecture, ecology and thousands of others. But perhaps ancient

Greece's most important gift to the modern world was the creation of the concept of democratic self-government. The Founding Fathers of this country, educated in the classics, looked to the ancient Greeks, among others, for insight and inspiration when they were working to form a new national government.

179 years ago, however, when our country was prospering under its newly established democratic government, Greece—the cradle of democracy—was a subjugated nation ruled by the Ottoman Empire. In fact, at that point, the Ottoman Empire had dominated the Greek people for over 400 years, and many Greeks were finding Ottoman rule to be increasingly oppressive and unacceptable.

Greek patriots rose up against the Ottomans in March of 1821. The struggle of the courageous Greek patriots against a powerful empire won the support of many influential figures in Western Europe and the United States. Europeans and Americans identified with the Greek people—the descendants of the nation that had so strongly influenced western civilization. The French, British, and Russian governments eventually intervened in the conflict on the Greeks' behalf and forced the Ottoman Empire to recognize Greece as an independent state in 1829.

Mr. Speaker, thousands of Greek patriots fought and died for their country's freedom with the same passion that inspired the Founding Fathers. Consequently, it is appropriate that we remember them today, the 179th anniversary of the beginning of the struggle for Greek independence. I am pleased to join my colleagues in commemorating this very special day.

Mr. GILMAN. Mr. Speaker, I am pleased to rise on this occasion on which we salute the great nation and people of Greece, the Hellenic Republic as they celebrate the 179th anniversary of Greece's independence. I commend the gentleman from Florida, Mr. BILIRAKIS for taking the initiative once again to ensure that members have the opportunity to convey our thoughts on this important day. The United States and Greece have enjoyed a long and close relationship. The people of the United States recognize and revere Greece as the cradle of the democratic tradition that has allowed this country to rise to the heights of its greatness.

We are fortunate to have benefitted from the contributions of those immigrants from Greece who have contributed their toil, their knowledge and their culture to our American civilization, and we appreciate the warmth of the citizens of Greece reflected in the welcome they provide to Americans that are fortunate enough to be able to visit the shores of Greece, its beautiful islands and countryside.

Greece plays an important role in helping to stabilize the Balkans, one of the more dangerous neighborhoods of Europe. In our International Relations Committee we keep the relations between Greece and the United States under close review. I am pleased to report that the state of those relations is healthy. I am calling on this occasion for our government to support the process of reconciliation that is now underway between our two NATO allies, Greece and Turkey. The Congress is fully supportive of this effort, and we hope for an outcome that will produce lasting stability in this strategically vital part of the world.

I hope that all my colleagues and fellow citizens will avail themselves of this occasion to reflect upon the blessings of democracy, for which we will be forever indebted to the ancient Hellenes, and upon our good fortune today in having such a close and reliable ally as the great nation of Greece.

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is with great enthusiasm that I stand before you today to recognize the 179th anniversary of Greece, one of our nation's closest allies. I want to praise my colleagues from Florida and New York for their efforts in organizing this special order and also for organizing the Congressional Caucus on Hellenic issues.

It is no secret that the democratic principles of equality and freedom were advocated by great Greek thinkers. These principles served as an inspiration to our founding fathers and were heavily relied upon as they drafted the Declaration of Independence and the United States Constitution. In the words of Thomas Jefferson: "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of * * * darkness." Just as today's youth is educated on our nation's humble beginnings by studying the lives of the framers, they should also learn about the great Greek thinkers whose visions of democracy helped our nation advance towards a free society.

The ties that bind Greece and the United States also extend towards the common role that our respective countries played in revolting against oppressive rule. Borrowing from the successful experience that our young nation utilized to free itself of English rule, the people of Greece rose up and declared their independence from the Ottoman Empire. After a long decade of struggle, freedom came to Greece. Just as it did in the democratic world at the time, their victory continues to inspire us today.

Greece has contributed to this nation in many other ways. The hard work of Greek-Americans has made an impact on our nation, especially in Greek communities such as Providence, Pawtucket and Newport, Rhode Island. It is a great honor to be able to represent the people of these communities in the United States Congress.

As the birthplace of classical political thought, as a strong ally to the United States, and as the motherland to the many valuable Greek immigrants who reside within our borders, Greece is indeed a country worthy of much praise. Again, I thank my colleagues for all their hard work in making this Special Order and I look forward to working with the Hellenic Caucus for the advancement of Greek issues.

Mr. WEYGAND. Mr. Speaker, I rise proudly in recognition of the 179th anniversary of Greek Independence and for the common democratic heritage shared by Greece and the United States. The struggle and victory of the Greek people against their Ottoman oppressors deserves special recognition for its contribution to human freedom and the triumph of democratic ideals and self-determination over those of tyranny and empire.

In 1821, the people of Greece, inspired by the American Revolution, broke out in open rebellion against four centuries of foreign occupation in an effort to rule themselves in accordance with the principles of democracy first developed in ancient Greece. Fully cognizant and proud of their past, the Greeks strove for their own traditions and engaged in an independence movement that can only be described as heroic and inspirational to all free peoples.

The Greeks defeated not only the Ottoman Turks to gain their independence, but also the Concert of Europe established at the Congress of Vienna following the Napoleonic wars. After decades of chaos and revolution, the Great Powers created an international system based upon conservative, counter-revolutionary rule designed to empower the monarchs and imperial states of the Continent with the primary goal of stability. Freedom, democracy and self-determination were not recognized by the statesmen of Europe as legitimate claims to independence.

However, the people of Europe, in spite of their leaders beliefs, were inspired by the Greek cause and their struggle for freedom over tyranny. Recognizing that nothing would stop the Greek people from realizing their dreams and faced with a popular, just cause, the Great Powers of Europe embraced a free and independent Greece. It is a testament to the Greeks that they, and they alone were the only people to achieve independence in the first quarter of the 19th century despite many attempts by other peoples of Europe.

The Greek patriots' battle cry "Eleftheria I thanatos"—liberty of death—brings immediately to mind Patrick Henry's revolutionary speech "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!" As we know America's revolutionaries of the 18th century were inspired by the traditions and philosophy of Greek antiquity. The influence and contributions of the Greeks to modern democracy, are to say the least, incalculable. We, as Americans, cannot place enough emphasis on the political and social contributions of the Greeks to our own nation.

"Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability which the man possesses".

The statement, Mr. Speaker, was not made by our Founding Fathers, but by Pericles in an address more than two thousand years ago. With that, I would like to thank my colleagues for holding this special order and once again congratulate Greece on the anniversary of it's independence.

Mr. McGOVERN. Mr. Speaker, it is a privilege once again to take time to reflect and honor Greek Independence Day from the floor of the U.S. House of Representatives. March 25, 2000 marked the 179th Anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

For almost 400 years, from the fall of Constantinople in 1453 until the declaration of Greek Independence in 1821, Greece remained under the rule of the Ottoman Empire.

These were dark centuries for the nation that was the cradle of Western democracy, philosophy and art. During this time, Greeks were deprived of all civil rights. Their schools and churches were shut down. Greek Christian and Jewish boys were kidnapped from their families and raised as Moslems to serve the Sultan.

Shortly after Greece regained her independence, in December 1823, the great and famous U.S. Representative from Massachusetts, Daniel Webster, reflected on this time in Greek history, "This (Greek) people, a people of intelligence, ingenuity, refinement, spirit and enterprise, have been for centuries under the atrocious unparalleled Tartarian barbarism that ever oppressed the human race." We are all proud of the fact that many volunteers from across the United States went to Greene to participate in the war for Greek independence.

Greece and the United States have always been linked by their common histories of waging wars for independence, their beliefs in freedom and basic human rights, and their commitment to democracy. We are also closely tied by blood. During the 1900s, one in every four Greek males between the ages of 15 and 45 departed for the United States. Today, American society flourishes and benefits from the contributions of the descendents of these original Greek immigrants. Further forging the links of blood and sacrifice, over 600,000 Greeks died fighting on the side of the Allies during World War II and in the civil war that followed—that was nine percent of the entire population of Greece at the time.

Massachusetts, with such famous Greek Americans as Governor Michael Dukakis and Senator Paul Tsongas, has a rich Greek American culture. In my hometown of Worcester, Massachusetts, the Greek Orthodox Cathedral of St. Spyridon, under the leadership of Father Dean Paleologos, reminds us of this vibrant Greek American community. Each year, in Worcester, this important day is celebrated by teaching children to recite poetry and songs commemorating their past and their heritage.

Today, we see the generous heart of Greece at work again, as President Stephanopoulos and Foreign Minister Papandreou endeavor to end decades of hosility between Greece and Turkey. The improved climate of relations between Greece and Turkey cultivated by these Greek leaders continues to sustain hopes that some of the long unresolved issues between these two nations may eventually be tackled.

In a concrete way, Greece has moved toward better relations with Turkey. Following an arrangement made when Mr. Papandreou visited Ankara last January, a delegation of Greek Foreign Ministry officials, headed by Secretary-General Stelios Perrakis, opened discussion in the Turkish capital on February 28th to impart Greece's knowledge and experience, as a member of the European Union, on the measures and methods Turkey needs to pursue in its own quest to become a member of the EU.

In conclusion, Mr. Speaker, I would like to express my gratitude and respect to the gentleman from Florida (Mr. BILIRAKIS) and the gentlelady from New York (Mrs. CAROLYN MALONEY) for their leadership of the Hellenic Caucus. Through their hard work, all Members of this House are better educated on and involved in the challenging issues facing modern Greece today.

Mrs. LOWEY. Mr. Speaker, today I am honored to commemorate the 179th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic traditions of Greece and the United States.

Greece declared its independence on March 25, 1821, ending nearly 400 years of domination by the Ottoman Empire and restoring a democratic heritage to the very cradle of democracy.

The special relationship between the people of Greece and the United States has been reinforced throughout our country's short history. Our Founding Fathers established this nation based on the teachings of ancient Greek philosophers and their struggle to build a democratic society. And, in turn, the American experience inspired the Greek people in their struggle for independence nearly 180 years ago.

Our shared democratic ideals have formed the basis of a strong and sustained friendship between Greece and the United States, and even today, Greece remains one of our most important allies and trusted partners in the global community.

And the many contributions of Greek-Americans to shaping our society and building our cultural heritage have been as critical to the United States as its friendship with Greece. My district in New York has benefitted immeasurably from the many contributions of our Greek-American community over the years.

I am proud to join my colleagues today in commemoration of Greek Independence Day, and in celebration of the many contributions of Greece and Greek-Americans to the United States and the world.

IN CELEBRATION OF GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I too would like to join my colleagues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Pennsylvania (Mr. GEKAS) in honor of the 179th anniversary that marks the Greek's national day of independence, and I thank the gentleman from Florida (Mr. BILIRAKIS) for organizing a special order each year to celebrate Greek Independence Day.

Greece had remained under the Ottoman empire for almost 400 years; 400 years that Greek people were deprived of all their civil rights. Even under the threat of death, Greeks fought back by continuing to educate their children in their culture, their language, and their religion. On March 25, we celebrate this courage; this the 179th anniversary of freedom and independence for Greece.

I wish we had more to celebrate today, to be able to celebrate the return of the Elgin Marbles to their homeland. The Elgin Marbles are magnificent sculptures that were created to adorn the Parthenon. Their detail and beauty are even more profound when one knows these sculptures were actually carved into the Parthenon itself after it had been constructed. However, in 1806, these sculptures were removed, sometimes broken in half, and transported to England. They are now in view in the British museum, far away from their native land.

In this age of open communication, friendship, and a unified Europe, we must work together to see that these marbles will soon be returned to their homeland. In this respect, I join my colleagues, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New York (Mr. GILMAN) in their House Resolution stating the importance of returning the Elgin Marbles back to Greece.

I am also very pleased to have welcomed today Dimitris Avramopoulos, the mayor of Athens, to Washington. He joined members of the Hellenic Caucus and other Members of Congress today for a discussion on the progress that Athens has made in becoming a global partner and leader and city. Through his efforts, the mayor's, he has made Athens a leading contributor to cities around the world in policy; and he has diligently worked to create a forum for mayors from other cities and capitals throughout the world to work together on their common goals.

I am very fortunate and privileged to represent the largest Hellenic community outside of Athens, one of the most vibrant communities of Hellenic Americans in our country. It is truly a very great pleasure for me to co-chair the Hellenic Caucus and to represent so many fine friends from Greece in my district. The caucus now has a record 72 bipartisan membership who are committed to bringing the voices of Hellenic Americans to the floor of the United States capitol, as we are tonight. We continue to strengthen the voice of Hellenic Americans in promoting legislation, monitoring and arranging of briefings on current events and handing out information to all Congressional Members on such important developments as the renewed talks between Greek Cypriots and Turkish Cypriots, U.S. aid to Greece and Cyprus and the continued dispute in the Aegean.

In the coming year, we hope to see peace and justice in the Aegean, and justice, finally, in Cyprus after so many years of illegal occupation and invasion. And we need to see not only peace in northern Greece, but the restoration of human rights to the many cultures and people suffering throughout the world.

As we celebrate the 179th anniversary of Greek independence and the special bond of friendship between our two great countries, I would like to leave my colleagues with a quote from Percy Shelley, and he said, "We are all Greeks. Our laws, our literature, our art have their roots in Greece."

So I join him and many others in not only paying tribute to Greek Independence Day, but also the many contributions of Greek Americans to our culture here in America.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, it is indeed a pleasure to address the House while our presiding officer is a fellow representative from the San Fernando Valley, the area that can best be described currently as the center of world culture. Throughout the ages, however, Greece has been the center of world culture; and that is why I am proud to join with so many members of the Hellenic Caucus in addressing the House with regard to the 179th anniversary of Greek independence.

Mr. Speaker, 179 years ago, on March 25, 1821, the Greek people declared their independence, throwing off the yoke of over 400 years of Ottoman oppression. Greek patriot Regas Fereos issued the rallying cry of the struggle, shouting that it is better to be free for an hour than to have 40 years of imprisonment and enslavement.

Greek freedom fighters looked to the American revolution and American democracy for inspiration, and adopted their own declaration of independence. At the same time, our Founding Fathers were guided by the democratic principles that first arose in Greece, and they took to heart the Hellenic ideals of ancient Greece, the birthplace of democracy.

This is a day for us to reflect on the vital alliance between Greece and the United States and to pay our debt to Hellenic ideals and to Hellenic culture. It is a day for Greek Americans to take pride in the independence of Greece and in the ancient culture of all Hellenians.

Mr. Speaker, as we take note of Greece's great victory in its war of independence, we must also remember that there remain problems in the eastern Mediterranean, problems between Greece and the successor to its former colonial master, Turkey, the successor to the Ottoman empire. We must work to bring peace to the Aegean and the eastern Mediterranean, and to do that we must deal with some of the remaining problems.

A Greek-Turkish dialogue can go forward, and I and my colleagues, so many of us, have called upon Turkey to stop making invalid claims on Greek sovereign territory and take respect for international law regarding the Aegean.

We have passed the Peace in Cyprus resolution, which calls upon a full withdrawal of Turkish troops from Greece. We must also recognize the importance of having Turkey adhere to human rights standards and to respect the ecumenical patriarchy of the orthodox churches in Istanbul, also known as Constantinople. So as we look at history, we must also look at the current situation in the Aegean.

But returning, Mr. Speaker, to the historical ties between Greece and the United States, I should note that since its liberation, Greece has stood by America in each of our involvements in Europe; and America should continue to stand by Greece. Greece is one of only three nations outside of the British Empire that has been allied with the United States in every major international conflict of this century.

□ 1930

One out of every nine Greeks lost his or her life fighting the Nazis in World War II. Through the Marshall Plan, Greeks were able to rebuild; and the Marshall Plan stands as a monument to the close relations between the United States and Greece.

Greece remains a staunch NATO ally in a region of grave concern and, as I have noted, deserves American support.

Mr. Speaker, I would like to join with Greece and the Greek American community and the Hellenic Caucus in celebrating the 179th anniversary of Greek independence. I look forward to working with my colleagues in strengthening relations with this important ally.

EDUCATION SAVINGS ACCOUNTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mrs. WILSON. Mr. Speaker, I am the gentlewoman from Albuquerque, New Mexico; and I have been asked to lead a discussion this evening about a bill that will be coming to the floor of the House this week. The bill is H.R. 7, and it is about education savings accounts.

What I would like to do tonight is talk a little bit about what they are, how the current law is set up with respect to education savings accounts, and what the proposed changes are that we are going to be considering on Thursday. Because there is quite a bit of misperception about what these changes will do. But before I do that, I would like to try to set this in the context of where we need to go in America with respect to public education.

In 1900 in this country, at the turn of the last century, 15 percent of American adults had a high school degree. When we turned this century into the 21st century last New Year's Eve, 85 percent of American adults had a high school degree.

The big difference, though, was that, back in 1900, a third of Americans still lived on the farm. They could get a good job and support a family without having a high school degree.

My grandparents did not graduate from high school. My parents graduated from high school but did not go on to college. Like many Americans, I was the first generation in my family to go to college and get a college degree.

But what was good enough for us and what was good enough for our parents or our grandparents is not going to be good enough for our kids. And the reason is that Americans do not work on the farm anymore, except for about 2 percent of us; and the jobs that will be available for our children who graduate in 2010, 2012 and beyond are going to be profoundly different than they were for us when we graduated from high school, in my case, over 20 years ago.

They are going to require more education, more technical training, the ability to read and understand and solve problems, which means that, if we are going to make the 21st century just as much an American century as the 20th century was, we need to recommit ourselves as a Nation to public education.

In my hometown of Albuquerque, New Mexico, a third of our students do not graduate from high school. We have one of the highest drop-out rates in the Nation. We can no longer afford to let any child lag behind; and so we have to recommit ourselves as individuals, as parents, as teachers, as administrators, as communities, and as a Nation to make sure that, by the end of the next decade, 95 percent of our children graduate from high school and three-quarters of them go on to college or technical training or into the military. We need to commit ourselves to a decade of dreams for public education.

The bill that we are going to consider on Thursday is really only one little piece of that dream, but it is designed to encourage private investment in education and savings by parents and families and even corporations to invest in public schools and public education.

What does this do? It is called H.R. 7, and it is the Education Savings and School Excellence Act. But it builds on something that is already in public law.

Back in 1997, which was before I was elected to Congress, the Congress passed a law to establish education savings accounts.

So what is an education savings account? About 110 million Americans now have IRAs. To put it in its simplest terms, an education savings account is an IRA for our kids' college education. The way that the law works now is that we can put money into an education savings accounts, into one of these education IRAs, every year, up to $500, we can put into this account for each child that we have up to the age of 18.

When that child turns 18, they cannot keep contributing into that account, but then the child can use that money that has been saved while he has been growing up to go to college.

Now, they can use the money for a private college or a public college or even a technical school as long as they use the money before they turn 30. So a parent can put $500 a year, a kind of annual Christmas present to put in the education savings account to save for college. And the money that goes into it, they have to pay the taxes on the money that they earn to put in in the first place, but as the money sits there in that education IRA, they do not have to pay taxes on the interest that it earns. So the interest accrues tax free.

Now, the money that is saved up in that education savings account can be used for tuition or fees or books or supplies or equipment and, in some cases, for room and board, as long as it qualifies under the rules, but only for post-secondary education, post-high school. It can be used for college. And it does not matter if it is a public university or a private university or religious school, as long as it is for post-secondary education, public, private or vocational.

So that is what education savings accounts are. They have been in place as part of public law since 1997 in this country.

There have been two previous attempts to expand education savings accounts in important ways. Both of the attempts were bipartisan efforts. In both cases, they were vetoed by the President.

We are going to go back at it again. The principal sponsors of this piece of legislation on the Senate side are Senator TORRICELLI and Senator COVERDELL of Georgia. Those two men have really led this effort to try to encourage savings and expand education savings accounts for more Americans.

So what are the problems with the current bill and where do we want to go with this bill that we are going to be considering on the floor of the House this Thursday?

Right now, a family can only put $500 a year per child into an education savings account in order for it to get the tax benefits, to not have to pay taxes on the interest in that account. $500 a year is not a lot of money when we consider how much college costs have escalated over the last 20 years.

Indeed, if a family puts $500 a year starting when a child is born and does that every year until they are 18, even if they get 7½ percent interest or so, they really are going to only have about $15,000 in that account by the time the child turns 18 and is likely to go to college.

Well, unless they are going to a State university where they get State subsidized tuition, that is not going to go very far when it comes to tuition and room and board and books and fees to pay for college.

So the first thing that the bill will do that we are going to take up on the floor here on Thursday is to change that from allowing $500 per child in savings every year to allowing $2,000 per child, the same that we do now for regular IRAs.

Now, what will that mean in terms of the amount that a family can save? Well, there have been some folks who have done some analysis on this and have gotten out their stubby pencils and computers to do interest rates, which I do not do very well. But if a family started saving $2,000 a year from when a child is born, by the time that child is in first grade there will be over $14,000 in that account. By the time that child reaches middle school, there will be $36,000 in that account. By the time they get to high school, assuming that they had not used it already in elementary and middle school, there would be $46,000 in that account.

If that family put in $2,000 a year and did not withdraw any of it, by the time that that child graduated from high school and turned 18 years old, was a college freshman, they would have almost $72,000 in college savings; and that would all have accrued with the interest tax free. $72,000 is a pretty good chunk of change to save for college and is something that I think most Americans would like to have when their son or daughter gets that important acceptance letter to go to the school of their choice.

So it would expand the ability to save, and it would allow that savings to accrue at a higher rate so that it is more reasonable by the time that somebody finishes high school and gets ready to go to college from an expanded $500 per year per child to $2,000 a year per child.

Now, the second thing that this bill will do on Thursday that we are considering and probably the most controversial aspect of it is that it would allow these education savings accounts to be used not just for college tuition but for tuition and fees and expenses associated with education for kindergartners through 12th-graders. That is a big change, but it is also I think an important change.

The reality is that most parents contribute to their child's education around the edges, whether it is tutoring or summer school or buying books for the classroom or participating in the fund-raiser to buy new equipment for the playground.

Encouraging that kind of savings and investment in schools and giving people a tax break for doing that is a good thing, and we should expand that ability to save and invest in public education from kindergarten through 12th grade.

I see one of my colleagues, the gentleman from Missouri (Mr. HULSHOF), has joined me here and is one of the principal supporters and sponsors of this piece of legislation, and I yield some time to him since he has worked so hard on it.

Mr. HULSHOF. Mr. Speaker, I appreciate my friend from New Mexico yielding and especially for taking the initiative to really focus on what I believe should be a national dialogue, and that is the education of our kids.

I am not embarrassed to admit that I am a 5-month-old parent. And, of course, as a new parent, one's attention begins to focus maybe on different priorities. I know in our household we have, and we have begun to think about the education of our daughter Casey Elizabeth.

Here in Washington, as my friend knows, too often I think we begin to focus on or define our Nation's educational success by how many dollars that we put toward public education. If that were the yardstick, then I think the Republicans here in the House deserve great credit. Since 1995, public funding education has been increased by 27 percent over those several years.

But that is not how I think we should define educational success. To me, it is much simpler than that; that success is defined by how much our children learn. And, of course, I think key in that is trying to get parents to become more involved in the education of their kids.

Now, as my colleague knows, as a mother, we cannot pass a law in this body that mandates parents' attendance at PTA meetings. Some wish maybe we could force that mandate on families, but that is not the role of the Government. But I think there are things that we can do. And as my friend has talked about, the bill that we have on the floor on Thursday this week, H.R. 7, I think is a key component. It is not the answer to all of our educational problems; but I think as far as parental control, we do provide some incentives, yes, through the Tax Code.

Our idea of this bill is very simple. We think that the Federal tax should be eliminated if they are saving for education. As my colleague was pointing out just a few minutes ago, current law that this President signed into law, this education savings account, says that up to $500 a year can be contributed by a family member into an account.

□ 1945

But as you also very ably pointed out that even if, let us say, over the course of the lifetime of your child, from the moment they were born every year until they go to college, the money they would have saved for college is about $15,000 and that is assuming compound interest at about 7½ percent. So I think first and foremost, we have to sort of take that limit off to really encourage parents to be saving even more for the education of their kids.

To me, the perfect bill that the President should sign into law would be, number one, an elimination of the marriage penalty tax; and since most of that is about $1,400 more per couple, then that family with children can plug that money into an expanded education savings account. As you pointed out, the point is saving for higher education is important.

And yes, perhaps the controversy in this bill as we are probably going to hear in less measured tones as we debate this bill in the next couple of days is, we think that elementary and secondary education expenses should qualify. If your first grader is having a tough time reading, why not use the proceeds of an education savings account to maybe purchase Hooked on Phonics to help bring your child up to the reading level that he or she should be in a particular grade. If you are having trouble with math, maybe a home computer or a computer program that might help a child learn math better, or maybe a foreign language. It could even be expenses like car pooling or transportation expenses. The beauty of an expanded savings account is, it is not the government saying how money should be spent. It is the parents. I think what a powerful ally that a parent can be working with a teacher in addressing the special needs of that particular child.

Mrs. WILSON. I was just sitting here thinking about the tremendous opportunities and possibilities that this brings for more parents who are trying to work with a teacher, whether that teacher is in public school or private school or parochial school or wherever, to meet the individual needs of that child. It is not unusual for a teacher to say, well, we think this is what your child needs and he is not a special ed kid but there are some additional materials or some additional help that might be available and to be able to use tax-free money to do that so that you are reinforcing what the teacher and the school are trying to do with your child so that they can learn and achieve, whether that is kids who are gifted or kids who are having a little bit of trouble or even if your school does not have a foreign language program and your child is particularly interested in it, or there is not music available at the elementary school level and you can bring music into the schools, whether it is parents getting together to do it or a parent doing that individually alongside the school and wrapping educational experiences around a child.

All of us have looked at, what are we going to do this summer. What besides Little League or AYSO soccer or swim lessons are we going to do this summer. There are tremendous opportunities for summer school for kids, whether your child needs some extra help or whether it is that enrichment opportunity that you have really just been working for and saving for. If parents are willing to work and save for that opportunity, we should not be penalizing them by taxing them before they do so.

So this change that we are looking at Thursday is going to do a couple of things: Will go from $500 to $2,000 for the amount you can save per child per year. Will expand it, not just college expenses but kindergarten through 12th grade as well. Expenses so that if it is tuition or fees or materials or supplies or computers, whether they are in a public school, private school, home school, it does not matter. It would be kindergarten on up.

The other interesting change, I think this is an important one when we talk about investing in education beyond what the government does at State, Federal and local levels, is that it will allow corporations to contribute to education savings accounts. The current law says that parents or family members can put money in a child's name in an education savings account. But this bill will expand that and say that if your employer wants to make an annual contribution to the education savings accounts for the children of its employees, it would be allowed.

You can very easily see where that will become a potential corporate benefit that employees will look for, just as they look for health benefits and other kinds of things when they decide who they are going to be working for. I think that that provision could encourage corporations to really make those contributions, and that is particularly important for families that may not be able to save that full $2,000 a year, but their employer is going to help to make up the difference.

Mr. HULSHOF. If the gentlewoman will yield on that point, not just businesses and corporations but not-for-profits would also be allowed under this expanded savings account to provide a contribution as you have suggested, perhaps for that low-income child. It could be a church who might establish on behalf of a parishioner an expanded education savings account to really provide an incentive for that child to continue to go on.

One of the arguments that I hear and probably that we will hear more over the course of the debate on this bill is that allowing, and again we are talking about the interest buildup or the earnings, first of all these are after-tax dollars going into an education savings account and then the power of compound interest being used to create additional earnings, we are talking about allowing those earnings to accumulate tax-free if used for a qualified education expense.

Now, one of the arguments against elementary and secondary education expenses is that only the affluent, or we are taking money away from public education. I think as my friend from New Mexico has the chart right next to her, it speaks volumes. The reductions that we would see in Federal education spending would be zero. No money would be diverted away from public education.

In fact, the official scorekeeper that we work under, the Congressional Budget Office along with the Committee on Joint Taxation, says that we will have additional resources committed to the education of our kids coming from the private sector, that is, coming from families that we do not see now. In fact, they tell us some of these numbers. Fourteen million families would benefit from this expanded savings account, and about 11 million of those families have kids going to public school. So, in other words, we are committing even additional resources from the private sector, from the families for education expenses at the elementary and secondary education level.

The other point I would make, current law restricts education savings accounts to be used just for public college, obviously a worthy goal, higher education, but that means education savings accounts are useless in addressing problems that are being experienced in elementary school or in high school. And so while you may try to get to college, it might be that if we could have parents working with teachers as allies in the lower grades, then children will be more prepared to enter college. So I think it is a little bit of a myth as far as the argument on the other side that somehow we are taking money out of the Federal education system. Just the contrary. We are committing more private funds, that is, private savings funds committed to the education of our kids, both primarily in public education and yes, perhaps private education or even home schooling. The idea is simple. We do not think any child should be discriminated against based on where he or she chooses to attend school.

Mrs. WILSON. This issue of, well, would it be draining resources from the public schools in some ways. There are some people who disagree with this, but we have for many years in this country used the Tax Code to encourage people to do things, to encourage people to make choices, to encourage people to save for their retirement, to encourage people to invest and buy a home.

What we are doing in this bill with the Tax Code is encouraging them to invest in the education of their children. While some people disagree with using our Tax Code that way, I have to say that I think it is a noble goal. The folks who work at the Joint Committee on Taxation have estimated that this kind of a program based on what is happening in other similar kinds of tax changes would result in $12 billion of investment in our schools that is not there now. $12 billion nationwide, 70 percent of which would go to kids who are in public school to wrap those additional things around them that maybe the public school just could not directly afford but parents working together with teachers might be able to do. I think that that is a noble goal.

There is one other change in the bill that I think is worth discussing a little bit. Right now, many States have prepaid tuition accounts for State colleges. New Mexico has that kind of a system where you can decide to save pretax and prepay your tuition if you are sending your child to UNM or New Mexico State. There are probably 20 or so States that have similar things set up under State law.

Under the current Federal law, you are not allowed to take advantage of the education savings account if in the same year you are taking advantage of the prepaid tuition account that your State may offer. In other words, you cannot do both for the same child in the same year.

The piece of legislation that we will be voting on on Thursday eliminates that restriction. So if in New Mexico I have a child that I am determined is going to be a Lobo when he is 18 years old and go to the University of New Mexico, I can make a prepaid tuition contribution but I could also be saving money in the education savings account in that same year. It allows parents who are committed to making those contributions up-front and making those savings up-front to do both under Federal law for one and under the State tax law for the other.

Mr. HULSHOF. In addition, and that is so critically important, what a popular idea that is in place in your State and in other States as far as prepaid State tuition plans, to be used again as a tool focusing on higher education.

Here are a couple of other perhaps noncontroversial measures in H.R. 7 that I think deserve some mention in addition to the prepaid tuition plans, ending that taxation on both public and private plans. We also help those that are saddled with heavy student loans. How many of us in this body perhaps have used student loans to invest in ourselves in education to maybe go on to higher education or to postgraduate studies. What we do to try to give some relief to those under that heavy burden of student loans is that we continue, we expand the student deduction, the loan interest deduction under current law, we expand that, allow more time for that deduction to be made possible.

In addition, there is a lot of discussion about school construction. Interestingly as we debated this bill in our committee, in the Committee on Ways and Means last week, we had a representative from the U.S. Treasury, obviously from the administration, and I pointed out in a document that was printed in 1996 that the statement of the administration was they believed the construction of schools is a local initiative. Yet I guess over the course of the last couple of years, we have suddenly changed or at least the White House has changed into thinking that suddenly school construction and modernization should be a Federal initiative. Without getting into the merits of whether it is a State, and I happen to think it is a State and local initiative, in fact in my home county, Boone County, Missouri in the Ninth Congressional District on the April ballot, we will be going to the polls to decide a bond issue as it appropriately should be done at the local level.

But what we also do is provide in this bill relief from some of the complicated rules called bond arbitrage rules that both States and localities use when they make that decision, when they go to the local voters and decide whether to renovate or to build or modernize their school structures, we provide some relief for them. That is also in this bill. Finally, we encourage the private sector to donate computers to schools. And so we have that provision in H.R. 7, as well. Probably not as controversial as some of the other things we have discussed.

As a final point, and I see we have got one of our other classmates here, then I will yield to the two of you. You mentioned the policy, and I want to talk about the policy, about using the Tax Code for certain incentives. Let me tell you why I think that it is just good policy generally to encourage savings. Right now, and for those, Mr. Speaker, that may be wrestling with their 1040 forms and maybe have C-SPAN on in the background, if you look at your 1040 form on line 8A and line 8B, you plug into, as far as part of your taxable income, your adjusted gross income, any interest you may have earned, whether on a certificate of deposit, whether it is on a savings account, the old traditional savings account or any dividends you receive, you have to add that obviously to your taxable income according to current law and Uncle Sam wants his share.

□ 2000

There is no wonder that we are the lowest savings Nation among industrialized countries. We have already precedent in existing law. We encourage people to put aside money after tax dollars for their retirement, with the Roth IRA, a very popular idea. That is, one puts aside one's after-tax dollars, it accumulates interest or earnings, and then it is not taxed when used for retirement.

We had a provision that we sent to the President called the SAFE Act that would shield about the first $500 of interest or dividend income again, to help the small or moderate investor, not the Wall Street types that make a living at investment, but really trying to help middle-class families.

Along that line, this education savings account, I think, falls right in that good tax policy, and that is trying to provide this incentive to encourage people, especially families, to plug away more money, whether it is putting nickels and dimes or a monthly set-aside from their paycheck into an education savings account for their child or children. Again, what could be more of a worthy exercise than to invest in your own children's future, not rely upon the Federal Government?

Again, I commend the gentlewoman for bringing this issue to the attention of the full House. I look forward to the debate. I hope we can have the debate on policy; and I hope the rhetoric does not get too harsh or hot, although that may be asking for a lot; but nonetheless, I urge, Mr. Speaker, my colleagues to support H.R. 7 when it gets to the floor. I thank my friend for yielding me time this evening.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from Missouri for his leadership on the Committee on Ways and Means, the tax committee that deals with these bills. I also congratulate him on being a new father. I know that that brings a real focus to his commitment to a great education for all kids in this country.

Now we are joined here tonight by one of my other colleagues, the gentleman from Pennsylvania, and I would be happy to yield him some time to talk about this issue.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentlewoman from New Mexico, and I congratulate her on her efforts tonight to talk about this issue. I have been listening to both the gentlewoman and the gentleman from Missouri discuss this issue and my first thought is, how could anybody be against this. Why would anybody oppose this? The gentlewoman has talked about all of the new changes, expanding the limits, the usability, and tying it into the State prepaid programs that are already out there. All of that makes sense.

But I think we ought to talk a little bit about why the President and the Vice President are opposed to this legislation and why they have vetoed this legislation twice. It just seems incredible to me that anyone could be opposed to this legislation.

The interesting part, I find, is that when it comes down to the parents and the families who have accumulated this money to prepare for their children's future, someone in government wants to tell them what they can purchase and what they cannot purchase. It just seems so incredible.

I am a product of public education; my children and grandchildren are going to public education, I think as the vast majority of Americans do. But it seems so farsighted to think that if parents would choose on how to spend the money they have saved, their families have put together, would be some threat to public education. But we know, because twice the President and the Vice President have vetoed this legislation because of that fear.

I would use the example of maybe a young lady or a young gentleman that is in high school preparing to go to a certain college, and they find out they need to strengthen their English and so they want to take honors English, and maybe nobody in their family is really good in English so they go down the street and hire a tutor so that they can get into the college, get into the program they want. I am constantly talking to parents who are dismayed because their kids have good grades, but some weakness that prevented them from getting the courses at the competitive university that they wanted to go to, and why they could not use a little bit of their savings account to hire a tutor down the street who might not have been in the public school system, might have been a university professor down the street who would be glad to assist. It just seems incredible to me that anyone would fear people saving their money to be able to use it for how they want to educate their child in some small way, other than the public system.

Mr. Speaker, I know that when we debate this bill in a day or two, that will be the big issue, that this bill will be destructive to public education. Nothing could be further from the truth, because as parents plan and families save, sacred to education is family involvement. And if we have families involved, putting a little away for their grandchildren, their nieces and nephews, or an employer who is very futuristic and says I would like to help with your children's education, I mean these are all the sorts of things, helping Americans to be self-sufficient.

Middle-class America can only get loans. If you have a decent income, you only get loans; you do not get grants, and college education is becoming more and more expensive. Young people and families are indebted for years. I have staff people who have been out of school for a long time and still have big education loans, paying on them monthly, because they made the effort to get a good education, grants were not available, they had to borrow all of the money, did not come from a family with cash, did not have the money in the bank. This will enable a lot more Americans to participate in the higher education system. It also will help them in the elementary years if they need some extra help, or if they need to go to a special school to strengthen art or strengthen music so that they can get into the famous program at some university that they want to get into. It will help them.

To take away the options of parents like the President and Vice President want to do, in my view, is the basic argument. This whole thought concept is getting people to save for their future and the future of their children. I just find it incredible that anyone would think that we should then control how parents spend that money. Yes, they should spend it for educational efforts, but whether they would hire a private tutor or whether they would go to a private school for a short period of time or in the summertime take some summer classes and not be able to use money out of their educational savings accounts if they did not have the cash available just seems incredible to me. I will never understand the fear of giving Americans a choice once they have had the foresight to save for their children's education.

Mrs. WILSON. Mr. Speaker, I thank the gentleman, and I appreciate his comments here tonight.

We are talking about education savings accounts and a bill that is going to be on the floor this Thursday. It is called H.R. 7, and it would expand current law which allows education savings accounts only for college expenses and only allows a 500 per-ear, per-child contribution. The bill we are going to consider on Thursday has already passed the Senate; a very similar bill has passed the Senate. It passed the first week of March, so now this is our opportunity in the House to do the right thing with respect to allowing families to save for education.

I would like to talk a little bit about some of the myths and some of the attacks that this legislation has been subjected to. I think we are probably going to hear more of it over the next couple of days here in the House. But the thing that bothers me about it is that it is like throwing chaff, it is just trying to throw any argument out there, even if it is not valid at all, just to try to block the legislation, when really a lot of it just is not true. I want to talk about it a little bit.

One of the major attacks on this piece of legislation is that it is just another tax break for the rich. I think that that sentence is etched in marble somewhere around Washington. Whatever we want to do, it is just another tax break for the rich. The reality is that one cannot even qualify for an education savings account if one's family income, it starts to phase out at $150,000 a year. So this is for that section of folks who are middle-income Americans, the ones who do not qualify for the grants, the ones who are looking at huge college loans or incredible expenditures, particularly when one gets more than one kid in college at the same time, who want to plan for that in advance.

So the Joint Committee on Taxation looked at this and their estimates are that 70 percent of the people who benefit from this have a family income of less than $75,000 a year. This is about saving for middle-class kids. It does not affect the wealthy kids at all, really.

The other interesting thing about that analysis is that three-quarters of the kids are going to be going to public school. It is about giving families the incentive to save and wrap things around kids that the public schools may not offer.

It is science fair season in New Mexico. I do not know how that is in Pennsylvania, but it is a really big deal in New Mexico. My son is in kindergarten in a public school in Albuquerque, and he is doing his first science fair project. It is not that big a deal in kindergarten, but for some of these kids who are in middle school and high school, some of these science fair projects are both a huge commitment of their time, but also a fair commitment in resources too. Would it not be nice to be able to use tax-free dollars that one had been saving for those kinds of expenses, or when one's kid gets to be in middle school and high school and joins the band and really gets committed to music and wants to take private lessons in addition to playing in the band or the orchestra. It seems to me that if one is willing to support that, one should have the option to use tax-free money to do that in an education savings account.

So that is one myth, that it is for the rich. It is not. The rich do not even qualify, and 70 percent of the folks who are going to benefit from this make less than $75,000 a year, hardly rich in America.

The second myth is that we are going to deplete money from the public schools, that this will all be taken away in some way for the public schools. That is just absolutely flat out not true. Frankly, I got involved in public life because of a commitment to public education and a belief that we have to improve public education and make sure that all of our kids are benefiting from public education.

The idea that doing something like this would take away from the public schools really bothers me. I find that myth to be personally offensive, particularly given that we just passed a budget last week that will increase, yet again, the Federal commitment to education. Mr. Speaker, almost 10 percent this year in increased funds to education. Now, that is more than our State government has been able to do for the last several years, and we will continue our commitment to funding schools. But we should also do things that encourage corporations and nonprofits and parents to save and invest in public education too. That is, I think, good public policy.

The quote here that I have up next to me is from United States Senator BOB TORRICELLI, who is one of the principal sponsors in the Senate. He makes it very clear: this is using private money. It is using a family's own resources. By our estimation, after 5 years, $12 billion in private money will be used to educate children kindergarten to 12.

This cannot be a bad thing. Yet, critics argue it is a diversion of money from public schools. Not one dime of money that is now going to a public school goes anywhere else but to that same school on that same basis. This is new money, private money, a net increase of $12 billion in education. That has to be a positive thing and it does not take a dime away from the school in your neighborhood.

Mr. PETERSON of Pennsylvania. Mr. Speaker, if the gentlewoman would yield, if my math is still good, 75 percent of $12 billion would be those who oppose this legislation for the reasons we have talked about, their fear, are saying no to $9 billion that would flow into the public educational system from private families, not government money, but private money would say no to that because they could not be guaranteed every dime of it.

Mr. Speaker, I had a father yesterday just really upset because his son was unable to attend a Pennsylvania college that he and all of his family had graduated from. He had very high grades, but he was weak in art and music. And if he would have known that, he would have had him tutored, but he had taken all the art and music that was available to him. But for some reason, he, being unaware of that, was unable to enter the program at the school of his choice. His grades were just under 4.0, so it was not the total, it was the lack of some special needs. Here is a situation where they could have used some of the money they had put away for their children's future to prepare him so that he could enter the field.

I do not think that is uncommon. I hear a lot of parents talking about how their children are doing wonderfully, but there is something missing in their local school program to allow them to be prepared for some very competitive national programs where they may only take 30 a year from across the country, and to enter that select rank, they have to have all of the credentials that that university requires. In those situations, they talk about again taxing the rich. The middle class, many of them are so dedicated about preparing their children for their future and really sacrificing.

□ 2015

I have had friends who really were poor for a decade, and yet they had a good income because they had two and three children in college at the same time. By the time they wrote those tuition checks year after year after year, they were driving a much older car than they used to, they were going without any new furniture, they were taking smaller and shorter vacations, but their priorities were to educate their youngsters. They can call them rich because they have a good income, but by the time they pay three college tuitions, they are poor when it comes to spending dollars for other things.

So I guess I still go back to the turning away of $9 billion of investment in public education because $3 billion might go to private education. That seems to me to be very shortsighted and just not having one's eyes on the ball and not looking at this in the big picture. Because we all know that public education, probably in our lifetime, will continue to provide the education for most of our youngsters.

Mrs. WILSON. I thank the gentleman for his comments.

There are some other myths I think we are going to hear some more about. There is one that the gentleman started to touch on. That is the issue of, well, this will just mean that money is going to private schools and it is going to go to parochial schools, and not only is this wrong as a matter of public policy, but it might be unconstitutional. That is also, I think, kind of a red herring. This passes all of the constitutional tests because the benefit accrues to the family and the child. They decide what to use that money for.

I find it amusing that we could say that the current law, which allows education savings accounts to be used in saving, and a child can go to Notre Dame, but it would be unconstitutional to use that same money to send that child to St. Pious High School, which is a Catholic high school in my district. It is fully constitutional and complies with all of the constitutional mandates for use of public funds.

This is not about vouchers, though some people are going to argue that, as well. If we are allowed to take money after we have paid taxes on it and put it in an account so it can accrue interest without paying taxes on that interest, that is our money. We use that money. The only thing that is different about it is that they are not going to take the taxes on it if we say we are going to use that money to invest in our child's education.

That is the only thing that is going on here. This is not about taking public money and funding private or parochial schools. So I think that that is an important myth that we are going to need to deal with over the next couple of days.

I think there is another myth, too. It is really kind of the one that is not spoken. We might as well just come right out and say it.

There are folks who believe that there is a desire to fund these kinds of things and not public schools: that what this really is about is about changing the debate and changing the flow of funds and abandoning public education.

Nothing could be further from the truth. I think this Congress over the last 4 or 5 years has reaffirmed its commitment to great education in this country and great public schools in this country, because every one of us in this room, no matter what party we belong to, benefited from public education, for the most part. There are some folks here on both sides of the aisle who went to Catholic schools, but we all know that America would not be the great Nation it is today without a strong public school system. We have known that in this country, that democracy cannot thrive without a great system of public schools.

The biggest chunk of Federal funding for education here goes into special ed, the IDEA funds. I think it is important to talk about a few facts here on the commitment to education.

The brown bar here is what the President has requested since 1996. In every single year, Congress has appropriated more funds for special education than has been requested in the President's budget. We will do that again this year. In the budget resolution we passed last week, we will increase special education funding this year by $2.2 billion, and $20 billion over the next 5 years. We are committed to a great system of education.

But that also means doing things with the Tax Code to encourage others to be equally committed, whether they are corporations or whether they are parents trying to plan for the future of their children.

The final myth is that what this really is about is encouraging folks to leave the public schools; that this will somehow make it possible for a kid who is in third grade in Albuquerque to go to St. Mary's, rather than to the local public school. That may happen on the margins, but frankly, it is really probably not enough to make that happen in a large sense. If that is what works for that kid, I am not sure that that bothers me at all.

We are not going to see, no matter what we do, a huge exodus from the public schools. The reason is that parents want a great school in their neighborhood. They want to be able to have their kid walk to a school that is safe, that will educate them for the 21st century. They do not want to abandon the public school system any more than we do in this body. But what they do want to do is be able to spend some money on their child's education without being penalized for it under the Tax Code.

Mr. PETERSON of Pennsylvania. Mr. Speaker, if the gentlewoman will yield, she mentioned the IDEA funding, special education funding. I think Congress has really stepped up to the plate there.

When this legislation was passed, special education is a mandate that every child receives the same kind of education, the sâme quality of education. Some people with serious problems are a lot more expensive to educate than those who do not have those difficulties.

Yet, just back in 1996, if I look at this correctly, we were only paying 3.5 percent of special education costs. If my memory is correct, the legislation that was passed by this Congress before that some years said we would pay 40 percent of the costs of special education. We were at 3.5, and I think we are up to, looking at that chart it is a little hard to tell, it is over 6. So we have almost doubled the Federal commitment.

These are dollars that follow the student and go to all of our schools. That is not true of all Federal money. Much of the Federal education dollar is not spread equally across this country. Some large urban districts do pretty well. There are a few suburban districts which do pretty well. I have lots of districts that get 1 percent of their funding. Yet, we say we are funding 6.8 percent of education.

So the biggest frustration I have had with Federal programs is the complexity. To reach them, you have to have consultants or you have to have specialists on your staff. My rural school districts often do not have an assistant superintendent, let alone a grantsman. They do not have educational consultants nearby, because it is rural. So many of my districts have no idea how to apply to the hundreds of Federal programs that are available, and do not have the expertise to do that.

I will find an occasional anomaly where you will have a school superintendent who worked in a suburban district who was very good at getting Federal money and he brought that expertise to the school with him, but that is the rarity. That is not common.

With the IDEA, when we fund that instead of another Federal program such as construction of schools, which would have only gone to a few schools in this country, the average school never would have seen it, which would have complicated the process, which would have made building of schools more costly, we need to free up those Federal education dollars and get them into the classroom, and get away from all the bureaucratic mumbo-jumbo that is there.

But back to the issue that we were talking about, the education savings accounts, again, it is our chance to give people a chance to prepare for their children's education and have some money set aside that can grow tax-free. They have paid the tax on it first, but it can grow tax-free. Then they can choose to use it when they feel it is necessary and they cannot afford it out of their general income.

Under the President's and the Vice President's plans, we might have someone who is a senior. The parents do not have the money for a special needed program so their daughter or son could go to a certain school of their choice, and they would miss that opportunity, because it would be somehow wrong for them to choose to pay for that program that would prepare them for their college education.

Again, as I said when I had listened to the earlier discussion, as the gentlewoman began this evening, how anybody could really oppose this bill, how anybody could be fearful that this is going to crush public education or harm public education when it has the potential of contributing $9 billion to public education is just not being honest.

I think when we have this debate on Thursday, I hope that people will be honest, because if they are honest they will not be making those kinds of statements. Allowing parents to save their money and let it grow and then spend it on their child for educational purposes that they think is appropriate is exactly how America should function. To oppose this legislation, I think they are saying, parents, you do not know how to spend your money that you have saved for your children, and just because we did not charge you taxes on the increase in value, you cannot spend it where you think it ought to be spent.

That is taking control from our families and putting it in Washington bureaucracy, in a Washington educational establishment that in my view is afraid of something that they should not be afraid of at all.

Mrs. WILSON. I thank the gentleman from Pennsylvania. I thank him for joining us here tonight.

Just to sum up before the hour ends here, we have been talking about the education savings accounts. We are going to be having a bill on the floor of the House on Thursday about education savings accounts. They exist under current law, but they are limited to only $500 a year per child. They can only be used for college expenses.

We would like to make some changes to that. The Senate has already passed a bill, and we are going to work on it and hopefully pass it here on the floor of the House on Thursday, that would do a couple of things. It would allow you to save not $500 a year per child but to put $2,000 per year per child into that account and allow it to grow, allow the interest to accrue without paying taxes on that interest.

We are going to try to extend it from college expenses down to kindergarten through 12th grade and college expenses, so it can cover tuition or tutoring or supplies or computers or books, whether that is for a child in public school or private school or parochial school or home school.

The estimates are that 70 percent of the kids who are going to benefit from that at the elementary and secondary level are going to be in public school, and that parents will use those funds to wrap things around a child that they may not be getting, or they may be having trouble with in public school.

The third change that the law is going to try to make on Thursday is to let corporations or nonprofits contribute to education savings accounts set up for low-income kids. One of the criticisms is that there is really no advantage to this if you are low-income or low enough income that you are not paying taxes.

Of course, those generally are the kids who qualify for the grants to go to college in the first place. It is middle-income families that are really strapped when it comes to paying for education expenses.

The other thing that the change will do is for those States and for those families who are making pre-paid college tuition payments who have set up an account to go to State school, as many States already have, they would be able to contribute to their educational savings account for that child, also. They would not have to choose either one or the other. That change will be in the law that we hope to pass on Thursday.

They still will not be able to qualify for this if they are rich. They will still have to save and pay interest on the savings if they are making over $150,000 a year as a family. But this is really targeted towards middle-class Americans, to the kids who are wondering when they are in high school how they are ever going to pay for college, and to the parents who are despairing about the same thing. Those are the families that need the help and the encouragement through the Tax Code to invest in education.

I started out talking this evening almost an hour ago now about our commitment to public education and our commitment to our kids in the 21st century. What was good enough for us and what was good enough for our parents and for our grandparents is not going to be good enough for our kids. We need to redouble our efforts and redouble our commitment to education for our children.

Ten years from now, I hope that we are standing here able to celebrate the reality that 95 percent of our kids are graduating from high school and three-quarters of them are going on to college or technical school or into the military.

We are not there yet, but we cannot afford to leave any child behind. No child must be left behind. We have to narrow the gap between rich and poor and black and white and brown, because in America, we will not have a 21st century that is an American century, just as much as the 20th was, unless we do.

□ 2030

I want to thank my colleagues for joining me here this evening.

THE NEED FOR MEDICARE PRESCRIPTION DRUG BENEFITS AND OTHER VITAL ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening, I would like to talk for a little bit about the issue of a Medicare prescription drug benefit, because I believe that it is imperative that this Congress, this House of Representatives in particular, pass a prescription drug benefit that is affordable and that every American, every senior citizen, everyone that is eligible for Medicare, would be able to take advantage of.

Mr. Speaker, so far we hear the Republican leadership talking about the need for a prescription drug benefit in the context of Medicare, but yet we have seen no action. No action in committee, no action on the floor in either House.

President Clinton has rightly pointed out that the government must subsidize drug coverage for all Medicare beneficiaries, not just for those who have modest incomes or use large amounts of medicine. Some of my Republican colleagues want to give Federal grants to the States to help low-income elderly people buy prescription drugs. But my point tonight is that that approach is unacceptable, because more than half of the Medicare beneficiaries who lack prescription drug coverage have incomes more than 50 percent above the official poverty line.

Another Republican proposal that I hear from some of my colleagues would give tax breaks to elderly people so they can buy private insurance covering prescription drugs. But again this proposal would benefit the wealthiest seniors without providing any help to low- and middle-income seniors.

The point I am trying to make, Mr. Speaker, and President Clinton has made it over and over again, and Democrats on our side of the aisle will continue to make the point, that we need to provide prescription drug coverage for all seniors and we need to end the drug price discrimination which so many of our seniors are witness to and suffer from.

Just by way of background, Mr. Speaker, some information or some factual background about why this prescription drug benefit is necessary. Fifteen million Medicare beneficiaries right now have no prescription drug coverage, requiring them to pay their outpatient prescription drug costs entirely themselves. Millions of other seniors are at risk of losing coverage or have inadequate, expensive coverage. Indeed, the Consumers Union has found that seniors currently receiving prescription drug coverage through private Medigap policies are not getting a good deal.

Specifically, in 1998, Consumers Union analysis found that a typical 75-year-old is paying an additional premium of $1,850 per year for a prescription drug benefit that is capped at $1,250 a year. Hence, the typical 75-year-old is paying in premiums more than the value of the prescription drug coverage.

There are so many problems with the so-called coverage that we have out there in terms of its being inadequate and consumers having to pay too much, as well as a large amount of seniors that have no coverage at all. The problem of seniors paying prescription drug costs out of pocket has become particularly acute because the costs of prescription drugs continue to soar. The cost of prescription drugs rose by 14 percent in 1997 compared to 5 percent for health services overall.

The pinch on seniors is especially hard because people buying prescription drugs on their own, such as the seniors who have no or inadequate insurance coverage, usually have to pay the highest prices for them and they are unable to wield as much leverage as health plans and insurance companies that often can negotiate discounts. They do not have that opportunity to negotiate the discounts.

Seniors are the portion of the population that is the most dependent on prescription drugs. Whereas seniors are only 12 percent of the total population, they use more than one-third of the prescription drugs used in the U.S. every year. When Medicare was created back in 1965, prescription drugs did not play a significant role in the Nation's health care; and that is why it was not included in the time when Medicare was started. However, due to the great advances in pharmaceuticals in the past 34 years, prescription drugs now play a central role in the typical senior's health care.

As President Clinton has pointed out, if we were creating Medicare today, no one would ever consider not having a prescription drug benefit. Drugs that are now routinely prescribed for seniors to regulate blood pressure, lower cholesterol, ward off osteoporosis, these kinds of drugs had not been invented when Medicare began as a Federal program in 1965. Today, the typical American age 65 or older uses 18 prescription drugs a year.

Mr. Speaker, the bottom line that I am trying to get across, and that so many of my colleagues on the Democratic side have been trying to get across, is essentially that too many seniors find themselves unable to pay for their prescription drugs. The Democrats want to address this crisis and we want to enact a prescription drug plan this year to help all seniors afford the overwhelming cost of medication.

Now, I do not insist, and Democrats in general have not insisted, on any particular plan as long as it covers everyone and it is affordable. But because of the fact that the Republican leadership has so far refused to take any action on the prescription drug issue in the context of Medicare, we have been forced to essentially move to a procedure in the House called the discharge petition. If a bill is not released from committee or does not come to the floor, the Members of the House of Representatives have the option of signing a discharge petition at the desk here to my right that would essentially force the bill to come to the floor for a vote.

So, because of the Republican inaction on the prescription drugs issue in the context of Medicare, we have been trying to get as many Democrats, as well as Republicans, as possible to sign a discharge petition on two bills that would address the problem in a comprehensive way.

Mr. Speaker, I want to spend a little time talking about those two bills, because I think they may not be the only answer, but they are certainly a good answer to the problem that so many seniors face in terms of their inability to afford or have access to prescription drugs.

The first bill is sponsored by the gentleman from California (Mr. STARK) and the gentleman from California (Mr. WAXMAN), H.R. 1495. It would add an outpatient prescription drug benefit to Medicare; basically provide for the benefit. The bill covers 80 percent of routine drug expenditures and 100 percent of pharmaceutical expenditures for chronically ill beneficiaries who incur drug costs of more than $3,000 a year.

This legislation would create a new outpatient prescription drug benefit under Medicare Part B. The benefit has two parts: A basic benefit that would fully cover the drug needs of most beneficiaries; and, as I mentioned, a stop-loss benefit that will provide much-needed additional coverage to the beneficiaries who have the highest drug costs.

After beneficiaries meet a separate drug deductible of $200, coverage is generally provided at levels similar to regular Part B benefits with the beneficiary paying not more than 20 percent of the program's established price for a particular product. The basic benefit would provide coverage up to $1,700 annually. Medicare would provide stop-loss coverage; Medicare would pay 100 percent of the costs once annual out-of-pocket expenditures exceed $3,000. Seniors with drug costs in excess of the basic benefit but below the stop-loss trigger would be allowed to self pay for additional medications at the private entity's discount price.

As I said, there are two aspects of this that the Democrats as a party have tried to address. One is the need for a basic prescription drug benefit, and the other issue relates to the price discrimination that seniors face right now if they are not part of a plan, in which case they have to pay a lot more for the coverage because they cannot negotiate a good price for prescription drugs.

In the second bill that we have been seeking to discharge to the House floor, and various Democrats have signed the discharge petition for, this bill is the bill sponsored by the gentleman from Maine (Mr. ALLEN) and the gentleman from Texas (Mr. TURNER), H.R. 664, that calls for drug companies to end price discrimination and make their products available to seniors at the same low prices that companies give the Federal Government and other favored customers.

If I could just talk about this bill in a little more detail. It is called the Prescription Drug Fairness for Seniors Act. Basically, it was put together by the gentleman from Maine (Mr. ALLEN) and the gentleman from Texas (Mr. TURNER) because of various studies that were done by the Committee on Government Reform and that Democrats have looked into in order to suggest an answer to the problems that seniors have with price discrimination.

There have been studies in congressional districts across the country that have shown that drug manufacturers engage in widespread price discrimination. Seniors and others who buy their own prescription drugs are forced to pay twice as much for their drugs as are the drug manufacturers' most favored customers such as the Federal government and, of course, the large HMOs.

For some prescription drugs, seniors must pay 10 times more than these favored customers. This price discrimination has a devastating effect on older Americans. Although they have the greatest need and the least ability to pay, senior citizens without prescription drug coverage must pay far more for prescription drugs than the favored buyers and, as a result of these high prices, many senior citizens are forced to choose between buying food and paying for medication they need.

I do not have to mention, Mr. Speaker, there are so many cases like this in my district and throughout the country where seniors are forced to make this decision and choose between the drugs and the medication and buying food.

The Prescription Drug Fairness for Seniors Act will protect senior citizens from drug price discrimination and make prescription drugs available to Medicare beneficiaries at substantially reduced prices. The legislation achieves these goals by allowing pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low prices available to the Federal Government and other favored customers. The legislation has been estimated to reduce prescription drug prices for seniors by more than 40 percent.

Again, if I could summarize what the Allen-Turner bill would do, it would allow pharmacies to purchase prescription drugs for Medicare beneficiaries at low prices. Pharmacies will be able to purchase prescription drugs for Medicare beneficiaries at the same prices available to the Federal Government and these other favored HMOs. It also uses a streamlined, market-based approach. It would allow pharmacies to use the existing pharmaceutical distribution system and will not establish a new Federal bureaucracy. And the new access to discounts by pharmacies will enhance economic competition.

Mr. Speaker, I am not saying, and I want to stress again, I am not saying that these two bills, the Stark-Waxman bill or the Allen-Turner bill, the subject of the Democrats' discharge petitions, are the only approach. But I believe that something has to be done soon along the lines of the approach that these two bills take, and that is a comprehensive benefit for every senior under Medicare and a way to achieve affordable prices.

The problem of the lack of an affordable prescription drug benefit is really the biggest problem facing the Medicare program today. As I mentioned before, Medicare is a good program but this is a huge gap that must be filled in the program. And I do not think it can be corrected piecemeal by simply devising a plan that covers the poorest seniors as some of my Republican colleagues have suggested. It should be a comprehensive and affordable drug benefit available to all seniors, regardless of income.

It is not clear to me whether the Republican leadership is prepared to move away from this idea of covering only one-third of Medicare beneficiaries who lack any prescription drug coverage at all. The Speaker has appointed a partisan task force to study the issue, and I hope this is not a mere diversionary tactic to stall any action to move legislation forward and to end price discrimination.

Hopefully, this task force will report soon and we will see some action that will come into committee and eventually be marked up and come to the floor. I just want to stress that when it comes to an examination of who has taken the lead in trying to fix this problem, the record is very clear. The Republicans have done very little on this issue. Democrats, on the other hand, have been on the House floor day after day since the 106th Congress began pushing for consideration of legislative solutions such as those that have been offered by the gentleman from Maine (Mr. ALLEN) and the gentleman from California (Mr. STARK), as I mentioned.

The key is that both the Stark and the Allen plans would increase the negotiating power of those seeking to provide a Medicare drug benefit allowing pharmaceuticals to be purchased at cheaper prices and passing the savings on to all interested seniors. The President, we also know, has a comprehensive plan. His plan would also provide pharmaceuticals to seniors who need them at discounted prices. I want to stress that I also support his plan, and his plan also will accomplish the goal of covering all seniors and affordability.

On the other hand, I do not know of any Republican proposals or expressions of support for confronting the issue of pharmaceutical price discrimination. And we cannot, we cannot address this problem without dealing with that price discrimination issue.

Before closing with regard to the prescription drug issue, because I do want to move on to a couple of other subjects, I just want to express my view that it is also important to bring in the pharmaceutical companies in our efforts to pass a Medicare prescription drug benefit. I thought that it was very encouraging earlier this year when the drug companies dropped their initial opposition to a benefit and specifically to the President's proposal. That was refreshing.

In my home State of New Jersey, of course, there are a lot of pharmaceutical companies; and I was contacted by some of the New Jersey pharmaceutical executives who expressed their willingness to sit down and help come up with a plan.

□ 2045

I think that the reason that they did that is because they realize we need action. They realize that seniors are suffering, and they realize that it is possible to put together, hopefully in a bipartisan way, a Medicare prescription drug benefit that will cover all seniors and that will be affordable.

I would simply urge my colleagues and the Republican leadership that are in charge of the House of Representatives to act quickly on this. Until they do, I and other Democrats will come to the House floor on a regular basis demanding action, because seniors need it. This is a major issue for them. They are suffering, and they need to have our attention focused on this issue before the Congress adjourns this year.

LESSONS FOR UNITED STATES DIPLOMACY: INDIA RESPONDS TO CLINTON MESSAGE, BUT NOT PAKISTAN

Mr. PALLONE. Mr. Speaker, I wanted to spend some additional time this evening, if I could, on two other international issues. I just returned last week with the President from an official state visit to India as well as Bangladesh. I thought that the trip and the visit by the President was very worthwhile. There is no question in my mind that it was a historic visit that managed to bring the United States and India closer together. This was the first visit by an American President to India and to the subcontinent in more than 2 decades.

I wanted to just, if I could, in the little bit of time tonight, assess what was accomplished and also make my analysis of how much work still needs to be done.

The key outcome of the President's trip is the message, I think, that should be sent to our administration, our State Department, about which South Asian nation can be relied upon to be an effective partner for the United States in the years to come. That Nation, of course, is India. Then, on the other hand, which South Asian nation stands in direct opposition to America's interests and values. I do not think there is any question, based on that trip, that the Nation in that category is Pakistan.

President Clinton went to South Asia with an agenda of promoting peace, stability, regional integration, democracy, trade, market reforms, and the settlement of disputes through negotiations. Well, India's elected leaders clearly embraced President Clinton's agenda. Pakistan's military dictatorship, on the other hand, clearly ignored it.

Mr. Speaker, I hope this lesson is not lost on the policy makers in our State Department and the National Security Council. During the Cold War, military and intelligence links were established between the United States and Pakistan. But we live in a changed world now. Unfortunately, there are many who are still set in the old ways, both here in Washington as well as in Pakistan. I hope what we have witnessed in the past week with the President's trip to the subcontinent will be taken seriously by our policy makers and that we will see significant changes in U.S.-South Asia policies.

I participated in the President's visit to India, but also to his visit to Bangladesh. I want to report that that trip to Bangladesh was also valuable and productive.

In addition to the goodwill that we generated between India and the United States and Bangladesh and the United States, there were some substantive accomplishments on initiatives that will improve the quality of life for the people of South Asia and create new opportunities for American businesses in this important and emerging region of the world.

One of the President's top priorities in making the trip to South Asia was to call for a peaceful solution to the Kashmir conflict that has divided India and Pakistan for decades. India's elected leaders have long made it clear that they seek the same thing.

Well, last Monday, not yesterday, but the previous Monday, Mr. Speaker, on his first full day in India's capital of New Delhi, President Clinton and India's Prime Minister Vajpayee signed a vision statement outlining the direction of the partnership of the world's two largest democracies in the 21st century.

In their joint appearance, Prime Minister Vajpayee stated that India remains committed to resolving its differences with its neighbors through peaceful bilateral dialogue and in an atmosphere free from the thought of force and violence.

The prime minister stressed the need for neighboring countries to respect each other's sovereignty and territorial integrity and to base their relationship on agreements solemnly entered into.

Unfortunately, Mr. Speaker, President Clinton did not hear the same message during his brief visit to the Pakistani capital of Islamabad. President Clinton stressed to General Musharraf, the military leader who seized power in Pakistan in a coup last October, that there could be no military solution in Kashmir by incursions across the line of control, the de facto border between India and Pakistani-controlled territory in Kashmir.

Our President called for restraint, respect for the line of control, and rejection of violence and return to dialogue.

In a speech to the Pakistani people, broadcast on national television and radio, President Clinton stated, "We want to be a force for peace. But we cannot force peace. We cannot impose it. We cannot and will not mediate or resolve the dispute in Kashmir. Only you and India can do that, through dialogue."

Now, in marked contrast, Mr. Speaker, to India's elected prime minister, Pakistan's military dictator did not echo the call for a peaceful resolution of the Kashmir conflict. Instead, despite overwhelming evidence to the contrary, the general fell back on the old claim that Pakistan had nothing to do with sending forces across the line of control last year. As a matter of fact, in a recent interview with the Washington Post prior to President Clinton's visit to India, General Musharraf himself admitted the Pakistani government's involvement in last year's attack against India's side of the line of control.

Mr. Speaker, in yesterday's New York Times, yesterday being Monday, the 27th of March, an editorial stated, and I quote, "In his six-hour stop in Islamabad on Saturday, including a 90-minute meeting with General Musharraf and an unflinching television address to the Pakistani people, Mr. Clinton delivered the right messages, but he did not get a helpful response. Indeed, General Musharraf, in a surreal news conference following the visit, sounded as if he had not heard a word Mr. Clinton said."

That New York Times editorial, entitled "Perils in Presidential Peacemaking," cited the disappointing results of the meeting with General Musharraf and of the meeting in Geneva with Syrian President Assad. The meetings accomplished little, quoting from the Times, "because neither interlocutor was in the mood to do business. America may be the sole superpower today, but that does not guarantee cooperation from intransigent leaders like General Musharraf and Mr. Assad."

Mr. Speaker, one of the things that leaders like General Musharraf and President Assad have in common was they were not elected to their post and they do not face the institutions of accountability that we expect in a democratic society. Obviously, we have to deal with such authoritarian leaders around the world, and sometimes we can accomplish productive things with them. But the results are often frustrating. In light of India's willingness to enter into a process of dialogue with Pakistan, it is truly a shame that General Musharraf let this opportunity go by without making any effort at reconciliation.

One of the key challenges of President Clinton's visit was to make it clear to the Pakistani junta that his visit did not constitute American support for the coup that overthrew the civilian government. While maintaining respect for Pakistani sovereignty, the President stated that, "The answer to flawed democracy is not to end democracy, but to improve it."

But on the eve of President Clinton's visit, in what I would characterize as largely a public relations move, General Musharraf announced a timetable for local elections between December of this year and August 2001. But the General refused to provide a time frame for national elections. The bottom line is that the general appears intent on holding on to power for the foreseeable future.

This is a stark contrast, Mr. Speaker, between India and Pakistan. India again proved itself to be the thriving democracy with a free press and respect for what we Americans call first amendment rights. While President Clinton's visit was widely hailed throughout India, there were opponents of the U.S., and peaceful demonstrators were allowed to express their views.

During the President's speech to the Parliament, those of us who were part of the bipartisan delegation in New Delhi that accompanied President Clinton had an opportunity to interact with our counterparts in India's parliament. We sat on the floor with them just as we would in the House of Representatives here. How different was that from the closed door meetings with an unelected general that took place in Pakistan.

Two other huge areas of concern in the U.S.-Pakistani relationship are Pakistan's disturbing close relationship with terrorist organizations, many of which operate on Pakistani soil, and the proliferation of nuclear weapons technology with some of the world's most unstable and dangerous nations. Again, the response of General Musharraf was not encouraging.

Casting a shadow over President Clinton's trip was the tragic and shocking massacre of 36 innocent Sikh villagers in India's state of Jammu and Kashmir. This terrible incident took place while we were in India with the President. It was the first large-scale attack against the Sikh community in Jammu and Kashmir. But it is consistent with this ongoing terrorist campaign that has claimed the lives of thousands of peaceful civilians in Kashmir. This terrorist campaign has repeatedly and convincingly been linked to elements operating within Pakistan, often with the direct or indirect support of Pakistan.

Mr. Speaker, I believe it is no coincidence that this massacre in Kashmir took place during Clinton's visit to South Asia. I believe these terrorist groups and those who support them in Pakistan wanted an incident that would draw attention to the Kashmir issue while stepping up the campaign of fear intended to drive Hindus, and now Sikhs, out of Kashmir.

There have been also crude attempts to blame the massacre on India, which is an outright untruth, in an effort to try to turn the Sikh community against India. As always, these actions backfire in terms of their intended propaganda effect.

What is tragic, besides the loss of innocent lives, is the fact that Pakistan continues to squander resources on weapons and support for terrorism in Kashmir.

Estimates have put the average income in Pakistan at about a dollar a day. Democracy has been squelched. President Clinton tried to approach the Pakistani leadership with a message of friendship, but with serious expectations about what steps Pakistan must take to be a full-fledged member of the community of nations. But that message, President Clinton's message, was ignored or rejected by the Pakistani dictatorship.

Lastly on this subject, Mr. Speaker, I wanted to say, in India and Bangladesh, President Clinton outlined a number of programs for increased trade and investment in the United States, as well as ways to increase cooperation among the nations of the region in the energy sector and other areas.

Some day, it is to be hoped that Pakistan will be able to be a part of this new-found cooperation with the United States and with its neighboring countries. But this cannot happen under the terms Pakistan has set for itself. I regret that the current government in Pakistan did nothing to encourage the hope for progress, but it was certainly not for the lack of trying by both the United States and India.

179TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. PALLONE. Mr. Speaker, lastly today, if I could just spend a few minutes, I noticed that, earlier this evening, a number of my colleagues on both sides of the aisle made statements on the floor addressing the 179th anniversary of Greek independence. I wanted tonight, before I conclude, to just congratulate the people of Greece and, of course, Americans of Greek descent, on this 179th anniversary, which occurred over the weekend, last Saturday, March 25.

I think we all know that, throughout our country's history, Greece has been one of our greatest allies, joining the U.S. in defending and promoting democracy in the direst of circumstances.

The Greek people have also made invaluable contributions to the betterment of American's society. Following traditions established by their descendants, Greek-Americans have reached the highest levels of achievement in education, business, the arts, politics, and athletics, to name just a few; and American culture has been enriched as a result.

But I wanted to take the opportunity this evening on the anniversary of Greek independence today to discuss an issue that is of great concern to Greece and to Greek Americans, and that is the proposed $4 billion of attack helicopters to Turkey by the United States and the current negotiations and the Cyprus issue.

Let me just say in unambiguous terms that the U.S. should not go forward with the sale of attack helicopters to Turkey for a variety of reasons. Chief among them are the continued human rights abuses by the Turkish military against the Kurdish people in Turkey and the potential to undermine the recent thaw in relations that has occurred between Turkey and Greece.

Human rights abuses by the Turkish military against the Kurdish minority in Turkey have been well documented, not only by human rights organizations, but by the U.S. State Department as well. These abuses are systematic and in and of themselves are reason enough not to go forward with the sale of U.S. attack helicopters to Ankara.

In 1998, the administration outlined the progress in human rights Turkey would need to make in order for such a sale to go through. Those conditions have certainly not been met, Mr. Speaker. To ignore this fact would be to violate our country's own deeply held beliefs about human rights. This, however, is hardly the only reason why the sale should not go forward.

Moving forward with the sale would undermine our long-standing policy to help ease tensions in the region between Greece and Turkey. The U.S. credibility with Greece will surely suffer if we urge them to take steps to reduce tensions with Turkey at the same time we sell Ankara attack helicopters. Such a sale could hardly come at a worse time. There had been a thaw in relations between Greece and Turkey sparked by the humanitarian gestures each country made to the other following earthquakes that rocked both nations last year. The helicopter sale could well be seen by Greece as a destabilizing step and upset the fragile progress that has been made in this regard.

□ 2100

Similarly, the proposed sale could have an equally harmful effect on the new round of peace negotiations in Cyprus. With these talks recently underway, it would be particularly foolish to sell Turkey high-tech offensive U.S. weapon systems.

The United States' long-standing policy has been that any settlement of the Cyprus problem be consistent with innumerous U.N. resolutions that have been passed on the Cyprus situation over the last two and a half decades. As my colleagues know, that is also the position of the Cyprus government. In other words, the U.S. position on Cyprus is consistent with that of Cyprus and Greece themselves. Moving forward with the helicopter sale would undercut the U.S.'s long-standing position on this issue and it simply should not happen.

The United States, Mr. Speaker, should be doing exactly the opposite of what the administration is proposing. Rather than cozying up to the Turkish military through the sale of attack helicopters, the U.S. should be publicly and privately coming down hard on Ankara and the Turkish military. In unequivocal language, and through both private and public mediums, the U.S. should communicate to Turkey, and particularly to the Turkish military, that there will be immediate and severe consequences in U.S.-Turkish relations if progress is not made on the Cyprus issue.

I do not have to repeat, but I will say that the illegal occupation of Cyprus is now almost 26 years old. Those of us who have worked on this issue in the House of Representatives must take advantage of every opportunity to reaffirm our commitment to bringing freedom and independence back to the Cypriot people. Indeed, reaffirming our commitment to standing firm with the Greek people, just as they have stood with us throughout our history, is a very appropriate thing to do on Greek

Independence Day. Indeed, this is precisely why I wanted to talk about the issues I have raised today.

I can think of no better occasion to speak against the proposal to sell American attack helicopters to Turkey than on Greek Independence Day, a day when we should be honoring Greece for its commitment to our shared values and celebrating ways to strengthen the ties between our two countries, not weaken them. To that end, Mr. Speaker, I once again congratulate Greek Americans and the people of Greece on the 179th anniversary of Greek independence.

I urge all my colleagues to do the same and to join me in opposing the sale of attack helicopters to Turkey, in working for a just resolution to the Cyprus problem, and in working to strengthen the special bond that the United States and Greece have shared for so long.

IMPORTANT ISSUE FACING HOUSE-SENATE CONFERENCE ON HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, tonight I am going to talk about a very important issue before the House-Senate conference committee on HMO reform. I think it is important for the members of the conference to understand the issue of medical necessity. It is probably one of the two or three most important issues that they will have to deal with.

I think it would be useful for those members to know about testimony that occurred before the Committee on Commerce on May 30, 1996. We have been working on this for many years now. On that day, a small nervous woman testified before the House Committee on Commerce. Her testimony was buried in the fourth panel at the end of a very long day about the abuses of managed health care. The reporters had gone, the television cameras had packed up, most of the original crowd had dispersed.

Mr. Speaker, she should have been the first witness that day, not one of the last. She told about the choices that managed care companies and self-insured plans are making every day when they determine "medical necessity." Her name was Linda Peno. She had been a claims reviewer for several HMOs. Here is her story.

"I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate that I could do what was asked, expected of me, I exemplified the good company employee. I saved a half a million dollars."

Now, Mr. Speaker, as she spoke, a hush came over the room. The representatives of the trade associations who were still there averted their eyes. The audience shifted uncomfortably in their seats, both gripped by and alarmed by her story. Her voice became husky, and I could see tears in her eyes. Her anguish over harming patients as a managed care reviewer had caused this woman to come forth and to bear her soul. She continued:

"Since that day, I have lived with this act and many others eating into my heart and soul. The primary ethical norm is do no harm. I did worse, I caused death. Instead of using a clumsy bloody weapon, I used the simplest, cleanest of tools: my words. This man died because I denied him a necessary operation to save his heart." She continued: "I felt little pain or remorse at the time. The man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for the moment. When any moral qualms arose, I was to remember, 'I am not denying care, I am only denying payment.'"

Well, by this time, Mr. Speaker, the trade association representatives were staring at the floor. The Congressmen who had spoken on behalf of the HMOs were distinctly uncomfortable. And the staff, several of whom subsequently became representatives of HMO trade associations, were thanking God that this witness came at the end of the day when all the press had left.

Linda Peno's testimony continued: "At the time, this helped me avoid any sense of responsibility for my decision. Now I am no longer willing to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for that man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused."

She then listed the many ways managed care plans deny care to patients, but she emphasized one particular issue, the right to decide what care is medically necessary. She said, "There is one last activity that I think deserves a special place on this list, and this is what I call the 'smart bomb of cost containment,' and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard, traditional, clinical process. It rarely is standardized across the field. The criteria is rarely available for prior review by the physicians or members of the plan." She continued: "We have enough experience from history to demonstrate the consequences of secretive unregulated systems that go awry."

Well, Mr. Speaker, after exposing her own transgressions, she closed by urging everyone in the room to examine their own conscience. "One can only wonder how much pain, suffering and death will we have before we have the courage to change our course. Personally, I have decided that even one death is too much for me."

The room was stone quiet. The chairman mumbled thank you. Linda Peno could have rationalized her decisions, as so many do "Well, I was just working within guidelines"; or "I was just following orders"; or "We just have to save resources"; or "Well, this isn't about treatment, it's really just about benefits." But this brave woman refused to continue that denial, and she will do penance for her sins for the rest of her life by exposing the dirty little secret of HMOs determining medical necessity.

My colleagues on the conference committee, please keep in mind the fact that no amount of procedural protection or schemes of external review can help patients if insurers are legislatively given broad powers to determine what standards will be used to make decisions about coverage. As this HMO reviewer so poignantly observed, "Insurers now make treatment decisions by determining what goods and services they will deliver, they will pay for."

The difference between clinical decisions about medically necessary care and decisions about insurance coverage are especially blurred. Because all but the wealthy rely on insurance, the power of insurers to determine coverage gives them the power to dictate professional standards of care. And make no mistake, along with the question of health plan liability, the determination of who should decide when health care is medically necessary is the key issue in patient protection legislation.

Now, Mr. Speaker, contrary to the claims of HMOs that this is some new concept, for over 200 years most private insurers and third-party payers have viewed as medically necessary those products or services provided in accordance with what is called prevailing standards of medical practice. And the courts have been sensitive to the fact that insurers have a conflict of interest because they stand to gain financially from denying care. So the courts have used "clinically derived professional standards of care" to reverse insurers' attempts to deviate from those standards.

This is why it is so important that managed care reform legislation include an independent appeals panel with no financial interest in the outcome, a fair review process utilizing clinical standards of care guaranties that the decision of the review board is made without regard to the financial interest of either the HMO or the doctor. On the other hand, if the review board has to use the health plan's definition of medical necessity, there is no such guaranty.

In response to the growing body of case law, and their own need to demonstrate profitability to shareholders, insurers are now writing contracts that threaten even this minimal level of consumer protection. They are writing contracts in which standards of medical necessity are not only separated from standards of good practice but are also essentially not subject to review.

Let me give my colleagues one example out of many of a health plan's definition of medically necessary services. "Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or supply provided as determined by us." Well, Mr. Speaker, contracts like this demonstrate that some health plans are manipulating the definition of medical necessity to deny appropriate patient care by arbitrarily linking it to saving money, not the patient's medical needs.

Now, on the surface some may say, well, what is wrong with the least expensive treatment? Well, let me show my colleagues just one example out of thousands I could cite. Before coming to Congress, I was a reconstructive surgeon. I treated children with cleft palates, like this baby. Clinical standards of care would determine that the best treatment is surgical correction. But under this HMO's definition of medical necessity, the shortest, least expensive and least intense level of treatment, that HMO could limit coverage for correction of this child's roof of his mouth to a piece of plastic to fill the hole.

□ 2115

After all, a piece of plastic would be cheaper. However, instead of condemning this child to a lifetime of using a messy prosthesis, the proper treatment, reconstruction using the child's own tissue, would give this child the best chance at normal speech and a normal life.

But now, Mr. Speaker, now the conference between the House bill, the Norwood-Dingell-Ganske bill, a good strong bill, and the Senate bill, which is a joke, could paradoxically give insurers legislative changes that displace even case law.

Last year, the patient protection legislation that passed the Senate would grant insurers the explicit power to define "medical necessity" without regard to current standards of medical practice. This would be accomplished by allowing insurers to classify as medically unnecessary any procedures not specifically found to be necessary by the insurer's own technical review panel.

The Senate bill would even give insurers the power to determine what evidence would be relevant in evaluating claims for coverage and would permit insurers to classify some coverage decisions as exempt from administrative review.

Now, I know that many of our colleagues in the Senate who supported that Senate bill had no idea about the implications of the "medical necessity" provisions in that bill.

Specifically, insurers now want to move away from clinical standards of care applied to particular patients to standard linking medical necessity to what are called population studies or to "guidelines" by companies like Milliman & Robertson.

Now, on the surface this may seem to be scientific and rational. However, as a former medical reviewer myself who worked with many insurers, large and small, let me explain why I think it is critical that we stick with "medical necessity" as defined by clinical standard of care and that we not bind the independent review panel to the plan's own guidelines.

In the version of patient protection that passed this House, if there is a dispute on a denial of coverage and it goes through internal review and then goes to external review and to that independent external review panel, unless there is a specific exclusion of coverage, that independent panel can use in its decision many things.

It can use medical literature, the patient's own history, recommendation of specialists, NIH statements. It can even use the plan's own guidelines. But, critically, it is not bound by the plan's own guidelines. That is the provision that we should have come out of conference.

Here are some reasons why we should not rely solely on what are called outcome studies or guidelines. First, sole reliance on broad standards from generalized evidence is not good medical practice. Second, there are practical limits to designing studies that can answer all clinical questions. And third, most of the studies are not of sufficient scientific quality to justify overruling clinical judgment.

Let me explain these points further. And for anyone who wants more depth on this discussion, I refer them to an article by Rosenbaum, et al., in the January 21, 1999, edition of the New England Journal of Medicine.

First, while it may sound counterintuitive, it is not good medicine to solely use outcomes-based studies or guidelines for "medical necessity," even when the science is rigorous. Why? Because the choice of the outcome is inherently value laden.

The medical reviewer for the HMO is likely, as shown by the above-mentioned contract, to consider cost the essential value. But I would ask my colleagues, what about quality?

Now, as a surgeon, I treated many patients with broken fingers simply by reducing the fracture, putting the bones back in the right place, and splinting the finger. And for most patients, that would restore adequate function. But what about the musician, what about the piano player or the guitar player who needs a better range of motion? In that case, surgery might be necessary. So I would ask, which outcome should be the basis for the decision about insurance coverage, playing the piano or routine functioning?

My point is this: taking care of patients involves much variation. Definitions of "medical necessity" have to be flexible enough to take into account the needs of each patient. One-size-fits-all outcomes make irrelevant the doctor's knowledge of the individual patient; and that is bad medicine, period.

Second, there are practical limitations on basing medical necessity on "generalized evidence" or on "guidelines," particularly as applied by HMOs.

Much of medicine is as a result of collective experience, and many basic medical treatments have not been studied rigorously. Furthermore, aside from a handful of procedures that are not explicitly covered, most care is not specifically defined in health plans because the numbers of procedures and the circumstances of their applications are infinite.

In addition, by their very nature, many controlled clinical trial study treatments are in isolation, whereas physicians need to know the benefits of one type of treatment over another in a particular patient.

Prospective randomized comparison studies, on the other hand, are expensive. Given the enormous number of procedures and individual circumstances, if coverage is limited to only those that have scientifically sound generalized outcomes, care could be denied for almost all conditions.

Mr. Speaker, come to think of it, maybe that is why HMOs are so keen to get away from prevailing standard of care.

Third, the validity of HMO guidelines and how they are used is open to question. Medical directors of HMOs were asked to rank the sources of information they used to make medical decisions. Industry guidelines, generated by trade associations, or printed by companies like Milliman & Robertson ranked ahead of information from national experts, government documents, NIH consensus conferences.

The most highly respected source, medical journals, was used in less than 60 percent of the time. Industry guidelines are frequently done, as I mentioned, by a company by the name of Milliman & Robertson. This company is a strategy shop for the HMO industry. This is the same firm that championed drive-through deliveries and outpatient mastectomies. Many times these practice guidelines are not grounded in science but are cookbook recipes derived by actuaries to reduce health care costs.

Here are two examples of the errors of their guidelines. Remember their drive-through deliveries? Remember their outpatient mastectomies? Well, the National Cancer Institute released in June a study that found that women receiving outpatient mastectomies face significantly higher risks of being rehospitalized and have a higher risk of surgery-related complications like infections or blood clots that could be life threatening.

A 1997 study published in the Journal of the American Medical Association showed that babies discharged within a day of birth faced increased risks of developing jaundice, dehydration, and dangerous infections. So much for those specific guidelines from Milliman & Robertson.

The objectivity of medical decision-making requires that the results of studies be open to peer review. Yet, much of the decision-making by HMOs is based on unpublished "proprietary" and unexamined methods and data. Such secrets and potentially biased guidelines simply cannot be called scientific.

Now, this is not to say that outcomes-based studies do not make up a part of how clinical standards of care are determined, because they do. But we are all familiar with the ephemeral nature of new "scientific," quotes, studies such as those based on the dangers of Alar.

There has recently been a report in one of the medical journals about discharging patients from a hospital within a day or two of having a heart attack. There was also an editorial in that medical journal expressing severe reservations about that and expressly saying that HMOs and managed care companies should not use this article out of context as an excuse to send heart attack patients home within a day or two of being in the hospital.

Clinical standards of care do take into account valid and replicable studies in the peer-reviewed literature, as well as the results of professional consensus conferences, practice guidelines based on government funded studies, and even guidelines prepared by insurers that have been determined to be free of conflict of interest.

These are all things that can be considered by that independent review panel in the House bill. But they are not bound by any one of them. But most importantly, they also include the patient's individual health and medical information and the clinical judgment of the treating physician.

Well, Mr. Speaker, Congress should pass legislation defining the standard of medical necessity. Because first, the Employee Retirement Income Security Act, ERISA, shields plans from the consequences of most decisions about medical necessity. Second, under ERISA, patients generally can only recover the value of the benefits denied. And third, even this limited remedy is being eroded by insurance contracts that give insurers the authority to make decisions about medical necessity based on questionable evidence.

To ensure those protections, Congress should provide patients with a speedy external review of all coverage disputes, not merely those that insurers decide are subject to review. It is time for Congress to defuse what former HMO reviewer Linda Peno described as the smart bomb of HMOs.

Now, Mr. Speaker, for years Milliman & Robertson, the company that has created the practice guidelines of HMOs, has operated sort of in the background. I think it is time, Mr. Speaker, to shine a spotlight on Milleman & Robertson's role in setting HMO standards that are the smart bombs that this HMO reviewer described as giving her authority to kill a man.

The operating practices of this company are just becoming public because of fact-finding in a lawsuit that has been filed by two pediatricians, two pediatric doctors, Tom Cleary and Bill Riley, who charged that the company falsely credited them as coauthors of a book on pediatric utilization review.

These pediatricians are filing suit not just because they did not write the sections that Milliman & Robertson credits to them, but to get the book off the market because they consider the length-of-stay criteria in the book to be dangerous.

Dr. Cleary said, "Milliman & Robertson limits hospital stays for serious diseases such as meningitis, that is infection of the covering of the brain and the spinal cord, and endocarditis, infection of the heart, to just 3 days, when it should be more than a week."

"I want Milliman & Robertson to get out of the business of writing pediatric guidelines," says Dr. Cleary. But the company is not budging. It has not recalled thousands of copies of those pediatric guidelines or agreed to stop publishing so-called guidelines.

□ 2130

Let me remind you what Milliman & Robertson is. That is the company that proposed one-day limits on delivery of babies. That caused such an outcry that Congress and 41 States passed laws overriding drive-through deliveries. Milliman & Robertson's guidelines are cited in class action HMO liability suits against Humana in Florida and Prudential in New York.

Why is it that Milliman & Robertson continues to write the type of rules that Linda Peno cried out against? Mr. Speaker, because they make so much money from the denial of care business. Milliman & Robertson's book Pediatric Health Status Improvement and Management, 1998, is part of a nine-volume set on utilization management. The company has sold more than 20,000 copies, charging $500 for each book, while at the same time selling consultant services to help HMOs implement those guidelines. Its list of customers includes Anthems, Incorporated; Signa Health Care; Kaiser Foundation Health Plan; and Pacific Care among many others. Although Milliman & Robertson says its length of stay limits are "best case scenarios," its own promotional material maintains that they apply to fully 80 percent of hospitalized patients younger than the age of 65.

Plus, a company official told the AMA Council on Scientific Affairs that 90 percent of admissions exceed guidelines. I ask you, how can a guideline described as a best case be exceeded 90 percent of the time? The suit brought by Drs. Cleary and Riley gives us a rare glimpse into how Milliman & Robertson creates its utilization review guidelines.

The company produced the pediatrics book with the paid help of Dr. Robert Yetman, who Milliman & Robertson officials found when he agreed with their assertion that lead screenings are unnecessary in Texas because few homes have lead paint. In his deposition, Dr. Yetman said that he did not ask for written authorization from 17 department colleagues listed as coauthors. Getting written authorization is customary in academic studies. But Dr. Cleary says he never orally agreed, either, to join the study and his only relation to it was to review one page of material for Dr. Yetman. Dr. Cleary said he first learned his name was being used as an author 10 months after publication, and he immediately asked Yetman to remove it. Dr. Yetman said the company refused until a new edition was printed. Well, this made Dr. Cleary furious. He was the only infectious disease subspecialist listed as an author for that volume on pediatric utilization management, and he felt that everyone would assume that he wrote the hospitalization limits for his subspecialty, such as endocarditis and meningitis, even though he never reviewed them.

Dr. Riley had similar concerns as the only pediatric endocrinologist listed. Dr. Riley says that the lengths of stay in his field are "so clearly outside any reasonable approach to the standard of care as to be wholly reckless." Dr. Riley says that he fears that Milliman & Robertson's length of stay goals, quote-unquote, are fast becoming standards of care, and I would add that this is exactly the problem with these HMO guidelines. They are not peer reviewed nor published in respected medical journals.

Dr. John Neff, the chair of the Hospital Care Committee of the American Academy of Pediatrics, calls guidelines such as Milliman & Robertson's "opinions." Dr. Neff points out that patients' conditions vary tremendously and that there are not enough reliable scientific studies on lengths of stay for specific conditions to form objective standards. Exactly what I was speaking about earlier in this talk.

I know that most physicians have no idea what is in this company's guidelines. They may even be cited as authors without their consent, as happened to Dr. Riley and Dr. Cleary. Here is a brief list of conditions with Milliman & Robertson's length of stay compared to commonly accepted standards for length of stay. For diabetic ketoacidosis, that is a child who goes into coma from diabetes. Milliman & Robertson says that child only needs to stay in the hospital 1 day. One day. Mr. Speaker, the standard would be 3 days. But Milliman & Robertson can save that HMO 2 days in the hospital.

How about osteomyelitis. That is an infection in the bone. Milliman & Robertson says this child can only stay in the hospital 2 days. Mr. Speaker, do you know what the standard of care is for a child with a serious bone infection? Four to 6 weeks in the hospital on IV antibiotics. But Milliman & Robertson says 2 days is enough.

Neonatal sepsis. That is a child who has an infection that is in the blood. Milliman & Robertson's guidelines say only need to keep that child in the hospital 3 days. The standard of care is 2 to 3 weeks. How would you feel if you were a parent with a child with these diseases? How about bacterial meningitis. That is a bacterial infection of the meninges. This is the covering of the brain, the covering of the spinal cord. According to the Milliman & Robertson standards, you only need to keep that child in the hospital for 3 days. Anything over that, that is excessive. What is the standard? Ten to 14 days. How about an infection in your heart, an infection in the heart of a baby? Milliman & Robertson says only need to keep that child in the hospital 3 days. What is the standard of care? One week.

Mr. Speaker, these "guidelines" are not just scary. In my opinion, they represent malpractice. I urge my colleagues to consider this information when they deal with medical necessity in conference. And, my friends, the next time you read a Milliman & Robertson study on HMOs supplied to you by the American Association of Health Plans, or the Health Insurance Association of America, just remember that this company is a flak for the industry and, has a significant financial tie to HMOs and health plans. Do you think they are going to say anything that critical of HMOs when their business depends on HMOs?

Mr. Speaker, the conferees on patient protection in the conference committee should adopt the language of the House bill. Any less on this medical necessity issue will not be worth the paper that it is printed on. I hope that my colleagues on the conference committee are listening, because the lives of a lot of people in this country are depending on how you write that section.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come before the House on the floor tonight to talk once again in regard to what I consider the most serious and devastating social issue facing not only the Congress but our entire Nation and that is the problem of illegal narcotics and the heavy toll they have taken on our Nation, particularly our young people.

Tonight, I am going to try to cover some material some may have covered before but I think in light of tomorrow's action on the proposal for an emergency supplemental in the House of Representatives, I will focus some on the story of how we got to an emergency situation, particularly as it involves narcotics and the primary source of those narcotics, Colombia, the country of Colombia, and the South American region where those illegal narcotics are coming from.

Then I hope to also touch upon some of my committee work for the benefit of my colleagues and the American people as chair of the Criminal Justice, Drug Policy and Human Resources Subcommittee. I know the hour is late. Many folks are tired. But I hope that they will listen tonight, because the message I have is an important one for the Congress and again for the American people. It will really detail some of what has taken place, how we got ourselves into a situation where tomorrow the House of Representatives must bring forward a record funding emergency proposal to deal with a problem that has been festering, and I submit caused by very specific actions and policies and directives of this administration and now the American taxpayer will pay the bill.

It would not be bad enough if I just came here and talked about a price tag of $1.5, $1.6, $2 billion in emergency assistance that is going to go into an effort to stop the conflict, the trafficking, the production of most of the illegal hard narcotics coming into the United States. Talking about just that cost is bad enough. I have not translated that into the human toll in which we have in the last recorded year, 1998, I do not have the 1999 figures yet, 15,973 Americans dying as the direct result of illegal narcotics.

The toll is heavy. We are probably reaching 100,000 since the beginning of this administration. And I submit our action tomorrow will be just as important in shoring up the defense of this Nation for the many deployments that have been ordered by the chief executive but also to stop the biggest threat coming into our country. No American was killed in Kosovo in fighting there. Fifteen to 16,000 were killed last year in the streets, communities and schools of our Nation. No one died in Kosovo as a result of action of this Congress.

We tried our best to deal with this administration to stop death and destruction in that region of the world. It is in some of our national interest to do it, and if that is in our national interest to do it as far away as Kosovo where we have no direct American casualties and we did have disruption of that region and killing in that region, certainly an area to the south of us that produces the death and destruction of thousands and thousands of Americans annually, and the toll continues to rise.

We have imprisoned close to 2 million Americans in our jails and prisons across the country, and 60 to 70 percent, I am told, in some areas I am told even higher, 80 percent of those individuals are incarcerated because of narcotics-related offenses and many of them there for many felonies committed and crimes committed not only while under the influence but also trafficking in illegal narcotics. So again we have an area that is of extreme importance, an issue that is of extreme importance and we must deal with that tomorrow.

□ 2145

The record, as I said, is a rather sad action of this administration. I will detail some of the time it has taken to get the supplemental from this President. I was interviewed on an NPR radio program this afternoon and they had, I believe, a Time or Newsweek reporter also on the program. They were citing that this administration did not act until the information they had, because a poll was conducted and found that Americans are alarmed. Maybe my colleagues have read about that poll that was conducted. That poll said that the Democrats could be held accountable in the election and that this administration would pay the penalty for not attacking and taking action on the drug war.

We finally had word that a proposal was coming back in the late fall last year and again, that was delayed; and finally, not until a few weeks ago did we receive the President's budget proposal for emergency assistance to Colombia. We will deal with that matter in just a second.

Mr. Speaker, it is absolutely startling to me how the President of the United States can talk about everything except illegal narcotics and their impact on our young people. Most recently we had two incidents, and those incidents involved, first of all, a 6-year-old that killed a 6-year-old and took a gun to school; and the focus immediately was on legislation to impose trigger locks and a host of other peripheral laws to deal with the question of gun control.

What the President failed to mention, and attention was not focused by the media on it, is this 6-year-old came from a crack house. The father was in jail. The gun was stolen. He lived in a pig sty. Now, this is the family setting that this child came from. We can put all the trigger locks in the world on, and we can pass all of the additional laws in other areas; but if we do not focus on the root of the problem, illegal narcotics, and I am certain that that is what destroyed that family. Illegal narcotics in that crack house sent that father, and drug dealing, sent that family into despair and disruption, and illegal narcotics provided a stolen weapon and access and a destroyed family for that child. Where is the thinking in the leadership of this Nation?

Then, most recently, we had a 12-year-old who brought a gun into school. This was in an elementary school in Lisbon, Ohio, I believe was the town, and the child, a 12-year-old, brings a gun into the school. He brought it in school and immediately it was broadcast across the country that this child had brought that gun there and we must immediately do something about, again, gun control.

Now granted, we may need to impose some additional laws and restrictions, but a simple look, even a simple examination of the situation, and let me read from the account: The boy said before that his biological mother was in jail and he wanted to visit her. Authorities did not release information on the mother's situation, but the Akron Beacon Journal said that the mother was in prison on a drug-related charge.

Where is the media? Where is the leadership of this country in ignoring the illegal narcotics problem? A 12-year-old taking his father's weapon into school, and it had been stored, according to this report, on a dresser top with a fully-engaged trigger lock. It was absolutely incredible to hear the Vice President of the United States commenting on this situation and then asking for more gun control.

Mr. Speaker, I have never in my life seen more diversionary tactics to get away from the root problem of 12-year-olds who have parents in jail, when they have their family disrupted, when the parent is in jail for drug trafficking, when there is no family structure to support them. When we have had a society that has become tolerant of illegal narcotics trafficking, we will have, no matter how many laws this Congress passes, these situations. I still cannot believe that the media will not focus on this, nor will the leadership of this Congress or this administration.

Mr. Speaker, I really want to also focus tonight on a tale of two cities. I have had the opportunity to spend time since I took over chairmanship of the Subcommittee on Criminal Justice and Drug Policy a little over a year and several months ago now to look at again some of the problems we hear about in the media, and focus on what different communities are doing to deal with that problem.

Once again, I was absolutely stunned by a recent article by a columnist, Judith Mann, and Judith Mann, who I believe is the columnist in the Washington Post. She did a column that absolutely caused me to come unglued last week attacking, in her liberal fashion, Mayor Rudy Guiliani, without a hint of facts, just dealing in fiction, to try to put forth liberal propaganda and unsubstantiated fiction about what Mayor Guiliani has done.

Last year, after taking over this subcommittee, I called Mayor Guiliani in to testify. There had been comments and questions about what he had done in New York City and we held an entire hearing on what was happening there. At the time we had two cases, very controversial cases. I think it was the Diallo case and another case of police brutality that got tremendous national and international attention. We also were interested in what Mayor Guiliani had done, because his community had been successful in curtailing on an unprecedented basis the murders in New York City since taking office, in stemming crime in that community, and in developing innovative programs.

The first part of Judith Mann's recent piece, which was entitled "The War on Drugs Can't Help Run Amok," which criticized New York City's mayor and the police force on their program. Again, I believe this is an affront to facts. It is manufactured fiction. In this article, in this little editorial piece, she had the audacity to try to say that murders were up in New York City under Mayor Guiliani. What she tried to do was take one comparison of 2 years, the last 2 years, and blow that into something that the mayor's program had not worked on.

In fact, this is the record of Mayor Guiliani as far as murders are concerned: just before he took office they were in the 2,000 range; right in the 2,000 range. He has brought murders down in New York City. In 1998 and 1999, between 629 and I think about 679 the last recorded year. She took the slight increase last year and tried to make it look like crime was out of control, like the police program that he instituted and zero tolerance program he instituted somehow failed.

Now, where is the liberal mentality when Mayor Guiliani has saved, since just from coming into office in 1993, somewhere on average of 1,000 lives, every one of these years; if we average this out, how many thousands of lives he has saved with his policy. People who live in New York City can now live and work in that community and have one of the lowest crime rates in the entire Nation. What the mayor did in New York City has had so dramatic an impact, they also impact even the national statistics. The gall of the liberal media is absolutely astounding.

The facts are, since Mayor Guiliani took office, and this is murder, listen to the rest of these in the seven major crime areas in New York City: crime overall is down 57.6 percent. I would match that among any community of any size in the Nation. Murder is down 58.3 percent. Judith Mann should get a life. Rape is down 31.4 percent. Robbery down 62.1 percent. Think of the thousands and thousands of New York City residents and tourists and other people who visit from around the country and around the world. Robbery down 62.1 percent. Felony assaults are down 35.4 percent. Burglaries are down 61.7 percent. These are the facts, Judith Mann, Miss Liberal. These are the facts the American people should be paying attention to, the people in New York State should be paying attention to. Grand larceny down is 41.9 percent. Grand larceny auto is down 68.8 percent. These are some of the most dramatic figures, and rather than applauding someone who has accomplished so much, we see the liberal diatribe on Mayor Guiliani and the police of New York.

What is absolutely astounding is if there is any reason for a slight increase in murders last year, I can tie it directly to actions of this administration in failing to provide surveillance, failing to provide equipment, stopping the flow of assistance to Colombia in a repeated fashion, and helping to close down one of the most successful programs we have had in Peru, which has slashed 66 percent of the cocaine production in just a few years, and now is being sabotaged by withdrawal of U.S. surveillance information to Peruvians and a lack of equipment getting to Colombia. Even equipment we requested several years ago and appropriated several years ago still has not been adequately delivered to that country to combat the flow of illegal narcotics.

I am surprised it is not up more in New York City. In my community it is up slightly, even in central Florida, as a result of, again, this administration letting down its guard in stopping illegal narcotics at their source or interdicting them before they come to our shores is certainly a Federal responsibility.

Here is a local responsibility taken on in an unbelievable fashion. I hope every American, every Member of Congress can look at this chart and see how the policy of Mayor Guiliani, not just in this program, but in other innovative programs, has dramatically curtailed murders, robberies, rapes, every type of crime that I mentioned and the numbers that I mentioned.

Mr. Speaker, I have to again just be amazed at the liberal media and the trash that they peddle to the American people. Again, Miss Mann talks about a policy that has run amok and the drug war cannot help but run amok. Now, the facts are for Miss Mann and other die-hard liberals. Let me read from the testimony of Mayor Guiliani and just see historically where Mayor Guiliani fits in in this question of police brutality and incidents involving force or, again, violence from police officers.

□ 2200

This is the testimony from our hearing when the mayor appeared last year after the Diallo case. This is Mr. Giuliani speaking:

"First of all, I do not think you have ever listened to my voice." How prophetic for him to say that, and he could say it again. "I have said over and over again, including that—" he was responding to a question—"that was a long question. You've got to give me a chance to answer it, if you are being fair." This was a question about police brutality at that time in the city.

Listen, again, to his testimony: "The fact is that I have over and over again said that police officers have to be respectful. We have taken action against police officers who have acted improperly. One of the cases that you mention, it was my administration that fired the police officer in question, even though he had been kept on by prior administrations. We have worked very, very hard to make this police department more respectful and more restrained. In your selective use of statistics," and they did it to him last year, and people like Ms. Mann and others are doing it to him now, "you leave out the fact that incidents such as the one you are talking about have occurred in New York City for the last 20 to 35 years." Again, with some 30,000 or 40,000 police officers historically, I just add that, those are not his words, you do have incidents of police misconduct.

Back to Mayor Giuliani's statement: "That police brutality and the issue of police brutality has not been an issue just exclusively of my administration, or while I have been mayor of New York City. You've got to start looking at, if you are interested in fairness rather than demagoguery, you have to look at the number of incidents. The number of incidents of police brutality, for example, are less in my administration," he is speaking about the Giuliani administration, "than in the administration of Ed Koch or David Dinkins."

Now, I am sure that Ms. Mann would not want to deal with the facts, and reveal to her reading public or the people out there that deserve the truth and the facts that the number of incidents of police brutality are less in the Giuliani administration than the Ed Koch or David Dinkins. She wants to say that Giuliani's war on drugs has failed.

"That is something you did not mention," again, I am quoting from the mayor, "1993 was the last year of David Dinkins' administration. I just happen to have these statistics with me." He brought the statistics, and under oath to the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the House of Representatives, this is the testimony and the facts he submitted and we checked.

"There were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administration than the last year, which was my administration." Why does she not print that, Ms. Mann and other diehard liberals?

"Where were they when there were 62 percent more shootings by police officers under David Dinkins' administration? In every year of my administration, something you left out of your statement, in every single year of my administration the police officers have grown more restrained in their use of firearms, even as we have added 10,000 police officers and given them automatic weapons."

He increased by 10,000 the number of police officers, gave them automatic weapons, and the record is one of less incidents, more constraint. Again, these are the facts that liberal reporters do not want to deal with, or those inclined to bad-mouthing the mayor's efforts and those who support zero tolerance in these types of programs. These are the exact numbers.

"In 1993, there were 212 incidents involving police officers in intentional shootings. In 1994," the mayor's first year, "there were 167." He testified, I believe, in early 1999. "In 1998, it was down to 111, just about half the incidents from the Dinkins' administration. These are incidents involving police officers and intentional shootings.

Members will not read this in Ms. Mann's liberal column or any of the other liberal trash that is pumped out by the other side. They will be telling us, well, we have to introduce more gun laws, we have to introduce more laws in the Congress, we have to put trigger locks on for kids, and this will solve the problem.

We do not hear that with even a zero tolerance policy, that they were able to have less than half the number of incidents. Let me again continue with what Mayor Giuliani testified and the liberals will not listen to, or the media will not report.

"In 1993, David Dinkins' last year in office, there were 7.4 shooting incidents per officer." That is 62 percent less per capita with Giuliani. We have to take it on a per capita basis. Also, we have to remember, again, Rudy Giuliani increased the police by some 10,000, probably a 20 percent increase in police officers in that city.

"Yes, we do have difficulties. Yes, we do have lots of things that we have to work on. Yes, I have spoken about it a hundred times or a thousand times. I was at a police graduation last week. I said to the 800 police officers that what we expect of them is restraint, almost an inhuman ability to be restrained when they have to be."

Can Members imagine the incidents, can Members imagine the pressure on police officers in New York City, one of the most densely populated, probably the most difficult area to govern, not only in the United States but the entire world? Here is a record, and I take great offense at the trash the media pumps out, particularly Ms. Mann, who knows that Mr. Giuliani and everyone who supports a zero tolerance in a tough enforcement policy that we know works beyond a reasonable doubt.

The mayor not only had a zero tolerance policy that was successful and resulted in fewer murders, but let me just cite, and again this is part of the testimony that he submitted in February of 1999 to our subcommittee, facts that were submitted.

"In New York City in 1991, 1992, and 1993 when crime was at historic heights, narcotics arrests were at a 10-year low. In 1993, the city made just 65,043 narcotics arrests. Last year, with the city dramatically safer, that number had risen to 124,000, a 91 percent increase in arrests."

Some people are confused by this statistical correlation. This is information that was given to me by the DEA former administrator Tom Constantine. It is an interesting chart because it shows narcotics arrests and the crime index comparison in New York City.

In 1993, the figures I spoke to, 64,000, or 65,000, this is the number, I believe, and let us make sure we have this, all other commands and the narcotics division. The narcotics arrests here again are low. As Mayor Giuliani takes office and he gets up to this point that we talked about, we see the index of crime, and this is where the crimes were 432,000 crimes, almost 433,000 crimes, start to drop.

If that does not show us a correlation, that as we increase narcotics arrests, the crime goes down, I am a monkey's uncle. It is absolutely unbelievable, again, that people do not look at what has been achieved by the most outstanding mayor this Nation has seen in this decade of death and destruction with illegal narcotics, and use this as a model.

Drug confiscations increased 166 percent between 1993 and 1998, rising from 11,470 pounds to 30,510 pounds. Surprise, Mr. Speaker. We seize illegal narcotics, we seize hard drugs, and the crimes go down. It is not a magic formula, it is a simple formula. It is just beyond me how the liberals can twist and turn. They will tell us that the war on drugs is a failure. That is their next line.

I tell the Members that the war on drugs was closed down by the Clinton administration in January of 1993, when they came into office. How can we fight a war on drugs when we first of all do not target the source or cut out the source programs, to stop drug production at their source?

It does not take a rocket scientist to figure out where narcotics are coming from. Seventy-five percent of the cocaine and heroin, back in 1993 there was almost zero cocaine grown in Colombia, almost zero poppies which produce heroin in Colombia, and today it is up over the 70 percent range grown in Colombia. Again, it does not take a rocket scientist, it is coming out of Colombia.

So where would we target? We would spend a few dollars in international programs to target Colombia.

Let me take this chart first, which deals with, and again, we know where the drugs are coming from. It is not rocket science. That is why we are going to be here talking about Colombia, because the drugs are produced in Colombia.

This is the record of the Clinton administration. They came in in 1992–1993 here, and we have to remember, we still had a Democrat-controlled Congress in this period. We did not take over until somewhere in 1995. In 1995, we have to get or we are already with the budget passed by a previous Congress.

Look what they did. This chart is Federal drug spending for international programs. That is stopping drugs at their source, and the entire program is like $633 million back in 1999, $660 in 1992 under President Bush.

Tomorrow we are going to be talking about two and three times that for just the mistake they made in closing down these programs in Colombia. They closed them down. They closed down the international programs, the most cost-effective. We were spending the smallest amount of money. Every time we get away from the field where that peasant is getting a couple of pesos or less than a few dollars for the coca, for the poppy, for the raw material or even processed material down there, they stop the programs.

I have to bring this chart up. I wish I had an overlay. I need to get an overlay, because this chart shows, again under the Reagan administration, developing a war against drugs. They did a real war against drugs. They put resources in the source country, they started the Andean strategy. The Vice President's task force occurred. They went after drugs at their source, and they put some dollars behind the effort to eradicate crops there.

Do Members see what took place? Every year, and this is the long-term trend in lifetime prevalence of drug use. This is so important, because this is the measure of long-term drug involvement with our population.

We see this during the Bush administration, and we see a takeoff like a rocket with Clinton, here. If Members look back here, they will see the takeoff is a result of stopping the international programs. We have a flood, a supply.

I asked the question to somebody today, do you have an HDTV? They said, no. Most Americans do not have an HDTV. Why? Because there is not a supply and the price is high.

□ 2215

This is, again, simple economics. We have flooding into this country an unprecedented amount of cocaine, which is only grown three places in the world: Bolivia, Peru, Colombia. Only three places, and it cannot transfer to that many other areas. There are a few other Andean locations. In the bill tomorrow at the insistence of the Speaker of the House, who had that responsibility who started the successful programs in Peru and Bolivia, where we have had 55 to 66 percent reduction when we had a program in effect, until the administration also messed that program up in the last year or so, we had dramatic decreases of cocaine flowing into this country. This is an incredible record.

But what should also be looked at is the interdiction. Stop drugs at their source and then stop them before they get to our borders. Is that or is that not a Federal responsibility? We see here again gutting of the figures for interdiction. Taking the military out. They have great offense to begin with for anything military in this administration, except to deploy them around when there is a lot deployment to demand it for some reason or another distraction.

But we see here an incredible pattern of slicing the spending. This is the slowdown. This is the sabotaging. This is the destruction of the war on drugs. Again, we take this, invert it and see what has happened to our young people. Look back at this chart and we can see what this Republican Congress has done with this light blip downward in some of the programs that we have instituted, again, in Peru and Bolivia that have been so successful.

I said I would tell the "tale of two cities." We had heard the tale of New York City and we received the facts about New York City. I have talked quite a bit about the contrast in Baltimore and the liberal mayor that, thank God, they got rid of who is a disgrace to Baltimore, and what he did to Baltimore driving Baltimore into despair with his liberal policy. We saw the figures I showed for New York City with dramatic decreases. This is the liberal Judith Mann policy that drugs are okay, and this is a health problem. Do not pay any attention to it. The police are going to be brutal and it is going to be horrible, even though the actual facts show to the contrary.

Mr. Speaker, these are the facts. These are the dead in Baltimore, 312, 1998. In 1999, it is also 310. 308 range. This is a record of a liberal policy in which they went for needle exchange. They went for all of these liberal programs. I heard the new police chief say they did not participate in the high-intensity drug trafficking area on a basis in which they had entered into an agreement on. So they basically had let up enforcement, adopted a liberal policy and the slaughter in Baltimore has been horrible.

We heard from the new mayor, and thank God there is a new mayor, a new mayor that recognized that the liberal policy, and he testified to it, was a failure. That the lack of enforcement, he showed a playground with bullet holes in the door a few months before he took office and they have already started enforcement and starting to clean up 10 drug markets. Hopefully, they will even clean up additional open air markets. But this is the policy.

The testimony is absolutely astounding on the liberal policy of what it created for this city. It created a population of addiction almost unparalleled in the history of the United States. The statistics we have are from 40,000 back here with this chart in 1996 to somewhere between 60 and 80,000 drug addicts today in Baltimore, Maryland. One of the most historic, beautiful cities. It decimated the population of that city. Who wants to live in Baltimore?

A judge, Judge Noelle, testified before our subcommittee in Baltimore that in fact his best success in rehabilitating individuals that he got into court and were involved in drugs was to get them out of Baltimore, because there is no hope there.

Who would invest? What individual, what businessperson would invest in Baltimore when we have murders and mayhem and disruption? The same thing is true in South America in Colombia. The peasants will never have jobs or opportunities and the right wing and the left wing will be killing each other down there. We have in Colombia, from that region, 20 percent of the oil supply that we have in the United States. We have 15,900-plus Americans who died from the drugs.

If we just took 75 percent of the illegal narcotics which we can trace to the fields in Colombia, we, in fact, know that those drugs are coming from there, we could attribute 75 percent of the deaths in my community, 75 percent of the deaths in Baltimore, and 75 percent of the deaths to the failed policy of this administration, which to this day still cannot get the equipment that this Congress asked for several years ago to Colombia.

This is an article, it would almost be a joke, "The Delay of Copters Hobbles Colombia in Stopping Drugs." We acknowledge the drugs are coming from Colombia. It is not rocket science. We have the DEA Signature program which can identify the fields where the heroin is coming from. No heroin produced there in 1993; now coming in in droves.

What do we need to stop it? Helicopters that can get in there and do eradication and assist both the national police and the military, which President Pastrana has radically reformed in going after the people who are financing the disruption of that Nation on both the right and the left by drug trafficking.

Back in 1998, the helicopters that we requested and appropriated before still were not delivered. And it is almost farcical to announce to the Congress that after we did get a handful of these Blackhawk helicopters that can do the job, they were not provided with armor so they were not usable until just a few days ago. The ammunition was delivered to the back-door loading gate of the State Department during the holidays rather than to Colombia.

Then we requested let us get our surplus material to Colombia if we are going to have a war on drugs, and the administration reacted by getting some of the equipment there and only a fraction of the equipment. Some back to 1998 still was not delivered. I held numerous behind-closed-door meetings so as not to embarrass the administration asking when is the stuff going to be there? This almost became a joke last December, Colombia turns down dilapidated U.S. trucks. They sent trucks that were being used in the Yukon Territory, not suitable to Colombia.

So that is why we are here. That is why we are here tonight. That is why the Committee on Rules is meeting to develop a rule to bring forth a bill to be discussed on the floor of this House tomorrow about Colombia. That is the inheritance that this administration has provided this Congress, the American people. And it would not be so bad if they just learned by some of their mistakes. This is not only the gang that cannot shoot straight; this is the gang that could mess up a one-car funeral.

We asked, in order again to fight a real war on drugs, one has to have intelligence. We stop drugs where they are grown, so we have to have overflights and surveillance information. Why does some reporter or liberal person like Judith Mann not say, "Mr. Vice President, I understand you moved some of the AWACS out of that area to look for oil spills in Alaska"? Why does some reporter not ask the President of the United States, "I understand you moved some of the surveillance capability over to your various deployments." The information so critical getting to Peru and Colombia and Bolivia to go after the production of that stuff at its source, that is the most cost effective. And we do not even have to do that. All we have to do is give them the information. Give the country the information and they will do it.

Here is the latest. This is just March 23. I cannot believe this crowd. It says, it is a response from Claudio De La Puente, the Charge d'Affaires of the Embassy of Peru. It said, "In the past 4 years, Peru has decreased area production of cocaine by 66 percent." Which I stated before. This was due to a strategy to strengthen borders against drug trafficking. The Peruvian Air Force intercepted 91 aircraft involving drug trafficking between 1992 and 1997. Key to these results was the provision of monitoring of U.S. intelligence information."

Mr. Speaker, there was one period in here when Clinton came into office, they even stopped the surveillance stuff. We had to pass, Congress, and clarify the law to allow the information sharing, because some liberal attorney in one of the departments, Department of Defense or Department of Justice, had misinterpreted and said we cannot share that information. They might shoot somebody down. It was the intent of the Congress of the United States to shoot down people who were carrying death and destruction. When we gave that information to President Fujimora and to the Peruvian Air Force, they acted and shot down.

That may be tough for some people to deal with, but these people had death and destruction on those planes. They were given every warning, but they never succeeded in bringing that death and destruction to our borders.

What is absolutely stunning is that the United States, since 1998, it says, the Peruvian Air Force has not been able to continue its interdiction operations because of lack of monitoring formerly provided by the U.S. AWACS and other aircraft.

We saw in Mr. Giuliani's and my community we are having more murders, a few more murders in the past year. Here is 1998 when they stopped providing that information. Here is a report that our subcommittee asked from GAO about what was going on with DOD assets. Is there a war on drugs? They replied to me, the flying hours had declined from 1992 to last year 68 percent. The maritime tracking had gone down some 62 percent. This is the report. I did not produce it. We had GAO produce it.

So stopping drugs at their source is not a priority or interdicting drugs at their source and helping countries that are producing to deal with the problem. Here is the United States ambassador. Let me read from this report. The United States Ambassador to Peru warned in an October 1998 letter to the State Department that the reduction in air support would have a serious impact on the price of coca. And then we see here in news reports the price of coca has gone down. That is because the supply is up. Again, a no-brainer. And we see murders and crimes up even slightly in those areas that have tough enforcement policies.

So this is a no-brainer. With 12 minutes left, I do want to try to cover a couple of the areas that I have not in the bill. Some people may say this is just a partisan Republican coming up and commenting tonight. And I will admit to being partisan. I do not think this drug issue is a partisan issue. I have tried to work with my colleagues on both sides of the aisle. I have tried my best, and heaven knows we have tried our best to work with this administration. Holding numerous closed door sessions so I would not embarrass them by revealing the bungling in this effort.

But we are here now on a very serious matter. This stuff is coming in. They have diverted assets. I spent 6 hours in Puerto Rico and met with DEA and Customs and other officials and all of the band that the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, set up several years ago has been dispersed. Haiti, which we will be doing a hearing on in a few more weeks, has become the Atlanta for drug trafficking in the Caribbean. This is a country in which we spent billions and billions of taxpayers dollars building the police force and so-called "nation building" and judicial system and legislative building. The legislature does not even meet. We have replaced one dictator with another and turned Haiti, with all of this money, into one of the biggest trafficking points in the Caribbean.

The situation in Puerto Rico is back to disaster level, and again heroin flooding in through Haiti, the Dominican Republic, over to Puerto Rico. Once it is in Puerto Rico, it is in the United States and it is flying to our airports.

□ 2230

Again, a record which is just incredible, a record which defies logic, but a record we are going to have to pay for with a very big price tag tomorrow as the House of Representatives considers this monumental piece of legislation to fund these programs.

Again, we know what it will take to stop illegal narcotics. We have asked GAO to look at what took place, and they tell us basically that the war on drugs is closed down.

Here is the facts. Assets DoD contributes to reducing the illegal drug supply have declined. Pretty clear. What is sad is, even those who are charged with trying to stop drugs again at their source are coming into the United States, interdicting them. In this case, it is SouthCom, the Southern United States Military Command. Again, they are not firing at anyone. They are not going after drugs. They are providing surveillance and basic information which we share with those countries.

We heard what is going on with the countries not getting the information. In the Clinton administration these past few years, we have seen the requests in this, I am a little color blind so it is either blue or purple here depending on one's ability to detect colors. But I definitely know this is red. The red is the assets provided by DoD declined. Requested and provided by DoD.

So we know that the job has not been done. We know that the Congress must intercede at this important juncture: that we must pass this. We must not get into a debate about getting this equipment here.

Unfortunately, the bill has been added to. We have had a series of natural disasters in North Carolina and other areas. We have had problems in agriculture. Certainly nothing has been more impacted than the military.

The reason why DOD assets have declined is because we have got them off in some dozen deployments that the President has chosen as a priority. The priority, I submit, is not to Kosovo today. The priority is in our own backyard. It is in our neighborhoods. It is in our school.

When I go to areas like Sacramento, where the gentleman from California (Mr. OSE) lives and his family resides, and hear the stories of illegal narcotics and how parents in a community of 200,000, 600 abandon their children, there is a program to restore their children back to their families. Less than 5 out of 35 take their children back because drugs have so destroyed their minds and their lives and their capability even to care for their offspring. There is something wrong.

But we are going to take this message to the floor tomorrow. We are going to take this message to the American people during this campaign. I am going to conduct hearings across the country from now until the last day of my term in office this year.

We will get some results. We will make a difference. If Rudy Giuliani can do it in New York, if one wants to say a tough town, New York is a tough town with tough people. We can have a mayor with the success that he has had. But how disappointing it must be, how deflating it must be to him, he who has worked so hard, had made so many tremendous improvements, when we went to Baltimore, what did we use as a drug treatment example? The people from Baltimore asked to hear what they were doing in New York City in drug treatments. So not only was there success in stopping the murders, but in treating the individuals and successful programs they developed.

But it is not found on the liberal pages of the Washington Post and the other publications that want to demean the mayor of New York and others who are on the frontline who have successful programs. But they will not ask any questions to those who have left us behind and who have destroyed real war on drugs, who have dismantled any efforts to stop most cost effectively, before they ever get to the streets of our communities, illegal narcotics.

Well, we can have a Baltimore or we can have a New York City. We can have a nation. If we had 80,000 drug addicts in Baltimore with 600,000, a declining population, we can certainly have one out of eight Americans. Certainly that has a tremendous toll.

We can have people, like in California we heard in testimony at field hearings in the district of the gentleman from California (Mr. OSE), abandon their children. Is that what we want?

Well, the choice will be ours tomorrow. The choice will be ours in the next few months. Some serious mistakes have been made. If we do not learn by those mistakes, they will be the cries of the families and mothers and sisters and brothers and relatives of more than the 15,973 that were lost in 1998. They will be the cries and sadness of a whole nation.

We must move together on this. We must learn by the mistakes of the past. I know we can do a better job. Certainly that is our responsibility.

SUPPORT FIRE AND EMS COMMUNITY WITH AMENDMENT TO EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 15 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening in an unanticipated move to rally the support of our colleagues on both sides of the aisle and the constituents of our colleagues on both side of the aisle who are involved in the Nation's fire and emergency services and those who support those brave men and women who protect our communities, our cities, and our counties all across America.

Mr. Speaker, there are 32,000 organized departments in this country, 85 percent of whom are totally volunteer, who every day across this Nation, respond to every conceivable disaster that the American people face, not just fires, floods, hurricanes, tornados, missing children, problems in the community. They are there. Incidents involving chemical plants, oil refineries, people who are there when there are problems on our waters.

The Nation's 1.2 million men and women who serve as our domestic defenders have an opportunity this week that they have not had in the 250 year history of this body and this country. Tomorrow, Mr. Speaker, when the supplemental appropriation bill comes to the floor, I expect that an amendment will be offered by myself, by the gentleman from Maryland (Mr. HOYER), by the gentleman from Michigan (Mr. SMITH), the chairman of the appropriate subcommittee from the Committee on Science, by the gentleman from New Jersey (Mr. ANDREWS), by the gentleman from New Jersey (Mr. PASCRELL) who has a major piece of legislation pending, all of us coming together, along with the gentleman from Texas (Mr. ARMEY), the Majority Leader, and the gentleman from Texas (Mr. DELAY), the Majority Whip, to support the first major comprehensive appropriation for the Nation's emergency response community.

Mr. Speaker, I have been in this body for 14 years. Before coming to this body, I was the mayor of my town; and before that, I was the volunteer fire chief and spent a good part of my life working as a volunteer fire fighter, fire instructor, trainer for 80 fire companies as a volunteer in southeastern Pennsylvania.

It was 13 years ago that I helped organize what is today the largest caucus in this body and the other body, and that is the Congressional Fire and EMS Caucus. Our role has been to raise the awareness of these brave Americans who every day of every year have protected our country from domestic tragedies.

Mr. Speaker, there is no other group of people largely volunteer who, each year, lose 100 of their members who are killed while responding to disasters, because that is what happens in America every year. On average, 100 fire and EMS personnel are wiped out either in fires, in accidents, hazmat incidents, floods, tornados, responding to emergency situations, who are just doing their job. There is no other profession where 85 percent of the people are volunteers and yet 100 of them are killed each year.

We have an opportunity, Mr. Speaker, to recognize these people on the House floor tomorrow. Our bipartisan amendment will put forth $100 million of emergency supplemental funds to help these men and women better prepare to serve their communities.

Now, a cynic might ask, why would the Federal Government want to help what is basically a local responsibility? We are not trying to federalize the fire service. But we are asking the fire and EMS people across this country to do more and more every day.

We are asking them to respond to incidents of terrorism involving chemical or biological weapons. We are asking them to respond to large natural disasters like earthquakes, floods, and tornados. Yet the bulk of the money to buy the equipment and do the training of these people comes from chicken dinners, tag days, and suppers in the fire halls.

We have an opportunity tomorrow, Democrats and Republicans, to come together with an overwhelming vote in support of our American heroes. These brave men and women who, for 250 years, have protected America's towns and cities, a unique aspect of this group, Mr. Speaker, is they protect our inner city urban areas and they protect our rural farming districts. They are all over America.

We have missed the boat. We created the AmeriCorps program, a great idea to promote volunteerism. Do my colleagues know, Mr. Speaker, the volunteer fire service cannot even qualify for the hundreds of millions of dollars that AmeriCorps gets each year?

We support the law enforcement, the police departments in AmeriCorps, in fact about $3 billion a year. We even use Federal funds to help buy the police vests for the local police officers. But we have done nothing for the fire and EMS community.

The President wants 100,000 new teachers. He wants 100,000 new police officers, not a mention of the fire and EMS personnel departments and people across America.

Tomorrow, Mr. Speaker, in this body, our colleagues can have a chance to support the first major appropriation of real dollars to help these brave men and women: $10 million to fully fund the rural fire protection program, for small rural departments, $10 million for burn research, and $80 million for a national grant program to be competitively based, where every fire department in America can compete for a dollar-for-dollar match for funds to provide communications, training, equipment, to help them better protect their towns.

Finally, we will change the provision of one of the largest Federal block grant programs to our cities and counties across America, the Community Development Block Grant Program, to allow that money to be used if the local leaders so choose for fire and EMS. That could mean the availability of up to $4.8 billion this year of money already going out to our cities and counties across America.

I would ask our colleagues, Mr. Speaker, to respond affirmatively. I would ask our constituents all across America to make those phones ring tomorrow morning from 8 o'clock on to make sure that all of our colleagues are aware that it is time that this body step up and support these brave American heroes, people who every year have fought to keep our towns and our cities safe.

The supplemental bill is important. It will put more money into defense. It will put more money into FEMA. But for the first time, we have an opportunity to put money into those organizations that have been there in each of our towns protecting our citizens. Each congressional district has, on average, 80 fire and EMS departments, ambulance organizations, organizations involving rescue and fire departments. Tomorrow is our chance in this body to support that legislation.

So, Mr. Speaker, in closing I ask our colleagues to support the amendment that will be offered by myself, the gentleman from Maryland (Mr. HOYER), the gentleman from New Jersey (Mr. PASCRELL), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Michigan (Mr. SMITH) with the support of the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY), the support of people like the gentleman from Delaware (Mr. CASTLE) and the gentleman from New York (Mr. BOEHLERT), as we come together in a bipartisan message of support for these brave and true American patriots, the men and women we call our domestic defenders.

I urge our colleagues and our constituents again to make sure that we hear that message loudly and clearly tomorrow. Get on the phone. Make those calls. Be heard so that this government responds with a token amount of money to allow these people to continue to serve America most of them being volunteers.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0108

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 1 o'clock and 8 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3908, 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–549) on the resolution (H. Res. 450) providing for consideration of the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRANKS of New Jersey (at the request of Mr. Armey) for today and the balance of the week on account of a death in the family.

Mr. METCALF (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and March 29.

Mr. BURTON of Indiana, for 5 minutes, April 4.

Mr. FOSSELLA, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1731. An act to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted; to the Committee on Commerce.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1000. To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes a.m.), the House adjourned until today, Wednesday, March 29, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6816. A communication from the President of the United States, transmitting requests for FY 2000 supplemental appropriations for the Department of Health and Human Services, Labor, and Transportation; the Social Security Administration; and, the Presidental Advisory Commission on Holocaust Assets in the United States; (H. Doc. No. 106–218); to the Committee on Appropriations and ordered to be printed.

6817. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting A report identifying the percentage of funds that were expended during the two preceding fiscal year for performance of depot-level maintenance and repair workloads, pursuant to Public Law 105–85 section 358 (111 Stat. 1696); to the Committee on Armed Services.

6818. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Interim Rule for the Assessment of Civil Penalties Under Section 502(c)(5) or ERISA (RIN: 1210–AA54) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6819. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Interim Rule Governing Procedures for Administrative Hearings Regarding the Assessment of Civil Penalties under Section 502(c)(5) of ERISA (RIN: 1210–AA54) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6820. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 11(c) of the Cable Television Consumer Protection and Competition Act of 1992; Horizontal Ownership Limits [MM Docket No. 92-264] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6821. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paxton, Nebraska) [MM Docket No. 99–159 RM-9616] (Overton, Nebraska) [MM Docket No. 99-160 RM-9617] (Hershey, Nebraska) [MM Docket No. 99-161 RM-9565] (Sutherland, Nebraska) [MM Docket No. 99-162 RM-9566] (Ravenna, Nebraska) [MM Docket No. 99-192 RM-9633] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6822. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Colony and Weatherford, Oklahoma) [MM Docket No. 99–190 RM-9631 RM-9689] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6823. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Denmark and Kaukauna, Wisconsin) [MM Docket No. 99–36 RM-9372] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6824. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Pleasanton, Bandera Hondo, and Schertz, Texas) [MM Docket No. 98–55 RM-9255 RM-9327] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6825. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 014–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6826. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report to describe the extent to which commercial and industrial type functions were performed by DOD contractors during the preceeding fiscal year, pursuant to 10 U.S.C. 2461; to the Committee on Government Reform.

6827. A letter from the Benefits Manager, CoBank, transmitting the annual report of the Comptrollers' ACB Retirement Plan for the year ending December 31, 1998, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

6828. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the FY 1999 Inventory of Commercial Activities; to the Committee on Government Reform.

6829. A letter from the Administrative Officer, Office of Independent Counsel, transmitting the annual report on Audit & Investigative Activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6830. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6831. A letter from the Public Printer, Government Printing Office, transmitting a copy of the Biennial Report to Congress on the Status of GPO Access, an online information service of the Government Printing Office, pursuant to Public Law 103-40, section 3 (107 Stat. 113); to the Committee on House Administration.

6832. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Extension of the Interim Rule [Docket No. 990422103-9209-02; 031099B] (RIN: 0648–AL75) received March 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6833. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Child; Educational Institution (RIN: 2900–AJ54) received March 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6834. A letter from the Director, Holocaust Memorial Museum, transmitting a report entitled, "A Study of Governance and Management"; jointly to the Committees on Resources and Ways and Means.

6835. A letter from the Administrator's of Federal Aviation Administration and National Aeronautics and Space Administration, transmitting an amendment to the joint report to Congress on the progress being made under the Subsonic Noise Reduction Technology Program, Fiscal Year 1998, pursuant to 49 U.S.C. app. 1353 nt.; jointly to the Committees on Transportation and Infrastructure and Science.

6836. A letter from the Administrator's of Federal Aviation Administration and National Aeronautics and Space Administration, transmitting a joint report to Congress on the progress being made under the Subsonic Noise Reduction Technology Program, Fiscal Year 1998, pursuant to 49 U.S.C. app. 1353 nt.; jointly to the Committees on Transportation and Infrastructure and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. H.R. 3519. A bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; with an amendment (Rept. 106–548). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOSS: Committee on Rules. House Resolution 450. Resolution providing for consideration of the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–549). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JOHNSON of Connecticut (for herself, Mr. RANGEL, Mr. HOUGHTON, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mrs. THURMAN, Mrs. MORELLA, Mr. GEPHARDT, Mr. GILCHREST, Mr. BONIOR, Mr. GILMAN, Mr. TRAFICANT, Mr. QUINN, Mr. DOYLE, Mr. NEY, Mr. CAPUANO, Mr. HORN, Mr. MEEKS of New York, Mr. LEACH, Mr. FORBES, Mr. BOEHLERT, Mr. BALDACCI, Mr. EHLERS, Mr. FATTAH, Mrs. KELLY, Mr. ENGEL, Mr. MCHUGH, Mrs. LOWEY, Mr. FRANKS of New Jersey, Mrs. CAPPS, Mr. WALSH, Mrs. MALONEY of New York, Mr. SAXTON, Mr. BARCIA, Mr. CROWLEY, Mr. CONYERS, Mrs. CLAYTON, Mr. FARR of California, Mrs. TAUSCHER, Mr. BLAGOJEVICH, Mr. NADLER, Mr. MOAKLEY, Mr. HINCHEY, Mr. PASTOR, Mrs. MCCARTHY of New York, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Ms. VELÁZQUEZ, Mr. SKELTON, Mr. WEINER, Mr.

ETHERIDGE, Mrs. CHRISTENSEN, Mr. DIXON, Mr. MASCARA, Mr. OBERSTAR, Mr. PALLONE, Mr. BISHOP, Mr. SANDLIN, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. WOOLSEY, Mr. TIERNEY, Mr. FILNER, Mr. BORSKI, Mr. FROST, Mr. PAYNE, Mrs. NAPOLITANO, Mr. BACA, Mr. BLUMENAUER, Mr. WEYGAND, Ms. WATERS, Mr. OWENS, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. WAXMAN, Mr. DINGELL, Mr. STRICKLAND, Ms. SANCHEZ, Mr. LANTOS, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT of Wisconsin, Mr. BERMAN, Ms. CARSON, Mr. DEUTSCH, Mr. GREEN of Texas, Mr. HOYER, Mr. SNYDER, Mr. SHERMAN, Mr. TOWNS, Mr. REYES, Mr. MALONEY of Connecticut, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. WU, Mr. CLAY, Mrs. MEEK of Florida, Mr. ACKERMAN, Mr. MCGOVERN, Mr. MENENDEZ, Mr. MCINTYRE, Mr. JEFFERSON, Mr. POMEROY, and Ms. BERKLEY):

H.R. 4094. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 4095. A bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Park Preserve in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. BACHUS:

H.R. 4096. A bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BACHUS:

H.R. 4097. A bill to define the value of items that are used in the production of securities by the Bureau of Engraving and Printing; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. ROEMER, Mr. NORWOOD, Mr. KIND, Mr. HILLEARY, Mr. FORD, Mr. SCHAFFER, Mr. MORAN of Virginia, Mr. TANCREDO, Mr. TAYLOR of Mississippi, Mr. WOLF, Mr. GUTKNECHT, and Mr. BASS):

H.R. 4098. A bill to require the Secretary of Labor to issue regulations specifying the application of the Occupational Safety and Health Act of 1970 to home office employment to foster 21st Century telework opportunities, to maximize public participation in the formulation of such regulations, and for other purposes; to the Committee on Education and the Workforce.

By Ms. NORTON (for herself, Mr. DAVIS of Virginia, Mr. HOYER, Mrs. MORELLA, and Mr. WYNN):

H.R. 4099. A bill to amend the District of Columbia Retirement Protection Act of 1997 to include certain service longevity payments in the amount of Federal benefit payments made under such Act to officers and members of the Metropolitan Police Department; to the Committee on Government Reform.

By Mr. PITTS (for himself, Mr. BOEHLERT, Mrs. CAPPS, Mr. PETERSON of Pennsylvania, Mr. DEMINT, Mr. ENGLISH, Mr. GOODE, Mr. HOEFFEL, Mr. GOODLING, Mr. WELDON of Pennsylvania, Mr. GILMAN, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. FRANKS of New Jersey, Mr. KINGSTON, and Mr. DEAL of Georgia):

H.R. 4100. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Mr. BOEHLERT, Mrs. CAPPS, Mr. PETERSON of Pennsylvania, Mr. DEMINT, Mr. ENGLISH, Mr. GOODE, Mr. HOEFFEL, Mr. GOODLING, Mr. WELDON of Pennsylvania, Mr. GILMAN, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. FRANKS of New Jersey, Mr. KINGSTON, and Mr. DEAL of Georgia):

H.R. 4101. A bill to amend the Internal Revenue Code of 1986 to exclude from estate taxes the value of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4102. A bill to direct the Secretary of the Treasury to instruct the United States Executive Director at the International Monetary Fund to oppose any new loan by the International Monetary Fund to any country that is acting to restrict oil production to the detriment of the United States economy, except in emergency circumstances; to the Committee on Banking and Financial Services.

By Mr. SESSIONS (for himself and Mr. DUNCAN):

H.R. 4103. A bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes; to the Committee on Government Reform.

By Mr. TAYLOR of Mississippi:

H.R. 4104. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 4105. A bill to establish the Fair Justice Agency as an independent agency for investigating and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice; to the Committee on the Judiciary.

By Mr. PITTS (for himself, Mr. STENHOLM, Mr. KASICH, Mr. HALL of Ohio, Mr. SOUDER, Ms. DELAURO, Mr. CAMP, Mr. LARSON, Mrs. MALONEY of New York, Mr. TANNER, and Mr. BARRETT of Wisconsin):

H.R. 4106. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 4107. A bill to amend title XVIII of the Social Security Act to provide for coverage of a program of coordinated lifestyle changes to reverse individuals at significant clinical risk for a heart attack under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Mr. ROEMER, Mr. HYDE, Mr. SCOTT, Mr. HUTCHINSON, Mr. WEINER, Mr. CANADY of Florida, Mrs. MCCARTHY of New York, Mr. CONYERS, Mrs. BONO, and Ms. JACKSON-LEE of Texas):

H.R. 4108. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make grants to improve security at schools, including the placement and use of metal detectors; to the Committee on the Judiciary.

By Mr. PAYNE:

H. Con. Res. 294. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. WEXLER, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. HOOLEY of Oregon, Mr. SKELTON, Mr. SERRANO, and Mr. MCHUGH.

H.R. 175: Mr. LINDER.

H.R. 225: Mr. BACA.

H.R. 252: Mr. TERRY.

H.R. 254: Mr. SESSIONS.

H.R. 303: Mr. ALLEN, Mr. EWING, Mr. KANJORSKI, and Ms. BERKLEY.

H.R. 306: Mrs. NAPOLITANO.

H.R. 372: Mr. FOLEY.

H.R. 374: Mr. ANDREWS and Mr. PALLONE.

H.R. 394: Mr. BAIRD.

H.R. 395: Mr. BAIRD.

H.R. 397: Mr. BAIRD.

H.R. 403: Mr. LAFALCE and Mr. CANNON.

H.R. 515: Mr. BORSKI, Mr. JEFFERSON, and Mr. UNDERWOOD.

H.R. 568: Ms. MILLENDER-MCDONALD.

H.R. 583: Ms. KILPATRICK.

H.R. 612: Mr. BACA and Ms. SCHAKOWSKY.

H.R. 701: Mr. EDWARDS.

H.R. 710: Mr. ISAKSON.

H.R. 730: Mr. GUTIERREZ.

H.R. 783: Mr. OWENS.

H.R. 803: Mr. SAXTON.

H.R. 827: Mr. BACA.

H.R. 828: Mr. WELLER.

H.R. 840: Ms. MCKINNEY.

H.R. 879: Ms. BERKLEY.

H.R. 894: Mr. SANDLIN.

H.R. 904: Mr. PETERSON of Pennsylvania and Ms. LOFGREN.

H.R. 1041: Mr. RYAN of Wisconsin, Mr. OXLEY, and Mr. PETERSON of Minnesota.

H.R. 1055: Mr. ROGAN, Mr. WALDEN of Oregon, Mr. ROHRABACHER, and Mr. GIBBONS.

H.R. 1082: Mr. SERRANO.

H.R. 1168: Mr. HINOJOSA, Mr. GOODLING, Mr. POMEROY, and Mr. SERRANO.

H.R. 1194: Mr. FOLEY.

H.R. 1217: Mr. BILBRAY, Mr. KING, Mr. PETRI, Mr. UDALL of New Mexico, and Mr. BOEHLERT.

H.R. 1304: Mr. BACA.

H.R. 1337: Mr. SMITH of Washington.

H.R. 1387: Mr. LAHOOD, Mrs. BIGGERT, and Mr. BARTON of Texas.

H.R. 1413: Mr. CAMP.

H.R. 1592: Mr. Brady of Texas.

H.R. 1660: Mr. Baca.

H.R. 1776: Mr. Price of North Carolina.

H.R. 1816: Ms. Jackson-Lee of Texas, Mr. Bachus, and Mr. Moore.

H.R. 1885: Mr. Hefley and Mr. Baca.

H.R. 2059: Mr. Engel.

H.R. 2129: Mr. Gilchrest and Mr. Whitfield.

H.R. 2136: Mr. Sandlin.

H.R. 2141: Mr. Tancredo and Mr. Owens.

H.R. 2149: Mr. Moore.

H.R. 2166: Mr. Sanders, Mr. Clyburn, Mr. Deutsch, Mr. Gejdenson, and Mr. Weygand.

H.R. 2265: Mr. Gonzalez and Ms. Roybal-Allard.

H.R. 2298: Mr. Baca.

H.R. 2308: Mr. Engel and Mr. Deutsch.

H.R. 2341: Mr. Hutchinson, Ms. McKinney, Mr. Dixon, Mr. Andrews, Mr. Payne, Mr. Hinojosa, Mr. Sabo, Mr. DeFazio, and Mr. Hoekstra.

H.R. 2382: Mr. Gilchrest and Mr. Shays.

H.R. 2397: Mr. Neal of Massachusetts, Mr. LaFalce, Mr. Dixon, Mr. Stupak, Mr. Reyes, and Mr. Price of North Carolina.

H.R. 2402: Mr. Dickey, Mr. Bryant, and Mr. Rogers.

H.R. 2457: Mr. Evans.

H.R. 2511: Mr. Thornberry, Mr. Shadegg, Mrs. Chenoweth-Hage, and Mr. Stearns.

H.R. 2588: Mr. Delahunt and Ms. McKinney.

H.R. 2749: Mr. Weller and Mr. Deal of Georgia.

H.R. 2776: Mr. Kucinich and Mr. Hinchey.

H.R. 2788: Mrs. Emerson.

H.R. 2789: Mr. Engel and Ms. McKinney.

H.R. 2790: Mr. Lantos.

H.R. 2810: Mr. Blagojevich.

H.R. 2814: Mr. Brady of Pennsylvania, Mr. Davis of Virginia, and Mr. Baird.

H.R. 2825: Mr. Cannon.

H.R. 2832: Mr. Delahunt.

H.R. 2867: Mrs. Myrick.

H.R. 2870: Mr. Diaz-Balart, Mr. Walsh, and Mrs. Morella.

H.R. 2883: Ms. Pryce of Ohio, Mr. Shimkus, and Mr. Evans.

H.R. 2892: Mrs. Wilson, Mr. Cunningham, and Mr. Kleczka.

H.R. 2907: Mr. Forbes, Ms. Schakowsky, and Mr. Baca.

H.R. 2939: Ms. Schakowsky.

H.R. 2953: Mr. Cramer.

H.R. 2973: Mr. Ramstad, Mr. English, and Ms. McKinney.

H.R. 3043: Mr. Minge.

H.R. 3084: Mr. Souder.

H.R. 3102: Mr. Manzullo.

H.R. 3113: Mr. Aderholt, Mr. Goodlatte, Mr. Weller, and Mr. Moore.

H.R. 3294: Mr. Bonilla.

H.R. 3301: Mr. Gilman, Mr. McDermott, Mr. Green of Texas, Mr. Owens, and Mr. Weygand.

H.R. 3315: Mr. LaFalce.

H.R. 3327: Mr. Hill of Montana.

H.R. 3377: Ms. Carson and Mr. Andrews.

H.R. 3392: Mr. Smith of Washington.

H.R. 3439: Mr. Hilleary, Ms. Dunn, Mr. Walden of Oregon, Mr. Fletcher, and Mr. Nussle.

H.R. 3519: Mr. Rangel.

H.R. 3558: Mr. Kucinich.

H.R. 3565: Mr. Metcalf and Mr. Paul.

H.R. 3571: Mr. Nadler, Mr. Crowley, and Ms. Pelosi.

H.R. 3572: Mr. Conyers, Ms. Jackson-Lee of Texas, and Mr. McCollum.

H.R. 3573: Mr. Clyburn, Ms. Jackson-Lee of Texas, Mr. Jefferson, and Mr. Oxley.

H.R. 3575: Ms. Carson.

H.R. 3590: Mr. Herger.

H.R. 3593: Mr. Simpson, Mr. Walden of Oregon, Mr. Metcalf, and Mr. McHugh.

H.R. 3608: Mr. Stupak and Mr. Rush.

H.R. 3621: Mr. Spratt and Mr. Gonzalez.

H.R. 3634: Mr. Davis of Florida, Mr. Wexler, Mr. Stark, Mr. Shays, Ms. Berkley, Mr. Minge, Mr. Levin, Mr. Scott, Mr. Hoeffel, Mr. Sherman, Mr. Andrews, Ms. Lofgren, Mr. Inslee, Mrs. Johnson of Connecticut, Mr. Horn, Mr. Bentsen, Mrs. McCarthy of New York, Mr. Farr of California, Ms. DeLauro, Mr. Abercrombie, Mr. Boehlert, Mr. Towns, Mr. Meehan, and Mr. Gejdenson.

H.R. 3660: Mr. Hulshof, Mr. Smith of Texas, Mr. Sam Johnson of Texas, Mr. Thune, Mr. Rogers, Mr. Callahan, Mr. Goodlatte, and Mr. Stenholm.

H.R. 3680: Mr. Burr of North Carolina, Mr. Dooley of California, Mr. Gejdenson, Mr. Hastings of Washington, Mrs. McCarthy of New York, Mr. Campbell, Ms. Stabenow, Mr. Salmon, Mr. McGovern, Mr. Petri, and Mr. Boucher.

H.R. 3694: Mr. Doolittle.

H.R. 3695: Mr. Duncan.

H.R. 3698: Mr. Kuykendall, Mr. Weldon of Pennsylvania, Mr. Lucas of Kentucky, Mr. Brown of Ohio, and Mr. Boucher.

H.R. 3705: Mr. Pastor, Mr. Dingell, Mr. Bentsen, Ms. Schakowsky, Mr. Frank of Massachusetts, Mr. Davis of Illinois, Mr. Capuano, Mr. Evans, Mr. Lantos, Ms. Pelosi, Mr. Rush, Mr. Engel, Mr. Waxman, and Mr. Green of Texas.

H.R. 3707: Mr. Brown of Ohio.

H.R. 3710: Mr. Lucas of Kentucky, Mr. Udall of Colorado, Mr. Boucher, Mr. Conyers, Mr. Nadler, Mr. Sandlin, and Mr. Neal of Massachusetts.

H.R. 3766: Mr. Minge, Mr. Neal of Massachusetts, Mr. Engel, Mr. Weiner, and Mr. Udall of New Mexico.

H.R. 3767: Ms. Berkley, Mr. Martinez, and Ms. McKinney.

H.R. 3806: Mr. Gutierrez and Mr. Romero-Barceló.

H.R. 3826: Mr. Hinojosa and Mr. Frost.

H.R. 3831: Ms. Eddie Bernice Johnson of Texas.

H.R. 3842: Mr. Lucas of Kentucky, Mr. Sanders, Mr. Allen, and Mr. Gordon.

H.R. 3844: Mr. Ose.

H.R. 3863: Mr. Sanders.

H.R. 3864: Mr. Sanders.

H.R. 3873: Mr. Rangel and Mr. Wu.

H.R. 3883: Mr. Bonior.

H.R. 3889: Ms. Pelosi, Mrs. Maloney of New York, Mr. Crowley, Mr. Kleczka, and Ms. Woolsey.

H.R. 3916: Mr. Watkins, Mr. Hobson, Mr. Foley, Mr. Ramstad, Mrs. Johnson of Connecticut, Mrs. Myrick, Mr. Sam Johnson of Texas, and Mr. Blunt.

H.R. 3980: Mr. Souder, Mr. Bryant, Mrs. Cubin, Mr. Sam Johnson of Texas, and Mrs. Myrick.

H.R. 3981: Mr. Rush.

H.R. 4003: Mr. McInnis, Mr. Ramstad, and Mr. Sweeney.

H.R. 4018: Mr. McHugh.

H.R. 4021: Mr. Herger.

H.R. 4025: Mr. Ehlers and Mr. Baker.

H.R. 4033: Mrs. Lowey, Mr. Mendenez, Mr. Levin, Mr. Filner, Mr. Stark, Mr. Tierney, Mr. Dicks, Mr. Reyes, Mr. George Miller of California, Mr. Borski, Mr. Clay, Mrs. Myrick, Mr. Spratt, Mr. Barcia, Mr. Gilman, Mr. Price of North Carolina, Mrs. Christensen, Mr. Riley, Mr. Dixon, Mr. Fletcher, Mr. Crowley, Mr. Inslee, Mr. Tanner, Ms. Slaughter, Mr. Cook, Mr. Evans, and Mr. Lampson.

H.R. 4057: Mr. Berman, Mr. Coyne, Mr. Walsh, Mr. Young of Alaska, Ms. Slaughter, Mr. Moran of Virginia, Ms. Carson, Mr. Wexler, and Mr. Conyers.

H.R. 4059: Mr. Larson and Mrs. Maloney of New York.

H.R. 4066: Mr. Sherman, Mr. Becerra, Mr. Abercrombie, and Mr. Crowley.

H.R. 4067: Mr. Kanjorski and Ms. Hooley of Oregon.

H.R. 4069: Ms. Granger, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. Upton, Mr. Boehlert, Mr. Sandlin, Mr. Hobson, Mr. English, Ms. Pryce of Ohio, Mr. Forbes, Mr. Smith of New Jersey, Mr. Barrett of Wisconsin, Mr. Portman, Mr. Riley, Mr. Matsui, Mr. Kuykendall, Mr. Lantos, Mr. Maloney of Connecticut, Mr. Hilliard, Mr. Frelinghuysen, Mrs. Northup, and Mr. Nethercutt.

H.R. 4082: Mrs. Roukema, Mrs. Jones of Ohio, Mr. Bachus, Mr. Isakson, Mr. Pickering, and Mr. Boucher.

H.R. 4085: Mr. Doolittle.

H.R. 4093: Ms. Jackson-Lee of Texas.

H.J. Res. 64: Ms. Stabenow, Mr. Burton of Indiana, and Mr. Baca.

H.J. Res. 90: Mr. Coburn.

H. Con. Res. 74: Ms. Schakowsky.

H. Con. Res. 114: Mr. Lampson.

H. Con. Res. 229: Mr. Owens.

H. Con. Res. 249: Ms. Pelosi, Mr. Gutierrez, and Mrs. Mink of Hawaii.

H. Con. Res. 260: Mr. Shimkus, Mrs. Cubin, and Mr. Thune.

H. Con. Res. 266: Mr. Doyle, Mr. Filner, Mr. Paul, Mr. Leach, Mrs. Jones of Ohio, Mr. Pastor, Mr. Terry, Mr. Radanovich, Mr. Isakson, Mr. DeMint, Mr. Sandlin, and Mr. Gutierrez.

H. Con. Res. 267: Mr. Campbell.

H. Con. Res. 269: Mr. Gibbons and Mr. Lantos.

H. Con. Res. 271: Mr. Smith of New Jersey, Mr. Gallegly, Ms. Schakowsky, Mr. Dixon, Mr. Frost, Mr. Lantos, and Mr. Green of Texas.

H. Con. Res. 273: Ms. Hooley of Oregon.

H. Con. Res. 285: Mr. Sherwood and Mr. Isakson.

H. Con. Res. 292: Mr. Radanovich, Mr. Castle, Mr. Cunningham, Mr. Jones of North Carolina, Mr. LaHood, Mr. Smith of Michigan, Mr. Tancredo, Mr. Souder, Mr. Terry, Mr. Thune, Mr. Berman, Mr. Lazio, Mr. Smith of Texas, Mr. Ortiz, Ms. Pryce of Ohio, Mr. Hobson, Mr. Hayes, Mr. Gekas, Mr. Martinez, Mr. Kuykendall, Mr. Bass, Mr. Riley, Mr. Brown of Ohio, Mr. Sweeney, and Mr. Deutsch.

H. Res. 107: Mr. Scott, Mr. Rangel, Mr. DeFazio, and Mr. Udall of New Mexico.

H. Res. 213: Mr. Nethercutt, Mr. Thompson of California, Mr. Skelton, and Ms. Pelosi.

H. Res. 237: Mr. Matsui.

H. Res. 415: Mr. Allen, Mr. Kennedy of Rhode Island, Mr. Greenwood, Mr. Farr of California, and Mr. Faleomavaega.

H. Res. 420: Mr. Gejdenson, Mr. Price of North Carolina, Ms. Berkley, and Mr. Filner.

H. Res. 437: Mr. Price of North Carolina and Mr. McNulty.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3252: Mrs. Myrick.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. GALLEGLY

AMENDMENT NO. 1: At the end of the bill insert the following new section:

SEC. 10. INCREASED LIFETIME LEARNING CREDIT FOR ADDITIONAL TRAINING FOR SECONDARY TEACHERS.

(a) IN GENERAL.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR FIELD OF STUDY TRAINING FOR CERTAIN TEACHERS.—

"(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) is paid or incurred by an individual who is a full-time teacher in the classroom in a secondary school and is certified or licensed to teach by the State in which the individual is teaching, and

"(ii) is incurred for the enrollment or attendance of such individual in a course of instruction directly relevant to the subject matter currently taught by such individual that is offered for credit by an eligible educational institution,

paragraph (1) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

"(B) ELIGIBLE EDUCATIONAL INSTITUTION.—For purposes of subparagraph (A), the term 'eligible educational institution' has the meaning given to such term by subsection (f)(2), except that such term includes a public institution that provides a 2-year educational program which is acceptable for full credit toward a bachelor's degree.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses paid after December 31, 1999, for education furnished in academic periods beginning after such date.

H.R. 3908

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 3: Page 80, after line 11, insert the following:

SEC. 5109. None of the funds appropriated or otherwise made available by title I of this Act may be made available for military or police assistance for Colombia.

H.R. 3908

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 4: Page 80, after line 11, insert the following:

SEC. 5109. None of the funds appropriated or otherwise made available by title I of this Act may be made available for military or police assistance for any foreign country.

H.R. 3908

OFFERED BY: MR. PAUL

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . (a) The amounts otherwise provided in title I for the following accounts are hereby reduced by the following amounts:

(1) "DEPARTMENT OF JUSTICE—Drug Enforcement Administration—Salaries and Expenses", $293,048,000.

(2) "DEPARTMENT OF DEFENSE-MILITARY—OTHER DEPARTMENT OF DEFENSE PROGRAMS—Drug Interdiction and Counter-Drug Activities, Defense", $185,800,000.

(3) "BILATERAL ECONOMIC ASSISTANCE—Funds Appropriated to the President—Department of State—Assistance for Plan Colombia and for Andean Regional Counternarcotics Activities", $1,099,000,000.

(b) None of the funds made available in title I for "Military Construction, Defense-Wide" may be used for construction outside of the United States or any of its territories or possessions.

(c) None of the funds made available in title II may be used for operations in Kosovo or East Timor, other than the return of United States personnel and property to the United States.

H.R. 3908

OFFERED BY: MR. RAMSTAD

AMENDMENT NO. 6: Page 2, strike line 1 and all that follows through page 9, line 4.

H.R. 3908

OFFERED BY: MR. RAMSTAD

AMENDMENT NO. 7: Page 55, after line 21, insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For an additional amount for "Substance Abuse and Mental Health Services" for additional grants under section 1921 of the Public Health Service Act, $700,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount is available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That of such amount, $233,100,000 shall be for such additional grants for fiscal year 2000, and $466,900,000 shall be for such additional grants for fiscal year 2001.

H.R. 3908

OFFERED BY: MR. SANFORD

AMENDMENT NO. 8: Page 2, strike lines 3 through 21 (and redesignate the subsequent chapters and sections accordingly).

Page 3, line 8, after the dollar amount, insert the following: "(reduced by $87,400,000)".

Page 5, line 17, after the dollar amount, insert the following: "(reduced by $281,000,000)".

Page 8, lines 18 and 25, after each dollar amount, insert the following: "(reduced by $77,923,000)".

Page 11, strike line 8 and all that follows through page 13, line 21.

Page 44, strike line 19 and all that follows through page 46, line 3.

Page 46, strike lines 5 through 22 (and redesignate the subsequent sections accordingly).

Page 49, line 25, after the dollar amount, insert the following: "(reduced by $8,100,000)".

Page 52, strike lines 7 through 17.

Page 52, line 22, after the dollar amount, insert the following: "(reduced by $59,000,000)".

Page 56, strike line 14 and all that follows through page 57, line 15.

Page 62, strike line 11 and all that follows through page 64, line 6.

Page 79, strike lines 9 through 14 and insert the following:

SEC. 5104. (a) INAPPLICABILITY OF EMERGENCY DESIGNATIONS.—A proviso in this Act shall not have effect if the proviso—

(1) designates an amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985; or

(2) makes the availability of an amount contingent on such a designation by the President.

(b) EXEMPTION OF DEFENSE FUNDS FROM SEQUESTRATION.—Accounts for which amounts are made available in title III of this Act, and accounts previously within the defense category of discretionary appropriations under the Balanced Budget and Emergency Deficit Control Act of 1985, shall be exempt from any sequestration that is required under section 251(a)(6) of such Act to eliminate any fiscal year 2000 breach caused by the appropriations or other provisions of this Act.

H.R. 3908

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 9: Page 5, after line 7, insert the following new section:

SEC. 1202. (a) LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.—The number of members of the Armed Forces of the United States in Colombia at any time may not exceed 300.

(b) EXCEPTIONS.—(1) The limitation in subsection (a) does not apply to members of the Armed Forces of the United States in Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel. The period for which a member of the Armed Forces of the United States may be in Colombia under this paragraph may not exceed 30 days unless expressly authorized by law.

(2) The limitation in subsection (a) does not apply to a member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché or as a member of the Marine Corps security detachment.

H.R. 3908

OFFERED BY: MS. WATERS

AMENDMENT NO. 10: Page 46, after line 3, insert the following:

MULTILATERAL ECONOMIC ASSISTANCE

DEBT RELIEF

CONTRIBUTION TO THE HIPC TRUST FUND

SEC.   . (a) For payment to the Heavily Indebted Poor Countries Trust Fund of the International Bank for Reconstruction and Development, but only for purposes of debt relief, there are authorized to be appropriated such sums as may be necessary for fiscal years 2000 through 2004, for payment by the Secretary of the Treasury.

(b) For an additional amount for payment to the Heavily Indebted Poor Countries Trust Fund of the International Bank for Reconstruction and Development, but only for purposes of debt relief, $210,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

H.R. 3908

OFFERED BY: MR. WU

AMENDMENT NO. 11: Page 49, after line 20, insert the following:

WEST COAST GROUNDFISH FISHERIES DISASTER

In addition to the other amounts appropriated by this Act, there are appropriated

$14,200,000, to remain available until expended, for use for the disaster in the West Coast groundfish fisheries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. Of such amount—

(1) $1,000,000 shall be available to the Secretary of Commerce for providing assistance under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147);

(2) $2,500,000 shall be available to the Secretary of Commerce for providing grants under such section;

(3) $3,500,000 shall be available to the National Oceanic and Atmospheric Administration for a vessel buyback program;

(4) $7,200,000 shall be available to the National Oceanic and Atmospheric Administration operations, research and facilities—

(A) of which $2,000,000 shall be available to the National Oceanic and Atmospheric Administration to improve biological studies and stock assessments;

(B) $4,500,000 shall be available to the Pacific States Marine Fisheries Commission to plan and implement a coast wide observer program; and

(C) $700,000 shall be available to the National Oceanic and Atmospheric Administration for making grants to States to adjust and improve monitoring of landings, biological sampling, and aging work.

EXTENSIONS OF REMARKS

INTERNS FROM DOWN UNDER GIVE CONGRESS A THUMBS UP

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. SANCHEZ. Mr. Speaker, it gives me great pleasure to rise today to honor five outstanding women who recently completed internships on Capitol Hill. The students came to Washington, D.C. at their own expense through a first-of-its-kind program offered by Flinders University in Adelaide, South Australia.

As our colleagues will surely agree, the best congressional internship programs and interns offer a unique window into the future. Every year, Congress offers thousands of students a brief time to look through this window—the chance to explore and examine this legislative world of ours, now 212 years old. Fortunately for those of us who serve in this Chamber, they're not the only beneficiaries. We learn a thing or two ourselves. This was most definitely the case with the Flinders program.

Australia and the United States are close cousins in many, many ways. But despite all that our respective histories and the connectivity of Internet Age have to offer, we remain separated by a great physical distance that cannot change. It's a mere 8,000 miles from my district to Adelaide—and it most definitely was a great privilege for Congress to host five young ambassadors and bridge this distance for however brief a time. This is what Louise King did in the office of Senator CHARLES SCHUMER, Sunshine Elmore contributed to my California colleague JUANITA MILLENDER-MCDONALD, Kerrie Daniel brought to LOUISE SLAUGHTER, and Narelle Hards added to the Democratic staff of the House Transportation and Infrastructure Committee.

Of course, the greatest pleasure I have is singling out Estee Fiebiger for her contributions to me and my office. Estee had a great enthusiasm and propensity for politics, especially foreign policy. She played an essential role in drafting analytical reports and helping me initiate a detailed analysis of the Human Rights situation in Vietnam.

Estee's eagerness to learn and to experience all aspects of American politics highlights her achievements and her potential for continued success. Along with her excellent research, linguistic, and writing abilities, Estee's pleasant personality was accompanied with great skill and intelligence. Very simply, she was a delight to have in the office. The duration of the program—6 weeks—was not nearly enough.

Mr. Speaker, I sincerely hope this modest, unbureaucratic program will inspire other Australian and American institutions to establish similar exchanges, for both students and professionals. To improve understanding of our processes, our politics and of our multicultural peoples to the finest degrees, we need to connect people with people in person. This will never change.

As I'm sure my colleagues who participated in the Flinders program will attest, it was a pleasure to work with interns who are teachers as much as they are students. I know their families, friends, and communities are very proud of their daring to be such pioneers. On February 21st, the Roll Call newspaper published a wonderful account of the experiences of these women.

I submit the article to be included in the CONGRESSIONAL RECORD—and in so doing wish Estee, Louise, Narelle, Sunshine and Kerrie every continued success.

[From Roll Call Around the Hill, Feb. 21, 2000]

INTERNS FROM DOWN UNDER

(By Edith Chan)

Congress isn't very down and dirty—at least in the eyes of a group of interns from Down Under.

Five students from Australia who just wrapped up internships on Capitol Hill say Congress is actually much less partisan than their own country's parliament.

"In Australia, it can get a lot worse," said Sunshine Elmore, one of the students who came to Washington through a first-of-its kind program offered by Flinders University in Adelaide, Australia.

Eric Federing, a former Democratic Hill aide who helped found the program, noted that crossing party lines in Australia often proves to be politically damaging.

"The rigor of party politics is much stronger in Australia than in the United States," said Federing, who is now director of business public policy at accounting giant KPMG.

"If a Member crossed party lines [on a vote], it is strongly, strongly frowned upon."

Federing, who most recently worked as press secretary for Sen. Joe Lieberman (D-Conn.), decided to start the internship program after traveling extensively through Australia.

"The experience is fantastic—it is beyond my own expectations," he said of the program's first year. "My only regret is that we could not bring more students over."

The interns left town last week after spending six weeks in the offices of various Democratic Members, including Sen. Charles Schumer (D-N.Y.) and Rep. Loretta Sanchez (D-Calif.).

"The staff has been really encouraging, and they have been really inspiring in helping us participate in a lot of things," said Elmore, who interned in the office of Rep. Juanita Millender-McDonald (D-Calif.).

The students came to Washington in early January. In interviews before leaving town, the students said their perception of America—and Americans—has dramatically changed.

"There were a lot of ideas about America, and lots of surprises too," said Narelle Hards, who worked for the House Transportation and Infrastructure Committee.

The students were especially excited about being able to watch the Super Bowl live, instead of at 3 a.m. However, they had to watch the Australia Open tennis tournament, normally on during prime time in their home country, at 3 a.m. instead.

They were also impressed with the way Congressional aides comported themselves.

"I really admire the staff," said Louise Kings, who worked for Schumer. "They are loyal and they work really hard."

Student Kerrie Daniel recalled that the most memorable moment during her internship came when she got to meet President Clinton earlier this month during a press event. She remembers jumping across the chairs—and getting a small bruise in the process—to shake the the President's hand.

"It was amazing to see an important figure in person rather than on TV," said Daniel, who worked for Rep. Louise Slaughter (D-N.Y.). "The President is a fantastic speaker."

After spending six weeks on the Hill, Hards said the person she most admires is Rep. James Oberstar (D-Minn.), ranking member of the Transportation Committee.

Hards said she was impressed by her boss's knowledge and recalled one instance when he suddenly went from Speaking English to French in the same sentence.

Their internships also helped to break the cultural barriers and stereotypes between Australians and their American colleagues.

"The idea Australians get is that Americans are very USA-centered," said Daniel. "But I think that they are very interested in knowing about other places, about other things in the world."

And as Daniel found out, there is one thing that is constantly on Americans' minds.

"Americans are eager to find out about Australians. Everyone wants to know more about the Olympics," she said.

Besides admiring the doggedness of many Hill staffers, the interns from Australia are also encouraged by the large number of women working in the federal government.

Estee Fiebiger noted the scarcity of women working in the Australian government, and said the dominating presence of female leaders in Congress has inspired her to brave the grounds of foreign affairs—a traditionally male-dominated field.

"Here, no one puts a damper on us because we are women and we are from Australia," said Fiebiger, who interned for Sanchez. "Instead, everyone was curious and was very willing to help us. Instead of putting a damper on us, it made us more enthusiastic."

In addition to the legislative workload, the students managed to squeeze in a lot of sightseeing around D.C. Their most interesting day, as Elmore recounted, was building a snowman "in the middle of the blizzard."

Their favorite activities outside of work included museum-hopping.

"We thought the Smithsonian was one museum," Elmore said, adding that six weeks was not long enough to see and do everything they wanted in Washington.

The students are heading back to Australia to complete their final year at Flinders, where they are all majoring in American

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

studies, and said they can't wait to plan their next visit to the United States.

The only flaw the students saw in their program was that their stay was too short.

"I wish that the internship was longer," Daniel said. "We're leaving just as things were starting to get going."

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague JOHN SPRATT, the Democratic alternative to the FY 2001 Budget Resolution. This Democratic alternative is a budget plan that strengthens Social Security, provides a voluntary prescription drug benefit for all seniors, and provides more debt reduction than the Republican budget. The choice is between fiscal responsibility sustaining economic prosperity and large risky tax cuts for the wealthy.

Our national budget is a statement of our national values, and it is hard to say that the Republican budget reflects the values of many hard working families. The Republican budget requires that we cut 310,000 low-income women, infants, and children off WIC assistance; cut 1,000 FBI agents and 800 Drug Enforcement Administration agents; provide 316,000 fewer Pell Grants to low-income students; and eliminate more than 40,000 children from the Head Start program. All this for the politics of special interests and vast tax cuts.

On the other hand, the Spratt Democratic alternative supports the values of America's families. It is fiscally responsible by providing investment in families first; proposing targeted tax cuts, and allocating more funds to pay down our national debt. Specifically, the Democratic alternative extends the solvency of Social Security by 15 years and Medicare by as much as 10 years; protects the Social Security surplus and devotes $365 billion of the non-Social Security surplus over 10 years to reduce additional debt; allows military retirees to use Medicare benefits at military treatment facilities; provides Medicare prescription drug coverage for all and protects low-income seniors from any cost-sharing requirements; and allocates additional funding for paying down the national debt.

Federal Reserve Chairman Alan Greenspan has warned that Congress should not legislate large tax cuts before security measures to pay down the national debt and sustain economic expansion. The Republican budget grants large tax cuts on money that simply is not there to pay for it. The Spratt alternative secures on-budget surpluses for the next 10 years, unlike the Republican budget. Under the Spratt alternative the entire national debt would be eliminated by 2013.

I support the values of America's working families, fiscal responsibility, and the preservation of economic expansion. In short, I encourage us all to vote in favor of the Spratt Democratic alternative.

TRIBUTE TO JACK ROBERTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. MCINNIS. Mr. Speaker, Jack Roberts was a renowned artist, a knowledgeable historian, but more than all of this, he was a friend to many. Jack not only lived in the West, but he spent his career depicting the West on canvas for all generations to come. His art is coveted for its unique colorful flare of those "ole cowboys" all based on authentic Western men and women of the time.

It is known that as a young cowboy Jack rode the ditch for months without seeing people. These times allowed him the solitude to accurately reflect, through art, on the life of the West. His paintings were significant and have a place in the history of the West.

Jack spent over 50 years as an artist of the West. His paintings hang in many residences, businesses, museums and private collections. Jack studied at the University of Oklahoma, The Chicago Art Institute, The American Academy of Art in Chicago, and he spent two years with the great Harvey Dunn at the Grand Central School of Art in New York. Throughout his years Jack continued his study of the arts although he was already recognized as a scholar in the field.

A point of note, from Jack's personal recovery he took many of the hands of alcoholics to help them through their path to recovery. His compassion, like his art, left strong impressions and a lasting thought in the mind.

Jack leaves behind his son Gary, Gary's wife Monica and their son Wade. Additionally Jack had many friends and students of his art.

I considered it a privilege to have known Jack as a friend and to have been fortunate enough to enjoy his art.

We mourn the passing of this fine man from the West, but we keep in mind that he has just saddled up his horse, ridden ahead on the trail—to set up the camp and put on the coffee. Jack, we will miss you, "ole cowboy."

TRIBUTE TO ARTHUR "PAPPY" KENNEDY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay tribute to one of Florida's true heroes and pioneers, Arthur "Pappy" Kennedy. Pappy Kennedy passed away today after devoting a life time of service to the Florida political, civic, cultural and educational community. His honors are numerous, and his heroism unparalleled. As the first African American to be elected to the Orlando City Commission since Reconstruction, Pappy served with distinction and was re-elected by the largest percentage between contestants in the City's 101-year history up to that time. This was no great surprise to those who knew Pappy, who knew that his very existence depended upon his service to others. Nor was his service limited to the constituents who elected him. Having raised himself from poverty in rural Florida, Pappy was determined to improve the lot of others less fortunate than himself. And he did all this with the quietest dignity, at a time when dignity came at a premium for black men.

He suffered through segregation and discrimination, and managed to out maneuver both. His personal sacrifices in the face of such trying times are untold and countless. His professional accomplishments were numerous. His pioneering days began when he became one of the first African American men to work at the Orange Court Hotel in downtown Orlando, rising from one position to another in an effort to pay his way through college, which he did. Pappy's college training in Psychology paid off, for everyone who knew him in his later years could extoll his wonderful counseling abilities. He was never too busy to listen to the slightest concern that one of his constituents or neighbors or friends might bring to him. And no problem was too great for Pappy to tackle. One such instance involved the time he began organizing the former Orlando Negro Chamber of Commerce. His pioneering spirit and persevering manner deflected the considerable reluctance on the part of some local business owners. I will never forget his many inspirational, and sage, messages to me over the years, especially as I aspired to political office.

Though not a professional educator, Pappy's passion clearly lay in helping to enhance opportunities for minority schools and the students they served, and his efforts as President of the Jones High School PTA and the Orange County PTA Council left an indelible mark upon the City of Orlando. A spirited entrepreneur, Pappy was elected to the Florida League of Cities Board of Directors and was a Trust Officer of the Washington Shores Federal Savings and Loan Association, a black-owned and operated local financial institution.

Pappy Kennedy was first and foremost a family man, devoted to his late wife Marian, and his two children Arthur Jr. and Shirley. Like so many other politicians, I was blessed to know Pappy: as a counselor in politics, as a guide in life, and as a friend in all that mattered. He will be missed by scores of Floridians, but his legacy of service and sacrifice will endure in the extraordinary opportunities that resulted from all that he gave and all that he was. In Florida, we are proud of Pappy Kennedy and better off because of him.

A TRIBUTE TO THE ROTARY CLUB OF HASTINGS, DOBBS FERRY, ARDSLEY AND IRVINGTON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. GILMAN. Mr. Speaker, I take this opportunity to recognize the 75th anniversary of the Rotary Club of Hastings, Dobbs Ferry, Ardsley and Irvington, in Westchester County in the State of New York, and urge Americans to take a moment to pay tribute to the efforts of Rotary International.

Rotary clubs were created in 1905 to promote international understanding and peace through cultural, humanitarian and educational exchange programs. Rotary clubs are composed of a group of community leaders, each of whom is in a different profession or business. These members provide humanitarian services, promote high ethical standards, and strive for peace in the world. Rotary clubs fund scholarships that enable students to study abroad as well as sponsor exchanges between countries of young business and professional people.

The members of Rotary clubs have assisted in health care programs worldwide, including the immunization efforts in developing countries to protect children against infectious diseases.

The Rotary Club of Hastings, Dobbs Ferry, Ardsley and Irvington was founded in 1925. The name rotary was given to the club, resulting from the tradition of members rotating the place of meeting between their businesses.

Mr. Speaker, I invite my colleagues to join in congratulating the Rotary Club of Hastings, Dobbs Ferry, Ardsley and Irvington on their 75th anniversary, and thanking them for their continued service of helping others and our communities.

TRIBUTE TO JACK SHARP

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. DUNCAN. Mr. Speaker, Jack Sharp has now completed 25 years of service as a member of the Knoxville, Tennessee City Council.

Jack is a close friend of mine and is one of the finest men I know.

He has represented the entire City fairly and honorably, but he has been especially effective for his home area.

He holds one of three at-large seats on the Council and is very popular throughout the City.

He has served as Vice-Mayor and has frequently filled in for the Mayor at public functions of all types.

Jack has been a very forceful advocate for the fire fighters, police, and other City employees.

With his wife Doris almost always at his side, they have been outstanding goodwill ambassadors for Knoxville and a great team in thousands of ways for the City and its residents.

This Country would be a much better place if we had more men like City Councilman Jack Sharp. I congratulate him on his 25 years of community service and am thankful that term limits did not deprive us of his knowledge and experience many years ago.

I want to say thank you to Councilman Sharp and bring to the attention of my colleagues and other readers of the RECORD the service of a great Tennessean and great American, my friend, Jack Sharp.

TRIBUTE TO JOSEPHINE "JO" BUTLER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. NORTON. Mr. Speaker, as District of Columbia residents struggle in two lawsuits to reclaim their full rights as American citizens, it is appropriate today to remember Josephine "Jo" Butler, who died a year ago this week.

Jo Butler was not a public official or even a public person. She did not count herself among the self-important in the city. Instead, she worked tirelessly for the District's most important causes. Chief among these was statehood for the District of Columbia.

Jo Butler and I became fast friends in the fight for statehood. She was there in 1993, when this body granted my bill, the New Columbia Admission Act, a two-day debate and vote. Many of the city's elected officials and citizens were on hand. What makes Jo so memorable to me, however, is that she was always here. Jo was here when there were few residents to speak up or stand up for statehood or even the more ordinary elements of the city's control over its own affairs.

Nor did Jo ever give up on any of her issues, from peace to the environment. Whether for great causes like statehood for this capital city, or her precious Friends of Meridian Hill, Jo believed that struggle brings victory. She was a radical activist with a rare gift for bringing people together.

The people I represent abhor undemocratic intervention by the Congress. Yet perhaps, as in most great long-standing struggles, few have had the steadfast devotion of Jo Butler. Jo Butler's spirit lives on today in a reinvigorated movement for self-government pressed, in part, by two court cases for equality and democracy for our citizens, now on their way to the U.S. Supreme Court. May Jo's lifelong devotion to her causes infect and influence many more to reach for the level of dedicated struggle Jo Butler achieved.

TRIBUTE TO AMBASSADOR MORRIS ABRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in mourning the loss of my dear friend, Ambassador Morris B. Abram. He passed away a few days ago in Geneva, Switzerland.

Ambassador Abram was a dynamic leader in the Jewish community and commanded the respect and affection of all who knew him. Born in Fitzgerald, Georgia, in 1918, Abram was the former President of Brandeis University in Waltham, Massachusetts. He also served previously as the president of the American Jewish Committee and Chairman of the board of Benjamin Cardoza Law School in New York City. As a respected attorney, he argued landmark civil rights cases in the 1950s and 1960s, including the Supreme Court's 1963 "One Man, One Vote" decision.

In 1982, Mr. Abram published his autobiography, The Day Is Short (Harcourt, Brace, Jovanovich), detailing his legendary career and his battle with leukemia. But eighteen years ago, his career was far from over. Since that time, he served as Chairman of the NCSJ from 1983 to 1988, and Chairman of the Conference of Presidents of Major Jewish Organizations for three years. In the area of public service, he was head of U.S. delegations to the United Nations Commission on Human Rights and to the Conference on Security and Cooperation in Europe. He was also Vice-Chairman of the U.S. Commission on Human Rights. Under President Bush, Abram was appointed U.S. Ambassador to the United Nations in Geneva. Following his ambassadorial service, he founded United Nations Watch.

Denis C. Braham of Houston, Chairman of the NCSJ, paid an appropriate tribute to Morris Abram: "The experiences that he brought to NCSJ from his leadership of Brandeis University and national Jewish groups made him uniquely qualified to head the organization at a time when the plight of Soviet Jewry was at the top of the Jewish global agenda. Morris was not just an American Jewish leader but a world Jewish leader."

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. BEREUTER. Mr. Speaker, on March 22, 2000, official business off of Capitol Hill caused me to unavoidably miss rollcall vote 65 (final passage on H.R. 3822, the Oil Price Reduction Act). Had I been present I would have voted "aye."

Opponents of the legislation were circulating comments that I made as Vice-Chairman of the International Relations Committee during consideration of H.R. 3822. My statement, accurately reported by a prominent news service, was that by the Committee passage of this legislation, "we're making ourselves feel good, but that's all it is." What the article did not include is the fact that my remarks also included the statement that the President already has all the authority to implement all the recommendations of this legislation, including the authority to exact sanctions on the Organization of Petroleum Exporting Countries (OPEC), if he chooses to do so. My statement was prefaced by my remarks that the Administration has been too slow in protesting and working to reverse or counter OPEC's production cutbacks which began last spring and which have let the prices spiral get out of hand. As I said, the Administration should have been pressuring OPEC countries five or six months ago to reduce prices. I concluded my remarks in Committee by stating that the American people are now stuck with higher prices for gasoline, diesel fuel and heating oil for at least the next half year because "the Administration was asleep at the switch" and didn't take energetic and prudent actions. If there is any blame to be distributed at the Federal level, the American people should know it falls on the Administration.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise in opposition to the Nuclear Waste Amendments Act of 2000. This bill will establish the largest nuclear waste shipping program in U.S. history. It also endangers the health of our citizens and the environmental integrity of our lands. I cannot in good conscience support a bill that undermines the welfare of our people to provide the expeditious disposal of nuclear waste.

This bill continues to support interim storage of nuclear waste and does not provide the utilities the choice of interim storage in Nevada so that they can begin to remove waste from reactors and Department of Defense sites around the country by the year 2003. Pursuant to this measure, nuclear waste would be shipped to Yucca Mountain before the permanent construction of a repository. We should not place the lives of innocent people in jeopardy prior to the completion of a permanent repository. The safety of human life should be our number one priority not the premature removal of extremely dangerous nuclear waste.

Furthermore, this bill if passed will initiate the shipment of nuclear waste shipments with extraordinary amounts of radioactivity by rail and truck. This activity will potentially expose 50 million people to high levels of radiation for over 30 years. Our Nation's localities are not trained nor equipped to deal with a serious radioactive contamination event. Response teams in our nation's hospitals, police forces, firemen, and schools would be placed in an unfortunate position resulting in human suffering. We should not support a bill that does not provide for the training, equipment, and study needed to give the public reasonable assurances that their children will be safe from any possibility of radiation exposure due to a nuclear waste accident.

This bill also seeks to undermine the EPA's ability to set strong radiation standards. The measure delays the proposed standard of 15 milirems for a year until the next President takes office. The EPA can only issue a standard before the year's end if the Nuclear Regulatory Commission [NRC] agrees; however, the NRC proposes standards that do not provide adequate drinking water protections.

Finally, the selection of the Yucca Mountain site as the nuclear repository was a poor choice. Yucca Mountain happens to be located in an active earthquake zone. An earthquake registering 5.6 on the Richter scale in Yucca Mountain caused $1 million worth of damage to an Energy Department field office near the repository site. Imagine what would happen if nuclear waste was stored in the mountain. It is even possible for radiation to contaminate drinking water for the region for years to come.

For these important reasons, I cannot support the Nuclear Waste Amendments Act of 2000. The people of this country deserve better.

HONORING AVA DONER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to remember and honor Ava Doner, a pioneer in business from my district. Ava recently passed away after a long and illustrious career as president and founder of Engineering Associates.

Ava, a leading figure in the Los Angeles business community, led the way for women for over 50 years, opening doors of opportunity in fields from drafting and design to all disciplines of engineering support services and transportation. Ava was always available to assist young, working women. She helped establish organizations to encourage the growth and development of aspiring women entrepreneurs and found time to support them during her entire career.

She was an active member of the business community and her efforts did not go unnoticed. Some of the commendations she received during her distinguished career included the 1999 Small Business Administration Woman Business Advocate of the Year, the City of Los Angeles Lifetime Achievement Award, and the Los Angeles Woman Business Owner of the Year. She was also the first recipient of the first Women's Referral Service "Ava Doner Pioneer Award," named for her in recognition of her contributions and leadership as a woman pioneer in business.

Ava Doner touched the lives of many women in the working world, leaving a lasting impression upon the business community. Ava will be dearly missed, but her legacy will live on.

WILLIAM CRAWFORD WAS TRULY A HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. McINNIS. Mr. Speaker, I wanted to ask that we all pause a moment to remember a true American hero, Mr. William Crawford. Though he is gone, he will live on in the hearts of all who knew him and be remembered for long years by many who didn't.

During World War II, William fought for our country while he served in the Army. Mr. Crawford's bravery as an Army private in World War II led to him becoming the first of Pueblo's four Medal of Honor recipients. Racing through heavy gunfire and detonating hand grenades on enemy gun sites, Mr. Crawford exemplified bravery. In 1945, he was captured by German troops and was presumed dead. As a result, his father received the Medal of Honor on his behalf. However, later that year, Mr. Crawford was rescued from the German troops. In 1947, he re-enlisted in the Army and served until 1967.

As you can see, Mr. Speaker, Mr. Crawford was a model American, embodying patriotism, strength, gentleness and service throughout his lifetime. William will be missed by all of us. Hopefully, we can learn from the example that William Crawford has set.

MARCH SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to name Lawrence Middle School in Lawrence as the School of the Month in the fourth congressional district for March 2000. Lawrence Middle School principal is Dr. Mark Kavarsky, and Superintendent of Schools is Dr. Paul Kelleher.

I chose Lawrence Middle as the March School of the Month because the school provides educational activities before school, during school and after school. I'm working on an amendment to this year's education bill to bolster after school programs, and Lawrence is a perfect model of how to help kids learn all day.

The mission of the Lawrence Public Schools is to ensure all learners reach their highest individual potential, through an academically rigorous educational system that inspires lifelong learning; focuses on creative, student-centered teaching and learning; and enables all to possess the confidence and abilities to meet life's challenges.

Lawrence Middle teaches 900 children in grades 6, 7 and 8. Two years ago I was the guest of honor—and first elected offical—at Lawrence's Long Island Middle School Forum, where representatives from the middle schools in the 4th congressional district debated and discussed legislative issues.

When I visited Lawrence, I was impressed with how knowledgeable our kids are about the legislative process It's vital we encourage government participation at such a young age.

In addition to their top academic activities, the youth at Lawrence Middle are civic-minded, participating in the Service Learning Club where the youth collect toiletries, clothes and other items to give to the homeless. An innovative way Lawrence teaches the kids about wastefulness is "Wrap It Up"—when students collect and wrap all leftover food from the cafeteria and other school events. This food is then forwarded to local food kitchens to provide for the needy in the Long Island community.

The School of the Month program highlights schools with outstanding students, teachers and administrators. Each month, McCarthy will recognize a different school that demonstrates a unique contribution to Long Island education.

TRIBUTE TO REV. DR. HERBERT D. VALENTINE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. CARDIN. Mr. Speaker, I rise today to praise the work and life of the Rev. Dr. Herbert D. Valentine, who next month will be retiring as the Executive Presbyter of the Presbytery of Baltimore.

Dr. Valentine has held the position of Executive Presbyter for 23 years, serving his faith and his convictions. Dr. Valentine has been instrumental in working for better human rights policy, for better treatment of children and families and policies that speak to the better side of our nature. His work in Baltimore has spoken to the needs and aspirations of all peoples, near and far.

Dr. Valentine's commitment to strengthening ecumenical and interfaith relationships was recognized by the Central Maryland Ecumenical Council in 1995 with their Bryce Shoemaker Ecumenical Leadership Award. Prior to that, Dr. Valentine was honored by the Presbytery when he was elected to serve as moderator of their 203rd General Assembly in 1991–1992. In this capacity, Dr. Valentine traveled around the world representing Presbyterians and sharing his faith.

Throughout his lifetime, Dr. Valentine has demonstrated deep concern for all victims of oppression and injustice, not only in Baltimore but throughout the global community, especially in Central America. A visit from Dr. Valentine and other members of the Baltimore Presbytery, always meant that I would get educated as to the needs of people in distress or despair. We agreed more often than not as to the action our country had to take to assist these efforts to elevate the condition of all peoples.

Dr. Valentine's strong faith and advocacy will be missed, but I am sure he would not be leaving without a well trained and compassionate replacement—I know his coworkers are well prepared to continue his work. I ask my colleagues to join me in thanking Dr. Valentine for his service to his faith and his community and to wish him fair winds and a following sea as he enjoys his retirement.

THE DISTRICT OF COLUMBIA POLICE RETIREMENT EQUALITY ACT OF 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia Police Retirement Equality Act of 2000, a bill to provide equity in retirement benefits for Metropolitan Police Department (MPD) officers. This bill would correct an inequity by granting MPD officers and increase in retirement benefits based on the value of longevity bonus pay comparable to those received by D.C. firefighters.

Longevity pay, adopted by the District in 1972, is a bonus granted to both police officers and firefighters, in addition to base salary, as a retention incentive after officers reach milestones in service of fifteen, twenty, twenty-five, and thirty years. A D.C. firefighter, whose retirement benefits are identical in every other aspect to those of a MPD officer, receives a retirement annuity based on the combined value of base salary and longevity bonus pay. An MPD officer's retirement annuity is based only on base salary, not the longevity bonus, and is therefore lower than that of a D.C. firefighter. This benefit was negotiated by D.C. firefighters as part of a 1993 collective bargaining agreement. By 1995, MPD officials were not able to negotiate the same benefit because the District had entered into financial crisis and was essentially insolvent. The District has recovered and has had balanced budgets and surpluses for three years. MPD officers attempted to gain equal retirement benefits with D.C. firefighters through the 1997 Revitalization Act, in which the federal government assumed full responsibility for the District's unfunded pension liability for teacher's, firefighters and police officers. At that time, Representative Connie Morella, who is an original cosponsor of this bill and has constituents affected by this inequity, introduced legislation similar to the bill I introduced today. That bill was not adopted at that time.

Since then, the Council, the Mayor, and the control board have agreed to pay for this increased annuity benefit if the federal government agrees to pay for the portion of the program that would have been incurred prior to the 1997 Revitalization Act and therefore assumed by the federal government as is the case with firefighters.

This bill amends the 1997 Revitalization Act by authorizing the federal government to pay for the additional pension liability accrued prior to 1997 for police officers. The city will pay for the increased benefits accrued since the 1997 Revitalization Act. All officers retiring before enactment of the Police Retirement Act will receive the retirement benefits at the current level. Only officers retiring after this legislation is passed would be eligible for the increased annuity.

There was no intention to leave police officers worse off than firefighters in this city. Police officers should not have lower retirement pay because their collective bargaining agreement was negotiated at a low point in the city's financial picture, while the firefighters got in just under the wire. At a time when Chief Charles Ramsey is upgrading the quality of police officers, and even bringing in experienced officers on a lateral basis, we need true equity if we want a first-class police department. The retirement pay differential may be an anomaly, but its resulting unfairness hurts not only individual officers but public safety in the city. The city is willing to pay its share to correct this inequity. The Congress must do the same.

I would like to thank Representative Tom Davis, Chairman of the District of Columbia Subcommittee, Representatives Steny Hoyer, Connie Morella, and Al Wynn for being original cosponsors of this bill to restore basic parity to the retirements of District police officers and firefighters, and urge swift passage.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote from March 21, 2000 to March 24, 2000 because I accompanied the President of the United States on his historic visit to India and Pakistan.

On March 21, 2000:

I would have voted in favor of H. Con. Res. 288 (Roll Call number 56).

I would have voted in favor of H. Res. 182 (Roll Call number 57).

On March 22, 2000:

I would have voted in favor of approving the journal (Roll Call number 58).

I would have voted against on ordering the Previous Question H. Res. 444 (Roll Call number 59).

I would have voted against on agreeing to the Resolution H. Res. 444 (Roll Call number 60).

I would have voted against considering S. 1287 (Roll Call number 61).

I would have voted in favor of recommitting S. 1287 with Instructions (Roll Call number 62).

I would have voted against S. 1287 (Roll Call number 63).

I would have voted against ordering the Previous Question on H. Res. 445 (Roll Call number 64).

I would have voted for passage of H.R. 3822 (Roll Call number 65).

March 23, 2000:

I would have voted in favor of approving the Journal (Roll Call number 66).

I would have voted against the previous question on H. Res. 446 (Roll Call number 67).

I would have voted against the amended H. Res. 446 (Roll Call number 68).

I would have voted against the motion to rise on H. Con. Res. 290 (Roll Call number 69).

I would have voted in favor of the Owens substitute to H. Con. Res. 290 (Roll Call number 70).

I would have voted in favor of the DeFazio substitute to H. Con. Res. 290 (Roll Call number 71).

I would have voted in favor of the Stenholm substitute to H. Con. Res. 290 (Roll Call number 72).

I would have voted against Sununu amendment to H. Con. Res. 290 (Roll Call number 73).

I would have voted in favor of the Spratt substitute to H. Con. Res. 290 (Roll Call number 74).

March 24, 2000:

I would have voted against H. Con. Res. 290 (Roll Call number 75).

TRIBUTE TO SALLY MORRISEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a living legend, Sally Morrisey. On March 24, 2000, Mrs. Morrisey reached a milestone in her life, when she celebrated her 80th birthday. On this day people from all over the nation came to celebrate this event with her.

Mrs. Morrisey is Durango Herald's longest running writer. She wrote a column dubbed "Sally Says" for 36 years. Locals swear by her columns, learning about travels, hospital stays, visiting relatives and the ongoing beat of new grandchildren. From an early age, she has demonstrated curiosity and an outgoing temperament, a combination that has served her well as a journalist. From 1982 to 1985, Sally joined the Peace Corps where she lived in Costa Rica and Guatemala.

Sally and her late husband, John Morrisey, Jr., raised a beautiful family of four children, 12 grandchildren and 4 great grandchildren. Some of her other achievements involve: the Peace Beyond War Award from the U.S. Government, the Eye Mission Award, the Animas Grange Citizen of the Year, AAUW's Outstanding Woman of the Year, the Barbershoppers' Harmony Award. In addition, Sally is active in the Reading Club, Tuesday Literary Club, La Plata County Historical Society, Durango Arts Center, Friends of the Arts, the Sewing Club, and an honorary member of Beta Sigma Phi.

On the wall of her apartment, Mrs. Morrisey has a quote by Helen Keller: "So much has been given to me, I have no time to ponder over that which has been denied." Mrs. Morrisey lives her life according to this quote. Mr. Speaker, I ask that we all wish a happy birthday to this outstanding American, wife, mother, journalist and friend. Hopefully we can all learn from the wonderful example that Mrs. Morrisey has set and follow the life of dignity and integrity that she has led.

OIL PRICE REDUCTION ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, today I rise in opposition to the Oil Price Reduction Act. This bill does not give the President any more authority or require more action than he currently possesses. Furthermore, the Republican leadership refused to allow any waivers for Democratic amendments that would have significantly improved this measure.

This bill authorizes the President to reduce, suspend, or terminate assistance, such as military assistance or foreign aid, to countries that fix oil prices to the disadvantage of the American economy. Oil price fixing under this measure is defined as participation in any agreement, arrangement or understanding with other countries that are oil exporters that increase the price of oil or natural gas by means of limiting oil or gas production or establishing minimum prices for oil or gas. Furthermore, this bill would require the President to report to Congress as to whether major oil exporters are engaged in the defined oil price fixing to the detriment of the U.S. economy.

It requires the President to "undertake a concerted diplomatic effort to convince" countries accused of oil price fixing that their production levels are inadequate and have significant negative impacts on world economies. Recently, the Organization of Petroleum Exporting Countries [OPEC] acted in concert to decrease oil production and hold approximately 4 million barrels of oil a day. Since this decision to curtail production of 6 percent of the global supply of oil, prices have steadily increased from $11 a barrel in December 1998 to $30 a barrel just last month. The United States has not seen prices this high since the 1991 Persian Gulf war.

Our Nation's truckers, airlines, railroads, buses, and automobiles have been adversely impacted by these drastic oil production cuts. Our Nation needs relief; however, we must be careful not to rush legislation that may not fully address our energy needs. I support the Democratic leadership's effort to include the enforcement provisions of this bill that will enable the President to effectively address situations where oil price fixing threatens the U.S. economy.

RETIREMENT TRIBUTE TO DR. H.G. BRYANT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. LEWIS of Kentucky. Mr. Speaker, today I pay tribute to Dr. H.G. Bryant, Jr., of my district on the occasion of his retirement from Swedish Match North American, Inc., an employer of many in Owensboro, KY.

Dr. Bryant has been with Swedish Match for more than 30 years in a number of positions. He began his career in 1968 as a senior scientist with Liggett Group and ends his career as vice president for research and development, quality control and leaf procurement of Pinkerton Tobacco Co., which is now Swedish Match.

During his time at Swedish Match, Dr. Bryant has made a number of valuable contributions to the Owensboro area. He has served on the Kentucky Wesleyan College board of trustees, the Owensboro Community College Foundation and the Kentucky Council on Economic Education. His civic contributions to the community also include support of the United Way and local food banks.

Dr. Bryant has been a good friend to many in the community of Owensboro, as an employer and a civic leader. Today I acknowledge his commitments and achievements, along with his family, and wish him a happy and healthy retirement.

TRIBUTE TO ROBERT ROSEGARTEN, MAYOR OF GREAT NECK PLAZA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. ACKERMAN. Mr. Speaker, today I pay tribute to Robert Rosegarten upon his retirement as Mayor of The Village of Great Neck Plaza, NY, on Friday, March 24th.

Mayor Rosegarten's work in Great Neck Plaza has been recognized on both the national and state level. His work to revitalize the downtown Great Neck shopping area is a model for local municipalities nationwide. Under the mayor's dynamic supervision, the village of Great Neck Plaza has not only experienced financial success, but is also highly regarded for its aesthetic beauty. Mayor Rosegarten's service to the community will undoubtably be used as a measuring stick for future Great Neck public officials.

Prior to his distinguished service as mayor of Great Neck Plaza for the past 8 years, Mr. Rosegarten held the position of deputy mayor for 8 years and was also a village trustee for 2 years. Mayor Rosegarten has further distinguished himself in the Great Neck community as president of the Great Neck Village Officials Association, commissioner of the Great Neck Central Police Auxiliary and member of the executive board of Great Neck's United Community Fund.

In addition to his work in the village of Great Neck Plaza, Mayor Rosegarten has been a successful executive in the advertising industry for over a quarter of a century.

Robert Rosegarten is an avid sculptor and painter, whose art works have gained wide attention by appearing in many local galleries on Long Island. Mayor Rosegarten is a loving father of three sons and a proud grandfather to six grandchildren.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Robert Rosegarten as he completes another milestone in his career and in wishing him many more years of active service to his family and his community.

WOMEN'S HISTORY MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. PELOSI. Mr. Speaker, thanks to the efforts of enterprising women in Sonoma County, CA, March is Women's History Month. As we celebrate women's history, we must focus on the future of women. The right to choose and make family planning decisions is central to women's liberty and freedom in that future. Family planning represents an opportunity for women and empowers families to make decisions that impact their quality of life and their future.

United States support for international family planning is an integral part of a progressive agenda for women and a foreign policy agenda that saves the lives of women and children and improves life circumstances. Unfortunately, many impoverished women are held hostage to the conservative politics of the right wing of the Republican party and damaging restrictions on international family planning assistance that conservatives forced into law.

Last year, conservatives forced President Clinton to accept the undemocratic "global gag rule" restrictions that force foreign nongovernmental organizations (NGOs) to give up their right to participate in their own democratic process to become eligible for U.S. funds. These restrictions contradict the main objective of U.S. foreign policy, fostering democracy and stability throughout the world. They represent a strong setback for women and democracy. If the U.S. Government tried to impose similar restrictions on U.S.-based organizations, they would, without a doubt, be unconstitutional. They are undemocratic and deny women a fundamental right.

Restrictions on family planning assistance will restrict access for poor women, which will result in more unintended pregnancies, more births, more maternal deaths and injuries and more abortions. The World Health Organization estimates that 600,000 women die each year from pregnancy-related causes and more than 150 million married women who want contraceptives have no access to them.

Soon, I will introduce legislation, along with Representative NITA LOWEY and Representative CHRIS SHAYS, to ensure that the current restrictions are never again included in law. This forthcoming legislation, the Global Democracy Promotion Act, will stop foreign NGOs from being forced to relinquish their right to free speech in order to participate in U.S.-supported family planning programs. If we can't impose these restrictions on U.S. organizations, we shouldn't be imposing them on foreign organizations. If passed, our legislation will stop foreign NGOs from being excluded from these programs based solely upon legal health services that they provide with their own, non-U.S. funds. If the services are legal here, and they are legal where the NGO is operating, it would be misguided to deny an NGO the opportunity to carry out its important work.

This new bill will assist women around the world by protecting their fundamental rights and enabling women to access important family planning services from NGO's. As we celebrate Women's History Month, we must continue fighting for fundamental rights for women at home and around the globe.

TRIBUTE TO DEWEY FAUGHT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who is a dear friend of mine, Dewey Faught.

Dewey Faught has served the state of Arkansas and his country all of his life. He graduated in 1953 from Eudora High School in Eudora, Arkansas and went on to attend Florida State University, Arkansas State University and the University of Central Arkansas where he studied Business Administration. He also received degrees in Liberal Arts and Agriculture.

Dewey is a veteran of the U.S. Air Force having served during the Korean, Vietnam and Cold War. He retired as a Senior Master Sergeant in July of 1974 after 20 years of honorable service. His Squadron was the First Combat Evaluation Group responsible for the administration of the RBS radar sites. His accommodations include the Meritorious Service Award and National Defense Medal. He recently received an accommodation from the Secretary of Defense for his service throughout the Cold War.

Dewey also served as Executive Director, Secretary and Treasurer for the Cabot Chamber of Commerce for 20 years. He also served as the Secretary and Treasurer for the Cabot Lions Club for 19 years, where he presently holds the position of President. He has a perfect attendance record for his 20 years of service to the Cabot Lions Club and is responsible for the recruitment of 40 members. He is a lifetime member of the VFW Post #4548 as well as the Disabled American Veterans. He is also a member of the AARP. In 1990 Dewey received recognition from his church, Cabot United Methodist, for his years of service as Sunday school superintendent. In 1983 Dewey was chosen Cabot Citizen of the Year. He was also chosen for the Cabot Community Leadership Award in 1999. His most recent project has him organizing the Cabot Veterans Monument and Memorial, Inc. He is spearheading the construction of this memorial that will honor Veterans in the North Lonoke County communities of Cabot, Austin, and Ward, Arkansas.

Dewey Faught is a great American and great Arkansan. He is the kind of citizen that made this nation the great place it is today. He has made Cabot a great place to work, live and raise a family. I am proud to call him my friend. Dewey has been married for 43 years to Jane Powell formerly of Gillett, Arkansas. They have five sons, 17 grandchildren and one great grandchild.

HONORING THOMAS R. CAFFREY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. SAXTON. Mr. Speaker, today I rise to congratulate Mr. Thomas R. Caffrey of Tuckerton, New Jersey. Mr. Caffrey was a first prize winner in C–SPAN's American Presidents: Life Portraits Viewers' Contest. Mr. Caffrey's poem on President John Adams is worthy of high praise.

President Adams served as our second president from 1797 to 1801. President Adams, as one of our nation's Founding Fathers helped shape a newly formed nation with his intellect and vigor. His personal correspondence with Thomas Jefferson have delighted scholars for years as they provide a personal glimpse of these two very important Presidents. Mr. Caffrey's poem encapsulates the life and times of President Adams.

I would like to enter into the RECORD Mr. Caffrey's poem, "Our Dearest Friend".

OUR DEAREST FRIEND

(A POEM OF JOHN ADAMS)

(By Thomas R. Caffrey)

From Puritan seed a seminal birth to Ancient, he was for the ages.
A blend of the heavens and merciless Earth
To a man needing many assuages
The genesis of this patriot as Founder will yet be revealed.
Portending rejection of British flat his fate about to be sealed.
So stubborn affixing himself to the law in defense of the British who fired.
Yes justice was blind and everyone saw that murder had not transpired.
While sufferings mixed with physical his angst was most profound.
So loving his country, he's practical; can America make it uncrowned?
A man in the midst of Freedom's vortex imploring the thirteen to one.
The lover of laws because they protect and make 'That Chair' a rising sun.
Declaring their freedom with principles inspiring Jefferson's pen.
The Wordsmith's text would soon convulse all parties, including them.
Though stunned by the Lion's thundering roar, some cowed by fear of this mother.
Undaunted courage he'd force to the show, a rally for most of the others.
Prevailing at Yorktown made him celebrate, Conquest! On his date of birth!
Yet sober he was knowing full well his station, the Treaty would reflect his worth.
In Europe he felt the growing unease of absence from 'Portia'—his 'Friend'.
He often would stir for his quick release, when will this humility end?
The tenuous peace was forged with his mettle, in Paris the year '83.
The subsequent years would provoke much nettle. In Britain he yearned to be free.
Soon after he mixed into dear Quincy's soil, a call came for services, more.
For eight years his self-doubt would burden the toil. 'It's hopeless', he'd like to implore.
Before him the Giant of Mount Vernon, the deified A Priori.
In whose shadow he often fell striving for his own glory.
Leading was harder than Founding, it seemed. Not service but politics he loathed.
Betrayals were bad, from Jefferson worse, impossible when they were betrothed.
A premature move back home was his fate, no destiny to be a two-term.
Oft' ringing his hands and imploring his mate, his worth would she please affirm?
He passed many by on the farm at Peacefield, to dust they went, compost for life.

As his time drew near, posterity sealed, he
relented, and thus joined his wife.
Today we think mainly of First and of Third,
on Rushmore and our currency.
Remember Our Friend, a man of his word,
whose heartsleeve was for you and me.

TRIBUTE TO THE LATE CAPTAIN ANTHONY R. STARNER

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. HANSEN. Mr. Speaker, yesterday marked the second year that United States Marine Corps Captain Anthony R. Starner, his wife Ann, and their son Michael were tragically killed in an automobile accident on their way to Michael's baptism. Captain Starner served his country admirably in many places around the world including: Guantanamo Bay, Cuba; Puerto Rico; the Balkans; Estonia; and the United States of America. He was a selfless, well-respected, and caring officer, husband, and father. He and his family are missed by many friends, family members, and loved ones. A flag flew over the Capitol Building yesterday in their honor.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in the Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005:

Mr. STARK. Mr. Chairman, the Full Employment and Balanced Growth Act of 1978 provides for the members of the Joint Economic Committee to come before the House and present their views on the current state of the U.S. economy, to serve as input in the debate we are about to have on the budget resolution before us. I rise today to report that while there are many economic achievements to celebrate, there is also a lot more to do in order for everyone to share in the current prosperity.

For the first time since the Full Employment and Balanced Growth Act was passed in 1978, the U.S. economy has met the goals which Senator Hubert Humphrey and Congressman Gus Hawkins set out in the original bill: 1. The unemployment rate for individuals over 20 is just ½ percentage point above the goal of 3 percent. 2. The unemployment rate for individuals over 16 has met the stated goal of 4 percent. 3. Inflation has remained below the goal of 3 percent since the beginning of the Clinton Administration, 7 years ago. 4. And all of this has been achieved while balancing the federal budget, for the first time in over 40 years.

It is a shame Senator Humphrey and Congressman Hawkins could not witness these achievements.

The great irony is that Senator Humphrey and Congressman Hawkins saw these goals as part of the path toward achieving full employment and balanced economic growth. Today, 20 years later, Alan Greenspan views them as dangerous signs of an overheating economy! I agree with Humphrey and Hawkins—low employment and inflation, and rising wages are always good for an economy.

Currently, unemployment and inflation are low, average wages are rising, and productivity is growing. There is cause to celebrate these achievements, which are due, in large part, to the economic policies of the last 7 years. But the Humphrey-Hawkins bill also called for establishing a national goal to fulfill the RIGHT of all adult Americans who are able, willing and seeking work to find employment at fair compensation. We may have met the numerical targets set out in the bill, we still have a lot to do in order to meet their overarching goal.

Despite the historic economic prosperity we are currently experiencing, the average after-tax income of the wealthiest families continues to grow faster than that for all other Americans, causing the income gap to continue widening. Some of my colleagues like to argue that the tax code should not be used to redistribute income to the poor. Well, I say we should stop using the tax code to redistribute income to the rich, like we have been doing!

Consider the following: Just the richest one percent of Americans—2.7 million people—took home as much after-tax income as the lowest 38 percent—or 100 million people—combined. In 1998, the average income of the wealthiest 20 percent of families was 14 times higher than that of the poorest 20 percent. After adjusting for taxes, the top 20 percent of U.S. households experienced a 43 percent increase in average income from 1977 to 1999, while the average income of the lowest 20 percent experienced a 9 percent decline. In 1999, almost 13 percent of total national after-tax income was concentrated in the top one percent of Americans. As a result of changes in the tax code since 1977, the richest one percent of households, on average, are expected to pay $40,000 less this year in taxes than they would have paid under the 1977 tax rates.

The foundations for this disparity were laid during the 1980s, when average after-tax income for the wealthiest fifth of households increased by 33 percent.

The Republican budget does nothing to narrow the growing gap between the rich and the poor, and in fact would actually make it worse. Tax breaks for multi-millionaires do not help the millions of average Americans or narrow the gap between the rich and the poor.

In addition, the Republican budget would jeopardize the economic prosperity we are currently enjoying.

In 1992, President Clinton inherited budget deficits for "as far as the eye could see." In contrast to his predecessors, President Clinton and the Democrats in Congress implemented policies which eliminated the budget deficit. And contrary to what the critics predicted, we balanced the budget while experiencing the longest period of prosperity in U.S. history.

The Republican budget would put all of this in jeopardy. The Republican budget calls for large tax cuts, increases in defense spending, and drastic reductions to non-defense discretionary spending. Where have we heard this before? This precise mix of policies brought us the record budget deficits of the 1980s, which contributed to a decline in living standards for the vast majority of Americans.

My colleagues claim that their budget fixes Social Security and Medicare, creates a prescription drug insurance program, and does all this while keeping the budget in surplus. Well, this sounds like de ja vu all over again. To paraphrase this month's testimony of Nobel Laureate Robert Solow before the Joint Economic Committee—if you believe that their budget will do all that, I must be Alice and this must be wonderland.

The Reagan supply-side policies were a complete failure. While a few got rich, the vast majority of American workers and their families suffered as the country was saddled with an enormous debt, which those working families are still paying off.

The nation made the mistake of buying that snake oil once, why should we do it again? I am not about to put the incomes of American families at risk once again, especially as they are just beginning to recover from the last Republican attempt to "save" the economy.

The Republican budget includes a "Bush-lite" tax cut. I must at least give my colleagues some credit for rejecting the full Bush tax cut proposal completely. Their tax cut would only go half as far—which is still way too much. The Republican's current tax cut proposals cost more than the bloated tax cut proposal from last year, which the American people clearly rejected.

There are two fundamental things wrong with their tax proposals. First, they benefit the rich and don't help the vast majority of Americans. Second, these tax cuts, together with the rest of the budget package, are certain to get us back into the mess we were in during the 1980s, which caused real economic hardship on workers and their families.

The Republican budget calls for increasing defense spending by $17½ billion above the caps, which is even more than the Administration's request. According to the Children's Defense Fund, just this additional spending alone would be enough to: Provide Head Start to 1.7 million additional children; and Provide child care to more than 8 million additional children; and Provide 21st Century After-School programs for close to 35 million additional children.

Just think what we could do for our children if we were willing to forgo just one new major weapon system. In addition to being a budget-buster, excessive defense spending forces us to shift our priorities away from feeding, clothing and educating our children and caring for the sick, the elderly and the poor.

The Republican budget has a solution to this problem—cut non-defense discretionary spending by 6 percent or $114 billion over 5 years. Where is this money going to come from? I'll tell you. The Republicans want to drop 310,000 low-income women off of WIC, just next year. The Republicans want to deny child care to over 12,000 children of working parents in 2001. The Republicans want to eliminate Head Start services for more than 40,000 children and their families by 2005. The Republicans want to cut off energy assistance to 164,000 low-income families next year, precisely at the same time oil prices are rising. And the list goes on and on.

The Republicans call their budget "senior-friendly." Well, with friends like them, who needs enemies?

The Republicans set aside $40 billion for reforming Medicare and establishing a prescription drug program, yet they fail to provide us with the details of how they plan to do so. There are reports that the Republican's prescription drug program would only cover low-income Medicare recipients. Do they actually think that only the poor take prescription drugs? In fact, over half of Medicare beneficiaries who lack prescription drug coverage have incomes above 150 percent of poverty. The cost of prescription drugs is the fastest growing part of health care, and it affects all Americans. We must establish a comprehensive prescription drug plan which covers all seniors, regardless of income, as they are the ones suffering the most from rising drug costs.

The Republicans claim to put aside funds to shore-up Social Security. But in fact, if they do everything they promise, the Republican budget will actually spend the Social Security surplus. We need to protect Social Security, not put it under any more risk. It seems like everyone has learned the clear lessons of the last 7 years except my colleagues on the other side of the aisle.

Over the last 20 years we have put off addressing some of the major economic problems affecting American workers and their families. Now, during this time of unprecedented prosperity, it is time to begin dealing with these issues. If we can't do it now, then when can we?

Instead of debating tax cuts which favor the rich and will put us back in the fiscal straightjacket of massive debt, we should be discussing how to provide quality health care for all Americans, while controlling costs.

We should be discussing ways to protect the most vulnerable Americans—the sick and the elderly. We should pass a strong patient's bill of rights, which includes a patient's right to sue for damages, that is not cynically loaded with poison bills—like Medical Savings Accounts, which are nothing more than tax cuts for the rich.

We should raise the minimum wage without having to buy-off the wealthy by providing them close to $80 billion in estate tax cuts. Working full-time at the current minimum wage is not even enough to keep a family of 3 or 4 out of poverty. Raising the minimum wage is long overdue and should be done with no conditions attached.

For these reasons and others, I urge my colleagues to reject the Republican budget resolution.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005:

Ms. JACKSON-LEE of Texas. Mr. Chairman, today I rise in strong opposition to the Budget Resolution for FY 2001 (H. Con. Res. 290). For the third consecutive year Republicans have chosen to provide large tax breaks for the wealthy. This Budget Resolution provides at least $200 billion in tax breaks over the next five years for the financial elite of America. Furthermore, this resolution is a major down payment for George W. Bush's proposed trillion-dollar tax scheme. I will not standby while our children's future is bankrupted to fund this irresponsible Budget Resolution.

This budget contains deep cuts in domestic spending by $114 billion over the next five years; fails to provide anything to strengthen Social Security or Medicare; cuts nondefense discretionary spending by $19.7 billion in 2001 and $138 billion over the next five years below the level needed to maintain purchasing power after adjusting for inflation; and pretends to reserve $40 billion for a Medicare prescription drug benefit contingent upon essentially turning Medicare into a voucher program. Republicans have used slight of hand to hide the facts of their irresponsible budget by showing the effects of proposed tax cuts for only the first five years and not the full ten year projections commonly used during the last four years.

I am disappointed in the Budget Resolution because I do not believe that it provides adequate investment in our nation's future. America's future depends on that of her young people—in providing them adequate resources and opportunities to become our future leaders including providing them education and access to adequate health care.

The Budget resolution provides inadequate resources for the education of our young people. I firmly believe that we must focus our attention and our energy on one of the most important challenges facing our country today—revitalizing our education system. Strengthening education must be a top priority to raise the standard of living among American families and to prolong this era of American economic expansion. Education will prepare our nation for the challenges of the 21st century, and I will fight to ensure that the necessary programs are adequately funded to ensure our children's success.

We must provide our children access to superior education at all ages from kindergarten to graduate school. Recent studies emphasize the importance of quality education early in a child's future development. And yet despite these studies, the Budget Resolution still inadequately funds programs that would provide for programs targeting children in their younger years.

In addition, we need to open the door of educational opportunity to all American children. It is well known that increases in income are related to educational attainment. The Democratic budget alternative rejects the Republican freeze on education funding and allocates $4.8 billion more for education for FY 2001, than the Republican budget. Over five years, the Democratic Party demonstrates its commitment to education by proposing $21 billion more than the Republican Budget Resolution.

The Congressional Black Caucus ("CBC") will offer an amendment in the nature of a substitute that promises to invest for the future of our nation. The CBC substitute is a budget that maximizes investment and opportunity for the poor, African Americans, and other minorities. This Budget for Maximum Investment and Opportunity supports a moderate plan to pay down the national debt; protects Social Security; and makes significant investments in education and training.

The CBC budget requests $88.8 billion in FY 2001 for education, training, and development. This is $32 billion more than the Republican budget provides. The CBC substitute will propose a $10 billion increase over the President's Budget for school construction. Other projected increases include additional funding for Head Start, Summer Youth Employment TRIO programs, Historically Black Colleges and Universities, and Community Technology Centers. In an age of unprecedented wealth the CBC has the vision to invest in the American family and not squander opportunities afforded by a budget surplus.

I will not support the failed policies of the past. Senator MCCAIN has best characterized this Budget Resolution as one that is "fiscally irresponsible." I support a budget that invest strengthening Social Security; provides an affordable prescription drug benefit for all seniors; helps communities improve public education with quality teachers, smaller classes, greater accountability and modern schools; and pay down the national debt. These are the policies that invest in our children and in the future of our nation in the 21st century.

TRIBUTE TO RICHARD ROTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. CALVERT. Mr. Speaker, I honor an individual whose dedication to the community and the overall well-being of the 43rd Congressional District is notable. On April 1st, Mr. Richard Roth, will step down as the Chair of the Greater Riverside Chamber of Commerce—a day that also marks Chamber's 100 year anniversary of service to the community. My district has been fortunate to have dynamic and dedicated community leaders who willingly give their time and talents to promote the businesses, schools and community organizations. Mr. Roth has proved himself one of these individuals again and again.

Richard Roth has a long and commendable history of serving Riverside County. Currently, he is a member of the Inland Empire Board of Directors for the Employer's Group, the civically minded Monday Morning Group and the Raincross Club. Additionally, in the past, he has selflessly served as Vice Chair of the Parkview Community Hospital Board, Vice Chair of the March Field Museum Foundation Board of Managers and member of the Board of Directors for the Volunteer Center of Riverside.

Richard Roth is a Managing Partner of the Riverside County law firm of Reid & Hellyer. He is also involved in the community as an adjunct instructor in Labor and Employment Law at the University of California at Riverside, Graduate School of Management and in the University Extension Division.

In addition to his private practice of law, Richard Roth is a Brigadier General in the United States Air Force Reserve. In this position, he presently serves as the Mobilization Assistant to the Staff Judge Advocate, Headquarters Air Mobility Command and Reserve Advisor to the Chief Counsel, United States Transportation Command. In 1987, Richard Roth received the Reginald C. Harmon Trophy as the Air Force Outstanding Reserve Attorney and in 1992 he was named California Air Force Association Reserved Man of the Year.

Richard's outstanding accomplishments make me proud to call him my friend, community member, and fellow American. I thank him for his contribution to the betterment of the community and I look forward to continuing to work with him for the good of Riverside County.

RECOGNIZING MARC COTTA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Marc Cotta for his many years of service in the news industry. Cotta, who is currently the News Director for KJEO–TV 47 in Fresno, is retiring this week after 26 years of service in the broadcast business.

Starting out in 1973 with KSLY (of San Luis Obispo) and KTIP/K100 (of Porterville), Cotta got his early career start working on radio sales, news reporting, and announcing/production. He then spent 3 years as Assistant Program Director for KSLY, before moving into television. From 1978–1980, Cotta worked as a reporter and news sports anchor for KSBY (of San Luis Obispo). In 1980, Cotta moved to Fresno's KJEO, channel 47 and a CBS affiliate, where he worked as a television reporter. By 1981 he had already moved up to be the Sports Director for KJEO, where he served until 1992. From 1992 to 1993, Cotta served as Executive Managing Editor for KJEO. Because of his strong work ethic, attention to detail and ability to know a good news story, it wasn't long before the station promoted Cotta once again, this time to Assistant News Director, where he served until 1995. From 1995 to present, Cotta has served as News Director for KJEO in Fresno.

Cotta is a great news director. He's always on the hunt for the next story. He keeps a Rolodex a mile long with contacts throughout the Central Valley and indeed throughout California.

Among his accomplishments Cotta won the Edward R. Murrow Award in 1998 for the western region. He has had three Emmy-nominated newscasts: for 1996, 1997, and 1998. In addition, he had Emmy-nominated reports in 1997. Cotta started the Fresno market's only weekly half-hour sports show. He has also developed the first live aerial news gathering capabilities in the market, the first digital satellite news gathering in the market, and the first two and half AM show newscasts in the market.

Cotta has produced a variety of T.V. specials and programs, as well as spearheading coverage of several major sporting and news events. Cotta has covered Super Bowls, the World Series, Major League All-Star games, the NIT Championship of 1983, the College World Series, and the 1989 San Francisco earthquake.

While Cotta leaves channel 47, KJEO he remains an outstanding source of news and information and leaves behind a 26 year legacy of dedication to his profession and his community.

Mr. Speaker, I want to recognize Marc Cotta for his tremendous contributions to his community and to the news and broadcast business. I urge my colleagues to join me in wishing Mr. Cotta many more years of continued success.

IN HONOR OF LTC STEVE H. INADA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. FARR of California. Mr. Speaker, today I honor a man who has dedicated his life to serving in the U.S. Army and has pursued all of his military endeavors with the highest degree of bravery and courageousness. Lieutenant Colonel Steve Inada will be retiring from active duty on June 1, 2000, after over twenty years of service to his country.

Born in Marina, California, Steve enlisted in the Army through the University of California at Berkeley ROTC program in April 1978. Throughout his military career, LTC Inada's valiant service has resulted in, among other things, his receipt of various personal awards including: an Army Service Ribbon; a National Defense Ribbon; an Armed Forces Reserve Ribbon; an Army Achievement Medal; a Joint Service Achievement Medal; an Army Commendation Medal; a Joint Commendation Medal; three Meritorious Service Medals; a Joint Meritorious Service Medal; and he will soon receive a Retirement Medal. A life of dedication to his country has also earned Steve a Joint Meritorious Unit Award, an Airborne Badge, a Joint Staff Badge and an Office of Secretary of Defense Badge. We should all aspire to lead a life of public service similar to that of LTC Inada who has time and time again placed his country before himself.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the many contributions which LTC Inada has made as a member of the U.S. Army. At each assignment, he has functioned as an invaluable asset to his division. Although well deserved, LTC India's retirement is a loss for the U.S. Army. I wish Steve many years of happiness as he enjoys his golden years.

"MR. BASEBALL", A TRIBUTE TO SENATOR HARRY WIGGINS OF MISSOURI

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. DANNER. Mr. Speaker, as famed baseball legend George Herman "Babe" Ruth once said, "Baseball was, is and always will be to me the best game in the world." Well Mr. Speaker, for more than 30 years, America's favorite pastime has, indeed, been the best game in the world to my former colleague and longtime friend, Missouri State Senator HARRY WIGGINS. Today I honor him for being named "Mr. Baseball" by the Kansas City Royals.

As most fans of the Kansas City Royals are aware, Senator Wiggins has been a lifelong sports enthusiast who has never hesitated in proclaiming the Royals as "The greatest organization in baseball." Since becoming a state senator in 1974, Harry has used his position as a dedicated public servant to rally behind the needs of the franchise while advancing the Royals' image as a team which thrives on the spirit and dedication of its fans.

As a young boy growing up in Kansas City, Harry dreamed of playing third base for the Kansas City Blues, a Triple A Farm Team whose glory days have long since ended. Although Harry would never join the ranks of baseball greats such as Joe Dimaggio, Mickey Mantle and Johnnie Mize on the baseball diamond, his love of the game and passion for baseball in Kansas City has never diminished. Decades later, and now as a seasoned statesman and respected politician, Harry is still the first fan to arrive at Kauffman Stadium and the last to leave—his busy Senate schedule permitting, of course.

Mr. Speaker, I thank the House of Representatives for allowing me to congratulate Senator Harry Wiggins for his many years of support for the Kansas City Royals. His love of the game of baseball, commitment to the team and unwavering advocacy on behalf of all Royals' fans continue to show that he is truly deserving of the title, "Mr. Baseball".

CONCURRENT RESOLUTION ON THE BUDGET FISCAL YEAR 2001

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (House Concurrent Resolution 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005:

Mr. BLUMENAUER. Mr. Chairman, passing a budget resolution should be the first step in a process of guiding our country towards fiscal stability. In a time when the economy is strong and when there is a consensus on things like reducing the national debt, protecting Social Security and getting the most out of the dollars we invest, one would hope the budget resolution could be accomplished in a constructive fashion. At this time, we should establish a blueprint for government spending that guides our spending decisions through the coming years and gives a signal to the American public about our priorities.

Unfortunately, again this year that has not been the case with the budget resolution. The resolution adopted by the Republican majority continues a pattern of budget gimmicks, ambiguity, and deception. The Republican appropriators have no intention of following this blueprint and there is virtually no one in the Republican caucus who's going to have a voting record at the end of this year that would conform to what the budget resolution demands. This budget is rife with double counting, under counting for important priorities such as a Medicare prescription drug benefit, and slashes other priorities for massive tax cuts that are not supported by the American public and will not find their way into law.

I voted for four alternatives to this budget, all of which are superior to the Republican version which was passed. There are details of each that I don't necessarily agree with, but they are each more honest and would be better for America than the Republican version.

I hope I will see the day when we have a budget resolution that actually resembles the final budget at the end of the year.

IN RECOGNITION OF GREEK INDEPENDENCE DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize March 25th as Greek Independence Day. This past Saturday, as Greeks celebrated the 179th anniversary of their freedom from Ottoman rule, many of my own constituents commemorated this occasion with a special ceremony in Middletown, Connecticut. The blue-and-white Greek flag flew high over Middletown, as city and state officials gathered with residents for the unveiling of a new street sign called Eleftheria Way—the Greek work for freedom.

The pursuit of freedom is just one of the many ideals which have historically bound together our peoples. In many ways, Greece was the birthplace of American democracy. In 370 B.C., Plato wrote in The Republic: "Democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike." In an address made over 2400 years ago, Pericles explained: "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability which the mass possesses."

As Americans, we are indebted to the contributions of the Ancient Greeks in so many areas, including science, medicine and the arts. Greek civilization has inspired our passion for truth and justice. And for more than a century, Americans of Greek descent have continued to lend their wisdom, energy and talent to our nation while weaving their own unique history into the social fabric of America.

Greek Independence Day marks an important milestone for lovers of freedom and democracy worldwide. I congratulate Greece for 179 years of independent rule and for a legacy that will extend for an eternity.

TRIBUTE TO WAYNE ASPINALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. McINNIS. Mr. Speaker, I rise today to pay homage to a man who sat in this august body for 24 years, from 1948 to 1972. Mr. Speaker, he served with six Presidents during that time, and was Chairman of the House Interior and Insular Affairs Committee. It was during his tenure in the House that the focus cleared on land and water issues in this great country. Mr. Speaker, I am referring to the late-Congressman Wayne N. Aspinall from the small peach and winery town of Palisade, Colorado.

Not only did Wayne Aspinall serve with distinction here, but his career in public service spanned over 48 years, including six years on his Town's Board of Trustees and 16 years in the Colorado Legislature. His six years in the Colorado House of Representatives included service as House Speaker for two years. As a state Senator for ten years, he served as both Majority and Minority leader. He was also a sergeant in the Air Service of the Army Signal Corps during World War I.

But let me talk further about Wayne Aspinall's time in the U.S. Congress. In 1956, as Chairman of the Subcommittee on Irrigation and Reclamation, he crafted the Colorado River Storage Project Act of 1956, which authorized Glen Canyon, Flaming Gorge, Navajo and Curecanti projects, plus several smaller projects authorized for construction and others designated for study. Aspinall's legislation was signed into law by President Eisenhower on April 11, 1956.

In 1959, Congressman Aspinall became Chairman of the U.S. House Interior and Insular Affairs Committee, as I mentioned. The ensuing 14-years of his leadership were probably the most productive in history in terms of water projects and national parks authorized and built or developed, wilderness areas designated, redwoods protected, the states of Alaska and Hawaii were admitted to the Union, public land law review, and so much more.

Mr. Speaker, this remarkable Congressman's accomplishments continued. In 1964, he paved the way to the Wilderness Act, which became law September 3 and designated 9.1 million acres of wilderness and set aside more for study. At the same time, the Land and Water Conservation Fund was established primarily for parks acquisition.

Then, in 1968, he created the Colorado River Basin Development Act, signed into law by President Johnson on September 30, which balanced development in the basin. On October 2 of the same year, his bill was signed protecting 58,000 acres of California redwoods and the Land and Water Conservation Fund was further beefed-up.

Finally, Mr. Speaker, he returned to his hometown of Palisade, Colorado in 1973 to live in a new home overlooking the Colorado River which his life's work had done so much to preserve as a valuable resource for the entire western United States. He died October 9, 1983.

Now, the citizens in his hometown plan to honor his memory with a one and a half time life-size bronze sculpture by renowned North Carolina artist Thomas Jay Warren. The statue will be the central feature of a Memorial which will include the representation of a dam and river. Several adjacent Memory Walls will be inscribed with the major achievements of the man known affectionately even today in Colorado as "Mr. Chairman." Members of the Aspinall Memorial Commission envision the Congressman Wayne N. Aspinall Memorial as an educational one, designed as much to teach students and others of the importance of sound water conservation, good government, and the history of water in the West as to record Mr. Chairman's stellar accomplishments.

The $165,000 Memorial will sit in the southeast quadrant of what is now known as Palisade Park, on a bluff above the Colorado River about 50 yards from the home to which he had retired.

Mr. Speaker, I commend the people of Palisade and of the entire State of Colorado for their effort to honor a man who served the great American West with such distinction. And I urge all of who can do so to support this project financially.

ASPINALL MEMORIAL COMMISSION MEMBERS

Tilman N. Bishop, Retired State Senator and Educator.

Greg Walcher, Executive Director Dept. of Natural Resources.

Atty. Charles J. Traylor, former Aspinall Washington aide.

Dean Smith, Mayor of Palisade.

Rich Helm, Executive Director, Museum of Western Colorado.

Robert Helmer, Fruit Grower, President of Palisade Chamber of Commerce.

Robert C. Dougherty, Associate Publisher, Palisade Tribune.

George Distefano, Fruit Grower, representing American Legion.

Harry Talbott, President, Talbott Farms.

Elvis Guin, Retired Engineer, representing Palisades Lions Club.

Don Taylor, former Aspinall student, Retired Military.

Mike McEvoy, President, Palisades National Bank.

Mary White, sistef of Mr. Aspinall.

SENATE—*Wednesday, March 29, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Loving Father, You open Your heart to us. You assure us of Your unqualified, unlimited love. In spite of all the changes in our lives, You never change. We hear Your assurance, "I love you. I will never let you go. You are mine. I have you chosen and called you to know, love, and serve Me."

In response, we open our hearts to You. We choose to be chosen. We accept Your love and forgiveness and turn our lives over to Your control. We confess anything we have said or done that deserves Your judgment. Cleanse our memories of any failure that would haunt us today and give us the courage to act on the specific guidance You have given that we have been reluctant to put into action. We commit to You our families, friends, and those with whom we work. Help us to communicate Your creative delight in each person's uniqueness and potential.

We dedicate today's work in the Senate. Bless the Senators with a renewed sense of Your presence, a rededication to their calling to serve You and our Nation, and a reaffirmation of their dependence on You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The acting majority leader is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will resume consideration of the pending flag desecration resolution for 30 minutes prior to a cloture vote on the resolution. Therefore, Senators can anticipate the cloture vote to occur at approximately 10 a.m. Following the vote, the Senate will be in a period of morning business until 12:30 p.m. with the time under the control of Senators BROWNBACK, COVERDELL, and DURBIN.

It is hoped an agreement regarding final passage of the flag resolution can be made so that the vote can occur during today's session. As a reminder, cloture on the motion to proceed to the gas tax legislation was filed on Tuesday, and that vote will occur on Thursday at a time to be determined. Also on Thursday, the Senate is expected to begin consideration of the loan guarantees legislation.

I thank all Members for their attention.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 43

Mr. HATCH. Mr. President, I understand there is a joint resolution at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

> A joint resolution (S.J. Res. 43) expressing the sense of the Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

Mr. HATCH. I object to further proceeding on the resolution at this time.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—Resumed

Mr. HATCH. I ask unanimous consent that the oversized posters we use this morning be permitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, during the past 2 days, we have heard several Senators who oppose the flag desecration amendment speak about the American flag as only a symbol or a piece of cloth that should not be confused with the real freedoms that we as Americans enjoy. They want to know why we get so worked up over a symbol, a mere piece of cloth. They want to know why we should care if someone urinates or defecates on the American flag. They ask: Aren't we strong enough as a nation to overlook such behavior?

The U.S. flag is a lot more than a symbol and a lot more than a piece of cloth. Don't take my word for it. Listen to the story of how Mike Christian feels about the American flag. Mike Christian was one of Senator JOHN MCCAIN's cellmates at the "Hanoi Hilton" during the Vietnam war. He sewed an American flag on the inside of his shirt, and he often led his prisoners of war in the Pledge of Allegiance to the flag. One day, his captors found that flag and they beat him severely for possessing it. Despite the risk of even more life-threatening abuse, Mr. Christian sharpened a little piece of bamboo into a needle and painstakingly made another flag out of bits of cloth. His new flag, and the heroics it inspired, helped the other American prisoners survive their prolonged captivity under brutal conditions.

If a makeshift flag can stir such emotions, it is illogical for the Senate to ignore the feelings of the overwhelming number of Americans who support flag protection. The flag is not just a piece of cloth or a symbol. It is the embodiment of our heritage, our liberties, and indeed our sovereignty as a nation. The American flag unites Americans because it embodies shared values and history.

Gen. Norman Schwarzkopf, commander of the U.S. and allied forces during the gulf war, summed this up eloquently in his letter supporting the flag amendment. General Schwarzkopf wrote:

> We are a diverse people living in a complicated fragmented society. I believe we are imperiled by a growing cynicism by certain traditions that bind us, particularly service to our Nation. The flag remains the single preeminent connection to each other and to our country. Legally sanctioning flag desecration only serves to undermine this national unity and identity which must be preserved.

That was General Schwarzkopf, one of the great heroes of our country.

I have a few flags that will help illustrate what the flag means to our shared history. These flags tell part of the story of how this Nation we all call ours came to be so great.

The flag with the circle of 13 stars was the first official flag of the United States. It was adopted by an act of Congress on June 14, 1777. According to legend, a group headed by George Washington came up with this design and commissioned seamstress Betsy Ross to execute it for presentation to Congress. It is a beautiful flag.

Let me go to the next flag. This design is believed by many authorities to be the stars and stripes used by the American land troops during the Revolutionary War. A flag such as this was flown over the military stores at Bennington, VT, on August 16, 1777, when Gen. John Stark's militia led Americans to victory over a British raiding force. The original of that flag is preserved in the Bennington, VT, museum.

The 15 stars and 15 stripes design was adopted prior to the War of 1812 after two States were added to the Union. Notice that it not only has 15 stars but also 15 stripes. This is the design that flew over Fort McHenry during a naval bombardment and inspired Francis Scott Key to compose what later became our national anthem. The actual flag that survived that night over Fort McHenry has been restored and now hangs in the Smithsonian.

Today's flag has 50 stars and 13 stripes. Its design was born of the need for a more practical way of adding states than adding both a star and a stripe for each one. Congress approved this design—seven red and six white stripes, and a star for each state—on April 4, 1818. The 50-star flag has been in use since July 4, 1960. It's a flag like this that Mike Christian tried to fashion from his cell in the Hanoi Hilton. It's a flag like this that flies over the Capitol and our Federal buildings around the world. It is a flag like this that we pledge allegiance to every day when we open the Senate.

Mr. President, do we mean what we say when we stand here each morning and pledge allegiance to the flag, or is it simply a hollow gesture? I fear that the significance of these flags, and their meaning to Americans, is being belittled by some who suggest the Senate's time is too important for the flag protection constitutional amendment.

Listen to the American people. That is what I would like to say to the Members of the Senate. The vast majority of our citizens support amending the Constitution to protect our Nation's flag. To us, protecting the flag as the symbol of our national community—and utilizing the constitutional amendment process to do so—is no trivial matter.

There are tens of thousands of veterans living on our country today who have put their lives on the line to defend our flag and the principles for which it stands. Those are the fortunate ones who were not required to make the ultimate sacrifice, as did my brother and my brother-in-law. For every one of those, there is someone who has traded the life of a loved one for a flag, folded at a funeral. Let's think about that trade—and about the people who made that sacrifice for us—before deciding whether the flag is important enough to be addressed in the Senate.

Would it really trivialize the Constitution, as some critics suggest, to pass an amendment that is supported by a vast majority of Americans? Is it somehow frivolous to employ the amendment process that our Founding Fathers wrote into Article V of the Constitution? Are we irresponsible if we simply restore the law as it existed for centuries prior to two recent Supreme Court decisions?

The Constitution itself establishes the process for its own amendment. It says that the Constitution will be amended when two-thirds of Congress and three-fourths of the states want to do so. It does not say that this procedure is reserved for issues that some law professors think are important, or for an issue that would immediately crush the foundations of our great republic if left unaddressed. If "government by the people" means anything, it means that the people can decide the fundamental questions concerning the checks and balances in our government. It means the people can choose whether it is Congress or the Supreme Court that decides whether flag desecration is against the law. The people have said that they want Congress to decide it in the state legislatures.

I urge my colleagues to think hard about what they consider "important" before they conclude that the Senate should ignore the people's desire to make decisions about the government which governs them. The flag amendment is the very essence of "government by the people" because it reflects the people's decision to give Congress a power that the Supreme Court has taken away. This question is very important. It involved the separation of power doctrine of our Constitution.

I think we all have a pretty good idea of where the votes are on this amendment. The question is why my colleagues wish to delay a vote on this important measure. Perhaps they feel the need to turn a few more votes . . . I don't know. Whatever the reason, I urge all my colleagues, whether they support the flag amendment or not, to vote for cloture so we can then have an up and down vote on the merits of S.J. Res. 14.

Finally, all this amendment does is give Congress the power to prohibit the physical desecration of the flag of the United States. I happen to think that is a wise thing to do. The vast majority of the American people think it is a wise thing to do. A vast majority of the House of Representatives think it is a wise thing to do. And a majority here—although, alas, probably not enough—do believe it is a wise thing to do as well.

I reserve the remainder of my time.

Mr. LEAHY. Mr. President, how much time is available to the Senator from Utah and the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Utah has 3 minutes remaining. The Senator from Vermont has 13 minutes remaining.

Mr. LEAHY. Thirteen? I thought the Senator from Vermont had half the time, which would have been 15 minutes.

The PRESIDING OFFICER. Half the time is 13 minutes to the side since the Senate started at 9:30.

Mr. HATCH. Mr. President, I ask unanimous consent we extend debate for 30 minutes so he can have 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I note we had discussion about whether people want to prolong this debate. We do want to have debate on the constitutional amendment. People have given tremendous speeches, pro and con, on this issue. I hope everybody will vote for cloture, for example. But let us not have any suggestion that anybody here is trying to stop a vote on this constitutional amendment. We all want it. But most Senators believe, if you are going to amend the Constitution, it requires at least more debate and more time than we might give to a simple resolution.

I yield 5 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator for his tremendous leadership in opposition to this constitutional amendment. I thank him for his leadership on this whole issue.

THE BILL OF RIGHTS AND FREEDOM OF EXPRESSION

Honoring the flag demands that we consider carefully the history of the Bill of Rights before we choose to alter it. Many of our Founders sought a Bill of Rights because, in their view, the Constitution failed properly to consider and protect the basic and fundamental rights of individuals.

Although many Federalists, including James Madison, felt that the limited powers conferred on the government by the Constitution were sufficiently narrow so as to leave those rights unquestioned, the Bill of Rights was adopted in order to provide reluctant states with the assurances necessary for approval of the Constitution.

From this beginning in compromise 209 years ago, the Bill of Rights has evolved into the single greatest protector of individual freedom in history. It has done so, in large measure, because attempts to narrow it have, to date, been rejected.

It was fundamental to the founding of this Nation that individuals should be free to express themselves, secure in the knowledge that government will not suppress their expression because of its content. Our Nation's Founders created this new country to escape oppression at the hands of the state. They firmly believed that government should not limit one's ability to speak out. They wrote into our fundamental charter the ten simple words: "Congress shall make no law . . . abridging the freedom of speech."

Over time, this Nation has grappled with the boundaries of free speech, regulating defamation or obscenity. That government may regulate some expression, however, does not change the law's presumption against content-based regulation. In the words of Justice Scalia: "[T]he government may proscribe libel; but it may not make the further content discrimination of proscribing only libel critical of the government."

We need not concern ourselves with the parameters of speech that can be proscribed, because the expression in question—political expression—is clearly protected under the first amendment. The defining standard that has marked the history of free expression in this Nation is that speech may not be regulated based upon its content.

The presumptive invalidity of content regulation protects all forms of speech—that with which we agree, as well as that to which we object. To do otherwise would make hollow, at best, the promise of free speech. As the Supreme Court held in Street v. New York: "[F]reedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

My colleagues, this amendment departs from that noble and time-honored standard. It seeks instead to prohibit expression solely because of its content.

Proponents of this amendment have made plain that they direct their effort at expression that they deem "disrespectful." Even more troubling is that this amendment leaves the determination of what is disrespectful to the government.

For the promise of free expression to be fulfilled, the first amendment must protect those who rise to challenge the existing wisdom—to raise those views that may anger or offend. As Justice William O. Douglas observed, free speech, "may indeed serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."

Adherence to this ideal is what separates America from oppressive regimes across the world. We tolerate dissent and protect dissenters. They suppress dissent and jail dissenters, or condemn dissenters to a fate still more grave.

The first amendment to the United States Constitution is not infallible. It cannot sanitize free expression any more than it can impart wisdom to thoughts which otherwise have none. Nor can the first amendment ensure that free expression will always comport with the views of a majority of the American people or the American government.

What the first amendment does promise, however, is the right of each individual in this Nation to stand and make a case, regardless of particular point of view, and to do so absent fear of government censor. This right is worthy of preserving. It is this right that is at risk today. When we start down the road to distinguishing between whose message is appropriate and whose is not, we risk something far greater than the right to burn a flag as political expression.

Much of what is clearly protected expression can easily be deemed objectionable. So it is with flag burning. As the Supreme Court has repeatedly stated, the act of flag burning cannot be divorced from the context in which it occurs—that of political expression. This Nation has a proud and storied history of political expression—much of which could easily be characterized as objectionable.

Does any Member of this body believe that if the question had been put to the crown as to whether or not the speech and expression emanating from the colonies, in the form of Thomas Paine's "Common Sense" or the Articles of Confederation, should be sustained, the answer would have been anything but a resounding no? Could not the same be said of messages of the civil rights and suffrage movements?

This Nation was born of dissent. Contrary to the view that it weakens our democracy, this Nation stands today as the leader of the free world because we tolerate these varying forms of dissent—not because we persecute them.

In seeking to protect the American flag, this amendment asks us to depart from the fundamental ideal that government shall not suppress expression solely because it is disagreeable. As Justice Brennan wrote for the majority in Texas v. Johnson:

> If there is a bedrock principle underlying the first amendment, it is that the government may not prohibit expression of an idea simply because society finds the idea itself offensive or disagreeable. We have not recognized an exception to this principle even where our flag has been involved.

So this amendment runs counter to the very premise of the Bill of Rights—that the rights of individuals should remain beyond the purview of unwarranted government intervention. That is what lead to the adoption of the Bill of Rights. In the words of Justice Jackson, speaking for the Supreme Court in 1943:

> The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

Yet, this amendment would do exactly that. It would subject the fate of one of our most fundamental rights to turn upon the outcome of elections. What comfort is a first amendment that tells the people that the appropriateness of their political expression will be left to the government?

In charting a divergent course, this amendment would create that exception—an exception at odds with free expression and with our history of liberty. If adopted, this amendment would for the first time in our history, signal an unprecedented, misguided, and troubling departure from our history as a free society.

VALUES

During this debate and debates like it that often occur in years divisible by four, we often hear a great deal about values. We often hear a great deal about the kinds of things we are teaching our children. We often hear aspirations for this amendment that appear at least a little exaggerated: that it's going to stop the downward slide that our culture has supposedly been on since the 1940s, that it's going to improve our schools, that it even might help get rid of bad movies. All kidding aside, when some proponents of the amendment start talking about this amendment as a fight over values, I get nervous. It reminds me of the "culture war" that some have invoked in the past decade. We do not need to create one more source of division and divisiveness. We need understanding and tolerance and community.

In any event, I am skeptical as to whether the alleged increased incidence of disrespect for the flag, supposedly stemming from a Supreme Court decision in 1989, has caused the purported deterioration in our culture that some have cited. If it is, passing this amendment is surely not going to stop it.

What this amendment will do is abridge the most precious freedom and the most important principle that our country stands for, the right of free speech. I do not say "most precious" and "most important" lightly. What message is curtailing that freedom going to send to our children? What values are we upholding by taking this extreme step to deal with a problem that by all accounts is not severe at all?

A fine piece in the March 22 Milwaukee Journal Sentinel reported that "[o]ne academic research found fewer than 45 flag burnings between 1777, when the flag was adopted, and 1989."

Similarly, when the Judiciary Committee examined the issue last year, the Congressional Research Service found 36 reported cases of flag burning or other physical acts of disrespect to the flag. And for that we are going to amend, with unknown consequences, the most basic right of our citizens?

I respectfully disagree with the supporters of the amendment about the effect that this issue has on children. We can send no better, no stronger, no more meaningful message to our children about the principles and the values of this country than to explain to them that the beauty and the strength of this country is in its freedoms, not in its symbols. When we uphold first amendment freedoms despite the efforts of misguided and despicable people who want to provoke our wrath, we send a message to our children of what America is really about. Our country is far too strong to be threatened by those who burn the flag. We need to teach our children, and we should teach our children, and virtually all of us do teach our children, that it is wrong to burn the flag. We don't need to empower the government to put people in jail for doing it in order to make that lesson plain and powerful.

Ironically, some supporters of the amendment have said that the amendment was going to help create community in this country. As if a law that attempts to legislate patriotism can create community. As if bringing the full wrath of the criminal law and the power of the state down on political dissenters is going to do anything other than encourage more people who want to grandstand their dissent and imagine themselves "martyrs for the cause."

We all know that's what will happen the minute this amendment goes into force. More flag burnings and other despicable acts of disrespect to the flag, not fewer. Will the amendment make these acts any more despicable than they are today? Certainly not. Will it make us love the flag any more than we do today? No. Will the new law deter these acts? I doubt it.

I particularly doubt it in light of the testimony we heard before the Judiciary Committee that supporters of the amendment think that the punishment for violators of the statute that this amendment will allow Congress to pass ought to be a citation and a fine, or maybe some community service or required classes, not jail time. So now it turns out we are going to amend the Bill of Rights, the very heart of the Constitution, in order to give the Congress of the United States the power to issue what the ranking Democratic member of the Judiciary Committee, Senator LEAHY, aptly called "traffic tickets" to people who burn the flag. To me that makes no sense at all.

General Brady of the Citizens Flag Alliance told the Judiciary Committee that the government ought to require flag burners to attend classes on the meaning and importance of the flag. Frankly that sanction is even more troubling. As a sanction for expressing political dissent, the government is going to force people to take classes to understand the "politically correct" way to think about the flag. Are "re-education" programs to become the American way?

What this debate is really about is not whether flag burning is a good idea, not whether we love and respect our flag, but whether the threat to our country from those who would burn the flag is so great that we must sacrifice the power and majesty of the first amendment to the Constitution in order to prosecute them.

IS FLAG BURNING A PROBLEM?

Some argue that we must amend the Constitution in order to preserve the symbolic value of the U.S. flag. They do so, however, in the absence of any evidence that flag burning is rampant today, or that it may be in the future. Perhaps more importantly, this amendment is offered in the absence of any evidence that the symbolic value of the flag has in any way been compromised.

No evidence has been offered to show that the handful of misguided individuals who may burn a flag each year have any effect whatsoever on this Nation's love of the flag or our democratic way of life. Respect of this Nation for the flag is unparalleled. The citizens of this Nation love and respect the flag for varied and deeply personal reasons—not because the Constitution imposes this responsibility upon them. As an editorial in the LaCrosse, Wisconsin, Tribune pointed out:

> Allegiance that is voluntary is something beyond price. But allegiance extracted by statute—or, worse yet, by Constitutional fiat—wouldn't be worth the paper the amendment was drafted on. It is the very fact that the flag is voluntarily honored that makes it a great and powerful symbol.

The suggestion that we can mandate, through an amendment to the Constitution, respect for the flag or any other symbol ignores the premise underlying patriotism. More importantly, it belies the traditional notions of freedom found in our Constitution.

CONCLUSION

Mr. President, the rights at the heart of this debate are far too fundamental and far too important to be subjected to the uncertainty created by this amendment. We must not abandon two centuries of free expression in favor of an unwarranted and ill-defined standard which allows government to choose whose political message is worthy of protection and whose is not. This is counter to the very freedoms the flag symbolizes.

The very idea that a handful of misguided people could cause this Nation—a Nation which has, from its inception been a beacon of individual liberty, a Nation which has defended, both at home and abroad, the right of individuals to be free—to retreat from the fundamental American principle that speech should not be regulated based upon its content is cause for great concern.

We will be paying false tribute to the flag if in our zeal to protect it we diminish the very freedoms it represents. The true promise of this great Nation is rooted in our Constitution. Ultimately, the fulfillment of this promise lies in preservation of this great covenant, not just our symbols. If we sacrifice our principles, ultimately our symbols will represent something less than they should.

The Capitol dome is not our Constitution. The national anthem is not our form of government. And the flag, by itself, is not our Nation.

Yes, let us honor the "broad stripes and bright stars * * * so gallantly streaming." But we best honor that for which our flag stands when we protect the Constitution and its Bill of Rights. In that way, we will best ensure that our Star Spangled Banner shall yet wave over a land that is still free.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Wisconsin, the ranking Democrat on the Constitution Subcommittee. He has been a leader on this issue and so many other constitutional issues that protect the rights of all of us. He has done that ever since he came to the Senate. I applaud him, not only for what he said here but for his active work in the committee.

I yield 5 minutes to the distinguished Senator, and my friend, from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Vermont. I know this letter has been referenced previously, but I want to re-reference it in light of what the Senator read from General Schwarzkopf. No less a distinguished general, Gen. Colin Powell, has written a letter to Senator LEAHY:

> I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

I am skipping down a paragraph:

> I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we found outrageous.
>
> I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Mr. President, I ask unanimous consent to print in the RECORD this letter from Gen. Colin Powell.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEN. COLIN L. POWELL, USA (RET),
Alexandria, VA, May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend the great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

WHEN THEY BURNED THE FLAG BACK HOME: THOUGHTS OF A FORMER POW

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal, of our comrades of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this. Yes, it was worth all this and more.

Rose Wilder Lane, in her magnificent book "The Discovery of Freedom," said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to "re-educate" us. If we could show them that we would not abandon our belief in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation when I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said, "People in your country protest against your cause. That proves that you are wrong."

"No," I said, "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' "History of the Peloponnesian War," Pericles contrasted democratic Athens with totalitarian Sparta. Unlike, the Spartans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, but our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into "a city shining on a hill, a light to all nations." Don't be afraid of freedom, it is the best weapon we have.

Mr. KERRY. Mr. President, I have enormous respect for the patriotism and the passion which so many of my fellow veterans bring to the effort to protect the flag of our country. Many of them are my friends, and it is never easy to disagree with friends on issues of conscience and emotion. While, obviously, out of approximately 250 million Americans there are a few miscreants, as Gen. Colin Powell says, who might choose to desecrate the flag, the vast majority of Americans know better.

Americans rightfully love the Stars and Stripes for all it symbolizes, for all the history, the glory, the promise, and the possibilities that are carried within its four corners. As most Americans, I feel the long honor roll of battles won and lost when I see Old Glory marched in for the presentation of colors. I feel unbridled pride watching her ripple in the breeze when we join together to sing the national anthem. I feel the cloak of patriotism draped over the coffin of a veteran to whom we bid farewell. Our flag is a stunning symbol of all that has made us who we are.

In the end, it is a symbol. It is not who we are. Who we are is embodied in the rights and obligations in the Constitution itself. A desecrated flag is replaceable. Desecrated rights are lost forever to those who experience the loss. What makes the United States different and, in many ways, stronger than any other nation is our aspiration for tolerance and diversity. Thanks to our Constitution, we are the leading proponent on the face of this planet for the greatest experiment in freedom that is set forth in words and in practice.

At the close of our national anthem, we sing, "land of the free and home of the brave." Were this amendment to pass, make no mistake about it, we would certainly be a little less free and a lot less brave.

In the final analysis, there are eight powerful reasons for anyone, but I think particularly for a veteran, to vote against this constitutional retreat. They are: Iran, Iraq, Libya, North Korea, China, Cuba, Syria, and Sudan. These are the nations of the world that have laws banning flag desecration. They used to be joined by the South Africa of apartheid and Nazi Germany.

I ask my fellow Senators: Is that what we want to do with the freedom of the United States of America? Is this in keeping with all that our great Stars and Stripes stands for? Is this for what soldiers fought and died, so we could join this list of discredited, dictatorial regimes?

Does the United States of America, in response to an occasional act of defiance, ignorance, stupidity, and insolence, want to tremble and, for the first time in an extraordinary 224 years of challenges, alter the Constitution to diminish someone's right to be stupid?

Our flag is stronger than any of those individual acts will ever be, quite simply because our country is bigger and stronger than any of those acts, and our country is bigger and stronger because of our Constitution and particularly the Bill of Rights.

This vote is not a test of patriotism because patriotism is, after all, love of country and loyal support of one's country. Our country is defined by the rights we protect, and my oath as a Senator is to defend the Constitution which defines those rights. That is how I will vote, and that is how I think my colleagues should vote.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Vermont has 3 minutes. The Senator from Utah has 5 minutes.

Mr. LEAHY. Mr. President, I applaud the distinguished Senator from Massachusetts for his statement as a decorated war veteran. He does not have to prove his courage or his commitment to our country or our symbols. He has already done that. He has done that in combat, and he has done it to honor himself but also the country.

Everybody is talking about when we will come to this vote and whether we should cut off debate. That will be a nonissue. I urge all Senators to vote for cloture.

I also point out that if this is so important—we are going to set aside all kinds of time today to do other things—we ought to spend time on this. We are talking about amending the Constitution, and we are talking about amending the Bill of Rights, contrary to what has been said on this floor, to amend the Bill of Rights for the first time in our 200-year history. I hope we will not do it.

There has been reference to one of our first flags, a flag that was designed in my State of Vermont and flew in battles there. I have that same flag in my office. As we all know, any flag, once used by the United States, can be used as a legitimate symbol of our country. I chose to fly the flag in Vermont.

Like all Vermonters, I revere the symbol. Every day when I am home in Vermont, that flag flies bravely and safely because nobody would touch it. Nobody would seek to destroy it. Nobody would burn the flag that flies in my front yard. We revere it and we praise it, not because we are required by law to do so, but because we want to as Americans, as Vermonters.

Every town hall in Vermont flies the American flag. Every one of our public meetings shows the Vermont flag. But I point out to all Senators, that one of the first flags of the country came from the State of Vermont. I will also tell you, Vermont is the only State in the Union that has not asked for a constitutional amendment on burning the flag. Why? Because we Vermonters do not need to be told by law or Constitution that we should show respect for the symbols of our country. We do it because we want to. We do not do it because the law requires us.

We are not like Cuba or China or Libya or Iraq or Iran or those countries that require a law to make people respect their flags and their symbols. We do it from our heart and from our sense of patriotism. That is the way most Americans are. We do not need a law to tell us to be patriotic.

Mr. President, yesterday, the Senate finally began the debate on S.J. Res. 14, the proposal to amendment the First Amendment of the Constitution to cut back on political protest and expression for the first time in our history. Earlier this week, on Monday and Tuesday morning, the debate was focused on the Hollings amendment and the McConnell amendment in accordance with the Senate agreement governing this matter.

Only Senator HATCH and I spoke for any length of time at all on the underlying proposed amendment on Tuesday morning. The debate then resumed after the votes on Tuesday afternoon. By my estimate, the Senate has spent less than 3 hours debating the proposed constitutional amendment.

Rather than continue that debate and conclude it, the majority is insisting that we now divert ourselves with an unnecessary cloture vote. The interruption of debate for this vote is unfortunate. I have said to the Republican manager from the outset that I did not believe the debate would be extended unnecessarily, but that I wanted to ensure that Senators had their rights protected so that any Senator who wished to be heard on this proposal to amend the Constitution, could be heard.

On Monday, the Senate heard from Senators MCCONNELL, BENNETT, DORGAN, CONRAD, HOLLINGS, SMITH and SESSIONS. Yesterday, thoughtful statements were made by Senators FEINGOLD, DURBIN, WELLSTONE, KENNEDY, KERREY, ROBB and MOYNIHAN articulating a number of reasons for opposing the amendment. In addition, the Senate heard from Senators HATCH and FEINSTEIN in favor of the amendment. Today, I expect to hear from Senators BYRD, DASCHLE, KERRY, FEINGOLD, CHAFEE and perhaps others.

At the outset we were confronted by a demand that we agree to limit statements in opposition to the proposed constitutional amendment to a total of 2 hours. Amending the Constitution is a serious matter, entitled to more time than the Senate spends on ceremonial resolutions. Two hours seemed unnecessarily restrictive.

Had we so limited the debate we may not have had the benefit of the extraordinary moments on the Senate floor last night when Senator BOB KERREY, who was awarded the Congressional Medal of Honor for his valor in Vietnam, spoke to us from his heart about our country, our values and our flag. We may not have heard a riveting address from Senator CHARLES ROBB, himself a Marine highly-decorated for his service in Vietnam, in which he demonstrated his strength and consistency as one who fights for the Constitution and the values that make this country great.

We may have missed the opportunity to hear from Senator DANIEL PATRICK MOYNIHAN, a veteran of World War II, and the most knowledgeable of Senators, whom we will sorely miss when he retires at the end of this Congress after his extraordinary service to this nation. I urge those who were not here to experience that debate to read their thoughts and wise counsel.

I have every expectation that we could conclude the debate today in an orderly fashion. I know of no Senator who has threatened a filibuster on this matter. I know of no Senator who intends to engage in dilatory tactics. I know of no Senator who intends to offer any additional amendments or series of amendments. I know of no Senator who is using the rules of the Senate to delay the final vote on this matter. Accordingly, I know of no reason for the Republican leadership to have filed this petition for cloture and know of no reason for them to persist in insisting on this cloture vote this morning.

The Republican majority's timing of this debate has been strange for a long time. Last Congress, there was a half-hearted attempt to have the Senate consider the proposed constitutional amendment toward the end of a session when the majority knew that Senator Glenn was necessarily absent in connection with his NASA mission. Last year there was a rush to report the proposed constitutional amendment from the Judiciary Committee in April and then no effort to consider it before the full Senate. Indeed, while the matter was voted out of the Committee on April 29, 1999, the Committee Report was not filed until 11 months later. The Republican leadership took almost a year to decide to turn to the matter, then filed a cloture petition on the first day of debate and now insists on a vote on cloture after just 3 hours of debate on the merits of the proposed constitutional amendment.

In fact, this cloture vote and our debate on it only diverts us from finishing the debate on the merits of the proposed constitutional amendment. This cloture petition and vote say more about the lack of seriousness of the Republican leadership with regard to this debate than anything else.

I have no doubt that the Senate will invoke cloture this morning. I also have no doubt that this hour would have been better spent debating the merits of the proposal.

Does the Senate know what we will do after cloture is invoked this morning? Lest anyone think that we will be staying on the proposed constitutional amendment to conclude debate and proceed to vote on the merits, let me disabuse them of any such notion. No, following the cloture vote, the Senate is scheduled to proceed to two hours of unrelated debate and the introduction of other matter in morning business.

We will not be resuming debate on the proposed constitutional amendment until at least 12:30 this afternoon. At that time many of us in the Senate leadership are scheduled to be meeting with the President of Egypt. So this closing debate on the amendment will take place later this afternoon and possibly into this evening.

Just as the Bill of Rights serves to protect the minority in the country and the First Amendment protects even unpopular speech, so it is the role of the minority manager to protect the rights of those who wish to be heard in opposition to a Senate proposal. The rules of the Senate accord us at least that right. I know of at least five Senators who still wish to be heard in opposition to the amendment. As the minority manager of the bill, I am seeking to accommodate them and then to proceed to the final vote. I fully expect that we will reach the appropriate time for the vote long before the 30 hours of post-cloture debate would be consumed. I look forward to cooperating with the Democratic leader, the majority leader, and the Republican manager of the proposed constitutional amendment to bring this matter to conclusion at the earliest appropriate time after the completion of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been interested in these arguments because, if I recall it correctly, the distinguished Senator from Massachusetts has said that basically America is different from the long list of repressive regimes or dictatorial regimes—from Cuba, to North Korea, to Nazi Germany—because we do not have a law prohibiting flag desecration.

But until 1989, we had State laws, in nearly all of the States, prohibiting flag desecration. If I recall it correctly, I believe the distinguished Senator from Massachusetts is saying we should not have a State law protecting the flag. If I recall it correctly, he voted for the flag statute to protect the flag back in 1989, and just yesterday voted for the McConnell amendment which would have done the same thing.

Now look, there is a certain "elitism" around here in this country that literally is saying: We are above having to protect the flag of the United States. If somebody defecates on it or urinates on it, we do not want to give them any publicity for that.

It is kind of the "high society" approach to things. If you want to be a member of the "high society" group, then don't do the "unintellectual" thing to protect our flag. That is what is getting me about this.

We had, for 200 years, in 48 States, anti-flag-desecration statutes that protected the flag. These very people who are saying we cannot do this in a constitutional amendment, to give the Congress the power, the coequal right, to protect our flag, and ignore the Supreme Court, that is wrong in these 5-4 decisions, these two decisions—they said we cannot do this in this constitutional amendment—yet many of them voted for an anti-flag-desecration statute back in 1989, and yesterday many of them voted for the McConnell amendment.

Until the Supreme Court struck down these 48 States' statutes in 1990, we had a Federal statute protecting the flag. I cannot believe the distinguished Senator from Massachusetts was arguing that in those days, when we had flag protection statutes in the States and the Federal Government, we were like Nazi Germany or Cuba or North Korea or Iran or Iraq. That is something that really bothers me.

I look at those marines risking their lives in raising the flag on Iwo Jima. They revered that flag, just as we do today. Eighty percent of the people in this country revere this flag—in fact, I hope everybody does—and want this constitutional amendment.

If we had any sense of proportion, we Members of Congress should want to overrule those two Supreme Court decisions. The only way we can do it is with a constitutional amendment. In that process, we prove we are coequal to the judicial branch of Government and will protect our flag in the process. We will be a better Nation for it.

If we do it, we will create a debate on morals and values around this country in all 50 States that, sadly, is lacking at this particular time. We will, for once in our lives, stand up and say to our children, there are some values and some symbols—at least one symbol in our country that is extremely important to us, and that happens to be this flag of the United States of America.

I think there are very sincere people on the other side of this issue. I do not mean to malign them. But I have to say, I get particularly upset when I hear these arguments, as I have heard this morning, when, in fact, they vote for statutes that would protect the flag, the very thing they are arguing against. It seems a little inconsistent to me.

All we are saying is, give the Congress the power to do this, and then we will enact a statute for which they voted.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator's time has expired.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 98, S.J. Res. 14, an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Trent Lott, Orrin Hatch, Bill Roth, Peter Fitzgerald, Rod Grams, Ted Stevens, Chuck Hagel, Thad Cochran, Paul Coverdell, Pat Roberts, Phil Gramm, Frank H. Murkowski, Don Nickles, Bob Smith of New Hampshire, Susan Collins, and Tim Hutchinson.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S.J. Res. 14, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that a number of letters and other statements pertaining to this amendment be printed in the RECORD at a cost of $1,300.00.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 22, 2000.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: As you prepare for the introduction of the flag protection amendment in the United States Senate, on behalf of the Citizens Flag Alliance and our millions of members and supporters, I want to again extend our thanks and commend you for the commitment you made, long ago, in support of the right of the people to protect our flag. Thanks to the leadership of you and Senator Max Cleland we are very close to victory.

Of all the horrors of combat, none is greater than the loneliness. In death and near death experiences, the warrior is ultimately alone with his fears and hopes. In their loneliness, soldiers look to symbols for comfort—a letter, a photo, a holy medal, a lock of hair. And they look to the greatest conqueror of fear, the greatest symbol of hope, the constant companion of our warriors and their supreme inspiration—Old Glory. No other symbol, nothing, says better, "you are not alone."

For many veterans much of what they have, their very dignity, is based on their service and sacrifice under that flag. It was the defining moment of their life. An attack on Old Glory is an attack on their dignity. These great men and women know how important speech is in a democracy, many have died for it. What they do not understand is that defecating on our flag is "speech." And neither did the author of the Bill of Rights, James Madison and his colleague, Thomas Jefferson. Both denounced flag burning.

Abraham Lincoln warned, "Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties." It is not the colored cloth that is at the core of the flag amendment debate, it is our sacred Constitution. All veterans once raised their hand and swore to protect and defend the Constitution. Each of us does the same when we pledge allegiance to the flag. The Supreme Court has interfered with our Constitution and we have an obligation to correct their error. The flag amendment does not change the Constitution, it restores it.

To those of your colleagues who are yet to join in support of the measure, we hope they would come to recognize as we have, that there are good and learned people on both sides of this issue, as well as varying opinions. There is, however, only one fact and that is that the people of America want returned to them the right to protect their flag.

In the final analysis this issue is truly about free speech, the right of the people to speak, to be heard and to be heeded.

Sincerely,

PATRICK H. BRADY,
Major General (USA Ret),
Chairman of the Board.

THE CITIZENS FLAG ALLIANCE, INC.,
Indianapolis, IN, April 22, 1999.

BALTIMORE SUN,
Baltimore, MD.

TO THE EDITOR: This is in response to your editorial on April 10 titled, "Burning Issue: Constitutional Ban: Flag Desecration Amendment Would Chip Away At Free-Speech Rights."

The scarcity of flag burning has nothing to do with the evil of flag burning. People do not frequently shout, "fire" in a crowded theater or burn crosses, but we still should, and do, have laws against these evils. Laws in our society have never been based on frequency but on right and wrong.

Flag desecration is conduct not speech. One could make the argument that defacing the Washington Monument or spray painting graffiti on the Vietnam Veterans Memorial is a form of "political demonstration or protest." That argument, however, would not hold up in a court of law. And it's wrong to hold that defacing the Flag of the United States is any different.

If free speech is to truly flourish, we must protect the bond that unites us, including the substantive parameters of the right of free expression. We must strengthen the bonds that hold us together, and so make it possible to engage in robust disagreement with each other. Protecting the flag lays the foundation for this objective.

The great strength of our democratic system is that we have the ability to determine the laws that govern our society. Our forefathers had the insight to create a document that allowed for WE THE PEOPLE to determine the future of our country. As George Washington admitted, "The Constitution is an imperfect document made more perfect by the amendment process." Apparently the editors mistrust the good judgment of the American people. And George Washington.

Sincerely,

MARTY JUSTIS,
Executive Director.

THE CITIZENS FLAG ALLIANCE, INC.,
Indianapolis, IN, April 23, 1999.

WASHINGTON POST,
Letters to the Editor,
Washington, DC.

TO THE EDITOR: The Clinton Administration apparently was miffed at the thought of a Justice Department official being upstaged by a Harvard Law Professor and a Medal of Honor Recipient ("In The Loop," April 21).

On Tuesday, April 20 I was seated in the Senate Judiciary Committee hearing room, flanked by five Medal of Honor Recipients from World War II and Korea. All were awarded our nation's highest award for valor. In most cases, the Medal of Honor is presented to its recipient by the President of the United States of America in the name of Congress. So it is ironic that the Administration would consider it "inappropriate" to testify on the same panel as our nation's Recipients.

But the irony does not stop there. At the same time our President is sending men and women into Kosova to serve under the flag, our Administration is testifying against protecting the very same symbol that will drape the coffins of those whose final earthly embrace will be in the folds of Old Glory. If our flag is not deserving of protection, then it is not worthy to be draped on the coffins of our dead soldiers.

Several months ago, the fate of our President resided in the hands of Congress. But the American people ultimately had the final voice in the debate. Polls show that the American people consistently and overwhelmingly want to see their flag protected. If polling figures saved the President, then they can save our flag. Ultimately, the American people will decide this issue. That is justice even the Justice Department cannot ignore.

Sincerely,

DANIEL S. WHEELER,
President.

GRAND LODGE, BENEVOLENT AND
PROTECTIVE ORDER OF ELKS,
Gainesville, FL, May 4, 1999.

Senator ORRIN HATCH,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: It was a pleasure meeting you last week just prior to the start of the hearing on the Flag Amendment. You were most kind to make time in your busy schedule to speak with me. As the National President of the Elks, I can tell you that our million plus membership is fiercely patriotic and hard at work seeking the passage of an Amendment which would prohibit the desecration of our beloved American Flag. In our Order's Ritual we refer to the flag as follows:

"This is the flag of our Country, the emblem of freedom and the symbol of unity. As Americans and patriots we first place it beside our Altar. And as the American Flag typifies the glory of our nation we have adopted it as emblematic of the cardinal principle of our Order—Charity."

Please know that the Elks are among your greatest supporters. We admire your even temperament and your outstanding leadership and take comfort in knowing men of your caliber are at the reins of our government.

Thank you and God bless you.

Sincerely,

C. VALENTINE BATES,
Grand Exalted Ruler.

KNIGHTS OF COLUMBUS,
New Haven, CT, March 16, 1999.

Hon. ORRIN G. HATCH,
Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: As Supreme Knight of the Knights of Columbus, with approximately one million members—plus our families—in the United States, and one of the 137 member organizations of the Citizens Flag Alliance, Inc., I ask you to support the Hatch Flag Protection Constitutional Amendment. I urge you to follow the wisdom of the American people who, in poll after poll, have indicated strong support for protection of "The Stars and Stripes."

This issue is not about freedom of speech, nor is it about protecting a piece of colored cloth. It is about the American people reclaiming the right to protect their flag. This is a right we enjoyed for 200 years prior to the 1989 Supreme Court decision in Texas v. Johnson.

Nearly eveyone agrees that desecration of the flag is wrong, but the lesson it teaches our children is worse. Therefore, when you consider your vote, I ask that you think about not just America's flag, but America's young people. The support you give to this issue will determine the legacy we leave for our children—a nation of respect and pride in country, or a society void of responsibility and moral compass.

With best wishes, I am,

Sincerely,

VIRGIL C. DECHANT,
Supreme Knight.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, April 13, 1999.

Hon. ORRIN HATCH,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing this letter on behalf of the more than 277,000 members of the Grand Lodge, Fraternal Order of Police to advise you of the strong support of

S.J. Res. 14, which would amend the Constitution to give Congress to power to prohibit the physical desecration of our nation's flag.

Attempts by the Congress to protect the flag statutorily have failed to withstand judicial review. The Supreme Court has, in two narrow 5-4 decisions, overturned statutes prohibiting physical desecration of the flag. Amending the Constitution is the only way to return to the American people the right to protect their flag.

Flag burning is not free speech; it is an act of vandalism—a hate crime, pure and simple. What is the difference in the political statement made by a vandal torching the American flag and a terrorist who makes his political statement by blowing up government buildings? Quite simply, there is no difference. The American people recognize that, and Congress ought to recognize it by passing this amendment.

When we bury a hero, a brother or sister from the ranks of our military or our police departments, a flag is draped over the coffin. It is folded solemnly and presented to the surviving members of the family in remembrance of the one who gave his or her life. Whether a soldier fighting a foreign enemy on a foreign shore, or a police officer killed in the line of duty—the sacrifice of each is symbolized by the flag. To desecrate this symbol is to dishonor that sacrifice. To use freedom or liberty as a shield to commit a crime is no more than base cynicism and a very real miscomprehension of the American concept of liberty.

I salute you, Mr. Chairman, for your sponsorship of Senate Joint Resolution 14, and join you in urging all members of the United States Senate to protect our flag from those who would dishonor our nation and its heroes.

If we can be of any further assistance to you in moving this bill forward, please do not hesitate to contact me or Executive Director Jim Pasco at my Washington office, (202) 547-8189.

Sincerely,

GILBERT GALLEGOS,
National President.

THE AMERICAN LEGION,
WASHINGTON OFFICE,
Washington, DC, April 14, 1999.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: On behalf of the 4 million members of the American Legion family, I want to personally thank you for sponsoring S.J. Res. 14, the Flag Protection Constitutional Amendment. We truly realize how important passage of this amendment is to the future of our children. It is imperative that we return to the American people the right to protect the U.S. Flag. I can assure you that Legionnaires and their families will do everything possible throughout our great nation to assist you in getting S.J. Res. 14 passed this year.

The majority of Americans support this amendment. Polling during the past 10 years has consistently shown nearly 80 percent of voters believe protecting the U.S. Flag through a constitutional amendment is the right thing to do. They do not believe such protection is a threat to freedom of speech.

I am certain you were as touched as I in reading the reports of our stealth pilot rescued from Yugoslavia. He carried an American flag, folded under his flight suit. The flag was given to him by an airman before he took off from Aviano Air Base in Italy. Following his rescue the pilot told reporters, "For me, it (the flag) was representative of all the people who I knew were praying. It was a piece of everyone and very comforting. It helped me not let go of hope. Hope gives you strength * * * it gives you endurance."

My heart also swelled with pride when I saw an Associated Press photo of a flyer from the 31st Air Expeditionary Wing at Aviano waving an American flag to boost morale as U.S. war planes prepared to launch another series of strikes in support of NATO's Operation ALLIED FORCE.

The U.S. Flag is a powerful symbol. A living symbol of our great nation. Providing a special place in the U.S. Constitution that protects our flag is what Americans want and deserve.

I stand ready to assist you in any way that will help assure passage of this amendment. I know that your encouragement of your fellow Senators will make the crucial difference.

Thank you again for your sponsorship of S.J. Res. 14.

Sincerely,

HAROLD L. "BUTCH" MILLER,
National Commander.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, April 14, 1999.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I respectfully request that you permit consideration of and introduction into the record the attached statement concerning Flag Protection. The statements reflects the position of the 150,000 members of this association which represents active and retired enlisted members of the active and reserve components of the United States Air Force.

The statement would coincide with the hearing scheduled before your committee for April 20, 1999, concerning the same project. Thank you for the opportunity to share the concerns of our members with your committee.

Sincerely,

JAMES D. STATON,
Executive Director.

Attachment.

STATEMENT BY JAMES D. STATON, CHIEF MASTER SERGEANT, USAF (RET.), EXECUTIVE DIRECTOR, AIR FORCE SERGEANTS ASSOCIATION

Mr. Chairman and distinguished committee members, numerous polls in recent times have shown that over 80 percent of the American people say that they should have the right to decide the question of flag protection through the constitutional amendment process. In fact, all but one state have passed memorializing resolutions asking Congress to send the flag protection amendment question to the states. Senate Joint Resolution 14 would give the American people the opportunity they desire to protect their flag through law. S.J. Res. 14 would send to the people a very simple article: "The Congress shall have power to prohibit the physical desecration of the flag of the United States." The 150,000 members of the Air Force Sergeants Association urge you to support this resolution. AFSA represents the millions of active duty and retired enlisted Air Force, Air Force Reserve, and Air National Guard members and their families. These Americans, perhaps more than any others, have a vested interest in that they put their lives on the line under the banner of this sacred symbol of greatness and sovereignty.

All members of the 106th Congress should support this resolution in order to put this important decision in the hands of the people. If the congressional representatives truly represent the will of the people, there should be no delay in acting upon the wishes of the people by allowing them to rule on this question. The personal feelings and opinions of elected representatives on this issue should be subordinated to opinions held by those to whom the elected officials are responsible—those who own the process. Our members have strongly communicated their concern over the need to protect the flag and, at the same time, to have a role in deciding the laws governing that protection.

For enlisted military members, whose work is characterized by dedicated sacrifice, the flag is a reminder of why they serve. For those stationed overseas, it is a symbol of America, seen every day. For all military members, the flag represents the principles for which they are prepared to sacrifice. Supreme Court Justice John Paul Stevens once wrote:

"A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. * * * So, too, the American flag is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other people who share our aspirations."

Military members serve so that they can protect this country, putting their lives on the line if necessary, and they revere our nation's most visible symbol—Old Glory. It is the one hallowed symbol all patriots hold sacred. Most importantly, the flag plays a central role in ceremonies that honor those who have fought, suffered and died. They know full well that this very flag may drape their coffins as a result of their unselfish service. Denying protection and, thereby allowing desecration, of this important symbol of sacrifice insults the memories of those who are honored in these ceremonies.

The American people, especially those in the military, deserve the opportunity to make the decision if they want to put flag protection into the law. Through their sacrifice and dedication, those who have served have earned your support in giving them the ability to make this decision.

Mr. Chairman and committee members, we urge your full support of S.J. Res. 14. Some questions of governance and law are of such importance to a people that they deserve the opportunity to speak directly to those issues. This is one such question. We thank you for this opportunity to present our views on this important matter. As always, AFSA is ready to support you on matters of mutual concern.

THE AMERICAN LEGION,
NATIONAL HEADQUARTERS,
Indianapolis, April 23, 1999.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: On September 5, 1989, American Legion delegates at the National Convention in Baltimore, Maryland, unanimously adopted a resolution seeking adoption and ratification of a flag-protection amendment. In every year since, the issue has been debated at every national convention and at every meeting of the National

Executive Committee, and a new resolution authorizing continuation of the campaign has been adopted. Each resolution supporting a flag-protection amendment passed unanimously with all Past National Commanders having a right to be heard. Past National Commander Keith Kreul, who, as a PNC and delegate to the National Conventions, has both a voice and a vote in the making of Legion policy, has never publicly uttered a word in opposition.

As National Commander, it is my duty, and privilege, to serve a one-year term as the executive head of The American Legion with full power to enforce the provisions of the National Constitution and by-laws as well as the resolutions of the National Convention. And this national commander fervently supports the flag-protection amendment, as do all living Past National Commanders of The American Legion, save one.

In honor of their service, I would like to enter into the record the 28 Past National Commanders of The American Legion who have given of themselves for God and Country and who stand with me in their support of an amendment which would return to the American people the right to protect their flag. They are listed below in order of service.

E. Roy Stone, Jr.—South Carolina
Erle Cocke, Jr.—Georgia
J. Addington Wagner—Michigan
Preston J. Moore—Oklahoma
William R. Burke—California
Hon. Daniel F. Foley—Minnesota
Donald E. Johnson—Iowa
William E. Galbraith—Nebraska
John H. Geiger—Illinois
Joe L. Matthews—Texas
James M. Wagonseller—Ohio
William J. Rogers—Maine
John M. Carey—Michigan
Frank I. Hamilton—Indiana
Michael J. Kogutek—New York
Clarence M. Bacon—Maryland
Hon. James P. Dean—Mississippi
John P. Comer—Massachusetts
Hon. H.F. Gierke—North Dakota
Miles S. Epling—West Virginia
Robert S. Turner—Georgia
Dominic D. DiFrancesco—Pennsylvania
Roger A. Munson—Ohio
Bruce Thiesen—California
William M. Detweiler—Louisiana
Daniel A. Ludwig—Minnesota
Joseph J. Frank—Missouri
Anthony G. Jordan—Maine

Their service spans nearly five decades. Many served in their position in an era when our flag was protected under law. Only ten of us have served since the erroneous 1989 Texas v. Johnson Supreme Court decision which invalidated flag protection laws in 48 states and the District of Columbia.

I am proud to be among this elite group of distinguished gentlemen who stand united in a common goal—passage of a flag-protection amendment.

Sincerely,

Harold L. "Butch" Miller,
National Commander.

The Ohio American Legion,
Department Headquarters,
Columbus OH, March 10, 1999.

Hon. Orrin Hatch,
U.S. Senate, Senate Office Building,
Washington, DC.

Dear Senator Hatch: The Ohio American Legion, consisting of 165,000 members, is supportive of a Constitutional Amendment to protect the U.S. Flag from physical desecration.

We urge your favorable consideration and vote for a measure that will allow the American people what polls have shown for years they favor, the right to have their flag protected by laws of the land.

Sincerely,

Carl Swisher,
Department Commander.

Los Angeles Dodgers,
Los Angeles, CA, March 22, 2000.

Senator Orrin Hatch,
U.S. Senate,
Washington; DC.

Dear Senator Hatch: As I have said many, many times before, we live in the land of opportunity and the United States flag represents a strong bond between the States and the diversity of the greatest nation on the face of the earth. At no time, should our flag be destroyed in any manner.

During my career, I was fortunate to be involved in many exciting baseball games. Yet, one of the proudest moments occurred in 1976 when Rick Monday saved the American flag from being burned by a pair of protestors at Dodger Stadium. This act was one of the most recognizable moments of the Bicentennial Celebration and remains one of the great moments in stadium history.

I tell this story to every patriotic group whenever the subject of the American flag arises. Therefore, I lend my full support to the SJR-14, The Hatch-Cleland Flag Protection Constitutional Amendment, which will protect and defend our flag as it was designed by the framers of the Constitution.

Sincerely,

Tommy Lasorda,
Senior Vice President.

Salon National La Boutique,
Washington, UT, March 13, 1999.

To: The U.S. Senate Judiciary Committee,
Washington, DC.

Gentlemen: I am writing as the National Chapeau of the Eight and Forty a subsidiary organization of the American Legion Auxiliary, consisting of 17,144 Partners (members). We are asking that when the measure to pass a constitutional amendment to protect our flag comes before you that you unanimously approve the bill.

I have just recently had the opportunity to help judge girls who are in their Junior year of High School to attend the American Legion Auxiliary Girls State. One of the questions we asked each applicant was how they felt regarding a bill to protect our flag and each and every girl said she felt that there should be a law protecting our flag from desecration.

So for both the young people of our country and the older people who have fought to protect our country, we of the Eight and Forty ask you to support this bill.

Yours in Service to our Country,

Wanda S. North,
Le Chapeau National.

NCOA,
Alexandria, VA, April 15, 1999.

Hon. Orrin G. Hatch,
U.S. Senate, Senate Russell Office Building,
Washington, DC.

Dear Senator Hatch: The Noncommissioned Officers Association of the USA (NCOA) has joined with the Citizens Flag Alliance (CFA) to support the efforts of many in Congress to pass a Flag protection amendment. NCOA's 148,000 members are solidly committed to the passage of Flag protection legislation and have placed the issue among their very highest legislative priorities. In this regard NCOA is delighted with the recent introduction of S.J. Res. 14 in the U.S. Senate.

On behalf of NCOA's noncommissioned and petty officer members, I fully expect the members of Senate Judiciary Committee to approve legislation and pave the way for the matter of Flag protection to be brought to the Senate floor for vote in an expeditious manner. NCOA urges your support of S.J. Res. 14.

In closing allow me to reiterate the importance of this matter to NCOA members and their families. The will never give up on this issue and look to you to support their desires to see Flag protection legislation passed during the 1st Session of the 106th Congress.

Sincerely,

Roger W. Putnam,
President/CEO.

The Retired Officers Association,
Alexandria, VA, March 23, 2000.

Hon. Orrin G. Hatch,
U.S. Senate,
Washington, DC.

Dear Senator Hatch: On behalf of The Retired Officers Association, I am writing to urge you to cosponsor and vote for final passage of S.J. Res. 14, "Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States."

The fundamental principle in supporting the Resolution is that it will allow the people to exercise their will. This is a very important distinction. We do not believe it's appropriate that a minority in Congress, in this case 34 Senators, should have the power to keep this important decision from being considered by the people. Consistent with the democratic principles that have governed this country for more than two centuries, the Flag Amendment restores the decision on flag desecration to the people and if ratified by 38 states, flag desecration could be prohibited.

That's a second important distinction. The proposed amendment will not change the Constitution to prohibit flag desecration. It would authorize Congress to pass a law prohibiting physical desecration of the flag and as is the case with any law, it would be subject to Presidential veto. This language is a change from the 104th Congress when the resolution said Congress, or the states, may pass laws prohibiting flag desecration. That could have led to 50 different laws resulting in consistent standards of respect for the flag.

Based on the foregoing, I urge you to vote for passage of S.J. Res. 14 to return control of the flag to the people where it resided for more than 200 years before the United States Supreme Court ruled in 1989 that flag desecration was essentially freedom of speech.

Sincerely,

Michael A. Nelson,
President.

Congress of the United States,
Washington, DC, March 28, 2000.

Dear Senator Hatch: We appreciate your efforts in bringing S.J. Res. 14 through the Senate Judiciary Committee and to the Senate floor. We recognize the importance of this important legislation to protect the flag of the United States.

Many people are concerned that such an amendment would limit our prized right of free speech. However, the right of free speech is not an absolute right. The Supreme Court unanimously ruled in Chaplinsky v. New Hampshire, 315 U.S. 568 (1942):

"Allowing the broadest scope to the language and purpose of the Fourteenth Amendment, it is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."

Burning the Nation's flag is anything but a necessary part of a political speech or exposition of ideas. It seems that little can be gained by burning or spitting on a flag which could not be accomplished through words, signs, newspapers, rallies, buttons, bullhorns, or petitions. The act of burning the nation's flag by its very nature antagonizes and incites violent reaction. It is conduct, not speech.

This amendment authorizes legislative bodies to prohibit physical desecration with regard to one object, and one object only, our nation's flag. We can protect this one unique object from physical desecration without damaging our freedom of speech in any way.

In the words of Chief Justice Rehnquist, "The American flag . . . throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas." Let us act now to protect the symbol of our nation's liberty and freedom.

Sincerely,

JAMES V. HANSEN.
CHRIS CANNON.
MERRILL J. COOK.

GEORGE W. BUSH,
GOVERNOR OF TEXAS,
Austin, TX, March 24, 2000.

Greetings to: The Members of the American Legion.

Congratulations as you gather with family and friends in the capital of a grateful nation that you served so bravely. Coming together in Washington, D.C., is a powerful reminder that those who want to lead America accept two important obligations. One is to use our military power wisely, remembering the costs of war. The other is to remember our soldiers who have paid those costs.

The American Legion helps us to carry out those obligations. You defend and recall America's history of sacrifice. You stand as a friend to the families of our fallen soldiers. You serve America's communities in countless ways—an example of true service in a comfortable age.

One of the most enduring symbols of your sacrifice and service is our nation's flag. Brave Americans have fought and died to protect the ideals of democracy that it represents. That is why I strongly support a constitutional amendment protecting the flag from desecration—to honor our courageous veterans and to send the unmistakable message that Old Glory is a sacred symbol of freedom to all Americans.

I believe our government should honor our commitments to our veterans as you have honored yours.

Laura joins me in sending our best wishes to each and every one of you.

Sincerely,

GEORGE W. BUSH.

APRIL 5, 1999.

DEAR SENATOR HATCH: I am writing to express my support and gratitude for your sponsorship of the flag protection constitutional amendment (S.J. Res. 14), which I understand may come before the Senate for a vote in the near future. Like you, I regard legal protections for our flag as an absolute necessity and a matter of critical importance to our nation. The American flag, far from a mere symbol or a piece of cloth, is an embodiment of our hopes, freedoms and unity. The flag is our national identity.

I am honored to have commanded our troops in the Persian Gulf War and humbled by the bravery, sacrifice and "love of country" so many great Americans exhibited in that conflict. These men and women fought and died for the freedoms contained in the Constitution and the Bill of Rights and for the flag that represents these freedoms, and their service and valor are worthy of our eternal respect. Most of these great heroes share my view that there is no threat to any right or freedom in protecting the flag for which they fought. Perhaps as much as any American, they embrace the right to free speech. Indeed, they risked death to protect it.

I do see a very real threat in the defilement of our flag. We are a diverse people, living in a complicated, fragmented society. And I believe we are imperiled by a growing cynicism toward certain traditions that bind us, particularly service to our nation. The flag remains the single, preeminent connection among all Americans. It represents our basic commitment to each other and to our country. Legally sanctioned flag desecration can only serve to further undermine this national unity and identity that must be preserved.

I am proud to lend my voice to those of a vast majority of Americans who support returning legal protections for the flag. This is an effort inspired by our nation's history and our common traditions and understanding, under which, until a very recent and controversial Supreme Court decision, the American flag was afforded legal protection from acts of desecration. The flag protection constitutional amendment is the only means of returning to the people the right to protect their flag, and your leadership will undoubtedly help to ensure the success of this important campaign.

Sincerely,

H. NORMAN SCHWARZKOPF,
General, U.S. Army, Retired.

THE CITIZENS FLAG ALLIANCE, INC.,
Indianapolis, IN, April 22, 1999.

USA TODAY,
Arlington, VA.

TO THE EDITOR: To say that to, "ban flag burning gains ground by hiding risks," ("Don't Amend Bill Of Rights," editorial, April 21, 1999) hides the truth. You also hide the truth by saying the First Amendment has never been amended. The truth is Americans had the right to protect their flag from our birth until 1989 when the Supreme Court amended the First Amendment by calling flag burning "speech." What were the risks? You denigrate the "political opportunists who want to rewrite the wisdom of James Madison." Those political opportunists are the vast majority of the American people, and James Madison agrees with them. He denounced flag burning, as did another founding father, Thomas Jefferson.

This issue has nothing to do with "feel-good politics." Flag burning is wrong but what it teaches our children about respect, about our values, about who owns the Constitution and the demeaning of the will of the majority, is worse.

The majority of Americans understand the importance of free speech; many have died for it. What they do not understand is that defecating on the flag is "speech." The only majority in America who feel good about the freedom to burn the American flag are the media and 5 out of 9 judges on the Supreme Court.

Sincerely,

Maj. Gen. PATRICK BRADY,
U.S. Army, Ret.,
Chairman of the Board.

APRIL 26, 1999.

ST. LOUIS POST DISPATCH,
Attention: Letters to the Editor,
Reached via fax: (314) 340–3139.

DEAR EDITOR: The recent editorial, "Desecrating the Constitution" (April 21), is a clear example of the complete disregard by a slim minority of the media to follow the good judgement of the American people.

The editors of the Post Dispatch should undertake a more studied analysis of the flag amendment before jumping to conclusions. The first line of the editorial reads, "Our nation has made it through 208 years without amending the First Amendment." The U.S. Flag, which predates the Constitution, was protected under our nation's law and traditions for 200 years. A razor thin, five-Justice majority of the Supreme Court wrested this right from the American people in 1989 when they invalidated flag-protection laws in 48 states and the District of Columbia.

This tradition and precedent has been recognized by Justices on five previous Supreme Courts. In fact, Justice Hugo Black, perhaps the staunchest defender of individual rights ever to sit on the Supreme Court, stated, "It passes my belief that anything in the Federal Constitution bars . . . making the deliberate burning of the American flag an offense."

In every sense, an amendment to return to the American people the right to protect their flag would change nothing in the Constitution. Nor would it infringe our precious First Amendment rights. On the contrary, it would restore the Constitution and the First Amendment to a time-honored interpretation and understanding that existed for all but the last ten years of our history.

The editors mention an invisible "slippery slope" if a flag-protection amendment passes. Over 10,000 amendments have been proposed and only twenty-seven have been ratified—the first ten are the Bill of Rights. If there is any "slope" in amending the Constitution, it is a steep incline.

Finally, for the record, burning a cross on anyone's lawn is a hate crime punishable under law. Burning a flag is a hate crime against all Americans and should also be punishable under law.

If our flag is not deserving of protection, then it is not worthy to be draped on the coffins of our dead soldiers. Senator Ashcroft understands the intrinsic value of the flag. Unfortunately, its meaning is lost on the editors of the Post-Dispatch.

Sincerely,

JOSEPH J. FRANK,
Past National Commander,
The American Legion.

MILLENNIUM DIGITAL COMMERCE ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 761) entitled "An Act to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Signatures in Global and National Commerce Act".

TITLE I—VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce, notwithstanding any statute, regulation, or other rule of law, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied—

(1) on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record; or

(2) on the ground that the contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE.—

(1) IN GENERAL.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce—

(A) the parties to such contract, agreement, or record may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties;

(B) the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied because of the type or method of electronic record or electronic signature selected by the parties in establishing such procedures or requirements; and

(C) nothing in this section requires any party to use or accept electronic records or electronic signatures.

(2) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a) and paragraph (1) of this subsection—

(A) if a statute, regulation, or other rule of law requires that a record be provided or made available to a consumer in writing, that requirement shall be satisfied by an electronic record if—

(i) the consumer has affirmatively consented, by means of a consent that is conspicuous and visually separate from other terms, to the provision or availability (whichever is required) of such record (or identified groups of records that include such record) as an electronic record, and has not withdrawn such consent;

(ii) prior to consenting, the consumer is provided with a statement of the hardware and software requirements for access to and retention of electronic records; and

(iii) the consumer affirmatively acknowledges, by means of an acknowledgement that is conspicuous and visually separate from other terms, that—

(I) the consumer has an obligation to notify the provider of electronic records of any change in the consumer's electronic mail address or other location to which the electronic records may be provided; and

(II) if the consumer withdraws consent, the consumer has the obligation to notify the provider to notify the provider of electronic records of the electronic mail address or other location to which the records may be provided; and

(B) the record is capable of review, retention, and printing by the recipient if accessed using the hardware and software specified in the statement under subparagraph (A)(ii) at the time of the consumer's consent; and

(C) if such statute, regulation, or other rule of law requires that a record be retained, that requirement shall be satisfied if such record complies with the requirements of subparagraphs (A) and (B) of subsection (c)(1).

(c) RETENTION OF CONTRACTS, AGREEMENTS, AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract, agreement, or record be in writing or be retained, that requirement is met by retaining an electronic record of the information in the contract, agreement, or record that—

(A) accurately reflects the information set forth in the contract, agreement, or record after it was first generated in its final form as an electronic record; and

(B) remains accessible, for the period required by such statute, regulation, or rule of law, for later reference, transmission, and printing.

(2) EXCEPTION.—A requirement to retain a contract, agreement, or record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract, agreement, or record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract, agreement, or record to be provided, available, or retained in its original form, or provides consequences if the contract, agreement, or record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of all the information on the front and back of the check in accordance with paragraph (1).

(d) ABILITY TO CONTEST SIGNATURES AND CHARGES.—Nothing in this section shall be construed to limit or otherwise affect the rights of any person to assert that an electronic signature is a forgery, is used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form. The use or acceptance of an electronic record or electronic signature by a consumer shall not constitute a waiver of any substantive protections afforded consumers under the Consumer Credit Protection Act.

(e) SCOPE.—This Act is intended to clarify the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law. Nothing in this Act affects the content or timing of any disclosure required to be provided to any consumer under any statute, regulation, or other rule of law.

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) PROCEDURE TO ALTER OR SUPERSEDE.—Except as provided in subsection (b), a State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 if such statute, regulation, or rule of law—

(1)(A) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as reported to the State legislatures by the National Conference of Commissioners on Uniform State Laws; or

(B) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts, agreements, or records; and

(2) if enacted or adopted after the date of the enactment of this Act, makes specific reference to this Act.

(b) LIMITATIONS ON ALTERATION OR SUPERSESSION.—A State statute, regulation, or other rule of law (including an insurance statute, regulation, or other rule of law), regardless of its date of the enactment or adoption, that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule—

(1) discriminates in favor of or against a specific technology, process, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is based on procedures or requirements that are not specific or that are not publicly available; or

(4) is otherwise inconsistent with the provisions of this title.

(c) EXCEPTION.—Notwithstanding subsection (b), a State may, by statute, regulation, or rule of law enacted or adopted after the date of the enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2), consent to the provision or availability of such notice solely as an electronic record.

SEC. 103. SPECIFIC EXCLUSIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract, agreement, or record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law;

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A;

(4) any requirement by a Federal regulatory agency or self-regulatory organization that records be filed or maintained in a specified standard or standards (including a specified format or formats), except that nothing in this paragraph relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105–277);

(5) the Uniform Anatomical Gift Act; or

(6) the Uniform Health-Care Decisions Act.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) any contract, agreement, or record entered into between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce;

(2) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; or

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

SEC. 104. STUDY.

(a) FOLLOWUP STUDY.—Within 5 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of the enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b).

(b) REPORT.—The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 5-year period.

(c) ADDITIONAL STUDY OF DELIVERY.—Within 18 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 18-month period.

SEC. 105. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC RECORD.—The term "electronic record" means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

(2) ELECTRONIC SIGNATURE.—The term "electronic signature" means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

(3) ELECTRONIC.—The term "electronic" means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

(4) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records in whole or in part without review by an individual at the time of the action or response.

(5) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) FEDERAL REGULATORY AGENCY.—The term "Federal regulatory agency" means an agency, as that term is defined in section 552(f) of title 5, United States Code, that is authorized by Federal law to impose requirements by rule, regulation, order, or other legal instrument.

(7) SELF-REGULATORY ORGANIZATION.—The term "self-regulatory organization" means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

TITLE II—DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE PRODUCTS AND SERVICES

SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE.

(a) INQUIRY REGARDING IMPEDIMENTS TO COMMERCE.—

(1) INQUIRIES REQUIRED.—Within 180 days after the date of the enactment of this Act, and biennially thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to—

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) SUBMISSION.—The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry. Such report shall include a description of the actions taken by the Secretary pursuant to subsection (b) of this section.

(b) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than Government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish requirements regarding the use of electronic records and electronic signatures acceptable to such parties.

(D) Parties to a transaction—

(i) should be permitted to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced; and

(ii) should have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(E) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability on the ground that they are not in writing.

(F) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(G) Paper-based obstacles to electronic transactions should be removed.

(c) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(d) PRIVACY.—Nothing in this section shall be construed to require the Secretary or the Assistant Secretary to take any action that would adversely affect the privacy of consumers.

(e) DEFINITIONS.—As used in this section, the terms "electronic record" and "electronic signature" have the meanings provided in section 104 of the Electronic Signatures in Global and National Commerce Act.

TITLE III—USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

SEC. 301. GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(h) REFERENCES TO WRITTEN RECORDS AND SIGNATURES.—

"(1) GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.—Except as otherwise provided in this subsection—

"(A) if a contract, agreement, or record (as defined in subsection (a)(37)) is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be in writing, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record;

"(B) if a contract, agreement, or record is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be signed, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that such contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature; and

"(C) if a broker, dealer, transfer agent, investment adviser, or investment company enters into a contract or agreement with, or accepts a record from, a customer or other counterparty, such broker, dealer, transfer agent, investment adviser, or investment company may accept and rely upon an electronic signature on such contract, agreement, or record, and such electronic signature shall not be denied legal effect, validity, or enforceability because it is an electronic signature.

"(2) IMPLEMENTATION.—

"(A) REGULATIONS.—The Commission may prescribe such regulations as may be necessary to carry out this subsection consistent with the public interest and the protection of investors.

"(B) NONDISCRIMINATION.—The regulations prescribed by the Commission under subparagraph (A) shall not—

"(i) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

"(ii) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

"(3) EXCEPTIONS.—Notwithstanding any other provision of this subsection—

"(A) the Commission, an appropriate regulatory agency, or a self-regulatory organization *may require that records be filed or maintained in a specified standard or standards (including a specified format or formats) if the records are required to be submitted to the Commission, an appropriate regulatory agency, or a self-regulatory organization, respectively, or are required by the Commission, an appropriate regulatory agency, or a self-regulatory organization to be retained; and*

"(B) the Commission may require that contracts, agreements, or records relating to purchases and sales, or establishing accounts for conducting purchases and sales, of penny stocks be manually signed, and may require such manual signatures with respect to transactions in similar securities if the Commission determines that such securities are susceptible to fraud and that such fraud would be deterred or prevented by requiring manual signatures.

"(4) RELATION TO OTHER LAW.—The provisions of this subsection apply in lieu of the provisions of title I of the Electronic Signatures in Global and National Commerce Act to a contract, agreement, or record (as defined in subsection (a)(37)) that is required by the securities laws.

"(5) SAVINGS PROVISION.—Nothing in this subsection applies to any rule or regulation under the securities laws (including a rule or regulation of a self-regulatory organization) that is in effect on the date of the enactment of the Electronic Signatures in Global and National Commerce Act and that requires a contract, agreement, or record to be in writing, to be submitted or retained in original form, or to be in a specified standard or standards (including a specified format or formats).

"(6) DEFINITIONS.—As used in this subsection:

"(A) ELECTRONIC RECORD.—The term 'electronic record' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

"(B) ELECTRONIC SIGNATURE.—The term "electronic signature" means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

"(C) ELECTRONIC.—The term 'electronic' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.".

Amend the title so as to read "An Act to facilitate the use of electronic records and signatures in interstate or foreign commerce.".

Mr. LOTT. Mr. President, I ask unanimous consent the Senate disagree to the amendments of the House, agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. L. CHAFEE) appointed, from the Committee on Commerce, Science, and Transportation, Senators JOHN MCCAIN, CONRAD BURNS, TED STEVENS, SLADE GORTON, KAY BAILEY HUTCHISON, SPENCER ABRAHAM, ERNEST F. HOLLINGS, DANIEL K. INOUYE, JOHN D. ROCKEFELLER, IV, JOHN F. KERRY, and RON WYDEN;

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From the Committee on the Judiciary for items within their jurisdiction, Senators ORRIN G. HATCH, STROM THURMOND, and PATRICK J. LEAHY conferees on the part of the Senate.

DIGITAL SIGNATURE LEGISLATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following letter, signed by 45 members of the Democratic Caucus, be printed in the RECORD. Moreover, I would like to thank my colleagues, Senator SARBANES, ranking member of the Banking Committee, and Senator LEAHY, ranking member of the Judiciary Committee, for their assistance in the preparation for the conference on S. 761, the digital signature bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 28, 2000.

Members of the Conference Committee on Electronic Signature Legislation United States Congress.

DEAR CONFEREE: We are writing to express our strong support for legislation that will ensure the electronic marketplace functions effectively for both businesses and consumers. We all supported S. 761, the "Millennium Digital Commerce Act," as it passed the Senate on November 19, 1999. As that bill proceeds to conference, we continue to believe that it is important to remove unintended barriers to electronic commerce. We must provide certainty regarding the legality of electronic transactions which spur economic growth and provide many benefits to consumers.

We also want to ensure that any new law would provide consumer protections equivalent to those currently required for paper transactions, and would not facilitate predatory or unlawful practices. The electronic world should be no less safe for American consumers than the paper world.

According to a recent Commerce Department report entitled *Falling Through the Net*, more than 70 percent of American households do not have access to the Internet. In enacting legislation to facilitate electronic commerce, we must ensure that we do not widen the "digital divide," to the disadvantage of the majority of Americans.

We must ensure that consumer protections established over several decades are not inadvertently made ineffective by the transition to electronic transactions. We believe that the legislation produced by your conference committee must incorporate the following principles in order for us to support it:

Ensure effective consumer consent to the replacement of paper notices with electronic notices.

Ensure that electronic records are accurate, and relevant parties can retain and access them.

Enhance legal certainty for electronic signatures and records and avoid unnecessary litigation by authorizing regulators to provide interpretive guidance.

Avoid unintended consequences in areas outside the scope of the bill by providing clear federal regulatory authority for records not covered by the bill's "consumer" provisions.

Avoid facilitating predatory or unlawful practices.

Attached is a more detailed description of these principles.

The conference committee has the opportunity to write the ground rules for the transition of our economy from paper-based transactions to electronic transactions. This transition offers great potential benefits for both business and consumers, but must be done in a way that preserves basic consumer protections and ensures the confidentiality and security of such transactions.

Sincerely,

Patrick Leahy, Paul Sarbanes, Tom Daschle, Chris Dodd, Max Cleland, John Edwards, Harry Reid, Daniel K. Akaka, Ernest F. Hollings, Ron Wyden, John F. Kerry, Tom Harkin, Charles E. Schumer, Frank R. Lautenberg, Barbara A. Mikulski, Joseph R. Biden, Jr., Jay Rockefeller, J. Robert Kerrey, Richard J. Durbin, Barbara Boxer, Carl Levin, John B. Breaux, Daniel K. Inouye, Mary L. Landrieu, Max Baucus, Richard H. Bryan, Bob Graham, Jack Reed, Tim Johnson, Evan Bayh, Joseph I. Lieberman, Jeff Bingaman, Russell D. Feingold, Dianne Feinstein, Chuck Robb, Byron L. Dorgan, Paul Wellstone, Patty Murray, Daniel Patrick Moynihan, Ted Kennedy, Herb Kohl, Robert Torricelli, Blanche L. Lincoln, Kent Conrad, Robert C. Byrd.

BASIC CONSUMER PROTECTION PRINCIPLES FOR ELECTRONIC SIGNATURE LEGISLATION

1. Ensure Effective Consumer Consent to the Replacement of Paper Notices with Electronic Notices.

The final bill must include effective consumer consent provisions that provide the following protections:

Consumer consent must involve a demonstration that a consumer will actually have the capacity to receive and read electronic notices.

Consumers must be notified of their rights, including any right to receive notices on paper, a description of the types of records covered, and their right to revert to paper records (or clear explanation that the option will not be available because of the purely on-line nature of the business).

Consumer consent must be reconfirmed if a change in technology by business results in a material risk that a consumer will be unable to receive electronic records.

Consumers must be ensured that electronic delivery of notices will have substantially equivalent reliability as paper delivery.

Consumer privacy must be protected by requiring that the provider of the electronic record shall take reasonable steps to ensure confidentiality and security.

2. Ensure that Electronic Records are Accurate, and That Relevant Parties Can Access and Retain Them.

The legislation must require that, in order to meet record delivery and retention requirements under existing consumer protection laws, businesses must take reasonable precautions to preserve the accuracy and integrity of electronic records. In addition, all parties entitled to a copy of a notice or disclosure by law or regulation should be able to access and retain an accurate copy of that record for later reference and settlement of disputes.

3. Enhance Legal Certainty for Electronic Signatures and Records.

The legislation must provide clear interpretive authority to the regulatory agencies responsible for implementing the statutes modified by the legislation. Failure to provide such authority will create significant business uncertainty about the requirements for compliance with the law, which in turn might lead to litigation. Agencies may also

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

SEC. 104. STUDY.

(a) Followup Study.—Within 5 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of the enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b).

(b) Report.—The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 5-year period.

(c) Additional Study of Delivery.—Within 18 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 18-month period.

SEC. 105. DEFINITIONS.

For purposes of this title:

(1) Electronic record.—The term "electronic record" means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

(2) Electronic signature.—The term "electronic signature" means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

(3) Electronic.—The term "electronic" means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

(4) Electronic agent.—The term "electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records in whole or in part without review by an individual at the time of the action or response.

(5) Record.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) Federal regulatory agency.—The term "Federal regulatory agency" means an agency, as that term is defined in section 552(f) of title 5, United States Code, that is authorized by Federal law to impose requirements by rule, regulation, order, or other legal instrument.

(7) Self-regulatory organization.—The term "self-regulatory organization" means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

TITLE II—DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE PRODUCTS AND SERVICES

SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE.

(a) Inquiry Regarding Impediments to Commerce.—

(1) Inquiries required.—Within 180 days after the date of the enactment of this Act, and biennially thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to—

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) Submission.—The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry. Such report shall include a description of the actions taken by the Secretary pursuant to subsection (b) of this section.

(b) Promotion of Electronic Signatures.—

(1) Required actions.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) Principles.—The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than Government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish requirements regarding the use of electronic records and electronic signatures acceptable to such parties.

(D) Parties to a transaction—

(i) should be permitted to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced; and

(ii) should have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(E) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability on the ground that they are not in writing.

(F) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(G) Paper-based obstacles to electronic transactions should be removed.

(c) Consultation.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(d) Privacy.—Nothing in this section shall be construed to require the Secretary or the Assistant Secretary to take any action that would adversely affect the privacy of consumers.

(e) Definitions.—As used in this section, the terms "electronic record" and "electronic signature" have the meanings provided in section 104 of the Electronic Signatures in Global and National Commerce Act.

TITLE III—USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

SEC. 301. GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(h) References to Written Records and Signatures.—

"(1) General validity of electronic records and signatures.—Except as otherwise provided in this subsection—

"(A) if a contract, agreement, or record (as defined in subsection (a)(37)) is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be in writing, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record;

"(B) if a contract, agreement, or record is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be signed, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that such contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature; and

"(C) if a broker, dealer, transfer agent, investment adviser, or investment company enters into a contract or agreement with, or accepts a record from, a customer or other counterparty, such broker, dealer, transfer agent, investment adviser, or investment company may accept and rely upon an electronic signature on such contract, agreement, or record, and such electronic signature shall not be denied legal effect, validity, or enforceability because it is an electronic signature.

"(2) Implementation.—

"(A) Regulations.—The Commission may prescribe such regulations as may be necessary to carry out this subsection consistent with the public interest and the protection of investors.

"(B) Nondiscrimination.—The regulations prescribed by the Commission under subparagraph (A) shall not—

"(i) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

"(ii) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

"(3) Exceptions.—Notwithstanding any other provision of this subsection—

"(A) the Commission, an appropriate regulatory agency, or a self-regulatory organization

may require that records be filed or maintained in a specified standard or standards (including a specified format or formats) if the records are required to be submitted to the Commission, an appropriate regulatory agency, or a self-regulatory organization, respectively, or are required by the Commission, an appropriate regulatory agency, or a self-regulatory organization to be retained; and

"(B) the Commission may require that contracts, agreements, or records relating to purchases and sales, or establishing accounts for conducting purchases and sales, of penny stocks be manually signed, and may require such manual signatures with respect to transactions in similar securities if the Commission determines that such securities are susceptible to fraud and that such fraud would be deterred or prevented by requiring manual signatures.

"(4) RELATION TO OTHER LAW.—The provisions of this subsection apply in lieu of the provisions of title I of the Electronic Signatures in Global and National Commerce Act to a contract, agreement, or record (as defined in subsection (a)(37)) that is required by the securities laws.

"(5) SAVINGS PROVISION.—Nothing in this subsection applies to any rule or regulation under the securities laws (including a rule or regulation of a self-regulatory organization) that is in effect on the date of the enactment of the Electronic Signatures in Global and National Commerce Act and that requires a contract, agreement, or record to be in writing, to be submitted or retained in original form, or to be in a specified standard or standards (including a specified format or formats).

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Amend the title so as to read "An Act to facilitate the use of electronic records and signatures in interstate or foreign commerce.".

Mr. LOTT. Mr. President, I ask unanimous consent the Senate disagree to the amendments of the House, agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. L. CHAFEE) appointed, from the Committee on Commerce, Science, and Transportation, Senators JOHN MCCAIN, CONRAD BURNS, TED STEVENS, SLADE GORTON, KAY BAILEY HUTCHISON, SPENCER ABRAHAM, ERNEST F. HOLLINGS, DANIEL K. INOUYE, JOHN D. ROCKEFELLER, IV, JOHN F. KERRY, and RON WYDEN;

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Ensure that electronic records are accurate, and relevant parties can retain and access them.

Enhance legal certainty for electronic signatures and records and avoid unnecessary litigation by authorizing regulators to provide interpretive guidance.

Avoid unintended consequences in areas outside the scope of the bill by providing clear federal regulatory authority for records not covered by the bill's "consumer" provisions.

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BASIC CONSUMER PROTECTION PRINCIPLES FOR ELECTRONIC SIGNATURE LEGISLATION

1. Ensure Effective Consumer Consent to the Replacement of Paper Notices with Electronic Notices.

The final bill must include effective consumer consent provisions that provide the following protections:

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Consumers must be notified of their rights, including any right to receive notices on paper, a description of the types of records covered, and their right to revert to paper records (or clear explanation that the option will not be available because of the purely on-line nature of the business).

Consumer consent must be reconfirmed if a change in technology by business results in a material risk that a consumer will be unable to receive electronic records.

Consumers must be ensured that electronic delivery of notices will have substantially equivalent reliability as paper delivery.

Consumer privacy must be protected by requiring that the provider of the electronic record shall take reasonable steps to ensure confidentiality and security.

2. Ensure that Electronic Records are Accurate, and That Relevant Parties Can Access and Retain Them.

The legislation must require that, in order to meet record delivery and retention requirements under existing consumer protection laws, businesses must take reasonable precautions to preserve the accuracy and integrity of electronic records. In addition, all parties entitled to a copy of a notice or disclosure by law or regulation should be able to access and retain an accurate copy of that record for later reference and settlement of disputes.

3. Enhance Legal Certainty for Electronic Signatures and Records.

The legislation must provide clear interpretive authority to the regulatory agencies responsible for implementing the statutes modified by the legislation. Failure to provide such authority will create significant business uncertainty about the requirements for compliance with the law, which in turn might lead to litigation. Agencies may also be unable to stop abusive practices and preserve consumer confidence in on-line transactions without such authority. This authority would not give agencies the ability to override any of the bill's requirements, only to clarify how they apply in specific circumstances.

4. Avoid Unintended Consequences in Areas Outside the Scope of the Bill.

The legislation must provide clear federal regulatory authority for records not covered by the bill's consumer provisions, including authority to exempt requirements from the bill's provisions if necessary. The broad scope of the legislation may have unintended consequences for laws and regulations governing "records" outside its intended focus on business-to-consumer and business-to-business transactions. For example, the bill could affect rules on the posting of workplace safety notices. Protections must be provided against such unintended consequences of the legislation.

5. Avoid Facilitating Predatory or Unlawful Practices.

The legislation must provide adequate protection against predatory or unlawful practices.

Mr. LEAHY. Mr. President, I am pleased that my colleagues on the other side of the aisle have worked out their problems and enabled the Senate, at last, to appoint conferees on S. 761. I co-authored S. 761 as it passed the Senate, and I look forward to working as a conferee to ensure that the final conference report respects the principles that this body endorsed when it passed that legislation by unanimous consent last year. The letter to conferees dated March 28, 2000, signed by all 45 Democratic Senators, reminds us of those principles.

I am only one conferee among 17 but working with the other 6 Democratic Senate conferees and the 10 Republican Senate conferees. I will endeavor to encourage electronic commerce with balance, fairness, and due regard for consumer protection.

The PRESIDING OFFICER. The Senator from Utah.

ELIAN GONZALEZ

Mr. HATCH. Mr. President, I rise this morning to voice my deep concern over the developing situation in Miami involving this young boy, Elian Gonzalez.

I do not rise today to make legal or policy arguments regarding the events that have transpired thus far, although I have strongly held views on those matters. Rather, I rise to implore—yes, implore—the Justice Department and the Clinton Administration to exercise restraint in how they proceed.

For reasons I fail to understand, this Administration yesterday significantly ratcheted up the stakes in this matter, and unnecessarily turned this into a crisis situation by threatening to involuntarily and forcibly remove this boy from the place he calls home and to forcibly remove him from the family that has cared and sheltered him for four months.

And why? The Justice Department had previously indicated a willingness to allow the Miami family to pursue its legal avenues in federal court. This family is appealing the recent decision of the district court. That is not news, and should hardly come as a surprise to the Department. In fact, it is my understanding that the family has agreed to the Justice Department's request to try and expedite the appeal.

So why has the Administration manufactured this crisis and issued these threats and ultimatums? Why make these threats regarding this arbitrary, self-created and self-imposed deadline of Thursday morning at 9:00 a.m.?

I know that my colleagues have different views on the matter of whether Elian Gonzalez should be returned to Cuba or allowed to stay in our country. But I do not stand before you today to debate that matter.

Rather, I would hope we could all join in calling upon the Department of Justice and the Clinton Administration to calm down, exercise restraint, and stop acting to increase the tension of this delicate situation unnecessarily through arbitrary deadlines or threats of force.

I fail to see how these threats serve any useful purpose. Hasn't this young boy been through enough? Why does this Administration need to forcibly remove him from his home while the appeal process continues to run? Has Elian become an enemy of the United States of America? If not, why is the Administration treating him like a dangerous drug lord or a mass murderer?

Again, I implore this Justice Department and this Administration to calm down and exercise restraint. We need to find a way to diffuse this situation, not to further inflame it. And, we need to act in accordance with the values of our country—restraint, respect for law, and common sense. We should not be led to extremes merely to appease a foreign government. We will be fair and deliberate. But, we should not engage in ridiculous, overwrought measures. After all, this is not Cuba. This is the United States of America, and we have a young boy here. He ought to be treated with dignity and with respect by a government that does not act as a bully with no restraint whatsoever.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

MARRIAGE TAX PENALTY

Mrs. HUTCHISON. Mr. President, I rise today to talk about the marriage tax penalty. We are trying not so much to give a tax cut to married couples but to make a tax correction. It is not the business of Government to say that when you are married your taxes should be higher. The Tax Code should be blind.

It should be fair to all. Any single person making $35,000 a year marrying someone making $35,000 a year should not automatically go into a higher tax bracket. In fact, under today's Tax Code, that is exactly what happens. It is one of the most egregious oversights of our tax system that we must address.

It is estimated that 21 million married couples pay a marriage penalty; about 48 percent of people in this country who are married pay a penalty for being married. The question is, What can we do to correct that inequity? This is not just a tax cut. It is a tax correction.

Yesterday, Senator ROTH revealed his plan that will go to the Finance Committee for markup, hopefully, tomorrow. It is a very solid beginning. His plan, first and foremost, does something that will affect every single married couple: It doubles the standard deduction.

Today, the standard deduction is $7,350 for a married couple. It is $4,400 for singles. One would think a married couple would get $8,800. That is not the case. They get $7,350. Regardless of the tax bracket, there is a marriage tax penalty from the standard deduction. Senator ROTH's bill doubles the standard deduction next year.

Second, the bill starts with the lowest tax bracket, the 15-percent bracket. Over a 6-year period, starting in 2000, that bracket will be doubled for married couples. This is an $8,650 increase that allows people to continue paying in the 15-percent level for $8,650 more. Basically, that means if someone today is making up to $43,000 as a married couple, they are in the 15-percent bracket. We raise that to $52,500. As a married couple making about $26,000 a year, they will stay in the 15-percent bracket and will not have that penalty.

It is important for people to know that everyone pays up to the $52,000 in the 15-percent bracket. Even if you go up to the 28-percent bracket or the 36-percent bracket, you will also get that 15-percent bracket relief.

It was my hope to double the 28-percent bracket, as well, because this is where most people get hit the hardest. A policeman who marries a schoolteacher gets hit in that 28-percent bracket. They are making approximately $30,000 each. They would not be fully covered under the bill that will go to markup.

There will be opportunities to increase that bracket to 28 percent, which is what we hope to do. We want to go up to about $120,000 in joint income to do away with that penalty for married couples. We will take the 28-percent bracket up to about $126,000. A 28-percent tax bracket is almost a third of what a person makes, so with salaries of $40,000 or $50,000, it is a pretty big hit, especially if you have children and are trying to do the extras for their education.

We have the 15-percent bracket doubling, starting in 2000. We want to make that 28 percent, but even if we can do the 15 percent, it is certainly a step in the right direction, saying to people they should not be penalized because they chose to get married. The penalty is not small. The average is about $1,400 more that people pay. If they are making $28,000 a year or $40,000 a year and have to pay $1,400 more in taxes, that is a lot of money, money that could be saved for the first downpayment on a house. It is money that could be put on car payments, mortgage payments, or a family vacation.

This is the time in people's lives when they need the money the most, when they are a young couple, just beginning. They do not have a nest egg yet. To tax them $1,400 more a year is a heavy penalty. There is no reason for it. We should not make the choice for people that if they get married they must pay more taxes.

The alternative minimum tax is also reformed in Senator ROTH's plan. The alternative minimum tax is a tax that is levied on people. An alternative minimum tax is levied perhaps because too much of their income is tax free. This has begun to hit more and more people.

The alternative minimum tax has begun to hit people who make $75,000 a year as married couples. This keeps them from having the $500-per-child tax credit fully given; it keeps them from getting the Hope scholarship money fully given; it keeps them from having an adoption credit fully given. It takes away the value of those credits.

We say to people: You get a $500-per-child tax credit because we want you to have more of the money you earn, but if you make over $75,000 a year, we will take part of that credit away. We want to make those types of tax credits, the nonrefundable tax credits, whole for people, regardless of where they are in the system. We don't want the marriage tax penalty to encroach on that, as well. We are trying to exempt those nonrefundable tax credits from the AMT.

We also increase the earned-income tax credit for low-income couples, so if a person chooses to go to work and get off welfare, which is what we are encouraging them to do, we don't want to punish them by taking away their earned-income tax credit.

It is ironic that today we say to a married couple: You will pay more in taxes than if you had stayed single. We have a higher tax burden in our country today in peacetime than any time since World War II. We are trying to take away some of that tax burden on hard-working Americans. We find with many couples that both work because the tax burden is so high. They are trying to do extra things for their children. In order to meet all of their needs and the extra requirements they have for giving their children a good education, they are having to go to work. That second income is penalizing that spouse who decides to leave the home and go into the workplace.

This is wrong. It is time to end this unfair part of our Tax Code. We started trying to correct this inequity 3 years ago. We sent President Clinton a bill that had marriage tax penalty relief in it and the President vetoed that bill.

It is very important that President Clinton look carefully at this particular bill. It hits people at the lower and middle-income level. The President has said he is for income tax relief for middle-income people. He has said that in public statements. But, in fact, he has vetoed the marriage tax penalty relief we have sent him.

I hope this is going to be a clean bill. I hope it will be a bill that is not amended with extraneous amendments that are not marriage tax penalty amendments. If we can send that clean bill, then I think the President will have some explaining to do if he does not sign it to give this relief to hard-working American couples.

We are about 20 days away from having to file the income taxes for 1999. April 15 is the day. April 15 is Saturday, so we get a reprieve until April 17. But when people are filling out their income tax returns in the next few weeks, I hope they will think of this marriage penalty that most people are paying in this country. I hope they will realize Congress is trying to give people relief. Congress is trying to double the standard deduction, so when you are filling out your form in the next 20 days, realize if you are married, your standard deduction is $7,350. Under our plan it would be $8,800 that would be totally exempt from taxation.

Furthermore, we would give you about $8,000 more over the next 6 years in the 15-percent bracket. So whereas today you would start going into that 28-percent bracket at $43,000, we are going to give you up to $52,000 over a 6-year period with the bill that is going into the Finance Committee tomorrow. We are hoping we can even expand that to the 28-percent bracket so more people will pay at the lower bracket levels. This will help every single tax-paying American who is married and paying this penalty.

I hope very much the President of the United States is listening. I hope we can pass this clean marriage penalty bill through the Senate. We have a good start in the House bill. We have a good start from the Senate Finance Committee mark. I hope we can even make it better. With a relatively small addition, I think we can. I think we can go from the 15-percent to the 28-percent bracket—doubling. That will give significant relief to the most taxpayers in this country. Most people pay in the 15- and 28-percent brackets. That is where I think we need the relief.

I urge my colleagues to work with us on this marriage penalty relief. I urge the President to listen to the hard-working people of this country who are saying: We need relief, and most of all, we need fairness in our tax system. It is not fair to tax people because they are married.

I see my colleague from Georgia is on the floor. My colleague from Georgia has been one of the early cosponsors of this marriage tax penalty relief. He has been a stalwart defender of fairness in our Tax Code and fairness in our tax system. I appreciate that he is here and I yield the floor to the Senator from Georgia.

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senator from Georgia, Mr. COVERDELL, or his designee, is recognized to speak for 30 minutes.

Mr. COVERDELL. Mr. President, parliamentary inquiry: It is my understanding the Senator from Texas and the Senator from Kansas had a period of approximately 30 minutes before the 30 minutes that was assigned to me. At the moment, I will be speaking on that time, if there is any of that time remaining.

The PRESIDING OFFICER. There is 14 minutes remaining.

Mr. COVERDELL. Then, if I might, with that clarification, at the conclusion of my remarks and the remarks of the Senator from Texas or others on marriage penalty, then I will begin to implement the 30 minutes that was assigned to me.

Mr. President, first I thank the Senator from Texas for her perseverance in pursuing relief of the marriage tax penalty on so many millions of Americans. I have several general comments to make about this proposal at this time. Again, before she gets away, I thank the Senator from Texas for the drumbeat by which she has continued to pursue this issue because it is an exceedingly important policy issue. That is the first point I want to make.

The fact we would have ever come to the point in the United States, given all the problems we have been talking about over these last several years of destabilization in our society, that we would punish people for creating families is unconscionable public policy. It is almost unbelievable it could have ever come to this point. So, as a matter of sound, intelligent, appropriate public policy, there should not be a penalty for people creating families. We should be encouraging, not discouraging, that. We should be making available to those families as many resources as possible to carry out the building of America upon which we have always relied. It is that family that we have depended upon to get America up in the morning, to get it to school and to work, to house it, to provide for the health needs and education of the country.

The dreams of America are in the hands of these families. To punish them, to financially punish them, as I said a moment ago, is absolutely unconscionable public policy. It raises all kinds of questions about what kind of thinking goes on in this Capital City, for Heaven's sake. The punishment is not insignificant—about $1,400 a year on average. Start thinking of the things that would do: The home computers, tutors, a new mortgage, transportation. The average American family's disposable income, that which is left after the Government marches through their checking account and takes over half of it—in our State, that family is probably making about $45,000 to $50,000. By the time you take that down by half—then think of all the things they have to do to raise America, to take care of America—we have not left enough there to get the job done. No wonder we see so many problems in our society.

If you were to put a graph behind me from 1950 to 1990 and show what the Federal Government was taking out of that checking account in 1950, and then what it is taking out in 1990, you would faint. If you put up a graph of every other problem—SAT scores, teenage suicide rates, you name it—as that graph went up, as we took more and more resources away from those families, bad things start to happen in our country. So there is nothing more important than making a statement that we are not going to punish families and we are going to take steps to leave more value, more of what they work for in their checking accounts so they can do what they need to do for America.

If every little family can take care of itself, the country is in great shape. Conversely, if we make it difficult for these families to get the job done, the country starts to wobble a bit. It has gotten right close to wobbling.

The other point I want to make is this: If we are going to talk about eliminating the marriage tax penalty, then we ought to be bold about it and serious about it. This proposal that is coming from the Finance Committee, and for which the Senator from Texas has fought, is just that.

The President has used the name but no substance—the name, the sound bite—but it is not getting the job done. Clearly, if we are going to go before the country and say we are going to eliminate the marriage tax penalty, it ought to virtually get the job done.

The proposal sponsored by the Senator from Texas, and which is likely to come out of the Finance Committee, will do that. The President's proposal does not.

I hope this ultimately passes the Senate, that we work out any differences with the House, and it goes to the President's desk and he acknowledges that a marriage tax penalty is a bad thing, it is bad policy.

I have one other comment to make about this before I yield back the remainder of the time to the Senator from Texas. I have not heard anybody refer to this, but this proposal is across-the-board tax relief. Why is that? Because it takes the bottom tax bracket where people pay 15 percent and increases substantially the amount of income any family can earn and only be taxed on that income at 15 percent. Every taxpayer will receive tax relief because they all pay 15 percent on the first bracket. The first bracket is being enlarged. Everybody will benefit.

Admittedly, by focusing on these earlier tax brackets, the amount of relief, while the same for everybody, is more meaningful to middle-income families and lower-income families. This $1,500 is the difference between, as I said, the house or not, the car or not, proper education or not. For some of our wealthier citizens, it will not have that great an impact. They would make a different kind of decision about it. It is fair because it is across the board and it affects the entire 15-percent tax bracket. That is good. I want to see us do more of this where we are lowering the tax rates for all taxpayers.

One of the things about which I have been most encouraged, because Americans pay vastly different percentages of income taxes—it has actually gotten to a very negative separation of our citizens. About 50 percent pay very few taxes, and the top 5 or 10 percent pay inordinate taxes. That can lead into all kinds of problems.

The good thing is, the American people, our culture, demand fairness. They really do. One can ask any American in our country, no matter the walk of life, their gender, or their racial background: What is a fair tax? It is always about the same. It doesn't matter where they come from or what their economic status is. They will say it should be about 25 percent. It should not be 50. Americans are essentially fair, and that is good. That gives us the ground upon which to correct some of these onerous bad policies that are in the Tax Code. This is one of them. This is the right thing to do, as I said the other day, and it is the right time to do it.

Mr. President, I yield back the remainder of time to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: What is the time remaining on my 30 minutes?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I thank Senator COVERDELL for his remarks. He laid out the fairness question very well. I thank him for the leadership he has provided in trying to give tax relief to hard-working American families on several fronts. Of course, he was the leader helping people give their children extra education benefits. Unfortunately, that bill was vetoed last year by the President, and hopefully, having passed it again this year, the President will give that area of tax help to the hard-working families who want to send their children to college or who want to buy a computer for their child in elementary school. That has been led by Senator COVERDELL.

Certainly, Senator COVERDELL is now helping lead the effort on reduction of the marriage penalty tax because, of all the Tax Code inequities, this is the biggest. It affects the most people. It is the biggest tax cut that should be given. It is a fairness question.

If one is a policeman and making $30,000 a year and marries a schoolteacher, why should they pay $1,400 more in taxes just because they get married? There was no promotion, no bigger salary but the same salaries, two people, and they got married. They pay $1,400 more a year in taxes. It hits the schoolteacher and the policeman the hardest.

It is the people making that $25,000 to $35,000 who get hit the hardest. Yet that is the couple trying to save to buy a home for their family or to upgrade a home or to buy the second car or to go on a family vacation. This is money that should not be spent by the Federal Government; it is money that should be spent by the people who earn it. That is the question today.

We are going to continue to debate the issue of the marriage penalty tax, and we will be testing people to see what their priorities are. Why would we continue to have this inequity in the Tax Code when we can fix it? We can fix it, and we are going to have the opportunity to do that the week people are beginning to pay their taxes. We are going to take this bill up the week of April 10, so that when people are filling out their tax forms, they can look at that standard deduction and say: My goodness, I am a married person and my standard deduction is $7,350 and it should be $8,800. If the bill that will be before the Senate on April 10 is passed, it will be $8,800 next year, and this year will be the last year that a married couple has to pay more taxes because of the standard deduction inequity.

I thank the Presiding Officer, and I thank the Senator from Georgia. I urge my colleagues to look at this issue. Let's focus on doing away with this inequity as soon as we possibly can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. It is my understanding, then, that there are 30 minutes now under the control of the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct. The Senator from Georgia is recognized for up to 30 minutes.

THE WESTERN HEMISPHERE

Mr. COVERDELL. Mr. President, before I left the Foreign Relations Committee very recently and going to the Finance Committee, I was chairman of the Subcommittee on the Western Hemisphere. I will address the Senate this morning with regard to those responsibilities and to our hemisphere. I will suggest that we must reinvigorate our partnerships in this hemisphere as we begin a new century. If we work to nurture the political and the economic relationships among the nations of the Western Hemisphere, I am convinced that the next century will be the century of the Americas—a time of unparalleled peace and prosperity.

The reason for my remarks, however, is that there are threats, serious threats, to the stability of the democracies in our hemisphere. We need to confront them together—neighbor helping neighbor.

There has been a great deal of discussion recently on deciding what event adequately defines the last century. Some would say victory over Hitler in World War II, or the fall of the Berlin Wall, the first man to walk on the Moon, or the invention of computers. You would make a good case for each one of these.

But I believe the history of the 20th century cannot be defined by one of these singularly remarkable achievements. The greatest development was not an event at all but a slow and steady march over time. For me, it was the spread of democracy around the world, a movement in which the United States played a leading role.

Consider the following: According to the Freedom House, of the 192 sovereign states in existence today, 119 are considered true democracies. In 1950, a date I referred to in the earlier debate, only 22 countries were democracies—22; today there are 119. This means that nearly 100 nations have made this incredible transition over this last half century. I witnessed much of this great transformation as Director of the U.S. Peace Corps under President Bush. Nowhere did I see more dramatic change than in our own backyard.

In 1981, 18 of the 33 nations in the hemisphere were under authoritarian rule. By the beginning of the 1990s, all but one—Cuba—had freely elected heads of state. It was the springtime of democracy.

In the new century ahead, we must nurture and protect this freedom around the world but with great attention on our own hemisphere. Our welfare is inextricably tied to that of our neighbors in the region. We share common geography, history, and culture. Together we possess unbound potential for regional economic prosperity.

To harness this potential, we must continue to extend political and economic freedom to the entire hemisphere. The stakes are very high. If we are successful, I am confident the 21st century will be remembered, as I said, as the century of the Americas. But if we neglect our responsibilities, we could realistically witness a balkanization of Latin America and a stagnation in our own economy.

The task is daunting, and becoming more so by the day. Freedom in the hemisphere remains fragile and uncertain.

Under the Clinton administration, we have failed to respond to the new challenges facing the region—allowing emerging threats to fester in places such as Colombia, Haiti, and Panama. As a result, some of the hard-fought victories for freedom in Latin America are weakened and in jeopardy.

Let me take a minute or two to focus on three core components of health in the Western Hemisphere. I mentioned a moment ago that there are serious threats to these new democracies. I also mentioned there is enormous potential in the hemisphere.

If you took the whole Western Hemisphere combined, it is the largest consumer base in the world. There is enormous potential here. Most people do not realize that trade in this hemisphere today is already larger than all of our trade in Europe, almost double our trade with the European Union. Trade in this hemisphere is significantly larger than our trade with the Pacific rim. If you were to ask most Americans, they would undoubtedly say our greatest trading partner would be Europe. It is third. The Western Hemisphere is first; the Pacific rim is second; and a long way back is the European Union.

That tells me where we have to be highly focused in the context of the health of the hemisphere. As I said, in the early 1990s, we could look across this area and see all these new democracies. But as we look today, after about 9 years of this wonderful achievement, there are some pretty serious issues on which we need to be focused, and we are not.

You see, for democracy to be successful, it has to be more than just an election of a head of state. For democracy to be successful, it has to have a sound judiciary; in other words, a way for disputes to be resolved peacefully and civilly.

This is incredibly important to trade and to relations between the countries. I will give you an example. Who is going to make an investment in a country for which there is no appropriate judiciary to resolve differences? Not many because you have put it at too high a risk. Investment does not go to high risk; it runs from it. Investment goes to security; it seeks it. In too many of our new democracies, we have not focused on helping build an appropriate judiciary.

Law enforcement: In many of these new countries, law enforcement had previously been the responsibility of the military. In Nicaragua, Honduras, many of these countries, in Guatemala, it was the military that established order. As we all know, that can be without due process. It can be orderly, but you better not cross it. You better not have a disagreement. In other words, you have a condition in which citizens or guests are not safe or could be threatened. Whenever that happens, you have a deterioration of economic mobility and stability. Investments move away from those kinds of situations, not to them.

Substantial progress has been made in each of the countries I mentioned to move to a civil form of law enforcement, but this is a daunting task. Look at Haiti today; with the investment that has been made, which is approaching $3 billion, and an attempt by the United Nations to train a civil law enforcement—not a military, a civil law enforcement—it just does not exist. Do we really believe there is a judicial process that would allow an investor to come in and put a high-stake investment in the country and if there were a dispute of some form between the government and that country or between two parties or a native Haitian and a foreign investor that there would be a competent, capable way for that dispute to be resolved? No. Therefore, the investments don't flow. When the investments don't flow, you have a deteriorating economy. When you have a deteriorating economy, then you begin to destabilize everything you have talked about in terms of democracies. They begin to wobble; they can disappear.

Today we have a President of one of the more significant countries of Latin America, Peru, who is flouting the constitution. The constitution says a President, as in the United States, may be elected President for two terms. That is not enough for Fujimori; he wants three. Push the constitution to the side; push freedom of the press to the side; ignore the fundamentals of fair elections. Does that remind you of democracy? Does that suggest that the institutions of democracy—constitutional law, civil law enforcement, a fair and sound judiciary—are in order? You would be hard-pressed to answer that question yes.

Venezuela has a new popular President who has essentially moved everything to the side and who shaped the government in his own view. The question is still out there, but those are not very encouraging signs. They are worrisome. Where is that all going to lead? Does that make people who believe in constitutional law, civil authority, comforted? Answer: No, it does not. I want to come back to this point, but we must remember that about 13 percent of our oil energy today comes from Venezuela.

Colombia: Colombia is in the middle of a raging war. CNN has not found it.

There are more refugees in Colombia than there were in Kosovo. No one is speculating on the number of dead. It is 35,000 people. And an insurgency driven by narcotics—not ideology, narcotics—controls 30 to 40 percent of the country and is on the outskirts of Bogota. We and this administration have been talking about this old traditional republic that has been a great ally, supplying over 5 percent of our energy, and we have yet to get the assistance through this Congress. We have sent Ambassador Pickering, we have sent General McCaffrey, legislators, myself and others. We know we have to help protect that democracy that sits in the middle of Venezuela and Ecuador and Peru and Panama, the entire Andean region.

This is a reflection of our inability—and it is not just this administration, as a people—to understand how important our own backyard is. We tend to get focused off someplace else. I am not saying those are not significant priorities, but for Heaven's sake, if it is at your back door, you better be paying attention. Bogota is a 3-hour flight from Miami.

Talking about Mexico and the enormous problems they have had, I admire their leadership. They are struggling. But as President Zedillo said to me: There is no threat to the security of the Republic of Mexico that matches the corruption and the intrusion of narcotics. He is surrounded by it.

So we have Colombia, Mexico, then Texas, New Mexico, Arizona, then Georgia and New York and Chicago, right at the back door. You have to open the door.

In Paraguay—knock on wood—constitutional law was protected because it was an example of people in the hemisphere paying attention. The Vice President of the country was assassinated, and it looked as if constitutional law was gone. I have deep memories of this. The people of Paraguay overthrew a dictator, Stroessner. I was at the first inauguration of a freely elected President. If you had seen the faces of these people who had accomplished freedom, everybody ought to go through that. Everybody should have that opportunity. If you told me at the time that within a handful of years it would come to the point where their Vice President was assassinated, and it looked as if it was all going to collapse, I wouldn't have believed you, but it almost happened.

The institutions that make a democracy really be a democracy are not in place, and we have lost a lot of time—too much time. The nefarious, evil nature of narcotics has intruded the entire hemisphere—all of it—and it is marching. Its ultimate goal leaves nothing but ruins behind it. It corrupts the institutions of democratic principle, and it is doing it in country after country—in our own backyard.

We have been celebrating—and this is my third point—enormous trade opportunities. In the nineties, we have experienced it all across the country, across the hemisphere; it is staggering. It helps build a new middle class; it brings economic prosperity to people who have never enjoyed it. As an example, I can remember years ago, in Guatemala, about all that was being raised was corn and beans for self-sustenance. Now, they are truck gardening in fruits, with huge markets for them. Who do you see in the fields? You see 18- and 20-year-old young Guatemalans with a great job, and you know where that leads because we are from America. We know what happens. They start becoming independent. They stop relying on government. They start thinking for themselves. That needs to be nurtured.

The trade opportunities are boundless, but we have been knotted up; we have been unable to expand these trade agreements. What is happening? Did you read the newspapers yesterday? The European Union signed the treaty with Mexico, and Mexico is entering into treaties with Mercosur, the southern cone of South America, and we are tied up in a knot here. So we are inviting this huge economic base to become the customer of other regions of the world because we can't seem to get it together.

Now, I assume my time is nearing the end.

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. COVERDELL. My point is that a core component of new democracy in the world occurred right in our hemisphere. There was a marvelous achievement—to survive the institutions that make democracy work have to be put in place, and we have not done a good job on this. It has been sporadic, it is destabilizing, and we can see it. We have to only pick up a newspaper—Peru, Venezuela, Haiti, Colombia, and the list goes on.

No. 2, we have an enormous and powerful adversary in the narcotic cartels. They don't care about a single child anywhere, they don't care about any human life, and they do not care about any country. They are as evil a scourge as the world has ever seen. And they are fueling a criminal syndicate in the United States that is more powerful than anything with which we have ever dealt. Undoubtedly, somebody listening to this saw Godfather I and Godfather II—amateurs, rank amateurs compared to what we are dealing with. The economic opportunity is limitless, boundless, sitting right in our backyard, as I have said. Simply open a door. And we have let it get all frayed; we have not stayed attentive.

So, as I say, we can get focused in our own home if we can create, I call it a doctrine of the Americas, where all of us as neighbors demand certain standards, that they be upheld, and that constitutional law is a part of this hemisphere, that civil law enforcement is what we have grown to expect, and a fair judiciary must be in place. The Constitution cannot be just thrown across the desk and into a trash can. We all should be together demanding that kind of activity. If we will pay attention to this evil force and respond to it—not simply cover our eyes, but respond to it—we can keep it from doing enormous damage not only in the U.S. but across the hemisphere.

They are ruining governments. It will leave democracy in shambles. Mark my word. It must be confronted vigorously. It is a huge threat to our security. If we will pay attention to the trade opportunities and be vigorous about it, if we will do these three things, they will call this century the century of the Americas, and all of us will be rewarded tenfold in every country, and we will be an enormous force for world peace. Conversely, ignore all of these things and it will breed a problem and a trouble that will haunt us throughout the century.

I am for a century of the Americas. I get excited about it. I think we have to, as a nation, make a step forward; we have to be bold and we have to pay attention.

Mr. President, I yield back whatever time remains. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator is recognized to speak for up to 60 minutes.

Mr. KENNEDY. I thank the Chair. I don't intend to take that amount of time.

PRESCRIPTION DRUGS

Mr. KENNEDY. Mr. President, the Senate Finance Committee is today holding the second in a series of hearings on prescription drugs. It is the 14th hearing on Medicare reform and how we will deal with the challenges facing the Medicare system.

I had an opportunity to testify before the Finance Committee as did several of my colleagues. Both Republicans and Democrats are urging the Senate Finance Committee to take steps to provide important our senior citizens relief from the cost of prescription drugs. It is a national crisis. It affects seniors in New England, it affects seniors in the Southwest, it affects seniors all across this Nation. We have a responsibility to our seniors to address the issue this year. It would be inexcusable for us to have an adjournment without addressing the prescription drug crisis that is affecting the health, well-being, and livelihood of millions of senior citizens all across this Nation.

I want to take just a few moments of time to review exactly where we are in this challenge that is facing the Senate of the United States as an institution. The Budget Committee is meeting today to make recommendations on the issue of prescription drugs, and the Finance Committee has responsibility in examining why action is so important now.

The drug crisis for seniors is reflected in two important ways:

One, coverage is going down.

Those seniors who currently have drug coverage are seeing it evaporate. The costs being paid by those senior citizens with coverage are going through the roof.

This chart is a clear indication of the situation facing our senior citizens. There are approximately 35 million senior citizens receiving Medicare. Twelve million of these seniors have no prescription drug coverage whatsoever. This is almost one third of all senior citizens.

Almost another third—11 million—have employer-sponsored coverage through their former employers. They have coverage.

Then we have Medicare HMOs, which cover 3 million seniors; 4 million seniors purchase Medigap coverage that includes a limited drug benefit; 4 million seniors have coverage through Medicaid; and 3 million have coverage through the VA and other means.

This chart really tells the story. We have 12 million seniors on Medicare with no prescription drug coverage.

What about those seniors with employer-sponsored coverage? How reliable is that coverage for our senior citizens?

Look at this chart. There has been a 25% drop in firms offering retiree health coverage between 1994 and 1997, a 3-year period. A quarter of all persons receiving employer-sponsored retiree coverage have been dropped.

The rather ominous fact is that current coverage is declining in an even more dramatic way. More and more firms are unilaterally dropping prescription drug coverage from their retiree programs. The number of seniors who are in these employer-sponsored programs is going down dramatically.

Let's look at the 3 million who have coverage through Medicare HMOs. This year alone, more than 325,000 Medicare beneficiaries lost their HMO coverage. That is true in the western part of my State. It is true in Connecticut, it is true in many parts of New England and it is true in many other areas of the country.

We know the drug coverage is only an option under HMOs; Medicare HMOs are not required to provide drug coverage. Medicare HMOs are leaving the market, and those remaining are drastically reducing the level of drug coverage. Seventy-five percent of all seniors covered through Medicare HMOs have limited coverage—capped at less than $1,000 this year. The number of plans with such limited coverage has doubled since 1998. Thirty-two percent have imposed caps of less than $500, an increase of 50 percent since 1998.

On the one hand, many HMOs are dropping coverage. Those maintaining coverage are putting limitations on the dollar amounts they actually cover. In the last 2 years, 75 percent have unilaterally declared that they won't provide any coverage in excess of $1,000, and 32 percent have limited coverage to $500.

Here we have no coverage.

Here we have falling coverage.

Here we have collapsing coverage.

And now we look at the question of the Medigap.

Look at the situation with Medigap. To qualify for Medigap coverage that includes a drug benefit, one must get that coverage at the time they first enroll in Medicare.

This chart shows that drug coverage through Medigap is unaffordable. This is the sample premium for a 75-year-old: In Delaware, $2,600; New York, $1,900; in Iowa, $2,000; in Maine, $2,400; Mississippi, $2,400.

Individuals have to apply for Medigap plans with drug coverage at the time they first qualify for Medicare; they are effectively closed out from purchasing a Medigap plan that includes drug coverage later.

What we are seeing here is an explosion of the Medigap premiums. As a result, protection against the cost of prescription drugs through Medigap is also in free fall. The only seniors with reliable drug coverage are the 4 million covered through Medicaid.

At the same time we are seeing this very significant decline in coverage, drug costs are growing at double-digit rates. We go from 1995, 9.7 percent; 10.1 percent in 1996; 14.2 percent in 1997; 15.7 percent in 1998; and 16.0 percent in 1999. This is against a background of a virtual flat rate of inflation. The inflation rate in 1995 was 2.5 percent; 1996, 3.3; 1997, 1.7; 1998, 1.6 and in 1999, 2.7. The inflation rate is virtually flat, yet we have seen dramatic increases in costs and reduction in coverage for drug benefits.

We have a situation where Congress is going to act. We need coverage for all, universal coverage. We must include both basic and catastrophic coverage. We should try to take care of those senior citizens represented in this group here: the 57 percent with incomes under $15,000 plus the 21 percent with incomes between $15,000 and $25,000—a total of close to 80 percent of all senior citizens have incomes below $25,000. We have to take care of these seniors. I believe coverage ought to be universal. This is what we currently do in both Medicare and Social Security.

Close to 80 percent of our senior citizens have incomes below $25,000 a year. This is extraordinary. Almost 60 percent have incomes below $15,000. Overall, their incomes are very modest indeed.

So coverage is collapsing at the same time costs are exploding. And who is it impacting? It is impacting close to 80 percent of the elderly people in this country with incomes below $25,000.

This chart gives an idea of typical patient profiles. These are the types of ailments that typically affect so many of our seniors: Osteoporosis, heart trouble, high blood pressure, enlarged prostate, arthritis, ulcers, high blood pressure, heart disease and anemia.

Look at the typical cost per year. If 150 percent of poverty is $11,985, and we saw on the last chart about 60 percent of our seniors have incomes in that range, look at the outlays these seniors have: 20 percent of their entire income, just to cover the of essential drugs needed to treat osteoporosis and heart trouble. The costs only increase for other typical conditions. These are their out-of-pocket expenditures for drugs; this does not even deal with other health-related needs they might have. It is an extraordinary burden they have.

This is why we believe that Medicare drug coverage needs to be universal. It should cover all of our senior citizens. It should provide basic coverage. It should also reach those with higher drug costs through catastrophic coverage. We know only about 10 percent of the seniors need catastrophic coverage today. But many of our seniors are very concerned that they may face catastrophic needs in the future.

I am a strong believer that the next century is going to be the life science century, with major breakthroughs in medical treatment. For example, in my State of Massachusetts, if we had a breakthrough in Alzheimer's disease, we would empty half of all the nursing home beds. The savings would be astronomical. The cost of the prescription drugs might be large, but the savings through keeping Medicare beneficiaries out of hospitals and nursing homes can be dramatic, significant. That is why I think we need both basic and catastrophic coverage.

We must be guided by these principles. We want coverage that is affordable for the individual senior citizen. It should also be affordable to the Federal Government. That is why Senator ROCKEFELLER and I have advanced a Medicare drug program. A number of our colleagues have advanced other programs. What is important is that we take action and take it now.

I have here before me what we call the chairman's mark. The Budget Committee of the Senate of the United States is meeting even as I speak. They have in their chairman's mark what they call a reserve fund for Medicare.

They are talking about reserving $20 billion for Medicare. In the chairman's mark they describe a reserve fund for Medicare:

> Whenever the Committee on Ways and Means of the House or the Finance Committee reports a bill or an amendment or a conference report that implements the structural Medicare reform—

In other words, nothing is available for prescription drugs without comprehensive Medicare reform. I am all for Medicare reform. But I do not know why we ought to hold a good, effective prescription drug benefit program hostage until we get comprehensive Medicare reform. This is what the program requires.

Then it says:

> and improves the solvency of the Medicare Program without the use of transfers or new subsidies from the general fund.

Therefore it prohibits any use of any of the surplus at a time where we have an important and significant surplus projection. The surplus should be used to assist the Medicare program in a modest way. They prohibit any use of that surplus. It also requires and ensures additional reimbursement for Medicare providers. So we have to have a comprehensive reform of the Medicare system and we have to also have the major changes for Medicare providers before we can ever come to consider the $20 billion that is going to be recommended as possible funds that could be used for a prescription drug program. This is half of what the President of the United States has asked for, half of his $40 million request.

This is what it says. Under the budget:

> Prescription drug benefit. The adjustments made pursuant to the prescription drug benefit may be made to address the cost of prescription drugs.

It is optional. It is optional. I do not think that is what the seniors or the American people—not just seniors, but all Americans are really interested in. They want us to take action and they want us to take action now. They do not want to set up an arbitrary barricade for us before we can take action.

I do not understand why our Budget Committee is effectively binding the Senate of the United States and prohibiting it from being able to take action on a prescription drug benefit this year unless it goes through the hoops which they have established in the committee. Even if you were able to get through all those hoops, it provides woefully inadequate funding over the next 5 years.

Last year the Budget Committee had $100 billion over 10 years for Medicare, although in reality that money was not dedicated solely to Medicare and Medicare prescription drug coverage. Yet this year they are talking about $20 billion over 5 years. The problem has gotten worse, not better. As we have seen, even though they had their program last year and said they are really all for prescription drug coverage, they do not have any program.

That is a very unsatisfactory way to proceed when we are talking about one of the central concerns for not only seniors but also for their families. Seniors do the best they can. So often, when the parents are unable to pay, the burden falls on other family members to chip in and help pay for mom or dad's necessary prescription drugs.

The fact is, when the Medicare system was adopted in 1965, it was to be universal in nature and have the confidence of the American people. It was a pledge to the American people—if they worked hard and played by the rules, when they retired these seniors who fought in this country's wars would be free from the dangers of absolute financial ruin due solely to their health.

We passed Social Security to provide for them to live with some sense of dignity, and Medicare was passed to give assurance that they would be able to live their golden years in with the peace, security, and dignity in knowing their health care would be covered.

At that time, only 3 percent of all private health insurance programs had a prescription benefit, so the Medicare system did not put in a prescription drug benefit. Now almost every private employer-based health plan—99 percent of them—have a prescription drug benefit. But not Medicare. This is a serious coverage gap that exists, and every senior citizen has to be concerned about this gap in coverage. It demands action.

We can develop a program this year with our current circumstances, with the economic benefits under the existing surplus. We can enact a benefit package now that can benefit seniors. We ought to pass it this year. Sure, we can phase it in, we can build it up, but we want it now. Not like the Budget Committee saying maybe sometime off in the future and giving us absolutely no assurance. That is a mistake. That is flawed policy. That is, I think, a completely inadequate response to the challenges our seniors face.

Next week, when we debate the budget, we will have the opportunity to address this issue. I hope the overwhelming majority of the Members will support an effort that will come from our side, from our leaders to commit this body to take action and take it now. We will have a chance to vote on that. It ought to be something to which every senior citizen in this country pays attention. We will make every effort to fashion a program to provide assistance to our seniors. We are committed to that. We will not be discouraged from that opportunity by these budget recommendations.

PRESIDENT HOSNI MUBARAK

Mr. KENNEDY. Mr. President, I see my friend and colleague, the good Senator from Delaware; but behind him, I see someone for whom I have great admiration, who I join in welcoming back to the United States, a dear friend to me and one of the great world leaders of our time. He is a real voice for peace in the Middle East.

I know I will not trespass on the privileges of the Chair and the ranking minority by mentioning his name, but I want him to know what a pleasure it is to see him here.

VISIT TO THE SENATE BY THE PRESIDENT OF EGYPT, HOSNI MUBARAK

Mr. HELMS. Mr. President, it is my honor to present to the Senate the longtime friend of most Senators, the Honorable President of Egypt, Hosni Mubarak.

RECESS

Mr. HELMS. I ask unanimous consent we stand in recess for 7 minutes.

There being no objection, the Senate, at 11:52 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORT OF VIOLENT OFFENDERS

Mr. DORGAN. Mr. President, I intend to introduce some legislation dealing with violent crime. Before I describe that legislation, I want to speak briefly about another piece of legislation that I previously introduced called Jeanna's bill, named after an 11-year-old girl from Fargo, ND, who was brutally murdered some while ago. I will speak about that for a moment today because something has happened in the last couple of days of which we ought to be aware.

This is a picture of a man named Kyle Bell. He is a child killer. He molested children. He was sent to prison for 30 years. He was eventually convicted of killing Jeanna North from Fargo, ND, and sent off to prison.

As is too often the case in this country, Kyle Bell was remanded to the custody of a private company to transport him to a prison in some other part of America. That private transport company lost this child killer along the way. He escaped. He was not wearing red clothing or an orange jumpsuit that said: "I am a prisoner." He was in civilian clothes. He was in a van with other prisoners.

One of the guards of the company that was transporting him apparently went in to buy a hamburger or something at a gasoline stop, and the other was asleep in the van. Kyle Bell somehow got his shackles off, climbed up through the roof of the van, and was gone. Tragically, the guards did not notice they had lost a convicted child killer for 9 hours—9 hours.

It concerned me when I saw what had happened to this child killer. This newspaper piece describes what happened and the manhunt around the country for Kyle Bell, a very violent career criminal.

I put together a piece of legislation and was joined by Senator ASHCROFT, Senator LEAHY, and others, to say that if state and local authorities are going to contract with a private company to haul convicted killers and violent offenders, at least the company ought to have to meet some basic standards. That is just common sense to me. It is not now the case.

Any retired law enforcement officer and their brother-in-law and cousin can buy a van, show up at a prison someplace and say: We are hired to haul your prisoners. In fact, it has happened all too often. I will give an example.

A husband and wife team showed up at an Iowa State prison to transport six inmates, five of them convicted murderers. The warden looked at the husband and wife team and said: You have to be kidding me. But the prisoners were given to the husband and wife to transport, and, of course, they escaped. There is story after story of this same circumstance.

The reason I mention it today is earlier this week in Chula Vista, CA, convicted murderer James Prestridge was being transported. He is a person convicted of murder and sentenced to life without parole. He was apparently, according to the Los Angeles Times, being transported from Nevada to North Dakota where he was going to be incarcerated under some kind of prisoner exchange. This is a convicted killer, to be incarcerated for the rest of his life.

Guess what. Mr. James Prestridge, a convicted killer, is no longer in custody. The private company called Extradition International lost him. He escaped. They stopped at a bathroom and he overpowered a guard. He went back to the van, overpowered the other guard, and this guy was gone. He and another violent offender who was with him are on the loose today.

Why is this happening? It does not happen when the U.S. Marshal Service transports violent offenders around the country. They are not losing violent offenders. But private companies have no standards to meet, none at all. Hire a couple of people, rent a van, get your brother-in-law, and you are in business. Some States will turn convicted murderers over to you to be transported to another part of the country.

This makes no sense to me at all. Convicted killers are being transported around our country without the precaution one would expect in the transport of violent offenders. Under these circumstances, the American people are not safe.

Again, the bill I have introduced will require any private company that transports a violent offender to meet basic standards established by the Department of Justice. That bill needs to be heard. We have asked for a hearing before the Judiciary Committee. It has bipartisan support. Congress needs to pass this legislation this year.

The escape in Chula Vista, CA, of a convicted murderer is just one more example of many escapes from private prisoner transport companies. I could stand here for 20 minutes and describe the escapes that have occurred with private companies having access to violent offenders. That is not in the public interest.

In my judgment, violent offenders probably ought to be transported only by law enforcement. But if some States decide they are going to contract with private companies to transport violent offenders around this country, then those companies ought to have to meet basic standards—standards on how you shackle a violent prisoner, standards on what that violent prisoner shall wear when being transported, standards on the experience and the training of the guards and the kind of equipment that is used.

But those standards do not exist now. There is none. That is why people, such as James Prestridge, a convicted murderer, are on the loose. Let's hope no one else loses their life because of this kind of incompetence.

(The remarks of Mr. DORGAN and Mr. DURBIN pertaining to the introduction of S. 2317 and S. 2318 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BUDGET RESOLUTION

Mr. DURBIN. Mr. President, I came to the floor to address an issue which is pending before the Senate today, and that is the decision to write a budget resolution for the next fiscal year, a blueprint for our spending.

Just a little over a week ago, Billy Crystal, the comedian, did the Oscars presentation show, the Academy Awards. He was referring to a movie called "The Sixth Sense," where there was a little boy who had some supernatural power to see dead people. Billy Crystal, in one of the best jokes of the evening, said: I see dead people all the time. I watch C-SPAN.

Of course, it was a joke at our expense, serving in the Congress. But it must be true for a lot of people that when they tune in and listen to our debates and, of course, watch the committee deliberations, they have to wonder: Isn't it more exciting? Don't these people do something that might be more entertaining?

It may not hit a high entertainment level, but I think the debate currently underway on the budget resolution is exciting in terms of spelling out America's priorities for its future because in a room just a block or two away from here, there will be a decision made on spending for America that can literally affect every family in the country. It is an important decision.

Part of that decision comes down to the major issue in the Presidential campaign. Governor George W. Bush, who appears to be the likely candidate on the Republican side, has made the cornerstone of his campaign a massive tax cut. In my estimation, it is a very risky tax cut. He believes the surplus we are generating now, because of a strong economy and a decision to cut back on the deficit, should go into a massive tax cut.

On the other side of the equation, President Clinton and Vice President GORE believe, as I do, that is foolish and reckless and it could endanger the economic growth we have seen over the last 7 years. Don't just take our word for it. Our colleague, Republican Senator JOHN MCCAIN, a candidate in that same Republican Presidential primary, said of George W. Bush's tax cut that it was not the thing to do; it was, in fact, bad policy. He said it more artfully, but that was his conclusion.

Chairman Alan Greenspan—no partisan, a man who has led the Federal Reserve and helped this economy to develop and prosper—has said it is the wrong thing to do.

The George W. Bush tax cut approach really overlooks the most important thing, which is debt reduction in America. Two-thirds of the American people agree with Mr. Greenspan, Senator MCCAIN, and the Democratic Party, that we should take our surplus and dedicate it to debt reduction, strengthening Social Security and Medicare, have targeted tax cuts—limited, but targeted where they are really needed—and then spend money on health care and education for the families across America.

Well, the Budget Committee is now debating this. In an hour or two, when I return there as a member, I will allow my colleagues on the committee an opportunity to decide whether or not they want to vote for the George W. Bush tax cut or they believe there is a better way. Now it may put some of my Republican colleagues on the spot. But politics is about choices. We make choices every day in the well when we cast votes, when we announce whether we are for or against a bill or whether we will sponsor it or vote for it. My colleagues on the Budget Committee will have a choice.

I think, frankly, they ought to reflect for a moment on some realities.

Take a look at what has happened in America since 1992. From the election of President Clinton up to the year 1999, in virtually every income category in America, we have seen rising incomes. This economy is moving forward. Take a look at unemployment. In 1992, it was 7.5 percent. In America today, it is 4.2 percent. The No. 1 complaint of businesses across Illinois is: We can't find skilled workers. I am sorry for that situation; we are trying to address it. But what a welcome change from the days when we had double-digit unemployment.

We have taken, under the Clinton-Gore administration, a step forward in putting Americans to work. Record home ownership: 64 percent of Americans owned homes at the end of 1992. The number is up to 67 percent now. I don't have the chart to show it, but business creation is hitting record levels as well. Inflation is down. The economy is moving forward.

Now the obvious question is: Shall we change things?

We believe the tax cuts that should be enacted are limited and targeted, not massive tax cuts that would go to wealthy people. If we are going to have tax cuts, let's help families with an elderly parent. The President proposed that. Let's expand education so if you have a child in college, you can deduct all your college education expenses up to $10,000. That is going to help some families pay for the college education expenses the kids face. A bipartisan proposal to eliminate the marriage penalty—we need that. Let's help people prepare for retirement with new accounts for saving. Let's expand the earned-income tax credit. These things are consistent with bringing down the debt and strengthening Social Security and Medicare.

Look at what the other side proposes in the George W. Bush tax cut, which is the cornerstone of his campaign; it goes to the wealthiest people in America.

Fairness is an important question when it comes to Government policy. If you happen to be earning over $300,000 a year—and you know who you are out there—George W. Bush thinks you need a $50,000-a-year tax cut. I think you can get by without it if you are making more than $300,000 a year. Frankly, it troubles me that the bottom 60 percent of wage earners in America, people making less than $39,300 a year, get a measly $249 from the George W. Bush tax cut.

When you take a look at that, you have to ask yourself, why would we jeopardize our economic growth, forswear an opportunity to bring down our debt and reduce the burden of paying interest on that debt for our children, why would we jeopardize our economy—in the estimation of Chairman Greenspan—for a tax cut for the wealthiest people in this country?

This is a further illustration of people making incomes of $31,000 a year—$501 in tax cuts, and 60 percent of the people are going to see very little tax relief. Those with higher income figures will see dramatic increases.

When you look at the tax cut and what it means, the sad reality is that you cannot reach the tax cuts proposed by the Republicans without raiding the Social Security trust fund. Oh, they say, of course you can. All you have to do is freeze spending.

Does anyone really believe we will freeze spending on the military, that we won't give the men and women in uniform a pay raise? Does anybody believe we should deny to everyone who works for the Federal Government any kind of cost-of-living adjustment for the next 5 or 10 years in order to pay for a tax cut that gives $30,000 or $50,000 in tax breaks to wealthy Americans? That is not going to happen.

Even under Republican Congresses, we have increased spending in budgets by about 3 percent a year. It reflects inflation plus a little bit. But now they would have us believe that is no longer the case, that we can somehow, in the next 5 or 10 years, not provide any additional spending in a lot of key areas to pay for what I consider to be a very risky tax plan.

It will, in fact, raid Social Security. Take a look at this chart, for example. The Bush tax cut would raid Social Security trust funds to the tune over 5 years of $483 billion; the Republican budget plan, $150 billion. I thought we kind of reached an agreement around here, a bipartisan agreement, that the Social Security trust fund was off limits, that we weren't going to get into it, we were going to protect it for future generations, and we were going to keep Social Security strong. Sadly, that is not the case.

Mr. President, one last issue I want to raise, which I will offer as an amendment, is the question about violent crime and gun crime in this country. There is a breakdown in the debate. Some people believe, as I do, that we should close loopholes so criminals, convicts, and children cannot get their hands on guns through gun shows and other means; that we should have trigger locks to keep guns safe; that we should close the loopholes. Others argue we should have more enforcement; that we have plenty of laws, let's enforce them. I, frankly, believe we need both—close the loopholes and better enforcement.

Look at the Republican budget now being presented to the Senate. Hard as it may be to believe, this Republican budget is going to cut the 900 FBI agents proposed by President Clinton. It is going to reduce, as well, the number of personnel in the Drug Enforcement Agency. It is going to reduce by over 400 the proposal by the President to put more guards at the borders to stop drugs. It completely eliminates the President's proposal for 500 new ATF agents to keep an eye on gun dealers who are selling to criminals. The President proposes 1,000 new prosecutors for enforcement, the same enforcement you heard Charlton Heston, Wayne LaPierre, and other folks on that side talk about. We need more enforcement, and the Republican bill doesn't provide a penny for this Presidential initiative for more enforcement.

You can't have it both ways. Your rhetoric has to catch up with reality. The Budget Committee room is a dance studio where we have the Republican majority side-stepping the George W. Bush tax cut, saying, we are not sure we want to go with that—a Texas two-step if I have ever seen one—and waltzing away from a commitment for more enforcement to stop gun crime in America.

That isn't going to wash, folks. People across America will look at this and say that is not a recipe for America's future, it is a recipe for disaster—on the economic front and when it comes to bringing peace to our neighborhoods and schools.

So I certainly hope those who watch C-SPAN will not be lulled to sleep, as Billy Crystal suggested, but will, rather, see there are some pretty important issues being developed and debated. I hope before this all ends, we will stick with the economic plan that moves America forward, that provides opportunity for more and more Americans, for businesses and for home ownership, that we will dedicate ourselves to a sensible reduction in our debt rather than a risky, dangerous, and massive tax cut, as Governor Bush has proposed.

I hope we will follow Chairman Greenspan's advice and keep this economy moving in such a way that we create opportunity for everybody.

When it comes to gun safety, let's do both. Let's close the gun show loophole. Let's have trigger locks for the safety of guns. Let's not let the Sunday morning talk show rhetoric about enforcement die by Sunday evening. On Monday through Friday when we are in session, that rhetoric should be very much alive. I sincerely hope that during the course of this debate we can put together a bipartisan majority to achieve it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. Under the previous order, there are 30 seconds remaining in morning business.

EXTENSION OF MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that morning business be extended for another 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DESECRATION AMENDMENT

Mr. DODD. Mr. President, I rise today in opposition to the resolution which will be before us later this afternoon dealing with the issue of flag burning. I will spend a few minutes to express to my colleagues and to others who may be interested at least my point of view on this. We have debated it in this Chamber a number of times over the past decade or more. We have it before us again today. I wish to take a few minutes to explain my views on this issue and how I intend to vote when the matter comes before us.

This is no ordinary resolution. It is no ordinary debate. When we speak of amending the Bill of Rights of our Constitution, we ought to do so with great care.

Our Bill of Rights has existed now for more than 200 years, and, despite literally thousands of proposals to amend it, our forebearers, and those who occupied this Chamber over the years, saw fit to not on a single occasion amend the Bill of Rights of the U.S. Constitution. It is a remarkable record when you consider the trials and tribulations this Nation has been through—a great depression, great world wars, a great civil war which ravaged this Nation. Despite more than 11,000 attempts to amend the Constitution—many of them to amend the Bill of Rights—none of our predecessors, and none of the Congresses that have preceded us, saw fit during all of those great trials and tribulations to amend the Bill of Rights of the United States.

Today, we are being asked to change that 209-year history and to amend the Bill of Rights to deal with the outrageous, indefensible behavior of those who would burn the symbol of our freedom, the symbol of our Constitution, the symbol of our democracy, the great flag of the United States. It goes without saying that every Member of this Chamber and the other body, and the overwhelming majority of Americans would find flag burning offensive and abhorrent. As many of our colleagues, I believe it ought to be a crime—whether it is criminal intent to incite violence or commit a theft. But to truly honor our Nation's history and the veterans, we must not only protect our flag but, in my view, we must also protect the Constitution and the freedoms promised by that flag.

Our former colleague, Senator John Glenn of Ohio, who served this Nation as a combat pilot in Korea, as an astronaut, and as Senator, well known to most Americans, well known by all of our colleagues, put it very well. I would like to quote it: "There is one way to weaken the fabric of your country, and it is not through a few misguided souls burning our flag. It is by retreating from the principles that the flag stands for. And that will do more damage to the fabric of our Nation than 1,000 torched flags could ever do. . . . History and future generations will judge us harshly, as they should, if we permit those who would defile our flag to hoodwink us into also defiling our Constitution. The Framers of the Constitution, in their boundless wisdom and notable humility, understood that succeeding generations may see fit to amend this cornerstone document. But those amendments should be limited, in James Madison's words, to "great and extraordinary occasions."

Regrettably, Madison's edict has not been heeded by many who have come after him. In this Congress alone, more than 50 proposed amendments to the Constitution have been introduced—including one to make it easier to amend the Constitution in the future.

But collectively our Nation has paid heed to the caution urged by Madison and others of his day. It is reassuring to know that, of the 11,000 amendments introduced since ratification of the Bill of Rights 209 years ago, only 17 have been adopted.

Clearly, there is no great and extraordinary occasion warranting ratification of the amendment proposed in the Senate today. Flag burning is rare, thank God. It is despicable. It is reprehensible. But it does not present a constitutional crisis for our Nation.

Indeed, in the entire history of our Nation, there have been only about 200 reported incidents of flag burning, an average of less than one a year for each of our Nation's history—one a year, 200 cases in a nation of 260 million people today. And we have less than roughly one case a year for the 200-year history of our Nation.

I would submit that the despicable acts of a few misguided miscreants do not cry out for this Congress to be the first in history to restrict the liberties of all Americans by narrowing the Bill of Rights.

Some argue that even one flag burned would be enough to warrant ratification of this proposed amendment. They say that, without such an amendment, we effectively sanction flag-burning. But toleration is not approval. We do not as a nation sanction everything which we do not punish. Indeed, I would submit that the heart of the greatness of our democracy is that we tolerate that which we disapprove of. We permit and protect that which we find most offensive and obnoxious. They will continue, and probably grow, unfortunately, in number in a disgraceful effort to attract attention to themselves. What will such a possibility portend for the respect we all have for our beloved Constitution?

I do not for a moment question the intentions of those who support the resolution before us. I respect most, if not all, of the people who are advocating this change. But, in my view, let us be clear. No amendment and no amount of amendments to the Constitution will in and of themselves result in greater respect for the flag and for the free and democratic nation that it symbolizes. You cannot mandate nor legislate patriotism. You carry it in your heart and soul. But I cannot write it for you. I cannot force it down the throats of the citizens I represent. We can change laws but we cannot change hearts by changing laws. We can only attempt to change conduct and to enshrine in our laws the eternal principles that have guided our Nation from its earliest days—principles such as liberty and equality.

Let us leave to statutory law—those already on the books, and those along the lines proposed by several of our colleagues—to sanction those who would with criminal intent burn our beloved flag. But let us leave the Constitution unsullied by a proposal such as this that would needlessly, in my view, restrict our liberties as a people.

The great genius of our Constitution is that it enshrines in word the eternal aspirations of humanity. We may try to amend it, but if we do so in a manner at odds with those aspirations, then we act at our peril and in folly.

As Alexander Hamilton said:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

Let us not trifle with the Bill of Rights, a document that has never been changed, not one comma, not one semicolon, not one word, in 210 years of history. Let us not change that today over this issue.

I urge the defeat of this resolution.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 2314 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEASURE READ THE FIRST TIME—S. 2314

Mr. SMITH of New Hampshire. Mr. President, I rise for the purpose of introducing another bill that I send to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will report the bill or title.

The legislative clerk read as follows:

A bill (S. 2314) for the relief of Elian Gonzalez and other family members.

Mr. SMITH of New Hampshire. Mr. President, I now ask for the second reading and, on behalf of the minority, I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. SMITH of New Hampshire. Mr. President, this bill refers to a matter that is on everyone's mind. I know the Senator from Nebraska has had some concerns on this. I rise to explain what this legislation does.

I think timeliness is important. This is an urgent matter. I introduced this bill along with my colleagues from Florida, Senators MACK and GRAHAM. I am pleased to have their support in introducing the bill. I am doing it today to correct an injustice.

There is an injustice being committed, as we speak, by the Attorney General and the Immigration and Naturalization Service against Elian Gonzalez. I thank Senator MACK for his leadership in sponsoring a private relief bill to grant Elian Gonzalez citizenship. A grant of citizenship to Elian Gonzalez has the practical effect of removing the Elian Gonzalez controversy from the immigration law and places the controversy in the Florida courts for a custody proceeding.

This bill today does not grant Elian Gonzalez citizenship. Again, I am doing this with the full support of Senator MACK and Senator GRAHAM. This grants what is called family permanent residency to the family of Elian Gonzalez—that would be Elian, Elian's father in Cuba, Elian's father's current wife in Cuba, Elian's father's son in Cuba or child in Cuba, Elian's two grandmothers and one grandfather, all of them—so they can now come to America, sit down as a family and resolve this matter. If they have to go to custody court, it takes it out of immigration and puts it into the custody court. This does not grant citizenship. It does not interfere in any way other than to say, let's do it in a custody matter, the same way as any other 6-year-old boy would have to do.

Permanent residency status will settle the status of Elian Gonzalez under immigration and nationality law and leave the case to be resolved in the Florida State courts in a custody matter, not an immigration matter.

Some ask: What is the difference between permanent residency and citizenship? Why are they doing this as opposed to citizenship? Frankly, a lot of my colleagues have expressed concern about citizenship. We want to make it palatable because of the confrontation that is beginning to brew now and may come to a head as early as tomorrow morning where we have a deadline of 9 a.m., where literally this boy could be dragged kicking and screaming from the arms of his uncle, put on a plane, and sent to Havana.

Do we want to see that in America tomorrow? Do we want to see that? That is a confrontation I don't want to see. It is not called for. We don't have to let it happen. This Senate could act today, but under the rules, we may have to act on Tuesday or Wednesday, if it is delayed. Apparently, some have indicated they want to delay it.

I wish to make it clear, it could be acted on if there weren't delays being called for. Permanent residency status would make Elian Gonzalez a resident alien. Resident aliens don't have the privileges of citizenship. They are not allowed to vote and can be deported for committing a crime. Their status is as a resident alien, subject to Federal laws regarding deportation provisions. A citizenship bill would grant the individual all the rights of citizenship: voting rights, no deportation, and all other rights associated with being a citizen.

Do I support that? I happen to support that. I would be glad to give Elian Gonzalez citizenship. I know a majority of my colleagues do not. I am looking out not for what BOB SMITH wants to do but I want to do what is right for Elian Gonzalez. I want Elian to have his day in court as any other child would have in a custody matter where relatives were trying to determine who should have custody.

At 4 p.m. today, Lazaro Gonzalez, his uncle, Elian's uncle in Miami, is going to meet with representatives of the INS. They are going to ask Lazaro, in this meeting at 4 o'clock, to give up all rights to this boy, all rights to keep the boy in the country pending a possible appeal to the U.S. Supreme Court. If Lazaro Gonzalez says, "No, I will not give up those rights," then as early as 9 a.m. tomorrow, Elian Gonzalez's parole status will be revoked and the boy could be sent back to Cuba without Elian's appeal being heard by the Eleventh Circuit Court of Appeals.

Very seldom do we come down on the floor with an issue as urgent as this. This is an outrage. This is urgent. I have heard some people say: We don't want to vote on this thing. We should not have to vote on this. We don't want to deal with it. It is too hot to handle. We are not going to vote on this.

Whatever way they vote, I am not trying to tell Senators how to vote. I am asking for a vote. I think the Senate should say to the United States of America, to Fidel Castro, and to the Cuban American community, that we don't want to see this confrontation—and frankly, to Janet Reno—at 9 a.m. tomorrow or 9 a.m. on Friday or 2 o'clock on Saturday or Sunday or next week or next month. I don't want to see on my television screen pictures of Elian Gonzalez being dragged from his home in Miami and placed on that airplane crying and screaming and kicking. I don't want to see that. Not only do I not want it to happen, I don't want to see it happen, either.

It doesn't have to happen. We can stop it. But if we wait and we delay and delay, and we don't send this message to the Attorney General that we mean business, it will happen. She has backed the family into a corner. Why, I will never know, but she has. We can stop it right here. We can stop it. I want my colleagues to know that if we don't vote and this happens, then it is on our conscience. We can stop this; we have the capacity to do it.

The INS and Justice Department to this day have not spoken to Elian Gonzalez.

Isn't it interesting? I spoke to him. I met with him for 2 hours. Diane Sawyer has spoken to him. She spoke to him. Senator BOB SMITH spoke to him. He is available. But Janet Reno can't speak to him. Do you know why? He doesn't have any rights. I say to anybody out there who has a 6-year-old child—and I have had three in my time, but they are long past 6 now, and they were pretty smart—at 6 years old, you know what is going on.

Do you know what happened to this little boy? I bet it didn't happen to too many boys anywhere in the world. He saw his mother die, slip under the waves and drown. The last words that came out of her mouth to the other survivors were: Please get Elian to America. That is my dying wish.

He didn't come here on a yacht. He wasn't escorted in some rich boat somewhere and brought to the shores and kidnapped. He was found drifting at sea for 3 days, surrounded by sharks. He survived, and his mother wanted him to be here. His mother had custody. She died. She can't speak for him. Do you know what? If she had lived—this is the irony—this would not be before the Senate. It would not be before the INS. They would have 13 months to work this out. He would be allowed to stay. So because his mother died, Elian is now being punished. So Diane Sawyer can talk to him, BOB SMITH can talk to him, but the Attorney General can't be bothered with it because Elian has no rights.

Are we in the Senate going to stand by and tolerate that? Do we want that on our conscience? I hope not. We need a vote on Senator MACK's bill for citizenship, if you wish, or on my bill on permanent residency status, if you wish. It doesn't matter to me. I want to have the vote on what we can get the most votes on so we can win, so that Elian wins, so that the process wins.

This is a little boy we are talking about, who endured more than most children would ever endure collectively throughout the world. I hear all the stuff about it is a family matter. Do you know what? It is a family matter, and we make it a family matter if we pass this resolution because then the family can come here from Cuba, if they care about this little boy. No restraints, no restrictions. Just come and sit down with Elian's family here in America, with the Cuban family, and work it out. If you can't work it out, then go to custody court in Florida, where this matter should be played out.

Without this vote—and I will repeat it for clarity—if we don't take a vote on this, Elian Gonzalez likely will be dragged kicking and screaming from the arms of his Uncle Lazaro and sent off to Cuba. Without this vote, that will happen, most likely. Or another alternative—perhaps worse—is violence, because people are up in arms about this, and they have a right to be. They have been very restrained.

I am proud of the Cuban American community for the way they have conducted themselves in this matter. But we don't need to let this kind of confrontation happen. Do you remember Waco? Janet Reno is doing the same thing again. So we need a vote. Now, if we vote and we vote no, at least you were heard; you are on record. The American people can say, Senator SMITH, or Senator so and so, this is how you voted. We heard you and you voted however you voted; we know how you felt about it.

At least have the courage to cast your vote on this matter.

My legislation grants Elian's family in Cuba permanent residency status. For the record, it includes Juan Miguel Gonzalez, Elian's father, for permanent residency status in America; Nelsy Carmenate, Juan Miguel's wife; Jianny Gonzalez, Juan Miguel Gonzalez's son; Mariella Quintana, Elian's paternal grandmother; Raquel Rodriguez, Elian's maternal grandmother; and Juan Gonzalez, Elian's grandfather. It grants all of them permanent residency. Does it mean that if they come to America, they have to stay? No. But it means if you care about Elian, then you have to come to America and talk to the family here.

I have been told by members of Elian's extended family that Juan Miguel Gonzalez, Elian's father, had expressed an interest in coming to the U.S. a few months before Elian was supposed to arrive.

The cold war is over, they say. It is over every place, I guess, but in the Senate because we want to say that Elian doesn't have any rights and we want to let Fidel Castro dictate what happens. Why would we want to let Fidel Castro determine the fate of Elian Gonzalez? Let Juan Gonzalez come here. If Castro cares, let the Gonzalez family come here. We are not going to keep them. They can stay if they want and they can go home if they want. We just want them to come and meet with the family here in Miami.

I am deeply concerned about this arbitrary deadline. I repeat it again for emphasis: I am very concerned about this 9 a.m. deadline. I am very concerned that such a deadline would be imposed because it is inflammatory to remove this parole status of Elian Gonzalez.

The goal in introducing this bill is to get the Justice Department and the INS out of the case and turn it over to the Florida courts and make it a case for custody, so that any 6-year-old boy—if you think of America today, there are custody cases going on right now as we speak. And to say this child doesn't have any rights—how about a child abuse case? Children are interviewed by psychiatrists and psychologists all the time under allegations of child abuse. In custody battles and divorces, they hear from children in custody battles. They are heard every day. Yet Elian can't be heard because of this decision—a regrettable decision—by the Attorney General.

I am going to end with a plea to the Attorney General: Please remove the arbitrary 9 a.m. deadline. Let the courts hear Elian Gonzalez's appeal. This is America. We have courts to resolve custody issues. It is not an immigration issue. He didn't immigrate here. He didn't immigrate into this country. He didn't emigrate from Cuba. He left Cuba. He wanted to get out of there and so did his mother. His mother died, and you are punishing him because she died. The other two people who survived—and I met with them as well—are adults, and they are here for 13 months. They are here. No problem. But Elian doesn't have any rights. Find a place in the law that says there is any age limit. At what age does he have rights? Is it 6, 7, 8, 9, 13, or 14? Find it in the law, Madam Attorney General. It is not in there.

We have courts to resolve these matters. Let the Eleventh Circuit Court of Appeals hear Elian's case before you attempt to send him back to Castro's open arms. Don't make the 6-year-old boy be paraded through the streets of Havana by Fidel Castro. Please, remove the arbitrary deadline. Let the Senate be heard. We will be heard, I hope, as early as Tuesday, perhaps Wednesday or Thursday—whenever we can work this through.

I appreciate the cooperation of the majority leader, who has been very helpful in this matter. I am grateful for that. But there are certain things he can't control. Senators have rights to delay, and that is what is happening. Please, I say to the Attorney General, don't try to impose that deadline. Remove it and let reason prevail.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—Continued

UNANIMOUS CONSENT AGREEMENT

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I ask unanimous consent that, notwithstanding rule XXII, the following Senators be recognized for debate on the pending flag desecration legislation for the designated times, and following the use for yielding back of time, the joint resolution be read the third time and a vote on passage occur, all without any intervening action or debate. Those Senators are as follows: Senator BYRD for up to 60 minutes; Senator LEAHY for up to 60 minutes; Senator HATCH for 60 minutes; Senator DASCHLE for up to 15 minutes; Senator LOTT for the final 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. GREGG). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, we Americans are patriotic, and there are few acts more deeply offensive to us than the willful destruction of our flag. The flag, after all, is a unique symbol of national unity and a powerful source of national pride.

But the flag does not just represent the country and its history; in a very real sense it is a part of that history. Like the Constitution, the flag was handed down to us by the country's Founding Fathers, for it was the Second Continental Congress that, in 1777, established the Stars and Stripes as the national flag. From Tripoli in 1805 to Iwo Jima in 1945 to the Moon in 1969, the flag has been raised to commemorate some of America's proudest moments.

Millions of American men and women have marched off to battle behind that flag.

I see the flag there. It is just to the right of the Presiding Officer here in the Chamber. What a beautiful sight—that flag!

Millions more have sworn allegiance to the flag and "to the republic for which it stands." And, while historians may dispute this point, schoolchildren to this day are taught to revere Betsy Ross for having sewn the first flag. Anyone who doubts either the flag's place in the country's history or the tremendous emotional ties that it inspires needs only to listen to the words of our national anthem, in which Francis Scott Key recalls with pride the sight of the Stars and Stripes flying proudly over Fort McHenry after a heavy bombing by British forces in 1814. Key's words are so familiar that we may scarcely think of them when we hear or sing them, but they are a deeply moving tribute to our flag.

In contemplation of the moment which is approaching when the Senate would again be confronted with a constitutional amendment concerning the desecration of the American flag, I have spent hours in discussions with constitutional scholars, with members of my staff, and in researching court decisions. I know of few subjects that have come before the Senate that have given me greater anguish. I know that the strong sentiment in West Virginia and throughout the country supports the amendment. I have voted for such a constitutional amendment in the past, but, based upon my deep and searching consideration of this matter, I have changed my mind and I will vote against S. J. Res. 14. In fact, it was my sad duty, on yesterday, to inform the members of The American Legion, gathered together here in Washington, that I could not be with them this time. I hated that I had to disappoint them. Some will fault me for having changed my position, and I can understand this, yet, as James Russell Lowell once said, "The foolish and the dead alone never change their opinion."

In fact, one of the greatest events of all time was brought about by the changing of one man's opinion 2000 years ago. Before he became the Great Apostle, Paul, who was then called Saul, was a persecutor of Christians. But after Saul was converted—he changed his opinion, his viewpoint, and his life. The Apostle Paul had a compelling influence on the future course of history. In Paul's case, God spoke to him and lifted his literal and psychic blindness. I do not contend that my change of viewpoint is in any way on the same scale of Paul's, or that such momentous results will follow, of course, but his story does remind us that one can be blinded to the truth by misplaced passion.

Mr. President, I yield to no-one in my respect, honor, and reverence for Old Glory. Nor do I yield to anyone in my commitment to those veterans who, for the benefit of all Americans, have given so much in defense of our country and in defense of our flag. Yet, despite my love for the flag, and despite my commitment to our Nation's veterans, I regret that I cannot support this well-intended amendment. I cannot support it because I do not feel that it belongs in our Constitution; because I believe that many instances of flag desecration can be prosecuted under general laws protecting public or private property, laws which do not require any constitutional amendment; I cannot support the amendment because flag burning, though loathsome, is hardly pervasive enough to warrant amending the Constitution; I cannot support the amendment because I fear that the primary effect of this amendment would be more, not fewer, incidents of flag destruction; and because I feel that, rather than rushing into a constitutional amendment, we might be better served by allowing the Supreme Court the opportunity to revisit this issue.

What do I mean, Mr. President, when I say that this measure does not "belong" in the Constitution? Let me start by being clear about what I do not mean. I do not mean that protecting the flag is a trivial or unimportant goal of government. Nor do I mean that the flag deserves anything less than our complete reverence and our complete devotion. What I do mean, quite simply, is that a ban on flag desecration does not fit into—would, in fact, be out of place in—the skeletal document which lays out the basic organization and structure of the national government, determines federal-state relations, and protects the fundamental liberties of the people, all of us.

I think my meaning will be clearer if we take a closer look at the purposes that constitutional amendments are intended to serve. The Framers gave this matter some thought in their deliberations at Philadelphia in 1787. They considered and they rejected resolve No. 13 of the Virginia Plan offered by Gov. Edmund Randolph of that State, resolve 13 which would have permitted "amendment of the Articles of Union whensoever it shall seem necessary," and which stated "that the assent of the National Legislature ought not to be required thereto." They rejected that. Indeed, several delegates to the Convention, among them Charles Pinkney of South Carolina, opposed any provision for Constitutional amendments to the Constitution. Recognizing, however, that occasional revisions might be necessary, the Convention finally agreed upon a compromise that deliberately made it difficult to amend the Constitution by requiring successive supermajorities. Article V sets up a cumbersome two-step process to amend the Constitution. It is cumbersome because the framers intended it to be cumbersome. The first step is approval either by two-thirds of Congress meaning both Houses or—and this has never been done—by a convention called for by two-thirds of the states. The second step is ratification by three-fourths of the states.

Given the hurdles set up by Article V, it should come as no surprise that so few amendments to the Constitution have been approved. There are twenty-seven in all, and the first ten were ratified en bloc in 1791—209 years ago. In the two hundred and nine years since ratification of the Bill of Rights, there have been just 17 additional amendments. Think of that. If we disregard the 18th and 21st Amendments, marking the beginning and end of Prohibition, we are left with only 15 amendments in 209 years!

The 18th amendment was wiped out after 15 years by the 21st amendment. These mark the beginning and end of Prohibition.

So, as I say, we are left with actually only 15 amendments in 209 years. Just think of it. In 209 years, despite all of the political, economic, and social changes this country has experienced over the course of more than two centuries; despite the advent of electricity, which lights this Chamber, and despite the advent of the internal combustion engine; despite one civil war and two world wars and several smaller wars; despite the discovery of modes of communication and transportation beyond the wildest fancies of the most visionary framers, this document, the Constitution of the United States, has been amended only 15 times. If you want to count the 21st amendment, 16 times would be the total number.

Truly, the Constitution is an extraordinary work of wisdom and foresight on the part of the framers. George Washington and James Madison may be forgiven for referring to the product of their labor as "little short of a miracle." Gladstone may well have gotten it right when in 1887 he declared the Constitution to be the most wonderful work ever struck off at a given time by the brain and purpose of man.

As for those 15 amendments I have just mentioned, these can generally be divided into two roughly equal categories. One category consists of those amendments that deal with the structure and organization of the three branches of Government, the laying out of the three separate branches—the legislative, the executive, the judiciary. The checks and balances, these include the 11th amendment. Of course, those were included in the original Constitution, the separation of powers, in the first, second, and third articles—the legislative, executive, and judicial.

As to the amendments, the 15 amendments plus the first 10, these include the 11th amendment, preventing the Federal courts from hearing suits against States by citizens of other States; the 12th amendment, regarding the election of the President and the Vice President; the 17th amendment, establishing the direct elections of Senators; the 20th amendment, regulating Presidential terms and related matters; the 22nd amendment, limiting a President to two terms; the 25th amendment, regarding Presidential succession; and the 27th amendment, deferring congressional pay raises until after an intervening election.

There is very little need for me to attempt to justify the inclusion of these provisions in the Constitution. However we may feel about them personally, their subject matter, the structure of the Federal Government, fits in perfectly with that of articles I through IV.

There is good reason to suspect the framers themselves thought that most, if not all, amendments would address structural matters. In No. 85 of the Federalist Papers, Alexander Hamilton expressed it this way: A thorough conviction that any constitutional amendments which "may, upon mature consideration, be thought useful, will be applicable to the organization of the government and not to the mass of its powers."

Hear that again: Hamilton expressed a thorough conviction that any constitutional amendments which "may, upon mature consideration, be thought useful, will be applicable to the organization of the government, and not to the mass of its powers."

In Hamilton's mind, any amendments would deal with the structure, the organization, of the Government.

The second category consists of those constitutional amendments that narrow the powers of government and expand or protect fundamental personal rights. These include the 13th amendment banning slavery, the 14th amendment, which extended citizenship to all persons "born or naturalized in the United States and subject to the jurisdiction thereof" and guaranteed all citizens certain basic protections, and the 15th, 19th, 23rd, 24th, and 26th amendments, each of which extended the vote to new groups of citizens.

Clearly, the flag desecration amendment fits into neither category. For constitutional purposes, it is neither fish nor fowl. It does not address a structural concern; it does not deal with Federal relations between the National and State governments—in other words, the Federal system; it extends, rather than narrows, the powers of government; and it does not protect a basic civil right.

Look at your Constitution. Look at your Constitution and the amendments thereto which, to all intents and purposes, are part of the Constitution. You will see that the Constitution overall narrows the powers of government; it does not extend those powers. Indeed, some opponents of this amendment that is before us argue that it restricts personal liberty.

The 13th amendment forbidding slavery may be viewed as the only amendment regulating the conduct of individuals. The 13th amendment was the product of a bitter, fiercely contested Civil War, the War Between the States, and it was necessary to end one of the most loathsome and shameful institutions in our Nation's history. This, the 13th amendment, was an exceptional amendment. It was necessitated by exceptional circumstances.

There was, of course, one notable attempt to regulate individual conduct via a constitutional amendment. I have already referred to that, the 18th amendment, instituting Prohibition, which also deviated from the model of constitutional amendments I have laid out—with disastrous results. Like the flag desecration amendment, the 18th amendment sought to restrict private conduct in the name of a greater social good. Like the flag desecration amendment, the 18th amendment had a commendable goal. Nonetheless, the 18th amendment was a mistake and it took us 15 years to rectify it. True, the mistake was rectified in 1933, but the damage was already done. The 21st amendment ended Prohibition, but it could not erase the preceding 15 years in which a constitutional provision—not a statute, a constitutional provision, a portion of the highest law in the land—was routinely ignored and violated. You see, once that 18th amendment was riveted into the Constitution, it took 15 years to unlock it, to undo it, to repeal it.

Prohibition not only made criminals and scofflaws of countless Americans, it also placed them in violation of the Constitution. I can remember the revenue officers, when they came to the coal camps and when they scoured around the hills and the mountains looking for the moonshine stills. I can remember those revenuers. That was a terrible mistake, and, while the blemish to the Constitution has since faded, the lesson may not have been learned.

Thus, a constitutional amendment against flag burning may very well prove to be counterproductive, just as did the Prohibition amendment. If this were to happen, our Constitution would be diminished and flag burning would continue—would continue.

In the final analysis, it is the Constitution—not the flag—that is the foundation and guarantor of the people's liberties. Respect for that Constitution should not be undermined by amendments, however well intentioned, that cannot be enforced. I fought the constitutional amendment to balance the budget for the same reason. I said it could not, would not—would not be enforced, and that as a result of lack of enforcement, the people's faith in the Constitution would be undermined. I say the same thing here. It will not be enforced.

It is like the Commandment that says: "Thou shalt not kill," but killing goes on every day right here in the Nation's Capital.

"Thou shalt not steal," but stealing continues.

I have come to believe strongly that constitutional amendments, as Madison said, should be saved "for certain and extraordinary occasions." I am not saying the Constitution should never be amended. I am not saying that. Madison was not saying that either. But Madison said that constitutional amendments should be saved for "certain and extraordinary occasions."

Critics may accuse me of being overly conservative, but I believe I am right. I have learned from study and from my own recent experience with the proposed constitutional amendment to balance the budget that tinkering with the careful system of checks and balances and the separation of powers contained in the Constitution, can have far-reaching and sometimes unexpected consequences. When it comes to revising the most basic text in our Federal system, when it comes to improving upon the handiwork of Washington and Madison and Hamilton and James Wilson and Roger Sherman and Gouverneur Morris and Benjamin Franklin and others at the convention; when it comes to setting a pen to the sacred charter of our liberties that my colleagues and I have sworn at the desk to uphold and defend—then, yes, I am conservative.

While I do not rule out the possibility that I might offer an amendment some day, as I have done in the past—I have learned a lot in these last years in the Senate—they should be reserved, as Madison said, for compelling circumstances when alternatives are unavailable.

Polls are no substitute for reasoned analysis and independent thought. Polls were very much in evidence during the balanced budget amendment debate, and we see the same thing here today. Who would oppose a balanced budget? Those of us who voted against the balanced budget amendment did not oppose a balanced budget. We were opposed to what that amendment would do to the Constitution of the United States; what it would do to the faith and confidence of the American people in their Constitution.

Who would oppose protecting the flag? Nobody here certainly. But the Senate, in particular, was intended by the framers to be an oasis of cool, deliberate debate, free from the hasty and heated rhetoric that characterizes so many political exchanges.

The writers of the Constitution were remarkable men. Such a gathering probably never before sat down within the four corners of the Earth. That was the real miracle that took place in Philadelphia, that those minds, and many of them were young—Franklin was 81, but Pinckney was 29; Gouverneur Morris was 35; Madison was 36; Hamilton was 30—that so many brilliant minds sat down in one place at a given moment in time. The clock of time had struck. Had it been 5 years earlier, they would not have experienced to the full the flaws of the Articles of Confederation, so they would not have been ready. Had it been 5 years later, they would have seen all of the ills, the extremes of the French Revolution, the deaths at the guillotine. They would have been repelled in horror by what happened there, the excesses. These were the miracles: the right place, the right time, and the right men.

The framers of the Constitution were indeed remarkable men, and their words are often as wise and relevant today as they were two centuries ago. Thus, Madison wrote in Federalist 49 that "a constitutional road to the decision of the people ought to be marked out and kept open, for certain great and extraordinary occasions."

Currently, there appears to be no such "great and extraordinary" occasion that calls for a 28th constitutional amendment.

Madison also warned against the reference of constitutional questions to the people too often. "Do not do it too often," he said. "Do not send amendments to the American people too often."

In the Federalist 49, he said:

> . . . as every appeal to the people would carry an implication of some defect in the government, frequent appeals would, in great measure, deprive the government of that veneration which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability.

Madison further said:

> The danger of disturbing the public tranquility by interesting too strongly the public passions is a still more serious objection against a frequent reference of constitutional questions to the decision of the whole society. . . . But the greatest objection of all is that the decisions which would probably result from such appeals would not answer the purpose of maintaining constitutional equilibrium of the government.

That was James Madison warning us against sending to the American people constitutional amendments too often.

Flag destruction is, fortunately, only a rare occurrence. While our culture may have become increasingly coarse and vulgar at times—and it certainly has, there is no question about that—most Americans respect the flag and most Americans voluntarily refrain from abusing it.

I do not want to give the same attention-seekers who defile the flag the opportunity to defy the Constitution as well. By one act, they would then be able to desecrate and defy the flag and at the same time to defy—defy, defy—the Constitution of the United States. This is more than a matter of symbolism; this is a question of respect for the founding document of this Republic and the supreme law of the land.

Any disrespect for the Constitution is a repudiation of the most basic principles and laws of the country. And now you say let's put into the Constitution some verbiage that cannot be enforced, that will not be enforced; cannot be. It will be defied by some.

Let me say that again. Any disrespect for the Constitution is a repudiation of the most basic principles and laws of the country. We are talking about the supreme law of the land. The law here can be changed—passed today and changed before the beginning of the next Congress next year. But not a constitutional amendment. Once it is welded into the Constitution, it will take years to repeal it, to take it out, to remove it, as we saw in the case of amendment No. 18, the prohibition amendment.

I shrink from the possibility of providing a tiny minority of rabble-rousers with the ammunition to fire upon the most important and beloved document in the country.

As I suggested a bit earlier, we already made the mistake once before of inserting into the Constitution a restriction on private conduct that could not be enforced. The Constitution suffered terribly under Prohibition. It would also have suffered under a balanced budget amendment, another unenforceable and litigation-inducing provision that many of my colleagues wished to insert into the Constitution. Just as I opposed the balanced budget amendment out of a desire to protect the Constitution from further abasements, so, too, I must oppose a flag desecration amendment. It, too, would be unenforceable.

If one provision of the Constitution proves to be unenforceable, what about the other provisions?

Just as I am resolved to protect both the Constitution and the flag, I am determined that we not make martyrs of those villains who would sully—who would sully—the Stars and Stripes. Why should we let these malefactors portray themselves as courageous iconoclasts, sacrificed at the altar of public complacency and intolerance? It is possible, I believe, to craft statutory protection for the flag that can withstand a court challenge. The amendment in the form of a substitute that was offered by Senator MCCONNELL, the Flag Protection Act of 1999, could, in the opinion of the American Law Division of the Library of Congress, withstand such scrutiny. In the words of that opinion, "subsections (b) and (c) appear to present no constitutional difficulties, based on judicial precedents, either facially or as applied." Further, the opinion notes, "Almost as evident from the Supreme Court's precedents, subsection (a) is quite likely to pass constitutional muster." The opinion closes by noting, "In conclusion, the judicial precedents establish that the bill, if enacted, while not reversing Johnson and Eichman, should survive constitutional attack on First Amendment grounds."

The first case to which I just referred, of Texas v. Johnson, arose from an incident during the 1984 Republican Convention in Dallas, Texas, in which Gregory Lee Johnson participated in a political demonstration and burned an American flag while protestors chanted. Johnson was convicted of desecration of a venerated object in violation of a Texas statute, and a State Court of Appeals affirmed the decision. However, the Texas Court of Criminal Appeals reversed the decision, holding that burning the flag was expressive conduct for which the State could not, under the First Amendment, punish Johnson in these circumstances. The Supreme Court, in a 5-4 decision, upheld the lower court's decision.

But in the dissent by Chief Justice Rehnquist, Justice White, and Justice O'Connor, they noted, "the Texas statute deprived Johnson of only one rather inarticulate symbolic form of protest—a form of protest that was profoundly offensive to many—and left him with a full panoply of other symbols and every conceivable form of verbal expression to express his deep disapproval of national policy." The Justices also observed, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning."

After the Johnson decision, Congress passed the Flag Protection Act of 1989, criminalizing the conduct of anyone who "knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon" a United States flag, except conduct related to the disposal of a "worn or soiled" flag. Subsequently, several people, among them Shawn D. Eichman, were prosecuted in District Courts. In each case, the appellees moved to dismiss the charges on the ground that the Act violated the First Amendment. The District Courts, following the precedent set by the Johnson case, held the Act unconstitutional as applied and dismissed the charges. The Supreme Court, again in a 5-4 decision, upheld the decision.

However, in the dissent authored by Justice Stevens, with whom the Chief Justice, Justice White, and Justice O'Connor joined, the justices noted that "it is equally well settled that certain methods of expression may be prohibited if (a) the prohibition is supported by a legitimate societal interest that is unrelated to the suppression of ideas the speaker desires to express; (b) the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and (c) the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition."

Given the closeness of the votes in Johnson and Eichman—given the presumption against amending the Constitution whenever other alternatives are available—and given the powerful arguments made by Chief Justice Rehnquist and Justice Stevens in their dissents—perhaps the better course of action is to allow the Court sufficient time to reconsider its views on this controversial topic.

The Court has already changed its composition since the Eichman decision eight years ago. Four of the Justices who decided that case, including three who voted with the majority, have been replaced. Who can say whether a new court will find itself swayed by the persuasive arguments that Mssrs. Rehnquist and Stevens have put forth? Instead of our adding a new, 28th Amendment to the Constitution, would it not be preferable for the Court, on closer inspection of the issue, to realize the error of its ways?

Like many Americans, I was shocked by the Johnson and Eichman decisions overturning statutory protection for the flag. Now, that shock has subsided, and while I still question the correctness of those decisions, I no longer believe that a constitutional amendment is the best response to these horrific acts. The intervening years have allowed me to rethink my initial reaction to the Supreme Court's decisions, and while my love for the flag has not waned, neither have my respect for and devotion to the Constitution. If anything, the spate of proposed constitutional amendments in recent years—chief among them the misguided balanced budget amendment—and my continued studies of constitutional history have only increased my love for this magnificent document and my determination to prevent its abuse.

Every time I read it—as with every time I read the Bible—I find something, it seems, that is new and intriguing and awe-inspiring.

I have always promised my constituents that I will represent them to the best of my ability and with an open mind and an honest heart. Today, head and heart have convinced me to reconsider my beliefs. As Benjamin Franklin, the oldest man at the Constitutional Convention, put it, in addressing his fellow conferees at Philadelphia as they prepared to sign the Constitution—this is what he said—"For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise."

That has happened to me on several occasions. Certainly, it is true in the present instance.

While I salute the patriotism of those who support this measure—I salute them—I hope that they will pause to consider its unintended but inevitable ramifications. Rather than inviting a surge in flag destruction; rather than spurring years of legal wrangling; rather than adding to our Constitution a provision that addresses a problem that occurs only infrequently, let us step back.

Let us reconsider the matter. Let us rethink what we are proposing.

Our Founding Fathers intended that amending the Constitution should be a difficult and laborious process—time consuming; cumbersome—not to be undertaken lightly. It sets a dangerous precedent, one that I have come to appreciate fully in recent years, to tinker with the careful checks and balances established by the Constitution. When it comes to our founding charter, history demands our utmost prudence.

Every heart in this Chamber thrills at the sight of that flag, thrills at the rays of sunlight that play upon those stars and stripes, as we ride down or walk down a street on the Fourth of July. The flag! There is no other flag like it! None.

But what gives each of us freedom of speech? What gives each of us the right to say what we want to say? What gives us that right? Not that flag—but the Constitution of the United States!

What gives the fourth estate that sits in those galleries up there—the press—what gives the press freedom to print, to televise, to broadcast? What gives this country freedom of the press? Not Old Glory, not that flag—but the Constitution of the United States!

What gives my coal miners from West Virginia the right to come to these Capitol steps and to speak out and to thunder their criticism of the President of the United States or of the Congress of the United States, while Old Glory floats above the dome in the blue sky? What gives those miners that right? Not the flag, not Old Glory, soaring in the heavens—but the Constitution of the United States!

What gives the truckers, what gives the farmers, what gives any group the right to come to Capitol Hill and to assemble and to petition the Government to obtain a redress of grievances? Not the flag—but the Constitution of the United States!

There is the source of the right—there is the source—not in the dear old flag. The flag is the symbol of the Republic, the symbol of what the Constitution provides, but it is not the flag that provides it. It is the Constitution of the United States. That is why today I speak out against the amendment before the Senate, because it is that Constitution that provides us with the rights which all Americans enjoy, regardless of race, regardless of color, regardless of national origin, regardless of age or sex. It isn't that flag.

I love it. How many times do we go the last mile of the way with a friend or a relative who sleeps beneath the closed lid of a steel coffin draped with the American flag? It is something to remember. He may have been a soldier, a sailor, a marine. He didn't die for that flag. He died for what that flag represents. And the instrument that provides what that flag represents is the Constitution of the United States. It is the real stuff!.

I think I am right to have changed my mind. I want to say again that I changed my mind because of long and serious study, not only of the Constitution of the United States, but also of the Articles of Confederation which was the first Constitution of the U.S., my study of the Federalist Papers, my study of the history of our country, the history of the colonies, the history of England, the struggles of Englishmen, and my studies of the ancient Romans. Because of these studies, in the beginning with the respect to the constitutional amendment to balance the budget and then with respect to the line-item veto, which I hate with a passion, and which the Supreme Court of the U.S. overthrew, I came to know more about the Constitution, about American constitutionalism, about the history of the Constitution, about the ratifying conventions, than I ever knew before. And it is the result of that long and assiduous study of constitutionalism in America, constitutionalism that had its roots not just at the Constitutional Convention of 1787, but in the states before the Constitution, and in the colonies before the states, and in the Biblical covenants before the colonies; roots that go back 1,000–2,000 years. I have come to this conclusion, and I believe that I can best serve my country today by voting against this amendment.

The flag lives because the Constitution lives, without which there would be no American Republic, without which there would be no American Senate, without which there would be no United States of America, only the balkanized States of America. Without that Constitution, there would be no American liberty, no American flag.

That flag is the symbol of our Nation. In a way, we might say that that flag is the symbol of all we hold near and dear. That flag is the symbol of our Nation's history. That flag is the symbol of our Nation's values. We love that flag. But we must love the Constitution more. For the Constitution is not just a symbol, it is the thing itself!

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, one of the privileges of serving in the Senate is the chance to hear debates—some good, some not so good. Periodically, we hear greatness in speeches. The Senate just heard greatness.

I think all Senators would agree, whether they are for or against this constitutional amendment, that when the history of this debate is written, when the history books are written, the speech of the distinguished senior Senator from West Virginia, Mr. BYRD, will be in that recounting. This is the type of speech that students of constitutional history, students of the Constitution itself—and this Senator wishes there were more—will look to, and they will read and reread.

We sometimes forget that every 6 years, those of us who are fortunate to serve here, to serve more than once, take a very specific oath of office. I can think of times when various people have administered this oath, usually the Vice President of the United States. But I recall watching the distinguished senior Senator from West Virginia administer that oath on a couple of occasions in his role as President pro tempore of the Senate.

There was one big difference when he administered it than when all the various Vice Presidents, Republican or Democrat, administered it. The difference is, they had a card before them and they read the oath. The Senator from West Virginia didn't need a card before him to do it. The Senator from West Virginia would stand there, tell them to raise their right hand, and he would administer the oath. There was no prompting. There was no teleprompter. There was no card. There was no book. There was the mind that carries the history of the United States Senate there, when he would do it.

I mention that oath because we swear we will uphold the Constitution, we will protect the Constitution. There could be no more solemn duty. If we are protecting the Constitution of this country, we are protecting the country itself. In this debate, that really is the issue.

I have said over and over again, I do not want to see the first amending of the Bill of Rights in over 200 years. I think we know from our history there have been times when we have amended the Constitution. We did it to provide, after the tragedy of the death of President Kennedy—I was not serving here at that time; the distinguished Senator from West Virginia was—a means of succession of Vice President. And in this era of the nuclear age and all, it is good we have that. But these are matters of enormous consequence. These are matters that can go to the very survival of our Nation and that make it possible, actually necessary, to amend the Constitution.

Let us not amend it simply because it is a matter of passing political favor.

I have spoken too long, and I do not wish to embarrass my friend. I have had the honor of serving with him for just over 25 years. There is hardly a day goes by that I do not learn something from the distinguished Senator from West Virginia. Today the Nation learned from the Senator.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. LEAHY. I am happy to yield to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me briefly comment on the remarks made by the senior Senator from West Virginia. I know from having visited with him about this subject over some long while that he found this to be a difficult subject, not a simple subject, not an easy issue to resolve. I felt the same way about this issue. He spoke about the U.S. Constitution at great length today and all Members of the Senate will learn from that speech.

I have told my colleagues previously that on the 200th birthday of the writing of the Constitution I was one of the 55 Americans who went into that room where the Constitution was written 200 years prior to that, when 55 men went into that room and wrote a Constitution. Two-hundred years later, 55 people—men, women, minorities—went into that room. I was privileged to have been selected to be one of them. I have told the story before and people may get tired of hearing it, but I sat in that room—I come from a town of about 270 people, a small ranching area of Southwestern North Dakota. I sat in that room—the assembly room in Constitution Hall—200 years after the Constitution was written, the document that begins, "We the people."

In that room, George Washington's chair is still in front of the room, where he sat as he presided over the constitutional convention, and Ben Franklin sat over on this side, and there was Madison and Mason; Thomas Jefferson was in Europe, but he contributed through his writings to the Bill of Rights. I thought to myself that this is a pretty remarkable country where a fellow from a town of about 270 people can participate in a celebration of this sort.

From that moment, I have been troubled by the proposition that some convey so easily of wanting to change the U.S. Constitution. I mentioned yesterday that we have had, I believe, 11,000 proposals to change the Constitution, 11,000. Among those, for example, was a proposal to have a President from the North during one term and then the requirement that the next term of the Presidency be filled by a President who comes from the southern part of the U.S. That was one idea.

Fortunately, the Constitution is hard to amend. Since the Bill of Rights, only 17 times have we amended this document, and then in almost every case, it was to expand freedom and liberty. So I have had great difficulty with this issue. I love the flag and what it stands for. I am devoted to the flag and the Constitution and the principles on which this country was founded. I know the Senator from West Virginia is as well. I wanted to say how much I and my colleagues, I am sure, appreciate his presentations to the Senate not just today but on a recurring basis, reminding us of the timeless truths about who we are and about who we have been, about the rich and majestic history of our country and the principles that have allowed us to progress to the point now of the year 2000 as the oldest successful democracy in history.

So I want to say thank you. As I say, this is a very difficult issue. I came to the same conclusion, that I did not feel I could amend the U.S. Constitution in this manner. It doesn't mean that I don't believe we ought to find a way, short of changing the Constitution, to provide sanctions for those who would desecrate America's flag. I just have not been able to make the leap of saying, yes, let's change the framework of the Constitution. I thank the Senator from West Virginia for his enormous contribution today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the senior Senator from Vermont and the senior Senator from North Dakota for their remarks. I also thank them for the courage they have displayed time and time again in protecting this founding document. I thank them for the inspiring leadership that the rest of us have had from watching them and listening to them. They, indeed, have done a tremendous service to the country, to the Senate, and to the Constitution. I thank them both from the bottom of my heart.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business, the time not charged under cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG COSTS

Mr. GORTON. Mr. President, good health is one of life's greatest blessings. Over the last 25 years, there has been a tremendous change for the better in the delivery of health care. New drugs help to prevent heart disease and provide better treatments for cancer, allergies, depression, and many other debilitating conditions. In short, prescription drugs can help people live longer, lead healthier, happier, more productive lives—and can help lower the overall cost of health care. We all applaud.

The United States leads the world in the development of new drugs. Almost half of the new drugs developed in the last 25 years were created in the USA.

But new drugs are expensive to develop. Only one of every five candidate medicines will turn out to be effective, be approved by the FDA and make it to drug store shelves. Last year, the drug industry spent $24 billion on research and development. U.S. taxpayers also invest $18 billion every year in the National Institutes of Health, which provides grants for basic health research. Drug companies that are willing to take on the risk of developing new treatments receive tax credits for their research and development costs.

Yet when American consumers pick up their prescription at the drugstore they pay again for research and development in the form of higher prices. Why? Every other developed country imposes some form of price control.

Those countries pay for the cost of manufacturing the drug, which is normal, and maybe some profit; but they don't even come close to paying a fair share of the research and development costs of new drugs developed in the United States.

So when some Americans get sick, they can't afford the medicine they need to stay healthy. Instead they go without or they ration medicine. If they are able to travel, Americans cross the borders to Canada or Mexico to buy for much less, the prescriptions they need to stay healthy.

I was curious to know just how much my constituents were savings by traveling to Canada. My office recently conducted an informal study comparing the prices of the top ten most commonly prescribed prescription drugs in several Washington state retail drug stores to the price paid in a typical Canadian pharmacy. I was astounded by the results: on average prices are 64% lower in Canada.

Here are a few examples: The average cost of 30 pills of Zocor, which is used to treat high cholesterol, is $76 in our state, in Canada it costs $38; Premerin, an estrogen replacement therapy used by many women, is $26 in our state and $10.50 just across the border; and a popular new allergy treatment, Claritin, is just $34 in Canada but almost $80 in Washington State.

During last week's break, I spent time talking with seniors, doctors, hospital administrators, and others about the cost of prescription drugs. All expressed their concern about the growing amount spent on medicine and the ability of people to continue to have access to the medication that keeps them healthy.

While this debate has properly focused a lot of attention on uninsured seniors and their daily struggle to pay for needed medications, the costs of prescription drugs affect every American—even those with health insurance coverage. Drug spending is a growing part of our overall health care costs. The rising cost of prescription drugs is one of the biggest problems facing health plans, hospitals and others in the health care field.

Obviously, American drug companies have to pay for this huge amount of research and development and the years that it takes to get these drugs licensed. But, what I am outraged about is a set of foreign policies that means that Americans who buy drugs that were developed in America pay substantially more for those drugs than the same manufacturers sell them for in Canada or Mexico. I think that is unconscionable. Those countries are riding on our research and development.

The cost issue is one important part of the debate as we talk about modernizing the Medicare program to include a prescription drug benefit. I do think that Medicare should be updated and that prescription drugs should be covered under the program. Expanding this benefit, however, must be done responsibly—it must not jeopardize the solvency of the current program and the benefits now available to seniors. It is also fairly contentious. Most agree that we should add a drug benefit to Medicare, however, good people have honest disagreements about the best way to do it. Addressing cost is something we can do now.

It is not fair to the American consumer to let other countries get away with policies that make drug companies sell their products cheaper in their country because they don't want to pay for any of the development costs. It's not right, and I will work actively to see that Americans are not overcharged.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—Continued

Mr. LEAHY. Mr. President, in 1791, the State of Vermont, the State that I am honored to represent, was admitted to the Union. Kentucky followed. Congress then saw fit to change the design of the American flag for a time to include 15 stars and 15 stripes, one for each State. It was this flag, the one recognizing the addition of Vermont to the Union, that flew over Fort McHenry in 1814, and inspired Francis Scott Key to write the Star Spangled Banner.

Along with Vermonters and many others I find that flag inspirational, as I do the American flag with 48 stars under which my family fought in World War II. I remember the great pride my wife and I felt seeing the current American flag with 50 stars being carried in formation at Paris Island when my youngest son became the newest member of the U.S. Marine Corps.

Fifty years after that famous battle that inspired our national anthem in Baltimore's harbor, President Abraham Lincoln visited that city as this country confronted its greatest test. It was a time in which this nation faced grave peril from a civil war whose outcome could not yet be determined. Many flags flew over various parts of the United States and our existence as a nation was in doubt. President Lincoln used the occasion to reflect on a basic feature of American democracy.

As Professor James McPherson recently reminded us, Lincoln observed: "The world has never had a good definition of the word liberty. And the American people just now are much in need of one. We all declare for liberty, but using the same word we do not mean the same thing."

Through the course of this debate, it has seemed to me that all of us here in this chamber would champion liberty. If any of us were asked, we would say: Of course we do. When I listen to the debate, I have to conclude that Lincoln's wish for a definition on which all of us would agree remains very elusive.

Ultimately, the debate over this amendment turns on the scope we think proper to give to speech which deeply offends us. For Congress to limit expression because of its offensive content is to strike at the heart of the First Amendment. Justice Holmes wrote that the most imperative principle of our Constitution was that it protects not just freedom for the thought and expression we agree with, but "freedom for the thought that we hate." He also wrote, that "we should be eternally vigilant against attempts to check the expression of opinions that we loathe."

Justice Robert Jackson made this point with unsurpassed eloquence in a 1943 decision, West Virginia State Board of Education v. Barnette. Unlike that small handful of wartime decisions upholding flag burning statutes on which the proponents try to base their claim of an "expansive" judicial tradition before the Johnson case, the Supreme Court, even in 1943, during the difficult days of World War II, recognized the fundamental tradition of tolerance that makes this country strong. The Supreme Court in a very difficult decision, at the height of world War II held that State school boards may not compel their teachers and students to salute the flag. Justice Jackson wrote:

> To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.
>
> We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.
>
> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

What unifies our country is the voluntary sharing of ideals and commitments. We can do our share toward that end by responding to crude insults with a responsible action that will justify respect and allegiance that has been freely given. Justice Brennan wrote in Johnson:

> We can imagine no more appropriate response to burning a flag than waving one's own.

That is exactly how the American people respond.

Respect cannot be coerced. It can only be given voluntarily. Some may find it more comfortable to silence dissenting voices, but coerced silence can only create resentment, disrespect, and disunity. You don't stamp out a bad idea by repressing it; you stamp it out with a better idea.

My better idea is to fly the flag at home, not because the law tells me to; not because there is something that says this is what I have to do to show respect; I do it because, as an American, I want to.

I am immensely proud of being one of the two Senators who has been given the opportunity to represent the State of Vermont. I fly that flag out of pride. Frankly, I am an ornery enough Vermonter that if there were a law that said as a Senator I had to fly that flag, I would not do it. I do it because I want to do it.

It is with the same sense of pride that I saw my son march in uniform with that flag flying. It is the same sense of pride when I see that flag flying over this Capitol Building every day when I drive to work.

The French philosopher Voltaire once remarked that liberty is a guest who plants both of his elbows on the table. I think what he meant by that is that liberty is sometimes an unruly, even an unmannerly and vulgar guest. Liberty demands we be tolerant even when it is hard to do so.

Our freedoms in this country are protected by the constitutional guarantee that dissent must be tolerated whether it is expressed in polite and deferential tones or in a crude and repugnant manner. We are a mature enough political community to know what every child knows: Unlike sticks and stones, words and expressions need not hurt us. It certainly does not justify the loss of rights that protect the liberties of us all.

Especially despicable gestures are hard to tolerate, but we do so because political expression is so central to what makes America great and what protects the rights of each of us to speak, to worship as we choose, and to petition our Government for redress.

As I have said before, I have taken such pride in going to countries with dictators, countries that require a law to protect their flags and their symbols, and in saying: We do not need such a law in our country because in this great Nation of a quarter of a billion people, the people protect our symbols, not because they are forced to do so but because they want to do so.

I was brought up to believe the first amendment is the most important part of our democracy. It allows us to practice any religion we want or no religion if we want. It allows us to say what we want, and the Government cannot stop us.

What does that mean? It means we are going to have diversity—diversity in religion, diversity in thought, diversity in speech, diversity that is guaranteed and protected in this Nation. And when you guarantee and protect diversity, then you guarantee and protect a democracy, because no real democracy exists without diversity. When you exclude and stamp out diversity, then I guarantee, you stamp out democracy, whether it is the Taliban or any of the totalitarian governments of history. If diversity, dissent, and free speech are stamped out, democracy goes with them.

American democracy has succeeded because we have found a way to live with that unruly guest with his elbows on our table of which Voltaire spoke, and to acknowledge acts which are disrespectful and crude and may, nonetheless, be lawful.

We protect dissent because we love liberty, not because we oppose liberty, but because we love it. The very impiety of these acts puts us to the test as votaries of liberty.

Wendell Phillips, the great New England abolitionist, wrote:

> The community which dares not to protect its humblest and most hated member in the free utterance of his opinion, no matter how false and hateful, is only a gang of slaves.

No man disagreed more vehemently with Wendell Phillips on the burning issues of their day than Senator John C. Calhoun of South Carolina. Yet Senator Calhoun came to much the same conclusion in a speech on the Senate floor in 1848—more than 150 years ago. He said:

> We have passed through so many difficulties and dangers without the loss of liberty that we have begun to think that we hold it by divine right from heaven itself. But it is harder to preserve than it is to obtain liberty. After years of prosperity, the tenure by which it is held is but too often forgotten; and I fear, Senators, that such is the case with us.

I represent a State that has a proud tradition of defending liberty, a State that encourages open debate. We are the State of the town meeting. You have never heard open debate, whether as a Member of this great body or the other legislative body, until you have been to a Vermont town meeting. There is debate, there are expressions, there is heat, and there is often light.

I am proud that in 1995, the Vermont Legislature chose the first amendment over the temptation to make a politically popular endorsement of a constitutional amendment regarding the flag. The Vermont House passed a resolution urging respect for the flag and also recognizing the value of protecting free speech "both benign and overtly offensive." Our Vermont Attorney General has urged that we trust the Constitution, not the passions of the times.

But Vermont's actions are consistent with our strong tradition of independence and commitment to the Bill of Rights. Indeed, Vermont's own constitution is based on our commitment to freedom and our belief that it is best protected by open debate. In fact, Vermont did not join the Union until the Bill of Rights was ratified and part of this country's fundamental charter.

We are the 14th State in this Union. But we waited because we were so protective of our own liberty. At one time, we declared ourselves an independent republic. We wanted to make sure our people had their liberties protected. We in Vermont waited until the Bill of Rights was part of the Constitution.

Following that tradition, this Vermonter is not going to vote to amend the Bill of Rights for the first time since it was adopted, and certainly not going to be the first Vermonter to do that.

Vermont sent Matthew Lyon to Congress. He cast the decisive vote of Vermont for the election of Thomas Jefferson when that election was thrown into the House of Representatives. He was the same House Member who was the target of a shameful prosecution under the Sedition Act in 1789 for comments made in a private letter. He was locked up.

Vermont showed what they thought of the Sedition Act. They showed what they thought of trying to stifle free speech. Vermont said: Fine, Matthew Lyon is in jail. We will still reelect him to Congress. And, by God, we did. Why? Because we are saying: Do not trample on our right of free speech.

Vermont served the Nation again in the dark days of McCarthyism when I think probably one of the most remarkable and praiseworthy actions of any Vermont Senator, certainly in the 20th century—the outstanding Vermont Senator, Senator Ralph Flanders—he stood up for democracy in opposition to the repressive tactics of Joseph McCarthy. When so many others ran for cover in both parties—both Republicans and Democrats—Senator Ralph Flanders of Vermont, the quintessential Republican, conservative, a businessman, came to the floor of the Senate and said enough is enough, and asked for the censure of Senator McCarthy.

Vermont's is a great tradition that we cherish. It is one that I intend to uphold.

The New York Times had it right earlier this week when it wrote in its editorial, on Monday:

> If the Senate truly respected the Constitution it is sworn to uphold, it would not be trifling with the Bill of Rights and its precious guarantee of freedom of speech. Yet that is exactly what the Senate is doing as it considers the so-called flag desecration amendment—a mischievous addition to the

> Constitution that would weaken the right of free expression by allowing federal laws banning physical desecration of the flag.

The Washington Post also opposed this amendment in a recent editorial. It noted that flag burning is "only one among many types of offensive expression that the First Amendment has protected throughout American history." Then they added:

> The principle that "Congress shall make no law" restricting speech loses much of its power when exceptions begin turning the "no" into "only a few." The political points senators win by supporting this amendment are not worth the cost.

The first amendment says: "Congress shall make no law." It does not say: Congress shall not make a bunch of laws or Congress shall not make some laws or Congress shall not make little laws versus big laws restricting speech, or Congress should not make laws on Monday versus Friday restricting speech.

It says: "Congress shall make no law."

I remember being at an oral argument in the U.S. Supreme Court when I was a young law student, and Hugo Black was saying: I read the Constitution, which says "Congress shall make no laws", to mean "Congress shall make no laws." I find it pretty clear.

The Chicago Tribune said this:

> The amendment is a gross overreaction to a non-problem. Incidents of flag burning are exceedingly rare, and they do no harm beyond causing legitimate disgust among patriotic Americans. Disgust, however, is not an adequate reason to take the extraordinary step of altering the nation's founding document—and altering it to curtail one of our most fundamental liberties.

So many times I read editorials from the Washington Times, especially those that say that Congress takes, too often, a liberal bend. The Washington Times today said this in their editorial—and they oppose this amendment—they said they oppose it because "it would be the only standing constitutional amendment to expand—not curtail—the power of the federal government."

They went on to say:

> Laws reflect a nation's culture and Constitution. Both govern a people's relationship with the government. Sometimes, however, the two collide and the nation's leaders must decide between expressing the culture through law or abiding by constitutional restraints that limit government powers to do so. . . . The founders adopted the first 10 amendments, now called the Bill of Rights, as more than simply limits on Government's power, but rather an enumeration of rights on which Government could not trample.

Think of that. They are not saying, here are some extra powers we have in the Government. Rather, they are saying no to the Federal Government. These are rights you cannot step on. These are rights that belong only to the American people. These are rights that do not belong to a government. They do not belong to the Congress, to the executive branch, or the judicial branch. They belong to all of us, today a quarter of a billion proud Americans.

The Washington Times went on to say:

> Conservatives in the Senate should take this opportunity to burn a flag—the white flag the faint-of-heart seem to fly on every tough issue. It is time to say, "We trust the American people with their flag"—with a vote against this constitutional amendment.

That is what I say: Trust the American people. The vast majority of the people in this great country are patriotic. They respect the symbols of our Government. There isn't a rash of flag burning around the Nation. You don't see people running out to do it because we respect our flag, we respect our Nation, and we don't need a law to tell us to do that. In fact, that respect is diminished if we are told we have to respect the symbols of our Government rather than doing it from our heart.

Through this debate this week, some proponents of the constitutional amendment expressed their view that this is a nation in moral decline and that amending the Constitution to punish flag burning is thereby justified. I disagree. I would not put down the United States that way. I believe this Nation is strong. I believe there is far more civic virtue to the American people than some credit. I know that is the case in my State of Vermont. I know it when I go on line each week with the children of our State in grade schools and high schools around Vermont answering their questions. I sense a civic pride. I do not sense a moral decline. I sense a great nation moving into an even greater century.

I am not a fan of what in some quarters passes for culture nowadays, but let us not have a constitutional amendment to lash out at crude cultural influences. Let us discuss the issue of civic virtue. In fact, we in the Senate play a role, an important one, in setting the level of civic virtue in this Nation. So maybe a good place to start would be with ourselves and with our institution. It is not just what we say here that is important; it is what we do here.

Instead of telling the American people, the rest of the American people beyond the 100 here, what they can and cannot do, maybe we should talk about what we do and how we do it. We honor America when we in the Senate do our jobs, when we work on the matters that can improve the lives of ordinary Americans.

I began this debate by urging the Senate to conclude action on the juvenile crime conference. I urged the Senate to vote on increasing the minimum wage, to confirm judges our courts and people need. We have 77 vacancies today. I urged the Senate to pass a Patients' Bill of Rights and privacy legislation and other legislation that can make a difference today. Then we set an example for the Nation. As this debate concludes and after we vote on this, let us return to that hope and message.

Ours is a time of relative peace and prosperity. We should praise that. Because of that, it is certainly not the time, if there is any, to tinker with the fundamental framework that has helped make this country the land of opportunity and diversity and vitality it has been for more than 200 years.

The proposed amendment to the Constitution would do harm to the first amendment—protections that gird us all against oppression, especially oppression of momentary majority thought. It violates the precept laid down more than 200 years ago that "he that would make his own liberty secure must guard even his enemy from oppression." It undercuts the principle that a free society is a society where it is safe to be unpopular. A nation may lose its liberties in an instant of imposed orthodoxy.

I am sure many of us have read the letter written in 1787 by Thomas Jefferson in which he observed:

> If it were left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

For me, presented with the stark choice between an undefiled flag and an undefiled Bill of Rights, I, too, must choose the latter.

If somebody were to cruelly desecrate the flag I proudly fly at my home, then I would replace that flag. I would buy a new flag. But if somebody misplaces, changes, or diminishes the Bill of Rights that protects me, protects the other 99 Senators, that protects a quarter of a billion Americans, I can't replace that. I can't go to the store and buy a new Bill of Rights. I cannot start the process of 200 years ago over again. I cannot go back and say, because we have spent 200 years growing and maturing as a nation in protecting our rights under the Bill of Rights, now we can ignore all that because we have changed the Bill of Rights.

Don't diminish it. There are a lot of things that are unpopular, but we protect them. I think of the debate when I was a young prosecutor. Decisions would come down saying you had to warn criminal suspects of their rights—first the Escobedo case and then the Miranda case. I remember people, both in law enforcement and outside, saying we have to amend the Constitution. Some said we had to impeach the whole Supreme Court. We have to amend the Constitution. How dare they say these criminals must be warned of their rights? We want to be warned of our rights because we are not criminals. But the guilty accused have to be warned of their rights? What a terrible idea.

We got through that. What happened? Training of law enforcement got a lot better. The police got a lot better, the courts got a lot better, the prosecutors got a lot better, and our Nation got better. Today there are still people who are arrested or stopped by the police who are totally innocent, and they have their rights. They can stand on those rights. How many times have we said: I am an American; I have my rights? Well, it is true. We have wonderful rights in this country. That is why we are the strongest democracy in the world. Let's not diminish those rights.

Ours is a powerful constitution, all the more inspiring because of what it allows and because we protect each other's liberty. Let us be good stewards. Let us leave for our children and our children's children a constitution with freedoms as great as those bequeathed to us by the founders, patriots and hard-working Americans who preceded us. If we do that, successive generations will bless us, they will praise us, we will have a stronger nation.

I thank my colleagues for their attention and courtesy and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, we have had a productive and educational debate concerning our proposed constitutional amendment to protect the flag. We have considered—and defeated by overwhelming votes—two significant amendments which were aimed at the heart of this amendment. A clear majority of the Senate has its mind made up on this resolution, and it is proper that we are now preceding to a vote.

The events of the last three days could cause one to question the depth of feeling my colleagues have for their argument that this flag protection constitutional amendment would erode free speech rights guaranteed by the first amendment. Many of these same Senators have denounced flag desecration and voted for statutes which would allegedly protect the flag. In 1989, the Congress responded to the Supreme Court's decision in Texas v. Johnson, which held that State flag protection statutes were unconstitutional, by enacting the Flag Protection Act. Ninety-one Senators—let me repeat, 91 Senators—voted in favor of that statute, which provided that:

> Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

That was the statute that 91 Senators in this body in 1989 voted for.

Clearly, 91 Senators believed in 1989 that flag desecration should be stopped; that people who knowingly mutilate, deface, physically defile, burn, or trample upon any flag of the United States should be prevented from engaging in this sort of conduct. Clearly, 91 Senators believed in 1989 that prohibiting flag desecration would in no way erode free speech rights guaranteed by the first amendment, and voted for the bill in response to a Supreme Court decision that had said otherwise.

I remember those arguments. We can do this by statute. We have had the same arguments in this debate, all of which are just as specious as they were back then.

Yet, of those 91 Senators who voted to outlaw flag desecration in 1989 to prohibit this form of expressive conduct, 18 who are still here will vote against the flag protection constitutional amendment. In other words, of the more than 30 opponents of the proposed constitutional amendment, 18 voted in 1989 to prohibit flag desecration.

Let me read directly from the joint resolution, the constitutional resolution:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

In other words, we want to give them the power so that they can, again, vote for their beloved statute. They can't vote for it now because it would be declared unconstitutional again. I think the limited version presented here, the McConnell statute, which would not do much to begin with, is likewise unconstitutional.

The point was that 18 of those who will vote against the flag protection constitutional amendment today, at least 18 of the more than 30 opponents of this proposed constitutional amendment, voted in 1989 to prohibit flag desecration.

Just yesterday we voted on whether to adopt the Flag Protection Act of 1999. That is a more narrow flag desecration statute offered by Senator McCONNELL. Now some Senators voted against Senator McCONNELL's amendment because they do not believe flag desecration is a problem in our society, that it is too trivial of an issue for the Senate even to consider. Other Senators, including myself, voted against the McConnell amendment because we believe that under the Supreme Court precedents, and given the present composition of the Court, it would be struck down as the other statutes were. Yet 36 Senators voted in favor of the McConnell amendment, a statute prohibiting flag desecration. Clearly, these 36 Senators do not believe that prohibiting flag desecration will erode free speech rights guaranteed by the first amendment. Of these 36 Senators, 30 have indicated they will vote against the flag protection constitutional amendment today.

I must ask these Senators: Do you believe in flag protection or not? Or are you just playing political games? If they do believe in flag protection, they should vote for this constitutional amendment, which is the only constitutional way of protecting our flag. If not, they should have the courage to repudiate the votes they cast yesterday, in 1995, and in 1989, and to admit that they do not want to prohibit flag desecration in any way. They can't have it both ways unless they are just playing politics. I would never accuse anybody in this body of doing something as denigrating as playing politics.

Some of my colleagues contend our country has achieved greatness in its two centuries of existence because they say we value tolerance over all else. Yes, we are tolerant of everything that is rotten and we are intolerant of many things that are good. They say if we pass this constitutional amendment and then adopt legislation prohibiting flag desecration, we will become Iran, Iraq, North Korea, Libya, Cuba, and a host of other repressive and dictatorial regimes that do ban desecration of their respective flags. They even suggest we will become like South Africa during apartheid or like Nazi Germany if we protect our flag. This argument is not only specious, it is absolutely ridiculous. It is insulting.

Indeed, I must say their argument is full of historical revisionism. The United States of America prohibited desecration of the American flag during the first two centuries of its existence. If this constitutional amendment is adopted and implementing legislation is passed, the United States of America will not somehow become an intolerant, repressive, dictatorial police state. No, the United States of America's laws will be just as they were for over 200 years before this lousy decision by five people on the Supreme Court, versus four, showing it was hotly contested. Even they weren't sure what they were doing.

I find that a sense of elitism is creeping into the Senate. In fact, I don't fear it, I know that is the case. We have amongst us people who seem to think the Senate has more important things to do than to listen to, and act on, the views of the overwhelming majority of American citizens who want the flag protection constitutional amendment. I find this elitism profoundly troubling. As a matter of fact, all we are asking is for this body to give a two-thirds vote, as the House did, so we can submit this to the people in the respective States and let them decide once and for all whether or not they want to protect the flag.

The American people do not believe that the flag of the United States of America is just a piece of cloth or just another symbol. The American people know that the flag is the embodiment of our heritage, our liberties, and indeed our sovereignty as a nation, as Madison indicated—the author of the Constitution. The American people are deeply offended and morally outraged when they see the flag humiliated and the Government powerless to defend it.

I have heard both sides of this debate cite leaders in the military, and I am sure that some of these people who are opposed to our amendment today are good people. But let me quote Gen. Norman Schwarzkopf, commander of U.S. and allied forces during the gulf war. He wrote:

> The flag remains the single, preeminent connection to each other and to our country. Legally sanctioned flag desecration can only serve to further undermine this national unity and identity that must be preserved.

There are tens of thousands of veterans living in our country today who have put their lives on the line to defend our flag and the principles for which it stands. Those are the fortunate ones who were not required to make the ultimate sacrifice. For every one of those, there is someone who has traded the life of a loved one in exchange for a flag, folded at a funeral. Let's think about that trade—and about the people who made that trade for us—before deciding whether the flag is important enough to be addressed by the Senate.

Let's think about the meaning of majority rule before we dismiss the feelings of the American public. Would it really trivialize the Constitution, as some of these critics suggest, to pass an amendment that is supported by the vast majority of Americans? The Constitution itself establishes the process for its own amendment. It says that the Constitution will be amended when two-thirds of the Congress and three-fourths of the States want to do so. It does not say that this procedure is reserved for issues that some law professors, or even some Senators, think are important. If government by the people means anything, it means that the people can decide the fundamental questions concerning the checks and balances in our government. It means the people can choose whether flag desecration is against the law. The people have said they want Congress to protect the American flag.

Because the flag amendment reflects the will of the people, I believe passage and ratification of this amendment is ultimately inevitable. It may not pass the Senate today, but it will pass the Senate. The votes in the past few years demonstrate that momentum—as well as the fulfillment of duty—is on our side. In 1989, 51 Senators voted for the amendment. That was it, 51. In 1990, there were 58 votes in favor. In 1995, 63 Senators voted for the amendment. And, today, we hope we will at least get that many. We have had some reversals, as you have seen. But the trend of support will continue until we get the 67 needed to pass this resolution and send the constitutional amendment to the States for ratification. I personally will not stop fighting for the flag amendment until it passes the Senate with the requisite two-thirds vote.

I came up the hard way. I had to earn everything I have, and I have earned it the hard way. I learned a trade as a young man. I worked as a janitor to get through school. I have never been part of the elite, and I wouldn't be there if I could be. I have to tell you, this place is filled with elitism among those who are voting against this amendment today.

Frankly, I get a little tired of the elitism in this country. It is throughout our country, and it is elitism that is allowing the savaging of our values to occur today in this country. It is the elite who are basically upholding things that force us to be tolerant, as they say, of some of the very offensive acts that occur in our society. They say we should be tolerant, not to do anything about people who defecate on our flag or urinate on our flag or burn our flag with contempt or trample on it. They don't seem to see any real problem with that, although they condemn it vociferously without doing one doggone thing about changing this culture and letting the American people know we are going to stand for something.

What better thing can you stand for, other than your families—and this is part of standing for families in my book—what better thing to stand for than standing up for this national symbol that unites us and brings us together? Just think about it.

In conclusion, the flag amendment is the very essence of government by the people because it reflects the people's decision to give Congress a power that the Supreme Court has taken away on a 5–4 vote. The four who voted against the five—in other words voted to uphold the right of the Federal Government and the States to ban desecration of the flag—those four fought very hard for their point of view. They happen to be right.

I urge all my fellow Senators to do the right thing for the American people. I urge everybody in America to hold us responsible for not doing so. I am asking the folks out there in America to start getting excited about this. If we could pass this amendment through the Senate, since the House has already done it, I guarantee we would create the biggest debate on values this country has seen in years in every one of our 50 States. If we did that, that alone would justify everything we are talking about today, let alone standing up for the greatest symbol of any country in the world today. I think we ought to do it. I hope my fellow Senators will do the right thing and vote for this resolution so the people, through their State legislatures, can decide for themselves whether or not they want their elected representatives to enact a law prohibiting the physical desecration of the American flag.

We know we do not have the votes today, but we are not going to stop until this amendment is approved. Sooner or later we will get enough people here who feel strongly enough about this to get the constitutional amendment passed. I venture to say, if we could pass this constitutional amendment, at least 38 States—and, frankly, I think all 50 States would ratify this amendment—I believe the people out there would ratify this amendment and we would have more than 80 percent in the end, and people would feel very good about it.

I know one thing, those seven Congressional Medal of Honor recipients who were standing with us yesterday as we had a press conference on this, it would make their lives, as it would for all these veterans throughout this country who have sacrificed for you and me that we might be free. I would like to see that happen. If it does not happen today, don't worry, we will be back because we are not going to quit until we win on this amendment. When we do, it will be a great thing for this country.

I want to thank the dedicated staff of the Senate Judiciary Committee for their hard work on this important proposed constitutional amendment—S.J. Res. 14. In particular, I would like to commend Alex Dahl, Catherine Campbell, Kyle Sampson, and Ed Haden. These fine lawyers and professional staff spent countless hours getting us to this point. I also want to thank the committee's chief counsel, Manus Cooney, for his assistance and counsel. On the minority side, let me acknowledge Bruce Cohen for his professionalism and spirited opposition.

Many other staffers were helpful including Jim Hecht and Stewart Verdery of our leadership staff. I think these staffers know that this debate was an important one and one of significance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I rise today in support of Senate Joint Resolution 14. It is with great honor and reverence that I speak in support of this resolution, a bipartisan constitutional amendment to permit Congress to enact legislation prohibiting the physical desecration of the American flag.

Let me explain my support by recalling the sacrifice for flag and country of a prisoner of war I had the honor of serving with.

I spent 5½ years at the Hanoi Hilton. In the early years of our imprisonment, the North Vietnamese kept us in solitary confinement of two or three to a cell. In 1971, the North Vietnamese moved us from these conditions of isolation into large rooms with as many as 30 to 40 men to a room. This was, as you can imagine, a wonderful change. And it was a direct result of the efforts of millions of Americans, led by people like Ross Perot, and Nancy and Ronald Reagan, on behalf of a few hundred POW's, 10,000 miles from home.

One of the men who moved into my cell was Mike Christian. Mike came from Selma, Alabama. He didn't wear a pair of shoes until he was 13 years old. At 17, he enlisted in the U.S. Navy. He later earned a commission. He became a Naval aviator, and was shot down and captured in 1967. Mike had a keen and deep appreciation for the opportunities this country—and our military—provide for people who want to work and want to succeed.

The uniforms we wore in prison consisted of a blue short-sleeved shirt trousers that looked like pajamas and rubber sandals that were made out of automobile tires.

As part of the change in treatment, the Vietnamese allowed some prisoners to receive packages from home. In some of these packages were handkerchiefs, scarves and other items of clothing. Mike got himself a piece of white cloth and a piece of red cloth and fashioned himself a bamboo needle. Over a period of a couple of months, he sewed the American flag on the inside of his shirt.

Every afternoon, before we had a bowl of soup, we would hang Mike's shirt on the wall of our cell, and say the Pledge of Allegiance. I know that saying the Pledge of Allegiance may not seem the most important or meaningful part of our day now. But I can assure you that—for those men in that stark prison cell—it was indeed the most important and meaningful event of our day.

One day, the Vietnamese searched our cell and discovered Mike's shirt with the flag sewn inside, and removed it. That evening they returned, opened the door of the cell, called for Mike Christian to come out, closed the door of the cell, and for the benefit of all of us, beat Mike Christian severely.

Then they opened the door of the cell and threw him back inside. He was not in good shape. We tried to comfort and take care of him as well as we could. The cell in which we lived had a concrete slab in the middle on which we slept. Four naked light bulbs hung in each corner of the room.

After things quieted down, I went to lie down to go to sleep. As I did, I happened to look in the corner of the room. Sitting there beneath that dim light bulb, with a piece of white cloth, a piece of red cloth, another shirt and his bamboo needle, was my friend Mike Christian, sitting there, with his eyes almost shut from his beating, making another American flag. He was not making that flag because it made Mike Christian feel better. He was making that flag because he knew how important it was for us to be able to pledge our allegiance to our flag and our country.

I believe we have an inviolable duty to protect the right of free speech—one of our most precious inalienable rights and the linchpin of a healthy democracy. I do not believe, however, that guaranteeing respect for our national symbol by prohibiting "acts" of desecration impinges on political "speech."

As long as citizens are free to speak out on any matter and from whatever point of view they wish, as our forefathers intended, it does not seem burdensome to me that we accord some modicum of respect to the symbol of those precious freedoms for which so many of our countrymen have laid down their lives.

Some view these efforts to protect the flag as political demagoguery or empty symbolism. I see the issue differently. The flag represents each and every one of us, regardless of race, religion or political diversity. Tolerating desecration of the flag is silent acquiescence to the degeneration of the broader values which sustain us as a free and democratic nation—the ramifications of which are far more profound than mere symbolism.

For these reasons, I support this constitutional amendment to ban flag desecration. I voted for such language in previous Congresses, but unfortunately, we have always fallen short of the 67 affirmative votes necessary for approval.

Whenever we send our young men and women into harm's way, we must remember that these same men and women have taken a solemn oath which this flag symbolizes. Let us honor their commitment and honor our great nation. I urge my colleagues to support the flag protection amendment.

Mr. LEVIN. Mr. President, I cannot support the proposed constitutional amendment.

The American flag is the premier icon of our national freedom. It is an irreplaceable reminder of liberty, sacrifice, and patriotism. To deliberately desecrate or burn a flag is an insult to anyone who has fought to defend it. But to deliberately weaken the First Amendment rights of all Americans cannot be the answer to those who attack a symbol of freedom.

We love our flag for obvious reasons, and true Americans treat it with respect. A person who destroys such an important symbol should face the scorn of all decent women and men. But we should not allow the misguided actions of a few individuals to jeopardize the rights and freedoms of all Americans.

The Supreme Court has ruled that such an attack on the flag is a protected form of speech under the First Amendment to the Constitution.

If we pass this amendment, and the States ratify it, we alter the Bill of Rights for the first time in our nation's history. For more than 210 years, the Bill of Rights—which protects our most basic freedoms—has served us well. Although I love the flag, I also love the Bill of Rights and the Constitution. When we pledge allegiance to the flag, in the same breath, we pledge allegiance to the Republic for which it stands.

Mr. President, Senator John Glenn, a true American hero, reflected these concerns in his testimony before the Judiciary Committee. He said:

> [I]t would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at those fundamental freedoms themselves. Let the flag fully represent all the freedoms spelled out in the Bill of Rights, not a partial, watered-down version that alters its protections.
>
> The flag is the nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But is it a symbol. It symbolizes the freedoms we have in this country, but it is not the freedoms themselves.

General Colin Powell has said:

> I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

We should not alter the basic charter of our liberties just to address the few incidences of flag burning in this country. Despite the attention it receives, flag burning is relatively infrequent. According to one expert, there have been only 200 reported incidences of flag burning in the history of our nation. That amounts to less than one case per year. The Congressional Research Service has listed 43 flag incidents between January 1995 and January 1999.

Even if this constitutional amendment were adopted, and the physical desecration of the flag were prohibited, it would not necessarily yield the intended results: the preservation of our glorious symbol.

As the Port Huron Times Herald suggested on June 26, 1999, flag desecration may not necessarily be flag burning, but the trivialization of the flag:

> How glorifying is it to see the Stars and Stripes emblazoned on paper napkins destined to be smeared with ketchup and barbecue sauce and tossed in a trash can?
>
> How respectful is it to wrap ourselves in Old Glory beach towels? Sip our coffee from red, white and blue mugs? Start our car from a flag-emblazoned key chain?
>
> We shouldn't worry about people burning the flag. It just doesn't happen. We should

worry about trivializing a glorious symbol into something as meaningless as a paper napkin.

I oppose the proposed constitutional amendment because it would amend our Bill of Rights for the first time, but I do support a statutory prohibition on flag desecration. The McConnell-Conrad-Dorgan statutory approach is preferable because it provides protection of the flag through enactment of a statute, and subsequently, 'does not weaken our First Amendment freedoms.

If we love the flag, we will not only preserve the sanctity of the cloth, but the freedoms for which it stands. No matter how abhorrent the action of flag burning may be, I see great danger in amending the Bill of Rights and curtailing freedoms enumerated in the Constitution, the very documents that give our flag its meaning.

Mr. MURKOWSKI. Mr. President, I rise as an original co-sponsor of S.J. Res. 14, a resolution proposing that the Constitution be amended to permit Congress to enact statutes to protect against the physical desecration of the American flag. Although it is rare that I support amending our Constitution, in this instance the Supreme Court has made clear that a federal statute is incapable of protecting the national symbol of America.

There is no doubt in my mind that every single Member of the Senate abhors the idea that someone would desecrate the American flag. Yet the vote on this amendment will be far from unanimous. That is because many of my colleagues believe that adoption of this amendment somehow represents an attack on the First Amendment's guarantee of freedom of speech. In my view, this amendment in no way threatens the freedoms embodied in the First Amendment.

The freedom of speech that is guaranteed in the first amendment of the Constitution is not unlimited. The Supreme Court has long recognized that the law must strike a balance between society's and government's interest and the interests of the individual. More often than not, the Court has come down on the side of the individual. However, the Court has recognized that society's interest in public safety outweighs an individual's right to freely shout "Fire" in a crowded theater. The Court has balanced society's interest in national security with a speaker's interest in disclosure of state secrets and has upheld restrictions on such speech.

By this amendment, we are not challenging the first amendment's guarantee of freedom of speech. Anyone in America is guaranteed the right to criticize nearly every aspect of American society and American government. Nothing in this amendment precludes such speech.

Instead, this amendment speaks to the issue of desecrating the symbol of this country. A symbol that is recognizable throughout the world as the symbol of this 224 year old democracy. A democracy that has asked its men and women to fight all over the world to preserve democracy and freedom against tyranny.

When in 1989 the Supreme Court by a 5-4 decision struck down a Texas Flag desecration statute, Justice Stevens dissented and eloquently stated why the Court had reached the wrong conclusion about the First Amendment in this case. Let me quote Justice Stevens:

> The Court is . . . quite wrong in blandly asserting that respondent "was prosecuted for his expression of dissatisfaction with the policies of this country, expression situated at the core our First Amendment values." Respondent was prosecuted because of the method he chose to express his dissatisfaction [burning an American Flag] with those policies. Had he chosen to spray-paint—or perhaps convey with a motion picture projector—his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the Government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset. Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag.

Would anyone disagree with Justice Stevens' suggestion that the first amendment does not permit an individual to desecrate the Lincoln Memorial by spray painting his political views on the Memorial? Surely that would be a criminal act and no one would suggest that the spray painter's first amendment rights had somehow been invaded.

Yet, I ask the question: What is the difference between barring someone from desecrating the LINCOLN Memorial and barring someone from desecrating the American flag? Why are the marble and mortar of the Memorial more important than the intangible values represented by the American Flag? Does it make a difference that the American taxpayer paid for the construction and upkeep of the Memorial and therefore as public property an act of desecration is actionable?

I do not think that the payment of taxes to construct and maintain the Memorial should make a difference. Are we to compare the payment of taxes to construct a Memorial with the sacrifice of the hundreds of thousands of men and women who fought in wars over two centuries to preserve the democratic ideals embodied in our Constitution? I think not.

As I said earlier, I am not a frequent supporter of amending the Constitution. I would prefer that we adopted a statute to prevent flag desecration. But those who argue for a statute ignore the fact that 11 years ago Congress adopted a statute—the Flag Protection Act—which outlawed desecration of the flag. That Act was adopted in response to the Supreme Court's decision striking down the Texas statute and along with that state law, the state flag protection laws of 47 other states. Unfortunately, one year later, the Supreme Court struck down the Flag Protection Act, again by a 5-4 vote.

So the only realistic way that we can outlaw flag desecration is by adopting a Constitutional Amendment. Let the people of the 50 states decide whether our flag deserves such protection. I urge my colleagues to support S.J Res. 14.

Mr. LIEBERMAN. Mr. President. I rise today to explain my vote on the Flag Amendment. This is one of the most difficult votes I will have to cast during my tenure in the United States Senate. Words cannot fully express the anger I feel towards those who desecrate the American Flag. The Flag is a symbol of what is great about our country. It is the standard we rally around in war and in peace, in mourning and in celebration and, ultimately, in life and in death. It unites us in our past and in our future. When someone desecrates the Flag, they in a sense strike at all of those things.

It is because I find desecrating the Flag to be so abhorrent and despicable an act, that I will, as I have in the past, support using any statutory means possible to prohibit Flag desecration. But after thinking long and hard about this issue, I have decided that I will again vote against this constitutional amendment. Although I recognize that a statute cannot do the whole job, I cannot vote to amend the Constitution's Bill of Rights for the first time ever in a manner that would restrict, rather than expand, individual liberties. In my view, however great a symbol the Flag is, our Constitution and its Bill of Rights are all that and more. More than a symbol of liberty, they are liberty's real guardian and its true protector. They are not only what unites us, but also what keeps our more than 200-year-old experiment in self-government working. They are the best the Founders of this great nation left to us—a lasting testament to the Framers' brilliant insight that for any people to remain truly free and capable of self-government, that there must be some limits to what the State can do to regulate the speech and political behavior of its citizens. The Flag is an important symbol, but the Bill of Rights is what the Flag symbolizes. We must be extremely cautious in altering the freedoms that this great document guarantees, lest we diminish the ideals for which our Flag stands.

My former colleague Senator John Glenn—an individual whose patriotism and love of country none could doubt—expressed this view well when he submitted a statement to the Judiciary Committee last April. He explained:

> The flag is the nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But it is a symbol. It symbolizes the freedoms that we have in this country, but it is not the freedoms themselves. That is why this debate is not between those who love the flag on the one hand and those we do not on the other. No matter how often some try to indicate otherwise, everyone on both sides of this debate loves and respects the flag. The question is, how best to honor it and at the same time not take a chance of defiling what it represents.

As General Colin Powell also recently so well put it: "I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Of course I do not believe that our Constitution or its Bill of Rights must remain forever unaltered. But the importance of the Bill of Rights requires us to establish an exceedingly high threshold for agreeing to any amendment. For me, that threshold lies at the point where an amendment is shown to be necessary to address some extreme threat to the Republic or redress some outrageous wrong. In this case, abhorrent though Flag desecration may be, it simply does not meet that threshold.

I know that this is an issue that many feel passionately about. Many of my constituents have brought their views on this issue to me, and I would like to take just a couple of minutes to address some of the arguments they have made.

I have heard it argued that a vote for this amendment is merely a vote to let the People—through their state legislatures—decide the issue. Those who make this argument point to polls showing that as much as 75 to 80 percent of the American public support the amendment. It frankly is unclear whether support is all that high. I have seen polls showing that a majority of Americans opposed the amendment when they knew that it would be the first in our nation's history to restrict our First Amendment freedoms of speech and expression. But more importantly, a decision on an issue as important as this one should not be made on the basis of polling. It is precisely because of the caution the Framers meant us to use in amending the Constitution, that they required supermajorities of both Houses of Congress as well as of the State legislatures to give their assent before our nation's foundational document could be altered. The Senate was never meant to serve as a rubber stamp in this process, and so I owe it to the People of Connecticut, who have elected me to use my best judgment, to carefully consider issues before me, and to vote the way I believe to be correct.

Some also have suggested that it is not this Amendment that would be changing the Bill of Rights or the First Amendment—that it was instead the Supreme Court that did that when, in 1989, it overturned 200 years of precedent and found Flag desecration to be protected by the First Amendment. The history of this issue is more complicated than that. Most importantly, it's just not correct to say that the Supreme Court reversed 200 years of precedent. The first state Flag statute apparently was not enacted until the end of the 19th Century, and there was no federal Flag statute until 1968. Moreover, it's not really fair to say that the Supreme Court reversed any of its precedents in 1989, because before the 1989 Texas v. Johnson case, the Supreme Court never addressed this issue head on. In fact, in a number of cases throughout the 20th Century dealing with people who treated the Flag in a manner that offended others, the Supreme Court repeatedly either held the conduct to be protected by the First Amendment or found other reasons to overturn the convictions. For that reason, despite dicta in some of these cases distinguishing them from pure Flag desecration, the dissent in Johnson had to acknowledge that "Our prior cases dealing with flag desecration statutes have left open the question that the Court resolves today." 491 U.S. 397, 432.

I must conclude that, abhorrent and despicable as I find desecrating the Flag to be, I cannot vote to support this amendment. In the end, Flag desecration is hateful and worthy of condemnation, but I just cannot conclude that it threatens the Republic. For that reason, although I stand ready to support any statutory means possible to curtail desecration of the Flag, I just cannot support amending our nation's foundational document to address it.

Mr. CRAIG. Mr. President, I join in this debate with mixed feelings.

On one hand, I am very frustrated we are here yet again, as we have been year after year for so long, trying to secure approval for this very important amendment so that it can be sent to the states for ratification. Time after time, we have come within just a few votes of success. But, for whatever reason, those few votes have eluded us, and we have had to go back to square one and begin the legislative process again.

So I cannot approach this debate without a good measure of frustration.

But on the other hand, the very fact that we are here again debating this measure is reassuring. It is proof positive of the American people's continuing belief in the importance of flag protection.

Imagine that. In spite of all the editorials about the erosion of ideals, in spite of all the speeches, some on this very Senate floor, about the loss of values in America, in spite of the dire predictions about moral decline—in spite of all that, there is a strong and growing grassroots movement demanding protection of our Nation's most important symbol: our flag.

Why would we even hesitate to answer that call?

Millions of our fellow citizens are telling us that the sight or mention of our flag still has the power to awaken the spirit of the American patriot. State legislatures are clamoring for the opportunity to protect the symbol of our national aspirations and values.

To those of my colleagues who are searching for signs of spring in a winter of moral decay, let me say: look no further. Here is the sign. This is the call. Now is the time to take a stand and support this amendment.

I do not minimize the fears of those on the other side of this debate. However, it is worth remembering that the U.S. Supreme Court has not hesitated to draw constitutional lines around the kinds of speech that are protected or not protected by the First Amendment. They have found that in some cases, certain interests may outweigh the citizen's right to free expression. As a result, laws may be enacted to restrict those kinds of speech, such as "fighting words" or obscenity.

The Court chose not to exempt the behavior that came under scrutiny in the flag case. Frankly, I think they could have, and should have, reached a different result. But my point is that the Congress need not shrink from applying its own judgment to balancing the interests involved. In my opinion, flag protection serves a number of compelling interests but would not prevent the expression of a single idea or message. I do not think the First Amendment must be or would be compromised by protecting the flag from desecration.

Even so, it is also worth noting that what we do here today is only the first step in a long process. This amendment must be ratified by the states, and only after that will Congress fashion an actual flag protection statute. Even if some of my colleagues are uncertain about how to go about crafting legislation to protect the flag, I hope they will all agree that it is appropriate to pass this resolution and give the American people the opportunity they have demanded to consider this issue in the legislatures and town halls and across the kitchen tables of this great country.

Yesterday morning, I had the honor of addressing our Nation's veterans. As I stood before them, I thought of the long line of patriots throughout our history who have defended our flag—some with the supreme sacrifice. Suddenly, the legal hairsplitting and fearmongering over this issue seemed both trivial and insulting.

Millions of Americans understand, as these veterans do, that the flag is more than a scrap of cloth. It weaves people of diverse cultures together to form our Nation, just as surely as its threads are woven into a pattern that stands for freedom throughout the world. It deserves protection and can be protected without endangering any of the fundamental ideals it symbolizes.

Today, we can send a signal that we understand, that we agree, that we honor the values that the American people have attached to our flag. I hope all our colleagues will join in voting in favor of this resolution and moving the flag protection constitutional amendment to the states for ratification.

Mr. BINGAMAN. Mr. President, I rise to speak briefly on S.J. Res. 14, an amendment to the Constitution of the United States.

As my colleagues know, I will vote against this resolution just as I have voted against previous attempts to pass anti-flag desecration amendments during my tenure in the Senate. However, I take a back seat to no one in my respect for the flag, for what it stands for and, most importantly, for the hundreds of thousands of brave men and women of our armed services who sacrificed so much to defend this Nation, our Constitution, and, yes, our flag. I abhor the desecration of the flag as a form of expressing views about America or a policy of our government. That is why I supported an amendment by Senator McCONNELL that would prohibit most, if not all, incidents of flag desecration by statutorily banning the desecration of a flag if it is done with the intent to incite or produce imminent violence or breach of the peace, or if the flag belongs to the United States Government or the act occurs on lands reserved for the use of the United States.

In the end, however, it is our Constitution and not the flag which gives us our freedoms. And chief among those freedoms, indeed the fundamental and most important freedom, is the right to speak freely against the government, against a government official or against a government policy. The speech of an individual may be distasteful to the majority, as is the case when someone burns a flag or when the KKK is allowed to march in our cities, but our Constitution was established to protect the rights of the minority. For when the majority is allowed to rule without a check and balance, tyranny is not far behind.

I don't doubt that the vast majority of Americans oppose, as do I, the desecration of our flag, but we were elected to preserve and protect the Constitution of the United States and I simply do not see how we defend the Constitution by chipping away at its very foundation.

Mr. President, there are many reasons to oppose amending the first amendment for the first time in our Nation's history and for this particular purpose. As several of our colleagues have pointed out, we are not experiencing an epidemic of flag burning in the country. But we likely will, if this amendment passes and Congress goes on to ban acts of desecration.

I also share the concerns raised yesterday by my friend from Vermont, Senator LEAHY, that while the Senate takes 3 or 4 days to debate this amendment, we have not taken the time to address other issues that are extremely important, especially to our Nation's veterans and to our Armed Forces. One example is S. 2003, of which I am a cosponsor and that begins to address the issue of the Federal Government keeping its promises to our veterans in the area of health care. I wish the Senate would take up and pass S. 2003 but we can't seem to find time to do that. Likewise, I recently introduced legislation that would compensate the remaining survivors of the Bataan Death March for the incredible suffering they endured on behalf of their country. I would like to see the Senate take up and pass that legislation but we haven't.

Mr. President, I think our Constitution and Nation are strong enough to handle a few miscreants who want to burn a flag. I think the drafters of the Constitution envisioned that it would survive speech which the majority finds offensive. I believe that a vote against this amendment is a vote for the Constitution and for the most important principle embedded in that document, the right of every American to free speech.

Ms. MIKULSKI. Mr. President, I oppose the burning of our Nation's flag. I oppose it today as I always have. I am deeply concerned about the desecration of the United States flag because of what it says about our culture, our values and our patriotism.

Our flag is the lasting symbol of America. To me, every thread in every American flag represents individuals who have laid down their lives in the name of freedom and democracy.

Yet I cannot support an Amendment to the United States Constitution which would, for the first time in our nation's history, narrow the reach of the First Amendment guarantee of freedom of speech. Instead of expanding the rights of Americans, this Amendment would constrict the freedoms which we fought so hard to win.

Instead, we should enact legislation that accomplishes the same goal—without trampling on our fundamental American rights. I have voted several times for legislation that would have provided protection of the flag through a statute, rather than a Constitutional amendment.

Senator McCONNELL offered an alternative that sought to create a statutory solution that could have passed the muster of the Supreme Court. The McConnell amendment would have provided for fines or imprisonment for anyone who destroys a flag with the intent to incite violence or breach of peace. This amendment would have protected both our flag and our Constitution. I'm disappointed that it did not pass.

Our flag is a symbol of the principles that have kept our country strong and free. When we think of our flag, we think of everything that is good about this country—patriotism, courage, loyalty, duty and honor. Our responsibility is to live up to these standards—and to foster a new sense of citizenship and a new sense of duty.

We should honor our flag by rekindling these principles—not by amending our Constitution.

The PRESIDING OFFICER (Mr. DeWINE). Who yields time?

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

Mr. MACK. Mr. President, I intend to speak on another issue. I ask unanimous consent to speak as in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IN SUPPORT OF A PRIVATE RELIEF BILL FOR ELIAN GONZALEZ-BROTONS

Mr. MACK. Mr. President, I come to the floor of the Senate to speak about an incident that occurred just before Thanksgiving Day 1999, when a mother who so loved her son that she tried to bring him to the shores of the United States of America from Cuba. Had she succeeded, she would have joined her family members already in the United States. Instead, she met with tragedy in the Florida straits. The mother died. The five-year-old boy survived. Now, we are being forced to consider young Elian's future.

Today, the freedom sought by a mother for her son is being mocked. Elian Gonzalez finds himself in the middle of a struggle between his Miami family and the Department of Justice, an agency unwilling to consider what is in the best interest of the child, an agency continually impairing a fair presentation of the merits of this case.

I ask my colleagues to open their minds and their hearts and listen to why the current process being used by the DOJ and the INS represents a grave injustice and denies a decision that should be based upon Elian's best interest. Remember when Elian first arrived, the INS stated that the matter was a custody decision for a Florida state family court. Forty-eight hours after Castro threatened the United States, the decision flipped, and continues to bend to Castro's will. Now the administration wants to rush an appeals process to send him back to a country that Human Rights Watch states has "highly developed machinery of repression."

In the past week, the Department of Justice has put unrealistic demands on the family of Elian to expedite the appeal of the federal district court decision. The Department of Justice has repeatedly threatened to revoke Elian's parole and remove the child to Cuba if the family fails to agree to their demand that both sides have an appellate brief prepared in one week. These unprecedented tactics short-circuit and dismantle the judicial process in which an appellate is typically allotted a minimum of 30-60 days to prepare a brief. This is plain and simple—Elian's family's civil rights are being denied.

This past Monday, the family under great pressure filed a motion with the Eleventh Circuit to expedite the appeals process, and still, the government's threats have continued. In a letter sent to the family at 10 p.m. on Monday night, the government demanded that the family's attorneys appear for a meeting on Tuesday morning at 9 a.m. with INS officials to discuss the revocation of Elian's parole. The government has continually dictated the terms of all meetings and has bulldozed over the right of Elian and his Miami family.

Today, the Department of Justice has summoned Elian's great-uncle, Lazaro Gonzalez, to a meeting where he is expected by the INS to sign a unilateral demand "to comply with the instructions of the INS," yet the INS has failed to provide the attorneys and the family with what those instructions will be. After all this child has been through, is it too much to ask how the government plans on removing him from the only home he now knows? Should his family agree to having INS agents come to his Miami home and take him? Probably not. But one thing is for sure: they should know the details of what they are agreeing to.

Keep in mind that this same agreement, if signed, destroys any shred of dignity left in our judicial process. It demands that the family's attorneys have a brief prepared to submit to the Supreme Court within 5 days of the appellate court decision, a time line virtually impossible to meet.

In its effort to dictate terms for the family's appeal, the government has betrayed the very integrity for which the Attorney General is charged with defending—equal protection under the law and the right to pursue justice in a free America. In the past week, I've heard justice department officials say they are taking more aggressive action against the family because they want to prevent them from invoking more "legal maneuvers." These "legal maneuvers" happen to be the legal rights of Americans—properly exercised in the middle of an appeals process. These "legal maneuvers" are tools in which all Americans are empowered to seek a fair hearing in the United States of America. I find it unconscionable that the justice department would so blatantly express their desire to dictate terms and influence the outcome of this case.

My reason for coming to the floor today is express my sheer frustration and anger in the manner in which the DOJ and the INS has handled this case. The recent acts of these two agencies demonstrate that the administration is no longer interested in resolving this case in a fair, unbiased way. The offer by the Department of Justice is a deeply flawed offer, one that no American would ever accept, one that no person in America should ever have to accept. Elian's mother sacrificed her life for the freedoms of America, freedoms she never had in Cuba, freedoms she never thought our country would deny her son in his moment of need. We should all, despite our views on this issue, be deeply ashamed at any attempt to short circuit justice in order to reach a resolution in the quickest possible way.

In the United States, we stand up to injustice in the world by zealously guarding our laws. We consistently and rightly argue that our strength and power come from our commitment to America's principles: freedom, justice, democracy and the protection of basic human rights. We are a nation founded upon these principles and we remain strong because we defend them. Mr. President, today and throughout the course of Elian's stay in the United States the INS and our Attorney General have not stood up for the one thing they are supposed to defend—justice for all.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The remarks of Mr. JEFFORDS pertaining to the introduction of S. 2311 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—Continued

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I will take whatever time may be required and use my leader time.

Mr. President, the debate over the last two days has been deeply moving. When we began this debate, I thought to myself how much I would prefer it if we were talking about veterans' health care, prescription drugs, or raising the minimum wage.

But, I stand corrected. This debate has proved meaningful and proved that our reputation as the deliberative body is earned.

I thank especially the distinguished Senior Senator from Vermont, the Ranking Member of the Judiciary Committee, Senator LEAHY for his fine stewardship of this debate. As always Senator LEAHY has offered much wisdom and demonstrated much skill as he managed this amendment.

This afternoon, as we close this debate I want to draw my colleagues' attention to the statements of Senator ROBERT BYRD and Senator CHUCK ROBB. Both men gave eloquent statements about how they came to their decision to oppose this constitutional amendment. These statements moved me and I dwell on them because they represent my views so well. For neither of these men, was their decision easy. I have come to believe, however, that it is not in easy decisions that you find the measure of a Senator—it is the hard decisions that distinguish the men and women we remember long after they leave this place.

Senator BYRD, in his usual way, reminded us why the Bill of Rights has never been amended in our history. Why? Because it was our founders' design. They set the bar for passage of a constitutional amendment high because they strongly believed that the Constitution should be amended in only the rarest of circumstances. And that has been the case. As Senator BYRD points out, setting aside the amendments involving prohibition, the Constitution has been amended only 15 times in 209 years.

As Senator BYRD noted, "In the final analysis, it is the Constitution—not the flag—that is the foundation and guarantor of the people's liberties." Thus, Senator BYRD conceded that, as much as he loves the flag, and as much as he salutes the patriotism of those who support this measure, he must oppose the amendment. His sentiments reflect so well the struggle I have felt over the years when we have considered this amendment in the past.

I, like other veterans, love the flag that has united us at so many critical times. I cannot understand why anyone would burn the flag simply to call attention to a cause. But as Senator ROBB reminded me—it was to protect the rights of such an unpopular dissenter that I once wore a military uniform. Senator ROBB noted that there will always be another flag to hold high, when one is defiled, but there will be no other Constitution—should we defile it.

Senator ROBB held dying men in his arms in Southeast Asia. He understands the sacrifices men and women will make to save this democracy. This afternoon, as we cast this vote, I am proud to stand with him, to stand with Senator BYRD, to stand with Senators BOB KERREY and JOHN KERRY, and others, to fight here—today—to preserve the principals and ideals these patriots fought for.

As Senator BYRD said today: "From Tripoli in 1805 to Iwo Jima in 1945 to the moon in 1969, the flag has been raised to commemorate some of America's proudest moments." By honoring and preserving the Constitution, we ensure that this symbol—our flag—continues to represent a country devoted to democracy and free speech.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, could I inquire about the time remaining?

The PRESIDING OFFICER. The majority leader has 15 minutes.

Mr. LOTT. Is that the only time left before the vote?

The PRESIDING OFFICER. No. Senator LEAHY has 21 minutes. Senator HATCH has 31 minutes.

Mr. LOTT. Thank you, Mr. President.

Mr. President, I yield to Senator HATCH for a request.

Mr. HATCH. Mr. President, I am prepared to yield the remainder of our time, if the minority will yield the remainder of its time. Senator LOTT will be the last speaker.

Mr. LOTT. Mr. President, I believe it was the plan for the leaders to yield the remainder of time. I believe Senator DASCHLE did that. After all time had been used on both sides, I would be the final speaker, and then we would go to a recorded vote. We indicated we would vote sometime around 4:30.

I ask Senator LEAHY, are we prepared to yield back time on both sides at the conclusion of my remarks?

Mr. LEAHY. Mr. President, it is my understanding that the Senator from Utah was going to yield back his time.

Mr. LOTT. That is correct.

Mr. LEAHY. Has the Democratic leader yielded his time?

Mr. LOTT. He completed his remarks and has yielded the remainder of his time.

Mr. LEAHY. Of course, I understand that in the normal course the distinguished leader would be given the right to make final remarks.

I yield my time.

Mr. LOTT. Thank you very much.

Mr. HATCH. I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

Mr. President, I commend those who have been involved in the debate on this very important issue over the past 3 days. It is occasions such as this when I think the Senate quite often rises to the greatest height, but it should, because we are debating very important issues here, symbols of our freedom and our democracy, the Constitution, the flag.

I am pleased we have had this discussion. I think the American people want the Senate to act in this area. Now we are prepared to vote.

I rise in support of Senate Joint Resolution 14, the constitutional amendment to protect the flag of the United States. What we have before the Senate today is a very simple measure. I have had some discussion with some individuals from outside Washington who asked, how long and how complicated is it? It is not long. It is very simple.

It reads in full:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

That is the entire amendment.

During most of the history of our Republic, the provision expressed in this amendment would have been noncontroversial. Indeed, prior to the Supreme Court's 5-4 decision in Texas v. Johnson in 1989, 48 States and the Federal Government had laws protecting our most basic national symbol, the flag. The Supreme Court's decision in 1989 reflected a fundamental misunderstanding, a misunderstanding of the law, of our history, and of basic common sense.

Those who oppose this amendment argue that defacing the flag somehow represents speech that must be protected under the first amendment of the Constitution. I think people have a pretty good understanding of what speech is—at least outside of Washington—and what type of activity is protected under our Constitution. I imagine there are some close situations where there is room for disagreement, obviously, but I don't think that is the case here.

We live in a free society where individuals are free to express their views. People can express dissatisfaction with their government, and they do; with the laws, and they do; and even with the flag. They can express those disagreements. While the speech in which some of our fellow citizens choose to engage can at times be repulsive and offensive or even dangerous, we do respect the fundamental right of individuals to express their ideas. No one is suggesting it should be otherwise.

In my opinion, burning the flag is not speech, it is conduct of the most offensive kind. Protecting the right of individuals to destroy property has no relation to the question of whether people are free to speak or to write or to campaign or to petition against the leaders of their government. I strongly reject the notion that those who support this amendment lack concern or respect for our traditions of free speech or for the notion that people should be free to criticize their government. This amendment simply will not hinder those basic freedoms.

Certainly, Senator HATCH, who has led the debate on this side, and many other Senators who will vote for this have great respect for our traditions of free speech and for the Constitution. But they think this is an issue that rises to the level of being considered as an amendment.

This measure does not change the first amendment nor does it alter our historical respect of free speech. It merely restores the original understanding of our Constitution, an understanding that led nearly every State and the Federal Government to maintain for decades laws protecting the flag.

As we consider this amendment, it is essential to remind ourselves that our rights, our constitutional guarantees, do not exist in a vacuum. They exist for a reason—namely, to further our great experiment in self-government and a constitutional republic. They exist to help us thrive as individuals and as a nation.

The American flag is a sacred, basic, fundamental symbol of our Nation's ideals—the symbol of those goals and values for which we have asked our young men and women to fight and die. It is a symbol that causes citizens to rise in pride and to salute. It is a symbol men and women have followed. It is a symbol men have carried into battle. It does represent those basic tenets in which we believe in this country.

Some argue that allowing the desecration of this most vital symbol somehow shows our strength and self-assurance as a nation. I disagree. I think it reflects a perversion of liberty and a misunderstanding of our system of government. Allowing the desecration of our national symbol is not a sign of strength, it is a sign of self-indulgence, as we have in so many areas of our society today, of a nation that does not take seriously the obvious point that our rights coexist with responsibilities and limitations.

The flag is unique. When we went to the Moon, we didn't take some other sign of military might, some billboard, some expression of our great wealth. No, instead we planted the flag, the same flag that was raised over Iwo Jima, the same flag we lower to half mast at times of national tragedy, the same flag we drape over the coffin of our American heroes and our veterans. Surely protecting such a symbol is not only consistent with our deepest traditions but essential to preserve the society that has developed and fostered those traditions.

I sympathize with those who express concern that a constitutional amendment is an extraordinary event and should not be taken lightly. It never is. We have had some tremendous debates over the years on constitutional amendments. Most of them were defeated, but, on occasion, some have passed and they have proven to be good for the advancement of our country.

Had the Supreme Court interpreted the Constitution appropriately, we would not be forced to take this serious and unusual step. However, the Supreme Court's failure to act responsibly on this issue leaves us no other means to protect this symbol for which so many Americans have sacrificed their lives and to which they have pledged their sacred honor.

Some Members of this body claim that these goals can be accomplished through statute. I can say frankly that I wish it would be so but I don't believe it can be so. Make no mistake, the Supreme Court has stated over and over and over again that its interpretation of the first amendment trumps any statute Congress may pass.

If we truly wish to protect the flag—and I know an overwhelming number of Americans do—we have no choice but to vote for a constitutional amendment.

There are those who belittle this amendment and our effort to protect the flag. They claim it is too narrow an issue, too small a problem, and that this is an issue not worthy of Congress' attention. I believe this issue is more important than any appropriation or any new set of regulations for it goes to the heart of who we are as a people and what we are as a nation.

The United States is different from almost every other nation on Earth. Those who come to America don't share the same language, the same religion, the same ethnicity, the same history, or the same geography. Instead of those tangible similarities, Americans are united by intangibles—by our commitment to certain ideals. One of those ideals is the principle of free speech. But another is the devotion to our country and a commitment to work for its success. By asking Americans to respect the flag, we simply ask them to demonstrate that any protest, criticism, or complaint they may have is made with the best interests of the Nation at heart. The measure before the Senate today furthers that basic and essential principle upon which our Nation was founded.

Once again, we are being told that the Senate should reject this, that we know better. Yet look at what has happened. The States have voted overwhelmingly to protect the flag. Forty-eight States had laws protecting it before the Supreme Court decision.

Many State legislatures have called upon the Congress to send this amendment to the States. In fact, I think every State legislature has done that. The House of Representatives has passed a flag amendment by a large, overwhelmingly bipartisan vote. Now it is up to the Senate to do what we should. Are we saying we know better than the American people? That we know better than every State legislature in the Nation? That we know better than the House of Representatives? We know better? Why not allow the people, through their State legislatures, to have the final say? Why not pass this amendment, send it to the people, and let them make the final determination? I think they will make the right decision.

I think we should work together today on both sides of the aisle to pass this amendment and send it to the people.

I yield the floor.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having expired, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 37, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—63

Abraham
Allard
Ashcroft
Baucus
Bayh
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Reid
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—37

Akaka
Bennett
Biden
Bingaman
Boxer
Bryan
Byrd
Chafee, L.
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moynihan
Murray
Reed
Robb
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 37.

Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the resolution is rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, last fall I became the 21st or 22nd person in the history of this body to cast 10,000 votes. When somebody asked me about those votes, whether they were all important, I said: No, a lot of them were merely procedural votes that we all cast, but some were important. Some of those 10,000 were.

Certainly this vote, whatever number of votes I might be privileged to cast on the floor of the Senate, will go down as one of the most important votes, as it will for all Senators. Whether they voted for or against the amendment, it will be one of the most important votes they will cast in their career.

I take a moment to commend the Senate for its actions this afternoon. It protected the Constitution, the Bill of Rights, in particular our first amendment freedoms. This has been an emotional debate, as one would expect, about a highly charged political issue. I believe the Senate fulfilled its constitutional responsibility to both debate and then vote on this proposed 28th amendment to the Constitution.

I thank Senators on both sides of the aisle, Democrats and Republicans, and on both sides of this issue—those who voted, in my estimation, to protect the Constitution as it presently stands and those who used their constitutional right to vote to amend the Constitution. There were thoughtful and heartfelt statements on both sides.

The distinguished Senator from Wisconsin, Mr. FEINGOLD, who is ranking Democrat on the Constitution subcommittee, spoke eloquently on the floor, as he has in committee. He has been a leader on constitutional issues since he arrived in the Senate. I thank him for all he has done.

We heard from Senator KENNEDY. We heard from Senator MOYNIHAN, one of 11 Senators in this body who fought in World War II. We heard from Senator DODD, Senator DORGAN, Senator CONRAD, Senator DURBIN, Senator WELLSTONE, and so many others. All were thoughtful and constructive contributors to the debate.

In particular, I commend my dear and very special friend, TOM DASCHLE, Democratic leader, for his remarks closing this debate and also for his leadership throughout this debate.

Over the last 24 hours, we heard compelling statements—if I may single out a couple—from Senator BOB KERREY, Senator CHUCK ROBB, and Senator JOHN KERRY. Each of these men was an heroic veteran of the Vietnam war. Each was decorated for his bravery, and one had the highest decoration of this country, the Congressional Medal of Honor. Each of them rose to the defense of our freedoms. We have heeded their counsel. We have heeded their service, as we have our former colleague, Senator John Glenn, another American hero; Gen. Colin Powell, another American hero; our late colleague, Senator JOHN CHAFEE; and the many veterans who testified and contacted us urging that we preserve, protect, and defend the Constitution by not amending the first amendment to the Bill of Rights for the first time in the history of our great Nation.

I recognize the courage shown by the distinguished senior Senator from West Virginia, Mr. BYRD—Senator BYRD gave us a history lesson which will be studied long after all of us are gone—and the distinguished Senator from Nevada, Mr. BRYAN, who, during the course of consideration of this proposal, looked inside themselves, looked to the principles of this country and changed the position they had held before. I commend them for that. I thank them. Their legacy will include their dedication to the Constitution and their vote to uphold, protect, and defend it.

I thank Prof. Gary May, Keith Kruel, James Warner, Rev. Nathan Wilson, Prof. Robert Cole, the American Bar Association, People for the American Way, and the ACLU for their views.

I thank Maj. Gen. Patrick Brady and Lt. Gen. Edward Baca for their testimony opposed to the position I have taken today.

I commend Senate staff on both sides of the aisle, those for the amendment and those opposed. I think in this case I may be allowed to thank Bruce Cohen and Julie Katzman of my staff, who spent far more hours than this Senator had any right to ask them to spend on this in answering every question I ever asked, anticipating those I was not wise enough to ask, and always giving me good counsel. Bob Schiff, Andrea LaRue, Michaela Sims, and Barbara Riehle, they should be proud of their work and of the Senate's action today.

I would also like to thank my friend and Chairman, Orrin HATCH, who has fought so hard for this amendment over the years.

Mr. President, I see other Senators seeking recognition. I will yield the floor in one moment. Again, I thank all Senators on both sides of the issue for their dedication to this issue.

I yield the floor.

Mr. WARNER. Mr. President, we respect the comments of our colleague from Vermont. Recognition should also go to Senator HATCH. I realize Senator LEAHY also was about to speak on behalf of Senator HATCH. I want to recognize his efforts in working with the Senator from Vermont on this issue. The final vote was 63, and that is well beyond 50 percent of the Senate by which most issues are decided.

Mr. President, at this time, I notice the senior Senator from South Carolina on the floor. I ask unanimous consent that I be recognized following his presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PLIGHT OF ANDREI BABITSKY

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my concern about Andrei Babitsky, the accomplished Russian journalist who still faces serious charges in Russia after being held captive first by Russian authorities, then by Chechens, and now again by Russian authorities.

Mr. Babitsky has worked for the last 10 years for the U.S. government-funded broadcasting service, Radio Free Europe/Radio Liberty. He is well-known as one of the most courageous reporters who has covered the conflict in Chechnya. The skill and courage he demonstrated in his coverage of the conflict are clearly the major reasons for his continuing plight.

Russian authorities repeatedly expressed displeasure with Mr. Babitsky's reporting of Russian troop casualties and Russian human rights violations against Chechen civilians in the weeks leading up to his arrest. On January 8, his Moscow apartment was ransacked by members of the Federal Security Service, the FSB, which is the successor organization to the KGB. They confiscated film alleged to contain photos of dead Russian soldiers in Chechnya.

On January 16, Mr. Babitsky was seized by Russian police in the Chechen battle zone. After first denying that he was in their custody, Russian authorities claimed that Mr. Babitsky had been assisting the Chechen forces and was to stand trial in Moscow.

On February 3, the Russian government announced that Mr. Babitsky had been handed over to Chechen units in exchange for Russian prisoners, a violation of the Geneva Convention to which Russia is a party. Subsequently, Russian authorities claimed to have no knowledge of Mr. Babitsky's whereabouts. As it turns out, he was taken to a so-called "filtration camp" for suspected Chechen collaborators, then held at an undisclosed location by Chechen forces loyal to Moscow.

On February 25, Mr. Babitsky was taken to the Republic of Dagestan and told he was about to be freed. But authorities said he was carrying false identity papers, and they arrested and jailed him. Mr. Babitsky says the papers were forced on him by his captors in Chechnya and used to smuggle him over the border.

Facing international pressure to account for Mr. Babitsky's whereabouts since his disappearance, Russian authorities flew Mr. Babitsky to Moscow and released him on his own recognizance.

The allegations of assisting Chechen forces and carrying forged identity papers still stand against Mr. Babitsky. If convicted, he faces at least two years in prison on the identity papers charges alone. The State Department would like to see this case resolved. Radio Free Europe/Radio Liberty is seeking to have all charges against Mr. Babitsky dropped, and I strongly support this effort.

Article 19 of the Universal Declaration of Human Rights guarantees the right to seek and to impart information through the media, regardless of frontiers. Taking into custody any reporter, and transferring him to the custody of hostile forces, is a serious human rights violation and behavior unbefitting a democracy.

I urge the newly-elected Russian President, Vladimir Putin, to demonstrate his commitment to the principles of democracy and respect for human rights and freedom of the press by seeing to it that the trumped-up charges against Mr. Babitsky are dropped.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 28, 2000, the Federal debt stood at $5,733,741,907,422.83 (Five trillion, seven hundred thirty-three billion, seven hundred forty-one million, nine hundred seven thousand, four hundred twenty-two dollars and eighty-three cents).

Five years ago, March 28, 1995, the Federal debt stood at $4,849,996,000,000 (Four trillion, eight hundred forty-nine billion, nine hundred ninety-six million).

Ten years ago, March 28, 1990, the Federal debt stood at $3,051,947,000,000 (Three trillion, fifty-one billion, nine hundred forty-seven million).

Fifteen years ago, March 28, 1985, the Federal debt stood at $1,710,720,000,000 (One trillion, seven hundred ten billion, seven hundred twenty million).

Twenty-five years ago, March 28, 1975, the Federal debt stood at $508,988,000,000 (Five hundred eight billion, nine hundred eighty-eight million) which reflects a debt increase of more than $5 trillion—$5,224,753,907,422.83 (Five trillion, two hundred twenty-four billion, seven hundred fifty-three million, nine hundred seven thousand, four hundred twenty-two dollars and eighty-three cents) during the past 25 years.

ELECTIONS IN SENEGAL

Mr. FEINGOLD. Mr. President, I rise today to congratulate the people of Senegal on their recent democratic presidential elections. On March 19, the citizens of Senegal selected a new leader, Abdoulaye Wade of the Senegalese Democratic Party, in run-off elections for the presidency. This election was not just for show. The Senegalese people were not simply going through the motions of political participation. Rather this was a remarkable moment in Senegalese and African history. After 40 years of Socialist Party rule, the Senegalese people peacefully and democratically took control of their country's destiny and chose to make a change.

I also want to acknowledge the behavior of incumbent President Abdou Diouf, who has held power for two decades. President Diouf lost the vote, but he won the respect of champions of democracy worldwide when he accepted the choice of the voters and gracefully congratulated Mr. Wade on his victory. The manner in which he leaves office will be one of the richest elements of his legacy.

Mr. President, so often the only news that Americans hear from Africa is news of war and oppression, of flood and famine, of disease and drought. As a member of the Senate Foreign Relations Committee's Subcommittee on Africa, I have often come to this floor to speak about abuses and conflicts in the sub-Saharan region. But I have also spent enough time learning about Africa to know that small victories are won each day—in cities and villages across the continent, individuals, families, and communities are making real progress in their quest for a better future. This month the people of Senegal won a truly great victory, and it is my pleasure to call this Senate's attention to their achievement.

DEPOSIT INSURANCE FAIRNESS AND ECONOMIC OPPORTUNITY ACT

Mr. SANTORUM. Mr. President, Senator JOHN EDWARDS and I introduced S. 2293, the Deposit Insurance Fairness and Economic Opportunity Act. Also joining in this effort are Senators JESSE HELMS, FRANK MURKOWSKI, and KAY BAILEY HUTCHISON.

This bill is a continuation of an effort begun last year during consideration of S. 900, the now Gramm-Leach-Bliley Act. I offered an amendment on the Senate floor regarding the annual obligation that banks and thrifts pay into their respective deposit insurance funds to retire the debt on bonds issued by the Financing Corporation (FICO) in the late 1980s. This annual assessment for banks and thrifts totals nearly $800 million. This money is used to support the federal deposit insurance system consisting of the Bank Insurance Fund [BIF] and the Savings Association Insurance Fund (SAIF).

By law, banks and thrifts are required to contribute the equivalent of 1.25 percent of their deposits into the insurance funds for it to be considered capitalized. Presently, and for the last several years, these funds have met—and exceeded—that statutory requirement. For example, the SAIF steadily increased from 1.25 percent in 1996 to 1.45 percent in 1999. Similarly, the BIF rose from 1.34 percent in 1996 to 1.37 percent in 1999.

Over time, this situation has evolved where banks and thrifts are required to meet the annual obligation despite an overcapitalization of the insurance funds. In short, this is money that is leaving our communities that could be used for expanded lending in the areas of home buying, small business startups, and educational expenses. According to a former Federal Deposit Insurance Corporation [FDIC] Commissioner, every dollar available for capital can yield $10 in additional community lending. Therefore, it is projected that this bill could generate up to $8 billion in new loans each year.

To achieve the goals of requiring the banking community to meet their financial obligation to the funds; maintain the safety and soundness of the deposit insurance funds; and allow needed dollars to remain in our communities, Senator EDWARDS and I have proposed the following in S. 2293: (1) Raise the designated reserve ratio of the deposit insurance funds from the current 1.25 percent of assets to 1.4 percent of assets. This will provide an enhanced buffer in the deposit insurance funds to ensure their continued safety and soundness; (2) Allow funds in excess of the 1.4 reserve ratio to be used to pay the annual FICO obligation; (3) Allow money to be returned to banks and thrifts on a pro-rata basis when the debt is retired on the FICO bonds in 2017. As mentioned before, the BIF and SAIF are overcapitalized, and continue to grow since the funds are invested in government bonds and generate investment income. The legislation specifies that only when both BIF and SAIF exceed the 1.4 reserve ratio can the excess be used to pay the annual assessment.

I believe the approach set out in S. 2293 is one of common sense. Congress required the two deposit insurance funds to be capitalized at a set level. The mandate was accepted and met by the bank and thrift industries, and growth in the fund has led them to exceed the original requirements. This legislation simply affirms that banks and thrifts must continue to meet their statutorily-required financial obligation, and if the deposit insurance funds are healthy and sound, then such excess dollars can be kept in their communities.

SUPREME COURT CASE OF DOE VERSUS SANTA FE INDEPENDENT SCHOOL DISTRICT

Mr. THURMOND. Mr. President, among the greatest traditions in my state and in many parts of the country are high school football games on Friday nights. These are very important events each fall in the lives of students and their families in countless communities.

These athletic activities often include a simple, non-denominational prayer to set the tone for the evening, and to promote good sportsmanship and safety for the students. These prayers are beneficial to students and spectators alike. Recently, prayer at high school football games in a Texas public school district was challenged as unconstitutional. The Fifth Circuit Court of Appeals held in a divided opinion that this practice violated the establishment clause of the First Amendment. The case is being considered by the Supreme Court today, and it is my hope that the Court will reverse this misguided decision.

I have long believed that non-denominational prayer should be permitted in public schools. I believe that our society for years has been going too far in trying to create a complete separation between church and state. The fact is that religion has always been a central part in the lives of Americans, and each generation seeks to pass these values on to their children. The courts should recognize the role of religion, and not try to separate it from every aspect of public life. Indeed, the government should encourage the expression of religious beliefs by our young people. We should not require them to check their religion at the door when they enter the school house or any other public building.

When I open the Senate each morning, we have our Chaplain deliver an opening prayer. I think it is vital that we start each day with this prayer. Yet, there is no more public building than the United States Capitol. Our children certainly should not be denied this same benefit at football games.

In the case the Supreme Court is considering, it is entirely clear that the prayer is not controlled or sponsored by the state. The prayer is conducted during an extracurricular activity, not during school hours. Also, the prayer is not led or controlled by teachers or school administrators. Rather, the students choose whether they wish to have prayer at their football game and, if so, which student will lead the prayer. The students make the decisions.

I hope that the Supreme Court will decide that the school's policy of permitting student-led, student-initiated prayer at football games does not violate the establishment clause. Student prayers at these events are a vital part of these traditions, and I sincerely hope the Court will agree.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

COMMENDING SENATOR THURMOND FOR HIS REMARKS ON SCHOOL PRAYER

Mr. WARNER. Mr. President, I commend our distinguished colleague from South Carolina for his excellent remarks. He speaks from the heart on that subject, as he does on all of his work in the Senate. It is a privilege for me and others to learn from him constantly.

Mr. THURMOND. I thank the Senator.

ADDITIONAL STATEMENTS

DEDICATION OF WILLIE MAYS PLAZA AT PACIFIC BELL PARK

• Mrs. BOXER. Mr. President, it is a pleasure to alert my colleagues to the March 31 dedication of Willie Mays Plaza at the new Pacific Bell Park in San Francisco. This dedication is the first in a series of events leading to opening day on April 11, when the hometown Giants begin a new era against their old rivals the Los Angeles Dodgers.

The opening of the new park is cause for great excitement among baseball fans in San Francisco, in California and throughout the country. Situated a short distance from downtown and directly on the Bay, Pacific Bell Park is both an architecturally stunning building and a state-of-the-art baseball facility. Notably, it is the first privately financed professional ballpark in the United States in 35 years. And unlike the Giants former home at Candlestick Park, PacBell Park is for baseball only.

Willie Mays Plaza is located at the main entrance to the park at Third and King Streets. In recognition of Willie Mays' number, the official address of the stadium is 24 Willie Mays Plaza. In addition, the plaza features 24 palm trees and a nine-foot bronze sculpture of the hall of famer. This handsome public space is a fitting tribute to a living legend.

It is very appropriate that the Giants have chosen to honor Willie Mays in this way. Arguably the greatest all-around player to ever play the game, if Willie Mays is not synonymous with baseball, he is certainly synonymous with the Giants. He began his career with the team in 1951 and made the move to San Francisco with the club in 1957. All told he played 20 years in a Giants uniform. Over the course of his fabled career, he hit 660 homeruns, had 3,283 hits and 1,903 runs batted in. And if this were not enough, he scored 2,062 runs, stole 338 bases, earned 12 consecutive Gold Gloves and had a career batting average of .302. A true student of the game, it is small wonder that Willie Mays remains a hero to countless fans the world over.

After a brief stint with the New York Mets at the very end of his career, Willie Mays soon returned to the Giants. Since his retirement in 1972, he has never strayed far from the game or the organization. He is currently Special Assistant to Giant's President Peter Magowan. In this capacity, he is an ambassador for the team at all manner of civic and charitable events.

On the field and off it, Willie Mays has always embodied dedication, teamwork and the pursuit of excellence. In naming this prominent part of Pacific Bell Park in his honor, the San Francisco Giants are assuring that the Say Hey Kid's example will grace this city, this team and its loyal fans for many years to come.•

TRIBUTE TO IOWA STATE UNIVERSITY AND DRAKE UNIVERSITY BASKETBALL TEAMS

• Mr. HARKIN. Mr. President, I wanted to take a moment to express my congratulations to and praise for the outstanding performance of both the men's and women's basketball teams at Iowa State University and the women's basketball team at Drake University this year. Drake concluded its season with a 23–7 record, while winning its fourth Missouri Valley Conference championship in the last six years and another automatic bid to the NCAA Tournament. Carla Bennet was named to the MVC All-Tournament team along with junior guard Kristin Santa. This year was Drake's seventh appearance in the tournament. The Bulldogs have advanced to the tournament four times in the last six years, with appearances in 1986, 1984, and 1982 as well so they continue a long, proud tradition.

Both Iowa State teams finished as regular season champions of the Big XII conference, then followed up that feat with convincing wins at the conference championship tournament, entitling each team to an automatic bid in the 2000 NCAA basketball tournaments. The men's championship was the university's first since 1945, when the conference was still the Big 6, while it was the first women's conference title since varsity women's basketball started at Iowa State in 1973. So these are great accomplishments.

Their achievements are exemplified by the selections of Marcus Fizer as a first-team All-American from the men's program and Stacy Frese as a second-team All-American from the women's program, but each team is much more than just its stars. Both All-Americans are complemented by strong position players throughout their respective teams, and neither team would have reached this pinnacle without the enthusiastic support of Iowa State's fans. On the weekend of the Big XII championships, held in Kansas City, a substantial portion of the city of Ames migrated south for that event, filling the arenas with loyal wearers of cardinal and gold, the team colors.

As an Iowa State graduate myself, I want to salute their accomplishments, including their fine performances in the NCAA tournaments. Both teams were active in the tournament through last weekend, the men losing in the regional finals and the women in the regional semifinals. We have a long, proud tradition of excellent basketball teams in the state of Iowa at the high school and college level, and Iowa State's 1999–2000 men's and women's basketball teams and the Drake women's team have shown themselves worthy of joining that pantheon. They're both great teams, and they did Iowa proud.•

CELEBRATING GREEK INDEPENDENCE DAY

• Mr. DURBIN. Mr. President, the annual March 25th celebration of Greek Independence Day commemorates the independence of Greece from 400 years of oppression under the Ottoman Empire. Greeks have made great contributions to the world in literature, philosophy, mathematics and government. The names of Homer, Socrates, Euclid and Alexander echo through the pages of world history. It was the Greek people who started the Olympic Games saying there was more honor in peaceful competition than in wars of conquest. The greatest gift Greek people have given the world, though, is a simple yet powerful idea that was born over 2,000 years ago. It is the idea that a nation's power lies in the hands of its people. The Athenian republic was the world's first democracy, a fact that all free nations must respect.

The bonds that join the United States and Greece are deep and long lasting. Our fore-fathers recognized the spirit and idealism of ancient Greece when drafting our Constitution. Forty-five years after our own revolution for independence, Greece freed itself with its own revolutionary struggle.

In every major international conflict of this century, Greece has been a proud ally of the United States. Honoring this day will pay special tribute to those Greek men and women who gave their lives for the common cause of freedom. Greek-Americans can especially take pride in their ancestors' sacrifice. The many Greek sons and daughters who have come to the United States have worked honorably in all areas of American life, including public service. Greek culture flourishes in American cities, adding to our country's rich diversity.

I hope Greece will resolve its differences with its Turkish neighbors over Cyprus. I hope all people in the region share in America's belief that this can be achieved through diplomacy instead of violence. Let us be mindful of the olive tree and the Olympic flame, the great symbols of Greece, and remember, too, that they are also symbols of peace.•

THE PEACE CORPS' 40TH ANNIVERSARY

• Mr. KENNEDY. Mr. President, at a recent event at the John F. Kennedy

Library in Boston, the Chairman of the Library Foundation, Paul G. Kirk, Jr., and the new Director of the Peace Corps, Mark Schneider, spoke of the importance of the Peace Corps as it launched its year-long, 40th anniversary celebration. Mr. Schneider announced a new initiative to expand the role of Peace Corps volunteers in bringing information technology to the task of reducing poverty in developing countries. He also outlined a plan to expand the Peace Corps' efforts to raise global awareness about HIV, the virus that causes AIDS.

It is fitting that this occasion was held at President Kennedy's library. In March 1961, President Kennedy launched the Peace Corps as a new idea to demonstrate that a new generation of Americans was moving into positions of leadership in the United States, and they intended to serve the cause of peace around the world.

The Peace Corps today continues its vital and thriving mission, with 7,400 volunteers serving in 77 countries, including recent missions in South Africa, Jordan, Mozambique and Bangladesh. In the past four decades, more than 150,000 Americans have served as Peace Corps volunteers in 134 countries, promoting peace, education, economic development and international cooperation.

Mr. President, I commend the significant current role of the Peace Corps in involving U.S. citizens in world affairs, and making the world a better place by their efforts. I ask consent that the addresses by Mark Schneider and Paul Kirk be printed in the Record.

The material follows:

Remarks of Paul G. Kirk, Jr.

Thank you, Jim. Good evening. I know this is a special occasion for all of you, but I want you to know that it is an equally special evening for those of us associated with the Kennedy Library. Like each of you, I am also a volunteer in an important cause. And in my responsibilities as Chairman of the Board of Directors of the John F. Kennedy Library Foundation, few privileges are as significant as having the honor to welcome home so many Peace Corps Volunteers to the nation's memorial to President Kennedy.

Senator Kennedy and Mark Schneider agreed that this Library, whose mission it is to honor John Kennedy's public life and career and to perpetuate his passion for service, is the most appropriate site at which to begin the celebration of the 40th Anniversary of the Peace Corps. And I congratulate you and I am delighted to welcome you all on behalf of the Kennedy Family, our Board of Directors and our dedicated staff.

Here in New England, as you know, we enjoy many seasons. At this time of year, we look forward to the springtime—a season when nature's energy bursts forth, when promise and hope are renewed—when opportunities seem limitless—and when a spirit of confidence and optimism make all of us, regardless of our age, feel younger than our years.

If it could be said that politics also has seasons, 40 years ago there began a season in our history that proved to be—and remains today—the height of America's political springtime—as the nation, renewed in energy, hope and idealism, responded to the patriotic call to service of the newly elected, youthful 35th President of the United States.

If, as I believe, his 1000 days were "the height of America's political springtime", then it must be said that the planting and the subsequent flowering of the Peace Corps epitomizes all that is the very best in the lasting legacy of that season of service.

On March 1, 1961, 6 weeks after his inauguration, upon signing the Executive Order establishing the Peace Corps, President Kennedy said he was convinced that "We have in this country, an immense reservoir of men and women—anxious to sacrifice their energies and time and toil to the cause of world peace and human progress."

He acknowledged that "life in the Peace Corps will not be easy," but he also promised it would be "rich and satisfying."

". . . (E)very young American who participates in the Peace Corps—who works in a foreign land"—he said, "will know that he or she is sharing in the great common task of bringing to man that decent way of life which is the foundation of freedom and a condition of peace."

40 years later, thanks to your service and what you continue to do, his words have a timeless quality.

Tonight, you begin your 40th Anniversary celebration at a Library and Museum that celebrates scholarship and service in John Kennedy's memory each day it opens its doors. His history and yours are preserved here for scholastic research.

We seek to perpetuate his inspiration and yours by the various activities and programs which take place here: the Profile in Courage Award, the Distinguished Foreign Visitors Programs, the forums and symposia promoting public discourse on the issues of our time, the 1st Pres. Debate of general election 2000 which we will co-host with the University of Massachusetts-Boston, the John F. Kennedy Library Corps a youth based community service and leadership program modeled after the Peace Corps itself.

Your own service in the Peace Corps and your presence here tonight speak the mission of the Kennedy Library. At a time when citizen participation, even voting, in the world's greatest democracy, is embarrassingly low, reminding others of the importance of service is at the core of our message.

No group can take greater pride in having lived President Kennedy's mantra that "each individual can make a difference, and all of us must try" than Peace Corps Volunteers. We are honored by your presence, and the country is honored by the difference you have made by your service, and we hope you'll return next year to wind up your anniversary celebration in the tone and spirit and at the place where it begins tonight.

In addition to marking your 40th Anniversary, tonight could also serve as the 30th Reunion of Mark Schneider and myself. As you know, Mark is the second returned Peace Corps Volunteer to head the agency. Upon his return from El Salvador, 30 years ago, Mark and I began working together in the Washington office of Senator Ted Kennedy. Mark came to Massachusetts for the Senator's 1970 campaign and tonight could probably tell you as much about the issues and demographics of this state as could the head of our Chamber of Commerce.

From those days to this, Mark has demonstrated the idealism, energy and leadership qualities reflecting the very best in a career of public service. In key posts at the Department of State, Pan American Health Organization, and at USAID, Mark's values, his leadership and commitment made a difference in the lives of hundreds of thousands of families in other lands who will never know his name.

I can tell you that the Peace Corps is in the hands of the best of individuals under the direction and leadership of a man whose name and values I know well and respect greatly. Please join me in a rousing New England Peace Corps welcome for the Peace Corps' able Director, Mark Schneider.

Mark, as a way of sharing and renewing and celebrating all that was begun by President Kennedy 40 years ago, on behalf of all of us here who seek to remind future generations of his inspiration and to perpetuate his challenge for sacrifice and service, I present this bust of John Kennedy to you, as Peace Corps Director, from the Kennedy Library and Foundation.

It is our hope that this bust will be displayed in the Director's Office not only commemorating this occasion and this Anniversary year but also reminding those in years to come that Peace Corps Volunteers will forever remain the best products of "the height of America's political springtime".

Remarks of Mark L. Schneider

I would like to begin by saying on behalf of all our Volunteers serving around the world and all of the thousands of returned Volunteers who continue to serve our communities here at home that we are deeply honored to celebrate the third annual Peace Corps Day at the John F. Kennedy Memorial Library. I cannot think of a more appropriate place to celebrate one of President Kennedy's most enduring legacies than this wonderful library.

I would like to express our deep gratitude to Brad Gerratt of the Kennedy Library, and Paul Kirk of the Kennedy Library Foundation, for their generous invitation and cosponsorship of this event. Let me also thank Doane Perry and the Boston Area Returned Peace Corps Volunteers for also cosponsoring the activities planned for Peace Corps Day in Boston today and tomorrow.

I also would like to say a special thanks to Senator Edward Kennedy, who could not join us but sends his best wishes. As some of you may know, I had the honor of working as a member of Senator Kennedy's staff some years ago. It is a privilege for me to call him both a friend and a mentor. Our country owes Senator Kennedy an enormous debt of gratitude for his years of distinguished public service, his enduring commitment to working people in our society, and his continuing support for the Peace Corps. The work still goes on. The hope has endured and the dream will never die.

Let me welcome all of the returned Volunteers in the audience and thank you for helping us celebrate Peace Corps Day. When President Kennedy signed the Executive Order establishing the Peace Corps on March 1, 1961, he said, ". . . we have, in this country, an immense reservoir of [such] men and women—anxious to sacrifice their energies and time and toil to the cause of world peace and human progress." And you have proved him right.

Over the years, more than 7,000 Peace Corps Volunteers have been recruited from Massachusetts and its many institutions of higher education. Indeed, just a few weeks ago, we released a list of the top 25 colleges and universities that have produced the most Peace Corps Volunteers currently serving overseas. Massachusetts can take great pride in the fact that Boston University and UMASS/Amherst were among those top 25 schools. Tufts, Williams and Brandies were among the top ten of small colleges and universities. Massachusetts also can take pride that it elected the first former Peace Corps Volunteer to the United States Senate in 1978, the late Sen. Paul Tsongas, who had served in Ethiopia. His daughter, Ashley, is carrying on the Peace Corps tradition, also serving in Africa.

I am delighted to be with you here at the Kennedy Library to give you a brief update on what is happening at the Peace Corps, to talk about Peace Corps, to talk about Peace Corps Day, and to announce a special initiative for the Peace Corps in the 21st century.

In my view, this is an exciting time to be associated with the Peace Corps. Let me tell you just a few of the many reasons why I say this.

Today, there are more than 7,000 Peace Corps Volunteers serving in 77 countries. In the last month, I have had the chance to visit with some Peace Corps Volunteers in Guatemala, Honduras, El Salvador, Guinea, Togo, Ghana and Bulgaria. I am pleased to report that they are doing outstanding development work to improve the lives of people in their communities.

In Guinea, I met with Volunteers who had worked with an NGO and the public health ministry helping to end female genital mutilation, and who convinced an entire area to give up the practice when the women excisers were given an alternative way to earn income. Another Volunteer who had been stung by a bee turned that experience into a women's micro enterprise project that is exporting honey to neighboring countries. I also saw teachers who were helping prepare the next generation of leaders. In Togo, I saw a Peace Corps Volunteer working with a local NGO where skits kept 300 high school students mesmerized as they learned of the killing nature of HIV/AIDS and how to prevent its transmission.

In Ghana, I met Melinda Patterson from Watertown, Connecticut. She is helping her community, Mafia-Dove, build a school. She has also organized a women's water and sanitation committee to introduce clean water and latrines into their community to break the transmission cycle of water-borne diseases that needlessly kill thousands of Ghanaian children under the age of five, each year. I had a special introduction to that community when I was greeted by a celebration there last week. A deputy chief from the EWE tribe formally welcomed me, and as loin-clothed dancers performed, the water-sanitation committee women placed a beaded peace bracelet on my arm and sprinkled it with good luck powder. They understand well the balance between tradition and modern technology and were helpful that the new electric power mainline nearby would reach their community soon.

Across Ghana, Volunteers are working with small businessmen, teaching thousands of high school students and collaborating with their local communities to promote eco-tourism and protect bio-diversity, from protecting the last hippopotamus, to securing national park status for a unique monkey preserve.

My pride in the work of Volunteers was matched by that of the country's leaders. The Ghanaian Vice President—as did almost all leaders I met—recalled the name of a volunteer who had taught him math two decades earlier. He said that Peace Corps Volunteers, then and now, go to the most distant and difficult communities, places where some of his own countrymen will not live. The Volunteers provide an example of service, of sacrifice. He said we all need to learn that you have to "die a little bit" to help the country progress.

In Bulgaria, where the historic transition to democracy is barely a decade old and where environmental awareness is just awakening, I met Jeremy West, a forestry volunteer from North Carolina working in the beautiful town of Etropole, nestled against snow-capped mountains. In an open town meeting, the mayor and council approved Jeremy's plans, developed with local teenagers, to turn the former communist party headquarters into an environmental resource center where young people will help spotlight the area's bio-diversity and the threat of pollution.

The Peace Corps is alive and well and keeping faith with its legacy. That is why it remains one of the most effective, best-known and widely accepted international volunteer organizations in the world. Each year, we continue to receive more than 100,000 inquiries from people interested in serving in the Peace Corps. We have strong bipartisan support in Congress, and earlier this year, President Clinton proposed a $30 million increase for our budget.

Those funds are crucial if we are to keep pace with the bi-partisan decision of the Congress, approved last May, to support President Clinton's proposal to restore the Peace Corps to 10,000 Volunteers.

We also are strengthening our ties to Returned Peace Corps Volunteers. After their overseas service, many returned Volunteers continue to serve their own communities through countless volunteer activities. And we thank those of you who help us recruit new Volunteers. Over the next 12 months, we look forward to working with returned Volunteers here in Boston and across the country, as well as with the National Peace Corps Association and other friends of the agency, on plans to celebrate our 40th anniversary in 2001.

Peace Corps Day was started three years ago to shine a spotlight on the agency, the development work of our Volunteers around the world, and the continuing service that returned volunteers across the country bring to their communities here in the United States. And it's been an extraordinary success.

I am pleased to report that tomorrow, according to our best estimates, nearly 12,000 returned Peace Corps Volunteers and educators will lead classroom presentations to more than 500,000 students in our nation's classrooms on Peace Corps Day. These presentations enable young people to learn about what it is like to live in another country, to learn another language, and adapt to a new culture.

Tomorrow, I will visit Woodrow Wilson Elementary School in Framingham, where State Senator David Magnani and I will talk about our own Peace Corps experiences in Sierra Leone and El Salvador. I also will make a trip to Maria Royston's classroom at the Placentino Elementary School in Holliston. Maria, who is here with us tonight, served as a Peace Corps Volunteer in Cameroon. She, another returned Volunteer, Tasha Ferraro, and I will speak with her students and then make an international telephone call to a Peace Corps Volunteer who is serving as a teacher in the west African nation of Burkina Faso. This Volunteer, Molly Shabica, who hails from Providence, helps bring the world back home throughout the year by participating in the Peace Corps' outstanding program, World Wise Schools, which links more than 7,000 teachers here at home to Peace Corps Volunteers serving overseas.

As returned Volunteers speak about their Peace Corps experience, I think the visits they make to classrooms in their communities tomorrow will promote an even larger purpose for our nation's young people: these returned Peace Corps Volunteers stand as examples of the ideal of service. Over the years, virtually every American who has taken the oath to become a Volunteer, and returned home after two years, transforms that oath into a lifetime pledge of public service. This ideal is at the heart of the Peace Corps, and it is what has motivated more than 150,000 of our citizens to answer President Kennedy's call to serve our country and the world.

So I want to thank every returned Volunteer who is participating in Peace Corps Day here in New England and in cities and towns across our country. They are continuing that legacy.

Since I became Director of the Peace Corps, I have thought a lot about what our Volunteers have accomplished over the last 39 years, and what they are doing today in this new and exciting century. We have established a great legacy and tradition of service. Our Volunteers do much to strengthen the ties of friendship and international understanding between Americans and the people of other countries.

If there has been a change over the past four decades, I believe it may be the following. Today's Peace Corps Volunteers have a unique capacity to produce an even greater development impact than their predecessors. They possess new skills and talents that can help the communities where they serve, bridge the digital divide. Our Volunteers can bring the power of information technology to enable hundreds of thousands of people in developing countries learn more, live healthier lives, and earn more income.

Most of our Volunteers who are serving in the Peace Corps are comparative experts in information technology, and many of them already are pioneering computer access in some of the poorest communities in the world.

For instance, Peace Corps Volunteers are helping to set up a cyber cafe in Senegal and a millennium computer literacy project in Ghana for small businesses, that has won international awards. One innovative education Volunteer in Kenya powered his laptop with abandoned solar panels so he could surf the Net in order to help prepare his lesson plans for his students.

A few weeks ago during my trip to Central America, I met an outstanding senior Volunteer who had spent 40 years as a marketing executive at the Goodyear tire company. He served two years as a business Volunteer in Ukraine. Today, he is in his second tour as a business Volunteer in Guatemala, where he is working with a small company that helps Mayan women's cooperatives expand their markets and improve their products. He taught them how to make a web page that now is advertising their traditional fabrics in the E-commerce marketplace.

In Bulgaria, I met Allison Rainville, Angela Roe, and Heidi Berbee. Allison from North Andover, Massachusetts, is teaching English to students in the town of Bourgas. But she also is working with the Bulgarian Red Cross to provide basic computer training to Red Cross workers. Angela, from Stockbridge, Georgia, is working on community economic development and she is helping her business students link into the Internet for the first time and teaching them how to make their own web page. Heidi, from Minnetonka, Minnesota, is teaching students to use the Internet for research and is giving some of her female students an opportunity to learn about government by e-mailing mayors to ask them about their jobs.

These are just several examples of how Volunteers are using technology to help their communities develop and prosper. But I believe that more can be done. History has taught us that whenever technological advances are made—whether it is electricity, telephones, or modern modes of transportation—the poor tend to benefit last. Globalization is having the same impact. As the developed world moves forward every day with even new advances in technology, the poorest countries and the poorest communities in each country are left farther behind, largely because of lower educational levels. Our Volunteers, with their computer skills and presence in some of the smallest towns can help alter that reality.

That is why I am announcing today a new initiative that will expand the role that our Volunteers play in bringing the power of information technology to the task of poverty reduction. I am asking the Peace Corps' staff at our headquarters and at our overseas posts to place a new and more coordinated focus on technology and develop specific Volunteer projects that will expand the use of information technology, computers, and the Internet in developing countries.

For instance, we will see what more our Volunteers can do to help micro-entrepreneurs explore new markets through technology. Volunteers can work with farmers to use information technology for improving agricultural practices. They can help local health workers use technology to monitor immunization programs for children. Peace Corps Volunteers and teachers can find new ways to bring the Internet into more classrooms. They can work on a wider basis with municipal governments, non-governmental organizations, environmental groups, and youth organizations to bring the power of technology to bear on local problems.

This technology initiative will, in my view, simply give Volunteers the green light to innovate, in bridging the digital divide, while remaining true to the core mission that President Kennedy set out for the Peace Corps—to help the people of the developing world help themselves.

Information technology is not a development panacea to solve the many challenges that confront the world's poorest countries. But it can contribute to new solutions. Nor am I suggesting that the Peace Corps can or should become the financier for computers. That is the task of others.

But the technology skills of Peace Corps Volunteers can, where appropriate, play a significant role in introducing technology to their overseas communities. Our Volunteers can serve as advisers, collaborators, and facilitators for their communities and their counterparts. In that way, the many technology projects that are financed by other organizations can become accessible to students and businesses that are not in the main square of capital cities, but at the end of the road in distant villages.

I also would like to challenge America's information giants to expand their cooperation to respond to computer projects that Volunteers, in collaboration with their students, communities and counterparts, are beginning to develop around the world.

After my trip these last two weeks, I feel even more strongly about two other issues that I also would like to highlight today. Both are global in nature but each impacts with greatest urgency in Africa.

First, I come here with a great sadness, concern and determination to do something more about the horrendous destruction being caused by HIV/AIDS in Africa. The spread of AIDS is inflicting a terrible and devastating toll on millions of innocent people and preventing many countries from consolidating their gains in economic and social development. Last year, ten times as many people died of AIDS in Africa as were killed in all the continent's wars combined. It will soon double child mortality and reduce life expectancy by 20 years.

The magnitude of the HIV/AIDS devastation is hard to comprehend fully. UNAIDS and other international health organizations report that of the 33.4 million cases of HIV/AIDS reported worldwide; 23.5 million of them are in Africa. There are 7.8 million AIDS orphans, and while the average infection rate in sub-Saharan Africa among adults is 8%, it ranges in some countries up to 26%. Africa has 10% of the world's population and 70% of the world's HIV/AIDS. Already, an estimated 13.7 million Africans have lost their lives to AIDS.

There is no greater humanitarian crisis. There is no greater development obstacle. There is no greater political challenge than adopting effective HIV/AIDS prevention and control strategies in Africa.

For that reason, I was pleased that the country directors in Africa all agreed to explore how to incorporate a health education component on HIV/AIDS into every program. Almost all of our programs in health do. Now we must take the next step. We simply have to find additional ways to assist the countries where we serve to do even more in their efforts to reduce the spread of AIDS.

Secondly, three decades ago, Peace Corps Volunteers played an important role in the successful international effort to eradicate smallpox. More recently, they have made significant contributions to the world's efforts to eradicate Guinea worm.

Today, the World Health Organization, UNICEF, and Rotary International are embarked on a major project to eradicate polio by the year 2005. Given that many of our Volunteers serve in remote areas of their countries, Peace Corps will seek to become part of this international effort to eradicate polio. Some of our Volunteers already help organize immunization campaigns in their villages. We will be expanding these immunization efforts in countries where the threat of polio still exists, collaborating with national immunization efforts that are part of the global campaign. The Peace Corps would be making yet another enormous contribution to protecting children from the devastating impact of a preventable disease.

President Kennedy said in his second State of the Union, "I sometimes think that we are too much impressed by the clamor of daily events. . . . Yet it is the profound tendencies of history and not the passing excitement that will shape our future." The Peace Corps has been addressing those profound tendencies of history over the past four decades. With your help, I have no doubt that Volunteers will continue to do so as we enter this 21st century.

So as I said a few moments ago, this is an exciting time to be a part of the Peace Corps. I am thrilled to be its Director and I am delighted that so many of you could be here with us to celebrate Peace Corps Day.

Thank you very much.•

HOPE NETWORK, S.E. FIFTH ANNIVERSARY CELEBRATION

• Mr. ABRAHAM. Mr. President, I rise today to recognize Hope Network, S.E., an organization which will hold its Fifth Anniversary Celebration on April 9, 2000. Since it opened in 1994, Hope Network, S.E. has provided disabled and disadvantaged individuals of Oakland, Macomb, and Wayne Counties not only with places to live, but, more importantly, with communities to live in.

Hope Network, S.E. is a member organization of the Hope Network, which employs more than 2000 people and operates from more than 130 different locations throughout the state of Michigan. The mission of Hope Network is to enhance the dignity and independence of people who have disabilities and/or are disadvantaged. The foundation of its efforts is the belief that every individual is created in the image of God and therefore has intrinsic worth and dignity.

The primary goal of Hope Network, S.E. is to provide the highest quality of living for people with disabilities. This is done by respecting the dignity and independence of these individuals, by giving them the opportunity to offer input and make decisions about their own personalized plan of service. The success of Hope Network, S.E. lies in this process, for it is a process which encourages disabled individuals to become involved in community and social activities.

Part of the Fifth Anniversary Celebration is an art show and auction. The pieces of art on display were created at The Art Experience, a gallery in Oakland County which offers art therapy for mentally ill individuals. Its biggest client, not surprisingly, is Hope Network, S.E. Employees of Hope Network, S.E. transport individuals, men and women who usually do not like to stray far from their homes, twenty-five miles to The Art Experience. I am told that it is a place where disabilities, though they do not disappear, are briefly forgotten.

Mr. President, I applaud Hope Network, S.E. Executive Director Pat Crandall, and her many employees and volunteers, for five years of successful service to Oakland, Macomb and Wayne Counties. Their dedication and selfless efforts have touched numerous lives and indelibly left their mark on these communities. On behalf of the entire United States Senate, I wish Hope Network, S.E. a happy fifth anniversary. I hope that the coming years are as successful as the first five have been.•

WAYNE METRO DIVISION OF THE OFFICE OF JUVENILE JUSTICE HONORS MS. DIANE RANSOM-McGHEE

• Mr. ABRAHAM. Mr. President, I rise today in honor of Ms. Diane Ransom-

McGhee, who on March 31, 2000, will be honored by the Wayne Metro Division of the Office of Juvenile Justice for twenty-seven years of service to the families and children of the State of Michigan. Early in her life, Ms. Ransom-McGhee decided that she wished to work in the field of Human Services, and over the past twenty-seven years she has continually demonstrated not only a love for helping people, but also impressive leadership capabilities.

Ms. Ransom-McGhee has worked at a number of organizations in the Detroit metropolitan area: from 1972 to 1979 she worked at the Wayne County Department of Social Services, from 1979 to 1986 she worked as a Child Welfare Specialist at the State of Michigan Children Youth and Services, from 1988 to 1989 she worked as the Director of the Monte Vista Reception Center, from 1989 to 1994 she worked as a Clinical Director in the State of Michigan Burton Youth Reception Center, from 1994 to 1997 she worked as the Administrative Director of Wayne Metro Day Treatment Services for juvenile delinquents, and in 1997 she returned to Burton Youth Reception Center to serve as its Director.

In addition to her work in the Human Services field, Ms. Ransom-McGhee has a number of outside interests. She is a board member of the State of Michigan Judiciary Detention Association; she is a Youth Counselor Consultant of the Girl Scouts of America; she is an Advisor Consultant of the National Association for the Advancement of Colored People Youth Council, she is a sponsor of the N.A.A.C.P. Black College Tour and Mentorship program; and she is a Youth Minister and Sunday School teacher at the New Hope Missionary Baptist Church.

Ms. Ransom-McGhee has received several awards for her dedication to her work and to her community. In 1996, she received the Pastoral Community Service Award. In 1997, she received the Director of the Year Award from the State of Michigan Office of Juvenile Justice. And in 1998, the city of Southfield, Michigan, awarded her with its Community Pride Award.

On April 1, 2000, Ms. Ransom-McGhee will assume new duties as Assistant Division Director at the Wayne County Juvenile Detention Center. Mr. President, I applaud Ms. Ransom-McGhee for her dedication to her job and her tireless work over the past twenty-seven years. She is a role model for us all. On behalf of the entire United States Senate, I wish her the best of luck in her new position.●

SOUTHEASTERN MICHIGAN CHAPTER OF THE AMERICAN RED CROSS SEVENTH ANNUAL RHAPSODY IN RED MASQUERADE BALL

● Mr. ABRAHAM. Mr. President, on April 1, 2000, the Southeastern Michigan Chapter of the American Red Cross will hold its seventh annual Rhapsody in Red Masquerade Ball, a celebration which allows its patrons to enjoy themselves and to support one of the most noble causes our country has ever known at the same time. I rise today not only to honor this occasion, but also to bestow praise and thanks upon an organization that truly deserves both.

Since 1994, this annual gala has raised over one million dollars for the Southeastern Michigan Chapter. The Rhapsody in Red Masquerade Ball plays a significant role in allowing this chapter to continue its disaster relief efforts in Macomb, Oakland, and Wayne counties. The annual event also provides members of the community with an opportunity to recognize the tireless efforts of the administrative staff and the volunteers of the Southeastern Michigan Chapter, and to appropriately thank them for these efforts.

In 1999 alone, the Southeastern Michigan Chapter provided disaster relief to more than 6,000 individuals. More than 14,000 volunteers offered their time to the chapter, collectively working more than 500,000 hours. I am proud to say that, of the fifty states, Michigan ranks fourth in the nation for exporting volunteers into emergency zones, and the efforts and organization of the Southeastern Michigan Chapter undoubtedly play a role in this success. In addition, through its Blanket Days for the Homeless Campaign, an operation spearheaded by fourteen volunteers, the Southeastern Michigan Chapter collected over 13,000 blankets, which were then distributed to seventy homeless shelters in Wayne, Oakland and Macomb counties. Recently, in response to an increase in residential fires, the Southeastern Michigan Chapter maintained 24-hour Disaster Action Teams, formed from a pool of sixty-four trained volunteers.

Mr. President, as I was preparing this statement I was reminded once again of the essential role the American Red Cross plays in our communities. Born from the mythic efforts of Clara Barton during the Civil War, the organization currently has more than 1.3 million volunteers working underneath its banner, providing disaster relief services for victims of more than 66,000 disasters per year. More importantly, the American Red Cross still holds firm to the principles it was founded upon. Its mission remains to prevent and alleviate human suffering wherever it may be found. That is why, when things are at their worst, it continues to be the American Red Cross and its volunteers that are there to make them better.

Mr. President, I applaud the administrative staff and volunteers of the Southeastern Michigan Chapter of the American Red Cross for their remarkable efforts. Every day they remind the people of Michigan that the spirit of Clara Barton is alive and well. On behalf of the entire United States Senate, I hope that the Red Rhapsody Masquerade Ball is a success for a seventh time.●

IN RECOGNITION OF YOUTH CONNECTION, DETROIT, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize Youth Connection, a strategic, non-profit prevention campaign with a ten-year goal of reducing youth violence, substance abuse and early sexual activity in Detroit, Michigan. The organization was founded to provide the youth of metropolitan Detroit with a sense of belonging to the present, and also with a sense of hope and inspiration for the future.

Presently, in coordination with Detroit Public Schools, Mt. Clemens Community Schools and the School District of Pontiac, Youth Connection is promoting an activity called Free 4 the Weekend, which encourages students within these districts to remain drug free during a designated weekend in April.

Mr. President, statistics tell us that eighty-seven percent of high school seniors report using alcohol. In addition, middle and high school students drink nearly thirty-five percent of all wine coolers consumed in the United States. These patterns have devastating consequences. Research shows that most youth misconduct and violence takes place after school between the hours of 3 p.m. and 8 p.m. It is my belief that by supporting and enhancing after school programs, expanding the "Safe Night" initiatives in partner communities, and expanding youth leadership programs and activities, we can enhance the quality of life for all metropolitan Detroit youth.

Mr. President, with Alcohol Awareness Month just a few days away, I applaud Youth Connection for encouraging the youth of metropolitan Detroit to remain sober. On behalf of the entire United States Senate, and also the State of Michigan, I would like to thank them for their efforts.●

MESSAGES FROM THE HOUSE

At 11:41 a.m., a message from the House of Representatives, delivered by Ms. Niland, once of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 910. An act to authorize the Secretary of the Army, acting through the Chief of Engineers and in coordination with other Federal agency heads, to participate in the funding and implementation of a balanced, long-term solution to the problems of groundwater contamination, water supply, and reliability affecting the San Gabriel groundwater basin in California, and for other purposes.

H.R. 1279. An act to designate the Federal building and United States post office located at 236 Sharkey Street in Clarksdale, Mississippi, as the "Aaron E. Henry Federal Building and United States Post Office."

H.R. 2412. An act to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 269. Concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

H. Con. Res. 292. Concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

ENROLLED BILL SIGNED

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 910. An act to authorize the Secretary of the Army, acting through the Chief of Engineers and in coordination with other Federal agency heads, to participate in the funding and implementation of a balanced, long-term solution to the problems of groundwater contamination, water supply, and reliability affecting the San Gabriel groundwater basin in California, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1279. An act to designate the Federal building and United States post office located at 236 Sharkey Street in Clarksdale, Mississippi, as the "Aaron E. Henry Federal Building and United States Post Office"; to the Committee on Environment and Public Works.

H.R. 2412. An act to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan; to the Committee on Foreign Relations.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 269. Concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read and placed on the calendar.

H. Con. Res. 292. Concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China.

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8217. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to the National Park System; to the Committee on Energy and Natural Resources.

EC-8218. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Community Access to Health Care Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-8219. A communication from the Secretary of Labor and the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled "Energy Employee Protection Amendments of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-8220. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (Docket No. 94F-0334, received March 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8221. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 98F-0567, received March 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8222. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Docket No. 99F-5523, received March 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8223. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (Docket No. 99F-0298, received March 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8224. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (Docket No. 99F-0126, received March 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8225. A communication from the Secretary of Labor, transmitting, pursuant to law, the 1998 annual report of the Employee Retirement Income Security Act; to the Committee on Health, Education, Labor, and Pensions.

EC-8226. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of Pay-As-You-Go Calculations; to the Committee on the Budget.

EC-8227. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Refugee Resettlement Program: Requirements for Refugee Cash Assistance, and Refugee Medical Assistance" (RIN0970-AB83), received March 27, 2000; to the Committee on the Judiciary.

EC-8228. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report relative to waivers granted to aviators who fail to meet the operational flying duty requirements; to the Committee on Armed Services.

EC-8229. A communication from the Assistant Secretary of Defense, Command, Control, Communications, and Intelligence, transmitting, pursuant to law, a report relative to software development; to the Committee on Armed Services.

EC-8230. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees; Export Certificate Endorsements" (Docket #98-003-2), received March 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8231. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Poultry Meat and Other Poultry Products from Sinaloa and Sonora, Mexico" (Docket #98-034-2), received March 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8232. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Increase in Fees for the Federal Seed Testing and Certification Services" (LS-99-06), received March 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8233. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999-2000 Marketing Year" (FV00-985-3 IFR-A), received March 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8234. A communication from the Regulatory Liaison, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Fees for Official Inspection and Weighing Services" (RIN0580-AA69), received March 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8235. A communication from the Regulatory Liaison, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Fees for Rice Inspection" (RIN0580-AA70), received March 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8236. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL #6568-8), received March 27, 2000; to the Committee on Environment and Public Works.

EC-8237. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama" (FRL #6568-6), received March 27, 2000; to the Committee on Environment and Public Works.

EC-8238. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phase 2 Emission Standards for New Nonroad Spark-Ignition Handheld Engines At or Below 19 Kilowatts and Minor Amendments to Emission Requirements Applicable to Small Spark-Engines and Marine Spark-Engines" (FRL #6548-2), received March 27, 2000; to the Committee on Environment and Public Works.

EC-8239. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report for fiscal year 1999; to the Committee on Environment and Public Works.

EC-8240. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701.21(c)(3); Organization and Operations of Federal Credit Unions", received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8241. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 790; Description of NCUA; Requests for Agency Action", received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8242. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 741.4; Insurance Premium and One Percent Deposit", received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8243. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701.34; Organization and Operations of Federal Credit Unions; Secondary Capital", received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8244. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000-18), received March 27, 2000; to the Committee on Finance.

EC-8245. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transfer of Qualified Replacement Property to a Partnership" (Rev. Rul. 2000-18), received March 27, 2000; to the Committee on Finance.

EC-8246. A communication from the Regulations Officer, Social Security Administration transmitting, pursuant to law, the report of a rule entitled "CFR Corrections" (RIN0960-AF04), received March 27, 2000; to the Committee on Finance.

EC-8247. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-8248. A communication from the Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-8249. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation relative to the Highway Trust Fund; to the Committee on Commerce, Science, and Transportation.

EC-8250. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation relative to motor vehicle safety standards; to the Committee on Commerce, Science, and Transportation.

EC-8251. A communication from the Assistant Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export Administration Regulations Entity List: Removal of Entities" (RIN0694-AB73), received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8252. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions to Fishing Activities" (RIN0648-AN45; Docket No. 991207322-9328-02), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8253. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-AN30; Docket No. 991207322-9322-01), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8254. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-AN30; Docket No. 950427117-9378-11), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8255. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Fee System for Repayment of the Loan to Harvesters of Pollock from the Directed Fishing Allowance Allocated to the Inshore Component under Section 206(b)(1) of the American Fisheries Act" (RIN0648-AN34), received March 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8256. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Closure in Statistical Area 630 Outside the Shelikof Strait Conservation Area in the Gulf of Alaska", received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8257. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Stellar Sea Lion Critical Habitat in the Western Aleutian District of the Bering Sea and Aleutian Islands", received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8258. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closes B Season Pollock Directed Fishing in Statistical Area 610 of the Gulf of Alaska", received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8259. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Effective Date of Red Snapper Bag Limit Reduction" (RIN0648-AM73), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8260. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Interim

Rule to Increase the Minimum Size Limit for Red Snapper in the Exclusive Economic Zone (EEZ)of the Gulf of Mexico from 15 inches (38.1 cm) to 18 inches (45.7 cm) for Persons Subject to the Bag Limit" (RIN0648–AM71), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8261. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Pass Manchac, LA (CGD08–00–003)" (RIN2115–AE47) (2000–0016), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8262. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Pine River (Charlevoix, MI) (CGD09–00–001)" (RIN2115–AE47) (2000–0014), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8263. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Saint Pete Beach, FL (COTP Tampa 00–016)" (RIN2115–AA97) (2000–0005), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (74); Amdt. No. 1982 ¦3–23/3–27¦" (RIN2120–AA65) (2000–0018), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (6); Amdt. No. 1983 ¦3–23/3–27¦" (RIN2120–AA65) (2000–0019), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (78); Amdt. No. 1981 ¦3–23/3–27¦" (RIN2120–AA65) (2000–0017), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of the Prohibition Against Certain Flights Within the Territory and Airspace of Serbia-Montenegro; Removal ¦3–24/3–23¦" (RIN2120–ZZ24), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Visual Flight Rules, Direct Final Rule; Request for Comments; FAA Docket No. 2000–7110 ¦3–24/3–23¦" (RIN2120–AG94), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Terrain Awareness and Warning System; Docket No. 29312 ¦3–29/3–27¦" (RIN2120–AG46), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Hobbs, NM; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–32 ¦3–24/3–27¦" (RIN2120–AA66) (2000–0079), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Corsicana, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 2000–ASW–01 ¦3–24/3–27¦" (RIN2120–AA66) (2000–0078), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Hobbs, NM; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–32 ¦3–24/3–27¦" (RIN2120–AA66) (2000–0079), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Alexandria England AFB, LA; Revocation of Class D Airspace, Alexandria Esler Regional Airport, LA; and Revocation of Class E Airspace Alexandria, LA; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–10 ¦3–24/3–27¦" (RIN2120–AA66) (2000–0076), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 2310. A bill to amend chapter 44 of title 18, United States Code, with respect to penalties for licensed firearms dealers; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. Kennedy, Mr. Frist, Mr. Hatch, Mr. Dodd, Mr. Enzi, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, Mr. Reed, Mr. Biden, and Mr. Durbin):

S. 2311. A bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 2312. A bill to amend title XVIII of the Social Security Act to provide for a moratorium on the mandatory delay of payment of claims submitted under part B of the medicare program and to establish an advanced informational infrastructure for the administration of Federal health benefits programs; to the Committee on Finance.

By Mr. SPECTER:

S. 2313. A bill to provide each Member of the Senate with an additional mail allowance sufficient to permit at least 1 mailing per fiscal year to each postal address in each county in the State of that Member where the Member holds and personally attends a town meeting; to the Committee on Rules and Administration.

By Mr. SMITH of New Hampshire (for himself, Mr. Mack, Mr. Graham, and Mr. McCain):

S. 2314. A bill for the relief of Elian Gonzalez and other family members; read the first time.

By Mr. MOYNIHAN (for himself, Mr. Reid, and Mrs. Boxer):

S. 2315. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM:

S. 2316. A bill to authorize the lease of real and personal property under the jurisdiction of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. Craig):

S. 2317. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. Craig, and Mr. Robb):

S. 2318. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself and Mr. Allard):

S. 2319. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare Prescription Drug Plan under which eligible medicare beneficiaries may elect to receive coverage under the Rx Option for outpatient prescription drugs and a combined deductible; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. Breaux, Mr. Frist, Mrs. Lincoln, and Ms. Snowe):

S. 2320. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. Snowe):

S. 2321. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas; to the Committee on Finance.

By Mr. McCAIN:

S. 2322. A bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes; to the Committee on Armed Services.

By Mr. McCONNELL (for himself, Mr. Dodd, Mr. Jeffords, Mr. Enzi, Mr.

ABRAHAM, Mr. BENNETT, Mr. ROBB, Mr. WARNER, Mrs. MURRAY, Mr. GORTON, Mr. HUTCHINSON, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. REED, Mr. KERRY, and Mr. LUGAR):

S. 2323. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act; read the first time.

By Mr. KOHL (for himself and Mrs. FEINSTEIN):

S. 2324. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2325. A bill to amend title 49, United States Code, to ensure equity in the provision of transportation by limousine services; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. BURNS):

S. 2326. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Ms. SNOWE, Mr. KERRY, Mr. BREAUX, Mr. INOUYE, Mr. CLELAND, Mr. WYDEN, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REED, Mr. SARBANES, and Mr. SCHUMER):

S. 2327. A bill to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself and Mr. KERREY):

S. Con. Res. 100. A concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2310. A bill to amend chapter 44 of title 18, United States Code, with respect to penalties for licensed firearms dealers; to the Committee on the Judiciary.

FIREARMS DEALER PENALTY FLEXIBILITY ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, today I rise to introduce the first in a series of several bills I will be proposing to provide law enforcement with the tools they need to enforce our current gun laws.

Let me be clear—I do believe that our current laws need to be enhanced. Too many loopholes allow too many criminals to circumvent the laws already in place. To that end, I will continue to work on legislation to further restrict criminals' access to deadly firearms.

But it is also clear that we can do better in enforcing the laws already on the books. As a result, today I am proposing legislation that will tighten up the enforcement of our current laws. The legislation I have sent to the desk, the Firearms Dealer Penalty Flexibility Act of 2000, will provide the Treasury Department, and the Bureau of Alcohol, Tobacco and Firearms, the ability to punish dealers according to the severity of their crimes.

I urge my colleagues to join me in this effort, and I hope the National Rifle Association is listening, too. It is time for that organization to stop just talking about enforcing our current gun laws, and to start supporting legislation to help in that process. So today I challenge the NRA to support this bill and others like it. For too long, opponents of gun control have talked about enforcement, while at the same time working to tie the hands of those that enforce the laws. It is time to move forward.

Now let me describe just what this legislation would accomplish.

Mr. President, under current law there exists only one penalty for firearms dealers who violate the law—revocation of their license. If a dealer violates the law, the ATF is left with only two options—permanently revoke the dealer's license, or do nothing.

The problem, of course, is that not every violation merits the permanent revocation of a dealer's license. The current law is like having the death penalty for every crime—from jaywalking to murder. We have graduated sanctions in the criminal law because different crimes merit different punishment.

In most instances, the ATF is understandably reluctant to destroy a dealer's livelihood—and the dealers know this. As a result, thousands of violations every year go unpunished.

Last year, ATF conducted 11,234 examinations, and reported 3,863 violations.

Yet only 20 licenses were actually revoked.

Almost 4,000 violations, just 20 revocations.

And this may have actually been the appropriate response. Again, not every violation is deserving of revocation. Many of these dealers are simply businessmen, who may have made one or two simple mistakes. Taking away their livelihood would be inappropriately harsh.

But at the same time, ATF has informed me that there are other dealers out there who are taking advantage of the current system. These dealers know that if they commit a violation, they probably won't even get caught—after all, with more than 100,000 dealers and only a few hundred inspectors, the odds of catching a dealer in the act are slim. And even worse than that, these dealers know that even if they are caught, and even if ATF does discover a violation or even a pattern of violations, it is very unlikely that anything will be done.

According to ATF, only the most egregious or repeat offenders are punished.

Mr. President, it was clearly not the intent of Congress when passing laws to regulate firearms dealers in this country that dealers would be effectively immune from those laws.

The current situation leaves law enforcement with little choice—if ATF revokes the license of every dealer that commits a minor violation, the NRA would be up in arms. But if they do the right thing under current law and allow dealers to stay in business, they are criticized for failing to enforce the current law.

Well the bill I propose today would put an end to this quandary, and allow the Treasury Department to impose the proper, proportionate penalties for the variety of violations currently on the books.

Specifically, this legislation, supported by the Administration, would do the following:

For willful violations of the law, this legislation would allow the Treasury Department to suspend or revoke a dealer's license, or to assess a fine of up to $10,000 per violation;

Those same penalties would be available for any dealer who willfully transfers armor piercing ammunition;

The legislation allows the Treasury Department to negotiate a compromise with a dealer at any time;

And the legislation outlines some clear, procedural protections for dealers—

A right to notice and opportunity for a hearing before any action is taken, so that the dealer may be made aware of the charges and seek to avert the action;

A right to written notice of any action taken, including the grounds upon which the action was based;

A right to a prompt hearing after a penalty is assessed, during which time the dealer can contest the outcome. This hearing must even be held at a location convenient to the dealer;

If the second hearing is not fruitful, the dealer has an additional right to appeal the decision of the Department to federal court, during which time any action is stayed.

Mr. President, these procedural safeguards prevent an aggressive agent from pursuing unfair penalties. There are at least three clear opportunities for an aggrieved dealer to make his or her case, including the right to appeal any decision to federal court.

As a result, I believe that this bill gives law abiding firearms dealers every opportunity necessary to protect themselves against unwarranted claims.

At the same time, this bill provides law enforcement with the variety of sanctions necessary to force true compliance with the laws already on the books. No more will rogue dealers flout the law knowing that no viable recourse is available to law enforcement.

Once this legislation passes, the punishment will finally fit the crime.

Mr. President, again I challenge the NRA and my colleagues to join me in moving this bill forward. We cannot continue to allow miscreant gun dealers to ignore the laws passed by this Congress.•

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. FRIST, Mr. HATCH, Mr. DODD, Mr. ENZI, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. REED and Mr. BIDEN):

S. 2311. A bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. JEFFORDS. Mr. President, it gives me great pleasure to join my colleagues today in introducing the Ryan White Comprehensive AIDS Resources and Emergency Act Amendments of 2000; a measure that will reauthorize a national program of providing primary health care services for people living with HIV and AIDS. I especially want to commend Senators HATCH and KENNEDY for the leadership they have provided since the inauguration of the legislation establishing the Ryan White programs over a decade ago. I also want to commend Senator FRIST whose medical expertise played a critical role in key provisions of the bill and continues to be an invaluable resource to our efforts on the range of health issues that come before the Senate. Finally, I want to acknowledge Senator ENZI's recognition of the growing burden that AIDS and HIV is having on rural communities throughout the country and the need to address those gaps in services.

Since its inception in 1990, the Ryan White program has enjoyed broad bipartisan support. When I looked back to the last time the Ryan White CARE Act was reauthorized in 1996, I was heartened to see that the measure had garnered a vote of 97 to 3 on its final passage. I urge my colleagues to examine this bill we are introducing today and to join me in working toward its passage.

With this reauthorization, we mark the ten years through which the Ryan White CARE Act has provided needed health care and support services to HIV positive people around the country. Titles I and II have provided much needed relief to cities and states hardest hit by this disease, while Titles III and IV have had a direct role in providing healthcare services to underserved communities. Ryan White program dollars provide the foundation of care so necessary in fighting this epidemic.

Fortunately, we have experienced significant success over the last decade, and especially over the last five years. The General Accounting Office recently released a report that found that CARE Act funds are reaching the infected groups that have generally been found to be underserved, including the poor, the uninsured, women, and ethnic minorities. In fact, these groups form a majority of CARE Act clients and are being served by the CARE Act in higher proportions than their representation in the AIDS population. The GAO also found that CARE Act funds support a wide array of primary care and support services, including the provision of powerful therapeutic regimens for people with HIV/AIDS that have dramatically reduced AIDS diagnoses and deaths.

Mr. President, there have also been successes in the reduction of HIV/AIDS among women, infants and children. During the last reauthorization, Congressman COBURN and our colleague, Senator FRIST, focused our attention on the needs of women living with HIV/AIDS and the problems associated with perinatal transmission of HIV. Since then, the CARE Act has helped to dramatically reduce mother-to-child transmission through more effective outreach, counseling, and voluntary testing of mothers at risk for HIV infection. Between 1993 and 1998, perinatal-acquired AIDS cases declined 74% in the U.S. In this bill, I have continued to support efforts to reach women in need of care for their HIV disease and have included provisions to ensure that women, infants and children receive resources in accordance with the prevalence of the infection among them.

Another key success has been the AIDS Drug Assistance Program. New therapies and improved systems of care have led to impressive reductions in the AIDS death rate and the number of new AIDS cases. From 1996 to 1998, deaths from AIDS dropped 54% while new AIDS cases have been reduced by 27%. However, these treatments are very expensive, do not provide a cure, and do not work for everyone.

Much has occurred to change the course of the AIDS epidemic since the last reauthorization. A whole new class of therapeutic drugs called antiretrovirals have been developed and people are living longer and the rate of increase of the number of new AIDS cases has begun to level off. AIDS, HIV, the people it infects and families that it has affected are not in the news today as often as they have been in the past. But for too many of us, this lack of bad news has created a false sense of complacency. The epidemic of HIV continues to grow, to infect whole new groups of people, and to expand both within our urban areas and beyond to our rural communities.

While the rate of decline in new AIDS cases and AIDS deaths is leveling off, HIV infection rates continue to rise in many areas; becoming increasingly prevalent in rural and underserved urban areas; and also among women, youth, and minority communities. Local and state healthcare systems face an increasing burden of disease, despite our success in treating and caring for people living with HIV and AIDS. Unfortunately, rural and underserved urban areas are often unable to address the complex medical and support services needs of people with HIV infection.

The bill being introduced today was developed on a bipartisan basis, working with other Committee Members, community stakeholders and elected officials at the state and local levels from whom we sought input to ensure that we addressed the most important problems facing communities of people with HIV infection. Earlier this month, I held a hearing before the Committee on Health, Education, Labor, and Pensions to learn whether the program has been successful and whether it needed to be changed. We received testimony from Ryan White's mother, Jeanne White, from Surgeon General David Satcher, from a person living with AIDS, as well as state and local officials familiar with the importance of this program. I especially want to commend Dr. Chris Grace of Vermont who testified as to the particular challenges of providing care to people living with HIV/AIDS in rural, and sometimes remote, parts of the country. It was clear from our witnesses' statements that, despite the successes, challenges remain.

To address these challenges, we have developed a bill that will improve access to care in underserved urban and rural areas. My bill will double the minimum base funding available to states through the CARE Act to assist them in developing systems of care for people struggling with HIV and AIDS. The bill also includes a new supplemental state grant that will target assistance to rural and underserved areas to help them address the increasing number of people with HIV/AIDS living outside of urban areas that receive assistance under Title I of the Act. Furthermore, these areas will be given preference for direct care grants and we have strengthened the AIDS Drug Assistance Program to supplement those States struggling to provide lifesaving drugs to their HIV/AIDS patients.

We have not changed the unique flexibility of CARE Act programs; it remains primarily a system of grants to State and local jurisdictions. States and EMAs will still decide how to best prioritize and address the healthcare needs of their HIV-positive citizens.

Today, there are few people who can say they have not been touched by this epidemic. Recently, I had the opportunity to visit with Jeanne White. We talked about the impact of this disease; about the loved ones it has taken, and the damage to the lives of those it has left behind—about the infected, and about the affected. We talked about her son Ryan, and about my good friend David Curtis of Burlington, Vermont, who testified before my committee in 1995, but who passed away just last year. As an advocate of the program and as a person living with AIDS, David helped me to understand the terrible impact of this disease. Ryan White and David and countless others, worked long and hard to ensure that all people affected by AIDS could receive both the care and compassion they deserve.

The AIDS epidemic, despite our success in developing treatments and providing systems of care, is still ravaging communities in this country. This program remains as vital to the public health of this nation as it was in 1990 and in 1996. As the AIDS epidemic reaches into rural areas and into underserved urban communities across the country, this legislation being introduced today will allow us to adapt our care systems to meet the most urgent needs in the communities hardest hit by the epidemic.

I intend to see this bill become law this year so that the people struggling to overcome the challenges of HIV and AIDS continue to benefit from high quality medical care and access to lifesaving drugs. We have made incredible progress in the fight against HIV/AIDS and I want to be sure that every person in America that needs our assistance, benefits from our tremendous advances.

Mr. President I ask unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References; table of contents.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Purpose; Amendments to Part A (Emergency Relief Grants)

Sec. 101. Duties of planning council, funding priorities, quality assessment.
Sec. 102. Quality management.
Sec. 103. Funded entities required to have health care relationships.
Sec. 104. Support services required to be health care-related.
Sec. 105. Use of grant funds for early intervention services.
Sec. 106. Replacement of specified fiscal years regarding the sunset on expedited distribution requirement.
Sec. 107. Hold harmless provision.
Sec. 108. Set-aside for infants, children, and women.

Subtitle B—Amendments to Part B (Care Grant Program)

Sec. 121. State requirements concerning identification of need and allocation of resources.
Sec. 122. Quality management.
Sec. 123. Funded entities required to have health care referral relationships.
Sec. 124. Support services required to be health care-related.
Sec. 125. Use of grant funds for early intervention services.
Sec. 126. Authorization of appropriations for HIV-related services for women and children.
Sec. 127. Repeal of requirement for completed Institute of Medicine report.
Sec. 130. Supplement grants for certain States.
Sec. 131. Use of treatment funds.
Sec. 132. Increase in minimum allotment.
Sec. 133. Set-aside for infants, children, and women.

Subtitle C—Amendments to Part C (Early Intervention Services)

Sec. 141. Amendment of heading; repeal of formula grant program.
Sec. 142. Planning and development grants.
Sec. 143. Authorization of appropriations for categorical grants.
Sec. 144. Administrative expenses ceiling; quality management program.
Sec. 145. Preference for certain areas.

Subtitle D—Amendments to Part D (General Provisions)

Sec. 151. Research involving women, infants, children, and youth.
Sec. 152. Limitation on administrative expenses.
Sec. 153. Evaluations and reports.
Sec. 154. Authorization of appropriations for grants under parts A and B.

Subtitle E—Amendments to Part F (Demonstration and Training)

Sec. 161. Authorization of appropriations.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Institute of Medicine study.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Purpose; Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: ", including providers of housing and homeless services"; and

(B) in paragraph (4), by striking "shall—" and all that follows and inserting "shall have the responsibilities specified in subsection (d)."; and

(2) by adding at the end the following:

"(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

"(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

"(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

"(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

"(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

"(D) Priorities of the communities with HIV disease for whom the services are intended.

"(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

"(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

"(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

"(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

"(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

"(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

"(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

“(e) Process for Establishing Allocation Priorities.—

“(1) In general.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

“(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

“(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

“(2) Exception.—Grantees under subsection (d)(1)(A) shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).”.

SEC. 102. QUALITY MANAGEMENT.

(a) Funds Available for Quality Management.—Section 2604 (42 U.S.C. 300ff-14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

“(c) Quality Management.—

“(1) Requirement.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

“(2) Use of funds.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

“(A) 5 percent of amounts received under the grant; or

“(B) $3,000,000.”.

(b) Quality Management Required for Eligibility for Grants.—Section 2605(a) (42 U.S.C. 300ff-15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);”.

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) Use of Amounts.—Section 2604(e)(1) (42 U.S.C. 300ff-14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting “and the State Children's Health Insurance Program under title XXI of such Act” after “Social Security Act”.

(b) Applications.—Section 2605(a) (42 U.S.C. 300ff-15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

“(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;”.

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) In General.—Section 2604(b)(1) (42 U.S.C. 300ff-14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “HIV-related—” and inserting “HIV-related services, as follows:”;

(2) in subparagraph (A)—

(A) by striking “outpatient” and all that follows through “substance abuse treatment and” and inserting the following: “Outpatient health services.—Outpatient and ambulatory health services, including substance abuse treatment,”; and

(B) by striking “; and” and inserting a period;

(3) in subparagraph (B), by striking “(B) inpatient case management” and inserting “(C) Inpatient case management services.—Inpatient case management”; and

(4) by inserting after subparagraph (A) the following:

“(B) Outpatient support services.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.”.

(b) Conforming Amendment to Application Requirements.—Section 2605(a) (42 U.S.C. 300ff-15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (6) (as so redesignated), by striking “and” at the end thereof;

(2) in paragraph (7) (as so redesignated), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(8) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).”.

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) In General.—Section 2604(b)(1) (42 U.S.C. 300ff-14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

“(D) Early intervention services.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

“(i)(I) is receiving funds under subparagraph (A) or (C); or

“(II) is an entity constituting a point of access to services, as described in paragraph (2)(C), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease; and

“(ii) demonstrates to the satisfaction of the chief elected official that no other Federal, State, or local funds are available for the early intervention services the entity will provide with funds received under this paragraph.”.

(b) Conforming Amendments to Application Requirements.—Section 2605(a)(1) (42 U.S.C. 300ff-15(a)(1)) is amended—

(1) in subparagraph (A), by striking “services to individuals with HIV disease” and inserting “services as described in section 2604(b)(1)”; and

(2) in subparagraph (B), by striking “services for individuals with HIV disease” and inserting “services as described in section 2604(b)(1)”.

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff-13(a)(2)) is amended by striking “for each of the fiscal years 1996 through 2000” and inserting “for a fiscal year”.

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff-13(a)(4)) is amended to read as follows:

“(4) Limitations.—

“(A) In general.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.

“(B) Application of provision.—Subparagraph (A) shall only apply with respect to those eligible areas receiving a grant under paragraph (2) for fiscal year 2000 in an amount that has been adjusted in accordance with paragraph (4) of this subsection (as in effect on the day before the date of enactment of the Ryan White CARE Act Amendments of 2000).”.

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff-14(b)(3)) is amended—

(1) by inserting “for each population under this subsection” after “established priorities”; and

(2) by striking “ratio of the” and inserting “ratio of each”.

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) General Use of Grants.—Section 2612 (42 U.S.C. 300ff-22) is amended—

(1) by striking “A State” and inserting “(a) In General.—A State”; and

(2) in the matter following paragraph (5)—

(A) by striking “paragraph (2)” and inserting “subsection (a)(2) and section 2613”;

(b) Application.—Section 2617(b) (42 U.S.C. 300ff-27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

“(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);”;

(B) in clause (iii), by striking “and” at the end; and

(C) by adding at the end the following:

“(v) the availability of other governmental and non-governmental resources;

"(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

"(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

"(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

"(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);".

SEC. 122. QUALITY MANAGEMENT.

(a) State Requirement for Quality Management.—Section 2617(b)(4) (42 U.S.C. 300ff-27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) the State will provide for—

"(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

"(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

"(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking "and" at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting "; and".

(b) Availability of Funds for Quality Management.—

(1) Availability of Grant Funds for Planning and Evaluation.—Section 2618(c)(3) (42 U.S.C. 300ff-28(c)(3)) is amended by inserting before the period ", including not more than $3,000,000 for all activities associated with its quality management program".

(2) Exception to Combined Ceiling on Planning and Administration Funds for States with Small Grants.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff-28(c)(6)) is amended to read as follows:

"(6) Exception for Quality Management.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

"(A) that portion of such amount in excess of 15 percent of the grant is used for its quality management program; and

"(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.".

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff-27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

"(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.".

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) Technical Amendment.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104-146) is amended by inserting "before paragraph (2) as so redesignated" after "inserting".

(b) Services.—Section 2612(a)(1) (42 U.S.C. 300ff-22(a)(1)), as so designated by section 121(a), is amended by striking "for individuals with HIV disease" and inserting ", subject to the conditions and limitations that apply under such section".

(c) Conforming Amendment to State Application Requirement.—Section 2617(b)(2) (42 U.S.C. 300ff-27(b)(2)), as amended by section 121(b), is further amended by adding at the end the following:

"(F) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and".

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff-22(a)), as amended by section 121, is further amended by adding at the end the following:

"(6) Early Intervention Services.—The State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), may provide early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(A)(i) is receiving funds under section 2612(a)(1); or

"(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease; and

"(B) demonstrates to the State's satisfaction that no other Federal, State, or local funds are available for the early intervention services the entity will provide with funds received under this paragraph.".

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff-33(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff-36) is repealed.

SEC. 128. SUPPLEMENT GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

"SEC. 2622. SUPPLEMENTAL GRANTS.

"(a) In General.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in areas within the State that are not eligible to receive grants under part A.

"(b) Eligibility.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

"(1) be eligible to receive a grant under this subpart; and

"(2) demonstrate to the Secretary that there is severe need (as defined for purposes of section 2603(b)(2)(A)) for supplemental financial assistance in areas in the State that are not served through grants under part A.

"(c) Application.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) Amount Reserved for Emerging Communities.—

"(1) IN GENERAL.—For awarding grants under this section for each fiscal year, the Secretary shall reserve the greater of 50 percent of the amount to be utilized under subsection (e) for such fiscal year or $5,000,000, to be provided to States that contain emerging communities for use in such communities.

"(2) DEFINITION.—In paragraph (1), the term 'emerging community' means a metropolitan area—

"(A) that is not eligible for a grant under part A; and

"(B) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 1000 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

"(e) APPROPRIATIONS.—With respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize 50 percent of the amount appropriated under section 2677 to carry out part B for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved."

SEC. 129. USE OF TREATMENT FUNDS.

(a) STATE DUTIES.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "shall—" and inserting "shall use funds made available under this section to—";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and "; and"; and

(5) by adding at the end the following:

"(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.";

(6) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(7) by adding at the end the following:

"(2) LIMITATIONS.—

"(A) IN GENERAL.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

"(B) AMOUNT OF FUNDING.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.".

(b) SUPPLEMENT GRANTS.—Section 2616 (42 U.S.C. 300ff–26(c)) is amended by adding at the end the following:

"(e) SUPPLEMENTAL GRANTS FOR THE PROVISION OF TREATMENTS.—

"(1) IN GENERAL.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to provide access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

"(2) CRITERIA.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need (as defined for purposes of section 2603(b)(2)(A)), the Secretary shall consider whether limitation to access exist such that—

"(A) the State programs under this section are unable to provide HIV/AIDS therapeutic regimens to all eligible individuals living at or below 200 percent of the Federal poverty line; and

"(B) the State programs under this section are unable to provide to all eligible individuals appropriate HIV/AIDS therapeutic regimens as recommended in the most recent Federal treatment guidelines.

"(3) STATE REQUIREMENT.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

"(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(4) USE AND COORDINATION.—Amounts made available under a grant under this subsection shall only be used by the State to provide AIDS/HIV-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

"(5) FUNDING.—

"(A) RESERVATION OF AMOUNT.—The Secretary may reserve not to exceed 4 percent, but not less than 2 percent, of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

"(B) MINIMUM AMOUNT.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.".

(c) SUPPLEMENT AND NOT SUPPLANT.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

"(f) SUPPLEMENT NOT SUPPLANT.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.".

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) IN GENERAL.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(2) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking "and the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau".

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting "for each population under this subsection" after "State shall use"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) AMENDMENT OF HEADING.—The heading of part C of title XXVI is amended to read as follows:

"PART C—EARLY INTERVENTION AND PRIMARY CARE SERVICES".

(b) REPEAL.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) CONFORMING AMENDMENTS.—

(1) INFORMATION REGARDING RECEIPT OF SERVICES.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of".

(2) ADDITIONAL AGREEMENTS.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) ALLOWING PLANNING AND DEVELOPMENT GRANT TO EXPAND ABILITY TO PROVIDE PRIMARY CARE SERVICES.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1) IN GENERAL.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

"(A) enabling such entities to provide HIV early intervention services; or

"(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility."; and

(2) in paragraphs (2) and (3) by striking "paragraph (1)" each place that such appears and inserting "paragraph (1)(A)".

(b) AMOUNT; DURATION.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) AMOUNT AND DURATION OF GRANTS.—

"(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) CAPACITY DEVELOPMENT.—

"(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff-55) is amended by striking "1996" and all that follows through "2000" and inserting "2001 through 2005".

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.".

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff-51) is amended by adding at the end the following:

"(d) Preference in Awarding Grants.—Beginning in fiscal year 2001, in awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are otherwise not eligible to receive assistance under part A.".

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) Elimination of Requirement To Enroll Significant Numbers of Women and Children.—Section 2671(b) (42 U.S.C. 300ff-71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) Information and Education.—Section 2671(d) (42 U.S.C. 300ff-71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) Quality Management; Administrative Expenses Ceiling.—Section 2671(f) (42 U.S.C. 300ff-71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) Administration.—

"(1) Application.—"; and

(2) by adding at the end the following:

"(2) Quality management program.—A grantee under this section shall implement a quality management program.".

(d) Coordination.—Section 2671(g) (42 U.S.C. 300ff-71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects.".

(e) Authorization of Appropriations.—Section 2671(j) (42 U.S.C. 300ff-71(j)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff-71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

"(i) Limitation on Administrative Expenses.—

"(1) Determination by secretary.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) Requirements.—

"(A) In general.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) Limitation.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff-74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff-77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

"(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.".

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) Schools; Centers.—Section 2692(c)(1) (42 U.S.C. 300ff-111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(b) Dental Schools.—Section 2692(c)(2) (42 U.S.C. 300ff-111(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) Requirements.—

(1) Completion.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) Issues to be considered.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) Report.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators JEFFORDS, FRIST, DODD, HATCH, BINGAMAN, and WELLSTONE in introducing the Ryan White CARE Reauthorization Act. I commend Senator JEFFORDS for his leadership and commitment in making this legislation a top priority of the Health, Education, Labor, and Pensions Committee for enactment this year. I commend Senator FRIST for his medical knowledge and expertise in drafting this legislation. Senator DODD has been strongly committed to this issue for many years and I am pleased that he continues his commitment this year. Senator HATCH joined me more than a decade ago when we first introduced this legislation, and he has remained committed and involved ever since, and I commend his leadership. Senators BINGAMAN and WELLSTONE are members of our Senate Committee, and they have shown a great deal of interest in making sure that these resources reach rural Americans and other emerging populations.

Over the past twenty years, the nation has made extraordinary progress in responding to the AIDS epidemic. Medical advances, new and effective treatments, and the development of an HIV care infrastructure in every state have dramatically improved the access to care for individuals and families with HIV who would otherwise not be able to afford such care. By providing life-sustaining health and related support services, we have reduced the spread of AIDS.

The CARE Act has contributed to the significant drop in new AIDS cases. AIDS-related deaths have decreased significantly, dropping 42% from 1996 to 1997, and 20% from 1997 to 1998. Persons with HIV/AIDS are living longer and healthier lives because of the CARE Act.

Perinatal HIV transmission from mother to child has been reduced by 75% from 1992 to 1997. We are closing the gap in health care disparities in vulnerable populations such as communities of color, women, and persons with HIV who are uninsured and underinsured.

Medications have made a difference too. Highly active anti-retroviral therapies have given a second lease on life to many Americans with HIV/AIDS. An estimated 80% of persons in treatment have used one or more of these new and effective drugs.

HIV health care and supportive services have also made a difference. An estimated 600,000 persons have received HIV services through the Ryan White CARE Act, including primary care, substance abuse treatment, dental care, hospice care, and other specialized HIV health care services, and the availability of these services has enabled them to lead productive lives.

In Massachusetts, for example, we have seen an overall 77% decline in AIDS and HIV-related deaths since 1995. At the same time, however, like many other states, we are concerned about the changing HIV/AIDS trends and profiles. AIDS and HIV cases increased in women by 11% from 1997 to 1998, and 55% of persons living with AIDS in the state are persons of color.

Clearly, we have had significant successes in fighting AIDS. We have come a long way from the days when ideology dictated care for people with AIDS and not sound public health policy. Fortunately, with the leadership of Senator HATCH and Senator JEFFORDS and our bipartisan coalition, we were able to enact the Ryan White CARE Act in memory of Ryan White. He was a young man with hemophilia who contracted AIDS through blood transfusions, and touched the world's heart through his valiant efforts to speak out against the ignorance and discrimination faced by many persons living with AIDS. His mother, Jeanne White carried on her son's message after Ryan's death in 1990. She was instrumental in the passage of the CARE Act in 1990 and then again in 1996 and now in 2000.

The enactment of the Ryan White CARE Act in 1990 provided an emergency response to the devastating effects of HIV on individuals, families, communities, and state and local governments. The CARE Act signaled a comprehensive approach by targeting funds to respond to the specific needs of communities. Title I targets the hardest hit metropolitan areas in the country. Local planning and priority setting requirements under Title I assure that each of the Eligible Metropolitan Areas respond to the local HIV/AIDS demographics.

Title II of the Act funds emergency relief to the states. It helps them to develop an HIV care infrastructure and provide effective and life-sustaining HIV/AIDS drug therapies through the AIDS Drug Assistance Program to over 61,000 persons each month.

Title III funds community health centers and other primary health care providers that serve communities with a significant and disproportionate need for HIV care. Many of these community health centers are located in the hardest hit areas, serving low income communities.

Finally, Title IV of the CARE Act is designed to meet the specific needs of women, children and families.

While the CARE Act has benefited large numbers of Americans in need, a number of critical areas remain where improvements are essential if we are to meet the growing needs in our communities. We know that of the estimated 750,000 persons living with HIV/AIDS in the United States, over 215,000 know their HIV status, yet are not in care. New health care access points are needed to bring these persons into care. At the same time, the CARE Act programs currently serving an estimated 600,000 persons annually are challenged more than ever in meeting the growing need and demand for services. The Centers for Disease Control and Prevention estimates that the need will continue to grow since we have an estimated 40,000 new cases of HIV/AIDS annually in the United States.

Also, not everyone is benefiting from the advances in the development of new and effective drug treatments. The skyrocketing costs of expensive AIDS drugs, estimated at $15,000 annually per person, has led 26% of the CARE Act's AIDS Drug Assistance Programs to cap enrollment, establish waiting lists, or limit eligibility. Guaranteeing that effective drug treatments are available and affordable to all persons with HIV/AIDS has always been a priority for the CARE Act. Reducing barriers to access in communities of color and other vulnerable populations is a priority for this reauthorization.

We are fortunate in Massachusetts to have a state budget that has also been able to provide funding for primary care, prevention, and outreach efforts, but no state by itself can provide the significant financial resources to help persons living with HIV to obtain needed medical and support access.

We still find serious disparities in access to HIV health care in communities of color, women, the uninsured and underinsured. The demographics of the epidemic have been steadily changing. The majority of new AIDS cases reported are among racial and ethnic minority populations and groups that traditionally have faced heavy barriers in obtaining adequate health care services. While African Americans make up 12% of the general population, they account for 45% of new AIDS cases. 80% of new AIDS cases are occurring in women of color. As many as half of all new infections are occurring in people under the age of 25, and one quarter of all new infections are occurring in persons under the age of 22. The CARE Act must be able to adjust to meet these changing trends in the HIV/AIDS epidemic. Geographic shifts in the epidemic as well as the availability of new sources of financing for HIV/AIDS care must be taken into account to assure equity in how the federal government and states respond to the epidemic.

The CARE Act must continue to provide resources to help local communities to plan and to set priorities for CARE dollars. We must develop better ways to measure the severity of need and the health disparities, and assure that these improvements are taken into account in HIV planning, in establishing priorities, and in allocating funds.

This bill addresses these new challenges in ensuring access to HIV drug treatments for all, reducing health disparities in vulnerable communities, and improving the distribution and quality of services under the CARE Act. Proposed changes will ensure greater access to care in low income, historically underserved urban and rural communities, by increasing targeted funding to areas where the HIV care infrastructure may not exist. This bill also focuses on quality and accountability of HIV service delivery by requiring effective quality management activities that ensure their consistency with Public Health Service guidelines, and by making changes to ensure that CARE Act dollars are used for their intended purposes.

These improvements are intended to close the gap in health care disparities and improve inequities in services and funding among states. They will build capacity in underserved rural and urban areas, and focus state and local program priorities on underserved populations and persons not in care. They will develop new points of entry relationships to improve coordination of care. They will increase early access to care, in order to begin HIV treatment earlier and improve the quality of care that patients receive.

We know that the CARE Act has made a difference not only in the lives of persons with HIV/AIDS, but also in the lives of countless loved ones who have seen despair turned to hope through support of CARE Act services. The story of Lory in Massachusetts is a compelling example of young woman living with HIV, unable to work full-time, and unable to afford anti-retroviral medications without Ryan White CARE Act assistance. The support she has received from the caring staff at Fenway Clinic in Boston is impressive. As Lory told us at our committee hearing on March 2nd on the reauthorization of the Act "It is not an exaggeration when I tell you that without Fenway I would be dead. They have saved my life."

I'm sure that Lory's eloquent testimony is true of countless others across the country who are living with this tragic disease. The Ryan White CARE Act has made an enormous difference in their lives. I look forward to early action by Congress on this important legislation, so that we can continue to help as many people as possible.

Mr. FRIST. Mr. President, the Centers for Disease Control and Prevention estimate that between 650,000 and 900,000 Americans are currently living with human immunodeficiency virus (HIV), of whom 280,000 have acquired immune deficiency syndrome (AIDS). As of June 1999, there were 8,814 people in my home state of Tennessee living with HIV/AIDS. As a physician, I have seen first hand the deadly impact of this disease on patients, and have also seen first hand what can happen if the prevalence of AIDS goes unchecked. On February 24, 2000, as chairman of the Foreign Relations Subcommittee on Africa, I held a hearing on the AIDS crisis in Africa. In Africa, this disease has reached truly pandemic proportions, causing cultural and economic devastation. Every day, there are 16,000 new infections globally, despite the great strides we have made in the treatment and prevention of this condition.

Ironically and unfortunately, the new advancements in treatment may have caused many to become complacent. A survey co-authored by Yale revealed that more than 80% of our youth do not believe they are at risk for HIV infections. However, the fact is that the number of new infections among adolescents continues to rise and it is rising disproportionally among minorities. AIDS remains the leading cause of death among African-Americans 25–44 years of age and the second leading cause of death among Latinos in the same age range. Furthermore, in 1998, African-American and Hispanic women accounted for 80% of the total AIDS cases reported for women nationwide. In my own state of Tennessee, 59% of the new AIDS cases were among African-Americans, who make up 45% of the total AIDS cases in the state. Since its original discovery, it is estimated that over 13.9 million have died worldwide and over 400,000 have died in the United States as a result of HIV/AIDS. Fortunately, over the last 15 years, we have doubled the life expectancy of people with AIDS, developed new and powerful drugs for the treatment of HIV infection, and made advances in the treatment and prevention of AIDS-related opportunistic infections.

Another important component in the struggle against HIV/AIDS has been the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, which I am pleased to join with Senator JEFFORDS in supporting today. The Ryan White CARE Act, a unique partnership between federal, local, and state governments; non-profit community organizations, health care and supportive service providers. For the last decade, this Act has successfully provided much needed assistance in health care costs and support services for low-income, uninsured and underinsured individuals with HIV/AIDS.

Through programs such as AIDS Drug Assistance Program (ADAP), which provides access to pharmaceuticals, the CARE Act has helped extend and even save lives. Last year alone, nearly 100,000 people living with HIV and AIDS received access to drug therapy because of the CARE Act. Half the people served by the CARE Act have family incomes of less than $10,000 annually, which is lower than the $12,000 annual average cost of new drug "cocktails" for treatment. The CARE Act is critical in ensuring that the number of people living with AIDS continues to increase, as effective new drug therapies are keeping HIV-infected persons healthy longer and dramatically reducing the death rate. Investments in enabling patients with HIV to live healthier and more productive lives have helped to reduce overall health costs. For example, the National Center for Health Statistics reported that the nation has seen a 30% decline in HIV related hospitalizations, which results in nearly one million fewer HIV related hospital days and a savings of more than $1 billion.

During the 104th Congress, I had the pleasure of working with Senator Kassebaum on the Ryan White CARE Act Amendments of 1996 to ensure this needed law was extended. Today I am pleased to join Senator JEFFORDS as an original cosponsor to the Ryan White CARE Act Amendments of 2000, which will further improve and extend this law. Senator JEFFORDS, who has done a terrific job in crafting this bill, has already outlined some specifics of this legislation, however, I would like to conclude by discussing a specific provision which I am grateful Senator JEFFORDS included in this reauthorization.

This bill contains a provision, under Title II of this Act, to address the fact that the face of this disease is changing and is moving into and affecting more rural communities. A recent GAO audit found that rural areas may offer more limited medical and social services than cities because urban areas generally receive more money per AIDS case. To help address this concern, this new provision will provide supplemental grants to States for additional HIV/AIDS services in underserved areas. One important aspect of this provision is the creation of supplemental grants for emerging metropolitan communities, which do not qualify for Title I funding but have reported between 1,000 and 2,000 AIDS cases in the last five years. Currently, this provision would provide 7 cities, including Memphis and Nashville, a general pot of money to divide of at least $5 million in new funding each year, or 25% of new monies under Title II, whichever is greater.

Mr. President, I would like to thank Senator JEFFORDS for his leadership on this issue, and Sean Donohue and William Fleming of his staff for all their expertise in drafting this bill. I would also like to thank Senator KENNEDY and Stephanie Robinson of his staff for their work and dedication to this issue. I would also like to thank Dr. Bill Moore of the Tennessee Department of Health and Mr. Joe Interrante of Nashville CARES for their counsel and assistance on this legislation and for their efforts in helping Tennesseans with HIV/AIDS.

Mr. DODD. Mr. President, I am pleased to join Senators KENNEDY, JEFFORDS, FRIST, HATCH, BINGAMAN, HARKIN, WELLSTONE, REED, ENZI, and MIKULSKI in sponsoring the Ryan White CARE Reauthorization Act, legislation which will provide for the continuation of critical support services for those living with HIV and AIDS. I thank Senators JEFFORDS and KENNEDY for their leadership and commitment to this important bill, and commend their efforts to ensure that the reauthorization legislation addresses the new challenges of the HIV/AIDS epidemic.

Over the last two decades, our Nation has made tremendous advances in responding to the HIV/AIDS epidemic. We've all been encouraged by the recent reports that the number of AIDS cases dropped last year for the first time in the 16 year history of the epidemic. The new combination therapies largely responsible for this change in course have brought new hope to families devastated by this disease. Although it was unimaginable just a few years ago, it now appears possible that we may soon view AIDS, if not as curable, than at least as a manageable, chronic illness.

But, despite these advances in treatment options, the HIV/AIDS epidemic remains an enormous health emergency in the United States, with the number of AIDS cases in the U.S. nearly doubling during the last five years. According to a study sponsored by the U.S. Public Health Service, approximately 250,000 to 300,000 people living with HIV or AIDS currently receive no medical treatment. Therefore, while we must sustain our efforts in the areas of research and education, it is also critical that we continue to provide resources to help states and disproportionately affected communities develop the necessary infrastructure to provide HIV/AIDS care. One of the most important changes made to the Ryan White programs by this Reauthorization Act is the emphasis on the need for early diagnosis of the disease. This new emphasis is reflected in the bill's provisions relating to early intervention activities, which will support early diagnosis and encourage linkages into care for populations at high risk for HIV.

In the decade since the enactment of the Ryan White CARE Act we've seen a transformation in the face of AIDS. Since women and children are disproportionately represented among the newly infected, I am especially pleased that this bill provides for the coordination of Ryan White and State Children's Health Insurance Program (SCHIP) funds, and includes a set-aside for infants, children, and women proportionate to the percentage each group represents in the eligible funding area's AIDS affected population.

During the decade of the Ryan White CARE Act, we've also seen a shift in the challenges facing providers. Ten years ago, Ryan White providers focused primarily on helping people while they died. Now, more and more, providers are moving into the business of helping individuals infected with HIV live long and full lives. But, while the discovery of powerful drug therapies has improved the quality and length of life for many who are HIV positive, access to these drugs and to other critical health services is still difficult for many, since AIDS is fast becoming a disease of poverty. The CARE Act's AIDS Drug Assistance Programs remain a lifeline for low-income individuals who cannot afford the costs of regular care and expensive AIDS drug regimens (now estimated at $15,000 annually per person).

The CARE Act has made a difference to the lives of countless individuals and families affected by a devastating disease. While there is hope for the future, the changing demographics of the disease present new challenges. The Ryan White CARE Act Amendments of 2000 address these challenges while maintaining those aspects of the Act that demonstrate proven results. I look forward to working with Congress as we move forward with the reauthorization, so that the thousands of people who rely on the services of Ryan White programs can continue to maintain their dignity and quality of life.

Mr. WELLSTONE. Mr. President, I join with my colleagues on the HELP committee to cosponsor the Ryan White Care Act Amendments of 2000. I do this with pride in what has been accomplished since I last cosponsored the reauthorization of the Ryan White Care Act in 1996. This legislation since 1991 has enabled the development of community driven systems of care for low-income, uninsured, and underinsured individuals and families affected by HIV disease.

Last year alone, the Ryan White CARE Act served an estimated half million people living with HIV and AIDS and affected the lives of millions more. Nearly 6 in 10 of these people were poor. Last year, this legislation enabled approximately 100,000 people living with HIV and AIDS to receive drug therapy. This is particularly important because half of the people served by the Act have incomes less than $10,000 a year—and the new drug treatments cost more than $12,000 annually.

According to the National Center for Health Statistics, between 1995 and 1997, there has been a 30 percent decline in HIV related hospitalizations, representing a savings of more than $1 billion. Since 1991, according to Sandra Thurman, Director of the Office of National AIDS Policy, the CARE Act has helped to reduce AIDS mortality by 70 percent; to reduce mother-child transmission of HIV by 75 percent; and to enhance both the length and quality of life for people living with HIV/AIDS.

The epidemic is far from over. Each year there are 40,000 new HIV infections in the U.S., and the death rate is no longer dropping so quickly. Although people with HIV disease are living much longer, the highly touted multi-drug therapies are beginning to fall short of their prayed for effectiveness, and they do not work for everyone.

In addition, the nature of the epidemic is changing. HIV/AIDS is devastating communities of color. AIDS is the leading cause of death for African-Americans aged 25 to 44, and the second leading cause of death among Latino Americans of the same age group. HIV/AIDS also disproportionately affects younger Americans. Half of the 40,000 new infections each year occur in individuals under age 25. AIDS is killing the youngest, potentially most productive members of our society. Without a renewed commitment to research, prevention, and culturally sensitive treatment, the rates of infection and death will continue to ravage communities of color.

It is a testament to the success of this legislation that there is such unanimity among the committee members and all of the diverse group of stakeholders that the Ryan White Care Act needs to be reauthorized. The amendments included in this legislation are designed to increase the accountability of the overall program; to meet the challenges of the changing nature of the epidemic; to improve the quality of care; and to reach those affected by this plague who have not been reached before. We often say "Leave no child behind" and everyone agrees. We must also say, "let's leave no one afflicted by this dread disease untreated".

Provisions for quality management around clinical practice will bring best practices to patients. Holding grantees accountable for quality management and relevance of programs means the money appropriated will be well spent. This is good medicine and responsible lawmaking.

Allowing for flexibility in how the AIDS Drug Assistance Program (ADAP) funds are spent will provide more low-income individuals with life-prolonging medications. Focusing on early intervention services to support early diagnosis will get patients into treatment faster and hopefully also slow the spread of the disease. Requiring grantees to develop and maintain linkages with key points of entry to the medical system, such as mental health and substance abuse treatment centers, will dramatically improve treatment, slow the spread of the disease, and reach previously unserved people. This is good prevention.

In 1990, the HIV/AIDS epidemic was primarily limited to large cities; hence the majority of funds were granted to cities. Over the last decade, unfortunately, the epidemic has spread to more rural areas and to different populations. This bill requires that funds be spent in accordance with local demographics. Several provisions in this bill will allow more funds to go to less populated areas and to provide special grants for infants, youth and women. This is good allocation of resources based on needs.

This bill also contains fiscally responsible caps on administrative costs, and requires all grantees to coordinate with Medicaid and the State Children's Health Insurance Program. This makes good fiscal sense.

Mr. President, the Ryan White CARE Act has saved lives and serves hundreds of thousands of needy people yearly. The Ryan White CARE Act has a proven record of success; let's build on that success. This federal legislation needs to be reauthorized now, as proposed, to meet the continuing needs and new challenges presented by the changing nature of the HIV/AIDS epidemic.

That is why I urge all Senators to join in cosponsoring and passing the Ryan White CARE Act Amendments of 2000, and I urge the members of the Appropriations Committee to provide the funds to fully implement it.

By Mr. LUGAR:

S. 2312. A bill to amend title XVIII of the Social Security Act to provide for a moratorium on the mandatory delay of payment of claims submitted under part B of the Medicare Program and to establish an advanced informational infrastructure for the administration of Federal health benefits programs; to the Committee on Finance.

HEALTH CARE INFRASTRUCTURE INVESTMENT ACT OF 2000

Mr. LUGAR. Mr. President, I rise to introduce the Health Care Infrastructure Investment Act.

Formerly arcane statistics of interest only to economists, productivity and innovation are now veritable buzzwords in today's much-heralded new economy. Recently released productivity figures drew front page coverage from both the Washington Post and New York Times. Most economists, including Federal Reserve Chairman Alan Greenspan, attribute the surge in productivity to technological improvements. A host of new and improved technologies, including faster computers and rapid expansion of the Internet, have led to improved efficiencies. The result: workers are more productive, companies continue to grow and wealth is created.

Today nearly every industrial sector is involved in a race to apply new technology and management techniques to gain greater efficiencies. Yet one sector that accounts for 13 percent of America's gross domestic product—health care—still uses a patchwork-quilt of outdated technology for the most basic of its transactions.

While individual components within the health industry are adopting advanced communication, manufacturing and other technologies but the inner core of health care—a series of transactions between doctor, patient and insurance provider—remains largely untouched by technological advances that would decrease the administrative load accompanying every transaction.

At a time when America's growing population is seeking a higher quality of care; when the greying of America means that Medicare enrollment will double by 2040; when new medical procedures are being developed that hold great promise for the treatment and cure of diseases like cancer and AIDS; when prescription drugs are becoming available that extend and improve the quality of life—we have every motivation for adopting into health care some of the same technologies and ideas responsible for transforming other sectors of the American economy.

A robust and modern infrastructure for American health care will enable resources to be shifted to where they are most needed and allow for the dramatic increases in productivity necessary to treat increasing numbers of people at a higher level of care. In this sense, efficiency is not double-speak for additional restrictions placed on the doctor-patient relationship or further regulations on insurance coverage. Instead, greater efficiency means that doctors are free to spend more time treating patients, insurance companies reduce the cost of claims processing and consumers are empowered with a better understanding of treatment and costs.

America's interstate highway system is a prime example of a wise infrastructure investment. As a result of a sustained Federal commitment, Americans enjoy an unprecedented degree of mobility while the economy benefits from the low cost and ease of transportation. A similar approach should be applied to health care whose roads for processing information resemble the rutted cobblestone paths of medieval times.

The Health Care Infrastructure Investment Act is designed to spur Federal and private sector investment so that a nationwide network of systems is built for health care. A network of systems is a descriptive term that refers to the conglomeration of hardware, software and secure information networks designed to speed the flow of information and capital between doctors, patients and insurance providers.

The primary goal of the Health Care Infrastructure Investment Act is to build an advanced infrastructure to efficiently process and handle the vast number of straightforward transactions that now clog the pipeline and drain scarce health care resources. Among the targeted transactions are immediate, point-of-service verification of insurance coverage, point-of-service checking for incomplete or erroneous claim submission and point-of-service resolution of clean claims for doctor office visits including the delivery of an explanation of benefits and payment.

When designing a complex system, a first step is to define performance standards that the system must meet. As configured, the legislation mandates broadly defined performance standards for the federally administered Medicare program that will be phased-in over a ten year period. To ensure that improvements in the infrastructure supporting federally-financed health care are matched in the managed care sector, insurers participating in the Federal Employees Health Benefits program will also be required to meet these same performance standards.

Also critical will be harnessing the expertise of selection of the Federal agency responsible for the design and implementation of an advanced health care infrastructure. Some of my colleagues have suggested that the Department of Defense or even NASA, two agencies with decades of experience with complex, distributed networks, be assigned a leadership role. Accordingly, the legislation forms a Health Care Infrastructure Commission, chaired by the Secretary of Health and Human Services, and composed of senior officials from NASA, the Defense Advanced Research Projects Agency, the National Science Foundation, the Office of Science and Technology Policy and the Department of Veterans Affairs. Officials named to the Health Care Infrastructure Commission are required to be expert in advanced information technology.

The legislation also strives to create a strong partnership with the private sector, as many of the advances in communication technology are driven by companies, both large and small.

Many pieces of a truly advanced health care infrastructure already exist. But like a modern-day Tower of Babel, communication is hindered by differences in language and function. Sorely needed is a combination of vision and commitment: vision to design a system that is secure, efficient and flexible and the commitment to dedicate necessary intellectual and financial resources for its design and implementation.

America has put a man on the moon, designed advanced stealth fighters and is now enjoying a sustained period of economic expansion stimulated by electronic devices, telephone and Internet. We must now develop and build a health care infrastructure that checks insurance status with the swipe of a card, provides speedy payment to doctors for their expertise in healing and allows a patient to leave the doctor's office with a single statement of treatment and cost. I am confident that we will succeed.

I urge my colleagues to support the Health Care Infrastructure Investment Act.

By Mr. MOYNIHAN (for himself, Mr. REID, and Mrs. BOXER):

S. 2315. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

GENETICALLY ENGINEERED FOOD SAFETY ACT

• Mr. MOYNIHAN. Mr. President, today I am joined with Senator REID and Senator BOXER to introduce the Genetically Engineered Food Safety Act (S. 2315), a bill to require food safety testing for genetically engineered foods.

The ability to alter an organism by specifically transferring genetic codes between plants and animals is a new realm of science that we have only begun investigating. This technology has the promise to deliver real public goods: increased crop yields and products which combat disease and improve nutrition. But the technology also has the potential to pose a number of threats to the nation's public health, environment, and economy, and U.S. consumers are understandably concerned.

The Federal Government has a duty to ensure that genetically engineered foods (GEFs) are safe to eat. The Food and Drug Administration (FDA) currently requires rigorous pre-market review for pharmaceutical drugs, biological products, and medical devices introduced in the U.S. market. For GEFs, however, FDA only asks the industry to submit safety data voluntarily. Even if industry fully complies, our concern is that a conflict of interest exists when an industry determines its own level of safety review for products it wants to promote.

S. 2315 would simply give FDA discretion to conduct its own safety testing of new GEFs and requires that certain factors are examined. GEFs on the market today will remain on the market as long as FDA also reviews these products for health safety. Much like the current practice, funding for these tests will come primarily from industry. A fee system will be developed that is modeled after FDA's current program for reviewing pharmaceuticals and supplemented by Federal funding.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genetically Engineered Food Safety Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Genetic engineering is an artificial gene transfer process different from traditional breeding.

(2) Genetic engineering can be used to produce new versions of virtually all plant and animal foods. Thus, within a short time, the food supply could consist almost entirely of genetically engineered products.

(3) This conversion from a food supply based on traditionally bred organisms to one based on organisms produced through genetic engineering could be one of the most important changes in the food supply in this century.

(4) Genetically engineered foods present new issues of safety that have not been adequately studied.

(5) United States consumers are increasing concerned that food safety issues regarding genetically engineered foods are not being adequately addressed.

(6) Congress has previously required that food additives be analyzed for their safety prior to their placement on the market.

(7) Adding new genes, and the substances that the genes code for, into a food should be considered adding a food additive, thus requiring an analysis of safety factors.

(8) The food additive process gives the Food and Drug Administration discretion in applying the safety factors that are generally recognized as appropriate to evaluate the safety of food and food ingredients.

SEC. 3. FEDERAL DETERMINATION OF SAFETY OF GENETICALLY ENGINEERED FOOD; REGULATION AS FOOD ADDITIVE.

(a) INCLUSION IN DEFINITION OF FOOD ADDITIVE.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended—

(1) in paragraph (s), by adding after subparagraph (6) the following:

"Such term includes the different genetic constructs, proteins of or other substances produced by such constructs, vectors, promoters, marker systems, and other appropriate terms that are used or created as a result of the creation of a genetically engineered food, other than a genetic construct, protein or other substance, vector, promoter, marker system, or other appropriate term for which an application has been filed under section 505 or 512."; and

(2) by adding at the end the following:

"(kk)(1) The term 'genetically engineered food' means food that contains or was produced with a genetically engineered material.

"(2) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism.

"(3) The term 'genetically engineered organism' means—

"(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introduction of a foreign gene, and a process that changes the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

"(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in clause (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(4) The term 'genetic food additive' means a genetic construct, protein or other substance, vector, promoter, marker system, or other appropriate term that is a food additive.".

(b) PETITION TO ESTABLISH SAFETY.—

(1) DATA IN PETITION.—Section 409(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(b)(2)) is amended—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(F) in the case of a genetic food additive, all data that was collected or developed pursuant to the investigations, including data that does not support the claim of safety for use.".

(2) NOTICES; PUBLIC AVAILABILITY OF INFORMATION.—Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(b)(5)) is amended—

(A) by striking "(5)" and inserting "(5)(A)"; and

(B) by adding at the end the following subparagraphs:

"(B) In the case of a genetic food additive, the Secretary, promptly after providing the notice under subparagraph (A), shall make available to the public all reports and data described in subparagraphs (E) and (F) of paragraph (2) that are contained in the petition involved, and all other information in the petition to the extent that the information is relevant to a determination of safety for use of the additive. Such notice shall state whether any information in the petition is not being made available to the public because the Secretary has made a determination that the information does not relate to safety for use of the additive. Any person may petition the Secretary for a reconsideration of such a determination, and if the Secretary finds in favor of such person, the information shall be made available to the public and the period for public comment described in subsection (c)(2)(B) shall be extended until the end of the 30th day after the information is made available.

"(C) In the case of a genetic food additive, the following rules shall apply:

"(i) The Secretary shall maintain and make available to the public through electronic and non-electronic means a list of petitions that are pending under this subsection and a list of petitions for which regulations have been established under subsection (c)(1)(A). Such list shall include information on the additives involved, including the source of the additives, and including any information received by the Secretary pursuant to clause (ii).

"(ii) If a regulation is in effect under subsection (c)(1)(A) for a genetic food additive, any person who manufactures such additive for commercial use shall submit to the Secretary a notification of any knowledge of data that relate to the adverse health effects of the additive, in a case in which the knowledge is acquired by the person after the date on which the regulation took effect. If the manufacturer is in possession of the data, the notification shall include the data. The Secretary shall by regulation establish the scope of the responsibilities of manufacturers under this clause, including such limits on the responsibilities as the Secretary determines to be appropriate.".

(3) EFFECTIVE DATE OF REGULATION REGARDING SAFE USE; OPPORTUNITY FOR PUBLIC COMMENT.—Section 409(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(2)) is amended—

(A) by striking "(2)" and inserting "(2)(A)"; and

(B) by adding at the end the following subparagraph:

"(B) In the case of a genetic food additive, an order may not be issued under paragraph (1)(A) before the expiration of the 30-day period beginning on the date on which the Secretary has made information available to the public under subsection (b)(5)(B) regarding the petition involved. During such period (or such longer period as the Secretary may designate), the Secretary shall provide interested persons an opportunity to submit to the Secretary comments on the petition. In publishing a notice for the additive under subsection (b)(5), the Secretary shall inform the public of such opportunity.".

(4) CONSIDERATION OF CERTAIN FACTORS.—Section 409(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)) is amended by adding at the end the following paragraph:

"(6) In the case of a genetic food additive, the factors considered by the Secretary regarding safety for use shall include the following:

"(A) Allergenicity effects resulting from added proteins, including proteins not found in the food supply.

"(B) Appropriate types of toxicity of proteins or other substances added to genetically engineered foods.

"(C) Pleiotropic effects. The Secretary shall require tests to determine the potential for such effects, including increased levels of toxins, or changes in the levels of nutrients.

"(D) Changes in the functional characteristics of food.".

(5) CERTAIN TESTS.—Section 409(c) of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (4), is further amended by adding at the end the following paragraph:

"(7) In the case of a genetic food additive, the following rules shall apply:

"(A) If a genetic food additive is a protein from a commonly or severely allergenic food, the Secretary may not establish a regulation under paragraph (1)(A) for the additive if the petition filed under subsection (b)(1) for the additive fails to include full reports of investigations that used serum or skin tests (or other advanced techniques) on a sensitive population to determine whether such additive is commonly or severely allergenic.

"(B)(i) If a genetic food additive is a protein that has not undergone the investigations described in subparagraph (A), the Secretary may not establish a regulation under paragraph (1)(A) for the additive if the petition filed under subsection (b)(1) fails to include full reports of investigations that used the best available biochemical and physiological protocols to evaluate whether it is likely that the protein involved is an allergen.

"(ii)(I) For purposes of clause (i), the Secretary shall by regulation determine the best available biochemical and physiological protocols.

"(II) In carrying out rulemaking under subclause (I), the Secretary shall consult with the Director of the National Institutes of Health.".

(6) PROHIBITED ADDITIVES.—Section 409(c) of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (5), is further amended by adding at the end the following paragraph:

"(8)(A) In the case of a genetic food additive, the Secretary may only establish a regulation under paragraph (1)(A) for the additive if the regulation requires that a food containing the additive meet the requirements of subparagraph (C), in a case in which—

"(i) the additive is a protein and a report of an investigation described in subsection (b)(2)(E) finds that the additive is likely to be commonly or severely allergenic; or

"(ii) the additive is a protein and such a report of an investigation that uses a protocol described in paragraph (7)(B) fails to find with reasonable certainty that the additive is unlikely to be an allergen.

"(B) Effective June 1, 2004, in the case of a genetic food additive, the Secretary may not establish a regulation under paragraph (1)(A), and shall repeal any regulation in effect under that paragraph, for the additive if a selective marker is used with respect to the additive, the selective marker will remain in the food involved when the food is marketed, and the selective marker inhibits the function of 1 or more antimicrobial drugs.

"(C) In a case described in clause (i) or (ii) of subparagraph (A), in order to meet the requirements of this subparagraph, a food that contains a genetic food additive shall—

"(i) bear a label or labeling that clearly and conspicuously states the name of the allergen involved; or

"(ii) be offered for sale under a name that includes the name of the allergen.".

(7) ADDITIONAL PROVISIONS.—Section 409(c) of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (6), is further amended by adding at the end the following paragraph:

"(9)(A) In determining the safety for use of a genetic food additive under this subsection, the Secretary may (directly or through contract) conduct an investigation of such additive for purposes of supplementing the information provided to the Secretary pursuant to a petition filed under subsection (b)(1).

"(B) To provide Congress with a periodic independent, external review of the Secretary's formulation of the approval process carried out under paragraph (1)(A) that relates to genetic food additives, the Secretary shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences. Such agreement shall provide that, if the Institute of Medicine has any concerns regarding the approval process, the Institute of Medicine will submit to Congress a report describing such concerns.

"(C) In the case of genetic food additives, petitions filed under subsection (b)(1) may not be categorically excluded from the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(c) REGULATION ISSUED ON SECRETARY'S INITIATIVE.—Section 409(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(d)) is amended—

(1) by striking "(d) The Secretary" and inserting "(d)(1) Subject to paragraph (2), the Secretary"; and

(2) by adding at the end the following paragraph:

"(2) The provisions of subsections (b) and (c) that expressly refer to genetic food additives apply with respect to a regulation proposed by the Secretary under paragraph (1) to the same extent and in the same manner as such provisions apply with respect to a regulation issued under subsection (c) in response to a petition filed under subsection (b)(1). For purposes of this subsection, references in such provisions to information contained in such a petition shall be considered to be references to similar information in the possession of the Secretary.".

(d) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

"(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the adulteration of food by reason of failure to comply with the provisions of section 409 that relate to genetic food additives, any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

"(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).".

(e) RULE OF CONSTRUCTION.—With respect to section 409 of the Federal Food, Drug, and Cosmetic Act, compliance with the provisions of such section 409 that relate to genetic food additives does not constitute an affirmative defense in any cause of action under Federal or State law for personal injury resulting in whole or in part from a genetic food additive.

SEC. 4. USER FEES REGARDING DETERMINATION OF SAFETY OF GENETIC FOOD ADDITIVES.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by inserting after section 409 the following section:

"SEC. 409A. USER FEES REGARDING SAFETY OF GENETIC FOOD ADDITIVES.

"(a) IN GENERAL.—In the case of genetic food additives, the Secretary shall, in accordance with this section, assess and collect a fee on each petition that is filed under section 409(b)(1). The fee shall be collected from the person who submits the petition, shall be due upon submission of the petition, and shall be assessed in an amount determined under subsection (c). This section applies as of the first fiscal year that begins after the date of promulgation of the final regulation required in section 5 of the Genetically Engineered Food Safety Act (referred to in this section as the 'first applicable fiscal year').

"(b) PURPOSE OF FEES.—

"(1) IN GENERAL.—The purposes of fees required under subsection (a) are as follows:

"(A) To defray increases in the costs of the resources allocated for carrying out section 409 for the first applicable fiscal year over the costs of carrying out such section for the preceding fiscal year, other than increases that are not attributable to the responsibilities of the Secretary with respect to genetic food additives.

"(B) To provide for a program of basic and applied research on the safety of genetic food additives (to be carried out by the Commissioner). The program shall address fundamental questions and problems that arise repeatedly during the process of reviewing petitions under section 409(b)(1) with respect to genetic food additives, and shall not directly support the development of new genetically engineered foods.

"(2) ALLOCATIONS BY SECRETARY.—Of the total fee revenues collected under subsection (a) for a fiscal year, the Secretary shall reserve and expend—

"(A) 95 percent for the purpose described in paragraph (1)(A); and

"(B) 5 percent for the purpose described in paragraph (1)(B).

"(3) CERTAIN PROVISIONS REGARDING INCREASED ADMINISTRATIVE COSTS.—With respect to fees required under subsection (a)—

"(A) increases referred to in paragraph (1)(A) include the costs of the Secretary in providing for investigations under section 409(c)(9)(A); and

"(B) increases referred to in paragraph (1)(A) include increases in costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in carrying out section 409 with respect to genetic food additives.

"(c) TOTAL FEE REVENUES; INDIVIDUAL FEE AMOUNTS.—The total fee revenues collected under subsection (a) for a fiscal year shall be the amounts appropriated under subparagraph (A) or (B) of subsection (f)(2) for such fiscal year. Individual fees shall be assessed by the Secretary on the basis of an estimate by the Secretary of the amount necessary to ensure that the sum of the fees collected for such fiscal year equals the amount so appropriated.

"(d) FEE WAIVER OR REDUCTION.—The Secretary shall grant a waiver from or a reduction of a fee assessed under subsection (a) if the Secretary finds that—

"(1) the fee to be paid will exceed the anticipated present and future costs incurred by the Secretary in carrying out the purposes described in subsection (b) (which finding may be made by the Secretary using standard costs); or

"(2) collection of the fee would result in substantial hardship for the person assessed for the fee.

"(e) ASSESSMENT OF FEES.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Fees may not be assessed under subsection (a) for a fiscal year beginning after the first applicable fiscal year unless the amount appropriated for salaries and expenses of the Food and Drug Administration for such fiscal year is equal to or greater than the amount appropriated for salaries and expenses of the Food and Drug Administration for the first applicable fiscal year multiplied by the adjustment factor applicable to the later fiscal year.

"(B) DETERMINATIONS.—In making determinations under this paragraph for the fiscal years involved, the Secretary shall exclude—

"(i) the amounts appropriated under subsection (f)(2) for the fiscal years involved; and

"(ii) the amounts appropriated under section 736(g) for such fiscal years.

"(2) AUTHORITY.—If under paragraph (1) the Secretary does not have authority to assess fees under subsection (a) during a portion of a fiscal year, but does at a later date in such fiscal year have such authority, the Secretary, notwithstanding the due date under such subsection for fees, may assess and collect such fees at any time in such fiscal year, without any modification in the rate of the fees.

"(f) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees collected for a fiscal year pursuant to subsection (a) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriation Acts until expended without fiscal year limitation. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purposes described in paragraph (1) of subsection (b), and the sums are subject to allocations under paragraph (2) of such subsection.

"(2) AUTHORIZATION OF APPROPRIATIONS.—

"(A) FIRST FISCAL YEAR.—For the first applicable fiscal year—

"(i) there is authorized to be appropriated for fees under subsection (a) an amount equal to the amount of increase determined under subsection (b)(1)(A) by the Secretary (which amount shall be published in the Federal Register); and

"(ii) in addition, there is authorized to be appropriated for fees under subsection (a) an amount determined by the Secretary to be necessary to carry out the purpose described in subsection (b)(1)(B) (which amount shall be so published).

"(B) SUBSEQUENT FISCAL YEARS.—For each of the 4 fiscal years following the first applicable fiscal year—

"(i) there is authorized to be appropriated for fees under subsection (a) an amount equal to the amount that applied under subparagraph (A)(i) for the first applicable fiscal year, except that such amount shall be adjusted under paragraph (3)(A) for the fiscal year involved; and

"(ii) in addition, there is authorized to be appropriated for fees under subsection (a) an amount equal to the amount that applied under subparagraph (A)(ii) for the first applicable fiscal year, except that such amount shall be adjusted under paragraph (3)(B) for the fiscal year involved.

"(C) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.—In addition to sums authorized to be appropriated under subparagraphs (A) and (B), there are authorized to be appropriated, for the purposes described in subsection (b)(1)(A), such sums as may be necessary for the first applicable fiscal year and each of the 4 subsequent fiscal years.

"(3) ADJUSTMENTS.—

"(A) AGENCY COST OF RESOURCES.—For each fiscal year other than the first applicable fiscal year, the amount that applied under paragraph (2)(A)(i) for the first applicable fiscal year shall be multiplied by the adjustment factor.

"(B) RESEARCH PROGRAM.—For each fiscal year other than the first applicable fiscal year, the amount that applied under paragraph (2)(A)(ii) for the first applicable fiscal year shall be adjusted by the Secretary (and as adjusted shall be published in the Federal Register) to reflect the greater of—

"(i) the total percentage change that occurred since the beginning of the first applicable fiscal year in the Consumer Price Index for All Urban Consumers (all items; United States city average); or

"(ii) the total percentage change that occurred since the beginning of the first applicable fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

"(4) OFFSET.—Any amount of fees collected for a fiscal year under subsection (a) that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(g) COLLECTION OF UNPAID FEES.—In any case in which the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after the fee is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(h) CONSTRUCTION.—This section may not be construed as requiring that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in carrying out section 409 with respect to genetic food additives be reduced to offset the number of officers, employees, and advisory committees so engaged.

"(i) DEFINITION OF ADJUSTMENT FACTOR.—

"(1) IN GENERAL.—In this section, the term 'adjustment factor' applicable to a fiscal year means the lower of—

"(A) the Consumer Price Index for All Urban Consumers (all items; United States city average) for April of the preceding fiscal year divided by such Index for April of the first applicable fiscal year; or

"(B) the total of discretionary budget authority provided for programs in categories other than the defense category for the preceding fiscal year (as reported in the Office of Management and Budget sequestration preview report, if available, required under section 254(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(c))) divided by such budget authority for the first applicable fiscal year (as reported in the Office of Management and Budget final sequestration report submitted for such year under section 254(f) of such Act).

"(2) BUDGET AUTHORITY; CATEGORY.—In this subsection, the terms 'budget authority' and 'category' have the meanings given such terms in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900).".

SEC. 5. RULEMAKING; EFFECTIVE DATE; PREVIOUSLY UNREGULATED MARKETED ADDITIVES.

(a) RULEMAKING; EFFECTIVE DATE.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall by regulation establish criteria for carrying out section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) in accordance with the amendments made by section 3, and criteria for carrying out section 409A of such Act (as added by section 4).

(2) EFFECTIVE DATE.—Such amendments take effect on the first day of the first fiscal year that begins after the date of promulgation of the final regulation described in paragraph (1).

(b) PREVIOUSLY UNREGULATED MARKETED ADDITIVES.—

(1) IN GENERAL.—In the case of a genetic food additive (as defined in section 201(kk)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(kk)(4))) that in the United States was in commercial use in food as of the day before the date on which the final regulation described in subsection (a) is promulgated, the amendments made by this Act apply to the additive on the expiration of the 2-year period beginning on the date on which the final regulation is promulgated, subject to paragraph (2).

(2) USER FEES.—With respect to a genetic food additive described in paragraph (1), such paragraph does not waive the applicability of section 409A of the Federal Food, Drug, and Cosmetic Act to a petition filed under section 409(b)(1) of such Act (21 U.S.C. 348(b)(1)) that is filed before the expiration of the 2-year period described in such paragraph.•

By Mr. GRAHAM:

S. 2316. A bill to authorize the lease of real and personal property under the jurisdiction of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE PARTNERSHIP ACT

• Mr. GRAHAM. Mr. President, I rise today to introduce the Commercial Space Partnership Act—legislation to encourage the commercial development of space through the long term lease of real and personal property held by the National Aeronautics and Space Administration (NASA).

The Cox Commission Report identified the need to expand domestic launch capacity to meet the rapidly growing demand for commercial U.S. launch services. It is vital that we increase our domestic launch capacity, reduce our dependence on foreign launch providers and help eliminate the transfer of critical U.S. technology. The Cox Report specifically recommended that congressional committees "report legislation to encourage and stimulate further the expansion of such capacity of competition."

Mr. President, the Commercial Space Partnership Act is the third piece of legislation I have introduced with the goal of increasing our domestic launch capacity. The first was the Commercial Space Act, which became law in 1998. The Act helped break the federal government's monopoly on space travel by establishing a licensing framework for the private sector's reusable launch vehicles. It also provided for the conversion of excess ballistic missiles into space transportation vehicles, thus helping to reduce our nation's cost of access to space.

Last year, along with a similar bipartisan coalition, I introduced the Spaceport Investment Act. This bill would allow spaceports to issue tax-free bonds to attract private sector investment dollars for launch infrastructure. It achieves the dual purpose of reducing pressure on the federal budget while stimulating this crucial industry.

Mr. President, the third leg of this effort is the Commercial Space Partnership Act. Presently, NASA holds real and personal property that would be invaluable in developing new domestic launch resources. At the same time, however, NASA has no appropriations with which to cover the costs that result from integrating new commercial launch facilities into its existing infrastructure. The Commercial Space Partnership Act is designed to resolve this problem by allowing public and private interests with development money to lease property from NASA for the purpose of expanding commercial launch capacity, and by permitting NASA to make use of some of the lease proceeds to cover the resulting costs it incurs.

The Commercial Space Partnership Act will empower NASA to assist the commercial space industry in expanding the domestic launch capacity at no cost to the taxpayer. Under this new lease authority, NASA will receive fair market value for its property and will further be empowered to apply the lease proceeds to cover the full costs resulting from the integration of the new commercial launch facilities into NASA's existing infrastructure. The Act further provides that any lease proceeds in excess of NASA's full costs shall be forwarded to the U.S. Treasury as miscellaneous receipts.

The fair market value approach also ensures that NASA property will be leased to industry at a price which is comparable to other similar commercial properties. NASA's property will thereby be leased in a fair and equitable manner that will give in an unfair advantage to those with pre-existing launch facilities in commercial locations.

Mr. President, the Commercial Space Partnership Act can only encourage and stimulate the domestic launch capacity of our country. I urge my colleagues in the Senate to join us in this important effort by co-sponsoring this bill.●

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 2317. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

STOP ALLOWING FELONS EARLY RELEASE (SAFER) ACT

By Mr. DORGAN (for himself, Mr. CRAIG, and Mr. ROBB):

S. 2318. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

100 PERCENT TRUTH-IN-SENTENCING ACT

Mr. DORGAN. Mr. President, I offer legislation today that I introduced previously but on which I was not able to get action during a previous Congress, and that is legislation dealing with truth in sentencing.

Let me talk about some folks who have committed violent acts in this country. Recently, I read in a local paper here that a man named Kenneth Lodowski is walking around this metropolitan area. He was sentenced to die in 1984. He murdered two people—one an off-duty police officer, and the other a clerk in a convenience store. He was sentenced to die in 1984 for two murders. The prosecuting attorney called the murders "as vicious a crime as I have experienced in my 24 years as State's attorney."

That is the crime.

After a series of appeals, this man, who was sentenced to death for two murders, had the sentence changed to life imprisonment without parole, then changed again, then changed again. Finally, the sentence was 25 years in prison. After 16 years in prison, this person is walking around the streets of this metropolitan area—free.

Why? Here is the reason. If you commit murder in this country, on average, you are going to be sentenced to about 21 years in prison. On average, a murderer will be sentenced to about 21 years in prison but will serve, on average, only 10 years behind bars.

Most people will be startled to hear that. But let me say that again. The average sentence served by a murderer in this country is about 10 years. Why? Because people are let out early. Murderers go to prison, and they get "good time," time off for good behavior: If you want to get out early, just be good in prison, and we will put you back on the streets.

What happens when you are put back on the streets? You read the stories. I have spoken a number of times about Bettina Pruckmayr, a young woman who moved to town with great expectations, a young lawyer. She was abducted in a carjacking, then taken to an ATM machine to extract cash, and then stabbed 30 times in a horrible death. This young, 26-year-old attorney who was just beginning her career in this town, was stabbed 30 times by a man who had previously been convicted of rape, armed robbery, and murder. That man was on the streets legally, let out by a criminal justice system that does not keep people who we know are violent behind bars—let out early.

Or Jonathan Hall, about whom I have spoken in this Chamber, 13 years old, stabbed by a man who moved into his neighborhood, stabbed 60 times with a screwdriver, thrown down an embankment into a pond. When they found young Jonathan, after being stabbed 60 times, they found dirt and grass between his fingers because even though he had been stabbed 60 times, this 13-year-old boy had tried to crawl out of that pond into which this fellow had thrown him. His clenched fists described his will to survive. But he did not; he died.

Jonathan's murderer was a career criminal. He had been convicted previously of kidnapping and murder, but let out, and was living in the neighborhood and able to murder this 13-year-old boy—paroled just 1 year before he took Jonathan's life.

And Julie Schultz from ND, a woman whom I know fairly well, the mother of three, who stopped at a highway rest area one day on a pleasant, tranquil afternoon in North Dakota. She was attacked by a man who tried to rape her, slashed her throat, cutting her vocal cords, and left her for dead at a rest area on Highway 2 in northern North Dakota.

She survived the attack. In fact, I saw Julie just 2 weeks ago at the Minneapolis Airport. She survived the attack but has lasting scars and difficulties as a result of that attack.

Who attacked Julie? The same kind of person who attacked others around this country—people who we knew were violent, were put behind bars, and let out early because the criminal justice system says: You only have to spend 10 years, on average, in jail if you commit a murder in this country. We will sentence you to 21 years, but you only have to spend 10 years behind bars because we will let you out early if you are good.

The fellow who slashed the throat of Julie Schultz served 7 years of a life sentence in the State of Washington before being released, before being on Highway 2, on an afternoon in North Dakota, able to do what he did to Julie Schultz.

Sara Paulson, 8 years old, went out for a bike ride one day and never came back. Her body was found under a pine tree less than 200 yards from her home. She had been sexually assaulted and strangled to death. Her murderer had been previously sentenced to prison for rape but was paroled after serving less than half of his sentence.

I am introducing legislation today, cosponsored by Senator CRAIG of Idaho, and another piece of legislation cosponsored by Senator CRAIG of Idaho and Senator ROBB of Virginia. The point of it is very simple. I believe in the criminal justice system we ought to have different standards for those who commit acts of violence. Everyone in this country who commits acts of violence ought to understand: You go to prison, and your address is going to be your jail cell until the end of your sentence.

Do you know what the prison folks say to us? We need mechanisms by which we can persuade inmates to behave in prison. The mechanism is to dangle before them an early-out, time off for good behavior. So if we are able to reward them for behaving in prison, we are able to manage them.

I say to them, what about managing them on the streets?

As I stated, there is a fellow who is walking the streets in this metropolitan area now, after 16 years, who killed a policeman and killed a clerk in a store, because he was released early.

What about the people on the streets who are going to meet that fellow? What about their safety? Who is managing that violent offender now? Who managed the violent offender who viciously attacked Julie Schultz? Who managed the behavior of the man who violently attacked Jonathan Hall? Who was watching the fellow who violently attacked Bettina Pruckmayr?

The answer is, nobody.

Let us segregate and separate those who commit violent acts in this country from those who are nonviolent offenders. Let's incarcerate them all. I do not mind early release for nonviolent offenders. But for violent offenders, we ought to have a society in which everyone understands: If you commit an act of violence, the prison cell is your address to the end of your sentence. No good time off for good behavior, no getting back to the streets early. You are going to be in prison to serve your term.

It is the only way, it seems to me, to protect innocent folks, such as Bettina Pruckmayr and Jonathan Hall and Julie Schultz, and so many others who have been victimized by people we know were violent and should have been in a prison cell but, instead, were on the streets early because prison authorities let them out early with "good time" credits and "good time" releases.

Let's stop it. My legislation will do that. It says to the States: You must do it. If you do not, you are going to lose certain grants under the Criminal Justice Act. Is that tough? Yes. But we must, it seems to me, take these steps to change this.

Again, let me conclude. My colleague from Illinois, I know, wants the floor. But early releases—these are State prisons, incidentally—sexual assault: Sentenced for 10 years, on average, and you are out in 5; robbery: Sentenced for 8 years, on average, and you are out in 4; murder: Sentenced for 21 years, on average, and you are out in 10.

Everyone in this Chamber knows the horrors of crime, if not personally with them and their family, then a neighbor, a friend, a relative.

We know the current system isn't working. Too many violent offenders are sent back to America's streets. There is a way to stop that. Yes, I know we have too many people in prison; But the way to be smart about it is to segregate those who are violent offenders from those who are nonviolent. This piece of legislation would start us doing that.

If any of us, God forbid, would lose a loved one or relative because of a vicious crime committed by someone who should have been in prison but was let out early, we would spend the rest of our days trying to pass legislation like this. We ought to do it.

Let me again say, the piece of legislation I began to talk about today, because of the escape in Chula Vista, CA, has resulted in a convicted murderer walking around on the loose, a man named Prestridge. A violent murderer supposed to be spending the rest of his life behind bars is now loose because he was being transported by a private company and incompetence allowed these violent offenders, two of them, to escape—if we pass Jeanna's bill, named after the young 11-year-old who was violently murdered by Kyle Bell, if we pass that piece of legislation, I won't be here speaking about those circumstances again because they won't happen again. I hope we will be able to address both of those pieces of legislation in the remaining months of this Congress.

I thank my colleague from Illinois. I wanted to introduce this legislation and talk about it at some length today. I know he is here to talk as well. I yield the floor.

Mr. DURBIN. Mr. President, I rise to comment on the remarks made by my friend and colleague from North Dakota, Senator DORGAN. I know his feelings are heartfelt about this issue. I know he speaks from the heart when he tells us about these terrible tragedies to which many families in America have been subjected. I hope he feels, as I do, that when it comes to violent crime, crimes involving guns and weapons, sexual assault, and the like, we should have no tolerance for that conduct. And when it comes to sentencing those responsible for the crimes, we should do it in a manner to protect American citizens and families across the board. I agree with him on that score. I think if we are ever going to stop the plague of violent crime in this country, we have to deal with enforcement of the law in a realistic way to protect families.

Two weeks ago, I was stuck in an airport in our State capital, my hometown of Springfield, which tends to be part of the job description of being a Senator. The director of the Department of Corrections, Don Snyder, came up and said hello, and we had a chance to chat about incarceration in my home State of Illinois.

There are currently, if I remember the figures off the top of my head, about 45,000 people incarcerated in the State prison system in Illinois. He told me a couple of things that were interesting. Each year, we release from the Illinois prison system over 20,000 inmates. We have this false notion that once a person is incarcerated, they are there forever.

As the Senator from North Dakota has indicated, even for the most violent criminals, that is not the case. About half of them come out each year. When you consider all the crimes for which people are incarcerated, they are back on the street. The question we obviously have to ask is whether they will commit another crime. Unfortunately, about half of them do. Those crimes, when repeated, test our resolve to not only have a system that involves punishment but, where appropriate, rehabilitation.

This director of our Department of Corrections gave me an illustration. He said, if you consider a crime involving drugs to be the possession of a thimbleful of cocaine, in 1987, the Illinois prison system had 400 people incarcerated for the possession of a thimbleful of cocaine. In the year 2000, we have 9,100 inmates incarcerated for the possession of a thimbleful of cocaine. He said: Conceding the fact that we want to end the drug scourge in our country and we want to be effective in doing it, the average drug criminal in Illinois is incarcerated for 7½ months. It is hard to believe that we are going to teach many lessons in 7½ months, but that is the average.

Here is the thing that is troubling. During the period of that incarceration in prison for the commission of the drug crime, there is virtually nothing done to deal with the underlying addiction of the inmate. So when they are released in 7½ months or a little longer, they are back on the streets, still addicted, likely to run back into the same drug culture and be exposed to the same forces that put them in prison in the first place.

He asked me a valid question: Why aren't we doing something, while we have these people who have been convicted and incarcerated, to try to get them off drugs?

I think that is a reasonable suggestion. I am not for letting violent criminals out early, but for those who are in for drug crimes, we ought to have a policy nationwide that deals with some effort to stop their addiction, to end their addiction, to try, when they are released, to give them a chance to lead a normal life that doesn't include another victim at some later point. I hope we address that.

He also indicated to me that over 80 percent of the women in the Illinois prison system have children. And while they are in prison separated from those children, oftentimes those children are in terrible circumstances. We saw in the State of Michigan a few weeks ago when a 6-year-old boy took a gun to school and killed a little classmate. Then we find his father was in prison. His mother is addicted. He was stuck in a home where he slept on a couch. No one paid attention to him. Frankly, a gun was left on a table where he could get his hands on it and take it to school.

That kind of neglect occurs too often in America. It is invited in a situation where mothers are incarcerated and no one is there to care for their kids.

This Director of Corrections said: Can we keep the link between the mother and child alive? We find that the women who are inmates really want to turn their lives around when they think their family can stay together and has a future. We know that the kids would like to keep a relationship with the mother who may turn her life around.

These are troubling questions. In a nation where we incarcerate more per capita than any other country in the world, we have to face these realities. People are coming out of prison. When they come out, we have to wonder whether there has been a part of their experience in prison that will lead to a better life for them and a safer America and less recidivism.

Mr. DORGAN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. DORGAN. I agree with what the Senator has said. Nearly half of the people incarcerated in this country are violent offenders, half are not. It seems to me we ought to be smarter in the way we incarcerate them, those half whom we know are violent. For those we know are violent, we should not be incentivizing them to move to the streets earlier. We ought to try to find ways to keep them in prison to the end of their term. Those who are nonviolent they have to be punished, serve their time. But they are not violent and are not a threat to people.

Senator John Glenn used to talk about this in the Senate. He used to bring with him a model of a Quonset hut, apparently made in Ohio. He said: This is the kind of place I lived in during the Korean war. My wife and I lived in one of these huts various places around the world. It was Marine housing, among other things. He said, for nonviolent offenders, we could put up some barbed wire and build Quonset huts. It doesn't take a fortune to create incarceration compounds for nonviolent offenders. We don't have to put them in lockups that are massively secure, lockups that cost a fortune. Use those lockups for violent offenders; then give yourself enough space to keep violent offenders behind bars to the end of their term.

That is the point I was making. I don't disagree with anything the Senator from Illinois said about the crime factor inside the prisons and about the circumstances these days of mandatory sentencing and crimes that have been nonviolent that have crowded the prison system. I thank the Senator for his comments.

Mr. DURBIN. I thank the Senator from North Dakota. I appreciate the importance of the issue of incarceration and corrections.

By Mr. SMITH of New Hampshire (for himself and Mr. ALLARD):

S. 2319. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare Prescription Drug Plan under which eligible Medicare beneficiaries may elect to receive coverage under the Rx Option for outpatient prescription drugs and a combined deductible; to the Committee on Finance.

VOLUNTARY MEDICARE PRESCRIPTION DRUG PLAN ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a bill entitled the "Voluntary Medicare Prescription Drug Plan Act of 2000." This bill allows seniors to enroll in a new program under Medicare which will provide for prescription drug coverage. This is an issue about which, as you know, many seniors are very concerned.

Seniors who join this plan would have a combined Part A and Part B deductible of $675, which would include all hospital, medical, and drug expenses. After the deductible is met, seniors would receive 50-percent coverage of their prescription drug costs up to $5,000. If a senior has $2,000 in expenses for prescription drugs, $1,000 of that would be paid for under this plan.

I have spoken to senior groups and health care providers, both in Washington as well as in my State over the past several weeks, about this proposal. The response has been very enthusiastic. Seniors want a prescription drug benefit. Doctors and nurses understand the importance of providing coverage for seniors because of the expense of prescription drugs in this country. It would be a victory for seniors and for health care in this country if we could provide this coverage to them.

I have had discussions with many of my colleagues in the Senate who are working on this very issue. We have all heard from our constituents about the importance of prescription drugs. Senators BREAUX and FRIST have included prescription drugs in their overall Medicare reform package. Senators KENNEDY, SNOWE, WYDEN, GRAMS, and JEFFORDS all have proposed various plans that provide some level of prescription drug coverage in Medicare, and many others are working on separate proposals of their own.

In a recent press conference, President Clinton and Senator DASCHLE outlined their goals for prescription drug coverage. Leaving the politics aside, the fact that elected leaders from both parties are looking at this issue of prescription drug coverage is good news for the senior citizens of America. I have talked with several of my Republican colleagues, and it is clear to me there is overwhelming support for allowing seniors to have this choice. The only question among us all is how we can responsibly structure such a program.

I have heard from seniors in my State about what they are looking for in a prescription drug plan.

First, they are concerned about the solvency of the Medicare program. They want a program that does not add some huge financial burden to the trust fund which will be passed on to their grandchildren. They do not want to increase the national debt, either. Yes, seniors are concerned about the national debt. Ask them the next time you speak to a seniors group.

The President's proposal, as it is written, blows a $168 billion hole in the trust fund, threatening its solvency.

Second, seniors do not want new premiums. My plan requires no premium hike for seniors. Zero. The President's plan requires a $51 annual premium increase.

I will repeat that. Seniors do not want to blow a hole in the national debt. They do not want to inflate the debt. Yet the President's proposal adds $168 billion that is going to come out of that trust fund, threatening its solvency. And seniors do not want more premiums. My plan has no increase in premiums; the President's plan, $51—just to start—annual premium increase.

The guiding principles of this plan, which may come as a shock to some of my colleagues on the other side of the aisle, are the same principles as those of the President and the distinguished minority leader for any prescription drug plan. I want to repeat the six principles the minority leader has introduced on behalf of the President. I am going to add three more to those six and make it even better. I do not know why we cannot have almost unanimous support for this piece of legislation.

First of all, under the plan the Senate Democrats are committed to passing this year, there are six basic principles. I agree with them all.

No. 1, it is voluntary. Medicare beneficiaries who now have dependable, affordable prescription drug coverage should have the option of keeping that coverage.

No. 2, it is accessible to all beneficiaries. I agree with that. A hallmark of Medicare is that all beneficiaries, even those in rural or underserved communities, have access to dependable health care. It should be accessible to everybody. I agree with the second principle.

No. 3, it is designed to provide meaningful protection and bargaining power for seniors. A Medicare drug benefit should assist seniors with the high cost of drugs and protect them against excessive, out-of-pocket expenses. I agree with that.

No. 4, it should be affordable to all beneficiaries, and it should be affordable to the Medicare program itself.

Medicare should contribute enough toward the prescription drug premium to make it affordable and attractive for all beneficiaries and to ensure the viability of the benefit. I agree with that.

No. 5, administered using private-sector entities and competitive purchasing techniques. In other words, the program is administered by using private sector entities and competitive purchasing techniques. The management of the prescription drug benefit should mirror the practices employed by private insurers. Discounts should be achieved through competition, not through price controls or regulation.

I agree with that.

We are five for five.

No. 6, consistent with broader Medicare reform, the addition of a Medicare drug benefit should be consistent with an overall plan to strengthen and modernize Medicare. Medicare will face the same demographic strain as Social Security when the baby boomer generation retires. So it is consistent with broader Medicare reform.

I agree with that.

There are six principles I can support.

I would ask my colleagues on the other side of the aisle to join me now with three more principles I would add:

No. 1, that the plan be revenue neutral to preserve and protect the financial integrity of the Medicare trust fund. In other words, it does not cost the Government any more money.

No. 2, that the plan does not raise Medicare premiums. Their plan, $51 annually to seniors; my plan, zero. So no increase in premiums.

And No. 3, that full benefits be provided, not in 2009, as the administration plan proposes, but in 2001, 8 years sooner.

So my three principles—revenue neutral, do not raise the premiums, provide the benefits in 2001—those three principles enhance and strengthen the other six principles put forth by my colleagues on the other side of the aisle.

My plan accomplishes all three of the principles I have outlined.

Let me briefly explain how it works.

A senior already enrolled in Medicare Parts A and B—already enrolled in Part A, hospital, and Part B, doctor—will have the option of choosing my new voluntary prescription drug plan. It is their option. Nobody is mandated; they choose. It will cover 50 percent of their prescription drug costs toward the first $5,000 worth of prescription drugs. If they buy $4,000 worth of drugs—$2,000 for prescription drugs; $2,000 is covered.

How do we do this? How do we make it work? Medicare Part A—under the old system, the current system—has a $776 deductible. Medicare Part B has a $100 deductible. In other words, if you go to the doctor, the first $100 you pay for; if you go to the hospital, the first $776 you pay for; the rest, Medicare pays. That is a total of $876 you will have to pay.

My new plan would create one new deductible, combining those two deductibles of Part A and Part B into one deductible of $675, which would apply to all hospital costs, all doctor visits, and prescription drugs—50 cents on the dollar up to $5,000. And the prescription drug costs apply to the deductible, so every dollar you pay for a prescription moves you forward to meet the deductible.

Once the $675 deductible is met by the Medicare recipient, Medicare then will pay 50 percent of the cost toward the first $5,000 worth of drugs the senior purchases.

However, the senior could not purchase a Medigap plan that would pay for the $675 deductible. This must be paid for by the senior. But if you have a Medigap plan now as a senior, you will not need it.

As a result, seniors would save about $550 under Medigap plans if they traded their current Medigap plan for my new prescription drug plan. Again, it is their option. It is voluntary. Seniors could even use their $550 in savings to pay the $675 deductible.

If you are a senior out there, and you have Part A, Part B, and you are paying $675 toward the deductible, and you have Medigap insurance of $550, you now can put the $550 toward the $675 to meet your deductible. So you are going to have $550 in savings. You can put that toward the $675, and you are already two-thirds of the way there.

But how do you get the cost savings?

As my colleagues are aware, according to the National Bipartisan Commission on the Future of Medicare, the Federal Government pays about $1,400 more per senior if the senior owns a Medigap plan that covers their Part A and Part B deductible. This, generally, is because of our overutilization of hospital and doctor visits by the senior. The savings result because Medicare will not have to pay this $1,400 per person per year out of the trust fund.

As I mentioned, all hospital, physician, and prescription drug costs would count toward this $675 deductible. Once it was met, the senior would receive regular, above-the-deductible Medicare coverage, just as you get now. Or if you worked out the numbers and decided against my plan, then you would not have to select it; it is your choice.

I believe the vast majority of seniors will benefit from this plan. In fact, every senior with a Medigap plan will definitely benefit. Any senior with a prescription drug expenditure of more than $15 a month will benefit. Today, the Medicare Part A and Part B deductible totals $876, which most seniors cover by an average $1,611 Medigap insurance premium.

These estimates, as well as the estimate that the bill is budget neutral, come from Mr. Guy King, formerly chief actuary for the Health Care Financing Administration under President Clinton. I received a letter just this morning from Mr. King, from which I would like to quote:

> DEAR SENATOR SMITH: This is in response to your letter of March 9, 2000, asking for my analysis of legislation you intend to introduce in the Senate. The proposed legislation establishes a voluntary prescription drug benefit, the Medicare Prescription Drug Plan, under the Medicare program.
>
> Under the Medicare Prescription Drug Plan, the current Part A and Part B deductibles would be replaced by a single deductible of $675 which would also be applicable to the new prescription drug benefit. The Medicare program would pay fifty percent of the cost of prescription drugs, up to a maximum of $2,500 after satisfaction of the deductible.

He goes on to describe it.

Quoting further:

> As you requested, I performed an analysis of the proposed legislation. This analysis is based on Medicare and prescription drug data I obtained from the Health Care Financing Administration, My analysis indicates that the Medicare Prescription Drug Plan, as described above, would be cost-neutral to the Medicare program if it were made available on a voluntary basis to all beneficiaries except those also covered by Medicaid.

It is signed by Guy King.

Let me just conclude speaking on this bill by saying, the benefits in this plan are delivered by private companies and regional entities, such as pharmaceutical benefit managers. These entities would negotiate with large drug companies and provide the drugs to Medicare seniors.

Finally, according to the actuaries who reviewed the legislation, there will be no adverse selection. Both the healthy and the sick will have an incentive to choose this plan. Everybody is in.

There are many different methods of providing prescription drug coverage for seniors, but I urge my colleagues—I plead with my colleagues—to look to the revenue-neutral methods that fund this benefit by the elimination of waste in the present system. I urge my colleagues to resist the temptation to raise Medicare premiums on the people who can least afford it.

I have vivid memories of seniors rocking Mr. Rostenkowski's car a few years ago when he decided to raise Medicare premiums. Let's look at it more specifically. The House's fiscal year 2001 budget—this is important—sets $40 billion aside for prescription drugs. In the Senate, we are expected to do a budget that is going to set aside $20 billion.

We don't need either under my plan. We don't need any more money. We don't need $20 billion. We don't need $40 billion. We don't need $2 billion. We don't need any billions. Let's use the money for debt reduction or tax credits for the uninsured rather than providing for prescription drugs, when we could use my revenue-neutral prescription plan instead.

I must say, in all candor, some of the deflections I have had put in my way on this issue by some in this body are disturbing. I will not get into details. I want people to listen and look at this plan. It is a good plan. I would like to have the opportunity to be able to talk about it in more detail with some of my colleagues, because it makes no sense to take $40 billion max, anywhere from $20 billion to $40 billion, and put it into this prescription plan when we don't need to. Let's put it on the debt or let's buy something else with it that is worthwhile. We don't need it.

A neutral plan that does not raise premiums, that takes effect in 2001 is a good plan. It is a good idea. We need to implement it.

I urge my colleagues to take a look at this bill.

I ask unanimous consent that the letter from Mr. King be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KING ASSOCIATES,
Annapolis, MD, March 28, 2000.

Hon. BOB SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: This is in response to your letter of March 9, 2000 asking for my analysis of legislation you intend to introduce in the Senate. The proposed legislation establishes a voluntary prescription drug benefit, the Medicare Prescription Drug Plan, under the Medicare program.

Under the Medicare Prescription Drug Plan, the current Part A and Part B deductibles would be replaced by a single deductible of $675 which would also be applicable to the new prescription drug benefit. The Medicare program would pay fifty percent of the cost of prescription drugs, up to a maximum of $2,500 after satisfaction of the deductible. A beneficiary who chooses the Medicare Prescription Drug Plan would not be allowed to purchase a Medicare supplement policy that fills in the $675 deductible, so special Medicare supplement policies for those who choose the option would be allowed.

The Medicare Prescription Drug Plan would be available, on a voluntary basis, to any Medicare beneficiary not also covered by Medicaid. The possibility of anti-selection is an important consideration for a plan that is available to all Medicare beneficiaries as an option. I believe that the design features of the Medicare Prescription Drug Plan, as outlined in your legislation, minimize the impact of anti-selection.

As you requested, I performed an analysis of the proposed legislation. This analysis is based on Medicare and prescription drug data that I obtained from the Health Care Financing Administration (HCFA). My analysis indicates that the Medicare Prescription Drug Plan, as described above, would be cost-neutral to the Medicare program if it were made available on a voluntary basis to all beneficiaries except those also covered by Medicaid.

If you should have any questions regarding my analysis, please don't hesitate to call.

Sincerely,

ROLAND E. (GUY) KING,
President.

By Mr. JEFFORDS (for himself, Mr. BREAUX, Mr. FRIST, Mrs. LINCOLN, and Ms. SNOWE):

S. 2320. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes; to the Committee on Finance.

HEALTH COVERAGE, ACCESS, RELIEF, AND EQUITY (CARE) ACT

Mr. JEFFORDS. Mr. President, today, I am pleased to join with my colleagues in introducing the Health Coverage, Access, Relief and Equity Act or Health CARE Act. This legislation will provide low-income Americans with a refundable tax credit for the purchase of health insurance coverage. This effort marks the first major bipartisan, bicameral, market-based initiative on behalf of the uninsured since 1994.

I believe the issue of access to health coverage for the uninsured must be a top national priority. The uninsured often go without needed health care or face unaffordable medical bills. Insurance coverage guarantees providers reimbursement for their services, and it helps contain costs by encouraging more appropriate use of the health care system.

Unfortunately, the main source of coverage—employer-based insurance—is simply not available to a significant number of working Americans and their families. High health care cost increases have caused more people to become uninsured.

New Census Bureau data indicate that there are now 44 million Americans with no health coverage, an increase of one million from last year. This number is unacceptable for a prosperous nation with a strong economy.

A new poll indicates that our bill is consistent with the main health care concern of average voters. When asked what they think is the most important problem about our health care system that the government should address, the top choice—selected by 29 percent of those sampled—was universal coverage.

I believe the legislation we're introducing today can provide the necessary foundation for achieving the goal of expanded health coverage. The Health CARE tax credit is targeted to those who are most in need of help, due to their lack of income, access to subsidized employment-based coverage, and ineligibility for public programs.

About one-half of the full-time working poor were uninsured last year. Many of these individuals work for small firms. In my own state of Vermont, only 27 percent of workers in firms employing fewer than 10 people are offered health insurance.

These uninsured working Americans have one thing in common: they are low wage workers—with nearly 70 percent making less than two times the minimum wage. Without additional resources, health insurance coverage is either beyond their reach or only purchased by giving up other basic necessities of life.

The Health CARE Act will provide a refundable tax credit to help low and moderate-income individuals and families purchase health insurance.

The legislation will provide a refundable tax credit of $1,000 for the purchase of individual coverage to those with adjusted gross incomes of up to $35,000 and it will provide a $2,000 credit for the purchase of family coverage for those with AGI of up to $55,000.

The initial estimates show that this proposal will help almost 9 million Americans. It will provide health coverage for 3.2 million Americans who are presently uninsured and give needed financial relief to another 5.5 million low-income Americans who are using their scarce dollars to buy individual health insurance policies.

Realizing that insurance coverage is not the single answer for our nation's health access problems, we are also developing additional components to the Health CARE Act which will focus on improving access to health care services and safety net providers, such as community health centers and rural health clinics.

We must do whatever we can to ensure that the Safety Net already in place becomes stronger and more reliable. Just last week, the Subcommittee on Public Health held a hearing on three of our nation's safety provider programs—the Consolidated Health Centers program, the National Health Service Corps, and the Community Access program.

I look forward to working with Senator FRIST on shoring up the Safety Net, and together we plan to introduce an additional component to the CARE Act on Safety Net providers that will become part of the larger health CARE Package.

Our goal for this legislation is to maximize health coverage, tax equity, and cost efficiency, and we believe it should be included as an important element in any tax package that Congress enacts this year.

The Health CARE Act will increase the number of Americans who have health insurance coverage by filling key gaps in the current system and supporting a system of health care financial and delivery that complements the employment-based system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I hope my colleagues will take a look at this. I hope they will join me in making sure we do what must be done to make sure the people who need it the most get it.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Coverage, Access, Relief, and Equity (C.A.R.E.) Act".

SEC. 2. REFUNDABLE HEALTH INSURANCE COSTS CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by redesignating section 35 as section 36 and inserting after section 34 the following new section:

"SEC. 35. HEALTH INSURANCE COSTS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the amount paid during the taxable year for qualified health insurance for the taxpayer and the taxpayer's spouse and dependents.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—

"(A) IN GENERAL.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed the sum of the monthly limitations for coverage months during such taxable year.

"(B) MONTHLY LIMITATION.—The monthly limitation for each coverage month during the taxable year is the amount equal to 1/12 of—

"(i) in the case of self-only coverage, $1,000, and

"(ii) in the case of family coverage, $2,000.

"(2) PHASEOUT OF CREDIT.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $35,000 ($55,000 in the case of family coverage), bears to

"(ii) $10,000.

"(C) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after application of sections 86, 135, 137, 219, 221, and 469.

"(3) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

"(c) COVERAGE MONTH DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'coverage month' means, with respect to an individual, any month if—

"(A) as of the first day of such month such individual is covered by qualified health insurance, and

"(B) the premium for coverage under such insurance for such month is paid by the taxpayer.

"(2) EMPLOYER-SUBSIDIZED COVERAGE.—

"(A) IN GENERAL.—Such term shall not include any month for which such individual is eligible to participate in any subsidized health plan (within the meaning of section 162(l)(2)) maintained by any employer of the taxpayer or of the spouse of the taxpayer.

"(B) PREMIUMS TO NONSUBSIDIZED PLANS.—If an employer of the taxpayer or the spouse of the taxpayer maintains a health plan which is not a subsidized health plan (as so defined) and which constitutes qualified health insurance, employee contributions to the plan shall be treated as amounts paid for qualified health insurance.

"(3) CAFETERIA PLAN AND FLEXIBLE SPENDING ACCOUNT BENEFICIARIES.—Such term shall not include any month during a taxable year if any amount is not includible in the gross income of the taxpayer for such year under section 106 with respect to—

"(A) a benefit chosen under a cafeteria plan (as defined in section 125(d)), or

"(B) a benefit provided under a flexible spending or similar arrangement.

"(4) MEDICARE AND MEDICAID.—Such term shall not include any month during a taxable year with respect to an individual if, as of the first day of such month, such individual—

"(A) is eligible for any benefits under title XVIII of the Social Security Act, or

"(B) is eligible to participate in the program under title XIX or XXI of such Act.

"(5) CERTAIN OTHER COVERAGE.—Such term shall not include any month during a taxable year with respect to an individual if, as of the first day of such month, such individual is eligible—

"(A) for benefits under chapter 17 of title 38, United States Code,

"(B) for benefits under chapter 55 of title 10, United States Code,

"(C) to participate in the program under chapter 89 of title 5, United States Code, or

"(D) for benefits under any medical care program under the Indian Health Care Improvement Act or any other provision of law.

"(6) PRISONERS.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

"(d) QUALIFIED HEALTH INSURANCE.—For purposes of this section, the term 'qualified health insurance' means health insurance coverage (as defined in section 9832(b)(1)(A)), including coverage under a high deductible health plan (as defined in section 220(c)(2)) or a COBRA continuation provision (as defined in section 9832(d)(1)).

"(e) MEDICAL SAVINGS ACCOUNT CONTRIBUTIONS.—

"(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 to the taxpayer for a payment for the taxable year to the medical savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

"(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 for that portion of the payments otherwise allowable as a deduction under section 220 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

"(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(3) COORDINATION WITH ADVANCE PAYMENT.—Rules similar to the rules of section 32(g) shall apply to any credit to which this section applies.

"(g) EXPENSES MUST BE SUBSTANTIATED.—A payment for insurance to which subsection (a) applies may be taken into account under this section only if the taxpayer substantiates such payment in such form as the Secretary may prescribe.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations under which—

"(1) an awareness campaign is established to educate the public, insurance issuers, and agents or others who market health insurance about the requirements and procedures under this section, including—

"(A) criteria for insurance products and group health coverage which constitute qualified health insurance under this section, and

"(B) guidelines for marketing schemes and practices which are appropriate and acceptable in connection with the credit under this section, and

"(2) periodic reviews or audits of health insurance policies and group health plans (and related promotional marketing materials) which are marketed to eligible taxpayers under this section are conducted for the purpose of determining—

"(A) whether such policies and plans constitute qualified health insurance under this section, and

"(B) whether offenses described in section 7276 occur.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

"(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

"(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage,

"(C) the aggregate amount of payments described in subsection (a),

"(D) the qualified health insurance credit advance amount (as defined in section 7527(e)) received by such person with respect to the individual described in subparagraph (A), and

"(E) such other information as the Secretary may reasonably prescribe.

"(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 35(d)) other than—

"(1) insurance under a subsidized group health plan maintained by an employer, or

"(2) to the extent provided in regulations prescribed by the Secretary, any other insurance covering an individual if no credit is allowable under section 35 with respect to such coverage.

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

"(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished,

"(3) the information required under subsection (b)(2)(B) with respect to such payments, and

"(4) the qualified health insurance credit advance amount (as defined in section 7527(e)) received by such person with respect to the individual described in paragraph (2). The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to payments for qualified health insurance),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting ", or", and by adding at the end the following new subparagraph:

"(BB) section 6050T(d) (relating to returns relating to payments for qualified health insurance).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to payments for qualified health insurance.".

(c) CRIMINAL PENALTY FOR FRAUD.—Subchapter B of chapter 75 of such Code (relating to other offenses) is amended by adding at the end the following new section:

"SEC. 7276. PENALTIES FOR OFFENSES RELATING TO HEALTH INSURANCE TAX CREDIT.

"Any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for health insurance costs under section 35 shall on conviction thereof be fined not more than $10,000, or imprisoned not more than 1 year, or both.".

(d) CONFORMING AMENDMENTS.—

(1) Section 162(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) ELECTION TO HAVE SUBSECTION APPLY.—No deduction shall be allowed under paragraph (1) for a taxable year unless the taxpayer elects to have this subsection apply for such year.".

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 35. Health insurance costs.

"Sec. 36. Overpayments of tax.".

(4) The table of sections for subchapter B of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7276. Penalties for offenses relating to health insurance tax credit.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) PENALTIES.—The amendments made by subsections (c) and (d)(4) shall take effect on the date of the enactment of this Act.

SEC. 3. ADVANCE PAYMENT OF CREDIT TO ISSUERS OF QUALIFIED HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF HEALTH INSURANCE CREDIT TO ISSUERS OF QUALIFIED HEALTH INSURANCE.

"(a) GENERAL RULE.—In the case of an eligible individual, the Secretary shall make payments to the health insurance issuer of such individual's qualified health insurance equal to such individual's qualified health insurance credit advance amount with respect to such issuer.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual—

"(1) who purchases qualified health insurance (as defined in section 35(c)), and

"(2) for whom a qualified health insurance credit eligibility certificate is in effect.

"(c) HEALTH INSURANCE ISSUER.—For purposes of this section, the term 'health insurance issuer' has the meaning given such term by section 9832(b)(2).

"(d) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement furnished by an individual to a qualified health insurance issuer which—

"(1) certifies that the individual will be eligible to receive the credit provided by section 35 for the taxable year,

"(2) estimates the amount of such credit for such taxable year, and

"(3) provides such other information as the Secretary may require for purposes of this section.

"(e) QUALIFIED HEALTH INSURANCE CREDIT ADVANCE AMOUNT.—For purposes of this section, the term 'qualified health insurance credit advance amount' means, with respect to any qualified health insurance issuer of qualified health insurance, an estimate of the amount of credit allowable under section 35 to the individual for the taxable year which is attributable to the insurance provided to the individual by such issuer.

"(f) REQUIRED DOCUMENTATION FOR RECEIPT OF PAYMENTS OF ADVANCE AMOUNT.—No payment of a qualified health insurance credit advance amount with respect to any eligible individual may be made under subsection (a) unless the health insurance issuer provides to the Secretary—

"(1) the qualified health insurance credit eligibility certificate of such individual, and

"(2) the return relating to such individual under section 6050T.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of health insurance credit for purchasers of qualified health insurance.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001.

• Mr. FRIST. Mr. President, I am pleased to join my colleagues today and be part of the first bipartisan, bicameral group to address the growing number of individuals and families without health insurance coverage in this country.

The problem has been made clear. America's uninsured population continues to rise. Despite the fact that we are enjoying strong economic times, the nation's uninsured population has grown to 44 million over the past decade. We know that the majority of the uninsured—32 of the 44 million—earn an annual income of under $50,000. We also know that the rising cost of health insurance is the single most important reason for not purchasing health care coverage. Many Americans simply cannot afford to buy health insurance.

The solutions are becoming clearer as well. A one-size fits all approach to expand health coverage and access to health care does not meet the various needs of the uninsured population. As a result, our proposal will take a multi-pronged approach that meets the needs of the uninsured and looks at innovative approaches to provide individuals greater ability to purchase coverage. We will seek to build upon the current employer-based system which continues to be the main source of health care coverage for most Americans.

Our goal is to fill the coverage gaps that exist in the current system. A central piece of our proposal is to provide a refundable tax credit for low-income Americans who are not offered a contribution for their insurance through their employer and do not receive coverage through federal programs such as Medicaid or Medicare. The legislation introduced today will help hard working Americans who cannot afford to buy coverage on their own. For example, the part-time worker who is not offered employer-sponsored health insurance will be offered a $1,000 tax credit to purchase health care coverage. The single mother with two children earning less than $50,000 a year, will be offered a $2,000 credit to purchase health insurance.

The legislation introduced today is the first of many steps that we will take to address the varying needs of the uninsured. Over the next several months, we will also explore a variety of options to assist individuals and their families in purchasing health coverage either through existing employer plans, the individual market, or through purchasing pools; seek ways to improve enrollment in existing federal programs, where approximately 5 million adults and 8 million children are eligible for Medicaid and the State Children's Health Insurance Program (S-CHIP) yet are not enrolled; and finally, as the Chairman of the Subcommittee on Public Health, I will work closely with my colleagues to explore ways to expand and sustain our safety net system to improve access to critical primary care services to the uninsured and medically underserved populations.

I especially wish to thank the American Academy of Family Physicians, the American Hospital Association, the American Medical Association, the Americans for Tax Reform, the BlueCross BlueShield Association, the Chamber of Commerce of the USA, the Citizens Against Government Waste, the Galen Institute, the Healthcare Leadership Council, the Health Insurance Association of America, the Hispanic Business Roundtable, the National Center for Policy Analysis, the National Federation of Independent Business, and the Small Business Survival Committee for their support of this important legislation.●

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 2321. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas; to the Committee on Finance.

RURAL TELECOMMUNICATIONS MODERNIZATION ACT OF 2000

● Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Rural Telecommunications Modernization Act. This Act would create a tax credit for companies that invest in providing broadband telecommunications services available in rural areas. The convergence of computing and communications has changed the way America interacts and does business. Individuals, businesses, schools, libraries, hospitals, and many others, reap the benefits of networked communications more and more each year. However, where in the past access to low bandwidth telephone facilities met our communications needs, today many people and organizations need the ability to transmit and receive large amounts of data quickly—as part of electronic commerce, distance learning, telemedicine, and even for mere access to many web sites.

In some areas of the country companies are building networks that meet this broadband need as fast as they can. Technology companies are fighting to roll out broadband facilities as quickly as they can in urban and suburban areas. They are tearing up streets to instal fiber optics, converting cable TV facilities to broadband telecom applications, developing incredible new DSL technologies that convert regular copper telephone wires into broadband powerhouses.

Other areas are not as fortunate. In rural areas access to broadband communications is harder to come by. In fact, there are only a few broadband providers outside big cities and suburban areas nationwide. This is because in many cases rural areas are more expensive to serve. Terrain is difficult. Populations are widely dispersed. Importantly, many of our broadband technologies cannot serve people who live more than eighteen thousand feet from a phone company's central office—which is the case for most rural Americans.

The implications for the country if we allow this broadband disparity to continue are alarming. Organizations in traditional robust communications and computing regions, often located in prosperous urban and suburban communities, will be able to reap the rewards of the so-called "New Economy." Organizations in other areas, often in rural areas, including many areas in my State of West Virginia, will suffer the consequences of being unable to take advantage of the astounding power of broadband networked computing.

Just as companies that employ technological advances are decimating their less technologically savvy competitors, businesses in infrastructure-rich areas may soon decimate competitors in infrastructure-poor areas. This is just as true for rural students and workers trying to gain new skills who are competing against their non-rural peers in the New Economy. The result of this digital divide could be disastrous for rural Americans: job loss, tax revenue loss, brain drain, and business failure concentrated in rural areas.

Denying rural Americans a chance to participate in the New Economy is also bad for the national economy. Businesses will be forced to locate their operations and hire their employees in urban locations that have adequate broadband infrastructure, rather than in rural locations that are otherwise more efficient due to the location of their customers or suppliers, a stable or better workforce, and cheaper production environments. Additionally, without adequate infrastructure, the businesses and individuals in these communications infrastructure poor areas are less likely to be integrated into the national electronic marketplace. Their absence would put a damper on the growth of the digital economy for everyone—not just for those in rural areas.

Therefore, we must do everything we can to ensure that broadband communications are available to all areas of the country—rural as well as urban. The Rural Telecommunications Modernization Act addresses this problem.

The Rural Telecommunications Modernization Act would give companies the incentive to build broadband facilities in rural areas by using a very focused tax credit. It would offer any company that invests in broadband facilities in rural areas a tax credit over the next three years. This tax credit will help fight the growing disparity in technology I just described.

The credit is only available for certain investments. First, investments must be for "broadband local access facilities." Second, investments must support "high-speed broadband telecommunications services." And third, investments must serve only "rural counties."

The Rural Telecommunications Modernization Act is part of the solution to the critically important digital divide problem. Rural Americans deserve the chance to participate in the New Economy. Without access to broadband services they will not have this chance. I hope that the Members of this body will support this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telecommunications Modernization Act of 2000."

SEC. 2. CREDIT FOR TELECOMMUNICATIONS FACILITIES DEVELOPMENT IN RURAL AREAS.

(a) IN GENERAL.—Section 46(a) of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following:

"(4) the rural telecommunications facilities credit."

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 47 the following:

"SEC. 47A. RURAL TELECOMMUNICATIONS FACILITIES CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the rural telecommunications facilities credit for any taxable year is an amount equal to the applicable percentage of the qualified broadband local access facilities expenditures for such taxable year.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage in the case of qualified broadband local access facilities expenditures in connection with—

"(1) broadband telecommunications facilities, is 10 percent, and

"(2) enhanced broadband telecommunications facilities, is 15 percent.

"(c) QUALIFIED BROADBAND LOCAL ACCESS FACILITIES EXPENDITURE.—For purposes of this section, the term 'qualified broadband local access facilities expenditure' means any expenditure—

"(1) chargeable to capital account—

"(A) for property for which depreciation is allowable under section 168, and

"(B) incurred in connection with broadband telecommunications facilities or enhanced broadband telecommunications facilities serving rural subscribers, and

"(2) incurred during the period—

"(A) beginning with the taxpayer's (or any predecessor's) first taxable year beginning after the date of the enactment of this section, and

"(B) ending with the taxpayer's (or any predecessor's) third taxable year beginning after such date.

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Broadband telecommunications facilities.—The term 'broadband telecommunications facilities' means broadband local access facilities capable of—

"(A) transmitting voice, and

"(B) downloading data at a rate of 1.5 MBPS and uploading data at a rate of .5 MBPS.

"(2) Enhanced broadband telecommunications facilities.—The term 'enhanced broadband telecommunications facilities' means the broadband local access facilities capable of—

"(A) transmitting voice, and

"(B) downloading and uploading data at a rate of 10 MBPS.

"(3) Determination of broadband local access facilities.—Broadband local access facilities—

"(A) begin at the switching point closest to the rural subscriber, which is—

"(i) the subscriber side of the nearest switching facility in the case of local exchange carriers,

"(ii) the subscriber side of the headend or the node in the case of cable television operators, and

"(iii) the subscriber side of the transmission and reception facilities in the case of a wireless or satellite carrier,

"(B) end at the interface between the network and the rural subscriber's location, and

"(C) do not include any switching facility.

"(4) Rural subscriber.—The term 'rural subscriber' means a subscriber who lives in area which—

"(A) is not within 10 miles of any incorporated or census designated places containing more than 25,000 people, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land."

(c) Special Rule for Mutual or Cooperative Telephone Companies.—Section 501(c)(12)(B) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) which is not described in subparagraph (A), in an amount which does not exceed in any year an amount equal to the applicable percentage of the qualified broadband local access facilities expenditures (as determined in section 47A) of the mutual or cooperative telephone company for such year."

(d) Conforming Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 47 the following:

"Sec. 47A. Rural telecommunications facilities credit."

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures incurred after the date of the enactment of this Act.

(2) Special rule.—The amendments made by subsection (c) shall apply to amounts received after the date of the enactment of this Act.●

By Mr. McCAIN:

S. 2322. A bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes; to the Committee on Armed Services.

REMOVE SERVICEMEMBERS FROM FOOD STAMPS ACT OF 2000

● Mr. McCAIN. Mr. President, I rise today to introduce a bill to remove thousands of our servicemembers from the food stamp rolls.

The Remove Servicemembers from Food Stamps Act of 2000 provides junior enlisted servicemembers who are eligible for food stamps in the pay grade E–1 through E–5 an additional allowance of $180 a month. A not-yet-published Department of Defense report estimates that 6,300 servicemembers receive food stamps, while the General Accounting Office and Congressional Research Service place this number at around 13,500. Regardless of this disparity, the fact that just one servicemember is on food stamps is a national disgrace. This bill will end the "food stamp Army" once and for all.

This legislative proposal is estimated to cost only $6 million annually. Interestingly, the Congressional Budget Office determined that it would represent an overall savings to taxpayers since it would save the Department of Agriculture more than $6 million by removing servicemembers from the food stamp rolls for good.

Last year, this legislation was included in S. 4, the Soldiers', Sailors', Airmen's, and Marines' Relief Act of 1999. Although the Senate approved this legislation as part of S. 4, I was greatly disappointed when food stamp relief was rejected by conferees from the House of Representatives despite the strong support of Admiral Jay Johnson, the Chief of Naval Operations, and General Jim Jones, the Commandant of the Marine Corps. With over 13,500 military families on food stamps, and possibly thousands more eligible for the program, I cannot understand the Congress' refusal to rectify this problem in last year's National Defense Authorization Act.

It is outrageous that Admirals and Generals received a 17 percent pay raise last year while our enlisted families continue to line up for free food and furniture. Last year, we poured hundreds of millions of dollars into programs the military did not request, like the C–130J. We spent $375 million as a down payment on a $1.5 billion amphibious assault ship that the Navy did not want and that the Secretary of Defense said diverts dollars from higher priority programs. We added $5.1 million to build a gymnasium at the Naval Post-Graduate School and $15 million to build a Reserve Center in Oregon—neither was in the President's budget request or identified by the Joint Chiefs as a priority item.

It is difficult to reconcile how Congress could waste $7.4 billion on pork barrel spending in the defense budget, while we ignore the basic needs of our military families. I have been open to all suggestions for solutions to this problem and am willing to work toward a bipartisan plan that would satisfy the administration, Congress, and the Department of Defense. Sadly, politics, not military necessity, remains the rule, not the exception.

It is unconscionable that the men and women who are willing to sacrifice their lives for their country have to rely on food stamps to make ends meet, and it is an abrogation of our responsibilities as Senators to let this reality go on without some sort of legislative remedy.

I will not stand by and watch as our military is permitted to erode to the breaking point due to the President's lack of foresight and the Congress' lack of compassion. These military men and women on food stamps—our soldiers, sailors, airmen, and marines—are the very same Americans that the President and Congress have sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo, and East Timor. They deserve our continuing respect, our unwavering support, and a living wage.

The legislation is supported by every enlisted association or organization that specifically supports enlisted servicemember issues in the Military Coalition and in the National Military/Veterans Alliance. Associations include the Veterans of Foreign Wars, the Non-Commissioned Officers Association, the American Legion, the Retired Enlisted Association, the National Association for Uniformed Services, the Fleet Reserve Association, the Air Force Sergeants Association, the U.S. Coast Guard Chief Petty Officers Association, the Disabled American Veterans, the Enlisted Association of the National Guard of the U.S., and the Naval Enlisted Reserve Association.

I urge my colleagues to support this bill and to act swiftly. It is a step in the right direction toward improving the lives of our servicemembers and their families who are struggling to feed their families. There is no reason not to pass this bill immediately. We have waited too long already. We must end the days of a "food stamp Army" once and for all. Our military personnel and their families deserve better.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Remove Servicemembers from Food Stamps Act of 2000".

SEC. 2. SPECIAL SUBSISTENCE ALLOWANCE FOR MEMBERS ELIGIBLE TO RECEIVE FOOD STAMP ASSISTANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Special subsistence allowance

"(a) ENTITLEMENT.—Upon the application of an eligible member of a uniformed service described in subsection (b), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance.

"(b) COVERED MEMBERS.—An enlisted member referred to in subsection (a) is an enlisted member in pay grade E–5 or below.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2005.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 2000, the Comptroller General of the United States shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Comptroller General shall consult with the Secretary of Defense, the Secretary of Transportation (with respect to the Coast Guard), the Secretary of Health and Human Services (with respect to the commissioned corps of the Public Health Service), and the Secretary of Commerce (with respect to the commissioned officers of the National Oceanic and Atmospheric Administration), who shall provide the Comptroller General with any information that the Comptroller General determines necessary to prepare the report.

(3) No report is required under this subsection after March 1, 2005.●

By Mr. MCCONNELL (for himself, Mr. DODD, Mr. JEFFORDS, Mr. ENZI, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBB, Mr. WARNER, Mrs. MURRAY, Mr. GORTON, Mr. HUTCHINSON Mr. LIEBERMAN, Mr. BINGAMAN, Mr. REED, Mr. KERRY, and Mr. LUGAR):

S. 2323. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the act; read the first time.

WORKER ECONOMIC OPPORTUNITY ACT

● Mr. MCCONNELL. Mr. President, I rise today to introduce the Worker Economic Opportunity Act. Senator DODD and I have worked closely with Senators JEFFORDS and ENZI, as well as Senators ABRAHAM, BENNETT, LIEBERMAN, and others to develop this important bill. This important bipartisan bill will ensure that American workers can receive lucrative stock options from their employers—once considered the exclusive perk of corporate executives.

In recent years our country's innovative new workplaces and creative employers have offered new financial opportunities—such as stock options—for hourly employees. The Department of Labor recently issued an interpretation of the decades-old labor and employment laws that could keep normal employees from reaping the benefits of these perks. When I realized this, I decided we needed to fix this problem—it would have been a travesty for us to let old laws steal this chance for the average employee to share in his or her company's economic growth.

This law simply says: it makes no difference if you work in the corporate boardroom or on the factory floor—everyone should be able to share in the success of the company.

Our bill changes the outdated laws so they don't stand in the way of economic opportunity for American workers. In sum, the bill would amend the Fair Labor Standards Act to ensure that employer-provided stock option programs are allowed just like employee bonuses already are. Also, this legislation includes a broad "safe harbor" that specifies that employers have no liability because of any stock options or similar programs that they have given to employees in the past. The bill I am introducing today is what I hope will be the first of many common-sense efforts to drag old labor and employment laws into the new millennium.

I am very pleased that Secretary Herman and the Department of Labor have worked with us on this legislation. The Worker Economic Opportunity Act is also supported by a broad range of high tech and business groups who have joined together to form the Coalition to Promote Employee Stock Ownership. This group has been of great assistance throughout the development of this bill.

An identical companion bill to the Worker Economic Opportunity Act is being introduced in the House today. As a result, I am optimistic that we can work to ensure that this much-needed fix to the FLSA becomes law in the near future.●

Mr. DODD. Mr. President, today I join with my colleague Senator MCCONNELL in introducing the Worker Economic Opportunity Act. This common sense bill will allow companies to continue to offer stock option programs to their hourly employees without violating the Fair Labor Standards Act with respect to overtime. We are joined today by Senators JEFFORDS, ENZI, ROBB, MURRAY, LIEBERMAN, BINGAMAN, REED, KERRY, ABRAHAM, BENNETT, GORTON, HUTCHINSON, and WARNER.

Stock options, stock appreciation rights, and employee stock purchase programs are tools used by some companies to give employees a stake in a company's success and to retain employees in a tight labor market. These programs are used by well-known companies such as Xerox, GTE, and PepsiCo. as well as hi-tech startups. In more and more situations, non-exempt and exempt employees are able to participate. For example, it has been GTE's practice to give stock options to all 110,000 employees, of which 53,000 are non-exempt. Xerox corporation employs approximately 52,000 employees in the United States, and offers stock options to all employees who have completed one year of service. It employs 93,000 people worldwide and 57 percent of them are non-exempt.

Clearly, the trend in our economy is that more and more companies are providing this type of compensation package. Not surprisingly, then, my office was beset with letters and phone calls recently concerning a 1999 Department of Labor advisory letter regarding one company's proposed stock option plan for non-exempt employees. The opinion letter, which does not carry the weight of law, states that the value of the options would have to be included in the non-exempt workers base wages when calculating their overtime rates. The Fair Labor Standards Act (FLSA) exempts some employee benefits from overtime calculations including health insurance, thrift savings plans, and discretionary bonuses. When providing its opinion letter, the Department of Labor determined that stock option plans did not fall within any of the current exemptions. While the Department did point out that their opinion was based on only one company's proposed plan, it became clear that legislation was needed to exempt these programs, lest businesses begin to exclude non-exempt employees from receiving stock options. I commend the Department for calling for a legislative fix and working closely with us to craft this bipartisan bill.

Our legislation would amend the Fair Labor Standards Act to exclude from the regular rate stock options, stock appreciation rights or bonafide stock purchase programs that meet certain vesting, disclosure, and determination requirements. A safe harbor would be in effect to protect companies that have already established stock option programs for non-exempt workers, including those programs provided under a collective bargaining agreement or requiring shareholder approval.

Just several years ago, stock option plans were only offered corporate CEO's and other very senior executives. Today's flexible benefit packages give that same opportunity throughout the corporate structure. I don't believe that non-exempt employees who form the backbone of most businesses should be excluded from this opportunity. They deserve the right to share in the prosperity of the new economy.

Clearly, stock option programs have risk attached, so we wanted to be very clear that our legislation requires that the terms and conditions of any program are communicated to employees and that the exercise of any grants is voluntary. Employees need to make informed choices.

I am pleased that this has been a bipartisan effort, and also one where we have worked very constructively with the Administration. I hope we can move it quickly for the benefit of all working families.

• Mr. JEFFORDS. Mr. President, I am delighted to be here today to introduce the Worker Economic Opportunity Act. Having worked with colleagues from both sides of the aisle and the Department of Labor, I am extremely proud of this collaborative effort which has resulted in this legislation which will encourage employers to provide equity ownership opportunities to their hourly employees.

In the last 10 years, we have witnessed tremendous change in the structure of our Nation's economy in large part due to the birth of the internet and e-commerce. The vitality of our economy is a tribute to the creative and entrepreneurial genius of thousands of individual business people and the indispensable contribution of the American workforce.

As legislators during this exciting time, we are challenged to maintain an environment that will foster the continued growth of our economy. We must work to ensure that our laws are in sync with the changing environment. However, many of the laws and policies governing our workplace have fallen out of sync with the information age and there has been particular resistance to changing our labor laws. As Chairman of the Senate Committee with jurisdiction over workplace issues, I believe it is time to examine and modify these laws to meet the rapidly involving needs of the American workforce.

The Fair Labor Standards Act (FLSA), for example, was enacted in the late 1930s, to establish basic standards for wages and overtime pay. While the principles behind the FLSA have not changed, its rigid provisions make it difficult for employers to accommodate the needs of today's workforce. Most recently, we discovered that the FLSA actually operates to deter employers from offering stock option programs to hourly employees.

While stock option programs are most prevalent in the high tech industry, increasingly employers across the whole spectrum of American industry have begun to offer stock option programs to all of their employees. Broad-based stock option programs prove valuable to both employers and employees. For employers, stock options programs have become a key tool for employee recruitment, motivation and retention. Employees seek out companies offering these programs because they enable workers to become owners and reap the benefits of their company's growth.

When I heard about the FLSA's application to stock options, I became very concerned about its impact on our workforce. I was pleased to discover that Senators' McCONNELL, DODD, and ENZI shared similar concerns and that the Department of Labor also recognized that we had a problem on our hands that would require a legislative solution. Together we have crafted the Worker Economic Opportunity Act which will create a new exemption under the Fair Labor Standards Act for stock options, stock appreciation rights and employee stock purchase plans.•

• Mr. ENZI. Mr. President, I am pleased to be part of the introduction today of the Worker Economic Opportunity Act, a bipartisan bill to exclude stock options and stock option profits from overtime pay calculations under the Fair Labor Standards Act. I want to acknowledge and commend my colleagues Senators McCONNELL, DODD, and JEFFORDS for their hard work on this issue.

Earlier this year, the Department of Labor advised employers that they would be required to include stock options in overtime calculations. The advisory also prescribed an extremely complicated method of calculation that created a virtual administrative impossibility for employers. We received overwhelmingly negative feedback that this advisory would result in the end of stock options for hourly employees and create a lose-lose situation for employees and employers alike. The legislation we introduce today ensures that companies can continue to give stock options to hourly employees so that these employees—and not just executives—can share in this country's economic boom. And employers will be able to continue to use stock options as a valuable tool for recruiting and retaining employees in a competitive labor market.

This bipartisan legislation also represents an important first step toward reforming outdated labor statutes that no longer meet the needs of today's workforce. Most of the major labor statutes were drafted between 30 and 60 years ago and many of their heavy-handed restrictions are now more harmful than helpful to employees in the modern workplace. We need to think about how to encourage—not discourage—employers' development of new and creative measures to benefit employees, such as stock option programs and telecommuting arrangements. Our legislation will provide just such encouragement and ensure that stock option programs do not fall prey to obsolete legislative prohibitions.

Finally, I am particularly proud that both Democrats and the Department of Labor have worked with us on this bill. As chairman of the Employment, Safety and Training Subcommittee, I firmly believe that cooperation between lawmakers and agencies is the best way to develop practical solutions that benefit both employees and businesses. I sincerely hope that we can continue to work together on similar measures in the future.•

By Mr. KOHL (for himself and Mrs. FEINSTEIN):

S. 2324. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of

Federal agencies, and to add ballistics testing to existing firearms enforcement strategies; to the Committee on the Judiciary.

BALLISTICS, LAW ASSISTANCE, SAFETY TECHNOLOGY ACT

• Mr. KOHL. Mr. President, I rise today with my colleague Senator FEINSTEIN to introduce "BLAST"—the Ballistics, Law Assistance, and Safety Technology Act. The bill offers two complementary approaches to combating gun violence. The first supplies our Nation's police with a new technology to assist them in solving crimes. The second expands "Project Exile" to 50 cities, giving federal prosecutors the resources they need to put more felons behind bars. Let me explain how our measure is crucial to the fight against crime.

Reducing crime requires a multifaceted approach. While we need tougher controls to keep guns away from kids in this country—including mandating that child safety locks be sold with every new handgun—all of us also recognize that the battle against senseless violence includes prosecuting all criminals to the letter of the law.

Mr. President, just as every person has a unique fingerprint, each gun leaves unique markings on discharged bullets and shell casings. Over the past decade, new technology has allowed for the comparison of those "gun prints" with bullets found at crime scenes. By keeping a computerized image of each new gun's fingerprint, police can compare the microscopic differences in markings left by each gun until they find a match. Once a match is found, law enforcement can begin tracing that weapon from its original sale to the person who used it to commit the crime.

Indeed, ballistics technology, though nascent, is already helping to solve crimes. For example, in June 1997, an Oakland man was shot and killed as he used a public telephone on a street corner. Without any leads or physical evidence other than a bullet casing left by the discharged weapon, police were initially stymied in their search for the killer.

A year passed without any progress in the investigation until police made an ordinary arrest of two men for the unlawful possession of a firearm. When the officers test-fired the confiscated gun and ran the image through their ballistics database, they found a match within seconds. The seized gun was the same gun that fired the deadly bullet in the unsolved case the previous year. Police confronted the two men with this evidence, and quickly received a confession to the murder.

In another case, police only found 9 millimeter cartridge casings at the scene of a brutal homicide in Milwaukee—there were no other clues. But four months later, when a teenage male was arrested on an unrelated charge, he was found to be in possession of that firearm. Ballistics linked the two cases. Prosecutors successfully prosecuted three adult suspects for the homicide and convicted the teen in juvenile court.

Mr. President, since the early 1990's, more than 250 crime labs and law enforcement agencies in over 40 states have been operating independent ballistics systems maintained by either the ATF or the FBI. Together, ATF's Integrated Ballistics Identification System ("IBIS") and the FBI's DRUGFIRE system have been responsible for linking 5,700 guns to two or more crimes where corroborating evidence was otherwise lacking.

My own state of Wisconsin employs the DRUGFIRE system for ballistics testing and has already used it to solve crime and provide authenticating evidence for ongoing criminal investigations. In 1998, the Milwaukee police department alone analyzed almost 600 firearms and over 3200 fired cartridges. Even though Wisconsin's DRUGFIRE has a limited number of guns in its database, ballistics testing helped solve seven homicides, 100 cases where the reckless use of a weapon endangered public safety, and numerous other gun crimes.

These statistics are heartening, but they also illustrate the untapped potential of ballistics as a law enforcement weapon. Simply put, ballistics testing is only as good as the number of images in the database. Unfortunately, not enough guns are test fired before they are sold, not enough communities have access to ballistics databases, and not enough information is shared between law enforcement agencies of different jurisdictions. Ironically, even the two primary agencies responsible for investigating gun crimes—the ATF and the FBI—have created ballistics systems that cannot read each others data. Sadly, this significant law enforcement tool is severely underutilized.

But that need not be the case. Title I of BLAST makes ballistics a centerpiece of our anti-crime strategy by requiring federal firearms manufacturers and importers to test fire all new firearms and make the ballistics images available to federal law enforcement; requiring federal law enforcement officials to test fire all firearms in their custody; and providing financial support to communities that include ballistics testing as a critical part of their comprehensive anti-crime strategy, building on the model used by ATF in the Youth Crime Gun Interdiction Initiative.

The burden on manufacturers is minimal—we authorize funds to underwrite the cost of testing—and the assistance to law enforcement is considerable. And don't take my word for it, ask the gun manufacturers and the police. Listen to what Paul Januzzo, the vice-president of the gun manufacturer Glock, said last month in reference to ballistics testing, "our mantra has been that the issue is crime control, not gun control . . . it would be two-faced of us not to want this." In their agreement with HUD, Smith & Wesson agreed to perform ballistics testing on all new handguns. And Ben Wilson, the chief of the firearms section at ATF, emphasized the importance of ballistics testing as a investigative device, "This [ballistics] allows you literally to find a needle in a haystack."

Our approach is bipartisan as well. The Republican governor of New York, George Pataki, prominently included a similar ballistics measure in his recently introduced anti-crime package. He clearly recognizes, as we do, that the more we can empower law enforcement, the more effectively we can put hard core criminals where they belong—behind bars.

To be sure, we are sensitive to the notion that law abiding hunters and sportsmen need to be protected from any misuse of the ballistics database by government. The BLAST bill explicitly prohibits ballistics information from being used for any purpose unless it is necessary for the investigation of a gun crime.

Of course, to successfully combat crime, you also need to enhance the arsenal of law enforcement. That is why Title II of BLAST expands the successful "Project Exile" program. By authorizing $20 million over four years, BLAST would fund gun prosecutors in 50 cities—prosecutors, who will work in conjunction with state and local authorities, devoted solely to the aggressive enforcement of the federal gun laws.

This program already enjoys widespread support—from the industry to leaders on both sides of the political aisle to the National Rifle Association, which has pointed to Project Exile as a model for fighting gun crime. Our hope is to expand the success of EXILE across the country and provide the resources to every city interested in aggressively pursuing gun crimes. Felons will know that if they commit a crime with a gun they will pay the price.

Mr. President, the BLAST bill will enhance a revolutionary new technology that helps solve crime while, at the same time, recognizing that new crime solving instruments are worthless unless prosecutors are in place to punish violent offenders to the fullest extent of the law. BLAST is a worthwhile piece of crime control legislation. I hope that the Senate will quickly move to pass it.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ballistics, Law Assistance, and Safety Technology Act" ("BLAST").

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase public safety by assisting law enforcement in solving more gun-related crimes and offering prosecutors evidence to link felons to gun crimes through ballistics technology;

(2) to provide for ballistics testing of all new firearms for sale to assist in the identification of firearms used in crimes;

(3) to require ballistics testing of all firearms in custody of Federal agencies to assist in the identification of firearms used in crimes;

(4) to add ballistics testing to existing firearms enforcement programs; and

(5) to provide for targeted enforcement of Federal firearms laws.

TITLE I—BLAST

SEC. 101. DEFINITION OF BALLISTICS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) Ballistics.—The term 'ballistics' means a comparative analysis of fired bullets and cartridge casings to identify the firearm from which bullets were discharged, through identification of the unique characteristics that each firearm imprints on bullets and cartridge casings.".

SEC. 102. TEST FIRING AND AUTOMATED STORAGE OF BALLISTICS RECORDS.

(a) Amendment.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m)(1) In addition to the other licensing requirements under this section, a licensed manufacturer or licensed importer shall—

"(A) test fire firearms manufactured or imported by such licensees as specified by the Secretary by regulation;

"(B) prepare ballistics images of the fired bullet and cartridge casings from the test fire;

"(C) make the records available to the Secretary for entry in a computerized database; and

"(D) store the fired bullet and cartridge casings in such a manner and for such a period as specified by the Secretary by regulation.

"(2) Nothing in this subsection creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section.

"(3)(A) The Attorney General and the Secretary shall assist firearm manufacturers and importers in complying with paragraph (1) through—

"(i) the acquisition, disposition, and upgrades of ballistics equipment and bullet recovery equipment to be placed at or near the sites of licensed manufacturers and importers;

"(ii) the hiring or designation of personnel necessary to develop and maintain a database of ballistics images of fired bullets and cartridge casings, research and evaluation;

"(iii) providing education about the role of ballistics as part of a comprehensive firearm crime reduction strategy;

"(iv) providing for the coordination among Federal, State, and local law enforcement and regulatory agencies and the firearm industry to curb firearm-related crime and illegal firearm trafficking; and

"(v) any other steps necessary to make ballistics testing effective.

"(B) The Attorney General and the Secretary shall—

"(i) establish a computer system through which State and local law enforcement agencies can promptly access ballistics records stored under this subsection, as soon as such a capability is available; and

"(ii) encourage training for all ballistics examiners.

"(4) Not later than 1 year after the date of enactment of this subsection and annually thereafter, the Attorney General and the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the impact of this section, including—

"(A) the number of Federal and State criminal investigations, arrests, indictments, and prosecutions of all cases in which access to ballistics records provided under this section served as a valuable investigative tool;

"(B) the extent to which ballistics records are accessible across jurisdictions; and

"(C) a statistical evaluation of the test programs conducted pursuant to section 6 of the Ballistics, Law Assistance, and State Technology Act.

"(5) There is authorized to be appropriated to the Department of Justice and the Department of the Treasury for each of fiscal years 2001 through 2004, $20,000,000 to carry out this subsection, including—

"(A) installation of ballistics equipment and bullet recovery equipment;

"(B) establishment of sites for ballistics testing;

"(C) salaries and expenses of necessary personnel; and

"(D) research and evaluation.

"(6) The Secretary and the Attorney General shall conduct mandatory ballistics testing of all firearms obtained or in the possession of their respective agencies.".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendment made by subsection (a) take effect on the date on which the Attorney General and the Secretary of the Treasury, in consultation with the Board of the National Integrated Ballistics Information Network, certify that the ballistics systems used by the Department of Justice and the Department of the Treasury are sufficiently interoperable to make mandatory ballistics testing of new firearms possible.

(2) Effective on date of enactment.—Section 923(m)(6) of title 18, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 103. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.

Ballistics information of individual guns in any form or database established by this Act may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

SEC. 104. DEMONSTRATION FIREARM CRIME REDUCTION STRATEGY.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury and the Attorney General shall establish in the jurisdictions selected under subsection (c), a comprehensive firearm crime reduction strategy that meets the requirements of subsection (b).

(b) Program Elements.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for ballistics testing, in accordance with criteria set forth by the National Integrated Ballistics Information Network, of all firearms recovered during criminal investigations, in order to—

(A) identify the types and origins of the firearms;

(B) identify suspects; and

(C) link multiple crimes involving the same firearm;

(2) require that all identifying information relating to firearms recovered during criminal investigations be promptly submitted to the Secretary of the Treasury, in order to identify the types and origins of the firearms and to identify illegal firearms traffickers;

(3) provide for coordination among Federal, State, and local law enforcement officials, firearm examiners, technicians, laboratory personnel, investigators, and prosecutors in the tracing and ballistics testing of firearms and the investigation and prosecution of firearms-related crimes including illegal firearms trafficking; and

(4) require analysis of firearm tracing and ballistics data in order to establish trends in firearm-related crime and firearm trafficking.

(c) Participating Jurisdictions.—

(1) In general.—The Secretary of the Treasury and the Attorney General shall select not fewer than 10 jurisdictions for participation in the program under this section.

(2) Considerations.—In selecting jurisdictions under this subsection, the Secretary of the Treasury and the Attorney General shall give priority to jurisdictions that—

(A) participate in comprehensive firearm law enforcement strategies, including programs such as the Youth Crime Gun Interdiction Initiative (known as "YCGII"), Project Achilles, Project Disarm, Project Triggerlock, Project Exile, and Project Surefire, and Operation Ceasefire;

(B) draft a plan to share ballistics records with nearby jurisdictions that require ballistics testing of firearms recovered during criminal investigations; and

(C) pledge to match Federal funds for the expansion of ballistics testing on a one-on-one basis.

(d) Authorization of Appropriations.—There is authorized to be appropriated for each of fiscal years 2001 through 2004, $20,000,000 to carry out this section, including—

(1) installation of ballistics equipment; and

(2) salaries and expenses for personnel (including personnel from the Department of Justice and the Bureau of Alcohol, Tobacco, and Firearms).

TITLE II—EXILE

SEC. 201. TARGETED ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) Designation.—The Attorney General and the Secretary of the Treasury, after consultation with appropriate State and local officials, shall designate not less than 50 local jurisdictions in which to enforce aggressively Federal laws designed to prevent the possession by criminals of firearms (as defined in section 921(a) of title 18, United States Code).

(b) Assistance.—In order to provide assistance for the enforcement of Federal laws designed to prevent the possession by criminals of firearms, the Attorney General and the Secretary of the Treasury may—

(1) direct the detailing of Federal personnel, including Assistant United States Attorneys and agents and investigators of the Bureau of Alcohol, Tobacco, and Firearms, to designated jurisdictions, subject to the approval of the head of that department or agency that employs such personnel;

(2) coordinate activities with State and local officials, including facilitation of training of State and local law enforcement officers and prosecutors in designated jurisdictions to work with Federal prosecutors, agents, and investigators to identify appropriate cases for enforcement of Federal laws designed to prevent the possession by criminals of firearms;

(3) help coordinate, in conjunction with local officials, local businesses, and community leaders, public outreach in designated jurisdictions regarding penalties associated with violation of Federal laws designed to prevent the possession by criminals of firearms.

(c) CRITERIA FOR DESIGNATION.—In designating local jurisdictions under this section, the Attorney General and Secretary of the Treasury shall consider—

(1) the extent to which there is a high rate of recidivism among armed felons in the jurisdiction;

(2) the extent to which there is a high rate of violent crime in the jurisdiction;

(3) the extent to which State and local law enforcement agencies have committed resources to respond to the illegal possession of firearms in the jurisdiction, as an indication of their determination to respond aggressively to the problem;

(4) the extent to which a significant increase in the allocation of Federal resources is necessary to respond adequately to the illegal possession of firearms in the jurisdiction; and

(5) any other criteria as the Attorney General and Secretary of the Treasury consider to be appropriate.

(d) PRIORITY.—In addition to the criteria set forth in subsection (c), in considering which local jurisdictions to designate under this section, the Attorney General and the Secretary of the Treasury shall give priority to jurisdictions that have—

(1) demonstrated a commitment to enforcement of Federal firearms laws through participation in initiatives like the Youth Crime Gun Interdiction Initiative, Project Disarm, and Operation Ceasefire;

(2) identified a large number of convicted felons involved in firearms trafficking to individuals under age 25; and

(3) agreed to require that all identifying information relating to firearms recovered during criminal investigations be promptly submitted to the Secretary of the Treasury to identify the types and origins of such firearms and to identify illegal firearms traffickers.

(e) REPORTS AND EVALUATION.—

(1) ANNUAL REPORT.—The Attorney General and the Secretary of the Treasury shall annually submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include information relating to—

(A) the number of arrests by Federal, State, and local law enforcement officials involving illegal possession of firearms by criminals in each designated city;

(B) the number of individuals prosecuted for illegal firearms possession by criminals in Federal, State, and local court in each designated city, the number of convictions, and a breakdown of sentences imposed; and

(C) a description of the public outreach initiatives being implemented in designated jurisdictions.

(2) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report concerning the effectiveness of the designation of jurisdictions under this section, including an analysis of whether crime within the jurisdiction has been reduced or displaced to nearby jurisdictions, along with any recommendations for related legislation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2004.●

By Mr. TORRICELLI:

S. 2325. A bill to amend title 49, United States Code, to ensure equity in the provision of transportation by limousine services; to the Committee on Commerce, Science, and Transportation.

CONTRACTED AUTOMOBILE REGULATORY RELIEF ACT OF 2000 (CARR)

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will eliminate burdensome and unnecessary regulations which are devastating the nation's limousine companies, 80 percent of which are small business owners.

Federal Highway Administration regulations grant limo operators the right to cross states lines "without interference". Yet local entities across the U.S. have taken it upon themselves to establish unnecessary bureaucracies for the purpose of placing excessive and arbitrary requirements upon limo operators that enter their jurisdictions.

Current law already requires limo operators to be certified and registered at three different stages: the U.S. Department of Transportation; the state in which they principally operate; and the locality in which the business is located. Therefore, company owners, drivers, and vehicles must already comply with a myriad of safety and financial requirements that includes carrying at least $1.5 million in liability insurance. Public safety is clearly being upheld.

Yet, after satisfying these three stages of compliance, limo operators often find that there is a fourth, fifth, sixth and sometimes even more bureaucratic hoops to jump through to simply conduct their business. This happens when a locality sets up a Local Taxi and Limousine Commission to place certification requirements not only on companies located in their jurisdiction, but on any other limo that enters their locality to pick up or drop off a customer. These additional licenses can cost up to several hundred dollars annually—and that's just to enter one jurisdiction.

The purpose of the CARR ACT is simple. It says that if a limo operator has satisfied federal, state, and local requirements, no other state or entity has the authority to establish additional requirements. The bill will not lower the quality of service which the public expects from the limousine industry nor does it compromise public safety. In fact, my legislation does not affect any safety regulations or financial requirements on interstate operations required by the U.S. DOT nor does it affect the power of states to regulate safety or financial responsibility as they may do under current law.

The same protections were granted to the trucking industry in 1995, to the armor car industry in 1997, and to the chartered bus industry under TEA-21. The time for these protections to be extended to the limousine industry is long overdue. No small business should be faced with the unfair and excessive bureaucracy faced by the nation's 9,000 limousine operators.

Mr. President, I ask unanimous consent at this time that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contracted Automobile Regulatory Relief Act".

SEC. 2. REGULATION OF INTERSTATE AND CERTAIN INTRASTATE TRANSPORTATION SERVICES.

Section 14501(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) prohibiting, restricting, licensing, permitting, or regulating the operation of a motor vehicle that is providing limousine service on an interstate basis, except in the case of the State or political subdivision in which the limousine operator maintains its principal place of business; or

"(E) requiring that a person, that has secured any mandatory State license, permit, certificate, or authority to operate a limousine service on an intrastate basis between or among political subdivisions within the State, obtain, in order to conduct limousine service between or among political subdivisions of the State, a license, permit, certificate, or other form of authority from any political subdivision of the State other than the political subdivision in which the limousine operator maintains its principal place of business."; and

(2) by adding at the end the following:

"(3) DEFINITIONS.—In this subsection:

"(A) LIMOUSINE SERVICE.—The term 'limousine service' means a prearranged ground transportation service in a motor vehicle (other than a motor vehicle providing taxicab service), the seating capacity of which does not exceed 15 passengers (including the driver), that—

"(i) is provided on a dedicated, nonscheduled, charter basis;

"(ii) is not conducted on a regular route; and

"(iii) does not entail shuttle service.

"(B) SHUTTLE SERVICE.—The term 'shuttle service' means the simultaneous provision of a nondedicated transportation service to more than 1 paying customer in a case in which the service provider, rather than the customer, reserves the power to determine the pickup or destination point.".

By Mr. WYDEN (for himself and Mr. BURNS):

S. 2326. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE WIRELESS EAVESDROPPING PROTECTION ACT OF 2000

• Mr. WYDEN. Mr. President, I am introducing today the Wireless Eavesdropping Protection Act. This bill will enhance the privacy rights of wireless subscribers by strengthening the laws that prohibit eavesdropping wireless communications. Since the early days of wireless communications, Congress has paid particular attention to the privacy rights of wireless subscribers. Unfortunately, despite our best efforts, electronic eavesdroppers have been able to find loopholes in the law. I am pleased to be joined in this effort by the Senator from Montana, Senator BURNS.

Using the loopholes, electronic eavesdroppers have been able to develop a "gray market" for modified and modifiable wireless scanners. Some of these individuals even advertise in magazines and on Internet websites that their products can be altered easily to pick up cellular communications. The information and equipment necessary to make these modifications are also widely advertised, sometimes with blatant offers to unblock the cellular frequencies after the equipment is purchased.

The Wireless Eavesdropping Protection Act attacks these problems on several fronts. First, it would expand the definition of the frequencies that may not be scanned to include digital Personal Communications Service (PCS) frequencies as well as cellular ones. The legislation recognizes that some frequencies are shared between commercial mobile services and public safety users, and that the use of scanners to monitor public safety communications may assist in saving lives. As to those frequencies, the Federal Communications Commission (FCC) may adopt such regulations as may be necessary to enhance privacy.

Second, the bill would clarify that it is just as illegal to modify scanners for the purpose of eavesdropping as it is to manufacture or import them for this purpose, and it would direct the FCC to modify its rules to reflect this change. The bill also would amend current law to prohibit either the intentional interception or the intentional divulgence of wireless communications, so that either action on its own would be prohibited. Finally, the bill would require the FCC to investigate and take action on wireless privacy violations, regardless of any other investigative or enforcement action by any other federal agency. This provision would help ensure that these newly strengthened privacy protections are fully enforced in the future.

The millions of Americans who use wireless communications deserve to have their privacy protected. They should be able to enjoy the same privacy protection as landline phone users. The Wireless Eavesdropping Protection Act will help provide those protections, and I urge my colleagues to join Senator BURNS and me in supporting this legislation. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Eavesdropping Protection Act of 2000".

SEC. 2. COMMERCE IN ELECTRONIC EAVESDROPPING DEVICES.

(a) PROHIBITION ON MODIFICATION.—Section 302(b) of the Communications Act of 1934 (47 U.S.C. 302a(b)) is amended by inserting before the period at the end thereof the following: ", or modify any such device, equipment, or system in any manner that causes such device, equipment, or system to fail to comply with such regulations".

(b) PROHIBITION ON COMMERCE IN SCANNING RECEIVERS.—Section 302(d) of such Act (47 U.S.C. 302a(d)) is amended to read as follows:

"(d) EQUIPMENT AUTHORIZATION REGULATIONS.—

"(1) PRIVACY PROTECTIONS REQUIRED.—The Commission shall prescribe regulations, and review and revise such regulations as necessary in response to subsequent changes in technology or behavior, denying equipment authorization (under part 15 of title 47, Code of Federal Regulations, or any other part of that title) for any scanning receiver that is capable of—

"(A) receiving transmissions in the frequencies that are allocated to the domestic cellular radio telecommunications service or the personal communications service;

"(B) readily being altered to receive transmissions in such frequencies;

"(C) being equipped with decoders that—'

"(i) convert digital domestic cellular radio telecommunications service, personal communications service, or protected specialized mobile radio service transmissions to analog voice audio; or

"(ii) convert protected paging service transmissions to alphanumeric text; or

"(D) being equipped with devices that otherwise decode encrypted radio transmissions for the purposes of unauthorized interception.

"(2) PRIVACY PROTECTIONS FOR SHARED FREQUENCIES.—The Commission shall, with respect to scanning receivers capable of receiving transmissions in frequencies that are used by commercial mobile services and that are shared by public safety users, examine methods, and may prescribe such regulations as may be necessary, to enhance the privacy of users of such frequencies.

"(3) TAMPERING PREVENTION.—In prescribing regulations pursuant to paragraph (1), the Commission shall consider defining 'capable of readily being altered' to require scanning receivers to be manufactured in a manner that effectively precludes alteration of equipment features and functions as necessary to prevent commerce in devices that may be used unlawfully to intercept or divulge radio communication.

"(4) WARNING LABELS.—In prescribing regulations under paragraph (1), the Commission shall consider requiring labels on scanning receivers warning of the prohibitions in Federal law on intentionally intercepting or divulging radio communications.

"(5) DEFINITION.—As used in this subsection, the term 'protected' means secured by an electronic method that is not published or disclosed except to authorized users, as further defined by Commission regulation.".

(c) IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Federal Communications Commission shall prescribe amendments to its regulations for the purposes of implementing the amendments made by this section.

SEC. 3. UNAUTHORIZED INTERCEPTION OR PUBLICATION OF COMMUNICATIONS.

Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) in the heading of such section, by inserting "interception or" after "unauthorized";

(2) in the first sentence of subsection (a), by striking "Except as authorized by chapter 119, title 18, United States Code, no person" and inserting "No person";

(3) in the second sentence of subsection (a)—

(A) by inserting "intentionally" before "intercept"; and

(B) by striking "communication and divulge" and inserting "communication, and no person having intercepted such a communication shall intentionally divulge";

(4) in the fourth sentence of subsection (a)—

(A) by inserting "(A)" after "intercepted, shall"; and

(B) by striking "thereof) or" and inserting "thereof); or (B)";

(5) by striking the last sentence of subsection (a) and inserting the following: "Nothing in this subsection prohibits an interception or disclosure of a communication as authorized by chapter 119 of title 18, United States Code."; and

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "fined not more than $2,000 or"; and

(ii) by inserting "or fined under title 18, United States Code," after "6 months,";

(B) in paragraph (3), by striking "any violation" and inserting "any receipt, interception, divulgence, publication, or utilization of any communication in violation";

(C) in paragraph (4), by striking "any other activity prohibited by subsection (a)" and inserting "any receipt, interception, divulgence, publication, or utilization of any communication in violation of subsection (a)"; and

(D) by adding at the end the following new paragraph:

"(7) Notwithstanding any other investigative or enforcement activities of any other Federal agency, the Commission shall investigate alleged violations of this section and may proceed to initiate action under section 503 to impose forfeiture penalties with respect to such violation upon conclusion of the Commission's investigation.".•

By Mr. HOLLINGS (for himself, Mr. STEVENS, Ms. SNOWE, Mr.

KERRY, Mr. BREAUX, Mr. INOUYE, Mr. CLELAND, Mr. WYDEN, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REED, Mr. SARBANES, and Mr. SCHUMER):

S. 2327. A bill to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OCEANS ACT OF 2000

• Mr. HOLLINGS. Mr. President, I rise today to introduce the Oceans Act of 2000, a bill calling for a plan of action for the twenty-first century to explore, protect, and use our oceans and coasts through the coming millennium. I am pleased to be joined in this endeavor by my colleagues, Senators STEVENS, SNOWE, KERRY, BREAUX, INOUYE, CLELAND, WYDEN, AKAKA, BOXER, MURRAY, LAUTENBERG, FEINSTEIN, LIEBERMAN, MOYNIHAN, REED, SARBANES, and SCHUMER.

This is not the first time I have come before you to advocate legislation to ensure our national ocean policy is coordinated, effective, and sustainable for future generations. In 1997, I introduced an Oceans Act to create both an independent ocean commission and a federal interagency ocean council. While the Senate passed this bill unanimously, it was not enacted before the end of the 105th Congress. We continued the work we started in 1997 by introducing the Senate-passed bill as S. 959, cosponsored by 23 Senators from both sides of the aisle, in May of last year. I now introduce the Oceans Act of 2000, a new bill that reflects the lessons learned among state and federal policymakers, ocean-related industries, and public interest groups who worked together during and after the 1998 Year of the Ocean.

What we heard loud and clear from these groups was the need for a balanced, high-level national commission to determine whether the United States is managing its oceans and coasts wisely, and how we can improve or refocus our efforts. Thus, the Oceans Act of 2000 focuses exclusively on the appointment of an independent national Ocean Commission to recommend ways to ensure our nation's ocean policy is coordinated, effective, and sustainable for future generations. I believe this is both improved and streamlined legislation that will enjoy wide support from industry, conservation groups, and States. Already we have received letters of support from a cross-section of these interests, all of whom believe we cannot wait any longer to enact this important legislation.

Mr. President, it is critical that we enact the Oceans Act of 2000 this year. In 1966 Congress enacted legislation to establish a Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission for its chairman, Julius Stratton) that was to recommend a comprehensive national program to explore the oceans, develop marine and coastal resources, and conserve the sea. The Stratton Commission's report and recommendations have shaped U.S. ocean policy for three decades. We have long needed to take a hard look at this legacy, and a national Ocean Commission could comprehensively evaluate concerns that cannot be viewed effectively through current federal processes or through privately-commissioned studies. For example, an Ocean Commission could evaluate charges that the most critical coastal management issues, such as fishery conservation and data needs, are not given appropriate priority and funding. It could consider whether ocean management regimes that have developed over the last 30 years under a variety of agencies are duplicative and uncoordinated, resulting in costly or time-consuming requirements that may provide little incremental environmental benefit. Finally, it could address the argument that we lack a plan to evalute and plan for future resource needs or to derive benefits from discoveries made possible by advances in ocean technology.

It would be difficult to coherently address all these concerns without the high-level comprehensive review provided by this legislation. The Oceans Act of 2000 would establish a 16-member Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. The Commission members would be selected from individuals nominated by majority and minority representatives in both houses of Congress. Eligible individuals include those representing state and local governments, ocean-related industries and public interest groups. I have included new provisions stating that the membership should be balanced geographically to the extent consistent with maintaining the highest level of expertise.

The Oceans Act of 2000 specifies that the Commission should examine concerns that range from priority and planning issues to regulatory reform. The Commission is specifically charged with evaluating the cumulative regulatory effect of the myriad of ocean and coastal management regimes, and crafting recommendations for resolving inconsistencies. To ensure we can meet future technical and funding challenges and set our national priorities appropriately, the Commission is directed to review the known and anticipated supply of, and demand for, ocean and coastal resources, as well as review opportunities for development or investment in new products, technologies, or markets related to ocean and coastal activities. Because I believe the Commission should focus on large-scale ocean and coastal policy questions, the bill includes a provision clarifying that the Commission recommendations shall not be specific to the lands and waters within a single state.

Finally, once the Commission issues its recommendations, the President must report to Congress on how he will respond to or implement Commission recommendations. We want to be sure that this body is fully informed of, and participates in, how the Nation proceeds once the Commission has completed its work. Finally, the effective date of the Act is at December 31, 2000 in order to enable the current Administration to complete its interagency ocean initiative before the end of the current term, and allow the incoming Administration time to evaluate the Commission nominees and make appointments.

This version does not include a federal interagency Ocean Council—I believe that this function is now being filled by the sub-cabinet level Ocean Policy Task Force process announced by the Administration last year. Establishing a second interagency council now would be duplicative, and it is my firm belief that the independent Commission will adequately assess whether the existing interagency process is appropriate or sufficient to address its recommendations. However, it is my hope that interagency coordination on oceans policy will remain an important priority for the next Administration. And I look forward to the day that ocean policy issues are given the highest priority within the federal government by a Cabinet-level entity, without the infighting or discord that has impeded our progress on these issues.

Mr. President, this legislation is both appropriate and long overdue. By the end of this decade about 60% of Americans will live along our coasts, which account for less than 10% of our land area. I am amazed that in this era, when we've invested billions of dollars in exploring other planets, we know so little about the ocean and coastal systems upon which we and other living things depend. Large storms events like Hurricanes Floyd and Hugo, driven by ocean-circulation patterns, pose the ultimate risk to human health and safety. El Nino-related climate events have led to increased incidence of malaria in areas of Colombia and Venezuela. Harmful algal blooms have been linked to deaths of sea lions in California and manatees in Florida, and we are still searching to understand their effects on humans. Mr. President, the oceans are integral to our lives but we are not putting a priority on finding ways to learn more about them, and what they may hold for our future. The oceans are home to 80% of all life forms on Earth, but only 1% of our biotechnology R&D budget will focus on marine life forms. Of the 4 manned submersibles in the world capable of descending to half of the ocean's maximum depth, not a single one of them is operated by the United States!

The Stratton Commission stated in 1969: "How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its positions and influence in the World community, and the quality of the environment in which its people live." those words are as true today as they were 30 years ago.

Mr. President, it is time to look towards the next 30 years. This bill offers us the vision and understanding needed to establish sound ocean and coastal policies for the 21st century, and I thank the cosponsors of the legislation for joining with me in recognizing its significance. We look forward to working together in the bipartisan spirit of the Stratton Commission to enact legislation this year that ensures the development of an integrated national ocean and coastal policy well into the next millennium.●

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 662

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 867

At the request of Mr. ROTH, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 875

At the request of Mr. ALLARD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 954

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 954, a bill to amend title 18, United States Code, to protect citizens' rights under the Second Amendment to obtain firearms for legal use, and for other purposes.

S. 1053

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1185

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1185, a bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1787

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1787, a bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

S. 1806

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1806, a bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1991

At the request of Mr. THOMPSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1991, a bill to amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations, to clarify current provisions of law regarding donations from foreign nationals, and for other purposes.

S. 1997

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare Program.

S. 2039

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from

Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2039, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2107

At the request of Mr. GRAMM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2139

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2139, a bill to amend the Federal Water Pollution Control Act to exempt agricultural stormwater and silviculture operation discharges from the requirement for a permit under the pollutant discharge elimination system, and for other purposes.

S. 2182

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2182, a bill to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes.

S. 2221

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2221, a bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2265

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2275

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2275, a bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil.

S. 2277

At the request of Mr. ROTH, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2288

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2288, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations and the disbursement of such support and to require the Internal Revenue service to collect and disburse such support through wage withholding and other means.

S. 2300

At the request of Mr. THOMAS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. CON. RES. 34

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution relating to the observance of "In Memory" Day.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S.J. RES. 3

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Mr. BREAUX), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 43

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.J. Res. 43, a joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 253

At the request of Mr. SPECTER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 253, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,700,000,000 in fiscal year 2001.

SENATE CONCURRENT RESOLUTION 100—EXPRESSING SUPPORT OF CONGRESS FOR A NATIONAL MONUMENT OF REMEMBRANCE TO BE OBSERVED AT 3:00 P.M. EASTERN STANDARD TIME ON EACH MEMORIAL DAY

Mr. HAGEL (for himself and Mr. KERREY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 100

Whereas the preservation of basic freedoms and world peace has always been a valued objective of this great country;

Whereas thousands of American men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas greater strides should be made to demonstrate the appreciation and gratitude these loyal Americans deserve and to commemorate the ultimate sacrifice they made;

Whereas Memorial Day is the day of the year for the Nation to appropriately remember American heroes by inviting the citizens of this Nation to respectfully honor them at a designated time;

Whereas Memorial Day needs to be made relevant to both present and future generations of Americans; and

Whereas a National Moment of Remembrance would provide citizens in the United States an opportunity to participate in a symbolic act of American unity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its support for a National Moment of Remembrance at 3:00 p.m. eastern standard time on each Memorial Day in honor of the men and women of the United States who died in the pursuit of freedom and peace; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe a National Moment of Remembrance on each Memorial Day.

• Mr. HAGEL. Mr. President, I rise today with my colleague from Nebraska, Senator BOB KERREY, to submit a resolution expressing Congress' support for a national moment of remembrance, to be observed on Memorial Day each year, in order to appropriately honor American patriots lost in pursuit of peace and liberty around the world.

Should Congress pass this resolution, "Taps" will be played at 3 pm (Eastern Standard Time) on Memorial Day each year, in honor of those who have sacrificed their lives for their country. In other words, this resolution seeks to put the "memorial" back into Memorial Day.

It is my hope that this moment of remembrance will bring all Americans together in a spirit of respect, patriotism and gratitude. Our intention is to help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our great Nation.

No Greater Love, a nonprofit organization which assists the families of Americans who died in service to their country or in terrorist acts, has helped support this resolution as part of their "Proud to Remember" campaign. We are all grateful for their efforts.•

AMENDMENTS SUBMITTED

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

JOHNSON (AND OTHERS) AMENDMENT NO. 2891

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. THOMAS, Mr. GRAMS, Mr. ROBB, Mr. WELLSTONE, Mr. HARKIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill (S. 2097) to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes; as follows:

In section 4(d)(2)(D), insert after the phrase "acceptable to the Board" the following: "or any lender that (i) has not fewer than one issue of outstanding debt that is rated within the highest three rating categories of a nationally recognized statistical rating agency; or (ii) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity and capital strength to provide financing pursuant to this Act".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 9:30 a.m. on sports gambling.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 10:00 a.m. for a hearing entitled Meeting the Challenges of the Millennium.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 10:30 a.m. for a hearing entitled Meeting the Challenges of the Millennium.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, for hearings regarding the Inclusion of a Prescription Drug Benefit in the Medicare Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2000 at 2:30 p.m. to mark up S. 1507, Native American Alcohol and Substance Abuse Program Consolidation Act of 1999, and S. 1509, Indian Employment, Training and Related Services Demonstration Act Amendments of 1999; followed by a hearing on S. 1967, to make technical corrections to the status of certain lands held in trust for the Mississippi Band of Choctaw Indians. The hearing will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 9:30 a.m., to receive testimony on Presidential primaries and campaign finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 29, 2000, at 9:30 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 29 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1778 to provide for equal exchanges of land around the Cascade Reservoir; S. 1894, to provide for the conveyance of certain land to Park County Wyoming; and S. 1969, to provide for improved management of, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, for hearings on the nomination of Elizabeth Michelle Andrews Smith.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL GAS TAX

Mr. WARNER. Mr. President, I want to turn to the subject of the cloture vote that will be held tomorrow. It is scheduled on legislation to suspend 4.3 cents of the Federal gas tax and then the possibility, at some point in time, of the suspension of the full 18.4-cent gasoline tax; the 4.3, of course, is included in that.

Now this proposal was laid before the Senate last night by our distinguished majority leader, Senator LOTT. Senator LOTT is a man of principle. I rise with convictions of my own, and I hope he will accord me the same respect I accord him. He firmly believes it is in the best interest of the country—the measure he is bringing before the Senate. I believe it is my duty to oppose that, and my remarks give the reasons for doing so.

I ask unanimous consent that several documents be printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. Mr. President, in this effort, I am joined by the following organizations as of this moment. Within 3 hours this afternoon, they have come to my door in great numbers. I urge Senators to listen to the following. Opposing this measure—the substance of the bill—are the National Governors' Association. The distinguished Presiding Officer was a former Governor and was active in that association. Also, there is the National Association of Counties, U.S. Conference of Mayors, National Conference of State Legislators, Association of Road and Transportation Builders, Associated General Contractors, Building and Trades Unions, American Highway Users Federation, American Automobile Association. That list is growing by the hour.

I believe the Senate, at this critical hour, should be directing its attention in a constructive way to point out the failures of the Clinton energy policy. My colleague, the junior Senator from Alaska, has been a tireless worker on this effort. I believe either today or tomorrow he will be addressing the Senate on this subject. We should be focusing our attention on how, legislatively or otherwise, we can help the American free enterprise system to increase production. That production has been stymied time and time again by a number of Government regulations, such that today America is dependent for 56 percent of its petroleum energy requirements—56 percent coming across the ocean to our shores.

We are now finding ourselves in this great Chamber, watching intently as to what OPEC might do. A series of nations, the majority of whom—certainly not Iraq and Iran and others—we have come to their defense time and time again when their security and freedom have been challenged. Yet, we are sitting here by the hour waiting to see how they might provide this great Nation, the United States of America, an energy program of imports combined with our own domestic production to meet our needs, to continue to strengthen this economy, which is not only helping to support our Nation and provide jobs but, indeed, is relied on by economies throughout the world—all because of this petroleum.

We recognize that the price of gasoline has reached such a high level that it is beginning to have tragic consequences on families, on small businesses, on truckers, and many others across this Nation. Indeed, this Chamber is directing its attention to see what relief we may give. But I say most respectfully to those who are proposing the suspension of this 4.3-cent tax and the possibility of another trigger requiring that to be subsumed into an 18.4-cent tax, that this is not a wise course, and I oppose it. I oppose it because the proposal is fraught with uncertainty. We could be taking an action which would not translate into relief for the drivers of our vehicles—those who are suffering from this. There is simply too much uncertainty in this course of action. That is one reason.

The second reason is it would impact negatively on legislation which I and others fought for years for and finally got through in the form of new highway legislation. I will address that in detail.

I ask the question: Is the repeal or temporary suspension of the 4.3 cents going into the pockets of the drivers? Can we give them that assurance? That is the question each of you will have to answer if you want to support this proposal.

What is the guarantee that this tax cut will be passed on to the consumer? What is the likelihood it might go in part or in whole into the pockets of the middlemen, the wholesalers, or the distributors? How are the drivers protected from the oil refiners and wholesale marketers from taking off some of this for their own reasons? Will the free marketplace enable them to charge the same price at the gas pump even after you achieve the rescinding of the 4.3? What is there to indicate that the price at the gas pump is going to come down? I can find no certainty.

I come back time and time again to one word— "uncertainty."

If it is not to be passed on to the consumers and the high prices continue, I think Americans will feel betrayed. They are now mad. But they could be more irate if they are betrayed by what could be perceived as a course of action. That could happen. But there is no certainty 4.3 cents will be put into their pockets.

What is the impact of this hollow tax cut? Is it a significant impact on our budget surplus? Very clearly—the way the bill is drawn, it will have an impact on that surplus.

The Department of Transportation estimates that the 9-month suspension—as proposed in this legislation—of this portion of the gas tax will result in approximately $6 billion less in the highway trust fund. That money, which by law in the context of the highway legislation that I worked on, will be taken out. That means there will be a shortfall in the next 9 months of $6 billion.

While the legislation as proposed by the distinguished leader has a unique provision—I am not sure I have ever seen one like it before—calling on the surplus—that is the general revenues and surplus—to replenish the lost revenue in the highway trust fund, there is some trigger mechanism in there.

But I ask my colleagues in the Senate: Do we want to be spending a significant part of our limited surplus for this uncertainty? If we knew it was going into the consumers' pockets, that might be one thing. But I have yet to find anybody who says it is absolutely going to bypass all the middle people and go into their pockets.

Do we want to take that surplus, which we are examining for debt reduction, tax reduction and other purposes, do we want to suddenly have $6 billion with just the 4.3 cents go into this type of scheme? If we go to 18.4, then it could well consume all the surplus. The question you have to ask yourself is, Is that what we want to do with the surplus? This Senator says no.

In other words, I would rather see such tax legislation as can pass this Chamber, tax legislation which guarantees by law taxpayer relief—the marriage penalty tax for one and the estate tax relief for another, specifically—relief that they need. And there is certainty. That is the word; there is certainty. But there is uncertainty with this proposal.

Do we want to use the on-budget surplus to give a tax cut to gasoline wholesalers? I don't. Do we want to use our surplus for other, more certain tax legislation? Yes, I do. That is the position I take this evening.

Let's go back and look at the highway legislation that we worked on several years ago, called TEA–21. For over a decade in the Senate, I, along with many other colleagues on both sides of the aisle with strong bipartisan support—the senior Senator from Montana, Mr. BAUCUS, our former colleague, Senator Chafee from Rhode Island, myself, and others—teamed up in the Environment and Public Works Committee. I was then chairman of the transportation subcommittee, a position now occupied by our distinguished Presiding Officer, who I believe is in concert with me on the views with regard to this tax. Over a period of years we worked towards several goals, and we achieved them.

We wanted to first restore faith with the drivers who were promised over the years that the gas taxes they paid at the pump would come back to their respective States to be used for new highways, improvements in safety, and the like. But it never happened. We had the donor-donee situation, where various

States got higher than they sent to Washington for taxes; others got less. And finally we struck a note of fairness in that legislation. It was landmark legislation. It has worked in our States. That is why the Governors in all 50 States are opposed to this. That is why the highway administrators in all 50 States and their organizations are opposed to the legislation. They made it work.

Tens upon tens of thousands of contracts are operating today to modernize and improve our highways and other transportation facilities. Millions of people are engaged in employment and others in providing the supplies and engineering and design. The system is working as it was intended when this Senate together with the House of Representatives put this legislation into law.

TEA-21 guaranteed that all the taxes motorists paid at the pump would be placed in the highway trust fund. It would go into the trust fund, and, indeed, 100 percent went for highways and highway safety.

Before TEA-21, the gas tax was increased by 4.3 cents. I voted against an increase in taxes of 4.3 cents. But it went into the general revenues. As a part of the legislative process in devising TEA-21 right on this floor, we voted—I believe the vote was 80-18—to take that 4.3 cents which was going into the general revenue and put it into the highway trust fund. Now we are asked to suspend that source of income going into the highway trust fund. I am opposed to it.

As our Nation's transportation infrastructure aged and crumbled, it was imperative that we transfer the 4.3 cents from general revenues to the highway trust fund. Eventually, TEA-21 guaranteed spending reform which resulted in a 40-percent increase in funds for transportation over the past 2 years. Today, we are just beginning to see the benefits of TEA-21 with more projects under construction, jobs being created, products moving more efficiently across the country, and, most importantly, improvement in highway safety.

Do we want to now turn back the clock and inject uncertainty—that is the key word, uncertainty—into the funding profile needed for our highway program?

While the legislation has an untested triggering mechanism to restore general revenues to the highway trust fund, what happens if that trigger is pulled and it doesn't work? Again, uncertainty will jeopardize highway safety for the driving public and thousands of jobs once created by TEA-21. In order to accomplish these significant budget reforms in TEA-21, adequate funding in the highway trust fund was critical to meet the many demands for the highway dollars. The highway trust fund is the sole source of revenue to improve our highways and bridges and maintain our bus and rail systems.

The consequences of a suspension of 4.3 cents of the Federal gas tax are very significant if that triggered mechanism doesn't work. First, State and local transportation activities will lose approximately $6 billion just from the 4.3. Second, there will be a tremendous loss of high-paying jobs. I have heard upwards of a quarter of a million jobs would be lost. Certain representations have been made by some of my colleagues, and I am not in a position to agree or disagree, that all the contracts that are currently signed in an operation have adequate funding. That could well be correct. However, I could not get the same representation from those individuals regarding the 18.4. If that suddenly comes in, it could jeopardize some of the contracts that are outstanding.

As Members come to the floor to vote tomorrow, they must have in mind an answer if the triggers go in effect—there are several triggers to the 18.4—what happens to the current contracts out there now and the people who are on the highways of this Nation working with trucks and all the other equipment to improve these roads. State and local transportation activities, as I say, will lose significant funds.

Second, there will be a tremendous loss of the highway-paying jobs. I have covered that.

Third, the safety of American drivers would be jeopardized. I am going to have printed in the RECORD the AAA letter which goes to the question of safety on the highways of America.

Fourth, there would be severe disruptions in maintaining the planning schedules. In other words, every week in my State the highway departments, as they do in other States, are analyzing the needs of that State and beginning to project the work, contract for the work, design the work. Suddenly, they hear from Washington; wait a minute, the funds that may not come in. We promised the transfer from the general revenues. Try to explain the triggering mechanism, and what happens. Uncertainty comes into the equation.

We all know it takes years, far too long for a highway or transit project to make it from the drawing board to construction. Severe swings or even the uncertainty of the availability of funds in transportation funding will make it nearly impossible for States to effectively manage their highway programs. Consistent funding levels are critical to the seamless steps of planning, designing, engineering, the permitting process, contracting, and construction. A stable program—where States, local governments, and contractors have the benefits of a long-term funding cycle—translates into a reliable supply of new and improved highways. That is elementary.

Do we want to stop the modernization of our Nation's transportation system to give the gas middleman a few more pennies in his pocket? It could well happen. Or do we keep on course to improve transportation and highway safety for all Americans while providing more meaningful and lasting tax relief with such limited surplus as we may have?

Those are the fundamental questions.

I read off the various organizations, and I will make a brief reference to the following from the American Association of State Highway and Transportation Officials:

> DEAR SENATOR WARNER: I would like to express AASHTOs profound concern with, and opposition to, bills recently introduced in the House and the Senate that would repeal or suspend all or a portion of the Federal motor fuel taxes.
>
> We appreciate the economic hardships caused by the sharp rise in the price of oil to the trucking industry, to the motoring public and to other sectors of our committee. However, we are concerned that the recently introduced legislation, designed to relieve the current economic distress, will inadvertently jeopardize the financial stability of the federal program that supports the various surface infrastructure on which motorists, the trucking industry, and indeed the economy depend.

From the Small Business Legislative Council, addressed to Senator LOTT, with a copy came to me:

> On behalf of the Small Business Legislative Counsel (SBLC), I want to indicate that we must object to the initiative to temporarily roll back the Federal gas tax. While small businesses are clearly suffering as a result of the highway gasoline prices, we are long time staunch supporters of reserving the integrity of the highway trust fund and making sure that we have the proper infrastructure to deliver our goods and services.

From the American Automobile Association, one of the great hallmarks in our transportation system for many years, they write:

> Even more troubling is the proposal to temporarily suspend the 18.4 cents per gallon Federal tax prices if prices top $2 per gallon this year.

That is an average; it is a complex formula. It could happen. I understand in California today the prices are over $2. It would not be just one State that triggered it. It would be a national average.

Continuing:

> Despite assurances that revenues lost by the Highway Trust Fund will be replaced with revenues in the budget surplus, this action fundamentally alters the basic principle governing surface transportation funding. The Federal excise tax is a user fee. Motorists are paying for road and bridge repairs and safety programs through the fees paid at the gas pump.

Now, from the American Road and Transportation Builders Association. They listed 10 points which will be printed.

Last, I did not know what a coincidence it would be that the Presiding Officer, the Senator from Ohio, would be in the Chair. I obtained the following editorials which appeared in his State today, again, solidly supporting the distinguished Senator's stance on opposition to these taxes. It is very clear. I will read one editorial which appears in the Akron Beacon Journal:

> And all that gas tax, the difference that 4.3 cents can make.
>
> George Voinovich doesn't like paying $1.60 or more for a gallon of gas. In that sense, the Ohio Senator stands with the majority of his fellow Republicans, heck, the majority of Americans. Where he departs from the party line is determining what to do about the increase.
>
> Not surprisingly, Voinovich takes a practical approach. On Thursday, he joined Sen. John Warner, a Virginia Republican, and Sen. Max Baucus, a Montana Democrat, to voice their bipartisan opposition to repealing the 4.3-cents-per-gallon tax levied in 1993 for deficit reduction. All three understand the cost if the tax is repealed.
>
> Cost? Old motorists might save a few cents. What they would lose is money for highway repair and construction. In 1997, Congress altered the purpose of the tax, dedicating the 4.3 to the highway use only.
>
> What would Ohio lose? If the repeal took effect in July, the State would forfeit $650 million the next three years. The State Department of Transportation is already budgeted $300 million in Federal money for new construction. That would disappear.
>
> In its place? The headaches of drivers as they navigate the roads in desperate need of repair. Voinovich knows deficient roads exact their own toll.

All across America today, tonight, people will be joining in notifying their Members of Congress that this piece of legislation, no matter how sincere, how principled in its presentation to this body, is not in the best interests of the country for the reasons I have stated.

EXHIBIT 1

[From the Akron Beacon Journal, Mar. 27, 2000]

ALL THAT GAS TAX—THE DIFFERENCE THAT 4.3 CENTS CAN MAKE

George Voinovich doesn't like paying $1.60 or more for a gallon of gas. In that sense, the Ohio senator stands with the majority of his fellow Republicans, heck, the majority of Americans. Where he departs from the party line is determining what to do about the increase.

Not surprisingly, Voinovich takes the practical approach. On Thursday, he joined Sen. John Warner, a Virginia Republican, and Sen. Max Baucus, a Montana Democrat, to voice their bipartisan opposition to repealing the 4.3-cents-per-gallon tax levied in 1993 for deficit reduction. All three understand the cost if the tax is repealed.

Cost? Oh, motorists might save a few cents. What they would lose is money for highway repair and construction. In 1997, Congress altered the purpose of the tax, dedicating the 4.3 cents to highway use only.

What would Ohio lose? If the repeal took effect in July, the state would forfeit $650 million the next three years. The State Department of Transportation has already budgeted $300 million in federal money for new construction. That would disappear.

In its place? The headaches of drivers as they navigate roads in desperate need of repair. Voinovich knows deficient roads exact their own toll.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
Washington, DC, March 15, 2000.

Hon. JOHN WILLIAM WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to you on behalf of the American Association of State Highway and Transportation Officials (AASHTO) which represents the highway and transportation departments of the 50 States as well as the District of Columbia and Puerto Rico. I would like to express AASHTO's profound concern with, and opposition to, bills recently introduced in the House and Senate that would repeal or suspend all or a portion of the federal motor fuel taxes.

We appreciate the economic hardships caused by the sharp rise in the price of oil to the trucking industry, to the motoring public, and other sectors of the economy. However, we are concerned that the recently introduced legislation, designed to relieve the current economic distress, will inadvertently jeopardize the financial stability of the federal program that supports the very surface infrastructure on which motorists, the trucking industry, and indeed, the economy depend.

Each penny of motor fuel tax currently generates almost $1.7 billion per year in revenues to the Highway Trust Fund's Highway and Mass Transit Accounts, with the funds dedicated to highway and mass transportation improvements. The loss of revenue from a repeal of federal motor fuel excise taxes would have a devastating impact on the ability of states to deliver, as promised to their citizens, critically needed surface transportation improvement projects. Projects that would be eliminated or delayed include those designed to reduce accidents and fatalities and to improve the overall operation and efficiency of the surface transportation system.

While the Transportation Equity Act for the 21st Century (TEA 21) established record levels of federal surface transportation investment, the U.S. Department of Transportation still estimates that the level of investment needed to maintain current highway conditions alone is $211 billion over the next four years. The U.S. Department of Transportation maintains that poor road conditions are a factor in an estimated 30 percent of traffic fatalities. A repeal or suspension of a portion of the federal motor fuel tax would virtually eliminate all of the gains we made with TEA 21, and put us that much further behind in meeting our surface transportation needs.

We respectfully urge you to examine the loss of revenues to the Highway Trust Fund and the impact on highway and mass transportation funding to your state resulting from a repeal of the federal motor fuel tax. I have attached a table that shows the state-by-state effect of a repeal of 4.3 cents of the tax. We hope that you will consider alternatives to a repeal or suspension of the federal motor fuel excise tax that would not seriously impair the abilities of the states to deliver much-needed projects that will maintain and improve the safety, condition and performance of our surface transportation system.

Sincerely,

THOMAS R. WARNE,
Executive Directors.

AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
Washington, DC, Wednesday, Mar. 29, 2000.

TOP 10 REASONS WHY REPEALING PART OF THE FEDERAL GAS TAX IS A BAD IDEA!

On Thursday, March 30, the U.S. Senate is expected to take up legislation—S. 2285—that would: (a) repeal 4.3 cents of the 18.4 cents-per-gallon federal gasoline tax from April 15, 2000, to January 1, 2001; or (b) repeal the entire 18.4 Federal gas tax during that time frame if the national average price of gasoline exceeds $2.00 per gallon. The bill proposes to use the "on-budget surplus" to "reimburse" the more than $20 billion that could be lost to the Highway Trust Fund under this scheme.

1. S. 2285 introduces uncertainty and risk into state highway funding. Federal highway investment is already guaranteed under the 1998 highway bill known as the Transportation Equity Act for the 21st Century (TEA-21). There is no need to risk this guarantee for a promise that things will be taken care of using the "on-budget surplus." Uncertainty will slow down state highway and mass transit improvement programs.

2. S. 2285 could utilize the entire FY 2000 "On-Budget Surplus." According to the Senate Budget Committee's Informed Budgeteer of March 13, 2000, the Congressional Budget Office has reestimated the FY 2000 "on-budget surplus" to be $15 billion. Repealing the entire federal gas tax from April 15 to September 30—a possibility under S. 2285—would cost the Highway Trust Fund approximately $15 billion. This would leave no room for other Republican budget priorities . . . or to protect Social Security and Medicare. A $9 billion supplemental appropriation bill is currently pending in the House.

3. Cutting highway investment jeopardizes lives. According to the U.S. Department of Transportation, 12,000 Americans die each year in auto crashes in which poor road conditions or alignments are a factor. Traffic accidents are the leading cause of death of young Americans 6 to 28 years of age and result in more permanent disabling injuries than any other type of accident. Cutting the federal highway user fee could cut programs that are aimed at helping reduce that public health crisis.

4. American jobs would be put at risk. Rolling back 4.3 cents of the federal gas tax motor fuels tax would risk eliminating over a quarter million American jobs that are sustained by public investment in highway construction programs—with concurrent losses of federal and state income tax revenue and increases in unemployment-related government expenses.

5. S. 2285 could negatively affect state bond ratings. The perception of uncertainty about the flow of federal highway funds to the states that S. 2285 would create could affect the bond ratings of states that have borrowed funds for highway projects against future federal-aid revenues. The National Highway System Act allows federal-aid highway and mass transit funds to be used to pay principle and interest costs on bonds for highway and mass transit projects. Bonds issued under this provision are called GARVEE bonds. Here are a few examples:

Ohio: $90 million for the Spring-Sandusky project with a moral obligation to seek gas tax or general revenues if there is a shortfall in federal aid.

Mississippi: $921.7 million for a four-lane highway program, with the state gas tax as back up.

New Mexico: $100.2 million for State Route 44, with no back-up (a "naked GARVEE").

New Jersey: $151.5 million to purchase 500 new buses, backed solely by anticipated funding from the Federal Transit Administration.

States that have passed enabling legislation or are planning to issue GARVEE Bonds in the near future include Alabama, Arkansas, Arizona, California, Colorado, Florida, Nevada and Virginia.

6. The uncertainty raised by S. 2285 will hurt publicly-traded companies in the transportation construction sectors. These companies have already taken a hit on Wall Street over the past month with just the suggestion of a cut in federal highway investment. Many of these companies have made very substantial capital investments in anticipation of increased highway work under TEA–21. S. 2285 could leave them hanging in the wind!

7. S. 2285 would only save the average American motorist 46 cents a week. The motorist driving 12,000 miles a year in a car getting 20 miles per gallon would save $18.28 between April 15 and January 1, 2001, with a 4.3 cents gas tax cut.

8. S. 2285 acknowledges consumers may not even benefit from the proposed tax rollback at the pump. The bill would direct the Comptroller General of the United States to "conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction" with details to the Congress "not later than September 30, 2000."

9. Gasoline prices can be expected to decline in the next two to three months by between 5 cents and 21.25 cents per gallon due to OPEC's quota increase. According to a Department of Energy's Energy Information Agency (EIA) study released on March 6, crude oil prices would drop to $25.50 per barrel by August and $23 per barrel by the end of the year if OPEC increased its quota by 1.7 million bpd starting in April. Also according to EIA, for each $1 per barrel decrease in the price of crude oil, gasoline prices drop approximately 2.5 cents per gallon at the pumps. According to market analysts, such price adjustments take between 6–8 weeks. However, if current gasoline prices reflect the peak crude prices, then the gasoline price decline will be closest to the higher figure.

10. Greenspan says "Save the Surplus". Federal Reserve Chairman Alan Greenspan told the Senate Special Committee on the Aging March 27, "Saving the surpluses—if politically feasible—is, in my judgment, the most important fiscal measure we can take at this time to foster continued improvements in productivity."

AAA,
Washington, DC, March 28, 2000.

AAA wishes to go on record in its opposition to measures that seek to suspend all or portions of the federal excise tax on gasoline. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil, by OPEC states.

AAA recognizes that many motorists are suffering because of high gas prices. But, the benefits to motorists from reducing the gas tax are, at best, minimal. Temporarily suspending 4.3 cents of the gas tax would translate to less than $1 per week in possible savings to motorists. The resulting loss of revenue to the Highway Trust Fund, however, would impede the important work of rebuilding our nation's transportation infrastructure and improving highway and motorist safety. That is an unacceptable risk for AAA's 43 million members.

Even more troubling is the proposal to temporarily suspend the entire 18.4 cents-per-gallon federal tax if prices top $2 per gallon this year. Despite assurances that revenues lost to the Highway Trust Fund will be replaced with revenues from the budget surplus, this action fundamentally alters the basic principle governing surface transportation funding. The federal excise tax is a user fee. Motorists are paying for road and bridge repairs and safety programs through the fees paid at the gasoline pump.

Congress recognized the importance of fully investing in the nation's infrastructure when it passed TEA–21 in 1998 and ensured that federal gas tax dollars are dedicated for their intended purpose. Because of this historic legislation, motorists now trust that their taxes are invested exactly where they belong—improved mobility across all surface transportation modes—and safety.

Make no mistake about it. Lower receipts into the Highway Trust Fund will compromise safety for the traveling public. Is that truly what Congress wants to do? Reducing the federal gasoline tax will do nothing to increase fuel supply. That is where Congress and the Administration should focus their attention. To focus legislative efforts on the federal gas tax, rather than the real problem—supply—is a shortsighted and regrettably expedient response to the problem.

In the meantime, AAA is doing its part to reduce demand by issuing its "Gas Watcher's Guide", which details the many ways in which motorists can conserve fuel. A copy is enclosed for your review. The guide shows motorists that how a vehicle is used can be just as important as which vehicle is used.

Thank you for your consideration of AAA's view.

Sincerely,

SUSAN G. PIKRALLIDAS,
Vice President,
Public & Government Relations.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: On behalf of the Small Business Legislative Council (SBLC), I want to indicate that we must object to the initiative to temporarily roll back the Federal gas tax. While small businesses are clearly suffering as a result of the high gasoline prices, we are long time staunch supporters of preserving the integrity of the highway trust fund and making sure that we have the proper infrastructure to deliver our goods and services.

We understand that you intend to pay for this roll back using the "surplus." Right now we have many priorities for the use of that surplus. Repeal of the death tax, increasing direct expensing, full deductibility for the self-employed's health care costs, FUTA tax relief, repeal of the installment sales repeal and national debt reduction to name just a few.

As you know, the SBLC is a permanent, independent coalition of nearly 80 trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

We appreciate your outstanding leadership on behalf of small business. We believe there must be a better way to provide relief for small business from rising gasoline prices without jeopardizing other small business priorities.

Sincerely,

JOHN S. SATAGAJ,
President and General Counsel.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL, Air Conditioning Contractors of America, Alliance of Independent Store Owners and Professionals, American Association of Equine Practitioners, American Bus Association, American Consulting Engineers Council, American Machine Tool Distributors Association, American Moving and Storage Association, American Nursery and Landscape Association, American Road & Transportation Builders Association, American Society of Interior Designers, American Society of Travel Agents, Inc., American Subcontractors Association, American Textile Machinery Association, Architectural Precast Association, Associated Landscape Contractors of America, Association of Small Business Development Centers, Association of Sales and Marketing Companies, and Automotive Recyclers Association.

Automotive Service Association, Bowling Proprietors Association of America, Building Service Contractors Association International, Business Advertising Council, CBA, Council of Fleet Specialists, Council of Growing Companies, Cremation Association of North America, Direct Selling Association, Electronics Representatives Association, Florists' Transworld Delivery Association, Health Industry Representatives Association, Helicopter Association International, Independent Bankers Association of America, Independent Medical Distributors Association, International Association of Refrigerated Warehouses, International Franchise Association, and Machinery Dealers National Association.

Mail Advertising Service Association, Manufacturers Agents for the Food Service Industry, Manufacturers Agents National Association, Manufacturers Representatives of America, Inc., National Association for the Self-Employed, National Association of Home Builders, National Association of Plumbing-Heating-Cooling Contractors, National Association of Realtors, Manufacturers of RV Parks and Campgrounds, National Association of Small Business Investment Companies.

National Association of the Remodeling Industry, National Community Pharmacists Association, National Electrical Contractors Association, National Electrical Manufacturers Representatives Association, National Lumber & Building Material Dealers Association, National Ornamental & Miscellaneous Metals Association, National Paperbox Association, and National Retail Hardware Association.

National Society of Accountants, National Tooling and Machining Association, National Tour Association, National Wood Flooring Association, Organization for the Promotion and Advancement of Small Telephone Companies, Petroleum Marketers Association of America, Printing Industries of America, Inc., Professional Lawn Care Association of America, Promotional Products Association International, The Retailer's

Bakery Association, Saturation Mailers Coalition, Small Business Council of America, Inc., Small Business Exporters Association, SMC Business Councils, Society of American Florists, Turfgrass Producers International, United Motorcoach Association, and Washington Area New Automobile Dealers Association.

Mr. REID. Mr. President, before my friend from Virginia leaves the floor, I want to say a couple of things in his presence.

When I came to the Senate, the Senator from Virginia was a Member of the Senate. I had the good fortune of being assigned to the Environment and Public Works Committee, as was the Presiding Officer when he came to the Senate.

I worked putting myself through law school in the Capitol complex.

I never talked to a Senator during that period of time. I always had a kind of a vision of what a Senator was like. I have to say, the Senator from Virginia fills what I think a Senator should be. If there were ever a gentleman Senator, the Senator from Virginia fits that bill.

We have worked together on committees over the years. When we were in the majority, I was the chairman of a subcommittee. I was a junior Member of the Senate at the time, but the respect shown as the chairman of that subcommittee was as it should be from the Senator from Virginia.

We are no longer in the majority, and the Senator from Virginia is now the chairman of the Armed Services Committee. Even though we have not always worked together on issues, and we have voted differently on occasion, I have the greatest admiration for the way the Senator from Virginia handles himself as a person and as a Senator.

I say with the deepest respect, the Senator's statement today amplifies—and the people of Virginia should understand—the courage it takes to be, in this instance, a minority in a majority who speaks out against what, at first glance, seems very popular—reducing taxes.

In short, I commend, applaud, and appreciate this Senator for the courage he has shown. One of my jobs on this side of the aisle is to make sure we have enough votes on issues or at least know where the votes are. The Senator's statement today will allow the Senate to act tomorrow in a bipartisan fashion and defeat this motion to invoke cloture. We need to do more things in the Senate in a bipartisan fashion. We do not always need this line dividing us. We need to work together more often.

I hope this will be the beginning of this Senate working together on more issues. I appreciate the example set by the gentleman Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague, the assistant leader of the minority, a great Senator in his own right. We have worked together and will continue to work together. These are matters of conscience. Bottom line, it is the fervent hope of all Americans that a Senator, when he or she votes, votes what is in the best interest of the United States and as a matter of their own personal conscience. That I do, and I know my distinguished colleague from Nevada follows that credo. I thank the Senator.

Mr. REID. Mr. President, I came to the floor when I heard the Senator from Virginia beginning to speak on this issue and, of course, stayed to hear him complete his remarks. I underscore and underline what the Senator said.

It was maybe 10 or 12 years ago that every weekly publication in America, and many newspapers, featured articles about the deteriorating infrastructure of this country—highways, roads, bridges, dams. They were falling apart. They still are, but we have made great progress. Why? Because we dedicated money in a trust fund to be used for only one purpose, and that is highways.

When someone buys a gallon of gasoline in Ohio, Virginia, or Nevada, they can rest assured that money is going to go toward our deteriorating infrastructure. It is so badly needed.

I am going to Nevada on Friday, and we are going to have a celebration. Why are we going to have a celebration? Because we are going to cut the ribbon to the largest highway public works project in the history of Nevada. It was done with the help of the Senator from Virginia. It was a direct allocation to the people of the State of Nevada to take care of a very serious traffic problem we had in downtown Las Vegas. It is something known as the spaghetti bowl. That will be completed on Friday. It is a project that cost over $100 million.

From where did that money come? From people all over the country, including the people in Nevada, buying gasoline and diesel fuel and paying the taxes on that gallon of fuel. It went into the fund. There are other spaghetti bowls around America to which this tax has gone.

No one is happy about the cost of a gallon of gasoline, and I am not here to justify the cost of gas. I think it is too high. I wish it were lower. We, in America, should look at this as a glass being half full, not half empty. The reason I say that is, in spite of the spiraling gas prices which none of us like, we have the lowest gas costs in the world. Other countries buy gas by the liter, and they pay a lot for it.

I hope, with the OPEC nations going to produce 1.7 million barrels of gasoline a day extra and Norway and Mexico and other countries producing more, we are going to get over 2 million barrels of gasoline a day. It will take some time for the price of gas to drop. We cannot be rushing forward on these issues. We have to be calm and deliberate.

This is a tax bill, and we should handle tax bills by having hearings in the Finance Committee. We have two very fine people there, some of the most experienced legislators not only in the Senate today, but in the history of the country—the Senator from Delaware, Mr. ROTH, the chairman of the committee, and the ranking member, the Senator from New York, Mr. MOYNIHAN. They have wide-ranging experience.

Senator MOYNIHAN is not only a ranking Democrat on the Finance Committee, he was chairman of the Environment and Public Works Committee. They should have a hearing on this and talk about—the good and the bad about lowering this gas tax. We have not had a single hearing. This bill is here as a result of what we call rule XIV. There is no companion bill in the House. If this bill is passed, it will either be held here at the desk indefinitely, or if we send it to the House, it will be blue slipped. It is a tax bill. It will go nowhere. I am sorry to say, this is for show.

We have a tax bill, H.R. 3081. This is what we need to do. There is no one in this body who does not want to see a decrease in the price of gasoline. This is not the way to go about it.

The Senator from California, Mrs. BOXER, has suggested maybe we should direct the 300,000 barrels a day that flow from Alaska to places, other than the United States, to the United States. Use Alaska oil for us, not them. That would help.

In fact, this legislative action that is going to take place tomorrow is a step in the wrong direction. I will not go into the details. The Senator from Virginia has done a good job of that. Let's be more careful and more calculating in what we do.

Because my two colleagues from Virginia and Ohio are here, both members of the majority, I am only going to touch briefly—because I do not think this should be a partisan issue—on George W. Bush's stand on this issue. I am disappointed in Governor Bush. I hope he does not think the solution to every problem is lowering taxes. I wish he would reassess his view on this. He has come out for lowering this gas tax. I am sorry he has done that.

That is enough on partisan issues. We have been very bipartisan and will continue to do so.

Mr. President, do you know who would love this proposal? The oil cartel. Put yourself in the position of an OPEC minister. You set these limits as high as you want or as low as you want, and the oil prices are pushed up. You are afraid, the higher the price of gasoline, that people will use less gasoline and heating oil and cut your exports. Suppose, however, you can count on the U.S. Government to reduce gasoline taxes whenever the price of crude oil rises. They have a great deal going then. Then Americans are less likely to reduce their oil consumption and conspire to drive prices up, which makes such a conspiracy considered more attractive.

This is directly from the New York Times. It is not original with me.

They further go on to state: This tax cutback would lead directly to cutbacks in necessary and popular Government services. This is one instance where everyone agrees that if you cut taxes, it would lead directly to cutbacks in necessary and popular Government services.

We have talked about what those Government services are; namely, taking care of the deteriorating bridges, roads, and highways we have in America.

Tax cuts are not the answer to this problem.

I hope people on this side of the aisle and people on that side of the aisle will come here tomorrow and vote this down and, hopefully, pave the way, in the ensuing weeks and months, so that we can do other things in a bipartisan fashion.

I say to my friend, again, from Virginia, thank you very much for your leadership on this issue. I say to the Presiding Officer, a member of our committee, the Environment and Public Works Committee, thank you very much for your courage and your leadership on this issue. Obviously, from what has been read by the Senator from Virginia from the newspapers at home, they see that you have your eye on the prize and know what you are doing. Congratulations.

Mr. WARNER. Mr. President, again, I thank my colleague for what I regard as a very moderate and tempered and sincere approach to this issue. There is always a temptation to lurch into what are the political unknowns or intentions here. But our distinguished assistant leader of the minority party, I think, just stated his case very factually. I respect him for that.

I say, before the distinguished leader leaves the floor, I think the Presiding Officer might have a perspective here. If you just wait a minute, I shall take the Chair and enable the Presiding Officer to address the Senate.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Ohio is recognized.

Mr. VOINOVICH. First of all, I thank the Senator from Virginia for relieving me in my responsibility of presiding over the Senate, and thank him also for his very kind words about my involvement in this issue that I think is very important to our fellow Americans. I commend the Senator from Virginia for his ability to stand up on an issue that is fairly controversial, and to speak from his heart. I also appreciate the kind words from the Senator from Nevada.

I speak today as a Senator from Ohio, and also as a lucky freshman who is chairman of the Transportation and Infrastructure Subcommittee in the Environment and Public Works Committee of the Senate.

I also speak from a perspective as a former Governor of the State of Ohio, and the former chairman of the National Governors' Association, the chairman of the association when we negotiated TEA 21 with this Congress and the President; one of the most significant pieces of legislation that this Congress passed. As the Senator from Nevada has pointed out, it was a piece of legislation that responded to the tremendous infrastructure needs that we have throughout this great country of ours. Even in spite of that wonderful piece of legislation, we still have some great needs to fill in order to really have a transportation system that will allow us to compete in this 21st century.

One of the things we were concerned about in that legislation was the issue of being able to depend upon a flow of money for a certain period of time so that we could properly plan for new highway construction in our States.

We needed something that was dependable and something that we could work with our contractors and others that do work in our States, so we could say we are going to be doing this program over a period of years and not have these peaks and valleys that so many States experience.

We were pleased Congress decided to take the 4.3-cent gas tax that had been used for deficit reduction and use it for our highways. I might say, in 1993 I was not in favor of Congress using the gas tax for deficit reduction because it was a user's tax. From a federalism point of view, our feeling was that that was a tax that should be earmarked for the user—the user being the people who use our highways—in order to repair and maintain and build new highways, to allow them to move goods, and also to eliminate some of the traffic problems and the pollution problems created by traffic jams that we have throughout the country.

I was pleased that Congress decided to take that and say: We are going to make it a user tax. We all felt good about that and we felt relieved.

We now have before us the situation where our gas prices have increased substantially. I am not going to go into all the reasons for it.

A 4.3-cent reduction in the gas tax, frankly, may have some short-term political benefits. But when people consider the fact that if they drive 15,000 miles per year, and they average 15 miles per gallon, that they will save $43 with our 4.3-cent reduction in the gas tax. They will be very cynical about Congress' response to a problem that they are confronting at the gas pump—particularly when they come to realize that it will have, even on a short-term basis, an interruption in some of the highway projects that are underway throughout this country.

As the Senator from Virginia said, in the State of Ohio, we are talking about, over 3 years, $650 million. That 4.3 cents is the construction money that Ohio needs to move forward with their new highway construction. I would suspect in Nevada and Virginia it is the same thing. Other money is used just for maintenance and repair. This is the money we are using for new construction.

In addition—this is something that has not been even spoken about—that 4.3 cents, when Congress agreed to allow it to be used for the highway trust fund, was the money that guaranteed donor States, such as Ohio—and I do not know whether the Presiding Officer's State is a donor State or not—but it was the thing that allowed us to be guaranteed 90.5 cents on every $1 we sent to Washington.

I want you to know this is a big deal because one of the first things I did when I became Governor of Ohio in 1990 was to say, we are a donor State. At that time, we were only getting back 79 cents per $1. So one of the first things I did was to try to lobby, through the National Governors' Association, an increase for the donor States. You may remember, ISTEA brought up a lot of the donor States. I think we went from 79 cents up to 87 cents. With TEA 21, we are now at 90.5 cents. That is very important in terms of our guaranteed funding. It is also very important in terms of our new construction program.

I know there are some who suggest that we use the budget surplus to make up for the money we would lose from reducing the highway gas tax.

But the fact of the matter is, if you want to look at the big picture, what we are saying is, we are going to use the budget surplus that could be used to reduce taxes or reduce the national debt, or be used for prescription drug benefits in Medicare, and so many other things—we're going to use that general pot of money to fund highways, which are used by a certain select group of people in this country, mainly, highway users.

We are basically saying to the highway users: You are having a problem at the pump. Therefore, we are going to reduce your taxes by 4.3 cents, and we are going to find the money from the general fund of the United States. So we will make everybody in the United States subsidize that 4.3 cents we are reducing on the gas tax.

In spite of the fact that I am not happy about the high cost of gasoline, I think the people who use the highways ought to be the ones who pay for the new highways, and the repairs, and for new construction. This bill would say we are going to open up the general fund of the United States and use it to make up the difference. I think from an equitable point of view, that is not fair. I think this proposal, from a public policy point of view, is one that is not well taken.

The passage of this reduction may take away from the fact that we have a real problem in this country. The problem in this country is that we have no energy policy. The reason we have the increase in the price of gasoline in this country, in my humble opinion, is the fact that this administration was asleep at the switch. They didn't do their homework. As a result of that, the price of oil crept up.

Now they are cramming in every way possible to try to influence the people who supply the oil to bring the price down. What we should be doing is following the leadership of Senator Frank MURKOWSKI and others who have come to the floor of the Senate, and work conscientiously to develop an energy policy for the United States of America. We should be concerned about the fact that we are relying too much upon foreign oil.

Last week, Senator THOMPSON had a hearing of the Governmental Affairs Committee which included people from the administration. I asked them: Do you believe we should be less reliant on foreign oil? Their answer came back: Yes. I said: Statistics show we are going to become more reliant on foreign oil.

I then asked the question: Do you have a number where you want to be; i.e., 50-percent reliant, 45-percent reliant? They didn't have an answer. They didn't have a number. Then I said to them: Logically, one would say that if you wanted to reduce your dependence on foreign oil, you would set a goal and say we are going to reduce it to 45 percent, and we are going to reduce it by X year, and here is the way we are going to achieve that goal. That would involve opening up more opportunities—ANWR, for example. That would also mean looking at alternative fuels. That would mean looking at our Tax Code to encourage our small oil strippers who can't afford to be in the business, to get back in the business. That would mean having a national policy, that puts all of these things on the table, and that looks at environmental concerns.

Yes, we want to protect the environment. Yes, we want to protect our national defense, which is something we're not talking about. The national defense of our country is in jeopardy. Reports have said that. We can't be reliant on these other nations, particularly those who are our enemies. We have been at war with one of them for 10 years now.

I think this situation with these high gas prices should be an opportunity, on a bipartisan basis, to bring everybody to the table to develop and start talking about what should be the energy policy of the United States. It should not to be like so many instances around this country where, when something happens, we treat it like a barking dog. You give it a bone, the price will go down, everybody will continue to do the same thing they did before, and we will have another crisis. It is time to get this problem out of the drawer and onto the table, and deal with it in a responsible fashion. We need to set out a plan we can feel confident in that will reduce our reliance on foreign oil and protect our national economy and our national defense.

We should not be participating in a short-term proposal to reduce the gas tax which will not make a whole lot of difference and may indeed take the focus away from the real problem; that is, that the United States of America does not have an energy policy.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. WARNER. Mr. President, I thank my colleague. He has stood with me throughout this battle, succeeding me as chairman. He fully understands. He brings a perspective to the Government. He understands the problem of long-term stability in contracting on our highway programs. Of course, that is predicated on this trigger mechanism working. Perhaps the distinguished chairman of the Budget Committee will know.

This is so serious, but I wish to inject a little humor. One of our colleagues today said this reminds him of pool. It is a three-bank shot. Picture the ball. That is the 4.3. You hit it off one bank, and suddenly it gets stripped off and goes around the other balls, which is the Budget Committee, so they don't have any voice in this. It goes off another bank. When it hits that bank, it picks up funds from the general revenue. Then it comes over and hits another bank to get around the Appropriations Committee, which usually has some authority over appropriating around the surplus, and then slowly goes into the pocket of the highway trust fund. So this is a three-cornered bank shot. Maybe our distinguished chairman of the Budget Committee can throw a little light on this triggering mechanism and how it works.

I thank my colleague.

Mr. VOINOVICH. I think one of the significant things about this proposal is the number of people who are opposed to it.

The AAA—a very respected organization in this country which represents the folks who drive on America's highways—with the high gas price, you would think they would be saying reduce the tax, or, get rid of the tax. But the AAA is saying: No, we don't want you to reduce the tax. We know it is not going to make a lot of difference in terms of the price, and we are more concerned about having highways that are safe and well-maintained and that are repaired. They are more interested in seeing new construction projects undertaken.

Last but not least, I want to correct something that was said on the floor. The Senator from Nevada indicated that Governor Bush supports the repeal of the 4.3-cent gas tax. I talked with Governor Bush yesterday or the day before. He clearly said he did not support—how did he put it? I want to be very careful about how I say this—he is not in favor of reducing the 4.3-cent gas tax. That is what he said, and it was spoken as the Governor of the State of Texas who understands how important highways are.

I also point out that the National Governors' Association has said they are opposed to this proposal. The National Association of Counties, the National Council of State Legislators, all of the people who have been dealing with highways and the users are saying this is not going to make a real difference. Let's get on with dealing with this problem.

Mr. DOMENICI. Will the Senator yield?

Mr. VOINOVICH. I yield to the Senator, my good friend from New Mexico.

Mr. DOMENICI. First, I thank the Senator for his good remarks. He is right on. I think he should add to his arsenal of words and discussions about the energy crisis the following: The United States of America has the greatest intelligence organization. We spend so much on intelligence and information gathering. We have an agency within the Department of Energy that is independent. We put a lot of money in it. They call themselves the "analysts of energy." They are supposed to know everything you can know about crude oil. Tonight, as the cartel and its member countries concluded a meeting and said, this is what we are going to do, the United States of America has no way of finding out whether they have or have not. We do not know how much they are producing, how much they are exporting. That may come as a shock to you, but I can guarantee you what I am telling you is right. We don't know.

Now isn't this something? We are now sending diplomats, such as my friend and former colleague from New Mexico, to go over and kind of beg these countries to consider our economy and worry about our future and that we are in this together, we are bosom buddies, and we bailed you out of a few wars; don't do us in so bad; put a little more oil on the market so the price will go down. We don't know, unless they choose to tell us, day by day how much they are putting in the market, how much is being exported to the world communities. We sort of know how much the world needs. Our chairman of the Energy Committee has reported over and over again what that number is. But if you ask the person from the energy agency of the United States, Do you know how much they put on the market months ago?—give us the month and tell us how much—they will tell you: We don't know. As a matter of fact, they will tell you they lost 500 million barrels somewhere. I don't mean that it sank underground in a big hole and depleted away; they just lost it in transit, didn't know what happened to it.

I submit that we ought to worry about all the things you are talking about, but we had better get our heads together and find out who we are going to assign the responsibility of finding out how much of this international oil is being put on the market. After all, we ought to know. We are paying the money for it. Our future is dependent upon it. If they cut down the spigot and we don't know for 6 or 7 months what they did, shame on us, don't you think? We have to know that.

Mr. VOINOVICH. If the Senator will yield further. One of the concerns I have is, what kind of promises have we made to these people in order to get them to turn on the oil spigot? I just heard earlier today, for example, that Iraq, who has been our enemy—

Mr. WARNER. And still is, I might add.

Mr. VOINOVICH. Still is. In consideration of their giving us more oil, we are shipping them some technology they say they need in order to produce more oil. This is an awful position for the United States of America to be in, that we are at the mercy of someone who has been an enemy of ours, whom we went to war against and lost American lives over, and we are negotiating with them. It underscores how vulnerable we are because of a lack of an energy policy.

(Mr. ALLARD assumed the Chair.)

Mr. WARNER. Mr. President, on that point, this has been a great concern to me in my responsibilities on the Armed Services Committee. As the three of us are debating here in the spirit of the Senate, we have aviators flying missions over Iraq, containing that nation from further aggression, further human rights violations, possible further aggression from the very members of the OPEC cartel to which the distinguished Senator just referred having this meeting. They are risking their lives. What are we asking Americans to risk their lives for, at the same time we are sending spare parts to Iraq to increase oil production?

I asked in the Armed Services Committee the other day what, if any, commitments we made. I was assured by administration officials there was none. Iraq came up here the other day and committed to the world market 700,000 barrels as part of the 1.7, which my distinguished colleague from New Mexico just addressed. Then, at the same time, we have naval units in the Persian Gulf, right off Saudi Arabia, off the Emirates, off Kuwait, right off the coast of these nations, risking sailors' lives, and other nations have joined. Great Britain is flying with us over Iraq. They are taking risks as they try to enforce the embargo of the illegal export of oil from Iraq which, I understand from one of our colleagues, is coming now into the United States. How can we ask these young men and women flying these missions to take the risk of life in the face of this flawed energy policy?

I thank my colleagues. This has been a very good debate. I started off solo, and little did I know I would have the support of my two distinguished colleagues. I thank them both.

Mr. DOMENICI. Mr. President, before I conclude on this subject, after which time I want to make a short speech about TED STEVENS, my friend and everybody's friend here in the Senate, I want to talk about this administration for a minute.

Nobody will deny that President Bill Clinton is about as articulate and as smart a President as we have ever had. He can get on television and tell us things, and people believe him. When in fact we are doing things, it is good to have a President like that because people find out what we are doing.

As I look back on this administration now, I used to say there are two difficult things—because I am a budget man, a fiscal policy guy; that is what I have been doing around here. I used to say there are two major problems left for America. If we solve them, we have our fiscal policy house in order like we never thought we would. We are going to be on the path of surpluses, of low taxation, which is when America does well, when we are taxed at low levels. That is one of the most significant differences between our country and its business success and production of jobs and employment and those who compete with us. We tax business low, not high. We let business pay money to employees, not to welfare programs. This is pretty exciting stuff.

One of the two things we never fixed is Medicare, which is in no better shape today than when the President walked into the office. In fact, it is closer to bankruptcy. No major reform. No prescription drugs. I used to say that. Then I would say the other one that is major is Social Security—this gigantic program that has taken so many seniors out of poverty, and we all have to be proud of that. I used to say, if this President would leave us a permanent solution to that, he would leave a great legacy. But he has ignored the two big problems of the country.

Tonight, as Senator VOINOVICH was on the floor talking, I was reminded that there is a third problem America has that this President has not touched, which is America's dependence on crude oil from foreign countries to operate our cars and use in our daily lives, almost to the point that we could not survive without it. What has happened? Growing dependency. It used to be that I thought when we got to 50 percent, I would join Senator Bentsen, or someone, on the floor saying put a program out. The prediction is that we will be at 65-percent dependency in the next 10, 15 years.

It is not so important that we are 65-percent dependent, but when you are that dependent, if somebody decides to cut your supply by just a million or two out of the 65, the prices go up. That is what is happening right now. The world needs X amount, and they are producing about X minus 2.5 or 2.7 million barrels a day. Look at what happens to the prices.

So we became vulnerable during this administration, which kind of happily moved along saying: Isn't it neat? We have cheap oil, and it's feeding this magnificent economic growth, and, boy, aren't we on the gravy train?

Tonight, we are talking about the fact that that is not a gravy train. We are really in big trouble as the world's most powerful nation, and not a constructive thing has happened, unless one concludes it is constructive to have Secretary Richardson going to all these nations—some of them twice, some three times, I assume—urging that they can't hurt their friend America by continuing to underproduce oil. We have to produce more so the price will come down. That can't be an energy policy—to go out to those big countries and rely on your friendship to get some relief; that is not an energy policy.

How can we, as a great nation, say to our children and grandchildren: That is the legacy we are leaving you? Boy, we hope we have a great Secretary of State and a great Secretary of Energy in about 8 or 10 years, so they can meander around the world and know all these leaders and go there and have dinner with them and talk about being their great friends. What if it turns out that in a few years they are up to here with us?

Some are already saying it. We have been so inconsistent with Kuwait, our business friend, that they are asking publicly: What is it America wants of us?

They have been trying to be helpful. We saved them. Incidentally, while we saved them, they paid an awful price in terms of dollars to pay for that war. America didn't pay much for that war. Between Kuwait, Saudi Arabia, Japan, and others, they paid almost every penny for the cost of that war. It was the slickest thing you ever saw. I was sitting with the man who worked with the President and who set all of it out in a formula for how these countries would pay. They paid it. We were thrilled to have those countries go out and pay for that war. They paid for it.

They went into hock and mortgage to pay for it.

They are wondering: What do you want of us, America? We are trying to do everything you are asking of us. But we don't know what to do.

That is pretty tough stuff to come from one little country. It is little. But for a small country, it has more barrels of oil under each square piece of its earth than any other similar piece of soil in the world. That is Kuwait. It is small but hugely laden with oil supplies.

I am delighted that the gas tax pumps Senator VOINOVICH up enough to come to the floor and not only talk about that gasoline tax which pays for our highways. No matter what it was for when it was passed, it is now in our highway trust fund. It is part of the formula that we used.

I will tell you, if you temporarily repeal it for 1 year, it will not hurt the allocations for the year 2001. Everybody will get what they currently plan on getting. But that means we have to eventually put the money back in.

We are running around talking about trying to pay for future military needs and trying to take care of some new Medicare needs, if we can get reform, and, frankly, we ought not to be cavalierly talking about these billions that we are going to have to take out of the general fund.

I want to say for the record so everybody will know when they hear about their gasoline tax that the rule of thumb is for every penny of tax for roads and the like, the U.S. Government gets $1 billion. That is a pretty rough calculus. If it is 4.3, it is about $4.3 billion. If it is 18 cents that is repealed temporarily, or otherwise, it is about $18 billion. That is per annum, per year. The rule of thumb still applies. It applied a few years ago. Nobody has changed it, to my knowledge right now. It might change as the price goes up. We may see some change. But I don't think so because these are not percentages. They are pennies per gallon.

ALASKA'S MAN OF THE CENTURY

Mr. DOMENICI. Mr. President, I wish to make a few remarks about a friend of mine. I will have been in the Senate at the end of this year for 28 years. When I arrived, a Senator was already here named TED STEVENS from the great State of Alaska. He was strong, articulate, and he was tough. He was moving up in the ranks.

There are approximately 6 billion people alive on this Earth right now, and only 619,000 of them are living in Alaska. After a long process, it was decided that Senator STEVENS should be the "Man of the Century" for Alaska.

We have all attended banquets and events for the "Man of the Year" or the "Woman of the Year." But Alaska did it up right. They found one of their own, and said: If you look at the century—for part of which they certainly were not in the United States—who is the man of that century? And it was our own TED STEVENS, currently the chairman of the Appropriations Committee.

It is phenomenal how people more times than not find reality. They find out what gold is, what is really important, and what is big, strong, and sturdy. It is clear that when it comes to stature, he might not be a tall or big man, but he matches Alaska's mountains; no doubt about it. He is a mountain of a man. I am very grateful to be able to call him my friend.

Other Senators have already put in the RECORD all of the things he has done around here in his years as Senator and how many times he has had to run. A few times he was Senator for only a couple of years, and then he had to run again. He has run more times than the number of years of service would directly yield for a 6-year term, as the occupant of the chair and I serve.

When you add it all up, Alaska has done it right. They have concluded that when you look back on the people of Alaska, even long before there was statehood, they are really saying there has not been a man like him. Alaska hasn't had a man like TED STEVENS. He is unique.

I want to say on the floor tonight that I am a few days late. I had left town when I found out about this last week. I am glad to have the opportunity tonight.

I want to say I am thrilled to have him as my friend. He has a tough job. So do I. I do the budget, and he helps me. He does appropriations, which has to be done every single year with the claims all the Senators put upon him, and with all of the claims others place in behalf of the people of this country for new programs and new expenditures. He has an awful lot of that on his shoulders.

I say to him that we are lucky we have him here. We are thrilled that he came from Alaska. If I were an Alaskan, I would have joined them in voting for him as the "Man of the Century."

MEASURE READ THE FIRST TIME—S. 2323

Mr. DOMENICI. Mr. President, I understand that S. 2323 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under this act.

Mr. DOMENICI. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: No. 450.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Rudy deLeon, of California, to be Deputy Secretary of Defense.

Mr. DOMENICI. Mr. President, I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and that any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER FOR CLOTURE VOTE—S. 2285

Mr. DOMENICI. Mr. President, with reference to the satellite loan guarantee legislation, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the motion to proceed to S. 2285 occur immediately following the conclusion of S. 2097, the satellite loan guarantee bill, but in any event no later than 6 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 30, 2000

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m. on Thursday, March 30. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of S. 2097, the satellite loan guarantee legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, the Senate will begin debate on the satellite loan guarantee legislation at 9:30 a.m. Amendments to the bill are expected to be offered and debated throughout the day.

It is expected that action on the bill can be completed prior to adjournment. Therefore, Senators may expect votes on amendments and final passage of this bill.

Following the disposition of the bill, there will be a cloture vote on the motion to proceed to the gas tax legislation. After that cloture vote, the Senate will begin a period of morning business with a statement expected by Senator BROWNBACK on the marriage tax penalty.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, March 30, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 2000:

DEPARTMENT OF DEFENSE

RUDY DELEON, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF DEFENSE.

THE ABOVE NOMINATION APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, March 29, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NUSSLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 29, 2000.

I hereby appoint the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, source of life and all inspiration, breathe Your spirit upon this House, its Members and its guests.

As You breathed upon the waters and brought all Your creatures out of nothingness, as You redeemed Your people, leading them out of darkness into light and out of slavery into freedom, breathe now Your spirit upon us.

Make all in this assembly strong with convictions of justice, wise in judgment, and patient in the service of others.

The breath of life within us finds expression in joy and laughter, in deeds of kindness and generosity, in words of understanding and encouragement.

Help us to know we are temples of Your presence here on Earth. Empower us to bring peace and freedom to our brothers and sisters throughout the world. We pray to You, the living God, who lives and reigns forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 99. Concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches from each side.

CONGRESS MUST PASS A VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, Congress must follow the lead of 32 States, including my home State of Ohio, and pass the "Victims' Rights Constitutional Amendment."

This amendment will empower crime victims by allowing them to confront their assailants in a courtroom and at sentencing and parole hearings. It will also protect victims by requiring that they be notified about the release or escape of the perpetrator from custody. Finally, the amendment will restore victims by guaranteeing them the right to seek restitution from their attackers.

For far too long, victims of crime in this country have had to stand on the courthouse steps with meaningful justice just beyond their reach: not allowed to view proceedings in person sometimes, not permitted to speak out on behalf of a murdered loved one, not even notified when a violent abuser is turned loose.

Crime victims deserve to be treated better. They deserve to be treated with dignity in our criminal justice system.

With the adoption of this amendment, we will finally fortify an important truth, that victims must have their own inalienable rights under our Constitution.

INTERNATIONAL ABDUCTIONS: BRING OUR CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to continue my 1 minute on internationally abducted children.

In December 1997, Rosana Wayson, at 3½, was abducted to Germany by her mother. The German court overturned the U.S. court order guaranteeing Rosana daily visitation with her father, Mark, and made no provisions regarding future contact.

Mark Wayson has not had any contact with his daughter since August of 1998. He has traveled to Germany 13 times in the last 2 years attempting to gain access to the legal system. The family court has refused to allow him to testify or to present evidence. In Rosana's case, the German government first refused to accept the Hague Convention application and later dismissed it summarily.

Last Thursday I joined my colleague, the gentleman from Ohio (Mr. CHABOT), and introduced a concurrent resolution urging signatories to uphold the Hague Convention on the civil aspects of international child abduction. This resolution was introduced with 126 original cosponsors, a powerful statement on the importance of this issue.

Mr. Speaker, we must continue to put pressure on other countries that are Hague signatories that are not abiding by the Hague treaty. I urge my colleagues to join me in getting the message out and help bring our children home.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AMERICAN FREEDOM TRAIN 25TH ANNIVERSARY

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, the American Freedom Train departed Cameron Depot, Virginia, on its inaugural run 25 years ago today. The American Freedom Train headed for Wilmington, Delaware, to make its premier to the American public and help mark our country's bicentennial.

During 21 months of travel across our great land, the American Freedom Train traveled more than 24,000 miles and visited 138 cities where it became the focal point of local 200th birthday festivities. Nearly 700 million people toured the train's 10 exhibit cars and saw 510 historical documents, works of art, and items of memorabilia that portrayed our country's heritage.

The American Freedom Train, the idea of Mr. Ross Rowland, became one of the greatest events of America's bicentennial. My deepest thanks to my constituents, John and Mary Jayne Rowe, of Covington, Virginia, for the work they have done to preserve the memories of the American Freedom Train.

The sign at the train's exit is as appropriate today as it was 25 years ago: "And now let us celebrate America, its heritage and strength, and together let us build a meaningful tomorrow."

SUPPLEMENT SHOULD INCLUDE FUNDS FOR DRUG TRAFFICKING AND DRUG TREATMENT

Ms. KILPATRICK. Mr. Speaker, today the House will take up the first supplemental of the 21st century.

There are two problems with this supplemental. There is $1.6 billion for Colombia, who is the biggest trafficker of heroin and cocaine to our country, and no dollars for treatment for those in our country who need it.

Also, there is nothing in the bill for Mozambique. We have a commitment from the gentleman from Florida (Mr. YOUNG) and the gentleman from Alabama (Mr. CALLAHAN) that the money will be forthcoming, and I believe them. We need the President to ask for the money.

Mr. Speaker, there is $135 million in the International Disaster account. Spend the money. Send it to Mozambique. Do the assessment and replenish the International Disaster account.

Mr. Speaker, I urge my colleagues to vote against the rule. We need money for drug treatment. We must have it now.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, the most important gift parents can give their children is a quality education. This precious gift will open doors of opportunity, and it will ensure that a parent's wish is fulfilled: that the next generation will enjoy a better quality of life than the last.

Educating a child is not easy. It is expensive, too often bureaucratic and much too often out of a parent's control.

For the moms and dads who are struggling to give the gift of education to their children, help is on the way.

The Education Savings and School Excellence Act will help families save for their children's educations and give parents control over where their children are educated.

On behalf of the 90,000-plus children in the district I represent in Washington State, those children heading to college, I urge the United States House to pass this important legislation. We must do all we can to assure that no child is left behind.

PRAYER IN OUR SCHOOLS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, once again, the Supreme Court is considering a school prayer issue.

Beam me up. The founders are rolling over in their graves. The founders never intended to separate God from our schools: the founders simply intended to ensure that there would not be one, one State-sponsored religion, period. My colleagues know it, I know it, and the American people know it. The truth is, an America without prayer is an America without God, and a school without prayer is a school without God.

I yield back the utter stupidity of the American political system that continues to rationalize, debate, and deny the importance of God and why our founders placed it in our Constitution.

AMENDMENT TO SUPPLEMENTAL REGARDING EMERGENCY FUNDS FOR METHAMPHETAMINE LABS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, this House will vote today on a supplemental spending bill. It will help maintain peace in Kosovo and fight narcoterrorists in Colombia. However, there is one emergency that is not addressed.

For that reason, I will be offering an amendment to help our States and communities pay for the cleanup of methamphetamine labs, those dangerous and deadly meth labs. It is truly an emergency.

The Drug Enforcement Administration is currently out of money to help our States on meth lab cleanups. My colleagues hear it in their States; I hear it in my State.

My amendment will give the DEA $15 million to get through this year in helping our States and our local police. It is not new money, but it is a reallocation of the COPS program. It will make a difference to our communities; but more importantly, it will keep our police moving forward on reducing the production of meth that is tearing apart our families, our communities, and destroying lives.

Mr. Speaker, for that reason, I would ask my colleagues to support that amendment when it is offered.

CENSUS 2000

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, census day is 3 days away, and so far, the census is going very well. The Federal response rate is at 44 percent. Everyone can go to the census Web site at census.gov and get a daily update on how their localities and States are responding.

I know that some Members on the other side of the aisle have urged their constituents not to fill out the long form. This will only hurt people and localities and their districts. The information we gather on the census enables us to understand who we are as a Nation and serves as a guide on where to spend our resources from the Government. The Speaker and the minority leader should be urging all Members to work with and encourage their constituents to participate in this important civic ceremony.

SMITH AND WESSON LATEST VICTIM OF WHITE HOUSE ASSAULT ON DEMOCRACY

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, Smith and Wesson is but the latest victim of the administration's assault on democracy. The recent so-called voluntary agreement by the gun manufacturer follows a familiar script. First, the administration proposed mandatory trigger locks. Then, finding insufficient support among Congress, the people's representatives, the administration turned to ulterior, undemocratic means, to achieve its purpose. They threatened to unleash the full weight of the Federal Government upon the maker of a legal product by suing them into oblivion.

Guess what? The maker of the legal product decided to voluntarily do what the administration asked.

The administration makes no attempt to conceal the power grab. Last week's Wall Street Journal quoted White House domestic policy advisor, Bruce Reed, as stating the agreement shows that "the public good does not have to be held hostage to legislative stalemate." Legislative stalemate? Mr. Reed, it is called democracy.

Mr. Speaker, gun legislation has not moved because the majority of the people believe that those who pull the trigger are the ones actually responsible for the outcome, not gun manufacturers or law-abiding citizens who own firearms and use them responsibly.

The administration calls this voluntary; I call it extortion.

□ 1015

LET US STAND AND BE COUNTED IN THE CENSUS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

EXTENDING CONCERN TO FAMILIES AFFECTED BY TEXAS DISASTERS

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer my concern to our families and friends in the Fort Worth, Texas area with the terrible tornado that they experienced last evening, and to our families and friends in the Harris County area, with Phillips Petroleum, with the terrible tragedy of the explosion that happened at that plant.

Mr. Speaker, however, this morning, I want to talk about the importance and crucialness of the Census, not only in this Nation but particularly in the State of Texas, where, from the 1990 Census, the State of Texas lost $1 billion by undercounting 400,000 people.

Unfortunately, the State of Texas has a 33 percent return, but the fourth largest city in the Nation only has a 26 percent return. That is the city of Houston. Why? Because frivolous lawsuits are being filed alleging an invasion of privacy, not recognizing that this responsibility is a constitutional responsibility and that in fact these questions have not ever been proven to have been used or misused by the Census Bureau.

We need to have the information on the homeless, and I applaud the efforts being made by them. I ask of the INS not to do unnecessary and provocative raids of immigrants to discourage them from being counted. We must count every single person in the United States. We all must count. This is a constitutional right and responsibility and duty. Let us stand up and be counted.

THE EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, tomorrow the House will consider the Education Savings and School Excellence Act. The proposal allows parents to invest more in their child's education. It allows other relatives, such as grandparents, aunts, and uncles, to invest in a child's education. A parent's employer may contribute, too.

These vital education resources will be made available to cover education expenses that best meet the child's need, be it a tutor, books, tuition, or even a computer.

H.R. 7 would help the families of at least 52 million children. Seventy percent of the tax savings under our Education Savings and School Excellence Act will go to children in public schools whose parents make less than $75,000 a year, and 76 percent of the children who will benefit from ESA's attend public schools.

Promoting greater investment in learning is not an issue of rich versus poor or Democrat versus Republican, it is about fairness. It is about doing what is right.

Mr. Speaker, I ask my colleagues, let us pass H.R. 7, the Education Savings and School Excellence Act. Let us make sure no child is left behind.

GUN SAFETY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, every day the Republican leadership wastes by not convening the Juvenile Justice Conference Committee, 13 children are wasted as a result of gun violence. That is 13 children gone forever. This is not a game, this is about children's lives.

Our children need safety locks, they need effective background checks, and they need the NRA to loosen its grip on the Republican leadership. They need these things now. Guns kill. It is that simple.

According to the Justice Department, Federal gun prosecutions are up 16 percent, State and local gun prosecutions have risen 22 percent, but our children are still dying. The Republican leadership must convene a meeting of the Juvenile Justice Conference Committee to expand gun safety measures and protect our children.

I urge my Republican colleagues to stop playing politics with children's lives and start working on meaningful gun safety legislation. Our children's lives depend on it.

SUPPORT THE REPUBLICAN BUDGET AND ELIMINATE THE PUBLIC DEBT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, Republicans have a plan to pay Uncle Sam's credit card bills. For over 30 years, tax and spend liberals have racked up an enormous debt. It is just now beginning to be paid down, thanks to the GOP majority in the House and Senate.

In our budget, we will pay down $3.6 trillion, yes, that is $3.6 trillion, in public debt by the year 2013.

Why does this matter? If we ask a family in my district if they live better without debt, or if they would rather be sitting on massive credit card bills with high interest rates, it is pretty easy to guess the answer will be the former. They will have a hard time understanding the fact that a sizable chunk of our annual budget goes to pay creditors because government spending cannot be kept under control.

Mr. Speaker, paying the public debt will benefit everyone. Seniors will not have their social security funds raided, homebuyers will have lower mortgage rates, car buyers will have lower interest rates. This country will function better with a zero balance and maybe even a surplus to be given back to the taxpayer.

It is time to lift the burden of debt off our children. It is time to support the Republican budget and eliminate the public debt.

URGING HOUSE MEMBERS TO ENCOURAGE CONSTITUENTS TO RETURN CENSUS FORMS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, Census forms are due. The Census form, the short form, is impressively short. It takes less than 10 minutes to fill out. I urge Members to help raise consciousness and raise the heat to get these forms back.

I am having a job fair in my district today at the Convention Center from 4 to 10 p.m. to recruit Census enumerators at a rate of $15 to $17 per hour. It may sound like a lot, but actually, the cost to send live bodies out to count live bodies is about twice that.

To save the government money, Members need to be visible in urging constituents to return their forms, and at least have a job fair for good jobs for people to help us correct the undercount.

URGING CAUTION ON FURTHER AMERICAN INVOLVEMENT IN COLOMBIA

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, this is the day! March 29, 2000, is the day that, unless something changes, this House of Representatives will decide to become involved in a lengthy and expensive military action in the country of Colombia.

There are a lot of questions that we do not know about plan Colombia, but we do know this, that at best it will take us 6 years to do the job, and probably twice that length. It will involve us in supporting a military action against guerillas on the left and narco terrorists on the right. Also, it will cost billions and billions of dollars, all without a full hearing and all without a full national debate.

This should not be a partisan issue, Mr. Speaker. Today I will vote for the Obey amendment which will say, at least let's put the brakes on $500 million of this appropriation until we know what we are doing. We ought to be fully informed, and the American people ought to be fully informed, before we embark on a course of action which will last for decades and cost billions of American dollars with doubtful results.

CONGRESS MUST PASS SENSIBLE GUN SAFETY LEGISLATION

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, I rise today to support the passage of sensible gun safety legislation. These laws would help bring an end to the many unnecessary deaths occurring at the hands of our children and upon our children.

We promised the American people commonsense gun control. We have not delivered on that promise. In fact, we have gone in the other direction, engaging in a war of words only. Now the Congress must act responsibly and at least insist that the conferees to the juvenile justice bill meet immediately.

In my district in Northern California, the Oakland City Council has taken a strong stance on gun safety. They are putting human lives first by prohibiting the sale of compact handguns, penalizing firearms straw sales, and prohibiting people under the age of 18 from entering establishments that display firearms.

Yet here in Congress we will not even take the minimum steps, such as child safety trigger locks, to ensure the safety of our children. We can no longer afford to play partisan politics while so many children's lives remain at stake. We must pass gun safety legislation, and demand that the conferees to the juvenile justice bill meet immediately.

LET US PASS H.R. 7 AND PROVIDE AMERICAN CHILDREN A GOOD BASIC EDUCATION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the airplane, the theory of relativity, the polio vaccine. Mr. Speaker, all of these discoveries occurred during the 20th century, and they have changed our society. None of these extraordinary accomplishments would have been possible without a basic education.

Yet, as we begin a new century, American children striving to achieve great things already start at a disadvantage. Our Nation's education system ranks well below other industrialized nations. In fact, in math and science, our 12th graders rank among the lowest in the world.

In a nation as great as America, there is no excuse for this. American children deserve more. That is why I support H.R. 7, legislation that allows family to set aside money tax-free for proven education improvements such as tutors, computers, and books. Fifty-two million families of school-age children, 76 percent of whom attend public schools, would benefit from this bill. It is time we prepared our children to succeed in the 21st century. Let us pass H.R. 7.

MEMBERS SHOULD SUPPORT AMENDMENT TO SUPPLEMENTAL APPROPRIATIONS BILL TO ADDRESS GROUNDFISHING DISASTER FOR WEST COAST FAMILIES

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, the House today will take up a supplemental appropriations bill which shows tremendous disrespect for hard-working rural coastal community families on the West Coast of the United States. There is a groundfish disaster occurring on the West Coast because a Federal agency has basically shut down groundfishing on the West Coast, causing several thousand families hardship.

There were funds in this bill which have been removed, and despite a bipartisan amendment proposed to restore those funds sponsored by the gentleman from Oregon (Mr. WALDEN) and I, by the gentlewoman from California (Mrs. CAPPS) and the gentleman from California (Mr. KUYKENDALL), this amendment was not made in order.

I intend to bring this amendment to the floor of the House today. I ask the support of my fellow Members to address this groundfish disaster that is drastically affecting West Coast hardworking rural community fishing families. It is a commonsense bipartisan proposal to address a true emergency that is occurring today.

UNNECESSARY SUPPLEMENTAL APPROPRIATIONS AND UNWISE MILITARY ADVENTURISM IN COLOMBIA

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the current budget this year authorizes an expenditure of $1.789 trillion. We would think that would be enough. The President has asked for an additional $4 billion. After the House leadership thought about this, they decided to give him $9 billion.

Quite frankly, I think there is enough waste and fraud in the current budget that we could find the $4 billion if this expenditure were necessary. If we ever considered cutting back on some unconstitutional spending, we would have plenty of funds to take care of additional expenditures and have a lot left over.

But we should be very cautious about what we are doing today by expanding our involvement in Colombia. We are now moving into Colombia and spending a lot of money and expanding our war in this area. We should not be spending our money on military adventurism. We should be taking this money and spending it to build up our military defenses. We should be using this money to pay our military personnel more money, give them better housing and better education and better medical care.

What we are doing today, if we pass this bill, is we are going to move into an another area of the world where we have no constitutional interest.

THE JOURNAL

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 47, answered "present" 1, not voting 30, as follows:

[Roll No. 80]

YEAS—356

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Aderholt
Baird
Bilbray
Bonior
Borski
Brady (PA)
Brown (OH)
Chenoweth-Hage
Costello
Crowley
DeFazio
English
Filner
Gibbons
Gutierrez
Gutknecht
Hefley
Hill (MT)
Hilleary
Hilliard
Kingston
Lewis (GA)
LoBiondo
Markey
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Pickett
Ramstad
Riley
Rogan
Sabo
Sandlin
Schaffer
Stark
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—30

Barrett (NE)
Bateman
Brown (FL)
Clay
Coburn
Crane
Everett
Franks (NJ)
Gekas
Granger
Hulshof
Hyde
Jefferson
Kasich
Klink
Kucinich
LaTourette
McCrery
McDermott
Norwood
Quinn
Rangel
Salmon
Sanders
Scott
Slaughter
Spence
Vitter
Wise
Young (AK)

☐ 1052

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2418, ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. GOSS. Mr. Speaker, Members will want to know that this afternoon a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of April 3 to grant a rule which may limit the amendment process on H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, April 3, to the Committee on Rules in room H-312 in the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on Commerce.

Members should use the Office of Legislative Counsel to assure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PROVIDING FOR THE CONSIDERATION OF H.R. 3908, 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 450 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 58, lines 9 through 17. Before consideration of any other amendment it shall be in order to consider the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. Each amendment printed in part A of the report may be considered only in the order printed in the report. The amendments printed in part B of the report of the Committee on Rules may be offered only at the appropriate point in the reading of the bill. The amendments printed in the report of the Committee on Rules may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MOAKLEY), my friend and colleague, the distinguished ranking member of the Committee on Rules; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, in the Committee on Rules parlance, we describe H.Res. 450 as an open rule plus; that is, we have provided an open rule which ensures that any amendments in order under the standing rules of the House may be offered. Additionally, we have provided protections for a variety of Members that require waivers.

There has been a great interest among Members in this bill. In fact, we had more than 40 amendments presented to the Committee on Rules yesterday and yesterday evening, and we spent the better part of yesterday evening, actually well into the night, attempting to craft this rule. In the end, the rule provides for waivers for 14 separate amendments above and beyond whatever amendments may be offered under the regular order of an open amendment process.

While we were unable to make provisions for each of the amendments submitted, we did seek to thread the needle and ensure adequate debate on the major issues raised by this bill.

□ 1100

In my view, this rule accomplishes that objective. I should note for those who like to keep score, that this type of "open rule plus" procedure is the same format that was used for last year's supplemental. Also, a bit of Committee on Rules history shows that 53 of the last 65 rules granted for supplementals have been open rules.

Mr. Speaker, H. Res. 450 is an open rule providing 1 hour general debate equally divided and controlled between the chairman and ranking member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill and waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations of legislative provisions in a general appropriations bill, except as specified in the rule.

This exception pertains to a provision in the bill under the jurisdiction of the Committee on Transportation and Infrastructure, a legislative provision which did not have the concurrence of the authorizing committee.

The rule further provides, prior to the consideration of any other amendment, for consideration of the amendments printed in part A of the Committee on Rules report, which may be offered only in the order printed in the report.

The rule provides for the consideration of the amendments printed in part B of the Committee on Rules report, which may be offered only at the appropriate point in the reading of the bill.

The rule provides that all of the amendments printed in the Committee on Rules report may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the Committee on Rules report and waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation.

The rule authorizes the Chair to accord priority in recognition to Members who have caused their amendments to be preprinted in the CONGRESSIONAL RECORD. The rule also allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

And, lastly, the rule provides for one motion to recommit with or without instructions as usual.

Mr. Speaker, there has been a lot of discussion voiced about this bill so far. Questions and concerns raised from many, many different perspectives. Some Members are uncomfortable with the defense funding, others have concerns about the counternarcotics package for Colombia. We have Members who believe this bill spends too much money, and we have other Members who seek more spending in other areas. We have Members who want to allocate more of the existing surplus to debt reduction, and we have Members who seek to realign priorities in the bill. With this rule, we have found a way to accommodate a great many of those Members.

With respect to the defense spending in this bill, an amount that reflects a sizable increase over what was requested by the President, this is necessary because the administration has consistently underfunded and overcommitted our Armed Forces to the point where readiness, training, equipment, and morale have all suffered, undeniably.

Whatever one's views about the wisdom of our policy in Kosovo, and I too have very deep misgivings about what we have been doing there and about what our definition of success is for that troubled region, though I have no misgivings about the brilliant performance of our military, the fact remains that President Clinton got us into that quagmire and now we have an obligation to foot the bill. We have to pay the President's bill.

We have been robbing Peter to pay Paul for too long when it comes to committing our military forces, causing in fact an emergency situation today. I fully support efforts in this bill to reverse that trend.

Turning to the other major component of the bill, the counternarcotics package centered on "Plan Colombia," I urge my colleagues to look beyond the price tag of today's proposal and consider the cost; the cost in lives, in dollars, and lost productivity; of ducking this fight at this time. I believe we must act now. The administration has already waited too long. The most recent statistics related to Colombia are alarming, and I want to highlight three areas.

First, the amount of drugs coming from Colombia is rising dramatically. Colombia now produces 60 percent of the world's cocaine crop, an astounding 90 percent of which makes its way here, to the United States. Now, part of Colombia's problem is caused by our success in fighting the drug war in Peru and Bolivia. Much of the drug problem in terms of supply is now concentrated in Colombia, and that Democratically-elected government has asked for our assistance to deliver the coup de grace to the drug suppliers.

Second, the flow of drugs into the U.S. poses a direct threat to our children. One in every two American school kids will try illegal drugs before graduating high school unless we reverse the trends. We also know that the potency of Colombia's cocaine today and heroin today is rising, making it even more likely that today's curious kids, under peer pressure in school, seeking to try something cool or something new, could get hooked more easily and become tomorrow's addicts.

Illegal drug use costs U.S. society a staggering $110 billion a year right now and results in more than 14,000 American deaths each year. I am going to say that again: 14,000 American deaths each year; primarily our youth. That is unbelievable. I cannot seriously believe that any Member is going to pull out the flag of surrender and say we are quitting on the war on drugs with those kinds of statistics. This is a meaningful way to deal with that subject.

Third, illegal drug use costs the U.S. society, as I said, not only 14,000 American lives but billions of dollars. We are already in this thing; we need to finish it. Today, we find ourselves at a very critical point. In recent years, the United States has decreased the amount of money we spend on interdiction, lowering our guard and opening the door for well-financed, opportunistic, and ruthless narco-traffickers to boost their shipments and bring more drugs to our school yards and our playgrounds, and, indeed, those are their target areas.

Meanwhile, the political situation in Colombia has spiraled out of control, despite the sincere efforts of a friendly Democratically-elected government in that country that is trying to do the right thing and asking for help, not only from us but from other countries as well. So we find ourselves in a crisis we can no longer afford to ignore, and this is a true emergency.

We have heard arguments against the Colombia package based upon the fear that we will become sucked into another Vietnam and that we will be aiding and abetting human rights' abusers. I reject both of those arguments. We cannot simply put our head in the sand and pretend that the emergence of a narco-State in our own back yard would not adversely impact our national security.

Likewise, with regard to the question of human rights, later in today's debate I will be assisting in offering a bipartisan amendment designed to address those legitimate and important concerns head-on by conditioning military assistance on some tough certification requirements about ensuring that human rights' violators are properly dealt with.

And, lastly, we hear complaints that we are overly focused on the supply side of the equation. The fact is that in recent years we have cut back on interdiction and eradication in favor of more demand reduction and prevention programs here at home. And the statistics speak for themselves: That formula has failed. What we are trying to do in this bill is focus on the serious and growing threat that one of our close southern neighbors is being overrun by the drug traffickers who have sat their sights on unfettered access to the impressionable youth of America.

I believe we have provided for conditionality on the human rights' violations. I certainly want to underscore that it is the Colombians themselves who will be conducting this action. We are providing some training, some logistic support and some equipment for them. We are not sending military troops in the sense that we sent them to Kosovo or other places recently we have read about. We are sending them to help train these people to take care of a problem within their borders.

And on the question of the balance between supply and demand and treatment, I believe that we have to fight the war on drugs on all fronts, not just one front. And I believe the statistics will show that we are doing well when we stay applied on all fronts.

So the bottom line, Mr. Speaker, is that when all is said and done today, the House will have worked its will on a large complicated spending package that contains many important provisions besides those I have addressed. I urge support for the rule so we can get on with this debate, which I suspect will go well into the evening.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend and colleague, the gentleman from Florida (Mr. GOSS), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, there are a lot of reasons to oppose this supplemental appropriations bill, one of the most important is the innocent people of Colombia. This bill will provide $1.3 billion to a military with one of the worst human rights' records in that hemisphere, the Colombian military, over which neither the Colombian government nor the United States Armed Forces have much control.

Mr. Speaker, we have been here before. Maybe not all of my colleagues remember El Salvador, but I do. The Colombian military has strong ties to paramilitaries which commit unspeakable atrocities. The Salvadoran military had strong ties to death squads which used intimidation, torture, and murder to do the dirty work of the Salvadoran army.

They say this is very different. They say there is a president in Colombia who is determined to stand up to the military and the drug leaders. Maybe so, Mr. Speaker, but in El Salvador we had two presidents, both of them were educated at Jesuit universities, one at Georgetown and one at Notre Dame, and they were determined to do the same. The fact remains, Mr. Speaker, that in both El Salvador and Colombia the government has very little control over the military.

Both countries were embroiled in a brutal civil war. Colombia's Civil War has already cost 30,000 lives in the last 10 years. El Salvador's civil war killed 75,000 noncombatants over a period of 10 years. Let me repeat, Mr. Speaker: The civil war in El Salvador, funded by the United States of America, killed 75,000 noncombatants.

Twenty years ago, Mr. Speaker, we were in the exact same situation that we are today. Twenty years ago we had a choice to make, Mr. Speaker, and we made the wrong choice. Today, the answer is clear. We must oppose this aid to a murderous Colombian military with a list of human rights' violations a mile long.

Now, just listen to a few of them. Just last January, Colombian paramilitaries, with ties to the Army, dragged 27 worshipers out of a church and shot them in cold blood. From January 7 to January 10 last year, paramilitaries committed 19 separate massacres, leaving 143 people dead and hundreds more displaced from their homes. And just last month, Mr. Speaker, paramilitaries linked to the Colombian army danced and drank as they tortured, as they beheaded, at least 28 villagers in northern Colombia.

Yet today, Mr. Speaker, the House is considering a $1.3 billion military aid package for military aid, training, helicopters, and arms to that very same military. I am reminded of a letter that Salvadoran Archbishop Oscar Romero wrote to President Carter 20 years ago today begging him, in the interest of human rights, to stop the military aid to El Salvador. One month later, 20 years ago, Bishop Romero was murdered by a Salvadoran military death squad as he was saying mass.

Downstairs in my office hangs a picture of Archbishop Romero. Every day I look at it and every day I remember the grievous wrongs our country did helping to perpetuate those killings in his country. Mr. Speaker, let us not remember the 20th anniversary of Archbishop Romero by making the same mistakes in Colombia.

I have stood at the place where the Jesuits were killed, where their brains were splattered on a wall, blood all over the ground; and I just cannot stand by and watch our country do to Colombia what we did to El Salvador. The administration is wrong and my Republican colleagues are wrong. We are endangering thousands more lives in El Salvador, in Colombia. It should not be done. I would think the United States should have learned its lesson by now.

Mr. Speaker, I urge my colleagues to oppose the military aid to Colombia.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, may I inquire of the Speaker of the time on both sides?

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Florida (Mr. GOSS) has 20 minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 25 minutes remaining.

□ 1115

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me say I am going to vote against this rule for a number of reasons. First of all, if we look at spending issues, we will see that the bill as reported is $4 billion above the amount requested by the President. Before it is finished, this bill will have added to it an additional $4 billion not requested by the President.

It is clear that only 1 week after this House passed a budget resolution promising to live within spending ceilings that the $4 billion that will be added under the rule today is simply an attempt to get around those budget ceilings so that there will be $4 billion more room in the defense appropriation for Members' projects. A very interesting exercise in fiscal discipline, it lasted one week.

Secondly, we are now being asked to enter into a huge new long-term commitment to underwrite a war in Colombia. We have been told it will last at least 5 years, and I suspect it will last probably 10.

For 35 years, the date of August 7, 1964, has lived in infamy in history because that was the day that Congress roared through the Gulf at Tonkin resolution on this very same floor with 40 minutes of debate.

Today, we are going to be given only 20 minutes to discuss the advisability of entering into this long 5- to 10-year commitment to underwrite this war in Colombia. That means that those of us who think this is not a good idea will have exactly 10 minutes to make our case. That is amazing.

Thirdly, despite the fact that the Rand Corporation has done a study financed in part by the U.S. Army which says that a dollar spent on reducing demand for drugs here at home is 23 times more effective than a dollar spent in reducing drug use through interdiction and supply reduction abroad, this rule denies us the opportunity to even vote on the Pelosi amendment, which would allow us to provide more funding to deal with the drug problem here at home by expanding drug treatment programs. That is, in my view, ill-advised.

There is also no provision allowed under which we could even put on the floor the President's request for debt relief for countries such as Bolivia and Honduras.

Lastly, I would say that there were over a dozen Democrats who asked to be allowed to offer amendments to this proposition. Only two were given the opportunity to offer those amendments. We have 10 amendments that are going to be offered by majority party Members and two others that are bipartisan, with lead sponsors being the majority party.

In other words, the majority party first crafted the initial bill to its liking. Now they insist on being able to offer over 80 percent of the amendments that are going to be offered on the floor on this day. And then they wonder why there is not more support on this side of the aisle. I think those numbers speak for themselves.

This bill is a mistake. I will vote against the rule. I will vote against the bill. If we are going to get involved in a long-term war commitment in this hemisphere, we owe it to our constituents to spend more than 10 minutes discussing the consequences.

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from Florida (Chairman YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, unlike my friend and colleague, the previous speaker, I am going to support this rule. We need to get this rule passed. We need to get this supplemental on the floor, and we need to get it down to the other body so that then our friend and colleague, Senator STEVENS, can work his magic and get us a supplemental appropriations bill.

Now, time is not on our side in the case of the supplemental or our entire appropriations process. But let me just mention time in one regard. American soldiers are in Kosovo today. Americans are involved in a situation in Kosovo where we are putting up most of the assets. Many of our European allies are not responding to us with the support that they had promised to provide in Kosovo.

It is the humble opinion of this Member that the Kosovo experience is not going to be a positive one for the United States. And I hate to say that, because our troops do such a good job. But in order to eliminate the hatred and stop the killing that is taking place between not the organized groups in Kosovo but just the people themselves, neighbor to neighbor, the hate, the killing, we would have to put a soldier on every street corner in every city and town and hamlet in Kosovo. And, obviously, we cannot muster that kind of a major operation.

But the problem with Kosovo is that the money is already being spent. It is committed. The President deployed troops. The money is spent.

Now, where did the money come from? The money came from the fourth quarter operations and maintenance accounts of all of the military services. That means, if we do not replace this money, whether we like it or not, the fourth quarter training exercises of the United States military will have to stand down, many of them, because their fourth quarter money has already been spent.

Now, look at the calendar that I show here. All of this red is the fiscal year that has already gone by. This is today, March 29. This part of the fiscal year is gone. If we look closely at the blue colors on this chart, those are colors that the Congress will be in recess for the political conventions this summer for the work periods back home in our districts at 4th of July and other times of the year. And so, the white numbers are the only really working days left to get this work done.

We have got to get this supplemental over to the Senate where Senator STEVENS, as I said, can work his magic. This will help us begin to replace this money for the military. Whether we like it or not, the President has already spent the money. When we pass this rule, we can deal with some of the other issues we will hear on the floor today.

We will deal with a number of the issues that my friend, the gentleman from Wisconsin (Mr. OBEY), raised. Some of them are very legitimate, and they should be considered and they should be debated. But we have got to move along. We need to adopt this rule this morning and get on to the consideration of this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NUSSLE). The Chair will remind Members that although it is permissible to refer to the sponsor of a measure in the Senate, further personal references should be avoided.

Mr. MOAKLEY. Mr. Speaker, I would like to make a personal reference to a dear friend of mine and yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Massachusetts (Mr. MOAKLEY) for yielding me the time. And he is my dear friend.

Mr. Speaker, it is very rare that I disagree with the gentleman from Massachusetts (Mr. MOAKLEY). It would be remiss of me not to acknowledge the incredible work that the gentleman from Massachusetts (Mr. MOAKLEY) did in Central America during the 1980s. More than any other individual in this institution, the gentleman from Massachusetts (Mr. MOAKLEY) can take credit for saving thousands and thousands of lives, and I want to acknowledge that.

But I do disagree. Colombia is not Central America. Colombia is not El Salvador. There was recently an article in a report called the International Policy Report. The agency or the think tank that produces this particular publication is headed by the former ambassador to El Salvador, Robert White, who, by the way, was discharged from that ambassadorship because of his position on the issue of El Salvador by President Reagan.

Now, in fairness, I have to acknowledge that Ambassador White was clear that he disagreed with this particular package, but on other grounds. This article that was written by his associate

I think captures the fact that the analogy between Central America and Colombia is inaccurate. I am going to read some excerpts:

"Colombia's decades-old conflict and the effort to end it are far more complicated than the violence El Salvador, Guatemala, and Nicaragua suffered during the 1980s."

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, he goes on to point out: "Unlike the groups in El Salvador's FMLN and Guatemala's URNG, Colombia's three guerilla groups fight separately, violating human rights frequently, and are held in low esteem by most citizens. The paramilitary death squads operate in the open, resembling private armies more than shadowy groups of killers and are somewhat independent of the Army."

"Here in Colombia," he points out, "the Government seeks to bring guerillas to the negotiating table."

He concludes by saying, "With the exception of the United States, no foreign source arms or combatants. Instead, the drug trade pervades, corrupts, and finances all sides."

"On deeper examination, this conflict, the western hemisphere's oldest and most brutal, bears only a passing resemblance to Central America."

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) has 16 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 19 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. McGOVERN), a gentleman who served with me in El Salvador.

Mr. McGOVERN. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, I am deeply disappointed that the majority refused to allow debate on the amendment offered by the gentlewoman from California (Ms. PELOSI) to add $1.3 billion for drug treatment and prevention here at home.

Sadly, Mr. Speaker, today we will be given very limited debate on a number of important amendments to the Colombia aid package. I strongly oppose this Colombia aid package as it is currently constituted.

Like every Member in this House, I want to support President Pastrana in his efforts to negotiate peace and end the 40-year civil war and to provide economic development for the Colombian people. And like every Member in this House, I want to reduce drug use in the United States. Unfortunately, this package will not further either of those goals.

The three antidrug battalions and related aircraft in this bill are to be deployed in two southern provinces to root out guerillas that have been entrenched there for 40 years and to eradicate coca crops grown by peasant farmers. The futility of spending billions on eradication should be obvious to anyone who has studied this question, whether those studies are from the Rand Institute or our own GAO.

Coca is so profitable and easy to grow that short-term success has always proven an empty victory. Like mercury hit with a hammer, coca cultivation attacked in one location simply scatters elsewhere.

So what will this package achieve? In the most violent country in the hemisphere, it will only result in more violence. It will ally the United States with the most brutal military in the hemisphere.

Read the Human Rights Watch report. Read the reports of the Colombian Commission of Jurors. Read the reports by the United Nations and the OAS. They paint a picture of the Colombian military that I doubt any Member of this House would want to be associated with. And the victims, and there will be victims, will be the civilian population.

My colleague, the gentleman from Massachusetts (Mr. DELAHUNT), says that Colombia is not El Salvador. He is right in one respect. Colombia is 20 times the size of El Salvador.

I think one of the things that we need to do is we need to learn from the lessons of El Salvador and our other interventions in Central America to make sure we do not repeat the mistakes. Better to spend this money on treatment, education, and law enforcement here at home.

The best way to fight drugs is to reduce demand, something this bill does not even attempt to do. Defeat this rule and rethink the Colombia package.

□ 1130

Mr. GOSS. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from California (Mr. LEWIS), the distinguished subcommittee chairman of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I thank very much the gentleman from Florida for yielding me this time. The rule includes an amendment that will allow as we have heard for additional $4 billion to be added to the defense accounts. It touches on many of the vital needs that we have in terms of our shortfall for our military. I will have an opportunity to discuss that later. I will not later be talking about the Colombia piece, and I would like to take just a moment to address that. I would like my colleagues to know that this brings back amazing memories. For the first time I ever focused upon my chairman the gentleman from Florida (Mr. YOUNG) who today was presenting the difficulty of our schedules and our ranking member the gentleman from Wisconsin (Mr. OBEY), it was at a time that we were discussing Central America and Latin America.

In those days, the debate flowed around El Salvador and Nicaragua, Guatemala, indeed the voices that swirl around the ranking member today were very similar in those days. They were opposed to America's involvement in Central America. Today, we see that region thriving in democracy. Indeed today Colombia is asking us for our assistance with a very, very significant drug problem. Indeed, America cannot solve Colombia's entire problem; but they have asked for our help. It would be a grave error for us to make the same mistake that those same voices would have suggested we make in El Salvador in the country of Colombia. I urge us to pass the rule and indeed to support this bill in its final form.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would suggest the gentleman go back and recheck my record. I did not oppose our efforts in Salvador. I opposed certain efforts that did not provide for the support of legitimate democratic forces, but I also supported funding for Salvador.

Mr. LEWIS of California. Taking back my time, there is little doubt that the voices were almost identical to those that flow today regarding this issue. There is little question, they did not want us involved in El Salvador or Nicaragua, and there is democracy there today because of America's involvement in part. Colombia has a major problem. They are asking for our assistance. I would suggest that we provide them with a small amount of assistance.

Mr. MOAKLEY. Institutional memory, Mr. Speaker, is the ability to recognize a mistake and make it again. Let us hope we do not do it again today.

Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, last Friday morning, the House passed the Republican budget resolution by all of four votes. Today, the Republican leadership would override it because if this rule passes, the House will take up and probably pass a supplemental appropriations bill that, with amendments, will put spending $4 billion above the level assumed in the budget resolution we passed just days ago. And since the extra costs will not be offset, the budget surplus for 2000 will drop and so will the budget surplus for 2001. Indeed, by our calculation, this supplemental, together with other activities, actions already or likely to be passed will reduce the surplus, the on-budget surplus for this year from $26.5 billion to $5.1 billion.

Last week when the House debated the budget resolution, we predicted that over 10 years the Republican resolution which passed would spend all of the non-Social Security surplus and $68 billion of the Social Security surplus. We pointed out that the resolution assumed discretionary spending cuts of $117 billion over 5 years which we seriously doubted Congress would ever make; and if those cuts were not made, we predicted that you would have to dig even deeper into Social Security. We were convinced that eventually this resolution would be overridden as it was in 1999 and again in 1998, but we never thought you would do it in less than a week.

Now, I readily agree that this bill contains funds for national defense and domestic priorities that are important. I am not contesting the validity of most of these items. I am making a stronger point. I think this supplemental shows that the budget resolution adopted just days ago contains spending levels for discretionary spending that are a sham.

Last week you were calling for Draconian spending cuts. This week you are calling for dramatic increases, $12.5 billion this year. Granted this spending is for this year alone but it is bound to have recurring effects. I cannot believe that what we are doing for Colombia will end this year. I cannot believe that the spare parts we are buying now for 2001 will not be needed next year. We need a realistic budget resolution. I think we should hold in abeyance this supplemental until we come back from conference with a budget resolution that is realistic and it recognizes the costs that we are surely going to incur as this supplemental points out.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me this time. I rise in strong opposition to this rule. The emergency spending bill appropriates $9 billion. However, this rule does not make in order the Wu-Kuykendall-Capps amendment to provide just $14.2 million to help hard-pressed West Coast fishermen.

Pacific Coast fishermen have had their livelihood restricted by the Federal Government's effort to restore the West Coast groundfish fishery. This is costing hardworking men and women millions of dollars in lost income. It is hurting communities up and down the coast like Morro Bay and Avila Beach in my district.

The governors of California, Oregon, and Washington have requested disaster assistance for fishing communities. The administration recognized their need and asked for this funding. The money would fund important research and stock assessment of the fishery, it would allow for the buyback of permits and boats, and it would help communities cope with the loss of a big industry.

The fishing men and women in my district would rather be on the water hauling in their catch. But if we are going to keep them off their boats, it is imperative that we help them to feed their families. I am disappointed in this rule. I urge a "no" vote.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time. Let me give a response to the gentleman from South Carolina (Mr. SPRATT) with respect to the dollars that are in this supplemental under the defense heading.

They are there simply because your Marines, your Air Force, your Army, your Navy needs them. Every time the Commandant of the Marine Corps addresses Congress in any forum, he always says, "This is your Marine Corps." And in a very true sense, it is your Marine Corps and all the rest of the services. As my friend the gentleman from South Carolina knows, and I know that is the reason the gentleman from Missouri (Mr. SKELTON) is going to join with me and a number of other people in supporting the Lewis-Spence amendment to bring in about 4 billion extra dollars in spare parts, in safety fixes, in emergency fixes on the military health care system and a number of other areas where there truly is an emergency.

That is why Democrats and Republicans have very carefully asked the services when they came before us, did the $305 billion defense budget submitted by the administration, does that take care of what your troops need, and they told us no. We said, be specific. And they outlined $15 billion worth of unfunded requirements; things we had to do.

Let me tell my colleagues why they outlined them to us. They outlined them to us because our planes in many cases are not able to get off the ground and go do the mission. The mission capability is dropping like a rock. That means your plane cannot start up on the tarmac or on a carrier deck, go off, do its mission, and return.

They brought them to us because, in my estimation, the safety record is going down in the services. Eighty crashes of military aircraft in 1998 and 1999, 80 crashes, 90 dead as a result of those crashes. We have got old platforms. We have got platforms without spare parts.

The Air Force is 1,200 pilots short. Some of the money in this amendment, the Spence-Lewis amendment, requests extra money for recruiting, for retention, to keep skilled people in the services. This is probably our most important job, keeping our Nation secure. This amendment gives about 25 percent of what our services told us they have to have to keep the wheels turning, to keep this reduced force going, to keep the equipment repaired, to keep the spares coming.

When we went to Kosovo, Air Force readiness went down 50 percent Stateside because we had to move all the spare parts and all the available mechanics because we did not have very many of them, we had to move them into theater. So we dropped mission capability 50 percent in the units that were remaining. We are stretched very thin. Please work with us. Moderates, liberals, conservatives, vote for the Spence-Lewis amendment. It helps America's people in uniform.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I rise in strong opposition to this rule, a rule that will not allow Democrats by and large to offer amendments on this most important supplemental appropriation, the first one, I might add, for the 21st century. Eighty percent of the amendments are by the majority party. We were not able to offer many.

One of the most important amendments is an amendment that would provide treatment on demand for those Americans who found themselves unfortunately addicted to drugs, drugs I might add that more than any other country in the world Colombia supplies the heroin and the cocaine that has infested our families and our neighborhoods across America.

In this supplemental, we are providing $1.7 billion to Colombia and not a penny for drug treatment. I think it is horrible that the amendment by the gentlewoman from California (Ms. PELOSI) was not allowed, and I think we should vote against this rule.

Additionally, Mozambique. We are told that the assessment must be made for Mozambique. The assessment I understand will be done on Friday. I offered an amendment in committee, $60 million; $20 million for child survival, $20 million for development assistance, $20 million for international disaster relief, but withdrew the amendment because they said we had to have the assessment.

The chairman of the full committee, the gentleman from Florida (Mr. YOUNG), and the chairman of the subcommittee, the gentleman from Alabama (Mr. CALLAHAN), have agreed that this money should come forth and the money is in the accounts now to be released for Mozambique. Release the money. It ought to be a part of the rule. We ought to be able to debate it. We are not able at this time.

Treat those Americans who are addicted to much of the drugs that come from Colombia. We are not allowed to debate; we are not allowed to offer it. It is a bad rule. Vote against it.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, in this supplemental, there is $40 million to deal with the citrus canker problem in Florida, a problem that the Department of Agriculture said could have been handled probably with $5 million had they jumped on it immediately.

The Department of Agriculture now is saying if we do not jump on the plum pox virus problem again, we are not going to have a $5 million problem, we are going to have a several billion dollar problem. This citrus problem is probably going to cost at least $200 million.

What has happened in Europe and what has happened in Spain and Chile is that their stone fruit crop was wiped out. If you happen to produce peaches, apricots, plums, cherries, almonds, avocados in your particular districts, they will be wiped out.

I have four orchards in my district now. They had to destroy the entire orchard. You cannot destroy the infected tree. You have to destroy the entire orchard. They waited 10 years to get profit, all of a sudden they must burn that crop and must wait 2 years then to replant the trees and then wait another 5 years to get any profit from that production. The Department of Agriculture says it spends $6 million now to stop it in its tracks or let it spread through Washington, California, Michigan, Maryland, Pennsylvania, South Carolina, Georgia and wherever else they grow peaches, prunes, apricots, avocados, et cetera.

And they have asked for the money, because they realize that it is their watch and if they do not stop it now, it becomes a billion-dollar problem. Unfortunately, OMB has not released the money as they have not released the $40 million for the citrus problem in Florida.

□ 1145

So I hope that everybody understands, we will pay $6 million this year, or we will pay billions and billions of dollars in the future when many of my colleagues will still be in the Congress of the United States. So I would hope my colleagues would come back with an appropriation to allow them to wipe out this virus immediately, rather than see it spread all over the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I ask my colleagues to vote against the rule today. We appeared before the Committee on Rules late last night with a bipartisan, commonsense approach to a real emergency, a real disaster: emergency aid to West Coast fishers and owners of small fishing boats. This real emergency is caused by a fish population decline and by bad Federal policy. It affects the entire West Coast.

Simply put, there are too many fishing boats, too few fish, and too many Federal fishing restrictions based on spotty data.

The bipartisan commonsense amendment we offered, offered by me, by the gentleman from Oregon (Mr. WALDEN), by the gentlewoman from California (Mrs. CAPPS), and by the gentleman from California (Mr. KUYKENDALL), that is two Democrats and two Republicans, would have addressed these challenges with better science and better fish counting, with a buy-back of boats to reduce fishing capacity, and financial aid to affected families.

Mr. Speaker, this commonsense, bipartisan amendment was rejected by the Committee on Rules in the dead of night. I guess it is easy for common sense and compassion to die late at night.

I ask my colleagues who care about hard-working fishing families to vote against this rule.

Mr. GOSS. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Florida (Mr. GOSS) has 9 minutes remaining; the gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining.

Mr. GOSS. Mr. Speaker, perhaps the gentleman from Massachusetts would like to continue the rotation.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman for his realization that my 9 minutes is more important than his 9 minutes.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to this rule and in utter consternation that the Republican majority has not allowed Democrats to offer worthy amendments under this so-called open rule.

First of all, allowing only 10 minutes to debate war in Colombia and a major U.S. commitment that will be long term is absolutely reprehensible.

Secondly, on the domestic scene, when we look at oil prices and our total dependence on foreign sources of supply into this economy, and the fact that we have not been allowed to offer amendments that would ask our Secretary of Energy to begin to move toward renewables here at home, giving him the right to purchase ethanol and bio diesel, to fill that strategic petroleum reserve, which, by the way, 90 percent of it has been imported foreign oil.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. Mr. Speaker, I will not yield to the gentleman; I do not have enough time right now. The gentleman did not give me the right to offer these amendments.

Mr. DREIER. Mr. Speaker, I would offer the gentlewoman time right now if she would like to yield to me.

The SPEAKER pro tempore. The gentlewoman does control the time. The gentlewoman may proceed.

Ms. KAPTUR. Mr. Speaker, that is the gentleman that denied me the right to offer my amendments on this floor.

Now, I want to say on this oil business that for us to continue foreign dependence is absolutely a military vulnerability to the United States of America. We had an amendment that would have allowed the Secretary of Energy to purchase domestically produced product and put it in the reserve and we have been denied that opportunity here on the floor.

Finally, in the area of farm crisis here at home, low prices across this country, our farmers biting the dust, small and medium-sized farmers; we had an amendment in here that would have permitted the Secretary of Agriculture to offer equity capital in loans to those small and medium-sized farmers trying to reposition in this cruel marketplace today. We were disallowed the ability to do that. This is the year of 2000. They cannot hang on until next year.

I want to say that many of our Members here also went up to the Committee on Rules yesterday. The gentleman from Pennsylvania (Mr. GOODLING), who was just here on the floor asking for plum pox which is going to destroy the fruit crop in Pennsylvania and it will spread to other States. The gentleman from New York (Mr. HINCHEY) for special crop disasters in New York and California and other places; the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from Connecticut (Mr. DELAURO) on lobster fisheries; the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. CAMP), and the gentlewoman from Michigan (Ms. STABENOW) on the spread of bovine tuberculosis in the State of Michigan; and the gentleman from Oregon (Mr. WU) and the gentlewoman from California (Mrs. CAPPS) who just appeared on fisheries on the West Coast.

Vote "no" on the rule. Too many of our Members have been excluded.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I would like to, if I could, have the attention of my very good friend from Toledo to explain and clarify.

I understand that she is very concerned about this rule, but I would like to explain it. This is an open rule. We have an open amendment process, which allows any germane amendment to be considered and fully debated, without any time limitation whatsoever. So if my friend would choose to offer a striking amendment, if my friend would choose to offer anything that falls within the rubric of germaneness, she clearly has a right to do that.

Now, she talked about 10 minutes that is allowed for her amendment. The ranking minority member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), has the full general debate time, a half an hour, during which that entire time can be expended talking about this issue, if he so wishes.

So I think it is important to note that we have time limits imposed on those which we granted waivers to which are beyond the standard Rules of the House; and what we have done is we have allowed full, no time limits whatsoever on any germane amendment.

That is why I want to urge my colleagues, since this is an open amendment process, and yes, we have provided waivers for 14 additional amendments which have been made in order so that we can have a full debate on a lot of different issues; but the fact of the matter is, for people to come down here and vote against an open rule, I am really concerned about the prospect of that.

So I urge my colleagues to support the rule, and I believe that it is the right thing, and we will have a very full day.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, on a daily basis I hear my colleagues, both Democratic and Republican, lament the fact that Americans are deployed all around the world, usually without congressional approval.

I asked the Committee on Rules to approve an amendment that would have limited American troop strength in Colombia to 300 personnel. I did that because Article 1, Section 8 of the Constitution says that Congress has the power to declare war and only the Senate can involve this country in mutual defense treaties. I did that so that the $1.8 billion that is going to Colombia would not bring American troops with it.

Mr. Speaker, as we are getting ready to spend our money there, the Colombians have just changed their law so that if one has a high school diploma, one does not get drafted. They have just cut their spending for defense. My hunch is the Colombians think we are going to fight their war for them.

If it is the will of Congress to do so, then I think Congress ought to vote on this. However, far too often, both Republican and Democratic Congresses, by omission and comission, have not done their job and decided where and when young Americans will be called on to fight.

I am going to oppose this rule because, once again, the Committee on Rules has seen to it that we will not make that decision.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for his great leadership on human rights throughout this hemisphere and throughout the world.

Mr. Speaker, it is almost impossible to listen to the chairman of the Committee on Rules claim that this is an open rule. Perhaps the word "open" to him means open only to Republicans; Democrats need not apply with amendments.

This bill has been called an emergency because we have an emergency in the drug abuse situation in our country. Indeed, we do, Mr. Speaker. 5.5 million people in America are in need of substance abuse treatment, but this rule is closed to any consideration of those people. It allows 10 minutes for an amendment to consider military assistance to Colombia in order to eradicate the coca leaf which flies in the face of all of the research on how we reduce demand in the U.S.

But do not take my word for it.

As the distinguished ranking member referred to earlier, the gentleman from Wisconsin (Mr. OBEY), the Rand report, which was put together, the research was sponsored by the Office of National Drug Control Policy, by the U.S. Army, and the Rand's Drug Policy Research Center, this report says that for every dollar spent on treatment on demand is 23 times more effective than coca leaf eradication in the source country. What that means, Mr. Speaker, is that if one wants to reduce substance abuse in this country 1 percent, one would spend $34 million, $34 million on treatment on demand; and that 1 percent reduction in the source country would be $723 million for the same result.

Yes, we have an emergency in our country, Mr. Speaker, 5.5 million, as I said, Americans are in need of substance abuse treatment. Two million of them are receiving it, and 3.5 million people are in need.

My amendment for $600 million would have addressed the need of 5 percent of those people, 5 percent; and yet this rule closed us down to have these Members on both sides of the aisle recognize the need in our own country for treatment on demand and for prevention. It is a dollar better spent. Everyone agrees to that. It has a result that is documented, and yet we could not even have an amendment.

How can we have a drug bill on this floor that talks about the emergency of substance abuse in our country that does not allow $1 to be spent on prevention and treatment on demand? It simply does not make sense.

Mr. Speaker, I oppose the bill also because of not allowing a fuller debate on the subject of our military assistance to Colombia. Perhaps we should go that route. We do not know, my Republican colleagues do not know, because we have not discussed it.

I urge my colleagues, with no reluctance at all, to vote resoundingly against this closed rule.

Mr. GOSS. Mr. Speaker, I would point out to all Members, as they all know, that an open rule is an open rule under the Rules of the House.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, this is an emergency supplemental. Let me cite some emergencies for our colleagues: Hurricane Floyd, Hurricane Andrew, Hurricane Hugo, the wildlands fires in California and in the west States of Oregon and Washington, the Midwestern States. How about the World Trade Center bombing. How about the Murrah Building bombing in Oklahoma City. How about the earthquakes at Loma Prieta and North Ridge. Or how about the recent fire that killed 5 firefighters in Worcester, Massachusetts, or just last night in Fort Worth, Texas where a tornado in downtown Fort Worth killed 4 people.

What is common with all of these emergencies, Mr. Speaker? They were all handled by our domestic defenders, our 1.2 million fire and EMS people who have not received one dime of support from this body in the past.

Today, an amendment will be offered that will, for the first time, provide $100 million for the fire and EMS personnel across America, 85 percent of whom are volunteers, 32,000 departments, on average, 60 to 80 in every congressional district represented in this body. But, Mr. Speaker, we cannot pass that Weldon-Hoyer bipartisan amendment supported by the gentleman from New Jersey (Mr. PASCRELL); supported by the gentleman from New Jersey (Mr. ANDREWS); supported by the gentleman from Pennsylvania (Mr. SHUSTER) unless we pass the rule.

□ 1200

Mr. Speaker, we cannot pass the amendment unless colleagues on both sides of the aisle join in supporting the bipartisan Weldon-Hoyer-Smith-Pascrell-Andrews amendment for the fire service.

Mr. Speaker, we cannot provide the $100 million of short-term funding and access to $4.8 billion of long-term funding unless we pass the supplemental.

Mr. Speaker, I ask my colleagues who have joined in support of the Pascrell bill, over 260 of us, to support the fire service of this country. Today is our chance. Fire fighters across America are going to man the phones. Now is Members' chance to show their support for them with a real vote to help deal with the emergencies of this country.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, we have a very critical problem in America today. It is called, training our military on the East Coast. The only place we can really put this thing together happens to be a little island outside of Puerto Rico called Vieques.

There is the final test for the Navy and Marines. That is where they go and do the live fire. That is where they go out prepared to take on any commitment that the United States has.

Now we find ourselves in a position, Mr. Speaker, where trespassers have come in, occupied the ground, gone through the gates, squatted on the ground, and we cannot do it any longer. It just totally amazes me. Our officers have gone to the Attorney General and said, kick these people off. Our Attorney General will not do it.

So we find ourselves in the position, Mr. Speaker, of, what do we do at this point? How important is this training? Let me tell the Members what the Secretary of the Navy says: "This training wins wars. Many Americans in uniform owe their lives to this crucial training. Many would perish without it."

The chief of Naval Operations and the Commandant of the Marine Corps have both testified that the combined live fire training at Vieques is the most effective training we can do.

We have an amendment, the Fowler-Hansen amendment, that will be coming up. It does this. I hope people pay attention. One, there can be no trespassers on this live fire area. Like most people in the United States, we all have in every State live fire going on and we do not have trespassers.

It restores the integrity of the range. It tells the Attorney General to get these people off, and live fire would resume before the $40 million goes to them.

I would hope people would support this commonsense amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. Obey), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, if Members want to know why the gentlewoman from Ohio (Ms. Kaptur) is unhappy, just recognize this: The majority runs this institution. The majority wrote this bill. They used the Budget Act then to fence out amendments.

Out of the 14 amendments being allowed under this bill, two are being offered by Democrats, ten by Republicans, and two have a bipartisan tone. That in my view is not a balanced approach.

I would also urge Members to recognize that we should not spend a lousy 10 minutes debating whether we are going to be at war in Colombia for the next 5 years. I would remind Members of what James Hoagland, the distinguished columnist, asked; that now, in the rush into this quagmire, what is happening:

"What happens when it becomes clear that the considered judgment of U.S. Air Force officers that the Colombia military will not be able to maintain the Black Hawks under the condition in which they will be flying is shown to be correct? Will the United States replace the helicopters that crash or are shot down, at $13 million a copy? Will large numbers of U.S. advisers be provided to maintain the helicopter force?

"Clinton, of course, will not be around to provide answers. The helicopters will not arrive until 6 months after he leaves office. His successor will inherit an open-ended military obligation that can be trimmed back or abandoned only at domestic political cost."

It says, ". . . House Republicans have championed supersized aid to Colombia, with an eye to blasting Clinton and Gore if it is not passed. They are the true catalysts for this foreign policy fiasco. They blithely ignore the fact that American demand is at the root of the drug problem more than Columbian supply. They voted down efforts by Representative Nancy Pelosi to add funds for drug treatment at home in the catch-all bill that provides aid to Colombia. They sliced out of that same bill $211 million in debt relief for the world's poorest countries. They will shoot away the problems of the Third World.

"That has been tried elsewhere, with similar fuzzy and contradictory thinking in Washington at the take-off. I can only wonder: Where is the Vietnam Syndrome when we need it?"

Mr. Speaker, I urge a "no" vote on this rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. Kuykendall).

Mr. KUYKENDALL. Mr. Speaker, I am glad today this rule will allow us to debate this Vieques range. The range is the only place on the East Coast where we can do live fire training of all the combined forces. That means Marines ashore, Navy in ships, airmen in aircraft, whether we are shooting or missiles or live fire artillery, and we are doing it in conjunction with our forces. That is training that is invaluable when we have to go fight a war.

For the last decade, nearly every deployment this Nation has had from the East Coast of the United States has sent American military forces directly into combat operations. Whether it is the Persian Gulf War or Kosovo, other Balkan operations, or operations like Operation Desert Fox, where we went immediately into bombing in Iraq as part of the no-fly zone enforcement, or getting inspectors back into the country, live information training is essential.

I as a young artilleryman in the Marine Corps trained at a live fire range in Oklahoma. I was only 3 miles away from U.S. citizens in my training. Here we have at least an 8-mile piece of safe zone. This amendment needs to be approved. Vote for the rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. Traficant).

Mr. TRAFICANT. Mr. Speaker, I will vote for the previous question and the rule. Our military has been underfunded. We cannot protect America with a neighborhood crime watch. Congress should be bolstering up our defenses.

I will also notify the Congress I will be offering a buy American amendment to this that will say, when you are spending this money, try and buy American-made products, try and buy American services to keep the ball rolling.

I think it is a good rule and it is a good bill. We should support both.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my dear friend, my colleague, the gentleman from California, said we should fund the Colombia military because there is peace in El Salvador today. I would remind my colleague that peace in El Salvador did not start until we cut off the military aid to El Salvador. After 12 years of brutal war and 75,000 innocent lives lost, the parties did not come anywhere near the negotiating table until we cut the military aid to El Salvador. As long as we were funding the war, it continued. As long as we fund the Colombian military and as long as we provide them weapons, they will use those weapons and the war will continue.

Mr. Speaker, I would hope the rule does not pass.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I wanted to quickly point to a few things.

First of all, I am not sure that everybody really understands that the FARC is not just another political opposition group. This is a vicious guerilla band of people that this past weekend killed 26 policemen in Colombia, in one city, in Bahia del Puerto. They beheaded the chief of police and killed four children between the ages of 3 and 7, to say nothing of their mothers and other innocent victims.

This is, unfortunately, routine business. This is the face of a terrorist insurrection against a democratic government.

Secondly, I would like to point out, the much-discussed Rand report talking about how much more we get out of our money for treatment, that is interesting if we are talking about treatment, but we are talking about trying to stop people from becoming victims. We do not want them to become addicts. We do want to treat the addicts, but we want to stop our youth from becoming addicts by making sure there is no supply for them. That is a legitimate part of what we are about.

The third thing is, there are many elements to this bill that were not discussed today: Kosovo burdensharing, a critical bipartisan amendment that I know will get a lot of attention as the day goes on.

The fourth thing, some talk about entanglement. We are not sending an expeditionary force, we are sending training and logistics support.

Fifth, what does this matter to the average American who does not necessarily know where Colombia falls on the map of the world? I will tell Members what it matters, it matters about our kids, our kids who are tempted by the scourge of drugs. We are dealing with our children and our grandchildren and their future.

If Members do not like that, we are dealing with the price of gas, because gas comes from this area, too. Destabilization in this area is just going to keep the price of gas higher longer.

So there are lots of ways Members can bring this personally to themselves and into their lives, to their pocketbook, to their quality of life. But nothing, nothing should take second place to the well-being of our kids and us doing our job to make sure they are properly protected.

This is a good open rule, it is a fair rule. I urge support for the rule.

Mr. SPRATT. Mr. Speaker, early last Friday, the House passed the Republican budget resolution for Fiscal Year 2001 by all of 4 votes. Today, the Republican leadership overrides it. If this rule passes, the House will take up a supplemental appropriations bill that, with likely amendments, is $4 billion above the spending level assumed in the budget resolution the House just passed. Since the extra cost will not be offset, the budget surplus for 200 will drop and so will the surplus for 2001. In fact, by our calculation, this supplemental, along with other actions already taken or likely to be taken, will reduce the on-budget surplus this year from $26.5 billion to $4.9 billion.

Last week, when the House debated the budget resolution, we predicted that over ten years, the Republican budget would spend all of the non-Social Security surplus and $68 billion of the Social Security surplus. We pointed out how the Republican resolution assumed spending cuts of $117 billion over five years, cuts we doubted Congress would make. And if those unrealistic cuts weren't made, we warned that you would dig even more into the Social Security surplus. We were convinced that this resolution would be overridden by more spending, as were the budget resolutions in 1999 and 1998, but we never thought you would do it in less than a week.

I readily agree that this bill contains funds for national defense and domestic priorities that are important. I am not contesting the validity of most of these items. I am contesting the validity of your budget resolution, for this supplemental shows that your spending levels are a sham.

A few days ago, you were calling for draconian spending cuts. Now you are asking for dramatic increases, $12.5 billion in one year, much more than the President requested.

The President requested $2.2 billion for non-defense programs for the supplemental. The bill reported out of committee takes that request up to $3.2 billion, an increase of almost 50 percent. About $600 million of this $1.0 billion uses fiscal year 2000 funding to buy fiscal year 2001 items: $282 million for domestic electronic surveillance of drug activities, and $318 million for anti-drug efforts in Columbia.

For defense, the President requested a supplemental of $2.3 billion. The bill the committee reported more than doubles that to $5.2 billion. The Spence-Lewis amendment would add $4.0 billion to that. Much of this would use fiscal year 2000 money to buy fiscal year 2001 items, easing the strain on 2001. But many of the defense adds are recurring costs, such as defense health care funding and spare parts and maintenance for weapon systems like Apache helicopters and Navy ships. By making this add, Republicans are disavowing the spending level for defense specified in last week's budget resolution, and not just for 2001. In all probability, Congress will have to continue appropriating these additional sums in future years.

Does anyone here honestly believe that this is a one-time request for Colombia?

This supplemental is a clever way to turn the flank of the resolution passed last week. It's a scheme that allows Congress to pay some fiscal year 2001 costs using fiscal year 2000 money. I understand the need. But if Republicans find the 2001 spending levels too tight, how will you find the spending levels in 2002, when the discretionary spending cuts get deeper? And at the same time the spending cuts get deeper, the tax cuts get larger. What does this portend for Social Security? Will you be forced to tap even more into the Social Security surplus?

This supplemental shows that the Republican budget is not serious. Until Congress has passed a conference report with realistic spending levels and responsible tax cuts, we should hold this supplemental in abeyance.

Ms. WATERS. Mr. Speaker, I urge my colleagues to oppose this rule, which specifically makes in order twelve amendments offered by Republicans and waives all points of order against these amendments. Only two amendments offered by Democrats were made in order by this partisan rule.

I plan to offer an amendment to restore a mere $210 million in funding, which was requested by the President to provide debt relief to Mozambique and other heavily indebted poor countries. This Republican rule does not allow my amendment.

Mozambique—one of the world's poorest countries—has recently experienced its worst flooding in 50 years. There are now hundreds of thousands of displaced people who are in desperate need of food, clean water, medicine, blankets and tents. The government of Mozambique cannot possibly address the needs of these displaced people or repair its damaged infrastructure while continuing to make debt payments to foreign governments. Debt relief has never been more important for Mozambique than it is now.

Debt relief for the world's poorest countries is supported by a worldwide movement of churches, religious groups and non-governmental organizations. This movement, known as Jubilee 2000, was begun by Christians who believe that the year 2000, the two thousandth anniversary of the coming of Christ, is a Jubilee Year. According to the Bible, the Lord instructed the people of Ancient Israel to celebrate a Jubilee—or a Year or the Lord—every 50 years. During a Jubilee Year, debts were forgiven. Debt forgiveness for poor countries is the moral thing to do.

This partisan rule also did not allow consideration of the Pelosi amendment, which would have added funding for drug treatment and prevention programs. This bill contains $1.7 billion for international counter-narcotics programs. We need to focus on demand reduction here in the United States, which fuels the production of drugs abroad.

I urge my colleagues to oppose this unfair and shortsighted rule.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 182, not voting 12, as follows:

[Roll No. 81]

YEAS—241

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Farr
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook

Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—182

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

Barton
Boucher
Conyers
Crane
Everett
Franks (NJ)
Granger
Klink
Kucinich
McIntosh
Quinn
Salmon

□ 1231

Ms. SANCHEZ and Ms. CARSON changed their vote from "yea" to "nay."

Mr. REYES and Mrs. MORELLA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 450, the resolution just adopted.

The SPEAKER pro tempore (Mr. NUSSLE). Is there objection to the request of the gentleman from Florida?

There was no objection.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 450 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3908.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the House today the 2000 Emergency Supplemental Appropriations bill.

The Committee on Appropriations ordered this legislation reported by a nearly three to one bipartisan vote. It is reflective of a compilation of input from many sources on a large spectrum of issues. The request was thoroughly reviewed, hearings were held, input from Members outside the committee was received, and our committee painstakingly marked up the bill. The result of all of this is the bill before us.

The bill includes $1.7 billion for counternarcotics activities in the Colombian and Andean region. By and large, the bill provides what the President requested for Colombia. In addition, the bill takes a more regional approach by providing increased help to the anti-drug efforts of Colombia's neighbors. Before any of the funds going to South America can be spent, the Secretary of State is to report on how the money will be used. The bill also funds high priority anti-drug activities in the Departments of Justice and Defense.

Also included in this bill is nearly $5 billion for national security matters. The President's emergency request for $2 billion for operations in Kosovo and East Timor is met. I must remind our colleagues that this money replenishes funds that have already been spent for both of these operations. In fact, the money has been spent and borrowed from the fourth quarter operations and maintenance accounts of all of the military services. So that money has to be repaid, or the training activities in the fourth quarter of the fiscal year for our Nation's military will have to stand down dramatically.

This bill also includes $1.6 billion to help cover increasing fuel costs facing the Defense Department. As we drive up to the gas tanks and fill up our cars, we see a tremendous increase in the cost of fuel. The ships that we drive, the airplanes that we fly, the trucks and the tanks that we drive, all of these things that use fuel are experiencing the same thing. So we do provide the money to make up for the increased fuel costs.

The bill also includes $854.5 million to the financially troubled Defense Health Program, a health program that promises medical care for members of the military, their families, and those retirees who are eligible for military medical care. There are doctors, there are nurses, there are pharmacies, and there are medical people who provide medical care who have provided their services but have not been paid. We are in arrears to at least that amount of money. So we include it in this bill. The President did not request these two items; but they are urgently needed, and we will have to provide the money sooner or later.

In the natural disaster and other emergencies areas, the bill includes

$2.2 billion. This includes $400 million for USDA administered agriculture assistance, $250 million for wildland fire management, $600 million for LIHEAP, Low Income Home Energy Assistance, and $600 million for emergency highway reimbursements to States.

Mr. Chairman, the committee tried to clean up all of the loose ends that we had relative to hurricane and flood disasters in the last year, and we believe this bill does complete all our responsibilities and obligations here.

There are many other important issues addressed in the bill. The report provides a very complete description of them. The bill is somewhat difficult and a little controversial in places, and I respect the fact that there are multiple opinions on the bill. But I think the Committee on Appropriations listened to and respected the differing positions on the various provisions in the bill, including the strong support of the President of the United States. However, as usual with an appropriations bill, we could not report a bill that included everyone's position.

Now the bill is before the entire House for consideration. It is important that we move this bill through the House today and we get it to the other body where deliberations can begin. We need to get this off of our schedules today because, Mr. Chairman, we have 13 other appropriations bills that we are trying to bring to this House in regular order and ahead of last year's schedule and certainly the year before's schedule, because this is a busy year for Members of Congress because of our national conventions, home work periods. So we need to get this bill out of here, get it into the negotiation with the other body.

At this point in the RECORD, I would like to insert a table showing the details of this bill, as reported.

[The table follows:]

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908)
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL			
	TITLE I - COUNTERNARCOTICS			
	CHAPTER 1			
	DEPARTMENT OF JUSTICE			
	Drug Enforcement Administration			
	Salaries and expenses (emergency appropriations)		6,650	+6,650
	Contingent emergency appropriations		293,048	+293,048
	Total, Chapter 1:			
	New budget (obligational) authority		299,698	+299,698
	Emergency appropriations		(6,650)	(+6,650)
	Contingent emergency appropriations		(293,048)	(+293,048)
	CHAPTER 2			
	DEPARTMENT OF DEFENSE - MILITARY			
	Other Department of Defense Programs			
106-162	Drug interdiction and counter-drug activities, Defense (emergency appropriations)	98,400	185,800	+87,400
	CHAPTER 3			
	BILATERAL ECONOMIC ASSISTANCE			
	Department of State			
106-162	Assistance for Plan Colombia and for Andean regional counternarcotics (emergency appropriations)	818,000		-818,000
	Contingent emergency appropriations		1,099,000	+1,099,000
	CHAPTER 4			
	DEPARTMENT OF DEFENSE - MILITARY			
106-162	Military construction, Defense-wide (emergency appropriations)	38,600		-38,600
	Contingent emergency appropriations		116,523	+116,523
	Total, title I:			
	New budget (obligational) authority	955,000	1,701,021	+746,021
	Emergency appropriations	(955,000)	(192,450)	(-762,550)
	Contingent emergency appropriations		(1,508,571)	(+1,508,571)
	TITLE II - PEACEKEEPING OPERATIONS IN KOSOVO AND OTHER NATIONAL SECURITY MATTERS			
	CHAPTER 1			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
106-162	Diplomatic and consular programs (emergency appropriations)	24,000		-24,000
106-162	Educational and cultural exchange programs (emergency appropriations)	3,622		-3,622
106-162	Security and maintenance of United States missions (emergency appropriations)	239,000	104,000	-135,000
	Total, Administration of Foreign Affairs	266,622	104,000	-162,622
	International Organizations and Conferences			
106-162	Contributions for international peacekeeping activities, current year (emergency appropriations)	107,000		-107,000
	Total, Chapter 1:			
	New budget (obligational) authority	373,622	104,000	-269,622
	CHAPTER 2			
	DEPARTMENT OF DEFENSE - MILITARY			
	Operation and Maintenance			
	Operation and maintenance, Army (emergency appropriations)		19,532	+19,532
	Operation and maintenance, Navy (emergency appropriations)		20,565	+20,565
	Operation and maintenance, Marine Corps (emergency appropriations)		37,155	+37,155
	Operation and maintenance, Air Force (emergency appropriations)		30,065	+30,065
106-162	Operation and maintenance, Defense-wide (emergency appropriations)	27,400	40,000	+12,600
	Operation and maintenance, Army Reserve (emergency appropriations)		2,174	+2,174
	Operation and maintenance, Army National Guard (emergency appropriations)		2,851	+2,851
106-162	Overseas contingency operations transfer fund (emergency appropriations)	2,050,400	2,050,400	
	Total, Operation and Maintenance	2,077,800	2,202,742	+124,942
	Procurement			
106-162	Aircraft procurement, Air Force (emergency appropriations)	73,000	73,000	
	Other Department of Defense Programs			
	Defense health program (emergency appropriations)		3,533	+3,533

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	General Provisions			
....	Defense-wide working capital fund (emergency appropriations) (sec. 2202)	....	1,556,200	+1,556,200
....	Aircraft procurement, Air Force (by transfer) (sec. 2203)	....	(90,000)	(+90,000)
....	Procurement of weapons and tracked combat vehicles, Army (by transfer) (sec. 2204)	....	(125,000)	(+125,000)
....	Defense health program (emergency appropriations) (sec. 2205)	....	854,500	+854,500
	Total, Chapter 2:			
	New budget (obligational) authority	2,150,800	4,689,975	+2,539,175
	(By transfer)	....	(215,000)	(+215,000)
	CHAPTER 3			
	BILATERAL ECONOMIC ASSISTANCE			
	Agency for International Development			
106-162	Operating expenses of the Agency for International Development (emergency appropriations)	22,000	13,000	-9,000
	Other Bilateral Economic Assistance			
106-162	Assistance for Eastern Europe and the Baltic States (emergency appropriations)	195,000	95,825	-99,175
	Total, Bilateral Economic Assistance	217,000	108,825	-108,175
	MILITARY ASSISTANCE			
106-162	International military education and training (emergency appropriations)	2,875	2,875	....
	Foreign Military Financing Program:			
106-162	Grants (emergency appropriations)	31,000	31,000	....
	Total, Military Assistance	33,875	33,875	....
	Total, Chapter 3:			
	New budget (obligational) authority	250,875	142,700	-108,175
	CHAPTER 4			
	DEPARTMENT OF DEFENSE - MILITARY			
....	Military construction, Army Reserve (contingent emergency appropriations)	....	12,348	+12,348
....	Family housing, Army (contingent emergency appropriations) (sec. 2401)	....	2,000	+2,000
....	Family housing, Navy and Marine Corps (contingent emergency appropriations) (sec. 2401)	....	3,000	+3,000
....	Family housing, Air Force (contingent emergency appropriations) (sec. 2401)	....	1,700	+1,700
	Total, Chapter 4:			
	New budget (obligational) authority	....	19,048	+19,048
	Total, title II:			
	New budget (obligational) authority	2,775,297	4,955,723	+2,180,426
	Emergency appropriations	(2,775,297)	(4,936,675)	(+2,161,378)
	Contingent emergency appropriations	....	(19,048)	(+19,048)
	(By transfer)	....	(215,000)	(+215,000)
	TITLE III - NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
....	Office of the Inspector General (contingent emergency appropriations)	....	2,000	+2,000
	Animal and Plant Health Inspection Service			
....	Salaries and expenses (contingent emergency appropriations)	....	7,140	+7,140
	Farm Service Agency			
....	Salaries and expenses (contingent emergency appropriations)	....	77,560	+77,560
	Federal Crop Insurance Corporation			
106-198	Federal crop insurance corporation fund (emergency appropriations)	13,000	13,000	....
	Commodity Credit Corporation			
106-198	Marketing associations loan forgiveness (emergency appropriations)	81,000	81,000	....
	Rural Development			
....	Rural community advancement program (contingent emergency appropriations)	....	43,000	+43,000
	Rural Housing Service			
	Rural Housing Insurance Fund Program Account:			
	Loan authorizations:			
....	Single family (sec. 502)	....	(296,000)	(+296,000)
....	Housing repair (sec. 504)	....	(13,000)	(+13,000)
106-198	Rental housing (sec. 515)	(40,000)	(40,000)	....
	Total, loan authorizations	(40,000)	(349,000)	(+309,000)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	Loan subsidy:			
	Single family (sec. 502) (contingent emergency appropriations)		25,000	+25,000
	Housing repair (sec. 504) (contingent emergency appropriations)		4,000	+4,000
106-196	Rental-housing (sec. 515) (emergency appropriations)	15,872	15,872	
	Total, loan subsidies	15,872	44,872	+29,000
106-196	Rental assistance program (sec. 521) (emergency appropriations)	13,600	13,600	
	Total, Rural Housing Insurance Fund Program Account	29,472	58,472	+29,000
	Mutual and self-help housing grants (contingent emergency appropriations)		6,000	+6,000
	Rural housing assistance grants (contingent emergency appropriations)		8,000	+8,000
	Farm labor program account (contingent emergency appropriations)		5,000	+5,000
	Total, Rural Housing Service	29,472	77,472	+48,000
	Rural Utilities Service			
	Rural Electrification and Telecommunications Loans Program Account:			
	Direct loans: Electric 5%:			
	Loan authorization		(113,250)	(+113,250)
	Loan subsidy (emergency appropriations)		1,021	+1,021
	Foreign Assistance and Related Programs			
	Foreign Agricultural Service and General Sales Manager (contingent emergency appropriations)		2,000	+2,000
	Total, Department of Agriculture	123,472	304,193	+180,721
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Food and Drug Administration			
	Buildings and facilities (contingent emergency appropriations)		20,000	+20,000
	General Provisions			
	Conservation technical assistance (contingent emergency appropriations) (sec. 3101)		35,000	+35,000
	Citrus canker (contingent emergency appropriations) (sec. 3103)		40,000	+40,000
	Total, Chapter 1:			
	New budget (obligational) authority	123,472	399,193	+275,721
	Emergency appropriations	(123,472)	(124,493)	(+1,021)
	Contingent emergency appropriations		(274,700)	(+274,700)
	(Loan authorizations)	(40,000)	(462,250)	(+422,250)
	CHAPTER 2			
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
106-196 106-162	Economic development assistance programs (emergency appropriations)	30,350	25,800	-4,550
106-196	Contingent emergency appropriations	900		-900
106-196 106-162	Salaries and expenses (emergency appropriations)	1,625		-1,625
	Total, Economic Development Administration	32,875	25,800	-7,075
	National Oceanic and Atmospheric Administration			
106-196 106-162	Operations, research, and facilities (emergency appropriations)	23,900	19,400	-4,500
106-196	Contingent emergency appropriations	5,000		-5,000
106-196	Fisheries finance program account (emergency appropriations)	6,240		-6,240
106-196	Contingent emergency appropriations	15,000		-15,000
	Total, National Oceanic and Atmospheric Administration	50,140	19,400	-30,740
	Total, Department of Commerce	83,015	45,200	-37,815
	RELATED AGENCY			
	Small Business Administration			
	Disaster Loans Program Account:			
106-162	Direct loans subsidy (contingent emergency appropriations)	31,000	33,300	+2,300
106-162	Administrative expenses (contingent emergency appropriations)	19,500	27,600	+8,100
	Total, Small Business Administration	50,500	60,900	+10,400
	Total, Chapter 2:			
	New budget (obligational) authority	133,515	106,100	-27,415
	Emergency appropriations	(62,115)	(45,200)	(-16,915)
	Contingent emergency appropriations	(71,400)	(60,900)	(-10,500)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3906) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	CHAPTER 3			
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
106-198 106-162	General investigations (emergency appropriations)	8,100	1,500	-6,600
106-162	Operation and maintenance, general (emergency appropriations)	19,175	27,925	+8,750
	Total, Corps of Engineers - Civil	27,275	29,425	+2,150
	DEPARTMENT OF ENERGY			
	Uranium enrichment decontamination and decommissioning fund (emergency appropriations)		16,000	+16,000
	Atomic Energy Defense Activities			
	Other defense activities (emergency appropriations)		59,000	+59,000
	(By transfer) (emergency appropriations)		(4,000)	(+4,000)
	Total, Chapter 3:			
	New budget (obligational) authority	27,275	104,425	+77,150
	(By transfer) (emergency appropriations)		(4,000)	(+4,000)
	CHAPTER 4			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
106-162	Wildland fire management (contingent emergency appropriations)	100,000	100,000	
	United States Fish and Wildlife Service			
106-162	Construction (emergency appropriations)	5,000	5,000	
	National Park Service			
106-162	Construction (emergency appropriations)	4,000	4,000	
	United States Geological Survey			
106-162	Surveys, investigations, and research (emergency appropriations)	1,800	1,800	
	Total, Department of the Interior	110,800	110,800	
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
	Wildland fire management (contingent emergency appropriations)		150,000	+150,000
	Total, Chapter 4:			
	New budget (obligational) authority	110,800	260,800	+150,000
	Emergency appropriations	(10,800)	(10,800)	
	Contingent emergency appropriations	(100,000)	(250,000)	(+150,000)
	CHAPTER 5			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Administration for Children and Families			
106-198	Low income home energy assistance (contingent emergency appropriations)	600,000	600,000	
	CHAPTER 6			
	DEPARTMENT OF TRANSPORTATION			
	Coast Guard			
	Operating expenses (emergency appropriations)		37,000	+37,000
	Federal Highway Administration			
	Federal-aid highways (Highway Trust Fund):			
	Emergency relief program (emergency appropriations)		600,000	+600,000
	Total, Department of Transportation		637,000	+637,000
	RELATED AGENCIES			
	National Transportation Safety Board			
106-198 106-162	Salaries and expenses (emergency appropriations)	25,096	24,739	-357
	Total, Chapter 6:			
	New budget (obligational) authority	25,096	661,739	+636,643

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	CHAPTER 7			
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Public and Indian Housing			
106-198	Housing certificate fund (emergency appropriations)	12,000		-12,000
	Community Planning and Development			
	HOME investment partnerships program (contingent emergency appropriations)		36,000	+36,000
	Total, Housing and Urban Development	12,000	36,000	+24,000
	INDEPENDENT AGENCIES			
	National Aeronautics and Space Administration			
	Human space flight (contingent emergency appropriations)		25,800	+25,800
	Science, aeronautics and technology (contingent emergency appropriations)		29,000	+29,000
	Mission support (contingent emergency appropriations)		20,200	+20,200
	Total, National Aeronautics and Space Administration		75,000	+75,000
	Total, Chapter 7:			
	New budget (obligational) authority	12,000	111,000	+99,000
	Emergency appropriations	(12,000)		(-12,000)
	Contingent emergency appropriations		(111,000)	(+111,000)
	Total, title III:			
	New budget (obligational) authority	1,032,158	2,243,257	+1,211,099
	Emergency appropriations	(260,758)	(946,657)	(+685,899)
	Contingent emergency appropriations	(771,400)	(1,296,600)	(+525,200)
	(By transfer) (emergency appropriations)		(4,000)	(+4,000)
	(Loan authorizations)	(40,000)	(462,250)	(+422,250)
	TITLE IV - SUPPLEMENTAL APPROPRIATIONS AND OFFSETS			
	CHAPTER 1-A			
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
106-198	Assistance to Vieques, Puerto Rico	40,000		-40,000
	National Institute of Standards and Technology			
106-162	Scientific and technical research and services	1,000		-1,000
106-162	Industrial technology services	4,000		-4,000
106-162	NTIS revolving fund (by transfer)	(4,500)		(-4,500)
	Total, National Institute of Standards and Technology	5,000		-5,000
	RELATED AGENCIES			
	Commission on Civil Rights			
106-162	Salaries and expenses	800		-800
	Federal Maritime Commission			
106-162	Salaries and expenses	490		-490
	Small Business Administration			
106-198	Salaries and expenses (by transfer)	(2,000)		(-2,000)
	Business Loans Program Account:			
106-198	Guaranteed loans subsidy	1,000		-1,000
	Total, Chapter 1-A:			
	New budget (obligational) authority	47,290		-47,290
	(By transfer)	(6,500)		(-6,500)
	CHAPTER 1			
	DEPARTMENT OF ENERGY			
106-162	Uranium enrichment decontamination and decommissioning fund	16,000		-16,000
	Atomic Energy Defense Activities			
106-162	Weapons activities	55,000	55,000	
106-162	Other defense activities	14,000		-14,000
106-162	(By transfer)	(4,000)		(-4,000)
	Total, Atomic Energy Defense Activities	69,000	55,000	-14,000
	Total, Chapter 1:			
	New budget (obligational) authority	85,000	55,000	-30,000
	(By transfer)	(4,000)		(-4,000)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	CHAPTER 2-A			
	BILATERAL ECONOMIC ASSISTANCE			
	Department of the Treasury			
106-162	Debt restructuring	210,000		-210,000
	CHAPTER 2			
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
	State and private forestry (by transfer)		(500)	(+500)
	DEPARTMENT OF ENERGY			
106-198	Energy conservation	19,000		-19,000
	Advance appropriations		19,000	+19,000
	CHAPTER 3			
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Administration for Children and Families			
106-162	Payments to States for foster care and adoption assistance	35,000	35,000	
	CHAPTER 4			
	CONGRESSIONAL OPERATIONS			
	JOINT ITEMS			
	Capitol Police Board			
	Security enhancements		1,874	+1,874
	ARCHITECT OF THE CAPITOL			
	Capitol Buildings and Grounds			
	Capitol buildings, salaries and expenses		7,039	+7,039
	House office buildings		4,213	+4,213
	Capitol power plant		3	+3
	Total, Architect of the Capitol		11,255	+11,255
	Total, Congressional Operations		13,129	+13,129
	OTHER AGENCIES			
	BOTANIC GARDENS			
	Salaries and expenses		26	+26
	ARCHITECT OF THE CAPITOL			
	Library Buildings and Grounds			
	Structural and mechanical care		3,885	+3,885
	Total, Chapter 4: New budget (obligational) authority		17,040	+17,040
	CHAPTER 5-A			
	DEPARTMENT OF TRANSPORTATION			
	Coast Guard			
106-162	Operating expenses (by transfer)	(18,000)		(-18,000)
	Federal Aviation Administration			
106-162	Grants-in-aid for airports (Airport and Airway Trust Fund): (Obligation limitation reduction)	(-50,000)		(+50,000)
	CHAPTER 5			
	DEPARTMENT OF THE TREASURY			
	Internal Revenue Service			
106-162	Processing, assistance and management	19,796		-19,796
106-162	Tax law enforcement	6,807		-6,807
106-162	Information systems	13,180		-13,180
	Total, Internal Revenue Service	39,783		-39,783
	INDEPENDENT AGENCIES			
106-162	Committee for the Purchase from People Who Are Blind or Severely Disabled	687		-687
106-162	General Services Administration: Policy and operations	2,000		-2,000
106-162	Office of Personnel Management: Salaries and expenses	1,000		-1,000
	Total, Chapter 5: New budget (obligational) authority	43,470		-43,470

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	CHAPTER 6			
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Federal Housing Administration			
	FHA - General and special risk program account:			
106-162	Administrative expenses	49,000	49,000	
	Management and Administration			
106-198 106-162	Office of Inspector General (reappropriation)	-6,000	-6,000	
	INDEPENDENT AGENCIES			
	National Aeronautics and Space Administration			
106-162	Mission support (by transfer)	(20,200)		(-20,200)
	National Science Foundation			
106-162	Education and human resources	1,000		-1,000
	Total, Chapter 6:			
	New budget (obligational) authority	44,000	43,000	-1,000
	(By transfer)	(20,200)		(-20,200)
	CHAPTER 7			
	DEPARTMENT OF AGRICULTURE			
	Fund for Rural America (offset) (sec. 4701)		-6,000	-6,000
	Initiative for Future Agriculture and Food Systems (offset) (sec. 4702)		-100,000	-100,000
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
106-198	Emergency oil and gas guarantee loan program account (offset) (emergency appropriations)	-20,000		+20,000
	DEPARTMENT OF ENERGY			
	Atomic Energy Defense Activities			
106-194	Defense environmental restoration and waste management (rescission)	-13,000	-13,000	
	Other defense activities (rescission of emergency appropriations)		-40,000	-40,000
	DEPARTMENT OF THE INTERIOR			
	National Park Service			
106-198	Construction (rescission)	-5,000		+5,000
	DEPARTMENT OF ENERGY			
106-194	SPR petroleum account (rescission)	-12,000		+12,000
	DEPARTMENT OF TRANSPORTATION			
	Information technology systems and related expenses (offset) (emergency appropriations)		-26,600	-26,600
	EXECUTIVE OFFICE OF THE PRESIDENT			
	Unanticipated Needs			
106-198	Information technology systems and related expenses (offset) (emergency appropriations)	-235,000	-235,000	
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Public and Indian Housing			
106-198 106-194	Housing certificate fund (rescission)	-128,000		+128,000
	Total, Chapter 7:			
	Rescissions	(-158,000)	(-13,000)	(+145,000)
	Offsets		(-106,000)	(-106,000)
	Rescission of emergency appropriations		(-40,000)	(-40,000)
	Offsets (emergency appropriations)	(-255,000)	(-261,600)	(-6,600)
	Total, title IV:			
	New budget (obligational) authority	70,760	-251,560	-322,320
	Appropriations	(483,760)	(150,040)	(-333,720)
	Rescissions	(-158,000)	(-13,000)	(+145,000)
	Offsets		(-106,000)	(-106,000)
	Advance appropriations		(19,000)	(+19,000)
	Rescission of emergency appropriations		(-40,000)	(-40,000)
	Offsets (emergency appropriations)	(-255,000)	(-261,600)	(-6,600)
	(By transfer)	(48,700)	(500)	(-48,200)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2000 (H.R. 3908) — continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	Grand total, all titles:			
	New budget (obligational) authority	4,833,215	8,648,441	+3,815,226
	Appropriations	(483,760)	(150,040)	(-333,720)
	Rescissions	(-158,000)	(-13,000)	(+145,000)
	Offsets		(-108,000)	(-108,000)
	Advance appropriations		(19,000)	(+19,000)
	Emergency appropriations	(3,991,055)	(6,075,782)	(+2,084,727)
	Contingent emergency appropriations	(771,400)	(2,824,219)	(+2,052,819)
	Rescission of emergency appropriations		(-40,000)	(-40,000)
	Offsets (emergency appropriations)	(-255,000)	(-261,600)	(-6,600)
	(By transfer)	(48,700)	(215,500)	(+166,800)
	(By transfer) (emergency appropriations)		(4,000)	(+4,000)
	(Loan authorizations)	(40,000)	(462,250)	(+422,250)

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at the end of last year, the President had asked for $568 billion in appropriated spending, and Congress had approved $578 billion. In this supplemental as it now comes before us, the President has asked for additional funds which would take his total request for the year to $573 billion. The supplemental has been added to by the committee so that, if this bill passes as it is now before us, we will wind up spending $587 billion over this existing fiscal year, which is $13 billion more than the President asked.

In addition, the amendment that will be offered today and which will be supported by the Republican leadership will add yet another $4 billion to this package in the DoD arena. That will take total spending for this fiscal year to $591 billion, some $17 billion above the President's request.

That additional $4 billion which is being asked for by the House leadership is there for a very simple reason. There is nothing wrong with what that money is actually being spent for. But the fact is it is being spent on routine items for one simple purpose, and that is to get around the very budget resolution that was passed just 5 days ago on this floor. Because by moving that $4 billion in expenditures into this existing fiscal year, my colleagues make room in the next fiscal year for $4 billion for Members' projects and Members' pork. Nice game if they can get away with it.

I suggest Senator McCAIN get out his pencil. He better get ready, because a lot of stuff is going to come over there he is probably not going to like. This is one major reason to vote against this bill before us today.

But there is another, in my view, even more serious reason. We are being asked by the President and the Speaker of the House to support $1.3 billion for Colombia. In my view, that is the camel's nose under the tent for a massive long-term commitment to a military operation in Colombia that has as much to do with the domestic situation in Colombia as it has to do with our drug problems here at home.

General Wilhelm from SouthCom has indicated that this is the first year of a 5-year commitment, in his judgment. It seems to me if a can-do Marine like General Wilhelm is predicting that this is going to be a 5-year operation, that it is likely to last a lot longer, because things have a way of getting more complicated than Congress originally expects.

As I said in the Committee on Rules, I detest Vietnam analyses under most circumstances, but I believe that, in this case, there is a very real parallel. In fact, there are two. When the Gulf of Tonkin resolution was debated in 1964, it took 2 days in the Senate. It took 40 minutes on the floor of this House. This Congress has rued the day ever since that it did not give more time to consider that proposition.

Today, when my amendment comes before us to eliminate the most dangerous parts of that Colombian package, we will have exactly 20 minutes to discuss it, 10 minutes for those of us who are opposed to undertaking that involvement at this time.

Let me tell my colleagues what I think the unanswered questions are that we ought to be asking. In my view, this Congress has no real knowledge of what it is we are about to embark upon. I do not see any real plan by the administration. I see a plan to have a plan, but I do not see a real plan. There is no specific authorization for this proposition. Before we slide into this operation, I think we ought to ask some questions.

First of all, is this really an anti-drug campaign, or is it a political campaign, a pacification in Colombia? Will this really produce a reduction in drug availability in the United States?

The House, in the rule it just adopted, has eliminated its ability to vote on the Pelosi amendment. The Pelosi amendment was an attempt to add additional money to fight drugs here at home by expanding our drug treatment and prevention program.

I would point out that the Rand Corporation, in a study financed in part by the U.S. Army, indicated that a dollar spent to eliminate drug use here at home is 23 times more effective than a dollar spent to try to interdict or to reduce supply in some foreign land. Yet we are being prevented from voting on the most effective way to deal with drugs in this country.

I also think we need to be aware of the fact that in Colombia itself there is substantial doubt about whether that society is ready to take this issue on. If they are not, we cannot do it for them.

I do not know, for instance, how many Americans understand that if we take a look at the ruling elite in Colombia, their sons do not serve in combat. Because if one is a high school graduate, one is exempted from having to serve in combat in the Colombian armed forces.

□ 1245

Do my colleagues really think we are going to be able to sustain a 5- or 10-year military operation with that kind of divided duty in that society? I doubt it.

What happens if the battalions that we are now training do not succeed? We are training a few thousand men so they can try to root out the narcos in 40,000 square miles of jungle. Let us say we succeed, which I think is highly unlikely. What is to prevent them from simply moving into the other 150,000 square miles of jungle in that country? I do not think very much.

I think this is ill conceived and ill thought out. If this does not work, what is the next step? Will we then cut and run, or will we then deepen our involvement? I do not think, given our past experience in Vietnam, that we are likely to just say, "Oh, well, we gave it the good old college try, so now we are going to yank the plug." I do not think whoever is the future president is going to be able to make that decision. That means a long-haul problem.

What I am going to be asking this House to do, eventually, is to allow the money for police training to flow, to allow their helicopters to go down to Colombia, but I am going to be asking my colleagues to delay until July the vote on the over $500 million in additional funding that is meant to expand our basic military commitment in Colombia until the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence can hold more hearings on this so that Congress knows what it is doing before it acts. And my amendment will provide expedited procedures to assure that we would be able to vote on it in July.

We are being told that lots of very bright professional people have put this package together so we need have no fear. Well, I respect Secretary Albright, I respect General McCaffrey, I respect Mr. Pickering in the State Department, I respect the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). But with all due respect to them, every individual Member of this House has a constitutional duty to exercise his or her own judgment on an issue of this gravity, and I do not think we are able to do that under this truncated arrangement.

So I would urge, for those and other reasons, that my colleagues oppose this bill today. I have no illusions that my amendment will pass. I think it is incredible we could not even vote on the Pelosi amendment, but I would urge Members not to make the same mistake that was made on this House floor in the Gulf of Tonkin. This may not be the same as Vietnam. There are undoubtedly major differences. But there are some very disturbing similarities, and I would urge my colleagues to take those similarities into consideration and delay consideration of this crucial vote until the Congress knows a whole lot more than it does today about what the proper course of action ought to be.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman from Florida for his great efforts in providing us with an excellent bill. I rise today to voice my enthusiastic support for his efforts, particularly as it relates to North Carolina.

This supplemental calls for $94 million in unobligated balances for the emergency conservation program to be used to repair damage done by Hurricane Floyd to buildings and farm equipment; provides $13 million in Federal crop insurance assistance; provides $81 million in relief for marketing loans for farmers in North Carolina; provides $43 million in rural water projects; $29 million for rural housing; $5 billion for peacekeeping in Kosovo, $2.2 billion more than the President's request. This supplemental fills in a lot of holes that have been created by this administration.

Additional funding is appropriated to stop the administration's practice of asking our soldiers to do more with less. And if the Spence amendment is accepted, and I certainly hope that it is, and support it, the supplemental will include an additional $4 billion in emergency, badly needed defense funding. This funding includes $750 million in military health care for active duty and veterans, $230 million to reduce out-of-pocket housing expenses, $600 million to address recruiting shortfalls, $1.2 billion to meet funding requirements for our forward deployed forces, and $1.2 billion to meet critical shortfalls in equipment maintenance.

Mr. Chairman, I again want to thank the gentleman from Florida (Mr. YOUNG) and rise in enthusiastic support. I would respectfully urge our friends in the Senate to move forward on this bill with all dispatch.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Just recently, Mr. Chairman, we heard our colleague from Wisconsin talking about the message that the President of the United States brought to this House of Representatives requesting that we bust the budget. I might remind the gentleman that the President was not for the balanced budget anyway, so we are not surprised he is sending us this message asking us to bust the budget.

What we did in this process, with respect to that area of jurisdiction that we on the Subcommittee on Foreign Operations, Export Financing and Related Programs have, is reduce the President's request for foreign aid by $37 million. Simply put, the President of the United States, the man that the people of this country has placed in charge of our national security, has hired one of the most professional people in this country with respect to the ability to do something about the drug problem we have, Mr. McCaffrey. And Mr. McCaffrey and the President of the United States have come to us and said, give us the money to implement this policy. Who are we to second-guess the Commander-in-Chief and Mr. McCaffrey, the drug czar?

I am sorry that the minority Members do not have the confidence in the President of the United States to make a decision that is a responsible decision, but we must be responsible Members of the House of Representatives. The President has come to us, the Commander-in-Chief, and he tells us we have a very, very serious problem with drugs. And the President is absolutely right. He says we have a problem in Kosovo, and he is absolutely right. The President and I disagree on what the problem is in Kosovo, but, nevertheless, we have reduced his request for assistance to Kosovo for reconstruction. There is nothing in here to that effect.

So the bottom line is the Commander-in-Chief of the Armed Services and the drug czar have come to us and said, after due diligent research, they have decided that this is the number one way that we can fight drug use here in the United States. I know that there appears to be an extreme lack of confidence in the ability of the President of the United States to make these decisions; but, nevertheless, he is the President of the United States and this Congress must decide whether or not we want to fight drugs based upon the suggested remedy that the President of the United States has sent to us or whether we want to play rhetoric and play demagoguery and delay this and let this drug situation develop even further.

In addition to the President's request for Colombia, we found glaring holes in it in the committee process. For example, we found that there was not a sufficient amount of money for the surrounding countries of Colombia, and we increased the President's request. We did not decrease his drug effort request; we increased it to provide for the surrounding countries of Colombia to have an ability to also fight the drug situation.

So here we are, a body that is destined to make a decision today based upon the request of the President of the United States.

Mr. Chairman, I rise in support of this Emergency Supplemental Appropriations bill. I commend Chairman YOUNG for his leadership on this measure, especially his efforts to support our Armed Forces who are under so much strain in the face of repeated deployments overseas.

For Foreign Operations, this Emergency Supplemental includes a total of $1 billion and 241.7 million including $1 billion and 99 million for programs to fight America's international War on Drugs and $142.7 million for Kosovo and Southeast Europe. We did not provide an additional $210 million for debt relief at this time, but this is a subject we hope to be able to address when the proper conditions have been agreed to by the Secretary of the Treasury. In all, the Appropriations Committee recommendation reduces President's request for foreign aid by more than $37 million.

Let me highlight the small but significant changes to the President's request made by the Committee. First, the Committee recommendation does not simply shift drug production and trafficking away from Colombia, and into other countries in the region, we have increased the President's request for Colombia's neighbors, including: $57 million for Bolivia; $42 million for Peru; $20 million for Ecuador; and $18 million for Panama, Venezuela, Costa Rica, and Brazil.

Second, this bill will strengthen Human Rights and Judicial Reform in Colombia. The Appropriations Committee has recommended $98.5 million—$5 million more that the President's request—for human rights and judicial programs. As Chairman of the Foreign Operations Subcommittee, I expect these funds are to be subject to the existing "Leahy Law" which restricts U.S. assistance for foreign security forces involved in gross human rights abuses. In addition, the Committee adopted 2 important amendments offered by Mr. FARR that strengthen the human rights requirements of this assistance.

Mr. Chairman, for Kosovo and Southeastern Europe, the President has requested $250.9 million in emergency funds. This bill provides $142.7 million.

Congress made clear last year that the U.S. should not play a major role in rebuilding Kosovo. From FY 2000 funds previously appropriated, more than $150 million is already available. Therefore, except for the Administration's request for $12.4 million for American officers in the international police force, the Committee does not recommend additional funding for Kosovo. The exception for the police force is due to an urgent need. Ethnic violence continues, and this violence endangers civilians and U.S. troops. Police, not the U.S. military, should maintain public security.

This bill fully funds the President's request for $34 million in assistance for Montenegro, $35.7 million in assistance for Croatia, and $13.7 million in assistance for democratic opposition in Serbia. Also, this bill fully funds the President's request for a modest investment of $33.9 million to improve the military readiness of our allies in southeast Europe. The region remains volatile, and NATO needs to be in a position to operate cooperatively with these nations in case of another crisis.

Finally, Mr. Chairman, this bill ensures continued Congressional oversight of these appropriations. None of the "Plan Colombia" funds can be spent until the Secretary of State notifies Congress regarding the exact uses of the funds. Further, all of the protections included in General Provisions from the Fiscal Year 2000 Foreign Operations bill apply to these funds, also.

Mr. Chairman, the Foreign Operations spending in this bill is truly Emergency spending that benefits Americans. I know that many Members are uncomfortable supporting Supplemental funds for foreign aid. But every penny of foreign aid in this bill is designed to benefit Americans. This assistance will help stop illegal narcotics from entering the United

States and it will help American soldiers complete their work in Kosovo more rapidly. I urge Members to vote "aye".

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Chairman, the supplemental before us, and there has been much debate on it, really does not address the total problem that we have.

As a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and we just heard the distinguished chairman, the gentleman from Alabama (Mr. CALLAHAN), I want to thank him for his leadership in helping us to solve the problem in Zimbabwe; and my thanks to the full chairman, the gentleman from Florida (Mr. YOUNG), for also supporting our efforts to address the crisis in Zimbabwe.

As many of my colleagues know, South Africa, Zimbabwe, as well as the tragedy in Mozambique, is of insurmountable proportions. The country has been devastated. There is money in our foreign assistance accounts today to address that problem. This supplemental, though it did not accept the amendment I had for $60 million that would put $20 million in child survival, $20 million in development assistance, and $20 million in disaster relief to replenish the account so that Mozambique today can get the assistance they need, the dollars are there; and I urge the President to request the money today to address those problems.

It is unfortunate that we have not moved yet on this tragedy. It has been over 3 weeks now. This has been in the media and some assistance has been sent. The helicopters, some food, and the personnel are on the ground in Mozambique. But over a million people are homeless today. Over 50,000 children are orphaned and cannot find their parents. We are the leaders in the world community. We have the resources and the disaster assistance account there for that purpose.

Both the gentleman from Florida (Mr. YOUNG) as well as the gentleman from Alabama (Mr. CALLAHAN) have agreed with me and adopted my amendment in the Committee on Appropriations, and we have report language that says when the assessment is made, and I understand it is to be made this Friday, that we will send the money forward. Let us not slow down our progress.

Mozambique is growing. It is one of the best countries on the continent. After years of struggle, they have put their house in order, but the cyclone has totally devastated them. Their housing, their hospitals, their food, their ability to grow their food has been devastated.

I urge this Congress to adopt the language in the bill and to send the financial resources to Mozambique.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel of the Committee on Armed Services.

Mr. BUYER. Mr. Chairman, let me also thank the gentleman from Florida (Mr. YOUNG) for his hard work on this bill.

I could not help but think, as I was listening to the comments of the gentleman from Wisconsin (Mr. OBEY), who brought up a chart up here saying that the Republicans are busting the budget, that a few years ago he was standing here on the floor saying we were trying to starve children and put our grandmothers out on the streets. So when Republicans step forward and we fund particular programs, I am finding out that some of my colleagues enjoy the role of just playing the critic rather than being constructive and involving themselves in programs that help not only our people but our country be good neighbors in the world.

I rise in strong support of this bill. A critical element of this bill is called "Plan Colombia," which is the funding of a concerted effort aimed at reducing the supply of narcotics to the United States from this region in South America.

Illicit drugs pose a clear and present threat to the well-being of American society as well as our entire hemisphere. In 1999, drugs killed 52,000 Americans, approximately, and caused more than $10 billion in damage to our country. The number of drug arrests and percentage of teens using drugs has steadily risen since President Clinton took office in 1993. The streets of America are literally awash in drugs, and this supplemental sends an unambiguous signal that we are finally getting serious about addressing this issue.

Unlike the Bosnia and Kosovo debates we have had on in floor, the United States has a vital national interest that is threatened by the influx of drugs across our borders. These drugs find their way on to every street corner of America. Over 80 percent of the cocaine and heroin that makes its way to the United States comes from this region in South America.

In December of 1999, I traveled to Colombia and Venezuela. I went into the jungles and Tres Esquinas where they were actually training the police battalions and, in my opinion, the democratically-elected government of Colombia is serious today about fighting the war on drugs.

Now, I will acknowledge the comments of the gentleman from Wisconsin (Mr. OBEY) about the individuals who are drafted, young men not participating in the war, in armed combat.

□ 1300

We recognize that. But what we are training up is this narcotics police battalion. They are very serious in their efforts.

The core plan of Colombia, in training these battalions, is very serious. The transportation of them by the helicopters is necessary. I believe that Congress needs to step up to the plate. The President has acknowledged the commitment of the president of Colombia. We need the comprehensive strategy to fight this war, and this is the initial first step.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Chairman, the issue is not whether we should fight drugs. We should. The issue is what is the most effective way to do that. The issue is not whether we like the president of Colombia. I do. The question is whether his country, his society, and his military are reliable reeds to lean on when we are talking about starting a 5-year or more commitment of military involvement.

I would like to once again read some of the comments made by James Hoagland, who I think everyone knows to be an objective, middle-of-the-road, and very sage reporter on international issues. This is some of what he said on March 19:

"In Colombia, the United States pursues unattainable goals largely for domestic political reasons with inappropriate tools."

Mr. Chairman, I will insert the full text in the RECORD when we are in the full House, but I am quoting portions now.

He goes on to say, "Questions not being asked, much less answered, now in the rush into quagmire include the following: What happens when it becomes clear of the considered judgment of the U.S. Air Force officers that the Colombian military will not be able to maintain the Blackhawks under the conditions in which they will be flying is shown to be correct? Will the United States replace the helicopters that crash or are shot down at 13 million a copy? Will large numbers of U.S. advisors be provided to maintain the helicopter force? If cocaine exports from South America continue unabated, will 30 more or 300 more Blackhawks be furnished to expand the war?

"Clinton, of course, will not be around to provide the answers. Colombia's first Blackhawks will not arrive until 6 months after he leaves office. His successor will inherent an open-ended military obligation that can be trimmed back or abandoned only at domestic political cost.

"Sound familiar? Do the names Kennedy and Johnson come to mind?"

He then goes on to say, "House Republicans have championed super-sized aid to Colombia with an eye to blasting Clinton and Gore if it is not passed.

They are the true catalysts for this foreign policy fiasco. The Clintonites merely show the courage of their cynicism jumping aboard a train they hope will be derailed in the Senate.

"The House Republicans blithely ignore the fact that American demand is at the root of the drug problem more than Colombian supply. They vote down efforts by Representative NANCY PELOSI to add funds for drug treatment at home in the catch-all bill that provides aid to Colombia. They slice out of that same bill $211 million in debt relief for the world's poorest countries. They will shoot away the problems of the Third World.

"That has been tried elsewhere with similar fuzzy and contradictory thinking in Washington at the takeoff. I can only wonder: Where is the Vietnam Syndrome when we really need it?"

I agree with those statements.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this bill. We have already appropriated $1.7 trillion for this year's budget. We do not need to appropriate another $9 billion.

It is said that we need to appropriate this money to fight the drug war in Colombia. We have been fighting the drug war for 25 years. We have spent $250 billion on the drug war. Some day we will have to wake up and decide that the way we are fighting the drug war is wrong.

As a physician, I can tell my colleagues, it is a serious problem. There are a lot of people suffering from drug usage in this country. But if something does not work, why are we so determined to pursue a process that does not work?

Quite frankly, I am not sure the real reason why we are in Colombia has anything to do with drugs. I do concede a lot of individuals will be voting for this bill because of the belief that it might help. But it will not help. So we should reconsider it and think about the real reasons why we might be there.

I had an amendment that was not approved. But what I would have done, if I had had the chance, I would have taken all the money from the overseas spending, Kosovo, Bosnia, East Timor, and the funds now for this new adventure down in Colombia, and put it into building up our military defense. That is what we need. We need better salaries, better medical care, and we need better housing for our military personnel. But here we go spreading ourselves thinly again around the world by taking on a new adventure, which will surely lead to trouble and a lot of expense.

Members have referenced the 65 helicopters that will be sent to Colombia. There is one, I guess, cynical hope about what might happen with our involvement in Colombia. Usually when we get involved its only going to be for a short period of time. We were going to go into Bosnia for 6 months. We have been there 5 years. We were going to go to Kosovo for a short period of time. It is open-ended. We are in East Timor for who knows how long. And we will soon be in Colombia.

But there was one time where we backed away, we literally surrendered and ran with our tail between our legs because we went in with helicopters, and that had to do with Somalia. We sent our Blackhawk helicopters in there. We had two of them shot down in Mogadishu. We had two others that crash landed when they returned to the base. Within a couple weeks, we were out of there.

We did not send our Blackhawk helicopters into Kosovo because they would be shot down. Lets face it, it is not a good weapon. It will only lead to further involvement.

Who is going to fly the Blackhawk helicopters? Do my colleagues think the Colombians are going to fly them? You can bet our bottom dollar we are going to have American pilots down there very much involved in training and getting in much deeper than we ever should be.

So I think that, unfortunately, this could end up in a real mess. Maybe then we would have enough sense to leave. But we, in the Congress, ought to have enough sense not to go down there. This money can be better spent on national defense. We should be concerned about national security.

When we get ourselves involved, whether it is the Persian Gulf or Bosnia or wherever, all we do is build up our enemies and expose ourselves more to terrorist attacks because we are not doing it in the name of security and resentment toward America builds.

Under the Constitution, we should have a strong national defense, and we should provide for national security. Going into Colombia has nothing to do with national security and serves to undermine national defense.

Even those who build helicopters are pretty blunt. One lobbyist said, "It is business for us, and we are as aggressive as anybody. I am just trying to sell helicopters."

What about the oil companies who support this war; which several oil companies do? Yes, they want investment security, so they want the military industrial complex to come down there and protect their oil interests. The oil interests are very supportive of this war, as well as the helicopter companies.

But the American people, if they were asked, they would decline. A recent poll by Zogby showed that, essentially, 70 percent of the American people answered no to this particular question: "Should the U.S. help defend militarily such-and-such country even though it could cost American soldiers their lives?" It varied depending on which country. But, basically, 65 to 75 percent of the American people said no. The American people want us to mind our own business and not be the policeman of the world.

Can any Member come to this floor and absolutely assure us that we are not going to lose American lives in Colombia? We are certainly committing ourselves to huge numbers of dollars, dollars that we do not have, dollars that if we wanted to could come out of the current $1.7 trillion budget we already have.

So I would suggest to my colleagues, let us reassess this. It is not really a war on drugs.

The war on drugs, by trying to reduce interdiction does not work. It has not worked. It is not going to work. It is only an excuse. It is an excuse for promoting military intervention in Colombia to satisfy those who are anxious to drill for oil there and for the military industrial complex to sell weapons.

It's amazing to me to see an administration who strongly opposes law abiding American citizens from owning guns for self defense to be such a promoter of the big guns of war throughout the world.

I ask for a "no" vote.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I want to change the focus of the debate a little bit.

Last year the President, in 1999, sent to the Congress his State of the Union message and budget in which he said we were going to save 60 percent of Social Security. The Congress, led by the Republicans of Congress, said, no, Mr. President we are going to save 100 percent of Social Security. And we did just that. We stopped the raid on Social Security. It is time it look at the other program under which we are stealing money, and that is Medicare.

The CBO announced in March that the estimated budget surplus of this country for fiscal 2000 will be $27 billion. It is interesting if we look to see where that money comes from. $23 billion of that made up of excess, Medicare, Part A Trust Fund payments and the interest thereon, is from Medicare.

So what we are really saying is this surplus that we have, the vast majority of it, is Medicare Part A Trust Fund, and we are about to spend most of it. Let me outline for my colleagues for a minute where it is going to go: $26 billion surplus, $6.9 billion we have already spent by reversing through the budget that was passed by this House. There is going to be $2.2 billion in new supplemental outlays from this bill. There will be another $6 billion that we are going to use for agricultural emergency support payments. There is $4.2 billion in gimmicks in the budget from 601 to 596. And then there is $4 billion that I suspect we are going to pass on the House floor today to retire debt.

That leaves us with $2.7 billion left. What that really says is we are going to spend $20 billion this year of Medicare Part A Trust Fund money.

How should we do it? The only things that are emergencies are the things that should be in an emergency supplemental. That is number one. Number two is, it should be accompanied by a rescission bill that finds the excesses or trims other areas of government if, in fact, these are true emergencies.

I would ask my colleagues to consider if they really want to take money from a program that is going to be bankrupt in 2014 and fund the vast array of items that are in this bill? I think not, on further reflection.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for yielding me the time. He is a true gentleman. And so I sadly rise in opposition to this emergency supplemental appropriations bill because it funds too many nonemergency programs.

For example, this bill includes $20 million for a new FDA laboratory in Los Angeles. Did somebody just all of a sudden find out that the current lab is in dangerous disrepair? We should take care of this in the HHS appropriations bill.

This so-called emergency supplemental also includes $96 million in economic assistance for countries in Eastern Europe and the Balkans, $104 million for an embassy in Sarajevo, $49 million for our weapons labs, $75 million for staffing at NASA; $55 million for atomic energy plant personnel and infrastructure improvements; $35 million for foster care and adoption assistance; $20 million for abstinence programs; $19 million for weatherization grants.

Mr. Chairman, many of these programs are valuable and I think should be funded, but they should be funded through a normal appropriations process, not an emergency bill.

And let us not forget the really big ticket items. This bill includes $2.1 billion for operations in Kosovo and East Timor. How long will we continue to support the extended deployment of our troops? An amendment is to be offered today to add $4 billion to address our military readiness problems. The reason our military is stretched is because we have sent too many of our soldiers on too many missions to too many countries.

And that leads us to Colombia. Should we send more than $1.7 billion to Colombia in the form of emergency funding? I do not think so. We do have a serious drug problem. We should spend that money on drug treatment and increased border patrol. Our involvement in Colombia is just too important a decision to be made in limited debate in a supplemental spending bill.

I support provisions in this bill to help victims of natural disasters, but we should not fund normal programs in an emergency bill.

And so, Mr. Chairman, let us clean up this bill and help get those true emergency funds to those who need it. I urge a "no" vote on this supplemental.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member for yielding me the time and for his leadership on this important issue.

Mr. Chairman, I wish that we could have the time to have a full debate on the military assistance package to Colombia. I commend the gentleman for his attempt with his amendment to have a reasonable, as I said, full debate on that subject. But that will not be allowed under these rules.

□ 1315

I want to focus my attention on two areas in the bill. First let us stipulate that there are many fine projects in this bill. We all agree to that. That is why many people will be voting for it, because of issues that are of concern to their regions, and I respect that.

I just want to say why, and even in light of the fact that I would normally support some of the provisions in the bill, that I find it impossible to do so because of the manner in which this bill has been brought to the floor. Are the American people not entitled to something better than a debate on military assistance to Colombia than having it as one provision in a multifaceted emergency supplemental bill?

Why can we not have a debate on a very important foreign policy issue, and a vote that stands on its own? Is the Republican majority afraid of a debate in the House of Representatives? Are they afraid that their arguments are too weak, that they could not stand the scrutiny of the American people in a full debate on this issue?

Let us stipulate that the President of Colombia is a brave and courageous man. President Pastrana has a very, very difficult task ahead of him. He deserves our support. What form that support should take is a matter that this House should debate, hear comment on, hold hearings on, in other words, the regular order. But the regular order is being cast aside for 20 minutes of debate, 10 minutes on each side, to debate whether we are going to commit all of this military assistance and all that goes with it, including putting our young people in harm's way, which we have already done, without a vote of this Congress.

I am also very concerned that this military approach does not really get to the heart of the matter. This bill, this assistance to Colombia, is called an emergency because we have an emergency drug problem in our country and indeed we do. As we heard on this floor earlier today, 5½ million Americans need substance abuse treatment. Two million of them are getting it. We have a 3.5-million-person treatment gap in our country.

If we want to reduce substance abuse in the United States, we must do that by reducing demand in the United States. Cutting off supply in Colombia is more costly and less certain. Let me tell my colleagues how much more costly. According to the Rand Corporation report, for every dollar spent to reduce demand in the U.S., you would have to spend $23 in the country of origin in coca leaf eradication. That means if you spend $34 million in the U.S. to reduce dependence on drugs by 1 percent, that same effect of reduction of 1 percent costs $723 million by taking the approach of the eradication of the coca leaf in the country of origin, in this case Colombia.

But say that has to be part of a comprehensive drug problem. How can we bring an emergency supplemental bill to the floor of the House of Representatives whose emergency status in this area in terms of reducing substance abuse in the United States is dependent on reducing demand in the United States without one dollar in the bill, without one dollar in the bill being used for reduction in demand in the U.S., a formula that is 23 times more effective, according to the Rand Report which was done in conjunction with the Department of Defense and the Office of Drug Control Policy? So do not take my word for it. Twenty-three times more effective.

On the subject of again Plan Colombia, of which this is a part, we were told that Plan Colombia was an over $7 billion proposal. Colombia would put up $4 billion, we would put up $1.7 billion, the EU would put up $900 million, and then IMF and the Multilateral Development Bank would put up money. This is the only money on the table, the military money. So when we are told this is the military part but there is a big humanitarian part, we have not seen that yet. That is why I am voting no on this bill and respectful of my colleagues' decision for their own part.

Mr. YOUNG of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. I would do anything, Mr. Chairman, but to tell the gentlewoman from California that she is all wet on some of her assumptions, but I rise primarily, Mr. Chairman, to inform the House that the gentlewoman from California's birthday is being celebrated this week, and we take this opportunity to wish the gentlewoman from California a very happy birthday.

Ms. PELOSI. I thank the gentleman. If the gentleman will yield, I am pleased on my birthday to present the gentleman with the Rand Report which documents the assumptions that I presented.

Mr. CALLAHAN. I hope they wrapped it nicely.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I compliment the gentleman from Illinois (Mr. HASTERT), the gentleman from Florida (Mr. YOUNG), the gentleman from Alabama (Mr. CALLAHAN), and all those who worked so hard to bring this emergency antidrug aid package to the floor today. Passage of this bill affects every school, hospital, courtroom, neighborhood, all of our communities throughout America.

This bill will provide sorely needed assistance to our allies in Colombia who are all on the front lines in the war against illegal drugs. The numbers have been shocking. Eighty percent of the cocaine, 75 percent of the heroin consumed in our Nation comes from Colombia. Illegal drugs have been costing our society more than $100 billion per year, costing also 15,000 young American lives each year.

As a result of inattention from the administration, the civil war in Colombia is going badly for that government. This weekend alone, 26 antidrug police were killed by the narcoterrorists in Colombia. The specter of a consolidated narcostate only 3 hours by plane from Miami has made it patently clear that our Nation's vital security interests are at stake.

As the sun begins to set on his administration, President Clinton is finally facing the reality of the Colombian drug-fueled crisis with this emergency supplemental request. As former Supreme Court Justice Felix Frankfurter eloquently noted, and I quote, "wisdom too often never comes, and so one ought not to reject it merely because it comes late."

Heroes like Colombia's antidrug leader General Jose Serrano want our Nation to stand with them in their fight against the drug lords, including the right-wing paramilitaries. This legislation provides more assistance where it can do the most good with the Colombian antidrug police. Colombia is not asking for nor should we offer American troops in that war. Investing American aid dollars now in Colombia to stem the hundredfold cost to our society only makes common sense. It is a proper role for our government. We at the Federal level have the responsibility to help eradicate those drugs at their source.

Accordingly, I am urging our colleagues to support this package. Colombia's survival as a democracy and our own national security interests are at stake here. The stakes could not be more clear and more critical.

With regard to the comments of the gentlewoman from California (Ms. PELOSI), demand reduction composes 32.7 percent of the government's total spending on antidrug efforts while the amount spent on reducing overseas supply currently consists of only 3 percent of those expenditures. I again urge our Members to fully support this very important antidrug measure.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I am really troubled about what we are doing here today, and I cannot believe we are doing it without much more debate. This looks to me very much like something from my younger years when we got involved in Vietnam.

Let us understand this Colombia situation is a civil war. It is a civil war that has been going on for a long time. We have decided all of a sudden that it is a war on drugs. That is our excuse or it is some folks in our administration's excuse for getting involved in a civil war.

And then the mistake we are making here which I brought out in committee and in subcommittee and other places is the fact that we are referring to the insurgent group in Colombia as narcoterrorists. The minute in this country you call somebody a terrorist, you close the door, and rightfully so, on ever negotiating with them. So by saying that we are going into Colombia to help the military, number one, which is wrong, fight the narcoterrorists, we just said that we are never going to negotiate with one side in a civil war.

Now, I suspect that people in Washington are beginning to look at Latin America and beginning to get this feeling which was a bad feeling and a wrong feeling in the 1950s, 1960s and 1970s. They see a progressive President in Venezuela, Chavez; they see a new so-called socialist President in Chile and they say, "Oh, my God, we've got to do something," so where do we set our anchor? In Colombia.

And then to suggest that in Colombia only one side may be involved with drug money is to suggest we are reinventing that country. There is a major problem with drugs in Colombia, and it plays a role in everything that is done in that country. I wish that today we had the courage to look at this issue for what it is. We are getting involved in a civil war which we are going to pay for a price, a big price in the future.

Secondly, we are closing off any opportunity to speak to one side. How do you bring peace to a country if that is what you want to do by shutting the door on one side?

And, thirdly, we are thinking about Colombia as we thought about South America in the 1960s. We are looking at it in the year 2000 in the same way. We made mistakes then; we are going to make them again, and for what? So that some helicopter company somewhere can sell a few helicopters? It is not worth it. I wish we would reconsider this and vote as I will against this bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the supplemental and in strong support of the Lewis-Spence-Murtha-Skelton amendment to the bill which would provide an additional $4 billion for our severely underfunded Defense Department.

In addition, later today, I will offer an amendment with the gentleman from Utah (Mr. HANSEN) regarding the $40 million contained in this bill to implement the President's directive on the Navy's training range on the Puerto Rican island of Vieques. The bill would provide these funds to Puerto Rico as part of a deal to resume Navy and Marine Corps training on Vieques which has been suspended because of trespassers seeking to end our training operations there.

The money would be used for economic development and to hold a binding referendum on Vieques on whether live-fire training should be resumed. The Fowler-Hansen amendment would essentially do two things: First, it would strike language that would permit any of the $40 million to be used for the referendum. It does not stop the referendum. As the San Juan Star accurately reported today, the referendum can still be held, just not underwritten by the U.S. government.

Operations on a vital military training range should not be subjected to a public referendum. This is terrible public policy and will set a very dangerous precedent for other critical military activities.

Second, it would require that before the $40 million is released to Puerto Rico, the President must certify to the Congress that live-fire training operations have been resumed. The amendment would also allow part of this $40 million to be spent on a health study on the island of Vieques immediately upon enactment without condition. I want to quote specifically referring to the live-fire training on Vieques from the Secretary of the Navy Richard Danzig.

He has stated, and I quote,

> This training wins wars. Many Americans in uniform owe their lives to this crucial training. Many would perish without it.

This is critical to the well-being of our young Marines and sailors. I urge my colleagues to support the Fowler-Hansen amendment which will be on the floor later this afternoon.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Georgia (Ms. MCKINNEY).

□ 1330

Ms. MCKINNEY. Mr. Chairman, if this bill were not so serious, I would think it is a joke. Once again, the United States is proposing a huge military alliance with the foreign military known for its human rights abuses.

Now, you think we would have learned our lesson by now. How long ago was it that Bill Clinton went to Guatemala and apologized for fueling that country's generation-long slide into chaos? But just a year later you can say here we go again.

No one seriously denies the link of paramilitary groups to the Colombian government, and here we are going to turn over to known human rights abusers the means by which they can perfect their trade.

As we stand here on the floor today, 3,000 union leaders, students, parents, shopkeepers and others are standing before 3,000 armed Colombian soldiers, forming a human shield to protect the peaceful U'wa people that the Colombian government wants to move off their ancestral land to make way for Occidental Petroleum's oil rigs. We should be standing with the people, not giving aid and encouragement to Colombia's brutal military.

We should have learned our lessons well about going in with the military where only diplomacy should be allowed to tread. Unfortunately, it appears that we have not. Because in addition to Plan Colombia, this bill also provides an additional $5 billion to keep us in Kosovo, another failed military blunder that diplomacy should have resolved.

After our military gambit in Kosovo, we have left 31,000 rounds of depleted uranium rounds and 50 percent unemployment, in some areas rising to 85 percent. The crumbling infrastructure is yet to be rebuilt, and our European allies have not lived up to the commitments they made at the beginning of that adventure.

Time and time again, this Congress commits our troops to military adventures without a plan to bring them home. Last year, U.S. aircraft flew over 1,000 sorties in Iraq, nearly a decade after that war was supposedly over. In Kosovo, our limited military engagement has turned into a permanent occupation. Now we are being asked to fund the Vietnamization of Barry McCaffrey's war without an exit strategy or end game.

Mr. Chairman, I urge my colleagues to reject this so-called emergency amendment.

Mr. YOUNG of Florida. Mr. Chairman, I have only one speaker to close, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, on October 24, 1999, more than 10 million Colombians took to the streets of every major city in Colombia to rally for peace. These 10 million Colombians wanted to send a message that they were sick of war. They were terrorized by the kidnappings. They were exhausted with paramilitary violence and disgusted with drug trade. No mas, they said. No more.

Peace is what Colombia needs. Peace will allow democracy to flourish. Peace will permit law enforcement officials to combat the flow of illicit drugs, and peace will create the conditions to address the income inequalities, the problems of displaced persons and economic development issues that will truly improve the lives of the Colombian people.

Unfortunately, the aid package we are considering today will not help the peace process. In fact, it fails to address the underlying issues that are needed to promote peace in Colombia.

I traveled to Colombia in 1993 to see the situation first hand. It was clear, then, that U.S. military aid and equipment that was intended to be used to stem the flow of illegal drugs was being misused, misused to suppress citizens in Colombia, including labor activists, community leaders, peace activists, human rights activists and collective farmers.

The United States is properly concerned about the abuse of illegal drugs by our citizens. Interdiction and source reductions should be a part of a comprehensive drug control policy. This proposal does not reflect such a policy. The proposal we have before us today will do little or nothing to address the fundamental problems in Colombia; namely, economic inequality, civil war, lack of economic development, and judicial impunity. Unfortunately, we seem to be playing a game of public relations when we should be pursuing peace in the region.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, last week, the majority party in this House posed for political holy pictures and promised spending discipline and bragged about how much spending they were going to cut.

This week they have brought to the floor this bill which adds $4 billion to the spending requests that the President has made for a supplemental. And then on top of that, it intends in an amendment that they will shortly offer to add yet another $4 billion in spending. And the reason they are going to do that in the DOD account is simply so they move $4 billion in spending from next year to this year, because that frees up $4 billion for them to add for Members' projects in the coming year.

It is very simply a $4 billion end run around the spending ceilings which they bragged about imposing just 5 days ago. They must think that people are not watching. Well, I suspect they are.

The net result is that they come in for this entire fiscal year spending $17 billion more than the President asks for. That to me is an indication of just how false those promises have been that we would see straight bookkeeping and fiscal discipline under their budget. That alone, I think, is a reason to defeat this proposition.

I have already indicated my concern about the Colombian war effort, but I think this is yet another reason to vote against this budget hocus pocus.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 5½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, first I would like to compliment all of our colleagues for the very high level and professional approach to this debate. There have been strong differences, and I indicated in my opening comments that there would be, because this bill covers a lot of issues. But when this bill was presented to us from the administration, the Plan Colombia presentation to the Committee on Appropriations dealt with drug abuse and eliminating the source of those drugs.

No one suggested that we were talking about getting involved in a civil war, and no one suggested that this was going to be a major military operation. They were talking to us strictly about eliminating drugs at their source.

This is important. We have great law enforcement. Our Customs agents, our law enforcement officers, the United States Coast Guard do a really great job of interdicting the flow of these drugs from Colombia and other countries before they reach the United States. The problem is they are overwhelmed. They do not have the assets that are necessary to stop all of the narcotraffic. The drug people have unlimited sums of money. They have high technology. They have fast boats. They have unlimited numbers of airplanes, and they do not have to go by any rules.

Mr. Chairman, we have good assets, but we are limited in how many assets we have: and we have to go by a lot of rules. So it is very difficult. How great it would be to eliminate these drugs at their source, and that is what Plan Colombia is all about. It is to help the Colombian government elected by the people to eliminate the source of these drugs.

Now, we spend billions and billions of dollars here at home in programs trying to get people to stop using the drugs. But as long as the drugs are available, people still continue to use those drugs.

Mr. Chairman, how many more hundreds or thousands of our kids are going to get hooked on drugs or die from overdoses, or get shot up in a raid or a drug bust that went bad before we eliminate this terrible, terrible problem? It is essential to the future of this Nation that we eliminate the scourge that is illegal drugs and the trafficking of illegal drugs in the United States. We need to wipe out the source of these terrible drugs and we need to eliminate those killing fields where the drugs are grown.

Now about Kosovo. A previous speaker mentioned that this bill would include $5 billion to keep our troops in Kosovo. That is not accurate. The money that we provide in this bill for Kosovo has already been spent. When this administration sent American military to Kosovo, the money was committed; and the longer they are there, the more money is spent. Now, where that money came from was not from an appropriations for Kosovo, but it was money that was appropriated for operations and maintenance of our own military. So in order to pay for the Kosovo deployments, they reached into the fourth quarter O&M accounts of all of the services.

Now, if we do not replace that money, and I join with those who believe that the Kosovo experience is not going to be a positive one for the United States, and I wish we were not there; but if we do not replace this money, what happens is that our own military will have to stand down its operations, much of its training operations during the last quarter of this fiscal year, and that is rapidly approaching.

So it is important that we move this legislation through the House today and that we get it to the other body so that we can begin the negotiations in finalizing what this supplemental is really going to be. We have tried to work with and be cooperative with the administration, with the President, and with the leadership in the Congress; and I think the bill that we deliver today has done that.

Mr. Chairman, this is important. The fiscal year is running out. Half the fiscal year is basically gone. We have 13 regular appropriations bills to get to. We need to complete this bill, get it to the other body, get to conference and clear the way so that we can get about our business of the 13 regular appropriations bills.

With that, Mr. Chairman, I expect we will have some lively debate on the amendments that will be offered here very shortly. I hope that the Members will pay close attention because some of the debate will be rather critical.

Mr. LAFALCE. Mr. Chairman, I rise to speak on an important provision contained in the supplemental appropriations bill—the emergency funding for at-risk disabled, mentally ill, veterans, and other vulnerable families who would otherwise face the very real risk of eviction if we don't act to provide one-year renewals for expiring Shelter Plus Care and SHP permanent housing grants.

In this regard, I would like to thank VA, HUD Appropriations Chairman WALSH and Ranking Member MOLLOHAN for agreeing to add this provision to the bill. I would also like to acknowledge the original co-sponsors of H.R. 3613, Representatives WELLER, QUINN, and VENTO, for their hard work in getting this provision inserted into the bill. I also appreciate the support of Catholic Charities, the National Alliance to End Homelessness, and the National Alliance for the Mentally Ill, all of which have written in support of this bill.

The issue here is simple. Through a combination of policy inaction, limited homeless prevention funding, and vigorous competition for homeless funds, forty requests for renewal of homeless rental assistance grants were not approved as part of last December's McKinney Act homeless awards. The result is that communities that run these contracts will run out of money this year—and will be faced with the option of either evicting families or robbing funds from other critical programs.

To address this looming crisis, we recently introduced H.R. 3613 to authorize HUD to use existing Section 8 reserves to renew all of these expiring but unfunded grants for a period of one year. This would not require any additional budget authority, but would merely shift $6 million in already approved Section 8 funds for this purpose. In committee, that bill was added to the supplemental.

This approach, of renewing expiring homeless rental assistance grants through the Section 8 account, is consistent with the fiscal year 2001 budget recently submitted by HUD. Moreover, it just makes sense. All other HUD rental assistance contracts are routinely renewed through Section 8 funds; only homeless program rental assistance contracts for the very poorest Americans are subject to a funding competition, with the all too real possibility of non-renewal.

I believe there is bi-partisan support for permanent authorization of renewal of all expiring Shelter Plus Care and SHP permanent housing grants through the Section 8 account, and I hope Congress will do this later this year.

But, I would point out that the action we are taking today does not pre-judge that policy decision, but merely protects vulnerable families in the interim, for a one-year period. This gives Congress time to debate permanent authorization, and gives grantees a chance to apply for renewal in the next round of funding.

So, I applaud inclusion of this measure in the bill, and urge the Senate to do likewise.

Ms. STABENOW. Mr. Chairman, I rise today to express my strong dismay that the Stupak-Stabenow-Camp amendment offered to H.R. 3908, the 2000 Emergency Supplemental Appropriations Act, was not made in order under the modified rule for consideration of the bill. The amendment authored by Congressmen BART STUPAK and DAVE CAMP and myself would have provided critical, emergency funding to address Bovine Tuberculosis (Bovine TB) in the State of Michigan.

At my request, report language is included in H.R. 3908 that urges the Department of Agriculture to address the problem of Bovine TB immediately. The report language urges the Secretary of Agriculture to "promptly notify the [Appropriations] Committee of any additional funding requirement, accompanied by official requests for additional funds. The Secretary is directed to report to the [Appropriations] Committee by May 1, 2000 on his plan of action." Clearly, by including this language in the committee report, the Appropriations Committee has recognized the urgency of the Bovine TB problem in Michigan.

Until recently, Bovine TB has only been identified in cattle. For the first time, this threatening disease has been identified in a non-captive deer herd in Michigan. Michigan is the only State in the Nation that has found Bovine TB in a wild animal population. With the presence of this disease in Michigan's free-roaming deer population, Bovine TB is quickly being transferred to captive cattle herds throughout the State and the disease is spreading southward, endangering cattle herds in other States.

The State of Michigan is on the verge of losing its "TB-free" (Accredited-free) status, granted by the Department of Agriculture. For a period of time, the presence of Bovine TB in both deer and cattle was isolated to the northeast portion of Michigan's lower peninsula. To date, Michigan has had an unusual split status, in which the unaffected regions are deemed "TB-free." Expanded testing, however, has identified the presence of the disease outside the northeast quadrant and USDA officials are now seriously considering granting the entire State a "Non-modified accredited" status, the lowest possible Bovine TB status. This reduced status will severely impact Michigan's dairy and cattle industry, require increased testing, and merits increased federal investment in research and support to eradicate the disease.

The Stupak-Stabenow-Camp amendment would have appropriated $7.5 million in emergency funding to conduct a cooperative program with the State of Michigan to combat Bovine TB. It is very disappointing that the Rules Committee did not make this amendment in order, resulting in a delay in bringing critical federal dollars to Michigan to eradicate this agricultural and public health crisis. I will continue to work with my colleagues, Representatives STUPAK and CAMP and the members of the Appropriations Committee, to ensure that adequate federal resources are directed toward combating Bovine TB.

Mr. BLUMENAUER. Mr. Chairman, this is the first major appropriations action of the year, and already we're starting off on the wrong foot. This bill spends too much on the wrong things and does not devote enough attention to priorities that we desperately need to focus on.

I have major concerns about the money being spent on additional defense projects in this bill. Billions of dollars are provided for such spending, including military construction projects, new jet engines and tanks, a demonstration project for an air force base in Texas, and a military training range in Puerto Rico. Other members have offered amendments to add billions more in defense spending. I do not believe the supplemental appropriations bill should be a vehicle to ratchet up military spending.

I also have concerns about the money being put forward to help combat drug trafficking in Colombia. Although I am very interested in seeing the drug problem confronted throughout the hemisphere, I am skeptical that sending more military equipment into an already unstable region will be successful. Rather, the problem will most likely be pushed into other regions as a result.

This bill should be limited to true emergency spending, not for additional pork projects in places that don't need it. I urge my colleagues to vote no on this bill.

Mr. POMEROY. Mr. Chairman, the Administration, as part of its fiscal year 2001 budget request, submitted a supplemental request for $6.6 million to begin planning, engineering, and design as well as an environmental review of an emergency outlet for Devils Lake, North Dakota. I am deeply disappointed that the bill before us today fails to provide this critical funding.

During consideration of the supplemental by the House Appropriations Committee on March 9, 2000, Congressman VISCLOSKY offered an amendment to include $6.6 million for the Devils Lake emergency outlet. Unfortunately, the amendment failed on a straight party line vote of 24–30.

To date, the federal government has spent $300 million in the Devils Lake region, including $80 million to raise roads and $21 million to relocate 505 homes. Currently, eight miles of threatened roads in the basin are in need of significant structural reinforcement so that they can serve as dikes to hold back the encroaching lake from homes and other property. The Corps' preliminary estimate is that approximately $30–50 million will be needed to address just these 8 miles of road.

If the lake continues to rise as projected, federal, state and local governments can expect to spend over $500 million more on flood response in the absence of an outlet and other mitigation measures. It is clear that the amount that has been invested in the lake region, combined with the potential costs to reduce damage as this lake rises, make the case that the benefits of an outlet far outweigh the cost. However, what the numbers cannot show is the suffering and personal loss this disaster has brought upon the people of the lake region. It is often said that while the Grand Forks flood of 1997 was a heart attack, the Devils Lake flood is more of a cancer that grows year after year.

An outlet is a critical part of the overall strategy to respond to the continuous flooding that has plagued this region for far too long. Further, it is an approach supported by North Dakota's congressional delegation, Governor Ed Schafer and the state elected leadership of North Dakota. Without an outlet, Devils Lake will overflow naturally causing a devastating impact to communities downstream. Action must be taken now to provide relief to this region, and the outlet is the best means to address this crisis.

Even though the bill fails to provide funding for this project, the bill does meet our commitment to peace operations in Kosovo and provides critical funding to address the current backlog at the Federal Highway Administration for highway repair funds. For these reasons, I will be supporting the measure.

I am hopeful that funding for the Devils Lake outlet will be included in the Senate and I look forward to working with my colleagues to insure this funding will be provided in the final version of this supplemental appropriations bill. We simply cannot wait any longer.

Mr. LARSON. Mr. Chairman, I rise today to speak on behalf of the young people in this Nation and more specifically those living in the First Congressional District of Connecticut. While this bill addresses many important issues, I am disappointed that this measure does not contain $500 million for the Workforce Investment Act in H.R. 3908, the 2000 Emergency Supplemental Appropriations Bill. I am also disappointed that the rule did not make in order the Blagojevich Amendment that would have provided this funding.

I understand that the President has submitted a separate supplemental appropriations request for $40 million for this program. However, this request is far too small and may never be acted upon by Congress. Therefore, I believe that it is imperative that we should include this critical $500 million in the bill we are acting on today.

The Summer Youth Employment Program, under the Workforce Investment Act, is critical to our Nation's youth. For the City of Hartford, a City plagued with job loss and in dire need of revitalization, this program gives those at-risk youths a chance to thrive and make a contribution to their community. Now, without this funding, we have to deny these children this chance.

Last year in Hartford, approximately 2,000 young people were employed though the Summer Youth Employment Program, with a waiting list of approximately 600 young people who requested services. Without additional funding for Summer 2000, Hartford may only be able to serve 1,000 young people, with more than 1,000 needing services. In fact, interested youth have been calling the Mayor's office about summer employment opportunities and have not been able to obtain an answer. We need to provide a positive answer to the inquiries.

On the National level, according to the U.S. Conference of Mayors, average reductions of almost 50 percent in the number of youth that will be served this summer as compared to last are expected. Some cities are even facing up to 80 percent of reductions in the number of youth they will be able to serve.

For a program that has worked so well in the past, why then should we halt its growth and the good it provides not only for our communities but also most importantly for the children? If we are in fact dedicated to making a difference in the lives of our young people, we must make our investment today. I urge my colleagues to address this important issue in Conference.

Mr. UNDERWOOD. Mr. Chairman, I rise in reluctant favor of this bill, which makes emergency appropriations for fiscal year 2000. Notwithstanding my support for the $2 billion package for the costs of the U.S. peacekeepers in Kosovo or the paltry, yet sorely needed $854 million for the Pentagon's embattled health-insurance system, I have serious concerns over the Colombia supplemental package.

The $1.7 billion package of counter-narcotics and development assistance for the Andean region, principally Colombia may be spending too much money in the wrong places. Let's briefly list what this package includes:

Assistance for Colombian Army Counternarcotics Battalions ["Push into Southern Colombia" program]. This includes 33 Huey helicopters and 28 UH–60 (Blackhawk) helicopters, along with training, operations and maintenance and related equipment.

Assistance for Colombian National Police—2 UH–60 helicopters; a spray aircraft; base construction; upgrade of existing aircraft; and provision of intelligence.

Narcotic interdiction assistance for Colombia and neighbors in the region.

Some economic development including crop substitution, employment, and resettlement.

A modicum of human rights protection, democratic governance, judicial reform and the peace process.

Mr. Chairman, as a member of the House Armed Services Committee, I have been privy to many briefings regarding the grave situation in Colombia. And while I believe the U.S. has a responsibility to assist the Colombian government there needs to be a full and unfettered debate on the extent of American assistance.

For example, we have been told by U.S. military chiefs and Pentagon officials that U.S. forces which currently number around 250 personnel, do not and will not engage in combat operations with the Colombian military against the leftist guerrillas. We are told that U.S. personnel are there in Colombia solely to "advise and train." This sound bite is what has many members and security analysts making comparisons to Vietnam. Looking at this bill, we see vast portions of the funding slated for counter-narcotics interdiction efforts. Yet no one can explain to me (or any member for that matter)—operationally, where does narcotics-interdiction end, and counter-insurgency begin?

Another potential pitfall that troubles me is the right-wing paramilitary groups that have sprung up in Colombia. These armed militias, which are tacitly accepted by the Colombian military, are reticent of the Central-American "Death Squads" that killed thousands there in the 1980s. I don't believe this bill contains enough protections to condition this military aid on a "human rights" certification basis.

Finally, I am deeply disappointed that Congresswoman PELOSI's amendment to mandate funds for domestic treatment programs aimed at reducing demand. Representative PELOSI's proposed amendment would have added $1.3

billion for this purpose. If you are going to effectively attack a problem, you need to do so on every front. With the Republican's shutting off this wise proposal, I can not take seriously their claims to be "doing this for the children of America."

Mr. Chairman, I am disappointed that there were not significant funds in this bill for a more comprehensive aid package on alternative economic development; increased protection of human rights workers; humanitarian aid to the internally displaced; and the peace process between the Colombian government and the leftist insurgents.

As I noted at the outset, I do support this measure but reluctantly. Whereas I have briefly outlined my personal reservations, I recognize that there are many aspects of this bill that will do a lot of good. In any case, I hope that this body will have a future opportunity to fully examine the U.S. military's involvement in Colombia. Our military experts are setting us up for at least a 5 year commitment. My greatest fear is that years from now our troops will have become embroiled in this civil quagmire in Colombia—a war that has been on going for 40 years. True, the civil/political/military situation in Colombia is very different from Vietnam, but I ask, does it not also look very much the same?

Mr. ACKERMAN. Mr. Chairman, I rise in reluctant support of H.R. 3908. With this bill, we are today embarking on a new course in our involvement in the counter-narcotics effort in Colombia. I support the bill because I believe we have an obligation to support democracies when they are threatened. Colombia is the oldest democracy in Latin America and is clearly under siege.

But Colombia is not fighting a traditional insurgency whose followers claim some ideological justification for violence. It was once that way, but it isn't anymore. The guerrilla movements in Colombia have abandoned their ideology and instead provide protection to the narcotics traffickers who poison our children. The guerrillas also resort to kidnaping and extortion. From both these activities, the guerrillas generate substantial income making them the best funded insurgency probably in the history of the world. So the first point I would make to my colleagues is that we should be clear about the real purpose of this bill. It is not only to support a counter-narcotics strategy, it also supports a counter-insurgency strategy. It is designed to punish the guerrillas and their drug-trafficking allies in order to drive the guerrillas to the negotiating table and, with luck, arrest the traffickers.

We also need to consider who we are providing our assistance to. The Colombia national police have an outstanding human rights record. They are an organization we should be proud to assist. But the bulk of this package will go to the Colombian military, which has one of the worst human rights records in the hemisphere. On top of that, there are credible allegations of ongoing cooperation between elements of the Colombian military and the paramilitary organizations. The good news is that our assistance will be provided to battalions that have been vetted and trained by us. In addition, it appears to me that the leadership of the Colombian military genuinely wants to address human rights issues. We should demand that our assistance be contingent on genuine efforts to arrest and prosecute abusers of human rights.

Lastly, I am concerned about the direction of our counter-narcotics strategy. As we have seen in Bolivia and Peru, when there is success with eradication and interdiction in one area the traffic merely moves to another area. In a very real sense, much of the turmoil in Colombia is our fault. Our citizens consume the drugs grown and produced in Colombia, and unless we intensify our efforts to reduce demand here, a supply-side strategy is doomed to failure.

In a larger sense, we are faced with a choice all of us would prefer not to make. None of us wants to become more deeply involved in another civil conflict in Latin America, yet doing nothing imperils not only Colombia but her immediate neighbors as well.

On balance, I believe we should support the assistance package to Colombia as the best of the options available but we should understand the obligations this policy places on us and we should be aware that we will be involved in Colombia for a very long time.

Mr. VENTO. Mr. Chairman, I rise in opposition to this Emergency Supplemental Appropriation bill. While I support the necessary emergency funding needs in this supplemental request, I have found numerous reasons to vote against it.

H.R. 3908 provides over $9 billion in so called emergency funds for this year. In fact, $3.8 billion, or 73% more than originally requested by the President. This bill provides $5 billion for ongoing operations in Kosovo, $2.2 billion for natural disaster assistance, $2 billion additional funds for the Defense Department, $1.7 billion in Colombian assistance and various other initiatives.

This funding runs the risk of repeating past mistakes in Latin America. The supplemental funds will not achieve our objectives of combating drug trafficking and political violence or enhancing peace efforts in Colombia. $1.1 billion or 65% of the total request for Colombia will go to their abusive military regime. Training Colombian army battalions for counter narcotics efforts and to strengthen democratic institutions is contradictory. In fact, aid to the Colombian army will without doubt worsen the human rights situation and will drag the United States further into a long-term counterinsurgency commitment.

The Colombian military continues to maintain close regional and local links with the primary agents of violence and disorder in this region—paramilitary groups. According to the Washington Office on Latin America, the paramilitary groups are well known to be involved in the drug trade and responsible for over 70% of human rights violations. The paramilitaries continues to thwart and attack government investigators, reformist politicians and human rights monitors. Punctuating this, the Washington Post reports today that paramilitary rebels killed at least 24 policeman and soldiers in a small village outside of Bogota in a series of attacks since this past weekend.

With such a relationship documented it makes no sense to factor in U.S. dollars into this equation. Rather, we must focus upon alternatives to military aid such as economic assistance, micro-credit loans, social services programs, judicial reform, drug prevention education and humanitarian relief for the approximately one million Colombians displaced by violence in the last five years.

The roughly $1.6 billion allotted for the military to pay for rising fuel costs, $855 million for military health care and the $134 million for repairing damages to military facilities caused by recent hurricanes, floods and other natural disasters is understandable. These are truly unforeseen costs for the most part. However, an amendment being proposed by Chairman YOUNG and Chairman SPENCE, would give the Pentagon an additional $4 billion for special interest projects. This is not only bad policy, but drains resources away from human needs and people programs. Such initiatives and decisions should be part of the regular 2000 appropriation process rather than trying to slip under the past and current year DOD spending agreements. This bill would already reduce the non-Social Security budget surplus for this year by about 35%. So much for the Congressional pledges to pay down the debt.

Too often under this GOP leadership, the term "emergency" is misunderstood and misused. This Emergency Supplemental request is not an opportunity to beef up the Pentagon with rancid pork projects for special interests. Nor is it the vehicle to load down with extraneous riders in effort to avoid the regular appropriation cycle. H.R. 3908 could have provided real help to those in need. Sadly, the Majority is failing this simple task.

I urge all Members to join me in voting no against this measure. As much as we need the fuel and energy assistance and other emergency help, the Congress and the American people should not be forced fed and blackmailed into spending billions on lousy policy and unneeded, unreviewed policy from the Administration or the congressional power brokers. Let's say no.

Mr. BALLENGER. Mr. Chairman, today, we have before us the very important Emergency Supplemental Appropriations Act. I say it is important because it would provide desperately needed disaster relief funds for those in my home state of North Carolina and others who have suffered the ravages of Hurricane Floyd. It also contains the Colombian aid package which will serve as a critical component in winning the war on drugs.

As you may recall, Mr. Chairman, Congress approved some disaster relief funding last fall to help eastern North Carolina recover from the disaster left by Hurricane Floyd. But, if you also remember, that funding did not cover all of the outstanding needs. The FY 2000 Emergency Supplemental Appropriations Act addresses some of the shortfalls by providing over $1 billion in emergency disaster assistance to areas ravaged by Hurricane Floyd, especially eastern North Carolina. For example, the emergency supplemental contains $81 million for the Commodity Credit Corporation, funding which was removed from last year's disaster bill despite the efforts of the North Carolina delegation to include it. The measure also would provide $77 million for the Farm Service Agency, $13 million for the Federal Crop Insurance Corporation, $37 million for the Coast Guard and $600 million for the Administration for Children and Families. While the measure will not cover all of the disaster relief needs, it will address some of the most pressing ones. So, I urge its passage.

H.R. 3908 also contains $1.1 billion in aid to Colombia and other Andean countries, to stem the tide of illegal narcotics coming into this country. These funds would be used, among other things, purchase utility helicopters for the Colombian Army and the Colombian National Police and to help train two more anti-narcotic battalions for the Colombian Army. Other funds contained in the package will be used to establish alternative crops programs and other non-military drug reduction programs.

Since Colombia is a hemispheric neighbor, what happens there can profoundly affect the way we live here. Let me share some statistics. Each year an estimated 14 metric tons of heroin and 357 metric tons of cocaine enter the United States. Of these amounts, 90% of the cocaine and 75% of the heroin originate in Colombia.

Let's face it, illegal drugs are killing our kids at an alarming rate. Every year, we lose 52,000 young lives to drugs, nearly equal to the number of Americans killed in Vietnam over ten years. That means every day 143 of our young people will die from drug-related causes. In the time it takes us to debate this bill, 12 or more children will perish due to drug addiction. According to the U.S. Drug Czar, one of every two Americans kids will try illegal drugs by the time they reach the 12th grade. Many will become habitual users, leading to a life of crime or worse, a miserable, lonely death. This problem, Mr. Chairman, is staggering.

In 1998, five million young people in this country required treatment for drug addiction, and nearly 600,000 required an emergency room visit. In the United States, there are 1.6 million drug-related arrests annually, and over half of our prison population committed drug-related crimes. Even more disturbing, while the average age for marijuana users is increasing, heroin abusers are getting younger. The cost of drug abuse to our society is estimated to be $110 billion per year, but it is much higher if measured in countless lives lost and young dreams broken.

With our strong support and the financial assistance contained in this bill, Colombia can be successful in slowing the flow of drugs from their country to our school and communities. Failing to provide this important aid now may result in the loss of Colombia to the drug cartels, leaving them free to turn the once prosperous and democratic nation into a large narcotics nursery, laboratory and distribution center. Without this help, we will leave generations of Americans vulnerable to the hopelessness of drug addiction.

We have worked hard to stop genocide in other countries Mr. Chairman, we now must stop this senseless slaughter of a generation of Americans. If we love our children, we must ensure that Colombia receives the help it needs. This bill will provide that help, and I strongly its passage.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider the amendments printed in Part A of House Report 106-549. Each amendment printed in Part A may be considered only in the order printed in the report.

Amendments printed in Part B of the report may be offered only at the appropriate point in the reading of the bill.

Amendments printed in the report may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

The CHAIRMAN. It is now in order to consider Amendment No. 1 printed in Part A of House report 106–549.

AMENDMENT NO. 1 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 1 offered by Mr. Sanford:

Page 2, strike lines 3 through 21 (and redesignate the subsequent chapters and sections accordingly).

Page 3, line 8, after the dollar amount, insert the following: "(reduced by $87,400,000)".

Page 5, line 17, after the dollar amount, insert the following: "(reduced by $281,000,000)".

Page 8, lines 18 and 25, after each dollar amount, insert the following: "(reduced by $77,923,000)".

Page 11, strike line 8 and all that follows through page 13, line 21.

Page 44, strike line 19 and all that follows through page 46, line 3.

Page 46, strike lines 5 through 22 (and redesignate the subsequent sections accordingly).

Page 49, line 25, after the dollar amount, insert the following: "(reduced by $8,100,000)".

Page 52, strike lines 7 through 17.

Page 52, line 22, after the dollar amount, insert the following: "(reduced by $59,000,000)".

Page 56, strike line 14 and all that follows through page 57, line 15.

Page 62, strike line 11 and all that follows through page 64, line 6.

Page 79, strike lines 9 through 14 and insert the following:

SEC. 5104. (a) INAPPLICABILITY OF EMERGENCY DESIGNATIONS.—A proviso in this Act shall not have effect if the proviso—

(1) designates an amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985; or

(2) makes the availability of an amount contingent on such a designation by the President.

(b) EXEMPTION OF DEFENSE FUNDS FROM SEQUESTRATION.—Accounts for which amounts are made available in title III of this Act, and accounts previously within the defense category of discretionary appropriations under the Balanced Budget and Emergency Deficit Control Act of 1985, shall be exempt from any sequestration that is required under section 251(a)(6) of such Act to eliminate any fiscal year 2000 breach caused by the appropriations or other provisions of this Act.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

Does the gentleman from Florida (Mr. YOUNG) seek to control the time in opposition?

Mr. YOUNG of Florida. Mr. Chairman, that is exactly correct.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) will control 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment along with the gentlewoman from Charlotte, North Carolina. I think it is a very simple amendment. All it does is it trims and focuses what this supplemental is all about. I think that given my experience here in Congress, what typically happens with emergency supplementals is that they grow like weeds. That has certainly been the case with this bill. So what this does is attempts to bring it back to basically closer to the size and scope of what was originally proposed.

It trims the supplemental by $1.6 billion, and it does so in two ways. First of all, it takes out nonemergency spending. I have a long list here which I will not bore my colleagues with but, for instance: $20 million to replace an FDA building in Los Angeles, California, is probably not an emergency, and $8.1 million to put SBA funding back into the Small Business Administration is probably not an emergency.

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I could continue with the list, but there is a simple point here. That is that we have gotten into this dangerous habit of classifying things that are not emergency as emergency. This strips a number of those out. What it does as well is it keeps 2000 spending in 2000 and 2001 spending in 2001.

What had happened with this bill was that some 2001 spending basically came into calendar year 2000. We keep those two years separate.

What this bill does as well, in addition to trimming and focusing, is that it simply asks that what we spend, we pay for. It strikes all references to emergency designation, making this spending subject to budget caps, and making it recorded as spending. There is a certain lunacy that goes with the notion that emergency spending is not spending as it relates to the budget.

It also enacts cuts in other areas of government to pay for what we propose spending here. I think that this is really important because, in essence, this is preventive medicine. If we do not prescribe to ourselves preventive medicine, I think we will be performing emergency surgery come September in adhering to budgets.

In fact, if we look at the budget that we passed just last Thursday, if we do not pass this amendment, we will end up $4 billion above what we call for in our own budget.

So I think it is a simple step toward fiscal sanity. I think it helps us to hold the line on what Greenspan himself had urged, and that is, extra money going toward debt reduction, as opposed to other things.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I have to oppose this amendment, as well-intended as I know it is, offered by the gentleman from South Carolina, because he is trying to get at budget constraints. I understand that.

But two provisions in this bill that he cuts out by this amendment are very specific. One of them is $282 million for the Communications Assistance Law Enforcement Act. This is a critical provision in order to fund that which we have debated for a long time in the criminal law area, and in helping protect us from terrorism and so forth; to allow an understanding and agreement between the Justice Department and a lot of the private industry groups to allow us to have the technical know-how to go in with certain electronic surveillance abroad, as well as here, and be able to do the type of wiretapping and surveillance for criminal behavior that we are now accustomed to being able to do.

In the modern age of technology, there are all kinds of impediments to that that have come about because of what has occurred in the developments in that industry. This is a purely technical arena, but we do not have the funding for it anywhere else, and it is very critical to what we are doing in Latin America, as well.

Plus there is $10 million for DEA intelligence programs in Colombia and seven more in Bolivia and Peru that are cut out. I think that is really wrong.

Mr. SANFORD. Mr. Chairman, I yield 2½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, every year when we do these emergency supplemental bills I have the same concerns. They are grave concerns, because we really do not deal with true emergencies. Emergencies happen all over the country, they do not just happen in North Carolina.

Right now we are referring to one that is in North Carolina, Hurricane Floyd, which tremendously devastated our State. There are still thousands and thousands of people who are not in their homes or do not have homes because of this hurricane. It is really disturbing to me, because when we do emergency supplemental bills, we end up with a lot put in there that is not emergency. This bill is no different.

Disasters happen all over the country. There was a tornado yesterday in downtown Fort Worth. It is another example of it does not matter what State one is from, one is probably going to face the same situation. It is time we set up some type of emergency rainy day fund or insurance fund, or something that is going to get us out of this box of continually coming to the floor with emergency spending bills, with three-fourths of the spending in the bill not being emergency.

I am very disturbed by this one, as well. I will end up voting for the bill because I do not have any choice. I cannot vote against the money for the people who do not even have a home to live in. That is not a choice in my situation. But I am very disturbed by the fact that there are a lot of other things in here that are not emergencies.

The amendment offered by the gentleman from South Carolina (Mr. SANFORD) also does not touch defense spending. It is not cutting defense spending. I believe that is very important, and we have some dramatic needs there, too, that are critical right now.

My concern is that the monies that come forward for emergency bills do go toward emergencies. In this case, of course, the emergency is the Hurricane Floyd money. I would hope my colleagues would join me in that, and really look toward a positive solution to this so we can come up with a way that we do not end up in this box all the time, and come back and say, well, everything is in there but the kitchen sink.

I really do not like it. There are a lot of people here who do not like being put in that position. I would hope my colleagues would support this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to this amendment, the Sanford-Myrick amendment, which eliminates some of the spending authorized in this bill, including the $40 million downpayment for Puerto Rico in exchange for the resumption of the military maneuvers in Vieques.

One of the things in the arguments that have been before this forum has been that the Navy will not be able to carry out its training for the personnel that go into harm's way.

That is not correct. The Navy itself has written a letter to the chairman of the committee where they say that the fulfillment of the agreement entered into by the President of the United States, the Governor of Puerto Rico, the U.S. Navy, is essential to the resumption of the military exercises; that without fulfilling this agreement, they will have no hope of having the cooperation necessary for resumption of these maneuvers.

So all of the arguments that have been brought here to do away with this $40 million appropriation for Puerto Rico in lieu of payments of taxes for many, many, many years are not correct.

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

I just want to again remind folks that this is simply an amendment that does not touch defense, it does not touch emergency spending, for instance, in North Carolina, but it does get at fiscal restraint that is needed, because the budget we passed last week would be broken to the tune of $4 billion if we do not pass this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I rise reluctantly in opposition to the Sanford amendment. I must rise in opposition to it. The comment has been made now twice by two speakers that it does not touch defense. That is not accurate.

Part of this amendment strikes the emergency designations in the bill. That means that we would have to find at least $2 billion in offsets to provide, just to replace the money for Kosovo. We would have to provide another $1.6 billion in offsets just to make up the additional fuel costs that this bill provides for for our national defense.

So Mr. Chairman, this amendment does touch national defense. That is a major reason why we ought not to support this amendment.

It also cuts a large amount from the counter-narcotics program. I was wondering, how much is a life worth? If we can eliminate just one acre of a terrible drug, how much is that worth to a kid that might or might not have the opportunity to get on that drug and to possibly get addicted, possibly die from an overdose?

It does cut money from the emergency appropriations related to Hurricanes Floyd, Dennis, and other natural disasters. It cuts money from the United States Coast Guard, that is already so far behind in its operating expenses that I am amazed that they can do anything in search and rescue, let alone drug interdiction.

This amendment would actually knock out money for aircraft spare parts that are so much in demand for the United States Coast Guard. The drug pushers, those who ship drugs from Colombia to the United States, they do not have any spare parts problem. They have plenty of money, plenty of spare parts. If the boat does not work, they throw it away and get a different one. If the airplanes do not work, they throw them away and get a different one. They do not have the limitations that we have.

Yes, this amendment knocks out the money for the Coast Guard's operating expenses, aircraft, spare parts.

Mr. Chairman, as much as I understand the importance of this amendment to its sponsors, I just do not believe this House can accept this amendment. We might just as well strike the enacting clause, or take a vote on the bill now and send it back to committee, because that is what the effect of this amendment is. It kills the bill.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 315, not voting 11, as follows:

[Roll No. 82]

AYES—108

Archer
Barr
Bartlett
Bereuter
Berry
Bilbray
Blunt
Brady (TX)
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Cook
Cox
Cubin
Deal
DeMint
Deutsch
Doggett
Duncan
Ehrlich
Ewing
Forbes
Fossella
Ganske
Gibbons
Goode
Goodlatte
Graham
Green (WI)
Gutknecht
Hall (TX)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hoekstra
Horn
Hostettler
Hulshof
Inslee
Johnson, Sam
Kasich
Kingston
LaHood
Largent
Lazio
LoBiondo
Luther
Manzullo
McInnis
McIntosh
McKinney
Meehan
Metcalf
Miller, Gary
Miller, George
Minge
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Rivers
Roemer
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shows
Smith (MI)
Stearns
Stenholm
Sununu
Tancredo
Tanner
Taylor (MS)
Terry
Thurman
Toomey
Upton

NOES—315

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Strickland
Stump
Stupak
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Barton
Crane
Everett
Franks (NJ)
Granger
Jones (OH)
Klink
Kucinich
Larson
Quinn
Salmon

□ 1417

Mrs. KELLY, Ms. JACKSON-LEE of Texas, and Messrs. DREIER, PASTOR, and CAPUANO changed their vote from "aye" to "no."

Ms. PRYCE of Ohio, Mrs. ROUKEMA, and Messrs. FORBES, SMITH of Michigan, PICKERING, GOODLATTE, and INSLEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote is announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 106-549.

AMENDMENT NO. 2 OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment:

The text of the amendment is as follows:

Part A Amendment No. 2 offered by Mr. TOOMEY:

Page 58, after line 17, insert the following new chapter:

CHAPTER 7

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $4,000,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from

Pennsylvania (Mr. TOOMEY) and the gentleman from Wisconsin (Mr. OBEY) each will control 15 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are debating a supplemental appropriations bill, but this debate is really all about what Congress should do with the on-budget surplus for fiscal year 2000.

Let me explain what this surplus is because there is, understandably, a lot of confusion about budget surpluses. Last year, Congress, for the first time in 30 years, stopped the raid on Social Security surpluses, and that was a terrific step.

This year, after saving and setting aside the entire Social Security surplus, the Federal Government is still taking in more tax revenue than it is spending for the rest of its programs. We call this the on-budget surplus or sometimes the non-Social Security surplus.

Now, despite increasing discretionary spending in fiscal year 2000 by about 5 percent over fiscal year 1999's levels last fall through the regular appropriations bills, the economy is so strong, and tax revenues were so high that this on-budget surplus that we are talking about is about $26 billion for fiscal year 2000. Let us keep in mind that this fiscal year is about half over, so this amount is quite certain at this point. So today's debate is really over what to do with this $26 billion on-budget surplus.

This is a historic debate. We have not had a surplus like this in over 30 years, and even then only briefly and very small. But today we have a real live, honest-to-goodness, not-just-projected, but already-here non-Social Security surplus.

More importantly, we stand at the threshold of an era in which we could be debating surpluses for many years to come, provided that we do one thing, Mr. Chairman, provided we do not spend it all.

Mr. Chairman, prior to the amendments that we are voting on and considering today, this emergency supplemental appropriations bill already spends roughly $9 billion of the $26 billion surplus. Now, we will likely add to that price tag today, and some are already working on future later bills which eventually, if we do not do something about it today, will surely spend all of this real live surplus, the first one in 30 years.

I think it will be a terrible mistake to spend all of that money. Let me cite four reasons. First of all, I think the American people want to see less government and more freedom, surely not expanding Federal spending at a breathtaking pace.

Second, this is not just about fiscal year 2000 spending because, as we all know, each year we spend more money than we did in the previous year. That is what we do in Washington.

My point is that this debate is not about just the fiscal year 2000 surplus, because if we spend all this money, it will find its way into the baseline, and all future budgets will end up spending more money as a result if we spend all of this fiscal year 2000 surplus.

If we do that, we diminish future surpluses, and that means there is less money available in the future for tax relief, to make the changes we need in Medicare, to make structural reform for Social Security, a number of very important priorities.

Thirdly, it would be a terrible precedent. This again, as I said, is our first real live, honest-to-goodness Social Security surplus in 30 years. Do we really want to tell the American people that, for Congress, the purpose of the surplus is to spend it as fast as it arrives?

Finally, let us remember that every dollar the Federal Government spends is a dollar being spent by politicians through a political process rather than by free men and women who have earned that money and could be spending it as they see fit.

That is why I am offering this amendment, to prevent us from spending all of this money by taking some of it off the spending table.

What my amendment does is very simple. It specifically appropriates $4 billion of the $26 billion fiscal year 2000 on-budget surplus to reduce the publicly held debt. If we pass this amendment, first of all, we will pay down some more debt. I think that is a worthwhile goal.

But, in addition, it would be the first time in the history of the modern Congress that we will have an explicit appropriation for debt reduction and an explicit voluntary act of this body to take some of that money and pay down debt. It will show that we have got the discipline to resist spending some of this money.

I want to thank the Republican leadership for their support on this. I want to thank the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, for his support on this amendment.

I want to remind my colleagues this first surplus is a unique opportunity. I want to urge my colleagues to do the right thing and set the right precedent. Vote yes on my amendment and make this a better bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the former governor of Texas, Ann Richards, observed once that you can dress up a pig, and you can put lipstick on a pig, but it is still a pig. I think that is sort of the case that we are faced with here this afternoon. This amendment is a transparent attempt to put lipstick on a pretty sad bill that underlies this whole debate.

Let me simply explain what this amendment really does. This amendment is Washington at its "finest", pretending to do something when, in fact, it does nothing.

Now, what this bill does or what this amendment does is to take $4 billion, which right now sits in the Treasury and is scheduled for deficit reduction, and it diverts it for, guess what, deficit reduction. Here is the way it works. Under normal budget processes, dollars that are not appropriated at the end of the year stay in the Treasury, and they are used to reduce the national debt. That is what happened to many billions of dollars last year when the majority party gave up on its misguided efforts to pass huge tax cuts rather than using those dollars for debt reduction.

This amendment, in my view, pretends to add to deficit reduction by appropriating $4 billion, which is right now sitting in the Treasury, and it pretends that it appropriates it for a purpose for which it is already scheduled to be used, debt reduction.

It then further requires that that amount, in order to be considered for debt reduction, has to be designated as an emergency pursuant to section 251(b)(2)(a) of the Budget and Emergency Deficit Control Act of 1985.

So, in other words, there is an emergency to make certain that this money is going to be used for the purpose for which it is going to be used. Only in Washington would that be considered a major event. Only in Washington would this transaction be considered real.

Then this provision goes further, and it says that the amount of money in this bill for deficit reduction shall be available for that purpose only to the extent that an official budget request that includes designation of an entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is submitted by the President to the Congress. So we are requiring three steps to do what we would normally do in one step.

It does not matter, Mr. Chairman, whether my colleagues vote for this amendment or not. If this amendment was never born, the $4 billion under discussion would be used for debt reduction. With the amendment being passed, we have two more steps that we have to go through in order to accomplish debt reduction. If it makes the gentleman happy to substitute motion for movement, be my guest, but it does not do anything real.

I find it ironic that we are being given 30 minutes to debate this nonissue when we have only been given 20 minutes to debate whether or not we are going to get sucked into a 5-year war in Colombia. That says something, I guess, about this House. What it says I cannot quite figure out.

So let me congratulate the gentleman for making something out of nothing.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. TOOMEY. Mr. Chairman, I yield myself 30 seconds to respond.

First of all, as my colleague, I would think, would be aware, the budget rules of this House simply require the emergency designation in order for this to take place. There is no avoiding that, given those rules.

And I am really amazed at the suggestion that if it were not for this suggestion this money would be used to retire debt, because the best I can see, for the last 30 years anyway, there has never been any money that has been allowed to sit in the Treasury account for the purpose of retiring the debt. It always gets spent. That is why this amendment is very necessary to prevent that from happening.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to rise in support of the Toomey amendment. I agree with some of the things the gentleman from Wisconsin (Mr. OBEY) said; that we are transferring from the Treasury to the Treasury. But as the gentleman from Pennsylvania (Mr. TOOMEY) points out, if we do not do something like that, that $4 billion is liable to be spent somewhere. When there is money on the table, it is easy to try to find a way to spend it.

The problem that we have is not so much the discretionary spending, in order to balance these budgets, in order to bring down the debt. For 1998 we had a $51 billion paydown in the debt; in 1999 we had an $88.6 billion paydown; and in the year 2000 we estimate to have $157 billion paydown of the public debt. That is good. And that all happened without a lot of fanfare. But what the Toomey amendment says is that we are going to do it. It is a symbolic statement. It tells the American taxpayer that we intend to continue to pay down the debt.

As I said, balancing the budget, having a surplus, is what makes it possible for us to pay down the debt. But let me tell my colleagues where the problem comes from in spending. It is not discretionary. Since 1995, mandatory spending, something that the Committee on Appropriations has no jurisdiction over whatsoever, mandatory spending has increased nearly $214 billion; Social Security increased $70 billion. That is a mandatory entitlement. Medicare increased $42.6 billion. Medicaid increased $27 billion. Agriculture programs increased $21 billion. Deposit insurance increased $16.5 billion. Federal employment retirement programs increased $11.8 billion. Supplemental security income increased $7 billion. Veterans benefits and services increased by $6.4 billion. Since enactment of TEA-21, funding for highways and transit programs will increase by $37.1 billion through fiscal year 2002. Aviation programs will increase $10 billion over the next three years. These last two are now, in effect, treated as mandatory programs.

These are mandatory programs. And every time that Congress creates an additional mandatory spending program, we take away the ability of the Appropriations Committee to get a handle on the spending. Our committee has a very small part of the government spending programs. We have only the discretionary programs, but we need to pay a lot more attention to mandatory spending.

So I want to compliment my friend, the gentleman from Pennsylvania (Mr. TOOMEY). If it does not do anything else, as the gentleman from Wisconsin (Mr. OBEY) has suggested, this says to the American taxpayer that we intend to pay down the national debt in a time of prosperity.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Let me observe that the gentleman says that if this money is not appropriated it will be used somewhere else. Well, I do not know who is going to use it. Maybe this chart again gives us a good guideline, because it shows that when we are done with this bill today that the majority will have voted to spend $591 billion for this existing fiscal year as opposed to the $573 billion requested by the President.

I am not voting for this turkey. They may be planning to.

I would also say that what I really think this amendment is about is this. There is an amendment coming later today which will take $4 billion in regular appropriations for the Department of Defense for routine items that normally would be handled next year. Instead, that money is going to be moved into this existing fiscal year. That is $4 billion more that will be spent this year that the President is not asking for.

The effect of that is to give us a $4 billion hole in next year's budget which can then be filled up with congressional pork projects in the Defense Department. That is the intent. The result: $4 billion in added spending.

So now this amendment conveniently comes along and gives people a political fig leaf. The rhetoric over there is made quite clear. This amendment is not real. It is symbolic. It is not substantive. All this amendment does is take $4 billion, which is in the Treasury, and appropriate it back to the Treasury. Now, my colleagues on the other side may be impressed with that. I am sorry, I am not.

Mr. TOOMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. TOOMEY) and the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG).

I am in total agreement with this legislation and somewhat in disagreement with what the gentleman from Wisconsin is saying. I, first of all, applaud the gentleman from Pennsylvania (Mr. TOOMEY) for what he has done here. He has made us focus on this, not as something which happens if we do not appropriate the money but as an overt action by which we are segregating that money and saying we are now going to retire debt of the United States of America. My judgment is this is something that should have happened a long time ago.

Unfortunately, I am not as enthusiastic about the underlying bill, which I think has some problems with it, including the President not making his case to the Congress on parts of it, and parts of it, in my judgment, not being an emergency process and probably better going through the normal appropriations process. But be that as it may, the Toomey effort is perhaps the most important aspect of this overall legislation.

By reducing debt we limit our expenditures. Because that money cannot be brought back in some later supplemental appropriations bill to be spent if we reduce that debt now. That is why I think it is important to actually do this, and disagree with the gentleman from Wisconsin with respect to that. And that is what it does.

Let us just remember that we are still spending, I think it is about 15 cents per dollar on the interest of the debt of the United States of America. Every time we reduce this debt, we slowly start to reduce that amount of our budget which is spent on interest each year because we had to borrow money. That is a very significant impact in being able to do the spending that we need to do later to help our military, to help those in need, and to help with other programs across the United States of America.

For all these reasons the step we are taking here, which I consider to be a precedent, is an extraordinarily important precedent for steps that we can take in the future. And perhaps in the future, when we budget, when we appropriate, when we deal with issues involving finances of the United States of America, we can start by saying how much of the debt can we retire, and then figure out what it is that we have to expend.

So for all these reasons I think this is a very beneficial, very precedent-setting piece of legislation. Again, I congratulate the sponsor of it, the gentleman from Pennsylvania (Mr.

TOOMEY), and I hope he is the sponsor of 20 more of these in the next few years so we can continue to retire the debt of the country.

Mr. OBEY. Mr. Chairman, I understand that I have the right to close.

The CHAIRMAN. The gentleman is correct.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman reserves 8½ minutes.

Mr. TOOMEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. TOOMEY) has 6 minutes remaining.

Mr. TOOMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in very strong support of this amendment, and I would encourage not only all of my colleagues on my side of the aisle to vote for it but as well my colleagues on the other side of the aisle.

If we oppose this amendment and believe that if we just leave the money there in the Treasury that the debt will still be reduced, we are assuming that as we go through the whole process of negotiating within the House and then with the Senate on conferences, and then as we sit down and negotiate with the President and go through all 13 appropriations bills, that this money will somehow still be there in the end and, therefore, we do not need to pass this amendment. I really question that.

And I have to respectfully disagree with the gentleman on the other side of the aisle. I think this is an extremely important amendment. We had $26 billion extra come into the Treasury, and the debate before us today is, yes, we are going to be spending quite a bit of it shoring up our national defenses, something I consider to be extremely important; and, yes, we have other very important priorities; but, yes, when we vote for this amendment and approve this amendment in the House, we are saying that we recognize the tax burden to pay the interest on the debt is too high; that the responsibility of saddling our kids with ever-increasing amounts of debt is wrong, and that we are going to take some of this money and retire some of the public debt with it.

My only regret is that we are not giving another $4 billion back to the hard-working taxpayers, who essentially have been overcharged and that is why we have this money. But I think this amendment of the gentleman from Pennsylvania is an extremely important amendment. I agree with the gentleman from Delaware (Mr. CASTLE) that we need to be doing this some more as we go through the appropriations process and setting more of the money aside for debt reduction.

Mr. TOOMEY. Mr. Chairman, I yield myself the balance of my time, and I would just close by pointing out that this Congress has never taken on-budget funds, money in this case that is coming from the overcharged taxpayers, and allowed that to sit around and to be used to retire debt. The Congress has never done that. And I think to think that that would happen this year is naive at best.

By explicitly appropriating this money for debt reduction, we assure that will happen, we pay down more of the publicly held debt, and we eliminate the possibility that next week or next month or sometime in the near future there will be another bill that will attempt to spend it. So I would urge my colleagues to vote "yes" on this amendment and make this supplemental a better bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

I do not care how Members vote on this amendment. This amendment is a big nothing. It does not do anything for anybody, does not do anything to anybody. It simply takes money which is in the Treasury and puts it in the Treasury. That is all it does. So Members should vote however they want.

I would simply observe that last year $124 billion was devoted to debt reduction without benefit of this amendment, and this year we will see a lot more than that devoted to deficit reduction, with or without the benefit of this amendment.

I think the problem is that debate has been so trivialized in this House on budget issues, and the budget process itself has become so trivialized that we see immense amounts of time spent by many people in this chamber simply trying to invent procedural gimmicks so that they have a rollcall to take home to taxpayers who are too busy to make a living to understand the intricacies of the budget process. I think that does not serve this institution well. It certainly does not serve our own taxpayers well.

I would simply say this. If colleagues want to take a real action as opposed to an ethereal action, if colleagues want to take a real action that will save money today, they should vote against this entire bill and have it come back in a stripped-down version, the way it ought to come back.

I would also urge Members to vote against the amendment that will be coming up shortly, which, as I said five times earlier, will simply move $4 billion in defense spending out of next year's budget into this year's budget so that we free up $4 billion more spending room for next year. If we want to save the same $4 billion that the gentleman from Pennsylvania (Mr. TOOMEY) alleges to save in his amendment, we will take that action and we will save it for real.

I would also urge Members to again consider voting against this bill because the net result of this bill, as it stands here before us today, with the amendment that is going to be added on the DOD side, will mean that this bill has raised the amount of spending above what the President has asked for by about $8 billion, and it will mean that for the entire fiscal year this Congress will be spending $17 billion more, as represented by this red bar, than the President asked for, as represented by the blue bar.

Now, if Members want to save real money as opposed to monopoly money, they will vote against the bill and vote against that amendment. It does not mean bean bag how we vote on this amendment.

☐ 1445

It just does not do anything to anybody.

Mr. Chairman, I yield back the balance of my time, and will undoubtedly be amused by the results.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TOOMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, answered "present" 3, not voting 12, as follows:

[Roll No. 83]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley

Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Frank (MA)
Obey
Schakowsky

NOT VOTING—12

Barton
Bono
Clyburn
Crane
Everett
Franks (NJ)
Granger
Klink
Kucinich
Martinez
Quinn
Salmon

□ 1507

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

COUNTERNARCOTICS

CHAPTER 1

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $299,698,000, to remain available until expended, of which $282,500,000 shall be deposited in the Telecommunications Carrier Compliance Fund: *Provided*, That of such amount, $293,048,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $185,800,000, to remain available for obligation until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated in this Act for the Department of Defense, not to exceed $50,000,000 shall be available for the provision of support for counter-drug activities of the Government of Colombia. The support provided under this section shall be in addition to support provided for counter-drug activities of the Government of Colombia under any other provision of law.

(b) TYPES OF SUPPORT.—The support that may be provided using this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1882). In addition, using unobligated balances from the Department of Defense Appropriations Act, 1999 (Public Law 106–79), the Secretary of Defense may transfer one light observation aircraft to Colombia for counter-drug activities.

(c) CONDITIONS ON PROVISION OF SUPPORT.—(1) The Secretary of Defense may not obligate or expend funds appropriated in this Act to provide support under this section for counter-drug activities of the Government of Colombia until the end of the 15-day period beginning on the date on which the Secretary submits the written certification for fiscal year 2000 pursuant to section 1033(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1882).

(2) The elements of the written certification submitted for fiscal year 2000 described in section 1033(g) of that Act shall apply to, and the written certification shall address, the support provided under this section for counter-drug activities of the Government of Colombia.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR PLAN COLOMBIA AND FOR ANDEAN REGIONAL COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Plan Colombia and for Andean regional counternarcotics activities, $1,099,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than $57,000,000 shall be made available for assistance for Bolivia, of which not less than $49,000,000 shall be made available for alternative economic development activities: *Provided further*, That of the funds appropriated under this heading, not less than $20,000,000 shall be made available for assistance for Ecuador, of which not less than $8,000,000 shall be made available for alternative economic development and similar activities: *Provided further*, That of the funds appropriated under this heading, up to $42,000,000 shall be made available for assistance for Peru: *Provided further*, That of the funds appropriated under this heading, not less than $18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: *Provided further*, That funds under this heading shall be in addition to amounts otherwise available for such purposes: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That for purposes of supporting Plan Colombia and for Andean regional counternarcotics activities, any agency of the United States Government to which funds are transferred or allocated under any authority of the Foreign Assistance Act of 1961 may utilize, in addition to any authorities available for carrying out section 481, any authorities available to that agency for carrying out related activities, including utilization of such funds for administrative expenses: *Provided further*, That funds appropriated under this heading shall be utilized for the procurement of and support for two UH-60 Blackhawk helicopters for use by the Colombian National Police which shall be utilized only for counternarcotics operations in southern Colombia: *Provided further*, That procurement of UH-60 Blackhawk helicopters from funds made available under this heading shall be managed by the United States Defense Security Cooperation Agency: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or security cooperative, then such helicopter shall be immediately returned to the United States: *Provided further*, That funds obligated after February 6, 2000, and prior to the date of enactment of this Act for administrative expenses in support of Plan Colombia and for Andean regional counternarcotics activities may be finally charged to funds made available for such purposes by this Act: *Provided further*, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the U.S. Agency for International Development, shall provide to the Speaker of the House of Representatives and the Committees on Appropriations not later than 30 days after the date of enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 4

MILITARY CONSTRUCTION, DEFENSE-WIDE

Not withstanding any other provision of law, for an additional amount for "Military Construction, Defense-Wide," $116,523,000, to remain available until September 30, 2004: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $116,523,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 9, line 4, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Mr. OBEY:

Page 3, line 8, after the dollar amount, insert the following: "(reduced by $51,000,000)".

Page 5, line 17, after the dollar amount, insert the following: "(reduced by $501,000,000)".

Page 8, after line 13, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. (a) EXPEDITED PROCEDURES FOR HOUSE CONSIDERATION OF APPROPRIATIONS FOR PUSH INTO SOUTHERN COLOMBIA.—If, by July 15, 2000, the House of Representatives has not considered an appropriation bill that includes funds to support the Push into Southern Colombia, then it shall be in order at any time after such date (but before July 31) to move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of such a bill.

(b) EXERCISE OF RULEMAKING POWER OF HOUSE.—This section is enacted—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a bill described in this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the House.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I speak in favor of this amendment. No one will take a back seat to me when it comes to drug eradication or no one can take a back seat to me in fighting drugs. I use this opportunity to explain that there is a better alternative, a better way of doing things in fighting drugs in the country of Colombia. As the strategy is now explained to us, it is called "Push Into Southern Colombia." It is a 6-year plan. It is one that is aimed at the guerillas and not one that is aimed primarily at eradicating the drug traffic.

For example, this package appears to be focused on guerilla-controlled coca-growing areas to the exclusion of areas controlled by the paramilitaries and other narcotraffickers. The paramilitary groups linked to the drug trade will continue to operate with impunity until the last 2 years of this 6-year plan.

This cannot be the case. We must do a better job in strategic thought on how to fight these drugs and the drug trafficking. What we must do is to follow the strategy that was successful in the country of Peru. There is an alternative to the so-called Push Into Southern Colombia strategy that needs to be considered and it is the experience of reducing the coca cultivation by the country of Peru by doing three things.

Number one, an aggressive air interdiction of drug traffickers. In other words, if you fly, you die. Number two, a comprehensive AID alternative crop development program. And, number three, crop eradication.

The Colombian government has not yet matched the Peruvian government's demonstrated willingness to interdict the drug traffickers' aircraft. The Colombian government should be encouraged to match that commitment. When combined with a successful effort to interdict the air bridge, a strong ground interdiction strategy at the three main points that drugs must have to cross the Andes Mountains, the road to Pasto, the road through Florencia and the road through Villavicencio, ground interdiction focus must be kept on those three areas. We cannot do this by piecemeal.

I think that those military thinkers, whether they be Colombian or whether they be American who make suggestions can do a much better job. We must interdict the drugs in the air, force them through the three Andes passes, and stop them and eradicate them there. That is the only sound way of getting at the drug trafficking.

This other way, the strategy that I think is an erroneous one, is one that will last some 6 years and might cause us well to find ourselves involved in a guerilla warfare; and the last thing in the world we want to do is to have American young men and young women involved in that. I doubt the American people would support a counterinsurgency campaign, and yet that is where we are headed.

The administration's continued insistence that the package is entirely counternarcotic, however, has made impossible any debate on the merits of counterinsurgency. Let us get this strategy right; let us think it out; let us interdict it by air and through the three passes as opposed to the manner in which they suggest. I therefore will vote for and urge my colleagues to vote for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

□ 1515

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding.

The Obey amendment would strike from this bill the U.S. aid to the Colombian army while still allowing the Human Rights, Justice and Alternative Development System to go forward. In return, he proposes that the House be allowed expedited consideration of the appropriations for the money later this year.

But let me tell my colleagues the fallacy. While I am sure that the gentleman from Wisconsin (Mr. OBEY) is sincere in his belief that we should delay this, and certainly he comes forth with some good justification, let us put the scenario where it is.

President Pastrana has gone to the international community, as well as his own country, and developed collectively a package of about $7.5 billion to participate in this Colombia plan. Our share, according to the President's request, will be $1.3 billion. If, indeed, we today indicate to the guerillas in Colombia that we are not sufficiently interested to vote on this issue today and to send the message that we are going to participate, it is going to disable the ability of President Pastrana to go to the European Community and to the Japanese community and the others who have also pledged assistance. It is also going to cause him consternation in his own country, because it is going to be a political defeat for his plan.

Here we have a President in Colombia who has said he wants to cooperate with the United States of America to assist us in our efforts to stop the importation of drugs that originate in his country.

Mr. Chairman, if we delay this today, it is a wrong message; and the gentleman from Wisconsin I think would agree with that. If, indeed, the President is wrong and we do not have the confidence in our President to go along with what he considers the number one priority in this country today and thus, he says, is the reason for this emergency declaration.

So if one disagrees with the President, that is certainly one's prerogative. I disagree with him on a lot of things. I disagreed with him when he ran for the presidency of the United States and voted for Bob Dole and before that, for George Bush. That is not the issue. The issue is the commander in chief has said this is what we should do today, not in July, not in August, not in September, not get it involved in the appropriations process, which is probably going to be October or November before we finish.

So I urge my colleagues today to vote against the Obey amendment. Let us make the declaration. Do we support the President of the United States? Do we want to fight drugs in this manner, or do we want to procrastinate and send a message to the guerillas in Colombia that we are really not as concerned as the president of Colombia is and send the message to the European Community and the other communities that have agreed to supplement our $1.3 billion with an additional $1.7 billion, plus the $4 billion that Colombia itself is contributing?

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the Obey amendment which cuts out all of the military aid to Colombia.

There is an explosion of coca cultivation taking place in southern Colombia, a region where the Colombian National Police does not have the ability to conduct eradication and interdiction operations without the support of the Colombian military. The Colombian National Narcotics Police requires Colombian military support to establish an acceptable level of security around their counterdrug objectives, prior to initiating eradication and interdiction operations. Colombian military participation is essential, essential for successful counterdrug efforts in Colombia; and Defense Department programs are the primary means to ensure the successful integration into ongoing counterdrug efforts.

The counterdrug support that our government supplies to the Colombian military is part of a balanced and a comprehensive plan to provide security, stability, and ongoing government control over southern Colombia. Without effective government control or stability in that part of the country, social programs such as alternative development have no chance of any long-term success. The support of the Colombian armed forces is needed to provide the kind of security for law enforcement operations of the Colombian National Police and to allow the Colombian government to provide basic services to the Colombian people in southern Colombia.

The counternarcotics police, the CNP, does the eradication, but they need military support to eradicate the drug crops in guerrilla-controlled territories. Accordingly, I urge my colleagues to oppose the Obey amendment which guts the antidrug strategy that we have in Colombia.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to the Obey amendment which would gut the effort we are making here today to fight the drug war in Colombia. I have been to Colombia, and I have seen the crisis that exists there today.

To the extent that Congress determines that emergency funding is necessary to stem this crisis, military assistance must be a part of that effort. The Obey amendment would strike all military assistance from the emergency funding. Should his amendment pass, there would be no funding for the 45 helicopters needed to ferret out the narcoguerrillas that enforce the state of lawlessness there, and there would be no funding for training, equipping and deploying the Colombian army's counternarcotics battalions.

The Obey amendment would retain the funding for economic and agricultural assistance, but would take away the military aid that is needed to create an environment in which such assistance could function. This is the equivalent of sending social workers into a crack house unarmed and without police accompaniment.

I urge my colleagues to vote "no" on the Obey amendment.

Mr. YOUNG of Florida. Mr. Chairman, might I inquire as to the time remaining for both sides.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 4 minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 6 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time, and I reserve the right to close.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

I start by reminding the House that there is no authorization for the action that we are about to take. This bill contains $1.3 billion as a downpayment on what will be at least a 5-year war in Colombia. Some say it is a drug war; some say it is a civil war. I think it is both.

I hate drugs. They destroy lives, and they destroy communities. But this amendment does not in any way limit funds to help the Colombian police, it does not limit funds for their helicopters, it does not limit funds for their intelligence operations or for the radar that we are supplying. I favor air interdiction.

All this amendment does is delay until after July 15 the $522 million downpayment on what will be at least a 5-year expanded military commitment which will involve ourselves unquestionably in a civil war. This delay simply gives the Committee on Armed Services, the Committee on International Relations, and the Select Committee on Intelligence time to ask questions that this institution has an obligation to ask before we vote these funds.

Now, I understand our Speaker will close debate. I would ask him and I would ask my colleagues the following questions: Do we know what the 5-year full cost will be? We are told $1.3 billion for the first year. Do we know what we are going to have to spend over the entire 5 or 6 years?

Second, if U.S. advisors are kidnapped, what are our plans then? My colleagues ought to ask the administration, do they have a plan? If these few troops that we will train cannot control the 150,000 square miles of jungle in Colombia, what will we do next? Will we just quit? I doubt it. I do not know if the administration has an answer to that, and I do not know if the Speaker does. What can we do to make certain that we know what we are doing?

I would suggest one thing we ought to ask is why is it that we have not been allowed, through an amendment today, to offer drug treatment to more than 37 percent of Americans who need it? We have been denied that opportunity today. This may or may not be similar to Vietnam, but I do see one difference. The Gulf of Tonkin was debated for all of 40 minutes on this floor. This amendment will be debated for all of 20 minutes. That is the major distinction, I fear.

Mr. Chairman, there has been no real debate. We have not had a chance to get into it.

The gentleman from New York (Mr. GILMAN) said this bill cuts money for Colombia. It does not cut one dime. It simply delays $522 million until his committee and the gentleman from Missouri's (Mr. SKELTON) committee can hold the hearings that ought to be held. We ought to have this authorized before we move ahead.

Mr. Chairman, I know the President of the United States is for this, and I know the Speaker of this House is for this, and I have had so many of my colleagues say to me, "Oh, I think you are right, we probably ought to delay this; but after all, you know the Speaker wants it." I respect that. I would just remind my colleagues of one thing. On this issue, on all issues affecting our involvement in war, we are not to be the agents of the President; we are not to be the agents of the Speaker. We owe it to ourselves and our constituents in this body to exercise our own judgment on a crucial, crucial matter; and I beg my colleagues to do that this afternoon.

All my amendment does is to delay our decision until we know more about it than we know today. I do not think, given our history, that that is too much to ask.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield the remaining 4 minutes of our time to the distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Chairman, I rise today in respectful opposition to the amendment of the gentleman from Wisconsin. I want to speak in favor of U.S. assistance to the government of Colombia to fight the war on drugs.

I do not take this well in a frivolous way. First of all, the supplemental that we are considering today is about our children and whether we want our children to grow up in a society free from the scourge of drugs. Now, does that mean that we can do this just by doing something in Colombia? No, and I want to pursue that.

The gentleman from Missouri (Mr. SKELTON), my good friend, talked about Peru. I have been to Peru several times, more times than I want to count. But when President Fujimori came in there on the Shining Path and controlled the drug trade in the Upper Huallaga Valley, and they did bring the shoot-down policies because they were moving drugs from Peru to Colombia, he was successful. He was successful because he was able to address the problem of the narcoguerillas in Peru and the transportation of drugs from where it was grown to where it was being remanufactured in Colombia.

Then the new president of Bolivia came in, and I have been to Bolivia more times than I want to count, and he was able to do the drug suppression there where drugs were going into Brazil and Argentina by crop substitution, but also by being able to stop the drug trade from moving from Bolivia to Colombia. I say to my colleagues, the problem is, all of the drugs that we stopped from Peru and Bolivia are now grown in Colombia. How do we address that?

□ 1530

The Colombian police officers have been fairly successful. They have a great human rights record. They have been able to do a credible job. But the police force in Colombia does not have the manpower, it does not have the ability to get into southern Colombia, an area the size of Switzerland, to be able to stop drug trade and drug growing and drug transportation and drug manufacturing.

The Colombians need help. But I want to focus for a few minutes about why. Colombia is the source of 90 percent of the cocaine that comes into this country. Colombia is the source of 65 percent of the heroin that reaches our neighborhoods, our schools, and our children.

Over 52,000 Americans die every year, every year from illegal drug use, and others from gang- and drug-related violence, thousands, and tens of thousands of lives are ruined. I could tell Members stories from my own experience. Thousands of families are destroyed because of what Colombian drugs and others, but mainly Colombian drugs, are doing in this country.

They are our real casualties of a quiet, deadly battle that is waged on the streets of our cities, our towns, our rural areas, our neighborhoods, and our schools.

Some of my colleagues have said that this package is not the answer. They are correct, stopping drugs in Colombia is not the only answer. We have a responsibility to stop drugs in Colombia, to stop them in transit, to stop them at our border, to stop them in our streets and in our schools.

We also have a responsibility to teach our children to say no, and to educate them as to the dangers of drugs, and keep them from trying drugs in the first place.

Finally, we have the responsibility to provide meaningful and effective treatment to those who are addicted to drugs. I know the gentleman before me talked about that. This year alone we will spend close to $6 billion, or one-third of our drug control budget, on treatment and prevention.

I am personally committed to working with this Congress, the gentleman from Wisconsin, the President of the United States, to implement an effective and balanced strategy to win the war on drugs.

My friend, the gentleman from Wisconsin, asked, he said, have we ever had this debate? Since I have been in this Congress, especially the last 6 years, we have debated this every year. We have had hearings. We know what the problems in Colombia are. We know of the ineffectiveness of the previous administration in Colombia fighting drugs.

We were somewhat askance when the President opened up the territory in southern Colombia, but now our administration and the administration of Colombia are in concert. Our administration has listened to what this Congress has said for 5 or 6 years: that we need to do something about it; that we cannot put our head in the sand; that we cannot say, well, we cannot do anything about it, so we ignore it.

Mr. Chairman, I say to my colleagues, and I speak to Members today as my colleagues, we cannot ignore this issue. We cannot ignore it in this Congress, we cannot ignore it on our street corners, and we cannot ignore it from the place that this stuff comes from.

I ask Members today, and again, respectfully, because I have a great deal of respect for the gentleman from Wisconsin, and I understand that we do not want to get in a prolonged war. But we helped Peru and we did not get in a prolonged war because we did not have our troops down there. We are not going to do this here. We helped Colombia, and they were able to stop it. We did things, and if we are constant and vigilant in this Congress, we can do a great deal. We can do a great deal together.

I ask the gentleman from Wisconsin, I am willing to reach out my hand and work with the gentleman. I do not want to see us escalate. A lot of this is for the beginning helicopters, so they can get into the territories, they can get into the places where they grow the drugs; that they can stop the transit, the riverine problems that they have.

But Mr. Chairman, we have to solve this problem. We cannot solve the problem by ignoring it.

I ask Members again respectfully to reject this amendment. Let us get on with this job, and let us do it right.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 239, not voting 10, as follows:

[Roll No. 84]

AYES—186

Abercrombie
Ackerman
Allen
Andrews
Archer
Bachus
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berry
Blagojevich
Blumenauer
Bonior
Boucher
Boyd
Brady (TX)
Brown (OH)
Camp
Campbell
Capps
Capuano
Carson
Castle
Chabot
Clayton
Coburn
Collins
Combest
Conyers
Cook
Costello
Cox
Coyne
Crowley
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Duncan
Ehlers
Engel
Eshoo
Evans
Farr
Filner
Fossella
Frost
Ganske
Gephardt
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Hoekstra
Holt
Hooley
Horn
Hoyer
Hulshof
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
LaFalce
Largent
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Manzullo
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (KS)
Morella
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Petri
Phelps
Pitts
Porter
Price (NC)
Ramstad
Rivers
Rodriguez
Roemer
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stearns
Stenholm
Stupak
Tancredo
Taylor (MS)
Thompson (CA)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn

NOES—239

Aderholt
Armey
Baca
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Chambliss
Chenoweth-Hage
Clay
Clement
Coble
Condit
Cooksey
Cramer
Cubin
Cummings
Cunningham
Danner
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Johnson, Sam
Jones (NC)
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Wilson
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Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barton
Clyburn
Crane
Everett
Franks (NJ)
Granger
Klink
Kucinich
Quinn
Salmon

□ 1557

Mr. LAZIO and Mr. LAMPSON changed their vote from "aye" to "no."

Messrs. BACHUS, RYAN of Wisconsin, ROYCE, and METCALF and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Ms. PELOSI:

Page 3, line 8, after the dollar amount, insert the following: (reduced by $51,000,000)".

Ms. PELOSI. Mr. Chairman, my colleagues, the amendment at the desk that I have cuts $51 million of the $185 million in the funds in the DOD account in this supplemental bill. The $51 million cut represents all the money provided for the push into Southern Colombia.

Primarily these funds were to pay for training, equipping and deploying the counternarcotics battalions into Southern Colombia. I offer this amendment, once again, to emphasize that our emphasis is wrong.

We have an emergency supplemental before us today, because we have an emergency in our country; and that is the issue of substance abuse.

As I said earlier and earlier today in the debate on the rule and in general debate, we have an emergency supplemental bill before us today, because, indeed, there is an emergency in our country, and that is the dependence on substance abuse by so many people; indeed, 5½ million people in the United States.

I introduced the amendment to emphasize that in this bill with that emergency in our country, we do not have $1 of emergency spending for reducing substance abuse in our country for treatment on demand and for prevention.

In the Rand report, which I quoted earlier, it says that for every dollar spent on treatment or demand in the U.S., we get 23 times more value than on money spent in the country of origin in the coca leaf eradication program, 23 times more effective.

This report says that if we want to reduce demand in the United States by 1 percent, if 1 percent would cost $34 million if we spent it on treatment on demand programs. To get that same 1 percent reduction, by the approach taken in the chamber today, coca leaf eradication, you would have to spend 23 times that, or $723 million.

We can spend $34 million on treatment in demand in the U.S., or we can spend $723 million in the country of origin, that being Colombia what the discussion is about today.

Every indicator in this Rand report that was done in conjunction with the Department of Defense and the office of National Drug Control Policy points to the value of treatment on demand. Even in an OPED in 1998 General McCaffrey wrote, it is a sad time when the number of incarcerated Americans exceeds the active duty strength of the Armed Forces.

□ 1600

"A Rand Corporation," this is still General McCaffrey's quote, "a Rand Corporation study in 1994 found that increasing drug treatment was the single most effective way to reduce domestic drug consumption."

So how can we have a bill that addresses an emergency in our country where we have 23 times more effectiveness by addressing demand in our country has all of its emphasis on eradication of the coca leaf in another country. Maybe it is important for us to go that route, too.

But we have so much uncertainty about the success of the $1.7 billion that we are allocating to Plan Colombia, and so much certainty about the effectiveness of treatment on demand that it is hard to understand this legislation.

Let me say that we have a treatment gap in this country, and that is part of the emergency. There are 5½ million substance abusers in the United States. Of that, 2 million receive treatment; 3½ million do not.

In an amendment that I wanted to offer that I offered in committee for $1.3 billion to be used for prevention, for treatment on demand, for prevention program geared to our youth, we would have been able to meet the needs of 303 substance abusers in this country, 303, only one-tenth of the problem. I was defeated in committee.

Trying a more modest approach in the Committee on Rules, I put forth a $600 million treatment-on-demand amendment and was not given the opportunity to bring that amendment to the floor.

So I offer this modest cut of $51 million from the funding for the push into southern Colombia and to emphasize, as I say, the improper emphasis of this bill.

We all agree that President Pastrana is a great and courageous person and deserves our help. I want to make that point. But I think this is the wrong way to go.

In closing, Mr. Chairman, I want to associate myself with the remarks of the gentleman from Indiana (Mr. ROEMER), which will come later, about some other issues in the bill.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise reluctantly to oppose the amendment by the gentlewoman from California (Ms. PELOSI), who is the ranking member of the subcommittee.

It is my privilege to serve on the subcommittee with the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI), and I very much admire their work and the total responsibility we have for foreign operations.

Unfortunately, I could not disagree more with the position that the gentlewoman from California (Ms. PELOSI) has on this specific item that her amendment addresses itself to. I could not disagree more strongly.

She would strike that money that allows us to provide for the training of those Colombian troops who will be putting forth the effort to cut off this flow of coca leaves to the United States. I cannot really understand why she would even consider such an action.

In the final analysis, this amendment is little more than a mini-amendment of the Obey amendment that was before us a short time ago. The gentleman from Alabama (Chairman CALLAHAN), as well as the Speaker, expressed themselves eloquently and touched every point that needs to be made here.

The government of Colombia is doing their very best to put together a package that essentially would stop the production of coca leaves in Colombia that eventually comes into the United States. That flow provides 90 percent of the coca available in the United States. To not be willing to cooperate with that effort on the part of the government of Colombia is sort of a bit of insanity.

I cannot understand why the gentlewoman from California (Ms. PELOSI) in this case, for some reason, chooses to eliminate the money for the training itself. It is a fundamental pillar of that effort. It is the essence of the American effort. Because of that, I would ask that the House consider this last vote and repeat it on the final question regarding the Pelosi amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not need any reminders from anyone about what illicit drugs do to people in this country. My wife has been a speech therapist. She has been a social worker. She has dealt with people in Saint Elizabeth's and at Georgetown Hospital. She has seen crack babies close up. Once one has seen that, one does not need any lectures about what stupid use of drugs will do in this society. The issue is how we deal with that problem.

What I think the gentlewoman from California (Ms. PELOSI) is simply saying to my colleagues is that we think that they are putting all of their eggs in one basket and that the evidence shows it is the wrong basket.

We have 3½ million people in this country who are in severe need of drug treatment and yet cannot get it because of inadequate programs to provide that treatment. We are currently able to provide only 37 percent of the estimated 5.7 million Americans who need treatment with the treatment that they need.

Yet, if we look at an evaluation done by the Substance Abuse and Mental Health Administration, and it is cited on page 97 of the committee report, we see "A five-year evaluation of SAMHSA substance abuse treatment services found treatment has significant and lasting benefits. Patients receiving treatment reported 50 percent decrease in drug and alcohol use 1 year after completing treatment, 53 percent decrease in alcohol/drug related medical visits, 43 percent decrease in criminal activity, 56 percent decrease in sexual encounters for money or drugs, 51 percent decrease in sexual encounters with an injection drug user, 43 percent decrease in homelessness, and a 19 percent increase in employment."

That is what the evidence shows one can get if one puts money in drug treatment. Yet the leadership of this House and the Committee on Rules, which is its agent, denied the gentlewoman from California (Ms. PELOSI) the opportunity to offer an amendment to put one dime of additional money into drug treatment and drug prevention.

Then my colleagues have got the gall to come here and ask her why she offers this amendment. I will tell them why she offers this amendment. It is the only way she can get a discussion of the issue on the floor. We tried not to eliminate a dime for Colombia.

All we asked our colleagues to do is to delay $522 million that we thought was going to get us in a war that we did not know how to get out of, and recognize the Rand study, which says that we get 34 more times bang for the buck if we put the money where she wanted to put it as opposed to where the House decided to put it.

So if my colleagues want to know why this amendment is here, it is because it is the only way that the gentlewoman from California (Ms. PELOSI) can get an opportunity to ask them again and again why, if they are willing to fight the drug war a thousand miles from here, why are they not willing to fight it in their own backyard by increasing drug treatment. That is where the money ought to go.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me start off by explaining the amendment cuts a heart off the entire push, in my opinion, into Colombia.

The CHAIRMAN. The gentleman from Alabama will suspend. The gentleman's microphone has not been working.

Mr. CALLAHAN. Mr. Chairman, maybe I will try the other one on the Democratic side.

Mr. Chairman, I rise in support of the gentlewoman's amendment. Seriously, this amendment.

Mr. OBEY. Point of order, Mr. Chairman. The microphone of the gentleman from Alabama is on.

Mr. CALLAHAN. Mr. Chairman, the amendment really cuts the heart out of the entire program of Plan Colombia because it would prohibit the money to train the counternarcotics pavilion. I think the gentlewoman from California (Ms. PELOSI) recognizes that. Without this training money, there is no reason for the rest of the package. I think the gentlewoman recognizes that.

But the primary reason I rise, other than in nonsupport of the gentlewoman's amendment, is to correct some perception that may have come from her remarks and the remarks of the gentleman from Wisconsin (Mr. OBEY) about our concern about drug prevention and abuse programs in this country.

Let me remind my colleagues that we have appropriated more than $10 billion towards this program. The President of the United States has come to us and said, in addition to that money, there is an emergency problem in interdiction. He has said, in effect, that we have appropriated a sufficient amount of money for drug prevention and abuse programs in this country.

So let us not create a perception that this Congress, both sides of the aisle included, is ignoring the internal problem that we have, the domestic problem we have here in the United States.

The gentlewoman from California (Ms. PELOSI) is absolutely correct in her assessment that the real problem of all of this lies in our own solving of our own programs here in the United States. But let me remind her and all of my colleagues that it is not because of a lack of financial resources, because since 1996, we have increased the programs by 35 percent. The President of the United States also runs our domestic programs. If he needs more money, all he has to do is ask, and we will fulfill his request for additional domestic concerns here in this country.

So let us do not get this thing construed to the point that there is an indication that this Congress has not been willing to support our own domestic programs, because the fact remains we have increased it in the last 4 years more than 35 percent. It now exceeds more than $10 billion per year.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with great respect to the gentleman from Alabama (Mr. CALLAHAN), our distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and with appreciation that we were able to work together to get the $10 billion into this account; however, I would just like to remind my colleagues that, although we have made progress in investing in this account, 37 percent, only 37 percent of the estimated 5.7 million Americans in severe need of substance abuse treatment are taken care of, 37 percent.

□ 1615

Thirty-seven percent. So I just want to commend my colleague, the gentlewoman from California (Ms. PELOSI), for bringing attention to this critical need in our country.

It is very disappointing that she was not allowed to offer her amendment as she offered it into the committee, because I do believe that we need an aggressive drug control strategy. We all know that substance abuse is a critical and persistent problem facing every community in our Nation. It has an incredibly difficult impact, as we know, on our families, public safety, employment, productivity. And while we know treatment works, let us remember again that there are 3.6 million people in severe need of substance abuse treatment that cannot get access to it. I see it all over the district. We must have better systems if we are to help those who need help today and as we reach out to millions of today's youth reaching a vulnerable age.

I want to repeat it again, although the gentlewoman from California referred to the Rand Corporation study, which found that funds spent on domestic drug treatment were 23 times, 23 times, more effective than source country control, 11 times more effective than interdiction, and 7 times more effective than law enforcement in reducing cocaine consumption. So the strategy that the gentlewoman from California (Ms. PELOSI) is talking about works. It is common sense and it is long overdue.

I commend my colleagues on both sides of the aisle for supporting the $10 billion, but we have not done nearly enough, and I would hope that we can support the gentlewoman from California (Ms. PELOSI) and direct these additional dollars to substance abuse control.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we need to focus on what we are talking about right now. We have heard a lot of good speeches, most of which we can all agree on, and that is the need for treatment, the need for rehabilitation, the need to do these sorts of things in the community. That is not what this amendment is about. This amendment is a straight cut.

My friend from Wisconsin spoke about the problem not being taken care of in our back yard. We are talking about what is going on in the streets in front of the homes of thousands of Americans, millions of Americans, where these drug deals are going down. The supply needs to be cut. We need to go with both the supply side and the demand side.

And now we have ourselves in a situation where a country is in trouble, the country is reaching out to the United States, Colombia is the oldest democracy, I think, in South America; and they are reaching out to the United States for assistance. They are going to accept our training; they are going to accept our resources and our assets; and this is very important.

We go over and we bomb these other countries, Libya and all these places, because they are making weapons of mass destruction that might some day hurt Americans; they may some day be used on our friends. At the same time, we are turning our heads and our backs on what is really going on, and that is this poison that is being created in Colombia and other countries in our hemisphere which is coming in and poisoning our kids and destroying their future.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman said that everyone agreed with us on the need for more drug treatment. Then I would ask why did the gentleman vote for a rule that prevented us from being able to provide this drug treatment?

Mr. SHAW. Reclaiming my time, Mr. Chairman, I would say that I did not say that we agreed for the need for more. We agree that the arguments that have been made is that we do need to concentrate in this area. That is very important. And perhaps when we get to the regular type of appropriation bills, this would come about.

But what we have right now is an emergency in Colombia that we need to address. This qualifies for an emergency in every way possible. And I can tell the gentleman, this particular bill came in with an open rule that opens it up to all of the areas that are before the House today, and I think that the minority was certainly handled very fairly in this regard.

But now, let us get serious on the war against drugs in this country. Let us get serious. And this is a wonderful first step. Let us not show a diminution of our resolve by starting to cut in with all these amendments that are going to be put before the House this afternoon and tonight. Let us not fall into that trap. Let us examine each one exactly the way they are. If it is a cutting amendment, that cuts down on our war against drugs, let us just call it that. It is not moving this money someplace else.

Whether my colleagues like the rule or they do not like the rule, the question is right before us very squarely, and that is are we going to cut the aid that we desperately need in order to continue the war against drugs as an ally of the Colombian government? It is as simple as that. Vote down this amendment.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is about the drugs in America that have devastated America, its families, its children, and its communities. If we have a supplemental before us, the first of the 21st century, and we do, that is funded by $1.7 billion tax dollars to give to Colombia, the country that sends 90 percent of the cocaine to this country, that sends over 60 percent of the heroin to this country, we are all saying, yes, we must do something with that supply, we must decrease that supply, but what we are also saying is that all those tons of cocaine and heroin that are in the American communities now, that we must in this supplemental, the first of the 21st century, allow money for treatment. Treatment on demand.

Everyone who is addicted to drugs is not ready for treatment; but those who are ready for treatment on demand, we must make it available to them. In my district there is a 6-month waiting list for an addicted person who wants treatment today, not 6 months from now, when their families are more deteriorated, when the community is more deteriorated. Today, on demand.

So what we asked in committee with the Pelosi amendment, and what we are asking today, a small drop in the bucket, $57 million out of a $1.7 billion appropriation to Colombia, is to allow money for treatment so that those Americans can take care of their families and become citizens again of this society and pay taxes and raise their children. Is that too much to ask? I think not, Mr. Chairman.

How can the gentleman on one hand we talk about a "Plan Colombia" that talks about supply and not do anything to eradicate the demand? It is not fair. It is not right. As leaders of this country, of the free world, the greatest country in the world, we need to stand up to what we believe in. Many of our constituents across this country, across all ethnic, racial, and gender lines are addicted. Does the gentleman not want them treated on demand when they finally decide in their life they have had enough?

The Pelosi amendment is a small piece of what we need. We ought to be putting $1.7 billion into treatment, but the amendment before us only asks for $57 million. How can the gentleman be against $57 million. My colleagues have heard the figures already. I am not going to repeat them again. We all know people who are addicted, we know families and children that have been devastated by the drugs from Colombia. Let us do the right thing, Mr. Chairman.

I strongly support the Pelosi amendment. We need to begin to provide funding for treatment for those people who have finally decided in their life that they have had enough.

It was said earlier that we will have to attack drugs on all bases, and we do. On the supply side, I agree totally, let us give them that money, but it is unconscionable that we will not at the same time in this bill, when we have a surplus in our government, supply money for treatment. It is the right thing to do, and I hope my colleagues will stand up and do the right thing.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is about the drugs in America that have devastated this country, its families, its children, and its communities. We have a supplemental before us, the first of the 21st century, and we propose to fund $1.7 billion in tax dollars in economic aid to Colombia. Columbia sends 90 percent of the cocaine to this country; it sends over 60 percent of the heroin to this country. We all agree, we must do something to decrease that supply. It is imperative that we decrease that supply, but we must also agree, as we consider this supplemental appropriation bill, the first in the 21st century, to reinforce our commitment to drug treatment and prevention. We exist in a culture that makes drugs available on demand. We must provide the funds to give treatment on demand.

Everyone who is addicted to drugs is not ready for treatment; but those who are ready for treatment on demand must have access to treatment programs. In my district there is a 6-month waiting list for an addicted person who wants treatment today—not 6 months from now—when their families have deteriorated, when their community has deteriorated. They need access now, today, on demand.

What we asked in committee with the Pelosi amendment, and what we are asking today, is a small drop in the bucket, $57 million out of a $1.7 billion appropriation to Colombia, to allow money for treatment so troubled Americans can take care of their families and become citizens again of this society, pay taxes and raise their children. Is that too much to ask? I think not, Mr. Chairman.

How can the gentleman talk about a "Plan Colombia" that talks about supply and not do anything to eradicate the demand? It is not fair. It is not right. As leaders of this country, of the free world, the greatest country in the world, we need to stand up for what we believe in. Many of our constituents across this country, across all ethnic, racial, and gender lines are addicted. Does the gentleman not want them treated on demand when they finally decide in their life they have had enough?

The Pelosi amendment is a small piece of what we need. We ought to be putting $1.7 billion into treatment, but the amendment before us only asks for $57 million. How can the gentleman be against $57 million? My colleagues have heard the figures already. I am not going to repeat them again. We all know people who are addicted. We know families and children that have been devastated by the drugs from Colombia. Let us do the right thing, Mr. Chairman.

I strongly support the Pelosi amendment. We need to begin to provide funding for treatment for those people who have finally decided in their life that they are sick and tired of being sick and tired.

It was said earlier that we will have to attack drugs on all bases, and we must. On the supply side, I agree totally. Let us give them that money, but it is unconscionable that we will not at the same time in this bill, when we have a budget surplus in our government, provide more money for treatment. It is the right thing to do, and I hope my colleagues will stand up and do the right thing.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address my colleagues on a personal note. Drugs have hurt many of us, our own families, including my own, including my own son.

I have two beautiful daughters. My youngest scored 1600 on her SATs. She is a National Merit Scholar. And my oldest one helped to start a club of some 35 high school kids that do not drink; they do not smoke; they do not do drugs, and it is a marvelous group to watch. But it is called family. I have a son who is 30 years old who got involved using drugs in his early years, and he went through drug treatment. On a lieutenant's pay, it was not easy to put him through that treatment, so I understand where the gentlewoman is coming from.

But then later on in life, when he was 30, he got caught selling marijuana that came across from Mexico. So we individually have a lot of pain with drugs. It has been devastating to our family having my son in the situation he is in, knowing that he could have had much better in life.

So to my colleague I would say, is there enough money in drug treatment? No. I do not disagree with the gentlewoman. But it is a series of a war. We have not really had a war on drugs in this country, with Republicans or Democrats, because if we did, we would stop them at the border. The Noriegas of the world, we would not only throw in jail but we would stand them up in exhibition to the world to let the world know we are not going to stand for those drugs coming in. Our border patrols would stop the money that is coming in from China on our cargo ships. And then on the streets, if someone gets caught selling drugs, that person needs to know they are going to go to jail, and they are going to go to jail for a long time, including my own son, who I love very much.

And then if someone does get hooked on drugs, and thousands of our children have, and we heard the Speaker say that 52,000 people die every year in our country from drugs, then, yes, we treat that. I think we do not have an adequate amount, but we do have it, and we need to spread out the money on all of these endeavors. I would rather have my son or my daughters, if I knew they were going to get the mumps or the measles, I would rather prevent them from getting the mumps or the measles in the first place, as I would like to stop our children from getting drugs. So we need to spread out the money across the gambit. I think it is difficult to do that when we say, well, we need more money here, we need more money there. I agree we need more money everywhere on this to really have a war on drugs.

The gentleman from Wisconsin (Mr. OBEY) is not wrong. I had a very difficult time voting against his amendment. Actually, in the committee, I voted for it, because I do not know in my own mind, having not supported Haiti, and I know that we put $2.4 billion in there and I look at Haiti today, and I look at Somalia, so I do not know if Colombia has the infrastructure to handle the money that we give them or if it will end up in Las Vegas, and so I struggle with that very much.

But I would ask my colleagues not to berate saying, well, one side or the other does not want to give money for treatment. I think when we lay out the whole plan and the whole war, it is very, very important for us to come together on this.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on this occasion to oppose the amendment introduced by the gentlewoman from Florida (Mrs. FOWLER), which calls for the resumption of live fire at the range in Vieques. The earlier amendment by the gentleman from South Carolina (Mr. SANFORD) aimed to eliminate the $40 million appropriation for economic initiatives.

The Fowler amendment is an attempt to derail the agreement reached by the Secretary of the Navy, the administration, and the Governor of Puerto Rico this past January 31 that was approved by the Secretary of Defense, the Deputy Chief of Naval Operations and the National Security Council, among others. The agreement has also been endorsed by the Puerto Rico legislature, the Mayor of Vieques and by myself, the only elected representative of the nearly 4 million disenfranchised American citizens in Puerto Rico.

I urge my colleagues to oppose this shortsighted amendment that aims to undo the agreement and will actually prevent the use of the range, thus undermining military readiness. Both the Navy and the Marine Corps have indicated that the resumption of bombing with inert ordnance for the next 3 years is an acceptable solution to their training needs.

☐ 1630

They also assert that this process provides the best opportunity to correct past inequities in their relations with the 9,300 citizens in the island municipality.

There is a letter from the Department of Navy dated March 29 directed to the gentleman from Florida (Mr. YOUNG), the chairman of the committee, where the Department of the Navy says, "We have been engaged in a multi-agency effort to resolve the Vieques situation since April 18, 1999. The proposed amendment makes two significant changes to the Administration's proposed statutory language, either one of which will likely worsen the situation on Vieques."

The Secretary of the Navy goes further on to say, "To eliminate either of them would seriously undercut the essence of the agreement. In that event, the Governor and the citizens of Puerto Rico could consider this to be an abrogation of the President's agreement. The cooperation of the Government of Puerto Rico is crucial to resuming the safe operational use of the range. Without safe access to the range, the Navy and Marine Corps will have to continue to conduct training, which falls short of the Navy's needs, at other sites, a requirement that the President intended to remedy with his Directives."

As we meet in this Chamber today, I am reminded of the powerlessness of Puerto Rico's political situation and my lack of vote in matters and decisions that impacts our daily lives. I will not be able to vote on this amendment today.

I am firmly convinced that the situation that we faced on April 19, 1999, was underscored by the tragic death of David Sanes Rodriguez that would not have happened anywhere else in the United States.

The agreement that was reached by the President, the Department of Defense, and the government of Puerto Rico is the best opportunity to achieve peace and justice for the American citizens in Vieques. The presidential directive calls for a referendum, a process that enables the people who are directly impacted by the bombing and who are disenfranchised American citizens the only opportunity to express their opinion through the democratic process.

I believe that the controversy over Vieques has been a test of our Nation's resolve to assure democratic rights for all Americans. The agreement ensures the national security and the military readiness requirements are balanced with the rights, the health, the safety, and welfare of American citizens, while taking into account their substantial contributions to the defense.

I want to highlight the fact that both candidates for President support the agreement. Governor Bush of Texas has made it clear that he will implement this agreement if elected. I have a copy of his statement which he made in Virginia. Vice President GORE has also announced that he will also enforce the President's directives.

I urge all of my colleagues to reject any effort to bar a fair solution that is in the best interest of the American citizens in Vieques and in the best interest of the naval defense and the national defense of this country.

Mr. Chairman, I include for the RECORD the above-mentioned letter:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, 29 March 2000.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the grave concern of the Department of the Navy with the proposed amendment to H.R. 3908 concerning the economic assistance program on the Island of Vieques, Puerto Rico.

We have been engaged in a multi agency effort to resolve the Vieques situation since April 19, 1999. The proposed amendment makes two significant changes to the Administration's proposed statutory language, either one of which will likely worsen the situation on Vieques. Those changes are (1) deletion of the ability to spend any of the funds for support of the proposed referendum on Vieques; and (2) a prohibition on expenditure of any of the funds for purposes enumerated in the bill until the President certifies to the Congress, among other things, that live fire training has resumed on the Vieques range.

Both the referendum and training with inert ordnance are key components of the agreement reached by the President with the Governor of Puerto Rico that was memorialized in two Directives issued by the President on January 25, 2000. To eliminate either of them would seriously undercut the essence of the agreement. In that event, the Governor and the citizens of Puerto Rico could consider this to be an abrogation of the President's agreement. The cooperation of the Government of Puerto Rico is crucial to resuming the safe operational use of the range. Without safe access to the range, the Navy and Marine Corps will have to continue to conduct training, which falls short of the Navy's needs, at other sites, a requirement that the President intended to remedy with his Directives.

While the President's agreement with the Governor does not guarantee the resumption of training with live ordnance, it does present the most substantive possibility that we can achieve that end. The agreement allows us to address positively and in a constructive way both the legitimate concerns of the citizens of Vieques and the critical national security/national defense mission of the Navy and the Marine Corps. This includes a multiplicity of training opportunities on the Vieques range and the use of live ordnance.

The Department of the Navy strongly believes that the negotiated agreement represents the best opportunity for the Navy to resume crucial training on the Vieques range.

We strongly oppose this amendment to H.R. 3908.

A similar letter has been sent to Congressman Obey. As always, if I can be of any further assistance, please let me know.

Sincerely,
JERRY MACARTHUR HULTIN,
Acting.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California (Ms. PELOSI). I know it is a protest amendment with regard to what she wanted to offer. But it does beg the question a little bit that has not been discussed a lot out here today, and that is where we are in this so-called "war on drugs" in terms of trying to limit the damage that is there.

I am for drug treatment. I do not know anybody here who is not. But in the war, the treating the wounded does not win the war. It is something my colleagues want to do and I want to do.

I also know that many of the drug treatment programs that I have supported over the years have not been shown to be as effective as we would like, and there are a lot of people who are on drugs who do not come forward and seek treatment. So it is a very difficult area, one we need to take a lot of time and energy with and I hope this Congress will try to sort out those programs that work from those that do not and then provide the right amount of funding for them.

On the other hand, what we are dealing with in this bill is really critical to what is going on in the streets. And what I find to be very difficult for a lot of Americans today to understand because we do not hear as much about it, our other leadership nationally has not talked much about it lately, is the fact that even though we may show statistics showing drug use in the country generally trending down, teen drug use is up, particularly heroin and cocaine and even marijuana.

From 1992 to 1998, the last full statistics that I have, as chairman of the Subcommittee on Crime, we show use among 12- to 17-year-olds up 120 percent in that period of time, and that is for all drugs, 27 percent in 1998 alone.

But I think the most startling statistic of all is that with heroin. I want to bring that up particularly because heroin is produced in Colombia. In fact, in the eastern half of the United States, almost the entire heroin supply coming into this country is from Colombia; and a lot of the resources we have and the efforts being made in this legislation today are to try to stop that from happening, from Colombia producing it and from it coming our way.

There has been among 12- to 17-year-olds, and I want my colleagues to hear this number now, from 1992 to 1998, an increase in drug use, heroin use, specific heroin use, among 12- to 17-year-olds of 875 percent, an absolutely astounding number.

It strikes me that when we are talking about trying to do what we want to do to solve the problem of drug use in this country, we do not do it by simple treatment; and we have to go to the source country. The most efficient use of our dollars in any kind of effort on the supply side which gets at winning a war is in the country where it is being produced.

We have been extraordinarily effective with our work with Bolivia. They now have a program under way down there that many of us believe will virtually stop the growth of coca plants, which has been a very big crop-producing country for us down there. They have gone to alternative crops. We have got a lot of cooperation with them. It has been a very positive program.

In Peru, we had a couple years where we did really well there. We are not doing as well now. But that was when we had an aggressive program, cooperating with the president of that country, to shoot down drug planes flying raw coca to Colombia from Peru. There has now not been as much support from the United States available, and that program has not done as well.

In Colombia, where the problem is the greatest, is where the FARC and the revolutionaries are right now controlling about a third of the country, protecting the drug lords, and getting money in return for that to allow their operations to continue.

This legislation we have before us today that the gentlewoman wants to cut money from is designed to allow us to stop this activity from going on so that we can, the Colombians in particular themselves, can go in and destroy the coca crops, destroy the drug lords' operations, and be able to destroy the heroin produce and poppy plants that are growing up in the mountains with the helicopters and the other equipment in this legislation.

If we do not do that, we are going to continue to see an enormously greater supply of heroin, in particular, and cocaine coming out of Colombia to this country, particularly the eastern half. We are going to have more teenagers getting onto these drugs than we do today, and we are going to see the numbers go up.

We cannot win the war by treatment alone, and we cannot win by education alone. It is not one thing alone. But our police officers, our schools, our professionals in the drug counseling area are swamped in many of our cities and communities today with the shear quantity that is coming in and very little discussion about it.

We have not gained the kind of support in this Congress or from this administration over the last couple of years that this effort deserves or requires.

Today we have a chance to do something about that with regard to Colombia. We need to do that. We need to help them in their efforts to overcome the revolutionaries that are supporting the drug lords and being supported by them, and the only way to do that is to pass this bill today.

This amendment should be defeated because it cuts a vital amount of money out of that portion of this bill which goes toward that effort. I urge its defeat.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pelosi amendment. It is unfortunate that this House is not being given the opportunity to have a full debate about the very important aspects of drug treatment and drug prevention. I believe that it was a sorry mistake when her amendment was not allowed to come before this body.

The only reason this issue is pending before the House is because we have in this emergency supplemental a $1.7 billion appropriation for intervention in Colombia. That would lead us to believe that this Congress, at least, understands that the drug problem that we face here in America is very serious. But what is wrong is that we have undertaken to look at this problem as though it is only a problem from the source and the supply.

We have a serious problem here with respect to a control of the demand. And we know that all the literature tells us that if we have adequate treatment programs for people who even want treatment that they can be helped.

If we have truly the authority of this House to take full account of emergency supplemental appropriations, there is no justification for our not including in this emergency, if we are going to include the supply end of a Colombia appropriation, by not taking into account also the needed funds that we could use for an enhanced drug treatment program. It goes together. Supply and demand cannot be separated.

We look at the appropriations that are going to Colombia. $1.7 billion is going to purchase 60-some-odd helicopters. I serve on the Subcommittee on Criminal Justice, Drug Policy and Human Resources as the ranking member of the Committee on Government Reform. We had hearings on this matter and we were told that, from the viewpoint of the production of these helicopters, it is going to take years before they are in supply actually to Colombia and years more after that before the people there are going to be trained in order to use this equipment.

The engagement of our military in this kind of activity, which is going to put them in harm's way, get us messed up into a civil strife within that country, I think is a terrible mistake.

But aside from that, this body is now considering an important issue, and that is drugs, drug abuse in our country; and we are pretending as though this is only a supply issue and that, if we spend a billion dollars in Colombia, it will correct the problem. It will not.

I had the opportunity with my subcommittee to travel to Colombia about a year ago. It is a country that has enormous problems of poverty, corruption, lack of control of its own territory. Forty percent of Colombia is under the control of the rebels.

There is no possibility that our intervention of 60-plus helicopters is going to be able to control that situation. If we had alternate crops for the farmers there to produce to get into the market, the biggest problem is infrastructure, how would they get it from their farms into the market. There is none out in the countryside.

The lack of control by Mr. Pastrana over his country is absolutely sad. I have the greatest admiration for Mr. Pastrana. I met him and talked with him. I understand his problem. But there is no way that $1 billion of our taxpayers' money is going to solve this problem for him.

However, if we are going to do it, at the very minimum we ought to be looking at this as a balanced issue. And the issue is, if it is going to take 5 years for those helicopters to actually be delivered, if we appropriated today $600 million or a billion dollars for drug treatment tomorrow, those addicts and victims out there of heroin and cocaine addiction will have treatment. They are waiting in line now. We are told that only 50 percent of those that actually come to a center wanting treatment are actually provided any sort of help.

So this country is in real distress. And so I counter with the argument that, if we are truly dealing with emergency and if we are going to attack the supply issue as an emergency subject matter, there is no justification for our not including as part of that emergency an augmented treatment program to help the people in this country get rid of this addiction and cut down on the demand. I think that is the legitimate way to go.

I hope that the Pelosi amendment will be approved.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for several years now the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Operations and Human Rights, and I, as chairman of the Committee on Government Reform, and the gentleman from Illinois (Speaker HASTERT) and the gentleman from Florida (Chairman MICA) and a number of others have been working trying to get helicopters and other equipment down to the Colombian National Police and the military in Colombia so they can adequately defend that country against the FARC guerillas, who are, and I hope my colleagues will get this, are getting as much as $100 million a month from the drug cartel. That is a billion dollars a year.

Now, what happens if we do not do anything? What happens if we do not do what the President has suggested? And the President is a late-comer to this fight. I am very happy that he is on board with this $1.3 billion, but it is coming rather late. What happens if that money does not get down there?

The FARC guerillas who have been trained by the Cubans, who are Marxist oriented, they may very well take over that country. We may have a narcoguerilla government running Colombia. There will be no impediment to the heroin and the cocaine coming out of that country into the United States.

Ninety percent of the cocaine coming into America comes from Colombia. Sixty-five percent of the heroin coming into the United States comes from Colombia. One out of seven people, according to officials in Baltimore, are heroin addicts.

□ 1645

We have an absolute epidemic. Yes, we need to deal with education and rehabilitation and a lot of other things. But we have got to go to the source and take on these guerillas who are being supported by the drug dealers down there, the drug cartels, because if we do not, they are going to have a sanctuary from which we will not be able to do anything to them.

Now, my feeling is that the problem may get so big if we do not deal with it right now that we will be forced to send American troops in there to deal with it. I do not want that to happen. I do not want American young men and women fighting in the jungles of Colombia with the drug cartel and the drug guerillas. That could very well happen. They now have 20 to 30,000 people in that army. Many of those people, those combatants have been forced into being involved, and they are going to have more because of the tremendous amounts of money that they are getting from the drug cartel.

Let me just tell my colleagues what they are doing. The day before yesterday, there was a police outpost in Vigia del Fuerte. I hope my colleagues on the minority side will get this. For 36 hours they held off the FARC guerillas who attacked them. After 36 hours, after the Colombian National Police ran out of ammunition, they came in and they hacked them to death, 26 people, with machetes; they castrated the men; they chopped off the heads of the mayor and the head of the Colombian National Police there; they put them on spikes in the middle of the town as a warning to anybody that gets in the way of the FARC guerillas down there.

The people are terrified of the FARC guerillas. As a result, a lot of people, including people in the Colombian National Police and the military, are scared to death of them. They know if they are captured, they are going to be chopped into pieces. They took one man who was in the Colombian National Police, they hacked his wife and child to death in front of him and then they tortured him to death. These are the kind of people we are dealing with.

Either we give the Colombian government and the Colombian National Police and the Colombian military the wherewithal to fight these people or they are going to take over that country in all probability. If that happens, what do we do? Do we let them flood this country with heroin and cocaine with impunity because we know how porous our borders are? No, I think what will happen then is we will have to get directly involved militarily, and that is something none of us wants.

There is an old commercial in Indianapolis that shows a guy with a Fram oil filter saying, "You can pay me now or you can pay me later." The implication is that if you do not use a Fram oil filter, and this is not a commercial, that the engine is going to go bad on you and you are going to have to buy a whole new engine.

I am saying to my colleagues today, we can either deal with the problem today as the President has now seen fit to do and give them this $1.3 billion or we can wait around another 4 or 5 years until the matter gets so bad that we have to send our lifeblood down there to fight these guerillas. I think it is better to do it now. It is the prudent thing to do.

I urge my colleagues, not because the gentlewoman from California does not have a good heart and not because she is not making some sense but this is the time to send the money to Colombia to fight the guerillas and also to do the other things that need to be done as the time goes by, but fight the guerillas now, defeat them as they have in Peru and Bolivia and to make absolutely sure that we do not have to send our young people down there in the future.

Mr. Chairman, I include the following material for the RECORD:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 2000.

Re Support Assistance to Colombia

DEAR COLLEAGUE: I am writing to urge your support for the Administration's proposed assistance package for Colombia in the Supplemental Appropriations bill. Colombia's President Pastrana has taken bold action in his effort to deal with the country's drug production and its civil conflict. He has requested the assistance and the Administration has proposed that we provide it. President Pastrana is a friend of the U.S., he is taking action to our country's benefit, and we should provide that aid.

Helping Colombia is in our fundamental national interest. The scourge of drugs is tearing at the fabric of our society, and Colombia is ground zero in the fight against drugs: More than 80% of the cocaine and much of the heroin that arrives on our shores comes from or through Colombia. Colombia is also a key regional state. It borders five other South and Central American countries, whose 40 million citizens face serious social, economic, and national security challenges.

With Plan Colombia, President Pastrana has proposed a bold agenda for addressing his country's inter-related challenges of drug-trafficking, weak state institutions and a faltering economy. The Government of Colombia estimates that $7.8 billion will be needed over the next three years to reverse the country's role as the hemisphere hub for drugs, rebuild its economy, and strengthen its democratic institutions. The government had committed $4.5 billion to the Plan—including $900 million in credits from international financial institutions—and President Pastrana is asking the international community for $3.3 billion in foreign assistance, of which the Administration has proposed that we provide $1.6 billion.

The Administration's initiative is a balanced and integrated approach that will help Colombia fight the drug trade, foster peace, institute judicial reform, promote the rule of law, improve human rights, assist the internally displaced, and expand economic development.

I know that some Members have reservations about human rights conditions in Colombia, and I have been critical of Colombia's human rights record. But this package is geared to improve the conditions that have led to poor human rights. For example, all assistance that is provided to Colombia's forces will go to fully-vetted units. The military units trained by the United States will not clash with insurgents or para-militaries, unless these elements directly support illicit drug cultivation and production. Indeed, the cornerstone of President Pastrana's administration is the search for a negotiated peace with Colombia's various insurgent groups. I welcome the Administration's statements that Colombia's insurgency problem must ultimately be resolved through negotiation, and not military action, and this view will guide the United States approach to implementing this assistance package.

To help stanch the flow of drugs to the U.S., to help a key neighbor and to help preserve stability in our hemisphere, I urge you to join me in supporting the Colombia assistance package.

Most Cordially,

TOM LANTOS,
Member of Congress.

[From the Los Angeles Times, March 27, 2000]

CONGRESS MUST ACT ON COLOMBIA

Last September Colombian President Andres Pastrana presented the White House a comprehensive plan intended to rescue his country from the violence of drug lords, guerrillas and paramilitary forces. Included were programs for economic development, democratic institution-building, judicial reform, human rights protections and peace negotiations.

Pastrana's approach has been well received in the White House and, for the most part, in Congress. There is a consensus in Washington that Colombia and its problems are an important issue for the United States. There is also a sense that the United States can work with Pastrana, though the White House must assure that no U.S. military personnel are drawn into combat.

Yet despite the emergent consensus, the urgency of Pastrana's plan has not, so far, moved Congress to act decisively. The negotiations on when and how to deliver a $1.3-billion military aid package proposed by the White House have been bouncing from door to door in Congress, never reaching the House or Senate floors, and the delays are dangerous.

A major South American power, Colombia faces the often indistinguishable problems of drugs and insurrection that demand prompt action. Cocaine coming from the highlands has flooded the United States for years despite past U.S.-supported eradication efforts. Coca cultivation is estimated to have increased 140% in the past five years.

In Colombia, drugs beget violence. About 35,000 people have been killed in drug-related violence in the past decade, and more than a million people have been driven from their homes. Under these circumstances, the White House and Congress should be justifiably concerned.

The U.S. proposal anticipates a two-year program of support, and the problems of Colombia cannot be resolved in that short period. The White House's benchmarks of success—diminution of violence and coca production and a strengthened government in Bogota—over the period should be closely monitored by Congress.

What Colombia needs is decisive and prompt action. Congress should move now to deliver the arms, equipment and other elements of the program to suppress lawlessness in the countryside. At stake is proliferation of the cocaine plague and potential collapse of one of Latin America's proudest countries.

[From the New York Times, March 28, 2000]

REBEL ATTACKS ON 2 COLOMBIAN VILLAGES KILL 30

BOGOTA, Colombia, March 27. (AP).—Fierce guerrilla attacks on two northern fishing towns killed at least 30 people during the weekend, including 24 police officers, a mayor, and two children, officials said.

At least seven police officers were taken prisoner by the rebel Revolutionary Armed Forces of Colombia, Colombia's largest leftist insurgency, officials said. Four other officers were missing.

Troops regained control on Sunday night of Vigia del Fuerte—site of the worst clash—and found the riverfront town of 1,200 in ruins.

Rebel machine-gun fire and homemade missiles destroyed a church, the mayor's office, the police barracks, the telephone company and 10 houses near the main plaza in the town, near the border with Panama.

Twenty-one police officers died trying to repel the 36-hour barrage, which began on Saturday. Six civilians also died, including the mayor, Pastor Perea, and two children, the Antioquia state government reported.

"It was a merciless attack," Fernando Aristizábal, a top state official told Colombia's Caracol Radio.

The rebels also hit Bojaya, a nearby town in neighboring Choco State, where, Mr. Aristizábal reported, three police officers were killed.

Rebel attacks on rural towns and remote military installations are continuing despite peace talks with the government of President Andres Pastrana. The two are negotiating without a cease-fire.

The rebels are also suspected of setting off a car bomb on Sunday that killed a police cadet and injured 16 civilians in a crowded market in Girardot, a popular tourist spot 60 miles south of Bogota.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the Pelosi amendment. I also want to thank her for offering this amendment so we would have an opportunity to discuss the entire drug problem in our country.

I am very disturbed that we have seen fit that we would address this problem by sending $1.7 billion to Colombia along with the helicopters and along with the advisers in a country the size almost of California and believe that we are going to have an impact.

We have been on this interdiction bandwagon now for over 20 years. We have spent $250 billion. We have spent it in Panama. We have spent it spraying paraquat on drugs in Mexico. We had the Florida interdiction program. We had the Andean strategy program. We had the invasion of Panama. We got rid of Noriega, but we did not get rid of the drug dealers or the drug problem. We had the Peruvian shootdown policy, and now we have President Clinton's eradication program which is the largest herbicide spraying program in the world.

What is the result? The heroin and cocaine on the streets of America is purer and in more plentiful supply, and the price continues to drop. What does that tell us? That these programs have not been effective. And the price has continued to drop in spite of the fact that they now have to avoid being shot down, in spite of the fact that they have to buy bigger and faster boats, in spite of the fact that they buy disposable airplanes and disposable boats. The cost keeps dropping.

It says something about the effectiveness of people trying to drive up the cost of doing business. What the drug lords understand is this is simply the cost of doing business. Whether you are corrupting a border guard, whether you are corrupting a Colombian police member, whether you are throwing in with the Colombian police to create a paramilitary to fight the guerrillas, or you are throwing in with the guerrillas that is just the cost of doing business.

If you really want to stick it to the guerrillas, if you really want to stick it to the drug lords, what you do is you dry up their market. You take away the market. You take away the market by treatment and education. We have conquered some of the most serious problems in this country, intractable problems we thought, with education. But on this one, we fall faint, because we do not think we are being strong if we deal with education.

We know that when women come into the women, infants, and children program if they are smoking or they are taking drugs, after they talk to a doctor about their pregnancy and they get the connection between their body and the fetus's body and the birth of a healthy baby, we know that we have a tremendous success in getting women to stop smoking, to stop taking drugs.

What the gentlewoman from California is talking about is treatment on demand. You know how hard it is to get somebody to ask for treatment when they are addicted, those of us who have worked with addicts, those of us who have friends who have become addicts, those of us who have had family members? You know how hard it is to get them to turn around their life? You think you say, "Come on, I want to take you to treatment," it does not work. You can take them over and over.

But very often, fortunately, thank God, every now and then, somebody says, "I'm ready for treatment." You know what happens in most cities when you say I am ready for treatment? You do not get treatment, you get a waiting list. You get a waiting list. Now we are telling a very sick person, who is deeply addicted, come back in 6 months, hang in there but come back in 6 months.

Addiction. Do you know what addiction means? We see it played out every day. We used to see it played out in the criminal reporters because addicts died in the streets. But now we can read about it in the sports page. Athletes who have brilliant careers, millions of dollars, lose it because of addiction. We see a brilliant ballplayer like Darryl Strawberry who goes to treatment, works hard at it and for some reason has a moment of weakness that he cannot even explain, and he may have now finished out his baseball career.

We see CEOs of companies who lose their companies because of addiction. They have beautiful families. They have a beautiful career, a beautiful future; they lose it. This is about addiction. This is about a terrible, terrible problem that confronts our entire society. We see people, performers, brilliant people, stage, music, pictures, great careers gone, die, overdose, take their lives. That is addiction.

You are not going to solve that problem of addiction by going down into the Andean jungle and believe that by spending another $1.7 billion, $250 billion, and no results. In fact, all of the evidence is that it is getting worse. It is getting worse. The market is better for them. They have shifted to where they go to do business. They go from one country to another. They shift the mode of transportation.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, as the gentlewoman from California pointed out, if you really want to effectively deal with this problem, you would go the treatment route. It is not because we say it. It is not because she says it. It is because the Rand Corporation who has spent a lot of our government money studying this to try to help us find a path to treat this says this is where you would go if you really want a bang for your dollar.

It is not about giving up on the drug lords. It is not about prosecuting, but it is about once and for all deciding what is effective and is not. We now have 20 years of experience and $250 billion of effort that tell us this does not work. Yet this is our approach.

We can also scrutinize some of the drug treatment programs because some of them do not work, but we are so addicted to those because they look good when you are standing there with the school children and the police but we are not getting the results so maybe we can score that one. So if we really want to deal with this, we have got to think about whether or not we have got the commitment and the courage to deal with the demand and whether we can stay with it and start to offer people treatment instead of a waiting list, start to offer people hope that treatment will be there should they make that decision.

There are others who will not make that decision. That is almost something that is almost impossible to deal with. But for those who are willing and have the courage to walk in and say I need help, I need treatment, what the gentlewoman from California was saying is we are here to help you and we can start to reduce that. We can start to reduce the market.

We are throwing thousands and tens of thousands of people in jail for minor drug infractions and even when they are in jail we will not give them treatment. Where we have them 24 hours a day, we cannot find to give them treatment.

We talk about triangulation. We are in between the left and the right, both of which are fostering the drug trade in Colombia, between the military and the guerrillas, between the paramilitary and the police. We are going to insert ourselves for $1.7 billion. Do we think we are going to bring home a solution for America? I do not think so.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

I really appreciate the passion of my friend from California. Even when he is incomplete in his arguments, he certainly is moving. There is no question that we have to have a multifront war. It is a war and a cancer.

I would have voted for a treatment amendment had that amendment been allowed. I am a cosponsor of the gentleman from Minnesota's bill to cover drug treatment. I am working in the Committee on Education and the Work Force on prevention programs.

But let us not overstate the data on treatment and prevention programs, either. The data is mixed. The Rand study itself is mixed, 88 percent recidivism. People get partially better, but treatment is a struggle. Drug courts are a struggle. Prevention programs are a struggle.

We should be treating, and we have a massive problem in this country as we have locked up more kids and adults in our prisons and do not focus on making sure they get educated and they get in treatment programs. We absolutely have to deal with that. But the plain truth of the matter is our local police department, our local schools, our local treatment centers cannot handle the amount of new people coming in to drug addiction if we do not get it at the source and at the border as well.

We have to have a comprehensive program. What we are dealing with today is a Colombian amendment. The reason we have not put in all these dollars into Colombia over the years is because we had a legitimate human rights objection to how their military was being handled and because drug money had gotten into the previous government of Colombia.

We have been putting roughly $300 million into just the Colombian National Police and not into the rest of Colombia while we were putting $3.2 billion into treatment. We are behind in Colombia.

Where we were putting the effort in Peru and Bolivia, we have had progress. The facts are real simple. In 1992, which may just be a happenstance date, 1992, 1993, two things happened in this country. One, we relaxed our attitudes on Just Say No but the other thing is we cut our interdiction budgets. We had made progress steadily on drug abuse, on addiction, on treatment, on prevention. But when the drugs soared into this country, the prices on the street dropped again. We saw a direct correlation between price, demand, purity, and usage. In that period when we cut back, to get back to 1993 where we were, would take a 50 percent reduction right now. Interdiction is only part of this effort. But we have to work at the source.

Let us go to some of the particulars in Colombia. First off, what is the clear, compelling national interest in Colombia versus other parts? We put $8 billion into Kosovo, and we did not have a clear compelling national interest.

In Colombia, it is the longest standing democracy under siege, under siege not because there is a civil war, only 4 percent of the people support the FARC, there are that many drug dealers in our home States. It is under siege because of money from this country fomenting a civil war in that country where people are dying.

Drugs are the leading cause, drugs and alcohol, of every crime in my hometown and in every town in this country. Every police chief will tell you 70 to 85 percent of all crime, child abuse, domestic violence, everything is drug- and alcohol-related. It is our number one problem in this country.

Thirdly, Colombia is our eighth largest supplier of oil. They are going to be a net importer in 3 years as their oil fields have come under pressure. Furthermore it is right now up against the Venezuelan border, our number one supplier of oil.

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That is another compelling national interest.

Furthermore, on top of that, they have moved into the Darien Peninsula in Panama, threatening potentially the Panama Canal, a vital trade link. Compelling national interests means drug crises on our streets; trade, energy, these are compelling national interests in our own hemisphere.

In Colombia, it is not Vietnam. Mr. Chairman, 71 percent of the people say they trust most of the Catholic church, 69 percent the Colombian National Police, 68 percent the military, 4 percent the FARC. There is not a division of opinion. We have a stable democracy that even goes through transition of power. We have a national police and a military that is willing to fight. What we have been unwilling to do is give them the weapons and training with which to do that. It is only a part of the drug war, but it is a part.

We have patriotic Colombians who are sacrificing their lives because of our abuse, and what they are asking is for us, for the first time since the Leahy rule no longer applies to their military, as they have cleaned house and as this President has relaxed with the new President. President Pastrana has reached out for peace with the FARC and been slapped on one cheek, turned his other cheek, slapped on the other cheek; turned his cheek and was slapped again.

What we have are people who are saying, we will fight your drug war, part of it, in our country if you will at least provide some training and some dollars for helicopters, for our soldiers. We will clean up our human rights problems. We will reach out with peace overtures. But what we say is no, we are not going to help you unless you do it in exactly our way all the time.

We know we need more money for drug treatment. We know we need more money for prevention. We know we need more money for interdiction at the borders, for our prisons, for education systems. But we also need more for interdiction, because we have not even given a drop compared to other things in the battle in Colombia where our cocaine in every one of our hometowns and States is coming from, where our heroin in every one of our hometowns and where our potent marijuana is coming from. And the least we can do, and I am particularly disappointed in some of my conservative friends who are being penny wise and pound foolish, this problem is not going to go away if we defeat the funding so necessary for this push in southern Colombia.

Mr. Chairman, we must take action and defeat the Pelosi amendment.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pelosi amendment, and I rise to express serious questions about this aid package.

First, this is not the way to win the drug war at home. Over and over today it has been emphasized, every dollar spent here at home on drug treatment and prevention is 23 times more effective than a dollar spent on cutting production at the source.

Second, this aid will not stop coca targeted for the United States. Coca is profitable and easy to grow. In Colombia it is grown by thousands of peasant farmers who have no other viable economic crop. Even if we were able to eradicate their coca crops, cultivation will only move to other regions in Colombia or in the Andean region.

As long as Americans demand cocaine and heroin, the supply will be there. Drug-dealing is market-driven capitalism in its purist form.

Third, Colombians do not support fumigation and crop eradication. It has been tried before in Colombia and failed. I am sure my colleagues know that in February, the governors and mayors of two provinces where the U.S. plans to target its crop eradication efforts asked the national government to suspend all aerial spraying. I am sure my colleagues also know that on March 12, the general director himself of the regional office of Colombian Ministry of the Environment for the Amazon suspended all aerial spraying of illicit crops in the southern departments of Putamayo and Caqueta, exactly where U.S. action is focused.

Fumigation was suspended because small farms growing food crops are being poisoned, the water is being poisoned, the Amazon headwaters are being polluted, and the Amazon rain forest itself is being degraded. Yet, in this package today, the U.S. is proposing a significant escalation of crop eradication.

Fourth, Colombian civil society has raised serious questions about the U.S. aid proposal. Every single Member of this House received several letters signed by scores of Colombian churches, women's organizations, human rights organizations, academics, trade unions, indigenous groups, farmers' unions, jurists, community organizations, members of the government-appointed National Peace Council, and humanitarian groups. They sent us these letters at great personal risk to themselves. We should show some respect to the concerns that they have raised.

Fifth, millions of Colombians have taken to the streets demanding an end to the violence. The only result this aid package could guarantee is to increase the violence and dislocation in Colombia.

Sixth, this plan offers a U.S. embrace to a brutal antidemocratic and corrupt military that often works hand in hand with right-wing paramilitary groups who are themselves deeply implicated in the drug trade, according to the U.S. Drug Enforcement Agency. According to a February report by Human Rights Watch, half of Colombia's 18 brigade-level army units are linked to paramilitary activity. Military support for paramilitary activity remains national in scope and includes the areas where Colombian units are receiving or will receive U.S. military aid.

There are dozens more reasons for opposing this package, but I would like to conclude with one other observation.

Many of my colleagues insist that Colombia is not El Salvador, and as someone intimately familiar with the Salvadoran war and its peace process, I could not agree more; the two countries are different. However, what other Members have been stressing is that the response and justifications voiced by supporters of this policy, both in the administration and in the Congress, are hauntingly familiar. If my colleagues do not think so, go back and read the record of the debate during the 1980s.

On top of all of this is the overlay of the drug trade in which all sectors in Colombia are involved. The FARC and the ELN guerrillas are involved, the paramilitaries are involved, the Colombian military is involved, and key financial government officials must be involved, or the drug trade would not be able to flourish.

Then there are the criminal drug dealers and the traffickers themselves. This is the situation into which we want to throw our military resources? Give me a break.

Mr. Chairman, I urge my colleagues to support the Pelosi amendment and to reject this ill-conceived aid package.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am delighted to participate in this debate. I think it is a good one because it focuses our energies and our Nation's energies on a very important subject which is what we need to do to save the lives of young people, to save our communities from this scourge of drugs.

Now, I just want to remind my colleagues on this side of the aisle that this supplemental appropriation bill started with this President. President Clinton submitted a request to this Congress, and in that request he asked for $1.2 billion in counternarcotics funding. It is on an emergency basis. So this is not something that was just created by this side of the aisle saying that we need to do this. It was this administration, it was this President that said there is an extraordinary emergency in Colombia that affects the national security interests of this Nation, and this Congress needs to address it.

So this is not something that is just being pulled out of thin air. It is this administration who has also supported demand reduction, that has supported more treatment. Certainly, this administration illustrates that one can ask for and support treatment facilities and demand reduction, but at the same time recognize the need and the impact that the drugs coming in from Colombia has on this Nation.

Mr. Chairman, I would just remind my colleagues of that particular point.

Now, I would also refer back to balancing the need as we have to approach the drug war. If my colleagues will look at this chart that I have that talks about the demand reduction money that is being spent as well as comparing it with what we are spending on interdiction, it goes back to 1987 with the demand reduction in red. And each year since 1987, the red line goes up, which is the money that is being spent for demand reduction. Demand reduction is that which is for drug education and treatment programs, substance abuse programs. That has increased 63 percent since 1985. Yet, if my colleagues will look at the interdiction funding, it is the green that goes up at a very, very slow rate. What is remarkable about this that really is not shown on this chart, but that in-between 1987 and 1994 it went up, the interdiction spending, and then it actually went down and it went down in 1992 when we diverted some resources over to the Gulf War.

So the point of this is that since 1992 our demand reduction expenditures have continued to go up. Yet even though we are spending more and more money on demand reduction, in 1992 the teenage use and experimentation with illegal drugs went up.

Mr. Chairman, I think the point of the story is that history tells us that we cannot win this war; we cannot win the lives of our teenagers simply by putting money in demand reduction. It takes that balanced approach. I come back to my original point, which is that it was this administration that initiated, that joined this battle to aid Colombia in fighting the war on drugs. They asked for over $1 billion. It was General McCaffrey that last year initiated this. In every war, we have to have somebody who starts pointing and assigning the troops and where we need to go and where we need to spend our money. That is the responsibility of General McCaffrey. He recommended last year, after a trip to Colombia, that we invest $1 billion.

Now, what we have done in this Congress is say that it is not just Colombia, but we also have to have Ecuador and Peru and Bolivia be involved, so we have targeted some money to there as well. But the counternarcotics initiative started with this administration, supported by this Congress, supported by the Speaker, as he testified to.

So this debate today is what we can do in terms of aiding Colombia to fight our war against drugs, to save our children's lives. Yes, we need demand reduction; yes, we need treatment facilities; yes, we need to do more in those areas. But this debate is about what we need to do this day in the battle that Colombia faces that impacts our Nation.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding because he makes a very, very important set of points. I would only point out and add to what he has said, the Pelosi amendment addresses really none of these things. The amendment specifically cuts out funding, the bulk of which would take out the ability to train the Colombian troops that we are dealing with in the first place.

But the gentleman's original point was the real point, and that is that the Pelosi amendment in this debate would express concern about what we are doing on the demand side and suggests that we are not doing anything. But indeed, there is a comprehensive effort in any number of other committees where it is appropriate to deal with that side of the question. Indeed, if the gentlewoman from California (Ms. PELOSI) would present an amendment sometime that actually put money into education, for example, I would be glad to help her.

But the gentleman is making the point very well, and I appreciate his yielding.

Mr. HUTCHINSON. Mr. Chairman, I appreciate the gentleman's comments.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have proceeded in this conversation as if it is an either/or proposition. I would argue that it really is not.

The purpose for this complaint and the protest is that we wanted an amendment made in order for the gentlewoman from California so that we could put it into the supplemental appropriation to increase resources for drug treatment.

Now, it is true that a large amount of cocaine and heroin travels from Colombia to this country, but it is also true that those are not the only drugs that are causing problems for us here in America. There are domestically generated drugs, like methamphetamines. There are all kinds of other drugs. We have a serious problem of marijuana being grown here domestically. There are household inhalants that our children are using and, in some cases, killing themselves and destroying their potential.

So it is not just a matter of cocaine or heroin, number one, when we talk about drugs.

The question of treatment is a question of common sense and cost-effectiveness. We know that treatment works. We know that there are millions of Americans, 3 million in the latest study, that do not have access to treatment. We know that in most cities and in rural areas, not only do families not have access to the person in the family who needs help, but they do not have any opportunity for the counseling and the support that they need.

We know that drug addiction causes divorce, home foreclosures, lack of productivity in the workplace. We know that this problem of drugs is a serious problem throughout our society, and that we should not be here today talking about on the one hand, we only want to deal with the problem in Colombia, and on the other hand, we will wait for another day to deal with the questions and the challenges of drug treatment here in this country.

Mr. Chairman, all of our law enforcement officials tell us that even those people incarcerated do not have access in the majority to treatment programs for drug and alcohol abuse. We know that the National Institute of Justice did a study that shows that in our major cities more than 80 percent of the crime is drug driven.

So the question for us has to be, as a Congress why can we not in a supplemental appropriation that is wide ranging, it is not just dealing with the question of Colombia, it is dealing with emergencies in North Carolina, it is dealing with a whole range of questions, why was it not fitting in the sense of the majority to make an amendment made in order so that we could talk about increased resources in an area in which so many people on both sides of the aisle see the need.

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If it was someone in our family, someone in our community, someone that we have come in contact with that needed treatment, we want to make sure that they have access to it. We should feel the same for those 3 million Americans out there today, and make sure that they have access to real treatment opportunities.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to strongly support the amendment offered by the gentlewoman from California (Ms. PELOSI) that stresses prevention, that stresses education, that stresses us putting more of a priority on our domestic concerns right here at home, in our neighborhood, and in our back yards.

I also rise to show and express my deep reservations and concerns about, one, the process in spending contained in this supplemental; secondly, the goals and the mission and whether or not they can be achieved for trying to address the problem in Colombia.

I think we are all concerned about it. We all want to do something about it. It is whether or not this program will achieve the mission and the objectives outlined by the administration. I do not think we can.

Thirdly, I object to this supplemental because it contains a particular classified intelligence funding program, and I will address that at the end.

First of all, on the size, the spending level, and the process of this supplemental. This is an emergency supplemental which, by its function here in Congress, I do not necessarily object to emergency supplementals. The gentleman from Arkansas said that it started with the President. It started at $5.2 billion. Now it is before us, the entire House, at $9.2 billion. We will have amendments that might be attached to it that might take it to $13 or $14 billion. Then it will be sent over to the Senate, where it might come back to the House at $15 or $16 billion.

Maybe I am more of a conservative in the House. Maybe I am to the right of the majority. But we have made so much progress on balancing the budget. We have made a priority of getting surpluses. We have tried to tell Congress to keep their hands off of social security. Now, in the third month of the year, before we have done any appropriations bills, we are looking at a presidential request of $5.2 billion to $15 billion. I do not think that is appropriate or fair to the appropriations process and to the priorities that we are going to outline.

The gentleman from California (Mr. LEWIS) might bring a defense bill in the appropriations process forward that I will support an increase in, or the gentleman from Illinois (Mr. PORTER) might bring an appropriations bill for education with new ideas and more accountability that I will support.

But this is an emergency supplemental that may spend, that may spend, one-third to one-half of the nonsocial security surplus in one shot. We have a $26 billion surplus. This may take $13 billion of that surplus in one vote.

Finally, on Colombia, Colombia has had a 40-year civil war, an ongoing drug problem, and an army and a police force that have not worked together. As a matter of fact, institutionally and culturally and law enforcement training-wise, they do not work together well at all.

And we think $1.9 billion, 30 Blackhawks, and 15 Hueys is going to cure that? I do not think this is going to address the civil war or further the peace process. I think it is going to exacerbate both.

Finally, on the intelligence front, as a member of the Permanent Select Committee on Intelligence, I take an oath of secrecy. To abide by that oath, this statement has been approved by the committee to confirm and conform to that oath.

This bill contains some classified funding requested by the administration for intelligence programs and activities. As a member of the Permanent Select Committee on Intelligence, I generally support most of this funding. There is a particular intelligence activity funded by this bill, however, which I cannot support.

I try to judge spending on intelligence programs by the same standard I use on other Federal spending: Is the program in the national interest, and likely to achieve its goals?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 30 additional seconds.)

Mr. ROEMER. Mr. Chairman, in my judgment the intelligence activity which I have reservations on fails on both these counts, on both achieving its goals and supporting the national interest.

I have advised senior officials in the administration of my concerns. I hope that this decision to continue this particular activity will be reconsidered.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during committee hearings on the Colombia aid package, I raised serious questions about what has been posed as mostly a counternarcotics effort. Unfortunately, those questions have not been answered. That is why I am going to raise them again here today.

Why are we taking action to invest in a militaristic drug war that has the potential for escalating regional conflict in the name of fighting drugs instead of doing what we need to do, putting more money here at home, and attack the problem here with at least as much vigor?

Considering the demonstrated failure of militarized eradication efforts to date, why should we believe that investing more money in this type of plan will achieve a different result?

According to the General Accounting Office, despite U.S. expenditures of $625 million in counter-narcotics efforts in Colombia between 1990 and 1998, Colombia surpassed Peru and Bolivia to become the world's largest coca producer. Colombia is already the third largest recipient of our foreign aid in the whole world, and there has been no net reduction in coca production in Colombia or cocaine availability in the United States.

All of the heroin the United States consumes can be grown on just 50 square miles. An entire year's supply can fit into one cargo plane. Yet, the rebels in Colombia and the paramilitaries already control an area the size of my home State of Illinois. What makes us think that this amount of money, this effort, is going to do anything to seriously reduce the supply?

According to the United Nations, profits from illicit drugs are so high that three-fourths of all drug shipments would have to be intercepted to seriously reduce the profitability of the business.

Why are we focusing exclusively on the rebels when we know that the paramilitaries in Colombia are involved in the drug traffic, and that they are the ones who are responsible for 70 percent of the human rights abuses and civilian murders in that country? Why are we ignoring the proven drug control strategies that focus on prevention, treatment, and education?

I know that my colleagues have pointed out that we are spending money on that, but we also know that that is the effective way to address the problem. We should be doing more. If we are so serious about reducing drug use, then why is 63 percent of the need for drug treatment unmet in the United States, according to the substance abuse and mental health services administration?

I think we need to question if this really is a counter-narcotics operation, or is it a counterinsurgency operation? Could it be more about purchasing helicopters than protecting our children? What exactly is our mission? What will it take to achieve total victory in Colombia? Are we prepared to make that type of investment in dollars and in lives? How many lives? If not, what is the purpose of this aid?

It seems to me if we really want to address the drug problem, we should be here today discussing the original Pelosi amendment, which was not able to be considered, which was an aggressive, ambitious approach to increased domestic spending on drug prevention, treatment, and education, not a massive, militaristic care package for a military with the worst record of human rights abuses in this hemisphere.

I believe that this aid package for Colombia is a misguided, dangerous, and irresponsible approach. I urge my colleagues to vote in support of the Pelosi amendment, and I would also urge support for the Ramstad and Campbell amendment and against this bill.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in opposition to the $1.7 billion military package for Colombia, and in strong support of the amendment offered by the gentlewoman from California (Ms. PELOSI), and thank her for giving us the opportunity to engage in this debate.

This military package will spell disaster for peace and human rights in Colombia, and will do nothing for reducing drug use in our country. What is missing from this shortsighted, expensive approach are the resources for a more comprehensive Federal drug prevention and treatment policy here in our own country.

How much are we willing to invest in mentoring programs, after-school programs, job training, and drug treatment? This is how we reduce drug use, as the Rand Corporation study cited by the gentlewoman from California (Ms. PELOSI) indicates. Why are we not pushing for an emergency bill to address the drug emergency that is right here in our own country?

Drugs are destroying our communities. For example, in California, as a result of the horrendous three strikes law, nearly 40 percent of California's prison population are African-American men who have been incarcerated for nonviolent drug offenses.

In the African-American community, one out of every three African-American young men in their twenties are either in prison, on probation, or on parole due to nonviolent drug offenses. The majority of these young men would not be in jail had there been treatment on demand, job training, and a job.

Drugs are having a devastating impact on our Nation, especially in the African-American community. Providing $1.7 billion in military assistance to Colombia does not begin to provides us with the funding to wage a real war on drugs. Now is the time to consider a comprehensive Federal drug prevention and treatment policy here at home.

We should stop misleading the American public by arguing that sending military hardware and helicopters to Colombia will reduce drug use in America. It will not. This is outrageous, to perpetuate that notion on our people, on our constituents, and on the country.

This military package also ignores the human rights crisis in Colombia, nor does it deal with the extreme poverty in Colombia. Guns and helicopters will not solve the problems of hunger in Colombia, nor will it help our young people in America break the cycle of drug addiction.

We need to go back to the drawing board, support the Pelosi amendment, and just say no to this counterproductive military package.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join all of my other colleagues who have stood here today, rising in support of the amendment offered by the gentlewoman from California (Ms. PELOSI). This debate has become a long debate because we have a growing number of legislators who are concerned about this wrongheaded policy that we are pursuing.

Mr. Chairman, this supplemental appropriations provides over $1.1 billion in aid to the government of Colombia. Most of this money will go to the Colombian military and be used in the Colombian civil war. This civil war has been going on for 40 years, and both sides, both sides have profited from the drug trade.

Furthermore, the Colombian military has been known to cooperate with drug traffickers. Colombian military officers also provide support to right-wing paramilitary organizations that traffic in illegal drugs, and carry out extrajudicial killings and other gross violations of human rights.

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This bill gives money to drug traffickers who kill other drug traffickers and murder innocent civilians. This bill is unwise and immoral, and we should not support it.

We are focused today on what is happening domestically. We are rising in opposition to this funding and supporting the amendment of the gentlewoman from California (Ms. PELOSI) because we are very concerned about what is not being done in America. We are just growing our prison system.

The number of inmates in State and Federal prisons has increased more than fivefold from less than 200,000 in 1970 to 1,232,900 by 1998. An additional 592,000 are held in local jails. As of July 1999, 131,112 offenders were incarcerated in approximately 100 Federal facilities. There are 115,363 inmates housed in Federal facilities rated to hold 89,696.

At the end of 1998, State prisons held 1,178,978 inmates. In June of 1998, 592,462 offenders were held in local jails.

The number of persons on probation and parole has been growing dramatically along with institutional populations. There are now 507 million Americans incarcerated, on parole, or probation, an increase of 209 percent since 1980.

A few more statistics. Mr. Chairman, 71 percent of those sentenced to State prisons way back in 1995 were convicted of nonviolent crimes, including 31 percent for drug offenses and 29 percent for property offenses. Fifty-seven percent of jail inmates in 1989 reported they were under the influence of alcohol or drugs at the time they committed their offense. One in four inmates way back in 1989 was in jail for a drug offense compared to one in ten in 1983.

Drug offenders constituted 21 percent of 1997 State prison inmates and 60 percent of 1996 Federal prison inmates. I could go on and on with these statistics.

Mr. Chairman, I am sick and tired of this wrong-headed policy. I am just overcome by the fact that we cannot get it right here in our own country. We are talking about throwing away money down in Colombia; and nothing is going to happen but drug dealers are going to fight drug dealers, both in and out of the government. And here we have mandatory minimum sentencing that is locking up young folks, young folks in rural and inner cities, at an alarming rate. Mandatory minimum sentences.

Many of these young people, 19 and 20 years old, first-time offenders. The judge has no discretion. He must send someone in possession of 5 grams of crack cocaine to prison for 5 years on a first-time offense, as opposed to those with powder cocaine, 100 times more. Some of these young people may be stupid, but they do not deserve to have their lives taken away from them. And this is not black. Black, white, green, rural, inner city. Prisons just filling up.

And, oh, let me tell about the conspiracy charges that they are now arresting the mothers and the women and the girlfriends and the mates on. We are spending millions of dollars, and our country is going down the drain.

Mr. Chairman, it was unwise for them not to make the Pelosi amendment in order, and it is unwise for us to support this appropriation to Colombia.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentlewoman from California (Ms. PELOSI) for bringing this to our attention here today and also the gentleman from Wisconsin (Mr. OBEY) for his efforts to make sure that this House would spend ample amount of time debating all the particulars of the path in which we seem to be headed.

This is, in fact, a situation where we are taking the wrong action and taking it with too little thought. What is before us would improve the bill and strike an appropriate balance between the supply and demand aspects of the problem that confronts us. The bill, as currently constructed, strikes us with a false assertion. It asserts that the United States involvement in this 40-year-old conflict would somehow correct the situation and stop drug dealing and drug use in this country. That somehow getting involved by training armed forces and providing helicopters is going to stop or reduce consumption in this country.

It tries to leave with us the impression that this has been well thought out and debated, but that is absolutely questionable when we think that General McCaffrey came before the subcommittee on which I sit and left with us the clear impression that there is much work to be done here. He acknowledged that it will take years to deploy the proposed helicopters out there to train the troops for the proposed task. He tells us that there are currently insufficiently trained and insufficient numbers of pilots to even get into those helicopters. They do not have the hangars to house those helicopters. And that we should know that some 5 years out we definitely will still be involved in this enterprise in a best situation.

The fact of the matter is we have to know that there are already 300,000 people that have been displaced in Colombia. If we go in on the current path, we are likely to see scores of thousands of others being displaced, and we are not taking proper precautions to resolve the situation that those people will find themselves in.

Yes, Mr. Chairman, things have gotten better in Bolivia and Peru; but things have gotten worse in Colombia as a result of that. And the action that we are embarking on today simply forces people in Colombia to grow these crops somewhere else, most likely Ecuador, maybe Panama or Mexico or somewhere beyond there. And we are not talking about what we might do to stop that from happening.

The statement of the gentleman from Indiana (Mr. BURTON) is one of the reasons that people on this side are very concerned about where we are going here. He talks about if things do not resolve quickly there, then we will need more United States troops. This is Nicaragua all over again. We do not seem to learn from our past mistakes. We should take the time to debate all the ramifications of this proposal and talk about it in depth and see if we cannot find a more balanced way to attack this problem.

Mr. Chairman, wealthier Colombians are leaving that country in droves. Apparently, they are more than willing to fight to the last drop of American blood. We can be helpful in this situation and we should, Mr. Chairman. We can support President Pastrana by providing resources to build infrastructure so crops can get to market profitably, to build confidence of the people there in the government by helping him to strike an even-handed effort against paramilitary as well as guerrilla forces, to build a court system to the point that it is effective, fair, and respected, to build schools and roads and community support, to build a competent, efficient respected police force and a military that does not favor the paramilitaries or ignore paramilitary atrocities.

Mr. Chairman, we can be balanced in our efforts. We can increase efforts for prevention and treatment here at home. And the gentlewoman from California (Ms. PELOSI) is exactly right in that regard. We do not have anywhere near the proper attention being spent on treatment and prevention in this country. It does bear repeating the fact that we have way too many people in our jails with alcohol and drug abuse problems and a problem that they cannot get a job when they are out, even if they do deal with drugs and alcohol, because we are not spending enough of our attention on making sure that they are educated and trained and capable of returning as productive citizens.

We do not start putting money in early enough for early childhood programs and Head Start and after-school programs, for community building and community programs to make sure that every one of our children has the ability to be productive and be happy citizens with hope. And we certainly are not providing enough attention and enough resources to make sure that those that are addicted, that have a drug or alcohol problem, get the kind of treatment that they need.

That is what this debate is about, Mr. Chairman, and I am so glad that the gentlewoman from California brought that up and the gentleman from Wisconsin made it clear that we are not spending the time that we need to debate all of these issues and the ramifications that will come from them.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pelosi amendment and in opposition to the underlying provisions in the bill dealing with funding of the military in Colombia to address a serious problem that cannot be really addressed by the military.

Let me start by stipulating that we have a serious drug problem in this country. I do not think anybody would debate that issue. Part of the reason we have a serious drug problem in the country is that we do not have any kind of rational plan to deal with drug prevention or drug treatment or the consequences of drug use.

Instead of coming up with a plan, we come up with reactionary approaches. We come up with emergency responses. And there is no ongoing plan to deal with this. And that is exactly what we are doing again in this emergency appropriation bill. Instead of coming up with a plan, as the Pelosi amendment has suggested that we need to do, we are funding this on an emergency basis.

Let me be clear that I do not support having the United States military involved in our drug prevention efforts. And we have had a debate many times on this floor, and we have had a policy of not having the United States military involved in drug prevention in this country.

So why in God's name would we, not supporting our own military being involved in drug prevention in our own country, allocate $1.7 billion to a corrupt military in Colombia to deal with drug interdiction? A military that is part and parcel of the drug problem itself because they have been involved with drug dealing and selling and shipment over and over again in addition to being involved with some of the worst human rights abuses that have taken place in that country.

Why would we as part of a plan, other than as a reactionary approach, where we are just going to throw money after something and send in the military so we can go home and tell folks we have done something? Why would we give money to a corrupt military in another country to do a job that we would not even have the military do in our own country?

This is symptomatic of our approach to issues that are difficult issues. We put some money out there. We say we are sending in the military to solve a problem that is not a military problem, and then we go home and tell our constituents, well, we have done something to solve this problem.

This is exactly the approach we should not be pursuing, and I hope my colleagues will support the Pelosi amendment and reject the underlying provisions in this bill, and support the Ramstad and Campbell amendment that strikes out all of this provision, because it has no place in our policy, no place in a plan, a rational plan to deal with drug abuse in this country.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if our goal is to reduce drug abuse, the $1.7 billion could be used better on juvenile crime prevention and early intervention programs and drug rehabilitation under the Pelosi amendment than spending that money in Colombia under the bill.

Now, we know how to reduce drug abuse. The drug programs are not perfect, but they are effective. A study of the rehabilitation program in California has shown it to be so effective that it reduced costs in health care, welfare, and crime so much that the State saves $7 for every dollar it puts into the drug abuse program.

Drug courts have been studied. They send prisoners to drug rehabilitation rather than simply to jail. That program is shown to reduce recidivism more than just sending them to jail and is a little cheaper.

□ 1745

So we know that drug rehabilitation works, and it is cost-effective. We also know that spending $1.7 billion in Colombia will not make a measurable difference on the amount of drugs consumed in the United States.

Late last year, Mr. Chairman, the Speaker of the House and the minority leader, Mr. GEPHARDT, appointed a bipartisan Juvenile Justice Task Force to figure out what we can do to reduce juvenile crime. We invited experts across the country to help us in this process.

And all the testimony that we heard pointed to prevention and early intervention as the appropriate strategies to deal with juvenile crime. We did not hear anyone suggest that spending billions of dollars on interdiction would be an effective strategy for dealing with juvenile crime. We heard about early childhood programs and improved education and afterschool programs.

If we look at $1.7 billion, we could build four $1 million boys and girls clubs in every congressional district in this country for that same amount of money, and that is $1.7 billion. A lot of it we could spend over and over again so we can build more and more boys and girls clubs with that same appropriation.

We have heard stories of the tragedies involving drug use, and we have a choice in this amendment. We can do what works, what is cost-effective, the drug rehabilitation and the prevention and early intervention programs, or we can spend a lot more on a program which, at best, will have a negligible effect on the amount of crime, on the crime and drugs in the United States.

I hope, Mr. Chairman, that we will have the courage to vote for the choice which will actually reduce crime and drug abuse by adopting the Pelosi amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words. I, too, rise in strong support of the Pelosi amendment, which would add vital drug prevention and treatment dollars to the emergency supplemental budget.

I cannot remember how long this war against drugs has been going on, but it has been a long, long time. And despite some reports to the contrary, in too many places in this country, we are losing.

I do not necessarily have a problem with appropriations to fight drugs in Colombia or anywhere else and to address the need for increased interdiction. But to do this alone is to employ the same one-sided, near- and short-sighted approach that has not worked through all the plans and in all the years that we have been trying to stem the tide of drugs and stop the scourge of drugs in this country.

Mr. Chairman, I have had the opportunity to meet and speak with leaders in my part of the world, the Caribbean, on many occasions, and in almost every instance, the issue of drug transshipment and urgings for them to keep their commitment strong in addressing it is always an important part of the conversation.

Do you know what they say to us?

They assure us of their commitment. They do not want what the transshipment does to their countries, and they do not want the risks it presents to their people. They want to stop the flow of drugs in and through their countries.

But they also say to us that the greatest obstacle to stopping the flow is the ready and the large market for the product. It is simple economics, supply being developed to meet a sustained and increasing demand. And I support the Pelosi amendment, because it is only through addressing demand, as well as interdiction, that we will ever win this ongoing war.

I support this amendment for an even more important reason, because we have not adequately addressed poverty, failing schools, poor or no housing and other critical issues facing communities around this country, especially communities of color, drugs; and because of them, HIV and AIDS have taken hold of these communities and threaten to drain the very life blood from our neighborhoods.

In those communities, people want to rid themselves of the illness of addiction. They want treatment, and parents want to help to keep their growing children from being consumed by drugs and AIDS, but they cannot get into treatment.

And the programs to help our kids and divert our children's energies into positive ways are just not available. The Pelosi amendment would change that, and that is why I support it.

We need to provide funding not just to rid our communities and the country of drug-related crime, but we need it to heal those who have fallen prey to addiction to illicit drugs. And we need it to heal our communities and to make them whole.

I thank my colleague, the gentlewoman from California (Ms. PELOSI), for her leadership. And I thank all of the others who have spoken in favor of this amendment and in favor of the many in this country who need our voices to speak out on their behalf.

I urge the rest of my colleagues to support the Pelosi amendment and to vote yes.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words. Let me, first of all, congratulate the gentlewoman from California (Ms. PELOSI) for her amendment. I think it is important that we highlight the importance in terms of treatment. I think we all recognize from both sides of the aisle the importance of looking at both the supply and the demand. And as we do that, I think it is also critical for us to realize, at least from my perspective, I think I am the only one who is here who has ever had a caseload of 60 heroin addicts and I worked as a case worker.

And when I was working as a case worker, I just want to share with you the frustrations. It seemed like every election, whether it was a Republican or a Democrat, the DA would pick up a case load of heroin addicts that were selling probably enough to just fix themselves.

The reality is that we are not going after the ones that are really selling the items, and we are going after the little guy. If we look at our prisons, we find 70 percent of them are drug-related, a lot of them are black, Hispanic and poor white, but we look in terms of our professionals that are using the drugs out there, we are not doing enough to go after that professional, that individual, that is related to a Congressman, that individual that is an attorney, that individual that is out there, and we are not doing enough there.

What frustrates me is that we have even come up with now a report card on other nations, on how they rank. When are we going to come up with a report card on our own district attorneys, on our own communities? When are we going to hold them accountable?

If we ask the military to come up with a plan, they have come up with a plan, and this is a military plan; but when are we going to ask our own communities to come up with a plan? I think it is important that we recognize that this is a societal problem. It is a problem that America has.

And I can attest, unless we deal with it as a problem that exists within our society, we are not going to be able to make it happen.

Let me just share with my colleagues we have 6 million youngsters right now, 6 million kids on prescription drugs. When I practiced as a social worker, one of the things that we were told, and we used what we call the DSM for diagnostic assessments, that we should use the least restrictive diagnosis in dealing with youngsters.

That was that we do not give a serious diagnosis unless we had to. We used to have what we called adjustment reaction. That was, if any kid got into difficulties, we used "adjustment reaction" and worked on it.

But when we first started to tie in the funding in mental health, when we tied funding to whether the person was going to get reimbursed, then we started giving more serious diagnosis to a lot our youngsters in this country, and we really need to watch that real closely.

We really need to investigate what we are doing in the area of mental health. A lot of our individuals that suffer from mental illness are some of the ones that are self-medicating themselves and getting involved in prescriptions and drugs, both the legal and illegal. I think we really need to go out there and try to do something in those areas.

In addition, if one looks at our media in terms of how it stresses a prescription coverage for any illness that one has, they will have a pill for it. So we really need to kind of look at it and really approach it in a comprehensive manner.

If we ask the military again to come up with a plan, we are going to get a military plan. I am going to be supportive of that. But I think that we also need to look at our backyards. We have to stop scapegoating other countries. We have an obligation in our backyards. We need to hold our own people accountable. We need to hold ourselves accountable. Part of that is treatment.

I want to share with my colleagues that, when I worked in the area of mental health in the city of San Antonio for what we call the major center, which was the community mental health center, now it is referred to by another name, we had two case workers that worked with adolescents. I was one of them. Two for a population of over a million. That, I can attest to my colleagues, has not increased.

We also need, not only in terms of those treatment approaches that vary, some will work with others, some will not, we need, yes, in some cases religious approaches that work with some addicts, others in terms of the methadone program; but we need a combination of all of those approaches.

One of the things that frustrate me is that people, especially adolescents, if they suffer from drug addiction, they are not going to come to see you. I can attest to that. You have to go out there and reach out. We need both a medical model and an outreach model or a social work model that goes out there after those youngsters and reaches out to them.

The other frustrating thing that we have, and I think that we are definitely not doing enough, is when it comes to our veterans, our veterans are suffering tremendously and a lot of them are abusing alcohol and substance abuse. We need to do more in that area.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to respond to a few of the comments made by my colleagues on the other side of the aisle. The gentleman from Texas (Mr. RODRIGUEZ) just spoke about the fact to focus on our own backyard and not just focus on interdiction and blaming other countries. He also indicated he would be supportive of interdiction, but we needed to do more than that.

The previous speaker talked about the importance of interdiction but also said, while interdiction may make sense, it is not the only thing we should be doing.

I guess what I am here this evening to talk about is the fact that that is not all we are doing in this Congress, and we need to draw attention to that.

Yes, the President has a plan to try to save Colombia, which is a national security issue as well as a substance abuse or drug issue, and it is a crisis. It is appropriate, I think, to deal with that in a supplemental appropriations bill.

But this Congress, Mr. Chairman, over the last several years has made progress on doing exactly what the gentleman from Texas (Mr. RODRIGUEZ) is talking about, what the previous speaker is talking about, looking at this issue in a more comprehensive way. Despite what I have heard on the floor today, I think we need to recognize that and look at the track record of this Congress.

First, on a bipartisan basis, we have passed some good legislation from the Drug Free Communities Act, for instance, we passed in 1997. It supports community-based solutions. It focuses on prevention, education, and treatment. It brings all segments of the community together and forces them to deal with the problem in a comprehensive way. It is working.

There are about 3,000 community coalitions now around the country. We hope to double that in the next several years. Incidentally, we are looking for $40 million for that program this year in the appropriations process. Those who have spoken today and who care about this issue might want to focus on that. The administration requested only $35 million, under the authorized amount.

The National Youth Antidrug Media Campaign this Congress passed a few years ago, the funding started 2 years ago, an unprecedented amount of Federal support from this Congress to support, yes, an antidrug media campaign that focuses on prevention. It is working. The ads are being tested. $185 million was appropriated by this Congress last year for that program. Over the 5-year period for which it is authorized by this Congress, we will spend, when we conclude the private match over $2 billion, the largest media campaign in history on drugs or any other issue.

This is something this Congress has done, and we need to do more of it. We need to continue to support that. I have not heard much about that today.

The Drug Demand Reduction Act we passed in 1998 increases the effectiveness of the Safe and Drug Free Schools Act. It authorizes the media campaign I just talked about. It streamlines the antidrug bureaucracy we have of 54 different departments and agencies, to reduce the duplication.

If my colleagues want to be supportive of what is going on here in our backyard, there are lots of ways to do it. There is the Drug Free Workplace Act, which again has been a bipartisan effort of this Congress. We got about $4 million provided in last year's budget. We are going for more this year. For those who care about issue, through the normal appropriations process, my colleagues will have an opportunity to support the Drug Free Workplace Act. It establishes a new grant program for nonprofits to expand on drug-free workplaces. It also has the Small Business Administration involved directly in efforts to promote drug-free workplaces.

We are asking to do even more in the area of prevention, education, and treatment this year in the appropriations process. I am delighted we have had this debate today, because I have found there is a lot more support for it than I thought there was.

I am not sure the supplemental appropriations bill is the right place to do it. Let us take it through the normal process. Let us support what we have already done. Let us build on that.

This year, let us have a teen drivers' act, where when teens go to get their driver's license, they are asked to be tested. There is a monitoring of that. There is an incentive through insurance discounts if they do it, a voluntary program with real discounts and real incentives.

Let us put enhanced treatment in our jails, in our prisons. If we talk to folks who are involved in this, the only way, we believe, to stop the revolving door to cut that link between addiction and crime is to get more treatment in our jails and prisons. Only 9 percent of prisoners today at those levels are getting that kind of treatment.

□ 1800

We do not have a Federal program to do that now. We need one. The money we would dump into SAMSHA would not help in that regard. That is something this Congress can work on in a bipartisan basis, and there will be proposals to do that later this year. This is something that we can do and we can do through the regular order.

My only point is not that we should not be focused on the comprehensive picture, it is that we have been. And this Congress, over the last few years, has a lot to be proud of in terms of focus and in terms of resources, putting unprecedented amounts of money into prevention, education, and treatment. We need now to build on that. We need not, though, at the same time, to say that there is not an issue with regard to interdiction.

I have tended to focus more on the demand side. But if we take our eye off the ball on the supply side, what will happen? We will get increased supplies from foreign countries and what we will have is also reduced cost and cost is a factor in this. So we need to do both. It needs to be a balanced approach. We need to reduce demand for drugs, and we need to help move this country toward a drug free America.

The Speaker spoke earlier today about his willingness to do that. He spoke about his willingness through the regular process, not through the crisis in Colombia, but through the regular process to enhance our efforts on prevention, education and treatment, and I think this Congress ought to take him up on that.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has really been quite an interesting discussion we have had, and I want to thank the gentlewoman from California for being so creative and providing us a way for this discussion to go on.

Mr. Chairman, we have been dealing with a war on drugs all the years of this past decade that I have served in the Congress, and quite a few years before that. And I doubt that any single one of us, reading the evidence, could say that we are winning that war on drugs. Generally, I think we do understand that if the war on drugs is to be won, then it is going to have to be a combination of efforts, where demand reduction here at home is going to have to go hand-in-hand with the supply interdiction that occurs at the source. But surely it ought to be a balance that uses most of the most effective effort.

In fact, research by the Rand Corporation has shown that in order to get the same benefit that $1 spent on treatment in education-on-demand reduction here at home we would have to spend about $20 in interdiction at the source in order to get the same benefit.

Now, Mr. Chairman, because the full amendment that had been offered and debated in the full Committee on Appropriations, the full amendment that was to be proposed and had been proposed before the Committee on Rules by the gentlewoman from California, was not made in order, the gentlewoman had no choice, had no way of entering this debate except to make an amendment that would cut $50 million out of a program that has never been authorized by this Congress. It was her only way to focus on this utter folly of misexpenditure where that $50 million would do 20 times the benefit, at least 20 times the benefit, if that same $50 million that she has proposed to cut were to be used here at home on drug treatment and demand reduction here at home.

Mr. Chairman, it is more than an hour ago that the distinguished gentleman, also from California, who is the chairman of the Subcommittee on Defense of the Committee on Appropriations, said that he would be happy to join with the gentlewoman from California, as the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, in doing an effective demand reduction program, expansion of a demand reduction program. Well, he had that opportunity within the full Committee on Appropriations; and if that amendment had been made in order today, he would have had that opportunity again today.

It is more than 2 hours ago that the distinguished gentleman from Alabama, the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, had said, in justifying why the amendment that was offered by the gentlewoman from California was not made in order, to be debated in proper order, in general order here, he said that the President had not asked for dollars to fight domestic drugs; and if he had asked for money to fight the domestic drug program, that we would have appropriated it.

Well, I have never before noticed any reluctance by the majority to go beyond what this President has requested, if it was appropriate to do so. And I simply do not understand why we would not go after drug demand here at home, drug-demand reduction here at home when that is so clearly known, so clearly shown to be the most effective way to get about winning the war on drugs.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pelosi amendment, and I thank the gentlewoman for offering this amendment because we desperately need to address the growing demand for drugs here in our own country, and we must address drug treatment programs.

Today, we are spending time, a lot of time, debating whether to appropriate funds to fight the supply side of the narcotics problem in Colombia. This debate is not complete unless we also tackle the connection between America's growing demand for drugs from other countries, like Colombia. In order for our international drug control policy to succeed, our drug policy must be balanced. It cannot focus only on supply reduction.

We must also include demand reduction right here at home. To do this, we must incorporate the Pelosi amendment, as it rightly addresses the treatment gap on this side of the hemisphere. This amendment will expand our country's existing infrastructure for treatment. This investment will leverage additional local and State funds. It will strengthen State and local coordination and help to integrate service delivery. This funding will help our youth avoid a life of drugs and treat current drug users to help them turn their lives around. The amendment focuses on youth, while allowing communities to invest these funds according to local priorities.

Every day our children are bombarded with suggestive messages and opportunities to take drugs. Effective prevention programs engage youth interactively, involve parents and families, and start at a young age to build skills and reinforce a message over the long term. While children are only 25 percent of our population, they are 100 percent of our future. We must address their future. We must address the future of all children, particularly those involved in or at risk of drug abuse.

Mr. Chairman, this Congress needs to refocus its priorities. Each $1 invested in drug abuse prevention will save $15 in reduced health, justice and other societal costs. Each $1 invested in drug use prevention will save communities $4 to $5 in costs for drug abuse counseling and treatment.

Mr. Chairman, we need to put people before weapons systems. For the total cost of each of the requests of 30 Blackhawk helicopters, we could treat 5,173 substance abusers or provide prevention services to 111,494 American children. If this Congress can fund $1.3 billion for "Plan Colombia" to reduce supply internationally, we can surely afford to fund treatment services and prevention programs to reduce demand here in America.

I urge my colleagues to support the Pelosi amendment and support our youth.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have seen this movie before, starring Harrison Ford: Clear and Present Danger. Unfortunately, Harrison Ford did not win an Oscar for his role, but, quite frankly, some of my colleagues could have won an Oscar for their supporting cast in today's movie, which we have already dictated and determined what the future and outcome will be. Let us look at some of the underlying scripted parts of this movie, as I prepare to yield to the gentlewoman from California for her closing remarks.

The cost of the helicopters alone would provide treatment for almost 200,000 substance users or drug prevention services for more than 4 million Americans. Arianna Huffington, in her article "Drug War Comes at a High Price," was right. We are about to spend close to $2 billion on Colombia, while here at home we have 3.6 million addicts not receiving the treatment they need. This despite the fact that drug czar Barry McCaffery's budget is expected to rise to a proposed $19.2 billion this year.

When Richard Nixon declared a war on drugs in 1971, he directed more than 60 percent of the funds into treatment. Now we are down to 18 percent. And since 1980, through both Republican and Democratic administrations, the emphasis has turned to interdiction, crop eradication, border surveillance and punishment. The evidence is clear, and that has been the misguided use of resources. But putting $1.7 billion into Colombia in the middle of a civil war is more than misguided. Quite frankly, from my perspective, it is nuts.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentlewoman from California, the distinguished ranking member on this committee who has done an outstanding job. And her leadership comes at a high price at this time during our Nation's history.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for his very important statement on this significant subject, which is as personal as our own families and as important to our country as our national security.

Mr. Chairman, I rise today to thank Members on both sides of the aisle, our distinguished chairman, our distinguished ranking member, for the very, very serious debate that we have had on this subject. It is a subject worthy of serious debate.

Let us stipulate from the start that we all agree that every person in this body wants to fight the scourge of substance abuse in our country. There is no question about that. Let us also agree that we want to help Colombia, President Pastrana. I think we all agree he is a very courageous person and has a very difficult challenge. The people of Colombia have suffered so many years because of drugs and because of the civil war, whatever they are calling it down there, and so we want to help them. But is this the right way to go?

As a Member, along with the gentleman from Illinois (Mr. JACKSON), of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, we know what the need is in SAMHSA, the Substance Abuse and Mental Health Services Administration. We have fought hard, in a bipartisan way, for more funding for substance abuse for treatment on demand for substance abusers. We have a golden opportunity, a golden opportunity in a supplemental bill to do drastically more.

So to those who say let us do this in the regular process, we have caps in the regular process. We have no offsets in a supplemental emergency bill. So that is why this is a golden opportunity. If we can spend $1.3 out of a package of $1.7 billion to send to Colombia within an emergency bill, we should be able to do at least that in our own country. Our agencies can absorb it. The absorptive capacity is there and the need is there.

The need is this: Five and a half million people in our country are substance abusers. Of that number, 37 percent, or 2 million, have access to treatment. We have a 63 percent treatment gap. So, yes, we are doing something on substance abuse, but we are not doing nearly enough. And it should be our priority to start at home, to begin at home to address the demand side of this. Let us face it. If we eradicated every coca leaf in Colombia, do my colleagues think that that would be the end of the drug problem in our country? No. But we can help Colombia by eliminating the market for that coca leaf in the United States.

So my colleagues, as a the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs, I have seen this "Plan Colombia" close up. We are supposed to put up $1.3 billion, $1.7 billion, in the fuller process over $7 billion. We are told that our plan is heavily military because the rest of the $7.5 billion is going to be humanitarian. We have not seen one penny of that other money.

We have not seen the elites of Colombia stand up to the occasion and meet the needs of the poor people in that country. The disparity in income and the poverty level there is so oppressive, yet the elites are running off to Florida. So let us be fair to our own people. Let us have treatment on demand in this full committee. And in that spirit, Mr. Chairman, I again thank our colleagues for the seriousness of this debate on both sides.

□ 1815

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to compliment the gentlewoman from California (Ms. PELOSI) for her demonstrated ability to organize a very effective filibuster which we have enjoyed the last couple of hours. But it is essential that we get on with the consideration of this bill.

I would ask for a "no" vote on the amendment of the gentlewoman.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in support of the amendment sponsored by my colleague Mrs. PELOSI of California. This amendment, which recognizes the need to focus on reducing supply and decreasing demand in the fight against drugs, promotes a common sense approach to this problem. It devastates homes, communities and our nation at large. When excessive youth drug abuse, reduced treatment facilities and scare prevention services are the norm; we need to act. The Pelosi amendment does act. This measure adds much needed funds to drug prevention and treatment programs which are making a difference in the war against drugs.

If we fund $1.3 billion for "Plan Colombia" to reduce supply internationally, less than half of that money will be used for treatment service and prevention programs to reduce demand domestically. It is reprehensible to support a plan which authorizes money for Colombia's drug interdiction programs, when there are 5.7 million Americans in need of substance abuse treatment. In addition, it is not responsible drug policy to stop the supply of drugs from Colombia while virtually ignoring the fact that the demand for drugs especially among our youth has gone largely unchecked.

As the Representative of a mostly minority district I am keenly aware of the devastating affect that drugs has on the minority community. Drugs abuse and related illnesses such as HIV and AIDS have debilitating effects on women, people of color and the poor. If a $1 investment in drug abuse prevention will save $15 in reduced health, justice and other societal cost, most of which are felt within the minority community, it is logical to conclude that prevention programs are needed just as much as interdiction programs.

Yes, we need to address the supply of drugs to this nation but not at the cost of neglecting the treatment needs of this nation's addicts and our youth who are being lured into the drug trap every day. Let us put our drug control funds to use in programs that will be of greatest benefit to Americans. Successful drug prevention programs benefit individuals, families, communities, and this country. The country of Colombia cannot ensure the welfare of our citizens; we can. I strongly support the Pelosi amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. PELOSI).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT NO. 4 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 4 offered by Mr. HUTCHINSON:

Page 2, after line 21, insert the following:

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

Of the unobligated balances available in the program under this heading, $15,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Kentucky (Mr. ROGERS) each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in support of this amendment which addresses an emergency need not only in my State of Arkansas but in many States around the country facing a methamphetamine epidemic. Let me give the history.

First of all, in the 1990s, Congress recognized that the States needed some help in cleaning up these very dangerous methamphetamine labs and the environmental problems associated with it. So in 1998 and 1999, Congress provided funds to the DEA through the COPS program to help them clean up these meth sites.

Then it changed in the last Congress. In the last appropriation bill, they took a different approach; and instead of giving the money to the DEA through the COPS program, they earmarked $35 million for about 15 sites.

For all those sites that were not listed, including Arkansas, the DEA has been using left-over funds to help the local law enforcement clean up these sites. The problem is that pot of money has completely run out. There is no more money there and leaving the law enforcement with a very difficult problem. They bust a lab, but they have no resources in which to clean up the environmental problems and clean up the lab itself.

The amendment I am offering would provide $15 million of the COPS program money to fund cleanup costs across the country through the end of this fiscal year. I believe this is an appropriate use of the COPS money, and it will help our police on the streets.

Three points of clarification, Mr. Chairman. First of all, this money, very importantly, was previously appropriated. It is not new money. Secondly, this will not impact the 15 sites that have been designated in the appropriation bill. And thirdly, it is for cleanup costs.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, make no mistake about it, if they are in rural east Tennessee, the biggest drug problem they face is not from overseas, it is somebody's garage close by where methamphetamine may be being made by young people who read about it on the Internet.

The year before last, 42 labs were seized in Tennessee. Last year, 116 labs were seized in Tennessee. So far in this fiscal year, just in a few months, 137 labs had been seized. This is an epidemic.

General Barry McCaffrey says, "a seriously potentially national problem to become the next crack cocaine epidemic." McCaffrey says, "Methamphetamine remains one of the most dangerous substances America has ever confronted. It is proliferating terribly."

Local law enforcement breaks a lab up. They have a toxic site. It costs $5,000 to clean it up. There is no way local law enforcement can keep up with this.

Our committee is doing a great job of fighting it. We have got to have DOJ's help. We have got to have the COPS program help. This $15 million is the least we can do to help local law enforcement break up methamphetamines and clean up the labs.

This is a cancer in our culture, and it is attacking rural America. We have got to fight it at the State, local, and Federal level. We need this amendment to pass.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding me the time. I appreciate very much to have an opportunity to speak in support of the Hutchinson amendment.

Methamphetamine continues to ravage our communities. Now is the time, in my opinion, to take immediate and aggressive action and to continue immediate and aggressive action to bring it under control. We cannot allow this crisis to continue.

I have traveled with local law enforcement and drug rehabilitation experts throughout my district, and I have seen firsthand the damage this is reaping on our communities.

Today, I am proud to support this amendment to make an extra $15 million available to the Drug Enforcement Agency to assist the cost in cleaning up meth labs.

Meth is the greatest threat to our young people I have ever seen. In fact, I would tell my colleagues that, in my lifetime, I have never seen anything more threatening internally to our country than what I perceive methamphetamine to be. And it is a real threat, and we are in a battle that we must win. We must win this.

Local law enforcement agencies are already working under extremely tight budgetary conditions. The high cost of cleaning up just one of these meth labs can mean the complete disruption of normal law enforcement activities and can wipe out their budget and their resources.

This is just a part of my efforts to battle meth. I have also introduced this, and I will call this to the attention of my friend from Arkansas (Mr. HUTCHINSON), listen to this, we have introduced the Comprehensive Methamphetamine Abuse Reduction Act. This measure takes a multipronged approach to the problem and will provide our communities with the tools they need to win the battle against meth. I will hope my colleague will look at that.

This measure takes a multipronged approach, as we have said. The initiative increases resources for law enforcement to combat meth labs and traffickers and provides funds for State and local establishments to be involved in the program.

In closing, I want to say I strongly support the HUTCHINSON amendment. We must do all we can to win this battle with meth.

Mr. Chairman, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from Iowa (Mr. BOSWELL) and thank him for his leadership.

Mr. Chairman, I rise in strong support of the Hutchinson amendment. I also want to thank my colleague from Arkansas (Mr. HUTCHINSON) for his leadership in this matter.

We have a serious problem in this country, and we have a very serious problem in Arkansas with illegal meth labs. Our law enforcement people struggle every day to deal with it. It is absolutely ridiculous that they would not have the resources they need after they find one of these meth labs and do what they need to do to destroy them to take care of this problem.

I urge all the Members to support this amendment and let us do everything we can to fight this horrible scourge on our society.

Mr. BOSWELL. Mr. Chairman, I want to thank the gentleman and I appreciate all of our efforts to get on top of this methamphetamine scourge that has so taken our country.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my colleague, the gentleman from Arkansas (Mr. BERRY), who has certainly recognized the extraordinary problem in our State that faces our law enforcement.

Every day we wake up to the newspaper that talks about another meth lab being busted and then, most recently, that the DEA is out of funds with which to help our local law enforcement in the cleanup.

This puts our law enforcement at a terrible problem, because we have had more meth lab busts in the last year per capita, I think we are second in the Nation, in terms of how many labs that have been busted. So I want to congratulate my friend and colleague for his work on this. I think this is very important. And the gentleman from Iowa (Mr. BOSWELL) that just spoke, I appreciate his work on this and recognizing the problem.

It is not just Arkansas I have talked about, but it is California, it is Iowa, it is Oklahoma. There have been many speakers that have wanted to express their concern about this and their hope that this will be addressed, this emergency spending bill.

I want to end by saying that this emergency spending bill fights the war on drugs in the backyard of our hemisphere, which is very important and I support that. But my amendment that is supported by my colleagues fights the war against methamphetamine in our children's backyard. It is in our communities. And that is why this is so important to get us through this year, to help our local law enforcement; and then we can do it the right way in the next budget cycle.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I appreciate the gentleman from Arkansas (Mr. HUTCHINSON) and his concerns regarding this problem. And it is a problem. I do not oppose the amendment.

As I understand it, his amendment would provide funding to help State and local law enforcement agencies pay the cleanup costs associated with methamphetamine labs that they have seized.

In the subcommittee on which I am chairman, we have heard testimony about the proliferation of this problem throughout the country. The gentleman is right on target.

Due to increased seizures of these labs the funding for this program has been depleted. They have to be dealt with in a certain way because of the hazardous wastes involved.

I do not oppose this amendment. But let me point out one thing to the gentleman. The Department of Justice, today, could reprogram or seek to reprogram funds from the COPS program to address this problem. If they will send a letter here saying, we wish to take X dollars from the COPS program and apply it to the meth lab program, I will sign it and the money will be provided out of this year's bill.

So I would hope they will do that. We can get the moneys flowing immediately to our State and local agencies. This amendment would no longer be required.

But, as I understand it, the concern of the gentleman is that the reprogramming request is stuck up at the White House, at the OMB; and, as a result, the problem is not being addressed.

I would hope, Mr. Chairman, that the folks at the OMB would realize the danger that they are causing out across this country by not sending up the request to change monies from the COPS program to methamphetamine lab cleanup.

It is on their desk. It is on their shoulders. I would hope that they would do that. As soon as that request hits my desk, it will be signed and on its way.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 6 offered by Mr. SAWYER:

Page 8, line 13, before the period insert the following: ": *Provided further*, That of the funds appropriated under this heading, not less than $50,000,000 shall be made available for assistance for internally displaced persons in Colombia".

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Ohio (Mr. SAWYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say that the struggle that is going on in Colombia is going on not only for the sake of drugs but for the sake of an important nation in our hemisphere. And for that reason, I would submit that any new U.S. aid package to Colombia should allocate a modest but substantial amount of money to directly deal with displaced communities and persons and bring about humanitarian aid for resettlement, reintegration, and development assistance.

Displaced people in Colombia live in fear. They receive little or no assistance from their own government or the international community. I am concerned that U.S. aid will have little effect if this refugee crisis is not addressed.

The common dimension when we are talking about Kosovo or Bosnia or Rwanda or Liberia or so many other places on Earth is one that is shared with Colombia, and that is the extraordinary number of displaced persons who themselves are a destabilizing force within the country that we are trying to stabilize.

The refugee crisis is even bigger than that which was experienced in Kosovo. A million and a half people are streaming towards borders and to the outskirts of cities where camps are themselves destabilizing. This has become not only a symptom of Colombia's instability but is a cause of Colombia's instability. It is something that, for a modest investment, we can make the dollars that are going in other programmatic areas pay off many times over.

□ 1830

Mr. Chairman, I yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman for yielding. I rise in support of this amendment. I want to speak about Colombia in a way that has not been spoken tonight on this floor and it has been a long day but I am the only Member to rise who has lived in Colombia. I lived there for 2 years. I represented this country as a member of the Peace Corps. Colombia is a beautiful country. It is one of the most diverse countries in the world. It is one of the oldest democracies in Latin America. It is now plagued; it is torn apart.

The root causes of its problems right now are drugs and corruption from those drugs. Colombia has over $5 billion inside Colombia that is corrupt money. Think what that would do in your own State if that money was used for corruption. There is an obscene amount of money. This war on drugs, this displacement of people, as the gentleman from Ohio (Mr. SAWYER) says, it has displaced a million and a half people, a million and a half people that do not have homes, do not have schools for their kids, do not have health care centers. These people become a problem in themselves because they have to resort to petty crime. So the only way we can begin solving the problem which is drugs in our country is to deal with the root causes of drugs in Colombia. That has got to be in this bill.

A lot of people have talked about the problems of this bill, what it has, what it does not have. But, Mr. Chairman, there is a point when we have to stop our partisan bickering and say are we going to let a country continue to burn, a country continue to not have a solution to a problem or are we going to stand up and face the responsibility that we have been asked, not the only country to be asked, one of the countries to be asked to help with a plan that Colombians have derived. That plan is complete. But the one lacking part in it, the one lacking part in money is earmarking that money for the people who have been displaced.

I hope this amendment is accepted, because this amendment does not spend any more money, it just takes $50 million and says you have got to deal with the homeless population, you have got to deal with the displaced people. If you do not deal with them, we cannot do all these other things. You cannot just attack this problem by dealing with the eradication of drugs. You have got to attack it in a comprehensive way. I think the bill speaks to a lot of points. This amendment makes it a better bill. I ask that it be supported.

Mr. SAWYER. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I am not opposed.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. YOUNG) will control the time otherwise reserved for opposition.

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

I just wanted to say to the gentleman, we have no problem with the amendment, we are willing to accept the amendment. It is not incompatible with the report that accompanies the bill that we reported from the committee.

Mr. SAWYER. Mr. Chairman, if the gentleman will yield, I thank the gentleman for his comments. It is a modest amount of money, it is achieved through reprogramming of already existing dollars and will save many dollars in the future.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SAWYER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in the CONGRESSIONAL RECORD offered by Mr. TAYLOR of Mississippi:

Page 5, after line 7, insert the following new section:

SEC. 1202. (a) LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLUMBIA.—The number of members of the Armed Forces of the United States in Colombia at any time may not exceed 300.

(b) EXCEPTIONS.—(1) The limitation in subsection (a) does not apply to members of the Armed Forces of the United States in Colombia for the purpose of rescuing or retrieving United States military or civilian government personnel. The period for which a member of the Armed Forces of the United States may be in Colombia under this paragraph may not exceed 30 days unless expressly authorized by law.

(2) The limitation in subsection (a) does not apply to a member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché or as a member of the Marine Corps security detachment.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. TAYLOR of Mississippi. Mr. Chairman, we have been involved in a long debate today about what exactly our Nation should do on the war on drugs. There are some who advocate spending a great deal of money and possibly using the Armed Forces of the United States in the war in Colombia.

Mr. Chairman, as we speak we have Americans, since I have been a Member of Congress, who have been sent to the Gulf, to Haiti, to Somalia, to Rwanda, to Bosnia, to Kosovo and there are now about 200 Americans who are stationed, involved in training the Colombians in Colombia.

My amendment is straightforward. It would reserve the rights and the duties that are assigned to Congress in article 1, section 8 of the Constitution which is to decide where and when Americans get involved in a war to Congress. It would limit the number of United States personnel in Colombia to 300. It would provide an exception to that, that for 30 days the Armed Forces could break this limitation if need be in order to rescue Americans, be they in the military or not.

Mr. Chairman, in testimony before the Committee on Armed Services last week when asked the question, General Wilhelm, our Southern Commander said that he would support a limitation of troop strength in Colombia. I am asking for this country to do this. There is a great deal of fear that there could be unintended consequences.

We all know what happens once Americans are under fire, once they are challenged, it will be the response of this country that we will do whatever it takes to win that conflict. I think that question needs to be asked now rather than later.

As the gentleman from Indiana (Mr. BURTON) pointed out, this is indeed one of the most dangerous places on earth. We have Seal teams there, we have Special Forces A teams there, we have had submarines off the coast, we have had people involved in riverine operations. In the course of a year, we have about 3,000 Americans transit through Colombia. Yet this Congress has never decided whether or not we are going to get involved militarily in Colombia.

I hear on a daily basis my colleagues lament the fact that time and time again Americans are sent on deployment without congressional approval. This would allow the present situation to continue but would not allow it to grow beyond 300 men without the Armed Forces of the United States coming to Congress and asking for a change in policy.

I am told that in the 1950s, then Senator John Stennis, when the Nation of Vietnam was asking for airplane mechanics asked the question of his colleagues, what happens if the mechanics are fired upon, what happens then? Apparently as a Nation we did not do a very good job of deciding for ourselves the answer then. I would hope we do a much better job of deciding that question now. I would ask my colleagues to support this language and to see to it that we do not get further dragged into this war.

I would also remind my colleagues that as we seem to be getting dragged further into this war, the Colombian people who have the most to lose seem to be doing less. In the past month or so, they have changed their constitution so that people who have a high school diploma are no longer eligible for the draft. They have changed their laws to decrease the amount of money they are spending on defense. One cannot help but be left with the feeling that the Colombians are expecting the United States of America, brave young Americans to fight their war for them. I want to send them a very strong message that this is not the case. We will help you with materiel, we will help you with training, but we are not going to send young Americans down to Colombia to fight your civil war for you.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida wish to assert his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I do.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, "an amendment to a general appropriation bill shall not be in order if changing existing law." The amendment is legislation.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard on the point of order?

Mr. TAYLOR of Mississippi. Mr. Chairman, this is an emergency supplemental bill about Colombia. It is all about the Colombian civil war, whether or not we are going to get further involved in the Colombian civil war. I would remind my colleagues that Colombia is seven times bigger than Vietnam. This bill calls for 62 additional helicopters to be sent to Colombia. At the height of the Vietnam War, there were 2,200 American helicopters in Vietnam.

I would ask the Chairman, since he is in many ways deciding whether or not the United States of America is going to get involved in the Colombian civil war, to be extremely lenient in his decision, because this bill is indeed about Colombia. This would place restrictions on the spending of that money in Colombia.

The CHAIRMAN. The Chair finds that the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) does explicitly supersede existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 7 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. GILMAN:

Page 9, after line 4, insert the following:

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

SEC. 1501. (a) CONDITIONS ON MILITARY ASSISTANCE FOR COLOMBIA.—

(1) CERTIFICATION.—None of the funds appropriated in this title for military assistance may be made available to the Government of Colombia until the President submits to the Congress a certification that—

(A) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;

(B) the head of the Colombian Armed Forces has been granted and is exercising authority that is identical to that held by the head of the Colombian National Police to summarily dismiss Colombian Armed Forces personnel for gross violations of human rights;

(C) the Colombian Armed Forces are cooperating with civilian authorities in investigating Colombian Armed Forces personnel where credible evidence exists of gross violations of human rights, and, if those investigations result in indictments, the Colombian Armed Forces are cooperating with civilian authorities in prosecuting and punishing such personnel in the civilian courts; and

(D) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for gross violations of human rights.

(2) WAIVER.—The President may waive the limitation in paragraph (1) if the President determines that the waiver is required by extraordinary circumstances.

(b) MONITORING.—Of the funds made available under this title—

(1) up to $1,500,000 shall be made available to provide comprehensive law of war training and to support the development of a judge advocate general corps to investigate Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights;

(2) up to $250,000 shall be made available to enhance the United States Embassy's capabilities to monitor the use of United States

assistance to Colombian Armed Forces to investigate reports of gross violations of human rights involving United States assistance; and

(3) up to $250,000 shall be made available to enhance the United States Embassy's capabilities to monitor the role of the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC) in criminal acts against American citizens and property, including, but not limited to, kidnapping, extortion, murder, and terrorist acts.

SEC. 1502. (a) DENIAL OF VISAS FOR PERSONS CREDIBLY ALLEGED TO HAVE AIDED AND ABETTED COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—None of the funds appropriated or otherwise made available in this or any other Act for any fiscal year for the Department of State may be used to issue visas to any person who has been credibly alleged to have provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons, or to permit the prosecution of such person in the United States, or the person has cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC).

(c) WAIVER.—The President may waive the limitation in subsection (a) if the President determines that the waiver is in the national interest.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from New York (Mr. GILMAN) and the gentleman from Wisconsin (Mr. OBEY) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Gilman-Goss-Delahunt-Farr amendment which is the result of true bipartisan cooperation. I want to thank the gentleman from Florida (Mr. GOSS), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from California (Mr. FARR) for their patience, cooperation, and willingness to work on this issue.

We have a responsibility, Mr. Chairman, to stop the drugs that are poisoning our communities. We also must do our part to see that human rights are protected in Colombia. This emergency supplemental appropriations bill and this amendment gives us the tools to do what is right by our Nation and by Colombia, our troubled Andean neighbor.

This amendment establishes common sense benchmarks that would make delivery of military assistance to the Colombian Army contingent upon the President certifying the following: An agreement by the government of Colombia to a strategy to completely eliminate illicit drug cultivation by the year 2005. Certifying that the commander of Colombia's Armed Forces having the same authority as the director general of Colombia's national police to dismiss persons for gross violations of human rights. Further certifying that Colombia's Armed Forces cooperating with civilian authorities in the investigation and prosecution in civilian courts of gross human rights abuses by Armed Forces personnel. And also certifying Colombia's Armed Forces developing and deploying a judge advocate general corps.

This amendment would make funds available to support the creation in the Colombian Armed Forces of a judge advocate general corps. It would also make funds available to enhance the American embassy's capabilities to monitor U.S. assistance to Colombia's military as well as to look into crimes committed against American citizens and property by narcoterrorist guerillas and paramilitary groups.

Horrific acts of violence are visited on Colombians by insurgent and paramilitary groups. Just this past Saturday, Mr. Chairman, 26 Colombian policemen and eight civilians were brutally slain. Some were beheaded by the FARC. This amendment would deny U.S. visas to persons supporting illegal activities by insurgent and paramilitary groups. Our amendment includes appropriate waiver authorities to preserve the President's ability to protect American national interests. I join the gentleman from Massachusetts (Mr. DELAHUNT) in urging the managers to ensure that the President would provide written justification to the Congress if the waiver authority is invoked.

Our amendment advances core American values in our fight against drug traffickers by establishing meaningful conditions to safeguard human rights. Accordingly, I urge my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1845

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I have been here long enough to see a few of these fights before, and whenever the question of military aid comes up, the question of human rights also arises. So we have to face the question: How much murder, how much torture, how much corruption are we going to tolerate on the part of parties to whom we are providing aid?

Invariably, what happens is that a set of so-called standards are drawn up which sound very good. They give Members of Congress a fig leaf that they can stand behind to give the impression that they are really doing something for human rights, but then they contain a perennial presidential waiver.

On occasion, presidential waivers are justified. But when Congress routinely sets human rights standards which can then be routinely waived by the President, it cheapens the process and trivializes our concern about human rights. It lets Congress claim credit for the aid that is being provided; it lets Congress claim credit for protecting human rights when, in reality, it does not in any meaningful way. Then it leaves the President standing there as a punching bag no matter what he does, whether he waives or whether he does not waive, those standards. I think that that, in the process, trivializes everything that we deal with on issues like this.

I think that is the reason why groups such as Amnesty International and other human rights organizations are opposed to this amendment. They understand that this amendment does not do what it purports to do, which is assure that the Colombian government and the parties with whom we will be dealing with, in fact, live up to the standards we expect them to live up to on human rights.

In my view, until we do have language that does assure that, we most certainly should not support either this bill or this amendment, which makes it easier to continue the charade in this case that we have seen so often in Salvador, in Nicaragua, in Guatemala, in Indonesia, and in a number of other places around the world.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to rise in support of this amendment, also as a cosponsor of the amendment. I would like to take issue with my colleague who just pointed out that this will not make this a better bill.

Obviously, this amendment makes this a much better bill. In reading the amendment the beginning says, "None of the funds appropriated in this title for military assistance may be made available to the government of Colombia until the President submits to Congress a certification that Colombia has done the following things: that Colombia has agreed to implementing a strategy to eliminate Colombia's total coca and opium poppy production by the year 2005 through a mix of alternative development programs, by manual eradication," and so on.

It goes on to say, "The head of the Colombian Armed Forces has been granted and is exercising authority that is identical to that held by the head of the Colombian National Police to summarily dismiss Colombian Armed Forces personnel for gross violations of human rights."

It goes on to say, "The Colombian Armed Forces are assuring that they are cooperating with civilian authorities in investigating Colombian Armed Forces personnel who have credible evidence of gross human rights violations," and so on.

This bill says we can have a waiver only by the United States President. Guess what? It is the same waiver that this Congress approved when Senator LEAHY added it in the 105th and 106th Congresses. It is the same waiver that is in the law now, is the waiver that is being repeated here.

Is it a stronger bill with this amendment? Absolutely. I would urge all of my colleagues on both sides of the aisle to support this amendment. It makes it a better bill for us to make sure that if, indeed, we are going to be involved in conflict in Colombia dealing with civilian populations, that we are going to abide by the world standards on human rights protection, and it allows for monitoring those protections so that we in Congress can be certified that it is doing a good job.

I ask for support of the amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from California for his support of the measure.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I thank the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, for yielding me this time.

Mr. Chairman, I rise in support of this bipartisan amendment. It is a strong statement of the U.S. effort to deal with the human rights issue. It is an amendment with teeth, and it deserves the support of every Member of this House.

We know we have to be especially sensitive to possible human rights abuses by recipients of U.S. assistance. We understand that. The American people deserve to know that we have done our very best to ensure that their tax dollars do not distribute to such horrific activities, the kinds of things we read about with disgust.

The gentleman from New York explained that the amendment does several things, but I want to focus on what I believe is the critical part. It prohibits any military assistance from being made available until the President of the United States certifies to Congress the following: first, that Colombia has a sound strategy to eliminate illicit drug cultivation by 2005. If the U.S. is going to provide assistance, we reason, we better make certain our partner is up to the task and has the tools to do it.

Second, that the Colombian armed forces have the authority to deal with human rights violators in their ranks. This is a new departure, and it is critical; and it is part of the deal.

Third, that the Colombian military is cooperating with civilian authorities in the investigation and prosecution of gross human rights abuses.

These three requirements really get to the crux of the debate. They ensure that U.S. money is being provided to a partner that shares our determination to put the drug traffickers out of business and our commitment to do so in a way consistent with U.S. values and human rights concerns. On top of that, we have added a few dollars to make sure that the monitoring capabilities of our U.S. embassy and other appropriate concerns are fully provided for.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Chairman, I thank the gentleman for yielding me this time.

As someone who was here during the El Salvador debate, not as a Member, but as a staffer, I saw firsthand how Congress trivialized the human rights issue with the passage of the so-called El Salvador certification language. The words in the certification amendments were always strong, always talked very passionately about human rights; but what we saw was that each time the certification was up for review, the Presidents who were in the White House routinely approved that language. One of the reasons why, I think, was because we were so much involved in that conflict in El Salvador.

I would support this amendment if, in fact, there were not so many waivers and there were not so many escape hatches. I would support this amendment if it truly meant what I think the proponents of this amendment wanted it to mean, and that is a serious statement in defense of human rights in Colombia.

The fact of the matter is, there is nothing preventing a future President, whoever that President will be next year, from basically ignoring everything in this amendment. If we are serious about human rights, let us put teeth in this amendment. I oppose this amendment.

Mr. GILMAN. Mr. Chairman, I yield the balance of our time to the gentleman from Massachusetts (Mr. DELAHUNT), a member of our Committee on International Relations who has visited Colombia on a number of occasions.

Mr. DELAHUNT. Mr. Chairman, this is an amendment that does have teeth. Historically, it is no secret. The military in Colombia has had an abysmal human rights record. It has been appalling. Until recently, the majority of human rights abuses, better than 50 percent were perpetrated against the civilian population by the Colombian military. But it would be unfair, and it would not reflect the current reality in Colombia if we did not acknowledge the significant progress that has been made under the leadership of President Pastrana and the new head of the Colombian armed forces, General Topeos.

According to our own State Department records, from 1994 to 1998, the percentage of human rights abuses directly attributable to the military declined from better than 50 percent down to 3 percent. President Pastrana and General Topeos correctly point out the recent dismissal of seven generals, two of whom are under indictment, and the referral of three colonels to the civilian courts for prosecution for human rights violations as evidence that things are changing. This is nothing less than astounding, given the historical record.

But let us be clear. I am not suggesting in any way that we or the Colombian government should be satisfied. There is still a long road ahead of us, particularly in light of recent human rights reports from well-respected human rights organizations asserting continuing links between the Colombian military and the paramilitaries. We have to go further, much further.

Mr. Chairman, I agree with the Latin American director of Human Rights Watch, who urged that new conditions be placed on all security assistance to Colombia, and I submit that this amendment does exactly that. The amendment goes much further than the current Leahy amendment. It would apply not only to the two counternarcotics battalions that are envisioned in the bill, but it would apply to the entire military structure, the culture, if you will.

Mr. Chairman, passage of this amendment, I submit, has the potential to effect a fundamental change in the Colombian military that will ensure once and for all its compatibility with democratic principles and respect for human rights. I have no doubt also that it will advance the peace process that recently has produced positive results. Because we are truly serious about substantial and permanent reduction of the flow of cocaine into the United States from Colombia, it is absolutely essential that this peace process be advanced.

Historically, it is no secret that the military in Colombia has had an abysmal human rights record. It has truly been appalling. Until recently the majority of human rights abuses—better that 50 percent committed against the civilian population of Colombia—according to the Department of State annual human rights reports—were directly attributable to the military. Not to the paramilitary. But to the Colombian military itself.

But it would be unfair. And it would not reflect the current reality in Colombia, if we did not acknowledge significant progress under the leadership of President Pastrana and the new head to the Colombian Armed Forces, General Fernando Topeos. According to DOS—from 1994 to 1998 the percentage of human rights abuses directly attributable to the military declined from more than 50 percent to less than 3 percent. President Pastrana and General Topeos can correctly point to the dismissal of 7 generals—2 of whom are under indictment and the recent referral of 3 colonels to the civilian courts for prosecution for human rights violations as evidence that much has changed. This is nothing less than astounding given the historical record. But let's be clear. I am not suggesting in any way that we or the Colombian Government should be satisfied. There is still a long, long road ahead of us.

Particularly in light of recent human rights reports, from well respected human rights organizations, asserting continuing links between the Colombian military and the paramilitaries. We have to go further—much further.

The respected co-chair of the Human Rights Caucus, Representative LANTOS, in a Dear Colleague letter he has circulated in support of the aid package points out that all assistance provided to Colombia will go to fully vetted forces pursuant to the so-called Leahy amendment. Which means that every single soldier assigned to these two Counter-Narcotics Battalions envisioned will be reviewed and scrutinized to determine their commitment to human rights. I agree with Mr. LANTOS that it is important that Leahy applies. However, if it stood alone, I believe it would be insufficient. And would not support the Aid package.

I agree with the Latin American Director of Human Rights Watch—who according to a story in the February 24 edition of the Washington Post urged that strict new conditions be placed on all security assistance to Colombia.

I submit that this amendment accomplishes just that. This amendment goes much further than the current Leahy Amendment. It would not apply only to the two Counter Narcotics Battalions envisioned in the bill. It impacts the entire structure—the culture if you will—of the military as an institution in Colombia.

There are two key provisions:

It transfers from military tribunals to civilian courts, the prosecution of human rights violations by military personnel. This represents a major breakthrough for those concerned with human rights abuses in Colombia.

Furthermore, it confers upon the head of the armed forces the authority to summarily dismiss military personnel who commit gross violations of human rights. It is important to note, Since the early 1990's, the head of the CNP has had this authority. And from a force of some 100,000—14,000 members of the department were discharged pursuant to this authority. Since that action the CNP has had a solid record on human rights. Previously they had shared the poor record of the Colombian military.

Passage of this amendment, I submit, has the potential to effect a fundamental change in the Colombian military that will ensure it's compatibility with democratic principles and respect for human rights. I have no doubt it will also advance the peace process that has recently produced positive developments. Because if we are truly serious about substantial and permanent reduction of the flow of cocaine from Colombia into the United States—the stability that will come from social and economic justice that peace would achieve is absolutely essential.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the previous speakers said that this is such great human rights language because it says none of the funds may be appropriated until the government of Colombia agrees that it has a strategy to eliminate coca production. It does not say that they have to be following that strategy; all it says is that they have to have a strategy. That can be a piece of paper. He said that it is great language because the head of the Colombian Air Force has to have the authority that is necessary to dismiss armed forces personnel from gross violations of human rights. It does not say he has to actually dismiss them; it simply says he has to have the authority.

This language is not based on performance; it is based on promise, and that is the problem with it.

This is beef soup without the beef. It is an empty ice cream cone. When we have meaningful language that will actually protect human rights, come back and see me. Until then, sorry, fellows. No sale.

Mr. Chairman, I yield the remainder of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with great, great reluctance that I rise in opposition to this amendment, because of the high regard that I have for the concern for human rights of the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations; and the gentleman from Florida (Mr. GOSS), my chairman of the Select Committee on Intelligence; and my two champions for human rights, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from California (Mr. FARR).

□ 1900

Both of them have been leaders in trying to help the people of Colombia, all four of them have been, but especially speaking to the credentials of my colleagues on the Democratic side.

As I say, I rise in reluctance. Here is why. It would be great if we could have these conditions that are set forth, very carefully prepared and set forth in this amendment without the waiver. We have lived through the waiver over and over again. Maybe this time it will work, but calling for certification by the President that these conditions have been met and then giving a weak waiver, a low threshold for waiver authority to the President, simply says to the military in Colombia that, really, they do not have to do much.

Again, as I said earlier, we all respect and admire the courage of President Pastrana. He has a very difficult task ahead of him. But giving this assistance to the military the way we are in this bill raises some questions.

In the last month alone, there were three reports about human rights abuses of the Colombian military. The U.S. State Department, our own State Department country report on Colombia, speaks to the abuses that continue, with collaboration from the military.

The U.N. report that was released earlier in March speaks to that same issue, and the Human Rights Watch statement that they put forth was based on information gathered by the Colombian government about the Colombian military.

Specifically, it addressed the collusion between the paramilitaries, and some, some in the Colombian military, their collusion in the violations of human rights of Colombians.

When we said to the leadership in Colombia on our visit there, when I was there with my distinguished chairman earlier this year, with the gentleman from Alabama (Mr. CALLAHAN), when we said to the leadership of the government, you must do more about the human rights record of the military, we were told, tell them. Tell them that they must do a better job. We told the military. We can speak to them through this amendment, as well.

But the very excellent message that our colleague shaped in terms of the conditions under which the assistance, military assistance would be sent, is totally undermined by the presidential waiver that is in this bill.

Our president, whoever he or she is, of whatever party, should always have the national security waiver that underlies all of our foreign policy, but to have a watered down, lower threshold waiver completely guts this amendment.

I know why some people might want it, because they do not want the strength of the amendment to begin with. I do not think that is the agenda of the makers of this motion, but I do think that it is a cause for opposition to it, as I say, very reluctantly, because up until that waiver I think they were going in the right direction.

My view is shared by Amnesty International, the Working Group on Latin America, and other human rights groups. Some do not even want us to go down the path of the military assistance, but certainly they do not want us to do it with a presidential waiver.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentlewoman for yielding.

Mr. Chairman, would the gentlewoman respond, is it not true that the presidential waiver set out in our amendment is fully consistent with current law governing DOD military assistance abroad as was previously authored by Senator LEAHY, who has led the fight in the other body with regard to human rights concerns on military aid to Colombia?

Ms. PELOSI. The ranking member has asked me to yield to him on this, and I will be happy to address it, also.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Wisconsin.

Mr. OBEY. That is the problem. Does the gentleman know how many times I have seen presidents waive milquetoast language? The problem is not just with the waiver, the problem is that this language is so weak in the first place, it would not even require a waiver by an intelligent person. I have heard of watering down soup before. I have never heard of watering down water before.

Go to the Senate, come back with some stronger language, and we will be happy to look at it. But this, with all due respect, is no protection at all for human rights. It is simply protection for politicians.

Mr. GILMAN. If the gentlewoman will yield further, Mr. Chairman, I do not know of any prior exercise of the waiver of the Leahy amendment. Is the gentleman familiar with any exercise?

Mr. OBEY. I have not supported the Leahy amendment in the first place.

Mr. GILMAN. There has been no waiver of that amendment, if the gentlewoman will yield further.

Mr. OBEY. So what?

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from New York (Mr. GILMAN) will be postponed.

The point no quorum is considered withdrawn.

Mr. YOUNG of Florida. Mr. Chairman, I rise to offer a unanimous consent request that has been cleared by the minority and the Parliamentarian.

I ask unanimous consent that the Committee be permitted to consider the Lewis amendment made in order under the rule to title II at this time, without prejudice to further amendments to title I or title II.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 9 offered by Mr. LEWIS of California:

At the end of chapter 2 of title II (page 20, after line 10), insert the following new sections:

SEC. 2207. (a) QUALITY OF LIFE PROGRAMS.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, to remain available for obligation until September 30, 2001, $231,000,000, of which—

(1) $221,000,000 is available only for the Basic Allowance for Housing program, as follows:

"Military Personnel, Army", $70,000,000;

"Military Personnel, Navy", $56,000,000;

"Military Personnel, Marine Corps", $17,100,000;

"Military Personnel, Air Force", $58,600,000;

"Reserve Personnel, Army", $4,100,000;

"Reserve Personnel, Navy", $4,000,000;

"Reserve Personnel, Marine Corps", $600,000;

"Reserve Personnel, Air Force", $300,000;

"National Guard Personnel, Army", $6,900,000; and

"National Guard Personnel, Air Force", $3,400,000; and

(2) $10,000,000 is available only for "Operation and Maintenance, Defense-Wide", for the overseas special supplemental food program established under section 1060a of title 10, United States Code.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2208. (a) MILITARY RECRUITING, ADVERTISING, AND RETENTION PROGRAMS.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, to remain available for obligation until September 30, 2001, and to be available only for military personnel recruiting, advertising, and retention programs, $600,600,000, as follows:

(1) For military personnel accounts, $450,600,000, as follows:

"Military Personnel, Army", $76,400,000;

"Military Personnel, Navy", $69,100,000;

"Military Personnel, Marine Corps", $6,000,000;

"Military Personnel, Air Force", $108,800,000;

"Reserve Personnel, Army", $47,500,000;

"Reserve Personnel, Navy", $14,100,000;

"Reserve Personnel, Marine Corps", $1,000,000;

"Reserve Personnel, Air Force", $11,700,000;

"National Guard Personnel, Army", $103,300,000; and

"National Guard Personnel, Air Force", $12,700,000.

(2) For operation and maintenance accounts, $150,000,000, as follows:

"Operation and Maintenance, Army", $45,900,000;

"Operation and Maintenance, Navy", $26,200,000;

"Operation and Maintenance, Marine Corps", $14,700,000;

"Operation and Maintenance, Air Force", $21,600,000;

"Operation and Maintenance, Defense-Wide", $8,800,000;

"Operation and Maintenance, Army Reserve", $11,900,000;

"Operation and Maintenance, Navy Reserve", $1,600,000;

"Operation and Maintenance, Marine Corps Reserve", $1,000,000;

"Operation and Maintenance, Air Force Reserve", $2,100,000;

"Operation and Maintenance, Army National Guard", $14,000,000; and

"Operation and Maintenance, Air National Guard", $2,200,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2209. (a) DEFENSE HEALTH PROGRAM.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated, to remain available for obligation until September 30, 2001, $750,000,000 for "Defense Health Program".

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2210. (a) DEPOT-LEVEL MAINTENANCE AND REPAIR.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, to remain available for obligation until September 30, 2001, and to be available only for depot-level maintenance and repair, $1,205,600,000, as follows:

"Operation and Maintenance, Army", $200,000,000;

"Operation and Maintenance, Navy", $538,800,000;

"Operation and Maintenance, Marine Corps", $50,000,000;

"Operation and Maintenance, Air Force", $250,000,000;

"Operation and Maintenance, Navy Reserve", $33,000,000;

"Operation and Maintenance, Marine Corps Reserve", $5,000,000;

"Operation and Maintenance, Air Force Reserve", $37,200,000; and

"Operation and Maintenance, Air National Guard", $91,600,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2211. (a) HIGH PRIORITY SUPPORT TO DEPLOYED FORCES.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), there is hereby appropriated to the Department of Defense, for the support of deployed forces as specified in subsection (b), $1,212,700,000, as follows:

(1) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, $738,900,000, as follows:

"Operation and Maintenance, Army", $200,000,000;

"Operation and Maintenance, Navy", $310,300,000;

"Operation and Maintenance, Air Force", $197,000,000; and

"Operation and Maintenance, Defense-Wide", $31,600,000.

(2) For procurement accounts, to remain available for obligation until September 30, 2002, $405,800,000, as follows:

"Aircraft Procurement, Army", $50,000,000, to be available only for Apache helicopter safety and reliability modifications;

"Missile Procurement, Army", $50,000,000, to be available only for the Patriot missile reliability enhancement program:

"Aircraft Procurement, Navy", $52,800,000, of which $27,000,000 is available only for CH-46 helicopter engine safety procurement and $25,800,000 is available only for EP-3 sensor improvements and modifications;

"Aircraft Procurement, Air Force", $209,700,000, of which $111,600,000 is available only for U-2 reconnaissance aircraft sensor modifications and $98,100,000 is available only for flight training simulators;

"Other Procurement, Air Force", $30,300,000; and

"Procurement, Defense-Wide", $13,000,000.

(3) For research, development, test and evaluation accounts, to remain available for obligation until September 30, 2001, $68,000,000, as follows:

"Research, Development, Test and Evaluation, Air Force", $10,000,000, to be available only for a JSTARS aircraft mission trainer; and

"Research, Development, Test and Evaluation, Defense-Wide", $58,000,000.

(b) SPECIFIED PURPOSES.—Amounts appropriated in this section are available only for the provision to deployed United States forces of—

(1) equipment safety and reliability enhancements;

(2) improved materiel and logistics support; and

(3) upgraded intelligence, surveillance, and reconnaissance (ISR) capabilities.

(c) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from California (Mr. LEWIS) and a Member opposed each will control 15 minutes.

Does the gentleman from Wisconsin (Mr. OBEY) seek to control time in opposition?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my privilege to rise this evening in support of an amendment that is known by some as the Lewis-Spence-Murtha-Skelton amendment to this appropriations bill. It is an amendment that is a reflection of the very close working relationship on both sides of the aisle between all members and the committee leadership of the national defense effort, the authorizing committee as well as the appropriations committee.

It is important for the Members to know that this amendment is designed to be responsive to that list of critical high priorities given to us by the Joint Chiefs of Staff and the individual chiefs, priorities that are absolute must-need items as we go forward in order to operate effectively in support of our national defense.

The amendment provides for some $4 billion of additional funding in areas like military quality of life, recruiting and advertising and retention programs, military health care programs, in this instance in cases where we actually have health care obligations must be met.

Further, the amendment provides broad-based support to deployed military forces throughout the world. And it is designed further to address unmet needs in equipment maintenance for a variety and mix of programs, including the repair of our ships throughout the country.

Mr. Chairman, I submit for the RECORD information that provides a breakout of the $4 billion in this amendment, by appropriations account.

Military Personnel Quality of Life Programs: The amendment includes Section 2207, which appropriates $221,000,000 for the Department's Basic Allowance for Housing program, and $10,000,000 for the overseas supplemental food program, as follows:

	(in thousands)
Military Personnel, Army	$70,000
Military Personnel, Navy	56,000
Military Personnel, Marine Corps	17,100
Military Personnel, Air Force	58,600
Reserve Personnel, Army	4,100
Reserve Personnel, Navy	4,000
Reserve Personnel, Marine Corps	600
Reserve Personnel, Air Force	300
National Guard Personnel, Army	6,900
National Guard Personnel, Air Force	3,400
Operation and Maintenance, Defense-Wide	,10,000
Total	231,000

Military Personnel Recruiting Incentives: The amendment includes Section 2208, which appropriates a total of $600,600,000 for recruiting and advertising programs, as follows:

Military Personnel, Army	$76,400
Military Personnel, Navy	69,100
Military Personnel, Marine Corps	6,000
Military Personnel, Air Force	108,800
Reserve Personnel, Army	47,500
Reserve Personnel, Navy	14,100
Reserve Personnel, Marine Corps	1,000
Reserve Personnel, Air Force	11,700
National Guard Personnel, Army	103,300
National Guard Personnel, Air Force	12,700
Operation and Maintenance, Army	45,900
Operation and Maintenance, Navy	26,200
Operation and Maintenance, Marine Corps	14,700
Operation and Maintenance, Air Force	21,600
Operation and Maintenance, Defense-Wide	8,800
Operation and Maintenance, Army Reserve	11,900
Operation and Maintenance, Navy Reserve	1,600
Operation and Maintenance, Marine Corps Reserve	1,000
Operation and Maintenance, Air Force Reserve	2,100
Operation and Maintenance, Army National Guard	14,000
Operation and Maintenance, Air National Guard	2,200
Total	600,600

Defense Health Program: The amendment includes Section 2209 which appropriates a total of $750,000,000 for urgently needed improvements to the military health care system.

Depot Maintenance: The amendment includes Section 2210 which appropriates $1,205,600,000 to fund shortfalls in Department of Defense depot maintenance programs to be distributed as follows. (Included in this amount is $220,000,000 for the unfunded backlog of ship depot maintenance that has emerged in execution of the fiscal year 2000 ship depot maintenance program.)

	(in thousands)
Operation and Maintenance, Army	$200,000
Operation and Maintenance, Navy	538,800
Operation and Maintenance, Marine Corps	50,000
Operation and Maintenance, Air Force	250,000
Operation and Maintenance, Navy Reserve	33,000
Operation and Maintenance, Marine Corps Reserve	5,000
Operation and Maintenance, Air Force Reserve	37,200
Operation and Maintenance, Air National Guard	91,600
Total	1,205,600

High Priority Support to Deployed Forces: The amendment includes Section 2211 which appropriates $1,212,700,000 for shortfalls associated with requirements of deployed U.S. forces.

	(in thousands)
Operation and Maintenance, Army (materials in support of prepositioned equipment sets)	$200,000
Operation and Maintenance, Navy (aviation spares)	310,300
Operation and Maintenance, Air Force (readiness spares packages)	197,000
Operation and Maintenance, Defense-Wide	31,600
Aircraft Procurement, Army (Apache modifications)	50,000
Missile Procurement, Army (Patriot missile reliability)	50,000
Aircraft Procurement, Navy (CH-46 safety, EP-3 sensor improvements and modifications)	52,800
Aircraft Procurement, Air Force	209,700
U-2 aircraft sensor modifications (111,600)	
AWACS trainer modification/flight simulator (25,000)	
U-2 trainer (10,000)	
RC-135 Rivet Joint flight training simulator (24,500)	
Compass Call mission crew trainer (23,700)	
C-17 weapon system trainer (14,900)	
Other Procurement, Air Force (HARVEST EAGLE materials)	30,300

	(in thousands)
Procurement, Defense-Wide	13,000
Research, Development, Test and Evaluation, Air Force (JSTARS mission trainer)	10,000
Research, Development, Test and Evaluation, Defense-Wide	58,000
Total	1,212,700

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to this amendment. I do not have a problem with where much of this money would go. I support added funds for the defense health program. We have a recruiting and retention problem in the military, due in large part to a very strong economy. We ought to bolster those efforts.

But it is clear what is really happening here. The majority is embarrassed because their record on military spending has not matched their rhetoric. They like to talk about how the Clinton administration is not funding the military, but their own budget resolution, passed just last Thursday, places a priority on tax cuts, not military spending. Their budget resolution essentially endorses the Clinton defense budget.

I understand that did not sit too well with certain members of the majority party on the Committee on Armed Services and in other places who were asked by their leadership to vote to that budget resolution, so this amendment is a convenient way of giving them a repayment for their behaving well on their budget resolution. It gives them a $4 billion fig leaf to say that they are for more military spending.

If it becomes law, it simply makes room, by transferring $4 billion in spending for regular items into this year's budget, it simply makes room in next year's budget for $4 billion worth of other items, including a lot of congressional projects and pork.

But we have a complication. The Senate leadership opposes it because it eats into the budget surplus. The Senate leadership has already said this additional spending is dead on arrival. The administration opposes it as well because it is not offset by other spending cuts.

So what is the ultimate impact of this amendment? Its most likely impact is that it will slow down further the critical aid for disaster assistance across the country. It will delay approving the money that is in this bill at this time that is needed to reimburse the Army for expenses already incurred in Kosovo and elsewhere, and to deal with the Tricare problem.

It will either cause a huge muddle or it will further discredit the budget process. In either case, it should not be supported by the House today.

As a practical matter, we have $2 billion in this bill which the Pentagon badly needs, and if it does not get it, in the words of the Secretary of Defense, they will "need to make irreversible decisions to curtail training and maintenance activities essential to readiness," if they do not get that money by the end of April.

There is another $2.5 million for Tricare and fuel costs which they do not absolutely have to have, but it would be nice if we could get it to the Pentagon. That money is also going to be put in danger in order to take a long shot chance that the public will buy and the Senate will buy a scheme which is nothing short of an effort to blow the budget by $4 billion next year when that budget is only 5 days old.

That is the name of the game. I do not happen to think much of it, but I admire the skill with which the game plan has been put together, nonetheless.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, it is my privilege to yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the authorizing committee.

Mr. SPENCE. Mr. Chairman, I want to especially thank the gentleman from California (Mr. LEWIS), the gentleman from Missouri (Mr. SKELTON), and the gentleman from Pennsylvania (Mr. MURTHA) for making this amendment a bipartisan amendment. We could not do it without them.

Not many people are here on this floor, and I cannot be talking to those people. I am trying to reach the people who are in the offices listening and the American people on C-Span that might see this.

I am going to say what I said at our Republican conference this morning. I say it to everyone now. We are considering an emergency supplemental. In prior years, we have talked about supplementals, emergency supplementals, real emergency supplementals. This is a real, real emergency supplemental from the standpoint of defense.

I know we all have different priorities. We have talked about them a lot today. We are going to continue to talk about them, all the things that are in this supplemental bill we have been talking about, drugs and all the rest.

I want to remind everyone, we would not be here as a free society, secure and prosperous, if it had not been made possible by our military, starting with the revolution when we gained our independence. Since that time, we have had World War I and World War II, big threats. Our forefathers, our fathers, our grandfathers, and their families sacrificed their lives and their health to make sure that we are free and secure, and to create the environment so we can discuss these other things as they come along.

□ 1915

The Cold War. Some people talk about the arms race. People say we spend more money on defense than all the rest of the world put together. We have to. Who else is able to do it? We are the only ones. To save ourselves, we have to save the rest of the world along with it. The Cold War is over, yes. I agree.

President Reagan, with a Democrat Congress, helped to restore us; and we beat the Soviet Union in the arms race. They could not keep up. They could not do it any longer. That is what ended the Cold War. But I have to say that we still today face a similar situation. We have more threats today than ever before. We still have the nuclear threats from now Russia, but now we have got China and North Korea and all the rest of them, and we are not prepared to defend against those threats.

We also have other threats now. Weapons of mass destruction other than nuclear, chemical, biological, from these same countries and lesser countries. This threat is out there, and we are unprepared to deal with them.

We are not strong enough to fight one conventional war. Kosovo was a wakeup call. We devoted all of our air assets, just about everything, to that air war. And what would have happened if something big time had broken out somewhere else in the world? We could not have handled it certainly without a large loss of life.

Now it is our turn. We have to step up to the plate. We have to make sure that our country is free, first of all, and have the environment to consider these other priorities which I can sympathize with. The administration, I will give them credit, it has come a long way, but not nearly enough. This amendment is going to help a whole lot, but still not enough.

I conclude with this, a personal note: I have dedicated the rest of my life to making sure that I have done the very best I can do to see that we are free and secure. But we cannot do it alone. None of us here. We have to have all of our colleagues' help.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if I could have the attention of the gentleman from South Carolina (Mr. SPENCE), I would just like to say that while I disagree with his words, I wanted to express the appreciation of every single person in this House for the service that he has given this House through the years. We know that he says what he believes, and we honor him for it.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON) from the authorizing committee.

Mr. SKELTON. Mr. Chairman, let me first say that I compliment the gentleman from South Carolina (Mr.

SPENCE) our chairman, our friend, for his excellent statement a few moments ago. His care for the young men and young women in uniform today who have and who continue to serve our country so well have been represented so finely by his eloquent words through the years, and we thank him for his continued service for them.

Mr. Chairman, I rise in strong support of the Lewis-Murtha-Spence-Skelton amendment. I thank the gentleman from California (Chairman LEWIS); the gentleman from Pennsylvania (Mr. MURTHA); our ranking member, the gentleman from South Carolina (Mr. SPENCE); and those who have worked on this key issue for so long. This is a good news story because it is something that is truly needed in three areas: health care and quality of life, readiness, and maintenance.

First, I do not think it is any secret that the military health care system is in crisis, whether it is active duty service members or whether it relates to military retirees. We made a promise to the retirees that we must keep. This amendment is a major step for helping those who are active duty, those families, and those military retirees. It is very, very important that we take this step in addressing this situation by appropriating the monies in this amendment.

The quality of life issue is so very important. We do not enlist soldiers, sailors, airmen and marines, but we enlist families and these measures will help ensure quality of life issues for our military members and their families.

Mr. Chairman, military readiness is a great matter of concern. With ongoing deployments in the Middle East, Bosnia, Kosovo, the operational tempo of our forces has been steadily rising and I say, we are wearing the young men and young women out who are stationed abroad as well as in this country. We have to make sure that the readiness accounts are there for their training, their exercises, their maintenance, and their military operations.

The high operational tempo associated with these deploying forces is straining our readiness, and we must do our best to keep their equipment and the spare parts and their training at high level.

Equipment maintenance is important to us. As we deploy our forces more often, we are simply wearing out much of that equipment. It is important, Mr. Chairman, that the Committee on Armed Services' ability to authorize the programs necessary to protect our national security interest depends on having sufficient resources. The gentleman from Pennsylvania (Mr. MURTHA), the gentleman from California (Chairman LEWIS), the gentleman from South Carolina (Mr. SPENCE), and I term this amendment as a readiness and operational necessity. We hope that every Member of this House will vote in favor of it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, the specific accounts mentioned in this amendment are very appealing. Many of them ought to be funded. But they ought to be funded by the military showing the same kind of fiscal discipline that Members here claim they want the government as a whole to follow.

The military budget was increased substantially in the last appropriation. It will be again substantially increased. It is up to the military, in fact, to manage that money. And what we do today is, in effect, to give approval to a process by which they can so manage the money as to be able to point to some deficits in some of the most appealing accounts.

Let us understand this is $4 billion taken presumably from some surplus. It is $4 billion that cannot be used then for any other purpose. Not for tax cuts. Not for deficit reduction or other spending. I understand we have problems. We all have problems. We have been told that we cannot afford to provide prescription drugs for older people to the degree that many of us want. Understand that this $4 billion is $4 billion that could have gone for prescription drug programs for Medicare.

Mr. Chairman, it is $4 billion that could go to putting police on the streets. I believe there are some problems in the world. I must say I disagree with the notion, I in fact am intrigued by it, that the world became less safe when communism collapsed. I have heard that again and again. I guess maybe we should pray for the reestablishment of communism so we could all feel safer.

In fact, we do not face today the threat of nuclear destruction. Reference was made to the nuclear threat we face from the Russians. In the state of the Russian nuclear weaponry today, Russians face much more of a threat from Russian nuclear weapons than anyone else does. They are much more likely to blow up on site than to be delivered anywhere.

Mr. Chairman, what this does is to continue a pattern in which the military is rewarded for not spending efficiently. In which Members, as the Senator from Arizona correctly pointed out during his campaign, in which Members eat into the military budget with projects the military does not want and erode the military's ability to focus on what they should focus on and takes $4 billion away from other things.

This is the time of year when people come to our offices and want help with health research and want help with prescription drugs. They want help with housing, and they want help with a lot of other issues. The $4 billion today, over and above what they got last year and what they will get next year, comes from other pots.

If my colleagues vote for this $4 billion today, they should remember that when they tell people that they sympathize with them when it comes to cancer research and they sympathize with them when it comes to prescription drugs for older people, they sympathize when it comes to environmental cleanup but we do not have the money, partly we will not have the money if this amendment passes because they took $4 billion which would have been available for other purposes and gave it to the military. Again, because certain accounts sound attractive, but it is because the management has been such to put us in this position where we are told we have to spend the money here.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise today in support of this nation's national security. Our United States military service Chiefs, under the current Administration, have consistently been forced to fund their services with inadequate budgets. This amendment will give our military service Chiefs the funding levels needed to succeed in supporting their troops and protecting this nation's national security interests.

Mr. Chairman, according to recent reports, our military has been deployed on 48 overseas missions in the 1990s, costing $30 billion and costing far more than that in worn-out equipment and personnel. This increase in Operations Tempo, coupled with reduced defense budgets, has put increased strain not only on military equipment but also on the structure of the military family.

Military personnel, often times at the request of their family, are choosing to leave the service at alarmingly high rates and our ability to recruit young people of this nation to serve in the military has fallen dramatically. As a Congress, we need to ensure that our military has the means to recruit, retain, equip and train the strongest and best-trained force in the world.

Mr. Chairman, military families consistently cite problems with the military health care system and reductions in quality of housing as reasons for leaving military service. This amendment will direct close to $1 billion towards improving military quality of life with reduced out-of-pocket housing expenses and increased funding for the Defense Health Program.

Mr. Chairman, the funding levels in this amendment have been driven by what the military service Chiefs have identified as their top unfunded requirements. I urge my colleagues to vote for this amendment and give our quality military personnel the quality of care, support and equipment they need to achieve their goals.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I too rise in support of the amendment.

Mr. Chairman, I rise in support of the bipartisan amendment offered by the leaders of the defense authorization committee and the defense appropriations subcommittee.

There is no question that the military services are facing severe funding difficulties. The basic costs of operations of our overseas commitments are not properly budgeted. High operational tempo stresses military equipment and their maintenance. More critically, recruiting and retention are increasingly difficult for a variety of reasons.

This Congress has reformed the pay table and provided a significant pay increase for military personnel. We have worked hard to improve basic living and working conditions. All of that has helped to keep some military personnel in the force who otherwise would have left the service. We need to do more and the situation is urgent.

This amendment would continue our efforts by responding to the critical and immediate needs of military personnel and their families. By accelerating the buydown of out-of-pocket housing expenses, protecting military personnel from reductions in their housing allowances, and filling the gaps in the Defense Health Program, the adoption of the Lewis-Spence-Murtha-Skelton amendment will strengthen the All-Volunteer Force that is the backbone of our national security.

The time to deal with the emergency confronting military service personnel is now. I urge a strong bipartisan vote in favor of this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of this amendment.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) has 4½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 8 minutes remaining.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no additional requests for time, except to mention that the gentleman from Pennsylvania (Mr. MURTHA), my partner in this whole process on the Defense Subcommittee on Appropriations, has been more than great in his help; and we want to especially recognize the work of our colleague, the gentleman from South Carolina (Mr. SPENCE), the chairman of the authorizing committee, in the entire effort.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I very reluctantly rise in opposition to this amendment for basically two reasons. One, it was Paul Kennedy, the historian Paul Kennedy, who made the point in his book, The Rise and Fall of Great Powers, that economic supremacy is the precursor to military supremacy. And for us to maintain that economic supremacy, at least in part, rests on fiscal discipline. And for us to in essence breach a budget that we set last week to the tune of $4 billion, I think, is a move away from the kind of fiscal discipline that, in fact, Paul Kennedy and others have talked about over time.

Secondly, I think at some point we have to draw the line on deployments. And I look at this money. I look at basically the Powell doctrine. The Powell doctrine was we go in, we make a difference, we have clearly defined military objectives, and then we get out of town.

Mr. Chairman, this is the list of different deployments that we have had. Basically, over the last 10 years, we had the highest number of deployments that we have had. Mr. Chairman, 149 deployments according to the Committee on Armed Services from 1990 to 1999, versus 17 deployments from 1982 to 1990. And, in essence, we are rewarding that.

At some point Congress has to draw the line and basically starve the beast by saying we will not continue to fund these kinds of deployments. Since I have been here, we have funded Haiti, we funded Bosnia, we funded Kosovo, we are funding the Middle East operations over Iraq to the tune of $1.2 billion a year. We had State Department officials telling us in testimony last week that it could last as long as Saddam is alive. If South Carolina is any guide on that front, that means another 50 years of us spending $1.2 billion a year.

Mr. Chairman, at some point we have to draw the line on deployments, rather than continue to feed them. Therefore, I very reluctantly rise in opposition to this amendment.

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Mr. OBEY. Mr. Chairman, I have only one remaining speaker, and I believe I have the right to close.

The CHAIRMAN. The gentleman from Wisconsin is correct.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 6 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. I promise not to use all of the time.

Mr. Chairman, I am for the dollars in this amendment and in the bill. Let us talk about them both together. I am for the dollars that we need to fix the TRICARE problem, the health care problem. I am for the dollars to help with the recruiting and housing. I am for reimbursing the Pentagon for the funds they have already expended in their Kosovo operations. I am for helping them meet their additional fuel costs. That is not my problem with this amendment.

I am for all of those things, but I am not for them in a way which will enable this House to bust the budget by $4 billion for next year, just 5 days after the leadership twisted arms to get enough votes to pass that budget.

I do not think that we should drop our promises as an institution quite that fast. This is precedent setting. If you are going to do it on this, then do not be surprised when it happens again and again with far more justification.

I am for all of the things that I mentioned for the Pentagon because they are meeting legitimate national needs. But I am not for another result of this amendment. As I have said before, what this chart shows is that, before this bill came to the floor, so far this year, for this year's fiscal budget, the President had asked for $568 billion in appropriated spending, and the Congress had provided him with $578 billion. So the Congress was $10 billion over the President in spending.

The bill that came to the floor today added to that difference, because it added several billion dollars the President had not asked for. So the President, because of his increase request, the President had asked for $573 billion for this year, and the Congress with the bill as it came to the floor would be spending $587 billion, $13 billion over the President's request. Now, with this amendment, this year, the President will have still asked for $573 billion for this fiscal year, but the Congress will demand that we spend $591 billion. To me, plain mathematics indicates that is a $17 billion increase over the President's budget.

I really cannot believe that, only 5 days after we passed the budget for the next fiscal year that this House is going to bust the budget for this fiscal year and find a way to add $4 billion for projects in the next fiscal year under the DOD portion of the budget. But evidently, that is what the House is going to do.

I have no illusions whatsoever about what the outcome of this amendment is going to be, but I for one will not vote for it.

Mr. BUYER. Mr. Chairman, I rise in strong support of this amendment. The amendment includes recruiting and quality of life, and health care funding essential to sustaining the readiness and well being of the all-volunteer military.

RECRUITING FUNDING

Mr. Chairman, the primary reason the Armed Forces of the late 1970's were declared hollow was the inability of the services to recruit and retain the required number and quality of people.

That hollow force history is repeating itself today, and we must act to change its course. To that end, this amendment would add $600 million to a troubled recruiting program that is in urgent need of help.

How bad is the recruiting problem? Three of the four active duty services failed to achieve recruiting goals in fiscal year 1999, and at least one will certainly fail in FY 2000, and two others may fail.

Three of the six reserve components also failed to meet recruiting objectives in fiscal year 1999 and some analysts predict that five of six will fall below their FY 2000 authorized strength by 15,000 people.

Mr. Chairman, we must not allow recruiting to go unattended even for 1 year—we support this amendment that provides critical funding for enlistment bonuses and advertising right now.

QUALITY OF LIFE

Everyone has heard about the economic plight of men and women in the military. This amendment would put $221 million directly into the pockets of military people to pay for housing. Without this money, thousands of families will continue to reach into their own pockets to pay for housing that is our obligation to provide them.

This amendment also dedicates $10 million to fund the DOD's implementation of a Women, Infants, and Children (WIC) supplemental food program overseas. We must ensure that our youngest and most financially stressed families are not denied the food and nutritional counseling just because they serve overseas.

DEFENSE HEALTH PROGRAM

The Defense Health Program is chronically underfunded and there is a need to improve and extend the benefit for a changing military beneficiary population. Therefore, the amendment would provide $750 million to improve health care benefits for active duty and retired personnel and their families. Military families increasingly cite the crisis facing the military health care system as a reason for their growing disaffection with the military way of life. We cannot afford to neglect this problem.

Mr. Chairman, my colleagues should be assured that meeting the needs of people and the armed services that I have outlined here is an urgent requirement. A vote in favor of this amendment is a vote to protect the people that serve our Nation in uniform—our most precious of resources. Vote "yes" on this amendment.

Mr. GOODLING. Mr. Chairman, I want to take this opportunity to support a small, but important provision included in the amendment offered by Congressman LEWIS to H.R. 3908, the 2000 Emergency Supplemental Appropriations Act. This provision would provide $10 million to fund the Overseas Special Supplemental Food Program authorized as part of the National Defense Authorization Act for fiscal year 2000.

The Overseas Supplemental Food Program included in the National Defense Authorization Act is based on legislation I introduced on May 12, 1999 with Congressman KILDEE, CASTLE, and MCKEON, H.R. 1779, the "Overseas Special Supplemental Food Program Amendments of 1999."

As most of you know, the Special Supplemental Nutrition Program for Women, Infants and Children (commonly known as WIC) provides vital benefits to low-income women, infants and children in the form of food packages and nutrition education. Until the enactment of the National Defense Authorization Act, an estimated 46,658 women, infants and children living overseas were not eligible to receive the nutrition benefits that would have been available to them if the families were stationed in the United States and participating in WIC.

The Department of Defense is currently in the process of implementing the Overseas Special Supplemental Food Program. The $10 million provided as a part of the amendment offered by Congressman LEWIS will help ensure it has the funding necessary to provide high quality nutritional assistance to program participants.

Mr. Chairman, this amendment will guarantee that our hard-working, dedicated military personnel overseas have access to the same nutritional support as those families residing in the United States. It deserves our support.

Mr. RODRIGUEZ. Mr. Chairman, I agree this amendment is necessary to address some of the critical unfunded requirements the Service Secretaries and Chiefs identified during the recent hearings before the House Armed Services Committee. However, I am concerned because it does not specifically target any funds for real property maintenance.

Every Service Secretary and Chief testified before our committee about their inability to fund their facility maintenance and repair accounts at the required level. They've had to use these accounts to pay bills for contingency operations, modernization, spare parts, and other high priority items.

Their unfunded requirements lists, submitted to this committee in February, include real property maintenance as one of the top eight priorities for every Service.

All of us who are homeowners know that if we don't keep our homes properly maintained, we're going to be facing even bigger bills in the future. I'm afraid we're already there on our military installations.

I'n not talking about cosmetic upgrades—I'm talking about things that impact readiness and the quality of life of our troops.

Things like airfield pavement repair to prevent pieces of the pavement flying up and putting out an aircraft engine. Or power outages which impact vital systems on the installation.

I'm sure any of the Members who have military bases in their districts, or have traveled to our overseas bases, have heard the horror stories of how barracks and dining halls are without heat or hot water because of a catastrophic failure, or of how buildings must be vacated when winds reach a certain speed because failing structural systems make them unsafe. You all have your own examples.

We have also seen the ingenuous ways our troops engineer work-arounds just to get the job done—they should not have to work under these conditions! They deserve better.

I would urge the Appropriations Committee to add real property maintenance funds for each Service, based on the unfunded priority lists. These funds would allow each Service to immediately fix their most urgent requirements and improve their military readiness.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from California (Mr. LEWIS) will be postponed.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

Mr. Chairman, bovine tuberculosis has been identified in free-range deer in Michigan. The deer are quickly transferring this disease to cattle herds throughout the State.

Currently, the State is in danger of losing its bovine TB-free status. If that were to happen, Michigan farmers stand to lose $156 million over the next 10 years. The State of Michigan has been working in conjunction with USDA to solve this problem. However, further assistance from the Federal Government is needed.

We have a bipartisan request for $7.5 million to the State of Michigan to combat that disease. I seek the assurance of the gentleman from New Mexico (Chairman SKEEN) that the committee will assist with funding for the bovine TB crisis, and that will be addressed when this bill is considered in the conference committee.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CAMP. Yes, I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Michigan (Mr. CAMP) for bringing this problem to our attention.

As we stated in our committee's report on the supplemental bill, we urged the Department of Agriculture to address this problem immediately through epidemiology and surveillance, deer ecology, risk analysis, disease control, eradication, and diagnosis and pathogenesis.

We have directed the Secretary of Agriculture to promptly notify the committee of any additional funding requirements, accompanied by official requests for additional funds, and to report to the committee by May 1, 2000, on his plan of action.

Again, I thank the gentleman from Michigan for his efforts. We will follow this matter closely and do the best we can to address the need.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT NO. 3 OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. RAMSTAD:

Page 2, strike line 1 and all that follows through page 9, line 4.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would strike title I, the entire $1.7 billion in counternarcotics funding for Colombia. We have already spent over $600 million to eradicate drugs at their source in Colombia, and what has been the result? A recent study on our effort in Colombia shows that both cocaine and heroin production in Colombia have more than doubled. That has been the result.

Colombia is now the source of 80 percent of the cocaine and 75 percent of the heroin coming into the United States, both significant increases, the $600 million spent notwithstanding. That is what $600 million in Colombia has done, Mr. Chairman.

Now, tonight, we are being asked to spend almost $2 billion to escalate the war on drugs in Colombia. This is misdirected public policy; and it is simply wrong, when 58 percent of drug addicts who seek treatment here in our country are being denied treatment.

Let us face it, our drug eradication and interdiction efforts have been a costly and a colossal failure.

As a former United States Navy lieutenant commander, Sylvester Salcedo, who was involved in the Colombia effort as the Navy intelligence officer for 3 years, said today right outside this Capitol, "The $1.7 billion," and I am quoting now, "proposed for drug eradication and interdiction in Colombia is good money thrown after bad."

Lieutenant Commander Salcedo also said, and I am quoting, "We cannot make progress on the drug problem by increasing our failed effort in Colombia." Let me repeat that. Somebody who was there 3 years in the Colombia effort, Lieutenant Commander Salcedo, said, "We cannot make progress on the drug problem by increasing our failed effort in Colombia." Instead, he said we should confront the issue of demand here at home by providing treatment to our addicts in our own country.

Mr. Chairman, we need to listen to this veteran of the war on drugs who added, "Washington should not spend its money on more helicopters but on treatment for addicts. The $400 million cost of the helicopters alone in this bill would provide treatment for 200,000 Americans addicted to drugs."

Mr. Chairman, when President Richard Nixon first declared war on drugs in 1971, he directed 60 percent of the funding to treatment. To date, we are down to 18 percent for treatment. That is right. Sixty-six percent on the supply side, eradication, interdiction, border patrol. Sixty-six percent on the supply side; 16 percent for education and prevention; and 18 percent for treatment.

That is why over half the treatment beds available 10 years ago are gone. That is why 58 percent of the addicts seeking treatment last year were denied access. Our priorities in the war on drugs are wrong, and they are not working. Instead of spending two-thirds of our resources on the supply side and one-third on the demand side, those should clearly be reversed.

The bottom line is this, Mr. Chairman, we will never curb the drug epidemic until we curb the insatiable demand for drugs here at home. The drug problem goes much deeper than illegal drugs coming into our Nation. The fundamental problem is the addiction that causes people to crave and demand drugs.

Mr. Chairman, this is a defining moment in the 30-year effort to curb illegal drug use in America. We can keep pumping money into the eradication and interdiction dead end; or we can get serious, and we can shift our focus and resources to the drug addiction problem here at home.

It is time to reject the $1.7 billion for the failed policy in Colombia. It is time to redirect those dollars to drug treatment here at home. Congress needs to just say no to this Colombia boondoggle.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly oppose the gentleman from Minnesota (Mr. RAMSTAD), and I know the emotion with which he offers this amendment. But I have to tell him that it was very disturbing when I listened to him say that this money would provide treatment for 200,000 addicts. I think, Mr. Chairman, that our goal here should be to eliminate that terrible drug that is causing these addicts, that the addicts are getting addicted to.

We need to destroy the fields where these poppies are growing. We need to destroy the mountain sites where the coca is growing. We need to eliminate the source of the drug. That way, if we dry up the source, we do a lot better than treating 200,000 addicts. What we will do is try to prevent 200,000 more people from becoming addicts. That is what we need to do.

Now, if we wanted to get rid of posse comitatus and let the United States military use its full force against the drug growers and the drug lords, that might be a way to solve this problem. But no one is going to repeal posse comitatus.

Or if we wanted to triple or quadruple the size of the United States Coast Guard and give them more helicopters and more ships and more manpower to interdict, we might be able to be a little more effective.

But the effective way is to eliminate these drugs at the source. Let us eliminate the opportunity for those 200,000 addicts that the gentleman from Minnesota (Mr. RAMSTAD) talked about. Let us eliminate the source of the drug that caused them to be addicts.

Let us think about whose kids are going to be next. If the drug is on the street, whose kid is going to be next? Who is going to become the next addict? Who is going to become the next casualty because of an overdose of drugs? Who is going to be the next person shot, killed because of a drug bust gone bad or drug violence on the streets?

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Stop the drugs at the source. Defeat this amendment. I reserve the balance of my time.

Mr. RAMSTAD. Mr. Chairman, I yield myself 30 seconds to respond to my friend, the distinguished gentleman from Florida (Mr. YOUNG).

I just want to repeat this. The bottom line is this: We will never curb the drug epidemic until we curb the insatiable demand for drugs here at home. We can put up all the fences on our border, hire all the border patrol money can buy, go after the source, spend all the money in crop eradication, interdiction, but until Congress realizes that the fundamental problem is the addiction that causes people to crave and demand drugs, not the supply, we will never put a dent in this problem.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL), the cosponsor of the amendment.

Mr. CAMPBELL. Mr. Chairman, we are about to go to war in Colombia. We are about to allocate $1.7 billion for 63 helicopters and the United States military advisers to help the military in Colombia to fight a civil war. We are about to go to war in the jungles of Colombia.

We are about to take on an insurgency that controls 40 percent of the land mass of Colombia that has been at war with the government of Colombia for 20 years. We are about to relocate farmers off the land where they are growing coca leaf and put them into what can only be called strategic hamlets and protect them, of course, from attack during this time while we teach them to grow something other than coca leaf.

The time will come when these military advisers are fired upon, I fear. And when they are, what will the United States' response be? I suggest its response will be as it was in Vietnam, to increase the number of advisers, to protect those previously sent, to protect the air bases where the helicopters are, to protect the strategic hamlets where we have relocated the villagers to try to teach them to grow something other than coca leaf.

What we are voting on today is the last moment that we have, really, given the way that the war powers have been exercised by this President and previous Presidents, the last moment we have to say no. Because once this starts, the next step will be put more troops in to defend the investment that we have already made.

Can anyone doubt that this will be the case given what has happened in Bosnia, given what has happened in Kosovo? We originally were supposed to be in Bosnia for 6 months. It has now been 5 years. Kosovo we thought would be short term, now our troops will be there for as long as we can see.

We are today voting at the last moment we will have before being asked to observe another war. We are being asked to go to war in Colombia. I think that my good friend and colleague, the gentleman from Minnesota (Mr. RAMSTAD) expressed the point very ably, we will always have a problem of drugs while we have a demand for drugs.

Already chemicals, synthetic substitutes are available that do almost as much harm, in fact, in some cases more. The problem is one of demand. Today we vote to go to war.

I urge my colleagues to vote no, and that means vote yes on the Ramstad amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I have great respect for the gentleman from Minnesota (Mr. RAMSTAD) who has offered this amendment. I would share with the gentleman that I do agree with him on some of his points, especially when he said that we have to go after the demand. I agree with him.

But when it comes to the drug issue, I think, as a Nation, we have to embrace a comprehensive approach, one that is, in fact, multifaceted. So when we do that, I stop and I think about, yes, the importance of education. I think about the importance of rehabilitation and treatment, but there are also other important factors out there.

It is deterrence. It is punishment, punishments of users, of pushers and of kingpins. There is also the glamorization of utilization of drugs, whether it is by Hollywood or stories, TV shows. What about going after the source countries, as the chairman just spoke of, or what about through the transit countries, where the drugs move out of the source countries and transit through other avenues and to find its way on the streets of this country?

What about the precursor chemicals that are coming from our other ally countries, such as Germany and others in Europe, and their relationships into South America, that they have those relationships dating all the way back to pre-World War II, they sell those chemicals, and then going after those precursor chemicals.

Talking about a multifaceted approach, when a Member stands here on the floor and says we are going to war in Colombia, give me a break. We are not going to war in Colombia. We are going to war on drugs.

I was rather stunned in the Committee on Armed Services when a member of this administration came so very cautious and concerned to tell the members of the Committee on Armed Services that in Colombia we are not choosing sides. Not choosing sides? What, are you going to then somehow be neutral? You want to defend the drug cartel, the narcoterrorists?

What do you mean you are not choosing sides? Who are you going to be for? Are you going to stand to defend a president who wants to engage us in the war on drugs in Colombia, the longest-serving democracy in this hemisphere, with the United States? Yes, that is who we need to stand with. So they want to engage in a comprehensive approach in the, quote, war on drugs; should we embrace them? The answer is yes.

We have great debates on this floor about the United States, we should only engage in certain areas of the world to protect vital national security interests. Can you define an interest that can be more vital to all of us than the drugs and the effects they have upon our children? I cannot think of one.

We will spend $10 billion in Kosovo. And people cannot relate as to why we are spending these monies in Kosovo, when, in fact, if we would spend half of that in an endeavor to stop drugs from coming into our country, look how far ahead we would be, the 52,000 lives that are lost each year, I say to the gentleman from Minnesota (Mr. RAMSTAD).

I would urge Members to vote against the gentleman's amendment for a comprehensive approach.

Mr. RAMSTAD. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Minnesota (Mr. RAMSTAD) has 3½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 4½ minutes remaining.

Mr. RAMSTAD. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I want to make a couple of points: One, basic economics, as the gentleman from California pointed out, the gentleman said supply always equals demand. If we push down supply here but do nothing about demand, we can be sure from Guyana or Venezuela or a lot of other places supply will be there to meet it.

Two, my wife got a $218 ticket the other day for turning left on a green light in front of oncoming traffic. If she had been caught instead with a noncommercial quantity of marijuana in her car, she would have gotten a $125 fine instead of a $218 fine. We are not serious about this war on drugs.

Three, Colombia does not have a shootdown policy and, yet, we are about to send over a billion dollars. For that matter, America does not have a shootdown policy.

Finally, we have a flawed strategy. In military, you have to effect the center of gravity. You have to eliminate an enemy's ability to make war. We do not do that; what we are offering here is a false promise.

Mr. YOUNG of Florida. Mr. Chairman, we have only one speaker remaining, and we reserve the balance of our time to close.

Mr. RAMSTAD. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, if the Members of the majority can stand the shock of my speaking from the majority side, I would simply say that I had not wanted to go through this amendment because there are a number of things in this bill that I do not want to cut out, but we have not been given any other opportunity to cut out the things that I think really need to be cut out with respect to this new adventure in Colombia. And absent our ability to get more consideration of that, I am going to support the Ramstad amendment. I think it gives us no choice, given the choice the House presented to us today.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the speakers on both sides of this issue. This truly is a defining moment in a 30-year effort to fight illegal drug use in America. We can continue down the road of a failed policy by spending another $1.7 billion for more eradication, more interdiction efforts that have been proven futile, that have been proven not to work; or we can prioritize treatment for addiction, which has been proven cost effective in study after study, in addict after addict, in alcoholic after alcoholic lucky enough to be treated.

This is not a political issue, my colleagues. This is a life or death issue for five and a half million addicts in America who need treatment and cannot get it today.

This amendment is also fiscally responsible. I want to thank the National

Taxpayers Union for endorsing this amendment. I also want to thank the gentleman from California (Mr. CAMPBELL) for cosponsoring the amendment.

Let us save the taxpayers $1.7 billion. Let us begin the process of reordering our priorities in the war against drugs.

Mr. Chairman, I urge a "yes" vote to delete funding for the Colombia boondoggle.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) is recognized for 4½ minutes.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman and colleague, the gentleman from Florida (Mr. YOUNG), yielding me this time.

Indeed, I want to say to my colleagues in the House, but especially to the gentleman from Minnesota (Mr. RAMSTAD), I could not believe more strongly in his expression of concern about the problems that relate to the demand side. Indeed, earlier today we had an extensive discussion regarding that as we went forward with the Pelosi amendment.

There is no doubt that America is concerned about impacting the demand for drugs in cities all over America. Indeed, we have made significant commitments over time during this Congress and the past Congress. Clearly, not nearly enough money, but this proposition today is in response to the administration's recommendation that we step forward in a relationship with our neighboring country, Colombia, a country that is attempting to raise between $7 and $8 billion themselves in order to fight the war on drugs at home.

Colombia is the source of something like 90 percent of cocaine that is imported into America. There is little doubt, unless we deal directly with that source, that we will never affect that piece of drug availability in the United States. So the proposition before us today is to essentially express support for the President, who is joining us in this effort, the effort to stop the flow of cocaine to our country.

Clearly, propositions that would expand the opportunities to impact demand should and do deserve our support. I expect in the months and years ahead that I will join my colleagues in that effort, as I ask all of my colleagues to vote against this amendment and to support the bill in its final passage.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. RAMSTAD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAMSTAD. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. RAMSTAD) will be postponed.

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to take a very brief time to note that I forgot to mention one thing on the Gilman amendment.

I have a letter from the Taxpayers for Common Sense which reads, "Taxpayers for Common Sense urges you to oppose passage of H.R. 3908, the 2000 Emergency Supplemental Appropriation bill, and to vote against the amendment to add $4 billion in undefined military spending to go the bill. What began as a modest appropriations bill to cover expenses for ongoing military deployments has turned into an enormous Christmas tree decorated with billions of extra dollars of pork placed there by special interests. The real emergency is the utter breakdown of the congressional budget and appropriations process."

I do not necessarily agree with all of those words, but I agree with most of them.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California:

Page 5, line 22, after "activities" insert "(of which not less than $6,500,000 shall be made available through the United States Agency for International Development for alternative economic development activities in Bolivia to be managed by the United Nations Drug Control Program)".

Page 6, beginning on line 1, after "activities" insert "(of which not less than $3,000,000 shall be made available through the United States Agency for International Development for alternative economic development activities in Ecuador to be managed by the United Nations Drug Control Program)".

Page 6, line 4, after "Peru" insert ", of which not less than $7,500,000 shall be made available through the United States Agency for International Development for alternative economic development activities in Peru to be managed by the United Nations Drug Control Program".

Page 6, line 9, after "objectives" insert ": *Provided further*, That of the funds appropriated under this heading, not less than $9,000,000 shall be made available through the United State Agency for International Development for alternative economic development activities in Colombia to be managed by the United Nations Drug Control Program: *Provided further*, That funds appropriated under this chapter for the United Nations Drug Control Program to be made available through the United States Agency for International Development may be obligated to the United Nations Drug Control Program only if the congressional committees described in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) are notified 15 days in advance of such obligation in accordance with the procedures applicable to reprogramming notifications under such section: *Provided further*, That not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Administrator of the United States Agency for International Development, in consultation with the head of the United Nations Drug Control Program, shall prepare and submit to the congressional committees described in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) a report on the status of the United Nations Drug Control Program's alternative development projects in Colombia, Bolivia, Ecuador, and Peru".

Mr. FARR of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order, and the gentleman from California (Mr. FARR) is recognized for 5 minutes on his amendment.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that the chairman is reserving a point of order, and what I wanted to do is to explain my amendment and hope that we can work something out in conference here.

This amendment earmarks existing funding for alternative development in the UNDCP, the United Nations Drug Control Program, for the countries of Peru, Bolivia, Ecuador, and Colombia.

□ 2000

The amendment enhances the accountability of this money by requiring that the funding go through USAID, be subject to congressional notification, and be monitored via the regular reporting process.

The reason that it is important that we put this money in is that, indeed, if we are going to eradicate the crops, we have got to teach the camposinos how to grow something as an alternative. Just going in and eradicating crops, it will reappear. So what the UNDCP program has done is very effective and has an approval record in Bolivia and Peru.

In this alternative, development is essentially the ability to wean farmers off growing coca or opium poppy and get them into a constructive alternative agricultural practice.

What also happens to the region is they begin recovery from a drug culture to a legitimate private sector agricultural economy in a rural country and in a rural area; and it allows, essentially, what we have always been trying to promote is democratization, essentially, of building of communities.

So what this amendment does is it takes existing funds and earmarks those to those four countries for the exact same purposes.

Just in closing, I would like to sort of sum up what the UNDCP programs have done. They have had a 78 percent reduction in the hectares of illicit coca in Bolivia in the last 3 years, 78 percent in the last 3 years alone. In 2000, alternative development crops occupy 100,000 hectares of land, an area 10 times greater than that devoted to growing illicit coca.

So this is particularly important as we move into Colombia, eradicate the crops, which is going to be done by the Joint Military National Police and then move in behind them with a program that has a proven track record of being able to work with the camposinos to get them into these alternative programs.

As I said, the money is funded through our United States Department of International Development, and it is subject to notifying us on all aspects of it and keeping us informed with progress reports.

So I would ask that we can get this amendment and work the best we can to get these earmarks in. I think it makes it a stronger bill. We have bipartisan support for this effort.

Mr. Chairman, I am hoping we can get assurance that we can look at this in the conference committee.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, certainly we, of course, intend to work with the gentleman. We are concerned about the issue, as he is; and we will work with him. This amendment is definitely subject to a point of order. But we understand what he is trying to accomplish, and we will work with him.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, we cannot promise the gentleman from California (Mr. FARR) what the conference committee will do. We appreciate very much his knowledge of this problem in South America and his history of being concerned about it. But I cannot commit to the gentleman or to anyone else what the conferees may do.

My personal observation is that this is sort of an indirect funding of the United Nations. And in President Pastrana's Plan Colombia, he has already worked with the United Nations and they have committed to provide him a portion of the $1.8 billion as their contribution to this overall plan. So it may not be necessary, as the United Nations has already agreed with President Pastrana. It may be moot.

So I cannot commit to the gentleman that the conference committee will come back with some language that will fulfill the desire of the gentleman as his amendment states. But I do appreciate his concern, and I agree with the gentleman that they did a good job in Bolivia and that they probably are needed as well in Colombia.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has expired.

(By unanimous consent, Mr. FARR of California was allowed to proceed for 30 additional seconds.)

Mr. FARR of California. Mr. Chairman, I want to point out that this is a program that the funding is unique. It goes right to the program. It does not go through the United Nations. It goes through a separate account, the UNDCP.

Mr. CALLAHAN. Mr. Chairman, if the gentleman will continue to yield, but the organization is a United Nations organization; and, therefore, we would have to send the money to the United Nations. That is my observation.

Mr. FARR of California. Mr. Chairman, reclaiming my time, we will work those differences out, hopefully, in conference.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of Rule XXI.

The Rule states in pertinent part:

> An amendment to a general appropriations bill shall not be in order if it changes existing law.

And this amendment does.

So I ask the Chair to sustain the point of order.

The CHAIRMAN. Does the gentleman from California (Mr. FARR) wish to be heard on the point of order?

Mr. FARR of California. Mr. Chairman, I accept the point of order. We will work out the amendment with bipartisan support in conference.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Florida (Mr. YOUNG) makes a point of order that the amendment offered by the gentleman from California (Mr. FARR) proposes to change to existing law and constitutes legislation in violation of clause 2 of Rule XXI.

As noted on page 799 of the House Rules and Manual, propositions establishing affirmative directions for executive officers constitute legislation.

The amendment offered by the gentleman from California proposes, in part, to require the Administrator of the United States Agency for International Development to prepare and submit a report to certain congressional committees.

Thus, the amendment offered by the gentleman imposes a new duty on an executive officer and constitutes legislation.

The point of order is sustained. The amendment is not in order.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 450, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Part B amendment No. 9 offered by Mr. LEWIS of California; Part B amendment No. 3 offered by Mr. RAMSTAD; and Part B amendment No. 7 offered by Mr. GILMAN.

The Chair will reduce to 5 minutes the time for the third electronic vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. LEWIS OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on Part B amendment No. 9 offered by the gentleman from California (Mr. LEWIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 130, not voting 15, as follows:

[Roll No. 85]

AYES—289

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Combest
Condit
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Danner
Davis (VA)
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English

Etheridge
Evans
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
King (NY)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—130

Ackerman
Baird
Baldwin
Barrett (WI)
Becerra
Berman
Berry
Biggert
Blagojevich
Blumenauer
Boswell
Brown (OH)
Camp
Capuano
Cardin
Castle
Chabot
Clay
Collins
Cook
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Dixon
Doggett
Duncan
Ehlers
Engel
Eshoo
Ewing
Farr
Fattah
Filner
Ford
Frank (MA)
Ganske
Gutierrez
Gutknecht
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoekstra
Holt
Hooley
Jackson (IL)
Jones (OH)
Kaptur
Kasich
Kilpatrick
Kind (WI)
Kingston
Kleczka
Largent
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moakley
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Petri
Porter
Portman
Ramstad
Rangel
Regula
Rivers
Roukema
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Smith (MI)
Stark
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—15

Barton
Clyburn
Conyers
Crane
Everett
Franks (NJ)
Gilman
Granger
Klink
Kucinich
Martinez
Quinn
Rothman
Rush
Vento

□ 2027

Messrs. SHAYS, PORTMAN, EWING, COOK, GUTIERREZ and FORD changed their vote from "aye" to "no."

Mr. PHELPS and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. RAMSTAD

The CHAIRMAN pro tempore (Mr. HANSEN). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. RAMSTAD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 262, not voting 14, as follows:

[Roll No. 86]

AYES—158

Abercrombie
Archer
Baird
Baldwin
Barcia
Barrett (WI)
Bereuter
Berry
Blumenauer
Bonior
Boucher
Brown (FL)
Brown (OH)
Camp
Campbell
Capuano
Carson
Castle
Chabot
Clay
Clayton
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Danner
Davis (IL)
Deal
DeFazio
DeMint
Dickey
Doggett
Duncan
Ehlers
Ehrlich
Eshoo
Evans
Fattah
Filner
Foley
Ford
Fossella
Ganske
Gekas
Goodling
Graham
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hinchey
Hoekstra
Horn
Hulshof
Inslee
Istook
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Largent
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lipinski
Lofgren
Luther
Manzullo
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Metcalf
Miller, George
Minge
Mink
Moakley
Moran (KS)
Morella
Nadler
Neal
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Porter
Ramstad
Rivers
Roemer
Rohrabacher
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sanford
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Simpson
Smith (MI)
Stark
Stearns
Stupak
Sununu
Tancredo
Terry
Thompson (CA)
Tiahrt
Tierney
Toomey
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Waters
Watt (NC)
Waxman
Wicker
Woolsey
Wu

NOES—262

Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Cardin
Chambliss
Chenoweth-Hage
Clement
Coble
Cooksey
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
Engel
English
Etheridge
Ewing
Farr
Fletcher
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall

Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Ryun (KS)
Sandlin
Sawyer
Saxton
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Velazquez
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Barton
Clyburn
Crane
Everett
Franks (NJ)
Granger
Hunter
Klink
Martinez
Quinn
Rothman
Rush
Spence
Vento

☐ 2046

Mr. MOORE and Mr. HOLT changed their vote from "aye" to "no."

Mr. SMITH of Michigan changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 450, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the last amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MR. GILMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GILMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 39, not voting 15, as follows:

[Roll No. 87]

AYES—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—39

Baird
Baldwin
Barrett (WI)
Blagojevich
Bliley
Brown (OH)
Capuano
Cox
Davis (FL)
DeFazio
DeGette
DeLay
Doggett
Eshoo
Hill (IN)
Jackson (IL)
Kaptur
Knollenberg
Lee
Markey
McDermott
McGovern
McKinney
Miller, George
Moakley
Nadler
Oberstar
Obey
Olver
Paul
Pelosi
Schakowsky
Snyder
Stark
Tierney
Waters
Wexler
Woolsey
Wu

NOT VOTING—15

Barton
Burr
Clyburn
Crane
Everett
Franks (NJ)
Granger
Klink
Martinez
Pryce (OH)
Quinn
Rothman
Rush
Spence
Vento

☐ 2055

Mr. BAIRD changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. PRYCE of Ohio. Mr. Chairman, on rollcall No. 87 I was in inadvertently detained. Had I been present, I would have voted "aye."

The CHAIRMAN. Are there further amendments to title I?

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could have the attention of the House, I would like to announce that it is our intention to proceed this evening for about 1 additional hour; that we will consider several amendments and roll the votes until that hour is up, and then at approximately 10 o'clock we will take whatever votes there are, and we will then be finished with this bill for tonight and take it up again tomorrow morning.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, could the gentleman apprise us of whether in fact the education bill will be up tomorrow?

Mr. YOUNG of Florida. I can only speak for this bill. This bill will be up tomorrow.

Mr. BONIOR. May I ask the distinguished majority leader, who is on his feet and ambling to the microphone?

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I appreciate the gentleman's inquiry. The gentleman, like myself, understands the importance of that legislation. However, this legislation has an enormous priority, and we must first finish this bill, which we expect to do tomorrow. At that point, we will have to take a decision.

Mr. BONIOR. Mr. Chairman, is the gentleman saying that the decision on whether we go into the education bill will be made tomorrow and not this evening?

Mr. ARMEY. Again, I appreciate the gentleman's interest in that important legislation.

Mr. BONIOR. Does that mean, Mr. Chairman, if I could ask the gentleman from Texas, does that mean that the Committee on Rules members should be alert that they may meet at 2 o'clock or 3 o'clock in the morning and stay here? What is in store for them?

Mr. ARMEY. I appreciate the gentleman's inquiry. Let me just tell the gentleman, we will complete work on this bill for this evening in about an hour. Tomorrow we will come back and we will finish this bill in the morning.

At that point, we will have a decision about whether or not we have completed our week's work or whether or not we will try to take up additional legislation.

Mr. BONIOR. May I ask this one further question, and then I will sit down.

Can I go to our Committee on Rules members and tell them that they will not be meeting this evening?

☐ 2100

Mr. ARMEY. Mr. Chairman, I do not see the chairman of the Committee on Rules, but I think the gentleman would be safe in telling them that.

Mr. BONIOR. Mr. Chairman, I thank the gentleman. That is what we needed to know. Is there a way to roll the votes until tomorrow? Is there a way to roll the votes until tomorrow evening?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman would yield, we will roll several votes this evening and we will vote at approximately 10 o'clock.

Mr. BONIOR. So we will continue and have votes at 10 o'clock this evening?

Mr. YOUNG of Florida. Approximately 10 o'clock.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

PEACEKEEPING OPERATIONS IN KOSOVO AND OTHER NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF STATE

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Security and Maintenance of United States Missions", $104,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $19,532,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $20,565,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $37,155,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $30,065,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to provide assistance to Vieques, Puerto Rico, including a study of the health of Vieques residents; firefighting related equipment and facilities at Antonio Rivera Rodriguez Airport; construction or refurbishment of a commercial ferry pier and terminal and associated navigational improvements; establishment and construction of an artificial reef; reef conservation, restoration, and management activities; payments to registered Vieques commercial fishermen of an amount determined by the National Marine Fisheries Service for each day they are unable to use existing waters because the Navy is conducting training; expansion and improvement of major cross-island roadways and bridges; an apprenticeship/training program for young adults; preservation and protection of natural resources; an economic development office and economic development activities; and conducting a referendum among the residents of Vieques regarding further use of the island for military training programs, $40,000,000, to remain available until September 30, 2003: *Provided*, That such funds shall be in addition to amounts otherwise available for such purposes: *Provided further*, That the Secretary of Defense may transfer funds provided under this heading to any agency or office of the United States Government in order to implement the projects for which funds are provided: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That for purposes of providing assistance to Vieques, any agency or office of the United States Government to which these funds are transferred may utilize, in addition to any authorities available under this heading, any authorities available to that agency or office for carrying out related activities, including utilization of such funds for administrative expenses: *Provided further*, That any amounts transferred to the Department of Housing and Urban Development, "Community development block grants", shall be available only for assistance to Vieques, notwithstanding section 106 of the Housing and Community Development Act of 1974: *Provided further*, That funds made available under this heading may be used to make direct payments to registered Vieques commercial fishermen: *Provided further*, That the Department of the Navy may provide fire-fighting training and funds provided under this heading may be used to provide fire-fighting related facilities at the Antonio Rivera Rodriguez Airport: *Provided further*, That funds made available under this heading may be used to construct or modify a commercial ferry pier and terminal and associated navigational improvements: *Provided further*, That except for amounts provided for the health study, fire-fighting related equipment and facilities, and certain activities in furtherance of the preservation and protection of natural resources, funds provided in this paragraph shall not become available until the Secretary of the Navy has certified to the Director, Office of Management and Budget, that the integrity and accessibility of the training range is uninterrupted, and trespassing and other intrusions on the range have ceased: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $2,174,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $2,851,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Overseas Contingency Operations Transfer Fund", $2,050,400,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance, including Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense

Health Program; and working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $73,000,000, to remain available for obligation until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $3,533,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. (a) MINIMUM RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED SERVICES.—During the period beginning on January 1, 2000, and ending on September 30, 2001 (or such earlier date as the Secretary of Defense considers appropriate), a member of the uniformed services entitled to a basic allowance for housing for a military housing area in the United States shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

(b) ANNUAL LIMITATION ON ALLOWANCE.—In light of the rates for the basic allowance for housing authorized by subsection (a), the Secretary of Defense may exceed the limitation on the total amount paid during fiscal year 2000 and 2001 for the basic allowance for housing in the United States otherwise applicable under section 403(b)(3) of title 37, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2202. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $1,556,200,000 is hereby appropriated to the Department of Defense for the "Defense-Wide Working Capital Fund" and shall remain available until expended, for price increases resulting from worldwide increases in the price of petroleum: *Provided*, That the Secretary of Defense shall transfer $1,556,200,000 in excess collections from the "Defense-Wide Working Capital Fund" not later than September 30, 2001 to the operation and maintenance; research, development, test and evaluation; and working capital funds: *Provided further*, That the transfer authority provided in this section is in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(TRANSFER OF FUNDS)

SEC. 2203. (a) The Secretary of Defense may transfer up to $90,000,000 to the account "Aircraft Procurement, Air Force 2000/2002", from funds specified in subsection (b). Amounts so transferred shall be merged with, and shall be available for obligation for the same period as, the account to which transferred.

(b) Amounts which may be transferred under this section are unobligated amounts that would otherwise expire for obligation on September 30, 2000, that were appropriated for Air Force or Defense-Wide accounts in the following provisions of law:

(1) Titles I and II of the Department of Defense Appropriations Act, 2000 (Public Law 106-79).

(2) Title IV of the Department of Defense Appropriations Act, 1999 (Public Law 105–262).

(3) Title III of the Department of Defense Appropriations Act, 1998 (Public Law 105–56).

(TRANSFER OF FUNDS)

SEC. 2204. The Secretary of Defense shall transfer $125,000,000 from unobligated funds in the National Defense Stockpile Transaction Fund to "Procurement of Weapons and Tracked Combat Vehicles, Army 2000/2002" only for procurement, advance procurement, or economic order quantity procurement of Abrams M1A2 SEP Upgrades under multiyear contract authority provided under section 8008 of the Department of Defense Appropriations Act, 2000: *Provided*, That amounts so transferred shall be merged with, and shall be available for obligation for the same period as, the account to which transferred: *Provided further*, That none of the funds made available under this section shall be obligated until the Secretary of the Army certifies to the congressional defense committees that these funds will be used to upgrade vehicles for an average unit cost (for 307 vehicles) that does not exceed $5,900,000.

SEC. 2205. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $854,500,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2001: *Provided*, That such funds shall be available only for the purposes described and in accordance with section 2206 of this chapter: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2206. (a) Of the amounts provided in section 2205 of this chapter for "Defense Health Program"—

(1) not to exceed $90,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that (but for insufficient funds) would have been properly chargeable to the Defense Health Program account for fiscal year 1998 or fiscal year 1999; and

(2) not to exceed $764,200,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that are properly chargeable to the Defense Health Program account for fiscal year 2000 or fiscal year 2001.

(b) The Secretary of Defense shall notify the congressional defense committees before charging an obligation or an adjustment to obligations under this section.

(c) The Secretary of Defense shall submit to the congressional defense committees a report on obligations made under this section no later than 30 days after the end of fiscal year 2000.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the Agency for International Development", $13,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Other Bilateral Economic Assistance

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $95,825,000, to remain available until September 30, 2001: *Provided*, That this amount shall only be available for assistance for Montenegro and Croatia, assistance to promote democratization in Serbia including support for nongovernmental organizations and independent media, and not to exceed $12,400,000 for assistance for Kosovo: *Provided further*, That the amount specified in the previous proviso for assistance for Kosovo may be made available only for police activities: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for "International Military Education and Training", $2,875,000, to remain available until September 30, 2001, for grants to countries of the Balkans and southeast Europe: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", to enable the President to carry out section 23 of the Arms Export Control Act, $31,000,000, to remain available until September 30, 2001, for grants to countries of the Balkans and southeast Europe: *Provided*, That these funds shall be nonrepayable, notwithstanding sections 23(b) and 23(c) of the Act: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

Military Construction, Defense-Wide

SEC. 2401. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, $6,700,000 is hereby appropriated to the Department of Defense, to cover incremental Operation and Maintenance costs to family housing, as authorized by section 2854 of title 10, United States Code, as follows:

"Family Housing, Army", $2,000,000,—

"Family Housing, Navy and Marine Corps", $3,000,000; and

"Family Housing, Air Force", $1,700,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $6,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2402. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of Title 10, United States Code, for the construction, improvement, repair, and maintenance of Quarters Number 6, located at Marine Corps Barracks, 8th and I Street, Washington, D.C.: *Provided*, That the Secretary notifies the appropriate committees of Congress thirty days in advance of the intended use of such funds.

BROOKS AIR FORCE BASE DEVELOPMENT DEMONSTRATION PROJECT

SEC. 2403. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available. The section supersedes, and shall be used in lieu of the authority provided in, section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1277).

(b) AUTHORITY.—(1) Subject to paragraph (4), the Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary may carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(4) The Secretary may not exercise any authority under this section until after the end of the 30-day period beginning on the date the Secretary submits to the appropriate committees of the Congress a master plan for the development of the Base.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Departmental civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base and not required at other Air Force installations to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property at fair market value if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services performed by Department civilian or contract employees, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of the Air Force determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. Subject to paragraph (2), amounts deposited into the Project Fund shall be available without fiscal year limitation.

(2) To the extent provided in advance in appropriations Acts, amounts in the Project Fund shall be available to the Secretary for use at the base only for operation, base operating support services, maintenance, repair, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration. The use of such amounts may be in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall apply to transactions at the Base during the Project.

(k) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(l) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(m) DEFINITIONS.—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve" to cover the incremental costs arising from the consequences of Hurricane Floyd, $12,348,000, as authorized by section 2854 of title 10, United States Code, to remain available until September 30, 2004: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for $12,348,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 35, line 3, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 8 OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 8 offered by Mrs. FOWLER:

Page 11, line 24, insert "and" after the semicolon.

Page 11, line 25, strike "and conducting" and all that follows through the comma on page 12, line 2.

Page 13, line 10, strike "fire-fighting" and all that follows through the comma on line 12.

Page 13, strike lines 14 through 17 and insert the following: "the President has certified to the Congress that trespassing and other intrusions on the range have ceased; that the integrity and accessibility of the training range is uninterrupted; that he has directed the Attorney General to strictly enforce all Federal laws aimed at preventing trespassing and other violations of security and safety on the range; and that he has directed that military training operations utilizing the full range of live ordnance in use prior to April 19, 1999, be resumed and that such training operations have been initiated:".

The CHAIRMAN. Pursuant to House Resolution 450, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, life and death. That is what this amendment is all about. Will we allow the illegal acts of a few to jeopardize the lives of many?

The Fowler-Hansen amendment does three things. First, this amendment prevents the $40 million contained in this bill for Puerto Rico from being used to pay for a binding referendum on whether live-fire training on the Navy range on the Island of Vieques should be resumed.

Second, it strengthens language in the bill making the money contingent on the removal of illegal trespassers from this range, who have it closed down.

And, last, it would require the resumption of live-fire training in Vieques before Puerto Rico could receive any of the $40 million.

Mr. Chairman, remarkably, a group of people engaged in civil disobedience have occupied a critical military installation with no reaction from this administration. Their protests began last year after a Navy civilian employee was killed by an errant bomb while he was on a military live-fire range 9 miles from the nearest town. The gold star up here shows where he was. The town is down here, 9 miles away.

According to our military leaders, we have a clear national security requirement to do live-fire training on the East Coast. Holding a referendum on the subject as the President has proposed is not sound public policy and will set a terrible precedent.

According to Secretary of the Navy Richard Danzig, and I quote,

> Vieques is a uniquely valuable training site. It is the only one available to East Coast units where mission essential combined arms training can be conducted.

End of quote.

The people of Vieques do not bear a unique burden. They are 57 other live-fire and inert-weapons ranges in the United States. It is deeply ironic, I just found out tonight that the Puerto Rican National Guard performs their live-fire artillery training at Fort Sill, Oklahoma, only 1.9 miles from an incorporated area of 90,000 residents, while the Governor of Puerto Rico supports the closure of the live-fire range on Vieques, 9 miles from a civilian population.

Mr. Chairman, I ask my colleagues to support my amendment. Article I, Section 8 of the Constitution gives Congress the authority to provide and maintain a Navy. We must not shirk our responsibilities. Support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with great reservation, I rise to oppose the amendment of the gentlewoman from Florida (Mrs. FOWLER). I very simply do so because we do have an agreement presently struck with the people of Vieques. It is our desire to obtain the same objectives as the gentlewoman would wish to obtain. The fact is there is a referendum next year and if we should, by way of legislation in this process, essentially rub the people of Vieques' nose in that process, what more could we do to undermine that election from our point of view?

So it seems to me that this is not the time to have such a language. And it is because of that that I very regretfully oppose the gentlewoman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. FOWLER. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Mr. Chairman, what happened yesterday at the White House? Somebody jumped over the fence and they apprehended the person because he was trespassing and they took him to jail. Guess what we are talking about here tonight? Only trespassing.

These people went on to this range and trespassed on the range. Now instead of saying like we did at the White House, we say now they can determine whether or not they are going to get $40 million or $50 million for doing it.

Does anyone think they would really do that, when they do not do this they are going to get the whole shooting match? They get $250 million and they can do with it what they want and no military there.

I have had some of my friends say: Let this process work. We are going to win on this one. So I called down to Puerto Rico and I asked the question: Please tell me what the polls show. Do my colleagues know what the polls show? Four percent of the people in Puerto Rico would vote for this. Let us say if someone went to Twentynine Palms or the Utah Test and Training Range and trespassed, what would we do? We would kick them out. In this instance who are we kicking out? We are kicking out the military who absolutely needs this particular area.

A lot has been said about this letter from the Navy. This did not come from the Navy. This came from a political appointee. We do not see the CNO of the Navy on here. We do not see the Commandant of the Marine Corps on here. We do not see any of these people. What do we expect? This is not worth the paper it is written on.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Puerto Rico (Mr. Romero-Barceló).

Mr. ROMERO-BARCELÓ. Mr. Chairman, to compare the situation in Vieques to any other situation in the rest of the land is like comparing a ping pong ball with a basketball. There is no place in the U.S., no place in our Nation where there is bombing from the air, shelling from the ocean, and also from the land at the same time.

That is what they say. That is why the Navy has said that Vieques is such an important thing. The Navy has sent a letter to the chairman of this committee saying: I am writing to express the grave concern of the Department of the Navy with the proposed amendment to H.R. 3908 concerning the economic assistance program on the Island of Vieques, Puerto Rico. They end up by saying: The Department of the Navy strongly believes that the negotiated agreement represents the best opportunity for the Navy to resume crucial training on the Vieques range.

Mr. Chairman, the Navy right now could never resume any bombing because they have violated the Clear Water Act and there is no permit. The only way that it can resume is with inert bombs. There is no other way to resume any maneuvers. This is for the interest of the national defense.

Mrs. FOWLER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. Bilbray).

Mr. BILBRAY. Mr. Chairman, I stand in strong support of this amendment. I tell the gentleman from Puerto Rico (Mr. Romero-Barceló) to come to California and see San Clemente Island. It is bombed from the land, bombed from the sea, and strafed.

The fact is if we are going to set this precedent that Puerto Rico is going to be able to vote if they want a bombing range in their neighborhood, then the 32 million people of California also want to have the same right to be able to say we do not want our islands bombed.

Fairness is fairness. If we are going to set the standard in Puerto Rico, then apply it in the rest of the country. And see if Utah wants to be bombed. This is an issue of national defense, but also the constitutional responsibility of this Congress to apply to military defense.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii (Mr. Abercrombie).

Mr. ABERCROMBIE. Mr. Chairman, I think the gentlewoman from Florida (Mrs. Fowler) knows how reluctant all of us are to rise in opposition to this, but I feel I must as a member of the Committee on Armed Services and a witness to the experience of the Island of Kahoolawe, which was an island in Hawaii which had received live-fire operations for many decades and where that has ceased as a result of the efforts of the people of Hawaii.

We certainly share the national security concerns of the gentlewoman from Florida, but I feel very strongly that her amendment would stall the progress towards a positive solution.

Mr. Chairman, the agreement worked out between the Department of Defense and the Governor of Puerto Rico was very thoughtfully crafted and a product of tireless effort. This agreement was not reached with the protestors, but with the lawful authorities of Puerto Rico. Resolution is best accomplished by moving forward with the agreement.

Mr. Chairman, I can say that I have a copy of the Navy Times of April 3, and it says, "Stay on Vieques, residents say." It may very well be that the referendum will turn out in a positive way in the direction that the gentlewoman requires. So I ask that her amendment be defeated.

Mrs. FOWLER. Mr. Chairman, I yield 30 seconds to the gentleman from Colorado (Mr. Hefley).

Mr. HEFLEY. Mr. Chairman, I live in Colorado Springs and we love Fort Carson on the outskirts of Colorado Springs. It has a live-fire range and we are continually working to make sure that we do not build up around that live-fire range and impinge upon it, because not only do we love Fort Carson, but if they need to train with a live-fire range, we want them to have it.

The people in Puerto Rico seem to love Roosevelt Roads, but they do not the live fire. If we do not have the live fire, we do not need Roosevelt Roads; and we ought to close Roosevelt Roads if we are not going to have a live fire range.

The Navy has spent the last 2 years trying to convince me that we need desperately this range and that we should not do anything to impinge upon that. I hope Members will support the amendment.

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Mrs. FOWLER. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. Shays).

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment. David Sanes Rodriguez was killed as a Navy employee, a civilian, a Puerto Rican, but a civilian of the Navy. He was killed on sight by a misfiring 9 miles from any civilians. Our sailor, our pilots are going to be in extreme danger if they are not allowed to have a practice range.

John McCain and so many others before they went off to battle practiced right here, and they needed that practice.

The CHAIRMAN. The gentlewoman from Florida (Mrs. Fowler) has 30 seconds remaining.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of the time remaining to the gentleman from Pennsylvania (Mr. Murtha).

Mr. MURTHA. Mr. Chairman, the gentleman from Connecticut (Mr. Shays) said that John McCain practiced here. In 1952, we deployed there. I was on Vieques at the time. There was no one understands more the importance of the Vieques than me. The Navy says in their correspondence to me, if this money is taken out, the agreement will be breached.

We can stand here and beat our chest. We can say we are going to force this issue on the Puerto Ricans. That does not solve the problem. They have come to an agreement. The Navy did not live up to their agreements since 1986. They did nothing for economic development. We are saying here that they have to give in to our demands.

There is no question about the importance of Vieques, but this is not something we dictate. The Defense Department has worked out what they consider the best possible agreement. They have negotiated with the governor of Puerto Rico; a lot of the Members here do not like the agreement. They do not think it is fair. They do not think there should be an agreement like this. We put the $40 million in to live up to our end of the agreement.

Believe me, if we take the $40 million out, there will not be any agreement, and we will not have opportunity. The Navy said they will not be able to go forward if we take this money out as important as it is to them. I would urge the Members not to vote for this amendment, to vote against this amendment, with the idea that we will be able to solve this problem. They will have a referendum, and they will allow us to go forward with using this as a tactical training base.

The CHAIRMAN. The gentlewoman from Florida (Mrs. FOWLER) has 30 seconds remaining.

Mrs. FOWLER. Mr. Chairman, one quick correction. This amendment does not strike the $40 million. It does not strike it.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I have to disagree with the gentleman from Pennsylvania (Mr. MURTHA), who is highly respected. This is a bad agreement. If you have a bad agreement, then get rid of it. Why would we ever endorse extortion of the taxpayers' money? And that is what this is. I do not care how you call it. If we do this in Puerto Rico, then what are we going to do about the Tohona Oden tribe outside of Tucson who want their Indian lands back? Then the Committee on Appropriations are going to say we have to give money to them. We are going to be doing this all across the country. Enough is enough. Support the Fowler amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from Florida (Mrs. FOWLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. FOWLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentlewoman from Florida (Mrs. FOWLER) will be postponed.

Are there further amendments to title II?

AMENDMENT OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. FOWLER:

Page 16, after line 21, insert the following new subsection:

(c) SENSE OF CONGRESS REGARDING MILITARY FAMILIES ON FOOD STAMPS.—It is the sense of the Congress that members of the Armed Forces and their dependents should not have to rely on the food stamp program, and the President and the Congress should take action to ensure that the income level of members of the Armed Forces is sufficient so that no member meets the income standards of eligibility in effect under the food stamp program.

Mrs. FOWLER. Mr. Chairman, I will be very brief. I just want to say this amendment is very straightforward. It is noncontroversial, but it is very important. It puts this Congress on record that having U.S. military families on food stamps is simply unacceptable.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I want to say for the record to the gentlewoman that we are happy to accept this amendment that you present to the House.

Mrs. FOWLER. Mr. Chairman, I am so glad we can agree on this one. This just expresses the sense of Congress that the President and Congress should take all steps necessary to ensure that no military man or woman must rely on public assistance to provide for their families.

My amendment does not seek to prescribe a solution or fund an answer to this immoral situation. This is not the appropriate vehicle or venue for that. The Committee on Armed Services and the Committee on Appropriations are best equipped to devise a solution.

All I am seeking to do today is to send a message from this Congress to every soldier, sailor, and Marine that we believe they deserve better. They deserve better for themselves and for their families, that the sacrifices they make day in and day out for this country of ours will not go unnoticed and unrewarded by this Congress.

I just want to share real quickly a personal story that really brought this home for me. Several months ago, I was home on a Saturday night and the phone rang; and it was a young woman married to a Navy lieutenant, stationed out at Mayport, and she was in tears. And I said what is wrong, and she said we ordered a pizza tonight.

And when the pizza delivery man came and I opened the door, it was a young petty officer who had been working all day in Mayport, and he is delivering pizzas at night so he will not have to go on food stamps so he can feed his family.

Mr. MURTHA. Mr. Chairman, if the gentlewoman will yield, we have no problem with this amendment over here.

Mrs. FOWLER. I appreciate that. I am almost through. She asked me, because I told her I would bring this here, so I made a commitment to her. Her husband is flying with the Navy. She said what kind of country treats its soldiers so poorly they have to deliver pizzas to feed their families?

This is why I have the amendment here tonight. I appreciate both sides accepting it. And I know we can work tonight to send a message to these young men and women that we will provide for them.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. FOWLER).

The amendment was agreed to.

Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $2,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Animal and Plant Health Inspection Service Salaries and Expenses", $7,140,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $77,560,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

EMERGENCY CONSERVATION PROGRAM

Unobligated balances previously provided under this heading may be used to repair and reconstruct essential farm structures and equipment that have been damaged or destroyed, after a finding by the Secretary of Agriculture that: (1) the damage or destruction is the result of a natural disaster declared by the Secretary or the President for losses due to Hurricanes Dennis, Floyd, or Irene; and (2) insurance against the damage or destruction was not available to the grantee or the grantee lacked the financial resources to obtain the insurance: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CORPORATIONS

FEDERAL CROP INSURANCE CORPORATION FUND

For an additional amount for the Federal Crop Insurance Corporation Fund, up to $13,000,000, to provide premium discounts to purchasers of crop insurance reinsured by the Corporation (except for catastrophic risk protection coverage), as authorized under section 1102(g)(2) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Public Law 105–277): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION FUND

The Secretary of Agriculture shall reduce the amount of any principal due on a loan made by the Department to a marketing association for the 1999 crop of an agricultural commodity by up to 75 percent if the marketing association suffered losses to the agricultural commodity in a county with respect to which a natural disaster was declared by the Secretary or the President for losses due to Hurricanes Dennis, Floyd, or Irene.

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in the preceding paragraph that is below the base quality of the agricultural commodity, and the reduction in grade quality is the result of damage sustained from Hurricanes Dennis, Floyd, or Irene, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation may be used for the cost of this provision: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the additional cost of water and waste grants, as authorized by 7 U.S.C. 1926(a)(2), to meet the needs resulting from natural disasters, $28,000,000 to remain available until expended; and for an additional amount for community facilities grants pursuant to section 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)) for emergency needs, $15,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For the additional cost of direct loans, as authorized by title V of the Housing Act of 1949, $15,872,000 from the Rural Housing Insurance Fund for section 515 rental housing, to remain available until expended, to address emergency needs resulting from Hurricanes Dennis, Floyd, or Irene: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans estimated to be $40,000,000: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 to be available from funds in the rural housing insurance fund to meet the needs resulting from natural disasters, as follows: $296,000,000 for loans to section 502 borrowers, as determined by the Secretary and $13,000,000 for section 504 housing repair loans.

For the additional cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to meet the needs resulting from natural disasters, to remain available until expended, as follows: section 502 loans, $25,000,000 and section 504 loans, $4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RENTAL ASSISTANCE PROGRAM

For an additional amount for "Rental Assistance Program" for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949, for emergency needs resulting from Hurricanes Dennis, Floyd, or Irene, $13,600,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), to meet the needs resulting from natural disasters, $6,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet the needs resulting from natural disasters, $8,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FARM LABOR PROGRAM ACCOUNT

For grants to assist low-income migrant and seasonal farm workers, as authorized by 42 U.S.C. 5177a, to meet the needs resulting from natural disasters, $5,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

LOANS PROGRAMS ACCOUNT

For the additional cost (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of direct loans under section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), $1,021,000, to remain available until September 30, 2001, to enable financing of the purchase of a utility by a nonprofit cooperative to address the high cost of electric power in the service area attributable in part to a hurricane disaster: *Provided*, That the amount made available under this heading shall be made available to subsidize gross obligations for the principal amount of direct loans estimated to be $113,250,000: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

For an additional amount for the "Foreign Agricultural Service and General Sales Manager", $2,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3101. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $35,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 3102. The Act of August 19, 1958 (7 U.S.C. 1431 note) is amended—

(1) by striking "clause (3) or (4) of" the first place it appears and inserting "the Food for Progress Act of 1985,";

(2) by striking "clause (3) or (4) of such" and inserting "the Food for Progress Act of 1985, such"; and

(3) by striking "to the President".

SEC. 3103. Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act), the Secretary of Agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds, to remain available until expended, for a cooperative program with the State of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 3104. Notwithstanding any other provision of law, the area bounded by West 197th Avenue, North S.W. 232nd Street, East U.S. Highway 1 and S.W. 360th Street in Dade County, Florida, shall continue to be eligible to receive business and industry guaranteed loans under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) until such time that population data is available from the 2000 decennial census: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided, further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CLAYTON: Page 48 after line 18 insert the following section:

SEC. Of the funds available for Emergency Watershed Protection activities in the State of North Carolina, $1,000,000 shall be available to the Secretary of Agriculture, acting through the Natural Resources Conservation Service, to provide technical and financial assistance for implementation of the project known as the "Flood Water Mitigation and Stream Restoration Project—Pinceville, North Carolina".

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mrs. CLAYTON. Mr. Chairman, I understand there is a point of order to be reserved, but I want to speak on the amendment.

This amendment does not cost any money. It merely provides authority to NRCS where such authority does not now exist. The amendment is on behalf of a one-time only project for Princeville, North Carolina.

Mr. Chairman, as my colleagues know, Princeville is a small town in eastern North Carolina that was totally destroyed by the flooding from Hurricane Floyd. Nearly every home, every business, every school, every church was completely destroyed in Princeville.

This amendment will allow NRCS to clear internal drainage within the town. Both the Corps of Engineers and the National Fish and Wildlife Agency agree that this project is needed.

The NRCS State conservationist has the money to do this project within the current budget. The authority to do the project, however, is not present. This amendment provides that authority. It will not require any new monies.

I urge the support, obviously, of this amendment, realizing there is a point of order being reserved.

Mr. Chairman, I yield to the gentleman from New Mexico (Chairman SKEEN) of the subcommittee to speak on the amendment.

Mr. SKEEN. Mr. Chairman, as I told the gentlewoman from North Carolina (Mrs. CLAYTON) earlier this evening, I appreciate the problem that she has, and we would like to work with her and see if we can remedy her problem.

Mrs. CLAYTON. Mr. Chairman, I ask that the gentleman from New Mexico will work with me in the conference to see that we can get the provision consistent.

Mr. SKEEN. We will go the whole gamut with the gentlewoman from North Carolina, Mr. Chairman.

Mrs. CLAYTON. The whole gamut. In other words, Mr. Chairman, we will get the drainage that is needed for Princeville.

Mr. SKEEN. Mr. Chairman, the gentlewoman from North Carolina is a lucky lady.

Mrs. CLAYTON. Mr. Chairman, that is all I wanted to ask.

Mr. Chairman, I do want to conclude my remarks by thanking both sides of the aisle for working with us for eastern North Carolina and other States that are flooded.

I also want to recognize that there are parts of this bill that I may have problems with, but the devastation that many of the citizens who suffered, not just in my State, but throughout the East Coast, the citizens will be thankful to those of us who understood that we, as America, are best when we respond to citizens when they are at their lowest.

So I want to kind of praise everybody that this is at least one good part of the bill that we ought to celebrate. I want to thank both sides for working with me.

Mr. Chairman, I ask unanimous consent to withdraw my amendment, with the understanding that the gentleman from New Mexico (Mr. SKEEN) will work with me to achieve our goals.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

□ 2130

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

On page 48 after line 18, insert the following new section:

SEC. . Equity Loans and Grants for Farmer-Owned Cooperatives.

The Secretary of Agriculture shall use not more than $130,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for grants and loans for equity capital to establish farmer-owned cooperatives composed of small and medium sized producers for the processing and marketing of agricultural commodities (including livestock). The Secretary shall establish reasonable limits on the amount of any individual loan or grant so as to maximize the total number of awards that may be made: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order.

The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes on her amendment.

Ms. KAPTUR. Mr. Chairman, I want to explain this amendment so everyone is aware of what we are proposing here.

First of all, I do not think it is a surprise to say to anyone in this chamber tonight that rural America and farmers are experiencing the lowest prices in modern history, in all sectors, and this particular supplemental bill is the only opportunity we have to try to offer greater assistance to those small- and medium-sized enterprises that this year, not the 2001 appropriation, but this year, in the year of 2000, need assistance in trying to reposition themselves for the marketplace.

This amendment essentially provides $130 million of funds, makes them available, through the Commodity Credit Corporation essentially as an emergency. And because it is the Commodity Credit Corporation, those dollars do not flow through the appropriations process. It makes up to that amount, $130 million, available to farmers and farmer-owned cooperatives for feasibility studies to reposition their businesses, business development strategies, restructuring of their own individual operations into cooperative operations to try to meet the market that is out there, as well as the processing and marketing of those commodities to try to get them to the market.

Now this is different from the language that we offered in full committee the other day. We have done a lot of consultation with the department. We have changed the language a little bit to include both equity capital and loans. We have put a ceiling on the amount of funds that any one enterprise could get at $10 million, up to that amount out of the $30 million. We have worked with the American Meat Institute to address many of the concerns that they had about the original language. We have made this much more specific.

I also wanted to say that this particular amendment is better than the kind of bills this Congress has been passing to try to plug holes in the dike of Freedom to Farm. We have literally appropriated billions of dollars to producers across this country and, as everyone knows, the formula is not based on what people produce or may have lost this year because of bad weather or low prices, the formula is based on something that is 6 years old, that has no relationship to what has actually been done in the field or on the ranch in any given year.

So those AMTA payments are going out in a very inequitable way. And many sectors of rural America, vegetable and fruit producers, certainly those involved in the sugar beet industry, citrus, livestock, any sector that is not row crop, have been deeply hurt and not aided through the AMTA system. This measure would give some hope to those farmers. And I have met many of them. They have come to my office. And God bless them, because, as they are losing everything they have worked for, all they are asking for is the ability to reposition, try to combine together in co-ops to try to survive.

Now, this Congress ought to listen to them. These are people who are feeding our country and literally feeding the world and they are losing everything that they have worked for. It seems to me that we actually have a marvelous opportunity here in this year of 2000. Many of these people cannot hang on until 2001 when our other bill comes through this Congress. Hopefully, it will.

So if we think about the AMTA payment scheme in our country today, five districts got 20 percent of the money that went out under the last financing that was done last year. And so many large operators got huge amounts of money. I had people in the Midwest come up to me and say that they really felt guilty because so-and-so up the street, who was a small- and medium-sized farmer, was going under, and they got payments when they did not even produce a crop. So even the farmers in America know what is going on out there.

The credit systems in these communities are extremely fragile. All I am asking for is the ability to provide a line of credit to these farmers who deserve our attention here in the Congress of the United States. So I would really ask the cooperation of the majority in this effort in this emergency bill. There is no greater emergency than what is going on in rural America today.

I am asking for support to try to find a way to work this measure in this Congress as a part of the supplemental bill as it moves through. I would ask for that consideration.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) wish to make his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 rule XXI.

The rule States, in pertinent part, "An amendment to a general appropriations bill shall not be in order if changing existing law."

The CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) wish to be heard on the point of order?

Ms. KAPTUR. I do. Mr. Chairman, I know the gentleman from Florida (Mr. YOUNG) has tried to be understanding in prior years in the measures that we have brought forward. So in the spirit of that, I would hope that during the conference committee that the gentleman would give consideration to working with our subcommittee to see if we cannot find a way to incorporate the spirit of this in some of what is done.

I would humbly withdraw this amendment this evening knowing full well that the farmers of America deserve a better turn than we are giving them tonight.

The CHAIRMAN. Does the gentleman from Florida wish to be heard further?

Mr. YOUNG of Florida. Mr. Chairman, I would simply say to the gentlewoman that we will always be willing to work with her to try to accomplish what she wishes to accomplish.

Ms. KAPTOR. Mr. Chairman, I thank the gentleman, and ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. The amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) is withdrawn.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have just been reminded once again by the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, that the people who live and work in rural America, who own and work on the farms and ranches of our country, are in deep trouble. That trouble has been visited upon them as a result of acts both natural and man made.

First of all, we have seen serious drought sweep across vast sections of the country. Following that, large sections were hit with hurricanes. Hurricane Floyd, for example, did an enormous amount of damage. All this follows upon the devastating impacts of the Freedom to Farm Act which was enacted by this Congress in 1996, which in and of itself has done extraordinary damage to people on the farm and ranchers all across America.

Yesterday, I went before the Committee on Rules and asked that we have an amendment made in order which would address an important part of this problem. This Congress has done much to help the farmers of the traditional row crops. We have, in fact, appropriated billions of dollars in the last several years to deal with agricultural disaster affecting these five traditional row crops. However, we have pointedly ignored the producers of specialty crops. And what I mean by specialty crops, of course, are the producers of fruit, apples, pears, orchards of various kinds, as well as vegetable growers, peanut growers, and other specialty crops, which have been hard hit both by these natural and man-made disasters.

I ask the Committee on Rules to make in order an amendment which would allow $150 million in disaster assistance for the farmers who produce these row crops and whose incomes have been so devastatedly impacted as a result of these natural and man-made disasters. Unfortunately, the Committee on Rules saw fit not to make that amendment in order. So I am taking this opportunity to bring this issue before the Members of the House and, particularly, once again, to my dear friend and colleague, the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies in the Committee on Appropriations.

The gentleman from New Mexico (Mr. SKEEN) has been gracious enough to allow me to consult with him on this issue and to bring it to his attention. We have had several discussions about it. And he has assured me of his deep concern and interest in this issue. I hope that together we can find a way to provide the relief that is so desperately needed by the agriculture community, particularly the growers of these row crops.

I am putting my faith in the chairman of my subcommittee and the other Members of this House, and the people who grow these crops all across our country, in the Northeast and Florida, in the South, and in the far West, also are putting their faith in the chairman of our subcommittee and the Members of this House. They need relief. They need it desperately, and they need it now. This is, in fact, a disaster, and we have a responsibility to come to their aid.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I think the gentleman explained it very well. We are here to help, and we are going to do it. We are going to do whatever is possible in this thing to try to make it work.

We appreciate the gentleman's interest, and the gentleman certainly has mine and also, I think, the chairman of the full committee. I want to thank the gentleman for the backup that he has given me and the rest of our committee. He is a great member of the committee. I appreciate it.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I thank both gentlemen very, very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 2

Mr. WU. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last night we appeared before the Committee on Rules in order to attempt to make a bipartisan common sense approach in order due to a real emergency and a real disaster. The emergency aid involves West Coast fishermen and owners of small fishing boats.

This is a real emergency caused by a precipitous decline in fish population and bad Federal policy. It affects the entire West Coast. Simply put, there are too many fishing boats, too few fish, and too many Federal fishing restrictions based on spotty data. This bipartisan common sense amendment offered by myself, the gentleman from Oregon (Mr. WALDEN), the gentlewoman from California (Mrs. CAPPS), and the gentleman from California (Mr. KUYKENDALL), two Democrats and two Republicans, would have addressed these challenges by bringing better science and better fish counting to the problem, a boat buy-back program and financial aid to affected families.

This common sense bipartisan amendment was not made in order, and I would inquire of the chairman on behalf of myself and the gentlewoman from California (Mrs. CAPPS) about the prospects of providing assistance to the hard-hit West Coast fishing industry when this bill is conferenced with the Senate. I understand that a number of issues not in the House bill may be considered at that conference, and I would like to know whether the chairman would consider at that time providing assistance for West Coast fisheries, which are dependent on ground fish.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I thank him for bringing this matter before the House.

I know there is a great concern on this issue, and I would appreciate any further information that the gentleman could develop as we go through the process on this supplemental. I can guaranty the gentleman that we will look very closely at the issue.

We understand the importance, we appreciate the work that the gentleman has done at this point, and we ask him to provide us with additional information so that we can make a proper judgment.

Mr. WU. Reclaiming my time, Mr. Chairman, I understand that there were monies in the appropriation bill last year for studies. The challenge that we face is a continuation of studies and a failure to act.

I appreciate the gentleman's offer to work with me on this issue. Do I have the chairman's assurance that this is an assurance to cooperate in action and not study alone?

Mr. YOUNG of Florida. If the gentleman will continue to yield, I can assure him that we will do the very best we can to do what is right.

Mr. WU. I thank the chairman.

□ 2145

Mr. ETHERIDGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise this evening to urge my colleagues as we finish these amendments to support this appropriation bill that includes over $350 million for North Carolina's victims from Hurricane Floyd.

I thank the gentleman from Florida (Chairman YOUNG), the gentleman from Wisconsin (Mr. OBEY), and the members of the committee and the members of the administration, really, who worked together on this bill, to come up with a strong relief package for the victims of this devastating storm.

I know there are some Members of this House who are opposed to this bill because of the funds it is spending on various projects overseas. There are tens of thousands of North Carolinians and others along the East Coast who have been devastated economically, physically, and emotionally by this historic storm.

I sure would appreciate it if my colleagues would think about them when they cast their vote this evening or tomorrow. Think about the thousands of small businesses who will never open their doors again. Think about the widow or the widower who lost a life partner in the flood waters that ravaged our State. Think about the farmers, and we just heard about them, who are struggling to repair their fields, their barns, their equipment, and who are desperately hanging on hoping that they can get through this spring planting season. Think about the thousands of families who are in cramped travel trailers or who are sharing quarters with relatives and desperately need to have a place that they can call home. Think about children who are traveling on roads every day that need to be repaired.

I urge my colleagues to think about these things and ask themselves this question: How would I cast my vote if these were my neighbors? Regardless of what else they may have against what is in this bill. Think about that before they cast their vote. Think about the Americans that we all represent.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make a brief statement and then enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Connecticut (Ms. DELAURO).

In 1999, we saw the nearly complete disappearance of lobsters in Western Long Island Sound and the destruction of our commercial lobster fishery. Many of the men and women who depend on this industry are faced with having to sell their boats, traps, and other equipment; and many of them will soon lose their homes, as well.

Commerce Secretary Daley has already declared the Sound a commercial fishery failure under the Magnuson-Stevens Act, paving the way for emergency supplemental funding.

According to the Connecticut Department of Environmental Protection, the State as a whole saw an 81 percent decline in pounds of lobster caught in the fall of 1999. The Town of Greenwich and the City of Stamford, the western-most part of Connecticut, showed declines greater than 99 percent. This is not merely a bad year; it is the disappearance of a species. It is a disaster no one anticipated and, therefore, no one prepared for.

Researchers from Connecticut and New York, working with the National Oceanic and Atmospheric Administration (NOAA) have indicated a parasite is responsible for the die-off but have not been able to identify why the parasite is suddenly flourishing.

I am grateful the legislation being considered today includes $8.6 million for additional research and a revolving fund to help the lobstermen refinance their business obligations. The committee's recognition of this tragedy is important.

My colleague, the gentlewoman from Connecticut (Ms. DELAURO), and I rise today to address the critical need for aid to the individuals in communities directly affected by this unexplained disaster. Like the citrus growers, for whom the Committee on Appropriations has designated $40 million to compensate for lost production due to the unexpected breakout of citrus canker, the Long Island Sound lobstermen deserve our help.

Mr. Chairman, I yield to my colleague, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I would like to associate myself with the remarks of my colleague, the gentleman from Connecticut (Mr. SHAYS), and ask my good chairman, the gentleman from New Mexico (Mr. SKEEN), a question.

The lobstermen in Connecticut have lost their crop. They lost their income. They are proud people. They cannot afford to maintain their equipment or to make payments on their boats. Their industry is disappearing. The Long Island Sound lobstermen are not asking for much. They are simply asking their government to help them through a hard time, which no one could have predicted. They want only enough to provide for their families and avoid having to sell their boats, in hope the fishery will recover and that they can return to the life that they know and that they love.

When the Committee on Appropriations considered this legislation, I offered an amendment with my colleague, the gentlewoman from New York (Mrs. LOWEY), to appropriate additional aid to the individuals affected. We withdrew our amendment in order to work more closely with the gentleman from New Mexico (Chairman SKEEN), who indicated that he would work with the Long Island Sound members as the supplemental appropriations process moves forward.

Mr. Chairman, our understanding is that, as this supplemental aid package moves forward, we will continue to assess the assistance given to Long Island Sound lobster fishery failure in order to ensure that the package includes sufficient aid for the Long Island Sound lobstermen and for their families.

Mr. Chairman, is that the understanding of the gentleman, as well?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I appreciate the willingness of the gentleman from Connecticut (Mr. SHAYS) and of the gentlewoman from Connecticut (Ms. DELAURO) to have this discussion, and I equally appreciate their obvious concern for the welfare of the fishermen.

The assistance that they are seeking as a result of the massive lobster losses is commendable. However, there are numerous questions which must be answered before a resolution can be reached, not the least of which is the question of jurisdiction between the Department of Commerce and the Department of Agriculture and the Appropriations Subcommittee, which fund their budgets.

Accordingly, I look forward to discussing this issue further with the gentleman and the gentlewoman from Connecticut and hope that we will be able to arrive at some form of a workable decision. I thank the gentlewoman for her patience, and I thank her for the willingness to work it out.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to bring to the attention of my colleagues a current plight of nonprogram specialty crops in our country, and more specifically that of the onion and vegetable growers in my congressional district in Orange County, New York.

While it is clear that farmers throughout our Nation have experienced severe crop damage due to weather-related disasters during the 1999 growing season, I know of no other circumstances than the one that exists in the "black dirt" region of Orange County.

Onion and vegetable growers in that area have suffered devastating losses 3 out of the last 4 years, 1996, 1998, and now 1999, and now are more than ever in desperate need of meaningful assistance, assistance that the Department of Agriculture and the current crop insurance program has failed to offer.

The small sums which crop insurance and the USDA paid to these farmers due to their 1996 and 1998 crop losses has failed to provide anything close to minimal relief. If these growers receive a similarly insignificant indemnity, and regrettably there is no reason to believe otherwise, under 1999 losses, more families are going to lose their farms.

In fact, I was just informed today by a grower in our area that creditors are already beginning to deny additional loans for growers in the valley. Should this trend continue and force more families to lose their farms, the economy of our region will be adversely affected, individuals will be uprooted, and a traditional way of life will be jeopardized, and a segment of our national food supply will be further diminished.

This is the very upheaval which crop insurance and the USDA are designed to prevent. Yet for the growers in this region, the system has failed.

Accordingly, I am hopeful that the gentleman from Florida (Chairman YOUNG); the gentleman from New Mexico (Chairman SKEEN), the subcommittee chairman; and all the conferees will provide for the needs of all specialty crops in this supplemental measure and will remember the plight of our onion growers and vegetable growers in Orange County, New York.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have heard, as have all of us this evening, of vital concerns about our Nation's disasters or impending disasters. We have heard about farmers and fishermen and natural disasters. As we are speaking, in Ft. Worth, Texas, yet another disaster has occurred.

I rise not to offer anything other than what I hope is some measure of creativity that does not seem to come about in this glacial body.

Is there anything wrong with us having a 14th committee that would consist of the respective chairs of the committees of jurisdiction of this Congress and perhaps two or more members appointed by the Speaker and the minority leader that handle nothing more than disasters so that we can move in better fashion than we do?

It seems that we wait for people who are flooded out and people who are blown away, and we are here going back and forth and back and forth all the time without having a committee that can do this.

I just invite my colleagues to consider something different so that we can expedite the process. Disasters are going to continue to occur.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, a little over an hour ago, I announced that it was my intention to have our final votes of the evening at approximately 10 o'clock. But we have used up nearly half an hour of that time in just motions to strike the last word.

So the approximately 10 o'clock will be a little bit beyond 10 o'clock, with our intention to go through the Kasich amendment this evening before the committee rises. I am hoping we can expedite and get that done. But we will continue to go until we complete the Kasich amendment, and then we will have the final votes for the evening.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs," $25,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research and Facilities," $19,400,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, and for repairs to the Beaufort Laboratory, resulting from Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $33,300,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for direct administrative expenses to carry out the disaster loan program, an additional $27,600,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": *Provided further*, That no funds shall be transferred to and merged with appropriations for "Salaries and Expenses" for indirect administrative expenses: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount to conduct a study and report to the Congress on the feasibility of a project to provide flood damage reduction for the town of Princeville, North Carolina, $1,500,000, to remain available until expended: *Provided*, That the study of a flood damage reduction project may include any flood mitigation measures that the Secretary of the Army determines are necessary for areas that are affected by the project: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" for emergency expenses due to hurricanes and other natural disasters, $27,925,000, to remain available until expended: *Provided*, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662 shall be derived from that Fund: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium enrichment decontamination and decommissioning fund", $16,000,000, to be derived from the Fund, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Other defense activities", $63,000,000, to remain available until expended, of which $4,000,000 shall be derived by transfer from unobligated balances in the "Biomass energy development" account: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Department is authorized to initiate design of the Highly Enriched Uranium Blend Down Project.

AMENDMENT OFFERED BY MS. KILPATRICK

Ms. KILPATRICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KILPATRICK:

Page 53, after line 5, add the following:

CHAPTER 3A—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For an additional amount for "Child Survival and Disease Programs Fund", $20,000,000, to remain available until expended, for flood recovery efforts in the Republic of Mozambique and surrounding affected countries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that at an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $20,000,000, to remain available until expended, for flood recovery efforts in the Republic of Mozambique and surrounding affected countries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that at an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $20,000,000, to remain available until expended, for flood recovery efforts in the Republic of Mozambique and surrounding affected countries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Ms. KILPATRICK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) reserves a point of order on the amendment.

Ms. KILPATRICK. Mr. Chairman, a little over a month ago, there was a cyclone that hit Mozambique. There has been much discussion about that all day long, so I will not go into the details of that.

A little more than 3 weeks ago, our Subcommittee on Appropriations and the full committee brought forward this supplemental that we have been debating all day. In that supplemental and in the committee, as the discussion went on, I offered an amendment for $60 million, $20 million to go in the Child Survival Account, $20 million to go into the Development Assistance Account, and $20 million to go into International Disaster Relief to replenish the accounts that I was hoping that we could take out that day and appeal to my colleagues today, as we have 3 weeks later, to go forward to Mozambique to address the tragedies that are there, with over a million people homeless, over 50,000 children orphaned, water contaminated, mines floating.

At that time, in the Committee on Appropriations, I withdrew that amendment because the chairman of our Committee on Appropriations, the gentleman from Florida (Chairman YOUNG), and the chairman of the subcommittee, the gentleman from Alabama (Chairman CALLAHAN), made the commitment that they would work with us after the assessment is finished.

I understand that assessment should be finished on Friday, Mr. Chairman, or thereabouts; that the President and his advisors will be giving it to the gentleman from Alabama (Chairman CALLAHAN) and presenting our case to my colleagues.

It is important. With his commitment, I appreciate that. I appreciate the work that he has done in the committee, both the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Florida (Chairman YOUNG) and working with us as we address the Mozambique crisis.

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The appropriations process will continue as the gentleman knows as we finish this supplemental process. I hope that after the assessment has been made, I understand that will be Friday, that they will report to the gentleman and that they will make the commitment and we carry out on the commitment that we have made in appropriations under the gentleman's leadership and with the leadership of the gentleman from Florida (Mr. YOUNG) to make sure that we assist in Mozambique. I appreciate the report language that both of the chairs as well as our full committee adopted in our supplemental appropriation which is in the bill today.

Mr. Chairman, as we move to the assessment and its completion, as we replenish the accounts and I know that we will as the supplemental moves through the process, that we do what is proper and what is right for Mozambique.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, let me first of all compliment the gentlewoman from Michigan. She certainly has been the front mover of trying to bring to the attention of the Congress and to the country the needs of Mozambique, and certainly they deserve immediate attention by those of us in Congress that are responsible for providing the funds to the administration. I support her movement. I compliment her on that. But let me point out that so far we have already spent $17 million through USAID plus $21 million in DOD activities in Mozambique. They need more. It is my understanding that the gentlewoman is going to ask the administration to submit a supplemental to the supplemental requesting emergency assistance for Mozambique, and if indeed the administration does that, we will address it in conference.

Ms. KILPATRICK. I thank the gentleman. It is my understanding the administration will be sending that information forward. With that, Mr. Chairman, and the gentleman's support as well as the support of the gentleman from Florida (Mr. YOUNG), I will withdraw this amendment and continue to work with the gentleman.

The CHAIRMAN. Without objection, the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK) is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $5,000,000, to remain available until expended, to repair or replace buildings, equipment, roads, and water control structures damaged by natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $4,000,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $1,800,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. BLAGOJEVICH

Mr. BLAGOJEVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAGOJEVICH:

Page 55, after line 19, insert the following:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" for youth activities under the Workforce Investment Act of 1998, $500,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Mr. BLAGOJEVICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. BLAGOJEVICH. Mr. Chairman, my amendment would add $500 million to this bill for summer jobs. Many communities across our country are facing a funding crisis for their summer jobs programs. We live in a time, Mr. Chairman, of game show millionaires and Internet IPOs. I think sometimes we fail to recognize and overlook that the old-fashioned recipe for success really boils down to hard work. A recently released study shows that a student who gets a job early in life can expect to increase his or her future earnings by up to 10 to 12 percent. That is contrasted for a student who goes to an elite school. The study indicates that student would only increase his or her chances for future economic success by 1 percent. The summer jobs program was designed to help kids learn early in life the value of hard work and to give them an opportunity to get the work experience they need to thrive in the American economy. To a young person, a summer job is not just about wages to help his or her family for the summer. More importantly, a summer job is about learning a work ethic that he or she can take with him or her throughout their lifetimes. But the looming summer jobs crisis threatens to derail the summer youth employment programs of towns and cities all across America.

I will in a moment withdraw this amendment, but I would first ask the gentleman from Florida (Mr. YOUNG) if it is possible to address this issue in conference.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I understand the concerns of the gentleman from Illinois. While I cannot make any promises, I will bring this concern to the attention of the conferees.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say, I also am familiar with the problem. I certainly will also bring it to the attention of the conferees.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding. I certainly want to thank the gentleman for his amendment. I was hoping that the chairman might be willing to make a further commitment to us in his instructions to the conferees to certainly consider the summer jobs program. As the calendar continues to tick, certainly this issue is becoming a pressing issue for those of us who live in inner cities across the country. So while it may be discussed with the conferees, if in fact it is not addressed in this particular bill, could the gentleman be kind enough to be a little bit more specific about what the appropriate measure is for those of us on the committee who will be willing to advance this?

Mr. YOUNG of Florida. If the gentleman will yield further, I will be specific to this point, that yesterday morning the committee received a request from the administration to add $40 million for this effort. That was just too late. You just cannot send an amendment to your supplemental that late in the game. So the best that I can offer is that we will do our very best to deal with the subject when we go to conference with the other body. We basically support the program, but the Committee on Appropriations, as the gentleman knows because he is a valued member of that committee, tries to be thorough, and we try to understand exactly what it is that we are doing. That is the approach we will bring to the conference on this subject.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding. I understand the difficulty of trying to come up with an amendment for $40 million at the last minute, but we did earlier today adopt an amendment for $4 billion for the Pentagon which if my arithmetic is right is about 100 times as much. So if we could put an amendment together for $4 billion for the Pentagon after the bill came out and we cannot do $40 million for this program, I think that says a lot of unfortunate things about our priorities.

Mr. BLAGOJEVICH. Mr. Chairman, let me just close by thanking the gentleman from Florida. I know when he does his best and I am a supplicant, so he can take this with a grain of salt, but I know when he does his best, that means an awful lot. I want to thank him for his effort and interest in looking at this. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois (Mr. BLAGOJEVICH) is withdrawn.

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in lieu of the discussion that has just taken place, summer jobs are as critical for young people in cities like Chicago and other economically challenged communities throughout the country as one could possibly imagine. While the city of Chicago is making every effort under the leadership of its mayor to go into the private sector and convince members of the private sector to provide work opportunities for these young people, we know that we are not going to be able to get enough. There is no greater need that we have during the critical summer period than the opportunity for young people, 14, 15, 16 years old to have a chance to work, to be engaged, to be productive, to be involved, to provide not only hope but help for themselves, for their families and for their communities. And so I would certainly hope that when we come to conference and when all of the I's are dotted and the T's are crossed that we will have found a way to make sure that adequate resources are put into this very valuable and critical component for the needs of our young people.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" for emergency assistance under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $600,000,000: *Provided*, That such amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget And Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARDIN:

Page 56, after line 12, insert the following:

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The limitation on administrative expenses under this heading in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is increased by an additional $336,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Mr. CARDIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. CARDIN. Mr. Chairman, this amendment would increase Social Security's limitation on administrative expenses for fiscal year 2000 by $336 million, bringing it to the level requested by the Social Security Commissioner. Quite simply this funding is necessary if SSA is to maintain vital services that are being threatened by the agency's inadequate administrative budget.

Mr. Chairman, I might point out that the Subcommittee on Social Security of the Committee on Ways and Means recently held a hearing when the Commissioner was there and some of the concerns on the administrative budget was expressed at that hearing.

Every day over 100,000 individuals visit SSA's field offices and over 240,000 individuals call SSA's 800 number. Every month SSA pays benefits to approximately 50 million individuals. In this coming year it expects to issue 16 million new and replacement Social Security cards and take more than 5 million new claims for benefits. Last year, Social Security also began sending benefit statements to workers over the age of 25, enabling 126 million American workers to better plan their financial future. There is just no way around it. Providing efficient service on this vast scale takes more than good management, it takes resources. Yet Congress has funded SSA's administrative budget below levels requested by the President and by the Social Security Commissioner every year since the agency became independent in 1994. Despite these funding constraints, the Social Security Administration last year received an overall grade of A on the Government Performance Project's report card and 88 percent of SSA's customers rate the agency's service as being excellent, very good, or good. SSA's administrative budget represents less than 2 percent of the value of the benefits it provides each year and the OASI program enjoys a payment accuracy of over 99 percent.

SSA has a history of a solid and reliable customer service and this must be maintained. Yet over the next decade the number of OASI beneficiaries will increase by 16 percent and the number of DI beneficiaries by 47 percent. At the same time the agency estimates that almost 3 percent of its workforce will retire in 2001 and that these losses will continue and peak around 2009. SSA must be prepared now for both the expected spike in its workload due to the baby boomers' retirement and the retirement of its own aging workforce.

These challenges are already placing an unprecedented strain on SSA as the agency tries to prepare for the future using a persistently underfunded administrative budget. SSA's workforce has declined by 26 percent between 1982 and 1998, much more quickly than the rest of the Federal workforce. At the same time it is trying to flatten its retirement wave by offering early retirement to some employees while hiring and training new individuals to ensure an adequate supply of trained personnel within the next several years.

For fiscal year 2000, Congress provided $6.57 billion for SSA's administrative budget, a level $336 million below the Commissioner's request. As a result, SSA will process a quarter of a million fewer disability, retirement and survivors claims than projected and will be unable to conduct over 200,000 SSI redeterminations. In addition, the agency projects declines in its telephone service.

Congress is simply not providing SSA with the resources necessary to prepare for the future. We expect SSA to develop service delivery plans, to provide timely and accurate benefits to the elderly and disabled, to use current information technology and to maintain the integrity of its program. But for SSA to continue meeting these expectations this year and in future years Congress must provide the agency with necessary administrative resources.

That is why my amendment is necessary and should be included in this bill. These funds do not come out of the general fund but rather are financed almost entirely out of the OASDI trust funds. At a time when the trust funds are running surpluses it makes little sense to restrict Social Security's ability to administer its own programs. Without this increase, your district offices will begin to receive calls from constituents whose expectation of SSA customers are out of step with the levels of service Congress is supporting through the LAE allocation.

Mr. Chairman, the programs administered by the SSA touch the lives of almost every American. I understand that the chairman of the Committee on Appropriations has raised a point of order and the amendment is subject to a point of order. But I would hope during the appropriation process this year, we would be mindful of the need of SSA to have adequate administrative resources in order to carry out this increased responsibility. I know that the chairman has been sensitive to this in the past.

I would be glad to yield to the chairman, but I will withdraw the amendment.

Mr. YOUNG of Florida. If the gentleman withdraws the amendment, then I will not be required to raise the point of order.

Mr. CARDIN. I will be glad to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Maryland (Mr. CARDIN) is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $37,000,000, to remain available until September 30, 2001: *Provided*, That $18,000,000 shall be available only for costs related to the delivery of health care to Coast Guard personnel, retirees, and their dependents, and $19,000,000 shall be available only for aircraft spare parts: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters, as authorized by 23 U.S.C. 125, $600,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $24,739,000, for emergency expenses associated with the investigation of the Egypt Air 990 and Alaska Air 261 accidents, to remain available until expended: *Provided*, That such funds shall be available for wreckage location and recovery, facilities, technical support, testing, and wreckage mock-up: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3601. None of the funds provided in the Transportation and Related Agencies Appropriations Act, 2000, shall be available for operation of the transportation computer center.

SEC. 3602. The Executive Draft on Federal Transportation in the National Capital Region which has been submitted to the Office of Management and Budget by the Secretary of Transportation shall take effect on the date of enactment of this Act: *Provided*, That, not later than 60 days after the date of enactment of the Act, the Secretary of Transportation shall transmit to the Congress a report on the implementation of Executive Draft referred to in the preceding proviso.

□ 2215

POINT OF ORDER

Mr. DUNCAN. Mr. Chairman, I make a point of order against section 3602 of the bill on page 58, lines 9 through 17.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Mr. Chairman, on behalf of the gentleman from Pennsylvania (Mr. SHUSTER) and the Committee on Transportation and Infrastructure, I raise a point of order against section 3602 of the bill on page 58, lines 9 through 17, on the grounds that it constitutes legislation on an appropriations bill in violation of clause 2 of Rule XXI of the Rules of the House of Representatives.

Section 3602 of the bill provides that the executive draft on Federal transportation in the National Capital Region has been submitted to the Office of Management and Budget and shall take effect on the date of the enactment of this bill. The section further provides that within 60 days of enactment, the Secretary of Transportation shall transmit to Congress a report on implementation of the executive draft.

This provision would enact into law a policy that Congress has not reviewed; a policy, in fact, that is still in the process of being written by the administration. Although the latest version of the draft Executive Order referenced in section 3602 has not been made available, we understand that it sets forth a variety of requirements for Federal agencies in the National Capital Region in an effort to reduce the number of employees who drive alone to work.

We understand that the draft Executive Order would require Federal agencies to develop and implement transportation management plans designed to reduce vehicle miles traveled by Federal employees, and various other requirements.

In addition, the draft Executive Order would apparently require all agencies in the National Capital Region to provide maximum tax-free transit benefits to all employees. This transit benefit alone, Mr. Chairman, is estimated to cost $60 million to $80 million each year for this region and would ultimately be extended to other regions across the country and be even more costly. The cost of complete implementation of the policies set forth in the draft Executive Order may be far greater.

While some of these requirements may have merit, they are, nevertheless, significant policy changes. Not only have no congressional hearings been held on the draft Executive Order, its contents have not even been made known to Congress. Costly and significant policy changes such as these should be subjected to the normal congressional authorization and review process, not approved sight unseen.

Mr. Chairman, clause 2 of Rule XXI of the Rules of the House of Representatives prohibits the reporting of a provision changing existing law in a general appropriations bill, including a supplemental appropriations bill, such as we are dealing with here tonight. In other words, this rule prohibits legislation on an appropriations bill.

For the reasons stated previously, section 3602 of this bill on page 58, lines 9 through 17, constitutes legislation on an appropriations bill in violation of clause 2 of Rule XXI.

Mr. Chairman, I have to insist on my point of order.

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) wish to be heard on the point of order?

Mr. WOLF. Yes, Mr. Chairman, if I may.

Mr. Chairman, in the interest of time, I am not going to go into detail. This was the language that would have allowed people to telework; it would have taken a lot of traffic off of streets. It also would have encouraged car-pooling and done a lot of other things. But in light of the objection that has been made, we will not appeal the point of order.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Tennessee makes a point of order that section 3602 of the bill changes existing law in violation of clause 2(b) of Rule XXI.

The provision mandates that the Executive Draft on Federal transportation in the National Capital Region take effect on the date of enactment of the act. The provision also requires the Secretary of Transportation to transmit a report on implementation of the Executive Draft.

As stated in section 1055 of the House Rules and Manual, a proposition to impose a duty on an executive official is legislation and not in order under clause 2 of Rule XXI.

Accordingly, the point of order is sustained, and section 3602 is stricken.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill from page 58, line 18 through page 64, line 6 is as follows:

CHAPTER 7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, $36,000,000: *Provided*, That of said amount, $11,000,000 shall be provided to the New Jersey Department of Community Affairs and $25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: *Provided further*, That assistance provided under this paragraph shall be for very low-income families displaced by flooding caused by Hurricane Floyd and surrounding events: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ADMINISTRATIVE PROVISION

SEC. 3701. (a) Subject to subsection (d) and notwithstanding any other provision of law, from any amounts made available for assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that remain unobligated, the Secretary of Housing and Urban Development shall, for each request described in subsection (b), make a 1-year grant to the entity making the request in the amount under subsection (c).

(b) A request described in this subsection is a request for a grant under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.) for permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that—

(1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved;

(2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and

(3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000.

(c) the amount under this subsection is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request.

(d) The entire amount for grants under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985, as amended. The entire amount for grants under this section shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an increase in the authority to use unobligated balances specified under this heading in appendix E, title I, chapter 2, of Public Law 106–113, in addition to other amounts made available, up to an additional $77,400,000 may be used by the Director of the Federal Emergency Management Agency for the purposes included in said chapter: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For an additional amount for "Human Space Flight" to provide for urgent upgrades to the space shuttle fleet, $25,800,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount for "Science, aeronautics and technology to provide for urgent and unanticipated program needs, $29,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MISSION SUPPORT

For an additional amount for "Mission Support" to provide for urgent augmentation of personnel required to support the space shuttle program, $20,200,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

The CHAIRMAN. Are there further amendments to title III?

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the Subcommittee on the Interior of the Committee on Appropriations in a colloquy.

Mr. Chairman, I thank the gentleman for fully funding the administration's request in the area of Wildland Fire Management. This is an issue that is of very great importance to rural Nevada and other States in the Great Basin.

The gentleman's bill provides $100 million for wildland fire management on Bureau of Land Management lands and $150 million for lands managed by the U.S. Forest Service. These funds are critical to suppress wildfires and rehabilitate public lands that have been scourged by fires.

The Great Basin region remains particularly susceptible to fire hazards. Just last year my home State of Nevada experienced one of the worst wildfire seasons on record.

Nationwide, more than 4.6 million acres of Federal lands burned in the 1999 fire season. Of that amount, 1.7 million of those acres, nearly half, were in Nevada.

The wildfires damaged critical animal and wildlife habitats, destroyed fences which managed domestic livestock and wild horses, imperiled watersheds, and allowed for the spread of cheatgrass, a very flammable weed and persistent contributor to fire hazards in the Great Basin.

Because of its ability to overwhelm and choke native vegetation, cheatgrass is pushing the sagegrouse to the point of where the bird is on the verge of being listed as a threatened species under the Federal Endangered Species Act. If listed, the sagegrouse will become the Great Basin's very own "spotted owl" and virtually destroy Nevada's rural economy.

Mr. Chairman, the emergency fire rehabilitation funding is a tremendous step forward and the people of Nevada are grateful. However, I believe much more can be done with existing Federal funds to better manage these fires and actually prevent their spread in the future.

Mr. Chairman, as you work with the Senate Energy Committee on funding for wildland fire management and on the regular Interior and Agriculture Appropriations bills, I hope we can address the current limitations on the emergency funding and give the Department of Interior more flexibility in rehabilitating public lands with the funds in this supplemental.

I also hope that we can work on language to clarify to the BLM and the Forest Service that emergency wildfire funds contained in this supplemental will be used expeditiously to help rehabilitate the acreage burned in 1999.

Also, for the longer term, I hope we can work together with my colleagues from California, Oregon, Idaho, and Utah to implement the Great Basin Restoration Initiative. This plan would fund restoration work in the Great Basin so the BLM and Forest Service can restore lands and prevent costly fire rehabilitation expenditures in the future.

I thank the chairman for his time.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I understand the gentleman from Nevada's concerns. He is correct that this bill provided the requested emergency wildland fire fighting funds. We will work with the gentleman, and the other body, to see that appropriate rehabilitation needs, including those in the Great Basin area, can proceed.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for his willingness to work with us, and I thank him for his understanding.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV

SUPPLEMENTAL APPROPRIATIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For an additional amount for "Weapons activities", $55,000,000, to remain available until expended.

CHAPTER 2

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(TRANSFER OF FUNDS)

For an additional amount for "State and Private Forestry", $500,000, to be derived by transfer from unobligated balances in the Forest Service "Wildland Fire Management" account and to remain available until expended, for volunteer fire assistance programs in eastern North Carolina.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For an additional amount for "Energy Conservation", $19,000,000, to become available on October 1, 2000, and to remain available until expended, for weatherization assistance grants.

CHAPTER 3

DEPARTMENT OF LABOR

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by striking "including not to exceed $750,000 may be collected by the National Mine Health and Safety Academy" and inserting "and, in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For "Health Resources and Services" for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $20,000,000, which shall become available on October 1, 2000, and shall remain available until September 30, 2001: *Provided*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grant: *Provided further*, That such grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 2.5 percent of such amount.

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

Funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) for fiscal year 2000, pursuant to section 414(a) of the Immigration and Nationality Act, shall be available for the costs of assistance provided and other activities through September 30, 2002.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance" for payments for fiscal year 2000, $35,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting after "$934,285,000" the following: ", of which $2,200,000 shall be for the Anchorage, Alaska Senior Center and shall remain available until expended".

GENERAL PROVISIONS—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 4301. Section 206 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting before the period at the end the following: ": *Provided further*, That this section shall not apply to funds appropriated under the heading 'Centers for Disease Control and Prevention—Disease Control, Research, and Training', funds made available to the Centers for Disease Control and Prevention under the heading 'Public Health and Social Services Emergency Fund', or any other funds made available in this Act to the Centers for Disease Control and Prevention".

SEC. 4302. Section 216 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is repealed.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 68, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman there Florida?

There was no objection.

The CHAIRMAN. Are there further amendments to this portion of title IV? If not, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended—

(1) by striking "North Babylon Community Youth Services for an educational program" and inserting "Town of Babylon Youth Bureau for an educational program";

(2) by striking "to promote participation among youth in the United States democratic process" and inserting "to expand access to and improve advanced education";

(3) by striking "Oakland Unified School District in California for an African American Literacy and Culture Project" and inserting "California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California"; and

(4) by striking "$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts" and inserting "$462,000 shall be awarded to the Boston Symphony Orchestra for the teacher resource center and $370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts".

AMENDMENT OFFERED BY MR. ISAKSON

Mr. ISAKSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. ISAKSON: Page 69, after line 1, insert the following:

HIGHER EDUCATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Higher Education" for the Web-Based Education Commission established in part J of title VIII of the Higher Education Amendments of 1998, to be derived from funds made available for fiscal year 2000 under section 458(a)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(1)(A)), $225,000, to remind available until expended.

Mr. ISAKSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Georgia (Mr. ISAKSON) is recognized.

Mr. ISAKSON. Mr. Chairman, I am aware that the Chairman of the Committee on Appropriations has raised a point of order. I respect that, and in just a minute I will have a unanimous consent motion.

However, I would like to ask the chairman to consider, as this bill goes through the conference process and to the Senate, that there is a major issue that this amendment deals with. It is a small amount of money, but a major issue. This would add money to the congressionally created Web Base Commission which was created for the purpose of recommending to this Congress by the end of this calendar year what road map we are going to take in terms of dealing with the digital divide, dealing with technology, and dealing with the role of the Federal Government as it relates to public education.

I understand the point of order is because of a lack of authorization, although the time was expended, and I respect that. But I sincerely hope the chairman will work during the process to see if there is any way to add the additional funding so that the complete work of this commission may be done by the end of this calendar year.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ISAKSON. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding. I can assure the gentleman that we will be happy to work with him as we go through the balance of the legislative process on this bill and do the best that we can to accommodate him within the confines of this particular legislation.

Mr. ISAKSON. Mr. Chairman, I thank the chairman very much.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill from page 70, line 8 through page 74, line 22 is as follows:

SEC. 4303. Section 304 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is repealed.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4304. Section 513 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting before the period at the end the following: ": *Provided further*, That the provisions of this section shall not apply to any funds appropriated to the Centers for Disease Control and Prevention or to the Department of Education".

SEC. 4305. Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended—

(1) in subparagraph (F), by striking "$1,500,000" and inserting "$15,000,000";

(2) in subparagraph (G), by striking "$900,000" and inserting "$9,000,000"; and

(3) in subparagraph (H), by striking "$300,000" and inserting "$3,000,000".

CHAPTER 4

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

JOINT ITEMS

Capitol Police Board

SECURITY ENHANCEMENTS

For an additional amount for costs associated with security enhancements to the buildings and grounds of the Library of Congress, as appropriated under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $1,874,000, to remain available until expended.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

FIRE SAFETY

For an additional amount for expenses for fire safety, $15,166,000, to remain available until expended, of which $7,039,000 shall be for "CAPITOL BUILDINGS AND GROUNDS—CAPITOL BUILDINGS—SALARIES AND EXPENSES"; $4,213,000 shall be for "HOUSE OFFICE BUILDINGS"; $3,000 shall be for "CAPITOL POWER PLANT"; $26,000 shall be for "BOTANIC GARDEN—SALARIES AND EXPENSES"; and $3,885,000 shall be for "ARCHITECT OF THE CAPITOL—LIBRARY BUILDINGS AND GROUNDS—STRUCTURAL AND MECHANICAL CARE": *Provided*, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

CHAPTER 6

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

Funds appropriated under this heading in Public Law 106–74 and for fiscal years 2001 and 2002 shall be available for use by the Department of Veterans Affairs to provide assistance with the 2002 Paralympic Games: *Provided*, That such expenditures for fiscal year 2000 shall not exceed $200,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

The referenced statement of the managers in the sixth paragraph under this heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Related Agencies Appropriations Act, 2000 (Public Law 106–74), is deemed to be amended by striking the word "Montgomery" in reference to the planning and construction of a regional learning center at Spring Hill College, and inserting the word "Mobile" in lieu thereof.

HOMELESS ASSISTANCE GRANTS

In the third proviso under this heading in Public Law 106–74, add the words "and management and information systems" after the words "technical assistance".

Federal Housing Administration

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for FHA—General and special risk program account for the cost of guaranteed loans, as authorized by section 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $49,000,000, to remain available until expended.

Management and Administration

OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 106–74, add ", to remain available until September 30, 2001" after the number "$83,000,000"; and add "of the amounts provided herein, $6,000,000 shall become available on October 1, 2000: *Provided further*, That" after the words "*Provided*, That".

Administrative Provision—This Chapter

Title V, subtitle C, section 538 of Public Law 106–74, is amended by striking "during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if" and inserting in lieu thereof the following: "the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project, and if, during any period the family makes such an election and continues to so reside,"".

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

INDEPENDENT AGENCIES

AMENDMENT NO. 14 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 14 offered by Mr. HOEKSTRA:

Corporation for National and Community Service

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General" for reviews and audits of the State Commissions on National and Community Service (including alternative administrative entities) established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), $1,000,000, to be derived by transfer from the unobligated balance in the National Service Trust account for educational awards authorized under subtitle D of title I of such Act (42 U.S.C. 12601 et seq.).

□ 2230

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes, and a Member opposed shall be recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The Chair would inform the gentleman from Wisconsin (Mr. OBEY) that under the rule, points of order against amendments in Part B are waived.

Mr. OBEY. Mr. Chairman, I stand corrected.

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes on his amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is an issue about accountability. In 1993, this Congress voted to create the Corporation for National Service. This is not a debate about the merits of the corporation. As a matter of fact, in 1993, I voted for its formation. I voted for its vision of implementing leading edge and best business practices to this new government agency.

The Corporation has fallen short. For 5 years it has never had a clean audit, despite repeated promises from its leadership to improve its accountability, its accountability to Congress and to the American people.

My amendment is very simple. It moves $1 million from the estimated $100,000 overfunding from the Educational Trust Fund to the Inspector General to conduct an audit of State commissions.

Our subcommittee, in the Committee on Education and the Workforce, has received testimony of lax enforcement mechanisms and financial controls at the State level. As we move more than two-thirds of the Corporation for National Service funds through State agencies, we need to ensure that we protect the investment of the American taxpayer, and that we maintain the integrity of the program itself.

Five years is enough time, it is enough patience, to show to the Corporation. It is enough patience to deal with the stories of waste and abuse within the program.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say to the gentleman that we think this is a good amendment. We accept the amendment.

Mr. HOEKSTRA. I thank the chairman for his courtesy.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair not seeing a Member seeking to claim the time in opposition, the question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFER)

Of the amount appropriated under this heading in title III of Public Law 106–74, $2,374,900, in addition to amounts made available for the following in prior Acts, shall be and have been available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

Of the amount appropriated under this heading in title III of Public Law 105–276 to establish a regional environmental data center and to develop an integrated, automated water quality monitoring and information system for watersheds impacting Chesapeake Bay, $2,600,000 shall be transferred to the "State and tribal assistance grants" account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County ($800,000); the Municipal Authority of the Borough of Milford, Pike County ($800,000); the City of Carbondale, Lackawanna County ($200,000); Throop Borough, Lackawanna County ($200,000); and Dickson City, Lackawanna County ($600,000), Pennsylvania.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Related Agencies Appropriations Act, 2000 (Public Law 106–74), is deemed to be amended by striking the words "in the town of Waynesville" in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting the words "Haywood County" in lieu thereof.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 78, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill from page 76, line 11, through page 78, line 17, is as follows:

CHAPTER 7

OFFSETS

SEC. 4701. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, the Fund for Rural America.

SEC. 4702. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 106–60, $13,000,000 are rescinded.

OTHER DEFENSE ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–277 to implement a United States/Russian accord for the disposition of excess weapons plutonium, $40,000,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(RESCISSION)

Of the amounts appropriated under this heading in title II of the Departments of Labor, Health, and Human Services, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113), $20,000,000 is rescinded: *Provided*, That the amount rescinded is from the amount designated to become available on October 1, 2000, and to remain available until September 30, 2001.

SEC. 4703. Of the funds transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses pursuant to Public Law 105–277, $26,600,000 of the unobligated balance are hereby rescinded: *Provided*, That the Department of Transportation shall allocate this rescission among the appropriate accounts within the Department and report such allocation to the House and Senate Committees on Appropriations.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

Under this heading in division B, title III of Public Law 105–277, strike "$2,250,000,000" and insert "$2,015,000,000".

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT NO. 10 OFFERED BY MR. LARGENT

Mr. LARGENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. LARGENT:

Page 78, after line 17, insert the following new chapter:

CHAPTER 8

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Of the amount appropriated under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(1) of Public Law 106–113) (113 Stat. 1537–1), $750,000 shall be available to the Commission on Online Child Protection established under section 1405 of the Child Online Protection Act (47 U.S.C. 231 note) for carrying out the duties of the Commission, to remain available until the termination of the Commission under section 1405(1) of such Act.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. LARGENT) will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe the amendment that I am offering tonight is for a righteous effort. I want my colleagues to know that I do not use that term often or loosely. I believe my amendment will receive overwhelming support, if not unanimous support, by my colleagues.

Mr. Chairman, there is a communicable disease coursing through our country. In fact, half our homes and 4 million men, boys, husbands, and fathers will be exposed every single day. That disease is illegal pornography, available without consent or request via the Internet.

In fact, leading porn trade magazines, journals, have proudly boasted that there has never been a better time to be in the adult entertainment business, a business that grosses $14 billion a year, $1.4 billion on the Internet alone.

Why? Because the Department of Justice has chosen to look the other way. Prosecutions for illegal pornography or obscenity have declined 79 percent in the last 6 years.

Mr. Chairman, the porn industry through the Internet has turned every home office, every family room, in fact, every public library, into the worst porn shop imaginable.

Congress, through the Child Online Protection Act, tasked a commission with finding ways to keep our children away from material that is considered harmful to minors. Sadly, Congress has never appropriated any dollars to fund the Commission that is due to report to Congress in October of this year.

My amendment would provide $750,000, taken from the salaries and expenses portion of the general administration account appropriated to the Department of Justice. My hope is that the Commission will supply some hope, some immunization, for our families and for our children, to protect us through technology from this disease that is running rampant in our country.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LARGENT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I would like to advise the gentleman that we think this is a very good amendment. We are accepting the amendment.

Mr. LARGENT. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there any Member seeking to control time in opposition?

If not, the question is on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this section of the bill? If not, the Clerk will read.

Mr. YOUNG of Florida. Mr. Chairman I ask unanimous consent that the remainder of the bill through page 80, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill from page 78, line 18, through page 80, line 11, is as follows:

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 5101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 5102. Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, are hereby repealed.

SEC. 5103. Section 1001(a) of Public Law 106–113 is amended by striking "paragraph 4 of subsection 1000(a)" and inserting "paragraph (5) of section 1000(a), and the provisions of titles V, VI, and VII of the legislation enacted in this division by reference in such paragraph (5),". This section shall be deemed to have taken effect immediately subsequent to the enactment of Public Law 106–113.

SEC. 5104. Notwithstanding section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, there shall be no sequestration under that section to eliminate a fiscal year 2000 breach that might be caused by the appropriations or other provisions in this Act.

SEC. 5105. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 5106. The following provisions of law are repealed: sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A–297), as enacted into law by section 1000(a)(5) of Public Law 106–113.

SEC. 5107. No funds appropriated to the Nuclear Regulatory Commission for fiscal year 2000 may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location at Chattanooga, Tennessee.

SEC. 5108. It is the sense of the Congress that the Secretary of State should immediately place the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia) on the list of foreign terrorist organizations.

AMENDMENT NO. 11 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 11 offered by Mr. WELDON of Pennsylvania:

Page 80, after line 11, insert the following new sections:

SEC. 5109. For an additional amount for the Secretary of Agriculture for carrying out section 306(a)(14) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(14)), $10,000,000, to remain available until expended.

SEC. 5110. (a) For an additional amount for carrying out this section, $10,000,000, to remain available until expended.

(b) The Director of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

(c) The Director may make grants, on a competitive basis, to safety organizations that have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

(d) The Director may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

(e) The Director may make grants, on a competitive basis, to governmental and nongovernmental entities to provide after-burn treatment and counseling to individuals that are burn victims.

SEC. 5111. (a) For an additional amount for carrying out this section, $80,000,000, to remain available until expended.

(b) The Director of the Federal Emergency Management Agency shall establish a program to award grants to volunteer, paid, and combined departments that provide fire and emergency medical services.

(c) Grants awarded under this section may be used—

(1) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

(2) to acquire additional firefighting equipment, including equipment for communication and monitoring;

(3) to establish wellness and fitness programs for firefighting personnel to reduce the number of injuries and deaths related to health and conditioning problems;

(4) to promote professional development of fire code enforcement personnel;

(5) to integrate computer technology to improve records management and training capabilities;

(6) to train firefighting personnel in firefighting, emergency response, and arson prevention and detection;

(7) to enforce fire codes;

(8) to fund fire prevention programs and public education programs about arson prevention and detection, and juvenile fire setter intervention; and

(9) to modify fire stations, fire training facilities, and other facilitires to protect the health and safety of firefighting personnel.

(d) Applications for grants under this section shall include—

(1) a demonstration of financial need;

(2) evidence of a commitment for at least an equal amount as the amount of the grant sought, to be provided by non-Federal sources;

(3) a cost benefit analysis linking the funds to improvements in public safety; and

(4) a commitment to provide information to the National Fire Incident Reporting System for the period for which the grant is received.

(e) Grant recipients under this section shall be subject to audits to ensure that the funds are spent for their intended purposes.

SEC. 5112. (a) Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(2) by inserting after paragraph (23) the following new paragraph:

"(24) provision of assistance to local fire fighting, emergency medical, or rescue services for—

"(A) acquisition, repair, or rehabilitation of equipment (including any accessory, communications, or protective equipment) or vehicles for fire fighting, emergency medical, or rescue services,

"(B) construction, acquisition, rehabilitation, or improvement of facilities for local fire fighting, emergency medical, or rescue services, or

"(C) training or planning involved in providing fire fighting, emergency medical, or rescue services; and".

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, tonight we have an opportunity to do something that this body has never done before. That is to provide some immediate dollar assistance to those brave men and women across America who, day in and day out, have responded to our natural and man-made disasters.

Today I met with all the fire service groups of America, the Fire Fighters Union, the Volunteer Fire Council, the fire chiefs, the arson investigators, the fire instructors, the National Fire Protection Association. All across America tonight, Mr. Speaker, they are watching this vote to see whether or not this Congress will equate fire and emergency services personnel with law enforcement personnel, with teachers, because they have all benefited from our work, but we have done nothing of substance for the brave men and women, largely volunteers, who protect this country from disaster.

Tonight is that opportunity: $100 million of funding to provide assistance for burn research, volunteer fire assistance, an $80 million competitive grant program for the 32,000 fire departments in every district across America, plus a facilitation of the CDBG program to provide flexibility for fire and EMS personnel to use those dollars.

I encourage our colleagues to vote for this important amendment. I will ask for a recorded vote upon the completion of the debate.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH), the cosponsor of this amendment and chairman of the Subcommittee on Basic Research.

Mr. SMITH of Michigan. Mr. Chairman, adopting this amendment is going to demonstrate the firm commitment this House has to those individuals who literally put their lives on the line. Fire fighters, first responders, lost 100 lives last year, half as many as all the law enforcement people in this country. We need to move ahead in this area. There are 32,000 fire departments. They need help.

This allows more research, more funding, and it is going to be the kind of gesture that is really going to put us on the front line.

When we have disasters it is the first responders that are there, whether it is a shooting, whether it is a hurricane, whether it is a tornado or a volcano or earthquake. It is the people who want to help the school when there is a fundraiser, it is the first responders and firemen who come to that assistance.

Let us give them this support. I thank the gentleman from Maryland (Mr. HOYER), the gentleman from New Jersey (Mr. PASCRELL), and certainly the gentleman from Pennsylvania (Mr. WELDON), and many others who have joined in in making this a bipartisan effort.

Mr. Chairman, this Nation is well-served by the 1.2 million men and women who work as fire and emergency services personnel in over 32,000 fire departments across this country. They play a crucial role protecting and preserving our lives and our property . . . a dangerous role—an average of nearly 100 firefighters a year lose those lives in the line of duty. Eighty percent of those who serve do so as volunteers.

This amendment recognizes the contributions of volunteer firefighters by providing $10 million to fully fund the USDA's Volunteer Fire Assistance Program. This program allows the nearly 28,000 rural fire departments nationwide to apply for cost-share grants for training, equipping and organizing their personnel. These rural fire departments represent the first line of defense for rural areas coping with fires and other emergencies.

This amendment also establishes two grant programs at the Federal Emergency Management Agency. The first is an $80 million competitive grant program for volunteer and paid fire and emergency services departments. With these 50/50 matching grants, departments can get assistance acquiring safety equipment, firefighting and communications equipment, funds for training, and assistance funding fire prevention programs.

In addition, this amendment establishes a $10 million burn research grant program through FEMA. Under this program, safety organizations, hospitals, and governmental and nongovernmental entities that are responsible for burn research, prevention, or treatment are eligible for competitive grants to continue their important work.

We see our firefighters and EMS personnel responding to emergencies every day, more than 18 million calls a year. From car accidents, to brush fires, to large scale disasters like the tornadoes that ripped through Ft. Worth last night, emergency responders are first on scene, first to react, first to provide the assistance we've come to take for granted.

Mr. Chairman, adopting this amendment would demonstrate the firm commitment this House has toward these emergency first-responders, to those who literally put their lives on the line each day. I'm thankful for the bipartisan support this amendment enjoys, and I'd like to thank my colleagues Mr. WELDON, Mr. HOYER, Mr. PASCRELL, and Mr. ANDREWS for their work helping bring this to the floor. I urge your support for this important bipartisan amendment.

The CHAIRMAN. Does any Member seek to control the time in opposition?

Mr. HOYER. Mr. Chairman, I ask unanimous consent to take the 5 minutes in support of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland (Mr. HOYER) controlling 5 minutes reserved for opposition to the bill?

Mrs. MEEK of Florida. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word. I want to control time in opposition.

The CHAIRMAN. The gentlewoman from Florida (Mrs. MEEK) seeks to control the time in opposition?

Mrs. MEEK of Florida. Yes, sir.

The CHAIRMAN. The gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, throughout my history and throughout my service, I have always supported firemen. I have always supported fire services. I have always supported the fine work that they do. But I do not think that this House recognizes what is going on with this particular amendment.

First of all, this amendment should never have come to this floor because it violates everything that makes it eligible for the floor. This has not been heard in any committee. It is substantive legislation. I think if we begin to look at it, regardless of how good the delivery of service is, this is violating the rules of making legislation on appropriations. Therefore, a point of order should have been called by the chairman or someone on the other side.

The second thing is, this particular amendment changes the meaning of low and moderate income in the CDBG legislation. I will read it, Mr. Chairman.

Section 105 of the Housing and Community Development Act is amended by adding at the end the following new paragraph: "An assisted activity described in subsection A-24 shall be considered to benefit persons of low and moderate income if the service provides such services to all persons in the geographical area served, including any low and moderate income persons.

That is substantive legislation. That is a substantive change in the law which we are allowing them to come to the floor on, and it should be defeated. I have nothing against the fire service, but I think it is duplicitous to bring this to the floor tonight to present to us as good legislation, and it is, because helping firemen is, but why did they want to add another purpose to the Community Development Block Grant fund? And then that other purpose changes the definition of low and moderate income.

I appeal to the House to not pass this piece of legislation, let it go back, and let us look at it. The firemen can stand on their own merits. They do very well for us all. But why should we cut and change the definition to benefit the good low and moderate income people? The firemen are good, as well.

Why could this not have gone through committee, been voted on in VA-HUD and other authorizing committees? Why? It was brought to this floor with this kind of subterfuge in it. We do not need to pass it. We need to stop it right here, and make them go back and change this so that they will not change the low and moderate income.

Think about it, there are already 23 reasons of eligible activities on the CDBG. This adds another one, the 24th, and opens it up by changing the definition. This should not happen in this House, Mr. Speaker. This should not happen on that side of the floor, either. This should be stopped right now, and I am sure the designers of this bill, this amendment, may not have known what they were doing, but they had to because they added a new section which eliminated or changed low and moderate income.

So I appeal to this House to hold up on this, not to vote for it, because it brings in a new level. It should have gone through committees.

What about the cities and the small communities and the small CDBG groups? All Members have community-based groups in their districts. What about those community-based groups when they find out a new purpose has been put to this particular amendment and that low and moderate income definition has been changed?

So I am appealing to all who know what is right and what is wrong, this is wrong. They have done the wrong thing. They need to hold it up and come before a committee and look at this.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, first of all, the Community Development Block Grant program monies have been eligible to be used for fire and EMS for years. This is not a new use. The money has been used for impoverished people in cities for years. It is not a new use.

Secondarily, the decision as to whether or not to use CDBG monies for local purposes is not mandated by any legislation. That is a decision made by local elected officials, county commissioners, and members of city councils across America. This provision does nothing to change that.

Furthermore, thirdly, we have met with the chairman of the appropriate subcommittee, the gentleman from New York (Mr. LAZIO). We have promised to work with him through the entire process. There is no attempt to undermine the commitment of the CDBG fund for poor people.

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Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), coauthor of this amendment, for any comments he would like to make.

Mr. HOYER. Mr. Chairman, I regret that I have not had the opportunity to talk to the gentlewoman from Miami, Florida (Mrs. MEEK) who is my great friend and whom I deeply respect. I had understood that this question had been discussed with the committee and did not know about this particular problem.

I would assure the gentlewoman as a strong supporter of this amendment, which I think is an important amendment, that I will work strenuously to make sure that we protect each and every community. Because my own community, Prince George's County, obviously cares a great deal about the CDBG and the integrity of its provisions. What this amendment does, it provides a portion of what the gentleman from New Jersey (Mr. PASCRELL) has been working on very, very hard, as well as the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Michigan (Mr. SMITH), the gentleman from New Jersey (Mr. ANDREWS), and others on behalf of the fire fighters of America, both paid and volunteer.

This money will be also used for burn victims, $10 million of it will be for victims of fire and fire research. Frankly, I regret that I did not know of the concern of the gentlewoman from Florida until just now. I was surprised. But at some point in time I would like to have the gentleman from New Jersey (Mr. PASCRELL), who is really the author of much of this, have some time.

The CHAIRMAN. The Chair would inform Members that the gentleman from Pennsylvania (Mr. WELDON) has 1½ minutes remaining, and the gentlewoman from Florida (Mrs. MEEK) has 1 minute remaining.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for his leadership in our efforts to make America safe from fire.

Mr. Chairman, I support this amendment because it will help rural fire fighters in Oregon and throughout the country fight fires before they become big, expensive, and dangerous. Each year in my district, fires destroy countless acres of forest and rangeland and threaten homes and even the lives of my constituents. In many cases, small volunteer fire departments are the first line of defense against these killer fires. These departments are located near where fires start, and they are uniquely situated to fight and contain fires before they grow out of control.

But the men and women who give their time to bravely serve and protect their communities need our help. They need training and equipment to help them fight wildfires safely and effectively. That is why I have worked to increase the funding for the Volunteer Fire Assistance Program to $10 million. This money will go a long way in preparing volunteer fire departments to fight wildfires.

Mr. Chairman, I am pleased that the amendment offered by the gentleman from Pennsylvania addresses the crucial need for increased funding for VFAP. Volunteer fire fighters in Prineville, Spray, Boardman, Baker City and other communities deserve no less.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York (Chairman WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentlewoman from Florida for yielding me this time. As chairman of the subcommittee of jurisdiction on the Committee on Appropriations, I rise to express some concern about this amendment. It is a well-intended amendment aimed toward helping fire fighters throughout the country. But I would caution on several points.

One point is on FEMA. FEMA is not prepared to do burn studies. That is clearly an area where they do not have the expertise to perform.

Secondly, and even of more concern, the issue of Community Development Block Grants, as I understand it this amendment would waive the requirement that Community Development Block Grants go to low- and moderate-income recipients only. This has never been attempted before. This change in the Community Development Block Grant, legislation has never been attempted to change this before.

So I would express caution on this amendment. I would hope that as we go through the process, the gentleman from Pennsylvania (Mr. WELDON) would be willing to work with us to try to resolve some of these issues. Clearly, the intent of the amendment is good, but the effect may not be.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 30 seconds to answer some of the questions raised.

Mr. Chairman, I thank my colleagues. And I would just say that first of all, the gentleman from New York (Chairman LAZIO) and I had discussions about the CDBG provisions, and we have given him full assurance that we would work with him to protect the program as I explained.

Further, FEMA Director James Lee Witt called me today and offered his unequivocal support for this entire provision. He said it was the right thing to do, and publicly he was solidly behind this as the head of FEMA. So we have the administration on the record saying it is positive legislation. They support it thoroughly. They are not going to be administering burn programs; they are going to be providing funding for burn research centers across America.

Mr. Chairman, I hope our colleagues will support this legislation.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Time is controlled on this amendment, and it is not permissible. By unanimous consent the gentleman may revise and extend his remarks.

Mr. GILMAN. Mr. Chairman, I rise in support of the measure.

Mr. Chairman, I would like to commend my colleagues, the gentleman from Pennsylvania, Mr. WELDON along with Congressmen HOYER, SMITH, PASCRELL, SHUSTER and ANDREWS for their dedication to our Nation's firefighters and the work they have done to bring this amendment before the House this evening.

Each year, thousands of firefighting men and women risk their lives to defend the citizens and properties of communities throughout our Nation. However, too many of our Nation's firefighters have been seriously injured or killed because tight budgets have forced municipalities to cut funding. Personal protective gear goes unpurchased, dangers in fire stations go uncorrected, staffing shortages go unaddressed, and firefighters are forced to rely on antiquated equipment, due to a lack of funding. The nationwide increase in the use of hazardous materials and the recent rise in both natural and man-made disasters pose new threats to our Nation's firefighters.

The Congress now has an opportunity to provide the support necessary to address this national crisis. For the first time, we can fully fund the Volunteer Fire Fighter Assistance Program, fund grants for burn research, allow community development block grants to be used for fire and emergency services and authorize a competitive grant program, which will allow our Nation's firefighters to acquire vital equipment.

As a Member of the Congressional Fire Caucus, I am dedicated to assisting our local communities in their efforts to protect their firefighters. Let us provide funding for personal protective gear, communications and monitoring equipment, firefighter wellness and fitness programs, and other vital uses. Let's join together in letting our Nation's firefighters know that their health and safety is a national priority deserving national support.

Accordingly, I urge my colleagues to support this important amendment for our firefighters and for our communities throughout our Nation.

Mr. HOYER. Mr. Chairman, I ask unanimous consent for 5 additional minutes in support of the amendment.

The CHAIRMAN. Five minutes on each side?

Mr. HOYER. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, the gentleman has requested 5 minutes?

Mr. HOYER. If the gentleman would yield, yes, 5 and 5.

Mr. YOUNG of Florida. For what purpose?

Mr. HOYER. Mr. Chairman, in support of the amendment. And the reason is the gentleman from New Jersey (Mr. PASCRELL), has been a major sponsor of this legislation and has been unable to speak. That is not fair to him as one of the major sponsors of this legislation. It is the way the rule runs, and I would hope the Chairman would allow us the 5 minutes to do that.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. OBEY. Mr. Chairman, reserving the right to object, I simply did not hear it. I understand the request is 5 and 5. Who will be controlling the time?

Mrs. MEEK of Florida. Mr. Chairman, I claim the time.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. WELDON of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to know what is happening. What are we doing? I want to see the gentleman from New Jersey (Mr. PASCRELL) have an opportunity to speak also. What are we agreeing to?

Mr. HOYER. Mr. Chairman, if the gentleman would yield, the agreement is that it be 5 and 5. Obviously, if we are asking for 5 additional minutes as proponents, the gentlewoman from Florida (Mrs. MEEK), who is not objecting to the request, correctly observes that she ought to have 5 minutes in opposition and I think that is fair.

Mr. WELDON of Pennsylvania. Mr. Chairman, further reserving the right to object, there are some Members on our side who would like to have part of that 5 minutes. Is the gentleman prepared to yield?

Mr. HOYER. Mr. Chairman, I have spoken to the gentleman from New Jersey (Mr. ANDREWS) and he wants to speak, and I have ½ minute left.

Mr. WELDON of Pennsylvania. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) and the gentlewoman from Florida (Mrs. MEEK) each will control 5 additional minutes on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), whose bill will be heard on April 12, which is a major fire service bill. He has worked very closely with the gentleman from Pennsylvania (Mr. WELDON) and I and others on this and we have worked very closely with him on the major piece of legislation which we hope to see move forward as well.

Mr. PASCRELL. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, nearly 2 years ago I proudly introduced H.R. 4229, the 21st Century Fire and Public Safety Act. It was a bill to provide competitive grants directly to over 32,000 paid, part-time, part-paid volunteer fire departments across America.

The money could be used for personnel, equipment, vehicles, training, health and safety initiatives, and prevention programs.

At that time, I stated that our fire fighters were the forgotten part of our public safety equation. I said that the Congress should make a commitment to those who make a commitment to us every day. I put a large authorization on this bill because I wanted to send the message that we were serious. There was a legitimate and overwhelming need. We needed to show that it was no longer acceptable to pay lip service to the fire fighters in our districts on the weekends, and not put our money where our mouth is during the week.

Mr. Chairman, I proudly reintroduced this legislation in the 106th Congress, the fire bill. We are today a far cry from that day in July of 1998 when only three of us put our name on the bill. Today, there are over 206 cosponsors in the House of Representatives, over 20 sponsors in the Senate. The administration has announced their full support of this measure and will work to see it passed. We are making progress and this is part of a process and a procedure to get us to our final goal.

Last night I was presented with this amendment modeled after the concept in the fire bill. This amendment does some very, very important things. It provides funding for protective equipment, for modifying fire stations, for prevention, and wellness programs.

We are here today because considering this amendment, the work we did on the fire bill has brought us to this point. And 260 Members have gotten us here, because of the strong voice of fire fighters across America. We would not be considering this otherwise. Let me be clear in the details. It is very important, very different than the bill we are going to have before committee on April 12.

This bill does not allow the grant funds to be used to hire needed fire personnel. These are big ticket items. They are what the fire folks back home talked to us about in paid departments and in volunteer. Unlike the fire bill which requires a 10 percent match, this amendment requires an equal match. This is where we are today. Between now and April 12, hopefully we will come home and hopefully this amendment which I support will pass.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to tell the group that I have no objection to the money and what they are using it for. My objection is to changing the definition of low- and moderate-income.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAZIO), who is chairman of the Subcommittee on Housing and Community Opportunity.

Mr. LAZIO. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK), and I thank the House for allowing me to speak to this.

What is at stake here is really the future of the Community Development Block Grant. The CDBG is not a revenue sharing measure; it is a measure that is supposed to be addressed to moderately low-income people. It is meant to build housing, to provide safe, healthy housing for people who cannot afford market rents. It is meant to help provide economic development and jobs for people who are low- and moderately low-income. It is not meant to simply redistribute money from the Federal Government to the State and local governments for any purposes whatsoever.

My concern with this amendment, and I think the gentleman from New

Jersey (Mr. PASCRELL) spoke to a separate bill which is probably the appropriate vehicle in which to do this. And I think virtually everyone in this House is supportive of volunteer fire services, but the question is whether we would undermine the primary mission of the Community Development Block Grant program in order to try and speak to an admittedly popular public works issue, which is the development of fire houses and related services.

It is true that I have been speaking to the gentleman from Pennsylvania (Mr. WELDON), and I do not think in this House is a better advocate for men and women who protect our homes and our businesses through fire services. But it is also true that this is an overly broad amendment, that it needs work, and it simply does undermine the basic mission of the Community Development Block Grant program, which is to serve the neediest among us. The neediest among us.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, let me simply take 30 seconds to say I think that the observations of the gentleman from New York (Chairman WALSH) should be recognized, and that language has to be fixed in conference if a lot of people who would like to support this are going to be able to support it. We cannot divert these funds away from the poorest and the neediest low-income people who are supposed to be the primary beneficiaries of it.

□ 2300

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, first I want to congratulate the Republican Party for bringing forward to this House an expansion of the Federal Government's role on American society.

As we have heard today, this is a new venture to get the Federal Government involved in helping local fire fighters. I congratulate the Republican Party on sloughing off that old notion that the Federal Government was something whose influence should be resisted and restricted.

Having the Republican Party bring forward a new Federal program, putting the Federal Government into a new area where it had not previously been, helping local fire fighting, shows a degree of intellectual growth on which I congratulate them.

Now, as to this amendment, there is one problem with it. Most of the amendment, the part of the Republican Party getting us into the fire fighting business for the time, which I am glad to see, the problem is not how they do it.

There is a mistake in the end where it says, I think a mistake in policy, it says, and here is the problem that the gentlewoman from Florida (Mrs. MEEK) quite cogently pointed out to some of us who had not seen it: "An activity shall be considered to benefit persons of low and moderate income if the service provides such services to all persons in the geographical area served, including any low and moderate income persons."

In other words, a wealthy area with live-in help, that would then be covered. If one has got maids who live in a rich area, they are covered. That is the problem with the definition. That is what has to be changed.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentlewoman from Florida for yielding me this time.

Mr. Chairman, those of us who are from rural areas certainly support our rural firemen, and we do not want to be put in the position of making an election between our rural poor and our rural firemen. Certainly those who support rural firemen should not want to be seen doing it at the expense of the poorest of the poor.

Community development, scarce funds are limited now for the design eligible activities; and adding another activity really siphons off those resources that go to rural citizens. Small cities, rural communities depend on community development. Disadvantaged communities depend on community development.

To have our needed fire activities now put in, choosing between the poorest and the poor and a needy service, I think is a wrong way to go. We need to amend this. Find other sources to do this. This is a good and honorable activity, but not at the expense of the poorest of the poor.

Mrs. MEEK of Florida. Mr. Chairman, may I ask how much time remains on each side.

The CHAIRMAN. The gentlewoman from Florida (Mrs. MEEK) has 30 seconds remaining. The gentleman from Maryland (Mr. HOYER) has 2 minutes remaining.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in strong support of this amendment because I believe there are two important points of view that can be reconciled here.

I think there is broad support for $100 million of support for America's first line of defenders in the fire service. I believe it is the intent of those of us who drafted this amendment that it can be expressed in conference.

The point of view of the gentlewoman from Florida (Mrs. MEEK) can be accommodated in the following way: to the extent that community development block grant funds are used for fire protection, they must be focused on communities which would otherwise qualify under CDBG rules. I think that that correction and clarification would solve the problem. I would recommend in conference it be done that way.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think everybody agrees, and the gentlewoman from Florida (Mrs. MEEK) has said, the gentlewoman from North Carolina (Mrs. CLAYTON) has said, and I certainly agree with what both of them have said, and I have discussed with the gentleman from Pennsylvania (Mr. WELDON), as the gentleman from New Jersey (Mr. ANDREWS) said, not only can we fix this, but I would hope we would all pledge, as I will, to fix this.

What the concern is, correct, nobody had any intention to divert from low-economic or medium-income areas assistance. Clearly, it was my intent, I think the intent of the gentleman from Pennsylvania (Mr. WELDON), the intent of the gentleman from New Jersey (Mr. PASCRELL), I know that the assistance here would go, CDBG funds are for, as the gentleman from New York (Mr. LAZIO) correctly pointed out, for low- and moderate-income areas.

We need in conference to make sure that that is made very explicit; not implied, explicit. The gentlewoman from Florida (Mrs. MEEK) is correct. I hope the gentleman from Pennsylvania (Mr. WELDON) will agree with that. In conference, we will make sure that language explicitly limits such expenditures to areas currently eligible for CDBG.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I would say in response to the gentleman from Maryland (Mr. HOYER), I believe the gentleman is sincere that he feels like this bill will be fixed. But if we really believe it is going to be fixed, why do we not just do a unanimous consent request right now and fix it right here on the floor.

Why do we not make sure that we do not eviscerate the income targeting, and if one wants to provide for, if this is an eligible activity, I think we can probably agree to that. But let us not make sure that we are building fire houses in upper middle-income areas as a complete income transfer.

Mr. TERRY. Mr. Chairman, I rise in support of this amendment to aid the fire and emergency services of this country.

The men and women who risk their lives day in and day out to protect life and property deserve our full support and I believe this amendment recognizes this by providing substantial federal funding in several areas.

First, it provides $10 million to fully fund the volunteer fire assistance program.

It makes $10 million available for burn research.

It makes $80 million available to the Federal Emergency Management Agency for grants to volunteer, paid, and combination departments that provide fire and emergency medical services.

I should point out that matters relating to FEMA fall within the jurisdiction of the Transportation and Infrastructure Committee. As vice chairman of the Subcommittee on Oversight Investigations and Emergency Management of that committee, I note that we fully support this amendment which would set up new grant programs within FEMA.

The amendment also makes community development block grant funds (currently at $4.75 billion) available for use by local authorities for the fire service.

The amendment before us will strengthen the local capability to deal with fires and other emergency situations.

Mr. Chairman, the Weldon-Smith amendment is a substantial step forward to help protect the health and safety of the public and firefighting personnel.

I urge my colleagues to support it.

The CHAIRMAN. All time for debate on this amendment has again expired.

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent for 5 additional minutes.

The CHAIRMAN. On each side. Is there objection to the request of the gentlewoman from Florida?

Mr. YOUNG of Florida. There is an objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent for even 1 minute. I will go back to 1. I will take whatever I can get.

The CHAIRMAN. On each side. Is there objection to the request of the gentlewoman from Florida that each side have 1 additional minute?

Mr. YOUNG of Florida. There is objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, having had the time expire, would it nevertheless, notwithstanding the fact that the time has expired, be possible for the gentleman from New York (Mr. LAZIO) to offer the unanimous consent for the amendment that he suggests be in order at this time?

The CHAIRMAN. Is the inquiry of the gentleman from Maryland whether it would be in order to offer a new amendment or a modification to the existing amendment?

Mr. HOYER. Mr. Chairman, as I understand the intention of the gentleman from New York (Mr. LAZIO), it would be a modification of the existing amendment.

The CHAIRMAN. Such a request for a modification would be entertained only from the proponent of the amendment, in this case the gentleman from Pennsylvania (Mr. WELDON).

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Subsequent to the closure of debate on this subject, the vote being rolled, would it be in order, then, for a Member to strike the last word and ask unanimous consent to offer an amendment to the amendment after the debate? Without extending the debate time, under the 5-minute rule, could a Member then rise and offer a unanimous consent amendment to offer the modification the gentleman from New York (Mr. LAZIO) has in mind?

The CHAIRMAN. Under the rule, the pending part B amendment is not subject to amendment.

Mr. FRANK of Massachusetts. But the parliamentary inquiry is that, subsequent, by unanimous consent, could an amendment to that be offered if the body gave a unanimous consent to a modification such as the gentleman from New York (Mr. LAZIO) has proposed?

The CHAIRMAN. The Chair would respond to the gentleman from Massachusetts that the Chair would entertain a request only from the proponent of the amendment to modify his amendment.

PARLIAMENTARY INQUIRY

Mr. WELDON of Pennsylvania. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WELDON of Pennsylvania. Mr. Chairman, is the Chair ruling that I could offer a perfecting amendment when we return for the vote on this amendment? Is that what the Chair is stating?

The CHAIRMAN. The Chair responded that the gentleman from Pennsylvania could ask unanimous consent of the Committee of the Whole to modify his pending amendment.

Mr. WELDON of Pennsylvania. At the time of the vote, Mr. Chairman. Very good.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, would that be in order at any time prior to the vote? That is, could he offer that, if he was not ready to offer it immediately, prior to the vote being taken?

The CHAIRMAN. The gentleman is correct.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) will be postponed.

□ 2310

AMENDMENT NO. 13 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 13 offered by Mr. SCHAFFER:

At the appropriate place in the bill, insert the following new section:

SEC. . Within 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and complete a comprehensive fraud audit of the Department of Education and submit a report setting forth the results of the audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Colorado (Mr. SCHAFFER) and a Member opposed each will control 5 minutes.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Wisconsin will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I think there is some confusion about what is before us. This next amendment has nothing whatsoever to do with the fire issue that we have just disposed of.

My understanding is that the Schaffer amendment goes to the question of conducting an audit of the Department of Education. Would it be in order to modify that amendment to also include an audit for the Department of Defense?

The CHAIRMAN. The Chair would respond that the same situation exists for the Schaffer amendment as existed for the previous amendment. Only modifications offered by unanimous consent by the proponent of the amendment would be entertained under this rule.

Mr. OBEY. Mr. Chairman, may I ask the Chair when would that modification be in order: at any time during the consideration of the amendment or would that modification have to occur at this moment?

The CHAIRMAN. It would not have to be at this moment. It could be requested before the disposition of the amendment.

Mr. OBEY. I thank the Chair, and I would at the proper time ask to control the time in opposition to the amendment.

The CHAIRMAN. The gentleman will be recognized.

The gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes on his amendment.

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is one that is offered to the emergency supplemental and directs the comptroller general of the General Accounting Office to conduct a comprehensive audit of the Department of Education, following up on previous investigations and reports of a more narrow focus with respect to waste, fraud, and abuse. The education Inspector General and the GAO have previously identified instances of waste, fraud, and abuse. This study would delve deeper and is more comprehensive.

The Department has issued over the last 2 years over $50 million in duplicate payments. The Inspector General and the Department of Justice are currently investigating an alleged computer theft ring within the agency that has been operating for more than 5 years. We are concerned that these examples are but the tip of the iceberg. And with that in mind, Mr. Chairman, I would urge the adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, may I ask the gentleman from Colorado, through the Chair, if the gentleman would be willing to modify his amendment to include also an audit for the Department of Defense?

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Colorado.

Mr. SCHAFFER. This amendment is crafted carefully in cooperation with the GAO. The dollar amount and the establishment of the priority has been limited to the discussion on the Department of Education. Being unsure as to the full impact, effect, and cost of the suggestion the gentleman is offering, I would regretfully decline and say that I would be opposed to broadening the amendment.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, what is going on is that some of the folks in this institution, including some who wanted to abolish the Department of Education just a few years ago, are now trying to selectively ask for additional audits of agencies and they have zeroed in on the Department of Education. Yet under this rule I am denied the opportunity to offer a substitute amendment which would ask for the same audit of the Department of Defense which is being asked of the Department of Education.

I would point out that yesterday the Inspector General of the Department of Education testified that the Department of Education's financial management has improved this year compared to last year and stands in stark contrast to the Department of Defense. If we take a look at the Department of Defense, the GAO said the following:

> Despite recent steps to improve financial management, DOD continues to face serious weaknesses. These weaknesses undermine DOD's ability to manage an estimated $280 billion and $1 trillion in assets. No major part of DOD is able to pass the test of an independent financial statement audit.

If my colleagues do not believe what the GAO says, the DOD Deputy Inspector General said that, "The DOD financial statements for fiscal 1998 were less timely than ever, and a record $1.7 trillion," trillion dollars, "of unsupported adjustments were identified by auditors."

We waste more money at the Defense Department each year than the entire budget for the Department of Education, and yet we are not being allowed to ask for an additional audit of the largest agency in the government. I think that that indicates that there is clearly an imbalance in people's concern about the waste of taxpayers' money.

I am perfectly willing to support audits across the board at agencies that require it. I am not interested in participating in an ideological attack on one agency, which some people in this House have targeted for extinction since the day they got here.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would say to my colleague from Wisconsin that we are developing a bill to do exactly what he has asked for, which will include comprehensive audits of all the agencies that have failed their audits in 1999. I believe that is 12 out of the 24 Federal agencies. We hope to work together with the gentleman on that bill.

As it relates to the Department of Education, my colleague from Colorado and I share oversight responsibilities for the Department of Education. What we have experienced is 2 years of failed audits, 3 years where the Department of Education has made over $50 million in duplicate payments and the misprinting of 3.5 million forms. Currently there is a vigorous investigation going on into computer theft at the Department of Education. And recently the Department of Education awarded 39 scholarships to young people called the Jacob Javits scholarship. The disappointing thing is that these 39 students did not actually qualify for the awards.

The Department has told us that there will be 2 more years of failed audits and perhaps in 3 years is when there will be a clean audit. Any company in the private sector that had this kind of performance would have the trading of its stock suspended. It would be in major trouble. That is exactly where the Department of Education is today. It has created an environment ripe for fraud, waste, and abuse.

Now is the time to step in and do an aggressive investigation of that Department to make sure that the $35 to $38 billion that we give to that agency each and every year makes it to the place where the dollars are supposed to go: Helping our kids learn. Making sure that the dollars get to local classrooms so that our kids are learning exactly what they need to learn.

Now is the time for a vigorous fraud audit of the Department of Education.

Mr. OBEY. Mr. Chairman, it is my understanding that I have the right to close?

The CHAIRMAN. The gentleman is correct.

Mr. OBEY. Has all time on that side expired?

The CHAIRMAN. The gentleman from Colorado (Mr. SCHAFFER) has 2 minutes remaining, and the gentleman from Wisconsin has 2½ minutes remaining.

Mr. SCHAFFER. Mr. Chairman, I yield myself the balance of my time.

☐ 2320

Mr. Chairman, this is an important amendment. I am wholly sympathetic to the desires of the gentleman from Wisconsin (Mr. OBEY), who would like broader, more comprehensive audits of other agencies and departments. I suspect that last night the Committee on Rules would have considered those, just as they did this amendment.

I, along with my colleague from Michigan, serve on the Subcommittee on Education Oversight and Investigation, and this is the focus of our concern and the only portion we brought to the body.

Simply speaking, and I will finish with this, the gentleman from Wisconsin (Mr. OBEY) referred to the GAO and its recent report. Twenty-eight days ago, GAO testified in front of our subcommittee: "The Education Department continues to be plagued by serious internal deficiencies that need to be addressed to reduce the potential for waste, fraud, and abuse within the Department."

With that, I think it fully explains the necessity of the amendment. Those who are concerned about getting dollars out of the bureaucracy of Washington and toward the more noble purpose of educating children in classrooms ought to stand strong behind this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would simply assert that this is not a request for an audit tonight. This, in my view, is simply another ideological attack against an agency that a number of people in this House have never liked and would abolish if they had the votes to do so.

We have been told that we cannot ask for a similar audit for a department which wastes far more money than any agency of government. And we are told that somehow we are supporting the taxpayers' interest to ask for this audit by the GAO.

The fact is we currently spend $34 million each year of taxpayers' money to pay for 285 people who work for the Inspector General's Office of the Department of Education, and their full-time job is to investigate and audit the financial and management practices of the Department of Education. We are already spending $34 million to do that.

Now, the gentleman from Colorado (Mr. SCHAFFER) wants us to duplicate that effort. I do not think it is for financial reasons. I think it is because this is just another way to harass an agency that they do not like.

I would point out, maybe the Department of Education would have done a bit better in managing its operation if this Congress had not eliminated $65 million of the Department's request for program management funds since fiscal year 1996. And if the majority party had had its way, those fiscal management cuts would have exceeded $112 million. I think we understand what the target is. It is not waste; it is the agency itself.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. FOWLER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentlewoman from Florida (Mrs. FOWLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 232, not voting 19, as follows:

[Roll No. 88]

AYES—183

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Bono
Boswell
Brady (TX)
Bryant
Burr
Buyer
Callahan
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ewing
Fletcher
Foley
Fowler
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wolf

NOES—232

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Calvert
Campbell
Capps
Capuano
Cardin
Carson
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntosh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Portman
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Boehner
Clay
Clyburn
Crane
Everett
Franks (NJ)
Granger
Hall (OH)
Herger
Klink
Martinez
Mink
Quinn
Rothman
Rush
Shuster
Spence
Vento
Waxman

□ 2354

Mrs. KELLY, Mr. SWEENEY and Mr. McCOLLUM changed their vote from "aye" to "no."

Messrs. SHOWS, KASICH, and RAMSTAD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first, I would announce that as we conclude the business on this bill tomorrow, that the subcommittees of the Committee on Appropriations that were scheduled for hearings, because of the rule, those hearings will not be held tomorrow, inasmuch as we will be in session trying to conclude this bill.

Secondly, Mr. Chairman, I will shortly move that the committee rise, and once we rise and go back into the House, I will have a unanimous consent request to propose; in fact, two unanimous consents, one having to do with legislative days to revise and extend, and then before I make this motion to rise, Mr. Chairman, I would ask my colleagues to give the chairman a round of applause for having conducted this day's activities in a very, very excellent and professional way.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3908, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3908, 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3908 in the Committee of the Whole, pursuant to House Resolution 450, no further amendment shall be in order except as follows:

One, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations for the purpose of debate;

Two, the amendment printed in Part B of House Report 106–549 and numbered 12; and

Three, the following further amendments:

Amendment offered by the gentleman from Texas (Mr. PAUL) regarding certain reductions and limitations;

Amendment offered by the gentleman from Florida (Mr. STEARNS) regarding an across-the-board cut;

Amendment offered by the gentleman from Mississippi (Mr. TAYLOR) regarding U.S. military in Colombia;

Amendment offered by the gentleman from Ohio (Mr. TRAFICANT) regarding buy America;

Amendment offered by the gentleman from Maine (Mr. BALDACCI) regarding building technology assistance conservation activities;

Amendment offered by the gentleman from Colorado (Mr. TANCREDO) regarding the Food and Drug Administration;

And an amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) regarding the Strategic Petroleum Reserve.

Each further amendment may be offered only by the Member designated in this request or a designee, shall be considered as read, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I think Members need to understand that the reason they were kept here until midnight tonight is because there was an expectation and a hope that we would be able, by holding Members here this late this evening, to get Members out roughly around noon tomorrow so that all Members of the House, not just a few, could catch planes back to their districts.

That would have necessitated, in my judgment, a number of the amendments just described being at least debated tonight. A number of those amendments would not even have been in order if the committee had not worked with Members in order to help them get them in order, and so I think it would have been fair to ask those Members to debate those amendments tonight, because if we had not helped them, they would not have been able to debate them at all.

Secondly, there is at least one committee chairman in the House who has an amendment which is going to take longer than the others. It would have been very helpful if we could have had that amendment debated tonight and the vote coming tomorrow.

□ 0000

That is what happened with a lot of people. An awful lot of people had their amendments debated late tonight, but evidently he does not want to take it up tonight.

So I think Members need to know that it is my judgment that under this agreement, they had probably better not plan on being out of here much before 2 o'clock. I regret that. I wish some of these amendments would be considered tonight. I am sorry that the authors would not be willing to do that, but I want Members to understand the problem.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I would like to say to the gentleman, when we were here at 9 o'clock, we were told it was unlikely that the amendment on Kosovo, in fact, we were not going to get to the amendment on Kosovo, and people on the gentleman's side of the aisle sent some staff home. We were under the impression it was not coming up tonight.

And then when we came back to the floor, we were told we might consider it at 11 o'clock. Some of the cosponsors of the amendment had dismissed their people. They did not have all of their material, and I suggested that we come in fresh and get right on it. I did not care what time it was.

So I would say to the gentleman if it inconvenienced the House, I want to apologize for that. But we were operating under the assumption that it would not be considered tonight and we wanted to make sure it was considered when Members were prepared and we could have a full debate. So I wanted the gentleman to understand what the confusion was.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman from Ohio. Let me simply say that I had intended to vote for his amendment, and I still do. But the fact is that I have been asking people all night long to enable us to finish the gentleman's amendment and a number of others. No one ever talked to me about the assumption that the gentleman's amendment was not going to be considered tonight. We have had a lot of people have their amendments offered tonight. We did not intend in any way to truncate the debate.

But since a lot of other Members had been asked to consider their amendment in other than ideal conditions, I did not think it was too much to ask the gentleman to do the same thing.

Mr. KASICH. Mr. Speaker, if the gentleman would continue to yield, I would say to the gentleman it is not just an understanding on the cosponsors on this side of the aisle. It was also that understanding from Members who were helping on the amendment on the other side of the aisle. We just had misinformation and miscommunication.

But I would say to the gentleman, I am certainly not going to argue with him if he might vote for the amendment. Whatever we need to do, let us get it up in the morning and give it good consideration.

Mr. OBEY. Mr. Speaker, again reclaiming my time, all I will say is that Members should, for purposes of planning, understand that this delay means they are probably not going to get out of here until around 2 o'clock instead of noon.

Mr. Chairman, with that I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROTHMAN (at the request of Mr. GEPHARDT) for today after 7:00 p.m on account of a family event.

Mr. EVERETT (at the request of Mr. ARMEY) for today and for the balance of the week on account of family medical reasons.

Ms. GRANGER (at the request of Mr. ARMEY) for today and the balance of the week on account of to be with those affected by the tornadoes in Fort Worth, Texas.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes a.m.), the House adjourned until today, Thursday, March 30, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6837. A letter from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Certification Integrity (RIN: 0584-AC76) received February 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6838. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection Act of 1992 [CS Docket No. 98-82] Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 [CS Docket No. 96-85] Review of the Commission's Cable Attribution Rules—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6839. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Egypt (Transmittal No. 04-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6840. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to French Guiana (Transmittal No. DTC-003-00), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No. 99-NM-247-AD; Amendment 39-11542; AD 2000-02-24] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 600 Series Airplanes [Docket No. 99-CE-51-AD; Amendment 39-11548; AD 2000-02-30] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 99-CE-50-AD; Amendment 39-11547; AD 2000-02-29] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 99-CE-64-AD; Amendment 39-11549; AD 2000-02-31] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6845. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Model MU-2B Series Airplanes Airplanes [Docket No. 99-CE-38-AD; Amendment 39-11543; AD 2000-02-25] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6846. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Models EMB-110P1 and EMB-110P2 Airplanes [Docket No. 99-CE-42-AD; Amendment 39-11545; 2000-02-27] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6847. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd. Models N22B and N24A Airplanes [Docket No. 99-CE-47-AD; Amendment 39-11546; AD 2000-02-28] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6848. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98-NM-282-AD; Amendment 39-11529; AD 2000-02-10] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6849. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers and Harland Ltd. Models SC-7 Series 2 and SC-7 Series 3 Airplanes [Docket No. 97-CE-99-AD; Amendment 39-11534; AD 2000-02-16] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 65-90, 65-A90, B90, and C90 Airplanes [Docket No. 99-CE-92-AD; Amendment 39-11533; AD 2000-02-15] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2000-NM-08-AD; Amendment 39-11525; AD 2000-02-06] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211 Trent 768-60, 772-60, and 772B-60 Series Turbofan Engines [Docket No. 99-NE-60-AD; Amendment 39-11535; AD 2000-02-17] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-262-AD; Amendment 39-11463; AD 99-26-03 C1] (RIN: 2120-AA64) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Beaumont, TX [Airspace Docket No. 99-ASW-25] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Jet Routes J-78 and J-112; Evansville, IN [Airspace Docket No. 99-AGL-48] (RIN: 2120-AA66) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; NAS JRB (Carswell Field), Fort Worth, TX [Airspace Docket No. 99-ASW-19] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Norfolk, NE [Airspace Docket No. 99-ACE-45] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Mountain View, MO [Airspace Docket No. 99-ACE-46] received February 11, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Iowa City, IA [Airspace Docket No. 99–ACE–50] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6860. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Regulations Governing Agencies for Issue of United States Savings Bond—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Expenditures [Rev. Rul. 2000–7] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Ahadpour v. Commissioner [CC–2000–02] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3039. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes (Rept. 106–550). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1359. A bill to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse" (Rept. 106–551). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 1567. A act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse"; with amendments (Rept. 106–552). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1776. A bill to expand homeownership in the United States; with an amendment (Rept. 106–553). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself, Mr. Kuykendall, Mr. Davis of Virginia, Mr. Moran of Virginia, Mr. Owens, Mr. Roemer, Mr. Boehner, Mr. Dooley of California, Mr. Goodling, Ms. Eshoo, Mr. Blunt, Mr. Kind, Mr. Condit, Mr. Aderholt, Mr. Armey, Mr. Sam Johnson of Texas, Mr. Ehrlich, and Mr. Hoekstra):

H.R. 4109. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act; to the Committee on Education and the Workforce.

By Mr. HORN (for himself, Mr. Turner, Mr. Blunt, Mr. Walden of Oregon, Mr. Owens, Mr. Gilman, Mrs. Maloney of New York, Mrs. Morella, Mr. Waxman, Mr. McHugh, Mr. Lantos, and Mr. Price of North Carolina):

H.R. 4110. A bill to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005; to the Committee on Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. Coburn, Mr. Paul, and Mr. Maloney of Connecticut):

H.R. 4111. A bill to amend the Internal Revenue Code of 1986 to suspend all motor fuel taxes for six months, and to permanently repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mr. EWING (for himself, Mr. Goodling, Mr. Weller, Mr. Boehner, Mr. Barrett of Nebraska, Mr. Pombo, Mr. Smith of Michigan, Mr. Lucas of Oklahoma, Mr. Chambliss, Mr. LaHood, Mr. Moran of Kansas, Mr. Fletcher, Mr. Hayes, Mr. Simpson, Mr. Peterson of Minnesota, Mr. Canady of Florida, Mr. Cooksey, Mr. Jenkins, Mr. Weldon of Florida, Mr. Manzullo, Mr. Coburn, Mr. Hoekstra, Mr. Schaffer, Mr. Saxton, Mr. Thune, Mr. Sessions, Mr. Skeen, Mr. Bilirakis, Mr. Walden of Oregon, Mr. Buyer, Mr. Calvert, Mr. Lucas of Kentucky, Mr. Dreier, Mrs. Biggert, Mr. English, Mr. Bereuter, Mr. Hutchinson, Mr. Tiahrt, Mr. Green of Wisconsin, Mr. Whitfield, and Mr. LaTourette):

H.R. 4112. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to an exclusion equivalent of $10,000,000 and to provide for an inflation adjustment of such amount; to the Committee on Ways and Means.

By Mr. ARMEY (for himself and Mr. Dooley of California):

H.R. 4113. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself and Mr. Miller of Florida):

H.R. 4114. A bill to require that United States assistance may be provided to the government of a foreign country only if a treaty of extradition between that country and the United States is in force, or the government of that country and the United States have entered into negotiations to conclude a treaty of extradition; to the Committee on International Relations.

By Mr. CANNON (for himself, Mr. Frost, Mr. Gilman, Mr. Lantos, Mr. LaTourette, Mr. Berman, Mr. Ackerman, Mr. Gejdenson, Mr. Filner, Mr. Hoyer, Mr. Pombo, Mr. Leach, Mr. Deutsch, Mrs. Lowey, Mr. Waxman, Mr. Crowley, Mr. Rothman, Mr. Sisisky, Mr. Kennedy of Rhode Island, Mr. Franks of New Jersey, Mr. Wexler, Mr. Nadler, Mrs. Maloney of New York, Ms. Berkley, and Mr. Weiner):

H.R. 4115. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 4116. A bill to provide that no insurer which is engaged in interstate commerce may exercise any right under a subrogation or reimbursement clause in an insurance policy until the insured has received full compensation; to the Committee on Commerce.

By Mr. MEEKS of New York (for himself, Mr. Towns, Mr. Jackson of Illinois, Mr. Payne, Mr. Ford, Mr. Larson, and Mr. Crowley):

H.R. 4117. A bill to provide collegiate student-athletes who attend NCAA-member institutions the same rights and privileges afforded to all citizens; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. Diaz-Balart, Mr. DeLay, Mr. Burton of Indiana, Mr. Hyde, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. Chabot, Mr. Burr of North Carolina, Mr. McCollum, Mr. Bartlett of Maryland, and Mr. Jones of North Carolina):

H.R. 4118. A bill to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba; to the Committee on International Relations.

By Mr. SHADEGG (for himself and Mr. Lipinski):

H.R. 4119. A bill to amend the Public Health Service Act to expand health care access and choice of coverage through Individual Membership Associations (IMAs); to the Committee on Commerce.

By Mr. SHADEGG:

H.R. 4120. A bill to amend section 211 of the Clean Air Act to permit any State to waive the oxygenate content requirement for reformulated gasoline if the State implementation plan for the State is adequate to attain and maintain the national ambient air quality standards in the absence of that requirement, and for other purposes; to the Committee on Commerce.

By Mr. SIMPSON (for himself, Mr. Walden of Oregon, Mr. Gibbons, Mr. Hill of Montana, Mr. Radanovich, Mrs. Chenoweth-Hage, Mr. Herger, Mr. Peterson of Pennsylvania, Mr. Ose, Mr. Hastings of Washington, Mr. Cannon, Mr. Stump, Mr. Tancredo, Mrs. Cubin, Mr. Young of Alaska, Mr. Hansen, Mr. Thomas, Mr. Hayworth, Mr. Doolittle, Mr. Metcalf, Mr. Pombo, Mr. Schaffer, and Mr. Bartlett of Maryland):

H.R. 4121. A bill to amend the Antiquities Act of 1906 regarding the establishment by the President of certain national monuments; to the Committee on Resources.

By Mr. STUPAK (for himself and Mr. Pomeroy):

H.R. 4122. A bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 4123. A bill to modify the project for flood control, Yazoo Backwater Area, Yazoo

Basin, Mississippi, to authorize the Secretary of the Army to make payments to local interests as compensation for certain reductions in local tax revenues; to the Committee on Transportation and Infrastructure.

By Mr. THORNBERRY:

H.R. 4124. A bill to amend title 10, United States Code, to improve the access to military treatment facilities for retired members of the uniformed services, and their dependents, who are over 65 years of age, to provide for Medicare reimbursement for health care services provided to such persons, to permit such persons to enroll in the Federal Employees Health Benefits program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 4125. A bill to provide a grant under the urban park and recreation recovery program to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself, Mrs. Wilson, Ms. Roybal-Allard, Mr. Romero-Barcelo, Ms. Velázquez, Mr. Gonzalez, Mr. Hinojosa, Mr. Reyes, and Mr. Baca):

H.R. 4126. A bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest, and for other purposes; to the Committee on Resources.

By Mr. VITTER:

H.R. 4127. A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan (for himself, Ms. Eddie Bernice Johnson of Texas, Mr. Weldon of Pennsylvania, Mr. Bishop, Mr. Boehlert, Mr. Ehlers, Mr. Sherwood, Mr. Larson, and Mr. Barcia):

H.R. 4128. A bill to authorize appropriations to address the needs of State and local emergency responders, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Commerce, Banking and Financial Services, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. Royce, and Ms. Ros-Lehtinen):

H. Con. Res. 295. Concurrent resolution relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. Lantos, Mr. Engel, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Traficant, Ms. Velázquez, Mr. Rangel, and Mr. Lewis of Georgia):

H. Res. 451. A resolution calling for lasting peace, justice, and stability in Kosova; to the Committee on International Relations.

By Ms. LOFGREN:

H. Res. 452. A resolution recognizing the efforts of the National Association of Letter Carriers for its annual food drive; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOSWELL:

H.R. 4129. A bill for the relief of Jose Gualalupe Telliz Pinales; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 4130. A bill to authorize the use of a vessel to transport the former naval medium harbor tug U.S.S. *HOGA* to Port Everglades, Florida, for use as a memorial to veterans and for providing vocational seamanship training; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 61: Mrs. McCarthy of New York.

H.R. 110: Mr. Bachus.

H.R. 137: Mrs. Napolitano and Mr. Rodriguez.

H.R. 252: Mr. Goodling.

H.R. 371: Mr. McCollum.

H.R. 455: Mr. Sandlin and Mr. Becerra.

H.R. 460: Ms. Schakowsky.

H.R. 534: Mrs. Cubin and Mrs. Napolitano.

H.R. 566: Mrs. Thurman.

H.R. 632: Mr. Baca and Mr. Mica.

H.R. 654: Mr. Green of Wisconsin.

H.R. 670: Mr. Weldon of Pennsylvania and Mr. Bartlett of Maryland.

H.R. 709: Mr. Bonior.

H.R. 731: Mr. Gonzalez.

H.R. 802: Mr. Price of North Carolina, Mr. Kind, and Mr. Underwood.

H.R. 860: Mr. Maloney of Connecticut.

H.R. 1046: Mr. Blumenauer, and Mr. Cook.

H.R. 1055: Mr. Cramer, Mr. Skelton, Mr. McHugh, and Mr. Lucas of Oklahoma.

H.R. 1070: Mr. Scott, Mr. Traficant, Mr. Pickett, Mr. Turner, Mr. Stenholm, and Mr. Schaffer.

H.R. 1071: Mr. Owens.

H.R. 1093: Mr. Stearns.

H.R. 1102: Ms. Carson.

H.R. 1163: Mr. Engel.

H.R. 1217: Mr. Walsh.

H.R. 1285: Mr. Weygand.

H.R. 1304: Ms. Carson.

H.R. 1322: Mr. Armey, Mr. Pickett, Mr. Tancredo, Mr. Salmon, Mr. Souder, Mrs. Morella, Mr. Hinchey, Mr. Norwood, Mr. Whitfield, Mr. Saxton, Mr. Packard, Mr. Talent, Mr. Gillmor, Mr. Traficant, Mr. Cannon, and Mr. Serrano.

H.R. 1413: Mr. Kucinich.

H.R. 1495: Mr. Baird.

H.R. 1604: Mr. Weldon of Pennsylvania.

H.R. 1622: Mr. Udall of Colorado.

H.R. 1704: Mr. Tancredo.

H.R. 1770: Mr. Owens.

H.R. 1816: Mrs. Clayton, Ms. Woolsey, and Mr. Filner.

H.R. 1885: Ms. Danner, Mr. Andrews, and Mr. Holden.

H.R. 1899: Mr. Saxton.

H.R. 1926: Mr. Kleczka.

H.R. 2002: Mr. Traficant, Mr. Dicks, Mr. Berman, and Mr. Baca.

H.R. 2059: Mrs. McCarthy of New York and Mr. Gordon.

H.R. 2120: Mr. Payne, Mrs. Christensen, Mr. Coyne, Mr. Gonzalez, and Mr. Wynn.

H.R. 2258: Mr. Frank of Massachusetts and Mr. Owens.

H.R. 2289: Mr. McCollum.

H.R. 2298: Mr. Brady of Pennsylvania.

H.R. 2420: Mr. Tiahrt, Mr. Rangel, and Mr. Clement.

H.R. 2498: Mr. Spence and Ms. Berkley.

H.R. 2499: Mr. Frelinghuysen.

H.R. 2511: Mr. King, Mr. Bryant, and Mrs. Cubin.

H.R. 2538: Mr. Chambliss.

H.R. 2573: Mr. Owens.

H.R. 2620: Mr. Cardin, Mr. Stark, and Ms. Kilpatrick.

H.R. 2635: Mr. Blumenauer.

H.R. 2676: Mr. Frank of Massachusetts.

H.R. 2713: Ms. Norton and Mr. Engel.

H.R. 2738: Ms. McKinney.

H.R. 2739: Mr. Waxman and Mr. Towns.

H.R. 2764: Mr. Engel.

H.R. 2814: Mr. Ehrlich.

H.R. 2842: Mr. Owens.

H.R. 2870: Mr. Lantos and Ms. Brown of Florida.

H.R. 2919: Mrs. Christensen.

H.R. 2982: Ms. Jackson-Lee of Texas and Mr. Engel.

H.R. 3000: Mr. Payne and Ms. McKinney.

H.R. 3004: Mr. Holt, Mr. Tiahrt, Mr. Filner, Mr. Wexler, Ms. McCarthy of Missouri, Mr. Nadler, Mr. Blumenauer, Ms. Jackson-Lee of Texas, Mr. Weiner, Mr. Lantos, Mr. Deutsch, Mr. Cardin, and Mr. McNulty.

H.R. 3044: Ms. McKinney.

H.R. 3115: Mr. Spence.

H.R. 3132: Mr. Meeks of New York.

H.R. 3136: Mr. Engel.

H.R. 3143: Mr. Nadler and Mr. Frost.

H.R. 3192: Ms. Ros-Lehtinen, Mr. Kildee, Mr. Lantos, Ms. Rivers, Mr. Wynn, and Mr. LaFalce.

H.R. 3193: Mr. Wu, Mr. Sawyer, Mr. Baca, Mr. Petri, Mr. Camp, Mr. Nussle, Mr. Upton, Mr. Young of Alaska, Mr. Wicker, and Mr. Wolf.

H.R. 3202: Ms. McKinney.

H.R. 3256: Mr. Bonior.

H.R. 3295: Mr. Owens.

H.R. 3375: Mr. Cunningham and Mr. Calvert.

H.R. 3405: Mr. Lewis of Georgia, Mr. Price of North Carolina, and Mr. Owens.

H.R. 3430: Mr. Engel, Mr. Waxman, Ms. Schakowsky, and Ms. Hooley of Oregon.

H.R. 3500: Mr. Brady of Pennsylvania, Mrs. Napolitano, Mr. Udall of New Mexico, Ms. Berkley, and Mr. Baird.

H.R. 3514: Mr. Ackerman.

H.R. 3542: Mr. Underwood, Mr. Lewis of Georgia, Ms. Waters, Mr. Clyburn, and Mrs. Clayton.

H.R. 3573: Mrs. Biggert, Mr. Davis of Illinois, Mr. Gordon, and Ms. Norton.

H.R. 3628: Mrs. Kelly, Mr. Minge, Mr. Sanders, and Ms. Slaughter.

H.R. 3631: Mr. Barrett of Wisconsin.

H.R. 3634: Mr. Wu and Mr. Engel.

H.R. 3663: Mr. Sweeney, Mrs. Biggert, Mr. Jones of North Carolina, Mr. Hall of Texas, Mr. Horn, Mr. Leach, Mr. Traficant, Mr. Bilirakis, Mr. Dickey, Mr. Sessions, Mr. Regula, Mr. Sherwood, Mr. Walsh, Mr. Hayes, Mr. Callahan, Mrs. Fowler, Mr. Buyer, Mr. Coburn, Mr. Taylor of Mississippi, Mr. Collins, Mr. Capuano, Mr. Stump, Mr. Hyde, Mr. Canady of Florida, Mr. Duncan, Mr. Riley, Mr. Abercrombie, Mr. Kasich, Mr. LaHood, Mr. Petri, Mr. Shows, and Mr. Fletcher.

H.R. 3670: Mr. BORSKI, Mr. LATOURETTE, Mr. LIPINSKI, Mr. ENGLISH, Mr. BONIOR, Mr. MCHUGH, Mr. GUTIERREZ, Ms. KAPTUR, Mr. CONYERS, Mr. BARRETT of Wisconsin, Mr. STUPAK, Ms. SLAUGHTER, and Mr. BROWN of Ohio.

H.R. 3686: Mr. OWENS.

H.R. 3710: Mr. RANGEL, Mr. LATOURETTE, Mrs. MCCARTHY of New York, Mrs. THURMAN, Mr. LANTOS, Ms. BROWN of Florida, Mr. FARR of California, and Mr. CAPUANO.

H.R. 3732: Mr. WHITFIELD, Mrs. THURMAN, Mr. LAFALCE, Mr. FROST, Mr. OWENS, Mr. TRAFICANT, Mr. ALLEN, and Mr. HILLEARY.

H.R. 3766: Mr. LUCAS of Kentucky, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Mr. BORSKI, and Mr. SISISKY.

H.R. 3823: Mr. WAXMAN and Mr. ENGEL.

H.R. 3849: Mr. HEFLEY.

H.R. 3861: Mr. ENGEL, Mr. BARRETT of Wisconsin, and Mr. BRADY of Pennsylvania.

H.R. 3866: Mr. PAUL.

H.R. 3887: Mr. WEXLER, Ms. ROYBAL-ALLARD, and Mr. SANDERS.

H.R. 3909: Mr. SHIMKUS, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. EVANS, Mr. LAHOOD, Mr. EWING, Mr. BLAGOJEVICH, Mr. WELLER, Mr. LIPINSKI, Mr. HYDE, and Mr. COSTELLO.

H.R. 3981: Mr. BRADY of Pennsylvania.

H.R. 3983: Mr. INSLEE, Mrs. MYRICK, Mr. MCDERMOTT, Mr. CROWLEY, Mr. HOYER, Mr. PETERSON of Pennsylvania, Mr. SUNUNU, Mr. ETHERIDGE, Mr. WELLER, and Mrs. BIGGERT.

H.R. 3998: Mr. GONZALEZ.

H.R. 4003: Mr. MCCRERY.

H.R. 4006: Mr. HEFLEY.

H.R. 4007: Mr. CROWLEY, Mr. EVANS, Ms. DELAURO, and Ms. RIVERS.

H.R. 4011: Mrs. EMERSON, Mr. SWEENEY, Ms. KAPTUR, Mr. FRELINGHUYSEN, and Mr. BASS.

H.R. 4025: Mr. PITTS.

H.R. 4033: Mr. WALSH, Mr. MCNULTY, Mr. SAWYER, Mr. KUCINICH, Mr. ROEMER, Mr. GOODE; Mr. KLECZKA, Mr. UDALL of Colorado, Mr. LUCAS of Kentucky, Mr. FOLEY, Mr. NEY, Mrs. EMERSON, Mr. BILBRAY, Mr. NETHERCUTT, Mrs. NORTHUP, Mr. PORTER, and Mr. DOOLEY of California.

H.R. 4040: Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. MCCOLLUM, Mr. HALL of Ohio, Mr. OSE, and Mr. MCHUGH.

H.R. 4046: Mr. BOEHLERT and Mr. ABERCROMBIE.

H.R. 4047: Mr. LIPINSKI and Mrs. MYRICK.

H.R. 4051: Mr. HILLEARY, Mr. GOSS, and Mr. CHABOT.

H.R. 4057: Mr. COOK and Ms. ROYBAL-ALLARD.

H.R. 4069: Mr. NEY and Mr. NEAL of Massachusetts.

H.R. 4076: Mr. RILEY, Mr. LUCAS of Kentucky, and Mr. PETERSON of Minnesota.

H.R. 4090: Mr. COBURN, Mr. PETERSON of Minnesota, Mr. BORSKI, and Mr. MOORE.

H.R. 4100: Mr. EVANS.

H.R. 4101: Mr. EVANS.

H.R. 4102: Mr. ROHRABACHER, Mr. ROGAN, and Mr. NEY.

H.J. Res. 64: Mr. SCHAFFER, Mr. DEMINT, Mr. SAM JOHNSON of Texas, Mr. TIAHRT, Mr. SOUDER, Mr. LARGENT, Mrs. CHENOWETH-HAGE, Mr. TANCREDO, Mr. COBURN, Mr. HOEKSTRA, and Mr. DOOLITTLE.

H. Con. Res. 115: Mr. WEYGAND.

H. Con. Res. 119: Mr. BACHUS.

H. Con. Res. 226: Mr. MENENDEZ, Mr. KUCINICH, Mr. DAVIS of Illinois, Ms. RIVERS, and Mr. PASCRELL.

H. Con. Res. 243: Mr. STRICKLAND, Mr. HOLT, Mr. CUMMINGS, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Ms. WATERS, Mr. BISHOP, Mr. CLYBURN, Mrs. CLAYTON, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, and Mr. BACA.

H. Con. Res. 252: Mr. MATSUI, Mr. CAMP, Mr. BARCIA, Mr. GOSS, and Mrs. FOWLER.

H. Con. Res. 253: Mr. GARY MILLER of California.

H. Con. Res. 286: Mrs. MORELLA.

H. Res. 213: Mr. EVANS.

H. Res. 448: Mr. LARGENT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3908

OFFERED BY: MR. CARDIN

AMENDMENT NO. 12: Page 56, after line 12, insert the following:

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The limitation on administrative expenses under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is increased by an additional $336,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 3908

OFFERED BY: MS. KILPATRICK

AMENDMENT NO. 13: Page 53, after line 5 add the following:

CHAPTER 3A—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For an additional amount for "Child Survival and Disease Programs Fund", $20,000,000, to remain available until expended, for flood recovery efforts in the Republic of Mozambique and surrounding affected countries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that at an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $20,000,000, to remain available until expended, for flood recovery efforts in the Republic of Mozambique and surrounding affected countries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that at an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $20,000,000, to remain available until expended, for flood recovery efforts in the Republic of Mozambique and surrounding affected countries: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that at an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

H.R. 3908

OFFERED BY: MR. PAYNE

AMENDMENT NO. 14: Page 53, after line 5, insert the following new chapter:

CHAPTER 3A

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance" for assistance for Mozambique and other areas of Southern Africa affected by flooding and other natural disasters in January and February, 2000, $350,000,000, to remain available until expended: *Provided*, That, of such amount, $200,000,000 shall be for assistance for Mozambique and $150,000,000 shall be for assistance for other areas of Southern Africa: *Provided further*, That such assistance shall include the establishment of the Famine early warning system and repair and reconstruction of farm structures and equipment: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 3908

OFFERED BY: MR. STEARNS

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) ACROSS-THE-BOARD REDUCTION.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 10 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any amount designated by this Act as an emergency requirement, or any amount appropriated or otherwise made available by this Act for the Department of Defense.

H.R. 3908

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 16: At the end of the bill, add the following section.

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES—Food and Drug Administration Buildings and Facilities by $20 million.

H.R. 3908.

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 17: At the end of the bill, add the following new section:

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

EXTENSIONS OF REMARKS

INTRODUCTION OF H. RES. 451 CALLING FOR PEACE, JUSTICE, AND STABILITY IN KOSOVA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. GILMAN. Mr. Speaker, on behalf of a distinguished group of co-sponsors, I am today introducing a Resolution of the House calling for a review of our policies in Kosova so that we can consider changes in order to fulfill the goal of our government and of the international community in bringing about conditions for a lasting, just, and stable peace for its beleaguered people.

Recent reports from Kosova indicate that our effort there is not progressing well. We are introducing this resolution to suggest areas of this effort that need to be immediately addressed to improve our prospects for success.

The continued detention in Serbia of thousands of Kosovar Albanians, many of whom are doctors, lawyers and teachers, has dismayed the Kosovar people who believed that, when NATO ended its operation against Serbia and declared victory, the abuses of their human rights by the brutal regime of Slobodan Milosevic would also end. Now, more than nine months later, the families and friends of those illegally imprisoned still suffer the anguish of separation and uncertainty as to the fate of their loved ones. The continuation of this outrageous situation has undermined the faith of the Kosovar people in the international community's commitment to human rights and is a major source of the unrest that continues to frustrate our objective of establishing full peace in Kosova.

Similarly, the situation in the divided city of Mitrovice, has also undermined the effort to bring peace to Kosova. Thousands of Kosovar ethnic Albanians have been unable to return to their homes in the northern part of Mitrovice since the beginning of the NATO peacekeeping mission last June. Hundreds more have been driven from their homes by Serb residents assisted by Serbian paramilitaries since NATO established its presence. The injustice of this situation calls into question our credibility when the international community speaks of respect for human rights, ending ethnic cleansing, and adhering to UN Resolution 1244, which if enforced, would have prevented this.

Efforts to re-start the economy of Kosova have not borne fruit. We believe that this is mostly the product of a flawed approach on the part of the United Nations Administration in Kosova and the European Union which has taken on the responsibility for economic reconstruction there. The people of Kosova have demonstrated their business acumen and their entrepreneurial abilities despite a decade of apartheid-like conditions under Serbian misrule. What they need is economic empowerment, not charity through well-intentioned, but misguided conventional assistance projects. The UN should not allow the question of the ultimate political status of Kosova, impede Kosova's economy. The people of Kosova should be given access to all of Kosova's economic assets—electric grids, agricultural properties, and, most important, to the Trepca mines—the single most valuable economic asset in Kosova.

As support for the international effort in Kosova is being undermined by the slow pace of change, this resolution is being introduced to point to a different course for the international community. Withdrawal is not an option. We believe that consideration of an alternative approach, hopefully one that can genuinely achieve our espoused objectives—lasting peace, justice, and stability for Kosova, and therefore for the Balkans—is the correct policy. As Senator JOHN MCCAIN eloquently stated on March 21, 2000, "Despite the unacceptable circumstances of the weak and endangered peace in Kosovo, it is infinitely preferable to the widespread atrocities committed during the course of Serbian aggression, atrocities that would surely reoccur were NATO to fail in our current mission."

I invite my colleagues in the House of Representatives to join in supporting this critical resolution.

H. RES. 451

Whereas on June 10, 1999, the North Atlantic Treaty Organization (NATO) military air operation in the former Yugoslavia victoriously concluded with the withdrawal of all Serbian police, paramilitary, and military forces from Kosova;

Whereas, shortly following the NATO victory, nearly 1,000,000 refugees and hundreds of thousands of internally displaced persons attempted to return to their homes in Kosova in the belief that a peaceful, stable, and just society would be created through their diligent efforts, supported by the international community;

Whereas United Nations Security Council Resolution 1244 (June 10, 1999) established the United Nations Mission in Kosovo (UNMIK) as the sole administration of the province until such time as its political status is decided;

Whereas some 2,000 citizens were illegally detained and kidnapped to Serbia by Serbian forces as they withdrew from Kosova in violation of the Geneva Conventions and international humanitarian law;

Whereas a provision requiring the return of these illegally detained citizens of Kosova was dropped from the Military Technical Agreement negotiated between NATO and the Federal Republic of Yugoslavia in order to end the conflict more expeditiously;

Whereas an additional 5,000 Kosova citizens are believed to be detained in Serbian prisons;

Whereas hundreds of Kosova Albanian citizens have been prevented from returning to their homes in the divided city of Mitrovice by Serb Kosova citizens who are believed to be assisted by Serb paramilitaries who have illegally re-entered Kosova;

Whereas the present international peacekeeping force in Mitrovice has proven inadequate to perform the task of maintaining peace and eliminating wide scale human rights violations in that town, and there have been allegations of partiality to Serb residents by elements of the peacekeeping force;

Whereas recent violence in Mitrovice led to the expulsion of hundreds more Albanians from their homes who have been unable to return;

Whereas more than nine months following the establishment of UNMIK, adequate services such as police, sanitation, telecommunications, electricity, and water supply for the citizens of Kosova still are not reliably available throughout the province;

Whereas Albanian citizens of Kosova have been prevented by the United Nations from utilizing major economic assets in Kosova such as the Trepca mine that could provide needed stimulus to the economy of Kosova;

Whereas persistent deprivation and the creation of an aid economy that is contradictory to development of a flourishing free market economy is fostering criminality;

Whereas, in view of the disproportionate share of the military costs borne by the United States during the NATO operation, the European Union has agreed that it will undertake the major share of the costs for economic reconstruction in Kosova;

Whereas the European Commission and the World Bank have estimated the costs for the reconstruction of Kosova over the next 4 to 5 years at 2,300,000,000, with nearly half that amount available to be spent by the end of 2001;

Whereas the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted by section 1000(a)(2) of Public Law 106-113) capped United States contributions for economic reconstruction in Kosova at 15 percent of the total; and

Whereas despite its generous pledges, the European Union has been dilatory in actually disbursing urgently required funds for Kosova: Now, therefore, be it

Resolved, That—

(1) the European Union should disburse its pledged funds for Kosova more rapidly;

(2) pledged funds by the European Union required to provide baseline services for Kosova such as police, sanitation, water, telecommunications, and electrical supply should be made available immediately, and the administration of these services should be put in the hands of the people of Kosova at the earliest possible date;

(3) the strategy for economic reconstruction in Kosova should be focused on utilizing private investment and empowerment of the people of Kosova to take charge of their livelihoods instead of fostering their reliance on donated assistance;

(4) the United States Government should make it a priority to promote noncorrupt government and business practices in Kosova by providing judicial training and technical advice and assistance to police, border police, and customs officers;

(5) the United Nations Security Council should demand the immediate and unconditional return of all Kosova citizens from Serbia; and

(6) a more capable international peacekeeping force should be established in Mitrovice so that all residents are able to return in security to their homes.

CONGRATULATING DAN GERAWAN AND RICK SCHELLENBERG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dan Gerawan of Gerawan Farming and Rick Schellenberg of Schellenberg Farms for their part in "reinventing government," by helping to develop a new fruit inspection program known as "Partners in Quality" (PIQ), in Reedley, California.

"Partners in Quality" was initiated in California's tree fruit industry in 1998. It is a voluntary program designed to increase the quality of fruit and decrease the amount paid to the United States Department of Agriculture's inspectors. Participants in the program must prove to the USDA that their in-house quality control is good enough to stand on its own, without the need of continuous USDA inspection. Once the packinghouse has proven itself, the USDA periodically audits the packing house instead of inspecting the fruit continuously. Once the packing house volunteers for this program, the USDA imposes stricter tolerances on the participants than on the regular inspection procedures, to ensure a higher quality.

Rick Schellenberg, with the help of Dan Gerawan, spearheaded the implementation of PIQ for the packing industry. The Partners in Quality team includes several USDA and state agricultural department officials, as well as members of the California pear and Florida citrus industry.

Mr. Speaker, I want to congratulate Dan Gerawan and Rick Schellenberg for their part in reinventing government. I urge my colleagues to join me in wishing Dan and Rick many more years of continued success.

IN HONOR OF MONSIGNOR EDWARD J. HAJDUK FOR BEING SELECTED AS THE BAYONNE CONTINGENT MARSHAL OF THE 2000 TRI-STATE PULASKI DAY PARADE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Monsignor Edward J. Hajduk, pastor of St. Henry's Roman Catholic Church in Bayonne for being selected as the Bayonne Contingent Marshal of the 2000 tri-state Pulaski Day Parade.

Born and raised in Bayonne, Monsignor Hajduk established his faith and resolve at a young age through guidance from his parents, the late John and Mary Hajduk, and an education devoted to the Catholic faith. He received his undergraduate degree in Theology from Seton Hall University, his graduate degree in Theology from the Catholic University of America, and was awarded an M.S.E. degree from the graduate division of Pastoral Counseling at Iona College.

For almost half a century, since the day he was ordained in 1953, Monsignor Hajduk's extraordinary dedication to his church and his community has been unparalleled. Moreover, his unwavering commitment to youth has allowed him to provide spiritual guidance to generations of young people, enriching their lives and strengthening their faith.

Monsignor Hajduk's service to the church has allowed him to contribute to the development and direction of the Catholic faith in general, and the Archdiocese of Newark in particular. Since 1953, Monsignor Hajduk served as: the parochial vicar of Sacred Heart in Lyndhurst; Bergen County Catholic Youth Organization moderator; a member of the Theology Department of Felician College; the youth director of the Archdiocese of Newark; chaplain to Pope John Paul II; administrator of the St. James Parish in Newark; rector of Sacred Heart Cathedral; parochial vicar at St. Mary's in Dumont; dean of the Central Bergen Deanery; and until 1992, pastor of St. Hedwig's in Elizabeth. He has also contributed to parish evaluation and reorganization, and has helped with church renovations.

For his extraordinary dedication to the Roman Catholic Church and his commitment to the City of Bayonne, I ask my colleagues to join me in congratulating Monsignor Hajduk on his many accomplishments, and for being selected as the Contingent Marshal of the 2000 tri-state Pulaski Day Parade.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, due to a flight cancellation, I was unavoidably detained in North Carolina yesterday and unable to cast a vote on rollcall votes 76, 77, 78 and 79. Had I been present, I would have voted "yea" on rollcall vote 76, On the Motion to Suspend the Rules and Pass H.R. 2412. I would have voted "yea" on rollcall vote 77, On the Motion to Suspend the Rules and Agree, as Amended, to H. Con. Res. 292. I would have voted "yea" on rollcall vote 78, On the Motion to Suspend the Rules and Agree to H. Con. Res. 269. I would have voted "yea" on rollcall vote 79, to Agree to the Senate Amendments to H.R. 5, the Senior Citizens' Freedom to Work Act. I ask unanimous consent that the permanent record reflect these intended votes.

IN HONOR OF THE 25TH ANNIVERSARY OF MARKET DAY

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mrs. BIGGERT. Mr. Speaker, for those who believe that one person cannot make a difference, I offer you the story of Trudi Temple and Market Day, the nation's first and only fundraising food cooperative, which is celebrating its 25th anniversary this year.

I am sure that many of my colleagues know about, and have even participated in, Market Day. Market Day donates a minimum of 10 percent of the purchase price of restaurant-quality food products to the school or community organization from which they were purchased. Proceeds from Market Day sales are used by schools and community organizations to fund a variety of expenditures, including computers, fine arts programs, playground equipment, assemblies, books, and field trips.

How important has this been to our nation's schools? Well, in the last 25 years, Market Day has raised $250 million, benefiting more than two million school children nationwide.

But before all these schools could reap the benefits of Market Day, someone first had to come up with this great idea. And what makes this so near and dear to my heart is that the story of Market Day begins in 1973 at Walker Elementary School in Clarendon Hills, Illinois—in the heart of my 13th Congressional District.

Trudi Temple was asked by her daughter to bake a cake for the school's annual fundraiser. Instead of a cake, Trudi brought cases of fresh produce to school. The produce was a hit with the kids, faculty, and parents—such a hit, in fact, that it led to the school's first "Produce Day" the following week.

Before long, "Produce Day" evolved into Market Day and other Chicago area schools selected the program as their primary fundraiser. Now it serves more than 6,000 schools and other community groups in 20 metropolitan areas across the United States.

We all know the challenges that our schools face in educating our children—and often additional funding is needed to overcome these challenges. In these days of tight budgets and property tax caps, schools must turn to nontraditional funding sources. Thanks to Trudi Temple and Market Day, schools have at least one more way to help improve our children's educational experience.

So I ask my colleagues to join me in honoring Market Day on its 25th anniversary and extending a word of thanks on behalf of the millions of students Market Day has helped.

TRIBUTE TO JOHN HANSAN

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. HALL of Ohio. Mr. Speaker, today I pay tribute to John E. Hansan, a pioneer in the field of social policy and a tireless advocate for the elderly, whose contributions in these disciplines span 50 years and counting. Celebrating his 70th birthday today, "Jack" Hansan has effected profound social change throughout his life and career. From his social worker days at the Minute Circle Friendly House in Kansas City, Missouri, through his active duty service during the Korean War, to his stint as chief of staff for the Governor of Ohio, and on to Washington, Jack has left an indelible mark on millions of Americans.

Jack's acumen for assessing real world problems and successfully carrying out visionary social programs has been a constant throughout his professional life. In the early 1960's, Jack developed an innovative educational program to give inner-city, pre-school children in Cincinnati a head start before entering kindergarten. The "Tot Lots" program was successfully rolled out in the metropolitan area and become the framework for what is today's Head Start program. From this early professional success, Jack was selected as the first executive director of the Community Action Commission in Cincinnati, one of the first and largest anti-poverty agencies in the country. Jack designed and implemented several programs to combat poverty throughout the greater Cincinnati area. His plans became the blueprint for similar programs in cities throughout the country.

During this time, Jack entered into a doctoral program at Brandeis University in Waltham, Massachusetts, with a concentration in gerontology. Nearing the completion of his studies. Jack was urged to accept a directorship position for the Ohio Department of Public Welfare to oversee a broad spectrum of programs for all 88 counties in Ohio. In 1972, Jack was named chief of staff to the Governor of Ohio, John J. Gilligan.

In 1976, after his tenure as the Governor's right-hand man, Jack came to Washington as the director of government affairs for the American Public Welfare Association, and later jointed the National Conference of Social Welfare (NCSW). As executive director of NCSW, Jack initiated several breakthroughs in social policy: the kick-off of the first national conference on the homeless; the introduction of the first forum on long-term care; and the launch of the three-year project, "The Social Role of the Federal Government."

Completing his doctorate in gerontology in 1980, Jack was soon directing his energies toward health care and social programs for the elderly. Much of his work in his area includes the application of new computer technologies and data collection practices to provide a look ahead at the welfare of the aging population. Also in the area of applied technologies, Jack earned a commendation for his work spearheading the National Practitioner Data Bank project. Mandated by Congress, this groundbreaking program restricts the ability of incompetent physicians and dentists to move from state to state without discovery.

While Jack may be joining the ranks of septuagenarians today, he is by no means slowing down. He continues to teach classes and lecture on social policy and public administration. As an avid researcher, discerning editor and prolific writer, Jack is also looking to add a sixth book to his body of work. All things being equal, it's business as usual for Jack Hansan—pursuing his life's work and building on a 50-year legacy for which we are most grateful.

HONORING THE WOOLF FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Woolf family for maintaining an unwavering commitment to the Juvenile Diabetes Foundation. The family was recognized at the Promise Ball 2000, in Fresno, on March 25, 2000.

The Juvenile Diabetes Foundation was founded in 1970 by parents of children with diabetes. The mission of the Foundation is to find a cure for diabetes and its complications, through the support of research. Since 1970, the Juvenile Diabetes Foundation has provided over $326 million for diabetes research, more than any other nonprofit, nongovernmental health agency in the world.

The Woolf family, a prominent farming family, has two diabetic children. Having been touched by diabetes, the Woolf family has been diligent in helping others to understand the challenges facing families with diabetes, as well as spreading the word about the progress toward a cure.

Mr. Speaker, I want to honor the Woolf family for their tireless commitment to the Juvenile Diabetes Foundation. I urge my colleagues to join me in wishing the Woolf family many more years of continued success.

THE ORANGE COUNTY ONION HARVEST FESTIVAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. GILMAN. Mr. Speaker, as the Library of Congress celebrates its Bicentennial this year, the Local Legacies Project will provide an opportunity for each Member of Congress to describe a project of significant and historical importance in their district. This documentation will become immortalized in the collections of the Library's American Folklife Center.

The documentation will provide a diverse cross section of America's culture to be preserved for future generations.

The Orange County Onion Harvest Festival, held just outside of Pine Island, in Florida, New York, is an outstanding example of such an event. It is colorful example of a tradition that has endured for generations. It chronicles a celebration of the Polish agricultural heritage of a group of immigrants who settled in the "Black Dirt Region" of Orange County, New York, starting in the early 1800's; bringing with them Old World customs and traditions that continue today.

The Orange County Onion Festival depicts the courageous "never say die" struggle of a people to tame and convert a vast decomposing flood plain into land that fulfilled their most cherished dreams.

The "Black Dirt" lands rose out a glacial lake. This area known as the "Mucklands" had as its inhabitant's early man, mastodons, and the Mini and Unamis Indians, who used the giant rich swamp as their hunting grounds.

It took the efforts of entire families to tame and cultivate some 12,000 "Black Dirt" acres. Over the years, the pioneers endured in one long battle against disease, drought, winds, flooding rains and weeds from planting time in March or April until the Harvest months in July and August.

They grew into a colony of efficient, hard working, thrifty people. With perseverance and love of family, they established schools, churches, and social groups.

These people are an outstanding model of what can be accomplished in the face of adversity.

Gradually, over years of hard labor, the "Black Dirt" lands have emerged into what is now a scientifically run business using the latest available technologies. It has become the largest onion growing area in the State of New York and the third largest east of the Mississippi River.

The Onion Harvest Festival in celebration pays tribute to hardworking, land loving people who have gone before; those who are here now, and those who are yet to come.

It is most heartening to observe, that in today's world, where the integrity of family, history, tradition and the virtual survival of family based agriculture remain continually threatened, an event such as The Orange County Onion Harvest Festival not only continues to exist, but thrives in the hearts and minds of all who work so hard to ensure its success.

Mr. Speaker, I wish to call to the attention of our colleagues the following dedicated citizens who worked so hard to make the onion festival such a success in 1999, and who worked to ensure that its history be included in the Library of Congress program in the year 2000: Ann Cortese of Pearl River, NY; Peter Zubikowski of Port Jervis, NY; Vincent Polaniak of Florida, NY; Linda LeMieux of Middletown, NY; Frances Sodrick and Barbara Morgiewicz, both of Pine Island, NY.

We salute not only this outstanding onion Harvest committee, but also all of their predecessors from prior years who have helped make the Orange County Onion Festival a truly historic, colorful event.

We look forward with great anticipation to many more Onion Festivals still to come.

THE ULTIMATE SACRIFICE

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. LATOURETTE. Mr. Speaker, today I pay tribute to a beloved member of the Ashtabula County Sheriff's Department who lost his life Saturday, March 25, in the line of duty. The heroism of Cero Niemi is credited with saving the lives of at least two fellow officers. Cero answered the call to duty as a gunmen showered police with bullets following the shooting of an innocent bystander, Jefferson resident Walter A. Olson.

Cero was the K–9 partner of Deputy William R. Niemi. The loyal German shepherd was born November 3, 1997, in Germany, and had received his Ohio Peace Officer Training and North American Work Dog Association certification in December 1999. Since that time, he had worked diligently for the K–9 unit at the sheriff's department, often assisting with felony apprehensions and drug arrests.

Mr. Speaker, the death of K–9 Cero has deeply touched folks throughout Northeast Ohio, and the grieving extends beyond his partner, his partner's family, and the sheriff's department. Many people were moved by the heroic sacrifice of this dog, and folks are left to wonder how anyone could shoot and kill a human being and then a police dog in the blink of an eye. The shooting deaths of Walter Olson and K–9 Cero have plunged the community of Jefferson into a period of collective mourning.

Mr. Speaker, Cero will be laid to rest tomorrow with full police honors, and officers and police K–9 units from throughout Ohio are expected to attend the service. Cero is the first police dog in Northeast Ohio to die in the line of duty in more than 20 years. I have asked that a United States flag be flown over the Capitol in honor of Cero Niemi, his partner, Deputy William Niemi, and the Ashtabula County Sheriff's Department.

Mr. Speaker, K–9 Cero is credited with saving the lives of at least two officers, and possibly more on this one violent morning. He died like any other officer in the line of duty; trying to make our streets and communities safe. K–9 Cero's duty and sacrifice are worthy of recognition, and I extend my sympathies to Deputy Niemi; his wife, Julie; their children, Heather, Brittany and Jonathan; and Cero's K–9 companion, Abby.

In closing, Mr. Speaker, I would like to enter into the RECORD a poem in Cero's memory. It is by an anonymous author and captures the bond between officers and their K–9 partners.

GUARDIANS OF THE NIGHT

Trust in me my friend for I am your comrade. I will protect you with my last breath. When all others have left you and the loneliness of the night closes in, I will be at your side.

Together we will conquer all obstacles, and search out those who might wish harm to others. All I ask of you is compassion, the caring touch of your hands. It is for you that I will unselfishly give my life and spend my nights unrested. Although our days together may be marked by the passing of the seasons, know that each day at your side is my reward.

My days are measured by the coming and going of your footsteps. I anticipate them at every opening of the door. You are the voice of caring when I am ill, the voice of authority when I've done wrong.

Do not chastise me unduly for I am your right arm, the sword at your side. I attempt to do only what you bid of me. I seek only to please you and remain in your favor.

Together you and I shall experience a bond only others like us will understand. When outsiders see us together their envy will be measured by their disdain.

I will quietly listen to you and pass no judgment, nor will your spoken words be repeated. I will remain ever silent, ever vigilant, ever loyal. And when our time together is done and you move on in the world, remember me with kind thoughts and tales, for a time we were unbeatable, nothing passed among us undetected.

If we should meet again on another street I will gladly take up your fight, I am a Police Working Dog and together we are guardians of the night.

HONORING GEORGE ROACH ON HIS INDUCTION INTO THE SMITHSONIAN INSTITUTION'S 2000 COMPUTERWORLD PERMANENT RESEARCH COLLECTION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. FORBES. Mr. Speaker, it is my distinct honor to congratulate Mr. George Roach, a constituent and neighbor from Long Island, who as a system specialist with the Consolidated Edison Company has recently been honored by Computerworld Smithsonian Program (CWSP). Each year the CWSP identifies and honors individuals and organizations whose vision in the use of Information Technology produces a positive social, economic or educational change. The CWSP is considered one of the most prestigious awards program in the information technology industry. As a 2000 laureate, Mr. Roach's pioneering work was inducted into the Smithsonian Institution's 2000 Computerworld Permanent Research Collection.

Mr. Roach and his team of Customer Operations, Information Resources and Treasury Operations employees were instrumental in implementing Con Edison's use of the Intell-A-Check Program. This new development allows customers to choose the method of billing that is most appropriate for them, whether is be writing a traditional check, using a telephone key pad or authorizing payment over the Internet. Customers utilized these various electronic payment applications over 1.85 million times in the year 1999 alone. Through his innovation, Mr. Roach has significantly cut costs and improved customer satisfaction.

Mr. Roach's work was recognized by Bill Gates, a leading pioneer in the technology field. When Roach's efforts came to the attention of the prominent Chairman and CEO of Microsoft Corporation, he nominated Roach for inclusion in the Smithsonian Institution's Permanent Research Collection. Mr. Speaker, I ask you and my distinguished colleagues to join the Computerworld Smithsonian Program in commending Mr. Roach for his groundbreaking work in the field of information technology. On behalf of the people of Long Island, I would like to thank Mr. Roach for the prestige and high level of technology his work has brought to our area of New York.

IN HONOR OF MR. MARK SMITH, RECIPIENT OF THIS YEAR'S CIRCOLO ITALIANO CLUB OF BAYONNE MAN OF THE YEAR AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Mark Smith of Bayonne, New Jersey, for being named this year's "Man of the Year" by the Circolo Italiano Club of Bayonne.

Starting out in the Bayonne Police Department's Patrol Division in 1983, Mr. Smith's keen abilities and dedication to his career helped him to move quickly through the ranks. In 1985, Mr. Smith was promoted to detective of the Narcotics Squad; and, by 1988, he was assigned to the City of Bayonne Department of Public Safety's Detective Bureau.

Mr. Smith's remarkable and impressive career on the police force has earned him numerous service and valor awards. He has received more than forty Excellent Police Service Awards and more than twenty departmental commendations, as well as the Hudson County American Legion Police Officer of the Year Award in 1992; the City of Bayonne Police Department Valor Award in 1991; the New Jersey State PBA Valor Award in 1991; and the Hudson County 200 Club Valor Award in 1991, and again in 1999.

In addition to his work for the police force, Mr. Smith has been active in a variety of community service organizations. He has served on the board of the Chandelier Golf Charity Committee and the Hudson County ARC, and has dedicated his time as a member of the Bayonne Hospital Citywide Health Steering Committee, the Bayonne Elks Club, the Bayonne Chapter of UNICO, and the Bayonne Family Y.M.C.A.

For his dedication and service to the citizens of Bayonne, I ask my colleagues to join me in congratulating Mr. Mark Smith on being named this year's Circolo Italiano Club's Man of the Year.

HONORING DEACON WALTER O. HEATH

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. CONDIT. Mr. Speaker, today I pay tribute to Deacon Walter O. Heath. I am very proud to join with the Second Baptist Church of Modesto, in my district in California's magnificent Central Valley, in honoring Deacon Heath for his many years of unselfish dedication to the church and its members.

Walter was born in Mill Flat, Louisiana, on March 8, 1913 and moved to California in 1944. He joined the Second Baptist Church in 1945, later becoming a deacon. He served on the committee to bring the Reverend Howard Clark to the church as pastor and worked to secure the land to build the new church at

California and Marshall Avenues in Modesto. Additionally, Deacon Heath helped revive the Silver Square Lodge No. 66 in 1950. For the past 55 years, Deacon Heath has provided financial support, time, energy and spirit to the Second Baptist Church family.

He continues to help members of the Church who are in distress by giving them a second chance in life. He is one of the longest serving chairmen of the Second Baptist Church Deacon Board. In honor of his longstanding commitment to God and his community, I would like to join with Second Baptist Church in declaring April 8, 2000, Walter O. Heath Appreciation Day.

I ask my colleagues in the House of Representatives to rise and join me in honoring the remarkable and tireless contributions of Walter O. Heath.

HONORING DICKRAN KOUYMJIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Dickran Kouymjian for being named "Man of the Year" by the Armenian National Committee of Central California. The Armenian National Committee is a grassroots organization, which deals with any and all concerns of both Armenian nationals and Armenian-Americans.

Dr. Kouymjian was selected to be "Man of the Year" as a result of his many outstanding accomplishments. Kouymjian earned a B.A. in European History from the University of Madison, Wisconsin. He earned an M.A. in Arab Studies from the American University of Beirut, and a Ph.D. in Armenian Studies from Colombia University. In 1977, Dr. Kouymjian was invited to Fresno from Paris, to establish a new program in Armenian Studies at the California State University, Fresno. There he reorganized the Armenian Studies Organization and founded the Center for Armenian Studies as well as the Armenian student newspaper, Hye Sharzhoom.

Since 1988, he has served as the first incumbent of the Haig & Isabel Berberian Endowed Chair of Armenian Studies at Fresno State. Dr. Kouymjian has taught a wide range of subjects: Armenian, Islamic, Classical, and Byzantine history and art, Western and Oriental humanities, film, genocide and Saroyan studies. He also serves on the editorial boards of five publications in Armenian studies and the Board of Scholars of the Zoryan Institute, NAASR, and the Armenian Film Foundation.

Dr. Kouymjian has been awarded a Fulbright Senior Lectureship by the United States government to teach in the Department of Foreign Languages and Literature at Yerevan State University in Armenia. Along with his many other accomplishments, he has been given the highest honor bestowed by the Armenian church to scholars and writers, the St. Sahag and St. Mesrob medal, by Catholicos Karekin I.

Mr. Speaker, I want to congratulate Dr. Dickran Kouymjian for being named "Man of the Year" by the Armenian National Committee of Central California. I urge my colleagues to join me in wishing Dr. Dickran Kouymjian many more years of continued success.

TRIBUTE TO ESTHER K. SHAPIRO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. LEVIN. Mr. Speaker, today I honor Esther K. Shapiro who will be awarded the Anti-Defamation Lifetime Achievement Award on April 4, 2000. This is indeed a high honor.

Esther Shapiro has devoted her life to social justice and civil rights. Her passion for human rights is longstanding. It began in the 1940's when Esther and her late husband, Harold, were evicted for hosting an African-American in their government-owned housing.

In the 1960's, she was drawn to the civil rights activities in the Deep South, and was part of the Michigan Friends of the South, an organization that courageously supported the efforts of Martin Luther King, Jr., the Freedom Marchers.

In her hometown, Detroit, Esther devoted her effort to win equal opportunities in housing, labor and politics for African-Americans. She was the first director of Detroit's Consumer Affairs Department where she worked to protect all consumers from abuse and scams.

Although recently retired, Esther Shapiro remains an activist as a consumer consultant to non-profit, government and business organizations, and currently serves as advisor on consumer affairs to Councilwoman Maryann Mahaffey, President Pro-Tem of the Detroit City Council.

Mr. Speaker, I ask my colleagues to join me in congratulating this remarkable woman, Esther K. Shapiro, for her passion for human rights. I wish her good health and happiness as she continues to make this world a better place for all.

CONGRATULATING THE STEEL—HIGH ROLLERS BOYS BASKETBALL TEAM ON WINNING THE STATE CHAMPIONSHIP

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. GEKAS. Mr. Speaker, today I congratulate the Steel-High Rollers Boys' Basketball Team of Steelton, Pa., on winning the PIAA Class AAA State Championship. This is not the first time for these talented young men. They also celebrated victories upon winning at the state championship in 1998 and in 1992.

Starters Walt Chavis, Tanel Woodward, Kurt Cheatham, Joe Zimmerman and Scott Attivo play important roles on the Rollers. But it is all the players on the team who deserve the credit for this victory. These young men have sweated through hours upon hours of warm-ups, drills and scrimmages to become the great team they are today.

Coach Rick Binder is to be commended on training and shaping these young men into a formidable team. In just three seasons, Coach Binder has guided the Steel-High-Rollers to three District 3 AAA championships and two PIAA–AAA championships.

I must also recognize the communities of Steelton and Highspire for the support they have given to their hometown team. When communities join together in a unifying spirit, the sky is truly the limit. It is self-evident the amount of pride and support these towns show, not only to this winning team, but to their school and all of its fine students.

The Steel-Rollers deserve much praise for their victory. I know the U.S. House of Representatives joins me and the communities of Highspire and Steelton in honoring these hard-working and talented young men. Congratulations and continued success.

JEWISH WOMEN'S ARCHIVE MAKING VALUABLE CONTRIBUTIONS TO OUR UNDERSTANDING OF HISTORY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I am privileged to represent a Congressional District that is home to an important cultural institution known as the Jewish Women's Archive. The organization, which is located in the town of Brookline, Massachusetts, was established in 1995 to record and publicize the remarkably rich history of Jewish women in North America. Among JWA's key projects are a "virtual archive" that provides an on-line directory of source materials that are available on Jewish women in libraries and other facilities in the United States and Canada, and its Oral History Project, which is focused on the life stories of twentieth century Jewish women.

Another important JWA initiative, which coincides annually with Women's History Month in March, is the "Women of Valor" program, an educational and outreach project aimed at helping the Jewish community and, indeed, people of all faiths in North America, to develop a better understanding of the accomplishments of Jewish women. Each year, JWA, in collaboration with Ma'ayan: The Women's History Project in New York, selects three Jewish women who have made notable contributions to our history, creates posters and other educational material providing details about their lives, and then disseminates the materials to more than 8,000 schools, libraries and other interested institutions. Past honorees have included Hadassah founder Henrietta Szold, trade union leader and social welfare activist Rose Schneiderman and poet Emma Lazarus. This year's Women of Valor are former Congresswoman Bella Abzug, anthropologist Barbara Myerhoff and Canadian track and field Olympian Bobbie Rosenfeld.

I would add that, as part of Women's History Month, Joyce Antler—JWA Visiting Director of Research—made a presentation on March 22 before the President's Commission on the Celebration of Women in American History. Her testimony, which touched on many aspects of the role of women in history, cannot be reproduced here in toto, but I would like to excerpt one paragraph, because it sums up so well the important mission of JWA:

I would like to mention one final strategy used by the Jewish Women's Archive to bring women's history to the public. Last spring, we mounted a program in Boston around the life and legacy of Justine Wise Polier, the activist judge who was a 1999 Woman of Valor. The evening began with moderator Martha Minow of the Harvard Law School asking the question, "How can a woman so influential in her own lifetime be largely forgotten less than two generations later? And how does a legacy get passed on to another generation?" The evening began with my own remarks about Polier's life and legacy, followed by personal reflections from Nancy Gertner, a U.S. District Court Judge in Massachusetts, who enthusiastically embraced the similarities between her life and Polier's and left audience members greatly stimulated by the current relevance of Polier's concerns, convictions, and commitments. We have developed other programs across the country in which we bring the past to the present by matching the life and legacy of women of achievement in other generations to those of women today. These programs highlight historical materials that we have collected but place them in new contexts that have local and contemporary relevance. This matching process generates great excitement by allowing audiences to connect in fresh ways to the lessons of the past.

Mr. Speaker, in recognition of the excellent work the Jewish Women's Archive performs in helping us to connect with the past in new ways, I submit the following JWA statement on this year's Women of Valor program to be printed in the RECORD.

SCHOOLS, SYNAGOGUES, UNIVERSITIES AND JEWISH COMMUNITY CENTER TO HIGHLIGHT JEWISH WOMEN'S CONTRIBUTIONS AND ACCOMPLISHMENTS FOR WOMEN'S HISTORY MONTH 2000

In Boston and around the country, Jews and non-Jews, women and men will have the opportunity to learn about the important, but often-ignored accomplishments of Jewish women during Women's History Month this March. This month, thousands of institutions will celebrate Women's History Month by showcasing the accomplishments and contributions of three Jewish women: a leading political activist, a pioneering anthropologist and a gold-medal winning Olympic athlete.

While most Americans are familiar with political activist Bella Abzug, few know about the accomplishments of anthropologist Barbara Myerhoff and Canadian Olympic athlete Bobbie Rosenfeld. All three women are featured in the year 2000 Women of Valor educational poster series produced by the Jewish Women's Archive. In Boston, institutions such as Temple Israel, the Leventhal Sidman JCC, Harvard Hillel and dozens of other places will display the posters throughout Women's History Month and conduct programs highlighting the important role women have played in history. The posters are complemented by a workbook featuring a biography of each Woman of Valor, worksheets and suggested educational activities. In addition, individuals can learn more through an interactive multimedia Women of Valor exhibit on the Jewish Women's Archive website at www.jwa.org. The unique and innovative exhibit includes speeches, photographs, news clips, letters and film clips from archives and libraries throughout the country.

"History teaches us about who we are and where we have been," said Gail Twersky Reimer, Executive Director of the Jewish Women's Archive. "For too long, the contributions of Jewish women have been ignored. Each in her own way, Bella Abzug, Barbara Myerhoff and Bobbie Rosenfeld changed our world. Understanding their work and recognizing their contributions enriches and completes our knowledge about the past."

The Women of Valor poster series was created to increase awareness of, and interest in, women's history and to stimulate the development of programs that celebrate the lives of Jewish women, past and present. The posters portray their subjects in pictures and narrative, using each woman's own words to create a compelling picture of her achievements and the times in which she lived. Women of Valor posters and accompanying educational materials have been sent to more than 8,000 institutions and organizations throughout the United States and Canada.

Created in partnership with MIT's Center for Educational and Computing Initiatives, the Jewish Women's Archive website is the cornerstone of the Archive itself. It includes interactive multimedia exhibits, an on-line database and resources on North American Jewish women. This unique and invaluable research tool is the first stage in the development of a searchable Internet directory of all source materials on Jewish women available in repositories throughout the United States and Canada.

Now in its third year, the Women of Valor Project is funded by grants from the Covenant Foundation, Righteous Persons Foundation and the Dobkin Foundation. In previous years, the project has featured Glikl of Hamelin, Rose Schneideman and Henrietta Szold (1997); Rebecca Gratz, Lillian Wald and Molly Picon (1998); and Emma Lazarus, Justine Wise Polier and Hannah Greenbaum Solomon (1999). Women's History Month was designated by the United States Congress in 1987 to raise awareness among students and adults, female and male, of the many and diverse accomplishments women have made throughout history.

The Jewish Women's Archive was founded in 1995 to uncover, chronicle and transmit the historical record of Jewish women's lives—their impact on Jewish culture and their active participation in society at large.

One of our nation's leading political activists, Bella Abzug (1920–1998) was a civil rights and labor attorney, a U.S. Congresswoman, and an international women's rights activist. As an attorney Abzug mounted an appeal on behalf of an African American man sentenced to death on groundless charges of raping a white woman, and defended numerous clients during the infamous "witch hunts" instigated by Senator Joseph McCarthy. In Congress, she promoted an agenda focused on social and economic justice. After leaving Congress, Abzug continued to champion women's and civil rights. She presided over the first National Women's Conference in 1977 and worked with other women to found some of the leading feminist organizations of our day.

Barbara Myerhoff's (1935–1985) groundbreaking research into American Jewry, their lives, culture and religion initiated a sea change in the field of anthropology, leading other anthropologists to expand from studying exotic communities in foreign countries to studying communities in their "own backyards." Her work affected not only her fellow anthropologists, but also helped a broad audience of men and women understand the importance of storytelling to their own lives. A creative and renowned professor and anthropologist, Myerhoff won an Oscar for her film Number Our Days, based on her 1979 book by the same name.

One of Canada's most outstanding athletes, male or female, Bobbie Rosenfeld (1904–1969) championed women's sports both on and off the field. As a competitor in the first Olympic Games to include women in 1928, Rosenfeld led her team to a gold medal in the 400-meter relay and a silver medal in the 100 meter. Despite bouts of severe arthritis, Rosenfled led her softball league in home runs and was voted outstanding women hockey player in Ontario in 1931. When her arthritis became too severe for her to compete, Rosenfeld began coaching track and softball and eventually became a sports columnist for the Toronto Globe and Mail.

IN MEMORY OF THE LATE REPRESENTATIVE EDWARD HEALEY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. DEUTSCH. Mr. Speaker, today I honor the memory of State Representative Edward Healey, who passed away on March 15, 2000, at the age of 75. It is with a tremendous feeling of sadness that I speak in his honor: Florida has lost an outstanding leader who may never be replaced.

While Edward was born in Elmhurst, New York, he began his long-term affiliation with the State of Florida after moving to the area in 1957. Though he was not a lifelong resident, few have done more to serve the citizens of Palm Beach County: Edward was elected to the Florida House of Representatives in 1974 where he served until 1980. He also served in the House from 1982 to 1984, and was elected again in 1986. Since that time, he has subsequently been re-elected to serve the Palm Springs area in each election.

In addition to his extraordinary work in the state legislature, Representative Healey made numerous contributions to the Palm Beach County community throughout his years in Florida. Edward was active in local government through his participation in the Palm Beach County Criminal Justice Commission, the Palm Beach County Health Care Taxing District Board, and the Palm Beach County Bar Association, where he was a member of the Legislative and Local Government Liaison Committee.

Though Edward Healey's commitments were numerous, he will always be remembered as someone who completely dedicated himself to the community through his work with local and national civic groups. He was involved with a myriad of organizations throughout his life: these organizations included the Florida Wildlife Federation, the Health Care Task Force, the National Audubon Society, the Nature Conservancy, Mothers Against Drunk Driving (MADD), the Urban League, and Common Cause. While this list is far from complete, I am positive that every organization that Representative Healey worked with will miss his leadership and dedication in the coming years. Mr. Speaker, while Edward Healey's passing is a tremendous loss for the Palm Beach County community, I can say without hesitation that his memory will live on through the work of the many organizations to which he dedicated his life. Though we will all miss his presence, I would like to thank and praise Edward for his hard work and leadership in improving the world at large.

TRIBUTE TO ALEXANDRA LENNOX VAIL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Alexander "Al" Lennox Vail, a longtime friend, who passed away on January 4, 2000. He was 78. Vail was a California rancher, whose family had owned and managed Santa Rosa Island and its 54,000-acre cattle operation there for nearly a century.

Vail was born November 24, 1921 in Los Angeles, California, thirty minutes after his twin brother Russ. The two brothers grew up playing on the island that their grandfather had purchased in 1902, with partner J.V. Vickers. At just 21 years old, Vail began working full-time on Santa Rosa Island as a cowboy. In 1962, he became the general manager of the ranching operation.

Vail and his twin brother continued to manage the ranching operation, off the coast of Santa Barbara, until 1998. At that time, the last cattle were removed under an agreement to protect the island's native plants. Since 1998, the Vails and the Vickers (the Vickers are silent partners) continued to run a commercial elk and deer hunting operation on the island, which Vail managed until his sudden death.

Al will forever be remembered throughout the livestock community for his ethics and stewardship of the bounteous resources of an island that was in his family for almost 100 years.

Vail is survived by his wife, Catherine "Kay" Sutherland Vail of Santa Barbara; his daughters, Nita Vail of Sacramento and Mary Vail of Moorpark; twin brother Russell Vail and sister Margaret Vail Woolley, and their families of Pasadena.

Mr. Speaker, I rise to pay tribute to Alexander "Al" Lennox Vail for his dedication to the well-being of the animals and the land. Vail will be remembered by his family members and those who knew him for his integrity, honesty, and hard work. I urge my colleagues to join me in extending my condolences to the Vail family.

RECOGNIZING THE NCAA DIVISION II NATIONAL CHAMPION METRO STATE ROADRUNNERS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Ms. DEGETTE. Mr. Speaker, today I honor the NCAA Division II National Basketball Champion Metro State Roadrunners from Denver, Colorado. The Roadrunners capped off a remarkable season with a stunning victory over Kentucky Wesleyan, last year's NCAA Division II champions, by a score of 97–79 on March 25, 2000. Metro State finished the season with a 33–4 record and bring home to Denver the State of Colorado's first NCAA national basketball championship trophy ever.

Metro State placed four players on the NCAA Elite Eight All-Tournament Team, including Most Valuable Player DeMarcos Anzures, John Bynum, Lee Barlow and Kane Oakley. It marked the first time four players from one team made the all-tournament team. In addition, Anzures, a senior who previously played for Denver's Skyview High School, was named a first team All-American and Coach Mike Dunlap was named National Coach-of-the-Year by the National Association of Basketball Coaches.

The Roadrunners finished a tremendous three-year run that includes a 86–15 record, three Rocky Mountain Athletic Conference championships and two North Central Regional titles. Although Metro State began this year with two straight losses, the Roadrunners rebounded by winning 33 of their next 35 games and doing so in a rather dominating fashion. In fact, Metro State led the nation in scoring margin by outscoring opponents by an average of 19.1 points a game, including their 18-point victory in the NCAA title game.

Members of the 1999–2000 Metro State Roadrunners include: Anzures, Bynum, Barlow, Dunlap, Michael Alcock, Rashawn Fulcher, Shane Ah Matt, Todd Gower, Jason Johnson, Patrick Mutombo, Clayton Smith, Chris Ford and Jody Hollins.

Mr. Speaker, I ask my colleagues to join me in saluting these fine young men and Coach Dunlap for their outstanding achievement and stellar performance throughout this entire season. Congratulations to everybody associated with Metro State for bringing home this impressive championship—a victory of which all of the people of Denver and the State of Colorado can be very proud.

A LIFE REMEMBERED, A COMMUNITY CHANGED

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. LATOURETTE. Mr. Speaker, today I offer my deepest sympathies to the family of Walter A. Olson of Jefferson, Ohio.

On Saturday, March 25 at about 6:30 a.m., Walter A. Olson was gunned down just 20 feet from his own front door in a random act of violence that has shocked this small, tight-knit community to its core.

Mr. Olson, a husband, father of six, and grandfather of three, was innocently going about his morning routine on Saturday—a walk to a nearby cemetery where his mother and brother were buried. It was during this peaceful walk that Walter Olson crossed paths with a troubled, 22-year-old neighbor toting a 12-gauge, pump-action shotgun. The black trenchcoat the young man wore was bursting with ammunition and concealed a second gun. The gunman, apparently hellbent on killing anyone in his path, spotted Walter Olson and shot him dead. He then continued walking down Center Street, reloading his shotgun as if nothing had happened.

This tragic, senseless act could have led to much greater carnage had it not been for the Jefferson Police and Ashtabula County Sheriff's Department, which were quick to respond to neighbors' 9-1-1 calls. A gun battle ensued, and the gunman apparently refused to lay down his arms even after he'd been felled by officers' shots. A police dog, Cero—credited with saving the lives of other officers—died in the line of duty after being shot by the gunman. Police struggle to find a motive for this unprovoked rage.

Mr. Speaker, all too often we hear stories of disturbed, armed people walking into schools, daycare centers, restaurants and other public settings and opening fire indiscriminately on innocent people who have the misfortune of being in the wrong place at the wrong time. We watch the wrenching reports on the evening news with horror, and our hearts and prayers go out to the families. We hug our own children a little harder, and reassure ourselves that horrors like this will never befall our own community. All that changed on Saturday in the small town of Jefferson, Ohio.

Mr. Speaker, Jefferson, Ohio, is reeling in grief from the death of Walter Olson and the death of innocence of their community. The family and friends of Walter Olson have always known of his kindness, and strangers who never met him have been moved by the exemplary, humble life this religious, family man led.

Walter Olson was an Ashtabula County native, a former auxiliary police officer in Jefferson, and a member of the Jefferson Exchange Club and the Jefferson Chamber of Commerce. He'd worked for many years as a petroleum manager for Country Mark, Inc., and was working as a U.S. Census recruiter and field surveyor for Research Triangle Institute in Winston-Salem, NC, at the time of his death. He was a member of St. Joseph Calasanctius Church in Jefferson, where a memorial service was held this morning. He leaves behind his wife, Mary, the manager of the local Hardee's; his children Cindy, Isaac, Randy, Angel, Robin, and Timothy; and his grandchildren Alyssa, Lillian and Warren. Walter Olson was just 51 years old.

Remarkably, Mary Olson holds no animosity toward the neighbor who shot and killed her husband, saying she "hates that there's a child out there who needed help; that he was so sad that he felt he had to do something like this." Her words speak volumes about the power of forgiveness and the goodness of the human heart.

Mr. Speaker, on behalf of the 19th District of Ohio, I extend prayers and condolences to the Olson family and the community of Jefferson. I have requested that a United States flag be flown over the Capitol in Walter Olson's memory.

Walter Olson's time on Earth was not nearly long enough, but we can all take comfort knowing that he lived his life fully, that he loved and was dearly loved, and that he showered others with kindness. I urge the wonderful people of Jefferson to continue to reach out to each other in this time of grief and sorrow, and to realize that it will take time for this family and this community to heal. May God bless the family of Walter Olson, the community of Jefferson, Ohio, and the United States of America.

TRIBUTE TO THE LATE MRS. RITA M. LEONE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. TRAFICANT. Mr. Speaker, today I pay tribute to a classmate and good friend of mine at Cardinal Mooney High School, Mrs. Rita M. Leone. Her untimely death after a battle with leukemia deeply saddens me.

Rita was born on May 22, 1943 in Youngstown, Ohio to Michael and Maryann Sebest Check. She graduated from Cardinal Mooney and had been office manager and bookkeeper for the Stillson Donahay Agency for 20 years.

Rita was an active member of the Holy Family Church in Youngstown. She participated in the Altar Guild and was an integral member of Renewal Team Number 8. In addition, she served the church as a Eucharistic minister. She was also active in the Ladies Slovak Union Jednota and the Joliettes bowling team.

I want to send my sincerest condolences to her husband of 38 years, Victor Leone of Youngstown, and their lovely daughter Lisa Leone of Lakewood, Ohio. Rita was a beautiful person and I feel blessed to have been able to call her my friend.

HONORING REVEREND KARL VARTAN AVAKIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Reverend Karl Vartan Avakian on his 20th Anniversary of Ordination and his 35th year of pastoral ministry. Reverend Avakian serves as the Minister to the Union of the Armenian Evangelical Union on North America (AEUNA), a Fresno-based ecclesiastical union of 24 Armenian Protestant churches and mission projects in the United States and Canada.

The Minister to the Union "is the Pastor, the Spiritual Leader and the Chief Executive Officer of the AEUNA. He initiates new policies and programs, inspires and guides committees, implements policies and decisions of the General Assembly, the Board of Directors, or the Executive Committee".

Reverend Avakian was born in Alexandria, Egypt. He immigrated to Fresno, as a young man, and worked his way through undergraduate school and seminary. In 1979 Avakian was ordained a Minister of the Word and Sacrament and installed as Senior Pastor of the Armenian Presbyterian Church of Paramus, New Jersey. From 1988 to 1990, Avakian served as Moderator, or chief presiding officer, of the AEUNA.

On July 1, 1990, he was installed as Minister to the Union at the organization's Tenth Biennial General Assembly in Waltham, Massachusetts. He has served as Pastor, Spiritual Leader, and Chief Executive Officer of the California-based hemispheric ministry for almost a decade. His duties have included liaison assignments with the Armenian Missionary Association of America, Armenian Evangelical World Council, and Armenian Theological Students' Aid, Inc.

Mr. Speaker, I want to congratulate the Reverend Karl Vartan Avakian for his commitment to the Church and to the community during the last 35 years. I urge my colleagues to join me in wishing Reverend Avakian many more years of continued success.

ANNIVERSARY OF THE KODAK BROWNIE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the centennial anniversary of the Kodak Brownie box camera. It was 100 years ago in my district in Rochester, New York, that George Eastman's visionary leadership first introduced consumers to photography. The price tag was one dollar, and film sold for 15 cents per roll. For the first time, taking pictures was within the reach of almost every American family.

Cameras in the 1870s were as big as breadboxes. The tools of the professional photographer's trade, including a bulky, unreliable camera, a tripod, and various liquid chemicals, were more than a single man could carry—"a pack-horse load" as Eastman described it. He resolved to downsize, simplify, and reduce the cost of the "burden" of taking pictures.

Look how far we have come in 100 short years. Today, photography and Kodak have moved into the Digital Age; cameras so small you can attach them to hand-held computers grab images and send them over the Internet for all to see; digital feature films bring new meaning to the movie experience; health care innovation promises to improve patient care through enhanced quality of care, especially for those in rural areas or homebound; Kodak technology made possible the spectacular images from the Mars Rover and dazzling images from space. From the 1896 development of the first Kodak product to capture x-ray images, to laser imaging and telehealth services that link patients and doctors regardless of time or distance, Kodak has led the way in innovation.

For over one hundred years, Kodak has been a leader in the Rochester community helping to make it the vibrant and nurturing community it is today. Kodak brings its products, culture and values to communities and workers in other countries. The Kodak name is synonymous with top quality products. As it expands its markets around the world, everyone snapping photos at family reunions, weddings, birthdays, vacations, and anywhere else should pause to thank George Eastman, the man who made all of their "Kodak moments" possible 100 years ago with his great invention, the Brownie.

TRIBUTE TO THE LAW ENFORCEMENT OFFICERS OF HAYS COUNTY, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. PAUL. Mr. Speaker, today I pay tribute to the law enforcement officers of Hays County, Texas. April 8th is the date of the second annual Hays County Law Enforcement Appreciation Day (LEAD) sponsored by SAC–N–PAC Stores Inc. LEAD 2000 committees have been meeting since last October to make this year's event even more successful than the last, which raised $7,500 for participating law enforcement departments.

As Event Coordinator Cheryl Warren Norton said, "With the growing rate of violence, especially among our youth, it is our responsibility and the general public's responsibility to assist our law enforcement officers in areas in which they are in need." The money raised through LEAD 2000 will go toward crime prevention programs aimed at fighting crime and violence on the local level. Local law enforcement is the backbone of public safety and protection across America, and I am proud to represent an area that recognizes its law enforcement personnel for the heroes that they are.

Some of the LEAD 2000 exhibits are SWAT, Mounted Patrol, the Dive Team, and possibly a Black Hawk Helicopter or Star Flight. The event will be held at the Hays County Civic Center and begins at 10:00 a.m. with an award presentation of bicycles for youth calendar contest winners, followed by an auction and fish fry.

Mr. Speaker, I urge my colleagues to join me in saluting our officers in blue across the nation, and I commend the LEAD 2000 organization as a model for other communities. This is an excellent way to show sincere appreciation for those who put their lives on the line for the safety of our communities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 30, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

9:30 a.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold oversight hearings to examine the Department of Energy's findings at the Gaseous Diffusion Plant in Paducah, Kentucky, and plans for cleanup at the site.
SD–366

APRIL 3

1 p.m.
Aging
To hold hearings to examine the rising demand for older workers.
SH–216

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD–138

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD–192

1 p.m.
Commission on Security and Cooperation in Europe
To hold hearings on the deteriorating freedom of media and speech in Organization for Security and Co-operation in Europe.
Cannon Building

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on joint requirements, capabilities, and experimentation.
SR–222

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD–124

Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

Judiciary
Administrative Oversight and the Courts Subcommittee
To resume oversight hearings on the handling of the investigation of Peter Lee.
SD–226

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD–192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD–138

APRIL 8

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.
SD–138

10 a.m.
Energy and Natural Resources
To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

APRIL 12

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.
SD–138

Indian Affairs
To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD–192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD–138

Energy and Natural Resources
To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to

facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH-216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD-366

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD-192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

APRIL 6

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

SD-366

POSTPONEMENTS

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, March 30, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"If today you hear God's voice, harden not your hearts."

Speak to us, O Lord. Soothe our spirits. May Your voice quicken in us Your saving grace. When we are confused or disheartened, be attentive to us and give us purity of heart. When we are called upon to speak Your word of justice or defend the weak and the poor, strengthen us for Your purpose.

May the words of Your Holy Scriptures guide us in our search and enlighten our minds. May the beauty of the trees and their blossoms, the spring air, touch our creative souls and help us to bring forth a new Earth and a new vision to resolve difficulties and produce peace among Your people.

May the cry for bread or for water, the struggle for the prisoner's freedom and the needs of the very least in our midst be heard as Your own voice arresting our attention. For Your word is truth, and the truth will set us free.

Speak, Lord. This whole day Your servants are listening. Speak, Lord, and we will obey.

"If today you hear God's voice, harden not your hearts." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington (Mr. METCALF) come forward and lead the House in the Pledge of Allegiance.

Mr. METCALF led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 761) "An Act to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes", agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on Commerce, Science, and Transportation: Mr. McCAIN, Mr. BURNS, Mr. STEVENS, Mr. GORTON, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, and Mr. WYDEN;

Committee on Banking, Housing, and Urban Affairs for items within their jurisdiction: Mr. GRAMM, Mr. BENNETT, and Mr. SARBANES; and

Committee on the Judiciary for items within their jurisdiction: Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1 minutes at the conclusion of the day's work.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3908, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. HOYER. Mr. Speaker, reserving the right to object, would the gentleman from Florida (Mr. YOUNG) briefly tell us what the schedule will be today?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, it is my intent to expedite the completion of this supplemental. We have, as the gentleman understands, from last evening's unanimous consent request, we have a number of amendments that were agreed to that would be considered.

We will proceed in the regular order and consider those amendments, and I would expect we would roll the votes on some of them and hopefully complete our business on this bill as we approach the noon hour, or shortly thereafter. That would be my hope and my intent.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I thank the gentleman for his comments on that. As he knows, we were hopeful that perhaps we could get a matter that was of some controversy last night out of the way. If the gentleman from Pennsylvania (Mr. WELDON) gets here in the next few seconds, and I am hoping to see him come through the door because, happily, we have resolved that issue, I think, on both sides with all the relevant parties.

I know the gentleman is on his way. He will be here in a second I am told by his advance person.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would continue to yield, I would like to advise Members that it is my intent to expedite consideration, so I would be objecting to any extra time above and beyond the rule.

Mr. HOYER. Mr. Speaker, further reserving the right to object, the gentleman from Florida has informed me of that and, as always, I know the gentleman will be eminently fair. The Speaker is in the chair, and I would like to say as one member of the Committee on Appropriations, but I think that I speak for every member on our side of the aisle, that we perceive the gentleman from Florida (Chairman YOUNG) to be a man of great fairness who runs the committee so that everybody has the opportunity to participate fully. I want the gentleman to know that we appreciate that consideration and that involvement on his behalf. It is very impressive.

Mr. Speaker, the gentleman from New Jersey (Mr. PASCRELL) is here, the gentleman from New Jersey (Mr. ANDREWS) is here, the gentleman from Maryland (Mr. HOYER) is here. Now if we had the gentleman from Pennsylvania (Mr. WELDON), we would be in good shape. And, of course, the distinguished gentleman from Alabama is here.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER. Pursuant to House Resolution 450, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3908.

□ 1006

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R.

3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 29, 2000, amendment No. 8 printed in Part B of House report 106–549 by the gentlewoman from Florida (Mrs. FOWLER) had been disposed of and the bill had been read through page 80, line 11.

Pursuant to the order of the House of that day, no further amendments shall be in order except pro forma amendments offered by the chairman and ranking minority member; the amendment printed in Part B of the report and numbered 12; and the following further amendments which may be offered only by the Member designated in the order of the House or a designee, shall be considered read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question:

(1) An amendment by the gentleman from Texas (Mr. PAUL) regarding certain reductions and limitations;

(2) An amendment by the gentleman from Florida (Mr. STEARNS) regarding an across-the-board cut;

(3) An amendment by the gentleman from Mississippi (Mr. TAYLOR) regarding U.S. military in Colombia;

(4) An amendment by the gentleman from Ohio (Mr. TRAFICANT) regarding buy America;

(5) An amendment by the gentleman from Maine (Mr. BALDACCI) regarding building technology assistance conservation activities;

(6) An amendment by the gentleman from Colorado (Mr. TANCREDO) regarding the Food and Drug Administration;

(7) An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding the Strategic Petroleum Reserve.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Part B Amendment No. 11 offered by Mr. WELDON of Pennsylvania:

In the matter proposed to be inserted, strike section 512, page 4, line 4, through page 5, line 8.

The text of the amendment, as modified, is as follows:

Page 80, after line 11, insert the following new sections:

SEC. 5109. For an additional amount for the Secretary of Agriculture for carrying out section 10(b)(1) through (3) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(1) through (3)), $10,000,000, to remain available until expended.

SEC. 5110. (a) For an additional amount for carrying out this section, $10,000,000, to remain available until expended.

(b) The Director of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

(c) The Director may make grants, on a competitive basis, to safety organizations that have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

(d) The Director may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

(e) The Director may make grants, on a competitive basis, to governmental and nongovernmental entities to provide after-burn treatment and counseling to individuals that are burn victims.

SEC. 5111. (a) For an additional amount for carrying out this section, $80,000,000, to remain available until expended.

(b) The Director of the Federal Emergency Management Agency shall establish a program to award grants to volunteer, paid, and combined departments that provide fire and emergency medical services.

(c) Grants awarded under this section may be used—

(1) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

(2) to acquire additional firefighting equipment, including equipment for communication and monitoring;

(3) to establish wellness and fitness programs for firefighting personnel to reduce the number of injuries and deaths related to health and conditioning problems;

(4) to promote professional development of fire code enforcement personnel;

(5) to integrate computer technology to improve records management and training capabilities;

(6) to train firefighting personnel in firefighting, emergency response, and arson prevention and detection;

(7) to enforce fire codes;

(8) to fund fire prevention programs and public education programs about arson prevention and detection, and juvenile fire setter intervention; and

(9) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

(d) Applications for grants under this section shall include—

(1) a demonstration of financial need;

(2) evidence of a commitment for at least an equal amount as the amount of the grant sought, to be provided by non-Federal sources;

(3) a cost benefit analysis linking the funds to improvements in public safety; and

(4) a commitment to provide information to the National Fire Incident Reporting System for the period for which the grant is received.

(e) Grant recipients under this section shall be subject to audits to ensure that the funds are spent for their intended purposes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOYER. Mr. Chairman, reserving the right to object, I will not object and I will yield to the distinguished gentleman from Pennsylvania (Mr. WELDON) for an explanation of his modification.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished gentleman from Maryland for yielding. This amendment is offered in the spirit in a bipartisan way of clarifying the intent and the substance of our legislation and our amendment, which we hope everyone will support, to provide for the first-time major funding of an emergency nature for our Nation's domestic defenders.

Mr. Chairman, it was never the intent of the author nor the coauthors of this legislation to negatively impact the use of Community Development Block Grant funds. Mr. Chairman, I will include my statement in the RECORD to explain in some detail the justification for what we originally intended to do and our agreement to work with the appropriate subcommittee to enact reforms to the Community Development Block Grant program.

I thank the distinguished gentleman from Maryland (Mr. HOYER), the distinguished gentleman from New Jersey (Mr. ANDREWS), the distinguished gentleman from New Jersey (Mr. PASCRELL), the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Michigan (Mr. SMITH). I want to thank the leadership for their cooperation; and I encourage our colleagues to vote for this amendment.

After consultation with many of my colleagues, I am requesting unanimous consent to delete the portions of the Weldon-Hoyer amendment dealing with the reform of the Community Development Block Grant (CDBG).

I realize that many of my colleagues have strong feelings about CDBG and the role it plays in our low- and moderate-income communities. As a former mayor of a town that receives CDBG funds and as a former chairman of a county council that administers and distributes CDBG funds, I share that commitment.

The CDBG reforms that were included in amendment 42 were intended to do two things:

Clarify existing law to clearly define what fire and emergency service activities are eligible for CDBG funds under the current program.

Reform CDBG to allow counties and municipalities to designate portions of their CDBG funds for activities that benefit poor communities and also other areas of the community.

For example, my reforms would have allowed CDBG funds to be used for the following activities:

Allow the use of CDBG funds for municipal-wide training facilities for fire and EMS personnel—including basic fire and EMS training, HAZMAT, terrorist threat response, etc. Such facilities would obviously benefit poor communities, which often have less money available for training and could take great advantage of a municipal-wide facility. CDBG funds cannot currently be used for such an activity unless the municipal government proves that 51 percent of the activities at the facility benefit low- and moderate-income families—even if the facility itself is located in a poor community.

Allow the use of CDBG funds for local fire and emergency service organizations that routinely respond to emergencies in poor communities or in areas that have high concentrations of poor people—even if these groups are not themselves located in CDBG-eligible areas. For example, many fire companies located in towns bordering poor communities respond to fires and other emergencies in poor communities on a regular basis. Likewise, local fire companies from non-CDBG eligible communities are often the first response units for shopping malls, sporting arenas and other community gathering places that attract large numbers of people from low- and moderate-income communities.

Allow the use of CDBG funds for local fire and emergency service organizations that are the first response units for highway accidents and traffic incidents that impact low-income communities. For example, if a major thoroughfare cuts through a low- and moderate-income community, accidents on that thoroughfare impact the safety of that community. Fire companies from surrounding municipalities are routinely called upon to assist with major incidents—even though they themselves are not located in CDBG-eligible areas.

By offering CDBG reforms along these lines, I was merely recognizing the unique nature of fire and EMS response in our local communities. Local first responders do not ask whether an emergency occurs in a low- or moderate-income area, they respond without hesitation. It would seem that we could take some small steps to help these organizations that benefit many areas of the community—including our poorest communities.

It would not seem unreasonable to make some of these changes, given the existing "quirks" in the administration of the CDBG program, under which—

1. Curb cuts in even the wealthiest communities count as assisting low- and moderate-income people, and

2. CDBG monies can be used for historic preservation in even the wealthiest parts of the community once the municipality has certified its CDBG spending for low- and moderate-income communities.

I am pleased that there are efforts to reform many parts of the CDBG program in an authorization bill being authored by my friend Congressman LAZIO. I look forward to working with him to reform CDBG to make it easier for counties and municipalities to spend CDBG funds in cost-effective ways to benefit our low-income communities.

Mr. HOYER. Mr. Chairman, further reserving the right to object, I thank the gentleman from Pennsylvania for his action, and I yield to the gentleman from New Jersey (Mr. PASCRELL) who has been the principal sponsor of a very large bill pending which will be heard on April 12, of which this is a part.

Mr. PASCRELL. Mr. Chairman, our leader on this issue, and on many issues, has spoken. I think that this change is in order and is something that all the sides have agreed upon. We should move quickly as our first down payment on what we will hope will be the beginning of a series of responses to the 32,000 fire departments and the hundreds of thousands of fire fighters in America.

So I want to commend all of those who worked through the night to put this together, and I believe it is absolutely necessary that we do this to get it done.

Mr. HOYER. Mr. Chairman, further reserving the right to object, I thank the gentleman for his remarks, and I yield to the distinguished gentleman from Michigan (Mr. SMITH), chairman of the subcommittee overseeing these matters.

Mr. SMITH of Michigan. Mr. Chairman, I want to say that I also am introducing a bill that hopefully takes care of this problem. I think because those with low-income need this protection, because fire departments are seeing a lot of damage in those homes that have bad wiring, it is a consideration that we need to work out; and we are going to do that. So in a more complete bill, we are headed in that direction.

Mr. HOYER. Mr. Chairman, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. ANDREWS), my friend and cochair of the Fire Service Caucus.

Mr. ANDREWS. Mr. Chairman, because of this bipartisan agreement, the House is about to vote this morning for the first time in its history for $100 million in direct aid to the fire service. The gentleman from New Jersey (Mr. PASCRELL) has really spearheaded this whole effort and deserves enormous praise, as well as the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Michigan (Mr. SMITH) for bringing forth the amendment, as well as the gentleman from Maryland (Mr. HOYER) for championing it.

And let me say to the gentlewoman from Florida (Mrs. MEEK) that she deserves praise for bringing to our attention a very serious item that was corrected.

I do believe that communities should be able to use Community Development Block Grant money to help low-income areas for fire and public safety, but the proper venue to make that decision is through the authorizing process and in the appropriate committees. Because of the gentlewoman's leadership, we are going to do this. I support this.

Mr. HOYER. Mr. Chairman, further reserving my right to object, I yield to the gentleman from Massachusetts (Mr. FRANK), ranking member of the committee of jurisdiction.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER); and I first thank the gentleman from Pennsylvania (Mr. WELDON) for the flexibility he showed, because I think we have a solution here which preserves the very important purpose that he and the gentleman from New Jersey (Mr. PASCRELL) have been working on of getting assistance to the fire fighters without impinging negatively elsewhere.

The gentleman from Maryland played an important roll here, as well as the gentlewoman from Florida (Mrs. MEEK), who has made her entrance as I speak. I do not know if the meek are going to inherit the earth, but they are entitled to inherit this bill after the brilliant work of the gentlewoman from Florida.

□ 1015

Mr. HOYER. Mr. Chairman, under my reservation, I yield to the gentlewoman from Florida (Mrs. MEEK) who, in fact, I think has led us to this very outstanding resolution of this issue.

Mrs. MEEK of Florida. Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. WELDON) for removing all of the CDBG provisions from the amendment.

As my colleagues all well know, I have been a strong supporter of the fire service for many years, and I am glad to see that we were able to come to an agreement that provides firemen with the needed funds and without injuring the CDBG low- and moderate-income Americans that the CDBG program serves.

Mr. HOYER. Mr. Chairman, again, I thank the gentlewoman from Florida (Mrs. MEEK) for her outstanding leadership.

Mr. Chairman, I withdraw my reservation of objection.

Mr. GEKAS. Mr. Chairman, I rise today in support of the amendment to H.R. 3908 by both Congressmen CURT WELDON and NICK SMITH. Throughout the Commonwealth of Pennsylvania and other States, millions of people in cities, towns, and rural areas depend on the volunteer fire service to be there when a fire burns a home or a child breaks a leg. If there is no money to help our volunteer firefighters what will our neighbors do in an emergency? The Weldon/Smith amendment will ensure that our volunteer firefighters will have the money to purchase the equipment needed to help the victims of tragedy.

As a Member of Congress who represents a district that depends on dozens of volunteer fire companies to keep its communities safe, I would like to applaud the sponsors of this amendment. My State of Pennsylvania is home to the largest number of volunteer fire companies in the United States. Unfortunately, a great majority of them are underfunded. The typical budget for a volunteer fire department is less than $20,000 a year. This amendment would provide for $80,000,000 for a competitive grant program to award money to volunteer, paid, and combined departments that provide fire and emergency medical services and can demonstrate a legitimate financial need.

I am also pleased that this amendment expands on a bill I sponsored, H.R. 3155, known as the Firefighter's Local-Federal Assistance for Management of Emergencies Act of 1999, or FLAME Act. The idea for the FLAME Act started with one of my constituents, Mr.

Francis Ditzler of the Lickdale Volunteer Fire Company in Lebanon County, PA. Mr. Ditzler pointed out that as the rate and severity of highway accidents has increased in the last 10 years along Interstate 81 in Lebanon County, the rate of funding increases for volunteer fire companies has not kept pace. In my home State, struggling Lickdale Volunteer Fire Company, like other struggling volunteer fire companies, does not have the money to purchase the equipment necessary to help treat the victims of auto accidents that occur along their 25 mile stretch of the Interstate. Twenty years ago, the answer in Pennsylvania was the Volunteer Loan Assistance Program that would allow volunteer companies to take out low-interest loans for needed equipment. Today, 20 years after this low-interest loan program was drafted, volunteer fire companies still need financial help.

The FLAME Act would provide a competitive grant program to those States that have a Volunteer Loan Assistance Program. The FLAME Act, which was introduced in the first session of the 106th Congress, creates a partnership between Federal, State and local governments that encourages volunteer fire companies to pay off their low-interest State-sponsored loans for equipment and buildings. H.R. 3155 will help our volunteer fire companies help themselves without raising taxes or earmarking another appropriation.

My legislation would provide a Federal matching grant of up to $15,000 to any volunteer fire company that has a State-sponsored volunteer loan program and may raise equal amounts of money through voluntary contribution and through local government grants. The goal of the FLAME Act is to encourage other States to establish volunteer firefighter loan assistant programs.

The Federal Government is not the only level of government working to better fund our volunteer fire departments. The Pennsylvania Legislature is considering a $25,000,000 grant program that mirrors the FLAME Act and will provide similar benefits as my bill. The Pennsylvania measure would also provide competitive grant programs to volunteer fire companies throughout the State.

The amendment we have before us today will accomplish many of the same goals as my legislation. These award grants may be used for purchase of personal protective equipment, apparatus, establishing fitness programs for firefighting personnel, for the purchase of computers to integrate computer technology to improve records management and training capabilities, and to modernize fire stations among a myriad of other items. In an era of fiscal responsibility and Federal and State financial partnerships, I find this legislation to be one of the most important the House passes this year.

The CHAIRMAN. Without objection, the earlier voice vote is vacated.

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified, and the Chair will put the question on its adoption de novo.

Thre was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlemen from Pennsylvania (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 12 offered by Mr. KASICH:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) Of the amounts appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" for military operations in Kosovo, not more than 50 percent may be obligated until the President certifies in writing to Congress that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(1) obligated or contracted for at least 33 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(2) obligated or contracted for at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(3) provided at least 75 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(4) deployed at least 75 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(b) The President shall submit to Congress, with any certification submitted by the President under subsection (a), a report containing detailed information on—

(1) the commitments and pledges made by each organization and nation referred to in subsection (a) for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(c) If the President does not submit to Congress a certification and report under subsections (a) and (b) on or before June 1, 2000, then, beginning on June 2, 2000, the 50 percent of the amounts appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" for military operations in Kosovo that remain unobligated (as required by subsection (a)) shall be available only for the purpose of conducting a safe, orderly, and phased withdrawal of United States military personnel from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any Act enacted before the date of the enactment of this Act may be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President shall submit to Congress, not later than June 30, 2000, a report on the plan for the withdrawal.

The CHAIRMAN. Pursuant to House Resolution 450, the gentleman from Ohio (Mr. KASICH) and the gentleman from Florida (Mr. YOUNG) each will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me say to the Members of the House, this is actually not a burden-sharing amendment. This is just designed to get our friends across the ocean to live up to their commitment.

Just to give my colleagues a sense of where we are, the United States has a GDP, an economy, the size of about $8.9 trillion. The Europeans compare favorably of $8.3 trillion. Yet we spend $283 billion on defense; they only spend $180 billion. I wonder why we have to have our people over there for 40 years, because they have not been carrying the load.

This is not even an issue about them carrying the load in a more aggressive way. What this is designed to say is that the United States has committed $20 billion to Bosnia, to Kosovo over the last few years. When we went into Kosovo, regardless of how one may feel about the action, let us put that aside for a second, and let us talk about the pledge that the Europeans made.

They told us that they would help in rebuilding the country. They told us they would help in a variety of ways. What this amendment is designed to do is to carry forward the idea of Senator WARNER who said that we need to get them to honor their commitment. This is not designed to increase their commitment. This is really not designed to increase burden sharing. This amendment is only designed to say to the Europeans they made a pledge to us: keep it.

The Europeans pledged 3,883 policemen in Kosovo. They have only paid for 1,878. Our amendment says they pledged 3,800; deliver 3,800. They made a promise to do it. They said they would do it. Why do they not step up to the plate and keep their word.

The Europeans' pledge for the rebuilding of Kosovo, for civil administration, they pledged $140 million. They have only given $30 million. Now, how unreasonable is it to say to our

European allies, you promised us $140 million, come through with $140 million? That is what you pledged to do.

In terms of reconstruction aid, rebuilding those arts of Kosovo that we bombed to a large degree on their behalf, they pledged $410 million, but they have only delivered $44 million.

So what does this amendment say? It does not say we expect them to dramatically increase their contribution. It only says that they ought to live up to the pledge that they made and keep their word. Their economy is relatively the same size as the United States. The least they can do, after we flew all those sorties and they made their pledges, is to simply keep their word. This is a time to change the way in which we conduct business post-World War II.

My colleagues are going to hear today, "not the right time," "not the right amendment," "not the right wording." Baloney. All we have to do in the United States is to say, keep your word. What we will find is the Europeans will. Now is the time to act.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very reluctantly, I rise in opposition to this amendment. I do so, not because I disagree with the gentleman from Ohio (Mr. KASICH), because I agree with almost everything that he said.

The problem is with the amendment itself. I am concerned that his limitation on not more than 50 percent of the funds in the Kosovo section could not be released until certain things happened. The problem with this is, Mr. Chairman, money has already been spent. We are not providing money in this bill for Kosovo to rebuild Kosovo. We are not doing anything in this bill to actually deploy troops to Kosovo. What we do in this bill is replace the money that has already been spent by the deployment to Kosovo.

Now, if we were in a position to demand certain things from the European allies, I would be standing up here with the gentleman from Ohio (Mr. KASICH) to do that, because I think that that is only fair.

But as I read this amendment closely, not only on the first page, but the third page, just let me make one comment about a section on the third page, it says, if the President does not submit to Congress a certification required, et cetera, et cetera, then beginning on June 2, the 50 percent of the amounts appropriated in this act can only be used to remove the troops.

Now, I am for removing the troops. But I have to tell my colleagues that the money in the bill is not there to remove the troops. This money is to replace monies that have already been spent. The monies have been spent from the fourth quarter operations and maintenance accounts of our military services.

Now, if we do not replenish this money, we are going to have to stand down our training exercises, park the ships, park the airplanes, park the trucks, park the tanks, and training will grind to a halt. We do not have until June 2 to make that decision. That decision has got to be made late in April or early in May because, for those exercises that have to be stood down. The planning has to begin in April or May.

So as strongly as I agree with the gentleman from Ohio (Mr. KASICH) and what he is trying to accomplish, this amendment will not accomplish that; and this amendment will cause severe chaos, in fact, in the operations and maintenance of our military during the last quarter of this fiscal year.

Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, I yield myself 10 seconds just to point out that, last night, we approved an additional $4 billion in this bill. It is never the right time, never the right place.

Mr. Chairman, I yield 21/2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me say this, we have an agreement here, and I think there is a consensus building which ought to pass this amendment. What that consensus is is that the military needs more money. The gentleman from Florida (Mr. YOUNG), the chairman of the full committee, said they may need money to withdraw from Kosovo. But if we do not approve this amendment, if we do not approve this bill, there is no money there.

Well, let me say something to every Member. Every cent of the money in the bill will go to the military if this amendment passes. This amendment does not stop any funding of our military. All the funding, every penny will go to our armed services.

If our allies live up to their commitments, if they deliver what they promised, look again, this is what they promised. This is what they promised. This is what they promised.

But look on that right-hand side as to what they deliver. If they deliver what they promised, every cent will go to the military to be used in Kosovo. Now, if they do not deliver what they promised, then as the gentleman from Florida (Mr. YOUNG), the chairman of the committee, said, our troops need to come home. That is what we provide. If they do not deliver on their promises, the money is available to bring the troops home. But every cent of the money is available under the amendment.

Wesley Clark testified before the Senate, and he said the failure to have civil implementation is threatening the peace. It is threatening the military victory. We have either got to have a speedier implementation, or we need withdrawal.

Let me quote to my colleagues one other thing. How long are we going to be in Kosovo? Well, General Klaus Reinhardt last week said, "I am talking 5 years and it could be 10 years." "I am talking 5 years and it could be 10 years."

The reason we fail to commit the forces necessary to keep the peace, World War II lasted 4 years and World War I, 2 years. Korea lasted 3 years. Do we want to commit our third graders to Kosovo?

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 30 seconds just to say that the gentleman from Ohio (Mr. KASICH) mentioned that we did add additional money to the defense part of this bill. That is true. However, it is not applicable to the section that we are dealing with in his amendment, and that is the problem that I have in his amendment.

The money that we added yesterday was for specific purposes other than Kosovo. The gentleman's amendment goes directly to the issue of Kosovo, and that is not where the extra money was added.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would like to ask the author of the amendment a question, please.

Last night, I had thought that I was going to be supporting this amendment, but I have a question. The House adopted last night a human rights amendment which had a presidential waiver on the subject, which is important to us, but certainly is not absolutely essential to our own national security interests.

It is my understanding now this morning that the gentleman's amendment does not have the authority for presidential waiver even if he believes that this would threaten national security or put U.S. troops in danger. Is that correct?

Mr. Chairman, I yield to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, there is no waiver.

Mr. OBEY. Mr. Chairman, I find that incredibly troubling. Perhaps it was fortunate we did not take this up last night so we have had a chance to reread the gentleman's amendment. What appeared to be innocent last night, absent the presidential waiver, would be extremely troubling, especially in light of the Secretary of Defense's statement it would put the interest of U.S. troops at risk.

Mr. KASICH. Mr. Chairman, I yield myself 20 seconds to make a point. It is about time that the Congress of the United States started asserting itself when it comes to foreign policy. We are not engaging in some major foreign policy decision other than to tell the Europeans to live up to their commitment.

What is the message that gets sent when this is defeated? Do my colleagues know what it is? If you make a promise and you break it and you stiff us, that is okay. That is wrong. We better get on the stick and realize that we are a big chunk of how we set foreign policy.

Mr. Chairman, I yield 21/2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, by the end of next year, we will have spent $20 billion, $20 billion in the Balkans. The amendment that the gentleman from Ohio (Mr. KASICH) and the gentleman from California (Mr. CONDIT) and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) and I are introducing is really the amendment of the chairman of the Senate Committee on Armed Services, Mr. WARNER.

□ 1030

And basically it says that our allies need to pay 33 percent of the construction costs they committed and 75 percent of the humanitarian assistance, the Kosovo Consolidated Budget and the international police budget. And if they do not, then we will withdraw our troops. We are saying they should live up to their commitments.

Now, why would we care if they pay their commitment? One reason is we ask the Japanese to pay 75 percent of the nonsalary costs of our troops in the Japan theater, and they give us $3.6 billion. We ask the Europeans to pay for the 100,000 troops stationed on that continent, and they give us $66 million. This is a joke, and it has got to end.

So at the very least, when our allies make a commitment, they should live up to it. They should pay their bills. And if they are not willing to, let them stop taking us for a ride.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Chairman, the gentleman from Ohio just said that Members of Congress should assert themselves on foreign policy. I would like to bring to the attention of the chairman of the Committee on the Budget the law, the law written by the Committee on Appropriations and passed by this House. The law, in accompanying report language, specifically denies the ability of the administration to spend more than 15 percent of the total expenditures in Kosovo. So we have already addressed this issue.

The percentage that the gentleman from Ohio is using is going to be confusing because it appears to increase the ability of the United States. I wish the gentleman from Ohio would listen to this because I am responding to his indication. But it appears as if his amendment, although it is not his intent, might even say with the higher percentage factor that we are backing down on our insistence that our administration only spend 15 percent. So I would invite the gentleman from Ohio to read existing law whereby this Congress prohibits the administration from spending more than 15 percent.

Under the law, the President must come back to the Congress if indeed they violate that. They came to us in December of 1999, and they certified that the United States' contribution was only 14.9 percent.

So I share the sentiment of the gentleman from Ohio, I think he is moving in the right direction, but fortunately, the Congress has very responsibly already addressed this issue and the law is the law. We do not need confusing additional law to complicate the issue.

The President requested $100 million for assistance in Kosovo. The committee rejected that, and we only included $12 million. So I feel like the amendment, although I know that is not the intent of the gentleman from Ohio, the amendment would actually deplete the ability of the administration to have money to replenish money already spent.

Mr. KASICH. Mr. Chairman, I yield 21/2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, it is appropriate that we just heard from the gentleman in charge of foreign aid, because this is the biggest foreign aid program in the history of America. It is one in which the United States' taxpayers consistently and generously subsidize the other richest people in the world.

Europe will be very happy if the combined establishment here, the leadership, the President, all these putative opponents, come together to defeat this, because no bigger present could be given the European taxpayers than this amendment.

The gentleman from Alabama says we have already done that: we said they cannot spend more than 15 percent. Lo and behold it came to 14.9 percent, no doubt an independently arrived at calculation. But here is what the facts are. On March 1, two articles, which at an appropriate point I will put in the RECORD, reflect what General Shelton said.

"General Shelton's letter reflected anger at European allies for not contributing as many troops as requested for expected in Kosovo." That is from the New York Times. Here is The Washington Post quoting Mr. Bacon, the Pentagon spokesperson. "The chairman, General Shelton, made it clear he doesn't think it's appropriate for American troops to go to out-of-sector operations on a regular basis to take up police work that should be done by the forces in those other sectors."

Yes, we have said that they should help out, but we have zero enforcement. This is the only enforcement. Now, I know when in control of the administration and in control of the appropriations process, one can always say it is not perfect. Agreed, it is not perfect. It is just better than anything that we have come up with.

Let us be very clear here. What we are seeing is the pattern in this House. When we see the administration do something, we will yell; we will scream; we will beat our chests. We will do everything but vote to change it. There is no doctrine of executive usurpation in foreign policy. What we have is a consistent unbroken pattern of congressional dereliction of duty in foreign policy.

There are Members here who will go home and make great speeches, some will not even wait to go home, saying it is terrible we are in Kosovo; we are spending too much; the Europeans are not doing anything. Here is a vehicle to do something about it, and there is not room under the table as Members jump to get under it. This is the only enforcement vehicle we have.

All this talk about what the rules are means nothing. Look at what General Shelton said. They are not there; we are there. My colleagues say we have to help our troops. Do we help our troops by continuing to allow Europe not to do this? What this House will be if we defeat this amendment: we will continue our roles as the enablers of European dependence. We will say to the Europeans, promise them anything, but do not follow through. And when anybody tries to enforce that promise, they do not have to worry, because they will come back and say, well, it is not perfect, it is not this.

As far as the waiver is concerned, the amendment does say the withdrawal has to be safe and orderly. The fact is this is the only enforcement vehicle around.

Mr. Chairman, the articles I referred to above are included for the RECORD.

[From the New York Times, Mar. 1, 2000]

JOINT CHIEFS CHAIRMAN PROTESTS TROOPS' MISSION TO KOSOVO TOWN

(By Jane Perlez)

Irritated that American troops had to retreat from a bottle-throwing mob in Kosovo, the chairman of the Joint Chiefs of Staff, Gen. Henry H. Shelton, has written to NATO's supreme commander, Gen. Wesley K. Clark, telling him not to use American troops outside their designated sector.

The letter, according to Pentagon and NATO officials, told General Clark that other countries involved in the NATO peacekeeping operation had to send more troops to Kosovo before significant numbers of American troops would again be allowed on a mission outside the sector assigned to the United States' control.

General Shelton sent the letter to General Clark a few days after the retreat on Feb. 20 of 350 American soldiers from Mitrovica. The American soldiers had been sent out to the troubled city, where Albanian and Serbian residents are at a standoff and where French troops needed reinforcements. Pentagon officials acknowledged today that General Shelton had concurred with General Clark's plan to send the troops from their sector in southeast Kosovo to Mitrovica before the mission was under way.

But although General Shelton had agreed ahead of time to the mission, the underlying tone of the letter, according to officials, questioned the wisdom of sending American troops into a volatile situation involving hostile Serbian civilians. General Shelton's letter, and a mood of discontent about the Kosovo peacekeeping operation in the Senate Armed Services Committee during a hearing with General Clark today, reflected anger at European allies for not contributing as many troops as requested or expected in Kosovo. Several senators complained that after the United States had led the air campaign in the Kosovo war, the Europeans had pledged to lead the peacekeeping in Kosovo but had failed to live up to their promise. "There is more than whiff of hype, where the Europeans talk of doing more," then fail to carry out their commitments in Kosovo, said Senator Carl Levin, Democrat of Michigan.

The chairman of the committee, Senator John W. Warner, Republican of Virginia, asked General Clark why American troops were involved in house-to-house searches for weapons in Mitrovica. Senator Warner recalled that in Somalia, where American troops were involved in an ill-fated peacekeeping operation in 1992, house-to-house searches by American soldiers were ruled out as too dangerous. General Clark said that in contrast to Somalia, where American troops were not welcome, the NATO troops in Kosovo were respected and wanted by large groups of the local population. But pressing ahead, Senator Warner questioned the utility of a weapons search in a city that was only a few miles from a porous border with Serbia across which weapons freely flowed.

Senator Warner asked, "What was the total number of arms" seized in Mitrovica? General Clark replied, "Twenty-five." A NATO official explained after the hearing that the searches for weapons in Mitrovica were conducted by troops of several nations and were announced to the community by community leaders just beforehand so that the searches appeared evenhanded. Both Albanian and Serbian homes were searched, in northern and southern Mitrovica, the official said. In his testimony, General Clark said that the Yugoslav president, Slobodan Milosevic, was very much in control in Serbia and that he was unlikely to be defeated or disappear any time soon.

[From the Washington Post, Mar. 1, 2000]

AMERICAN TROOPS IN KOSOVO RESTRICTED TO U.S. SECTOR

(By Roberto Suro)

U.S. troops in Kosovo will stick to their own turf under orders announced by the Pentagon yesterday that sharply limit missions to assist the peacekeepers of other nationalities. The new restrictions reflect concerns in the Defense Department and the White House over a violent encounter last week between a Serbian mob and American soldiers who had been sent to help French peacekeepers with a police action in the French sector, according to a senior military official.

"The issue here is, how often do we get dragged into a situation where we have to perform out-of-sector operations that can diminish our ability to operate within our own sector?" Pentagon spokesman Kenneth H. Bacon said. About 5,300 U.S. troops patrol the southeastern sector of Kosovo. French, Italian, German and British forces are in charge of their own sector of the troubled Serbian province. The extent to which troops of various nationalities are available to reinforce each other has become a matter of both military and diplomatic dispute, as NATO peacekeepers contend with rising unrest while their own numbers decline.

The new orders came in a letter from Gen. Henry H. Shelton, chairman of the Joint Chiefs of Staff, to NATO's top military commander, U.S. Army Gen. Wesley K. Clark. "The chairman made it clear that he doesn't think it's appropriate for American troops to go to out-of-sector operations on a regular basis to take up police work that should be done by the forces in those other sectors," Bacon said.

The still-classified letter was dated Feb. 20, Bacon said. That was the day when a battalion of 350 U.S. soldiers helped conduct a house-to-house search for illegal weapons in Mitrovica, a town in the French sector where Serbs and the ethnic Albanians who dominate Kosovo have frequently clashed. The Americans encountered a rock-throwing mob of protesting Serbs; and although no U.S. soldier was seriously injured, senior civilian and military policy makers felt the mission was risky and unnecessary, senior officials said.

Clark informed Washington about the mission but ordered it on his own authority, just as he had on two previous occasions when U.S. forces went to the aid of peacekeepers in other sectors. Appearing before a congressional hearing yesterday, Clark defended cross-sector operations as essential in Kosovo. Under the terms of Shelton's letter, however, U.S. troops will operate in other sectors only "on an extraordinary emergency basis," Bacon said.

Mr. YOUNG of Florida. Mr. Chairman, would the Chair advise us of the remaining time on each side.

The CHAIRMAN. The gentleman from Ohio (Mr. KASICH) has 51/2 minutes remaining, and the gentleman from Florida (Mr. YOUNG) has 9 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 10 seconds to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. I thank the gentleman for yielding me the time. I just wanted to say to the gentleman from Massachusetts, surely he does not think the President of the United States or the Secretary of State would lie to Congress.

Mr. KASICH. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I would respond to the gentleman from Alabama, that I do not think they would lie. I think they would be willing, however, to mislead my colleague, if he were as willing to be misled as he is.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the very distinguished leading expert on national defense issues.

Mr. MURTHA. Mr. Chairman, this deployment is not about Europe; this is about the United States. When we deploy troops, we deploy in our national security.

Now, this is a cute way of trying to reduce our deployment to Europe. We had 400,000 troops in there for years against the Soviet Union. Now, we can argue about how many troops ought to be there right now, but when we are doing it this way, NATO's in command. We said the U.N. could not do it, so we put NATO in command. This amendment says no presidential waiver. It says, okay, if they do not live up to their obligation, then we have to pull our troops out.

Now, let us take Luxembourg; let us take Iceland. Let us say there is a lobbying effort for those two little countries, and they get them to pull their troops out. They are deciding the foreign policy of the United States. Iceland and Luxembourg, under this amendment, would be setting the foreign policy for the United States.

We are in Kosovo to save lives. Now, there is a lot of people that can disclaim that. A lot of people can say let the Europeans do it. They, obviously, could not get their act together, or we would not be involved. We are involved because of the security of the United States. Do my colleagues know how many wars have started in the Balkans? Two wars started in the Balkans. My dad and three of his brothers served in World War II.

We are talking about the security of the United States, and we are not going to allow Iceland, and we are not going to allow Luxembourg to set the policy for the United States. And that is exactly what these four gentlemen are doing. They are surreptitiously trying to figure out a way to get the troops out of Europe, reduce our deployment to Europe. This is not the way to do it.

If we want to limit the deployments, let us face it up front. Let us argue about it. Let us debate it and say we are going to limit the amount of money and we are going to pull our troops out. Let us not do it in a way that lets Luxembourg or Iceland take control, and then not have a presidential waiver that speaks to the security of our troops, or if the Secretary of Defense says this is endangering our troops, and there is no waiver in order to cover that.

Mr. KASICH. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. First, of course, Mr. Chairman, we are not talking about Luxembourg and Iceland, as the gentleman knows. The gentleman wants to get into burlesque. We are talking about France and Germany. They are the ones who made the commitment. They are the ones whose taxpayers the gentleman is so valiantly defending.

Secondly, the amendment says there must be a safe and orderly withdrawal.

But, finally, we are not making policy. We are just telling people to live up to it. It is General Shelton who said I am not letting the American troops be put at risk because of the failure of the Europeans to live up to their commitments. It is General Shelton, the chairman of the Joint Chiefs, who has said, the failure, the ongoing failure of the Europeans, France and Germany, and Italy and England, they are the ones who are endangering the troops.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in opposition to this amendment offered by my friend from Ohio because the elimination of funding in Kosovo would not only make the time and resources that the U.S. has already expended a total waste, but it would also render meaningless the loss of life, the suffering and the hardship imposed on the ethnic Albanians in Kosovo.

We are talking about people and their lives. For us to walk away from a commitment to peace in Kosovo would essentially give Slobodan Milosevic free reign in his campaign to force the remaining ethnic Albanians out of Yugoslavia and Kosovo.

Peace in this region will not be coming overnight. Our forces who are currently stationed in Kosovo are working in partnership with our NATO allies. This is not our burden to carry alone. If our NATO allies are not paying up, why punish the Kosovar people?

Order, peace, and hope for long-term security are beginning to spread in Kosovo. However, without our leadership and commitment, I think our allies will not continue their efforts; and everything we have already spent will be for nothing.

Please join me, my colleagues, in opposing this amendment.

Mr. KASICH. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me respond to the gentleman from Pennsylvania, because he and I agree. We should not let the Europeans dictate our military policy. But, in fact, under the present status quo, they are directing our military policy.

In fact, President Clinton, in a letter to us in October, and I am going to introduce that, when asked when will we withdraw our armed forces, he said, "Our armed forces will be withdrawn from operations based on the assessment of the progress of civil implementation, and that depends on our European allies."

Here is the progress of that civil implementation. There has been no progress. As General Klaus said, we could be there 10 years.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), who is the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Our friend from Ohio said that we should assert ourselves and send a message. Let me tell my colleagues what that message would be. The message would be that raising the possibility of American troops withdrawing from Kosovo encourages extremist elements in Kosovo and Belgrade who are determined to see NATO's mission fail in the Balkans.

This amendment would damage the readiness of our armed forces for the rest of the fiscal year and for the rest of our efforts there. Sure, European allies should and they will do more to meet their commitments in Kosovo. We should continue to encourage them to do so. But we do not by this amendment want to surrender to foreign nations the ultimate decision-making authority on the deployment of United States' troops. Congress and the executive branch should make that decision. Cutting off funds and forcing the withdrawal of our forces from Kosovo should not be an automatic based on what the Europeans do.

Mr. KASICH. Mr. Chairman, I can hardly believe the arguments here. We have spent over $20 billion in the Balkans. We flew 75 percent of the sorties using American flesh and blood to do it. And what this amendment says is that when the Europeans make a pledge, they ought to live up to it.

If my colleague goes to a town hall meeting in Johnstown, Pennsylvania, and says the Europeans said they were going to give us $140 million and they only gave us $30 million, they are in trouble and so we have to cough up the rest of the bill. I would suggest to my colleague that, in Johnstown, Pennsylvania, he will be run out on a rail.

□ 1045

The fact is that all we are doing in this amendment is to say, when they make a pledge, when they say they are going to give $140 million to help Kosovo, just give it.

When it is said that we degrade the military by offering this amendment, that is total bunk. The military does not lose this money. In fact, the money would give increased readiness because it would say that we do not have to spread ourselves out all over the world. The military does not lose anything.

My colleagues should stand up for their taxpayers. Because if they do not, they are going to come to the town halls and they are going to hold them accountable.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 10 seconds just to say that I agree with what the gentleman from Ohio (Mr. KASICH) is saying, but that is not what his amendment does. What he is saying is great, but what his amendment does is not what he is saying.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in opposition to this amendment because I think it is the right policy being put forth by the wrong branch of government.

The idea that we should assert ourselves in foreign policy is right. The issue is when should we assert ourselves in foreign policy. I believe it is before we put thousands of young Americans at risk in a region of the world.

I think the administration should have come to us before they made this commitment, and we should have had this debate before the country got involved. But they did not.

I do not see this as an affirmation of legislative authority. I see this as an affirmation of a need to protect thousands of young Americans who are in Kosovo today.

Conditions change every day, every hour, every minute; and when conditions change, there needs to be the authority to make decisions quickly and flexibly. This amendment deprives the President of that authority.

For that reason, I cannot support it. I urge its defeat.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I hope some alert journalist is going to publish a catalogue of the excuses for Congress never to make a tough decision. We should have done it before. We cannot do it after.

We are told, by the way, that it is too dangerous for the troops to be there. Now, how do we increase the danger by withdrawing them? There may be good reasons for keeping them there. I believe there are. But protecting them from the danger of being there is hardly a good reason to keep them there. And that is what they are saying.

People say they agree, the Europeans ought to pay more. But this House has consistently refused to do anything to force the Europeans to do it. And they know empty rhetoric when they see it. They are very sophisticated.

What this amendment is intending to do, by the way, is not to pull out. This is an amendment that says Europe should begin to pay up. Apparently, there is a lack of confidence in our European allies amongst some of the leadership in the Committee on Appropriations that is greater than there is for us. Because they say, if we condition our staying there on the Europeans doing what General Shelton complains that they are not doing, that will lead to abandonment.

Well, if the troops are overexposed and it is costing us too much money, there are two things to do, have the Europeans pay their fair share or withdraw them. We hope it is the former.

But in neither case are we increasing the danger to the troops.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER), as a member of the Committee on Appropriations.

Mr. OLVER. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment, which threatens the unilateral withdrawal of U.S. forces and resources from Kosovo.

The need in Kosovo for peacekeeping reconstruction and development of civil and judicial administration is greater than all the promises put together by the NATO allies and the U.S.

The authors of this amendment are right in one respect. Every diplomatic effort to hold NATO allies to their agreement is entirely appropriate. But threatening to unilaterally end our freely given commitment just makes the peacekeeping job so ably done by our deployed men and women and the massive reconstruction that is needed, the job of massive reconstruction, makes those a great deal harder.

And, God forbid, if we were to actually act upon this threat, the end result could only be giving the final initiative back to Milosevic.

Vote against this amendment.

The CHAIRMAN. The Chair would inform Members that the gentleman from Ohio (Mr. KASICH) has 21/2 minutes remaining, and the gentleman from Florida (Mr. YOUNG) has 21/2 minutes remaining.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, by the end of next year, we will have spent $20 billion in the Balkans.

What we are asking is that our allies live up to their commitments. We are saying, on the reconstruction account for Kosovo, they make a 33 percent down payment; that they pay 75 percent of the humanitarian assistance in Kosovo that they pledged; that they pay 75 percent for the Kosovo Consolidated Budget that they pledged; and that they provide 75 percent of the international police force for Kosovo that they pledged.

Why does the gentleman from Pennsylvania (Mr. MURTHA) assume that we will have to take our troops out? Does he assume they are not going to live up to their commitment? Well, maybe it is an assumption he is right in making.

They only give us $66 million for 100,000 troops. We get $3.6 billion for our 40,000 troops in Japan.

I rise in strong support of this amendment, which I have offered on a bipartisan basis with Congressmen JOHN KASICH, GARY CONDIT, BARNEY FRANK, and SPENCER BACHUS. They are among the hardest working Members of Congress and it is a pleasure to be offering this amendment with them. I also want to thank the author of this amendment, Senator JOHN WARNER, who intends to offer this amendment along with Senators DANIEL INOUYE, PAT ROBERTS, and OLYMPIA SNOWE when the Senate takes up its version of this legislation. When the Chairman of the Senate Armed Services Committee says our allies need to live up to their obligations, I think we all need to take this amendment seriously.

Our bipartisan amendment puts in place a framework for ensuring our European NATO allies live up to their financial commitments with respect to the war and subsequent peacekeeping mission in Kosovo. Last year, the United States puts its money, personnel and military equipment on the line to bring peace and stability to the Balkan region. Our military's men and women served with great distinction and did our Nation proud. But to this day, our NATO allies have not lived up to their financial commitments and obligations. The most egregious example of our allies' noncompliance is their failure to deploy military personnel for the United Nations international police force for Kosovo. NATO and the EU nations committed to contribute 1,264 personnel for this force. But to date, they have deployed 747 members—or 59 percent.

The United States, in contrast, has deployed 489 (or 89 percent) of the 550 we have committed. And I am told that the remaining 61 are on their way and should be in Kosovo in the next week or two. Our amendment says our allies need to do better. They need to get that number up from 747 to 948. Surely they can accomplish this by June 1. Another reason we are offering this amendment is because there is simply a lack of good information as to what precisely our allies have committed to providing. In fact, our own Department of State and National Security Council can't seem to provide identical data. So I think it is very important to require the administration to submit a report to Congress specifying the commitments and pledges made by the European Commission, and the member states of the European Union and NATO.

Part B of our amendment does exactly this. It requires a report to be submitted by June 1 detailing these commitments. I want to stress that we are not applying a straitjacket to the administration. The President will have a certain level of flexibility in determining what it is our allies have said they owe. Our amendment would withhold 50 percent of the supplemental appropriation bill's funding for military operations in Kosovo until the President certifies that the European Commission, member nations of the European Union, and European member nations of NATO have provided at least:

33 percent of the assistance committed by them for 1999 and 2000 for reconstruction in Kosovo;

75 percent of the assistance committed by them for 1999 and 2000 for humanitarian assistance in Kosovo;

75 percent of the assistance committed by them for 1999 and 2000 for the Kosovo Consolidated Budget; and

75 percent of the number of police committed by them for the United Nations international police force for Kosovo.

I want to stress these thresholds are anything but arbitrary. They represent reasonable downpayments on the pledges and commitments made by our European allies. Recognizing that autonomous nations have different fiscal years and budget processes, we do not seek full compliance in this amendment, but merely a downpayment. And, recognizing that funding for reconstruction programs is often disbursed over a series of years, we merely require a portion of this funding to be made available right away.

If the President does not certify that these benchmarks have been met by June 1, 2000, the withheld funding appropriated for military operations in Kosovo would be made available only for the purpose of conducting a safe, orderly and phased withdrawal of United States military personnel from Kosovo.

I want to speak for a moment about what our amendment does not do. Our amendment does not change United States policy toward Kosovo and the Balkans. Our amendment does not alter the parameters of our mission in Kosovo. Our amendment does not reduce the number of troops the United States has committed to the international peacekeeping force or the U.N. police force. Our amendment does not decrease the funding for Kosovo in this bill, which is equal the administration's request. And our amendment does not require our allies to pay for more than they promised. In fact, it asks for less. It merely requires a downpayment.

What our amendment does do is uphold current United States policy in Kosovo by requiring our allies to live up to their agreements. This is not an unjustifiable request. The United States has consistently met its obligations—even exceeded them—with respect to the conflict in Kosovo. This Congress has passed in a timely fashion appropriations bills fully funding our participation in this conflict, and the President has signed these appropriations bills.

Our allies, unfortunately, have failed to meet their obligations. Our amendment will help encourage our European allies to provide the necessary resources and personnel to implement the peacekeeping mission in Kosovo. An equitable burdensharing arrangement strikes us as being inherently fair and appropriate. After all, during the 78 days of combat over Serbia, the United States bore the major share of the air war, flying approximately 70 percent of the sorties. The men and women of our Armed Forces took the greatest personal risks. And the United States taxpayer paid the lion's share of the costs: more than $4 billion at last count.

I know our allies contributed to the military intervention in Kosovo. But as they know all too well, it was the United States that provided the high-performance aircraft, the guided missiles, the transport aircraft, and the B–2 bombers that made this joint effort a success. I am afraid if Congress does not step in and say, unequivocally, that our allies need to live up to their commitments, this administration will simply allow them to slide, as they've done too many times in the past. The result, undoubtedly, will be that more of our Nation's tax surplus will be expended to pay for the rapidly increased rate of military deployments and our Armed Forces will continue to face retention and readiness deficiencies.

I am struck by the fact that, over the past 50 years, the United States military has been involved in 46 deployments. But a staggering 36 of those deployments have come in the past 10 years. Do these missions cost money? You bet they do. From 1993 through 2001, our operations in Kosovo and Bosnia are projected to have cost the United States taxpayer $20.2 billion. Here is the bottom line of our amendment: We cannot, we must not, indefinitely commit our Armed Forces to keeping the peace in the Balkans without ensuring our allies live up to their commitments. I urge my colleagues to support this amendment so we can put some pressure on our allies to live up to their commitments.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I think the gentleman knows that they are not going to live up to their commitment because they know what strong support they have in this House for escaping any consequences of evading that commitment.

All they have to do is listen to this debate and listen to the administration, and they can say that they are free to make commitments, ignore them, and pay no penalty for them.

Mr. SHAYS. Mr. Chairman, reclaiming my time, unless we pass this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, he is correct.

Mr. YOUNG of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I chair the Albanian Issues Caucus. I think I have done more work with Kosovo than almost anyone else in Congress.

This is a very ill-advised amendment. If we want to ensure a presidential veto, this is the amendment to do if it passes.

Generals Shelton and Clark have been mentioned. They certainly would not agree to this amendment. We have won the peace. We have won the war. Let us not lose the peace. Defeat this amendment. It is awful.

Mr. Chairman, I include the following editorials for the RECORD:

EDITORIAL

(By Madeleine K. Albright)

WASHINGTON.—A year ago this week, Slobodan Milosevic rejected an international peace plan and intensified a campaign of terror that had already killed hundreds of Kosovo Albanians and driven more than 200,000 from their homes. His new offensive, begun with peace talks still underway, ultimately caused more than one million Kosovars to seek refuge and was marked by burned villages, rapes, murders and ethnic cleansing.

President Clinton and his NATO counterparts responded forcefully and, through persistence, successfully. Most of the displaced have since returned to their homes. Communities are rebuilding. Children are in school. With international help, most of Kosovo is secure and preparing for its first democratic elections ever.

Having prevailed in war, our challenge now is to secure the peace. This is proving, as expected, costly and hard. The journey from conflict to cooperation is not made overnight. Impatient, some in Congress suggest we give up, put away our wallets and call our troops home. But the costs and risks of quitting far exceed those of maintaining a stable Kosovo.

History teaches us that America cannot be secure if Europe is not secure, and events have reminded us repeatedly that Europe cannot be secure when conflict engulfs the Balkans. With Mr. Milosevic still present, the region remains a tinderbox. If we check out, wide-scale bloodshed will almost surely check back in.

Moreover, the price of perseverance is affordable and the obstacles to success can be overcome.

During the cold war, we stationed nearly 400,000 troops in Europe. Today we have roughly 100,000. Of these, about 6,000 are in Kosovo. Surely, this deployment is not disproportionate to America's stake in the region.

Further, Europe is committed to shouldering the majority of burdens in Kosovo. European Union members have contributed 64 percent of the international troops and provided hundreds of millions of dollars in humanitarian and reconstruction aid.

We are contributing fewer than 15 percent of total troops and less than 15 percent of the nonmilitary costs of helping Kosovo recover from war and build stability. There are proposals in Congress to make a 15 percent share of these costs a legal cap. But such a restriction would harm, not help, our ability to leverage contributions from Europe. It would reduce our flexibility in responding to future events.

And it would underestimate America's stake in our partnership with Europe, which extends beyond Europe itself. After Hurricane Mitch struck in our hemisphere, more than 60 percent of the bilateral aid pledged came from Europe. And Europe assumed a 33 percent share of the cost of establishing peace in El Salvador and 34 percent in Guatemala.

Those ready to give up on Kosovo point to recent incidents of ethnic violence there. We share these concerns, and international authorities are addressing them by beefing up resources, tightening security, and marginalizing and disarming extremists.

But the problems should not obscure overall progress. With United Nations leadership, a Joint Interim Administrative Council has been established in which Kosovo's factions can begin to share responsibility for governing their region. The ethnic Albanian militia has met its commitment to demobilize. The murder rate is now lower in Kosovo than in many American cities. In much of the region, morale is high and people are focused squarely on building a better life.

The depth of estrangement between factions in Kosovo is profound. Urgent needs for police, prosecutors and courts have not yet been met. And the risk that angry individuals will generate disturbances remains significant. But if our reaction to every setback is to pull back, a dangerous world will grow rapidly more dangerous.

We are not asking anyone in Kosovo to abandon legitimate interests. We are asking the people there to pursue their interests through cooperation with the international community and by participating in the joint governing structures being created. With time and sufficient support, the cooler heads on all sides will prevail. A sense of inter-ethnic community may or may not develop; but pragmatic coexistence is clearly possible.

The day may come when a Kosovo-scale operation can be managed without the help of the United States, but it has not come yet. If we are forced by ill-conceived legislation to depart Kosovo or to slash our commitment of resources, others will mimic our weakness, and the flames of renewed conflict will surely and quickly ignite.

The American people should be proud that we did the right thing a year ago and confident that by working with our partners to consolidate the peace, we are doing the right and smart thing now.

[From the Christian Science Monitor, Mar. 6, 2000]

STAY THE COURSE IN KOSOVO

(By Michael O'Hanlon)

WASHINGTON.—Having won the war against Serbia last year, is NATO now losing the peace in Kosovo? Based on February's violence in the divided city of Mitrovica, one might easily think so. In fact, that is not the case: Overall trends in Kosovo are positive, and recent events in Mitrovica are not a fair referendum on the state of affairs there.

On the other hand, the US and other NATO countries have made some bad decisions in recent weeks—and if they keep it up, the favorable prognosis could change. Countries on both sides of the Atlantic need to get back to military basics to make sure their victory last year is fully consolidated.

First, though, how can one say that life is getting better in Kosovo today? After all, about 150 Serbs have been killed there since the June peace accord. Largely as a result of the violence, the province has been divided into two almost completely segregated ethnic communities—and half of the population of Serbs has left Kosovo altogether. In February, two more Serbs were killed in the ethnically divided town of Mitrovica when an ethnic Albanian fired a rocket at a bus; Serb reprisals raised the overall death toll to 11.

It's true that these developments are regrettable. But it would be remiss to forget that this was a land at war less than a year ago. Nor was this just any war. It was a systematic violation of ethnic Albanians by an organized Serb compaign of violence.

Expecting people to forgive and forget within months, when many ethnic Albanians are still mourning the loss of loved ones and the rape and abuse of many who did survive, is unrealistic.

At least in terms of physical security, life in Kosovo has improved a good deal in recent months. According to NATO commander Gen. Wesley Clark, the province's monthly murder rate declined from roughly 200 last summer to about 35 this winter. Even if the recent tragedies in Mitrovica have bumped the murder rate up somewhat, it remains at least four times less than six months ago—and lower than the per capita murder rate in Washington, D.C. Part of the reason, admittedly, is ethnic segregation—Albanians no longer have as easy access to Serbs as they once did. (In fact, the preponderance of violence in Kosovo today is Albanian on Albanian), but it is better to be segregated and alive than intermingled and at risk of death—particularly in the immediate after math of an ethnic war.

Another major, positive development is that the Kosovo Liberation Army (KLA), which fought Serbian forces last spring, has surrendered large caches of weapons to international forces and demilitarized its activities. Even if pockets of KLA-related forces remain active, they pose only a limited threat to the peace at present.

That said, there have been troubling developments in recent weeks in the peacekeeping efforts of the NATO-led force in Kosovo. Last week, the New York Times reported that American troops were directed to stay out of Mitrovica by the Pentagon, out of concern for their safety after Serbs in that city threw snowballs, stones, and bricks at them. Other recent reports from Kosovo have described how other countries, including Britain, have drastically curtailed their military strength in Kosovo, leaving commanders worried they may not have enough forces to carry out required missions.

The U.S. is wrong not to send its troops into towns like Mitrovica out of concern for their safety, and should change its policy. It's right for the U.S. to expect its allies to provide most troops in Kosovo, given its role in the air war and other military responsibilities from the Persian Gulf to Korea. But whatever troops it has there should not have—and probably do not want—special treatment. That is unfair to the armed forces of other countries in KFOR, the NATO-led protection operation. And it is dangerous. If the U.S. telegraphs to the world that it is terrified of suffering casualties, as it did in Somalia in 1993, it puts a bull's-eye on the chest of American troops around the world and severely hamstrings foreign policy.

U.S. troops are not cowards. Tens of thousands sleep near their gas masks in Korea, maintaining a still-tense cease-fire. Thousands patrol the Persian Gulf, where war and terrorist attacks have claimed American lives on several occasions in the last decade. Dozens lose their lives every year in training and operational accidents simply because they are using dangerous equipment or carrying out other risky activities in difficult environments. They are capable of facing down stone-throwing Serbs and Albanians, and if they're needed for that mission, they should be sent.

That does not mean troops should be asked to do the impossible, or to take unnecessary risks. Some want NATO troops to do whatever it takes to allow Albanians and Serbs to live together peacefully, protecting isolated pockets of citizens wherever they are in the ethnic minority, or searching house-to-house for weapons in a massive disarmament effort. These ideas are unrealistic.

Kosovo, for all the distance it has come since June, is a recent combat zone in a war that stoked ethnic passions and left many thousands dead. Neither U.S. troops, nor UN police, nor any other external assistance can change these facts overnight. But even if international forces cannot make Kosovo a harmonious multiethnic society, they must continue to keep it stable.

That is where the allies come in, too. Their recent troop cutbacks—12,000 out of a total KFOR force of 50,000—are a bad idea. KFOR must remain strong enough that extremists within Kosovo aren't tempted to test it. It also needs to remain strong enough to deter Serbia. After all, Slobodan Milosevic's military and police forces outnumber NATO troops—three to one—even when KFOR is at full strength. Given KFOR's superior forces, and Serbia's awareness that NATO would send reinforcements if trouble began, KFOR's numerical disadvantage is acceptable—but that doesn't mean we should cut forces further.

Recent problems aside, things are going reasonably well in Kosovo. But that's no reason to get careless, or tempt fate.

Mr. KASICH. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. KASICH) has 11/2 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 21/4 minutes remaining and the right to close.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding me the time.

Mr. Chairman, I have mixed feelings about this amendment, because I think the approach that is being offered is a serious one and it has worked. It has worked in Japan when we offered this on the floor years ago where we had 40,000 troops stationed; and it made a difference in millions of dollars. And it has been offered and suggested with respect to Korea and Germany, as well.

But my problem with it right now is the timing of this amendment. The timing is such that it has come in the aftermath of the war when reconstruction is going on when there is a very, very difficult situation in terms of bringing stability and peace to a region. I just think it does not work right now.

Now, I am not suggesting that this is not something that we should not use in the future with respect to our Europeans and getting them to make sure that they fulfill their commitments. But this is not the right time to use it.

I hope my colleagues will look at this. Serious border incursions are still going on. Ethnic tensions are very, very high. And certainly people need to rebuild. And sending a sign of no hope is not the right signal in this very, very difficult time.

I hope my colleagues will vote "no" on this.

Mr. KASICH. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Ohio (Mr. KASICH) is recognized for 11/2 minutes.

Mr. KASICH. Mr. Chairman, let us not assume that our European allies will not live up to their commitment.

Let me, furthermore, say that what we are simply saying in this amendment is that when they pledge $140 million, $30 million is not good enough; that when they pledge $410 million to reconstruct Kosovo and they only gave $44 million, that is not enough; and when they pledge to put 3,800 police, which is a vital component of rebuilding, and they only provide 1,800, that is not enough.

We are not trying to force the Europeans to do more than what they want to do. All this amendment says is that they ought to do what they said that they wanted to do. All this amendment says is, they said they were going to give these dollars, they ought to give these dollars.

If the Europeans have no interest in, at least, keeping their word, then what is the prospect for long-term peace there? The fact is this amendment will strengthen the U.S. military. Secondly, it sends a clear message in post-Cold War America that people need to shoulder their burden. Thirdly, simple workers across America say, hey, if they made this pledge, why can they not live up to it? It was our flesh and blood that went over there and made the peace. We are not asking them to carry the whole load. We are only asking them to carry the load that they committed to us. That makes good sense.

So I hope, my colleagues, we will come to this floor and will be in a position to be able to support a reasonable and progressive policy towards Kosovo.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 11/4 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LEWIS), the very distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman and my colleague yielding me the time.

Mr. Chairman, I must say that all of us must have empathy for the expression of concern about our commitment to Kosovo, the number of troops we have there, and how long we have been there, and how quick we can get them out.

The difficulty I have with the argument today and this proposal is that we do not need 435 Secretaries of State; we do not need 435 Secretaries of Defense.

I went to Kosovo in January, and at our major base camp, I met with about 30 young sergeants who talked to me about why they were there. The re-up rates in the Army are the highest there than anywhere in the world because those people know they are there to save lives. They want us out, as well. But, indeed, behind this mission is the stability of Europe. And we need a unified America speaking about solving that problem.

To have a proposal that would essentially have us force withdrawal sends the wrong message to Milosevic. We should be most worried about the spring thaw, where the Albanians are about to react. They, too, want to have a head-on collision with the Serbs. Blood could flow as a result of a message that says America is not unified in its voice.

This is the wrong time for this amendment presented in the wrong way, and I urge a very strong "no" vote.

Mr. CONDIT. Mr. Chairman, I rise in strong support of the amendment offered by my friends and colleagues, the gentleman from Ohio, the gentleman from Connecticut, the gentleman from Massachusetts, and the gentleman from Alabama.

Very simply put, Mr. Chairman, this amendment is about asking our European allies to honor their commitments and keep their word. The United States has very clearly shouldered the largest portion of the burden in the Balkans. This amendment corrects that and puts a framework in place to ensure our European allies live up to their commitments with respect to the war and subsequent peacekeeping mission in Kosovo.

The United States has put money, personnel, and equipment on the line in Kosovo. We have met our obligations time and time again while our allies have failed to meet their financial commitments and obligations. As a result we are faced with the United States pouring more of its resources and money into Kosovo. While our allies do not pay their share, more and more of our nation's surplus is going into this open-ended military deployment.

Our amendment corrects this. Until the President certifies that our allies have met a set of realistic benchmarks—all of which are reasonable portions or percentages of their original pledges and commitments—we will withhold half of the emergency supplemental bill's funding for Kosovo.

Mr. Chairman, we fully understand that our fiscal calendars and budget processes may differ from our European allies. For that very reason we are asking for a "good faith" payment—a percentage of their original pledges of support. If the President doesn't certify these "good faith" benchmarks have been met by June 1, 2000, the withheld funding would be made available only to allow for the safe, orderly and phased withdrawal of United States military forces from Kosovo.

In the final analysis, our allies made commitments. I urge my colleagues to support the Kasich-Condit-Shays-Frank-Bachus amendment in putting a framework into place for ensuring our allies live up to those commitments.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. KASICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 450, the Chair announces that immediately following this vote there will be a 5-minute vote on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The vote was taken by electronic device, and there were—ayes 200, noes 219, not voting 15, as follows:

[Roll No. 89]

AYES—200

Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berry
Biggert
Bilbray
Blunt
Boswell
Boyd
Brady (TX)
Bryant
Burton
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Cubin
Danner
Deal
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Luther
Manzullo
Markey
McCollum
McCrery
McInnis
McIntosh
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (KS)
Myrick
Neal
Ney
Nussle
Owens
Paul
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stark
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tierney
Toomey
Udall (NM)
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Woolsey

NOES—219

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Barrett (WI)
Bateman
Bentsen
Bereuter
Berkley
Berman
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Engel
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Levin
Lewis (CA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, Gary
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Peterson (PA)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Whitfield
Wilson
Wise
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—15

Becerra
Burr
Chenoweth-Hage
Crane
Everett
Franks (NJ)
Granger
Klink
Norwood
Quinn
Rush
Spence
Vento
Weygand
Young (AK)

□ 1121

Messrs. LIPINSKI, COSTELLO, ADERHOLT, LAZIO, and BILIRAKIS and Ms. McCARTHY of Missouri changed their vote from "aye" to "no."

Messrs. MICA, NEAL of Massachusetts, LEWIS of Georgia and SAXTON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11, AS MODIFIED, OFFERED BY MR. WELDON OF PENNSYLVANIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the Amendment No. 11, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment, as modified.

The Clerk redesignated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 28, not voting 20, as follows:

[Roll No. 90]

AYES—386

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird

Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—28

Archer
Barton
Bonilla
Cannon
Chabot
Coburn
Collins
Cox
DeLay
DeMint
Graham
Hefley
Herger
Hostettler
Johnson, Sam
Kasich
Linder
Miller, Gary
Myrick
Paul
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Schaffer
Shadegg
Sununu

NOT VOTING—20

Bateman
Becerra
Burr
Chenoweth-Hage
Crane
Cummings
Everett
Franks (NJ)
Granger
Klink
Miller (FL)
Norwood
Quinn
Rush
Spence
Spratt
Tancredo
Vento
Weygand
Young (AK)

□ 1130

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. TANCREDO. Mr. Speaker, I was unavoidably detained for rollcall No. 90. Had I been present, I would have voted "no."

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 90, had I been present, I would have voted "no."

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, because my amendment to restore 401 agriculture research funds was subject to a point of order, I will not be offering an amendment, and rise to engage the chairman in a colloquy.

I greatly appreciate his participation in this, and that of the gentleman from New Mexico (Mr. SKEEN). I am deeply disappointed that the measure strikes two very important programs for rural communities, farmers, and ranchers in Indiana and across the Nation, the Fund for Rural America and the Initiative for Future Agriculture and Food Systems.

As a conservative, I strongly support offsets for increased expenditures elsewhere. However, these two are critical programs for future needs in agriculture.

Mr. Chairman, I would like to ask the chairman's assistance as the bill moves to the Senate, that we could move to re-insert those programs into the final bill that comes back to this House.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New Mexico, the distinguished subcommittee chairman, to respond to the gentleman's colloquy.

Mr. SKEEN. Mr. Chairman, I would like to thank the gentleman from Indiana for his commitment to Indiana agriculture.

Mr. Chairman, every year the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies is requested to contribute offsets to the supplemental spending bills. We did so this year by putting limitations on two mandatory programs, one for agriculture research and one for rural development, for a total offset of $106 million.

I certainly agree that it is important that critical investments are made in agricultural research. In fact, two major research programs in USDA will receive about $1.8 billion this year. Rural development will get about $2.2 billion.

I would assure the gentleman that we will continue to work with him to adequately fund agricultural research.

Mr. McINTOSH. Mr. Chairman, if the gentleman will continue to yield, I appreciate the remarks of the gentleman from New Mexico, and do want to state that I greatly respect his wonderful efforts over the years to make sure that the Appropriations Subcommittee would support agriculture research, extension and education.

I look forward very much to working with him in the conference to try to increase that funding.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, March 29, 2000, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from California (Mr. LEWIS), the gentleman from New Mexico (Mr. SKEEN), the gentleman from Alabama (Mr. CALLAHAN), the gentleman from Maryland (Mr. HOYER), and the gentlewoman from Ohio (Ms. KAPTUR).

My amendment is right to the point, Mr. Chairman. We provide an awful lot of money around the world, and many times these nations buy products made in Japan and China. I am very concerned that some day China, with a $90 billion trade surplus, may literally attack our children.

My amendment says we promote and encourage, without violating the laws, the procurement of American-made products. The gentleman from Florida (Chairman YOUNG) has worked hard at this. I appreciate the fact that he has accommodated this.

Let me say this to the House, we cannot protect America with a neighborhood crime watch and styrofoam. We need a domestic industry, and I think looking at procurement of American-made products is of vital importance.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I would like to announce to the House that we are prepared to accept the amendment. It is the excellent amendment that the gentleman has offered many times, and has been accepted by this House many times. We accept the gentleman's amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just wanted to commend my colleague, the gentleman from Ohio (Mr. TRAFICANT) for continuing his crusade on behalf of America's jobs, our workers, our communities.

We certainly would be pleased to accept the agreement, in agreement with the majority here today. I want to thank the gentleman again for keeping our eyes focused on what we should, and that is, America's strength and productivity.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time, and I urge an aye vote on the amendment.

The CHAIRMAN. With no Member seeking to control time in opposition, the question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) ACROSS-THE-BOARD REDUCTION.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 10 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any amount designated by this Act as an emergency requirement, or any amount appropriated or otherwise made available by this Act for the Department of Defense.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, March 29, 2000, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I would ask, is any Member opposed to my amendment?

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) will be recognized to control the time in opposition.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is pretty simple. It attempts to establish fiscal responsibility.

As all of us know, these emergency supplementals come once, twice a year. This is pretty simple. I cut spending by 10 percent across-the-board only, and I say to the Members, only for non-defense or non-emergency spending. So it would reduce by 10 percent these non-emergency appropriations for programs added to the supplemental for FY 2000.

I offer this amendment because the rescissions used to offset this new spending are unauthorized funds whose use would be better served by using them for paying down the debt.

For instance, Mr. Chairman, the $235 million reduction for emergency Y2K funds, these are the funds we appropriated for 1998. They are being used and this funding is being used, but it is not obligated, so we say, okay, let us use it. But the fact is, this is previously-allocated money that was appropriated, again, as emergency funding, and will now be used to offset this emergency supplemental.

If we hear the word "emergency supplemental" used over and over here, we have to say to ourselves, what is an emergency and what is not? We need to hold the line on spending and practice some kind of fiscal responsibility.

We have had several votes this morning, and we continue to add more money to the supplemental.

The gentleman from Pennsylvania (Mr. TOOMEY) had his amendment to set aside $4 billion for FY 2000, non-social security, for the on-budget surplus. The question is, why are we using $429 million, money that was appropriated but not spent to offset recently added spending, when we could apply it to debt reduction?

This is an emergency supplemental. The programs that fall under non-emergency, if they are non-emergency, could we not go through the normal process?

When we were in the minority, we always talked about all these legislative initiatives on the floor. We said, these are not necessary. These are non-emergency. Why are we putting them on the floor? We want to see them go through the normal, regular appropriations cycle under my distinguished chairman, the gentleman from Florida (Mr. YOUNG).

What we see happening with this bill is reminiscent of past years, when we kept adding more and more spending. If we go back and look at the spending that we did in the last fiscal year, we will see that the emergency spending balloons. This thing continues to balloon far beyond the original when leadership said, we will put on a bill that will be about $6.5 billion. Then it went to 7, 8. Now it is at 9 billion they brought it to the floor. This thing is continuing to go up.

We have already loaded this bill up with money for Colombia, Kosovo, Bosnia, the Department of Energy security and cleanup. I am sure if this bill remained on the floor for a week, this thing would balloon up to $25 and $35 billion.

I ask my colleagues, this is a very simple amendment just to reduce the non-emergency, only the non-emergency and non-defense, by 10 percent. The actual cut will be in millions of dollars, it will not be in billions of dollars. We must not appropriate more spending in this emergency supplemental. We must try to hold the line.

We do not want to repeat last year's mistake. The final budget agreement exceeded the budget resolution by $25 billion in non-defense outlays. We seem to be heading in the same direction, so my amendment is modest and should be adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am reluctant to rise in opposition to the amendment offered by my good friend, the gentleman from Florida (Mr. STEARNS), because we do like to save money every chance that we can get, his comments to the contrary notwithstanding. I have an idea that he voted for one of the or for the biggest amendment yesterday that was added to this bill.

Anyway, the gentleman's amendment wants to reduce the non-emergency appropriations in the bill. The President asked for over $400 million worth of non-emergency items, but he offered offsets for those non-emergency items. We reduced the President's request from the $420-some million to $160, but we maintained the $420 million worth of offsets, so we have actually offset far more than we have non-emergency spending items in this bill.

One of the things that would be affected by the Stearns amendment would be safety at our nuclear weapons facilities in the United States. Some of this money that would be reduced by this amendment, has to do with upgrading and restarting the enriched uranium operations, which were shut down for safety reasons. We are trying to make them safe. This is at the Y-12 plant in Tennessee.

The money this amendment would reduce would also address hazard analysis, the safety authorization basis for activities to be performed in FY 2000 at the Pantex plant in Texas. So we are talking about safety in our nuclear facilities.

Another item that my friend, the gentleman from Florida (Mr. STEARNS) might be interested in, because I know that he had supported it, and many of his colleagues have supported funding for abstinence education. This amendment would take a pretty good chunk out of that money that was agreed to for abstinence education.

I do not think the gentleman wants to do that, because I know that he supports that program. I am against the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think, in all deference to my good friend, the gentleman from Florida (Mr. YOUNG), my distinguished colleague and the chairman of the Committee on Appropriations, I think he would agree, and he has been on the floor many times saying, particularly when he was in the minority as an appropriator, he said, why can we not take the non-emergency, non-defense spending and run it through the appropriations process, or go through the appropriate committees? Why should not all 435 Members of this House have the opportunity to see this in place and evaluate it?

He has mentioned a couple of programs that he said this would cut. Now realize, Mr. Chairman, that we are only cutting 10 percent of 100 percent, so certainly, in government funding, if we cut 10 percent we are not decimating a program. We are not eliminating a program.

So this is a modest attempt to signal to the citizens of the country and to signal to the Senate, if they decide to vote on this bill, and to make us feel, on this particular morning when we are voting for all new spending, that we are taking the task of being fiscally responsible.

I would say to my distinguished friend, the gentleman from Florida, if these are that important to him, why does he not run them through the appropriate process?

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking minority member on the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, this amendment is really amazing, if not amusing. We have a huge circus elephant rampaging through this room, and the gentleman has an amendment that is going to go after a fly.

If we take a look at this amendment, this bill spends almost $13 billion, and what does he go after?

□ 1145

He goes after a $140 million tiny piece of the package. He endangers three nuclear weapons productions plants at Oak Ridge, Tennessee; Kansas City, Missouri; and Amarillo, Texas. They are critical to the improvement of our nuclear stockpile, and he endangers safety operations at those operations.

He is going to say to a thousand families, after every politician in this House has been posing for political holy pictures about how they are opposed to the higher energy prices, while I know that in his district in Florida they do not need a lot of help to pay for home heating oil, but it gets pretty doggone cold in the Northeast and the Upper Midwest, this is going to deny thousands of low-income American families help on that score.

It will take away the ability to get FHA loans from 20,000 low- and moderate-income couples in this country. I do not think that is a gift to taxpayers, although Members who make what we make do not have to worry about those little folks, I suppose. Is that the way the gentleman feels?

Then we just made a big production out of adding a lot of money for fire protection. What does the gentleman do? He knocks out money for fire safety right in the Capitol Hill complex, after we have been chastised for the neglect of the buildings up here. And then lastly, after we have heard so much on that side of the aisle about the need to have family planning programs that emphasize abstinence, what does the gentleman do? He cuts that program by 10 percent. The gentleman from Oklahoma (Mr. ISTOOK) has moved heaven and earth to get that program funding up, and now he is knocking that baby down.

And what does he leave untouched? Yesterday, this House added $4 billion, not million, billion dollars in Defense Department programs to this year's appropriation bill. None of those items were emergencies. The sole, crass purpose of that amendment was to move $4 billion in defense expenditures into this year's budget, so you freed up room for $4 billion in congressional pork in the next year's Defense budget. Now we see this House with this "let's pretend" amendment supposedly protecting the taxpayers' interest. Do not make me laugh.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am glad to see the Ranking Minority Member from the Committee on Appropriations fighting to reduce waste and to say that he was upset about congressional pork, because I have been here some time and I have been in the minority and I have seen these emergency supplementals and in this case, the gentleman from Wisconsin (Mr. OBEY) was chairman at that time.

When the gentleman can stand on the House floor and take out a single program and say that we are going to decimate these people, we are going to hurt them because of the reduction, and it is only 10 percent, and, in fact, it is a program that has not been authorized by Members of Congress, why do we not just do away with all the procedures here in the House of Representatives and just bring to the floor any idea by any Member at any time and just vote on it? Pretty soon, we can be the brand-new Santa Claus of history where we just vote on bills, not on the basis of merit, but on the basis of emotion.

So I urge my colleagues to look back at this bill and realize that this is not taking away from anybody. The programs are all left in place. This is nondefense. This is nonemergency.

The gentleman from Wisconsin mentioned this huge amount of money that was provided for defense. The gentleman could actually have an amendment here on the floor to reduce that on the floor if he wants. If he really felt that strong about it, why does he not come on the floor and offer an amendment to reduce defense spending? It is an open rule. Let us up or down it.

But the point is that we have to realize that at some point somewhere we are going to have to address these programs and not continue to bring them on the floor without being authorized without being brought to the appropriate committees.

So I urge my colleagues again to consider this modest amendment and vote "yes" on the Stearns amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would like to ask the other gentleman from Florida (Mr. STEARNS) what planet he was on yesterday. The amendment yesterday was to add that $4 billion in waste. And who led the opposition to it? I did. Were you here or some place else yesterday?

Secondly, when I was chairman, the only year I was chairman, we finished every single appropriation bill on time; and we spent less money than the President. This bill going through here, which I am going to vote against, spends $17 billion more than the President asked for; and you are probably going to vote for it.

Mr. STEARNS. Mr. Chairman, can we have the balance of time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 21/2 minutes remaining, and the gentleman from Florida (Mr. YOUNG) has 4 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I would announce that I have only one speaker to close, so I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us talk about what the gentleman from Wisconsin (Mr. OBEY) just indicated, that he was strongly against the appropriations for defense. He said yesterday that he was on the floor objecting to the money that we added for defense. Is that correct?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, no, that is not correct. I said that I supported the core bill yesterday which had the additional money for reimbursement for Pentagon costs to fix the health care problems at the Pentagon and those other items, but I did not support the $4 billion add-on because it was not an emergency and that portion was simply making room for additional congressional pork.

Mr. STEARNS. Mr. Chairman, reclaiming my time, will the gentleman answer whether he is going to vote for final passage of the emergency supplemental?

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, am I going to vote for it? I have been speaking for 2 days in opposition to it. Where have you been?

Mr. STEARNS. So the gentleman is going to vote no?

Mr. OBEY. You bet. It is an outrageous breaking of the bank. But you are going after a gnat instead of an elephant.

Mr. STEARNS. Well, I do not consider this a gnat, one-tenth of——

Mr. OBEY. All right. It is a flea.

Mr. STEARNS. Let us call it a cat or a dog or something. But the point is, it is a start. And so the gentleman from Wisconsin is going to vote against the emergency supplemental. If he is trying to fight for fiscal responsibility, as he has been saying today, then certainly if we are cutting nondefense and nonemergency items and it is something that has not even gone through his Committee on Appropriations that he is the ranking member on, I would think the gentleman would be more than happy to say, "Stearns is a great amendment, I am with you, shoulder to shoulder we will fight for fiscal responsibility."

Mr. OBEY. Mr. Chairman, let me say what my friend, Archie the Cockroach would observe: It is important to have a sense of proportion. What sense is there for a flea to fall in love with an elephant?

Mr. STEARNS. Mr. Chairman, if the budget was a dollar and 10 cents was on the floor, I would try to save 10 cents, which is one-tenth of what we are talking about. So I urge my colleagues to think about it in that term. All the change that we have at home in our bedroom, we save it. We do not throw it in the trash because it might represent one-tenth of a dollar. I am sure the gentleman has pennies at home in a little tray like we all do and these pennies pile up and we go to the bank and take these pennies in. I am sure the gentleman has quarters and dimes.

Mr. Chairman, we are only talking about 10 percent of the nonemergency and nondefense. So if my colleagues are keeping in their pocket right now pennies and dimes and quarters, then I would think they would be somebody that would want to support this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY). I wish he would vote for the bill, though.

Mr. OBEY. Mr. Chairman, I would like to correct the statement of the gentleman from Florida (Mr. STEARNS). He said that I supported the supplemental when I was chairman. There never was a supplemental appropriation bill when I was chairman, so the gentleman is wrong on that fact too.

What the gentleman has done with his amendment, we have got a nice fat sugar donut on the floor and he is managing to go after the hole.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again, I just want to remind the Members that we reduced the President's budget request in the supplemental from over $400 million to $160 million. That was in the nonemergency part of the bill. So we have already made a substantial reduction. But the $420 million worth of offsets, we kept those offsets. So we really made some money for the taxpayer in that regard.

Another point is that defense has become a part of this discussion. I mentioned in my opening comments about the nuclear weapons facilities that we need to upgrade for safety reasons. That is national defense. The nuclear weapons facilities are part of our national defense. They are a major part of our deterrence that says to the rest of the world: Do not mess with America.

But those facilities have to be safe to protect the people who live around them and work around them. The Stearns amendment would make a reduction in monies going to make those nuclear weapons facilities safe. I just cannot accept that amendment. I wish that I could, but I cannot.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, since the subject has been raised, and since the subject of what the content is of this bill and "Who shot John and who has not" in terms of busting the budget, I think it is important to point out the facts on the overall bill.

Mr. Chairman, I yield to the distinguished gentleman from South Carolina (Mr. SPRATT), ranking member on the Committee on the Budget, to illuminate the House on that matter.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding to me.

Mr. Chairman, shortly the House will pass a $12.6 billion supplemental appropriation bill. I guess it will pass. The House should understand that this bill, this supplemental, breaches the spending levels that were set just last week when we passed the House Republican budget resolution passed.

During the debate of the budget resolution, we tried to point out that the Republican resolution assumed 5-year spending cuts of $117 billion, which we did not believe that the Congress, under Democrats or Republicans, was likely to make or would make based on past experience.

The supplemental appropriations bill the House will adopt is $4.1 million in budget authority above the funding level that was assumed just last week in the House budget resolution. And since the extra spending is not fully offset, the surplus for fiscal year 2000, fiscal year 2001, and fiscal year 2002 will be lower.

We had a chart on the House floor last week. We have not been able to blow it up again. We do not have the equipment that they do. I have it run on a single 81/2 by 11 page. It picks up where we left off when I was trying to say last week that if we assume that we do the Medicare prescription drug benefit, 45 billion over 5, 155 billion over 10, and you do what you said you were going to do and pass a $200 billion tax cut, that you would soon be back into Social Security.

Well, there were objections on that side saying we were not distributing the actual revenue losses due to the tax cut properly. So we said give us the numbers. Give us the numbers. We got the numbers, and we have run the numbers. We have added in this particular bill that we are about to pass, this supplemental, and here is how it distributes.

Pass this and pass the budget resolution, enact the resolution that we did last week, and the surplus this year will go to $4.9 billion. Next year, a surplus of $15 billion will go to $7.8 billion. In 2002, pass the budget resolution we did last week, pass this supplemental, factor in the results, in 2002 we are $541 million in deficit. In 2003, we are $172 million in deficit. This is using your numbers and your assumptions and your budget resolutions.

In 2004, we are $68 million in deficit. That is where this takes us, if we also pass the budget resolution. If Members voted for the Republican budget resolution last week, and if they vote for the supplemental today, these numbers, your numbers, clearly say we are headed straight into the Social Security surplus. That is where it takes us. Purely arithmetic. These are the consequences of having this ad hoc resolution on the floor and of having a budget resolution which, frankly, is not realistic.

Mr. Chairman, I am not contesting the validity of items in this supplemental. I support many of them and will probably vote for it. But I am contesting the validity of the budget resolution and the assumption that we can do the things that we did last week, because it did not factor in the things that we are doing this week.

□ 1200

Who in this House, who in this House thinks that the $1.6 billion, or whatever it is we are providing for Colombia, is a nonrecurring item that we will wipe the problem out with this onetime allotment?

Who thinks that these adjustments in military pay to get around the food stamps problem and base housing will not recur again or that we will not have the O&M requirements again in the future?

My colleagues have understated discretionary spending in their resolution; and based upon that understatement, they projected a tax cut that is simply not sustainable. If my colleagues do that, let me repeat it again, if my colleagues who voted for the Republican budget resolution last week, and if my colleagues vote today for this supplemental, according to our calculation and their numbers, they will be back in deficit in a year's time, back into Social Security.

Mr. OBEY. Mr. Chairman, in addition to that, the fact is that, for this fiscal year, rather than the next fiscal year about which the gentleman from South Carolina (Mr. SPRATT) has just been speaking, for this fiscal year, if my colleagues vote for this bill, they are going to be voting for a bill which is $17 billion in spending over the amount the President asked for for this existing fiscal year. I will be interested to see how many so-called fiscal conservatives are going to do that.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 80, after line 11, insert the following new section:

SEC. 5109. The Secretary of Energy shall annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment of the gentlewoman from Ohio (Ms. KAPTUR).

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Pursuant to the order of the House of Wednesday March 29, 2000, the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, the amendment I am proposing is very straightforward. Essentially what it does is it allows the Secretary of Energy at this time of very high gas prices to take a portion of our Strategic Petroleum Reserve, draw it down, and use the proceeds to purchase ethanol and biodiesel, adding those to the reserves that we have across this country. There is no budget impact to this proposal.

Essentially what we are doing here is recognizing that rising gas prices, in fact, harm and create havoc within our economy. This is a great economic vulnerability and a great military vulnerability.

We also recognize that we want to encourage domestic production of all fuels to the best extent possible. My colleagues should know that 92 percent of the fuels, the crude in the Petroleum Reserve, in the SPRO, has been imported. So it is not domestic. In fact, what fueled America this past year, over two-thirds of it is all imported. This is not a position that we should permit for our great country.

This amendment promotes alternative fuels focused on biofuels, specifically ethanol and biodiesel. It is a very reasonable proposal. Even after being implemented, this would represent less than 2 percent of all fuel that is in the reserve.

In addition, it is very competitive in the sense that, if one looks at the prices of ethanol now at about a dollar a gallon, when one purchases the amount we are talking about here, 300 million gallons, and biodiesel at $1.50, we are at the point now where it makes sense to do this.

In addition, let me say, if one looks at the SPRO today, there are about 750 million barrels in it or allowed to be in it. But only 575 million are actually in it, which means we have a shortfall of 175 million barrels. So there is room in terms of the authority that exists within the law.

So I would just ask for favorable consideration of this. In particular, at a time when prices in rural America are so very low, let us use the cellulose, let us use the power of the fields and force of our country and help put us on a course of renewables and not such dependence on imported fuel inside this great economy. I ask for favorable consideration of the membership of what I believe is a very worthy amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) wish to make his point of order at this point?

Mr. YOUNG of Florida. Mr. Chairman, I do.

Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on the appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if exchanging existing law."

The amendment directly amends existing law.

The CHAIRMAN. Does the gentlewoman from Ohio wish to be heard briefly on the point of order?

Ms. KAPTUR. Mr. Chairman, I wish to say I have the greatest respect in the world for the gentleman from Florida (Mr. YOUNG), chairman of the full committee, and also the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

I would hope that, as we move toward conference, we might find some language that would achieve some of what we wish to have happen here, giving direction to the administration at a time in our country where the American people expect us to do more than dither here in the Nation's chief legislative body. I really think we have a reasonable direction here.

I thank the gentleman from Florida for permitting me to talk on this amendment. I will withdraw the amendment in hopes that, as we move toward conference, we might be able to find some reasonable course here to help America find a better way in this new century.

Mr. YOUNG of Florida. Mr. Chairman, we will work with the gentlewoman and try to do that.

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in the CONGRESSIONAL RECORD offered by Mr. PAUL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) The amounts otherwise provided in title I for the following accounts are hereby reduced by the following amounts:

(1) "DEPARTMENT OF JUSTICE—Drug Enforcement Administration—Salaries and Expenses", $293,048,000.

(2) "DEPARTMENT OF DEFENSE-MILITARY—OTHER DEPARTMENT OF DEFENSE PROGRAMS—Drug Interdiction and Counter-Drug Activities, Defense", $185,800,000.

(3) "BILATERAL ECONOMIC ASSISTANCE—Funds Appropriated to the President—Department of State—Assistance for Plan Colombia and for Andean Regional Counternarcotics Activities", $1,099,000,000.

(b) None of the funds made available in title I for "Military Construction, Defense-Wide" may be used for construction outside of the United States or any of its territories or possessions.

(c) None of the funds made available in title II may be used for operations in Kosovo or East Timor, other than the return of United States personnel and property to the United States.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, March 29, 2000, the gentleman from Texas (Mr. PAUL) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to assure the gentleman from Wisconsin (Mr. OBEY) that I am not dealing with a fly, a gnat, or a flea with my amendment. I would rather not categorize this as dealing with an elephant for obvious reasons.

But I would like to say that my amendment deals with what I consider a monster, and that monster to me is careless foreign military interventionism in which we engage way too often and something we are getting ready to further engage ourselves now in Colombia.

I am quite convinced that, when most of the Members go back to their districts, they never brag and they never say that, "I go to Washington, and I always vote for the United States to be the policemen of the world. I enjoy deferring to the United Nations and NATO forces for us to pursue some of our policies overseas." Quite frankly, I believe most of us go home and say that we do not believe that the United States should be the policemen of the world.

Earlier on, we debated the issue of whether or not our allies are paying their fair share, and it is obvious they are not. So not only do we defer to them for policy and we extend ourselves throughout the world, we actually end up paying the bill, as most American citizens know.

Last year, when we were dealing with Kosovo and our initial involvement in there, we had several votes on the floor dealing with the sentiment of the Congress. For the most part, the sentiment was strongly opposed to our military troops being placed in Kosovo.

But, unfortunately, when it came time to deal with the funding, we were all too anxious to permit and authorize and appropriate the money to go into Kosovo. Today we are continuing to fund our activities in Kosovo as well as Bosnia, East Timor, and now with plans to go into South America, principally Colombia.

My amendment deals with this. It would strike these funds, and it would permit funds to be used in Kosovo to bring troops home. Some people argue that if we strike funds for areas like Kosovo, that we are deserting our troops and it will be detrimental to their morale. Quite the opposite. I think it would absolutely be helpful, because the morale of our servicemen cannot get much lower. The morale is low because they do not know what their real function is in areas where we're involved. They have become policemen dealing with local laws as well as Peace Corps type operators.

The morale would be tremendously helped by bringing these troops home. This is what this amendment deals with. And it strikes the funding for the expansion of our efforts in Central America.

In Colombia, there are a lot of weapons already, and we are responsible for 80 percent of them. There is one irony about this bill that strikes me. The administration and many here on the floor who vote for these weapons are the same individuals who are anxious to prohibit the right of an American citizen to own a cheap weapon in self-defense. At the same time, they are quite willing to tax these individuals and take their money to spend it on the weapons of war around the world and become involved in no-win situations.

I cannot think of a worse situation where there is a four-way faction in Colombia for us to get further involved. Buying 63 helicopters is bound to cause trouble and some will be shot down thus requiring more involvement by American troops.

It is time to reassess this policy; to come home. We should not be the policemen of the world. The American people are not anxious for us to do this. They have spoken out. A recent poll has shown that 70 percent of the American people are very anxious for us not to be involved in policing the world. They certainly are not interested in us placing United States troops under the command of U.N. and NATO forces.

This is a good time for the Members of the Congress to decide whether or not they would like to vote clearly and say to the American people, "I do not endorse the concept that we should have an open-ended commitment to the world, to be the policemen of the world." This is what this amendment says. Quite frankly, the large majority of the American people are strongly supportive of this position.

This is a clear amendment. This is not dealing with a gnat or a flea. This is dealing with a principle. Some say this amendment deals with a principle of foreign policy, and we should defer to the President.

That is not correct. Under the Constitution, the words "foreign policy" do not exist. All the obligations fall on the Congress, especially with the power of the purse. The President is the Commander in Chief. But he should never send troops around the world without permission, which all Presidents continuously have done in the last 50 years. This amendment addresses that subject.

I would have preferred an amendment that would have struck some of these funds from overseas and placed them into beefing up the military, increasing the pay of our military personnel, giving them better housing and better medical care, as well as having some of those funds spent here at home. That amendment was not permissible under the rule.

But this point, if my colleagues are anxious to make it, can be made by voting for this amendment. If you are sick and tired of America being the patsy, sick and tired of us picking up the bill, sick and tired of our troops being exposed around the world, this is the amendment to support.

I think this is a very important amendment, and I the American people support it.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to agree with the gentleman from Texas (Mr. PAUL) that this is not an insignificant amendment. This is a major amendment. But here is what it does. It waves the white flag of surrender in the war against the drug lords in Colombia, which provide most of the drugs, illegal drugs that come into the United States. Now we want to wage the effort to eliminate those drugs at their source. This waves the flag of surrender.

I have already talked many times during the various amendments today about the money for Kosovo. This bill is not sending any money to Kosovo. The money spent in Kosovo was already spent. The President made that deployment without getting the approval of the Congress, but the money has been spent. The money was taken from the fourth quarter operations and maintenance accounts of the military services, which means, if we do not replace that money, they have to stand down their training activities for the last quarter.

This amendment is also very significant. It deals with military construction. It says that none of the funds can be used for construction outside of the United States or its territories or possessions.

I wonder if the gentleman from Texas is not familiar with the fact that we have 37,000 American troops in Korea, in and around Korea, in that region, 37,000 American troops. They need some medical facilities. They need some housing, some new housing. The facilities are very old in Korea.

The CINC who just retired from Korea has given us a substantial argument as to why there are military construction requirements in Korea. The new CINC, who has just assumed the job in Korea, has also told us that there are needs in military construction.

This amendment would prohibit us doing for our troops who are in Korea, whether they like it or not, and that is not one of the most favored deployed areas, those needed construction jobs. That to me is significant.

If we cannot take care of our own troops, and we have been there ever since the end of the Korean War, and it is at least a year-long deployment for most of the troops that are there, we cannot even consider supporting this amendment if we believe that we have a responsibility to the Americans who serve in uniform.

□ 1215

And I urge a strong rejection of the Paul amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PAUL. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas has 31/2 minutes remaining.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

I do not believe for one minute this is a surrender to the drug war. This is an acknowledgment that the $250 billion we have spent over the last 25 years has not worked; that the strategy against drugs is wrong.

Why continue a war that does not work? This is money down a rat hole. This is totally wasted money and, as far as I am concerned, only an excuse to sell helicopters and go in to Colombia and protect oil interests. That is the real reason why we are down there.

We say this is only replacement of money for Kosovo. Well, what makes us think if we put the money in and replace it the President will not do the same thing over again? Of course he will. The fact that we are not watching the purse strings tightly enough is the problem.

The gentleman suggests that this would mean that there would be no more building and no support for our troops in Korea. My amendment only deals with the money in this supplemental. What about the current year's budget? Those funds can still be spent. But it also suggests that we shall question how long are we going to be in Korea. It is time to start thinking about these matters. It is time to bring these troops home.

If we want to spend the money, spend it here at home. Spend the money here. Build up our national defense. If we wish to continually expand our interventionism and aggravation overseas, then I guess we have to vote against this amendment and for the bill. But this is a policy statement. Should we continue current policy of forever spending money and being involved overseas? I say it is time to start thinking about what is good for our people, what is good for our taxpayers, what is good for national defense, and what is good for our constitutional republic. Should we be doing this? I do not think so. Are we authorized to do it? No, we are not authorized to police the world.

This is the furtherest stretch of the imagination to believe that what we are spending here on this budget, especially what we are going to do in Colombia, has anything to do with national security. What are we worried about? Are the Colombians going to attack us? This is not national security. This is special interest spending. This is conservative welfarism; that is what it is.

We condemn all the welfare from the left, but we always have our own welfare on the right, and it is not for national defense. We should do less of this military adventurism overseas and put it into national defense, take better care of our troops, which would boost morale, and increase our ability to defend our country. But, instead, what do we do? We subsidize our enemies to the tune of many billions of dollars for a country like China at the same time, when they are aggravated and annoyed with Taiwan, we send more weapons to Taiwan and then promise to send American servicemen to stand in between the two of them.

Some day we should ask the question of whether is this policy in good for us. I am frightened to think that this will only change either when we are in such a mess, a lot worse than Vietnam, or we totally go broke or both. But we should not wait. We should speak out and do what is best for our country. We have a good guideline as to what we should do in foreign policy, and it comes from the constitution, certainly we should note the tradition of the last 50 years. The Constitution gives us the guidance to pursue a proper foreign policy.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN pro tempore. The gentleman from Florida has 7 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, let me take this opportunity to associate myself with the comments of the chairman, the gentleman from Florida (Mr. YOUNG). He is right on on this.

What this amendment does is absolutely ignores the history and the role the United States has played since the days of Harry Truman, and I think that opposition to this amendment is proper and just and it must be defeated.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time and let me begin by congratulating the gentleman in the manner in which he has conducted this debate. I think he has done a wonderful job, both yesterday and today.

I do rise in opposition to this amendment, because I believe it goes too far, it covers too many things, and withdraws from too many places and too many important operations. However, I do want to speak more favorably at least on one aspect of the amendment. This appropriation package has, as its linchpin, aid to Colombia. That is both its greatest strength and, I am afraid, its greatest risk. It is risky because its success in the long run is dependent upon cooperation and commitment, a commitment to justice on the part of the Colombian government, and this is, I am afraid, where I have some doubts.

Just over a year ago three innocent Americans were discovered, their bodies. They had been brutally slaughtered in northeast Colombia, slaughtered while they were educating the people of northeast Colombia, slaughtered by thugs from FARC narcoterrorists. One of these Americans was a constituent of mine, Ingrid Washinawatok of Menominee County, Wisconsin. If we are not careful, I am afraid these three Americans may become victimized yet once again. And here is why.

Last October, this body unanimously, unanimously, passed a Sense of the Congress Resolution which decried these murders, condemned FARC, but also, and this is the most important part, called upon the government of Colombia to arrest and to extradite to the United States for criminal trial these awful people. Some weeks ago, at a subcommittee hearing before the Committee on International Relations, I had the chance to ask our drug czar, the esteemed General Barry McCaffrey, for help in pushing for extradition. He assured me he would, and he assured me that he would keep me and my constituents posted. Unfortunately, I have to report today that we have heard nothing from him.

And now, just recently, we have heard from the president of Colombia that he will not extradite at least one of these murderers, German Briceno. So it looks as though the family of Ingrid Washinawatok may be let down once again. For this initiative, for this initiative aiding Colombia, to work, there must be trust, there must be understanding, and there must be a commitment to justice; and I am afraid that commitment may be slipping away.

I see my friend and colleague, the esteemed chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and I would ask him and ask the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the drug czar, and the President all to help us push for extradition.

I do speak in opposition. I believe this amendment goes too far, but some of the sentiments are valid.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me, because I want to assure him that we will try to work with him in conference, and wherever we can, to assist in his desire in getting this criminal extradited.

Mr. GREEN of Wisconsin. Reclaiming my time, Mr. Chairman, I thank the gentleman. That means a great deal to us. And I thank the chairman of the Committee on Appropriations as well, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to repeat that this is a serious amendment and should be rejected in a very serious way. Now, the issues that our colleague, the gentleman from Texas (Mr. PAUL), has raised, are major policy decisions that need to be made, but this is not the bill to do so.

I would suggest to the gentleman that he should go to the Committee on International Relations or he should go to the Committee on Armed Services to deal with the issues that he has raised. He deserves a debate on those issues but not on this bill. This is an appropriations bill, this is not a bill where policy is set. And so I ask the Paul amendment be rejected in a very strong and serious way.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

To restrict funding for in excess of 300 U.S. military personnel in Colombia.

On page 80 after line 11, insert the following new section:

SEC. . None of the funds made available by this Act may be expended for the support of in excess of 300 United States military personnel in Colombia.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, March 29, 2000, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. YOUNG) claims the time in opposition.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

I ask my colleagues, Mr. Chairman, for a few minutes to try to remember what it was like before we all got caught up in which party we are in and which committee chairman is for something and which committee chairman is against it, and try to remember why I think all of us ran for this office. It was to do good things and to keep bad things from happening.

It is the second point that I would like to discuss today, because I think that the needless loss of an American service person is quite possibly the worst thing that can happen.

The amendment that I am offering today is an effort to keep a bad thing from needlessly happening. Colombia is a dangerous place. The FARC and the ELN, the two primary guerilla groups, now control better than 40 percent of the Colombian countryside. They are well financed, they are well armed, they are well trained. And in increasing instances, they are working in large units to overwhelm Colombian army outposts; and just this week killed about 30 Colombian policemen.

In my opinion, they threaten the Nation of Colombia. And yet the political leaders of Colombia in the past year have reduced their defense spending. The political leaders of Colombia in the past couple of months have actually changed their law so that people who hold a high school diploma are no longer eligible for the draft in Colombia. In private conversations with their business leaders, they tell me, yes, there are taxes on the books, but they do not pay them. And I suspect that they are expecting someone else's kid to defend their country.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We have no problem on this side with the amendment.

Mr. TAYLOR of Mississippi. Reclaiming my time, Mr. Chairman, I thank the gentleman and assure him I will go quickly.

Usually it is some poor uneducated kid from the Colombian countryside, and I get every indication that they expect American kids to fight in a war they will not fight in and the American taxpayers to pay for a war that they will not pay for.

It is with some hesitation that I will vote to help them with America's money and equipment. I will not, however, vote to send America's sons and daughters off to fight a war in Colombia that the sons and daughters of Colombia and their political leaders often will not fight in.

This amendment would limit America's troop strength in Colombia to 300 military personnel. In a hearing before the House Committee on Armed Services last week on Colombia, General Charles Wilhelm, the United States Commander in Chief of the Southern Command, was told of my reservations and asked if he would agree to a troop limitation. His response was:

> Would I be willing, as the Commander in Chief of the United States Southern Command, to subscribe to a properly considered and developed troop cap for Colombia? I certainly would. Categorically, yes.

That was 1 week ago today.

I am asking my colleagues to put such a cap on American troop strength in Colombia. Should it be the will of the majority of this House to break that cap, then it should be done in a deliberate manner and by a vote of this body, and not something that some president on a whim gets us involved in.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think that this amendment is an important one because it helps point out the fact that the strategic thought on the fight against drugs is being directed in the wrong place.

□ 1230

What should happen and should, of course, come from the Colombian military and their government is to put a stop to the traffic, the drug traffic coming across the Andes by air as the Peruvians stopped, and through the three, and only three, mountain passes through the Andes. Instead, we might find ourselves enmeshed in a civil war, going after one-third of the guerillas who, of course, are being supported by the drug trafficking.

The proposed strategy is a 6-year strategy; that should not be. It should be one where you shoot down the airplanes as they fly over the Andes and stop up the three passes and then should we look at assisting in going after the guerillas if that be our policy. Let us go the first things first.

Mr. TAYLOR of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield our 10 minutes for purposes of control to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense Appropriations.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Without objection, the gentleman from California (Mr. LEWIS) will control 10 minutes.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, as my colleague, the gentleman from Pennsylvania (Mr. MURTHA), indicated we are not going to have any problem with this amendment.

Mr. Chairman, I yield 1 minute to my friend, the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Chairman, I thank the distinguished gentleman (Mr. LEWIS of California) for yielding me this time. I do not rise in opposition to this amendment. I would not ask for a rollcall vote on this amendment.

I do have to tell my colleagues in the House that within the last hour, I have spoken to General Wilhelm; and General Wilhelm says that he does not believe this figure of a 300-person cap on military personnel in Colombia is realistic. And he does not know where it came from.

If there was going to be a cap, as he said in his statement before the committee, it should be properly considered and developed. This, I do not believe meets that test. I am not opposed to there being one. And I would hope in the course of the legislative process that that kind of deliberation on what the cap should be and what exemptions might be in order to that cap would be a matter that would be considered.

Mr. LEWIS of California. Mr. Chairman, I have no further requests for time, but I reserve the balance of my time. I am prepared to yield it back as soon as we are through on both sides.

Mr. TAYLOR of Mississippi. Mr. Chairman, I am very grateful for the help of the committee chairman.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I think that it is very, very important, speaking as a Member of the Committee on Armed Services who was there when this statement was made, and reflecting for a moment on very cogent remarks of the gentleman from Virginia (Mr. BATEMAN), the reason that we need to pass this today is to at least set in motion the fact that we are not going to make an open-ended commitment here.

We are dealing with numbers that have been the case so far with the commitment of the United States. It is very, very important in the context of what has happened from Vietnam on that we not find ourselves stumbling into something from which we cannot come back, getting into something from which we cannot retreat if it is found to be necessary. Of course, we need to take into account exactly what should be done with respect to numbers or anything else, but failing to do this today we will find ourselves in a position where that kind of benchmark has not been established.

Mr. Chairman, I think it is very, very important for us to pass this amendment today on the basis that we do not find ourselves drifting inextricably into a situation that we cannot only control, but for the consequences of which may be something that all of us would find most grievous in terms of what the Congress of the United States did.

I recognize that we are near the end of a day in which people may be leaving; that the full attention may not be on this question right now. That is even a more important reason that we pass this amendment today.

Mr. LEWIS of California. Mr. Chairman, I am prepared to yield the balance of my time, presuming the other side is as well.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to thank the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Mississippi (Mr. WICKER) for their assistance in this.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 16 printed in the CONGRESSIONAL RECORD offered by Mr. TANCREDO:
>
> At the end of the bill, add the following section.
>
> SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES—Food and Drug Administration Buildings and Facilities by $20 million.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, March 29, 2000, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Mexico (Mr. SKEEN) each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the proud tradition of the $500 hammer, the $1,000 toilet seat and the $1 million outhouse, the FDA and this bill now bring us a hugely expensive Federal office building in Los Angeles. This building, 133,000 square feet, will cost us, when it is done both in construction and in land acquisition and design, some $53 million. That is an extraordinarily expensive piece of property, and as you can see by this picture here, it looks nothing like what one would consider to be an appropriate design building for a Federal Government agency.

By the way, this amount, this $52 million, $53 million for this 133,000 square foot building does not include the cost of furniture, telecommunications, or security systems. It is just the building and the land. Yes, there are some laboratories in the building, but that does not account for the massive expense.

It is the incredible opulence of this building, the building itself, a rendering of which, by the way, the architect proudly displays on his Web site, and proud he should be.

Look at this thing. Does this look like a building designed with the slightest consideration for cost containment? Of course not. But why should anyone care. After all, it is just government money.

Let us take this $20 million that they are asking this year and use it for debt reduction and not for pork production.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, this construction project is not included in this bill at the request of any Member. This replacement laboratory has been in the agency's program of requirements for some time. It was included in the President's budget request last year, and it was included in the House-passed bill last year.

As we moved towards our conference agreement last year, this was one item that we could not fit within our overall spending levels. But that did not mean that the requirement went away. It only meant that the building has gotten older, more decrepit, and more dangerous for employees.

What is done in this laboratory? This lab does the scientific and analytical work that backs up the FDA's consumer-protection mission, with a heavy emphasis on the surveillance of important products. Fully 25 percent of the agency's laboratory work related to imports is done in this one location.

What happens if this replacement construction is further delayed? Eventually, and the time is soon, operations in the existing facility will have to halt because of the combination of lack of worker safety and questionable scientific results due to substandard conditions.

What happens then? Laboratory work will be performed elsewhere at reduced efficiency and higher costs. Turnaround time on sample analysis will increase, and fresh imported foods being held for this analysis will rot on the dock; or worse yet, unsafe food will find its way to our homes and tables.

So if the goal is to increase the cost of Federal efforts to ensure the safety of imported products, increase the health risks to the American consumer, increase the risk to Federal workers in doing their jobs, and increase the cost of industry of complying with necessary regulation, then, by all means, my colleagues should support this amendment.

I do not support those goals; and, therefore, I oppose the amendment. Mr. Chairman, I ask all Members to oppose this amendment.

Mr. Chairman, I have been on the ground at this facility. It is an absolutely ruinous situation, very dangerous. I do not know whose artistic presentation that was. But in a place where this facility is today, it has to be redone and has to be moved, or we will lose it.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume in response.

Mr. Chairman, first of all, the artist rendering of the building that we presented here is the architect, the architect that has been hired by FDA. This we took off of his Web site. This is not our representation. This is the artist rendering the building that they are going to put on a piece of property that they have purchased for somewhere around $9.8 million is the cost they gave us for land acquisition and for some design.

Let us assume that the design was for a million dollars. Let us assume that the architect got to us for a million dollars for the design. That still means that we paid almost, what, $800,000 or $900,000 an acre for the property on which this is going to sit. And after we do that, we are going to build a building that will cost us $100 to $300 a square foot.

This is enormously expensive, incredibly opulent. This is not a conservative stewardship of tax dollars when it comes to building Federal buildings. And then let me say that my colleague has indicated what happens in this building and he leads us to believe that there is a great deal of concern that we should have if these people do not have all this room.

There is almost, by the way, 700 square feet individual space per employee in this building. The GSA standard, by the way, runs to about 175 feet; and that is even including the expanse outside of one's work space, the average that the GSA indicates. This is a 700-square-foot-per-employee building.

Let me tell my colleagues what is going to go on in this building that is so incredibly important to the health and safety of the Nation. We took this off of the FDA's Web site about what they do. This is what they describe as what will be going on in this building for the Office of Regulatory Affairs:

Advises and assists the commissioner and other key officials in regulations; coordinates, interprets, and evaluates the agency's overall compliance efforts; stimulates awareness within the agency of the need for prompt and positive action to assure compliance; evaluates and coordinates all proposed legal actions to ascertain compliance; executes direct-line authority over all agency field operations; provides direction and counsel to the regional food and drug directors; develops and/or recommends to the commissioner policy programs plans.

All this bureaucratic gobbledygook, which we know really and truly, when we get down to it, what is this all about but a lot of paper shuffling.

We are not talking about a massive building with a great many laboratories in it. What has happened here is that they are consolidating two office buildings and one lab into this building. But the majority is office building, office building.

□ 1245

Look at that office building. I ask my colleagues, how many buildings even here in Washington, DC, do we see that look like that? It is not the cost of what goes on inside that building necessarily or the construction of it that is so expensive, it is what it looks like.

This is something again, even if it is necessary, Mr. Chairman, even if everything that my colleague has said is necessary, I ask, is this an emergency, on the level of the hurricane disaster, on the level of all the other things that we know to be in the true definition of the term emergency it is known to fit. But if some FDA employee has to go to a building that is less convenient, perhaps less opulent, certainly dustier and in a seedier neighborhood, because that is what they list here as being their big problem, they do not like the neighborhood where they presently are housed. They do not like the neighborhood. I am sorry about that. A lot of folks I know are not terribly pleased, but they do not have the luxury of just coming to the Congress and getting $52 million to move out.

I should say to my colleagues that if that is what really prompts this kind of move, it is not an emergency, it should not be in here. If all the things that are true about the need for this kind of construction are there, then it should come through the regular process, go through the regular appropriations process and end up yea or nay on the floor. It should not be in this particular piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 31/4 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. I want to say to the gentleman from Colorado that had he contacted our subcommittee at any point during our discussions on this, perhaps we could have clarified some of the misinformation that he is bringing to the floor. This is not an office building. This is a laboratory. One-quarter of all imported food that comes into our country is probed and the samples from that are sent through this lab.

Keep in mind that in our country today, we only are able to test, the American people cannot even believe this but it is true, less than 2 percent of what comes over our borders. But of what we do test, one-quarter is sent to this lab, which by the way I wish he would put up the picture of the current obsolescent, dilapidated embarrassment that sits in South Los Angeles today that calls itself a building and a lab which is unsafe for the workers to work in.

The reason this is an emergency, and we should have passed this last year, is simply because the building is in such bad shape if this does not pass and we cannot start construction very soon, and this has been a competitively bid project, that means that we are going to have to move everybody out of that lab and put them somewhere else which will be a waste of taxpayers' money. We ought to get this building up. If he takes the trees off that little drawing he has got there and just look at the building, it does not look too fancy to me.

They had to come in within budget, what was budgeted for it. If we think about what is happening in our country today, 5,000 people died last year of food poisoning in our country. Seventy-three million had different types of illnesses related to food. Of what is coming over the border, over 5 percent of what we do test has microbiological pathogens such as E. coli and salmonella and shigella.

This is a serious situation. We should not ask people to work in those kinds of conditions. It is an embarrassment to the city of Los Angeles to have this antiquated structure there. I do not think it would be a very pleasant place to go to work. As conditions are today, it certainly is not. This particular lab located where it is in Southern California, way out there in the Southwest, I am sure his California colleagues do not support this because we have so much produce coming in from Mexico now and it is growing at alarming rates, we have to be able to test this in the public interest.

I should tell the gentleman that the L.A. district, not just this lab or the border but the L.A. district, the region, represents one of the three largest ports of entry for all commodities coming into the United States. This is a place that needs attention. I do not think it would be very wise to shut it down or to try to transfer it to some other part of the country. If we probe in Texas, we have to send the probes over to Los Angeles because we do not have enough money to build other labs. I say let us build a structure that will stand for a number of years.

Mr. Chairman, I would just say to the gentleman, if he had come to our committee and we could have spent time talking with him about this, we would be happy to work with him in the months ahead. I personally will be willing to go with the gentleman out there and see what we have got now. I leave it to the experts to build the new lab, but let us move on with it. It is the 21st century, let us get out of the 19th. Defeat the Tancredo amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

The information that we have about this facility comes to us from the FDA. It is their own information. It is their own documentation. It is the rationale for their budget request. It states that restricted funds will serve to consolidate three district's sites, the laboratory on People Boulevard, the current district office in Irvine, and the San Pedro resident post.

If that has changed and it is a different configuration than this, I will be happy to entertain that consideration, but that is what they said this is for. They also said that this replacement facility was going to house 75 laboratory staff and 120 office personnel at an estimated construction cost of $40.4 million.

Again, $40.4 million for the building and the gentlewoman and I both know that the building will never come in at that amount. When was the last time a Federal building project ever came in at budget? But our best hope is $40.4 million. Again add the $9.8 million to that that we have spent for land and design, and we have got a building that is now approaching $400 per square foot in cost. This is extraordinary.

I repeat, that if all of the information provided is inaccurate that we have here, if there is greater need than what we are able to identify on this floor and certainly than what has been able to be offered here on the other side as a justification for this expenditure, I suggest that all could have been done in an even more appropriate setting and, that is, the regular appropriations process, a committee of reference, not just an appropriations committee but an authorizing committee.

The Citizens for Government Waste has identified this particular project as a particularly egregious example of government waste, and they are supporting the amendment. They and others have looked at this whole thing and recognize that once again it is not just the fact that we may need a building. I am not arguing that point. Some facility may be necessary. I certainly would not stand here and tell Members that all of the claims to the contrary are accurate, but I am saying that a building of this nature is what I am concerned about and a building this expensive. Eight hundred, $900,000 an acre for the building for 10 acres to build a 133,000 square foot building seems to me to be exorbitant.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

I have some questions for the proponent of this amendment. Regarding the gentleman's figures on the cost per square foot of the facility, does the gentleman realize that you do not test for botulism and salmonella in a garage? Does the gentleman understand that you do not test for E. coli with a high school science kit in your kitchen? Would the gentleman be happy if FDA were testing the food that he and his family eat and that the families of all the Members here eat using old, outmoded equipment in poor facilities?

Is there a Member in this body who does not want the country to have the safest and best food supply in the world? Is there a Member in this body who thinks that we can do that on the cheap?

Mr. Chairman, here in Washington, we are pretty good at taking care of ourselves. We have nice offices, nice staff, lots of parking. We even have our own police force. We work here less than half the days in the year. Why then do we expect Federal government employees to protect our food supply and our health every day of every week of every year and not give them the means to do it?

I strongly urge my colleagues to vote "no" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume. I go back again to the information provided by the FDA about what exactly goes on in the Office of Regulatory Affairs for which this building is being constructed, the Office of Regulatory Affairs. I read the list. I certainly did not give a detailed description of each one of these things because, quite frankly, they are quite amorphous. But I assure Members that none of them, not one of the things identified on this entire list except the last thing that says operates the Federal medical products quality assurance program for the agency is even remotely connected to the kind of thing my colleague brings up about what FDA does.

Then we went to the Web site to find out exactly what the medical products quality assurance staff does to determine just exactly how close it came to this quality control issue. Here is what they do. This is again from the FDA. The functional statement for the medical quality assurance staff are develop and maintain liaison with the government agencies procuring medical products, develop and manage operational agreements and systems, receive and process requests from other Federal agencies, maintain liaison, coordinate, direct field and headquarter activities relating to the governmentwide assurance program.

Mr. Chairman, nothing in here, nothing they have given us certainly, would lead us to believe that any of the activities going on in this building reach the level of importance in terms of maintaining the food quality of this Nation that has been identified.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. TANCREDO) has expired.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to say to our colleagues, do not take a safe food supply for granted. We have to thank the lab workers across our country who work at wages below what they would earn in the private sector and in this Los Angeles lab I want to pin a gold star on every one of them because they work under terrible, terrible conditions.

Yet they are there because they are dedicated to the public health and welfare of the people of the United States and to food safety. We still have the safest food supply in the world but we have got some tears in the fabric. One of the answers for us is to try to provide a more modern facility where we can test faster, move more product through and increase the amount of surveillance that we do as imports absolutely avalanche into this country.

Remember, we only check now under 2 percent of the food that you buy, the fresh fruits and vegetables that you buy in the store, we only check less than 2 percent. We have had outbreaks across this country. The question becomes, are we going to put our money where our mouth is in terms of food safety for our families and for our children? Defeat the Tancredo amendment.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

I think the essence of this thing is, Mr. Chairman, I do not know how many Members have seen this FDA laboratory in Los Angeles. I have. It is an absolute ruin. I have been there. I have seen what it is like for the FDA employees who work in the trenches, so to speak, doing the job that we all want them to do to ensure the safety of the food supply. They are in danger of their own situation because the place has been broken into time after time. It is in a terrible location. It is in a terrible state of repair. It is not worth this effort that we have gone through.

I would say to the gentleman, a trip out there to see it would probably change his whole viewpoint because he has been led down the primrose path. Is this construction project an emergency? My answer is "yes." This facility is in such poor shape that it is getting in the way of FDA's performance and its consumer protection mission. That is not a small statement on the situation that we have in this particular laboratory. You have to go and see it. You cannot do it from the presentation that you have had from this today.

I would like to read part of the letter I have received from an association known as the Grocery Manufacturers of America.

I quote:

> On behalf of the members of the Grocery Manufacturers of America (GMA), I want to express support for the continued inclusion in H.R. 3908, the FY 2000 Emergency Supplemental Appropriations Act, of funding for the Food and Drug Administration's (FDA) Los Angeles, California, laboratory facility.
>
> The food industry agrees that FDA must have up-to-date facilities and state-of-the-art laboratory instrumentation to stay on top of the huge task of monitoring imported food products, many of which enter the U.S. through southern California. The current Los Angeles laboratory is an old, outdated facility, with equipment and instrumentation that is quite simply not up to the task. With more than 1 million import entries through this facility alone, the undertaking is enormous and the potential risk to the public of failing to do the job properly is significant.
>
> As you may know, GMA is the world's largest association of food, beverage and consumer product companies. With U.S. sales of more than $460 billion, GMA members employ more than 2.5 million workers in all 50 states. The organization applies legal, scientific and political expertise from its member companies to vital food, nutrition and public policy issues affecting the industry. Led by a board of 42 Chief Executive Officers, GMA speaks for food and consumer product manufacturers at the state, federal and international levels on legislative and regulatory issues. The association also leads efforts to increase productivity, efficiency and growth in the food, beverage and consumer products industry.
>
> Food safety is one of our highest priorities, as we know it is yours. Providing FDA with the funds it needs for its Los Angeles laboratory project is definitely a needed component of a broad food safety agenda, as it will ensure better response and more appropriate scientific evaluations of potential risk from imported foods.

Again, I oppose this amendment, and I ask all members to oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 450, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

□ 1300

AMENDMENT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. BALDACCI:
>
> On page 80, after line 11, insert the following:
>
> "SEC.   . Funds made available under title IV of this act for weatherization activities shall also be available for other building technology assistance conservation activities authorized in law"

The CHAIRMAN. Pursuant to the order of the House of Wednesday, March 29, 2000, the gentleman from Maine (Mr. BALDACCI) and the gentleman from Ohio (Mr. REGULA) each will control 10 minutes.

The Chair recognizes the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to talk about the need for an energy policy, something that the leadership in this Congress has not yet addressed today or for the last 6 years.

The amendment that I have introduced is a modest expansion of a number of programs funded with $19 million for weatherization assistance grants. Although it is a small change, it is all that was allowed; but it raises a larger question: When is this Congress going to do something, and what they do do is counterproductive to the interests of the American public.

When one lives in a State where the temperature dips in below zero and dramatic increases in heating oil prices are serious matters, for people who are on fixed incomes, it has presented a life-threatening choice between paying for the delivery of heating oil or buying medicine, between heating the house and buying groceries.

Now OPEC has decided to increase production and non-OPEC countries have also increased production.

The most important tool that is available to the President of the United States and the Secretary of Energy is said to expire tomorrow, the tool that has allowed them to negotiate with OPEC and non-OPEC countries to increase the production, readily available so that our consumers, our small business people, our truckers, our potato farmers and fishermen can make sure that they have reasonable costs for energy and are not being put on the of business.

Millions and hundreds of millions have been spent on low-income heating assistance and hundreds of millions more need to be spent. The one tool is set to expire tomorrow. It has been languishing in the committee, and an extension has been sought by the President to last until 2003. This reserve was created during the Nation's energy crisis. What tools are we going to have to make sure that OPEC and non-OPEC are increasing their production, and how are we going to be assured that they honor that increase and not another emergency arises?

There have been suggestions in the Office of Energy Information that there may be shortages in New England and California this summer, even with the increased production. This inaction compromises the President's ability to negotiate with our allies. It raises doubts about the President's ability to use the Strategic Petroleum Reserve in emergencies. The last thing that we want to do is to send a message to the world, a message that the President of the United States' ability has been compromised because of the failure of this Congress to act.

Mr. Chairman, I yield 21/2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who has shown leadership in this and many other matters.

Ms. DELAURO. Mr. Chairman, I rise in support of the Baldacci amendment. This year we faced a major crisis in the Northeast where there was not a sufficient oil supply to take care of the people in our districts who desperately rely on home heating oil as the way they heat their homes in cold winters, and we have cold winters in the Northeast. We had a supply problem leading to a serious price increase. Hard-working American families trying to heat their homes, drive to work, fill the tanks of their trucks and boats are suffering from these price hikes.

Two days ago, thanks to heavy pressure from the administration, OPEC and non-OPEC countries agreed to increase the oil supply. This will help to bring prices down.

In the meantime, the Republican leadership of this House has done little more than point fingers at the administration, but it is important to lay out the energy policy of this same Republican leadership over the past 5 years. Their policy abolishes the Department of Energy, sells off the Strategic Petroleum Reserve, slashes funding for alternative energy sources, underfunds conservation programs that would help to make us energy independent, the kinds of programs that are listed in the Baldacci amendment.

What is more, they will not bring up a bill that extends the President's authority to release oil from the Strategic Petroleum Reserve if there is a national emergency in this country. This authority expires tomorrow. This is leverage with the OPEC countries. They would handcuff the President, jeopardize our national security. My God, this would be laughable if it were not so serious.

We need to move forward on a national energy policy, and we should get an energy policy in order. That is why we should immediately reauthorize the President's authority in the Strategic Petroleum Reserve. We should consider our investments in energy efficiency, conservation, alternative energy sources like those listed in this amendment. We should provide tax incentives for our domestic oil and gas industry, and we should set up a Northeast home heating reserve in order to ensure that our constituents do not have to choose between heating their homes and eating their meals.

Mr. Chairman, that is the way to an energy policy. Let us stop pointing fingers; let us roll up our sleeves; let us get to work. Let us start that with the Baldacci amendment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

The gentleman's purpose in offering this amendment is good. The need to reauthorize the Strategic Petroleum Reserve is very real. I would point out that it was delayed downtown for 5 days last year.

However, the gentleman's amendment does not accomplish his stated purpose of reauthorizing the Strategic Petroleum Reserve. Indeed, it deals with another program all together.

Mr. Chairman, I would ask the gentleman to withdraw his amendment, and I give him my commitment to work with him through the appropriate venue to reach his goal of a Strategic Petroleum Reserve reauthorization. I think the gentleman's comments focus our attention on this need, and we certainly will do everything possible to get it done. I hope the administration will support it.

Mr. BALDACCI. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Maine.

Mr. BALDACCI. Mr. Chairman, I appreciate the efforts of the gentleman in wanting to work on this and addressing this in a constructive way, and I look forward to doing that.

I have one other speaker, and then that would be it.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. BALDACCI. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY), a leader in these matters also, and an esteemed colleague here in the Chamber.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for raising this issue of what this Congress has to do in order to deal with the long-term energy security of our country.

Mr. Chairman, we are very fortunate that between 1980 and the year 2000, the percentage of our gross domestic product that oil represents has dropped from 7 percent to 3 percent. That is good. But much of that is as a result of decisions that were made by this Congress. We forced the automobile industry to improve its energy efficiency from 13.5 miles a gallon to 27 miles a gallon. If we had not done that, we would have to import 4 million barrels of oil a day additionally.

The same thing is true with all of our appliances, those with Federal regulation. Money for weatherization, which the gentleman from Maine has wisely used as the vehicle to have this discussion, that money helped, to make sure that homes were more energy efficient, less oil had to be imported.

Now, short term, we do have to reauthorize the Strategic Petroleum Reserve. And this time, maybe we will buy when oil is cheap, $12 a barrel. We will sell when it is expensive. We do it just the opposite in this Congress. We buy when it is expensive, and we sell when it is cheap. If we had 1 billion barrels, we could do 2 million barrels a day for nearly 3 years. Let us give some future President that weapon going up against the heads of the states across this world that seek to hold us hostage. Mr. Chairman, 2 million barrels a day. We do not have that capacity right now. We are down to 560 million. We should still use it. And a regional petroleum reserve, which the gentleman from Maine is leading on, to make sure that New England, New York, New Jersey are not held hostage every single winter.

Moreover, let us talk about better fuel economy standards for our automobiles. If we just increased it up to 35 miles a gallon, we could push out another 2 million or 3 million barrels ourselves. All of Alaska, all of Alaska only gives us 1 million barrels a day. If we have the biggest strike of all time up in Alaska, we might only add another 500,000 million barrels. It does not even touch what we could to make sure homes are weatherized, automobiles are more efficient, refrigerators and stoves and light bulbs do not consume as much energy.

The power is within ourselves, I say to my colleagues. But the Congress acted in the 1970s and 1980s. They have not acted in the 1990s. That is what is central. Short term, Strategic Petroleum Reserve, let us fill it, make sure we can deploy it, a regional petroleum reserve, let us fill it. We are going to have to use that, no question about it. But long term, let us work smarter, not harder. Let us use our advantage in technology. Let us ensure that we make the investment, pass the regulations, and then we can just thumb our noses at OPEC. We have the power within ourselves to do it. We do not have to drill off of the coast of California, off Florida. We can do it in our own vehicles, our own technologies and make ourselves energy independent.

Mr. REGULA. Mr. Chairman, I would point out to the gentleman that it was the Subcommittee on the Interior of the Committee on Appropriations that refused to sell the oil, so it is still there.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague from Ohio for yielding me this time.

Let me just say to the gentlewoman from Connecticut and the gentleman from Massachusetts, I have also had the opportunity to live in New England, and I know how sensitive it is up there. In fact, during the energy crisis I was up there, and I was well aware that people were heating their homes with wood stoves; the cost of energy was soaring. But I thought I would put in the RECORD something that perhaps should be put in. It is not the end of the world if the EPCA, the Energy Policy and Conservation Act, expires. It is supposed to expire, as I understand, tomorrow. It is not the end of the world. In fact, the House and Senate passed a reauthorization for the EPCA on September 30, 1999, last year. It was sent to the President on the day it was to expire. The President of the United States, President Clinton, did not sign it. In fact, he waited 5 days and it lapsed.

So I point out that here it is not a crisis. We are going to take care of this, and I assure my colleagues, I am on the Subcommittee on Energy and Power, and working with the appropriators, we will do this; and I assure the gentleman we will. I am very sensitive and empathetic and sympathetic to what he has to say here.

Mr. REGULA. Mr. Chairman, I would again urge the gentleman to withdraw his amendment. The gentleman has our assurance as well as the authorizing committee that we will deal with this issue. The gentleman pointed out a problem that is necessary for us to take action on, and I commend the gentleman for that.

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to express my appreciation to the gentleman from Ohio (Mr. REGULA). I want to make a point, and then I will ask unanimous consent to withdraw the amendment.

I wanted to raise the point that a year ago, it makes a big difference in the situation that we are now in, in the negotiations that have been taking place, and we have all been watching it. Not just us, but the people we represent and our families, the gas prices, home heating oil prices, daily, hourly, weekly. So it is different, and to take this tool away and not to be sure that he has it to be able to negotiate with our allies diminishes his being able to do the job of the national security interests of this country.

I look forward to working with the gentleman on this matter, this very important matter, and to begin to accomplish some energy legislation in a comprehensive way.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 450, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by Mr. STEARNS of Florida;

Amendment No. 5 printed in the RECORD by Mr. PAUL of Texas; and

Amendment No. 16 printed in the RECORD by Mr. TANCREDO of Colorado.

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 291, not voting 17, as follows:

[Roll No. 91]

AYES—126

Archer
Bachus
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Brady (TX)
Burton
Camp
Campbell
Castle
Chabot
Coble
Coburn
Collins
Condit
Cook
Costello
Cox
Cubin
Cunningham
Deal
DeMint
Deutsch
Doggett
Dooley
Doolittle
Duncan
Ehrlich
English
Ewing
Foley
Fossella
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Inslee
Johnson, Sam
Kasich
Kind (WI)
Kingston
Kleczka
LaHood
Largent
Lazio
Lewis (GA)
Linder
Luther
Maloney (CT)
Manzullo
McInnis
McKinney
Meehan
Metcalf
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Riley
Roemer
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Stenholm
Sununu
Tancredo
Tanner
Terry
Tiahrt
Toomey
Turner
Upton
Vitter
Weldon (FL)
Wu

NOES—291

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett (WI)
Bateman
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Rogers
Rothman
Roukema
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt

Stabenow
Stark
Strickland
Stump
Stupak
Sweeney
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Becerra
Burr
Chenoweth-Hage
Crane
Everett
Franks (NJ)
Granger
Klink
McIntosh
Quinn
Rogan
Ros-Lehtinen
Rush
Spence
Thompson (MS)
Vento
Weiner

□ 1335

Mrs. JONES of Ohio and Messrs. LIPINSKI, BRYANT, MARTINEZ, DAVIS of Virginia, JONES of North Carolina, and NEY changed their vote from "aye" to "no."

Messrs. LUTHER, HUNTER, WU, SESSIONS, DOOLITTLE, MEEHAN, and LAZIO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 450, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 45, noes 367, not voting 22, as follows:

[Roll No. 92]

AYES—45

Archer
Brown (OH)
Campbell
Cannon
Chabot
Coburn
Collins
Combest
Cook
Danner
Deal
DeMint
Dickey
Duncan
Ewing
Gekas
Graham
Gutknecht
Hill (MT)
Hilleary
Hoekstra
Hulshof
Jones (NC)
Largent
Linder
Manzullo
Metcalf
Moran (KS)
Paul
Peterson (MN)
Petri
Pitts
Ramstad
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Sensenbrenner
Shadegg
Simpson
Stark
Tancredo
Terry
Toomey

NOES—367

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Becerra
Burr
Chenoweth-Hage
Crane
Everett
Franks (NJ)
Granger
Hinchey
Hoyer
Istook
Kaptur
Klink
McIntosh
Quinn
Rogan
Ros-Lehtinen
Rush
Spence
Thompson (MS)
Vento
Waxman
Weiner

□ 1344

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1345

AMENDMENT NO. 16 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 16 printed in the CONGRESSIONAL RECORD offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 267, answered "present" 1, not voting 20, as follows:

[Roll No. 93]

AYES—146

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (WI)
Bartlett
Bass
Bentsen
Biggert
Blunt
Brady (TX)
Bryant
Burton
Camp
Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cubin
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle

Duncan
Ehrlich
English
Fletcher
Foley
Fossella
Fowler
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Graham
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Istook
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kleczka
LaHood
Largent
Lazio
Lewis (KY)
Linder
LoBiondo
Luther
Manzullo
McInnis
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Ney
Norwood
Nussle
Oxley
Paul
Petri
Pickering
Pitts
Portman
Ramstad
Reynolds
Riley
Rivers
Roemer
Rogers
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thune
Tiahrt
Toomey
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Young (AK)

NOES—267

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barton
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thurman
Tierney
Towns
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—1

Velazquez

NOT VOTING—20

Bateman
Becerra
Burr
Chenoweth-Hage
Crane
Ehlers
Everett
Franks (NJ)
Granger
Klink
Martinez
McIntosh
Quinn
Rogan
Ros-Lehtinen
Rush
Spence
Thompson (MS)
Vento
Weiner

☐ 1353

Mr. LEWIS of Kentucky changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. EHLERS. Mr. Chairman, on rollcall No. 93, I was summoned from the House Chamber for a meeting and was unable to return before this vote was completed. Had I been present, I would have voted "no."

The CHAIRMAN. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the "2000 Emergency Supplemental Appropriations Act".

Mr. UDALL of Colorado. Mr. Chairman, I rise to express my opposition to this bill.

There are good things in it that I support. The parts of the bill that truly concern "emergencies"—funding to help low-income families cope with sharply rising home heating oil bills; funding to repair damaged roads and bridges and to develop affordable housing for those dislocated by recent floods, tornadoes, and other natural disasters; disaster loans for small businesses, farm aid, and rural economic and community development grants to meet needs arising from natural disasters—these are all important and worthwhile and appropriate purposes for an "emergency" spending bill. Also important is funding that the bill provides for NASA's Space Shuttle upgrades, security at our nation's three nuclear weapons laboratories, and funds to accelerate environmental cleanup of DOE facilities.

But these good things are far outweighed by what I consider to be some very problematic provisions in the bill. One of the most troublesome is the $1.7 billion package for Colombia. I don't doubt the magnitude of the problem that the proposal attempts to address. Indeed, there is much cause for alarm. Colombia produces 80 percent of the world's cocaine and about two-thirds of the heroin consumed in this country, and new estimates show that cocaine production in Colombia is up 126 percent in the last five years. That said, I am not convinced that a costly military approach is the best response to the problem. I believe we should be considering other ways to address the source of the problem—the U.S. demand for drugs—by funding additional treatment and education programs right here at home.

There is very little about the Colombia package that has been shown to merit our support. Think for a moment about the dismal human rights record of the Colombian military. The military would itself be the recipient of the billions of dollars in U.S. aid. Human rights organizations have linked right-wing paramilitary groups to the Colombian military and to drug trafficking and atrocities against civilians. How can we be content to pass a bill that could well make this situation worse?

We should also think about the lack of clear objectives for this program. There is no "exit" strategy spelled out. There is no way to ensure farmers won't resume cultivating drug crops once this billion-dollar assistance package dries up. None of these questions about the long-term goals for this program have been adequately answered. Still, we're being asked to support a program that could draw U.S. troops into a protracted counterinsurgency struggle—and one that may ultimately have little effect on the drug trade.

On top of that, Mr. Chairman, was the adoption of the amendment yesterday that increases military spending levels by an additional $4 billion. That makes my opposition to this bill that much stronger. While I agree that defense health programs and recruitment and retention are areas of legitimate concern. I don't understand why we should make $4 billion exceptions for our military that we can't seem to make for prescription drugs or our children's education or shoring up Social Security. The military budget was increased substantially last year and well may be again this year through the regular appropriations process. This isn't the time or the place to prematurely commit to additional billions of dollars in military spending or to label it as an "emergency" item.

Mr. Chairman, I certainly hope that as we go forward with this year's appropriations process, we do so in a thoughtful and careful manner and that we try to come up with spending bills that deserve the full support of the entire House.

Mr. CROWLEY. Mr. Chairman, I speak today to express my strong opposition to this so-called Supplemental Appropriations bill and to express my outrage at its ridiculous level of funding.

H.R. 3908, as approved by the House Appropriations Committee on March 9, would appropriate $1.701 billion for counter-narcotics activities, including $1.07 billion for Colombia, $4.956 billion for peacekeeping operations in

Kosova and related matters, and $2.243 billion for Hurricane Floyd and other disaster assistance, plus several smaller non-emergency items.

Amendments considered during the course of debate on this measure have dramatically increased its cost.

A major concern of mine regarding this supplemental is that no authorization language was passed to allow Members the opportunity to argue for funding for projects important to them. As a Member of the Committee on International Relations and the Representative of the largest Colombian-American community in the U.S., I was hoping to be involved in the development of our policy on Colombia.

We should have developed a bill that would strike a balance between the needs of international concerns, such as Colombia, human rights and Kosova, and domestic spending priorities. I would have supported such a bill. Unfortunately, despite the inclusion of the amendment by Congressmen GILMAN, GOSS, DELAHUNT and FARR, this supplemental doesn't balance these issues.

Mr. Chairman, the reasons to oppose this legislation are too numerous to list in a short floor statement, so I will just highlight some key issues, mostly dealing with the military and counter-narcotics assistance provided in this package.

First, I object to the fact that such a large change in U.S. policy regarding Colombia and counter-narcotics assistance has not gone through the normal authorization process. The Republican leadership and the International Relations Committee had ample time to introduce legislation and have it debated in Committee. As it now stands, we are appropriating billions of dollars in military and counter-narcotics assistance, and who knows what else, without the benefit of thoughtful policy evaluation that the authorization's process was designed to give.

Second, the supplemental originally sent to the House floor is about $3.8 billion higher than the President's request and the Appropriations Committee had only offset $421 million. Meaning the rest must come out of the budget surplus—not that there is any left after the Republican tax cut scheme passed recently.

Third, while I am extremely supportive of assistance to Colombia, it needs to be the right kind of assistance. The provisions in this legislation dealing with civil society programs are woefully inadequate, especially when compared to the vast funding levels for counter-narcotics assistance.

Mr. Chairman, I have met with Colombia leaders in Washington, D.C., in my Congressional District and in Colombia. I have traveled to Colombia and seen the need for U.S. assistance. I know the problems of the Colombian people and I am especially supportive of judicial reform efforts, but this supplemental is not going to help them.

Fourth, where is the money for domestic prevention and treatment? Interdiction plays a role, but it is next to useless without prevention and treatment programs. Demand will always find supply. Congresswoman PELOSI's amendment should have been protected under the rule.

Fifth, I am troubled by some of the provisions in this supplemental which are being termed an emergency. Certainly, I believe the money for LIHEAP, the assistance for Colombia civil society and money for peacekeeping funds for Kosova warrant an emergency, although one we saw coming last year. However, there are a number of spending provisions which do not come close to meeting the definition of an emergency, yet they are not offset.

Mr. Chairman, I urge my colleagues to oppose the supplemental and I request that the relevant committees be asked to deal with these funding increases through the normal budget process.

Ms. BALDWIN. Mr. Chairman, I rise today in opposition to H.R. 3908, the FY 2000 Emergency Supplemental Appropriations bill. Since coming to Congress last year, I have been determined to carefully review federal spending to ensure we spend our taxpayers money efficiently and effectively. Our Nation has many needs and our government can do much to address these problems. Using our resources wisely is very important.

As a member of the House Budget Committee, I have been fortunate enough to be able to focus on our federal budget and our priorities. Although not perfect, our budget and appropriations process allows for orderly consideration of spending requests. When unexpected expenditures are necessary, we have the flexibility to pass emergency supplemental appropriations bills. However, this process is for true emergencies, not for readily predictable expenditures that can be incorporated into the annual appropriations process.

I don't understand why we are here today considering a bill that would spend more than $13 billion. We do not have $13 billion in emergency spending needs. Most of the money we are spending in this bill is not in response to real emergencies. These initiatives should be considered as part of the normal appropriations process.

Is $1.7 billion in military assistance for Colombia to fight the drug war and its insurgency an emergency?

Is $4.0 billion in military maintenance, health care coverage for our soldiers, and housing upgrades an emergency?

Is $75 million for upgrades to the space shuttle and hiring of 300 new NASA employees an emergency?

Is $73 million for the purchase of a used aircraft for the Foreign Emergency Support Team an emergency?

Is $55 million for workforce and infrastructure improvements at nuclear weapons facilities an emergency?

Is $37 million for operating expenses for the Coast Guard an emergency?

None of these items need to be addressed this month. All of these can wait for the normal funding process. I support many of these spending priorities. For example, the $4.0 billion in benefits for our men and women in uniform is a very worthwhile expenditure, which I would otherwise support. However, this money can be provided as part of the regular appropriations process—it does not require an emergency spending bill.

The majority talks a lot about spending discipline, but what we have before us today a huge spending bill that funds programs that were never authorized. This is not the right way to spend taxpayer money.

Mr. MCGOVERN. I rise today to express my support for the $600 million in emergency LIHEAP funding and to express my disappointment that the disaster relief provided in this emergency supplemental appropriations bill will not help apple growers in the Northeast.

The Low Income Home Energy Assistance Program (LIHEAP) is nothing less than a lifesaver. LIHEAP provides the means for low-income households to purchase energy for their homes. This past winter was one of the coldest in memory. Combined with the high cost of home heating oil, this winter placed a huge strain on many families in the Northeast. Fortunately, President Clinton did the right thing by releasing the entire amount of emergency LIHEAP funds during the course of the crisis.

However, this emergency fund provides relief not only during the winter months but also for the extreme summer heat that occurs throughout this country. The emergency LIHEAP money undoubtedly saved many lives in the Northeast during a true crisis. It is only right that we replenish this fund, and I fully support providing $600 million to do so.

The amount of LIHEAP funding provided in this bill is a stark contrast from years past, when the Republican majority attempted time and time again to cut the funding for this program. I am pleased that the majority has realized the importance of this program. However, I am very disappointed and dismayed that the same Republican leadership has prevented the U.S. House of Representatives from providing emergency disaster assistance to another group that needs our help—namely, the Northeast apple growers.

Many people don't realize that the apple crop in the Northeast was damaged due to adverse weather conditions, including Hurricane Floyd, which caused tremendous damage up and down the East Coast. The crop damage in states like North Carolina and Florida was much different than the crop damage in the Northeast. The crop production in Southern states was damaged by the hurricane. Although production in the Northeast was not affected, the quality of the apple crop was. The damage diminished the value of the apple. Apple growers are now selling their crop at reduced prices because the quality is not as good as it would have been if Hurricane Floyd had not hit the Northeast.

This supplemental appropriations bill contains relief for Hurricane Floyd for some of the states that need help. Unfortunately, the Republican majority does not feel that everyone who needs help should get it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 450, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. OBEY moves to recommit the bill, H.R. 3908, to the Committee on Appropriations with instructions to report the same back to the House with provisions that appropriate $262,000,000 to the Office of National Drug Control policy for grants to recognized national, State, or local prevention and treatment organizations.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, this is a general instruction to the committee. The committee has the authority and latitude to bring a bill back within existing or lower levels, and it is fully authorized.

This motion would require the Committee on Appropriations to report a new supplemental bill that includes $262 million for the Office of National Drug Control Policy for purposes of distributing grants to State, local, or national organizations that provide substance abuse treatment and prevention services.

The intention is to recognize that if the House is going to spend $1.3 billion for source-country control of cocaine, then we ought to include at least some funds for treatment services which, according to the Rand Corporation, are 23 times more effective.

This motion recognizes that only 37 percent of the 5.5 million Americans in need of treatment can get it, and a vote for recommittal will reduce that treatment gap in all of our communities.

If we want to destroy the drug traffickers, we should destroy their source of income. That is the best way to get at them. If we invest in drug treatment and drug prevention, we are destroying their source of income. That is the way to kill them.

Vote for this motion.

Mr. Speaker, I yield to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in support of this motion to recommit. I do this out of respect for the other side and not to lecture anyone. But I, like many of my colleagues, have traveled through Colombia and Peru and Bolivia, took the drug routes, the roads that the drug traffickers took, and met with coca leaf farmers, met with law enforcement and a variety of different other individuals and groups in those countries.

I came to the conclusion that the drug problem is our problem, and for us to solely blame it on those folks is misplaced. Today, we have an opportunity, I think, to correct that. We could do a great service to this country by making sure that we fight the war on our terms and in this country and not in somebody else's country.

Now, for us not to believe that this is our problem, I believe we are sort of like an individual that is addicted. We are in denial. We are in denial that we have to come to grips with this problem.

For us to pick a group of people, whatever country one wants, talk about interdiction, which we ought to do some, but we ought to have drug treatment programs for people in this country.

We as a Congress, Republicans and Democrats, we can do one good thing before we leave here this year, and that is provide a safety net to families, to individuals in this country so that they do not go through the dilemma of, where do I send my young child, where do I send my spouse. We have all been confronted with that. This is a problem that has probably touched every life in this Chamber and probably most families throughout this country.

□ 1400

So I am here today not to just lecture anyone, but simply say that for us to think that it is someone else's problem, that it is not our problem, is misplaced. And if we want to do a service for the people of this country, I think we should recommit this bill, send it to committee, put a program in for people across the country, and I think then we can really talk seriously about a drug war within our borders, not somebody else's.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments, and close by simply saying that we are putting the money in the drug czar's office because this subcommittee which funds this office currently has $262 million remaining under its existing 302(b) allocation. I ask for a vote in support of the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Does the gentleman from Florida (Mr. YOUNG) rise in opposition?

Mr. YOUNG of Florida. Mr. Speaker, I do rise in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, the issue that the gentleman's motion brings to the attention of the House is an important issue and one that in the next few weeks, as we go to prepare for marking up the regular appropriation bills, I would like to work with the gentleman to try to find the proper way to handle this and not just do it here at the last minute. If we were to agree to this motion to recommit, we will have undone basically everything we have done here in the last difficult 16 hours, yesterday and today.

So I just simply ask the Members to vote "no" on the motion to recommit, then vote "yes" on final passage, and then for everyone to have a safe trip back home to their districts, visit with their constituents, and come back next week all fired up for another round.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 194, noes 220, not voting 21, as follows:

[Roll No. 94]

AYES—194

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos

Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—220

Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Archer
Becerra
Burr
Chenoweth-Hage
Crane
Everett
Franks (NJ)
Granger
Klink
McDermott
McIntosh
McNulty
Quinn
Rangel
Rogan
Ros-Lehtinen
Rush
Spence
Thompson (MS)
Vento
Weiner

☐ 1420

Mr. BACHUS and Mr. LOBIONDO changed their vote from "aye" to "no."

Ms. DELAURO and Mr. MCINTYRE changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCDERMOTT. Mr. Speaker, on Rollcall No. 94, I was unavoidably detained at a meeting. Had I been present, I would have voted "aye."

Stated against:

Mr. SCARBOROUGH. Mr. Speaker, on Rollcall No. 94, I inadvertently voted "yes." I meant to vote "no."

The SPEAKER pro tempore (Mr. PEASE). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 263, nays 146, not voting 26, as follows:

[Roll No. 95]

YEAS—263

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Berkley
Berman
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Coble
Condit
Cooksey
Cramer
Cummings
Cunningham
Davis (VA)
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rothman
Roukema
Roybal-Allard
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Scott
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—146

Archer
Baird
Baldwin
Barr
Barrett (WI)
Bereuter
Berry
Blagojevich
Blumenauer
Boswell
Brady (PA)
Brady (TX)
Brown (OH)
Campbell
Cannon
Capuano
Castle
Chabot
Clay
Coburn
Collins
Combest
Conyers
Cook
Costello
Cox
Coyne
Crowley
Cubin
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeMint
Doggett
Doolittle
Duncan
Dunn
Ehlers
Eshoo
Fattah
Filner
Fossella
Frank (MA)
Ganske
Gekas
Goodlatte
Graham
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hinchey
Hoekstra
Holden
Holt
Hooley
Hulshof
Inslee
Jackson (IL)
Johnson, Sam
Jones (OH)
Kaptur
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
LaTourette
Lazio
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
McDermott
McInnis
McKinney
Meehan
Miller, George
Minge
Mink
Moore
Moran (KS)
Nadler
Nussle
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Porter
Ramstad
Rivers

Roemer
Rohrabacher
Royce
Ryan (WI)
Sabo
Salmon
Sanders
Sanford
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Simpson
Slaughter
Stark
Stearns
Stupak
Sununu
Tancredo
Terry
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Waxman
Woolsey
Wu

NOT VOTING—26

Barton
Becerra
Bilbray
Brown (FL)
Burr
Chambliss
Chenoweth-Hage
Crane
Diaz-Balart
Everett
Ewing
Franks (NJ)
Granger
Klink
Largent
McIntosh
McNulty
Quinn
Rogan
Ros-Lehtinen
Rush
Spence
Thompson (MS)
Vento
Walsh
Weiner

☐ 1429

Mr. BLAGOJEVICH changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 95, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. BILBRAY. Mr. Speaker, on rollcall No. 95, had I been present, I would have voted "yes."

Mr. ROGAN. Mr. Speaker, on rollcall No. 95, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. CHAMBLISS. Mr. Speaker, on rollcall No. 95, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. BURR of North Carolina. Mr. Speaker, I regret that I was unable to be present for the vote on final passage of H.R. 3908. Had I been present I would have, albeit reluctantly, voted in favor of the bill.

Stated against:

Mr. BARTON of Texas. Mr. Speaker, on rollcall No. 95, supplemental final passage, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall numbers 91, 92, 93, 94, 95, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall numbers 91, 92, 93, 94, and "aye" on rollcall number 95.

APPOINTMENT OF CONFEREES ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. COMBEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees: Messrs. COMBEST, BARRETT of Nebraska, BOEHNER, EWING, POMBO, STENHOLM, CONDIT, PETERSON of Minnesota, and DOOLEY of California.

There was no objection.

☐ 1430

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3660

Mr. TANNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3660. Apparently, it was inadvertently added without my knowledge or that of my office.

The SPEAKER pro tempore (Mr. PEASE.) Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I ask for this time for the purposes of inquiring from the majority about the schedule for the remainder of this week and the following week.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for this week. The House will not be in session tomorrow. The House will meet next for legislative business on Monday, April 3 at 12:30 p.m. for morning hour, and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m. On Tuesday and the balance of the week, the House will consider the following measures, all of which will be subject to rules:

H.R. 3671, the Wildlife and Sport Fish Restoration Improvement Act of 2000;

H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999;

H.R. 3660, the Partial-Birth Abortion Ban Act of 2000; and

H.R. 1776, which, I might add, is a signature bill for the entire House of Representatives, the American Homeownership and Economic Opportunity Act.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I can ask my friend, the gentleman from New York (Mr. LAZIO) a couple of questions. Does the gentleman anticipate any late night sessions next week?

Mr. LAZIO. Mr. Speaker, if the gentleman will continue to yield, I say to the gentleman from Michigan that the only anticipation of a late night possibly would be on Thursday, and that would be as a result of 1776, the American Homeownership bill, which will be on the floor that afternoon and perhaps evening.

Mr. BONIOR. Mr. Speaker, what about next Friday?

Mr. LAZIO. Mr. Speaker, we are looking at a busy week, and we will know later next week if we will be in for sure for legislative business. Right now I think Members should expect to have business on Friday, but we will know by midweek whether we will actually have to be here for legislative business.

Mr. BONIOR. Mr. Speaker, will the Coverdell voucher bill be brought back to the floor next week? If it will be brought back, can we anticipate that the Rangel-Johnson substitute will be made in order on school modernization?

Mr. LAZIO. Mr. Speaker, if the gentleman will continue to yield, the gentleman is referring to the education savings accounts, which would bring opportunity through investments, public investments, in individual investment accounts that would become available. We are going to continue to have a dialogue about that.

We, obviously, ran out of time this week with the supplemental taking up so much time on the House floor, rightfully so. Of course, next week is very busy. I would suggest that we are not optimistic about it coming up next week, but it is not out of the question.

Mr. BONIOR. Mr. Speaker, will that give us the opportunity to offer a school modernization bill?

Mr. LAZIO. Mr. Speaker, I say to the gentleman, I hope the gentleman will be discussing this also with the gentleman from California (Mr. DREIER), and the Committee on Rules certainly would come to the floor pursuant to a rule. I am sure it will be a fair and responsible rule.

At that point I am sure we will be in a dialogue and the gentleman will be in dialogue with the House leadership, Republican leadership to ensure that we have a means of addressing the gentleman's concerns.

Mr. BONIOR. Mr. Speaker, is the gentleman suggesting that we will have a means to address this issue on the floor if, in fact, you bring up the education opportunity savings act as the gentleman described it?

Mr. LAZIO. Mr. Speaker, if the gentleman would continue to yield, I am sure that the gentleman from Michigan and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, will have a discussion with the Republican leadership and, in particular, the gentleman from California (Mr. DREIER) and the Committee on Rules is expected to, if we do have the time, to take up the education savings account, report out a full, fair, and responsible rule. I hope the gentleman will be satisfied with that outcome.

Mr. BONIOR. Mr. Speaker, that is encouraging to hear that we will have a full, fair, and responsible rule; and we look forward to seeing that.

Finally, as the gentleman from New York knows on March 31, tomorrow, the Strategic Petroleum Reserve authorization expires, and given the success of Secretary Richardson, who is talking with many of our friends and allies around the world to increase production of oil so that we can bring down the price of gasoline at the pump and the heating oil prices, given his great success and the announcements that have been made over the last couple of days, why would we not want to reauthorize that before we left here?

It seems to me that the reserve is a very important piece in this whole energy battle that we are engaged in. I would like an explanation from the gentleman on why we have failed to bring this up for reauthorization before we left here.

Mr. LAZIO. Mr. Speaker, I say to the gentleman that the subcommittee chairman, the gentleman from Texas (Mr. BARTON), has been working with committee Democrats to try and find a common solution, resolve mutual problems. I think it is fully the intention of the gentleman from Texas (Mr. BARTON) and the House to try and find a resolution of these concerns so that we could reauthorize the Strategic Petroleum Oil Reserve, and at the same time address the high price of oil which, the gentleman correctly notes, has caused a great amount of discomfort or worse for people through home fuel oil and also at the gasoline pumps.

I guess we are going to continue to see that Members will work together in a bipartisan fashion at the committee level. If those issues are resolved, I think we can be much more optimistic about seeing a reauthorization on the floor.

Mr. BONIOR. Mr. Speaker, I just wanted to ask my friend, the gentleman from New York (Mr. LAZIO) or my friend from California (Mr. DREIER), is it Glendale?

Mr. DREIER. Mr. Speaker, no.

Mr. BONIOR. Is it Pasadena?

Mr. DREIER. Mr. Speaker, no.

Mr. BONIOR. Mr. Speaker, what is it? Will the gentleman tell me?

Mr. DREIER. Mr. Speaker, it is San Dimas.

Mr. BONIOR. It is right next door, either one of those places.

Mr. DREIER. It is not Mount Clements either.

Mr. BONIOR. Mr. Speaker, would either the gentleman from New York (Mr. LAZIO) or the gentleman from California (Mr. DREIER) apprise me if my colleagues are familiar with the bill H.R. 1649 that was introduced by the gentleman from Ohio (Mr. KASICH) and the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY)?

Mr. LAZIO. Mr. Speaker, I cannot say.

Mr. DREIER. Mr. Speaker, what is the bill?

Mr. BONIOR. Mr. Speaker, it was an act that was introduced to abolish the Department of Energy. I guess the reason I raise it, and I raised it in connection with the failure to reauthorize the Strategic Petroleum Reserve, is that when we look at both of those issues side by side running away from a very important issue that the American people are concerned with right now and then not wanting to authorize the Department of Energy, if actually wanting to abolish it, I just want to try to figure out what is happening on your side with regard to the energy policy.

Mr. LAZIO. Mr. Speaker, if the gentleman would yield, as the gentleman knows, over the last year, the prices per gallon increased from about $10 per barrel to over $30 per barrel before there was any decisive, even comment or any action by the administration.

Now we are beginning to see some of the supply interruption. Perhaps we have some more relief as a result of some of the oil-producing nations agreeing to increase their output. That will probably have more of an effect by increasing output and using our influence, our diplomatic efforts to ensure that our allies and friends increase oil production, than anything particularly we might do with the Strategic Petroleum Reserve. But I also would say to the gentleman that I think it is the intention of working through some of the common interests in a bipartisan way and actually reauthorizing the Strategic Petroleum Reserve.

Mr. BONIOR. Can we expect that to maybe come to the floor soon?

Mr. LAZIO. I would say to the gentleman that I think that probably depends on whether both Democratic and Republican Members can find common ground to allow that to come to the floor. But there are people that have concerns obviously about both oil prices and with the reauthorization.

Mr. BONIOR. One of the ways we can find common ground is first to understand and agree upon the fact that we should not abolish the Department of Energy. Would the gentleman agree that that is probably a reasonable place to start, that we should not abolish the Department of Energy?

Mr. LAZIO. If the gentleman will yield further, I would say that the issue of the Strategic Petroleum Reserve and the success of the Department of Energy through the many difficulties that it has had over the last couple of years, especially given some of the national security issues that have risen are two different issues. So I would not want anyone to believe that the flow of oil, or the interruption of supply, would have anything to do with this legislation that the gentleman is referencing.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. DREIER. I thank my friend from Mt. Clemens for yielding. I would say that I do not see a correlation between the existence of the Federal Department of Energy and the need to bring about a diplomatic strategy to work with our friends in the Middle East and members of the Organization of Petroleum Exporting Countries to bring about some sort of stabilization and a lowering of price and an increase in the supply which obviously is something that we seek.

I will tell the gentleman personally, I do not see a correlation between the existence and the perpetuation of the Federal Department of Energy and the need for the administration using, as President Bush did in the early part of the last decade, putting together a 28-nation coalition to liberate the people of Kuwait. I do not think that it is necessary for a Federal Department of Energy to exist to pursue the goal that we all want to address right now, and that is to bring about a lowering of gasoline and fuel prices for the American people.

Mr. BONIOR. Is the gentleman suggesting that he would agree with H.R. 1649 and his colleagues, the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) and the gentleman from Ohio (Mr. KASICH), to abolish the Department of Energy?

Mr. DREIER. If the gentleman will yield further, I will tell him that in the committee on which my friend used to sit, we are clearly more than willing to look at a wide range of legislative proposals that come forward; and we are happy to look at that one if a committee were to report it out and they would bring it up to our committee.

Mr. BONIOR. It is interesting, I might say, Mr. Speaker, and I will not belabor this, although I do want to yield to my friend from Massachusetts, that in the 5½ years that my colleagues have been in the majority here, they have failed to pass any legislation to protect our energy security and to give consumers and commuters and truck drivers and Northeast homeowners and farmers any protection against these volatile oil prices.

Now we have got this bill that wants to abolish the Department of Energy right on top of what I think is a significant, positive effort on the part of the administration and Secretary Richardson of getting the OPEC countries, as the gentleman from California just mentioned, and the non-OPEC countries like Venezuela, Mexico, and Norway to increase production by almost 2.8 million barrels per day which will and has brought down already the price at the pump.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Speaker, I think the point that the gentleman from Michigan is making is a very valid one. The Senate finished consideration of EPCA, the Energy Policy Conservation Act, last September. The Committee on Commerce in the House finished it last September. So it has been sitting somewhere between the House and the Senate languishing for 6 months right through this entire energy crisis. So the issue is why can we not, especially those of us in the Northeast who are very much dependent upon imported oil, know that the President as of midnight tomorrow night still has the authority to deploy the Strategic Petroleum Reserve that is our weapon against OPEC if he deems it to be necessary?

Why would we have allowed that authority to expire tomorrow? We could have passed it out of here this week, to give the President that authority. We deal with nations. These are the heads of governments that make these decisions. There is no free market in oil in the world. It is all done by governments acting as a cartel. If it happened in any industry in the United States, the Antitrust Division of the Justice Department would break it up. It is illegal. So our President has his own oil field, it is the Strategic Petroleum Reserve, to deploy, to use as a weapon, a bargaining tool with these other countries.

That has helped. That has helped a lot in terms of Secretary Richardson's ability to be able to use that as part of the leverage and getting the highest possible number of barrels as a concession from OPEC over the last couple of weeks. The President is saying, "I won't deploy the Strategic Petroleum Reserve if you give us a million, a million and a half, two million barrels of oil a day." As of tomorrow night, the President's authority to use this expires and all we are asking is when on the schedule will that bill be brought up so that we can give back to the President this leverage he needs in any negotiations with OPEC?

□ 1445

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, let me just comment briefly, and I think the gentleman from Massachusetts will understand that last year, September 30, 1999, we passed and sent to the President our Energy Conservation Policy Act. It was on the day that it expired. So we, with great alacrity and interest, submitted it to the President; and I think the gentleman from Massachusetts realized what the President did, he did not sign it. In fact, he waited 5 days.

So the fact that this expires is not a major crisis, and I think he realizes that from the President himself not signing it when we gave it to him last year.

To answer the gentleman from Michigan as to the point about the Department of Energy, the Department of Energy had nothing to do with the cost per gallon of energy either going from 72 under the Carter administration, the Democrat administration, down to 25 and lower; and now it is going up, notwithstanding the fact we give billions and billions and billions of dollars every day. Even the Secretary of Energy, Mr. Richardson, said we were caught napping.

So after sending billions and billions of dollars year in and year out to this Department of Energy, there are people in Congress, including myself, who felt that perhaps this agency should be reformed. It is an institution that should be changed. It is an institution that is not meeting the demands. I think Secretary Richardson would probably agree today, since he admits that "we were caught napping" after all of this money we spent. I think most people in the House agree that the Department of Energy needs to be restructured.

So that is my comment. I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for his comment. I would just say in response to his last comment, though, that I am glad the gentleman now on his side is moving away from the question of abolishing the Department of Energy, because as the gentleman knows, the act that I referred to, that I cited, is called the Department of Energy Abolishment Act. The gentleman says he just wants to reform it now. So it is good to see there is some movement away from abolishing the department, which has, among other things under its jurisdiction, oil conservation programs, research and renewable energy conservation and research programs; and I could just go on and on and on, and I will with the help of my friend from Massachusetts.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I again thank the gentleman for yielding.

I think people have to understand that part of the Contract with America is the pledge to abolish the Department of Energy. So the Department of Energy, in 1995, 1996, 1997, they were just fighting to exist, not to put together an energy policy that would make us independent of OPEC. Here we sit on the day before the President's authority expires, and we still have not produced a bill out here that we can vote on that can give him that authority to continue to keep that leverage strong against OPEC.

Mr. LAZIO. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Speaker, I thank the gentlemen for both of their comments, but I would not want the House to be left with the impression that somehow it is the House that conducts diplomatic efforts; it is the House that is involved in negotiating with oil ministers; that it is the House that has the discretion through Executive Order to release all or any part of the Strategic Petroleum Oil Reserve.

Let us see if we cannot work together in a bipartisan fashion to actually come to a solution on this reauthorization; and hopefully, jointly, we can keep the pressure on the administration to continue to use more diplomatic efforts to increase production, because in the end, I think that is the best solution for American consumers and for businesses.

Mr. BONIOR. Mr. Speaker, I think due to the spirit in which that was given we accept that, and we thank the gentleman for his constructive comments; and we look forward to working with him in the weeks ahead.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. DREIER. Mr. Speaker, this afternoon a Dear Colleague letter was sent to all colleagues informing them that the Committee on Rules is expected to meet the week of April 3 to grant a rule which may restrict amendments for consideration of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

Any Member contemplating an amendment to H.R. 1776 should submit 55 copies of the amendment and one copy of a brief explanation to the Committee on Rules no later than 5 p.m. on Tuesday, April 4. The Committee on Rules office is located upstairs in H-312, as the presiding officer knows very well, here in the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 701

Mr. DREIER. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 701.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 3, 2000

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 701

Mr. STEARNS. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 701.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REAPPOINTMENT TO BOARD OF TRUSTEES OF THE AMERICAN FOLKLIFE CENTER IN THE LIBRARY OF CONGRESS

The SPEAKER pro tempore. Without objection, pursuant to section 4(b) of Public Law 94-201 (20 U.S.C. 2103(b)), and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House:

Mr. William L. Kinney of South Carolina.

There was no objection.

BREAST AND CERVICAL CANCER TREATMENT ACT

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I urge the leadership to schedule a vote on the Breast and Cervical Cancer Treatment Act on the suspension calendar before Mother's Day. This legislation is really vital to provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer. Giving States the option of providing Medicaid coverage for these women if they are screened by the CDC's early detection program and found to have cancer will help save thousands of lives.

The program currently provides screening for the cancer, but it provides no treatment options, no funding for treatment options for these women. So they have no option to be cured of their cancer, which is a harsh reality. I am currently undergoing treatment for breast cancer, but I am very fortunate because I have insurance.

The funding for this bill was included in the budget resolution that we passed in the House last week and so there really is no reason not to have it passed on the floor by Mother's Day.

INTERNATIONAL ABDUCTION: BRING OUR CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Jeff and Ludwig Koons, a father and his son who have been forced apart because of a country's refusal to abide by the Hague Convention on the Civil Aspects of International Child Abduction.

Jeff Koons's son, Ludwig M. Koons, was born in New York and was abducted from the family residence to Rome by his mother. Mr. Koons was awarded custody in the United States, but the Italian courts refused to accept any American jurisdiction. Mr. Koons won custody in Italy, but the ruling was overturned.

Two investigations were started internally within Europe and within Italy, but they were abruptly stopped when the Italian Supreme Court awarded his ex-wife custody, therefore covering up the tremendous injustices done to Mr. Koons and his son. Their ruling was based on the amount of time Ludwig had been kept in Italy since his abduction. Jeff has been allowed only strictly supervised visitation in Italy.

Mr. Speaker, this 1 minute is not just about Jeff and his son, Ludwig. It is about the 10,000 American children who have been abducted to foreign countries. These children, and the parents they were taken from, are suffering. This House must work together to solve this problem and bring our children home where they belong.

TRIBUTE TO FRANK GIARRIZZO

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I come to the floor of the House today to commend the extraordinary work of Frank Giarrizzo in his efforts to alleviate hunger in Africa.

Ten years ago, Frank served as a Peace Corps volunteer in Malawi. Frank witnessed firsthand the despair brought on by the "hungry season." This is the time when the people run out of the food they have grown, and do not have the money to buy anything until their next crop is ready.

Rather than succumb to the hopelessness of the situation, Frank used it as motivation to solve the problem. He established a program in Malawi known as VEZA, or Village Enterprise Zone Associations. This nongovernment organization works in conjunction with local member associations to help farmers increase production. He helps erect silos in which locally grown grain will be stored until there is a food shortage, such as in the hungry season. The money received for the grain will help to refill the silos after the next harvest. These and other initiatives are all a part of VEZA's aim to alleviate hunger.

It is important to understand that thousands of people in Malawi are alive today thanks to Frank's determination. It is a living example of how one person can truly make a difference.

Mr. Speaker, on behalf of the United States Congress, I want to thank Frank Giarrizzo for his selfless efforts to improve the lives of others.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Connecticut (Mr. SHAYS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE IMPORTANCE OF SPACE RESEARCH TO OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I would like this afternoon to talk about NASA and the recent report regarding the Mars program, as well as a recent poll taken by the Zogby Organization.

As most Americans know, NASA and its efforts to put a man on the moon and our space shuttle from become an integral part of America's history, and as well American culture. Furthermore, it is common knowledge that NASA and its exploits in space is a tremendous motivating factor for young people to study math and science. Indeed, there is an entire generation of Americans who now work in areas of high technology, science and mathematics who were originally naturally motivated to get involved in that arena because of the space race and the tremendous attraction of space.

Indeed, when I travel around the United States and talk to teachers, one of the things I hear over and over again when I tell them where I am from, which is an area of Florida that includes Kennedy Space Center and Cape Canaveral, when I tell them that, they invariably tell me that one of the things that helps them in motivating their kids to take an interest in the study of math and science is the space program and talking to them about the applications of our space program to the future.

Indeed, a recent poll that was released by the Zogby Organization bears up a lot of what I am talking about. This chart I have to my left here gets into this. They asked the following questions, and they had other questions, but I want to focus on these two statements. The first statement is: NASA and space exploration in general is a total waste of taxpayer dollars. The second statement is: the exploration of space is vital to the future of the United States and the world no matter what the cost.

I was very surprised, because amongst young people ages 18 to 29, by a ratio of almost 5 to 1, they supported the second statement rather than the first statement, which contends that space exploration is not important.

When we look at people ages 30 to 39, almost the same ratio, 5 to 1, support NASA. Even amongst the older generation, people over the age of 50, it is about a 2 to 1 ratio.

□ 1500

It averages out, as I show here, to about three to one actually support the ongoing investment in space.

I know that NASA had a tough year last year in some of its areas. Certainly they had tremendous success, as well. There was the recent x-ray mapping mission involving the shuttle, which was a huge success. The Hubble repair mission, as well done by the shuttle, was a huge success. But as everybody knows, they had some failures on two probes that were supposed to go to Mars. I think what we need to do is certainly reassess and reevaluate our whole Mars program and how we are going about that.

It was originally proposed that this new approach would be called faster, better, cheaper. The idea in mind is that you do not build a probe to Mars that takes 7 years to build, that costs $1.5 billion, you build several smaller probes. This way, in case you lose one, the mission of exploring Mars can still move ahead.

I would assert that the fundamentals behind that philosophy were very, very good. It makes a lot of sense to have several smaller probes rather than one big one, because, indeed, in the past we have lost some of these big probes, which are very, very costly.

I would assert that the goal or the mission of faster, better, cheaper needs to be redefined to what it was originally intended to be, maybe something like smaller, swifter, and smarter. I believe that the intent was a good one to send multiple smaller probes, rather than one large probe.

I believe that the reassessment that is going on in the Mars program will ultimately end up yielding better value to the American taxpayer. If we are ever going to send people to Mars so that we can explore that planet, or indeed, even some day colonize Mars, it is critical that we send unmanned probes first to learn more about Mars.

Clearly, this poll shows us that the American people are still behind a strong effort to explore space. We are a Nation of pioneers. That is in our spirit. It should always remain in our spirit. I believe we need to reassess what we are doing with Mars and move ahead with the same kind of focus, indeed, where we are trying to get better value for the American taxpayer and gain knowledge of outer space.

BOLSTERING AMERICA'S DEFENSES

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we just passed a supplemental appropriations bill which had what a lot of folks think was a fairly sizeable chunk of defense spending. It passed by a very large vote.

The vote surprised a number of Members, but I think the reason we had such a large vote, almost a three to one majority in favor of increased defense spending at this time, is because we have cut defense so drastically in the past.

I think most Americans do not realize that, actually, the defense budget we passed this year was approximately $125 billion less than Ronald Reagan's defense budget of 1986.

Now, this chart here shows how defense spending has fallen like a rock over the last 13 years or so. Certainly the dissolution of the Warsaw Pact, the fall of the Soviet Empire, which incidentally, was brought about by America having a strong national defense, but that dissolution means that we do not have to spend as much money on defense as we did in the 1980s.

However, it does not mean that we can absolutely abandon our troops. I am afraid this administration has put together a blueprint for defense over the next several years that, for practical purposes, abandons the troops. Let me go through some of the problems, Mr. Speaker.

Over the last 18 months or so, we have had about 80 crashes of American military aircraft. I have the crashes listed here. I know my colleagues cannot see this fine print, but that involved 90 dead pilots and crew members, and it involved almost every type of aircraft in the American inventory: helicopters, fixed wing, bombers, in some cases.

There was a reason for that. If we look at another graph, this graph shows how mission capability has dropped. Mission capability means the ability to turn on your airplane just like you would turn on the car in your driveway, put it in gear, make it go, and go off and do its mission and come back. So if I ask you, if you had two cars in your driveway and I called you up and said, what is your mission capability rate, and you said, just a minute, you went out, got in both the cars and tried to start them and only one would start and go into gear, you would come back to the phone and say, it is 50 percent, one out of two.

Our mission capability rate of our aircraft across the services over the last several years has been dropping because we are not spending enough money on spare parts, we are not spending enough time on training, do not have enough training money, and we have old airplanes, because we are not replacing the old airplanes with newer airplanes.

So if we look at the Air Force, it has gone from 83 percent mission capability down to 74 percent. That means about 25 percent of the airplanes cannot get off the ground in the Air Force today.

In the Marine Corps, it has dropped from 77 percent to 61 percent. That means about 40 percent of our marine aircraft cannot get off the ground today. In the Navy, it has gone from 69 percent to 61 percent. That means, again, about 40 percent of our Navy aircraft cannot get off the ground and go do their missions.

A lot of Americans do not realize that we have cut our forces down drastically. This chart shows that since Desert Storm, we have cut our forces in America almost in half. These red tanks indicate what we had in 1991, and the blue tanks indicate what we had in 1992 with respect to the Army. So we went from 18 Army divisions to only 10, 546 Navy ships to only about 316 today, and 36 fighter airwings to only about 20.

Unfortunately, the small military that we have today is not as ready to fight as the big military that we had a few years ago because we have cut funding for the military too drastically.

One thing that we have to look at today is the fact that we have cut the shipbuilding budget from a budget that supported almost 600 ships in the U.S. Navy to a budget that, if we build it out by 2020, we are only going to have a 200-ship Navy.

Ammo shortages, we have about a $3.5 billion ammo shortage in the Army, a $193 million shortage in the U.S. Marine Corps, and the list goes on. So we passed this supplemental today that had a $4 billion military package in it that added spare parts, it added training time, it added health care for our retirees and our active duty people that they desperately need. It added a lot of the critical things that we need to make our military work.

It was absolutely necessary. I commend my colleagues for this first small step to rebuild America's defenses.

AMERICA'S ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BLUNT) is recognized for 5 minutes.

Mr. BLUNT. Mr. Speaker, I was amazed at the end of the business day today when there was a discussion on the floor as to whether or not the failure to extend the law that authorizes the strategic oil reserve, and the concerns that many Members have about the Energy Department, somehow means that the Congress of the United States is responsible for the failure to have an energy policy for the last 7 years. It is exactly the kind of wrongheaded thinking that has allowed us to lull ourselves as a Nation into where we are today with gasoline prices, with heating oil prices.

Certainly nobody is going to release the strategic oil reserve if that authorization is not extended for a few days. I think there is a very legitimate question as to who should control the strategic oil reserve. Should it be the Department of Energy or should it be the Department of Defense? What is the purpose of a strategic oil reserve? Is it militarily strategic, or is it strategic in some other way?

In fact, what has happened for the last 7 years is that on all three fronts that we needed to have an energy policy, we have not had an effective energy policy. We have not dealt with the oil-producing nations that we have come to rely too much on for oil and gasoline. We have done everything we could to discourage domestic production. We have not done anything to encourage alternative sources of energy, and in fact, the Secretary of Energy on February 16 said that we were caught napping at the Department of Energy. The administration really did not expect to see these oil prices go up.

That is the same Department of Energy that there were Members on this floor just a few minutes ago saying should unquestionably be given an extended ability to manage the energy policy of the United States. It is part of the same administration that, for 7 years, has really managed to perform the governmental hat trick of looking at the three areas that we ought to be thinking about for more energy independence and doing everything possible to insure that we would have more energy dependence.

We saw the Secretary of Energy in the last few days and weeks going to those oil-producing nations that in the past have been our dependable allies, certainly we have been their dependable ally, and acting as if it was a huge deal to have a small concession of increased production from those countries.

Whenever those countries, some of those countries, came to us and said, we would like young American men and women to come over and defend our country, we did not have the response that, well, we will see if we can do a little something, and we will do it, and we will let you know when it might happen. It will be out there sometime.

That was not our response. Now to assume that that is an acceptable response, something is wrong. Either something is wrong with our relationship with those countries, or something has been wrong in maintaining that relationship.

In terms of alternative sources, the Secretary of Energy just a couple of Sundays ago said maybe the answer is wind power. Well, the answer may not be wind power, the answer may be brain power. The answer may be looking at what we can do to ensure that we are not caught in this same situation 2 or 3 or 4 or 5 years from now, to become increasingly dependent on foreign oil, to do nothing to encourage alternative energy sources in this country, to do everything to discourage domestic supply.

To do everything to really put the internal combustion engine at risk without coming up with any alternatives is an economic travesty. Our economy has some jeopardy right now because of a failure of policy.

For our colleagues to stand up here and say that the Department of Energy needs to be congratulated for what they have done in energy, or the Department of Energy needs to be extended into the future without any question, or that if this Congress questions the Department of Energy, somehow the Congress becomes automatically responsible for the failures of that department and this administration for the last 7 years in this area, does not really meet the test of credibility on this floor or in the country.

I think we need to look very carefully at where we are, how we got here, and what the Department of Energy has had to do with those results that are likely to lead to $2 gas prices and significant challenges to our economy this summer.

OPPOSING CONTINUED U.S. INVOLVEMENT IN THE BALKAN CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker,we have no business in Kosovo. We have no overriding national interest there.

We have heard much vaunted allegations of human rights violations leveled against the Serbian government. Unfortunately, once again, we come to find out that an administration determined to mire us in overseas turmoil has greatly exaggerated the situation to win over a skeptical public and stampede the Congress.

In this case, we were told several months ago that as many as 100,000 Albanian Kosovars were brutally murdered. Now we are looking at a figure closer to 1,000.

What of our continually expanded bombing that eventually included not only public transportation but medical facilities, nearly 100 schools, churches, and homes? What of the innocent deaths we inflicted with tax dollars of the citizens of the United States? What have we done here? What were the objectives of our President's most recent adventure? What are the results?

We were told when we went into Kosovo that we went there to stop ethnic cleansing. It continues with a vengeance, this time with the acquiescence of our own forces.

The KLA, not 2 years ago classified by our own State Department as a heroin-financed terrorist organization, soon to be vaunted by the Clinton administration as freedom fighters, now roams the countryside brutalizing innocents, not only Serbs but gypsies, Muslims, Slavs, and Albanians opposed to their thuggishness.

□ 1515

Bishop Artemije of the Diocese of Kosovo stated one month ago before the Helsinki Commission, and I quote, "More than 80 Orthodox churches have been either completely destroyed or severely damaged since the end of the war. The ancient churches, many of which survived 500 years of Ottoman Moslem rule, could not survive 8 months of the internationally guaranteed peace. Regretfully, all this happens in the presence of KFOR, the NATO peacekeeping force in Kosovo, and the U.N."

Yes, we have cast our lot with the KLA and its affiliates, an organization dedicated to its own version of ethnic cleansing. Removal of all non-Albanians from a region that not only includes Kosovo, but also southern Serbia and Macedonia, with its Albanian minority.

We were told we went into Kosovo to "stabilize the Balkans." Initially, the ambiguity of our policy gave the green light to separatist movements around the region. Today, in both Bosnia and Kosovo, we are committed into the future as far as the eye can see. When I was able to cause a vote on the floor of the House on the incursion into Bosnia, a vote the administration did not want to take place, I stated on this floor, Mr. Speaker, that Mr. Clinton would not keep his promise to us.

What was his promise? That he would send our American troops home from Bosnia by December 20, 1996. I ask, Mr. Speaker, what stability have we achieved in the Balkans? And at what price to this Nation? Can anyone share with this Congress a realistic exit strategy from this quagmire?

In the Kosovo region, yesterday's Washington Post tells us that Kosovar militias still refuse to disarm and are now destabilizing southern Serbia. A new confrontation with Milosevic and a new refugee crisis is feared. And what will we do with a violent KLA we empowered when it turns its sights on Macedonia, which also has an Albanian population?

I agree with Senator Kay Bailey Hutchison's assessment of our Balkan interventions recently published in the Financial Times. She said, "NATO has got to get off of this merry-go-round. It must acknowledge that imposing multicultural democracy at the point of a gun is not working."

Mr. Speaker, we were told we went into Kosovo to thwart the Serbian ruler there, Milosevic. What have we accomplished here? Milosevic is more firmly in place than ever; hard-liners in Serbia in a better place than ever before due entirely to our intervention; the bombing of civilians; the vilification of the Serbian people; and, the destruction of the Serbian culture under our occupation.

We were told we went into Kosovo to ensure the credibility of NATO. But did we do this by violating the first section of the NATO charter by launching a war against a sovereign Nation that has committed no aggression against any of its neighbors? NATO's strength was that it was a shield, not a sword. Some skeptics say that NATO actions were one of justification, considering their original mission was to protect Europe from a Soviet Union that no longer exists.

The costs of Kosovo? Displacement of hundreds of thousands of Kosovars. Displacement of hundreds of thousands of Serbs and expansion of conflict into Serbia proper. The potential instability of Macedonia and a new and probably undying hatred for the United States on the part of Serbians, and from what we have recently seen, Albanian Kosovars as well, as a result of this foolhardy intervention.

Mr. Speaker, we need to bring America home. We can be a light to the world. We cannot be agents of violence as enforcers of one dubious cause after another without accumulating some frightful costs and terrible consequences.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Becerra (at the request of Mr. Gephardt) for today on account of official business.

Mr. McNulty (at the request of Mr. Gephardt) for today after 2 p.m. on account of personal reasons.

Mr. Rush (at the request of Mr. Gephardt) for today on account of official business in the district.

Mr. Burr of North Carolina (at the request of Mr. Armey) for today on account of attending a funeral.

Mrs. Chenoweth-Hage (at the request of Mr. Armey) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Weldon of Florida) to revise and extend their remarks and include extraneous material:)

Mr. Shays, for 5 minutes, today.

Mr. Burton of Indiana, for 5 minutes, April 5.

Mr. Gutknecht, for 5 minutes, today.

Mr. Norwood, for 5 minutes, today.

Mr. Weldon of Florida, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Davis of Illinois, for 5 minutes, today.

Mr. Underwood, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. Metcalf, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 29, 2000:

H.R. 5. To amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, April 3, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6863. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Revisions to Handling Requirements [Docket No. FV99-932-3 FR] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6864. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300963; FRL-6485-2] (RIN: 2070-AB78) received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6865. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emamectin Benzoate; Pesticide Tolerances for Emergency Exemptions [OPP-300958; FRL-6398-5] (RIN: 2070-AB78) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6866. A letter from the Assistant General Counsel for Regulations, Office of the Chief Procurement Officer, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Acquisition Regulation; Miscellaneous Revisions [Docket No. FR-4291-F-02] (RIN: 2535-AA25) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6867. A letter from the Assistant General Counsel for Regulations, Office of the Chief Procurement Officer, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Acquisition Regulation; Miscellaneous Revisions [Docket No. FR-4115-F-03] (RIN: 2435-AA24) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6868. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Non-Discretionary Funding Provisions of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (RIN: 0584-AC77) received December 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6869. A letter from the Director, Office of General Counsel, Office of Personnel Management, transmitting the Office's final rule—Processing Garnishment Orders for Child Support and/or Alimony and Commercial Garnishment of Federal Employees' Pay (RIN: 3206-AI91) received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6870. A letter from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting the Department's final rule—Nondiscrimination on the Basis of Disability in Air Travel [Docket OST-96-1880] (RIN: 2105-AC28) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6871. A letter from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Magnetic Levitation Transportation Technology Deployment Program [FRA Docket No. FRA-98-4545; Notice No.3] (RIN: 2130-AB29) received January 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6872. A letter from the Fiscal Assistant Secretary, the Department of the Treasury, transmitting the 2000 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106-220); to the Committee on Ways and Means and ordered to be printed.

6873. A letter from the Fiscal Assistant Secretary, the Department of the Treasury, transmitting the 2000 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106-221); to the Committee on Ways and Means and ordered to be printed.

6874. A letter from the Fiscal Assistant Secretary, the Department of the Treasury, transmitting the 2000 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 106-219); jointly to the Committees on Ways and Means and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3671. A bill to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; with an amendment (Rept. 106-554). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STUMP (for himself, Mr. Evans, Mr. Quinn, and Mr. Filner):

H.R. 4131. A bill to increase, effective December 1, 2000, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE:

H.R. 4132. A bill to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

By Mr. EVANS (for himself, Mr. Clay, Mr. DeFazio, Mr. Frank of Massachusetts, Mr. Holden, Ms. Kaptur, Mr. Sanders, and Mr. Wynn):

H.R. 4133. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4134. A bill to amend title 10, United States Code, to authorize transportation on military aircraft on a space-available basis for veterans with a service-connected disability rated 50 percent or more; to the Committee on Armed Services.

By Mr. HEFLEY:

H.R. 4135. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY:

H.R. 4136. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEFFEL (for himself, Mr. Lipinski, Mr. Borski, Ms. Millender-McDonald, Mr. Nadler, Ms. Carson, Mr. Waxman, Ms. Schakowsky, Mr. Engel, Mr. Brady of Pennsylvania, Mr. Fattah, and Mr. Markey):

H.R. 4137. A bill to make Federal law apply to antique firearms in the same way it applies to other firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Gutierrez):

H.R. 4138. A bill to amend section 249 of the Immigration and Nationality Act to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States prior to 1986; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. Dicks):

H.R. 4139. A bill to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington; to the Committee on Resources.

By Ms. MILLENDER-McDONALD:

H.R. 4140. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS prevention efforts; to the Committee on International Relations.

By Mr. GOODLING (for himself, Mr. Castle, Mr. McKeon, Mr. Ballenger, Mr. Petri, Mrs. Roukema, Mr. Boehner, Mr. Barrett of Nebraska, Mr. Hilleary, Mr. Greenwood, Mr. DeMint, Mr. Isakson, Mr. Fletcher, Mr. McIntosh, Mr. Norwood, Mr. Upton, and Mr. Sam Johnson of Texas):

H.R. 4141. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. Traficant, Mr. Oxley, and Mr. Green of Wisconsin):

H.R. 4142. A bill to amend section 3729 of title 31, United States Code, popularly known as the False Claims Act, to eliminate the minimum fine under that section; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina:

H.R. 4143. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself, Mr. Ney, Mr. Bachus, Mr. Boucher, Mr. Holden, Mr. Klink, Mr. Mollohan, Mr. Murtha, Mr. Strickland, and Mr. Wise):

H.R. 4144. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself, Mr. Sweeney, Mr. Porter, Mrs. Wilson, Mr. Hyde, Mr. Phelps, Mr. Ewing, Mrs. Biggert, Mr. Evans, Mr. LaHood, Ms. Schakowsky, Mr. Davis of Illinois, Mr. Blagojevich, Ms. McCarthy of Missouri, Mr. Sawyer, Mr. Tierney, and Mr. Markey):

H.R. 4145. A bill to improve safety standards for child restraints in motor vehicles; to the Committee on Commerce.

By Mr. SMITH of Michigan (for himself, Ms. Eddie Bernice Johnson of Texas, Mr. Weldon of Florida, Mr. Bishop, Mr. Boehlert, Mr. Andrews, Mr. Ehlers, Mr. Sherwood, Mr. Larson, Mr. Barcia, and Mr. Upton):

H.R. 4146. A bill to authorize appropriations to address the needs of State and local emergency responders, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Commerce, Resources, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 4147. A bill to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. Hayworth):

H.R. 4148. A bill to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes; to the Committee on Resources.

By Mr. DICKEY (for himself and Mr. Watts of Oklahoma):

H. Con. Res. 296. Concurrent resolution expressing the sense of the Congress regarding the necessity to expedite the settlement process for discrimination claims against the Department of Agriculture brought by African-American farmers; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

300. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1838 Joint Resolution memorializing the President of the United States, the Congress of the United States and the Secretary of Energy to release from the Strategic Petroleum Reserve for sale to critically affected regions; to the Committee on Commerce.

301. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution 139 memorializing the United State Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

302. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution No. 130 memorializing the United States Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and to support the convention's continuing goals; to the Committee on International Relations.

303. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 4 memorializing the United States Congress to adopt legislation establishing loan guarantee programs or other mechanisms for the delivery of local television satellite signals to markets not receiving local television satellite signals; jointly to the Committees on Commerce, Agriculture, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mrs. Morella and Mr. McHugh.

H.R. 49: Ms. Dunn.

H.R. 72: Mr. Goode.

H.R. 73: Mrs. Emerson.

H.R. 303: Mr. Udall of Colorado.

H.R. 371: Mr. Nadler.

H.R. 443: Mr. Coyne.

H.R. 488: Mr. Tierney.

H.R. 531: Mr. Toomey and Mr. Barr of Georgia.

H.R. 538: Mr. Gordon.

H.R. 701: Mr. Sweeney.

H.R. 793: Mr. Hall of Texas.

H.R. 828: Mr. Buyer.

H.R. 864: Mr. Coble and Mr. DeMint.

H.R. 979: Mr. Gutierrez, Mr. Baird, Ms. Pelosi, Mr. Engel, Mr. Dingell, and Mr. Price of North Carolina.

H.R. 1041: Mr. Condit, Ms. Ros-Lehtinen, Mr. Collins, Mr. Moran of Kansas, Mr. Ballenger, Mr. Buyer, and Mr. Taylor of Mississippi.

H.R. 1109: Mr. Rangel.

H.R. 1182: Mr. Saxton.

H.R. 1187: Mr. Davis of Florida, Mr. Tancredo, Mr. Goodlatte, Mr. Bonilla, Mr. Rahall, Mr. Toomey, Mr. Hinojosa, Mr. Baca, Mr. DeMint, and Ms. Norton.

H.R. 1227: Mr. Fattah.

H.R. 1228: Mr. Moakley, Mr. Ortiz, and Mrs. Maloney of New York.

H.R. 1247: Mr. Engel.

H.R. 1294: Mr. Tauzin, Mr. McCollum, and Mr. Herger.

H.R. 1322: Mr. Meeks of New York, Mr. Dixon, Ms. Millender-McDonald, Mr. Pitts, Mr. Mica, Mr. Fletcher, Mr. Owens, Mr. Smith of Texas, Mr. Cunningham, and Mr. Towns.

H.R. 1388: Ms. DeGette, Mr. Ackerman, and Mrs. Christensen.

H.R. 1413: Ms. Carson and Ms. Stabenow.

H.R. 1414: Mr. Sandlin.

H.R. 1432: Mr. Quinn.

H.R. 1472: Mr. LoBiondo.

H.R. 1577: Mr. Goode.

H.R. 1728: Mr. Reyes, Mr. Ackerman, and Mr. Goode.

H.R. 1824: Mr. Gary Miller of California.

H.R. 1898: Ms. Berkley.

H.R. 2119: Mr. Markey.

H.R. 2120: Mr. Levin.

H.R. 2221: Mr. Young of Alaska.

H.R. 2267: Ms. Lee.

H.R. 2282: Mr. Smith of New Jersey.

H.R. 2382: Mr. Calvert.

H.R. 2573: Mr. Markey.

H.R. 2660: Mr. Simpson.

H.R. 2697: Mr. Kucinich.

H.R. 2720: Mr. Deutsch and Mr. Klink.

H.R. 2733: Mr. Brady of Pennsylvania and Mr. Ehlers.

H.R. 2892: Ms. DeGette.

H.R. 2919: Mr. Oxley.

H.R. 3003: Mr. Ballenger.

H.R. 3195: Mr. Barrett of Wisconsin, Mr. Engel, and Ms. McKinney.

H.R. 3235: Ms. Woolsey and Mr. Payne.

H.R. 3249: Ms. Schakowsky, Mr. McHugh, and Mr. Deutsch.

H.R. 3295: Mr. Evans and Mr. Meeks of New York.

H.R. 3308: Mr. DeFazio.

H.R. 3313: Mrs. Morella.

H.R. 3514: Mr. Levin.

H.R. 3561: Mr. Stark.

H.R. 3575: Mr. Porter.

H.R. 3593: Mr. Frost and Mrs. Thurman.

H.R. 3634: Mr. Udall of Colorado, Mr. Tierney, and Mr. Pastor.

H.R. 3671: Mr. Calvert, Mr. Stupak, Mr. Sherwood, Mr. Souder, Mr. Shuster, Ms. Pryce of Ohio, and Mr. Chambliss.

H.R. 3682: Ms. Slaughter.

H.R. 3700: Mr. Owens, Mr. Kleczka, and Mr. Clyburn.

H.R. 3710: Mr. Levin and Mr. McGovern.

H.R. 3842: Mr. Upton, Ms. Eddie Bernice Johnson of Texas, Mr. Holden, Mr. Goode, and Ms. Baldwin.

H.R. 3850: Mr. Moran of Kansas.

H.R. 3872: Mr. Rahall, Mr. Paul, Mr. McGovern, Mr. Manzullo, and Mr. Buyer.

H.R. 3873: Mr. Hinojosa, Ms. McKinney, Mr. Tierney, Ms. Carson, and Mr. Conyers.

H.R. 3880: Mr. Waxman, Mr. Owens, Ms. Hooley of Oregon, and Mr. Rogers.

H.R. 3905: Ms. Dunn and Mr. Jefferson.

H.R. 3910: Mr. McHugh, Mr. Camp, and Mr. Dickey.

H.R. 3916: Mr. Kennedy of Rhode Island and Mr. Fossella.

H.R. 4017: Mr. Campbell.

H.R. 4033: Mr. Rangel, Ms. DeGette, Mr. Mica, Mr. Gordon, Ms. Stabenow, Mr. Pickering, Mr. Peterson of Pennsylvania, Mr. Spence, Mr. Blumenauer, and Mr. Gillmor.

H.R. 4040: Mr. Gilman.

H.R. 4055: Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Gallegly, Mr. Burr of North Carolina, Mr. Roemer, Mr. Sanders, Mr. Nadler, Mrs. Tauscher, Mr. Sandlin, Mr. Waxman, Mr. Dooley of California, Mr. Evans, Mr. Frelinghuysen, Mr. English, Mr. Walsh, Mr. Terry, Mr. Pomeroy, Mr. Barrett of Nebraska, Mr. Hayworth, Ms. Roybal-Allard, and Mr. Bereuter.

H.R. 4067: Mr. Bereuter.

H.R. 4082: Mr. Manzullo, Mr. Watkins, and Mr. Goode.

H.R. 4094: Mr. Sawyer, Ms. McCarthy of Missouri, Mr. Wexler, Mr. Vento, Mr. Holden, Mr. Gutierrez, Mr. Inslee, Mr. Martinez, Mr. Thompson of California, Mr. Hinojosa, Mr. Udall of Colorado, Mr. Rodriguez, Ms. Slaughter, Mr. Smith of Washington, Mr. Wynn, Mr. Rothman, and Ms. DeGette.

H.R. 4112: Mr. Barr of Georgia.

H.R. 4122: Mr. Thompson of California and Mr. Strickland.

H. Con. Res. 115: Mr. Waxman, Mr. Tierney, and Mr. Brady of Pennsylvania.

H. Con. Res. 252: Mr. Davis of Florida and Mr. Gonzalez.

H. Con. Res. 259: Mr. Kuykendall, Mrs. Lowey, and Mr. Blumenauer.

H. Con. Res. 262: Mr. Baker and Mr. Ose.

H. Con. Res. 293: Mr. Pickering and Mr. Lewis of Georgia.

H. Res. 163: Mr. Holt, Mr. Burr of North Carolina, Mr. Price of North Carolina, Ms. Schakowsky, Ms. Woolsey, Ms. Carson, and Ms. Kilpatrick.

H. Res. 213: Mr. Rangel.

H. Res. 238: Mr. Brady of Pennsylvania and Mr. Ehlers.

H. Res. 420: Mrs. Thurman, Mr. Bilbray, and Mr. Packard.

H. Res. 437: Mr. Brady of Pennsylvania, Mr. McGovern, and Mr. LaFalce.

H. Res. 452: Mr. Hall of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 701: Mr. Stearns and Mr. Dreier.

H.R. 3660: Mr. Tanner.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

79. The SPEAKER presented a petition of Luis F. Crespo High School Camuy, Puerto Rico, relative to a Resolution petitioning the President of the United States and Congress to withdraw the US Navy from the Island of Vieques, return the lands occupied by the US Navy to the people of Vieques, to condemn the murder of David Sanes and total indemnity for the damages caused by military occupation; to the Committee on Armed Services.

80. Also, a petition of Mr. Gregory D. Watson of Austin, Texas, relative to a Resolution petitioning Congress to direct the Congressional Research Service division of the Library of Congress to conduct an exhaustive inventory of the legislative records of all 50 states—dating back to the beginning of statehood in each individual state—in order to ascertain all applications (and recissions of applications), pursuant to Article V of the United States Constitution, made by the legislatures thereof, for conventions to propose, subject to ratification, amendments to the Federal Constitution; and to publish the results of such comprehensive inventory; to the Committee on House Administration.

81. Also, a petition of Colorado Water Conservation Board, Department of Natural Resources Denver, Colorado, relative to a Resolution petitioning the President of the United States and the House of Representatives to support HR-3112 and the construction of the modified Animas-La Plata Project; to the Committee on Resources.

82. Also, a petition of National Conference of Lieutenant Governors, relative to a Resolution petitioning the United States Congress to amend the Internal Revenue Code to

increase the annual state ceiling on tax-exempt Private Activity Bonds and to index the ceiling to inflation; to the Committee on Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1776

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of title IV, add the following new section:

SEC. 408. CDBG SPECIAL PURPOSE GRANTS.

Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "$60,000,000" and inserting "$95,000,000"; and

(B) by striking "subsection (b)" and inserting "this section"; and

(2) by striking subparagraph (G) and inserting the following new subparagraph:

"(G) $35,000,000 shall be available in fiscal year 2001 for a grant to the City of Youngstown, Ohio, for the site acquisition, planning, architectural design, and construction of a convocation and community center in such city;".

SENATE—*Thursday, March 30, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed Father, thank You for motivating millions of Americans to pray for the women and men of this Senate and all of us who are privileged to work with them. Around the clock, prayers of intercession are prayed for the work of this Senate. Help us to remember that You are seeking to answer those prayers as the Senators are offered Your wisdom and guidance. Your mighty power is impinging on them as a result of people's prayers. An unlimited supply of supernatural strength and vision from You is ready to be released because of the faithful intercession of Your people. Grant the Senators a sense of awe and wonder and humility by realizing that their creativity comes from Your Spirit as a result of the prayers of the American people.

Help us to be ready to pray for each other here in the Senate family. We renew our commitment to pray not only for those with whom we agree, but also for those with whom we disagree, our political adversaries and those who test our patience. Bind us together as prayer partners as we deal with the diversity of ideas, for You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mr. GRAMM. Mr. President, I understand the Democrat leader has a statement to make. Let me just say to our colleagues, we are going to take up the bill providing loan guarantees to those who would develop the technology and make the investments to bring local television to rural America. We expect there to be opening statements this morning. Let me say, since there is no one here on the other side to debate the issue, I intend at some point to ask unanimous consent that we might have an hour or so for opening statements and then I might be recognized to offer an amendment at that point. If there is an objection to that, then I will go ahead and offer an amendment at the conclusion of my statement.

Let me say we should have votes throughout the day. We are confident we will finish this bill today—or we hope to.

Following the disposition of this bill, there will be a cloture vote on the motion to proceed to the gasoline tax legislation. After the cloture vote, the Senate will begin a period of morning business with statements expected by Senator BROWNBACK on the marriage penalty.

I thank our colleagues for their attention.

Mr. President, before I go into a discussion of the bill, I ask unanimous consent I might yield to the Democrat leader to make a statement on his leadership time, and then that I might be recognized to make the initial opening statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, while the two managers of the bill are on the floor, the Senator from Texas asked that there be an hour for opening statements. The Senator from Maryland, the manager on the minority side, thinks that is a good idea.

Mr. GRAMM. Mr. President, that being the case, let me ask unanimous consent, following the comments of the acting Democrat leader, that there be an hour equally divided for opening statements and that at the conclusion of that hour I be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

GAS TAX REPEAL

Mr. REID. Mr. President, I want to take a little while this morning to lay the foundation for a vote we will be taking later today. There is going to be a limited amount of time to talk about the cloture vote on the gas tax repeal.

No one is happy about the cost of gasoline in America today. It is something of which we are all aware, especially those of us on the west coast. In the State of Nevada, there are places where gas can cost more than $2 a gallon. In California, that is the rule rather than the exception.

However, what the majority is attempting to do today, in moving this legislation forward, is something that should not take place. The bill was placed on the calendar under what we call rule XIV. That means it is acted on in an expedited fashion. It goes right here. It has not had a single hearing in the Finance Committee, the committee of jurisdiction. There is no companion bill that has passed the House. If this bill is passed by this body, only two things can happen: No. 1, it will lie here on the desk indefinitely; or, No. 2, it can be sent to the House where it will be automatically blue slipped, meaning that the bill is dead. So it is quite clear the repeal of the gas tax is nothing more than an effort to make a political statement, and I think the political statement is not appropriate.

If the majority is serious about this matter, it should call up, for example, the House-passed tax bill. There is one there, H.R. 3081, dealing with minimum wage and various other tax matters.

I do not believe there is anyone in this body who does not want a tax decrease on fuel. But this is not the way to go about it. Let's keep in mind where we are. OPEC has agreed to produce more oil. In addition to that, there are other nations, such as Mexico and Norway, that have agreed to produce more oil. It is going to take some time before these gas prices go down, but they will.

To show how really frail in logic the majority is on this matter, they recognize it should be just a short-term fix. That is, by the end of the year a certain mechanical thing would happen that would reestablish the tax. Remember, we are talking about a tax of 4.3 cents per gallon. So I think the action by the majority leader is wrong.

There are a lot of things we can do, I think, to meet some of the demands for fuel we have in this country. For example, there are 300,000 barrels of oil every day produced in our country, in Alaska, that are shipped to Asia. Should that oil not be shipped to the United States? Obviously, the answer is yes.

There is also every reason to believe there are things we can do to lessen our dependency on this foreign oil. We could develop alternative fuels. I think we could improve the efficiency of energy use through different economy measures. One of the things we have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

not done for many years is advance and enhance fuel efficiency standards, what we call CAFE. Given the modern technology that we have, there is no reason in the world we cannot produce automobiles in America that are more fuel efficient. We did it once before, and it was tremendous. It was unheard of, that cars would get over 20 miles to the gallon of gasoline, but we were able to do that through modern technology.

We need to promote renewable energy. In what ways? Geothermal, solar, wind. As soon as the energy crisis was over, it seemed we backed off from that as a government. We fight every year in this Senate Chamber. Every year, there is a battle. I am the ranking member of the Energy and Water Development Subcommittee on Appropriations. Senator DOMENICI, from New Mexico, is the chairman. We have an ongoing battle in here every year, trying to get more money for alternative energy programs—geothermal, solar, wind.

There are other things that simply need to be done that are not being done. Reducing the price of fuel by 4.3 cents a gallon for part of a year is not the solution to the problem.

It is important that we recognize some of the things that are being written around the country. There are lots of things being written about how foolish it would be to reduce the price of gas for part of the year by 4.3 cents a gallon, especially when one keeps in mind the tremendous infrastructure needs in this country.

Take, for instance, the State of Nevada. I hope to travel to Nevada tomorrow to be part of a very large celebration. That celebration will deal with cutting a ribbon to open a highway project, the largest public works project in the history of the State of Nevada, except for Hoover Dam and a few other programs. Certainly, without question, it is the largest public works project that relates to highways. This one thing we call the spaghetti bowl cost $100 million.

Those moneys came from this tax. When the American consumer goes to the fuel pump and buys gasoline, there is money taken every time, about 18 cents a gallon, and put into a trust fund. That money can be used for the construction of roads, bridges, highways. That is why I am able to go to Las Vegas tomorrow and cut the ribbon on this project. It will alleviate traffic problems significantly in that area.

These programs take place all over America, and if we cut this program, if we eliminate this 4.3-cents-a-gallon gasoline tax, it will mean we will not have approximately $6 billion a year for construction projects around the country.

That is why there is a bipartisan effort to defeat this foolish proposal to take away this tax.

I was here yesterday afternoon when Senator WARNER of Virginia, who serves, and has served for many years, on the Environment and Public Works Committee and is one of the senior members of that committee, said it is not the right thing to do. Sitting in the position of Presiding Officer yesterday was Senator VOINOVICH of Ohio. He was relieved of his duties as Presiding Officer and came down and gave a speech as to why this should not be done.

I hope we will look at this and realize that papers all over America, not the least of which is the New York Times, talks about the "Gasoline Tax Follies." This means it is simply a foolish thing to do.

Quoting from the New York Times:

> Let's start with why the oil cartel should love this proposal.
>
> Put yourself in the position of an OPEC minister: What sets the limits to how high you want to push oil prices? The answer is that you are afraid that too high a price will lead people to use less gasoline, heating oil and so on. Suppose, however, that you can count on the U.S. Government to reduce gasoline taxes whenever the price of crude oil rises. Then Americans are less likely to reduce their oil consumption if you conspire to drive prices up—which makes such a conspiracy a considerably more attractive proposition.

They go on to say:

> A cynic might suggest that that is the point.

They are being critical in this article, among other things, about Gov. George W. Bush pushing for repeal of this gas tax. In fact, they say, as others say, it appears his solution to all the problems in America today is tax reduction. For example, we know he wants over a $1 trillion tax cut over the next few years. The American people do not accept this. Why? Because they think it is more important that we have targeted tax cuts and we also spend these moneys, if we have extra moneys, to do something about education, to fix the prescription drug problem we have with Medicare, make sure we bolster Social Security, and, most important, that we do something to reduce the $5 trillion debt that has accumulated.

This New York Times article goes on to state:

> A cynic might suggest that that is the point. But I'd rather think that Mr. Bush isn't deliberately trying to throw his friends in the oil industry a few extra billions; I prefer to believe that the candidate, or whichever adviser decided to make gasoline taxes an issue, was playing a political rather than a financial game. . . .
>
> This is one case in which a tax cut would lead directly to cutbacks in a necessary and popular government service.

I hope the Senate, in a bipartisan fashion, will resoundingly defeat this effort to roll back this 4.3-cents-a-gallon gas tax. There are other places we can look to move taxes back or adjust taxes. Certainly, this is not one of those places. We need to do better than this.

I repeat, I hope in a bipartisan fashion this afternoon we will defeat the motion to invoke cloture on the repeal of the 4.3-cents-a-gallon gas tax.

The PRESIDING OFFICER. The Senator from Texas.

MEASURES PLACED ON THE CALENDAR—S. 2314 AND S. 2323

Mr. GRAMM. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The bill clerk read as follows:

> A bill (S. 2314) for the relief of Elian Gonzalez.
>
> A bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

Mr. GRAMM. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2097, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (S. 2097) to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved areas, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Launching Our Communities' Access to Local Television Act of 2000".

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the "Board").

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees

under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 10 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 5 of this Act) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this Act applicable to the Board.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or underserved area;

(D) the loan is provided by an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board, and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the "Amount" for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas; and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals, but for applicable Federal, State, or local laws or regulations;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the "applicable portion") and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project ("Other Debt") has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a

loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the "Escrow Account") established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the "Administrator") shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act; and

(C) shall remain sufficiently capitalized.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure

any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board may charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board may charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of the administration of the provisions of this Act.

(b) REPORT.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on each audit conducted under subsection (a).

SEC. 7. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

SEC. 8. RETRANSMISSION OF LOCAL TELEVISION BROADCAST STATIONS.

An applicant shall be subject to applicable rights, obligations, and limitations of title 17, United States Code. If a local broadcast station requests carriage of its signal and is located in a market not served by a satellite carrier providing service under a statutory license under section 122 of title 17, United States Code, the applicant shall carry the signal of that station without charge, and shall be subject to the applicable rights, obligations, and limitations of sections 338, 614, and 615 of the Communications Act of 1934.

SEC. 9. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term "affiliate"—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term "unserved area" means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to such signals by other widely marketed means.

(3) UNDERSERVED AREA.—The term "underserved area" means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (3), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

The PRESIDING OFFICER. There will now be 1 hour for general debate equally divided. The Senator from Texas.

Mr. GRAMM. Mr. President, at the end of the last session of Congress, we passed a very important piece of legislation establishing the legal framework whereby local television stations and satellites could negotiate contracts under which television broadcasts could be carried by satellite.

In the midst of that conference, a sizable majority of the conference committee members from the House and the Senate concluded there was a problem in rural America that the bill they were considering would not address: that there were substantial economic impediments to the development of systems that would deliver the local television broadcast into remote, isolated, and rural areas of the country.

In trying to deal with this situation, with all the time constraints in the midst of a conference, an effort was made to write a loan guarantee into that bill. That loan guarantee program has subsequently been offered in the House and is pending before the House committee. And when I talk about it again, I will be talking about the bill as introduced in the House.

There was great concern at that time about how the system would work and what it would cost. As a result of numerous negotiations and a lot of good will, a decision was made to drop that provision at the end of the last session with a commitment I made that, by the end of this month, we would report a loan guarantee bill from the Banking Committee to address this very real concern. I am happy to say that on a bipartisan basis we reported such a bill by unanimous vote and we, in doing so, fulfilled the commitment we made at the end of the last session.

Rather than go through a fairly complicated bill in detail, I will focus in my opening statement on the problems we face—why it is difficult—why there are economic perils involved—in guaranteeing loans to do something that has never been done before using technology that is unproven, why it is so expensive to do this, and then how we have tried to deal with each of these problems.

It is important to remember that when the Congressional Budget Office looked at the loan guarantee program pending in the House of Representatives, they concluded that of the loan guarantees that would be made—and let's be precise, a loan guarantee is where the taxpayers are committed to stand in the place of the borrower should the borrower default—roughly 45 percent of the $1.25 billion worth of loans made under that bill will be defaulted.

When I say defaulted, I am not saying just that the borrower would be unable to pay that face amount. I am saying that if one looks at the CBO estimate—which is an estimate of the present value of the losses they estimate will arrive, remembering that a loss 20 years from now is discounted using the Government's cost of borrowing—what they concluded was, as the bill is structured in the House, we were looking at the potential of the taxpayers paying 45 percent of the cost of these loan guarantees as a result of their being defaulted and ultimately not being repaid.

The Banking Committee, in looking at this number, concluded that it presented an unacceptable risk for the American taxpayer.

Sometimes people get confused by these estimated CBO costs because the cost often looks low because it is the present value of a default which would occur 10 years, 20 years, even 25 years from now.

But basically, the CBO analysis of the House bill is that we are looking at a potential default rate of about 45 percent.

How did we try to deal with that?

We held a set of hearings where we heard from experts in industry, and we worked with the Congressional Budget Office. We decided there were two ways we could reduce the probability the taxpayer was going to end up paying off these loans.

One way we could do would be to set up a board that could exercise independent judgment as to the quality of the project being proposed and the risks that were involved, and that we could put someone who was responsible, who had knowledge of financial markets, and who was responsible to the taxpayer, in a position to make that judgment.

We concluded we should have a board made up of the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the Secretary of Agriculture, or their designees—but their designees would have to be people who were appointed by the President and confirmed by the Senate.

Our first line of defense is the good judgment and prudence of the three people on this board. The House would give that basically to a Government agency, but we have rejected that.

Our second and, by far, our more important line of defense is that we do not guarantee the entire loan. The loan would have only an 80-percent guarantee.

What this means is, when a private lender makes this loan, they are going to be liable for 20 percent. The protection we get from that requirement is not just that they lose the first 20 percent, and then we lose the other 80 percent, if the loan goes bad—that is important; and we guarantee that the taxpayer is protected first, unlike the House bill—but what we get is far more important because with a private lender, if they are liable for 20 percent of the money, they are going to perform their due diligence, they are going to scrutinize this loan, and they are going to realize that if the loan goes bad, they are going to lose 20 percent of the money they have lent.

As we initially wrote this bill—in fact, the language of the bill as reported out of the Banking Committee I will amend in our first amendment today in an effort to reach a compromise—the logic was that we would have a private lender. The language of the bill requires that they be FDIC insured, that they would make the loan, and that they would be liable for 20 percent of the cost.

Why is this so important? We are not talking about making a loan to deliver electricity to rural America, where we have a captive customer base, where someone cannot buy electricity from anybody else. We are not talking about making a loan to deliver telephone service to rural America where you either buy from the telephone co-op or you do not have a telephone. We are talking about a very risky business where there will be no guaranteed ratepayer. Nothing in this bill—nothing in law—requires any American living in a rural area to buy these services. So there is no captive base. When we get to the discussion of the amendment I will offer, we are going to be discussing this in detail because this is very important.

The second important risk is, no one has ever done what we are proposing to do. We have one company proposing to use a satellite, which has a directed beam so that it would send a signal into a geographic area, and they are pretty confident it is going to work. In fact, they are going to invest over $1 billion to build such a system to basically service these top 40 markets in terms of viewership.

But the plain truth is, no one has ever used that satellite. So while we hope it will work, while we have reason to believe it will work, and while the fact that somebody is willing to invest $1 billion in it suggests to me it might very well work, we do not know it will work. It has never been proven on the scale we are talking about.

But there is a second and more fundamental risk. It is one that I think, in our rush to do something here, we want to look beyond. It is not the risk that the technology does not work.

Let's say we are talking about a satellite—and our bill is neutral in terms of technology—but let's say someone comes in and asks for a loan of $1.25 billion to build and launch and put into orbit a directed beam satellite. Obviously, you have the risk that somehow the system does not work, it is not launched into orbit. Maybe they would buy insurance. I assume a lender would require that. Maybe it would work; maybe it wouldn't work.

But let's say it does work. The biggest risk you face in dealing with new technology is we have no guarantee, that if someone borrowed $1.25 billion and we guaranteed 80 percent of it —and it worked perfectly—that 2 years from now some young computer genius, getting a degree in computer science at Texas A&M, might not develop a technology that would use the Internet to deliver the local TV signal and would do it at one one-thousandth of the cost of this satellite.

I say to my colleagues, if that happened, obviously, it would be a godsend for rural America because then everybody would have local television, and they would have it inexpensively, but it would not be a godsend for the taxpayer because we all know that if that happened, which would be the answer to someone's prayer, it would not be the answer to the taxpayer's prayer. The company that launched that satellite and invested $1.25 billion in it would lose every customer they had to someone who could sell for one one-thousandth of their cost.

Let me say, this isn't just theoretical, this is happening every day in America.

The taxpayer would be on the hook for over $800 million of losses.

This is risky business, which is why the Congressional Budget Office estimates that the House bill will have a default rate of roughly 45 cents out of every $1 that is loaned. That is risky business.

We have tried to deal with this by establishing a loan board to exercise due diligence, requiring a private lender, as it is now written, and an FDIC-insured lender, so basically we are talking about an institution that is in business to make money, and they are going to be making loans. They can make loans to anybody—to REA or to a private, for-profit company. They know as the bill is now written, they are going to be liable for 20 percent of that loan. If it goes bad, they will lose that money.

It is my understanding that we are going to have a series of amendments that assault, in my opinion, these two basic protections of this bill. One amendment, which has been discussed, is the amendment to let Government lend the money. I totally and absolutely reject that. If we let Government lend any of this money, we destroy the whole foundation of this bill. Our protection is, if Chase Manhattan is lending this money, they are liable for 20 percent of the money. If the loan goes bad, they lose that money, and somebody will probably lose their job. So they are going to be paying attention to their business.

On the other hand, if we allow an amendment which says the Government can make the loan guaranteed part directly, we are eliminating some of the due diligence that is at the very heart of this bill and which CBO has scored as lowering the cost of this loan by $100 million.

The second proposal that is going to be made, a proposal I am going to accept but with a very important amendment, relates to the CFC, which is the Cooperative Finance Corporation. This is basically a captive lender of the REA. It is an entity that is given tax exemption. Why is it given tax exemption? It is given tax exemption because it is serving a public purpose: it is a lending institution that historically has lent money to REAs to provide telephone service and electric power.

The important difference between a loan to provide telephone service or electric power and a loan to launch a satellite or to invest in an unproven technology is twofold. One, we have been doing phones a long time. We have been generating power for over 100 years. We know how to do it. There is no uncertainty about the technology of telephones and power generation in a traditional sense.

Second, in these activities, they have captive customers. Where I am an REA customer, I can't buy power from anybody else. So if a mistake is made, there is an easy way to cover it up—raise my rates. There won't be an easy way to cover up a mistake here because there won't be any captive ratepayer whose rate can be raised.

Let me make it clear, I have the highest opinion of the CFC. I think it has done a great job. It was chartered and given a tax subsidy to do that job in the public interest, and I think it does that job well. But I believe we are taking an unnecessary risk in letting the CFC make these loans. I am willing to do that as part of an effort to have a bipartisan compromise but only under the following circumstances:

No. 1, what we are being asked to do is take out of the bill the requirement that the lender be FDIC insured. When we do that, we open up this whole process to institutions that we may never have considered. So we have two sort of boilerplate requirements. One is, if it is a traditional financial institution, they have to meet two requirements: First, no self-dealing; that is, they can't lend the money to themselves, so to speak; and, second, they have to meet the normal capital requirement, which is, you can't lend more than 10 or, in some cases, 15 percent of your capital to any one borrower.

Now, for the CFC, we don't impose—in the final compromise I offered last night—the 10-percent loan to one borrower restriction. I would prefer it, but I know that some of my colleagues are opposed to it because CFC is opposed to it.

What we require is the following: To be sure we are talking about CFC and not some other Government or some other nonprofit entity that none of us have thought about, we say that to qualify, a nonprofit institution must have one of the three highest credit ratings on a long-term bond. Some people have gotten confused between a credit rating on a long-term bond and a credit rating on any commercial paper. Almost any institution can issue a 30-day note that will be AAA rated. We are talking about lending for 25 years here, so the fact that somebody can get a good rating for short-term borrowing, what we want to know is their rating for long-term lending. That is what is significant.

The first requirement is that those nonprofits that can participate must have one of the top three ratings and the Cooperative Finance Corporation qualifies.

The second requirement, which I think is of equal importance, is that the board must find that by making this loan the Cooperative Finance Corporation will not see its credit rating decline, that in making the loan they are not jeopardizing the good credit they have.

Why is that important? We have, as best I can estimate—and we are trying to get the final number—25 million Americans who are captive ratepayers. They are customers of REA for telephone and for electric power—one or the other and, in some cases, both. If the rating of the CFC in borrowing money to lend principally to co-ops is diminished by making this loan, every ratepayer of every co-op in America will end up paying more because this happened. We want to prevent that from happening. I am going to argue all day long, if I have to, that we should not imperil 25 million Americans who are captive ratepayers by allowing CFC to get into a risky business that can push down their credit rating.

What I am proposing and will propose in the first amendment, when the general debate is over, is that we let CFC make the loans but that the board has to find that, in making the loans, CFC is not going to downgrade its creditworthiness, and in the process impose new costs on ratepayers.

Finally, if their creditworthiness does decline, then they would be required, in an arm's length transaction, to sell this note on the open market. I think these are important requirements.

Someone may argue that the CFC has engaged in providing television services. That is a real stretch because what really happened is the co-ops borrowed $100 million to enter into a contract with Direct Television where they were the marketing arm of Direct Television. As it turns out, over 80 percent of what they were doing, they have subsequently sold off to a private company named Pegasus that is a long way from launching a satellite and engaging in this business.

Let me sum up.

I think we have put together a well-crafted bill. To this point, this bill costs $100 million less than the House bill. It is still risky business. Let's remember that if this loan is defaulted, rural America is probably going to lose its television service.

I hope my colleagues will look at the amendment I have offered, and I hope it can be accepted.

I thank all members of the Banking Committee, Republicans and Democrats, for the bipartisanship we had in committee.

I thank Senator CONRAD BURNS. I thank him for his leadership. There is no question that we would not be here today were it not for his persistence. I also thank him for not only trying to get television signals to rural America but trying to do it in the right way. It is very easy when you are trying to deal with all the groups that hope to benefit from some program such as this to just throw caution to the wind and say don't worry about the cost. I thank Senator BURNS not only for the leadership in seeing that we are writing this bill, but for his leadership in seeing that we are doing it right.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I will be very brief because Senator JOHNSON is going to handle the time on this side. He has been very intimately involved in shaping this legislation and has done an outstanding job and I think made a major contribution.

The bill that is now before us is a consequence of a unanimous consent agreement that was reached last year. Much discussion took place within the committee. As a consequence, we were able to move considerably closer on many of the issues that divided Members when we first addressed S. 2097. In fact, I think it is fair to say, with the exception of the issue Senator JOHNSON will raise on the floor, we have a consensus product before us that we can move through in short order.

We seek a loan guarantee program that will provide comprehensive television service for the American people at the best possible price. We are particularly concerned about rural Americans who have either no access or inadequate access to local television service. We seek to obtain that for them at an affordable price and yet, at the same time, protect the American taxpayer as we move forward with the loan guarantee program. Obviously, you have to strike the right balance among these objectives. I think the bill, with the Johnson amendment, with the proposal of the very able Senator from South Dakota, would accomplish that.

The chairman has gone over some of the specific provisions of the bill. I think it is important to note that the board we are providing, which will grant the loan guarantees, is made up from the Federal Reserve, the Treasury, and the Department of Agriculture. The day-to-day administration of the program would be done by the Rural Utilities Service, which would also write the regulations, subject to the approval of the board. The Rural Utilities Service is the most experienced agency in the Federal Government in dealing with this type of investment in rural areas. Therefore, we think they have a clear understanding of what is involved.

The guarantee level provided in the legislation is 80 percent. That differs, of course, from the House bill. It is designed to provide some additional safeguards. We also worked to ensure that the legislation would give priority to the projects seeking to provide services to areas in this country that are unserved and underserved, as we move toward trying to provide a universal service.

Senator JOHNSON led the effort on our side. We were markedly assisted by Senator BAUCUS, Senator HARKIN, and many others. I know there are a number of Senators on the Republican side of the aisle, too, who come from rural areas who are very deeply concerned about this issue.

Let me touch on the one important improvement that I hope will be made to this legislation, and that is the Johnson initiative. The bill, as it is now before us, requires that the lenders involved in this program be FDIC insured. That is the requirement in the bill as it now stands. Many believe this is unnecessarily restrictive, that there are a number of other lenders and, in particular, the National Rural Utilities' Cooperative Finance Corporation, the CFC, which would be barred from participating in the program as the bill now stands.

Senator JOHNSON is intending to address that issue. Actually, the lender we are talking about—the Cooperative Finance Corporation—is extremely well capitalized. It has over 11 percent shareholders' equity capital, which is better than 9 of the 10 largest banks in the country. The credit rating agencies rate CFC's debt as high as any of the largest federally insured banks and higher than most. So by these market standards, they are an extremely strong and well-managed financial institution. I see no reason to exclude it from the program. I think we can adjust to accommodate this issue.

I think we can achieve a broad, if not total, consensus on this legislation. I think, in fact, including lenders of this nature in the program will help to encourage the participation of organizations, such as rural cooperatives that have the most experience in doing business in rural areas and therefore make it more likely that the program will reach its ultimate goal of universal service in rural areas.

So I am supportive of the legislation with this change that we will seek to make. I think it meets all the questions and concerns that have been raised in a balanced and straightforward manner. Again, I thank Senator JOHNSON for his leadership on this issue, and I commend all the members of the committee, the chairman and all the members on his side, and on our side, who worked closely together to try to work out agreeable solutions to most of the concerns that have been expressed.

I think if we can address this one remaining concern on the floor in a positive and constructive way, we will have done a good piece of legislative work and will be able to move this issue forward.

Mr. President, I will yield the floor. Senator JOHNSON will manage the remainder of the time of the debate on this side of the aisle.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, may I inquire as to the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes. The Senator from South Dakota has 22 minutes.

Mr. JOHNSON. Mr. President, I yield myself 15 minutes.

Mr. President, I rise today in support of S. 2097, which will help provide local broadcast coverage for all Americans. Under legislation we passed last year, satellite companies are for the first time free to broadcast local network broadcasting into local markets. What we are doing today will make that benefit a reality for Americans who live outside the largest 40 television markets across America.

As do many colleagues, I represent a State with rural viewers who should not be left out of the information age. South Dakota is one of the 16 States that do not have a single city among the top 70 markets. Without this loan guarantee, markets such as Sioux Falls and Rapid City simply will not get local service, despite the fact there is a great need for the reception of that local broadcasting.

This proposal is about more than just providing sports or entertainment programming over local channels. It is a critical way to receive important local news, public affairs, storm information, road reports, public safety, school closings, and so on. Rural Americans need the same opportunity to access their local networks as do our urban friends, and this legislation would go a long way toward making that a reality.

I want to thank the chairman of the Banking Committee, Senator GRAMM, for his hard work on this important issue. He correctly raised several issues which have strengthened this bill, adding critical taxpayer protections to the program. I want to thank Senator SARBANES, the ranking member of the Banking Committee for his hard work on this legislation as well.

As a sign of the support we have for this package, I have agreed with Senators GRAMM and SARBANES to oppose all amendments to the bill with one exception. I will be offering shortly an amendment to correct a significant flaw in this bill. Other than that one change, I believe we have produced a substantive bill that will produce this service to all Americans without resorting to risks for the American taxpayers.

S. 2097 provides an 80 percent guarantee of projects to bring local to local to all markets. The remaining 20 percent will be private capital provided by qualified lenders. These private capital will bring market discipline to the program. No entity will fund a project it has not scrutinized, that it does not believe will succeed.

We have created an oversight board consisting of the Federal Reserve Chairman, the Secretary of the Treasury, and the Secretary of Agriculture. This board will review loan applicants with a eye toward fiscal discipline. The Fed and Treasury are especially tasked with ensuring that the taxpayer dollars are protected. They will look carefully at the proposals and support projects that will work. The USDA brings expertise in rural America to this venture. The experience of the Rural Utilities Service, with its $40 billion loan portfolio and phenomenally low default rate, will make this a sound venture.

The combination of these experts plus the market discipline of a lender with 20 percent of the project at risk, will screen applicants so only the soundest, most viable proposals are funded.

With this program, we can take a giant step for rural America. All of our citizens will be enabled to follow local events. In states like South Dakota, wide stretches of area are not served by any form of local programming; this bill for the first time makes that possible.

There is one area where the bill could be improved. The bill in its current form requires that lenders be FDIC insured to participate in the program. This would effectively eliminate rural electric cooperatives and telephone systems from participation in the program.

This limitation excludes private finance corporations that have years of experience lending to rural utilities (including institutions that have years of experience in lending guaranteed loans). It would also exclude institutions with billions of dollars of assets, that operate on a national basis, are highly rated by the rating agencies and file with the Securities Exchange Commission.

The amendment I will be offering is supported by Senators THOMAS and GRAMS and others. It is bipartisan in nature. It simply allows qualified lenders with experience and expertise in these types of programs to participate in the funding subject to board approval, keeping in mind always that everything we do must be approved by the Federal Reserve, Treasury, and USDA. As an example, Cooperative Financing Corporation is AA rated and considered to be "the best investment in the high quality electric utility sector" by Shearson Lehman. These are the types of lenders that should be potentially part of this program.

I encourage my colleagues to support rural America by making S. 2097 more likely to successfully provide local to local to smaller markets. My amendment provides, but does not mandate, alternate financing options. The purpose behind the change is to allow participants in the program to seek the lowest possible interest rate. Those dollars saved on interest make the program more likely to succeed, and improve the viability of the program, making it more likely the loans will be repaid without recourse to the guarantee.

This issue has aroused the greatest level of constituent concern in quite some time in my State. With this amendment to S. 2097, we will provide a fiscally responsible, prudent response to the concerns raised by thousands of our constituents. The issue which Senator GRAMM has ably outlined this morning is in response to a concern Senators THOMAS and GRAMS and I also share but to which we take a different approach.

The view of those of us who will be offering our amendment as a second-degree amendment, I believe, to Senator GRAMS' amendment would be to recognize that institutions that have years of experience in lending to rural electric and telephone cooperatives should not be excluded from participation.

Our amendment simply allows qualified lenders that have experience and expertise in these kinds of programs to participate subject to board approval. It will also require eligible lenders that have at least one issue of outstanding debt that is rated in one of the three categories rated by a national statistical rating agency. This will ensure that an expanded list of lenders will have subjected themselves to rigorous market discipline. The CFC and other private lenders have substantial experience providing multiple million-dollar loans in cooperative environments and provide important protections in rural areas.

We encourage all of our colleagues to support rural America by supporting S. 2097. We are more likely to succeed in doing that by providing local-to-local programming to these smaller markets.

Mr. President, I do not have any additional Members on the floor at the moment with opening remarks. I withhold my time but yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend from Texas, chairman of the Banking Committee, and also the ranking member of the Banking Committee, my good friend from South Dakota, for his work on this bill.

We offered in the Satellite Home Viewers Act last year, an amendment in conference that would enable us to help people in smaller markets around the country. This would help people to receive their local television signal on satellite by facilitating the delivery of these local stations in the gray areas—the B contour and the C contour where reception is poor—in the station's area of dominant influence.

I chair the Communications Subcommittee of the Commerce Committee. In Montana, we have great distances to cover with few people in between. Other States share this difficulty and also the geographical challenge posed by the mountains. Since the television signal is line of sight, mountains can make the problem of providing local coverage for people in hard to reach places even harder to solve. So, how do we do that? How do we level the playing field and still provide the compulsory licensing for cable, and for satellite television users and, of course, for those local programmers?

I think we now have before us a better bill than the one we offered last year. This bill is more complete, because it takes into account both the agencies that are going to make the loans, and also those who will be borrowing the money. It puts some responsibility on each of the parties to make sure, No. 1, that it works and, second, that they assume some of the risk so taxpayers' money is not in jeopardy.

I thank the Senate Banking Committee for their commitment in bringing this issue to the Senate floor as fast as they possibly could. Their word has been good, and by working with the Agriculture Committee and also a lot of us individually, the Banking Committee has helped us build a better bill than we had last year.

Providing access to local television signals is crucial to rural States. With over-the-air broadcast signals and cable delivery limited by geography in my own State, satellite television has been a staple of the so-called video marketplace for many years. Montana has the highest penetration level of satellite television of any State, at over 35 percent.

When I initially proposed the legislation in this area, I was concerned that, without it, only the largest television markets in America would receive local-to-local service as authorized by the Satellite Home Viewer Improvement Act. These are the profitable cities such as New York and Los Angeles with millions of television households. But it is not so profitable a venture in areas where we have quite a lot of dirt between light bulbs.

The issue we will be debating, of course, will be the amendment offered by my good friend from South Dakota and the cosponsors.

Let's talk about the other 140 TV markets in this country. There are 16 States, including my own, that do not have a single city in the top 70 markets. It is time we help those 16 States gain equal footing with the ones with more urban populations. Just because they are small doesn't mean they should be left out of the mix when we talk about local to local, because people enjoy their local sports, they enjoy their local weather, they enjoy their local news. It doesn't do any good for anybody who lives in rural Kentucky to watch a station that is based out of Charlotte, NC.

We have to find ways of delivering their signal off the satellite. The ability to receive local television signals is much more than just having access to local sports or entertainment programming. It is a critical and an immediate way to receive local news, weather, and community information.

Access to local signals is particularly critical in rural areas, such as Montana, when we experience flooding and other weather situations, including blizzards.

This is very important. The LOCAL TV Act reflects the belief that the loan guarantee program should not favor one technology, it should be technology neutral. It is a win-win for consumers. It is also a win-win for the taxpayers, and I urge my colleagues to support this. I don't think we have received more mail on any other subject since I have been here. Whenever they start turning our networks off the satellite, we get immediate responses.

I look at this the way I looked at REA when I was a lad on a farm in northwest Missouri. I have made this speech many times. Had it not been for the Rural Electrification Administration, we would be watching television by candlelight. That is fact. We were in rural areas. We would never have seen the build-out of electricity or power to our farms and ranches.

We have to take the same look at smaller markets in television because the only support they get is through advertising. That advertising is based on viewership, and the profitability of that station is at stake and, with that, the services they provide. I think it is pretty important.

This bill is set up with a three-member board. It offers access. The administration is very tight, and it also protects the taxpayer. Remember, the taxpayers' dollars are at stake.

We will move through the debate on different amendments that will come up and should be debated. The concept of the bill, if passed right now as it is, is darn good. There are a couple of amendments that I think will improve this piece of legislation.

Mr. KERREY. Mr. President, I rise today in strong support of the LOCAL TV Act of 2000. Last year, Congress passed a law allowing satellite providers to retransmit local signals into local markets, but we knew then that the large satellite providers had no plans to provide "local into local" into rural areas, completely ignoring Nebraska and 14 other states. At the time I strongly supported the inclusion of a $1.25 billion loan guarantee program to encourage companies to retransmit local signals in rural areas. Unfortunately, political wrangling left this important provision behind as we passed the bill.

I am pleased that the Senate has fulfilled its promise to pass a loan guarantee program before April 1, 2000. The LOCAL TV Act of 2000 will provide $1.25 billion in loan guarantees to companies to bring local stations into currently unserved areas. Local stations are vital to a community, broadcasting local news, sports, weather, and emergency warnings. A small but significant portion of the U.S. population cannot receive local television signals from any means, while as much as half of the population must settle for New York or Los Angeles news (so-called distant network signals) via satellite. Nebraska has over 270,000 satellite viewers who cannot receive their local stations through their satellite dishes. This bill will provide the financial backing necessary to support companies to bring local television to all areas of America. "Local into local" has become another technology that urban areas are able to enjoy, while rural communities get left behind. The LOCAL TV Act will ensure that does not happen.

I have great confidence in the Rural Utilities Service (RUS) which is charged with administrating this loan guarantee program. Many previous programs launched through RUS to help close the gap between urban and rural areas have proven successful. The public/private partnership between RUS and its borrowers has helped develop electric, telecommunications, and safe, clean drinking water in rural America. It has also fostered rural economic development across the nation. I believe the RUS will administer this program with the same expertise it has demonstrated in the past.

Bridging the so-called "Digital Divide" remains one of my top priorities. It is absurd that some areas of the country cannot receive high speed internet access, local television programming, or other technologies, simply because they live too far from a big city. I will continue to work hard to bring the newest technologies into all regions of Nebraska. The LOCAL TV Act of 2000 is an important step in this direction, so I enthusiastically support this legislation.

Ms. COLLINS. Mr. President, I rise to lend my support for S. 2097, the Launching Our Communities' Access to Local Television, legislation of which I am proud to be an original cosponsor.

Mr. President, this legislation is simply about equity. Should satellite customers in the rural Maine communities of Lovell and Greenville and Fort Fairfield have the right to receive the local broadcasts of stations in Portland, Bangor, and Presque Isle, Maine? Should they have the ability to receive their local news, emergency weather forecasts, information about school closures, and the wrap-up of the local school sports via satellite? My answer is yes, of course, they should.

While Congress authorized the ability of local network stations to broadcast their local signals via satellite by passing the Satellite Home Viewer Improvement Act last November, current satellite capacity only allows the top 40 to 50 television markets to receive this unique service. Unfortunately, this excludes the Portland, Bangor, and Presque Isle, Maine, markets and the satellite customers within those markets who want to view local programming.

This last year has been a particularly difficult and frustrating one for satellite customers. We took an important step in addressing many of the problems they and local broadcasters have experienced by passing the Satellite Home Viewer Improvement Act. We are, however, lacking a final component. Providing a rural loan guarantee program that is technologically-neutral, fiscally responsible, and focused on underserved markets will encourage companies to bring important information access to my State's rural communities and lead us to a conclusion of this important issue. I urge my colleagues to pass this important legislation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I think it is now timely for me to offer an amendment.

The PRESIDING OFFICER. The Senator from South Dakota has 15 minutes remaining.

Mr. JOHNSON. Mr. President, I yield back the reminder of my time so we can proceed with the substance of this legislation.

AMENDMENT NO. 2897

(Purpose: To address certain lending practices)

Mr. GRAMM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2897.

Mr. GRAMM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

"(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

"(I) is provided by any entity engaged in the business of commercial lending—

"(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

"(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

"(II) is provided by a nonprofit corporation engaged primarily in commercial lending, if the Board determines that the nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and that such rating will not decline upon the nonprofit corporation's approval and funding of the loan;

"(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made by a governmental entity or affiliate thereof, or a Government-sponsored enterprise as defined in section 1404(e)(1)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) or any affiliate thereof;

"(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

"(III) if a nonprofit corporation fails to maintain the debt rating required by subclause (i)(II), the subject loan shall be sold to another entity described in clause (i) through an arm's length transaction, and the Board shall by regulation specify forms of acceptable documentation evidencing the maintenance of such debt rating;

"(IV) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the issued and outstanding voting and nonvoting interests of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;".

Mr. GRAMM. Mr. President, let me try to explain the amendment and what the issue is. I know there are strong feelings on both sides of the issue. I believe we have worked out 95 percent of the bill to everybody's satisfaction. But we now have come down to an issue. I really believe that while there will be extraneous amendments offered, this and possibly one other amendment might be the only amendments we will be actively debating.

Let me first explain what the bill now does. Then I would like to explain the changes my amendment makes, why I am making them, and then I would like to address the overall issue we are about to debate, potentially through a second-degree amendment or through another freestanding amendment.

In the bill as it is now written—as it passed unanimously in committee, even though I knew an amendment was going to be offered—in order to make a loan that the Federal Government guarantees, you have to be an insured depository institution. There has been objection raised to this because of a desire on the part of the Cooperative Finance Corporation. This is a captive lender, for all purposes, for America's REAs, with a very proud record and with a great record of achievement.

The question then is, if we take out of the bill that a lender has to be FDIC insured—and remember we are having the taxpayer guarantee the loan they are making—What kind of protections do we need for that guarantee to be extended? I have offered this amendment, really, as an effort at a compromise where we take the FDIC lender out but where we set specifically three sets of rules to apply to different lenders.

The first two have to do with commercial for-profit lenders. They are the standard kind of constraints you would normally see in any financial transaction; that is, they have to meet the capital requirement which traditionally, for banks and S&Ls, has been that you cannot lend more than 10 percent or 15 percent of your capital to any one borrower.

Second, we eliminate the potential for any for-profit institution to lend to an affiliate. What we are trying to do here is ban self-dealing. I do not believe there is any objection to these two provisions, but it is very important that they be in the bill.

Now we get to the controversy. What do we do about nonprofit lenders? Let me remind my colleagues, institutions are not nonprofit for nothing. We grant a very special privilege to an institution when we make it a nonprofit institution because we dramatically lower its costs. And we do it because that institution is serving a public purpose.

In this case, the institution that is basically going to be discussed here is CFC, the Cooperative Finance Corporation. Its public purpose is that it provides funding at a very low cost to our REAs that are providing telephone and electric power to rural America. It is true that it makes some other loans, but the principal purpose for its lending is REA power and REA telephone.

What we are saying is for these nonprofits, since they are carrying out a Government function, even though they may be chartered as private institutions, they are chartered with tax exemption because they are promoting a public purpose. Therefore, we do have some concern about them.

Now, if Citigroup or Bank of America or Chase makes this loan and it is defaulted and they lose 20 percent of it, I am not happy about it—and I am very unhappy about the taxpayer losing 80 percent—but I figure they are in this for profit. They know what they are doing and what they do to their credit rating and what they do to their profitability; that is their business. That is what for-profit private enterprise is about.

I am more concerned about what a nonprofit corporation does because it is nonprofit and it is carrying out a public purpose. In the case of CFC, that public purpose is to make loans to bring electric power and telephone, and to continually modernize both to rural America. More important, they are lending money to 25 million captive customers. Why do I say captive? Because if you are buying power from the REA, you do not have the right to buy it from anybody else. If you are buying telephone services through an REA affiliate, you do not have the right to buy telephone services from anybody else, on a hard line anyway. So in making loans, these nonprofits, and principally CFC, are carrying out a public mandate in providing these services for rural America as cheaply as possible.

Why should there be a certain set of rules for nonprofit corporations? Because they are nonprofit; because they do have tax exemption; because they are supposed to be promoting a public purpose. If Citigroup or Bank of America makes a bad loan and it is defaulted, people do not have to do business with them. They can borrow money from somebody else. But if the CFC makes a bad loan and their credit rating goes down, then every REA customer for electric power and telephone, all of whom are captive customers, would have to pay higher prices; hence, the public interest in seeing that we protect the interests of those ratepayers.

How do we protect the interests of the ratepayers in this amendment? I have colleagues on both sides of the aisle who want the CFC to be able to make these loans. Frankly, if this were left to me, I would not do it that way. The whole logic of this is for-profit lending. But in an effort to try to reach a compromise, we would let CFC, this tax-exempt entity which is providing credit to rural America, make these loans. But the board would have to find, in making the loan, that they would not lower their credit rating.

Why is that important? Why should we care what the credit rating of CFC is? Because that credit rating affects their ability to borrow money, affects the interest they have to pay, and since they are in turn lending that money to REA providers who have captive American customers—25 million of them—if they do something speculative and drive down their bond rating, everybody in rural America is going to pay more money for electric power and telephones.

The restriction we are imposing is hardly overwhelming. All it says is, where we are dealing with a nonprofit lender, where the Congressional Budget Office has estimated the probability of default is such that 45 percent of the loan will be defaulted under the House bill, if they want to make this loan, doesn't it sound reasonable on behalf of the 25 million ratepayers in rural America that we would simply ask that the board—the Secretary of the Treasury, the Federal Reserve Board chairman, and the Secretary of Agriculture—that they determine that the CFC is not going to see its bond rating go down as a result of making this loan?

Why do we care if it goes down? Because if it goes down, every buyer of electricity, every buyer of telephone services in rural America, is going to pay more money. That is why we should care. So we say, if the board finds that this is not going to lower their credit rating, they can do it.

We have a provision that says, if the CFC's credit rating is lowered—and credit rating agencies, when they change somebody's credit, say why they have changed it, so that if they change it and the reason is this loan—we require the loan to be sold so it can move to restore their credit rating.

I believe this is an eminently reasonable amendment, and while it does not bear directly on the loan guarantee, it does bear directly on another issue, and that is the well-being of 25 million Americans who live in rural America. I represent more of them than any other Senator here. I am not indifferent to CFC taking action that will drive up interest rates and drive up power rates and telephone rates in my State to Texans who choose to live in rural areas. That is what this amendment is about.

This amendment, in responding to a request by Members of the Senate, takes out the requirement that you have to have an insured lender. That opens it up potentially to anybody.

We tighten it up in three ways. We say if you are a commercial lender—a bank, for example—you have to meet the capital requirements and the loan-asset ratio that is currently the law, and you cannot do self-dealing. You cannot lend it to your brother-in-law, and you cannot lend it to the bank. It has to be an arm's length transaction.

For those lenders, such as Morgan Stanley, that do not have a capital requirement, we say they have to have one. We are not going to guarantee a loan that Morgan Stanley makes if that loan is more than 10 percent of their capital. Why? Because it is risky, and if they lose money, it enhances the chances that the taxpayers will lose money.

Finally, for nonprofits, we do not have a capital requirement, but what we say is, since we gave this institution nonprofit status to perform a public purpose—in the case of CFC, to make loans to electrify and bring telephones to rural America—that if the board finds that by making this loan it is going to drive down their bond rating and drive up their cost of borrowing and, in turn, drive up power rates and phone rates for 25 million Americans, the board will be required to not guarantee their loan. I hope my colleagues will look at this provision.

Let me give an example. Under current market conditions, the 1-year cost of borrowing for dropping from a AA to a AA− is 5 basis points, or $500,000 on a $1 billion loan. Over 10 years, that would be $5 million. It is pretty relevant when one is talking about dropping a bond rating. If it just dropped by one notch, from AA to AA− on a 10-year loan, that 5 basis points will cost $5 million. If you drop from AA to BB, then the cost will drive by a great multiple of that.

This is a reasonable issue. It is not an issue directly involved in this loan, but it is an issue that, unfortunately, has gotten pulled into it. I hope my colleagues on both sides of the aisle will look at this very closely.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2898 TO AMENDMENT NO. 2897

(Purpose: To improve the loan guarantee program)

Mr. JOHNSON. Mr. President, I send to the desk a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. THOMAS, Mr. GRAMS, Mr. ROBB, Mr. WELLSTONE, Mr. HARKIN, and Mr. BAUCUS, proposes an amendment numbered 2898 to amendment No. 2897.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"(D) The loan is provided by an insured depository institution (as defined in section 3 of the F.D.I. Act) that is acceptable to the Board, or any lender that (i) has not fewer than one issue of outstanding debt that is rated within the highest three rating categories of a nationally recognized statistical rating agency; or (ii) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity and capital strength to provide financing pursuant to this act and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;".

Mr. JOHNSON. Mr. President, we have reached concurrence on the core of this legislation, and I commend Senator GRAMM for his work with us on that matter. We have had bipartisan cooperation.

We have one remaining issue in particular, however, that remains to be resolved. Senator GRAMM has an amendment which opens up the possibility of CFC financing but under very circumscribed conditions, which I contend are so severe as to make CFC financing very unlikely. The question is: What can we do to lower the cost of financing to make this programming available to rural Americans and yet do so in a responsible, fiscally prudent manner?

The amendment offered by Senator GRAMM does essentially three things:

First, it requires that any lender that is a nonprofit, such as a CFC, cannot provide financing under this act unless the board determines the credit rating of the lender will not decline upon the approval and funding of the loan.

Second, it requires that nonprofit lenders sell any loans guaranteed under this act if their credit rating declines.

Third, it excludes GSE lenders, such as CoBank, from participating in this program.

It is inappropriate, I believe, to require the board to make a judgment on the impact on the credit rating of a nonprofit lender, such as a CFC, because, one, it places the burden of proof on the lender to show why its rating would not decrease. Under the proposed amendment, the board would need to predict future actions of credit rating agencies, and I do not believe this is a reasonable requirement to impose on a governmental board.

In reaching the bipartisan compromise in this legislation, I went along with the creation of a board. This was a good idea on the part of Chairman GRAMM. It involved the Federal Reserve, the Treasury, as well as the Department of Agriculture, to oversee this lending to make sure we have that extra element of prudence. But I believe it is simply not fair to put a burden of proof on the board to certify in advance what, in fact, is going to happen to a rating on the part of a CFC or another nonprofit.

Wall Street credit rating agencies make determinations on credit ratings on a continuous basis. This is a real world market discipline that is imposed on lenders by the capital markets. A board of three people, qualified as they may be, is not an appropriate substitute for market discipline. It makes no sense, I believe, to charge this board with the requirement to predict that the credit rating of any lender will not decline.

CFC raises funds in the private capital markets through sale of bonds, sale of equity hybrid securities, and by equity investments by CFC owners. All of these entities have expressed their confidence in CFC, and that is a real test of the CFC's strength.

The CFC has demonstrated over its 30-year life that it understands rural energy and telecommunications markets. It has done a fine job of evaluating credit risks and has made sound credit decisions. CFC is not a new or untested entity in the marketplace.

It may be argued that all CFC loans are to "utilities with captive customers." This is not true. Many rural electric and telephone cooperatives do have a monopoly position in their service areas, just as other utilities do. However, in the electric area, deregulation is being implemented in a number of States, and co-ops and other utilities in those States are, in fact, facing a competitive marketplace.

In the telecommunications area, CFC, through its controlled affiliate, the Rural Telephone Finance Cooperative, has made loans to a number of projects that include highly competitive services, including wireless telephone services, PCS, and CLEC service in rural areas that were previously poorly served by incumbent providers.

The question then is: Why add an additional layer of bureaucratic review to one class of lenders—CFC and other nonprofits—when that level of review is not imposed on other lenders? This delays implementation in this needed program, adds costs, and provides a competitive advantage to for-profit finance companies.

The amendment does not require banks to be within the highest three ratings categories, and most are not.

Why would this provision be applied to nonprofit lenders and not to for-profit banks?

I have a chart here which I think is interesting. The bottom line shows the Cooperative Finance Corporation's AA− rating under S&P and Aa3 rating under Moody, which compares with the largest banks in America. I think it is of interest that even if there were a decline, the CFC would still have a rating higher than most of the largest banks in the United States.

A second point has to do with the requirement that a lender sell its loan if its credit rating declines. The requirement that a nonprofit lender sell a loan guaranteed under this act if its credit rating declines is an onerous provision that would cause significant financial stress and costs to the lender. If such a decline in a lender's rating should occur, a forced sale at that time could result in still further financial losses.

This is basically, I believe, a poisonous provision designed to exclude nonprofit lenders, such as the CFC. Even if the credit rating of an AA rated company would decline to AA−, it would still have a significantly higher credit rating than the vast majority of banks in America. No similar requirement is being imposed on banks. I believe the idea of requiring a lender to sell loans is not the proper remedy.

The last point I would make is, I believe the exclusion of lenders under the program is an unwise public policy. The exclusion of lenders under this program will only increase the cost of funds to borrowers and ultimately to rural and other TV viewers.

The bill already establishes a sound process for the evaluation of projects applying for financing. This process includes approval by a board that includes the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of Agriculture, advice from

NTIA, evaluation, underwriting and analysis by the Rural Utilities Service, and the commitment of private lenders that are on the line to take a very substantial risk in the event of default by a project funded under this program.

I believe that much of what we have accomplished in this legislation—the creation of a board and an 80-percent guaranteed loan rather than the 100 percent which, frankly, was the idea being pushed in the House and which I originally thought might be the way to go—we have diminished to an 80-percent guarantee; we have set up a board. I think we have a responsible approach to this guaranteed loan process.

But I do believe that Senator GRAMM's amendment would go one step further to the point of, in effect, making it very difficult, if not impossible, for the board and institutions, such as a Cooperative Financing Corporation, to participate in the program.

Keep in mind, our amendment does not require that the CFC be involved at all. It simply makes it an alternative financing strategy that would be available for the board, with the Secretaries of Commerce, Treasury, and USDA to evaluate. I have great confidence in their leadership.

I think if we were to adopt this second-degree amendment, we would be back to what I believe would be a clean bill.

I look forward to additional debate.

Mr. SARBANES. Will the Senator yield for a question?

Mr. JOHNSON. Yes, I yield to the Senator from Maryland.

Mr. SARBANES. It is my understanding that the House-committee-reported bill provided a 100-percent guarantee. Is that correct?

Mr. JOHNSON. The Agriculture Committee in the House of Representatives reported a 100-percent guaranteed bill. The Commerce Committee, it is my understanding, is working on a bill that may involve an 80-percent guarantee.

Mr. SARBANES. I just want to make the point that in our committee, we agreed to an 80-percent guarantee, which I think was, in the end, accepted by everyone on the committee, although there were differing views about that question. I think it does provide an important measure of safety in considering this matter.

Secondly, is it correct that if these institutions, which amendment No. 2898 addresses in terms of qualifying—if this amendment carries, the board that is being established under this legislation would still have to approve any loan guarantee made by such an institution, is that correct?

Mr. JOHNSON. That is absolutely correct.

Mr. SARBANES. In other words, the institutions, they are only being included in the sense that they are eligible to submit their proposal to the board. It does not mean they can then go ahead and do these loan guarantees simply on their own. They have to obtain board approval in order to do that; that is, this board of the Federal Reserve, the Treasury, and the Department of Agriculture. Is that correct?

Mr. JOHNSON. That is absolutely right.

Mr. SARBANES. Thirdly, I just make this observation. We are allowing FDIC institutions to do this. But, of course, in a sense, that creates an extra exposure that one of these institutions would not have because the Government, the taxpayer, would be exposed on the loan guarantee. But, in addition, if the institution itself were to run into serious trouble, there would be taxpayer exposure on the Federal deposit insurance for the depositors of that institution. Is that correct?

Mr. JOHNSON. That is right.

Mr. SARBANES. Of course, we do not have the latter in the case of these institutions. I think we have to exercise caution and prudence, but as you have pointed out, certainly for the CFC, they rank very well indeed. It seems to me they ought to qualify. I think the limitations have a great deal of difficulty connected with them, which the Senator has outlined in his statement.

I thank the Senator.

Mr. JOHNSON. I thank the Senator from Maryland for his leadership on this issue. He has been of great assistance to us. When we ultimately pass this legislation, a great share of credit goes to the Senator.

I also note that the second-degree amendment, which is pending, is a bipartisan amendment. I express appreciation particularly to Senators THOMAS of Wyoming and GRAMS of Minnesota for their work and their staffs' work on this legislation. Those two Senators share a very great concern for access to local programming for rural residents. I am appreciative of that kind of bipartisan cooperation on this second-degree amendment.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to discuss the pending second-degree amendment, of which I am a cosponsor.

First, I thank the Senator from Texas for his good work in getting this bill moved forward. We remember that this came up last year when we talked about the local-to-local broadcasting, and so on. The Senator—properly, I think—suggested it be sent back for more consideration by the Banking Committee. Indeed, it was. He promised us at that time that this bill would come forward. He has adhered to that promise and is out here with it now.

The other thing on which I agree with the Senator from Texas is that he has divided this responsibility and there is an 80-percent guarantee. I agree with that. There needs to be someone who has some risk and promises that there will be more attention paid to it. I have agreed with all those things.

What we are talking about is being able to include a not-for-profit financing organization that has been involved with rural telecommunications, that has been involved with rural electric, and, indeed, serves the rural area. Very appropriately, that should be considered.

By the way, this is the Cooperative Finance Corporation, not the Commodity Finance Corporation that has been mentioned a time or two. It is not set up by the Feds. It is a private co-op without Federal support.

CFC is adequately capitalized, so it has actually better ratings than most of those banks.

Furthermore, as we talk about the requirement that might include increased costs to rural electrics—rural electrics, by the way, with which I am rather familiar, having worked in that area before I came to the Senate—they can get their financing other places; they are not captive borrowers from the CFC.

I think this second-degree amendment is one that simply provides more opportunity for this unit, this nonprofit unit, owned by rural people, to participate in the financing of an effort to provide rural television, local-to-local television, the kinds of coverage we now do not have in Wyoming. If you want to see ABC, you have to get your program from California or from Chicago. We are saying we can provide that locally so you can get local news, local information. We think that is very important. Of course, that is what this bill is all about.

The proposal that is before us and that we seek to second degree places the burden of proof to show that the lender's ratings will not decrease. Under the proposed amendment, this board would need to predict what the financial condition is going to be. That is a pretty unreasonable requirement for this governmental board composed of Cabinet officers or their designees.

Secondly, of course, Wall Street rating agencies make these kinds of ratings, and they will be making it here. This, after all, is a market function. CFC raises its capital in the private capital markets through the sale of bonds, through the sale of equity securities, equity investments. So these things are all a function of the market and are tested by the market. We don't need to set up an artificial organizational effort to do that.

CFC is over 31 years old. I think it has $600 million worth of capitalization. They have been in the energy and telecommunications markets. They are mature. What we are saying is that we appreciate very much the Senator's willingness to allow these kinds of nonprofits to participate, but our argument basically is there are restrictions and regulations here that are not needed. They are additional bureaucratic reviews that are not necessary in order to accomplish the purpose the Senator has set forth.

I won't take longer. I am very much in favor of this bill. I hope we will move to pass it quickly. I thank Senator JOHNSON and Senator GRAMS for joining in this effort to make some changes. I do not think they changed the policy direction that the Senator from Texas takes, and I urge the support of the second-degree amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in opposition to the amendment.

I think, as people try to follow this debate, it often looks complicated, but if they burrow into the real issue, it boils down to this: In trying to accommodate those who want the Cooperative Finance Corporation to participate in this program, I have taken from the bill in my amendment the requirement that the lender be FDIC insured. I have set out some conditions. For banks, I require that they meet a capital requirement and that they do not engage in self-dealing. That requirement is not in this amendment that would strike my amendment. Under this amendment, potentially we could have an 80-percent Government guaranteed loan to some institution that is lending the money to itself. I am opposed to that. I am adamantly opposed to that. I think that is an outrage.

Under this provision, we could have an institution lend all of its capital and the Federal Government is going to guarantee 80 percent of it. Under this amendment which strikes my amendment, some institution somewhere could lend 100 percent of its capital, and the Federal Government is going to guarantee 80 percent of it. I don't think so. Under the amendment I have offered, I have said that in such institutions, we are not going to guarantee their loan if they are lending more than 10 percent of their capital. This is taxpayers' money we are talking about. Both of those provisions are dropped.

This amendment does a curtsy toward fiscal responsibility in that it says for a lender to qualify, they have to have one of the top three ratings on at least one issue of outstanding debt. You can issue a 30-day note, and almost anybody can get a AAA rating for their credit for 30 days, but the taxpayer is going to be on the hook for 25 years. The fact that a borrower could get a good rating for a 30-day note does not excite me very much, when the taxpayer is going to be on the hook for 25 years. And that does not even apply to the CFC. They don't have to have any capital requirement at all. Every other nonprofit institution does in their amendment, but not CFC.

Let me explain the issue of the CFC. The Congressional Budget Office has estimated that the loan guarantee in the House is going to have 45 percent of the loan defaulted. The scoring by the Congressional Budget Office of the House bill assumes 45 percent of the loan guarantee the Federal Government makes will be defaulted and that the taxpayer will be left holding the bag. That is what the present value of $350 million is when you are discounting on a 25-year bond.

This is risky business. We are lending money on a technology that has never worked anywhere. We are talking about totally new technology. I know there are people running around saying: We are going to have a directed beam satellite. Where are they? Show me one. Where is one working in the world today? They may work.

The point is, this is new technology. We are talking about somebody borrowing the money, launching a satellite, for example, using brand new technology, cutting it on, it works. Maybe it works; maybe it doesn't work. The Congressional Budget Office believes this is risky business. They assume 45 percent of the loan is not going to be repaid.

I have tried to build in protections, and those protections are critical. The most important protection is that a private lender is on the hook for 20 percent.

Our Presiding Officer used to be in the banking business. He did not often get an 80-percent Government loan guarantee, but when he was on the hook for 20 percent, he paid attention to his business because it was his money. The guarantee that we are getting is that people are going to be judicious with the part we are not guaranteeing.

Why do we treat nonprofits differently? What is this issue about credit rating of nonprofits? Why should Joe Brown who lives in San Geronimo Creek, TX, care about the credit rating of the Cooperative Finance Corporation when he is going to guarantee 80 percent of the loan they make? What difference does it make to him?

First of all, why do they have a tax exemption at the Cooperative Finance Corporation? Because we gave it to them to promote a public purpose. What was the public purpose? The public purpose was to provide electricity to rural America and to provide telephone to rural America and to keep it moderate. That is why they have a tax exemption—because they are providing a public purpose.

In letting them be involved in an activity where, under the conditions set in the House, 45 percent of the loan will be, according to the estimate of CBO, defaulted, all I have asked is that this nonprofit organization, or any other, since they are performing a public purpose by lending money to provide electricity in rural Texas and rural America, I want the board to find that their credit rating is not going to go down as a result of making this loan.

Now, our colleague from South Dakota says, what business is it of ours whether the credit rating of the Cooperative Finance Corporation goes down or not? It is my business. It is my business because I have over a million Texans who buy electric power and/or telephone from rural co-ops that borrow money from the CFC. That is why it is my business. If they make a bad loan and their credit rating goes down, the cost of borrowing money to maintain electric power and telephone in my State is going to go up, and my ratepayers, who are captive—they can't buy electric power from anybody else and they can't buy hard-line telephone services from anybody else—are going to end up paying more money. That is why I care. That is why it is relevant.

Now, this is risky business we are engaged in here. All I am trying to do is say, if you want the financial institution that has historically serviced REA and serviced electric power and telephone—and let me remind my colleagues you don't lose money lending money to an electric co-op to provide telephone or electric power generation. Why? Because you have a captive market so that if the loan doesn't work out, you raise the rates—you restructure the loan, you raise the rates to pay it.

In this case, if that satellite doesn't go into orbit, whose rates are you going to raise? You are going to raise the rates of people in Texas who are buying electric power. That is whose rates you are going to raise. That satellite doesn't work. You don't have anybody buying its services. They have a right not to buy them. You are not going to be able to raise their rates. So all I am trying to do is say before we let this lending institution, with a proud history, which has done a great job—and I don't dispute any of that—this tax-exempt lender that we gave tax exemption to electrify America and to provide phone services to America, before we have them make a loan that the Congressional Budget Office says 45 percent of, under the House structure, will be defaulted, before we let them do it—why is it so offensive to have, among other people, Alan Greenspan look at their loan and their proposal and try to make an estimate as to whether or not making this loan is going to drive down their bond rating and drive up the cost of electric power and telephone services in rural America? Do we not trust Alan Greenspan to make an honest judgment?

I don't understand this issue. It seems to me what we have is a captive lender that somehow desperately wants to get into a business we didn't give it tax exemption to do. We have a mission creep here on a gigantic scale. Now, I am willing to let them do the mission creep as long as it doesn't cost Texas consumers of electric power and telephone services in rural Texas money. If it is not going to cost them money, I am willing to let them basically dramatically change the business they are in. If they make a $1.25 billion loan, that is larger by far—twice as big—than any loan they have ever made. Their average loan is less than $20 million. I would say that is a pretty dramatic change in business. If we are going to let them do that, all I am asking is that there be somebody responsible—and I would call Alan Greenspan responsible—who is going to look at their application and make a determination as to whether this is going to drive down their bond rating and cost every REA customer in America a bunch of money.

The second provision is if, in fact, it does drive down their bond rating, I want them to sell it and get out of that business. You might say how dare we tell them they can't engage in some of the most speculative lending in America. How dare we tell them that. Well, the reason we dare tell them that is they are tax exempt. We gave them a very special privilege to do a certain kind of work, and that special privilege was to bring electricity and telephone service to America. I know we have let them get into other kinds of business. We let them make a loan so that REAs could go into a partnership with Direct Television. But they didn't put up any satellite or develop any new technology, and they didn't take any real risk. This is big-time risk.

So the difference between the two amendments is, first of all, this amendment, in my opinion, is not very well crafted in that it strikes all of my provisions against self-dealing, all of the provisions in my amendment—and you don't have to worry about that when you are dealing with FDIC institutions because they have those requirements already. But those provisions in my amendment that were struck by this amendment are pretty important. If we are going to have the taxpayers on the hook for over $800 million, I want to be sure somebody is not lending this money to his brother in law, or to an affiliate of the company. I don't understand why those provisions were struck by this amendment.

Secondly, if we have a traditional REA lender in the Cooperative Finance Corporation making loans, I am willing to let them into this business if they want to get into it; though, to the best of my mental ability, I can't see why they want in this business. But they do. They are determined to get into it. I am saying, let them in the business, but don't let them in if it is going to drive up the cost of electric power and telephone service to rural America by driving down their bond rating.

I thought, when we made the concession to treat these nonprofits differently by not requiring them to meet a capital requirement for the size of their loans, that the compromise was going to be accepted. But it seems to me that, basically, what we are trying to do is we are trying to go back and undo all the other stuff we have done in this bill because the logic of the bill is that we are going to have a private lender who is going to be on the hook. Now, some people say, won't the Cooperative Finance Corporation be on the hook? Who will be on the hook if they lose $800 million? Who really loses? Whose money is it? Well, ultimately, who is going to lose is the people who are buying electric power in America, in rural areas, and people who are buying telephone services, because they are going to lose a very cheap source of credit because the Cooperative Finance Corporation is going to end up losing its double-A rating.

So that is what this whole issue is about. Unfortunately, we have a series of votes in the Budget Committee, and we don't have proxy voting. It is going to require Senator JOHNSON, Senator SARBANES, and I to be there.

I ask unanimous consent that we set aside this amendment, that we let other amendments be offered in our absence, but that we don't reach a final disposition of any amendment until the hour of 1:30.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Reserving the right to object, and I don't intend to object, if I might inquire of the Senator so I am clear about this, we have a number of Members who would like to speak to the Senator's amendment and the second-degree amendment. I assume they will have an opportunity in that context.

Mr. GRAMM. They will. Under the unanimous consent, any Member could speak on this amendment and on the bill, and any Member could offer another amendment. But there could be no final disposition of an amendment until 1:30 when we are back and have an opportunity to address it.

I would prefer, if no one objects, to let people offer amendments because we want to finish this bill today. It is not going to hurt my feelings if somebody offers an amendment when I am gone. I can read it when I get back and discuss it.

Mr. SARBANES. Reserving the right to object, I suggest to the Senator that 2 o'clock might be a better time.

Mr. GRAMM. Mr. President, I ask unanimous consent to change the request to 2 o'clock.

Mr. SARBANES. And then, for clarification, the time between now and 2 would be spent either debating what is before us at the moment or offering some other amendment and debating that amendment.

Mr. GRAMM. That is correct.

Mr. SARBANES. One of those amendments might be involved.

Mr. GRAMM. That is correct.

Mr. SARBANES. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, if I might take 1 minute—I know there are a number of others who want to address this legislation, and I have to return to the Budget Committee as well for a series of votes—let me observe, having listened carefully to the chairman's remarks, that I think the differences we have are fairly straightforward, in a sense.

On the one hand, our amendment says we have already come up with some safety provisions with an 80-percent guarantee rather than 100 percent, and so on. But what we are suggesting is that guidelines be adopted by the board, by Mr. Greenspan, by Treasury, and by USDA. They certainly have it within their prerogative to develop whatever guidelines they feel appropriate to ensure that the lending practices are secure and sound from the perspective of the taxpayers.

The Senator from Texas, rather than relying on the Fed, the Treasury and USDA, is suggesting that he will impose guidelines statutorily. We now have, I believe, the consequence of, in effect, shutting out the CFC from participating in the program.

I think we have a solid piece of legislation with the Johnson-Thomas-Grams amendment. We would then turn to the board as the chief instrument for any further fine-tuning of what kind of provisions might be helpful to them in seeing to it that these loans are handled in due course and in the proper fashion.

I think that is the difference we have between the underlying Gramm amendment and our second-degree amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise in support of the amendment offered by Senator GRAMM, and am also in opposition, then, to the second-degree amendment offered by Senator JOHNSON.

The Gramm amendment puts all possible lenders on an equal footing. I believe we must protect the taxpayers. It is the primary charge for the Banking Committee to ensure that this program does not turn into a source of free money. The amendment would do that and make the requirements for lending institutions equal regardless of the lender.

I have concerns about allowing lenders that are active in the farm credit programs—Government-sponsored enterprises—to get into risky business ventures potentially lending to a new satellite TV venture. The CFC and farm credit banks focus their lending on electric and telephone loans, as well as farm operating and housing loans. They don't have experience with launching satellites.

Where taxpayer money is concerned, we can't just open up the program to any lender that has previously participated in the Rural Utilities Service program. Too much is at stake.

The amendment would not only allow FDIC-insured institutions to make the loan, but it allows investment banks and commercial lending institutions such as GE Capital and TransAmerica to make the loan. These institutions have unique knowledge of market risks of investing in satellite services.

The amendment also provides for not-for-profit cooperative lending corporations to participate in the program only if the loan can be made and not cause the credit rating to fall below an AA rating. A lower credit rating could cause rate increases for rural electric and telephone customers.

The Gramm amendment also restricts all lenders to lend only up to 10 percent of their net equity. This solution ensures that no lender is treated differentially.

The comment was made earlier that the board is going to be required to predict the future on the ratings for the CFC. That is what boards do. They don't predict the past. They predict the future. And they have to determine whether there will be a significant impact on a lending institution.

Earlier we saw a chart. It pointed out that CFC has an AA rating. And it showed the other 10 rating agencies.

One of the things that emphasis was not placed on was the asset size of those different institutions. The banks range in size from $716 billion in assets down to $63 billion in assets. CFC has $15 billion in assets—one-fourth of what the smallest of the 10 banks have.

Why is this important? We are talking about a $1.25 billion loan. That is a pretty significant portion of $15 billion. We should pay attention to the impact that it can have on that institution. That is why we have a board to make those decisions.

The basis for this legislation is to create incentives for private investors to use their own risk capital to bring local television service to rural areas. The Congress decided it was in the national interest to allow satellite companies to rebroadcast local television stations to their home markets. The loan guarantee program is designed to make that possible in smaller markets, such as Casper, WY, and Glendive, MT. It is not being created to give away the taxpayers' money.

The amendment that Senator GRAMM has offered levels the playing field for all lenders and addresses the concerns of the Banking Committee. One of those concerns is how to bring more lenders into the program and ensure that any potential qualified borrower can participate. Rural electric cooperatives borrow through the Cooperative Finance Corporation. It is a private corporation with an AA credit rating that caters to the special needs of rural electric cooperatives. Historically, they lend for electricity and telephone projects. A loan to launch a satellite and provide local television stations in rural areas is a much bigger and much different risk than an electric project. There is less guarantee that the service will attract customers or that the launch of the satellite will be successful.

The rural language that members of the Banking Committee have been working on with the distinguished Senator from Texas protects the REA members and CFC from taking a bigger risk than necessary but allows them to take the risk. It does not give any lender an advantage over any other lender to obtain the guarantee.

I believe Congress should make the playing field as level as possible for all participants. I don't think it should give more potential to those that have some Federal connection. Senator GRAMM's language does that. I urge its adoption. I urge a vote against the second-degree amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2896

(Purpose: To require that the entity, if any, that receives the entire amount of the available loan guarantee shall provide in each under-served area or unserved area in each State all the local television broadcast signals broadcast in such State)

Mr. BUNNING. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. BUNNING) proposes an amendment numbered 2896.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, between lines 11 and 12, insert the following:

(4) REQUIREMENT RELATING TO APPLICANT RECEIVING ENTIRE GUARANTEE AMOUNT.—The entire amount of the guarantee available under subsection (f) may not be provided for the guarantee of a single loan unless the applicant for the loan agrees to provide in each unserved area and underserved area of each State the signals of all local television stations broadcast in such State.

Mr. BUNNING. Mr. President, this amendment is pretty simple. It says that any entity that receives the entire $1.25 billion loan under this bill must provide to its subscribers all of the local television broadcast signals which are broadcast in that State.

Since coming to the Senate I have heard from my constituents about satellite TV more than any other issue. More than impeachment, Social Security, taxes, or anything else.

That might sound strange, but I constantly hear from Kentuckians who are unhappy that they can't get local news and local programming. Believe me, when the University of Kentucky is playing basketball, that's a big deal.

Kentucky is rural, and a lot of our communities are isolated and hard to reach. Cable isn't an option for them because the cable companies won't come—it's too expensive to wire them.

And they often can't get a clear signal with traditional TV antennae because of the geography and landscape of our commonwealth. This has led many Kentuckians to try satellite coverage, but then they often hear more about New York City, Los Angeles, or Chicago.

With my amendment, I am trying to make sure Kentuckians and other Americans living in rural areas get local news and local programming. In Kentucky, this problem is made even worse because much of our State is dominated by media markets from surrounding States, making it even harder to get local programming.

I live in northern Kentucky near Cincinnati, OH. It is frustrating to constantly hear Ohio news and not be able to find out what is happening in Louisville, Lexington, Paducah, or Bowling Green.

In talking with the industry, the satellite technology soon is going to allow for spot beaming to provide local-to-local coverage for everyone. I think that is great. I encourage them to keep pushing forward. I also want to make sure that if anyone gets the full value of this loan, then they have to provide local programming for local areas. These loans are going to be guaranteed 80 percent by the Federal Government and taxpayers in Kentucky and other rural States deserve to be considered.

I am simply trying to look out for my constituents. I have a feeling there are other rural States in the same boat. I bet they are as frustrated as we are when they can learn about New York City politics or the Chicago Cubs baseball or the latest news in neighboring States but they cannot find out what is going on in their own backyards.

I urge adoption of this amendment. I want to make sure Kentuckians, and all others in rural States who do not have local broadcasts in their own State, can receive local news from their State, not just news from an adjoining State. I urge passage of the amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I am proud the U.S. is the world leader in the advancement of technology, providing businesses and consumers faster and better ways to work and to communicate. But even though we have made great progress in technology, much of rural and small town America has been left behind. In the small town of Cumming, IA, where I was born and still have a house I live in when I am not here, we do not have access. We do not even have cable yet. So a lot of people are putting up satellite dishes as the only way of getting adequate information through television.

I joined a Senate rural telecommunications task force last year to address these issues and to work, as a group, to pass legislation to help rural communities catch up. Just as cable and telephone companies say it does not make good business sense to provide service to a few customers in Cumming, IA, for example, we know that without this access rural America will suffer and will be left behind in the new digital age. You talk about a digital divide. There is a digital divide and rural America is on the short end of that divide.

We are not just talking about high-speed Internet access or reliable telephone lines. We are talking about the lack of access to basic local TV programming—local weather, local news, local school information for rural residents and farm families. You would think it is easy; if you live on a farm or in a small town in rural Iowa, you just put an antenna on your house and get the local weather and news from a local TV station. Once again, it is not that easy for rural and small town residents. An antenna just doesn't reach that far. Weather conditions interrupt, for example. Cable will not extend lines outside of metropolitan areas because of the high cost. As I said, in my hometown, we do not have cable yet. We live fairly close to a metropolitan area.

The satellite dish came along and provided relief and access and they sprouted up like mushrooms all over rural Iowa and rural America. But the satellite also has its problems. It does not include what is called "local-into-local" programming, into small and rural TV markets. The satellite dish companies say they do not have the capacity in their existing satellites. That is what they say.

I happen to have a satellite dish on my house in Virginia, 12 miles from here. I can turn that thing on any time and get hundreds of channels—many of which are, I think, kind of ridiculous, but they are there. So they can provide hundreds of channels to customers in metropolitan areas, but they cannot transmit local TV to the 60 million customers who live outside the big TV markets, they say, without launching more multimillion-dollar satellites.

Last year, we fought hard to keep in the satellite bill a rural loan guarantee program, one that would make it easier for companies or nonprofit cooperatives to provide local TV to rural customers. Unfortunately, it was taken out at the last minute before the bill was passed and signed into law. Senator GRAMM, the Chairman of the Banking Committee, has drafted a rural loan guarantee bill, similar to the one I cosponsored last year, that will go a long way to ensuring that rural residents receive the benefit of local television.

However, I am concerned about the provision in the bill that requires all potential lenders in the Loan Guarantee Program to be Federal Deposit Insurance Corporation insured. That language would exclude several qualified lenders who have previously provided financing under the Rural Electrification Act. These institutions include the Cooperative Finance Corporation, the CFC, and other lenders that have the financial strength, the expertise, and the ability to participate in this program for rural citizens. These institutions have had years of experience. They have had a strong record in lending to rural and electric cooperatives.

I urge my colleagues to approve the Johnson-Thomas bipartisan amendment, of which I am a cosponsor, to allow qualified lenders with experience, expertise, and a strong reputation in these types of programs, to participate in the funding subject to approval. The cooperatives use lenders such as CFC because it means lower interest rates, resulting in a more affordable and workable project.

Again, I don't want to say I am favoring cooperatives or any one over another providing local TV in rural areas. I favor any institution and any technology that would be willing to provide local service to most customers in unserved areas; however, without the Johnson-Thomas amendment, we are effectively, legislatively shutting out a potential participant interested in extending local TV to rural America. They might win, they might not, but why should we shut them out of this process.

I would also like to mention Senator DORGAN's Rural Broadband Enhancement Act, introduced yesterday—again of which I am a cosponsor. This important legislation would help ensure that rural and small town America are not left behind by the revolution taking place in the technology industry that I mentioned earlier. The Dorgan bill would authorize $8 billion for a revolving loan fund over 5 years to provide capital for low-interest loans to finance construction of the needed broadband infrastructure. I am an original cosponsor of this bill because we cannot sit around waiting for this important technology to come to rural and small town America on its own. We know from past experience that we need to help make it happen. I believe the Dorgan bill will provide the incentives for companies to expand beyond their urban markets.

The Rural Broadband Enhancement Act and the Rural Loan Guarantee—LOCAL TV bill that is being considered on the floor today, are sorely needed in rural America. They both are akin to what happened in the 1930s with the Rural Electrification Act when we started to electrify rural America. I at one time did some research on that. I read the Senate debates when the Senate was debating whether or not to pass the Rural Electrification Act to provide the long-term, low-interest loans through cooperatives to build rural electric lines to families such as mine in rural Iowa.

At that time there was more than one Senator who got up and said this is a free market. If private companies do not want to go out there and build these electric lines to rural America, that is the marketplace. If people living in rural America don't like it there because they don't have electricity, they can move to the cities.

Fortunately, those voices were in the minority. The majority recognized that because of the sparse population in rural America, it was going to cost a little more for the initial installing of those rural electrification lines. What happened after that, of course, was because of the electrification of rural America we saw new schools go up. We saw new factories and plants go up to buttress the farm economy in our rural areas. We saw colleges being built.

So all of rural America expanded and became financially more sound because of the investment we made up front in rural electrification. We face that same kind of frontier right now both in broadband access and also in access to local television broadcasting.

That is why I feel so strongly that these are synergistic. The Dorgan bill introduced yesterday for broadband access and the Johnson-Thomas amendment which is before the body will provide the same kind of long-term, low-interest loans that could be made available through cooperatives and through other institutions to provide for a better possibility that we will get direct, local-to-local satellite broadcasting in rural America.

I hope the Senate will review this history. I hope the majority of this body will support the Johnson-Thomas bipartisan amendment so that rural America can have the same kind of satellite dish reception that we get in rural Virginia 12 miles from here. We can get on our satellite dish in our home ABC, NBC, CBS, Fox, all local from Washington, DC. It costs about four or five bucks a month. I believe people all over rural Iowa and rural Kansas would be willing to pay four or five bucks a month to get that kind of local television service from their local stations' satellite so they can know when tornadoes are approaching, bad weather, when schools are closed, and other local information they need which they otherwise do not get.

I urge adoption of the Johnson-Thomas amendment. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent to go into morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINIMUM WAGE AMENDMENT

Mr. KENNEDY. Mr. President, in morning business, I send an amendment to the desk to S. 2285.

The PRESIDING OFFICER. The amendment will be received and numbered.

Mr. KENNEDY. Mr. President, soon the Senate will have an opportunity to consider legislation to lower the Federal gasoline tax. The amendment I submit intends to at least consider on that particular measure an increase in the minimum wage in two phases—50 cents this year and 50 cents next year.

If the idea of repealing the gasoline tax is to provide some relief for hardworking Americans, it seems to me the best way we can provide some relief to the 11 million Americans who are earning the minimum wage is to provide a modest increase—50 cents this year and 50 cents next year—so they have less of an adverse impact, whether they are paying for gas to go to work at the present time or otherwise dealing with increased costs with which they are faced every single day.

I am mindful of some of the recent reports about whether this gasoline reduction will have much of an impact, in any event, for consumers and working families in this country. All one has to do is read what a Republican leader in the House of Representatives said about this particular issue when he pointed out in the New York Times—this is J.C. Watts:

> If that were not chilling enough to Republicans eager to maintain their tenuous control of the House this fall, other party leaders voiced skepticism over the repeal's impact on consumers.
>
> "I don't know if the tax has any effect on fuel costs," says Rep. J.C. Watts. "Supply and demand is driving prices right now."

That is an interesting and, I think, a pretty accurate statement. As a matter of fact, included in the fundamental legislation is a study as to whether lowering the cost of gasoline will have any positive impact on consumers.

On Wednesday, March 15, in the New York Times, there was a very interesting article by Paul Krugman of MIT talking about "Gasoline Tax Follies." I will reference part of the article.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [From the New York Times, March 15, 2000]
>
> GASOLINE TAX FOLLIES
>
> (By Paul Krugman)
>
> Teachers of economics cherish bad policies. For example, if New York ever ends rent control, we will lose a prime example of what happens when you try to defy the law of supply and demand. And so we should always be thankful when an important politician makes a really bad policy proposal.
>
> Last week George W. Bush graciously obliged, by advocating a reduction in gasoline taxes to offset the current spike in prices. This proposal is a perfect illustration of why we need economic analysis to figure out the true "incidence" of taxes: The people who really pay for a tax increase, or benefit from a tax cut, are often not those who ostensibly fork over the cash. In this case, cutting gasoline taxes would do little if anything to reduce the price motorists pay at the pump. It would, however, provide a windfall both to U.S. oil refiners and to the Organization of Petroleum Exporting Countries.
>
> Let's start with why the oil cartel should love this proposal. Put yourself in the position of an OPEC minister: What sets the limits to how high you want to push oil prices? The answer is that you are afraid that too high a price will lead people to use less gasoline, heating oil and so on, cutting into your exports. Suppose, however, that you can count on the U.S. government to reduce gasoline taxes whenever the price of crude oil rises. Then Americans are less likely to reduce their oil consumption if you conspire to drive prices up—which makes such a conspiracy a considerably more attractive proposition.
>
> Anyway, in the short run—and what we have right now is a short-run gasoline shortage—cutting gas taxes probably won't even temporarily reduce prices at the pump. The quantity of oil available for U.S. consumption over the near future is pretty much a fixed number: the inventories on hand plus the supplies already en route from the Middle East. Even if OPEC increases its output next month, supplies are likely to be limited for a couple more months. The rising price of gasoline to consumers is in effect the market's way of rationing that limited supply of oil.
>
> Now suppose that we were to cut gasoline taxes. If the price of gas at the pump were to fall, motorists would buy more gas. But there isn't any more gas, so the price at the pump, inclusive of the lowered tax, would quickly be bid right back up to the pre-tax-cut level. And that means that any cut in taxes would show up not in a lower price at the pump, but in a higher price paid to distributors. In other words, the benefits of the tax cut would flow not to consumers but to other parties, mainly the domestic oil refining industry. (As the taxtbooks will tell you, reducing the tax rate on an inelastically supplied good benefits the sellers, not the buyers.)
>
> A cynic might suggest that that is the point. But I'd rather think that Mr. Bush isn't deliberately trying to throw his friends in the oil industry a few extra billions; I prefer to believe that the candidate, or whichever adviser decided to make gasoline taxes an issue, was playing a political rather than a financial game.
>
> There still remains the argument that the only good tax is a dead tax. This leads us into the whole question of whether those huge federal surplus projections are realistic (they aren't), whether the budget is loaded with fat (it isn't), and so on. But anyway, the gasoline tax is dedicated revenue, used for maintaining and improving the nation's highways. This is one case in which a tax cut would lead directly to cutbacks in a necessary and popular government service. You could say that I am making too much of a mere political gambit. Gasoline prices have increased more than 50 cents per gallon over the past year; Mr. Bush only proposes rolling back 1993's 4.3-cent tax increase.
>
> But the gas tax proposal is nonetheless revealing. Mr. Bush numbers some of the world's leading experts on tax incidence among his advisers. I cannot believe that they think cutting gasoline taxes is a good economic policy in the face of an OPEC power play. So this suggests a certain degree of cynical political opportunism. (I'm shocked, shocked!) And it also illustrates the candidate's attachment to a sort of knee-jerk conservatism, according to which tax cuts are the answer to every problem.
>
> As a citizen, then, I deplore this proposal. As a college lecturer, however, I am delighted.

Mr. KENNEDY. Mr. Krugman writes:

> Anyway, in the short run—and what we have right now is a short-run gasoline shortage—cutting gas taxes probably won't even temporarily reduce prices at the pump. The quantity of oil available for U.S. consumption over the near future is pretty much a fixed number; the inventories on hand plus the supplies en route from the Middle East. Even if OPEC increases its output next month—

Which they did, as we heard from the announcements in the last couple of days—

> supplies are likely to be limited for a couple more months. The rising price of gasoline to consumers is in effect the market's way of rationing that limited supply of oil.
>
> Now suppose that we were to cut gasoline taxes. If the price of gas at the pump were to fall, motorists would buy more gas. But there isn't any more gas, so the price at the pump, inclusive of the lower tax, would quickly be bid right back up to the pre-tax-cut level. And that means that any cut in taxes would show up not in lower price at the pump, but in a higher price paid to distributors. In other words, the benefits of the tax cut would flow not to consumers but to the other parties, mainly the domestic oil refining industry.

There is a very substantial body of opinion that agrees with that. If we are talking about enhancements of profits of the domestic oil refining industry—and that is going to be the result of legislation—we ought to give consideration to men and women in this country making the minimum wage, trying to make ends meet, playing by the rules, working hard 40 hours a week, 52 weeks of the year trying to keep their families together.

There is a more compelling public interest for a modest increase in the minimum wage than in lowering the gas tax. If we are talking about providing some relief to the American consumers, it seems to me among the American consumers, the ones who are the most hard-pressed in our society, are those who are earning the minimum wage. If we are interested in providing such relief, we ought to at least address their particular needs.

That is what this amendment will do, and that is the reason I have filed it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSPIRACIES OF CARTELS

Mr. SPECTER. Mr. President, I have sought recognition to discuss a Dear Colleague letter which Senator BIDEN and I are circulating today. I expect to have the agreement of at least two other Senators to circulate this Dear Colleague letter. It is an effort to deal with the very serious problems which have been caused by the rise in the price of oil as a result of the activities of the OPEC countries.

The price of imported crude oil rose from $10.92 per barrel, for the first quarter of 1999, to over $31 per barrel in this month. In the first quarter of last year gasoline prices were, on an average, 95 cents per gallon, and heating oil was 80 cents per gallon. A year later both have peaked at $1.70.

On Tuesday, the day before yesterday, OPEC agreed to raise oil production over the next 3 months by up to 1.7 million barrels a day. But this is far less than what is necessary to take care of the very serious problems imposed upon Americans at the gas pump, for heating oil, diesel fuel for the truckers, and our whole society beyond the United States—foreign countries, as well—as a result of these cartels and conspiracies.

This conduct is reprehensible. If it were going on in the United States, it would be a clear-cut violation of our antitrust laws.

There have been declarations at the international level. The Organization for Economic Development, consisting of some 29 countries, made a declaration in March of 1998 that conspiracies in restraint of trade constitute a violation of international law.

At about the same time, 11 countries from Latin America made a similar declaration that conspiracies of cartels to restrain trade violate international law.

After a considerable amount of research, we are writing to the President asking him to consider two courses of litigation going to court. One course of action would be to file suit under United States antitrust laws, because these conspiracies of cartels in restraint of trade have an economic impact on the United States. There is ample authority for the Government of the United States to proceed in this way.

Suits were filed by private parties in 1979 in the Central District of California. The Court of Appeals for the Ninth Circuit concluded in 1981 that it would be inappropriate for a U.S. court to pass on that subject because international law was not clearly defined at that time. But there have been significant developments in international law since that 1981 decision by the Court of Appeals for the Ninth Circuit so that, in my judgment, the opportunities would be excellent to win this case and certainly well worth the effort.

The Dear Colleague letter which we are submitting has a second aspect, and that is a recommendation to the President that legal action be instituted in the International Court of Justice, perhaps for only an advisory opinion, that OPEC countries were violating international law.

I was surprised to see the International Court of Justice take jurisdiction in a case involving the issue of the legality to use or threaten to use nuclear weapons in war. I had thought that such an issue would be what is called nonjusticiable law, that is, not subject to going to court. You talk about national sovereignty. You talk about nuclear weapons. Such a subject would be really beyond the scope of what the International Court of Justice would decide. But the court did take jurisdiction on that issue. The court rendered an advisory opinion it would be illegal to either use or threaten to use nuclear weapons except in self-defense.

We have also seen, in the last few years, very significant developments in international law with the War Crimes Tribunal for the former Yugoslavia, where there have been indictments, prosecutions and convictions for crimes against humanity. There was also the extensive use of international law from the War Crimes Tribunal for Rwanda.

In a surprising case which has captured international headlines for months, an effort has been made to try Pinochet, former leader of Chile, on the application of the courts of Spain, although the acts did not occur in Spain. Customarily under criminal law, the prosecution is brought where the acts occurred. Pinochet was in England. There was a tremendous amount of litigation there. Surprisingly, there was an extension of international law into areas where conduct is really despicable, as are the allegations related to Pinochet. Recently the former dictator from Chad was tried in the courts of Senegal on charges of torture and violation of human rights.

We are looking at a rapidly expanding international picture. I believe we ought to be taking every step possible to deal with these cartels and this conspiratorial and reprehensible conduct by the OPEC nations. While they have agreed to raise production slightly, we are at their whim for action any time they see fit to cut back on production, to extract and extort enormous sums of money from consumers in the United States and consumers around the world.

This is not a problem for this day only. This is a problem which plagued the United States, with the long gas lines in 1974, 26 years ago, but I remember them well. People lined up for three blocks waiting in a gas line to get some fuel. By the time you got there, the pumps sometimes were out or sometimes it was limited. There is no reason why we should have to put up with this kind of conduct because it does violate international norms and really ought to be stopped.

This letter does not contain any reference to actions on a class action basis by consumers. Right now, the antitrust law calls for actions only by so-called direct purchasers. But consideration is being given by a number of Senators to an amendment to the existing antitrust laws to allow indirect purchasers; that is, somebody who buys gas at the pump. Texaco could sue OPEC, at least would have standing to sue OPEC. There would be the other considerations that would have standing as a direct purchaser.

Under a case denominated Illinois v. Brick, an indirect consumer cannot sue. But I believe there would be good reason to amend our antitrust laws, limited to the field of purchases relating to oil. That is a distinction, because oil is such a critical part of our economy and such a critical part of our everyday life: for keeping our houses and offices warm, our general buildings warm, to supplying gasoline for truckers who transport necessary items for everyday life, and for the gasoline which is necessary for our automobiles. This is where we have been gouged by the OPEC conduct.

Some have raised the question: What good would it do to take these cases to court; what would the remedy be? The fact is, there are considerable assets from these OPEC countries in the United States which would be subject to attachment. With respect to the suit in the International Court of Justice, there would be considerable opprobrium in being sued, hauled into court. Nobody likes to be sued, whether an individual, a company, or a country. This conduct is reprehensible and we ought to call them on it.

I do believe, in the final analysis, our U.S. laws on antitrust would enable us to get a remedy. Actually, the International Court of Justice would hold out these international pirates to be nothing more than they are, really preying on the weak, those who have to buy the oil at any price. This conspiracy and restraint of trade and these cartels ought not to be allowed to go on.

Mr. President, I ask unanimous consent that the full text of the letter to the President be printed in the RECORD, together with a copy of a Dear Colleague letter which Senator BIDEN and I are circulating.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC.

President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp.*, 442 U.S. 330 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]." Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois*, 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

"It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice."

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anticompetitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons "would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, eleven Western Hemisphere countries held the first "Antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws." One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

UNITED STATES SENATE,
Washington, DC.

DEAR COLLEAGUE: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

We ask you to sign the enclosed letter to President Clinton which urges him to consider these two litigation options. As you will note from the letter, the subject is quite complicated and is set forth in that letter as succinctly as it can be summarized.

If you are interested in co-sponsoring, please have staff call David Brog of Senator Specter's staff at 224-9037 or Bonnie Robin-Vergeer of Senator Biden's staff at 224-6819.

Sincerely,

ARLEN SPECTER.
JOSEPH BIDEN.

Mr. SPECTER. Any Senators who may be listening to this or any staff members, I invite them to call David Brog of my office at 224-4254 or Bonnie Robin-Vergeer of Senator BIDEN's office at 224-5042. We would like to get a good showing and see if we can't get the President to take a really tough position against these cartels which have so disadvantaged so many Americans.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUELS TAX REDUCTION

Mrs. LINCOLN. Mr. President, I rise today to discuss S. 2285—a bill that is so flawed I can't believe the majority wants to end debate on it before the debate has even begun, with no committee hearings, no floor debate, no bipartisan discussion over something as important as the tax base for our highway and transportation infrastructure needs. This is literally an "Our Way or the Highway" bill, and I will choose the highway.

As a southerner, I represent a large number of farmers and about 1,600 independent trucking firms. Eleven hundred of those firms are one-truck operators; 250 operate 10 or fewer trucks. I've got at least seven of the largest trucking firms in the Nation based in my State, as well as the world's largest retailer, which operates about 4,000 trucks, and one of the largest food processors which operates about 1,500. I am opposed to S. 2285 and should I have the opportunity, I will vote against it.

First of all, none of the truckers or farmers that operate in my State would receive any benefits from the bill being discussed today, or any of the other bills that are based on a reduction in Federal excise taxes.

They are calling this proposal the "federal fuels tax holiday" I can tell the Senate that if this bill passes, we won't be celebrating in Arkansas.

A key point that must have been overlooked by the authors of this bill is that some States like Arkansas, any reductions in Federal fuel excise taxes automatically require a penny-for-penny increase in the State fuel excise tax.

If we could have had committee hearings on this bill, perhaps the entire body might know that my State, along with Oklahoma, Nevada, Tennessee, and California all have provisions that will in some way negate any decrease in the Federal tax by increasing the state tax.

Many States use the funds they receive from the Federal Government transportation formulas to issue bonded debt. They depend on the gas tax to pay for these bonds and to fund their transportation needs.

Smartly, many of the States recognized that you can't always rely on the promises you get from Washington. I am glad that the State legislators of my State had the wisdom and the foresight to anticipate ill-conceived notions by Congress such as the bill before us today that would put our highway and transit programs at risk.

Further, even in those States that would not automatically increase excise taxes, there is no guarantee that the consumers would see a price decrease at the pump. These taxes are charged at the wholesale level.

The only thing this bill offers is a "sense-of-the-Congress" clause that says to the big business: "Here you go, have a huge tax decrease; by the way, we sure hope you guys will pass it on."

Further, there is no credit in the bill for retail stocks. That means that even if this tax reduction were to pass both Houses and make it past the President with lightning speed, the gas in retail inventories would still be priced with the tax. There is no telling how long it would take for the fuel that wasn't taxed to finally make it to consumers.

One last thing about cutting the Federal excise taxes on fuels: these are the dollars that go into our highway trust fund. I know that this bill has some statutory hocus-pocus that takes the money out of general revenues, but are we really protecting the highway trust fund and Social Security by hopping from trust fund to trust fund until we find one that the voters aren't watching?

They say this bill is paid for out of the "on-budget" surplus. I ask, where is that? We don't even have a budget resolution, let alone a surplus. I think we should make sure that a surplus exists before deciding to spend it. The bottom line is this bill isn't paid for and the money is simply going to come out of debt reduction, education, and out of Medicare reform dollars that are so needed in the country.

I have spoken with the truckers in my state and they have told me that they need help. And I want to help them in a way that is reasonable and will actually reach them. But the way this bill is structured no relief will make it to them. If we really want to help truckers and consumers effectively then we should have a package that helps them right now and through the end of the fiscal year.

In the very short term, we should consider a suspension of the heavy vehicle use tax that is due on every big rig. This tax break would go directly to the people in need, and it would have a very quick impact.

This tax is due on July 1, but it can be paid quarterly. Suspending the heavy vehicle use tax would equal about $550.00 in relief for every truck on the road, and we wouldn't have to wait for the effects of market pricing to see relief at the consumer level.

Also, we should consider low- or no-interest loans to help small business men and women make it through this price spike. In the intermediate months, truckers, and producers who have been pushed to the edge could find help in load assistance until oil prices come down.

Finally, we should consider end-of-the-year formula tax credits that would go directly to the consumers and could be directly tied to oil prices which, as I speak, are dropping.

We are all aware of the recent announcements that have been made by the oil exporting countries. Prices are falling and the price spike is coming down. While we all want to ensure that the high prices we have had will not drive small business people into bankruptcy, our relief package should be flexible enough to take falling prices into account.

Beyond the rash and reckless way that we have come to consider this bill, and beyond the abomination that it is, there remains the underlying issue of our nation's energy policy. This knee-jerk bill is a reaction to a host of problems and just because oil prices are starting to come down we should not let this issue fall to the wayside.

There is no excuse for the lack of a comprehensive energy policy that we suffer from in this country. The roller coaster ups and downs of oil prices in 1999 and 2000 are evidence that we have been completely reactive to market forces and have not established stable, long-term energy policies.

It is obvious that no immediate, cost-effective government action could eliminate U.S. dependence on foreign oil entirely, but there are things that we should be doing to help reduce our dependence on oil as an energy source.

To help lessen the economic shocks that oil price spikes have created, we should couple short term relief provisions such as the ones I have spoken about with smart, stable, long-term, energy policies.

Through the use of petroleum supply enhancements such as energy conservation, use of renewables, and expanded U.S. production we could lessen our dependence on foreign oil. We must provide incentives to try to bring ourselves away from dependence on oil in general. We must set out a course to promote oil production at home, to promote the use of renewable sources of energy, and to promote the more efficient and cleaner uses of the fossil fuels we are still using.

Mr. President, many of us in this body have been pushing for expanded uses of renewables for quite some time and we will continue to do so. This spike in fuel prices demonstrates that we need to shift our emphasis from research to the practical use and application of renewable sources of energy.

Simply put, Mr. President, this knee-jerk reaction to high oil prices represents a reckless abandonment of the priorities we brought to the Congress last year—Social Security, Medicare, paying down our national debt, and educating our children.

I want to do whatever I can to help my constituents who are dependent on diesel for their livelihoods, but if we adopt measures to eliminate, albeit temporarily, gas taxes, we will not get the help to those who need it.

When a core business segment of this nation is under duress we should address that segment directly. We must get the help to the ground where it is needed. In our present situation, we should be pursuing targeted assistance in the forms of loan assistance, grants, and reasonable tax measures that actually get to the level of the consumer who need it the most.

We can't afford to jeopardize funding for our roads, the stability of Social Security and Medicare, or the long-term goal of paying down our enormous debt. This bill would do just that, Mr. President, and I urge my colleagues to oppose the "fuel tax holiday" bill before the party gets out of hand, to ensure our roads will be funded and, more importantly, that we go about it in a reasonable way and get relief to the individuals who need it the most.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank the Senator from Arkansas, and I hope that other Senators pay close attention to her and her very persuasive remarks as to why legislation that will potentially come up in this body to repeal the 4.3-cent gasoline tax is a bad idea.

The long and short of it, as the Senator said, is that the reason for the high gasoline prices is basically OPEC. OPEC made an announcement which will have the effect of lowering gas prices. I think the 4.3-cent tax is a phantom reduction. There will not be lower prices as a consequence of the proposal. I think the refineries will keep it and they won't pass it on. There are a whole host of reasons. The main point that is worth considering is that we labored mightily in this body and in the other body a couple years ago to pass a very significant highway program; we called it TEA 21. Was that significant? It said that for the first time all of the Federal gas taxes were going to the highway trust fund, and the highway trust fund would be used only for highways. It was a commitment: People who drive cars and trucks in our country and pay the Federal gas tax or diesel tax will know that tax is going to the highway trust fund and it should stay in the trust fund, with the trust fund dollars to be allocated among the States to build and repair our highways. That was it. It was that simple.

So if the bill that may come before this body, which the Senator was addressing, were to be enacted, it would break that trust, break that commitment. It would open up the highway trust fund to potentially any purpose. It would just be the camel's nose under the tent. It would be the first step down the slippery slope of taking trust fund money and using it for other purposes. Why do I say that? Because part of the amendment is to say, OK, let's replenish it with general revenue. We all know "general revenue" is a slippery slope around here. We don't know how much general revenue there is going to be; therefore, the solidarity of the dollars going into the trust fund and dollars coming out of the trust fund to pay for highway modernization and new highways has to be kept sacrosanct. I hope the Senate rejects the position to repeal the 4.3-cent gas tax. It is a bad idea.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. BAUCUS. Mr. President, I will address the pending subject, local-into-local broadcasting. At the end of the last session of Congress, there was some talk that in this session of Congress, this year, we would take up financing to help guarantee local-into-local television coverage in rural areas. Frankly, I wasn't happy with the way we were about to leave the last session of Congress, so I stood up on the floor and tossed a little bit of obstruction around until we got a firmer commitment that by a certain date we would bring up legislation in this body directed toward financing satellites or other entities so that we could provide local-into-local coverage throughout our country. I am very happy now that this bill is before us. As a consequence of the deference of myself and others, we are now here.

Very simply, the need for this is extremely important. This chart shows markets that aren't now covered and will be covered under the basic bill to be passed. There aren't very many of them. The red dots depict areas where people can get local-into-local coverage. There are 210 TV markets in our country. You can tell that the red dots don't number 210. In fact, they number something much less than that. I might say that number 210 happens to be right up here—Glasgow, MT. Butte, I think, is 167, and there is Billings. We have a bunch of TV markets in our State, but they are nowhere near where the red dots are.

With the passage of last year's bill, 67 markets will have coverage. Only 67 of the 210 markets will eventually get coverage and have local-into-local television coverage. Thirty-five percent of the homes in my State would receive video programming through satellite. Our State flower is the bitterroot, but we have a new State flower now, the satellite dish, because we in Montana have the highest per capita utilization of satellite dishes—more than any other State in the Nation. Montanans per capita have more satellite dishes. It is because Montana is so big. We are a rural State. There are only about 900,000 people in our State, with about 147,000 square miles. You can see why satellite dishes are so important. But because we are so rural and because so many other States are so rural, we are not getting local satellite coverage. It stands to reason because the satellite companies are going to give the coverage to the greatest markets where they will make the most money, as well they should. Companies are there to get the highest rate of return. So they are going to go where they can make the greater returns, and that is going to be the cities.

It is only fair that the rest of America also be wired in. That is why I think this bill is so important. It will take a few years to accomplish it, but at least we will get there.

What are the reasons for having it? One is to find out what your local team is doing.

Here is a chart. This is the University of Montana Grizzlies. Most folks like to know how the home team did. If you don't get local-to-local satellite coverage, it is pretty hard to know. You might be able to find out for New York, Denver, or Florida. But when you are from a smaller community and a smaller town, you only care about the local team. You can't get it now with satellite coverage in my State of Montana and in most places.

Maybe it is not the local team. Maybe it is weather conditions. Is a storm coming? What is the weather report? Our State sometimes has blizzards. Sometimes it snows—not very often. Most people think Montana is awfully cold; that we have a lot of snow. Montana is really not very cold. It doesn't snow that much. But every once in a while it snows. We kind of like to know every once in a while when it is going to happen. So we need local notice. Local-to-local is critical throughout our country.

The final point I will make is demonstrated by this chart. This shows how well the Rural Utilities Service, a branch of USDA, is already serving America—the telephone cooperatives, and with the power cooperatives around the State. RUS is a loan guarantor. It guarantees loans for wastewater proposals, for electric distribution, transportation, telecommunications, telephone, and distance learning. It guarantees loans to finance operations to build these infrastructures all over the country.

The basic point is a very simple one. We have an organization in place. It is serving America well. Why not allow the Rural Utilities Service to, essentially, be the agency that provides the additional loan guarantees for satellites and to give assistance to rural areas?

The underlying bill before us sets up a board to do all of this. I submit that another board and another level of bureaucracy does not make sense. We already have an organization that is doing it. Also, this RUS organization has a very good record. In fact, in the last 50 years, the Rural Utilities Service has not had one loan loss in its telecommunications program—not one. That is indicated by the green dots scattered throughout the country.

When we finally pass this legislation, remember that we already have an agency doing a good job.

I also urge adoption of the pending amendment offered by Senator JOHNSON, which adds the National Rural Utilities Cooperative Finance Corporation as another lender in addition to FDIC-insured banks. I think it is helpful to have that availability. We are more likely to get the financing.

I must also say that I hope we include in the underlying legislation a provision which encourages the loan guarantors at the lending institutions to finance new satellite operations not only for local-to-local coverage but also to help in the availability of broader bandwidth and higher-speed Internet connections because we have the opportunity now while we are providing satellite service for local use to also say: OK, maybe we should also give some consideration to wireless, broad bandwidth, and higher-speed access to the Internet because clearly that is the way of the future. Many of the urban parts of our country have broad bandwidths. It is 10 times more expensive, but they have it.

In addition, many companies are competing vigorously to provide this service all across the country. They are doing it the good old American way—based on a profit motive. That is great. That is what built America. But a consequence is that rural America often doesn't get near the same coverage as urban America for the same reason that satellite companies are not providing local-to-local to America; namely, because it doesn't pay nearly as well in rural America as it does in urban America.

I am saying that whoever makes the decision, I hope it is not the board. But if it is the board, give them incentives to provide financing and guarantee financing for satellite companies. It could be perhaps a cable company. It might even be a telephone company that would provide local-to-local cable service. But also they would be in a position to more quickly provide broad bandwidth to the same area.

That is the sum and substance of what I hope we do. I think it makes a lot of sense.

For those Senators who have some questions about some of these points, I am more than willing to sit down and try to work out some of the details. Some of the details can be worked out in conference as well. But let us not let perfection be the enemy of good.

I think these are pretty good ideas. They are not perfect, but they are good. I urge my colleagues to work together to try to incorporate these provisions.

I thank the Chair.

The PRESIDING OFFICER. The distinguished Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to speak in morning business for a time not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 2328 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE REFORM

Mr. WYDEN. Mr. President, over the last 3 months I have come to the floor of the Senate on more than 20 occasions to talk about the need to assist the Nation's senior citizens and families under Medicare with help with the extraordinary costs so many of them are experiencing for prescription medicine. I am very pleased to report some very exciting, positive developments that have taken place in the last few hours on this issue as a result of the bipartisan effort in the Budget Committee.

I particularly want to commend my colleagues Senators SNOWE and SMITH. Senators SNOWE and SMITH have teamed up with me on a bipartisan basis for more than 15 months to address this enormous need of the Nation's older people.

Today in the Budget Committee we took a concrete, tangible step to set in place the kind of program that really will provide meaningful relief for the Nation's older people. We did it in a way that will be consistent with long-term Medicare reform, a view that is a view shared by Members on both sides of the aisle. It allows for universal coverage and a program that is voluntary. That is to ensure that older people can make the choices that are good for them.

Specifically, what the Budget Committee did is provide legislation that would allocate $20 billion during the next 3 years to put in place a prescription drug program, and then make it possible to add another $20 billion in the next fiscal year, which would be fiscal year 2004–2005, as part of an effort to ensure solvency, long-term Medicare reform, and to do it in a way that would not cause an on-budget deficit in those later years.

I have believed for a long time that at a time when more than 20 percent of our Nation's older people are spending over $1,000 a year out of pocket on their prescription medicine, when we have millions of seniors with an average of 18 prescriptions a year, that it is important we put in place, on a bipartisan basis, meaningful relief for the Nation's older people.

Today, on a bipartisan basis, the Budget Committee said the Finance Committee should report a plan on or before September 1 of this year to help older people with their prescription drug medicine to ensure that $20 billion would be available for fiscal years 2001, 2002, and 2003, and, accompanied by real reform of the Medicare Program, there could be $20 billion for fiscal years 2004 and 2005.

This required, frankly, compromise on both sides. For example, one of the stipulations in what was done by the Budget Committee today was a stipulation that there could not be transfers of new subsidies from the general fund to extend solvency. Frankly, some of my colleagues on the Democratic side of the aisle had supported those kinds of transfers in the past.

I think after many months of debate, and certainly a lot of prognosticators saying it was not possible in this session of Congress to make real headway on the prescription drug issue, and, in fact, to get the job done, what the Senate Budget Committee showed this morning in a very significant breakthrough is that we are now on our way to address the needs of older people. In fact, this language would be binding. The language adopted by the Budget Committee, setting out the parameters for the adoption of a prescription drug program for the Nation's elderly under Medicare, would be binding.

In addition to my two colleagues Senators SNOWE and SMITH, I would like to single out a number of others on a bipartisan basis who helped us. Chairman DOMENICI, for example, was one who, in many conversations with me on this issue, talked about the need to make this program consistent with long-term Medicare reform and to make Medicare more solvent in the future. That is an issue that has been highlighted by Senators DASCHLE, LAUTENBERG, and CONRAD as well. But the fact that Senator DOMENICI emphasized that in the last couple of days helped us find common ground this morning.

This is a vast improvement on what the House has thus far been able to accomplish on this issue of prescription drugs. Specifically, the Senate made it clear we could launch a prescription drug program that would offer $40 billion of assistance to the Nation's older people, a program that would assist all senior citizens. So the Senate was able, this morning, in the Budget Committee, on a bipartisan basis, to add a significant amount of additional relief. That was important.

The House did not address the solvency issue and that is what, in fact, the Senate did. In that sense it is a dramatic improvement. What we did, in terms of the dollars on a bipartisan basis, is today we raised the amount the Senate would make available for the program to $40 billion. Originally that amount was $20 billion.

The fundamental point remains. We addressed this issue by adding more money than was originally envisaged in the mark that came out from the Senate. We were able to do it in a way that addressed the Medicare solvency question. The House did not really touch the Medicare solvency question, and we think, on a bipartisan basis in the Senate this morning, that was important.

Finally, we know the revolution in American health care has essentially bypassed the Medicare Program. A lot of these medicines today help older people to stay well. They help to lower blood pressure. They help to lower cholesterol. They are medicines that promote wellness. They do not just take care of folks when they are sick. As a result of the work done today, we made a major step forward in modernizing this program and bringing it in line with the rest of the American health care system.

I reported on the floor of the Senate recently a case of an older person in Hillsboro, OR, who had to be hospitalized for 6 weeks because Part A of Medicare would pay his prescription drug bill and he could not afford his medicine on an outpatient basis. Today, as a result of what the Senate Budget Committee did, that person will be in a position to get his medicine on an outpatient basis.

They will be able to get help because the Senate improved on what the House has been talking about by putting more of a focus on solvency, and we were able to take the amount of the program up to $40 billion beyond what the original discussion had been in the Senate, just $20 billion.

Finally, we need to understand there is a long way to go from here. We are going to have to defend what was done by the Senate Budget Committee this morning on the floor of the Senate. Then we will have a conference with the House. I hope we will come out of that discussion with the House ensuring there is $40 billion for the prescription drug program, that it is possible to have universal coverage, that it is voluntary, that it is consistent with Medicare reform, and that it gives older people bargaining power in the private sector to get more affordable medicine.

There is a long way to go in the process. This morning's breakthrough was just one step in the process. It was a chance to go forward in a way that is fiscally responsible—$20 billion for the first 3 years to as the first downpayment, as Senator SNOWE has characterized it, on prescription drug relief, but then also to say there will be another $20 billion available in 2004 and 2005 when it is accompanied by reform.

We also work to ensure solvency, and for the first time, we put real time constraints on getting a prescription drug benefit done.

As was pointed out yesterday in the Senate Finance Committee by Senator BREAUX, there have been 14 hearings on the issue of Medicare reform and prescription drug coverage for older people. Senator BREAUX, along with Senator FRIST, has a bipartisan bill supported by a number of Members of the Senate.

What we said this morning in the Budget Committee is that we want the Finance Committee, on or before September 1 of this year, to bring us legislation in line with the binding language offered in the Senate Budget Committee under the Snowe-Wyden-Smith amendment.

Having come to the floor of the Senate on more than 20 occasions, as I related those stories about older people who had been put in hospitals because they could not afford their medicine on an outpatient basis, older people who were taking two pills a day when they should have been taking three, or breaking their Lipitor capsules—which deals with cholesterol and heart problems—in half, I often thought as I left the floor that we might not be able to make the kind of progress we made today in the Budget Committee.

Today, the Budget Committee came together on a bipartisan basis to ensure there would be sufficient funds to jump-start Medicare reform, provide meaningful relief for the Nation's older people and their families, while addressing the solvency question and the need for an approach to be consistent with long-term Medicare reform.

We have improved on what is being discussed in the House because they do not have the same focus on solvency. I am very much looking forward—as we bring that legislation to the floor of the Senate and it goes to conference and the work in the Finance Committee—to continue the progress we saw this morning.

Suffice it to say, there were a number of moments today when it was likely that it was all going to break down. Had the Budget Committee reported a significantly smaller sum than was finally agreed on, had we not made the kind of changes in the Snowe-Wyden-Smith amendment, we might not have been able to reach a bipartisan agreement on prescription drugs this year in the Congress. As a result of what happened today in the Budget Committee and the important work that was done on a bipartisan basis, we have laid the foundation for making sure that before this Congress adjourns and goes home for the year, we have acted to help the Nation's older people.

For all of those seniors and for all the families who are walking an economic tightrope, balancing their food costs against their fuel bills and their fuel bills against their medical bills, my admonition this afternoon is that we have a long way to go, but today we really made progress.

Today, as a result of bipartisan work, we have an opportunity to ensure that by fall, on or before September 1, as the amendment adopted in the Budget Committee requires, we have a proposal that is bipartisan, that is one which provides meaningful relief for older people, that is voluntary, offers universal coverage, and is consistent with long-term Medicare reform. We can have that kind of proposal on the floor of the Senate this fall.

For the millions of seniors and families who are watching the Congress and looking to see if we can deliver on this issue, progress was made today. I particularly commend Senator SNOWE and Senator SMITH. Senator SMITH made a very constructive suggestion towards the end of the markup when we had a debate about when the Budget Committee was seeking a product from the Finance Committee. Senator SMITH offered a very constructive suggestion. If we can continue to build on that bipartisan progress, we can get this job done.

I believe—and I will wrap up with this—this country can no longer afford to deny coverage for senior citizens' prescription needs under Medicare. I use those words deliberately. People ask if we can afford to offer the coverage. I am of the view that we cannot afford not to offer this coverage because the revolution in American health care is about these new medicines that help people stay well.

I have pointed out repeatedly that one can spend $1,000 or $1,500 on anticoagulant medicines that help prevent strokes and can stop a stroke that costs more than $100,000.

Today, we made very significant progress in ensuring that no longer does the revolution in American health care bypass the Medicare program. I look forward to defending what was done in the Budget Committee on prescription drugs on the floor of the Senate when we get to the budget and working with the Finance Committee. Senators MOYNIHAN and ROTH have been very gracious in assuring there will be an opportunity for colleagues in both parties to contribute and offer their ideas and suggestions.

If we can continue to build on the progress that was made today in the Budget Committee, we will get this done, and we will get it done before the end of this session. In my view, this will revolutionize American health care and provide meaningful relief to older people and their families.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. STEVENS. Mr. President, many of us worked very hard last year to reauthorize and update the Satellite Home Viewer Act.

Our principle accomplishment was to authorize satellite carriers to provide local television stations to their subscribers. This change has already spurred enormous growth in the satellite industry and is providing growing competition to the cable industry.

Unfortunately, the satellite providers—Echostar and DirecTV—made it very clear that their business plans did not contemplate serving rural areas. They were very busy, and they were very upfront in telling us that they were focusing their energies on the top 40 television markets.

So it was clear to Senators like myself who represent rural States that local-into-local was not going to be a reality unless we took additional action to encourage coverage for the 50 percent of the population that could watch the service being offered in television ads, but couldn't pick up the phone and order it.

We still see a lot of "not available in Alaska and Hawaii" fine print on advertisements.

They plagued us during telephone days, and now they are plaguing us in this period of rapid extension of new technology.

That is where the idea was born to provide loan guarantees to help make this service more available to more Americans.

All of us owe Senator CONRAD BURNS a debt of gratitude for pushing this issue so hard and for drafting the measure that was included in last year's satellite bill. That provision was dropped.

While it was unfortunate that this provision was removed from the final bill, I am pleased that it is here today, albeit in another form.

It is my hope the Senate will move quickly to adopt this measure and will resist accepting amendments that would threaten its ultimate enactment.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR TED STEVENS—ALASKAN OF THE CENTURY

Mr. LEAHY. Mr. President, I wish to say a couple of words about one of my oldest and best friends in the Senate, the senior Senator from Alaska, Mr. STEVENS.

Last week, Senator STEVENS was named "Alaskan of the Century." Most of us feel pretty fortunate if we get named for the day, or possibly for the week, and sometimes even the month in our States. He was named "Alaskan of the Century."

Well, my good friend, TED STEVENS, deserves that. He has a way about him, as we all know. He keeps me humble. I might talk about the hardships of a cold winter day in Vermont. But then I see his eyebrows go up when he explains to me that 40 degrees below zero is just beginning to get nippy—it gets to 75 below in Fairbanks. At that point, I know I am beat.

TED STEVENS is a tireless legislator, a respected leader. He helped create the State of Alaska. How many of us could actually say something like that? He actually helped create a State with his tireless work and brought it into the Union. He did this having already served his country in so many ways. He was in the Air Force in World War II, served as a U.S. attorney in Fairbanks, and was also an Alaskan State representative. And this was on top of so many other things he has done. Today, of course, he serves with great distinction as one of the three most senior Members of the Senate and chairman of the Senate Appropriations Committee.

Senator STEVENS has consistently been a leader for our Nation's defense issues and has chaired the Senate Rules Committee, Governmental Affairs Committee, and Ethics Committee among others.

Senator STEVENS and I have served together for a long time. As members of the Appropriations Committee, both of us have worked to find economic opportunities for the rural communities that so many states, including our own, share. TED and I have also worked together through some of this Nation's most challenging times. During the divisive days of the impeachment trial, Senator STEVENS and I were chosen to fly to Jordan together as representatives of one, united Senate mourning the death of King Hussein.

Senator STEVENS is also a strong proponent of Title 9 and women's equality in sports. In fact, just this year he sponsored the Women in Sports Awards luncheon where Monica Seles was honored for her excellence on tennis courts throughout the world. I am sure that TED, an avid tennis player, tried to set up a game with her himself.

While he is unquestionably a great legislator, Senator STEVENS is also a proud father of six children and has a beautiful wife, Catherine. Senator STEVENS is an accomplished man with whom I am proud to serve in this United States Congress. Alaska, land of the aurora borealis and the Midnight Sun, has every reason to be proud of its senior Senator and this award shows Alaskans' gratitude and respect for his tireless work.

TED, congratulations on your well-deserved recognition as Alaskan of the Century.

TED and his wife, Catherine, have long been friends of myself and my wife, Marcelle. I consider him very much a member of the old school—when he gives his word, that is it; go to the bank with it.

I have seen several pieces of complex and important legislation go through this body because TED STEVENS gave his word they would go through—a word that he never broke with either Republican or Democrat. That is why TED STEVENS has gained so much respect.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. LEAHY. Mr. President, I was a conferee last year on the satellite television bill. I worked very hard, along with a number of my colleagues, to put in a provision that would have ensured the benefits of this bill would be shared by rural America through a loan guarantee program.

I appreciate the work of the Banking Committee under the leadership of Senator GRAMM and Senator SARBANES to report out a bill which provides a strong framework in which to move forward with this program.

I appreciate the majority leader, Senator LOTT, and the Democratic leader, Senator DASCHLE, who worked out an agreement with the committee leadership that put the bill before the Senate today.

Senator MAX BAUCUS of Montana introduced legislation with me last year. He has now joined with me on some very constructive amendments which I hope can be accepted.

I am here today to stand with rural America. I am proud to be a son of rural America. I know that oftentimes the needs of this special part of our Nation must be heard on the Senate floor.

I am not trying to change the main thrust or the intent of this committee-reported bill. My amendments don't alter the structure of the bill. My amendments simply say that I want the board, which will have the job of approving these loan guarantees for local-into-local television, to look at one thing. If we are going to have loan guarantees for local-into-local television, we should give additional consideration to the projects that can provide high-speed Internet access and emergency Weather Service reports to rural America.

If rural America is going to have high-speed Internet access, it is going to have to rely on satellite service; cable companies are not going to put wire out for it. For most of those parts of the country, they are not going to have the kind of fiber optics that might do it. But they can do it with satellite service.

I hope we will not allow a digital divide between urban America and rural America. Give us the special access through the satellite system.

For example, say the board that is going to do the loan guarantees has two equally balanced satellite systems that might give the same level of service, and at about the same cost, but one would offer high-speed Internet access to rural families; I say give that one the loan guarantee.

In America, there is a growing disparity between the digital haves and have-nots as portions of our society get left behind at the same lightning pace at which Internet develops. Our amendment closes this digital divide.

Having broadband, especially in rural areas, can provide opportunities to the handicapped, to the elderly, to education, and everyone, along with business opportunities and entertainment. Whether you are sitting on the dirt road at my home in Middlesex, VT, whether you are out in rural Utah, or whether you are in rural California, it means you can have the same kind of Internet business, the same kind of access to information, and the same kind of access to educational opportunities.

My amendment would ensure that as long as the loan guarantee is to be made, the high-speed Internet access ought to be financed under the loan guarantee program, if there is excess capacity.

All we say is, before the board gives a satellite company a loan guarantee to provide rural satellite service, ask, first and foremost, Will you provide high-speed Internet access for the people in rural America? If you do, you have a better chance of being supported.

I want to provide a little history on this matter. A provision which we offered to conferees last year would have provided up to $1.25 billion in loan guarantees to help finance the delivery of local broadcast stations to rural America. I pushed for that amendment because certain satellite companies were concerned that they could not cost-efficiently provide "local-into-local" satellite service to markets more rural than about the top 60 to 70 markets. That meant that bigger cities would get the local broadcast television service but that rural areas, by and large, would not.

Other Senators, not on the conference were also vitally interested in providing this service to rural America. I know that Senator BURNS and his key staffer on this issue Mike Rawson worked long and hard to get this language included in conference.

In addition, Senator BAUCUS introduced a bill which I cosponsored to address these rural concerns after efforts to include it in the conference report failed.

I do not want to be misunderstood, I want to point out that the leaders of the satellite industry—such as Charlie Ergen of EchoStar who is known for his creative and innovative ideas—want to provide this local service.

I want to congratulate Charlie Ergen for his recent partnership with iSKY which will offer consumers two-way wireless broadband access via satellite along with satellite television service. This broadband access will be 30 times faster than current dial-up speeds of 56k according to news accounts. Charlie has often been a leader in this arena and he has done it again.

I also want to point out that in Montana or my home state of Vermont, or in Alaska, or a Great Plains state, or elsewhere, receiving local broadcast television over satellite is more than entertainment.

Local television provides local weather, local news about emergencies, and local public affairs programming.

It is a way for residents to better participate in government and to more effectively influence local government, school board or zoning decisions.

This bill that we are debating is indeed very important.

I need to emphasize a very important point. Section 336 of the Communications Act of 1934 sets forth requirements for the rollout to digital television. This bill in no way is intended to alter or change those requirements.

Thus, it is imperative for the Board to only approve loans made to finance a local television signal delivery system that will be forward compatible and in compliance with the digital television rollout requirements in the Communications Act.

It is thus common sense that applicants for loan guarantees under this legislation must be able to show that the proposed signal delivery system will be forward compatible. Applicants should be required to show how their proposed delivery system can be readily adapted to deliver local television signals in a format compatible with the digital rollout requirements. Without this, I do not see how the loans could be other than risky.

This conversion to digital television also cannot be ignored. I have met with Jim Goodmon, the CEO of Capitol Broadcasting, on this matter and appreciate his visionary role and his willingness to take the lead. Digital TV is more than just a crystal clear moving picture. Digital TV can use multiple channels and datacasting on their single digital channel to better serve the public. I have been advised that the same digital bandwidth used to broadcast HDTV can also transmit as many as three video channels and a data signal on the single digital channel.

Thus, during the recent floods that devastated North Carolina, WRAL-HDTV, a digital station in Raleigh, was able to simultaneously broadcast on one digital channel: coverage of a basketball game; continuous local news on flood conditions: the continuous sweep of the local Doppler radar showing where the rainfall was the most severe and the direction of the storm: and, a data broadcast alongside the video services that enabled home computer access to specific flood, traffic, rainfall and emergency information. Jim Goodmon and his staff down in Raleigh did a great job during this crisis and I commend them.

Thus, I do not want loans under this bill to interfere with the rollout under the Communications Act. Rural America deserves digital service along with urban America.

I want to raise an additional matter. I am concerned that additional steps will be needed to assure full competition in rural areas and convenience to consumers. In a nutshell, multiple providers of satellite service may be needed in many areas to provide service to rural customers. However, if the set top boxes and satellite dishes are incompatible with these systems then competition will be reduced and consumers will receive fewer services or have to purchase additional satellite receivers at an additional cost of hundreds of dollars.

This same integration or interoperability problem exists regarding program and schedule information. Access to program and schedule information would enable third party satellite providers to create integrated program guides. This would enhance consumer choices and provide more competition.

Resolving these interoperability problems so that multiple satellite TV signals, offered by competitors, can be accessed by consumers in a convenient and inexpensive way is in the public interest. The FCC should use all its authority to resolve these matters.

In addition to the points I have just made, and the amendments I have offered, I want to point out improvements in the bill which I hope can be addressed at conference. I believe that the three-person Board should have more of an oversight and loan approval role and less of a day-by-day management role. The management of the program should be with the Administrator of the Rural Utilities Service. For example, references to the Board on page 28 should be struck and the Administrator and the Board should work out the regulations together.

Also, the Board should delegate responsibility for loan guarantees of up to $50 million to the Administrator.

It is also important, to assure that this bill is not biased toward the cable industry, that spectrum rights be allowed to be purchased or leased with the guaranteed loans. If cable borrowers will be able to purchase cable and install that cable using the guaranteed loans then satellite borrows should be able to use the loan proceeds for spectrum rights, which is their medium to deliver signals.

I also support the amendment offered by Senators THOMAS and JOHNSON that would allow the Federal Financing Bank and the National Rural Utilities Cooperative Finance Corporation to participate in these loan guarantee programs. They could offer borrowers a lower rate than commercial banks and should not be excluded from this process.

In section 4(f) the full $1.25 billion in aggregate for all loans should not be artificially limited by including other debt in the $1.25 billion. In section 5(h) the Administrator, in consultation with the Board, should establish and approve the credit risk premiums and amounts.

To ensure that the Administrator can best protect the interests of the United States the text on lines 3 through 10 of page 38 should be replaced with the following: "after exercising of rights and remedies by the Administrator any shortfall in the guarantee amount". This would allow the Administrator working with the Board to restructure a loan if that were the best way to protect the government's interest. I am very nervous about section 5.

The Administrator should have more responsibility to manage the program. Daily management by a 3-member board that does not meet daily will not work very well. Also, section 5(l) appears to give state courts jurisdiction over the United States.

I am also worried about that unless more flexibility is provided under section 4(d)(2) and (3) that excellent loans for excellent projects will be needlessly denied because of the timing of when paperwork is done, or when the FCC approves certain regulations, or when spectrum rights are obtained. Also, the unnecessarily constraining collateral, security, insurance and lien requirements will make it very difficult for the program to work well. These duplicative constraints do not provide additional protection for the United States.

I will urge the conferees to provide a strong oversight role for the Board, greater ability of the Administrator to manage the day-to-day operations, more flexibility for the Administrator, a more level playing field with respect to cable TV, and other improvements.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I commend my good friend and colleague from Vermont for his leadership on this issue, as well as Senator GRAMM from Texas, and my colleague from Montana, Senator BURNS, and others who are addressing this issue. Frankly, there is a great need in rural America. I compliment him and thank Senator LEAHY for his work.

I am a cosponsor with Senator LEAHY in his efforts not only to help bring faster local-to-local service via satellite to rural America but also to help provide stimulus for more broad bandwidth coverage to rural America as well.

Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2900

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Mr. LEAHY, and Mr. ROBB, proposes an amendment numbered 2900.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 10, insert after "local television stations" the following: ", and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 30, strike line 9 and insert the following: "means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL CONSIDERATIONS.—To the maximum extent practicable, the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike "(B)" and insert "(C)".

Mr. BAUCUS. Mr. President, I ask unanimous consent that amendment be temporarily laid aside and that the previous amendment then pending be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak in support of S. 2097, the Launching of Our Communities' Access to Local Television Act of 2000. I commend the senior Senator from Texas, Chairman GRAMM, for the great work he has done to bring the bill to this point. The bipartisan effort he has encouraged and the painstaking process by which he has produced this bill is to be commended. He has done a tremendous job of watching it from the banking perspective to make sure we could have the loan guarantees and that there would be neither favoritism nor the potential of putting banks or other institutions in financial trouble. He spent a great deal of time and effort on it. I appreciate the willingness of all the members of the Banking Committee to work together to get this bill to this point.

As many of you will recall, last year during the appropriations process, this bill would have been a part of that, but there was a lot of concern about how loan guarantees should work, not just loan guarantees for satellite television but loan guarantees, and this is a landmark effort to develop a pattern for banking loan guarantees.

Last November, Congress passed the Satellite Home Viewer Improvement Act to bring the law governing the direct broadcast satellite industry up to date and reflect the current state of technology. As part of that bill, Congress authorized, for the first time, satellite companies to retransmit local stations back into their local markets. However, due to satellite capacity, the two national direct broadcast satellite companies—DirecTV and Echostar—will only be able to serve the top 50 of 210 television markets. That is about 75 percent of the households in the Nation, but that leaves 160 markets, which is 25 percent of the Nation—a very important part, as Wyoming is included in that—without satellite-delivered local television stations. The two media markets in Wyoming are ranked 197 and 199. Remember, we are serving the top 50 out of 210. So 197 and 199 are way down the list, meaning that without some sort of incentive, local television will probably not be available in Wyoming.

The bill before us will provide that incentive. It establishes a Federal loan guarantee program to promote the delivery of local television signals at places such as Wamsutter, WY. The bill provides the criteria to protect the taxpayer to the maximum extent. The Congressional Budget Office estimates this bill could cost American taxpayers about $100 million less than previous versions. There is a cost involved, a potential cost.

The Banking Committee had to balance its need to protect the taxpayer and its need to provide a reasonable incentive to make investing in rural television service a worthwhile project for private risk capital. During the committee's deliberations on the bill, we looked at all the other existing government loan guarantees and examined what either made the program successful or, in some cases, caused it to fail. We have taken great care to ensure the loan program is fair and has the greatest chance of achieving the goal of providing local television service to rural America.

People rely on TV not just for entertainment but for news and weather and special warnings of impending disasters. Children rely on it for educational programming, and soon students will need improved access to the information superhighway. The more rural a person is, the more that person needs to have access to TV for critical information as well as for entertainment. Almost 40 percent of Wyoming television households are satellite subscribers, the third highest penetration rate in the Nation. People are not choosing satellite over cable or some other system but are satellite subscribers because it is the only way to receive any sort of television programming.

Wyoming has television stations in only three cities: Casper, WY, about 48,000 people; Cheyenne, 50,008; and Jackson, which fluctuates during the season but I think is listed at about 6,500 people. The rest of the State is served by stations from out of State or by relay transmitters that bring Wyoming stations to outlying towns.

Wyoming has vast open spaces. The borders on Wyoming are about 500 miles on a side, with that big square out there. It gives us a little difficulty with lapel pins because we are not recognizable.

We have low populations and lots of distances. We have high altitudes and low multitudes. We have tall mountains that make the best efforts by over-the-air broadcasters and cable companies even more difficult. For households that are in remote areas of the State beyond the reach of cable and relay, satellite is the only reliable and cost-effective choice.

But until now, satellite has had one distinct drawback. There was no way to get the news or other local programming through reliable access to a local Wyoming television station. It is doubtful that without some kind of Federal encouragement local television stations would be available to rural households. This bill provides the proper incentive. It gives equal opportunity throughout the United States. It is important to rural Americans, and I do urge my colleagues to support it.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I wanted to come back this afternoon—I talked some this morning—to talk about this bill. It is a very important bill to us. It is one that provides an opportunity for us to have local television in rural areas. There is great support for this idea. We are trying to find a way to put it into the proper perspective in terms of the lending of money to guarantee loans that will cause this to happen—I agree with the chairman—where we have 80 percent of a loan guaranteed by the Federal Government, but that the remaining 20 percent be done in the private sector without further guarantees by the Federal Government, by the taxpayers, so there is that sharing of risk and that incentive to continue to be very careful with these kinds of expenditures. There is no question that this is a somewhat risky operation, something that is new and technically different.

The conversation we are having currently, of course, is to provide an opportunity for CFC, the Cooperative Finance Corporation, to be a participant. CFC was formed in 1969 by the Rural Electric Cooperatives and provides private capital. I have worked with it a great deal, having been manager of a rural electric association in Wyoming for a number of years.

CFC was not created by the Federal Government and does not receive Federal funds. This is a private corporation. CFC has 31 years of experience in lending to rural electric systems, and since 1987 has provided more than $3 billion to rural telecommunications projects.

Our Wyoming rural electrics, starting 15 years ago, were involved in bringing satellite TV to rural consumers and have been doing that from a programming standpoint. Unfortunately, we could not get our local stations, and that is what this is all about. This is something the rural electrics have been involved in for some time.

CFC is AA rated. It has $16 billion in loan assets. Over 31 years, CFC has had only $77 million in losses and has loss reserves of $235 million.

This is a strong organization and one that is capable of doing this work. Furthermore, it is owned and operated by citizens, by rural people, by boards of directors of the rural electrics, by people who are elected to serve.

What we want is to give an equal opportunity for this unit to give loans and to participate as well as others.

CFC has backup lines of credit with 50 banks. These lines of credit amount to about $5 billion. This is a large group. We have heard some information about the allegation that a loan loss by CFC will result in rate increases to 25 million consumers. I think that is very farfetched. I do not believe it is accurate.

If CFC incurs a loss, CFC, as a private corporation, will incur the loss, with no liability to the Federal Government.

If CFC incurs a loss and its interest rates increase, rural utilities are free to borrow from other lenders, including banks and other finance companies.

Co-ops are not responsible for repaying CFC losses or obligations. What we need to do, of course, is to ensure they are treated like others in the private sector. But this idea that they somehow have a special advantage in that any losses can be passed on to rural electric consumers in the electric business is not true. We have heard a great deal about that.

The bottom line is, in the worst case scenario, CFC's rates could increase and co-ops would then borrow from other entities.

CFC is a private cooperative. It is paternalistic to set up this private organization to have people governing under the rules of private sector and private enterprise and to suggest the Senate ought to design for them their rules. I reject that idea.

I am happy to say we are seeking to find some language that will satisfy the need to move forward with this bill and also to provide an equal opportunity for CFC to participate without unwarranted supervision. I am hopeful we can find that arrangement.

We ought to make that discipline work. I think we can, and I certainly look forward to working with others this afternoon so we can pass this bill and move toward rural communications and local-to-local communications.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Johnson amendment No. 2898.

Mr. BREAUX. Mr. President, because an amendment is pending, rather than ask it be set aside to offer another amendment, I will make a few comments about something I intend to do. I am glad the distinguished chairman of the Banking Committee is here, so he has a chance to listen to some of the comments and maybe have a dialog on what I am attempting to do.

First, I congratulate the chairman of the Banking Committee and the Senator from South Dakota and all those on the Banking Committee who have worked so hard to bring this legislation to the floor. It truly addresses a very important need for rural America, and that is the guarantee that people in rural America are not going to be treated as second-class citizens when it comes to their access to the information age.

This legislation addresses a problem of allowing companies that provide satellite television and broadcast signals getting into rural parts of America and providing them the same type of quality information services that someone in the city of Washington, DC, or any of the large metropolitan areas of our country are already receiving because that is where the people happen to live.

The people in rural Texas or in rural South Dakota or the people in rural Louisiana are no less important than people in the large cities of America. Without this legislation, it is very clear that people in these areas will not have access to this information because, in many cases, it is not economically feasible to spend large sums of money to provide information to sparsely populated areas of our country. That is unfortunate, but that is recognizing the way things are.

The purpose of the legislation, as I understand it, is to lower the overall cost of bringing satellite and television broadcast to rural America, something that has almost unanimous agreement and is in the national interest. Without this legislation, people in rural areas would simply not have the same advantages as we do in urban areas. Clearly, this is very important.

One of my concerns, I say to the distinguished managers of the bill, is that when you look at what it costs to bring broadcast signals to rural America, it is not only a question of building satellites for rural areas and moving into these areas.

That represents about 45 percent of the cost of the actual satellite. But getting the satellite, obviously, launched into space represents about 37 percent of the total cost of bringing broadcast signals, through satellites, to any part of this country.

I think you have to agree that a significant cost associated with all of what we are trying to do today is actually launching the satellite into space in order to bring the broadcast signals to all parts of the United States. Forty-five percent is the actual satellite cost; insurance is 12 percent; the ground costs are another 6 percent. But a very significant portion of the cost of bringing a satellite into working condition is the cost of launching it. More than one-third, as I have said, of the cost of the satellite is expended when the actual satellite is launched into space.

Clearly, it would further our goal of lowering the cost of bringing these services to rural America if we could also lower the cost of transportation, which is a very significant cost throughout our country.

Launch costs, obviously, are a very significant component of the overall satellite costs, but I think they can be reduced. That is why I take the floor this afternoon to make a suggestion.

The authors of the legislation, again, who are to be commended for their vision, have clearly indicated that launch costs were on their mind when they crafted the bill.

I was looking at the legislation, and clearly the legislation, on page 30 of the actual bill that is pending before the Senate, talks about the type of loans this bill envisions. It says:

> . . . a loan may not be guaranteed under this Act unless—

It spells out what the "unless" is. But what it actually says is that, in other words, it will be allowed if it does the following. In other words, a loan can be guaranteed under the legislation pending before the Senate if:

> the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an unserved area or underserved area . . .

Therefore, the bill, as it is currently pending before the Senate, talks about trying to make loans available to cover a number of things, one of which specifically mentioned in the bill is the launch of satellites designed to bring broadcast signals to rural parts of America.

As I tried to point out initially, 37 percent of the whole cost of this project is in the launching of the satellite. Obviously, without the launching of the satellite into space, you, in fact, are not going to ever complete the rest of the project. I think it is very relevant, when the bill talks about a loan guarantee program, that the launch is listed as one of the means by which broadcast signals are ultimately brought to all parts of America.

I think, for that portion of the industry that launches the satellites into space, the loan guarantee is very important. An interesting thing that I would point out is, when you are in the launch satellite business, when you are in the business of building a spaceship to, in fact, launch a vehicle, you have been competing against other countries where their governments do it. You are competing against industries that are totally financed by their respective governments because it has been in their national interest to do so.

In the past, that is also what we have done in this country through the National Aeronautics and Space Administration, where NASA has used the shuttle to launch the satellites into space, and the taxpayer has been paying for the cost of those vehicles. But, clearly, NASA is getting out of the business. We are trying to say to the private sector: We want you to move into this business. We want you to build the launch vehicles. We want to create a new industry in the private sector, get the Government out of the business of launching broadcast satellites, and let the private sector do it.

But one of the disadvantages our private sector has is that they are competing against other countries that are involved in doing this, and they cannot compete on a level playing field. What we are suggesting is that we help the U.S. industries become involved in this in a competitive fashion, which I think is very important.

U.S. companies that are having to compete against other countries are not able to compete on a level playing field. Therefore, when the country of China or the country of France—highly subsidized by their Governments—is trying to sell their launch vehicles to the United States, obviously, they can do it at a price that makes our companies not able to compete.

I think the authors of the bill are right on target. Some might say: The Government should not be in the business of loan guarantees. It is not a function of our Government. The exact opposite is true.

Historically, the U.S. Government has sought to assist the private sector by saying, we are going to help—we are not going to monopolize it; we are not going to do it, but we are going to help the private sector do it. One way we can help certain activities that are important to our country is by loan guarantee programs.

I point out, for the commercial shipbuilding industry—very important to my State and to the State of the Senator from Texas, as well as all the States along the coast that have the shipbuilding industry—we have had a title 11 shipbuilding guarantee program, in which companies have been able to go into the private market, borrow money from the private sector, from private banks, from private insurance companies, and having a certain portion of that loan guaranteed by the Federal Government. It allows them to get a better interest rate and allows them to get financing for something that may not be able to be financed otherwise.

Where we have tried it before, in the area of shipbuilding, it has worked very well. It has worked at a profit to the U.S. Government because the loans have been paid back. The Government has made money. The work was done. The ships were built. The Loan Guarantee Program was an integral portion of it.

Currently, when you look at whether financial assistance is available in this area in the private sector, without any help from the Government, it is interesting to see what the comments are from those in the financial markets.

We have had hearings on this legislation before the Senate Commerce Committee. One of the companies that does the bulk of financing these launch vehicles is Donaldson, Lufkin & Jenrette. When they testified before the Senate Commerce Committee, as the largest group of investment bankers in the country, they talked about the problem of being hampered by the inability to find the necessary private financing for these types of ventures, particularly when they are, in fact, competing against other countries that are government-financed 100 percent.

They pointed out in their testimony that in some cases the cost of the launch vehicles, and the insurance that goes with it, almost equals the entire cost of the satellite itself. So if we want to help bring broadcast signals to rural areas, we cannot just look at the satellite itself that needs to be constructed, you also need to look at the vehicles that would be built in order to launch those satellites into the sky.

It was really interesting, colleagues, that last week we had the head of the National Aeronautics and Space Administration, NASA, before our committee. Dan Goldin was testifying. I asked him a question about this concept. He said the provision was very innovative. He said this provision:

> . . . would help small and big rocket companies to overcome critical barriers so that we have technology that will allow us to improve the reliability ten times and cut their cost by a factor of ten. This will enable us to have private launch services not involving the Government. This bill makes sense to me.

This is the person who is the head of NASA saying that this idea of having a loan guarantee for the launch vehicles is something that makes sense to him, that it would allow us to increase the reliability by 10 times, and that it would allow us to decrease the cost by a factor of 10, which is very significant.

Obviously, we should be looking for more reliable launch vehicles. We should be looking at vehicles that cost a lot less. The Government should not be in the business of building the launch vehicles, but we can assist companies—small companies and large companies—by making it easier for them to get adequate private sector financing for these very important ventures. I have not offered an amendment, I say to the distinguished Banking Committee chairman, because there is an amendment pending at the current time. I did want to outline the concept of an amendment I am prepared to offer, and will offer, as to the feasibility of saying that if you are going to have a loan guarantee program for the actual satellite, there is a desperate need for a loan guarantee program for the vehicles that will be required in order to launch the satellites.

We have in the past used foreign launch vehicles from France, China, and the Ukraine, using Ukraine launch vehicles because there is not an adequate supply of launch vehicles in this country. Those rockets and launch vehicles have been inadequate. They have been imperfect. They have had failures and at a great expense to the satellite industry in this country. How much better would it be if we were to have a viable, growing private industry in this country that were assisted by a loan guarantee program to enable them to get adequate financing in the private sector in order to launch the satellites for the purpose of bringing broadcast signals to rural areas as well as to urban areas in the country.

Due to the fact that an amendment is pending, I will not be able to offer my amendment at this time. I yield the floor until such time as it is appropriate for me to offer an amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I thank our colleague from Louisiana for raising the obvious point that one of the technologies that would be potentially subsidized under this bill is satellite technology. If you are going to have a satellite, you have to put it into orbit. We have been for some time in the process of trying to commercialize space. There are companies now that are beginning to respond to that potential with real investment and real potential.

The question the Senator from Louisiana asked was, Would not this be a good time to address this additional problem? Personally, I believe this is something that will have to be addressed and looked at. The big difference is, on the loan guarantee proposal before us, we have had a series of hearings. We have gone to great lengths to try to minimize the potential exposure to the taxpayer. We have tried to call in technical expertise to be sure we understand what we are doing.

In terms of expanding this program now on the floor of the Senate to launch vehicles, I don't see how we could possibly get that job done. I think this is, in terms of this bill, a bridge too far. I think it is something that will be looked at. I know, from having talked to them personally, there are at least two private companies that are interested in commercial launching to try to do in America what we are contracting out to France and to China.

We have two problems in considering this today. One is that under unanimous consent, only relevant amendments are in order. This amendment would be deemed to not be relevant, in my opinion.

Secondly, I could do my due diligence as chairman of the Banking Committee to agree to an add-on loan guarantee on the floor of the Senate when we have not held a hearing, when we have not looked at it, when we know relatively little about the technology, the public/private competition, the economic feasibility of the project. We don't have any scoring from CBO as to what it would cost. It may very well be at some point, someday, we will be in a position of looking at the proposal that has been made by the distinguished Senator from Louisiana. I don't believe we are at that point today.

Obviously, the Senator has a right to offer his amendment. I do not believe we should adopt his amendment today. I think we are already carrying a pretty heavy load on this bill. In order for this to go forward as it is now written, the Appropriations Committee is going to have to appropriate a quarter of a billion dollars. I believe we would have a train that would be overloaded if we added this loan guarantee to it today.

I am not hostile to what the distinguished Senator from Louisiana is trying to do. I simply do not know enough about it to make that decision today on the floor.

Before I could get to the point of making a decision on it in the Banking Committee, we would have to meet with a lot of different people, a lot of different competing technologies. We would have to meet with NASA. We would have to analyze this in detail. We would have to do our due diligence. We would have to hold public hearings. We would have to go through a markup in the Banking Committee to try to refine it, as we have the bill that is now before us. We are just a long way from that.

I am sorry I am not in a position of being able to support the Senator from Louisiana. As of today, I am not.

Mr. President, I withdraw amendment No. 2897. That will pull down my amendment and pull down the Johnson amendment with it.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on agreeing to the Bunning amendment, No. 2896.

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I ask for the yeas and nays on the Bunning amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that the vote on the amendment be stacked after the first vote we have today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I will address my remarks to some of the points the Banking Committee chairman made, if he will give me his attention, regarding some of the concerns he raised in his comments about the amendment I outlined but have not yet offered.

On the point the chairman raised, that we do not have a scoring on the amendment, the scoring is very simple. It is $250 million. That is what is authorized. We don't authorize a nickel more or a nickel less. It is not difficult to figure out the scoring and the cost of an amendment that authorizes $250 million. It is $250 million, if that amount is in fact appropriated.

He also said we needed to have hearings on this amendment. The Congress has had hearings on the amendment. We had hearings in the Senate Commerce Committee. We had people from industry testify. We had large and small companies testify. We had the head of the National Aeronautics and Space Administration testify. We had a sufficient number of people testifying about the pros and cons.

He raised the point that we should hear from NASA as to their opinion. I provided the opinion of NASA when I quoted from the statement of the distinguished Administrator of NASA, Dan Goldin, in which he said this amendment could conceivably increase launch vehicle reliability by 10 times and decrease the cost by a factor of 10.

So there could not be a clearer statement. He concluded by saying: "This bill makes sense to me." You can't get a clearer statement from NASA as to what they think about the amendment. There could not be a clearer statement about the cost of the amendment other than the fact that we authorize $250 million, not a nickel more, not a dime less but $250 million.

So it is very clear. One, we know what the costs are; two, we have in fact had hearings in the Senate on this question; three, we have heard from industry, both large companies and small companies; and finally, we have heard from NASA, which said that it makes a great deal of sense to them, including the fact of reducing the cost of launching vehicles by a factor of 10. I don't know who else we can possibly ask to come before the Congress and address this question.

The final point—and I will not prejudge the ruling of the Chair—is on the question of the relevancy. It is clear that the bill before the Senate right now covers the cost of launching satellites to bring broadcast signals to rural America. It is in the bill. The bill clearly says that the loan guarantees are for the acquisition, improvement, enhancement, construction, deployment, and launch of satellites—the means by which local television broadcast signals will be delivered. Well, launching a satellite is absolutely essential and totally relevant to putting satellite broadcast signals into rural America. It could not possibly even be more relevant to the bill before the Senate. The bill itself talks about launching satellites.

My amendment provides a loan guarantee to launch satellites. If that is not relevant, I am not sure what would ever be relevant. We are not talking about germaneness. We are talking about relevant to the bill before the Senate, and this is a loan guarantee for launching satellites to bring broadcast signals to rural areas. My amendment creates a loan guarantee program to launch satellites to bring broadcast signals to rural America. It does it through a different department, but obviously it has to be relevant. You don't have to have exactly the same language in an amendment as the bill for it to be relevant. It has to be relevant to what the bill does that is pending before the Senate. I think the question of relevancy is very clear.

The fact that we have had hearings in this Congress on this specific amendment, and the fact that we have had NASA testify in favor of this amendment and say it would reduce the cost by 10 times, reduce the liability by a factor of 10, and the fact that we have had industry, both small and large companies, appear before Congress and testify as to their opinions on this means that we have had hearings, we have the support, and it is certainly relevant, and I think it is the right public policy.

While I can't offer the amendment at this time because another one is pending, we will do it at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, what is the current business before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Kentucky, No. 2896.

Mr. BREAUX. The yeas and nays have not been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. BREAUX. Is it in order to ask unanimous consent to temporarily set aside that amendment in order to offer an amendment?

Mr. GRAMM. Reserving the right to object, people yell at me so much, I don't hear so good. Will the Senator repeat that?

Mr. BREAUX. I am asking to set aside the pending amendment to offer my amendment. Is that appropriate?

Mr. GRAMM. That is fine.

The PRESIDING OFFICER. It is in order to make that request.

Mr. BREAUX. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order to offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2901

Mr. BREAUX. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. BREAUX) proposes an amendment numbered 2901.

Mr. BREAUX. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

Section 4(d)(2)(a) of S. 2097 is amended by striking the word "launch,".

S. 2097 is amended by inserting the following Section 5A:

"SEC. 5A. APPROVAL AND ADMINISTRATION OF LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.

"(a) AUTHORITY TO APPROVE LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.—To further the purposes of this Act including to reduce costs necessary to facilitate access to local television broadcast signals in unserved and underserved areas, without unnecessarily creating a new administrative apparatus, the Secretary of Transportation is authorized, subject to the provisions of this Section, to approve loan guarantees relating to space launch vehicles. For this purpose, the credit assistance program established in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, is expanded to include projects for the design, development, and construction of space transportation systems and infrastructure, including launch and reentry vehicles subject to the licensing requirements of Section 70104 of Title 49, United States Code.

"(b) FUNDING.—To fund the cost to the Government of loan guarantees provided under this Section for space transportation systems and infrastructure projects, there is authorized to be appropriated $250 million for Fiscal Year 2001, and such other sums as may be necessary for each of Fiscal Years 2002 through 2005. From funds made available under this subsection, the Secretary of Transportation, for the administration of the program, may use not more than $2 million for each of Fiscal Years 2001 through 2005. For each of Fiscal Years 2001 through 2005, principal amount of Federal credit instruments made available for space transportation systems and infrastructure projects shall be limited to the same amounts set forth in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178.

"(c) REGULATORY AUTHORITY.—To carry out the provisions of this Section, the Secretary shall, within 120 days after enactment of this Act, adopt such regulations as he reasonably deems necessary. Such regulations shall not be inconsistent with the provisions of Section 5 of S. 2097, the "Launching Our Communities' Access to Local Television Act of 2000."

Mr. BREAUX. Mr. President, I made remarks earlier about the intent to offer this amendment. I will not repeat the arguments in favor of it. I will only summarize by saying the Senate Commerce Committee had a complete and full hearing. The distinguished chairman of the subcommittee is on the floor today. We had the privilege of hearing NASA Administrator Dan Goldin testify on this amendment, saying it would save as much as 10 times the cost of a launch vehicle and improve the reliability of those by a factor of 10. We are hearing from big launch companies and also small launch companies that are interested in this industry, and trying to improve it.

We had testimony from people in the finance business who speak to the difficulty of getting adequate financing in the private sector because of the questionable nature of the launch vehicle industry and testifying to the fact that a loan guarantee program would be very helpful.

The final point is that when you talk about bringing satellite broadcast signals to rural America, you cannot just talk about the "big ball" that, in fact, is the satellite. You also have to talk about how you get the satellite into orbit around the country. Thirty-seven percent of the cost of bringing that broadcast signal to rural America involves the cost of the launch vehicle.

Currently, the United States relies on China, France, Ukraine, and other countries that are not market-based countries but, rather, are countries in which their industry is financed 100 percent by the government. Our companies cannot compete unless we have a level playing field.

Therefore, the concept of providing a loan guarantee program of a definitive amount of money we know will cost $250 million. That is the money authorized. It would have to go through the Appropriations Committee to get the appropriations, but it could not be any more than $250 million to create a loan guarantee where they could go to the private sector and get a loan from the banks. Having a percentage of it guaranteed by the Federal Government is good, sound economic policy. It is good broadcast industry policy. It is a policy this country should embrace. In areas where we have done it before, as in shipbuilding, it has worked very successfully.

I suggest this amendment is very relevant because the bill itself is clear that the Loan Guarantee Program "is for the acquisition, improvement, enhancement, construction, deployment and launch"—emphasizing launch—"rehabilitation or the means from which local TV broadcast signals will be delivered to an unserved area or underserved area."

It is clearly relevant, and both amendments are an effort to try to help through loan programs the delivering of broadcast signals to rural America.

This is not a germaneness question. It is a relevancy question. If this is not relevant, I don't know what would be relevant on an amendment on the floor of the Senate.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as I said before, I have some sympathy for the Senator from Louisiana. I think this is obviously a very real issue to be considered. But the bottom line is we are on the floor with a bill that has been a year in the making having to do with our goal of trying to see that everybody who lives in rural Texas or rural America has access to their local news and local weather and to the local television station.

You could write volumes about what we don't know about this subject, even though we have worked on it for a year, even though we have had extensive hearings, even though we have had innumerable private meetings, and even though we have gone through a markup in committee where we have debated it at some length and reached some consensus on it—not total consensus.

The problem with the Breaux amendment is that this is an area, while it is obviously of importance in terms of one potential technology that might be used in the bill—and that is a satellite—we in our bill are not setting out technology as such. We are letting the marketplace decide that. The point is we have had no hearings. We have heard from no one. We have not discussed, analyzed, or studied this in any detail. We are not ready to make a decision on this today.

Under the unanimous consent agreement entered into on November 18, no amendment is in order which is not deemed to be relevant—not relevant to mankind, not relevant to any problem facing us in the future, or any opportunity but relevant specifically to the bill that is pending before the Senate.

I make a point of order that the amendment offered by Senator BREAUX is not relevant.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not relevant and the point of order is sustained.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I take it that the Chair is not in the position to give a reason behind the ruling.

The PRESIDING OFFICER. The program in the amendment is not what was envisioned by the unanimous consent agreement.

Mr. BREAUX. I inquire of the Chair: Is that not an argument for the question of germaneness as opposed to the question of relevancy?

The PRESIDING OFFICER. Germaneness is a different test which is not at issue here.

Mr. BREAUX. Further parliamentary inquiry: Is not the statement of the Chair relevant to a question on germaneness as opposed to a question of relevancy?

The PRESIDING OFFICER. The statement of the Chair was with regard to the relevancy standard.

Mr. BREAUX. I will not pursue it. Obviously, I accept the ruling of the Chair.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM

Mr. GREGG. Mr. President, back in February of 1993, as we all remember so vividly, the World Trade Center in New York City was bombed. Over 1,000 people were wounded and 6 people were killed. Two years later, the Federal building in Oklahoma was bombed: 168 people died, including many children.

These two very tragic events highlight the potential threat this country is subjected to and, in fact, has been subjected to in the area of terrorism. The threat of terrorism was further reinforced with the events in Africa where two of our embassies were bombed 3 years ago.

The Commerce, State, Justice, Appropriations Subcommittee, which I chair, directed the Attorney General to develop a plan to address terrorism which would be a Governmentwide plan, an interagency counterterrorism plan. The Attorney General, in a very conscientious effort, put together a 5-year interagency counterterrorism and technology crime plan. It was an excellent proposal. This proposal was put together by the Attorney General 3 years ago. It basically became known as the bible—for lack of a better or more descriptive word—as to how we should proceed in the area of developing a Governmentwide strategy in order to address terrorism, something we hadn't done up until that point.

It wasn't just to focus on Federal Government agencies but, rather, it went beyond that and talked about how we needed to integrate the private sector and State and local governments in our efforts to address terrorism. It had a large number of functions within it, a large number of areas that had to be addressed, as was obvious to those of us who took even a cursory look at the issue of terrorism.

Unfortunately, we, as a culture, were not ready to address terrorist acts because we are an open culture. The essence of our culture is freedom, the ability of people to move freely among our society. It is very difficult for us to deal with people who are willing to kill indiscriminately simply to make their points of view known. It requires a lot of thought and effort for us as a nation to address a problem such as terrorism. That is why we asked for this 5-year plan to be developed.

As part of this 5-year plan, one of the key things we believed we needed to address was the fact that there really wasn't anyplace where all of the issues of terrorism were being brought together. There were something like 43 different agencies addressing some element of the terrorist threat. This was not counting the issues of State and local government involvement and the issue of the private sector. For instance, how would the private sector address a terrorist threat to our power grid and our telecommunications systems.

One of the first things deemed necessary to do was to develop a centralized place where people could go, whether they happened to be in the Federal Government, State and local government, or whether they happened to be in the private sector, a centralized place where people could go and find out how to approach the issue of preparing our Nation to be able to handle the terrorist threat. An office was designated to be created called the National Domestic Preparedness Office, or the NDPO.

The NDPO was essentially to be a one-stop shopping center on the issue of how we address the threat of terrorism as a nation, a very important activity. It was to include participation by DOD, the Department of Defense, by FEMA, by HHS, Health and Human Services, by the Department of Energy, by the Environmental Protection Agency, by the Attorney General, and by the FBI. State and local authorities were to be included for participation in this office. It was to be a central agency which had all the players needed to be at the table—up and functioning and continually available as a resource to address the threat of terrorism.

Unfortunately, this administration has treated the issue of terrorism as a stepchild. When there is a terrorist event, they react. In some instances, they react arbitrarily and ineffectively, as they did in reaction to the African situation where they essentially ended up targeting a facility in Sudan. It is still very much an issue, as to whether the facility was actually producing any chemical weapons. Also, they attacked a facility in Afghanistan. Rather than assisting our ability of tracking down the terrorist Bin Laden, it made it obvious to him that he could never again have a joint meeting of his terrorist forces. Thus, he scattered them to the wind and we have had much more trouble tracking them down.

The response of this administration has been a PR response, to be quite honest, on the issue of terrorism at many levels. When it comes to actually substantively addressing the issue of terrorism, this administration's response from the top has been woeful.

I will acknowledge, in fact I will cite and congratulate, that at the agency level there is an ongoing, aggressive, and very positive effort to address terrorism. But, for some reason, there is an unwillingness in the White House to genuinely focus on this issue in a way that produces results.

One of the most glaring examples of that unwillingness to focus is the fact that the NDPO—the office which was supposed to be the one-stop shopping center for people who wanted to get ready to address a terrorist event—hasn't really been allowed to wither on the vine because they never even planted the seeds to get the vine growing. The office has not been funded. In fact, the travel funds which were supposed to be applied to it have been cut off. The office has been unable to get reprogramming through OMB, even though the Attorney General has requested on a number of occasions to get reprogramming through OMB to allow the office to function effectively.

The FBI Director has not been able to get reprogramming through OMB that has allowed the office to function effectively. The State and local advisory groups which were supposed to be set up to bring the first responders—the local police, local fire, local health officials who have the knowledge and the expertise to do the job right and do it in a coordinated way with the Federal Government—in to advise the NDPO has not been energized in any effective way. We do not get the standardization on equipment we need. We are not getting the leadership from the top that we need in the area of making the States and local people as knowledgeable as we can.

I will say this: At least in the other areas where we are trying to educate first responders, such as our initiatives across this country in education, we are making progress. But the central management agency has been ignored.

We understand the reprogramming that the NDPO needs in order to fund its activities effectively for this year will not be adequately fulfilled. So this agency has been allowed to simply sit there and has not been energized. In fact, as I understand it, the person named director of the NDPO has recently, within the last week, asked to be transferred out of the job. I do not know why he asked for that, but I certainly can guess. I suspect it is because of the frustration of doing a job where he was not getting the support he needed from the White House and from this administration to do it effectively.

Terrorism is not a political event. It should not be used for the purpose of initiating press conferences or trying to drive poll numbers. This is an extraordinarily serious issue. We as a nation need to have a Government that doesn't approach this issue in a manner which involves something less than a total commitment. Yet that is the way it is being approached by this administration and its failure to fund, organize, and energize the National Domestic Preparedness Office.

This same problem was highlighted in a news story in the Wall Street Journal relative to another issue of terrorism. It was again requested by the subcommittee I Chair in this Congress that there be exercises—much like our military undertakes—to determine our readiness to deal with a terrorist event. During the cold war days, if you were in the Strategic Air Command, every 6 months you knew, if you were on a Strategic Air Command air base, at some point during that 6 months you were going to have a full-scale alert, and you were going to have to act as if you were in a confrontation with the Soviet Union.

That was the way we kept our forces current and that is how we found out the problems in our systems. It is the way it is still done in the military. You have what amounts to war games in order to determine whether or not you are ready to participate in a real, live event. Well, terrorism is war. It is war on our Nation, and we know there are people out there who intend to exercise their ability to wage war on America. They have already done it. We need to go through the exercises of determining whether or not the agencies that are going to be responsible to protect the American people are ready to respond in the case of a terrorist event.

So we asked the administration, to pursue exercises to determine whether or not we are ready—mock exercises. These were to take place in three different communities across our country. Now, in a recent report in the Wall Street Journal, it was stated that some of the top agencies that are involved in this exercise are basically taking a laissez-fair attitude toward the exercise and are basically saying that they may participate but participate at a very low level of operations, or they are going to participate with very low level personnel—not that they won't be good personnel, but they won't be the personnel who have the final responsibility in the event of a real terrorist event or attack on our country. That would be unfortunate.

The Attorney General, I understand, not directly but indirectly, believes she is getting commitments from the various agencies to fulfill their role of having senior personnel at DOD, DOE, HHS, EPA, FEMA, and State, and obviously the Attorney General and the FBI—senior personnel—involved in these exercises, so that we know when we have a problem, the people who can resolve them are physically there on site and can observe the problem and can participate in resolving and developing a response to the problem.

Now, the Attorney General tells me, indirectly through my staff, that the news story may not have been completely accurate. But the news story quoted some sources and said certain agencies within the administration were not going to be seriously committed to this exercise. That, again, in my opinion, shows the laissez-fair attitude this administration has taken toward preparing this Nation to address a terrorist event.

As I said earlier, terrorism is not a partisan issue, not a political issue; it is a serious threat to our country. It has to be addressed aggressively and professionally by the agencies that are responsible. The Congress can only do so much. We have funded aggressively antiterrorism efforts. We have set up structures, working with the agencies to try to make sure that we have a coordinated response. We have requested that the agencies involved participate in trying to make sure that they are as ready as possible for a horrific event. But all we can do is fund and request. If we don't get cooperation and enthusiasm and commitment from this administration, then we will not have success.

So I have come to the floor today to highlight what I am very concerned about and what I think we should all be concerned about, which is whether or not there is a sincerity of effort occurring within this administration to get us ready to address a potential terrorism threat to the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. GRAMM. Mr. President, the chairman of the Judiciary Committee is concerned that some language we took from the Burns amendment, which was in the bill last year, might potentially create some problems.

On Senator HATCH's behalf, I offer an amendment to strike several lines from the bill that have to do with an attempt on our part to guarantee that we weren't changing communication law. But, as often happens, no good deed ever goes unpunished. So we want to strike this.

AMENDMENT NO. 2902

(Purpose: To strike the provisions relating to retransmission of local television broadcast stations)

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. GRAMM), for Mr. HATCH, proposes an amendment numbered 2902.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, strike lines 1 through 13 and insert the following:

SEC. 8. DEFINITIONS.

On page 50, line 23, strike "**10.**" and insert "**9.**".

Mr. GRAMM. Mr. President, this amendment is a very simple amendment. It simply strikes a line in the bill where we were trying to be sure we weren't changing communication law. On further reflection, we simply concluded that silence is often the best answer on these kinds of issues. This amendment would strike that sentence.

I have not had an opportunity to have anyone on the Democrat side of the aisle look at the amendment. I will just leave this amendment pending.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, it is my understanding the leadership plans a cloture vote on the gas tax at some time later today. Is that the understanding of the Chair?

The PRESIDING OFFICER. The cloture vote has been set to follow the final passage of the pending legislation but no later than 6 p.m.

THE GASOLINE PRICE SPIKE

Mr. MURKOWSKI. Mr. President, I would like to take this opportunity to advise my colleagues why I think it is appropriate that we address some relief for the American consumer with regard to the gasoline price spike that has occurred in this country. I am a cosponsor, with the majority leader, Senator LOTT, and a number of others, of this important legislation that will give us an opportunity to take positive action in a meaningful way to put a brake on the ever-rising gasoline prices that American families face each day.

The American people should have a choice, whether they feel the priority is such that they should have relief from the gasoline tax. I emphasize a choice. I emphasize the American people, through their elected representatives on this floor, have to make a determination that this is a priority because there is no free lunch around here. What we are talking about is a combined bill which would waive the Federal gasoline tax of 18.4 cents. That is a considerable tax. It is even larger when you add the State taxes to it.

When I said there is no free ride around here, what I meant was we have agreed if we suspend the Federal gas tax for the balance of this year, we will also make whole the highway trust fund. That alternative will require that we find considerable funds. But if we guarantee we are going to find them, that means they are going to come through the budget process, from surplus and other areas.

Is this a sufficient priority? There are those who feel very strongly this jeopardizes the highway trust fund. In this bill itself, it says we will hold the highway trust fund harmless. That is a mandate, in effect a promise, to hold it harmless. It does not say where the money is going to come from to offset it.

We are suspending it only for the balance of this year. I have been advised by the budgeteers that this will not jeopardize any of the contracts that are presently let for this construction year or next year that propose to use highway trust fund moneys because those have already, in effect, been designated, earmarked, and so forth. I am not on the Budget Committee, but that is the advice I have been given.

I think Members should understand a little background here. It was in 1993 that the Clinton administration proposed a significant tax on Btus. There was going to be a big tax increase on all Btus—British thermal units. It was going to be based on what you use. We debated this issue at length and we voted down the increased Btu tax that the Clinton administration proposed. However, there was a 4.3-cent-a-gallon gas tax that was also proposed at that time. It was hotly debated. That 4.3-cent-a-gallon gas tax was not designated for the highway trust fund. It was designated for the general fund. That is just where it went.

Of interest to the Chair, perhaps, is how this happened. All the Republicans voted against the tax; six Democrats joined us, and we had a tie vote. Vice President Al Gore sat in the Chair as the Presiding Officer of this body, where the Senator from Utah sits, and he broke the tie. The Vice President has to wear the mantle. That is where the 4.3-cent-a-gallon tax came from. He has to wear the mantle. It did designate the tax would go into the general fund. Later, when the Republicans took control of this body, we changed the designation from the general fund and we designated that 4.3 cents into the highway trust fund.

It should again be noted what this legislation specifically provides because there is a lot of confusion over it. It says in order for the 18.4 cents to be suspended, and this is regular gasoline, the price has to average $2 a gallon. Only then will it be suspended, and only for the balance of this year. And the highway trust fund will be made whole.

I know there are Members who feel uncomfortable about the highway trust fund. But all I can do is make very clear what this bill provides. It provides for full reimbursement of the highway trust fund. But it is not a free ride. The money is going to have to come from someplace else.

The point I want to make, and the appeal to my colleagues and our staffs who are listening, is about the real savings. America's consumers cannot pass on this price increase. If you buy an airline ticket, as my friend from Utah and I do occasionally, to go back to Utah or Alaska, you are paying a surcharge for fuel. You don't know what the tax is on the ticket because the airlines have so many confusing fares you can't figure it out, but a $40 surcharge is in there.

The trucker who comes to Washington, DC, who has a contract for delivery, maybe he cannot pass it on; and the farmer, it is very unlikely he is going to pass it on; nor the fishermen in my State who fuel up their vessels, it is pretty hard for them to pass it on—but the person who surely cannot pass it on is the American consumer, the moms driving their kids to the soccer game. The family bought a utility sports vehicle for convenience. Maybe the SUV does not get too many miles to the gallon. It might have a 40-gallon gas tank. When mom goes to the gas station and fills that up at nearly $2 a gallon, it shoots a pretty good hole in a $100 bill.

The question before us is: Do we want to do something short term, or do nothing, which is what the administration proposes. My colleagues heard the President yesterday. He said we have to develop more dependence on alternative fuels, we have to develop more resources domestically. He does not tell you he is going to open up low-sulfur, high-Btu coal in Utah. No, he says he has made that wilderness, for all practical purposes.

He does not say he is going to encourage exploration on public lands in the Rocky Mountains so that oil and gas exploration can occur in those States in the overthrust area where there is a tremendous potential for oil and gas in Montana, Wyoming, Colorado, North Dakota, Kansas, or Oklahoma, where the small strippers have almost gone out of production because they simply cannot produce at the low prices. They only produce a few barrels a day. My colleague, Senator KAY BAILEY HUTCHISON, addressed that earlier today.

In our long-term package of proposals, there is relief for the stripper wells. There is relief to encourage exploration in the overthrust Rocky Mountain area. There is relief to provide OCS areas for lease—we heard the Vice President say: If I am elected President, I am going to cancel all the OCS lease programs. He does not say where he is going to get the oil to replace that produced under the leases.

Think about what this administration's policy is on energy. One does not have to think very long because there is none. Clearly, our Secretary was sent over to OPEC almost on his knees to beg for production increases. OPEC said they were going to have a meeting on the 27th. He was over there 3 weeks prior to that. The Secretary said: We have an emergency in the United States. They said: We are going to meet on the 27th. They met on the 27th. They did not do anything until the 28th.

I have a chart which shows what they really did. They did this yesterday. Not many people are aware of the realities associated with what has happened to oil and the demand for oil in this country.

To the left of the chart in the red is the total global demand for oil in the world today. It is about 76.3 million barrels per day. To the right of the chart is the production and where it comes from: 45 percent from non-OPEC, 23 percent from OPEC, 5.6 percent other OPEC.

My point is, actual production is 75.3 million per day, but the demand is 76.3 million per day. There is a 1 million-barrel-a-day difference. There is a greater demand than supply. When there is this kind of situation, we have price spirals.

I want to point out and make sure everybody understands what happened yesterday with OPEC. I am really amazed, with the exception of the Wall Street Journal and a few other folks, the media has not really delved into this. When OPEC met last year, they decided they were going to produce 23 million barrels a day. They promptly began to cheat. They overproduced. They produced 24.2 million barrels a day. The difference between what they said they were producing, 23 million barrels a day, and what they were actually producing, 24.2 million barrels a day, is 1.2 million barrels a day. The difference between the 1.2 million barrels and 1.7 million is 500,000 barrels a day. That is what they are actually producing.

Here it is. They were cheating 1.2 million barrels a day. As I said before, they started out with 23 million but were actually producing 24.2. The difference between 1.2 and 1.7 is 500,000 barrels a day, and that is exactly what we got. That is the actual new production. It is not 1.7 million barrels a day, it is 500,000 barrels a day.

Let me take it one step further because this really excites me, and that is, what our share of OPEC oil has been. Our share has been about 16 percent. If we got another 500,000 barrels increase—remember, this does not go just to the United States, this goes to all the customers of OPEC all over the world. The U.S. share is about 16 percent. So that amounts to about 79,000 barrels a day.

With the help of some of my staff and the AAA, we determined the immediate metropolitan area of Washington, DC, uses 121,000 barrels a day. This means that with the 500,000 new barrels, we are not even standing still.

I do not want to put too much of an arithmetic load on my colleagues, but there is one more figure they ought to know about, and that is the little secret of the administration and the Department of Energy they did not want you to hear. They did not want you to find out what was written between the lines of the OPEC agreement. Here it is. Buried in the agreement is what they call a "price band" provision to keep the prices between $22 and $28 a barrel. We have seen prices for oil go up to $34. A year ago, that price per barrel was at $10 and $11.

This is a unique arrangement, but our friends in OPEC are unique in their craftsmanship of what is in their best interests. The arrangement calls for producers to increase output 500,000 barrels—remember where you heard it. That is the 500,000 that is the actual increase. They said:

> The arrangement calls for producers to increase output 500,000 barrels per day on a pro rata basis if oil prices remain above $28 for 20 consecutive days.

My friend, I am a businessman. I understand the fine print of an agreement, but I do not think the folks down at the White House do or, if they do, they do not want you to know about it. This agreement further states that OPEC will also cut from production—there it is, cut from production, cut from their 1.7 million-barrel promise, or really the 500,000 barrels a day. They will cut from production by that same amount if prices fall below $22 for more than 20 days. They have set a ceiling, and they have set, obviously, a cellar.

OPEC or the Clinton administration has made no acknowledgment of this in their announcements. Isn't that rather curious? We talk about significant relief. If we have this kind of a deal, I do not know from where the significant relief is going to come. Under this agreement, one can easily see that the price of oil is going to hover around $28, maybe as high as $34 per barrel for extended periods or until OPEC meets again.

I urge those in the media and my colleagues, and particularly their staffs who are a little bit curious, to read today's Oil Daily, page 2. It is all spelled out under the headline "OPEC Bases New Production Strategy on Price Band Experiment."

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Oil Daily, Mar. 30, 2000]

OPEC BASES NEW PRODUCTION STRATEGY ON PRICE BAND EXPERIMENT

(By Toby Odone and Barbara Shook)

Buried in the furor over Iran's refusal to go along with other Opec members in raising oil production is a highly innovative price band mechanism, designed to keep prices within a range of $22 to $28 per barrel for the Opec basket.

The arrangement calls for producers to increase output by 500,000 barrels per day on a pro-rata basis if oil prices remain above $28 for 20 consecutive days. They also will cut production by the same amount if prices fall below $22 for 20 consecutive days.

Opec delegates were hailing the new accord as a breakthrough that for the first time guarantees minimum national revenues, making budget-setting and fiscal planning less hazardous. In addition, it potentially provides the market with the stability that producers and consumers, primarily from the U.S., have been calling for loudly in the past few months.

Nevertheless, should the nine countries that have adopted the new policy adhere to its terms, the upper limit of the new arrangement could see the price for West Texas Intermediate (WTI) rise above $30. On several occasions, the U.S. has said this level is too high, just as last year's $10 was too low.

Even Iran, which is not party to the new quota accord, says it would go along at least with the concept of the price band mechanism. Its production level would be the same volume as the base for the now rolled-back March 1999 agreement. Adjustments, however, would be made as Iran reads the market, not according to the Opec formula.

Opec made no mention of the new price-band mechanism in the official communique issued early Wednesday after a marathon six-hour negotiating session.

Word of its proposal was beginning to leak out, however, even before the session ended, as delegation sources told EIG's Energy Intelligence Briefing (EIB) that some "innovative and flexible" new terms were under discussion. Several ministers also referred obliquely to a price range rather than a specific target such as the $21 that has been on the Opec books since 1990. Saudi Oil Minister Ali Naimi talked openly of a $20 to $25 price range.

The official communique also made no mention of the future roles of non-Opec exporters Mexico, Norway, Oman, Angola, and Russia. Opec simply thanked them for their assistance in earlier efforts to stabilize markets.

On Wednesday, delegates told EIB that the non-Opec countries appear to be released from their commitments to shut in output.

Outside of the Opec Secretariat, Iran continued to express its irritation with U.S. intervention in the organization's proceedings.

"Intervention was beyond expectation," an Iranian delegate stated. None of the US's action was needed because Opec and its allied nonmember exporters were aware of the market and prepared to respond to increasing demand, he said.

"We were here to accommodate the market. We came here to increase production," he said, adding that he believes the US has damaged its image by its interference with and imposition of its position on a group of sovereign nations.

He also suggested that US actions both now and last year put Opec in a bad light. "We were discredited," he said. "When we cut the production we were blamed. When we increased the production we were blamed."

The Iranian delegate refused to criticize ministers of other countries directly, but he did indicate strong displeasure with what he said was a prearranged agreement formulated by the US. "We are not here to rubber-stamp agreements," he said.

At the same time, he stressed, Iran is not trying to undermine Opec as an organization. Iran would have supported an increase of 1.7 million b/d if it had been accomplished in two stages, starting with 1.2 million b/d. At the same time, Iran will not give up any market share by withholding its barrels. "We would at least do the minimum that would have been allocated," he said. Output will be adjusted up or down as the market dictates.

One market that will not influence any Iranian action is the US. "The US should not have expected any more than what we did because Iran does not have an interest in the US market," he declared. "Had it been a different situation, Iran might have acted differently."

Some observers questioned the whole scenario here, wondering if Saudi Arabia and Iran weren't playing a high-stakes international version of "good cop, bad cop."

They cited the high price range of the Opec basket relative to WTI as one example of the bad-cop side, with the output increase as the good cop angle. In the process, Saudi Arabia, Kuwait, and the United Arab Emirates could appear to be cooperating. Iran, which had nothing to lose but the sale of a few bushels of pistachios, could represent Opec's continuing independence from outside pressure.

Most Opec ministers and their delegations left Vienna on Wednesday fully expecting prices to stay firm, despite some analysts' suggestions that discord in the organization might herald a sharp sell-off. However, Opec insiders pointed out that the new price mechanism may forestall countries' normal inclination to cheat.

NEW OPEC QUOTAS

[Thousands of b/d]

	Apr. 1	% chg.
Algeria	788	7.8
Indonesia	1,280	7.8
Kuwait	1,980	7.8
Libya	1,323	7.8
Nigeria	2,033	7.8
Qatar	640	7.9
Saudi Arabia	8,023	7.9
UAE	2,845	7.9
Venezuela	2,845	4.6
Total	21,069	
Assumed others:		
Iran	3,623	
Iraq	2,400	

Mr. MURKOWSKI. Mr. President, now they are experimenting on us with this price band. That is a pretty dangerous precedent to set, but, nevertheless, we have become so beholden to OPEC, we are 56-percent dependent on OPEC.

The occupant of the Chair remembers the Arab oil embargo in 1973. We had gas lines around the block. A lot of people were unhappy. Oil was more than $30 a barrel. We were excited here. We were concerned. We said: We will never allow exports to get to a level of more than 50 percent. We created something to ensure that we had some relief. We created the SPR, the Strategic Petroleum Reserve. We wanted to have a 100-day supply. I think we have a 56-day supply in the SPR today.

Now some people say: We have an emergency. Take the supply out of the SPR. Think about that. It is very dangerous to use your reserve to manipulate prices. You can only draw about 4 million barrels a day out of the Strategic Petroleum Reserve, which is located in the salt mines of Louisiana. If you take it out, remember, you have to refine it. Then what are you going to do for a fallback in a real emergency?

OPEC is watching what we do. If we pull down our Strategic Petroleum Reserve, we become that much more vulnerable and, as a consequence, more likely to be held hostage.

As we address what we are going to do this afternoon, again, I reiterate, is the priority here for a short-term fix for the American consumer not at the expense of the highway trust fund but at the expense of making it up through the budget process some other way? I think that is a legitimate question.

When you pit what we are attempting to propose on this side of the aisle, which is some kind of relief, to that proposed by the other side of the aisle, which is no immediate relief, the difference is clear. The Administration suggests only that we develop alternatives, and that we have conservation, all of which are worthwhile. But those goals are not going to help mom today on her way home with the kids from the soccer game when she has to fill up the sports utility vehicle and it is going to cost her $80. It is not going to help the farmer. It is not going to help my fishermen. It is not going to help the truckers. They want relief today to stay in business.

We have that opportunity. We are going to make that choice. It is a choice. It is a legitimate choice. It is a matter of determining where the priorities of this body are.

We have a lot of options. We have some specific proposals for the short term and the long term that I think deserve consideration. Because if you look at the other side and the administration proposals, it is pretty hard to find anything this specific.

The American people are saying: Hey, we have a crisis. We have a problem. The difficulty I have, to a large extent, is where we are seeking relief. We are not only limited to petitioning OPEC.

Let's take a look at our friend, Saddam Hussein, in Iraq. I have a chart that I think shows and tells more than I can say in a few words. This shows the Iraqi oil exports to the United States. There is virtually nothing in 1997.

But we all remember in 1991 we fought a war over there. We sent young American men and women. We had 147 casualties in that war—147. We had 423 who were wounded. We had 26 who were taken prisoner.

That war was in 1991. But what about the American taxpayer? What happened? You remember, we have been enforcing the no-fly zone over there. We have troops stationed around there. We have the fleet. We have been keeping Saddam Hussein fenced in, if you will. The cost to the American taxpayer has been $10 billion. That is what it has cost in the last 9 years. The administration does not factor that in.

When we look at our fastest growing source of imported oil coming into the United States, it is coming from our good friend, Saddam Hussein. Incredible. I am indignant over it. I don't know about you and my colleagues.

Last year, we imported 300,000 barrels a day from Iraq. This year we have imported 700,000 barrels a day.

The day before yesterday the Department of Commerce issued a release on sanctions for some of the technical parts that are needed within Iraqi refineries to increase their production by an additional 600,000 barrels a day. We are certainly cooperating with Saddam Hussein. Where do the profits go? We suspect they probably go to the Republican Guard who have something to do with keeping Saddam Hussein safe. It is questionable if funds really go to the people of Iraq.

I was looking at some figures the other day. As we rely on the Mideast, I think we should be reminded that what is happening here is we are enriching the Mideast, the Arab oil empire.

As I said, in 1973 we were 36-percent dependent. Today we are 56-percent dependent. But the startling reality is—and you may not believe history teaches anything; some people say it does not teach much—but the forecast that the Department of Energy has publicly put out is that we will be importing 65 percent of our oil by the year 2015 to 2020.

Currently, we receive 46-percent of our oil from OPEC; that is, on the 11 OPEC nations. Are these countries that we can depend on? How stable are they? What is the risk to Israel as a consequence of the difficulties and distrust in that part of the world?

The U.S. has economic sanctions on 8 of the 11 OPEC countries. What for? For human rights abuses, drug trafficking, terrorism, weapons of mass destruction. On the other three countries of OPEC, to name two, Algeria and Indonesia, they are certainly among the least stable nations in the world.

Are we through there? I don't think so. Six OPEC nations even have State Department-issued travel warnings against them. I ask you, if it isn't safe for Americans to travel there, is it safe to rely and entrust our energy security to those countries?

I was looking at some material which I think I have here. It is kind of startling because I think we had some reference by Senator LOTT who is concerned about our increasing support of Iraq and the realization that Iraq is creating a missile capability. I wonder for whom those missiles are designed. Mideast countries? Israel? Who is to say? But we are enriching and we are making possible the cash-flow that Saddam Hussein has; otherwise he would not have the cash-flow.

As we look at that energy policy that I talked about, although it is pretty hard to identify. It certainly is to import more. It does not suggest we develop domestic resources in this country. We have the technology to do it safely. We know that.

There is a great hue and cry by the administration against opening up the Arctic Coastal Plain. In my State of Alaska, we have been contributing 20 percent of the total crude oil produced in the United States for the last 23 years. We have a pipeline that is 800 miles long. It has withstood earthquakes and it has withstood dynamite, shots fired at it.

We have an area in Alaska that I can show my colleagues on a chart relative to the location and a brief description of where it is, because it is important that you understand a few things.

This morning I had an opportunity to speak on C-SPAN. One of the callers asked: Senator, you would like to open up the Coastal Plain, but why don't you put the rest of it in a wilderness or put it in a refuge or something?

I will shortly have a chart to show you we have already done that. We have 19 million acres in what we call the Arctic National Wildlife Refuge. This is an area that alone is 19 million acres. It is about the size of the State of South Carolina. We have already put 8 million acres in a permanent wilderness, 9.5 million acres in a refuge permanently. But we left for this body to determine whether we could safely initiate exploration in what they call a 1002 area, which is 1.5 million acres. That is all. The question is, Is this the time to bring in the environmental community to work with us to open it safely because we have an abundance of capacity? This is the area I am talking about specifically. This is the 19 million acres. This is the refuge, 9.5 million acres; this is the wilderness, 8 million acres; this is the Coastal Plain, 1.5 million acres. The footprint would be 2,000 acres, if the oil is there. We have the pipeline right over there. The President vetoed this in 1995. If he had approved it, we would have production today. We have an availability of 1 million barrels a day in this pipeline right now. We have the overthrust belt, as I have indicated. We have OCS. We have the Rocky Mountains. But there is no effort by the administration for domestic production.

For those who wonder what it is really like up there and have never been there but are experts on it, who speak on the floor with profound knowledge and have never been to Alaska, let alone the Arctic, this is the Arctic Slope of Alaska. This is a rig. This is what it looks like 8 months of the year. This is winter. It is a long winter. It is pretty dark. This is an ice road. This is an ice pad. They build it up with water and ice so the footprint is minimum. Here is the same picture in the summer. The summer should be 4 months, but it is really only about 3. This is the tundra. That is the footprint. That is reality. It is awful hard to get people to come up and look at it and recognize it for what it is.

We are concerned about some of our friends, legitimately so. These are legitimate friends. They are going for a walk. Where are they walking? They are walking on the pipeline. It is warm. They don't get their feet cut. Here are three bears, right at home. That is not a prop; that is real.

We have a few more friends; we are concerned about these friends. Here are some of our friendly caribou. There you have it. That is Prudhoe Bay. That is technology that is 30 years old. No guns allowed; you can't shoot them. You can't run them down with a snow machine. When we started Prudhoe Bay, we had 3,800 caribou. Now we have a herd of more than 18,000. I don't know whether that convinces anybody that we have a sensitivity about the environment, that we can work with our technology and do it right. If we get an opportunity for people to objectively take a look at the job we have done, the technology we have developed over the years, and the opportunity we have to contribute to the energy security of this country as opposed to more dependence on imports, they usually agree with us.

That is where we are. I will conclude with a short rundown of the long-term and intermediate relief that we have proposed within our caucus to provide an opportunity to Members of this body to address what kind of relief they want. I have spoken to the gas tax. I have enunciated quite clearly that we do not have at risk the highway trust fund. That will be made whole. I have explained in detail that this measure would suspend the tax until the end of this year only, that it would come on only if the average price of gasoline got to $2 a barrel, and that the 4.3-cent-a-gallon tax originally did not go to the highway trust fund, it went to the general fund.

I conclude with what we are going to present to this body in our legislative package, which is some kind of a relief for the Northeast on crude oil storage, for not only crude but heating oil. They have been hit very hard, and they are going to be hit harder when they generate electricity this summer. A lot of it is going to be generated from fuel oil. They are going to be paying perhaps a third to two-thirds more for electricity because that is what comes on the line last. As a consequence, the costs associated with all other forms of energy raise up to the last energy source that contributes to the power pool, and that will be fuel oil.

We are also going to look at an effort to address the difficulty with the stripper wells by establishing some kind of a bottom price level where, when oil gets very low, they can still stay in existence. Make no mistake about it, the strippers make a tremendous contribution. We can't afford to lose them. They are all over Oklahoma. They are in Kansas, in many States. Senator KAY BAILEY HUTCHISON has legislation to address their survival.

We have legislation for delay of rental payments, to allow expenses for geological and geophysical costs, percentage depletion legislation, NOL carrybacks, marginal and inactive well tax credits, language to address opening within the overthrust belt on public lands.

Obviously, we are interested in coal because coal can play a major role in the power source needs of this country. This administration proposes to close eight coal-fired plants. They claim the management of those plants is going to be held criminally liable because they have intentionally extended the life of these plants that were grandfathered. That is the full employment act for the lawyers. They have no idea of where they are going to pick up the power to substitute for these plants.

We can address coal through technology, given the opportunity. The administration doesn't have a plan for coal. What are they doing with nuclear? Nothing. They won't address the problem of what to do with the waste. On the West Coast, they will not do anything about hydro. They are proposing to take the dams down. I don't know how many hundreds of trucks a day are going to be on the highways of Oregon if they take those dams down. Grain will be moved by truck rather than barge, contributing to more gas usage and more pollution.

The Administration says, we are going to move to increased use of natural gas. If you read the National Petroleum Institute figures, we are using 20 trillion cubic feet of gas now. In the next 15 years, we would be up to 31. We don't have the infrastructure to deliver it. We will have to invest $1.5 trillion for that infrastructure. But, the gas is not available for exploration because they won't let us have access to public lands. So gas is not the answer.

If you look at what we are attempting to do as opposed to what the other side has proposed, which is what? Alternative energy, conservation, some tax breaks—I am all for those things. But we have to do something right now. We have a plan. And if it is a priority and deemed a priority by this body, then you have a choice. You have a choice of whether to vote for the gas tax suspension for the balance of this year, if you feel that is a priority or you don't. It will not jeopardize the highway trust fund. Again, it is no free ride. We will have to find that money someplace else.

I could go on at length, but I felt it necessary to make this presentation to ensure that we had a fair understanding of what we are proposing in our caucus for immediate, interim, and long-term relief options against what you are hearing from the other side. I wanted you to know what we can do domestically to relieve our dependence on imported oil. And, I wanted to point out what the administration says we got the other day compared to the reality of what we got when we read the fine print.

It appears that our negotiators got the short end of the so-called stick because that increase, again, was only 500,000 barrels a day. It has a floor and a ceiling: a $28 ceiling; a $22 floor. If you think we will see oil cheaper than that, it simply is not going to happen.

If any Members would like to discuss with me just what is in this highway tax bill, please don't hesitate to do so.

I yield the floor.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Minnesota.

Mr. GRAMS. What is the order of business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 2902.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak up to 10 minutes in support of S. 2097.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I will not object, I ask unanimous consent that I be recognized following Mr. GRAMS to speak out of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I rise this afternoon to express my strong support for S. 2097, the Launching Our Communities Access to Local Television Act of 2000. I also commend Senator CRAIG THOMAS and Senator TIM JOHNSON for the work they have done. They have been on the floor today talking about this bill; more important, they have been working for days, weeks, and even months trying to put this bill together. I really thank them and commend them for all the work and effort they put into getting this bill to where it is today.

During the 106th Congress, few issues have generated as many phone calls, letters, and e-mails to my office as those opinions expressed by rural Minnesotans concerned about the future of their satellite television programs.

In recent months, Federal district court decisions terminating the satellite signals of thousands of satellite subscribers and the uncertain status of the Satellite Home Viewer Act have caused unnecessary frustration and inconvenience for Minnesotans who depend upon satellite television for informational, education, and entertainment programming on a daily basis. For these reasons, I am very pleased to have supported the enactment of legislation last year that reauthorized the Satellite Home Viewer Act.

The Satellite Home Viewer Improvement Act has begun to encourage greater competition between the satellite and cable industries while also providing consumers in the top television markets with the benefit of "local-into-local" television programming. Additionally, this law has protected existing satellite subscribers from having their distant network signals terminated and reduced the copyright fees paid by satellite providers. This reduction in copyright fees has helped to make satellite service more affordable to consumers, particularly in rural areas.

I also recognize that millions of Americans in small, rural areas have not begun to enjoy the local-into-local programming because satellite carriers do not have the capability to provide this service into small, rural areas immediately. In fact, two of the largest satellite providers, DirecTV and Echostar, have testified that their companies will initially provide local-into-local service to households in the top 50–60 television markets. Thus, approximately 150 television markets such as the Duluth-Superior, Rochester, and Mankato television markets in Minnesota will not receive this programming as quickly as urban markets.

I firmly believe that Congress should ensure that rural America receives the benefits of this technology and local-into-local programming. For these reasons, I have been working with my colleagues on the Senate Banking Committee, industry groups, and consumers to pass the "LOCAL TV Act." This legislation would establish a $1.25 billion loan guarantee program to facilitate access to local television programming in rural Minnesota communities and throughout the country. Importantly, the LOCAL TV Act will help to facilitate local-into-local programming without mandating a specific technology to provide this service and thereby encouraging competition and innovation by independent cable companies and satellite providers.

I was very concerned that this legislation excludes several private lenders from providing the financing to ensure local-into-local programming throughout rural communities. Specifically, the LOCAL TV Act provides that the federal government will guarantee 80 percent of any loan that is provided by FDIC insured depository institutions. So far, so good.

Mr. President, limiting the guarantee to 80 percent assures that whichever lending institution provides the financing will have very good reason to give the loan request extensive scrutiny to justify the 20 percent of the loan which is not guaranteed and perhaps decide not to lend. This careful scrutiny would be less assured if we allowed 100 percent government loan guarantees.

I also support authorizing the FDIC insured lenders to have the opportunity to participate in the loan guarantee programs. However, the bill currently excludes certain private sector lenders which have substantial experience providing multi-million dollar loans in a coop environment and which have a track record of support for projects of this size in rural areas.

For this reason, I have joined with Senators JOHNSON and THOMAS to introduce an amendment to this bill which will expand the list of eligible lenders. Specifically, the Johnson-Thomas-Grams amendment requires eligible lenders to have at least one issue of outstanding debt that is rated in one of the three highest rating categories by a national statistical rating agency. This provision will ensure that our expanded list of lenders will have been subjected to rigorous marketplace scrutiny. The process of achieving one of the three highest investment grade ratings involves an intense review of the lender's capital strength, lending expertise, and loan loss experience.

The wording for this amendment is almost identical to wording which this body utilized last fall when we passed S. 900, the Gramm-Leach-Bliley bill. In that landmark legislation, the test of marketplace scrutiny was used to determine which of the top 50 national banks could conduct expanded activities in a bank subsidiary.

The theory we used was that marketplace discipline is an important threshold in sorting the qualified from the unqualified. That same approach is being put in place here.

Lastly, our amendment also requires an eligible lender to have provided financing with outstanding debt from the Rural Utilities Service. This provision is important because the underlying bill authorizes the Rural Utilities Service to be the administrator of the loan guarantee program.

The second part of this provision states that the approved lender must demonstrate to the loan guarantee board that it has the expertise, capacity and capital strength to provide financing pursuant to the act.

Mr. President, I believe the Johnson-Thomas-Grams amendment will strengthen the LOCAL TV Act and ensure that rural Americans will soon enjoy the benefits of local television programming. I am pleased that Chairman GRAMM has been working to accommodate our concerns and strengthen this legislation.

Mr. President, again, I commend and thank very much Senators CRAIG THOMAS and TIM JOHNSON for all their hard work in making this legislation possible. I urge everybody's strong support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. I ask unanimous consent that the prior order to allow Senator BYRD to follow Senator GRAMS be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise, first of all, to support S. 2097, the LOCAL TV Act of 2000.

I ask unanimous consent to withdraw the amendment I had previously offered and on which the yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I want to make a few comments about the mistaken identity by the National Association of Broadcasters in relationship to my amendment. What we have tried to do, and what this bill has successfully done, is allow most of the areas in the United States to have access to dish or satellite television. But there are areas that have been excluded. I will give you an example of some of those.

Areas are excluded when most of the television stations that are received instate are based out of the State. I use Kentucky as an example. If you want to hear something in Kentucky and you don't live in Louisville or Lexington, or a couple of other smaller cities, such as Bowling Green and Paducah, you must get your television news, sports, entertainment, and everything, from out of State, a different ADI, such as Cincinnati; Charleston-Huntington, WV; Knoxville, TN; Nashville, TN; Evansville, IN; and on and on and on.

This bill does not adequately cover those areas because it says generally if you are brought in an ADI area that is covered by an out-of-State television station, you must accept that. There can be exceptions. But, living in Kentucky, I surely don't want to have to watch Atlanta television, or Atlanta news, or, for that matter, Cleveland, OH, news on my satellite dish. I know most Kentuckians don't want that.

Of all the issues that have come before the Senate, this has been the one on which I have received the most information. I received a paper put out by the National Association of Broadcasters that criticized my amendment to allow all or at least require one of the local markets in Kentucky to carry it on the dish or on the satellite. It said it "destroys the network affiliation relationship." But that is hogwash. It does not destroy that. It just means that the people in certain areas don't want to watch New York television as the thing they get on their dish. If they are only going to go down to the first 60 major markets in this country, that is what we are going to have to do in many of the rural areas.

This loan guarantee program that we have will cover an awful lot of other areas. But South Dakota, North Dakota, Wyoming, Montana, and plenty of areas in this country do not have major markets and don't carry all four—ABC, NBC, CBS, and FOX—and will no doubt not have the coverage they might like to have in their area.

"Undermines localism" is another thing the National Association of Broadcasters has said about the amendment I just withdrew.

Am I going to watch a local station from Paducah and go down there and buy something that has been advertised on a Paducah station if it is carried on my dish? Of course not. I am going to go to my local store, or wherever it might be, and buy the exact same thing that is available in my local area. I can pick up a local station out of Cincinnati with rabbit ears. I don't need a dish for that.

It "creates two classes of satellite viewers"—no, it doesn't. We all pay almost the same amount for basic satellite television. My amendment did not change that.

"Flies in the face of both copyright and communication laws" —not being a lawyer, and having dealt only with the prior law we passed last year, I know full well it doesn't violate any of those provisions in that law we had on the floor of the Senate.

Last, but not least, it says, "it creates a huge regulatory disparity." No other multichannel video provider has nearly such an extensive "must carry" requirement. We don't want them to carry every station in Kentucky. We want them to carry one that has four of the major networks. That is what we want.

We will work it out later. I have talked with Senator BURNS, who is most expert on this, and I hope to work with Senator MCCAIN on Commerce to get this done. This is not the time nor the place to fight this fight. I will fight it another day at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think while we have looked as if there was inaction and chaos all afternoon—it felt like it at various moments—the truth is, we have done our work.

Senator BAUCUS has an amendment which I intend to accept. Senator HATCH as a second-degree amendment. I will be supportive of both the second-degree amendment and first-degree amendment. We will accept those.

Senator JOHNSON and I have worked out differences. We will accept that amendment.

We will then be ready for a vote on final passage.

Senator BAUCUS may offer his amendment when he is ready, I have already offered the amendment for Senator HATCH. If Senator JOHNSON wants to offer a second-degree amendment to it, he can. If not, if someone will pass it to me, I will do it.

We are putting everybody on notice that we are coming to the happy hour. We should be able to finish our bill in about 15 minutes. People can start moving in this direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2900, AS MODIFIED

(Purpose: To make minor and technical changes)

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Montana (Mr. BAUCUS) for himself, Mr. LEAHY, Mr. ROBB, Mr. STEVENS, Mr. WELLSTONE, Mr. KENNEDY, Mr. BURNS, and Mr. MURKOWSKI, proposes an amendment numbered 2900, as modified.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 10, insert after "local television stations" the following: ", and related signals (including high-speed Internet access and National Weather Service Warnings),".

On page 30, strike line 9 and insert the following: "means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service Warnings),".

On page 33, line 19, strike "areas," and insert "areas and the number of States (including noncontiguous States),".

On page 33, beginning in line 22, strike "estimated cost per household to be served." and insert "efficiency in providing service given the area to be served.".

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL CONSIDERATIONS.—To the maximum extend practicable, the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service Warnings).

On page 33, line 24, strike "(B)" and insert "(C)".

Mr. BAUCUS. Mr. President, this is an amendment to which the chairman of committee has graciously stated he agreed. This is a modification of an earlier amendment I provided. This amendment essentially provides that related signals, including high-speed Internet access and National Weather Service warnings, be included in the criteria when the board decides which loans to guarantee in providing for local-into-local service.

One of the modifications, frankly, is as follows: Including noncontiguous States.

I chuckled a little bit because that is Alaska, which is wonderful. But it also is a technical matter that makes it more likely it is not necessarily constrained by otherwise constraining language.

The amendment basically says that, to the maximum extent practicable, the board should give additional consideration to projects which also provide related signals—again, including high-speed Internet access and National Weather Service warnings.

The whole point is, we have an opportunity to help provide broad bandwidth Internet service to rural America while we are now passing legislation which gives incentives to provide more local-into-local television coverage to rural America. I believe we should take advantage of that opportunity and give a little boost and a little preference to those applicants who will provide that additional capability.

I want to sort of chime in on the point the Senator from Texas was making about the floor looking as if we were not doing our work. There was a group of Montana high school students here about 2 or 3 hours ago. They asked me, Why aren't there more Senators on the floor and why are we not doing business? I explained to them, as the Senator from Texas essentially said, that a lot of work is not done directly in debate but there are negotiations and kind of behind-the-scenes work going on to work things out. I compliment the Senator for his work in helping us accomplish that objective.

Before I finish, I also want to pay particular compliments to not only the Senator from Texas but to my colleague from Montana, Senator BURNS. Senator BURNS has been very active in helping provide both local coverage and satellite coverage. I want to particularly note that; in addition, certainly managing a bill of this size, Senator JOHNSON as well as Senator LEAHY from Vermont.

There are a lot of people who worked on this. We are making progress. Sometimes it is a little slow. It is not very expeditious, but that is the nature of our democracy. I thank them.

Mr. GRAMM. Mr. President, I thank Senator BAUCUS for working with us on the amendment. We are supportive of the amendment and we accept it.

Mr. STEVENS. Mr. President, I am pleased the amendment I cosponsored was agreed to.

That amendment did three important things. First, it made clear that any plan put forward to provide local broadcast signals to rural areas takes into account service to Alaska and Hawaii. Under my amendment these noncontiguous States are elevated from afterthoughts to priority consideration.

We also altered another priority in this bill that could have inadvertently penalized the most rural States. Originally the bill mandated that the cost per household of providing service be a top priority.

Such a provision sounds good on its face but the high cost of service to outlying areas is one reason why the incumbent satellite and cable providers are not serving our areas. My amendment doesn't remove cost as a factor, but it ensures that rural states aren't penalized when proposals are made.

Finally, this amendment includes language that would allow high-speed internet access to also be supported by the loan guarantees.

I thank Senators BURNS, BAUCUS and LEAHY for their help.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2900), as modified, was agreed to.

AMENDMENT NO. 2902, AS MODIFIED

Mr. GRAMM. Mr. President, I send a modification to the amendment I previously sent forward on behalf of Senator HATCH.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2902), as modified, is as follows:

On page 49, strike lines 1 through 13 and insert the following:

SEC. 8. DEFINITIONS.

On page 50, line 23, strike "**10.**" and insert "**9.**".

On page 27, line 21, strike "10" and insert in lieu thereof "9".

Mr. GRAMM. I don't think there is any further debate on this amendment. I believe it is acceptable to both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2902), as modified, was agreed to.

Mr. GRAMM. We just received a copy of the amendment Senator JOHNSON and I worked out. While he is reviewing it, let me make my concluding remarks.

We had a very difficult mandate, to take a bill from last year and make it possible for people living in rural America to get their local television station so they can receive local news, the local weather, the local football game, all of which are critical to life in this great country that we know as the United States of America.

The problem from last year is that, with the confluence of interests that would be affected, they put together a bill that was 100 percent loan guarantee, that did not have an effective way of protecting the taxpayer. Therefore, the scoring by the Congressional Budget Office was a potential default rate of about 45 percent.

On a bipartisan basis, we have now put together an alternative. We have a loan board made up of the Chairman of the Federal Reserve Board, the Secretary of the Treasury, and the Secretary of Agriculture, or their Senate-confirmed designees. We guarantee only 80 percent of the loan. We have an expanded ability to go behind shell corporations to get to real assets.

We have put together a bill aimed at protecting the taxpayer. It is a risky business trying to come up with the technology and investing $1 billion to get local television stations to rural America. A lot of things can go wrong. This is a dangerous business we have undertaken.

Given that the Senate and the House of Representatives, by overwhelming numbers, decided this was something that needed to be done, we committed in the Banking Committee to try to do right. We said that the Committee would report a bill by the end of this month. In fact, we passed a bill unanimously in our Committee a month ago. I believe we have done as good a job as possible given the mandate we had and given the interest of the people who are both on the Committee and serve in the Senate.

I am proud of this bill, and now we have to go to conference. They have divided jurisdiction in the House, and it will be a difficult conference.

My goal is to stay true to two principles: No. 1, we want to enhance the chance that people who live in rural America, especially in isolated areas, can get their local television signal. Second, we want to be good stewards of the taxpayers' money. We want to guarantee to the best of our ability not only that the loans will be made but that they will be paid back. It does no good to make bad loans, because bad loans don't produce local TV signals. Bad loans simply cost the taxpayer hundreds of millions of dollars and do no good.

I thank Senator JOHNSON who has been a leader on this. I thank CONRAD BURNS. More than anybody else, CONRAD BURNS is responsible for this bill passing the Senate today. He had the idea, he put together a proposal, and he worked with Members to put together a better proposal. He has been the constant driving force for this to happen.

When ABC Saturday football comes on with the local football team, I hope people will think about CONRAD BURNS and the leadership he provided in making it possible for them to view these shows.

We will dispense with this amendment by a voice vote. Anyone who wants to make a last-minute statement on this bill, please come to the floor. We are very close to a vote on final passage.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. First, I compliment my colleague, Senator JOHNSON, for the extraordinary efforts he has made in reaching this compromise. I compliment, as well, the Republican manager, Senator GRAMM, for the work that has gone into the agreement that we now have reached.

This is an important piece of legislation. I think we are going to see a very strong vote. It is, in large measure, due to the contributions and leadership of Senator JOHNSON and Senator GRAMM. I hope we can dispose of both of these matters shortly.

It has been a long time coming. But it was worth the wait.

I want to thank my colleagues—especially Senator JOHNSON—for making essential improvements. Because of their patience and persistence, we are now—finally—on the verge of passing a bill that will give rural Americans the same access to affordable local TV programming as everyone else in our nation.

Senator JOHNSON's amendment is the heart of this bill.

It will allow banks associated with rural cooperatives to lend coops enough money to build their own satellite facilities.

The reason this is so critical is because commercial satellite broadcasters have made it absolutely clear: They have no interest in serving rural markets. They don't think it's worth their time or money to build satellite TV facilities for rural markets.

The same is true of many commercial banks.

If the only choice for rural communities was to borrow from commercial banks to build satellite facilities, the communities—very likely—would end up paying high interest rates.

Those high interest rates would drive up the costs of building the satellite facilities.

That, in turn, would drive up the price rural Americans would be forced to pay for local TV programming.

Senator JOHNSON's amendment, though, means that banks associated with rural cooperatives can also make loans to build satellite facilities. The coops will charge lower interest rates than commercial banks.

This is a huge victory for people in small towns and rural communities in South Dakota, and all across America.

The reason we fought so hard to get this bill right is because this is not just about entertainment. This is about public safety.

It is potentially about life and death.

Local stations provide local news and public affairs programming. They also provide weather updates.

A year and a half ago, a tornado destroyed much of the town of Spencer, South Dakota. As devastating as that tornado was, it could have been far worse. It could have claimed many lives.

One reason it did not may very well have been because Spencer is within the Sioux Falls local broadcast area.

People could turn on their TVs and see that the tornado was coming, and take cover.

But most South Dakota communities are outside both the Sioux Falls and the Rapid City broadcast areas.

Without Senator JOHNSON's amendment, it is doubtful that they would be able to receive local weather or news reports.

Rural coops have a 60-year history of responsibly promoting economic development throughout rural America. By adding them to the pool of qualified lenders, we have greatly improved this bill.

I commend Senator JOHNSON again for his leadership, and I urge my colleagues to vote for his amendment and this bill.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, we have had a discussion going on throughout the course of this afternoon relative to the satellite television legislation and an amendment that is necessary on this bill.

I commend Senator GRAMM, chairman of the Senate Banking Committee, and his staff, Senator THOMAS, Senator GRAMS, Senator BURNS, Senator SARBANES and his staff, and others who have worked diligently on this. We have spent a lot of time on it.

I believe we are almost at the moment where we can offer a compromise amendment and resolve this once and for all. We just received a copy of the amendment. There are one or two points that are being checked with counsel. Within literally minutes, we should be able to confirm the language is exactly what we think it is.

I am appreciative of the bipartisan effort that went into making this legislation a reality. The legislation last fall was a good bill. It permitted the broadcast of local signals to local areas, but we did need the guarantee loan provisions to get into the smaller television markets.

It has just been confirmed to me the language is as we thought.

Again, I applaud Senator GRAMM and others for their work in that regard.

AMENDMENT NO. 2903

(Purpose: To address certain lending practices)

Mr. JOHNSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. GRAMM, Mr. THOMAS, Mr. GRAMS, and Mr. BURNS, proposes an amendment numbered 2903.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

“(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

“(I) is provided by any entity engaged in the business of commercial lending—

“(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity if subject under applicable law; or

“(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

“(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis.

“(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B) may be made for purposes of this Act by a government entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

“(II) any loan (including Other Debt as defined in subsection (f)(2)(B) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

“(III) for purposes of subclause (i)(I)(bb), the term ‘net equity’ means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;”.

Mr. JOHNSON. Mr. President, I offer this amendment on behalf of myself, Senator THOMAS, Senator BURNS, Senator GRAMS, and Senator GRAMM. We have worked throughout the afternoon to expand the universal qualified lenders without sacrificing taxpayer protections in the bill. Thanks to the good faith on all sides, we have now allowed cooperative lending entities, such as the CFC and CoBank, to participate in the program while ensuring maximum protection of the taxpayer dollars.

I ask for the yeas and nays on this amendment.

Mr. GRAMM. If the Senator will yield, I know Senator DOMENICI wanted to vote on final passage and has to leave to attend a meeting. I do not think anybody opposes the amendment on which we have worked out a consensus. If the Senator wants a rollcall, obviously, we will have one.

Mr. JOHNSON. I appreciate there is a timeliness issue here, but I do think it is important to have a rollcall on this amendment. This is a very significant matter. This is going to the conference committee. I am hopeful we can expedite that matter.

Mr. GRAMM. Mr. President, I ask unanimous consent that this amendment be voted on immediately following a short statement by Senator BURNS.

Mr. BURNS. Mr. President, I can make my statement following the vote.

Mr. GRAMM. We can do it quickly. I ask unanimous consent that after the amendment is adopted, we proceed to third reading and that there be an immediate vote on passage of our bill, to be followed by the cloture vote on the gas tax legislation.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. BURNS. Mr. President, I have a couple thank-yous, because this has been an issue that has been worked out mostly because of the cooperation of a lot of folks.

Last year, as my colleagues know, we ran into that brick wall called Texas GRAMM. Nonetheless, he has just been a champion of getting this piece of legislation to the floor and getting it worked out. We have a better bill. Under his guidance, under his recommendations, I think we have a better bill. We have a better bill for the taxpayers. We have a better bill for the people who want to receive their local-into-local via satellite.

I also thank Senator JOHNSON and the ranking member of the Banking Committee, Senator PAUL SARBANES, and my colleague from Montana, who made it stronger because they understand the infrastructure is going to be broadband services in our rural areas. This is a giant step forward.

Also, I thank the leader, Senator LOTT, who put this on the calendar and said it had to be one of the important things we pass this year in this Congress. I appreciate his leadership. I yield the floor.

The PRESIDING OFFICER. Does the Senator from South Dakota wish to be recognized?

Mr. JOHNSON. Mr. President, I reiterate my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 2903. The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Boxer

The amendment (No. 2903) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the next vote in the series be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am pleased that the Senate has today passed a bill that I tried to have passed along with the comprehensive satellite reforms enacted a few months ago at the end of the last congressional session. The reforms we authored are already bearing fruit. Satellite carriers are beginning to serve their customers local television, which they had not done before. As part of our comprehensive reform we developed a loan guarantee program to help ensure that smaller markets would not be left behind in enjoying the benefits of our reforms.

The chairman of the Banking Committee requested further time to review and improve if possible the program, and we were able to work together to meet his concerns. The bill the Senate adopts today is similar in most respects to the legislation we developed last year, and I am pleased that we are finally able to pass this important legislation.

I hope the House will act expeditiously on similar legislation, or take up the Senate legislation as soon as possible. I have long championed the provision of local television signals by satellite carriers for many reasons. First, it allows for more direct competition against cable customers alike, in the form of lower prices and better services, as well as expanded choice. Second, I believe that local television helps unite local communities by providing programming relevant to that community. It is important that Utahns know what is happening in their communities, and be able to participate in civic affairs as informed citizens. They need to know what the local weather forecast in New York. And they enjoy watching the local sports teams, or other Utah-related programming. Third, I think local television service is more consistent with the current market relationships than beaming the programming tailored to other communities into our local communities.

For these reasons, I pushed reforms to allow satellite companies to carry local programming for a number of Congresses, culminating in our passage of the Satellite Home Viewer Improvement Act of 1999 last year. The one piece of unfinished business from that package of reforms was the loan guarantee program we adopt today. Under this legislation, government-backed loans will be made available to ensure that those smaller markets, the markets that most need local television delivery by satellite or other means, are not left behind. The satellite carriers and cable companies understandably serve the larger markets first, where costs are lower and revenues potentially greater. Hopefully with the adoption and eventual enactment of this legislation today, we will go a long way to help all our local communities enjoy together the programming most relevant to them, their local television signals.

Mr. KOHL. Mr. President, I rise in support of S. 2097, the Launching Our Communities Access to Local Television Act of 2000. Enacting this legislation will complete our work on the Satellite Home Viewer Improvements Act that we voted into law last fall. Simply put, the LOCAL TV bill is the last piece of the puzzle that will encourage competition to cable in all markets, not just the top 20 or 30 largest urban areas.

At the SHVIA Conference just this past year, we tried to tackle how to encourage "local-into-local" service into all areas, not just the biggest and most lucrative TV markets. But we only had mixed success. So it made sense to postpone the debate until this year. At the time, I was not entirely comfortable with the precursor of this measure. But I did then and I do now strongly support its goals. Today's package develops an approach that combines incentives and loan guarantees, which will pave the way for "local-into-local" service to reach into our rural areas. I am encouraged by the revisions that addressed the concerns of Chairman GRAMM and others.

For example, a loan guarantee must be approved by a board comprised of the Treasury Secretary, Federal Reserve Chairman, and the Agriculture Secretary. Such a board is unlikely to sign off on an overly risky proposition. Their review will help ensure fiscal discipline and prevent the taxpayer from being left on the hook for a bad deal. Furthermore, the government will not underwrite the entire amount of the loan. Holding lenders to 20 percent of the amount financed will make them scrutinize a loan application long and hard before they extend credit under this program.

Moreover, we still allow market forces to make this program work. The

LOCAL TV bill does not favor any particular technology. It is technologically neutral. Therefore, whether it is satellite, cable or an emerging technology, anyone with the entrepreneurial spirit to take on the task of delivering local television signals to remote areas is eligible for the program. By creating this incentive for all to participate, we permit the market to determine who will win a loan guarantee under this law.

Hopefully, and most importantly, this bill will help local-into-local get rolled out more ubiquitously to rural markets in Wisconsin around Green Bay, Madison, Eau Claire, and Wausau and to other areas across the country. This is a good thing for consumers and, very simply, that's why I support passage of this measure.

I yield the floor.

Mr. ROBB. Mr. President, I rise today first of all to commend those members on both sides of the aisle who have worked so hard to bring this important loan guarantee bill to the floor. It is the final piece—and in my view, the key piece—of a lengthy effort to enact comprehensive reform of our nation's satellite television laws.

Last year, we passed a bill that I was proud to cosponsor, the Satellite Home Viewer Improvement Act of 1999. It restored service to thousands of Virginia households who had been cut off from their network signals, and more importantly, allowed satellite television companies to finally provide local network services to consumers. My only disappointment about the Act was that a last-minute deal removed a provision which would have made it easier for viewers living outside of major metropolitan areas to get satellite broadcasts of their local television stations.

As a result, the only market in Virginia that can receive local-into-local service is the metropolitan D.C. area, leaving over 94% of satellite households in my state without this crucial service. The satellite industry is not required to start offering local service to all their customers, and they've made it clear that they don't intend to do so, leaving many Americans without this important service.

I believe that every household in Virginia, and, indeed, across America deserves the same quality local television service. This isn't just a matter of helping rural areas get the latest episodes of "Who Wants to Be a Millionaire?" or "NYPD Blue"—it's about ensuring that all consumers have access to vital local public safety information, school closings, weather and news programming that we've come to rely on.

There's no question that the market is out there for these services—I've been inundated with thousands of phone calls, letters and post cards from Virginians who want to subscribe to them. Unfortunately, many companies and cooperatives who are interested in providing new local television services have held back because the financing can be a bit tricky.

The bill before us today will help to address this problem. By providing loan guarantees that support new satellite services that serve rural areas of the country, we can help facilitate the transmission of local television signals to areas of the country that are not able to receive this service. Earlier today, I joined Senators JOHNSON and THOMAS in introducing an amendment that would significantly improve the loan guarantee program by expanding it to include those entities that are most adept at providing rural utilities. I'm very pleased that a modified version of this amendment has been accepted, and believe that it will go a long way toward bringing affordable local television signals to unserved areas in Virginia.

Mr. President, I'd also like to talk for a moment about a second amendment which I've cosponsored, along with Senators BAUCUS and LEAHY, to address the issue of the emerging "digital divide" between urban and rural America. While many people generally think of Internet access as something that you get over telephone lines, consumers are increasingly able to access the Internet at much faster speeds through the same systems used to transmit cable and satellite television.

Our amendment simply clarifies that this new loan guarantee program should look at ways that the same systems which are deployed in rural areas to deliver local television services can also be used to deliver new broadband communications services. At a time when television and the Internet are heading in a direction where they may soon converge, we ought to have the foresight to look at ways that new communications systems can support multiple services and technologies, particularly when the government is helping to finance the deployment of these systems. This amendment has also been accepted.

Again, Mr. President, I strongly support the underlying bill, and commend those on both sides of the aisle who have helped move it to the Senate floor. I look forward to working with my colleagues to ensure that we take steps to further enhance the range of choices consumers have in the marketplace.

ADMINISTRATIVE PROCEDURE ACT

Mr. ENZI. Mr. President, I would like to engage in a colloquy with the chairman of the Senate Banking Committee. Is it the case that the program established by S. 2097, the "Launching Our Communities' Access to Local Television Act of 2000," would be subject to the Administrative Procedure Act? For example, would the Board established by this Act be required to make its proposed rules and regulations available for public comment and other relevant procedures under the Administrative Procedure Act?

Mr. GRAMM. The Senator is correct. Public involvement must be an essential part of this program if it is to succeed. The Board established by S. 2097 falls within the definition of an "agency" under section 552 of Title 5 of the United States Code (Administrative Procedure Act) and therefore will have its rulemaking subject to the Administrative Procedure Act. All parties will have an opportunity to be heard. This openness to public comment will help ensure that the interests of those most likely to benefit from the loan guarantee program—television subscribers in unserved areas—will be represented. In addition, an open rulemaking should help ensure that no applicant for a loan guarantee will receive consideration apart from the merits of the proposed project.

Mr. ENZI. I thank the chairman for this clarification.

APPLICATION OF COPYRIGHT AND COMMUNICATIONS LAW TO LOAN GUARANTEE APPLICANTS

Mr. HATCH. Mr. President, it would be appropriate at this point to explain our joint view regarding the application of copyright and communications law to those who provide local television signals with the assistance provided under this Act. We all agree that the rights, obligations, and limitations that apply to applicants under this loan guarantee program ought to be the same as those providing similar services without the assistance of the loan guarantee program. Congress passed comprehensive rules in this area just a few months ago at the end of the last session, and it is our joint intention to clarify that those rules apply to applicants under this program just as they do to others who take advantage of the reforms passed last year. To underscore this position we have offered an amendment, and that amendment has been accepted, that will clarify some confusion resulting from the manner in which section 8 of the underlying bill was drafted by dropping section 8 from the bill altogether. It is the general rule that otherwise applicable law will apply absent a clear statement to the contrary. Since the relevant sections of Title 17 and Title 47 would apply, the attempt to list the provisions that apply in this context is superfluous, and to the extent that the drafting in current section 8 could be read to be inconsistent with current law, it merely causes needless confusion. It seems best, therefore, to simply drop the provision and make a clear statement that currently applicable copyright and communications law will apply to applicants under the loan guarantee program just as it does to those providing similar services without loan guarantee assistance. Do my colleagues agree?

Mr. STEVENS. I do agree. It was never the intention of those who worked on the broad satellite television reforms in the last session to establish any different copyright or communications rules for loan guarantee applicants, but rather that they be governed by the same rules as all others in the market. If special rules were established for loan guarantee applicants, the loan guarantee program would have collateral effects on the market for subscription television services by causing a confusing disparity in the rules applicable to competitors, and possibly skew competition in unforeseen or inappropriate ways. I agree that it is important to clarify the application of law in this way at that time. I would ask the managers of the bill if they agree with us and will commit to work through conference to the end of ensuring that the rules we adopted last year will continue to apply to applicants and non-applicants alike?

Mr. GRAMM. I agree with my colleagues that we should clarify that current copyright and communications law will apply to applicants and non-applicants alike under our loan guarantee legislation. And I will continue to work, as I have heretofore, to ensure that our loan guarantee bill does not change the application of the rules passed last year with regard to applicants or other non-applicant providers of television services.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

ANSWERED "PRESENT"—1

Mack

NOT VOTING—2

Boxer
Domenici

The bill (S. 2097), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. NICKLES. Mr. President, in regard to the legislation just passed, I compliment the chairman of the committee, Senator GRAMM, and also Senator CONRAD BURNS, for their leadership. They worked on this legislation for a long time. I compliment them on passing a good bill and passing it overwhelmingly.

GAS TAX REPEAL ACT—MOTION TO PROCEED

The Senate resumed consideration of the motion.

Mr. LOTT. Mr. President, today's fuel prices are a daily reminder that America is now at the mercy of foreign oil producing nations. However, before you blame your neighbor's SUV, your local fuel distributors, the oil companies, the automakers, or any of the other usual scapegoats, consider this fact—America is one of the leading energy producing countries in the world. This country has the technology, alternative resources and enough oil to be much more self-sufficient. America does not have to revert back to the practices of the 1970s.

This country is faced with a very serious problem. Our nation's farmers and truckers are being hit the hardest—simply because of this Administration's lack of energy policy. In fact, Secretary Richardson recently admitted that this Administration was caught napping when energy prices began to rise. As a result, U.S. crude oil production is down 17 percent since 1993, and consumption is up 14%. America now imports 56% of the oil consumed—compared to 36% imported at the time of the 1973 Arab oil embargo. At this rate the DOE predicts America will be at least 65% dependent on foreign oil by 2020.

This Administration has close ties to radical environmentalists—environmentalists whose strong rhetoric and drastic actions appear more like a new-age religion than a clarion call for good stewardship. It appears that the White House has spent eight years trying to slowly kill our oil, coal, natural gas and even our hydroelectric industries.

The Administration began this process in 1993 with an effort to impose a $73 billion five-year energy tax to force the American people away from the use of automobiles and American industries away from their primary energy sources. The Clinton/Gore EPA is still attempting to shut down coal-fired electric generating plants in the South and Midwest. Meanwhile, the Administration is providing no offsets to this. In fact, they have done nothing to increase the availability of domestic natural gas, which is the clean alternative for coal in electric plants. Federal land out West is expected to contain as much as 137 trillion cubic feet of natural gas, but the Administration refuses to allow drilling. Similarly, the Administration will not allow exploration on federal land in Alaska, which is estimated to contain 16 billion barrels of domestic crude oil.

None of these facts should be surprising. Vice President GORE has vowed to prohibit future exploration for oil or natural gas on our outer-continental-shelf. He has bluntly stated that the internal combustion engine—the very mechanism which drove America's industrial development and led to the creation of our middle class—is a threat. Maybe that's why he embraces the Kyoto Protocol which would impose staggering consumption restrictions on our economy, while exempting other countries. This treaty is so bad that my colleagues from GORE's own party joined the Senate leadership in voting against it 95 to zero. AL GORE may not depend on the internal combustion engine for his livelihood, but a lot of folks beyond the Washington beltway do.

There has to be a solution to this problem. Even without tapping all of America's resources, this country still produces almost half of her fuel needs—far more than most industrial countries. In the long run, a national energy policy that looks at all realistic alternative sources of energy must be developed. Congress must also provide incentives for independent producers to keep their wells pumping. Tax credits for marginal wells will restore our link to existing oil resources, including many in Mississippi. These solutions will be needed someday soon.

In the short term, Congress can reduce or temporarily suspend federal fuel taxes, which, along with state excise taxes, account for an average of 40 cents per gallon of gasoline. This would include the "Gore Fuel Tax" ramrodded by the President back in 1993 in a decision so close that AL GORE headed to Capitol Hill to cast the tie-breaking vote. Yes, the Vice-President is the very reason the 4.3 cent gas tax was implemented. Now, as the Administration continues to do nothing to remedy this crisis, the Congress can make a difference. Repealing the Gore Gas Tax immediately, and providing a complete federal fuels tax holiday if prices reach a nationwide average of $2.00, will provide real relief for American consumers at the pump. This can be done for the remainder of this year without touching one cent of the Highway Trust Fund, Social Security, or Medicare. This is a real solution to a very real problem.

This reflects the leadership of a number of our colleagues on this important issue. One provision to suspend the diesel fuel tax has been championed by the senior Senator from Colorado, BEN NIGHTHORSE CAMPBELL. A trucker himself, Senator CAMPBELL has led the way on ways to assist truckers and their families who are suffering from the rising price of diesel fuel. He has met with the truckers who have traveled great distances to Washington to make their voices heard. Senator CAMPBELL's unique insights and personal experiences have been helpful to the leadership in crafting this comprehensive gas tax bill.

This is not the 1970s. America has better technology, more efficient and cleaner automobiles as well as more energy options. The question is: how long will we hold these options and be held hostage to nations abroad or radical environmentalists at home? America can solve her energy problems but Congress must act in the interests of our entire nation, rather than a select few.

Mr. DASCHLE. Mr. President, I want to explain the procedural situation we are in with regard to the motion to proceed on the so-called gas tax repeal. I could not be more strongly in opposition to the repeal of the gas tax because of its potential to devastate our highway and transit programs.

Nevertheless, I intend to support the motion to proceed this afternoon and I urge my colleagues on this side to do so for a couple of reasons.

First of all, it seems to me this ought to be a debate that we have early next week. I think there are a lot of very important questions that ought to be raised about the advisability of the repeal of the gas tax. I think Governors and those from industries that are involved in the construction of our infrastructure this year ought to have the opportunity to be heard.

I will read for my colleagues some of the comments made by my colleagues on the Republican side of the aisle with regard to the gas tax. I think they ought to be heard, as well.

Let me quote from Speaker DENNIS HASTERT, who on March 26, said:

> But the problem is that this doesn't solve the problem . . . that's just a little tick in what the cost of gas is. We need to solve the real problems out there.

So said the Speaker of the House of Representatives.

The House Transportation Committee chairman, BUD SHUSTER said:

> Repeal of the fuel tax is the wrong way to go. [It's] counterproductive because reducing a portion of the price without reducing the underlying cost of crude oil makes it easier for OPEC countries to keep prices high.

So says the chairman, the Republican chairman of the House Transportation Committee.

Here is what the House majority leader, DICK ARMEY said:

> Let's not get bogged down on only one dimension of the problem—a short-term dimension that offers scant relief. Even if we repealed, that it would give little relief to consumers.

Here is what my colleague, the very respected and distinguished chairman of the Armed Services Committee, JOHN WARNER said:

> Repealing the 4.3 cents will have little or no impact on the price of fuel. It will, however, severely limit all of our States' abilities to make needed surface transportation improvements.

Here is what our colleague, Senator GEORGE VOINOVICH, said on March 24:

> Even with this repeal, there is no guarantee it is going to bring down the cost at the pump. It defies common sense.

Here is what the GOP conference chair, J.C. WATTS, said in the House of Representatives on March 19:

> I don't know if the tax has any affect on fuel tax. Supply and demand is driving price right now.

Finally, here is what Congressman DON YOUNG said. He gets the award for the bluntest assessment of the advisability of this particular legislation.

> Absolutely the dumbest thing ever thought of.

This ought to be debated. We ought to have a good discussion about its advisability. This is one of those rare occasions when I happen to be on the same side as the Speaker of the House of Representatives, the majority leader on the House of Representatives, the conference chair on the House of Representatives, Congressman YOUNG from the House of Representatives, and some of my distinguished colleagues here in the Senate.

We ought to debate it. It ought to be amended. We don't oftentimes have a vehicle that could be offered that will allow an opportunity to debate energy and tax policy such as this. I am hoping we can offer amendments to this bill and we would expect we would have the opportunity to do so. This is one of those rare occasions when many of our colleagues share the view expressed so powerfully and eloquently by our Republican colleagues.

I am not giving the credit they deserve to my Democratic colleagues on the House side. I could come up with at least as long a list on that side.

We look forward to this debate. We are certainly not going to object at all to having the motion to proceed presented to us this afternoon.

We just want to get to the bill and have this debate. That is my reason for supporting the motion to proceed, to have a good debate, to ensure the American people know what the implications of this particular vote will be and the unusual coalition that has already been created in opposition to this repeal. I yield the floor.

Mr. DODD. Mr. President, it is not often that so many of my colleagues come to the Senate floor in opposition to lowering a tax. They do so and I join them today for good reason. The legislation to repeal the 4.3 cent per gallon excise tax on gasoline is a wolf in sheep's clothing.

In fact, several members on the other side of the aisle from House Majority Leader DICK ARMEY and Ways and Means Chairman BILL ARCHER, to House Transportation Chairman SHUSTER are opposed to this measure. The National Governors Association has voiced its adamant opposition, as well.

The proposal, S. 2285, is fiscally irresponsible and will not lead to lower gasoline prices for consumers. This measure could cause the state of Connecticut to lose more than $280 million to highway funds for FY 2002 and 2003, in addition to hundreds of lost jobs as highway projects are put on hold or shelved indefinitely. Congress made a commitment to help states like Connecticut repair and maintain our highways and it should not break that commitment.

Supporters of this legislation say they would tap the non-Social Security surplus to replace the lost tax revenues created by their proposal. That is a mistake. We should be directing the surplus to debt reduction, ensuring the solvency of Social Security, prescription drugs, targeted tax cuts and investments in education and the environment.

The likelihood that any reduction in the Federal gasoline tax will reach consumers is unlikely. The tax is not imposed at the pump, but rather shortly after the gasoline leaves the refinery. The gasoline could pass through several other entities before it reaches the pump and none of the middlemen would have to pass on the savings. The legislation contains only a Sense of Congress that any benefits of the tax be passed on to consumers. Past experience in Connecticut has shown that decreases in a fuel tax have not been passed on to motorists. In 1997, gas prices shot up 11 cents in August despite a 3-cent cut in the state gasoline tax that took effect on July 1.

Finally, it is worth noting that several states, including Arkansas, Nevada, Oklahoma, California, and Tennessee, have laws that mandate an increase in state gasoline taxes if the Federal rate decreases. Obviously, a state's legislature can act to change its laws. But these laws only underscore the complexity of gas pricing which the bill before us does not.

The cut could be another 18.3 cents per gallon for gasoline and more for other oil-based fuels. The gasoline tax is dedicated revenue that we use to maintain our highways. The loss of funds for highway improvements and mass transit, the loss of jobs and the uncertainty—if not unlikelihood—that a gas tax reduction would result in lower gas prices—make this bill unsound and unwise.

We all want to bring down the price of gasoline. Let's take responsible steps to move in that direction. I commend the administration for getting a commitment from the OPEC nations to increase production. In addition, the administration has also proposed tax credits for energy-efficient homes and energy-efficient cars, funding for the development of clean and renewable energy and the enactment of tax proposals to promote the use of alternative energy sources.

Ms. SNOWE. Mr. President, I rise today in support of the motion to proceed to invoke cloture on S. 2285, the Federal Fuels Tax Holiday Act of 2000, a bill introduced by Senator LOTT which I have been pleased to cosponsor.

This legislation will repeal, until the end of this year, the 4.3 cent-per-gallon increase to the federal excise tax on gasoline, diesel, kerosene, and aviation fuel added by the Clinton Administration in 1993.

Also, our legislation is set up so that should the national average for regular unleaded gasoline prices breach the $2 mark, it would also repeal, until the end of the year, the 18.3 cent-per-gallon federal gasoline tax; the 24.3 cent-per-gallon excise tax on highway diesel fuel and kerosene; the 4.3 cents per-gallon railroad diesel fuel; the 24.3 cent-per-gallon excise tax on inland waterway fuel; the 19.3 cent-per-gallon for noncommercial aviation gasoline; the 21.8 cent-per-gallon for noncommercial jet fuel; and 4.3 cents-per-gallon for commercial aviation fuel.

This will provide the nation with a vital "circuit breaker" in the midst of the very real possibility of skyrocketing fuel costs as America takes to the road this summer—and the legislation ensures that any savings will truly be passed on to consumers and not pocketed before customers can benefit from the savings at the pump.

Some of my colleagues say this will not amount to enough savings for the consumers to even care about. Well, I guess my constituents in Maine are more thrifty than others, especially after a winter of paying the highest prices in decades for both home heating oil and high gas prices at the pump.

At the same time, it allows reimbursement of the Highway Trust Fund, which is financed by the gasoline tax, and the Airport and Airways Trust Fund, financed by the aviation fuel tax. Both these funds are held completely harmless, with any lost revenues to be replaced from the budget surplus. No one should have any concerns about the impact this bill would have on the progress of important highway and airport projects because the impact would be zero.

This legislation takes a concrete step toward more reasonable fuel prices, helping to serve as a buffer for consumers who are already reeling from the high cost of gasoline and other fuels. Of course, I hope the provisions for temporary repeal of the full tax will not be necessary. But if they are, they will provide immediate relief to taxpayers and ensure that, if prices are skyrocketing, any savings in fuel-costs will be passed on to consumers.

The retail price we pay for refined petroleum products for gasoline, diesel fuel, and home heating oil, for instance, substantially depends upon the cost of crude oil to refiners. We have seen a barrel of crude oil climb to over $35.00 recently from a price of $10.50 in February of 1999. That is a 145 percent increase. And while OPEC agreed this week to only very modest increases in crude oil production, White House officials say that the cost of gasoline at the pump will now decline in the coming months, even though their own Economic Advisor Gene Sperling was quoted in the Washington Post on March 29, as warning that "there is still significant and inherent uncertainty in the oil market, particularly with such low inventories, and we will continue to monitor the situation very closely".

Mr. President, while the Administration has "monitored" the situation, crude oil prices have gone up and up, and our inventories went down. As a matter of fact, the Administration admits that it was "caught napping" after OPEC decided to decrease production in March of 1999—and while they napped through a long winter's sleep, prices for crude climbed as temperatures plummeted.

The effect on gasoline, diesel and home heating oil was predictable, and in fact was predicted. Last October—a half a year ago—the Department of Energy, in its 1999-2000 Winter Fuels Outlook, projected a 44 percent increase in home heating oil bills. In a severe winter, the agency estimated, an additional 28 percent increase in costs could be felt for residential customers.

In other words, the Department of Energy itself predicted an increase of over 70 percent, but did nothing. In actuality, home heating oil costs jumped from a fairly consistent national of 86 cents per gallon in the winter of 1998-99 to as high as $2.08 per gallon in Maine early last month—an increase of well over 100 percent. And, in that same time frame, conventional gasoline prices have risen 70 percent or higher.

So now the Administration tells us that gasoline prices will most likely go down by this summer because of the small production increases agreed to by OPEC. Well, even with an increase in OPEC quotas, there will still be a shortfall in meeting worldwide demand for crude oil. Approximately 76.3 million barrels per day are needed to meet demand, but the anticipated new OPEC production is estimated to be only 75.3 million barrels per day. So you'll have to excuse me if I'm a little hesitant accepting estimates from an Administration that seems to make predictions by gazing into a crystal ball. I want to at least make sure that Americans have in their pockets what they would have otherwise paid in fuel taxes if the Administration underestimates prices once again and gasoline hits $2.00 a gallon.

Beyond the pump, consumers are getting hit with extra costs directly attributable to high fuel costs. If you've paid to send an overnight package lately, you probably noted that you were charged a fuel fee, because their cost of diesel fuel has increased by about 60 percent over the past year. And with a 150 percent increase in jet fuel, that airline ticket you buy today will probably include something you've never seen before—a fuel charge of $20.00. How long will it be before costs of other products will also be passed on the consumer?

And, consider the impacts to the nations' farmers. The New York Times reported just this past Wednesday that a farmer paying 40 cents a gallon more this year to fuel his diesel tractors and combines is adding as much as $240 a day to his harvesting costs. In my home state of Maine, we are at the peak season for moving last year's potato crop out of storage and to the large Eastern markets. But the industry can't get truckers to come into the State to move the potatoes because they are discouraged by the particularly high price of diesel in Maine.

The only help the potato industry has had recently in getting their product to market has certainly not been due to the energy policy of this Administration, but to local truckers who have turned to hauling potatoes because the recent wet weather has kept them away from taking timber out of the Maine woods.

Soon, we will enter the summer months, when tourism is particularly important to the economy of New England and to Maine in particular. With gas prices climbing even higher, we need relief now, and that's what this bill provides.

Mr. President, the choices are clear—do nothing for the taxpayers who are being gouged by failed energy policies, or do something by supporting legislation that acts as a circuit breaker that gives citizens a break at the gas pump, protects the Trust Funds that build our highways and airports, I urge my colleagues to support this bill and I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the Gas Tax Repeal Act, S. 2285:

Trent Lott, Frank H. Murkowski, Paul Coverdell, Conrad Burns, Larry E. Craig, Mike Crapo, Judd Gregg, Orrin Hatch, Rod Grams, Susan Collins, Robert F. Bennett, Chuck Grassley, Mike Inhofe, Don Nickles, Sam Brownback, and Richard G. Lugar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the Gas Tax Repeal Act, S. 2285, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 86, nays 11, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—86

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NAYS—11

Baucus
Bond
Byrd
Enzi
Feinstein
Harkin
Lincoln
Robb
Roberts
Thomas
Warner

NOT VOTING—3

Boxer
Domenici
Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Oklahoma.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LARRY HARRISON

Mr. NICKLES. Mr. President, sadly this week the Senate has lost another member of our family. On Monday, Larry Harrison, a retired Senate staffer, passed away in Washington, DC. Before his retirement in June of 1997, Larry had over 36 years of Federal service.

Most of my colleagues will remember Larry's hard work as a Chamber attendant. His dedication to the upkeep of the Chamber and the surrounding rooms will be remembered. On Tuesday evening, former Senator Bob Dole fondly remembered Larry during the Leader's Lecture Series.

Like many of the support staff who work for this institution, Larry arrived at work long before the Senate convened and frequently left the Chamber long after adjournment.

Many Senators will recall Larry's passion for golf. I certainly do. As a matter of fact, Larry was one of the founders of the "Cloakroom Open." This golf tournament was organized by Larry to enable many of the Senate staff who work around the Senate Chamber an opportunity to play a round of golf together. It was a chance for a little camaraderie without the discussion of party or politics.

Many may know that Larry's step son, Mike Henry, also works for the Senate and has worked for the Senate for a long time. I have had the pleasure of knowing Mike. I think highly of Mike and his family. Mike's wife, Cookie, also works for the House of Representatives. This is a family who has dedicated decades of service to the Congress and to the Senate.

I join with all of my colleagues in expressing sympathy to Larry's family and our hearts and prayers go out to them at this time. I know all Members will join me in saying, "Thank you, Larry, for your service, and keep hitting 'em straight."

Mr. DASCHLE. Mr. President, the Senate recently lost a very dear friend. Larry Harrison, who worked in the Capitol for over 36 years prior to his retirement in 1997, died early this week. Larry's many years of dedicated and distinguished work made him an institution within this institution. It was tough on all of us when he retired a few years ago, but it is much more difficult to say goodbye to him today.

Larry served this country and the Senate in a variety of ways for nearly four decades. He served in the U.S. Army during World War II, participating in the D-Day invasion at Normandy, and following the war worked for the Architect of the Capitol for five years. Larry returned to the Capitol to work for the Sergeant at Arms in 1967. He stayed there until 1997, outlasting all but five of the Senators who were serving in this chamber when he started.

Larry had an extraordinary work ethic, and he committed himself to his job with tremendous pride, energy, and humor. During his time in the Capitol, Larry was responsible for maintaining the President's Room, the Cloakroom, and the Senate Chamber. Somehow, he even found time to operate a shoe shine station in the Senator's bathroom, and I know I speak for everyone when I say that this place hasn't been the same without Larry's friendly smile and kind voice.

When he retired in 1997, our loss was his family's gain. His wife, Jean, and sons, Michael Henry, Albert Philips and Kevin Harrison got their husband and father back full-time. Sadly, their time with him has now been cut all too short.

Our thoughts and prayers are with Larry Harrison's friends and family, especially his wife, Jean, and their three sons. Larry was a good man, a caring husband, and great father. He will be missed.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 29, 2000, the Federal debt stood at $5,733,451,648,545.39 (Five trillion, seven hundred thirty-three billion, four hundred fifty-one million, six hundred forty-eight thousand, five hundred forty-five dollars and thirty-nine cents).

One year ago, March 29, 1999, the Federal debt stood at $5,647,515,000,000 (Five trillion, six hundred forty-seven billion, five hundred fifteen million).

Five years ago, March 29, 1995, the Federal debt stood at $4,851,857,000,000 (Four trillion, eight hundred fifty-one billion, eight hundred fifty-seven million).

Ten years ago, March 29, 1990, the Federal debt stood at $3,052,317,000,000 (Three trillion, fifty-two billion, three hundred seventeen million).

Fifteen years ago, March 29, 1985, the Federal debt stood at $1,710,731,000,000 (One trillion, seven hundred ten billion, seven hundred thirty-one million) which reflects a debt increase of more than $4 trillion—$4,022,720,648,545.39 (Four trillion, twenty-two billion, seven hundred twenty million, six hundred forty-eight thousand, five hundred forty-five dollars and thirty-nine cents) during the past 15 years.

PERMANENT NORMAL TRADE RELATIONS FOR CHINA

Mrs. FEINSTEIN. Mr. President, I draw the attention of the Senate to a timely Opinion-Editorial, written by former Ambassador Leonard Woodcock, that appeared in the March 9, 2000 Los Angeles Times. Long a champion of workers' welfare and workers' rights, Ambassador Woodcock was also the first United States Ambassador's to the People's Republic of China.

Ambassador Woodcock lays out, in a clear and well-reasoned manner, powerful arguments showing how the United States will benefit from establishing permanent normal trade relations (PNTR) with China, and why it is in our interest to see China in the World Trade Organization (WTO). Equally important, the author forces those who profess a concern for Chinese workers' rights to take a realistic look at how our decision concerning China PNTR will help or harm workers in China.

I comment Ambassador Woodcock's thought-provoking commentary to all my colleagues in the Congress and, even more, to all persons interested in understanding the basics of the U.S.-China PNTR debate. I ask unanimous consent that Ambassador Woodcock's Opinion-Editorial be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVOLUTION DOESN'T OCCUR OVERNIGHT

WTO agreement: Organized labor should support it. It's in both U.S. and Chinese interests.

(By Leonard Woodcock)

The recent U.S.-China World Trade Organization bilateral accession agreement appears to be good for workers in both countries. I was privileged, as U.S. ambassador to China, to sign the 1979 trade agreement that provided for most-favored-nation trade status to China and have, as a private citizen, been involved with this issue for many years.

American labor has a tremendous interest in China's trading on fair terms with the U.S. The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal. The agreement expands American jobs. And while China already enjoys WTO-based access to our economy, this agreement will open China's economy to unprecedented levels of American exports, many of which are high-quality goods produced by high-paying jobs.

There is reason to fear unfair trade practices. Yet this agreement actually provides better protections than our existing laws allow. It stipulates 12 years of protections against market surges and provides unusually strong anti-dumping laws—which aim to counter unfairly priced imports—for 15 years.

I have, therefore, been startled by organized labor's vociferous negative reaction to this agreement. The reality is that the U.S. as a whole benefits mightily from this historic accord. The AFL–CIO argues that nothing in this agreement demands that free trade unions be formed in China. Yet the WTO does not require this of any of its 136 member countries, and the WTO is the wrong instrument to use to achieve unionization.

We should, instead, be asking a more important question. Are Chinese workers better off with or without this agreement? The answer is that this agreement, in a variety of ways, will be enormously beneficial to Chinese workers.

On a subtle level, the changes the agreement requires of China's economic system will work in favor of investment by Western firms and take away some of the key advantages Asian firms now enjoy in China. Every survey has demonstrated that working conditions and environmental standards in plants run by West European and North American firms are usually better than those in Asian and in indigenous Chinese firms.

The greater foreign presence also will expose Chinese workers to more ideas about organization and rights. That is perhaps one reason why almost every Chinese political dissident who has spoken on this issue has called the United States-China WTO agreement good news for freedom in China.

The trade deficit with China is a troublesome one to the labor movement. We need to put it in perspective in two ways. First, if we were to block access of goods from China to the United States, this would not increase American jobs. That is because the Chinese exports—mostly toys, tools, apparel, cheap electronics, etc.—would be produced in other low-wage countries, not in the United States. Yet if China stopped buying from us, we would lose about 400,000 jobs, mostly high-wage.

Second, a large portion of exports from "China" are goods produced in the main in Hong Kong, Taiwan and Southeast Asia. The major components are then shipped to China for final assembly and packaging, but the entire cost of the item (often only 15% of which was contributed in China) is attributed to China's export ledger. Exports to the United States from Hong Kong and Taiwan have declined over the past decade almost as fast as imports from China have increased. Yet the companies making the profits are in Hong Kong and Taiwan, and they will simply shift their operations to Vietnam or elsewhere if we close down exports from China.

Americans are broadly concerned about the rights and quality of life of Chinese citizens. My perspective on this serious issue is influenced by my experience in the U.S. In my lifetime, women were not allowed the vote, and labor was not allowed to organize. And, in my lifetime, although the law did not permit lynching, it was protected and carried out by legal officeholders. As time passed, we made progress, and I doubt if lectures or threats from foreigners would have moved things faster.

Democracy, including rights for workers, is an evolutionary process. Isolation and containment will not promote improved rights for a people. Rather, working together and from within a society will, over time, promote improved conditions. The United States-China WTO agreement will speed up the evolutionary process in China. American labor should support it because it is in our interest, and it is the interests of Chinese workers too.

RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

Mr. REED. Mr. President, I rise today to briefly discuss a reauthorization bill introduced yesterday by Senators JEFFORDS and KENNEDY, the Ryan White CARE Act Amendments of 2000, S. 2311. This legislation is very important in that it will help to continue to improve the quality and availability of care for low-income, uninsured, and under insured individuals and families affected by AIDS and HIV disease. I am pleased to be a cosponsor of this initiative.

Ryan White died on April 8, 1990 at age 18. He was a prime example of someone whose own community rejected him when he was only 13 years old because of his health status. As a result of his courageous battle to attend public school in Indiana, we all learned and understood more about AIDS. Ryan White played a major role in changing people's views concerning the disease and AIDS patients. Through his actions, he conveyed the importance of education and awareness to combat the spread of this deadly disease. Even after his death, the story of his courageous battle with AIDS continues to impact the common man. His legacy lives on through the Ryan White CARE Act.

This reauthorization provides us the opportunity to improve this bipartisan legislation to adequately care for those persons affected with AIDS and HIV. As noted by Ryan's mother, Jeanne, "We have come a long way since Ryan's death, but we still have so far to go." Although the number of AIDS cases continues to decline each year, the number of HIV-positive individuals continues to grow at an alarming rate. This legislation would expand the duties of the Planning Council, provide for a Quality Management Program, establish requirements for heath care referral relationships, fund early intervention services, and improve resources for infants, children, and women. Until a cure is found, the Ryan White CARE Act will continue to be the "payer of last resort" for thousands of individuals who otherwise cannot afford health care or basic subsistence needs. In my home State of Rhode Island, $3,463,706 of Ryan White CARE funding was provided during fiscal year

1999 to ensure access to life-sustaining drugs and other critical health and social services for those individuals affected with AIDS and HIV.

Because AIDS and HIV is a national problem, it deserves national attention. I look forward to working with my colleagues in the Senate Health, Education, Labor and Pensions Committee to make further enhancements and improvements to the bill. Specifically, I understand my colleague, Senator BINGAMAN, has been working on a provision that would allow more states to have access to dental care grant funding under Part F of the act. I believe this is a very important issue for individuals with HIV and AIDS and hope this provision will be incorporated into the overall bill.

ANTI-DEMOCRATIC ACTIONS IN BELARUS

Mr. DURBIN. Mr. President, I rise to speak today about the dramatically deteriorating situation in Belarus. As of Sunday, March 26, more than 100 opposition activists remained in custody after a rally on Saturday that turned from a peaceful event into a demonstration that saw police clubbing protesters with nightsticks, hitting journalists covering the event and sending armored cars into Central Minsk. More than 500 people were detained, most of whom were not formally charged until Monday. This is only one of the examples of how, in Belarus, the Lukashenka regime continues to try to suppress the will of the people.

In November, Senator CAMPBELL and I introduced a resolution condemning the Lukashenka regime and its actions towards the country. The sad reality is that Belarus is being left behind while the rest of Europe is building a foundation of democratic governance, respect for human rights, and the rule of law.

Since 1996, President Lukashenka has been responsible for numerous unconstitutional steps. He unilaterally extended his term until 2001 after he promised to hold democratic elections in 1999. He replaced the 13th Supreme Soviet with a rubberstamp parliament and he rewrote the country's constitution.

Belarus has turned into a country where those who choose to participate in civil society by speaking truth to power must do so at great risk to their freedom, and even their lives, under Lukashenka's rule. Two prominent opposition figures—General Yuri Zakharenko and Viktor Gonchar—as well as another associate, Anatoly Krasovsky, have disappeared. Many of the people arrested on March 25 as well as other peaceful protesters were members of the opposition.

Belarus' economy is apparently imploding and neighboring countries, Poland, Lithuania, and Latvia, are concerned about regional instability.

Our resolution condemns the arrest of opposition figures and the disappearance of others; calls for a dialogue between Lukashenka and the opposition; calls for the restoration of a democratically-elected government and democratic institutions; calls on the U.S. President to fund travel by Belarusian opposition figures and non-governmental organizations in Belarus; and supports information flows into Belarus.

Belarus is not making progress. We must do what we can to sustain the remarkable progress of the other countries that have transformed themselves into fully democratic market democracies, and encourage the development of a democracy in Belarus.

Mr. CAMPBELL. Mr. President, on March 25, Belarusian authorities harshly suppressed a pro-democracy demonstration in the capital of Minsk, arresting and detaining hundreds of peaceful protestors, including nearly 30 domestic and foreign journalists. Riot police, deployed with dogs and armored personnel carriers, used excessive force against some peaceful demonstrators.

Among those detained and beaten was democratic opposition leader Anatoly Lebedka, Deputy Chairman of the 13th Supreme Soviet. Many of my Senate colleagues met Mr. Lebedka last September when I introduced him right here on the Senate floor. Mr. Lebedka was just in Washington earlier this month to testify at a Helsinki Commission hearing about the deteriorating situation in Belarus.

Based on information I obtained from the State Department, I am advised that Anatoly Lebedka was arrested by plainclothes police during the demonstration, kept in detention, and reportedly beaten over the course of two days. He spent most of Monday in a police van outside the courthouse awaiting trial, but was released at 5:00 p.m. His trial has been scheduled for April 4.

Mr. President, the harsh overreaction by the authorities to this peaceful demonstration represents a clear violation of the freedom of association, assembly, and information guaranteed both by the Belarusian constitution and OSCE agreements. In addition, the Belarusian authorities detained a U.S. citizen who is an accredited diplomat and a member of the OSCE Advisory and Monitoring Group in Belarus, and who was observing the demonstration in line with his official responsibilities. This action also violates international conventions.

It appears that the green light for the most recent crackdown was given by Belarusian President Lukashenka, who praised the police for their actions. Reports indicate that earlier this month, he cautioned that the riot police will "beat the stuffing out" of any protestor who "gets out of line."

Unfortunately, the suppression by the Belarusian authorities of peaceful protest, along with the sentencing last week of a prominent member of the opposition, does nothing to encourage a constructive dialogue with the democratic opposition that can lead Belarus out of its continuing constitutional impasse and end its self-imposed international isolation.

Mr. President, I call upon the Government of Belarus to thoroughly investigate reports of police brutality during the course of the demonstration and subsequent detentions and take measures to ensure that citizens are guaranteed their rights to engage in peaceful protests, keeping with that country's OSCE commitments.

I was pleased to join Senator DURBIN as an original cosponsor to Senate Concurrent Resolution 75 which we introduced last November. That resolution summarized many of the political problems facing the democratic opposition in Belarus expressing strong opposition to the continued egregious violations of human rights, the lack of progress toward the establishment of democracy and the rule of law in Belarus, and calls on President Lukashenka to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people. In light of the recent violent crackdown on pro-democracy demonstrators last weekend, I urge my colleagues to support passage of the Durbin/Campbell resolution.

Mr. President, I ask unanimous consent that a news report from the Washington Post on this latest crackdown be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 2000]

BELARUS POLICE CRACK DOWN ON PROTEST

MINSK, BELARUS.—Hundreds of police beat back thousands of protesters at an opposition rally, sending armored personnel carriers into central Minsk and detaining 400 people in one of the country's harshest crackdowns on dissent in recent years.

The rally was held to commemorate the founding of the Belarusian Popular Republic on March 25, 1918, when German forces were ousted from Minsk in the waning days of World War I. The independent state was short-lived and within a year, much of Belarus was part of the Soviet Union.

Belarus' hard-line government had said it would allow the rally to be held on the outskirts of Minsk, but several thousand demonstrators went instead to a central square in the capital.

ILLEGAL IMMIGRATION LAW REPORT

Mr. GRAHAM. Mr. President, I come to the floor today to discuss an injustice to a group of Central American and Caribbean nationals who for many years have resided in the United States. As I speak, a clock is ticking. A deadline to gain legal status in the United States is one day away. How did we get to this point?

In 1997 and 1998, Congress passed legislation to protect Central American, Cuban and Haitian refugees from deportation. Action was needed because of the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act which changed immigration rules retroactively. Under the Presidency of Ronald Reagan, the United States offered protection and legal status to many Central American nationals who were fighting for Democracy in their home country, or fleeing the war that ensued.

Similarly, during the Presidency of George Bush, Haitian nationals were forced to flee after the overthrow of elected President Jean Bertrand Aristide. They were offered protection and legal status in the United States.

By 1996, these Central American and Haitian nationals had been living in our nation for years, in the cases of Central Americans, often longer than a decade. They established businesses, had families, bought homes, and strengthened their communities.

Then, in 1996, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act, these Central American and Haitian Individuals and families were made retroactively deportable. These deportations would have occurred years and years after these nationals had established full lives in the United States.

Congress protected their legal status here by passing the Nicaraguan Adjustment and Central American Relief Act in November of 1997 and the Haitian Refugee Immigration Fairness Act in October of 1998 by making certain sections of the 1996 immigration law nonretroactive.

Since 1997, we have waited for final regulations to guide applicants through the process of applying for relief under NACARA. Since 1998, we have waited for final regulations to assist Haitian nationals with this process. And now, seven days before the application deadline, final regulations are issued. This is not an example of "good government."

Under legislation I introduced in February, the new deadline for relief will be one year after the date the regulations became final. This new deadline, March 23, 2001, reflects the added time needed by the INS to develop regulation. This will not cover any additional individuals who will then have rights to live in the United States. It just creates a more realistic, and fair deadline for individuals Congress has already passed legislation to protect.

We are now one day away from the deadline coming and going, and the Senate has yet to take action on this legislation. The Senate Judiciary Committee will not be able to meet this week to approve this legislation. We cannot purport to offer our constituents good and fair government if we let this deadline come and go without the simple action of extending the deadline by one year. When I spoke on the Senate Floor earlier this year, I tried to put a human story with this legislation. It's her story, and others, that should spur us to action on this legislation.

Immigration attorneys in Florida are trying to help a young woman I will call "Francis." She is 22 years old this year. Her parents fled Haiti in the 1980's when she was very young. Her family settled in Florida and she now has 3 U.S. citizen brothers and sisters.

Then tragedy struck her family. Her father died when she was seven. Her mother died when she was in her early teens. She finished high school and is raising her younger brothers and sisters while working. She is an orphan, protected by our 1998 legislation.

She is trying to pull the documents together to apply to stay in the United States, and not be separated from her U.S. citizen brothers and sisters—the only family she has left. The 1-year extension and the ability to apply for relief under final regulations will make a huge difference in the life of this young woman.

I ask for the Senate's quick action on this timely and important matter. Many in the Senate worked diligently to protect Cuban, Haitian and Nicaraguan nationals in the original legislation. Let's not put these families at risk by our failure to act now.

WORKER ECONOMIC OPPORTUNITY ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the Worker Economic Opportunity Act (S. 2323), which was introduced yesterday, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Worker Economic Opportunity Act".

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) Exclusion From Regular Rate.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking "or" at the end;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

"(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's participation in the program or at the time of the grant;

"(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

"(C) exercise of any grant or right is voluntary; and

"(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

"(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

"(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.".

(b) Extra Compensation.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking "Extra" and inserting the following:

"(2) Extra"; and

(2) by inserting after the subsection designation the following:

"(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.".

(c) Effective Date.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) Liability of Employers.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) Regulations.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

The PRESIDING OFFICER. The Senator from Iowa.

IOWA STATE UNIVERSITY ATHLETICS

Mr. GRASSLEY. Mr. President, we often hear about some of the things that are wrong with intercollegiate athletics and how they sometimes detract from the top priority of our colleges and universities, which is educating students.

Let me point to an example of how excellence in undergraduate education and excellence in intercollegiate athletics can go hand-in-hand, and it's from my home state of Iowa.

Iowa State University is experiencing one of its most successful years ever in intercollegiate athletics.

This year, Iowa State made history by being the first university in the Big 12 Conference or its predecessor conferences—the Big 8 and the Southwest Conferences—to win four basketball trophies in one season—both men's and women's regular season and conference tournament championships.

Both teams earned ISU record-high seedings in the NCAA Tournament, the men took a second seed and the women took a third and both did well in the tournament. The men advanced to the "Elite Eight" and the women to the "Sweet Sixteen" after an "Elite Eight" appearance last year.

Marcus Fizer became the schools' first-ever consensus first-team All-American, and Stacy Frese and Angie Welle of the women's team were also All-America selections. Stacy Frese drew this honor for the second year in a row.

The Cyclone wrestling team—led by two-time NCAA champion and tournament MVP Cael Sanderson—finished second in the nation.

The women's gymnastics team won its first-ever Big 12 Conference Championship.

These are just a few of Iowa State's 450 student-athletes, young people who are getting an education while exhibiting their special athletic skills.

And just how are they using this opportunity?

Here are some examples from last year because the final stats from this year aren't in, but I'm told they will be similar—or even better.

Of the 450 student athletes 168, or 40 percent, made the Athletic Department's Academic Honor Roll for maintaining a "B" or better GPA and nearly 100 earned academic All-Big 12 recognition.

This year, basketball player Paul Shirley, who majors in mechanical engineering, and Stacy Frese, a finance major, are again Academic All-Americans.

Iowa State student-athletes also lead the Big 12 in the most important statistic—their graduation rate.

They are No. 1 in the Big 12 regarding their four-year graduation rates and No. 1 regarding their six-year graduation rates two of the past three reporting periods.

Iowa State student athletes are also No. 1 in terms of overall graduation rate for student-athletes who stay in school for their entire eligibility with 9 of out 10 student athletes getting their degree.

We are all very proud of the Cyclones this year for what they have done in competition, and in the classroom. I hope I have the opportunity to come to the floor and offer the same statistics and facts next year. Go Cyclones!

The PRESIDING OFFICER. The Senator from Kansas.

THE MARRIAGE PENALTY

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of the marriage penalty and progress that has been made today on getting this important tax relief out across the country.

First, I applaud Chairman ROTH for his work on this important issue. Just today, the Senate Finance Committee considered an important bill to provide marriage penalty relief. This bill would provide relief to millions of American families—around 25 million—suffering under the burden of a marriage penalty.

The proposal considered by the Senate Finance Committee passed today. We are now another step closer to getting this to the floor, which I believe will take place sometime during the week of April 11, to be able to consider providing this important tax relief to the American public. I am delighted that that bill cleared through the Senate Finance Committee today.

The Senate Finance Committee used the House-passed version as a base, upon which it built an even broader and more inclusive bill. Our bill restores fairness and equity to a Tax Code that has come to penalize the institution of marriage in over 66 different ways. That is pretty imaginative, to find that many ways, but it is in there.

First, our bill eliminates the marriage penalty in the standard deduction. I want to give the numbers. The standard deduction this year for a single taxpayer is $4,400. However, for a married couple filing jointly, the standard deduction is only $7,350—not even twice the amount for single filers.

Our bill does a simple, clear, and just thing. Our bill doubles the standard deduction by making it $8,800. This change in the tax law would take place beginning in 2001, by immediately doubling the standard deduction for joint filers. Our bill is fair. That is the fair thing to do. It is the right thing to do.

Second, our bill widens the 15-percent tax bracket. Under current law, the 15-percent tax bracket for a single taxpayer ends at an income threshold of $26,250. I know these are a lot of numbers, but it is important to show the specifics of the Tax Code and where it penalizes marriage and how we are fixing it.

For a married couple, their bracket is less than double this threshold of $26,250. In fact, the threshold is $43,850 for a married couple filing jointly—another penalty.

If our bill were fully phased in this year, it would mean that the 15-percent bracket would extend upward to an income amount of $52,500. So for a married couple filing jointly, instead of having a $43,850 threshold level, it goes up to $52,500. It doubles what it is for a single filer. This is real marriage penalty relief and elimination. It is relief because even income earners above the current upper income threshold for the 15-percent bracket—these are the upper income levels of the 15-percent bracket—will be able to fall down through the brackets and thus lower their total tax liability. It is elimination because it doubles the bracket, thus eliminating the marriage penalty in the 15-percent bracket. Again, what we are after is to make everything equal. If you have two single filers or if you have a married couple both filing, they should pay the same amount in taxes. That is what we are trying to get at with this marriage penalty elimination.

It will benefit those people hit by this marriage penalty. It is going to lower the taxes for America's families. That is important. It is also equitable.

Third, our bill applies the same principle of bracket widening to the 28-percent bracket as well. We are just talking about the 15-percent bracket, doubling that $26,250 to $52,500 instead of the current level of $43,850 for a married couple. That is the 15-percent bracket, the upper end of it. We would also do it for the 28-percent bracket, the 28-percent bracket as applied to singles earning between $26,250 to $63,550. That $63,550 is the upper level of the 28-percent bracket.

As in the 15-percent bracket, this amount is not double for joint filers for married couples. You don't get a doubling amount. You actually get cut back from that. Under our marriage penalty relief bill, it is double. That level at which you can stay in the 28-percent bracket as a married couple filing joint would be exactly double what you were as a single person. So again, we just make it equitable and fair. If it is two people filing singly or if it is a couple filing jointly, it will be the same taxable event. That is fair. That is equitable.

Fourth, our bill increases the phaseout range for the earned-income tax credit. This is an important feature. Particularly for low-income families with children, they can incur a significant marriage penalty because of current limits on the earned-income tax credit. If both spouses work, the phaseout of the EITC on the basis of their combined income can lead to the loss of some or all of the EITC benefits to which they would be entitled as singles. In other words, if you have two people filing singly, they would be entitled to a certain amount of earned-income tax credit. But if you combine their incomes, you don't get the same amount of earned-income tax credit for the couple as you do for two singles. Our bill fixes that problem as well.

The Senate Finance Committee proposal increases the beginning and ending points of the phaseout range by $2,500. This change will be effective December 31, 2000. This will mean families who currently are ineligible for the credit but within the $2,500 of eligibility will be able to receive the refundable EITC. This will reduce the marriage penalty EITC.

As I mentioned, the marriage penalty is 66 places in the Tax Code. We are getting at some of the most pernicious areas. For the earned-income tax credit, if you are a two-wage earner family and you should have both been able to qualify for the EITC, once you get married you should have the same amount of EITC available to your family. This particularly applies to lower income families. It is an important thing that we are doing. We fix this in our bill.

Our bill helps families at all income levels: low income, middle income, on up.

Finally, our bill would permanently extend the provision that allows the personal nonrefundable credits to offset both the regular tax and the minimum tax. It is important that America's families receive the full benefit of the tax cuts they were promised. This important change will allow America's families to maintain the $500-per-child tax credit, the Hope scholarship, the adoption credit, and many others that they would not be able to unless we change this particular area of the marriage penalty that applies as well.

Our bill provides fairness and equity. It provides hard-working American families with the tax relief they deserve.

Those are some of the specifics of the bill. I think this is an excellent bill in fixing some of these key areas of the marriage penalty. I think we have outlined previously the reasons for doing it. It is not fair to tax people because they get married and make them pay a penalty for the price of being married.

More important, marriage is important. We should send a positive signal that this is a good thing. Stable families are important. Our approach also recognizes that every spouse has a great contribution that they make. At the same time our approach reduces and eliminates the marriage penalty for many filers, it sends an important signal to all of America that we recognize the institution of marriage and we intend to promote it as a fundamental building block of our society.

I am hopeful this bill is going to be considered on the floor with a reasoned debate and not be too burdened down with amendments that are not germane and that we will be able to provide this marriage penalty relief to the millions of Americans, around 25 million married couples, who are currently adversely affected by the Tax Code.

There is more to do. The marriage penalty is in 66 different places. We only get at a few of them, but we get at some important ones. Today's is an important step by the Finance Committee to report this bill out. I think it is a clear and an important step toward our ultimate goal of getting this through the Senate, the conference between the House and the Senate, and to the President where I urge his signature. We must pass this important bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. BROWNBACK assumed the Chair.)

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I express my appreciation to the Chair for his important remarks on the details of the legislation that came out of the Senate Finance Committee today. That legislation takes a big step forward and basically eliminates the marriage penalty that exists in our tax law today.

Chairman ROTH has been a champion of improving our Tax Code. I am pleased to see that he has moved this legislation. It is something I know the Chair and I have advocated for a long time, as have many others in this body. We need to look at our policy in America and see if it is actually affirming the values we hold dear: Particularly, are we setting governmental policy in this country that damages families? Is that one of the reasons for the breakup of families in this country? I think it needs to be considered. I believe it is a matter of importance.

Good public policy is what we are about. We need to spend more time asking ourselves what is going to happen when we pass certain legislation. All of us agree that when you tax an item, a process, or an act, you get less of it. If you subsidize another act or process, you get more of it. That is just fundamental economics on which almost everybody would agree.

What we have in the marriage penalty is an amazing event. In this Government, we have created, according to the Congressional Budget Office, a tax burden of nearly $1,400 per married couple. If they are living separately, they will pay $1,400 on average less than if they are married. That is an amazing event. I happen to know someone who got divorced recently. When they divorced, they said their tax bill went down $1,600. Had they divorced in December instead of January, they would have had an extra $1,600 from that year's return. We have the incredible, amazing event in which Federal tax policy encourages family breakup. It provides a bonus—$1,600 a year—as long as they remain single, for example. That is the kind of policy that we have created here.

Likewise, people who marry are penalized. I know a young person that married recently. He and his wife both work. They believe it will cost them over $1,000 a year to get married. This is $100 a month we are talking about. We are talking about people being taxed an additional $100 a month for following through on an institution that this Nation traditionally—before we got into this matter—venerated, and that is marriage and family. So I think this is a big deal. It is a very big deal. It is bad public policy. It is wrong. It is unfair. We should not continue this policy and we need to end it now. I believe we are on the road to achieving that. I am excited about it. Some time ago, we realized that we were not increasing the deductions for families who had children and that young families were struggling to raise children.

This tax bill doesn't deal with children, just marriage. We had a long struggle, but we finally passed a $500 per child tax credit for young families trying to raise kids. For two kids, that is $1,000 a year, and nearly $85 a month. Parents can buy shoes and clothes, take the kids to the movies, buy something after ball practice at McDonald's. That is real money to real American citizens. Now we are talking here about another $100 a month, on average, or $110, $120 a month that married people are having to pay for the privilege of getting married. That should not be. It is a punishing and unfair tax. Furthermore, it should not, in my view, be based on income. Just because you make a little more money than somebody else, why should you be penalized for getting married? That doesn't make sense to me. This is not, in my view, a tax reduction issue so much as it is a fairness issue. Let's eliminate this unfairness. I am excited about what is happening here. Families will be able to buy that new dress, buy tires for their car, or fix the muffler, or get a new set of shocks, things they may need on a monthly basis—things that families do on a regular basis.

Also, I want to point out that this penalty is particularly noticeable now that we have more married women working. The penalty is even worse when a married woman's income comes close to the amount of income of the husband. So the husband and wife marry and there is this unexpected tax. You get whacked, and you wonder whether it is worth both people working. It oftentimes hurts the woman more than the man. In this country we would like to see equal opportunity in salaries, that there not be a glass ceiling for women, and that they ought to be able to have the same salary opportunities. But the more likely, on a statistical basis, that the woman receives the same salary as a man, the more this penalty will fall on her. So I think it is clearly unfair to both men and women.

Mr. President, I want to say again that we are making a big step toward ending a penalty, a tax, a detriment, a burden on an institution that is critical to the salvation and strength of this country, which is marriage. We are taxing that, penalizing that, and we are discouraging marriage. We are subsidizing singleness and divorce, actually. That is not good public policy. I believe we can do better. Of course, it will have no impact on a single person. No burden will fall on them because of passing this bill. It will simply be leveling the playing field and making it a more fair system. I thank the Senator from Kansas, and I thank Senator ROTH and the others who have worked on this legislation. We are moving forward. It is time to pass this bill, to give some relief and eliminate this unfair tax on marriage.

I yield the floor.

ADDITIONAL STATEMENTS

MENTAL RETARDATION AWARENESS MONTH

• Mr. GRAMS. Mr. President, I rise today to honor ARC Minnesota, and the men and women who volunteer countless hours to improve the quality of life for children and adults with mental retardation and their families. March is officially this nation's "Mental Retardation Awareness Month"—but the efforts of these individuals should be celebrated year-round.

As legislators at the federal level, our support tends to come in the form of funding. It would be an understatement to say that children and adults with mental retardation and their families are faced with unique challenges. Needs differ from family to family. For some, it may be specialized education needs, and for others health care access. And as a member of the Senate Budget Committee, I realize the vast array of programs we've created to address the broad spectrum of needs—all of which compete for tax dollars.

That is why I have strenuously supported initiatives which provide greater flexibility and control by individuals. Programs such as A+ accounts that help families meet unique educational needs that federal, state and local programs cannot. Legislation like the Patients' Bill of Rights Plus Act that expands medical savings accounts, ultimately providing more flexible health care access—particularly benefitting those that are uninsured.

Mr. President, while Mental Retardation Awareness Month is coming to a close, it doesn't mean that Congress cannot move forward with policies which provide unique solutions to the unique challenges faced by individuals with mental retardation and their families. I would urge my colleagues to join me in commemorating the work of the 1,000 chapters of the ARC, in Minnesota and across this nation, with their pledge to work towards this goal.•

DIABETES RESEARCH

• Mr. BAUCUS. Mr. President, I rise today to support increased research funding for diabetes, a devastating disease that afflicts 16 million Americans, one-third of whom do not even know that they have it.

Diabetes kills one American every three minutes, discriminating neither on the basis of age, race, or belief. It is a lifelong affliction, with severe consequences. This was made painfully clear to me by a meeting I recently had with a boy and his family from Montana.

Justin Windham, from Missoula, said to me: "I want a cure for diabetes because I don't want to have any long term effects like: going blind, kidney problems, or losing my legs. Also I would like to be able to eat whatever my friends eat and not feel left out."

Justin, and the 16 million other Americans with diabetes, should be able to live their lives without fear of medical complications or the pain of being ostracized. That is why Congress has a responsibility to fund diabetes research and prevention. I urge my colleagues to devote increased resources for research on diabetes, so that our scientists can find a cure.•

IN MEMORY OF ION RATIU

• Mr. ROTH. Mr. President, I rise today to honor the life and accomplishments of Ion Ratiu of Romania who passed away on the 16th of January.

I had the honor of developing a close friendship with Ion. He was an outstanding politician, a very successful businessman, a philanthropist and, above all, a freedom fighter and a leader devoted to deepening relations between Romania and the United States.

Born in Romania at the end of World War II, Ion Ratiu spent a good part of his life in the United Kingdom and the United States. Here in Washington he developed many friendships and many of us have benefited from the warm hospitality of his Georgetown home.

Those of us who had the pleasure of his friendship can only have been impressed by the tremendous personal energy he directed against the dictatorship that dominated his homeland until the Velvet Revolutions of 1989. Ion was himself an incarnation of many elements of democracy's powerful arsenal. He was a journalist reporting on Romania's tragedy. He was a protector and rescuer of its dissidents. He was the founder of the "Free Romania Movement." He was the unyielding proponent of human rights in Romania.

In addition to tearing down Communism and building democracy in Romania, Ion Ratiu was also one who contributed to the foundation of deeper ties and links between Romania and the West, particularly the United States.

In London he led the British-Romanian Association for 20 years, and with his wife and sons established the Romanian Cultural Center. Here in Washington, Ion endowed the Ion Ratiu Chair at Georgetown University, a lighthouse for Romanian-American relations.

After the Romanian Revolution, Ion Ratiu was elected a member of national Parliament in Bucharest. He even was a strong contender for the Romanian presidency. Ion benefited from the respect of all his colleagues in the Romanian Parliament. He was appreciated for his commitment to democracy and unyielding efforts to earn for his country membership in the North Atlantic Treaty Organization. It was no surprise for me that Ion, a member of the opposition, led his parliament's delegation to the NATO Parliamentary Assembly.

The Romanian nation is mourning and so are Ion Ratiu's friends in the United States and the United Kingdom. We will remember his for the warm enthusiasm and gentle manners he brought to every event. We will miss his soft and unique sense of humor.

And, we will always be grateful to him for keeping the torch of liberty, democracy, and freedom alive and vibrant. Ion always stayed true to his principles and beliefs and to his love for Romania.

Ion Ratiu is truly one of the heroes of not only Romania, but also the relationship between Romania and the United States.•

TRIBUTE TO STUART PRENTISS HERMAN

• Mrs. FEINSTEIN. Mr. President, I rise today in memory of Stuart Prentiss Herman, a prominent California attorney who passed away recently, in Los Angeles, at the young age of 57 after battling cancer.

Mr. Herman lived his life fighting injustice and discrimination wherever he found it. He was active in the civil rights movement of the 1960's, and began his legal career in 1968 as a trial attorney in the Civil Rights Division of the United States Department of Justice.

After his term as a federal attorney, Mr. Herman entered private practice. His legal work was devoted to labor and civil rights law, and he was highly respected throughout the country as a litigator, a mediator, and an arbitrator of complex and significant cases, particularly in the areas of racial discrimination and sexual harassment. In addition to his private practice, Mr. Herman was committed to providing legal services to the less privileged members of our society, and served on the Managing Committee of Bet Tzedek Legal Services, the Southern California Committee of the NAACP Legal Defense Fund and the Board of Directors of the Western Law Center for Disability Rights.

He was also committed to preserving the quality of our legal system, having served on the California State Bar Complainants' Grievance Panel and the Los Angeles Police Commission's discipline panels, and our judiciary, having served on the Los Angeles County Bar Association's Judicial Evaluations Committee and on the U.S. Court of Appeals' Ninth Circuit Task Force on Judicial Reporting.

Stuart Prentiss Herman was an exemplary attorney, having truly dedicated his life to the pursuit of justice for all Americans. I rise today in recognition of all that he accomplished during his lifetime, and in sadness that he passed away at such an early age.●

MAYOR THOMAS MENINO'S YOUTH COUNCIL

• Mr. KENNEDY. Mr. President, I had the privilege of meeting today with a wonderful group of courageous and dedicated young people who are members of Mayor Thomas Menino's Youth Council in Boston. This diverse group of junior and senior high school students is in town for their annual trip to Washington to discuss issues that affect today's youth. The group presented a letter signed by hundreds of Boston's young people, asking Congress to provide funding for youth summer jobs programs.

Mayor Menino's Youth Council was established in 1994 to give young people the opportunity to take an active role as advocates on issues that directly affect their lives. These dedicated volunteers from each of the neighborhoods in Boston have reached out to their community. They work closely with other organizations to hold monthly meetings and workshops, and they sponsor forums where young people can express their concerns and recommend solutions to elected officials.

This week these high school students are here to emphasize their support for increased funding for summer job programs. These programs provide valuable job experience for youths who otherwise might not have them. It helps them support their families and save money for college. Last summer, 500,000 young people were able to give back to their community, serving in such worthwhile summer programs as day camps, child care, care for the elderly, and cleaning city parks and recreation areas.

Studies show that early work experience raises lifetime earnings by ten percent. Clearly, our investment in these programs opens doors for the future by providing experience, connections in the community, and an increased prospects for their lifelong earning potential.

I commend the efforts of these young people to create jobs, and to prepare students for worthwhile careers and the important choices that lie ahead. I look forward to working with them to build on this effort and make it even more effective. I also look forward to seeing these young activists become the leaders who will make a difference whatever challenge they face. I hope that they will continue to inspire their peers and their representatives through their energy, dedication and passion on the issues that can make a difference in the lives of our nation's youth. I congratulate these future leaders, for they are truly shining examples to us all.●

TRIBUTE TO CARDINAL KUNG

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to Cardinal Kung, who passed away on March 12 in Stamford, CT, at the age of 98. Cardinal Kung was a historic figure in the Roman Catholic Church and a symbol of strength and hope for all of us who care about religious freedom. In China, his native land, the Cardinal endured terrible persecution because of his unwillingness to surrender his religious beliefs. My state, Connecticut, had the great honor and privilege of welcoming him as a resident for the final years of his life.

Born in Shanghai in 1901, and ordained a priest in 1930, Cardinal Kung's heroic story began soon after the Communists took power in China. In 1949, he became the Bishop of Shanghai and, in 1950, the Apostolic Administrator of Soochow and Nanking. Resisting the new regime's attempt to control the Catholic Church, he refused to join the government-sanctioned Catholic Patriotic Association, which cut ties to the Vatican. Instead, Cardinal Kung remained loyal to the Pope and led the devoutly Catholic Legion of Mary, which the Communists declared to be counter-revolutionary.

After 5 years of tension, the Chinese Government in 1955 arrested Cardinal Kung and several hundred other people involved in the unofficial Catholic Church. Dragged into a stadium in Shanghai for a public confession, the Cardinal, with his hands tied behind his back, instead courageously shouted: "long live Christ the King, long live the Pope." The security forces rushed him off the stage, and Cardinal Kung was held in detention for another 5 years. When he was finally brought to trial in 1960, the authorities convicted Cardinal Kung and sentenced him to life imprisonment for the so-called counter-revolutionary activity of pursuing his Catholic faith.

Cardinal Kung was a prisoner of conscience whose plight became known around the world. He suffered 30 years of isolating imprisonment, during which time he was denied visits from family and concerned representatives of the international community, and other forms of contact such as written correspondence. Despite this tortuous experience, he refused to renounce his beliefs or give in to his oppressors. In fact, when told that he could win his release by denouncing the Pope and cooperating with the government-sanctions Catholic Patriotic Association, he responded: "I am a Roman Catholic Bishop. If I denounce the Holy Father, not only would I not be a Bishop, I would not even be a Catholic. You can cut off my head, but you can never take away my duties." The Vatican has recognized Cardinal Kung's extraordinary devotion and sacrifice to the Roman Catholic Church. In 1979, while he was still serving his life sentence, Pope John Paul II secretly elevated Kung to Cardinal, in pectore (in his heart), and the Pope announced this to the world in 1991.

In 1985, after sustained pressure from his family, human rights organizations, and foreign governments, the Chinese Government moved Cardinal Kung to house arrest, and in 1987 finally released him, though they notably did not exonerate him. He soon traveled to the United States for medical treatment and lived with his nephew, Joseph Kung, in Connecticut. In 1998, the Chinese Government refused to renew Cardinal Kung's passport, effectively exiling him, and the Cardinal never returned to his country.

Cardinal Kung's life demonstrates, I believe, the power of an individual's faith and will to resist the repression of the state, and thus replenish the wellspring of human liberty for others. He refused to bend, to abandon his commitment to his Church, and his example inspired millions of his countrymen to hold firm in their beliefs and to their rights. When the Communists took power, there were an estimated 3 million Roman Catholics in China. According to current Chinese government statistics, there are now 4 million persons registered with the official Catholic Church. However, according to China's unofficial Catholic Church, for whom Cardinal Kung was the greatest symbol, the number of underground Catholics has swelled to as many as 9–10 million.

It is no secret that religious persecution in China, including of underground Catholics, continues. It is my hope that the spirit of Cardinal Kung will endure and continue to inspire others in China and around the world to follow his courageous example. And that one day there will be the complete religious freedom in China that Cardinal Kung lived, worked, and prayed for.•

AMADOR VALLEY HIGH SCHOOL IN NATIONAL COMPETITION ON U.S. CONSTITUTION

• Mrs. FEINSTEIN. Mr. President, on May 6–8, 2000, more than 1,200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People. . . The Citizen and the Constitution program. I am very proud to announce that the class from Amador Valley High School in Pleasanton will represent the State of California. These young scholars have worked diligently to reach the national finals. Through their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The We the People. . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The primary goal of the program is to promote civic competence and responsibility among our nation's elementary and secondary students. Administered by the Center for Civic Education, the We the People. . . program has provided curricular material for more than 26 million students nationwide.

The three-day national competition is modeled after hearings in the U.S. Congress. The students testify as constitutional experts before a panel of judges representing several regions of the country and a variety of appropriate professional fields. Their testimony is followed by a period of questioning by a simulated Congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

The class from Amador Valley High School is currently conducting research and preparing for the upcoming national competition in Washington. I wish these young "constitutional experts" the best of luck at the We the People. . . national finals and continued success in their future endeavors.•

SIXTH ANNIVERSARY OF THE SHOOTING DEATH OF AARON HALBERSTAM

• Mr. MOYNIHAN. Mr. President, I rise today to extend my condolences to the family of Aaron "Ari" Halberstam on the sixth Hebrew calendar anniversary of his death. On March 1, 1994, the 15 year old was shot and fatally wounded, while driving in a van with fifteen other students, on the on-ramp of the Brooklyn Bridge returning home from visiting the late Lubavitcher spiritual leader Rabbi Menachem Mendel Schneerson.

Although the shooter, Rashid Baz, was convicted of murder and sentenced to life in prison, there remains a question of what motivated the attack. Many New Yorkers have joined Ari's mother, Mrs. Devorah Halberstam, in calling on the Federal Bureau of Investigation, FBI, to reclassify this hateful attack as an act of urban terrorism. Last May, at the request of the New York Congressional Delegation, the FBI and the United States Attorney's Office agreed to review the case for possible evidence of Federal crimes such as terrorism, civil rights violations, and firearms violations. This investigation is ongoing.

We look forward to the swift conclusion of the FBI and US Attorney's review in the hope it will bring peace of mind to the family who has suffered so greatly. Then, we shall hopefully, once and for all, learn what motivated Rashid Baz to commit such a senseless act of violence.•

GRAND RAPIDS STATE OF THE CITY

• Mr. LEVIN. Mr. President, Americans are fed up with the intolerable levels of gun violence in this country. This violence has seeped into our homes, schools, churches and community centers.

In cities and counties across the nation, people are calling for commonsense gun legislation. Mayor John Logie, of Grand Rapids, Michigan, dedicated his State of the City speech to the issue of gun violence and its traumatic effect on children. He asks us to take a new and different approach to the problem, an approach focused on protecting our children. Mayor Logie suggests that there is "no greater cause behind which we can all join, than saving the lives of our young people." Major Logie is right: gun violence can be reduced. I hope this Congress can endorse his message and work to protect our children from senseless firearm injury and death.

I ask that the text of Mayor Logie's speech be printed in the RECORD.

The article follows:

STATE OF THE CITY

We are at the start of a new millennium, or at least the start of a new year, and thanks to the support of a majority of the voters in each of the 80 of the City's 100 precincts, for me the start of a new 4-year term in office, until December 31, 2003. Even though that sounds like a long time off, if it is anything like the last 8 years, it will disappear all too quickly.

Last year in this speech I was able to talk about the Common Good, about our accomplishments, and about the positive aspects of our future. Sometimes, however, a series of events occur, which make me feel that living in a community like this one, if it can be aroused and focused, it could provide leadership to this region, this State, perhaps even the country. So here is the topic I want to talk about today. On December 7th in Fort Gibson, Oklahoma, a 13-year-old seventh grader named Seth Trickey emptied a 9-millimeter semi-automatic pistol, resulting in four of his classmates being shot. Surrounded by 14 spent cartridges, he kept trying to pull the trigger on the empty handgun until the police arrived.

In Springfield, Oregon, 15-year-old Kip Kinkel gave a report in science class about how to make a bomb. Then in literature class he read from his journal about thinking about killings. No one did anything until he later shot and killed his parents and two classmates.

At Columbine High School, Eric Harris and Dylon Klebold, used a saw-off shotgun, a rifle, and a semi-automatic pistol, to slaughter 13 students and teachers. One of their classmates, Patrick Ireland, recently featured in Life magazine's Year in Pictures, was shot twice in the head and once in the foot. One bullet passed through the left hemisphere of his brain, which controls language, complex thinking, and the right side of the body, causing massive damage. It's still in his brain—too risky to remove, and he's considered lucky, because he's alive. Recently a home-made videotape was released in which Eric and Dylon talked about how they hoped one day Hollywood directors would fight for the right to tell their story, but they said they couldn't decide whether Steven Spielberg or Quentin Tarantino should direct the film. Their callousness is unbelievable! They talk openly on the tape about concocting their plan under the noses of unsuspecting parents and friends. They mention the time a clerk from Green Mountain Guns called Harris's home. His father answered. "The clips are in," the clerk said. Wayne Harris told the clerk he hadn't ordered any clips for a gun, but never asked the clerk if he had the right phone number.

Barry Loukaitis, then 14, walked into his Moses Lake, Washington Junior High School, wearing a black trenchcoat and carrying a high-powered rifle. The coat also concealed two fully stocked ammunition belts around his chest and a hip holster carrying two low-caliber handguns, both owned by his parents. Loukaitis burst into his Algebra classroom and began spraying bullets. He shot first at a popular boy who had taunted him, and then two other students and a teacher. When it was over, using a line from a novel, he said, "Sure beats Algebra, doesn't it?". All but one of the students died.

In Bethel, Alaska, a 16-year-old used a 12-gauge shotgun to kill his principal and a classmate. In Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; and Conyors, Georgia, this terrifying scene keeps reoccurring with startling similarity and frightening regularity. And of course, here in Michigan we have Nathaniel Abraham, a convicted murderer at age 11, and, in West Michigan, maybe just missed something of this nature when Justin Walters pleaded no contest to ethnic intimidation charges after he and another boy in Holland were found to have allegedly compiled a hit list that targeted minority students at their school.

In 1996, handguns were used to murder only 2 people in New Zealand, only 15 in Japan, only 30 in Great Britain, and only 106 in our neighbor Canada. In that same year 9,390 handgun murders occurred in this country. In fact, that is only part of the approximately 33,000 firearm-related deaths in the

United States—roughly the same number of Americans as were killed in the Korean War. Choose any 2 years in the 90's, and guns in the United States killed more people than in all the long years of the Vietnam War. Each week, more than 600 people in the United States die from gun-related incidents. Many of them are children. In 1997, half of the handgun homicides were kids under 19. Every day in America, 12 young people die of gunshot wounds. Even accidental shooting deaths take a hideous toll: The rate for accidental gun deaths for children under 15 in the United States is 9 times higher than the rate for the other 25 industrial nations combined.

Before we can talk about creating solutions, I want to suggest that we have to begin by taking a new and different approach. The typical rhetoric around the issue of so-called gun control almost always ends up with the people on the Right declaring that the Second Amendment to the Constitution's language about "the right of the people to keep and bear arms not being infringed" is an automatic license to own any firearm you want, protected from governmental intrusion. And the people on the Left answer by saying that what we have to do is outlaw guns entirely. But the reality is that there are some 240 million guns in this country, well over 90 million of them handguns, which are not just going to go away.

The missing link to much more effective regulation has to be keyed to our concern for our children. Has anyone missed the point of this speech so far? That while we continue to talk about this issue, to debate this issue, to fight over gun ownership rights, children are dying everywhere in America, including our own community. Whatever the Constitutional rights of adults are, we have always had a Constitutional basis to be more restrictive and more protective about our children. As Mayor and a practicing trial lawyer for more than 30 years, I suggest that this is a point of entry into better solutions. By focusing on protecting our children, we can avoid most, if not all of the most divisive legal issues.

But first we have to slow down the Michigan Legislature. Fifty-six weapons bills were introduced in Lansing in 1999. Let me describe only two of them. One dealt with carrying concealed weapons, or "CCW." Here in Kent County, as in most of the densely populated counties in Michigan, our concealed weapons permit board is very conservative. Few permits are issued, and then only for a very real need. Other, more rural counties are sometimes more liberal in their approach. Somehow this difference between urban and rural counties has offended certain members of the Legislature because of its "lack of uniformity." So a bill was rushed into both chambers to strip away that local discretion and make Michigan a "shall issue" state, which means that unless the applicant was nuts or a convicted felon, he gets a permit. Overnight, virtually any person wanting to carry a concealed weapon would be able to do so. Not one big-city mayor or police chief in Michigan supported this terrible idea. But if it hadn't been for Eric Harris and Dylon Klebold in Littleton, Colorado, the law would have been changed. Even this bill's most ardent supporters didn't have the stomach to pass this legislation after the slaughter at Columbine. But, be assured it will resurface and be tried again.

Then there is HB 4379, which would not only block lawsuits against the gun industry by state and local governments, but also private organizations and individuals; and more importantly to where I believe we have to go, it would explicitly block state government from requiring safety locks or warning labels on guns. This proposal had 58 sponsors in the House of Representatives, more than enough to assure passage in that chamber, unless they start receiving different messages from all of us. We must say "no" to more pro-gun manufacturer legislation.

Things are not any better in Washington. Last fall the majority Whip in the House of Representatives, Congressman TOM DELAY, was quoted as saying, "This House is a pro-gun House." Last May the U.S. Senate passed a juvenile justice bill and added an amendment requiring trigger-locking devices to protect children. This was also the bill that by one vote, 51-50 with Vice President GORE casting the deciding vote, the Senate agreed to regulate sales at gun shows. Well, that piece of legislation is now languishing in the House-Senate Conference Committee, where no one shows the political will necessary to move it forward. Somehow we have to inspire these people to do the right thing. We must begin to demand a regulatory and statutory framework that protects our children—even from themselves.

Here are some of the issues that we can and should begin demanding receive serious consideration:

(1) Require background checks for all guns purchased at gun shows. All dealers should be federally licensed, requiring them to conduct a background check prior to selling a firearm. There are now more than 4,000 annual gun shows dedicated primarily to the sale or exchange of firearms. Our friends at The Grand Rapids Press supported this requirement in an editorial on September 29, 1999.

(2) Require trigger locks. Conservative Republican Governor Christine Todd Whitman, on October 13, 1999, made New Jersey the fourth state in the nation to prohibit the sale of any new handgun without a trigger lock. In 1998 New York City passed a local ordinance making sellers responsible for issuing trigger locks. When that didn't get the job done, on October 14, 1999, the city passed an ordinance punishing gun owners with a year in jail if they fail to use trigger locks. Chicago, San Francisco, and the State of Massachusetts all have similar requirements. According to a Wall Street Journal/NBC News poll last July, 94% of women and 81% of men support requiring that guns have safety triggers. If we can implement this rule without new state legislation, I will ask the City Commission to do so. If not, I will lobby for the necessary state law change to do so.

(3) California, in addition to outlawing "Saturday Night Specials," has passed a law limiting sales of handguns to one per month. Republican Governor Bill Owens of Colorado has endorsed raising the legal age to buy a gun from 18 to 21. To keep firearms out of children's reach, he wants a law requiring safe storage. Finally, he would make "straw purchases," the guys that buy in bulk for resale to anyone including particularly, teenagers, illegal.

(4) The domestic production of large-capacity ammunition clips, ones that carry more than 10 rounds, has already been banned. But a loophole as large as the cargo hold of a freighter still exists. The importation of these large-capacity ammo clips needs to be outlawed as well.

(5) Seventeen states have passed Child Access Prevention laws, so-called CAP laws. Florida, governed by Jeb Bush, was the first state to pass such a law and has seen unintentional shooting deaths drop by more than 50% in the first year. These laws would make a gun owner responsible if a child gains access to an improperly stored firearm and uses it to kill or injure others. Almost 60% of students in grades 6 through 12 have indicated that they know where to get a gun, and a third of them said that they could get one within an hour. The unlocked, loaded gun in the home should become a thing of the past.

(6) And finally, technology is almost available for so-called "smart guns"—firearms equipped with an electronic device to prevent anyone but the owner from firing it. When you look at the billions of dollars that we spend annually to fight and attempt to conquer diseases, would it not be justified to fund and thereby advance the timetable for research on this smart gun technology to bring it to the marketplace sooner rather than later?

Whether or not we are in the 21st Century, we have certainly turned a numerical milestone. This year begins, for the first time, with a "2." In my recent Third Inaugural Address, I had an opportunity to look back at the 19th Century's Last Will and Testament as it appeared in The Grand Rapids Herald, on December 31, 1900. The Editor was Arthur VandenBurg, who would later become our U.S. Senator. The Will bequeathed inventions, books and reading, an honest ballot box, the need for equal civil rights, care for the disadvantaged, and concerns about armaments. I made the observation that it appeared that 100 years later we were still struggling with many of the same issues.

Gun violence being perpetrated by children, or at them, was nowhere to be found in the years 1899 or 1900. It is a product of the age we now live in—perhaps just the last 25 years. I hope that what we have unfortunately found to be true about the social problems which are still with us from 100 years ago, would not be true for this issue 100 years from now. You know, one definition of insanity is doing the same thing over and over again, and expecting different results. We can, we should, and we must change our strategy toward guns and children to achieve a better outcome.

I can think of no greater cause behind which we all can join, than saving the lives of our young people. I have attended the funerals for two of my brother Jim's three children—one dead of natural causes, the other from a car accident. Burying children, having their lives abruptly cut off, is truly a tragedy.

Over the last 10 years, our community has grown in stature in this West Michigan region, in this State, and even beyond. Protecting our children is an issue that can and should transcend party politics and conservative and liberal ideologies. I am confident that we can make a difference. Let us commit to doing so.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3908. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that pursuant to section 4(b) of Public Law 94–201 (20 U.S.C. 2103(b)), and upon the recommendation of the Minority Leader, the Speaker has reappointed the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House: Mr. William L. Kinney of South Carolina.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. COMBEST, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. EWING, Mr. POMBO, Mr. STENHOLM, Mr. CONDIT, Mr. PETERSON of Minnesota, and Mr. DOOLEY of California, as managers of the conference on the part of the House.

MEASURE REFERRED

The following bill was read the first and second time by unanimous consent and referred as indicated.

H.R. 3908. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2314. A bill for the relief of Elian Gonzalez and other family members.

S. 2323. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Lester L. Lyles, 8366

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael E. Zettler, 3436

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. John W. Handy, 5379

The Following named officers for appointment to the grade indicated in the United States Air Force and for regular appointment (identified by an asterisk (*)) under title 10, U.S.C., sections 624, 628, and 531:

To be major

Terrance A. Harms, 9981
*Frederick E. Snyder, Jr. 1668
Krista K. Wenzel, 5777

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James F. Barnette, 4440
Brig. Gen. Gilbert R. Dardis, 0949
Brig. Gen. David B. Poythress, 3685
Brig. Gen. Joseph K. Simeone, 3044
Brig. Gen. Richard E. Spooner, 4100
Brig. Gen. Steven W. Thu, 9509
Brig. Gen. Bruce F. Tuxill, 5326

To be brigadier general

Col. Shelby G. Bryant, 2753
Col. Kenneth R. Clark, 5408
Col. Gregory B. Gardner, 6945
Col. John B. Handy, 8277
Col. Jon D. Jacobs, 6306
Col. Clifton W. Leslie Jr., 1211
Col. John A. Love, 4350
Col. Douglas R. Moore, 5347
Col. Eugene A. Sevi, 2584
Col. David E.B. Strohm, 5869
Col. Harry M. Wyatt III, 1527

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald E. Keys, 5357

The following named officers for appointment in the United States Air Frce to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Gary A. Ambrose, 0398
Brig. Gen. Brian A. Arnold, 4452
Brig. Gen. Thomas L. Baptiste, 1125
Brig. Gen. Leroy Barnidge Jr, 7882
Brig. Gen. John L. Barry, 7396
Brig. Gen. Walter E.L. Buchanan III, 7387
Brig. Gen. Richard W. Davis, 4196
Brig. Gen. Robert R. Dierker, 7380
Brig. Gen. Michael N. Farage, 3352
Brig. Gen. Jack R. Holbein Jr, 0552
Brig. Gen. Charles L. Johnson II, 5967
Brig. Gen. Theodore W. Lay II, 9683
Brig. Gen. Teddie M. McFarland, 0563
Brig. Gen. Michael C. McMahan, 7967
Brig. Gen. Timothy J. McMahon, 1034
Brig. Gen. Duncan J. McNabb, 2295
Brig. Gen. Howard J. Mitchell, 0859
Brig. Gen. Bentley B. Rayburn, 1485
Brig. Gen. John F. Regni, 3567
Brig. Gen. Victor E. Renuart Jr, 0278
Brig. Gen. Lee P. Rodgers, 4461
Brig. Gen. Glen D. Shaffer, 3490
Brig. Gen. Charles N. Simpson, 2150
Brig. Gen. James N. Soligan, 8751
Brig. Gen. Michael P. Wiedemer, 1040
Brig. Gen. Michael W. Wooley, 9379
Brig. Gen. Bruce A. Wright, 5759

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Wherley Jr., 8592

The following named Air National Guard of the United States officers for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 12203 and 12212:

To be colonel

James L. Abernathy, 4625
David S. Angle, 1866
David E. Avenell, 8489
Travis D. Balch, 3742
Joseph G. Balskus, 7948
Anthony B. Basile, 3004
Daniel W. Beck, 1761
Donald M. Boone, 2981
Richard S. Cain, 7718
Craig E. Campbell, 3178
Donald H. Chamberlain, 8290
Michael G. Colangelo, 7498
Arthur O. Compton, 0979
James D. Conrad, 6297
Douglas T. Cromack, 1005
Thomas L. Dodds, 1284
Patrick F. Dunn, 3163
Claude J. Eichelberger, 6301
William H. Etter, 7521
Dante M. Ferraro, Jr., 4959
Kathleen E. Fick, 3666
Ronald K. Girlinghouse, 3172
Thomas M. Greene, 7478
David J. Hatley, 7777
Thomas J. Haynes, 7181
Debora F. Herbert, 2205
Randall D. Herman, 5038
Allison A. Hickey, 4946
Robert A. Hickey, 3853
Randall E. Horn, 6293
William E. Hudson, 4783
Thomas Ingargiola, 3954
John C. Inglis, 8571
Richard W. Johnson, 7574
Verle L. Johnston Jr. 9950
Richard W. Kimbler, 4718
Debra N. Larrabee, 7182
Michael L. Leeper, 9268
Alan E. Lew, 3168
Connie S. Lintz, 8077
Salvatore J. Lombardi, 1566
Henry J. Maciog, 5459
Naomi D. Manadier, 5052
Gregory L. Marston, 2616
Eugene A. Martin, 5987
Thaddeus J. Martin, 2444
Craig M. McCormick, 0761
Dennis W. Menefee, 5023
Dennis J. Moore, 5840
Maria A. Morgan, 8913
Barbara J. Nelson, 8708
Robert B. Newman, Jr., 1651
Christopher M. Nixon, 0909
Donald D. Parden, 6008
Francis W. Pedrotty, 4566
Kathleen T. Perry, 4521

Thomas F. Prenger, 8798
John A. Ramsey, 8645
Marvin L. Riddle, 6190
Renny M. Rogers, 3978
Russell H. Sahr, 4331
Lois H. Schmidt, 4688
Timothy W. Scott, 4093
Jack F. Scroggs, 2350
Samuel S. Sivewright, 2197
John B. Soileau, Jr. 9074
Benjamin J. Spraggins, 6740
Jay T. Stevenson, 5844
David K. Tanaka, 7560
Timothy G. Tarris, 9515
Wayne L. Thomas, 9265
James K. Townsend, 5698
Terrance R. Tripp, 5154
Kay L. Troutt, 1008
Brian A. Truman, 9784
Curtis M. Whitaker, 4706
Mark A. White, 4178
Kennard R. Wiggins Jr., 6227
Brent E. Winget, 6522
Darryll D.M. Wong, 0536

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Robert E. Gaylord, 8602

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David E. Glines, 0418

The following named officers for appointment to the grade indicated in the United States Army in the Nurse Corps, Medical Service Corps, Medical Specialist Corps and Veterinary Corps under title 10, U.S.C., sections 624 and 3064:

To be colonel

Jaime Albornoz, 1249
Carlos M. Arroyo, 7347
Katherine A. Babb, 9355
John M. Beus, 8366
James A. Blagg, 4172
Larry G. Carpenter, 5798
David S. Carter, 3446
Michael B. Cates, 7519
Maureen Coleman, 6247
Brian J. Commons, 1838
Patricia A. Cordts, 8233
Michael D. Daley, 8967
William G. Davies, 9650
Stephen L. Denny, 3776
Sharon S. Deruvo, 8470
Mary R. Deutsch, 3204
Donna M. Diamond, 4611
Kathleen N. Dunemn, 5181
Princess L. Facen, 1594
Bradley D. Freeman, 2403
Timothy D. Gordon, 2817
Greg A. Griffin, 5461
David S. Heintz, 3714
Joseph C. Hightower, 8333
Nancy S. Hodge, 8354
Sally S. Hoedebecke, 2277
William J. Huleatt, Jr., 6709
Dorene Hurt, 9177
Leland L. Jurgensmeier, 7111
William S. Kirk, 4238
Brian E. Knapp, 8394
Jeffrey N. Legrande, 4883
Larry C. Lynch, 3940
Francis L. McVeigh, 7663
Elizabeth A. Milford, 8805
Judith J. Minderler, 5385
Brenda F. Mosley, 0259
Roger W. Olsen, 8892
Analiza Y. Padderatz, 7621
Robert M. Pontius, 2233
Nathaniel Powell, Jr., 7782
Ann B. Richardson, 5892
Douglas S. Rinehart, 4106
Margaret Rivera, 0840
Lynele Rockwell, 5375
Gemryl L. Samuels, 6750
Catherine M. Schempp, 8156
Scott R. Severin, 0859
Kathleen Y. Shackle, 8440
Ronald L. Shippee, 8360
Debra L. Spittler, 5804
Daniel A. Strickman, 6262
Robert J. Thompson, 8658
Wren H. Walters, Jr., 9310
Lisa D. Weatherington, 2162
Noel R. Webster, 1400
Betty J. Wiley, 4137
Timothy D. Williamson, 9949

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. William A. Cugno, 3772
Brig. Gen. Bradley D. Gambill, 7642
Brig. Gen. Marianne Mathewson-Chapman, 4301
Brig. Gen. Michael H. Taylor, 1966
Brig. Gen. Francis D. Vavala, 5382

To be brigadier general

Col. John A. Bathke, 6037
Col. Barbaranette T. Bolden, 6872
Col. Ronald S. Chastain, 5280
Col. Ronald G. Crowder, 6091
Col. Ricky D. Erlandson, 3783
Col. Dallas W. Fanning, 6980
Col. Donald J. Goldhorn, 3543
Col. Larry W. Haltom, 3555
Col. William E. Ingram, Jr., 5691
Col. John T. King, Jr., 5932
Col. Randall D. Mosley, 6183
Col. Richard C. Nash, 9717
Col. Phillip E. Oates, 3549
Col. Richard D. Read, 2952
Col. Andrew M. Schuster, 5145
Col. David A. Sprynczynatyk, 1827
Col. Ronald B. Stewart, 4952
Col. Warner I. Sumpter, 7278
Col. Clyde A. Vaughn, 8410

The following named officers for appointment to the grade indicated in the United States Army in the Judge Advocate General's Corps under title 10, U.S.C. sections 624 and 3064:

To be colonel

Lyle W. Cayce, 5383
Malinda E. Dunn, 7123
Anthony M. Helm, 9523
William M. Mayes, 9008
Michele M. Miller, 9774
Melvin G. Olmscheid, 0807
John F. Phelps, 3574
Fred T. Pribble, 6864
Steven T. Salata, 5401
Mortimer C. Shea, Jr., 7269
Paul L. Snyders, 5866
William A. Stranko II, 2695
Manuel E. Supervielle, 2294
Marc L. Warren, 3744
Roger D. Washington, 7860

The following named Army National Guard of the United States officers for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

James M. Dapore, 6879
Richard Parker, 8110
Michael J. Wilson, 9671

The following named officers for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 1552 and 12203:

To be colonel

James W. Hutts, 1137
Timothy J. Hyland, 6581
Bronislaw A. Zamojda, 5370

The following named officers for appointment to the grades indicated in the United States Army and for regular appointment in the Medical Service Corps (MS) and, Medical Corps (MC), as indicated, under title 10, U.S.C., sections 531, 624, and 3064:

To be lieutenant colonel

Paul R. Hulkovich, 8374

To be major

Michael A. Weber, 4623

The following named officers for appointment to the grade indicated in the United States Army in the Medical Corps under title 10, U.S.C., sections 624 and 3064:

To be major

Scott R. Antoine, 3838
Vincent G. Becker, 1545
Bal R. Bhullar, 8662
Jon M. Bruce, 1753
Sellas P. Coble, 6423
Thomas R. Coomes, 1017
Marc D. Davis, 6928
James M. Ditolla, 9540
Jason R. Dittrich, 7446
Charles R. Downey, Jr., 6900
Travis A. Dugan, 3236
Samuel J. Eallonardo III, 5143
Jonathan C. Eugenio, 8526
Todd A. Farrer, 3905
Edmund W. Higgins, 7191
Philip G. Hirshman, 2568
Cheuk Y. Hong, 5510
Elizabeth D. Kassapidis, 0783
David C. Kottra, 9251
Alexander A. Kucewicz, 6089
Alex Loberarodriguez, 3301
Matthew J. Martin, 1721
Vincent M. Messbarger, 1095
Todd A. Miller, 1527
Carolyn Y. Millerconley, 7330
Mary V. Mirto, 5559
Charles A. Mullins, 3492
John F. Nicholson, 5223
Shawn D. Parsley, 1416
Robert L. Richard, 5978
Paul E. Rieck, 0053
Brian A. Sauter, 4420
Frederick K. Swiger, 0703
Shawn A. Tassone, 2280
Albert W. Taylor, 8075
William Warlick, 0196
David C. Wells, 7927
Warren T. Withers, 2144
Patrick J. Woodman, 9619

The following named officers for regular appointment in the grades indicated in the United States Army Nurse Corps (AN), Medical Corps (MC), Dental Corps (DE), Medical Specialist Corps (SP), Veterinary Corps (VC), and Judge Advocate General's Corps (JA) under title 10, U.S.C., sections 531 and 3064:

To be colonel

Martha C. Lupo, 9029
Indira Wesley, 5681
John M. Wesley, 6562

To be lieutenant colonel

Karen L. Cozean, 8816
Michael E. Faran, 5170
Todd R. Granger, 6485
Warren S. Mathey, 0701
Christine M. Piper, 7105
Phillip R. Pittman, 4315
David Schuckenbrock, 4488
Calvin Y. Shiroma, 1360
Ray N. Taylor, 4317

To be major

Susan C. Altenburg, 3274
Morgan L. Bailey, 6315
Elizabeth A. Bowie, 4987
Wilfredo Cordero, 8798
Debra R. Cox, 0311
Sylvia R. Dennis, 5065
Margaret L. Dixon, 3985
JoAnn S. Doleman, 4692
Ann M. Everett, 1347
Dorothy F. Galberth, 5666
Christine D. Garner, 2741
Robert C. Gerlach, 2810
Benny F. Harrell, 4651
Walt Hinton, 6431
Emmons V. Holbrook, 1902
Barbara M. Keltz, 8570
Daniel O. Kennedy, 5848
Dorothy J. Legg, 7765
Patricia A. Merrill, 2826
Joseph M. Molloy, 5320
Debra A. Ramp, 4402
Doris A. Reeves, 9992
Lue D. Reeves, 7905
Catherine F. Ryan, 9110
Robert Savage, 7465
Adoracion G. Soria, 1816
Karen A. Spurgeon, 8098
Benjamin Stinson, 2806
Palacestine Tabson, 5285
Irene E. Williford, 2921

To be captain

Eric D. Aguila, 2193
Deborah Albrecht, 8327
Elena Antedomenico, 4726
Jennifer Bager, 7748
Troy R. Baker, 8175
Jeffrey A. Banks, 7856
Thad J. Barkdull, 7822
Patrick A. Barrett, 7996
Sanaz Bayati, 9818
Jeremy T. Beauchamp, 7543
Amit K. Bhavsar, 2009
Robert E. Blease, 6431
Andrew S. Bostaph, 6892
Jonathan K. Branch, 6202
Annamae Campbell, 0916
Daniel W. Carlson, 8602
Mark G. Carmichael, 0123
Ambrose M. Carroll, 7423
Michael E. Clark, 2985
Corinne M. Conroy, 1887
John H. Craddock, 4124
Lisa E. Crosby, 2967
Frederick Davidson, 7861
Danny R. Denkins, 3087
David H. Dennison, 3006
Ronald D. Desalles, 6220
Thomas E. Ellwood, 1018
Jody L. Ennis, 7793
Susan K. Escallier, 0926
Stephanie Foster, 6560
Travis C. Frazier, 1203
Dennis J. Geyer, 3573
Michael A. Gladu, 1987
Brian L. Gladwell, 1997
Blondell S. Glenn, 4889
James W. Graham, 5630
Sheri K. Green, 7794
William Grief, 4049
Britney Grimes, 8585
Michael Hamilton, 7834
Kwasi L. Hawks, 9875
Brian A. Hemann, 0362
Jeffrey Hirsch, 6186
Richard W. Hussey, 3585
Jerry K. Izu, 5897
Edgar Jimenez, 4555
David E. Johnson, 1030
Jeremy D. Johnson, 6849
Samuel L. Jones, 8740
Ryan J. Keneally, 3444
Julie S. Kerr, 6798
Julie M. Kissel, 5428
Stuart R. Koser, 9105
Michael L. Kramer, 2410
Michael Krasnokutsky, 0300
Gregory T. Lang, 1239
Jennifer L. Lay, 7718
John P. Lay, 2775
Walter S. Leitch, 8686
Andrew H. Lin, 9294
Brian F. Malloy, 9310
Jason D. Marquart, 8906
Laura N. Marquart, 4074
Scott F. McClellan, 4326
Karin L. McElroy, 6959
Jennifer H. Mcgee, 9959
Valencia B. Meza, 6132
Steven C. Miller, 1287
Beverly J. Morgan, 4802
Philip S. Mullenix, 2963
Sean W. Mulvaney, 2298
Kevin M. Nakamura, 5128
Kenneth J. Nelson, 0569
Duc H. Nguyen, 3092
John P. O'Brien, 2185
Jason A. Pates, 2220
Theresa A. Pechaty, 0329
Sylvia F. Perez, 0109
Jose Perezvelazquez, 5104
America Planas, 5250
Richard D. Reed, 5913
Carolyn Richardson, 3250
Eric R. Richter, 6338
Christopher Rivera, 8847
Terry W. Roberts, 5780
Kevin K. Robitaille, 7982
Matthew M. Ruest, 8143
Harlan I. Rumjahn, 2113
Maureen A. Salafai, 8986
John D. Schaber, 6401
Paula I. Schasberger, 3853
John K. Shin, 5409
James E. Simmons, 5921
Netta F. Stewart, 8590
Neil Stockmaster, 8116
Juanita Stokes, 9168
Burton L. Stover, 5066
Chris A. Strode, 0897
Drew A. Swank, 3060
Douglas M. Tilton, 8272
Evelyn Townsend, 8884
George Vonhilsheimer, 2097
Jean E. Wardrip, 5377
Christopher Warner, 5699
Sylvia V. Waters, 1479
Thomas M. Wertin, 2910
David A. Weston, 2841
Ronald L. White, 9161
Grace F. Wieting, 8822
Ronald V. Wilson, 5302
Gary H. Wynn, 7165
Charles L. Young, 7575

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 3069 and in accordance with Article II, Section 2 of the Constitution of the United States:

To be brigadier general, Nurse Corps

Col. William T. Bester, 1712

The following named officers for appointment to the grade indicated in the Reserve of the Army under title, 10 U.S.C., section 12203:

To be colonel

Thomas W. Acosta Jr., 2972
Steven Alan Adams, 1822
Augustus D. Aikens Jr., 6328
Jeffrey C. Akamatsu, 5985
William E. Aldridge, 6293
Robert F. Altherr Jr., 1679
Ronald D. Anderson, 6814
Steven D. Anderson, 3471
William V. Anderson, 5464
Michael D. Armour, 7759
Philip L. Arthur, 8864
Deborah A. Ashenhurst, 5987
Robbie L. Asher, 3934
John M. Atkins, 9132
Milton G. Avery, 4754
Robert A. Avery, 3612
William P. Babcock, 6572
Steven A. Backer, 6806
James D. H. Bacon, 2681
Gregory P. Bailey 8107
Bruce H. Baker Jr., 2400
Kenneth J. Baker, 2561
Albert Bardayan, 9201
Newton R. Bardwell III, 9731
Roosevelt Barfield, 2777
Lonnie L. Barham, 7012
Rodney J. Barham, 7594
Steven R. Barner, 3062
John I. Barnes III, 8491
Robert L. Barnes Jr., 4663
Daniel W. Barr, 8151
Richard A. Baylor, 3612
Robert A. Bean Jr., 9832
Mark D. Becher, 3031
Bruce E. Beck, 9604
Carl B. Beckmann Jr., 4316
Terrence W. Beltz, 5304
Dan A. Berkebile, 9866
Gerald R. Betty, 3579
Warren K. Beyer, 8552
William G Bickel, 1494
Courtland C. Bivens III, 5110
Robert D. Bloomquist, 1954
Terry L. Bortz, 9314
Phillip E. Bowen, 4949
John L. Brackin, 1632
Thomas M. Bradley, 4724
George R. Brady, 8738
Paul M. Brady, 9028
James A. Brattain, 3394
John R. Rault, 6260
Allen E. Brewer, 9815
Robert K. Brinson, 5216
Sans C. Broussard, 5004
Harold E. Brown, 9855
Charles R. Brule, Sr. 7962
Robert O. Brunson, 7570
John A. Bucy, 6594
Harold G. Bunch, 7816
Andrew C. Burton, 2840
Philip C. Caccese, 6019
Matthew P. Cacciatore, Jr., 1872
Ann Moore Campbell, 0033
Roland L. Candee, 1266
James J. Caporizo III, 2200
Ronald A. Cassaras, 5372
Charles R. Chadwick, 5033
Charles A. Chambers IV, 4029
Elizabeth A Checchia, 7397
Peter Paul Herellia, 9319
James Young Chilton, 0707
Thomas R. Christensen, 4700
Robert M. Christian, 5942
John G. Christiansen, Jr., 3745
Bobby Guy Christopher, 3015
Danny Dean Clark, 6352
James E. Cobb, 2150
McKinley Collins, Jr., 2929
Thomas Patrick Collins, 0864
Dennis Conway, 3876
Lawrence D. Cooper, 9036
April M. Corniea, 1870
Calvin Edward Coufal, 9012
Terry Ray Council, 0396
Ardwood R. Courtney, Jr., 7999
Homer T. Cox III, 4076
Mark E. Craig, 0080
John V. Crandall, 0702
Stanley E. Crow, 8977
Rita K. Cucchiara, 0702
Thomas W. Current, 0137
Thomas E. Dacar, 7189
Willie D. Davenport, 8639
Jack L. Davis, 6179
John T. Davis, 8129
Milton P. Davis, 0738

John E. Davoren, 3064
Gary W. Dawson, 4414
Thomas Dawayne Dean, 5252
Philip M. Dehennis, 5071
Joseph P. Dejohn, 7825
Paul Morton Dekanel, 9978
Santiago Delvalle, 9893
Joseph G. Depaul, 5800
Carolyn J. Derby, 4189
Ronald Edgar Dewitt, 2833
Neil Dial, 2600
Richard W. Dillon, 2968
David T. Dorrough, 7210
Raymond S. Doyle, 4448
Gilford C. Dudley, Jr., 1633
John Frederick Dugger, 6000
James J. Dunphy, Jr., 4298
Warren L. Dupuis, 9795
Paul W. Dvorak, 5565
William Thomas Egan, 1410
Michael E. Eichinger, 4406
Gary F. Eischeid, 5955
Gary R. Engel, 4963
Ernest T. Erickson, 6157
Richard M. Etheridge, 0242
Arthur Dale Evans, 2572
Peter Frank Falco, 1933
Clarence Faubus, 3021
Charles B. Faulconer, Jr., 6648
Dan W. Faust III, 4002
Samuel L. Ferguson, 6074
Robert Michael Field, 6481
William H. Finck, 4105
Michael P. Finn, 3123
Robert L. Finn, 0938
Lynn E. Fite, 4829
Dennis R. Flanery, 4851
George M. Flattley, 8066
Dale P. Foster, 0529
Michael J. Foy III, 8491
Lloyd J. Freckleton, 3243
Clarence C. Freels, 9643
William Roland Frost, 2316
Cherie Annette Fuchs, 9558
Wesley J. Fudger, Jr., 6272
Joe R. Gaines, Jr., 3883
John Duane Gaines, 7977
Paul Vincent Gambino, 9847
Daniel Michael Ganci, 3168
Ernest L. Gandy, 9734
James P. Gardner, 3936
Dennis V. Garrison, Jr., 6505
Paul C. Genereux, Jr., 5128
Robert L. Giacumo, 8455
Jerry M. Gill, 7395
Paul D. Golden, 4481
David S. Gordon, 8051
John Leggett Graham, 2025
Frank Joseph Grass, 4493
Melvin Jake Graves, 3287
Billy R. Green, 0180
Linda Diane Green, 3312
Oscar Charles Greenleaf, 9415
David J. Griffith, 9258
John Lawrence Gronski, 9840
Lindsay H. Gudridge, 1886
Terry Glynn Hammett, 6098
Ralph Bryan Hanes, 8081
Philip Lawrence Hanrahan, 2194
Eric A. Hanson, 6384
Russell S. Hargis, 2104
Robert C. Hargreaves, 5576
Joe Lee Harkey, 5200
Daniel Joseph Harlan, 2921
Thomas Wayne Harrington, 4883
George Ray Harris, 6056
George W. Harris, 6852
Robert Alan Harris, 5261
Donnan R. Harrison III, 4250
Michael F. Hau, 4027
Spencer L. Hawley, 0878
David Raymond Hays, 7832
James D. Head, 5152
Mark S. Heffner, 7734
Gerald M. Heinle, 2946
John W. S. Heltzel, 2860
Richard Eugene Hens, 3656
John Raymond Henstrand, 2080
Patrick R. Heron, 4039
Michael J. Hersey, 1855
John B. Hershman, 9658
Ruby Lee Hobbs, 8479
Dudley B. Hodges III, 9409
Mary Josephine Hogan, 6914
Richard Edward Holland, 1986
Henry Vance Holt, 8464
Herbert Lewis Holtz, 0789
Thomas French Hopkins, 2011
Gary Wayne Hornback, 9929
David Eugene Hriczak, 7755
Charles H. Hunt, Jr., 0209
Peter V. Ingalsbe, 7601
Harold D. Ireland, 4924
Charles Nathan Jay, 1304
Larry D. Jayne, 4009
Roy Jack Jensen, 6475
Calvin S. Johnson, 0238
William G. Johnson, 4700
William J. Johnson, Jr, 9286
William Carlyle Johnston, 9518
Daniel Lee Joling, 5209
Christopher Reed Jones, 6754
David C. Jones, 6855
David R. Jones, Jr., 2259
Charles Alfred Justice, 6207
Edward T. Kamarad, 3253
Gregory Ray Keech, 9652
Michael Aaron Kelly, 7868
Jeffrey J. Kennedy, 1106
Stanley R. Keolanui, Jr., 5556
Richard Joseph Kiehart, 5564
Craig Stephen King, 6354
Randy Warren King, 4853
Bruce Eric Kramme, 7475
Doris Jean Kubik, 9042
John J. Kuhle, 4670
Susan E. Kuwana, 2525
Timothy M. Lambert, 2459
Gary S. Landrith, 3412
Joseph A. Laneski, 9129
Richard Frank Lange, 6973
Konrad B. Langlie, 1267
George D. Lanning, 1598
Lawrence M. Larsen, 1439
Thomas Lebovic, 4688
Ralph L. Ledgewood, 1860
Myron C. Lepp, 6120
Glenn Jeffrey Lesniak, 8435
James R. Lile, 6867
Stephen David Lindner, 3909
Thomas Richard Logeman, 6180
Ralph Daniel Long, 9482
Rodney W. Loos, 0504
Walter E. Lorcheim, 6284
Vernon Lee Lowrey, 0154
Gilbert Lozano Jr., 5265
Stephen L. Lynch, 5155
Cheryl Marie Machina, 4262
David Clarence Mackey, 8029
Michael J. Madison, 4161
Carlos A. Maldonado, 6294
Jeffery Eugene Marshall, 8324
Eugene C. Martin, 9866
Robert A. Martinez, 6433
Oliver J. Mason, Jr., 0213
Larry W. Massey, 6657
Bobby E. Mayfield, 6378
John M. McAuley, 6518
Kevin R. McBride, 7136
Henry C. McCann, 1781
Timothy G. McCarthy, 6534
Morris E. McCoskey, 9885
John William McCoy, Jr., 4147
James P. McDermott, 3876
Daniel J. McHale, 7907
Donald E. McLean, 5226
Nolan R. Meadows, 4350
Robert E. Meier, 6300
Robert James Meier, 7798
Terrence John Merkel, 2922
James Richard Messinger, 7679
Donald Dean Meyer, 6324
Neil E. Miles, 0375
Lonnie R. Miller, 2459
Scott D. Miller, Jr., 1943
James F. Minor, 4816
Peter Francis Mohan, 3246
William Monk III, 7931
Raymond B. Montgomery, 4454
Randall W. Moon, 8591
David Fidel Morado, 4531
Jane Phyllis Morey, 9751
Jill E. Morgenthaler, 2427
Glenn David Mudd, 9997
Richard O. Murphy, 9911
Margaret E. Myers, 0529
Charles R. Nearhood, 6223
Daniel J. Nelan, 2853
David B. Nelson, 6222
Stephen D. Nichols, 5804
Joseph Frank Noferi, 7712
Oliver L. Norrell III, 1832
Mark D. Nyvold, 7599
Paul F. O'Connell, 5410
Hershell W. O'Donnell, 9198
Walter Stephen O'Reilly, 8597
Victor M. Ortizmercado, 5260
Karlynn P. O'Shaughnessy, 1962
Henry J. Ostermann, 9215
James Edward Otto, 5719
Clarence H. Overbay III, 6178
Benjamin F. Overbey, 3978
Jan Guenther Papra, 9025
John Henry Paro, 6421
David M. Parquette, 0169
George J. Pecharka, Jr., 1328
Lter Stephen Pedigo, 7317
George A. B. Peirce, 1467
Alan R. Peterson, 9304
Karl F. Peterson, 0893
William H. Petty, 2722
Joseph Carl Phillips, 9490
Nickey Wayne Philpot, 9374
D. Darrell Eugene Pickett, 7066
Robert Kent Pinkerton, 5924
Robert L. Pitts, 4874
Carl Joe Posey, 4278
Rick Lynn Powell, 4131
James Frederick Preston, 5860
Louis P. Preziosi, 7850
John M. Prickett, 5197
Robert M. Puckett, 8355
Barney Pultz, 5369
Walter L. Pyron, 3722
Terry Lee Quarles, 8676
Paul J. Raffaeli, 5546
Thomas H. Redfern, 8304
Johnny H. Reeder, 0024
Eldon Philip Regua, 3723
Price Lewis Reinert, 0564
Robert Reinke, Jr., 7752
Joseph Warren Reiter, 2208
Barry L. Reynolds, 6404
John F. Reynolds, 9642
James Lance Richards, 6162
Douglas G. Richardson, 7068
Philip A. Richardson, 8013
Mark C. Ricketts, 5874
Raynor J. Ricks Jr., 6829
Kenneth Wayne Rigby, 0830
James Francis Riley, 8451
Isabelo Rivera, 3872
David Lee Roberts, 0940
Paul Edwin Roberts, 4681
David P. Robinson, 1002
Steven Ray Robinson, 5872
Frank Gerard Romano, 5429
Debra C. Rondem, 8787
Timothy L. Rootes, 8203
Lawrence Henry Ross, 5226
Thomas Warren Round, 0288
Joel Ross Rountree, 7630

David H. Russell, 9402
Michael H. Russell, 7905
Larry D. Rutherford, 1225
Loretta R. Ryan, 3041
Frank Albert Sampson, 4593
Stephen M. Sarcione, 0335
Steven D. Saunders, 3328
Joseph M. Scaturo, 4556
Otto Byron Schacht, 9513
Helen P. Schenck, 8613
Robert W. Scherer, 7869
Paul A. Schneider, 0325
Edward C. Schrader, 8616
Gordon W. Schukei, 0264
James D. Schultz Jr., 8542
Stephen Peter Schultz, 8680
John Thomas Schwenner, 2857
Mark W. Scott, 8996
Michael F. Scotto, 5183
Gale Hadley Sears, 8022
Bernard Seidl, 7535
Stephen Ridgely Seiter, 6859
Charles R. Seitz, 4859
Ronald George Senez, 3000
Kenneth J. Senkyr, 1014
Christopher T. Serpa, 5873
Walter S. Shanks, 9080
Hugh Dunham Shine, 8849
Kenneth R. Simmons Jr., 4130
James L. Simpson, 1607
Robert G. Skiles Jr., 5406
James A. Slagen, 5515
William A. Slotter, 3391
Carlon L. Smith, 2375
David B. Smith, 7225
David C. Smith, 4396
Edward H. Smith, 7640
John F. Smith, 1512
Kenneth Eugene Smith, 4982
Roy C. Smith, 0997
Sherwood J. Smith, 9944
Steven W. Smith, 3994
Karl P. Smulligan, 8980
Arnold H. Soeder, 6872
David L. Spencer, 9032
Terrance J. Spoon, 6341
David William Starr, 6926
Michael R. Staszak, 4677
Michael E. Stephany, 1320
James Melvin Stewart, 6249
Richard W. Stewart, 9001
John M. Stoen, 6922
Gregory Wayne Stokes, 6838
James C. Suttle Jr., 7780
Richard E. Swan, 7604
Thomas B. Sweeney, 1535
Derek C. Swope, 4826
Doris P. Tackett, 0128
Michael Graham Temme, 8231
Lance Morell Tharel, 4678
Randal Edward Thomas, 9772
Carey Garland Thompson, 6879
Frederick T. Thurston, 3006
Jack Thomas Tomarchio, 0749
Stephen Craig Truesdell, 6095
Verlyn E. Tucker, 2760
Robert J. Udland, 2521
Robert J. Vandermale, 9481
Jacob A. Vangoor, 9172
Larry D. Vanhorn, 0017
Gary Wallace Varney, 6045
Robert Willard Vaughan, 6471
Russell Owen Vernon, 6956
Bert F. Vieta, 4144
Pedro G. Villarreal, 1120
William G. Vincent, 7765
Jeffery R. Vollmer, 8598
Keith Richard Votava, 8984
William D. R. Waff, 5496
Charles M. Wagner, 1629
Gary F. Wainwright, 7712
Layne J. Walker, 5877
Martin H. Walker, 4329
Sally Wallace, 0804
Kendall Scott Wallin, 7412
Joseph W. Ward III, 3093
Kenneth Robert Warner, 2742
Herbert R. Waters III, 2307
Michael K. Webb, 9183
Roy Landrum Weeks Jr., 7435
Frederick H. Welch, 8291
James M. Wells, 1835
Michael J. Wersosky, 5135
Mary E. Lynch Westmoreland, 9610
Grant L. White, 7978
Francis B. Williams, 2531
Stanley O. Williams, 3608
Richard J. Willinger, 0896
Cecil Mason Willis, 8187
Joel William Wilson, 8264
Tony N. Wingo, 6298
Anthony E. Winstead, 5050
Larry V. Wise, 5485
Paul K. Wohl, 8567
Bruce M. Wood, 0603
Glenn R. Worthington, 2053
Barry Gene Wright, 7248
Kathy J. Wright, 1745
Neil Yamashiro, 4095
Earl M. Yerrick Jr., 9251
David Keith Young, 5514
Richard S. W. Young, 6398
Samuel R. Young, 3299
Vincent A. Zike Jr., 4335

The following named Army National Guard of the United States Officers for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

James G. Ainslie, 3745
Shawn W. Flora, 3468
Douglas McCready, 1972
Theresa M. Odekirk, 9713
Thomas M. Penton Jr., 5692

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., sections 531 and 624:

To be lieutenant colonel

Jane H. Edwards, 4764

The following named officers for appointment to the grade indicated in the United States Army and for Regular appointment in the Nurse Corps (AN), Medical Service Corps (MS), Medical Specialist Corps (SP) and Veterinary Corps (VC) (identified by an asterisk(*)) under title 10, U.S.C., sections 624, 531, and 3064:

To be lieutenant colonel

Jeffrey J. Adamovicz, 5950 MS
Roxanne Ahrman, 6973 AN
Matthew J. Anderson, 2054 AN
Randall G. Anderson, 7870 MS
Debra C. Aparicio, 2509 AN
Donald F. Archibald, 0893 MS
David R. Ardner, 8740 MS
Kimberly K. Armstrong, 0214 AN
Cheryl M. Bailly, 4393 AN
Francis W. Bannister, 8266 MS
Linda M. Bauer, 9966 AN
*Terry K. Besch, 8189 VC
Steven G. Bolint, 1946 MS
Lori L. Bond, 7574 AN
Crystal M. Briscoe, 7970 VC
Hortense R. Britt, 8953 AN
*Henrietta W. Brown, 2442 AN
David P. Budinger, 0740 MS
Kay D. Burkman, 6448 VC
*Spencer J. Campbell, 3903 MS
Brian T. Canfield, 3583 MS
*Charles E. Cannon, 1712 MS
*Calvin B. Carpenter, 9003 VC
*Margaret N. Carter, 0834 VC
Janice E. Carver, 2899 AN
Thomas H. Chapman, Jr., 9929 AN
Steven H. Chowen, 6496 MS
*James A. Church, 9049 AN
Edward T. Clayson, 3923 MS
*Russell E. Coleman, 2765 MS
John M. Collins, 1159 MS
John P. Collins, 9712 MS
Joyce Craig, 3529 AN
*Joseph F. Creedon, Jr., 6752 SP
Peter C. Dancy, Jr., 7329 MS
Sheryl L. Darrow, 8875 AN
Raymond A. Degenhardt, 0970 AN
*Donald W. Degroff, 5335 MS
Danny R. Deuter, 3693 MS
Cheryl D. Dicarlo, 5030 VC
George A. Dilly, 9138 SP
Laurie L. Duran, 1718 AN
Rhonda L. Earls, 4512 AN
Wanda I. Echevarria, 7588 AN
Samuel E. Eden, 5104 MS
Richard T. Edwards, 7111 MS
Brenda K. Ellison, 8159 SP
*Richard J. Elliston, 4834 MS
Steven D. Euhus, 7788 MS
*Ann M. Everett, 1347 AN
Sheri L. Ferguson, 6204 AN
Julie A. Finch, 0607 AN
Daniel J. Fisher, 3412 MS
Elaine D. Fleming, 9217 AN
Lorraine A. Fritz, 9099 AN
Mary S. Gambrel, 4819 AN
Alexander Gardner, III, 4979 MS
Mary E. Garr, 3936 MS
Kathryn M. Gaylord, 8344 AN
David G. Gilbertson, 7355 MS
Mark H. Glad, 7353 MS
Ricardo A. Glenn, 9577 MS
Robert E. Gray, 8227 MS
*Steven W. Grimes, 2435 AN
Christina M. Hackman, 0012 AN
*Karen A. Hagen, 8306 AN
Christine S. Halder, 4188 MS
Teresa I. Hall, 9799 AN
Rita K. Hannah, 1581 AN
Bryant E. Harp, Jr., 1667 MS
*Sally C. Harvey, 2449 MS
Bruce E. Haselden, 1411 MS
Bernard F. Hebron, 4942 MS
Heidi A. Heckel, 9153 SP
David Hernandez, 7709 AN
Claude Hines, Jr., 4444 MS
Mark E. Hodges, 3827 AN
Charlotte L. Hough, 1006 AN
Robert E. Housley, Jr., 0296 MS
Randolph. G. Howard, Jr., 4662 MS
Linda L. Hundley, 2260 AN
Donna L. Hunt, 9740 AN
Thomas C. Jackson, II, 3075 MS
Clifette Johnson, II, 3418 AN
Richard N. Johnson, 6484 MS
Daria D. Jones, 6117 AN
David D. Jones, 0226 MS
Sandra D. Jordan, 6627 AN
Van A. Joy, 0915 MS
Philip Kahue, 2849 MS
Jung S. Kim, 9419 AN
Joshua P. Kimball, 4569 MS
Michael S. Lagutchik, 7337 VC
Marsha A. Langlois, 1221 MS
*Terry J. Lantz, 5726 MS
*James L. Larabee, 8496 AN
William J. Layden, 5275 MS
John R. Lee, 6997 MS
Cathy E. Leppiaho, 8153 MS
Patricia M. Leroux, 1909 AN
Gloria R. Long, 1185 AN
LEslie S. Lund, 3444 AN
Lisa C. Macphee, 0631 MS
Leo H. Mahony, Jr., 4144 SP
Lance S. Maley, 0737 MS
Thirsa Martinez, 8361 MS
Bruce W. McVeigh, 2409 MS
John R. Mercier, 2556 MS
Talford V. Mindingall, 0091 MS
Ulises Miranda, III, 3958 MS

Rafael C. Montagno, 5546 MS
Octavio C. Montvazquez, 1388 MS
Connie J. Moore, 3752 AN
Josef H. Moore, 1725 SP
Janet Moser, 0590 VC
Shonna L. Mulkey, 7296 MS
Michael C. Mullins, 2409 MS
Davette L. Murray, 4473 MS
Susan M. Myers, 3231 AN
Jane E. Newman, 3753 AN
Douglas E. Newson, 1645 AN
*Vicki J. Nichols, 7343 AN
Kimberly A. Niko, 5863 AN
Mary C. Oberhart, 5905 AN
John F. Pare, 2283 AN
Jessie J. Payton, Jr., 9041 MS
Joseph A. Pecko, 3699 MS
Jerome Penner, III, 7180 MS
Suzanne R. Pieklik, 4466 AN
Fonzie J. Quancefitch, 9878 VC
*Doris A. Reeves, 9992 AN
*Lue D. Reeves, 7905 AN
Michael L. Reiss, 8985 MS
George C. Renison, 3981 VC
Karolyn Rice, 0455 MS
Maria D. Risaliti, 6648 AN
Christopher V. Roan, 9618 MS
George A. Roark, 8201 MS
Laura W. Rogers, 5784 AN
Miguel A. Rosado, 7797 AN
Denise M. Roskovensky, 6544 AN
Robbin V. Rowell, 7659 SP
Yolanda Ruizisales, 5770 AN
Michael P. Ryan, 2422 MS
Kristine A. Sapuntzoff, 0750 AN
Patrick D. Sargent, 0187 MS
Wayne R. Smetana, 8818 MS
Susan G. Smith, 0562 AN
Earle Smith II, 0496 MS
Wade L. Smith, Jr., 6594 MS
Nancy E. Soltez, 6620 AN
Kerry L. Souza, 0667 AN
Emery Spaar, 6041 MS
Glenna M. Spears, 4288 AN
Debra A. Spencer, 2307 AN
Joyce D. Stanley, 5480 AN
Barry T. Steever, 6202 AN
Marc J. Stevens, 2775 MS
John R. Stewart, 1020 MS
Robinette J. Struttonamaker, 6702 SP
Stephanie M. Sweeny, 2838 AN
John R. Taber, 7013 VC
Regina L. Tellitocci, 7856 AN
Robert D. Tenhet, 5358 MS
John H. Trakowski, Jr., 9435 MS
Joe M. Truelove, 9633 MS
*Corina Van De Pol, 1546 MS
Lorna M. Vanderzanden, 9866 VC
Linda J. Vanweelden, 8553 AN
Keith R. Vesely, 5234 VC
Jimmy C. Villiard, 9266 VC
Robert W. Wallace, 4711 MS
Kevin M. Walsh, 9461 AN
Jasper W. Watkins III, 3219 MS
Virgil G. Wiemers, 4104 AN
Patricia A. Wilhelm, 0683 AN
James A. Wilkes, 2577 MS
*Kathleen J. Wiltsie, 3252 AN
Kelly A. Wolgast, 7403 AN
John S. Wong, 6541 AN
John F. Zeto, 0247 MS

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Stan M. Aufderheide, 9247

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Michael T. Bourque, 3436

The following named officers for appointment to the grades indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Marian L. Celli, 3723
Elizabeth B. Gaskin, 9867
Jeanne Y. Ling, 6623

To be lieutenant commander

Miguel A. Franco, 6881

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

William R. Mahoney, 7898

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Stephen R. Silva, 8108

The following named officer for appointment to the grade indicated in the United States Naval Reserve under title 10, U.S.C., section 12203:

To be captain

Graeme Anthony Browne, 0673

The following named officers for regular appointment to the grades indicated in the United States Navy under title 10, U.S.C., section 531:

To be commander

John P. LaBanc, 5176

To be lieutenant commander

Dan C. Hunter, 5016
Jerry K. Stokes, 2816

To be lieutenant

John L. Grinold, 9751
James P. Ingram, 7008
George S. Lesiak, 7586
Edward P. Neville, 1887
Landon C. Smith, 5792
Michael R. Tasker, 2181

To be lieutenant (junior grade)

Craig D. Arendt, 1752
Robert E. Asmann, 3864
William B. Bangert, 0313
Christopher F. Beaubien, 5728
Kevin S. Brown, 0362
Jerry C. Crocker, 0201
Nicholas A. Czaruk, 9647
Gary L. Durden, 2433
Patrick W. Finney, 1487
Bret M. Grabbe, 9394
Robert C. Hicks, 3411
Kathryn E. Hitchcock, 8068
Adam R. Hudson III, 5772
Robert H. Keller, 9368
John R. Martin, 5202
Richard T. McCarty, 4543
Scott W. McGhee, 1637
Thomas D. McKay, 6294
Stephen E. Mongold, 1315
Todd D. Moore, 4333
Todd J. Nethercott, 2932
Matthew S. Pederson, 4909
Derek J. Purdy, 2314
Edward J. Robledo, 8452
Adam Schneider, 6526
Forrest S. Yount, 2733

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Robert F. Blythe, 0812

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

George P. Haig, 4611

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Melvin J. Hendricks, 4805

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Jon E. Lazar, 8144

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Lawrence R. Lintz, 2437

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

David E. Lowe, 6673

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Michael S. Nicklin, 5769

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Robert J. Werner, 9272

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Carl M. June, 4857

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Joseph L. Baxter, Jr., 8381

(The above nominations were reported with the recommendation that they be confirmed.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8274. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status for Certain Nationals of Nicaragua and Cuba" (RIN1115–AF04), received March 28, 2000; to the Committee on the Judiciary.

EC–8275. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization

Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status for Certain Nationals of Haiti" (RIN1115–AF33), received March 28, 2000; to the Committee on the Judiciary.

EC–8276. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Eligibility Reporting Requirements" (RIN2900–AJ09), received March 28, 2000; to the Committee on Veterans' Affairs.

EC–8277. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 724 and 725; Trustees and Custodians of Pension Plans; Share Insurance and Appendix", received March 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8278. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants and Nonimmigrants under the Immigration and Nationality Act, as Amended", received March 28, 2000; to the Committee on Foreign Relations.

EC–8279. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received March 28, 2000; to the Committee on Governmental Affairs.

EC–8280. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–8281. A communication from the Chairman, Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to law, the 1999 annual report; to the Committee on Governmental Affairs.

EC–8282. A communication from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1710, Subpart E: Load Forecasts" (RIN0572–AB05), received March 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8283. A communication from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1721: Post-Loan Policies and Procedures for Insured Electric Loans, Advance of Funds", received March 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8284. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries" (RIN0648–ZA81), received March 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8285. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Statistical Area 620 of the Gulf of Alaska", received March 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The New Piper Aircraft, Inc. PA–31 Series Airplanes; Docket No. 99–CE–49 (3–23/3–27)" (RIN2120–AA64) (2000–0178), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company 150, 152, 172, 177, 180, 182, 185, 188, 206, 207, 210 and 337 Series Airplanes; Docket No. 97–CE–114 (3–22/3–23)" (RIN2120–AA64) (2000–0167), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fairchild Aircraft Corporation SA226 and SA227; Docket No. 99–CE–52 (3–20/3–23)" (RIN2120–AA64) (2000–0171), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 Airplanes; Docket No. 99–CE–44 (3–20/3–23)" (RIN2120–AA64) (2000–0170), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42–200, ATR42–300, and ATR42–320 Series Airplanes; Docket No. 99–NM–94 (3–22/3–23)" (RIN2120–AA64) (2000–0169), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series; Docket No. 99–NM–347 (3–22/3–23)" (RIN2120–AA64) (2000–0168), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes; Docket No. 99–NM–349 (3–23/3–27)" (RIN2120–AA64) (2000–0178), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AlliedSignal ALF502 and LF507 Series Turbofan Engines; Docket No. 96–ANE–36 (3–23/3–27)" (RIN2120–AA64) (2000–0175), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GMBH Model MBB-BK 117 Helicopters; Docket No. 98–SW–77 (3-24/3–27)" (RIN2120–AA64) (2000–0178), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines; Correction; Docket No. 99–NE–49 (3–23/3–27)" (RIN2120–AA64) (2000–0177), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8296. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA330f, SA330G, SA330J, AS332C, AS332L, AS332L1, and AS332L2; Request for Comments; Docket No. 2000–SW–06 (3–24/3–27)" (RIN2120–AA64) (2000–0174), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–450. A resolution adopted by the Council of the Borough of South River, Middlesex County, New Jersey relative to Medicare; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY):

S. 2328. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 2329. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. MURKOWSKI, Mr. ROBB, Mr. NICKLES, and Mr. MACK):

S. 2330. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Finance.

By Mr. HOLLINGS:

S. 2331. A bill to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing services to Fort Sumter National Monument, South Carolina; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 2332. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. BINGAMAN):

S. 2333. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. L. CHAFEE (for himself and Mr. JEFFORDS):

S. 2334. A bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remedication costs for an additional 6 years and to include sites in metropolis statistical areas; to the Committee on Finance.

Mr. L. CHAFEE:

S. 2335. A bill to authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 2336. A bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. KYL):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mr. ROBB, Mr. MOYNIHAN, Mrs. BOXER, Mr. DODD, and Mr. DASCHLE):

S. 2338. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 279. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Relations.

By Mr. WELLSTONE:

S. Res. 280. A resolution expressing the sense of the Senate with respect to United States relations with the Russian Federation in view of the situation in Chechnya; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY):

S. 2328. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

IDENTITY THEFT PREVENTION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise to send to the desk a bill cosponsored by Senator KYL of Arizona and Senator GRASSLEY of Iowa for reference to committee.

The bill is entitled the "Identity Theft Prevention Act of 2000."

The crime of identity theft has become one of the major law enforcement challenges of the new economy because vast quantities of sensitive personal information are now vulnerable to criminal interception and misuse.

What is identity theft? Identity theft occurs when one person uses another person's Social Security number, birth date, driver's license number, or other identifying information to obtain credit cards, car loans, phone plans, or other services in the potential victim's name. Of course, the victim does not know the theft has happened until he or she receives bills for items he or she didn't buy; plans for which he or she didn't contract, and so on.

Identity thieves get personal information in a myriad of ways. They steal wallets and purses containing identification cards. They use personal information found on the Internet. They steal mail, including preapproved credit offers and credit statements. They fraudulently obtain credit reports or they get someone else's personnel records at work.

All indications are that there is an alarming growth of this highly invasive crime. I believe the time has come to do something about it. A national credit bureau has reported that the total number of identity theft inquiries to its Theft Victim Assistance Department grew from 35,000 theft inquiries in 1992 to over one-half million in 1997. That is over a 1,400-percent increase. It is national. It touches every State and it impacts every area of our citizenry.

The United States Postal Inspection Service reports that 50,000 people a year have become victims of identity theft since it first began collecting information on identity theft in the mid-1990s. In total, the Treasury Department estimates that identity theft annually causes between $2 and $3 billion in losses from credit cards alone.

The legislation I introduce today, along with Senators KYL and GRASSLEY, tackles this issue. It makes it harder for criminals to access another person's private information, it gives consumers more tools to uncover fraudulent activity conducted in their name, and it expands the authority of the Social Security Administration to prosecute identity theft.

The Identity Theft Prevention Act makes it harder for criminals to steal personal information. First, it closes a loophole in the Fair Credit Reporting Act that permits personal identifying information such as Social Security numbers, one's mother's maiden name, and birth date to be distributed without restriction to marketers. This sensitive information would be treated under this bill like any other part of the credit report, with its disclosure restricted to businesses needing the data for extensions of credit, employment applications, insurance applications, or other permissible purposes.

This bill codifies, also, the practice of placing fraud alerts on a consumer's credit file and gives the Federal Trade Commission the authority to impose fines against credit issuers that ignore the alert. Too many credit issuers are presently ignoring fraud alerts to the detriment of identity theft victims.

Additionally, the bill requires credit bureaus to investigate discrepancies between their records and the address, birth date, and other personal information submitted as a part of an individual's application for credit, so that telltale signs of fraudulent applications such as incorrect addresses are immediately flagged.

The bill improves how credit card companies monitor requests for new credit cards or changes of address. For example, it requires that credit card holders always be notified at their original address when a duplicate card is sent to a new address.

This legislation also gives consumers more access to the personal information collected about them, which is a critical tool in combating identity theft. Currently, six States—Colorado, Georgia, Massachusetts, Maryland, Vermont, and New Jersey—have statutes that entitle consumers to one free personal credit report annually. This act makes this a national requirement. Every consumer across this Nation would have access to a free credit report. In addition, consumers could review the personal information collected about them by individual reference services for a reasonable fee. With greater access to their own personal information, consumers can proactively check their records for evidence of identity theft and uncover other errors.

We have worked with the staff of the Federal Trade Commission in preparing this legislation. I believe the staff of the FTC is supportive of this bill. This bill is also supported by the Consumer Federation of America.

We try to empower victims in this bill. This legislation calls for measures to help identity theft victims recover from the crime. In cases of identity theft, all too often victims get treated as if they were the criminals. Victims receive hostile notices from creditors who mistakenly believe they have not paid their bills. Victims' access to credit is jeopardized, and they can spend years trying to restore their good name.

This legislation calls upon the credit industry to assist victims in notifying credit issuers of fraudulent charges by developing a single model credit reporting form. However, should the credit industry fail to implement these measures, the Federal Trade Commission would then be authorized to take action.

Maureen Mitchell, an identity theft victim, recently described why this assistance is needed at a hearing before the Judiciary Committee Subcommittee on Terrorism, Technology, and Government Information, a subcommittee on which I am ranking member. She said:

> I have logged over 400 hours of time trying to clear my name and restore my good credit. Words are unable to adequately express the gamut of emotions that I feel as a victim.

Another victim wrote to me:

> I have spent an ungodly number of hours trying to correct the damage that has been done by the individual who stole my identity. Professionally, as a teacher and a tutor, my hours are worth $35. I have been robbed of $5,250 in time. I have been humiliated in my local stores because checks have been rejected at the checkout. I am emotionally drained. I am a victim and Congress needs to recognize me as such.

We try in this bill to do that.

This legislation targets the theft and misuse of another person's Social Security number, a major cause of identity theft. While the Social Security Administration has the ability to impose civil penalties for misusing a Social Security number to falsely obtain government benefits, it has no authority over other offenses involving the misuse of Social Security numbers. This bill gives them that authority. The Identity Theft Prevention Act authorizes the Social Security Administration to impose civil monetary penalties against any individual who:

(1) knowingly uses another's Social Security number on the basis of false information provided by them or another person;

(2) falsely represents a number to be a Social Security number when it is not;

That means, makes up a number, which people do.

(3) alters a Social Security card; or

(4) compels the disclosure of a Social Security card in violation of the law.

I think these provisions enable the Social Security Administration to throw its full weight into the investigation and civil prosecution of identity theft involving Social Security numbers.

In conclusion, I hope my colleagues find this bill worthy and pass it. This bill implements a number of practical, concrete measures to close down the flow of private information to individuals with criminal intent. In this new technology-driven economy, consumers don't need to be left vulnerable. They shouldn't be left without recourse to predators who are out to steal their good name.

I think we have a very practical solution. It is well thought out. It is well drafted. It has been worked out with the staff of the FTC. My hope is, when it goes to the Banking Committee, that committee would take a good look at it and pass it. This is an increasing problem. There is no reason to believe it will stop. Without Congress providing basic protections to individuals who are the victims, it will continue to grow.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 2329. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO IMPROVE THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Mrs. LINCOLN. Mr. President, the Wildlife Services Division of the United States Department of Agriculture needs assistance in expediting proper bird management activities. I am here today to introduce legislation that accomplishes this goal.

Proper migratory bird management is important to the state of Arkansas for a number of reasons. We are deemed "The Natural State" due to the numerous outdoor recreational opportunities that exist in the state. Fishing, hunting, and bird watching opportunities abound throughout Arkansas. Maintaining proper populations of wildlife, especially migratory birds, is essential for sustaining a balanced environment.

In Arkansas, aquaculture production has taken great strides in recent years. The catfish industry in the state has grown rapidly and Arkansas currently ranks second nationally in acreage and production of catfish. The baitfish industry is not far behind, selling more than 15 million pounds of fish annually, with a cash value in excess of $43 million. I have been a great supporter of this industry since my days in the House of Representatives and I am concerned about the impact the double breasted cormorant is having on this industry. In the words of one of my constituents, "The double-breasted cormorant has become a natural disaster!" I am pleased that the Fish and Wildlife Service has agreed to develop a national management plan for the double breasted cormorant. I am hopeful that an effective management program will be the result of these efforts.

One of my first priorities since coming to Congress in 1992 has been to work to make government more efficient and effective. To specifically address what I see as an inequity among government agencies regarding this issue, I am introducing a bill today that gives Wildlife Service employees as much authority to manage and take migratory birds as any U.S. Fish and Wildlife Service employee. After all, Wildlife Services biologists are professional wildlife managers providing the front line of defense against such problems. With this legislation I would like to recognize the excellent job that Wildlife Services has done and is doing for bird management.

Currently, USDA-Wildlife Services is required to apply for and receive a permit from the U.S. Fish and Wildlife Service before they can proceed with any bird collection or management activities. This process is redundant and unnecessary. Oftentimes, Wildlife Services finds that by the time a permit arrives, the birds for which the permit was applied for are already gone. I hope that this legislation will lead to a more streamlined effort for management purposes and I urge both agencies, USDA and the Fish and Wildlife Service, to work together to accomplish this goal.

I would like to thank my colleague from Arkansas, Senator TIM HUTCHINSON, for joining me in this effort and look forward to working with my colleagues to ensure that government is operating efficiently.

By Mr. ROTH (for himself, Mr. MURKOWSKI, Mr. ROBB, Mr. NICKLES, and Mr. MACK):

S. 2330. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication service; to the Committee on Finance.

LEGISLATION TO REPEAL THE TELEPHONE EXCISE TAX

• Mr. ROTH. Mr. President, I rise today—along with Senator BREAUX and others—to introduce a bill to repeal the telephone excise tax. It is a tax that is outdated, unfair, and complex for both consumers to understand and for the collectors to administer. It cannot be justified on any tax policy grounds.

The federal government has had the American consumer on "hold" for too long when it comes to this tax. The telephone excise tax has been around for over 102 years. In fact, it was first imposed in 1898—just 22 years after the telephone itself was invented. So quickly was it imposed that it almost seems that Uncle Sam was there to collect it before Alexander Graham Bell could put down the receiver from the first call. In fact, the tax is so old that Bell himself would have paid it!

This tax on talking—as it is known—currently stands at 3%. Today, about 94% of all American families have telephone service. That means that virtually every family in the United States must tack an additional 3% on to their monthly phone bill. The federal tax applies to local phone service; it applies to long distance service; and it even applies in some cases to the extra amounts paid for state and local taxes. It is estimated that this tax costs the American public more than $5 billion per year.

The telephone excise tax is a classic story of a tax that has been severed from its original justifications, but lives on solely to collect money.

In truth, the federal phone tax has had more legislative lives than a cat. When the tax was originally imposed, Teddy Roosevelt was leading the Rough Riders up San Juan Hill. At that time, it was billed as a luxury tax, as only a small portion of the American public even had telephones. The tax was repealed in the early 20th century but then was reinstated at the beginning of World War I. It was repealed and reinstated a few more times until 1941, when it was made permanent to raise money for World War II. In the mid-60s, Congress scheduled the elimination of the phone tax, which had reached levels of 10 and 25 percent. But once again, the demands of war intervened, as the elimination of the tax was delayed to help pay for Vietnam. In 1973, the phone tax began to phase-out, but one year before it was about to be eliminated, it rose up yet again—this time justified by the rationale of deficit reduction—and has remained with us ever since.

This tax is a pure money grab by the federal government—it does not pass any of the traditional criteria used for evaluating tax policy. First, this phone tax is outmoded. Once upon a time, it could have been argued that telephone service was a luxury item and that only the rich would be affected. As we all know, there is nothing further from the truth today.

Second, the federal phone tax is unfair. Because this tax is a flat 3%, it applies disproportionately to low and middle income people. For example, studies show that an American family making less than $50,000 per year spends at least 2% of its income on telephone service. A family earning less than $10,000 per year spends over 9% of its income on telephone service. Imposing a tax on those families for a service that is a necessity in a modern society is simply not fair.

Third, the federal phone tax is complex. Once upon a time, phone service was simple—there was one company who provided it. It was an easy tax to administer. Now, however, phone service is intertwined with data services and Internet access, and it brings about a whole new set of complexities. For instance, a common way to provide high speed Internet access is through a digital subscriber line. This DSL line allows a user to have simultaneous access to the Internet and to telephone communications. How should it be taxed? Should the tax be apportioned? Should the whole line be tax free? And what will we do when cable, wireless, and satellite companies provide voice and data communications over the same system? The burdensome complexity of today will only become more difficult tomorrow.

As these questions are answered, we run the risk of distorting the market by favoring certain technologies. There are already numerous exceptions and carve-outs to the phone tax. For instance, private communications services are exempt from the tax. That allows large, sophisticated companies to establish communications networks and avoid paying any federal phone tax. It goes without saying that American families do not have that same option.

With new technology, we also may exacerbate the inequities of the tax and contribute to the digital divide. For example, consider two families that decide it's time to connect their homes to the Internet. The first family installs another phone line for regular Internet access. The second family decides to buy a more expensive, dedicated high speed line for Internet access. The first family definitely gets hit with the phone tax, while the second family may end up paying no tax at all on their connection. I can't see any policy rationale for that result.

Speaking of complexity, let me ask if anyone has taken a look at their most recent phone bill. It is a labyrinth of taxes and fees piled one on top of another. We may not be able to figure out what all the fees are for; but we do know that they add a big chunk to our phone bill. According to a recent study, the mean tax rate across the country on telecommunications is slightly over 18%. That is about a 6% rise in the last 10 years. In my little state of Delaware, the average tax rate on telecommunications now stands at 12%. I can't control the state and local taxes that have been imposed, but I can do my part with respect to the federal taxes. I seek to remove this burden from the citizens of my state—and all Americans across the country.

The technological changes in America have increased productivity and revolutionized our economy. As members of Congress, we need to make sure that our tax policies do not stifle that economic expansion. We should not adhere to policies that are a relic from a different time. In 1987, even before the deregulation of the telecommunications market, the Treasury Department concluded that there were "no strong arguments in favor of the communications excise tax."

In today's economy, the arguments for repeal are even stronger. Earlier this year, the National Governors Association issued a report concluding that "policymakers need to create a telecommunications tax structure that more accurately reflects the new economic realities of the market and to ensure that current state tax policy does not inhibit growth in the telecommunications industry." Moreover, the Advisory Commission on Electronic Commerce, which Congress established to study the issue of Internet taxation, appears to have reached near unanimous agreement that the phone excise tax should be repealed.

Mr. President, it is time to end the federal phone tax. For too long while America has been listening to a dial tone, Washington has been hearing a dollar tone. This tax is outmoded. It has been here since Alexander Graham Bell himself was alive. It is unfair. We are today taxing a poor family with a tax that was originally meant for luxury items. And it is complex. Only a communications engineer can today understand the myriad of taxes levied on a common phone bill and only the federal government has the wherewithal to keep track of who and what will be taxed. Mr. President, it is time we hung up the phone tax once and for all. I urge my colleagues to join me in supporting its repeal.•

• Mr. ROBB. Mr. President, I rise today to introduce legislation with several of my colleagues on the Finance Committee to repeal the telephone excise tax that originated during the Spanish American War. Fiscal discipline in the past seven years has put us in a position that we could not have imagined even a few short years ago. We now have opportunities to strengthen Social Security and Medicare, pay down our burgeoning national debt and make investments that keep our economy rolling. Along the way, we will have opportunities to correct inequities in the Tax Code. Currently, all users of telephone services pay a 3% excise tax on their use. Repealing this tax will make phone service and internet access more affordable for hard-working families. In order to decrease the expanding digital divide, we must eliminate policies that discourage families from connecting to the internet. While I continue to believe that the best use of our growing surplus is to pay down the debt and strengthen Social Security and Medicare, I am pleased that we are entering a period where we can consider legislation that will sustain our high technology growth at the same time that we are shrinking the digital divide.•

• Mr. BREAUX. Mr. President, I am pleased to cosponsor with my distinguished colleague, Senator ROTH, a bill that will repeal the federal excise on telephone service. This tax is outdated, highly regressive and has lasted entirely too long.

The "tax on talking" was originally levied as a luxury tax to fund the Spanish-American War. At the time, only a small number of wealthy individuals had access to telephone service. Telephones are no longer luxuries that only the very wealthy can afford. They are basic fixtures in every American household. And with the creation of the Internet, telephone service has become the lifeline of the new economy. This expansion of telephone service and its many uses has revealed the regressive nature of the "tax on talking." Today, it is low-income families who are hit the hardest by this excise tax, since they pay a higher percentage of their income on telephone service than higher income families.

Mr. President, with the almost universal subscription to telephone service, the repeal of this telephone tax would provide tax relief to virtually every family in the United States. I urge my colleagues to cosponsor this important piece of legislation. It is time we ended over 100 years of Americans paying this regressive and unnecessary tax on telephone service.●

By Mr. HOLLINGS:

S. 2331. A bill to direct the Secretary of the Interior to recalculate the franchise fee owned by Fort Sumter Tours, Inc., a concessioner providing services to Fort Sumter National Monument, South Carolina; to the Committee on Energy and Natural Resources.

FORT SUMTER NATIONAL MONUMENT CONCESSIONS

● Mr. HOLLINGS. Mr. President, I rise today to introduce legislation in an attempt to settle a long-standing dispute between the National Park Service (NPS) and Fort Sumter Tours, Inc. (FST) regarding the calculation of FST's Concessioner Franchise Fees.

Fort Sumter National Monument was established by Congress in 1948 and is located in the harbor of Charleston, South Carolina. Congress directed that the National Park Service (NPS) "Shall maintain and preserve it [the fort] for the benefit and enjoyment of the people of the United States." (16 USC 450ee et. seq.)

Since 1962, the private concessioner, Fort Sumter Tours, Inc. (FST), has provided visitors with service to this national monument. In 1985, FST was asked by NPS to acquire a new landside docking facility and invest in a new boat that would cost FST over $1 million. In exchange for these investments, an agreement was reached between FST and the NPS to provide a fifteen-year contract, with a franchise fee set by the NPS at 4.25 percent of gross receipts.

By statutory law all park concessionaires are required to pay a franchise fee based upon a percentage of their gross receipts. In 1992 the NPS unilaterally attempted to increase FST's franchise fee from 4.25 percent to 12 percent and a dispute has existed ever since. This increase was based upon a Franchise Fee Analysis (FFA) prepared by the NPS, which FST claims to be inconsistent with Park Service guidelines existing at that time. I believe if errors have been made they need to be corrected.

While the Courts have ruled that the NPS has the authority to raise the franchise fee, that is not the actual dispute. The actual dispute is whether the NPS calculated the increase in these fees appropriately. This legislation provides for arbitration between FST and the NPS to settle a dispute that has lasted for almost eight years. By the NPS's own account, FST has been a valuable service benefiting thousands and thousands of visitors to Fort Sumter National Monument. It is time for the NPS and FST to settle their differences and move forward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECALCULATION OF FRANCHISE FEE.

(a) DEFINITIONS.—In this section:

(1) FRANCHISEE.—The term "franchisee" means Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) RECALCULATION OF FRANCHISE FEE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) recalculate the amount (if any) of the franchise fee owed by the franchisee; and

(2) notify the franchisee of the recalculated amount.

(c) ARBITRATION.—

(1) IN GENERAL.—If the amount of the franchise fee as recalculated under subsection (a) is not acceptable to the franchisee—

(A) the franchisee, not later than 5 days after receipt of notification under subsection (b)(2), shall so notify the Secretary; and

(B) the amount of the franchise fee owed shall be determined through binding arbitration that provides for a trial-type hearing that—

(i) includes the opportunity to call and cross-examine witnesses; and

(ii) is subject to supervision by the United States District Court for the District of Columbia in accordance with the title 9, United States Code.

(2) SELECTION OF ARBITRATOR OR ARBITRATION PANEL.—

(A) AGREEMENT ON ARBITRATOR.—For a period of not more than 30 days after the franchisee gives notification under paragraph (1)(A), the Secretary and the franchisee shall attempt to agree on the selection of an arbitrator to conduct the arbitration.

(B) PANEL.—If at any time the Secretary or the franchisee declares that the parties are unable to agree on an arbitrator—

(i) the Secretary and the franchisee shall each select an arbitrator;

(ii) not later than 10 days after 2 arbitrators are selected under clause (i), the 2 arbitrators shall select a third arbitrator; and

(iii) the 3 arbitrators shall conduct the arbitration.

(3) COMMENCEMENT AND COMPLETION.—An arbitration proceeding under paragraph (1)—

(A) shall commence not later than 30 days after the date on which an arbitrator or arbitration panel is selected under paragraph (2); and

(B) shall be completed with a decision rendered not later than 240 days after that date.

(4) APPLICABLE LAW.—

(A) RELEVANT TIME PERIOD.—The law applicable to the recalculation of the franchise fee under this subsection shall be the law applicable to franchise fee determinations in effect at the beginning of the period for which the franchise fee is payable.

(B) PREVIOUS DECISIONS.—No previous judicial decision regarding the franchise fee dispute that is the subject of arbitration under this subsection may be introduced in evidence or considered by the arbitrator or arbitration panel for any purpose.

(5) FEES AND COSTS.—If the franchisee is the prevailing party in binding arbitration, the arbitrator or arbitration panel shall award the franchisee reasonable attorney's fees and costs for all proceedings involving the disputed franchise fee consistent with—

(A) section 504 of title 5, United States Code; and

(B) section 2412 of title 28, United States Code.

(d) BIDS AND PROPOSALS.—Until such date as any arbitration under this Act is completed and is no longer subject to appeal, the Secretary—

(1) shall not solicit or accept a bid or proposal for any contract for passenger service to Fort Sumter National Monument; and

(2) shall offer to the franchisee annual extensions of the concessions contract in effect on the date of enactment of this Act.●

By Mr. GRAMS:

S. 2332. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture, Nutrition, and Forestry.

THE LOAN DEFICIENCY PAYMENT FLEXIBILITY ACT

● Mr. GRAMS. Mr. President, I rise today to introduce the Loan Deficiency Payment Flexibility Act. The idea for this legislation came from Peter Kalenberg, a producer from Stewart, MN, and is an example of how a good idea can be transformed into sound public policy. It is supported by such organizations as the Minnesota Corn Growers, the Minnesota Farm Bureau Federation, and the Minnesota Wheat Growers Association. These and many other groups have recognized the need for this legislation.

As you know, Loan Deficiency Payments, otherwise known as LDPs, were a key component of the 1996 Farm bill and have helped cushion the blow of low commodity prices and restricted demand. However, producers in Minnesota and other northern states have questioned the fairness of how the LDP is administered. States farther south are able to begin harvest before farmers in states such as Minnesota and are therefore able to "lock in" a more favorable LDP. This has the potential of impacting market signals and driving down the futures price before harvest has begun in northern states.

Mr. President, by taking the approach I am about to outline. I have ensured that regions of the country that are currently able to utilize an earlier LDP are not placed at a disadvantage. The components of this legislation are simple, yet provide a common-sense approach to a problem faced by producers in states such as Minnesota.

My "Loan Deficiency Payment Flexibility Act" would correct this inequity by directing the Secretary of Agriculture to announce that harvest has begun on a particular commodity (i.e. corn or soybeans) and that producers throughout the United States may now utilize the Loan Deficiency Payment. Essentially my bill does two things:

It establishes an earlier, more flexible starting date when all producers would have the option of "locking in" that day's LDP. They would be able to do so once throughout the duration of the harvest season.

Allows a producer to lock-in an LDP for up to 85% of his or her actual yield. Because the LDP is "locked in" on paper, no payments are actually made until the crop is harvested and we avoid the problems posed by the old deficiency payment system due to unanticipated high or low yields.

Although there is no guarantee that the LDP will be better in the early summer versus the fall, my legislation will afford farmers the opportunity to evaluate the markets and base their decision on what best fits their management plan.

I urge my colleagues to cosponsor and support this legislation.•

By Mr. REED (for himself and Mr. BINGAMAN):

S. 2333. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TOBACCO REGULATORY FAIRNESS ACT OF 2000

• Mr. REED. Mr. President, I rise today to introduce legislation with my distinguished colleague, Senator BINGAMAN, that we hope will mark the beginning of a dialogue on an issue that has tremendous implications for our nation's public health, and more specifically, the health and well-being of our children. Today, we are introducing the "Tobacco Regulatory Fairness Act of 2000".

The goal of this legislation is quite simple—to grant the Food and Drug Administration (FDA) the authority it needs to regulate the manufacture, labeling, advertising, distribution and sale of tobacco products.

A week ago, the Supreme Court ruled 5 to 4 that the FDA does not have the authority to regulate tobacco products, thus nullifying regulations promulgated by the agency in August 1996. While a slim majority of the court found that the agency lacked the jurisdiction necessary to act on this class of products, the Justices in the majority and minority both opinions acknowledged the clear threat unregulated tobacco products poses to public health. In the majority opinion, Justice Sandra Day O'Connor stated that tobacco was "perhaps the single most significant threat to public health in the United States." Similarly, Justice Stephen G. Breyer, a former professor of mine at Harvard University School of Law, pointed out in the dissenting opinion that FDA's ability to regulate tobacco products clearly fit into its basic authority, "the overall protection of the public health."

Although the court upheld the 1998 ruling by the United States Court of Appeals for the Fourth Circuit, the decision does not dispute, and, in fact, it reaffirms that the FDA is the most appropriate agency to regulate tobacco products, given the general scope of its authority and its emphasis on protecting the public health. Now, it is a matter of Congress taking action to clearly give the FDA the long overdue authority it requires.

So today, I introduce this legislation as a challenge to my colleagues to do what is right—to debate and pass legislation that will once and for all give FDA the tools it needs to enact regulations that will help to protect children and others from the dangers of tobacco.

After the long and protracted debate in the Senate two years ago on the McCain tobacco bill, I am sure that most of my colleagues are familiar with the numerous statistics that are often cited in relation to the dangers of smoking and its devastating impact on society in terms of health care costs, lost productivity, disability, and loss of life. However, I believe these figures bear repeating. It is estimated that today, some 50 million Americans are addicted to tobacco, and one out of every three long-term users will die from a disease related to their tobacco use.

The cost of tobacco use not only results in lives lost, but also has a considerable toll on health care expenses. It is estimated that the health care costs associated with treating tobacco-related disease totals over $80 billion a year—with almost half being paid for by taxpayer financed health care programs.

We also know that tobacco addiction is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18. Each year, one million children become regular smokers—and one-third of them will die prematurely of lung cancer, emphysema, and similar tobacco caused diseases. Unless current trends are reversed, five million kids under 18 alive today will die from tobacco related diseases.

In Rhode Island, while overall cigarette use is declining slightly, it has increased by more than 25 percent among high-schoolers. Currently, over one-third of New England high school students under age 18 use tobacco products. In Rhode Island, over one third of high school students smoke.

Indeed, tobacco use continues to permeate the ranks of the young. For decades, the tobacco industry has ingeniously promoted its products. It has done so with total disregard for the health of its customers. It has relied upon cool, youthful images to sell its products. The tobacco industry has taken an addiction that prematurely kills and dressed it up as a glamorous symbol of success and sex appeal.

By providing the FDA with the appropriate and unambiguous authority, we can be assured that these products comply with minimum health and safety standards. Tobacco should be regulated in the same way every other product we consume is regulated.

I will concede that there are some formidable challenges ahead—but these challenges are not insurmountable. During the 1998 debate on the McCain tobacco bill, a majority of my colleagues on both sides of the aisle agreed our country needed a national tobacco control policy. While we may not have succeeded then, we cannot and must not allow the progress the FDA has made in limiting minors' access to tobacco be lost.

We all know that tobacco is a substance that not only reduces the quality of one's life in the short term, but with lifelong use results in untimely death. We have an opportunity this year to make a real difference. Through the legislation I am introducing today, I call my colleagues to action in the ongoing fight to protect the long term health of the children of this country.

I urge my colleagues to join me in this commitment to enacting legislation granting FDA the authority to regulate tobacco products.

Mr. President, I ask unanimous consent to have the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Regulatory Fairness Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cigarette smoking and tobacco use cause approximately 450,000 deaths each year in the United States.

(2) Cigarette smoking accounts for approximately $65,000,000,000 in lost productivity and health care costs.

(3) In spite of the well-established dangers of cigarette smoking and tobacco use, there is no Federal agency that has any authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(4) The tobacco industry spends approximately $4,000,000,000 each year to promote tobacco products.

(5) Each day 3,000 children try cigarettes for the first time, many of whom become lifelong addicted smokers.

(6) There is no minimum age requirement in Federal law that an individual must reach to legally buy cigarettes and other tobacco products.

(7) The Food and Drug Administration is the most qualified Federal agency to regulate tobacco products.

(8) It is inconsistent for the Food and Drug Administration to regulate the manufacture, sale, and distribution of other nicotine-containing products used as substitutes for cigarette smoking and tobacco use and not be able to regulate tobacco products in a comparable manner.

SEC. 3. DEFINITIONS.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) The term 'tobacco product' means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

"(ll) The term 'tobacco additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any tobacco product.

"(mm) The term 'constituent' means any element of cigarette mainstream or sidestream smoke which is present in quantities which represent a potential health hazard or where the health effect is unknown.

"(nn) The term 'tar' means mainstream total articulate matter minus nicotine and water.".

SEC. 4. ENFORCEMENT.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

(1) in subsections (a), (b), (c), (g), and (k), by striking "or cosmetic" and inserting "cosmetic, or tobacco product"; and

(2) by adding at the end the following:

"(u) The manufacture, sale, distribution, and advertising of tobacco products in violation of regulations promulgated by the Secretary pursuant to chapter X.".

SEC. 5. REGULATION OF TOBACCO PRODUCTS.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

"CHAPTER X—TOBACCO PRODUCTS

"SEC. 1000. REGULATION OF TOBACCO PRODUCTS.

"(a) REGULATIONS.—Not later than 1 year after the date on which the Secretary receives the recommendations described in section 1003(f), the Secretary shall promulgate regulations governing the manufacture, sale, and distribution of tobacco products in accordance with the provisions of the chapter.

"(b) FOOD AND DRUG ADMINISTRATION.—Regulations promulgated under subsection (a) shall designate the Food and Drug Administration as the Federal agency that regulates the manufacture, distribution, and sale of tobacco products.

"(c) LIMITATION.—Regulations promulgated under subsection (a) may not prohibit the manufacture, distribution, or sale of a tobacco product solely on the basis that such product causes a disease.

"(d) SALE OR DISTRIBUTION.—Under regulations promulgated under subsection (a) it shall be unlawful to—

"(1) sell a tobacco product to an individual under the age of 18 years;

"(2) sell a tobacco product to an individual if such tobacco product is intended for use by an individual under the age of 18 years; and

"(3) sell or distribute a tobacco product if the label of such product does not display the following statement: 'Federal Law Prohibits Sale To Minors'.

"(e) MANUFACTURING.—Regulations promulgated under subsection (a) governing the manufacture of tobacco products shall—

"(1) require that all additives used in the manufacture of tobacco products are safe; and

"(2) classify as a drug any nicotine-containing product that does not meet the definition of a tobacco product.

"SEC. 1001. ADULTERATED TOBACCO PRODUCTS.

"(a) IN GENERAL.—A tobacco product shall be deemed to be adulterated—

"(1) if such product consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any poisonous or deleterious substance that may render such product injurious to health;

"(2) if such product has been prepared, packed, or held under insanitary conditions in which such product may have been contaminated with filth, or in which such product may have been rendered injurious to health; and

"(3) if the container for such product is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents of such product injurious to health.

"(b) REGULATIONS.—The Secretary may by regulation prescribe good manufacturing practices for tobacco products. Such regulations may be modeled after current good manufacturing practice regulations for other products regulated under this Act.

"SEC. 1002. MISBRANDED TOBACCO PRODUCTS.

"A tobacco product shall be deemed to be misbranded—

"(1) if the labeling of such product is false or misleading in any particular;

"(2) if in package form unless such product bears a label containing—

"(A) the name and place of business of the tobacco product manufacturer, packer, or distributor; and

"(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count,

except that under subparagraph (B) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations promulgated by the Secretary;

"(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(4) if such product has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name is prominently printed in type as required by the Secretary by regulation;

"(5) if the Secretary has issued regulations requiring that the labeling of such product bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless the labeling of such product conforms in all respects to such regulations; and

"(6) if such product was manufactured, prepared, propagated, or processed in an establishment not duly registered as required under section 1004.

"SEC. 1003. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—There is established in the Food and Drug Administration a Tobacco and Nicotine Products Advisory Committee (hereafter referred to as the 'advisory committee').

"(b) PURPOSE.—The advisory committee shall assist the Secretary in developing the regulations described in section 1000.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary shall appoint to the advisory committee 10 individuals who are qualified by training and experience to evaluate and make recommendations regarding regulations governing the manufacture, distribution, sale, labeling and advertising of tobacco products.

"(2) EXPERTS.—The members described under paragraph (1), not including the chairperson of such advisory committee, shall consist of—

"(A) one expert in the field of nicotine addiction;

"(B) one expert in the field of pharmacology;

"(C) one expert in the field of food and drug law;

"(D) one expert in the field of public education;

"(E) one expert in the field of toxicology;

"(F) two experts representing the interests of family medicine, internal medicine, or pediatrics; and

"(G) two consumer representatives from the public health community.

"(3) EX OFFICIO.—The advisory committee shall have the following as ex officio members:

"(A) The Director of the National Cancer Institute.

"(B) The Director of the National Heart, Lung, and Blood Institute.

"(C) The Director of National Institute on Drug Abuse.

"(D) The Director of the Centers for Disease Control and Prevention.

"(E) The Surgeon General of the Public Health Service.

"(4) CHAIRPERSON.—The chairperson of the advisory committee shall be appointed by the Secretary with the advice and consent of the Commissioner of Food and Drugs.

"(d) FUNCTION.—The advisory committee shall—

"(1) review the available scientific evidence on the effects of tobacco products on human health;

"(2) review the manufacturing process of tobacco products, including the use of additives, sprayed on chemicals, product development, and product manipulation;

"(3) review the role of nicotine as part of the smoking habit, including its addictive properties and health effects; and

"(4) review current Federal, State, and local laws governing the manufacture, distribution, sale, labeling and advertising of tobacco products.

"(e) AUTHORITY.—The advisory committee may hold hearings and receive testimony and evidence as the committee determines to be appropriate.

"(f) RECOMMENDATIONS.—Not later than 1 year after the Secretary has appointed all members to the advisory committee, such committee shall prepare and submit recommendations regarding regulations to be promulgated under section 1000 to the Secretary.

"SEC. 1004. REGISTRATION.

"Not later than 120 days after the date of enactment of this chapter, any manufacturer directly or indirectly engaged in the manufacture, distribution, or sale of tobacco products shall register with the Secretary the name and place of business of such manufacturer.

"SEC. 1005. ADVERTISING.

"(a) REGULATIONS.—The Federal Trade Commission, after consultation with the Secretary and upon receipt of approval by the Secretary, shall promulgate regulations governing the advertising of all tobacco products.

"(b) LABELS.—The Federal Trade Commission, after consultation with the Secretary and upon receipt of approval by the Secretary, may promulgate regulations that—

"(1) modify the warning labels required by the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) if the modification in the content of the label does not weaken the health message contained in the label and is in the best interests of the public health as determined by the Secretary; and

"(2) increase the size and placement of such required labels.".

SEC. 6. CONFORMING AMENDMENTS.

(a) RECORDS.—Section 703 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 373) is amended—

(1) by striking "or cosmetics" each place it appears and inserting "cosmetics, or tobacco products"; and

(2) by striking "or cosmetic" each place it appears and inserting "cosmetic, or tobacco product".

(b) FACTORY INSPECTIONS.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking "or cosmetics" each place it appears and inserting "cosmetics, or tobacco products"; and

(B) by striking "or restricted devices" each place it appears and inserting "restricted devices, or tobacco products"; and

(2) in subsection (b), by striking "or cosmetic" and inserting "cosmetic, or tobacco product".●

● Mr. BINGAMAN. Mr. President, today I am very proud to be here with my friend and colleague, Senator JACK REED, to introduce the Tobacco Regulation Fairness Act of 2000.

I urge all of my colleagues in the Senate to join this effort, for it is time for Congress to take action. We must ensure that the Food and Drug Administration can regulate the manufacture, labeling, advertising, distribution and sale of tobacco products.

While many are disappointed with last week's Supreme Court ruling on FDA regulation of tobacco products, the ruling reflects reality. Congress has not acted to give FDA the authority it needs to regulate tobacco products. The Supreme Court's decision underscores this fact and heightens the need for Congress to pass meaningful and comprehensive legislation to ensure FDA authority over tobacco products.

This legislation is the key to preventing tobacco use by teenagers and adolescents and to preventing the sales of tobacco products to children. If we can prevent kids from smoking, we can head off a tremendous amount of human disease and suffering, medical costs, and loss of life. While even tobacco companies, say that they are against kids smoking, we must look at the facts. According to the American Cancer Society, in the course of this Congress, almost 600,000 children will try tobacco products for the first time. Of those, nearly 200,000 will become addicted to nicotine. Additionally, over more than 90,000 people will die from tobacco related cancers.

In 1997, a study by the Center for Disease Control showed that children and adolescents were able to buy tobacco products 67 percent of the times they tried. The CDC found that most young smokers were able to buy their own cigarettes and were seldom asked for identification. While strides have been made in the past 2 years, it is imperative that change continue. The bottom line is that the Supreme Court made its decision and Congress must act so that we can continue to make inroads into youth smoking prevention.

Mr. President, this legislation designates the Food and Drug Administration as the Federal agency that regulates the manufacture, distribution and sale of tobacco products. This Act will serve to provide the Secretary of Health and Human Services with the authority to promulgate regulations governing the manufacture, sale and distribution of tobacco products. Additionally, the legislation also establishes a federal minimum age of sale of tobacco products of 18 and require the label to state "Federal Law Prohibits Sale to Minors."

Mr. President, in 1989 and again in 1992, I introduced a bill to require the Food and Drug Administration to regulate the manufacture and sale of tobacco products. "The Tobacco Health and Safety Act of 1992" had a companion bill with Representative Michael Synar in the House. These bills were very similar legislative attempts to regulate tobacco by bringing it under the jurisdiction of the Federal Food and Drug Administration.

I believed then and I believe now that the FDA is the appropriate regulatory entity to address this vital issue. To do anything else is unacceptable. It is time to give the FDA the full authority to regulate the manufacture, sale, labeling, advertising, and promotion of tobacco products.

The bill we introduce today is a fair and equitable approach to the issue. It represents a strong commitment to health promotion and disease prevention. I urge my colleagues to support this bill and work with us to act upon this as a public health issue before we adjourn this year.●

By Mr. L. CHAFEE (for himself and Mr. JEFFORDS):

S. 2334. A bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

LEGISLATION TO EXTEND EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

By Mr. L. CHAFEE:

S. 2335. A bill to authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes; to the Committee on Environment and Public Works.

STATE AND LOCAL BROWNFIELDS REVITALIZATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, today I am introducing a pair of bills to enhance the pace and effectiveness of brownfields redevelopment throughout the country. The first bill, entitled the "State and Local Brownfields Revitalization Act of 2000", will authorize the U.S. Army Corps of Engineers to remediate and restore brownfield sites owned by state and local governments. The second bill, S. 2334, which I introduce with Senator JEFFORDS, will expand coverage of the federal brownfields tax incentive and extend it for an additional six years. I also am adding my name as a co-sponsor to the "Small Business Brownfields Redevelopment Act of 1999", S. 1408, authored by Senator JEFFORDS. Along with these initiatives, I am announcing my intention to develop broader legislation to remove barriers to the redevelopment and restoration of brownfields.

Brownfields are abandoned, idled, or under-used commercial or industrial properties at which development or expansion is hindered by the presence, or potential presence of hazardous substantives. Countless numbers of brownfield sites blight our communities, pose health and environmental hazards, erode our cities' tax base, and contribute to urban sprawl. In fact, in 210 cities surveyed by the U.S. Conference of Mayors, an estimated 21,000 brownfields sites covering more than 81,000 acres were identified. But, we stand to reap enormous economic, environmental, and social benefits with the successful redevelopment of brownfield sites. The redevelopment of brownfields capitalizes on existing infrastructure, creates a robust tax base for local governments, attracts new businesses and jobs, mitigates urban sprawl, and reduces the environmental and health risks to communities.

Yet, many of these contaminated sites sit abandoned because of the presence of hazardous substances. Developers that would otherwise restore these properties choose not to for fear of becoming tangled in liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly referred to as Superfund. I believe it is critical that Congress take action to ensure that the federal government provides funding and incentives to recycle our nation's contaminated land, remove barriers to development, and ally perceived fears associated with Superfund liability. The bills I am introducing today are a step toward resolving those concerns.

Let me take a moment to take a moment to explain each one.

The first bill I am introducing today is the "State and Local Brownfields Revitalization Act of 2000." This legislation would authorize the U.S. Army Corps of Engineers to establish and implement a program to assist state, regional, and local governments in the remediation and restoration of brownfields sites tied to the quality, conservation, and sustainable use of the nation's waterways and watershed ecosystems.

Additionally, this bill would provide authority to the Corps to conduct site characterization and planning, site design and construction, environmental restoration, and preparation for site development on brownfields sites owned by state, regional, or local governments. When selecting these projects, the Corps must consider whether the project would improve public health and safety, encourage sustainable economic and environmental redevelopment in areas serviced by existing infrasture, and help cure or expand parks, greenways, or other recreational property.

Activities by the Corps would be contingent upon a 35 percent match in cash or in-kind contribution by the state, regional, or local government. The bill limits the Corps to spending $3,250,000 on an individual site. However, the Secretary of the Army could increase the cap to $5,000,000 if he determines that the size of the site or the level of contamination warrants additional funds. To carry out the provisions of this Act, the bill authorizes annual appropriations of $100 million for fiscal years 2001 through 2005.

I believe this bill would make a significant, positive contribution to the revitalization of our communities. Recently, I toured two sites along the banks of the Woonasquatucket River in Providence. At the turn of the century these sites housed a woollen mill and a lace and braid factory. They have been abandoned, but debris and contamination soils remain. They also threaten the river and the children that inevitably explore these abandoned properties. City officials and local residents have a wonderful vision for the cleanup of these sites that would create a bike path and a park along the Woonasquatucket River. This effort is integral to the success of the Woonasquatucket River Greenway Project, a public-private initiative to increase recreational and green space in low-income neighborhoods, thereby promoting economic reinvestment in the area.

Despite selection of this project as a federal Brownfields Showcase Community and contributions totaling over $1 million by the City and State, the community is unable to complete remediation activities. And, because the area is intended for use as a local park and will not generate an income stream, the community cannot utilize a loan. In the meantime, the area remains an eyesore. This bill would revitalize the neighborhoods surrounding the Woonasquatucket River, as well as many other projects around the country.

The Army Corps of Engineers is not new to brownfields redevelopment. The Corps currently conducts pre-remedial activities at brownfields sites for EPA on a fee-for-service basis. However, current law precludes it from carrying out the necessary cleanup activities. In addition, the Corps is limited to conducting activities for which EPA will provide reimbursement. I believe that EPA's brownfields budget is inadequate to complete the task at hand. My bill will address these deficiencies and spur revitalization at many sites.

The second bill (S. 2334), which I am introducing with Senator JEFFORDS addresses two key deficiencies in current law. It would expand the definition of a targeted area to include any brownfield site located within a metropolitan statistical area making the current tax incentives more useful; and extending it for an additional six years.

Under current law, parties that remediate brownfields sites in targeted areas are eligible to expense, or deduct, the costs of environmental restoration in the year the costs are incurred. A targeted area is any population census tract with a poverty rate of more than 20 percent, any empowerment zone or enterprise community, or any site deemed to an EPA pilot project before February 1, 1997. This tax incentive is scheduled to expire at the end of 2001.

The vast underutilization of the existing tax incentive highlights the need for a re-examination of the goals we are pursuing. As chairman of the Environment and Public Works Subcommittee on Superfund, Waste Control, and Risk Assessment, I have heard complaints that parties eager to utilize the existing federal tax incentive have not done so for one of two reasons. The first reason is the limitation on the areas covered by the incentive. Unless the project constitutes an early EPA pilot project or lies within an impoverished community, the tax incentive does not apply. In addition, the tax incentive expires frequently, which creates uncertainty.

Let me provide an example. Let us assume that a party is willing to purchase contaminated land and clean it up in order to redevelop the property. However, a party may be unable to make the acquisition and complete the remediation within one calendar year. Uncertain as to whether the tax incentive will be reinstated in the next year may discourage the party from taking on the risk. To address this issue, the bill extends the tax incentive until the end of calendar year 2007. I believe that this will provide certainty to those who see the wisdom in redeveloping these untapped properties of value.

In addition, I am pleased to add my name as co-sponsor to the Small Business Brownfield Redevelopment Act of 1999 (S. 1408) offered by Senators JEFFORDS, MOYNIHAN, SCHUMER, LAUTENBERG, LIEBERMAN, and LEAHY. This bill is an important component of my vision for brownfields redevelopment throughout the nation. S. 1408 provides $50 million to the Small Business Administration to finance projects that assist qualified small businesses, or prospective small business owners, in carrying out site assessment and cleanup activities at brownfields sites. I believe that this bill will assist small businesses in Rhode Island and the country cleanup brownfield sites.

In conclusion, I would like to emphasize that brownfields are a critical national issue, because abandoned or underused properties dot every community, large and small. The bills I have introduced and co-sponsored today are critical components of the bigger picture, but we can do more. To complement these initiatives, I am announcing today that I intend to work on legislation to provide funding through the U.S. Environmental Protection Agency for assessment and cleanup of brownfields, and clarify liability to encourage the transfer of property. I would also like to provide assurances that while we work to facilitate state cleanup programs, EPA will take action at a brownfields site when necessary to protect human health and the environment.

As I have studied CERCLA and Rhode Island's Superfund sites, I have heard from many people of all political stripes that brownfields legislation can be achieved on a bipartisan basis. They have urged us to address the issues as soon as possible. I have visited brownfields sites in Rhode Island and have seen the potential that exists to revitalize our communities if we can provide sufficient funding, clarify liability issues; and remove other barriers to redevelopment. I am hopeful that if we work in a bipartisan manner, we will be successful in passing brownfields legislation that the President can sign this year.●

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 2336. A bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes; to the Committee on Energy and Natural Resources.

NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT OF ENERGY MISSIONS ACT

● Mr. BINGAMAN. Mr. President, today I am pleased to introduce the "Networking and Information Technology Research and Development for Department of Energy Missions Act," which is cosponsored by Senators CRAIG, SCHUMER, and MURRAY.

This bipartisan bill is in recognition of the critical contributions and future potential of computing programs within the Department of Energy's Office of Science. These programs have played a key role in the development of high performance computing, networking, and information technology. Some of their notable accomplishments have included: the establishment of the first national supercomputer center, the development of mathematical algorithm libraries for high performance computing, the development of a critical interface and other software packages to support high speed parallel interconnection of supercomputers, and the development of a fundamental component of how information is routed on the internet. Recent recognition of the scientists supported by this program have included: the 1998 Fernbach award; the 1998 Gordon Bell prize; awards for the best overall paper as well and the best of show award at the Supercomputing 1998 conference; the best paper and a number of special awards at the Supercomputing 1999 conference, the Maxwell prize in applied mathematics, and the 2000 Norbert Wiener Prize in applied mathematics.

The future potential of these programs is immense and not limited to the computation, networking, and information sciences. There is also great potential for helping not only the mission needs of the Department of Energy but also the broader scientific community and the public through increased understanding of biological systems, energy and environmental systems, chemical, physical, and plasma systems, and high energy and nuclear systems. This understanding is key to our more efficient and environmentally friendly production and utilization of energy and material goods.

The notable features of the bill include: an authorization for increased funding similar in scope to what is proposed in the House of Representatives for the National Science Foundation computational efforts; an open competition for funding; a collaborative program between DOE program offices; building partnerships between laboratories, universities, and industry; a focus on solutions to networking and information technology problems that are critical to the achieving DOE missions; and management of funding provided to NNSA laboratories administered by the sponsoring program of the Department. This last provision is consistent with the legislation which created the NNSA in that it maintains accountability for new money authorized by this bill in DOE civilian programs so that such funding will remain within the purview of civilian programs under the oversight of the authorizing committee for this legislation, while maintaining the principle that funding at laboratories under the purview of the NNSA be consistent with their general programmatic missions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Networking and Information Technology Research and Development for Department of Energy Missions Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Department of Energy, especially in its Office of Science research programs, has played a key role in the development of high performance computing, networking and information technology. Important contributions by the Department include pioneering the concept of remote, interactive access to supercomputers; developing the first interactive operating system for supercomputers; establishing the first national supercomputer center; laying the mathematical foundations for high performance computing with numerical linear algebra libraries now used by thousands of researchers worldwide; leading the transition to massively parallel supercomputing by developing software for parallel virtual machines; and contributing to the development of the Internet with software that is now used in the TCP/IP system responsible for routing information packages to their correct destinations.

(2) The Department of Energy's contributions to networking and information technology have played a key role in the Department's ability to accomplish its statutory missions in the past, in particular through the development of remote access to its facilities. Continued accomplishments in these areas will be needed to continue to carry out these missions in the future.

(3) The Department of Energy, through its portfolio of unique facilities for scientific research including high energy and nuclear physics laboratories, neutron source and synchrotron facilities, and computing and communications facilities such as the National Energy Research Scientific Computing Center and Energy Sciences Network, has a unique and vital role in advancing the scientific research, networking and information technology infrastructure for the nation.

(4) The challenge of remote creation of, access to, visualization of, and simulation with petabyte-scale (1,000,000 gigabyte) data sets generated by experiments at DOE scientific facilities is common to a number of different scientific disciplines. Effective treatment of these problems will likely require collaborative efforts between the university, national laboratory and industrial sectors and involve close interactions of the broader scientific community with computational, networking and information scientists.

(5) The solution of contemporary challenges facing the Department of Energy in developing and using high-performance computing, networking, communications, and information technologies will be of immense value to the entire nation. Potential benefits include: effective earth, climate, and energy systems modeling; understanding aging and fatigue effects in materials crucial to energy systems; promoting energy-efficient chemical production through rational catalyst design; predicting the structure and functions of the proteins coded by DNA and their response to chemical and radiation damage; designing more efficient combustion systems; and understanding turbulent flow in plasmas in energy and advanced materials applications.

SEC. 3. DEPARTMENT OF ENERGY PROGRAMS.

(a) HIGH-PERFORMANCE COMPUTING ACT PROGRAM.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking "and";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding after paragraph (4) the following:

"(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy.".

(b) COMPUTATION, NETWORKING AND INFORMATION TECHNOLOGY COLLABORATIVE PROGRAM.—Within the funds authorized under this Act, the Secretary shall provide up to $25,000,000 in each fiscal year for a program of collaborative projects involving remote access to high-performance computing assets or remote experimentation over network facilities. The program shall give priority to cross-disciplinary projects that involve more than one office within the Office of Science of the Department of Energy or that couple the Office of Science with Departmental energy technology offices.

(c) PROGRAM LINE AUTHORITY.—To the extent consistent with their national security mission, laboratories administered by the National Nuclear Security Administration may compete for funding authorized in this Act to the same extent and on the same terms as other Department of Energy offices and laboratories. Such funding at laboratories administered by the National Nuclear Security Administration shall be under the direct programmatic control of the sponsoring program for the funding in the Department of Energy.

(d) MERIT REVIEW.—All grants, contracts, cooperative agreements, or other financial assistance awarded under programs authorized in this Act shall be made only after being subject to independent merit review by the Department of Energy.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for the purposes of carrying out section 203 of the High-Performance Computing Act of 1991 (15 U.S.C. 5523) and this Act $190,000,000 for fiscal year 2001; $250,000,000 for fiscal year 2002; $285,000,000 for fiscal year 2003; $300,000,000 for fiscal year 2004; and $300,000,000 for fiscal year 2005.●

By Mr. SANTORUM (for himself and Mr. KYL):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

THE FAIR CARE FOR THE UNINSURED ACT

● Mr. SANTORUM. Mr. President, I rise to join my friend and colleague, Senator JON KYL of Arizona, in introducing the Fair Care for the Uninsured Act of 2000, legislation aimed at ensuring that all Americans, regardless of income, have a basic level of resources to purchase health insurance.

As we all know, the growing ranks of uninsured Americans—currently 44 million and increasing at a rate of 100,000 per month—remains a major national problem that must be addressed as Congress considers improvements to our healthcare delivery system. The uninsured are three times as likely not to receive needed medical care, at least twice as more likely to need hospitalization for avoidable conditions like pneumonia and diabetes, and four times more likely to rely on an emergency room or have no regular source of care than Americans who are privately insured.

The Fair Care for the Uninsured Act represents a major step toward helping the uninsured obtain health coverage through the creation of a new tax credit for the purchase of private health insurance, a concept which enjoys bipartisan support.

This legislation directly addresses one of the main barriers which now inhibits access to health insurance for millions of Americans: discrimination in the tax code. Most Americans obtain health insurance through their place of work, and for good reason: workers receive their employer's contribution toward health insurance completely free from federal taxation (including payroll taxes). This is effectively a $120 billion per year federal subsidy for employer-provided health insurance. By contrast, individuals who purchase their own health insurance get virtually no tax relief. They must buy insurance with after-tax dollars, forcing many to earn twice as much income before taxes in order to purchase the same insurance. This hidden health tax penalty effectively punishes people who try to buy their insurance outside the workplace.

The Fair Care for the Uninsured Act would remedy this situation by creating a parallel system for working families who do not have access to health insurance through the workplace. Specifically, this legislation creates a refundable tax credit of $1,000 per adult and up to $3,000 per family (indexed for inflation), for the purchase of private health insurance; would be available to individuals and families who don't have access to coverage through the workplace or a federal government program; enables individuals to use their credit to shop for a basic plan that best suits their needs which would be portable from job to job; and allows individuals to buy more generous coverage with after-tax dollars. And of course the states could supplement the credit.

This legislation complements a bipartisan consensus which is emerging around this means for addressing the serious problem of uninsured Americans: Instead of creating new government entitlements to medical services, tax credits provide public financing to help uninsured Americans buy private health insurance. Representative DICK ARMEY has been a leader in this field for some time now, having introduced last year similar legislation in the House of Representatives. And just recently, Senators JEFFORDS and BREAUX introduced their own version of health insurance tax credit proposal here in the Senate. I applaud their efforts for advancing this important public policy initiative.

A tax credit for the purchase of insurance would make it possible for many more people to obtain insurance, thereby helping to lower the total cost of insurance. In reducing the amount of uncompensated care that is offset through cost shifting to private insurance plans, and in substantially increasing the insurance base, a health insurance tax credit will help relieve some of the spiraling costs of our health care delivery system. It would also encourage insurance companies to write policies geared to the size of the credit, thus offering more options and making it possible for low income families to obtain coverage without paying much more than the available credits.

It is time that we reduced the tax bias against families who do not have access to coverage through their place of work or existing government programs, and to encourage the creation of an effective market for family-selected and family-owned plans, where Americans have more choice and control over their health care dollars. The Fair Care for the Uninsured Act would create tax fairness where currently none exists by requiring that all Americans receive the same tax encouragement to purchase health insurance, regardless of employment.

It is my hope that my colleagues will join me in endorsing this approach to provide people who purchase health insurance on their own similar tax treatment as those who have access to insurance through their employer.●

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mr. ROBB, Mr. MOYNIHAN, Mrs. BOXER, Mr. DODD, and Mr. DASCHLE):

S. 2338. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

THE EFFECTIVE NATIONAL FIREARMS OBJECTIVES FOR RESPONSIBLE, COMMONSENSE ENFORCEMENT (ENFORCE) ACT

● Mr. SCHUMER. Mr. President, I rise today to introduce on behalf of myself and Senators KENNEDY, DURBIN, LAUTENBERG, REED, TORRICELLI, LEVIN, ROBB, MOYNIHAN, BOXER, DODD, and Mr. DASCHLE, the Effective National Firearms Objectives For Responsible, Commonsense Enforcement Act. This bill, I believe, bridges the gap between those who reflexively support the gun lobby and those who strongly support gun control.

The ENFORCE Act is the culmination of years of research into gun tracing and gun trafficking. It is the next phase in stopping gun violence. It is a bill and an approach to gun crime that works smarter and works harder.

This bill works smarter by ridding us of many of the laws that have shielded illegal gun traffickers and dirty gun dealers from prosecution. It uses the latest in gun tracing data and ballistics technology to make it possible for law enforcement to zero in on the bad apples, throw the book at them, and leave the rest alone. It works harder by finally giving ATF the street agents they need to crack down on high crime gun dealers and to prosecute more gun crimes.

Let me outline a few provisions in this legislation. First, this bill will fund 500 new ATF agents and inspectors to crack down on dirty gun dealers. These new agents will target high-crime gun dealers who supply firearms to criminals and juveniles and crack down on violent gun criminals and illegal gun traffickers at gun shows, gun stores, and on the streets.

ENFORCE will also give ATF the authority to investigate high crime-gun stores. Under current law, the ATF is only allowed to conduct one unannounced inspection of a licensed dealer a year. The bill would allow the ATF to conduct four compliance inspections annually of licensed firearms dealers, importers, and manufacturers.

In addition, this legislation will authorize funds to hire an additional 1,000 local, state and federal prosecutors to expand the Project Exile program in high gun-crime areas. In cases where federal law enforcement authorities defer to state prosecutors, this funding would ensure that state prosecutors have sufficient resources. Furthermore, ENFORCE authorizes funding for federal prosecutors and gun enforcement teams to coordinate efforts with local law enforcement and to determine where federal prosecution is warranted.

ENFORCE will also create a comprehensive ballistics DNA testing network. The Act would triple current funding for ballistics testing programs to support the deployment of 150 ballistics imaging units, helping to link bullets and shell casings to the crime-guns they were fired from.

ENFORCE will expand to 50 cities and counties the Youth Crime Gun Interdiction Initiative (YCGII), which would dramatically increase tracing of crime guns to find sources. Participating cities and counties' law enforcement agencies would submit and share identifying information about crime guns and conduct law enforcement investigations regarding illegal youth users of firearms and illegal traffickers of firearms to youth. The Secretary of the Treasury would provide an annual report on the types and sources of recovered crime guns and the number of investigations associated with YCGII.

The bill would also fund $10 million for smart gun technology research and development. New state-of-the-art innovations could limit a gun's use to its owner or other authorized users—and could therefore prevent accidental shooting deaths of children, detect gun theft, and stop criminals from seizing and using the guns of police officers against them.

ENFORCE is a comprehensive package of measures that will strengthen the enforcement of existing gun laws and target high crime-gun dealers to reduce gun violence and to keep firearms out of the hands of children and criminals. The gun lobby has been calling for more enforcement. This is as tough and effective an enforcement bill as ever drafted. Gun rights and gun control supporters ought to step up to the plate and pass it.●

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. McCAIN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 784

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1017

At the request of Mr. MACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1215

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1399

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1408

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE,) was added as a cosponsor of S. 1408, a bill to amend the Small Business Investment Act of 1958 to promote the cleanup of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real or perceived environmental contamination, and for other purposes.

S. 1498

At the request of Mr. BURNS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1608

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1762

At the request of Mrs. LINCOLN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1806

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1806, a bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1932

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1932, a bill to amend the Ricky Ray Hemophilia Relief Fund Act of 1998 to revise and extend certain provisions.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 1975

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1975, a bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2058

At the request of Mr. GRAHAM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2058, a bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

S. 2087

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2097

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2097, supra.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2097, supra.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2097, supra.

At the request of Mr. HATCH, his name was added as a cosponsor of S. 2097, supra.

S. 2123

At the request of Ms. LANDRIEU, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Mississippi (Mr. COCHRAN), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2158

At the request of Mr. MURKOWSKI, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2158, a bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities.

S. 2234

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2234, a bill to designate certain facilities of the United States Postal Service.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2246

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2277

At the request of Mr. ROTH, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2285

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2285, a bill instituting a Federal fuels tax holiday.

S. 2291

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2291, a bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife habitat of the Missouri River in the State of South Dakota, and for other purposes.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2300

At the request of Mr. THOMAS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. RES. 90

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 90, a resolution designating the 30th day of April 2000 as "Dia de los Ninos: Celebrating Young Americans," and for other purposes.

S. RES. 271

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 279—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr.

SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 279

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties and norms, including the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);

Whereas the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran, and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil, and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings, and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states' and individuals' rights;

Whereas the legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota, and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, including many major national membership organizations, support U.S. ratification of CEDAW;

Whereas ratification of CEDAW would allow the United States to nominate a representative to the CEDAW oversight committee; and

Whereas 2000 is the 21st anniversary of the adoption of CEDAW by the United Nations General Assembly: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the convention on the Elimination of All Forms of Discrimnation Against Women (CEDAW); and

(2) the Senate should act on CEDAW by July 19, 2000, the 20th anniversary of the signing of the convention by the United States.

SENATE RESOLUTION 280—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED STATES RELATIONS WITH THE RUSSIAN FEDERATION IN VIEW OF THE SITUATION IN CHECHNYA

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 280

Whereas the Senate of the United States unanimously passed Senate Resolution 262 on February 24, 2000, condemning the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya, encouraging peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government, and urging the Government of the Russian Federation to immediately grant international organizations full and unimpeded access into Chechnya in order to provide humanitarian assistance and investigate alleged atrocities and war crimes;

Whereas the Committee of Foreign Relations of the Senate received credible evidence and testimony reporting grave human rights violations on both sides of the war in Chechnya;

Whereas the Committee on Foreign Relations of the Senate received credible evidence and testimony that Russian forces in Chechnya caused the deaths of countless thousands of innocent civilians and the displacement of well over 250,000 innocents; forcibly relocated refugee populations; and committed widespread atrocities including summary executions, arbitrary detentions, torture, and rape;

Whereas the Government of the Russian Federation continues its military campaign in Chechnya through the use of indiscriminate force, causing further dislocation of people from their homes, the deaths of unarmed civilians and widespread suffering;

Whereas this war contributes to ethnic hatred and religious intolerance within the Russian Federation, and could divert much-needed international development assistance, undercut the ability of the international community to trust the Russian Federation as a signatory to international agreements, generate political instability within the Russian Federation, and be a continuing threat to the peace in the region; and

Whereas the Senate again expresses its deep concern over the war and humanitarian tragedy in Chechnya, and its desire for a peaceful and durable settlement to the conflict: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the lack of vigorous and sustained action of most Western governments, including that of the United States, to respond to the conflict in Chechnya could be too easily interpreted by the Government of the Russian Federation as indifference to it and thus allow that government to intensify and expand its military campaign there, further contributing to the suffering of the Chechen people;

(2) the President of the Russian Federation, Vladimir Putin, is responsible for the conduct of Russian troops in and around Chechnya and has an obligation to ensure compliance with international humanitarian law and human rights norms, including the obligation to prevent present and future atrocities there, and to investigate fully atrocities already committed, and to initiate, where appropriate, prosecutions against those accused;

(3) the Government of the Russian Federation and the leadership of the Chechen Government should immediately cease military operations in Chechnya and seek a negotiated settlement to the conflict there;

(4) the President of the Russian Federation should—

(A) act immediately to end human rights violations by Russian soldiers in Chechnya;

(B) allow immediate, full, and unimpeded access into and around Chechnya to international monitors to assess and report on the situation there and to investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate, full, and unimpeded access to Chechen civilians, including those in refugee, detention, and "filtration" camps, or any other facility where citizens of Chechnya are detained; and

(D) investigate fully atrocities committed in Chechnya, including those alleged in Alkhan-Yurt and Grozny, and initiate, where appropriate, prosecutions against those accused;

(5) the President of the United States of America should—

(A) affirm respect for human rights, democratic rule of law, and international accountability as a foundation of United States foreign policy;

(B) affirm respect for human rights, democratic rule of law, and international accountability as a condition for continued United States-Russian cooperation;

(C) conduct a full and comprehensive review of United States foreign policy toward the Russian Federation with respect to its conduct in Chechnya, and its implications for United States-Russian relations;

(D) promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government through third-party mediation by the OSCE Assistance Group in Chechnya, the United Nations, or other appropriate parties;

(E) publicly and openly support societal forces in the Russian Federation working to preserve democracy there, including empowering human rights activists and promoting programs designed to strengthen the independent media, trade unions, political parties, and other institutions of a democratic civil society there; and

(F) take further, more tangible steps to demonstrate to the Government of the Russian Federation that the United States strongly condemns its conduct in Chechnya and its unwillingness to find a just political solution to the conflict there, including—

(i) sponsoring a Resolution at the 56th annual meeting of the United Nations Human Rights Commission in Geneva, Switzerland, expressing the Commission's serious concern about reports of very grave violations of human rights and humanitarian law in Chechnya, and including provisions, such as the establishment of a Commission of Inquiry, to investigate accusations of violations of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, and other international humanitarian law;

(ii) supporting the appointment of a United Nations Special Rapporteur for Chechnya; and

(iii) placing the war in Chechnya at the top of the agenda of all high-level diplomatic meetings involving the United States and the Russian Federation; and

(6) the President of the United States should not reverse actions taken under paragraph (5)(f) until the Government of the Russian Federation has—

(A) acted forcefully and effectively to end human rights violations by Russian soldiers in Chechnya;

(B) provided full and unimpeded access into and around Chechnya to international monitors to assess and report on the situation there and to investigate alleged atrocities and war crimes;

(C) granted international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and "filtration" camps, or any other facility where citizens of Chechnya are detained; and

(D) begun to investigate fully atrocities committed in Chechnya, including those alleged in Alkhan-Yurt and Grozny, and initiated, where appropriate, prosecutions against those accused.

Mr. WELLSTONE. Mr. President, I rise today to draw attention to the continuing war in Chechnya and to remind the international community that our lack of vigorous and sustained action to respond to the conflict there could be too easily interpreted by the Russian Government as indifference to it. We must act to again remind the newly elected President of the Russian Federation, Vladimir Putin, that he is responsible for the conduct of Russian troops in and around Chechnya and has an obligation to ensure compliance with international humanitarian law and human rights norms; and we must act to urge the Government of the Russian Federation and the leadership of the Chechen Government to immediately cease military operations in Chechnya and to seek a negotiated just settlement to the conflict there.

Today I am offering a Resolution which urges the Administration to sponsor a Resolution condemning the Russian Federation's conduct in Chechnya at the annual United Nations Human Rights Commission meeting that is currently underway in Geneva, Switzerland, to support the appointment of a U.N. Special Rapporteur for Chechnya, and to place the war in Chechnya at the top of the agenda of all high-level diplomatic meetings involving the United States and the Russian Federation. The United States must publicly and actively affirm respect for human rights, democratic rule of law and international accountability as a foundation of United States policy and not simply pay them lip service.

Sunday night we watched as acting President Vladimir Putin was elected President of the Russian Federation. As the President of a fully sovereign state I do not question President Putin's authority to combat what it perceives as terrorism on its own soil and to ensure the integrity of its borders, nor do I dismiss credible reports of grave violations of human rights on both sides of this war. I do, however, condemn the continuing indiscriminate use of force by the Russian military in Chechnya and the blatant disregard it continues to show for international humanitarian law there.

Last month the Senate Foreign Relations Committee heard evidence and testimony reporting that Russian forces in Chechnya have caused the deaths of countless thousands of innocent civilians and the displacement of well over 250,000 innocents; forcibly relocated refugee populations; and committed widespread atrocities including summary executions, arbitrary detentions, torture, and rape. While they claim to have begun to open up access to the region, the Russian government continues to effectively deny international organizations full and unimpeded access into Chechnya to assess and report on the situation there, to investigate alleged atrocities and war crimes, and to provide humanitarian relief.

I am not alone in my concern about the situation in Chechnya. Last November both the House and Senate passed resolutions expressing grave concern regarding the armed conflict in the North Caucasus region of the Russian Federation and condemning the violence in Chechnya. On February 24 of this year, the Senate unanimously agreed to Senate Resolution 262, calling for a peaceful resolution to the conflict in Chechnya, and Senate Resolution 261, regarding the detention of the journalist Andrei Babitsky. Finally, just a few weeks ago on March 9, Senate Resolution 269, regarding relations with the Russian Federation given its conduct in Chechnya, was referred to the Senate Foreign Relations Committee.

We have all read editorials on Chechnya in the news media written by our own colleagues, witnessed a joint conference on Chechnya by the Commonwealth of Independent States Inter-parliamentary Assembly and the European Parliament, heard claims by a leading Russian human rights activist who is also a member of the Russian Parliament offering fierce criticism of the Russian government's efforts in Chechnya, and listened as just this past week at the annual meeting of the U.N. Human Rights Commission meeting in Geneva, Secretary Albright objected to the indiscriminate use of force against civilians in Chechnya and proclaimed that allegations of Russian human rights violations are serious and must be addressed urgently. In a phone call to congratulate President Putin on his victory in the Presidential election, President Clinton expressed his hope that Mr. Putin would carry out impartial and transparent investigations of reported human rights violations in Chechnya and provide prompt and full access for international organizations and the press. But, Mr. President, even after all this commentary, and numerous meetings designed to press the Russians to change course, the situation has changed hardly at all.

I fully support Secretary Albright's decision to address the allegations of gross human rights abuses by Russian soldiers in Chechnya in her address to the U.N. Commission on Human Rights, and the President's raising this issue again in his phone call to President Putin, but the grave situation in Chechnya demands that we do more. The annual meeting of the U.N. Commission on Human Rights provides a major forum for addressing human rights concerns and for expressing international commentary on the human rights performance of all nations. The Government of the Russian Federation must be held accountable for its conduct in Chechnya and should be forced to defend itself against allegations of grave human rights violations there, in the full light of public scrutiny.

The administration should bring a resolution expressing the Commission's serious concern about reports of gross human rights abuses and other violations of humanitarian law in Chechnya, including provisions urging the establishment of a Commission of Inquiry to investigate violations of the Geneva Convention and other international humanitarian law. It must also support the appointment of a United Nations Special Rapporteur for Chechnya to assess and report on the situation there, and place the war in Chechnya at the top of the agenda of all high-level diplomatic meetings involving the United States and the Russian Federation.

Mr. President, it is high time the United States expressed its commitment to human rights, democratic rule of law, and international accountability through concrete action. We must send a message to the Russian Federation, as well as the international community, that respect for these important principles will be a condition for continued cooperation with the United States. We must demand concrete action by the Government of the Russian Federation to end human rights violations by Russian soldiers in Chechnya, to investigate, where appropriate, those accused of violations, and to ease the suffering of civilians there. We must not be diverted by verbal commitments by the Russian leadership that never come to fruition. We need to exercise our leadership now. The international community and the people of Chechnya deserve no less.

AMENDMENTS SUBMITTED

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

BAUCUS (AND OTHERS) AMENDMENTS NOS. 2892-2893

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. LEAHY, and Mr. ROBB) submitted two amendments intended to be proposed by them to the bill (S. 2097) to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes; as follows:

AMENDMENT NO. 2892

On page 25, line 10, insert after "local television stations" the following: ", and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 30, strike line 9 and insert the following: "means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike "(B)" and insert "(C)".

AMENDMENT NO. 2893

On page 25, strike line 10 and all that follows through page 33, line 25, and insert the following:

signals of local television stations, and related signals (including high-speed Internet access and National Weather Service broadcasts), for households located in unserved areas and underserved areas.

SEC. 3. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the "Board").

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 10 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 5 of this Act) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this Act applicable to the Board.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts), will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or underserved area;

(D) the loan is provided by an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board, and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the "Amount" for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas; and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

(C) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a

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LEAHY (AND BAUCUS) AMENDMENTS NOS. 2894–2895

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. BAUCUS) submitted two amendments intended to be proposed by them to the bill, S. 2097, supra; as follows:

AMENDMENT NO. 2894

On page 25, line 10, insert after "local television stations" the following: ", and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 30, strike line 9 and insert the following: "means (including spectrum rights) by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike "(B)" and insert "(C)".

AMENDMENT NO. 2895

On page 25, strike line 10 and all that follows through page 33, line 25, and insert the following:

signals of local television stations, and related signals (including high-speed Internet access and National Weather Service broadcasts), for households located in unserved areas and underserved areas.

SEC. 3. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the "Board").

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 10 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 5 of this Act) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this Act applicable to the Board.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means (including spectrum rights) by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts), will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or underserved area;

(D) the loan is provided by an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board, and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the "Amount" for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas; and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

(C) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a

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BUNNING AMENDMENT NO. 2896

Mr. BUNNING proposed an amendment to the bill, S. 2097, supra; as follows:

On page 33, between lines 11 and 12, insert the following:

(4) REQUIREMENT RELATING TO APPLICANT RECEIVING ENTIRE GUARANTEE AMOUNT.—The entire amount of the guarantee available under subsection (f) may not be provided for the guarantee of a single loan unless the applicant for the loan agrees to provide in each unserved area and underserved area of each State the signals of all local television stations broadcast in such State.

GRAMM AMENDMENT NO. 2897

Mr. GRAMM proposed an amendment to the bill, S. 2097, supra; as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

"(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

"(I) is provided by any entity engaged in the business of commercial lending—

"(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

"(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

"(II) is provided by a nonprofit corporation engaged primarily in commercial lending, if the Board determines that the nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and that such rating will not decline upon the nonprofit corporation's approval and funding of the loan;

"(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made by a governmental entity or affiliate thereof, or a Government-sponsored enterprise as defined in section 1404(e)(1)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) or any affiliate thereof;

"(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

"(III) if a nonprofit corporation fails to maintain the debt rating required by subclause (i)(II), the subject loan shall be sold to another entity described in clause (i) through an arm's length transaction, and the Board shall by regulation specify forms of acceptable documentation evidencing the maintenance of such debt rating;

"(IV) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the issued and outstanding voting and nonvoting interests of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;".

JOHNSON AMENDMENT NO. 2898

Mr. JOHNSON proposed an amendment to amendment No. 2897 proposed by Mr. GRAMM to the bill, S. 2097, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

"(D) the loan is provided by an insured depository institution (as defined in section 3 of the F.D.I. Act) that is acceptable to the Board, or any lender that (i) has not fewer than one issue of outstanding debt that is rated within the highest three rating categories of a nationally recognized statistical rating agency; or (ii) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity and capital strength to provide financing pursuant to this Act and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

THE GAS TAX REPEAL ACT

KENNEDY (AND OTHERS) AMENDMENT NO. 2899

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Ms. MIKULSKI, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill (S. 2285) instituting a Federal fuels tax holiday; as follows:

At the appropriate place, insert the following:

TITLE II—

SEC. 201. SHORT TITLE.

This title may be cited as the "Minimum Wage Increase Act of 2000".

SEC. 202. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.65 an hour during the year beginning April 1, 2000, and

"(C) $6.15 an hour beginning April 1, 2001;".

SEC. 203. MINIMUM WAGE IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Subject to subsection (b), the provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—

(1) IN GENERAL.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be $3.55 an hour beginning on the date that is 30 days after the date of enactment of this section.

(2) INCREASES IN MINIMUM WAGE.—

(A) IN GENERAL.—On the date that is 6 months after the date of enactment of this Act, and every 6 months thereafter, the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be increased by $0.50 per hour (or such a lesser amount as may be necessary to equal the minimum wage under such section) until such time as the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

(B) FURTHER INCREASES.—With respect to dates beginning after the minimum wage applicable to the Commonwealth of the Northern Mariana Islands is equal to the minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), as provided in subparagraph (A), such applicable minimum wage shall be immediately increased so as to remain equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

THE LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

BAUCUS (AND OTHERS) AMENDMENT NO. 2900

Mr. BAUCUS (for himself, Mr. Leahy, Mr. Robb, Mr. Kennedy, Mr. Stevens, Mr. Wellstone, Mr. Burns, Mr. Murkowski, Mrs. Lincoln, and Mr. Inouye) proposed an amendment to the bill, S. 2097, supra; as follows:

On page 25, line 10, insert after "local television stations" the following: ", and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 30, strike line 9 and insert the following: "means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),".

On page 33, between lines 23 and 24, insert the following:

(B) Additional considerations.—To the maximum extent practicable the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike "(B)" and insert "(C)".

BREAUX AMENDMENT NO. 2901

Mr. BREAUX proposed an amendment to the bill, S. 2097, supra; as follows:

At the appropriate place insert the following:

Section 4(d)(2)(a) of S. 2097 is amended by striking the word "launch,".

S. 2097 is amended by inserting the following Section 5A:

"SEC. 5A. APPROVAL AND ADMINISTRATION OF LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.

"(a) Authority To Approve Loan Guarantees Relating to Launch Vehicles.—To further the purposes of this Act including to reduce costs necessary to facilitate access to local television broadcast signals in unserved and underserved areas, without unnecessarily creating a new administrative apparatus, the Secretary of Transportation is authorized, subject to the provisions of this Section, to approve loans guarantees relating to space launch vehicles. For this purpose, the credit assistance program established in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, is expanded to include projects for the design, development, and construction of space transportation systems and infrastructure, including launch and reentry vehicles subject to the licensing requirements of Section 70104 of Title 49, United States Code.

"(b) Funding.—To fund the cost to the Government of loan guarantees provided under this Section for space transportation systems and infrastructure projects, there is authorized to be appropriated $250 million for Fiscal Year 2001, and such other sums as may be necessary for each of Fiscal Years 2002 through 2005. From funds made available under this subsection, the Secretary of Transportation, for the administration of the program, may use not more than $2 million for each of Fiscal Years 2001 through 2005. For each of Fiscal Years 2001 through 2005, principal amount of Federal credit instruments made available for space transportation systems and infrastructure projects shall be limited to the same amounts set forth in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178.

"(c) Regulatory Authority.—To carry out the provisions of this Section, the Secretary shall, within 120 days after enactment of this Act, adopt such regulations as he reasonably deems necessary. Such regulations shall not be inconsistent with the provisions of Section 5 of S. 2097, the "Launching Our Communities' Access to Local Television Act of 2000."

GRAMM (FOR HATCH) AMENDMENT NO. 2902

Mr. GRAMM (for Mr. Hatch) proposed an amendment to the bill, S. 2097, supra; as follows:

On page 49, strike lines 1 through 13 and insert the following:

SEC. 8. DEFINITIONS.

On page 50, line 23, strike "10." and insert "9."

JOHNSON (AND OTHERS) AMENDMENT NO. 2903

Mr. JOHNSON (for himself, Mr. Gramm, Mr. Thomas, Mr. Grams, and Mr. Burns) proposed an amendment to the bill, S. 2097, supra; as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

"(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

"(I) is provided by any entity engaged in the business of commercial lending—

"(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

"(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

"(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

"(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

"(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

"(III) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;".

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

SMITH AMENDMENT NO. 2904

Mr. SMITH of New Hampshire proposed an amendment to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Estuary Habitat and Chesapeake Bay Restoration Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.
Sec. 105. Establishment of Collaborative Council.
Sec. 106. Duties of Collaborative Council.
Sec. 107. Cost sharing of estuary habitat restoration projects.
Sec. 108. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 109. Cooperative agreements; memoranda of understanding.
Sec. 110. Distribution of appropriations for estuary habitat restoration activities.
Sec. 111. Authorization of appropriations.
Sec. 112. National estuary program.
Sec. 113. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay restoration.

TITLE III—LONG ISLAND SOUND

Sec. 301. Reauthorization.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Estuary Habitat Restoration Partnership Act of 2000".

SEC. 102. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the commercial fish and 80 to 90 percent of the recreational fish catches of the United States;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities, through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461)), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

SEC. 104. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term "Collaborative Council" means the interagency council established by section 105.

(2) DEGRADED ESTUARY HABITAT.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 106(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 105. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 106. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this Act or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent;

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat; or

(D) the estuary habitat restoration project includes—

(i) pilot testing; or

(ii) a demonstration of an innovative technology having potential for improved cost-effectiveness in restoring—

(I) the estuary that is the subject of the project; or

(II) any other estuary.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2001 through 2005.

SEC. 107. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

(e) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing or a demonstration of an innovative technology described in section 106(b)(3)(D) shall be 100 percent.

SEC. 108. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 110. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 106(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2001;

(2) $50,000,000 for fiscal year 2002; and

(3) $75,000,000 for each of fiscal years 2003 through 2005.

SEC. 112. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) Authorization of Appropriations.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 2000, and $25,000,000 for each of fiscal years 2001 and 2002".

SEC. 113. GENERAL PROVISIONS.

(a) Additional Authority for Army Corps of Engineers.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) Inapplicability of Certain Law.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) Estuary Habitat Restoration Mission.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) Federal Agency Facilities and Personnel.—

(1) In general.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) Reimbursement from Collaborative Council.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) Administrative Expenses and Staffing.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Restoration Act of 2000".

SEC. 202. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) Purposes.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY RESTORATION.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

"SEC. 117. CHESAPEAKE BAY.

"(a) Definitions.—In this section:

"(1) Administrative cost.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

"(2) Chesapeake Bay agreement.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

"(3) Chesapeake bay ecosystem.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

"(4) Chesapeake bay program.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(5) Chesapeake executive council.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(6) Signatory jurisdiction.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) Continuation of Chesapeake Bay Program.—

"(1) In general.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) Program office.—

"(A) In general.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

"(B) Function.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

"(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

"(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) Interagency Agreements.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) Technical Assistance and Assistance Grants.—

"(1) In general.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) Federal share.—

"(A) In general.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

"(B) Small watershed grants program.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) Non-federal share.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) Administrative costs.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(e) Implementation and Monitoring Grants.—

"(1) In general.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

"(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

"(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

"(2) Proposals.—

"(A) In general.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

"(B) Contents.—A proposal under subparagraph (A) shall include—

"(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

"(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) Approval.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a grant award.

"(4) Federal share.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

"(5) Non-federal share.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) Administrative costs.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(7) Reporting.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

"(A) all projects and activities funded for the fiscal year;

"(B) the goals and objectives of projects funded for the previous fiscal year; and

"(C) the net benefits of projects funded for previous fiscal years.

"(f) Federal Facilities and Budget Coordination.—

"(1) Subwatershed planning and restoration.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) Compliance with agreement.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

"(3) Budget coordination.—

"(A) In general.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

"(B) Disclosure to the council.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

"(g) Chesapeake Bay Program.—

"(1) Management strategies.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

"(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

"(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

"(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

"(2) Small watershed grants program.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

"(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

"(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

"(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

"(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) Study of Chesapeake Bay Program.—

"(1) In general.—Not later than April 22, 2001, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

"(2) Requirements.—The study and report shall—

"(A) assess the state of the Chesapeake Bay ecosystem;

"(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

"(C) assess the effectiveness of management strategies being implemented on the date of enactment of this subsection and the extent to which the priority needs are being met;

"(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this subsection or by adopting new strategies; and

"(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

"(i) Special Study of Living Resource Response.—

"(1) In general.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

"(2) Requirements.—The study shall—

"(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

"(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

"(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

"(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

"(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2001 through 2006.".

TITLE III—LONG ISLAND SOUND

SEC. 301. REAUTHORIZATION.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "2001 through 2006"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "not to exceed $10,000,000 for each of fiscal years 2001 through 2006".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, April 5, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on political parties in America.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, April 6, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine the energy potential of the 1002 area of the Arctic Coastal Plain; the role this energy could play in National security; the role this energy could play in reducing U.S. dependence on imported oil; and the legislative provisions of S. 2214.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo

Meuse or Brian Malnak at (202) 224–6730.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, April 12, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine federal actions affecting hydropower operations on the Columbia River system.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, April 25, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2239, a bill "To authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins."

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday March 30, at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992; and S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policy of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 30, 2000, for an Open Executive Session to mark up and report out an original bill regarding Marriage Tax Penalty Relief.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 9:30 am and 2:00 pm to hold a hearing and a roundtable discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 10:00 a.m. for a nominations hearing to consider the nominations of Alan Kessler to be a Governor on the United States Postal Service and Carol Waller Pope to be a Member of the Federal Labor Relations Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 30, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 30, 2000, at 9:30 a.m., to conduct an oversight hearing on the operations of the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 2:00 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism and Property Rights be authorized to meet to conduct a hearing on Thursday, March 30, 2000 at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 30 at 2:30 p.m., to conduct an oversight hearing. The subcommittee will receive testimony on the Administration's effort to review approximately 40 million acres of national forest lands for increased production.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. GRAMM. Mr. President I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Thursday, March 30, 10:30 a.m., to conduct a hearing to receive testimony regarding the Administration's FY 2001 budget for programs within EPA's Office of Solid Waste and Emergency Response.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that a fellow of Senator BAUCUS, Deb Jackson, be extended floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 323, S. 835.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Estuary Habitat Restoration Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 4. DEFINITIONS.

In this Act:

(1) Collaborative council.—The term "Collaborative Council" means the interagency council established by section 5.

(2) Degraded estuary habitat.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) Estuary.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, *including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act*; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) Estuary habitat.—

(A) In general.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) Inclusions.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) Estuary habitat restoration activity.—

(A) In general.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) Included activities.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) Excluded activities.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) Estuary habitat restoration project.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this Act, to receive financial, technical, or another form of assistance.

(7) Estuary habitat restoration strategy.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 6(a).

(8) Federal estuary management or habitat restoration plan.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) Secretary.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) Under secretary.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 5. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) Collaborative Council.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) Membership.—

(1) In general.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) Chairperson; lead agency.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) Convening of Collaborative Council.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this Act is fully carried out, but not less often than quarterly.

(d) Collaborative Council Procedures.—

(1) Quorum.—Three members of the Collaborative Council shall constitute a quorum.

(2) Voting and meeting procedures.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 6. DUTIES OF COLLABORATIVE COUNCIL.

(a) Estuary Habitat Restoration Strategy.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) Integration of previously authorized estuary habitat restoration plans, programs, and partnerships.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) Elements to be considered.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this Act, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this Act if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2000 through 2004.

SEC. 7. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this Act from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this Act; and

(2) any criteria established by the Collaborative Council under this Act.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this Act shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this Act for the purpose of carrying out an estuary habitat restoration project.

SEC. 8. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this Act.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this Act, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this Act; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 9. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this Act, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 10. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this Act based on the need for the funds and such other factors as are determined to be appropriate to carry out this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this Act to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 6(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2000;

(2) $50,000,000 for fiscal year 2001; and

(3) $75,000,000 for each of fiscal years 2002 through 2004.

SEC. 12. NATIONAL ESTUARY PROGRAM.

(a) Grants for Comprehensive Conservation and Management Plans.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) Authorization of Appropriations.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1999, and $25,000,000 for each of fiscal years 2000 and 2001".

SEC. 13. GENERAL PROVISIONS.

(a) Additional Authority for Army Corps of Engineers.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this Act; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) Inapplicability of Certain Law.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this Act.

(c) Estuary Habitat Restoration Mission.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) Federal Agency Facilities and Personnel.—

(1) In general.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this Act, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this Act.

(2) Reimbursement from collaborative council.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) Administrative Expenses and Staffing.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this Act. The analysis shall include recommendations regarding necessary additional funding.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the committee amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the committee amendment is withdrawn.

AMENDMENT NO. 2904

(Purpose: In the nature of a substitute)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH) proposes an amendment numbered 2904.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I am very pleased that the Senate is taking up today an important piece of legislation that will enhance our ability to protect the Nation's most valuable shoreline habitats. This bill, S. 835, the Estuary Habitat Restoration Partnership Act, is a great tribute, I think, to not only our leadership in the Senate but also to our late colleague, Senator John Chafee. I urge my colleagues to support this bill and move it forward quickly, to get it into law.

S. 835 is an example of environmental policy based on partnership and cooperation—not on this top-down mandate, overburdensome Federal regulation, but a partnership and a cooperative effort. It shows you, when you have a partnership and have a cooperative effort and don't try to impose regulations, what you can do. This bill is a good example of that. It promotes working together in a partnership situation with the States, with local programs, and with the private sector.

This bill will make it possible to restore 1 million acres of habitat with almost no cost to the taxpayer. Environmental success is what this is, and it is the kind of environmental success that I am very proud to support. This bill is yet one more of the many legacies of our friend and late colleague, Senator John Chafee of Rhode Island. He was the principal sponsor and a longtime champion of the estuary system in this country.

Last October, under his chairmanship, the Committee on Environment and Public Works reported out S. 835 by a voice vote. For the past 5 months, his son, Senator LINCOLN CHAFEE, has carried forward the effort in the Senate and helped me immensely to get where we are today with this legislation. I am grateful for his leadership. I know it was a special matter for him to lead on this issue and on this bill because of what his father had done on its behalf. So I am pleased to be a part of this effort, pleased as the chairman of the Environment and Public Works Committee to bring this matter to the Senate for final passage.

To understand how important this act is for protecting the environment, one has to understand what estuaries are and how valuable they are to our society.

An estuary is a bay, a gulf, a sound, or an inlet where fresh water from rivers and streams meet and mixes with saltwater from the ocean, or put simply, it is where the river meets the sea.

Examples of estuaries are coastal marshes, coastal wetlands, maritime forests, sea grass, meadows, and river deltas.

Estuaries represent some of the most environmentally and economically productive habitats in the entire world.

Estuaries are critical for wildlife. Approximately 50 percent of the Nation's migratory songbirds are linked to coastal estuary habitat, while near 30 percent of North American waterfowl rely upon coastal estuary habitat for wintering grounds. Threatened and endangered species depend upon estuaries for their survival.

Estuaries also play a major role in commercial and recreational fishing as well. Approximately 70 percent of the commercial fish catch, and 80 to 90 percent of recreational fish catch, depend in some way on estuaries. Obviously these fish swim up into those estuaries and spawn, and those small fish work their way back into the oceans.

You may not realize it, but estuaries also contribute significantly to the quality of life that many of us enjoy as Americans. Over one-half of the entire population of the United States lives near a coastal area.

Traditionally, a great majority of Americans visit estuaries every year to swim, to fish, to hunt, to dive, to bike, to learn, or just to view the beauty of the marshes and the wildlife.

For many States, this tourism provides enormous economic benefit, and it does in New Hampshire, as well as almost every State in the Union.

In fact, the coastal recreation and tourism industry is the second largest employer in the Nation serving 180 million Americans each year.

These many attributes of estuaries are especially important to me because of the rich coastline of New Hampshire. We only have 18 or 19 miles of it, but it is rich. New Hampshire estuaries contribute to dynamic habitat, and they contribute to the beauty of the State as well as the economy. Recreational shell fishing alone in New Hampshire contributes an estimated $3 million annually to the State and local economy. New Hampshire is in the forefront of the national effort to identify and protect sensitive estuary habitats.

The New Hampshire Great Bay, Little Bay and Hampton Harbor, and their tributary rivers joined the National Estuary Program in July 1995 as part of the New Hampshire Estuaries Project.

The Great Bay estuary has a rich cultural history. Its beauty and resources attracted the Paleo Indians in the area nearly 6,000 years ago. It was also the site of a popular summer resort during the 1800s, as well as a shipyard.

As a Senator from New Hampshire, I am proud to be involved in this historical and ecological resource, and to preserve it for future generations.

What we do in environmental matters we should do not for the next election, and not for somebody's business bottom line, but for the next generation—for the generations of our grandchildren and their generations to come.

That is why we make these decisions to preserve these estuaries so that 1,000 years from now our descendents can say: We can see an estuary because those guys stood up when it counted and they saved them for us.

That is a great legacy.

Unfortunately, though, many of the estuaries around the United States, including those in New Hampshire, have been harmed by excessive urbanization of surrounding areas. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuary habitat is impaired. S. 835 is a tremendous step to establishing a much needed restoration program.

What does S. 835 do? It does not duplicate any existing efforts, but instead it builds upon current restoration projects by establishing a community-driven, incentive-based program while expanding EPA's ability to provide grants for conservation management plans.

It has a national strategy because a national strategy is vital in order to coordinate current and future restoration efforts among both Federal, State, and local programs. Sometimes estuaries have no State borders. They move across the borders of States and towns.

We have a collaborative council to accomplish this goal. S. 835 establishes this council. It is chaired by the Secretary of the Army with the participation of the Under Secretary for Oceans and Atmosphere, the Department of Commerce, the Administrator of EPA, and the Secretary of Interior.

It will be authorized to distribute $315 million over 5 years to community groups to implement restoration projects.

It establishes criteria to select projects; for example, quantity and quality of the habitat to be restored; criteria to minimize the Federal share; criteria to address sources of pollution that would otherwise again impair the restored habitat; and, criteria that fosters the development of cost-effective and innovative technologies.

This bill encourages local communities and the private sector to develop partnerships to implement restoration activities. Decisions of how to restore these estuaries are made by the local communities.

Another key feature of the bill is that it ensures accountability through ongoing monitoring and evaluation. NOAA maintains a database of restoration projects. Information and lessons learned from one project can be incorporated into other restoration projects.

The council will publish the biannual report to Congress detailing the progress made under the act. It allows Congress and the public to know about the successes and failures of the projects and strategies under this section.

S. 835 includes important provisions dealing with the National Estuaries Program, the Chesapeake Bay Region Program, and the Long Island Sound.

I know that these provisions have been of particular importance to Senators WARNER and LIEBERMAN, and no doubt they will be addressing the importance of these programs on the floor very soon.

However, I want to acknowledge the important role that the National Estuaries Program has played in raising national awareness on the value of these habitats.

The National Estuaries Program, established in 1988, demonstrates what we can accomplish when the Federal Government, the State government, and the local government work together in partnership without all of the friction and without all the confrontation.

Participation in the program is voluntary, and it emphasizes watershed planning and community involvement.

I have met with so many people at the local and State level on so many of these environmental projects who are knowledgeable, smart, and well-educated people who know these issues very well. They don't need to be dictated to by the Federal Government.

To date, 28 conservation plans under this program have been prepared for designated estuaries. I am pleased that New Hampshire is in the process of developing its own conservation plan.

Unfortunately, though, the program does not have sufficient resources to adequately address all habitat restoration. Until now, in fact, only the development of a plan could be funded—not their implementation. S. 835 will change that.

This bill will increase the authorization for the program from $12 million to $25 million annually for 2001 and 2002.

Let me close by saying that there is overwhelmingly bipartisan support for this bill. It represents an approach to environmental policy that should be the basis for solving environmental problems by dealing with these issues through cooperation, not confrontation. And that is what this bill is all about.

Decisions that affect local communities are to be made by local communities. They use taxpayer dollars wisely and effectively.

This bill represents the sixth report by the Environment and Public Works Committee since I became its chairman just a few months ago.

I include also the reauthorization of the National Fish and Wildlife Foundation Establishment Act, and a wetlands bill in Louisiana.

It is only the sixth in what I hope will be a long line of good, solid, strong, bipartisan environmental bills.

We all breathe the same air. We all like to drink clean water. We all like to walk the land and to have that land be clean and to enjoy the wildlife.

I have never been able to figure out why Democrats perhaps would like to do that more than Republicans, or vice versa. This is nonpartisan. This is bipartisan.

This is good legislation, and many of these initiatives were very important to our beloved former colleague, John Chafee.

I thank Senator BAUCUS and my other committee colleagues, as well as Senators LOTT and DASCHLE, for helping us to continue the tradition of bipartisan action on environmental matters. That is so much a part of the legacy of John Chafee.

I urge my colleagues to support its passage.

Mr. L. CHAFEE. Mr. President, I rise today in support of S. 835, the Estuary Habitat Restoration Partnership Act. Senator John H. Chafee was the sponsor of this bill; indeed, it was one of his top environmental priorities this Congress. Like the many supporters of this bill, I believe this legislation is needed to turn the tide and start restoring the valuable estuarine habitats that are literally disappearing along our Nation's coasts. I hope all of my colleagues in the House and Senate will join me in working towards its timely enactment.

I would like to briefly discuss the importance of estuaries to the hundreds of different animals that live in or near these waterbodies. Estuaries are defined as waterbodies where the river's current meets the sea's tide. These waterbodies are truly unique areas where life thrives. The food chain begins in estuaries, and many of them produce more harvestable human food per acre than the best Mid-western farmland. An astonishing variety of life, including animals as diverse as lobsters, whooping cranes, manatees, salmon, otters, bald eagles, and sea turtles all depend on estuaries for their survival. The San Francisco Bay area alone is home to approximately 255 bird species, 81 mammal species, 30 reptile species and 14 amphibian species. And we cannot forget the importance of estuaries to the human species. As you look around the country—some of our most beloved cities: Boston, New Orleans, San Francisco, New York, Seattle—are located alongside estuaries.

While some may disagree, I would have to strongly argue that the most precious estuary is Narragansett Bay, located in my home State of Rhode Island. Rhode Island is "the Ocean State;" The anchor adorns our State flag; and we have an official State shell, the Quahog. And, we are known for our sailing, seafood and beaches. Tourism, fishing and other bay-related businesses fuel the regional economy. As a Rhode Islander, it is clear that our welfare depends on a clean, healthy, and productive bay.

The bottom line is that we are not doing enough for these valuable resources. The combination of development and pollution in our coastal areas has resulted in a widespread decline in estuary habitat. Estuaries are national treasures, and they deserve a national effort to protect and restore them.

The Estuary Habitat Restoration Partnership Act answers the growing challenge of estuary restoration. It sets a goal of restoring one million acres of estuary habitat by the year 2010. This bill emphasizes the crucial ingredients of successful habitat restoration projects: effective coordination among different levels of government; continued investment by public and private sector partners; and, most importantly, active participation by local communities.

Some of the key provisions of the bill are: a $315 million authorization over 5 years for habitat restoration projects; creation of a council to help develop a national strategy for habitat restoration; and a cost-sharing requirement to help leverage Federal dollars. S. 835 also promotes ongoing restoration efforts by reauthorizing the Chesapeake Bay Program and the Long Island Sound Estuary Program.

And, the bill makes a significant and necessary change in the EPA's National Estuary Program. Up until now, the 28 designated estuaries of national significance—including Narragansett Bay—could only use Federal funds to develop conservation and management plans. This bill amends the program to allow NEP grants to be used to implement the conservation measures included in those plans, and it doubles the authorization for the National Estuary Program. Indeed, a central theme of this legislation is the need to carry out projects within existing plans and get moving with on-the-ground restoration activities.

Responding effectively to the growing threats to our bays, sounds and other coastal waters presents a tremendous challenge: Federal resources are scarce, the need is great, and the pressure on these areas is intensifying. Yet, I am encouraged by the enormous support—at the local, State and Federal levels—for taking action to arrest the deterioration of our estuaries, and to reverse the trend through restoration projects. And, these restoration projects do work. Simply by storing the flow of saltwater to a marsh, or dredging a salt pond to its original depth, we allow nature a chance to revive and flourish.

As the former Mayor of Warwick, RI, I have experienced first hand the complexity of restoring estuary habitat degraded by pollution. The City of Warwick surrounds Greenwich Bay, which contains some of the most productive shellfish beds in Rhode Island. In 1992, bacterial contamination closed the entire area to shell fishing. My city responded with the Greenwich Bay Initiative, an ongoing effort to restore the estuary. With help from the State, the Federal Government and the private sector, we rehabilitated sewer systems, installed marina pump-out stations, reduced agricultural runoff and acquired sensitive land for open space conservation.

A lot of progress has been made towards restoring the health of the Greenwich Bay, but considerable work remains to be done. The challenge of estuary restoration is even greater at the national level. With the aid of the Estuary Habitat Restoration Partnership Act, we can revive our most precious and productive estuary resources. When you consider this bill, please remember that the beginnings of the food chain that sustain life on Earth dwell in the marshes and tidal pools that we seek to protect. I hope my colleagues will support this important bill.

Mr. EDWARDS. Mr. President, I rise today to express how pleased I am that we will be passing S. 835, the Estuary Habitat Restoration Partnership Act of 1999. This legislation, introduced by our former colleague Sen. John Chafee, will reauthorize the National Estuary Program at $25 million annually and will allow these funds to be used to help implement and develop estuary management plans. It will also set a goal of restoring 1 million acres of estuary habitat over the next decade.

I am proud to be a cosponsor of this important legislation because it will help us restore and protect our nation's estuaries. Too many of our estuaries are endangered by various forms of pollution or from overuse and development. In North Carolina, we are still dealing with the effects of last year's devastating hurricane season; the full effect on places like the Albemarle and Pamlico Sounds are still being evaluated. This legislation will enable estuaries like the Albemarle and Pamlico Sounds to implement the restoration and management plans that were developed several years ago. This legislation will help make them healthier, more ecologically productive estuarine habitats.

Estuaries are home to a remarkably diverse wildlife population, and they provide a "safe haven" for plant and animal species, many of which are endangered. They are essential habitats for many young fish species who need clean and healthy estuaries to spawn. They are also an important resting spot for many migratory bird species.

Estuaries are critical not only to environmental health, but to economic health as well. They support commercial activities, such as shipping and fishing. They are a source of drinking water for coastal areas. They also provide recreation opportunities for residents and visitors who want to boat, fish, or birdwatch.

In my state of North Carolina, our estuaries are of vital importance. North Carolina's estuarine system is the second largest in the continental United States, encompassing more than 2.2 million acres. Our coastal waters produce more than half the fish caught on the East Coast. North Carolina is also home to one of the last bay scallop fisheries in the United States. This industry depends upon submerged aquatic seagrasses that are extremely sensitive to pollution and they must be protected. Our estuary system is also home to large number of pelicans, who years ago were nearly extinct but have now rebounded dramatically in their restored habitat. Nearly ten percent of North Carolina's coastal estuaries have been designated as "Outstanding Resource Waters" by the state Environmental Management Commission. These waters are some of the most valuable in the state, indeed in the nation. I believe we must fight hard to protect them for the future. This legislation will help us do that.

The National Estuary Program has enabled nearly thirty estuaries to develop restoration and management plans—including the Albemarle and Pamlico Sounds in North Carolina. This legislation is an important component to insuring the continued good health of these estuaries, and I am extremely pleased to see it pass the Senate.

Finally, Mr. President, I'd like to say a few words about the man who introduced this legislation, our friend and colleague, Senator John Chafee. Senator Chafee was able to be a nonpartisan voice of reason on a great many issues. I miss him dearly. This legislation is a tribute to his perseverance and ability to develop legislation that we all recognize as a benefit to our nation as a whole. I thank him for his dedication, and I am pleased that Senator LINCOLN CHAFEE is on hand for the passage of this important measure.

I ask unanimous consent that my statement be placed in the RECORD following the remarks of Senator CHAFEE on this legislation.

Mr. SARBANES. Mr. President, I rise in strong support of S. 835, the Estuary Habitat Restoration Partnership Act of 1999. This legislation is absolutely vital to the future health of our nation's estuaries, including our largest and most productive estuary—the Chesapeake Bay, and Maryland's Coastal Bays, and I am proud to be an original co-sponsor of this measure.

H.L. Mencken once called the Chesapeake Bay a "great outdoor protein factory," a description which, perhaps more than any other, underscores the critical importance of protecting and restoring estuarine ecosystems. Estuaries provide habitat to more than three-quarters of the fish and shellfish harvested in the United States. They are home to thousands of species of plants and animals, including many endangered and threatened species. They support millions of American jobs and play a vital role in the quality of life that our citizens enjoy. But the health and productivity of our estuaries are being degraded or destroyed by the tremendous increase in shoreline population and development, increasing point and non-point source pollution and other activities. It is estimated that, over the past century, some estuaries have lost up to 90 percent of their original habitat.

The Estuary Habitat Restoration Partnership Act seeks to reverse these trends by setting the goal of restoring 1 million acres of estuarine habitat by the year 2010. It authorizes federal funding totaling $315 million over the next 5 years for the U.S. Army Corps of Engineers, in cooperation with NOAA, EPA and the U.S. Fish and Wildlife Service, to carry out estuary habitat restoration projects and provides incentives for local communities to participate in creative partnerships. It also reauthorizes the National Estuary Program and, for the first time, enables EPA to provide grants to implement conservation and management plans as well as design the plans.

Also incorporated in this measure is S. 492, the Chesapeake Bay Restoration Act (CBRA), which I introduced together with Senators WARNER, ROBB, MIKULSKI and SANTORUM to reauthorize and enhance EPA's Chesapeake Bay Program. Mr. President, the Chesapeake Bay Program (CBP) was established in 1983 with the signing of the Chesapeake Bay Agreement which formally bound the Federal Government and the States to work together to restore and protect the Bay. It is the oldest EPA geographic program and the first estuary in the nation to be targeted for restoration as a single ecosystem. EPA's participation in the CBP was formally authorized in the Water Quality Act of 1987. The Act authorized $3 million annually to support the activities of the Agency's Chesapeake Bay Program Office in Annapolis, Maryland which coordinates Federal and State efforts to restore and protect the Bay and $10 million annually for matching Interstate Development grants.

The Chesapeake Bay Program has evolved considerably in the years since it was first established and has become a model for other estuaries around the country and around the world. The Bay Program has pioneered a wide range of pollution control initiatives, including biological nutrient removal technology implemented at 42 wastewater treatment facilities; various agricultural nonpoint source controls, such as nutrient management and integrated pesticide management being implemented on nearly two million acres of agricultural land; and implementation of a basinwide ban on phosphate detergents and a national ban on tributylin. The Bay Program has also been a leader in establishing a large volunteer monitoring program; creating a sophisticated computer modeling program; identifying atmospheric deposition of nitrogen as a significant pollution source for east coast estuaries; conducting an extensive habitat restoration program including the opening of hundreds of miles of prime spawning habitat to migratory fish through the construction of fish passages; and the restoration of submerged aquatic vegetation to support the filtering of nutrients as well as habitat for the Bay's living resources. The CBP has also spawned landmark state legislation such as nutrient management of farms, growth management and forest conservation and critical area protection.

The 1987 Chesapeake Bay Agreement expanded initial restoration efforts by targeting nutrient overenrichment as the Bay's major problem, and establishing the goal to reduce by 40%, nutrients flowing into the Bay by 2000. The pact included 28 other specific commitments to address key issues in living resources, water quality, population growth and development, public information and public access. The 1992 Amendments to the Agreement moved the Program upriver, committing the 40% nutrient reduction goal to the ten major tributaries to the Bay, as well as committing to retain the 40% nutrient reductions as a permanent cap to be extended beyond 2000.

There are signs that the general degradation of Chesapeake Bay has ebbed, and actual restoration has begun. However, numerous problems remain. Rapid population growth and development are expected in the areas of the Bay watershed closest to its waters. Loadings of nitrogen and sediments to the Bay remain high. Toxic sediment and water column contaminants are a problem in specific regions of concern and some other Chesapeake Bay locations. Of great concern are recent outbreaks of Pfiesteria-like organisms and the occurrence of lesions from other sources on striped bass and other commercial and recreationally important finfish in the Bay. Important food chain species and populations of forage fish are also declining.

In order to address these problems and continue restoration efforts, the CBRA reauthorizes and increases funding for EPA's Chesapeake Bay Program from the current level of approximately $20 million to $30 million a year. It encourages and assists Chesapeake Bay Agreement signatories in meeting nutrient reduction, water quality, toxics reduction and prevention and habitat restoration goals, and requires that federal facilities within the watershed comply with nutrient reduction and other Agreement goals. The legislation also creates a new small watersheds program designed to help local groups preserve and restore stream corridors. The initiative would make "seed grants" and technical assistance available to local governments, nonprofit organizations and citizens' groups involved in river and stream-restoration projects. It is my hope that the legislation will enable the Chesapeake Bay Program to continue its leadership and technology transfer to other groups participating in the National Estuary Program, particularly in the areas of nutrient reduction through new technologies, such as biological nutrient removal; air deposition of nitrogen to estuarine and coastal waters; computer modeling; and environmental indicators with an emphasis on measuring improvements to living resources.

Mr. President, in my judgement, the provisions contained in S. 835 will pay significant dividends in the years ahead by helping to preserve and enhance our nation's estuaries, while at the same time improving the quality of life for our citizens. I want to commend the Chairman and ranking member of the Committee, Senators SMITH and BAUCUS, for moving this legislation to the Senate floor. In my judgement, the legislation is a real tribute and fitting legacy to the former Chairman of the Committee and author of the legislation, John Chafee. I also want to express my appreciation to the co-sponsors of the Chesapeake Bay bill, Senators WARNER, MIKULSKI, ROBB and SANTORUM for their assistance. I urge my colleagues to join me in supporting this measure.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Estuary Habitat Restoration Partnership Act, S. 835. When our late colleague, Senator John Chafee, introduced this bill, he did so because he understood the tremendous importance of estuaries to our national economy and environment. At the same time, Senator Chafee was concerned about the considerable challenges the nation's estuaries face, such as habitat loss, concentration of upstream pollutants, and coastal development. S. 835 would enable us to move forward as a nation in addressing those challenges, and I am proud to be a cosponsor of this bill.

Mr. President, I am particularly happy to be here today because this legislation, if passed, would have a real impact on the estuary nearest and dearest to my own heart, the Long Island Sound. Title 3 of the bill reauthorizes the Long Island Sound Office through 2005 and significantly increases the funding authorization. Last fall, with the Connecticut and New York delegations, I introduced S. 1632 to reauthorize the Office and provide significant new funding to implement critical conservation and restoration projects which will directly improve the health of the Sound. I am grateful to my colleagues for including that reauthorization in the Estuary Habitat Restoration Partnership Act.

Having grown up on the coast of Connecticut, I am well aware of the importance of Long Island Sound to the region's economic health and quality of life. Water-quality-dependent activities such as commercial and recreational fishing, boating, and swimming contribute an estimated $5 billion to the regional economy each year. The Sound is the leading producer of oysters along the east coast. In addition, despite the many industrial facilities and residential developments along its shoreline, the Sound is recognized nationally for its distinctive habitat types, including tidal wetlands, tidal flats, beaches, dunes, bluffs, rocky tidal areas, eelgrass, kelp beds, and natural and artificial reefs.

However, the Sound does experience many of the same challenges as other estuaries—residential, commercial, and industrial development have increased pollution and removed or altered habitat, and excess nutrients have resulted in low levels of dissolved oxygen in the waters of the Sound.

The Long Island Sound estuary program predated the National Estuary Program (NEP). As early as 1985, Congress recognized Long Island Sound as a national treasure when it appropriated funding for the Long Island Sound Study to research, monitor, and assess the water quality of the Sound. When the National Estuary Program was created in 1987, the Long Island Sound became a charter member. In the intervening years, Federal and state government, business, labor, environmental groups, and local communities in Connecticut and New York have come together to make a significant commitment to cleaning up the Sound. More recently, in 1994, the Governors of Connecticut and New York and the Administrator of the EPA jointly adopted the Long Island Sound Comprehensive Conservation and Management Plan (CCMP) which incorporated the results of the Long Island Sound Study. Since 1985, Federal, state, and private funds have been well spent on researching the existing conditions of the Sound and identifying conservation and restoration needs.

These efforts bode well for the health of the Long Island Sound; however, much work remains to be done. Last fall, the Long Island Sound lobster fishery experienced a severe die-off, with losses in some ports as high as 90 percent. Preliminary research suggests that a combination of environmental stresses may have caused this dramatic collapse.

The time has come to move from identifying to implementing the conservation and restoration projects which will directly improve the water quality and habitat of the Long Island Sound. The Estuary Habitat Restoration Partnership Act would help make this possible by leveraging on-the-ground restoration work with Federal funding and by creating market-based incentives for the private sector to work with community-based organizations and local governments on restoration efforts. This is an important bill for my state and our country, and I look forward to seeing it pass this body.

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any additional statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2904) was agreed to.

The bill (S. 835), as amended, was read a third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Estuary Habitat and Chesapeake Bay Restoration Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.
Sec. 105. Establishment of Collaborative Council.
Sec. 106. Duties of Collaborative Council.
Sec. 107. Cost sharing of estuary habitat restoration projects.
Sec. 108. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 109. Cooperative agreements; memoranda of understanding.
Sec. 110. Distribution of appropriations for estuary habitat restoration activities.
Sec. 111. Authorization of appropriations.
Sec. 112. National estuary program.
Sec. 113. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay restoration.

TITLE III—LONG ISLAND SOUND

Sec. 301. Reauthorization.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Estuary Habitat Restoration Partnership Act of 2000".

SEC. 102. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the commercial fish and 80 to 90 percent of the recreational fish catches of the United States;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities, through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461)), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

SEC. 104. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term "Collaborative Council" means the interagency council established by section 105.

(2) DEGRADED ESTUARY HABITAT.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 106(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 105. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 106. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this Act or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species., migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent;

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat; or

(D) the estuary habitat restoration project includes—

(i) pilot testing; or

(ii) a demonstration of an innovative technology having potential for improved cost-effectiveness in restoring—

(I) the estuary that is the subject of the project; or

(II) any other estuary.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project undertaken under this section, the Secretary

may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2001 through 2005.

SEC. 107. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

(e) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing or a demonstration of an innovative technology described in section 106(b)(3)(D) shall be 100 percent.

SEC. 108. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 110. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 106(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2001;

(2) $50,000,000 for fiscal year 2002; and

(3) $75,000,000 for each of fiscal years 2003 through 2005.

SEC. 112. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 2000, and $25,000,000 for each of fiscal years 2001 and 2002".

SEC. 113. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Restoration Act of 2000".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the

Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY RESTORATION.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

"(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

"(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

"(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—

"(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

"(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

"(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

"(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(e) IMPLEMENTATION AND MONITORING GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

"(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

"(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

"(2) PROPOSALS.—

"(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

"(B) CONTENTS.—A proposal under subparagraph (A) shall include—

"(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

"(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a grant award.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

"(A) all projects and activities funded for the fiscal year;

"(B) the goals and objectives of projects funded for the previous fiscal year; and

"(C) the net benefits of projects funded for previous fiscal years.

"(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

"(3) BUDGET COORDINATION.—

"(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

"(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

"(g) CHESAPEAKE BAY PROGRAM.—

"(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

"(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

"(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

"(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

"(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

"(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

"(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

"(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—Not later than April 22, 2001, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

"(2) REQUIREMENTS.—The study and report shall—

"(A) assess the state of the Chesapeake Bay ecosystem;

"(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

"(C) assess the effectiveness of management strategies being implemented on the date of enactment of this subsection and the extent to which the priority needs are being met;

"(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this subsection or by adopting new strategies; and

"(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

"(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

"(2) REQUIREMENTS.—The study shall—

"(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

"(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

"(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

"(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2001 through 2006.".

TITLE III—LONG ISLAND SOUND

SEC. 301. REAUTHORIZATION.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "2001 through 2006"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "not to exceed $10,000,000 for each of fiscal years 2001 through 2006".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. On behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Lester L. Lyles, 8366

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael E. Zettler, 3436

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. John W. Handy, 5379

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James F. Barnette, 4440
Brig. Gen. Gilbert R. Dardis, 0949
Brig. Gen. David B. Poythress, 3685
Brig. Gen. Joseph K. Simeone, 3044
Brig. Gen. Richard E. Spooner, 4100
Brig. Gen. Steven W. Thu, 9509
Brig. Gen. Bruce F. Tuxill, 5326

To be brigadier general

Col. Shelby G. Bryant, 2753
Col. Kenneth R. Clark, 5408
Col. Gregory B. Gardner, 6945
Col. John B. Handy, 8277
Col. Jon D. Jacobs, 6306
Col. Clifton W. Leslie, Jr., 1211
Col. John A. Love, 4350
Col. Douglas R. Moore, 5347
Col. Eugene A. Sevi, 2584
Col. David E.B. Strohm, 5869
Col. Harry M. Wyatt III, 1527.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald E. Keys, 5357.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Gary A. Ambrose, 0398
Brig. Gen. Brian A. Arnold, 4452
Brig. Gen. Thomas L. Baptiste, 1125
Brig. Gen. Leroy Barnidge, Jr., 7882
Brig. Gen. John L. Barry, 7396
Brig. Gen. Walter E.L. Buchanan III, 7387
Brig. Gen. Richard W. Davis, 4196
Brig. Gen. Robert R. Dierker, 7380
Brig. Gen. Michael N. Farage, 3352
Brig. Gen. Jack R. Holbein Jr., 0552
Brig. Gen. Charles L. Johnson II, 5967
Brig. Gen. Theodore W. Lay II, 9683
Brig. Gen. Teddie M. McFarland, 0563
Brig. Gen. Michael C. McMahan, 7967
Brig. Gen. Timothy J. McMahon, 1034
Brig. Gen. Duncan J. McNabb, 2295
Brig. Gen. Howard J. Mitchell, 0859
Brig. Gen. Bentley B. Rayburn, 1485
Brig. Gen. John F. Regni, 3567
Brig. Gen. Victor E. Renuart, Jr., 0278
Brig. Gen. Lee P. Rodgers, 4461
Brig. Gen. Glen D. Shaffer, 3490
Brig. Gen. Charles N. Simpson, 2150.
Brig. Gen. James N. Soligan, 8751
Brig. Gen. Michael P. Wiedemer, 1040
Brig. Gen. Michael W. Wooley, 9379
Brig. Gen. Bruce A. Wright, 5759

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Wherley, Jr., 8592

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

Col. Robert E. Gaylord, 8602

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. David E. Glines, 0418

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. William A. Cugno, 3772
Brig. Gen. Bradley D. Gambill, 7642
Brig. Gen. Marianne Mathewson-Chapman, 4301
Brig. Gen. Michael H. Taylor, 1966
Brig. Gen. Francis D. Vavala, 5382

To be brigadier general

Col. John A. Bathke, 6037
Col. Barbaranette T. Bolden, 6872
Col. Ronald S. Chastain, 5280
Col. Ronald G. Crowder, 6091
Col. Ricky D. Erlandson, 3783
Col. Dallas W. Fanning, 6980
Col. Donald J. Goldhorn, 3543
Col. Larry W. Haltom, 3555
Col. William E. Ingram, Jr., 5691
Col. John T. King, Jr., 5932
Col. Randall D. Mosley, 6183
Col. Richard C. Nash, 9717
Col. Phillip E. Oates, 3549
Col. Richard D. Read, 2952
Col. Andrew M. Schuster, 5145
Col. David A. Sprynczynatyk, 1827
Col. Ronald B. Stewart, 4952
Col. Warner I. Sumpter, 7278
Col. Clyde A. Vaughn, 8410

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 3069 and in accordance with Article II, Section 2 of the Constitution of the United States:

To be brigadier general, Nurse Corps

Col. William T. Bester, 1712

IN THE AIR FORCE

Air Force nominations beginning Terrance A. Harms, and ending Krista K. Wenzel, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Air Force nominations beginning James L. Abernathy, and ending Darryll D.M. Wong, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

IN THE ARMY

Army nominations beginning Jaime Albornoz, and ending Timothy D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Army nominations beginning Lyle W. Cayce, and ending Roger D. Washington, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nominations beginning James M. Dapore, and ending Michael J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning James W. Hutts, and ending Bronislaw A. Zamojda, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Paul R. Hulkovich, and ending Michael A. Weber, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Scott R. Antoine, and ending Patrick J. Woodman, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Martha C. Lupo, and ending Charles L. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Thomas W. Acosta, Jr., and ending Vincent A. Zike, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2000.

Army nominations beginning James G. Ainslie, and ending Thomas M. Penton, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., sections 531 and 624:

To be lieutenant colonel

Jane H. Edwards, 4764

Army nominations beginning Jeffrey J. Adamovicz, and ending John F. Zeto, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Joseph L. Baxter, Jr., 8381

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Stan M. Aufderheide, 9247

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Michael T. Bourque, 3436

Navy nominations beginning Marian L. Celli, and ending Miguel A. Franco, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

William R. Mahoney, 7898

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Stephen R. Silva, 8108

The following named officer for appointment to the grade indicated in the United States Naval Reserve under title 10, U.S.C., section 12203:

To be captain

Graeme Anthony Browne, 0673

Navy nominations beginning John P. Labanc, and ending Forrest S. Yount, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Robert F. Blythe, 0812

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

George P. Haig, 4611

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Melvin J. Hendricks, 4805

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Jon E. Lazar, 8144

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Lawrence R. Lintz, 2437

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

David E. Lowe, 6673

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Michael S. Nicklin, 5769

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Robert J. Werner, 9272

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Carl M. June, 4857

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, APRIL 3, 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, April 3. I further ask consent on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

One hour under the control of Senator BOB SMITH; 30 minutes under the control of Senator BROWNBACK; 30 minutes under the control of Senator CRAIG or his designee from 3 to 3:30; and 2 hours under the control of Senator DURBIN or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I further ask unanimous consent it be in order for the Budget Committee to file the budget resolution between the hours of 10 a.m. and 11 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I further ask unanimous consent that the Senate proceed to the budget resolution at 9:30 a.m. on Tuesday, April 4, providing the report is available Saturday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. For the information of all Senators, the Senate will be in a period of morning business during the day on Monday. No votes will occur during Monday's session of the Senate. The Senate will begin the budget resolution on Tuesday. Therefore, votes may be expected during the day and into the evening on Tuesday. Members should expect late nights each session next week in an effort to conclude the budget resolution by the end of next week. The leader urges all Members to adjust their schedule accordingly.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to comment for a moment on some of the things that happened today. Yesterday, I introduced legislation to provide permanent residency to Elian Gonzalez because I wanted to try to diffuse what I think is a very volatile situation in south Florida. I believe Elian Gonzalez should be allowed to go to custody court and allow his family—all of his family from Cuba, not just Juan Gonzalez—to come here so they could be free from any encumbrances or any threats or hostility toward them by Fidel Castro. They can sit down as a family, the way a family should, and try to work out the fate of Elian Gonzalez. If that could not be worked out, that it go to custody court.

Regretfully, we couldn't get enough people to support this action. So we have postponed any action. Some have objected and caused a series of delays which did not provide the opportunity for me to have a vote here today, which I regret. It is my sincere hope that the Attorney General over the next several days will not move to do something that I think would be not only silly but dangerous and not in the best interests of Elian Gonzalez—trying to drag this boy from his home in Miami and send him off to Cuba.

I believe Senators should go on record and say how they feel about this. I have heard some say, I don't want to be involved in a custody battle. I don't either. That is not the job of a Senator. We are asking in this resolution, not to have a Senator interfere with a custody battle, but to allow a custody proceeding to occur.

Right now, this is an immigration situation. Elian Gonzalez didn't come here the way most people immigrate to the United States or immigrate into the United States. He came here floating on a raft, picked up by fishermen after his mother died trying to get him here to freedom.

He deserves his day in court. He deserves to be heard, like any child in America. I want that to happen worse than anything. I want all 100 Senators to speak on this. I hope that happens. I want to let Janet Reno, the Attorney General, know that I urge her to take the time to think this thing through, meet with Elian Gonzalez, talk with the family, and understand that it is in the best interests of this child that his family, all of his family, come here from Cuba—that is what my legislation does—on permanent residency status. They can go back anytime they want to. They are not provided citizenship. They can come here of their own free will without Castro's influence. They can make a decision about this little boy. That is the right thing to do.

I want to acknowledge a statement today made by the Vice President of the United States, Al Gore, regarding Elian Gonzalez. He has today supported this action that I have advocated, along with Senator MACK and Senator GRAHAM of Florida, to have permanent residency status for Elian Gonzalez and his family. I commend the Vice President for what he did. It was a very courageous action. He parted ways with his own administration to say that this is the right thing to do. You have to give credit where credit is due, and he gets all the credit in the world from me for having made that decision. I ask unanimous consent that his statement of March 30, today, regarding Elian Gonzalez, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY AL GORE REGARDING ELIAN GONZALEZ, MARCH 30, 2000

From the very beginning, I have said that Elian Gonzalez's case is at heart a custody matter. It is a matter that should be decided by courts that have the experience and expertise to resolve custody cases—with due process, and based on Elian's best interests.

It now appears that our immigration laws may not be broad enough to allow for such an approach in Elian's case. That is why I am urging Congress to pass legislation that is being sponsored by Senators BOB GRAHAM and BOB SMITH—which would grant permanent resident status to Elian and his family so that this case can be adjudicated properly. I know that Congressman BOB MENENDEZ has introduced similar legislation in the House as well.

Let us be clear that the real fault in this case lies with the oppressive regime of Fidel Castro. Elian should never have been forced to choose between freedom and his own father. Now we must take action, here on our own shores, to make sure that Elian's best interests are served.

Mr. SMITH of New Hampshire. I will read a couple lines:

> From the very beginning, I have said that Elian Gonzalez's case is at heart a custody matter. It is a matter that should be decided by the courts that have the experience and expertise to resolve custody cases—with due process, and based on Elian's best interests.

My sentiments exactly.

> Let us be clear, the real fault in the case lies with the regime of Fidel Castro. Elian should never have been forced to choose between freedom and his own father. Now we must take action, here on our own shores, to make sure that Elian's best interests are served.

That is a very powerful statement. I commend the Vice President for making it. I hope the Vice President now can work with some of his colleagues on the other side of the aisle who have been opposing this opportunity to have the permanent residency status on Elian Gonzalez.

This bill is a perfect solution for those who are not prepared to grant full citizenship for this boy. This is a compromise, not full citizenship, and it is not sending him back to Cuba. It is a compromise. It is one on which I have worked for a long time. It is the perfect solution for those who are concerned that the Senate would be stepping into a custody matter. This bill makes this a custody case, as I just said. It removes the issue from the pro-Cuba or anti-Cuba politics. It allows the issue to be settled by a judge who has the expertise in family custody matters to resolve the status of Elian without any intimidation or any threats from Fidel Castro.

As I have stated, this is a decision the Attorney General has made. I applaud the Vice President's endorsement, and I hope and plead with him to pick up the telephone, call some of his former colleagues, and urge them to support this legislation or urge Janet Reno to pull back from this insistence that Elian Gonzalez not have permanent residency status.

I will have more to say on this when we return on Monday.

ADJOURNMENT UNTIL MONDAY, APRIL 3, 2000

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Monday, April 3, 2000, at 12 noon.

NOMINATIONS

Executive Nominations Received by the Senate March 30, 2000:

DEPARTMENT OF TRANSPORTATION

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

ROBERT W. BAKER, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

EDWARD M. BOLEN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

DEBBIE D. BRANSON, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

GEOFFREY T. CROWLEY, OF WISCONSIN, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

ROBERT A. DAVIS, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

KENDALL W. WILSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, medical service corps

COL. RICHARD L. URSONE, 5290

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARLENE E. ABBOTT, 9477
TAREK C. ABBOUSHI, 4756
PAUL R. ACKERMAN, 8562
R. KEVIN ADAMS, 6009
SANDRA M. ADAMS, 6800
DANNY L. ADDISON, 4539
EDWARD A. ADKINS, 6150
SAM RALPH AH, 7005
JEROME J. AKERSON, 6783
STEVEN B. ALDERFER, 1367
FRANK S. ALEXA, 4433
MARK G. ALLCOTT, 2294
BRUCE A. ALLEN, 1958
THOMAS G. ALLEY, 0209
JOHN P. ALMIND, 2991
JAMES K. ALTMAN, 3297
MARK A. ALTOBELLI, 2362
DOUGLAS L. AMON, 9519
MICHAEL D. ANDERSEN, 0041
BRIAN D. ANDERSON, 5495
GREGG D. ANDREACHI, 8273
WALTER G. ANDRESS, JR., 6751
CRAIG L. ANFINSEN, 6096
MICHAEL B. ANGELORO, 5507
JOHN P. ANTON, 2070
ALAN W. ARATA, 9313
JOSEPH F. ARATA, 2841
ROBERT L. ARENDS, 2934
DANIEL E. ARNOLD, 3194
DAVID R. ARREOLA, 0613
SAMUEL A. ARROYO, 8273
KENNETH R. ARTEAGA, 7022
MATTHEW B. ASH, 7822
THOMAS G. ATKINS, 6905
CAROL L. ATKINSON, 5747
DIANA ATWELL, 2520
JAMES S. AVRIT, 6349
KEVIN W. AYER, 5636
CHRISTOPHER B. AYRES, 1706
BALAN R. AYYAR, 9976
MICHAEL A. BABAUTA, 9669
RONALD J. BABSKI, JR., 2734
GARY J. BACKES, 9108
DALE E. BAILEY, 5367
JIMMY C. BAILEY, 9262
RICHARD S. BAILEY, 4753
RICHARD D. BAKER, 1055
KAREN E. BAKKE, 7784
KENNETH E. BANDY, 5785
BRITTON W. BANKSON, 0950
ALEXANDER R. BAPTY, 5175
GREGORY A. BARBER, 3842
WILLIAM TERRY BARE, 6073
THEODORE H. BARLOCK, 9830
JAMES M. BARON, 8831
ROBERT S. BARONE, 0322
PAUL R. BARRE, 3215
STEPHEN L. BARRETT, 5574
BRYAN K. BARTELS, 1549
RICHARD A. BAUMANN, 3254
JAMES R. BEAMON, 1537
BARRY M. BEARD, 1129
JAMES B. BEARDEN, 4759
DENNIS L. BEATTY, 2894
MARGARET H. BEATY, 0015
CHARLES J. BECK, 0725
JEFFREY A. BECK, 2749
WILLIAM J. BECKER, 9213
WILLIAM C. BECKINGER, 0039
BENJAMIN C. BEEDE, 7384
ERIC A. BEENE, 8082
DIANE F. BEHLER, 4687
DANIEL G. BEHNE, 9445
THOMAS E. BELL, 9162
TIMOTHY R. BELL, 5432
CHRIS C. BELSON, 6488
WILSON M. BEN, 9703
DAVID L. BENNETT, 3958
EDWARD J. BENNINGFIELD, 2717
ROBERT W. BENWAY, 5493
ROBERT F. BERKHEISER, 0045
JON H. BERRIE, 9136
RONALD J. BEYERS, 2444
JAMES M. BIEDA, 4169
WILLIAM W. BIERBAUM, 1403
DOROTHA A. BIERNESSER, 1545
PAUL T. BIGELOW, 2761
STEVEN H. BILLS, 4419
GEORGE P. BIONDI, 9845
FRANCIS J. BISHOP, JR., 7826
GRANT C. BISHOP, 3843
CASEY D. BLAKE, 7493
KEVIN C. BLAKLEY, 3243
GREGORY O. BLANCHARD, 3681
REGINA A. BLANKE, 3005
BRIAN S. BLANKENSHIP, 6314
JAMES C. BLASINGAME, JR., 0653
MICHAEL A. BLAYLOCK, 5278
GAGE A. BLEAKLEY, 8187
DAVID D. BLOMBERG, 3539
JOHN W. BLUMENTRITT, 5456
CHARLES H. BOARDMAN IV, 5533
KRISTINA M. BOERMEESTER, 6801
CHARLES R. BOONE, 9139
KEVIN A. BOOTH, 6472
ELIZABETH B. BORELLI, 2609
KEVIN A. BORNHOFT, 2858
MARK T. BOSWELL, 4208
JOYCE M. BOUGHAN, 5907
BRIAN D. BOURNE, 6543
KELVIN C. BOWEN, 5977
MELVIN K. BOWEN, 4917
JOHN C. BOWER, 7472
JOSEPH H. BOWERS, 3481
ROBERT V. BOWERSOX, 9111
ANNETTE V. BOX, 3513
FLOYD J. BOYER, 0883
JOHN V. BOYLE, 7410
ANTHONY G. BRADLEY, 5867
PATRICK O. BRADSHAW, 7485
MICHAEL T. BRAMAN, 0709
WILLIAM C. BRANDT, 7025
STEPHEN M. BRANNEN, 8557
WILLIAM S. BREI, 2231
MICHAEL J. BRENNAN III, 8295
ALAN C. BRIDGES, 4713
DAVID A. BROMWELL, 5614
MARK A. BRONAKOWSKI, 3947
MICHAEL J. BROOKS, 9804
ROGER G. BROOKS, 0080
HEIDI S. BROTHERS, 7994
DAVID A. BROWN, 0279
JONATHAN D. BROWN, 9142
MICHAEL R. BROWN, 4219
THOMAS P. BROWN, 8032
THOMAS W. BROWN, 8519
TIMOTHY D. BROWN, 9334
GERALD R. BRUCE, 6999
ALVIN A. BRUNNER III, 7282
ROBIN R. BRUNNER, 1527
JAMES M. BRUNO, 4589
ANTHONY R. BUCK, 9783
JOSEPH E. BUDER, 2842
GREGORY S. BUELT, 5670
DAVID J. BUNKER, 4645
ERIK D. BURGESON, 9579
ROBYN M. BURK, 9200
ALAN W. BURKE, 1723
CHRISTOPHER J. BURKE, 1392
JOSEPH E. BURLBAUGH, 9168
JAMES M. BURLINGAME, 9486
RODNEY A. BURNETT, 5889
ANTHONY P. BURNS, 5653
MARK E. BURNS, 4442
RICHARD E. BURNS, 2163
DANIEL C. BUSCHOR, 0593
KAREN R. BUTLER, 6544
LAWRENCE W. BUTLER, 3243
MARK E. BUTLER, 7131
MICHAEL T. BYRNE, 5891
TIMOTHY J. BYRNE, 7743
STEVEN C. CABERTO, 0983
GREGORY M. CAIN, 8922
KELLY P. CALABIO, 1476
LEONARDO P. CALABRETTA, 0653
BRIAN D. CAMPBELL, 9996
ELIZABETH A. CAMPBELL, 3184
ROBERT J. CAMPBELL, 9968
JOHN C. CANNAFAX, 7069
MICHAEL M. CANNON, 1830
ROSARIO J. CAPUTO, 0423
MARK G. CARBO, 2465
DAVID B. CAREY, 9906
GLENN W. CARLSON, 3834
DOUGLAS B. CARNEY, 4702
GEORGE C. CARPENTER II, 5770
ROBERT CARRIEDO, 6726
RODNEY D. CARROLL, 0596
MARCUS E. CARTER, 8468
MARK ELLIOTT CARTER, 1795
MARK L. CARTER, 7413
THORLOUGH E. CARTER, JR., 9804
CLAY H. CASH, 4267
TIMOTHY S. CASHDOLLAR, 8302
JAMES P. CASHIN, 0136
KAREN M. CASTILLO, 6728
ANDREW J. CERNICKY, 9486
AMY E. CHALFANT, 5329
RAYMOND F. CHAMBERLAND III, 4701
WAYNE R. CHAMBERS, 3918
MARK A. CHANCE, 5811
DAVID A. CHEVESS, 7132
JOHN L. CHITWOOD, 9613
CHRISTOPHER C. CHOATE, 3294
PAWLOWSKI YANGHEE A. M. CHOI, 6461
PATRICK W. CHRISTOPHERSON, 3700
TERRY S. CHURCH, 0011
CHERYL A. CLABOUGH, 6799
MICHAEL J. CLARK, 5532
STEPHEN A. CLARK, 2221
ROBERT D. CLAUSEN, 8945
STEPHEN R. CLIATT, 9800
JOSEPH C. CODIROLI, 5018
BENJAMIN J. COFFEY, 3825
CYNTHIA D. COGBURN, 5613
BRADLEY A. COLE, 8333
ROBERT A. COLELLA, 7106
LORI T. COLEMAN, 1518
KEVIN F. COLLAMORE, 8120
IRA Q. COLLIER III, 6140
DOUGLAS S. COLLINS, 2115
ADA A. CONLAN, 0987
CHRISTOPHER M. CONNELLY, 8558
JERRY R. CONNER, 6588
MARK G. CONNOLLY, 7099
DOUGLAS P. CONSTANT, 7670
JOHN P. COOK, 2580
PETER D. COOK, 5587
PHILIP S. COOPER, 6486
TERRENCE P. COOPER, 3445
CYNTHIA S. COPERROTTI, 9893
SCOTT E. CORCORAN, 5726
RICHARD A. CORDELL, 1439
ANTHONY N. CORRERO, 1400
ALBERT H. R. COUILLARD, 7554
WILLIAM D. COWAN, 0770
ELIZABETH A. COWLES, 4937
DAVID W. COX, 2998
KAREN L. COX, 0472
LEEVOLKER COX, 5777
TIMOTHY W. COY, 1093
MICHAEL K. CRAMER, 1445
DAVID E. CRANE, 1319
GEORGE A. CRAWFORD, 1528
LOREN A. CREA, 8862
RODERICK L. CREGIER, 8024
MICHAEL J. CRIBBS, 6160
ROBERT D. CRITCHLOW, 6590
JEFFREY D. CROSBY, 9478
CLINTON E. CROSIER, 8262
RODGER T. CULKIN, 2118
DONALD R. CULP, JR., 4917
JAMES V. CULP, 3400
GRAHAM J. CUMMIN, JR., 1899
GREGORY A. CUMMINGS, 1854
STEPHEN G. CUNICO, 2190
CHARLES D. CUNNINGHAM, 1904
DONALD L. CURRY, 5239
EDWARD T. CYRUS, 9082
KARL J. DAHLHAUSER, 9838
GARY A. DAIGLE, 0333
DAVID S. DALE, JR., 9497
ERIC M. DALE, 7405
MARY W. DALEY, 0081
ORLANDO M. DARANG, 5767
ROBERT E. DARE, 4876
GERALD J. DAVID, 2870
DAVID A. DAVIES, 9306
CHRISTOPHER O. DAVIS, 0246
JAMES M. DAVIS, JR., 5198
RODERICK H. DAVIS, JR., 8083
STEVEN M. DAVIS, 4994
WILLIAM C. DAVIS, SR., 5573
THOMAS H. DEALE, 5363
GREGORY H. DEAN, 8498
DAVID A. DECASTRO, 3655
VERNON L. DEFREESE, JR., 7028
STANLEY B. * DELL, 3002

FRANK DEMARTINI III, 4466
BETSY L. DEMAY, 1685
JOSEPH E. DEMBOWSKI III, 9248
MICHAEL R. DEMBROSKI, 2144
KIMBERLY BALKEMA DEMORET, 7397
STEPHEN T. DENKER, 8246
ROBERT L. DESILVA, 3905
DAVID M. DEVRIES, 4623
CRAIG B. DEZELL, 4841
RAFAEL A. DIAZ, 2440
STEVE G. DIDOMENICO, 0280
DAVID A. DIGEORGE, 7783
JOSEPH C. DILL, 8603
DENNIS D. DILLON, 7976
LONNIE R. DILLON, 5069
CHRISTOPHER P. DINENNA, 1748
JOSEPH T. DINUOVO, 3466
EDITH A. DISLER, 7783
TROY L. DIXON, 7666
SANDRA DOMINGOS, 2120
CYNTHIA O. DOMINGUEZ, 1989
LANCE A. DONNELLY, 0834
SUSAN M. DONNELLY, 8821
JOHN L. DONOVAN, 1926
EUGENE I. DOREMUS, 7659
JAMES A. DORSEY, 2490
RANDALL C. DORTCH, 3553
DAVID J. DORYLAND, 7642
KRISTEN A. DOTTERWAY, 0505
JOSEPH J. DOUEZ, 3688
BRIAN K. DOUGHERTY, 3665
MICHAEL W. DOUGLASS, 8127
BARRY N. DOWELL, 2104
JOHN M. DOWLING, 9615
THOMAS A. DOYNE, 2334
DANIEL A. DRAEGER, 8628
STEVEN R. DRAGO, 1946
DON M. DRESSEL, 7404
BENJAMIN A. DREW, JR., 4973
RODGER A. DREW, JR., 4599
KEVIN B. DRISCOLL, 2287
PAUL A. DRIVER, 6841
JOSEPH D. DROZD, 9060
CELESTE SANDERS DRYJANSKI, 6226
COURTNEY ANNE DUCHARME, 2781
DONALD E. DUCKRO, 4664
MARK F. DUFFIELD, 1330
DAVID A. DUKE, 0436
DOUGLAS K. * DUNBAR, 8432
JOHN I. DUNHAM, JR., 4125
THOMAS C. DUNHAM, 4872
DAVID G. DUNLOP, 7825
JEFFERSON S. DUNN, 8228
KATHLEEN M. DUNNCANE, 1606
DAVID P. DUNTEMAN, 8804
MICHAEL S. DUPERIER, 8744
DAVID J. DURGAN, 4358
DOUGLAS E. DYER, 9072
DIANNA M. DYLEWSKI, 8879
JOSEPH F. DYLEWSKI, 2101
DAVID M. EARLY, 4690
M. ELIZABETH MASON EASTMAN, 8509
CHARLES O. EDDY IV, 5772
TIMOTHY E. EDEM, 0545
CRAIG R. EDKINS, 2309
ANNETTE W. EDWARDS, 6423
DAWN R. EFLEIN, 1596
JOHN M. EGENTOWICH, 2722
WILLIAM H. EICHENBERGER, 3863
JAMES E. EILERS, 9389
JOEY A. EISENHUT, 8356
ERIC N. EKLUND, 1717
DAVID E. ELLIS, 1790
MARK W. ELLIS, 5605
PETER S. H. ELLIS, 8594
MICHAEL D. ELLISON, 9343
BRUCE D. ELLWEIN, 1443
DAVID W. ELSAESSER, 4161
GREGORY G. EMANUEL, 5868
CHARLES G. EMMETTE, 0122
JEFFERY L. EMMONS, 2453
GREGORY T. ENGEL, 8924
MICHAEL T. ENGLAND, 8389
MARY L. ENSMINGER, 9019
FRANK J. EPPICH, 5662
JOANN L. ERNO, 6833
NEIL B. ERNO, 4979
ROBERT A. ESLINGER, 9826
JAYSON S. ESPLIN, 9743
GARY O. ESSARY, 2513
JODY A. EVANS, 5383
THOMAS A. EYE, 5937
MICHAEL K. FABIAN, 7285
GARY E. FABRICIUS, 7184
KATHLEEN M. FADOK, 3916
RONALD R. FAIRBANKS, 1512
CARL L. FARQUHAR, 2161
STEVEN E. FELL, 7364
DALE A. FERGUSON, 7983
ADOLFO J. FERNANDEZ, 9954
JOSEPH C. FICARROTTA, 6366
MARK A. FINNILA, 0541
PERRY D. FITZGERALD, JR., 4071
STEPHEN A. FITZGERALD, 6605
MICHAEL T. FITZPATRICK, 3562
TERESA L. FITZPATRICK, 3642
DIANE L. FLETCHER, 4808
KELLY E. FLETCHER, 0926
JAMES A. FOLEY, 2270
JEFFREY E. FOLLANSBEE, 6962
THOMAS M. FOLTZ, 5842
TROY N. FONTAINE, 8612
ANDREW J. FORBES, 2922
LANCE A. FORBES, 9466
DUANE A. FORCADE, 3089
BRIAN C. FORD, 6091
RICHARD A. FORSTER, 5718
MICHAEL E. FORTNEY, 9592
MARK A. FORTUGNO, 4409
WILLIAM W. FRANCIS, 9163
DAVID M. FRANZ, 9445
CLAY R. FRASIER, 6448
MYRON L. FREEMAN, 4154
PAUL J. FREEMAN, 6803
DAVID C. FRENCH, 5424
THOMAS B. FROONINCKX, 5086
CURTIS V. FROST, 6776
CARL J. FRUSHON, 4825
TIMOTHY D. FRUTH, 8523
DENNIS P. FRY, 8303
DWAYNE W. FRYE, 3816
AGUSTIN FUENTES, 9304
RICHARD T. FUENTES, 9031
CHARLES H. FULGHUM, 1202
DOUGLAS E. FULLER, 5823
KATHRYN ANN FULLER, 9361
ROBERT M. FULLER, JR., 9976
JAMES G. FULTON, 5591
DAVID W. FUNK, 9257
RONALD L. FUNK, 4352
ALDEN B. FURLOUGH, 1056
DALE S. GABRIEL, 4885
KELLY P. GAFFNEY, 1975
GARY C. GAGNON, 8236
DOUGLAS A. GALIPEAU, 9998
LEOKADIA B. GALKA, 3865
JAMES M. GALLAGHER, 8996
EFREN V. M. GARCIA, 6539
JOSEPH L. GARCIA, 3701
LEE J. GARCIA, 4166
SARAH L. GARCIA, 2194
LESTER L. GARDNER, JR., 6375
PATRICK J. GARDNER, 2073
DARRELL F. GARGALA, 5698
ROBERT F. GARGIULO, 0406
KYLE E. GARLAND, 9049
JOHN A. GARNER, 8483
JAMES E. GARNETT, 5118
JOHN D. GARRIS, 7917
JOHN D. GARVIN, 0723
ERIC E. GATES, 1664
ANDRE L. GATHERS, 6767
THOMAS L. GAYLORD, 7729
CHRISTINE R. GEDNEY, 3035
GORDON G. GEISON, 7132
DONALD S. GEORGE, 0764
WILLIAM R. GEORGE, 9034
LARRY E. GERMANN, 5679
DENNIS J. GERVAIS, 5891
RANDAL A. GESCHEIDLE, 8507
RANDALL W. GIBB, 5521
BROCK E. GIBSON, 0454
DEAN B. GILBERT, 8335
DENNIS P. GILBERT, JR., 7884
GLENN S. GILBERT, 1469
CLAIR M. GILK, 6998
SCOTT C. GILLESPIE, 4396
PRINCE GILLIARD, JR., 9143
MARK A. GILLOTT, 1864
KEITH E. GILMORE, 0754
SCOTT E. GILSON, 4022
KEVIN J. GIRKINS, 9972
RICHARD A. GITTINS, 6099
ROBERT P. GIVENS, 2092
AMANDA W. GLADNEY, 3549
STEVEN W. GODDARD, 3696
DAVID W. GOE, 2840
EDWARD T. GOLDSACK, 3877
JOSEPH N. GOMES, 8209
MICHAEL T. GOOD, 7259
DOUGLAS G. GOODLIN, 5042
MICHAEL J. GOTTSTINE, 3794
ANTHONY J. GOULD, 1412
DOUGLAS R. GOULD, 0228
THOMAS F. GOULD, 0168
PAUL D. GOVEN, 0634
LEWIS C. GRAEFF, 2304
JENNIFER L. GRAHAM, 6640
JAMES A. GRAHN, 9480
JEFFREY W. GRANTHAM, 2420
JAMES A. GRAY, 5218
JON K. GRAY, 4003
GERALD P. GREEN, 6482
JAMES D. GREEN, 4713
JAMES L. GREEN, 8704
RAY A. GREEN, 2676
TIMOTHY A. GREEN, 1753
DONALD A. GRESHAM, 8722
JAMES B. GRIER, 5895
KENNETH G. GRIFFIN, 3050
DANIEL J. GRIFFITH, 8632
KELLY A. GRIFFITH, 0373
KENNETH K. GRIMES, 6478
STEVEN NMN GRIMO, 6184
STEPHEN C. GRINNELL, JR., 0431
COLLEEN R. GRINTER, 2382
PHILLIP D. GRISSOM, 8851
STEVEN L. GROENHEIM, 8394
STEPHEN M. GROTJAN, 3345
STEPHEN D. GRUMBACH, 4948
JEFFREY S. GRUNER, 0845
BRUCE N. GRYGIER, 8579
ALBERT E. GUEVARA, 2822
KENNETH S. GURLEY, 3744
MAURICE L. GUTIERREZ, 7867
STEPHEN W. GUZEK, 1573
PAUL W. GYDESEN, 1133
VENNESSA J. HAGAN, 1516
JOSEPH P. HAGGERTY, 8177
LARRY D. HAHN, 7776
THOMAS J. HAINS, 0674
STUART L. HAIRE, 5486
MICHAEL F. HAKE, 7090
MICHAEL M. HALE, 3891
ANDREW B. HALL, 2305
JULIE A. HALL, 7258
LARRY D. HALL, 7270
MARK R. HALL, 8664
NIKKI A. HALL, 0097
JONES LYNNE T. HAMILTON, 9246
TERRY W. HAMILTON, 8864
KENNETH L. HAMNER, 9474
THOMAS W. HAMPTON, 8915
WILLIAM G. HAMPTON, 8910
JOSEPH L. HAMRICK II, 1908
KIM R. HANEY, 6447
JERRY W. HANLIN, 9532
SEAN M. HANNAWAY, 9405
KEITH J. HANSEN, 8437
CHERYL L. C. HARALSON, 1569
SCOTT C. HARDIMAN, 9955
STEPHEN D. HARGIS, 7415
CRAIG S. HARM, 4309
TODD P. HARMER, 9083
SUE E. HARMON, 0320
KAREN L. HARNED, 0336
MARY E. HARNEY, 4812
JAMES W. HARPER, 3702
DIANE W. HARRIEL, 5657
KATHLEEN HARRINGTON, 3610
LAWRENCE K. HARRINGTON, 6157
ALFRED W. HARRIS, JR., 9895
CARL P. HARRIS, JR., 4861
STEVEN HARRIS, 8668
STEVEN B. HARRISON, 2447
JAMES C. HARTLE, 2882
MICHAEL T. HARVEY, 5277
MARK S. HASKINS, 6881
BRIAN D. HASTINGS, 9349
MICHAEL C. HATFIELD, 6897
PHIL M. HAUN, 4264
ROBERT E. HAYHURST, 8025
MARK S. HAYS, 4695
BRIAN C. HEALY, 1061
JOHN E. HEATON, SR., 4801
WILLIAM HEGEDUSICH, 9126
*NANCY J. HEISTERMAN, 8772
CHARLES A. HELMS, 5774
KENT R. HELWIG, 8798
STEVEN J. HENNESSY, 3664
GARY N. HENRY, 0858
JOSE L. HERNANDEZ, JR., 6159
RICHARD S. HERR, 1998
JUSTO HERRERA III, 5960
JOE C. HERRON, 9486
ROBERT B. HERTBERG, 8278
MARK EDWARD HESS, 7290
MATTHEW W. HEUER, 2978
DAWN M. HEWITT, 4140
DONALD C. HICKMAN, 9746
JOHN M. HICKS, 1817
PETER HIGGINS, 0189
CRAIG A. HILL, 3584
ROBERT E. HILL, 8273
THOMAS D. HILL, JR., 0791
JAMES W. HILLS III, 0559
MICHAEL J. HILTON, 8795
THOMAS P. HIMES, JR., 2494
JOHN A. HINDS, 5594
ROBIN B. HINOTE, 8793
DAVID R. HINSON, 1108
PETER A. HIRNEISE, 7807
KATHLEEN M. HITHE, 7630
LAWRENCE I. HITTLE, 8105
DOUGLAS J. HOCK, 8074
ANDREW M. HOCKMAN, 1937
ALEXANDER C. HODGE, 0683
PATRICIA D. HOFFMAN, 1122
COURTNEY D. HOLMBERG, 8803
BERNARD A. HOLMES, 1681
BRYAN D. HOLMES, 5091
SHARON L. HOLMES, 2210
DIANE M. HOLMGREN, 0598
JEFFREY L. HOOD, 9199
GUY R. HOOPER, 7993
ROBERT A. HOPKINS, JR., 6113
JOHN P. HORNER, 8286
DAVID B. HORTON, 1877
DAUN A. HORTTOR, 1669
MARK W. HOUTZER, 9098
DANA S. HOWARD, 0933
JAMES R. HOWARD, 2708
JAMES C. HOWE, 1324
TONY C.T. HU, 1978
MARTIN J. HUGGARD, 4601
HARRY M. HUGHES, 1568
CASEY W. HUGHSON, 0310
THOMAS D. HUIZENGA, 7555
DAVID B. HUME, 4256
RICHARD T. HUMPHREY, 5981
JOHN A. HUMPHRIES, 1541
JOHN P. HUNERWADEL, 4173
DAVID P. HUNNINGHAKE, 6499
JON K. HUSS, 1100
CHARLES K. HYDE, 6548
KENNETH J. HYVONEN, JR., 4708

PHILIP A. IANNUZZI, JR., 3851
MARIANNE IDZIEGAN, 4652
WILLIAM R. IMHOF, 2282
JAMES E. IMLAY, 8271
EDWARD A. INGHAM, 4674
DAVID M. INGRAM, 0560
ERIC S. ISRAEL, 5921
JUDY L. JACKSON, 8196
KENNETH F. JACKSON, 4085
ROBERT L. JACKSON III, 8478
FREEMAN E. JAMES, 1835
LEONARD J. JANSEN, 3511
BARBARA JEFTS, 2918
STEVEN M. JENKINS, 7483
DON S. JENSEN, 1132
ROBERT H. JERONIMUS, 6420
EDWARD E. JEZISEK II, 4092
HAGOP JIBILIAN, 3297
JOHN P. JOHANSON, 7782
ALAN W. JOHNSON, 2895
DANIEL R. JOHNSON, 2802
DAVID R. JOHNSON, 7852
DAVID S. JOHNSON, 0151
JOSEPH D. JOHNSON, 9694
LISA S. JOHNSON, 2942
PATRICK W. JOHNSON, 0451
JAMES A. JOLLIFFE, 9944
LEWIS J. JOLLY, 3345
BRADLEY K. JONES, 5993
DAVID A. JONES, 0787
DEBORAH R. JONES, 6391
GREGORY T. JONES, 1148
JOHNATHAN H. JONES, 0585
MARILYN L. JONES, 0899
MICHAEL R. JONES, 4599
BOYKIN B. JORDAN, JR., 2050
GERALD M. JORDAN, JR., 9512
JAMES R. JORDAN, 2190
JOHN J. JORDAN, 5121
PAMELA S. JORDAN, 2128
STEVEN H. JORDAN, 7138
PAUL J. JUDGE, 3157
KENNETH R. JUNKES, 4283
JOSEPH H. JUSTICE III, 9203
JERRY M. KAIN, 2984
KRISTINA M. KANE, 7858
CHRISTOPHER D. KARLS, 4315
BRADLEY C. KARN III, 4064
MARK A. KASTER, 4519
THERESA M. KATEIN, 9456
DONALD G. KAYNOR, 8421
DAVID N. KEDDINGTON, 5785
CHRISTOPHER W. KEEFER, 7775
JOHN A. KEEFER, 5381
CHARLES E. KELKER, 3687
MARY KELLER, 6265
JAMES M. KELLEY, 1458
PAUL F. KELLNER, 2868
MICHAEL J. KELLY, 4082
THOMAS F. KENNEDY, JR., 8584
BRENTON H. KENWORTHY, 4637
JOHN K. KEPKO, 4911
GAVIN L. KETCHEN, 3389
DOUGLAS S. KIBBE, 2636
JEFFREY S. KIDD, 9437
KEVIN J. KILB, 8683
JOANNE M. KILE, 5017
BRIAN M. KILLOUGH, 1572
WALTER S. KING, 1551
MICHAEL A. KIRSCHKE, 5925
JOHN P. KLATT, 6255
JON D. KLAUS, 7762
EUGENE V. KLEISER, JR., 7700
KIRK M. KLOEPPEL, 7528
RICHARD A. KLUMPP, JR., 6825
BRIAN T. KNAUER, 9468
FRANK KNICKERBOCKER IV, 0349
DOUGLAS A. KNIGHT, 4784
MARKHAM C. KNIGHTS, 0969
MARK R. KNOFF, 6249
KENNETH L. KNOTTS, JR., 4089
EDGAR M. KNOUSE, 8442
LESLIE A. KODLICK, 2674
CURTIS K. KONG, 6923
GARY M. KONNERT, 2893
PATRICIA J. KORN, 4755
RONALD A. KOSOBUCKI, 2134
STEPHEN A. KRAM, 3141
KURT H. KRAMER, 6410
KENNETH S. KREIT, 3137
JEFFREY J. KUBIAK, 2090
MICHAEL A. KUCEJ, 7395
NANCY C. KUNKEL, 5709
NANCY A. KUO, 6294
RUSSELL A. KUTZMAN, 5975
KAREN U. KWIATKOWSKI, 0011
DAVID A. KWIERAGA, 9565
BIBIANA R. LABORTE, 0834
JOSE M. LABORTE, 6173
JOSEPH LACATUS, 3400
JEROME G. LAKE, 3460
JOSEPH LAMARCA, JR., 8379
GREGORY S. LAMB, 4352
THOMAS A. LAMBERT, 2520
KYLE M. LAMPELA, 1381
KATHERINE E. LANDERS, 9450
MARK C. LANE, 6593
WILLIAM H. LANE III, 5795
WILLIAM R. LANE, 3751
WALLACE R.G. LANGBEHN II, 4265
MARK M. LANKFORD, 5354
MICHAEL J. LAPOINTE, 3752
CRAIG J. LARSON, 6633
DAVID L. LARSON, 7715
PETER R. LASCH, 3380
RICHARD M. LASSITER, 6686
WALTER J. LAUDERDALE, 5647
BRIAN C. LAVELLE, 0422
ROSE A. LAYMAN, 8974
DONALD H. LEATHEM, JR., 4289
VINCENT J. LECCADITO, 5645
BOYD D. LEE, 2027
JEANETTE A. LEE, 1243
MICHAEL T. LEFFLER, 4090
BARRY W. LEIHER, 2757
ROBERT P. LEMIEUX, 3073
JOSEPH L. LENERTZ, 1712
DENISE L. LENGYEL, 9421
GREGORY J. LENGYEL, 5689
BRUCE D. LENNARD, 9570
MARK A. LEONARD, 5584
WILLIAM W. LETT, 8563
DANIEL P. LEWANDOWSKI, 6098
JUAN F. LIMON, 3800
ELISABETH A. LINCOLN, 4926
MICHAEL P. LINSCHOTEN, 6998
RICHARD A. LIPSEY, 5197
LEONARD G. LITTON III, 2778
TAMMY H. LIVINGOOD, 9626
JOHN R. LOHR, 8974
RONALD E. LOHSE II, 3637
THOMAS E. LOLLIS II, 8814
EUGENE A. LONGO, JR., 9712
LYNDAL L. LONGSTREET, 0667
ANTHONY S. LONIGRO, 0087
EDWARD V. LORENZINI, 2038
HECTOR M. LORENZO, 1772
SUSAN C. LOVELAND, 0203
JAMES E. LOVELL, 5429
CHRISTOPHER C. LOZO, 4487
TERRY M. LUALLEN, 8558
JOHN C. LUCAS, 5137
STEPHEN P. LUCKY, 4905
CARL A. LUDE, 7272
CYNTHIA M. LUNDELL, 7914
NICHOLAS G. LUTHMAN, 8789
MARK J. LUTTON, 3420
MICHAEL J. MACAGNONE, 9735
STEPHEN A. MACHESKY, 7741
MONTE R. MACKEY, 7172
HENRY L. MACKLEN III, 2568
MICHAEL A. MACWILLIAM, 0630
SANDRA S. MADARIS, 7945
TIMOTHY S. MADGETT, 2877
PAUL M. MADSEN, 8977
FRANKLIN J. MALAFARINA, JR., 6079
DEAN P. MALLORY, 2838
JOSEPH W. MANCY, 0067
MICHAEL R. MANGUS, 1606
FERNANDO MANRIQUE, 9519
WILLIAM M. MANTIPLY, 0338
TIMOTHY L. MARCEAU, 8932
MICHAEL J. MARCHAND, 2075
MICHAEL S. MAREK, 3010
MICHAEL G. MARKOVICH, 0647
THOMAS G. MARKWARDT, 3220
MICHAEL A. MARRA, 4637
SCOTT R. MARRS, 2012
JOHN E. MARSELUS, 4031
JAMES D. MARSH, JR., 3479
DAVID B. MARSHALL, 3255
PATRICK A. MARSHALL, 2129
BENNY D. MARTIN, 8070
CHRISTY L. MARTIN, 2883
JEFFREY B. MARTIN, 4768
SCOTT R. MARTIN, 1605
TERESA L. MARTINEZ, 7846
WALTER L. MARVIN, 0350
RONALD S. MARX, 3933
RANDALL L. MARZEN, 8690
WILLIAM M. MASON, 9544
STANLEY T. MASTERS, 3686
JOSEPH M. MASTRIANNA, 7968
BERNARD E. MATER, 5750
ROBERT H. MATERNA, 7042
DAVID B. MATHEWS, 4669
JAY D. MATHIEU, 7054
RICHARD L. MATTA, 6904
ROBERT M. MATTHEWS, 4212
ROY A. MATTHEWS, JR., 9835
MARY MATTHEWSHAINS, 7427
JOHN J. MAUBACH, 6401
BRETT F. MAYHEW, 1717
RORY A. MAYNARD, 6314
TIMOTHY W. MCCAIG, 8146
RUSSELL E. MCCALLISTER, 8194
JEFFREY M. MCCANN, 0691
DAMIAN J. MCCARTHY, 9048
DANIEL H. MCCAULEY, 8654
RICHARD A. MCCLAIN, 6742
KENNETH L. MCCLELLAN, 0149
MICHAEL L. MCCLELLAN, 6419
BRUCE H. MCCLINTOCK, 6308
KWAN J. MCCOMAS, 6282
DAVID K. MCCOMBS, 1444
LORI M. MCCONNELL, 7111
TIMOTHY D. MCCOOL, 2005
CHRISTOPHER J. MCCORMACK, 6346
JACK E. MCCRAE, JR., 8321
DAVID H. MCCRAY, 7189
KEITH H. MCCREADY, 8108
ALANA L. MCCULLOUGH, 0401
JEFFREY R. MCDANIELS, 6134
GARVIN A. MCGETTRICK, 5078
JOHN A.W. MCGONAGILL, 6178
WILLIAM M. MCKECHNIE, 2094
ERIC J. MCKINLEY, 2781
LYNDON K. MCKOWN, 2143
DAVID W. MCLEMORE, 4713
MARK M. MCLEOD, 1688
RONALD G. MCMANUS, JR., 7415
ADAM J. MCMILLAN, 5245
JOHN K. MCMULLEN, 4660
BRIAN J. MCNULTY, 1954
STEVEN H. MCPHERSON, 0477
TIMOTHY E. MCQUADE, 8784
MARTHA E. MCSALLY, 8930
DAVID J. MEADE, 0455
MARTHA A. MEEKER, 1955
RAYMOND A. MEINHART, 3941
DONALD S. METSCHER, 3833
DAVID J. MEYER, 4670
MARK A. MEYER, 6351
SANDRA C. MIARECKI, 4481
JOHN E. MICHEL, 2358
CHARLES E. MIDTHUN, 1941
JEFFREY T. MIKESELL, 1587
LAURIE S. MILES, 1322
WILLIAM D. MILES, 5141
JEANNE M. MILLAR, 1984
DAVID E. MILLER, 5398
JAMES M. MILLER, 4135
JOHN M. MILLER, 0457
KEESEY R. MILLER, 2003
MARK A. MILLER, 4561
RICHARD A. MILLER, 7064
ROBERT W. MILLER, 4621
SCOTT V. MILLER, 0078
WILLIAM E. MILLER, 5643
DAVID R. MILLETTE, 7007
RICHARD W. MILLIKEN, 2531
WILLIAM D. MILLONIG, 9552
DAVID B. MILNER, JR., 0750
JAMES E. MINER, 6502
JEFFREY K. MINER, 7604
BARRY SHAUN MINES, 4437
STEPHEN MIS, 7870
JACK E. MITCHELL, 6426
ROBERT E. MITCHELL, 9391
DONNA J. MOERSCHELL, 0103
PHILLIP E. MOLLE, 5145
RANDY G. MOLTEN, 6247
DANIEL J. MONAHAN, 9624
KATHLEEN P. MONSEN, 3194
JOHN P. MONTGOMERY, 9764
MOLLY K. MOON, 5461
MARK D. MOORE, 8039
MARLIN K. MOORE, 0374
TERRY F. MOORE, 7671
VALERIE L. MOORE, 4523
VICKIE R. MOORE, 9725
MARK P. MOOSHIAN, 7165
NED L. MORAN, 5524
STEVEN J. MORANI, 1387
STEPHEN J. MOREE, 7981
DANIEL K. MORGAN, 0010
JAY P. MORGAN, 4353
JAMES R. MORRIS, JR., 4917
MARCUS A. MORRIS, 6435
ROBERT A. MORRIS, 9224
DARRELL S. MOSLEY, 0079
WILLIAM H.V. MOTT, 8462
CHARLES F. MOWERY III, 1586
MARK E. MOYER, 5055
JOHN G. MUELLER, JR., 5931
WILLIAM R. MULDOON, JR., 5342
DAVID A. MULLINS, 7442
SESHAGIRI MUNIPALLI, 0331
GEORGE MUNKACHY, 1210
ROCK A. MUNSEE, 3911
JOHN G. MURPHY, 3629
MARK MURPHY, 3785
NICHOLAS W. MUSZYNSKI, 9487
WILLIAM F. NADOLSKI, 5052
ROBERT P. NALEPA, 9120
LESLIE T. NAVARRO, 7089
JEFFREY L. NEEDHAM, 5759
GORDON L. NEFF, JR., 6498
THOMAS D. NEFF, 9188
RICHARD D. NEFZGER, 8174
DAVID K. NELSON, 7606
PAUL D. NELSON, 8977
TIMOTHY L. NELSON, 6133
BRYAN K. NEUHAUS, 1923
ROBERT D. NEWBERRY, 3716
MICHAEL E. NEWMAN, 8323
TIMOTHY R. NEWMAN, 3634
SCOTT M. NICHELSON, 4151
MELVIN R. NICHOLSON, 9753
DANIEL R. NICKERSON, 9842
THOMAS W. NINE, 8391
THOMAS M. NOLTA, 2332
KENT H. NONAKA, 8219
ROBERT J. NORRIS III, 6945
ALAN J. NORTHRUP, 2351
MARK L. NOWACK, 5946
ROBERT A. NUANES, 5903
JOHN M. NUNEZ, 9612
MICHAEL L. NUSS, 0317
DENNIS L. OAKES, 8347
KEVIN M. OBERRY, 1240
JEROME K. OBRIEN, 5407
MICHAEL G. OBRIEN, 1772
JOHN W. OCONNOR, 6711
JOHN M. ODEY, 0623
MICHAEL S. ODOWD, 4553

WILLIAM D. OETTING, 9394
JOHN R. OHAIR, 3069
DON I. OLDS, JR., 5288
PEDRO R. OMS, 8067
DAVID R. ONAKA, 6693
JAMES C. ONUSKO, 4818
THOMAS G. OREILLY, 6021
DEAN F. OSGOOD, 7759
DAWSON S. OSLUND, 2296
EVELYN S. OTERORUIZ, 3611
RICHARD H. PAINTER, 1560
ABIGAIL M. PALMER, 0236
GLENAE E. PALMER, 6393
THOMAS J. PALMER, 4117
MICHAEL T. PANARISI, 9425
JOSEPH M. PANETTA, JR., 0790
DENNIS B. PANNELL, 3580
MICHAEL B. PARK, 7314
ANN L. PARKER, 2015
DONALD A. PARKHURST, 3649
JOHN K. PARKS, 5801
SEAN M. PATRICK, 0821
MARK PATTERSON, 0259
WAYNE E. PATTERSON, 8303
LORENA D. PAUL, 0837
MICHAEL E. PAUL, 0913
AJRN R. PAULSON, 8437
JONATHAN R. PAYNE, 5279
STEVEN S. PAYSON, 1604
SCOTT M. PEARL, 5666
JOHN H. PEARSON, 8985
STEVEN W. PEARSON, 6500
PAULA L. PENGILLY, 4507
JOHN L. PENNELL, JR., 5037
MICHAEL R. PENNING, 0528
JERARDO A. PEREZ, 1928
MARY C. PESCHELHERLEHY, 6546
PHILIP P. PESICKA, 1466
MARY L. PETERS, 7523
KEVIN R. PETESCH, 4370
GEORGE D. PFAFF, 8099
ELAINE S. PFEIFFER, 6305
KERRY P. PHELAN, 0527
JANET V. PHELPS, 0705
KENNETH D. PHILIPPART, 5688
THOMAS C. PHILLIPS, 7458
CHARLES C. PIAZZA, 1674
DANA A. PIAZZA, 8538
LOUIS J. PICCOTTI, 8421
JOSEPH D. PIERCE, 4960
TED A. PIERSON, 4521
PATRICK P. PIHANA, 4326
THOMAS R. PILLING, 4420
KATHY LYNN PITCHER, 3093
JEFFREY L. PITCHFORD, 7952
THOMAS W. PITTMAN, 5998
JAMES B. PLANEAUX, 0953
PARKER P. PLANTE, 8609
MICHAEL T. PLEHN, 1796
BRETT A. PLENTL, 7789
THOMAS J. PLUMB, 8677
CONSUELLA B. POCKETT, 4667
EDWARD A. POHL, 6428
MICHAEL A. POLHEMUS, 9284
SUSAN G. POLK, 0745
KEVIN L. POLLOCK, 3202
MARGARET B. POORE, 2922
CHARLES A. POST, JR., 0135
DONALD W. POST, 6034
MARK S. POSTGATE, 9558
JOHN E. POVELONES III, 7693
BENJAMIN D. POWELL, 7664
JOHN P. POWELL, 6583
ANNE M. POWERS, 8056
CHRIS P. POWERS, 0597
ANTHONY C. PRADIA, 0354
SABRINA M. PRESTONLEACOCK, 3991
STEWART S. PRICE, 8865
JOHN H. PRINCE, JR., 4789
WILLIAM M. PROPST, 9176
ROBERT R. PROVOST, JR., 1848
MARK A. PRUETT, 3297
JAMES PRZYBYSZ, 2204
NICHOLAS PSALTAKIS, 4550
RICHARD S. PUES, 6109
ROBERT M. PUHALA, 4857
KARL S. PURDY, 6460
DANIEL G. PUTBRESE, 4436
JOHN L. PUTNAM, 6662
GREGORY L. PYLE, 5566
GLENN E. QUARLES, 1160
RAFAEL D. L. QUEZADA, 8787
JOHN M. QUINN, 1677
TIMOTHY J. QUINN, 2795
MANUEL QUINONES, 7308
JOSE C. QUINTANILLA, 6435
DAVID E. RAAB, 1450
MICHAEL A. RADFORD, 0801
PATRICK J. RAGLOW, 0677
PHILIP E. RAINFORTH, 8815
JAMES B. RAKE, 6230
BRYAN E. RAMSTACK, 6909
MARJORIE J. RANDALL, 4865
NEAL J. RAPPAPORT, 7989
DAVID V. RATHS, 6297
JOHN T. RAUSCH, 0317
BRADLEY D. RAYNAUD, 6026
CHRISTOPHER A. REAMS, 2485
WILLIAM C. REAVES, 6189
THOMAS C. REDFORD, 1289
JAMES L. REECE, JR., 7451
HENRY M. REED III, 5536
JAMES D. REED, 8017
LAWRENCE S. REED, 8370
DIANE M. REESE, 8558
JOHN R. REESE, 0629
STEVEN B. REEVES, 7650
PAUL A. REHME, 3264
TIMOTHY L. REICHART, 4488
MICHAEL A. REICHERT, 8751
JOHN R. REID, 8543
JOHN J. REIDY, 7384
SHAWN I. REILLY, 0122
DEREK E. REINHARD, 8909
WILLIAM R. RENFROE, 7445
GARY O. RENFROW, 7563
NORMAN E. RENNSPIES, 7374
DOUGLAS R. REYNOLDS, 1907
GARY S. REYNOLDS, 1706
RANDY B. REYNOLDS, 2615
ROBERT E. RHINEHART, JR., 0548
DAVID A. RHOADES, 8193
BRYAN T. RIBA, 1322
KENNETH D. RIBLER, 1488
CREIG A. RICE, 7036
JOSEPH N. RICH, 2107
ROBERT S. RICHARD, 4468
MARK L. RICHARDSON, 0169
MARK T. RICHARDSON, 8373
RANDALL JAMES RICHERT, 0074
RANDALL L. RIDDLE, 9286
MARK S. RIGHTNOUR, 5943
KELLY A. RINEHART, 4582
JOHN S. RIORDAN, 2595
ROLAND RIVERA, 0910
KENNETH R. RIZER, 9279
PATRICK J. RIZZUTO, JR., 7819
WILLIAM P. ROACH, 5583
JAMES B. ROAN, 3534
DONALD W. ROBBINS, 3936
MARVELL ROBERSON, 9635
BRADLEY J. ROBERT, 0139
WALTER C. ROBERTS, JR., 5527
JEFFERY S. ROBERTSON, 3780
EUGENE A. ROBINETT, 9049
ALEC M. ROBINSON, 8002
DARRYL J. ROBINSON, 5488
JOHN W. ROBINSON, JR., 4344
THERESE M. ROBINSON, 0528
THOMAS D. ROBINSON, 0948
TODD W. ROBISON, 6082
DWIGHT A. ROBLYER, 4179
CONNIE D. ROCCO, 8472
DANIEL R. ROCHA, 3796
EVELYN M. ROGERS, 4051
BRUCE A. ROMEO, 2443
JOHN D. ROOSA, 1511
DAVID G. ROSE, 6086
JERRY W. ROSE, 1454
ROBERT J. ROSEDALE, 1889
DALE E. ROSENBERG, 6696
JAMES C. ROSS, 8882
KEVIN P. ROSS, 7021
ROGER L. ROSTVOLD, 4736
BRENDA F. ROTH, 6843
MICHAEL D. ROTHSTEIN, 3349
STEPHEN M. ROTHSTEIN, 0243
KEITH ROUNTREE, 8565
DANA M. ROWE, 0435
CHRISTOPHER B. ROYCRAFT, 6102
KENNETH M. ROZELSKY II, 5590
DAVID R. RUE, 6909
AMY L. RUFF, 6197
SCOTT J. RUFLIN, 8692
STEPHEN J. RUSIN, 6911
DAVID A. RUSSELL, 4106
RITA A. RUSSELL, 9871
SCOTT P. RUSSELL, 3583
MICHAEL R. RUSSETT, 2140
SCOTT R. SALMONS, 5241
MICHAEL A. SALVI, 5437
STEVEN J. SAMPLE, 0585
HENRY J. SANTICOLA, 6359
PATRICIA A. SARGEANT, 0200
STEVEN A. SCHAEFER, 8969
MARTIN J. SCHANS, JR., 2460
MICHAEL G. SCHELL, 8053
SCOTT J. SCHERBENSKE, 0491
RONNIE R. SCHILLING III, 4441
FRIEDRICH C. SCHLICH, 2123
ALAN R. SCHMIDT, 8736
DAVID N. SCHNEIDER, 4639
RICHARD M. SCHOOFF, 0034
LISA K. SCHUETTE, 8209
RAY C. SCHULTZ, 2946
CHARLES A. SCHUMACHER, 9520
BRUCE E. SCHWAB, 0859
LESA E. SCHWARTZ, 8172
ROBERT C. SCHWARZE, 7646
THOMAS A. SCOLARICI, JR., 4983
JOHN J. SCORSONE, 3185
CATHERINE B. SCOTT, 4656
GARY T. SCOTT, 1501
BARRY SEBRING, 0246
BRENT K. SEDLER, 2491
PETER J. SEEBECK, 3633
HOLLY K. SEIDL, 6880
CALVIN J. SEIFERTH, 2477
REGGIE E. SELBY, 1983
JERRY J. SELLERS, 5695
ANTHONY SENCI, 6237
DAVID M. SERLEY, 9062
JOSEPH M. SEUFZER, 0941
PHILIP E. SEVER, 9785
PAUL S. SEVERANCE, 1805
DOUGLAS E. SEVIER, 8329
DEBORAH A. SHACKLETON, 3217
VICKI J. SHANKS, 9374
KARL J. SHAWHAN, 9172
SANDRA L. SHEASLEY, 4573
STEPHEN P. SHEEHY, 7012
WILLIAM L. SHERMAN, 4915
THOMAS T. SHIELDS, JR., 9894
ANDRE L. SHIPP, 3214
WILLIAM R. SHOBERT II, 5185
STEPHAN F. SHOPE, 9636
CHRISTOPHER D. SHORT, 9443
MATTHEW J. SHOZDA, 9554
CHERYL A. SHUMATE, 6145
JOHN M .SIEVERLING, 1077
ROBERT A. SILVESTRI, 4563
DAVID E. SIMMONS, 4421
DAVID A. SIMON, 3468
JAMES J. SIMON, 2194
RICHARD D. SIMPSON, 4679
JAMES D. SINGLETERRY, 0641
ROBERT J. SINON, 9689
GLENN E. SJODEN, 3785
KYLE T. SKALISKY, 5511
STANLEY E. SKAVDAL, 8501
TIMOTHY J. SKINNER, 5039
JAMES D. SLEAR, 0618
DARRELL D. SLONE, 3038
KEVIN SLUSS, 2622
BRITTON M. SMEAL, 7283
AILENE M. SMITH, 6866
ANTHONY C. SMITH, 2094
BRIAN P. SMITH, 1168
CHARLES A. SMITH, 7438
DARYL R. SMITH, 1073
KAREN J. SMITH, 3807
LEROY K. SMITH, 3980
RUSSELL J. SMITH, 0416
VINCENT C. SMITH, 0664
VIRGINIA T. SMITH, 9781
WILLIAM J. SMITH, 5391
GERALD S. SMITHER, JR, 5595
ERIC A. SNADECKI, 5719
JOSEPH C. SNOW, 6531
TROY D. SNOW, 4613
THOMAS J. SOBIESKI, 0170
CYRIL J. SOCHA, 3183
RUSSELL J. SOJOURNER, 0736
STEVEN B. SOKOLY, 7174
MARY K. SOLOMON, 6354
STEVEN W. SORENSEN, 3515
ROGER B. SORRELL, 0655
JOSE A. SOTO, 4523
LORRAINE M. SOUZA, 0049
TIMOTHY E. SPAETH, 7973
JON R. SPANGLER, 9306
GARY F. SPENCER, 0353
RICHARD H. SPENCER, 3627
THEODORE M. SPENCER, 6857
ERIC W. SPRADLING, 4780
DAVID A. SPRAGUE, 8808
JOHN J. SPROUL, JR., 1511
KEVIN D. STAFFORD, 9694
MATTHEW C. STAFFORD, 8046
BENJAMIN T. STAGG, 3095
JOSEPH J. STANKO, 7268
DAVID P. STAVEN, 4071
RICHARD J. STECKBECK, 8921
ROBERT E. STEED, 3581
ROBERT G. STEELE, JR., 9176
RICHARD A. STEFANSKI, 8655
SHANE T. STEGMAN, 9404
STEVEN J. STEIN, 7887
JEFFREY A. STEINMILLER, 2303
JOHN L. STEVENS, 9677
RANDON C. STEWART, 0891
DAVID R. STILWELL, 9650
NANCY A. PETRITS STINSON, 1648
GREGORY D. STJOHN, 5157
MARTHA A. STOKES, 3234
CAROL L. STONE, 4113
STUART W. STOPKEY, 4099
TERRY L. STOTLER, 4508
RAYMOND T. STRASBURGER, 9496
MARC F. STRATTON, 2507
ARNOLD H. STRELAND, 6595
CHARLES M. STRIBULA, 0988
MARK R. STRICKLAND, 9520
JAMES R. STRIGHT, 2250
RICKY O. STUART, 5813
MARK E. STUBBLEFIELD, 6662
JOHN G. STUTTS, 8420
BRIAN J. STUTZ, 1484
PAUL J. SUAREZ, 9942
ANTHONY P. SUBER, 6120
KEITH A. SULLIVAN, 9408
KEVIN L. SULLIVAN, 4026
DAVID A. SUTTON, 6808
FRANCINE I. SWAN, 5846
GEORGE F. SWAN, 5907
ERIC A. SWANK, 7912
DARRYL L. SWEETWINE, 2191
KENNETH S. SWENSON, 4393
JOSEPH A. SWILLUM, 1998
JOHN R. SWONSON, 4459
ANNEMARIE THERESE SYKES, 0801
JAMES C. SYLVESTER, 6192
JEFFREY B. SYMMES, 5649
PHILLIP P. TABER, 0450
MARK T. TAGGART, 7251
GRANT L. TAKAHASHI, 7011

DALE A. TAKENAKA, 2666
TODD T. TAMURA, 9653
CHRISTOPHER J. TANCREDI, 4320
MONIKA TANEDO, 7380
GREGORY L. TARR, 4068
WILLIAM W. TARVIN, 8257
WALTER F. TATUM III, 3458
DOUG E. TAUSCHER, 3853
JOHN D. TAYLOR, 4247
JOHN S. TAYLOR, JR., 5909
KEVIN L. TAYLOR, 1557
ROBERT E. TAYLOR, 6855
GREGORY O. TEAL, 1119
ANDREW J. TERZAKIS, JR., 0873
ROBERT A. TETLA, 2358
MICHAEL J. THEN, 5819
MAXIE C. THOM, 7012
GREGORY L. THOMAS, 2557
LINDA M. THOMAS, 3994
MARK A. THOMAS, 4972
MARK R. THOMAS, 4883
STEPHEN F. THOMAS, 2536
HOWARD E. THOMPSON, JR., 0767
KENNETH E. THOMPSON, JR., 9529
STEVEN D. THOMPSON, 8499
TIMMIE L. THOMPSON, 6464
WADE J. THOMPSON, 1817
JAMES D. THORNE, 2804
MICHAEL L. THORNE, 8428
ROGER D. THRASHER, 9078
RANDY P. THREET, 0206
KEVIN D. TILGHMAN, 3194
KEITH E. TOBIN, 5321
KENNETH E. TODOROV, 2544
PATRICK E. TOLAN, JR., 8499
JOHN J. TOMICK, 5153
GREGORY W. TORBA, 7072
MICHAEL A. TORINO, 9967
LILLIAN V. TORRES, 4399
DANIEL R. TORWEIHE, 6156
PETER J. TRAMBLEY, 5874
ANDREW C. TREMBLAY, 8499
DENNIS W. TROSEN, 6349
DAVID J. TRUJILLO, 2579
PAUL C. TRULOVE, 0727
MARK H. TUCKER, 3128
STEVEN M. TUCKER, 9255
RUDOLPH E. TURCO, 1819
RICKEY H. TURNER, 8658
RICHARD D. TWIGG, 2409
TED T. UCHIDA, 3628
TYRUS R. ULMER, 9917
RICHARD T. ULRICH, 9380
CAROLYN M. VADNAIS, 0946
FRED L. VALENTINE, JR., 5198
JOHN C. VALLE, 8897
OVOST JACQUELINE D. VAN, 2289
PETER M. VANDENBOSCH, 8549
JEFFREY L. VANDINE, 3222
DAVID A. VANLEAR, 1935
BRUCE A. VANSKIVER, 8175
JAMES C. VECHERY, 0156
CURTIS K. VIALL, 2051
CAISSON M. VICKERY, 8103
RUSSELL A. VIEIRA, 7114
STEVEN L. VIEIRA, 5234
VICTORIA C. VITUCCI, 9195
BRADLEY S. VOGT, 2972
DANIEL R. VORE, 4809
THEODORE T. VROMAN, 2522
THOMAS S. WAGNER, 0365
BRANDON S. WAGONER, 8209
KIM M. WALDRON, 7887
ROBERT C. WALK, 2731
AMY L. WALKER, 3749
FRIEND L. WALKER, 7122
KENNETH K. WALKER, 8431
WILLIAM WALKOWIAK, 9854
DONNA A. WALLACE, 8668
KATHRYN C. WALLAÇE, 6977
DAVIS M. WALLETTE, 6202
STEVEN P. WALSH, 1495
MARIE E. WALTERS, 2221
TERESA A. WALTERS, 1566
THOMAS E. WAND, 5563
MARK A. WARD, 0897
MATTHEW M. WARRENTHOMAS, 2863
LAWRENCE A. WATERMAN, 7825
ROGER H. WATKINS, 9487
RONALD V. WATKINS, 5627
THOMAS E. WATSON, 7036
JOHN W. WAYNE IV, 4676
SUSAN M. WEAVER, 2681
ALAN D. WEBSTER, 7406
ROBERT C. WEST, JR., 4550
JOEL S. WESTA, 7761
STEVEN R. WESTERBACK, 9969
CHARLES J. WESTGATE III, 2163
DOUGLAS K. WESTPHAL, 4755
WILLIAM C. WETHOR, 5579
PAUL V. WHALEN, 3076
NANCY P. WHARTON, 9556
JAMES M. WHITE, 7434
KENN WHITE, 3486
MARK K. WHITE, 7255
WILLIAM K. WHITE, 6150
NEIL S. WHITEMAN, 0928
JEFFREY A. WHITTALL, 1480
DAVID M. WHITTEMORE, 6108
DANIEL L. WHITTEN, 2235
CHARLES R. WHITZEL, 7429
TIMOTHY D. WIECK, 9673
JEFFREY PARKER WILCOX, 0224
LINDA B. WILDES, 5586
JOSEPH T. WILEY, 1975
ANDREW P. WILHELM, 4918
SCOTT A. WILHELM, 3946
GREGORY A. WILHITE, 6370
MICHAEL A. WILKE, 0840
RICHARD R. WILLETT, 7155
STEVEN E. WILLIAMS, 2038
SYLVIA J. WILLIAMS, 6024
ANGELA S. WILLIAMSON, 1073
JONATHAN B. WILLS, 9377
BURKE E. WILSON, 8681
CHARLOTTE L. WILSON, 3355
JEFFERY A. WILSON, 4941
JEFFREY C. WILSON, 2782
MARC G. WILSON, 3491
ROBERT J. WILSON, 3299
JOHN J. WILT, JR., 3189
MICHAEL A. WINGFIELD, 6819
WALLACE K. WINTER, 7742
CLAYTON J. WISNIEWSKI, 5938
KEVIN L. WITTE, 8948
JAMES R. WOLF, 8730
JON G. WOLFE, 7162
DEAN A. WOLFORD, 5636
MICHAEL J. WOLTMAN, 3347
GEORGE R. WOLTZ, JR., 3190
ROBERT M. WOOD, JR., 0220
DAVID E. WOODEN, 3321
STEPHEN R. WOODY, 8917
KEVIN B. WOOTON, 3157
ALAN J. WORLEY, 7131
JEFFREY B. WORRELL, 9102
FOREST B. WORTMAN, 1010
BRUCE A. WRIGHT, 3284
VICTORIA L. WUCHNICK, 8821
WILLIAM E. WYCHE, 2993
PAUL M. YAMAGUCHI, 2344
TONY K. YANG, 1276
EUGENE YIM, 3742
MATTHEW C. YOTTER, 2660
JANET A. YOUNG, 9653
MICHAEL A. YOUNG, 6095
PETER M. YOUNG, VI 8072
SCOTT A. YOUNG, 8136
LARRY D. YOUNGNER, 7965
JOHN R. YOUNGS, 8458
LORI A. YOUNGS, 3694
JEFFREY W. ZAK, 5843
BARBARA J. ZANOTTI, 9017
EDWARD M. ZASTAWNY, 3632
DAVID E. ZEH, 1383
JOHN J. ZENTNER, 2155
JOHN J. ZIEGLER III, 2432
DALE L. ZIMMERMAN, 0054
RICHARD P. ZINS, 1680
PETER H. ZUPPAS, 0729
BRIAN P. ZUROVETZ, 1863

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT V. LORING, 5675 CH

To be major

JEFFREY D. WATTERS, 3525 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIE D. DAVENPORT, 8639
JAMES F. RILEY, 8451
WILLIAM P. TROY, 5604

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*THOMAS N. AUBLE, 7273
*THOMAS J. BARRETT, 3811
*STEPHEN P. BELL, JR., 5191
*DANIEL M. BERGER, 1293
*MARK A. BLEVINS, 2531
*JEFF A. BOVARNICK, 2031
*ROBERT L. BOWERS, 3992
*MARY J. BRADLEY, 0273
*MARY E. BRAISTED, 7379
CHRISTINE M. CHOI, 1618
*KERRY L. CUNEO, 2681
*EDWARD R. DILLARD, 0975
*RICHARD P. DONOGHUE, 2370
*ANDREW C. EFAW, 1171
*PAUL F. ELKIN, 3505
*KERRY L. ERISMAN, 0066
SUSAN K. ESCALLIER, 0926
*WILLIAM D. FAITH III, 3617
*CHRISTOPHER T. FREDRIKSON, 9928
*ANDREW J. GLASS, 1543
*ELIZABETH A. GOSSART, 0522
*PATRICIA A. HARRIS, 4128
*MARK A. HOLYCROSS, 7981
BRADLEY J. HUESTIS, 8248
*KIMBERLY J. HUHTA, 2318
*ERIC T. JENSEN, 1018
*MAURICE J. JOHNSON, 1194
DANIEL G. JORDAN, 4651
*JOSEPH A. KEELER, 4915
NICHOLAS S. KING, 2322
*AUDRIUS J. KIRVELAITIS, 7322
*NATALIE A. KOLB, 0043
*ERIC S. KRAUSS, 6116
ALLYSON G. LAMBERT, 2932
*JAMES M. LANGHAM, 2397
*EDWARD K. LAWSON IV, 3158
*PATRICIA A. LEWIS, 9147
*GREGORY N. MALSON, 2229
*IMOGENE MC GRIGGSJAMISON, 0292
*STEVEN M. MOHLHENRICH, 7111
*BRONTE I. MONTGOMERY, 6795
*JEFFERSON K. MOORE, 3486
*ROBERT B. NEILL, 7587
*MARTHA OCLANDER, 5731
*STEVEN R. PATOIR, 4982
*JAMES A. POLLOCK, 9216
*MATTHEW D. RAMSEY, 6639
*NATHAN W. RATCLIFF, 8838
*ROBERT F. RESNICK, 6166
*VANESSA D. RUDOLPH, 8124
GREGG S. SHARP, 9043
*KEVIN D. SMITH, 6525
*ANGELIA J. SOLOMON, 1751
*EVAN M. STONE, 6604
*JEANETTE K. STONE, 8561
*RANDOLPH SWANSIGER, 7078
*DAVID K. WOLFE, 2996
*ROBERT A. YOH, 6552

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEANNE M. YORK-SLAGLE, 2084

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

JAMES H. FRASER, 3000

To be lieutenant commander

CHARLES R. BENSON, 8673
RICHARD B. BRINKER, 4894
NICHOLAS M. CARDINALE, 3705
LINDA L. HEID, 0236
ELIZABETH M. KIKLA, 8416
SCOTT KOOISTRA, 6429
MARTIN A. MAKELA, 6076
BRYAN P. SCHUMACHER, 1420
PAUL D. SEEMAN, 9271

To be lieutenant

VANESSA P. AMBERS, 8837
KENNETH J. ARLINGHAUS, 2736
DENIS E. ASHLEY, 8291
DOUGLAS P. BARBER, JR., 6671
STACI M. BARBONE, 8779
JOHN D. BAUER, 1005
HARVEY S. BECKMAN, 7683
BRODERICK C. BELLO, 8784
RENE A. BELMARES, 0284
JAMES P. BENOIT, 9909
KEVIN B. BOGUCKI, 6438
BRYAN C. BOST, 3513
MONICA E. BRADFORD, 6146
GEORGE E. BRESNIHAN, 5837
ERIC G. BROOKS, 7619
DAVID S. BROWN, 3884
THOMAS A. BUSHAW, 2913
JEROME T. CAMPBELL II, 5328
NADINE E. CATER, 6644
TERENCE CHAN, 6482
JOHN A. CHILSON, 8986
CARMEN D. CHRISTIAN, 4372
MARK D. CLARK, 9088
NOELLE COLLETTA, 6301
PETER M. COLLINS, 1013
MICHAEL P. CONNOR, 2358
JOEL W. COOTS, 9731
ISABELLE E. DETTER, 5912
TIM J. DEWITT, 1262
MATT M. DIAZ, 8486
STANLEY S. DIMIRACK, 8851
JAMES M. DIXON, 1654
JUSTUS K. EHLERS, JR., 2142
JOSEPH J. ELDRED, 3254
ELIZABETH ESCALERA, 6579
AHMED FERGUSON, 9286
MICHELE A. FINNEGAN, 2256
DAVID A. FLORIN, 5245
TIMOTHY T. FOSTER, 0073
CYNTHIA R. FRENCH, 3732
NATASHA A. GAMMON, 8866
JEFFERSON GAYNOR, 4755
DONALD L. GEORGE, JR., 0350
BARBARA L. GERMANN, 4199
KAREN GIAIMO, 3764
PATRICK J. GIBBONS, 3802
KEITH S. GIBEL, 8418
JAMES E. GOLLADAY II, 6559

HECTOR GONZALEZ, 6934
MARK T. GOULD, 5300
PETER A. HAGGE, 7647
JULIE M. HILLERY, 3698
HEATHER M. HOLMES, 2509
JASON J. HOLMES, 8366
FRANKLIN R. HUBBARD, 7000
ROSLYN J. JACKSON, 8565
ALISIA G. JAHNS, 9873
GREGORY R. KAHLES, 6578
GARY F. KEITH, 1835
MATTHEW J. KENNEDY, 4446
MOLLY I. KETCHELL, 5302
LINDA G. KIMSEY, 9076
JOHN S. KING III, 5904
DAVID A. KIRK, 1170
GEORGE S. KNAPP, 1319
LEOPOLD D. KREISEL, 7831
CHRISTOPHER J. KRUS, 1607
KELLY T. LAVEDI, 4232
MICHAEL R. LOCK, 3067
JULIE A. LUNDSTAD, 2703
SUE A. MAHONEY, 2476
MEI L. A. MARSHALL, 0592
ALISON H. MARTZ, 7953
JAMES A. MARVIN, 0044
SEAN M. MAXWELL, 4230
MICHELE A. MCCLOSKEY, 3132
KRISTINA E. MCGEE, 8216
DANIEL J. MCLAUGHLIN, 8757
DAVID A. MELVIN, 3968
BLAIR T. MILES, 3332
MICHAEL W. MORGAN, 4960
BRET J. MOSCON, 9465
MATTHEW F. MUNN, 0397
BRENDA L. NELSON, 9890
NICHOLAS B. OLESEN, 1138
CHRISTIAN A. ORTEGO, 4307
MEGAN C. OSBORNE, 1952
TRENT L. OUTHOUSE, 4974
KENNETH D. PACE, 1323
WENDELL L. PASARABA, 8746
DEBORAH R. PERCELL, 2647
ANTHONY F. PERREAULT, 0766
ELISABETH G. PETERS, 4271
TABITHA D. PIERZCHALA, 1282
ELIZABETH L. A. PORTER, 0091
KAREN H. PORTER, 1650
BRYAN K. RAMSEY, 6939
BELINDA A. RAND, 2060
DANIEL S. RATICAN, 9291
STEPHEN S. REDMOND, 0207
ROBYN M. REED, 6488
CHRISTOPHER H. REHKOP, 6085
JOHN R. REINERTSON, 6269
JAY S. RICHARDS, 6031
CHAD R. RIDDER, 5922
ORA J. ROBINSON, 3397
KENNETH D. ROGERS, 9256
LUZ J. ROSAS, 9934
TREVOR A. RUSH, 1523
JAMES E. RUTKOWSKI, 4417
DEBRA A. RUYLE, 1279
DENNIS G. SAMPSON, 7251
CHRISTOPHER D. SAUFLEY, 2529
WILLIAM E. SCHLEMMER, 1247
FREDRIK D. SCHMITZ, 8515
ROBERT P. SCHULHOF, JR., 5264
CARY T. SCHULTZ, 5287
WESLEY B. SEARCY, 7019
JOHN M. SHARRETTS, 9569
DANAHE O. SIERRA, 1556
RITA G. SIMMONS, 2362
PATTI SKINNER, 8431
DAVID L. SPENCER, 9296
WILLIAM A. STEINER, 1059
DOUGLAS E. STEPHENS, 3288
RAYMOND D. STIFF, 1921
RENEE R. STINEMAN, 7801
KERRY L. SULLY, 9123
DOUGLAS K. TADAKI, 1747
AUNDREA E. TAPLIN, 0040
EDWIN E. TAYLOR, 7817
DENNIS A. THOMAS, 1535
CAROLYN M. THOMPSON, 6773
ROBERT W. TIDWELL, 4706
GEORGE A. WALBORN II, 0370
CHRISTIAN T. WALLIS, 0861
CHRISTOPHER H. WELLER, 2253
MICHAEL T. WESTBROOK, 4002
BRIAN J. WILLEMSSEN, 5870
KEVIN R. WILLIAMS, 7793
WEYLIN J. WINDOM, 8668
MICHAEL T. WOLFERSBERGER, 7625
TODD E. YANIK, 6236
FREDERICK E. YEO, 0505
PAUL. D. ZIEGLER, 0446

To be lieutenant (junior grade)

ANDREAS C. ALFER, 3606
KENNETH D. ANDERSON, 6911
LONNIE L. APPLEGET, 4803
SHEILA T. ASBURY, 0265
KELVIN J. ASKEW, 1701
ARNEL J. BARBA, 4931
JEFFREY L. BENJAMIN, 4150
FRANKLIN W. BENNETT, 7561
JOHN E. BLANKENSHIP, 2914
THOMAS G. BODNOVICH, JR., 1642
CHRISTOPHER L. BOYD, 7588
TED W. BOYD, 7886
GREG A. BRAATEN, 7143
CAROL R. BRANAN, 3734
ERIK K. BREITENBACH, 5383
DAVID S. BRINSON, 1820
STEPHEN M. BRONAUGH, 5245
CHARLES J. BYERS, 7140
WILLIAM S. BYERS, 2350
JASON G. CANFIELD, 8398
DARYLE D. CARDONE, 2999
JOSEPH P. CHOPEK, 1399
WILLIAM H. CLARKE, 9016
ELIZABETH G. COBOS, 3745
RUSSELL J. CORPRON, 3504
MICHAEL D. CRAFTS, 4046
CHRISTOPHER R. CRERAR, 1160
JORGE R. CUADROSIBARRA, 1121
PHILIP J. DAUERNHEIM, 6025
VICTOR M. DIAZ, 5687
JOHN D. DUNHAM, 4467
ANDREW A. EATON, 0748
CATHERINE A. ENGLER, 5768
FERNANDO M. ESTRELLA, 8883
BILLY K. FAGAN, 3529
DOUGLAS GABOS, 5765
JOSEPH A. GOMEZ, 9949
ROBERT D. GRIFFITH, 9646
KEVIN J. GUE, 4677
DAWN M. HARDIN, 6953
MICHAEL C. HARVEY, 1257
ERIC C. HAUN, 3983
PAMELA L. HERBIG, 6388
JOSEPH E. HUGGINS, 0505
LESLIE C. L. HULLRYDE, 9376
CHRISTOPHER C. HUNT, 3848
BOBBY J. HURT, 1961
JEFFREY H. JEFFERIES, 9008
KEITH W. JEFFRIES, 4180
GARY S. JOSHWAY, 9327
MICHAEL K. KASLIK, 1761
BLAKE W. KENT, 7327
DANIEL E. KINSKE, 0469
JAMES P. KOTLYN, 1505
ROGER C. LANKHEET, JR., 4800
BRUCE W. LAWSON, 0144
JASON D. LAYTON, 9589
MICHAEL P. LEONARD, 7570
DAVID M. LONG, 2648
TRACY A. MAESTAS, 7528
LORENA N. MARSHALL, 7271
LAURA L. MC MULLEN, 3073
MELISSA A. MC SWAIN, 9900
MCADAM K. H. MOGHADDAM, 8079
MICHAEL D. MOORE, 9671
DEAN J. MORAN, 3623
TIMOTHY J. NICHOLLS, 9512
KENNETH P. NICKLES, 8324
ERIC H. PALMER, 3284
MARIE I. PARRY, 7580
KRISTIN M. PIOTROWSKI, 9558
MARY A. PONCE, 8688
WILLIAM M. RANNEY, 7727
ERIC W. RASCH, 4545
DOUGLAS M. REINBOLD, 7365
ROBERT T. REYES, 0494
MATTHEW L. RIVERA, 6628
JILL M. ROBINSON, 2193
STEPHEN W. ROELANDS, 0773
JESSICA D. SANFORD, 8803
DEBRA R. SAUNDERS, 8542
ROBERT D. SCOTT, 1081
ROBERT K. SEIGEL, 1088
RODNEY L. SIMON, 7285
DANA L. K. SMITH, 1795
DOROTHY M. SMITH, 4034
MIKEL L. SMITH, 7979
WAYNE E. SMITH, 2893
JOSEPH W. STERLING, JR., 0748
NATHANIEL R. STRAUB, 1255
BRETT M. SULLIVAN, 8205
JEFFREY D. THOMAS, 1177
MATTHEW A. TOTORO, 9547
PAUL B. TRIPP, 1296
BRYAN G. VANVELDHUIZEN, 8886
PATRICK J. VEGELER, 2151
BRIAN J. VOSBERG, 9189
MARK M. WADE, 7172
PAUL F. WAKEFIELD, 2511
PETER W. WARD, 1364
NICOLE A. WAYBRIGHT, 1808
MASON E. WEISBROD, 6277
DANNY A. WILLIAMS, 6342
CRAIG L. WOLFE, 2108
WILLIAM L. WOOD, 5058
MARK A. ZIEGLER, 8477
NATHALIE M. ZIELINSKI, 4566

To be ensign

DWAYNE. K. HOPKINS, 2715

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 30, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. LESTER L. LYLES, 8366

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL E. ZETTLER, 3436

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, IN THE UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 8034:

To be general

LT. GEN. JOHN W. HANDY, 5379

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES F. BARNETTE, 4440
BRIG. GEN. GILBERT R. DARDIS, 0949
BRIG. GEN. DAVID B. POYTHRESS, 3685
BRIG. GEN. JOSEPH K. SIMEONE, 3044
BRIG. GEN. RICHARD E. SPOONER, 4100
BRIG. GEN. STEVEN W. THU, 9509
BRIG. GEN. BRUCE F. TUXILL, 5326

To be brigadier general

COL. SHELBY G. BRYANT, 2753
COL. KENNETH R. CLARK, 5408
COL. GREGORY B. GARDNER, 6945
COL. JOHN B. HANDY, 8277
COL. JON D. JACOBS, 6306
COL. CLIFTON W. LESLIE, JR., 1211
COL. JOHN A. LOVE, 4350
COL. DOUGLAS R. MOORE, 5347
COL. EUGENE A. SEVI, 2584
COL. DAVID E.B. STROHM, 5869
COL. HARRY M. WYATT III, 1527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD E. KEYS, 5357

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GARY A. AMBROSE, 0398
BRIG. GEN. BRIAN A. ARNOLD, 4452
BRIG. GEN. THOMAS L. BAPTISTE, 1125
BRIG. GEN. LEROY BARNIDGE, JR., 7882
BRIG. GEN. JOHN L. BARRY, 7396
BRIG. GEN. WALTER E.L. BUCHANAN III, 7387
BRIG. GEN. RICHARD W. DAVIS, 4196
BRIG. GEN. ROBERT R. DIERKER, 7380
BRIG. GEN. MICHAEL N. FARAGE, 3352
BRIG. GEN. JACK R. HOLBEIN, JR., 0552
BRIG. GEN. CHARLES L. JOHNSON II, 5967
BRIG. GEN. THEODORE W. LAY II, 9683
BRIG. GEN. TEDDIE M. MC FARLAND, 0563
BRIG. GEN. MICHAEL C. MC MAHAN, 7967
BRIG. GEN. TIMOTHY J. MC MAHON, 1034
BRIG. GEN. DUNCAN J. MC NABB, 2295
BRIG. GEN. HOWARD J. MITCHELL, 0859
BRIG. GEN. BENTLEY B. RAYBURN, 1485
BRIG. GEN. JOHN F. REGNI, 3567
BRIG. GEN. VICTOR E. RENUART, JR., 0278
BRIG. GEN. LEE P. RODGERS, 4461
BRIG. GEN. GLEN D. SHAFFER, 3490
BRIG. GEN. CHARLES N. SIMPSON, 2150
BRIG. GEN. JAMES N. SOLIGAN, 8751
BRIG. GEN. MICHAEL P. WIEDEMER, 1040
BRIG. GEN. MICHAEL W. WOOLEY, 9379
BRIG. GEN. BRUCE A. WRIGHT, 5759

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID F. WHERLEY, JR., 8592

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. ROBERT E. GAYLORD, 8602

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COL. DAVID E. GLINES, 0418

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM A. CUGNO, 3772
BRIG. GEN. BRADLEY D. GAMBILL, 7642
BRIG. GEN. MARIANNE MATHEWSON-CHAPMAN, 4301
BRIG. GEN. MICHAEL H. TAYLOR, 1966
BRIG. GEN. FRANCIS D. VAVALA, 5382

To be brigadier general

COL. JOHN A. BATHKE, 6037
COL. BARBARANETTE T. BOLDEN, 6872
COL. RONALD S. CHASTAIN, 5280
COL. RONALD G. CROWDER, 6091
COL. RICKY D. ERLANDSON, 3783
COL. DALLAS W. FANNING, 6980
COL. DONALD J. GOLDHORN, 3543
COL. LARRY W. HALTOM, 3555
COL. WILLIAM E. INGRAM, JR., 5691
COL. JOHN T. KING, JR., 5932
COL. RANDALL D. MOSLEY, 6183
COL. RICHARD C. NASH, 9717
COL. PHILLIP E. OATES, 3549
COL. RICHARD D. READ, 2952
COL. ANDREW M. SCHUSTER, 5145
COL. DAVID A. SPRYNCZYNATYK, 1827
COL. RONALD B. STEWART, 4952
COL. WARNER I. SUMPTER, 7278
COL. CLYDE A. VAUGHN, 8410

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3069 AND IN ACCORDANCE WITH ARTICLE II, SECTION 2 OF THE CONSTITUTION OF THE UNITED STATES.

To be brigadier general, nurse corps

COL. WILLIAM T. BESTER, 1712

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING TERRANCE A. HARMS, AND ENDING KRISTA K. WENZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

AIR FORCE NOMINATIONS BEGINNING JAMES L. ABERNATHY, AND ENDING DARRYLL D.M. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAIME ALBORNOZ, AND ENDING TIMOTHY D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

ARMY NOMINATIONS BEGINNING LYLE W. CAYCE, AND ENDING ROGER D. WASHINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

ARMY NOMINATIONS BEGINNING JAMES M. DAPORE, AND ENDING MICHAEL J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING JAMES W. HUTTS, AND ENDING BRONISLAW A. ZAMOJDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING PAUL R. HULKOVICH, AND ENDING MICHAEL A. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING SCOTT R. ANTOINE, AND ENDING PATRICK J. WOODMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING MARTHA C. LUPO, AND ENDING CHARLES L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING THOMAS W. ACOSTA, JR., AND ENDING VINCENT A. ZIKE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2000.

ARMY NOMINATIONS BEGINNING JAMES G. AINSLIE, AND ENDING THOMAS M. PENTON, JR., WHICH NOMINATION WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

JANE H. EDWARDS, 4764

ARMY NOMINATIONS BEGINNING JEFFREY J. ADAMOVICZ, AND ENDING JOHN F. ZETO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 2000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624

To be major

JOSEPH L. BAXTER, JR., 8381

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STAN M. AUFDERHEIDE, 9247

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C. SECTION 624:

To be commander

MICHAEL T. BOURQUE, 3436

NAVY NOMINATIONS BEGINNING MARIAN L. CELLI, AND ENDING MIGUEL A. FRANCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM R. MAHONEY, 7898

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN R. SILVA, 8108

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE, INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GRAEME ANTHONY BROWNE, 0673

NAVY NOMINATIONS BEGINNING JOHN P. LABANC, AND ENDING FORREST S. YOUNT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT F. BLYTHE, 0812

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GEORGE P. HAIG, 4611

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MELVIN J. HENDRICKS, 4805

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JON E. LAZAR, 8144

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LAWRENCE R. LINTZ, 2437

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID E. LOWE, 6673

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL S. NICKLIN, 5769

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT J. WERNER, 9272

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CARL M. JUNE, 4857

EXTENSIONS OF REMARKS

PITTSBURGH COMMITTEE FOR THE COMMEMORATION OF THE KOREAN WAR

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. COYNE. Mr. Speaker, I rise today to let my colleagues know about some very important activities that will be taking place in my congressional district in the coming months to commemorate the 50th anniversary of the beginning of the Korean War.

The Korean War lasted three years. Nearly 6 million Americans served in the armed forces during that period, and more than 54,000 Americans died defending South Korea from North Korean and Chinese invaders. The Korean War dramatically shaped the post-World War II world and strongly influenced the course of the Cold War. And yet, the Korean War is often referred to as the "forgotten war" because so much of our attention today is focused on World War II and the Vietnam War. Such an oversight is unacceptable. The Americans who fought—and especially those who died—in the cause of freedom deserve to be remembered. Moreover, they deserve our undying gratitude for their heroic sacrifice. As the Pittsburgh Committee for the Commerporation of the Korean War has observed, no sacrifice made by American service men and women should ever be "forgotten."

Pittsburgh has not forgotten these brave men and women. In fact, Pittsburgh's links to this conflict are quite strong. More than 26,000 Korean War veterans live in Allegheny County, and General Matthew B. Ridgway, commander of the U.S. 8th Army in Korea during a critical period of the war, was a Pittsburgh native. A Korean War memorial has been built on Pittsburgh's North Side to recognize our Korean War veterans' sacrifice, and the Matthew B. Ridgway Center for International Security Studies has been established at the University of Pittsburgh.

The 50th anniversary of the beginning of the Korean War provides an outstanding opportunity for remembering and acknowledging the heroes of the "forgotten war." With that end in mind, the Pittsburgh Committee for the Commemoration of the Korean War has organized more than two months of events to educate the public about this important conflict and to honor the Americans who served in this bloody conflict. These events include visits to local high schools, academic conferences on the conflict, and flag-raising and wreath-laying ceremonies.

On June 24, a day-long commemorative event will be held at the Soldiers and Sailors Memorial Hall and Military Museum in Pittsburgh. This event, Pittsburgh Remembers Day, will include 1950s music and a number of historic displays. It will conclude with the Matthew B. Ridgway Memorial Dinner and a free concert of patriotic music performed by the River City Brass Band. Finally, on the Fourth of July, Pittsburgh's Fourth of July Ceremony at Point Park will include a special salute to Korean War Veterans.

America's veterans have earned our country's gratitude and respect time and time again. It is fitting that on the 50th anniversary of the beginning of the Korean War, we pay special attention to the sacrifices made by the men and women who served their country in the "forgotten war." I commend the Pittsburgh Committee for the Commemoration of the Korean War for all of its endeavors in this important cause.

TRIBUTE TO THE GRAYING OF AMERICA AND THE 10TH ANNIVERSARY OF THE ASSISTED LIVING FEDERATION OF AMERICA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. PASCRELL. Mr. Speaker, I rise today to congratulate the Assisted Living Federation of America (ALFA) for its ongoing leadership and commitment to improving the quality of life for the more than one million Americans that it serves and assists with activities of daily living. During the week of April 3 in Orlando, FL, ALFA will celebrate its 10th anniversary representing the nation's assisted living providers, continuing care retirement communities, independent living operators and related senior care businesses.

Founded in 1990 to advance the assisted living industry and the quality of life for the consumers that it serves, ALFA broadened its mission in 1999 to encompass all of long-term care, in recognition of the evolving interconnection between assisted living and all senior's housing and care models.

Assisted living is a special combination of housing, personalized supportive services, and health care designated to respond to the individual needs of those who require help with living residences from nursing homes, hospitals, their children's homes, or their own homes.

Assisted living facilities provide a growing number of elderly Americans with an alternative to other types of long-term care and serve an increasingly vulnerable population with significant care needs. The projected number of elderly Americans needing long-term care will double to nearly 14 million over the next 20 years. I therefore applaud the ongoing efforts and leadership of the ALFA to address these new challenges and to lead the way in providing services critical to the independence and well-being of older Americans.

Mr. Speaker, I ask that you join our colleagues and me in recognizing the outstanding and invaluable service to the community of the Assisted Living Federation of America.

CONGRATULATING LIEUTENANT COLONEL LLOYD VERNON CAMP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Lieutenant Colonel (LTC) Lloyd Vernon Camp for being selected to be inducted into the National Officer Candidate School Infantry Hall of Fame, in Fort Benning, Georgia.

Lieutenant Colonel Camp joined the U.S. Army in March of 1943. Over the next few years, Camp was stationed in Normandy where he fought to drive the Germans out of France. Upon returning to the States in 1945, he was discharged from service at Camp Beal, California. In April 1947, he reentered the Army and was sent to South Korea as part of the Occupation Forces. Late in 1948 he returned to the U.S. again, and in June of 1949, he attended Officers School in Fort Riley, Kansas. Graduating in December of 1949, he was sent to Fort Benning, Georgia to attend the Basic Officers Course. Upon completion of the course, Camp was sent to Camp Carson, Colorado to assume the duties of a Second Lieutenant Infantry Officer, in the 15th Infantry Regiment. He went on to be a First Lieutenant (1951–1956), Captain (1956–1960), Major (1960–1967), and finally Lieutenant Colonel (1967-retirement).

After many years of service, Camp retired from the Army as a Lieutenant Colonel, to Clovis, California. In 1991 LTC Camp was recalled to Federal Active duty by FORSCOM, and assigned as a Family Support Officer for the Central Valley Army National Guard, Army Reserve, and Air National Guard families during the Desert Storm Operations.

Among his numerous military achievements, LTC Camp received the Distinguished Service Cross; Bronze Star Medal; Combat Infantryman's Badge; European-African Middle Eastern Theater, with 4 Battle Stars; World War II Victory Medal; Good Conduct Medal; Armed Forces Reserve Medal; Meritorious Service Medal; National Defense Medal; Army Commendation Medal; as well as two foreign military awards, and three California National Guard Awards.

Mr. Speaker, I want to congratulate Lieutenant Colonel Lloyd Vernon Camp for being selected to be inducted into the National Officer Candidate School Infantry Hall of Fame. This induction is well deserved. I urge my colleagues to join me in wishing Lieutenant Colonel Camp many more years of continued success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMENDING OSHA, REGION 5 AND THE OHIO VALLEY CHAPTER OF ASSOCIATED BUILDERS AND CONTRACTORS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. BOEHNER. Mr. Speaker, as we move into the 21st century it is crucial for us to reexamine our work place laws to enhance cooperation between Federal and State regulators and employers and employees. For our economy to remain strong in the global marketplace we must encourage this participation between Federal regulators and employers and employees to ensure compliance and understanding of safety and health standards.

I want to commend the foresight of the region 5, Occupational Safety and Health Administration and the Ohio Valley Chapter of Associated Builders and Contractors to form a partnership that recognizes the importance of safe and healthful work environments for the construction industry. Their cooperation is a model for promoting the shared strategies and objectives. Accordingly, I submit the Partnering Charter to be placed in the CONGRESSIONAL RECORD.

PARTNERING CHARTER BETWEEN THE UNITED STATES DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, REGION 5, CINCINNATI AREA OFFICE AND THE ASSOCIATED BUILDERS AND CONTRACTORS, INC., OHIO VALLEY CHAPTER

The United States Department of Labor Occupational Safety and Health Administration (OSHA) and the Associated Builders and Contractors, Inc., Ohio Valley Chapter (ABC) mutually recognize the importance of providing a safe and healthful work environment for the Nation's construction workforce. To advance our mutual goal, we strongly agree on the need to develop a working relationship that fosters mutual trust and respect for each organization's respective role in the construction safety process. We recognize and embrace the responsibilities inherent in those roles. We are committed to work as partners to achieve construction workplace safety through the following shared strategies and objectives:

1. Implement continuing and open communication policy between OSHA and ABC at all area, regional, chapter and national levels, in a manner that encourages respect and understanding.
2. Share knowledge of the best industry technology, innovations and work practices that improve jobsite safety and health performance.
3. Cooperate in the development and continuous improvement of safety training programs for the construction industry and OSHA personnel.
4. Promote recognition for construction safety excellence throughout the industry at every opportunity.
5. Ensure that enforcement policies and practices are effective, consistent and fair.
6. Promote principles of good faith and fair dealings as the foundation of our relationships.
7. Recognize and honor the Safety Partnership STEP Platinum Incentive Program for a period of three years.
8. Recognize that either party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner.

Agreed this day, February 11, 2000: Michael G. Connors, Regional Administrator, U.S. Department of Labor OSHA, Region V, Chicago; William M. Murphy, Area Director, U.S. Department of Labor OSHA, Cincinnati Area Office; Kathleen L. Somers, CAE, Executive Director, Associated Builders & Contractors, Inc., Ohio Valley Chapter; Dennis Nutley, President, Associated Builders & Contractors, Inc., Ohio Valley Chapter.

FREEDOM FROM UNFAIR ENERGY LEVY ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing legislation, the Freedom from Unfair Energy Levy Act or "FUEL Act," to alleviate the impact of current high fuel prices. My legislation would place a six-month moratorium on federal motor fuel excise taxes, including the 18.3 cent per gallon tax consumers pay for gasoline and the 24.3 cent per gallon tax on diesel fuel, and eliminate permanently the 4.3 cents per gallon tax increase approved in 1993.

The need for this legislation is evident. Crude oil prices have more than doubled in the past 12 months, resulting in the largest gas price increase in history. In 1993, when fuel prices were low, Democrats in Congress, President Clinton, and a tie-breaking vote by Vice President GORE combined to increase federal fuel taxes. Now that prices are high and consumers are feeling the pinch, shouldn't we reduce federal fuel taxes?

Some have argued that money from fuel taxes is more useful in Washington than in Americans' pockets, helping motorists afford the high price of gasoline. In reality, the economic damage caused by high fuel prices far outweighs any impact on federal spending that a six-month moratorium could cause. High fuel prices have the potential to bring our strong economy to a grinding halt. In the 1970s, when the retail price of gasoline doubled, the U.S. was hit with double digit inflation and unemployment rose to over eight percent. Oil prices dropped precipitously in the '80s and the U.S. economy greatly improved, but, with the crisis in the Persian Gulf in 1990 and 1991, retail prices of gasoline increased nearly 20 cents per gallon. Predictably, this price hike corresponded with a recession and a rise in unemployment to over seven percent. Congress must work to reduce fuel costs if similar economic dislocation is to be avoided.

This record-breaking increase in the cost of gasoline follows a string of misguided Clinton-Gore Administration energy policies. Besides supporting the 1993 increase in the gas tax, the Administration also locked up the cleanest burning coal in the lower 48 states, which could be used to meet America's heating and electricity needs, by designating massive amounts of land in Utah as a National Monument. Further, the Administration has done nothing to increase U.S. oil production. As a result of the Administration's policies, domestic oil production is at its lowest point since before World War II.

With the onset of rising oil prices, the Clinton Administration has had the opportunity to reconsider its energy policies. However, the Administration's response to the growing national problem of rising oil prices has been to target aid to one region, the Northeast, and to only one group of people, those receiving federal energy subsidies for home heating oil. Other fuel users, including truckers, farmers, and family drivers, are realizing no benefits from the Administration's actions. In contrast, a moratorium on the collection of the federal fuel tax would provide immediate assistance to every American who now bears the burden of rising fuel costs.

The Fuel Act's six-month moratorium on transportation excise taxes and permanent elimination of the 4.3 cent increase will immediately help Americans weather the current oil price storm that is directly impacting their daily lives. I urge my colleagues to support this important legislation.

RURAL BROADBAND ENHANCEMENT ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. POMEROY. Mr. Speaker, I am proud to join Representative STUPAK today as an original cosponsor of the Rural Broadband Enhancement Act (RBEA). This legislation will ensure rural America not be by-passed as high speed Internet access spreads across the urban areas of our nation.

The Rural Broadband Enhancement Act will authorize $3 billion in low-interest loans over the next five years to finance the construction of the needed broadband infrastructure in rural communities. These loans would be repayable over 30 years at two percent interest. The program would be administered through the Department of Agriculture's Rural Utility Service, and is considered company neutral and technology neutral, so that entities from regional Bells to rural cooperatives to cable or satellite companies would be able to serve these communities with the best suited technology. The Rural Broadband Enhancement Act is modeled on the Rural Electrification Act which helped light up America when it was enacted more than 60 years ago.

We are all well aware that the Internet is now more than just a source of entertainment. Today people use the Internet to access a variety of information, from how to buy a car to the latest trends in the stock market to researching job opportunities or accessing college applications. The Internet is virtually limitless in the variety of information available, and for rural communities, broadband capability has the potential to provide an unprecedented opportunity to overcome the traditional geographic disadvantages.

Access to advanced telecommunications services will be an important component to further economic development opportunities in rural America. High-speed Internet is rapidly transforming every facet of business and industry. Economic opportunities will migrate to those areas of the country that can provide the necessary infrastructure to host them. We must make a strong federal commitment to support the deployment of advanced telecommunications services. Only with adequate support will we be able to stimulate facility investment necessary to deploy advanced services throughout rural areas. We must not let the digital divide isolate our rural communities.

I look forward to working with Representative STUPAK and my other colleagues to help pass this legislation.

HONORING EDWARD R. CASSANO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mrs. CAPPS. Mr. Speaker, I rise today to recognize Lieutenant Commander Edward R. Cassano, who has served as Manager of the Channel Islands National Marine Sanctuary for the last four years.

Ed will be stepping down from his post at the Sanctuary next week, but he will not be leaving his passion for the ocean. Ed will assume the role of Executive Director at the Santa Barbara Maritime Museum.

Ed's commitment to our oceans and coastal resources is second to none. Throughout his tenure as Sanctuary Manager, Ed has led efforts to broaden the role and increase awareness of the National Marine Sanctuary Program and it is for this reason that I have been proud to support our Sanctuary Program here in the House.

One of the things Ed is best known for is his ability to bring people together and create partnerships. For example: the Marine Educators' Regional Alliance represents over 30 organizations concerned with marine education; the Research Activity Panel representing over 25 marine institutions that join together to identify research needs in the Sanctuary; and the Sanctuary Advisory Council which brings together community organization and local, state, and Federal agencies to ensure public input for the Sanctuary Program. All of these were formed under Ed's leadership.

Mr. Speaker, last month the California Coastal Commission passed a Resolution honoring Ed for his dedication and outstanding contribution to the State of California and the National Marine Sanctuary Program. This Resolution states that Ed's work is a proud legacy that has significantly improved the quality of life for the people of California and the Nation. I couldn't agree more and I am truly honored to be Ed's Representative in Congress, and more importantly, his friend. I know that his leadership on marine and coastal issues will continue.

THE REPUBLIC OF KAZAKHSTAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. ENGLISH. Mr. Speaker, next month, I will have the privilege of visiting the Republic of Kazakhstan to witness firsthand this vigorous young nation's emergence, under the leadership of its President Nursultan Nazarbayev, as a bastion of democracy and free market economy in Central Asia. I am entering into the RECORD three articles written last week by Scott Hogenson, Executive Editor of the Conservative News Service (CNS), who just returned from Kazakhstan. Mr. Hogenson spent time in Kazakhstan reporting on that nation's rich ethnic and cultural diversity, its free media, and its strategic importance to the United States.

At a time when we are paying upwards of $2.00 for a gallon of gasoline, Kazakhstan is a viable source of hope for us. This non-OPEC member is rapidly developing its enormous oil and natural gas reserves with the help of Mobil, Chevron, and other U.S. corporations. As reported by Mr. Hogenson, Kazakhstan is a ally of the U.S. and a secular Moslem nation that has befriended Israel and stood up against Islamist terrorists.

Please take the time to read these fascinating articles and join me in saluting Kazakhstan's struggle to right itself after 70 years of brutal Soviet repression.

CULTURAL DIVERSITY REFLECTS GAINS IN KAZAKHSTANI DEMOCRACY

(By Scott Hogenson)

ALMATY, KAZAKHSTAN (CNSNews.com).—Ivan Bernardovich Zinkevich describes Kazakhstan's transformation from communism to democracy as one that resulted in his Polish heritage being "reborn."

The re-birth of ethnic and cultural identity among Kazakhstan's minority populations was demonstrated in no small part Sunday afternoon when a crowd of about 100 ethnic Poles rose to their feet as a nine-member youth choir sang the Polish national anthem during a cultural celebration in Almaty, an act that would have been considered criminal a few decades ago.

Zinkevich, the 60-year old chairman of Almaty's Polish Cultural Center, called this and other public displays of cultural heritage a "very significant" freedom for Kazakhstanis, who have been laboring to make democracy work since the nation declared its independence from the former Soviet Union in 1991.

While the vast majority of Kazakhstan's 15.6 million residents are either Kazakh or Russian, people representing more than 100 other ethnic groups also live in this sparsely populated central Asian nation whose geography makes it the ninth largest country on Earth.

But Zinkevich made it clear that he and the estimated 47,000 ethnic Poles living here do not want to be separate from the rest of the nation. Speaking through a translator, Zinkevich said Poles "want to be Kazakhstanis but also want ethnic identity," within Kazakhstan.

Born in Kazakhstan in 1940, Zinkevich is the son of Polish parents who, like millions of other non-Russians, were deported to this region of the former USSR in 1936 under the dictatorship of Joseph Stalin. More than half a century later, the mass deportation of people to Kazakhstan has resulted in a population that is among the most diverse in the world.

While many of the new nations created from the demise of the Soviet Union have struggled with varying degrees of ethnic strife, Zinkevich said there are "no conflicts," among Kazakhstan's ethnic peoples, a view shared by the leader of the country's National Democratic Party.

Hasen Kozha-Ahmet, who heads one of the numerous oppposition parties to President Nursultan Nazarbayev, described the country's indigenous Kazakh population as "very tolerant," though he said through a translator that there is a "distrust of some ethnic Russians among some of the nation's Kazakhs, who comprise roughly 52 percent of Kazakhstan's citizens. Russians are the second largest ethnic group in the country, representing about 31 percent of the population.

A staunch Kazakh nationalist and anti-Communist, Kozha-Ahmet attributed some of the distrust he described to "the humiliation of the Kazakh people," under Soviet rule. But Kozha-Ahmet said he is generally pleased and optimistic about continued harmony between the many ethnic groups living in Kazakhstan.

Although general tolerance among the various peoples plays a large part in keeping Kazakhstan essentially free of ethnic strife, the growth of free-market economies also plays a part in maintaining social and political stability.

Sergy A. Tereschenko, chairman of the majority Otan Party that supports Nazabayev's administration, said continued emphasis on economic reforms and creating stronger markets are not only key elements of the party's platform, but also represent "the most difficult issue," for his party and the nation.

"If a majority (of citizens) does not have work, they express dissatisfaction," said Tereschenko, a former communist who assumed leadership of the Otan Party after serving as Nazarbayev's first prime minister.

Speaking through a translator, Tereschenko likened the "establishment of a middle-class," in Kazakhstan to the Biblical account of the Jews' 40-year sojourn through the desert.

"It is very difficult to show benefits to capitalism," said Tereschenko, an agricultural businessman who said he repudiated the economic precepts of communism after studying and learning the business structures of the United States and other democracies during the course of his travels abroad.

The economic challenges facing the people of Kazakhstan and their associated political challenges for the Otan Party are not small. With a population that is shrinking due to emigration by some from Kazakhstan and the continuing recovery from the nation's economic contraction following its independence from the old USSR, Tereschenko emphasized the importance of writing legislation and policies "that are clear to the people."

"To accept law is one thing. To explain it is another," said Tereschenko, who added that a primary need for the Otan Party is to "prove the value (of democracy) by demonstration." The Otan Party holds 32 seats in the 77-member Majilis, or lower chamber of Kazakhstan's Parliament. By comparison, Kazakhstan's Communist Party holds four seats in the Majilis.

In attempting to overcome the difficulties of throwing off communism and introducing the relatively unknown precepts of free-market economic policies to a people who have enjoyed little freedom for the past two centuries, Nazarbayev had issued a sweeping package of proposed long-term reforms known as the "Kazakhstan 2030" plan.

Nazarbayev's proposals address a wide range of needs and goals for the nation, covering national security and domestic stability, management of the country's large oil and mineral reserves, the development of a professional class of government employees, education, health care and other social issues, increased economic growth through open markets, and improving the country's communications and transportation infrastructure.

In delivering his Kazakhstan 2030 proposals, Nazarbayev spoke to all citizens in asking the country to "share my vision for the future of our society and the mission of our state," but there also is a strong emphasis on the younger generation of Kazakhstanis and the need to "say once and for all what future we want to build for us and our children."

The long view of Kazakhstan 2030 is reflected in part by Nazarbayev's recognition of the "enormous domestic and external difficulties," facing the country. "Many representatives of our generation won't live to the time when this strategy will be realized," Nazarbayev said. "Our children will estimate its reality and the correctness of the work implemented by us."

While the complete implementation of Nazarbayev's plan remains a distant vision, some of the benefits of the president's stewardship over this infant democracy could be seen in the faces of dozens of teenagers practicing Greek line dancing Sunday at Almaty's House of Friendship, a multi-cultural center in the heart of Kazakhstan's largest city.

The youth smiled as they worked out to the quickening pace of music from Zorba the Greek, executing the sometimes complicated maneuvers of the dance and correcting the errors brought to their attention by their instructor.

The act of espousing a culture foreign to one's homeland may seem small among better established democracies but its significance is not lost on Kazakhstanis who lived through an era in which openly embracing one's heritage was forbidden.

As Polish Cultural Center Chairman Ivan Zinkevich said, the newfound freedom to celebrate their ethnicity is "a big happiness," for Kazakhstanis travelling the sometimes-rocky road to democracy.

NAZARBAYEV SLAPS US STATE DEPARTMENT REPORT ON KAZAKHSTAN

(By Scott Hogenson)

ASTANA, KAZAKHSTAN (CNSNews.com).—A US State Department report on Kazakhstan was singled out for criticism Tuesday by President Nursultan Nazarbayev, who called the report one that was "full of untrue facts" about the country.

Nazarbayev said the Clinton Administration briefing faslely accuses Kazakhstan of holding political prisoners, torture, broad government control of the news media and misstates the process by which judges and other officials are appointed.

While acknowledging generally good relations between the US and Kazakhstan, Nazarbayev warned that the inaccuracies in the State Department's report on this central Asian country "makes the distance between the two nations larger," and said he wanted an opportunity to "make a presentation" to correct the record.

US State Department officials were not available for comment by press time, but its 1999 report on human rights noted irregularities in that year's presidential elections and claimed Nazarbayev held the power to legislate by decree.

Federal judges and other appointed officials in Kazakhstan must be ratified by the Senate, according to the Kazakh constitution. The process is similar to that in the US, where federal judges and other presidential appointees are subject to confirmation by the Senate.

Kazakhstan also faced criticism from the Organization for Stability and Cooperation in Europe, which monitored last October's parliamentary elections and said "interference by executive authorities in the broader electoral process must be halted."

But Nazarbayev, a former communist leader in the old USSR, pointed to the range of political parties represented in the Kazakhstan Parliament as evidence of the country's continued progress in strengthening democracy here.

The Kazakhstan Majilis, or lower house of Parliament, includes members from four political parties, including communists. The majority Otan Party, which supports Nazarbayev, holds 32 seats in the 77-member body.

Nazarbayev made his remarks through a translator during a news briefing with members of a Visiting Writers Delegation from the United States Tuesday afternoon in the capital city of Astana.

Other members of the delegation included American Spectator founder and publisher R. Emmett Tyrrell and Hoover Institution Senior Research Fellow William Ratiliff from Stanford University.

Nazarbayev acknowledged some shortcomings in recent elections in Kazakhstan, and government officials attributed most of the irregularities to misunderstanding of the process. Kazakhstan declared its independence from the former Soviet Union in December 1991 and has been instituting democratic and free-market reforms for the past nine years.

Kazakhstan has also been the focus of criticism by the US-based group Human Rights Watch, which reported last year that the government was engaged in censorship and manipulation of the electoral process. However, the presence of independent media in Kazakhstan was evident in Astana and Almaty, the nation's largest city and business center.

News photographers from independent television stations in Kazakhstan were routinely visible around the nation's capital this week, and a news conference attended by an estimated 20 reporters was in progress outside Nazarbayev's office immediately prior to the president's briefing with the US Writers Delegation.

Aides to Nazarbayev also said the president meets monthly with reporters from private media to conduct the equivalent of general news conferences.

While most media were controlled by the government during Kazakhstan's inclusion in the former Soviet Union, the country has made progress in transferring news outlets into private hands since repudiating communism, and independent news organizations have sprouted in large numbers since communist rule here was replaced with democracy.

According to the Ministry of Culture, Information and Public Accord, the number of newspapers in Kazakhstan has increased from 20 to 1,000 during the past decade, with an estimated 70 percent now under private ownership.

Similarly, Culture, Information and Public Accord Minister Altynbeck Sarsenbayev said the government currently operates one television news outlet while about 100 additional private television companies exist today.

Prior to joining the Nazarbayev administration, Sarsenbayev ran The Horizon, which he described as the only independent newspaper in Kazakhstan under communist rule in 1988.

KAZAKHSTANI PRESIDENT SUSPECTS TERRORISM AIMED AT OIL EXPORTS

(By Scott Hogenson)

ASTANA, KAZAKHSTAN (CNSNews.com).—Kazakhstani President Nursultan Nazarbayev Tuesday said he suspects certain Islamist terrorist activities outside the country are intended to impede the country's growth as a major oil producing state.

Citing the example of Chechen rebels warring with Russian troops in Chechnya, Nazarbayev said through a translator that he suspects some terrorist activities are designed "to make obstacles to oil transportation," by creating political instability in areas where future Kazakh oil pipelines are being considered.

Nazarbayev make it clear he intends to make Kazakhstan's growing oil industry competitive with other major oil producing states and said that while "we don't see any direct threat to Kazakhstan," the government needs to work harder to combat "terrorism and banditism" as part of that plan.

Nazarbayev is Muslim, as are an estimated 47 percent of Kazakhstanis, making it the predominate religion practiced here.

This is a snapshot of pipeline politics: While American consumers are struggling with rising gasoline prices at the pumps, Nazarbayev and other government officials in Kazakhstan's capital city of Astana are struggling with the more onerous challenge of getting their massive oil reserves out of the ground and into the global marketplace.

The challenges in developing Kazakhstan's oil reserves, estimated to be among the largest on the planet, are compounded by a combination of financial, political and diplomatic considerations, according to officials interviewed by CNSNews.com.

The potential revenues and increased employment for Kazakhstanis associated with the country's growing oil industry are key components in the economic future of the country and are part of a broader political priority as well.

Minister of Culture, Information and Public Accord Altynbeck Sarsenbayev said the most important goals for Kazakhstan are to "strengthen our independence and free-market economy," and the government's attention to oil reflects its importance in achieving those goals.

As an emerging democracy that declared its independence from the former Soviet Union in 1991, this landlocked central Asian country is highly dependent on foreign investments to meet the multi-billion dollar cost of developing Kazakhstan's potential as a major player in the international oil arena.

Kazakhstan's Agency on Investments believes it will cost as much as $160 billion to fully tap the country's oil reserves, and agency Chairman Doulat O. Kuanyshev said efforts to attract foreign investment in Kazakhstan represent "the best opportunity to make a political statement" for Nazarbayev.

"Oil is always politics, not only money," said Kuanyshev.

Kazakhstan has projected oil reserves of 110 billion barrels by 2015, which would place it among the top three oil-producing nations in the world, and the Nazarbayev administration has attempted to create what it hopes will become a political and economic climate that is conducive to the full exploitation of the country's vast reserves.

The development of Kazakhstan's potential as an oil producing nation is so important, the Kazakh constitution offers numerous legal protections for foreign investors and the Parliament has passed laws offering sizable tax advantages to firms willing to make investments in the country.

Among the "privileges and preferences" afforded outside investors through the Agency of the Republic of Kazakhstan on Investment are five-year long income and property tax holidays of up to 100 percent, additional tax holidays at a reduced rate, conferred land rights, and waivers on customs fees and tariffs on the importation of materials needed to continue building Kazakhstan's oil producing infrastructure.

These incentives are evidence of Kazakhstan's efforts to establish a viable democracy and free market economy after having broken away from communism less than a decade ago. "There is no way we can go back to the system we escaped from," said Zharmakhan Tuyakbai, the chairman of Kazakhstan's Majilis, the Lower House of the Parliament.

Tuyakbai is the equivalent of the speaker of the US House of Representatives and is a member of the majority Otan Party, which supports Nazarbayev.

Despite the large oil reserves in Kazakhstan, the country's three main oil refineries are operating far below capacity, according to government data. Oil deliveries were more than 50 percent below the combined capacity of the Shymkent, Pavlodar and Atyrau refineries in 1998, and the government calls upgrading the country's refining operations "a top priority."

Currently, Chevron and Mobil/Exxon are among the largest US investors in developing Kazakhstan's oil reserves.

Large as the challenge of drilling for oil is, a greater challenge lies in delivering these reserves to customers around the world. Kazakhstan is landlocked, so all of its oil must be delivered via pipeline or shipped through the Caspian Sea and through other oil producing states in the Middle East.

Oil is currently exported from Kazakhstan via a single pipeline running through Russia. But Kuanyshev said the completion of a second pipeline to the Black Sea is expected to have what he called "an enormous impact" on Kazakhstan's role as an oil-producing nation.

Kuanyshev said the Black Sea pipeline, scheduled to begin operations in the autumn of 2001, would nearly double the country's current oil output and open global markets for Kazakh oil for the first time in the country's history.

The politics of further pipeline development include some of the most complex issues facing Kazakhstan. An analysis of various pipeline options indicates that some proposals, like one examining a pipeline through Chechnya, are unworkable at this time because of continued warring there.

The Chechens have not recognized Russian rule over them since the disintegration of the Soviet Union and the absence of independence for Chechnya makes the chances for such a pipeline route slim.

Other options are complicated by US foreign policy, including various proposals involving Iran, a route that is considered by many to be the most direct way of delivering Kazakhstan's oil to world markets.

US sanctions against Iran and American opposition to more Iranian pipelines makes such options less viable, according to Kazakhstani officials, but an aide to Nazarbayev said the president is "satisfied with overall US relations" at this time.

Even if a Kazakh pipeline to Iran could be established, it's not likely Kazakhstan would consider membership in OPEC, with one government official saying that Kazakhstan's strategy for oil production and exportation is "inconsistent" with current OPEC policy.

Upon completion of the Black Sea pipeline next year, Kazakhstan is expected to focus on a long-range project to build a pipeline that would run directly to the Mediterranean Sea via Azerbaijan and Turkey.

A pipeline connecting Kazakhstan to the Mediterranean would represent a significant leap for the country, officials said. Not only would such a pipeline increase the country's total oil exports, it also would alleviate the strategic risks that can be associated with having to ship products through the Black Sea and the narrow passage that connects it to the Mediterranean.

The internal political implications are also considerable for Kazakhstan. Nazarbayev's Press Secretary, Asylbek K. Bisenbayev, said the means of exporting oil are even more important than increasing production if the country is to continue moving forward with free-market reforms.

"Oil is important to developing a middle-class in Kazakhstan," said Bisenbayev, underscoring the need to shrink the income gap between rich and poor. With the expansion of the country's middle-class also being a political imperative for the majority Otan Party, the future of democracy in Kazakhstan hinges in large part on tapping the oil beneath it.

APPOINTMENT OF JOE McDADE, FORMER MEMBER OF PENNSYLVANIA 10TH DISTRICT FOR 36 YEARS

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. SHERWOOD. Mr. Speaker, I want to bring to the attention of the Members of the House the selection of their former colleague, Joe McDade, as Chairman of the Board of Trustees of Ford's Theatre Society. The Society is non-profit organization whose mission is to produce live entertainment on the historic stage at Ford's Threatre. Musicals and plays are produced at Ford's Theater that highlight our nation's multiculturalism and the diversity of American life.

Congressman McDade served with great distinction as the Representative of Pennsylvania's 10th District for 36 years. His contributions to the prosperity and well-being of his constituents are legendary in Pennsylvania and his service to his nation, particularly on the Appropriations Committee, is well known by the Members of this Chamber. He currently serves as Chairman of the Board of ETA, a respected government relations firm based in Washington.

Joe McDade is an excellent selection for Chairman of the Board at Ford's Theater Society. He has always been a strong advocate and genuine aficionado of the arts, having served on the Ford's Board since 1970 and on the Kennedy Center Board for 25 years, where he is a Trustee Emeritus. He is also a Trustee Emeritus at the University of Scranton, and serves as a Board member for Allied Services for the Handicapped.

Congressman McDade's achievements have been recognized by several organizations, including the National Parks and Recreation Association, the U.S. Chamber of Commerce, the Pennsylvania American Legion, the National Association of Defense Lawyers and the National Osteoporosis Association.

The Secretary of Defense awarded Congressman McDade the Medal for Distinguished Public Service, the highest civilian award that can be given by the Department of Defense, and Governor Tom Ridge honored Joe McDade's work by issuing an executive order establishing "Joe McDade Day."

I know that my colleagues would join me in congratulating Congressman McDade for his selection as Chairman of the Board for the Ford's Theater Society and wishing him the very best as he carries out his important new responsibilities.

INTRODUCING THE HEALTH CARE ACT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. ARMEY. Mr. Speaker, proudly I join my colleague from California, Mr. DOOLEY, in introducing the Health CARE Act. The word "CARE" in the title stands for Coverage, Access, Relief, and Equity. Mr. Dooley and I believe this legislation will provide those things for millions of uninsured Americans. We regard this new bipartisan bill as affordable and enactable, and we will work to pass it this year.

Identical legislation is being introduced in the Senate by a group composed of three Republicans, Senators JEFFORDS of Vermont, FRIST of Tennessee, and SNOWE of Maine, and two Democrats, Senators BREAUX of Louisiana and LINCOLN of Arkansas.

The CARE Act creates a tax credit for the purchase of health insurance, and is to be the first in a series of measures that our bipartisan, bicameral group will propose to address the chronic problem of uninsurance in our country. Today, at any given moment, forty-four million Americans can be found who lack health-insurance coverage. They become uninsured for a variety of reasons, and it will take a variety of responses to address this growing problem.

I should note here that the CARE Act is very similar to a bill I introduced last summer under the title of the "Fair Care for the Uninsured Act" (H.R. 2362). The CARE Act differs from Fair Care mainly in being less costly and thus, I hope, more enactable. The basic principles of the two bills are the same, and I will continue to work for the enactment of Fair Care as my long-term objective. I will not let the perfect be the enemy of the good. The CARE Act is a good first step and a solid proposal in its own right.

Experts agree the uninsurance problem is caused in large part by Section 106 the Internal Revenue Code. Section 106 gives an extremely generous tax break for the purchase of health coverage, if it is purchased through one's place of employment but not if it is purchased elsewhere. This discriminates against people who buy their insurance outside the workplace. Such discrimination may have been tolerable in the 1940s and 1950s, when it was common for a citizen to be employed at one large company for most or all of his or her working lifetime. But it is completely out of step with today's dynamic workforce. Today, this health penalty tax, as I call it, falls most heavily on people who are mobile and part-time, on day laborers, farm workers, and the like. It falls especially hard on Hispanic Americans, who are often employed in these ways, and one-third of whom are uninsured nationally.

Section 106 is unfair in another way. It discriminates against lower-paid workers. Because today's tax-code is progressive, taxing people at increasingly higher rates as their incomes rise, tax breaks like Section 106 are by definition more generous to those in the higher tax brackets. Thanks to this regressive aspect of our system of progressive taxation—a system I hope to see replaced someday by the Flat Tax—the highly paid CEO today gets a much more generous tax break for health coverage than does the waitress at the corner coffee shop. This unfairness needs to be addressed.

Right now, the ranks of the uninsured are swelling by more than 100,000 persons a month, and it appears this pace will continue unabated until we go to the root of the uninsuraance problem, and that is the tax code. The time has come for a more equitable tax treatment of health insurance. If Americans were given health-care tax breaks without regard to where they work, or how much they make, it will go a long way to ending the uninsurance problem in this country.

The Health CARE Act would address the inequities of the tax code by creating a new tax credit for the purchase of private health insurance, in the amount of $1,000 for a self-only policy and $2,000 for a family policy. A person could use this credit toward the purchase of any qualified private health-insurance policy, including so-called "COBRA" coverage between jobs. If the person is paying for insurance on his own, he could apply the credit toward the cost of that coverage. The credit would be available regardless of where the person works or how much insurance he purchases. He could use it even if he owes no income tax. He could begin using it as soon as he signed up for insurance. He would not have to wait for a refund check from the IRS.

A person would be eligible for the credit if he met all of the following conditions: First, he is not already covered by a federal-government health insurance program. Second, he is not offered an employer-subsidized health plan through his place of work. Third, his annual adjusted gross income is less than $35,000 (if it is a self-only policy) or $55,000 (if it is a family policy). Persons making up to $10,000 a year more than these amounts would receive a reduced credit, which is phased-down over the range.

Experts believe that any health-care tax credit must be worth at least 30 to 50 percent of the cost of an average health-insurance policy in order for people to be willing and able to use it to buy private health insurance. The Health CARE Act credit is worth about 40 percent of the price of a self-only policy, and about 30 percent of the price of a family policy, depending on one's health status and the general cost of health care in one's region of the country. As a result, the credit will be available to an estimated 21.5 million currently uninsured Americans, and would help an estimated 5.5 million Americans who are now paying for health insurance without the benefit of any federal health-care tax breaks. The CARE Act credit would enable at least 3.2 million uninsured Americans to afford private health coverage, according to the Lewin Group, a private health-policy consultancy in Washington, D.C.

Mr. Speaker, as a resident of the State with the highest uninsurance rate in the nation, I think tax equity for the uninsured is a moral, economic, and political imperative.

The CARE Act is, in sum, a bipartisan proposal that offers real hope to Americans shut out of work-based coverage, makes health-care tax benefits fairer for all workers, begins to repeal the health penalty tax, gets more Americans covered, and does all of this while preserving the employer-based system of coverage on which most Americans rely.

I am proud of this legislation and will work hard with my Democratic partner, Mr. DOOLEY, to pass it this year.

IN RECOGNITION OF THE NASA-GODDARD SPACE FLIGHT CENTER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. HOYER. Mr. Speaker, I rise today in recognition of the men and women of the NASA-Goddard Space Flight Center in Greenbelt, MD, and congratulate them on their continued success as one of our Nation's premier space flight centers. In December, Goddard led a successful mission to service the Hubble space telescope and launched the Terra spacecraft, the first of an exciting line of satellites based at Goddard.

During the 1999 holiday season, the Hubble was given new navigation equipment and an improved vision of the universe. During an 8-day mission, beginning on December 19, the crew of the space shuttle *Discovery* captured, serviced, and redeployed the Hubble space telescope. On Christmas day it was released back into orbit, returning it to full operation with a new and improved view of the universe.

Through these improvements, Hubble scientists, for the first time in its 10-year history, have identified and impelemented a value measurement for how fast the universe is expanding. This rate of expansion—the Hubble constant—is essential in determining the age and size of the universe.

In addition to the great accomplishments with the Hubble, on December 18, the first Earth-observing system satellite was successfully launched. This system, known as Terra is operating as expected and will enable new research into the ways Earth's land mass, oceans, air, ice, and life interact as a whole climate.

Since 1993, NASA has cut the cost of missions by two-thirds and has cut the time it takes to develop spacecraft by 40 percent. NASA is also launching an average of four times as many science missions per year.

The great successes of Goddard Space Flight Center would not be possible without the outstanding support that has been provided by the contracting and business community of this region. Their efforts, in partnership with NASA, have been critical in placing Goddard in the forefront of space technology and giving the United States the recognition of being number one in space exploration and know-how.

In closing, Mr. Speaker, as we enter the new millennium, let us continue to support the men and women leading us onto the new frontier of space exploration. These men and women of the Goddard Space Flight Center are furthering our knowledge of the planet and the universe by which we are surrounded. I thank the astronomers, scientists, and the entire space exploration community for a job well done.

PALACE OF THE GOVERNORS EXPANSION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. UDALL of New Mexico. Mr. Speaker, today I am introducing a bill to fund the expansion annex of the historic Palace of the Governors in Santa Fe, New Mexico. This is a companion bill to S. 1727 introduced in the Senate by Senator PETE V. DOMENICI.

The Palace of the Governors is the last remaining structure of a compound built between 1605 and 1610 by the Government of Spain. For centuries the compound, known also as "Las Casas Reales", served as a military and administrative center for the Spanish colonial empire, and functioned as the legislative chambers and official residence for those who governed New Mexico under the Flags of Spain, Mexico, and the territorial United States. This included 66 Spaniards, 17 Mexicans, and 22 U.S. Territorial Governors. Moreover, during what is known as the Pueblo Rebellion of 1680, the Pueblo Indians of New Mexico converted the historic structure into an Indian village until the Spanish return in 1692.

In 1909, the capitol for the New Mexican territorial government was moved to a more modern building, and the Palace of the Governors was designated as the Museum of New Mexico. Today, the Museum's collections include over 15,000 artifacts and priceless art works, 530,000 photographic images, 15,000 books, 450 linear feet of manuscripts, and 6,000 prints and maps. These precious items are irreplaceable historical and cultural artifacts, as they represent time periods spanning from the initial European exploration and colonization of the Southwest in the 16th century, to the birth of the atomic age and the exploration of space in the twentieth century. Some of Museum's artifacts include helmets and armor worn by soldiers in the expedition of Don Juan De Onate who established the first capital in the United States in July of 1598, and led the first permanent European community in the United States. These proud and independent people, whose direct descendants thrive to this day in New Mexico, introduced horses, cows, donkeys, sheep, and agricultural technology. Together with the Native Americans they contributed to what is New Mexico's rich culture.

As another example of its fascinating holdings, the museum also houses the Railway station clock that was shot as Pancho Villa invaded the United States. The clock, its pendulum stopped by a bullet, captured the exact moment in time, when the last invasion of the continental United States took place.

Today, the Palace is visited by thousands of visitors from around the world who tour the exhibits, and then purchase fine Native American artwork sold by Native peoples under the portal in front of the Palace. This trade between cultures has taken place daily for hundreds of years, and is a testament to the interaction between different cultures.

Tragically, these many unique examples of Spanish, Native American, Mexican, and U.S. history face imminent destruction if immediate measures are not taken to provide safe and adequate storage, and proper exhibit facilities. Currently the major portion of the collections has no protection from loss by fire, flooding or disintegration and the buildings where the collections are stored are over 90 years old, with a steam heating system that contributes deterioration of the collections.

Recognizing this disastrous situation, a group of my fellow New Mexicans have undertaken the task of planning for the construction of a modern and technologically advanced annex, the size of which will permit the rich multi-cultural history of the southwest to be made available to present and future generations. Over time they have raised almost $6 million from state, city, and private sources to acquire a building, the land, and planning for the new annex. The amount, however, is far from sufficient enough to meet the projected total project cost of an additional $32 million. Thus, it is imperative that Federal funds be provided.

The bill I am presenting today will help ensure these treasures are protected and funds are provided, so that we save the irreplaceable collections of the Palace of the Governors from the danger of being forever lost. The bill would authorized $15 million dollars through the Department of Interior, and will assist the Palace of the Governors construct and also equip their new annex. It will also make the vast collections available for exhibition to future generations of Americans and for study by scholars who currently cannot access them because of a lack of appropriate facilities.

Mr. Speaker, the Palace of the Governors is not only an irreplaceable jewel in New Mexico's history, but the history of our Hispanic Southwest and our country as a whole. I urge that we act to support this aspect of our nation's history with the foresight that will reward our children with these unique, historical, and cultural gifts drawn from our country's amazing diversity.

TRIBUTE ON THE PASSING OF DR. HARGROVE F. WOOTEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight I pay tribute to an outstanding man, community leader and distinguished Physician, Dr. Hargrove F. Wooten. I was saddened at hearing of the passing of Dr. Wooten: husband, father, grandfather, colleague, and friend to those who knew him.

Dr. Wooten was born in Jacksonville, Florida on October 9, 1925. As a child, he attended local public schools in Jacksonville. In Jacksonville, Dr. Watson dreamed of enriching the life of his community and becoming a doctor. He would later pursue his dreams at Xavier University in New Orleans, Louisiana, where he earned his Bachelor of Science Degree in Pharmacy and Meharry Medical College, where he earned his doctorate in medicine. At these two prestigious and renowned universities, his goals to pursue a medical career were nurtured and his dedication to his community was enriched.

Dr. Watson continued to further his education by obtaining his Master of Science degree at Texas Southern University in Houston, Texas and completed his residency in Ophthalmology at the University of Texas Health Science Center. After completing his medical degree, he served as intern through a rotating internship in Houston and was the first African-American to intern at the Memorial Hospital system.

As a practicing pharmacist and CEO of the self entitled Wooten's Pharmacy Chain, a university physician for the University of Houston from 1966 to 1972 and CEO of both Physicians Eye Associates and Hargove F. Wooten M.D. and Associates, Dr. Wooten tirelessly worked to improve the health of Houston area residents.

Throughout his lifetime, Dr. Wooten's leadership was sought and admired by many of his peers. He served as the President of both the Houston Pharmaceutical Association, the Lone Star State Pharmaceutical Association, and the Houston Medical Forum. In 1994–1996, Dr. Wooten was elected by Sigma Pi Phi Fraternity to be their Grand Sire Archon. In addition, he was a member in sixteen honorary, professional and civic organizations including the NAACP, Alpha Phi Alpha Fraternity, Chi Delta Mu Professional Fraternity and the American Academy of Ophthalmology.

As a husband, Dr. Wooten was his wife's best friend, companion, and advisor. As a father, he was his three daughters' counselor, aide, and friend. A father in the true sense of the word and a man of the finest hour, Dr. Wooten was a friend, mentor and counselor to many. His daughters, Florence, Patrice and Sharon knew that he loved them through his 49 years of matrimony to their mother, Eleanor.

At this sad time, I offer the Wooten Family my deepest sympathy. While I am aware that no words of consolation can ease the hurt and sense of loss that you now feel, I hope that in time, you will be comforted by the legacy of accomplishments that he left behind. I hope that the fond memories of experiences you shared with him will continue to inspire you in the future.

SUPPRESSION OF PEACEFUL DEMONSTRATORS IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. SMITH of New Jersey. Mr. Speaker, earlier this month, March 9, I chaired a hearing of the Helsinki Commission at which we heard compelling and disturbing testimony about the deterioration of human rights and democracy in Belarus. I was pleased to have as one of our witnesses Anatoly Lebedka, Deputy Chairman of Belarus' legitimate parliament, disbanded by Belarusian strongman Alyaksandr Lukashenka following an illegitimate 1996 referendum.

Unfortunately, Mr. Lebedka was one of some 500 people arrested last weekend, during a peaceful pro-democracy demonstration in Miensk. He was reportedly beaten and spent two days in detention before he was released. He is scheduled to go to trial on April 4. Also detained without explanation were more than 30 Belarusian, Russian and Polish journalists. Film shot by press photographers was reportedly confiscated. Aleh Hrudzilovich, a journalist with the opposition newspaper Nasha Svaboda and Radio Liberty who was initially detained on March 25, was summoned for interrogation on March 27, handcuffed, and then hit several times in the face while being transported by police to a detention center. He was released later that day. Other detainees also reportedly suffered physical abuse by the police. Several demonstrators have been put on trial, and some have already been sentenced to short-term detentions.

Mr. Speaker, during the Helsinki Commission hearing, I asked Mr. Lebedka about the scheduled March demonstrations, where he expressed the fear that there might be deliberate provocations by the police, as had been the case at a Freedom March rally last October. Fortunately, a large peaceful protest held on March 15 was held without any problems. According to many observers, including Mr. Lebedka, the growing number of participants in the officially-approved 30,000 strong March 15 demonstration prompted Lukashenka to take harsh measures against the March 25 demonstrators. Indeed, this comports with Lukashenka's recent warning that protestors who "get out of line" will have "the stuffing" beat out of them.

Mr. Speaker, the suppression of the March 25 demonstration is yet another illustration of the Lukashenka regime's disregard for fundamental human rights, including freedom of assembly and association, and information. It is another among a long list of outrages perpetrated by Lukashenka upon the people of Belarus. It is yet another in a pattern of violations of human rights commitments, which Belarus freely undertook when it joined the OSCE in 1992.

Mr. Speaker, I wish to reiterate my strong concern for the safety of Anatoly Lebedka and all the other pro-democracy activists in Belarus, and I look forward to the day when democracy will flourish someday in Belarus.

IN HONOR OF NORTHERN KENTUCKY UNIVERSITY WOMEN'S BASKETBALL

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, today I salute an outstanding group of young women in the Fourth Congressional District of Kentucky. This weekend, the Northern Kentucky University Women Basketball team—the Norse—won the NCAA Division II National Championship in Pine Bluff, Arkansas. Their achievement capped a year of hard work and dedication, and they are role models for girls and boys in Kentucky and across the nation.

I also congratulate Nancy Winstel, now in her 17th season as Head Coach. Nancy is a native of Newport, Kentucky, and a graduate of NKU. She played for the Norse from 1974 to 1977. Nancy returned to the University in 1981 as an assistant coach, and has served as head coach since 1983. During her tenure, the Norse have compiled a 362–120 overall record and have made ten NCAA tournament appearances. Winning the 2000 National Championship is a particularly fitting reward for her 22 years of commitment to the NKU Women's Basketball program.

Mr. Speaker, I would be remiss if I failed to commend Michelle Cottrell, a starting forward for the Norse, and the Most Outstanding Player for this year's tournament. During the final game, Michelle scored 23 points and tallied 19 rebounds. Her double-double is not surprising to anyone who has watched her play over the years; this season, she scored an average of 17.3 points and 9.4 rebounds. Michelle is a graduate of Boone County High School, and I know that the entire Northern Kentucky community takes pride in her accomplishments.

I also salute the other members of the team, many of whom were also raised in Northern Kentucky. I submit their names here for the record: Heather Livingstone, of Winneconne, Wisconsin; Suzie Smith, of Florence, Kentucky; Michele Tuchfarber, of Cincinnati, Ohio; Rebecca Bell, of Taylor Mill, Kentucky; Lisa Geiman, of Cold Spring, Kentucky; Julie Cowens, of Cold Spring, Kentucky; Amy Mobley, of Harrison, Ohio; Bridget Flanagan, of Cincinnati, Ohio; Kristin Polosky, of Bobtown, Pennsylvania; and Jessica Jenson, of Barberton, Ohio. I also recognize Assistant Coaches Brian Neal and Chris Gramke.

Mr. Speaker, in this era when we worry about role models for our children, I am proud to know these young women. They have proven that athletics can help instill values like hard work, discipline, and teamwork. I know that young people all over the Commonwealth and across the Nation will recognize the achievements of NKU Women's Basketball and follow their example. As for myself, I am looking forward to another exciting season of Norse basketball in 2000–2001.

REAUTHORIZATION OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. CANNON. Mr. Speaker, today I introduce legislation to reauthorize the United States Holocaust Memorial Museum. This spring will mark 7 years of success for the Museum, which is visited by millions of people each year through its acclaimed exhibitions, education opportunities, publications, and outreach programs. Created by a unanimous act of Congress in 1980, the Museum continues to receive strong support and recognition.

In addition to its primary mission of advancing and communicating knowledge of Holocaust history, the Museum offers an opportunity for its visitors to reflect upon the moral and spiritual questions raised by the Holocaust. The success of the Museum clearly demonstrates the public's deep interest in contemplating and gaining valuable lessons from the Holocaust.

Some of the key accomplishments that illustrate the exceptional success of the Museum over the past 7 years include:

Nearly 14 million visitors, of which 3.7 million have been children. In addition, 61 heads of state have visited, along with 2,000 foreign officials from 130 nations.

In response to public demand, the development of educational and scholarly outreach, with the Museum sponsoring travel exhibitions in 27 cities over the past several years.

Over 1.5 million visits to its web site each year.

Educational materials and programs serving 25,000 educators across the United States annually.

Recognition internationally as a center for Holocaust research and remembrance. There continues to be a dramatic growth in its collections, including more than 35,000 artifacts, 12 million pages of archival documents, 65,000 photographic images, oral histories from over 6,000 individuals, a library of over 30,000 volumes in 18 languages, and a renowned registry of Holocaust survivors and their families with a total of 165,000 listings.

Invaluable references service to the public, with the Museum's archival, photo, historian's office, and library staff responding to over 18,000 requests each year for information, guidance, and services.

These exceptional accomplishments clearly demonstrate the Museum's extraordinary adherence to public service and the success it has achieved both on the National Mall and across the United States. The passage of time continues to deepen the urgency and importance of the Museum's role in the United States and its powerful mission of carrying the legacy of Holocaust remembrance, education, and conscience forward into the 21st century. With its commitment to education and service, this Museum is key to strengthening our ability to understand history's painful lessons, to helping us overcome the worst of human impulses, and to improving our future.

As a member of the Museum's Council I am proud to introduce this legislation and I urge my colleagues to join me, and the 24 original cosponsors, in supporting the mission of the United States Holocaust Memorial Museum and its enduring role in our society.

THE U.S.S. "HOGA"

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. HASTINGS of Florida. Mr. Speaker, I am proud to introduce a bill which authorizes the use of a vessel to transport the naval harbor tug USS *Hoga* to Port Everglades, Florida, for use as a memorial to veterans and provide vocational seamanship training.

This bill will carry out the longstanding intent of Congress in preserving and protecting historic landmarks and national monuments. The USS *Hoga* is recognized by the United States Park Service as a national monument, and appears in the national register of historic places. Unfortunately, the USS *Hoga* is no longer seaworthy, and cannot safely be towed on the open sea. If towed through the water, it may fall apart, and we stand to lose this national monument forever. Thus, I encourage you, Mr. Speaker, and my colleagues here in Congress, to support this initiative that will allow a means to transport the USS *Hoga* on a transporter vessel, enabling the ship to arrive undamaged to the state of Florida.

Veterans have long been the thread holding together our nation, defining American independence, and ensuring American freedom. Despite the high concentration of World War II veterans in Florida, with the majority of them calling South Florida home, the state of Florida is the only coastal state without a commemorative World War II warship. This legislation will assist the USS *Hoga* Association in transporting the USS *Hoga* to its final resting place at the New River in Ft. Lauderdale, Florida.

Mr. Speaker, in the next two decades, the last of the World War II veterans will have passed on. As an immobile World War II veteran, the USS *Hoga* will be a place for future generations to pay homage to those who fought bravely under the United States flag. The USS *Hoga* is indeed a national treasure, and will serve many additional uses in the state of Florida. Currently, boatyards are underemployed, and fewer Americans consider a calling to defend our great country. In addition to being a memorial, the USS *Hoga* will be used to train students in seamanship duties and promote national defense by preparing young Americans for service in the United States Navy.

Finally, Mr. Speaker, let me say that I take a great deal of pride in the fact that South Florida boasts one of the nations highest percentage of World War II veterans. I would also like to commend the USS *Hoga* Association for the tremendous work and effort it has contributed to attain this goal. As we approach the 60 year mark commemorating the beginning of World War II, I ask that we fulfill a small request made by Florida veterans to aid them in transporting a tribute to those citizens who fought for our country.

I urge all of my colleagues to support this bill.

CONGRATULATING THOSE INVOLVED IN THE FLORENCE, WISCONSIN FOOD, FUN AND FITNESS SUMMER PROGRAM

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, today I'd like to offer my enthusiastic congratulations before the U.S. House to all those involved in the Florence, Food, Fun and Fitness Summer program. Their hard work and innovative efforts have improved the health of our young people and deservedly garnered accolades and the U.S. Department of Agriculture's Summer Sunshine Award for Child Development.

Everyone who is a part of the Food, Fun and Fitness program should feel a great sense of pride—not only for being honored by the USDA and others, but for genuinely enhancing the health and quality of life of our children. Thanks to this program, the kids involved have learned countless new life lessons, from a new understanding of the importance of food and where it comes from to the new friendships and wisdom they have shared with the seniors who have joined with them in this program.

This program is the direct result of a successful partnership between Florence Nutrition Program Educator Katie Tartar and the University of Wisconsin Extension, Florence School District, Florence Sheriff's Department, General Colin Powell and America's Promise, the Family Resource Center of Florence County, County Activity Co-op, Spread Eagle Sporting, the Master Gardener Association and the residents of Chapin Heights Apartments.

Mr. Speaker, the Florence Food, Fun and Fitness program is a shining example of what communities can achieve by bringing all their resources to bear in a common effort. It is a program I believe other American communities should look to and emulate.

To the folks in Florence, congratulations, thank you, and keep up the great work!

INTRODUCTION OF THE WORKER ECONOMIC OPPORTUNITY ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. BALLENGER. Mr. Speaker, today I am pleased to join Senator MCCONNELL and others in the introduction of "The Worker Economic Opportunity Act," a bipartisan bill to protect stock option programs for rank-and-file employees. In a February 12, 1999, opinion letter that has only recently become widely publicized, the Department of Labor determined that under the 1938 Fair Labor Standards Act, at least in some case, the profits from the exercise of stock options are part of an employee's "regular rate" of pay, and therefore must be taken into account in determining the employee's overtime rate of pay.

While the opinion letter constitutes the agency's interpretation of the law based on the facts and circumstances of one particular case, the practical effect of the letter is to "red flag" other similar programs and cause widespread confusion about overtime liability among employers who provide stock options for their hourly or "nonexempt" employees.

Stock option programs can be configured in a variety of ways and are referred to by different names, but all of the programs share similar objectives: to reward employees, provide ownership in the company, and to attract and retain a motivated work force. In testimony before the Subcommittee on Workforce Protections' hearing earlier this month, witnesses discussed how stock ownership programs are now available to more and more employees. In the past, such programs were used to reward executives, top management, and other key employees. However, there has been a dramatic increase in the past several years in the number of companies offering broad-based employee ownership plans to rank and file employees.

A 1998 study by Hewitt & Associates found that over 66 percent of the companies surveyed gave options to some portion of their nonexecutive workforce. The National Center for Employee Ownership estimates that more than 6 million nonexecutives receive stock options. In the high-technology industry, some 55 percent of rank-and-file employees participate in employee ownership programs.

I daresay that few employees who receive stock options from their employer consider the profit on those options to be part of their regular rate of pay for overtime purposes. Yet the Department of Labor's interpretation of the law that says stock options may be part of the employee's "regular rate," threatens to undermine the ability and the willingness of employers to make stock options available to their "nonexempt" employees. Ms. Abigail Rosa, an employee who testified at the hearing, expressed concern that DOL's interpretation of the law would force companies to do away with stock option programs for employees who are covered by overtime.

The Worker Economic Opportunity Act would amend the Fair Labor Standards Act (FLSA) to ensure that federal law does not end up discouraging the use of such programs or denying employee the opportunity to participate in the success of their company. The bill specifies that any value or income derived from a stock option, stock appreciation right or employee stock purchase plan would be exempt from an employee's regular rate of pay for the purposes of calculating overtime. Plans must meet the following requirements: a minimum 6-month vesting period between the grant of the option and its exercise by the employee; any discounts on stock option or stock appreciation rights may not exceed 15 percent of fair market value at the time of the grant; the voluntary exercise of any grant or right by the employee; and disclosure of the terms of the plan to employees.

Employers may grant options based on employees' past performance, provided that the options are not pursuant to any prior contract. In addition, employers may grant options based on the future performance of any size facility, or a business unit or group consisting of at least 10 employees.

Under the bill, employers who are currently operating plans would be protected from liability for overtime back pay if: the grants or rights were obtained prior to the bill's effective date; the grants or rights were issued to employees within a year after the bill's effective date under plans that must be modified through shareholder approval; or the plans are part of a collective bargaining agreement as of the bill's effective date. Finally, the provisions of the bill would go into effect 90 days after the date of enactment, giving employers time to complete pending grants.

Mr. Speaker, this bill represents the hard work and attention of many Senators and Members of the House on both sides of the aisle, as well as the Department of Labor. I urge my colleagues to support the legislation.

CORRESPONDENCE FROM BOB JONES UNIVERSITY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. CROWLEY. Mr. Speaker, today I am somewhat bewildered by correspondence I received yesterday from Bob Jones University. As you are aware, I am the sponsor of H. Con. Res. 261, which condemns the racial and religious intolerance at Bob Jones University. Additionally, on Friday, three of my colleagues, Representatives PETER KING, RICHARD NEAL, and SAM GEJDENSON, and I sent a letter to Bob Jones III expressing our concerns about the participation of Ian Paisley in a Bible Conference at the University. Reverend Paisley is an opponent of the peace process in Northern Ireland and an outspoken anti-Catholic bigot. Since coming to Congress, I have been a vocal supporter of the Irish Peace process and the Good Friday peace process. Additionally, I have always promoted religious tolerance. In fact, I am an active participant in Project Children; a program designed to eradicate the hatred between Catholics and Protestants in Northern Ireland by working with children.

Yesterday I received a response from Bob Jones III to my letter. I was bewildered by his venomous response. At this time, I would like to ask unanimous consent to submit to the RECORD a copy of my original letter to Bob Jones III, as well as his response.

I am disappointed that the leader of an institution of higher learning could not respectfully respond to concerns of four Americans who happen to be Members of Congress. His labeling of the extreme religious views of Rev. Paisley as, and I quote, "leftist, radical IRA/Sinn Fein loving imaginations," is totally offensive to the Catholic minority in Northern Ireland.

I was horrified at being called a bigot and intolerant by Bob Jones the III. I have spent my life espousing peace and tolerance for Ireland and for all religious differences. I work actively with many religious groups, including Protestants, Jews, and Muslims.

Additionally, I recently marched in a St. Patrick's Day parade in Queens that was the first inclusive St. Patrick's Day parade in New York City. I believe Mr. Jones' letter reflects that he is the bigot and validates the concerns of myself and many of my colleagues.

Mr. Jones believes that I do not have the right to maker demands of him. He is correct, we do have free speech. However, I believe that as an American, who happens to be a Member of Congress, I have a duty to request that the University does not invite someone whom I consider a proponent of hate to participate in any religious conference. Our country is founded on free speech, but it is also founded on religious freedom and tolerance. No institution, especially one of higher learning, should promote religious intolerance.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2000.
Mr. BOB JONES III,
President, Bob Jones University, Greenville, SC.

DEAR PRESIDENT JONES: Reports have come to our attention that over the weekend the Reverend Ian Paisley participated once again in a Bible conference at your university. We are writing to ask that you sever all professional contacts with Reverend Paisley immediately, including terminating his membership on your Board of Trustees. No American University should have a relationship with such an anti-Catholic bigot and opponent of peace in Northern Ireland.

Reverend Paisley has called the Catholic Church an instrument of the devil and "the mother of all harlots." He has described the Pope as the "Antichrist" and the "Great Fornicator." "Popery is contrary to Christ's gospel," Paisley said in one sermon. A recent biographer chronicled his lifetime commitment of "total resistance to every attempt to accept that [Catholic] system as a Christian church."

As leader of Northern Ireland's Democratic Unionist Party, Paisley has done his utmost to stir up sectarian violence between Protestants and Catholics. After serving time in prison for inciting to riot, he helped form the Ulster Protestant Volunteers paramilitary group. He has led contentious marches through Catholic neighborhoods, which are lightning rods for sectarian tension. Paisley's response to the Irish Republican Army's (IRA) statement on disarmament in 1994 was to denounce it as "a clever Jesuit expression."

In typical fashion, Paisley boycotted the peace talks led by Senator George Mitchell which produced the historic Good Friday Accord in 1998. Thankfully, his last minute attempts to sabotage the agreement failed. The comfort your university provides him jeopardizes the fragile peace in Northern Ireland that has stopped a conflict which claimed the lives of over 3,000.

Press reports indicate that Paisley has made more than 50 trips over the past 30 years to speak at your University. He should make no more.

Because of recent events in Washington and across the country, Catholics in America understandably have grown concerned about a retreat in tolerance toward all religions. Your continuing relationship with such a world renowned anti-Catholic such as Reverend Paisley only adds to that fear. The recent public uproar over your institution's restriction on inter-racial dating convinced you to alter that policy. The sense of outrage in the Irish and Catholic American communities over your continued relationship with Reverend Paisley requires you to take action on this issue as well.

Sincerely,
SAM GEJDENSON,
RICHARD E. NEAL,
PETER T. KING,
JOSEPH CROWLEY,
Members of Congress.

BOB JONES UNIVERSITY,
Greenville, SC, March 28, 2000.
Hon. JOSEPH CROWLEY,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN CROWLEY: It is no business of yours whom Bob Jones University invites to speak at its Bible Conferences. This is a free country. We're just as entitled to our religious beliefs as you are to yours. The fact that we have speakers whom you personally differ with does not make us bigots.

Your bigotry and intolerance, however, have been amply displayed in your March 27 letter, which makes unwarranted and intrusive demands of us.

The fact that Dr. Paisley's religious perspective differs from yours does not make him a bigot. He feels strongly about what he believes, and so do you. Is he not just as entitled to the expression of his beliefs as you are to yours?

With regard to Dr. Paisley's religious views, he is in the line of the Protestant reformers and says nothing more or less about the system of Roman Catholicism than the Bible maintains. Revelation Chapter 17 and the historic doctrinal documents of Protestantism all state clearly the views which Dr. Paisley enunciates. He preaches no new thing. The Presbyterian Confession of Faith and the Baptist Confession of Faith confirm this. He does not hate any individual Roman Catholic, as his works and writings testify. But he does reject the papacy which has the audacity to claim that all men must submit for salvation to the Church of Rome, outside of which, they maintain, there is no salvation. Surely, such teaching needs to be condemned. He has no apology for what the Bible says about Rome in Revelation Chapter 17.

Have you lost all sense of reason and fairness? You are the elected representative to your constituents. Thankfully, I am not one of them. And thankfully, this is America, where no congressman has authority to make any demands upon the religious beliefs and choice of speakers of any church or religious instruction. This is free America, not Nazi Germany.

Have you forgotten that there is a Constitution which forbids Congress from doing the kind of thing your letter presumes to do? Have you forgotten that you swore allegiance to uphold that Constitution?

I'm appalled by your audacity. I'm frightened for the future of religious freedom in America when I see four tyrannical congressmen abuse their authority as you have done. Your contempt for religious freedom makes you a menace to America.

The Ian Paisley your letter depicts exists only in your leftist, radical IRA/Sinn Fein-loving imaginations. To know the real Ian Paisley matters not to you, and would probably spoil your fun. Even if Ian Paisley were the man you described, we would still have the perfect right to invite him here, if we were so inclined. We are not, however, the sort of place that would invite a terrorist/madman such as you have conjured up. Let me tell you something about the Ian Paisley I know, and the one you don't want to admit exists.

Ian Paisley has the largest vote of all politicians in Northern Ireland. In the election last year, he trounced by a massive 80,000 vote majority the IRA/Sinn Fein candidate whom your friend Congressman Peter King supported. How dare you say he is not a representative of the people. His vote includes many Roman Catholics. Many priests and other Roman Catholic leaders have publicly paid tribute to his diligent and totally fair representation of all his Roman Catholic constituents. In five successive European elections he has consistently topped the poll with a higher number of votes than any other member of the European Parliament. He has served in the European Parliament for twenty years. He is also a thirty-year member of the British Parliament and the leader of the third largest party in the new Northern Ireland Assembly.

Your letter states that he was imprisoned for "inciting to riot." This is utterly false. Never in all his career has he been charged with this offense, let alone been convicted and imprisoned for it. In the same paragraph, you accuse him of leading marches through Catholic neighborhoods. This is untrue.

The truth is when Mr. King attacked Dr. Paisley's party some time ago on the radio in Northern Ireland, the radio company had to pay thousands of pounds worth of damages for the lying slanders which he broadcast. Being the coward Mr. Peter King is, he escaped from appearing in court by hiding in America. Has he no shame to publicly welcome the godfathers of the bloodthirsty IRA terrorism to America, and then to launch an attack on Ian Paisley, a law-abiding, God-fearing man of noble character? This is perverse!

Bob Jones University is just as entitled to its place in the educational life of America as any other university. We stand upon the Bible, we love Jesus Christ, and we train graduates to be men and women of biblically governed character with high moral ideals and loyal to the flag. If you despise us, you despise the founding purpose and early history of Harvard, Yale, Princeton, and many others.

I find your fascist demands arrogant, frightening, overreaching, and abusive. I believe the average, decent, and God-fearing American will feel the same way. I do not believe that you speak for "Irish and Catholic American communities."

Most Catholic Americans I know are fair, decent, and respectable people. They understand that Protestants and Catholics differ in theology, and they value their right to differ with us. They do not voice the kind of hatred that you voice against those of us who differ with them. They are good neighbors, good citizens, and unlike you, are freedom-loving people. They would respect our rights to have preachers of the Gospel here in line with our Christian perspective just as we respect their rights to have the pope, the cardinal, the bishop, the priest, or anybody else address them. You speak for yourselves, not for them. They would not like what you speak any more than I do.

Very truly yours,
BOB JONES III,
President.

P.S. Your statement, "The recent public uproar over your institution's restriction on interracial dating convinced you to alter that policy," is untrue, and I want you to be assured of that.

It is untrue for two reasons. There was no "public uproar." There was only a media flap. The vast majority of the American public values religious freedom and would uphold the University's right to its own policies that govern no one but its own students who choose of their own free will to come here.

Secondly, the policy was not altered because of public pressure. It was altered because it was such an insignificant and immaterial thing to us that it was never discussed or taught here. Many generations had come and gone and didn't even know what it was. The University's greater mission and contributions were being obscured by the media's hysterical focus upon this policy. The policy was changed to show how wrong they were about its importance to us and how wrong they were about it being a symbol of racism. We're not at all like they caricatured us. Because the rule gave them a wrong impression of this school, it was incumbent upon the institution to take the initiative to give a right perspective of what it is. We're people motivated by principle, not by pressure.

SAN ANTONIO MOURNS ITS FALLEN OFFICER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. RODRIGUEZ. Mr. Speaker, today, in San Antonio, family, friends and members of the community, join in mourning the loss of Oscar Perez, a young San Antonio Police Officer cut down last week in the line of duty. As he is buried today, we all must take a moment to recount not only his story, but the story of every other law enforcement officer who daily risks life and limb to protect us.

Only 31 years old, Officer Perez expected last Friday, March 24, 2000, to be like any other, a day of hard work ending with a return home to his pregnant wife and two young children, ages 5 and sixteen months. Instead, as he was serving a warrant on a drug fugitive, he was mortally wounded by gun fire. In one instant, his 6½ year career as a San Antonio police officer came to a tragic and abrupt end.

Law enforcement officers leave the comfort and security of their homes each day to take on their duty to serve and protect. While we have worked hard to reduce crime rates, law officers continue to face real and substantial danger. As we expect them to be on their job day-in and day-out, we run the risk of taking their presence for granted. But Officer Perez, like the 41 others in the history of the San Antonio Police Department, serves as a reminder of the unique and fatal risks they all too often must bear.

Our hearts go out to his widow, two children, unborn child and other family members. Words cannot express the grief and loss they must feel. Our hope is that his children will grow up with a deep-rooted appreciation of their father's devotion and sacrifice. He lived to help others. His service to his family, community and country set an example his children can follow with pride.

H.R. 910, SAN GABRIEL BASIN WATER QUALITY INITIATIVE

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank both Chairman BOEHLERT and Ranking Member BORSKI of the House Subcommittee on Water Resources and Environment for their excellent work on this bill. I would also like to commend the continued bipartisan leadership of Chairman SHUSTER and Ranking Member OBERSTAR.

H.R. 910 does have a significant impact on my district as groundwater contamination in the San Gabriel Basin is spreading and has already begun to reach the Central Basin.

The Central Basin groundwater aquifer covers 277 square miles from Montebello to Pico Rivera and Whittier to Long Beach. And 1.5 million people depend on the Central Basin groundwater aquifer for their primary source of drinking water.

The Central Basin groundwater aquifer is contaminated by volatile organic compounds, which originated from the San Gabriel Valley and have moved over the past ten years down into the Central Basin. Several wells, which contain drinking water, have been shut down because of contamination.

The funds that will be made available through H.R. 910 will allow the Central Basin Municipal Water District to construct and operate a treatment facility that will clean up the contamination currently in the Basin. Funds allocated to the clean-up facilities in the San Gabriel Valley will help prevent further flows of contamination into the Central Basin.

H.R. 910 is an excellent example of the federal government working in partnership with local governments and private entities to facilitate the resolution of a regional problem. I urge my colleagues to vote YES on final passage of H.R. 910.

CONGRATULATING DETECTIVE SERGEANT WARREN WILLIAMS ON HIS RETIREMENT FROM THE ST. LOUIS POLICE DEPARTMENT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. TALENT. Mr. Speaker, today I pay tribute to an outstanding law enforcement officer. Detective Sergeant Warren Williams will be retiring on March 31, 2000 after serving 37 years as a St. Louis Police Officer. It is an honor for me to recognize this extraordinary individual, not only for his numerous professional accomplishments, but for the great service he provided the citizens and the community of St. Louis and the State of Missouri.

Detective Sergeant Williams first joined the St. Louis Metropolitan Police Department on April 1, 1963. After graduating from the St. Louis Police Academy on September 30, 1963, he began his career as a patrolman in the city's Fourth District. Mr. Williams was promoted to Sergeant on July 2, 1978. As a Police Sergeant, he served in the following assignments: Robbery/Burglary Section, Third District Patrol Supervisor, Bureau of Investigation, Seventh District Patrol Supervisor, Area Three Detective Bureau, North Patrol Detective Bureau, and the Internal Affairs Division.

Prior to beginning his Police career, Mr. Williams served his country as a Sergeant in the United States Army. He is a graduate of Vashon High School and the Federal Bureau of Investigation's National Academy's 135th Session. He is also the recipient of two Chiefs of Police Communications.

Mr. Speaker, I ask that you join his family, his colleagues, the St. Louis Metropolitan Police Department, the residents of Missouri's Second District and me, in paying tribute to the distinguished career of Sergeant Warren Williams. His record of service and leadership stands not only as an example for other law enforcement officers, but for every one of us.

NATIONAL ENDOWMENT FOR THE HUMANITIES HONORS PRINCETON UNIVERSITY HISTORIAN JAMES M. McPHERSON

HON. D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mr. HOLT. Mr. Speaker, today I recognize Professor James M. McPherson, who last night delivered the Twenty-Ninth Annual Jefferson Lecture in the Humanities. Professor McPherson's career has combined scholarship and public service in a unique manner, and his selection as lecturer by the National Endowment of the Humanities was a well-earned and long overdue honor.

Professor McPherson is the George Henry Davis '86 Professor of American History at Princeton University, where he has taught for over three decades. He has authored a dozen books, among them the Pultizer Prize-winning Battle Cry of Freedom: The Civil War Era (1988), which is widely credited with sparking America's renewed interest in this most crucial part of our shared history.

Professor McPherson has not limited himself to academia, however. He has consistently shared his passion for the history of America with a wide and varied audience. He served as an advisor for the 1990 Ken Burns documentary "The Civil War," which was watched and enjoyed by millions of Americans.

Professor McPherson has also dedicated himself to the preservation of Civil War battlefields, serving on the boards of the Civil War Trust and the Association for the Preservation of Civil War Sites. He also served on the Civil War Sites Advisory Committee created by Congress in 1991. Finally, he was the president of "Protect Historic America," an organization which successfully opposed plans to construct a theme park near Manassas battlefield in Virginia.

Professor McPherson's career has been the model of an engaged intellectual, one who can speak to both a scholarly and general audience, and who has fought to ensure that others have the opportunity to experience for themselves the places which have meant so much to him. Professor McPherson is a credit to Princeton University, to Central New Jersey, and to the nation, and I hope the House will join me in wishing him continued success.

HONORING SELMA RUBIN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

Mrs. CAPPS. Mr. Speaker, today I bring to the attention of my colleagues an extraordinary woman, Selma Rubin who was revered by her colleagues, family, and friends on March 28 as she celebrated her 85th birthday in Santa Barbara, CA.

I feel so proud to honor my friend and colleague, Selma. The community of Santa Barbara and I are enormously fortunate she made California her home. Selma represents the true definition of what it means to be a citizen—a citizen of the world. Her sensibilities have led her to dedicate her life to championing the causes of human rights, women's rights, the environment, poverty, and peace.

Selma is on the board of over 30 local, state, and national organizations, including the Alzheimer's Association, American Civil Liberties Union, Nuclear Age Peace Foundation, Santa Barbara Grand Opera Association, The Sierra Club, Los Padres Chapter, and the Citizens Planning Association. These organizations represent the highest of philosophies in their purpose.

Not only does she serve tirelessly, but she possesses the charisma to inspire others to participate. Every volunteer she has recruited has become a friend. She has as many friends as she has hats. And for every hat she dons, Selma wears it with a mind full of wisdom, compassion, and nobility.

Mr. Speaker, it has been a pleasure and inspiration for me and our community to be a part of Selma's mission and we are emboldened to continue her legacy. I truly feel privileged to represent Selma Rubin in Washington.

IN HONOR OF WOMEN'S HISTORY MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SABO. Mr. Speaker, as we take time this month to honor the many contributions women have made in our country's history, I wish to reflect on American women's progress in school and the workplace.

When I was young, economic opportunities for women were limited. Seemingly, very few professions were open to women—teaching, secretarial work, social work, and nursing, for instance. If women chose to explore other fields, they faced significant barriers. It took great determination and a unique set of factors for a woman to break through the male-dominated preserves of medicine, law and many other professional careers.

Later, in the 1970's, female students, while likely to receive good grades, were less likely than male students to extend their education beyond high school. Not so today. Along with the increase in the number of women attending college and graduate school over the years, there has been a remarkable increase in the number of advanced degrees awarded to women. For example, in 1970, women received only 13 percent of all Ph.D. degrees; 8 percent of M.D. degrees; 5 percent of all law degrees; and a mere 1 percent of dentistry degrees. By the end of the 20th century, however, women earned an average of 40 percent of Ph.D.s; 41 percent of M.D. degrees; 44 percent of law degrees; and 36 percent of dentistry degrees.

Gains in education have advanced women significantly in the world of work. Today, women make up 46 percent of America's workforce. Women occupy almost half of all managerial and professional positions in the country, and women currently own 40 percent of America's businesses. Yet significant obstacles remain.

Unfortunately, in our country, female students still lag behind male students in their pursuit of math, science and engineering-related degrees. Today, women earn only one-seventh of all computer science doctorate degrees, and only one-eighth of all engineering degrees awarded in the United States.

Furthermore, although women are making great strides in America's corporate world, they still have not penetrated the executive arena. Currently, less than one percent of all top corporate managers are female.

Also, even though the law has dictated equal pay for men and women since 1963, women still earn only 76 percent as much as men. This means $24 less to spend on groceries, housing, child care, and other expenses for every $100 worth of work women do. And these figures are worse for women of color: African-American women earn only 67 cents—and Latinas only 58 cents—for every dollar earned by their male counterparts.

Various factors play a role in the wage gap between men and women. Women who leave the workforce temporarily in order to care for children or their elderly parents may suffer the consequences of a wage gap. Women are also less likely than men to join a labor union; therefore, they miss out on the benefits that come from organizing. Another factor in the gender wage gap includes the career path a person chooses. It is not uncommon for women to choose careers in the teaching and social service fields, in which salaries tend to be lower than in business or other professions.

Yet, there is more that can and should be done to level the playing field and provide fair opportunities for women in education and the workplace.

We should pass the Paycheck Fairness Act, H.R. 2397, to curb gender-based wage discrimination in the workplace. Parents should boost their daughters' self-esteem through praise and involvement in their school and extracurricular lives. Friends, teachers, and communities should encourage girls to explore non-traditional courses of study to broaden their career options.

Women's History Month reminds us to celebrate the educational and work achievements of the women in our families and our communities. We should also use this opportunity to rededicate ourselves to breaking down the remaining barriers for women in school and the workplace. We owe it to our wives, daughters, sisters, and mothers to do everything we can so that all of America's working women have equal opportunities for success.

RADIO VISION: 20 YEARS OF VALIANT SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. GILMAN. Mr. Speaker, I am pleased to speak today in recognition of the volunteers of Radio Vision in Orange County, New York for their 20 years of devout service in my Congressional district. Radio Vision's Twentieth Annual Volunteer Recognition Day will be held on Saturday, April 8th. Radio Vision is a radio reading service for over 600 blind and visually handicapped listeners located in the Mid-Hudson region of southeastern New York. This outstanding organization informs its listeners of local events and news, which is broadcast by Radio Vision's dedicated volunteers.

Many of us take the gift of sight for granted, especially with our ability to watch television or read newspapers in order to learn of the daily worldwide events. We are incapable of knowing what it is like to be blind and have no other means of gathering information without the sense of sight. Radio Vision provides the blind residents of our Mid-Hudson region the opportunity to find out news and current events, since the means of conveying information via television and newspaper to the blind is impossible.

Over the past 20 years, more than 100 dedicated and valiant volunteers have kept Radio Vision alive for its 600 listeners. These volunteers have given their time, their hearts, and their voices to those in need.

Mr. Speaker, I am proud to bring this program and the honorable deeds of those great people at Radio Vision to the attention of Congress and I invite my colleagues to join me in praising their continuing efforts in helping the blind.

CONGRATULATING CEASEFIRE NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to thank Ceasefire New Jersey for the important work this group has been doing to fight gun violence in our state.

The Northern New Jersey chapter of Ceasefire New Jersey presented "Hear Our Voices," an evening of choral performances by students in grades one through 12, at the Mount Hebron School in Montclair, New Jersey, last weekend. A variety of awards for essays and artwork with gun-safety and anti-violence themes will be presented to elementary school and middle school children from throughout the Montclair School District. In addition, three Montclair High School students will receive the Ceasefire New Jersey Peacekeeper Award, a scholarship in recognition of their work to end gun violence and promote peace. First-place winner Kelly McGuiness will receive a scholarship of $1,000, while runners up Mia Elizabeth Sifford and Samuel Winful will receive $300 each. The keynote speaker will be Donna Dees-Thomasen, organizer of the Million Mom March event to be held in Washington in May.

Ceasefire New Jersey was founded as New Jersey Citizens to Stop Gun Violence in 1988 by the Rev. Jack Johnson, a Methodist minister outraged at the use of assault weapons in shooting deaths. The North Jersey chapter was established in 1995 by Montclair gun safety activist Dorothy McGann in response to the fatal shooting of four individuals at the Watchung Plaza Post Office in Montclair that March.

In announcing the formation of the chapter, Mrs. McGann emphasized that the tragic shooting in quiet, small-town Montclair was proof that a shooting can happen anytime, anywhere. "We can't say it can't happen here," she said. Subsequent shooting deaths in the area—along with the tragic shootings in schools across our nation—have strengthened the organizations' resolve. The group regularly holds commemorative evenings to remember victims of gun violence, works with local schools to spread word of the dangers of gun violence among our young people, cooperates with police agency and lobbies Washington and Trenton legislators.

The theme that students entering this weekend's essay contest were asked to address is "Making Our Schools a Model for Peace." I can think of no better subject for young people to address today. We have seen an alarming number of children dying from gun violence in recent years. The scenario of a troubled child taking a gun to school and shooting his classmates has occurred all too often.

I applaud the work being done by Ceasefire New Jersey, both in our schools and in the community at large. All of the legislation that can be passed in Washington and the state legislatures combined cannot do as much to end gun violence as groups like this, which work at the grassroots level to change the way children think about guns. Our children are our most precious gifts and we cannot allow the tragedy of gun violence to continue.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in thanking Ceasefire New Jersey for the work it has done, and in holding it up as an example that can be followed across our nation.

TRIBUTE TO STEVE WOLTERS AND STEPHEN RUSSELL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SHIMKUS. Mr. Speaker, today I commend two men in my district—Mr. Steve Wolters and Mr. Stephen Russell—who are heroes. Mr. Wolters, of Alton, Illinois, was on his mail route when he saw the home of Ms. Judith Freeman was in flames. Without hesitation, Mr. Wolters and Mr. Russell tried to gain entry into the house to rescue Ms. Freeman.

Finding the doors to the home locked, Mr. Wolters broke a window so that he and Mr. Russell could get in. Once inside the home, both men brought the unconscious Ms. Freeman to safety. Mr. Wolters then performed CPR, until the fire-fighters and paramedics arrived. After discussing the situation with the emergency team, Mr. Wolters went back to his route.

It is refreshing, Mr. Speaker, to see that the generosity of the human spirit is alive and well. Thank you Mr. Wolters and Mr. Russell for your quick thinking and heroic actions. You both symbolize the greatness that is America.

CONGRATULATIONS TO UNIVERSITY OF WISCONSIN BADGERS BASKETBALL TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Ms. BALDWIN. Mr. Speaker, I rise to congratulate the University of Wisconsin basketball team for their outstanding season which was recently gloriously culminated with their trip to the Final Four!

The Badgers capped their NCAA tournament bid with astounding victories over Fresno State, Arizona, LSU, and Purdue. This is the first time since 1941 that the Badgers have been to the Final four. Not only have they shocked the world of college basketball, but they have also illustrated that we should never count out a victory when there is an amazing combination of both talent and heart.

The Badgers have had an exceptional season which I hope is the beginning of a lasting legacy. I congratulate both Coach Bennett and the team on an outstanding start to such a fulfilling goal. These NCAA Tournament games have illustrated that they have what it takes to be successful for years to come.

The entire Badger's team along with coach Bennett won a birth to the Final Four because they have the spirit that makes every University of Wisconsin student proud to be a Badger. ! commend their exemplary performance for both the University and the entire State of Wisconsin. I would like to thank them for giving us such an exciting season and congratulate them on their monumental success. Most important, I would like to wish them luck in their quest to win a National Championship. They should be assured that myself and the entire State of Wisconsin will be rooting for them this weekend.

SALUTING THE LIFE AND WORK OF MATTHEW "MACK" ROBINSON

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. ROGAN. Mr. Speaker, a few weeks ago, my district and our nation lost a great hero. On Sunday, March 12, Matthew "Mack" Robinson died from complications associated with diabetes. Mack is a legend not just in the Pasadena area, but around the world. Mack's life is a testament to hard work and determination; he was a proud, humble, public servant who was admired by all.

Mack was born in Cairo, Georgia 88 years ago. He then moved to Pasadena at age 6. His work helped to lead Pasadena from segregation to unification. Today Pasadena is one of the most diverse communities in the nation.

Mack attended Pasadena public schools, after graduating from Muir Technical High School and attending Pasadena Junior College. He shined as an athlete; many said it ran in the family. His younger brother Jackie was one of baseball's greatest. Mack was a record-setter in high school, and a state champion.

At Pasadena College, he competed to join another great, Jesse Owens, on the 1936 Olympic team. When the team traveled to Berlin, Mack ran in the same shoes he wore in Pasadena. His success came from raw talent, grit, and determination.

Sadly, after returning home, Mack did not encounter the open arms he found on the track in Berlin. He attended the University of Oregon, only to return home when hardship struck his family. Mack moved back to Pasadena to support his family, and began work with the city of Pasadena. Anecdotes abound of a smiling Mack proudly wearing his USA Olympic sweatshirt while he worked—often sweeping streets—in and around Pasadena.

As the New York Times reported, Mack lost his job when the city fired all black employees in a desegregation battle. While others sat idly by, Mack turned his efforts to his fellow Pasadenans. He began a lifetime of service and volunteerism in the community, never asking a penny in payment or recognition. His actions spoke louder than words.

Not long ago, the city of Pasadena saluted the contributions of Mack and his brother Jackie by erecting a monument to the two men near city hall. It is a fitting tribute to the lives of these two prominent Pasadena residents.

But Mr. Speaker an even more fitting tribute will be when my colleagues here today join me in saluting from the well of the House, the life, the work, and the legacy of Matthew Mack Robinson.

THE DEFEAT OF THE FLAG PROTECTION AMENDMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. GILMAN. Mr. Speaker, I rise today to briefly comment on yesterday's unfortunate vote in the Senate on the Flag Protection Amendment.

As many of my colleagues know, the Senate failed to pass the amendment by the necessary two-thirds majority, which would have sent the amendment to the States for ratification. The House had earlier passed this amendment by more than the required majority.

Following the vote, the American Legion national commander issued a profound statement expressing his organization's disappointment with the vote. I would like to include a copy of National Commander Alan G. Lance Sr.'s remarks for the RECORD, because I believe it summarizes the frustration felt by many of our veterans with the Senate's continued failure to approve this amendment.

> WASHINGTON, D.C. (March 29, 2000).—After 11 years and countless resolutions and bills, letters, phone calls, meetings, rallies, and speeches, it is with deep disappointment that we stand here today and witness the defeat of Senate Joint Resolution 14, the Flag Protection Amendment.
>
> This vote represents a quantum shift in the balance of power that makes our democracy the envy of the world. The individual flag-burner is not nearly as much of a threat to our democracy as the belief, held by a minority of senators, that an amendment supported by 49 states and a poll-validated super-majority of the American people is somehow invalid.
>
> What some senators fear, more than an amendment to protect the flag from acts of physical desecration, is that the American people will take control of their government. Such resistance to the will of the people will leave the people no other alternative but to convene a constitutional convention, which The American Legion would not advocate.
>
> For 11 years, we have come to this place. We have told our stories about the Flag—how it led us into battle, how it comforted us in faraway lands, how it embraced our fallen brothers and sisters, how it marked the resting place of heroes, how it led us home with parades and pageantry, how it represents more than cloth and colors.
>
> For 11 years, we have represented tens of millions of Americans, serving as a megaphone for a simple, sweeping, and united call to protect the Flag.
>
> For 11 years, we have tried to break the stranglehold of a minority that has flouted the will of an entire nation, its states and their people.
>
> Today, we have lost this battle, and I must admit that I fear we are losing much more. Could it be that "we the people" and the states are losing control of our democratic republic?
>
> The very idea of representative democracy presupposes that elected officials follow the will of the people. Senators have told us that calls, letters, and emails poured into their offices in support of this amendment. I was even told that calls were 100 percent in favor of the amendment in some offices.
>
> If the Senate refuses to follow the will of the people on an issue so clear-cut, so broadly supported as the Flag Protection Amendment, then is this really a republic? Is this really our government?
>
> In the aftermath of this vote, I am not sure how to answer those questions. It is little wonder why so many people are flocking to third parties or opting out of the political process altogether.
>
> In spite of all of this, I have not lost all hope. A new day and a new Congress await us in the not-too-distant future. And people like Senator Hatch and Senator Cleland who with many others will continue to stand with us. They have my deepest appreciation and respect for their steadfast support and brave bipartisan leadership on this issue.
>
> Perhaps this defeat will serve as a wake-up call for America. Perhaps it will inspire us to fight harder. Perhaps it will prompt us to remind our senators—in a not-so subtle way—that they work for us, not us for them.
>
> I refuse to believe that fighting this battle was in vain. We have learned; we have grown; we have rallied a nation. And so, we will not stand down. We will not go away.
>
> We will not surrender. We will continue this struggle until our federal government is put back into balance, and the people's prerogative honored.

HONORING KURTH COTTAGE OF VALLEY HOSPITAL IN RIDGEWOOD, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mrs. ROUKEMA. Mr. Speaker, I congratulate Kurth Cottage of Valley Hospital in Ridgewood, New Jersey on its 50th anniversary of service to the hospital and surrounding community.

Kurth Cottage is the gift shop and restaurant/tea room at Valley Hospital. It once was an actual cottage, however, and the rooms it occupies in the hospital building today have been renovated to closely resemble the lovely surroundings of the original cottage.

Valley Hospital has put so much effort into what might otherwise be a simple, utilitarian facility because of extra level of comfort that warm, friendly surroundings can bring to patients' families. Family members visiting seriously ill relatives have many worries on their minds. A good meal in comforting surroundings can help ease those worries and make their outlook more optimistic. A positive outlook among family can, in turn, offer encouragement to patients themselves as they face recovery from surgery or illness.

Kurth Cottage has its origins in 1948, when the Women's Auxiliary of Valley Hospital decided that the hospital, which was still under construction, should have a "small gift shop and snack bar." Rather than include the shop and snack bar in the hospital building, a small house on the hospital grounds was chosen as its site and named for Mr. and Mrs. Wilfred Kurth, major benefactors of the project. The cottage opened for business May 1, 1950, five months ahead of the opening of the hospital itself.

Kurth Cottage proved to be much more than the typical stainless sfeel and Formica hospital snack bar. The cottage included an 18-seat Snack Bar, a 40-seat Tea Room and a 28-seat Fireside Room, which also included the gift shop.

The Kurth Cottage facility became part of the main hospital during a 1963 expansion and the original cottage, unfortunately, was demolished to make room for a parking lot in 1963. The new facilities included a beautifully appointed, Williamsburg-influenced Tea Room, Snack Bar and Gift Shop, a new kitchen and a gracious Fireside Room incorporating many features of the original. Furnishings included Mrs. Kurth's Victorian sofa, chairs, a drop-leaf table, fireplace andirons and white birch fireplace logs. Fresh flowers in the Tea Room were donated twice weekly by local florists, as they still are today.

The cottage underwent major renovations in 1990, adding a Colonial blue color scheme to the woodwork, new wallpaper, swag draperies, new tables and chairs and handsome new flooring. The china has matching blue borders and volunteers wear matching blue smocks. A canopied walkway leads to the entrance of the facility and a new waiting area has been designed around the former Fireside Room.

Throughout its history, Kurth Cottage has always been a profitable enterprise, helping fund the many charitable activities of the Ladies Auxiliary.

None of this success would have been possible, of course, without the untiring dedication of the hundreds of volunteers who have served over the past half-century. These women have done more than simply run a "snack bar." They have made the emotional trauma of injury and illness more bearable for the families of patients at Valley Hospital for decades. They deserve our deepest gratitude for all they have done to lighten the burdens of patients and families. Most especially, we bow in deepest admiration and respect for the many volunteers who have given of themselves, both in time and personal dedication.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in congratulating Kurth Cottage on its 50th anniversary and thanking everyone involved with its success for their hard work.

HONORING THE ILLINOIS EDUCATORS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SHIMKUS. Mr. Speaker, today I commend the 2000 Golden Apple Scholar award winners from my district. The Golden Apple Scholars program is to recruit talented high school juniors who want to become teachers.

I would like to take the opportunity to recognize Mr. Curtis Carpenter from Centralia High School in Centralia, Illinois. Teachers, like parents, have a unique opportunity—to touch the life of a child. I can't think of a more rewarding experience.

As you know, Mr. Speaker, I was a former high school teacher. I want to wish Curtis all the same joy and success that I shared in my teaching career.

PERSONAL EXPLANATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. KUCINICH. Mr. Speaker, on March 29, 2000, I missed six recorded votes because I was present at a bankruptcy trial in my community's effort to keep St. Michael Hospital and other Cleveland area hospitals from closing.

If I had been present, I would have voted "aye" on rollcall 80, "no" on rollcall 81, 82, "aye" on rollcall 83, 84 and "no" on rollcall 85.

PERSONAL EXPLANATION

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SALMON. Mr. Speaker, due to an illness, I was unable to be present for House consideration of the following bills. Had I been present, I would have voted in the following manner:

Roll Call Vote #76—H.R. 2412, a bill designating the E. Ross Adair Federal Building and U.S. Courthouse—I would have voted Yea.

Roll Call Vote #77—H. Con. Res. 292, a resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000 and reaffirming United States policy toward Taiwan and the People's Republic of China—I would have voted Yea.

Roll Call Vote #78—H. Con. Res. 269, a resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation—I would have voted Yea.

Roll Call Vote #79—H.R. 5, the Senior Citizen's Freedom to Work Act—as I voted the previous time the House considered it, I would have voted Yea.

Roll Call Vote #80—Approving the Day's Journal—I would have voted Yea.

Roll Call Vote #81—H. Res. 450, the rule providing for consideration of H.R. 3908; making emergency supplemental appropriations for Fiscal Year 2000—I would have voted Yea.

Roll Call Vote #82—an amendment to H.R. 3908 to cut $1.631 billion from several programs in the bill and to strike all references to emergency designations, making the bill subject to spending caps—I would have voted Yea.

Roll Call Vote #83—an amendment to H.R. 3908 to appropriate $4 billion in FY 2000 funds to reduce publicly-held debt—I would have voted Yea.

Roll Call Vote #84—an amendment to H.R. 3908 to cut $552 million in Title I of the bill set aside for illegal drug interdiction and counter-drug programs—I would have voted Yea.

PERSONAL EXPLANATION

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. BURR of North Carolina. Mr. Speaker, I regret that I was unable to be present for the vote on final passage of H.R. 3908. Had I been present I would have, albeit reluctantly, voted in favor of the bill. While I wholeheartedly endorse the provisions of Title III, I did have concerns about much of the new spending provided elsewhere in this legislation. Much of what is provided for in this bill could have been addressed through the normal appropriations process.

Title III, however, addresses the true emergency needs of many in this country, and in North Carolina particularly. Thousands of people in my home state are still struggling to overcome the impact of last fall's hurricanes. The assistance provided in this emergency appropriations bill will be critical in helping my fellow North Carolinians return to at least a semblance of the lives they led before last September's devastating floods. I am grateful to the Appropriations Committee for providing this much-needed assistance, and appreciate their hard work in bringing this legislation to the floor.

A TRIBUTE TO DR. MANDELL I. GANCHROW

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize a friend of mine, Dr. Mandell I. Ganchrow, who will receive the Kesser Shem Tov Award from the Orthodox Union on May 21st.

After retiring from his successful medical practice. Dr. Ganchrow has devoted himself to serving the Orthodox Union and to enhance its public image. Mandell I. Ganchrow was elected as International President of the Orthodox Union and has served in that position for the past six years. During his term, he has created the National Conference of Synagogue Youth, which is designed to teach heritage to young American Jews. He has also improved the visibility of the Institute for Public Affairs, which incorporates programs to assist those interested in government careers or in community service.

The Orthodox Union was founded in New York State in 1898 to provide a strong base for Orthodox Jews and to stop the spread of assimilation during the turn of the century. Today it is the voice of 1,000 Synagogues and provides a number of outreach and service programs.

I first met Dr. Ganchrow during my first campaign for Congress in 1972. He raised the public's awareness in that campaign by forming the Hudson Valley Political Action Committee. He has since become a trusted and valued advisor on a significant number of issues. Dr. Ganchrow has served his country as a Viet Nam veteran. Because he is a veteran, he has become especially sensitive of the need of peace and security in the Middle East. Moreover, he was recognized by the Rockland Journal News as one of the ten most influential Rockland County Residents of the twentieth century.

Mr. Speaker, I invite my colleagues to join in congratulating Dr. Mandell Ganchrow on receiving the Kesser Shem Tov Award from the Orthodox Union and I am confident he will continue to be a strong voice for American Jewry.

HONORING THE OKAWVILLE ROCKETS GIRLS' BASKETBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SHIMKUS. Mr. Speaker, today I commend the Okawville Rockets Girls' basketball team who won the Class A state title. The Rockets were the number one ranked team this year. They finished the year with a 33–1 record and a 17-game winning streak.

The Rockets, who won their first state championship in 1994, became the first Southern Illinois Team to win a state title since Carlyle did it in 1997. Okawville is the sixth Class A team to win at least two state titles, joining Carlyle, Nokomis, Teutopolis, Carthage and Quincy Notre Dame.

In honor of a near-perfect season, I want to congratulate them and their head coach, Kathy Lanter on a job well done. We are all very proud of you.

The Lady Rockets are:

Head Coach—Kathy Lanter.

Assistant Coaches—Carrie Stallings and Vicki Loquasto.

Managers—Rachel Shubert, Shana Stricker and Erica Bergmann.

Players—Jamie Schrader, Kelsey Klingenberg, Kristen Lehde, Natalie Shubert, Kelly Hasheider, Joan Miller, Erica Geppert, Cheryl Borrenpohl, Jenny Heckert, Megan Brockmeier, Erica Barkau, Justine Krueger, Lauren Borrenpohl, and Katie Hasheider.

JOSEPH PATRICK McKEOWN—PUBLIC SERVANT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. HYDE. Mr. Speaker, tomorrow Mr. Joseph P. McKeown of Beltsville, MD will retire after spending thirty years, well over half his life, in the role of public servant. Son of Joseph and Claire McKeown of Toms River, NJ, he served in the United States Navy from 1967–1971. A good deal of his Navy service was aboard ship in various locales throughout the world. After the conclusion of his service time and then his graduation from Stonehill College, Joe began a 26-year career with the United States Postal Service.

For the last two decades, Mr. McKeown has served as a Postal Inspector. The U.S. Postal Inspection Service very seldom gets the credit they deserve for the exceptional law enforcement duties they perform. Postal Inspectors have a well-deserved reputation for tough, relentless, professional investigation resulting in a 98 percent conviction rate. Seldom is there a major crime solved in this nation, at any governmental level, without the involvement of the Inspection Service at some level. Yet, you usually never see them "out front" at the successful conclusion of a case—thus their famous nickname—the "Silent Service." One of our Nation's oldest law enforcement agencies, there are now 2,200 Inspectors, 350 of whom are females.

Joe McKeown in the last 20 years has been both a model and extremely accomplished Postal Inspector. Especially knowledgeable, he has not been detailed to merely one specific investigative area. Inspector McKeown has been critical to investigations involving both external and internal crime, audits, and a variety of criminal frauds both domestic and international. For the better part of his career he has been detailed to the Newark, Baltimore, and Washington, DC regions.

Mr. Speaker, each and every day across this great country distinguished civil servants are retiring. This Congress, and the public as well, owe such exemplary citizens more than we readily recognize. I take this opportunity to publicly thank Joseph Patrick McKeown for three decades of exceptional devotion and service to our nation. May I wish Joe and his wife Ruth nothing but the best in the years ahead.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise today in strong support of the Hutchinson amendment to H.R. 3908, The Emergency Supplemental Appropriations for FY 2000. This amendment represents a significant effort to combat the spread of methamphetamine production and trafficking across the nation.

Mr. Chairman, the timeliness of this bill cannot be overstated. The use of methamphetamines is on the rise across the nation. According to the National Institute on Drug Abuse, methamphetamine use remains high and there is "strong evidence to suggest this drug will continue to be a problem in west coast areas as well as other areas of the United States."

Methamphetamine, also known as crank, ice, crystal, and peanut butter, has been described as the "cocaine of the 90's" or the "poor man's cocaine." It is equivalent to heroin in the 70's or cocaine in the 80's. And its popularity is not without reason. The attractions of meth are many, including increased alertness, weight loss, a general sense of well-being, a cheap price tag, and a more intense and prolonged reaction than cocaine can offer. However, the long-term effects of the drug are equally devastating and can include severe depression, brain and liver damage, stroke, insomnia, behavior resembling paranoid schizophrenia, malnutrition, and hallucinations, among others. Crank and ice are both extremely addictive and have increasingly become the illegal drug of choice, especially for women, throughout the western United States.

Unfortunately, the dangers of meth extend far beyond those who consume the drug. As you may know, meth is made by a hazardous array of products, including ammonia gas and hydrochloric acid, which are both toxic and explosive when mixed. As a result, a meth lab can be a potential life threat to all who live near it. To make matters worse, anyone with access to the Internet can download a detailed, step-by-step meth recipe. All of the ingredients needed to make the drug are easily accessible and can be bought in the supermarket.

Although its roots are in the West coast, this epidemic has recently made its way to my home state of Texas. According to Drug Enforcement Agency (DEA) statistics, there were 175 seizures of methamphetamine labs in Texas by federal, local and state authorities in 1999. This is almost three times the number of labs which were seized in 1998. The use and manufacturing of methamphetamines is becoming a serious epidemic in Texas and needs to be dealt with in a comprehensive and aggressive manner.

In order to actively address this problem, I support the Hutchinson amendment which would provide funding to assist state and local law enforcement agencies with the costs of methamphetamine lab clean-up. The DEA has been using FY 1998 and 1999 funds to assist with clandestine meth lab clean-up during this current fiscal year. However, these funds have been exhausted. The Hutchinson amendment uses $15 million in unspent funds in the COPS program available for policing initiatives to combat methamphetamine production and trafficking. While I would prefer that the funds not be taken from the COPS program for this amendment, I am supportive of its purpose. It is time that we arm our law enforcement with funding to curb the manufacturing and trafficking of this highly destructive drug. Now is the time to aggressively attack this problem.

HONORING CHIEF HELENA ASHBY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor Chief Helena Ashby, a distinguished member of the Los Angeles County Sheriff's Department. Chief Ashby is retiring from the department after nearly 36 years of exemplary service.

On April 29, 1964, Helena Ashby was sworn in as Deputy Sheriff. Thirty-one years and several promotions later, Helena Ashby made departmental history by becoming the first female chief in 1995. Tomorrow she will retire as the highest-ranking female executive in the department.

Chief Ashby is currently head of the department's Detective Division, responsible for all specialized criminal Investigation throughout the County of Los Angeles. The division consists of six individual bureaus and is staffed by 759 personnel and has an annual budget of $64 million. The investigations completed by the Detective Division involve homicide, narcotics, vehicle theft, organized crime, arson/explosives, forgery, and computer crimes.

As a Deputy, Sergeant, Lieutenant, Captain, Commander, and Chief, Helena Ashby has been a pioneer for women in law enforcement. She is also a model officer and a leader, an example for everyone in law enforcement. I commend her for her tireless service to the public.

I congratulate Chief Ashby on her distinguished career. Her achievements are many, and the community is grateful for her service. I wish her all the best in retirement. Although she is leaving the force tomorrow, she will leave a lasting impact on the Los Angeles County Sheriff's Department.

TRIBAL CONTRACT SUPPORT COST TECHNICAL AMENDMENTS OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to make technical amendments to the contract support cost provisions of the Indian Self-Determination Act. These amendments are long overdue, and will finally keep faith with the hundreds of tribes and tribal organizations across the country that so ably carry out the Federal Government's health care and social service programs.

One quarter of a century ago Congress firmly launched the Nation into the Indian Self-Determination era by enacting the Indian Self-Determination and Education Assistance Act of 1975. One goal of the Act was to break the cycle of paternalism and despair in our Native American communities. A second goal of the Act was to foster self-reliance and independence. And a third goal was to begin dismantling part of our highly inefficient and distant Federal bureaucracy, by turning over the daily operation of Native American programs from the Federal Government to the tribes and tribal organizations themselves.

Twenty-five years later the Indian Self-Determination Act experiment has proven to be a resounding success. All across the country American Indian and Alaska Native tribes and tribal organizations are administering contracts to operate the Federal Government's hospitals, clinics, law enforcement programs, social welfare programs, education programs and a raft of other initiatives serving some of the neediest people in our Nation. And they are doing this with greater efficiency and more services than we here in Washington could ever do it.

In my great State of Alaska, the Alaska Native people have been at the forefront of this effort, leading the country's Native American communities in the administration of Bureau of Indian Affairs and Indian Health Service programs. Over one-quarter of all IHS programs currently under Native American operation are operated by Alaska Native tribal organizations, who administer over $200 million annually in desperately needed health care programs serving remote villages, many in the midst of Third-World conditions. Likewise, Alaska Native tribal organizations operate the entire BIA system on their own. No other area of the country is as advanced in these respects.

Despite its successes, the policy of self-determination has been consistently plagued by problems, with the most severe being the failure of the IHS and the BIA to fully pay contract support costs associated with carrying out these Federal Government programs under duly-executed contracts. This failure has amounted to a cruel hoax on the Native American people being served under these contracts.

Let me explain.

Mr. Speaker, the programs that have been turned over to Alaska Native and American Indian operation have from the beginning been severely underfunded. A recent study by the Indian Health Service shows that IHS programs, which are currently funded at roughly $2 billion, are still $13 billion short of meeting the health care needs of Indian and Alaska Native people. BIA funding is not much better. The tribal contractors therefore know that when they enter into a contract to operate a federal program locally, they will only be receiving a meager amount to meet the overwhelming needs of their communities. But what has made the situation much worse for these courageous tribal contractors, is that the agencies have forced the contractors to absorb the administrative costs of operating the Federal Government's own programs. The net effect is that there is even less available in these woefully underfunded programs to meet local needs.

Mr. Speaker, this should not be. In any other area where the Federal Government negotiates contracts with the private sector, the Federal Government fully pays the contractor's audited general and administrative overhead costs. Indeed if the government fails to pay, it can be held liable in a court of law. But somehow when it comes to Native American contractors, the Government thinks it's alright to change the rules, to break the contract, and to deny any liability regardless of the impact on the local people being served. Tribal contractors are made to be second-class contractors. Mr. Speaker, this is not right, and the bill I introduce today will put an end to this practice.

In addition, the bill will overcome a number of the more technical problems that have plagued this system. Just one example will make this clear.

Most Native American contractors administering IHS and BIA programs run a wide range of other federal programs too. For most tribes, the Interior Department's Office of Inspector General determines a reasonable and necessary administrative overhead rate required to carry out all these programs, using strict guidelines issued by the Office of Management and Budget. Under the controlling OMB circulars, each federal agency entering into contracts or grants with that tribal contractor is then required to abide by the government-wide indirect cost rate set by the OIG.

This system would be fair to the Federal Government, fair to all of the funding agencies, and most importantly fair to the tribal contractors themselves, if everybody played by the OMB Circular rules. But many federal agencies do not. They either ignore the government-wide rate that has been determined by the Inspector General, or they recognize only a fraction of the rate. Once again, the Native American contractors are left holding the bag. In 1998, a ten-year-old class action lawsuit against the Federal Government was eventually settled for over $70 million over this failure alone. The bill I introduce today assures that no such liabilities will ever recur in the future.

Further, this bill will clarify the rules governing the expenditure of contract funds; initiate a new measure to maximize efficiency in tribal program operations, improve Federal administration of the Act; clarify the rules governing the computation of contract support costs; provide the Federal agencies more time to plan for the transfer of Federal programs to tribal operation; and strengthen the Act's enforcement measures.

Mr. Speaker, in recent years I and many of my colleagues have worked very hard to correct the inequities in the contract support cost system. We have done this because that system is integral to the success of our country's overall Indian Self-Determination Policy. I believe firmly in reducing the size of the Federal bureaucracy. I believe firmly in maximizing local control. I believe firmly in the sanctity of our Government's private contracts with Indian and Alaska Native contractors. And I believe firmly that the Nation's Indian Self-Determination Policy must be corrected so that there is no longer an unfunded mandate that is paid for out of the very same trust programs that serve the neediest of the needs of our First Americans. I therefore urge that my colleagues on both sides of the aisle join me in seeing that this important legislation is enacted as swiftly as possible.

FLOOR STATEMENT FOR TRIBAL CONTRACT SUPPORT COSTS TECHNICAL AMENDMENTS OF 2000

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. HAYWORTH. Mr. Speaker, today my colleague Congressman DON YOUNG, Chairman of the Resources Committee, is introducing the "Tribal Contract Support Costs Technical Amendments of 2000." I am proud to be an original cosponsor of this legislation which would make technical amendments to the contract support costs provisions of the Indian Self-Determination and Education Assistance Act.

Over the past two years, the House Resources Committee has focused substantial attention on the problems associated with ongoing shortfalls in payments to tribes for contract support costs. The committee has not taken on this task without assistance. The National Congress of American Indians, the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), and many tribes have reviewed the matter and have assisted in developing a long-term solution.

In 1975, Congress firmly launched the nation on a course of Indian self-determination by enacting the Indian Self-Determination and Education Assistance Act. An important goal was to begin dismantling part of our highly inefficient federal bureaucracy by turning over the daily operation of Native American programs to the tribes and tribal organizations.

Twenty-five years later this Act has proven to be a resounding success. All across the country, tribes and tribal organizations are administering contracts to operate the federal government's hospitals, clinics, and many other programs.

Despite its successes, the policy of self-determination has been consistently plagued by problems, with the most severe being the failure of the IHS and BIA to fully pay contract support costs associated with carrying out these federal government programs under duly-executed contracts.

A recent study by the IHS shows that IHS programs, which are currently funded at roughly $2 billion, are still $13 billion short of meeting the health care needs of Indian and Alaska Native people. BIA funding is not much better. The net effect is that there is even less available in these woefully underfunded programs to meet local needs. This is not right.

The "Tribal Contract Support Costs Technical Amendments of 2000" will clarify the rules governing the expenditure of contract funds, initiate a new measure to maximize efficiency in tribal program operations, improve federal administration of the Act; clarify the rules governing the computation of contract support costs; provide federal agencies more time to plan for the transfer of federal programs to tribal operation; and strengthen the Act's enforcement measures.

I urge swift consideration of this proposal to ensure that Congress' support for Indian self-determination continues.

INTRODUCTION OF THE EDUCATION OPPORTUNITIES TO PROTECT AND INVEST IN OUR NATION'S STUDENTS (EDUCATION OPTIONS)

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. GOODLING. Mr. Speaker, today I am introducing the Education OPTIONS Act, the last component of the House's reauthorization of the Elementary and Secondary Education Act (ESEA). The Education OPTIONS (Opportunities to Protect and Invest in Our Nation's Students) bill would allow states and local school districts unprecedented authority to transfer federal funds among programs to better meet their needs.

This bill makes significant improvements in the remaining programs in ESEA, streamlines programs, reduces bureaucracy, and increases dollars going to the classroom. We continue our focus on quality, as well as local and parental empowerment.

Education OPTIONS includes a provision to allow States and local school districts to transfer Federal funds among major programs in order to better meet their unique circumstances, including targeting students with the greatest academic needs.

I continue to believe that state and local educational agencies, along with parents, are in a better position than we are in Washington to determine how best to use federal funds to help students improve their academic achievement. Education OPTIONS puts the priority on children rather than federal regulations.

The legislation includes programs for violence and drug abuse prevention, technology in the classroom, charter schools, and a number of other smaller authorizations. ESEA governs the bulk of the federal government's involvement in elementary and secondary education. Once this bill is completed the House will have completed the ESEA reauthorization process that we began last year with the following components: Education Flexibility Partnership Act (signed into law as P.L. 106–25); Teacher Empowerment Act, H.R. 1995 (passed the House); Student Results Act, H.R. 2 (passed the House); Academic Achievement for All Act, H.R. 2300 (passed the House); LIFT (Literacy Involves Families Together), H.R. 3222, and Impact Aid, H.R. 3616, were approved last month in committee and are awaiting consideration by the full House.

I urge my colleagues to support this bill.

HONORING CAPTAIN JOSEPH AVVEDUTI, CMDR., U.S.S. "KALAMAZOO"

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. UPTON. Mr. Speaker, it is my distinct pleasure to come today before this House and the American people to formally thank and honor a true American hero, Capt. Joseph Avveduti, for his great and long service to our nation.

Captain Avveduti served as commander of the U.S.S. *Kalamazoo* from September 1995 to August 1996, and will be retiring from the U.S. Navy in July of this year. His retirement will not only be a great loss to our Armed Forces, but our nation as a whole.

Joseph Avveduti first came to my attention as commander of the U.S.S. *Kalamazoo,* a vessel whose namesake is Kalamazoo, MI, a city in my district. Like the residents of Kalamazoo, Captain Avveduti represents the best America has to offer.

In reviewing his distinguished service record, Captain Avveduti's dedication to his country is immediately evident. Throughout his many years of meritorious service to our country, he has been awarded the Bronze Star, three Meritorious Service Medals, the Air Medal and the prestigious Legion of Merit in addition to service and campaign medals too numerous to name here.

Captain Avveduti should be embraced as a shining example for many young men and women who are entering our Armed Forces today. After graduating from the U.S. Naval Academy in 1974, he was designated a naval aviator and served his initial aviation tour with the helicopter Anti-Submarine Squadron in Jacksonville, FL.

Mr. Speaker, Captain Joseph Avveduti has not only spoken of dedication and service to our nation throughout his career—he's lived it. Between 1983 and 1985 while serving as the assistant air officer of the U.S.S. *Guam,* Joseph Avveduti saw combat in Grenada and in Beirut, Lebanon. Just a few years later, Captain Avveduti was once again called to arms to defend democracy during Operation Desert Storm. During this conflict, by all accounts, Captain Avveduti served valiantly aboard the U.S.S. *Saratoga* in the Red Sea as part of the team that successfully defeated Saddam Hussein and restored freedom to the people of Kuwait.

After returning to the United States, in 1997 Captain Avveduti graduated from the National War College here in Washington, DC, and, in his tradition of continuing dedication, he currently holds the Chief of Naval Operations Chair at that institution.

Mr. Speaker, I believe I speak for every Member of this Congress and a grateful nation when I extend to Captain Avveduti, his wife Carol, and his sons Joseph and David, our best wishes for a happy, healthy, and productive retirement. Because I am humbled by his dedication and achievements, I ask your indulgence in making these remarks part of the permanent record of the Congress so that all Americans, now and in the future, can read and reflect on the honor, distinguished service and achievements of a great American—Capt. Joseph Avveduti.

VALLEY GRANGE HONORED ON 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to honor Valley Grange 1184 of Danville, Pennsylvania, on the occasion of the 100th anniversary of its charter. Valley Grange was chartered April 2, 1900, and has been continuously active since that date.

The Grange is a non-profit organization dedicated to improving the quality of life through educational, social and legislative activities; promoting family life through family-oriented activities; advancing the cause of agriculture; developing rural leadership; and acting as a spokesman in public affairs.

From its founding, the Grange has been in the forefront of the fight to secure fair treatment and better conditions for farm and rural citizens. From securing rural free mail delivery to rural electrification, to fair prices for farm products to local tax reform, the Grange has been there for its citizens, "preserving the traditions of yesterday and ensuring the hope for tomorrow," as its current slogan proclaims.

The Grange deserves much credit for preserving the very traditions that have made America a strong and caring country—traditions such as legislative action, family values, citizenship, stewardship and community service.

Exemplifying commitment to those traditions are ten members of the Grange in Danville who will be honored for their many years of continuous membership when Valley Grange celebrates its 100-year milestone with a dinner at the Grange Hall on April 3.

I am pleased to join their fellow Valley Grange members in honoring the following people, who will be presented with certificates and pins for their dedication: Hazel Savage, 75 years; Sarah Kreisher and Clyde and Ruth Krum, 70 years; Lansford Steininger, 60 years; Robert George, 55 years; and James and Lois Hagenbuch, Dorothy Keefer and Minor Leighow, 25 years.

Mr. Speaker, it is people like these ten members of Valley Grange who help to keep rural America strong, and I am proud to wish them and their fellow members a happy 100th anniversary.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. WHITFIELD. Mr. Chairman, I applaud the House's adoption of the amendment to H.R. 3908, the Emergency Supplemental Appropriations Act, offered by my colleague, the gentleman from Arkansas, Mr. HUTCHINSON.

My District is currently struggling with an explosion in the use, distribution, and production of methamphetamine. The number of methamphetamine incidents in the First District of Kentucky is estimated to be one of the highest in the country.

The outbreak of clandestine meth labs is creating a tremendous burden of local law enforcement agencies, especially in rural areas with small police departments. Methamphetamine investigations are time consuming and require unique techniques and specialized equipment. Law enforcement officers in making a meth bust cannot simply arrest the suspect or suspects; they must be certified to dispose of these volatile and hazardous chemicals.

This amendment will reallocate much needed funding to DEA for cleanup of hazardous materials at clandestine methamphetamine laboratories. The funds available to DEA for lab cleanups were recently exhausted.

Western Kentucky was fortunate enough to receive a $1 million earmark for methamphetamine eradication and cleanup. However, we could still experience a funding shortfall based on statistics provided to me by DEA. During Fiscal Year 1999, there were 58 meth lab cleanups in the State of Kentucky; 50 were in my District. During the first quarter of this year, there were 25 meth lab cleanups in Kentucky and 20 were in my District.

This is a serious problem we can't ignore.

GRANTING CHINA PERMANENT NORMAL TRADE RELATIONS (PNTR)

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. HOEFFEL. Mr. Speaker, a great nation has to stand on its principles. If it fails to do so, it is diminished. The Cold War and our policy toward South Africa are just two examples of policy based upon our nation's bedrock principles. Such an opportunity will apparently present itself this year with the anticipated vote in Congress on granting permanent normal trade relations (PNTR) with China.

After months of studying the issues; after dozens of meetings with various groups and individuals on both sides of the issue, such as the Chinese Ambassador to the United States, business leaders from Montgomery County, human rights activists and labor leaders; I have decided to oppose granting PNTR to China at this time.

Fair trade and economic growth in this new economy are very important to me, but not at the expense of the principles for which this country stands.

I remain committed to free and fair trade. I cosponsored and voted for the Africa Growth and Opportunity Act in both the International Relations Committee and on the floor of the House, and I hope to vote for it again when it is reported out of conference committee. I also cosponsored another free trade measure for Africa called the "Hope for Africa Act." Last year, I supported granting a one-year extension of normal trade relations (NTR) with China. I support a comprehensive engagement with China that includes free and fair trade, but only after China has demonstrated a willingness to become a responsible member of the world community.

By granting China PNTR, we surrender the only effective economic and political tool to effect positive change in China—the annual vote to renew NTR. Without this, China has little reason to improve its actions and image in the world community.

There have been too many broken promises by the Chinese government. There are too many protesters in prison. There are too many religious persecutions. There are too many military threats.

China's record on human and workers' rights continues to be abominable. Take for instance the story of Liu Baiqiang. While serving a 10-year sentence for theft, Baiqiang, in support of the 1989 pro-democracy movement, wrote messages calling for freedom and the end of tyranny on scraps of paper and released them into the air attached to the legs of locusts. For this he was sentenced to an additional eight years in prison.

The leadership in China continue to threaten Taiwan, even at a time when we are considering PNTR, just because Taiwan practices democracy. China continues to develop and contribute to the proliferation of missile and nuclear technology, exporting it to rogue nations around the world. China continues to violate environmental standards for development and industry, ignores fair labor standards and safe working conditions and uses child, low wage and even slave labor to produce many goods for export.

Finally, China has yet to live up to any of the previous trade agreements it has signed with the United States. I am not convinced that China will be any more likely to change this behavior once it is granted PNTR status.

I firmly support a renegotiation of the terms of the U.S.-China bilateral treaty that would provide greater safeguards against Chinese abuses and outlaw behavior. I have participated in two working groups established by Members of Congress that are striving to identify the issues that should be renegotiated and ways to initiate the renegotiation.

A treaty that provides a free and fair trade agreement with safeguards that could better guarantee appropriate Chinese behavior in the world community would receive my full support.

Granting China PNTR now might be economically rewarding, but it would be morally bankrupting.

NATIONAL WESTERN AGRICULTURE FORUM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SCHAFFER. Mr. Speaker, prior to the start of the second session of this 106th Congress I held a widely attended agriculture forum at the 94th Annual National Western Stock Show in Denver, Colorado. The forum featured twelve experts who presented their views on three of the most challenging issues facing agriculture—biotechnology, international trade and federal farm policies.

I will now summarize the remarks of the panelists and commend to our colleagues the opinions shared at the Colorado forum.

The first panel addressed biotechnology. Mr. Roger Bill Mitchell, President of the Colorado Farm Bureau, began by addressing the overriding concern of the biotechnology panel; consumer awareness. "Consumer acceptance is the key to biotechnology's success. Currently, the public is mislead by propaganda . . . if the benefits of biotech were put forth then the public would support the technology," he said. "It is up to the farmer and rancher—us—to market biotech products and to educate the public. We have to respond to the markets. Even when the consumer is wrong, he's right."

Dr. Cecil Stushnoff, Director of Horticulture at Colorado State University said the term "genetic engineering" evokes suspicion and fear. "A gap of knowledge generates fear of the unknown. The public should be informed that biotechnology could help in stopping viruses, killing insects, serving as vaccines, and preventing disease," he said.

Dr. Stushnoff said the public should also be advised of the risks to human health and to the environment. "The only way to ensure public support is to assess each product on a case-by-case basis. More research in this field is needed to answer consumer questions. Biotechnology has enormous potential." Dr. Stushnoff also warned of foreign nations that, as a matter of national policy, have promoted campaigns of hysteria regarding genetically modified organisms (GMOs). Here again, it seems education is the key.

Mr. James Geist, Executive Director of the Colorado Corn Growers, said genetic modification is an age-old practice which has traditionally been limited by a lack of technology. "Modern technology helps to determine accuracy of genetic modification," he said. "The media has embraced the topic to get 'shock appeal' and have blown out of proportion the realities of biotechnology. The current hysteria is not reasonable and could be curbed by informing consumers about the truth, reality and functionality of genetically modified goods." Mr. Geist also emphasized GMOs as a viable solution to meeting the growing demand for food. "With the current population growth, we must use GMOs."

Mr. Jim Rubingh, Director of Markets for the Colorado Department of Agriculture continued with Mr. Geist's concerns about global population. "By the year 2050 the human population will have to produce as much food as the world has produced in the last 12,000 years. Biotechnology allows for inexpensive, nutritious, and plentiful food production. Although there are risks, biotechnology can also save lives." Mr. Rubingh believes a unified, regulatory system needs to be established by Congress to ensure genetic varieties are not abused.

Mr. Speaker, our second panel addressed trade. Mr. Tim Larsen, an International Marketing Specialist with the Colorado Department of Agriculture, provided examples of how the agriculture industry is suffering. "The U.S. farmers are doing a good job. They are just not getting the global price they deserve." Mr. Larsen went on to say, "The North American Free Trade Agreement (NAFTA) has proved good in Colorado. From agricultural entities, only 19 trade claims, nationwide, have been filed against NAFTA, none have been filed from Colorado. However, Colorado does need a level playing field to compete globally."

Dr. Alan Foutz, Vice-President of the Colorado Farm Bureau, said the problem is a lack of export markets to sell our excess products. "America should not abandon NAFTA and GATT," he said. "The U.S. government must address the crisis facing agriculture imposed by high tariffs and other trade barriers. It is essential for the administration to work with foreign governments to open up markets. Future trade relationships with China are important, simply because China is a larger market. We must sell our surplus to foreign markets," he said. Reauthorizing Fast Track is important. He urged Congress to avoid adding environmental and labor riders on the reauthorization bill.

Dr. Foutz also reminded Congress that regulatory expenses are also barriers to trade. "I don't want the government to bail me out. Allow me to sell to foreign markets easier that it is today."

Mr. Larry Palser, President of the Colorado Wheat Administrative Committee, said farmers need Congressional help to compete with other countries. "More markets must open and sanctions must be removed," he said. Mr. Palser urged Congress to phase out export trade subsidies, but should not reduce tariffs until the other country in question complies with terms of fair trade. "America lost $7 billion to sanctions," Palser stated.

The Colorado Wheat Administrative Committee supports Most Favored Nation Trade Status for China. "The European Union must be forced to reduce export subsidies," he said. Mr. Palser's remarks are hereby submitted for the RECORD.

STATEMENT BY LARRY PALSER, PRESIDENT, COLORADO WHEAT ADMINISTRATIVE COMMITTEE, TO FORUM ON AGRICULTURE IN THE 21ST CENTURY

Thank you for this opportunity to discuss some of the important trade issues that are vital to the economic stability of Colorado wheat producers. As you know, Colorado is a major producer of wheat and a large exporter. When we are unable to trade wheat overseas the economy of Colorado is hurt.

We know that worldwide demand for high quality wheat is increasing, but competition is also increasing. For Colorado wheat producers to successfully compete for sales around the world we need your help and the help of all of your colleagues in Congress. Colorado wheat producers can compete with any other farmers, but we cannot succeed in a world market place where we are forced to compete against foreign governments. There are a number of issues that I wish to call to your attention that need to be addressed for Colorado wheat producers to successfully compete in the export market in the new millennium.

Continuing to open export markets by expanding and improving our trade agreements is essential. The recent World Trade Ministerial in Seattle was to have set the agenda for continuing to strengthen member countries commitments to opening world markets and to begin the work on renegotiating the agricultural agreement. While we are very disappointed at the lack of a positive outcome in Seattle, our trading partners must be held to the agreement to move forward with the agriculture negotiations as agreed to in the built-in-agenda of the Uruguay Round.

The new round of negotiations of the WTO will be one of the best avenues to achieve meaningful reforms. The new round of negotiations must move forward as soon as possible. A broad set of wheat industry concerns was developed as a set of recommendations for our negotiators and others involved in the WTO negotiations.

I would like to share with you the following key WTO issues for wheat: the elimination of all direct export subsidies within three years; elimination of monopolistic state trading enterprises to provide discipline to price discriminating practices, which distort world markets; the elimination of inequities that persist between the U.S. levels of domestic support and those of our competitors; and expansion of market access (U.S. agricultural tariffs should not be further reduced until such time as other countries make significant tariff reductions and tariff peak disciplines).

Sanctions reform is a priority legislative issue. A lot of very good work has been done on sanctions reform over the past several years. On November 17, 1999, a letter with 220 signatures of your House colleagues was delivered to Speaker Hastert asking for "meaningful reform of food and medicine sanctions policy in the 106th Congress." The letter gave three reasons why Congress should act to end these sanctions. They are: (#1) Unilateral food and medicine sanctions do not work because our allies freely supply the same products to sanctioned states; (#2) Denying access to food and medicine is an abhorrent foreign policy tool; and (#3) Unilateral sanctions punish American farmers and depress American commodity prices by denying access to significant international markets.

We in the Colorado wheat industry are in full agreement with your colleagues on these reasons. Sanctioned markets currently buy $7 billion of agriculture commodities each year from our competitors. USDA estimates that rural communities lose $1.2 billion in economic activity annually because of unilateral sanctions. I ask you on behalf of all wheat growers to make removal of these sanctions a prime objective when you go back to Washington, D.C. in a few days.

Permanent Normal Trade Relations (NTR) for China is another priority issue. The bilateral agreement that China signed in April of 1999 is fully implementable. The next step is for China to begin to purchase wheat. This is a very important agreement because it resolves the phytosanitary argument that impeded U.S. wheat sales to China for years. China has now agreed that there is no threat from TCK.

The really big issue facing China is entrance into the WTO and Congressional approval of permanent NTR. This is necessary if the U.S. is to achieve the benefits negotiated in the U.S.-China WTO agreement. Without permanent NTR, China is not bound to comply with the agreement. Other members of the WTO will be in a position to gain by reduced tariffs and other market protections negotiated for WTO membership and the U.S. producer will be the loser in this huge and growing market.

Trigger mechanism legislation is also a priority. The U.S. wheat industry has worked with Senator Baucus on a bill that would require the Secretary of Agriculture to take action if the European Union (EU) does not reduce and subsequently eliminate agricultural export subsidies. This legislation would require increased funding for the Export Enhancement Program (EEP), the Foreign Market Development (FMD) program and the Market Access Program (MAP). These programs are all important to U.S. agriculture's competitiveness in the world market place. S. 1651 is called trigger legislation as it would be triggered it the EU fails to lower its subsidies. I respectfully ask you to work with us to introduce similar legislation in the House.

There has also been talk of rejuvenating EEP, however, this does not appear likely in the near term. Each year any unused allocated EEP funds are lost from USDA's budget. A bill was introduced at the end of Congress by Senator Patty Murray of Washington State that would provide authority to the Secretary of Agriculture under certain conditions to use unexpended EEP funds for FMD and MAP. The Murray bill authorized MAP at $200 million, while making the current $90 million level a minimum rather than a maximum amount. It also establishes the FMD program at a minimum of $35 million annually. We believe this is an important bill needed to capture these much needed funds in programs we know are successful.

Congressman Schaffer, these are a few of the trade issues that are important to the wheat industry that we ask for your support and help with. The Colorado wheat industry looks forward to working with you.

Mr. Vernon Sharp, President of the Colorado Cattleman's Association agreed with Mr. Palser. "We must increase access to international markets, eliminate unfair trade policies and reemphasize domestic trade policies through country-of-origin statutes and mandatory price reports. Stop using agriculture products as a bargaining chip," Sharp said. "Trade barriers must be based on scientific research. We can't allow ourselves to become dependent on a foreign food supply like we are on oil," he said.

Our final panel, Mr. Speaker, addressed federal farm policies. Mr. Peter Sperry, Budget Policy Analyst with The Heritage Foundation, states that one cannot plan strategy around changing government policies. "Government policy is misdirected and fails to hit the targeted goal." Mr. Sperry asked, "Should the federal government be in agriculture at all?" He continued by emphasizing the enormous price tag for federal farm programs.

"The cyclical nature of the cattle industry makes if difficult for the federal government to maintain a fair support program. Let people keep the money they make.

"Farmers have difficulty planning rational policy in the face of federal meddling. The federal government should get out of agriculture. Be careful what you ask for, because you just might get it. If the agriculture community says 'stay with subsidies,' that's what we'll get."

State Conservationist, Steve Black, countered saying there was a definite role for the government. "Government can provide agriculture assistance. The best assistance is generated from voluntary incentive-based programs such as conservation on private lands, abundant food, clean water, decreased greenhouse gasses, wildlife habitat, open space and wetlands habitat," he said. "Seventy percent of land is managed by private farms and ranches. Good national resource management is important." Black said 88% of the nation's water runs off from private land.

"Farmers do a better job of preventing wind erosion and promoting carbon sequestration and wetlands preservation. When public money goes into agriculture, it's well spend."

Mr. Lynn Shook, a state board member of the Colorado Farm Bureau brought the discussion back to less federal involvement. "Federal farm subsidies shouldn't be allowed. The farmer should get a fair price first. The 1996 Farm Bill had too many regulations," he said. "Farmers need help to increase trade markets." Mr. Shook went on to say farming is risky. "The U.S. government needs to provide a real crop insurance program," he said. Mr. Shook's full testimony follows.

STATEMENT ON FARM POLICY—LYNN SHOOK

My name is Lynn Shook. I grow wheat and sunflowers near Akron, Colorado. I am a member of the Colorado Farm Bureau Board of Directors. I would like to thank Rep. Schaffer for the opportunity to discuss future farm policy. I would also like to thank him for representing farmers and ranchers like myself in Washington, D.C. In order to fully discuss current and future farm policy I think it is important to look back on how the current farm bill was created and passed.

The "Freedom to Farm" concept embodied in the 1996 farm bill has come under much criticism as the cause of the current economic problems in agriculture. People seem to have lost perspective on what the 1996 bill did and did not do and the circumstances surrounding passage of the legislation.

By 1995, producers had become increasing disenchanted with the acreage controls and the lack of planting flexibility that had evolved out of the 1977, 1981, 1985 and 1990 farm bills.

Planted acreage was restricted most years with acreage reduction programs (ARPs) while the rest of the world kept planting more acres. Base acreages had been locked in for most crops since 1985. The world was changing, but U.S. agriculture was locked into past planting patterns.

After the experience of the early and mid 1980s, producers were also well aware that we could not use the farmer-owned grained reserve to store our way to prosperity. The reserve was restricted in size and price influence in the 1990 farm bill, and elimination seemed to be the next logical step in 1995.

While these changes were going on with agriculture, a new farm bill was also faced with substantial federal budget pressures. As the farm bill debate began in 1995, President Clinton's budget proposal for fiscal year 1996, the budget year beginning on October 1, 1995, showed yearly budget deficits at $200 billion for the next five years. The Congressional Budget Office (CBO), the budget estimating arm of Congress, had a similar forecast.

The federal budget deficit had been a political issue for 20 years. The new Republican controlled Congress was determined to bring the issue to a head and resolve it. As 1995 progressed, President Clinton began overtures to the Republicans to find a budget compromise that would lead to a balanced budget.

The Republicans and the President were also talking about regulatory reform, tax relief and foreign market development, all issues important to farmers and ranchers.

Given producer concerns about planting flexibility, stocks, policies and the political winds of balanced budget efforts and other policy changes, a status quo policy based on extension of the 1990 farm bill became less and less achievable as the 1995 farm bill debate dragged into late 1995 and into 1996.

The Republicans in Congress promised that regulatory, tax and market development changes would be forthcoming, but a farm bill had to be passed to fit within a budget deal that was on a fast track for action in 1996.

Budget pressures on a farm bill were nothing new. The 1990 farm bill was passed and then immediately changed by the 1990 budget deal to fit within its budget restraints.

Agriculture was faced with a choice between greater program flexibility and fixed payment rates, agricultural market transition assistance (AMTA) payments, or trying to swim against the budget policy stream and less program flexibility.

The 1996 farm bill has also been criticized for lower loan rates for the major crops. That did not happen. Loan rates began moving down in 1986 with the implementation of the 1985 farm bill. That was continued in the 1990 farm bill. The 1996 farm bill did not mandate lower loan rates. It gave the Secretary of Agriculture the authority to lower loan rates. It did put in place loan caps to prevent the Secretary from raising loan rates.

Farmers and ranchers accepted the changes in farm policy, but Congress and the President did not delivery on regulatory reform, tax relief and market development. The regulatory burden on farmers and ranchers has gone up, not down. From the FQPA to wetlands to labor regulations, farmers and ranchers are more heavily regulated than ever before.

Farmers and ranchers received some tax relief in 1997 and 1998, but it was minor compared to the total impact of estate taxes and capital gains taxes.

Farmers and ranchers have received virtually no help on trade issues. Congress and the Administration have not delivered on trade negotiating authority, have not increased funding for USDA market development programs and have not worked out problems with existing trade agreements. Only recently has the Administration begun dealing with trade issues with Canada and removing trade sanctions with major potential trading partners like Iran.

The recently announced Farm Bureau AgRecovery plan outlines what we believe needs to be done in the short run and lays out where farm program policy must focus in the long run.

First, direct federal assistance will continue to be needed in the short and intermediate terms. We will not dig out of the current hole in a year or two.

Second, development of markets at home and abroad must be a high priority. Farmers and ranchers must be able to produce and sell. Direct federal assistance can help in the short run, but we must produce for markets to be profitable in the long run.

Third, agricultural production is a high-risk business. Crop insurance reform has been a constant refrain throughout the 1990s. The 1994 reforms were supposed to be the mother of all reforms. We tinkered again in 1998 and are now making further changes in 1999 to take effect for 2000 to 2004.

To effectively deal with risk management, we must focus more on risk management and less on just crop insurance. Risk management education is also important.

Farm and ranch risk management accounts (FARRM) supported by Farm Bureau is a step toward alternative ways of managing risks.

Revenue insurance may be a way to cover both crops and livestock. This may also be an approach to help producers without impacting land prices.

Fourth, Congress and the Administration must finally face up to the regulatory straight jacket they have placed on agriculture. Politicians love to talk about prices and what they believe they can do to increase prices. They hate to talk about the cost of government regulations.

U.S. farmers and ranchers operate in a global food economy. Every regulatory cost impacts their ability to compete. Farm Bureau has called for a regulatory impact payment of $5 billion per year as the first step in shifting the cost of the regulatory process run amok back to Congress and the President.

The AgRecovery plan does not address the issue of counter-cyclical income assistance. This idea has been given increased attention in the last few months and needs further attention as an intermediate and long-term policy direction. AMTA payments under freedom to farm are fixed payment regardless of income. The target price system focused exclusively on price and did not take into consideration the interaction between prices and production.

A program for counter-cyclical income assistance may be a complement to a more effective risk management program to help buffer against production and price risks.

New opportunities in conservation programs, including water quality, should also be explored.

The AgRecovery plan also speaks volumes about what we don't want in future farm program policy. We do not want to lose the planting flexibility provided by the 1996 legislation. We do not want increases in price supports that would make us non-competitive in world markets. We do not want to further build carryover supplies by recreating the farmer-owned reserve. We do not want to cut acreage to qualify for farm program participation. That would reduce the net benefit of the programs and encourage producers in other countries to increase output.

We must learn from the good and the bad of the last 20 years of farm program policy and build for a brighter future.

The President of the Colorado Association of Wheat Growers, Dusty Tallman, indicated the farm crisis is not going away. He said Freedom to Farm was good, but had some minor problems. "The Endangered Species Act has helped to create the farm crisis," he said. "The farm crisis is not going away. We need to work to improve farm programs, reform taxes, cut regulation and reform the Loan Deficiency Program." Mr. Tallman also submitted his testimony in writing which I now submit for the RECORD.

STATEMENT BY DUSTY TALLMAN, PRESIDENT, COLORADO ASSOCIATION OF WHEAT GROWERS TO FORUM ON AGRICULTURE IN THE 21ST CENTURY

On behalf of Colorado's wheat growers I wish to thank you for your continued support—in good times as well as bad. We especially appreciate your leadership and commitment.

While it may sound like a broken record, the farm crisis continues to impact the lives of wheat growers every day. USDA figures show that Colorado wheat prices are averaging only $2.20 per bushel so far this marketing year. Wheat prices are now at 45 percent of the high achieved in the 1995–96 market year. Wheat prices this last summer hit a 22-year record low. That's worse than anything we say in the early 1980's—the era that saw numerous farm foreclosures and massive farm aid. And wheat prices have actually dropped another 22 cents per bushel since last summer.

After three years of low prices, the farm crisis is not going away. USDA's best analysts have predicted that wheat prices will not improve without some sort of adverse weather problem somewhere in the world. USDA will update its price projections at this year's Outlook Forum in late February. However, current estimates predict another 18 months of low wheat prices.

In the face of continued financial stress, some have started to blame the 1996 Farm Bill. While the Bill did not prevent this disaster, it is not fair to claim that it caused it. Colorado wheat growers support the concept of "Freedom to Farm." We like having greater flexibility and the risk associated with it. Today's crisis would have been much more devastating had we been forced to abide by the old, top-down management of previous farm bills.

However, while we do not want "Freedom to Farm" repealed, there is clearly a need to improve federal farm policy before more farmers are forced off their land. The 1996 Farm Bill lacks a reliable farm safety net. With no floor, wheat prices continue to drop.

The Colorado Association of Wheat Growers (CAWG) believes that we must add a country-cyclical economic assistance payment to the farm bill. For two years, we have relied on emergency spending to provide the assistance we need. This ad hoc system should be replaced with a statutory payment triggered by low prices.

The National Association of Wheat Growers (NAWG) is currently developing an outline for just such a payment. The plan will be finalized at the NAWG annual convention in February and presented during the House Agriculture Committee's field hearings this spring and summer.

There are also other things you and your colleagues can do today to help wheat growers. We continue to await congressional action on tax reform, Permanent Normal Trade Relations with China; crop insurance reform and sanction reform.

I am pleased to be with you today and pledge the support of CAWG to help you find real solutions.

Overall, Mr. Speaker, it was a good forum. The information derived must be used to ensure agriculture is not forgotten.

As the House prepares to reauthorize the 1996 Farm Bill the conclusion of the Colorado agriculture forum should be considered by our colleagues.

INTRODUCTION OF CARE 21

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to restore our Nation's historic commitment to insuring lifetime health care for retired coal miners. Joining me in introducing this bill, which will be known as CARE 21, is a bipartisan group of our colleagues: Bob Ney, Spencer Bachus, Rick Boucher, Tim Holden, Ron Klink, Alan Mollohan, John Murtha, Ted Strickland, and Bob Wise.

Enactment this year of CARE 21, the "Coal Accountability and Retired Employee Act for the 21st Century," is necessary if we are to avoid seeing a curtailment in health care coverage for thousands of retired coal miners and their widows. Indeed, this would not be the first time that Congress has acted in this matter. In 1992, in what is known as the "Coal Act" enacted as part of the Energy Policy Act, Congress established the UMWA Combined Benefit Fund (CBF) combining the union's 1950 and 1974 benefit plans. This action came in response to changes in the coal industry which created a large class of 'orphaned' miners whose benefits were no longer being paid by an active coal company. A key feature of the Coal Act was the financing of orphaned miner health care costs through an annual transfer of a portion of the interest which accrues to the unappropriated balance in the Abandoned Mine Reclamation Fund.

Simply put, in restoring abandoned coal mine lands we must not abandon the retired coal miner.

The Coal Act was working well, health care for retirees whose former employers could be identified would be financed by premiums paid by those companies while to date, $193 million in reclamation fund interest and a one-time $68 million additional appropriation has financed orphaned miner care.

However, a rash of recent adverse court decisions have been rendered which once again is threatening the financial integrity of the program. Among them, what is known as the "Chater" decision which overturned the Social Security Administration's premium determination reducing premiums by 10 percent. Another court decision ordered the CBF to refund about $40 million in contributions. And the Supreme Court's decision in the Eastern Enterprise case added some 8,000 retirees to the orphaned miner rolls. The result: Without a new source of funds, the CBF will face a cash shortage beginning next year forcing the curtailment and ultimately the cessation of health care coverage for some 70,000 retirees and widows whose average age is 78.

CARE 21 takes a relatively simple and straightforward approach to addressing this impending crisis. First, it would transfer the amount of interest that is currently languishing in the Abandoned Mine Reclamation Fund to the CBF that was not previously made available for orphaned miner health care. This would provide an immediate infusion of roughly $172 million. Second, it would lift the restriction in current law that reclamation fund interest can only be used for orphaned miner health care. This action would serve to cover future shortfalls in the CBF.

I would note that interest accrues to the Abandoned Mine Reclamation Fund at a rate of about $83 million a year. Meanwhile, there is a $1.7 billion unappropriated balance in the Fund. CARE 21 in no way adversely affects the abandoned mine reclamation program. The principal remains intact for that effort, and is fueled by annual reclamation fees assessed on every ton of mined coal which finances the program.

As such, one of the key features of CARE 21 is that the general taxpayer is not being called upon to pay for retired coal miner health care, but rather, the coal industry itself would provide for this coverage through the interest which accrues to the fees it pays into. the Abandoned Mine Reclamation Fund.

Mr. Speaker, I noted earlier there is a historical commitment to providing health care for retired coal miners. This is a unique situation in that what would normally be a matter solely for the private sectors is not in this instance. The genesis for this situation dates back to 1946 in an agreement between then-UMW President John L. Lewis and the Federal Government to resolve a long-running labor dispute. At the time, President Truman had ordered the Interior Secretary to take possession of all bituminous coal mines in the country in an effort to break a United Mine Workers of America strike. Eventually, Lewis and Secretary Julius Krug reached an agreement that included an industry-wide, miner controlled health plan.

In fact, the 1992 Coal Act itself was formulated partly on the basis of recommendations from the Coal Commission, established by former Labor Secretary Libby Dole, which in 1990 recommended a statutory obligation to help finance the UMWA's Health Benefit Funds.

Mr. Speaker, the people covered by this health care program spent their careers producing the energy which powered this Nation to greatness. We must not forsake them. We must not cast them adrift in their later years, robbed of the health care they so desperately need.

PERSONAL EXPLANATION

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. METCALF. Mr. Speaker, on March 28, I was excused from the business of the House. Had I been here, I would have voted "yes" on rollcall vote 76 (H.R. 2412); "yes" on rollcall vote 77 (H. Con. Res. 292); "yes" on rollcall vote 78 (H. Con. Res. 269); "yes" on rollcall vote 79 (H.R. 5), The Senior Citizens' Freedom to Work Act.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. HILLEARY. Mr. Chairman, I am very pleased today to support this important amendment, which will help clean up methamphetamine labs and come to the aid of law enforcement across the country.

Last year, funding was ended for this support program, and the funds were entirely diverted into training. I feel that decision was a mistake. Local law enforcement needs this money directly in order to offset the high costs associated with meth lab cleanups. They need it in order to more effectively fight the war on drugs and clean up the contamination and environmental problems these labs leave behind.

In my own district, individuals like Sheriff Eddie Bass of Giles County in Tennessee have effectively used these dollars in the past. Working in conjunction with the Drug Enforcement Agency, Sheriff Bass has made great strides in reducing the number of methamphetamine labs in Giles County. But cleaning up these labs is expensive, very expensive for rural law enforcement agencies that have limited resources to begin with. Our rural law enforcement officers, like Sheriff Bass need our help to combat this national problem.

Sheriff Bass has already implemented state-of-the-art programs and facilities. I personally have toured the local jail in Giles County and can say from first-hand experience that it is deserving of every accolade as one of the model examples in the state. Now, I also want to provide him, and outstanding officials like him, the ability to continue the model meth lab cleanup programs that they had in place.

We must give officials like Sheriff Bass the support that they need. Otherwise, we will be sending them a message that it may not be financially worth their trouble to stop the production in these labs. Let's instead send a message to drug dealers and producers that we will stand behind the efforts of federal and local law enforcement in the war against drugs in our communities.

I encourage all of my colleagues to support this amendment so that these dollars will once again be able to be used by local law enforcement officials like Sheriff Bass.

VETERANS' HISTORIAN AL KADY PRESERVES CENTRAL NEW JERSEY'S CIVIL WAR HERITAGE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of two veterans, of two wars, 80 years apart. Aaron Hush is an African-American Civil War veteran buried in South Brunswick. Al Kady is a World War II veteran and the military historian for the Veterans of Foreign Wars Post 9111 who located Hush's burial ground in South Brunswick, NJ. I commend Mr. Kady for his commitment to locating and preserving a significant piece of New Jersey history.

Aaron Hush was a resident of nearby Franklin Township. Upon his death on January 20, 1916, he was laid to rest in the Sand Hills Area of South Brunswick Township, also known as the Thompson Plot.

The Record of Officers and Men of New Jersey in the Civil War has recorded that Aaron Hush served from February 29, 1864 until August 22, 1865, in the 32nd regiment of the United States Colored Troops. He is one of nearly 3,000 New Jersey African-American soldiers to serve in the Civil War.

The Emancipation Proclamation permitted African-American soldiers like Aaron Hush to enlist, be drafted, or receive bonuses to serve as replacements. Records reveal that 2,872 New Jersey African-Americans wore the uniform of the Union Army. There were 469 African-American casualties from New Jersey.

Mr. Kady has brought to life the importance of the Hush burial ground. He has worked tirelessly to ensure that the cemetery is preserved and maintained. He is to be commended for his dedication and hard work. As a veteran of World War II and past commander of VFW Post 9111, he knows the importance of maintaining sites important to our national heritage.

Mr. Kady will present a copy of Aaron Hush's discharge papers to the South Brunswick Township Council on April 11 for display in the township. This is a wonderful opportunity for us to learn about our local heritage, as well as our national history.

Mr. Speaker, VFW Post 9111 military historian Al Kady represents what is right with central New Jersey and the United States of America. His discovery and preservation of Hush's gravesite is a wonderful reminder to the community and the country at large. Kady has served his country in times of great national crisis and continues to do so by preserving history in central New Jersey.

This is an important example of what makes America special. A veteran of one war preserving the memory of a veteran of a different war; our common history bridging our individual differences.

I urge my colleagues to join me in commending Mr. Kady for his hard work and dedication to the preservation of historical landmarks throughout central New Jersey.

SUPPORT FOR THE CRUSADER

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in support of the Army's new advanced field artillery system, the Crusader. When fielded in 2008, Crusader will provide unprecedented fire support capability to the U.S. Army.

The DoD budget requests $355.5 million in Fiscal Year 2001 to continue the development of the Crusader system.

Field artillery is the one combat capability where the United States significantly lags behind its allies and potential adversaries. While the Abrams tanks and the Bradley fighting vehicle is recognized as the best in the world, the U.S. field artillery ranks 9th in the world in terms of systems and the current howitzers is outperformed by at least four more modern foreign systems. With Crusader that balance will be reversed.

In anticipation of the fielding of the Crusader, the Army dramatically reduced its field artillery organization by eliminating six howitzers from each cannon battalion. Additionally, the Army later reduced the number of tanks, infantry fighting vehicles and soldiers in its mechanized divisions. Again, this was done because of the offsetting capabilities of the Crusader advanced field artillery system. Should we not follow through with fielding the Crusader, then all these systems and soldiers would have to be added back to the Army organization and force structure to maintain its combat capability.

In recent testimony before our committee, General Shinseki, the Army Chief of Staff, emphasized the importance of the Crusader to the Army, both its counterattack corps and its transformation forces. He is fully supportive of its development and fielding and was the major architect of its modification to become more supportive of the Army transformation initiative and its objective force. General Shinseki insisted upon the maintenance of its key combat capabilities, (range, rate-of-fire, mobility and survivability) while enhancing its global, strategic deployability. With changes that will reduce the Crusader's weight to approximately 40 tons, two can be airlifted to any theater in the world on a single C5B aircraft. Those two howitzers will provide more fire support capability than six of today's Paladin systems. That six-gun Paladin unit with its 94 soldiers, like the one sent to Kosovo in Task Force Hawk, required 8 C–5B sorties to deploy, while a smaller, but more lethal Crusader capability would include just 31 soldiers and need only 4 C–5B sorties.

Mr. Speaker, the Army needs the Crusader to be developed and fielded without delay to enhance its capability to rapidly and globally respond to threats to the nation's interests and ultimately to win the nation's wars.

TRIBUTE TO THE NEW LOTHROP HORNETS GIRLS' VOLLEYBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Michigan's new girl's highschool volleyball State Champions, the New Lothrop Hornets.

At the start of a long and challenging season, New Lothrop's girl's volleyball team set out to achieve their goal of being the best. They believed in themselves and knew that with their heart, drive and tremendous teamwork the state championship was within their grasp. With the support of their fans and the community these athletes fought a hard battle, never once doubting their amazing ability. With their motto "Together we can," the women exemplified teamwork. Their combining passion for victory made them unstoppable.

At the recent championship match, the Hornets proved victorious and their coach Sheri Warner hoisted the championship trophy for their fans. This tremendous victory was well deserved. They have lead their community to new athletic heights and have become wonderful examples of good sportsman. They may now pride themselves not only with the spectacular honor of being Michigan's top women's volleyball team, but also carrying the title of New Lothrop's first prep volleyball champions.

Mr. Speaker, please join me and the New Lothrop community in congratulating these women on their excellent talents and leadership skills.

THE GAMING INDUSTRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. NEY. Mr. Speaker, you hear many arguments surrounding the gaming industry in America. Some have merit, some do not. Some criticism is deserved, some is not. Mr. Speaker, before I make my statement today I want to make it abundantly clear that while I am not an ardent proponent of the gaming industry nor an ardent foe of the gaming industry, I am an ardent foe of illegal activity in the gaming industry. Furthermore, I am an ardent support of consumer rights and consumer rights is exactly what I intend to discuss today.

At the heart of my comments today is how certain gaming companies treat their patrons and how they conduct business. I believe that the vast majority of casino owners play by the rules, treat their patrons fairly, and provide quality entertainment for individuals and families. I have talked with many of these businessmen over the years who have conducted themselves in such a professional manner. However, there are a few bad apples out there who don't play by the rules and that is just plain wrong.

One such example is the case of Suncruz casino's based out of Florida. Florida authorities, particularly Attorney General Butterworth have repeatedly reprimanded Suncruz casinos and its owner Gus Boulis for taking illegal bets, not paying out their customers properly and has had to take steps to prevent Suncruz from conducting operations all together. In fact, a few years ago the Broward County Sheriffs Office, under the supervision of Mr Butterworth, raided Suncruz ships seizing their equipment.

Mr. Speaker, how Suncruz Casinos and Gus Boulis conduct themselves with regard to Florida laws is very unnerving. But the consumer rights issue is even more disheartening. On December 1, 1998 the Broward County Sheriffs department announced that they had uncovered evidence that dealers on SunCruz ships were "cheating passengers by using incomplete decks of cards." This type of conduct gives the gaming industry a black eye and should not be tolerated.

Mr. Speaker, I want to repeat myself again. The vast majority of casino owners and operators are good honest people, but when an owner or operator stoops to this level to make a buck it hurts the public and it hurts the industry as a whole. I believe we can strike a balance here and our first step is to ensure that the average citizen is not hoodwinked by a dishonest casino operator.

There should be clear codes of conduct that are adhered to by every casino owner and operator. On the Ohio River we have gaming interests that run clean operations and provide quality entertainment. I don't want to see the actions of one bad apple in Florida, or anywhere else to affect the business aspect of this industry or hurt any innocent casino patron in our country.

Mr. Speaker, I hope that steps will be taken by the industry, and in the case of lawbreakers—by the appropriate authorities to weed out the bad apples so that we can protect consumers across the country.

WELCOMING PROBATE JUDGES

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SHAYS. Mr. Speaker, I rise to welcome members and guests of the National College of Probate Judges to the Capitol today.

The National College of Probate Judges is comprised of judicial office holders across the country who adjudicate estates of decedents, who appoint guardians for individuals with incapacities and who hear mental health cases and cases involving persons with developmental disabilities.

Recently, the College promulgated standards and model legislation addressing interstate transfers of guardianships and conservatorships. The College is sponsoring an International Conference on Courts and the Aging to be held in London in July in conjunction with the American Bar Association.

I am particularly happy to welcome Judge Richard E. Burke, president of the College, who resides in New Canaan, Connecticut and is a constituent of mine. I am equally pleased to acknowledge the contributions of the following office holders and members: Judge Mary Sheffield—Rolla, Missouri; Judge Nikkie DeShazzo—Dallas, Texas; Judge John Maher—Kingston, New Hampshire; Judge Haywood Barry—Lebanon, Tennessee; Judge Patsy Stone—Florence, South Carolina; Judge Larry Belskis—Columbus, Ohio; Judge Larry Kay—San Francisco, California; Judge Ray Eubanks—Spartanburg, South Carolina; Judge Frank Riddick—Huntsville, Alabama; and Judge John N. Kirkendell—Ann Arbor, Michigan.

CHRISTIAN EMBASSY 25TH ANNIVERSARY

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. WAMP. Mr. Speaker, this month marks the 25th anniversary of the founding of Christian Embassy, a spiritual resource to government and diplomatic leadership in Washington. I would like to congratulate its founders, Dr. and Mrs. William R. Bright, and honor them for their commitment to serving those of us who are public servants in our Nation's Capital.

Dr. Bright is also the founder and president of Campus Crusade for Christ, of which Christian Embassy is a part. He has authored numerous books and articles on the Christian life and has received a host of awards, among them the 1996 Templeton Prize for Progress in Religion.

His wife, Vonette, is co-founder of Campus Crusade. Her commitment to prayer for our nation and work in the Kingdom of God is a tribute to their family.

Dr. and Mrs. Bright have spent many hours with political leaders in Washington, offering encouragement and spiritual counsel. They feel strongly that leaders of integrity are vital in the task of strengthening the fabric of America and ensuring its stability for future generations.

In commemoration of the 25th anniversary of the inception of Christian Embassy, I ask my colleagues to join me today in paying tribute to the vision and faith of its founders, Dr. and Mrs. William R. Bright.

CONGRATULATING THE PEOPLE OF TAIWAN FOR SUCCESSFUL CONCLUSION OF PRESIDENTIAL ELECTIONS AND REAFFIRMING UNITED STATES POLICY TOWARD TAIWAN AND PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Ms. ESHOO. Mr. Speaker, I rise today in support of H. Con. Res. 292. On March 18th the people of Taiwan went to the polls for only the second time in their history to elect a national president. The U.S. has been stalwart in its support of democracies throughout the world and it is only fitting for Congress to congratulate Chen Shui-bian and the people of Taiwan for upholding democracy in the elections. In their first transfer of power, the voters have spoken and voiced their support for Mr. Chen.

Holding an olive branch on election night, Mr. Chen stated his desire to invigorate negotiations with mainland China. A peaceful resolution that will preserve democracy in Taiwan must be pursued. I urge the Chinese government to reconsider its rejection of Mr. Chen's proposed peace summit.

China and Taiwan have a unique opportunity to showcase their economic strength in the region. If negotiations are stifled, the economic future of both countries will remain uncertain but political stability will determine their success in the new economy.

Mr. Speaker, I congratulate Mr. Chen and his party for their historic victory and urge him to continue on the road to peace and ask my colleagues to join me.

A PROCLAMATION RECOGNIZING THE DEVELOPMENTS IN KAZAKHSTAN

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. SANFORD. Mr. Speaker, I would like to bring to my colleagues attention the nation of Kazakhstan. This young nation has emerged, under the leadership of its President Nursultan Nazarbayev, as a bastion of democracy and free market economics in Central Asia. I am entering into the RECORD two articles written recently by R. Emmett Tyrell, Jr. of the Conservative New Service who just returned from Kazakhstan reporting on that nation's ethnic and cultural diversity, its free media, and its strategic importance to the United States.

I recommend these two articles to my colleagues and ask them to join me in saluting Kazakhstan's struggle to right itself after 70 years of Soviet repression.

THE FORGOTTEN REPUBLICS

ASTANA, KAZAKHSTAN.—This is the capital of Kazakhstan, once one of the feared republics of the Union of Soviet Socialist Republics, and the proving ground for much of the USSR's nuclear weaponry. Now it is a vast region—in terms of territory, the ninth largest nation on earth—populated by anti-Communists, many trained in Moscow. It was my pleasure the other day to visit the President's office and interview one of the country's most ardent anti-Communists, the President himself, Mr. Nursultan Nazarbayev, a co-conspirator with Mikhail Gorbachev in the decomposition of the Soviet Union. Somehow Nazarbayev landed on his feet.

Entering the President's newly constructed offices with two other American journalists for a televised interview, I am reminded of how earnest the Yank journalists traveling abroad are in displaying their high journalistic standards. Was it Dan Rather who, at the beginning of an interview with the President of a recently constituted African republic, asked—pen poised above his note pad—"Mr. President, how exactly do you spell your name?" Oh, maybe it was not the earnest Dan. But surely some American at large in the faraway has popped such a question.

The journalists with whom I travel are not quite so self-conscious. In fact, we did not even ask Mr. Nazarbayev for his card. We remembered him from the last days of the Soviet Union. Now he is trying to bring stable, capitalistic growth to his country, to develop its rich natural resources (especially oil), to maintain cordial relations with the United States, and to ensure the development of a democratic regime in a country that was recently Communist and before that a collection of unstable principalities—mostly Moslem—governing nomadic tribes.

This last goal is somewhat controversial. The President's critics, here and abroad, doubt his seriousness about making Kazakhstan democratic. Yet some of his critics abroad are obviously ill-informed.

A representative of the Helsinki Commission recently alleged that Kazakhstan has only two cardboard parties. It has four, apparently quite vital, political parties contending in the parliament alone. I have interviewed representatives from three, the last being an affable Communist, Professor (what did you expect?) Serikbolsyn A. Abdildin, chairman of the Kazakhstan Communist Party. We exchanged banter about the greatness of Marx. He was speaking of Karl, I of Groucho—though I also have a very high opinion of Harpo—who was a manifestly superior thinker than Karl, and whose philosophical errors led to at least a couple of hundred million fewer deaths. Professor Abdildin still thinks nothing of the hundred million or so whom Moscow's Marxists put to death. Mistakes were made, but now on to his new "social agenda."

On the outskirts of Astana there is a sobering monument that has been raised to the Kazakhstani victims of the Soviet concentration camps. Nazarbayev's government threw it up immediately following Kazakhstan's independence—there are not many Kazakhs in doubt as to the barbarism of "Soviet times," a barbarism that many Westerners missed.

Though Nazarbayev is coy as to precisely why he came to disrelish the Soviet system and what brought about its fall, he has pushed pretty hard to eliminate it. He does say—as do most sophisticated Kazakhs—that by the 1980s he could see that, in economic terms, Marxism was a disaster. There can be no doubt he favors the market. "The planned economy," he tells us, did not respond to market conditions, which reminds me of all the progressive American economists who told us "the market" was a fiction of Milton Friedman's imagination. Let them consult the President of Kazakhstan and his Moscow-trained allies who are welcoming American corporations along with what he calls "small and middle-sized" businesses.

Nazarbayev returns to the theme of democracy. He complains that a State Department human rights report critical of his government is fraught with errors, errors that he insists our Ambassador has acknowledged. He wants his country to be "a strategic partner" with the United States. And he expresses concern over terrorists at his border who claim to be Islamic fundamentalists. Nazarbayev sees them less as pietists than as terrorists and brigands. He worries that they are a potential threat to Kazakhstan's economic development. I cannot say with utter confidence that Kazakhstan is a completed democracy. It has a multiplicity of political parties competing among the electorate and in parliament. It has religious tolerance. Islam and Christianity are practiced in public. There is a free press gaining strength, though how free it is remains a question to me. It does seem that Kazakhstan is well on its way under Nazarbayev to economic development along market lines and to some sort of democracy that is a long way from its recent Soviet past. Many of Nazarbayev's critics in the West were not nearly so vocal in their denunciations of the Soviet Union's democratic failures as they are of Nazarbayev's alleged failures.

What can he do to escape their complaints? My advice is for him to announce that he is returning to the Communist fold. Furthermore, he is re-arming his nuclear weapons. Under him, Kazakhstan, once the fourth largest nuclear arsenal on earth, became the first nation in history to disarm its nuclear force. Now he is the target of the West's perfectionists. They never treated his Soviet predecessors so rudely. And the only people I have met in Kazakhstan who share their critique are an Islamic Kazakh nationalist and the amusing Professor Abdildin.

And allow me one final report. As Vladimir Putin makes his way to the Presidency of Russia, I have been asking prominent Kazakhs, many of whom visit Moscow frequently, as Kazakhstan remains part of the Commonwealth of Independent States, if his election might prefigure a return to Russian bellicosity. The Kazakhs, having suffered two centuries of Russian aggression, have more reason to fear such a turn of events than most peoples. Economic conditions in Russia will not allow renewed Soviet expansion, they tell me, and the Russians know it. Maybe the Russians do not even yearn for such grim days. Mr. Putin, however, strikes me as an unusual world leader. He is tight-lipped in public. The roll of his shoulders when he walks should remind us that he is a conditioned athlete, a practitioner of the martial arts. One hopes he gets sufficient exercise in the gym.

[From the Washington Times, March 24, 2000]

AMERICAN MODEL FOR KAZAKHS

R. Emmett Tyrrell Jr.

ASTANA, Kazakhstan.—I am freezing here in the snow-covered capital of what was until 1991 one of the fearsome republics of the now-defunct U.S.S.R.

Kazakhstan had a large army, the fourth largest nuclear arsenal in the world, and a loyal Communist Party, propagating the word that the West was corrupt, overrun with gangsters and a constant threat to Kazakhstan's benevolent socialist society.

Today I am traveling along the potholed streets of that advanced society. Here, in the new Kazakh capital not far from the Russian border, and a few days ago in Almaty, an older and even bleaker city, I see the grim dilapidation of the banks of government housing, the aged infrastructure, and the sad victims of Soviet communism trudging the streets, and I remember.

Was it not John Kenneth Galbraith and like-minded progressive economists who told us as recently as 1985 that the Soviet economy was a robust competitor to the West? It was, and when a few months later Mikhail Gorbachev pronounced the Soviet economy a disaster, his remarks, you can be sure, made no dent in Mr. Galbraith's arrogance.

Were Professor Galbraith with me today what would his retort be to the dozen or so bright, optimistic government officials rattling off their programs for using the market economy to extract from Kazakh territory the valuable minerals and oil their communist predecessors wasted or ignored? Today's government officials, mostly the products of Moscow's universities during what they call "Soviet times," all say that by the 1980s they recognized the futility of the communists' "command economy."

When in the early 1990s they had an opportunity to break with the Soviet Union, they did. They set off on the present program of economic development with free and global markets. They became the only nation ever to give up its nuclear arms. Western democracy became their model, and they opted for the American social system.

The American model of the melting pot that allows ethnic and religious pluralism is important to Kazakhstan. In "Soviet times," its vast unpopulated territory, covering 4 times as much land as Texas, was used by Moscow to dump millions of peoples the Soviets deemed undesirable. Along with the indigenous Kazakhs, there are Germans, Koreans, Poles, Crimean Tartars.

Josef Stalin encouraged millions of idealistic Russian communists to come here after World War II to fortify the U.S.S.R.'s southern border against China and against Muslim fundamentalists who have lived in Central Asia for 1,000 years.

In the 1960s, millions more Russians came as part of Moscow's Virgin Lands policy to make Kazakhstan more profitable.

The consequence was environmental catastrophe. Nuclear experiments that included Moscow's first hydrogen bomb and other military experiments have rendered many areas of the country health hazards. The agricultural and industrial programs of the Virgin Lands imbecility left 20 million tons of industrial waste polluting the countryside and the Aral Sea drying up. Denied its water from rivers that were diverted to irrigate futile cotton plantings, the seabed has become a scab on the Earth.

Cleaning up from "Soviet times," is a major burden on the government made all the more difficult by Russia's refusal to explain the nature of its military experiments. So, too, is maintaining a socially cohesive society, through that challenge seems easier. Everywhere one looks, one sees a society divided, essentially into two ethnic groups; the Russians, who look like Western Europeans and compose 38 percent of the population, and the Kazakhs, who look Asiatic and compose 51 percent of the population. Yet there seems to be little friction between these populations. Both seem bound together in contempt for the old Soviet system and hope for their country's future.

The Russian zealots who came here as colonists after World War II, and in the Virgin Land program have now mostly returned to Russia, 2 million tired and aged idealists looking, looking for retirement back home and graves in Russian soil—another of communism's sad chapters.

The elected president of Kazakhstan, Nursultan Nazarbayev, an erstwhile collaborator of Mr. Gorbachev's in perestroika, shares the hopes of other government officials. In interviewing him, I note he repeatedly speaks of his faith in free markets, democracy and a "strategic partnership" with the United States. Kazakhstan with its long borders beside Russia and China is strategically important to the West and has been since the 19th century when the British tangled with Russia politically in what history remembered as "the Great Game."

Equally important are the oil and other resources that Kazakhstan has in abundance and that American companies are developing. Some observers back in the States are critical of Mr. Nazarbayev's claims to democracy and perhaps even to friendship with the West. Their suspicions are understandable. Many in this government were trained by Moscow's totalitarians.

Yet from my observations, this developing country now has at least four highly competitive political parties, nearly 1,000 media organs mostly privately owned, the freedoms of our Bill of Rights, and commendable tolerance.

Moreover, Kazakhstan has something its critics in the West lack, the zeal of converts. In asking scores of Kazakhs how they came to their free-market and democratic values, the interviewer learns the Kazakhs were amazed by what they saw in the West as their closed society developed cracks in the 1980's. President Nazarbayev says he saw the Soviet system "could not compete" with the West economically. He and his younger political aides developed the convert's zeal to move their country to the model that was so manifestly superior to the Soviet model.

And, I ask my Kazakh hosts, how did those cracks develop in the closed society? They answer that the arms race launched by President Reagan bankrupted the Soviet Union. Meanwhile the Reagan administration's public information agencies got word of democracy and freedom through the cracks. Mr. Reagan's boasts about America being a "shinning city on a hill" resonated with those who today are leading Kazakhstan to Western prosperity.

Yet Mr. Reagan's eloquence had its limits. It never impressed John Kenneth Galbraith.

SENATE—*Monday, April 3, 2000*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty and eternal God, there is no limit to what You are able to do through people who are unreservedly dedicated to You, who humbly trust You, who are open to Your guidance, and who give You all the glory for what they accomplish. We begin this new week asking You so to draw our hearts to You, so to guide our minds, so to fill our imaginations, so to control our wills that we will truly belong to You and become responsive to Your Spirit. We spread out before You the challenges of this day and ask that You will use us for Your plans and Your purpose.

Bless the Senators. Replenish their strength, renew their sense of calling to serve You here, and rekindle their enthusiasm for doing Your will in all the issues of public policy. May they, and all of us who work with them, abandon ourselves to You. We place our lives in Your strong, capable hands for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business throughout the day with time under the control of Senator BOB SMITH, Senator BROWNBACK or his designee, Senator CRAIG or his designee, and Senator DURBIN or his designee. As previously announced, no votes will occur during today's session of the Senate. However, the Senate will begin consideration of the budget resolution at 9:30 a.m. tomorrow, Tuesday morning, and votes can be expected during each day and evening throughout the week.

The budget resolution is allowed up to 50 hours of debate, and quite often we have a series of votes at the end of that time. I hope we will not get into a long list of amendments that will require votes right at the very end. It is not a very good way to do business. Last year, after a lot of hard work by Senator REID and others, we were able to reduce that list to at least a reasonable number. But Senators should be on notice that we will have to spend a good bit of time in session on Tuesday, Wednesday, Thursday, probably going into the night at least Wednesday and Thursday, and that there is a very good chance we will be in on Friday with votes.

If we can complete the budget resolution Thursday night, even if it means going late into the night, we will do that; otherwise, we will go into Friday. But we will complete the budget resolution this week so we can move forward with appropriations bills in the appropriations subcommittees beginning next week.

Members should also be aware there are a number of important committee markups that will be occurring this week. So we are going to have a very busy time.

THE FIRST TARTAN DAY

Mr. President, I should note this is also the first week in history that we will recognize those of us with Scottish heritage: Thursday, April 6, will be the first Tartan Day. I understand the head of the Church of Scotland will be here, as well as a number of visiting members of the Scottish Parliament.

I look forward to the opportunity to wear my kilt and wear a bit of the tartan on Tartan Day. I ask all my colleagues to look through their Scottish ancestry and find their tartan tie or something with which they can mark their appreciation for the impact that Scotland has had on our history. In fact, about half, maybe a little more than half of the signers of the Declaration of Independence actually had Scottish ancestry. So I am glad we will have this day to recognize that, and I look forward to joining our Chaplain, Lloyd John Ogilvie, as we celebrate this occasion.

A NATIONAL ENERGY POLICY

Mr. President, I hope the Senate will spend some time this week giving serious thought to how we should proceed on the development of a national energy policy and what we could do on a short-term basis to deal with the price of gasoline. We are not sure exactly what is going to happen. There is some indication there will be an increase of production by the OPEC countries. It is not clear exactly how much that will be or what impact it will have. If prices stay high or go higher, I think the American people are going to expect us to look at some alternatives, some short-term relief, and then also have a full debate about what we can do for the future, in terms of more production, alternative fuels, conservation—a whole package of things that are long overdue.

I think we are being given a second warning. We were given a warning in the late 1970s and 1980s when we had high gasoline prices, a shortage of supply, and gasoline lines. We knew there was a problem and that we should do something about it. We made some efforts, but it has not produced the results that we need. We are now dependent on foreign oil for 55 percent of our oil needs. I think that is totally unacceptable and a threat to our national security. During the week, I hope we can engage in some discussion and thought about this. We should be prepared to have some votes in this area next week, after the budget resolution is completed.

THE MARRIAGE PENALTY TAX

Mr. President, the week of April 10, voting not later than April 14, the Senate will have a chance to indicate whether or not it believes we should eliminate the marriage penalty tax. The House has voted overwhelmingly to eliminate that tax. The President has indicated he thinks we should phase it out. Now the Senate Finance Committee has acted on a package that will be available and will be acted on in the Senate that week of April 10. Like the Social Security earnings test, are we finally going to do what we have been talking about for years? The Social Security earnings penalty was in place for 30 years but finally, last week, the Congress did something about it.

We have been talking about how we were going to eliminate the marriage penalty tax for 10 years. Are we going to do it? Are we finally going to do something about it? Also, this one takes on particular significance to me because our daughter was married last May. She and her husband both work. She is a young professional woman. She has discovered this applies to her and that they are going to pay more taxes this year than they did last year, even though they make about the same amount of money. She says: Dad, you must do something. So we did something in the Finance Committee. Will we do it in the Senate? Will we rise to this challenge?

Would anybody like to try to explain this tax to the married couples in America, particularly newly married couples who are first confronted with this marriage penalty tax? Would anybody like to defend it? Would anybody like to explain that it is fair and should be in place? No.

I have asked that question in all kinds of groups with all kinds of backgrounds and philosophies, and not a single hand goes up to defend it. So the Senate has a chance to act affirmatively in this area the week of April 10. I look forward to that.

THE GONZALEZ MATTER

Mr. President, finally, and not least, obviously there is a lot in the news media about the Gonzalez matter. I am not sure this is something that Congress should step into. I would like it to be handled in an appropriate forum, such as a family court, but the Government seems to be involved. The Government seems to be determined to send this young boy back to Cuba. I think that is a mistake, without full opportunity for appeals and an appropriate court consideration of what is best for the young boy.

We may have some opportunity to consider this issue in the Senate. We will be careful about how we proceed. But I do not think we can stand by as if we did not know what was going on. So I hope my colleagues will join me in giving thought to an appropriate way to proceed on this matter.

Mr. President, I yield the floor. If no Senator is seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Nevada.

BUDGET

Mr. REID. Mr. President, the leader is right, this is a historic time. It is historic because this is the week we are going to begin deliberations on the budget that will guide all of our spending for this year. We have 13 appropriations bills and as soon as the budget is adopted, we can start appropriating.

I hope my friends on the majority side of the Senate will understand that we really are doing quite well as a country. This all began in 1993 when we voted on the deficit reduction plan. I am sorry to report it was not done in a bipartisan fashion. Every vote for that deficit reduction plan was cast by a Democrat. It passed the House of Representatives by one vote. In the Senate, it resulted in a tie that was broken by the Vice President of the United States, AL GORE. As a result of that action, the United States has seen on an unprecedented amount of economic expansion.

In April, we reached 107 months of consecutive economic growth, the longest period of economic growth in the history of this country. We are now 2 months beyond that and still growing. We have created about 21 million new jobs. The majority of these jobs are high-wage jobs, high-paying jobs. We have had the lowest unemployment and the lowest inflation in 30 years.

We talk about the size of Government. Well, we have actually done something about the size of Government as a result of the program President Clinton initiated and which was supported in the Senate in 1993 by a tie-breaking vote of Vice President GORE and in the House by one vote. We have cut the size of Government. We have talked about the Government continually getting smaller. Now it is about the same size as when President Eisenhower was President. We talked for a year or two about it being the size when President Kennedy was President. We have gone even beyond that.

Home ownership is the highest in the history of this country. The country is doing very well. I hope we continue the record economic expansion because it does give us a historic opportunity.

We need to save Social Security. We need to make sure it is strengthened. Now that it is going to be OK until about the year 2035, the President wants to move forward and make sure it is OK for another 20 to 30 years. We should do that as soon as we can.

We should do something to expand Medicare so that prescription drugs are part of the program. It is no longer adequate that we have hospitalization and some doctor care for senior citizens. It is important we realize they also need help with prescription drugs.

People over the age of 65 get an average of 18 prescriptions filled every year. We need to do something about that. Sixty percent of senior citizens have trouble paying for prescription drugs. Some do not get the prescription drugs they need. Some, because they do not have enough money, take half a pill a day when they should take one pill a day. They split the pills. People are actually going without food for medicine. We need to make sure that we, in this richest country in the history of the world, the only superpower in the world, have some program for prescription drugs. I hope we do not squander this opportunity.

This already is a Presidential campaign issue. I think we should take a look at what the Republicans are saying about Governor George W. Bush's budget which there is going to be a tremendous tendency to adopt on behalf of the majority.

Senator JOHN MCCAIN says:

> But, more importantly, there is a fundamental difference here. I believe we must save Social Security. We must pay down the debt. We have to make an investment in Medicare. For us to put all the tax cuts—all of the surplus into tax cuts I think is not a conservative effort—I think it's a mistake.

Senator MCCAIN is right. This country has a debt of over $5 trillion. We should address that in this budget. We should not be going on speculative tax cuts. It seems the only thing the Governor of Texas understands as a solution to a problem is a tax cut. We have an energy crisis. What does he recommend? A tax cut, about which I am sure the oil barons, the oil moguls in the Middle East, are jumping for joy. I guess George W. Bush thinks anytime the price of gas goes up, all the Government has to do is lower the tax and continue producing as much oil as before, and it makes the Middle Eastern oil producers very happy.

He also suggested an income tax cut, even though a week ago it was reported in the press all over the country that income tax rates are at their lowest in the majority of categories. Our taxes are lower than they have been for 40 to 50 years, depending on which category one is in. Yet George W. Bush wants an income tax cut. Again, what Senator MCCAIN says about that is:

> Thirty-eight percent of Governor Bush's tax cut goes to the wealthiest 1 percent of Americans.

We have Members in the House who disagree with the budget of George W. Bush. LINDSEY GRAHAM says:

> It is a large tax cut that's going to eat up all the surpluses if they come about. It does nothing, in my opinion, fiscally responsible to reduce the national debt. It doesn't address the Social Security issue. Here's what Governor Bush said: "There's plenty of money to take care of the debt, take care of Social Security and give you a big tax cut. The truth is this money is a projection 10 years in the future and Congress' spending plan is going to destroy the projection. If the economy goes south, he—

Meaning George W. Bush—

> has dedicated all the surpluses to a tax cut. The $5.8 trillion debt needs to be addressed quickly.

I could not agree more with Representative LINDSEY GRAHAM. We have to address the debt. If we address the debt, we reduce the debt and it is a tax cut for everybody. We pay hundreds of billions of dollars on interest on the debt. If we did not do that, it would be money in everyone's pocket, not just the 38 percent that goes to the wealthiest 1 percent of people in this country.

We are going to debate the budget this week to find out if we are going to adequately take care of the needs of this country. Can we meet the demands we have? What demands do we have? One can look at all the appropriations bills and, at random pick, for example, the Interior appropriations bill. Our national parks are the envy of the world, but our national parks have a backlog of renovations and repairs of almost $10 billion. We are closing national parks. The national parks deserve some attention. In the State of Nevada, we only have one national park and it too has a backlog of needed repairs. The people who work for the National Park System live in quarters that are unbelievable. They are bad.

In Grand Canyon National Park, in the sister State of Arizona, they live in facilities that are difficult to describe. They look like big tin cans. People who work to preserve or national parks should not have to live in facilities such as that.

We need to help our National Park System, not only with the living quarters of the people who work in the parks, but also simply to make it so that when tourists visit them, they can visit all the parks, and that the roads are OK, the trails are OK, and, in fact, that we do a better job of preserving our parks.

We can look at every appropriations bill we have to consider this year and there are things that need to be dealt with.

The point I am trying to make is, the American people recognize that there are things we need to do other than cutting taxes. We need to make sure we take care of Social Security, we address education, and, as I have already talked about, we need to do something about Medicare. There are priorities the American people have that are more important than reducing Federal income taxes, which are the lowest they have been in 40 to 50 years.

I hope, as this debate unfolds this week, we will be able to seize upon this opportunity to continue the record economic expansion that was started in the 1993 Budget Deficit Reduction Act. I hope we can meet this historic opportunity, on a bipartisan basis, and vote on amendments that come before us on this budget bill not on strictly a partisan basis but on what is best for this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

THE BUDGET

Mr. THOMAS. Mr. President, it is my understanding our focus this week will be on the budget, as it should be. One of the things, of course, that is very necessary is to address the budget each year, and one of the things we haven't done that we should do, and are doing this year, is to address the budget early so we don't find ourselves at the end of the session being sort of at the mercy of the President, who can kind of put the leverage on us to do what he wants us to do or else suspend Government operations and, of course, blame the Congress, which has happened before.

In any event, when we are talking about budgets, it is easy to get off into the detail. That is what we will have to do. My friend from Nevada talked about the plans for spending, and that we will have the budget come up, and that we have fortunately, for the third time in 40 years, some extra money—a surplus—in the operating budget. So many, particularly on the other side of the aisle, are searching for ways to spend the money, which is fine. But it seems to me that the responsible approach we ought to take and the approach I believe most Americans want us to take is to evaluate where we are with respect to Government, what the role of the Federal Government is in these various policies, and to make a determination as to what expenditures ought to be made that are consistent with what we believe to be the legitimate role of the Federal Government.

We need to talk about an analysis of that because what happens for the rest of the year is pretty much guided by what you do in terms of the budget—unless, of course, you simply ignore the budget later on. I hope that is not the case. So we ought to be talking in the areas that will be under consideration. What is the role of the Federal Government with respect to the private sector? What is the role of the Federal Government with respect to local and State government? What role should be played there? It seems to me that that is basically where we ought to begin having made that decision, of course, which won't be unanimous because there is a good deal of philosophical difference as to where we ought to go.

There are those who believe the more money you can spend on behalf of the people by the Federal Government, the better off you are. There are those of us who don't agree with that. Some believe the role of the Federal Government should be limited, that we ought to do the things that encourage people to do things, give them the ability to do things for themselves, and leave many decisions with the people in local and State governments. I agree with that.

We ought to be doing something specifically for Social Security. The President has been talking for several years about "let's save Social Security." But he doesn't have a program at all to do that. Just to say "let's save Social Security" isn't the proper approach. Indeed, we have ideas on this side of the aisle as to what we ought to do. Clearly, there are three options as to what you do to make sure the young people now paying in from their first paycheck 12.5 percent will be able to have benefits when the time comes to do that. One is to raise taxes. Very few people are for that. Another, of course, is to reduce benefits. Very few are for that. The third option is to take that account and make it a personal account for the person who has paid in the money, and allow, on their behalf, for this money to be invested in the private sector in equities or bonds or stocks so that the return on that trust fund will be much higher than it is now and the benefits will be there.

We talk about paying down the debt. It is a great idea. We have done very little of that over time. We have a $5 trillion debt. This generation and preceding generations have spent it, and we are going to leave it up to others to pay for it. We have paid down the debt some with respect to taking Social Security money and putting it over there in place of publicly held debt, which is a positive thing to do; the costs are less. Really, to pay it down, we ought to be taking some of the surplus out of the general fund and putting it over there. Frankly, we don't do that unless we have a plan to do it—something like a mortgage in which we say over 15 years, or whatever, we are going to pay that off. Then we can take so much every year to do that, and we are dedicated to doing it. That is not the approach taken by the administration.

There is great concern about tax reduction. I certainly believe we ought to take care of adequate spending, protecting Social Security, paying down the debt, but then what is wrong with tax reduction? That is where the money came from. Just because there is more money coming in as a result of a stronger economy doesn't mean we necessarily have an obligation to spend it, which is what the other side often says we ought to do. Much of the tax reduction is just a fairness issue. For instance, the marriage tax. Why is it that two people who are making a certain amount of money as two single persons get married and they have to pay more taxes on the same amount of earnings? That is very unfair. Part of what we talk about in tax reduction is a matter of fairness. Part of it is also incentives to do other things.

So we will be talking about the Republican budget that will be coming before this Congress, in which we safeguard Social Security, shield Medicare, pay down the national debt, and at the same time work on the fairness issue. We will be protecting that surplus by not spending it, which is unique, only happening in the last several years. It strengthens Medicare by increasing—as we did last year and again this year—some of the reductions that were made in the balanced budget amendment. We will reduce the national debt, hopefully, by using operational funds to do that, as well as Social Security dollars. We will provide tax fairness for families. We need to do that. We need to balance the budget again, as we have for about the third time in 40 years. So that is a very good thing.

This budget, over time, reduces the debt by $177 billion, wipes it out over 13 years—if we stay with this budget. That is the kind of commitment we ought to make. We talked about tax reduction. Think about what it is. This budget would provide about $150 billion in 5 years in tax relief to American families—over $13 billion next year alone in the form of marriage penalty relief which, again, is a fairness tax. In the form of educational assistance now, is reducing taxes a bad thing if we are going to—increase the health care deductibility? I don't believe so. We are seeking to provide more coverage for people—without making a total government program out of it—by giving some kind of tax relief to do that.

I think this is going to be a very important debate and an important discussion. I understand there will be differences of view. That is what this body is all about, talking about different philosophies. There will be different philosophies, such as saying the more spending we have, the better government is and the better off everyone is. That is a point of view. I don't happen to share it. I think there ought to be limitations on the size and role of government. We ought to be building opportunity instead of doing those sorts of things.

I think we have a great opportunity to do some of the things we have talked about for years; that is, to reduce the debt, to secure Social Security, and to provide some incentives for people to do things for themselves.

We have the opportunity, and we will be doing it this week. I think we ought to take into account not only the dollars that are there, and not only the specific expenditures, but how we envision the role of government over time. How does that fit into the idea of freedom and opportunity for all? What is the role of a government in that?

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, I come to the floor today to talk about a very encouraging development and solution with respect to prescription drugs.

I have come to the floor on more than 20 separate occasions over the last several months to talk particularly about how America can no longer afford to deny this critical coverage. Again and again, I cited examples on the floor of this Senate about how our country cannot afford to deny seniors the opportunity to get prescription drug coverage. I have talked, for example, about the exciting anticoagulant drugs. These drugs allow a senior citizen, for example, for perhaps $1,000 or $1,500, to prevent a stroke which might end up costing more than $100,000.

What is so exciting about these prescription medicines is that they don't just help older people when they are very ill, but they are absolutely key to keeping older people healthy by lowering blood pressure and cholesterol. They will help senior citizens stay in the community and will keep them from racking up those much larger health care expenses under what is known as Part A of the Medicare Hospital Insurance Trust Fund.

Again and again, we have seen examples of how cholesterol-lowering drugs can reduce death and expenses for senior citizens.

For example, heart disease is the leading cause of death for persons 65 and older. Beta blockers can reduce long-term mortality by 25 percent, and they cost about $360 a year, or $30 a month.

One in five older women has osteoporosis. About 15 percent have suffered fractures as a result this disease. This disease is the leading risk factor for hip fractures. Estrogen replacement can reduce the risk of osteoporosis as well as cardiovascular disease. One commonly used drug costs $20 a month. This is an investment that can help avoid those hip fractures and help avoid the extraordinary medical expenses.

I must say that my own mother, who will be 80 years of age very shortly, had a hip fracture recently, and this drove home to me how these prescription medicines can help avoid the kinds of health problems that my mother and scores of others seniors have seen, and how providing coverage now is an investment this Senate cannot afford to pass up.

What was exciting about the developments in the budget resolution was, first, that the Budget Committee committed $40 billion would be committed for this important program. For example, on the other side of the Capitol, the House of Representatives talked about $40 billion, but they could spend it on just about anything in the health care arena. The Senate Budget Committee said we are going to make $40 billion available for prescription drugs because it is high time we set in place this important coverage.

Second, we provided a date certain to get this job done. Our colleague from Louisiana, Senator BREAUX, has been correct to say repeatedly that the Senate Finance Committee has now held 14 hearings on this issue. Clearly there is great interest in that committee in moving forward.

The budget resolution says on this point that if the Senate Finance Committee does not come forward with a prescription drug benefit on or before September 1st of this year, any Member of the Senate can come to the floor of this body and bring this issue before the Senate.

The Presiding Officer of the Senate, who serves with me on the Senate Committee on Aging, could come to the floor if he had a plan to deal with prescription drugs. Senator SNOWE and I have teamed up on a bipartisan basis. We are particularly grateful for the help of Senator GORDON SMITH last week in the Budget Committee. The resolution allows any group of Senators to come forward with legislation if the Senate Finance Committee does not report a prescription drug measure on or before September 1st of this year.

I think it is critical to note that many Senators in the leadership of both political parties were involved in this effort.

Senator DASCHLE has talked to me almost daily about the importance of the Senate dealing with this issue, and dealing with it this year. He has worked very hard to try to reconcile the various approaches Senators have on this issue. He also has been steadfast in saying how important it is that the Senate not put this off until after another election.

There may be some colleagues on the Republican side and some on the Democratic side who will say: Let's just talk about this in the political campaign.

I believe we can't afford to deny this coverage to the Nation's senior citizens.

Senator DASCHLE has been resolute in saying we ought to go forward and deal with this issue, and deal with it in this session of Congress.

I also want to commend several of my colleagues on the other side of the aisle: Senator DOMENICI, for example, in the Budget Committee, when this issue got to a flash point; it would have been very difficult even to go forward. Senator DOMENICI worked with several of us, particularly Senator SNOWE and Senator SMITH, in order to bring the committee together on this point. We had some bipartisan support last week in the Budget Committee for taking tangible action on this issue.

What is really important is that every Senator understands that I and others are going to stay at this issue again and again and again so the Senate does not miss this historic opportunity.

Too often, whether dating back to catastrophic health care legislation or the failed efforts in 1993 and 1994 to pass comprehensive health care reform, we have muffed. The Congress has muffed the opportunity to put in place a historic breakthrough in terms of health care in our country. I think we have another such opportunity as a result of the work that was done in the Budget Committee last week.

Only about one in four of our senior citizens has prescription drug coverage. Many of them take up to 20 medicines a year. Something like 20 percent of the Nation's senior citizens spend over $1,000 out of pocket now on their prescription medicines. As a result of these and other factors, there is not a single specialist in the health care field and not a Democrat or a Republican who would create a Medicare program today without including prescription drug coverage.

That is why the breakthrough we saw in the Budget Committee last week is so important. I think it is absolutely critical that we keep what was done in the Budget Committee throughout this process. It may be challenged on the floor of the Senate this week. My understanding is that there will be Senators opposed to it, but I think we can build on the work that was done last week in the Budget Committee. Again, I commend Chairman DOMENICI, Senator SNOWE, and Senator GORDON SMITH, my colleague from Oregon, for working with us on it—we can get this done; we can ensure that action on prescription drugs is tied to reform of the Medicare program.

Many of my colleagues have stressed this. I think they are right. I, too, happen to believe it would be better to have comprehensive Medicare reform that includes prescription drug coverage.

I think it is also clear—and I stress this because it is so important to this Senator and many on this side of the aisle—that we cannot afford to wait. We want to use competitive purchasing principles for prescription drug benefit. We will use the kind of principles that make sense in private sector health care. We will ensure the benefit is voluntary. No senior would have to choose this particular benefit if they preferred their existing coverage. However, we do want to put in place a universal coverage program. We want to get it done before this Congress adjourns.

We are going to fight with all our strength to protect what was done in the Budget Committee last week on the floor of the Senate this week and when it goes to conference and throughout the process so that if the Senate Finance Committee does not act to provide this benefit on or before September 1 of this year, that any Member of this body will be able, without facing points of order, come to the floor of the Senate and force the Senate to deal with this critical issue.

I am sure when my colleagues go home and talk to constituents they will find what I have found; that is, the question of prescription drug coverage is one of the two or three most pressing issues our constituents care about.

We have families and older people all across this country who are walking on an economic tightrope balancing their food bills against their fuel bills and their fuel bills against their medical costs.

I have been bringing to the floor of the Senate cases of older people who are supposed to take three pills and they take only two. They are breaking their lipid-lowering capsules in half—the drugs that help to deal with cholesterol and heart problems—because they cannot afford to take the full pill.

I spoke recently about a case from Hillsboro, OR, my home State. A physician actually put an elder person in a hospital for 6 weeks because that elderly man could not afford the medicine on an outpatient basis. Allowing outpatient coverage of medicine is what we are trying to accomplish in the Senate. Seniors could get their medicine without going into the hospital. That older gentleman in Hillsboro, OR, had to be hospitalized for 6 weeks so he could get his medicine paid for under what is known as Part A of the Medicare program. That is a classic example of how, under today's health care system, dollars are wasted by having a person hospitalized rather than getting help in the community and, at the same time, facing the predicament of taking longer to get healthy than if these benefits have been available more promptly on an outpatient basis for the elderly.

Last week's developments in the Budget Committee were encouraging. Many predicted the Budget Committee would not adopt binding language with respect to prescription drugs that would allow the Senate to get this program enacted, and get it enacted this year. However, the Budget Committee came together. I commend my colleagues, Senator SNOWE and Senator GORDON SMITH. They have worked with me for 15 months. We now have funding available in the budget resolution. We have a date certain when it can actually come before the Senate. If the Finance Committee doesn't act on or before September 1, any Senator could bring this issue to the floor of the Senate and it would be tied to the question of Medicare reform.

There is a long way to go. We have to get through the discussion this week. Then we will have a conference committee. Then many Members will work closely with the Finance Committee where there are many interested Senators who have devoted time to this prescription drug issue.

What was done in the Budget Committee last week was something of a breakthrough. It was a very encouraging development for the millions of seniors and families who are watching how Congress deals with this issue, watching to make sure we do it this year, do it on a bipartisan basis, and not just send it out to be another topic and cannon fodder for the political campaign this fall.

As I have made clear, I intend to keep coming back to the floor again and again raising examples of why this Nation cannot afford to deny prescription drug coverage for the elderly. More than 4,000 seniors from Oregon have written me since I have begun this effort. The cases illustrate in a dramatic way how important it is that Congress deal with this issue now.

I intend, with my colleagues, to come back again and again and again until we get this coverage for the Nation's older people. This country can no longer afford to have the Congress deny this coverage. With the work done in the Budget Committee, we have an opportunity now to deal with this issue promptly. The seniors who come to our town hall meetings with their prescription drug bills tell how their private insurance doesn't cover their prescriptions. Because they cannot afford prescription medicine, very often they get sicker. They are the ones who have a right to expect this Congress to act.

The developments last week for the first time give me a tangible sense that we are going to be able to get this done. It was concrete evidence that the Congress understands how important this issue is. Many of my colleagues have said this is one of their top two priorities for this session of Congress. Certainly it is for this Senator. We are going to keep coming back to this floor, stressing the need for action on their prescriptions until the Senate moves to do what should have been done years ago.

When Medicare was enacted in 1965, it did not cover prescription drugs. Now the big buyers, the health maintenance organizations and the health plans, are able to negotiate discounts. That means senior citizens in Alabama, Oregon, and across the country pay more for their medicine because they are not able to get the benefits of the big buyers. Seniors are going to have the power of the big buyers if we can act this session. A number of the key bills before the Senate give older people bargaining power in the marketplace in order to be able to afford their medicine. That is key—affordability—the ability of senior citizens to afford their prescription medicine so they don't have to give up food, rent, and heat.

Making drugs affordable for seniors has been important to all Members who have focused on this issue. Yet there are many seniors who struggle to make ends meet because they cannot get medicine in an affordable way. The budget resolution provides the opportunity now for those seniors to get relief. I will do everything in my power, and there are many of my colleagues who will, as well, to defend what was done in the Budget Committee last week on prescription drugs throughout this process. If we have a floor fight on this measure, those who try to knock out what the Budget Committee did ought to understand how strong Members feel who worked to get that prescription drug coverage in the budget resolution. I hope we will not see that kind of fight.

I hope the work done by Senator SNOWE and Senator SMITH, along with Senator DASCHLE, Senator CONRAD, and myself, the group of Members who worked with the Budget Committee, can be preserved.

It ought to be preserved for the Nation's senior citizens. Those are the people who are counting on us to deliver on this critical issue. I intend to keep coming back to this floor again and again and again until we have achieved this major health care reform that the older people of this country richly deserve.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. I inquire of the Chair, what is the business on the floor at this moment?

The PRESIDING OFFICER. Morning business.

Mr. CRAIG. Mr. President, I will then proceed for the next few moments in morning business.

I believe that when I am done, I will also conclude the Senate for the day and take us out, as others who had been planning morning business comments for the day are not going to be with us.

ENERGY PRICES AND GAS TAXES

Mr. CRAIG. Mr. President, I thought I would come to the floor today to speak again about energy and the current energy cost crisis in which this Nation finds itself.

Many of us have been to the floor numerous times over the last several weeks comparing our current situation and the tremendous runup in gas prices with this administration's lack of an energy policy and how they correlate—or if they relate.

I have said, most critically, over the last several weeks, the only policy in town is the "tin cup" policy: Give our Secretary of Energy a tin cup, and send him to foreign oil-producing nations to beg for a little crude.

He has been begging. He wanted a lot more. He begged for 2 million barrels a day in additional production. He got considerably less than that. I think it is now a wait-and-see: How does this level out? What do the markets say? What is the consumer going to pay at the gas pump in July? My guess is, the consumer is going to be paying near $2 a gallon for regular gasoline, depending on where they are in the country.

The reason for this situation is what I would like to talk about this afternoon. Congress can respond in some ways. But we cannot increase oil production in the short term because, largely, we have had a policy of reducing oil production in this country for the last two decades, and it takes time to bring that production back on line. A great many people out there are opposed to increasing domestic production—all in the name of the environment or all in opposition to using hydrocarbons or some other issue that has helped shape the Clinton/Gore energy policy over the last 8 years.

When the Clinton-Gore administration came to town in 1993, its announced intention was to drastically alter the way the Nation used energy, especially fossil fuels. The President and the Vice President determined that a broad-based Btu tax would force us away from coal and oil and natural gas to renewable energies, such as solar and wind and biomass. That objective has remained the hallmark of this administration's energy policy—until now; that is, until the day before yesterday, when the President was blaming the Congress, saying we had failed to reauthorize the Strategic Petroleum Reserve—the salt domes in the Gulf of Mexico, where we have stored about 570 million barrels of crude oil.

The President promised his Btu tax would raise nearly $72 billion over 5 years, from 1994 to 1998, and marketed it as fair, helpful to the environment, that it would force down our dependence on foreign oil, and that it would have trivial impacts on consumers.

Congress did not pass the Btu tax because we thought it would be damaging to the consumer. And over the years we have become increasingly more dependent upon foreign oil. I doubt the President can declare a victory because he was unable to suck $72 billion out of the back pockets of Americans while at the same time he advanced policies that slowed down crude oil production in our country.

In fact, the Btu tax would have unfairly punished energy-intensive States and industries. Estimates by the American Petroleum Institute and the National Association of Manufacturers predicted the tax would hurt exports, reduce GDP by $38 billion, and destroy 700,000 American jobs.

That is why the Congress finally refused to pass the tax, over the President's and the Vice President's objection. Vice President GORE and President Clinton claimed the tax was needed to balance the budget and fund large new spending programs to offset the negative impact of the tax. They also claimed that use of crude oil imports would be reduced by 400,000 barrels a day.

At that time, DOE's own projections predicted—this is the President's own Department of Energy—that the tax would shave oil import growth by less than one-tenth in 10 years. DOE also predicted that by the year 2000, Americans would depend on foreign oil for three-fifths of their total crude oil requirements.

So quite the opposite was going on inside the administration. The President was talking politics, and his own Department of Energy was analyzing the matter and coming up with some very interesting facts.

The American Petroleum Institute, in testimony, said:

> . . . even if imports were to fall by the full 400,000 barrels a day claimed by the Administration, the cost of $34 billion in lost GDP is excessive relative to other alternatives for improving energy security. Using the Administration's optimistic predictions, the cost of the Btu tax works out to about $230 per barrel.

Of course, that would have been devastating to an economy that is highly dependent upon fossil fuels that not only make our cars and trucks go, but feed the whole petrochemical industry which manufactures carpeting, herbicides, pesticides, insecticides, and plastics, all of those things that make up our very large, integrated economy—therefore, the 700,000 estimated jobs lost if we were to raise the price of crude oil to $230 a barrel.

In the end, Congress did the right thing; we refused the President's and the Vice President's policy and said it would simply create havoc in our economy. Congress did agree to raise taxes on transportation fuels by 4.3 cents—the first time the Congress has actually put a tax on fuel—and then put it into the general fund of the Treasury. Of course, it was argued to be a deficit reduction tax.

A couple of years ago, we finally pulled that tax out of the general fund and put it back in the surface transportation fund, where all highway fuels taxes have gone historically, to fund the construction of roads, highways, and bridges.

The Clinton-Gore administration's obsession with fossil fuel use reduction has actually put us in the position we find ourselves today. The President, on March 7, 2000, at the White House said:

> Americans should not want them [oil prices] to drop to $12 or $10 a barrel again because that. . .takes our mind off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.

He is referring again to the cost of fuel. He simply said it would move us away from a desire for alternative fuels if we were to see low gasoline and fuel prices. Isn't that terrible? The alternative fuels were synthetics, highly subsidized by as much as $25 to $30 a barrel by tax money and, of course, alternative energy and electricity by solar voltaic cells and by wind machines.

The only problem is, I have not yet seen a car, or a truck for that matter, going down the road with a solar cell on the top of it. I don't think they run very well that way. Somehow the President and the Vice President, in their hatred of fossil fuels, have forgotten that point.

That is kind of an overview of 1993 to the present. What has happened during this administration? Domestic oil production is down 17 percent, and our crude oil consumption is up 14 percent. Dependence on foreign sources of crude oil has risen to 56 percent of our total crude requirements. In 1973, during the Arab oil embargo, our dependency was only 36 percent. I can remember that time.

I am sure some listening this afternoon will remember the gas lines, the frustration and even the violence that occurred when Americans found out for the first time there wasn't an abundance of energy. There was a shortage. They couldn't get what they needed for their commuting or the running of their businesses.

Since that time, while this country has struggled to put a policy together, other policies of our Government, largely environmental policies—some for the right reason—have progressively reduced our overall ability to produce and use domestic energy sources. That, coupled with the fixation of this administration on eliminating fossil fuels, now brings us to that point where we are now over 56-percent dependent.

We all remember in the early 1990s we were fighting a war in the Middle East. Why? Well, to help some of our allies. Those allies were large producers of crude oil, Saudi Arabia and Kuwait. We were fighting Iraq because the Iraqis had crossed the border and started the war. In the end, as they retreated and we were victorious, they set fire to many oil wells in Kuwait. We remember that phenomenal picture from the Middle East of black clouds of smoke as those oil wells burned. Many of our oil field workers went in and put the fires out for our neighbors.

Now, what is the irony of that? Today, the very enemy we fought is selling over 700,000 barrels of crude oil each day to the United States. Something is wrong about that. Something is wrong about an absence of foreign policy that has allowed that to happen. That is the reality of where we are.

Americans grow angry when they understand this administration only has excuses and solar cells and windmills for an energy policy. They understand that the Clinton/Gore foreign policy, working hand in glove with its non-energy policy, now tolerates that we buy Iraqi oil.

Of course, we are not sure where that money goes and what it is used for. Is Saddam Hussein being allowed to build another war machine with the millions of dollars a day that pour out of the pockets of our consumers into the treasury of Iraq? The Clinton-Gore administration, while making much of increased appliance efficiency, greater use of renewables from biomass and other ideas, ignores a very fundamental fact. A large part of our energy use cannot be addressed by these measures.

I am not suggesting we not pursue new technologies and alternatives. Where a solar cell fits, put one up; where wind farms work, we ought to have them. We ought to be striving to build the efficiencies of the new wind turbines. At the same time, those will not fuel a nation that produces the kind of growth we produce and builds its efficiencies based on flexible transportation and the ability to send our people and our products in an integrated way around the Nation and around the world.

The administration's failure to encourage domestic oil production and production of coal and natural gas has led us to this point of near crisis. This Congress will engage in the very near future in debating the issue to see what we can do in the short term to help solve the pressure being placed on our consumers, but we also will be looking at long-term policy to see if we can't begin to produce more of our own resources again.

For example, if we have the right tax incentives and if we were able and willing to build a floor for the small 15-barrel-or-less producer, we are not talking about the major oil companies. We are talking farmers and ranchers and private property owners spread all across the mid to lower south central part of our country and southwest that are known as stripper well producers. Their break even is about $17 a barrel. When gas oil crude prices went to $10 a barrel last year, many of those wells were shut in. If we would help encourage that production once again, we could produce well over a million barrels of oil back into our economy that is not producing today.

I think that is tremendously good policy, if the tradeoff is putting money in Saddam Hussein's hand to build a new war machine versus helping subsidize or provide incentives for the small producer across this country to bring back on line a million barrels a day of domestic crude oil.

The administration has refused to acknowledge the vast oil reserves and gas reserves we have offshore and in ANWR, the Alaska National Wildlife Refuge. We know we can explore and produce in these areas in an environmentally sound way. ANWR is an area about the size of Dulles Airport relative to the whole State of Virginia. Those opposed to exploring ANWR would have you believe that if we drilled inside Dulles Airport that it would pollute the whole State of Virginia.

How foolish can some of these people get who make those kinds of arguments? The President listened. The Vice President listened. They have refused to promote a policy that would allow safe and sound drilling to provide the energy for our country.

The Clinton-Gore administration recently announced a ban on future exploration for most of the Federal Outer Continental Shelf through the year 2012. That is where the real big oil reserves are left in this country, offshore. I know we all remember the oil spills of 20 years ago on the coast of California. What no one is talking about is the tremendous new technology that has been applied to the gulf and other areas where drilling goes on, where wells don't leak today and blowouts don't happen. If they do occur accidentally, they are immediately shut down. All of those technologies are in existence. I think anyone who has looked at the record of drilling in the Gulf of Mexico recognizes that it is clean and it is sound. It is extracting the resource and is having almost a zero impact on the environment of the gulf area and its coast lines.

In 1996, the administration resorted to the little used 1906 Antiquities Act. The President argued it was a major emergency and he had to lock up these millions of acres in Utah. What he was really locking up, for fear that it might be mined, was 23 billion tons of low-sulfur, high-value coal that could have been used to generate electricity in our country today and well into the future.

All of these areas that would have been mined—and they were a very small part of the over 1 million acres that the President locked up in the Grand Starcase/Escalante National Monument—would have been reclaimed in a natural way because that is part of the environmental policy of our country today. If you are going to disturb the land, once you have done so, you must put it back in as near a natural way as is possible.

The Clinton-Gore administration has vetoed legislation that would have opened the Coastal Plain of the remote Alaskan national wildlife reserve. It is estimated that there are 15 billion barrels of domestic crude oil up there.

The administration also has ignored a report prepared by the National Petroleum Council, requested by the Energy Secretary, explaining how the Nation can increase production and use of domestic natural gas resources from about 22 trillion cubic feet per year to more than 30 trillion cubic feet per year over the next 10 to 12 years. In other words, we could add nearly 10 trillion cubic feet of new domestic gas to our energy mix.

That would allow the Northeast, which is tremendously dependent upon oil for space heat, to convert to a much cleaner fuel, a much more efficient fuel, a fuel of natural gas, and bring down their dependency on oil fuel for home heat and space heat.

The Clinton-Gore administration has shown little interest in solving our domestic energy problems until now, as the foreign oil producers have forced crude up to over $30 a barrel last month. Gasoline prices, last week, were $2 a gallon in San Francisco.

Mr. President, I argue that the Clinton-Gore administration has acted in other ways designed to force us away from the use of a reliable, available, relatively inexpensive fossil fuel, and the only argument the President had this weekend during his radio address was: Congress, you are to blame.

Yet I have listed numerous vetoes or efforts to block our administrative and rulemaking processes that have actually blocked production in our country. That is why many of us have suggested to this President that he needs to step back and work with Congress to define a national energy policy that promotes increased domestic crude oil and natural gas production, while looking at all of the other alternatives we have and the new technologies, especially clean coal technology. Nothing should be done in isolation of the other. It ought to well be a total package that we would want to work on.

My distinguished friend from West Virginia, Senator ROBERT BYRD, spoke eloquently last week on the subject. I want to add a few thoughts to his comments. The U.S. has the world's largest demonstrated coal reserve base and more than 90 percent of our total fossil fuel energy reserves are in coal. Yet this administration has downplayed new coal-burning and clean coal technologies—the very kind of thing we ought to want to bring online as much of our electricity is generated by coal, and as we define and refine the science of global warming and attempt to understand the cause or causes and how to respond. At present rates of consumption our coal will last for up to 270 years. In other words, we blessed with huge coal reserves. Yet this administration's lack of policy has forced us into near crisis. Coal is used to generate 56 percent of our electrical supply and about 88 percent of the Midwest's electrical needs. Coal use for electrical power has risen more than 250 percent since 1970, while sulfur dioxide emissions has decreased by 21 percent due to technology and, in part, due to some of the money we put into research sponsored here that has moved that kind of technology.

Now, as my colleagues think about all of this, here is a quote I found by the President over the weekend. Remember, I was talking about coal. I was talking about our tremendous need for production of electricity. Here is what the President was saying over the weekend:

> I think to a much greater degree, then, we have a commitment to the notion that we can improve the environment while we grow the economy—

None of us disagrees with that. But he goes on,

> . . . that is what the whole global warming issue is about. All over the world, there are people who just don't believe that you can get rich unless you put more stuff in the air that heats up the earth. They think you have got to burn more coal and oil in the digital economy. That is not true.

Mr. President, what you have said isn't true. What runs the digital economy of our country? What turns on the computer? What fires up the Internet? A solar cell? A wind mill? I don't think so, Mr. President. It is the abundance of electrical power.

Let me repeat: Coal use for electrical power has risen more than 250 percent since 1970, and the sulfur dioxide emissions during that time have actually decreased by 21 percent. Furthermore, the gas the Clinton/Gore administration blames for global warming, carbon dioxide, isn't a poisonous gas and isn't regulated under the Clean Air Act.

The point I am making is simply this: An abundant economy—the kind we are experiencing today that has us at or near full employment—is a direct result of an abundance of relatively inexpensive energy. The history of our country has been based on the availability of energy. That is why we are the wealthy Nation we are today. Look at the rest of the countries of the world: as they strive to grow and provide an economy for their people, they develop their energy base.

My wife and I and a group of business people from Idaho were in China in December. The skies were so dark there in Beijing that you could hardly see because they don't have the clean coal technology we have. Yet they are growing very rapidly and they need an abundant source of energy. They are building dams and nuclear reactors, and they are searching for a cleaner way to burn their coal because they know if they are to grow and provide their country and their citizens with opportunity, they are going to have to use coal to generate electric energy. President Clinton, I don't think you really get it. Do you think this new hi-tech, digital economy happens out there on its own? It is, in fact, a product of a nation who has an abundant energy base. In November of 1999, the EPA sued several coal-burning utilities, claiming they had made major modifications in their facilities without applying for new resource review permits. Utilities maintained that these were modifications made during routine maintenance. They were still providing high-quality energy with less emissions. Why is EPA out there suing at this moment, at a time when there is a deficiency of energy in this country and we ought to be promoting more? Certainly, we ought to be promoting it with all of the newest technology. But you don't do that by suing; you do that with policies that encourage people to do the right thing.

Lastly—and this is the irony of this administration which likes to think it has an energy policy—this morning, Secretary of Interior Bruce Babbitt is out looking for a dam to tear down. Eight years ago, he said he would like to knock down a really big dam while he is Secretary of Interior. Really big dams produce a lot of big power, Mr. Secretary, or haven't you figured that out? Big renewable power, hydropower. It doesn't have emissions; it is very clean. Yes, our fathers and forefathers chose to dam some rivers to generate electricity. Those were efficient ways to do it then, and they are finding out they are environmentally sound ways to do it now. Yet Mr. Babbitt wants to tear down one, two, or three dams, or I guess as many as he can get his hands on, or find a policies that make it difficult to keep these dams running.

Why don't we simply work to improve those dams? Why don't we make them more efficient by adding new technology to the dams, putting new turbines in them that are friendly and more efficient. It is beginning to happen nationwide. Why should we deny our country 20 percent of its energy base, or bad mouth that energy source, or attempt to tear it down? No, what I am trying to say this afternoon in this collection of thoughts is, Mr. President. I don't think you get away by just pointing a finger at a single action of the Congress and saying you didn't give me emergency authority over the Strategic Petroleum Reserve, so therefore our energy crisis is your fault, Congress.

I think I have named 15 or 20 issues on which this administration has taken a strong anti-energy, anti-production approach toward dealing with energy policy in this country. Mr. President, we can solve our energy problems. We are a marvelously creative Nation. But we don't do it by simply saying no. We do it by producing where we can produce, by creating less dependency on foreign sources, while at the same time building the kind of science and technology that allows us ever increasing energy efficiency and environmental improvement. I think in the coming years we are going to debate the global climate change issue. Getting rid of hydrocarbons isn't the answer. Getting rid of fossil fuels isn't the answer. It is finding better and more efficient ways to use them, and then allowing our technology to be sold and transferred to the world at large. If our clean coal technology were at use in China today, China would be a healthier, more environmentally clean place to live.

Someday they will be able to afford that technology, and they will want it. It is our businesses and our companies that develop it that ought to be encouraged to sell it to them. That is called leadership. It simply isn't crawling into a cave and getting a candle to light your way and heat your space. It is building an efficient system recognizing that all sources of energy ought to be at play at this moment so that we can truly develop an abundant energy package for ourselves and our Nation's future. Thank you Mr. President.

TRIBUTE TO BRIGADIER GENERAL WEBSTER, UNITED STATES AIR FORCE

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Air Force officer and former Marine, Brigadier General Ernest R. Webster, upon his retirement from the Air Force after more than thirty-two years of commissioned service. Throughout his career, Brigadier General Webster has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force and our Nation.

General Webster is a native of my home State, having been born in Anguilla, Mississippi. He entered the United States Marine Corps Officer Candidate School Quantico, Virginia in 1967. After successfully qualifying as a Marine aviator, he served as a pilot and intelligence officer for the Naval Special Landing Forces in the Caribbean region. He served his nation as an aviator in Southeast Asia while stationed with the 1st Marine Air Wing in the Republic of Vietnam. General Webster was an aircraft maintenance officer and test pilot at New River, North Carolina prior to his transfer into the United States Air Force in January 1972. After attending Maintenance Officer School at Chanute Air Force Base, Illinois, he was assigned to Homestead Air Force Base, Florida, where he was chief of maintenance, flight examiner, chief of safety, and operations officer for the 301st Aerospace Rescue and Recovery Squadron.

As a major, he was assigned to Sheppard and Little Rock Air Force Bases for flight training where he mastered the C-130 Hercules weapon system. His next assignment was chief of safety for the 920th Weather Reconnaissance Group at Keesler Air Force Base in Biloxi, Mississippi. He then moved to March Air Force Base, California, serving as deputy commander for operations at the 303rd Aerospace Rescue and Recovery Squadron. He was promoted to colonel in 1985.

During that same year, Colonel Webster took command of the 907th Tactical Airlift Group, Rickenbacker Air National Guard Base, in Ohio. He was promoted to deputy chief of staff for operations, Headquarters 14th Air Force, Dobbins Air Force Base, Headquarters Air Force Reserve, to serve as assistant deputy chief of staff for operations where he played a critical role in the call-up of thousands of Air Force reserve members to Southwest Asia during Operations Desert Shield/Desert Storm. He then moved to Duke Field, Florida, to assume command of the 919th Special Operations Wing where he directed critical tactical operations. In 1994 he assumed command of the 403rd Wing at Keesler Air Force Base, Mississippi. Colonel Webster was promoted to Brigadier General in 1995.

General Webster's accomplishments are many. Units under his command received the Outstanding Unit Award in three of the five years he was in command. His "Flying Jennies" of the 815th Airlift Squadron accomplished Denton Amendment humanitarian missions in Honduras, Argentina, Ecuador, Nicaragua, Mexico, the Dominican Republic, Russia, and many other areas struck by disaster. His "Hurricane Hunters" of the 53rd Weather Reconnaissance Squadron were world-famous for providing critical hurricane information to residents of coastal areas in the Caribbean, Gulf of Mexico, Atlantic and Pacific Oceans.

During his stellar career, General Webster has served the United States Marine Corps, the United States Air Force, and our great Nation with excellence and distinction. He provided exemplary leadership to the best-trained, best-equipped, and best-prepared citizen-airmen force in the history of our Nation. General Webster is a model of leadership and is a living example of our military's dedication to the core values of service before self, integrity first, and excellence in all endeavors.

General Webster will retire from the United States Air Force on April 3, 2000 after thirty-two years and six months of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish General Webster blue skies and safe landings. Congratulations on completion of an outstanding and successful career.

ESTUARY PARTNERSHIP RESTORATION ACT OF 1999

Mr. ROBB. Mr. President, I would like to say just a few words about the Estuary Partnership Restoration Act of 1999, which was passed by unanimous consent on Thursday, March 30th. This bill contains language that reauthorizes the Chesapeake Bay Program. The success of the Bay program, and the partnerships that have been established as a result of that program, have led to improved water quality in the Bay, enhanced the lives of those of us lucky enough to live in the Chesapeake watershed, and added to the body of scientific knowledge that we have about estuaries, fisheries, and watersheds in general.

As Governor of Virginia I negotiated the original Chesapeake Bay Agreement. Last week, I had the opportunity to see that the Senate recognizes all the successes that have come from that program. The fact that the Chesapeake Bay program has enough support to be passed by unanimous consent is gratifying indeed. I am also excited at the prospect of expanding the oyster restoration program, which will enhance Bay water quality in a number of ways, and will continue to work for that expansion.

My only regret is that John Chafee, the original architect of the Estuary Habitat Restoration Partnership Act, was not here with us. His leadership on these issues was steadfast, his ability to convince us all to take right action remarkable. I was thinking of John Chafee, last week, wishing he could have joined in the happy moment that he helped make possible. I was happy to have the opportunity to contribute to his legacy, and know that his work will be with us for years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO THE LATE LIEUTENANT COLONEL, UNITED STATES ARMY RETIRED MARGARET L. ELLERMAN

• Mr. ROBB. Mr. President, I rise today to recognize and honor the late Lieutenant Colonel Margaret L. Ellerman, United States Army Retired.

A native of Michigan, Lieutenant Colonel Ellerman entered the Army as a private in 1964, after seven years of teaching in parochial schools. Following attendance at basic training and advanced individual training, she was selected for Officer Candidate School, from which she graduated in 1966.

Lieutenant Colonel Ellerman served as a Finance Officer for most of her career in a variety of command and staff positions. In 1968, she was selected for overseas duty in Germany, in an era when military women were virtually hand-picked for duty outside the United States. Other overseas assignments followed in Thailand and Turkey. Lieutenant Colonel Ellerman received numerous military honors, awards and decorations. Among these were three awards of the Meritorious Service Medal, the Army Commendation Medal and the Good Conduct Medal.

While on active duty, Lieutenant Colonel Ellerman, received her Bachelor of Science Degree in 1972 from

Eastern Michigan University, and her Masters in Business Administration from Northwest Missouri State University. In addition, she was a graduate of numerous professional military finance and resource management courses. In 1977, Lieutenant Colonel Ellerman was a graduate of the United States Army Command and General Staff College.

After retirement from the United States Army in 1986, Lieutenant Colonel Ellerman entered civilian employment at the Washington Metropolitan Area Transit Authority, from which she retired in 1998. Upon this retirement, she founded her own corporation, Partners In Success, which assisted individuals establish their own businesses.

From 1991 until her death in March 2000, Lieutenant Colonel Ellerman continued to serve her country and the women who had, are, and will serve in the military forces of the United States. She lent her considerable energy and economic knowledge to the Women In Military Service For America Memorial Foundation on the Board of Directors. Joining the cause in 1991, Lieutenant Colonel Ellerman worked tirelessly to see that this Memorial, housing and showcasing the achievements of all women who serve our nation in military service, was funded, erected and dedicated in October 1997. Through her "behind the scenes" efforts, this Memorial stands as a monument to our countrywomen who freely choose to dedicate their lives in military service to the United States.

Lieutenant Colonel Ellerman never stopped sharing the part of her that made her a dedicated teacher, career Army Officer, and philanthropic entrepreneur. Her charismatic character continues to inspire the men and women who knew and worked with her. The Department of Defense and the American people were well served by this selfless and dedicated Army soldier and civilian citizen.●

TRIBUTE TO ROBERT TAYLOR

● Mr. McCONNELL. Mr. President, I rise today to congratulate Bob Taylor on his accomplishments at the University of Louisville Business School and in the Louisville business community.

From the moment Bob took over the reigns at UofL's business school in 1984, good things started to happen. Bob is a man of vision and incredible instincts about what works in the business world. He brought those talents to UofL to improve the quality of the program and strengthen the students' capabilities in a real-life business environment. Bob succeeded at both of those goals and brought UofL's rankings among U.S. business schools up to an honorable level and continues to rise in national recognition.

Numerous academic achievements mark Bob's tenure at UofL, including Success magazine's recent naming of UofL as one of the best in the nation for training entrepreneurs. Also, the business school has begun offering master's level programs overseas and now offers varied advanced degrees.

Several personal achievements are evidence of Bob's knowledge of and influence in the business world. He became the president of the American Assembly of Collegiate Schools of Business last year, which serves as the accrediting body for business schools nationwide. Bob also serves the community on the board of directors for the Rawlings Company, Logan Aluminum Inc., the Louisville Police Administration Advisory Commission, and the Metro United Way.

Many of Bob's colleagues and members of the Louisville business community have noted his extraordinary leadership skills. Bob took on a huge responsibility when he came to UofL, and he continues to press on to reach higher goals for the school. For this, I commend Bob and thank him for his dedication to UofL. His hard work has paid off and students from across the state and even the nation are reaping the benefits of Bob's success. His experience in business and success at Louisville is a sign of more good things to come for the school and the great State of Kentucky.

Bob, on behalf of my colleagues and myself, thank you for your commitment to the students and faculty at UofL's College of Business and Public Administration. I have every confidence in your ability to lead the school to even greater heights with more accomplishments and successes in the years to come.

Mr. President, I also ask that an article which ran in the Louisville Courier-Journal on Sunday, March 19, 2000, appear in the RECORD following my remarks.

[From the Louisville Courier-Journal, Mar. 19, 2000]

U OF L DEAN DOUBLES AS CIVIC LEADER—LOW-KEY LEADER GUIDES A SCHOOL AND A COMMUNITY

(By David McGinty)

When he arrived in Louisville in 1984 to become dean of the University of Louisville's business school, Robert Taylor did not expect to hang around.

"I was going to stay here three years and move on," he recalled.

For perhaps one of the few times in his life, Taylor's expectation for the future was faulty. At the time, he thought his job would be fairly simple: To help a small business school win accreditation.

Tayor did not foresee the complications and twists that life would throw in his path, or where they would lead.

The business school now has master's-level programs in three overseas locations, offers several advanced degrees and is becoming known in academic circles.

In a recent U.S. News and World Report survey its undergraduate programs ranked 93rd among more than 327 programs—not in the top ranks, but a big step up from the bottom levels the program once inhabited.

Success magazine has ranked the school's program for training entrepreneurs among the best in the nation. And last year Taylor became president of the American Assembly of Collegiate Schools of Business, the accrediting body for business schools.

Apart from his academic accomplishments, Taylor may also be one of the most influential civic figures you never hear of.

He serves on a number of boards, charities and advisory bodies, including the boards of directors of the Rawlings Co. and Logan Aluminum Inc. and the Louisville Police Administration Advisory Commission. He is most proud, he said, of his service on the board of Metro United Way—but his greatest influence may be through less visible activities.

Although his style is low-key and his name rarely surfaces publicly, behind-the-scenes business and political leaders have learned he is a prescient adviser, and they seek him out. His contacts are widespread and so, although it is subtle and anonymous, is his contribution to Louisville's economic well-being.

"You've got to put him among the top five" civic leaders whose contributions are not publicly known, said Bill Samuels, president of Maker's Mark distillery.

Samuels, a longtime friend, said Taylor "is as bright as anybody I've ever met. . . . I've never had a dull conversation with him, and I've had several thousand. In a sense he's been a mentor to me."

Former Louisville Mayor Jerry Abramson said that while he was in office he often worked with Taylor, particularly in urban workshops on visits to other cities to observe their accomplishments. After a visit Taylor would lead group discussions on what lessons could be learned, and he proved to be an adroit moderator with a gift for shaping a plan of action.

"Whenever we needed someone who could think outside the box and be a visionary and push the envelope a little bit, we always looked to the dean," Abramson said.

"There have been times when we worked on issues that I wasn't ready for a public discussion on, that I would take him into my confidence. He's a tremendous listener, and he can frame a consensus out of disparate views."

"He's probably one of the biggest assets to the community," said David Wilkins, chairman of Doe-Anderson Advertising and Public Relations. "He moves in and out of virtually every circle and level of the community with ease. He's trusted and respected by everybody."

Wilkins' relationship with Taylor is a close one, with an unusual twist. In 1994, in what Taylor said was a pivotal moment for him, he took a six-month sabbatical to work at Wilkins' agency and learn firsthand how the business world works.

At the time, Taylor was winding up a decade of busy and often frustrating activity. He took charge of the business school just as it was entering an unforeseen period of problems and change.

At Doe-Anderson, Taylor made an abrupt eye-opening transition from academia to the business world. He quickly learned "that the environment business people were facing was changing daily."

"Everything was getting much faster," Taylor said. "The turnaround time on work was faster, the demands were faster. In order to be successful, they had to be completely flexible."

Taylor's own background is a mix of academic and military, with no private business experience. A native of Pittsburgh, he graduated from Allegheny College in 1961 with a

U.S. Air Force commission through the ROTC. Later he received advanced business degrees from Ohio State University and Indiana University.

He had a eight-year stint at the U.S. Air Force Academy in Colorado, rising to head the Department of Economics, Geography and Management. After retiring from the Air Force in 1981 he joined the faculty of the University of Wisconsin-Stevens Point, where he headed the division of business and economics. From that job he came to U of L.

After his stint at Doe-Anderson, Taylor returned to U of L convinced that the business school was not keeping up with the world outside, so he set up teams of faculty to reorganize the school.

"I said, 'Look, gang, we are not adapting quickly enough. We've got to do something different so that we have the same sense of urgency, the same flexibility that our students must have if they're going to be successful in business.' "

The response, Taylor acknowledged, was not overwhelming. One faculty member said he'd left the business world because "I didn't want that kind of frenzy."

And some of the results weren't successful. But such stumbles are part of progress, Taylor believes, and the school has made progress. When he came back from his sabbatical, he set long-range goals for the school.

He wanted it to achieve national recognition for its public administration programs. That recognition is coming, and the school's overseas programs are gaining an international reputation and alumni base.

He wanted the schools entrepreneurial program to start new, student-run businesses. That effort is beginning to get off the ground through a venture-capital fund, a telecommunications research center intended to incubate new businesses and the aid of former business executives on the faculty.

He wanted the school's endowment to top $25 million. It has topped $21 million and is growing.

In Louisville's business community the school's reputation is increasingly solid, in no small part because of Taylor's own credibility. Civic figures who have worked with him say he has been a prescient advocate—sometimes the first—for coming economic trends.

He was one of the first voices in the community to preach the importance of new technology and the Internet.

Doug Cobb, who was until recently president of Greater Louisville Inc., said Taylor "is the original champion of the idea that Louisville needs to be more entrepreneurial."

Cobb, himself one of the city's foremost advocates of entrepreneurial activity, said he feels like "I walk in his steps a little bit."

To Taylor, this kind of trailblazing is part of the job. "I feel like my responsibility to this community is that we have to be on the leading edge, and somebody has to be telling people what is happening."

It has not always been rewarding work, and by his own account Taylor has not always been successful. In the early 1990s, he foresaw a coming shortage of workers in the community and began urging measures to attract immigrants to Louisville.

But when he proposed such steps to a committee planning economic-development strategies for the community, the reception was hostile. "I'll never forget. A couple of aldermen and other people just berated me, saying we've got unemployed in this community we've got to help first."

Without rancor, Taylor characterized that period as his "biggest failure" to direct the community's attention to an important issue.

Now, of course, employers are straining to find qualified workers. Civic leaders are pondering how to ensure that the community will have enough workers in the future to support economic growth—and one of the strategies is to attract immigrants.

"I think if we had been prepared, we wouldn't have had the pressure on our work force that we have today, and we could be bringing in more people than we bring in now," he said.

That's an opportunity missed. Taylor now is pushing the community's business leaders not to miss other opportunities that he sees, particularly in rapidly evolving technologies.

Traditionally, Taylor said, Louisville has been content to follow economic trends. That's got to stop, he said. "I'm saying the trends are occurring so quickly we can't afford a time lag. We have to go and grab it."

Taylor is already pushing his faculty to what he sees as emerging possibilities for global education—a degree program that involves courses in two countries, two universities, two languages, two cultures.

"That's my new vision," he said, and he admits that when he espouses it "some people are looking at me like I've gone off the deep end."

To his friends, that's just vintage Bob Taylor.

"He's such an individualist," Samuels said. "He enjoys ideas that are in the unconventional vein. And I've got so much respect for his judgment. I think he'd make a wonderful CEO."●

NATIONAL COUNTY GOVERNMENT WEEK

● Mr. GRAMS. Mr. President, I rise today to salute the work of the 3,072 county governments nationwide, and in particular the work of the 87 counties in my home State of Minnesota. Counties are often an invisible, but extremely important part of our intergovernmental system. As we enter the new millennium, it is important to review our past as we look to the future.

County governments began as a response to the needs of the early settlers of our country, tracing their beginnings to the roots of the Anglo-Saxon local government 1,000 years ago. Counties first appeared in colonial America, making them older than the Republic itself.

Traditionally, counties performed state-mandated duties which included assessment of property, record-keeping, such as property and vital statistics, maintenance of rural roads, and administration of election and judicial functions. Today, counties are moving rapidly into other areas, undertaking programs relating to consumer protection, economic development, employment training, planning and zoning, and water quality, to name just a few.

During the week of April 9–15, counties across the country are celebrating National County Government Week. This celebration is an annual event for counties. First held in 1991, the goal of National County Government Week is to raise public awareness and understanding about the roles and responsibilities of the Nation's counties.

More than 1,000 counties annually participate in National County Government Week by holding a variety of programs and events at the national, State and local levels. These include tours of county facilities, presentations in schools, meetings with business and community leaders, recognition programs for volunteers, briefings on environmental projects, and the adoption of proclamations.

There is a theme each year for National County Government Week. This year, the theme is "Honoring Volunteers." The National Association of Counties will recognize the top county volunteer programs in the country at a ceremony April 13 in Washington, D.C. Counties will receive awards for their "Acts of Caring" efforts that they undertook using volunteers to improve their country's quality of life.

I know that NACo has encouraged counties to hold a town meeting this week during National County Government Week or launch a series of community-wide dialogues to solicit citizen participation in identifying the community's most pressing issues and establishing a comprehensive vision for the future. I hope many Minnesota counties will participate in these activities.

NACo has also suggested that, as we enter the new millennium, counties reflect on the past and prepare for the future. As part of that process, counties may want to apply for the designation of Millennium Community. This designation, presented by the White House Millennium Council, is given to counties and cities that have established programs that "Honor the Past—Imagine the Future."

One of NACo's priorities for this year is economic development. The organization is encouraging counties to create and expand businesses, noting the fact that businesses not only provide jobs, but also keep taxes in check. Therefore, counties have been encouraged to promote economic development programs.

Mr. President, I am pleased to rise today to support the efforts of our county governments not only in Minnesota, but throughout the country. National County Government Week will again be successful in raising pubic awareness of the good work of our nation's county governments and how they help improve the lives of their residents.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8297. A communication from the Commissioner, Public Buildings Service, General Services Administration transmitting a report relative to the new Byron G. Rogers Federal Building-Courthouse in Denver, CO; to the Committee on Environment and Public Works.

EC–8298. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District, San Diego County, San Joaquin Valley Unified, and Ventura County Air Pollution Control Districts" (FRL #6569-9), received March 29, 2000; to the Committee on Environment and Public Works.

EC–8299. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL #6570–2), received March 29, 2000; to the Committee on Environment and Public Works.

EC–8300. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Santa Barbara County Air Pollution Control District" (FRL #6569–5), received March 29, 2000; to the Committee on Environment and Public Works.

EC–8301. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Water Quality Planning and Management Regulation Listing Requirements" (FRL #6569–7), received March 29, 2000; to the Committee on Environment and Public Works.

EC–8302. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to: Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills" (FRL #6570–4), received March 29, 2000; to the Committee on Environment and Public Works.

EC–8303. A communication from the Secretary of Labor and Chairman of the Board, and the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–8304. A communication from the Assistant Secretary of Defense, Strategy and Threat Reduction, transmitting, pursuant to law, a report relative to the elimination of Russian SS–18 ICBMs; to the Committee on Armed Services.

EC–8305. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Increase in Tax on Tobacco Products and Cigarette Papers and Tubes (64 FR 71937)" (RIN 1512–AB88), received March 28, 2000; to the Committee on Finance.

EC–8306. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations and Removal and Supplementary Information on Specially Designated Narcotics Traffickers" (Appendix A to 31 CFR Chapter V), received March 29, 2000; to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of March 30, 2000, the following report was submitted on March 31, 2000, during the adjournment of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Con. Res. 101: An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000 (Rept. No. 106–251).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2339. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel EAGLE; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. BROWNBACK, and Mr. LEAHY):

S. 2340. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S.Con.Res. 101. An original concurrent resolution setting fourth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; placed on the calendar.

ADDITIONAL COSPONSORS

S. 1364

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 2060

At the request of Mrs. FEINSTEIN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Minnesota (Mr. GRAMS), the Senator from South Dakota (Mr. DASCHLE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nevada (Mr. REID), the Senator from Minnesota (Mr. WELLSTONE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nebraska (Mr. KERREY), the Senator from Utah (Mr. HATCH), the Senator from Nebraska (Mr. HAGEL), the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. CLELAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. GORTON), the Senator from Illinois (Mr. FITZGERALD), the Senator from Virginia (Mr. ROBB), the Senator from Florida (Mr. MACK), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. STEVENS), the Senator from West Virginia (Mr. BYRD), the Senator from Idaho (Mr. CRAIG), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. COVERDELL), the Senator from Oregon (Mr. WYDEN), the Senator from Colorado (Mr. CAMPBELL), the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. ROTH), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Ohio (Mr. VOINOVICH), the Senator from Louisiana (Mr. BREAUX), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from Rhode Island (Mr. REED), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New York (Mr. SCHUMER), the Senator from Hawaii (Mr. AKAKA), the Senator from Iowa (Mr. HARKIN), the Senator from Nevada (Mr. BRYAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), the Senator from New York (Mr. MOYNIHAN), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. DODD), the Senator from

North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. EDWARDS), the Senator from Oregon (Mr. SMITH), the Senator from Montana (Mr. BURNS), the Senator from South Carolina (Mr. THURMOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. SNOWE), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2284

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2284, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2314

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. RES. 279

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 279, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

SENATE CONCURRENT RESOLUTION 101—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001 THROUGH 2005 AND REVISING THE BUDGETARY LEVELS FOR FISCAL YEAR 2000

Mr. DOMENICI, from the Committee on the Budget, reported under authority of the order of the Senate of March 30, 2000, the following original concurrent resolution; which was placed on the Calendar:

S. CON. RES. 101

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2001 including the appropriate budgetary levels for fiscal years 2002, 2003, 2004, and 2005 as authorized by section 301 of the Congressional Budget Act of 1974 and the revised budgetary levels for fiscal year 2000 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2001.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation of revenue reductions in the Senate.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Congressional lock box for Social Security surpluses.
Sec. 202. Reserve fund for Medicare.
Sec. 203. Reserve fund for stabilization of payments to counties in support of education.
Sec. 204. Reserve fund for agriculture.
Sec. 205. Tax reduction reserve fund in the Senate.
Sec. 206. Reserve fund for additional surpluses.
Sec. 207. Mechanism for additional debt reduction.
Sec. 208. Emergency designation point of order in the Senate.
Sec. 209. Reserve fund pending increase of fiscal year 2001 discretionary spending limits.
Sec. 210. Congressional firewall for defense and non-defense spending.
Sec. 211. Mechanisms for strengthening budgetary integrity.
Sec. 212. Prohibition on use of Federal Reserve surpluses.
Sec. 213. Reaffirming the prohibition on the use of revenue offsets for discretionary spending.
Sec. 214. Application and effect of changes in allocations and aggregates.
Sec. 215. Reserve fund to foster the health of children with disabilities and the employment and independence of their families.
Sec. 216. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE PROVISIONS

Sec. 301. Sense of the Senate on controlling and eliminating the growing international problem of tuberculosis.
Sec. 302. Sense of the Senate on increased funding for the Child Care and Development Block Grant.
Sec. 303. Sense of the Senate on tax relief for college tuition paid and for interest paid on student loans.
Sec. 304. Sense of the Senate on increased funding for the National Institutes of Health.
Sec. 305. Sense of the Senate supporting funding levels in Educational Opportunities Act.
Sec. 306. Sense of the Senate on additional budgetary resources.
Sec. 307. Sense of the Senate on regarding the inadequacy of the payments for skilled nursing care.
Sec. 308. Sense of the Senate on the CARA programs.
Sec. 309. Sense of the Senate on veteran's medical care.
Sec. 310. Sense of the Senate on Impact Aid.
Sec. 311. Sense of the Senate on funding for increased acreage under the Conservation Reserve Program and the Wetlands Reserve Program.
Sec. 312. Sense of the Senate on tax simplification.
Sec. 313. Sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers and anticompetitive activity.
Sec. 314. Sense of the Senate regarding fair markets for American farmers.
Sec. 315. Sense of the Senate on women and Social Security reform.
Sec. 316. Protection of battered women and children.
Sec. 317. Use of False Claims Act in combatting medicare fraud.
Sec. 318. Sense of the Senate regarding the National Guard.
Sec. 319. Sense of the Senate regarding military readiness.
Sec. 320. Sense of the Senate on compensation for the Chinese Embassy bombing in Belgrade.
Sec. 321. Sense of the Senate supporting funding of digital opportunity initiatives.
Sec. 322. Sense of the Senate regarding immunization funding.
Sec. 323. Sense of the Senate regarding tax credits for small businesses providing health insurance to low-income employees.
Sec. 324. Sense of the Senate on funding for criminal justice.
Sec. 325. Sense of the Senate regarding the Pell Grant.
Sec. 326. Sense of the Senate regarding comprehensive public education reform.
Sec. 327. Sense of the Senate on providing adequate funding for United States international leadership.
Sec. 328. Sense of the Senate concerning the HIV/AIDS crisis.
Sec. 329. Sense of the Senate regarding tribal colleges.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are the revised levels for fiscal year 2000 and the appropriate levels for the fiscal years 2001 through 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,464,604,000,000.
Fiscal year 2001: $1,501,658,000,000.
Fiscal year 2002: $1,546,533,000,000.
Fiscal year 2003: $1,598,771,000,000.
Fiscal year 2004: $1,655,093,000,000.
Fiscal year 2005: $1,720,654,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: −$877,000,000.
Fiscal year 2001: −$13,157,000,000.
Fiscal year 2002: −$24,854,000,000.
Fiscal year 2003: −$30,752,000,000.
Fiscal year 2004: −$37,550,000,000.
Fiscal year 2005: −$43,448,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,467,257,000,000.
Fiscal year 2001: $1,471,817,000,000.
Fiscal year 2002: $1,502,777,000,000.
Fiscal year 2003: $1,614,195,000,000.
Fiscal year 2004: $1,670,329,000,000.
Fiscal year 2005: $1,730,514,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution and the revised fiscal year 2000 resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,441,459,000,000.
Fiscal year 2001: $1,447,795,000,000.
Fiscal year 2002: $1,469,962,000,000.
Fiscal year 2003: $1,589,699,000,000.
Fiscal year 2004: $1,644,120,000,000.
Fiscal year 2005: $1,705,698,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2000: $23,145,000,000.
Fiscal year 2001: $53,863,000,000.
Fiscal year 2002: $76,571,000,000.
Fiscal year 2003: $9,072,000,000.
Fiscal year 2004: $10,973,000,000.
Fiscal year 2005: $14,956,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,625,962,000,000.
Fiscal year 2001: $5,667,144,000,000.
Fiscal year 2002: $5,681,983,000,000.
Fiscal year 2003: $5,768,762,000,000.
Fiscal year 2004: $5,849,465,000,000.
Fiscal year 2005: $5,923,674,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,455,362,000,000.
Fiscal year 2001: $3,248,659,000,000.
Fiscal year 2002: $2,995,663,000,000.
Fiscal year 2003: $2,802,939,000,000.
Fiscal year 2004: $2,594,260,000,000.
Fiscal year 2005: $2,364,124,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $479,648,000,000.
Fiscal year 2001: $501,533,000,000.
Fiscal year 2002: $524,854,000,000.
Fiscal year 2003: $547,179,000,000.
Fiscal year 2004: $569,907,000,000.
Fiscal year 2005: $597,326,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $322,545,000,000.
Fiscal year 2001: $331,869,000,000.
Fiscal year 2002: $339,068,000,000.
Fiscal year 2003: $347,733,000,000.
Fiscal year 2004: $357,737,000,000.
Fiscal year 2005: $368,976,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2000:
(A) New budget authority, $3,160,000,000.
(B) Outlays, $3,187,000,000.
Fiscal year 2001:
(A) New budget authority, $3,429,000,000.
(B) Outlays, $3,378,000,000.
Fiscal year 2002:
(A) New budget authority, $3,471,000,000.
(B) Outlays, $3,438,000,000.
Fiscal year 2003:
(A) New budget authority, $3,505,000,000.
(B) Outlays, $3,473,000,000.
Fiscal year 2004:
(A) New budget authority, $3,541,000,000.
(B) Outlays, $3,507,000,000.
Fiscal year 2005:
(A) New budget authority, $3,576,000,000.
(B) Outlays, $3,543,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal year 2000 (as revised) and fiscal years 2001 through 2005 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $291,583,000,000.
(B) Outlays, $288,112,000,000.
Fiscal year 2001:
(A) New budget authority, $305,833,000,000.
(B) Outlays, $294,064,000,000.
Fiscal year 2002:
(A) New budget authority, $309,085,000,000.
(B) Outlays, $302,272,000,000.
Fiscal year 2003:
(A) New budget authority, $315,485,000,000.
(B) Outlays, $309,362,000,000.
Fiscal year 2004:
(A) New budget authority, $323,191,000,000.
(B) Outlays, $317,461,000,000.
Fiscal year 2005:
(A) New budget authority, $331,532,000,000.
(B) Outlays, $327,948,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $21,967,000,000.
(B) Outlays, $16,019,000,000.
Fiscal year 2001:
(A) New budget authority, $20,139,000,000.
(B) Outlays, $18,625,000,000.
Fiscal year 2002:
(A) New budget authority, $20,868,000,000.
(B) Outlays, $17,932,000,000.
Fiscal year 2003:
(A) New budget authority, $21,420,000,000.
(B) Outlays, $17,573,000,000.
Fiscal year 2004:
(A) New budget authority, $21,907,000,000.
(B) Outlays, $17,741,000,000.
Fiscal year 2005:
(A) New budget authority, $22,645,000,000.
(B) Outlays, $17,892,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,267,000,000.
(B) Outlays, $18,418,000,000.
Fiscal year 2001:
(A) New budget authority, $19,703,000,000.
(B) Outlays, $19,245,000,000.
Fiscal year 2002:
(A) New budget authority, $19,877,000,000.
(B) Outlays, $19,593,000,000.
Fiscal year 2003:
(A) New budget authority, $19,806,000,000.
(B) Outlays, $19,515,600,000.
Fiscal year 2004:
(A) New budget authority, $20,069,000,000.
(B) Outlays, $19,655,000,000.
Fiscal year 2005:
(A) New budget authority, $20,337,000,000.
(B) Outlays, $19,900,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $1,081,000,000.
(B) Outlays, −$607,000,000.
Fiscal year 2001:
(A) New budget authority, $1,475,000,000.
(B) Outlays, $172,000,000.
Fiscal year 2002:
(A) New budget authority, −$264,000,000.
(B) Outlays, −$1,366,000,000.
Fiscal year 2003:
(A) New budget authority, $1,202,000,000.
(B) Outlays, −$43,000,000.
Fiscal year 2004:
(A) New budget authority, $1,238,000,000.
(B) Outlays, −$124,000,000.
Fiscal year 2005:
(A) New budget authority, $1,210,000,000.
(B) Outlays, −$85,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24,487,000,000.
(B) Outlays, $24,245,000,000.
Fiscal year 2001:
(A) New budget authority, $24,936,000,000.
(B) Outlays, $24,905,000,000.
Fiscal year 2002:
(A) New budget authority, $25,023,000,000.
(B) Outlays, $25,045,000,000.
Fiscal year 2003:
(A) New budget authority, $25,019,000,000.
(B) Outlays, $25,203,000,000.
Fiscal year 2004:
(A) New budget authority, $25,066,000,000.
(B) Outlays, $25,065,000,000.
Fiscal year 2005:
(A) New budget authority, $25,059,000,000.
(B) Outlays, $24,876,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $35,257,000,000.
(B) Outlays, $33,916,000,000.
Fiscal year 2001:
(A) New budget authority, $20,894,000,000.
(B) Outlays, $18,779,000,000.
Fiscal year 2002:
(A) New budget authority, $18,950,000,000.
(B) Outlays, $17,235,000,000.
Fiscal year 2003:
(A) New budget authority, $17,965,000,000.
(B) Outlays, $16,366,000,000.
Fiscal year 2004:
(A) New budget authority, $17,354,000,000.
(B) Outlays, $15,910,000,000.
Fiscal year 2005:
(A) New budget authority, $16,092,000,000.
(B) Outlays, $14,593,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $7,594,000,000.
(B) Outlays, $3,141,000,000.
Fiscal year 2001:
(A) New budget authority, $6,117,000,000.
(B) Outlays, $1,977,000,000.
Fiscal year 2002:
(A) New budget authority, $8,608,000,000.
(B) Outlays, $4,864,000,000.
Fiscal year 2003:
(A) New budget authority, $9,356,000,000.
(B) Outlays, $4,677,000,000.
Fiscal year 2004:

(A) New budget authority, $13,413,000,000.

(B) Outlays, $8,391,000,000.

Fiscal year 2005:

(A) New budget authority, $13,368,000,000.

(B) Outlays, $9,331,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $54,352,000,000.

(B) Outlays, $46,656,000,000.

Fiscal year 2001:

(A) New budget authority, $59,247,000,000.

(B) Outlays, $50,822,000,000.

Fiscal year 2002:

(A) New budget authority, $57,536,000,000.

(B) Outlays, $53,486,000,000.

Fiscal year 2003:

(A) New budget authority, $59,101,000,000.

(B) Outlays, $55,516,000,000.

Fiscal year 2004:

(A) New budget authority, $59,135,000,000.

(B) Outlays, $56,138,000,000.

Fiscal year 2005:

(A) New budget authority, $59,174,000,000.

(B) Outlays, $56,418,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $11,336,000,000.

(B) Outlays, $10,725,000,000.

Fiscal year 2001:

(A) New budget authority, $9,021,000,000.

(B) Outlays, $10,386,000,000.

Fiscal year 2002:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $9,815,000,000.

Fiscal year 2003:

(A) New budget authority, $8,665,000,000.

(B) Outlays, $8,749,000,000.

Fiscal year 2004:

(A) New budget authority, $8,657,000,000.

(B) Outlays, $8,255,000,000.

Fiscal year 2005:

(A) New budget authority, $8,744,000,000.

(B) Outlays, $7,886,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $57,688,000,000.

(B) Outlays, $61,904,000,000.

Fiscal year 2001:

(A) New budget authority, $74,977,000,000.

(B) Outlays, $68,648,000,000.

Fiscal year 2002:

(A) New budget authority, $75,744,000,000.

(B) Outlays, $72,570,000,000.

Fiscal year 2003:

(A) New budget authority, $76,636,000,000.

(B) Outlays, $75,430,000,000.

Fiscal year 2004:

(A) New budget authority, $77,751,000,000.

(B) Outlays, $76,766,000,000.

Fiscal year 2005:

(A) New budget authority, $79,128,000,000.

(B) Outlays, $78,033,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $159,224,000,000.

(B) Outlays, $153,473,000,000.

Fiscal year 2001:

(A) New budget authority, $169,215,000,000.

(B) Outlays, $165,836,000,000.

Fiscal year 2002:

(A) New budget authority, $178,911,000,000.

(B) Outlays, $177,766,000,000.

Fiscal year 2003:

(A) New budget authority, $190,951,000,000.

(B) Outlays, $190,300,000,000.

Fiscal year 2004:

(A) New budget authority, $205,181,000,000.

(B) Outlays, $204,835,000,000.

Fiscal year 2005:

(A) New budget authority, $221,484,000,000.

(B) Outlays, $220,329,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $199,601,000,000.

(B) Outlays, $199,507,000,000.

Fiscal year 2001:

(A) New budget authority, $218,751,000,000.

(B) Outlays, $219,005,000,000.

Fiscal year 2002:

(A) New budget authority, $228,635,000,000.

(B) Outlays, $228,604,000,000.

Fiscal year 2003:

(A) New budget authority, $249,762,000,000.

(B) Outlays, $249,520,000,000.

Fiscal year 2004:

(A) New budget authority, $265,318,000,000.

(B) Outlays, $265,546,000,000.

Fiscal year 2005:

(A) New budget authority, $288,730,000,000.

(B) Outlays, $288,681,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $238,891,000,000.

(B) Outlays, $248,071,000,000.

Fiscal year 2001:

(A) New budget authority, $253,236,000,000.

(B) Outlays, $255,424,000,000.

Fiscal year 2002:

(A) New budget authority, $264,844,000,000.

(B) Outlays, $267,252,000,000.

Fiscal year 2003:

(A) New budget authority, $274,789,000,000.

(B) Outlays, $278,452,000,000.

Fiscal year 2004:

(A) New budget authority, $284,929,000,000.

(B) Outlays, $288,367,000,000.

Fiscal year 2005:

(A) New budget authority, $297,669,000,000.

(B) Outlays, $301,202,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $11,532,000,000.

(B) Outlays, $11,533,000,000.

Fiscal year 2001:

(A) New budget authority, $9,728,000,000.

(B) Outlays, $9,727,000,000.

Fiscal year 2002:

(A) New budget authority, $11,572,000,000.

(B) Outlays, $11,572,000,000.

Fiscal year 2003:

(A) New budget authority, $12,271,000,000.

(B) Outlays, $12,271,000,000.

Fiscal year 2004:

(A) New budget authority, $13,020,000,000.

(B) Outlays, $13,020,000,000.

Fiscal year 2005:

(A) New budget authority, $13,841,000,000.

(B) Outlays, $13,841,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $46,010,000,000.

(B) Outlays, $45,130,000,000.

Fiscal year 2001:

(A) New budget authority, $47,568,000,000.

(B) Outlays, $47,141,000,000.

Fiscal year 2002:

(A) New budget authority, $48,823,000,000.

(B) Outlays, $48,704,000,000.

Fiscal year 2003:

(A) New budget authority, $50,838,000,000.

(B) Outlays, $50,513,000,000.

Fiscal year 2004:

(A) New budget authority, $52,119,000,000.

(B) Outlays, $51,842,000,000.

Fiscal year 2005:

(A) New budget authority, $55,517,000,000.

(B) Outlays, $55,194,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $27,370,000,000.

(B) Outlays, $28,013,000,000.

Fiscal year 2001:

(A) New budget authority, $27,927,000,000.

(B) Outlays, $28,224,000,000.

Fiscal year 2002:

(A) New budget authority, $28,520,000,000.

(B) Outlays, $28,698,000,000.

Fiscal year 2003:

(A) New budget authority, $29,157,000,000.

(B) Outlays, $29,123,000,000.

Fiscal year 2004:

(A) New budget authority, $31,283,000,000.

(B) Outlays, $31,012,000,000.

Fiscal year 2005:

(A) New budget authority, $32,124,000,000.

(B) Outlays, $31,863,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority; $13,670,000,000.

(B) Outlays, $14,727,000,000.

Fiscal year 2001:

(A) New budget authority, $14,427,000,000.

(B) Outlays, $14,291,000,000.

Fiscal year 2002:

(A) New budget authority, $13,605,000,000.

(B) Outlays, $13,883,000,000.

Fiscal year 2003:

(A) New budget authority, $13,578,000,000.

(B) Outlays, $13,768,000,000.

Fiscal year 2004:

(A) New budget authority, $13,570,000,000.

(B) Outlays, $13,882,000,000.

Fiscal year 2005:

(A) New budget authority, $13,595,000,000.

(B) Outlays, $13,604,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $284,491,000,000.

(B) Outlays, $284,493,000,000.

Fiscal year 2001:

(A) New budget authority, $286,920,000,000.

(B) Outlays, $286,920,000,000.

Fiscal year 2002:

(A) New budget authority, $285,291,000,000.

(B) Outlays, $285,290,000,000.

Fiscal year 2003:

(A) New budget authority, $279,465,000,000.

(B) Outlays, $279,465,000,000.

Fiscal year 2004:

(A) New budget authority, $275,502,000,000.

(B) Outlays, $275,502,000,000.

Fiscal year 2005:

(A) New budget authority, $270,951,000,000.

(B) Outlays, $270,951,000,000.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$3,829,000,000.

(B) Outlays, −$11,702,000,000.

Fiscal year 2001:

(A) New budget authority, −$59,931,000,000.

(B) Outlays, −$48,031,000,000.

Fiscal year 2002:

(A) New budget authority, −$59,729,000,000.

(B) Outlays, −$71,311,000,000.

Fiscal year 2003:

(A) New budget authority, $0.

(B) Outlays, −$790,000,000.

Fiscal year 2004:

(A) New budget authority, $0.

(B) Outlays, −$6,770,000,000.

Fiscal year 2005:

(A) New budget authority, $0.

(B) Outlays, −$6,072,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,315,000,000.

(B) Outlays, −$34,315,000,000.

Fiscal year 2001:

(A) New budget authority, −$38,366,000,000.

(B) Outlays, −$38,366,000,000.

Fiscal year 2002:

(A) New budget authority, −$41,943,000,000.

(B) Outlays, −$41,943,000,000.

Fiscal year 2003:

(A) New budget authority, −$41,270,000,000.

(B) Outlays, −$41,270,000,000.

Fiscal year 2004:

(A) New budget authority, −$38,374,000,000.

(B) Outlays, −$38,374,000,000.

Fiscal year 2005:

(A) New budget authority, −$40,686,000,000.

(B) Outlays, −$40,686,000,000.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than September 22, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $13,157,000,000 in fiscal year 2001 and $149,761,000,000 for the period of fiscal years 2001 through 2005.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. CONGRESSIONAL LOCK BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the Social Security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the Social Security trust funds have been running surpluses for 18 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal Government;

(4) in fiscal year 2001, the Social Security surplus will reach $166,000,000,000;

(5) in fiscal year 1999, the Federal budget was balanced without using Social Security;

(6) the only way to ensure that Social Security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses; and

(7) Congress and the President should take such steps as are necessary to ensure that future budgets continue to be balanced excluding the surpluses generated by the Social Security trust funds.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any revision to this concurrent resolution, or any other concurrent resolution on the budget, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year.

(2) DEFICIT LEVELS.—For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this section, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable.

(d) EXCEPTION.—Subsection (b) shall not apply if—

(1) the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent; or

(2) a declaration of war is in effect.

(e) SOCIAL SECURITY LOOK-BACK.—If in any fiscal year the social security surplus is used to finance general operations of the Federal Government, an amount equal to the amount used shall be deducted from the available amount of discretionary spending for the following fiscal year for purposes of any concurrent resolution on the budget.

(f) WAIVER AND APPEAL.—Subsection (b) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. RESERVE FUND FOR PRESCRIPTION DRUGS.

(a) ALLOCATION.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation reported by the Committee on Finance to provide a prescription drug benefit for fiscal years 2001, 2002, and 2003, provided that this legislation will not reduce the on-budget surplus by more than $20,000,000,000 total during these 3 fiscal years, and provided that the enactment of this legislation will not cause an on-budget deficit in any of these 3 fiscal years.

(b) EXCEPTION.—The adjustments provided in subsection (a) shall be made for a bill or joint resolution, or an amendment that is offered (in the Senate), that provides coverage for prescription drugs, if the Senate Committee on Finance has not reported such legislation on or before September 1, 2000.

(c) ADJUSTMENT.—If legislation is reported by the Senate Committee on Finance that extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund, without decreasing beneficiaries' access to health care, and excluding the cost of extending and modifying the prescription drug benefit crafted purusuant to section (a) or (b), then the Chairman of the Committee on the Budget may change committee allocations and spending aggregates by no more than $20,000,000,000 total for fiscal years 2004 and 2005 to fund the prescription drug benefit if such legislation will not cause an on-budget deficit in either of these 2 fiscal years.

(d) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 203. RESERVE FUND FOR STABILIZATION OF PAYMENTS TO COUNTIES IN SUPPORT OF EDUCATION.

(a) ADJUSTMENT.—

(1) IN GENERAL.—Whenever the Committee on Energy and Natural Resources of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides additional resources for counties and complies with paragraph (2), the chairman of the Committee on the Budget may increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITION.—Legislation complies with this paragraph if it provides for the stabilization of receipt-based payments to counties that support school and road systems and also provides that a portion of those payments would be dedicated toward local investments in Federal lands within the counties.

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $200,000,000 in budget authority (and the outlays resulting therefrom) for fiscal year 2001 and shall not exceed $1,100,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005.

SEC. 204. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—

(1) IN GENERAL.—If the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill on or before June 29, 2000, or an amendment thereto is offered, or a conference report thereon is submitted that provides assistance for producers of program crops and specialty crops, and enhancements for agriculture conservation programs that complies with paragraph (2), the appropriate chairman of the Committee on the Budget may increase the allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITIONS.—Legislation complies with this paragraph if it does not cause a net increase in budget authority and outlays of greater than $1,640,000,000 for fiscal year 2001.

(b) LIMITATIONS.—The adjustments to the allocations required by subsection (a) shall not exceed $5,500,000,000 in budget authority and outlays for fiscal year 2000, and $3,000,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005.

SEC. 205. TAX REDUCTION RESERVE FUND IN THE SENATE.

In the Senate, the chairman of the Committee on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit or decrease the surplus for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

SEC. 206. RESERVE FUND FOR ADDITIONAL SURPLUSES.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget outlook for fiscal years 2001 through 2010 by July 1, 2000.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for any fiscal year that exceeds the on-budget surplus set forth in the Congressional Budget Office's March 2000 economic and budget outlook, the appropriate chairman of the Committee on the Budget may make the adjustments as provided in subsection (c).

(c) ADJUSTMENTS.—The appropriate chairman of the Committee on the Budget may make the following adjustments in an amount equal to the difference between the on-budget surpluses set forth in the March report and the on-budget surplus contained in the July report:

(1) Reduce the on-budget revenue aggregate by that amount for such fiscal year.

(2) Increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 207 of H. Con. Res. 68 (106th Cong., 1st Sess.).

(3) Adjust the instruction in section 104 to—

(A) increase the reduction in revenues by that amount for fiscal year 2001; and

(B) increase the reduction in revenues by the sum of the amounts for the period of fiscal years 2001 through 2005.

SEC. 207. MECHANISM FOR ADDITIONAL DEBT REDUCTION.

(a) IN GENERAL.—If any of the legislation described in subsection (b) does not become law on or before October 1, 2000, then the Chairman of the Committee on the Budget of the Senate shall adjust the levels in this concurrent resolution as provided in subsection (c).

(b) LEGISLATION.—The adjustment required by subsection (a) shall be made with respect to—

(1) the reconciliation legislation required by section 104; or

(2) the Medicare legislation provided for in section 202.

(c) ADJUSTMENTS TO BE MADE.—The adjustment required in subsection (a) shall be—

(1) with respect to the legislation required by section 104, to decrease the balance displayed on the Senate's pay-as-you-go scorecard and increase the revenue aggregate by the amount set forth in section 104 (as adjusted, if adjusted, pursuant to section 205) and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount; or

(2) with respect to the legislation provided for in section 202, to decrease the balance displayed on the Senate's pay-as-you-go scorecard by the amount set forth in section 202 and to decrease the level of debt held by the public as set forth in section 101(6) by that same amount and make the corresponding adjustments to the revenue and spending aggregates and allocations (as adjusted by section 202).

SEC. 208. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SEC. 209. RESERVE FUND PENDING INCREASE OF FISCAL YEAR 2001 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Nonetheless, the allocation pursuant to section 302 of the Congressional Budget and Impoundment Control Act of 1974 to the Committee on Appropriations is in compliance with current law spending limits.

(2) Consequently unless and until the discretionary spending limit for fiscal year 2001 is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(3) The functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2001 as follows:

(A) For the discretionary category: $596,579,000,000 in new budget authority and $590,326,000,000 in outlays.

(B) For the highway category: $26,920,000,000 in outlays.

(C) For the mass transit category: $4,639,000,000 in outlays.

(4) To facilitate the Senate completing its legislative responsibilities for the 106th Congress in a timely fashion, it is imperative that the Senate consider legislation which increases the discretionary spending limit for fiscal year 2001 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the appropriate chairman of the Committee on the Budget shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(3).

SEC. 210. CONGRESSIONAL FIREWALL FOR DEFENSE AND NON-DEFENSE SPENDING.

(a) DEFINITION.—In this section, for fiscal year 2001 the term "discretionary spending limit" means—

(1) for the defense category, $306,819,000,000 in new budget authority and $295,050,000,000 in outlays; and

(2) for the nondefense category, $289,760,000,000 in new budget authority and $327,583,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Appropriations Committee is made pursuant to section 208 and except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 211. MECHANISMS FOR STRENGTHENING BUDGETARY INTEGRITY.

(a) DEFINITION.—For purposes of this section, the term "budget year" means with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(b) POINT OF ORDER WITH RESPECT TO ADVANCED APPROPRIATIONS.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion or conference report that—

(A) provides an appropriation of new budget authority for any fiscal year after the budget year that is in excess of the amounts provided in paragraph (2); and

(B) provides an appropriation of new budget authority for any fiscal year subsequent to the year after the budget year.

(2) LIMITATION ON AMOUNTS.—The total amount, provided in appropriations legislation for the budget year, of appropriations for the subsequent fiscal year shall not exceed $14,200,000,000.

(c) POINT OF ORDER WITH RESPECT TO DELAYED OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that contains an appropriation of new budget authority for any fiscal year which does not become available upon enactment of such legislation or on the first day of that fiscal year (whichever is later).

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to appropriations for the following programs provided that such appropriation is not delayed beyond the specified date and does not exceed the specified amount:

(A) DEPARTMENT OF THE INTERIOR.—Operation of Indian Programs School Operation Costs (Bureau of Indian Affairs Funded Schools and Other Education Programs): July 1 not to exceed $401,000,000.

(B) DEPARTMENT OF LABOR.—

(i) Training and Employment Service: July 1 not to exceed $1,650,000,000.

(ii) State Unemployment Insurance: July 1 not to exceed $902,000,000.

(C) DEPARTMENT OF EDUCATION.—

(i) Education Reform: July 1 not to exceed $512,000,000.

(ii) Education for the Disadvantaged: July 1 not to exceed $2,462,000,000.

(iii) School Improvement Program: July 1 not to exceed $975,000,000.

(iv) Special Education: July 1 not to exceed $2,048,000,000.

(v) Vocational Education: July 1 not to exceed $858,000,000.

(D) DEPARTMENT OF TRANSPORTATION.—Grants to the National Railroad Passenger Corporation: September 30 not to exceed $343,000,000.

(E) DEPARTMENT OF VETERANS' AFFAIRS.—Medical Care (equipment-land-structures): August 1 not to exceed $900,000,000.

(F) ENVIRONMENTAL PROTECTION AGENCY.—Hazardous Substance Superfund: September 1 not to exceed $100,000,000.

(d) WAIVER AND APPEAL.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget and Impoundment Control Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget and Impoundment Control Act of 1974.

(g) PRECATORY AMENDMENTS.—For purposes of interpreting section 305(b)(2) of the Congressional Budget Act of 1974, an amendment is not germane if it contains only precatory language.

(h) SUNSET.—Except for subsection (g), this section shall expire effective October 1, 2002.

SEC. 212. PROHIBITION ON USE OF FEDERAL RESERVE SURPLUSES.

(a) PURPOSE.—The purpose of this section is to ensure that transfers from nonbudgetary governmental entities such as the Federal reserve banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary or economic effects.

(b) BUDGETARY RULE.—For purposes of points of order under this resolution and the Congressional Budget and Impoundment Control Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that affects any surplus funds of the Federal reserve banks shall not be scored with respect to the level of budget authority, outlays, or revenues contained in such legislation.

SEC. 213. REAFFIRMING THE PROHIBITION ON THE USE OF REVENUE OFFSETS FOR DISCRETIONARY SPENDING.

(a) PURPOSE.—The purpose of this section is to reaffirm Congress' belief that the discretionary spending limits should be adhered to and not circumvented by increasing taxes.

(b) RESTATEMENT OF BUDGETARY RULE.—For purposes of points of order under this resolution and the Congressional Budget and Impoundment Control Act of 1974, provisions contained in an appropriations bill (or an amendment thereto or a conference report thereon) resulting in increased revenues shall continue not to be scored with respect to the level of budget authority or outlays contained in such legislation.

SEC. 214. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this concurrent resolution for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this concurrent resolution.

SEC. 215. RESERVE FUND TO FOSTER THE HEALTH OF CHILDREN WITH DISABILITIES AND THE EMPLOYMENT AND INDEPENDENCE OF THEIR FAMILIES.

(a) ADJUSTMENT.—

(1) IN GENERAL.—Whenever the Committee on Finance of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that facilitates children with disabilities receiving needed health care at home and complies with paragraph (2), the chairman of the Committee on the Budget may increase the spending aggregate and allocation of budget authority and outlays to that committee by the amount of budget authority (and the outlays resulting therefrom) provided by that legislation for such purpose in accordance with subsection (b).

(2) CONDITION.—Legislation complies with this paragraph if it finances health programs designed to allow children with disabilities to access the health services they need to remain at home with their families while allowing their families to become or remain employed.

(b) LIMITATIONS.—The adjustments to the spending aggregates and allocations required by subsection (a) shall not exceed $50,000,000 in budget authority (and the outlays resulting therefrom) for fiscal year 2001 and shall not exceed $300,000,000 in budget authority (and the outlays resulting therefrom) for the period of fiscal years 2001 through 2005.

SEC. 216. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE PROVISIONS

SEC. 301. SENSE OF THE SENATE ON CONTROLLING AND ELIMINATING THE GROWING INTERNATIONAL PROBLEM OF TUBERCULOSIS.

(a) FINDINGS.—The Senate finds the following:

(1) According to the World Health Organization—

(A) nearly 2,000,000 people worldwide die each year of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15- and 44-years old and is a leading cause of children becoming orphans.

(2) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(3) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be eliminated in the United States until it is controlled abroad.

(4) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assumes that additional resources should be provided to fund international tuberculosis control efforts at $60,000,000 in fiscal year 2001, consistent with authorizing legislation approved by the Committee on Foreign Relations of the Senate.

SEC. 302. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT.

(a) FINDINGS.—The Senate finds that—

(1) in 1998, 33.2 percent of women in the labor force have children under 14;

(2) in 1998, 65.2 percent of women with children younger than age 6, and 78.4 percent of women with children ages 6 through 17 were in the labor force, and 41.6 percent of women with children younger than 3 were employed full-time;

(3) 1,920,000 couples both working and with children under 18 had family incomes of under $30,000 (10.3 percent);

(4)(A) in 1998, 11,700,000 children out of 21,300,000 (55.1 percent) under the age of 5 have employed mothers;

(B) 18.4 percent of children under 6 are cared for by their fathers at home;

(C) another 5.5 percent (562,000) are looked after by their mother either at home or away from home; and

(D) in other words, less than a quarter (23.9 percent) of these children are taken care of by 1 parent;

(5) a 1997 General Accounting Office study found that the increased work participation requirement of the welfare reform law will cause the need for child care to exceed the known supply;

(6) a 1995 study by the Urban Institute of child care prices in 6 cities found that the average cost of daycare for a 2-year-old in a child care center ranged from $3,100 to $8,100;

(7) for an entry-level worker, the family's child care costs at the average price of care for an infant in a child care center would be at least 50 percent of family income in 5 of the 6 cities examined;

(8) a large number of low- and middle-income families sacrifice a second full-time income so that a parent may be at home with the child;

(9) the average income of 2-parent families with a single income (a family with children, wife does not work) is $13,566 less than the average income of 2-parent families with 2 incomes;

(10) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families"; and

(11) increased tax relief directed at making child care more affordable, and increased funding for the Child Care and Development Block Grant, would take significant steps toward bringing quality child care within the reach of many parents, and would increase

the options available to parents in deciding how best to care for their children.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume—

(1) that tax relief should be directed to parents who are struggling to afford quality child care, including those who wish to stay home to care for a child, and should be included in any tax cut package; and

(2) a total of $4,567,000,000 in funding for the Child Care and Development Block Grant in fiscal year 2001.

SEC. 303. SENSE OF THE SENATE ON TAX RELIEF FOR COLLEGE TUITION PAID AND FOR INTEREST PAID ON STUDENT LOANS.

(a) FINDINGS.—The Senate finds that—

(1) in our increasingly competitive global economy, the attainment of a higher education is critical to the economic success of an individual, as evidenced by the fact that, in 1975, college graduates earned an average of 57 percent more than those who just finished high school, compared to 76 percent more today;

(2) the cost of attaining a higher education has outpaced both inflation and median family incomes;

(3) specifically, over the past 20 years, the cost of college tuition has quadrupled (growing faster than any consumer item, including health care and nearly twice as fast as inflation) and 8 times as fast as median household incomes;

(4) despite recent increases passed by Congress, the value of the maximum Pell Grant has declined 23 percent since 1975 in inflation-adjusted terms, forcing more students to rely on student loans to finance the cost of a higher education;

(5) from 1992 to 1998, the demand for student loans soared 82 percent and the average student loan increased 367 percent;

(6) according to the Department of Education, there is approximately $150,000,000,000 in outstanding student loan debt, and students borrowed more during the 1990's than during the 1960's, 1970's, and 1980's combined; and

(7) in Congress, proposals have been made to address the rising cost of tuition and mounting student debt, including a bipartisan proposal to provide a deduction for tuition paid and a credit for interest paid on student loans.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that any tax cut package reported by the Finance Committee and passed by Congress during the fiscal year 2001 budget reconciliation process include tax relief for college tuition paid and for interest paid on student loans.

SEC. 304. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—The Senate finds that—

(1) the National Institutes of Health is the Nation's foremost research center;

(2) the Nation's commitment to and investment in biomedical research has resulted in better health and an improved quality of life for all Americans;

(3) continued biomedical research funding must be ensured so that medical doctors and scientists have the security to commit to conducting long-term research studies;

(4) funding for the National Institutes of Health should continue to increase in order to prevent the cessation of biomedical research studies and the loss of medical doctors and research scientists to private research organizations; and

(5) the National Institutes of Health conducts research protocols without proprietary interests, thereby ensuring that the best health care is researched and made available to the Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume increased funding in function 550 (Health) for the National Institutes of Health of $2,700,000,000, reflecting the commitment made in the fiscal year 1998 Senate Budget Resolution to double the National Institute of Health budget by 2003.

SEC. 305. SENSE OF THE SENATE SUPPORTING FUNDING LEVELS IN EDUCATIONAL OPPORTUNITIES ACT.

It is the sense of the Senate that the levels in this resolution assume that of the amounts provided for elementary and secondary education within the Budget Function 500 of this resolution for fiscal years 2001 through 2005, such funds shall be appropriated in proportion to and in accordance with the levels authorized in the Educational Opportunities Act, S. 2.

SEC. 306. SENSE OF THE SENATE ON ADDITIONAL BUDGETARY RESOURCES.

(a) FINDINGS.—The Senate finds the following:

(1) In its review of government operations, the General Accounting Office noted that it was unable to determine the extent of improper government payments, due to the poor quality of agency accounting practices. In particular, the General Accounting Office cited the Government's inability to—

(A) "properly account for and report billions of dollars of property, equipment, materials, and supplies and certain stewardship assets"; and

(B) "properly prepare the Federal Government's financial statements, including balancing the statements, accounting for billions of dollars of transactions between governmental entities, and properly and consistently compiling the information in the financial statements.".

(2) Private economic forecasters are currently more optimistic than the Congressional Budget Office (CBO). Blue Chip expects 2000 real GDP growth of 4.1 percent, whereas the Congressional Budget Office expects 3.3 percent growth. From 1999 through 2005, Blue Chip expects real GDP to grow more than 0.3 percentage points faster per year than the Congressional Budget Office does. Using budgetary rules of thumb, this latter difference translates into more than $150,000,000,000 over the 5-year budget window.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels contained in this resolution assume that—

(1) there are billions of dollars in wasted expenditures in the Federal Government that should be eliminated; and

(2) higher projected budget surpluses arising from reductions in government waste and stronger revenue inflows could be used in the future for additional tax relief or debt reduction.

SEC. 307. SENSE OF THE SENATE ON REGARDING THE INADEQUACY OF THE PAYMENTS FOR SKILLED NURSING CARE.

(a) FINDINGS.—The Senate finds that—

(1) Congress confronted and addressed the funding crisis for medicare beneficiaries requiring skilled nursing care through the Balanced Budget Refinement Act of 1999;

(2) Congress recognized the need to address the inadequacy of the prospective payment system for certain levels of care, as well as the need to end arbitrary limits on rehabilitative therapies. Congress restored $2,700,000,000 to reduce access threats to skilled care for medicare beneficiaries; and

(3) Currently, more than 1,600 skilled nursing facilities caring for more than 175,000 frail and elderly Americans have filed for bankruptcy protection.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Administration should identify areas where they have the authority to make changes to improve quality, including analyzing and fixing the labor component of the skilled nursing facility market basket update factor; and

(2) while Congress deliberates funding structural medicare reform and the addition of a prescription drug benefit, it must maintain the continued viability of the current skilled nursing benefit. Therefore, the committees of jurisdiction should ensure that medicare beneficiaries requiring skilled nursing care have access to that care and that those providers have the resources to meet the expectation for high quality care.

SEC. 308. SENSE OF THE SENATE ON THE CARA PROGRAMS.

It is the sense of the Senate that the levels in this resolution assume that, if the Congress and the President so choose, the following programs can be fully funded as discretionary programs in fiscal year 2001, including—

(1) the Land and Water Conservation Fund programs;

(2) the Federal aid to Wildlife Fund;

(3) the Urban Parks and Recreation Recovery Grants;

(4) the National Historic Preservation Fund;

(5) the Payment in Lieu of Taxes; and

(6) the North American Wetlands Conservation Act.

SEC. 309. SENSE OF THE SENATE ON VETERAN'S MEDICAL CARE.

(a) FINDINGS.—The Senate finds that—

(1) this budget addresses concerns about Veteran's medical care;

(2) we successfully increased the appropriation for Veteran's medical care by $1,700,000,000 last year, although the President had proposed no increase in funding in his budget; and

(3) this year's budget proposes to increase the Veteran's medical care appropriation by $1,400,000,000, the level of funding in the President's budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume an increase of $1,400,000,000 in Veteran's medical care appropriations in fiscal year 2001.

SEC. 310. SENSE OF THE SENATE ON IMPACT AID.

(a) FINDINGS.—The Senate finds that—

(1) the Impact Aid, as created by Congress in 1950, fulfills a Federal obligation to local educational agencies impacted by a Federal presence;

(2) the Impact Aid provides funds to these local educational agencies to help them meet the basic educational needs of all their children, particularly the needs of transient military dependent students, Native American children, and students from low-income housing projects; and

(3) the Impact Aid is funded at a level less than what is required to fully fund "all" federally connected local educational agencies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Impact Aid Program strive to reach the goal that all local educational agencies eligible for Impact Aid receive at a minimum, 40 percent of their maximum payment under sections 8002 and 8003.

SEC. 311. SENSE OF THE SENATE ON FUNDING FOR INCREASED ACREAGE UNDER THE CONSERVATION RESERVE PROGRAM AND THE WETLANDS RESERVE PROGRAM.

(a) Findings.—The Senate finds the following:

(1) The Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) have been successful, voluntary, incentive-based endeavors that over the last decade and a half have turned millions of acres of marginal cropland into reserves that protect wildlife in the United States, provide meaningful income to farmers and ranchers (especially in periods of collapsed commodity prices), and combat soil and water erosion. CRP and WRP also provide increased opportunities for hunting, fishing, and other recreational activities.

(2) CRP provides landowners with technical and financial assistance, including annual rental payments, in exchange for removing environmentally sensitive farmland from production and implementing conservation practices. Currently, CRP includes around 31,300,000 acres in the United States.

(3) Similarly, WRP offers technical and financial assistance to landowners who select to restore wetlands. Currently, WRP includes 785,000 acres nationwide.

(4) Furthermore, bipartisan legislation has been introduced in the 106th Congress to increase the acreage permitted under both CRP and WRP. The Administration also supports raising the acreage limitations in both programs.

(5) Unfortunately, both CRP and WRP may soon become victims of their own success and their respective statutory acreage limitations unless Congress acts. Given the popularity and demand for these conservation programs, the statutory acreage limitations will likely exhaust resources available to producers who want to participate in CRP or WRP. As currently authorized, CRP has an enrollment cap of 36,400,000 million acres and WRP is limited at 975,000 acres. As of October 1, 1999, enrollment in CRP stood at approximately 31,300,000 million acres and enrollment in WRP at just over 785,000 acres.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that Congress and the Administration should take steps to raise the acreage limits of the CRP and WRP in order to make these programs available to aid the preservation and conservation of sensitive natural soil and water resources without negatively effecting rural communities. Further, such actions should help improve farm income for agricultural producers and restore prosperity and growth to rural sectors of the United States.

SEC. 312. SENSE OF THE SENATE ON TAX SIMPLIFICATION.

(a) Findings.—Congress finds that—

(1) the tax code has become increasingly complex, undermining confidence in the system, and often undermining the principles of simplicity, efficiency, and equity;

(2) some have estimated that the resources required to keep records and file returns already cost American families an additional 10 percent to 20 percent over what they actually pay in income taxes; and

(3) if it is to enact a greatly simplified tax code, Congress should have a thorough understanding of the problem as well as specific proposals to consider.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year, and the Department of the Treasury is requested to develop a report and alternative proposals on tax simplification by the end of the year.

SEC. 313. SENSE OF THE SENATE ON ANTITRUST ENFORCEMENT BY THE DEPARTMENT OF JUSTICE AND FEDERAL TRADE COMMISSION REGARDING AGRICULTURE MERGERS AND ANTICOMPETITIVE ACTIVITY.

(a) Findings.—Congress finds that—

(1) the Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including the review of corporate mergers likely to reduce competition in particular markets, with a goal of protecting the competitive process;

(2) the Bureau of Competition of the Federal Trade Commission is also charged with enforcement of the antitrust laws, including the review of corporate mergers likely to reduce competition;

(3) the Antitrust Division and the Bureau of Competition are also responsible for the prosecution of companies and individuals who engage in anti-competitive behavior and unfair trade practices;

(4) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department of Justice, in conjunction with the Federal Trade Commission, is required to review, has increased significantly in fiscal years 1998 and 1999;

(5) large agri-businesses have constituted part of this trend in mergers and acquisitions;

(6) farmers and small agricultural producers are experiencing one of the worst periods of economic downturn in years;

(7) farmers currently get less than a quarter of every retail food dollar, down from nearly half of every retail food dollar in 1952;

(8) the top 4 beef packers presently control 80 percent of the market, the top 4 pork producers control 57 percent of the market, and the largest sheep processors and poultry processors control 73 percent and 55 percent of the market, respectively;

(9) the 4 largest grain processing companies presently account for approximately 62 percent of the Nation's flour milling, and the 4 largest firms control approximately 75 percent of the wet corn milling and soybean crushing industry;

(10) farmers and small, independent producers are concerned about the substantial increase in concentration in the agriculture industry and significantly diminished opportunities in the marketplace; and

(11) farmers and small, independent producers are also concerned about possible anticompetitive behavior and unfair business practices in the agriculture industry.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Antitrust Division and the Bureau of Competition will have adequate resources to enable them to meet their statutory requirements, including those related to reviewing increasingly numerous and complex mergers and investigating and prosecuting anticompetitive business activity; and

(2) these departments will—

(A) dedicate considerable resources to matters and transactions dealing with agri-business antitrust and competition; and

(B) ensure that all vertical and horizontal mergers implicating agriculture and all complaints regarding possible anticompetitive business practices in the agriculture industry will receive extraordinary scrutiny.

SEC. 314. SENSE OF THE SENATE REGARDING FAIR MARKETS FOR AMERICAN FARMERS.

(a) Findings.—The Senate finds that—

(1) United States agricultural producers are the most efficient and competitive in the world;

(2) United States agricultural producers are at a competitive disadvantage in the world market because the European Union outspends the United States (on a dollar/acre basis) by a ratio of 10:1 on domestic support and by a ratio of 60:1 on export subsidies;

(3) the support the European Union gives their producers results in more prosperous rural communities in Europe than in the United States;

(4) the European Union blocked consensus at the World Trade Organization ministerial meeting in Seattle because Europe does not want to surrender its current advantage in world markets;

(5) despite the competitiveness of American farmers, the European advantage has led to a declining United States share of the world market for agricultural products;

(6) the United States Department of Agriculture reports that United States export growth has lagged behind that of our major competitors, resulting in a loss of United States market share, from 24 percent in 1981 to its current level of 18 percent;

(7) the United States Department of Agriculture also reports that United States market share of global agricultural trade has eroded steadily over the past 2 decades, which could culminate in the United States losing out to the European Union as the world's top agricultural exporter sometime in 2000;

(8) prices of agricultural commodities in the United States are at 50-year lows in real terms, creating a serious economic crisis in rural America; and

(9) fundamental fairness requires that the playing field be leveled so that United States farmers are no longer at a competitive disadvantage.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the United States should take steps to increase support for American farmers in order to level the playing field for United States agricultural producers and increase the leverage of the United States in World Trade Organization negotiations on agriculture as long as such support is not trade distorting, and does not otherwise exceed or impair existing Uruguay Round obligations; and

(2) such actions should improve United States farm income and restore the prosperity of rural communities.

SEC. 315. SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

(a) Findings.—The Senate finds that—

(1) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(2) women tend to live longer and tend to have lower lifetime earnings than men do;

(3) during their working years, women earn an average of 70 cents for every dollar men earn; and

(4) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) the Congress and the Administration should act, as part of Social Security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform Social Security, should receive no lesser a share of overall federally funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of Social Security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

SEC. 316. PROTECTION OF BATTERED WOMEN AND CHILDREN.

(a) FINDINGS.—The Senate makes the following findings:

(1) Each year an estimated 1,000,000 women suffer nonfatal violence by an intimate partner.

(2) Nearly 1 out of 3 adult women can expect to experience at least 1 physical assault by a partner during adulthood.

(3) Domestic violence is statistically consistent across racial and ethnic lines. It does not discriminate based on race or economic status.

(4) The chance of being victimized by an intimate partner is 10 times greater for a woman than a man.

(5) Past and current victims of domestic violence are over-represented in the welfare population. It is estimated that at least 60 percent of current welfare beneficiaries have experienced some form of domestic violence.

(6) Abused women who do seek employment face barriers as a result of domestic violence. Welfare studies show that 15 to 50 percent of abused women report interference from their partner with education, training, or employment.

(7) The programs established by the Violence Against Women Act of 1994 have empowered communities to address the threat caused by domestic violence.

(8) Since 1995, Congress has appropriated close to $1,800,000,000 to fund programs established by the Violence Against Women Act of 1994, including the STOP program, shelters for battered women and children, the domestic violence hotline, and Centers for Disease Control and Prevention injury control programs.

(9) The programs established by the Violence Against Women Act of 1994 have been and continue to comprise a successful national strategy for addressing the needs of battered women and the public health threat caused by this violence.

(10) The Supreme Court could act during this session to overturn a major protection and course of action provided for in the Violence Against Women Act of 1994. In United States v. Morrison/Brzonkala, the Supreme Court will address the issue of the constitutionality of the Federal civil rights remedy under the Violence Against Women Act of 1994, and may overturn congressional intent to elevate violence against women to a category protected under Federal civil rights law.

(11) The actions taken by the courts and the failure to reauthorize the Violence Against Women Act of 1994 has generated a great deal of concern in communities nationwide.

(12) Funding for the programs established by the Violence Against Women Act of 1994 is the only lifeline for battered women and Congress has a moral obligation to continue funding and to strengthen key components of the Violence Against Women Act of 1994.

(13) Congress and the Administration should work to ensure the continued funding of programs established by the Violence Against Women Act of 1994.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that, in light of the pending litigation challenging the constitutionality of the Federal civil rights remedy in the Violence Against Women Act of 1994 and the lack of action on legislation reauthorizing and strengthening the provisions of that Act—

(1) Congress, through reauthorization of the programs established by the Violence Against Women Act of 1994, should work to eliminate economic barriers that trap women and children in violent homes and relationships; and

(2) full funding for the programs established by the Violence Against Women Act of 1994 will be provided from the Violent Crime Reduction Fund.

SEC. 317. USE OF FALSE CLAIMS ACT IN COMBATTING MEDICARE FRAUD.

(a) FINDINGS.—The Senate finds that—

(1) the solvency of the medicare trust funds is of vital importance to the well-being of the Nation's seniors and other vulnerable people in need of quality health care;

(2) fraud against the medicare trust funds is a major problem resulting in the depletion of the trust funds; and

(3) chapter 37 of title 31, United States Code (commonly referred to as the False Claims Act) and the qui tam provisions of that chapter are vital tools in combatting fraud against the medicare program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that chapter 37 of title 31, United States Code (commonly referred to as the False Claims Act) and the qui tam provisions of that chapter are essential tools in combatting medicare fraud and should not be weakened in any way.

SEC. 318. SENSE OF THE SENATE REGARDING THE NATIONAL GUARD.

(a) FINDINGS.—The Senate finds that—

(1) the Army National Guard relies heavily upon thousands of full-time employees, Military Technicians and Active Guard/Reserves, to ensure unit readiness throughout the Army National Guard;

(2) these employees perform vital day-to-day functions, ranging from equipment maintenance to leadership and staff roles, that allow the drill weekends and annual active duty training of the traditional Guardsmen to be dedicated to preparation for the National Guard's warfighting and peacetime missions;

(3) when the ability to provide sufficient Active Guard/Reserves and Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families is degraded;

(4) the Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 23,500 Active Guard/Reserves and 25,500 Technicians; and

(5) the fiscal year 2001 budget request for the Army National Guard provides resources sufficient for approximately 22,430 Active Guard/Reserves and 23,957 Technicians, end strength shortfalls of 1,052 and 1,543, respectively.

(b) SENSE OF THE SENATE.— It is the sense of the Senate that the levels in the resolution assume that the Department of Defense will give priority to funding the Active Guard/Reserves and Military Technicians at levels authorized by Congress in the fiscal year 2000 Department of Defense authorization bill.

SEC. 319. SENSE OF THE SENATE REGARDING MILITARY READINESS.

(a) FINDINGS.—The Senate finds that—

(1) the Secretary of the Air Force stated that the United States Air Force's top unfunded readiness priority for fiscal year 2000 was its aircraft spares and repair parts account and top Air Force officers have said that getting more spares is a top priority to improve readiness rates;

(2) the Chief of Naval Operations stated that the aircraft spares and repair parts account for a top readiness priority important to the long-term health of the Navy;

(3) the General Accounting Office's study of personnel retention problems in the armed services cited shortages of spares and repair parts as a major reason why people are leaving the services;

(4) the fiscal year 2001 budget request decreases the Air Force's spares and repair parts account by 13 percent from fiscal year 2000 expected levels; and

(5) the fiscal year 2001 budget request decreases the Navy's spares and repair parts account by 6 percent from the fiscal year 2000 expected levels.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in the budget resolution assume that Congress will protect the Department of Defense's readiness accounts, including spares and repair parts, and operations and maintenance, and use the requested levels as the minimum baseline for fiscal year 2001 authorization and appropriations.

SEC. 320. SENSE OF THE SENATE ON COMPENSATION FOR THE CHINESE EMBASSY BOMBING IN BELGRADE.

It is the sense of the Senate that the levels in this resolution assume funds designated to compensate the People's Republic of China for the damage inadvertently done to their embassy in Belgrade by NATO forces in May 1999, should not be appropriated from the international affairs budget.

SEC. 321. SENSE OF THE SENATE SUPPORTING FUNDING OF DIGITAL OPPORTUNITY INITIATIVES.

(a) The Senate finds that—

(1) computers, the Internet, and information networks are not luxury items but basic tools largely responsible for driving the current economic expansions;

(2) information technology utility relies on software applications and online content;

(3) access to computers and the Internet and the ability to use this technology effectively is becoming increasingly important for full participation in America's economic, political, and social life; and

(4) unequal access to technology and high-tech skills by income, educational level, race, and geography could deepen and reinforce the divisions that exist within American society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Committees on Appropriations and Finance should support efforts that address the digital divide, including tax incentives and funding to—

(1) broaden access to information technologies;

(2) provide workers and teachers with information technology training;

(3) promote innovative online content and software applications that will improve commerce, education, and quality of life; and

(4) help provide information and communications technology to underserved communities.

SEC. 322. SENSE OF THE SENATE REGARDING IMMUNIZATION FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) vaccines protect children and adults against serious and potentially fatal diseases;

(2) society saves up to $24 in medical and societal costs for every dollar spent on vaccines;

(3) every day, 11,000 babies are born—4,000,000 each year—and each child needs up to 19 doses of vaccine by age 2;

(4) approximately 1,000,000 2-year-olds have not received all of the recommended vaccine doses;

(5) the immunization program under section 317(j)(1) under the Public Health Service Act, administered by the Centers for Disease Control and Prevention, provides grants to States and localities for critical activities including immunization registries, outbreak control, provider education, outreach efforts, and linkages with other public health and welfare services;

(6) Federal grants to States and localities for these activities have declined from $271,000,000 in 1995 to $139,000,000 in 2000;

(7) because of these funding reductions States are struggling to maintain immunization rates and have implemented severe cuts to immunization delivery activities;

(8) even with significant gains in national immunization rates, underimmunized children still exist and there are a number of subpopulations where coverage rates remain low and are actually declining;

(9) rates in many of the Nation's urban areas, including Chicago and Houston, are unacceptably low; and

(10) these pockets of need create pools of susceptible children and increase the risk of dangerous disease outbreaks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in the resolution assume that Congress should enact legislation that provides $214,000,000 in funding for immunization grants under section 317 of the Public Health Service Act (42 U.S.C. 247b) for infrastructure and delivery activities, including targeted support for immunization project areas with low or declining immunization rates or who have subpopulations with special needs.

SEC. 323. SENSE OF THE SENATE REGARDING TAX CREDITS FOR SMALL BUSINESSES PROVIDING HEALTH INSURANCE TO LOW-INCOME EMPLOYEES.

(a) FINDINGS.—The Senate finds that—

(1) 25,000,000 workers in the United States were uninsured in 1997 and more than two-thirds of the uninsured workers earn less than $20,000 annually, according to a Henry J. Kaiser Family Foundation report;

(2) the percentage of employees of small businesses who have employer-sponsored health insurance coverage decreased from 52 percent in 1996 to 47 percent in 1998; for the smallest employers, those with 3 to 9 workers, the percentage of employees covered by employer-sponsored health insurance fell from 36 percent in 1996 to 31 percent in 1998;

(3) between 1996 and 1998, health premiums for small businesses increased 5.2 percent; premiums increased by 8 percent for the smallest employers, the highest increase among all small businesses;

(4) monthly family coverage for workers at firms with 3 to 9 employees cost $520 in 1998, compared to $462 for family coverage for workers at large firms; and

(5) only 39 percent of small businesses with a significant percentage of low-income employees offer employer-provided health insurance and such companies are half as likely to offer health benefits to such employees as are companies that have only a small percentage of low-income employees.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation that allows small businesses to claim a tax credit when they provide health insurance to low-income employees.

SEC. 324. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

(a) FINDINGS.—The Senate finds that—

(1) our success in the fight against crime and improvements in the administration of justice are the result of a bipartisan effort; and

(2) since 1993 the Congress and the President have increased justice funding by 92 percent, and a strong commitment to law enforcement and the administration of justice remains appropriate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that funds to improve the justice system will be available as follows:

(1) $665,000,000 for the expanded support of direct Federal enforcement, adjudicative, and correctional-detention activities.

(2) $50,000,000 in additional funds to combat terrorism, including cyber crime.

(3) $41,000,000 in additional funds for construction costs for the Federal Bureau of Prisons and the Federal Law Enforcement Training Center.

(4) $200,000,000 in support of Customs and Immigration and Nationalization Service port of entry officers for the development and implementation of the ACE computer system designed to meet critical trade and border security needs.

(5) Funding is available for the continuation of such programs as: the Byrne Grant Program, Violence Against Women, Juvenile Accountability Block Grants, First Responder Training, Local Law Enforcement Block Grants, Weed and Seed, Violent Offender Incarceration and Truth in Sentencing, State Criminal Alien Assistance Program, Drug Courts, Residential Substance Abuse Treatment, Crime Identification Technologies, Bulletproof Vests, Counterterrorism, Interagency Law Enforcement Coordination.

SEC. 325. SENSE OF THE SENATE REGARDING THE PELL GRANT.

(a) FINDINGS.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals; for example recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(4) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education;

(5) over the past decade, Pell Grant has failed to keep up with inflation. Over the past 25 years, the value of the average Pell Grant has decreased by 23 percent—it is now worth only 77 percent of what Pell Grants were worth in 1975;

(6) grant aid as a portion of student aid has fallen significantly over the past 5 years. Grant aid used to comprise 55 percent of total aid awarded and loans comprised just over 40 percent. Now that trend has been reversed so that loans comprise nearly 60 percent of total aid awarded and grants only comprise 40 percent of total aid awarded;

(7) the percentage of freshmen attending public and private 4-year institutions from families whose income is below the national median has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that within the discretionary allocation provided to the Committee on Appropriations, the funding for the maximum Pell Grant award should be at or above the level requested by the President.

SEC. 326. SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of 6 results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training in management skills that the principals need to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but 1 in 4 new teachers do not meet State certification requirements; each year more than 50,000 underprepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal Government should support State and local educational agencies engaged in comprehensive reform of their public education system and that any public education reform should include at least the following principles:

(1) Every child should begin school ready to learn.

(2) Training and development for principals and teachers should be a priority.

SEC. 327. SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR UNITED STATES INTERNATIONAL LEADERSHIP.

(a) FINDINGS.—The Senate finds that—

(1) United States international leadership is essential to maintaining security and peace for all Americans;

(2) such leadership depends on effective diplomacy as well as a strong military;

(3) effective diplomacy requires adequate resources both for operations and security of United States embassies and for international programs;

(4) in addition to building peace, prosperity, and democracy around the world, programs in the International Affairs (150) budget serve United States interests by ensuring better jobs and a higher standard of living, promoting the health of our citizens and preserving our natural environment, and protecting the rights and safety of those who travel or do business overseas;

(5) real spending for International Affairs has declined more than 40 percent since the mid-1980's, at the same time that major new challenges and opportunities have arisen

from the disintegration of the Soviet Union and the worldwide trends toward democracy and free markets;

(6) current ceilings on discretionary spending will impose severe additional cuts in funding for International Affairs;

(7) improved security for United States diplomatic missions and personnel will place further strain on the International Affairs budget absent significant additional resources;

(8) the United States cannot reduce efforts to safeguard nuclear materials in the former Soviet States or shortchange initiatives aimed at maintaining stability on the Korean peninsula, where 37,000 United States forces are deployed. We cannot reduce support for peace in the Middle East or in Northern Ireland or in the Balkans. We cannot stop fighting terror or simply surrender to the spread of HIV/AIDS. We must continue to support all of these things, which are difficult to achieve without adequate and realistic funding levels; and

(9) the President's request for funds for fiscal year 2001 would adequately finance our International Affairs programs without detracting from our defense and domestic needs. It would help keep America prosperous and secure. It would enable us to leverage the contributions of allies and friends on behalf of democracy and peace. It would allow us to protect the interests of Americans who travel, study, or do business overseas. It would do all these things and more for about 1 penny of every dollar the Federal Government spends.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful United States international leadership.

SEC. 328. SENSE OF THE SENATE CONCERNING THE HIV/AIDS CRISIS.

(a) FINDINGS.—The Senate finds the following:

(1) More than 16,000,000 people have been killed by Acquired Immune Deficiency Syndrome (AIDS) since the epidemic began.

(2) 14,000,000 Africans have died as a result of the AIDS epidemic. Eighty-four percent of the worldwide deaths from AIDS have occurred in sub-Saharan Africa.

(3) Each day, AIDS kills 5,500 Africans, and infects 11,000 more.

(4) By the end of 2000, 10,400,000 children in sub-Saharan Africa will have lost one or both parents, to AIDS.

(5) Over 85 percent of the world's HIV-positive children live in Africa.

(6) Fewer than 5 percent of those living with AIDS in Africa have access to even the most basic care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assume that Congress has recognized the catastrophic effects of the HIV/AIDS epidemic, particularly in Sub-Saharan Africa, and seeks to maximize the effectiveness of the United States' efforts to combat the disease through any necessary authorization or appropriations;

(2) Congress should strengthen ongoing programs which address education and prevention, testing, the care of AIDS orphans, and improving home and community-based care options for those living with AIDS; and

(3) Congress should seek additional or new tools to combat the epidemic, including initiatives to encourage vaccine development and programs aimed at preventing mother-to-child transmission of the disease.

SEC. 329. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

(a) FINDINGS.—The Senate finds the following:

(1) More than 26,500 students from 250 tribes nationwide attend tribal colleges. The colleges serve students of all ages, many of whom are moving from welfare to work. The vast majority of tribal college students are first-generation college students.

(2) While annual appropriations for tribal colleges have increased modestly in recent years, core operation funding levels are still about half of the $6,000 per Indian student level authorized by the Tribally Controlled College or University Act.

(3) Although tribal colleges received a $3,000,000 increase in funding in fiscal year 2000, because of rising student populations and other factors, these institutions may face an actual per-student decrease in funding over fiscal year 1999.

(4) Per-student funding for tribal colleges is roughly half the amount given to mainstream community colleges.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Senate recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) such priority consideration reflects Congress' intent to continue work toward current statutory Federal funding goals for the tribal colleges.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on April 3, 2000, from 1 p.m.-4 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN K. RAFFERTY HAMILTON POST OFFICE BUILDING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 474, H.R. 1374.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1374) to designate the United States Post Office Building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1374) was read a third time and passed.

JOSEPH ILETO POST OFFICE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 475, H.R. 3189.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3189) to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office."

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3189) was read a third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces that pursuant to P.L. 105–134, the Amtrak Reform and Accountability Act of 1997, the appointment of the following individual, appointed by the Minority Leader of the United States Senate, to the Amtrak Reform Council: James E. Coston of Illinois, vice Donald R. Sweitzer of Virginia.

ORDERS FOR TUESDAY, APRIL 4, 2000

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, April 4. I further ask unanimous consent that on Tuesday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the Senate Concurrent Resolution 101, the budget resolution. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will begin debate on the budget resolution at 9:30 tomorrow. Amendments are expected to be offered, debated, and voted on throughout the day and into the evening. Senators who have amendments are encouraged to work with the Budget Committee on a time to offer and debate those amendments. As previously announced, votes will occur throughout the week so that action on the budget resolution can be completed no later than Friday's session of the Senate.

ADJOURNMENT UNTIL 9:30. A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:04 p.m., adjourned until Tuesday, April 4, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 3, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 3, 2000.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 2097. An act to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

TIME TO BREAK THE ADDICTION TO CHEAP OIL

Mr. BLUMENAUER. Mr. Speaker, recent disruption in oil supply has created problems with heating oil prices, costs to truckers for their diesel fuel, and increased gasoline prices. The response and the proposed solutions have ranged from the ridiculous to the absurd, even the destructive. Most reasonable people agree that the United States cannot always have unlimited supply of oil at the lowest cost in the developed world. Such assumptions are not just wrong headed, they are impossible to maintain and they encourage behaviors that are costly to the American public. We are, as a Nation, addicted to cheap oil. It skews our policy in the Mideast; discourages development of alternative fuels and energy conservation. It encourages waste, pollution and the negative side effects of our exclusive reliance on the automobile for personal transportation. It also makes us much more vulnerable to disruption in oil supply and price whether by natural market forces, unintended disaster or unfriendly policies from OPEC nations.

It is important for us to acknowledge that the United States consumes three times as much fuel per capita as any other developed country. Just 5 percent of the world's population of the United States consumes over a quarter of the world's oil supply, equivalent to Western Europe and Japan combined. For all the hysteria about recent price increases, we are still well below the 1981 high of $2.49 per gallon in today's dollars, and a little over a year ago we had the cheapest gasoline prices in our history in real terms.

Amongst the most unfortunate so-called solutions has been the proposal to cut the Federal gasoline tax 4.3 cents or more. There is no indication at all that a tax reduction will mean any reduction in price for the consumer. So long as supplies are constrained and demand is high, the market will charge what the market will bear. A tax cut will simply mean more profit for oil producers and distributors. This is also an invitation for people to manipulate oil supply and prices. If the United States Congress, led by the Senate, is so misguided as to cut the gasoline price to take the pain out of higher prices, even if it would work, and there is no evidence that it would, it is simply an invitation for OPEC or others to continue manipulation because Uncle Sam will take up the slack and reduce the pain. It is further ill conceived because the gas tax now is largely dedicated to funding our transportation infrastructure.

At a time when communities are struggling to maintain the condition of their roads; wrestling with capacity questions and looking for ways to provide support for transit so that the traveling public has choices, losing $7.2 billion a year of infrastructure investment will be counterproductive, making our problems harder while costing us more money.

How we move and organize our energy supplies and their environmental consequences has everything to do with a community's livability. Instead of pandering to OPEC and playing an elaborate game of pretend with the American public and certainly instead of making the problem worse, Congress should be part of the solution. We should now have an energy policy in this country. There has been little discussion in recent years. We ought to use this occasion to reexamine our attitudes regarding the utilization of energy.

Instead of Congress interfering with the administration's efforts to increase energy standards for automobiles, we ought to have minimum fuel efficiency standards for all motorized vehicles. It is time to stop pretending that pickups and SUVs are anything but what the vast majority of people use them for, personal transportation. They ought to be subject to the same standards as cars. Instead of giving billions of dollars of extra profit to OPEC and oil distributors, if people really think that government does not need the money, we should invest it in the development of alternative energy sources. Wind, solar, fuel cells and higher-efficiency vehicles are all ways to cut down on our dependence on oil, and especially oil imports.

There ought to be a premium placed on energy efficiency in building design and land use. This could have a huge impact on energy utilization. Most important, it is time for politicians to stop treating the public as spoiled children who cannot accept the truth or modify behavior. If we treat the American public like grown-ups, as full partners in the development of energy strategies and more livable communities, our families and businesses will, in fact, rise to the occasion. And our communities will be more livable, our families will be safer, healthier and more economically secure.

ADMINISTRATION'S COERCION OF SMITH AND WESSON POSES SERIOUS THREAT TO OUR FORM OF GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, on March 17, President Clinton announced that the firearms manufacturer, Smith and Wesson, had agreed to a certain number of gun safety proposals and the agreement reached, quote, "an unprecedented partnership between the government and the gun industry," end quote.

Partnership: now there is a very euphemistic term of what was accomplished. It obviously was high-handedness, to say the least. The Wall Street Journal ran an article on March 21 regarding this action by the administration. Here is a brief description of how the administration approached the CEO of Smith and Wesson, Ed Shultz. Quote, "In late January two young Clinton administration lawyers flew to Nashville, Tennessee, where they handed Mr. Shultz, the chief executive officer of Smith and Wesson, a list of gun control demands. Agree to this, the government attorneys said, and the legal assault on the Nation's largest handgun manufacturer would be called off."

Now, I am not sure exactly where this so-called partnership began, but such a story reeks of coercion. It reminds me of the old protection racket, pay up because you need my protection; otherwise, bad things can happen to you.

Mr. Speaker, this action taken by the administration is a serious threat to our form of government. Our President should not attempt to change public policy by threatening a company with bankruptcy by way of lawsuits. As such, I have introduced legislation disapproving the use of this heavy-handedness by the administration. This agreement establishes a terrible precedent, one that can have enormous ramifications on our society. Where will the administration turn next? HMOs, utilities, pharmaceutical companies, tobacco companies and maybe, liquor, beer and wine companies?

Mr. Speaker, there is a Washington Post editorial of April 2, Sunday, which I will make a part of the RECORD at this point.

[From the Washington Post, Apr. 2, 2000]

GOVERNMENT BY LAWSUIT . . .

For those who favor robust federal regulation of tobacco and strict controls on handguns, as we do, it is tempting to cheer any use of the courts to circumvent Congress' unwillingness to implement common-sense policy. Litigation has caused tobacco companies to improve the way they operate. A recent deal with gun maker Smith & Wesson, is, in substance, similarly in the public interest.

But the process is worrisome—prone to abuse. Filing lawsuits is generally speaking a bad way to make policy. The government has nearly unlimited resources; should it use them, in court, against law-abiding companies that it happens to dislike? Even a weak case can be used to bully those who lack the resources to fight to the end. So where is the line between legitimate governance and extortion?

The tobacco case falls on the legitimate side of the line. The government has at least put its name on a complaint. Attorney General Janet Reno is politically accountable for that suit, which the industry is now asking the court to throw out. If she loses, Ms. Reno will have to answer for filing litigation the courts deemed frivolous. Moreover, the tobacco companies for decades misrepresented the state of their knowledge about the lethality of their products, engineered them to be addictive and marketed them to children. The government's argument that it has a cause of action under federal law remains untested, but it isn't laughable.

Against the gun makers, the government does not even claim to have its own cause of action. Rather it is organizing a suit by local authorities and then stepping into negotiations to push its policies as a basis for settlement. If this is a legitimate strategy, it's hard to see why an anti-abortion administration, say, could not encourage litigation against drug companies marketing abortion-inducing drugs and then demand that those drugs be withdrawn as a condition of settlement. Abortion foes might cheer then as gun foes do now.

Federal lawsuits can redress unjust readings of the law, as in the civil rights era. Novel legal theories surely have a place in government litigation. But this is not a broad license to use suits or the threat of suits to get around democratic policymaking. To do so undermines the legislative branch, demeans the judicial and poses threats to the liberty of those who obey the law but fall out of official favor.

This article goes on to say, quote, "The government has nearly unlimited resources. Should it use them in court against law-abiding companies that it happens to dislike? Even a weak case can be used to bully those who lack the resources to fight to the end. So where is the line between legitimate government and extortion," end quote?

Mr. Speaker, the administration's action was wrong, and it speaks directly to the point of my resolution. The Constitution, article 1, section 1, states that all legislative power herein granted shall be vested in the Congress of the United States. The framers of our constitution created this body to formulate public policy. What they did not intend was for the executive branch to circumvent Congress any time it disagrees with our actions.

Furthermore, we in Congress are elected to uphold the Constitution and represent the views of our constituents, most of whom believe we need to enforce the 20,000-plus gun laws that are on the books to reduce gun violence.

Now, the administration may use polling, but 800 or 1,000 people who are polled is hardly an indication of where Americans all stand on a particular issue.

It is well known that any question can be skewed towards getting a specific answer. The administration consistently presents Americans with a one-sided version with regard to gun violence in this country. Why do we not hear from the administration that it has failed to enforce the 20,000-plus gun laws that are already on the books?

In fact, Syracuse University did a study, and it shows that this enforcement is down 44 percent since 1993. So, the President, and the media, by not reporting things accurately, have demonstrated to Americans the extraordinary ability to change facts and statistics and season them with emotional hype while at the same time neglecting the information that may give Americans an equal opportunity to make an informed decision on guns.

So I urge my colleagues to support my House resolution, which I intend to drop today. It basically says we cannot have government by lawsuit, and it talks about our country is a Republic while the government is the supreme power, it's power is vested in a its citizens who select and elect officers and representatives who govern them appropriately. We can not have the Government go out and use high-handed techniques to force corporations to comply with their wishes and omit the legislative process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, to call You Eternal is to place You in every moment yet beyond time. Be attentive to our prayer.

We bless You and praise You for the time this weekend we have gathered with Your people of faith. In those moments we listened to Your Word, we thanked You with our brothers and sisters of faith for Your presence and guidance in our daily lives. We are grateful to You, O Lord, for the moments we had this weekend to spend with family and friends. These relationships ground us in love and sustain us in all that we do. Take care of those committed to our care by life or by constitution.

Time is a most precious commodity to us and to all in the human family. To the wealthy and successful, time is a priceless gift. Never enough. To those suffering, in pain or incarcerated, time is elongated and penetrating. On them, Lord, have mercy. Help the people of this assembly and of this Nation to seize the present moment and to fill our day with works of peace and justice.

Over this weekend we have taken time in our hands and through agreement we have changed time. Lord, let this be a sign of hope to all of us and to peoples of the world. If we can change this measure of motion which governs so much of our lives; if we can agree to meet one another on a new common perception of Your unfolding mystery, such as time change, how close we are to realizing the true power You give us to negotiate change and how myriad are the possibilities for other common endeavors in the future.

Give us time to work through our problems. Help us to seek out the time to be truly present to one another. Help us, enable us to so enter this week, this day with open minds and hearts that we find You, Lord of life and light, here in the present moment. For You live and reign now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NCAA AND ILLEGAL GAMBLING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last week before a hearing at the Senate Commerce Committee, I voiced my strong opposition to legislation currently pending before both houses of Congress which would ban college sports betting in just Nevada. While I oppose this legislation, I support the goal of maintaining the integrity of college athletics. But there is simply no evidence, Mr. Speaker, to suggest that the highly regulated and legal sports betting industry in Nevada is responsible in any way for the illegal sports wagering and the point shaving scams that are taking place on our college campuses.

Mr. Speaker, I challenge the NCAA, the leading supporter of this legislation, to look in the mirror. Certainly the numerous Final Four sweepstakes promoted by the NCAA and its corporate sponsors encourages illegal wagering on college sports more than the existence of Nevada's strictly regulated sports books. Let us not punish a respected industry for a societal problem. Active and effective enforcement of current laws is the only way to stop point shaving scams and illegal gambling on our college campuses.

TIME TO SECURE OUR BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Mexican drug cartel crossed our border and opened fire on our security forces. Reports say the Mexican drug barons have placed a $200,000 bounty on any American border guard. Think about it. If these assassins kill five American guards, they make $1 million. If that is not enough to bust your buns, Mexico apologized by saying it was very, quote-unquote, regrettable.

Beam me up. It is time to secure our borders. If our military can vaccinate dogs in Haiti, they can secure our borders.

I yield back the fact that Congress keeps turning the other cheek, and Mexican drug barons are now servicing all four cheeks. Think about it.

U.N. PEACEKEEPING COSTS ON THE RISE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I do not think my colleagues would be surprised to hear that the U.N. peacekeeping costs are on the rise. A recent Washington Post article reported that peacekeeping costs are expected to double this year to nearly $2 billion. This means that the United States will again be strapped with a financial and a personal burden, especially since the administration has stretched our military so much.

Under the current formula, the U.S. pays about 30 percent, almost one-third of all the peacekeeping costs. Contrast that with China who is a member of the United Nations and they contribute a little less than 1 percent. The same China that the administration wants Congress to recognize for permanent normal trade relations. This antiquated formula has not changed for 26 years.

A Republican led Congress has finally addressed this problem by requiring that United States arrears be tied to a more equitable formula. But this change is likely to meet with conflict. So who is shocked that many countries that have a free ride are balking at financial responsibility? Congress must maintain fiscal responsibility by requiring all members of the U.N. to do their share, including China.

IT IS TIME AMERICAN PEOPLE LEARNED THE TRUTH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, last month the Democrats criticized our budget resolution with their standard risky rhetoric, claiming our budget would cause children to starve and deny health care for the elderly. Ironically, it is the irresponsible accounting of the Clinton-Gore administration that really puts our children and seniors at risk. In fiscal year 1997, the Clinton-Gore Agriculture Department wasted $1 billion in erroneous food stamp payments, money that could have fed 5 percent more of our Nation's impoverished children. In fiscal year 1998, Medicare wasted $12.6 billion in overpayments to health care providers, money that could have helped thousands of American seniors. And in 1995, the Veterans' Administration nonchalantly ignored nearly $12 million in benefits owed to the Veterans' Administration, even though many elderly American veterans are struggling to get by.

It is time the American people learned the truth. The risky wasteful policies belong to the Clinton-Gore Democrats, not the Republicans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

SCIENCE COMMITTEE REPORTS RESTORATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3904) to prevent the elimination of certain reports.

The Clerk read as follows:

H.R. 3904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 801(b) and (c) of the Department of Energy Organization Act (42 U.S.C. 7321(b) and (c)).

(2) Section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683).

(3) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687).

(4) Section 7(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1106(a)).

(5) Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476).

(6) Section 404 of the Communications Satellite Act of 1962 (47 U.S.C. 744).

(7) Section 205(a)(1) of the National Critical Materials Act of 1984 (30 U.S.C. 1804(a)(1)).

(8) Section 17(c)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(2)).

(9) Section 10(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)).

(10) Section 212(f)(3) of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 3704b(f)(3)).

(11) Section 11(g)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(g)(2)).

(12) Section 5(d)(9) of the National Climate Program Act (15 U.S.C. 2904(d)(9)).

(13) Section 7 of the National Climate Program Act (15 U.S.C. 2906).

(14) Section 703 of the Weather Service Modernization Act (15 U.S.C. 313 note).

(15) Section 118(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1268(d)(2)).

(16) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(17) Section 2367(c) of title 10, United States Code.

(18) Section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7)).

(19) Section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(7)).

(20) Section 5(b)(1)(C) and (D) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)(C) and (D)).

(21) Section 11(e)(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(6)).

(22) Section 2304(c)(7) of title 10, United States Code, but only to the extent of its application to the National Aeronautics and Space Administration.

(23) Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)).

(24) Section 36(f) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c(f)).

(25) Section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

(26) Section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

(27) Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)).

(28) Section 3(a)(7) and (f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(7) and (f)).

(29) Section 7(a) of the National Science Foundation Authorization Act, 1977 (42 U.S.C. 1873 note).

(30) Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3904.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Reports and Elimination and Sunset Act of 1995 calls for the sunset of all periodic reports submitted to Congress by the executive branch. Congress has extended the sunset date of these reports until May of this year.

The committee on science highlighted nearly 100 reports relevant to its jurisdiction from the thousands scheduled for sunset. Out of that group, 30 were considered to be important to the committee's oversight responsibilities and have been incorporated into H.R. 3904. These reports serve a useful purpose within the agency themselves as a part of their internal review and evaluation process. The agency reports exempted under H.R. 3904 originate from NASA, the National Science Foundation, NOAA and others.

Mr. Speaker, H.R. 3904 is a bipartisan effort of the Committee on Science to maintain a fundamental oversight tool. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Wisconsin has accurately described the bill. We support it. It was passed by a bipartisan effort. We support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3904.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENTS TO H.R. 1753, METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 453) providing for the consideration of the bill H.R. 1753 and the Senate amendments thereto.

The Clerk read as follows:

H. RES. 453

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1753 together with the Senate amendments thereto, and to have (1) concurred in the amendment of the Senate to the title, and (2) concurred in the amendment of the Senate to the text with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methane Hydrate Research and Development Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(4) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term "industrial enterprise" means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(8) SECRETARY OF COMMERCE.—The term "Secretary of Commerce" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(9) SECRETARY OF DEFENSE.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(10) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of enactment of this Act and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industrial enterprises, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of methane hydrate;

(2) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1); and

(3) not later than 2 years after the date of enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(A) methane hydrate formation;

(B) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(C) the consumption of natural gas produced from methane hydrates.

Not more than twenty-five percent of the individuals serving on the advisory panel shall be Federal employees.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking "and" at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

"(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and";

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) The term 'methane hydrate' means—

"(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

"(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002;

(3) $11,000,000 for fiscal year 2003;

(4) $12,000,000 for fiscal year 2004; and

(5) $12,000,000 for fiscal year 2005.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2005.

SEC. 7. NATIONAL RESEARCH COUNCIL STUDY.

The Secretary shall enter into an agreement with the National Research Council for such council, to conduct a study of the progress made under the methane hydrate research and development program implemented pursuant to this Act, and to make recommendations for future methane hydrate research and development needs. The Secretary shall transmit to the Congress, not later than September 30, 2004, a report containing the findings and recommendations of the National Research Council under this section.

SEC. 8. REPORTS AND STUDIES.

The Secretary of Energy shall provide to the Committee on Science of the House of Representatives copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, methane hydrates which consist of a mixture of methane and water frozen into a solid crystalline state have great energy potential and are found in many areas throughout the world. The U.S. Geological Survey's 1995 national assessment of United States oil and gas reserves estimated the value of U.S. inplace methane hydrate resources to be an astounding 320 quadrillion cubic feet of gas.

By comparison, the United States annually consumes about 33 trillion cubic feet of methane as natural gas. The world's currently known gas reserves are about 5 quadrillion cubic feet. H.R. 1753 directs the Secretary of Energy in consultation with the Secretaries of Commerce, Defense and the Interior and the director of the National Science Foundation to commence a program of methane hydrate R&D. It authorizes the Secretary of Energy $5 million for fiscal year 2001, $7.5 million for fiscal year 2002, $11 million for fiscal year 2003, and $12 million for each of fiscal years 2004 and 2005 to carry out the programs.

The bill also authorizes the Secretary of Energy to award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to conduct methane hydrate R&D.

□ 1415

It requires that all such awards be made available based upon a competitive merit review process. It limits administrative expenses to not more than 5 percent and prohibits any funds from being used for either the construction of the new building or alteration of an existing building, including site grading and improvement in architect fees.

It allows the Secretary of the Interior to award methane hydrate R&D contracts and grants to and to enter into cooperative agreements with qualified entities under the Marine

Mineral Resources Research Act of 1996. It sunsets the methane hydrate R&D program after the end of fiscal year 2005, and it requires the Secretary of Energy to engage the national research council to conduct a study of the progress of the program and to make recommendations for future methane hydrate R&D needs. The NRC report is to be transmitted to Congress not later than September 30, 2004.

Mr. Speaker, the House unanimously approved a similar version of H.R. 1753 last October, which the Senate amended in November. I commend this revised version of the bill which represents the bipartisan agreement with the Senate to the House for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be here today to move one step closer to enactment of the Gas Hydrates Research and Development Act. I am happy that we have reached an agreement that everyone can support. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full committee, and the gentleman from Texas (Mr. HALL), the ranking member, along with the gentleman from California (Mr. CALVERT), the chairman of the subcommittee, for all of their hard work on this bill. I would also like to commend my good friend and colleague from Pennsylvania (Mr. DOYLE) for his leadership and his hard work on this bill.

Mr. Speaker, gas hydrates have the potential to provide a significant natural gas resource to this country if they can be safely and economically extracted from the ocean floor, where they are found. This legislation establishes an interagency research and development program to examine many issues associated with the extraction of gas hydrates, including the possible economic, environmental, and energy benefits.

Mr. Speaker, I strongly support this legislation, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, as the chairman of the Energy and Environment Subcommittee, I am pleased that we are considering H.R. 1753, the Methane Hydrate Research and Development Act of 2000. My friend and colleague on the subcommittee, Mr. DOYLE, introduced H.R. 1753 in May 1999, and last October 26, the House unanimously approved a similar version of the bill. The Senate amended the House-passed bill last November, and this revised version of the bill represents a bipartisan agreement with the Senate.

Mr. Speaker, I have the distinct pleasure of serving on both the House Science Committee and the Resources Committee which shared jurisdiction on this bill. I want to thank my friends on Resources for all their hard work in getting H.R. 1753 to the floor. I would especially like to thank Chairman YOUNG and Congresswoman CUBIN for their willingness to work with me and the chairman of the Science Committee on this important piece of legislation.

Methane hydrates are ice-like substances found in undersea sediments and in Arctic permafrost. These hydrates will one day provide an abundant supply of clean natural gas if science can discover practical and environmentally sound extraction methods. However, much more research is needed before we can attain that goal. H.R. 1753 brings us closer to the day when we can safely and effectively begin to use this abundant, new source of energy.

This legislation will make funds available to continue research into extracting this clean and bountiful potential source of energy. It also seeks to better coordinate the research efforts of the Department of Energy, the U.S. Geological Survey, the U.S. Navy, the Minerals Management Service, and NOAA.

I urge my colleagues to support this legislation, which will help secure our energy future. I thank the Chair.

Mr. DOYLE. Mr. Speaker, I am pleased that the House is considering H.R. 1753. The Methane Hydrate Research and Development Act, a five year authorization measure that will promote the research, identification, assessment, exploration and development of methane hydrate resources.

As members will recall, H.R. 1753 was previously considered on the suspension calendar and passed by the House on October 26, 1999. Under the leadership of Senator AKAKA, the bill was subsequently passed by the Senate in November of 1999. The version before us today does not differ in scope or direction, but does incorporate minor changes agreed to by all parties that have been involved in this most important energy initiative.

In my view, the need for heightened methane hydrate research has always been critical in nature. But the attention being paid to the recent increase in oil prices and cost hikes at the gas pump has served to reinforce our nation's need to become less dependent on foreign oil and to enhance the use of our domestic fuel base in a manner that meets the requirements for cleaner fuels and reduced emissions.

The potential for significant benefits to consumers, the environment, and business exist in methane hydrate research. I have previously sited the following information, but it bears repeating. It has been projected that U.S. gas consumption is expected to increase by 40% by the year 2020. Couple this with the fact that currently more than half of the present U.S. oil supply is imported and without natural gas production, our oil import volume would be much larger. But if only 1% of the methane hydrate resource could be made recoverable, the United States could more than double its domestic natural gas resource base. In short, when a new, abundant resource is found that meets a growing demand with a greater level of efficiency, consumers will not only have a greater selection of options, but more affordable costs as well.

I am particularly proud of the existing research into this area that has been done by DOE's National Energy Technology Laboratory in Pittsburgh, as well as the recognized efforts of Gerald Holder at the University of Pittsburgh. I am confident that framework, guidance, and authority embodied in The Methane Hydrates Research and Development Act will enable further examination into what could conceivably save consumers billions of dollars, make difficult national environmental decisions easier, and strengthen our Nation's energy security.

Once again, I want to extend my sincerest appreciation to Senator AKAKA, Chairman SENSENBRENNER, Representative CALVERT, and Representative COSTELLO for their efforts and support in moving forward with H.R. 1753, The Methane Hydrate Research and Development Act of 2000.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 453.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 281), authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The Clerk read as follows:

H. CON. RES. 281

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER.

In carrying out its duties under section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j), the John F. Kennedy Center for the Performing Arts, in cooperation with the National Park Service (in this resolution jointly referred to as the "sponsor"), may sponsor public performances on the East Front of the Capitol Grounds at such dates and times as the Speaker of the House of Representatives and Committee on Rules and Administration of the Senate may approve jointly.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Any performance authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) ASSUMPTION OF LIABILITIES.—The sponsor shall assume full responsibility for all liabilities incident to all activities associated with the performance.

SEC. 3. PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—In consultation with the Speaker of the House of

Representatives and the Committee on Rules and Administration of the Senate, the Architect of the Capitol shall provide upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for a performance authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the performance.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to a performance authorized by section 1.

SEC. 5. EXPIRATION OF AUTHORITY.

A performance may not be conducted under this resolution after September 30, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 281, introduced by the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, and cosponsored by the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the committee, authorizes the use of the East Front of the Capitol for performances by the Millennium Stage of the John F. Kennedy Center for the Performing Arts. It is expected that performances will take place on Tuesdays and Thursdays from Memorial Day to September 30, 2000.

The performances will be open to the public, free of admission charge, and the sponsors of the event, the Kennedy Center and the National Park Service, will assume responsibility for all liabilities associated with the event. The resolution expressly prohibits sales, displays, advertisements, and solicitation in connection with the event.

Mr. Speaker, this unique event allows the Kennedy Center to provide leadership in the national performing arts education policy and programs and could conduct community outreach as provided for in its mission statement. By permitting these performances on the east front, the Congress is assisting the Kennedy Center in fulfilling this mission.

Mr. Speaker, I support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with the gentleman from Ohio (Mr. LATOURETTE) in supporting House Concurrent Resolution 281, which authorizes a series of summer concerts sponsored by the JFK Center to be conducted here on Capitol Hill. These concerts are held from Memorial Day throughout the summer and conclude around Labor Day. I must say they have enriched my tenure here on the Hill.

On Tuesdays and Thursdays during the summer months, residents, many tourists and other visitors to Capitol Hill are treated to wonderful, free concerts, with entertainment provided by some of America's most enduring and endearing artists.

As with all events on the Capitol grounds, these concerts are free, open to the entire public, and will be arranged in accordance with the rules and regulations of the Office of the Architect of the Capitol and the Capitol Hill police. We do owe a debt of gratitude to the Kennedy Center for its sponsorship of the summer program which includes all types of music, dance, and vocal performances.

I thank the chairman for his expeditious handling of this resolution, and I urge my colleagues to support House Concurrent Resolution 281.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Con. Res. 281, which authorizes a series of summer concerts, sponsored by the John F. Kennedy Center to be conducted here on Capitol Hill.

Consistent with past summers, the concerts are held from Memorial Day throughout the summer, and conclude at the end of summer, around Labor Day. The musical performances feature the best of American talent, and provide hours of enjoyment for all listeners.

The Kennedy Center is to be commended for its solid commitment to educating the American public to the joys of the performing arts. The Millennium stage at the Kennedy Center has been an enormous hit. Free concerts are arranged each day in the Great Hall, all you need to do is to show up and be treated to wonderful free performances.

The summer concerts series is another sign of the Center's commitment to bring performing art to all Americans, consistent with President Kennedy's devotion to the arts.

As with all events on Capitol grounds, these concerts are free, open to the entire public, and will be arranged in accordance with rules and regulations of the office of the Architect of the Capitol, and the Capitol Police.

I look forward to this very enjoyable summertime entertainment and I urge my colleagues to support House Concurrent Resolution 281.

Mr. LATOURETTE. Mr. Speaker, I urge the passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

JUDGE J. SMITH HENLEY FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1605) to designate the United States courthouse building located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the "Judge J. Smith Henley Federal Building," as amended.

The Clerk read as follows:

H.R. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, shall be known and designated as the "J. Smith Henley Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Smith Henley Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1605, as amended, designates the Federal building and United States courthouse in Harrison, Arkansas as the "J. Smith Henley Federal Building and United States Courthouse."

Judge Henley was a lifelong resident of northwest Arkansas. He was born in Saint Joe, Arkansas, attended the University of Arkansas, and practiced law in Boone County. Judge Henley was appointed as a United States district judge in 1958 for the eastern and western districts of Arkansas, and in 1975 was appointed to the United States Circuit Court of Appeals for the 8th District. He took senior status in 1982 and continued to carry an active docket until his death in 1987.

This designation is a fitting tribute, and I urge enactment of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1605 is a bill to designate the courthouse building located at 402 North Walnut Street, Harrison, Arkansas, as the "Judge J. Smith Henley Federal Building." Judge Henley served the citizens of Arkansas for his entire life and was a revered and respected figure in Harrison. His family and roots are deep and longlasting in the county and city of Harrison.

Judge Henley's judicial career began with his appointment in October 1958 to the U.S. District Court for the eastern and western districts of Arkansas. He served as a chief judge of the eastern district during his entire tenure on the district bench. He also served as referee in bankruptcy for the western district and as associate general counsel for the Federal Communications Commission here in Washington, D.C.

An active church member, devoted family man, and loving father are also characteristics of this beloved local figure.

Mr. Speaker, it is proper and fitting to honor the contributions of Judge Henley with this designation. I support H.R. 1605, and I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 1605, a bill to designate the Federal building located at 402 North Walnut Street in Harrison, Arkansas, as the "Judge J. Smith Henley Federal Building".

Judge J. Smith Henley had deep, longstanding roots in Harrison, Arkansas. He was born in 1917 in St. Joe, Arkansas, and died in October 1997 in Harrison. Judge Henley attended local schools, and received his law degree from the University of Arkansas at Fayetteville in 1941.

His long and distinguished career included work here in Washington for the Federal Communications Commission and the U.S. Department of Justice. Judge Henley was appointed to the United States Circuit Court for the Eighth Circuit in March 1975. In 1982, he took senior status and continued to perform substantial judicial work until his passing.

He is remembered for his kindness and fairness and for his deep reverence for judicial work.

He was a devoted father to his two daughters, and is survived by his wife of 59 years. Judge Henley was an active volunteer and member of various bar associations, including the American Bar Association, the Arkansas Bar Association, and the American Judicature Society.

I urge all Members to support H.R. 1605.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1605, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the 'J. Smith Henley Federal Building and United States Courthouse'.".

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 19TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278) authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 278

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 19th annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the more than 130 law enforcement officers who died in the line of duty during 1999.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized by section 1.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

House concurrent resolution 278 authorizes the use of the Capitol grounds for the 19th Annual Peace Officers' Memorial Service on May 15 of 2000, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution authorizes the Architect of the Capitol, the Capitol Hill Police Board, and the National Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The Capitol Hill police will be the hosting law enforcement agency. The event will be free of charge, and open to the public.

Mr. Speaker, this service will honor Federal, State, and local law enforcement officers killed in the line of duty in the year 1999. This is a fitting tribute to the men and women who have given their lives in the performance of said duties.

Mr. Speaker, I support this measure, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no more difficult job than those who have been charged with keeping public peace and order. They intervene under the most difficult of circumstances. We give them the power to use deadly force in connection with conducting their duties. Unfortunately, all too often, these men and women are themselves in harm's way.

Houses concurrent resolution 278 authorizes the use of the Capitol grounds for this most solemn service. I strongly support the resolution which honors these police officers, men and women who died in the line of duty in 1999.

During this last year, 134 brave peace officers from the ranks of State, local, and Federal service were killed in the line of duty. Mr. Speaker, 11 women lost their lives; 2 were members of the U.S. Army Police Corps. Sadly, history suggests that this week, 2 or 3 more officers will die in the line of duty; and there will be 350 more who will be injured or assaulted.

Mr. Speaker, in 1962, President Kennedy signed the law establishing National Police Week. May 15 is designated Peace Officers' Memorial Day, and the Capitol Hill ceremony will take place on that day. It is a day during which a grateful Nation will pay tribute to the sacrifice of all peace officers. As a caring Nation, we deeply appreciate that sacrifice.

Just 2 years ago in my district, on January 27, 1998, Portland police officer Colleen Waibel was killed during a drug raid. In honor of Officer Waibel and the other 28 Multnomah County, Clackamas County, and Portland police officers who were killed in the line of duty, I would like to enter their names into the CONGRESSIONAL RECORD at this time.

MULTNOMAH COUNTY, CLACKAMAS COUNTY AND PORTLAND POLICE OFFICERS WHO WERE KILLED IN THE LINE OF DUTY

Thomas G. O'Conner
Charles F. Schoppe
Samuel S. Young
Albert W. Moe
James T. White
Ralph H. Stahl
James C. Gill
John J. McVarthy
Jerome Palmer
Robert E. Drake
Charles M. White
Phillip R. Johson
Charles E. Vincent
James A. Hines
Roy E. Mizner
Vernon J. Stroeder
Roger L. Davies
Robert P. Murray
Robert R. Ferron
Stephen M. Owens
Dennis A. Darden
David W. Crowther
Stanley Punds
Thomas L. Jeffries
Colleen Waibel
Jimmy Shoop
Robert "Bobby" Anderson
Scott Collins
Mark Whitehead

Mr. Speaker, to remember these officers, my city of Portland has built a monument in the Tom McCall Water Front Park that serves as a permanent recognition of the great sacrifice our officers made, as well as a tremendous service that all our officers provide. I was proud that my community recognized the importance of remembering these slain officers, and I think it is all together fitting to use the Capitol grounds to recognize those officers nationwide who gave their lives in the line of duty in 1999.

Mr. Speaker, I strongly support and urge passage of House concurrent resolution 278.

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Mr. Speaker, it is a great honor for me to yield such time as he may consume to my colleague, the gentleman from Ohio (Mr. TRAFICANT), who has provided such great leadership in the recognition of the sacrifice of police officers in the line of duty.

Mr. TRAFICANT. Mr. Speaker, I want to thank the ranking member for yielding time to me, and I want to thank the chairman for bringing this to the floor.

As sponsor of this legislation, I want to give my commendations to the National Fraternal Order of Police and its auxiliary. We will honor more than 130 law enforcement officers who died in the line of duty in 1999, 130 who put their lives on the line for our citizens.

As a former sheriff, this is a significant event for me. Officers across the country share an extraordinary bond with one another, and we are all saddened by their deaths. These 130 brave officers gave their lives to protect our cities, to protect our neighborhoods. They will be held up with the highest honor and will forever be remembered for their valor.

The United States Capitol is the one appropriate site for such a tribute. I want to thank the Fraternal Order of Police for sponsoring this important event, and I want to thank my good friend and neighbor, the gentleman from Ohio (Mr. LATOURETTE) for his and the committee's leadership.

I would also like to say that while everyone is in town for this event, visit the D.C. Memorial that lists the names of all the police officers who were slain in the line of duty. I want to give a special commendation to my Chief of Staff, who had taken a leave from my office and who led that particular construction and development.

I thank Members for bringing this to the floor, and urge an aye vote.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for his heartfelt eloquence and advocacy.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our subcommittee is fortunate not only to have the gentleman from Oregon (Mr. BLUMENAUER) ably managing the bills for the minority today, but the gentleman from West Virginia (Mr. WISE), an outstanding ranking member.

The subcommittee misses the gentleman from Ohio (Mr. TRAFICANT). As ranking member, he did a great job in the last Congress, as the gentleman from West Virginia (Mr. WISE) does in this Congress. The gentleman from Ohio (Mr. TRAFICANT) mentioned the police memorial here in D.C. One of the amazing things about that memorial is that it is not supported by taxpayer money.

By an Act of Congress, a coin was minted. As a result of that subscription and that sale, the police are able to maintain that memorial, and every year to inscribe and honor the names of those who have fallen in the line of duty.

Mr. OBERSTAR. Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 278, to authorize use of the Capitol Grounds for the National Peace Officers' Memorial Service. President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day. Each year on May 15th, we, as a Nation, have an opportunity to honor the devotion with which peace officers perform their daily task of protecting us, our families, our coworkers, and friends.

There are approximately 700,000 sworn law enforcement officers serving the American public today. During 1999, 134 peace officers were killed in the line of duty. In addition, approximately 65,000 officers are assaulted each year, with 23,000 sustaining serious injury.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers. I urge support and adoption of House Concurrent Resolution 278.

Mr. LATOURETTE. Mr. Speaker, this is a worthy bill. I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 278.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 200TH BIRTHDAY CELEBRATION OF LIBRARY OF CONGRESS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 279), as amended, authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress, as amended.

The Clerk read as follows:

H. CON. RES. 279

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF EVENT TO CELEBRATE THE 200TH BIRTHDAY OF THE LIBRARY OF CONGRESS.

The Library of Congress (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 200th birthday celebration of the Library of Congress (in this resolution referred to as the "event"), on the Capitol Grounds on April 24, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, except that no arrangements may be made to limit access to any public road on the Capitol Grounds.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the

Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 279 authorizes the use of the Capitol grounds for the 200th birthday celebration of the Library of Congress on April 24, 2000, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Library of Congress, which is the sponsor of the event, to negotiate the necessary arrangements for carrying out the events in complete compliance with the rules and regulations governing use of the Capitol grounds.

The events will be free of charge and open to the public. April 24 is the 200th anniversary when President John Adams signed into law an act establishing the Library of Congress, and appropriating the huge sum of $5,000 for the purchase of the books. The celebration will include a free concert on the Capitol grounds, and other events inside the Library.

Mr. Speaker, I support this measure, I urge my colleagues to do the same, and I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a genuine pleasure for me to rise in support of House Concurrent Resolution 279.

As my colleague, the gentleman from Ohio, mentioned, it authorizes the use of the Capitol Plaza on April 24 for events commemorating the bicentennial of the Library of Congress.

This institution is America's national library, the oldest Federal cultural institution. It is the largest collection of information in the history of the world. We are hopeful that this event will highlight the important role that this library and all libraries play in our democratic society.

As the gentleman from Ohio (Mr. LATOURETTE) mentioned, the Library of Congress started with the magnificent sum of $5,000 authorized under the act, signed into law by President John Adams. But by 1812, the collection had grown to a phenomenal 3,076 books. However, during the war of 1812, the library, along with other prominent Washington buildings, was burned and the collection was lost.

In 1850, Thomas Jefferson, who then had the largest personal library in America, sold his personal collection to the library for a modest sum, a few thousand more than that. It was very important not only because it helped restart the Library of Congress, but it changed the nature of the collection. Prior to that, the Library of Congress was very narrowly focused in terms of legal and historical topics, but because Thomas Jefferson was truly a renaissance man and had a wide sweep of volumes in a number of different languages that he had collected in his travels and service to our country, it included material on literature, and the nature of the library thus was fundamentally changed.

I am proud to say that due to the diligence of our outstanding staff and a little bit of luck, many of the original Jefferson volumes are still present, available in the rare book room for viewing. I am proud to say that it was a lot of fun just a week ago to view them once again.

Today's collection contains 119 million other items, books, photographs, maps, music, movies, manuscripts, microfilm, all viewed as the world's premier collection of knowledge. Of course, it is housed in the flagship building, I think the most magnificent in our Nation's capital, the Jefferson Building, which we recently celebrated its centennial in 1997 and its painstaking and loving restoration.

We are here today to celebrate the potential on April 24 for a long series of events which shall include the unveiling of commemorative coins and stamps, the opening of a major exhibit on Thomas Jefferson, and a national birthday party consisting of free musical performances open to the public.

I support this resolution, and I urge my colleagues, in joining me, to celebrate it in renewing our commitment to this important institution.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 279 to authorize the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

This public event will be held on April 24. The daylong celebration will include musical performances and the opening of a major Library of Congress exhibition on Thomas Jefferson.

As with all events held on the Capitol Grounds this event will be free and open to the public. The Architect of the Capitol and the Capitol Police Board will determine the conditions under which the event will be held.

On April 24, 2000, the Library of Congress celebrates its bicentennial commemoration. The Library was established as the fledgling legislature of the new Republic prepared to move from Philadelphia to the new capital city of Washington. On April 24, 1800, President John Adams signed into law an act that appropriated $5,000 to purchase "such books as may be necessary for the use of Congress." The first books, ordered from London, arrived in 1801 and were stored in the U.S. Capitol, the Library's first home. The collection consisted of 740 volumes and three maps.

A year later, President Thomas Jefferson signed the first law defining the role and functions of the new institution. This measure created the post of the Librarian of Congress and gave Congress, through a Joint Committee on the Library, the authority to establish the Library's budget and its rules and regulations. From the beginning, however, the institution was more than just a legislative library. The 1802 act permitted the President and Vice President to borrow books; a privilege that, in the next three decades, was extended to most government agencies and the judiciary.

President Jefferson, a man who stated he could not live without books, was a key architect to the Library that we know today. Jefferson took a keen interest in the Library and its collection while he was President of the United States from 1801–1809. Throughout his presidency, Jefferson personally recommended books for the Library and he appointed its first two Librarians.

In 1814, the British army invaded the city of Washington and burned the Capitol, including the 3,000-volume Library of Congress. In response, Jefferson, then retired at Monticello, sold his personal library, the largest and finest in the country, to Congress to "recommence" its library. The 6,487-volume library that Jefferson sold to Congress, not only included twice as many books as the destroyed Library, it expanded the scope of the Library far beyond the bounds of a legislative library devoted primarily to legal, economic, or historical works. The "new" Library contained books on architecture, the arts, science, literature, and geography. It contained books in French, Spanish, German, Latin, Greek, and one three-volume statistical work in Russian. Anticipating the argument that his collection might be too comprehensive, Jefferson argued that: "There is, in fact, no subject to which a Member of Congress may not have occasion to refer." As today's Librarian of Congress, Dr. James Billington, recently pointed out: "That statement has guided the collecting policies of the Library of Congress to this day and is one of the main reasons why the institution's collections have a breadth and depth unmatched by any other repository."

Today's Library contains nearly 119 million books, maps, manuscripts, photographs, sound recording, and motion pictures. It has more than 18 million books, 30,000 newspapers, 4.5 million maps, and 12 million photographs on its 530 miles of bookshelves. The Library collects materials in more than 460 languages and has acquisition offices throughout the world, from Rio de Janeiro to New Delhi.

There have been 13 Librarians of Congress since its inception, and each Librarian has faced unique challenges. Throughout the 1990's and into the new century, the challenge is adapting the Library to the digital age. As it has throughout its history, the Library leads the way. The Library has enhanced public access to the Library through the National Digital Library. The Library's THOMAS system of legislative information serves Congress and the public each day.

We join Dr. Billington in acknowledging how libraries have influenced our lives, and we celebrate with him one of America's true national treasures, the Library of Congress.

I urge all Members to support adoption of this resolution.

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge the passage of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 279, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

TRANSPORTATION AND INFRASTRUCTURE REPORTS RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4052) to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes.

The Clerk read as follows:

H.R. 4052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation and Infrastructure Reports Restoration Act of 2000".

SEC. 2. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS REGARDING WATER RESOURCES AND ENVIRONMENT.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) EXEMPTIONS FROM WATER POLLUTION CONTROL REQUIREMENTS FOR EXECUTIVE AGENCIES.—Section 313(a) of the Federal Water Pollution Control Act (33 U.S.C. 1323(a)).

(2) HEALTH HAZARDS OF ENVIRONMENTAL POLLUTION.—Section 501(d) of Public Law 91-515 (42 U.S.C. 4394(d)).

(3) REVIEW OF REMEDIAL ACTIONS AT CERTAIN FACILITIES TO ENSURE PROTECTION OF HUMAN HEALTH AND ENVIRONMENT.—Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(c)).

(4) DESIRABILITY OF ADJUSTING OIL POLLUTION LIABILITY LIMITS.—Section 1004(d)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(3)).

(5) WORK OF RIVER BASIN COMMISSIONS.—Section 204 of the Water Resources Planning Act (42 U.S.C. 1962b–3(2)).

(6) AGENCY COMPLIANCE WITH COASTAL BARRIER RESOURCES ACT.—Section 7 of the Coastal Barrier Resources Act (16 U.S.C. 3506).

(7) COASTAL ZONE MANAGEMENT.—Section 316(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1462(a)).

(8) GREAT LAKES RESOURCES ON WHICH RESEARCH IS NEEDED.—Section 118(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1268(d)(2)).

(9) ENVIRONMENTAL RESTORATION COSTS FOR FACILITIES SUBJECT TO BASE CLOSURE LAWS.—Section 2827(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1551).

(10) COMPLIANCE WITH ANNEX V OF INTERNATIONAL CONVENTION FOR PREVENTION OF POLLUTION FROM SHIPS.—Section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(11) COASTAL ZONE MANAGEMENT FUND.—Section 308(b)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a(b)(3)).

(12) RESULTS OF ENVIRONMENTAL MONITORING ACTIVITIES.—Section 104B(j)(4)(B) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414b(j)(4)(B)).

(13) ATSDR RESULTS ON HEALTH ASSESSMENTS.—Section 104(i)(10) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(10)).

(14) NATIONAL ESTUARY PROGRAM ACTIVITIES.—Section 320(j)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(j)(2)).

(15) MONITORING FOR COASTAL WATERS.—Section 112(m)(5) of the Clean Air Act (42 U.S.C. 7412(m)(5)).

(16) COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN FOR LONG ISLAND SOUND.—Section 119(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(7)).

(17) IMPLEMENTATION OF GREAT LAKES WATER QUALITY AGREEMENT OF 1978.—Section 118(c)(10) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(10)).

(18) EFFECTS OF POLLUTION ON NATION'S ESTUARIES.—Section 104(n)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)(3)).

(19) NATIONAL REQUIREMENTS AND COSTS OF WATER POLLUTION CONTROL.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375).

(20) REGULATION OF OCEAN DUMPING.—Section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1421).

(21) ESTUARINE MONITORING PROGRAM OF ORGANOTIN.—Section 7(a) of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406(a)).

(22) PROGRESS OF IMPLEMENTING CERCLA.—Section 301(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651(h)).

(23) STATUS OF WATER QUALITY IN UNITED STATES LAKES.—Section 314(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)(3)).

(24) STATE REPORTS ON WATER QUALITY OF ALL NAVIGABLE WATERS.—Section 305(b) of the Federal Water Pollution Control Act (33 U.S.C. 1315(b)).

(25) LAKE WATER QUALITY DEMONSTRATION PROGRAM.—Section 314(d)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(3)).

(26) FINANCIAL STATEMENTS AND ANNUAL REPORTS (TVA).—Section 9(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h(a)).

(27) LEVEL B PLAN ON ALL RIVER BASINS.—Section 209(b) of the Federal Water Pollution Control Act (33 U.S.C. 1289(b)).

(28) REPORTS ON CONTRACTS ENTERED INTO RELATING TO PROCUREMENT FROM VIOLATORS OF WATER QUALITY STANDARDS.—Section 508(e) of the Federal Water Pollution Control Act (33 U.S.C. 1368(e)).

SEC. 3. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS REGARDING SURFACE TRANSPORTATION.

(a) IN GENERAL.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) TRANSPORTATION STATISTICS ANNUAL REPORT.—Section 111(j) of title 49, United States Code.

(2) CURRENT PERFORMANCE AND CONDITION OF PUBLIC MASS TRANSPORTATION SYSTEMS.—Section 308(e) of title 49, United States Code.

(3) STATE ENFORCEMENT OF VEHICLE WEIGHT LIMITATIONS.—Section 123(c) of the Federal-Aid Highway Act of 1978 (23 U.S.C. 141 note; 92 Stat. 2701).

(4) STATE PROGRESS IN IMPLEMENTING HIGHWAY HAZARD ELIMINATION AND HIGHWAY-RAIL GRADE CROSSING PROGRAMS.—Section 130(g) of title 23, United States Code.

(b) STATE PROGRESS IN IMPLEMENTING HIGHWAY HAZARD ELIMINATION AND HIGHWAY-RAIL GRADE CROSSING PROGRAMS.—

(1) IN GENERAL.—Section 130(g) of title 23, United States Code, is amended to read as follows:

"(g) ANNUAL REPORTS.—

"(1) STATE REPORTS.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and to implement safety improvement projects for hazard elimination authorized by section 152 and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and to improve railway-highway crossings and the previous and subsequent accident experience at improved locations.

"(2) SECRETARY'S REPORTS.—The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than April 1 of each year, on the progress being made by the States in implementing projects to improve railway-highway crossings and in implementing the hazard elimination program (including any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and section 152(a), and include recommendations for future implementation of the railroad highway crossings and hazard elimination programs.".

(2) CONFORMING AMENDMENTS.—Section 162 of title 23, United States Code, is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(c) CURRENT PERFORMANCE AND CONDITION OF PUBLIC MASS TRANSPORTATION SYSTEMS.—Section 308(e) of title 49, United States Code, is amended by striking "in March 1998, and in March of each even numbered year thereafter," and inserting ", together with each infrastructure investment needs report made under section 502(g) of title 23,".

SEC. 4. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS REGARDING EMERGENCY MANAGEMENT.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C.

1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) ANNUAL REVIEW OF FEDERAL AND STATE DISASTER PREPAREDNESS AND RELIEF PROGRAMS.—Section 313 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5156).

(2) AMOUNT OF EMERGENCY ASSISTANCE.—Section 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5193(b)(3)).

SEC. 5. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO THE COAST GUARD AND MARITIME TRANSPORTATION.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) LEASING OF HOUSING FACILITIES NEAR COAST GUARD INSTALLATIONS.—Section 475(e) of title 14, United States Code.

(2) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(3) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(4) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 14, United States Code.

(5) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

(6) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

(7) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 6. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO ECONOMIC DEVELOPMENT.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) ACTIVITIES UNDER PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.—Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(2) ACTIVITIES UNDER APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

SEC. 7. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO RAILROADS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) NATIONAL TRANSPORTATION SAFETY BOARD ACTIVITIES.—Section 1117 of title 49, United States Code.

(2) NTSB LEGISLATIVE RECOMMENDATIONS AND BUDGET ESTIMATES.—Section 1113(c) of title 49, United States Code.

(3) NTSB RECOMMENDATIONS AND RESPONSES.—Section 1135(d) of title 49, United States Code.

(4) SURFACE TRANSPORTATION BOARD ANNUAL REPORT.—Section 704 of title 49, United States Code.

(5) SURFACE TRANSPORTATION BOARD BUDGET AND APPROPRIATIONS.—Section 703(f) and (g) of title 49, United States Code.

(6) NATIONAL MEDIATION BOARD ANNUAL REPORT.—Section 4 of the Railway Labor Act (45 U.S.C. 154).

(7) RAILROAD RETIREMENT BOARD ANNUAL REPORT.—Section 7(b)(6) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(6)).

(8) RAILROAD RETIREMENT ACCOUNT.—Section 22(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a)(1)).

(9) ACTUARIAL STATUS OF RAILROAD RETIREMENT SYSTEM.—Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 321f-1).

(10) AMTRAK REPORTS AND AUDITS.—Section 24315 of title 49, United States Code.

SEC. 8. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO PUBLIC BUILDINGS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) CONSERVATION IN FEDERAL FACILITIES.—Section 403(a)(2) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373(a)(2)).

(2) ACTIVITIES OF ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 7(b) of Public Law 90-480 (42 U.S.C. 4157(b)), commonly known as the "Architectural Barriers Act of 1968".

SEC. 9. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO AVIATION.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) TRANSPORTATION SECURITY.—Section 44938(a) of title 49, United States Code.

(2) SCREENING OF FOREIGN AIR CARRIER AND AIRPORT SECURITY.—Section 44938(b) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4052 would restore certain reporting requirements for agencies under the jurisdiction of the Committee on Transportation and Infrastructure that would otherwise be eliminated as part of the Federal Reports Elimination and Sunset Act of 1995.

Section 3003 of that Act eliminated thousands of reports that had been required by the Congress and were referenced in a communication from the Clerk of the House dated January 5, 1993. The 1995 Act had provided for a sunset date of December 21, 1999. Section 236 of the Omnibus Appropriations Act for year 2000 extended this deadline until May 15 of 2000.

While the Federal Reports Elimination and Sunset Act will reduce unnecessary paperwork and reduce agency expenditure, it would also inadvertently delete the requirement for certain reports that the committee believes are necessary in executing its oversight responsibilities.

H.R. 4052 corrects this by providing that the 1995 Act does not apply to specified reports. This will affect a small percentage of the total number of reporting requirements eliminated by the Federal Reports Elimination and Sunset Act. The number of reports restored by this bill is a paltry 61.

The bill does not address prospectuses or 11-b reports submitted to the Committee by the General Services Administration under the Public Buildings Act of 1959, since these reports do not fall under the definition of reports to be eliminated. The Committee received correspondence from the GSA stating that these reports will continue to be submitted.

Mr. Speaker, I support this bill. I urge its adoption, and I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was mentioned by my colleague, the gentleman from Ohio, H.R. 4052 is a bill to restore transportation reports that were to automatically sunset on May 15 pursuant to the Federal Reports Elimination and Sunset Act of 1995, as amended.

The Reports Sunset Act eliminated all annual or periodic reports listed in the 1993 report of the Clerk of the House of Representatives. Some of those reports, such as the President's annual budget, are tremendously important and should not be eliminated.

The Committee on Transportation and Infrastructure, on a bipartisan basis, reviewed the reports that fall within our committee's jurisdiction and determined which bills are necessary to maintain. This bill ensures that those important reports will not sunset.

These include a series of reports on such important items as water; air pollution; the safety, condition, and performance of our Nation's roads, highways, transit systems, bridges, and airports.

I strongly support the passage of H.R. 4052, and want to thank the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the Committee on Transportation and Infrastructure for developing and passing this bipartisan legislation.

I note in passing that this, as reflected by our colleague, the gentleman from California (Mr. FARR), that there is in fact a better way of doing this, to take the sunset provisions and have them triggered by a proactive set of positive events, so that we are not in a position of unilaterally sunseting provisions that really should not be, but instead, having sort of performance indicators of why we want things to disappear, and that they would do so automatically when it is appropriate.

I look forward to pursuing this concept with our committee and staff to see if there is not a way to avoid going through this process in the future.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4052. This bill restores reports that "sunset" on May 15, 2000, pursuant to the Federal Reports Elimination and Sunset Act of 1995, as amended. The Reports Sunset Act eliminated all annual or periodic reports listed in the 1993 Report of the Clerk of the House of Representatives. Some of these reports, such as the President's annual budget, are tremendously important and should not be eliminated.

The Transportation and Infrastructure Committee, on a bipartisan basis, has reviewed the reports that fall within our Committee's jurisdiction and determined which reports are necessary to maintain. This bill ensures that those important reports will not sunset.

I thank Chairman SHUSTER and all of our Subcommittee Chairmen and Ranking Members for working together to develop this bill. I urge all Members to support H.R. 4052.

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4052.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FRANK J. BATTISTI AND NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1359) to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 1359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1359 designates the Federal building and United States courthouse now under construction in Youngstown, Ohio, as the Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse.

Our colleague, the gentleman from Ohio (Mr. TRAFICANT), who I mentioned earlier, is a proud member of our committee and introduced this measure. As with so many of the bills he had an introduced, it was a good idea.

Judge Battisti and Judge Jones were both Ohio natives who had a positive impact on their communities. Judge Battisti was admitted to the Ohio Bar in 1950. Before being elected judge of the Common Pleas Court in Mahoning County, he served as an Assistant Attorney General for Ohio.

In 1961, he was appointed to the United States District Court for the Northern District of Ohio. In 1969, he became the chief judge for the Northern District, and shortly after his retirement, Judge Battisti passed away.

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Nathaniel Jones served in World War II in the United States Army Air Corps. He was admitted to the Ohio bar in 1957 while he was the executive director of the Fair Employment Practices Commission of the City of Youngstown. Judge Jones was later appointed assistant U.S. attorney for the Northern District of Ohio. He later served as assistant general counsel to the National Advisory Commission on Civil Disorders and was the general counsel for the NAACP for 10 years.

In 1979, Judge Jones was appointed to the United States Court of Appeals for the 6th Circuit and took senior status in 1995. This is a fitting honor for two of Youngstown's most distinguished natives. I support this measure and urge our colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure for me to rise in support of H.R. 1359 and I appreciate our colleague, the gentleman from Ohio (Mr. TRAFICANT), for bringing it forward. The bill designating the new courthouse and Federal building under construction as the Frank J. Battisti and Nathaniel R. Jones Federal Building and U.S. Courthouse is an appropriate recognition for these two native sons of Youngstown, Ohio, who have contributed diligence and excellence to the judicial system and dedicated their lives to preserving the notion of equal justice under law.

Judge Battisti was born and brought up in Youngstown, attended Ohio University in 1950, receiving his JD from Harvard Law School. He was an assistant Attorney General, law instructor at Youngstown State University and director of law in Youngstown. He was elected judge of Common Pleas Court in Mahoning County, Ohio. In 1991, he was appointed to the U.S. District Court of the Northern District of Ohio by President Kennedy; and in 1969, he became chief judge.

Judge Nathaniel Jones was also born and brought up in Youngstown, is a World War II veteran. His civic and public appointments include being director of the Fair Employment Practices Commission, and, as was referenced, Executive Director of the Mayor'S Human Rights Commission. He was appointed by Attorney General Robert Kennedy as assistant U.S. attorney for the Northern District of Ohio in Cleveland.

In 1969, Roy Wilkins, then executive director of the NAACP, asked Judge Jones to serve as the NAACP general counsel. He accepted that offer and served for a decade from 1969 to 1979, when he was appointed by President Carter to the U.S. Court of Appeals in the 6th Circuit.

Both gentlemen have been active in numerous community and civic affairs. They were personal friends and professional colleagues, and it is entirely fitting and proper that we support this bill in both of their names.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT), the sponsor of this legislation

Mr. TRAFICANT. Mr. Speaker, I want to thank the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS) and our ranking member, the gentleman from West Virginia (Mr. WISE). I want to thank the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), and our ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR). I want to give a special thanks to Rick Barnett and Susan Brita of the staffs, who do one of the finest jobs on one of the finest subcommittees of the House.

This is a great day for the Mahoning Valley and for the City of Youngstown. Both the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) have given many of the credits; and I will not go into those credits except to say this, one of the legacies of Judge Battisti is he is being credited with one of the first desegregations of a major city in the United States of America, that being Cleveland, Ohio. And the other significant aspect of this, as brought out by Judge Jones, his work with the NAACP and his work through several landmark cases with the Supreme Court to strike down segregation.

One thing I did not know when I submitted this bill, that this will be the first building, Federal building in the history of the United States, to be named after both a black and white jurist, two native sons of Youngstown, who have given of themselves and their lives to make America a better place to live and to bring all of the diverse ethnic people of our country together; not an easy task.

I am so very proud of Judge Battisti, who is deceased, having been appointed by President Kennedy; Nathaniel R. Jones, still alive and still very productive, having been appointed by President Carter.

This is a day of tribute to the people of Youngstown, to all of the Mahoning Valley, to all of the State of Ohio, and, Mr. Speaker, to all of America for their profound contributions in making America a better and safer place to live.

Mr. BLUMENAUER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, it gives me great pleasure to have an opportunity to speak in support of this legislation. I am particularly proud because I personally have had an opportunity to get to know Judge Frank Battisti, as well as Judge Nathaniel R. Jones. I will not try and repeat either of the backgrounds of either of these great jurists. Coming from Cleveland, clearly both of them had a significant impact on my legal career and my time in political life.

I am particularly proud today to speak up on behalf of Judge Nathaniel R. Jones because my new chief of staff, Stephanie Jones, is the daughter of Judge Nathaniel R. Jones; and she is staffing with me today on the floor. So it gives me great pleasure to have a chance to come to the floor in support of this piece of legislation.

I want to congratulate my colleagues in moving to pass such a piece of legislation. I stand wholeheartedly in support.

Mr. BLUMENAUER. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I just want to commend our colleague, the gentlewoman from Ohio (Mrs. JONES) for having the foresight to hire a chief of staff named Stephanie Jones. If there is anyone named STEVE LATOURETTE, I guess I could go shopping for that as well. Mr. Speaker, I would urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 1359, a bill to designate the Federal building and courthouse under construction in Youngstown, Ohio, as the Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse.

This bill recognizes the careers, contributions, and friendship of two very distinguished worthy public servants.

Judge Battisti was a Youngstown native, born on October 4, 1922. He attended local schools and received his undergraduate degree from Ohio University in 1947, and his law degree from Harvard in 1950. From 1950 to 1953, he served as the Assistant Attorney General of Ohio. In 1961, President Kennedy appointed him to the position of Judge of the U.S. District Court of Northern Ohio, and in 1969 he became the Chief Judge.

While serving as a Federal judge, he played a courageous and central role in ending school segregation in Ohio.

In 1976, Judge Battisti was named "Outstanding Trial Judge" by the Association of Trial Lawyers of America.

Nathaniel R. Jones is also a native of Youngstown, born in 1926. He attended local public schools, and is a veteran of World War II, serving in the U.S. Army Air Corps. He received his law degree from Youngstown State University. Jones' career is highlighted by extensive devotion to human rights, and service to the civil rights movement.

Attorney General Robert Kennedy appointed him as Assistant U.S. Attorney for the Northern District of Ohio in Cleveland. In 1967, he was appointed by President Johnson to serve as Assistant Counsel to the National Advisory Commission on Civil Disorders, also known as the Kerner Commission. In 1969, Roy Wilkins asked Jones to serve as the NAACP's general counsel. Judge Jones held that position for over a decade.

In 1979, President Carter appointed him to the U.S. Court of Appeals for the Sixth Circuit.

In addition to his outstanding legal career, Judge Jones is very active in numerous civic and professional organizations, including the National Conference of Christians and Jews, and the Judicial Committee on Codes of Conduct.

It is fitting and proper to honor the lives, careers, and lasting contributions of these two gentlemen with this designation.

I urge all Members to support H.R. 1359.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1359.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

C.B. KING UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1567) to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C. B. King United States Courthouse," as amended.

The Clerk read as follows:

S. 1567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 223 Broad Avenue in Albany, Georgia, shall be known and designated as the "C.B. King United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "C.B. King United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1567, as amended, designates the United States Courthouse nearing completion in Albany, Georgia, as the C. B. King United States Courthouse. Chevene Bowers King was born in Albany, Georgia, in 1923. He ably served his country in the United States Navy.

Mr. King attended Fisk University in Nashville and earned his law degree from Case Western University. C. B. King was a cooperating attorney with the NAACP Legal Defense and Education Fund. King handled cases involving school discrimination, voting and political rights, the right to serve on juries free of discrimination and employment discrimination. King's legal actions led to the passage of the Jury Selection and Service Act of 1968.

King used the legal process to achieve significant civil rights accomplishments. This is a fitting honor for a distinguished civil rights leader. I support this measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is, I think, appropriate for us to designate the United States Courthouse in Albany, Georgia, after one of Albany's great sons, C. B. King. As was referenced by my colleague, the gentleman from Ohio (Mr. LATOURETTE), in terms of his history there is one other little item. He did attend Tuskeegee for a year before he joined the Navy and went on to Fisk.

He is most remembered for his legal activism in the South. In Southwest Georgia, he became a leading civil rights attorney working closely with other lawyers from Macon, Atlanta, and Savannah. He believed in using the courts as an agent for change. He participated in numerous landmark civil rights cases, including cases to ensure the basic rights of American citizens to sit on juries free from racial discrimination. He was a firm believer in the provisions of Title VII of the Civil Rights Act of 1964 that provided equal job opportunities for African Americans.

King was a superior legal scholar and an excellent orator. He joined scholarship with these oratorical skills to produce a powerful presence in courtrooms. It is most fitting that we honor C. B. King with this designation. I support the bill and commend our colleague, the gentleman from Georgia (Mr. BISHOP) for his diligence in pursuing this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 1567, a bill to designate the courthouse in Albany, Georgia, as the "C.B. King United States Courthouse."

Chevene Bowers King was a native of Albany, Georgia, the third child in a middle-class African-American family. He attended local schools and attended Tuskeegee for a year before he decided to join the Navy. After his three years in the service, he enrolled at Fisk University. After graduating from college, he attended Case Western Reserve University, School of Law in Cleveland, Ohio.

Over the course of his career, C.B. King led the legal fight in the courts for civil rights in Albany, Georgia. Using his intimate knowledge of the court system, King was able to advance the cause of civil rights by defending his colleagues who participated in marches and sit-ins. He worked closely with the NAACP, and was the cooperating attorney with the NAACP Legal Defense and Educational Fund. King played a key role in cases involving important civil rights issues such as school desegregation, voting rights, political rights, and employment discrimination.

King was also a pioneer in his community to advance employment opportunities for African Americans—encouraging people to move from low-skilled, low-paying jobs to high-paying, professional occupations that required advanced degrees. In particular, King firmly believed that courts were an agent for change and he strongly encouraged young African Americans to turn to the law for a career.

King was a devoted family man, husband, and father. His public career is marked with great success and his private life was enriched with family, children and friends.

It is fitting and proper to honor the significant contributions of C.B. King by designating the U.S. courthouse in Albany, Georgia, in his honor. The Gentleman from Georgia, Mr. BISHOP, has introduced a companion bill to the Senate bill that we consider today and I thank him for all of his efforts on behalf of this legislation.

I urge Members to support S. 1567.

Mr. BLUMENAUER. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATourette) that the House suspend the rules and pass the Senate bill, S. 1567, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read:

"A bill to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the 'C.B. King United States Courthouse'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 278; H. Con. Res. 279, as amended; H. Con. Res. 281; H.R. 1359; H.R. 1605, as amended; H.R. 4052; and S. 1567, as amended, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONCERNING PARTICIPATION OF EXTREMIST FPO IN GOVERNMENT OF AUSTRIA

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 429) expressing the sense of the House of Representatives concerning the participation of the extremist FPO in the Government of Austria.

The Clerk read as follows:

H. RES. 429

Whereas the extremist, racist, and xenophobic FPO has entered into a coalition agreement and is participating in the new Government of Austria;

Whereas the long-time-leader of the FPO, Joerg Haider, praised Adolf Hitler's "sound employment policy" and called Waffen SS veterans "decent people with character who stuck to their belief through the strongest headwinds";

Whereas Joerg Haider and his party in the recent election campaign decried the "over-foreignization" of Austria, which was an expression that was coined and used by Nazi leaders;

Whereas at a time when the European Union, the United States, and other nations are working actively to discourage ethnic hatred in the republics of the former Yugoslavia and elsewhere, the FPO shamelessly appealed to racist sentiment and based its political campaign on racism and xenophobia;

Whereas in the past Joerg Haider and his party have expressed fundamental disagreement with the principles of freedom, democracy, and respect for human rights, which are the foundation of a modern, democratic, open, and tolerant Europe and which Austria, as a member of the European Union, is committed by treaty to uphold; and

Whereas the inclusion of the FPO in the Austrian governing coalition serves to legitimize and encourage the extreme right in other countries of Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the right of the Austrian people to express their political views through a democratic election, but also reaffirms the right and the obligation of the United States House of Representatives to express its opposition to the anti-democratic, racist and xenophobic views that have been expressed by Joerg Haider and other leaders of the FPO, and, because of these publicly expressed views, to state its opposition to the party's participation in the Austrian Government;

(2) condemns the insulting, racist, and xenophobic statements which have been made over many years by Joerg Haider, the long-time leader of the FPO, and by other leaders of the party;

(3) expresses profound regret and dismay that the FPO will play a major role in the new Government of Austria;

(4) commends the leaders of the European Union, the fourteen other member states of the European Union, Canada, Norway, and other countries which have expressed their serious concerns regarding the participation of the FPO in the Government of Austria;

(5) calls upon the President, the Secretary of State, and other officials and agencies of the United States Government to emphasize to Austrian Government officials our concern about the inclusion of any party in the Government of Austria, including the FPO, that has been associated with xenophobic, racist policies, and statements supportive of Nazi-era programs;

(6) urges Members of Congress to use any meetings with ministers and other political leaders of the Government of Austria to express concern for Austria's continued adherence to democratic standards and full respect for human rights;

(7) calls upon the Secretary of State to continue to scrutinize the policies of the new Government of Austria and to be prepared to take additional measures if circumstances so warrant; and

(8) directs the Clerk of the House to send a copy of this resolution to the Secretary of State with the request that it be forwarded to the President of Austria.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 429 was adopted by a voice vote by the Committee on International Relations. It places on the record the concern of the House about the inclusion of an extremist party in the government of Austria, formed at the beginning of the year.

I believe this is a fair and a balanced measure and I ask my colleagues to adopt it and also, since the gentleman from New York (Mr. GILMAN) is not here, I would insert in the RECORD his statement.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, H. Res. 429 places the House on record regarding our concerns over the participation of the extremist Freedom Party, the FPO, in the government of Austria that was recently formed. The former leader and founder of the FPO, Joerg Haider has propelled the FPO into the mainstream of Austrian politics by appealing to some of the frustrations of Austria's people. He has also capitalized on a large measure of dissatisfaction with the political status quo that was represented by Austria's traditional political establishment among the Austrian electorate.

Nevertheless, I join with the gentleman from California, Mr. LANTOS and my colleagues in condemning many of the statements that Joerg Haider has made, his demagogic attempts to stir up resentment of Austria's large immigrant community, and his apparent sympathies for Austria's tragic Nazi past.

This measure is balanced. It is aimed at the government of Austria and not at the people of Austria with many of whom I have enjoyed a close and enduring friendship. While we are expressing our concern, we are also withholding our final judgment with regard to the direction that the new government of Austria will pursue. We are calling upon our own government to make clear our concerns and to monitor Austrian policies so that if any further action on our part becomes necessary, we will be able to pursue it without delay.

Accordingly, I invite the support of my colleagues for H. Res. 429 so that Austrian officials will fully understand the depth of our concern.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 429, expressing the serious concerns of the United States Congress over the participation of the extremist Freedom Party in the Government of Austria. Unfortunately, the gentleman from California (Mr. LANTOS), who had every intention of leading this debate, was delayed in flight.

Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS) for introducing this timely resolution. Its content echoes the sentiment of many in the international community who are deeply disturbed by events taking place in Austria. I know many of my colleagues were shocked and dismayed on February 4, 2000, when we learned that despite massive international opposition, Thomas Klestil, Austria's President and leader of the People'S Party, swore in a new government that included the Freedom Party, a xenophobic, right-wing organization, led by Mr. Haider, a dangerous extremist known for praising aspects of the Nazi era.

The participation of the Freedom Party in the new Austrian government is deeply disturbing to all who remember recent European history. Mr. Haider has made several statements praising Adolf Hitler's orderly employment policies in lauding veterans of the Waffen SS as decent people of good character who stuck to their belief through the strongest headwinds.

Haider and the FPO campaigned on a policy of racism and xenophobia, urging an immediate halt to the immigration in Austria due to the over foreignization of Austria. Haider also waged a campaign to expel all foreign workers.

In 1997, he called for one-third of all foreigners to be sent home within 2 years. According to Haider, "We take the right stand at the right time to save Austria against the dangers of the outside."

□ 1500

The international community has responded strongly to the dangers posed by Mr. Haider and his party. Fourteen European Union members have banned bilateral contacts with Austria at the political level. They have also agreed to oppose Austrian candidates for positions in international organizations and have limited Austrian ambassadors to meetings on a technical level. Israel has withdrawn its ambassador in response to Haider's party joining the government.

The intense pressure and worldwide opposition placed on Austria played an important role in forcing Mr. Haider to resign as Freedom Party chairman on February 29. However, we should not be confused about the true intentions of Mr. Haider as they relate to his control over the Freedom Party. In his own words, Mr. Haider stressed that his move, and I quote, "is not a withdrawal from politics."

Sixty years ago, Adolph Hitler followed a path of power similar to that of Mr. Haider. He, too, played on fear and xenophobic racist policies. Unfortunately, Austrian President Klestil's decision to include the FOP is a victory for neo-Nazi and far-right groups all across Europe. The president of Austria and Mr. Haider must understand that the United States will not tolerate any government that violates the rights of ethnic and religious minorities.

Mr. Speaker, I urge my colleagues to support House Resolution 429. Congress must speak out wherever human rights and democracy are threatened, as they are unfortunately today threatened in Austria.

Mr. ROHRABACHER. Mr. Speaker, I will vote for H. Res. 429 because I agree that it is right and proper for this House to condemn the racist and xenophobic statements of Jeorg Haider, who until a few weeks ago was the leader of the Austrian Freedom Party. Mr. Haider's statements and political activity relating to Austria's past are alarming. Clearly, many in Austria have yet to come to grips with Austria's Nazi past. That Haider, a governor of a province and the head of a major political party, went to a reunion of SS veterans (and praised them) is unforgivable and should sound alarm bells.

In some of his statements that I have read, Haider is trying to create a moral equivalency between wartime deaths and destruction caused by the Allies during the war, and the crimes and mass genocide caused by Hitler and his henchmen (including many Austrians). This mindset is delusional. It deserves the forceful condemnation contained in this resolution, and I join the resolution's author, Mr. LANTOS, who could not be here today, in support of this resolution.

I see Haider as an Austrian version of David Duke, someone who is hiding his respect for an historic movement that was monstrously evil. This is obviously the result of nationalistic emotions that are totally negative and can have serious consequences, and thus should be of utmost concern. Yes, Haider is no Nazi. But yes, it is clear that he has sympathy for them.

While I agree with the part of this resolution condemning Mr. Haider's views, I am uncertain whether those views reflect the mindset of the Austrian Freedom Party or the people who voted for them. Furthermore, this resolution states that Haider and his party have "expressed fundamental disagreement with the principles of freedom, democracy, and respect for human rights." I don't believe the evidence supports this charge. The reports that I have read indicate, on the contrary, that notwithstanding the reprehensible statements of its former leader, the Freedom Party is, in fact, a democratic party that supports freedom; and that where and when they have been in power, they have respected human rights.

The resolution also states that the Freedom Party has been associated with unspecified "xenophobic, racist policies," not just statements. To the degree that that is true, then this Congress rightfully condemns whatever those policies are. However, many of us voting for this resolution, perhaps a majority voting for it, have no complaint with Austria running its own immigration policy in a way it believes consistent with the best interests of the Austrian people. Americans, especially this Californian, are proud of America's melting pot that includes people of every race, religion and ethnic background. Diversity and freedom is the culture of America. If other countries, like Austria, desire an immigration policy that maintains traditional patterns and culture, rather than becoming a melting pot like the United States, they have every right to immigration laws consistent with that goal. The immigration policies advocated by the Freedom Party, I would note, are very similar to the actual immigration laws of Israel, Switzerland, Australia, Japan and several other democratic countries. If it's not considered xenophobic and racist for Israel and Japan to have such laws, then it shouldn't be considered xenophobic and racist to propose them in Austria. Of course this resolution does not specify which policies are xenophobic and racist. If there are such policies, I certainly agree to condemning them.

Mr. Speaker, this resolution reaffirms that Austrian people have the right "to express their political views through a democratic election." More than that, they have the right to choose who will govern them, even if we disagree with the people they choose. This House is the greatest representative body in the world. We would never suggest that an election not determine who governs a nation.

Yes, by all means, let's condemn the horrific statements of Mr. Haider and any racist or xenophobic policies that are part of the Austrian Freedom Party's agenda, if such policies are part of their agenda. But many of those voting for this resolution, again, perhaps a majority, are not attacking Austria. In this last four decades, Austria has had an exemplary record as far as a respect for human rights and democratic institutions. With vicious dictatorships and corrupt regimes abounding on this planet, it would be imprudent for this body to condemn Austria itself. However, it is clear from the words of Mr. Haider that a significant number have not come to grips with their country's part involvement with one of the most monstrous evils ever to threaten humankind. Any attempt to minimize this evil, to excuse the inexcusable, to portray the Nazi movement and those who participated in it, including Austrians, in any other way than despicable and bestial, deserves America's collective condemnation.

I was visited the other day by members of the Jewish War Veterans from my district. I am proud of them, along with the other members of the "Saving Private Ryan" generation, people like my father, who saved this world from Nazism and Japanese militarism. They then went on to stand up to and defeat Communism. Communism and Nazism were the twin evils of this century. To claim or imply a moral equivalency to our brave saviors of the World War II is an insult we will not bear. This resolution, while I don't agree with all of it, vocalizes our outrage at such rhetoric. I have joined with Mr. LANTOS many times in the past in condemning anti-Semitism, warning political forces in Hungary, Romania, Iran, Russia, and elsewhere that anti-Semitism will not be tolerated. Today, I join Mr. LANTOS in condemning an Austrian political leader's reprehensible and alarming statements minimizing the crimes and evils of the Nazis and their army and SS storm troopers. I ask my colleagues to join in on this condemnation.

Mr. LANTOS. Mr. Speaker, I want to thank the gentleman from North Carolina, Mr. BALLENGER, for managing this bill on behalf of the majority, and I want to thank my friend and colleague, the gentleman from Florida, Mr. WEXLER, for managing this bill on behalf of the minority. I also want to thank our colleagues who have cosponsored this resolution and helped bring it to the floor: Chairman BEN GILMAN of New York who cosponsored this resolution and brought it up for consideration in the International Relations Committee; Majority Leader DICK ARMEY of Texas who worked with me to bring this resolution to the floor of the House today for consideration. This resolution has been cosponsored by a number of our colleagues from both sides of the aisle and both sides of the political spectrum. I appreciate their endorsement and their strong support for the resolution.

Mr. Speaker, this resolution condemns the extremist, racist, and xenophobic statements and positions of leaders of the FPO party of Austria and expresses profound regret and dismay that the FPO will play a major role in the new government of Austria.

It is most appropriate for the House of Representatives to express our serious concern about the participation of such a political party in the government of Austria. Austria has a difficult background, and has had problems dealing with its legacy during World War II. Unlike Germany, Austria never underwent the "de-Nazification" process that took place in Germany after the war. Austria was treated as "Hitler's first victim" when, in fact, many Austrians were perpetrators of Nazi violence. As a young boy in neighboring Hungary, I saw the newsreels in 1938 of the Austrian people throwing flowers to German soldiers who marched into Austria at the time of the Anschluss. I saw few signs then that Austrians considered themselves "victims." As historians have noted, Mr. Speaker, the proportion of Austrians who were members of the Nazi Party was higher than the proportion of Germans.

The unfortunate recent experience of the people of Austria electing Kurt Waldheim as president of the republic after his deplorable Nazi past became known publicly, indicates the necessity and importance of dealing with instances of extremism and racism in Austria in particular. In view of this background, it is extremely important that the Congress make clear to the people of Austria and to the government of Austria that xenophobia, extremism, and racism have no place in a free and open and democratic society.

Mr. Speaker, other countries around the world have made known their disapproval of the inclusion of the FPO in the Austrian coalition government, and they have taken diplomatic action against Austria. The fourteen other member countries of the European Union—Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom—have limited diplomatic contacts with the new Austrian Government. The European Parliament, the Council of Ministers and the Commission of the European Union have all expressed opposition to the new government. Similar actions showing disapproval have been taken by other democratic countries, including Canada, Norway, and our own Administration. The ambassador of Israel has returned to Jerusalem.

Mr. Speaker, I want to emphasize that this action by governments throughout Europe is not inspired by narrow political considerations. It is not simply center left governments in Europe condemning a political party on the right. In the European Parliament, the center right political faction, including representatives of the conservative German Christian Democratic Party, led the fight for the resolution condemning the participation of the FPO in the Austrian Government. The President of the European Parliament, Madame Nicole Fontaine, who is a member of the Center Right political faction of the European Parliament, expressed support for the adoption of the Parliament's resolution criticizing the FPO. The Resolution adopted by the European Parliament was practically unanimous.

Mr. Speaker, the concern of the European Union for the consequences of the FPO participating in the Austrian Government coalition are valid. A country such as Austria, which is a member of a union of European states which had adopted a common currency and which are regulated by common economic legislation, must avoid xenophobia and racism. Unfortunately, that is precisely the platform on which the FPO ran its last election campaign.

A disturbing element of this extremist campaign is the position that Joerg Haider, the former leader of the FPO, and the party itself have sought to minimize the Holocaust and the Crimes of the Nazi Era, and they have been remarkably public in their praise of Nazi Germany. In the past, Haider praised Adolf Hitler's "sound employment policy" during a debate in the Carinthian parliament. On another occasion, Haider called Waffen SS veterans "decent people with character who stuck to their belief through the strongest headwinds." On yet another occasion, Haider called the Nazi death camps "punishment camps." That glibly ignores the fact that a quarter of those killed in Nazi death camps were children, not capable of crimes. It is significant that the FPO was the only major Austrian political party which was not represented at the 50th anniversary of the liberation of the Mauthausen Nazi death camp a few years ago.

Mr. Speaker, I do want to make clear that the Resignation of Joerg Haider as leader of the FPO a few weeks ago does not change the necessity for this resolution. Haider remains the guiding light of the party. He is still the Governor of one of Austria's most populous provinces. The Deputy Speaker of the Austrian Parliament and a leader of the FPO, Thomas Prinzhorn, made the following statement after Haider's resignation: "It is not a resignation. He [Haider] is a provincial governor and remains our strong man." It is a step backward which is necessary in order to make two solid steps forward." Haider's resignation from the post of party leader does not reflect any fundamental change whatsoever in the party's program.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution. It is important that the Congress of the United States make a clear and unequivocal statement on the issue of a xenophobic, racist, and extremist political party participating in the new coalition government of Austria.

Mr. Speaker, I ask that a White Paper on Joerg Haider and the Freedom Party (FPO) in Austria which I prepared for our colleague DANA ROHRABACHER be placed in the RECORD at this point. This includes an excellent analysis by the Anti-Defamation League of Haider and FPO policies and statements on racism and xenophobia. I think it is important to include this material in our debate today.

WHITE PAPER: JOERG HAIDER AND THE FREEDOM PARTY OF AUSTRIA—(FPO)

Reaction of the International Community—Statements by international leaders regarding the inclusion of the FPO in the Austrian coalition government.

ISRAELI PRIME MINISTER EHUD BARAK

"The inclusion of an extreme right-wing party . . . in the government of a European country such as Austria should outrage every citizen of the free world." (Reuters, "What they said in row over Austrian Freedom Party," February 2, 2000)

GERMAN CHANCELLOR GERHARD SCHROEDER

"What he [Haider] said about the SS and about foreigners expresses a kind of thinking which to me is undemocratic." (Reuters, "Haider 'undemocratic,' Germany's Schroeder Says," February 20, 2000.)

FRENCH PRIME MINISTER LIONEL JOSPIN

"The ideas of the Freedom Party are contradictory to the principles on which the European Union was founded . . . No, Haider's party is not a National Socialist party, but it is an extreme right-wing, xenophobic party, whose leader has in his time paid homage to Hitler, his labour policies and the Waffen SS." (Reuters, "Jospin Says Austria Must Wake Up to Haider 'Threat,'" February 1, 2000.)

PORTUGUESE PRIME MINISTER ANTONIO GUTERRES

"It (the EU's sanctions against Austria) is a position that represents a symbol and a lesson for the world. It is a battle for the ideals of tolerance, opposition to xenophobia and against the mistreatment of foreigners in any country." (Reuters, "What they say about Austria's Haider," February 1, 2000.)

POLISH FOREIGN MINISTER SPOKESMAN PIOTR DOBROWOLSKI

"What Haider says is dangerous, xenophobic . . . It brings back Europe's worst memories." (Reuters, "What they say about Austria's Haider," February 1, 2000.)

LORD DAVID RUSSELL-JOHNSTON, HEAD OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

"Haider is an opportunist who has, in the past, come often very close to or even crossed the boundaries of acceptability when it comes to the respect of our basic values of democracy, human rights and tolerance." (Reuters, "Council of Europe Says Haider a Worry for Europe," February 2, 2000.)

AMERICAN JEWISH COMMITTEE STATEMENT

"We are certain that Americans are appalled at this development and will consider what appropriate steps can be taken to impress upon Austria that it cannot invite extremist and racist groups into its new government with impunity and without penalty." (American Jewish Committee, "Austria's Inclusion of Haider's Party in its Government Brings Deserved International Ostracism and Isolation," Press Release, February 4, 2000.)

ANTI-DEFAMATION LEAGUE STATEMENT

"Bringing Joerg Haider and his Freedom Party into the government is a disservice to Austria . . . It is astonishing that a significant portion of the population is ready to embrace a party and leadership that espouses xenophobic and nativist positions and statements." (Anti-Defamation League, "ADL Reacts to Announcement that Haider and His Xenophobic Party May Join Austrian Government," Press Release, February 1, 2000.)

JOERG HAIDER—ANTI-IMMIGRANT STATEMENTS: DEFENDING NAZI POLICY AND NAZIS

(The following is an excerpt from Joerg Haider—The Rise of an Austrian Extreme Rightist, an Anti-Defamation League publication dated February 2000. For the complete text, go to http://www.adl.org/backgrounders/joerg haider.html)

POLITICAL AGENDA

Xenophobic and racist sentiment have permeated Haider's political career.

ANTI-IMMIGRANT STATEMENTS

According to Haider, immigration offers no benefits to Austrian society. Rather, immigrants take jobs away from Austrians and bring in crime from Africa, Eastern Europe and elsewhere. His 1999 election campaign poster slogans include: "Stop the foreign infiltration" and "Stop the abuse of asylum." Posters showing Haider and his prime ministerial candidate Thomas Prinzhorn say "Two real Austrians."

Other infamous Haider statements on immigrants include: "The Africans who come here are drug dealers and they seduce our youth,"; "We've got the Poles who concentrate on car theft," he claims. "We've got the people from the former Yugoslavia who are burglary experts. We've got the Turks who are superbly organized in the heroin trade. And we've got the Russians who are experts in blackmail and mugging."

In February 1993, Haider and the Freedom Party launched a twelve-point petition campaign for ending immigration and keeping the proportion of non-German speaking children in schools under 30%. Haider predicted he would get at least one million signatories. In what was viewed as a major defeat, the petition was signed by only 417,000, or 7.5% of the population.

During the 1994 election campaign, Haider's linkage of immigration and unemployment continued, causing the ruling coalition to accuse Haider of manipulating public fears over joblessness. Haider announced to Austrians "we have to stop immigration until unemployment is reduced to under 5 percent," claiming that the unemployment rate was 5.8%. The official unemployment figure at that time was 4.4%.

In 1996, Haider called "The government's so-called integration policy a disaster. They are ready to open the doors to another 153,000 foreigners who will take school places, training places and flats (apartments)," Haider said. He continued, "When Turkish children demand protection money from our children at the playground, it's time to say, this is our state," Haider declared.

Haider has continued to wage a xenophobic campaign to expel foreign workers. In March 1997, Haider stated that he wants one third of all foreigners working in Austria to be sent home over the next two years.

According to Haider, "We take the right stand at the right time to save Austria against the dangers coming from outside."

DEFENDING NAZI POLICY AND NAZIS

According to his critics, despite public disclaimers and overtures, Haider has a public record of defending the policies of Nazi Germany and of justifying individual actions during those years. Haider has utilized terminology reminiscent of the Nazis, announcing, for example in October 1990 a "final solution to the farm question." Upon his election to the leadership of the Freedom Party, Haider rejected comparisons with the German Nazi Party, saying "The Freedom Party is not the descendant of the National Socialist Party. If it were, we would have an absolute majority."

Indeed, Haider first gained international attention in March 1986 during the controversy surrounding the return of Walter Reder, an Austrian born former major in the Nazi SS, who was freed by Italy from a life sentence he was serving for his role in the mass killing of Italian civilians in 1944. For Haider, the controversy was ridiculous, as Reder was "a soldier who had done his duty." Dismissing Reder's wartime activities, Haider stated: "If you are going to speak about war crimes, you should admit such crimes were committed by all sides."

Haider's most infamous comment came during a July 1991 debate in the Carinthia provincial parliament, when Haider, then governor, declared: "An orderly employment policy was carried out in the Third Reich, which the government in Vienna cannot manage." In face of a national and international uproar, Haider apologized for his remarks, but said "What I said was a statement of fact: that in the Third Reich a large number of workplaces were created through an intensive employment policy and unemployment was thereby eliminated." Haider, of course, did not mention to particulars of Nazi labor policy, including military buildup, slave labor, and concentration camps. Recently, Haider defended his 1991 statement, claiming he was referring to Nazi policy between 1933 and 1936.

In May 1992, while the government was embroiled in a scandal involving a provincial government's decision to honor a gathering of Waffen SS veterans, Haider defended the decision. Haider instead accused the Interior Minister in Parliament of engaging in "primitive attacks" on "respectable" war veterans, while turning a blind eye to immigrant perpetrated crime.

More recently, Haider spoke out against the Austrian government's plans to compensate 30,000 Austrian victims of Nazi rule, including Jews, Communists and homosexuals, claiming that Austrian victims of the allies, such as civilians who fled Austria's occupation by US, Soviet, French and British troops, should also be compensated. As he told an elderly Austrian audience in April 1995, "It is not fair if all the money from the tax coffers goes to Israel." However, when the Parliament voted in June to set up a $50 million compensation fund, Haider voted in its favor. Still insisting on the need for compensation for victims of the allies, Haider explained, "But we do not intend to be petty. Even though you will not join us to widen the scope of the fund we will not vote against the bill. We too want to draw a line under a chapter we are also responsible for."

In May 1995, the Freedom Party was the only major Austrian political party absent from ceremonies at Mauthausen death camp marking the 50th anniversary of the liberation of the camp. Just before the anniversary, Haider had referred to Mauthausen as a "punishment camp," implying that those interred there were criminals.

While addressing the reunion of Waffen-SS veterans, Haider declared that the reason people opposed them was "simply that in this world there are decent people who have character and who have stuck to their beliefs through the strongest headwinds and who remained true to their convictions until today." Haider's appearance at the ceremony was unknown until days before amateur videotape of the gathering was broadcast on German television in December 1995.

Following these revelations, Haider defended his appearance at the event, saying: "The Waffen SS was a part of the Wehrmacht and hence it deserves all the honor and respect of the army in public life." "Everything I said in that video was completely acceptable." "I participated in this event and I don't see any reason not to. While I reject National Socialism, I certainly do not approve of the wholesale disparagement of the older war generation. I stand by this generation and I fight against the way it is disparaged." Haider claimed he did not know the Waffen SS had been branded a criminal organization by the post-war Nuremberg war crimes tribunal, adding: "It doesn't interest me in the least."

In December 1995, after viewing the video which captured Haider addressing and mingling with former SS officers, Austrian public prosecutors launched a criminal investigation into Haider's comments and speech on the basis of the law against reviving Nazism. Following the investigation by the public prosecutor's offices, the Austrian ministry of justice announced that it was to drop the proceedings because of insufficient grounds.'

During the parliamentary debate in July 1998 on a proposed new law requiring applicants for Austrian citizenship to prove knowledge of German, Franz Larfer, an MP of the Freedom Party, used the word Umvolkung. This term was used by the Nazis to define the forced change of the ethnic composition of a population by immigration or compulsory transfer. This happened in Eastern Europe during the Nazi-period leading consequently to the annihilation of the inhabitants. The term is comparable to the expression ethnic cleansing.

In reaction to the use of this expression, members of the Austrian parliament booed and shouted and the session had to be interrupted. After Heinz Fischer, the president of the Austrian parliament, explained to Larfer the meaning of the word, Larfer returned to the microphone apologizing for applying it. As the media reported extensively on this incident, Haider defended Laufer's use of this term, and reiterated in a press conference the following day that his colleague was right in using this expression, explaining that the government applying a liberal immigration policy allows for extensive "foreign infiltration," which subsequently leads to Umvolkung.

Mr. CROWLEY. Mr. Speaker, before I begin, I would first like to thank Congressman LANTOS for taking the lead on this important Resolution.

As a survivor of the horrors of the Nazi regime, he knows better than anyone on the International Relations Committee or in this Congress the dangers of complacency. Congressman LANTOS knows that remaining silent when hate-mongers come to power is not an option. And I thank him again for his leadership and his dedication.

Mr. Speaker, everyone in this Congress has heard the comments made by Jorg Haider and leaders of the Freedom Party. Comments praising Hitler's policies. Statements praising the Waffen S.S. Assertions consistently blaming problems in Austria, including low employment, high taxes and the spread of disease on immigrants.

Mr. Haider's views are clear and his intentions are known. And his attempt to apologize each time he makes an offensive statement has grown as tiresome to me as his hateful statements. And although Mr. Haider has resigned his position, his party, the Freedom Party, remains in a coalition government in Austria with the People's Party. This must not be accepted.

That is why I have joined with Congressman LANTOS, Chairman GILMAN, Ranking Member GEJDENSON, another survivor of the Nazi era, and a number of my colleagues in introducing H. Res. 429. The House International Relations Committee has passed this Resolution and it is appropriate and necessary that the U.S. Congress put itself on record as disapproving of such a Government.

Once again, I would like to thank Congressman LANTOS for his leadership on this pressing issue, as well as Chairman GILMAN and Ranking Member GEJDENSON for their support.

I urge my colleagues to support this important Resolution.

Mr. WEXLER. Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and agree to the resolution, H. Res. 429.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MUTUAL FUND TAX AWARENESS ACT OF 2000

Mr. GILLMOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1089) to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mutual Fund Tax Awareness Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Taxes can be the single biggest cost associated with mutual funds. The average stock fund investor has lost up to 3 percentage points of return every year to taxes.

(2) The average portfolio turnover rate for an actively managed (nonindex) fund has increased from 30 percent 20 years ago to almost 90 percent today, and average capital gains distributions of growth funds, per share, have more than doubled in the last 10 years.

(3) If a fund's performance is based mostly on short-term gains, investors can lose a significant part of their return to taxes.

(4) Performance figures that mutual funds generally disclose to their shareholders are net of fees and expenses, but not taxes, and therefore do not represent the impact taxes have on an investor's return.

(5) This disclosure focuses on how much money investors made before taxes, and not on how much money investors actually got to keep.

(6) Improved disclosure of the effect of taxes on mutual fund performance would allow shareholders to compare after-tax returns to raw performance, and would permit the investors to determine whether the fund manager tries to minimize tax consequences for shareholders.

(7) While the mutual fund prospectus details the average annual portfolio turnover rate, the prospectus may not expressly inform shareholders about the impact the portfolio turnover rate has on total returns.

SEC. 3. IMPROVEMENTS IN DISCLOSURE REQUIREMENTS.

Within 18 months after the date of enactment of this Act, the Securities and Exchange Commission shall revise regulations under the Securities Act of 1933 and the Investment Company Act of 1940 to require, consistent with the protection of investors and the public interest, improved disclosure in investment company prospectuses or annual reports of after-tax returns to investors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GILLMOR) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. GILLMOR).

GENERAL LEAVE

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill, H.R. 1089, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

One of the most important changes in America in the last couple of decades has been the tremendous expansion of direct ownership by individuals of America's businesses.

More people than ever now have a direct stake in the profitability of American companies. In fact, 80 million Americans own stocks. Some of those 80 million own stocks in individual companies, and many others own shares in mutual funds. Those 80 million shareholders represent half of America's households.

More and more Americans are utilizing mutual funds because of the ease of investing and for the diversification that they provide. Investors have done well in recent years in most mutual funds. But there is a major category of critical information that investors have not had access to in the past and generally do not have access to now.

I originally introduced this legislation 2 years ago to assure that investors could obtain access to that information. I am happy that the Committee on Commerce has by unanimous vote recommended this bill for passage, and that is why H.R. 1089 is before the body today.

Also, I want to thank the gentleman from Ohio (Mr. OXLEY), the subcommittee chairman; the gentleman from Virginia (Mr. BLILEY), the full committee chairman; as well as the gentleman from Massachusetts (Mr. MARKEY), the ranking member, for their support of this legislation.

The critical information that I am talking about is the actual after-tax return of various funds. Without that information, it is almost impossible for investors to make a meaningful comparison of real returns between different funds. This bill provides for the Securities and Exchange Commission to require all funds to make this information available. All funds report their pre-tax returns; however, very few funds report their after-tax returns, which can be dramatically lower.

Because of the way different funds operate, the tax consequences and the real returns for an individual investor can vary tremendously from fund to fund. Some funds have very little turnover in the stocks they manage and, therefore, impose a relatively small tax burden on their investors. Other funds trade frequently. Each trade imposes some type of tax consequences on the investor.

Often, all of that frequent trading, which is sometimes called churning, does not even result in a higher pre-tax return. Certainly it results in a lower after-tax return. But that fact is seldom disclosed to a mutual fund investors.

This chart shows the hypothetical mutual fund return over a 1-year, 5-year, 10-year, 15-year and 20-year period using the average mutual fund return over the past several years of 16.4 percent per year. First, the investor never really sees that 16.4 percent. On average, 2.8 percent of that return goes to mutual fund fees and expenses, bringing the return down to 13.6 percent. Then one has in the average fund an additional 3 percent for the investor that goes for taxes. Factoring that in, the return drops to 10.6 percent.

Well, what does that mean in real dollars? It means a lot. Over a 20-year period, an initial investment of $10,000 at 16.4 percent grows to $208,000, which is represented by the yellow. However, when one takes out the fees and expenses, that shrinks to $128,000, represented by the red. Finally, after taxes, the investor is left with only $75,000, represented by the blue. In other words, over 20 years, the investor loses $133,000 of the $208,000 to costs and to taxes.

Now, this bill does not in any way tell the mutual fund what stocks to buy. It does not limit in any way the amount of trading a fund can do. All it says is that an investor should know the after-tax return as well as the pre-tax return when making an investment. This is the type of information a fund investor should have, but does not now generally receive. It is very difficult to make an intelligent investment decision without it.

The bill provides an important protection for investors by making available critical information which was not available before. It will also, I suspect, result in increased competition in the mutual fund industry.

Now, over the course of the 2 years since I introduced this legislation, I have worked with Securities and Exchange Commission Chairman Arthur Levitt and the commission as well as the mutual fund industry. I am encouraged by the responsible efforts of the mutual fund industry to improve after-tax disclosure.

I would like to commend both the industry and the SEC for the forward-looking approach that they have indicated they will be taking toward this problem.

I urge the Members to join me in approving H.R. 1089.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by complimenting the gentleman from Ohio (Mr. GILLMOR). He has been a real national leader, looking at this whole area of how much information a mutual fund investor should receive just as a matter of course with regard to their investment and how much of what was managed by a mutual fund company over the preceding year had led to tax consequences for investors across the country. The gentleman from Ohio (Mr. GILLMOR) has been pressing on this issue for several years. Without question, today is a historic day because we are moving very close now with passage here today to this becoming a national law.

I want to commend the gentleman from Michigan (Mr. DINGELL) on the Democratic side, along with the gentleman from New York (Mr. TOWNS), ranking Democratic Member of the subcommittee, for their work on this issue, along with the gentleman from Virginia (Mr. BLILEY) for the majority and the gentleman from Ohio (Mr. OXLEY), who is the subcommittee chair.

This has been put together in a bipartisan manner towards the goal of ensuring that all Americans, whether they be Democrat or Republican or liberal or conservative, have access to their tax obligations as a result of their mutual fund investment.

The bill that we are taking up today is one that the gentleman from Ohio (Mr. GILLMOR) and I introduced about 1½ years ago. It is something that occurred to us as an area that really did need some redressing.

Now, the good news is that, since the gentleman from Ohio (Mr. GILLMOR) and I have introduced this legislation, the Securities and Exchange Commission has now taken an interest; and they in fact are now in the process of promulgating regulations in this area that are consistent with the objectives that the gentleman from Ohio (Mr. GILLMOR) and I had in introducing the legislation. That is the good news. The legislation itself has prompted that kind of a discussion at the Securities and Exchange Commission.

The essence of the bill is that it requires the Securities and Exchange Commission to issue rules aimed at ensuring that mutual fund investors receive disclosure regarding the after-tax performance of their fund. This type of information, in combination with the other disclosures already required under Federal laws, can be very useful to investors in making fully informed investment decisions.

Capital gains taxes have a material effect upon the overall performance of a mutual fund. Information regarding the impact of such taxes is clearly material information which every investor in the United States should be entitled to receive.

In 1998, these are big numbers, Mr. Speaker. Mutual funds distributed approximately $166 billion in capital gains and $134 billion in taxable dividends.

So as we approach April 15th, as we approach tax day, mutual investors all around the country become acutely aware of the importance which capital gains taxes have on their personal investments and on whether they will owe Uncle Sam any additional taxes based on the gains their investments have made in the preceding year.

Indeed, we know today that the average domestic equity mutual fund has lost nearly 2½ percentage points per year to taxes on distribution of dividend and capital gains made to the fund shareholders.

In the last 5 years, it is estimated that investors in diversified U.S. stock funds surrendered an average of 15 percent of their annual gains to taxes. Fifteen percent of the annual gains for mutual fund investors just went to taxes in the way in which the funds were managed.

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Clearly, taxes are one of the most significant costs of mutual fund investment, and investors need to have clear, comprehensive understandings of how, in fact, each one of the mutual fund companies are managing similar portfolios. Because then the consumer can select the fund which is more judiciously managing in order to avoid that tax incident for investors.

In pressing for better disclosure in this area, we recognize that disclosure regarding past tax performance, like all historical data regarding a fund's past performance, does not have precise predictive value. The past does not give us any indication of what is going to happen in the future. However, we do believe that such information is, nevertheless, important and useful to each investor so that they can have an idea of how a fund has been managed, and we believe that each prospectus should have that information. Since there are so many mutual funds out there with similar investment objectives, investors could evaluate key factors like overall performance, fees, and tax efficiency in choosing a particular fund.

So H.R. 1089 directs the SEC to issue rules within 1 year to provide mutual fund investors with disclosures regarding the tax-adjusted value of their mutual funds. It does not mandate the specific form or the content of such disclosures. Instead, the Gillmor-Markey bill gives the commission the flexibility to develop rules which are consistent with the public interest and the protection of investors following public notice and comment.

The SEC has submitted testimony on the bill in which it has stated that the Commission supports the goals of H.R. 1089. In fact, they have already issued draft disclosure rules which, again, seem to be consistent with the bill's objective. In adopting a final rule, the Commission should take into account the views of investors, the mutual fund industry, and other commentators regarding the precise form and content of the new disclosure requirements, but it should move forward quickly so that by next year mutual fund investors have this type of disclosure at hand.

In conclusion, my colleagues, this is a good bill. It is noncontroversial. The gentleman from Ohio (Mr. GILLMOR) and I, along with all the members of the committee, have worked out this Gillmor-Markey legislation in a way that ensures that there is no controversy. And the reason there is no controversy is that it is good for investors, and it is good for our financial markets. The more information which investors in our country are given access to, the more likely that we will have efficient and intelligent markets that are moving America's investment dollars towards those funds, towards those companies which are going to result in the highest degree of productivity for our society.

So, again, I want to bow in recognition of the great leadership of the gentleman from Ohio and to the chairman of the committee in moving this bill forward through the legislative process.

Mr. Speaker, I reserve the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume to once again express my appreciation to the gentleman from Massachusetts (Mr. MARKEY) for his stalwart support of this legislation; as well as the gentleman from Virginia (Mr. BLILEY); the gentleman from Ohio (Mr. OXLEY); and the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. TOWNS).

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume to once again urge support of all Members for the Gillmor-Markey tax disclosure legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume to once again urge passage of the bill.

Mr. BLILEY. Mr. Speaker, today the House is considering H.R. 1089, the Mutual Fund Tax Awareness Act of 2000. This legislation, introduced by my friend and colleague, Mr. GILLMOR of Ohio, will benefit mutual fund investors by providing them with better information about the performance of their funds.

Presently, mutual fund companies list fund performance rates net of expenses and fees, with no consideration given to the taxes that fund investors must pay on a yearly basis. I believe it is important that investors be given information about the effect of taxes on their funds' performance.

The Gillmor legislation would change present law by requiring the S.E.C. to promulgate new regulations to improve disclosure of the effect of taxes on listed mutual fund rates of return. By doing so, investors will be able to shop around for a fund which best suits their needs. Individuals with large yearly capital losses can look for a fund with large capital gains distributions, as a means of offset. Individuals who do not wish large capital gains or ordinary income distributions will be able to opt for a fund specifically managed for tax efficiency purposes.

Some may say, "Why is this bill necessary now?" The S.E.C. is trying to accomplish the same purpose as this bill. I believe this bill is necessary because we must ensure that these regulations go into effect on a date certain. This legislation gives the S.E.C. 18 months to promulgate revised regulations. Mr. GILLMOR has worked with the S.E.C. for years, asking them to revise these regulations on their own, without Congressional action. It was only after Mr. GILLMOR was stymied at the administrative level that he pushed for enactment of this bill.

I know of no opposition to this legislation. Because it is so important to American investors that they have a better idea about the effect of taxes on listed rates of performance in mutual funds, I urge an "aye" vote on this bill.

Mr. OXLEY. Mr. Speaker, today I urge the House to pass H.R. 1089, the Mutual Fund Tax Awareness Act of 2000.

In some form or another, 83 million Americans, or one in every other household, are invested in mutual funds. While many are invested in tax deferred accounts, through pensions, IRA's, or other retirement vehicles, millions are invested in taxable mutual funds. That is, on a yearly basis, these shareholders must pay ordinary income and capital gains taxes on distributions they receive from their mutual funds.

Yet when present or prospective shareholders review annual fund performance results in annual reports or prospectuses, the rates of return listed do not account for the impact of taxes. This should not be the case. Given that the average fund loses almost three percentage points from their listed rates of return due to taxes, investors should be presented with information about how much money they got to keep, not how much money they received before paying the tax man. Only then will investors better be able to invest in mutual funds which best suit their needs.

To respond to this problem our colleague, Mr. GILLMOR, drafted this legislation before the House today. Among other things, this bill would require the SEC to revise their regulations to require that mutual fund companies list performance figures on an after-tax basis. While it is impossible to predict precisely the tax impact for every shareholder—because taxpayers are subject to differing federal and state tax rates due to their incomes—the information to be presented is highly informative nonetheless. Such information will allow shareholders to determine which funds are more tax efficient, enabling investors with tax concerns to opt for funds which best suit their tax needs.

Federal securities law has always focused on disclosure, and that is the objective of this bill. By providing investors with better information about their funds, investors will be empowered. I know that Mr. GILLMOR has worked with the SEC in developing this legislation, and that the SEC has responded on their own by issuing a proposed regulations which aims to do what the Gillmor bill does. It is important to pass the legislation before the House today to ensure that the final SEC rule is promulgated by a date certain.

I know of no opposition to this bill, and I urge the support of the House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Mutual Fund Awareness Act of 2000. This Act will ensure that the mutual fund industry clearly discloses the performance and costs to investors on all funds. Improved methods of disclosing the after-tax effects of portfolio turnover on investment company returns to investors is a significant step in providing those who invest in our capital markets with all the information needed to make prudent investment decisions.

The Mutual Fund Tax Awareness Act would require the Securities and Exchange Commission to revise its regulations to improve methods of disclosing to investors in mutual fund prospectuses and annual reports the after-tax effects of portfolio turnover on mutual fund returns. While investment company disclosure regarding a fund's performance is conveyed net of fees and expenses, often the tax effects of a portfolio's activity are usually not included in released performance information. However, the tax consequences of mutual fund portfolio turnover may significantly effect the overall performance of an investor's fund selection.

During this age of often-volatile stock market trading days, the portfolio turnover rate for actively managed funds have increased during the 1990's, this activity has lead to an increase in the average capital gains distribution per share. This measure will enhance shareholder understanding of the impact taxes may have on fund performance.

Allowing the Securities and Exchange Commission to revise regulations pertaining to the mutual fund industry will also inform investors about the relative tax efficiencies of different funds and how much of a fund's reported pretax return will be paid by an investor in taxes. The Commerce Committee reported that taxes cut mutual fund returns by an average of more than 2.5 percentage points. This measure will permit investors to determine whether mutual fund managers try to minimize tax consequences for shareholders.

The transparency of American capital markets is crucial to our continued prosperity. I support efforts to enhance transparency and consumer protection. This is why I support the Mutual Fund Awareness Act of 2000.

Mr. GILLMOR. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 1089, as amended.

The question was taken.

Mr. GILLMOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AWARDING GOLD MEDAL TO FORMER PRESIDENT AND MRS. RONALD REAGAN IN RECOGNITION OF SERVICE TO NATION

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3591) to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

The Clerk read as follows:

H.R. 3591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Both former President Ronald Reagan and his wife Nancy Reagan have distinguished records of public service to the United States, the American people, and the international community.

(2) As President, Ronald Reagan restored "the great, confident roar of American progress, growth, and optimism", a pledge which he made before elected to office.

(3) President Ronald Reagan's leadership was instrumental in uniting a divided world by bringing about an end to the cold war.

(4) The United States enjoyed sustained economic prosperity and employment growth during Ronald Reagan's presidency.

(5) President Ronald Reagan's wife Nancy not only served as a gracious First Lady but also as a proponent for preventing alcohol and drug use among the Nation's youth by championing the "Just Say No" campaign.

(6) Together, Ronald and Nancy Reagan dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) who is the principal sponsor of the gold medal bill to honor President Ronald Reagan and Nancy Reagan.

Mr. GIBBONS. Mr. Speaker, first I would like to thank my colleague and friend, the chairman of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services for granting me this time to address this bill.

Mr. Speaker, in recognition of their distinguished record of service to the United States, I introduced, along with the gentlewoman from Washington (Ms. DUNN), H.R. 3591 to award a Congressional Gold Medal to former President Ronald Reagan and former First Lady Nancy Reagan.

The Congressional Gold Medal is considered the most distinguished form of recognition that Congress has bestowed. I wholeheartedly believe, as do more than 290 of our colleagues, that the Congressional Gold Medal would be a fitting tribute to the dedicated service that Ronald and Nancy Reagan have given to our Nation.

Former President Ronald Reagan began his public life as a successful Hollywood actor. However, he always had an interest in politics; and, in 1966, he was elected governor of the great State of California by nearly a million votes.

As a popular two-term governor and, later, as President of the United States, Ronald Reagan was dedicated to encouraging economic growth, recognizing the value of hard work, and igniting the spirit, hope and pride among all Americans. He believed that everyone can rise as high and as far as their ability will take them. This principle became a guiding creed of Reagan's presidency as he successfully turned the tide of public cynicism and sparked a national renewal.

President Reagan fulfilled his pledge to restore the great confident roar of American progress, growth, and optimism. Americans, for the first time in a long time, Mr. Speaker, once again believed in the American Dream.

Standing by his side, President Reagan's wife Nancy served as a gracious First Lady and as a distinguished leader in her own right. While her husband served as governor of California, Mrs. Reagan made regular visits to hospitals and homes for the elderly, as well as to schools for physically and emotionally handicapped children.

As First Lady of the United States, Mrs. Reagan had the unique opportunity to expand her public service nationally. Perhaps her most notable and longest lasting achievement was her "Just Say No" campaign aimed at preventing alcohol and drug abuse among our youth.

Even today, Mr. Speaker, Mrs. Reagan continues to be an active public leader. As a champion for increasing funding for research on Alzheimer's disease, Mrs. Reagan has become a role model to all caregivers of Alzheimer's patients.

Together, the Reagans have dedicated much of their lives to our Nation. Their leadership and service extended well beyond President Reagan's tenure in office. It has been an honor for me to lead this effort of awarding the Congressional Gold Medal to this deserving couple.

I must admit that I have greatly enjoyed reading and hearing of the support and high praise that distinguished Americans and world leaders have expressed for Ronald and Nancy Reagan.

For example, Mr. Speaker, recently Mikhail Gorbachev wrote that President Reagan will "go down in history as a man profoundly dedicated to his people and committed to the values of democracy and freedom."

Former U.S. Senator Paul Laxalt recalled how President Reagan "always placed doing what was right ahead of doing what was politically expedient."

Finally, former Ambassador Jeane Kirkpatrick expressed how Nancy Reagan's dedication and grace in her role as First Lady were "outstanding and uncompensated."

H.R. 3591 provides the opportunity for this Congress to finally recognize the Reagans' extraordinary contributions to the United States and to say thank you.

Finally, Mr. Speaker, I would like to commend and give great credit for this legislation to my colleague from the 8th Congressional District of the State of Washington (Ms. DUNN). Her longstanding friendship with the Reagans gives this bill the great recognition it deserves and it gives great credit not only to her constituents but to all Americans.

It has been my pleasure to work with the gentlewoman from Washington and the chairman of the subcommittee on this piece of legislation. Mr. Speaker, I would urge passage of H.R. 3591, which will award the Congressional Gold Medal to former President and First Lady Ronald and Nancy Reagan.

Mr. BACHUS. Mr. Speaker, I reserve the balance of my time.

Mr. LaFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bonds that unite us as a Nation go far beyond the partisanship that we sometimes inevitably encounter in this House; and so it is appropriate today that this House, Republicans and Democrats alike, join together to honor former President Ronald Reagan and former First Lady Nancy Reagan through the awarding of a gold medal. The medal recognizes the dedication to public service of both the Reagans.

I personally remember President Reagan for many things, but primarily for being such a person of good will toward all. I really do not think he ever harbored any ill will toward any human being. And today we express our good will toward him and his wife. Most especially our prayers and good wishes for the good health and well-being go to them today.

Our House would be remiss if we did not highlight and acknowledge the important role and contribution to the Nation of former presidents, regardless of their party affiliation. And I look forward to working with Members in this Congress in a bipartisan spirit to honor the work in particular of former President Carter and his wife Rosalyn.

In this vein, I would like to acknowledge the efforts my colleague, the gentleman from California (Mr. SHERMAN), to honor President Carter with a gold medal through an impending introduction of a bill. It is my understanding that the chairman of the banking subcommittee of jurisdiction has expressed a willingness to cosponsor this bill when it is introduced, and I appreciate the bipartisan spirit in doing so.

In the next Congress, I would also look forward to considering honoring the work of our present President and First Lady.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Ronald Wilson Reagan became the 40th President of the United States on January 20, 1981. It was a time when America seemed to have lost hope as a result of the Vietnam War, the Watergate scandal, the oil crisis, and a failing economy. We were divided, drifting, and seemingly void of purpose. Then someone emerged who never doubted us or our destiny. That man, Ronald Reagan, personally embarked on a mission to restore hope in the American Dream.

He set forth two goals: First, revitalize the American economy and, second, rebuild our military capability and restore our position in world leadership.

□ 1530

President Reagan stood as an example of a selfless, optimistic, humorous, and visionary leader in the crucible of Washington politics. He gave generously of himself and encouraged all of us not to give up on the American dream and to dare to believe in it again.

I, for one, have missed his leadership, his confidence not only in his own abilities but in the American people, and his genuine what-you-see-is-what-you-get style, no airs, no pretensions. I suspect that a great many of the American people miss these values as well.

This is most notably demonstrated in this year's presidential campaign, where we see almost every candidate attempting to take up President Reagan's mantle of conservative leadership in order to gain the support of those who find themselves so drawn to Ronald Reagan and his wish that every dawn be a great new beginning for America and every evening bring us closer to that shining city upon a hill.

Many will remember President Reagan for turning around the American economic machine and leading us like Moses out of the barren desert sands of inflation, gas shortages, and unemployment. Others will remember him for restoring America to the leadership of the free world and challenging former Soviet President Gorbachev to "tear down this wall." But, in the end, President Reagan will be remembered and honored most for his moral courage and his never yielding dedication to the ideals that have made this country great.

If today's historians looking back at the end of the 20th century get it right, they will surely say that Ronald Reagan, more than any other person, helped to restore the American dream.

What was the American dream for Ronald Reagan? In 1992, he expressed this is his wish, that all Americans never forget their heroic origins, never fail to seek divine guidance, and never lose their natural God-given optimism.

I must also mention the great strength provided by former First Lady Nancy Reagan with her constant presence in helping, advising, and protecting the President. It was fitting that the gentleman from Nevada (Mr. GIBBONS), in introducing this bill, sought to honor both President Reagan and First Lady Nancy Reagan.

Mrs. Reagan became a leader in the antidrug movement and worked tirelessly to educate the Nation's youth about the drug use. She coined the phrase "just say no," which became the guiding phrase of our Nation's drug preventive efforts. Mrs. Reagan understood that the bully pulpit was a powerful tool in the war on drugs, and our Nation experienced a steady decline in teen drug use throughout the 1980s and early 1990s.

Today, as she consoles and strengthens President Reagan in his struggle with Alzheimer's, she has become a symbol of hope for all those who care for a loved one battling disease and illness.

Mrs. Reagan is certainly a model of courage for my mother, who must deal daily in caring for my father during his own battle with Alzheimer's.

Mr. Speaker, I reserve the balance of my time.

Mr. LaFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Alabama (Mr. BACHUS) has 9½ minutes remaining.

Mr. BACHUS. Mr. Speaker, I yield 5½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, it is my honor to join my colleagues today in support of this resolution that calls for honoring President and Mrs. Reagan with a Gold Medal.

I first met Ronald Reagan in 1966. That is when I was working as a young person, I was in school at the time, in his first gubernatorial campaign. I then worked in both of his presidential campaigns as an assistant press secretary, traveling with then candidate Reagan throughout the United States both in 1976 and in 1980.

After Reagan won the 1980 presidential campaign, I went with him to the White House, where I served as a special assistant and speech writer to the President for 7 years.

Let me note, as someone who was this close to Ronald Reagan for many, many, many years, I will just have to testify today that Ronald Reagan never let me down.

Far too often, people who get to know their heroes are dismayed when they get to know their heroes. They get to know them as people. And all of us, of course, are only human; and we have our personal defects, our strong points, and our weak points. Ronald Reagan was a human being, but he was a wonderful human being; and he never, ever disappointed me with a lack of conviction or a mean spirit.

Throughout the time I knew him all of those years, I knew him as a man of strong conviction and principle and a man of benevolence, a loving person, and a man with a very positive character, always on the upbeat, always looking for the positive way to approach problems rather than just lamenting the problems that existed. And that was driven home to me, his character, the first time I met him.

In fact, I had worked on his first gubernatorial campaign in the primary. They were going to eliminate Youth for Reagan. I had a hundred young people in my area, walking precincts, in 1966, in Reagan's first campaign primary campaign for governor. But there had been turmoil in Youth for Reagan, and they were going to eliminate it. So I decided I would talk to Ronald Reagan myself in order to save Youth for Reagan.

At 2:30 in the morning, I walked up to his house in Pacific Palisades. There were no guards there, unlike today, we can imagine candidates today; and I camped out on his back lawn.

At about 7 o'clock in the morning, Nancy's head came out of the back door and said, Who are you? I had a little sign that said, "Mr. Reagan, please speak to me." She said, Who are you? I said, well, I work in his youth campaign and they are going to eliminate Youth for Reagan, and I need to talk to him for 2 minutes.

She said, If my husband comes out here, he is going to be late for the rest of the day because I know he will spend more than 2 minutes with you. I have got to think about him as a man. He is going to skip his breakfast. I just cannot have it. If you go down to the campaign office, I will arrange that you meet the campaign manager.

So how can I argue with a wife when she is protecting her husband? I started walking down that long driveway. And a few minutes later running after me, I hear these footsteps and there is Ronald Reagan with shaving cream on his face and his shirt is half off and he is waving to me and saying, Wait a minute, wait a minute. If you can camp out on my back lawn all night just to speak to me, I can spend a few minutes with you. Now, what is the problem, young man?

Well, that was Ronald Reagan. That was the Ronald Reagan I met then. That was the Ronald Reagan I knew for 30 years after that, the very same Ronald Reagan. And it was the very same Ronald Reagan that was very often castigated as just an actor, well, he is up there just giving speeches.

Having worked with Ronald Reagan, I can tell my colleagues he is a great writer. He is such a talented writer we always used to say that if he was not the President, he could be the President's speech writer.

In fact, he was a man that was not just reading his speech. He was a man that was setting direction for his administration, setting the goals for the free world. And nowhere was that greater brought home to me than during the conflict over Ronald Reagan's visit to Berlin and whether or not he should say, Tear down this wall, Mr. Gorbachev.

I worked with several speech writers with the President preparing for that trip to Europe. During that time, I will report to my colleagues today that Ronald Reagan was advised by all of his senior staff, all of his foreign policy advisors, including and especially Secretary of State Shultz, but all of his top senior foreign policy advisors begging him not to say, Mr. Gorbachev, if you really believe in democracy, tear down this wall.

The night before that speech, Ronald Reagan was approached by his national security advisors, saying they wanted him to give this speech, all of his senior advisors wanted him to give this speech, not the one he had. And all it was was the same speech minus, Mr. Gorbachev, tear down this wall. Ronald Reagan looked at it and said, well, no, I think I will use the one I have. Thank you.

Ronald Reagan made up his mind. He was courageous. He made the decision, not his advisors. That courage, that strength of conviction is what ended the Cold War, brought the Soviet Government down to its knees and said, no, we cannot withstand principled democracy, principled capitalism as Ronald Reagan is presenting to the world, and ended the Cold War without the nuclear holocaust we feared.

Ronald Reagan was a hero of America and mankind, all of humankind.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 20 years ago, the United States was mired in an economic malaise. As a Nation, we were experiencing the worst economic chaos since the Great Depression. Interest rates were as high as 21 percent, making owning a home an impossible dream for most Americans. Inflation rates were 12½ percent. They ate into savings. We had an unemployment rate of 7½ percent. Eight million Americans were out of work.

We had oil shortages, a stagnant economy. And we even had something that economists said could never happen, high inflation at the same time as low economic growth. A new term had to be coined by economists. That term "stagflation."

To restore the economic vitality, President Reagan championed a four-point solution: reduce tax rates across the board, regulatory reform, slow the growth of Federal spending, and focus monetary policy on price stability.

As a result of his economic program, we had 92 straight months of economic expansion, the second longest period of peacetime economic growth in the history of the country; and, indeed, this was the start of a period of economic growth which, with the exception of a 9-month recession during the early 1990s, has continued to this day.

Foreign policy. Most of us remember President Reagan and his successes there. He had an aggressive foreign policy record that was distinguished by the fight against international terrorism and communism in Africa, Asia, and Central America.

Ronald Reagan squarely faced Soviet Union, called it the Evil Empire, and faced it down. He even dared to call upon Mikhail Gorbachev to tear down the Berlin Wall, something that no one felt possible. And it fell, along with Soviet Communism. He ended the Cold War and made history.

Mr. Speaker, I include for the RECORD a letter that I have received from Mikhail Gorbachev saying "The award of the Gold Medal of the United States Congress to Ronald Reagan is a fitting tribute to the 40th President of the United States, who will go down in history as a man profoundly dedicated to his people and committed to the values of democracy and freedom."

THE INTERNATIONAL FOUNDATION FOR SOCIO-ECONOMIC AND POLITICAL STUDIES (THE GORBACHEV FOUNDATION),

Moscow, March 15, 2000.

The following is the text of Mikhail Gorbachev's tribute to Ronald Reagan on the occasion of the award of the Congressional Gold Medal:

The award of the Gold Medal of U.S. Congress to Ronald Reagan is a fitting tribute to the fortieth president of the United States, who will go down in history as a man profoundly dedicated to his people and committed to the values of democracy and freedom.

Together with Ronald Reagan, we took the first, the most important steps to end the cold war and start real nuclear disarmament. It was not easy to break the ice of mistrust that had been building up for decades. But at our very first meeting in Geneva I felt the president's readiness for dialogue. This honest and respectful dialogue eventually bore fruit. The human rapport between us and our families continued after we completed our duties in government.

On this important occasion I salute Ronald Reagan. My warmest greetings to Nancy Reagan and members of the Reagan family, whose care and support have been so important to Ronald during the past few years. I am confident that succeeding generations will duly appreciate the accomplishments of President Reagan.

MIKHAIL GORBACHEV.

Mr. Speaker, Ronald Reagan's presidential legacy as the great communicator has continued even in his twilight years. As a victim to Alzheimer's disease, he comforted a Nation by saying, I now begin the journey that will lead me into the sunset of my life. I know that, for America, there will always be a bright dawn ahead.

He brought to the presidency a sense of confidence in the American way, restored U.S. pride, and reenergized America's leadership on the international front. Under his leadership, an entire Nation reawakened confident, optimistic, bold, and proud.

As one historian wrote, "Reagan does not argue for American ideals, for American values. He embodies them."

Ms. DUNN. Mr. Speaker, it is a great pleasure and an honor for me to be involved in this worthwhile effort to award the Congressional Gold Medal to Ronald and Nancy Reagan. I want to thank my colleague, JIM GIBBONS, for his effort on this important legislation.

Together, the President and First Lady selflessly dedicated years of their lives to lifting the American spirit and bettering the quality of life for every single American. I continue to be inspired by President Reagan's ideals of lower taxes, stronger families, limited government, and peace through strength.

In 1989, I had the opportunity to personally thank President Reagan for his contributions to America. That was shortly after the Berlin Wall fell and the land he once declared an evil empire began to finally dissolve.

The fall of the Soviet Union would not have been achieved had it not been for Ronald Reagan's insistence on a strong military. During his tenure in office, he boosted the morale of our military personnel by providing them with the equipment, training, and support they needed to be successful. By restoring our national defense, he protected democracy and rebuilt national pride.

President Reagan's policies helped lift us out of the malaise of the late 70s, when interest rates were in the 20 percent range, unemployment was at record highs, and inflation reached the double digits. The economy recovered, and more Americans were working than ever before.

President Reagan believed that cutting tax rates would increase, not shrink, Federal tax revenues, and he was right. in 1981, he worked with Congress in a bipartisan manner to turn his belief into law.

The unprecedented economic prosperity America is now experiencing is due in no small part to the idealistic spirit and the anchored beliefs that Ronald Reagan brought to his agenda as our President. Today, that historic bipartisan effort continues to be recognized as a defining achievement that fostered economic growth and human ingenuity to raise the quality of life in America.

Though he has withdrawn from public life, we will never forget his great achievements. They are evident all around us, and now is the right time for America to say thank you.

Some people have thanked him by naming airports, schools, and buildings after him. I have a son who is proud to carry his name. And here in Congress, we can begin by awarding the Congressional Gold Medal to our former President and his loyal First Lady who shared his burdens and his joys, Ronald and Nancy Reagan.

Mr. SHAYS. Mr. Speaker, today we celebrate the extraordinary career and inspirational life of President Ronald Wilson Reagan of California.

When Reagan stood on the steps of this Capitol on January 20, 1981 and took his oath of office, he assumed leadership of a nation that was suffering the worst recession in a half-century. He recognized his greatest challenge, and he stood before America that day and articulated his redemptive mission—to return the reins of government to the people.

He knew that the best way to revive the American economy would be to get government out of the way of American creativity. "It is time to reawaken this industrial giant, to get government back within its means, and to lighten our punitive tax burden," he said on that January morning at the Capitol. "And these will be our first priorities, and on these principles, there will be no compromise."

President Reagan was able to lead America through the murky waters of recession. He was a forceful champion for breaking down barriers to trade, because he knew that once we removed the shackles from American business, it could compete successfully anywhere in the world.

And when he was done, the American economy had embarked upon the largest peacetime expansion in history.

He pushed America to compete on the international stage as well. Ronald Reagan took the Presidency of a nation that was uncertain in foreign policy because it was unmoored in principle. The Soviet Army, then a greater power than our own, was occupying Afghanistan and training in Cuba. We were unwilling to provide the leadership necessary to galvanize our Western allies in response to the menace.

President Reagan identified the imminent threat communism posed to our democracy and those across the world, and used his leadership to initiate the policies that led to its demise. He understood that the United States should deal with the Soviet Union from a position of strength. He had the extraordinary vision to conceive of a national missile defense. He provided the leadership to know that we needed to risk war in order to achieve a more lasting peace. And within a few short years of his last year in office, the Berlin Wall crumbled and communism had begun its inevitable march into the dustbin of history.

Though it will be hard to bestow upon our former President any honor greater than the honor he restored to our nation, we today honor President Reagan, and his wife Nancy, for the enduring inspiration provided by their shining example.

Mr. GILMAN. Mr. Speaker, I am honored to join in supporting this legislation which will grant well-deserved recognition and appreciation to former President Ronald Reagan and former First Lady Nancy Reagan. Both are outstanding American citizens who have contributed so honorably and selflessly to our country.

This legislation authorizes the President to present to both Ronald and Nancy Reagan the Congressional gold medal in recognition of their outstanding accomplishments as President and First Lady.

For most of our colleagues in this chamber, Ronald Reagan is a hero and a living legend. He was a dedicated leader who came to office in 1980 seeking to restore growth, optimism, and confidence to our nation. He survived an assassination attack and remained undaunted in his quest to lead this great nation into prosperity. Ronald Reagan is a man of unparalleled integrity and is truly one of our greatest presidents. Our nation is forever grateful. We are indebted to them.

President Reagan's efforts to strengthen national defense restored a sense of national security and directly contributed to the end of the Cold War. He effectively fostered relations with the Soviet Union during a very turbulent and volatile time in international history. Through his active communication and frequent talks with Soviet leader Mikhail Gorbachev, President Reagan was able to successfully negotiate the INF treaty in 1987 which reduced the threat of nuclear war. It was that treaty coupled with an extraordinary defense buildup that ended the Cold War and made the world once again safe for democracy.

Through cooperation with Congress, President Reagan was able to cut taxes, curb inflation, and increase employment. His policies stimulated our economy and initiated the largest peace-time economic expansion in history. He revolutionized the role in which government plays in the lives of individual citizens. The American people showed their support and appreciation for President Reagan by reelecting him in the largest electoral landslide in history.

Mr. Speaker, Nancy Reagan's role as First Lady was gracious and elegant. She fought to restore values and decency to our nation. She effectively and tirelessly promoted the "Just Say No" Anti-Drug campaign and brought that issue to the national forefront. In 1985 she held a conference at the White House for the first ladies of 17 different countries to focus international attention on the Drug problem. She continues to work on her campaign to teach children to "say no to drugs." Through these and other worthy efforts, Nancy Reagan has established herself as a national icon and an outstanding American.

Mr. Speaker, I am honored to support this legislation in recognition of their service to our nation, and to congratulate both President and Nancy Reagan as we wish them good health and happiness in the days ahead.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 3591. At the same time, I am very supportive of President Reagan's publicly stated view of limiting the federal government to it's proper and constitutional role. In fact, I was one of only four sitting members of the United States House of Representatives who endorsed Ronald Reagan's candidacy for President in 1976. The United States enjoyed sustained economic prosperity and employment growth during Ronald Reagan's presidency.

I must, however, oppose the Gold Medal for Ronald and Nancy Reagan because appropriating $30,000 of taxpayer money is neither constitutional nor, in the spirit of Ronald Reagan's notion of the proper, limited role for the federal government.

Because of my continuing and uncompromising opposition to appropriations not authorized within the enumerated powers of the Constitution, I would maintain my resolve and commitment to the Constitution—a Constitution, which only last year, each Member of Congress, swore to uphold. In each of these instances, I offered to do a little more than uphold my constitutional oath.

In fact, as a means of demonstrating my personal regard and enthusiasm for Ronald Reagan's advocacy for limited government, I invited each of these colleagues to match my private, personal contribution of $100 which, if accepted by the 435 Members of the House of Representatives, would more than satisfy the $30,000 cost necessary to mint and award a gold medal to Ronald and Nancy Reagan. To me, it seemed a particularly good opportunity to demonstrate one's genuine convictions by spending one's own money rather that of the taxpayers who remain free to contribute, at their own discretion, to commemorate the work of the Reagans. For the record, not a single Representative who solicited my support for spending taxpayer's money, was willing to contribute their own money to demonstrate their generosity and allegiance to the Reagan's stated convictions.

It is, of course, very easy to be generous with the people's money.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3591.

The question was taken.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1545

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

U.S. DEPARTMENT OF COMMERCE BALKANS TRADE MISSION MEMORIAL

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FARR of California. Mr. Speaker, on April 3, 1996, the Department of Commerce suffered the greatest tragedy in its history when 35 people perished in a plane crash while conducting a trade mission to the Balkans.

Ronald H. Brown, then Secretary of Commerce, was leading a delegation of private sector businessmen and government officials on a trade mission to seek ways to implement the civilian aspects of the Dayton peace accords through trade ties and investment opportunities. Secretary Brown and his staff were accompanied by a group of chief executive officers of major companies who agreed to help restore Bosnia's buildings, its water and energy systems, its tourism and its banking system. The goal of the trip was to start our U.S. commercial presence, to start economic reconstruction and to include U.S. companies in the development of the region. It was a mission of hope for the war torn region and an opportunity for American business. The members of the trade mission thought they would be able to use the power of the American economy to help peace take hold in the Balkans. Their quest was cut short on an unwelcoming mountain in Croatia.

Today, the families of all of those victims of that crash gathered here in Washington to unveil a memorial, a memorial that is a lasting testimonial written by the families of those loved ones who were lost on that fateful day. I took part in the dedication of that memorial at the U.S. Department of Commerce.

Mr. Speaker, I include for the RECORD the names of the people that were on that memorial and hope everyone will take advantage of visiting it in our beautiful Department of Commerce.

"All of them were so full of possibility, even as we grieve for what their lives might have been, let us celebrate what their lives were."

President William Clinton

TRADE MISSION PARTICIPANTS

Staff Sergeant Gerald V. Aldrich II, Flight Mechanic, United States Air Force.

Niksa Antonini, Photographer, Republic of Croatia.

Dragica Lendic Bebek, Interpreter, Republic of Croatia.

Ronald H. Brown, Secretary of Commerce.

Duane R. Christian, Security Officer, United States Department of Commerce.

Barry L. Conrad, President and CEO, Barrington International Hospitality, Inc.

Paul Cushman III, Executive Vice President, Riggs Bank/CEO, Riggs International.

Adam N. Darling, Confidential Assistant, United States Department of Commerce.

Captain Ashley J. Davis, Pilot, United States Air Force.

Gail E. Dobert, Deputy Director, Office of Business Liaison, United States Department of Commerce.

Robert E. Donovan, President, ABB, Incorporated.

Claudio Elia, President and CEO, Anjou International and Air and Water Technologies.

Staff Sergeant Robert Farrington, Jr., Steward, United States Air Force.

David L. Ford, President, InterGuard Corporation.

Carol L. Hamilton, Press Secretary, United States Department of Commerce.

Kathryn E. Hoffman, Senior Advisor for Strategic Schuduling and Special Initiatives, United States Department of Commerce.

Lee F. Jackson, Executive Director, European Bank for Reconstruction and Development, United States Department of Treasury,

Stephen C. Kaminski, Senior Commercial Officer in Austria, United States and Foreign Commercial Service, United States Department of Commerce.

Kathryn E. Kellogg, Confidential Assistant, Office of Business Liaison, United States Department of Commerce.

Technical Sergeant Shelly A. Kelly, Steward, United States Air Force.

James M. Lewek, Economic Analyst, Central Intelligence Agency.

Frank A. Maier, President, Ensearch International Corporation.

Charles F. Meissner, Assistant Secretary for International Economic Policy, United States Department of Commerce.

William E. Morton, Deputy Assistant Secretary for International Economic Development, United States Department of Commerce.

Walter J. Murphy, Senior Vice President of Sales/Marketing, AT&T Submarine Systems, Inc.

Nathaniel C. Nash, New York Times, Frankfurt Bureau Chief.

Lawrence M. Payne, Special Assistant, United States and Foreign Commercial Service, United States Department of Commerce.

Leonard J. Pieroni, Jr., Chairman and CEO, Parsons Corporation.

John A. Scoville, Chairman, Harza Engineering Company.

Captain Timothy W. Shafer, Pilot, United States Air Force.

I. Donald Terner, President, Bridge Housing Corporation.

P. Stuart Tholan, President, Bechtel-Europe, Africa, Middle East, Southwest Asia.

Technical Sergeant Cheryl A. Turnage, Steward, United States Air Force.

Naomi P. Warbasse, Deputy Director, Central and Eastern Europe Business Information Center, United States Department of Commerce.

Robert A. Whittaker, Chairman and CEO, Foster Wheeler Energy International.

ADAM NOEL DARLING

Adam was born on December 20, 1966, in Livermore, California . . . As my universe grows infinitely larger, may my loyalty to beloved friends grow dearer. As the world becomes exponentially complex, may my passion for the truth fathom its extremities. As the pursuit of peace grows costly and elusive, steel my resolve . . . Temper my candor with kindness, my directness with humor. Guard me from the temptation to substitute personal devotion for the simple truth, and save me from sacrificing the life of one friend or foe for abstract principle or selfish ambition. Make me at home with prime ministers and farm workers alike in order that power may be less arrogant and the humble may know the power of their true worth . . . May I take no notice of another's deliberate smallness, nor make one decision from fear, nor withhold my resources in stinginess. In defeat liberate me in expansive faithfulness and in victory deliver me from devaluing large principles by personal meanness . . . Let me spurn accolades that I may be truly honorable. Let me aspire to the vision of youth that I may be always young. Let me respect and receive the patience of my grandfather that I may be wise, the tenacity of my grandmother that I may endure, the love of my parents that I may be at home at the heart of the universe, the devotion of my sister and my niece that I may have a future, the joy of my brother that I may dance with him forever . . . And in the end may I be swept away in the infinite fierce tenderness of true love . . . Adam was serving as Confidential Assistant to Secretary Ron Brown while on this trade mission to Bosnia. In 1994, Adam was appointed Speech Writer and Confidential Assistant to David Barram, Deputy Secretary of Commerce, traveling throughout Asia, Australia, Canada, and the U.S. Previously, he was International Trade Administration Deputy Public Affairs Director. In 1991–92, Adam worked in the German Bundestag as a Carl Duisberg Fellow . . . "I want to renovate the homes, refurbish the schools, retool the factories, and rededicate the churches of American cities. I now know that rebuilding America's cities will be my life's passion and my life's work. I have a special talent for this work and therefore a responsibility to do it."

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 1089, by the yeas and nays; and

H.R. 3591, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MUTUAL FUND TAX AWARENESS ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1089, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 1089, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 358, nays 2, not voting 74, as follows:

[Roll No. 96]

YEAS—358

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Nadler
Napolitano
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Paul
Sanford

NOT VOTING—74

Barton
Berman
Borski
Brady (PA)
Brown (OH)
Callahan
Campbell
Cannon
Carson
Coburn
Conyers
Cook
Cooksey
Coyne
Crane
Davis (FL)
Diaz-Balart
Dooley
Doolittle
Doyle
Eshoo
Fattah
Fowler
Franks (NJ)
Frost
Gonzalez
Goodling
Graham
Greenwood
Hansen
Hilleary
Hilliard
Hobson
Hunter
Kilpatrick
Klink
Lampson
Lofgren
Manzullo
Martinez
McCollum
McIntosh
Miller, George
Moran (VA)
Murtha
Myrick
Neal
Northup
Ortiz
Owens
Payne
Pelosi
Pickering
Price (NC)
Pryce (OH)
Rahall
Rangel
Roukema
Roybal-Allard
Scarborough
Shows
Shuster
Souder
Stupak
Sweeney
Taylor (NC)
Thurman
Vento
Watts (OK)
Waxman
Weldon (PA)
Weygand
Wise
Young (FL)

□ 1826

Mr. BAIRD changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AWARDING GOLD MEDAL TO FORMER PRESIDENT AND MRS. RONALD REAGAN IN RECOGNITION OF THEIR SERVICE TO THE NATION

The SPEAKER pro tempore. The pending business is on the question of suspending the rules and passing the bill, H.R. 3591.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3591, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 350, nays 8, answered "present" 1, not voting 75, as follows:

[Roll No. 97]

YEAS—350

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Napolitano
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—8

Clay
Hastings (FL)
Lee
Meeks (NY)
Nadler
Paul
Stark
Waters

ANSWERED "PRESENT"—1

Gutierrez

NOT VOTING—75

Barton
Berman
Borski
Brady (PA)
Brown (OH)
Callahan
Campbell
Cannon
Carson
Coburn
Conyers
Cook
Cooksey
Coyne
Crane
Davis (FL)
Diaz-Balart
Dooley
Doolittle
Doyle
Eshoo
Fattah
Fowler
Franks (NJ)
Frost
Gonzalez
Goodling
Graham
Greenwood
Hansen
Hilleary
Hilliard
Hobson
Hunter
Kilpatrick
Klink
Lampson
Lofgren
Manzullo
Martinez
McCollum
McIntosh
Miller, George
Moran (VA)
Murtha
Myrick
Neal
Northup
Ortiz
Owens
Payne
Pelosi
Pickering
Price (NC)
Pryce (OH)
Rahall
Rangel
Roukema
Roybal-Allard
Scarborough
Shows
Shuster
Souder
Stupak
Sweeney
Taylor (NC)
Thomas
Thurman
Vento
Watts (OK)
Waxman
Weldon (PA)
Weygand
Wise
Young (FL)

☐ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. THOMAS. Madam Speaker, on rollcall No. 97. I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in the 15th Congressional District of Michigan, I was unable to record my vote for several measures considered today in the U.S. House of Representatives. Had I been present, I would have voted "aye" on roll call No. 96, H.R. 1089, the Mutual Fund Tax Awareness Act; and "aye" on roll call No. 97, H.R. 3591, to Award the Congressional Gold Medal to Former President Ronald Reagan, And Nancy Reagan In Recognition Of Their Service To The Nation.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Madam Speaker, again due to a USAIR flight cancellation, I was unavoidably detained in North Carolina and unable to cast a vote on rollcall votes 96 and 97. Had I been present, I would have voted "yea" on rollcall vote 96, On the Motion to Suspend the Rules and Pass, As Amended, H.R. 1089, the Mutual Fund Tax Awareness Act. I would have voted "yea" on roll call vote 97, On the Motion to Suspend the Rules and Pass H.R. 3591, to award the Congressional gold medal to former President Ronald Reagan and his wife Nancy Reagan.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2418

Mr. HINCHEY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 2418.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. McNULTY. Madam Speaker, due to a prior commitment back in my congressional district March 30, I missed rollcall votes 94 and 95. Had I been present and voting, I would have voted "yes" on rollcall vote 94, the motion to recommit on H.R. 3908, and "no" on rollcall vote 95, the vote on final passage for H.R. 3908.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRATULATING UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM ON WINNING 2000 NCAA NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GEJDENSON) is recognized for 5 minutes.

Mr. GEJDENSON. Madam Speaker, this is a spectacular day for all of us from Connecticut, but I am fortunate enough to have the University of Connecticut stars in my district. I think as almost everybody saw last night, winning the 2000 NCAA national championship and beating the Tennessee Lady Volunteers 71 to 52, another great team with a spectacular record; but our team last night clearly controlled every aspect of the game, dominated both offense and defense. The margin of victory was the second largest in women's tournament history, a total team effort and really an astounding season with 36 wins and only 1 loss.

There were outstanding contributions by all of the players: Shea Ralph, Svetlana Abrosimova, Sue Bird, Swin Cash, Kelley Schumacher, Asjha Jones, and Tamika Williams.

Congratulations also to our great coach, Gino Auriemma, head coach; Chris Daily, associate head coach; Tonya Cardoza, assistant coach; and Jamelle Elliott, another assistant coach.

UConn Huskies have done really an outstanding job through the 1990s. National championships include an undefeated season in 1994–1995; eight Big East championships, including seven straight; NCAA tournament appearances every year; 313 victories, second only to Tennessee that we were lucky enough and able enough to beat last night.

Husky fans really are the best fans in the Nation. We have had a spectacular time.

To Coach Gino Auriemma and all the women there, really an outstanding season and a great lift to the State.

SACAJAWEA GOLDEN DOLLAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, in 1997, Congress passed long overdue legislation to place in circulation a new $1 coin. Congress required that the new coin have a different edge, design, and color than the unsuccessful Susan B. Anthony $1 coin. The Secretary of the Treasury, in consultation with Congress, was required to select the design for the new $1 coin.

The U.S. Mint conducted an extensive public outreach program in selecting the final coin design. This included public hearings, broadcast on C-SPAN, focus groups, public coin design exhibits, extensive print media requests for comments, and over 130,000 letters, faxes, and e-mails.

The result is simply outstanding. The new coin is golden in color with a smooth edge, and on the face of the coin is a picture of Sacajawea, the Native American woman who aided the Lewis and Clark expedition.

The public's demand for the new Sacajawea golden dollar is unprecedented. Since its release January 26, 300 million golden dollars have been purchased. In 14 weeks, there will be 500 million golden dollars in circulation. It took the Susan B. Anthony dollar 14 years to create the demand for 500 million coins.

I commend the U.S. Mint for this incredible success in proving that the public truly does want a dollar coin. To meet this enormous demand for the new coin, the United States Mint has done a terrific job of accelerating their production and shipment.

Recently, I had the honor of visiting the Philadelphia Mint, which employs 800 men and women who make this all happen. We watched the dollar coins coming through the stamping process. The Mint has doubled their production to 5.25, that is 5¼, million golden dollars a day by running 24 hours a day, 7 days a week. Because of their hard work, the U.S. Mint will be able to produce 1 billion coins by the end of the year.

Now, that is good news for taxpayers. But most people do not realize how good the news really is. It only costs the Mint 12 cents to make a Sacajawea golden dollar. Then the U.S. Mint sells the coins to the banks for full value, one full dollar. The result is a direct profit to the U.S. Treasury of 88 cents on every coin issued. At the end of this year, when 1 billion golden dollars are in circulation, the United States Treasury will have made a profit of $880 million.

This profit will be eligible to reduce our $5.7 trillion national debt. That is right. The Treasury makes a profit from issuing coins which helps lower the debt of our Nation. Yes, my colleagues heard correctly, a government department that makes a profit.

IN SUPPORT OF H.R. 4081, EDTEC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, as this Nation forges ahead into the 21st century, our children's education must keep pace with the rigors and demands of the information age and the new economy.

In recent years, our Nation's schools have been doing a good job of acquiring technology like computers, information technology networks, and the Internet access. Now as schools continue their efforts in acquiring and updating technology this allows time to focus on the result of these efforts, student education and achievement.

□ 1845

To help schools teach with technology, I, along with the gentleman from California (Mr. DOOLEY) and 17 other members of the new Democratic coalition, have introduced H.R. 4081, the Education Technology Enhances Classrooms Act, or EdTEC for short. EdTEC updates and reauthorizes the very successful and popular Technology Literacy Challenge Fund contained in the Elementary and Secondary Education Act. EdTEC maintains the core elements of the Technology Literacy Challenge Fund but focuses new attention on integrating technology and classroom curriculum and also addresses a growing and troublesome trend: the digital divide.

EdTEC provides valuable framework for States and school districts to create and update their plans for education technology purchases, self-training and development, and, now, student learning. Teachers will be given more tools and guidance to actually use technology to teach core academic subjects.

Computers, networks, and Internet connections will not be used merely as research tools or for demonstrations. In the 21st century, students must learn with technology and do homework with technology just as they have always used encyclopedias, dictionaries, periodicals, and textbooks. Access and use of technology today is as important as the blackboard and chalk were to teaching in the past.

EdTEC also works toward closing the digital divide by targeting Federal dollars to schools most in need. For example, even with Federal and State resources dedicated to technology acquisition, in 1998, only 39 percent of classrooms in high poverty schools had Internet access. In contrast, 62 percent of classrooms in low poverty schools had Internet access. EdTEC focuses funds first on disadvantaged schools in cities, small towns, and rural communities according to poverty and high need.

Our Nation's schools have been working hard to provide their students with access to technology. The Federal Government, through the Technology Literacy Challenge Fund, has been instrumental in leveraging the resources of local communities to acquire that technology. In fact, since the inception of the Fund, the computer-to-student ratio has been reduced from 27 to 1 down to 14 to 1.

Nevertheless, we are at a point where most teachers report that they do not feel sufficiently trained on the use of technology in the classroom, and they do not have enough knowledge about what is available to them for teaching with technology. According to recent studies, only 20 percent of teachers report feeling very well prepared to use technology education as part of their teaching method. That is just way too low.

Students, in many instances, are more comfortable with the use of technology than their teachers and parents, but they do not always have access to technology resources at school which will actually capture their attention and enhance their learning. According to a recent survey conducted by the National School Boards Foundation and Children's Television Workshop, 53 percent of parents in households connected to the Internet report their children primarily use their home Net connection for school work. Forty-three percent of kids between the ages of 9 and 17 say their outlook about school has improved with access to the Internet.

This is important because education experts and children alike tell us that we must continue to find ways to challenge our children, to engage their creativity, to expand their interests, and, frankly, to simply fight off boredom in the classroom. The use of technology helps do that.

Our bill, EdTEC, will continue the important Federal investment in education technology. It provides States and schools with important funds and guidance in formulating technology education plans while focusing on the integration of technology and curriculum and closing the digital divide. This new century and our new economy demands our children are experienced and equipped to use the technology that is all around us. EdTEC will help our schools continue to move in that direction and ensure that our children can learn at the speed of change in the 21st century.

Madam Speaker, I want to call upon my colleagues to take a close and serious look at this legislation as we move forward with the reauthorization of the Elementary and Secondary Education Act in this session of Congress.

INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, several weeks ago the House debated, and passed, a bill to increase the minimum wage. Unfortunately, I was unable to get to the floor to participate in the debate. But I want to revisit the issue today, so that I can share with you a constituent letter I received from a small business owner in Kinston, North Carolina.

Madam Speaker, Ken Moore is an example of an entrepreneur who, without interference from the government, started a business with a single restaurant in 1991, and now has 39 locations throughout Eastern North Carolina. And along the way, he has shared his success by extending opportunities to his employees.

When Mr. Moore learned that the House would be debating a minimum wage increase, he sent me a letter to share how the mandate would affect his small business and communities throughout Eastern North Carolina. I wanted to share part of his letter with the Congress.

Madam Speaker, Mr. Moore wrote, and I quote:

Congressman Jones:

I started Andy's in March of 1991 in Goldsboro, North Carolina. As of today, we have grown to 39 locations throughout Eastern North Carolina and have another six locations under construction.

The reason for our success has always been because we give our hourly associates the opportunity to own an Andy's restaurant. We have never looked for outside investors, preferring to train our people and give them the opportunity to operate and eventually own their business. We call this "starting at the minimum and earning the maximum." We now have many success stories throughout our company achieved through this philosophy.

The unfunded mandate of minimum wage put in place by Washington will hurt our business, associates, and neighbors in Eastern North Carolina.

We conducted a survey of nearly 700 employees and found only two earning minimum wage that were the primary wage earners for their family. These happen to be single moms who already receive some government assistance.

Two out of the 700 makes a mockery out of the political line that families can't exist on minimum wage. The much-touted family of four making minimum wage and trying to subsist doesn't exist, at least not within Andy's.

We don't believe that America is about handouts, but is based on hard work and persistence. These are the values we strive to teach our associates.

An increase in the minimum wage will mean an increase in prices, something which I don't want to do. Minimum wage increases invariably cause us to lay some people off and delay hiring new folks. This is sad, but simply the truth.

I would like all politicians in favor of increasing the minimum wage to simply tell the truth. Increasing the minimum wage is a tax increase, period.

Madam Speaker, I will include the entire text of the letter in the RECORD.

Madam Speaker, Ken Moore is just one of thousands of small business owners across this country, who recognize the effects an increase in the minimum wage will have on their businesses, and their communities. I appreciate the opportunity to share Mr. Moore's story. Because I believe that his concerns are shared by many small business owners across the country.

THE LITTLE MINT, INC.,
Kinston, NC, March 7, 2000.

Re Minimum wage increase.

To: Walter B. Jones, Jr.
From: Kenneth K. Moore

I started Andy's in March of 1991 in Goldsboro, NC. As of today we have grown to 39 locations throughout Eastern NC and have another 6 locations under construction. The reason for our success has always been because we give our hourly associates the opportunity to own an Andy's restaurant. We have never looked for outside investors, preferring to train our people and give them the opportunity to operate and eventually own their business. We call this "starting at the minimum and earning the maximum." We now have many success stories throughout our company achieved through this philosophy.

Eastern NC is a rural area that has been through much during the past year. We have been rocked by hurricanes and floods during their aftermath. Our home is not a wealthy area. However, our people are the salt of the earth and work very hard to pay taxes and raise good children.

Eastern NC economy is predominately agriculturally based and with tobacco taking a beating in the press and in Washington many farmers have turned to pork production. Our state government has now placed a moratorium on that. At Andy's, we understand our neighbor's plight and have only raised prices in our stores twice in 9 years. Both times have been due to minimum wage increases. As you can tell, we are trying to do our part.

The unfunded mandate of minimum wage put in place by Washington will hurt our businesses, associates, and neighbors in Eastern NC. We conducted a survey of nearly our 700 employees and found only 2 earning minimum wage that were the primary wage earners for their family. These happen to be single moms who already receive some government assistance. Two out of the 700 makes a mockery out of the political line that families can't exist on minimum wage. The much-touted family of four making minimum wage and trying to subsist doesn't exist, at least not within Andy's.

Andy's has had very little employee turnover because we give people the opportunity to grow. Even the teenagers who comprise the vast amount of our minimum wage earners don't leave us. We have a yearly banquet at which we strive to inspire and motivate them to grow into solid citizens. We give scholarships and awards. We also continued to pay our minimum wage earners after the restaurants were flooded in the wake of Hurricane Floyd. All we asked them to do was to volunteer to help out in their local shelters. We teach our young people that there is already an increase in the minimum wage. It is called doing a good job!

We don't believe that America is about handouts but is based on hard work and persistence. These are the values we strive to teach our associates. An increase in the minimum wage will mean an increase in prices, something which I don't want to do. Minimum wage increases invariably cause us to lay some people off and delay hiring new folks. This is sad, but simply the truth.

I would like all politicians in favor of increasing the minimum wage to simply tell the truth. Increasing the minimum wage is a tax increase, period. The increase is simply another way for the government to make 15.6 cents on every dollar. If you truly want to help teenagers make more money, then waive the playoff taxes on the increase. If the truth be told the increase makes for great reelection material, doesn't it?

I remember a young lady who worked for me when I first started my business some years ago. She is now an elementary school teacher and a wonderful person. I saw her not long ago and we reminisced about a Chrismas Party we had in my original location in 1993. I didn't have the money for Christmas gifts for my small crew, so I gave each one a card with a personal note. As I was reminding her of this she stopped me and reached for her purse, opening her wallet and produced the note from that night (6 years later). I wonder if she would have saved a pay stub with a minimum wage increase?

Folks, there is more to running a business than a lot of you may think. With an increase in wages, hiring will cease, and perhaps we will not be able to touch the life of some young person as I did years ago. I live and work in Eastern NC and I am proud to do business here. Please let me do it my way. Our friends, neighbors, and associates live in towns with names such as Beulaville, Kenansville, Mt. Olive, Kinston and Grifton, not Camelot.

Thanks,

KENNETH K. MOORE,
President/Founder.

THE CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Madam Speaker, tonight is a very important evening because the University of Florida Gators will become the national champions in basketball. It is very exciting for someone who graduated from the University of Florida many years ago to see an exciting young team of freshmen and sophomores that are going to be successful against the supposedly more experienced team from Michigan State. So it will be an exciting evening, and I am looking forward to it.

But I am actually rising tonight, Madam Speaker, to speak about the census. We are in the middle of the Census 2000. Officially, this past Saturday, April 1, was Census Day, and that was the day we wanted to have everyone counted where they are. It is a chance to get a snapshot of America that is taken every 10 years going back to 1790, when Thomas Jefferson conducted the first one. This is a chance to not only count people, and that is the constitutional purpose, to count people where they are so we can do apportionment and redistricting in this country, but it is also important to get that snapshot because the Federal government has grown so large over the past decades that it is in need of information to help fund those programs.

Today, over $180 billion a year of Federal dollars will flow out of Washington to States and local communities based on census information. In addition, we have the money that flows out of State capitals, whether it is in Tallahassee or wherever in the United States. The money will flow to the communities based on census data. So it is so critical to our own communities to get the most accurate count and not get undercounted, because the money will flow; and it is not right if a community gets underfunded.

There is money for education, there is money for health care, there is money for highways. And if we have people there using those services, communities want to get their fair share of the money. So that is why this is so critical, so I encourage everybody to complete the forms if they have not. If a census worker comes knocking on the door over the next few months, please cooperate and get those forms completed.

The projected goal is a 61 percent response rate in the mail. Hopefully, we will do better. I am confident that we will do better than 61 percent. Somewhere between 65, 66 percent, I think, would be a great accomplishment. I would be very pleased if we can get that high. Because the higher the percentage we get in response, the fewer people we have to send out knocking on doors to get that information. So if the forms do not get completed, what will happen is that community runs the risk of not getting an accurate count, and second of all, the Federal Government just has to spend money going out and knocking on the door to collect that information. And that is a waste of actual tax dollars.

The Census Bureau this year has done a good job in a number of areas. Paid advertising. For the first time in history, they have used paid advertising. And the advertising does more than just make people aware of the census. It is designed to help motivate people to complete the census forms. It shows this is important. It shows classrooms being affected, or emergency, or fire protection that is needed, and that is all related to it.

The outreach efforts have been very successful. Census in the Schools. I have been going into schools to promote the census, and I think that is very useful. A lot of Members have gone to public service announcements. I know many of my colleagues have developed them. I know I have in my area, and they have played often on the cable television. I know my ratings in Sarasota County is above the area in the State of Florida because of the response rate. So I am excited about the response rate so far, and we will know more by the end of this week.

There has been a lot of controversy about this long form. And I know there is a lot of concern about privacy. We are always debating privacy concerning medical issues and for financial institutions, so the privacy issue will continue to be a problem faced by the Federal Government. But first of all, the questions, beyond the first core questions, which on the short form are the first six questions, are really needed for the constitutional purposes of redistricting and reapportionment. They really are important questions and they really will be kept confidential. There are very strict laws within the Census Bureau to not let any of that information out.

Last week the gentlewoman from New York (Mrs. MALONEY) and myself were out actually helping with the homeless count the other night. Before we went out with census workers, we had them raise our right hands and take an oath that we would not disclose that information. As Members of Congress we get all these other clearances for confidential information, but not with the Census Bureau. But there are very strict laws that have been enforced and will be enforced for anyone in the Census Bureau that discloses any information. So I feel confident this information will be kept confidential.

Now, I know this area of distrust. I know a lot of people do not trust this administration because of many things, but there are a lot of things contributing to it. My neighbor across the street was complaining because she had the long form, and my wife was helping her fill it out last week. One question she refused to fill out was her telephone number. Well, the State of Florida sold drivers licenses with photographs a couple of years ago, and so there is that suspicion that government will disclose that information. It will not happen here.

This information is not shared with the IRS; it is not shared with the FBI, the Secret Service. They cannot get the information. INS, Immigration and Naturalization, cannot get the information. So it will be kept confidential. So I ask everyone to please complete their forms.

THE MICROSOFT CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Madam Speaker, I am compelled to address the House tonight about the decision by the Federal District Court in the Microsoft case, and I rise today on behalf of two groups of people that I think deserve a voice in this debate. The first group is the American consumers and the second group are the people who work and dedicate their lives to the products they create for American consumers at Microsoft.

I would like to address the beliefs of the American consumers first, because I will warrant that if we go out and we ask our constituents, Should the Federal Government break up Microsoft?, the answer will be a resounding no. From the State of Maine to the State of Washington, people do not believe that the Federal Government will help their lives, will advance the Internet, will advance software one inch by breaking up this engine of creative growth.

And the Americans are right when it comes to this belief. American consumers are right in having the belief that this industry is healthy. This is not a sick industry that demands the physician of the Federal Government to come rescue it. And the evidence is clear: American consumers know that they are getting better products, faster products, less expensive products every day with Microsoft as it is currently configured.

Look at the evidence. This industry has grown from 290,000 workers in 1990 to 860,000 productive workers today. It has grown from 24,000 companies in 1990 to 57,000 companies today. Where is the stranglehold on creativity when we have doubled the number of companies in the software business in the last decade? This industry today has contributed $20 billion, $20 billion, to our trade balance. The reason is creative people are doing creative work.

And I will tell my colleagues one thing, Madam Speaker, when I talk to people across this country, they tell me they know they are getting better products, and they do not trust the

American government to try to define through judicial fiat what products these software engineers, who are geniuses, should give to the American consumers. Products should be defined by what the American consumers want, not what the Federal Government wants.

I want to touch now on a message from the folks who work at Microsoft, Madam Speaker. I represent thousands of people who get up in the morning and work commonly 12 to 14 hour days to try to bring their creative talents to bear to create new products for the American people.

They have done a good job and they are doing a good job and they are going to continue to do a good job creating new products for America. The reason is that the people at Microsoft in Redmond, Washington, are not going to be distracted, they are not going to be deterred, they are not going to stop their efforts to continue that creative growth by the fact that this case will go to the appellate court because they realize this is the first step in a long process. They trust the American appellate courts and trust that ultimately the will of the American consumers will prevail in this case.

Microsoft should continue to be creative and should not be broken up.

THE CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Madam Speaker, this is Census Day plus three. My message to the American people is that if they have not already filled out and returned their census questionnaire, do it today. Do it this very minute. It is everyone's civic responsibility. I am very pleased that the gentleman from Florida (Mr. MILLER), the Chair of the Subcommittee on Census, joins me in this message.

□ 1900

As of today, over 53 percent of Americans have responded to the census, with 47 percent to go. To the remaining 47 percent, I say please do their civic responsibility and fill out the form.

This was going to be our main message tonight here on the floor. But instead, regretfully, and with some disbelief, we must also stand here and ask what is going through the minds of some of our colleagues both here in the House of Representatives, in the Senate, and on the campaign trail.

With 47 percent of the American people still not being heard from, 2 days before census day, we have Members of Congress, who should all know better, standing up, holding press conferences and telling the American people that the census is optional.

Is it that some in the majority are undercount-aholics, they cannot help themselves but they want an inaccurate census? We have Members of Congress saying that they "believe in voluntarily cooperating" with the Government; but, beyond that, they will not follow the law. Since when did following the law in this country become a voluntary thing? Do they want participation, or do they want to make participation in the census optional?

What is really disingenuous is the fact that most of the questions on the long form have been around for decades. What is really amazing with this newfound concern about the census is that, over 2 years ago, really 3 years ago also, the content of the long and short forms and while it was being finalized, every single Member of the House of Representatives and the United States Senate received a detailed list of the questions to be asked, including a description of the need for asking it, along with the specific legal requirement supporting it.

Notification of Congress is required by Title 13, for a very good reason. That is to prevent the very situation that we face today, major leaders in our country literally telling the American people that the census is optional.

Members of Congress, every single Member of Congress, received this book "Preparing for the Census: Questions Planned for Census 2000, Federal Legislative and Program Uses." They received this book in 1997, and they received it in 1998, I know that all of the Members who are complaining about this census received it. Do they not read their mail?

The time for input and to ask questions was when we were formulating the census, not now, not during the census, not days before census day. The questions asked by the census represent a balance between the needs of our Nation's communities and the needs to keep the time and effort required to complete the form to a minimum.

Only information required by Congress, not the Census Bureau, but required by Congress to manage and evaluate Federal programs is collected by the census. Federal and State funds for schools, employment services, housing assistance, road construction, daycare, hospitals, emergency services, programs for seniors, and much more are distributed based on these census figures. We must all work to make them as correct as possible.

We should remember that the Census Bureau has gone to great effort to make both the short and long forms as brief as possible. The 2000 Census short form contains eight questions, down from nine in 1990, and it takes about 10 minutes to fill it out. Ten minutes every 10 years to perform our civic duty on the needs in our community, is that too much to ask? It is shorter than 1990.

Also, the 2000 Census long-term contains 53 questions, down from 57 in 1990. We have the shortest long form in decades. It is four questions less than the 1990 Census.

The only new questions in the census were added to really evaluate welfare reform, and the question that was added is asking grandparents how many of them are caregivers. Does the Senator from Mississippi think that this question should be optional?

I am a little bit confused, because the same people who today are making such a fuss over the long form just 6 months ago literally tried to add a question to the short form, which everyone has to complete. Some of the Senators raising questions also cosponsored an amendment offered by Senator HELMS which would have asked every American what their marriage status was and add it to the short form.

Come on Senator, the head of the Senate, he cannot have it both ways. He cannot be lobbying for additional questions and then turn around and say that it is too long, that answering them should be optional.

Some of my friends who have been with me fighting for an accurate census, and many of them are on the floor with me tonight, they know because they were there when opponents of an accurate census threatened to shut down the Government twice over the census and the budget. And a flood relief bill was held hostage, and we had to have the anti-modern count language removed.

Listen, believe me, these people who have fought to get the census forward to this point, they believe that the actions that are taking place now are intentional sabotage, the equivalent of a statistical shutdown of the Government by a small fraction of the GOP.

I really do not believe that, and I do not want to believe it. I think the answer is much simpler. I think the people criticizing the long form either do not know or maybe do not care how essential this information is to solving the problems of the people of our country. If they do not know what the problems are, then they do not have to spend the resources and the time and effort to correct the problems.

Let us look at the plumbing question that some of the Senators have raised. Well, it may shock some Senators but there are places in this country where Americans do not have plumbing, in the Colonias in Texas, on Indian reservations. And I really do say that in rural communities, even in Mississippi, what some elected officials are essentially saying is that they do not care and that they do not want to know about the problems. If they do not know about the substandard housing in America, then we will not direct the resources to correct it.

But maybe some of these Members who have raised questions should talk to some of the Alaskan representatives and hear what Alaskans have to say or had to say when the census removed a question on sanitation from the long form. They want it added again because they have plumbing problems and a lack of adequate plumbing in many places in Alaska.

Or let us look at question 17 concerning a person's physical, mental, or emotional condition in the last 6 months. Are some Members saying they do not want to know how big a problem it is, how many disabled Americans there are in this country?

I would like to remind the House that these questions are essentially the same questions approved by Ronald Reagan and former President Bush except that there are fewer questions than the questions in 1990.

In the information age, we need reliable information in order to make good decisions for this Nation. Some Members of Congress must be stuck in the 18th century. They do not seem to want to know how America is doing. Without good data, we cannot administer the laws of this country fairly. Their comments are rash, appropriate, and just plain wrong.

I want to take the time to read excerpts from some of the editorials that have appeared since Governor Bush joined with some of his colleagues and declared the census optional.

From the Sacramento Bee on April 1: "Trashing the Census. Irresponsible Bush Comments Could Sabotage the Count." That was the headline. From the New York Times, April 1, and I quote from the headlines: "Civic Duty and the Census. Some Congressional Republicans are Seriously Undermining the 2000 Census." From today's Atlanta Constitution: "Keep the Census From Becoming Political Fodder and Participate" is the headline.

I further quote: "Participation in the census may also be harmed by political grandstanding. Presidential candidate George W. Bush and Senate Majority Leader TRENT LOTT have criticized the long form. The alternative as urged by Bush, LOTT, and company would be to operate the government informally . . ."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHERWOOD). The Chair will remind all Members that it is not in order in debate to refer to individual Members of the Senate.

Mrs. MALONEY of New York. Mr. Speaker, I was reading from an editorial headline.

The SPEAKER pro tempore. The same rule applies whether it is the Members' own words or quotations from another person.

Mrs. MALONEY of New York. Same rule from an editorial headline.

I thank the Chair for making that point.

Mr. Speaker, from Friday's Journal Sentennial in Milwaukee, "Census too Important to Ignore" is the headline, "There are also plenty of members of Congress who are now in a huff, saying they sympathize with citizens threatening to fill out their forms. One wonders what these guardians of the public good were doing when they reviewed and apparently approved of the same questions they are now complaining about."

A certain Senator from the other body who ran for President and lost said and did yesterday what a lot of Members of Congress should do. This particular Senator urged all Americans to fill out the entire census form and to follow the law. I agree with him. And he was a Republican. He says, please fill it out.

The good news is that the Census Bureau will follow the law. It will try to get the long form questions answered, because the professionals at the bureau do what the law says, the law Congress passes. They will go out and try to get an accurate photo of this country and report back to Congress.

I guess we now know why the 2000 Census was designated an emergency in last year's budget. We just did not know that some Members of Congress were the ones who would be creating the emergency.

On average, the long form takes a little over half an hour to complete. Only information needed to manage or evaluate government programs is collected by the census. $180 billion a year in Federal money depends on census data. That is close to $2 trillion over the decade. Clearly, that is reason enough to fill out the form.

I urge every American, every resident in America, to fill out the form. Do not leave it blank. Do not leave their future and their community be blank. Be part of the civic responsibility of this country. Please fill out the form.

I have with me many members of the Census Task Force who have diligently worked for an active census, one that includes all of the residents of America.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ), who has been a great leader on this issue.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for yielding. I want to congratulate her on her efforts, and I want to thank her for allowing me to say a few words on this important topic.

First of all, I want to commend all Americans who have already taken the initiative and sent their census forms in. Congratulations. I thank them for their efforts. They have shown that people across this country know the value of the census and know their obligation and responsibility. I thank them for doing their part in making everyone count in this country.

The last update shows, as of tonight, that 53 percent nationally has been the response. While that is more than half that have responded, we are hoping and we will continue to work at a 70 percent response rate. So we still have a long way to go.

In Texas, we had a 48 percent response. We are hoping for 66 percent. We still have a long way to go.

I represent 13 counties in South Texas. My district's response rate per county has been as low as 29 percent in Zapata County and as high as 52 and 53 percent in both Bexar County and Comal and Guadalupe counties.

Especially where the initial rate is low, we must work hard to make sure that everyone gets counted. This week I spent the Census Day on Saturday at a particular restaurant in San Antonio at the Pico de Gallo Restaurant. The business community came forward providing both a little coffee and pastry for individuals to help fill out those forms.

We are going to continue to work on the communities. I am going to ask the leaderships throughout the 13 counties that I represent to reach out and do everything they can to make sure that everyone gets counted. This was a great example on some of our activities that we have had the private sector participating as well as the public sector.

I want to take also this opportunity to congratulate the gentlewoman from New York (Mrs. MALONEY) and indicate in terms of the difficulty that we are having especially with elected officials of all people that should be responsible and not be making irresponsible comments.

I want to highlight the fact that there has been some criticism about the report and about the census this year, when, in actuality, as indicated by the gentlewoman from New York (Mrs. MALONEY) the 2000 Census form is virtually the same census form as 1990, with the exception that it has got fewer questions.

□ 1915

So when we look in terms of the criticism, especially from a lot of the Republicans, you need to acknowledge the fact that under Bush and in the previous decade we had even more questions. The 2000 census short form contains eight questions. In 1990, it had nine questions. In the year 2000 census form, the large form has 53 questions, down from 57 questions. So it is important that we bring those questions down.

Once again I want to also highlight as the gentlewoman from New York did a beautiful job of pinpointing the importance of those questions and the long form that goes to one out of every six individuals. That long form allows us an opportunity to be able to identify a lot of the things that are critical in our country.

For one, in terms of family needs and community needs. I head the task force on health care for the Hispanic Caucus. One of the things that we are real conscious about is community health centers. This data will help identify the need for and/or the lack of services in community mental health.

And so it becomes real critical that these questionnaires are sent back. When we talk about veterans and the disabled, those individuals that receive SSI, those individuals that are elderly, that are looking forward in terms of Social Security, that data is extremely helpful for this country to be able to identify how many expected over 65 are we going to be having, how many people are disabled, how many veterans we have out there in the country that are in need and disabled, in need of services.

All those types of questions that are there are there for a purpose. The question that sometimes comes to light is the question regarding plumbing. We all assume that we all have plumbing, but I am here to tell you that that is not the case in every community. We still have colonias, I have them in Bexar County, in South Bexar County, in the metropolitan areas and I have them in Starr and a lot of the other counties in the rural areas.

Those types of questions are critical to make sure we identify those areas that are in need and especially when it comes to zeroing in on identifying resources that are needed. In fact, some of the counties that have not responded are some of the counties that are most in need, that need to be worked on; and we need to look at a little more closely. I am going to encourage you once again to please look at your form right now, and I would ask that you seriously look at filling that out as quickly as possible so that we do not have to send people out there to make sure that we help.

If you need help, I would also ask that you call my congressional offices, both in Roma in Starr County in Texas and San Diego in Duval County in Texas and San Antonio. I would ask you to call our offices if you need any help and assistance in doing those forms.

In closing, I just want to thank the gentlewoman from New York for allowing us the opportunity to mention how critical this is. I also want to submit for the Record a letter that we will be sending to one of the governors in our State that has made some comments that we feel are very irresponsible.

Congress of the United States,
Washington, DC, April 4, 2000.

Hon. George W. Bush,
Governor, State of Texas, State Capitol, Austin, TX.

Dear Governor Bush: We are writing to express our deep concern over recent statements you reportedly made regarding the conduct of the 2000 census. As you know, the Republican leadership in the Congress has criticized the information sought in the census forms and has even encouraged Americans to leave some of the information blank if they find the questions objectionable. You joined congressional Republicans in that criticism last week by agreeing that if Americans are uncomfortable with the information they requested, they should leave those questions blank. Collectively, these statements have the effect, intended or not, of depressing the census count.

We believe your criticism of the information sought in the census forms is seriously misinformed. The 2000 census forms are virtually the same as the census forms used in 1990, with one exception: They ask fewer questions. The 2000 census short form contains 8 questions, down from 9 in 1990. The 2000 census long form contains fifty-three questions, down from fifty-seven in 1990. The 2000 long form is the shortest long form in decades. Moreover, the Census Bureau sent the forms to the Republican-controlled Congress for approval in both 1997 and 1998, and not a single privacy concern was raised.

You have opposed the Census Bureau's plan to use modern statistical methods to correct the 2000 census. Those methods were developed by the Census Bureau professionals at the direction of Congress in conjunction with the National Academy of Sciences, and have been found to be the best way to correct the undercount and overcount of the population that has plagued prior censuses. The correction to the census is about fairness. The 1990 census undercounted a disproportionate percentage of minority populations (e.g., Hispanics, African Americans, Native Americans, Asian Americans), resulting in Texas being short-changed $1 billion in federal funds that went elsewhere. Despite the best efforts of the Census Bureau, it is projected that even a greater number of Americans will be missed in the 2000 census.

Tenuous support of the census will hurt our home State of Texas. A recent study showed that Texas stands to lose around $2 billion over the next decade if the correction to the census is not made. Those funds go to the very heart of family values: schools, employment services, housing assistance, road construction, day care facilities, hospitals, emergency services, programs for seniors, and much more.

In opposing the use of modern statistical methods to correct the census, you have consistently said that you favor a full and accurate count. However, a full and accurate count has proven unachievable under the best circumstances, and becomes impossible when leading public officials denigrate the census itself. Your recent statements suggesting that Americans need not complete the census are counterproductive. Thus far, the State of Texas has the fourth lowest response rate to the census of any State. We still have a chance to urge Texans (and all Americans) to fill out their forms.

We strongly urge you to clarify your position regarding the census and stop encouraging Americans to leave census forms blank. Furthermore, given the numerous public statements questioning the need to complete census forms, in the event of an undercount, we urge you to reconsider your opposition to a statistical correction to the census so that all Americans are counted.

Sincerely,
Carolyn B. Maloney,
Eddie Bernice Johnson,
Gene Green,
Silvestre Reyes,
Max Sandlin,
Ciro D. Rodriguez,
Rubén Hinojosa.

Mrs. MALONEY of New York. I thank the gentleman for his comments and his hard work.

Mr. Speaker, the gentleman from Texas (Mr. Hinojosa) represents a great State which unfortunately was undercounted in 1990. He has worked hard over the past several years with many innovative programs and ideas to make people aware of the census and to improve the count in his State and in the country. I thank him for his leadership.

Mr. HINOJOSA. Mr. Speaker, I am here not to point fingers; rather, to encourage all Americans to complete and return their census forms. When I hear people saying, "Don't bother to fill out your long form," and we seem to be hearing a lot of that lately, I am incredulous. What am I missing here? To not do so would be like driving down the road and throwing $100 bills out the window. I just cannot afford to do this, and I have yet to meet anybody in the circles I travel in who can.

If I want to talk in broad strokes, I can say that nationwide the Commerce Department estimates that 4 million people were overlooked in the 1990 count. This figure represents a shocking disempowerment of 1.6 percent of the American population and the figures for minorities were significantly worse. A full 5 percent of Hispanics were simply overlooked, 4.4 percent of blacks were never counted, and 4.5 percent of Native Americans were ignored.

Quite clearly far too many minority Americans were denied the representation that is their birthright. If I want to talk about the State of Texas, the 1990 census resulted in the second highest undercount of any State. Not only in 1990 but for a full 20 years, almost half a million Texans were inadequately represented in their government and received only a fraction of the Federal funds that they were due.

The undercount meant that Texas alone was deprived of $1 billion of Federal funds. An equally inaccurate census in the year 2000 could result in a loss of $2 billion to our great State of Texas. If I were to narrow my focus even more to the area that I represent, South Texas and the Rio Grande Valley communities stand to lose far more this go-around than the last. The 15th Congressional District was the 23rd most undercounted district in the Nation. The miscount in 1990 meant that 25 schools in my district were not built, and over 850 teachers were not hired through the course of that decade. Over the course of the past 10 years, our school districts have lost well over $78 billion in Federal funding that would have otherwise been allocated to educate our children in South Texas.

Mr. Speaker, the 1990 undercount also resulted in missed opportunities for health care and senior programs as each individual in my district lost

$2,037, or a total of $46 million over the course of the decade in Federal resources. In short, what we do not receive as our fair share has real implications for our congressional district. My constituents lose too much if they are not counted.

Why would we choose to do that? I think we have learned from the past about why we need an accurate census count. Again, let me ask, what am I missing when I hear people essentially saying, Don't bother to ask for what is yours? If a bank misallocated someone's hard-earned funds, I am certain no one would act so passively.

Representation in American government cannot be contingent on the affluence of your neighborhood or the color of your skin. This is a sanctioned disempowerment of American minorities and cannot be allowed to continue. We must have a census that not only attempts to count Americans but one that makes the people count.

In closing, I want to say, Mr. Speaker, by not completing the form thoroughly and completely, we are allowing ourselves to become third-class citizens without a voice in our government. The census is in our hands. It is simple. Abide by the law, fill out the form, and make yourself count.

Mrs. MALONEY of New York. I thank the gentleman for his remarks.

Mr. Speaker, I include for the RECORD an editorial from the Atlanta Journal Constitution that says, "To find fault with those queries at this late date is a cheap shot. The alternative would be to operate government uninformed of its people's needs."

[From the Atlanta Journal Constitution, April 3, 2000]

CONSTITUTION: KEEP THE CENSUS FROM BECOMING POLITICAL FODDER AND PARTICIPATE

Roughly half of America's households did their civic duty and answered the U.S. Census Bureau's Year 2000 postal survey by its April 1 deadline. That level of participation is not nearly good enough if America is to get the accurate picture of itself essential to governing fairly and efficiently at local, state and federal levels.

Fortunately, the bureau still has a "final, final deadline" for mail and e-mail replies. It's April 11, the day it will send out its enumerators to count Americans who didn't respond. So if you have yet to fill out your census form, please do so and mail it this week.

Participation in the census may also be harmed by the political grandstanding it continues to inspire. Presidential candidate George W. Bush and Senate Majority Leader Trent Lott (R-Miss.) have criticized the long census—sent to one in six American households—as some sort of government intrusion on privacy.

However, the Census Bureau takes very seriously its responsibility to keep individual census responses confidential. Leakers inside will be sought out and prosecuted, as will hackers on the outside. In fact, the bureau is working with leading computer-security experts to make sure its data remain untapped.

Is this year's census survey exceptionally burdensome or intrusive, as its critics suggest? No, the questions on the long form are almost all similar to those asked in previous censuses, including the 1990 census conducted when Bush's father was president. And every question on this year's long form was presented to members of Congress for their comments two years ago. To find fault with those queries at this late date is a cheap shot.

The information being gathered will be used to redraw political districts, calculate how government benefits like Medicare are to be shared equitably, and predict public needs such as mass transit, roads, libraries, schools, fire and police protection. Census figures from 1990 helped federal emergency officials determine quickly where shelters were most needed after Hurricane Andrew smashed south Florida in 1993.

The alternative, as urged by Bush, Lott & Co., would be to operate government uninformed of its people's needs.

Mr. Speaker, I would now like to call upon a great leader on the census and many other areas, the gentlewoman from Florida (Mrs. MEEK). She helped organize a bipartisan hearing on the census and has worked very hard for an accurate count.

Mrs. MEEK of Florida. I want to thank the gentlewoman from New York who has unselfishly led our initiatives here in the Congress along with the gentleman from Florida (Mr. MILLER) on the census, and while she has, she has kept up with it, she has monitored it.

Mr. Speaker, all Americans should have their eyes focused on us here tonight. We are here begging the American public to return their census forms. I say begging, Mr. Speaker, because it is the most important thing that we will work on in 10 years' time. This is our opportunity to be counted. If we miss this opportunity, then we should not complain about the status of things in these good old United States.

I want to thank all those people who have taken the time to return their forms and to say to them, Good for you. You have come forward to be counted.

Those who did not, I want to say to you, continue to work on it, fill them out and return it. Do not let anyone discourage you from returning your census forms. Do not let anyone convince you that you need not fill out the forms completely. They are underestimating your intelligence when someone tells you, Fill out what you want to, it is not important, or it is invasive, or it is invading your privacy.

Do not let anyone underestimate your intellectual ability and say that to you. The ball is in your court. Each one of you, one by one. One by one you must make a difference in your community, and you must make a difference in this Nation by setting us on a new path for the new century.

Our message to the American people is if you have not already filled it out and returned it, do it today. Do not wait any longer. Another minute might be too late. So do it today.

As of last night, I am told that over 53 percent of Americans had completed and sent in their census form. This is pretty good news, Mr. Speaker, but it is not good enough. We have to continue until we get as much as 100 percent would not be too much. We want everyone to be counted. The Constitution says that anyone who is in this country should be counted.

Now, there are people in this country, Mr. Speaker, that should think of it historically. They were not counted as a full person. African Americans like myself were not counted as a full person. They were counted as three-fifths of a man. Now they must go forward with all deliberate speed, with all urgency to be sure that they are counted, so that we will not leave anyone behind.

If they have not completed their questionnaire, if they need help, they should get it right away. There is too much at stake, Mr. Speaker. Too much at stake. For example, in my district, we have a need for housing. So many people in my district are without adequate housing. So many people in my district, Mr. Speaker, are without adequate transportation. So many people in my district need better health care. The mortality rate is high in certain segments of my community. The morbidity rate is very high in certain areas of my community. They should understand that unless they stand up and be counted, it will continue.

So many people complain, we do not have good marketing here, we do not have anywhere to go and purchase our products, we have to go all the way out of our district to find a store. We have to go all the way to another county to find a good place to shop. I am saying they must take the bull by the horns, because all of these market studies, Mr. Speaker, are made from census numbers. Population does count. It is so important.

Last week, we had people to say just before census day, April 1, I think they utilized, Mr. Speaker, they thought everybody was a fool, that it was almost April Fool's Day.

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They figured that people should not return their forms. It was foolhardy, and they are unwise, Mr. Speaker, for anyone in government or out of government, especially people with high status in our government, to say, do not fill out all of the census. After all, this very Congress allocated millions of dollars to be spent for the census. They thought it was important. They were not just doing this for show, but to be sure that everyone is counted. Now they come back and say, do not take the time to fill out these forms. It is unconscionable, Mr. Speaker, for any of us who represent government or who represent the people to say to the people, do not fill out the form. Shame on those who say it. It should not be repeated. They should go back and say to people, I am ashamed to have taken a constitutional oath and to say, do not follow the Constitution of this country. The Constitution of this country says everyone should be counted. They even made it against the law not to be counted. They even made it against the law for people to take confidential information that is on the census form and betray the public trust by giving it away. It cannot be done.

So Congress has worked very hard on this. The gentlewoman from New York (Mrs. MALONEY) has spent a great deal of her time, and we have all spent a great deal of time in all of the caucuses to ask the people to fill out the form. The Census Bureau has worked very, very hard. They have done so much.

I have been following the census, Mr. Speaker, for many years. I have seen the census in its good times and in its bad times. I have seen it when the Government was sued because of an inaccurate account. We do not want that to happen anymore. The 2000 Census is not a hard form to fill out. It only has 8 questions; there were 9 in 1990. My colleagues have heard us talk about it this evening. We are just saying to anyone, to anyone who is a governor, who is a legislator, who is a Senator or Congress person, shut up, if you are telling the American public the census should not be filled out. Anyone's position should be to support the census.

So let us encourage everyone, because there is so much at stake with the census.

So we say, well, why should we advise the American public again? We are constantly advising them. They are going to come to the gentlewoman from New York (Mrs. MALONEY). Her people are going to come and knock on her door and say look, we did not get what we needed this year. We lost money that the Federal Government should be sending us. They will be going to her. My constituents are coming to me; my colleagues' constituents are coming to them.

They want to know, why is it that some other city, why is it that the State of New York received another representative? Why? Why did we not receive one here in Georgia or Alabama or Florida? Do my colleagues know why? Because people were not counted, because the census count tells us whether or not we will have another representative in Congress. It will even say to the Government, maybe we will not have another representative from Florida, or we might have another one, or maybe New York will lose another one. Why? Because the people were not there to be counted.

Then look at the State legislature. We look to see that we have a good State representative in the State legislature. We turn around and look, they are not there. Why are they not there? Because people did not come out and be counted. The Government cannot just go around and make people. We have to be counted and we must return the forms; and if we return the forms, we can get the numbers that we want.

We cannot ask too many personal questions. There are not any personal questions when it comes down to the expending of Federal money, because they just cannot give money on a whim. That money comes from population counts; it comes from need. So if one's district in one's community, in one's neighborhood does not get what it is supposed to get, then it is all our fault. The ball is in our court; it is in our court. So we may as well get out there and hastily return the forms.

We are so very glad to be here tonight. I say to my colleague from New York (Mrs. MALONEY), to say to the people back home, if we keep talking about good schools, we need better schools, we need more teachers; then if that is the case, education is the key, if we need that, then we must return our census forms. How can they count children who were missed in the last census? The Subcommittee on the Census has worked very hard to be sure that children are counted. So many people neglect to list the children in their homes, so when it is time to build schools, they are left out. Then the next thing they do is they call the gentlewoman from New York (Mrs. MALONEY). Look, our schools are crowded, we do not have enough teachers, we do not have enough supplies.

I want to end this by saying that if we return our census forms, we will be better served by our government, because there is an old saying which is that whatever we do, we should stand up and be counted, because as an individual or as a community, we will benefit from that count.

I want to thank the gentlewoman from New York (Mrs. MALONEY) for this Special Order tonight so that we can help America understand the importance of the census. Those of us who did not return our forms, do it now, and we say, good for you.

Mrs. MALONEY of New York. Mr. Speaker, I would like to place in the RECORD an editorial from March 29 from the Seattle Times Company, and they write:

> The questions provide a telling snapshot of America and help determine how large pots of tax dollars are spent on social programs.

Further, they say,

> Smile. A big family portrait is being painted with census numbers. Nothing scary about that.

They go on to encourage everyone to fill out their form.

[From the Seattle Times, Mar. 29, 2000]

OVERLY OVERWROUGHT ABOUT THE 2000 CENSUS

On any given day, citizens are bombarded with dozens of legitimate, stress-producing worries. The U.S. Census Bureau, even its much-maligned long-form questionnaire, ought not be one of them.

Census questionnaires have been mailed to 120 million American households. The seven-question short form was sent to most households; a longer, more-detailed, 52-question form was delivered to one in six households.

Then the yowling began—The Snoops! The invasion of privacy!

The complaints are nine parts hype, one part hooey.

Two important developments have occurred since the last census was taken in 1990. The long form got shorter by four questions, and talk radio got louder.

In fairness to those with census jitters, more people nowadays are concerned about personal privacy. Frequent calls by solicitors and marketing companies wear down a person's patience and goodwill.

Remember, though, the census is the head count prescribed by the Constitution.

The people who make money by whipping up fear—and those who buy into it—substitute paranoia for logic.

The loudest concerns focus on question 31 on the long form, which asks people to report wages, salaries, commissions, bonuses or tips from jobs. This is not a scary question. The federal government, the Internal Revenue Service, already knows the answer for individuals. The Census Bureau is looking for data to report in the aggregate.

Before people allow themselves to be whipped into an unnecessary froth, remember the manner in which the data is reported. It is much like a series of USA Today headlines, "We're older," "We're more mobile, more diverse" and so on. The census doesn't announce that Joe Dokes at 123 Pine Street does or says anything. Nor does the Census Bureau share personal information with other agencies.

The questions provide a telling snapshot of America and help determine how large pots of tax dollars are spent on social programs, highways and mass transit, and how congressional seats are distributed among the states.

Smile. A big family portrait is being painted with numbers. Nothing scary about that.

Mr. Speaker, my next speaker is a very diligent and outstanding member of the Subcommittee on the Census, the gentleman from Illinois (Mr. DAVIS), who has been a great leader on getting an accurate count.

Mr. DAVIS of Illinois. Mr. Speaker, as I begin, let me just first of all indicate how delightful it has been to work under the leadership of two dynamic ladies on this issue, the gentlewoman from New York (Mrs. MALONEY), who is the ranking member on the Subcommittee on the Census, and the gentlewoman from Florida (Mrs. MEEK), who is the chairperson of the Congressional Black Caucus's Task Force on the Census.

Mr. Speaker, I rise today to join with my colleagues in urging the American people to fill out their census forms. Do something very simple: fill the forms out and send them in. Nothing more, nothing less.

Now, I know that the governor of Texas and others have suggested in recent days that if you have the long form, then maybe you should not answer all of the questions. Now, there are some people who might hear these comments and decide that they should not bother to fill out the long form. My response to those individuals is that there is too much at stake for you not to fill them out.

The census, as we all know, is about determining what communities will revenue schools, new nursing homes, job training centers, help with transportation infrastructure, and much more. It is about determining representation and whether or not a State will even gain or perhaps lose a congressional seat, a seat in the State legislature, city council, or on the county board. There is simply too much at stake to risk not filling out the form. Those who would suggest that the questions are too intrusive already know that this information cannot be sold or shared with INS or any other investigatory agency.

For example, the question regarding in-home plumbing is asked to determine how many homes actually have modern plumbing, yet there are those who would suggest that it is too intrusive. Well, it is not too intrusive if one lives in a community where there are no sewer lines, where there is no running water, where there is no in-home plumbing. Plus, they already know that the responses are protected by law.

I would also suggest to people that perhaps the slogan often used by the Panthers several years ago would be appropriate when they said that you are either part of the solution or you are part of the problem. If you do not fill out the form, then I can assure you that you are part of the problem.

We can ill afford to allow forces opposed to an accurate census count to suppress the number of people returning their forms. In my own city, the city of Chicago, we lost millions of dollars in Federal funds as a result of the 1990 undercount. According to the Census Bureau, at least 10 million people, including at least 113,831, were undercounted in the State of Illinois, 81,000 in Cook County alone; and 68,000 in the City of Chicago were not counted. Many of those missed were women and children who live in minority communities. Because of the undercount, every Chicago and Cook County citizen was shortchanged, shortchanged on money to prepare roads, fix bridges; for schools, parks, and job training. Perhaps the most egregious shortchanging would be that of political representation.

So when people in powerful positions encourage people to give up their most basic of all rights, then all of America loses.

So again, I commend the gentlewoman from New York for arranging for this Special Order. I also want to thank all of my neighbors who are volunteers, people who are taking it upon themselves to go to the streets and encourage their neighbors and other people in their community, to simply fill out the form, send them in, because the reality is if you are not counted, then you really do not count.

Mr. Speaker, it is a pleasure to be with my colleagues this evening on this Special Order.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman.

I would like to put into the RECORD the editorial from the Sacramento Bee in California. They are very critical of leaders who have come out against filling out the long census. They state, and I quote: "How harmful to this important civic exercise. How irresponsible and unpatriotic." They go on to say, "With their thoughtless comments, they feed mindless anti-government sentiment. Do they really think they can govern better by knowing less about America? They have done a disservice to the census and to the country." I would include that in the RECORD at this time.

[From the Sacramento Bee, April 1, 2000]

TRASHING THE CENSUS: IRRESPONSIBLE BUSH COMMENTS COULD SABOTAGE COUNT

Just two days ago before Census Day, as U.S. Census Bureau officials were urging Americans to cooperate in the crucial once-in-a-decade national count, Texas Gov. George Bush made their job harder. If he had the long census form, Bush told a campaign crowd, he's not sure he'd want to fill it out either. How harmful to this important civic exercise; how irresponsible and unpatriotic.

Bush's remarks come on the heels of Senate Majority Leader Trent Lott's advice to his fellow Americans not to answer any questions on the census long form that they believe invade their privacy. Taken together, those remarks by the leading Republican in Congress and the likely Republican presidential nominee can easily be interpreted as a deliberate attempt to sabotage the 2000 census. They raise questions about the integrity of the census that are unwarranted, unfair and irresponsible.

One in six households receives the census long form. Beyond the basic eight questions about the number, age, gender and race or ethnicity of people living in the household, the long form asks other questions designed to measure the well-being of Americans, to help government agencies to plan where to put schools or highways or health funding. Included in the long forms are 53 questions such as: How many bedrooms in the house? Has anyone been disabled by health problems in the last six months? Is there a telephone? What is the income of the household? Is there indoor plumbing?

By law the responses are strictly confidential. The U.S. Census cannot share individual household answers with the IRS, FBI, INS or any other government agency or private entity.

Moreover, every single question on the long and short forms is there because of a specific statutory requirement. Most of these questions have been on the form for decades. The only new question added since 1990 was put there at the behest of Republicans in Congress, including Lott. It asks grandparents whether they are caregivers for their grandchildren. The wording of each question was reviewed by Congress in 1997 and 1998. Lott, who now raises objections, pushed a resolution urging the Census Bureau to return to the short form a question about marital status that it had moved to the long form.

The census is the law of the land, enacted by the first Congress. When Bush says he wouldn't fill out the form, he's saying he's prepared to break the law. When Lott advises Americans not to answer questions they don't want to answer, he's telling them to break the law. And although both Lott and Bush limit their specific objections to the long form, the impact will inevitably reverberate more widely—to those who only receive the short form.

In Sacramento, census officials report that the response to the census is already lagging. Only 39 percent of Sacramento households have returned the form so far. Every man, woman or child not counted costs $1,600 in lost federal funds. That's money that would go to our schools and highways and mental health and police protection.

Participating in the census is a civic duty, like voting, serving on juries and defending the country. As duties go, it's not burdensome; for most people, filing out the long form is a once-in-a-lifetime chore. With their thoughtless comments that feed mindless anti-government sentiment—do they really think they can govern better by knowing less about America?—Bush and Lott have done a disservice to the census and the country.

Mr. Speaker, our next speaker is the gentleman from California (Mr. BACA), who is a new Member, but already a great leader on the census and other issues.

Mr. BACA. Mr. Speaker, first of all, I would like to thank the gentlewoman from New York (Mrs. MALONEY) for the outstanding job she has done in leading us, in leading the Nation on what is so important to all of us and the effect it is going to have on this Nation over the next decade. It is important for someone to take that leadership role, and she has taken that role. She has gone out to the various States telling all of us of the importance of the count. I commend her for her efforts.

Now, the responsibility is up to us. The responsibility is up to all Americans. This is not about political wedges, this is about improving the quality of life.

Some of us like myself who are veterans have to remember that we serve this country; and veterans have fought so we would enjoy those freedoms, those freedoms that we have today; and those freedoms meant the ability to participate in a process. We have a responsibility to participate in that process. It is our American duty, it is our American responsibility, it is our civic duty to participate in this process.

Right now, Mr. Speaker, 53 percent to 56 percent have responded. That is not enough. I ask the rest of the American people to please respond to what is important, what will guide this Nation not only now, but in the future. It is the responsibility of churches, our community organizations; it is a partnership between business and ourselves to make sure that everyone counts. If we hear anyone that states not to turn in the form, not to fill it out, then they are being irresponsible. They are not doing their civic duties.

We have heard that from former governors that have indicated that, from other Members that have indicated that. We have to remember what the real responsibility is. I know, because in California alone, we have 52 Members that represent us. I have heard most of the constituents in California talk about the lack of money going back to the State of California.

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We are all going to fight for monies coming back to the State of California, and this is another vehicle of getting monies back to California by ensuring that an accurate count is done, that the Federal dollars are returned appropriately. If we do an accurate count, then the monies will be returned back to California.

We lost or have the potential of losing $2.2 billion if we do not get an accurate count. In my district alone, we lost $50 million over the last 10 years because an accurate count did not occur.

What does that mean to us? That means that we did not do good datagathering, we did not participate in the process. We should have participated in the process. What does that mean? We did not get the educational services that we needed, we did not get the health care that was needed, we did not get the special ed that everybody talks about getting, and monies for construction and education, for our seniors and health centers that is so important to a lot of us.

It is important that we do that count to make sure that we take care of every aspect, including transportation and monies in the infrastructure. If we do not get monies in, what do we look at in California and the Inland Empire, which has the largest growth in the area? If we do not do an accurate count, how are we going to get the money back to our area?

We are asking for funds now. I am fighting and advocating for funds in that area. If we do an accurate count, at least there will be a pool of money so we can go back and put it into our area. It is important that we do that. It is important that we count everyone.

If we look at statistics that were done, African-Americans were undercounted in our communities. Latinos were undercounted. Asians, American Indians were undercounted. We have the responsibility that every American is counted. If we do not, California and the Nation loses.

I ask everyone to please complete that form. I know that it is easy to talk about the form being long and extensive, and the questions that are there. I had the long form. I completed the long form. It is important for others to do that.

For those who feel they do not know how to fill it out, please call the Census. Call your congressional office. We know what it means to the State of California and what it means to the rest of the Nation when it comes to not only the congressional seats, State senate seats, assembly seats, local elected positions in our area.

It is not just about that, but it is about what is our civic responsibility. I want to remind all Americans, and I want Americans to remember those veterans who have fought for this country to assure that we enjoy those freedoms; who said, I fought for you to enjoy the freedoms that you have today. Exercise those rights. If we fail to exercise those rights, we fail to serve America.

I commend our leader, who has done an excellent job in this endeavor, to make sure that everybody in the Nation knows how important it is to all of us. It does not matter whether we are white, whether we are black, Asian, Native American Indians or Latinos, it is about Americans and our civic responsibility. It is about this Nation and what we stand to gain as a whole.

United we will conquer and do what is important for all of us. It is not about political wedges, it is about inclusion. This is about including everybody in that process. This is what we stand for, inclusion of everyone. I ask everyone to be included in this process and to participate.

Mrs. MALONEY of New York. Mr. Speaker, I refer Members to an editorial from the New York Times on April 1. In it they criticize the congressional Republicans for undermining an accurate 2000 Census.

They state, and I quote, "These comments are irresponsible. Completing the Census form fully and accurately is not optional; it is a civic duty that is required by law."

I include this article for the RECORD.

The article referred to is as follows:

[From the New York Times, Apr. 1, 2000]

CIVIC DUTY AND THE CENSUS

Some Congressional Republicans are seriously undermining the 200 census by suggesting that the national head count, which officially takes place today, is an invasion of privacy. That bizarre complaint could discourage the public from participating in a project that is crucial to the functioning of state and federal government. The question's on this year's long census form—including questions on household income, plumbing facilities and physical disabilities—have been part of the census for decades. The only new question asks for information on grandparents who are caregivers for children. In fact, this year's long form is the shortest one in 60 years. All answers on census forms are kept confidential. Yet Senator Chuck Hagel of Nebraska has suggested in recent days that people can simply ignore questions on the long form—which goes to one out of six American households—that they find intrusive. A spokesman for Senator Trent Lott, the majority leader, has made similarly inappropriate suggestions. Gov. George W. Bush of Texas has said that people should fill out the forms, but that if he received a long form, he was not sure he would want to fill it out either. These comments are irresponsible. Completing the census form fully and accurately is not optional; it is a civic duty that is required by law. Senator Hagel now says that he does not want to encourage people to break the law, but will introduce legislation to make most of the questions on the long form voluntary.

The federal government has spent billions of dollars trying to produce an accurate count as response rates have continued to decline with each decennial count. Accuracy is critical because the census is used to apportion seats in Congress, draw legislative districts within the states and distribute more than $185 billion in federal funds. The government uses information from the long form of the census to allocate money to communities for housing, school aid, transportation, services for the elderly and the disabled and scores of other programs. The data are also necessary to calculate the consumer price index and cost of living increases in government benefits.

When individuals fail to give complete information about their households, they risk shortchanging their communities of government aid that they may be entitled to. That is why many state and local government officials are working hard to increase census response rates in their communities. The mindless complaints of some politicians could well sabotage those efforts.

Mr. Speaker, I yield to the gentleman from Guam (Mr. UNDERWOOD), who is here representing the Asian Pacific American Caucus. Asians were terribly undercounted in the 1990 Census. The gentleman has been a leader on this issue.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentlewoman from New York for yielding to me. I also take the time to honor her and recognize her tireless efforts on the Census. She has been a force for accurate counting. She has been a force for inclusion in the most basic American sense when Americans, all Americans, are counted.

Mr. Speaker, I would like to extend my thanks to all Americans who have completed their forms so far. All who have performed their civic duty have been making a difference for their community and setting our Nation on the the best path for this new century.

For those who have not returned the form and returned the Census questionnaires, I urge that they do so today.

As reported yesterday, more than 53 percent of all Americans have completed and sent in their Census forms. This is exciting news, and we must continue to work together with the Census Bureau, all elected officials working closely with the Census Bureau, and all elected officials at all levels of government working closely with the Census Bureau and with communities and neighborhoods across the Nation to reach out to the 47 percent of Americans who have yet to complete their Census questionnaire.

As reported, I represent the Asian Pacific American Caucus. I am chair of the Caucus for this Congress, and we have certainly been interested in this issue because we recognize that Asian Americans and Pacific Islanders were undercounted.

I am pleased to report that in my own home area of Guam, in the 1990 Census, Guam's response rate was over 70 percent in the initial outreach, and I would have to say that it was one of the highest response rates in the Nation.

Regrettably, just last week, just days before Census day, we had Members of Congress and prominent leaders of the Republican party, people who ought to know better, tell the American public that somehow or other the Census or parts of the Census were optional. Over 2 years ago, every Member of Congress received a detailed list of the questions to be asked on the long form, including a description of the need for asking these questions and specific legal requirements supporting it, which Congress itself had passed supporting these questions.

The time for input on the questions was then. The time to achieve an accurate count is now. The Census Bureau has gone to great effort within the mandates of Congress to make the forms as brief as possible. The 2000 Census form, as has already been reported, contains eight questions, down from nine in 1990. The long form contains 53 questions, down from 57 in 1990, and is the shortest long form in history.

In this, the Information Age, we need reliable information in order to make good decisions for this Nation. Without good data, we cannot administer the laws of this country fairly. Yet, the Governor of Texas, along with prominent members of the other body, seems to imply that the Census is optional; that somehow or other people should not have to answer all of the questions, that people only have to obey those parts of the law which requires all Americans to fill out the Census which they are comfortable with.

Mr. Speaker, that a member of the other body said that he advised people not to answer questions they do not like, while the Governor of Texas said that he was not sure that he would fill out the entire Census form if he had received the long form, these actions are entirely irresponsible. Instead, Mr. Speaker, we should encourage all Americans to fill out their forms and to participate in the Census. It is important to have complete and accurate information about all Americans.

Even the question on plumbing has been derisively referred to in a number of media reports, but I want to tell the Members that if they come from a home without plumbing, it is no joke. We want government officials to know that there is a pattern of plumbing in our area, and when we are not hooked to the sewer line, or if we use an outhouse quite regularly, we want people to know that so government policymakers will respond to that reality in a responsible way.

I also want to take the time to thank the Census for the language assistance, particularly in communities where English is not the normal language of some people.

Some people say that we do not need to know everything, but I do think that demographic data is the raw material for making public policy, and I would rather that we craft a policy based upon knowledge of our population, rather than one that is based on incomplete knowledge.

Mrs. MALONEY of New York. Mr. Speaker, I would mention to Members a Washington Post March 31 editorial.

In this editorial, they call upon all Americans to fill out their Census form. I quote, "All kinds of harm will be done if the count is defective. A politician not seeking to score cheap political points at public expense might resist the temptation to demagogue, and instead urge citizens to turn in their forms. But in an election year such as this, that apparently is too high a standard for some."

So they are critical of all elected officials that are urging people not to fill out their forms, that doing so is optional.

Mr. Speaker, I include for the RECORD this editorial from the Washington Post:

The editorial referred to is as follows:

[From the Washington Post, Mar. 31, 2000]

CENSUS BASHING

THE CENSUS always produces complaints that an intrusive government is asking for more information than it has a right to know. Usually the complaints are scattered and come from the fringe. But this year some radio talk show hosts have taken up the issue, and now some national politicians who otherwise yield to none in insisting on law and order are telling constituents not to answer questions they feel invade their privacy.

The Senate majority leader, Trent Lott, is one such. He believes that people ought to provide "the basic census information" but that if they "feel their privacy is being invaded by [some] questions, they can choose not to answer," his spokesman says. Likewise Sen. Chuck Hagel, whose "advice to everybody is just fill out what you need to fill out, and [not] anything you don't feel comfortable with." Yesterday, George W. Bush said that, if sent the so-called long form, he isn't sure he would fill it out, either.

And which are the questions that offend these statesmen? One that has been mocked seeks to determine how many people are disabled as defined by law, in part by asking whether any have "difficulty . . . dressing, bathing, or getting around inside the home." when it mailed the proposed census questions to members of Congress for comment two years ago—and got almost no response—the bureau explained that this one would be used in part to distribute housing funds for the disabled, funds to the disabled elderly and funds to help retrain disabled veterans. Are those sinister enterprises? A much-derided question about plumbing facilities is used in part "to locate areas in danger of ground water contamination and waterborne diseases"; one about how people get to work is used in transportation planning. All have been asked for years.

Earlier this year, Mr. Lott's Senate complained 94 to 0 that a question about marital status had been removed from the basic census form. That was said to be a sign of disrespect for marriage. Come on. This is a critical period for the census. All kinds of harm will be done if the count is defective. A politician not seeking to score cheap political points at public expense might resist the temptation to demagogue and instead urge citizens to turn in their forms. But in an election year such as this, that's apparently too high a standard for some.

Mrs. MALONEY of New York. Mr. Speaker, I yield to the gentlewoman from District of Columbia (Ms. NORTON), who has been a great leader on this issue.

Ms. NORTON. Mr. Speaker, the gentlewoman from New York has devoted tireless energy well beyond the call of duty to this extraordinarily important issue, and every American is indebted to her.

Mr. Speaker, I want to devote the few minutes I have to clarifying some issues.

April 1 has caused some confusion. It was not the deadline for getting people's form in, of course, it was the target date. The Census Bureau is still receiving mail. It costs twice as much to send people out to get the forms, and that is about to happen on April 15.

I had a Census job fair that drew thousands of people here last week, just so we could get a fair count. The way to save the government money, however, is, of course, to send it in so it will not cost us the tremendously extra money it does to send people out.

Irresponsible comments from the Republican majority or members of that majority may already have cost taxpayers more because it undermines millions of dollars that have been spent in advertisements and staff work to get people, to raise the count.

I include for the RECORD from the Washington Post the chart which informs people of why the questions are asked and why answering those questions is so important.

The chart referred to is as follows:

Questions on	Federal uses	Local impact
Income:		
Regarding wages and any other forms of income, including through public assistance programs..	Provides a measure of general economic health:	Identifies local areas eligible for grants for job training and other employment programs.

Questions on	Federal uses	Local impact
Mortgage costs: Regarding mortgage costs, taxes and other expenses covered (fire, hazard and flood insurance), and amount of monthly payments..	Used to determine poverty status. Used to assess the need for various types of public assistance.	Guides funding for social services distributed to local agencies.
	Used by the Department of Health and Human Services to assess housing assistance for elderly, disabled and low-income homeowners..	Needed to evaluate an area's qualification for federal housing assistance.
Plumbing facilities: Regarding plumbing facilities, including hot and cold piped water, flush toilets and a bathtub or shower..	Needed by Department of Energy to help study energy supply and use.	Used as one of the selection criteria for local urban development grants.
	Needed by federal agencies to identify areas eligible for public assistance programs.	Used to allocate Section 8 and other federal housing subsidies to local governments.
	Used by public health officials to locate areas in danger of ground water contamination, waterborne diseases..	Used by state and local agencies to identify poor-quality housing.
Disabilities: Regarding long-lasting conditions such as blindness or a hearing impairment; difficulties with routine activities such as dressing or bathing; memory loss..	Used to distribute funds and develop programs for people with disabilities and the elderly..	Required under Housing and Urban Development Act to distribute funds for people with disabilities.
	Needed under the Americans With Disabilities Act to ensure comparable public transportation services..	Used by state and county agencies to determine eligible recipients under Medicare and Medicaid programs.

Mr. Speaker, public officials must perform as public officials, not as right-wing talk show hosts engaging in disinformation and conspiracy theories. Our job is to get an accurate Census. That is our constitutional duty.

I am pleased that Senator LOTT seemed to back off from his spokesman, who appeared to indicate that people should not have to answer the forms. He was a responsible thing for a leader for the majority in the Senate to do.

Where is Governor Bush, who said he is not sure people should fill out their forms? Does he know what side his bread is buttered on? Is he saying the residents are not entitled to all the services and funds entitled to them? What about the large Hispanic population, the highest undercount? What about his talk about children? Is that just talk, or does he not recognize that the greatest undercount was among children?

We should be advising the people that it is a violation of law. We have made it a felony, $5,000 or 5 years, or both. It has never been used, but it should be reserved for people who knowingly use their high positions to advocate violation of the law through selective response. It should be used for people who themselves have confused the American public, as some public officials have done. It should be used for those who sabotage the constitutional requirement of an accurate Census.

□ 2000

Our job is to help people understand why there is a long form: that they are not being asked these questions as individuals. It does not matter whether you yourself have indoor plumbing. It is being asked of you as a representative sample. Nobody can attach that answer to your name. If you are worried about people divulging information, do not worry about the census. Worry about the private sector. Worry about people on the Internet. It is no felony for them to give your name and address to everybody.

Nobody has ever heard of anybody giving your name, address or anything else from the census form.

It is cruel, it is cruel, to advise people not to fill in every answer in the long form. Sure, the government should not know your business, but your business is not by your name. It allows us to find essentially what the statistical basis is for the answers you provide. These answers are worth approximately $700 per person. That is not to be sneezed at.

A lot of folks have spent a lot of time and more than $6 billion trying to get an accurate census. It ill behooves Members of this body to undercut that very important constitutional effort.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2418, ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. LINDER (during special order of Mrs. MALONEY of New York), from the Committee on Rules, submitted a privileged report (Rept. No. 106–557) on the resolution (H. Res. 454) providing for consideration of the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3671, WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENTS ACT OF 2000

Mr. LINDER (during special order of Mrs. MALONEY of New York), from the Committee on Rules, submitted a privileged report (Rept. No. 106–558) on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ALL COLORADANS SHOULD FILL OUT THEIR CENSUS FORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UDALL of Colorado. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentleman from Guam (Mr. UNDERWOOD), for yielding me this time, and I also want to thank my tireless colleague, the gentlewoman from the great State of New York (Mrs. MALONEY), for her work on the census.

Mr. Speaker, I have a short statement that I would like to share with my fellow Coloradans. I want to urge Coloradans to return their census forms. It is very important for our State and for the country.

Just last week, our State demographer, Jim Westkott, was saying Colorado may have as many as 330,000 residents than the latest estimate by the Census Bureau, an 8 percent difference between the State's estimate and the Census Bureau's latest extrapolation from the 1990 census returns.

Of course, it is the Census Bureau's numbers that are used for Federal purposes, for apportioning House seats amongst the States to allocating Federal funds for schools, transportation and other purposes. That is why it should concern everyone in our State, our State of Colorado, that the Census Bureau itself says its 1999 count of Coloradans missed some 66,000 people. That is why it is so important that this year's count be as accurate as possible, and that is why it is unfortunate that some members of the other body and other political figures have been making statements that could discourage people from being counted.

So, Mr. Speaker, I hope everyone in Colorado, from Arboles and Antonito in the south to Virginia Dale and Peetz in the north and from Dinosaur and Dove Creek in the west to Wray and Holly in the east, plus everybody in between, will send back the census form and help make this the most complete and most accurate census in the history of our State and our country.

Mr. Speaker, as I conclude, on my plane ride today, I got out my census form and I know it was supposed to be in a few days ago but there is still time. Please, if you have the form, long or short, pull it out, take the short period of time it takes to fill it out. It is simple. It is well structured. Fill it out. Send it in so we can count every American so that we can proceed in the ways that we want to proceed in this next 10 years and continue to build on the great work that we are doing in this country.

Mr. Speaker, I again thank my colleague, the gentleman from Guam (Mr. UNDERWOOD), for this time.

NAVY'S PRIVATIZATION PRACTICE IN GUAM

Mr. UNDERWOOD. Mr. Speaker, this evening I want to take the time to discuss an item of military policy which has directly and negatively affected my home community of Guam, but which will inevitably find its way into other communities. That is the process of privatization, outsourcing, contracting out what are currently civil service jobs, particularly on Department of Defense installations.

Many Members of this body every year argue for an increase in the amount of money that this country spends on defense. They cite shortfalls in procurement and spare parts, declining recruitment numbers, crumbling infrastructure and aging equipment. There are also those Members who chastise these efforts and demand that the Pentagon do more with less and find a better way to conduct business in order to save money and meet these shortfalls. In a way, they are both right and both wrong. Congress does need to do more for the troops in terms of housing and salaries; time on deployment or in training; education benefits and health care. In most cases, this will require an increased level of funding from this body.

Congress also needs to ensure that officials in the Pentagon are spending these funds in the most prudent and efficient manner possible. This responsibility requires that Congress certify the Pentagon's fiscal decisions with the utmost consideration to the Nation's long-term strategic goals.

Unfortunately, this has not always been the case. Today I am going to focus on the conduct of the Navy's outsourcing study on Guam.

Mr. Speaker, this is one case of outsourcing that every military community around the country should pay attention to, because it serves as an example of poor, long-term planning by the Pentagon that will have grave security implications for our presence in the western Pacific.

The Department of Defense and each of the military services, since the early 1990s, have been aggressively implementing their version of, quote, a better way to do business. Their solution is to outsource, to downsize and to privatize. The Navy announced in the fall of 1999 that Raytheon Technical Services was the winner amongst the private contractors that would be pitted to compete against the in-house civil service workers, the so-called most efficient organization. Under the A-76, or commercial study rules which are set up for this purpose, the victor in this winner-take-all competition would have the right to perform the Navy's base operating systems contract, or more commonly known as the BOS contract. This past January, the Navy announced that the BOS contract, the BOS support functions, were to be sent out to the private sector for performance. The in-house civil servants bid some $607 million against Raytheon, which won the competition at $321 million. The huge disparity in these bids is testament to the Navy's disenchanted efforts in assisting the local workforce and the inherent weakness in the A-76 process in situations where there is little or inadequate union input.

The study on Guam analyzed some 1,200 positions, 950 alone at the Works Public Center. Many of these workers eventually pursued the Navy's priority placement program which enables alternative Federal employment worldwide. Others chose early retirement. Those who were left, who face involuntary separation, earned the right of first refusal, the so-called right of first refusal, the jobs that the contractor provides they have the right to refuse the job first. Any way you look at it, it is an inglorious way to end one's civil service career.

Now, let us take a look at the broader look at the A76 process. To be sure, A-76 is not the best of methods to mete out savings. However, in some respects it affords the civil service an opportunity to fight it out and sometimes even beat the private sector through this competition. Appreciating its procedural imperfections, A-76 is criticized by the public workforce, the unions and the private sector contractors. Each player views the rules of the process with some degree of accuracy as favoring their opponents throughout the competition. The Department of Defense has placed a very high stake in the process of outsourcing and privatization. In 1999, the Department of Defense announced that by the year 2005 over 230,000 current civil service positions will have been studied for possible outsourcing. The department estimates that they will have saved some $11.2 billion and achieved a steady savings rate beginning in fiscal year 2005 of approximately $3.4 billion annually. These estimates are sheer mathematical conjuring. The Pentagon is assuming these savings. Indeed, the individual services often do not even account for the cost of performing this study, which in most cases comes from operation and maintenance accounts. These costs can include the paying of the cost comparison study itself as well as associated costs for voluntary separation, incentive pay, early retirement benefits and general reductions in force or RIFs. The military often risks savings at the expense of long-term readiness and I make this statement based on several notions. In the world of the Pentagon, those of us who are on the House Committee on Armed Services and who have the responsibility of overseeing the activities of the Department of Defense, there is on one side the warfighters and there is on the other side the force builders. The warfighters are the folks that will have to put their neck on the line and fight our Nation's battles and win. The force builders are the folks that provide the tools to the warfighters. Congress has oversight over both.

The problems that we have generally lie with the force builders. These people are the facilities and infrastructure specialists. More and more of these cadre have MBAs or are CPAs. They get promoted based on how much money they can save in a given cycle. In some instances, military officers are rated for promotion based on achieving certain fiscal goals or in exceeding outsourcing benchmarks. Let me be clear, I am not opposed to savings or more efficiency. I recognize that there are times there is colossal waste in the Pentagon and opportunities to improve the methods of operating and maintaining our infrastructure need improvement. What I am opposed to is when readiness and strategic forethought takes a back seat to fiscal aggressiveness. We need to think hard when many of our people in uniform, the military's rising stars, earn meritorious service medals or legions of merits because they were able to save $300 million by laying off a thousand employees. And that is the state to which much of the activity inside the Department of Defense is now occurring. They are so focused on this strategy to save money and to conduct their business in what they call a more businesslike way, that they are actually getting rewarded, not because they are a more effective fighting force or not because they have done something in the warfighting, they have not improved methods, but they are getting awarded because they are able to save money by laying off people.

I will remind my colleagues over in the Pentagon that their first duty is to plan and to prepare and to fight and to win our Nation's wars. The military is not a business, and thus you will not always have a balanced spread sheet. The department's accountants cannot place a dollar figure on readiness. That is a political and strategic decision which I know every Member of Congress is willing to pay for.

Congress recognized that outsourcing may have a dramatic impact on our communities. This is why they require the Pentagon, in law, to report to Congress on the potential impact that an outsourcing process will have on the community's economy. Sadly for my home island of Guam, this requirement was introduced after the Navy commenced its study. If the Department of Defense was required to submit an economic impact study for Guam, it would show that Guam was really a poor model for the DOD to conduct the study on a big base/small base comparison, which was their original rationale.

Indeed, even the Navy abandoned this so-called comparison study model in favor of just continuing forward with Guam's solitary A–76 commercial study. Guam will face job losses of a unique proportion. Essentially, it is an erosion of its middle class. It is important to understand that Guam is a small place, 150,000 people with a workforce of about 60,000. Any kind of movement in one sector of the economy has enormous ramifications in the other sectors.

For those workers, civil service workers, who will choose the priority placement program, they will have to leave the island. Unlike other jurisdictions, there are not Federal jobs over in the next county. The next county is 3,500 miles away. In fact, in this whole process already almost 60 people have been placed in Utah, and some of the most tragic circumstances I have had to deal with in terms of my constituents is to deal with young men who looked forward to having a successful career in the civil service doing important work for the defense of the nation and its forward presence in Guam now having to face the possibility of working here in Virginia or in the State of Washington or some other community where they are now divorced from their family network, where their kids are now not going to see their grandparents, where they are not going to be able to attend the family functions which are such a critical and sensitive part of our island way of life.

An island has a unique economy in that it is very sensitive to slight movements in the labor market. The Navy completely disregarded this consideration because there is no legal mandate for them to do so. The exodus of these skilled workers from Guam represents a serious brain drain. It can also depress real estate markets as hundreds of homes are sold off.

□ 2015

Finally, the local tax base suffers as there is a decline in the local working population.

For those workers who choose to stay on island and leave the Federal service for a contractor job, they are offered meager salaries. This is the right of first refusal. These wages are calculated by a so-called prevailing wage calculator. This measures a wage rate for a particular job common in the community, but does not account for the price of consumer goods that are available on island.

When one works for the Federal Government, one has a tension on the local economy, but one also has what is called a COLA, cost of living allowance. Usually that makes up the difference. The private contractor is not required to pay this.

So as a consequence, the contract on Guam, which is scheduled to commence next Monday morning, has a number of serious differences in the wages that the people used to make and the wages that they are now being offered in terms of the right of first refusal.

In most cases, a Federal worker of the Public Work Center Guam will be paid a decent wage this Friday. But on Monday, he will be paid a dismal wage to do the same work. For example, an air conditioning mechanic making $18.37 an hour this week will be offered $8.05 next week. An industrial equipment mechanic making $18.37 this week will be offered $12.13 next week. An electrician making $18.37 an hour this week will be offered $10.78 next week. An office clerk who is making $12 an hour this week will be offered $8.36 next week. A general clerk who is making $11.60 an hour this week will be offered $5.87 an hour next week, no matter how many years of service you have.

Furthermore, to add insult to injury to this offer, these salaries are being offered, not on a 40-hour workweek, but Raytheon is offering the workers a 32-hour workweek. They are considering that full time. So on top of these salary cuts, there is an additional cut of 20 percent by offering a 32-hour workweek. This rubric will be devastating for these wage earners. Even at the previous base salary, the cola was everything.

As a small isolated community, the prices on Guam for food stuffs and dry goods and clothing and mortgages and utilities and loans are usually very high. We all know how important health care is to America's families these days, and we equally recognize all the quality of Federal health insurance programs. The civil service employees were part of this system and were able to support their families with it.

The health benefits rate that is going to be paid under this contract, under the RFP issued by the Navy, is $1.63 an hour. This is going to be too little to support even the wage earner. How is the worker going to take care of his or her family?

As a result of these dismal salaries and the 32-hour workweek, many of Guam's workers are simply not taking the jobs, preferring unemployment insurance, which will pay higher benefit, or simply will choose to leave the island.

The island has a limited population that cannot accommodate a war time surge in work if most of its skilled labor force leaves. This has grave implications for readiness, because in the case of a national emergency or something happening in Korea or Taiwan or some part of Asia, Guam is the major logistical node. Where are they going to find the workers then? Well, they are going to have to bring them in from off island at great cost.

An adequate economic study would have flushed out this. A realistic look at the readiness requirements and the war time requirements of our defense forces, and an objective look at the world situation in East Asia would have flushed all of this out.

The employees who choose to stay on island and leave the civil service are permitted a right of first refusal for the private sector jobs. But how meaningful can this right be when the positions being offered are far below what they were previously earning.

The A–76 rules and procedures were applied haphazardly by Navy's PACDIV in Hawaii with little regard to the human toll or the impact on Guam's economy. PACDIV's desire to save money was so egregious that they misinterpreted what should be the tradeoff between military security, forward presence, strength in Asia, and bottom line savings. I believe we could have had both, but it would have taken a great deal more planning and thought than PACDIV apparently gave to this project.

Mr. Speaker, in light of these fallacies and problems that have occurred on Guam in the Navy's A–76 study, I am calling for several things. First of all, I am calling for the Navy to explore halting the implementation of this contract until many of these grievances and miscalculations can be redressed.

Last Friday, I sent a letter to Secretary De Leon, a joint letter from 28 Members of Congress, calling for a halt to the implementation of this contract until the Congress and the Inspector General of the Department of Defense can audit the way the outsourcing study was dealt with on Guam balanced against strategic circumstances.

Secondly, I am calling for the U.S. General Accounting Office to conduct an audit into the way the Navy organized, planned, and conducted this outsourcing study on Guam with seeming little regard to the impact on the small isolated community that, relative to its population, has a significant role had the readiness and the strength of the U.S. military in the Western Pacific.

Third, I am calling on the House Subcommittee on Military Readiness to conduct a hearing on the methods of the Department of Defense privatization efforts on Guam as well as the Pentagon's aggressive plans towards outright privatization without using the A–76 rules.

Finally, I am going to introduce into the defense authorization bill for fiscal year 2001 an amendment to extend COLA benefits for those civil service employees who exercised the right of first refusal on Guam. This will, I believe, assist these families financially and perhaps stem the flight of skilled workers from Guam.

Another aspect of this amendment is to provide a mortgage assistance program for all affected civil service workers. For all their years of dedicated Federal civil service, this is the least that the government can do.

Mr. Speaker, I have said it before and I will say it again, outsourcing from a small island economy does not make any sense. There is no readiness benefit to do it. In fact, there is more likely the case that this privatization endeavor will jeopardize both long-term and short-term readiness.

Of course there is no benefit to the local economy. Since Guam's firms are not large enough to be the prime contractor, most of the contract's profits will be sent off island or remain in the hands of big corporations.

There is no benefit to the laborer. Their salaries have been sliced and diced, so they will not even be able to able to afford the costly consumables that are sold locally. Whatever happened to an honest day's wage for honest skilled labor.

All in all, the Navy's conduct in this commercial study appears to have been a rather shallow display of gratitude and neighborliness for all of Guam's years of service as the Nation's most strategic forward located area. Furthermore, their decisions represent an utter lack of forethought with regard to the future defense needs in the region.

It is my hope to bring some relief to these dedicated civil service employees and alert other communities to the pitfalls that were encountered by my island community of Guam during the Navy's outsourcing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GONZALEZ (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of family matters.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today on account of official business.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY) for today on account of family medical reasons.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today on account of delayed arrival due to bad weather.

Mr. MANZULLO (at the request of Mr. ARMEY) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEJDENSON) to revise and extend their remarks and include extraneous material:)

Mr. GEJDENSON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 4, 2000, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6875. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Services, Department of Agriculture, transmitting the Department's final rule—Importation of Pork and Pork Products [Docket No. 95–027–2] received January 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6876. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Distribution Program on Indian Reservations: Disqualification Penalties for Intentional Program Violations (RIN: 0584–AC65) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6877. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate ammonium; Extension of Tolerance for Emergency Exemptions [OPP–300953; FRL–6394–5] (RIN: 2070–AB78) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6878. A communication from the President of the United States, transmitting amendments to the FY 2001 budget requests for the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, State, Transportation, and the Treasury; the Corps of Engineers; the Office of the United States Trade Representative, International Assistance Programs; the Small Business Administration; and, the Coporation for National and Community Service, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106–222); to the Committee on Appropriations and ordered to be printed.

6879. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liasison, Department of Defense, transmitting notification that the Air Force has initiated an independent business analysis to determine whether significant savings can be achieved or significant performance improvements are likely by waving the Office of Management and Budget A–76 procedures for the acquisition of Aircraft Maintenance and Supply functions at Andrews Air Force Base (AFB), Maryland, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6880. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Incentive-Based Crime Reporting Program; to the Committee on Armed Services.

6881. A letter from the Secretary of Defense, transmitting the certification pertaining to destruction of Russia's chemical weapons and the report on proposed obligations for chemical weapons destruction activities in Russia; to the Committee on Armed Services.

6882. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Department's final rule—Assessments (RIN: 3064–AC31) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6883. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Devolution of Corporate Goverance Responsibilities [No. 99–62] (RIN: 3069–AA–89) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6884. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [No. 99–68] (RIN: 3069–AA82) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6885. A letter from the General Counsel, Central Office, National Credit Union Administration, transmitting the Administration's final rule—Loans in Areas Having Special Flood Hazards—received January 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6886. A letter from the Director,, Office of Management and Budget, transmitting the reports, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

6887. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Summer Food Service Program: Implementation of Legislative Reforms (RIN: 0584–AC23) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6888. A letter from the Administrator, Food and Nutrition Service, Department of

Agriculture, transmitting the Department's final rule—Summer Food Service Program: Program Meal Service During the School Year, Paperwork Reduction, and Targeted State Monitoring (RIN: 0584-AC06) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6889. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Child and Adult Care Food Program: Overclaim Authority and Technical Changes to the Meal Pattern Requirements (RIN: 0584-AB19) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6890. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Direct Certification of Eligibility for Free and Reduced Price Meals and Free Milk in Schools (RIN: 0584-AB35) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6891. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting the report on the Identification of Preferred Alternatives for the Department of Energy's Waste Management Program: Low-Level Waste and Mixed Low-Level Waste Disposal Sites; to the Committee on Commerce.

6892. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes: Indiana [IN116-1a, FRL-6522-1] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6893. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—#35 Grants and Agreements with Institutions of Higher Education, hospitals, and other non-profit organizations—received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6894. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—#36 How to Complete your Application for Federal Assistance—received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6895. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Alaska [AK-21-1709-a; FRL-6515-3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6896. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for Louisiana: Transportation Conformity Rule [LA-26-1-6965a; FRL-6514-6] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6897. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202.(b), Table of Allotments, FM Broadcast Stations. (Farmington, Grass Valley, Jackson, Lindon, Placerville, and Fair Oaks, California, and Carson City and Sun Valley, Nevada) [MM Docket No. 90-189, RM-6904, RM-7114, RM-7186, RM-7415, RM-7298] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6898. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Whitewright and Van Alstyne, Texas) [MM Docket No. 98-196, RM-9325, RM-9476] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6899. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6900. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—Direct Investment Surveys: BE-10, Benchmark Survey of U.S. Direct Investment Abroad—1999 [Docket No. 990810212931002] (RIN: 0691-AA36) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6901. A letter from the Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to Encryption Items [Docket No. 000110010-0010-01] (RIN: 0694-AC11) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6902. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the consolidated report for the year ending September 30, 1999, on the Federal Managers' Financial Integrity Act and the status of our internal audit and investigative activities; to the Committee on Government Reform.

6903. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, Department of Defense, transmitting the Department's final rule—Federal Acquisition Regulation; Deobligation Authority [FAC 97-15; FAR Case 99-015; Item IV] (RIN: 9000-AI56) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6904. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—#34 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6905. A letter from the Inspector General, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1999 through September 30, 1999, and the semiannual Management Report on Audits, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6906. A letter from the Chair, Federal Labor Relations Authority, transmitting the Fiscal Year 1999 Federal Managers' Financial Integrity Act (FMFIA) Report for the Federal Labor Relations Authority (FLRA); to the Committee on Government Reform.

6907. A letter from the Chairman, Federal Maritime Commission, transmitting the annual report in compliance with the Federal Managers' Financial Integrity Act ("FMFIA"); to the Committee on Government Reform.

6908. A letter from the Deputy Director, Federal Mediation and Conciliation Service, transmitting the FY 1999 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6909. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Pollution Control and Clean Air and Water [FAC 97-15; FAR Case 97-033; Item I] (RIN: 9000-AI19) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6910. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, National Air and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Contract Bundling [FAC 97-15; FAR Case 1997-306 (97-306); Item III] (RIN: 9000-AI55) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6911. A letter from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting the Office's final rule—Miscellaneous Changes in Compensation Regulations (RIN: 3206-AH11) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6912. A letter from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting the Office's final rule—Retention Allowances (RIN: 3206-AI31) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6913. A letter from the Special Counsel, Office of Special Counsel, transmitting the fiscal year 1999 reports required by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

6914. A letter from the Secretary of Agriculture, transmitting the Annual Program Performance Report for fiscal year (FY) 1999; to the Committee on Government Reform.

6915. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Tuna Fisheries; Closure of Purse Seine Fishery for Bigeye Tuna [Docket No. 991207319-9319-01; I.D. 113099A] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6916. A letter from the Assistant Administrator for Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 2000 Harvest Specifications [Docket No. 991223348-9348-01; I.D. 122199B] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6917. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Implement Major Provisions of the American Fisheries

Act [Docket No. 991228352-0012-02; I.D. 011100D] (RIN: 0648-AM83) received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6918. A letter from the Assistant Administrator for Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Permit Requirements for Vessels, Processors, and Cooperatives Wishing to Participate in the Bering Sea and Aleutian Islands Pollock Fishery Under the American Fisheries Act [Docket No. 991228352-9352-01; I.D. 121099C] (RIN: 0648-AM83) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6919. A letter from the Assistant Administrator for Fisheries, Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 991223347-9347-01; I.D. 120299C] (RIN: 0648-AM21) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6920. A letter from the Independent Counsel, transmitting the annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

6921. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Boarding of Vessels in the United States [T.D. 00-4] (RIN: 1515-AC29) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6922. A letter from the Chief Counsel, Fiscal Service, Bureau of the Public Debt, Department of Treasury, transmitting the Department's final rule—Notice of Call for Redemption: 8¼ Percent Treasury BONDS of 2000-05—received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6923. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Binding Arbitration [Announcement 2000-4, 2000-3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Equity Options With Flexible Terms; Special Rules and Definitions [TD 8866] (RIN: 1545-AV48) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Safe Harbor Explanation-Certain Qualified Plan Ditributions [Notice 2000-1] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions relating to coporate reoganizations [Rev. Rul. 2000-5, 2000-5 I.R.B.] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities [TD 8854] (RIN: 1545-AX70) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Income and Expense From Certain Hyperinflationary, Nonfunctional Currency Transactions and Certain Notional Principal Contracts [TD 8860] (RIN: 1545-AP78) received January 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—EP/EO Technical Advice Procedures [Rev. Proc. 2000-5] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6930. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Purchase Price Allocations in Deemed and Actual Asset Acquisitions [TD 8858] (RIN: 1545-AV58) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4052. A bill to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes (Rept. 106-555). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. The Department of Defense Anthrax Vaccine Immunization Program: Unproven Force Protection (Rept. 106-556). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 454. Resolution providing for consideration of the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation (Rept. 106-557). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes (Rept. 106-558). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on March 31, 2000]

Pursuant to clause 5 of rule X, the Committee on the Budget discharged. H.R. 701 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, the Committee on the Judiciary discharged from further consideration of H.R. 3615.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on March 31, 2000]

H.R. 3615. Referral to the Committee on Commerce extended for a period ending not later than April 4, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILIRAKIS (for himself, Mr. SHAW, Mr. BLILEY, Mr. GREENWOOD, Mr. LAZIO, Mr. BURR of North Carolina, Mr. BRYANT, Mrs. JOHNSON of Connecticut, and Mr. TOWNS):

H.R. 4149. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 4150. A bill to require ballistics testing of the firearms manufactured in or imported into the United States that are most commonly used in crime, and to provide for the compilation, use, and availability of ballistics information for the purpose of curbing the use of firearms in crime; to the Committee on the Judiciary.

By Mr. BECERRA:

H.R. 4151. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the fair market value of firearms turned in to local law enforcement agencies; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mrs. JOHNSON of Connecticut, Mr. PORTMAN, Mr. MATSUI, Mr. PALLONE, and Mr. MOORE):

H.R. 4152. A bill to amend title XI of the Social Security Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 4153. A bill to prohibit certain abortions; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 4154. A bill to amend title 13, United States Code, to provide that the penalty for refusing or neglecting to answer decennial census questions shall apply only to the extent necessary to allow the Government to obtain the information needed for its enumeration of the population, as required by the Constitution of the United States; to the Committee on Government Reform.

By Mr. ISAKSON:

H.R. 4155. A bill to amend the Internal Revenue Code of 1986 to permit advanced refunding of private activity bonds with general obligation bonds if the governmental issuer takes over the private activity bond due to failure of the private entity; to the Committee on Ways and Means.

By Mr. MOLLOHAN (for himself, Mr. Rahall, and Mr. Wise):

H.R. 4156. A bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Resources.

By Mr. ROGAN (for himself, Mr. Berman, Mr. Martinez, Mr. Dixon, and Ms. Roybal-Allard):

H.R. 4157. A bill to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building"; to the Committee on Government Reform.

By Mr. SMITH of Michigan:

H.R. 4158. A bill to limit the penalty that may be assessed under section 221 of title 13, United States Code, for not answering decennial census questions beyond those necessary for an enumeration of the population; to the Committee on Government Reform.

By Ms. STABENOW:

H.R. 4159. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for long-term care and to offset the revenue cost of the credit by revising the rules on expatriation; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 4160. A bill to authorize appropriations to the Department of Energy for oil shale research; to the Committee on Science.

By Mr. PALLONE (for himself and Mr. Istook):

H. Con. Res. 297. Concurrent resolution congratulating the Republic of Hungary on the millennium of its foundation as a state; to the Committee on International Relations.

By Mr. SENSENBRENNER:

H. Res. 453. A resolution providing for the consideration of the bill H.R. 1753 and the Senate amendments thereto; considered and agreed to.

By Mr. TANCREDO:

H. Res. 456. A resolution expressing the sense of the House of Representatives to acknowledge and highlight the efforts of the Arapahoe Rescue Patrol of Littleton, Colorado; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Ms. Millender-McDonald and Mr. Gordon.

H.R. 218: Mr. McIntosh, Mr. Walden of Oregon, Mr. Foley, Mr. Lampson, and Mr. Lipinski.

H.R. 329: Mr. Hoyer.

H.R. 371: Mr. Bachus.

H.R. 515: Mrs. Meek of Florida.

H.R. 632: Mr. Coble.

H.R. 664: Mr. Klink.

H.R. 919: Mr. Hinchey and Mr. Watt of North Carolina.

H.R. 1021: Mr. Baca.

H.R. 1041: Mr. Hastert and Mr. Isakson.

H.R. 1053: Mr. Payne.

H.R. 1055: Mr. Gilman, Mr. McGovern, Mr. Bereuter, and Mrs. Mink of Hawaii.

H.R. 1063: Mr. Campbell.

H.R. 1095: Mrs. Clayton.

H.R. 1168: Mr. Hyde, Mr. Pitts, Mrs. Maloney of New York, Mr. Vento, and Ms. Ros-Lehtinen.

H.R. 1237: Mrs. Tauscher.

H.R. 1275: Mr. McDermott, Mr. Frelinghuysen, Mr. Coyne, Mrs. Biggert, Mr. Canady of Florida, Mr. Kind, Mr. Payne, Mr. LaTourette, Mr. Nethercutt, Mr. Clay, and Mr. Burr of North Carolina.

H.R. 1300: Mrs. McCarthy of New York.

H.R. 1323: Mr. Klink.

H.R. 1325: Mr. Foley and Mr. McInnis.

H.R. 1413: Mr. Mascara and Mr. Kind.

H.R. 1495: Mr. Jefferson.

H.R. 1577: Mr. Boucher.

H.R. 1620: Mr. Gary Miller of California.

H.R. 1850: Mr. Blumenauer and Mr. Hobson.

H.R. 1870: Mr. Owens and Mr. Peterson of Pennsylvania.

H.R. 1967: Mr. Pascrell.

H.R. 2059: Mr. Bilbray.

H.R. 2149: Ms. DeLauro and Mr. Dooley of California.

H.R. 2298: Mr. Brown of Ohio.

H.R. 2301: Mr. Brady of Texas.

H.R. 2511: Mr. Herger.

H.R. 2512: Mr. Gejdenson.

H.R. 2571: Mr. Blumenauer.

H.R. 2594: Mr. Waxman.

H.R. 2720: Mr. Peterson of Pennsylvania, Mrs. Meek of Florida, Mr. Stupak, and Mr. Evans.

H.R. 2736: Mr. Crowley.

H.R. 2741: Ms. McKinney.

H.R. 2780: Mr. Frost, Mr. Clement, Ms. Carson, and Mr. Dixon.

H.R. 2814: Mr. Sununu.

H.R. 2883: Ms. Woolsey.

H.R. 2911: Mr. Bryant, Mr. Gordon, and Mr. Taylor of Mississippi.

H.R. 2929: Mr. Holt and Ms. McKinney.

H.R. 2934: Mr. Hinojosa, Mr. Lipinski, and Mrs. Lowey.

H.R. 2973: Mr. Gillmor.

H.R. 3000: Mr. Brady of Pennsylvania, Mr. Rangel, Ms. Carson, and Mr. Owens.

H.R. 3100: Mr. Rothman.

H.R. 3180: Mr. Peterson of Pennsylvania.

H.R. 3193: Mr. Mascara and Mr. Bishop.

H.R. 3212: Mr. Ney.

H.R. 3293: Mr. Upton, Mr. Gordon, Mr. Chambliss, Mr. Coble, Mr. Udall of New Mexico, Mrs. Emerson, Mr. Condit, Mr. Weldon of Florida, Mr. Miller of Florida, Mrs. Northup, Mr. Lucas of Oklahoma, Mr. Smith of Michigan, Mrs. Roukema, Mr. Wexler, Mr. Meeks of New York, and Mr. Pomeroy.

H.R. 3295: Ms. Kilpatrick, Mrs. Lowey, and Mr. Gutierrez.

H.R. 3320: Mr. Gutierrez and Ms. McKinney.

H.R. 3396: Mr. Condit, Mr. Cunningham, Mr. Lewis of California, Mr. Filner, and Mr. Sherman.

H.R. 3439: Mrs Northup, Mr. Etheridge, and Mr. Olver.

H.R. 3463: Mr. Frelinghuysen.

H.R. 3485: Mr. Crowley and Mr. Cannon.

H.R. 3525: Mr. Nussle.

H.R. 3540: Mr. Brady of Pennsylvania, Mr. Gejdenson, and Mr. Peterson of Minnesota.

H.R. 3544: Mr. Brady of Pennsylvania and Mr. Weygand.

H.R. 3573: Mr. Engel, Mr. Price of North Carolina, Mr. Rodriguez, and Mr. Wu.

H.R. 3575: Mr. Riley, Mr. Blumenauer, Mr. Visclosky, Mr. Skelton, and Mr. Peterson of Pennsylvania.

H.R. 3593: Mr. Bereuter, Mr. Evans, Mr. Canady of Florida, and Mr. Gordon.

H.R. 3631: Mr. Doggett.

H.R. 3633: Mrs. Meek of Florida, Mr. Forbes, Mr. Filner, Mr. Weygand, Mrs. Kelly, Mr. Price of North Carolina, Mr. Frost, Ms. DeLauro, Mr. Pastor, Mr. Skelton, Mr. Gonzalez, Mr. McCollum, Mr. Owens, Mr. Scarborough, and Mr. Reyes.

H.R. 3660: Mr. Davis of Virginia, Mr. Knollenberg, Mr. Dickey, Mr. Tauzin, Mr. Salmon, Mr. Sanford, and Mr. Ryun of Kansas.

H.R. 3710: Mr. Boehlert, Mr. Shays, and Mr. Skelton.

H.R. 3766: Mr. Meeks of New York, Mr. Inslee, Mr. Gejdenson, and Mr. Hoeffel.

H.R. 3767: Mr. Jefferson.

H.R. 3768: Mr. Dixon.

H.R. 3836: Mr. McGovern.

H.R. 3842: Mrs. Kelly, Mr. Wexler, and Mr. Mascara.

H.R. 3981: Mrs. Mink of Hawaii and Ms. Schakowsky.

H.R. 4007: Ms. Danner, Mr. Pallone, Mrs. Thurman, Mr. Sanders, Mr. Costello, Mr. Gutierrez, and Mr. Gejdenson.

H.R. 4030: Mr. Stupak.

H.R. 4033: Ms. Berkley, Mr. Weller, Mr. Ramstad, Mr. Pomeroy, Mr. Davis of Illinois, Mr. Skeen, Mr. Young of Florida, and Mr. Sherman.

H.R. 4035: Mr. Baker.

H.R. 4051: Mr. Bereuter and Mr. Buyer.

H.R. 4066: Mr. Dixon, Ms. DeGette, Mr. Meeks of New York, and Mr. Engel.

H.R. 4069: Mr. Petri, Mr. Inslee, Mr. Rodriguez, Mr. Ose, Mr. Greenwood, Mr. Bilbray, and Mrs. McCarthy of New York.

H.R. 4102: Mr. Tiahrt and Mr. Gillmor.

H.R. 4118: Mr. Shadegg.

H.J. Res. 60: Mr. Smith of New Jersey.

H. Con. Res. 8: Mr. Bilirakis.

H. Con. Res. 58: Mr. Kennedy of Rhode Island.

H. Con. Res. 133: Mr. Sanders, Mr. Upton, Mr. Price of North Carolina, and Mr. Hall of Texas.

H. Con. Res. 192: Mr. Weller, Mr. Rahall, Mr. Romero-Barcelo, Mr. Gutierrez, Ms. Pelosi, Mr. Brown of Ohio, and Mr. Underwood.

H. Con. Res. 238: Ms. Norton.

H. Con. Res. 259: Mr. Wexler and Mr. Olver.

H. Con. Res. 443: Mr. Underwood.

EXTENSIONS OF REMARKS

MARICOPA COUNTY, ARIZONA, LAUDED FOR TECHNOLOGICAL ADVANCES IN VOTE-BY-MAIL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. STUMP. Mr. Speaker, today, April 3, 2000, the 2000 Information Technology Innovation Collection will be formally presented to the Smithsonian's National Museum of American History. I am proud to let my colleagues know that the Maricopa County (Arizona) Election Department's Vote-By-Mail technology program will become part of the Permanent Research Collection on Information Technology at the Smithsonian in recognition of how Maricopa County is utilizing new information age tools to extend the benefits of technology to voters.

Maricopa County is the fifth largest county in the United States, and is more than 1.4 million voters. In an effort to provide alternative methods of voting to increase voter participation, reduce voter apathy and thwart the stereotype that government is antiquated and inflexible, the Elections Department has devised and implemented a Vote-By-Mail program in which voters are encouraged to request mail-in ballots by phone, mail, Internet, or walk-in. Overall voter participation has increased since 1992 when Vote-By-Mail was first available for all voters, and mail-in ballots have grown to account for a third of the total ballots cast in the last election.

The benefits of the Vote-By-Mail process include ease and convenience, more time to study issues or candidates appearing on the ballot, and relief from time constraint problems on election day such as conflicting job hours or transportation issues. The most evident benefit in past election statistics is the overwhelming increase in voter turnout.

Through the implementation of several new hardware and software technologies, the Maricopa County Elections Department has created a system which allows for the timely, reliable and secure storage and access to voter affidavits, efficient yet stringent and accurate tracking, processing and return of voters' ballots, systematic record-keeping, and a verification system for ballot security which checks the voter's signature as well as insuring that a voter meets the criteria that they maintain their registration throughout the 33-day early voting period which insures confidence in a fraudulent-free voting method.

Nominated by Michael Dell, Chairman and Chief Executive Office of Dell Computer Corporation, in the Government & Non-Profit Organizations category, Maricopa County Election Department's work is part of a collection that includes over 440 of the year's most innovative applications of technology from 38 states and 21 countries.

Karen Osborne, Maricopa County Elections Director; Reynaldo Valenzuela and John Stewart of the staff from the Maricopa County Elections Department will be attending today's Presentation Ceremony, returning to Phoenix to present the Medal to the Maricopa County Recorder, Helen Purcell, in a special ceremony at the Recorder's Office on Thursday, April 6, 2000.

Mr. Speaker, I bring this special recognition to the attention of my colleagues as a tried and true technological means to increase voter participation, and congratulate Maricopa County Recorder Helen Purcell, Elections Director Karen Osborne and their staff for their outstanding work and well-deserved recognition for conducting Vote-By-Mail efficiently, accurately and safely.

OPPOSITION TO MINIMUM WAGE INCREASES

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mrs. MYRICK. Mr. Speaker, today I state my opposition to recent efforts to raise the government-mandated minimum wage. I am convinced that a higher mandated minimum wage would dramatically reduce job opportunities for those who truly need them and stifle the growth of our economy.

Congress raised the minimum wage twice in recent years. It is my belief that employers should have the right to choose when to give employees raises. Several economists have stated that mandating a higher minimum wage will encourage employers to replace people with machines, or move their businesses to countries that do not have a mandated minimum wage. Either way, this will result in fewer jobs for Americans.

If we truly support increased opportunities for teens to get work experience, and for poor men and women to escape unemployment, we must not legislate an even higher minimum wage that prices them out of the job market. Instead, Congress needs to focus our efforts on achieving regulatory reform tax relief and legal reform which will increase the capital available to the business sector for wage increases. Congress must also focus on reducing individual income taxes so that citizens can keep more of their hard-earned money.

TRIBUTE TO DR. HENRY BRADFORD, JR. OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding contributions of Dr. Henry Bradford, Jr., to Church Street Cumberland Presbyterian Church and the spiritual community at large in northern Alabama. His list of credentials fills many a page. Dr. Bradford has been a moral mentor for Church Street Presbyterian for 36 years.

For almost four decades Dr. Bradford has imparted his wisdom from the pulpit. The community refers to Dr. Bradford as "everybody's pastor" which reflects his selfless service to our entire city.

I believe this is a fitting tribute for one who has given so much of himself for the betterment of others. Aside from his pastoral duties, Dr. Bradford has served as chairman of the board of directors of the Harris Home for six years in addition to numerous other board positions. Bradford's vocal talents have been enjoyed by our community as he has been a narrator for Huntsville museums and the orchestra. He has graciously shared his musical talents also as Chairman of the Department of Music Education at Alabama A&M University and as a music professor at Oakwood College.

I want to offer my best wishes to Dr. Bradford, his wife Mrs. Nell Lane Bradford, their children Dr. Henry Lane Bradford and Andrea Bradford and their grandson, Henry Lane. He has inspired so many to seek truth and to use their talents to serve the community. I congratulate Dr. Bradford on his retirement and wish him a well-deserved rest.

LEHIGH VALLEY HEROES—LEHIGH VALLEY HOSPICE VOLUNTEERS

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. TOOMEY. Mr. Speaker, today I pay tribute to a group of my constituents who do volunteer work helping others in my district. Over 100 volunteers for the Lehigh Valley Hospice will soon receive awards for their service. These volunteers, who come from all areas of eastern Pennsylvania, help to improve the lives of thousands of terminally ill patients in the community.

From assisting with chores to providing respite for patients' families, the acts of these volunteers show the depth of their generosity and compassion. Hospice volunteers provide much

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

needed emotional support during a time of tremendous distress. The volunteers provided care for patients as well as caregivers, and represent a light of hope to the entire community.

This year marks the 20th anniversary of Lehigh Valley Hospice, and I applaud the organization's wonderful volunteers for providing a service that aids so many members of the community. Mr. Speaker, all the hospice volunteers are Lehigh Valley Heroes.

HONOREES—LEHIGH VALLEY HOSPICE VOLUNTEERS

Marilyn Ackerman, Robert Allwein, Jennifer Baldwin, Edna Balmat, Debbie Barr, Susan Baxter, Jean Behler, Shirley Beiseigel, Irene Bell, Roy Bertelsen, Rosemary Bobersky, Al Braido, Florence Brown, Lisa Brown, Lois Brown, Diane Buchner, Nadenka Butko.

Penn Clissold, Mary Therese Collins, Karen Conners, Jean Cooper, Dorine Cope, Betsy Cunningham, Alice D'Amore, Rosie Deitrick, Marilyn Demaree, Lou Ditro, Jean Dolan, Chester Dombrowski, Helene Dombrowski, Betty Dorwart, Elizabeth Dorwart, Margaret Duell, Doug Dykhouse.

Mary Earley, Adrienne Ehle, Jean Everett, Gerry Filemyr, Gertrude Flicker, Kathleen Foglia, Dorothy Folk, Helen Fox, Susan Fritz.

Lar Garman, Gail Geist, Steve Gendall, Marion Gewartowski, Joyce Gobrecht, Connie Graaf, Lorraine Gyauch, Mary Haas, Jeanne Hagemes, Susan Hamill, David Hankard, Lori Henninger, Jack Helt, Dorothy Hoffman, Jane Holland, Barbara Hydro.

Karen Jacob, Marymae Jansson, Ann Karas, Pat Keinert, Barbara Kelly, Mary Lou Kenney, Becky Korman, Gina Kramer, Sarah Kutz, Shirley Lafaver, Roberta Lambert, Helen Lamparella, Joan Laudenslager, Margaret Liebl, Martha Lopez, Anne Lynch, Wendy Lynn.

Ed Magocs, Jean Magocs, Kathryn Major, Ken Mangano, Helen Maron, Yvette Martinez, Linette Martino, Joan May, Donnal Mayotte, Suzanne McCready, Anne McCullough, Tracey McGee, Susan McGrath, Jean McNamara, Lettie Mearhoff, Kristy Parks Mesh, Sue Micek, Rodney Miller, Carolyn Momm, Joan Moran, Elsie Mory, Valerie Moyer.

Ruth Nigro, Pat Pluchinsky, Angie Pontician, Sylvia Prorok, Frederika Rhodes, Nancy Rich, Elizabeth Rodriguez, Kim Roth, Lillian Rozenburgh.

Laurette Sabolick, Jean Sauder, Carol Saxman, Marion Schaffer, Ann Schuck, Mary Sechler, Jan Seem, Eileen Serow, Elaine Sheninger, Brenda Smith, Sherri Smith, Brenda Stahley, Kathy Sterner, Justine Stoudt, Arlan Strubeck.

Fran Tapper, Mary Thompson, Karen Toole, Dorothy Tramontano, Beverly Van Kuren, Jeaninne Wagner, Frank Walsh, Eleanor Wetherhold, Janet Whitehill, Ann Wilhelm, Anne Yori, Rita Zanders, Susan Zern, Bill Zoshak.

In memoriam—Michael McNamara and Ethel Strubeck.

SALUTE TO THE 1999 LOS ANGELES POLICE RESERVE OFFICER OF THE YEAR, SPECIALIST RESERVE OFFICER ERICA DeSMITH

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. McKEON. Mr. Speaker, today I salute my constituent, a resident of North Hills, who truly embodies the spirit of national service.

Erica DeSmith, who is assigned to the LAPD Devonshire Area, was selected as the Los Angeles Police Department's Reserve Officer of the Year for 1999 at the annual Reserve Award's Banquet on March 25th. As a Specialist Reserve Police Officer, Erica DeSmith volunteers her time to the Devonshire Area community-policing program four days a week, seven hours a day, and has amassed over 13,000 hours over the past 6 years.

Officer DeSmith is the mainstay of the community-policing program who takes calls from community members who have problems ranging from graffiti to noisy neighbors to speeding on their streets. She handles the inquiries that do not need direct police response, thus saving countless valuable hours for police officers to focus on other duties and responsibilities.

Officer DeSmith has established a solid reputation with the sworn officers, civilian employees of Devonshire Area, and the community; and is a person who can be relied on to get the job done. Her commitment to the self-excellence, her leadership qualities, and her ability to motivate her fellow officers and all add up to making her an outstanding public servant. Her tireless efforts and personal interest have contributed significantly toward ensuring the success of community based policing in the Devonshire Area.

I ask my colleagues to join me in recognizing the unbridled commitment and dedication of Los Angeles Police Specialist Reserve Officer Erica DeSmith. I also recognize thousands of her fellow officers, both sworn and reserve, who give so much of themselves to ensure the safety of our citizens and community, many times at the expense of their own families. Thank you for a job well done.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. WATTS of Oklahoma. Mr. Chairman, last night in my district in McClain County, Oklahoma, a home was completely destroyed in a methamphetamine lab explosion. The explosion was so intense the toxic waste disposal team could not clean the area for several hours. Every day in Oklahoma, families are exposed to toxic fumes that are disbursed in meth lab explosions. Earlier this month, in Grove, Oklahoma, 26 people were rushed to the emergency room as a result of another meth lab explosion. The Oklahoma State Bureau of Investigation estimates that there are 900 meth labs in Oklahoma, and thousands upon thousands of these illegal meth labs across the country.

The DEA, which funds the clean up of these illegal meth labs, has already run out of funds for this year.

Today, this body has the opportunity to help the people of Oklahoma and thousands of other communities across this country. Representative HUTCHINSON's amendment will use existing Justice Department funds to supply the Drug Enforcement Administration with 15 million dollars to clean up meth labs across the nation.

I urge my colleagues to stand with Representative HUTCHINSON and myself to provide our communities with protection from these dangerous illegal meth labs. Vote "yes" on the Hutchinson amendment.

CONGRATULATING CHARLES AND BERNICE COVELLI UPON THEIR FIFTIETH WEDDING ANNIVERSARY

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute and honor the fiftieth wedding anniversary of Charles and Bernice Covelli. They were married fifty years ago last Friday, on March 31, 1950 at the First Christian Church in West Frankfort, Illinois. Charles and Bernice Covelli were both born in West Frankfort, Illinois, which is in my district, and still reside there today. Charles was born to Steve and Mary Covelli and Bernice was born Bernice Stephens to Jack and Lydia Stephens. Together they have one daughter named Debbie Ricci, who is married to Tim Ricci. Debbie and Tim gave Charlie and Bernice two wonderful granddaughters named Chelcee and Lacee.

Charles was the self-employed owner and operator of Covelli's Steve's Place and Italian Restaurant in Royalton, Illinois for fifty years. Charlie also served in the United States Army and now is retired. Bernice was a employee of the Illinois State Board of Education for thirty years and is also now retired. In their retirements, Charlie and Bernice both enjoy spending time with their grandchildren. Charlie, a sports fan, also like attending sporting events and Bernice enjoys reading and discussing politics.

Mr. Speaker, I would like to take this opportunity to encourage all my colleagues in the House of Representatives in wishing a happy anniversary to Charles and Bernice Covelli. I know that this is a very special time for the Covellis, their family and friends, and I am honored to have this opportunity to commemorate their fiftieth wedding anniversary in the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mrs. MYRICK. Mr. Speaker, on March 9, I voted incorrectly on rollcall vote No. 45, the final passage vote for H.R. 3846. My intention was to vote "nay."

TRIBUTE TO MRS. DOROTHY MIREE OF HUNTSVILLE, ALABAMA

HON. ROBERT E. BUD CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding contributions of Mrs. Dorothy (Dot) Miree to the Huntsville-Madison County Chamber of Commerce. Every year about this time. Mrs. Miree has made an appearance here in Washington with the annual Chamber trip. This year will be her last trip as she is retiring shortly. Over her twelve year career with the Chamber, she has led hundreds of Chamber members to Washington, D.C. and Montgomery for annual trips. She has also planned and organized the Chamber's Washington and Alabama updates, Armed Forces Celebrations, annual outings and more than 100 other events. All of these have been very professionally administered with a careful eye for detail and a very personalized touch.

We have a very open and warm working relationship with Mrs. Miree. Working together to bridge the connection between the Tennessee Valley and the federal government, we have taken giant steps towards generating more economic development in North Alabama. As a resident of Huntsville since 1952 and a long time member of First Presbyterian Church, Mrs. Miree cares about her community and it shows.

I want to offer my best wishes and congratulations to Mrs. Miree and her family: her husband Reggie, her three children, Lucia, Marian and Trey and her three grandchildren, Jessica, Brandon and Alexandra.

For her dedication, hard work and loyalty, I feel that this is an appropriate honor. Over her twelve year career, she has become a role model for her work ethic and competence. On behalf of the U.S. Congress, I pay homage to Mrs. Miree and thank her for a job well done. I wish her a well-deserved rest and I wish the Chamber the best of luck in coping without her.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. HOYER. Mr. Chairman, in 1973, the National Commission on Fire Prevention and Control issued its "America Burining" report. For the fire service this was a turning point in its 350 year history and led to the creation of the United States Fire Administration.

Today is another such turning point because this afternoon we will see a renewed Federal commitment to the fire service. I will get into the details in a moment but first I would like to thank a few of my colleagues for their leadership.

First, is my good friend from Pennsylvania CURT WELDON. As all of you know, Representative WELDON is the founder of the Fire Caucus and has done more to advance the cause of first responders than any other Member in Congress.

Secondly, I would like to thank my friend from New Jersey Representative BILL PASCRELL. Congressman PASCRELL is the sponsor of the FIRE Act, H.R. 1168. The FIRE Act has energized the fire service and the grant provisions to our first responders included in the amendment today are largely derived from his legislation.

Finally, are my Fire Caucus Co-chairs. Representative ROB ANDREWS and Representative SHERRY BOEHLERT, and Representatives NICK SMITH who serves as Chairman of the Basic Research Subcommittee of the Science Committee. All of them have worked very hard to get us here today.

Mr. Chairman, as I said before this is a watershed moment for the fire service. The proposed amendment does four very important things for the fire service. First, it makes available $10 million for the Volunteer Fire Assistance program. This program helps fire departments in rural and suburban areas prepare for and fight wildfires.

The second component is $10 million for a competitive grant program administered by FEMA for burn prevention, research, and treatment. This money will be used by groups like Safe Kid, AARP, and NFPA to prevent fires before they start.

Groups like the International Association of Fire Fighters will be able to apply for the money to augment their very successful burn camp. Unlike other accident victims, burn survivors are often permanently disfigured and require extensive physical therapy, job re-training and counseling.

The fourth item is the $80 million that will be made available to fire fighter health and safety. Sadly, every year roughly 100 fire fighters are killed in the line of duty. This money will be used to purchase turnout gear, communications equipment, promote fire fighter fitness, increase training, and enforce the fire codes.

Mr. Chairman, I want to urge all of my colleagues to support this amendment.

IN HONOR OF ABBY SNAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Ms. PELOSI. Mr. Speaker, on Thursday, April 6, 2000, Abby Snay will be honored at a luncheon in San Francisco for her 25 years of service to the Jewish Vocational and Career Counseling Service (JVS).

Abby Snay first joined JVS in 1975 as a part-time counselor for high school students. In 1981, she became Assistant Director of JVS and in 1984 assumed her current position as the Executive Director. It is truly remarkable that for more than two decades she has remained with JVS benefitting that organization and the larger San Francisco community with her insight, wisdom, and hard work.

For twenty-five years, Abby has worked closely with leaders of business and government to provide employment-related services for people with diverse backgrounds and from diverse communities in San Francisco. She is well known for her ability to develop innovative partnerships with local educational institutions, private companies and other community-based organizations to train adults and youth and place them into jobs. Abby has possessed the ability to anticipate trends before they happen and to reinvent JVS as the community's needs change. Her many accomplishments include: rehabilitation programs for people with disabilities, including two current programs for individuals living with HIV/AIDS; occupational training programs in computer assisted drafting and design, nursing and related medical skills, computer literacy, and vocational English as a second language (VESL); school to work programs for students with disabilities; and job search and placement programs for welfare recipients and homeless men and women.

Under Abby's leadership, JVS has grown from a small organization with four employees and a $300,000 budget to an influential community-based organization with more than 70 full time employees and a budget of over $4 million. Abby was named the Jewish Community Federation's Professional of the Year in 1993, and since she became Executive Director in 1984, JVS has received numerous awards for its innovative programs.

Mr. Speaker, I join with Abby's many friends in San Francisco in celebrating her career. She is a remarkable person and San Francisco has benefitted greatly from her contributions.

IN HONOR OF CELINE MARCUS ON THE OCCASION OF HER NINETIETH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Celine Marcus. Mrs. Marcus is well known and broadly respected as a leading advocate for tenants' rights, seniors, and the poor. She is a role model and an inspiration to countless residents in New York City. I ask my colleagues to join me in celebrating Mrs. Marcus's 90th birthday by expressing our Nation's deep appreciation and gratitude for her life and work.

A civic activist for more than 30 years, Mrs. Marcus has devoted herself to helping the poor, the elderly, and the homeless in her community on the Upper East Side of Manhattan. As an advocate for tenant rights and rent protections, Mrs. Marcus was a founder of the Neighborhood for Shelter, the Stanley M. Isaacs Neighborhood Center, and Interfaith Neighbors.

Serving first as Associate and then as Executive Director of the Lenox Hill Neighborhood House, Mrs. Marcus created such innovative programs as the Lenox Hill Senior Center and Project SCOPE, which provides home care services for housebound older adults in the community. As Executive Director, Mrs. Marcus has thoroughly advanced the mission of The Lenox Hill Neighborhood House, to help those in need on Manhattan's East Side while improving the quality of life for all the individuals and families in its community.

In recognition of her leadership and great commitment to those in need, the City Council of New York has declared March 30, 2000, "Celine Marcus Day." For more than 30 years, Mrs. Marcus has devoted herself to the underserved residents of her community. She created numerous tenant and block associations and organized neighbors to fight for fair housing protections. In her every endeavor Mrs. Marcus has brought health and happiness to others and touched the lives of countless New Yorkers.

Mr. Speaker, I salute the life and work of Celine Marcus, and I ask my fellow Members of Congress to join me in recognizing her significant contributions to the Lenox Hill community, to the city of New York, and to our great Nation.

PERSONAL EXPLANATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 95, on March 30, I was detained and unable to make this vote. Had I been present, I would have voted "yes."

HONORING JACK BRADY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. GILMAN. Mr. Speaker, the House has lost a good friend. Jack Brady, who passed away last week, worked for the House Foreign Affairs Committee for 26 years, including 17 as chief of staff.

Jack's personality suffused every activity of the Foreign Affairs Committee, from markups and hearings to study missions abroad. A Committee Member could not walk into the hearing room without running into Jack, usually with a cigar in hand, running down the day's agenda. He earned great respect from Members and staff for his vision and indefatigable tenacity.

Mr. Speaker, it is no exaggeration to say that Jack Brady was essential to the operations of our Foreign Affairs Committee—now known as the International Relations Committee—from the drafting of legislation to the filling of the water pitchers. From 1976 to 1993, he was the personification of our Committee.

Jack was extraordinarily highly qualified for his job. He had a doctorate in international relations from the London School of Economics and a master's degree from Notre Dame. He was a combat veteran of World War II, having served as an enlisted soldier in Europe. He retired after 21 years of active duty in the U.S. Army as a Lt. Colonel. His awards and decorations included the Bronze Star and the Purple Heart.

Mr. Speaker, Jack Brady was a man who took great pride in serving his country, which he did with distinction in a number of arenas. His service to this body was extraordinary, and I invite my colleagues to join me in honoring him and expressing our condolences to his family.

DEDICATION OF THE LATE JEREMIAH F. REGAN LIBRARY, OCEANPORT, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. PALLONE. Mr. Speaker, tomorrow evening, Tuesday, April 4, 2000, a most fitting tribute will be made in honor of a man whose passing, a little more than one year ago, is still acutely felt in our community. The Jeremiah F. Regan Library/Media Center will be dedicated in honor of the late Jeremiah F. Regan at the Maple Place School Library in Oceanport, NJ. Given his decades-long devotion to educational excellence, and providing better opportunities for our young people to get access to an education, naming this facility in Mr. Regan's honor is indeed very appropriate, a well-deserved recognition.

Jerry Regan, a resident of Oceanport who passed away on March 9, 1999, was one of those rare people who could always be relied upon to be involved in a wide array of professional, community, political and religious activities. And yet, more importantly, Jerry always maintained as his top priority his devotion to his family and friends.

His involvement in education issues was both wide and deep. He served as New Jersey delegate to the National School Boards Association and represented school boards in New Jersey's Sixth Congressional District on the Federal Relations Network, a public school advocacy effort. He was a member of the Oceanport Board of Education, an adjunct professor at Monmouth College, and an active leader in the Monmouth County and New Jersey school boards associations. He was President of the Executive Board of the New Jersey School Boards Association from 1988 to 1990, and held other senior posts with the Association.

Jerry was also deeply involved in the political, religious and civic life of our community. He served as campaign director and comptroller for my predecessor, the late Representative James J. Howard, a Member of Congress for nearly a quarter of a century. He also served on the Diocesan Educational Advisory Council of the Diocese of Trenton. He was a communicant of St. Michael's Roman Catholic Church in Long Branch, NJ, and was active in the St. Vincent DePaul Society. He was a Scoutmaster for Boy Scout Troop 58 in Oceanport for 12 years. Jerry was also a member of the Oceanport Senior Citizens, and he served on the Public Employees Relations Commission.

Jerry Regan was a proud patriot who served our country in time of war, and contributed to our national defense throughout his life. An Army veteran of World War II, Jerry had a long and highly decorated career at Fort Monmouth. He was promoted to the highest civilian level in the Department of Defense. He also served with me and several of my Congressional colleagues, past and present, on the Save Our Fort Committee. He was a member of the Oceanport Division of the Veterans of Foreign Wars.

A great American, Jerry Regan was also a proud son of Ireland. Born in Skibbereen in County Cork, Ireland, Jerry came to the U.S. in 1932. He became an American citizen while serving in Germany with the Army. Throughout his life, Jerry maintained a strong devotion to both his native and his adopted homelands.

On this occasion, I also would like to pay tribute to Jerry's wife Marilyn (Pinky) Regan, who has for many years done an absolutely superb job in my campaign office, and to their two sons and three daughters, all the grandchildren, and to Jerry's other relatives on both sides of the Atlantic. They have much to be proud of.

Mr. Speaker, as Members of Congress, we are often called upon to pay tribute to outstanding citizens who are honored for their many achievements, and it is one of the most rewarding parts of our jobs as elected officials. It is even more rewarding when the person being honored was a respected colleague and a valued friend, like Jerry Regan.

The dedication of the Jeremiah F. Regan Library/Media Center will stand for years to come as a tribute to the public service of an outstanding citizen and community leader. For those of us who were privileged to know him, the memories of Jerry Regan's warmth, humor and genuine decency will be equally enduring.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, on March 30, 2000, I missed several rollcall votes on the account that I had unavoidable obligations elsewhere. Had I been present, I would have voted "yea" on rollcall vote 89 (Mr. KASICH's amendment to H.R. 3908), "nay" on rollcall vote 90 (Mr. WELDON's amendment to H.R. 3908), "yea" on rollcall vote 91 (Mr. STEARNS' amendment to H.R. 3908), "yea" on rollcall vote 92 (Mr. PAUL's amendment to H.R. 3908), "yea" on rollcall vote 93 (Mr. TANCREDO's amendment to H.R. 3908), "nay" on rollcall vote 94 (on motion to recommit with instructions), and "nay" on rollcall vote 95 (on passage of H.R. 3908).

ORGAN PROCUREMENT ORGANIZATION CERTIFICATION ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. CAMP. Mr. Speaker, I rise today on behalf of myself and my colleagues, Representatives JOHNSON of Connecticut, PORTMAN, MATSUI, and PALLONE to introduce the Organ Procurement Organization Certification Act. This important legislation will improve the process that the Health Care Financing Administration (HCFA) uses to certify organ procurement organizations (OPOs).

Each day about 57 people receive an organ transplant, but another 13 people on the waiting list die because not enough organs are available. According to the United Network for Organ Sharing, there are now 68,220 patients in the United States on the waiting list for a transplant. April 16 through 22 is National Organ and Tissue Donor Awareness Week. Communities nationwide will be celebrating the critical importance of organ and tissue donation. First designated by Congress in 1983, this week is used to raise awareness of the critical need for organ and tissue donation and to encourage all Americans to share their decision to donate with their families so their wishes can be honored. This is especially important as the gap between the supply of organs and the growing number of transplant candidates continues to widen.

Next week, it is expected that the House will consider legislation dealing with organ allocation—this issue has been very controversial and certainly deserves our attention. But one of the most critical aspects of the organ transplant system gets very little attention. Organ Procurement Organizations—or OPOs—play a critical role in procuring and placing organs and are therefore key to our efforts to increase the number and quality organs available for transplant. The OPOs' job is to provide all of the services, within a geographic region, for coordinating the identification of potential donors, requests for donation, and recovery and transplant of organs. The professionals in the OPOs evaluate potential donors, discuss donation with family members, and arrange for the surgical removal of donated organs. They are the people that are responsible for preserving the organs and making arrangements for distribution within the national organ sharing policies. Finally, the OPOs provide information and education to medical professionals and the

I don't think that most people are aware of how significant these organizations are, or the impact they have on these recipients' lives. There are currently 60 organ procurement organizations in the United States. Unfortunately, OPOs are suffering from what many other health care providers deal with on a regular basis—excessive regulations from HCFA.

Under current regulations, OPOs are subject to a recertification process every two years. Within that process, HCFA's current measures for certification are based on invalid assumptions. First, they assume that potential donors are equivalent per capita in each OPO service area. Harvard University and industry studies have demonstrated otherwise. Demographic and epidemiologic data have shown wide variations across the country in suicides, homicides, and gunshot wounds; in motor vehicle fatalities; and in HIV incidence and frequency. HCFA also assumes that potential donors die where they live. Recent data examining donors recovered with a home address outside of the OPO service area, however, show wide variations. None of these variations are adjusted by HCFA. HCFA also assumes that populations are accurately determined and assigned. We know, however, that there exist differential growth rates across the country with lags in reporting, and we know that census undercounts vary across the nation. HCFA frequently splits populations arbitrarily across counties as part of OPO service area assignments. None of these variations are adjusted for in the current measures. These are just a few of the problems. I'm not a statistician, but even I can see the inefficiencies in these measures.

For example, while Michigan ranks below the national average in its rate of recovery of vital organs, it is the single largest supplier in the country of human bone for transplantation. The processes for identifying potential donors and obtaining consent is virtually identical for human organs and for bone. Therefore, it cannot be an organization performance issue that causes Michigan to appear to be a poor performer in recovering vital organs.

To compound matters, every two years, these OPOs face decertification, and unlike other HCFA certification programs, there is no provision for corrective action plans to remedy a deficient performance and there is no appeals process for resolving conflicts. The current system forces OPOs to compete on the basis of an imperfect grading system, with no guarantee of an opportunity for a fair hearing based on their actual performance. This situation pressures many OPOs to focus on the certification process itself rather than on activities and methods to increase donation, undermining what should be the ultimate goal of the program. In addition, the two year cycle—which is shorter than any other certification program administered by HCFA—provides little opportunity to examine trends and even less incentive for OPOs to mount long term interventions.

The General Accounting Office, the Institute of Medicine, the Harvard School of Public Health and a host of others have criticized HCFA's use of the population based standard. HCFA has updated certification processes and increased the cycle of accreditation for Medicare Hospitals, Home Health Services, Ambulatory Surgery Centers, Long Term Care Organizations and Methadone Clinics—but they have done nothing to change the certification process for OPOs, despite Congressional urging these changes.

We are introducing legislation that will accomplish three major objectives. First of all, it will impose a moratorium on the current recertification process for OPOs and the use of the population-based performance measurements. Under this bill, the certification of qualified OPOs will remain in place through January 1, 2000, for those OPOs that are certified as of January 1, 2000. Second, the bill requires the Secretary of Health and Human Services to promulgate new rules governing OPO recertification by January 1, 2002. These new rules are to rely on outcome and process performance measures based on evidence of organ donor potential. Finally, the bill provides for the filing and approval of a corrective action plan by an OPO that fails to meet the standards, a grace period to permit corrective action, an opportunity to appeal a decertification to the Secretary on substantive and procedural grounds and a four-year certification cycle.

It is my hope that through enacting this legislation, we can improve a system that touches hundreds of thousands of lives every year. I urge all of my colleagues to join us as cosponsors.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, my vote on final passage of H.R. 3908, the Emergency Supplemental Appropriations Act, was mistakenly recorded Thursday, March 30. I intended to vote "nay", as I had indicated throughout debate on the bill. An "aye" vote was recorded.

MOURNING THE PASSING OF ROBERTO L.G. LIZAMA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. UNDERWOOD. Mr. Speaker, today I pay tribute and mourn the passing of Roberto L.G. Lizama. Tun Bob or Uncle Bob as he was affectionately known in the Chamorro community of the Washington, DC area had a distinguished military career and was a leader of the local Guam community. Eager to assist with any function, reliable for anyone in need of help, a winning smile and a kind word were all part of Uncle Bob's character. He was beloved by his family, the local Guam community and the thousands of Chamorrors who have passed through Washington, DC over the past several decades.

Uncle Bob was born on April 21, 1927 in the prewar Guam village of Sumady. He had a typical upbringing on the ranch and he was willing to share many stories of his young life as a helper to his family on the ranch. His adolescence was marked by a cruel enemy occupation of his homeland, but the experience only strengthened his character and did not alter his positive outlook on life. Almost immediately after the liberation of Guam by American forces and when he still was not a citizen of the United States, he joined the Navy.

As was the practice by the Navy in those days, he and other young men from Guam were not allowed access to all of the military rates. They were limited to service as mess attendants and stewards as were many African-Americans and Filipinos. This discriminatory practice was offensive and limited the upward mobility of many young men from Guam. But this did not diminish Uncle Bob's optimistic outlook on life and his own life chances. Last year, he and several other Chamorro men who served as stewards visited a memorial dedicated to the stewards who served during World War II. I accompanied them and I listened intently to their discussions and they recounted for me the nature of their experiences. Typical of Chamorro men, they endured the insulting treatment they sometimes received, but they continued to work loyally and proved themselves to be better men than many others through their hard work and labor.

Uncle Bob recounted some of his experiences, but not in a bitter manner. He simply told me about the times he had to defend his honor as a Chief, as a sailor and as a native of Guam. And he did so successfully as many others did. His 30 years naval career spanned three wars. He was a veteran of World War II, the Korean War and the Vietnam War. He served aboard ship and ashore in a number of capacities. The crowning glory of his carrier was his service to three Presidents as a cook at the White House. He served Presidents John Kennedy, Lyndon Johnson and Richard Nixon. It is hard to imagine that he prepared kelaguen and lumpia in the White House for the President, but he did. And all of Guam is proud of him for doing so.

He raised his family in Maryland. He and his wife for 51 years, Brigida Guzman Lizama, raised six sons: George, Robert, Stan, Jeff, Wayne, Eric. Together, they have five grandsons. The Lizama name will certainly survive. In his capacity as a community elder, Uncle Bob attended all of the social events and helped members of the community by lending a helping hand when needed and by cooking when necessary. We will all miss him. We extend our sincerest condolences to Auntie Bea and the Lizama men.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. EVERETT. Mr. Speaker, on March 28th and 29th, I was with my wife Barbara who underwent major surgery at John Hopkins University Hospital, and was unable to vote in favor of the Emergency Supplemental Appropriations bill for fiscal year 2000. I am pleased that this legislation was adopted by the House to provide needed funds to restore critical national security readiness items that must be replenished, due to the military's high operating tempo in Kosovo and other contingency operations around the world.

Had I been present, I would have cast my vote accordingly: Roll 81—(Rule)—yes; roll 82—(Sanford Amendment)—no; roll 83—(Toomey Amendment)—yes; roll 84—(Obey Amendment)—no; roll 85—(Lewis Amendment)—yes; roll 86—(Ramstad Amendment)—no; roll 87—(Gilman Amendment)—yes; roll 88—(Fowler Amendment)—yes; roll 89—(Kasich Amendment)—yes; roll 90—(Weldon Amendment)—yes; roll 91—(Stearns Amendment)—yes; roll 92—(Paul Amendment)—no; roll 93—(Tancredo Amendment)—yes; roll 94—(Motion to Recommit)—no; and roll 95—(Final Passage)—yes.

TRIBUTE TO MACON-BIBB COUNTY LEGISLATOR FRANK CHAPMAN PINKSTON, SR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to a great American and Georgian, Frank Chapman Pinkston, Sr., who died Monday, March 27, 2000.

Mr. Pinkston was an inspiration to all of us. As a leader and public servant, he believed strongly in the citizens of Georgia and the meaning of loyalty. He worked hard every day to improve our communities and enhance the lives of our neighbors. He served the people of Georgia by giving 100 percent in every endeavor, placing his faith in God, his family, and his country. He will be greatly missed by the people of Georgia and his accomplishments will long be remembered.

Mr. Pinkston was born on February 9, 1923 in Ludowici, GA. He was married to the former Lucille Park Finney for 52 years and graduated from Mercer University and the Walter F. George School of Law, Mercer University in 1947. He was a veteran of the U.S. Army, serving from 1943–1946, serving in the European Theater and participating in the Allied Invasion of Normandy. Mr. Pinkston received five battle stars and was a retired Lieutenant Colonel, Judge Advocate General Corps. Since 1947, Mr. Pinkston had been an attorney, specializing in wills, trust and probate.

Elected to the Georgia House of Representatives in 1968, Mr. Pinkston served continuously in that body until 1992. He was Chairman of the Banks and Banking Committee from 1974 to 1992 and a member of the Rules, and Appropriations Committees. He rewrote Georgia's banking laws and shaped Southern regional banking. He was elected in 1992 as the Eighth Congressional District representative on the State Transportation Board and was re-elected to that position in 1995 and in January 2000. He served as Vice Chairman of the Board from April 1998 until April 1999 at which time he was elected as Chairman, a position he held until his death.

Mr. Pinkston was a member of Ingleside Baptist Church, serving on the Board of Directors of the Macon Rescue Mission, New Town Macon, and the Executive Committee of the Macon-Bibb County Road Improvement Program. He also served three terms on the Board of Trustees of Mercer University, The President's Council of Mercer University, the Boy Scouts of America, and the Middle Georgia Council on Drugs.

Mr. Pinkston received the Algernon Sydney Sullivan Award from Mercer University in 1987 and an honorary Doctor of Law Degree from Mercer University in 1997.

Mr. Speaker, I had the distinct pleasure of serving with Mr. Pinkston on many projects over the years. During his 24 years in public service, he helped lead the development of the Tom Hill Sr. Boulevard/Arkwright Road area, and several of Macon's museums. Mr. Pinkston's proudest achievement was establishment of the medical school at his alma mater, Mercer University. One of his many projects that, unfortunately, he was not able to see through to completion was the Fall Line Freeway.

Mr. Speaker, I hope that in honor of Mr. Pinkston and his many accomplishments in Georgia, local, State, and Federal legislators working on this project will name a portion of the Fall Line Freeway the Frank Pinkston Freeway. I believe this tribute would be a further reminder of his legacy.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Ms. GRANGER. Mr. Speaker, due to the severe weather which struck Fort Worth, Texas, last week, I was unable to be present for rollcall votes 81 through 95.

Had I been present, I would have voted: "Aye" on rollcall vote 81; "no" on rollcall vote 82; "aye" on rollcall vote 83; "no" on rollcall vote 84; "aye" on rollcall vote 85; "no" on rollcall vote 86; "aye" on rollcall vote 87; "aye" on rollcall vote 88; "no" on rollcall vote 89; "aye" on rollcall vote 90; "no" on rollcall vote 91; "no" on rollcall vote 92; "no" on rollcall vote 93; "no" on rollcall vote 94; and "aye" on rollcall vote 95.

MICROSOFT ANTITRUST VERDICT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. TOWNS. Mr. Speaker, America and the world are reacting to today's decision by U.S. District Judge Thomas Penfield Jackson that Microsoft, among other things, violated federal antitrust laws when it bundled its Internet browser and its Windows operating system. In particular, a lot of focus is being placed on the way the financial markets are reacting to this decision and its impact on consumers of technological goods and services.

I am not in a position at this point to comment on the Judge's decision or on who is to blame for the settlement discussions failing to achieve a solution acceptable to the parties. Mr. Speaker, I rise today to ensure that we do not overlook many of the tremendous benefits that Microsoft has given to America, and African Americans in particular.

No one can seriously dispute that the Microsoft phenomenon has had a profound impact on the way every American lives today. When Microsoft and IBM led the personal computer revolution in the early 1980s, helping to make this powerful tool affordable to many American families, no one could have dreamed that we would be where we are today. The Internet and the potential of e-commerce simply could not have been imagined.

Today, the personal computer with the user-friendly Windows operating system is a way of life for many of us. We are just beginning to fully realize the great improvements in our educational achievement, our economy growth and our personal enjoyment that we owe to the personal computer and Microsoft. I hope that we never forget the tremendous contribution Microsoft has made to our way of life, no matter the outcome of this proceeding.

I also want to point out that Microsoft and its Chairman, Bill Gates, are outstanding corporate citizens whose record of charitable giving should not be ignored. Together, Bill Gates and Microsoft have donated over $20 million to the United Negro College Fund and other organizations helping to educate future generations of Americans. They also have taken great steps to help bridge the "digital divide," the gap between those with access to the Internet and information technologies and those without it. They have donated over $200 million in software to public libraries, Boys & Girls Clubs, and made "Connected Learning Community" grants to community-based non-profit organizations in cities across the United States.

Mr. Chairman, our antitrust laws are creatures of the early 20th century, designed to address "robber barons" and railroads. As the lessons learned from the AT&T litigation showed us, these laws were not easily adapted to the economic realities of telecommunications in the 1970s. The Microsoft litigation shows the problems inherent in applying these old laws to the electronic marketplace of the third millennium. Microsoft was a pioneer in an industry that did not exist twenty years ago, and it may ultimately pay a penalty as our legal system attempts to grasp this new, dynamic industry.

What happens to Microsoft in the coming months will have an important impact on other technology companies, and will frame the shape of 21st century commerce. Mr. Speaker, I do not know what the right form of regulation, if any, should be and how the antitrust laws should apply in this new age. I encourage Congress to begin to look at this issue, as well as addressing the growing digital divide, to ensure that the great revolution that Microsoft helped begin does not falter.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. OLVER. Mr. Chairman, I am in strong opposition to the Kasich/Shays/Condit amendment, which threatens unilateral withdrawal of U.S. forces and resources from Kosova.

One year ago, Kosova was a rump province and ethnic cleansing project of Slobodan Milosevic's Greater Serbia. The world watched the systematic campaign of killing, rape, and forced displacement of ethnic Albanians, whose only crime was their religion.

We and NATO were right to intervene, and we still have a job to do. The need in Kosova for peacekeeping, reconstruction and development of civil and judicial administration is greater than all of the promises by NATO and the U.S. together.

The authors of this amendment are right in one respect. Every diplomatic effort to hold NATO allies to their agreement is entirely appropriate. But threatening to unilaterally withdraw from our freely given commitment just makes the peacekeeping job, so ably done by our deployed men and women—and the reconstruction job—a great deal harder. And if the threat were acted upon, God forbid, it will only lead to giving the final initiative back to Milosevic.

Mr. Chairman, Secretary of State Albright has said that our challenge is to "secure the peace" in Kosova. This amendment would assure no peace.

I urge a "no" vote on this amendment.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. SPENCE. Mr. Chairman, I rise in strong support of the Lewis-Spence-Murtha-Skelton amendment.

I want to thank the gentleman from California (Mr. LEWIS), the gentleman from Missouri (Mr. SKELTON), and the gentleman from Pennsylvania (Mr. MURTHA) for making this amendment a bipartisan amendment. We could not do it without them.

There are not many people here on this floor this evening, but, frankly, the folks that are here, are not the people that I am trying to reach. I am trying to reach the people who are in the offices listening and the American people on C–Span that might see this.

I am going to say what I said at our Republican conference this morning. And, I will say it to everyone now. We are considering emergency supplemental legislation. In prior years, we have talked about supplementals, emergency supplementals, real emergency supplementals. This is a real, real emergency supplemental from the standpoint of defense.

I know we all have different priorities. We have talked about them a lot today. We are going to continue to talk about them—all the things that are in this supplemental bill, drugs and all the rest.

But, I want to remind everyone, we would not be here as a free society, secure and prosperous, if it had not been made possible by our military, starting with the revolution when we gained our independence. Since that time, we have had World War I and World War II, big threats. Our forefathers, our fathers, our grandfathers, and their families sacrificed their lives and their health to make sure that we are free and secure, and to create this environment that permits us to discuss these matters as they come along.

There is a poem that is often attributed to General MacArthur, and also to a priest that served with the General, Father Denis Edward O'Brien, U.S. Marine Corps, that I believe sums up just how much we owe the freedom and liberty that we so often take for granted, to the military. It goes like this:

It is the soldier, not the reporter, Who has
given us freedom of the press.
It is the soldier, not the poet, Who has given
us freedom of speech.
It is the soldier, not the campus organizer,
Who has given us the freedom to demonstrate.
It is the soldier, who salutes the flag, Who
serves beneath the flag, And whose coffin is draped by the flag, Who allows
the protester to burn the flag.

Some people these days talk about the arms race. Many people say we spend money on defense than all the rest of the world put together. We have to. Who else is able to do it? We are the only ones. To save ourselves, we have to save the rest of the world along with it.

The Cold War is over, yes. I agree. But, President Reagan, with a Democrat Congress, helped to restore the military and that is what brought about the end of the Cold War—we beat the Soviet Union in the arms race. They could not keep up. They could not do it any longer. That is what ended the Cold War. Today, we face a similar situation. We have more threats today than ever before. We still have the nuclear threat from now Russia, but now we have China and North Korea and all the rest of them, and we are not prepared to defend against those threats.

We also have other threats now—weapons of mass destruction other than nuclear—chemical, biological, from these same countries and lesser countries. This threat is out there, and we are unprepared to deal with it.

Finally, today we are no longer strong enough to fight one conventional war. Kosovo was a wakeup call. We devoted all of our air assets, just about everything, to that air war.

And what would have happened if something big had broken out somewhere else in the world? We could not have handled it, certainly not without a large loss of life.

Now it is our turn. We have to step up to the plate. We have to make sure that our country is free, first of all, and allows us the environment to consider these other priorities, which I can sympathize with. The administration, I will give them credit, has come a long way, but not nearly enough. This amendment is going to help a whole lot, but still not enough.

I will conclude with a personal note: Twelve years ago, God gave me a second chance at life when I received a double lung transplant. God has clearly seen fit to leave me here on earth for some reason. I have dedicated this extension of my life to doing the best I can to preserve our freedom. But, I cannot do it alone. Our military cannot do it alone. We need your help. We need everyone's help. When the time comes, I want to be able to say, "I've done my best." I want you to be able to say the same.

A TRIBUTE TO REPRESENTATIVE STEVEN CHEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. ACKERMAN. Mr. Speaker, I want to call to the attention of my colleagues an article regarding Representative Steven Chen, who serves as the head of the Taipei Cultural and Economic Representative Office in Washington. The article, which ran in today's New York Times, is a fitting tribute to Taiwan's unofficial Ambassador, who has worked diligently to promote and expand relations between the United States and the 22 million citizens of Taiwan.

Mr. Speaker, Ambassador Chen is a thorough professional who has enjoyed a long and distinguished life as a career diplomat. He has represented his government all over the world, including postings in the Philippines, Brazil, Argentina, and Bolivia. His experience in the United States also is extensive. During the past 25 years, Ambassador Chen served in Atlanta, Chicago, Los Angeles, and he has spent the last three years as the Representative in Washington, DC.

Mr. Speaker, I am certain my colleagues would agree that Steven Chen's charm and quiet demeanor have served Taiwan well. Whether meeting Members of Congress in their offices or Executive Branch officials in a more neutral setting, Ambassador Chen has always worked to make certain the United States and Taiwan remain strong friends.

Mr. Speaker, as the article notes, Ambassador Chen is planning to retire shortly. I am certain all of my colleagues join me in congratulating Steven Chen on a distinguished diplomatic career. We in the Congress are indeed fortunate to know him, and we wish him well in the years ahead.

[From the New York Times, April 3, 2000]

A DIPLOMATIC OUTSIDER WHO LOBBIES INSIDE WASHINGTON

(By Philip Shenon)

WASHINGTON.—At an embassy that is not an embassy, the ambassador who is not an ambassador can only imagine what it is like to be a full-fledged member of Washington's diplomatic corps.

"In the evenings, you attend cocktail parties, champagne dances," Stephen Chen said wistfully of the black-tie world from which he is largely excluded. "This is the very routine, beautiful picture of the diplomat in a textbook."

Mr. Chen, the director of the Taipei Economic and Cultural Representative Office, the de facto embassy here for the government of Taiwan, is a charming pariah.

While he represents the interests of 22 million of the freest and richest people in Asia, the 66-year-old diplomat might as well be invisible, at least as far as many of the State Department's China experts are concerned.

The snubs, Mr. Chen suggested, are an obvious effort to appease Beijing, and they are more than a little unfair to a government that is only weeks away from a peaceful transfer of power from one democratically elected leader to another, the first time that has happened in almost 5,000 years of Chinese history.

"There is a kind of unfairness," Mr. Chen tells a visitor, the wall behind his desk decorated with a painting of the delicate blossoms of the winter plum, Taiwan's national flower. "We have been a model student for freedom, democracy and a market economy."

"We don't mind if the United States has rapprochement with mainland China—we think it's good to bring the P.R.C. into the family of civilizations," he says of the People's Republic of China.

Because the United States has no diplomatic relations with Taiwan and has recognized the Communist government in Beijing as the sole representative of the people of China, Mr. Chen and his staff of nearly 200 are barred from the premises of the State Department.

They are not invited to diplomatic receptions at the White House, or to most of the dinner parties and glittery balls held at the embassies of nations that recognize Beijing.

When Taiwanese diplomats want to talk with Clinton administration officials, the meetings are often held in hotel coffee shops.

"We must meet in a neutral setting, that is the rule," says Mr. Chen, explaining the awkward logistics of the job.

Relations with China have been especially jittery since Taiwan's election last month of the new president, Chen Shui-bian, a former democracy activist who long advocated Taiwan's independence and whose victory ended half a century of Nationalist rule.

On the eve of the election, Chinese leaders all but warned of an invasion if Mr. Chen and his party were victorious. Since the election, both Mr. Chen and Beijing have softened their rhetoric, and Mr. Chen has recently insisted that he sees no need for an independence declaration.

Stephen Chen, who is not related to the new president, welcomes the moderated rhetoric from Taiwan's new government. The Communist leaders in Beijing, he says, would strike only "if they should be unnecessarily provoked."

"We have been dealing with them for more than 60 years," he said. "We know when they are bluffing, when they are not bluffing. If we don't give them an excuse, I don't think they're going to attack."

Mr. Chen, who was born in the Chinese city of Nanjing, last saw the mainland in 1949, when his family was on the run from the victorious Communist forces of Mao Zedong. They fled to Taiwan, his father a diplomat in the service of the Nationalist leader, Chiang Kai-shek.

His father was assigned to the embassy in the Philippines when Mr. Chen was 15, and he remained there for more than a decade, attending college in Manila, marrying his Chinese-Filipino high school sweetheart and becoming fluent in English.

In 1960, he returned to Taiwan and passed the foreign service exam. He was first sent to Rio de Janeiro, and then to Argentina and Bolivia. In 1973, he was named consul general to Atlanta, where he remained until the United States severed relations with Taiwan and recognized Beijing six years later.

Mr. Chen said he can remember sitting in his living room in Atlanta, watching the televised announcement by President Carter that the

"It seemed very unfair," he continued. "It was as if the United States wanted to reward a bad guy, the lousy student, and to punish the good student. That was my feeling."

In the years since, he said, Taiwanese diplomats have learned how to innovate, especially in Washington, where they employ some of the city's most powerful lobbyists and retain close ties to many prominent conservative members of Congress.

Mr. Chen says his office has an annual budget for lobbying of about $1.2 million and contracts with 15 firms. "They help open doors, they make appointments for us," he said. "But we make the presentations."

Under a 1979 law, Taiwan can continue to buy American weapons.

And Mr. Chen has been a frequent visitor to Capitol Hill in recent weeks as his government seeks Congressional approval for the sale of a wish list of sophisticated weapons. "If we are deprived of basic defensive weapons, then of course we are thrown to the wolves," he said.

Mr. Chen is considering a visit to the lair of the wolves. After 40 years in the diplomatic service, he is nearing retirement, and he is planning a vacation on the mainland, which is now permitted.

"I tell you very frankly, I would like to see the Great Wall," he said. "This belongs to, the legacy of China. It has nothing to do with Communism."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 4, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 5

Time to be announced

Energy and Natural Resources

To hold hearings to examine the energy potential of the 1002 area of the Arctic Coastal Plain; the role this energy could play in National security; the role this energy could play in reducing U.S. dependency on imported oil; and the legislative provisions of S. 2214, to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain. (Immediately following Full Committee Business Meeting).

SD–366

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.

SD–124

Indian Affairs

Business meeting to consider pending calendar business;to be followed by a hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR–485

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Foreign Relations

International Operations Subcommittee

To hold hearings on United Nations peace keeping missions and their proliferation.

SD–419

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume oversight hearings on the handling of the investigation of Peter Lee, focusing on the plea-bargain agreement reached in the case.

SH–216

Rules and Administration

To hold hearings to examine political parties in America.

SR–301

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD–192

Finance

To hold hearings on the pattern of improper payments in the school Medicaid program.

SD–215

2 p.m.

Foreign Relations

To hold hearings on legacies of the Holocaust.

SD–419

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD–138

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Office of Drug Control Policy.

SD–124

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the proposed five-year strategic plan of the U.S. Forest Service in compliance with Government Results and Performance Act.

SD–366

Environment and Public Works

To hold hearings on the March 30, 2000, United States Army Civil Works Management Reforms.

SD–406

Agriculture, Nutrition, and Forestry

To hold hearings on interstate shipments of state inspected meat.

SR–328A

Armed Services

To hold hearings to examnine procedures and standards for the granting of security clearances at the Department of Defense.

SR–222

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Trade Commission.

S–146, Capitol

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine issues dealing with aviation security.

SR–253

Judiciary

Business meeting to consider the nomination of Richard C. Tallman, of Washington, to be United States Circuit Judge for the Ninth Circuit; the nomination of John Antoon II, of Florida, to be United States District Judge for the Middle District of Florida; the nomination of Marianne O. Battani, of Michigan, to be United States District Judge for the Eastern District of Michigan vice Anna Diggs Taylor, retired; the nomination of David M. Lawson, of Michigan, to be United States District Judge for the Eastern District of Michigan vice Avern Cohn, retired; H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia; S. 1854, to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; and H.J. Res. 86, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war.

SD–226

Foreign Relations

East Asian and Pacific Affairs Subcommittee

International Economic Policy, Export and Trade Promotion Subcommittee

To hold joint hearings on China in the World Trade Organization, focusing on United States high technology sector.

SD–419

Finance

To hold hearings to examine China's accession to the World Trade Organization.

SD–215

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the International Financial Institutions.

SD–192

2:15 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:30 p.m.

Judiciary

Criminal Justice Oversight Subcommittee

To hold oversight hearings to examine the Federal Bureau of Prisons.

SD–226

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD–138

Commerce, Science, and Transportation

To hold hearings to examine the effects of permanent, normalized trade relations with China on the U.S. economy.

SR–253

Armed Services

To hold hearings on the nominations of Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness; Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army; and Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

SR–222

10 a.m.

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

APRIL 12

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD–138

Commerce, Science, and Transportation

To hold hearings on S. 2255, to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

SR–253

Indian Affairs

To hold oversight hearings on the report of the Academy for Public Administration on Bureau of Indian Affairs management reform.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

Governmental Affairs

To hold hearings to examnie the Wassenaar arrangement and the future of multilateral export control.

SD–342

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings to examine federal actions affecting hydropower operations on the Columbia River system.

SD–366

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

Energy and Natural Resources

To resume hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD–366

APRIL 25

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2239, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.

SD–366

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD–192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

APRIL 6

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

SD–366

POSTPONEMENTS

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

HOUSE OF REPRESENTATIVES—*Tuesday, April 4, 2000*

The House met at 9:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendments bills of the House of the following titles:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building".

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office".

The message also announced that pursuant to Public Law 105-134, the Amtrak Reform and Accountability Act of 1997, the Chair announces the appointment of the following individual, appointed by the Minority Leader of the United States Senate, to the Amtrak Reform Council: James E. Coston of Illinois vice Donald R. Sweitzer of Virginia.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

THE TOTAL TAX BURDEN

Mr. STEARNS. Mr. Speaker, I would like to bring to the attention of my colleagues the March 26 article in the Washington Post which highlights the tax cutting success of the Republicans here in Congress. The title reads, quote, "Federal Tax Levels Falls For Most," end quote.

The article highlights studies conducted by a number of tax experts which have concluded that the median two-income family pays less in Federal taxes today than it did in 1981. Now, the figures may differ a little bit from the Congressional Budget Office, the Treasury Department, or the Tax Foundation depending upon the level of the two-family income.

The percentage of Federal income taxes paid has decreased anywhere from 2 percent to 3 percent. Most notably, the Tax Foundation study shows that in 1998, a two-earner family with an income of $68,605 paid 8.8 percent in Federal income taxes, roughly the same percentage as in 1955. The Tax Foundation credits much of the drop in the percentage paid in taxes to the enactment of the Taxpayer Relief Act of 1997. In particular, families received much of the relief through the per-child tax credit and the Hope and Lifetime Learning Education credits.

In the 106th Congress, we are going a step further by eliminating the marriage penalty tax, reducing the so-called death tax and allowing self-employed people to deduct 100 percent of their health insurance costs.

So, Mr. Speaker, we have made great strides here in Congress to reduce the Federal income tax burden on the American taxpayer, but I believe there is more to be done. Though the average American family is paying somewhat less in Federal income taxes, Mr. Speaker, the Tax Foundation report also shows that the total tax burden for the median two-earner family is 39 percent. For instance, there is the payroll tax which pays for Social Security, disability insurance and hospital portion of Medicare. These continue to increase. Both the employer and the employee pay these payroll taxes with the employer passing his burden to the employee through the form of lower wages. If we combine the employer/employee share of payroll taxes, the burden is 15.3 percent, which exceeds the Federal income tax.

We also have other Federal taxes such as the estate tax, the corporate income tax, various excise taxes paid by businesses which are passed on to the American taxpayers in the form of higher consumer prices or in the reduced value of assets.

Finally, of course, there are the State and local income taxes which surprisingly represent a higher amount of the tax burden compared with just the Federal income tax. The percentage of income paid in State and local taxes is 13.1%. This amount is 4.3% more than paid in federal income taxes on median two income families.

So by adding the payroll tax, all Federal taxes, State and local taxes, the median two-earner family is paying 39 percent of its income in total taxes.

Now, in 1996 the total tax burden was 41.5 percent, so we have seen some relief due to the Republicans' initiatives. Compare the total burden today to 1955, when the two-earner family paid only 18.2 percent total taxes. That is an enormous increase over 43 years, and I believe it shows that the publicity over the reduction in the Federal income tax burden, while important, masks the magnitude of the total tax burden on Americans. We need to continue to provide relief from the estate and gift tax, reduce the capital gains taxes, encourage State and local governments to provide additional tax relief for all Americans.

We are making progress, Mr. Speaker. Let us continue to work harder here and to do more for the American people.

UNDERGROUND CAMPAIGN DISCLOSURE ACT

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, there is a new, rather innocuous-sounding term that embodies much of what is wrong with our campaign finance system in America today. It is called the "527". It is not a bird; it is not a plane; but it is the Superman, the super weapon, of choice for American politics in this election year.

With unlimited amounts of hidden campaign money, 527 organizations are filling our airwaves with hate and our mailboxes with misinformation. 527 simply refers to section 527 of the Internal Revenue Code. It was actually enacted back in the Watergate era to respond to abuses at that time. But now it is as if we have been revisited by the ghost of Nixon and all the wrongdoing of the Committee for the Reelection of the President, better known as CREEP.

Roll Call first reported on this phenomenon last fall; and with a clever and somewhat humorous cartoon, as shown on this blowup, it referred to "Introducing the New 527 Loophole Airbus."

Since the exploitation of Section 527 apparently originated with Newt Gingrich's GOPAC, the tail section is marked "GOP issue ads." There is reference to anonymous, unlimited political contributions and the wing sections of this pig of a plane flying over and polluting the Capitol have the initials of the committees that have been formed by TOM DELAY and J.C. WATTS.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These clandestine groups plan to gorge themselves on millions of secret dollars to promote their partisan agenda with unidentified contributors.

There is not anything funny about the pollution of our political process that 527's produce, and as in any struggle neither will they be limited to one party or philosophy.

Today, together with over 100 Members of this House, I am filing the Underground Campaign Disclosure Act to require that these groups file with IRS an initial identifying statement of organization, as well as periodic contribution and expenditure reports similar to and with the same frequency as the filings all candidates already file with the Federal Election Commission.

This information must be made public, including promptly over the Internet. 527's would be subject to the same penalties that already apply for noncompliance already applicable to other tax-exempt organizations.

Unlike most Americans, who are struggling along right now preparing for April 15, these secret 527 organizations usually escape tax free, paying neither Federal income nor gift taxes. Because those American taxpayers, who are out there getting their returns filed and paid, are essentially subsidizing these 527 loophole organizations, I believe that all of us have a right to know what these clandestine groups are doing, who is giving and how their money is spent.

This legislation that I am introducing would implement the recommendations of the nonpartisan Congressional Joint Committee on Taxation, which only recently concluded that "the special status accorded [these 527's] under present law justifies this public disclosure."

Under my legislation, when the attack ads hit the airwaves, we can at least identify the attackers.

Though my home State of Texas has the most polluted city in America, a Texas-based Republican 527 group ran attack ads in New York against Senator MCCAIN about air pollution.

Drug manufacturers, who have insisted on discriminating against uninsured seniors by charging them over twice as much as their most favored customers on needed prescriptions, have founded a Republican-friendly group that has mislabeled itself "Citizens for Better Medicare." This 527 is committed to spending over $30 million this year to block reform, and, indeed, it has already run attack ads against some of the very people who are trying to change the law to help seniors on their prescriptions.

For another clandestine political committee, brand new one, here is a blowup of its Web page. It is called "Shape the Debate." How is it going to shape the debate? As its Web page says: by engaging in issue advocacy. It seeks "contributions in unlimited amounts." The contributions can be "from any source," including directly out of the corporate treasury, and we are told that these corporate contributions and other political contributions will never be a matter of public record. They will "not be reported to the Federal Election Commission, nor to any State agency."

I believe that we need a bipartisan effort to address the growing 527 plague. On his web page, George W. Bush indicates he favors "near-instant disclosure of names of contributors on the Internet." I have invited all my colleagues to join in approving this bill. Let's close the growing 527 loophole.

KICKING OFF 30TH ANNIVERSARY OF EARTH DAY/EARTH MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, today we are kicking off the celebration of the 30th anniversary of Earth Day. This year we are celebrating April as Earth Month, with April 22 as the day that is actually Earth Day. The theme of Earth Day this year is the problem of global climate change and clean energy solutions. Here at home, Mr. Speaker, in the United States, the House Democrats are working to ensure our Nation's long-term energy security while encouraging growth in our economy. We are working to reduce our reliance on fossil fuels and gas guzzling vehicles, increase energy conservation and protect our domestic and global environment.

I should add that the threats of climate change are very real. The past decade has seen some of the largest temperature increases on record. The impacts of climate change could include more extreme weather events, sea level rise, erosion, changes in rainfall patterns, increases in disease epidemics, and changes in agricultural production. And even if we act now, it will take many years to reverse the trend of increasing atmospheric concentrations of greenhouse gases.

Democrats, Mr. Speaker, in the House are trying to be practical. We are supporting measures in the administration's budget proposal that would promote energy efficient and renewable energy technologies in the United States and abroad, and that would reduce emissions that harm people's health and degrade our natural resources. We are also working with other nations to promote the development and export of U.S. clean-energy technologies and reduce emissions in developing nations.

For example, Mr. Speaker, I just returned from India with the President, which is one of the world's largest contributors to global greenhouse gas emissions. I am encouraged, however, because the U.S. and India signed a landmark agreement while the President was there to promote cooperation in the areas of clean energy and climate change in ways that will help India's economy grow in an environmentally sustainable manner. This will reduce air pollution, diminish health risks and preserve India's ecosystems and natural beauty.

As part of this agreement that was signed in India, the Confederation of Indian Industries and the U.S. Energy Association have launched a green business center to foster business development in one of India's most high-tech regions on a more sustainable path. The United States will help India use less energy and improve its environmental quality, and India will not sacrifice its economic growth. In fact, its local businesses will conserve energy and improve their bottom lines.

One of the utilities in my home State of New Jersey, Public Service Electric and Gas, is on the verge of signing a public/private partnership with the Indian government to promote clean-energy technologies and help India avoid the pollution we experienced alongside our industrial development here in the United States.

□ 0945

Mr. Speaker, I look forward to working with my colleagues in the business and environmental communities, Members of Congress, the administration, and our colleagues in India to reduce the threat of global climate change, to develop alternative forms of energy for the industrial, transportation, building and utility sectors, and to better protect our environment for the current and future generations.

To this end, I pledge to work here at home to pass environmentally-sound legislation and budgetary items, and prevent passage of harmful antienvironmental riders. Abroad, we will work cooperatively and collectively to reduce threats to our global environment.

As we celebrate today and through the rest of this month of April the 30th anniversary of Earth Day, I would urge my colleagues on both sides of the aisle to make a similar commitment and join me in protecting our environment and energy security to the next 30 years.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, since the gentleman from New Jersey raised these important environmental issues, I know he has been a spokesperson, a very effective advocate for the environment for some years. At some times on that and some of the health care issues, it puts him in a position that has been adverse to the insurance lobby.

I am wondering if the gentleman from New Jersey is familiar with the 527 clandestine political organizations and if they played any role in New Jersey politics, in political pollution because of the gentleman's fight against environmental pollution.

Mr. PALLONE. Mr. Speaker, let me say I agree 100 percent with what my colleagues said about these corporations and this tax loophole. Back in November of 1998, I was hit the last 2 weeks of the campaign with a $5 million independent expenditure by a group like this that was obviously taking advantage of the fact that there was no disclosure under the campaign finance laws. We were able to determine that much of the money was from the insurance industry, particularly the HMOs, as well as we think from the prescription drug industry. But to this day I cannot verify that because the fact of the matter is there is no disclosure. I believe very strongly if we had disclosure along the lines of what the gentleman from Texas suggested, a lot of this veiled campaign money would not be spent.

Mr. DOGGETT. Mr. Speaker, they could put pretty names on their committee that appears in the mailers and on TV and attack you, however, without disclosing who gave them the dirty money.

DISCLOSURE OF 527 ORGANIZATIONS

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under the Speaker's announced policy of January 19, 1999, the gentleman from Kansas (Mr. MOORE) is recognized during morning hour debates for 5 minutes.

Mr. MOORE. Mr. Speaker, I thank the gentleman from Texas (Mr. DOGGETT), who has taken a leadership role on the important issue of improved campaign finance disclosure. I am proud to be an original cosponsor of the proposal he discussed recently, and I hope it will quickly be approved by the Committee on Ways and Means.

Mr. Speaker, many Americans have lost faith in our political system. Routinely, half of those eligible to vote do not. People feel our political system is at best irrelevant and at worst shot full of corruption. Our country is better than that, and our people deserve better.

Last September, the House of Representatives overwhelmingly passed the Shays-Meehan bill, which would have dramatically reformed the campaign finance system. It would have rid our system of soft money and severely limited independent expenditures. But similar efforts died by a narrow majority in the Senate.

Though Shays-Meehan remains a necessary reform, a new type of political organization threatens the integrity of our campaign finance process, our electoral process. Known as 527s and named after the provision of the Tax Code under which they are created, these organizations contend they can accept unlimited funds and never disclose the names of donors, the amount of contributions, or how the money is spent.

This is possible because, while these groups qualify as political committees under the Tax Code, they are not subject to the jurisdiction of the Federal Election Commission. These organizations have caught the eye of many observers, not the least of which is the Joint Committee on Taxation.

When I was running for Congress, people told me how fed up they were with the system. Public cynicism and apathy eat away at voter participation and cause citizens to tune out of discussions of very serious issues. It has turned a whole generation of young people away from politics as a means of governance and social change.

Simply put, the current campaign laws alienate voters. I am hoping this legislation, or new legislation, I drafted will begin to restore public trust and will also take congressional seats off the 527 auction block.

This bill and my bill, called the Campaign Integrity Act of 2000, would require 527s to meet the disclosure and reporting requirements of the Federal Election Campaign Act. This proposal would rewrite the Internal Revenue Code section 527 definition of political organizations to require public disclosure of the names of contributors and the sums contributed. Violations would result in the loss of the organization's tax exempt status.

This bill will not cure all of the ills of the campaign finance system but instead represents two very important and necessary goals. First, this act closes the 527 loophole and reestablishes in our country the principle that campaigns will be subject to scrutiny. Secondly, this bill requires and represents a reasonable political compromise that, in the absence of more comprehensive reform, gives Congress the opportunity to make upcoming elections more open, fair, and honest.

To those who cling to free speech, an argument against reform, this legislation would not impose limitations on contributions to 527s and, therefore, will not interfere in anybody's first amendment right. It would simply require full disclosure, forcing those who wish to exercise this type of expression to show their face just like everybody else has to do.

My colleagues and I are urging other Members and pro-reform organizations to join in this effort. It is high time that Congress shine light on 527s and tell special interest groups that the American people are our special interest.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. MOORE. Certainly, I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I want to thank the gentleman for his leadership. I know he has already done two articles on this. He has developed a legislative solution on this.

You mentioned our efforts during the last session to try to approve the McCain-Feingold bill, the Shays-Meehan bill, as we call it here in the House, major campaign reform.

Does the gentleman recall that there were those on the Republican side who opposed that legislation, saying that all we needed was to have instant disclosure, complete disclosure of campaign contributions and expenditures?

Mr. MOORE. I do recall that, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, are we not basically taking them up on their word, but saying let us apply it across the board, and let us include these new secret organizations, covert operations that are occurring as 527s? All we are asking is complete and instant disclosure in our legislative approach.

Mr. MOORE. Absolutely. Mr. Speaker, I just do not see how any reasonable person can say that full disclosure of the names of persons who contribute and the amounts contributed can in any way interfere with anybody's right to free speech or the other objectives they have. I think this is something that people in this country deserve.

Mr. DOGGETT. Mr. Speaker, I pulled up George W. Bush's campaign Web page; and he claims that he favors, "near instant disclosure of the names of contributors on the Internet." If our Republican colleagues would join with us, could we not do this right now on these 527 organizations and require that instant disclosure over the Internet in both the spirit of JOHN MCCAIN and the campaign Web site of George W. Bush?

Mr. MOORE. Yes, Mr. Speaker.

CONGRATULATIONS TO MICHIGAN STATE UNIVERSITY BASKETBALL TEAM, KEEP SOCIAL SECURITY SOLVENT, AND ABOLISH CENSUS LONG FORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this is a little bit on the lighter side but also on the heavier side, sort of like sweet and sour. But I want to congratulate my alma mater, Michigan State University, for the excellent game that they played last night for their championship now in the college athletic contests of who does the great job in basketball. So I say congratulations to Michigan State.

I see some Michigan people up in the balcony. I know we all have pride when we support a team that, well, has honesty in their heart and knowledge and conviction and strength. It does take determination and conviction and strength.

Mr. Speaker, I want my colleagues to know that I tried to make some wagers last night on the Michigan State-Florida game. First, I went to the gentleman from Florida (Mr. SHAW), and I said to him, if Michigan State wins, then he would have to pass my Social Security bill. He did not think that was the right kind of wager.

So then I went to the gentleman from Florida (Mr. MILLER) and said, well, how about a wager; and if Michigan State wins, he has to do away with the long form on the census. The gentleman from Florida did not think that was right.

But, Mr. Speaker, I want to just comment on those two issues.

The long form on the census, which, on the average, one out of six Americans gets, is very intrusive. It approaches a kind of bureaucratic curiosity, wondering all about people, from whether they have mental problems, whether they have a tough time remembering, whether they have difficult times going out of doors and going to a doctor.

We need to have an accurate count on our census, but we do not need to ask every American household in the United States all of these intrusive questions. Those kinds of questions can be accomplished by polling, by sampling, and that is the way we should do it from now on.

That is why the Census Bureau, that is why the gentleman from Florida (Mr. MILLER) and his committee are looking at options to make sure we no longer have the long form in future years.

Look, we have got a government that is intrusive. Our technology today allows us to peek into everybody's lives. So our technology can listen in on one's phone calls, even if they are cell phones. We have a capacity of knowing what doctors one uses, when one goes to those doctors, and what one goes to those doctors for.

I think with the high-tech that we have today, we should be especially conscious of this kind of government intrusion. I think why American people, Mr. Speaker, are more suspicious today is because they have lost some of their confidence and trust in government.

Let me just finish off with a comment on my wager to the gentleman from Florida (Mr. SHAW), who is on the Committee on Ways and Means and chairs the subcommittee that oversees Social Security. Last week, we had sort of a placebo set out by the Social Security Administration that said, look, it is not going to be 2013 when Social Security brings in less revenues than is needed to pay benefits, but it is actually going to be 2015.

I just would like to say with all the force that I have, Mr. Speaker, that it is so important that we not put this off. If there is one disappointment in this administration, it is the President's unwillingness to come forth with a proposal that can keep Social Security solvent for the next 75 years.

I see a lot of young people in the audience. I see some seniors. Social Security and the willingness of Congress to make sure it survives is important to all groups. I would hope, Mr. Speaker, that this House would have the courage to move ahead with Social Security reform next year.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 a.m.

PRAYER

The Reverend Father Richard Doerr, Diocese of Lafayette-In-Indiana, Carmel, Indiana, offered the following prayer:

Loving God, You are author of life and origin of all created things.

We ask that Your grace and blessing be bestowed upon the men and women who have been called to serve our country in the House of Representatives.

Help them to represent their constituents wisely with an eye toward safeguarding the deeper truths of human life that come only from You.

Bless the regions that they represent. Bless our country. Help our legislators to enact laws that will uphold the values of peace and justice in our land and throughout the world. We ask this in God's name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

BELINDA McGREGOR

The Clerk called the Senate bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NANCY B. WILSON

The Clerk called the bill (H.R. 758) for the relief of Nancy B. Wilson.

There being no objection, the Clerk read the bill as follows:

H.R. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENTITLEMENT TO WIDOW'S INSURANCE BENEFITS.

(a) IN GENERAL.—For purposes of determining the eligibility of Nancy B. Wilson, the wife of Alphonse M. Wilson (social security number 271–18–9548), to widow's insurance benefits under section 202(e) of the Social Security Act (42 U.S.C. 402(e)), Nancy B. Wilson shall be deemed to have been married to Alphonse M. Wilson for a period of not less than 9 months immediately prior to the day on which Alphonse M. Wilson died.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on March 21, 1991.

(c) PAYMENT.—Any benefits to which Nancy B. Wilson is entitled for the period prior to the date of the enactment of this Act shall be paid to her in a lump sum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VESSEL MIST COVE

The Clerk called the bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

There being no objection, the Clerk read the bill as follows:

H.R. 3903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL MIST COVE.

(a) CONSTRUCTION TONNAGE OF M/V MIST COVE.—The M/V MIST COVE (United States official number 1085817) is deemed to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SENSENBRENNER:

Strike all after the enacting clause and insert the following:

SECTION 1. VESSEL M/V MIST COVE.

(a) The Secretary of Transportation shall prescribe a tonnage measurement as a small passenger vessel as defined in section 2101 of title 46, United States Code, for the M/V MIST COVE (United States official number 1085817) for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

PARTIAL-BIRTH ABORTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to urge my colleagues to support the ban on the procedure called the partial-birth abortion. That name is really a misnomer. It is really a preterm delivery that results in infanticide. I urge my colleagues to be honest and fair, to examine the evidence about what happens during this procedure.

Dr. C. Everett Koop says this procedure is, quote, never medically necessary to protect a mother's life or her future fertility. On the contrary, he says, this procedure can pose a significant threat to both mother and child.

The American College of Obstetricians and Gynecologists says, "There are no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman." Any serious person has to admit that this procedure is unnecessary, it is barbaric and should be banned. Unfortunately, some people are extreme enough in their views that they are willing to defend this procedure under any circumstances.

Tomorrow, Members of good faith and common sense from both sides will stand together and vote to ban this horrific procedure. I urge all Members to support us.

INTERNATIONAL ABDUCTION NO. 12—OMAR AND GAMELA ELKASABY

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise for the 12th time to talk about one of the 10,000 American children who have been abducted to foreign countries.

Omar and Gamela Elkasaby were abducted from Brooklyn, New York in August of 1998 by their noncustodial father, Gamal Elkasaby. The children's mother, Marta Sierra Elkasaby, obtained full custody of the children after their divorce. On the day of the abduction, Gamal told Marta that he was going to take the children to the movies but instead fled with them to Alexandria, Egypt. He contacted Marta by phone from Egypt right after the abduction took place and tried to persuade her to come to Egypt. When she refused, he made it clear that she would never see the children again.

Marta has spoken with Omar and Gamela only once, over the phone, but their father refuses to return them. Gamal has a history of violence toward his children and was only allowed to resume visitation after counseling.

Mr. Speaker, Omar, Gamela and their mother need our help. I have had the opportunity to sit down with parents like Marta. I have looked into their eyes; I have listened to their stories. The pain they experience on a daily basis is heart wrenching. I urge my colleagues to help families like the Elkasabys and bring our children home.

ENFORCE OUR LAWS, MR. PRESIDENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to call upon the Clinton administration to fulfill its duty to enforce the laws of the United States. Recently, I like many of my colleagues learned of some disturbing statistics about the wholesale failure of the current administration to prosecute Federal gun offenses. Mr. Speaker, the administration's lack of enforcement of our gun laws in America is simply appalling and unacceptable.

The number of referrals by the Federal Government for prosecution in gun crimes has declined by 44 percent under the Clinton administration. Looking back, in 1992, there were over 7,000 prosecutions under President Bush's project trigger lock program. President Clinton abandoned this get tough antigun crime enforcement program and as a result prosecutions fell almost 50 percent to a mere 3,800 in 1998.

Mr. Speaker, for the welfare and safety of every American, I call on our President to fulfill his commitment and constitutional duty. After all, if the administration is not going to enforce existing laws and prosecute criminals, what good is it to pass more laws?

THE BREAST AND CERVICAL CANCER TREATMENT ACT

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act, legislation which will give the States the ability to provide a reliable method of treatment for uninsured and underinsured women battling breast or cervical cancer.

I urge the Speaker to bring this critically important legislation to the House floor for a vote by Mother's Day, May 14. There is absolutely no excuse to miss this opportunity which will save women's lives.

The bill has 289 bipartisan cosponsors, well over the required number to pass a bill on the Suspension Calendar.

It was reported out of the Committee on Commerce and the Health and Environment Subcommittee unanimously. The President has included the initiative in his 2001 budget.

Presidential candidate George W. Bush has endorsed the bill. The National Breast Cancer Coalition and over 500 health care and women's organizations have said that passage of this bill is one of their top priorities for this Congress.

The Committee on the Budget recently expressed its commitment to the bill.

I implore my colleagues, Mr. Speaker, bring H.R. 1070 to the House floor before Mother's Day, in time to give our mothers, our sisters, our daughters the most important gift of all, which is life.

COMMENDING UNIVERSITY OF FLORIDA'S BASKETBALL TEAM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, although it was Michigan State who celebrated last night, I am very proud of the team from the University of Florida for making it to the NCAA title game. This season, Florida put together an impressive record of 29 and 8, matching the 1994 team for the most victories in the school's history.

I commend coach Billy Donovan for his outstanding work and the players for their perseverance in bringing "Billy ball" to the court. The Gators gave little breathing room and pressed the other team after nearly every basket. This unique style of play demands endurance from the opponent, which the Spartans showed last night.

The University of Florida can take great pride in the talent they fielded with Mike Miller, Brett Nelson, Donnell Harvey, Teddy Dupay, and the other players. I know that the University's President, Dr. Charles Young; the athletic director, Mr. Jeremy Foley; the students; the faculty and the fans of the Gators are proud of the team's accomplishments. I know that I am.

RATIO OF ACCIDENTAL MEDICAL DEATHS TO ACCIDENTAL GUN DEATHS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, something does not add up, the number of accidental deaths involving guns average 1,500 per year; and the number of accidental deaths caused by doctors, surgeons, and hospitals average 120,000 a year, 120,000 per year. That means the ratio of accidental medical-related deaths to accidental gun deaths is 80 to 1, 80 times more possible of being killed accidentally by a doctor than a gun.

Tell me, Mr. Speaker, should we mandate a 5-day waiting period on vasectomies?

Beam me up. Congress does not need more gun laws; America must enforce the laws that we have.

I yield back all the American lives saved by an honest law-abiding American who just happened to have a gun.

ORDER OF THE PURPLE HEART FOR MILITARY MERIT TO ROBERT EUGENE ELLEDGE

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise to honor an American hero. Last week, I had the opportunity to present Robert Eugene Elledge of Pomona, California with the Order of the Purple Heart for Military Merit service.

On May 10, 1951, as Mr. Elledge and his division began to crawl the hill they were ordered to take, his helmet was cracked into many pieces by enemy fire. After he was placed in an ambulance, he learned that his company had been annihilated, only four survived the Second Chinese Communist Forces Spring Offensive, also known as Battle of Soyang or, as Mr. Elledge recalls it, the May Massacre.

Mr. Speaker, 49 years ago, Mr. Elledge felt that his experience warranted a purple heart, and he began to inquire about when he might receive this honorable award. It seems that the paperwork requesting the medal was lost. Last Friday, 49 years after surviving the May Massacre, tears came to Mr. Elledge's eyes when he received the medal that he waited for so patiently.

The Korean War is often referred to as our "forgotten war." While his paperwork may have been forgotten, the sacrifices that Mr. Elledge made for this country in Korea will always be remembered.

COMMENDING MICHIGAN STATE UNIVERSITY

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I rise today to commend the NCAA, its universities, presidents, and teams for the outstanding season that we witnessed first of the 21st century.

Last night, our Michigan State Spartans won an overwhelming victory; and we applaud them. President McPherson, Coach Izzo, the Flintstones, as well as the entire Michigan State teams, its coaches and university and students, we are proud of you. Go Green. Keep the fight. Let us move on for a positive 21st century.

We are with you. God bless you.

FATHER RICHARD DOERR

(Mr. McINTOSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINTOSH. Mr. Speaker, it is an honor to introduce Father Richard Doerr as our guest chaplain today.

After speaking with some of the members of his congregation in Carmel, Indiana, I can tell my colleagues that Father Doerr enjoys the kind of universal adoration that folks like us in Washington can really only dream about.

He is cherished by his congregation because of his memorable sermons, his positive nature, and his devotion to young adults in Indianapolis. Father Doerr is a priest of the Diocese of Lafayette-in-Indiana. He is an associate pastor of our Lady of Mt. Carmel Catholic Church and St. Maria Goretti Mission in Carmel, Indiana, a beautiful suburb north of Indianapolis.

He was educated in Indiana. He got his bachelor's degree from Purdue, where, I am told, he was a star in the Glee Club. And he went on to earn his masters degrees in theology and arts at St. Meinrad Seminary in Southern Indiana. He has ministered in St. Louis, in Fishers and was a chaplain at the St. Francis Newman Center on the campus of Ball State in my hometown of Muncie.

Father Doerr has done wonderful work with young adults throughout his career. Together with his brother, Brian, Father Doerr founded the Frassatti Society in Indianapolis, a group of more than 200 young Catholic adults.

The Society's members help each other keep faith in their lives during the transitions from college life, joining the work force and starting a family.

□ 1115

At those critical junctures, Father Doerr is there to make sure they remember to keep their faith in everything they do, say, and think.

One of my staffers, a young woman from Carmel, attends Father Doerr's mass and described him as captivating in the pulpit. She said that he tells real-life stories and makes it easy for her to apply the lessons of the scripture in her life. Most of all, she said he is funny.

So it is with great pride that we Hoosiers present Father Richard Doerr as today's chaplain. Thank you, Father Doerr, for blessing us in this House today.

REINVENTING COMMON SENSE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, under the Gore administration, there has been an all-out effort to reinvent common sense. Under that, the Vice President decided to take on purchasing over at the Pentagon and make the Pentagon act like the private sector.

Well, here is what we got after Mr. Gore was finished with it. They paid $30 for a 15-cent O-ring gasket; $714 for an electric bell that was worth only $47; $350 for a ball bearing that normally costs $48; and $1,236 for fan assemblies worth $675.

But then again, here is a guy who takes $300,000 from Buddhist monks, sworn on a vow of poverty, and does not recognize that as a fund-raiser. Perhaps that is why he could not recognize a good deal over at the Pentagon.

ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 454

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair, structured rule providing for consideration of H.R. 2418, the Organ Procurement and Transplantation Network Amendments. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. It shall be in order to consider as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Commerce.

No amendment to the committee amendment in the nature of a substitute shall be in order, except for those the Committee on Rules has permitted and printed in the report accompanying this resolution. Each amendment one, may be offered only in the order printed in the report; two, may be offered only by a Member designated in the report; three, shall be considered as read; four, shall be debatable for a time specified in the report; five, shall not be subject to amendment; and six, shall not be subject to a demand for division of the question. The rule waives all points of order against these amendments.

Specifically, the Committee on Rules has provided for the consideration of five amendments dealing with a number of important issues. Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority Members of the House.

By way of background, HHS Secretary Donna Shalala announced on March 26, 1998, that the Department would publish in the Federal Register a final regulation that would completely overhaul the organ donor system. The current system, run by the private sector nonprofit Organ Procurement and Transplantation Network, is locally based, allowing patients and their families to search in their communities for a potential donor that could help them. Under the new rules, the system would be nationalized by the Federal Government.

This HHS rule is opposed by the vast majority of the transplant community and a congressional moratorium has been in place for almost 2 years. Clearly, Congress in the past has intended that the Organ Procurement and Transplantation Network, comprised of the medical and scientific community, have the power to allocate organs and decide the guidelines for the contribution of organs.

Today, H.R. 2418, the Organ Procurement and Transplantation Network Amendments, would clearly reinforce our intent that the responsibility for developing medical criteria and standards for organ procurement and transplantation rest with the network. This legislation also ensures that this distribution of organs is based so equity and ethics without political control or influence and strengthens patient donor data confidentiality safeguards.

One of the most valuable tools we have to raise public awareness about the need for organ donors is through the work of volunteers, dedicated to saving the lives of a particular patient waiting for an organ. If this system is nationalized, the work of these volunteers, while valuable, could not be attributed directly to a particular transplant, but to the next person on a list somewhere in the United States.

The immediate effect that an organ donor could have on his or her community is a primary motivating factor when making the decision to become a donor. These rules go too far in moving organ donation away from the local communities and closer to national bureaucracies. We are opposed to letting political appointees make the decisions to allocate organs across the Nation, and we should not allow a Federal department the ability to impact the medical decisions that affect thousands of patients waiting for a second chance at life.

In addition to ending the politicization of this medical process, we also want to encourage Americans to become organ donors. Because the demand for organs for transplantation far exceeds the supply, we should focus our efforts toward encouraging more individuals to become donors and not spreading the already limited supply of organs even thinner under the HHS nationalization plan.

Unfortunately, reports also indicate that HHS has not effectively done anything to increase organ donations. As a result, H.R. 2418 creates a new $5 million grant program to pay for the travel expenses incurred by living organ donors, authorizes $2 million in additional grant funds to carry out studies, and demonstration projects to increase organ donations, and requires the network to work actively to increase the supply of donated organs.

Mr. Speaker, I want to commend the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY); and the gentleman from Florida (Mr. BILIRAKIS) for their hard work in crafting this legislation. The product they have crafted would maintain responsible organ transplant policy decision-making within the current network, and this bill should be widely supported by the whole House today.

Mr. Speaker, this rule was unanimously reported by the Committee on Rules yesterday, and I urge my colleagues to support the rule so that we may proceed with debate and consideration of the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), my colleague and dear friend, for yielding me the customary half hour. I yield myself as much time as I may consume.

Mr. Speaker, the sad truth is there are not enough body organs to go around. If there were enough organs, the question of whether to give them to the sickest person, or the closest person, really would be moot. But today, this very minute, there are 67,000 people waiting for an organ transplant in the United States alone. Unfortunately, Mr. Speaker, many of them will not receive that organ.

Five years ago, a doctor walked into my hospital room and told me, unless I got a new liver, the chances of me living more than 2 months was a long shot. But I was one of the lucky ones. My life was saved by a liver transplant; and not a day goes by that I do not thank God and medical science for the miracle that happened to me.

So if I thought this bill would expand that miracle to the other 67,000 people waiting for a transplant, I would do all I could to support it. But this bill will not expand the miracle. This bill is being introduced to sabotage the recent HHS regulations, regulations that are supported by the Institute of Medicine, which says that medical professionals should establish organ allocation policies. Those regulations require organs to be given to the sickest patients who might benefit rather than be kept within artificial limits.

In direct opposition to those regulations, this bill will bestow sole authority over life and death decisions upon a private contractor with not one scintilla of regulation. This private contractor will have authority over billions upon billions of dollars of Medicaid and Medicare money. Meanwhile, the public will lose its right to be heard on that subject.

Mr. Speaker, this bill takes the public voice out of public health. It sets back years of progress on organ transplantation policy, and it should be opposed. The rule, however, Mr. Speaker, is fair, and should be supported. The gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and my dear friend, was kind enough to make in order several minority amendments, including the LaHood-Rush-Peterson-Moakley amendment; and for that I thank him.

Five years ago, Mr. Speaker, a family I probably will never meet saved my life. Their son died somewhere in Virginia, and they gave his liver to this Congressman from south Boston. I will never be able to thank them for their kindnesses, but I will be able to keep fighting until every one of those 67,000 other people who need a transplant get one, regardless of where they live.

So I urge my colleagues to support this rule, support the LaHood-Rush-Peterson-Moakley amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD), a sponsor of a major amendment.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Let me just begin by saying that this is a good rule, and I hope all Members will support it. It is a good rule because it is an open rule and it allows for plenty of debate on this very, very important legislation. As I said in the Committee on Rules last night, there is probably only 1 person in this House who is an expert on transplants, and the importance of a good organ donor program, and that is the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, who has been through it. He knows the anxiety and frustration, and he knows what it is like to go through a transplant procedure as one who has received a transplanted liver and is, thank God, a survivor and still a good, strong, sturdy, healthy Member of this House of Representatives.

Mr. Speaker, I do support the rule; but I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999, and in support of an amendment offered by myself and the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from Illinois (Mr. RUSH) and the gentleman from Pennsylvania (Mr. PETERSON).

Mr. Speaker, H.R. 2418 is not about saving lives; what it is about is overlooking patients in the greatest need simply because of a geographic convenience. Through Medicare, Medicaid, CHAMPUS and other programs, the Federal Government pays for the vast majority of organ transplants. H.R. 2418 strips the Government of any rulemaking authority over transplant policy, affecting thousands of beneficiaries covered under Federal Government programs and delegates it to one agency, one private contractor.

□ 1130

This is wrong. This bill contradicts the recommendations of the Institute of Medicine that are detailed in a report mandated by Congress under the 1998 Omnibus Budget Act.

The IOM recommended additional government oversight of the organ procurement and transplant network and the establishment of an independent scientific advisory committee to work with the government to ensure the efficiency and equitable operation of the OPTN.

H.R. 2418 strips the government of its oversight authority and eliminates all public accountability of the Network. This is wrong.

For these reasons, I urge Members to support the rule but oppose the bill, and support our amendment, the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY), myself, the gentleman from Illinois (Mr. RUSH), and the gentleman from Pennsylvania (Mr. PETERSON).

It would apply several recommendations made by the Institute of Medicine to the organ allocation process. It ensures that organ allocation policies are based on sound medical principles and valid scientific data. The policies would be designed to share organs over as broad a geographic area as possible, providing some Federal oversight.

Again, Mr. Speaker, this is a good rule but a bad bill, and I urge my colleagues to support the rule.

Let me just for a minute say something. We do not want to go back to the old ways of doing things. There is a good system in place. This is a bad bill because it goes back to an old system that lets one agency play God about where organs will go. I do not think anybody in America wants that.

I urge all my colleagues and all the staff that are watching this being broadcast around the House system to pay close attention and to call back to their districts, and to talk to hospitals in their districts that do transplants. I doubt if they want one agency, a private agency, in America deciding where organ transplants will take place, this is wrong, with no oversight. Our amendment corrects that.

This is an important amendment, an important consideration for the Congress. I hope people will pay attention to it.

Again, I urge the adoption of the rule, the opposition to the bill, and the adoption of our amendment to bring common sense to a very important medical system in our country that will be eviscerated by this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Illinois (Mr. LAHOOD) for his very, very able presentation. I think he said it all.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a cosponsor and a gentleman who has been fighting on this for many years.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to support the rule, speak against the bill, and support the amendment.

Mr. Speaker, I think it is important that whenever we are dealing with health care, we follow the lead of health care providers who have studied the issue.

This Congress asked the Institute of Medicine to do that. They did it very seriously and very coherently. They came forth with recommendations that allocation policies should be based on sound medical principles and valid scientific data.

The bill before us veers from that. Whenever we veer from that, we are going to cost lives. I do not think any of us want to be in that position.

Recently, Forbes Magazine talked about this system, UNOS, the united network supplying organs. Most organs are shared only within 62 regional territories, and in their opinion, last year 4,855 Americans died while waiting for transplants. This does not even count people pulled off the lists because they became too sick.

Each of us hopes we never need an organ, but we do not know when we will. We hope that we do not live in the wrong county or in the wrong State that would prevent us from receiving the organ that would save our life. That organ might go to someone who really had serious health problems, but could live a year or two longer.

Mr. Speaker, I hope we devise a system in this long debate today that will make sure that the scarce organs that are available go to those who need them to sustain life and can maintain life after the surgery. Anything less than that, we will have failed the American public.

Mr. Speaker, the other issue I want to raise is that the United Network for Organ Sharing system will under this legislation be totally free of any Federal regulation.

Now, I am not normally a fan of Federal regulators, I am not a fan of Federal power, but I want to tell the Members, we owe it to American citizens that our Federal Government and our HHS and our bureaucracy does oversee everything that deals with health care. We cannot have a system that is totally without some oversight.

Where will the citizens go that were denied? Where will the taxpayers go that are unhappy if we have no Federal oversight of a system?

To show Members what has been going on, patients pay over $350 to be listed on a waiting list. The listing fees make up the majority of UNOS's budget. They are spending $1 million a year of their budget to lobby us.

Should an organization that has total control, should an organization that is going to be given a position where they have no oversight, be allowed to spend $1 million a year to lobby us? No. There are a lot of problems with the system.

I want to say this, in conclusion: Economics should not rule on this issue. Part of this issue is about economics, because parts of this country who are harvesting more organs because they have younger populations and more young people who have good, strong organs that can be transplanted want to keep them there.

It is economics, health care economics. It is still one of the profitable parts of health care, and there are not many. I think that should not be part of this system. I think each and every one of us and each and every one of our constituents and taxpayers should have the thought and the hope that, just like they expect good emergency care no matter where they live, they would expect an equal chance at an organ if life depended on it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK), the ranking member on the Subcommittee on Health on the Committee on Ways and Means.

Mr. STARK. I thank the distinguished ranking member for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise to discuss the legislation before us, and strongly oppose the legislation. It will really do harm. There are 66,000 Americans now awaiting organ transplants. Thirteen people die every day waiting.

H.R. 2418 does not save lives. The bill is very bad health policy. It impedes the public access to lifesaving information. It provides a monopoly and unprecedented protections to the current private contractor, which I might add Forbes Magazine characterized as an outfit with life and death power over patients waiting for transplants, and it has evolved into a heavy-handed private fiefdom.

It removes itself from public accountability by delegating an improper amount of regulatory power and control over billions of taxpayer dollars. It gives it to a private contractor, which the Department of Justice considers unconstitutional. It contradicts the congressionally-mandated National Academy of Sciences' Institute of Medicine recommendations, and it is something which we should oppose.

Mr. Speaker, there is some small hope in the LaHood-Moakley-Rush-Peterson amendment which will be offered, and I ask my colleagues to support that amendment, which makes the data available to the public. It ensures broader sharing of organs and organ allocation decisions on medical necessity versus just the accident of geography. It provides a public accountability through Federal oversight. It does not squirrel away these decisions in the back rooms of private enterprise.

It establishes a scientific advisory board separate from this private organ contractor, and it would, indeed, make some small effort to make the bill before us more equitable and a more humane bill which would provide good health policies.

So please support the LaHood-Moakley-Rush-Peterson amendment, and oppose H.R. 2418 at final passage.

Mr. Speaker, more than 66,000 Americans currently await an organ transplant. Every day 13 people die waiting for an organ.

H.R. 2418 does not save lives. This bill is bad health policy.

Instead, H.R. 2418—Impedes public access to life saving comparative information about transplant centers.

Provides a monopoly and unprecedented protections to the current contractor (UNOS—the United Network for Organ Sharing) which Forbes magazine characterized as "an outfit with life-and-death power over patients waiting for transplants [that] has evolved into a heavy-handed private fiefdom".

Removes public accountability by delegating an improper amount of regulatory power and control over billions of taxpayer dollars to a private contractor—which DOJ considers unconstitutional.

Contradicts the Congressionally mandated National Academy of Science's Institute of Medicine (IOM) recommendations.

Protects special interests—plus those of both UNOs—with their headquarters in Representative BLILEY's district, and plus those of the transplant centers that fear decreased business or that their centers will close under a fairer system or broader organ sharing.

Mr. Speaker, the Scarborough/Thruman amendment nullifies the final organ allocation regulation published by the Secretary of Health and Human Services.

The Secretary published the final rule governing the organ procurement and transplant network (OPTN) on April 2, 1998. After 2 years of congressional delays, this regulation became effective last month.

The HHS regulation calls for more equitable sharing of too-scarce supply of organs and over much larger populations of people who need them.

As the final regulation states, it "does not establish specific allocation policies, but instead looks to the organ transplant community to take action to meet the performance goals"—a rule that the Washington Post today notes is "Hardly Draconian."

HHS oversight ensures that allocation policies are developed with the expertise and experience of patients and medical practitioners. When those allocation policies fail to achieve the ends envisioned by Congress—as is the case today—the Secretary can ensure these failures are corrected.

The final rule has been supported by the major transplant patient organizations, including the American Liver Foundation, Transplant Recipients International Organization and the National Transplant Action Committee.

However, the extent to which a government contractor has attempted to influence and undermine the legislative and regulatory processes is alarming. UNOS has spent patient listing fees on a lobbying and public relations smear campaign. UNOS' numerous efforts to derail the final rule have diminished public confidence in the organ allocation system.

Mr. Speaker, this amendment incorporates IOM recommendations to establish a fairer national organ allocation policy and to—make comparative data widely available to the public. Ensure broader sharing of organs and base organ allocation decisions on Medical Necessity vs. Accidents of Geography. Provide public accountability through Federal oversight. Establish a scientific advisory board, separate from the private organ contractor.

The current system has created great disparities in organ allocation and transplantation outcomes.

Last fall, HHS publicized comparative transplant center performance data showing that under the current organ contractor's policies, a patient's chance of receiving an organ transplant depends on geography, not on medical need. For example:

In some areas of California, patients had a 71 percent chance of receiving a liver transplant within one year, whereas patients had only a 24 percent of receiving a liver transplant in other areas of the State.

In December 1999, the New England Journal of Medicine concluded that liver-transplantation centers in the U.S. that perform 20 or fewer transplantations per year have significantly higher mortality rates than those centers that perform more than 20 transplantations per year. This life-saving data must be widely available to the public. This amendment would ensure it is.

CONCLUSION

Our Nation's system must base transplant decisions on common medical criteria and pure professional medical opinion—not geography. Donated organs go to those with the most medical need.

Without the LaHood-Peterson-Rush-Moakley amendment, H.R. 2418 will permit these inequities and cause additional, needless deaths.

Knowing that a loved one's or your own organ will go to the patient who needs it most will help improve donation rates—something our Nation very much needs and one thing that everyone can agree on.

Most all of us are aware of the problem: the demand for organs exceeds the supply—ensuring fair allocation of these scarce organs even more important.

Unfortunately, H.R. 2418 is not the answer.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to bring the Members' attention to an article in today's Washington Post titled, on the editorial page, "New Round of Transplants."

If I may read just from a portion of it, they say, "The strange battle over who will control the distribution of transplanted organs continues to rage. The House is scheduled to vote today on an ill-advised bill to strip the Department of Health and Human Services of authority to set rules for the private contractors that manage the nation's transplants. This comes 18 days after an HHS regulation aimed at achieving more consistent and equitable policies finally went into effect after 2 years of heated opposition from the transplant network and its members.

"The HHS rule is hardly draconian. It merely calls on the United Network of Organ Sharing, UNOS, to develop policies that better spread the too scarce supply of transplantable organs over the much larger population of people who actually need them. Right now, each distribution center has its own waiting list, creating dramatic disparities in which organs often fail to reach those with the most urgent need.

"But many local transplant centers are fiercely territorial and fear losing business to a few large transplant centers at major hospitals. Since the HHS rule was proposed, nearly a dozen States have passed laws forbidding organs to be sent to recipients out of state; Wisconsin is suing to block a feared outflow to nearby Chicago. The national network, meanwhile, has several times persuaded Congress to put off the rule. Congress also commissioned a report from the Institute of Medicine, which made proposals similar to those of HHS."

Mr. Speaker, I include this entire article for the RECORD.

The article referred to is as follows:

[From the Washington Post, Apr. 4, 2000]

NEW ROUND ON TRANSPLANTS

The strange battle over who will control the distribution of transplanted organs continues to rage. The House is scheduled to vote today on an ill-advised bill to strip the Department of Health and Human Services of authority to set rules for the private contractors that manage the nation's transplants. This comes 18 days after an HHS regulation aimed at achieving more consistent and equitable policies finally went into effect after two years of heated opposition from the transplant network and its members.

The HHS rule is hardly Draconian. It merely calls on the United Network for Organ Sharing (UNOS) to develop policies that better spread the too-scarce supply of transplantable organs over the much larger population of people who need them. Right now, each distribution region has its own waiting list, creating dramatic disparities in which organs often fail to reach those with the most urgent need.

But many local transplant centers are fiercely territorial and fear losing business to a few large transplant centers at major hospitals. Since the HHS rule was proposed, nearly a dozen states have passed laws forbidding organs to be sent to recipients out of state; Wisconsin is suing to block a feared outflow to nearby Chicago. The national network, meanwhile, has several times persuaded Congress to put off the rule. Congress also commissioned a report from the Institute of Medicine, which made proposals similar to those of HHS.

A pending Senate bill would incorporate those recommendations. The House bill would simply vaporize the HHS rule in favor of the prior system. The House should drop the effort and follow the Senate's lead.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support for a rule that made every effort to include all the serious discussion around this bill. This is a very important bill. All the issues that were brought before the committee have one way or another been allowed to be discussed and voted up-or-down on the floor.

I urge my colleagues to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 454 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2418.

☐ 1143

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

☐ 1145

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999. It has been 2 years and 2 days since the Clinton administration issued its regulation on the Organ Procurement and Transplantation Network. Some claim that the regulation changed the HHS Secretary's oversight authority into a policymaking authority. Policy control of the network is not what Congress has ever intended and that is not what the law permits. The Organ Procurement and Transplantation Network was authorized by Congress to make decisions without political interference.

The decisions they make safeguard the interests of not just those who are presently on a waiting list for a lifesaving organ but those unknown persons who will be placed on a waiting list in the future.

Mr. Chairman, H.R. 2418 would safeguard the independence of the network. It would also increase the level of accountability of the network by mandating timely reports on the performance of transplant centers within the network.

The bill includes an innovative enforcement mechanism that would mandate the payment of liquidated damages by transplant centers that try to cheat under the network rules.

I also applaud the provision that would offer assistance for living donors seeking to donate an organ to someone in another State.

H.R. 2418 will ensure that decisions regarding organ procurement are placed in the hands of the medical community, patients and donor families, as they have been for the past decade. The creation of a national registry, where organs are allocated to the sickest patients first, would increase wait list mortalities, waste organs and increase retransplantation rates.

The Federal Government is simply not equipped to make these decisions. The Institute of Medicine reported that the current system is basically fair. It achieves a balanced and fair distribution of organs for all who await a lifesaving transplant while supporting the continuation of local transplant programs.

As we move forward to reauthorize the National Organ Transplant Act, let us not forget that some alternatives to this bill may have a very damaging effect on organ supplies. According to written testimony submitted to the Subcommittee on Health and Environment, Joseph L. Brand, chairman of the National Kidney Foundation stated that, and I quote, "we believe that less patients would receive liver transplants if the OPTN were required to develop policies where organs are allocated to the sickest candidates first. Such candidates are likely to have poor outcomes and require repeat transplants. Thus, reducing the number of organs available for other candidates," unquote.

I urge Members of the House to join with me in voting for H.R. 2418 to safeguard those who wait for an organ transplant from even more uncertainty.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are taking up H.R. 2418, legislation sponsored by my friends, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Texas (Mr. GREEN), which would reauthorize and amend the National Organ Transplant Act.

House leadership has decided to move this controversial measure even though the Senate is making real progress on legislation reflecting consensus between those who oppose and those who support H.R. 2418. Surely it is more important to get this legislation right than it is to get our two cents in before the Senate does. Yet here we are poised to vote on a measure that while promising should not be passed whole cloth.

In its current form, the President would likely veto H.R. 2418 or the courts would likely dismiss the legislation as unconstitutional. There are some beneficial aspects to H.R. 2418. One set of provisions would help States pay for transportation and other costs incurred by organ donors. Given the waiting list for donated organs, anything we can do to facilitate organ donation is certainly a positive step.

Unfortunately, though, Mr. Chairman, omitted from this bill are several key recommendations that the Institute of Medicine made after taking a close look at the current organ allocation system. The most alarming omission is not really an omission as much as it is a gift. It is a gift to the United Network for Organ Sharing, so-called UNOS, the private contractor managing the current organ allocation system. H.R. 2418 gives UNOS a virtual carte blanche to spend taxpayers' money and determine which individuals will receive donated organs and which individuals will not receive donated organs.

Under H.R. 2418, UNOS would have carte blanche to spend our money and to make these life and death decisions without taking the public views into account. As currently written, 2418 confers more power on UNOS than it does on its employer, and its employer happens to be the American taxpayer.

2418 undercuts the authority of the Secretary of the Department of Health and Human Services to represent the public interests in the development and the application of organ allocation policies. In other words, the public would have no say over public policy.

The Secretary's job is to protect and promote the public interest and our public health. The contractor, UNOS, the contractor's job is to protect and promote itself. Last year the Institute of Medicine took a good hard look at the Nation's organ allocation system and made several compelling recommendations. One of those recommendations was that the Federal Government must exercise more oversight over the organ allocation system to ensure that individuals in need of donated organs are treated fairly.

This bill, Mr. Chairman, goes in the opposite direction. I understand my colleagues, the gentleman from Illinois (Mr. LAHOOD), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Illinois (Mr. RUSH) and the gentleman from Pennsylvania (Mr. PETERSON) will offer an amendment that would incorporate those Institute of Medicine recommendations into H.R. 2418, improving the bill measurably, recommendations like ensuring independent scientific review of organ allocation policies; of ensuring that organ allocation decisions are based on sound medicine and sound science; and ensuring that organ allocation decisions are equitable to people in this country; and ensuring that the Federal Government does its job and holds the Government contractor who works for taxpayers accountable for acting in the public's best interest. I strongly urge my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of H.R. 2418 because it keeps a promise made by Congress for the past 16 years to safeguard the independence of the Organ Procurement and Transplantation Network from political interference and control.

Ever since the National Organ Transplant Act of 1984 was enacted, Congress has recognized that experts at the forefront of changes in the medical profession and transplant community are best suited to adjust allocation policies in light of new technologies and new medical understanding.

Do we really want Federal bureaucrats making decisions about who gets these organs? What will keep the decisions being made from being political ones?

The congressionally created Organs and Transplant Network has worked, and it has worked in a nonpolitical way. The LaHood amendment, while well intentioned, would result in taking medical policy decisions out of the hands of doctors and placing them in the hands of bureaucrats. Medical decisions about organs are better left in the hands of health care professionals and transplant centers. That was the intent of the law when it was created in 1984 and remains so today.

Please join me in supporting H.R. 2418.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT), a member of the Committee on Commerce.

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise today in strong support of H.R. 2418, and I say strong support even though I recognize that it is an imperfect solution to what I consider to be a horrible problem.

We have a serious problem in this country because the demand for organs is much greater than the supply, and there are essentially two ways to deal with that problem. One is for those areas of the country that feel that they do not have enough organs to essentially raid other parts of the country and try to grab those organs. The second option, and the option that I strongly prefer and I will have an amendment later addressing this, is to be aggressive and work together to increase the supply of organs. The problem with the Department's rule is that it defies the laws of economics. It assumes that economics is not involved in this fight when the reality is economics is at the core of this fight.

These are hospitals, these are businesses, big businesses, that are fighting over organs because organs, unfortunately in this context, equate with money. So there are situations like my State of Wisconsin that will see an essentially 30 percent drop in the number of organs available to them and my neighboring State of Illinois seeing a 30 percent increase.

Now, Chicago is 100 miles from Milwaukee, and it would not be that difficult for these patients to come to Milwaukee; but instead of trying to work together, what we see is we see from Wisconsin's perspective a raid, a raid on the fine job that we have done in Wisconsin to try to encourage more people to donate their organs. It defies logic to state that those areas of this country that have done a very good job, including my home State of Wisconsin, in developing an organ procurement network are going to continue working as hard as they have if they are going to see those organs leave the State.

We have to recognize some basic tenets of human nature: and one of those is, if one is allowed to keep the fruits of their labor, they are going to work harder. If the fruits of their labor are going to be sent to another part of this country, that increases the chances that they will not work as hard.

So I think that this bill, again, is an imperfect bill; but I think that the Department's response is in exactly the wrong direction.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I think it is important that we have a little perspective on why we are where we are. There is no question that this country had three or four major transplant centers that developed and perfected a lot of techniques, and then they asked doctors to come and offer their services for free to learn those techniques.

Know what? They did, and there are throughout this entire country now highly qualified, highly trained transplant surgeons in every State in the country.

Guess what happened? Now that they are as good as the transplant centers, the major transplant centers that pioneered this work, they are doing more transplants and all of a sudden the major centers do not have the organs with which to transplant because the people are being transplanted at home.

The purpose of this bill is to offset what I believe is a very unwise rule by Secretary Shalala. What this rule that is undergoing implementation as we speak will do will limit people in the outreaches of this country as far as transplants. They will have to live in an urban center, or they will have to move with their family to that urban center to achieve this.

This totally obviates the decision-making by health care professionals and their patients and puts bureaucrats in charge.

The HHS regulations are only going to shift organs around, and I think that is the important thing that needs to be noted. The real problem, this would not be a problem if there were an excess number of organs, and what it is going to do is the HHS rule defines the sickest patients as those that have been waiting the longest. They are not necessarily the truly sickest patients. So we are going to displace common sense, we are going to displace care and compassion, we are going to displace regional geographic quality and move organ transplantation back to the original centers of excellence when, in fact, the scientific studies say that the competing centers that they trained are doing as well or better in many instances.

In my home State of Oklahoma we have two centers of excellence for transplantation now, all of which received their training at one of these major pioneering centers. The fact is, the results are as good or better than those centers.

The other thing is, Oklahoma developed an organ donating network where we actually have an excess supply in our State now, more organs than what our citizens would supply. With this new rule, Oklahomans will not have the benefit of organs donated by their fellow citizens to another Oklahoman. Instead, a bureaucrat, influenced through the organization that the Secretary already controls, will then decide that people who offered the organs for donation will not benefit their fellow citizens.

I would ask that we support this bill and that the House come behind common sense and quality medicine.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, let me see if I can explain to the House what is going on here. We have a pretty good system now, and there is pretty good oversight. If we pass this bill today, we let one agency play God with transplants and where organs will go. I do not think anybody in America wants one group to decide where all the organs are going to go. We just do not. That is bad policy, with no oversight, no government oversight.

This notion that some bureaucrat is going to make the decision is nonsense. It is not going to happen. There was actually a study done that said that there should be some oversight so that one agency cannot play God about where organs should go.

□ 1200

If we talk to any family about the long waiting list, the anxiety, the frustrating, they will tell us that one agency should not have this opportunity.

There is a letter that I have here from the agency, the United Network of Organ Sharing. This is the agency that has the jurisdiction right now over this. Let me just read the first paragraph. This is a letter to the gentleman from Michigan (Mr. DINGELL).

This letter is dated March 15. It says, "On behalf of the Board of Directors of UNOS, I am very pleased to inform you and the members of the Committee that Monday we approved a new and expansive National Liver Allocation Policy Development Plan. Clearly, this plan goes a long way in furthering UNOS' and the Department of Health and Human Services' mutual goal of fair and equitable organ distribution. In addition, UNOS and HHS are working closely together to ensure an effective and efficient implementation of Department's Final Rule set for March 16th, including its organ allocation provisions."

Mr. Chairman, I include the March 15, 2000, letter and the Statement of Administration Policy for the RECORD as follows:

UNITED NETWORK FOR
ORGAN SHARING,
Richmond, VA, March 15, 2000.

Hon. JOHN D. DINGELL,
Ranking Minority Member, House Committee on Commerce, Washington, DC.

DEAR CONGRESSMAN DINGELL: On behalf of the Board of Directors of the United Network for Organ Sharing (UNOS), I am very pleased to inform you and the members of the Committee that Monday we approved a new and expansive National Liver Allocation Policy Development Plan. Clearly, this plan goes a long way in furthering UNOS' and the Department of Health and Human Services' mutual goal of fair and equitable organ distribution. In addition, UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's Final Rule set for March 16th, including its organ allocation provisions.

Our new Liver Allocation Policy Development Plan was produced after a series of joint meetings of the UNOS Liver and Intestinal Organ Transplantation Committee and the UNOS Pediatric Transplantation Committee. The Committees incorporated recommendations from the Institute of Medicine report on Organ Procurement and Transplantation as well as many thoughtful public comments. We genuinely believe that the resulting policy, after further refinement at a scheduled consensus conference of the transplant community on liver allocation, will reflect the principles and goals of the Secretary's Final Rule and fully represent the transplant community's interests in developing equitable and medically sound policies.

Major elements of the proposal include a plan for significantly refining urgency categories for Status 2A, 2B and 3 liver transplant candidates by implementing a new numerical scale which will more accurately represent the varying degrees of illness among these patients. We are also endeavoring to better predict pre- and post-transplant mortality and morbidity in order to make the most efficient use of the previous livers that do become available. Further, we will establish appropriately-sized organ allocation units for all organs, and improve policy compliance monitoring by implementing a system for prospective verification of liver patient listing and status code changes.

We are proud of the efforts of the many medical professionals from the transplant community who joined together to develop this new important policy plan.

We would like to thank you and the Committee members for your continued interest and support for the life-giving endeavor of organ and tissue transplantation.

Sincerely,
WILLIAM D. PAYNE M.D.,
President.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 3, 2000.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2418—ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 2000

The Administration strongly opposes House passage of H.R. 2418, which would reauthorize the National Organ Transplantation Act (NOTA). H.R. 2418 raises serious Constitutional issues, would preserve existing inequities in the organ transplantation system, and could result in potential harm to patients. If H.R. 2418 were presented to the President in its current form, his senior advisers would recommend that he veto the bill.

The effects of the current organ allocation policies established by the Organ Procurement and Transplantation Network (OPTN) are inequitable because patients with similar severities of illness are treated differently, depending on where they may live or at which transplant center they may be listed. For this reason, the Department of Health and Human Services issued regulations, which became effective March 16th, that establish a framework for organ allocation policies, to be developed by the network, that are based on sound medical judgment, and that are fairer and more equitable for all parties. Unfortunately, H.R. 2418 would not result in a fairer system for all patients in this country. Rather, it is seriously flawed legislation because it:

Does not require the standardization of patient listing practices and broader sharing of organs, two items that the Administration and the Institute of Medicine consider essential to ensuring fairness in the system and optimal outcomes for patients.

Reduces the appropriate Federal role in overseeing the OPTN, despite the recommendation from an independent study required by Congress and conducted by the prestigious Institute of Medicine, that HHS should have the oversight responsibility "to manage the system of organ procurement and transplantation in the public interest, and to ensure public accountability of the system."

Inappropriately grants extraordinary powers to the private sector to approve the Federal contractor that manages the OPTN.

Raises serious constitutional concerns. It is a core constitutional value that politically accountable Executive Branch officers should make the important policy judgments necessary to implement a Federal regulatory scheme. For this reason, the bill's delegation of authority to a private party to establish standards governing organ transplants and transplant providers raises serious separation of powers concerns and would create a significant risk that a court might declare the bill unconstitutional.

The Administration could support the amendment offered by Representatives LaHood, Moakley, Rush, Peterson (John) and others. Similar to the current regulation, it reflects the recommendations made by the Institute of Medicine in its Congressionally mandated study of organ allocation policies and it strikes the proper balance between medical judgments being made by transplant professionals and the need for public accountability for tax payer funds. It articulates clear principles to guide organ allocation policy, designed to protect the interests of patients. It assures that data necessary to evaluate and improve the organ transplant system are provided to the public. It avoids the serious constitutional problems that are raised with H.R. 2418. Further, it promotes organ donation, the single most important factor in dealing with the shortage of transplantable organs. In sum, if Congress determines that legislation to update the National Organ Transplant Act is desirable, the amendment offered by Representatives LaHood, Moakley, Rush, Peterson (John) and others represents a thoughtful legislative response.

The Administration urges the Congress to develop NOTA reauthorization legislation that better reflects the recommendations of the Institute of Medicine and that results in a fairer transplantation system for all patients in this country and their families.

Mr. Chairman, so what we have got on the floor today is a bill in spite of the fact that these two agencies, HHS and UNOS, are working together. Congress is going to say, well, the heck with that, we want to give it to one agency. We want to tell families all over America that one agency gets to play God.

Now, here is what happens if this bill passes. We go back to the Mickey Mantle mentality of organ transplants. If one is somebody important, if one has a high profile, if one is an important person in America, one gets the organ. If one is just a common, ordinary citizen, one agency decides it. That is wrong.

We should not be administering health care, passing laws that distribute organs in this kind of a fashion in America. We have got a system whereby the Department of Health and Human Services will have oversight.

So what I am saying today is we have got an amendment, it is a good amendment, offered by the gentleman from Chicago, Illinois (Mr. RUSH), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Pennsylvania (Mr. PETERSON) that simply says that HHS should have some responsibility.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. Absolutely. I am happy to yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, can the gentleman from Illinois name me one instance where a person got an organ out of order.

Mr. LAHOOD. Yes, Mr. Chairman, I can. If the gentleman from Virginia (Mr. Bliley) will yield me 2 minutes, we will proceed.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I go back to the notion that there have been high-profile people who have been given organ transplants out of order, and I mentioned one already.

Mr. BLILEY. Mr. Chairman, if the gentleman will yield, Mickey Mantle did not get his organ out of order.

Mr. LAHOOD. Mr. Chairman, everybody in America knows that there are long waiting lists for these organs, long waiting lists. People wait years, and sometimes they die before they get their organs. But if one is a high-profile person, perhaps one moves up on the list.

We have a good system in place, and that system says we have got the agency, but we also have got jurisdiction from a Federal agency that deals out the money.

Who protects the taxpayers in these instances? Does one agency just happen to have the responsibility, and the taxpayers are not protected? What is wrong with having HHS as a part of the responsibility to oversee? We do it in all other areas. Can the gentleman from Virginia explain to me why we would not do it?

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), chairman of the Subcommittee on Health and Environment.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, the gentleman from Illinois talks about one agency. One Department I guess is okay, but one agency is not okay. I am not sure really what agency he is referring to.

I introduced this bill with the gentleman from Texas (Mr. GREEN) to reauthorize the National Organ Transplantation Act and to promote efforts to increase the supply of organs available for transplantation. The bill was passed by the subcommittee and then later on by the full Committee on Commerce approved by voice vote in October.

I was here when the gentleman from Massachusetts (Mr. MOAKLEY) made the comments that this bill intends to strip HHS of its authority. Well, I am here to say to the gentleman that this bill actually will leave the status quo alone. The HHS does not have the authority. It is HHS which is trying to strip the authority away from the States, if you will, and from the network and from the regions.

It was HHS, despite the fact that everything has been working and working well, that chose to take organ allocations away from the medical community and from the patients and from the donor families, as Congress intended.

Now, there has been testimony in hearings and whatnot, and there is an article in the Washington Post back in 1996 about a particular person, and I wish the gentleman from Illinois (Mr. LAHOOD) would listen to this, a particular individual, a Pittsburgh real estate agent who has real estate and property management dealings with the University of Pittsburgh Medical Center. He is also, as I understand it, a very close friend, this comes from the Post now, I am paraphrasing, of President Bill Clinton since their days at Georgetown. Okay.

The university apparently, according to the Post, asked this person to intercede with administration regarding this particular issue because they were afraid that they had a genuine reluctance, to use the words in the Post's article, to get involved. According to the Post, this September 30 letter got results.

According to these and other reports, President Clinton directly raised this issue with Secretary Shalala; and in November, she wrote Mr. So and So, explaining the Department would hold hearings or look into this situation.

According to Transplant News, October 31, 1996, which is a commercial news letter of the transplant community who wrote this letter, the letter clearly represents the arguments of the University of Pittsburgh Medical Center.

I want to say right now the University of Pittsburgh is my alma mater. When they are right, they are right. When they are wrong, they are wrong.

The article goes on to state, this gentleman outlined the University of Pittsburgh Medical Center's position that livers should be allocated "to the sickest patients in the largest possible geographic area where the organ can be transported and remain in good condition to be transplanted."

I think we have to ask ourselves, is the Government, is this bureaucracy up here equipped to make these decisions? Do we want the Government, the same administration which determined who should be buried in Arlington Cemetery as a result of politics, do we want politics determining life and death matters? I think not. I think not.

The bill directs the Secretary to carry out a program to educate the public with respect to organ donation and, in particular, the need for additional organ transplantation.

The bill acknowledges the advances of medical technology that have enabled a transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients.

It reauthorizes the act which was enacted to provide for the establishment and operation of a network, and the bill clarifies that the network is responsible for developing, establishing, and maintaining medical criteria.

Mr. Chairman, these experts are at the forefront of changes of the medical profession. The gentleman from Oklahoma (Mr. COBURN) referred to them. They said in the American Society of Transplant Surgeons letter last year, and I quote them, "an important step forward," referring to this bill, "in setting forth principles to guide the functioning of a fair and equitable Organ Procurement Transplantation and Transplantation Network in the 21st Century."

The question of how to allocate a limited supply of organs among individuals in need of a transplant is extremely serious with life or death consequences, as I have already said, for the patients affected. Their lives should not be subject to the whims of the political process or the judgments of government bureaucrats with little or no experience in the field of transplantation.

We also should remember that many States, my State of Florida, Texas, so many others, have very successful programs to encourage organ donation; and those have been developed at the State level.

So there is an incentive to say to a fellow Floridian or fellow Texan or whatever the case may be that your organ will in all probability be used in this State or in this particular region, provided that there is a category 1 or category 2 patient that needs the particular organ. Of course it will be moved to another region if, in fact, there is not.

The program in Florida operated by LifeLink has increased donations by almost 50 percent in the last 3 years alone. We cannot interfere with that.

Mr. Chairman, I stand before you today to ask my colleagues to join me in supporting passage of H.R. 2418, the "Organ Procurement and Transplantation Network Amendments of 1999."

I introduced this bipartisan bill with Congressman GENE GREEN to reauthorize the National Organ Transplantation Act and promote efforts to increase the supply of organs available for transplantation. H.R. 2418 was passed by my Health and Environment Subcommittee last September, and the full Commerce Committee approved the bill by voice vote in October.

This legislation addresses a serious national health concern. Quite simply, we do not have enough organs to satisfy the demand for those in need of a transplant.

By even the most optimistic estimates, anticipated increases in organ supply are not projected to meet demand. This year, about 20,000 people will receive organ transplants—but more than 40,000 will not. In the last decade alone, the waiting list for transplants grew by over 300 percent. This is literally a matter of life and death for tens of thousands of Americans each year.

My bill directs the Secretary of Health and Human Services to carry out a program to educate the public with respect to organ donation and, in particular, the need for additional organs for transplantation.

The bill acknowledges the advances in medical technology that have enabled the transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients. It specifically recognizes the generous contribution made by each living individual who has donated an organ to save a life. It also authorizes grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

In addition, H.R. 2418 reauthorizes the National Organ Transplant Act, which was enacted to provide for the establishment and operation of an Organ Procurement and Transplantation Network. The bill clarifies that the Network is responsible for developing, establishing and maintaining medical criteria and standards for organ procurement and transplantation.

Mr. Chairman, those experts at the forefront of changes in the medical profession are best suited to adjust policies in light of new technology and medical understanding. In a letter last year, the American Society of Transplant Surgeons (ASTS) identified the bill as "an important step forward in setting forth principles to guide the functioning of a fair and equitable Organ Procurement and Transplantation Network in the 21st Century."

This legislation recognizes that decisions regarding organ procurement and transplantation are best left to the medical community—as Congress intended in passing the National Organ Transplant Act in 1984. It will ensure that organs are distributed based on sound scientific principles—without regard to the economic status or political influence of a recipient.

The question of how to allocate a limited supply of organs among individuals in need of a transplant is extremely serious—with life-or-death consequences for the patients affected. Their lives should never be subject to the whims of the political process or the judgments of government bureaucrats with little or no experience in the field of transplantation.

This point was reinforced by a letter I received last year from Kathy Gibson, a 49-year-old constituent who received two kidney transplants in one year. The second transplant, which was a success, followed an unsuccessful first transplant using her husband's kidney. Kathy received her second kidney through LifeLink Foundation, a nonprofit community service entity in Tampa, Florida, that operates four of the nation's 62 organ procurement organizations. She wrote to tell me how grateful she was for LifeLink's assistance, saying: "I have nothing but good things to say regarding my transplant team from Tampa General Hospital and LifeLink Transplant Institute . . . they found me the gift of life."

H.R. 2418 was drafted with people like Kathy Gibson in mind. By promoting efforts to increase organ donation around the country, it will help ensure that there is an adequate supply of organs for every patient who needs a transplant.

We should remember that many successful programs to encourage organ donation have been developed at the state level. In my home state of Florida, the organ procurement program operated by LifeLink has increased donations by almost 50 percent in the past three years alone. Organ allocation policies should not penalize states like Florida that have worked hard to increase the supply or organs available for transplantation. Instead, we should encourage other states to become more pro-active in support of organ donation initiatives.

To aid those efforts, H.R. 2418 authorizes the Secretary to establish a public education program to raise awareness of the need for organ donations. It also authorizes grants to public and nonprofit private entities to conduct studies and demonstration projects focused on providing for an adequate rate of organ donation.

Mr. Chairman, H.R. 2418 represents an important step forward in increasing the supply of organs available for transplantation. I urge all of my colleagues to support passage of this critical measure.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), ranking member of the Committee on Commerce and the Dean of the House.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time. Mr. Chairman, I rise in opposition to H.R. 2418, and I urge my colleagues to vote against this bill and to vote for the Moakley-LaHood amendment. That will give us a decent proposal.

This bill is founded on deceit, misrepresentation, and falsehood by a rather shoddy, shabby contractor who seeks an absolute monopoly over the handling of organs in this Nation and which seeks as contractor to be totally exempt from the controls that the Federal Government would impose on any other contractor. In addition to that, it seeks to have itself fixed in a position where it can never be replaced. That is what is at the bottom of this bill. Anybody who does not know that is not a very good reader of legislation.

Now, having said that, let me tell my colleagues something else. UNOS, which is the contractor, seeks to use a rather unfortunate situation where there is a shortage of organs to put themselves in a place where they can now dictate to the whole Nation. This situation with regard to organs is a very bad one. There is wide disparity in availability of organs in different parts of this country. People are dying because of that situation. Healthy people are getting organs before they need them, and the very sick are not getting organs before they die. If my colleagues like that situation, this is a bill that they should support. If they do not, then they have no choice but to oppose it.

The organ procurement legislation before us is nothing more or less than a perpetual employment and protection from public oversight act to take care of UNOS. Now, while the bill has a few worthy provisions, H.R. 2418 perpetuates an allocation system that the Secretary of Health and Human Services has found to be inequitable and inefficient. African Americans, for example, wait twice as long for kidneys as Caucasians. Is this something which encourages organ donation? I think not.

H.R. 2418 will return us to the days before the National Organ Transplant Act was enacted in 1984. The organ allocation system was a balkanized patchwork of regions based on political and geographical considerations as well as amorphous understandings. The map of these regions makes gerrymandered congressional districts look not only fairly neat, but also elegant by comparison.

This legislation, as I said, would strip HHS of virtually all authority. It leaves UNOS totally in charge of the organ allocation system. It is in contrast and in open conflict with a number of State statutes. No one believes that a situation of allocation based on State boundaries is in the best interest of the patients. But that is what we will be left with if H.R. 2418 is enacted, with all of the hardships that that will entail for people who are dependent on organ transplants for life itself.

It also puts UNOS on top of HHS. The contractor will be dictating to the Government and in a fashion which, very frankly, does not represent the best interests of the public. In so doing, it allows State hoarding laws to trump even UNOS's version of broader sharing.

So if my colleagues want to take care of the sick and the needy and those who need organs, then they must vote against this legislation.

Now, notwithstanding the Organ Transplant Act's clear directive to promote a more fair and efficient national organ allocation system, progress has been slow, and frustrations are properly felt. But that is, in good part, for two reasons. One, because UNOS has not done the job that it should; and, two, because there is a distinct shortage of organs available to the people who have needed them.

The act was designed so that the Secretary of Health and Human Services could work through a private contractor. That is good. The organ procurement transplantation network has expertise in the field of organ allocation. This contractor is and always has been UNOS of Richmond, Virginia. I would note it has not done a very good job in the public interest. It has fought the Secretary every step of the way. Indeed, it has sought to terminate the Secretary's power to issue regulations.

It has done worse than that. It has taken steps to set itself firmly as the everlasting contractor who will handle organs allocation. UNOS has engaged in an unprecedented lobbying campaign against any changes in its allocation policies. It has also misrepresented the positions of the Secretary. It is a very deceitful institution.

Let us note the regulation which is in question. It tells UNOS to propose an improved allocation system. That is all the Secretary wants it to do. But this is anathema to UNOS, and it is something which this Congress cannot permit.

There is more bad to be said about UNOS, and there is more bad to be said about this legislation.

Mr. BLILEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I come up in opposition to the rule; and because of that, I am for the bill. The rule is a power grab. The bill is a continuation of where this Congress has been for the past 16 years. The bill continues to safeguard this network that ensures that the States still have some responsibilities, some incentive, some reason for their State to do a better job of procuring organs than other States. If we take that out of the system, we really lose a lot of the success of this system.

Whenever one talks to people about where their organs will be used if they are given as part of their final decision making, they are more receptive to those organs being used close to home if there is a need close to home. I would like to see a list that the gentleman has of healthy people who are getting organs when sick people are not. I think this will help this debate. I believe this is not happening in this system today.

In 1990, Senator ALBERT GORE testified before a subcommittee of the Health and Environment Committee. Senator GORE attacked HHS's bureaucratic interference with the independence of the organ procurement and transplant network.

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He testified that the career bureaucrats were interfering with the network's policymaking efforts. In fact, he charged that HHS bureaucrats teamed up in an attempt to remove all policymaking authority from the network in contradiction to the law.

Even a stopped clock is right twice a day. Senator GORE was right in 1990. We are right today if we pass this bill.

Mr. BROWN of Ohio. Mr. Chairman could you let each side know how much time we have?

The CHAIRMAN. The gentleman from Ohio (Mr. BROWN) has 16½ minutes remaining, and the gentleman from Virginia (Mr. BLILEY) has 15½ minutes remaining.

Mr. BROWN of Ohio. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, our ranking member on the Subcommittee on Health and Environment, for yielding me this time, particularly since he knows we are on opposite sides on this issue.

Mr. Chairman, in Texas we have a saying, "If it ain't broke, don't fix it." Our current system is not broke. It needs to have a tune-up, but it is not broke, and the HHS rules go much too far.

I am proud to be an original cosponsor of this bill, because I believe it would move forward the debate on the crucial issue of organ transplant policy. While I strongly support the legislation, I am also concerned about our timing today. I know we are trying to work out a compromise. Our colleagues on the Senate side, Senator FRIST and Senator KENNEDY, are working on this and are meeting with organ transplant representatives to hammer out a compromise. I am hoping our actions today do not jeopardize real bipartisan solutions that are being developed. Hopefully, this bill today will move this issue forward.

There is plenty of room for compromise on both sides. We all agree that medicine and science, not politics, should oversee our Nation's organ transplant policy. Yet we are not seeing much sign of compromise from the administration on this issue. The Department of Health and Human Services' final amended rule on organ transplantation is a farce. It does not move enough from the original proposal. Likewise, those in the organ community, who refuse to budge an inch toward compromise, are simply stalling the process in an unproductive waste of time.

The organ transplant surgeons in Houston and experts in Houston and the surrounding area have done a good job of contributing to the debate. They are willing to approach the matter in a deliberative and sensible manner. They simply want what is best for their patients and their community. Like me, I believe that the HHS regulation could leave small- and medium-sized transplant centers at a significant operating disadvantage, which will ultimately cause them to shut their doors, leaving thousands of needy patients few options except to go to the larger centers.

H.R. 2418 contains many good initiatives. It goes beyond organ allocation policies to deal with the related issues, not only how organs are allocated but the number we have to allocate. The legislation creates a new $5 million grant program to pay for travel and other expenses for living organ donors. It authorizes $2 million for carrying out studies and demonstration projects that will increase organ donations, and it requires the network to work actively to increase the supply of donation of organs.

Mr. Chairman, the concern I have is that we may lose the success in some States with a higher percentage of organ donations. Walking over here I had a discussion with a colleague of mine from Wisconsin who said that Wisconsin does a great job in trying to increase organ donations, yet some other States may not. So what we will see is some State doing a great job having their organ donations transferred to somewhere else that is not doing a good job.

That is why this bill is needed and why it is so important, Mr. Chairman. I regret that HHS has chosen to force the new regulations on the transplant community that nearly unanimously rejected them. If we continue to stalemate, no one will benefit. That is why we need to move forward with this legislation and hopefully come up with a compromise.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BRYANT), a member of the committee.

Mr. BRYANT. Mr. Chairman, Congress should pass this legislation today because it reauthorizes the National Organ Transplant Act of 1984. Back then, Congress in its wisdom set up a private partnership between the medical community and patients. Congress decided that the difficult decisions, the medical decisions involving the allocation of scarce organs should be made by this private partnership and not by government officials. That is the way the system has worked very well for 15 years.

This legislation does give the Secretary of HHS some oversight authority, and that is how it should be. But this bill leaves the real medical decision making about who gets organs firmly within the transplant community, which is exactly where it belongs.

I urge my colleagues to strongly support H.R. 2418, as it is the right bill at the right time.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 2418, the "Organ Procurement and Transplantation Network Amendments," a measure that I am cosponsoring.

This legislation, H.R. 2418, would re-authorize the National Organ Transplantation Act, which was enacted to provide for the establishment and operation of an Organ Procurement and Transplantation Network. This Network would be responsible for developing, establishing and maintaining medical criteria and standards for organ procurement and transplantation. This bill would also promote efforts to increase the supply of organs available for transplantations.

Every year, more than 20,000 people receive organ transplants in the United States. While we have made great strides in providing these life-saving procedures, only one in three candidates for organ transplants actually undergo surgery. In the last decade alone, the waiting lists for transplants have grown by over 300 percent. The key to solving the organ allocation crisis is to increase the supply of donor organs. H.R. 2418 encourages organ donation through new, innovative programs aimed at increasing the number of living donors and recognizing organ donors and their family members.

This legislation, H.R. 2418, would require the Secretary of Health and Human Services (HHS) to create a program to educate the public with respect to organ donations. This bill would also authorize a new grant program to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs. In addition, H.R. 2418 acknowledges the advances in medical technology that have enabled transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients.

This bill also provides some much needed clarification to the relationship between HHS and the Organ Procurement and Transplantation Network (OPTN) to reflect what Congress intended when it first established the network in 1984. Congress has consistently recognized that the management and formulation of organ donation and transplantation policies are best left in the hands of those who are directly affected—the medical community, patients and donors. The original 1984 legislation provided for a network that is a private sector entity receiving HHS assistance relative to contract funding. The 1984 law did not authorize HHS to establish medical criteria or policies for the network. This measure insures that organ allocation policies are decided locally.

Therefore, Mr. Chairman, I urge the Congress to pass this valuable legislation which not only promotes organ donation but also assures that those with medical expertise can work with patients, donors and their family members to develop the best organ policy.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3¼ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, let me give some background on this issue. In the mid-1980s, we did not have any Federal involvement in this area, and we found that there was an ad hoc region-to-region system in place to procure organs and to distribute them. So we adopted a law to set up a national organ recruitment and distribution system so that anyone in this country would have a fair chance to get an organ when they needed that transplantation. The biggest problem we have in this country is we do not have enough organs for all the people that are waiting.

Now, this national law was created to establish a national system, and wherever an individual lived they would not be penalized because they lived in a particular location. We wanted this distribution system; and to work it all out, the government contracted with an organization called UNOS. UNOS is a private organization. They have a government contract to set up this system. Now, UNOS is a private organization, but they are supposed to be working on behalf of the public.

The Secretary proposed some changes on the allocation system to make it more equitable nationally. UNOS did not like that, and they spent a lot of their money lobbying against it. They argued that what is happening is there is a top-down system being put into place, and they stirred a lot of commotion against the administration's original proposal.

Well, after that proposal was offered, the Institute of Medicine did a study. They evaluated the situation and they came up with some good recommendations, which are part of the LaHood amendment, which I will be supporting later. The bill before us is not to incorporate the constructive proposals, but it is to say the original proposal of the Secretary was not good, the subsequent proposal we are not even going to look at, and we are going to turn the whole system over to UNOS, and UNOS will run it and UNOS will not have to be accountable to anybody.

They will, in effect, be the ones to take the place for the protection of the public interest. But there will be no public accountability on behalf of UNOS. UNOS would have veto power over every single aspect of our Nation's organ allocation system, everything from who gets an organ, who does not, to how it spends the fees patients have to pay UNOS to get an organ. UNOS could spend all its fees on expensive trips lobbying Congress or a new $7 million headquarters that they are actually talking about spending money on, and the American public would be powerless to stop them.

I think this bill is fatally flawed. We should never contract with a group and then turn over to them all this power. I think it is probably unconstitutional, but it is certainly a bad idea. Let us make sure that UNOS works for us and we do not just work for UNOS. What we want is a fair, equitable system.

Ironically, UNOS, on March 15, 2000, wrote to the gentleman from Michigan (Mr. DINGELL) saying UNOS and HHS are working closely together to ensure an effective and efficient implementation of these rules, including an organ allocation provision. Why should we step in now and say we are not going to let the Secretary be involved, we will just let UNOS decide this policy on their own?

I urge opposition to the bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the chairman for yielding me this time.

As I suspected, today there is a lot of testimony aimed primarily at muddying the water. Let me boil this bill down, this good bill, to two simple facts.

Fact number one: Back in 1984, Congress tried to take politics out of this process and turned decision making over to health care professionals. That is this entity we keep hearing about, UNOS, as though it is some alien creature.

UNOS is comprised of health care professionals in this field. Now, unfortunately, the bureaucracy is striking back and wants to repoliticize the process.

Fact number two: There is a tremendous shortage of organs nationwide. But some States, like my home State of Wisconsin, are doing a great job through public education and have a high percentage of organ donations. Unfortunately, the bureaucracy wants to punish States like Wisconsin, which is doing a good job, and wants to put them down and send the organs elsewhere. Only in Washington would this make sense to some people.

Fact number one: Let us keep politics out of this process. Fact number two: Let us reward States that are doing a good job. Please support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

As a physician, I rise to register my strong opposition to H.R. 2418 and in support of the revised regulations that were established by the Department of Health and Human Services which seek to address the inequities that exist in the current transportation policies. That is why I support the Moakley-LaHood-Peterson-Rush amendment.

The only determining factors that should be taken into account when deciding who gets a transplant and when is availability of the needed organ and medical necessity. We cannot allow that determination to be based on where one lives. That would not have helped my constituent, Vincent George, or the many others who are alive today because they were lucky enough to get an organ when it was medically necessary.

Mr. Chairman, people of color right now do not have equal access to organ transplantation. While I commend the sponsors of this bill for creating new incentives to encourage people to become organ donors, I cannot believe, as the supporters of this bill would have us to, that a person willing to be a donor would not want that organ to go to the person who needs it most.

This bill is seriously flawed because it ignores the recommendation of the independent study authorized by this body that there be Federal oversight of the OPTN, and also because it does not require standardization of patient listing practices and broader sharing of organs, which is essential to ensuring fairness in the system and optimal outcome for patients.

We cannot run the risk of allowing profit motives or politics to impact in any way in the organ allocation process. We must act to promote and protect the public health. I ask that the bill H.R. 2418 be opposed and that my colleagues support the access of all of the people of this country to a transplant whenever it becomes medically necessary no matter where they live. The Department must have oversight. I support the LaHood-Moakley-Rush-Peterson amendment.

Mr. BLILEY. Mr. Chairman, I yield myself 1 minute, because I am confused.

Some of my colleagues on the other side of the aisle, my ranking member, the gentleman from Michigan (Mr. DINGELL), and my good friend, the gentleman from California (Mr. WAXMAN), are saying that we should let the Secretary make these decisions as to where these things should go. Well, just a few months ago they were here on the floor arguing overwhelmingly for the Dingell-Norwood bill saying just the opposite; that when we have medical decisions they should be made by medical people, not by bureaucrats.

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It is somewhat confusing. I also heard that healthy people are getting organs before the sick but that, yet, nobody can come forward with any names. We had the great baseball player Mickey Mantle mentioned. He had cirrhosis of the liver. He was a category three. As he got sicker and sicker, he moved up to category two, finally up to category one when he got his liver. He did not go to the head of the line.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. BLILEY) has 12½ minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 7¾ minutes remaining.

Mr. BROWN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I love this body because we start off talking about all sorts of esoteric comments and then, as the debate narrows, we really get to what the issue is.

As the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN) says, I support HHS; I support Donna Shalala. I believe that she ought to set policy and procedure for organ transplants.

Those of us who support H.R. 2418 think it ought to be where it has been for the last 16 years, with the medical community, with the transplant community, with the donors, with their families, with the professionals.

That is all this vote is about: Do we give oversight to the Federal Government, do we involve the bureaucracy, or do we allow the medical community to make medical decisions?

There are problems with the system. There is a shortage of organs. H.R. 2418 addresses that. But we have no shortage of Federal bureaucracy in the system. Let us keep it out. Let us keep it the best system in the world where it is today. Let us keep the government, let us not make it a Federal Government system. Let us keep it in the organ transplant community where the vast majority of medical professionals and patients and their families and volunteers say it ought to be.

Mr. Chairman, I support H.R. 2418 because I believe organ transplant science and organ transplant policy in the United States is the very best in the world. The bill before us today is designed to build on the achievements made since passage of the original National Organ Transplant Act in 1984, legislation that set up the current system for organ transplant policy in the United States.

You will hear today from others who will argue that they have a better plan. One that would give the Federal Government more control over transplantation. Unfortunately, their proposals would wrest authority from the very people, the organ transplant community, who are responsible for the modern system of organ transplantation that has saved thousands of lives.

The transplant community, not the Federal Government, was given this responsibility, under the 1984 NOTA law, because Congress believed that those who are on the front lines know what the best transplant policy should be, and because new developments and breakthroughs in medical science could quickly be implemented into the system. That is why we have the best transplant system in the world and that is why we need to continue to develop transplant policy in the private sector transplant community.

What we should do today is support H.R. 2418 because it is the one bill that recognizes the contributions made by the thousands of patients and their families, volunteers, and medical professionals that make up the transplant community. It keeps transplant policy decision-making in the private sector and it focuses on the real problem in transplant policy, the shortage of organs.

Since 1984, the number of people receiving organs has increased each year. In 1998, more than 21,000 Americans received the "Gift of Life." Unfortunately, donation rates are not keeping up with the demand for transplants and it is imperative that we in Congress do everything we can to encourage more organ donation. That is what H.R. 2418 seeks to do. I urge my colleagues to support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, there is a great misapprehension about what is going on here. The only thing that the Department of HHS has suggested to the UNOS people is that they should come forward with new allocation policies which are fair.

Now, why is that necessary? First of all, it is necessary to consider the fact that some patients are sick and are going to die if they do not get an organ transplant. There is also the need to consider the disparity that exists between minority groups and Caucasians. Unfortunately, minority groups are not infrequently waiting longer than are Caucasians.

It is also true that, under the allocation system now in place by UNOS, we are finding there are major differences between different parts of the country. For example, in two major liver transplant centers in Kentucky, one transplant center has waiting times of 38 days and the other 226 days. That needs to be addressed. In Louisiana, in one center it is 38 days. In another it is 226. In Michigan, the difference is 161 days and 401 days.

Imagine if one lives in the State where the wait is longer and imagine then what their vote would be on this particular piece of legislation. Because, in those areas, sick people are dying because they are not being fairly treated. That is what is at stake.

HHS has called on UNOS to come forward with a newer, fairer, better allocation system. And that is what UNOS is rejecting, and that is why we are opposing this particular legislation. We think that this should be done in a fair fashion and done under the direction of the Secretary, not under the direction of a self-serving contractor.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in support of this legislation. I do so both from a personal standpoint and from a public-policy standpoint.

When I served in the Oregon legislature, I worked hard to reform our anatomical donation process so that everybody on their Oregon driver's license can list this on the back; so, indeed, if they are killed, they are immediately available if they want to have their organs transplanted.

I stand here today as a father whose son died waiting for a heart transplant. He never received that transplant but was in line to. He died before we had the opportunity to get him to where he could get that.

I want medical professionals making this decision, not the agency that brings us HCFA and regulations and bureaucracy. I want an effort that causes other people to sign up to be donors and to be active in this process to give the gift of life. That is best done through this legislation, Mr. Chairman.

Mr. BROWN of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. BLILEY) has 9½ minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 6¼ minutes remaining.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I support this bill. This bill will stop a power grab by the administration, one of the most distasteful power grabs that we have seen.

The administration says the Federal Government should decide and control what happens to their body when they die. If they want to donate an organ, then Uncle Sam's bureaucrats will take over to decide what is going to become of their heart, their kidneys, their liver; and they will decide who can get a transplant and who cannot.

It is tough enough for doctors and hospitals to have to make that decision on medical judgment. We do not need bureaucrats making it instead. So this most personal decision would become a Federal issue. States right now go to great lengths to encourage people to be organ donors.

Some, like Oklahoma, are very successful in this effort with driver's licenses and other ways of indicating their desire. Other States, well, they do not have as much success so they want the administration to help them, to help them reach over to where there are people willing to make organ donations and reach over and grab those and take them to where they want them, all through a Federal power grab, not by encouraging more people to donate but by saying, we are going to reach in and take from where people have a successful program underway.

Now, if their State wants a different system, then their State ought to have the ability to do so. Who says the Federal Government is in charge of everybody when we die? Who? Not me. Not the Constitution.

Do not let this power grab happen. Unless we pass the bill, Federal bureaucrats will become the masters of what happens to our bodies when we die: our lungs, our heart, our kidney, our liver, whatever it may be. It has to be approved by the Federal Government before we can be an organ donor. Stop the power grab. Do not cut off the incentive for the States. Support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today to express my opposition to H.R. 2418, the Organ Procurement and Transplant Network Amendments of 1999.

This misguided approach to addressing our Nation's organ-sharing needs goes against logic. The current system is not working, and the bill preserves the status quo. An estimated 68,000 Americans are on the waiting list for an organ transplant. A new person is added to the list every 16 minutes, and each day 10 to 12 people die while still waiting for a transplant.

Last year, Congress asked the Institute of Medicine to examine the current organ-sharing system. The IOM report clearly supported restructuring the current system to be more responsive to the needs of the public. The bill does nothing to accomplish that.

I ask my colleagues to support the LaHood-Moakley substitute amendment and oppose H.R. 2618. Let us fix the organ-sharing system to help our Nation's sick, not hurt them.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me the time, even though we may disagree on this policy.

Mr. Chairman, I rise to state that this bill needs further work. We have an amendment a little later that will do that.

I want to share with my colleagues from the Forbes report. Last year 485,000 Americans died while waiting for transplants. This does not even count people pulled off the list after they became too sick to handle a transplant.

It is a matter of debate how much lower the number of deaths would be if the system for obtaining and allocating organs were more rational, said the Forbes record, more rational.

The next one they stated, most doctors involved in the business fear offending UNOS lest their organ supply be affected. We have a system that has our physicians afraid to speak up for fear they will not get organs. We have heard today that it should be a totally independent network. And I say, responsible to whom? Show me anything that should not be responsible to somebody.

We also heard today that the sickest candidates first would cost lives. I am waiting for that evidence. I am waiting, because I believe that is a mistake, anybody who made that statement.

It says the decision should be in the hands of doctors and not in the hands of bureaucrats. Share with me, also, how urging the system to have a fair allocation system puts anything in the hands of bureaucrats. We are asking them do it a little better. We should.

I also heard today that all transplant centers in all States are all equally successful. Well, I want to share with my colleagues today, if they are going to have an organ transplant, look at how often they do it. Look at their success rate. My colleagues, they vary.

Each of us hope we never need an organ transplant. But we sure hope that economics should not rule over good medical decisions.

The amendments we are going to get will take what this bill bypassed, the report that was given to us by the Institute of Medicine. Allocation policies should be based on sound medical principles and valid scientific data. Allocations should be designed to share organs over as broad a geographical area as possible. It did not say how. It did not say how far. It said as far as possible.

I live 50 miles from a State border. I would hate to think because I live 50 miles outside of the State next to me I might not get an organ or somebody in that State might not get an organ because they were 50 miles outside of that State.

My colleagues, we need medical principles driving the system. There are huge flaws in the system. The legislation that is before us gives almost no oversight to anybody to the system.

We do not want bureaucrats; nobody wants bureaucrats making decisions. And bureaucrats will not make decisions. We, as a Congress, cannot let them make decisions. But we need economics not to drive this system. We need good medicine to drive this system. And if they do, we will amend this bill later and improve it.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first reiterate as we close this debate the opposition to this bill from the administration and the belief from the Department of Justice that this bill is unconstitutional.

The Statement of Administration Policy says, "The Administration strongly opposes House passage of H.R. 2418. It raises serious constitutional issues, would preserve existing inequities in the organ transplantation system, and could result in potential harm to patients. If H.R. 2418 were presented to the President in its current form" it says in this Statement of Administration Policy, "his senior advisors would recommend that he veto the bill."

In a letter from the Justice Department to the Speaker of the House, the Assistant Attorney General writes, "We believe that to the extent Congress intends to insulate the Network's exercise of policy-making authority from the Secretary's supervision, the proposed legislation raises significant constitutional concerns. Nevertheless, even if the courts were to sustain the legislation in the face of a constitutional challenge, we would strongly oppose the bill's restrictions. As the bill seeks to remove from the executive branch important oversight functions, it appears to constitute a substantial and unnecessary intrusion into the executive branch's role of implementing Federal regulatory programs and to compromise the core governmental value of political accountability for policy decisions affecting the public."

Mr. Chairman, I am pleased to hear my Republican colleagues talk over and over about how we should leave it to the medical profession to make medical decisions. We on this side wholeheartedly agree and are glad to see our colleagues finally coming around.

For the past 3 years, we have been concerned that HMO bureaucrats are making medical decisions, not doctors, and have been working with the gentleman from Georgia (Mr. NORWOOD) to change that.

We have a piece of legislation, the Patients' Bill of Rights, which would fix this problem and allow physicians with their patients to make these decisions. This bill is now in conference. My colleagues' words today give many of us on this side encouragement that we can actually achieve success in the conference committee on the Patients' Bill of Rights in this very important issue.

Mr. Chairman, this legislation in front of us today is fundamentally flawed. It turns our organ allocation system from representatives of the public, our elected and appointed officials, who are charged with representing the public and advocating and protecting the public interest, it turns those decisions over to a private bureaucratic organization which, in the end, has no real accountability to taxpayers.

Mr. Chairman, I urge my colleagues to follow the recommendations from the Institute of Medicine. I urge my colleagues to vote "yes" on the LaHood amendment, and I urge my colleagues to vote "no" on the underlying legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I would like to make three points why we should adopt this legislation. First of all, one of the speakers just recently in the well says there is nothing here to stop these people from making decisions, we just want them to make better decisions.

Well, who is to determine whether they make better decisions? Bureaucrats at HHS, not medical people, not doctors. They are the ones that would be making the decisions.

Congress, when we passed this originally, said, we want these decisions which most often determine life and death to be made by medical people devoid of politics. And that is why the overwhelming reason why we should adopt this bill.

We then heard about the Justice Department and questioning the Constitution. Well, does the sick chicken case still rule the roost?

The Department of Justice questions whether delegating public policy to a private entity violates the Constitution and whether Schechter Poultry Corporation v. United States (295 U.S. 495 (1935)) still serves as a barricade.

In 65 years, the court has not struck down as unconstitutional any such delegation. And, indeed, the late Justice Thurgood Marshall once wrote, "The notion that the Constitution narrowly confines the power of Congress to delegate authority to administrative agencies, which was briefly in vogue in the 1930s, has been virtually abandoned by the Court for all practical purposes."

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These are red herrings, Mr. Chairman. This is a good bill. The gentleman from Oklahoma (Mr. ISTOOK) put it right. What this is is a power grab on the part of the administration to reward a couple of institutions to the detriment of the States. We should enact this resolution, and we should oppose the LaHood amendment.

Mr. SPENCE. Mr. Chairman, I am pleased that the House will today consider H.R. 2418, the "Organ Procurement and Transplantation Network Amendments." I am proud to be a cosponsor of this important measure, and I rise in unequivocal support.

My friends at the United Network for Organ Sharing (UNOS) tell me that I am probably the longest living double lung transplant recipient in the world. My successful surgery, like the successful surgery that has been performed on other recipients more than 200,000 times since the early 1980's, was made possible by the hard work and dedication of this nation's transplant community. I am alive today because of the countless doctors, nurses, transplant coordinators, and other dedicated individuals who worked tirelessly for my survival. This is, indeed, a remarkable group of people.

These are the same people to whom Congress gave the enormous responsibility of operating the Organ Procurement and Transplant Network (OPTN) when organized in 1985. They have responded with the enthusiasm and dedication we expected, freely contributing more than 1.5 million man-hours to the effort. The result of their collective labors is a transplant system that is the envy of the world. It is fair, objective, and it is in the proper hands—the doctors, patients, donor families, and other experts who care most.

We suffer from a tragic shortage of organs. I commend Secretary Shalala for her attention to the important issue of organ donation. However, I fear that the plan promulgated by the Department of Health and Human Services (HHS) would not have the intended effect. Instead, the HHS plan would remove an integral element of the organ donor network—the intimate and private relationship between transplant professionals, patients, and donor families. The focus must be placed on increasing organ donation and organ donor awareness nationwide. H.R. 2418 addresses this problem by directing the Secretary to carry out a program to educate the public with respect to organ donation, with particular emphasis on the need for additional organs for transplant. I am also pleased to learn that this measure would authorize grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

Mr. Chairman, it is vitally important that Congress reauthorize the NOTA. We must also ensure that the decision making process remain in the hands of the experts directly involved in the transplant community. I urge my colleagues to join me in supporting the "Organ Procurement and Transplantation Network Amendments."

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Act. I strongly support efforts to increase the number of organ donors and the supply of organs available for transplantation. I also believe that medical decisions should be made with input from the medical community. In trying to address these issues, however, H.R. 2418 brings up questions of constitutionality, competition, and financial abuse.

This measure would give the United Network for Organ Sharing (UNOS), the current Organ Procurement Transportation Network (OPTN) contractor, broad regulatory authority. It takes away all meaningful oversight from the Department of Health and Human Services, placing functions of a "scientific, clinical, or medical nature" within the sole authority of the OPTN. According to the Department of Justice, this raises "significant constitutional concerns." A private entity cannot be granted regulatory authority without executive involvement.

H.R. 2418 also raises serious concerns regarding competitive practices. This measure would require that any new contractor selected by the Department of Health and Human Services to run the OPTN must receive the written endorsement of a majority of the network's contractors. This requirement protects UNOS, the long-standing contractor, from competition and violates the Federal Acquisition Regulation which mandates competition in all government contracts.

Our country has had a long-standing ban on the sale of organs, a ban that could be compromised if H.R. 2418 were to become law. The measure allows the OPTN to accept "gifts of money or services" from patients on transplant waiting lists, but fails to state that preferential treatment may not be given to these patients on the basis of their gifts. In effect, these patients could "buy" their way up the list and into a transplant for the right price.

Finally, I am concerned by a current trend among states to pass laws that give priority in organ transplantation to state residents over out-of-states residents, regardless of medical necessity. While we must continue to encourage organ donation nationwide, our intent must be to serve those with the greatest needs.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999 and in support of the amendment offered by Representatives LAHOOD, MOAKLEY, RUSH and JOHN PETERSON.

Without this bipartisan amendment, H.R. 2418 will result in needless deaths and is bad health policy.

More than 66,000 Americans currently await an organ. Every day about 13 people die waiting for a transplant. If we want to save lives, or nation's organ allocation system must be improved—unfortunately, H.R. 2418 is not the answer.

Organ allocation policies established by the United Network for Organ Sharing (UNOS), the current private contractor in charge of distributing organs procured for transplant, are inequitable. Under UNOS' system, patients with similar severities of illness are treated differently depending on their location. UNOS' system relies more on geography than medical urgency; consequently, organs are offered first to people in a local, regional area and only when there are no local patients available is the organ offered to sicker patients on a broader level. This means that some of the most deserving patients will not receive an organ solely because of where they live or where they seek treatment—which often times is a managed care plan's decision. H.R. 2418 would preserve these existing inequities.

In addition to permitting such inequities, H.R. 2418 has many other flaws. The President's senior advisors will recommend that he veto the bill in its current form. H.R. 2418 would strip public accountability over the nation's organ allocation system and give power to a private contractor—a delegation of federal authority that the Department of Justice cited as raising "constitutional concerns." This bill would also provide the current, private contractor (UNOS) with a monopoly over the organ procurement contract, and contradict the recommendations recently set forth by the Institute of Medicine.

Further, H.R. 2418 protects centers from releasing comparative transplant center information to the general public and eliminates the scientific registry that currently provides this data. Last fall, the Department of Health and Human Services (HHS) publicized transplant center performance data. This comparative information includes all patients who came onto the transplant waiting list between April 1994 through the end of 1997. Although this data was adjusted to correct for differences in the severity of patient illness, the data still revealed a wide disparity in transplant center outcomes nationwide.

For example, the data show that under the current organ contractor's policies, a patient's chance of receiving an organ transplant depends on geography, not on medical need. For example, in some areas of California, patients had a 71% chance of receiving a liver transplant within one year, whereas patients had only a 24% of receiving a liver transplant in other areas of California.

In December 1999, the New England Journal of Medicine concluded that liver-transplantation centers in the U.S. that perform 20 or fewer transplantations per year have significantly higher mortality rates than those centers that perform more than 20 transplantations per year. If enacted, H.R. 2418 would make it difficult for patients to access such life-saving information about transplant centers.

In addition, H.R. 2418 contradicts the Congressionally-mandated National Academy of Science's Institute of Medicine (IOM) report. In 1998, Congress delayed Health and Human Service (HHS) regulations intended to improve organ allocation and transplantation nationwide and called upon the IOM to study the current system. The IOM's July 1999 report overwhelmingly supports the HHS regulations and directly contradicts H.R. 2418 provisions. For example, the IOM called for increased federal (HHS) oversight over the organ allocation system. In contrast, H.R. 2418 constitutes an unprecedented attempt to give a federal contractor control over life-and-death health care policy decisions as well as control of more than billions in taxpayer dollars—with no meaningful oversight by the government.

The HHS organ allocation regulation attempts to move to a system based on medical necessity instead of geography, with medical professionals making medical decisions about the best way to allocate the limited number of donated organs. The newly revised rule incorporates comments and recommendations from the IOM, UNOS, transplant and advocacy communities, patients, and the general public to ensure the neediest patients receive organs first—regardless of where they live. Further efforts to delay this rule will only cause needless deaths.

H.R. 2418 ignores the impartial view of the IOM scientists whereas the HHS regulation incorporates the impartial recommendations of the scientific community. In fact, a January 14, 2000 issue of Science magazine reports that IOM scientists had found no evidence supporting the objections raised against the HHS final regulation. The IOM found no evidence that distributing organs across broader areas might force smaller transplant centers to close, nor that broader allocation would drive down donation rates. And the IOM found no evidence that minorities and economically disadvantaged patients would be adversely affected by broader sharing of organs.

Also, the Science article concluded that Congress has continued to struggle with the federal regulations and "the House Commerce Committee has approved a bill (H.R. 2418) which sides with opponents of the regulation and ignores the IOM recommendations for enhanced government oversight." Members should oppose H.R. 2418 and ensure that the Administration is permitted to implement the IOM-supported HHS organ allocation regulation.

The bipartisan amendment offered by Representatives LAHOOD, MOAKLEY, RUSH and JOHN PETERSON incorporates IOM recommendations to establish a fairer national organ allocation policy. This amendment would provide public accountability through meaningful federal oversight to ensure broader sharing of organs and assure that organ allocation decisions are based on medical necessity and not accidents of geography. This amendment would also make data widely available to the public and establish a scientific advisory board that is separate from the private organ contractor. The current organ allocation and transplantation system has created great disparities in organ allocation and transplantation. This amendment would end such unfairness.

A system that offers a level playing field to all patients no matter where they live is in everyone's best interest—medical urgency rather than geography should be the determining standard.

Oppose H.R. 2418 as well as any efforts to remove the Secretary's legitimate oversight authority and to give a private contractor a monopoly over the nation's organ allocation program. And support a fairer allocation system that bases transplant decisions on common medical criteria and pure professional medical opinion. The LaHood-Moakley-Rush-Peterson amendment will make these improvements a reality.

Mr. TERRY. Mr. Chairman, I rise in opposition to H.R. 2418, the Organ Procurement and Transplantation Network Amendments of 1999.

The University of Nebraska Medical Center in my District is one of the premier organ transplantation centers in the country. Gifted and dedicated doctors and surgeons at this center have performed more than 2,800 organ transplants on patients from all fifty states. They are recognized as world leaders for their exceptional success with high-risk liver transplants.

But there are simply not enough organs available to help all the terribly sick people who come to the Medical Center. And H.R. 2418 would make sure it stays that way.

Until this year, organs were allocated by geography instead of medical necessity. Transplant patients were placed on waiting lists that prioritized who gets organs first by state, then region, and lastly by nation. This geographical approach did not help the sickest patients get transplants. And it went against the intent of Congress that all Americans should be treated equitably.

The Secretary of Health and Human Services tried to increase organ sharing in 1998, but Congress delayed this plan until last year by asking for a study from the National Academy of Sciences. When this study came back, it supported the Secretary's efforts to allocate organs based on medical necessity. H.R. 2418 ignores this recommendation, and eliminates oversight and accountability of the organ network. This would make it even more difficult for main transplant centers like the Nebraska University Medical Center to get the organs needed to help patients. Without the Secretary's organ sharing plan, each patient who comes to the center for help is a big fish in a very small pond of "Nebraska-only" organ donors.

Mr. Chairman, it is imperative that precious, life-saving organs be allocated by medical necessity, not geography. I oppose H.R. 2418, and strongly urge my colleagues to do the same so sick and dying patients can get the organ transplants they need to live.

Mr. DAVIS of Virginia. Mr. Chairman, I rise today in support of H.R. 2418 the Organ Procurement and Transplantation Network Amendments of 1999. I feel very strongly about the importance of supporting the transplant community in their important life-saving work and am proud to have signed a pledge to be an organ donor myself.

My own sister-in-law was blessed with a second chance in life when she was fortunate enough to receive a successful kidney transplant. The lives of more than 20,000 men, women and children are now saved each year by liver, kidney, pancreas, heart, lung, intestine, eye and tissue transplants.

On April 2, 1998, Labor Health Services Secretary Shalala issued a regulation that would result in an unprecedented federal takeover of the organ transplant system. On three separate occasions, Congress imposed a moratorium that spanned almost two years. Now that the moratorium has expired, and the final HHS rule has become effective, I am deeply concerned that the new rule will penalize patients in states, such as Virginia, which have been successful in increasing organ donation, by forcing the shipment of locally-procured organs out-of-state or even across the country. We must now act quickly to ensure that our successful organ transplant program is not harmed.

H.R. 2418 will ensure that decision-making regarding organ transplantation will remain, as originally intended under the National Organ Transplant Act, within the transplant community. The distribution of organs should be based on medical criteria established by the Network and not by the political forces that have tainted the promulgation of this new rule. It is the medical profession and transplant community that should be the authority in determining how to adjust allocations policies to account for new technology and new medical innovations.

Unfortunately, not every person in need of an organ or tissue is able to receive a life saving transplant. One American dies every three hours because of a shortage of donor organs, and nearly 50,000 Americans are on a national register awaiting organ and tissue transplants. The key to solving the organ allocation crisis is to increase the supply of donor organs. H.R. 2418 also addresses this problems by creating new incentives for people to become organ donors. Furthermore, this bill provides for studies to discover innovative and successful approaches to organ recovery and donation around the country.

I commend Chairman BLILEY, Chairman BILIRAKIS, and Representatives PALLONE and GREEN for their efforts in bringing this critical piece of legislation to the floor. And I urge my colleagues to vote in support of H.R. 2418 to ensure that life and death decisions involved in organ transplantation remain in the hands of the transplant community and the medical professionals involved in transplantation every day.

Mr. RILEY. Mr. Chairman, I rise today in support of H.R. 2418. This important legislation addresses a serious health concern—the shortage and accessibility of donor organs for transplantation.

Mr. Chairman, in my home state of Alabama, we have about 1,600 people currently awaiting an organ transplant. For many of these people, time is running out. However, instead of attempting to help them, the Department of Health and Human Services is playing unfairly with their lives.

H.R. 2418 will fix this dilemma in several ways. First, it will keep decisions about organ transplants in the hands of the local medical community, like the professionals at the University of Alabama at Birmingham, and away from Washington bureaucrats. Second, the legislation will encourage more people to donate their organs because they will be able to help those in their community first.

Mr. Chairman, it is clear that places like UAB can serve those needing organ transplants much better than HHS. I urge my colleagues to support this legislation and do our part to help them as well.

Mr. BLILEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ Procurement and Transplantation Network Amendments of 1999".

SEC. 2. FINDINGS.

(a) IN GENERAL.—The Congress finds as follows:

(1) It is in the public interest to maintain and improve a system for promoting and supporting a central network in the private sector to assist organ procurement organizations and transplant centers in the distribution of organs among transplant patients and the provision of organ transplantation services, and to assure quality and facilitate collaboration among network members and individual medical practitioners participating in network activities.

(2) The Organ Procurement and Transplantation Network ("Network"), which was established in the private sector pursuant to a contract awarded by the Federal Government, should continue to be operated by a nonprofit private entity pursuant to a contract with the Federal Government.

(3) The Federal Government should continue to provide Federal oversight of and financial assistance for the services provided by the Network.

(4) The responsibility for developing, establishing, and maintaining medical criteria and standards for organ procurement and transplantation belongs in the private sector and is a function of the Network.

(5) The Federal Government should assist the efforts of the Network to serve patient and donor families in procuring and distributing organs.

(6) The Federal Government should carry out programs to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

(b) SENSE OF CONGRESS REGARDING FAMILY DISCUSSIONS OF ORGAN DONATIONS.—The Congress recognizes the importance of families pledging to each other to share their lives as organ and tissue donors and acknowledges the importance of discussing organ and tissue donation as a family.

(c) SENSE OF CONGRESS REGARDING LIVING DONATIONS OF ORGANS.—The Congress—

(1) recognizes the generous contribution made by each living individual who has donated an organ to save a life; and

(2) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients.

SEC. 3. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) IN GENERAL.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended to read as follows:

"ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK

"SEC. 372. (a) IN GENERAL.—The Secretary shall by contract provide for the continuing operation of an Organ Procurement and Transplantation Network (in this section referred to as the 'Network'), which contract shall be awarded to a nonprofit private entity that has expertise and experience in organ procurement and transplantation. The Network shall meet the following requirements:

"(1) The Network shall be an independent, nonprofit private entity that is a separate legal entity from the entity to which such contract is awarded.

"(2) The Network shall in accordance with criteria under subsection (b)(3) include as members qualified organ procurement organizations (as described in section 371(b)), transplant centers, and other entities that have a demonstrated interest in the fields of organ donation or transplantation. (Such members are in this section referred to as 'Network participants'.)

"(3) The Network shall have a board of directors (in this section referred to as the 'Board'). The Board shall, after consultation with Network participants, establish the policies for carrying out the functions described in this section for the Network.

"(4) The Board shall be in accordance with the following:

"(A) The Board shall include representatives of qualified organ procurement organizations, transplant centers, voluntary health associations, and the general public, including a reasonable proportion of the members of the Board who are patients awaiting a transplant or transplant recipients or individuals who have donated an organ or family members of patients, recipients or donors.

"(B) The Board shall establish membership categories and qualifications with respect to serving on the Board, and shall have exclusive authority to admit individuals to membership on the Board. Transplant surgeons and transplant physicians shall comprise not less than 50 percent of the membership of the Board. The Board shall be limited to a total of 42 members.

"(C) The Board shall have an executive committee, and such other committees as the Board determines to be appropriate.

"(D) The chair of each such committee shall be selected so as to ensure the continuity of leadership for the Board.

"(b) GENERAL FUNCTIONS.—The following applies to the Network:

"(1) The Network shall establish and operate a national system to match organs and individuals who need organ transplants, especially individuals whose immune system makes it difficult for them to receive organs.

"(2) The national system shall maintain one or more lists of individuals who need organ transplants, shall be operated in accordance with established medical criteria, shall be operated through the use of computers, and may function on a regionalized basis.

"(3) The Network shall establish criteria for being a Network participant, shall establish medical criteria for listing patients and for allocating organs, and shall provide to members of the public an opportunity to comment with respect to such criteria.

"(4) The Network shall maintain a twenty-four-hour telephone and computer service to facilitate matching organs with individuals included in the list.

"(5) The Network shall assist organ procurement organizations in the distribution of organs. The distribution of organs shall be based on medical criteria established by the Network, and also shall be based on equity and ethics without regard to economic status of those awaiting organ transplants and without political control or influence.

"(6) The Network shall adopt and use standards of quality for the acquisition and transportation of donated organs, including standards regarding the transmission of infectious diseases.

"(7) The Network shall prepare and distribute, on a regionalized basis (and, to the extent practicable, among regions or on a national basis), samples of blood sera from individuals who are included on the list and whose immune system makes it difficult for them to receive organs, in order to facilitate matching the compatibility of such individuals with organ donors.

"(8) The Network shall coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers.

"(9) The Network shall work actively to increase the supply of donated organs.

"(10) The Network shall establish criteria, policies, and procedures to address the disparity in mortality rates between children and adults while waiting for organ transplants.

"(c) SCIENTIFIC REGISTRY.—

"(1) IN GENERAL.—The Network shall maintain a scientific registry of patients awaiting organ transplantation, persons from whom organs are removed for transplantation, and organ transplant recipients for the ongoing evaluation of the scientific and clinical status of organ transplantation.

"(2) REPORTS.—The Network shall prepare for inclusion in the report under section 375 an analysis of scientifically and clinically valid information derived from the scientific registry under paragraph (1).

"(d) INFORMATION AND DATA.—

"(1) IN GENERAL.—The Network shall—

"(A) provide information to physicians and other health professionals regarding organ donation and transplantation; and

"(B) collect, analyze, and annually publish data concerning organ donation and transplantation.

"(2) INFORMATION FOR PATIENTS AND GENERAL PUBLIC.—The Network shall make available to patients in need of organ transplants information in accordance with the following:

"(A) The information shall be transplant-related information specific to transplant centers that are Network participants, which information has been determined by the Network to be scientifically and clinically valid.

"(B) The information shall be designed to assist patients and referring physicians in choosing a transplant center, including information on the supply of and demand for organs.

"(C) With respect to the patient involved, the information shall (taking into account patients in similar medical circumstances) include the following as applied to specific transplant centers:

"(i) The probability of receiving an organ transplant.

"(ii) The length of time that similarly situated patients have waited historically to receive a transplant.

"(iii) Medical outcomes for similarly situated patients, which information shall be adjusted to reflect the medical risk factors for such patients.

"(D) With respect to the patient involved, the information shall include the information described in subparagraph (C) as applied to the service areas of specific qualified organ procurement organizations (other than such areas in which there is only one transplant center).

"(E) Information under this paragraph shall be updated not less frequently than once a year.

"(3) ANNUAL PUBLIC REPORT.—The Network shall annually make available to the public a report on the overall status of organ procurement and transplantation.

"(4) CONFIDENTIALITY.—Except for the release of information that is authorized under paragraph (2) or (3) by the Network, neither the Network nor the Secretary has authority to release the following information (unless authorized in writing by the patient or other entity with which the data is concerned):

"(A) Information that permits direct or indirect identification of any patient who is waiting for a transplant, or who is an organ transplant patient or recipient of an organ.

"(B) Information that permits direct or indirect identification of any potential or actual organ donors.

"(C) Information that permits direct or indirect identification of participants in Network deliberations or determinations related to practitioner or institutional qualifications, due process proceedings or peer review activities, except for information announcing final decisions of the Network.

This paragraph may not be construed as prohibiting the disclosure of information within the Network, including information disclosed in the course of interactive organ sharing operations within the Network.

"(e) STUDIES.—

"(1) IN GENERAL.—The Network shall carry out studies and demonstration projects for the purpose of improving procedures for organ procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs or limited access to transplantation, and among children.

"(2) CERTAIN TECHNOLOGIES.—The Network may study the impact of possible transplantation of animal organs (xenotransplantation) and other technologies to determine the impact upon, and prevent negative effects on, the fair and effective use of human allograft organs.

"(f) QUALITY ASSURANCE; MONITORING OF NETWORK PARTICIPANTS.—The Network shall monitor the operations of Network participants to the extent appropriate for determining whether the participants are maintaining compliance *with criteria under subsection (b)(3). In monitoring a Network participant under the preceding sentence, the Network shall inform the participant of any findings indicating noncompliance by the participant.*

"(g) QUALITY ASSURANCE; PEER REVIEW PROCEEDINGS.—

"(1) IN GENERAL.—The Network shall develop a peer review system for assuring that members of the Network comply with criteria under subsection (b)(3).

"(2) NONCOMPLIANCE.—

"(A) PAYMENT OF DAMAGES.—The Network shall require that, as a condition of being a Network participant, each such participant agree that the Network may, through a peer review proceeding under paragraph (1), require the participant to pay damages for the failure of the participant to comply with criteria under subsection (b)(3). The Network shall establish procedures to ensure that such proceedings are conducted in an impartial manner, with adequate opportunity for the Network participant involved to receive a hearing. The Network shall identify various types of violations of such criteria and specify the maximum amount of damages that the Network may under this subparagraph require a Network participant to pay for the type of violation involved.

"(B) RESTRICTING ACCESS TO ALLOCATION SYSTEM.—If under subparagraph (A) it has been determined that a Network participant has engaged in substantial violations of criteria under subsection (b)(3), the Network may restrict the extent to which such participant is permitted to receive allocations of organs through the Network.

"(C) STATUS OF NETWORK PARTICIPANTS WITH RESPECT TO VIOLATIONS.—Subject to paragraph (3), the Network may take actions to make the public aware of the extent to which a Network participant has been required to pay damages under subparagraph (A) or has been the subject of restrictions under subparagraph (B).

"(3) CONFIDENTIALITY.—With respect to a peer review proceeding under paragraph (1), neither the Network nor the Secretary has authority to release data or information to the public relating to the proceedings without the written permission of all the parties involved, except that if damages under paragraph (2) are required to be paid, the requirement may be publicly announced after the conclusion of the proceeding.

"(h) ADMINISTRATIVE PROVISIONS.—

"(1) LIMITATION ON AMOUNT OF CONTRACT.—The amount provided under a contract under subsection (a) in any fiscal year may not exceed $6,000,000 for the operation of the Network, including the scientific registry under subsection (c). Such limitation does not apply to amounts provided under the contract for increasing organ donation and procurement.

"(2) RELATIONSHIP BETWEEN SECRETARY AND NETWORK.—The administrative and procedural functions described in this section for the Network shall be carried out in accordance with the mutual agreement of the Secretary and the Network. For purposes of the preceding sentence, functions that are scientific, clinical, or medical in nature are not administrative or procedural functions and are within the sole discretion of the Network. With respect to the programs under titles XVIII and XIX of the Social Security Act, this section may not be construed as having any legal effect on such programs, except to the extent that section 1138 of such Act, or any other provision of such Act, provides otherwise.

"(3) NONFEDERAL ASSETS OF NETWORK.—

"(A) IN GENERAL.—No assets in the possession of the Network or revenues collected by the Network, other than amounts appropriated under section 378, shall be considered or be treated as Federal property, Federal revenues, or program funds pursuant to a Federal contract, nor shall such assets, revenues, or nonappropriated funds be subject to restriction or control by the Secretary, nor shall any member of the Network be required by the Secretary to pay any fees to the Network, nor shall the Secretary be authorized to collect or authorize collection of service fees with respect to the Network or the scientific registry under subsection (c).

"(B) GIFTS.—This section does not prohibit the Network from accepting gifts of money or services, including gifts to carry out activities to provide for an increase in the rate of organ donation.

"(4) COMMUNITY ENDORSEMENT OF CONTRACT RECIPIENT.—In the case of any contract under subsection (a) that is awarded after the date of the enactment of the Organ Procurement and Transplantation Network Amendments of 1999, the Secretary shall select an applicant to receive the contract from among applicants that have the written endorsement of a majority of the combined total number of transplant centers and qualified organ procurement organizations that are Network participants (without regard to whether such centers or organizations endorse more than one applicant for the contract).

"(5) CHANGE IN CONTRACT RECIPIENT.—With respect to the expiration of the period during which a contract under subsection (a) is in effect, if the Secretary makes a determination to award the contract to a different entity than the entity to which the previous contract under such subsection was awarded, the Secretary shall publish in the Federal Register a notice that such change in the administration of the Network will take place, and the change may not take effect any sooner than the expiration of the six-month period beginning on the date on which the notice is so published. Such a change does not affect the membership status of any Network participant, or the membership status of any individual who serves on the Board (other than any membership position that is predicated solely on being a representative of the current contractor under subsection (a)).

"(i) ADDITIONAL PROCEDURES REGARDING OVERSIGHT AND PUBLIC ACCOUNTABILITY.—For purposes of providing oversight of and public accountability for the operation of the Network, the Secretary shall establish procedures for—

"(1) conducting public hearings and receiving from interested persons comments regarding criteria of the Network and critical comments relating to the manner in which the Network is carrying out its duties under this section;

"(2) providing such comments to the Network and receiving responses from the Network; and

"(3) the consideration by the Secretary of such comments.

"(j) EVALUATIONS BY GENERAL ACCOUNTING OFFICE.—

"(1) IN GENERAL.—The Comptroller General of the United States shall periodically conduct evaluations of the Network, including the structure and function of the Network and the relationship between the Secretary and the nonprofit private entity that under subsection (a) operates the Network. The first such evaluation shall be completed not later than one year after the date of the enactment of the Organ Procurement and Transplantation Network Amendments of 1999, and such an evaluation shall be completed not later than every second year thereafter.

"(2) INPUT FROM FIELD.—In conducting evaluations under paragraph (1), the Comptroller General shall consult with organizations that represent transplant surgeons, transplant physicians, transplant centers, and qualified organ procurement organizations, and with other experts in the field of organ transplantation, including experts who are not members of the Board of the Network or of the executive structure of the contractor under subsection (a) .

"(3) PROCEDURES OF NETWORK.—The Network shall establish procedures for coordinating with the Comptroller General for purposes of evaluations under paragraph (1).

"(4) REPORTS TO CONGRESS.—

"(A) COMPTROLLER GENERAL.—The Comptroller General shall prepare reports describing the findings of evaluations under paragraph (1) and shall submit such reports to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The Comptroller General shall provide a copy of each such report to the Network.

"(B) NETWORK.—Not later than 180 days after the date on which a report is submitted under subparagraph (A), the Network shall submit to each of the committees specified in such subparagraph a report describing any actions the Network has taken in response to the report under subparagraph (A).".

(b) RULE OF CONSTRUCTION.—The amendments made by this Act may not be construed as affecting the duration of the contract under section 372 of the Public Health Service Act that was in effect on the day before the date of the enactment of this Act.

SEC. 4. ADDITIONAL AMENDMENTS.

(a) IN GENERAL.—Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

(1) by striking section 373;

(2) in section 374—

(A) in subsection (b)(1), by inserting after "organization" the following: "and other organizations for the purpose of increasing the supply of transplantable organs";

(B) in subsection (c), by striking "or 373" each place such term appears; and

(C) in subsection (d), by amending paragraph (2) to read as follows:

"(2) The term 'organ', with respect to transplantation into humans, means the human or other animal kidney, liver, heart, lung; pancreas, and any other organ (other than human corneas and eyes) specified by the Secretary by regulation. For purposes of section 372(c), such term includes bone marrow.";

(3) in section 375—

(A) in paragraph (1), by striking "this part" and inserting "this section"; and

(B) in paragraph (4)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (B) (as so redesignated), by striking "comparative costs and patient outcomes" and inserting "comparative patient outcomes";

(4) in section 376—

(A) by striking "the Secretary" and inserting "the Organ Procurement and Transplantation Network under section 372"; and

(B) by striking "Committee on Energy and Commerce" and inserting "Committee on Commerce"; and

(5) by striking section 377.

(b) REDESIGNATIONS.—Part H of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by redesignating sections 374 through 376 as sections 373 through 375, respectively.

(c) PERFORMANCE STANDARDS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by moving subparagraph (F) (as so redesignated) two ems to the left; and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this subsection and has been certified or recertified by

the Secretary as meeting the performance standards to be a qualified organ procurement organization through a process which—

"(i) granted certification or recertification within the previous 4 years with such certification in effect as of October 1, 1999, and remaining in effect through the earlier of—

"(I) January 1, 2002, or

"(II) the completion of recertification under the requirements of clause (ii); or

"(ii) is defined through regulations promulgated by the Secretary not later than January 1, 2002, which—

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on performance measures that are based on empirical evidence of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) provide for the filing and approval of a corrective action plan by a qualified organ procurement organization that fails to meet the performance standards and a grace period of not less than 3 years during which such organization can implement the corrective action plan without risk of decertification; and

"(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;".

SEC. 5. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Part H of title III of the Public Health Service Act, as amended by section 4(b) of this Act, is amended by inserting after section 375 the following section:

"PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION

"SEC. 376. (a) IN GENERAL.—The Secretary may make awards of grants or contracts to States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

"(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (in this section referred as 'donating individuals'); and

"(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

"(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

"(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2001 and subsequent fiscal years to offset the effects of inflation occurring after the beginning of fiscal year 2000).

"(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

"(A) The Secretary may consider the term 'donating individuals' as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reasons as the Secretary determines to be appropriate, no donation of the organ occurs.

"(B) The Secretary may consider the term 'qualifying expenses' as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

"(c) LIMITATION ON AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of subsection (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the costs of living.

"(2) COVERED VICINITY.—For purposes of this section, the term 'covered vicinity', with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

"(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered vicinity' has the meaning given such term in subsection (c)(2).

"(2) The term 'donating individuals' has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

"(3) The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2000 through 2005.".

SEC. 6. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.

Part H of title III of the Public Health Service Act, as amended by section 5 of this Act, is amended by inserting after section 376 the following section:

"PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

"SEC. 377. (a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

"(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out studies and demonstration projects with respect to providing for an adequate rate of organ donation.

"(c) ANNUAL REPORT TO CONGRESS.—The Secretary shall annually submit to the Congress a report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to any other authorizations of appropriations that is available for such purpose.

"(2) STUDIES AND DEMONSTRATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (b).".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK

"SEC. 378. (a) OPERATION OF NETWORK.—For the purpose of providing for the Organ Procurement and Transplantation Network under section 372, including the scientific registry, there are authorized to be appropriated $6,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) INCREASING ORGAN DONATION AND PROCUREMENT.—For the purpose of increasing organ donation and procurement through the Organ Procurement and Transplantation Network under section 372, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2005. Such authorization of appropriations is with respect to such purpose in addition to the authorization of appropriations established in subsection (a).".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect October 1, 1999, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–557. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–557.

AMENDMENT NO. 1 OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. DEGETTE:

Page 8, strike lines 11 through 14 and insert the following:

"(10) The Network shall recognize the differences in health and in organ transplantation issues between children and adults throughout the system and adopt criteria, policies, and procedures that address the unique health care needs of children.

Page 29, line 18, redesignate section 8 as section 9 and insert after line 17 the following:

SEC. 7. STUDY REGARDING IMMUNOSUPPRESSIVE DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall provide for a study to determine the costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans and health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(b) RECOMMENDATIONS REGARDING CERTAIN ISSUES.—The Secretary shall ensure that, in addition to making determinations under subsection (a), the study under such subsection makes recommendations regarding the following issues:

(1) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(2) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(3) The special growth and developmental issues that children have pre- and post-organ transplantation.

(4) Other issues that are particular to the special health and transplantation needs of children.

(c) REPORT.—The Secretary shall ensure that, not later than December 31, 2000, the study under subsection (a) is completed and a report describing the findings of the study is submitted to the Congress.

The CHAIRMAN. Pursuant to House Resolution 454, the gentlewoman from Colorado (Ms. DEGETTE) and a Member opposed each will control 5 minutes.

Mr. BLILEY. Mr. Chairman, I am not in opposition to the amendment, but I claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Virginia (Mr. BLILEY) will control the time in opposition.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment addresses an important and often forgotten aspect of organ transplantation, pediatric organ transplantation. The first part of the amendment is technical in nature and it amends an amendment that I passed in voice vote in the Committee on Commerce which requires the Organ Transplantation Network to adopt criteria, policies, and procedures that address the unique health care needs of children with respect to pretransplantation mortality rates.

Presently, children constitute the vast minority of organ transplantation cases as children tend to be healthier and less in need of organ transplants than adults. Despite this, however, the pretransplantation mortality rate among children in 1998 was much higher, an estimated 55 percent higher than adults. According to the United Network for Organ Sharing or UNOS, quote, among very young children, the death rates were much higher than for other children or adults, particularly on the liver, heart, and lung waiting lists.

However, because children have unique health, growth and developmental issues prior to transplantation and post-transplantation, the language needs to be broader than the amendment we passed in the Committee on Commerce. Therefore this portion of the amendment simply strikes the language specifically addressing children's unique needs in the pretransplantation period, making it more general to the full range of organ transplantation.

This new language has the full support of the entire pediatric organ transplantation community across the country, including the National Association of Children's Hospitals, the American Academy of Pediatrics, and the American Society of Pediatric Nephrology. Consumer groups and others in the organ transplantation field, including the American Society for Transplantation and UNOS are also supportive. In fact, I know of no stated opposition to the new language; and it is something that the proponents of this legislation can and I believe do support.

The second part of the amendment, Mr. Chairman, would require a study of the unique health care needs of children, including growth and developmental issues and immunosuppressive drug coverage in organ transplantation. This study will follow up on a congressionally mandated study of immunosuppressive drug coverage for the Medicare population which, obviously since it was the Medicare population, largely does not address children.

Mr. Chairman, this is the study that was done. Only a very small percentage of this study addressed kids and in that case only a very small percent of children's transplantation. The other seminal study in the field does not address pediatric organ transplantation at all. Given the fact that a substantially higher percentage of children who are on pediatric lists are dying, I think it is essential that we complete these studies and that we complete them soon. The study will give a more complete picture of the full range of problems in pediatric organ transplantation and will give us invaluable assistance as we move down the road and try to figure out what an allocation is.

Mr. Chairman, I urge the adoption of this important amendment to improve the lives of children across the country who are in need of organ transplants.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment. This amendment is similar to one offered and accepted in committee by the gentlewoman from Colorado. This amendment ensures that our Nation's organ transplantation system recognizes our children's unique health care needs. This provision provides for a study of immunosuppressive drug coverage for children and on children's unique growth, developmental health and organ transplant needs.

As many of my colleagues know, at the end of the last session, the House passed H.R. 3075, the Medicare, Medicaid and S-CHIP Balanced Budget Refinement Act of 1999. Due to Committee on Commerce efforts, this bill was strengthened by adding $200 million to pay for immunosuppressive drugs needed by organ transplant patients to prevent their body from rejecting the new organ. Medicare currently only covers these drugs for 36 months. This bill took a first step at addressing that issue and allows us to provide more coverage for needy organ transplant patients. Access to these drugs can literally make the difference between life and death.

It is time we extend our efforts to America's children and recognize their unique organ transplant needs. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DEGETTE. Mr. Chairman, I am delighted to yield whatever time I may have remaining to my colleague, the gentleman from Pennsylvania (Mr. PETERSON) who has been a real partner with me on these pediatric transplant organ issues and to whom I owe a lot of thanks.

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Pennsylvania (Mr. PETERSON) is recognized for 1½ minutes.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentlewoman from Colorado for her fine work on this bill. It was a delight to work with her and her staff as we introduced it just a short time ago. I would like to thank the gentleman from Virginia for his acceptance and his support of this amendment, because it is vital.

When we stop and think about it, little children whose organs are still growing, it really is a different medical situation than it is with adults like ourselves where our organs are finished growing. It makes a difference what type of organ they get more than it does with adults.

It is more important that we do it right with children who have a whole life ahead of them, not just a couple of years but a whole life. As we heard the sad story a short while ago, I think the gentleman from Oregon or Wisconsin, I forget which it was, who lost his son because a heart was not available, I think it is important that an emphasis be put, that the studies be done, that we analyze the needs of children, that we know exactly what works best from the experts who do it and that we make sure that we follow all of those guidelines, that we make sure we get those children's organs to children when possible and we give them their very best chance at living an entire life because of that organ.

Mr. Chairman, this whole debate today is about extending life and delaying death, with children and with adults. We need to have the very best medical evidence possible as we make each and every one of those decisions.

Mr. BLILEY. Mr. Chairman, I urge the adoption of the amendment.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 106-557.

AMENDMENT NO. 2 OFFERED BY MR. LUTHER

Mr. LUTHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LUTHER:

Page 8, after line 14, insert the following subsection (and redesignate subsequent subsections accordingly):

"(c) COMPLIANCE WITH ORGAN ALLOCATION POLICIES.—No State or local governing entity shall establish or continue in effect any law, rule, regulation, or other requirement that would restrict in any way the ability of any transplant hospital, organ procurement organization, or other party to comply with organ allocation policies of the Network.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Minnesota (Mr. LUTHER) and the gentleman from Virginia (Mr. BLILEY) each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, first let me thank the gentleman from California (Mr. DREIER), the gentleman from Massachusetts (Mr. MOAKLEY), and the Committee on Rules for making this amendment in order.

This amendment is very simple. It prohibits State and local laws from interfering with the allocation policies of the National Organ Transplant Network. In particular, the amendment addresses what has become known as organ hoarding laws in this country. These laws mandate that organs procured within a particular State must stay within that particular State. They contradict the very purpose behind a national system of organ procurement and allocation. This amendment ensures that medical science, not local politics, determines who shall receive a precious organ in this country.

In 1984, Congress enacted the National Organ Transplantation Act in order to create a national system, and I emphasize national, whereby organs are allocated on the basis of medical necessity and compatibility, not on geographic residence.

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Since then, organ procurement organizations across the country have endeavored to cooperate with each other in local sharing arrangements. They have largely served patients well; however, in the last 3 years, seven States in our country have passed organ hoarding laws, the consequences of which could be absolutely devastating.

These laws dictate that a less needy patient in the home State could actually have priority over a patient with greater need in another State.

Whether you are on the side of HHS or UNOS in this ongoing battle, such an outcome is at complete odds with the very purpose of our national system. And it undermines the cooperative spirit transplant centers have developed across the Nation.

I want to make it clear, this amendment in no way affects the power struggle between the transplant community and the Department of Health and Human Services. It would not affect the local sharing agreements between procurement organizations. In fact, the amendment ensures that such arrangements remain intact and retain their medical authority.

In this debate, instead of focusing on where we disagree, let us focus on where we agree. Mr. Chairman, local politics should play no role in this important matter. Let doctors and transplant experts make the decisions on organ allocation in this country.

I urge Members to support this simple amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I consume.

Mr. Chairman, this amendment is rather simple in its effect. It would eliminate those State laws giving priority for citizens in a given State before an organ would be transferred across State lines for someone else.

These laws were passed as a response to the administration's very controversial regulation of April 2, 1998. Many States that have invested time, talent, and treasure to increase their donation rates saw in the Secretary's new policies a drive to take away the fruit of their labors. In order to protect their citizens from an unfair rule, States started passing laws giving their citizens a right of first refusal for organs available.

My answer to my colleagues who oppose these State laws is that these laws would not be in effect had the Secretary of HHS not tried to overturn 16 years of deliberations over organ policymaking.

I ask my colleagues to vote no on the amendment of the gentleman from Minnesota (Mr. LUTHER).

Mr. Chairman, I reserve the balance of my time.

Mr. LUTHER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Minnesota (Mr. LUTHER) for yielding me this time.

Mr. Chairman, I live in a State that has two organ centers, Philadelphia and Pittsburgh, both near the State lines. There are many States that have large centers very near State lines.

Should a person's determination of whether they get an organ when they truly need one depend whether they live 5 miles down the road in the wrong State? Think about it. What if you live in the wrong State?

I commend the States that have done a better job. Part of it, to be fair, is because they have younger populations. They have more accidents where young people die and organs are usable. Part of it is that, and part of it may be that they have a better system. I commend them. And we need to increase that system so we do not have a shortage.

We should not have a system that would deny someone life and give them death because they lived 5 miles across the State line.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

I would answer the last speaker by simply saying what the gentleman from Oklahoma (Mr. ISTOOK) said earlier under general debate, are we going to give authority over body parts of the dead to the Federal Government?

I do not think we want to do that. We have had a program that has worked well for 16 years. We have had States that have been very aggressive in obtaining donors. Why should they be punished to take care of populations in other States that have not been as aggressive? I think that we should reject this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LUTHER. Mr. Chairman, I yield myself such time as I may consume.

I will be very brief. The battle that is going on between the Department of Health and Human Services and UNOS is very unfortunate. I think it is terrible when an issue as serious as this has gotten involved in the kind of controversy that it is currently involved in. UNOS does terrific work in this country, and the people and the Department of Health and Human Services are very well-intentioned.

What we need to do is rise above that, as Members of this Congress; and we need to recognize that life and death does not know geographical boundaries. Organs do not know geographical boundaries.

Let us let the experts, the medical professionals, make these decisions. Let us not have someone not get an organ in this country because they happened to be on the other side of a geographical boundary and some decision was made that controls over medical science in this country. That is why I offer this amendment.

I ask my colleagues to support this amendment and bring a better rational system to this country than this underlying bill would bring if it would be passed by this body.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. EWING). The question is the amendment offered by the gentleman from Minnesota (Mr. LUTHER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, further proceedings on Amendment No. 2 offered by the gentleman from Minnesota (Mr. LUTHER) will be postponed.

It is now in order to consider Amendment No. 3 printed in House Report 106–557.

AMENDMENT NO. 3 OFFERED BY MR. LA HOOD

Mr. LAHOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LAHOOD:

Page 14, strike line 21 and all that follows through page 17, line 17, and insert the following:

"(h) CERTAIN SCIENTIFIC AND ADMINISTRATIVE PRINCIPLES.—

"(1) SCIENTIFIC PRINCIPLES.—Policies under subsection (b) for the allocation of organs—

"(A) shall be based on sound medical principles;

"(B) shall be based on valid scientific data;

"(C) shall be equitable and seek to achieve the best use of donated organs;

"(D) shall be designed to avoid wasting organs, to avoid futile transplants, to promote patient access to transplantation, and to promote the efficient management of organ placement;

"(E) shall be specific for each organ type or combination of organ types;

"(F) shall, where appropriate for the specific organ, provide status categories that group transplant candidates from most to least medically urgent;

"(G) shall not use patient waiting time as a criterion unless medically appropriate; and

"(H) shall be designed to share organs over as broad a geographic area as feasible, consistent with subparagraphs (A) through (G).

"(2) PATIENT LISTING AND STATUS.—Policies under subsection (b) for listing patients shall address the suitability of patients for transplants, appropriate priority status of each candidate, and the situations for removing candidates from the waiting list. Such policies shall be uniform for each organ type, objective, and medically appropriate.

"(3) REVIEW AND APPROVAL OF POLICIES; CONSISTENCY WITH SCIENTIFIC PRINCIPLES.—The policies and rules established by the Network shall be subject to review and approval by the Secretary (after consultation with the advisory committee under paragraph (4)), and no policy or rule established under subsection (b) may be inconsistent with paragraph (1) or (2). The applicability of sanctions under subsection (g) to any Network participant is subject to review and approval by the Secretary.

"(4) INDEPENDENT SCIENTIFIC REVIEW.—The Secretary shall establish (consistent with the Federal Advisory Committee Act) an advisory committee to provide recommendations to the Secretary on the policies and rules of the Network, and on such other matters as the Secretary determines to be appropriate.

"(5) PATIENT LISTING AND OTHER FEES.—

"(A) AVAILABILITY; RESTRICTION.—Fees collected by the Network—

"(i) are available to the Network, without fiscal year limitation, for use in carrying out the functions of the Network under this section; and

"(ii) may not be used for any activity for which contract funds awarded under subsection (a) may not be used.

"(B) APPLICABILITY.—Subparagraph (A) applies only to patient listing fees of the Network and to fees imposed as a condition of being a Network participant, and such fees are subject to the approval of the Secretary. Such subparagraph does not prohibit the Network from collecting other fees and using such fees for purposes other than those specified in such subparagraph.

"(C) GIFTS.—This section does not prohibit the Network from accepting gifts of money or services, including for purposes other than those specified in subparagraph (A). The Network may accept gifts of money or services to carry out activities to provide for an increase in the rate of organ donation.

"(6) INFORMATION.—The Network shall provide to the Secretary such information and data regarding the Network and Network participants as the Secretary determines to be appropriate. The Network shall provide data in a timely manner, with suitable patient confidentiality protections, to independent investigators and scientific reviewers.

"(7) LIMITATION ON AMOUNT OF CONTRACT.—The amount provided under a contract under subsection (a) in any fiscal year may not exceed $6,000,000 for the operation of the Network, including the scientific registry under subsection (c). Such limitation does not apply to amounts provided under the contract for increasing organ donation and procurement.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Virginia (Mr. BLILEY) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I yield myself such time as I may consume.

We are offering this amendment to prevent a very bad piece of legislation from going forward today. This bill, in essence, would set up a single-source agency to make all of the determinations about where transplanted organs would go. That is very, very bad public policy. It is bad public policy because no one agency should be in charge of such an important medical procedure and such an important aspect of health care in America today.

Mr. Chairman, we have had a good system. I know it is very in vogue and very favorable to talk in bad terms about bureaucrats and to label HHS a very bureaucratic agency, but who will look after the taxpayers' dollars? Who will look after how the money is being spent? If it is not HHS, it will be no one. This bill allows for one agency to have total control over the transplants, over the procedures, over the organs and have no accountability to anybody, and that is wrong. We should not allow that kind of public policy to pass this House of Representatives.

Mr. Chairman, our amendment, which has strong support from some very distinguished colleagues who will speak on it, would make several recommendations made by the Institute of Medicine, which did a study on the organ allocation process, and it ensures that organ allocation policies are based on sound medical principles and valid scientific data.

Now, is there anybody here that does not believe that HHS has that kind of capability? Because they are a part of the Federal bureaucracy, does that mean they do not have capable people? Of course they do. They have as capable people medically as any agency or any program anywhere in the country. They can make good decisions. There should be some oversight. To hand this over to one agency that will have God-like powers to tell everybody in America who can get an organ and who cannot will revert back to an old system where favorable people and prominent people will get the organs and common, ordinary citizens will be left behind to die. That is wrong. I do not think anybody in this House wants that kind of policy.

Now, I have a letter here that was referred to earlier that actually is from the UNOS agency, and what they are saying in the first paragraph, the letter is to the gentleman from Michigan (Mr. DINGELL), and what it says is that "we are working with HHS." This letter is dated March 15, and it simply says, "we are working with HHS. Congress do not need to pass any legislation, we do not need legislation. We are working with HHS and UNOS to try and work out an agreeable kind of a program."

Why pass legislation to give favorable consideration to one agency? For what purpose? I do not know, except that somebody has favorable consideration from certain Members of Congress around here. This is bad public policy.

There is also a letter from the Department of Justice, and I will make these a part of the RECORD when we go back into the House, that says that with regard to the relationship between the Secretary, meaning the Secretary of HHS, and the network, the bill provides that administrative and procedural functions for the network shall be carried out in accordance with mutual agreement of the Secretary and the network.

So there has to be some kind of a relationship. We cannot give one agency carte blanche, say, over these kinds of procedures and transplants.

There is also a letter from OMB, which I will also make a part of the RECORD, which simply says that there are things being worked out by the administration and by UNOS, and they are going to veto this bill if it would ever see the light of day, which it probably will not in the Senate; but we should not have Members voting on such lousy, bad policy.

Now, if my colleagues do not believe all of that and if they do not agree with my argument, then what we ought to do is have Members call back to their hospitals, call back to their local health providers. They will tell my colleagues that they do not want one agency in America deciding these things; they want some oversight. So if my colleagues do not believe me, then call back to the local providers who provide these transplant capabilities in their own districts, and they will find out what the truth is.

No single agency should have this kind of power. If we want to revert back to the old ways of doing things where prominent people in America get these transplants, then vote for this legislation. If we want to have a good system with oversight, vote for the LaHood-Moakley-Rush-Peterson amendment, which does an awful lot to maintain credibility and honesty and integrity.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is a radical departure from 16 years of congressional legislation on organs. It would make all organ procurement and transplantation network policies and rules subject to review and approval by the Secretary. This flies in the face of the present statute.

The LaHood-Moakley amendment is not just a little amendment to H.R. 2418, it is a gutting amendment. It overturns 16 years of deliberation by the Nation's top transplantation experts who have labored and debated over the most complicated issues any person would ever encounter and turns it over to the whims of the Secretary. Just imagine if you were put in the shoes of being Secretary of HHS under the LaHood amendment with no prior awareness or experience in this area.

Organ allocation is a very difficult task. There are no easy answers. The hard truth is that there are not enough organs available for people who need them. A poll conducted a few months after the administration's organ regulation was released yesterday by an advocacy group found that Americans hold very strong opinions on what they believe to be fair organ allocation policies.

The problem is that some of those opinions seem contradictory. The poll found that 83 percent agreed that an organ from a donor should go to the sickest patient in the U.S., no matter where they live, under our national sickest-first policy. Status one patients who are under intensive care and who may die within a week would have priority. Those with a greater chance of survival would not enjoy the same access to organs.

That number may have been much less if people were informed about the direct relationship between increased organ delivery time and the likelihood of organ rejection.

□ 1315

While expressing preference for the "sickest first" poll, respondents also believe organs should be transplanted into patients with the best chance of surviving surgery. Those with the best chance of surviving are the so-called Status 3 patients, who are terminally ill but do not need hospitalization. If this preference were followed, Status 1 patients would not be preferred to receive lifesaving organs nor would the intermediate Status 2A and Status 2B patients.

It is the less sick Status 3 patients who have the best chance of surviving with a transplant and the lowest chance of rejecting the transplanted organ. This preference contradicts the first one.

To complicate the story further, the "sickest first" policy was not the top choice of respondents. In fact, 86 percent want those patients who have been on a waiting list the longest to get an organ. After all, what could be more fair than waiting in line and taking turns? This response is very embarrassing to the organizations that paid for the poll, because the so-called first-in, first-out policy comes down on the other side of the "sickest first."

The most popular preference would have the unintended consequence of giving organs to those who could survive the longest without a transplant. Thus, some of the sickest patients would die, contrary to the "sickest first" preference held by the same group.

These inconsistent polling results call to mind a quotation by Edmund Burke: "Your representative owes you not only his industry but his judgment, and he betrays, instead of serving you, if he sacrifices it to your opinion."

No President, no legislature, no judge, and certainly no bureaucracy has the competence to make the life and death decisions for allocating organs. There are too many competing scientific and ethical considerations, for government to devise a fair system to allocate too few organs among too many people.

America needs a special institution to sort through people's competing passions and positions and to render a sensible and well-informed decision. That is why Congress clearly put this decision-making into the hands of those who know best, the transplant community. When Congress passed the National Organ Transplant Act, it established a private entity to coordinate a consensus position within that community.

But the system that has grown under the watchful eye of the entire transplant community ought not be uprooted by regulatory whim or bumper sticker slogans. Vote "no" on the LaHood-Moakley amendment.

Mr. LAHOOD. Mr. Chairman, I yield 3½ minutes to the gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the amendment sponsored by myself, the gentleman from Illinois (Mr. LAHOOD), the gentleman from Massachusetts (Mr. MOAKLEY), and the gentleman from Pennsylvania (Mr. PETERSON).

Mr. Chairman, this amendment is designed to put some accountability back into the organ donation and allocation system, accountability which the bill before us, H.R. 2418, would eliminate.

Mr. Chairman, this bill, H.R. 2418, is indeed bad policy. It is an atrocious bill that will further exacerbate the misfortunes of many of America's citizens.

In the last 2 years, the U.S. Department of Health and Human Services has made several attempts to implement a new organ donation and allocation regulation designed to improve the system of organ allocations in the country. The HHS regulation incorporates many of the sound recommendations of the National Academy of Sciences' Institute of Medicine's recommendations for improving the organ donation and allocation system.

This regulation, the subject of opposition by those groups which would maintain the status quo, has twice been delayed by congressional action.

Finally, last month, the regulation went into effect. Not one month later, this House is debating a bill that would vitiate all of the public good intended by the rule.

Mr. Chairman, the HHS regulation directs the national organ donation and allocation contractor to revise its rules to provide for broader organ sharing. The regulation permits the Secretary to revise any proposed rules that are deemed inappropriate.

Most of the debate about the HHS regulation has been focused on the allocation section and the Secretary's authority to review any new allocation policies.

In Illinois, we are fortunate to have nine transplant centers which perform 745 organ transplants alone. However, despite the work of these centers and a strong organ donation program, the waiting list for transplantation in Illinois grows longer every day.

The new HHS rule would help this situation by authorizing the Secretary to change any regulation that might disadvantage States like Illinois. That is what our amendment does, it guarantees that organ allocation systems would be fair to all, and strike the proper balance between medical judgments and public accountability.

Mr. Chairman, furthermore, I want to say that the Institute of Medicine, in the 1999 report to the Congress, and also Secretary Shalala, have all indicated that women, minorities, and the poor are disadvantaged under this current system. Mr. Chairman, I urge all of my colleagues to support our amendment.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would just say to the gentleman from Illinois, who is really a very good friend, and I know there is nothing personal in it, but this atrocious bill, as he calls it, merely basically says that what has taken place over the last 16 years, which everybody basically agrees has been working pretty darned well, not perfectly, that is for sure, will continue to be the case. It is not a power grab on our part, it is a power grab on the part of HHS.

We are basically saying what has worked and worked well, keep it in place. Despite the fact, Mr. Chairman, that NOTA neither explicitly nor implicitly delegates policy-making authority to the HHS Secretary, she has promulgated, and after three congressional moratoria, implemented regulations which assume just such authority.

Under her final rule, which became effective on March 16, she claims the authority to overrule or even rewrite national organ transplant policy. The last time I checked, Secretary Shalala, with all due respect, is not carrying a medical license.

No president, no legislature, and no Federal bureaucracy is competent to make the complicated medical and ethical decisions required to allocate organs for transplantation. To foster public trust, it is important that allocation remain one step removed from the political sphere. That is what Congress intended in 1984. That is the way it has been all along until just the last couple of years. We should ask ourselves, what has happened just in the last couple of years that requires supposedly some sort of a change?

The OPTN is made up of physicians, of patients, and other transplant community representatives. It is not an agency, as has been mentioned here by the gentleman from Illinois (Mr. LAHOOD) a couple of times, more than once. It is not an agency. They and not Secretary Shalala know best when it comes to deciding transplant policies. Their careful, deliberate decisions should not be uprooted by regulatory whim.

Let us not be misled, Mr. Chairman. Although the Secretary does not have policy-making authority under current law nor under H.R. 2418, the Secretary does have adequate authority to oversee compliance of the network. Under current law, the Secretary has significant power over the contractor which runs the network. The Secretary created the network, if you will. The Secretary determined that UNOS would be the private entity that would be responsible for this.

The Secretary drafts the terms and conditions of the contract which set forth the administrative responsibilities of the network, and will ensure that the network complies with the obligations of the statute. If the contractor does not comply with the terms of the contract, there are a number of remedies, including, if appropriate, use of the False Claims Act and government contracting remedies.

Furthermore, the Secretary retains the authority, authority to terminate the contract. The Secretary retains the authority to terminate the contract. Under this bill, the Secretary shall conduct public hearings and receive comments from the public about the performance of the network.

In addition, the General Accounting Office shall conduct, under the bill, required regular evaluations of the network to ensure that it is complying with the terms of the statute. So if UNOS is not doing the job adequately, the Secretary now has the authority to do something about it. The Secretary has the authority to do something about it.

What would the LaHood amendment do? It would require policies to be designed to allocate organs "in order of decreasing medical urgency status over the largest geographic area, so that neither place of residence nor place of listing shall be a major determinant."

Even HHS has admitted in the preamble to the rule that this policy, that this policy, would reduce survival rates and the number of patients transplanted, while increasing organ wastage and transplant costs. Even HHS admits that that policy would do that.

It would also require that kidneys be allocated to patients solely on the basis of waiting time, and that inter-transplant waiting time variance be as small as possible.

There are a lot of things that this does. I am here to tell the Members, just finishing it up, the LaHood-Rush amendment, the substitute, completely surrenders all policy-making authority to the HHS Secretary and mandates allocation to the sickest patients first on a national list. Now that is mandated on a local, if you will, or in a regional list, but that would mandate it on a national list.

If it is possible to draft a bill that gives even more power to Secretary Shalala over organ transplant policies than her final rule, then the gentlemen from Illinois, Mr. LAHOOD and Mr. RUSH, with all due respect, have done just that.

Mr. LAHOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a distinguished member of the committee.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this proposal, this amendment, is a very constructive one. I think it meets a lot of the concerns that have been expressed on all sides on this issue.

After the Secretary of HHS proposed regulations that many people fear would be deciding the allocation system from the top down, rather than have the decisions by the medical people who work on these issues day-to-day, the Institute of Medicine looked at the matter. They gave us some recommendations.

The LaHood amendment adopts the recommendations of the Institute of Medicine. It in effect says that we ought to ensure that the bill reflects the best scientific and medical thinking on the issue of organ transplantation. Then, in terms of public accountability, they recommended an independent board to oversee the system, which is what is in the LaHood amendment.

I just want to read to the Members from an organization, the American Liver Foundation. They represent the beneficiaries of transplantation.

They say that, in their view, "It is important to continue to balance the interests, on the one hand, for physicians to make medical decisions, but also for the Federal government to address and provide leadership regarding matters of equity and fairness. ALF," the American Liver Foundation, "would therefore not support the elimination of an oversight role for the Federal government. At the same time, we would stress the importance of establishing a prestigious and independent advisory body to help resolve disputes that may arise between the transplantation network and the Federal government."

The LaHood amendment I think is the answer to concerns that everyone has expressed on this issue. It would provide commonsense and scientific decisions made by the medical experts. I would urge my colleagues to support the LaHood-Rush-Moakley-Peterson amendment.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just be brief. This is a gutting amendment. If Members are against States' rights, if they want to turn this over to the Department of Health and Human Services, to the political appointees to run this process, then they should support this amendment.

But if Members are in favor of States doing a good job in administering their own organ transplant systems, if Members are in favor of incentivizing good States to do a good job in putting their own organ programs together, then they should be against this amendment.

In short, I come from Wisconsin. It is a good State that has done a good job putting our own organ transplant system together. But by passing this amendment and turning this over to the Department of Health and Human Services to be run by political appointees in Washington, we will be basically saying to those States that have done so much work on behalf of the organ transplant community, do not bother. You will not be rewarded for that good behavior.

□ 1330

It will be telling those other States that are not doing a very good job that need room for improvement, they do not have to do well because we are nationalizing the whole system and will go to the lowest common denominator. In short, the LaHood-Rush amendment incentivizes the States that need to do better to not do better. It places a disincentive on the States that are doing a good job to cease from doing that good job that they are doing.

We need to let States experiment. We need to let States do a better job and, more importantly, let us let the medical professional people decide how this is done. Let us make sure that organ transplant decisions are going to be exercised by medical professionals, by the data, by scientific research, by physicians, not by political appointees in Washington.

The problem with this amendment is that it will turn over every bit of decision-making to the Department of Health and Human Services, and I only ask my colleagues to take a look at what they are doing to the Medicare program today. All of us see the problems that we are experiencing in Medicare today, much of which comes from the Department of Health and Human Services; their lack of responsiveness to problems we have in Medicare. We do not want to subject a very lifesaving, important, timely issue such as organ transplants to the Department of Health and Human Services to be subject to the same kind of bureaucratic ineptitude that Medicare is now suffering from.

In short, Mr. Chairman, I urge a no vote on this amendment. I believe the sponsors are very well intended. I think that their intentions are good, but I think the logic behind this amendment is very bad. It will penalize the States that are doing well, and it will do nothing to help the States that need room for improvement. And the net result will be less organs to go around, on average, throughout the country.

So I urge defeat of this amendment and passage of 2418 because that will do everything to continue to build on the success we have and the success we have been reaching through other States.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Chairman, I rise in support of the LaHood-Moakley-Rush-Peterson amendment. It is a commonsense measure, and it is one which sees to it that we implement the principles that were recommended by the Institute of Medicine in response to a congressional instruction to review organ allocation issues. In a nutshell, all this amendment does is say the Department of Health and Human Services shall exercise legitimate oversight responsibilities assigned to it by the National Organ Transplant Act as articulated in the Final Rule in order to manage the system of organ procurement and transplantation in the public interest.

Now, this has been a day when the smell of red herrings has hung rich in this Chamber. We have heard talk about how there is going to be a huge number of bureaucrats from the Federal Government telling UNOS what to do. The simple fact of the matter is, UNOS is a contractor which is paid in part by the Federal Government to do its job. The simple fact of the matter is that UNOS has not done a very good job. The request from the Secretary of HHS is for them to simply examine and to come forward with regard to allocation of organs.

Now, why is this necessary? Let us take a hard look. Let us look at several States. Kentucky, in one center, 38 days is the median waiting time; 226 days is at another. In Louisiana the median waiting time at one center was 18 days while at another it was 260 days. In my own State of Michigan, the numbers were 161 days and 401 days at another center.

People are dying because of that. Without needed transplants, people are not getting their problems addressed. People who should probably rank lower in the priority of things are getting transplants while people who desperately need them and are liable to die without those transplants and are being denied those transplants. That is what this amendment is about. It is to correct a major defect in the bill.

The charge was made that this is a gutting amendment. It is not. It is a perfecting amendment. It is one which permits the government of the United States to see to it that everyone is treated fairly with regard to allocation of organs when they need them, and to assure that to the best degree possible that people who have need of organs and who will die if they do not get them are more likely to get them and less likely to be denied those organs.

It is something which goes to basic fairness. It is also something which sees to it that a contractor is not going to be given an absolute and untrammeled monopoly over the availability of organs to people who will die if they do not get them and also to assure something else, and that is to assure that the contractor is under reasonable scrutiny and supervision so that he will behave in an appropriate and a decent and a responsible fashion in terms of carrying forward its responsibility.

There has never been any attempt by the Secretary of HHS to in any way intrude into scientific judgment. That argument is nothing but a red herring. I urge support of the amendment.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I would like to submit a written statement of support for the underlying bill.

Mr. Chairman, first of all, let me correct a reference to the Kentucky Transplant Centers on behalf of my good friend, Mr. WHITFIELD. Reference was made to the different waiting times between two of those transplant centers in Kentucky. Both centers are in the same organ procurement area. The difference in the waiting times are actually a result of the different status levels of individuals on the waiting list, such as seriousness of condition, not time on the list, is a determining factor who gets an organ in that area.

An IOM report stated that the aggregate waiting time is in fact a poor measure of equity of treatment in the transplant field, and I would like to correct the record for those reports on the Kentucky centers.

Mr. Chairman, it is important to understand how we got to this amendment today. We got here because the Department has actually held public hearings on a rule that would, in fact, do what this amendment provides, giving the Secretary the power over decisions made in this critically sensitive and important area of organ transplant allocation.

We got here because the Secretary insisted on moving forward with that rule, despite the fact that 85 percent of those who commented on it objected to it. Nevertheless, the Secretary proceeded with this rule to override the decisions being made by the network, our local doctors and our local communities. Not only had the Department the gall to move forward despite an 85 percent record against this usurpation of Federal Government authority over this sensitive issue but three times this Congress had to pass moratoriums preventing that from happening.

Three times this Congress went on record telling the Secretary to stop what she was doing. Nevertheless, we are now faced with an amendment now that would in fact, although it is cloaked in the form of an amendment, adopt the Secretary's position, despite the moratoriums we have adopted, despite the fact that 85 percent of the people commenting on this authority have commented against the Federal Government taking over this role in its bureaucratic manner that it often does.

Speaking of red herrings, as this bill is progressing through the Congress, as we are indeed fighting this effort of the Federal Government to take over the terribly sensitive and delicate decisions of how organs are allocated in our transplant system, as we are debating it, the Justice Department sends this letter out questioning the constitutionality of the delegation of authority to the network.

Talk about red herrings. This letter appears from the Justice Department saying this may not be constitutional. The Justice Department did not mention that the two cases they cited were over 60 years old. They did not mention that over the last 60 years there have been new cases deciding the capacity of our Congress and our government to delegate authorities to organizations like the network, and in all of those cases the constitutionality of those delegations have been upheld.

For example, in 1984 in the case of Cospito v. Heckler, the courts upheld the constitutionality of the Congress delegating the authority to the Joint Commission on Accreditation of Health Care Organizations. In American Association of Physicians and Surgeons v. Weinberger, the court upheld the delegation of authority on a statute which delegated professional standards of review organizations with Federal authority over Medicare and medicaid programs. In Corum v. Beth Israel Medical Center, the same thing happened again.

The history of jurisprudence is replete with authority of Congress to delegate the things like our network. The history is replete with judicial judgments in favor of what has been the practice for 16 years of delegation to doctors and local communities, this very sensitive issue of organ allocation.

Let me say, as my friends have said, the adoption of this amendment would gut this bill. It would destroy the incentives built in here for organ donors to come forward and make organ donor allocations in a way that is fair and sensible and determined on a local basis with the advice of doctors and patients. It would put a government bureaucracy in charge. It is literally the administration's, the Secretary's, position in emperor's clothes and it is a naked attempt at government usurpation of power over this very delicate and sensitive issue that attacks us and taunts us ethically and responsibly at every level.

This is so delicate, so important. Why would we want to give it to a Federal bureaucrat? Why would we adopt this amendment and let someone in Washington, who thinks they know better than the doctors and the local organizations as to what should be done in this sensitive area?

Defeat this amendment. Pass the bill.

Mr. LAHOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I rise today in opposition of H.R. 2418 and in favor of the LaHood-Moakley amendment that goes some ways in correcting this flawed piece of legislation. If ever there were an issue that deserves to be protected from political maneuvering it is the issue of organ allocation.

This is one of the few issues that we will discuss on the floor that really means the difference between life and death. If one is waiting for an organ transplant and they do not get that transplant, it is very simple. They will die. Whether they get an organ or not that will save their life should not depend on where they live, but under the current system depending on where the organ was harvested it could be given to someone with many years to live, someone who could be pulled off of a golf course, while someone in the next town on the wrong side of a border could be lying there dying waiting for that organ.

As we know, the Department of Health and Human Services is trying to increase organ sharing; but ever since this proposed rule was announced last April, opponents have argued vigorously that the Secretary does not have the authority to set organ allocation policy because it involves a medical question, and that should best be left to those in the transplant community.

I have to tell my colleagues I am very troubled by this argument. I agree that the views of those in the transplant community should be given great weight, but I disagree with the notion that the Secretary should be forced to turn over scientific, clinical, and medical functions of the organ procurement transplant network to a private contractor.

Leaving aside the fact that Medicare and medicaid pay for more than 50 percent of the transplants in this country, I do not understand how an agency, which we allow to decide whether it is safe to put new drugs on the market, new devices on the market, an agency that decides what criteria NIH researchers should use, an agency that decides what procedures could be covered by Medicare now is somewhat less able to decide the qualifications dealing with how organs should be shared.

As I see it, if we give this sole discretion over such an important medical decision to a private contractor, it would really be an unconstitutional delegation of our legislative authority. What would happen if the OPTN were to suddenly change their allocation policy to give preference only to younger patients saying that people over the age of 65, for example, are too old for transplants? Or that they would decide they would prohibit the sharing of organs between people of different races?

We would agree that those things would be wrong, but under this bill the Secretary would be powerless to do anything about it.

Mr. Chairman, I think this wholesale privatization of organ sharing is a dangerous and a slippery slope. Nowhere else in society would we allow a monopoly like this to continue, let alone have the government sanction it.

People are dying because they happen to live in the wrong zip code and instead of fixing the problem with this monopoly situation on organ allocation, this bill would protect it.

☐ 1345

The Moakley-LaHood amendment is a good amendment, and it corrects this flaw.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I rise in opposition to this amendment that reverses 16 years of legislative intent and rips decisions on organ donations from the hands of doctors and local transplant centers, placing them, instead, in the arms of Federal bureaucrats. Putting medical decisions about organ donations in the hands of doctors and transplant centers, not the Federal Government, was the intent of the law when it was created in 1984 and remains so, properly so in H.R. 2418.

In my State of Louisiana, organ and tissue donations are increasing in large part thanks to a new and innovative computerized database that shares information on donated organs with members of the medical community and their patients.

In 1999, 900 organs were donated in Louisiana, coming close to matching the approximately 1,100 Louisianans awaiting transplants. This represents real progress. I am proud my State is helping lead the way.

But this administration's answer to the growing national shortage of organs is very different. It is not to aggressively increase organ donation but to focus, instead, energy on how a static number of organs are allocated and to do that in a way that actually increases rejection rates. This would be a terrible mistake and undercut the successful efforts of local organizations to increase donations, which is the ultimate answer.

Instead of giving bureaucrats the right to dictate organ allocation policies, we should lend our voice to increasing organ donations nationwide.

Oppose this amendment and support H.R. 2418 as it is.

Mr. LAHOOD. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Illinois (Mr. LAHOOD) has 13½ minutes remaining. The gentleman from Virginia (Mr. BLILEY) has 10 minutes remaining.

Mr. LAHOOD. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Chairman, I rise today in opposition to the underlying legislation, H.R. 2418, and in support of the LaHood amendment.

The system for allocating donor organs for transplant operations has long needed major reforms. The current system has failed hundreds of Americans who have died waiting for a compatible organ to become available. Waiting times across the country vary dramatically. Under the existing regime, people who are not that sick sometimes receive organs ahead of people who will die without getting the organs. This is not right.

I have been working for a number of years to get the Department of Health and Human Services to issue regulations changing the way the organs are allocated. Several years ago, Health and Human Services actually issued draft regulations that would make significant improvements in the organ allocation process. Unfortunately, a series of misguided legislative riders were attached to appropriations bills preventing HHS from issuing its final regulation for over a year.

HHS was finally allowed to issue these regulations last month, and I believe that those regulations will substantially improve the organ allocation process. Today we are considering legislation reauthorizing the National Organ Transplantation Act. We need to reauthorize this important piece of legislation.

But this bill contains a number of provisions that should not be allowed to become law. This bill would maintain existing failings in the organ allocation process rather than repairing them. Enactment of this bill in its current form could hurt sick people in need of transplants.

Specifically, H.R. 2418 would not require the standardization of patient listing practices and greater allocation of organs outside the regions in which they originate. The bill also reduces the Federal Government's ability to oversee the private network which administers the organ allocation process.

Mr. Chairman, I rise in support of the LaHood amendment and in opposition to H.R. 2418.

Mr. BLILEY. Mr. Chairman, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. BLILEY) has the right to close.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT), a member of the Committee on Commerce.

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in opposition to this amendment. In the early days of kidney dialysis, there was a limited number of people who could benefit from kidney dialysis. So a patient in the hospital would have to go to the ethics committee of that hospital to get permission to receive it. These ethics committees became known as death squads because they would literally decide who would live or die.

Were it so easy in this debate today. Because with that problem, we solved it by saying the Federal Government would pay for dialysis. We cannot do that here because we have a limited number of organs.

Now, we can go down two roads here. We can go down the road that this amendment goes down, which says let us take this group of organs that exists right now and divide them differently. Because there are some people who are being treated fairly, some people who are being treated unfairly, so the argument goes.

If my colleagues like what UNOS is doing, they say that the Federal Government is playing God. If they do not like what UNOS is doing, they say UNOS is playing God. The fact of the matter is we are all trying to play God because we have got a limited number of organs.

But there is a danger lurking here. Under the current system, the system that the Department is trying to overturn and that this amendment is trying to overturn, the assumption is that the number of organs will remain constant. I differ with that immensely, because what this approach does is it takes away the only incentive that States have right now to procure organs. So the supply will not remain static.

If a State knows that the organs it is currently procuring under the current system are going to be shipped out of State, they are going to react like normal human beings; and they are going to put less effort into this. So we are going down a dangerous path with this amendment.

Those proposing this amendment are arguing that the number of organs will not change, we are just distributing them differently. But the fact of the matter is we are taking away all incentives for States to come in and to procure those organs. It is a dangerous, dangerous road.

What I think it is going to do is it is going to decrease the supply of organs in this country at exactly the time we should be working to increase it.

Mr. LAHOOD. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I rise in support of the LaHood-Moakley-Rush-Peterson amendment and would urge my colleagues that, if this amendment is not adopted, to oppose the bill.

We all talk here about having a cost effective quality health care system in our country. Centers of excellence help us to achieve those results. Yet, we are allowing with the underlying bill geographical politics to affect proper medical judgment.

Without this amendment, a person who is entitled to receive an organ could be denied having that procedure at his or her choice facility. That is wrong. We should not be playing geographical politics with the lives of our constituents.

I urge my colleagues to adopt the amendment or to reject the underlying bill.

Mr. Chairman, I rise in opposition to the bill before us today.

It is a basic tenet of health care that decisions should be guided by medical necessity and quality of care.

Here in Congress, we praise centers of excellence—facilities that provide the highest quality medical care and, in doing so, attract patients from across the Nation.

We speak about the importance of allowing medical necessity determinations to be made based on the patient's condition, rather than financial consideration. In fact, this House voted overwhelmingly in support of this concept when we passed comprehensive managed care reform legislation last fall.

These are central tenets of good medicine.

H.R. 2418 violates these tenets. It locks in the current system—where geography, not the patient's medical condition, is the prime determinant for organ allocation. This is fundamentally unjust in a nation where we seek to treat all Americans equally.

We should have a national organ sharing system where, whenever possible, the sickest American receives any available organ that could save his or her life.

This bill turns life-and-death decisions over to the politics of geography. How can we play politics with the lives of critically ill patients?

Regional boundaries should be limited only by the distance that organs can be safely transported, and these boundaries should be defined so the waiting times can be minimized.

Today's limited boundaries have led to great disparities between States—with Americans in some States experiencing waiting periods as much as 10 times longer than in other States. This means that transplant patients with similar cases could wait for 5 years on one State's list or 6 months on another's. This is not a system we should defend or lock into place.

For some time now, the administration has been trying to improve the way that organs are distributed to patients across the Nation. The Department of Health and Human Services tried to issue new regulations last year. But this Congress delayed that directive from going into effect.

The Institute of Medicine, which Congress directed to study this issue in depth, affirmed the need for more active Federal oversight of the process, not less. This bill goes in the wrong direction. It reduces the Federal role in overseeing the process and delegates total authority to a private organization to establish standards governing organ transplants. That is why I oppose H.R. 2418. I urge my colleagues to vote for quality of care, for the more than 5,000 critically ill Americans who are awaiting transplants, and against this bill.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, is it possible, should it be possible to make a life and death decision without getting the Federal Government involved? Do we have freedom, if the Federal Government says wait a minute, you cannot make these decisions, you might decide wrong, as though the Federal Government is not capable of making mistakes, as though Federal bureaucrats are the source of all wisdom and all knowledge and all pure motives and nobody else in the country possesses them?

People are trying to make very difficult decisions the best way that they can, and to do it in a way, as the gentleman from Wisconsin (Mr. BARRETT) was saying, that does the most to induce people to be organ donors.

This is going to help someone in one's community or in one's State or perhaps in one's region, and it could still end up going across the country if that is the way that it works out where the person actually is a match that qualifies best.

But to say that it all has to go through the filter of the Federal Government is saying the Federal Government does not trust everyone else in the country. It denies us freedom over life and death decisions.

People are doing the best they can with a challenging situation. By letting people try different approaches in different parts of the country, we find out what things work and what things do not work.

If my colleagues impose regimentation, uniformity imposed by Federal bureaucrats, let me tell them, any wrong mistake is a killer mistake instead of finding different ways and different approaches in different parts of the country.

The Federal Government does not need to be in charge of what happens to one's body when one dies. To be told one cannot donate one's organ unless one donates it to a system where Uncle Sam has control, that is wrong. Congress should not try to claim that control. The people should not be subjected to it.

Oppose the amendment, but support the underlying bill.

Mr. LAHOOD. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I rise today in strong support of the LaHood-Rush-Moakley-Peterson amendment, and I commend the bipartisan manner in which this amendment was drafted.

This amendment includes recommendations made by the Institute of Medicine on organ allocation policies, recommendations from a study that was mandated by Congress. Mr. Chairman, this amendment is about maintaining public accountability for taxpayer funds and ensuring that medical professionals establish organ allocation policies.

I have heard arguments that, for the past 16 years, the public has been content with the present organ allocation system. How many sick patients have died on long waiting lists watching healthier and wealthier patients receive organs? Are those the individuals that do not have a problem with the present policy?

Mr. Chairman, if my colleagues' constituents want a private organization who could care less about holding themselves accountable to the public for transplant decisions, then vote for H.R. 2418. But if my colleagues' constituents want to put a public accountable organization and medical professionals in charge of such decisions, then vote for the LaHood amendment.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), a member of the Committee on Commerce.

Mr. GREEN of Texas. Mr. Chairman, I rise in opposition to the LaHood-Moakley amendment and in support of the bill.

This amendment would create a rubber stamp National Organ Transplant Advisory Board to be selected by the Secretary to meet at her request and advise her on transplant policies with none of the independent review authority recommended by the Institute of Medicine.

The LaHood-Moakley amendment would replace today's flexible evidence-based approach to making and updating transplant policies with a statutory requirement that all organs be allocated where appropriate, in other words, the sickest-first approach that the Secretary originally advocated.

The amendment also would require by law the transplant policy to allocate all organs over the largest geographic area, a formulation that would throw out the current local, regional national approach. This requirement, together with other language in the amendment, obviously has its goal as a single national list approach.

Finally, the amendment would require by law that where transplant policies based on medical urgency are not appropriate, such as in kidney transplants, all organs be allocated among individuals based on their time on the waiting list, coupled with the requirement that waiting time differences between programs be as small as possible.

The last provision means that parts of the country that have worked hard to achieve good organ donation rates would be penalized for their success.

While I appreciate the efforts of the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Massachusetts (Mr. MOAKLEY), their amendment would make matters worse for transplant centers and the medical center in Houston, Texas.

The solution is more organ donations, Mr. Chairman, not more rationing. That is what this amendment would allow us to do.

Mr. LAHOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), one of the authors of our amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Illinois for yielding me the time, and I thank him for his leadership on this issue.

It is important that we focus back to what we are really talking about today, fine-tuning a system that is not perfect. If we allow the organ system to be totally independent, as many want, we will allow a total monopoly to chart its own course without any adequate oversight.

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How many monopolies have served us well? Is the system perfect today? The recent Forbes report says the following: "Realizing that UNOS is out of control, Shalala has put out feelers for a replacement. 'I hope we have some bidders this time,' sighs Claude Fox, a physician who, as administrator of the Health Resources & Services Administration, oversees transplants. The only prospect so far is Santa Monica-based Rand. Determined to see that Rand does not walk off with a contract, UNOS' lobbyists are pushing for a law that would ensure that Graham's group will keep the contract forever; a bill that would require the organ rationing contractor to have experience, something nobody but UNOS has. It would also allow the UNOS board members to vote on the choice."

My colleagues, do we want to give something that is as important as life and death to a group that we have no control over if it goes wrong? We will fix it in time, but how many lives will be lost. Are doctors free to speak up today if they do not like the system? Most doctors interviewed by the Forbes report say, "most doctors involved in the business fear offending UNOS, lest their organ supply be affected."

I'm an organ donor. If I were to lose my life in an accident somewhere, and I am 50 miles from Ohio, 50 miles from New York, but I live in Pennsylvania, do I care where my organs go? I want them to go where they will save a life, where the match will be quick, where they will be handled quickly. If I was in California visiting my granddaughter and lost my life in an accident, and my organs were harvested, they would probably be used best on the West Coast not in Pennsylvania. Do we want a system that benefits people who live in the right place?

Listen to the LaHood amendment. "Shall be based on sound medical principles." Anybody disagree with that? "(B) shall be based on valid scientific data." Anybody disagree with that? "(C) shall be equitable and seek to achieve the best use of donated organs. (D) shall be designed to avoid wasting organs to avoid futile transplants to promote patient access to transplantation and to promote the efficient management of organ placement." Anybody disagree with that? "Shall be specific for each organ type or combination of organ types. Shall, where appropriate for the specific organ, provide status categories that group transplant candidates from most to least medically urgent. Medical. Shall not use patient waiting time as a criterion." We have heard that how many times today? "Unless medically appropriate. Shall be designed to share organs over as broad a geographic area as feasibly consistent." Not hard-lined rules, feasibly consistent.

This is an amendment that fine tunes the system, allows adequate oversight into the system, maximizes the saving and extension of life in America, and it does not matter where anyone lives. And it should not matter where anyone lives. If a State happens to harvest a lot, let us copy what they do and let us try to harvest a lot. But a lot has to do with demographics and the age of the population. States with older populations will not be served as well with the current system.

Each of us hopes we never need a transplant. Only my friend, the gentleman from Massachusetts (Mr. MOAKLEY), can know what that really feels like. This is a multibillion dollar business and it should not be a part of the decision-making process. We should design a system where good medicine saves the maximum number of lives with the number of organs available.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the LaHood amendment because it fundamentally changes the underlying bill which seeks to protect organ recipients in regional transplant centers that provide local access to life-saving organ transplantation.

We have a system that works, and it has worked well for years. I fail to see, for example, why residents of my home State of New Jersey should be forced to travel long distances to feed major transplant centers because local programs have been snuffed out. This bill would protect those residents. In my mind, feeding major transplant centers to the virtual exclusion of others is playing geographic politics. In essence, we create a funnel to certain hospitals, which create, in my mind, longer waits.

Decisions regarding organ allocations should be based on sound scientific and medical decisions. This bill seeks to do that. These decisions should be made by medical and transplant officials at the local level. This bill seeks to do that.

There is no question that we must do more to increase organ donations and make more organs available for the many Americans who need transplants, and I hope that many Americans will do what I and others have done in signing a donor card and giving of themselves. But completely uprooting the current allocation system does not address the issue of overall supply.

Let us work to increase organ donations. Let us also protect medical judgment and local programs that are saving lives. Let us vote for the underlying bill, and let us oppose the LaHood amendment.

Mr. LAHOOD. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. MOAKLEY) to close the debate on our side, on what I believe is a good amendment.

The gentleman has experienced a transplant, experienced organ donation, and experienced the life- saving experience of going through and receiving an organ, the ranking member of the Committee on Rules and a survivor here to tell us about it and tell us about this important amendment.

Mr. MOAKLEY. Mr. Chairman, I thank my friend and colleague, the gentleman from Illinois (Mr. LAHOOD), for his leadership on this issue; and I thank him for yielding me this time.

Mr. Chairman, I am very sorry that we must debate this matter at all, but until more Americans become organ donors, until more people tell their families they want to donate a part of themselves to others, there will be a disagreement over whether organs should go to the sickest person or to the closest person.

Mr. Chairman, I was once one of those sickest persons. As I said earlier, 5 years ago I was given 2 months to live. But a family from Virginia, who I probably will never meet, donated their son's liver and, in doing so, saved my life. And for that I will be forever grateful. But, Mr. Chairman, I am one of the lucky few. There are now 67,000 people waiting somewhere for an organ transplant, and there just are not enough organs to go around.

In response to this organ shortage, the Department of Health and Human Services has issued regulations which attempt to save as many lives as possible. Those regulations, Mr. Chairman, were established by medical professionals. They require organs to be given to the sickest patients who may benefit, rather than keep them within artificial geographic boundaries. But this bill attempts to sabotage those regulations by preventing the Department of Health and Human Services from making health care decisions that affect thousands upon thousands of people.

This bill gives a private contractor authority over billions and billions of dollars of Medicare and Medicaid money, not to mention people's lives. This is all done without one scintilla of regulation. This private contractor, embodied with God-like powers over who lives, over who dies, powers over which transplant centers stay open and which transplant centers close, is an agency which will answer to no one but itself.

This amendment allows the Department of Health and Human Services to continue its oversight on this issue. This amendment simply requires a small measure of public accountability and oversight in a process that means life or death for thousands upon thousands of Americans.

Mr. Chairman, what this bill really does is it takes the public voice out of the public health. The LaHood-Rush-Peterson-Moakley amendment puts it back in. Where an individual lives should not determine how they live or if they live or if they die.

Mr. BLILEY. Mr. Chairman, I yield myself the balance of my time.

First of all, Mr. Chairman, let me say this. There has been a lot of discussion about the fact that the Secretary has no authority.

The Secretary has oversight authority. The Secretary can abrogate the contract. Indeed, UNOS' contract has been renewed several times. They brought in Rand Corporation. Rand withdrew. UNOS has done a fine job and is doing a fine job.

To my good friend from Massachusetts, who got his life-saving transplant at the University of Virginia Medical Center in Charlottesville, under this amendment that transplant center may not exist any more because it will not be in a big population center. So it could very well not be available for some future transplant.

This is a bad amendment, and I urge its rejection.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the LaHood Amendment to H.R. 2418, The Organ Procurement and Transplantation Network Amendments of 1999.

This amendment keeps critical public health decisions where they belong—under the purview of The Department of Health and Human Services.

Instead of turning these decisions over to a private organization holding less accountability and substantial financial stakes in how the organ-allocation system operates.

The decisions that the base bill, H.R. 2418 would transfer to a private organ network are too important to go unchecked.

They are unquestionably life and death decisions.

New organ-allocation regulations proposed by the Administration and three times delayed by Congressionally mandated moratoriums, were developed by Secretary Shalala and leading experts in the field of organ transplantation.

And they are supported by an Institute of Medicine study completed last July.

But H.R. 2418 would throw out the Secretary's regulations which make the organ-allocation system fairer.

The revised regulations get organs to patients based on medical need, as opposed to geography and politics, and the financial interests of individuals.

Furthermore, H.R. 2418 ignores scientific evidence calling for new regulations in favor of maintaining an outdated and inefficient system which serves business, and political interests instead of public health and patient needs.

Already more than two years of a more equitable and efficient system has been lost to political maneuvering over this issue.

In November of last year, The Washington Post published a cogent op-ed titled "Organs Held Hostage" which reprimanded this Congress for doing just that—keeping life-saving organs from getting to the sickest patients, in the most timely manner, and perpetuating an unfair and inefficient system which favors wealthier patients who can get on multiple waiting lists and fly to wherever a needed organ becomes available.

Isn't it time we allowed the world-class doctors and transplant centers that we take so much pride in, to get on with the saving of lives?

I urge my colleagues to vote for the LaHood Amendment.

Mr. BLILEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. EWING). All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. LAHOOD).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LAHOOD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 15-minute vote on the LaHood amendment, followed by two 5-minute votes on the amendments for which demands for recorded votes were postponed earlier today in the following order:

Amendment No. 1 offered by the gentlewoman from Colorado (Ms. DEGETTE); and amendment No. 2 offered by the gentleman from Minnesota (Mr. LUTHER).

The vote was taken by electronic device, and there were—ayes 160, noes 260, answered "present" 1, not voting 13, as follows:

[Roll No. 98]

AYES—160

Ackerman
Baca
Barrett (NE)
Bartlett
Becerra
Bereuter
Berman
Biggert
Blagojevich
Boehlert
Bonior
Bono
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Goodling
Gutierrez
Hall (OH)
Hinchey
Hoeffel
Holden
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
King (NY)
Klink
Kucinich
LaFalce
LaHood
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Payne
Pelosi
Peterson (PA)
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sessions
Sherman
Sherwood
Shimkus
Slaughter
Smith (WA)
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Weygand
Woolsey
Wynn

NOES—260

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Dickey
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Ramstad
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—13

Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Northup
Roukema
Shuster
Vento

□ 1433

Messrs. WALDEN of Oregon, Mrs. CUBIN, and Messrs. FRELINGHUYSEN and BISHOP changed their vote from "aye" to "no."

Mr. BLAGOJEVICH, Ms. WOOLSEY, and Mr. MEEKS of New York changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to House Resolution 454, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MS. DEGETTE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 14, as follows:

[Roll No. 99]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bliley
Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Northup
Pelosi
Shuster
Vento

□ 1442

Mr. NORWOOD changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BLILEY. Mr. Chairman, on rollcall No. 99 I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 2 OFFERED BY MR. LUTHER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Minnesota (Mr. LUTHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 284, not voting 13, as follows:

[Roll No. 100]

AYES—137

Ackerman
Allen
Baldacci
Barrett (NE)
Becerra
Bereuter
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Engel
English
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Frank (MA)
Gejdenson
Gekas
Gephardt
Gilchrest
Goodling
Gutierrez
Hinchey
Hoeffel
Holden
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Klink
LaHood
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Payne
Pelosi
Peterson (PA)
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sessions
Shays
Sherman
Sherwood
Slaughter
Snyder
Stabenow
Stark
Strickland
Stupak
Terry
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Visclosky
Walden
Waters
Waxman
Weiner
Weygand
Wise
Woolsey
Wynn

NOES—284

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Norwood
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Northup
Nussle
Shuster
Vento

☐ 1450

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHRUP. Mr. Chairman, I was unavoidably detained and unable to record a vote by electronic device on the LaHood amendment to H.R. 2418. However, had I been present, I would have voted "no."

I was unable to cast a vote on the DeGette amendment to H.R. 2418. Had I been present, I would have voted "aye."

I was unable to cast a vote on the Luther amendment to H.R. 2418. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. EWING). It is now in order to consider Amendment No. 4 printed in House report 106–557.

AMENDMENT NO. 4 OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARRETT of Wisconsin:

Page 28, after line 3, insert the following subsection (and redesignate subsequent subsections accordingly):

"(c) GRANTS TO STATES.—The Secretary may make grants to States for the purpose of assisting States in carrying out organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. To be eligible, each State shall—

"(1) submit an application to the Department in the form prescribed;

"(2) establish yearly benchmarks for improvement in organ donation rates in the State;

"(3) develop, enhance or expand a State donor registry, which shall be available to hospitals, organ procurement organizations, and other States upon a search requests; and

"(4) report to the Secretary on an annual basis a description and assessment of the State's use of these grant funds, accompanied by an assessment of initiatives for potential replication in other States.

Funds may be used by the State or in partnership with other public agencies or private sector institutions for education and awareness efforts, information dissemination, activities pertaining to the State organ donor registry, and other innovative donation specific initiatives, including living donation.

Page 28, line 12, strike "$10,000,000" and insert "$15,000,000".

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Wisconsin (Mr. BARRETT) and a Member opposed each will control 10 minutes.

Mr. BLILEY. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Virginia (Mr. BLILEY) will control the time in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment provides a direct mechanism to foster State organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. Stated simply, the amendment provides a financial incentive for States to tackle creatively the challenges inherent in organ donation awareness and education.

States can play a pivotal role in organ donation success, despite the huge geographic variations and differences across State lines. This amendment authorizes direct grants to States and allows partnerships with other public agencies or private sector institutions within States to mutually undertake organ donation activity.

Under this amendment, States must submit applications in the form prescribed by the Secretary of Health and Human Services and shall establish yearly benchmarks for improvements in organ donation rates in the States. States would be required annually to provide a report to the Secretary, including a description and assessment of the State's use of grant funds and identification of initiatives for potential replication in other States.

Mr. Chairman, this amendment correctly recognizes that States need flexibility designed to address their own organ donation priority areas of concern, yet provides the necessary challenge and financial incentives to address the underlying reason for the organ allocation program in America today, namely, the scarcity of donated organs.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the amendment offered by the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Wisconsin (Mr. KLECZKA).

This amendment would provide financial incentives for States to creatively tackle the challenges inherent in organ donation awareness and education. It would also authorize direct grants to States to allow partnerships with other public agencies or private sector institutions within States to mutually undertake organ donation activities.

As I have said many times before, Americans who donate their organs, tissue, bone marrow or blood to save another's life are heroes. But, despite the generosity of the American people and improvements in medical treatments for transplant patients, the supply of organs continues to be tragically short of the need for transplantation among patients with in-stage organ disease and organ failure.

Every year, the number of patients who die while waiting for a transplant increases, as does the national waiting list, which now exceeds 65,000 patients waiting for various organ transplants. We must do more.

As many know, the Committee on Commerce has spent a great deal of time and effort in the last year working to develop good solutions to the difficult problem of increasing the supply of donated organs while safeguarding the system from unintended bureaucratic interference that would dramatically harm efforts to increase donations. Many of these ideas are embodied in H.R. 2418. I believe this amendment will strengthen our public education campaign with respect to organ donation and ultimately increase the amount of organs, tissue, bone marrow, or blood in our transplant centers. Organ donation and awareness is half the battle, and I applaud the gentleman from Wisconsin for tackling the inherent challenges in organ donation activities.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in strong support of this amendment on education, information, and inspiration.

There is a true story about a family, Reg and Maggie Green, who took their young sons to Italy on vacation, and one of them, Nicholas, was tragically killed in a shooting on the highway, on the super highway. This couple, instead of sprinting, leaving out of Italy, decided to donate seven of Nicholas' organs to citizens of Italy. In the first few days after Nicholas' death, the number of people signing organ donor cards in Italy quadrupled, quadrupled; and donations there last year were more than double the rate that they were in the year before he died.

Mr. Chairman, this is an inspirational story about Nicholas Green, his family, and now the "Nicholas Effect." When we can get these kinds of stories shared, a foundation started, the Nicholas Green Foundation, more people aware of the importance of organs and organ donation programs, sharing of inspiration, sharing of these true stories, we will help address this program and this problem.

So no matter where one is on the question of medical necessity versus location or geography, support this good amendment and support efforts to get information, education, and inspirational stories out there.

Mr. Chairman, I include the following for the RECORD:

Warm, moving, and uplifting . . . a father's story of how a boy's life helped save thousands.

Reg Green knows sorrow. He also knows, first-hand, of people around the world who have risen to the challenge of tragedy with acts of compassion and greatness. Here is the intimate story (behind the headlines and talk shows) of the Greens' fateful trip to Italy: how a botched robbery changed their lives and how Reg and Maggie's private decision to donate their son's organs thrust them into the world spotlight.

The world's response to the Greens' personal tragedy is called the Nicholas effect. No matter their nationality or calling, people respond from the heart—presidents, movie stars, schoolchildren, grandmothers, Boy scouts, soccer players, surgeons, and organ recipients. Organ donor cards are signed. Poems are written, pictures painted, parks dedicated, scholarships established, medals given, children hugged.

The effect continues today, stronger than anyone could have predicted. More than a tale of loss, this is a testament to the power of healing and love.

AN INTERVIEW WITH REG GREEN

(By Doug Hill)

Reg Green is a British-born financial writer who lives in Bodega Bay, California. On the night of September 29, 1994, he was on vacation in southern Italy with his wife and two children when highway robbers shot out the windows of their rented car. Nicholas Green, age 7, asleep in the back set, was hit in the head. Two days later, he was declared brain dead, and the parents agreed to donate his organs for transplant. Nicholas' heart, kidneys, corneas, liver and pancreas cells transformed the lives of seven Italians while the Greens' generosity and spirit inspired the world.

Since then, Reg Green, 70, and Maggie Green, 37, have become international leaders in the movement to promote organ donations, while the power of what is called "the Nicholas effect" continues to move anyone who hears their story. They live with their daughter Eleanor, 9, and twins, Martin and Laura who will be 3 in May.

Reg Green has just completed a book which describes the Greens' incredible journey in exquisite and often painful detail. "The Nicholas Effect" is to be published by O'Reilly & Associates in April. Recently, Green took time out to discuss "The Nicholas Effect" with interviewer Doug Hill.

Hill: What is the Nicholas Effect?

Green: The Nicholas Effect started out by being a very big increase in people in Italy signing their donor cards. Within a few days of Nicholas' death, those signings quadrupled. That was the initial response, and that took our breath away at the time, but I was determined, as Maggie was, that this shouldn't be just a transient thing. We both had this feeling that this could turn out to be one of those things that people would look back on sadly when they remembered it, but would have no real effect on their actions. Some other tragedy would come along that would supersede this one. So we wanted to try to make sure that whatever effect there was would be more lasting. Therefore, we did everything we could to etch it into people's minds. We contacted the media and we gave all the interviews that anybody asked for—we've hardly ever turned down a request for an interview. We made two videos, we've written articles, we dressed up as Santa Claus for an Italian magazine. The main thrust of all this was to remind people of the terrible loss of life around the world because of the low rate of organ donation. There were subsidiary things, however, which we began to see as we got into it. People were being brought closer together by this story. I imagined parents all over the world giving their children an extra hug before they went off to school in the morning or reading an extra page to them at bedtime. So we wanted that to continue as well.

Hill: You've said that the Nicholas Effect is about "life coming bravely out of death." Is that the idea?

Green: Yes. Absolutely.

Hill: That message runs counter to a lot of the cynicism we encounter today, doesn't it?

Green: Yes. I think one of the wonderful things about the Nicholas Effect is that it has uncovered this sense of togetherness—what the Italians call 'solidarity'—that exists between people, people who are often complete strangers. Obviously that's true with organ donation, where you've no idea where the organs are going. White men are walking around with black women's hearts, Anglos are breathing with Mexican lungs, and American children are alive because of donations made by foreign parents—and vice-versa. Human parts are interchangeable. I think that's a wonderful lesson. The differences between us are trifling compared to what we have in common.

Hill: I was struck when reading the book how many times you met someone and then found out quite a bit later that they had experienced some sort of tragedy in their own lives.

Green: Yes, that struck me too, very forcibly. Both in the case of strangers or people I've known for a long time about whom I never suspected anything of that sort. But somehow the barriers come down and they tell us these stories. Just the other day I went into the grocery store and went to the butcher counter. The lady who served me said, 'By the way, you're the father, aren't you?' I said yes, and she said, 'We had a similar incident,' and she proceeded to tell me about a personal tragedy. I've seen that woman a lot of times and that never emerged. She was just the woman who was serving the sausage. Now behind that is the real person.

Hill: How much of the Nicholas Effect has to do with the special qualities of Nicholas himself?

Green: I've often asked myself that. I think quite a lot. I know, of course, that it was our decision to donate the organs, that he wasn't old enough to know what that meant, but somehow with Nicholas you wanted to be your very best. He was a very good little boy and he made you want to live up to his expectations. He stamped his personality on this story. Time and again when reporters would come here, somehow they've been captured by his personality. So the effect was shared according to his own character.

Hill: I must say that as a father I sometimes felt jealous of the bond that you seemed to have with him.

Green: Well, we were very close. I'm quite old, you know, to be the father of a young child. That may have something to do with it. It may be when you're a younger father you've got your own career to worry about, you're very busy, you haven't settled down yet. I work from home, so that helped, also. But, yes, we were very close.

Hill: You describe yourself as an agnostic. Still, do you see a spiritual quality to the Nicholas Effect of any sort?

Green: No, I don't, really, not in any conventional sense. I still don't believe in an afterlife, for example. I've never been tempted to believe in it. It would be nice in a way to think that was true now, but I've never been comfortable with the idea and I've never dabbled at it since Nicholas died. I've always taken hope from the idea that there's a lot you can do here in the world, and that what you do here can be about love rather than hate—kindness rather than cruelty. So my solace comes from what can happen on earth, and I see so much good coming out of all this. Nicholas' example has helped save literally thousands of lives in Italy alone, because the organ donation rates have more than doubled. So that's part of it. The other part of it is that other thing we've been talking about, the sense of people feeling closer together than they did before.

Hill: Was the book difficult for you to write?

Green: I had tears in my eyes many times while I was writing it and some of it was wrenching, going back over Nicholas' death, for example, having to recreate that. But, for the most part, the loss of Nicholas has been so great that talking about it really doesn't make it worse. It was also nice to be able to put down on paper the happier times I remember too.

Hill: What do you hope to accomplish with the book?

Green: Again, there's the two levels of things. On the practical level, I'm hoping it will be another of the building blocks by which organ donation becomes not unusual or horrifying, but the natural thing to do, as natural as putting on a seat belt. And I think it can become as natural as that. There's no organized opposition to organ donation. Whenever they take a poll, eighty percent or more of the people in this country say they are in favor of it and would do it. They don't do it, but not because there's a principled objection to it, but because of circumstances. I think people can be overwhelmed when there is a sudden death. So what I'm hoping to do on that front is make them aware of the importance of it—of the consequences of a refusal. When people are asked to do it, they tend to think of that child or husband of theirs and the organs being taken away from them, and they're frightened or worried by it. I want them to see the other side. If you don't do it, this is what somebody else has to suffer. Somebody else has to go through what you're going through if you don't make that decision. On the organ donation level, that's it. I also wanted to show the sense of solidarity between quite different kinds of people that this incident has produced.

Hill: What specific steps should people take to make sure that their organs will be available for transplant?

Green: The most important is to discuss it with your family so that if there is a brain death in the family, their minds are already attuned to this and it doesn't take them by surprise. There's a new initiative started by the American Society of Transplant Surgeons, and what they ask you to do, instead of signing the donor card, is to just sit down with the family and say, "Look, if anything were to happen, I'd want you to give my organs and tissues." The others in the family who agreed would sign a document, the Family Pledge, and then they'd probably put it away and forget where it was and that would be the end of it. It would have no legal standing, but it would mean that when death did occur, perhaps sooner than anyone expected, that conversation, that joint decision, would come to mind. It wouldn't work every time, but we think in many cases it would have the right effect—people would say, "Yes, that's just what he wanted."

Hill: I was struck by your comment in the book that transplantation means we're "no longer at the mercy of arbitrariness. We have a say in the outcome." Could you elaborate on that?

Green: I connect it with the idea that death has a purpose. Death is not simply some terrible thing that happens. None of us is going to like it, but it's there for a reason: the old and the feeble have to be replaced by younger and stronger ones. But people die every day because of the failure of one organ. Many of them are young, some only babies. People with whole lives in front of them are suddenly dead. Transplantation means that we can step in and save such people.

Hill: Did you have any thoughts about donation before your experience with Nicholas?

Green: Not really. I had been very impressed by Christiaan Barnard's early experiments with heart transplants, which seemed like going to the moon. But apart from that, no. I can't recall any conversation that Maggie and I had beforehand. She, it runs out, had signed a donor card and I hadn't.

Hill: So you were pretty much like most of us.

Green: Yes, that's right. It was a revelation to me how much could be achieved. I think in our cases, either one of us would have done it for the other, because it would have been so obvious to us, just as it was in Nicholas' case. And I think many families are like that—they know each other well and would know enough to go ahead and do it, without prior agreement. But still, it's very valuable to have had a discussion, particularly for bigger families, where one person objecting can stop the whole process. This thing has to be done quite promptly—you've only got a short time to make the decision. You may be able to get in touch with your husband, for instance, but suppose you can't get hold of your mother, or his mother? That's what often happens. People take the safe course because it's too difficult to contact everybody, and they're afraid that somebody might object.

Hill: You often describe the decision to donate Nicholas' organs as "obvious" or "easy." I think many readers may find that hard to understand—I know I did. Why would it have been that obvious?

Green: It was obvious simply because Nicholas was dead. There was no question in our minds that he wasn't in a coma, for example. Those organs were of no use to him anymore. Not only did Nicholas not need those organs anymore, but the essential Nicholas was clearly not in that body. Whether it was a soul or our memories of him, or the legacy he left behind—that was where Nicholas was. In no way conceivable to us could we be hurting him by using his body, and yet we could be using it to help other people. On top of that, we know that it was a decision he would have approved of. We never discussed it with him, obviously, but if he'd understood the situation, there would have been absolutely no question in Nicholas' mind that that's what he would have wanted us to do.

Hill: The letters chapter in the book is amazing. I was struck by your comment that it isn't possible to read those letters without the sense of a "momentous event" having taken place. I assume that's another example of the Nicholas Effect at work?

Green: Yes, on the face of it, it's just one tragedy among many. In terms of numbers, of course, Nicholas' death was a very small tragedy, and yet it had these amazing consequences. The letters we received weren't written the way condolences from strangers often are. They didn't write "We're sorry your little boy has died . . . He will be in our thoughts and you too . . . Goodbye." Instead, their letters talked about big things having happened in their lives because of this event. Some people felt their whole view had shifted, or that they'd taken some quite big action that they hadn't done before. They clearly felt that something had happened of importance that they should pay attention to.

Hill: Why? Why did this one death have that effect?

Green: Well, there must be a lot of elements to that. I think the slaughter of an innocent was part of it—the sheet wantonness of it all.And I think it probably had something to do with the fact that Maggie and I were willing to talk about it to the press right from the beginning, so that Nicholas' personality appeared in the very first stories that were written. He wasn't just figure with a name who was killed: he had a rounded personality. And because there were pictures, there was also a face to go with the story. I think also that having been a journalist, I knew that when you tell a story, you can't wait for two or three days to figure out what you feel about it, or to get it correct to the third place of decimals. You've got to talk right away. Another part of its was the reaction of Italy to it. It took the whole country by storm, and I think that regardless of what we did or didn't do, there would have been that explosion of sympathy. They were horrified that a child had been hurt, many were ashamed. The President and the Prime Minister made it into a national event. All those things together made it an event of importance. When we came back on one of the Italian President's planes, the press was waiting, and the momentum that Italy had given the story continued here, to a higher level still.

Hill: The force of that must have been astonishing to you.

Green: Yes, it was. By now we've grown used to people being moved by this story, but at the beginning we had no idea there'd be this reaction. I remember when we made the decision to donate the organs, we stayed to sign some forms, and then left the hospital. By the time we got back to the hotel, the press already knew. Until then we had thought we were making a purely private decision. Then by the next day there was a sheaf of telegrams from some of the leading figures in Italy.

Hill: As someone who has been a journalist, how well or how poorly did your colleagues in the media handle the story? They come off fairly well in the book, and I wondered if you were bending over backwards.to be diplomatic.

Green: No. There were a lot of detailed mistakes, people getting our ages wrong and that sort of thing. A couple of magazines quoted us as saying that "Nicholas lives"—meaning he lives on through the organ recipients—and we never said that. But, as a whole, people treated the story seriously and they treated organ donation in a very mature and positive way. So we have nothing to complain about. In fact, I'm grateful to the press, because without the mass media this would have been a small story instead of a worldwide story.

Hill: It's unusual for anyone who's been the focus of media attention these days to come out of the experience with much positive to say.

Green: I think they all felt very sorry for us. They didn't want to hurt us anymore.

Hill: How are the recipients doing?

Green: They're all back in the mainstream. There are seven of them and most are in very good shape. Let me think. The two who received corneas, yes, no problems there. Two kidneys, yes, Liver, fine, she just had a baby. So those five definitely. Now what have I missed? The boy with the heart, who had had six previous operations, he worried people for a time. He was in the hospital a lot longer than the others and there were side effects, and I remember hearing there were some concerns about rejection. However, a year or so ago I was on a TV program with his mother, and she said he's fine now. The seventh is Silvia, a long time diabetic, a brutal disease. She had been in a series of comas before her transplant and still has serious complications from that time. However, she has recovered enough that when I saw her last she was able to live in an apartment on her own.

Hill: How are Eleanor and the twins doing?

Green: Fine. Eleanor still says from time to time things like, "Wouldn't Nicholas have enjoyed this?" or, "Do you remember when Nicholas did that?" But the twins have changed her life beyond recognition. She had become an only child and we began to worry that she would turn inward. But the twins have brought out all her maternal instincts and she looks after them in a very mature way. They dote on her and love it when she comes home from school.

Hill: And Maggie is well:

Green: Yes, she's fine. Maggie's very strong. If you ever met Maggie, you'd see the gentleness in her, but it's the combination of that and the strength behind it all that's made all the difference.

Hill: What about you, Reg? I have read that you now consider increasing awareness of the need for organ donations as your life's work. Is that accurate?

Green: Yes, that's true. What this has given us is a genuine cause that has got two things going for it. One is, we know if does good. We can feel it in the air when we go places—the things people say to us, the statistics in Italy, the letters we get—we just know that it's having the kind of results we want it to have. Secondly, even though we're amateurs in the world of organ donation, and tens of thousands of other people working on this problem know infinitely more about it than we do, I do feel we have a special message.

Hill: My last question is really about the impact of the Nicholas Effect on you. You said at one time that "while we lost everything, we did get something back." What was it you got back?

Green: I suppose the nub of it is knowing so much good came out of what could easily have been just a sordid tragedy. I often think people don't realize, as we didn't, what a mighty gift they have in their hand when they are faced with a decision about making a donation.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to begin by associating myself with the remarks of my friend and colleague from Milwaukee and congratulate both he and my other colleague from Milwaukee (Mr. KLECZKA) for bringing this amendment forward.

This is the "good news amendment" of this process. Up to now, our debate, our battle has been over how to arrange the chairs around the table. This amendment is the first amendment that takes square-on the important challenge of how we make the table bigger, of how we make sure that we have more organs in the donor system.

☐ 1500

As we have heard several times today, there is a sad shortage, and the shortage is a matter of life and death. But the good news is that in some parts of the country, like my home State and the gentleman's home State of Wisconsin, we have shown that public education and outreach efforts can work. We can increase the percentage of those who donate their organs. We can raise public awareness.

This amendment is so important because it turns to the States and it challenges the States, and works with and reaches out to the States to do what States like Wisconsin have done so we are not bickering over who sends what where, who will make these decisions, whether or not we are going to bring politics into this, turn this over to bureaucrats.

Instead, we can increase the number of organs donated, number of organs in the system, and that is really what this should be about today. That is, the most important thing.

Again, I congratulate my colleague for bringing this amendment forward.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Wisconsin (Mr. KLECZKA), a coauthor of this amendment.

Mr. KLECZKA. Mr. Chairman, let me thank my colleague, the gentleman from Wisconsin (Mr. BARRETT) for yielding time to me.

Mr. Chairman, I rise not only to support the amendment, but also to support the underlying bill. The entire issue of organ donation is very near and dear to our family, for it was about 6 years ago that my brother received the gift of life. He received a new lung at a local hospital in my district. Without that, my brother would not be with us any longer, or his four children, or his wife.

When we start talking about the allocation of organs and changing the system, I take a very strong interest in that. It seems that, after listening to the debate from those who oppose the bill, it is more of a question of where the organs are harvested, where they are available, and the fact that they are not necessarily sent to areas of the country where they do not do a very good job of procuring organs.

I am saying the answer to that dilemma, to the most serious problem, is not to throw out the current system that works, but let us adopt the Barrett amendment, which provides more Federal resources to educate and to try to provide more donations from individuals in our country.

It is a very simple step, Mr. Chairman. I wonder how many Members of Congress have affixed to their driver's license the organ donation sticker, or have signed on the back of the driver's license the fact that should something happen to us, our organs should be preserved and not let gone to waste?

The question here is, let us provide the same type of education and programming at States other than those who do a good job, like Wisconsin and Florida and Kentucky, to the other States like Pennsylvania and some others of Members who spoke on the floor today.

One of the Members previously in the debate indicated that there are organs available, so someone calls the local golf course. I thought that was a rather crass statement. No one is going to have an organ transplanted into the body because it is newer than what they got. It is not done like a set of tires on your car which would provide for more mileage for getting around. It is a lifesaving thing.

We are told of the sad statistics where 4,000 people a year die because there are no organs available. The waiting lists are in excess of 65,000 around the country. But Mr. Chairman, even in areas where the organs are available, those waiting lists are there, also. They are doled out on medical need. My brother would probably not have received the lung he needed to live if the decision was made in Washington, because what physician, what bureaucrat, is going to know his condition versus the doctors who have attended him for years and years while he waited?

So those 4,000 who passed away because of unavailability of an organ also come from States where the organs are available because they are not plentiful enough. Adopt the Barrett amendment, provide some needed dollars, so we all can enjoy the gift of life that some States might have a couple more than others.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN)

Mr. RYAN of Wisconsin. Mr. Chairman, I rise as a cosponsor of the Barrett amendment. I would also like to thank the gentlemen from Wisconsin, Mr. KLECZKA and Mr. BARRETT, the cosponsors, the authors of the amendment, for this excellent amendment. I believe this amendment can do a great deal to improve our Nation's current organ donation system.

We have witnessed in several States innovative programs to encourage increased organ donations that have produced dramatic results. In my home State of Wisconsin, we have developed a highly successful organ donation system that has served as a model throughout the country. I believe that Wisconsin has offered much to those States that currently lack high donation rates.

The Wisconsin State legislature just recently passed a bill requiring teenagers to take 30 minutes of instruction on organ and tissue donation as part of their drivers education program. It is innovative programs like these that keep our rates high.

In addition to this program, Wisconsin has also introduced legislation for a donor registry, and currently utilizes driver's license checkout programs, donor cards, and power of attorney for health care forms to encourage organ donation.

This amendment would provide a cooperative environment that shares successes and helps to diminish failures. We should seek to eliminate our national organ shortage by improving the donation rates in all States, not by penalizing States with more effective programs.

I, too, am an organ donor. On the back of my Wisconsin driver's license, I have this great little sticker. We are doing well in Wisconsin. We have a program we are proud of. This amendment does a lot to improve the base text of a good bill to make sure that the States that are doing well continue to do well, and encourages those States that have room for improvement to improve themselves.

Mr. Chairman, I encourage all Members to vote in favor of the Barrett amendment.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in my home State, as Members have heard, we are blessed with one of the Nation's most successful organ transplant and procurement programs. People in Wisconsin care about helping their neighbors and loved ones, and we benefit from a very successful education and outreach program.

Everyone is involved in this effort, from families to physicians, small clinics and larger transplant hospitals. Additionally, the local media takes the time to emphasize and praise the actions of organ donors.

For instance, just this past weekend, one of my hometown newspapers featured a front page story on the recent tragic death of a 15-year-old boy in my district from a severe asthma attack. But even in the face of this awful tragedy, the family and the journalist made a point of noting the boy's commitment to organ donation.

Jason Frederick had talked about donating his organs. It was something he felt very strongly about. He wanted to be an organ donor, but he did not yet have his driver's license. His family made sure that his wishes were carried out.

Rules and regulations at the Federal level addressing organ allocation will not address the critical issue of organ shortage. That is why this bill and the Barrett-Kleczka amendment are necessary. I am a cosponsor of this amendment because I want all States across the country to share Wisconsin's success in organ procurement and transplants.

I urge my colleagues to support this amendment and to provide States with the resources to address the underlying reason for the organ allocation problem in America today, the scarcity of donated organs.

Mr. BLILEY. Mr. Chairman, may I ask, do I have the right to close?

The CHAIRMAN pro tempore (Mr. EWING). Under the circumstances, the gentleman from Wisconsin (Mr. BARRETT) has the right to close, since the gentleman from Virginia (Mr. BLILEY) is not opposed to the amendment.

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I want to just take a few seconds, really, to commend the gentleman from Wisconsin (Mr. BARRETT). He is on the committee, he is on the subcommittee, and he has heard all of the arguments and debate in the hearings.

In the process, unfortunately, of taking something which should have been worked out by the parties, and this is something we all were strongly hoping for and unfortunately it did not work out, because, as somebody said earlier today, we should not even really have to be doing something like this on the floor. The truth is that we should not have to, but we were forced to.

In the process of all that, however, many people said that what we really have to concentrate on is how to improve the harvesting of organs to get additional donations of organs and whatnot.

I think that the gentleman from Wisconsin (Mr. BARRETT) by his amendment is basically the only one who has addressed that at this point in time. We are hopeful we can work together to improve what he has come up with once this is behind us.

We want to commend him. I support his amendment and I want to publicly say so, particularly to commend him for coming up with these very innovative ideas. They do not go as far as we all would like them to go, but it certainly goes in the right direction. I want the gentleman to know that I appreciate it very much. I do commend the gentleman.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Florida. I wish he had more time, because he is so nice to me.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend for yielding me this time.

For someone just tuning in, Mr. Chairman, they are probably a little surprised to see that we are not actually debating dairy policy right now. Instead, we are talking about the organ donation system in the country. That is because it is very important for the people in Wisconsin, but it is actually as important for people across the country.

I know most of the Members here today are approaching this based on the very local and parochial viewpoint on the issue, but hopefully all of us can see the need and agree to support this very important amendment. I commend my friends, the gentlemen from Wisconsin, Mr. BARRETT and Mr. KLECZKA, for offering this.

This amendment is very simple. It establishes grants to States to foster public awareness, education, and outreach activities designed to increase the number of organ donors within the State. There is a shortage of organ donors across the States. I am very proud that my own State of Wisconsin has an excellent record of organ procurement. In 1999, the University of Wisconsin was one of the top organizations in organ procurement.

In fact, many States across the country including Alabama, California, Hawaii, Indiana, Missouri, Montana, and Texas, just to name a few, have implemented innovative programs to increase organ donation. In fact, Wisconsin has a model intensive education program that works closely with schools, community groups, church groups, and the hospitals to allay individuals' questions and concerns relating to organ donation.

This amendment recognizes the critical role that States can play and are playing in improving organ donation. I would urge my colleagues to support it.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 106–557.

AMENDMENT NO. 5 OFFERED BY MR. SCARBOROUGH

Mr. SCARBOROUGH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SCARBOROUGH:

Page 29, after line 17, insert the following:

SEC. 8. NULLIFICATION OF FINAL RULE RELATING TO ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Notwithstanding any other provision of law, the final rule relating to the Organ Procurement and Transportation Network, promulgated by the Secretary of Health and Human Services and published in the Federal Register on April 2, 1998 (63 Fed Reg. 16296 et seq. adding part 121 to title 42, Code of Federal Regulations) and amended on October 20, 1999 (64 Fed. Reg. 56649 et seq.), shall have no force or legal effect.

Page 29, line 18, redesignate section 8 as section 9.

The CHAIRMAN pro tempore. Pursuant to House Resolution 454, the gentleman from Florida (Mr. SCARBOROUGH) and a Member opposed each will control 15 minutes.

Is there a Member opposed to the amendment?

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BROWN) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first of all, I rise in strong support of this bipartisan legislation, which obviously is going to reorganize the National Organ Transplant Act of 1984. It is a critical piece of legislation that will obviously save lives, and I want to say right now that I certainly heartily support the bill. I want to thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) for their hard work on the bill.

The Scarborough-Thurman amendment is actually a friendly amendment that preserves the use of real science and medicine in allocating organs. It keeps organ allocation out of the hands of Federal bureaucrats and keeps it with local doctors and also with local communities.

Unfortunately, in 1998, a bureaucratic rule was passed that tried to centralize all the power in the Department of HHS, and also centralize all of the decision-making authority with Donna Shalala and her bureaucracy. It was nothing less than a hijacking of the process, and today, as we talk about passing this important, critical bipartisan legislation, it is important to remember that this centralizing rule that allows bureaucracies to make decisions and not local doctors and local hospitals, local medical providers, and local communities, is still in effect.

□ 1515

The recent Institute of Medicine study concluded that the current organ transplant system is fair and does a very good job of acquiring and allocating organs for transplantation. However, like any system there is room for improvement but those decisions for improvement should be made by the people who are best equipped to make the decisions, the transplant community rather than the HHS bureaucracy.

My amendment clarifies that the authority to set transplant policy rests with the transplant community and results from bottom up consensus driven processes, not by a regulatory fiat.

The Institute of Medicine also contradicted the underlying rationale for the controversial rule on organ allocation proposed by the Department of HHS. In an analysis of 68,000 liver patient records, the IOM panel said, quote, the overall median waiting time that patients wait for organs, the issue that seems to have brought the committee to the table in the first place, is not a useful statistic for comparing access to or equity of the current system of liver transplantation, especially when aggregated across all categories of liver transplant patients.

HHS has vigorously maintained that reducing regional differences in waiting time was the primary goal of the rule on organ allocation, but the practical effect of the rule would be to shift organs that are currently used for transplants in many local or regional transplant centers across the country to just a few very large national centers. This centralization of the process in Washington, D.C. could mean that patients waiting for a transplant at a local center are going to have to wait much longer or actually have to relocate closer to a national center if they hope to get the transplants that they so desperately need.

Now, for many patients, particularly poor, lower income patients, this could present a formidable economic obstacle for them and their families. To make matters worse, States where these national centers are located may not accept Medicaid from the patient's home State. Again, who is penalized? It is the low-income patient. The policy mandated by HHS will impair access to transplantation services for these low-income patients and lack of access to organs may drive some regional transplant centers completely out of business, inflicting a fundamental blow to patient access and, most importantly, to patient choice.

Congress must step in and act to assure that allocation policies that have been developed will not harm patient access to local transplantation services. The amendment that the gentlewoman from Florida (Mrs. THURMAN) and I would offer simply nullifies the final rule issued by HHS Secretary Donna Shalala that gives HHS the sole, centralized bureaucratic authority to approve or disapprove organ allocation policies that are currently established by the private sector transplant community.

It just makes absolutely no sense to centralize this process in one Washington bureaucracy and basically dictate what transplant centers across this Nation will do.

The Shalala rule is a bad rule. It makes no sense. It hurts those that are the lowest income transplant patients and, most importantly, it hurts choice.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Scarborough amendment. The Department of Health and Human Services has worked with the transplant community and with UNOS to develop a final rule that reflects the Institute of Medicine recommendations, that reflects common sense.

On what basis should this body nullify those months of work, those hours and hours of time put in by HHS and outside experts?

Let me quote William Payne, MD, the President of UNOS. Dr. Payne, from listening to the debate today, must be quite a special man. After all, proponents of H.R. 2418 are comfortable bestowing upon him authority over matters critical to the public interest and to public health and to ensure that his decision-making is unencumbered by accountability to the public.

Let me quote Dr. Payne. In a letter he wrote a couple of weeks ago to my friend, the gentleman from Michigan (Mr. DINGELL) Dr. Payne said, quote, UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's final rule, including the organ allocation provisions.

Let me read that again. UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's final rule, including the organ allocation provisions, unquote.

So, even the President of UNOS seems supportive of HHS rule. So why should we overturn those rules?

Mr. Chairman, HHS has worked hard to ensure the final rule reflects Institute of Medicine recommendations. HHS has worked hard to ensure that the final rule reflects the views of patients, of donors, of the medical community, and the current contractor handling organ allocation.

The only reason, the only reason to nullify the HHS rule, is to perpetuate inequities in the system that we have heard so much about today and the lax oversight that has allowed these inequities to become entrenched in our organ allocation system.

Proponents of H.R. 2418 claim that HHS is engaging in a power grab. I maintain HHS is claiming, on behalf of the public, on behalf of taxpayers whom it represents, authority that does not belong to a private contractor.

Again, the right way to serve the public interest is not to protect a private government contractor from public input. It is to ensure that private and public interests work together to build the best, most equitable system possible. That is the fundamental principle articulated in the Institute of Medicine report, and it is a defining principle underlying the HHS final rule.

I urge my colleagues to oppose the Scarborough amendment, which undercuts both IOM, Institute of Medicine findings, and a final rule that is thorough and is fair.

Mr. Chairman, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the chairman of the committee.

Mr. BLILEY. Mr. Chairman, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding me this time.

Mr. Chairman, I rise in support of this very straightforward Scarborough-Thurman amendment which nullifies the administration's organ regulation. This amendment clarifies for HHS that once H.R. 2418 becomes law, the Department must issue a new regulation to comport with the new authorization and to include lessons learned from 2 years of fighting with Congress.

I encourage my colleagues to join me in voting yes on the Scarborough-Thurman amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Chairman, this is a difficult issue because we have good friends who we respect on both sides of this amendment, on both sides of this bill. We come to our decisions with very deep and heartfelt life experiences that we have seen. This, I think, unlike most other pieces of legislation that we should argue and debate about, many of us have had firsthand experience.

I kind of grew up professionally, before I was a Member of Congress, I was in the news media in Pittsburgh and knew and still know Dr. Thomas Starzel, who is the father of much of the transplant technology that we have not only across this Nation but around this world.

The University of Pittsburgh, where Dr. Starzel and many of the other doctors who he trained and they trained other doctors, really went from an infancy of transplanting where there was seldom people that really survived for very long to the point where it is almost as commonplace as changing a carburetor in an automobile or an engine in a truck or a car to change major body parts and have people survive.

What a miraculous and historic time we live in.

The question here is, who plays God? Let us not make any questions or any qualms about this. It is, where is the authority? The question is, do we take a private contractor, UNOS, and allow them to be the sole decision maker here? Or is there some government oversight?

I have heard much of the rhetoric today that we do not want some centralized, bureaucratic decision-making process based here in Washington, D.C. Well, that is what we typically call folderol in western Pennsylvania, because there is certainly not any monopoly on bad decision-making process in government.

I have been the ranking Democrat on the Subcommittee on Oversight and Investigations that has jurisdiction over, among other agencies, the Health Care Finance Administration. As we looked at the fiscal intermediaries, those insurance companies that we put in place to handle Medicare payments to hospitals, we found vast numbers of them that have ripped off the system for tens of millions of dollars. They have paid criminal and civil penalties for doing it. They have admitted their guilt.

We must have some government oversight. As I said earlier when we were debating the LaHood amendment, we depend on the Secretary and the agency to help us determine what medicines and what medical devices are safe and to tell us what the NIH criteria should be for research, what Medicare should cover. Now all of a sudden we want the government out and we want a private contractor making all of these decisions.

One cannot talk very badly, when they talk about the transplants, about the so-called national centers, whether it is at Pittsburgh, Stanford University, Cedar Sinai because these centers, and I have seen it firsthand, accept the sickest patients, patients quite often that would not be accepted for transplant in some of the smaller institutions around the country.

They accept people not just from their State, not just from their geographic location but from everywhere. We have seen circumstances where patients would come to the University of Pittsburgh, for example, and would not be able to get an organ from their home State because that State wanted to keep those organs in that State. We are simply talking about Health and Human Services, the Federal Government, working with UNOS, working with the transplant community, to set up a better, more definitive decision-making process. It does not have to be all one way or all the other way.

We cannot put private contracting agencies, with no recourse, with no checks and balances, in the position of playing God. That is what this amendment would do.

I must rise in strong, strong objection to this amendment, and I hope that there are Members who are not here that are watching on their TVs in their offices and that they will come here and vote against this amendment. It is not because I have an objection to the authors. I think that they have offered this with the best of aforethought, but on this, Mr. Chairman, we have a very deep-seated disagreement, and this amendment should be voted down.

Mr. SCARBOROUGH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would say, first of all, it sounded to me like we were really having to choose between two false choices there because right now the Federal Government does have oversight. HHS does have oversight. It had oversight when this bill was passed into law in 1984.

HHS has oversight, but what has happened now is oversight is not enough. They want to completely hijack the process. They want to be able to dictate whether somebody that dies in the Congressman's district near Pittsburgh can get an organ transplant in Pittsburgh or whether they decide they are going to have to go to Stanford University in California. It is unfair to the poorest people and it is wrong. Donna Shalala does not have a right to hijack the process.

Mr. Chairman, I yield 5½ minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from Florida (Mr. SCARBOROUGH) for yielding and I want to say that he has done a lot of hard work on this and I am proud to be standing here as a cosponsor with him on this floor today.

Mr. Chairman, I am rising in strong support of the underlying bill, H.R. 2418, but as well to this amendment. Some people might say well, why do we have to have this amendment when the bill reauthorizes the pre-HHS rule organ policies? Well, the truth is that this bill will reauthorize and strengthen the organ policies of our country. However, the HHS rule will still be in place and we would need to nullify that rule in order to turn these decisions back over to medical doctors.

So if one is for this underlying bill, they need to be for this amendment.

We have talked about that there are more than 63,000 Americans who are awaiting an organ transplant and each year about 4,000 Americans die because there are not enough donated livers, kidneys, and other organs to go around.

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I just might insert here that, under the Health Resources and Services Administration, while they go through talking about reasons that we should improve the Nation's organ transplant, this is a part of HHS, the very last statement that they make is: the primary problem remains the shortage of organs available for transplantation. Absolutely the bottom line of all of this. So we all agree that we must increase the number of organ donations in our country. However, not all of us agree on how to do this.

The Department of Health and Human Services believes the way to solve the problem is to move the organs from one part of the country to another. Although many people think this may help the organ shortage problem, do my colleagues know what I think? I believe this will only change the demographics of where people will die.

As long as there is an unequal number of patients needing transplants compared to organs available, people are going to die.

I do not disagree with Secretary Shalala's assertion that people in different areas of the country are waiting for different lengths of time. However, I have to insert here that it is important to remember that the very sickest patients, those who are in intensive care units, the current waiting period among all transplant centers is very short, less than 6 days in all regions of the country, in all regions of the country. This was publicly acknowledged by HHS officials at the same time that they issued the regulations.

However, we also do not believe, or that it is clearly an oversimplification to think that reallocating the available organs will have a positive impact on the outcome. UNOS says history shows that organ donation is a local phenomena. Organ donations rise in communities that have transplant centers and fall when centers close.

I have also heard several Members rise and talk about how lower-income individuals are not receiving organs in a timely manner. First, my colleagues should know that income is not taken into consideration when a patient is put on a transplant list.

Also, my colleagues should know that HHS regulations could have a negative impact on individuals who will have to travel great distances and be separated from their loved ones at a time when they are needed most.

Under the HHS rule, the additional travel cost could make it impossible for the 20 percent of transplant patients who are on Medicaid actually who would receive a transplant. Now, how would this happen? Because we think, if this rule stays in place, that in fact there would be centers in their communities that actually would close.

I also have to tell my colleagues, with the rule, there is a further problem generated by these regulations, one that was never taken into account; and that is the patients will have to become extremely ill before they receive a transplant. However, under the current rules and the UNOS policy, an individual's likelihood for a successful transplant is taken into consideration.

Why should the Secretary have the power to determine who gets an organ? UNOS, along with the medical community, needs to determine who needs the organs the most and who will most likely be a successful transplant recipient.

My State of Florida has done an incredible job of increasing the number of individuals who agree to be an organ donor. Why should my State and my local transplant centers be punished for doing a good job? Why should the Federal Government dictate that someone who is a status 2 patient in another State should get an organ before a status 2 patient in Florida?

Allocation policies must be based on sound medical decisions, decisions made by the board of UNOS, not decisions handed down by the Federal Government.

My colleagues might also be interested to learn that kidneys must be compatible, and I do have personal experience on this. With regard to the liver, UNOS has recently taken steps to approve a new liver allocation plan which calls for developing new, more objective criteria for listing patients in the progressive illness categories.

The bottom line is we need to pass this amendment. If my colleagues agree with the underlying bill, then this amendment is what is needed so that we can make sure of what the gentleman from Ohio (Mr. BROWN) said, that UNOS and the Department can sit down and come up with one that is more aggressive for everybody.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to recap sort of where we have been with this controversy in the last couple of years. Two years ago, almost exactly to this day, in early April of 1998, HHS promulgated what was called the final rule at that point on this. Soon after, our colleague who has since left, Mr. Livingston, inserted or added in the appropriations process a rider calling for an Institute of Medicine study and saying that he was particularly unhappy, as many Members of Congress were, in some cases legitimately, with what had transpired and with the HHS rule.

The Institute of Medicine study came up with several interesting things. This is the study I hold here. It is 200 pages. It is clearly well thought through and well considered and well constructed with good recommendations. This Institute of Medicine study was factored into revised rules by HHS. The proposed finalized, revised version, which was issued October 20, 1999, included IOM rules. It included some of the considerations and ideas from the public. It included input from UNOS.

That is why, in the end, that Dr. Payne, and I said this earlier, why Dr. Payne, the President of UNOS, has written that UNOS and HHS are working closely together to ensure an effective and efficient implementation of the Department's final rule set for March 16, including its organ allocation provisions.

That is exactly the point. HHS issued a rule. Congress stepped in, said we need this IOM study. We got this IOM study. The study from the Institute of Medicine was incorporated in the new HHS rule. In this proposed finalized, revised version issued October 20, other changes recommended by UNOS, recommended by the public were incorporated.

That is why the very respected Dr. Payne, who is head of UNOS, said that UNOS and HHS is working together. That is why we should oppose this amendment. That is why we should oppose this bill if the amendment is incorporated.

Mr. Chairman, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Chairman, can I inquire how much time each side has remaining.

The CHAIRMAN pro tempore (Mr. HOBSON). The gentleman from Florida (Mr. SCARBOROUGH) has 3½ minutes remaining. The gentleman from Ohio (Mr. BROWN) has 5½ minutes remaining.

Mr. SCARBOROUGH. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, March 16, 2000, that was last month. It was a Thursday. HHS and Donna Shalala decided that they knew better than doctors, they knew better than hospitals, they knew better than the entire transplant community. They substituted their opinion for that of patient, for doctor, family, and decided that they would make the call that their opinion was what counted when it came to transplants. It was a day on which they issued a rule that threatens the health of tens of thousands of Americans.

This amendment is necessary because we need to send a strong signal, this body, that medical decisions are not made by Federal bureaucrats that do not have a medical degree. They are made by the medical community. They are made by the hospital. They are made by the patients.

This amendment is a good amendment. On three occasions, the Congress has voted to stop that rule. It is time to put a stake through the heart of that ill-conceived rule.

Mr. SCARBOROUGH. Mr. Chairman, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BROWN) has the right to close.

Mr. SCARBOROUGH. Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I support the amendment, and I am in support of the final passage of the basic bill.

Really, the transplant community has put it a lot better than any of us could. I would like to just share with my colleagues some excerpts from some of their comments. "A 'sickest first' policy would increase the number of retransplants as more patients experience graft rejection, and thus reduce the number of organs available for transplantation overall. Patients would have to become 'sicker' in order to receive a transplant, thus reducing their chance for survival. This would be completely counterproductive and result in increased cost with reduced success." I quote Dr. R. Robert Higgins, Director of Thoracic Organ Transplantation, Henry Ford Hospital in Michigan.

He went on to say, "A national list coupled with a sickest-first policy would make it all but impossible for my patients and in particular patients everywhere that are poor or minority patients, to receive a transplant. From a physician's point of view, without available organs, there is nothing I can do to help my patients over the longer term. If the rule were in effect today, the Federal Government would essentially be denying the benefits of organ transplantation to a broader number of patients." Dr. Higgins of Henry Ford Hospital made those comments.

Joseph Brand, chairman of the National Kidney Foundation: "We believe that less patients would receive liver transplants if the OPTN were required to develop policies where organs are allocated to the sickest candidates first. Such candidates are likely to have poor outcomes and require repeat transplants, thus reducing the number of organs available for other candidates. Furthermore, NKF has maintained that a 'sickest first' policy should not be applied to renal transplantation because of the availability of dialysis as an alternative therapy."

Mr. John R. Campbell, senior vice president and general counsel of LifeLink says, in talking about the great instances of the donations: "First, costs will dramatically increase, because of the required private jet transportation of hearts and livers. Second, 'warm' time," W-A-R-M time, "or the time from organ procurement to implantation, will increase, and thereby decrease the function of the organs. This will also increase costs. The patients at the 'top' of the transplant list are very sick, and do not do as well with their transplants as other patients. Therefore, retransplants will increase because very sick patients are more likely to experience rejection of the organ, and transplant hospital stays will increase."

Mr. Chairman, I include all of these comments for the RECORD as follows:

ADMINISTRATION REGULATION WOULD HURT ORGAN SUPPLIES

QUESTION POSED FOR APRIL 15, 1999 HEARING ON: PUTTING PATIENTS FIRST: INCREASING ORGAN SUPPLY FOR TRANSPLANTATION

The proposed HHS regulations to reallocate organs state that "the OPTN is required to develop equitable allocation policies that provide organs to those with the greatest medical urgency, in accordance with sound medical judgment." When President Clinton signed H.R. 3579, the Supplemental Appropriations and Rescissions Act, on May 1, 1998, which extended the public comment period and implementation deadline for the HHS OPTN regulations, he issued a written statement in opposition to extending the comment period on the rule. In stating his reasons for opposing the extension, President Clinton stated that "The final rule would ensure that organs are allocated to the sickest candidates first." What would be the supply-side effects of a policy where organs were to be allocated to "the sickest candidates first"?

RESPONSES

"A 'sickest first' policy would increase the number of re-transplants as more patients experience graft rejection, and thus reduce the number of organs available for transplantation overall. Patients would have to become 'sicker' in order to receive a transplant, thus reducing their chance for survival. This would be completely counterproductive and result in increased cost with reduced success."—Dr. R. Robert Higgins, Director of Thoracic Organ Transplantation, Henry Ford Hospital.

"The supply-side effects would result from the increased transplant of sicker patients, at great distance from the location of the donation. First, costs will dramatically increase, because of the required private jet transportation of hearts and livers. Second, 'warm' time, or the time from organ procurement to implantation, will increase, and thereby decrease the function of the organs. This will also increase costs. The patients at the 'top' of the transplant list are very sick, and do not do as well with their transplants as other patients. Therefore, retransplants will increase because very sick patients are more likely to experience rejection of the organ, and transplant hospital stays will increase. Data indicates that a new allocation scheme would substantially increase organ wastage. Also, in States like Florida, the hard work and dramatic success of our local and state organ donation partnership will be diluted by siphoning organs to out-of-state transplant centers. We believe donor families are more likely to donate knowing that the organs will benefit their local community. But we also believe that the staff responsible for acquiring consent and arranging the logistics of organ donation are also motivated by the knowledge that patients in their community are being helped by their hard work. The immediate results are apparent to everyone involved, and give them the greatest incentive to work at their maximum efficiency."—John R. Campbell, P.A., J.D., Senior Vice President and General Counsel, LifeLink.

"We believe that less patients would receive liver transplants if the OPTN were required to develop policies where organs are allocated to the sickest candidates first. Such candidates are likely to have poor outcomes and require repeat transplants, thus reducing the number of organs available for other candidates. Furthermore, NKF has maintained that a 'sickest first' policy should not be applied to renal transplantation because of the availability of dialysis as an alternative therapy."—Joseph L. Brand, Chairman, National Kidney Foundation, Office of Scientific and Public Policy.

"UNOS modeling of a 'sicker patient first' policy indicates that more organs would be wasted and fewer patients transplanted with poorer overall results. Unfortunately, sicker patients are more likely to die or lose their transplants to post operative complications. My experience in the private practice of medicine for over 25 years, taught me early on that I couldn't 'cure' everyone; that, unfortunately, not everyone would ever have equal access to medical care, and one had to learn to deal with 'the hand you were dealt.' It is, and always will be, an imperfect world."—Robert A. Metzger, M.D., Medical Director, Translife.

"The ASTS has made it clear that we believe the impact of such a 'sickest first' policy would be contrary to our goal of insuring that the precious organs presently available provide the maximum benefit to the maximum number of Americans in an equitable fashion. This point was made in testimony presented at two previous Congressional hearings by Dr. Ronald W. Busuttil, President-elect of the Society and director of the world's most active liver transplant center in UCLA, and I am submitting copies of his testimony with this response. I also include a copy of our written testimony to the Institute of Medicine, presented by Dr. Busuttil on April 16th, which expands on these points. Unfortunately, critical care medicine and vital organ transplantation is not an exact science. That is why a significant number of Status 3 liver patients, those thought to be the least sick, die while in that status. We urge the Congress to leave decisions of this kind in the hands of the medical professionals—who battle these life-and-death issues with their patients every day—and not permit them to be imposed by governmental authority far from the trenches where life and death is played out. The simple answer is that there are some changes that must evolve in the distribution of life-saving organs for transplantation, as they have evolved in the past. This can be accomplished with the help of the federal government, but not with the implementation of a radically new OPTN rule which with its current inferences, language, and preamble has resulted in soundbites such as 'sickest patients first.'"—Joshua Miller, M.D., President, American Society of Transplant Surgeons.

"This has been discussed in detail by PAT Coalition. Allocation to the 'sickest first' on a national level will increase wait list mortalities, waste organs, increase retransplantation rates, disadvantage medically and economically disenfranchised segments of the population by limiting access to transplantation for indigent patients as smaller centers are forced to close their doors. The organs would be diverted to the most critically ill patients first, regardless of their location. While this may sound like a fair and reasonable way to allocate organs, a policy such as this may actually result in lost lives. The immediate and long term survival of liver transplant recipients is directly dependent on their preoperative condition, with significant decompensation adversely affecting survival. Blindly applied legislation may mean that a significant number of organs are given to people with little chance of survival. Organs may not become available for others until they too are critically ill with little chance of survival."—Amadeo Marcos, Assistant Professor of Surgery, Director of the Living Donor Liver Program, Division of Transplantation, Medical College of Virginia.

"We believe that the current system of policy development is sound. It is based on consensus building and medical judgement. Major changes to the liver and heart allocation policies have been instituted during the past two years by the Organ Procurement and Transplantation Network ('OPTN') contractor, the United Network for Organ Sharing ('UNOS'). This includes standardized listing criteria for patients and changes to the status designations for liver and heart patients. We believe that the current system, while not perfect, is designed to ensure that the sickest patient is offered the organ first. We know in our region that the vast majority of patients receiving heart and liver transplants are transplanted at the highest level of acuity and are the sickest patients in our region. We believe that further changes to mandate a single national list for allocation, may lead to organs being wasted and potential donors lost given the attendant medical and social issues."—Howard M. Nathan, President and Chief Executive Officer, Coalition on Donation.

ADMINISTRATION REGULATION WOULD HARM LOCAL ACCESS TO TRANSPLANT SERVICES

QUESTION POSED FOR APRIL 15, 1999 HEARING ON: PUTTING PATIENTS FIRST: INCREASING ORGAN SUPPLY FOR TRANSPLANTATION

In your estimation, how would the Department of Health and Human Services regulations published April 2, 1998, affect your patients and your ability to provide the highest quality of medical care for them? What impact will this rule have on local access to transplant services nationwide?

"A national list coupled with a sickest first policy would make it all but impossible for my patients and in particular patients everywhere that are poor or minority patients, to receive a transplant. From a physician's point of view, without available organs, there is nothing I can do to help my patients over the longer term. If the rule were in effect today, the federal government would essentially be denying the benefits to organ transplantation to a broader number of patients."—Dr. R. Robert Higgins, Director of Thoracic Organ Transplantation, Henry Ford Hospital.

"We believe that our local transplant center patients will be significantly and negatively impacted, as will the vast majority of the country's 120 liver transplant centers. Donated livers will be sent from Florida to a half dozen urban regional transplant centers—none of which are in the southeast. Our community will be deprived of this life-saving resource, a resource which our local citizens and the community have developed together. Highly skilled doctors and nurses will no longer perform the same number of transplants. Local centers may be forced to close their doors. In addition, access for low-income patients may be decreased. Medicaid patients may be unable to obtain transplants outside their home state, and other patient families may not be able to accompany their loved one to support them at a faraway transplant center. Also, organ donation will be affected. Many donor families have stated that a key factor in their decision to donate was the knowledge that they would be helping someone within their community. Eliminating this motivation may substantially reduce voluntary organ donation nationwide."—John R. Campbell, P.A., J.D., Senior Vice President and General Counsel, LifeLink.

"We are concerned that the April 2, 1998 regulations have politicized the organ donation/organ allocation process since they give the DHHS Secretary veto power over OPTN Policy. Transplantation should be based upon medical science, not politics. We are concerned that the rule may cause some local transplant centers to close and that would make it difficult for low income transplant candidates to receive a transplant. Such candidates may not be able to afford to travel to distant transplant centers for evaluation, the transplant itself and post-operative care and testing."—Joseph L. Brand, Chairman, National Kidney Foundation, Office of Scientific and Public Policy.

"The Health and Human Services rule that would mandate 'broader' sharing would result in increased waiting times for Florida recipients as our patients currently have shorter waiting times when compared to the national averages. This could potentially lead to further deterioration in their health prior to transplantation. Local access to local organs, the optimal transplant situation, would occur less frequently."—Robert A. Metzger, M.D., Medical Director, Translife.

"In general the rule as currently written will impact negatively upon patients nationwide. I personally work in a large transplant center, one of the five largest in the world, and am proud of our record over the years. I also have been proud of our organ procurement agency, the University of Miami OPO. This has repeatedly over the years had one of the most enviable records nation- and worldwide in organ retrieval for life-saving transplantation. This is due to our local OPO Director, Les Olson, with whom I have had the privilege of working for 30 years, first in Minnesota, and then for over 20 years in South Florida. Please make no mistake. Organ donation is a local phenomenon dependent on the expertise of professional personnel. That also accounts for the great records in organ retrieval of Lifelink in West Florida, for Translife in Central Florida, and for the University of Florida OPOs. How could those who drafted the OPTN rule not acknowledge this? Some of the language in the OPTN rule also will have a negative impact on local access to service. I can expand on this, but I refer you to comments already made by our ASTS (enclosed). It is also worth noting that the vast majority of the written comments on the rule, collected by DHHS and not yet described by the Department, are understood to have been negative."—Joshua Miller, M.D., President, American Society of Transplant Surgeons, University of Miami School of Medicine.

"The portion of the April HHS rule which would create a national wait list will severely limit access to transplantation for the indigent population by forcing small and moderately sized centers to close their doors. This concept is designed to support only a select few very large transplant centers, which would regionalize access to transplantation to only a few places in the entire country. It is obvious that moderately sized centers, such as our own, not only can provide high quality transplant patient services, but also provide the innovative driving force required to develop something like a 'living donor adult-to-adult right lobe' liver transplant program, etc."—Amadeo Marcos, Assistant Professor of Surgery, Director of the Living Donor Liver Program, Division of Transplantation, Medical College of Virginia.

"Mandating a national allocation system for all organs is likely to spur growth at a few large centers in the country but may impact the viability of smaller programs. This may have the effect of reducing or inhibiting access to services by those recipients and their families who are not able to travel to large centers due to economic and other barriers. Additionally, mandating a national allocation system of organs will eliminate the concept of local neighbor helping neighbor. Complete elimination of the concept of neighbor helping neighbor may adversely impact donation. Finally, a national allocation system disregards differences in medical judgment and opinion. It also disregards the practices of transplant surgeon who perform the organ recovery and view the organ in the donor patient and evaluate biopsy results (for livers) in order to evaluate suitability for transplant generally, as well as suitability for a specific recipient."—Howard M. Nathan, President and Chief Executive Officer, Coalition on Donation.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, people have sort of heard these debates and arguments on this over and over. I would just like to recap, not just on the Scarborough amendment, but sort of this whole debate, and ask my colleagues to vote "no" on Scarborough and "no" on final passage.

We have heard Dr. Payne's comments, the president and head of UNOS, and his comments about the importance of these pending negotiations. If my colleagues read what his comments said in his letter to the gentleman from Michigan (Mr. DINGELL) and his other comments, they can clearly see that he wants this process to go on, these negotiations to go on, and not particularly welcoming of congressional interference.

I would also add that we have inserted in the RECORD a statement from the President's advisors that they will recommend a veto on this legislation if, in fact, anything close to its present form reaches the President's desk.

We have also received a letter from the Justice Department reiterating that they strongly believe that this is unconstitutional; and if for some reason, which they do not think would happen, it is not declared unconstitutional, their belief is it shifts power in some sort of the wrong way from the Government to a private sector, private interest group that does not really have any public accountability.

Equally as important, Mr. Chairman, the main argument that the proponents of this bill have made, the proponents of the Scarborough amendment, is that this process, by turning over authority to UNOS, that this process will actually increase the number of donations, organ donations, which is the goal we all aim for.

I would cite from the Institute of Medicine on page 10: "The committee believes strongly that the effectiveness and productivity of organ procurement is highly dependent on good working relationships at the local level." That is clearly what we need to do. But they go on in spite of what we have heard from the other side to say: "However, our committee finds no evidence that broader organ-sharing arrangements will lead to reduced rates of donation." That if organs go farther across the country, it simply does not affect people's proclivity to donate organs. What makes people want to donate organs is that they believe it will save lives.

The Institute of Medicine supports the role of HHS. The Institute of Medicine study here is included in the HHS rules. Shifting power from representatives of the people, from elected and appointed government officials to a private bureaucratic organization is the wrong way to go. The HHS rules will save lives.

We should vote "no" on Scarborough. We should vote "no" on final passage.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I really appreciate the gentleman yielding, because he knows I am going to rebuff some of what he has said.

Basically it is not a shifting of power. For 16 years, it has been UNOS, which is contracted, set up by HHS quite some time ago with the rights to terminate those contracts and that sort of thing.

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So it is not a shift of power. In fact, the effort is being made to shift the power from this private agency contractor, from UNOS, back to the Federal Government. That is the shift.

The gentleman from Pennsylvania (Mr. KLINK) talked earlier about all of a sudden. Well, all of a sudden is really what has taken place here. Because for 16 years it was being done a certain way and, all of a sudden, HHS has decided to grab the power.

I appreciate the gentleman yielding.

Mr. BROWN of Ohio. Mr. Chairman, reclaiming my time and in closing, I would reiterate that there is no place in our entire government where the government has abdicated its responsibility and given this kind of authority, this kind of power, with so little government oversight to a bureaucratic organization that is not really accountable to the public.

That is why most of us on this side of the aisle ask for a "no" vote on the Scarborough amendment and a "no" vote on final passage.

The CHAIRMAN pro tempore (Mr. HOBSON). All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. SCARBOROUGH).

The amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. HOBSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2418) to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation, pursuant to House Resolution 454, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 147, not voting 12, as follows:

[Roll No. 101]

YEAS—275

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matsui
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—147

Ackerman
Baca
Barrett (NE)
Bartlett
Becerra
Bereuter
Berman
Biggert
Blagojevich
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Doyle
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Frank (MA)
Gejdenson
Gekas
Gilchrest
Goodling
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hinchey
Hoeffel
Holden
Hoyer
Hyde
Jackson (IL)
Jones (OH)
Kanjorski
Kennedy
Kildee
King (NY)
Klink
Kucinich
LaHood
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McIntyre
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Paul
Payne
Pelosi

Peterson (MN)
Peterson (PA)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sessions
Sherman
Sherwood
Shimkus
Slaughter
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Weygand
Wise
Woolsey
Wynn

NOT VOTING—12

Brady (PA)
Campbell
Cook
Crane
Diaz-Balart
Fattah
Greenwood
Martinez
Myrick
Quinn
Shuster
Vento

☐ 1614

Messrs. OWENS, DOOLEY of California, PORTER, HINCHEY, and Mr. DELAHUNT changed their vote from "yea" to "nay."

Messrs. SHAYS, GILMAN, Mrs. MEEK of Florida, Ms. KILPATRICK, Mr. INSLEE, and Mr. MATSUI changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1615

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2418, ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK AMENDMENTS OF 1999

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2418, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Virginia?

There was no objection.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 2418.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3660, PARTIAL-BIRTH ABORTION BAN ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-559) on the resolution (H. Res. 457) providing for consideration of the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. MASCARA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor on H.R. 1824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce:

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 4, 2000.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATE DEPARTMENT HAS CERTIFIED CUBA AS CHILD-ABUSER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to refer to an article that was in Human Events on February 18 of this year entitled "State Department has Certified Cuba as a Child-abuser" country. And the article reads as follows, "the Clinton State Department's most recent annual human rights report describes Fidel Castro's Cuba as a vicious police state where children in particular are targeted for abuse by the government, but that, apparently, means nothing to the Immigration and Naturalization Service, an agency of Attorney General Janet Reno's Justice Department, which remains determined to deny even an initial political asylum hearing to a 6-year-old Elian Gonzalez, the Cuban boy who arrived in Florida on Thanksgiving Day clinging desperately to an inner tube.

An INS spokesman told Human Events last week that the agency will not alter its position because of information in the State Department report. The INS has determined, said spokesman Maria Cardona, that the true will of the boy's father is that he be returned. Is it impossible, she asked rhetorically, that a little boy could grow up in a loving family in Cuba?

President Castro exercises control over all aspects of Cuban life through the Communist Party and the state security apparatus says the State Department report published in February 1999. A new report is due out in a few weeks.

Castro says the report uses agents of the Ministry of the Interior to investigate and suppress all public dissent. The agents recruit informers throughout Cuban society to create a pervasive system of vigilance. Jailed dissidents face a prison system designed to terrorize. Prison guards and state security officials says the State Department also subjected activists to threats of physical violence, systematic psychological intimidation and with detention or imprisonment in cells with common and violent criminals, aggressive homosexuals or state security agents posing as prisoners.

The report also cites widespread tuberculosis, hepatitis, parasitic infections and malnutrition in Castro's prisons. Prison officials, it says, regularly confiscate food or medicine brought to political prisoners by their relatives.

Short of imprisonment, Cuban dissidents are frequently targeted for systematic harassment campaigns or acts of repudiation. Castro routinely conscripts children, get this, conscripts children to participate in these campaigns in which neighbors, fellow workers and members of state-controlled organizations are corralled in front of a target's house. Once in place, they are coached to yell obscenities, damage property, and even physically attack the target.

In 1998, for example, Castro targeted the family of a journalist whom he ordered arrested for allegedly insulting him. Communist Party leaders and government officials conscripted local workers and grade school students and high school students to rally in front of the family's home and shout obscenities at the occupants before plainclothes security agents bashed down the door and beat family members.

Cuban youths are also forced to provide labor to the state. The government employs forced labor, including that by children reports the State Department.

All students over age 11 are expected to devote 30 to 45 hours of their summer vacation to farm work, laboring up to 8 hours per day.

These are among the reasons that the U.S. Cuban Reconstruction Act has held that Cuban refugees reaching U.S. soil should presumptively be considered political refugees who face a "well-founded fear of persecution" back in Cuba.

Janet Reno has short-circuited this law by claiming that only Elian's father has the standing to apply for asylum on Elian's behalf in the United States. If the State Department is right, of course, for Elian's father to apply could lead, at a minimum, to an "act of repudiation" in front of his home.

If returned to Cuba as Janet Reno wishes, Elian also would have to repudiate his mother, who in her own eloquent act of repudiating Castro gave her life to bring her son to freedom.

These are things I think the American people ought to think about before they make judgment about whether or not this boy should be sent back to a Communist prison in Cuba.

TRIBUTE TO THE LATE SENATOR MAURINE NEUBERGER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to a former member of the other body who passed away in February, former Senator Maurine Neuberger. My interest in Senator Neuberger stems not only from her achievements as a legislator but also because we share a family connection, albeit somewhat distant. Senator Neuberger was my great uncle's sister-in-law.

Maurine Neuberger served one term in the U.S. Senate from 1961 to 1967, one of the most significant periods in our Nation's history. She was known as an outspoken advocate for consumers, candid and brutally honest in her views, and unafraid to take on even the most entrenched interests. The author of a 1961 Saturday Evening Post article described her as, quote, a woman of independent spirit who feels it is more important to be herself than to bow to the demands of conformity.

Maurine Neuberger was born in 1907 in Cloverdale, Oregon. The daughter of a doctor and dairy farmer, she became a teacher in the Portland school district. It was there that she met her husband and future political partner, Richard Neuberger. Dick Neuberger was already making a name for himself as a journalist and a legislator, and after serving in World War II as a captain, he ran for and was elected to the Oregon Senate. When the couple was returning from an East Coast trip a year later, Dick mentioned that the State House seat in their area was opening up and Maurine said, "I wish I'd known that. I would have run for it." Dick took the offhand comment very seriously and after a long conversation over a few hundred miles of road, the couple pulled over and they called a friend back in Oregon who filed the necessary papers to make Maurine Neuberger a candidate for the Oregon legislature.

Maurine won that House seat, making the Neubergers the first husband and wife team in U.S. history to serve in the State legislature at the same time. They were both progressive liberals of the day, fighting for consumers, the environment, and civil rights. Maurine never stayed in her husband's shadow and even got more votes than him when they ran for reelection in 1952.

Maurine championed many causes as a State legislator but became known as the champion of the housewife for one cause in particular, overturning a ban on food coloring in margarine. This may sound like a frivolous cause to take up in these days, but to a woman in the 1950s, this was no silly battle. The Oregon dairy industry had lobbied for a ban on yellow food coloring in margarine. This required housewives to add the coloring themselves to improve the look of the whitish margarine for the dinner table. This was a hard and cumbersome task and virtually unknown to the all-male Oregon House. So in 1951, she walked into a crowded Agriculture Committee hearing room, donned an apron and proceeded to demonstrate the difficult process of adding a pellet of food coloring to a pound of margarine. The act made the statewide papers and the ban on food coloring was soon repealed.

When her husband, Dick Neuberger, was elected to the U.S. Senate in 1960, Maurine came to Washington not just as a spouse but as a political adviser and aide. She often attended hearings on her husband's behalf during absences and advised him on pending legislation. But even as a senatorial spouse Maurine could not hide from the limelight.

She created a mini-scandal in 1953 when she participated in a charity modeling show with other Senate wives, wearing a bathing suit. As it was described in the articles of the day, "the somewhat leggy picture" caused a stir back home in Oregon. Maurine found the incident amusing, brushing off criticism by saying, "Well, what do people think Senators' wives wear when they go swimming?"

Dick Neuberger's death in 1960 on the eve of the election's filing deadline came as a shock to both his wife and the State. Maurine was urged to run for the seat by columnists, State politicians, and even her husband's colleagues in the Senate. Minnesota Senator Hubert Humphrey, in an appeal for her to run for the seat, sent a telegram saying, "I cannot imagine the Senate of the United States without a Neuberger in it." She decided to put her grief aside and filed the necessary papers within hours of the deadline.

Maurine Neuberger easily beat the "caretaker" replacement who had been appointed by the governor to fill out the term of her husband and in January of 1961 she was sworn in as the third woman in U.S. history elected in her own right to serve in the United States Senate.

□ 1630

In an early interview as Senator-elect, she demonstrated her forward-thinking values, favoring medical coverage for senior citizens, Federal aid for more teachers and classroom construction, pollution controls for automobiles, and a strong civil rights bill.

In her 6 years as Senator, she fought for environmental protections, challenged the meat industry for adding water to hams, and took the bedding manufacturing industry to task for selling flammable blankets. But she will probably be best known for her early and outspoken opposition to the tobacco industry.

Mr. Speaker, 1963 was a time when the dangers of tobacco were just becoming clear. The industry, the Government and even the medical profession fought controls against its sale. Senator Neuberger fought these interests in every arena and even wrote a book on the topic, Smoke Screen: Tobacco and the Public Welfare. She said in the text, "I have undertaken to write this book because I believe that the moral and intellectual poverty that has characterized our approach to the smoking problem must no longer be shrouded in the press-agentry of the tobacco industry, nor the fancy of bureaucratic footwork of government agencies charged with the responsibilities of guarding our Nation's health."

She called for major legislation to combat what she considered a national health risk. Her program included an education program to convince children not to take up smoking, expanded research into making cigarettes safer, reform and curtailment of cigarette advertising, and warning labels on cigarette packages.

As an early advocate for a common sense approach to tobacco policy, she would persuasively lobby her smoking colleagues of the Senate, often describing in vivid detail the results of the latest medical study on the hazards of tobacco.

Maurine Neuberger decided not to run for reelection, dissuaded by the amount of money she said she would have to raise to win the seat, a lesson that even this Congress could well consider as we ask ourselves, how many other great Americans turn down the responsibility of public office because of the demands of our current campaign finance system.

After remarrying and leaving the Senate, citizen Maurine Neuberger went back to the classroom. She taught at Boston University and Radcliffe College. Then she became an opponent of the Vietnam War and supported Robert Kennedy in his 1968 presidential race.

Eventually, she moved back home to Portland, Oregon, but stayed active in public affairs, serving on presidential commissions for Presidents Johnson and Carter. Friends say she remained interested in politics and lived an active life up until 2 months before her death at age 93. Senator RON WYDEN said he talked to former Senator Neuberger after he had cross-examined tobacco executives with tough questions before a congressional panel, and she told him, "Stay after them."

Maureen became well known in Portland circles, not just for her political acumen and her bridge-playing, but as an avid gardener. In fact, she became so well known for her green thumb that a rose was named after her, a miniature rose called the "Maureen Neuberger." The American Rose Society describes it as "red, a reliable bloomer."

The seeds that this reliable bloomer planted in Congress have taken many forms in the 34 years since she served here, in stronger civil rights laws, protections for consumers, and honest recognition about the dangers of smoking. I am honored to share a family connection to this remarkable woman and public servant, and I applaud the spirit that she brought to this Congress and to her life.

DECREASING OUR DEPENDENCE ON FOREIGN OIL

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, before 1995, the United States banned the export of oil produced on Alaska's North Slope, feeling we should supply our own national needs first. In 1995, Congress, with the full support of the current administration, voted to change the law and allow companies to export North Slope oil. At the time, I believed that lifting the ban was a bad mistake, that it would raise gasoline prices on the West Coast, and I said so on this floor. Now, with regular gasoline costing over $2 per gallon in some places on the West Coast, I have unfortunately been proven correct.

Refineries on the West Coast depend on North Slope oil for much of their production. A single company, British Petroleum, controls an overwhelming share of the oil. In a recent complaint, the Federal Trade Commission alleges that British Petroleum manipulates oil prices on the West Coast by exporting to Asia at lower prices than it could get for the same product from West Coast refineries.

When the ban on North Slope oil exports was lifted, Americans were told that the action would benefit the oil industry and the American consumer. However, they did not say how it might help the American consumer. North Slope oil exports has only benefited one company, British Petroleum, and have contributed to the tremendous fuel price increases experienced by West Coast consumers.

Mr. Speaker, I have introduced H.R. 4017, which would reinstate the ban on North Slope oil exports. I believe we should not export any oil when the U.S. must import oil for our own Nation's use. I hope that those of my colleagues who are interested in lowering fuel prices, ending discriminatory pricing, and decreasing our dependence on foreign oil will join me in cosponsoring this important legislation.

HONORING SENATOR MAURINE NEUBERGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, it is a pleasure for me to follow the gentlewoman from Wisconsin (Ms. BALDWIN) and to precede the gentlewoman from Oregon (Ms. HOOLEY) in honoring former Senator Maureen Neuberger, an accomplished Oregonian and a true trail blazer.

Senator Neuberger made her mark nationally when her husband, Dick Neuberger, died and she beat five opponents to fill the vacant Senate seat. However, she was already familiar to Oregonians as a State legislator, party organizer, and as a teacher.

Senator Neuberger was a trail blazer because she was not only the third woman elected to the other body, but also because she championed many of the same issues which continue to bedevil us today, like education and health care reform. She sponsored one of the first bills to mandate health warning labels on cigarettes, a measure which is commonplace today. Senator Neuberger is an inspiration to women, to Oregonians, and to all Americans.

On a more personal note, Senator Neuberger came to a function in support of me early during my campaign, and I was deeply honored that she was there. Quite frankly, I was a little bit mystified because she has such a large presence in the State, and I was such a dark horse candidate. It was just a sign of her genuine interest in public affairs in Oregon that she came that day to that event, and she came with her great friend, Bud Forrester, also a gentleman who had been very active in our community for many, many decades.

She and Mr. Forrester passed away on the same day very recently; and in passing away, these two great public servants on the same day, they are, in essence, an Oregon version of the Jefferson and Adams story where two great Americans died on the same day, the 4th of July, over 150 years ago.

Mr. Speaker, Senator Neuberger will be greatly, greatly missed by me, by Oregonians, and by all Americans; but her devotion to civil service and her strength and determination will be remembered in Oregon and around the country for years to come.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, in the 5 years I have served in the House of Representatives and thinking back on all of the public meetings I have held, I can think of few that are as poignant as the one I held yesterday concerning the reauthorization of the Violence Against Women Act.

Years ago I witnessed firsthand the mental and physical damage caused by domestic violence and sexual assault. As a patient advocate and rape counselor, I was on the front lines in emergency rooms when victims were brought into the hospitals for treatment. Unfortunately, though, for many, domestic violence was a dirty little secret with which they lived. Fear of their abusers, fear for their children and families, a lack of self-esteem, as well as fear that no one in authority could offer guaranteed safety and security, kept them from speaking out.

In 1994, Congress addressed this problem head on through the creation of the Violence Against Women Act known by the acronym VAWA. This landmark legislation was the first time the specific needs of victims of violence were directly addressed by the Federal Government. Yesterday, I brought together advocates, law enforcement officials, and those who work with victims' services, to discuss the reauthorization of the Violence Against Women Act. In addition, I asked New York State Senator Vincent Leibell, Putnam County District Attorney Kevin Wright, and Westchester County Deputy District Attorney MaryEllen Martirano to join us so the group could benefit from the exchange of ideas from their experiences as well. Also the mayor of Mount Kisco, New York, Pat Riley, was with us, so we had all levels of government.

The fight against domestic violence cannot be won alone. It is only through the cooperative effort of Federal, State and local people that we can assist victims of violence so that we can begin to end the cycle of violence. Yesterday, we began that effort.

Mr. Speaker, there is violence in one out of every four American homes. One of the most alarming things I found while working in New York's emergency rooms was that many women are sometimes unable to receive treatment. Services were not available in many areas. Today, however, thanks to the Violence Against Women Act, services have become more common; yet without reauthorization of this critical legislation, these shelters will have to shut down.

Another topic we discussed during this meeting was legislation I introduced last fall, the READY Act. This bill, entitled Reducing the Effects of Abuse and Domestic Violence on Youth, speaks to the effects on children of witnessing and experiencing domestic violence. Between 20 and 40 percent of chronically violent children have witnessed extreme parental conflict. One study has found that boys who witness their fathers batter their mothers have a 1,000 percent higher battering rate themselves than those who did not.

In order to try to address these problems and end the cycle of violence, the READY Act creates a grant program for multilevel interventions to create a more supportive, cooperative system in communities. Another gives grants for age-appropriate curriculum developed in coordination with community agencies and schools to teach children about how to deal with violence.

Through encouraging partnerships between entities like the courts, schools, physical and mental health care providers, child protective services and battered women's programs, we can build upon the existing services to develop programs to specifically address the special needs of children in domestic violence situations.

In addition, the READY Act creates a grant program for safe havens, for visitation and visitation exchange. Sadly, children are often used as pawns in these situations; and, therefore, visitation exchange is one of the most dangerous times for battered women. Supervised visitation programs would greatly enhance the safety of both the mother and the child and help ease the potentially volatile situation.

Mr. Speaker, as we look to reauthorize the Violence Against Women Act, I hope we will be able to recognize the need to expand the programs under it, to include the important measures. Some of these successes of the Violence Against Women Act include the Mount Kisco New York Police Department's implementation of a bilingual domestic violence hotline, as well as their implementation of a primary aggressor checklist for responding officers when arriving at the scene of a domestic dispute. VAWA funds have been used by the New York district attorney's office to hire seven additional staff people to address the special prosecutions division.

Thanks to VAWA grants, the Pace University Women's Justice Center has been able to institute a program training public safety workers about sexual assault and public service announcements about the full faith and credit provisions included in the VAWA Act.

Other VAWA grants have provided victims' agencies like the Northern Westchester Shelter, legal service assistance, which otherwise their clients would have to do without. Beyond formal legal assistance, the Violence Against Women Act enables trained volunteers to act as legal advocates.

☐ 1645

My Sister's Place in White Plains used grants to train volunteers who will accompany women to court when an attorney's presence is not essential. Mr. Speaker, these programs are just a sample of the good, solid programs of the Violence Against Women Act.

We stand at a crossroads. Great work is being done with VAWA money. However, without our continued commitment here in this House to these programs, all of this work will come to an end.

I include for the RECORD the statements of those who were able to join me yesterday to discuss this important issue.

The statements referred to are as follows:

RICHARD A. FLYNN POLICE HEADQUARTERS, VILLAGE/TOWN OF MOUNT KISCO, POLICE DEPARTMENT,
Westchester County, NY, March 31, 2000.

Congresswoman SUE W. KELLY;
19th District, New York, Mount Kisco, NY.

Thank you for your invitation to attend the public forum on domestic violence to be held on April 3rd, 2000 in Mount Kisco. The following information regarding the Mount Kisco Police Department's advances in addressing domestic violence issues is provided to assist you and your colleagues in your decision to reauthorize the Violence Against Women Act, and hopefully, to pass the READY Act.

BACKGROUND

Domestic violence is an extremely important subject to the administration and officers of the Mount Kisco Police Department. The Department was fortunate to receive a Domestic Violence grant in 1996. This was a direct result of the police department's aggressive posture in dealing with domestic violence issues.

ACCOMPLISHMENTS

As a result of the grant the Mount Kisco Police Department has accomplished the following:

Aggressive Domestic Violence Policy: The Mount Kisco Police Department was among the first to develop and put into place a stringent policy on domestic violence. The policy is reviewed on a regular basis in order to be current as the new laws are enacted.

The Department also generated a "Primary Aggressor Checklist" which assists responding officers in gathering facts and identifying and arresting a perpetrator of domestic violence. The form becomes a permanent part of the domestic violence case file and provides valuable information to officers making follow up contacts.

Coordinating the Mount Kisco Domestic Violence Coalition: This group is comprised of representatives from law enforcement, clergy, mental health, the Mount Kisco Drug and Alcohol Abuse Protection Council, the Northern Westchester Shelter, and the Northern Westchester Hospital emergency room. Meetings are held periodically to discuss needs and set goals.

Mr. Mel Berger of the Mount Kisco Drug and Alcohol Abuse Prevention Council, is an important member of our coalition. He regularly attends all local court proceedings and has the ability to request court ordered drug/alcohol abuse evaluations prior to the adjudication of defendants' charged in crimes involving domestic violence. These evaluations allow the court to make a more appropriate decision regarding such defendants.

Installation of local Domestic Violence Hotline: Located in the Department's Domestic Violence office, the hotline provides the means for victims to receive non-emergency assistance and advice. The recorded message is in both English and Spanish.

Since follow up calls are made in almost all reported domestic incidents, the domestic violence office and hotline allow officers to make such calls to victims without interruption.

Hotline Brochure: To provide public awareness of the domestic violence hotline the Department published a brochure in English and Spanish. Not only does it contain important phone listings but provides valuable information to victims.

Advanced training for bilingual police officers: In order to meet the needs of Mount Kisco's growing Hispanic population, the Department has provided advanced domestic violence training to five bilingual police officers that act as first responders when a domestic incident is reported. To ensure availability for calls one officer is assigned to each patrol squad. In addition to completing the domestic incident report and other necessary paperwork, these officers are each assigned a Polaroid camera and will photograph and record any injuries, property damage or other evidence crucial to the case.

Two Day Seminar: In November of 1997, the Department hosted a two-day domestic violence seminar which was attended by over 140 professionals who deal in domestic violence issues. This was well received and we hope to provide another such seminar in the near future.

FUTURE GOALS

Intensify Domestic Violence Training: Providing frequent and structured domestic violence training to all Mount Kisco Police officers will improve efficiency in responding to and documenting domestic violence incidents. This will ensure that all reports are properly completed and that victims are provided with the proper referrals.

Assistance with Grant Writing: In the recent past the Department has not been able to research and take advantage of available grants. This is due in large part to a decrease in staffing do to attrition. Qualified assistance and advice in the grant process is needed.

Partnerships in Teen Violence Prevention: The Department has already worked with local school administrators and other organizations, such as the Junior League of

Northern Westchester. We wish to expand our proactive approach in addressing students on the issues of teen violence.

Aiding Children Affected by Violence in their Homes: In working together with our Youth Bureau and other agencies, we can address the needs of children who have been traumatized while witnessing domestic violence incidents in the home. We see this as a most important issue since many children who are raised in an abusive home atmosphere grow up to become abusers or victims themselves.

Providing Equipment to Local Hospital: The Department is seeking ways to share the cost of a valuable piece of medical equipment with the Putnam County Women's Resource Center. This device, known as a Culpascope, would be used by the emergency room attending physician or nurse, in the collection of evidence in a rape case. The cost of the Culpascope is $10,000.00.

Full Time Domestic Violence Officer: An officer assigned to domestic violence, working on a full time basis would be ideal. The officer would focus his/her attention on a structured training course for police officers, networking with local, county and state agencies on a regular basis, reviewing all domestic incident reports and maintaining contact with victims throughout any referral and/or court proceedings.

The Mount Kisco Police Department is proud of its accomplishments in combating domestic violence. It is through your support of acts such as the VAWA and READY Act that we may continue to make advances in this area.

I appreciate the opportunity to provide this information, and hope it will assist you.

Sincerely,

SGT. GLORIA M. BUCCINO.

I am Maryellen Martirano, Second Deputy District Attorney for the Westchester County District Attorney's Office and Chief of the Special Prosecutions Division. I am proud and honored to be here to represent D.A. Jeanine Pirro. I have been a prosecutor for 20 years and I have been prosecuting Domestic Violence and Child Abuse cases for 17 of those years. And I can tell you, I've seen many, many, changes throughout the years—all for the good.

D.A. Pirro has been an innovator in the field of Domestic Violence. She started the model for prosecution of domestic violence cases in 1978 and that same model is used today and helps thousands of women every year. When DA Pirro started the Domestic Violence Unit back in 1978, there was one lawyer—Jeanine—two Domestic Violence workers and one secretary. Today, we have 26 people and are about to add 2 more. We are eleven, soon to be twelve attorneys, seven DV workers; two Criminal Investigators, a Child Abuse Coordinator and several support staff. Obviously the caseload has vastly increased in the domestic violence area and we have also greatly expanded the categories we deal with in the Special Prosecutions Division. The Division has three bureaus: the Domestic Violence and Special Crimes Bureau, the Child Abuse Bureau and the Sex Crimes and Elder Abuse Bureau. In addition to domestic violence, child abuse, sex crimes and elder abuse, we handle stalking cases. We do vertical prosecution of all felony cases, i.e., we handle all felony cases from investigation through trial and we monitor the lower level crimes from their inception as well. To give you an idea of the volume we handle, there were nearly 2100 criminal charges filed in Westchester County in 1999 in the domestic violence area alone.

In addition, we investigated 850 child abuse cases in 1999 and charges were filed in more than 400 child abuse cases. In the sex crime area the investigations numbered 89 and 128 charges were filed; in the elder abuse area, 74 charges were filed and 30 investigations were conducted. Therefore, more than 3,000 cases were handled by the Special Prosecutions Division staff in 1999 alone.

I must say that much of our expansion in staff and services is a direct result of funds generated by the Violence Against Women Act. Not only have VAWA monies enabled us to add seven staff; it has also enabled us to collaborate with victim agencies and police departments to help fight domestic violence.

The first year of VAWA funding enabled us to concentrate more on police training. We conducted a comprehensive "Train the Trainer" domestic violence program for several Westchester police departments—those in jurisdictions with the largest volume of domestic violence cases. The SPD continues to conduct training to individual police departments on a regular basis.

We have been able to send domestic violence workers, Spanish speaking, out in to the communities with the highest volume of domestic violence cases to speak with victims and follow up cases. We have a full time case worker in Yonkers where approximately ½ of our domestic violence cases arise every year and a second aide who goes out to several other busier jurisdictions. As a result of the additional workers provided by VAWA, our other workers have been able to reach out to elder abuse and sexual assault victims and to monitor cases involving them.

As part of our effort to reach out to victims in their own communities, we have networked, with the help of VAWA monies, with My Sisters' Place and Victims Assistance Services. Victims Assistance Services has been able to open an office in the Mt. Vernon Police Department to be available for all crime victims and particularly domestic violence victims. In addition, my office has arranged with police departments throughout Westchester County to send all their Domestic Incident Reports to us. We, in turn, screen these reports and forward to VAS and MSP those DIRs where no criminal charges were filed. VAS gets those for Mt. Vernon; MSP gets those from the remaining forty-odd police departments who send them. These agencies then reach out to every victim for the purpose of offering them services. Since the inception of our grant, we have received and forwarded thousands of DIRs.

We have an Assistant District Attorney who travels out to the local courts throughout Westchester County to conduct trials of misdemeanor domestic violence and sex crimes cases.

With VAWA money, we have an additional Assistant District Attorney to handle felony sex crimes cases. As a result, we have been able to conduct some lengthy and complicated investigations such as those involving correction officers who sexually assault prison inmates.

We would not have an Elder Abuse Bureau without VAWA. We have an Assistant District Attorney and a criminal investigator who investigate and prosecute elder abuse cases and whose secondary aim is to educate professionals in the field and the community about the existence of elder abuse and what they can do about it. Another part of our elder abuse program, which is called SAVES, is networking with VAS. With the help of VAWA monies, VAS has been able to hire a community resources person to reach out to and educate the elder community about elder abuse.

Finally, VAWA money has enabled us to set up a designated D.V. Court in Westchester County. The D.V. Court is the first designated D.V. court in New York State to handle both felony and misdemeanor D.V. cases, and the cases stay in that court from inception to disposition. The court is staffed with members of the DA's office, a victim advocate, a resource coordinator and, of course, a specific judge.

You can see—by how long I've gone on—just how important VAWA money has been to the Westchester County District Attorney's Office and ultimately to the people of Westchester County.

I also would like to note that one main thrust of our VAWA programs has been to discourage withdrawal of D.V. charges and proceed with prosecution of the offender, with or without a victim. We can only do that with the help and proper training of our police departments; with judges who are aware of the dynamics and devastation of family violence; with trained, skilled interviewers to talk to and work with the victims; with trained attorneys—knowledgeable, sensitive, feisty—to convince our juries and the public that they need to be concerned about Domestic Violence.

With lowering the withdrawal rate as one of our objectives, I am happy to report that preliminarily we have succeeded. In 1998, just 1 year after the start of the grant—the rate of withdrawal was 39%, in 1999 it was 36%. To put this in perspective, the withdrawal rate between 1995 and 1997 was 51%.

I look forward to seeing the numbers for 2000 and sincerely hope that VAWA Funding continues.

PUBLIC FORUM ON DOMESTIC VIOLENCE

(Outline of Comments by Victoria L. Lutz)

1. VAWA PROGRAMS OF THE PACE WOMEN'S JUSTICE CENTER

Project D.E.T.E.R.—24/7 attorney link between the battered woman who calls 911 and the Family Court

Federal Civil Legal Assistance Practicum—externship providing legal representation to the most marginalized of domestic violence victims

Sexual Assault Training Program—CLE programs for prosecutors in rural New York

Public Education—Public service announcements about the VAWA's full faith and credit provision

Bench Manual Funding—Domestic Violence and Sexual Assault Bench Manuals will be printed this year (partnership with Westchester Department of the Probation)

Cayuga Community Response Training and CD-Rom production—Rural trainings targeted for specific disciplines and then made into interactive online programs

Gender Violence Trainings—CLE programs on domestic violence trial advocacy skills tailored for prosecutors in each borough of New York City

2. DESIRABLE CHANGES IN AND EXPANSIONS OF THESE PROGRAMS

Project D.E.T.E.R.—Should be extended to all 42 police departments in Westchester and beyond; could be adapted to provide parallel services for victims of domestic violence who are present in hospital emergency rooms

Federal Civil Legal Assistance Practicum—Should be augmented so that the externship can also provide legal assistance via a satellite office to Putnam residents

Public Education—A "legal info" public service announcement campaign is a necessary component of any domestic violence intervention strategy and, at this time, does not exist

3. THE READY AND STALKING ACTS: A FEW COMMENTS FROM THE CENTER'S PERSPECTIVE

Mental Health: Multi-System Interventions for Children Who Witness Domestic Violence—Special attention should be given to the need for training concerning the interface between the courts and children of divorce (e.g., about the dangers of mediation; mandatory parenting classes; joint custody; what parental alienation means and does not mean; Family Court neglect adjudications against the victim of domestic violence because the abuser was violent in the home)

Violence Against Women Prevention in Schools—All school children desperately need this type of multi-layer training. This approach should reach bus drivers and cafeteria workers as well as those listed in the bill materials. Whenever practicable, trainers should include peers, whether they be teens who help train teens or parents who help train parents. To do this, a "train the trainer" entre program is important. Last, but not least, domestic violence education must be available to ALL students; ironically, those most left out of the training loop may be the private schools. We have trained all boys private schools and it is scary how little they know and how much they need.

Safe Havens—Transportation exchange services ("supervision transportation") never seems to come up but is a continual problem for clients, rich and poor. Supervised visitation funding should include, wherever possible, funding for safe exchange opportunities.

The Stalking Protection and Victim Protection Act—The email provision has been pointed out to us frequently as a desirable amendment.

I thank Congresswoman Kelly for her work on behalf of victims of domestic violence. Hundreds of our clients and our students could never have received representation or training without the assistance of those in Congress who continue to see the job of ending domestic violence as a national, rather than a merely local, priority. Much has been done, but domestic violence continues to be a national epidemic. We still need your help!

VAWA REAUTHORIZATION AND PRIORITY ISSUES

(The New York State Coalition Against Domestic Violence)

Through the Violence Against Women Act of 1994, millions of dollars have gone out to communities in New York State and across the nation, creating programs that have made a difference in the lives of millions of women. Such programs have bolstered prosecution of domestic violence and sexual assault, increased victim services, increased resources for law enforcement, and created a National Domestic Violence Hotline. With the funding for these programs scheduled to run out in October of this year, it is imperative that Congress support efforts to reauthorize VAWA programs now for a full five years by passing the VAWA reauthorization bill, H.R. 1248, early this year. This reauthorization package will continue the congressional commitment to making our streets and homes safe for women and children.

It is also essential that Congress recognize other crucial needs in combating domestic violence that are not included in the reauthorization package. The following needs must also be addressed:

Transitional Housing—Transitional housing is a key factor in meeting battered women's needs for self-sufficiency and safety. Authorizing committees should take this opportunity to incorporate into reauthorization initiatives housing beyond shelters so that survivors have a place to live while they get on their feet and put their lives back together. While a family earning the minimum wage cannot afford a two-bedroom apartment at fair market rent in any state, the shortage of affordable housing is especially serious, and well-documented, in New York (National Low Income Housing Coalition. Out of Reach: Rental Housing at What Cost?). Such a housing crisis has dire implications for abused women and their children. In a recent survey, 57% identified domestic violence as a primary cause of homelessness (U.S. Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities: 1999, December 1999, p. 94). Abused women show great courage in uprooting themselves and their children to go into a domestic violence shelter. We need to ensure that, at the end of their limited emergency stay, we provide them with options more viable and attractive than returning to the batterer.

Civil Legal Assistance—This program is currently funded through VAWA appropriations, but is not authorized by statute. The need for civil legal assistance is so acute, it should not be left vulnerable to the appropriations process. Victims of domestic violence are often inundated with legal problems, included the need for restraining orders, custody and visitation orders, reimbursement for medical bills and property damage, resolution of landlord-tenant disputes, and assistance with complicated divorce cases. Victim demand for such services far exceeds their availability. The dearth of competent, affordable legal services directly and adversely impacts the safety and well being of women and children across the nation. Civil legal assistance should be a permanent component of the statute and receive substantially higher levels of funding.

Battered Immigrant Women's Legislation—Language that is targeted towards addressing the unique needs of battered immigrant women and eliminating obstacles to gaining assistance is needed to ensure that battered immigrant women and children are not forced to remain with abusive partners. Despite the successes of the immigration provisions of VAWA 1994, subsequent immigration reform bills drastically reduced access to VAWA immigration relief for battered immigrants. H.R. 8083 seeks to restore and expand access to a variety of legal protections for battered immigrants so they may flee violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

Definition of Domestic Violence—The federal definition of domestic violence needs to be corrected to include dating violence. Not all abused women marry their abusive partners or have children in common with them. Too many victims of domestic violence are denied equal protection of the law because the law fails to recognize the full spectrum of domestic violence victims. Non-married, non-parent victims of domestic violence need equal protection under the law.

Full Faith and Credit—While the goal of the federal statute and the conforming statute New York passed in 1998 is straightforward, implementation has been problematic. Many jurisdictions have done nothing to implement full faith and credit. In varying degrees in different jurisdictions, police officers, court personnel, and judges often refuse to enforce the orders of other state and tribal courts. The problems in Indian Nations are especially difficult since most of the violations on Indians lands are by non-native batterers. Battered women travel for all the ordinary reasons people travel, and they often cross state and tribal jurisdictional lines in flight for their safety. Battered women need the protection the full faith and credit statute was supposed to provide, and further clarification and funding for training and implementation is needed to support that goal.

Children and Domestic Violence—There are many levels at which the NYSCADV is concerned about children and domestic violence. Prevention and education aimed at children are essential components to any response to domestic violence. Programs for teen and college aged victims of domestic violence and sexual assault are also grossly under-funded. The need for supervised visitation centers far exceeds the number of available programs, resulting in courts ordering unsupervised visitation and endangering women and children. Services for children exhibiting symptoms of the stress of violence in the home need appropriate services. A Sense of Congress regarding the inappropriateness and danger of forcing shared custody over the objection of one or both parents or making friendly parent provisions a factor in determining custody would be very helpful in addressing the abuse many batterers continue to afflict through custody and visitation litigation. Despite the perception that mothers always win custody cases, studies show that fathers who contest custody win sole or joint custody in 40 to 70 percent of cases (Report of the Gender Bias Study of the Supreme Judicial Court of Massachusetts, 1989, Abrams and Greaney).

We are currently supporting an initiative in New York that would mandate domestic violence training for child protection workers and would support a complementary federal initiative. While the NYSCADV has not taken a formal position on the READY Act, we are grateful for the leadership of Representative Kelly in this effort to address these important issues. Our concern over any initiative addressing children and domestic violence results from the devastating and dangerous trends evolving in current responses to domestic violence by child protection systems. Abused women are being charged with neglect based on the actions of the perpetrator. They are having their children taken from them and placed in foster care. They are being forced to take actions over which they have no control, such as obtaining an order of protection or being accepted into shelter, and the outcomes of their cases often hinge on such actions. Domestic violence is not and should not be per se neglect. The child protection actions described above are having an, understandably, chilling effect on abused women's willingness to seek assistance—to call the police, go to Family Court, seek services—in short, reversing decades of work encouraging women to break their silence and seek assistance. The short-term knee-jerk responses by child protection we are witnessing are counterproductive to crafting meaningful long-term responses that take the needs of the non-offending, primary caretaker parent into account. And that is hardly in the best interests of the children. Any legislation passed on behalf of children must take these serious circumstances into account. In our zeal to protect and assist children, we mustn't handicap their long-term chances of safety and security by revictimizing their abused mothers.

VAWA FUNDED PROJECTS IN NEW YORK STATE

VAWA funded projects have had an enormous impact on abused women and their children in New York. Since there is no one agency in New York that keeps track of all the VAWA funds in New York, it is difficult to assess the amount of those funds. The New York State Department of Health, for example, has VAWA contracts for sexual initiatives that are not reflected in the figures below. Additionally, many projects are funded directly through federal agencies. However, the following are rough estimates of VAWA funds, provided to us by the New York State Division of Criminal Justice Services.

Projects/Programs	Year	Amount
S.T.O.P	1997	$7,257,050
	1998	7,426,150
	1999	7,537,300
Discretionary Office of Justice Programs	1998	2,180,904
Department of Justice	1998	429,900
Grants to Encourage Arrest (directly to projects)	1998	3,980,000
Civil Legal Projects	1998	3,930,000

The NYSCADV also has several VAWA funded projects:

We are in the fourth year of funding of our S.T.O.P project, which is a comprehensive training series of domestic violence program staff across the state. These trainings have been very well received and covered topics ranging from basic domestic violence issues to more complex challenges in service provision, such as reaching underserved populations and welfare and immigration issues. In addition to ongoing technical assistance, we provide six one-day trainings and four two-day trainings each year. This is one of our most successful and sought after projects.

We are entering the second cycle of a Department of Justice, Rural Domestic Violence and Child Victimization Enforcement Grant project. We are working with ten rural counties to help them improve their coordinated community response to domestic violence by working with them to promote participation in county task forces, identify strengths and weaknesses in their individual and coordinated agency responses and develop written protocol to guide future responses. We also hosted two Full Faith and Credit conferences for New York/Connecticut/Vermont/Massachusetts border counties and Indian Nations under this initiative to promote better understanding, cooperation and enforcement around this important federal and state law.

We are also working under an Office of Justice Programs, Grants to Encourage Arrest Policies initiative, in which our part is to develop and implement a statewide conference for child protection, law enforcement and domestic violence systems to promote a coordinated community response between the above systems on behalf of abused mothers and their children. A workgroup will be formed to identify conference outcomes and address them in furtherance of the above goal. Under this initiative we are also working with the NYS Office for the Prevention of Domestic Violence and the NYS Division of Probation and Correctional Alternatives on a work team to provide training and technical assistance for probation personnel and to help develop protocol. To date domestic violence liaisons in probation departments have been identified and trained in 99% of the counties in New York.

VAWA is a great success story—it is a success story of federal commitment to ending violence against women, of state and local partnerships, of innovative collaborative initiatives and of a public waking up to the everyday reality of violence in the home. But there is much work to be done. Violence against women has not ended and the great work that VAWA launched must be continued to further that goal.

We urge Congressional support on these issues and anticipate continued efforts on behalf of anti-domestic violence legislation. Across the country, advocates for battered women and battered women themselves are asking Congress to continue its dedication to ending violence in the homes of our nation's women. We urge that a VAWA reauthorization bill be passed early this year and that the other pressing needs mentioned above be addressed.

NYSCADV NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES FUNDING SURVEY 2000 RESULTS

The New York State Coalition Against Domestic Violence conducted a survey of all non-residential domestic service providers across the state to determine their need for additional funding and resources. The following charts depict the current inadequacy of resources and the necessity of increased funding to support the provision of core services.

County Contracts: 62.5% of programs have county non-residential contracts with DSS/HRA that are less than $50,000.

Insufficient Contract Funds: 85.1% of programs report that their county contracts are not sufficient to cover core services.

Additionally, 42.6% of programs report that they do not have sufficient staff to provide their core services.

High Staff Turnover: Programs are reporting high turnover for many core staff positions.

Low Pay and Staff Turnover: 61.5% of programs report that staff are leaving for better paying positions.

DOMESTIC VIOLENCE PUBLIC FORUM ORGANIZED BY CONGRESSWOMAN SUE KELLY—APRIL 3, 2000

(Presentation by CarlLa Horton, MPA, Executive Director of the Northern Westchester Shelter)

INTRODUCTION

Good morning. I'm CarlLa Horton, and it is my privilege to serve as the executive director of the Northern Westchester Shelter, a non-profit, community based organization that serves victims of domestic violence. In addition to our shelter services, we provide community education programs and offer an array of services to child, teen and adult survivors of domestic violence. This includes legal services, counseling, support groups, education and self-efficiency initiatives. The latest addition to our roster of programs is Student Terminating Abusive Relationships, a school-based outreach and peer leadership program. This Friday, we will help co-sponsor with the Junior League of Northern Westchester the second annual conference in the county on teen dating abuse.

COMMENTS ON VIOLENCE AGAINST WOMEN ACT AND ITS REAUTHORIZATION

The Northern Westchester Shelter is extremely grateful to Congress and the taxpayers for their support of the Violence Against Women Act and strongly recommends that it be reauthorized and strengthened.

I remember when I first came to the Northern Westchester Shelter, three years ago today, and began a needs assessment. I spoke with survivors, our state coalition's executive director, other advocates and my board and staff. It was clear to all of us that next to an adequate number of shelter beds that legal services was the greatest unmet need in our county for battered women and their children.

Armed with that information, we applied for a VAWA grant and we were awarded $80,000 for what became the first year of a legal services program. In the second year, that support dropped to $60,000 and in this, the third year, the support plummeted to $45,000.

During the first two years, we provided legal advice to 229 victims, 156 of whom were selected for ongoing legal representation as allowed by VAWA. Of these, 136 secured temporary orders of protection—94 in Family Court and 42 in Criminal Court. Over time, 74 permanent orders of protection were secured—53 in Family Court and 21 in Criminal Court. Of the 42 women who selected Criminal Court as their avenue to safety and accountability, only two have dropped the charges against their abusers.

And that's just the work as allowed and funded by VAWA. As or more importantly, the program funded by VAWA served as a gateway to the other programs offered by my agency. Women may have come through the door seeking help with legal issues, but they and their children stayed for counseling, support groups, educational services and the like. Indeed, we experienced a 100% increase in the number of survivors coming to us for non-residential services in the first year that we had VAWA funding.

We have struggled to maintain our level of service in spite of the decreasing funding levels. But, decreased funding is not the only problem. The current legislation prohibits us from helping battered women secure divorces. In our first year, we had to tell 52 women seeking divorces that our lawyers (funded by VAWA) could not help them. This is ludicrous. The common refrain from those not in the know is that battered women "should just leave." Yet, VAWA does not allow severing the legal ties that bind women to husbands who are desperate to maintain power and control.

Not only must VAWA funding be continued. It should be enhanced and the prohibition against divorce should be lifted.

COMMENTS ON THE READY ACT

The Northern Westchester Shelter would like to thank Congresswoman Kelly and her cosponsors for their leadership in advancing protections for abused women and children through the READY Act. I cannot say enough about the torture inflicted on children who watch in horror as their fathers slap, kick, punch and stomp on their wives in front of the children.

Think for a moment about torture of political prisoners. If the abuse gets too intense, the prisoner can die or pass out. That's why abusers in those situations stop torturing the primary victim and torture someone that person cares about but can't do anything to protect. That's what happens to children who witness violence. Their bodies cannot "pass out" from the abuse they witness, but their minds suffer terribly about their inability to do anything to stop the violence or to protect their mother.

But consider the many children who do try to stop the violence. Think of a young boy—7, 8 maybe 9 years old—throwing himself between his father's fists and his mother's face. These young children make a valiant but almost hopeless effort to protect their mother. Consider one study of young men (boys, really) in jail for murder. In this study, 63% of them were there for killing the man who was abusing their mother. This is a travesty.

This is what we particularly like about the READY Act:

The READY Act would create multi-level interventions that promote collaboration and safety planning among domestic violence providers, the police, courts, child protective services, schools and other community based and mental health organizations.

The READY Act would provide women who flee from domestic violence across state lines with a defense. We have a former client who was in our shelter almost eight years ago who fled to a New England state. She was finally tracked down by her child's father and is now embroiled in a legal battle to defend her actions—actions taken to save her life and that of her child.

The READY Act would mandate domestic violence factors have precedence in custody proceedings. Currently, states are to base child custody on the "best interests of the child" and with considerations for domestic violence as a "factor." We wholeheartedly support the language that domestic violence factors have "precedence" as we have seen time and again the "factor" being ignored, particularly for wealthy, powerful and/or well-connected men.

We applaud the READY Act's emphasis on "predominant aggressor." Factors such as the history of abuse, the relative severity of injuries, the likelihood of future injury are particularly needed. I was also heartened to see the language that talked about "the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean or cause severe pain or injury, or fear of harm to the other or a third person." We had similar concerns in this state after mandatory arrest was initiated and this resulted in "primary aggressor" legislation.

We applaud the strategy to address violence against women by funding school-based prevention programs. Last May, we cosponsored with the Junior League of Northern Westchester a teen dating abuse conference, 260 tenth graders came together and talked about their experiences. Over and over, we heard chilling stories about what's going on in the schools, and in the cars and in the homes of these young people. Meanwhile, many school administrators continue to claim that their school doesn't have this problem. Yes, they do, and we must develop strategies to help these young people (and those that serve them) understand how to identify abuse and how to access services when needed.

IN CLOSING

Innocent, bewildered and traumatized children have become pawns in the abusers' last, desperate struggles to maintain power and control. This must stop. If we have learned anything in our movement, it is that safe moms make for safe kids. Thank you for your efforts to make the victims safe and the abusers accountable.

Statement on Behalf of My Sisters' Place

Good morning Congresswoman Kelley and distinguished members of the panel. I am Amy Paul. With me is Lisi Lord. We are Assistant Executive Directors of My Sisters' Place, an agency dedicated to ending domestic violence and assisting victims of domestic violence since 1978. My Sisters' Place provides comprehensive services throughout Westchester to people living with abusive partners. Our many services include 2 emergency shelters, a 24 hour toll free hotline for information and assistance, individual counseling and advocacy, 20 support groups located in community sites in 10 different Westchester towns, a Legal Centers with three attorneys providing free legal advice and representation, court accompaniment, a Life Skills program to help women renew the skills they need to live independently, and a children's program, called Robbie's Room, both at our shelters and in the community. Our services are provided in English and Spanish. We have counselors available who also speak Hebrew, Japanese, French, Portuguese, Arabic and who sign for the hearing impaired community. We also have an extensive community education program which includes a school-based domestic violence education and prevention curriculum which reaches over 4000 Westchester students each year, a health care provider education program, professional and lay trainings, and a community speakers bureau program.

My Sisters' Place is pleased to have the opportunity today to comment on H.R. 3315, the Ready Act, and H.R. 1248, the violence Against Women Act, and to lend our support for both bills. We commend Congresswoman Kelly for calling these hearings and for directing the public's attention to an issue which has, for too long, gone unaddressed. As we are all aware, domestic violence is a most insidious and pervasive social problem, one which affects not only the targeted victim, but the children who witness the abuse, and the community at large. Whereas home is considered to be the sanctuary of peace from the outside world, for too many women, it is the most dangerous and uncomfortable place of all. It is estimated that over 50,000 women in Westchester are living with an abusive partner. Our own experience bears out the enormity of the problem as last year alone, we assisted over 3000 women, provided shelter to over 150 people, but had to turn away over 500 women, not counting, their children, because we were full. A victim of domestic violence is faced with challenges and worries of safety for herself and her children every day. Leaving the relationship would seem from the outside to be an easy solution but, in fact, 'leaving' poses a most dangerous threat to her immediate safety. Moreover, despite the services available through agencies like ours, 'leaving' is made exceedingly difficult by the lack of overall, ongoing community support to help her and her children make the transition to safety and security after 'leaving.' And, 'leaving' requires that the victim tell someone about her plight, about something which still today is a social taboo and is shameful to talk about. For married victims, 'leaving' also means getting and paying for legal advice in dissolving the marriage and arranging for child custody, as well as in obtaining an order of protection. Most victims do not have the money to retain legal counsel and, if they do initially, our experience is that the legal fees eat up any savings they have accumulated otherwise needed to start a new life.

With the initial enactment of the Violence Against Women Act, our government took an important, pioneering stand against domestic violence and provided much needed funds to support efforts to help women facing life with an abusive partner. My sisters' Place was the beneficiary of this funding under the STOP Violence Against Women program through which we developed a lay legal advocate program. This program enables trained volunteers to accompany women to court, when an attorney's presence is not essential, such as when filing papers, and the like. Our advocates provide emotional support and court experience to make an otherwise daunting and scary trip to the court house less frightening and more successful. Over 50 women have worked with our advocates to date. On this coming Wednesday, our program will be recognized for an award by The Fund for Modern Courts for the important contribution we have made. Without the VAWA funding, we could not have developed this program.

Re-authorization of VAWA is critical to organizations like ours which are working on the front line every day with women in crisis and afraid for their lives. It is well known that the VAWA program has provided financial support for a wide array of services nationwide. For this reason, re-authorization of VAWA should be passed as soon as possible, hopefully in this Spring. To wait any longer than that places in jeopardy all of the worthy programs which may expire over the summer and may not be able to bridge the funding gap if VAWA reauthorization is delayed into the Fall.

We also lend our support to The Ready Act and thank Congresswoman Kelly for crafting a bill which addresses domestic violence prevention as well as some of the difficult, attendant issues a victim and her children face. In particular, we appreciate the bill's funding for supervised visitation centers in recognition that men who abuse their partners often also abuse the children living with them. We have supported the Junior League in Westchester in developing a supervised visitation program here in the county and support the Ready Act in providing funding for such programs nationwide. We support the Act's provisions which permit a defense to a kidnapping charge for a woman who flees the state to escape domestic violence. And, we have long supported the notion that a history of domestic violence should be made a part of the court's consideration when determining a child custody matter.

We also support the Ready Act funding for services for children, in recognition that witnessing abuse performed by the perpetrator takes a long term toll on the health of the children. In this regard, we believe that the perpetrator must be held accountable for these actions if we are to see a change in the incidence of domestic violence both in individual cases and on a societal scale. We must find ways to articulate a national policy statement that domestic violence is unacceptable and that we are seriously committed to holding perpetrators accountable for their actions and the consequences of their actions.

We also believe, and it is our mission, that we must educate and expand awareness of the issues underlying domestic violence-education is the key to reducing the incidence of domestic violence and protecting our children. As we mentioned earlier, My Sisters' Place has developed a program of educational materials for students in Westchester schools which we have been presenting since 1990. Our successes in that program encourage us to believe that such programs are essential and that funding for such programs nationwide, as set forth in the Ready Act, should be available.

In closing, we wish to reiterate the importance and urgency in reauthorizing VAWA this Spring and in using the re-authorization as a means to communicating the seriousness with which we, as a nation, are committed to helping victims and holding batterers accountable. There is much to do to properly address this devastating social problem which impacts on the civil order and social fabric affecting all of us. The VAWA Act and the Ready Act are, together, important building blocks toward creating a safer, more secure world for our families.

Thank you, again, for the opportunity to present our views.

[From the New York Times, Apr. 2, 2000]

ADVICE TO TEENAGERS ON DATE ABUSE

(By Donna Greene)

There is growing awareness that prevention is the best way to fight domestic violence, and that teenagers, in particular, need preventive services, said Lisi Lord, an assistant executive director of My Sisters' Place, a White Plains-based agency that runs programs to help battered women.

As part of her duties, Ms. Lord supervises a program that goes to Westchester middle schools and high schools to talk to students about domestic violence, stalking and date abuse.

While many teenagers feel it could never happen to them, almost all say they know someone who has been a victim of domestic abuse, Ms. Lord said. And even parents who suspect that their teenager is having difficulties do not often know how to help, she said.

Ms. Lord, who will move to North Salem next month, has a master's degree in counseling and previously worked as a psychotherapist with agencies in Yonkers. Here are excerpts from a recent conversation:

Q. How early do children need to learn about domestic violence and stalking?

A. Getting to these kids before they have formed their attitudes about what it means to date and what it means to be a boy or girl is important. A big part of what we talk about is gender role and expectations. Girls don't have to look for someone big and strong and tough who will take care of them because that's potentially a setup for them.

A lot of what we see on the junior high school and high school level are kids who are already being abused by their boyfriends. So we like to do some real education about what it means to be part of a healthy relationship. We talk about what domestic violence is, what the early warning signs are, what healthy relationships are, how you can help a friend if you know someone who is living with this problem. We talk about child abuse issues as well, and what to do if your mom is being abused.

And at the end of our program, the kids are asked to fill out an evaluation and asked if they would like someone from My Sisters' Place to contact them. As many as 3 to 5 percent check that box. So we go and meet with them individually.

Q. Who are the teenagers who are asking for further help?

A. The kids generally fall into about three or four categories: kids who are growing up with abuse, kids who just need to tell us about one bad thing that happened to them 10 years ago but that they never told anyone about, kids who are being abused by their boyfriends and kids who have friends who are being abused by their boyfriends and they're afraid for them and they want to know what to do to help them.

Q. Why do you think parents are so unaware of what is going on in their child's life?

A. Sometimes abuse is really dangerous and obvious. But an awful lot of it is not so obvious. Perhaps there is a boyfriend who seems like he is just very attentive and caring and checking on her to see that she's O.K. It's not going to be that evident to the parent that this is actually a control * * * your 16- or 17-year-old comes home with unexplained bruises, the parents may very well have a clue what's going on, but still have no clue what to do about it and how to help. Another early warning sign is if the boyfriend is much older than the girl. That's a trend we're very concerned about.

Q. You said that counselors talk to teenage groups about how to recognize signs of potentially dangerous relationships. Describe what these counselors say.

A. First of all, we want to debunk the idea that it can't happen to them. A lot of teenagers—both boys and girls—feel that when they hear of someone who is beaten up, "Well I'd never let anyone treat me like that." We have to say: "No, that's not how it happens. It happens so subtly you're not going to see it coming." We talk a lot about jealousy and possessiveness. That when someone is jealous of you talking to your friends or other boys, this isn't a sign of love, this is possessiveness. And jealousy is often an early warning sign. If he gives you a beeper on the second date—and this happens to girls regularly—then he is someone who wants to know your whereabouts. That's the kind of behavior that could later become stalking.

Q. What is the reaction of the teenage boys in your audiences?

A. Often good. Sometimes we have the most difficulty with the girls. Sometimes the girls are the ones who are most judgmental about other girls. "Well, there's something wrong with her," they'll say. "That would never happen to me." That's a defensive reaction. They want to believe they could never be in that situation.

Q. Do any of the boys admit to recognizing in themselves some of the signs of abusive behavior?

A. Very often they will disagree with us on some of the early warning signs. They say, "I am not an abuser and will never hit a girl," but also: "No girlfriend of mine can talk to another guy. That's disrespectful." So they hold some of the attitudes but they don't see them as abusive or controlling.

Q. What should parents do if they are concerned about their daughter's boyfriend?

A. The most important thing is to keep the communication open with your teen. If you put down your foot, and say, "Stop seeing that boy," you're going to lose that line of communication. I see this all the time. If she feels she's being listened to, she'll be much quicker to come to her own conclusion that what is going on is not O.K. but if it becomes: "I love him and they don't get that I love him," then she is going to get more secretive.

At the same time this doesn't mean parents shouldn't address these issues with their daughters. Raise the issues. "I've noticed you're very nervous about whether you're home when he calls and expects you to be home. What's going on?"

Also many kids have a lot of time on their hands in the afternoon and the truth is that many parents think that their children, when they become 14, 15, 16, need less supervision. But they need to know that there is someone there keeping an eye on things, not in a harsh way but just in a sense of safety that they're not just out there on their own. I think boys need this too. Obviously the girls are the ones who tend to pay the price in terms of getting pregnant or getting beaten.

Q. It is said about domestic violence that these kinds of attitudes cross all socioeconomic boundaries. Is that the same at the teenage level?

A. Absolutely. I find the audiences will be more outspoken in certain groups than in others but they're saying the same thing. The only difference is that if you're growing up in a society where violence is something you're seeing in the streets and you're seeing it at home and you're seeing it at school and you don't feel safe anywhere, safety planning takes a whole new meaning. It's pretty meaningless to talk to a 16-year-old girl who has grown up with violence and sees it when she walks down the street, "You need to leave your boyfriend and get safe." Where is she going to get safe? There has to be a more communitywide response. We need to work very hard to help her find someone in her life who is safe.

TRIBUTE TO FORMER SENATOR MAURINE NEUBERGER

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, along with my colleagues, I, too, want to recognize Maurine Neuberger. The State of Oregon has lost a great friend recently when former Senator Maurine Neuberger lost her battle with cancer at age 94. We lost a true pioneer when Maurine passed away. She was an advocate, a leader, and a great woman.

Mr. Speaker, I was very fortunate to know this woman. She was an inspiration to me. There are so many wonderful stories about her, but I would just like to mention a couple.

Her mother was a dairy farmer, yet she took on the dairy farmers, and she said, when they outlawed making margarine yellow, so you have this white lard piece, one day on the floor of the House she demonstrated to all of her male colleagues how to make it yellow with food coloring in it, and stirred it around. She took on the dairy farmers again, though her mother was a dairy farmer, and she won that battle.

She also made a real splash in the papers when her husband was serving in the U.S. Senate. The Democrats were doing a fundraiser. They asked the Democratic wives if they would come and model clothes from their home State. Maurine, who was in very good state, modeled a swimsuit from Jansen's swim wear. There were photographs of her all over the United States. When asked the question why she chose to wear that, she said, that is what I wear when I go swimming.

She was a wonderful woman, and there are wonderful stories about this woman, but none more than what she accomplished during her one and only term in the U.S. Senate.

After her husband, U.S. Senator Richard Neuberger's, sudden death in 1959, Maurine Neuberger ran for and won her late husband's seat in the U.S. Senate. She became only the second woman in the entire country to be elected to the U.S. Senate, and the only woman from Oregon who has ever served in the U.S. Senate.

During her tenure in the United States Senate, she became famous for her fighting spirit and tireless crusade on behalf of consumer rights. She was always looking out for the consumer, for public health, campaign finance reform, some of these still sound familiar, civil rights, and environmental conservation. She also played a critical role in President Johnson's war on poverty.

She became known as a principled consensus-builder with the political will to tackle the country's most pressing problems. After cancer took her husband's life, Maurine Neuberger led the fight in the Senate to put warning labels on all the cigarette packages, so when we read those today, that the Surgeon General has determined smoking may be hazardous to our health, she wrote that and made that happen.

At the time of her fight against the tobacco companies in the early sixties, her efforts were considered bold and radical first steps in educating the public on the dangers of smoking.

Senator Maurine Neuberger epitomized what public service is all about. We are going to miss her in this State. Again, she was a role model for the Nation. If all of us would just follow in her footsteps, we would have a better Nation.

THE HIGH COST OF HEALTH INSURANCE AND PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, earlier today I had a group of small business people in my office. One of the concerns that they talked about was the high cost of health insurance. Recently, I have had several meetings with senior citizens. One of the things they talk about is the high cost of prescription drugs. The two issues are related, whether we realize it or not.

Over the last 4 years, for example, the cost of prescription drugs in the United States has gone up by 56 percent. In fact, in the last year alone, the cost of prescription drugs here in the United States has gone up by 16 percent. One of the reasons that health insurance costs are going up so much in the last year or two here in the United States is the cost of prescription drugs.

While we are talking about what we can do to make prescription drugs more available to seniors through Medicare, it seems to me we also have to be looking at why is it that prescription drugs are so expensive in the United States.

I have been doing some research. I have gotten a lot of help from my friends, some friends at the University of Minnesota, the Minnesota Senior Foundation. We have heard a lot about these bus trips that are going up into Canada to buy drugs. The more I have studied it, the more I realize that we in the United States are paying far too much for prescription drugs.

I believe in a reasonable profit. I do not believe in additional government regulation. But I also do not believe that we should be taken for fools by the large prescription drug companies.

Let me give some examples. One of the most commonly prescribed drugs in the United States is a drug called Prilosec. Prilosec is given to people who have ulcer conditions and some other acid reflux conditions and so forth. A 30-day supply of Prilosec in Minneapolis, Minnesota, sells for $99.50. That same drug made in exactly the same plant with the same FDA approval in Winnipeg, Manitoba, sells for $50.88. That is a tremendous bargain. Interestingly enough, that same drug in Guadalajara, Mexico, made in exactly the same plant under exactly the same FDA approval, sells for $17.50.

Mr. Speaker, it really is time for Congress to do what we thought we did with the North American Free Trade Agreement. That is to open up our borders. My vision is that American consumers, and particularly seniors, could go to their local pharmacy with their local pharmacist who could set up a correspondent relationship with a pharmaceutical supply house in either Canada or Mexico, and ultimately we would force the drug companies to allow Americans to enjoy world market prices for prescription drugs.

Let me give some more examples of commonly-prescribed drugs. I might say to Members, this is available. Just call my office. This is a newsletter that was put out by an independent group called the Life Extension Foundation, the title of which is, "Are We to Become Serfs of the Drug Monopoly?"

They talk about what is happening here in the United States compared to the rest of the world in terms of the prices we pay for prescription drugs. For example, a commonly-prescribed drug, Synthroid, in the United States, a 30-day supply sells for an average of $13.84. That same prescription for exactly the same drug made in exactly the same plant in Europe sells for $2.95.

Coumadin, which is a drug my dad has to take, it is a blood thinner. In the United States, coumadin, the average price for a 30-day supply is $30.25. In Europe, that same drug made by the same company in the same plant with the same FDA approval sells for $2.85.

Mr. Speaker, it is time for the Congress to take action. The first thing I would recommend Members to do is call my office and we will send them out a copy of this newsletter. They can find out for themselves the difference we see in prescription drugs.

Secondly, I would ask Members to sign on to my bill, H.R. 3240, which simply allows for the importation of drugs into the United States without FDA intervention, drugs that are currently approved by the FDA.

Mr. Speaker, do not take my word for it. Actually, the Canadian government has done some of the research for us. The latest research, and I have a copy of it, from the Canadian government, confirms that drug prices in Canada on average are 56 percent less than they are in the United States.

The Federal government last year spent $15 billion on prescription drugs. If we could realize just some of the savings by opening up our markets to competition and bringing our prices into line with world prices, we could have more than enough money to open up the benefit to people who are currently not covered for prescription drugs on Medicare. If we could save 30 percent, 30 percent of $15 billion, Mr. Speaker, is $4.5 billion. That would go a long way to making certain that every American had access to affordable prescription drugs.

The time has come to take action. I encourage my colleagues to join me in support of H.R. 3240.

THE MILITARY FAMILY FOOD STAMP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, back in March I introduced H.R. 1055. The title is, the Military Family Food Stamp Act. I sent last week a Dear Colleague to my colleagues in the Congress, both Republican and Democrat, asking them to join me in this effort. As of today, we have 91 cosponsors from both sides of the political aisle.

Mr. Speaker, I bring this photograph of this Marine, who is getting ready to deploy for Bosnia, because he represents 60 percent of the families in the United States Armed Forces who are married. He has standing on his feet his daughter Megan, and also in his arms he has his daughter Bridget.

According to a 1995 Pentagon study, we have an estimated 12,000 military families on food stamps. Mr. Speaker, I personally feel that one family on food stamps is one too many. It is unacceptable.

Last week I received a letter from the Fleet Reserve Association endorsing this bill. I would like to read parts to the Members. It is written and signed by the National Executive Secretary, Charles Calkins.

He wrote, and I quote, "The Fleet Reserve Association strongly supports your bill, H.R. 1055, the Military Family Food Stamp Tax Credit Act. The legislation would amend the Internal Revenue Code to allow a $500 refundable tax credit to certain low-income members of the Uniformed Forces.

"The unfortunate fact that junior enlisted members must rely on food stamps reflects the inadequacy of military compensation. Although there was progress toward closing this significant pay gap between military and civilian pay levels last year, more must be done, and this legislation helps address this reality."

I further quote Charles Calkins. He says, "Petty officers and noncommissioned officers are the backbone of the military services. They deserve fair compensation."

Mr. Speaker, I also want to read from the transcript of the television program 20/20, from June 25 of 1999. The show addresses the subject of our military families on food stamps, and the title of the show was "Front Lines, Food Lines." The reporter was Tom Jarriel.

Tom Jarriel talked to a number of military families during this interview who are struggling to make ends meet. I want to share with the Congress part of the transcript from this show.

I first start by quoting Tom Jarriel: "Captain Elliott Bloxom presents the Pentagon's point of view that while some families are struggling, they are the exception and not the rule."

I further quote Tom Jarriel: "We're talking to people who cannot buy an ice cream for their kids when the truck passes outside their home.

Elliott Bloxom says, and I quote him, "These junior people, we feel their entry wage levels are adequate. They are very competitive with the private sector. We find that there are other complicating factors—oftentimes a larger-than-average size family—which places an additional burden on that service member to manage their finances accordingly."

Now I go back to Tom Jarriel. Tom Jarriel says, "Still, the Pentagon has pushed for an overall 4.8 percent pay raise, up to 10 percent for selected troops—a measure now being considered by Congress. And this would be the largest military pay raise in almost 20 years."

Now back to Elliott Bloxom: "We believe that that amount of money, in addition to other services that we provide, should go a long way towards solving the economic problems of some of our most junior people."

Tom Jarriel: "Not so says Congressman DUNCAN HUNTER," one of our colleagues on the floor of the House. "DUNCAN HUNTER says, 'I think our military people have been betrayed. The pay raise will be 4.8 percent. The services are 13.5 percent below the private sector. We need at least another 8 percent pay increase to close that pay gap.'"

Tom Jarriel: "As an 18-year member of the House Armed Services Committee, HUNTER's district includes many of those on the food lines in California."

"DUNCAN HUNTER," and I quote the gentleman from California (Mr. HUNTER) again, Mr. Speaker, he says, "These are our best citizens. If we don't take care of our finest citizens, some day we're going to ring the bell for war and the folks aren't going to show up."

Mr. Speaker, I mention that as I close to say that we in America are extremely lucky to have the men and women in uniform who are willing to die for this country. I want to encourage the leadership, both Republican and Democrat, and my colleagues on both sides of the aisle, to join me in this effort to say to those in uniform who are on food stamps, we care about you and we are trying to help you.

PRAISING THE FLORIDA GATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. Thurman) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, I am really here tonight to say how proud I am of the Florida Gators who played, I believe, their hearts out last night in the final game of the NCAA basketball tournament.

While the University of Florida lost 89 to 76 after a hard fight, they proved to everyone what they are capable of accomplishing. After all, seven members of the young team's ten man rotation are freshmen and sophomores, and their starting line-up blows from the energy of three sophomores and one freshman.

Despite this relative lack of experience, the Gators finished their most successful season in the school's history at 29 wins and only 9 losses."

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Hopefully, all of these fine young men will be back to lead the Gators to victory next season but for now last night's game showed how far the Florida basketball program has come in recent years. The Gators made their first Final Four appearance in 1994, and last night marked the school's first title game appearance ever. No loss can possibly take away from that great accomplishment. This team has spirit and get up and go, and I know they will use this experience to gain even more ground in the future.

Following the game, Florida coach Billy Donovan summed up his team's loss against Michigan State veteran senior players like this, he said, "You have every reason to be proud of yourselves. You lost to a better team. Let this be a tremendous motivating experience for you."

I would like to encourage all Gator fans to attend the celebration at 7:00 p.m. Thursday night at the O'Connell Center at the University of Florida campus in Gainesville to pay tribute to this fine team. They deserve all the cheers and hurrahs they can get for their remarkable record-setting season, and we in Florida always look forward to saying there will be a next year. Go Gators.

BALANCING THE FEDERAL BUDGET AND PAYING DOWN THE FEDERAL DEBT

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I ask everybody to sort of hold on to their hats and prepare for a presentation that could be a little boring but very important to everybody's future, to the future of our kids, to the future of our retirees that have already turned past 62 or 65 and maybe gone on Social Security, because what we do in this budget is going to make the decision whether or not future generations have to pay huge amounts of tax to pay for our overspending in this generation, and it is also going to determine whether existing seniors might have their Social Security and Medicare coverage reduced because of the unwillingness of the President and this Congress to face up to some tough decisions on keeping these programs solvent.

Let me start out with what is happening to our Federal budget. Our Federal budget this year is $1.8 trillion. The debt that we have accumulated so far that we are passing on to our kids now amounts to $5.7 trillion. That compares to $1.8 trillion total annual spending.

Who is going to pay back this debt? It looks like every man, woman, and child in the United States owes now approximately $20,000 to accommodate the debt that has been run up in this country.

Congress has a tendency, a propensity, to spend because usually it is to the political advantage of Members of Congress, it is to the political advantage of the President, to increase spending, to do more things to more people. So, therefore, when taxes became a negative because people did not want to pay their taxes, we started borrowing money. We have kept borrowing money.

Now, for the first time we are starting to reverse that course. Last year we had a balanced budget for the first time in 40 years. This year is going to be a truly balanced budget, and we are going to start paying down the approximately $3.6 trillion that is owed to Wall Street.

Let me go back to the total public debt, $5.7 trillion. Of that $5.7 trillion, $3.6 trillion is what we borrow from insurance companies, from banks, from investors, all the Treasury bills that you, I, investment firms, retirement firms decide to buy Treasury bills for. That is $3.6 trillion.

Then we owe approximately $1 trillion to the Social Security, Social Security money that over the years we borrowed and used it for other government spending. Then the rest is what we owe the other 112 trust funds that we have in government.

Look at this chart just a second. This is where we are going on reducing the on-budget surplus. The on-budget surplus was a negative and for the first time ever there is going to be a real on-budget surplus. That means over and above Social Security, over and above the rest of the trust funds, we are going to have a real actual surplus and start having a total reduction in the Federal debt.

I think one area that has not been covered as much as it needs to be covered is government waste. If you divide up the $1.8 trillion that we are spending every year by the 435 Members of the House, 100 members over in the Senate, there still is not enough people in government to keep track of all of that spending.

So what we have found and what we are starting to dig into on the Committee on the Budget is to try to identify some of the significant waste in Federal Government, and believe me there is a lot of waste. Our General Accounting Office now claims that five agencies are not capable of auditing because they do not keep good books.

I would like to call on a colleague that has been active in budget issues. We also share two other committees. We are both on the Committee on Science; we are both on the Committee on Agriculture. The gentleman from Minnesota (Mr. GUTKNECHT) has been one of the dedicated individuals looking at, and excuse the word, frugality in government spending, trying to be respectful of the tax dollars that Americans send in for this Chamber to spend.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for yielding.

Mr. Speaker, I must first of all apologize. I made the gentleman from Michigan agree not to talk about what happened in last night's basketball game; but I am willing to at least allow him 2 or 3 minutes to talk about it because I am a huge basketball fan myself, particularly college basketball, and I predicted early in the season that if Mateen Cleaves came back in full health and strength that they clearly were the most powerful basketball team that I saw play. And I watched them play four or five, maybe six, seven times on television. So I would yield back to the gentleman from Michigan for a little bragging.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. Speaker, anybody that would like to walk down the third floor corridor of the Cannon Building next to room 306, several of my staff are also from Michigan State. We have a Michigan State banner out there. Michigan State played an exceptional game. The Gators were good, but Michigan State prevailed. Congratulations, Michigan State Spartans.

Mr. GUTKNECHT. Mr. Speaker, I have to say, being a Big Ten fan from Minnesota, having had a chance to watch them all year, they were not just a great basketball team but they were a great group of young men and really demonstrated what college athletics is all about, and that is pursuing excellence and they did it at every level. They clearly were the best team in the NCAA tournament.

There were a lot of great teams. I congratulate the gentleman and all the Michigan State fans, particularly the players and coaches.

Mr. SMITH of Michigan. Mr. Speaker, it is a good lesson for us. It is a good lesson for Congress. If we have the will, if we have the fight, if we have the intelligence and if we have the heart, we can do anything we want to and in this case on the budget what we should be doing is making sure that we do not pass on a huge debt to our kids and our grandkids.

We are from farming communities. I am a farmer. It is our tradition that we try to pay down the mortgage; but in this government, what we have been doing is adding to the mortgage that we are going to pass on to our kids; and that is part of our discussion tonight.

Mr. GUTKNECHT. Well, pursuing that analogy, and comparing the youngsters who played for Michigan State Spartans and won the national championship, I think there are parallels. Essentially, a number of years ago they set a goal. It was a big goal, and I suspect at the time they decided that one day they were going to win the national championship, if they would have talked about that too much publicly a lot of people would have laughed up their sleeves.

I remember 6 years ago we had an election in this country in 1994, and that is when I and 73 of my colleagues came as freshmen Members of this Congress and changed the leadership of this Congress. For many years, the Congress just, as a matter of fact procedure, would raise the debt ceiling and spend more money than they took in. Some of us decided back in 1994 that we were going to run for Congress to make a difference; and that the idea of leaving our kids a debt which they could never pay was just unthinkable.

Coming from a farming background, the history of this country and part of the American dream was that one would pay off the mortgage and leave their kids the farm. What we had been doing as a country and what the Congress was doing year after year after year was in effect they were selling the farm and leaving our kids a bigger mortgage.

We reached a point, Mr. Speaker, and we need to go back to where we were in 1994. We were quickly reaching a point where interest on the national debt was going to be the largest single entry in the Federal budget. We were going to be spending more for interest on the debt than we were going to be spending for all of national defense.

Mr. SMITH of Michigan. Just statistically, we brought down the interest on the national debt from about 18 percent of the total budget down to approximately 13 percent of the total budget. So we are on the right track.

Mr. GUTKNECHT. We are making enormous progress. Going back to this analogy about setting big goals, when we came to town in 1994 a lot of people in this town said we could not balance the budget; we will be lucky if we can just reduce the projected deficit. They were projecting deficits, and if anybody wants to check on this we will send them the information because the Congressional Budget Office, after the President submitted his budget early in 1995, they said we were looking at deficits of $240 billion to $250 billion every year well into the future for; as far as the eye could see, we were looking at $200 billion deficits as far as the eye could see.

Mr. SMITH of Michigan. Not only $200 billion but $200 billion plus what we were borrowing from Social Security, because they were talking about a total everything in, everything out at that time.

Mr. GUTKNECHT. So literally we were talking about deficits of over $300 billion. Actually, we are looking at deficits of over $350 billion in real terms. That is how much we were borrowing from the taxpayers and from Social Security. And people in this town said, well, we cannot balance the budget. Some of us said, and I will never forget, one of the real, I think, prophets of all of this was Congressman Mark Neumann who came with me, served on the Committee on the Budget and he was one of the first to say, just listen, if we just simply slow the rate of growth in Federal spending to roughly the inflation rate we cannot only balance the budget in less than 7 years, we can begin a process of actually paying down the debt that is held by the public.

Talk about big goals, talk about ridiculous dreams. A lot of people in this town said we could do that. Then we went further, though, and if we remember one of the other things we said not only are we going to dramatically slow the rate of growth in Federal spending, not only are we going to eliminate over 400 Federal programs, not only are we going to try to consolidate some of those Federal programs, we are going to go one step further. We are going to allow Americans to keep more of what they earn and the earnings they get on their investments.

For example, we said we are going to take the capital gains tax rate and we are going to cut it by over a third. We are going to cut it down to 20 percent. The cat calls that came from the galleries on the House floor said we were going to blow a hole in the budget. That is risky tax scheme number one, and we have heard that every year. We did lower the tax on capital gains. Guess what? We actually raised more revenue.

We also said it is wrong to make families continue to pay more and more and more, and we said we ought to give families a little bit of a break. Let us have a $500 per child tax credit. Again, the calls of risky tax scheme and this will blow a hole in the budget, then came choruses down upon us and they said, wait a second, you are going to balance the budget while you are giving tax relief to the American people? It cannot be done.

Well, it can be done and it has been done.

Mr. SMITH of Michigan. Well, add to that these other issues of tax fairness, I mean how do we have a Tax Code that is fair enough that people respect the government enough to fill out their income taxes in the best possible way?

So a couple issues that we brought up this year is the so-called marriage penalty tax where government actually have a policy, the way they implement their taxes, that those individuals that are working that are not married end up paying less tax than if they were to get married. So we not only have young couples that are encouraged by the Tax Code not to get married because they end up being penalized by the Federal Government, but there are seniors in my area of Michigan that question whether they should be married or just rather live together simply because their taxes would be less. We have passed that bill now through the House. We hope it is going to move on. We hope the President will reconsider and sign that legislation. Add to that the legislation that we passed in terms of doing away with the penalty on seniors that decide to keep working.

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So we have lifted the earning limits on seniors that decide that they want to keep earning because they want some additional income, or they want to pass additional income on to their kids and grandkids.

But right now we discourage them from working, from continuing to work and pay taxes, simply by penalizing and taking away part or all of their Social Security benefits. Now we have moved ahead with those changes.

So I think tax fairness has got to be part of the debate. We have got to make sure we are going to pay down the debt, because that is the biggest challenge that we have in a Congress that has found it to their advantage to spend more.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding to me. That is sort of where we were. We were at this mind-set that, A, we cannot control spending; and, B, we cannot allow Americans to keep more of what they earn. We certainly cannot balance the budget while we are doing those two things.

We have proven that, over the last several years, that those things can be done and, more importantly, that if we give Americans, business people, farmers, average Americans, if we give them the right incentives, they will do the right things.

Unfortunately, and I say this back in my district, the unwritten rule of Washington for so many years was no good deed goes unpunished. If one works, one gets punished. If one invests, one gets punished. If one saves, one gets punished. If one creates jobs, one gets punished.

Look, the gentleman from Michigan (Mr. SMITH) was just talking about the marriage penalty tax. I mean, how ludicrous, the fact that 21 million American couples in the United States are paying an average penalty of over $1,200; in fact I think it works out to about $1,400. The latest calculations, we have got 21 million American couples paying a penalty of $1,400 in extra taxes just because they are married. That is not just bad tax policy. It is not just bad family policy. It is fundamentally immoral.

Much of what we are talking about, whether it is transferring the debt on to our children and grandchildren or whether it is taxing married couples more than they would be taxed if they lived together without the benefit of marriage or whether we are talking about a confiscatory tax on inheritance taxes, death taxes. I mean these are not just tax issues. They are really issues about fundamental morality.

Mr. SMITH of Michigan. Morality, Mr. Speaker, that is right.

What I would like to do with the gentleman from Minnesota (Mr. GUTKNECHT) is play a little game here. I have come up with some specific items that are wasteful government spending, fraud, abuse, waste in government. Maybe we will just take turns. I will come up with one, then the gentleman from Minnesota can come up with one. Then I will come up with one. This will just give the listeners, Mr. Speaker, some idea of the tremendous waste that happens when we have a bureaucracy that is so huge, that is so gigantic, so big.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield just for a moment to sort of set this up?

Mr. SMITH of Michigan. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, now we are at a point where our colleagues are once again saying it cannot be done, we cannot limit the growth in Federal spending. I am going to come back to a chart that the gentleman from Michigan has got up right now.

Mr. SMITH of Michigan. If the cameras can focus on this chart.

Mr. GUTKNECHT. Mr. Speaker, it tells a wonderful story. It is a story that I do not think most Americans understand or realize or even believe.

I started telling the story last year. I was out in front of a group, and I am telling them about, for the first time, we are actually balancing the budget, we are paying down debt, and we are going to provide them some tax relief while we are strengthening Social Security. They all looked at me and said, yeah, right. I thought about it for a minute; and if I had been them, I would not believe it either because it is sometimes hard to believe. But let me give my colleagues a couple of statistics.

Mr. SMITH of Michigan. Mr. Speaker, I would like to call to the Speaker's attention and everybody's attention that this actually is a chart developed by the gentleman from Minnesota.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, if people listening to this discussion tonight will remember only a couple of numbers, I hope they will remember these: in fiscal year 2000, which we are currently in right now, the Federal Government will spend $1.780 billion. All right. What we are proposing next year under the House resolution which we passed a week and a half ago, we are proposing to spend $1.820 billion. That is total Federal spending.

Sometimes this gets confused with domestic, discretionary, and entitlement spending and mandatory spending; and there are a lot of different categories. But in total spending, let us look at it this way: last year we are spending $1.780 billion. Next year we are going to spend $1.820 billion. What that works out to is a 2.2 percent increase in total Federal spending.

Now, as that chart demonstrates, as my colleagues look at our projected spending over the next 5 years, we are talking about total Federal spending increases of about 2.9 percent per year. Now, the Bureau of Labor Statistics, as it says on the chart, projects that the average family budget over the next 5 years is going to go up 4.6 percent.

So literally for the first time I think in my adult lifetime, we are looking at Federal budgets that are going to grow at slower rates than the average family budget. That means that, gradually, we are allowing families and the American economy to sort of catch up. That is a wonderful thing because we know that, if we allow families to keep more of what they earn, they will spend it a whole lot smarter than the people in Washington will spend it on their behalves.

That is where it gets back to this discussion about waste, fraud and abuse. I wanted to set this up because there are people already saying, well, we cannot limit the growth in Federal spending to only 2.2 percent next year and 2.9 percent over the next 5 years. That cannot be done. Well, the truth of the matter is it can be done. It must be done.

If we begin to do our work as Members of Congress, whether we are on the Committee on Budget, the Committee on Appropriations, or on any of the policy committees, and we begin to actually get inside the Federal budget, do the oversight responsibility that the American people expect us to do, we are going to find a whole lot of waste, fraud, and abuse.

Just finally to say this, we asked the General Accounting Office and the Congressional Budget Office as well as staffers from the House Committee on Budget to do, really, a relatively quick research of some of the waste that is in the Federal Government today. After their very short review, they came up with over $19 billion.

Now in Washington, we kind of let millions of dollars sort of fall off the table, but a billion dollars gets our attention. So in their very quick study, we came up with over $19 billion worth of waste. We are going to talk about some of those examples.

Mr. SMITH of Michigan. Okay. Here is some of them. What we are going to do with the gentleman from Minnesota, first Michigan will come up with a waste-in-government example. Then we will pass it to the gentleman from Minnesota. We will go back and forth a few times.

Number one, the National Park Service spent $1 million to build an outhouse at Glacier National Park in Montana. It is 6.5 miles from the nearest road, a climb of 700 feet. It took hundreds of horse trips and more than 800 helicopter drops to get the construction materials to the site. Amazingly, it is adjacent to two privately operated chalets which taxpayers recently paid $3 million to renovate. It is one example of waste, fraud, and abuse.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Well, Mr. Speaker, another example that was in the GAO audit that talked about, once again, the Defense Department, we have heard about hundred-dollar hammers, well, they had an example where the Department of Defense was spending over $50 for set screws which one can buy at the local hardware store for 57 cents. It happens even today.

Mr. SMITH of Michigan. Mr. Speaker, in Lansdown, Pennsylvania, when dozens of homeowners learned that their homes built in the 1920s had been constructed using materials contaminated by radioactive radium and therum, the EPA got to work decontaminating some properties and demolishing others. Some residents wanted to stay.

So rather than pay market value for contaminated homes, the EPA agreed to build replicas for the homeowners. In order to do that, the EPA constructed 10 custom homes at a total cost of $6.5 million. That is for 10 homes. One modest home valued at $141,000 was demolished and replaced with a customized replica at the cost of $422,000. Another house valued at $161,000 was replaced with a replica costing almost a million dollars.

It is a government that, when it does not come out of one's own pocket, when one is simply there spending some other people's money, one is more generous. In fact, probably when we negotiate with many of these contractors, the contractors are willing to stay there all night getting the best deal. Government employees too often want to go home at 5 o'clock, so they close the deal, and it is the taxpayers that usually suffer.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, this really runs across every department. We are not going to pick on just one program or one department. But in 1997, the Education Department paid 102,000 students Pell Grants totalling $109 million in overpayments. The audit also found that 1,200 students falsely claimed veteran status to increase their eligibility to the program, that costing taxpayers an additional 41.9 million.

Let me just add about the Department of Education, and I think every taxpayer should be outraged by this, and we in Congress are not doing our job in terms of oversight, because for the second year in a row, we have a $37 billion agency who, according to our own auditing team, the General Accounting Office, says that their books are "unauditable." Now, could my colleagues imagine a corporation of any size, particularly a $37 billion corporation, where, for 2 years in a row, their books were unauditable.

Mr. SMITH of Michigan. Mr. Speaker, that same report said that the agencies were unable to account for over $800 billion, unable to account for $800 billion in government assets.

Mr. KINGSTON. Mr. Speaker, will the gentleman will yield?

Mr. SMITH of Michigan. Certainly. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, the biggest problem we are up against really I think is this unaccountability. The fact that they cannot be audited is typical. But beyond that what we are saying is private businesses and mom and dad back home know where every penny is because they work hard to earn it. Government thinks it comes from the sky.

An example of waste that this Republican conference actually has corrected now was that the supplemental security income, it pays people of disability kind of a little sustenance, but we were paying it, the Department of Justice was paying it to people who were in prison.

Now, one is not supposed to be eligible if one is in prison. So to determine if one was eligible or not, what did the Gore-Clinton team do? They left it up to the convicted criminals who were already in jail. So they are supposed to say, hey, I am in jail for 30 years, you all are sending me this check. But do you know what, I am going to send this back to you because Al Gore told me this is the right thing to do.

It is absurd. But this is the culture we are up against.

Mr. SMITH of Michigan. Mr. Speaker, it is the kind of testimony we heard in the Committee on the Budget where individuals that were receiving a check from SSI, supplemental security income, that were alcoholics or addicted, the check had to go to a third party. What we found out in testimony that, often, the third party was the bartender. So it should make us very nervous as to the way we spend taxpayer dollars.

Our Committee on the Budget is looking into some fraud, waste, and abuse. We are looking into the kind of oversight that Congress has got to be more diligent of.

I will read one more on the Pentagon. We want a strong military; but here again, a tremendous amount of waste in the Pentagon. The Pentagon had to report as missing two $4 million aircraft engines, two of them that they could not find; $850,000 tugboats; and a $1 million missile launcher. When the GAO auditor was there, they could not find them. They did not know where they were.

Somehow we have got to do a more diligent job of protecting taxpayer dollars. Part of that I think that is a huge, giant step forward is the decision that we made a year and a half ago not to spend any of the Social Security surplus for other government programs. That is a very good start that moves us down the road of making some of the decisions to make sure that we save and protect Social Security.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I am going to have to leave. I will leave it to the gentleman from Michigan (Mr. SMITH) and the gentleman from Georgia (Mr. KINGSTON). But I just want to say that we are going to continue to hear these shrill calls from some of our colleagues that we cannot balance the budget, we cannot save Social Security, we cannot strengthen Medicare, we cannot pay down debt and provide tax relief for American families. It simply is not true. The reason is, there is still an enormous amount of waste and mismanagement.

They will say and they have said and will continue to say that it is a risky scheme to allow American families, American business people, American farmers, American couples to keep more of their own money. Well, I submit that it is a risky scheme to allow government to keep more of that money because we know what government will do.

The real issue is this: we know that individuals are much more careful about how they spend their own money than how people spend somebody else's money. Now, we have a responsibility, and I think we have done a pretty good job up to this point, but there is still a whole lot of waste, of fat, of misappropriation of money here in the Federal Government.

If we continue to apply the kind of oversight on the Federal budget and among the departments and continue to try and ring out that fat, I think that most Americans, most people beyond the Beltway believe that we could easily take another 10 percent out of the Federal budget today without anybody really feeling the pain.

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There is an awful lot of waste in this Federal budget. So we need to continue.

And I want to thank the gentleman for having this special order. There are lots of examples. We should be doing this every week to call to the attention of our colleagues and to the American people that there is an awful lot of waste still in the Federal budget and that we can, with proper oversight and doing the job that the American people sent us here to do, we can balance the budget, we can pay down debt, we can strengthen Social Security and Medicare, we can do all of that and provide tax relief, if we continue to squeeze more of that fat and waste out of the Federal budget.

I think these special orders are a giant step in that direction. So I congratulate my colleague from Michigan. We continue to set big dreams and big goals, but I think if we work together we can make those dreams become reality.

Mr. SMITH of Michigan. I thank the gentleman from Minnesota, Mr. Speaker. It is going to be a challenge.

I think, Mr. Speaker, everybody should know the controversy that we are now talking about in terms of whether or not we get some of this surplus money out of town. The surpluses coming in are significant. There is going to be an anticipated surplus of $26 billion this current fiscal year for on budget; an estimated surplus this year of $153 billion in the Social Security Trust Fund.

The challenge has always been what do we do with that money. Some of us are saying we should be paying down the debt; some say we should have a bigger tax increase. But the challenge is, and there is no question in my mind after looking at what has happened in the debate between Democrats and Republicans over the last couple of months, that if we do not get some of that money out of town, if we do not get some of that money locked up, then it will be spent. That is the danger.

I yield to the gentleman from Georgia, Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, I think the gentleman from Michigan made two very important points. Number one, many of us came to town to cut spending and put some common sense back into our spending process, and yet it seems like the government is always fighting us and resistant on that. It is a little disappointing, though, just at large, outside of Washington, that now we have a surplus and everybody wants to spend it rather than return it to the taxpayers.

I think about the middle class taxpayers I see every Monday and Friday back home in the car pool line. These are people who drive two or three extra blocks if they can save 2 cents a gallon on gas that they pump themselves. These are people who do not buy new clothes unless the clothes are on sale. My daughter has a big senior prom coming up, and she tried on three dresses the other day and asked me which one was the prettiest. Well, they all looked pretty on her, but I wanted to know which one was the cheapest. As a 16 year old, that was not her highest priority, but I have three other kids I have to allocate things for.

And that is the problem with the government. They are always into aesthetic; what is the nicest. They do not ever ask the other question: what is the cheapest.

Americans buy shoes. I like to jog, and I need to jog more, but I can always buy the cheapest shoes when they are discontinued. And they are just as good, but it is last year's model. And if Americans go through that all over this country, why can we not do that in this little tiny area that we call Washington, D.C.?

Another troubling thing is that we, as Americans, do not lose our money. But, and just as an example, the IRS only collects 11 percent of over $222 billion which is delinquent. That is $222 billion. That would pay for a tax reduction. That would pay for a new school program. That would pay for all kinds of other things that could be very helpful for people.

The U.S. Marshals Service was unable to locate 2,776 pieces of property worth over $3.5 million. That was according to the suspicion audit in 1997. In addition, the agency's inventory contained nearly 5,070 different items valued at over $4 million that were unused.

Now, imagine going out and buying something that you keep in your garage and saying, listen I have so many things I cannot even use but I bought them because the money was appropriated to me. That is ridiculous. And the examples just go on and on and on.

Mr. SMITH of Michigan. Well, I have a couple more in front of me. Approximately 26,000 deceased persons received $8.5 million in food stamps, and that was another GAO finding.

Mr. KINGSTON. If they were the Democrat dead, particularly in the Chicago area, they were probably still voting, so maybe they should be getting entitlements.

Mr. SMITH of Michigan. Here is another one. SSI fraud exceeds $1 billion a year, including a convicted murderer, who received more than $75,000 in SSI disability during his 14 years on death row.

Look, we can give lots of examples, and we need to dig into it more, but part of the danger that I see is the bureaucracy, number one, has gotten so big. The oversight of the legislative branch over the administrative branch is diminishing as we put more of our spending programs on automatic pilot. The entitlement programs.

The two financial challenges facing this Congress are certainly Medicaid-Medicare and Social Security. They are not solvent over the next several years. The Social Security Administration and the Medicare actuaries and trustees just gave a report this past week. They suggest because of good economic times there is going to be a little extra money coming in in the short run.

But I would just like to stress that because the benefits that will eventually come to those people that are earning money, because benefits are based on how much our earnings are, that means that the outgo from Social Security eventually is going to be greater. So the economy, without structural changes in the program, is not going to keep the program solvent. That is the challenge.

One of the disappointing things to me in my last couple of years has been the unwillingness of the President to give some leadership to some of the tough decisions. And I would just like to make it very clear on Social Security and Medicare that the longer we put off the solution, the more drastic those changes are going to have to be.

So I say to young people, Mr. Speaker, it is their future at risk and their taxes at risk. And if we do not make those changes, then within 40 years the estimate is that payroll tax, what is taken out of every dollar earned, in addition to the income tax and everything, the FICA tax, the payroll tax, is going to grow from the existing 15 percent up to 40 percent.

And let me just call to the attention of the seniors what the government did in 1997, what it did in 1987, and again in 1983, when they were short of funds in those programs. They reduced benefits and increased taxes.

I yield to the gentleman from Georgia.

Mr. KINGSTON. What is disappointing, as much work as the gentleman has done on Social Security, and many people have, last year, in 1998 that is, the Social Security Administration spent erroneously $3.3 billion in supplemental Social Security income overpayments, $3.3 billion to people that were not eligible for the money. I would like to think my grandmother's money is going to be spent out very carefully and guarded very carefully, yet they squandered $3.3 billion of it.

On this subject, what I want to say I am disappointed about is that I served in the State legislature, and there were always issues where there were Democrats versus Republicans and urban versus rural. It was kind of like Atlanta versus the rest of the State. Many issues fell along party lines or geographical lines, but still we came together on other issues that were central to the well-being of the State of Georgia, like education or health care.

I assumed, naively, when I came to Washington, that we would have a few issues that, obviously, we could have real philosophical debates on, and then just basically partisan-based debates. And that is part of politics. But what I did not know is that even the more sacred issues, such as Social Security, such as defense, such as Medicare, would become partisan. And this is totally contrary to what I believe American seniors want.

There is nothing partisan about somebody on a fixed income in their golden years who needs health care. Nothing partisan about that whatsoever. Yet here it does seem like it is often the President trying to get one up on Congress in order to embarrass us. Yet, I think our attitude has always been, look, we want to work to solve these problems. We do not want partisan politics over Social Security. It is too important.

Mr. SMITH of Michigan. Mr. Speaker, one of the people on the firing line, on the front line on Social Security, has been the gentleman from South Carolina (Mr. SANFORD), and the gentleman has joined us and I yield to the him.

Mr. SANFORD. I thank the gentleman, Mr. Speaker, and I just wanted to add my two cents.

I was hearing a very interesting conversation really built around one simple thought, and the simple thought that I heard both gentlemen talking about was if the money stays in Washington we will find a way of spending it. So what I think is interesting is one of the latest things we have been working on on the Social Security front, and again the gentleman from Michigan is a co-sponsor of this bill, is a simple idea called the personal lockbox bill.

Republicans in the last session of this Congress passed the idea of a lockbox, of really locking down Social Security surpluses. Because the first part of saving Social Security is making sure that social security taxes stay with Social Security. Not enough to fix it, not nearly enough as, for instance, what the gentleman's plan does with Social Security, again, we have to go a lot further than this down the road to truly save Social Security, but a very modest first step is simply making sure that social security taxes stay with Social Security.

Presently Congress can be endlessly creative in emergency spending and a lot of other designations and basically peeling the lid off the lockbox and finding ways to reach in. So this bill says the one thing that in the long run will protect Social Security surpluses is the simple idea of private property rights. So this bill would take the Social Security surplus, whatever that happens to be, and simply rebate it back to the people paying social security taxes. Not to go out and fix up the car or buy a refrigerator with, but instead to go into their own personal Social Security savings accounts that would be held by a fiduciary.

Mr. SMITH of Michigan. So, in effect, it is almost like a tax cut. Because it is saying, look, here is some of the tax money sent to Washington. We will send some of it back. It goes into a personal savings account where the individual will have control; where if that person dies, unlike Social Security and they do not get anything, this is part of the estate.

Mr. SANFORD. And what is interesting is, not unlimited control. A lot of people rightfully are concerned about will Social Security money be there when they retire. This money would be held by a fiduciary so individuals could not get their hands on the money until they turned 65, but they would at least get a monthly statement and know to the penny how much money was in the account. By doing that, I think for the first time we would be creating a fire wall between Social Security money and political forces in D.C.

To give my colleagues an idea of how this would work, last year, through the unified budget, Washington borrowed $100 billion from Social Security. It was replaced with nonnegotiable U.S. treasuries, as we both know. Now, that cushion of $100 billion went to additional spending. If that same $100 billion had been housed in personal Social Security accounts across this country, and Washington bureaucrats overspent to the tune of $100 billion, then said, Look, we are going to need to borrow some Social Security money. Imagine they said to the gentleman from Michigan, You are a great patriot. Your share of our overspending will be $473.27. Would you mind cutting a check out of your personal Social Security account back home and sending it to Washington? I can only imagine the reaction of the gentleman, as I can imagine the reaction of a lot of other folks.

So the gentleman is exactly right. In other words, this is, A, like a tax cut in that it gets the money out of town; but, B, it is in an awfully safe place out of our hands.

Mr. SMITH of Michigan. It strikes me that property tax has been lowered pretty much all across the country because taxpayers have had to reach into their own pockets at tax time and pay that property tax. The result has been outrage by a lot of taxpayers the way property tax went up, and so it was reduced.

What do my colleagues think would happen if individuals, if there was not payroll deductions and individuals had to reach in their pocket April 15, and people are filling out their taxes now, if they had to go into their pocket and pay all of the Federal income tax? They would raise holy heck, I guaranty my colleagues. But I just urge that taxpayers start looking at their W-2 forms, looking at the amount that is deducted from their paychecks on a weekly, biweekly, monthly basis that is coming to this Chamber, to the Federal Government, so other people can decide how to generously spend their money.

Mr. SANFORD. And I would just ask the gentleman to yield for just two more seconds worth of time to say, and I think the gentleman's expression was to raise holy heck, or something along those lines, in terms of voter outrage. I would just ask folks to do that with regard to this simple idea of a personal lockbox.

To the gentleman's credit, he is a cosponsor on this bill, and I have not talked to the gentleman from Georgia yet about the bill, but I would suggest to taxpayers that they ask their representative to sign onto this bill, because I think it is a very modest first step not towards saving Social Security but towards saving the Social Security surplus, which I think again is a first step in that direction.

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Mr. SMITH of Michigan. Mr. Speaker, there is $153 billion extra coming in this year for the Social Security surplus, and anybody that is nervous about government spending, and I refer to this chart, what we came up with is saving 100 percent of the Social Security surplus; but what the President sent us on a budget is only saving 62 percent of the Social Security surplus.

There is the long arm of the taxers and spenders that would like to come up with more programs, doing more good things for people. I think anybody that thinks that this Chamber is going to be more frugal as they need to be with your tax dollars is mistaken. We have to find some way to lock it aside; and not spending the Social Security trust fund is a good start.

I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I wanted to ask the gentleman from South Carolina (Mr. SANFORD), just to kind of reiterate, as I understand it, what the gentleman is saying. We have this big Social Security trust fund, right, kind of a general pot of money. Now, in the private sector, you really do not combine all the retirement plans into one jumbo plan. I have my account, the gentleman from South Carolina (Mr. SANFORD) has his and the gentleman from Michigan (Mr. SMITH) has his, and what the gentleman is saying is let us have it both ways, let us have the big account roped off so we cannot get to it, any future Congress cannot touch it; but, in addition, for the individual taxpayer, myself, the gentleman from South Carolina (Mr. SANFORD) and the gentleman from Michigan (Mr. SMITH) and our loved ones and our grandparents, you would have, like you would in a private pension fund, your own account, and that money could not be dipped into either.

So what the gentleman is suggesting is not only a vault for the big account, but then a bunch of individual vaults with individual keys, so it would be that much harder for Congress to irresponsibly break into this big vault of money and start spending it on roads and bridges and other needs.

Mr. SANFORD. Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) is right. To the Republican Caucus' credit, they created a lock with one big vault; the problem is, if you happened to find the key, you can get into it. And as the gentleman correctly pointed out, if you got this into 70 million different vaults, you may find one key, but you are not finding all 70 million keys.

And the gentleman raised another interesting point, which is, in the corporate world, if we did what we are doing at the Federal Government, and not the three of us, but what the Congress as an institution, what the Federal Government overall is doing, you go to jail based on Federal law, and, that is, via the unified credit, we borrow from our retirement reserves to pay for the current operations of government. If you borrowed from your retirement reserves in the corporate world to pay for the current operations of the company, you go to jail based on Federal law.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, under this system, would I get a monthly or an annual statement that shows how much I have in my own retirement account? Then let us say mine says I have $38.028 in mine. If the government raided that account, would my next statement show that my $38,000 had fallen to 35,000?

Mr. SANFORD. Mr. Speaker, yes, that is one of the important points about a personal account which the bill of the gentleman from Michigan (Mr. SMITH) does, again, which is actually reforming Social Security which is what has to happen in the long run. This very modest step, you never have $8.000, because it only deals with the Social Security surplus; but what it would show is the point that you raise, which is, right now one of the reasons it is so easy for government to borrow Social Security money is that nobody has any clue as to what they sent in over all the years they have been working in Social Security taxes, and, as a result, if you do not even know how much you have got in your account town, it is very easy to borrow.

If, instead, you knew to the penny how much was in your account, immediately you would detect borrowing and, again, help to create some kind of political firewall between political forces in D.C. and this money.

Mr. SMITH of Michigan. Mr. Speaker, I say to the gentleman from South Carolina (Mr. SANFORD), I think what is another positive of this approach or an approach to start some kind of a pilot program that I am introducing is to get our foot in the door, to give some possession of that Social Security money that is being paid in back to the taxpayers, the workers of America that are paying it in.

Let me just reinforce the positive aspects of the gentleman's proposal, my proposal, referring to what a couple of the Supreme Court decisions have been. Two Supreme Court decisions have now said there is no connection, there is no entitlement to anybody receiving a Social Security benefit. The taxes that are paid in, the Supreme Court said, are simply another tax; the benefits from Social Security are simply another program that Congress and the President have decided on, so there is no right to Social Security benefits.

It seems to me like Americans should be saying in this election to their candidates that are running for Congress, to the presidential candidates, look, what are you going to do about Social Security? I do not want just words that say, boy, Social Security is important; we have to put it at the top of our list. How are you going to keep Social Security solvent? How are you going to make sure that future Congresses, when they start running short of money, are not going to again reduce benefits and increase taxes like they did in 1977, like they did again in 1993?

Mr. SANFORD. Mr. Speaker, the gentleman raises a very interesting point, and, that is, the thing to remember about what we are talking about here is that last year about $400 billion in Social Security taxes came to Washington, about $300 billion we were required to pay for current retirees, my grandmother, maybe the gentleman's mother, I mean different folks out there. And about the other $100 billion is what is called the Social Security surplus, and all this particular bill gets at is that $100 billion, rather than being borrowed by the rest of government, it would go into these personal accounts; but what we are not talking about is that other $300 billion that currently goes to pay for retirees across America.

Mr. SMITH of Michigan. Mr. Speaker, as we start wrapping up this 1-hour session, the gentleman from Georgia (Mr. KINGSTON) is the chairman of our communications effort in the Republicans in Congress, and I think that is so important, because generally Republicans have been very good on policy. I think our marketing has been a little weak. We look to the gentleman for guidance on that marketing.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, unfortunately, one of the gentleman's biggest problems is that the communications channel, i.e. the major networks are not going to give Republicans a fair shake.

Last week, as the gentleman knows, we had Bob Dole who spoke to our communications group, and he said that 68 percent of the single candidate coverage in his presidential bid that was only on Bob Dole was negative, but 67 percent of the only Bill Clinton news was positive.

Now, one just cannot go up against those odds. The other day, AL GORE, here is a guy that invented the Internet; here is a guy who goes to the Buddhist temple, comes back, shakes downs these Buddhist monks, sworn to poverty, for $300,000, does not recognize it as a fund-raiser, and says he is one of the more intelligent of the presidential candidates. He said the population of America is 250 million people; therefore, we need sampling for Census as a way, instead of head-by-head count, he wants to guess at it.

Well, the interesting thing is he said it was 250 million people. The population of America is 274 million. He was 24 million people off.

Now, if Dan Quayle had said that, we would bet that the national media would have had a heyday. But since it was AL GORE, one of their own, they were not going to worry about it.

So a lot of the problems that we are up against is we cannot get our message out when we have an unwilling messenger, and that bias of the major networks or some of the newspapers is that way.

That is why I get down on my knees and thank the Lord for C-SPAN because people can hear things; and if they do not like me for my own merits, which I am sure many do not, that is fine; but at least they do not have to have Dan Rather interpret it for them.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, I think probably one thing that disturbs a lot of Americans that observe this Chamber is the partisanship between one side of the aisle and the other. Somehow we have got to figure out a way to reduce that partisanship. Somehow we have got to find a way to communicate the whole truth, and nothing but the truth, to the American people.

I think information technology, I think the Internet, I think some of the talk shows are going to be the way that we are able to communicate exact information. But if we are going to solve some of the tough problems, there is no question that Republicans and Democrats and the President, whichever side of the political fence he might be on, are going to have to work together to solve the tough problems of Social Security and Medicare.

Mr. SANFORD. Mr. Speaker, if the gentleman will continue to yield, I would just say, following up on the need to be bipartisan, if there is ever a need that we need to move off dead center on, it is this one.

It is interesting, there was a report this week that basically looked at the insolvency date, if you will, of Social Security. And what the report showed was that the actual insolvency for the "fund" was, moved back from about 2034 or so to 2037, something along those lines, but moved back a couple years. People say, that is way down the road. I do not need to think about it.

The more interesting number is, when does Social Security begin to run shortfalls? In other words, when is more money going out of the system than is coming in? And that number was moved from about 2012 to about 2015 in what they call the intermediate set of assumptions. And if we look at a worst-case scenario, it is about 2008 or so, which is only 8 years away.

This is an issue that we have got to deal with now. And I think that some in the administration are saying hear no evil, see no evil, speak no evil; and some in my own party are saying that, as well. It is something we can worry about later on.

It is so long to look at that 2030-something number, and here is why. If we would imagine a family that lived in Michigan or lived in South Carolina or lived in Georgia that saved $100 a month every month towards their retirement, clearly, at the end of the year, they would have $1,200 in their retirement account.

Now, this family also loved to take a cruise every year. So they would go over to their retirement account jar, they would take the $1,200 of real cash out, they would write themselves an IOU, put back the IOU in the jar, saying, we owe our retirement account $1,200.

At the end of 40 years, that family would have some wonderful memories in terms of great cruises that they took. But in terms of retirement security, they would not have a whole heck of a lot because they would have a jar filled with IOUs. And in retirement, they cannot spend IOUs. If they go down to the drugstore or the grocery store, they will not take an IOU. They want cold hard cash.

So what we have to look at is, the way our present system is configured with this odd notion of a trust fund, we are really misleading the American public because that money is borrowed; it is spent by the rest of government; and all we have in its place is this IOU.

We cannot spend money twice. We may try to in Washington, but gravity dictates that we cannot. So it is important that we not get lulled into complacency thinking about 2030-something and look at how immediate this problem is. That is why I again would commend the gentleman for what he has done on this subject.

Mr. SMITH of Michigan. Mr. Speaker, maybe we have made a significant difference in our yelling and screaming and getting on our soapbox and saying we have got to be fiscally responsible, because even now the Democrats are saying we should not spend the Social Security surplus, a huge change from where we have been for the last 40 years.

I know the gentleman from South Carolina (Mr. SANFORD) is keeping his commitment to have a citizen legislator on his term limits that he has imposed on himself and is leaving after this term. It would be so good if we can, at least, move a little bit in the direction of accountability and having some kind of personal accounts.

I chaired the Social Security Task Force, bipartisan. It is interesting that we agreed on 18 findings. I think we are coming closer. I think the Chamber is realizing more and more, simply because the people of America are insisting that we face up to some of the tough problems, that we get rid of the partisan bickering, and that we deal with the problems of Social Security, Medicare, and education.

We have decided in this budget that education is going to be one of our top priorities. We have increased the money for IDEA and other education provisions. Because, look, the problems we are running into Social Security and Medicare, if we do not have a top-notch educated workforce in this country, then we are going to lose out to other countries of the world.

Mr. Speaker, I would ask the gentleman from Georgia (Mr. KINGSTON) if he would like to make a final statement.

Mr. KINGSTON. Mr. Speaker, let me encourage both of my colleagues to keep up the good work on Social Security. But, also, let us continue to ferret out the waste and fraud in government and try to do a better job for the hardworking American people. Put common sense in the process.

□ 1800

EDUCATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise today to speak about one of the most critical issues facing our Nation today, and, that is, the education of our children. As a former superintendent of my State's schools for 8 years in North Carolina, I know firsthand how important it is and I know about many of the amazing stories, wonderful stories that have occurred and are occurring every single day in our public schools. Too many times we hear about the problems, and we do not hear about the successes. We tend to want to talk about those problems and not acknowledge that the majority of our children are good youngsters, they do a good job, they work hard, our teachers are working hard and they deeply care about the young people they work with. Just this past weekend, I had the opportunity to be with almost 100 of them in a group in North Carolina, and I will talk about that again in just a few minutes. But I would say to my colleagues that if America is going to seize the opportunity of this new economy we talk about, the digital age that we are entering, Congress must provide some national leadership in this most vital effort. Too many times we say, well, it really is not a national issue, we ought not to get involved in it, we ought to be doing something else, and education is important but it ought to be left here or there.

The truth is it is all of our responsibilities, Federal, State and local, and having been at the State level as a county commissioner prior to being a State legislator and a superintendent, I can tell my colleagues that the bulk of the money continues to come from the local and State level, it always will as it should and the decisions by and large will be made there. But if we had not had programs at the Federal level for children with special needs, then they would not be taken care of the way they are today and we still are not funding that adequately. There are a lot of other areas that we need national leadership on. Certainly education is one of those areas that I think that we need it.

There was a time in this country when we did not pay a lot of attention to roads or water and sewer and then we recognized it was an important national issue and it still is today, and education is one of those. Across this great country, the American people are calling for a greater investment in our public education system. They are also calling for accountability. This Congress had an opportunity to do that last year and would not step up the way they should.

This past week, we talked about the whole issue of the Republican leadership. And last year they dealt with it, the Republican leadership wanted to put together a voucher plan, providing vouchers which in my opinion is not the way to improve education for all of our children. It is really a joke and a hoax on most of them. It will provide an opportunity for only a few and it will pump billions of dollars of tax money into financing areas that is so badly needed for our children in the public schools. I happen to believe that that is absolutely wrong. It would drain those resources from the public sector that is badly needed and leave too many children behind, in my opinion, condemned to a bleak future of failure.

As I was starting to say a few minutes ago, with about 90 some young people, high school students I was meeting with this weekend, a variety of young people across our district where we were talking about the needs of what we ought to do about school violence.

It was amazing the answers these young people came up with. One of the issues they focused on was the need for quality facilities and resources in those schools. How do you tell a student that education is important when they do not get a textbook until 3 or 4 months into the year? How do you tell them it is important when the toilets do not work in the bathroom? How do you tell them education is important when all they have in the classroom on a fairly regular basis are substitute teachers because they do not have enough regular teachers in the classroom for a variety of reasons. We are not paying them enough, we are not attracting them, we are not making the quality of where they work and that is where teachers work and students learn and work. They have to be quality facilities. That is important.

You can say, That isn't the most important thing. I would say to you if you look across this country at what we value, we normally have nice buildings, the buildings that we value. They say a lot about what we care. Young people can pick that up very quickly.

My colleagues and I who are participating in this 1-hour special order this evening, we happen to have, I think, a better idea. We want to invest in a national commitment to educational excellence where schools are accountable to taxpayers for raising standards and every child has an opportunity to learn. My colleagues who have heard me talk about this before know that I not only believe that but I have worked that as a State official and as a State legislator because if you look at North Carolina, you are looking at one of the school systems in this country that really is holding our system accountable. And of all the States in the Nation, they are showing some of the highest growth in academic scores and accountability of any State in the Nation.

It takes a total commitment on the part of everyone. Improving education in this country is about creating a classroom environment where children can learn and teachers can teach. We need to foster greater connection between students, teachers, and parents and I might say the broader community. Schools in most communities are, have been and still are, that center focal point; and they need to be more so in the future. Our schools can do better, and with our help they will do better. Because that is where the future of America is, that is where the future of our States are and where the future of our communities are. They are in our classrooms today.

Children do not know what they need many times unfortunately in school. They only know what they get. Unfortunately in some cases, they are not getting what they ought to get, for a variety of reasons, one of which may be the community does not have the resources to invest. In other cases the community is not willing to invest those resources. That in my opinion is shameful if that should happen.

One of the best ways that we can improve education is to help provide smaller class sizes that are orderly and disciplined and where children can get additional attention from their teachers who really can ignite that spark of learning, the thing that teachers call the teachable moment, when the child really gets turned on to learning.

As I met with those roughly 80 to 90 students this weekend and we were talking about school violence, one of the issues they talked about was how do we get smaller class sizes, how do we get in a class where we really know that our teachers care and gives us the time? We know they care about us but she has so many students to take care of, she cannot give me the individual attention that I need.

These were some pretty bright students, as are most of our students, but there are some who need that special attention to catch up and to keep up. Not all of us learn math as fast as others. Not all of us do as well on composition. So there are a lot of ways that we need it, but if we have smaller class sizes, we can do a better job for our children. I happen to believe we do a better job for ourselves because the information age of the 21st century is going to require that all of us be able, whether we want to or not, no matter what our age is incidentally, we are going to have to be able to be on the Internet, we are going to have to be able to type, we are going to have to be able to compose, and we are going to have to send information back and forth. It is so critical and so important. I think one of the best ways we can do it is follow through on our commitment to reduce class sizes.

We started that with the President's initiative a couple of years ago, we have to fight for it every year, and certainly what we do here, it will set the tone for the country. It is not the dollars that we need because they still are going to come at the local level but we can leverage the Federal money to make a difference, and I think that is important. We need a new national commitment to the notion that parents in America have the right to expect that their children will have the best teacher in the world. How do we do that? We certainly do not do it by cutting education funding. That is the first thing we do not do. We do not do it by talking about how bad our teachers are. We talk about how do we make them better, how do we provide staff development for those teachers that are in the classroom. We can do that.

I know as a State superintendent, one of the things that once you have a tight budget, one of the first things you start to see is staff development gets cut, retraining of teachers. No business in this country in their right mind would cut out the resources to retrain their staff, especially at a time when they want to expand their product line.

What are we saying to our teachers and students? You have got to teach technology, you have got to teach math, you have got to teach computer skills, you have got to do composition. We keep adding more on, but we do not want to give them the resources to get the job done. Too many times we say, well, what we really need to do is you need as a teacher to go after school and learn how to be a better teacher. That is what we do in many places in America. Or you do it on a weekend, or you do it in the summer on your own time. The last time I checked, teachers are not paid 12 months of the year in most places in this country, they are paid either 9 months and if they are real lucky, they may get paid 10 months and spread it out.

Mr. Speaker, we have to get serious about this business of educating our children. If we are going to be serious, then we have to make a new, renewed national commitment to education in this country. Providing support for our teachers is more than just providing resources. That is one of the most critical, one of the toughest tasks that anyone will do. I would challenge every Member of the United States Congress if they really think education is an easy job, go in the classroom and spend a week. Do not go spend an hour as a visitor and walk through and smile and say, I'm glad to be here, and have someone put on a performance for you.

Go in at 7 or 7:30 in the morning and have bus duty. When you finish bus duty, then you go to the classroom and you teach. When you get a break, you have hall duty. You get through with hall duty and get ready to go to the cafeteria and your children are eating, you have lunchroom duty because you stand around and watch the students and make sure the paper gets picked up and they are behaving in that, depending on their age level. Then when you finish, depending on the school, you may have tutoring duties after school is over in the afternoon.

And, oh, by the way, then if there is a basketball game or a football game that night, you may have duties assigned to you for that. Oh, and by the way there is not additional money for that, that is just part of your duties of being a teacher. Thank God that we have people who are willing to do it and teach our young people. When we see those yellow buses running up and down the road on the weekend, they may be going to a band concert or they may be coming back from an athletic event or they may be going to a science fair or a math fair or any number of things that our young people participate in on the weekends and the teachers and staff are volunteering.

Yes, there are parents, and I am grateful for those parents who take the time and are willing to do it, because we need parents. We need every parent engaged. I have often said if every child in America had one adult mentor, be it one of their parents or their grandparents or someone who really and truly was their one individual, that other person that would stand up and fight for them and make sure they got in the right class, they got the right attention and they were on a track to be all that they could be, it would be a different education system in America and we would have a different country. But not all children have that. They depend on their teachers and counselors and others to help them.

So rather than these things that we talk about in this Congress many times, many of my colleagues on the other side of the aisle want to bash teachers, want to bash education, I say we ought to hold them up and help them. We ought to encourage them. Yes, we ought to challenge them and when they are wrong we ought to point it out but not always bash them because they have too tough a job. And we ought not be talking about block grants, because I think block grants are many times in, my opinion, an irresponsible way to get out of our duties of providing the true resources that are needed in the classroom and in other areas for education.

□ 1815

I believe that we do not have in this country any children that we can give up, nor any children we can waste.

Mr. Speaker, America is a great country. I get frustrated sometimes when I hear people talking about how great the economy is, what a terrific job this country is doing, and how bad our public schools are. Really? Who are most of the people who are running our industries and doing all of these jobs in America? They went to the public schools of this country.

What we need to do is help those who are there today so we will continue to have that growth. We have more young people in public schools in America today than ever in the history of this country. And that is why classrooms are just bulging at the seams; schools are overcrowded and overloaded. I went into a school in my district just last week; the school is in its third year and they have 18 trailers outside the school. Now, that is because it is growing so rapidly. The communities are growing. People are moving there. As I often tell people from time to time, we are glad to have people moving and we are proud to have them come to our State.

We have a great growth economy in the Research Triangle Park area, one of the great dynamic, high-tech centers in America. But there is something about when people move there, they have a tendency to bring their children with them, as they should. And that puts additional pressure on our schools and local governments, and that is true across America because we have a very mobile society, a more mobile society today than we have ever had in history. We have to make sure that our systems fit it and that we have opportunities for young people.

Mr. Speaker, as we talk about this idea of vouchers and block grants, I think we need to get that out of our vocabulary and get back to what is really important: how do we help teachers, how do we help children, and how do we help our educational system become what it needs to be to provide for the challenges that we are going to face in the 21st century. We must make every neighborhood public school in America work. We must make every neighborhood public school in America work, and we can. If we are supportive and engage the community, the business community, the civic community, and the parents in those schools, we can make them work.

Mr. Speaker, I have a bill and a number of my colleagues have others, like the school construction bill that I have that will provide resources to the local units of government. What it does is that the State governments will have it, and they will not have to pay the interest. That will be picked up at the Federal level. They only pay back the principle. They decide where the schools are going to be built and how they are going to be built. It will not solve the whole problem of $100-plus billion that are needed for our schools for renovation and new schools; but what it will do, it will send a powerful signal to America that our public schools are important and we are going to engage at the Federal level and we do care and we are going to make a difference.

I have another bill that many of my colleagues on both sides of the aisle have signed on to, and it is entitled Character Education. I will talk about that again in just a few minutes. A third one that we are involved in on both sides of the aisle, the Speaker and Minority Leader Gephardt; and Speaker Hastert appointed 24 Members on a Youth Violence Task Force. I want to talk about that also in a few minutes. I think these items are very important to us as we look at education and where we want to go.

Mr. Speaker, this whole issue of character education is a critical piece, and what this legislation does, and let me hold up for my colleagues a chart, because we have used this, and we really started this in North Carolina in about 1989. We did a survey at that time of our public schools. We surveyed about 25,000 students; and one thing we found from that survey is a large number of our students did not respect, number one, their fellow students and in some cases their teachers. It was an alarmingly high percentage. So we felt it was something we ought to do.

So we started out with a panel of citizens, teachers, superintendents, judges, lay people, ministers and others and we came up with what we call ethics education. Well, we did not really like what we were doing on that; we kept playing with it. In about 1993, we finally finalized it to be "character education" at the Vanderbilt University and other places, and came up with a number of character traits that we felt were the core issues and shared it with all of our public schools. There are seven of these. Now the truth is that systems can enlarge on it, and did. The basic ones that we laid out were respect, citizenship, justice and fairness, honesty, caring, responsibility, and trustworthiness.

So what we did as we worked on our curriculum, we asked that each school that was involved integrate that into their curriculum. We did not want to have an additional add-on for the teachers. They had enough to do. So what they have done is tied that into when they are teaching math, when they are teaching history or science, or whatever they may be teaching that day, they pick out one of these characteristics, and as the year goes on, whichever ones they have agreed on, that becomes an important part of the students curriculum, and they have signs that they put in the school.

But let me say to my colleagues, before they agree to do it, the community comes in and agrees on the numbers of the different items of the character traits that they are going to use, in that individual school system.

Now, normally it winds up being the whole LEA; and it may be, depending on the size of it in North Carolina, anywhere from 3,000 all the way up to the biggest school system with about 110,000. But what it does is amazing. We see the discipline problems go down in those schools. I was in one in Four Oaks about a month ago talking with the principal. The number of discipline problems have gone down by almost a third, and the academics went up on the part of the students in that school. We say well, why would that happen? Easy. When they start respecting one another, they respect their teachers, they understand they have a responsibility to do their homework, they have a responsibility to one another, they care about themselves, they have citizenship responsibilities, and this starts to be a part of what we are talking about.

Mr. Speaker, there is nothing wrong with this being a part of public education, as it should be, of every education, of a good education. We get away from these issues that tend to divide us, when we talk about whether or not we can have prayer in school or whether or not we can have these other issues that become constitutional issues. What we ought to be talking about is something we can do something about to make a difference for children in America and make sure that our education system is the best it can be. Because when we talk about public education, we ought not to be dealing with division; we ought to be dealing with addition. How do we add to what we have done to make it better for all children?

Mr. Speaker, we have a chance in this Congress, now that we have some resources, to make sure that Social Security is fixed, we start paying down the debt, and we invest in the future of our children; and we can do it by putting resources out there and do some school construction. I am going to talk about that in a minute.

At this time I want to yield to the gentleman from Wisconsin (Mr. KIND), my friend who has been a real leader in this Congress, who serves on the Committee on Education and the Workforce and has been a real leader in public education because, number one, he knows what it takes; and, number two, he cares about it and is committed to it.

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman, especially for the leadership that he has brought to the United States Congress on this very important issue on education, bringing his experience as former State superintendent of the school system down there in North Carolina, and his active role within our caucus, but within this body generally in trying to elevate this issue and the importance of this issue for the rest of our colleagues. It has been a great privilege for me personally over the last 3, a little over 3 years now as a Member of this Congress to serve on the Committee on Education and the Workforce.

During the first term, 2 years ago, the focus on the Committee on Education and the Workforce was reauthorizing the Higher Education Act. This is the panoply of Federal programs that assist students if they want to go on and receive a postsecondary education, whether it is technical school or colleges or universities, the financial aid packages that are available, the grants and loans and the work study programs, the Gear Up for High Hopes Program that another Member, the gentleman from Pennsylvania (Mr. FATTAH), was a champion on. This session, we are in the middle of reauthorizing the Elementary and Secondary Education Act, and that is the Federal involvement in K through 12, and also some preschooling programs, early childhood education programs, afterschool programs as well.

Mr. Speaker, this is vitally important. It is no surprise that this has consistently ranked as one of the top issues for the American people that they are concerned about, whether it is an election year or not. It is certainly showing up right now in the election year polls, that education is a top, top priority for them. They want to hear what we as policymakers are going to do to improve the quality of education and implement the reforms that are needed in order to give our children the best chance and the best hope that they have to become productive members of our country and this society.

I also want to commend the gentleman for speaking out about the need for character education and the role that that plays, because again, this is a growing concern that many of us share in regards to our own children and to the younger generations, that there should be an important character education role in this.

Tomorrow, in the Committee on Education and the Workforce, we are actually going to be moving and marking up another aspect of the Elementary and Secondary Education Act. I hope we get it right. Last year, we had some education initiatives that I think we can be proud about, such as the Education Flexibility Act which was passed which provides greater flexibility for local school districts and being able to use the Federal monies designated for specific programs, for targeting it to areas that they feel they need extra help on or areas of innovation or creativity that they have working at the local level. And I was very supportive of that fine legislation.

We also passed the Teacher Empowerment Act last year, which will provide resources for professional development programming, the important aspect of making sure we have the most talented and most qualified teachers sitting there in the classroom teaching our children. Outside of the active involvement of parents in their children's upbringing and especially in their education studies, the next most important determinant of how well a child is going to perform is the quality of teacher in the classroom. So I am glad to see that we had a heavy emphasis on the Teacher Empowerment Act and the professional development aspect that that brought.

I also included a provision in that bill that would provide professional development assistance for principals and superintendents and the administrators of our school districts realizing the all-important role that they play as, so to speak, the quarterback of the school district, being the leader and being able to implement the reforms and knowing what reforms are going to work at the local level. But there has been a real, I think, lack of a good, quality pool of talent to draw from into the principals and superintendent ranks. Now we are hoping that as that legislation moves forward, that is going to be an important part of it.

We also reauthorized the Title I funding last year, which is the targeted funding to the most disadvantaged students in our country. So I think there has been progress made.

The Senate has taken another course of action. Tomorrow will be an indication of how well we can reauthorize the Elementary and Secondary Education bill. I am offering a bill that my friend from North Carolina is an original sponsor on that would provide more resources back to local school districts to enable teachers to better integrate technology into the classroom curriculum.

Mr. Speaker, we all understand the important role that technology now plays in this global new economy that we find ourselves in. Virtually all of the jobs that are being created today require some form of technology literacy, and we just cannot afford as a Nation to underinvest in this area when it comes to being able to deliver in important and powerful new learning tools, technology and the Internet, and make that an integral part of a child's learning process.

So we are going to be offering that up tomorrow during the markup. Hopefully, it will be adopted, because I think that is clearly the direction we need to be going in as far as education policy in this country.

I am hoping that as the presidential election season moves forward too that we are going to have an honest and healthy discussion about education and education reform in this country, because it is so vitally important. We are already starting to see the differences between the candidates, whether it is Governor Bush or Vice President Gore, some distinct differences in direction, in vision, in what their agenda would offer. In fact, Governor Bush just late last week was campaigning in my congressional district in western Wisconsin and visited an early elementary school and a Head Start Program there; and he was talking a little bit about his education initiatives, one of which was a new program that he is proposing that would offer $5 billion in spending for early childhood literacy programs. Unquestioningly, this is something that I think all of us should be able to come together on in a bipartisan manner, because it is something that we need a healthy investment in.

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But quite frankly, this has already been implemented back in 1996. It is called the Reading Excellence Program, something that Vice President GORE had already championed and helped usher through the United States Congress, and that President Clinton in fact signed into law. It was a commitment for more resources for early childhood literacy programming.

In fact, the State of Texas happens to be the largest recipient of those funds for the Reading Excellence Program, so perhaps that is where he got his idea from. If that is the case, so be it. I just say, welcome aboard. We are glad to have you there.

There are areas I think that there are some deficiencies in where Governor Bush would take the Nation or fight for when it comes to educational programming that provides a distinct difference from where Vice President GORE is. Vice President GORE is a strong proponent and advocate for the need for doing everything we can to reduce class sizes in this country.

If we can develop an education system with a better teacher-to-pupil ratio, there are just a multitude of benefits that derive from that: more personalized attention; better discipline in the classroom; teachers that are not overburdened, overworked, having to take home assignments and papers that they have to grade until the wee hours of the morning.

Anyone who harbors the illusion that teaching is a 7 a.m. until 2:30 p.m. job is sadly mistaken, because that job continues after the final bell rings, and they are either working with students on an individualized basis or grading papers throughout the night and over the weekend. It is a major, major commitment.

As we talk to teachers about what we can possibly do to help them do their jobs better with the increasing demands that we are placing on them for better student performance, this is one area that they continuously come back to us on; that is, reduce the class sizes, give us the chance to work in a more personalized and individual manner with these kids in the classroom, and we will produce the results.

We have a very successful program in the State of Wisconsin called the SAGE program. It is a pilot program, not universal yet in the State. I would like to see it made universal. It is for reduced class sizes. In fact, last year the University of Wisconsin at Milwaukee just released a study showing the benefits of reduced class sizes under SAGE in the State of Wisconsin.

In the State of Tennessee, we have had hearings before the Committee on Education and the Workforce. They are very proud of the Star Program they are able to implement on a universal State-wide basis. The results speak for themselves. Governor Bush is not talking at all about the need for class size reduction, whereas this administration and Vice President GORE have been willing to fight to try to maintain a separate funding stream for that very purpose, to hire teachers to reduce class sizes.

I think another very important missing component in Governor Bush's education plan has to do with school modernization and school construction. Again, he is silent on this issue, when, if we travel throughout the country, not just in our own congressional districts but throughout the country, there is an overwhelming need for an increased investment in modernizing today's school, the need for more school construction to deal with the demands of overcrowding, but also to deal with the technology and infrastructure that really has to be put in place.

Vice President GORE has a distinct idea and plan on how to get there. Perhaps the greatest difficulty that I have with Governor Bush's education agenda is that I do not see how we could fund it. I do not see how, even if he comes up with a lot of great ideas on that, where he can have some meaningful and credible funding commitment for these programs. That is because in his fiscal policy for the Nation that he has laid out, he is proposing a $2.1 trillion tax cut over the next 10 years.

Last year, this body moved about an $800 billion tax cut. They tried selling it to the American people at home, and they were not buying it. It is because I think people are generally fiscally conservative with these matters, fiscally responsible, and they understand that we already have existing obligations that we need to live up to: shoring up social security and the Medicare programs, paying down the $5.7 trillion national debt, having a greater commitment to education funding and education programs within this country.

But with a $2.1 trillion tax cut, if enacted, that would virtually make that impossible. In fact, the most rosy economic scenarios that economists are giving us right now show that maybe if we are lucky an $800 to $850 billion surplus over the next 10 years might appear. So it does not take a third grade math education to do the revenues and realize there would be a serious revenue shortfall which would require one of two things, either dipping back into the social security trust fund to finance a tax cut of that magnitude, which I feel is very risky and very irresponsible, or basically an across-the-board spending reduction in virtually all the programs and important investments that we have to make as a Nation, somewhere to the tune of 25 to 30 percent cuts in programs such as education.

So he really cannot have it both ways, by being out there on the stump talking about this huge, fiscally irresponsible $2 trillion tax cut, while at the same time also saying, but I support a $5 billion 5-year initiative for early childhood literacy programs, which I would hope would receive good bipartisan support but hopefully within the context of fiscal responsibility.

Let me just end with this one last point. In my district, in the Third Congressional District in western Wisconsin, we kind of are blessed with a mecca of higher education and learning. We have five State universities, seven technical school campuses, a private college right in my hometown of Lacrosse. Higher ed issues are very important.

As I travel around the campuses and meet with students, asking them, what can we do to make secondary education an opportunity for you and other students, their constant complaint is that there is a greater and greater reliance on loans and requiring them to take out more and more loans to finance their education, which leaves them with a mountain of debt as soon as they graduate, just as they are starting their lives and starting families and starting their careers, which places an incredible financial burden upon them.

It was not so long ago, and my friend, the gentleman from North Carolina, probably remembers, where the priority on the Federal level was an emphasis on grants to students. In fact, as recently as a decade or two ago, the ratio was roughly 80 percent grants to 20 percent loans that the students were asked to do. That has been inversed now, and it is just the reverse, where 80 percent of the reliance is on loans and only 20 percent in the grant program.

I think we need to do more in the grant area in order to alleviate this financial burden on students and their families. Unfortunately, Governor Bush disagrees with that. In fact, when a reporter up in Eau Claire asked him specifically where he was on loans versus grants, his response, well, the headline I think says it all, "Bush Averse to More College Grant Funding."

During the question period, it was quite illuminating where he stands on this issue. The reporter in the article wrote, "Governor Bush, who attended both Yale and Harvard, conceded that some people have complained that those loans carry a repayment burden." His response: "Too bad. That's what a loan is." Then he went on to say, "There is a lot of money available for students and families who are willing to just go out and look for it."

I get the feeling that there is a serious disconnect between the reality of having to finance higher education opportunities and how he perceives the issue right now.

Just recently I had a group of students from back home who were in my office, and they delivered basically debt scorecards of what their own individual debt was going to be like once they finish school. On the average, at least in the Third Congressional District, the average debt burden was over $16,000 by the time they got done with school. It is an incredible burden.

I think we should be moving in the direction of being able to alleviate that, and opening up the doors to higher education to more students, and especially the more disadvantaged low-income students. But obviously, Governor Bush sees a different tack to take, one which will, I feel, exacerbate the situation and make it more difficult for students to go on, rather than easier for them to go on.

We just cannot afford to leave students behind, especially when we have a tight labor market right now. We have a shortage of well-educated, skilled workers to fill the growth needs of many, many, many companies out there. I think this, too, is going to be a distinct difference when it comes to education policy between what Governor Bush envisions what is needed versus where Vice President GORE is.

Mr. ETHERIDGE. When the gentleman is talking about young people, I think that is interesting. Sometimes if we ask them, it is amazing what we find out.

This past weekend, and I try to keep in touch with them, as the gentleman does in his district, I convened what I call my District Youth Advisory Committee. Really, we brought them together to deal with this issue of youth violence, similar to the conference we convened here, and I convened one at home.

We wanted to discuss a number of issues that were reported in the Second Congressional District of North Carolina, and hopefully that was somewhat representative of North Carolina.

We had a great meeting, of course. When we get young people together, if Members really want to be energized, they will give us an awful lot of energy. They have a lot of it, and they are very bright. They were engaged on the issues. The sessions were very informative.

We sort of gave them some room. They went in some directions and some places where, I guess I was not surprised, having worked with them for 8 years as superintendent, but it was good to be reminded.

The students said, "We need more counselors in our schools. The counselors we have are tied up doing other things, and with testing and with paperwork. When we have a problem, we need someone to go talk with in confidence. Our teachers are overloaded because of class sizes. The classes are too large," because lots of young people come to school with more problems than they did years ago. They recognize the need for more support from their communities.

They talked about teacher qualifications. They said, we want qualified, devoted teachers in the classroom, people who really care about us; the same thing we want as adults. A strange thing, we think students want something different.

They want people who care about them, and they realized one thing, that resources translate into money. We as adults sort of skirt around money. They said, that translates into money. It was amazing to me, the things they were able to talk about saving that we as adults talk about spending in school. They really said, we ought to save those.

One of the interesting things they came up with, I am almost embarrassed to bring it up, somebody might rap my knuckles because I was involved in doing it, was name badges. When I asked all the students, and we had 85 or 90 of them, I said, raise your hand, how many have name tags? Many. Now, how many of you wear them? Three raised their hands. I hope their administrators are not listening.

And then I said, why do you not wear them? They said, nobody checks, so they figured out that was not an important issue with adults. They said, why do we not take that money and buy textbooks?

I think we as adults, if we listen to our young people more often, we will learn a great deal. The diversity of this group that we had, they came from some of the poorer communities in the district. We met in one of the most modern high-tech high schools in North Carolina, with Internet hook-ups in every classroom. It was remarkable. Some of those students' eyes were just sort of marveling. They went into the media center and saw all the things they had that they did not have.

But all of them, every student that was there, whether they were from a large, modern high school or a rural, poor school, said, we want reduced class sizes. And these were high school students, not elementary students.

We here in Congress are talking about how do we help reduce class sizes, and the President's initiative is to reduce class sizes in K through 3, for obvious reasons. You will have more student time, you will have reading comprehension, and have children prepared by the third grade. If children are behind by the third grade, they are likely to stay behind.

That is why, as the gentleman well knows, I started a Congressional Reading Program in my district. If a child reads 100 books they get a certificate and some other stuff. It is amazing.

Mr. KIND. Mr. Speaker, if the gentleman would yield for a point, another thing class size reduction brings is the interest level of the students in the classroom. One of the great challenges, again when we talk to parents or teachers or administrators, one of the great challenges we face in the education system is challenging the students enough in order to avoid boredom in the classroom.

Through lower class sizes, more additional attention, more individual participation of the students, many times that helps overcome that boredom factor that can really stifle the learning process for these kids.

The other thing, too, and it is interesting, in studies coming back now, that also helps in battling the evil of boredom for students is the technology and the Internet, and using these powerful new learning devices that they have available. Students now are responding, saying, this is cool. This is neat stuff. We like using it. We like learning on it.

To me, that is a sure signal, then, that we should step back and listen to what they are saying, because they get it, they like it, they understand it. One of the unfortunate facts we have in the country is oftentimes the students are way ahead of the curve when it comes to the use and comfort level of the technology than the rest of us really need to be.

But the more we can do to encourage an active and energized, engaged student body in the classroom, we should sit up and take notice of that.

Mr. ETHERIDGE. Mr. Speaker, one of the issues these students have, and remember, we are talking about high school students 9 through 12, technology was a big concern. What they were talking about is not just the number of computers in the classroom. Their point was, they wanted the teachers to have the time to get up to speed on the computers, and be able to integrate that in the curriculum.

On Saturday of this past week, we went into a boys and girls club in a YMCA that does computer training and tutoring after school in the evenings and even on Saturday, for that matter.

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I must confess, these computers have come out since I left 4 years ago. They had little computers for little tots in kindergarten where they would get at a bench, and they were telling me that in this boys and girls club as they put these children in front of these computers, they were like beginning computers, not big ones that we see but similar to the stuff they play games on, but they were math, helped them in the math, helped them in their composition. I asked them, I said now how many students will be here? They had a bench and they said there will be three on the bench trying to help the one using the computer and you will see others standing around wanting to help.

The point of the gentleman was they are engaged in it. He said as soon as they get off the bus in the afternoon, they are there. This is a learning experience.

Mr. KIND. That is right.

Mr. ETHERIDGE. It is important because what the gentleman is talking about in these two areas, the boys and girls club in Raleigh and the YMCA, they are doing a tutorial for a lot of children who have special needs. What this will mean 5, 6 years from now, these students most likely will be in the mainstream, they will make it and be productive citizens in the future and make major contributions. The truth is, they did not get an early start.

North Carolina, and the gentleman was talking about in his State, the governor had kicked off a smart start for pre-school to get kids ready, but these are the kind of things we do.

Mr. KIND. I think we are entering this phenomenal new era when it comes to teaching and learning in our country and it is because of the advent of technology and the availability of technology. Of course, one of the great concerns that we share is the growing digital divide that exists between the haves and have-nots, those who have access to the technology and those who do not. We are talking about, by and large, large inner city schools that are pulling up a little short when it comes to the resources of getting the technology there, a lot of rural areas as well. We need to think creatively on how to overcome that. Because of this exciting new innovation, it is not something that we should be fearful of but rather embrace and try to encourage.

I guess I am speaking a little bit from personal experience as a father of two little boys at home, Johnny who is going to be 4 the end of August and Matthew who is going to be 2 in May, and it is amazing watching how they are absorbing and learning information, which is completely different from when we were toddlers growing up in that. Johnny, for instance, will hop on the computer and do his blues clues program or Sesame Street program and learn the numbers and the alphabet and the shapes and sizes and colors and a lot of the different math programs that they have available, and Matthew will, the 2-year-old, will pull up a chair next to him and see what his older brother is up to. It is kind of fun watching this, and one can just see the wheels turning and they are comfortable with it and they are using that as a learning device.

One of the great fears I have as a member of the Committee on Education and the Workforce is that we may be a little bit slow in realizing the power of this potential that exists out there. We may not be thinking creatively enough or encouraging that type of activity enough in the classroom and doing everything we can to make sure that they have access to this technology but also have the well trained and qualified teachers who are comfortable in using this technology in the classroom as well, because, shoot, that is the future. It is coming. It is here already and we cannot afford to be asleep at the wheel and we need to encourage this type of activity with our kids.

Mr. ETHERIDGE. The gentleman is absolutely correct. When we start talking about children, it becomes very personal, as it should. With our three, they are fortunate. I wish all children had the opportunity to have those resources. Two of our children are engaged in public education. Our son is a fourth grade teacher in Wake County and listening to him talk about what happens in the classroom and this learning experience and how children need this help, and our daughter taught high school and is now back at the university. My wife is still in the public schools.

Even though I left the superintendent's office, I did not get away from it. I get a dose of it every weekend I go home, but it is so important that we reach out and give children every opportunity.

I happen to believe, as the gentleman does, if we have a good, clean environment for our children to go to school, we reduce those class sizes, we have the space that children need to go to school, then this whole issue that we are dealing with on school violence will go down, the temperature will go down tremendously. I really believe that.

If one goes into a school that they have excess capacity, as I started talking earlier, even if it is a new school and it is a beautiful building outside but they have 30, 40 percent more students than the cafeteria is supposed to have and the bathrooms are supposed to have, the media says they are supposed to have, they start changing classes and when young people go down those halls someone is going to bump into someone and someone is having a bad day and they are going to react to it, as do adults.

So I think there is something we can do and we have a chance to do something about that this year. We ought to be ashamed of ourselves if we adjourn and go home, be more than ashamed, we ought to be held accountable because we have a chance to pass a school construction bill in this Congress to provide resources to the States and to those local schools to renovate and repair worn out buildings that have, in some cases, have leaking roofs, that are not wired to take care of the computers and the technologies that other students have and in some cases those systems that do not have the resources to take care of adding the facilities to make sure we have a good place for teachers to teach.

I always remind folks that of the years I was superintendent and I went into a modern business, there was one thing I found on every desk of every modern business and this was a computer. When I went into schools, that was not necessarily true. When I went to see a teacher in the classroom, the best thing they could hope for in some cases was a computer lab down the hall, where they took their children to once a week.

I ask folks if they had an automobile and they only drove that car once a week, how good a driver are they going to be, especially when they went there once a week and they only got so many minutes to drive that vehicle? I do not need an answer for that. I know the answer.

We have within our power the ability to change that, and the Members of this Congress cannot do it all but we can do that little small part that says we are important.

Mr. KIND. I commend the gentleman, too, for the leadership and effort he has put in behind the school construction bill. It is something we can act on in this session before we adjourn this year. It is a tax credit on local bond issues for school construction costs and modernization costs. I never thought that on the Federal level we could have in whatever way some impact on local property tax burdens but it is a fact that throughout the country in many regions it is reliance on local property taxes that help finance these school costs and education costs, and it is something that it is very, very important.

Just to bring it back home again for me, I represent an urban, slash, rural district in western Wisconsin. Hopefully the rest of the nation is awake in realizing that there is a crisis in rural America right now; farmers going out of business in droves, three to four family farms a day in the State of Wisconsin alone. Because of the low commodity prices, their cash flow is severely pinched and hindered and it is making it virtually impossible to pass local school referendums in rural parts of the district, not because the farmers are adverse to education or the need for education investment but they are just trying to survive and keep the family farm going and being able to provide for their family. So this is another area where we can, as a Congress, come together, do the right thing, provide some assistance with these tax credits to local school districts so they can meet the all-important school construction and modernization needs that they have back home. I certainly hope that we are able to accomplish that.

So, again, I thank my friend for letting me participate here tonight. I commend him for everything that he does in the area of education for this body and for the people back home.

Mr. ETHERIDGE. To my friend, the gentleman from Wisconsin (Mr. KIND), before we close out let us hit one more point. I think it is important to this Congress. I hope we will address it and hopefully get a chance in the Committee on Education and the Workforce, and that is this issue on character education. I talked about it as I opened how much it counts as it moves into the 21st Century. As we talk about our children, we know these items are important: Respect, citizenship, justice and fairness, honesty, caring, responsibility and trustworthiness. These are things we can agree on as we talk about this whole issue of school violence, because we want our children to be safe and we need to take aggressive action I think as parents so that they will know that every school in America is a safe haven for our children. That should happen; that they are in good order, and discipline is there so it creates a good learning environment, where young minds can flourish and young souls can be nourished. We can do that. We really can if we work together and reach out and make a difference.

I think character education is one of those components that the gentleman has been working with us on to make a difference and Secretary Riley now has endorsed it, and what this new bill will do is give the Secretary additional discretion to make grants to States and to individual schools if they want to participate, to implement a program after they have worked with the total community. I think it is important for that total community to be involved and be a part of it, and that is why I introduced this bill this year, H.R. 3681, called Character Counts in the 21st Century, and many of my colleagues and the gentleman and others are cosponsors on that legislation for which I thank the gentleman, but I think if we will do that we can help parents, teachers and community leaders not just to implement character education. That is just one of the components to making education more comprehensive and make our communities safer and so that our teachers can teach and children can learn and certainly that is what the gentleman has been about as he has served and provided leadership on education in this Congress, and I thank him for it.

Mr. KIND. In conclusion, obviously there is a lot of work that still needs to be done but I think we can accomplish these goals in a fiscally responsible manner at the same time. There is a role, I believe, for Congress to perform. Sometimes we get into this old stale debate as far as what the proper role is of Federal, State, local authorities. I think what we need to instead concentrate on is what are the desired objectives and then how do we in working together in leveraging the resources we have available at the local, State and Federal level, of attaining that objective and getting the job done? Because our kids deserve nothing less. It is the future of the country we are talking about. If we are able to maintain economic growth and economic opportunities in this country, it starts with a healthy and an honest investment in the education area. Part of that includes the character education that the gentleman has been advocating. So there is an important role here and it is something that we should be able to move forward on. I feel, too, in a bipartisan manner rather than these oftentimes silly partisan debates that we have on education issues.

So, again, I thank the gentleman for his comments tonight and for the work that he has provided and the leadership that he has offered to this Congress.

Mr. ETHERIDGE. I thank the gentleman for his time and for his efforts and for his leadership, because he has worked hard to make sure education works and he has taken on the tough issues at the right time for the right reason for the right people who do not have a voice many times.

I say this about children so many times. They do not vote but if they did it would be a different world, and I think they would make a difference.

As we talk about character education, I happen to believe it does work because it recognizes that actions do have consequences and helps young people develop into well-rounded individuals who will, given the right direction, contribute to the strengthening of our social fabric in this country. That is so important as we move into the 21st Century. They are our future.

As Benjamin Franklin said, many years ago, nothing is more important for the public wealth than to form and train youth in wisdom and virtue, and only a virtuous people are capable of freedom. That was true over 200 years ago. It is still true as we move into the 21st Century. We have an opportunity this year, with resources at the Federal level, to invest that money in our seniors in making sure Social Security is safe and secure, taking care of Medicare, paying down the debt, and investing a portion of that money in our children for the 21st Century so those of us when we retire will be secure. That means character education, buildings where children can be safe and secure and have a comfortable place to learn and teachers have a good place to teach, and investing the resources in making sure that they have technology and our teachers are well trained in an ongoing basis to teach our children.

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DISCUSSING THE ISSUE OF ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICA. Mr. Speaker, and my colleagues, once again, on Tuesday night I come before the House of Representatives and my colleagues to discuss the issue of illegal narcotics and helping to develop our national policy to bring under control what I consider the most serious social problem facing our Nation and the Members of Congress today.

Tonight I am going to talk a little bit about the problem, again, that we face as a Nation and as a Congress relating to illegal narcotics. I want to spend some time tonight talking about the debate that took place for 2 days last week on the floor of the House of Representatives which has consumed much of the time of the Congress in the past several weeks relating to, in particular, an emergency supplemental appropriations to provide some assistance in the war on drugs and, particularly, assistance to the country of Colombia and their effort to combat illegal narcotics.

Mr. Speaker, tonight I also would like to correct some of the misstatements that were made in that debate. I have gone through some of the RECORD, and I think that it is important for the future RECORD of the House that the facts and statistics and the history of this debate about how we deal with the problem of illegal narcotics is, in fact, documented. Those will be a couple topics of conversation.

In particular, I will focus on Colombia. I will also talk, hopefully, if we get time, about Mexico and the administration's policy towards Mexico as it is now developing in the post-certification process; but, indeed, there is no more serious problem facing our Nation.

The last statistics I have as chairman of the Subcommittee of the Criminal Justice, Drug Policy and Human Resources of the House of Representatives is that in 1998, 15,973 Americans lost their lives as a direct result of illegal narcotics. It is estimated by our national drug czar, Barry McCaffrey, that, in fact, over 50,000 Americans each year lose their lives for various reasons that are related to illegal narcotics, and some of these are not counted in the statistics, the hard statistics.

In that 15,973 figure, there are individuals who we read about. Again, I point to the news of the last month or so with a 6-year-old child going into a classroom in Flint, Michigan, killing a 6-year-old with a gun. Everyone has focused in the media and the Congress and the administration on the issue of more regulation and legislation dealing with gun control; but, in fact, the article that I have here says that the child came from what is quoted as a dangerous environment, the police have said that the residence was used for drug dealing; the father was in jail.

Mr. Speaker, here is an instance in which they focused on the handgun that was taken to school and used in this murder and failed to focus on the core problem, again, illegal narcotics in this home, if you would call it a home, in this setting, this young 6-year-old was forced to deal with, where he lived in a crack house, where his father was in jail. The topics that, again, the media, the Congress, the administration does not really want to talk about. We also know this problem, and we know it too well.

Another example, and this is Lisbon, Ohio, I am sure a nice community, in the center heart of our Nation, a 12-year-old student brought a gun to school, the boy and everyone focused on this 12-year-old bringing the gun to school just recently; but the boy said, according to this news account, his biological mother was in jail, and he wanted to visit her and be with her, said the young man.

Authorities did not release the information on the mother's situation, but the Akron Beacon Journal said she was in prison on drug-related charges. Again, the focus on a young individual bringing a weapon into school, but the sad part about this story and so many others that we hear that illegal narcotics were at the root of the problem.

Here, the mother was in jail, a young 12-year-old wanted to be with his mother who was in jail, because of a drug-related offense. This is a serious situation, which has, again, impacted our country dramatically. The cost that we heard in some of the debate last week and some of the figures estimate from $150 billion a year to $250 billion a year, if we take into account the death, the destruction, the unemployment, the costs on our judicial system, the tremendous toll that this takes on our Nation and the very social fabric of our society.

So we have an annual cost, not only in lost lives, but in dollars and cents to this Nation and to our economy. It is absolutely astounding to see where we have gone in the war on drugs. And I will talk a little bit more about the death of the war on drugs and how I believe it was sabotaged by this administration in 1993; but the effects are very far-reaching.

In 1998, there were 542,540 drug-related emergency room episodes again in that year. This also is somewhat misleading, because many of these drug overdoses never make it to the emergency room. And as I said, there are 15,973 deaths. Those individuals died and some of them are not counted in these statistics. The toll of illegal narcotics to our Nation, again, goes on and on. Illegal drug users constituted 18.2 percent of the unemployed in 1998. It was up from 13.8 percent in 1997.

In 1999, Americans spent $63.2 billion on illegal drugs. So the impact on our society is well documented, and that is not what I came here to debate or discuss tonight. It is a matter of record.

What I wanted to talk about is really part of the debate that took place last week on the floor of the House of Representatives. What does this Congress, what does this House of Representatives do to deal with the narcotics problem that is mushrooming out of control across our land?

First of all, I think it is incumbent on every Member to ask a simple question: Where are the illegal drugs coming from? What is the base of the problem? Where are these narcotics coming from? If we take two of the most abused drugs in our Nation today that have caused so much devastation, heroin and cocaine, we have only to look now at really one major producing country in this hemisphere; and that is the country of Colombia.

We have made tremendous progress in a program that was instituted by the Republican majority just several years ago by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, when he chaired the subcommittee that I now chair.

That particular responsibility led him to begin a program and build on a program that was formulated again after the new Republican majority to go after illegal narcotics at their very source.

The source is not very difficult when it comes to cocaine. It is three countries. It is Peru, Bolivia, and Colombia. Peru and Bolivia were producing 95 percent of the cocaine in 1992, 1993. Again in 1996, 1997, under the Republican-controlled Congress, programs were reinstituted that were cut by the Clinton administration in those early Clinton years to eradicate illegal narcotics in the countries of Peru, Bolivia, and Colombia.

I must report that, as of this year, we have been successful, particularly in Peru, with a 66 percent decline in coca production in that country and a 55 percent decline in Bolivia. Most of the production has shifted to Colombia.

So today Colombia now accounts for nearly 90 percent of the cocaine that is entering the United States. That is factual, and that is documented. That was brought out by many in the debate last week. So we know that Colombia is the major source of cocaine coming into the United States. We also know that Colombia is now the major source of heroin.

Back in 1992, 1993, there was almost zero heroin produced in Colombia. Almost no heroin came into the United States, almost no poppy production and heroin production in Colombia.

In the past 6 or 7 years, through the direct policy of this administration, Colombia has turned into now, not only the major cocaine and coca producer, but also the major heroin producer. This was not easy, but they managed to do it; and it was through a number of very specific steps that were taken. I want to outline a couple of those here.

First of all, in 1993, 1994, the administration made some of their first blunders. The blunders that they made actually were not mentioned in the debate that took place last week.

Some of the major blunders were a complete shift in policy. The shift in policy was to stop the source-country programs and to stop the eradication programs and to stop the interdiction programs, take the military out of the surveillance business, which provided intelligence and information to stop drugs at their source, stop the Coast Guard, cut their budget, and also to again cut any type of international programs or interdiction programs that had been established back in the Reagan and the Bush administration. That was the policy. They, again, put their eggs in the basket of treatment back then.

I will bring this chart out tonight to show what their policy has been. In fact, if we go back to 1992, in this area, in 1991, and we look at treatment, we see that treatment dollars have doubled. Some of the argument that was made in the debate was that treatment would be much more effective.

I went back and pulled a record, since I have served since 1993 on most of these subcommittees that deal with this issue, and was appalled and spoke out against what the administration was doing back in 1993, and pulled up some of the rhetoric that came before the National Security Subcommittee on which I served that formerly had this responsibility.

Let me just read a little bit of what was said in 1995:

> Moreover, while the subcommittee heard expert testimony in support of drug treatment, it also received expert testimony severely questioning program effectiveness. Finally, since the public rationale for the Clinton administration shift toward treatment repeatedly came back to the June 1994 Rand study, this study was reviewed and found to be a weak basis for guiding national drug policy.

This last part is an analysis of this.

But in 1995, they used the same study that they used in the year 2000 for the rationale of where we should be putting our dollars.

□ 1915

Accordingly, Lee Brown, who was then Clinton's drug czar, testified that the President was seeking $2.8 billion for treatment, this was in 1995, for the fiscal year 1996 Federal budget, for what Brown said were 1 million drug users in this country who need and can benefit by treatment but cannot get it. Brown testified that the best way to reduce overall demand for drugs and related crime and violence is to reduce the number of hard core drug users, adding that treatment works. This was his testimony to us.

What is interesting is that I took some of the words from the gentlewoman from California (Ms. PELOSI): "As the distinguished ranking member referred to earlier," and she was referring to the gentleman from Wisconsin (Mr. OBEY), who was the ranking member on the other side, when he referred to the Rand report which was put together again back in 1994. The gentlewoman from California (Ms. PELOSI) said, again on March 29, 2000, "Yes, we have an emergency in our country, Mr. Speaker; 5.5 million, as I said, Americans are in need of substance abuse treatment."

So we have back here Mr. Brown, President Clinton's drug czar, saying that if he got this money in the budget he proposed back then, the best way to reduce overall demand for drugs and related crime was to spend the money on treatment, and he testified, "There are 1 million drug users in this country who need and can benefit from treatment but cannot get it." And that policy has gotten us up to 5.5 million Americans, according to the gentlewoman from California (Ms. PELOSI) and others who testified, and the gentleman from Wisconsin (Mr. OBEY) who also testified before the House of Representatives.

So the policy that was advocated by the administration in 1994 and 1995 was followed by the Congress. We have nearly doubled the amount of money in treatment, and we have nearly five times the number of people needing treatment.

Now, what did they do that was different from the Bush and the Reagan administration? Let me just pull up this chart that I have used before. This is really the most telling chart about long-term trends in prevalence of drug use, and it shows that during the Reagan administration years a steady decline in drug use and abuse and all the way down here to 1992. This is where they changed the policy. We went up that treatment ladder, we cut source country programs, we slashed interdiction programs, we took the military, the Coast Guard out of the war on drugs, and we put our eggs in the treatment basket recommended here in 1995. And it was recommended here again in an unending debate on treatment for nearly 2 days where we heard the comments of the other side.

In the Clinton administration what took off like a rocket was drug use and abuse. It took off in every category. It is amazing how the people on the other side are in such denial. And this drives the liberals crazy, to look at this chart. Again, I did not produce these charts. They were produced by the scientific community and somebody monitoring the future. They are by the University of Michigan. Again, we look at the Reagan administration. And this is in one category, cocaine. We see what was happening here.

The Reagan administration, at the beginning, was hit with cocaine coming into the country. They took steps and they started the Andean strategy, the source eradication, the vice president's task force, and we see a dramatic reduction in cocaine use. There was less cocaine coming into the country. Less tolerated.

Then we get into the Bush era, and we see a dramatic increase. Again, he was vice president. As president, he did an incredible job in also curtailing the production of cocaine. And we see a beginning of a leveling off and then a takeoff in the Clinton administration.

This, again, is the policy that has been rejected by the other side, going after drugs at their source and stopping the flow. What we have right now is an incredible flow because this administration has, in fact, taken every step to make certain that any aid in any form to Colombia does not get there, or has not been able to get there, because of their direct policy.

These are a couple of charts and, again, if we look at what we did here with the Bush administration, this is Federal spending in international programs. That is stopping drugs at their source. This is how money was expended by the Congress for stopping drugs at their source. Dramatic cut when the other side took control, putting the money in treatment. And we can take this chart back up here, which is our treatment chart. We go up in treatment, continue to go up in treatment. We cut the international programs and, voila, what do we get? More and more drugs flooding into the country.

That is why the statement by the gentlewoman from California (Ms. PELOSI) that we have now 5.5 million Americans that need treatment conflicts with just a few years before when the administration said that we only had 1.1 that were in need of treatment and they were requesting money for that and cutting money in this.

Now, we do see, with the advent of the Republican majority, efforts to get our international programs back to the level of 1991–92. If we look at this chart, the 1991–92 levels, to get back to those dollars, we have to get to this level. So we are barely back at 1991–92 levels.

The problem we have had is that we know where the illegal narcotics are being produced. I went over this with my colleagues before. They are produced now, heroin and cocaine, in one place. Two drugs in one place. They have managed to actually narrow it down to Colombia. So that is why we are here and that is why the situation has spiraled out of control. That is why that region is now in total disruption. That is why 35,000 Colombians have died in that area. And that war that has been going on there is now financed, according to the administration's own drug czar, by narcoterrorism. They fund the violence by drug profits. Very simple.

So we know, one, that the drugs are produced there, heroin and cocaine; 80, 90 percent coming into the United States. We know this policy did not work. We know that we can, first of all, wipe out illegal narcotics at their source, and we have effectively done that. We have two great examples, Peru and Bolivia, their next door neighbors. Cocaine cannot be grown all over the place, poppy cannot be grown all over the place. Coca is a little more difficult than poppies. But we do know where it is coming from, and we know that it is financing the disruption in that region and violence to those people.

Unlike the other part of the supplemental that we were funding here at some $4 plus billion, and we have probably spent another $10 billion on, in Kosovo and Bosnia, and some of these other missions, not one American life has been lost. There has been civil conflict; there has been civil war by all kinds of factions when we stepped in. But there is a slaughter on the streets of America and yet there is a reluctance to step in.

The other side again focused for nearly 2 days of debate on treatment: we have to spend more money on treatment. And they based it all on this failed study of 1994 that Lee Brown, the former drug czar, based his request on; how he would clear that up if we just increased the money in drug treatment programs. I say to my colleagues that by the time we get to treatment, we have a very, very serious problem.

Talk to anyone involved in law enforcement. Talk to anyone involved in drug treatment programs. First of all, treatment indicates addiction. And when someone is addicted to illegal narcotics, they have had a drug habit. A drug habit results in that individual supplying a habit at a cost of anywhere from $100 to $500 a day. We have heard even higher figures from some of the addicts that we have interviewed. That means they are already committing felonies and misdemeanors and serious crimes, sometimes under the influence of these hard narcotics, committing serious crimes not only against the public but against their families. Almost all the cases of child abuse, almost all the cases of spousal abuse involve substance abuse in this country.

So, again, they put all their eggs in the basket of treatment. They cut the international programs, the programs for interdiction using the military. And, again, and we must make it very clear, some of my colleagues I do not think even understood this, our military is not a police force. Our military does not get involved in a police action. In fact, that is banned by the Constitution. Our military does not arrest anyone in the drug war. What our military does is it uses surveillance. We are continually flying planes and using resources to protect our borders against incoming potential threats.

Now, I submit there is no threat greater than a lob of illegal narcotics that has killed 15,973 in 1998 and over 50,000 each year in our country in drug-related deaths. Is there anything that is killing more Americans that is coming in from a foreign source? I submit that there is not.

So the mission of our military is to provide surveillance intelligence information, and that information is going to other countries. It is also going to some of our enforcement people to keep track of people who are dealing with deadly substances which are poised against the United States, against our families, against our children, and killing our people in unprecedented numbers. There are wars, major wars, that this Nation has fought that we have not had the casualties of this war on drugs.

Again, the other side says, well, we should only be spending money on treatment; only treat the people that are wounded; only treat the people who have been victimized; only treat the people who have been the victims and wounded by that incoming foreign substance. If it was a missile, they would speak quite differently. They would go after the target. They would want to destroy the target.

□ 1930

It does not take a complicated plan to go after the target. We know where the illegal narcotics are. They will tell us it does not work. Well, it worked in Peru. It worked in Bolivia. They will say there is so much violence in Colombia that it will not work in Colombia.

I submit, any of these Members should go back and look. Because in 1990, 1991, I flew into Lima, Peru. In Lima, Peru, I flew in and the airport was sandbagged. The military was on every street. There was gunfire at night. We could not walk through the streets. The buildings were boarded up. The Indian peasant population was sleeping in the parks.

The Shining Path, as ominous a force as the FARC ever was, was slaughtering people. And there were right-wing bands also returning the slaughter on the other side roaming through the towns and villages of Peru in a slaughter across that land. So do not tell me that we cannot bring this violence under control.

Then they get into the argument, well, 75 percent of the paramilitary killed civilians in this, and the other side says 52 percent of the deaths were caused by the FARC Marxist guerrillas.

Well, I do not care if they are paramilitary, and I do not care if they are Marxist guerrillas. They are slaughtering people. They are using the proceeds from their conflict to slaughter our families here.

So that is why interdiction is so important. That is why part of our package deals with interdiction in trying to, again, bring under control some of the illegal narcotics as they leave the source and come out of the source country, the most cost-effective way we can go after these illegal narcotics. And we do not have to use one American service man or woman or put anyone at risk in this process that is providing some of the information.

What is sad is that this administration just does not learn. They shut down information going to Colombia back in 1994. And, of course, the Republicans were outraged. In 1994, we were in the minority; we could not do a whole lot. But my colleague, the gentleman from California (Mr. HORN), and I pulled this quote up from 1994. It said, "As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing real-time intelligence regarding aerial traffic in drugs with Colombia and Peru. Now, as I understand it, that decision, which has not been completely dissolved, has thrown diplomatic relations with the host countries into chaos."

That is the gentleman from California (Mr. HORN) in 1994, my colleague. We served on the committee together.

Now, we would think that they would learn. And we were able to change this after we got support from the other side of the aisle. And even the Democrats were appalled. I brought this up before from the Washington Post: "U.S. Refusal to Share Intelligence in Drug War Is Called Absurd."

This is the next direct step in the Clinton liberal administration towards illegal narcotics. Back in 1994, they got us in a situation where, in 2000, we are debating on the floor of the House of Representatives a billion-plus, a billion-and-a-half-plus package to bring under control the situation with illegal narcotics coming out of Colombia. These are the series of mistakes.

This is Thursday August 4, 1994. It says, "Chairman of the two House subcommittees again blasted the Clinton administration yesterday for its continuing refusal to resume intelligence sharing data with Colombia and Peru."

Now, we would think they would have learned by the mistakes that they made. Even members of their own party in 1994 chastised them for this horrible mistake in not providing information so that they could go after drug traffickers. But, now, these people do not learn.

This is an incredible story that just appeared a week or two ago; and in it was a report according to Claudio de la Puente, who is the charge d'affaires at the Embassy of Peru. This particular attache said, cocaine trafficking has increased due to new air trafficking routes, increased land and maritime transportation; and he said that, in 1999, there was again reduced surveillance which the United States of America, which, again, the repeated requests for assistance, repeated requests for surveillance data and information to that country have not been provided by the United States and, in fact, they are now seeing a recent increase in production of coca cultivation in Peru.

Here we have had in place a program that works. We provide information to Peru. Peru has taken action and swift action and, in fact, shooting some of the planes, drug traffickers, after numerous warnings, out of the sky. We had a 66 percent reduction in the last 4 years. We intercepted 91 aircraft involved in drug trafficking between 1992 and 1997.

And unfortunately, it says, since 1998, the Peruvian Air Force has not been able to continue its interdiction operations because of lack of U.S. monitoring provided by U.S. AWACS and other surveillance planes.

Unfortunately, the administration, starting with the Vice President, who took some of the AWACS out of the South American drug trafficking pattern and put them to check on oil spills and the President moved some of these assets to Kosovo to deal with one of his many deployments there. In the meantime, cocaine production and trafficking is up. We would think that we would learn from 1994.

Then the latest news is, and this is March 22, I believe, last week, prices of cocaine and heroin have fallen to record lows. When we have an increased supply and nothing stopping the supply, prices fall down. Easy economics. This was predicted not only by those in the Congress some years ago but those who are charged with overseeing policy for the United States in that country.

I have a report that was provided to me just a few months ago, December of 1999, asking about what United States military assets are used on the war on drugs. The report was prepared by the General Accounting Office. It says, "Assets DoD contributes to reducing illegal drug supply have declined." Then it goes on to document that decline.

And oddly, on page 17, it has a statement from the United States ambassador to Peru. Our ambassador to Peru warned in an October 1998 letter to the State Department that the reduction in air support could have a serious impact on the price of coca.

Well, surprise, President Clinton. Surprise, administration officials: cocaine and heroin prices fall.

The other reason that we have had heroin prices fall is because the United States gave up its forward operating location, which was really the center of our entire antinarcotics effort for the whole Caribbean and South America at Howard Air Force Base.

They knew this was going to happen. We held hearings. We went down. We asked them to make certain there were in place some type of agreement either with Panama to continue drug forward surveillance operations or relocate those activities.

Unfortunately, they failed in the negotiation. They failed to keep even the presence of our antidrug monitoring activities in Panama. We were completely kicked out last May 1. And to date, and soon we will be approaching the first-year anniversary, we still do not have in place even a fraction of the capability to detect illegal narcotics coming from their source and go after them.

We have friends and allies who will go after them. Peru will go after them. Their charge d'affaires cites that they shot down 91 planes until 1998. Their own ambassador tells them a disaster is heading our way. And they pay no attention to it.

Instead, they drag up this trivia that again that treatment is the answer, the more we spend on treatment. And again we go back to the statements of Lee Brown, our drug czar, in 1994, 1995: give us more in drug treatment. We will treat those 1.1 million untreated individuals, to the statement made to the gentlewoman from California (Ms. PELOSI) last week on the floor of the House of Representatives, we will treat those people who are drug addicted, all 5.5 million we are up to now, as the drugs come in unabated to the United States and the policy of the administration, the mistakes that they made in 1994 getting us into this mess, they are repeating again today, and the supply of illegal narcotics is coming into the United States.

We also had in this report that I cited. I requested an assessment of our narcotics effort with the military; and they will tell us that there has been a war on drugs. In fact, there has been no war on drugs. How can we possibly have a war on drugs when we take the assets out from the war?

This report again provided to me about the assets that were used in the war on drugs, again, I did not prepare it, the GAO prepared it just a few months ago, says that flying hours dedicated to tracking suspect shipments in transit to the United States declined from 46,264 to 14,770, or 68 percent from fiscal years 1992 to 1999.

Let us see if we can find our chart here again. This is what they did to us. From 1992 to 1999, a 68 percent decline of our assets in tracking suspected drug shipments. Look at what has happened here, a dramatic increase in drugs coming into the country.

So as they have closed down the war on drugs, now, it would not be bad enough if we just took out our military efforts to do surveillance from the air. This report also detailed to me the ship days devoted to supporting interdiction of suspected maritime illegal drug shipments declined 62 percent from 1992 to 1999.

Now, they wanted to make sure, if we closed down the war on drugs, we closed down completely, well, not completely, 68 percent as far as flight time, 62 percent as far as maritime efforts. Again, they did not talk about this last week. They talked about how the war on drugs is a failure.

I submit, my colleagues, the war on drugs is not a failure. The war on drugs was sabotaged. The war on drugs was closed down. This report unquestionably documents it.

The situation got so bad and out of hand that they have had to do something. But it was a series of very calculated moves. First, seizing the exchange of intelligence and surveillance information, and they are repeating that again. Then decertifying Colombia without a national-interest waiver. They decertified Colombia.

□ 1945

By not granting a national interest waiver which they can do under the law, they really banned all assistance going to Colombia for 1996, 1997. Almost all of the aid that we have requested, and we have had repeated requests from 1995, 1996 to get aid, helicopters in particular because of the high altitude cultivation of the crop and also access to the remote areas where the narcoterrorists are plying their trade. Simple equipment requests. We even passed more than a year and a half ago an appropriation of $300 million to get assistance there.

What is funny is some of the reporters and others who report on this $300 million, Colombia is now the third largest recipient of U.S. aid. First of all, that aid has barely gotten there even at the beginning of this year, less than half of the $300 million, and most of that was in three or four helicopters, Blackhawk helicopters and several other pieces of equipment we promised 3, 4 years ago. That equipment in almost comical fashion was delivered to the Colombians without the proper armoring so it could not be used, the ammunition was delivered to the loading dock of the State Department in again a farcical move.

The equipment that we have requested, the appropriations that we have made, have been blocked from getting to Colombia. Many of those liberals on the other side of the aisle have blocked that aid and equipment. They do not want the hair on the back of one liberal Marxist leftist guerilla harmed under any circumstances. They can slaughter 32 percent or 55 percent or whatever the percentage is, but that is okay. It is the right-wing paramilitary that we have to be concerned about because they are killing, too.

I do not think we need to be in that debate. I think we need to provide the resources to stop those that are dealing with it, in both the production and transit of illegal narcotics into the United States. So yes, this has created an emergency. They are dying in our streets. People do not want to talk about it. We say treatment is the answer. More gun control legislation. We get those guns under control; we will be in great shape. But do not worry about the narcotics, just treat more people. After we get them addicted, then we can treat them.

Of course they do not tell you that 70 percent of the public treatment programs are a failure. They do not tell you the statistics we heard in Baltimore a few weeks ago that 50 percent of those that are supposed to go to treatment do not even show up for treatment and of the few that end up getting treatment and it is successful, there is still a pretty serious failure rate even with those individuals. But the answer is just more treatment.

Again, treatment assumes that we have already gotten to the point where we have failed with a human being, they become addicted and now they are telling us we have five times the number of addicted people we had when they said treatment was the answer some 5 years ago, and I presented their testimony again today. So time after time this administration and the well-intended liberals and really the saddest part about this was to see some of the minority Members of the House of Representatives here engaged in that debate, just give us more money for treatment for our people, just treat these folks and that is the answer.

They forget that in our Nation's capital we have been killing on average 400 young black African American males a year for the last 10 years. We have just first made a dent in it in the last year or two. That is 4,000 human beings slaughtered. In Baltimore, 300 on average slaughtered in that city. Until Mayor Giuliani took over in New York with his tough enforcement policy, they were killing on average 2,000 people a year. He has gotten that down to the mid-600 range. Look at the heat he has taken for a tough enforcement policy.

But here the liberals in the House and the minorities in the House are saying, just give me more treatment, more treatment money. We get those people treated and everything will be fine. But the deluge of illegal narcotics, and we know where they are coming in from, we know the source they are coming in from is Colombia, no question about it. Yet they are reticent to pass this legislation. Now it may be blocked because the hour is so late.

The submission of this is almost farcical. I asked my staff on the subcommittee to prepare a time line. July 28, 1999, the U.S. drug czar visits Colombia and declares an emergency. We will soon be up to July. The 21st of September, 1999, President Clinton meets with President Pastrana in New York City, endorses Plan Colombia. That is September 21, last fall. The 24th of October, 1999, 10 million Colombians march for peace. January 11, 2000, the White House announces the Colombia aid package. Finally, February 7, a little over a month ago, President Clinton submits the Colombia aid proposal along with his fiscal year 2001 budget.

People are saying, Why now may it be in the cycle, the regular cycle? It is not an emergency because we will only lose another, in the 16,000 range of Americans dying but they die quiet deaths in those little communities and they are buried in some little family plot, it really does not matter. And the other 50,000 drug-related deaths, we can blame it on guns.

Here, this is a great cover. We will pass more gun legislation and that will cover up the problem. And then we will come to Congress and we will ask for more treatment, because we asked for more treatment in 1994 and we told how that was going to solve the problem and we doubled the amount of money in treatment, but we can come here and do that again and that will keep our people sort of in their place.

The saddest part about this is the minorities are dying by the thousands and the percentage in jail are the minorities, the Hispanics and the blacks in this country being slaughtered with this. It is unfortunately also now in the urban centers. The latest reports are it is absolutely ravaging our rural areas.

So this is the policy of the Clinton administration, a failed policy. If I came here and just said that we had stood by and let this happen, I would be as guilty as they. We have put in place some effective programs. We have a multitiered, a multifaceted approach that involves source country eradication, cost effectively, interdiction as it is coming from the source, engaging, using our military for their surveillance.

Prevention. Prevention is a big element. We have passed under Republican leadership one of the largest prevention and education increases in the history of any Congress, and those programs are now under way. And, of course, even under the Republican control of the House since 1995, we have increased treatment some 26 plus percent. That is only the direct funds. There are many other indirect funds. But treatment again is not the only answer.

The other part of this equation, of course, is Mexico. I have been a critic of Mexico because of two things. First, United States policy towards Mexico which is a failed policy has been, is and continues to be a failed policy, and Mexico is also the main trafficking route of that illegal narcotic that is produced in Colombia. In fact, we now know there are relationships of drug traffickers for both of those countries.

What is amazing is that this administration just weeks ago certified Mexico as cooperating in the war on drugs. General Barry McCaffrey went down to Mexico City, I have a report from the news, and he told reporters that Panama in particular faced a full scale assault from narcotics traffickers since last December's handover of the canal. Where were they then? He says, "They're switching back. There's a lot more now showing up in Haiti, Dominican Republic, Jamaica. Haiti is the problem."

General McCaffrey said in a briefing in the United States ambassador's residence in Mexico City on last Wednesday night. So he is down in Mexico, and he is saying Haiti is the problem on February 11. On February a few days later, I get the interim report from the drug czar's office, the highlights of the National Drug Threat Assessment for the year 2000, and the executive summary. Let me read some of it. It talks about cocaine.

Chicago has become a major source of cocaine, a hub for Mexican organizations. Then it goes on to heroin. It says, the average size of the heroin shipment is increasing and more Colombian heroin is being smuggled through Mexico. Then it goes on to methamphetamine. Florida has become an eastern hub for Mexican national methamphetamine organizations. Next on methamphetamine threat, it says Mexican organizations are expanding manufacturing and distribution eastward. The next one says the average purity of Mexican methamphetamine, it goes on and talks about that.

It talks about cocaine and crack findings. Mexican and Colombian groups control most of the cocaine transportation to the United States. It goes on and says Mexico remains the primary conduit for cocaine to the United States. The next sentence, there are two primary corridors for movement from South America to the U.S. One is the Mexico-Central American corridor. The next part of the assessment, threat assessment to the U.S. The Mexico-Central American corridor accounted for 55 percent of the detected cocaine shipments for the first half of 1999. Then it goes on, Mexican traffickers generally control wholesale cocaine distribution.

Trends. Now we are up to trends. Mexican and Dominican trafficking groups are assuming a more prominent role in distribution. Trends. The DEA reports that Chicago has become a major distribution hub for Mexican organizations. It goes on.

Heroin. Mexico is one of the four major sources for heroin found in the U.S. Heroin. Heroin production for Mexico in 1998 is estimated at six metric tons. He does not tell you the figures we have gotten is that probably a 20 percent increase in heroin production in Mexico. Nearly all the heroin produced in Mexico is destined for the United States.

Mexican heroin is dominant in the West. Mexican traffickers rely on entrenched polydrug smuggling. Mexican organizations move heroin. Trends. The U.S. through Mexico. Mexican organizations. The average size of heroin shipments originating in Mexico. Projections. Mexican heroin. And then methamphetamine. It ends with Mexican national organizations.

But a few days before, Barry McCaffrey is in Mexico and he said Haiti is the problem, he said in a briefing in the U.S. ambassador's residence in Mexico. This same administration certified Mexico as cooperating. That certification gives them trade, finance, aid, and assistance, U.S. aid and assistance.

Do you know what the response from the administration is and from other groups and Mexicans? We should not have the United States certify whether we are cooperating. That should be given to another party, to a third party, to an international organization. So an international organization would decide whether or not Mexico is eligible to get continued trade, aid, and financial benefits from the United States of America.

Have we gone cuckoo? Here is the report that is given to me on the overall drug problems and trends. Mexico's name time after time, yet this President, this administration certified Mexico as cooperating and fully eligible for all the trade and finance estimates. I could blame this just on the administration, but there are too many others on both sides of the aisle who are willing to turn their back and take a dollar while illegal narcotics are pouring into our country.

The sad part about this, the saddest note about this is Mexico is slowly losing its grip on its national sovereignty. Corruption has turned to violence, and they are slaughtering in Mexico at an unprecedented rate in almost every state which is now controlled from the lowest police officer to the president's office in Mexico with illegal narcotics.

A sad tale but a tale that needs to be told to the Congress and the American people.

SLAVERY IN SUDAN

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes.

Mr. PAYNE. Mr. Speaker, this evening I would like to address the House about a problem that has been around for the last 40 years at least in the country of Sudan, and that is the question of slavery, chattel slavery, out and out selling of men, women, and children in that part of the world.

□ 2000

First of all, let me just say that there are throughout the world problems as they relate to the abuse of children and the practice of slavery. We see it in Nepal, we see it in Burma, we see it in Bangladesh and Mauritania. But there is a tremendously extreme practice. They are all bad, they should all be corrected; but tonight I would like to deal with the country of the Sudan. The Sudan, one of the richest countries in the world with natural resources, but one of the most impoverished countries because of the practice of its government, a government which has been a brutal dictatorship, the al-Bashir government and Turabi, but ever since the independence of Sudan. Actually the first African nation to become independent on the continent back in January of 1956, even prior to its independence, there was a problem between the north and the south and from these many years of struggle, this question of slavery continued on, and today it continues. It is actually a travesty today to think that as we move into the new millennium, we have slavery being practiced in the world.

Mr. Speaker, I have had the opportunity to visit Sudan on a number of occasions. My first visit to Sudan was in 1993 when I visited there with Harry Johnston, a former Member who then chaired the Subcommittee on Africa, and we traveled to the south to the Sudan to explore and to see firsthand this problem. I have been back many times since. We saw the conditions there. In my recent trip just in June of last year with the gentleman from Colorado (Mr. TANCREDO) and Senator BROWNBACK when we traveled to Loki in Kenya, which is a Sudanese refugee camp in Kenya, and then into the south of Sudan to Yei and Labone in southern Sudan to see again the terrible conditions by the NIF-lead government, the National Islamic Front government of al-Bashir and Turabi.

So we thought that we would have a dialogue this evening about this particular situation. I will begin by yielding such time as she may consume to the gentlewoman from the District of Columbia, and then she can yield back to me as I will continue on; and I am sure that she may have some additional comments as we move through almost in a colloquy, but to bring this dastardly situation to the attention of the public of the United States and the world, because we cannot live in the new millennium and have practices that go back to medieval days.

So at this time I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding. If I may, I would like to begin by acknowledging the work of the gentleman from New Jersey. He is a former chair of the Congressional Black Caucus and a senior member of the Committee on International Relations. He has indicated he has traveled to Sudan on a number of occasions. He has met with former slaves. He has pressed this Congress; he has pressed the administration. I have been bothered for years by slavery around the world. The gentleman has indicated that it is not confined to Sudan, tragically. But I have been, as he has been, particularly drawn to slavery in an African nation. He and I are two of almost 40 Members of this body who are direct descendents of African slaves, so it is perhaps natural that we would be drawn especially to slavery in any part of Africa.

Because I had been so concerned and could think of very little to do, I passed the gentleman in the hall and indicated to him that perhaps he and I might do a Special Order, because I felt so powerless and I felt his leadership and knew that there were many others like him; but that this problem simply had not had the voice that I think it is beginning to get tonight. Our voices represent the entire Congressional Black Caucus, many Members of this House and the Senate, as I shall indicate in a moment.

I should also acknowledge the work of our former colleague here in the House who is now in the Senate, Sam BROWNBACK. I have not spoken to Senator BROWNBACK, but I do know that he has taken slavery, and especially slavery in Sudan, as a cause of his own. He is not of our party, but the gentleman from New Jersey and I cannot imagine that slavery would be a partisan issue, and we are so pleased to see that there has been bipartisanship on this issue. This is, after all, April 4.

April 4 is a somber day for America, because it is the day, of course, that Martin Luther King, Jr., was gunned down. So it is a day that lives in infamy, and it lives in remembrance. I have just come from a radio program where I was speaking to young people who know nothing of that day, but if there is any way to remember that day, it is certainly to remember that slavery still exists in this world, and discrimination and racism still exist in this country.

Mr. Speaker, as we look to Africa in ways that were unheard of, such as the Africa trade bill, we should also look at the forgotten submerged people of Africa who cannot think of trade today, but can only think of being traded person to person. We are, after all, more than 130 years after the 13th amendment to the Constitution was passed, and many of us in this country thought that that was the end of slavery and the last we would hear of it. The fact is that in our own homeland in Africa, there still exists slavery.

I would say to the gentleman from New Jersey, what heartens me is the joint resolution that has been passed by the House and the Senate deploring government-sponsored slave raids in southern Sudan. This resolution was passed by this House, I believe it was in June, calling upon the Sudan government to cease the practice of slavery. It passed in this House by a vote of 416 to 1, and the Senate has passed a similar bill, or a similar resolution, 97 to 2. So we have the administration, we have both houses, and we have both parties raising their voices this evening. The gentleman from New Jersey and I speak for the Members of this House and the Senate, we feel confident to say, when we say that slavery exists in Sudan and slavery will not be condoned in Sudan by public officials in this country or by the American people.

I recognize, Mr. Speaker, that the slavery is a by-product of the civil war there that has gone on for 32 of the 42 years that the Sudan has been independent, and that if we talk to people there of the government in northern Sudan, they will say that they do not have slavery; there may have been some hostage-taking. Well, Mr. Speaker, when they, in fact, take women, children, young boys, work them, engage in rape, people who were not involved in combat, you are not taking hostages, you are taking slaves.

Before I turn back to the gentleman from New Jersey, I would just like to indicate one or two features of the resolution that we passed. In our resolution, virtually unanimously in this House, we indicated that there was a genocidal war in southern Sudan, a war, in other words, to wipe out the people or, in a real sense, to convert them culturally and religiously away from their own religion. There are Christians and animists.

In our resolution, we indicate that the declaration of principles of the intergovernmental authority for development mediators is the most viable negotiating framework to resolve the problems of Sudan. We talk about the prolonged campaign and human rights abuses of the National Islamic Front government. We indicate what is surely the case and must be acknowledged, and that is that the gentleman from New Jersey and I, and the House and the Senate, and the Republicans and the Democrats, do not stand alone, that the National Islamic Front government is considered by much of the world community to be a rogue state because of its support for international terrorism and its campaign of terrorism and slavery against its own people. Those words need to be said. We do not need to soft pedal what is happening in Sudan. We need to wake up people here and around the world to what is happening so that we can all engage in whatever is necessary to bring it to an end.

Mr. Speaker, I yield back to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, I appreciate the gentlewoman from the District of Columbia for her many years of work. As she has indicated, she has been involved for many, many years, and of course her outstanding record as she lead the civil rights movement in this country, and the tremendous amount that she has contributed, not only to civil rights but to the rights of women. It is certainly indeed an honor for me to be joined by her this evening.

As I have indicated, the Congressional Black Caucus has been looking at this problem for some time. After my 1992, 1993 visit to southern Sudan, we had at my international affairs brain trust, which I conduct every year with a number of members of the Congressional Black Caucus at our annual legislative conference, we had the question of slavery in the Sudan as a major issue. We had people who are slaves who showed their backs where they had been whipped. We had the outstanding well-renowned model from southern Sudan Alex Wek, who last year came and talked about visiting her village, seeing her grandmother for the first time in many years and talked about the abuse of the government. As we indicated, the colonial administration did very little investment in trying to bring this country together and when the colonial powers left, there was this split between the north and the south. The al-Bashir government today continues its war policy in southern Sudan, unmercifully condones slavery, and it is the number one supporter of State-supported terrorism.

As we know, Dr. Martin Luther King said that injustice anywhere is a threat to justice everywhere, and I think history will judge what we do or do not do here in order to free the slaves and in order to bring this question to the attention of the American people. A decade ago, a radical faction took power in Khartoum and forced and turned Africa's largest nation into a killing field.

□ 2015

It conducted a self-declared holy war by preventing food deliveries to starving people, bombing villages, and taking slaves.

Slave-raiding is the terror weapon of choice. Arab militias storm African villages, killing the men, taking the women and children. Escaped and redeemed slaves tell of being ripped from their homes, roped by the neck, and forced to march in columns north where they are raped, branded, and forcibly converted.

The Sudan government, like Stalin and Pol Pot's use of famine to kill its enemy, has been one of the real tragedies. The government of Khartoum uses food as a weapon. It has been estimated that close to 2 million people have died in Sudan, catastrophes that make Kosovo and Chechnya look like just small incidents. Two million people died of starvation, malnutrition, because of this government in Khartoum.

Actually, in 1998, tens of thousands of Africans died a slow death when Operation Lifeline failed to break the food blockade and allow food to go into the south of Sudan. There is a U.N.-operated Operation Lifeline Sudan, OLS. But in order for food to pass through, the government of Khartoum must give permission for the food to be delivered. When they want to wreak more havoc on the people of the south, where the civil war is raging, they simply will not allow the U.N. and humanitarian organizations to bring the food to the south.

Dr. John Garang, who has been fighting with the south Sudanese liberation movement, SPLA, has asked that food be allowed to come in without the approval of the government. But that is still, working through UNICEF and the Coalition of Food Agencies, Operation Lifeline, Sudan, that is the only way that food can get into the south of Sudan. A hostile government that is hostile against its own people makes the determination.

Then we have heard about the bombings, where these old Russian planes, Antonovs, fly over the villages. Only 2 months ago, while our envoy was in Khartoum, Special Envoy Harry Johnston was meeting with the al-Bashir government, bombs were dropped on a hospital killing 16 people, mainly women and children.

When I visited at my last trip, we had to look and listen to hear whether the Antonovs were coming. We came in from the south, and they say if they come, there is a little place you can dive into a hole. The people in the villages, they look at the chickens, because the chickens actually are the first to be able to detect that the planes are coming. When the chickens start to react, then the children begin to run and move around in a kind of frenzied way.

That is when the adults, the elderly, the other people, know that the bombs are coming. Is that not a horrible way to spend day after day; peaceful villages trying to scrape out an existence, a life, have to keep their eyes on the chickens because the children watch the chickens, and then you watch the children because then you know that they may be raining bombs on you. It is, as I indicated before, it is even premedieval behavior from the government that sits in Khartoum.

What we have done, we have started an educational system there. There are youngsters all over the country who are starting to learn things. As a former teacher, I know that one of the strongest elements is to get this information in the hands of children.

There is a class out in Denver that has raised $100,000. The class, and I have spoken to them on the phone and her name will come to me soon, but they know who I am talking about. They call themselves the Little Abolitionists, and that is how they got involved. That is one of the reasons the gentleman from Colorado (Mr. TANCREDO), who is their member, who heard about this at a church and then knew about Mrs. Fogel's class, he heard about what they were doing and got involved in this issue.

There are students from over 100 schools around the country. As a matter of fact, this little school from Denver got letters from Japan, people writing them asking them about how to get involved. Then in Newark, we started to introduce this throughout the country. Black churches in Los Angeles and Newark have started to raise their voices in a chorus of outrage, and are talking about this question of Africans being enslaved today.

There is a national divestment campaign, and we were very pleased that at Paradise Baptist Church, actually as we talk about Dr. King, and this was the infamous day, the day he was struck down in 1968, and as a matter of fact, Dr. King had just visited Newark, New Jersey. This was the last visit he made on his way back to Atlanta and on to Memphis.

I was with him that morning at a school that I had taught at, then the South Side High School, where he came and spoke to the students in 1968. Then that evening at Abyssinia Baptist Church, when Dr. King left and went back home and then to Memphis, we know what happened then.

But on January 16, celebrating Dr. Martin Luther King's life, I was invited by Reverend Jethro James at the Paradise Baptist Church in Newark to come to his church. Rather than talk about domestic issues and civil rights in this country, and the question of affirmative action and the talk about police misconduct, the issue was about slavery. I was very pleased to be asked to deliver the sermon at that Sunday morning.

From that morning, we have had a move on this national divestment campaign. See, there is a company called Talisman Energy, a Canadian company. They are drilling oil in Sudan. They are in partnership with the Malaysians and the Chinese.

What this oil is doing, now that they have completed the oil lines, is to bring more money to the government. Black gold is like blood oil.

This company, the Talisman Energy, a Canadian company, has investments all over the country. We have started a divestment program in this country. I was proud, as we pressured the State of New Jersey, that they sold 850,000 shares several weeks after the attention and the news media and the newspaper accounts of that Dr. King program, where various persons came and spoke and talked about this terrible travesty that is going on in the world today.

We are saying that we should target companies. Just as we have had this divestment program in South Africa with apartheid, the Dellums bill, and the gentleman from New York (Mr. RANGEL) and Bill Ray had the divestment, we are saying this Talisman Energy Company should be targeted and they should be penalized for cooperating with a pariah government that wreaks havoc on its own people.

We can go on about that, but I will ask the gentlewoman from the District of Columbia (Ms. NORTON) if she has any other comments she would like to make at this time. I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, Mr. Speaker.

The gentleman has indicated that he has seen with his own eyes and felt the terror himself. That is an amazing experience, especially since there have been denials by the government, even some in this country, that there is slavery in the Sudan. This gentleman has seen it with his own eyes.

Later on, I would like to indicate some of the testimony from ex-slaves, former slaves, in the Sudan so as to make more vivid why this is such a pressing issue for decent people around the world.

The gentleman has indicated that there are schoolchildren in this country so moved that they have started their own abolitionist movement. We have churches and other Americans who just feel they cannot stay still. Actually, we do not know how many slaves there are. They are African slaves, we know that. The estimates go from 20,000 to 100,000. With all the chaos and civil war in Sudan, no one has kept a record, although, amazingly, there are villages where they literally keep close records of people who have been stolen.

We know they are Christians and they are animists. Animism simply is a kind of native African religion. These are the two groups that are targeted here. The Sudan is 70 percent Muslim. Only about 5 percent are Christian. Apparently they are seen as some kind of threat.

What we have in the Sudan is a kind of cultural war, a desire to wipe out the culture of these people, the religion of these people. Nobody should feel as strongly as Americans, where people fled precisely because people were trying to convert them to a religion that was not their own. If they have a religion, they have to remain with that religion, so a civil war breaks out.

When we say to people, you cannot have your religion or you cannot have your culture, you have to have some other culture, as the gentleman has said, this has been going on for a very long time, here. In a real sense, the animus between these two groups precedes their independence, and is ancient. Nevertheless, it has become absolutely intolerable in our world today.

The antislavery movement, as it were, involves everything from classrooms and schoolchildren to a Swiss group that makes it its business to go around essentially buying back slaves. They have freed, that is to say, bought back, upward of 20,000 slaves.

At the same time, I have to report that the antislavery movement that buys back slaves has become controversial, at least in some official circles. When we hear that people are buying back slaves, the first instinct is to say, thank goodness. UNICEF and some others have indicated some compunctions, however, about buying back slaves, because they think that it motivates the slave raiders to capture more African slaves and drives up the prices.

We can imagine, though, how the schoolchildren and groups who are buying back slaves respond to that. Nobody else is doing anything about it. If you were a slave, I guess you would figure if anybody comes along that can get me out of this and free me, then please let them do so.

Until we find a governmental solution, we are leaving these slaves either to rot in slavery or to some self-help escape, or, of course, to whatever help private individuals can bring to them.

The argument on the other side, from those who have been buying slaves, is that there has been no increase in the slave trade as a result of buying back slaves. In fact, they say that during period of intense liberation, when slaves had been brought back in large numbers, the raids have decreased.

I am not certain, and there are no official objective observers that can tell us one way or the other. I do know that the slaves are between a rock and a hard place. Nobody has come up with a solution. We can understand why people would step forward and say, we have to do whatever we can do.

Please remember slavery in this country. Please remember John Brown. Please remember the abolitionists, who were considered extremists because when slavery was the official policy of the United States and nobody would do anything about it, people were driven to do whatever they could.

At least what is happening with churches here, with the schoolchildren, with the Swiss movement that is buying back slaves, is peaceful and is liberating people. It puts a price on people's heads, but they, of course, are free.

The gentleman has also spoken about another movement. There is the liberation movement and there is the divestment movement. I agree with him, that at the very least the divestment movement is called for. I do believe that with what has happened in New Jersey to divest in Talisman Energy, which is Canada's oldest independent oil company, what has happened there is likely to catch fire everywhere else.

In neighboring New York, the first elected black official State-wide, the Comptroller, Carl McCall, is leading his State towards the same kind of disinvestment that New Jersey has begun. I must say to the gentleman from New Jersey, I cannot help but believe that it is the gentleman's work that has led his State to be the first to come forward and say to Talisman, not in this country. I think the gentleman deserves much of the credit for what has happened in New Jersey.

I want to tell the gentleman that he has inspired me to look into the pension funds of the District of Columbia, and to ask my counsel and my mayor to look to see if we are invested in Talisman Energy. I hope that, at least out of what we are doing this evening, and out of what the gentleman has encouraged to happen already in New Jersey, we can encourage Americans and others around the world to engage in a divestment movement.

I do not know if there are other companies. Talisman Energy has, of course, caught the attention of the country, and they deserve the disinvestment they are receiving.

I would say to the gentleman, I do have more to say, but in the spirit of going back and forth in the colloquy in which we are engaged, I yield back to the gentleman at this time.

Mr. PAYNE. I thank the gentlewoman very much.

The points that the gentlewoman from the District of Columbia brings out are very, very cogent points. We are encouraging Comptroller Carl McCall to take a look at the State of New York and the expanse of investments that that State has, and also the teachers' annuity funds nationwide.

Teachers have probably the largest annuity and pension funds, and we want those representatives to take a look at their portfolios, because we need to let people know that there is no profit in dealing in human misery. You cannot have a bonus by virtue of your behavior in dealing with an unjust system.

So as we target the Talisman Company, we will continue to, one, generate more involvement from the church movement throughout the country. We will continue with Mr. Jacobs and his antislavery movement, which has printed material, has become involved in getting material to children, to schools, to churches, and has done a very good job.

The gentlewoman does bring up an issue that UNICEF and the antislavery movement have had a debate about, whether to purchase the slaves is the right policy. We who want to see the policy ended do not want to get good groups battling each other about what is the right way to go. We should focus on the pariah government and determine ways that government should be brought down-UNICEF wants to do it, the antislavery group wants to. I support all of the efforts that are going on.

I do believe, though, that in the legislation recently passed, in the Sudan Peace Act, there was a provision that we put in that would enable the President to block American investment in Sudan and also to break the food blockade to feed starving southern Sudanese.

There has been some controversy about having food go into Sudan in ways other than the Operation Lifeline Sudan, but we think that that is an imperfect way. We think that food should be made available from whatever means necessary, and that food should get to the people in the South who are starving. There has been some opposition to having food go into the country in ways other than the established OLS, but we think that that is really not working and, therefore, something else should happen.

As we have seen in Bosnia recently and in Serbia with the arrest of people for war crimes, people being brought before the International Court of Justice, we have seen in Arusha, the Rwandan genocide trials going on by the United Nations, we think that the Khartoum government must cease in its criminal acts or it needs to be held accountable for its actions.

We are holding Milosevic accountable in the Balkans for his war crimes, and the al-Turabi and al-Bashir governments must also be judged accordingly as crimes against humanity. We need to take a look at an indictment of these people who have continued the plight, as I mentioned, of 4 million people. As I mentioned, 4 million people have been displaced, and 2 million people have died over the course of 40 years.

Although these gentlemen have only been involved in the last decade or so, we need to start holding heads of state accountable. We saw what happened in Europe as related to Argentina's former dictator, where until his health became an issue there was an indictment being charged against him.

I think that the time has come that we need to tell criminal heads of state that they are going to be held accountable, that they are going to be indicted, and they need to be brought to trial.

□ 2030

It makes no sense that we tolerate this. Up to now, we just had Band-Aid approaches to fix some of these problems and so if we are going to be effective we must go to the root causes and the root cause is the government of the north.

Now, I do have to applaud the administration for applying sanctions almost two years ago on the government in the north, and they have held to most of the sanctions. Of course, many corporations are opposed to sanctions but I think that in this extreme situation that that is the least that these corporations can do. Invest somewhere else until we change that government. We cannot reward this government for its continued use of these terrible practices. In addition to what they have reeked on their own people, Sudan has also destabilized her neighbors. In Uganda, the Sudanese government gives direct support to the Lord's Resistance Army, a rebel base group that kills and tortures its own people. The Lord's Resistance Army abducts children also, sort of the same practice of what is allowed by the Khartoum government. They will go in and they will kidnap children and then make these children in the front line of any attack that is coming. So the Army of Uganda that is trying to stamp out this group is confronted with the fact that there are children sort of shielding the soldiers of the Lord's Resistance Army. This is condoned by the government of Sudan.

We have had allegations of terrorism, and terrorists are harbored there in Sudan.

Back, as I indicated, to my visit to Sudan in 1992, 1993, when I returned I introduced the first piece of legislation that I did on slavery in the Sudan. I cannot even believe that it has been almost 7, 8 years ago but I introduced legislation on slavery in Sudan and that legislation called for the State Department to list all covert and overt forms of slavery in the region. It also called for the U.S. to cut off aid to countries that aid in selling or buying any Dinka men, women or children. The Dinka tribe is the tribe in the south, basically Christian.

Many of them are animists, as has already been indicated by the representative of the District, that there is just a small number of people who are in other religions, and this has been where we have seen the north reap its vengeance on these people in the south. That legislation also called for the administration to report to Congress within 3 months about the U.S.'s efforts to end slavery and it called on the United Nations Security Council to impose an arms embargo on the government until they condemn the enslavement of innocent civilians and take appropriate measures against the perpetrators of the crime.

Let me just say that removing it to a new millennium, as I said, we have human beings still being enslaved, branded like cattle, used as chattel and property. Sometimes children are sold for as little as $15 apiece. The government tolerates, if not condones, the kidnapping and enslavement of these women and children. They have ways of brutalizing where a child is afraid to try to escape because if they catch one they will cut his foot or sever his Achilles tendon, or brutal things that will just prevent the next one from trying to leave. Even in some countries, some of the oil rich countries, young boys are brought to their countries as slaves for camel racing, because they need light-weight persons to be the jockeys on the camels.

This is another inhumane situation that goes on today and is tolerated by heads of state. So we have a very serious situation. We have been trying to work at peace in Sudan. We have had President Moi who heads a group called the IGAD group which are made up of states in the Horn, Ethiopia, Eritrea, Egypt, countries in that region to try to work out some solution with the government in Khartoum in ending the bombings and stopping the safe raids but to date they have been unsuccessful.

I have to commend President Moi who comes under criticism in his country for things that are happening there, but I have to commend him for his attempt. I spoke to him face-to-face just a month and a half ago about the problem in Sudan and he is very troubled by it and he is also troubled by the lack of progress that has been made as he has been attempting to have a change of heart with the government.

So we certainly will continue to fight. We will continue to raise this issue. We will continue to bring this issue before the persons of this Nation, before the children of our schools, before the churches in our communities. We have seen people become interested. We get phone calls from people who want more information and we send them or we refer them to an organization like the Anti-Slavery Movement or other groups that are working with this issue, but I must say that we are growing in numbers.

I used to say before the gender question, start me with ten who are stout-hearted men and I will soon give you 10,000 more. Of course, today I will say 10 who are stout-hearted men or women, and we will see this grow until we have an army of people of goodwill that will say we will no longer tolerate these injustices. Start me with 10 and I will soon give you 10,000 more, and that is what is going and they said shoulder to shoulder we grow bolder as we meet this foe, that must be taken out.

I once again appreciate the interest of the gentlewoman from the District (Ms. NORTON). As she indicated, she saw me in the hall and said we just have to talk about it; it is on my chest. We have to get it off. Let us just discuss it, and that is what we are doing here at this time.

Since we have maybe 15 minutes left, I will yield to the gentlewoman and then I will conclude after she completes her remarks.

Ms. NORTON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for yielding. Once again, I thank him for his consistent leadership on this issue, for his work not only in the Congress but throughout the Nation.

This evening, what he is doing, I think, his 10,000 men to join him, his 10,000 women, I think has indeed some possibility. I certainly want to join.

The gentleman knows that the Khartoum government had long denied that there was slavery at all in the Sudan. It is interesting that just last year, when the evidence began to be overwhelming because journalists from around the world had documented endlessly the slavery because the slaves themselves were offering irrefutable testimony, then Khartoum said that, yes, there is slavery but only independent Arab tribes operating without Khartoum's approval are engaged in slavery.

□ 2045

I mean, that is like the United States Government, I will say to the gentleman from New Jersey (Mr. PAYNE), telling us in 1920 that these people who are going around lynching blacks are operating without their approval. All they had to do was arrest someone. I think the message would have gone throughout the south. There would have been thousands of black people who would have been saved from lynching.

The fact is that this is a militaristic government. If it wanted to stop the slavery, it knows how to do so. It does not want to do so. It condones it. It is involved up to the teeth in this cultural war. It is a civil war, and their way of dealing with it is to strip these people of their religion and of their culture. That is uncivilized. That cannot be condoned anywhere on the planet under any circumstances today.

I would say to the gentleman from New Jersey that I would like to close and give him the opportunity to close this special order by simply referring to some of the testimony so that it will be clear that we are speaking here for slaves and ex-slaves who cannot speak for themselves, who do not have access to the podium that we come before tonight.

I was particularly struck by words from the Calgary Herald in Africa, December 26, and I would like to quote because this was an article that involved an interview of a former slave Natalinia Yoll. Here the article said, "She could hear the galloping horses in the distance. She had lost her shoes in her rush to escape the Arab marauders. As she headed for the deep undergrowth, she knew she would eventually be safe and avoid being taken as a slave.

"But she was still running, and screaming, trying to find out if her mother was close by. Looking back would cost her precious seconds.

"Running, running, running. Then, as though someone had made an opening, she found solace in the deep, thick bushes. Alone, scared, tired, but safe—for now."

Running, Mr. Speaker, like an animal. This was a human being. Somehow this reporter makes me feel what it must have been like.

He goes on to say, "This is where she would remain for days, weeks, until it was safe to return to her village. This is where other members of her village would join her."

The woman is now married. She married an African in Nairobi, Kenya. These are her own words: "Will I ever be able to sleep without disruption? The memories are vivid. I can still smell the horses chasing me. How can I possibly forget?"

She indicates that the marauders take young boys. They want young boys, because they want young boys who have no memory of their culture so they can completely convert them, get them to speak another language, Arabic, as it turns out, get them to forget that they ever had their own religion. Then they take girls and women, because girls and women are always helpless in every society, or at least more helpless than men. Then they sell them, apparently, to Arab merchants and put them to work on farms.

This woman, Natalinia Yoll, spoke of being placed in a circular compound, fenced off with thorns. She talks of vile health conditions. She spoke of working with livestock.

Now I am quoting her, "Escape is the most important issue on their minds." "Every day they plan, strategize. Getting out of this hell hole is the only thing that occupies their thoughts. But so many don't make it."

Natalinia Yoll's father and two brothers did not make it.

I am particularly moved by the Dinka youth who apparently are among the targeted prey, because these children are captured so young that their marauders turned them against their own people. They are enslaved so young, they do not have any idea where they came from, where their birth family might be, so they simply speak the oppressor's language. Did not we learn to speak the oppressor's language? We have forgotten the language of our forbearers. We know, we feel what that is about.

I do want to say something about after freedom. One would think, well, when people are free, that is it. These people, when they are free, when they are bought back apparently are terribly damaged, humiliated, broken.

They are often walked back to their villages in 110-degree heat. They are surely grateful to be freed. But they walk hundreds of miles back from the north to their home region that they have been bought for $50 a head. They are stripped of their religion.

They go back, not at all certain that they will remain free. The marauders can come again. They can be sold back again. That is why people are buying these slaves.

Mr. Speaker, when you face this kind of desperation, at least in the United States, if you could get North, away from slavery, apparently, if you get South, back to where you came from, the marauders can come and get this again. This is intolerable. This is hell.

What to do? I do want to say something about that. Our country is trying. Obviously, we cannot go there. This is not a situation where we can simply storm the country and do something about it. This is not that kind of situation. It is not what the American people want, and that is not what we want.

I do applaud Secretary Albright for what she is trying to do. There is some notion that one way to, perhaps, bring Sudan to its senses, make it into a civilized nation, would be to reward the country for progress towards any peace that it moves toward. If you see them ending human rights abuses by easing off the economic sanctions imposed in 1997, I have to say one would have to see very strong evidence in order for any of us to believe that that is what should happen, but you have to begin to find a way.

Ms. Albright has suggested that this country would pick up the costs of the next round of regional peace talks in Sudan, and the administration did appoint a peace envoy to Sudan, but, of course, that did not get very far, because the adamants against moving towards peace could not be stronger.

I do want to end, finally, with what I have to say with some evidence of what it is like to be a slave in Sudan. Here I am quoting from a slave, we were roped together, 16 people to a rope, and marched to the land of the Arabs. There some of us were sold to a farmer, Ali Mohammed, who made us servants to his wives, Fatima and Zenib. I worked dawn to night but was never given even a coin. My food was table scraps. Zenib beat me with a stick if I moved too slowly or broke a jug. But Fatima was kind and took pity. Once she gave me a sugar piece.

Another detail that particularly strikes home, as far as I am concerned, they said I must be a Muslim, that I must pray on Fridays, and that also I must be cut like an Arab lady. This ex-slave is talking about female circumcision.

Reverend William Chan, a Dinka Roman Catholic priest, remains there and somehow has survived in Southern Sudan. Mr. Speaker, I would say with gratitude to the gentleman from New

Jersey (Mr. PAYNE) that I would like to end with words from this priest. Reverend William Chan, we pray for our brothers and sisters who are slaves. We pray that the ears of the world will one day open to the cries from Sudan. We rejoice in the knowledge that God, our father, hears us.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from the District of Columbia (Ms. NORTON) for that very moving and personal report of people who have simply told it like it is. I think that we have to remember that no one is free until everyone is free, and that the government has lied that truth.

Of course, the earth will rise again, because no lie can live forever, and, finally, that the arch of the moral universe is long, but it bends towards justice.

As we look at the situation there, as we look at the continent and we see this year 2000, hopefully a settlement to the tragic conflict. For example, in Ethiopia and Eritrea with two good leaders, like Prime Minister Meles and President Isaias who are intelligent, bright men, will hopefully continue to cease-fire and come up with a peace plan.

We are hoping that the Kabila government would move towards elections in the Democratic Republic of the Congo, and that those folks who are on other sides, Uganda with Museveni and Rwanda with Kagame and Burundi with Buyoya, on one side, fighting against Zimbabwe, Mugabe's group and Namibia with Sam Nujoma and Angola with President dos Santos, that that cease-fire will hold.

We are seeing Sierra Leone, the brutal mutilation by the RUF, but that government hopefully having a government of reconciliation, and that brutality will end there. We hope that Cote D'Ivoire will have an election this spring after the cue that recently took place.

We have some bright spots. We see the government of Senegal who just had an election and had a positive transference of government. We have seen South Africa move from Mr. Mandela to Mr. Thabo Mbeka.

We have seen Botswana that has been very stable for decades with the new President there, Festus Mogae. We see positive movement on the continent, still very difficult, still a long way to go, but we are seeing, at least, an attempt and some positive steps.

As we conclude, we must also expect to see some positive results in Sudan. We must not continue to allow children to be sold and to be raped and to be beaten and to be tortured. We can no longer let governments sit in high places without having to pay the consequences.

We can no longer allow leaders to feel they can do what they want any time they want to and go above the law. We have to have the prosecutions by the International Court of Justice. We can no longer allow medieval times in our supersonic era. These things must stop. We will continue to fight.

We are on the right side. We know that we are going to win, but it is going to be the work of all of us, the children, the church people, the politicians, the investors, the housewives, just everyone saying that enough is enough.

I cannot thank the gentlewoman from the District of Columbia (Ms. NORTON) enough for her joining me in this colloquy-type special order. The fact that we are now moving forward to see victory, I think, is the right way to go, the right direction.

Once again, I thank the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Virginia (Mr. WOLF), the gentleman from Ohio (Mr. HALL), Senator BROWNBACK, the gentleman from Colorado (Mr. TANCREDO), the gentleman from Louisiana (Mr. COOKSEY), who has a very strong interest, the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa, who has done tremendous work, the gentleman from California (Mr. CAMPBELL), who I have traveled with in the South of Sudan, these are people who are saying enough is enough, and the gentleman from New York (Mr. MEEKS) and the gentlewoman from California (Ms. LEE), those who are on our committee.

□ 2100

THE NATION'S FIRST RESPONDERS

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to thank our colleagues for action taken in this body last Thursday when we made an historic vote and, for the first time in the history of this Congress, voted money in the emergency supplemental legislation for our Nation's first responders, our Nation's fire and emergency management personnel.

I rise tonight to pay tribute to and to discuss that legislation, but also to clarify one part of that legislation which I had to remove because of confusion and misrepresentation stated on the House floor in what was a very limited debate.

First of all, Mr. Speaker, the legislation itself is appropriate for an emergency supplemental bill because it, in fact, is aimed at our domestic emergency responders. Also in that legislation was $4 billion for our military, which was desperately needed and which I heartily supported, to help them overcome the shortfall in funding because of the level of deployments that the President has gotten our military involved in. But for the first time in this legislation the Congress voted by a margin of 386 to 28, a very lopsided margin, to support my amendment which would provide $100 million to the Nation's fire and emergency services.

Now, let me discuss why this is so important, Mr. Speaker. Over the last 10 years, we have seen unprecedented increases in the number of disasters in this country. Hurricanes, floods, tornadoes, earthquakes, wild lands fires, the World Trade Center bombing, the Oklahoma City bombing, the Atlanta Olympic bombing, numerous HAZMAT incidents, high-rise buildings, and other incidents involving potential and real situations where lives have been lost and people have been injured.

Now, admittedly, Mr. Speaker, responding to local disasters is a local responsibility, and as a conservative Republican on fiscal issues, I do not want to change that. As a former mayor, having been before that a local volunteer fire chief, and a director of fire training for some 80 fire companies as a volunteer, and then going back and working in my own community and then going on to serve on my county council, county commission, I understand that life safety is a local responsibility, and my amendment did not intend to change that. This was not an attempt, as some would say, to federalize the fire service. It was not an attempt to have the Federal Government move in to take over jurisdiction or responsibility for what should be a State and local issue. But, Mr. Speaker, we have to understand some hard facts.

First of all, the fire service of this country, which consists of 32,000 fire departments, 85 percent of whom are volunteer in every State in the union, and including 1.2 million men and women, have responded to disasters in America longer than the country has been a country. Two hundred fifty years ago this organization of dedicated men and women sprang up to basically protect our towns and cities. And all across America, for the past 250 years, these men and women have protected us from every type of disaster known to mankind, from those that are natural to those that are man-made. And they have done it very well.

In fact, it is the only profession that I can think of where the bulk of those involved are volunteers and that loses, on average, 100 of its members every year; that are killed in the line of duty. Now, we have police officers that are killed, we have military personnel that are killed, but they are paid. That does not make any difference. It is still a tragic loss when that occurs. But with the fire service, each year, on average, 100 of them are killed, and the bulk of those who are killed are volunteers. They are doing what they do because they want to protect their communities. Yet, Mr. Speaker, at the Federal level, we have done little to assist these people because it has been thought of in America as a local jurisdictional responsibility.

But, Mr. Speaker, some things have been changing. First of all, the size of the disasters in recent times have been unprecedented. The floods of the Mississippi River in the Midwest, the Loma Prieta and Northridge earthquake, Hurricanes Floyd and Andrew and Hugo. All of these incidents involved a massive impact on ordinary people. The first responders to every one of these incidents was not the military, it was not the FEMA bureaucrat, it was not the civil defense person in the county courthouse. The first responder in every incident that we have faced as a Nation has been the local fire and EMS person, be he or she paid or volunteer.

And, Mr. Speaker, these disasters have had a terrible impact on the ability of these first responders to replace equipment that was ruined, to buy new equipment that is needed, or to deal with the kinds of tragedies that these natural and man-made disasters have caused.

But there is something else that is happening, Mr. Speaker. In the 1990s, we began to see a new threat emerging, a threat involving weapons of mass destruction: Chemical, biological or perhaps even small nuclear devices. And all of a sudden the buzzword around the beltway is that we should provide more support for our military, for our civil defense community to respond to terrorism that would include a weapon of mass destruction. But, Mr. Speaker, again, the first responder to a terrorist act will not be a military unit, it will not be a National Guard unit, it will not be a FEMA bureaucrat. The first responder in any city, in any town, in any county across America to a terrorist incident will be a locally-based fire and/or emergency responder.

So now we at the Federal level are asking our country to prepare, and yet we have not given any supportive substance to these men and women who we are asking to respond to a different type of threat to our stability, and that is the threat from the use of a weapon of mass destruction. For these reasons, Mr. Speaker, it is totally appropriate that we at the Federal level provide some help to our emergency response community.

Now, those who would say that the Federal Government's support of $100 million for the fire service is simply an attempt to federalize them could not be further from the truth. First of all, the volunteer fire service in this country, which makes up 85 percent of those 32,000 departments and 85 percent of those 1.2 million men and women, has no interest in being federalized. They have no interest in being taken over by the State or their county. It is a proud tradition.

Having been born and raised in a fire service family, and having risen to the position of president of my fire company and then chief of a volunteer fire department, and training director of an academy for 80 of those companies, I understand the fire service mentality. These are proud Americans. They want to protect their communities, and they do not want government to become involved. However, Mr. Speaker, they are facing some very unique challenges that require us to provide some assistance.

First of all, the volunteers are having an extremely difficult time recruiting new volunteers. They are spending so much of their time raising money, through tag days and chicken dinners and bingos in the fire hall, that they are taking away from their ability to train and to take care of the apparatus and prepare for the kinds of situations they have to respond to. So fund-raising is becoming a larger and larger part of the requirement of the volunteer firefighter to meet the needs of the fire department. We need to provide some assistance in that effort.

Recruitment is a big problem all over America. I have traveled to all 50 States, I have spoken to every State fire and EMS group in the country. And in every State I have heard the same message: We are having a tough time recruiting young people. Money from the Federal Government can provide the assistance necessary to recruit young volunteers.

Let me just give my colleagues a piece of frustration that I have heard around the country. This President and this administration, largely supported by the liberal wing of this body and the other body, a few years ago created a well-intentioned program called AmeriCorps. We were told by President Clinton that AmeriCorps was going to be great because it was going to give people a sense of commitment back to their community. He told us it was going to create volunteers in our towns and our cities. Well, here we are, Mr. Speaker, several years after AmeriCorps has been funded. And guess what, Mr. Speaker. We are spending almost a half a billion dollars a year on AmeriCorps, and yet not one of those 32,000 fire departments can qualify for AmeriCorps funding.

Even worse than that, Mr. Speaker, when the Presidential Summit on Volunteerism was held in Philadelphia a few years ago, the National Volunteer Fire Council, which represents all the volunteer fire organizations in America, was not even invited to attend. I had to threaten the administration, threaten to hold a counter demonstration in Philadelphia if they at least did not invite the national volunteer fire council, which they eventually did. But the point is, here we are at the Federal level spending a half a billion dollars a year on supposedly creating volunteers, which by the way, Mr. Speaker, are paid a salary and are given health care benefits and, in some cases, are given college tuition, and yet we have done nothing for the volunteer fire service, which for the past 250 years has protected this country, and which in every one of those 32,000 departments has volunteered completely, without any active support from any level of government.

It is time we helped these people, Mr. Speaker. It is time we understand that we in Washington do not have to find ways to create volunteers and pay them. The volunteers are already there. And I would also offer this, Mr. Speaker. I cannot think of one AmeriCorps volunteer who risked losing his or her life in the course of his or her duties. Again, 100 of the Nation's fire and EMS personnel every year are killed in their line of duty, and yet we at the Federal level have done nothing for them.

Mr. Speaker, those who would say that we are trying to pay volunteers could not be further from the truth. I will outline what this money is going to be used for. It is going to be used to help recruit new volunteers, to help better train to deal with incidents involving terrorist activity. It is going to be used to help create loan programs and matching programs to buy new equipment, to buy turnout gear, to buy breathing apparatus, to make sure that our volunteers and our paid firefighters nationwide are properly protected and able to respond to incidents that they will be facing throughout this year and in ensuing years.

Mr. Speaker, that is what my amendment was all about. And for those who think that we are trying to undermine volunteers, let me just say this. The worst way to undermine volunteers is to do nothing. Let the volunteers continue to be frustrated, let them continue to spend all their time raising money until there are no more volunteers. Then what will we have to do, Mr. Speaker? We will have to spend billions of dollars of taxpayer money to replace the volunteers. Billions of dollars. In fact, one estimate done by a research agency came up with a figure of $36 billion a year. That is what it would cost to replace the volunteer fire service of this Nation.

☐ 2115

It is in our interest to provide a small sum of money to help these people to continue to protect their towns, to help them continue to do the kinds of things they have been doing for 250 years.

Now we have a similar problem with the paid fire service. The paid firefighters, who largely protect our inner city areas and our more urban areas in the suburban districts around our cities, are finding it extremely difficult to protect the constituents of their geographical areas because of the kinds of new threats that we see emerging.

The World Trade Center bombing, where we had 100,000 people at risk, was totally dealt with by the very professional New York City Fire Department, yet they did not have the communications equipment they needed. And, in fact, the fire commissioner at that time, a friend of mine who is currently the police commissioner in New York, told me that the single biggest need they had was an integrated communications capability to be able to communicate among themselves as well as with State and Federal agencies.

Chief Mars, the chief of the Oklahoma City Fire Department, another paid department, a very capable department, came in and testified before my committee 1 year after the Murrah Building bombing in Oklahoma City and he told me the story of the communications system in Oklahoma City, which is typical of communication systems across America.

He said, when he arrived on the scene, his radio system very quickly became overtaxed and he could not communicate with the police or with the FBI or ATF or the other agencies because they were all on different frequencies. Some were on high-band frequencies. Some were on low-band frequencies. But they could not communicate with each other.

Because of the impending threat to hundreds of people that were trapped in the building or who were unaccounted for, time was of the essence and the chief had to respond quickly. So he switched to portable cellular phones. And there on the scene, law enforcement agencies and Federal agencies were communicating with the fire chief through cellar telephones until the cell became overtaxed and the system failed.

So then the chief of Oklahoma City Fire Department, a very capable paid department in this country, had to resort to handwriting messages and have firefighters and EMS personnel carry those messages to other line officers.

What a terrible waste of time, Mr. Speaker, and what a terrible waste of resources to have an inner city chief have to write down messages when people's lives are at risk.

Mr. Speaker, that is not the exception. That is, unfortunately, more common all over this country as we lack as a Nation an integrated coordinated communications network. Mr. Speaker, we need to understand that our domestic defenders deserve as much attention as our international defenders.

Now, as a senior member of the Committee on Armed Services, I support the military, I support the $4 billion add-on in the supplemental. We spend almost $300 billion a year on our Nation's international defenders, and we value every life that is put on the line when they go into harm's way to protect America. Mr. Speaker, it is about time we put the same value on the lives of those people who defend our cities every day of the year.

Now, Mr. Speaker, these fire and EMS personnel respond to every disaster that we can think of, from toxic materials in our chemical plants and our oil refineries to hazmat explosions on our highways to the kinds of natural disasters that I discussed early on in my comments this evening. And they are faced with more and more technical challenges as they try to deal with these difficulties in saving people's lives.

For all of these reasons, Mr. Speaker, it is important that this body made the statement that it made last Thursday. In fact, Mr. Speaker, the paid and volunteer fire, an EMS community of this country, are the true American heroes. If we want to take one group of people that perhaps better than any other group exemplified what America is all about, it is the men and women of the emergency fire and EMS services across this country.

Now, they do not wave their flags and stand up and come lobby the Hill. They do not have high-powered lobbyists to put big money into the pockets of people running for office. But they are out there every day of the year, 24 hours a day, protecting our towns and our cities; and they have done that well before the country was an actual nation, over 250 years.

In fact, our volunteers are oftentimes the backbone of their community. It is the hall where we go to vote on election day. It is the group that organizes the July 4 parades, Memorial Day celebrations, the Christmas parties for the kids in the community. It is the group that we all call when the cat is in the tree, when the cellar has been flooded, and when we need a search party to find a lost child. And if we allow this group of people to have their needs unmet, America is going to be torn apart because it will tear apart the fabric of our local towns and cities.

There is no group of people that we can find in 32,000 departments across this country in Democrat and Republican strongholds that are there day in and day out to protect their communities.

For all of these reasons, Mr. Speaker, I offered the amendment that I did last Thursday, an amendment that said that we should step in and provide emergency help for these emergency responders. And this House voted overwhelmingly, Democrats and Republicans joined together hand-in-hand and said, we agree. Three hundred eighty-six Members voted yes. Twenty-eight voted no. Mr. Speaker, this strong show of support is the strongest indication we have ever had in Washington that it is time we help these brave men and women.

Now, some would say, wait a minute, $100 million is a lot of money. Let me make some comparisons, Mr. Speaker.

I have listened to this President stand up in this podium eight times now. I have heard him talk about the importance of our Nation's teachers. As a teacher by profession, I agree with him. I have heard him look us in the eye and talk about how we need to put funding for another 100,000 teachers to help our kids. I understand his message. I have heard this President stand up in that podium and talk about the need to help police officers around the country, to put 100,000 cops on the street.

Mr. Speaker, in our budget each year we provide over $3 billion for local law enforcement efforts nationwide. Again, Mr. Speaker, that is over $3 billion a year. We even match the local towns to buy the costs of the police vests, the bulletproof vests that protect police officers if in fact they are shot.

I support those efforts, Mr. Speaker. But is a police officer more important, is a teacher more important than a paid or volunteer firefighter, a paid or voluntary EMS person, especially when the bulk of them are volunteers?

In the 8 years I have heard that President speak from that well, I have not heard one word from that podium about the Nation's first-responders, not one word about the fire and EMS personnel, who are the first thing in our inner cities on drug deals that have gone sour, who are the first responders when a person has a heart attack or a stroke, or when an accident occurs and there has got to be a rescue, or when people are fleeing a refinery and they are running in to protect the property and the lives of the people around that facility. Not one word.

Well, this Congress spoke up last Thursday and it spoke up in a bipartisan way and it said it is about time America recognizes these unsung heroes who have asked for so little.

What will that $100 million do, Mr. Speaker? Well, first of all, $10 million will fund for the first time the rural volunteer fire protection program. Now, this administration, which talks about being supportive of fire service, especially when they had their budget director go before the IAFF union meeting here in Washington, this administration cut the funding for the rural volunteer fire program from $3.5 million to $2.5 million in 1 year. That is not a commitment to helping the fire service.

My amendment fully funds the rural fire protection act to provide matching dollars for those small rural departments across America in our farmlands, in our rural areas where they really need to buy that antique or used truck, where they need to buy that extra set of turn-out gear. It provides matching funds. So the money they raise from chicken dinners and tag days can be matched now with $10 million of funding from the Federal Government.

The second $10 million, Mr. Speaker, goes through FEMA to provide burn research. Nothing is more important to a firefighter. And let me say this, Mr. Speaker, that there is no injury more traumatic than a burn. Having been a fire chief, having responded to numerous situations where both innocent people and fire and EMS personnel have been burned, I can tell my colleagues there is nothing more traumatic than that type of injury.

We need to do more in the area of research for burn treatment, burn prevention, and the cosmetic surgery necessary after a burn to allow a person to live a normal life.

The $10 million in our amendment last week is used to match money from local nonprofit burn foundations all across America, not just to benefit firefighters but to benefit those children who might dump over a scolding pot of coffee or hot water and cause themselves to be burned. That burn research money is absolutely essential, and even 10 million is not really enough.

The biggest part of the $100 million, Mr. Speaker, $80 million dollars, goes to create a program administered by FEMA of competitive grants that any one of the 32,000 fire and EMS departments in America can compete for. They have to match it dollar for dollar.

Some of our States have low-interest loan programs. They can use this money. Some of our towns put some local tax money in. They can use those dollars. Or, again, those fire departments can use the money they raise from their bingos, from their tag days, from their chicken dinners, from all the other fund-raisers they hold.

That $80 million, by being doubled and matched dollar for dollar, will create $160 million of additional spending to help the men and women of the fire service of this Nation. The money can be used to help create programs that will help them recruit new volunteers, that will help our paid departments reduce casualties and reduce injuries.

Mr. Speaker, nothing could be more important than this commitment of funding for our real American heroes. That is what the amendment did, and that is why it received such broad bipartisan support.

But, Mr. Speaker, in the brief amount of time we had to discuss the amendment, which was 10 minutes, even though I had broad bipartisan support on both sides of the aisle for the initial amendment, there were 5 minutes called for by an opponent who rose at the eleventh hour at the last minute while the amendment was on the floor objecting to one provision in my legislation, and I want to discuss that tonight because I could not clarify it in the minute that I had to respond to what was 3 minutes of accusations.

Mr. Speaker, there was an objection raised to one part of my amendment that would have changed the language dealing with how local communities can spend Federal community development block grant monies.

As my colleagues know, Mr. Speaker, Federal community development block grant funds, which I strongly support, are designed to help low- and moderate-income Americans. In fact, we spend $4.8 billion a year on the CDBG program.

Now, Mr. Speaker, the town that I used to be the mayor of, which before that I was the fire chief of, is one of the most distressed towns in Pennsylvania. We were a prime target of CDBG funds before I became the mayor and while I was the mayor. I understand the role of CDBG dollars in poor areas.

After serving as mayor, I served as a county commissioner over a county of almost 600,000 people in suburban Philadelphia county, again with a large concentration of impoverished people along our water front. I was again a strong supporter of the CDBG program. But, Mr. Speaker, I saw some problems and some opportunity with that program that I want to discuss and which were a part of my amendment.

Current regulations, Mr. Speaker, specifically define what kinds of activities CDBG funds can be used for.

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The ultimate decision is not done by the Federal Government but rather the funds are passed to the States and passed to our towns on a formula basis and our counties, and they must prove that 70 percent of those funds are being used to benefit low and moderate income personnel. I support that ratio. I am not opposed to that. But, Mr. Speaker, let me talk about some inequities in the program. There is nothing more important to a poor person than having their life saved, than being rescued from a burning building, than being pulled from a traffic accident or a HAZMAT incident. In fact, Mr. Speaker, across America, the largest concentration of heavy industry as it was in my hometown where half of my town was made up of oil refineries, the largest concentration of hazards are in poor areas. But yet even though the CDBG dollars are designed to be modified and doled out at the local level by local officials, there has been a prohibition against local county commissioners and mayors and city councils from using the CDBG dollars for fire and life safety unless it is totally confined to the impoverished area of that jurisdiction. My amendment sought to clarify that, Mr. Speaker. My amendment simply said that there are examples where a jurisdiction has low and moderate income people who have needs of fire and life safety that we need to broaden and specifically define the uses of CDBG dollars for. Some examples, Mr. Speaker. If we wanted to establish in my home county of Delaware County, which is typical of many counties across America, has a small concentration of low and moderate income people along the waterfront, if we wanted to use CDBG dollars for a countywide training facility that would respond to those incidents in the impoverished communities where the heavy industry is, we could not do it, because under current regulations by HUD, those CDBG dollars could not be used for a training facility unless it was totally in the area of the poverty and only used by those fire departments within the area of jurisdiction of the impoverished community, not broader than that area alone. So it is not cost effective. So it does not get done. And the CDBG money that could be doing a lot more to help the poor cannot do it. In fact, we should be able to assist those fire and EMS departments that regularly respond to impoverished communities. Now, in my home county, if there is a major fire in an oil refinery which is in a poor area, all the fire departments around our area come in with them. Those fire departments are all volunteer. They are coming from communities that might not be low and moderate income. But they are protecting the lives of poor people. Yet the current CDBG regulations, Mr. Speaker, specifically prohibit the use of those dollars to benefit the lifesaving activities of fire and EMS departments that are called into impoverished areas. Mr. Speaker, that does not make any sense at all. There is an accident on a major highway going through a city and a volunteer fire department from a neighboring community responds and rescues the people. There is a prohibition against using those CDBG dollars to help that fire or EMS department out. That was what my amendment was about, Mr. Speaker. It was not, as some of my colleagues said, an attempt to undermine the CDBG program. That was hogwash. In fact, it was an out-and-out lie. Some of my colleagues knew it was a lie. There was no attempt to undermine the CDBG program. I take my commitment to poverty very seriously. I was born the youngest of nine children in a poor town. I have supported every effort by this Congress to help empower poor people. I was the coauthor of legislation 3 years ago that this administration objected to to increase our community services block grant program by $100 million, and we did it. We led the effort on the Republican side of the aisle, not the Democrat side of the aisle, for that $100 million increase. So when Members stood up with 1-minute soundbites and said this amendment was out to gut the CDBG program or undermine CDBG, it offended me. In fact, it outraged me. That was not the intent and that was not the substance of the legislation. The people who made those statements, Mr. Speaker, owe the fire service of this Nation an apology. I hope every firefighter and EMS person in this country who heard the kind of comments made last week will let their feelings be known to their Member of Congress to our colleagues that that was uncalled for. Our effort was to provide flexibility for local town councils and for local mayors to clarify the use of CDBG dollars for fire and EMS purposes and to allow CDBG funds to be used for programs that ultimately benefit low and moderate income people as well as those areas around there where the emergency response groups go in from time to time or assist in the effort of providing life safety measures for our low and moderate income Americans. That was what my amendment was about. And anyone who attempts to try to characterize that amendment in a different manner was just being untruthful. It was unfortunate that my colleagues, largely on the minority side, got cold feet. And instead of doing what our majority whip wanted, the gentleman from Texas (Mr. DELAY) for whom I have the highest respect, and that was to leave that provision in the amendment, I felt it would have jeopardized the overall amendment itself and, therefore, I asked unanimous consent to modify the amendment and remove that provision. I wish I had not had to do that, Mr. Speaker, because then instead of $100 million for the fire and EMS community, we could have had access to several hundred millions of dollars, perhaps even up to $1 billion of available dollars going to our local towns to give our local county council members and our mayors and city council members the authority to use some of that money to help provide more protection, not less, for low and moderate income Americans. In my own county, those funds could have been used for enhancing our countywide fire training to benefit our low and moderate income people. It could have been used to set up a countywide HAZMAT team that could have responded to those incidents in those low and moderate income areas. It could have been used to provide an emergency response antiterrorism unit to respond again to low and moderate income areas. But it was shot down, or it was forced on me to withdraw that amendment because of misstatements that were made on this House floor in a brief 5-minute period of time. My colleagues, especially on the other side, did not want to have a vote that they could not properly explain to their folks back home and did not want to be perceived to perhaps be antipoverty, antipoor when that was not the issue at all.

But I say this, Mr. Speaker. There will be another day. I am not going to let this CDBG issue die. Because I want to give my colleagues some examples that my colleagues on the other side and a couple of my colleagues on my side should have been talking about. You want some undermining of the CDBG program? Let me just give my colleagues two examples as someone who served as the mayor of a poor town for 5 years and a county commissioner and chairman of the county commission for 5 years overseeing CDBG dollars. My colleagues on the floor said, we don't want to use this money for fire and life safety and for emergency response. But you did not hear them mention that it is allowable under the law to use that same money for historic preservation in the richest towns in America. You cannot use the money to provide life safety but you can use it to restore old buildings in the richest towns in our counties.

Mr. Speaker, there is a second allowance of that CDBG money under current Federal guidelines, under HUD's stupid rules, you can use that money to cut curbs and sidewalks. Mr. Speaker, I am not against cutting curbs and sidewalks. I want to see people who are challenged and are confined to wheelchairs be able to get up and down on curbs and sidewalks throughout my town and throughout my county and throughout my State, but as a former county commissioner, I can tell you that that was one of the only eligible programs besides historic preservation that could be used in any town in our county, even the richest one. So what did we do? We did like every other county does, we cut every curb and sidewalk in every town we could. And so hundreds of thousands of curbs were cut in towns all across America, in many cases where no handicapped person would ever travel. I remember the former mayor of Philadelphia, the current chairman of the Democratic National Committee, Ed Rendel, a good mayor, once stating his frustration with Federal funds, that they had cut every curb on the major expressways going to the city, yet it would be impossible and unsafe for any handicapped person to cross that street, but he did it because it was one of the only ways to spend CDBG dollars to help in curb improvements.

So, Mr. Speaker, the irony of the amendment I offered last week was my colleagues were saying to me we do not want to support your effort to help rescue poor people, to help rescue handicapped people trapped in high-rise buildings. We want to use the money to cut curbs on sidewalks where a handicapped person may never ride or may never go or we want to use it to restore historic buildings in our wealthiest towns. My goal was to help use those dollars and help give that local flexibility for county commissioners and council members and mayors to help save those handicapped people, to develop training mechanisms and response to enter those buildings, to rescue those people from floods and tornadoes and earthquakes. But unfortunately, my colleagues, again largely on the minority side, said to me, "If you keep that in, we can't support your amendment." And so as a result, I pulled that provision from my amendment and I had to offer the amendment in an amended form with only the $100 million of funding.

Mr. Speaker, I hope our colleagues, in reading both my statement last Thursday and my comments here tonight, understand what really happened with the provision for CDBG. It was not an attempt to undermine the CDBG program. It was not an attempt to get our foot in the door, as one of my colleagues said. Mr. Speaker, there is no better way to help poor people than to provide life safety for poor people. Today HUD has a system of measures that do not make sense, that are ridiculous, that are outrageous, as I just cited in two instances are a gross waste of taxpayers' money. I think, Mr. Speaker, the program needed reform and I will continue this effort, hopefully with my colleagues' support. Mr. Speaker, again I want to thank our colleagues who voted for the amendment. For those who did not I would ask them to reconsider. I now want to focus the attention of our colleagues on the other body.

Mr. Speaker, we need to create an awareness among our Senate colleagues that this issue is extremely important. I would ask my colleagues to lobby the leaders in the other body on the need to move this legislation to provide this $100 million of funding. On the way home from Washington last week, Mr. Speaker, I had the pleasure of a phone conversation with a distinguished Senator from Delaware, BILL ROTH, who this year is chairman of the Congressional Fire and EMS Caucus which I formed 13 years ago. Senator ROTH has said that he will champion this issue in the Senate and even though Senator LOTT has said he will not bring up an emergency supplemental bill as an individual piece of legislation, Senator ROTH has said he will champion the amendment that I offered as a separate freestanding effort in the Senate. Mr. Speaker, we need our colleagues to use every bit of energy to convince every member of the other body to support Senator ROTH's efforts in moving this $100 million piece of legislation through in a very quick and timely manner. I would encourage our colleagues to enlist the support of their constituents all across America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The Chair must remind the gentleman that he is to not ask for action in the other body.

Mr. WELDON of Pennsylvania. I am asking our colleagues, Mr. Speaker, to respond. I am not asking for action in the other body. I am asking our colleagues to use their influence and their influence with other individuals to support legislation that we have passed here.

The SPEAKER pro tempore. The gentleman should refrain from urging any particular action on the part of the Senate.

Mr. WELDON of Pennsylvania. I am not asking the Senate to do anything, Mr. Speaker. I am asking our colleagues who are in the House to take appropriate action. I am not challenging the other body to do anything. If the parliamentarian would listen to my statement, I am challenging the Members of this body who happen to be our colleagues in the House to take action and support the legislation we passed last Thursday.

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Mr. Speaker, so I do not get the Parliamentarian upset again, I will just say that to all of our colleagues who supported the amendment last week, I would encourage them to continue to exert their full influence in having the legislation that we passed not just leave this body quickly with the support of the Speaker, but to also be joined in a bipartisan effort to become law. I would urge our Members to use their voice to convey that message to their constituents all across America, because passage in this body is not enough. It is a nice message, it is a great win, but it does not, in fact, become law until the entire process is completed.

So, Mr. Speaker, I encourage our colleagues to use their voices with their constituents and interact with their constituents across America to get the message of the importance of fire and life safety across this Nation.

Mr. Speaker, again I want to thank all of our colleagues on both sides of the aisle for their actions. I want to thank them for their support. This measure is historic. It is an unprecedented event and is one that I hope will eventually become law, and with the support of the Nation's First Responders, I am confident that will happen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today on account of official business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BARCIA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, April 11.

Mr. METCALF, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 5, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6931. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting the Secretarial Determination To Temporarily Waive The Applicability Of 10 U.S.C. Subsection 2466(a); to the Committee on Armed Services.

6932. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the annual report on Access and Purchase Restrictions in Overseas Commissionary and Exchange Stores; to the Committee on Armed Services.

6933. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Loans in Areas Having Special Flood Hazards—received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6934. A letter from the Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Preparing Tomorrow's Teachers To Use Technology (RIN: 1840–AC81) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6935. A letter from the Chairman, Board of Trustees, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 1999, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

6936. A letter from the Acting Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 1999, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

6937. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred in FY 1999 for public health purposes, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

6938. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6939. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting notification that the inventory of commercial activities currently being performed by Federal employees has been completed; to the Committee on Government Reform.

6940. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1999 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6941. A letter from the Chairwoman, Equal Employment Opportunity Commission, transmitting the 1999 Assurance Statement and Report; to the Committee on Government Reform.

6942. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register; to the Committee on Government Reform.

6943. A letter from the Chairman, National Transportation Safety Board, transmitting the Inventory of Commercial Activities; to the Committee on Government Reform.

6944. A letter from the Secretary of Education, transmitting the Federal Managers' Financial Integrity Act Report for Fiscal Year 1999; to the Committee on Government Reform.

6945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cameron, MO [Airspace Docket No. 99–ACe–49] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Estherville, IA [Airspace Docket No. 99–ACE–54] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6947. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the response to the Report of the Congressional Commission on Servicemembers and Veterans Transitions Assistance; to the Committee on Veterans' Affairs.

6948. A letter from the Secretary of Defense, transmitting the report entitled, "Outreach to Gulf War Veterans"; jointly to the Committees on Armed Services and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBEST: Committee on Agriculture. H.R. 728. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; with an amendment (Rept. 106-484 Pt. 2).

Mr. LINDER: Committee on Rules. House Resolution 457. Resolution providing for consideration of the bill (H.R. 3660) to amend title 18, United States Code, to ban partial-birth abortions (Rept. 106–559). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2328. A bill to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; with an amendment (Rept. 106–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1775. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; with an amendment (Rept. 106–561 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration. H.R. 728, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1775. Referral to the Committee on Resources extended for a period ending not later than June 9, 2000.

H.R. 3615. Referral to the Committee on Commerce extended for a period ending not later than April 5, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois:

H.R. 4161. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JACKSON of Illinois (for himself, Mr. Fattah, Ms. Norton, Mr. Barrett of Wisconsin, Mr. Clay, Mr. Davis of Illinois, Mr. Farr of California, Ms. Jackson-Lee of Texas, Mr. Meeks of New York, Ms. Schakowsky, and Ms. Carson):

H.R. 4162. A bill to assure protection for the substantive due process rights of the innocent, by providing a temporary moratorium on carrying out of the death penalty to assure that persons able to prove their innocence are not executed; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. Portman, Mr. Hayworth, Mr. Coyne, Mr. Rangel, Mr. Crane, Mr. Thomas, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Herger, Mr. McCrery, Mr. Camp, Mr. Ramstad, Mr. Nussle, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. Collins, Mr. English, Mr. Watkins, Mr. Weller, Mr. Hulshof, Mr. McInnis, Mr. Lewis of Kentucky, Mr. Foley, Mr. Matsui, and Mr. Becerra):

H.R. 4163. A bill to amend the Internal Revenue Code of 1986 to provide for increased fairness to taxpayers; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Mr. Paul, Mr. DeLay, Mr. Jones of North Carolina, Mr. Barr of Georgia, and Mr. Riley):

H.R. 4164. A bill to prohibit the Board of Governors of the Federal Reserve System from implementing certain proposed revisions to Regulation B of the Board that would allow the race, color, religion, national origin, or sex of an applicant for a nonmortgage credit product to be noted on the application with the applicant's consent; to the Committee on Banking and Financial Services.

By Mr. CANNON (for himself, Mr. George Miller of California, Mr. Bilbray, Mr. Filner, Mr. Hansen, Mrs. Napolitano, Mr. Hunter, Ms. Berkley, Mr. Dreier, Mr. Pastor, Mr. Shadegg, Mr. Berman, Mr. Salmon, Mr. Udall of Colorado, Mr. Gibbons, Mr. Udall of New Mexico, Mr. Kolbe, Mr. Baca, Mr. Stump, Ms. Pelosi, Mr. Herger, Mr. Serrano, Mr. Hayworth, Ms. Schakowsky, Mr. McInnis, Mr. Ortiz, Mr. Horn, Ms. Velázquez, Mr. Cunningham, Mr. Blumenauer, Mr. Radanovich, Ms. Baldwin, Mr. Cooksey, Mr. Brady of Pennsylvania, Mr. Capuano, Mr. Sessions, Mr. Weiner, Mr. Becerra, Mr. Gonzalez, Mr. Gutierrez, Mr. Hinojosa, Mr. Reyes, Mr. Romero-Barcelo, Ms. Roybal-Allard, Mr. Underwood, Mr. Lipinski, Mr. Forbes, Mr. Cummings, Mrs. Meek of Florida, and Ms. Millender-McDonald):

H.R. 4165. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT:

H.R. 4166. A bill to amend title 18, United States Code, to provide criminal penalties for the harassment of victims of Federal offenses by the convicted offenders; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself, Mr. LaHood, Mr. Conyers, Mr. Scarborough, Mr. Scott, Mr. Houghton, Mr. Stupak, Mr. Boehlert, Ms. Schakowsky, Mr. Barrett of Wisconsin, and Mr. Hastings of Florida):

H.R. 4167. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. Gephardt, Mr. Bonior, Mr. Frost, Mr. Menendez, Mr. Rangel, Mr. Neal of Massachusetts, Mr. Stark, Mr. Matsui, Mr. Coyne, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. McNulty, Mr. Jefferson, Mrs. Thurman, Mr. Becerra, Ms. DeLauro, Ms. Pelosi, Mr. Hoyer, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Baird, Mr. Baldacci, Ms. Baldwin, Mr. Barrett of Wisconsin, Ms. Berkley, Mr. Berry, Mr. Blagojevich, Mr. Blumenauer, Mr. Boswell, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Mrs. Clayton, Mr. Clyburn, Mr. Crowley, Ms. Danner, Mr. Davis of Illinois, Mr. Davis of Florida, Mr. DeFazio, Mr. Delahunt, Mr. Deutsch, Mr. Dicks, Mr. Dingell, Mr. Dixon, Mr. Dooley of California, Mr. Edwards, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Evans, Mr. Farr of California, Mr. Filner, Mr. Forbes, Mr. Ford, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gonzalez, Mr. Green of Texas, Mr. Hall of Ohio, Mr. Hastings of Florida, Mr. Hill of Indiana, Mr. Hilliard, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holt, Ms. Hooley of Oregon, Mr. Inslee, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Ms. Kilpatrick, Mr. Kind, Mr. Kucinich, Mr. Lampson, Mr. Lantos, Mr. Larson, Ms. Lee, Ms. Lofgren, Mrs. Lowey, Mr. Luther, Mrs. Maloney of New York, Mr. Markey, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McGovern, Ms. McKinney, Mr. Meehan, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Minge, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Mollohan, Mr. Moore, Mr. Moran of Virginia, Mr. Nadler, Mrs. Napolitano, Mr. Ortiz, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Payne, Mr. Peterson of Minnesota, Mr. Phelps, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Reyes, Ms. Rivers, Mr. Rodriguez, Mr. Rothman, Mr. Rush, Mr. Sabo, Ms. Sanchez, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Serrano, Mr. Shows, Ms. Slaughter, Mr. Smith of Washington, Mr. Snyder, Mr. Spratt, Ms. Stabenow, Mr. Stenholm, Mr. Strickland, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tierney, Mr. Turner, Mr. Udall of New Mexico, Mr. Udall of Colorado, Ms. Velázquez, Mr. Waxman, Mr. Weiner, Mr. Wexler, Mr. Weygand, Ms. Woolsey, Mr. Wu, and Mr. Wynn):

H.R. 4168. A bill to amend the Internal Revenue Code of 1986 to require increased reporting by political organizations; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Ms. Berkley):

H.R. 4169. A bill to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building"; to the Committee on Government Reform.

By Mr. HAYWORTH (for himself, Mr. Gibbons, and Mr. Young of Alaska):

H.R. 4170. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 4171. A bill to amend title 49, United States Code, relating to the transportation of hazardous materials; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Gutierrez, Ms. Roybal-Allard, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. Serrano, Mrs. Napolitano, Ms. Lofgren, Mr. Stark, Mr. Rodriguez, Mr. Becerra, Ms. Berkley, Mrs. Maloney of New York, Mr. Wexler, Mr. Matsui, Ms. Schakowsky, Mr. Ortiz, Ms. Lee, Mr. Frank of Massachusetts, Mr. Menendez, Mr. Jackson of Illinois, Mr. Rangel, Mr. Reyes, Mr. Engel, and Ms. Kilpatrick):

H.R. 4172. A bill to amend section 249 of the Immigration and Nationality Act to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States prior to 1986; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. Bilbray, and Mr. Sam Johnson of Texas):

H.R. 4173. A bill to amend title 5, United States Code, to provide that members of the uniformed services may participate in the Thrift Savings Plan; to the Committee on Government Reform.

By Mr. KUYKENDALL (for himself, Mr. Bilbray, Mr. Weller, Mr. Houghton, and Mr. Sam Johnson of Texas):

H.R. 4174. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain retention and reenlistment bonuses for members of the Armed Forces; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. DeLauro, Mr. Waxman, Ms. Lee, Mrs. Meek of Florida, Mr. Brown of Ohio, Ms. Kaptur, Ms. Roybal-Allard, Mr. Hinchey, Ms. Norton, Ms. Pelosi, Mr. Kucinich, and Mr. Foley):

H.R. 4175. A bill to amend the meat and poultry inspection laws to extend the mandatory nutrition information labeling requirements of the laws to single-ingredient, raw meat and poultry products; to the Committee on Agriculture.

By Mr. NADLER (for himself, Mr. Pomeroy, and Mr. Baca):

H.R. 4176. A bill to provide grants to partnerships to establish and carry out information technology training programs and to provide incentives for educators to obtain information technology certification, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H.R. 4177. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage by $1 over 2 years; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 4178. A bill to establish a crime prevention and computer education initiative; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H. Res. 458. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued on the subject of autism awareness; to the Committee on Government Reform.

By Mr. SCHAFFER (for himself, Mrs. Roukema, Mr. DeMint, Mr. Sam Johnson of Texas, Mr. Paul, Mrs. Chenoweth-Hage, Mr. Largent, Mr. Chabot, Mr. Bartlett of Maryland, Mr. Norwood, Mr. Coburn, Mr. Linder, Mr. Tancredo, Mr. Hoekstra, Mr. Terry, Mr. Green of Texas, Mr. Kucinich, and Mr. McCollum):

H. Res. 459. A resolution expressing the sense of the House of Representatives with respect to promoting the use of proven academic and classroom-management solutions for problems of behavior, attention, and learning in school children; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

304. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 183 memorializing the Congress and the President of the United States to maintain or improve our Nation's commitment to military retirees to provide lifetime health care; to the Committee on Armed Services.

305. Also,a memorial of the Legislature of the State of Oregon, relative to House Memorial 1 memorializing the President and Congress of the United States to reject and condemn any suggestions that sexual relationships between children and adults are anything but abusive, destructive, exploitive, reprehensible and punishable by law; to the Committee on Education and the Workforce.

306. Also,a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 9 memorializing the Congress of the United States and the President to prohibit federal recoupment of state tobacco settlement recoveries; to the Committee on Commerce.

307. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 119 memorializing the National Institutes of Health to withdraw its proposed guidelines for federally funded research using stem cells harvested from human embryos; to the Committee on Commerce.

308. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 253 memorializing the National Institutes of Health to withdraw proposed guidelines for Federally funded research using stem cells destructively harvested from human embryos; to the Committee on Commerce.

309. Also,a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 4 memorializing the President and the Congress of the United States to ensure protection and respect for the State of Oregon's authority to allocate water and to determine and administer rights to the use of water and to promote the expeditious completion of the adjudication of the Klamath River; to the Committee on Resources.

310. Also,a memorial of the Legislature of the State of Idaho, relative to Senate Concurrent Resolution No. 129 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States of America requiring, in the absence of a national emergency, that the total of all federal outlays for any fiscal year shall not exceed the total of all receipts for that fiscal year, which amendment may also limit the power of Congress to increase federal taxes, and remit it to the several states for ratification; to the Committee on the Judiciary.

311. Also,a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 8 memorializing the United States Congress to take whatever steps are necessary to ensure the 2000 federal decennial census is conducted fairly and legally; jointly to the Committees on Government Reform and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. HASTINGS of Florida introduced a bill (H.R. 4179) for the relief of Sophonie Telcy; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. Kasich.

H.R. 123: Mr. Hastings of Washington.

H.R. 323: Mr. Owens.

H.R. 371: Mr. Weiner.

H.R. 534: Mr. Sanders and Mr. LaTourette.

H.R. 721: Mr. Nussle.

H.R. 732: Mr. Klink.

H.R. 750: Ms. Roybal-Allard.

H.R. 786: Mr. Stump.

H.R. 852: Mr. Smith of Texas.

H.R. 870: Mr. Wamp.

H.R. 957: Mr. Shimkus, Mr. Gilchrest and Mr. Brady of Texas.

H.R. 979: Mr. Holt, Mrs. Thurman, and Mr. Hastings of Florida.

H.R. 1032: Mr. McKeon and Mr. Greenwood.

H.R. 1070: Mr. Isakson.

H.R. 1102: Ms. Lofgren.

H.R. 1112: Mr. Gonzalez.

H.R. 1195: Mr. Andrews.

H.R. 1322: Mr. Davis of Virginia, Mr. Scarborough, Mrs. Jones of Ohio, Mr. Rohrabacher, Mr. Smigh of Washington, and Mr. Young of Florida.

H.R. 1396: Ms. Velázquez and Mr. Boucher.

H.R. 1590: Mr. Towns.

H.R. 1611: Mr. Herger.

H.R. 1621: Mr. Ford, Ms. Velázquez, Ms. Berkley, and Ms. Sanchez.

H.R. 1708: Mr. Manzullo.

H.R. 1781: Mr. Rahall, Mrs. Johnson of Connecticut, Mr. Crowley, and Mr. DeFazio.

H.R. 1871: Ms. Schakowsky.

H.R. 1912: Mr. Abercrombie.

H.R. 2120: Mr. Davis of Illinois.

H.R. 2265: Mr. Green of Texas.

H.R. 2340: Mr. Turner, Mr. Blagojevich, Mr. Hutchinson, Mr. Lipinski, Mr. Snyder, Mr. Bachus, and Mr. Larson.

H.R. 2451: Ms. DUNN.

H.R. 2544: Mr. HASTINGS of Washington.

H.R. 2594: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.

H.R. 2686: Mrs. MORELLA.

H.R. 2727: Mr. PETERSON of Pennsylvania.

H.R. 2736: Mr. KIND, Mr. ROMERO-BARCELÓ, Mr. HOLDEN, and Ms. DELAURO.

H.R. 2789: Mr. WISE.

H.R. 2814: Ms. JACKSON-LEE of Texas.

H.R. 2858: Mr. WHITFIELD.

H.R. 2919: Ms. LEE.

H.R. 2966: Mr. NUSSLE.

H.R. 3004: Ms. CARSON, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. BERMAN, Mr. KLINK, Mr. SMITH of Washington, and Ms. BERKLEY.

H.R. 3065: Mr. KUCINICH.

H.R. 3083: Mr. LAFALCE.

H.R. 3140: Mr. RODRIGUEZ.

H.R. 3143: Mr. ABERCROMBIE.

H.R. 3173: Mr. THUNE and Mr. GREEN of Wisconsin.

H.R. 3192: Ms. LEE, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. LIPINSKI, Mr. FILNER, Mr. NADLER, Mr. VENTO, and Ms. DANNER.

H.R. 3193: Mr. TIAHRT and Mr. QUINN.

H.R. 3225: Mr. FROST and Mr. PICKERING.

H.R. 3235: Ms. ROYBAL-ALLARD and Mr. GARY MILLER of California.

H.R. 3293: Mr. MURTHA, Mr. DICKEY, Mr. PASTOR, Mr. WATTS of Oklahoma, Mr. WU, Mr. DEUTSCH, AND Mr. GEPHARDT.

H.R. 3294: Mr. MANZULLO.

H.R. 3301: Mrs. THURMAN, Mrs. LOWEY, Ms. PRYCE of Ohio, and Mrs. KELLY.

H.R. 3392: Mr. SKELTON.

H.R. 3418: Mr. DEFAZIO and Mr. THORNBERRY.

H.R. 3439: Mr. WAMP, Mr. LAMPSON, and Mr. PITTS.

H.R. 3500: Mr. HOEFFEL, Mr. SWEENEY, Ms. BALDWIN, Mr. WOLF, and Mr. BLUMENAUER.

H.R. 3561: Mr. WU.

H.R. 3573: Mr. COBURN, Mr. JACKSON of Illinois, and Mr. SCHAFFER.

H.R. 3580: Mr. WEINER, Mr. SMITH of New Jersey, Mr. GEKAS, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Mr. FORBES, Mr. CROWLEY, Mr. NADLER, Mr. RILEY, Mr. WAMP, Mr. FATTAH, Mr. OXLEY, Mr. BASS, Mr. HOLDEN, Mr. REYNOLDS, Mr. BOUCHER, Mr. CRAMER, Mr. LANTOS, Mr. VENTO, Mr. EWING, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. SOUDER, Mr. JENKINS, Mr. ACKERMAN, Mr. FORD, Mr. SHAYS, and Mr. HINCHEY.

H.R. 3594: Mr. KENNEDY of Rhode Island and Mr. ANDREWS.

H.R. 3610: Mr. OWENS and Mr. WEYGAND.

H.R. 3660: Mr. PETERSON of Pennsylvania and Mr. TERRY.

H.R. 3680: Mr. MINGE, Mr. GILMAN, Mr. NEY, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. GRAHAM, Mr. BOEHLERT, Mr. WEXLER, and Mr. DINGELL.

H.R. 3686: Mr. GEORGE MILLER of California.

H.R. 3766: Mr. PASCRELL.

H.R. 3807: Mr. ROTHMAN.

H.R. 3812: Ms. ESHOO and Ms. LOFGREN.

H.R. 3880: Mr. GREEN of Wisconsin, Mr. PALLONE, and Mr. KENNEDY of Rhode Island.

H.R. 3896: Ms. PRYCE of Ohio.

H.R. 3901: Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. JEFFERSON, and Mr. GUTIERREZ.

H.R. 3915: Mr. STUMP, Mr. TAYLOR of Mississippi, and Mr. FILNER.

H.R. 3916: Ms. BERKLEY, Mr. PASTOR, Mr. STEARNS, Mr. ISTOOK, and Mr. COLLINS.

H.R. 3983: Mr. BONILLA, Mr. WEXLER, Mr. DAVIS of Florida, Mr. UPTON, and Mr. SANDLIN.

H.R. 4006: Mr. MCINNIS.

H.R. 4017: Mr. DEFAZIO.

H.R. 4018: Mr. CASTLE and Mr. GUTKNECHT.

H.R. 4033: Mr. LANTOS, Mr. BOEHLERT, and Mr. HORN.

H.R. 4036: Mr. TRAFICANT and Ms. KILPATRICK.

H.R. 4041: Mr. HOEFFEL.

H.R. 4042: Mr. HOEFFEL, Mr. DINGELL, and Mr. GANSKE.

H.R. 4051: Mr. TALENT and Mr. LEWIS of Kentucky.

H.R. 4057: Mr. LATOURETTE, Ms. WOOLSEY, Mr. EHLERS, and Mr. SMITH of Washington.

H.R. 4076: Mr. GREEN of Wisconsin and Mr. LARGENT.

H.R. 4124: Mr. SMITH of Washington, Mr. COMBEST, and Mr. BARTON of Texas.

H.R. 4149: Mr. UPTON and Mr. PICKERING.

H. Con. Res. 77: Mr. HUTCHINSON.

H. Con. Res. 181: Mr. LEWIS of Kentucky.

H. Con. Res. 229: Mr. SCARBOROUGH.

H. Con. Res. 249: Mr. KUCINICH.

H. Con. Res. 266: Mr. DEUTSCH, Mrs. MYRICK, Ms. SCHAKOWSY, and Mr. STEARNS.

H. Con. Res. 271: Mr. BLUNT, Mr. WAXMAN, Mr. HALL of Ohio, Mr. SAXTON, Mr. LUCAS of Oklahoma, Mr. MCGOVERN, Mr. BEREUTER, Mrs. MALONEY of New York, Mr. SHAYS, Mrs. KELLY, Mr. OWENS, Mr. KING, Mr. SANDERS, Mrs. MINK of Hawaii, and Mr. ROMERO-BARCELO.

H. Con. Res. 275: Mr. GOODLING, Mr. CROWLEY, Mr. TANCREDO, Mr. MCINTOSH, and Mrs. MEEK of Florida.

H. Con. Res. 285: Mr. GIBBONS and Mr. HOSTETTLER.

H. Con. Res. 286: Mr. PALLONE, Mr. WYNN, Mr. BRADY of Texas, and Mr. PRICE of North Carolina.

H. Res. 437: Mr. GREENWOOD, Ms. RIVERS, Mr. BALDACCI, and Mr. GEJDENSON.

H. Res. 443: Mr. ABERCROMBIE.

H. Res. 452: Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. PHELPS, and Ms. CARSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1824: Mr. MASCARA.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

83. The SPEAKER presented a petition of the Asociacion de Pensionados del Gobierno de Puerto Rico, relative to Resolution No. 5 petitioning the President of the United States and the Congress to hear the voice of the People of Vieques, cancel permanently the warfare practices in Vieques and order the U.S. Marines to leave Vieques in a reasonable time; jointly to the Committees on Armed Services and Resources.

84. Also,a petition of the City Council, Canton, Ohio, relative to Resolution No. 79 petitioning the U.S. Congress to fully fund CDBG in the year 2000, at a minimum, at the FY 1999 level; jointly to the Committees on Banking and Financial Services and the Budget.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1776

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 59, after line 23, insert the following new section:

SEC. 212. TASK FORCE ON SUB-PRIME AND PREDATORY LENDING.

(a) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall establish, and appoint members under subsection (b) of, a task force (in this section referred to as the "Task Force") on sub-prime and predatory lending practices.

(b) MEMBERSHIP.—The Task Force shall consist of not less than 10 members appointed by the Secretary who shall include—

(1) not less than 2 individuals who represent lending institutions;

(2) not less than 2 individuals who represent community development interests or community development organizations;

(3) not less than 2 individuals who represent older Americans or organizations for older Americans;

(4) not less than 2 individuals who represent the interests of States or municipalities; and

(5) not less than 2 individuals who represent national civil rights organizations that emphasize or are involved in fair housing or fair lending issues.

In making appointments under this subsection, the Secretary shall give preferential consideration to individuals who, or who represent organization that, have experience and knowledge regarding the issues of subprime and predatory lending practices.

(c) DUTIES.—The Task Force shall study and examine—

(1) the extent, methods, and detrimental effects on residential mortgage lending, housing availability and affordability, and existing homeowners, of—

(A) sub-prime lending practices in residential mortgage lending, including any practices under which borrowers who have impaired credit or are not considered prime credit risks are charged higher rates of interest or higher fees; and

(B) predatory lending practices in residential mortgage lending, including high-pressure tactics, door-to-door solicitations, targeting of vulnerable populations, steering to higher-cost loan products regardless of qualification for lower-cost products, excessive refinancing (known as flipping), fraudulent home improvement loan practices, charging of excessive interest rates and fees (including 'packing' loans with unnecessary fees and padding closing costs or third party fees), use of loan terms that trap borrowers into unaffordable financing (including such use of balloon payments, negative amortization, prepayment penalties, and asset-based lending), and other fraudulent or deceptive practices;

(2) the extent of the use of such practices in connection with mortgages insured by the Secretary under the National Housing Act and the effects of such practices on the mortgage insurance programs and funds of the Secretary; and

(3) the implications of civil rights laws, fair lending laws, and fair housing laws on such practices.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the

Task Force shall submit a report to the Congress and to the Secretary regarding the results of the studies and examinations conducted under subsection (c), which shall include any recommendations, including recommendations for administrative and legislative actions, for reducing the extent and detrimental effects of sub-prime and predatory lending practices.

H.R. 1776

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 78, after line 20, insert the following new section:

SEC. 408. FAIR HOUSING COMPLIANCE.

(a) IN GENERAL.—Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following new subsection:

"(n) FAIR HOUSING COMPLIANCE.—To ensure compliance with the certifications made under sections 104(b)(2) and 106(d)(5)(B), each grantee under section 106 and each unit of general local government receiving grant amounts pursuant to section 106(d) shall maintain, and update annually, an analysis of impediments to fair housing and a fair housing action plan. The Secretary shall monitor compliance with the requirement under the preceding sentence and may, by regulation, establish standards and requirements for such analyses and plans and penalties for failure to comply with this subsection and with such standards and requirements.".

H.R. 1776

OFFERED BY: MS. PELOSI

AMENDMENT NO. 4: Page 28, line 24, after the comma insert "except that elementary education shall include pre-Kindergarten education, and".

H.R. 3671

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 1: Page 30, after line 6 insert the following:

SEC. 304. IMPLEMENTATION REPORT.

(a) TIMING.—At the time the President submits a budget request for the Department of the Interior for the first fiscal year beginning after the date of enactment of this Act, the Secretary of the Interior shall inform the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate about the steps taken to comply with this Act.

(b) CONTENTS.—The report required by this section shall indicate—

(1) the extent to which compliance with this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration Programs;

(2) any revisions to this Act that would be desirable in order for the Secretary to adequately administer such programs and assure that funds provided to state agencies are properly used; and

(3) any other information regarding the implementation of this Act that the Secretary considers appropriate.

SENATE—*Tuesday, April 4, 2000*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, we need You. In Your presence we feel Your grace. We are assured that we are loved and forgiven. You will replenish our diminished strength with a fresh flow of energy and resiliency. The tightly wound springs of tension within us are released and unwind until there is profound peace inside. We relinquish our worries to You and the anxiety drains away. We take courage because You have taken hold of us. We spread out before You the challenges of the day ahead and see them in the proper perspective of Your power. We dedicate ourselves to do things Your way under Your sway. And now, Your joy that is so much more than happiness fills us and we press on to the work of the day with enthusiasm. It's great to be alive! Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from New Mexico is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, on behalf of the leader, I have an announcement. Today, the Senate will begin consideration of S. Con. Res. 101, the budget resolution. Amendments will be offered throughout the day. Therefore, Senators can expect rollcall votes occurring during today's session. Those Senators who intend to offer amendments should work with the chairman and ranking member on a time to offer and debate their amendments.

As a reminder, votes will occur throughout the week in an effort to complete action on the budget resolution no later than the Friday session of the Senate. If we are diligent, we might finish Friday night, although we do have a total of 50 hours of debate and there are certain conditions that make that a little bit longer than 50 hours in terms of adding up time on the floor.

As a further reminder, the Senate will recess from 12:30 until 2:15 today to accommodate the weekly party conference luncheons.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001 THROUGH 2005

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. Con. Res. 101, which the clerk will report by title.

The bill clerk read as follows:

> A resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the fiscal year 2001 concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOMENICI. I have brief opening remarks, after which time I will be pleased to yield to either the minority whip or the ranking member.

First, a couple of observations. We are now on the budget resolution. It is now pending before the Senate. Before I summarize the resolution as reported by the Budget Committee last week, let me cover a couple of housekeeping or managerial items. For those Senators and staff here, and those who might be listening, I remind everyone that the procedure for considering a budget resolution in the Senate is unique compared to other legislation and other legislative items that we debate and amend on the floor.

First, a budget resolution is privileged. That means proceeding to its consideration as we have done this morning could not have been delayed by a Senator by filibuster or otherwise.

Second, the underlying law, the Congressional Budget and Impoundment Control Act—not the resolution—effectively establishes the rules for considering this resolution. The first of the rules is that there is a time limit for considering a budget resolution. That time limit is 50 hours. Less time can always be taken. While it has never been used, a nondebatable motion to reduce debate time is always in order. The 50 hours does not count the time in the quorums immediately preceding a vote, nor does it count the actual voting time. Fifty hours is evenly divided between the sponsor and the opponents of the resolution.

An amendment or amendments in the first degree to the resolution are limited to 2 hours evenly divided between the mover of the amendment and its opponents. Additional time can be yielded off the overall resolution by the manager or the ranking member, or their designee, if such time is still available under the 50-hour rule. Amendments to amendments are limited to 1 hour, again, evenly divided between the mover and the opponent. As before, if overall time exists on the resolution, Members can add time to the debate on the second-degree amendment.

The next discussion is where it gets a little bit difficult. Senators who may want to amend this resolution should note there are very particular rules that apply. First, the committee-reported budget resolution forms the basis of germaneness.

There are four types of germane amendments: One, an amendment to strike language or numbers, which is germane per se; second, an amendment to change dates or numbers; third, an amendment adding sense of the Senate for matters within the jurisdiction of the Budget Committee; and fourth, an amendment that limits some power in the resolution. If not germane, it will take three-fifths of the Senators' affirmative votes to waive the point of order. If not, the amendment will fall.

I emphasize these procedures so Senators and their staffs will not be surprised if a germaneness point of order is raised on their amendment.

Later in this debate we will follow the rules the act laid out for us considering a budget resolution, and we will try to finish it in an orderly manner before the week is complete. I will briefly summarize the reported resolution before us today.

First, let me say this annual exercise further strengthens my resolve to bring to the floor changes to this process, to change it into a biennial budget and biennial appropriations process. But we are charged with reporting an annual budget, and until the law is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

changed, or if it is changed, the committee-reported resolution abides by the current law.

I acknowledge that whatever fiscal policy we outline in any budget resolution the Senate considers this year, that resolution will be constructed in the heat of a very political year and it will, in truth, be ministered over by a new President and new Congress next year. So this resolution can only be a broad blueprint for fiscal policy. It allows us to complete our work expeditiously, if at all possible, this year. It recognizes the need for reform in many areas and that those reforms will undoubtedly have to wait until the next Congress and the next President.

While we now have the luxury of budgeting in a world of possible surpluses, that does not mean reform in Government is not necessary. Reforms to the process are needed, and this committee's resolution begins down that path so we can replace some cynicism that was built up about the Federal budgeting process with some minor but new enforcement tools. Some may not like them, but we are trying very hard to answer a call from many Senators that the budget resolution be enforced and that we understand precisely what we are doing and look to the resolution itself for how much we can spend and where we are going.

Reforms are needed to ensure the long-term solvency of the Social Security system, not simply placing more empty IOUs on future generations. We cannot reform the Social Security system without a President who is willing, and thus far we have not had such in the White House under the administration of President Clinton.

Reforms are needed in the Medicare program, not simply promising more politically popular benefits to a system in which, in 2010, the outgo will exceed income. In this budget resolution, we have provided $40 billion in two installments of $20 billion and $20 billion to do reform and add some prescription benefits, if that is what Congress decides to do.

Major reforms are needed to our Tax Code. We all know that. While the resolution before us proposes to make room for tax reductions, I acknowledge that until the unfairness of this system and its complexities are addressed, real tax reform waits.

Finally, reforms to government programs are broadly needed; there is no doubt about that. As GAO and the Congressional Budget Office have pointed out to us earlier this year, we really do not need 342 Federal economic-development-related programs. We really do not need 12 different agencies administering 35 different laws on food safety. It would seem one agency would be sufficient.

I am not sure we need over a dozen postsecondary education programs and 224 elementary and secondary education programs administered by the Department of Education with their overlapping, duplicating, inefficient delivery of Federal funds to States. Perhaps this year we will consider on the floor of the Senate some dramatic reforms that might alter the education system I have just described.

So when critics say this resolution does not provide enough for the discretionary accounts, both defense and nondefense, I have to respond: Not if you assume that everything the Government does today is done efficiently and effectively. But I am realistic, and reform of these programs will not come in the 70 days left in this Congress.

So the resolution before us is not everything an outgoing administration wants because, quite frankly, they are not going to be around to administer what I consider their bloated budget request. But it is a responsible step for the short amount of time left in Congress.

Let me conclude with some key points on this resolution.

No. 1, it protects Social Security. Not one penny of the Social Security surplus is touched.

No. 2, it balances the budget every year, not counting the Social Security surplus. In other words, even though we have not been able to adopt a lockbox, we have followed the premise and philosophy and substance of a lockbox; that is, none of the Social Security money surplus is being spent.

It retires debt held by the public, nearly $174 billion this year alone, and over $1.1 trillion over the next 5 years.

It sets aside $8 billion in non-Social Security surpluses for debt relief this year alone. In other words, that $8 billion could be spent without us touching the Social Security trust fund. We could still live up to that promise. But we have taken $8 billion of the surplus outside of Social Security and put that on the debt also.

It rejects the President's proposed cuts in Medicare. It strengthens Medicare and sets up a $40 billion reserve for a new prescription drug benefit immediately, with reform coming later.

Expenditures for the Department of Education would increase $4.5 billion this year, special ed would increase nearly $2.2 billion, and Head Start funding would be up nearly $255 million.

Funding for our national security would increase nearly 4.8 percent next year, up to $305.8 billion, nearly a $17 billion increase.

Funding for WIC, section 8 housing, National Park Service, highways and airports, all would increase next year, as would Head Start.

We provide immediate emergency assistance to depressed agricultural sections in the form of nearly $5.5 billion in income support needed this year, not next year.

And, yes, we provide $150 billion in tax relief for American families, for fairness and equity in the form of the marriage penalty, for small businesses and startups, for education and medical assistance. Remember, the President did not provide any tax relief for the next 5 years.

I believe this is a fair beginning. I am very hopeful we can have a lively debate about this on the floor of the Senate. For every $1 in tax relief, since there are those who continue to say the tax relief we seek is too big, too much, too risky—this resolution devotes $13 to debt reduction. For every $1 in tax relief, this resolution devotes $13 for debt reduction; 13-to-1 is the ratio in the first year. It is down to about 8-to-1 for the entire 5 years.

I believe it is a fair resolution. It is not a risky resolution, as some will claim. I contend that increasing spending for domestic programs nearly 14 percent next year, as the President would do, is much more risky to the future of Social Security and debt reduction than a modest tax reduction.

Let me explain. If you increased domestic discretionary spending by 14 percent a year, it would only take 3 years until you would have to use the Social Security surplus to pay for domestic spending. What does that mean? It means either the President sent us a one-time political year 14-percent increased budget or he is serious that we need that amount every year to meet the so-called needs of domestic programs. In either case, it is not the right thing to do.

If it was sent up here as a one-time political budget with everything in it but the kitchen sink, then it should be denied. If it was sent up here to set a pattern for 3 or 4 years, then it truly would be an injustice to senior citizens and the Social Security trust fund.

But even if the tax reductions we plan for do not become law, we make sure every penny of that which would have gone to tax reductions is returned in the form of debt reduction, not new spending. So for those who say there will be no tax reduction or tax relief this year, and for the President who says even though Republicans will try, he will not let it happen, then obviously we will put another $150 billion, or some substantial portion of it, on the debt, which only adds to the numbers I have already discussed with you with reference to tax reduction in this budget resolution.

It is a resolution that will allow us to get our work done. I say to the Republicans, my side of the aisle, this budget resolution cleared the committee on a party line vote with every Republican voting for it and every Democrat voting against it. I do not know how it will turn out 3, 4, or 5 days from now, but I do hope Republicans will consider that what they want to change in it may, indeed, change whether or not we can adopt a budget resolution at all on the floor.

I hope Republicans will consult and talk with the chairman and manager of the bill as we consider this resolution so that our end product will be that we will pass a budget resolution and go to conference with the House and let our appropriations committees start their work.

I do want to say at the beginning and, obviously, I will at the end, that it has been a pleasure working with Senator LAUTENBERG. This is his last time managing the budget resolution because he will be leaving the Senate.

We started off not knowing each other very well, maybe being a little guarded about how we would think about what each one said, whether we would be cynical about it, whether we would believe it. I compliment him. His job has become very important to him, and he has become very important to this job. It will be a pleasure working with him for the next 4 or 5 days. I very much thank the Senator from New Jersey for what he has done. I thank everyone for listening.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank Senator DOMENICI. I appreciate his comments.

As noted, this is my last year as the ranking member of the Budget Committee. As everyone around here knows, the ranking member harbors usually one thought, and that is to move to the chairmanship to give their colleague on the other side of the aisle a chance to work as a ranking member, to understand fully what it is like.

Before I begin a discussion of the budget resolution—and I again thank Senator DOMENICI for his kind comments; the relationship has been a good one—it has been a privilege and an honor to represent the Senate Democrats on the Budget Committee, and I am going to miss it. In my early days in the Senate, I never played with the thought of being a leader in budget matters, never expecting to be the senior Democrat. In fact, I did not even in the beginning days intend to be on the Budget Committee. But I had a good friend whom I knew before I came to the Senate, Senator JOE BIDEN from Delaware. He pulled me aside early in my career and made me an offer that sounded too good to be true. "FRANK," he said, "you're such a good friend and such a good Senator that I'm going to resign my seat on the Budget Committee, and I'm going to give it to you."

Only later did I come to realize what Senator BIDEN was really up to. He knew what the Budget Committee function was. He knew how difficult some of the discussions would become, and he knew conclusions arrived at are rarely satisfactory. I forgive him. It has taken me a decade to do that, and I am not going to hold a grudge any longer.

Seriously, while I fell into the position of ranking member—that is, the senior Democrat on the Budget Committee—I found it not only interesting but a rewarding position. One of the principal reasons is that I have had the privilege to serve with a very distinguished Senator, our chairman, PETE DOMENICI. Senator DOMENICI and I worked together from different beliefs, with very different views about Government and its proper role. While we have often disagreed, I have tremendous respect and even affection for him. We learned something about the personal sides of each other's lives, which reduces barriers that often arise from competitive views. When one understands what makes the other person tick and hears his concerns and lets him understand your concerns, it makes for a different kind of alliance than the traditional debate.

Over the years, we developed an appreciation and respect for one another. Senator DOMENICI's mastery of the budget comes not only from years of experience but lots of hard work as well. It comes from a genuine commitment he has to serving his country to the best of his ability. I have learned a lot from Senator DOMENICI, and I publicly thank him for his friendship over the years.

By their nature, debates on the budget tend to be more partisan than other debates. After all, setting a broad plan for allocating resources necessarily depends on judgments based on established principles we bring with us from our views and priorities influenced by our respective parties and affiliations.

It is no surprise that our parties have different perspectives on this. In fact, in some ways, this diversity of views is one of our Nation's great strengths; we can talk about these things and air our views and give the public a chance to hear what it is we are saying and in what we believe.

Still, I cannot help but regret that budget debates over the past decade have often become so entirely partisan. I saw it with the Democrats as well as Republicans. No one party is at fault. It does not serve the Nation as we would all want to do. I hope perhaps, if the era of surpluses can be sustained longer, we can finally inject more bipartisanship into the process.

I may represent Democrats, but I have respect for my colleagues on the other side of the aisle. I do not always appear to be understanding of their views, but they, too, adhere to the principles that brought them here. While it is not pleasant for me to accept it, I am often reminded: They were sent here as a majority by the people across this country and we have to respect or acknowledge that fact. But though I serve in the minority, I sincerely believe the approach the budget brings to the table is the right one for America. I know from personal experience that Government has a role to play, in my view, in the lives of our people and is to exercise that role responsibly.

I make that judgment based on personal experience. I have said it before on the floor of the Senate, and I will take a minute in this twilight of my career to restate it.

My father died when he was 43. My mother was 36. I had already enlisted in the Army. I watched my father's health disintegrate in front of my eyes—13 months of pain, agony, and degradation. He died, again, after I had enlisted in the Army. He died not only leaving the grief and the heartache which accompanies the death of a young man—my sister, my mother and I comprised the entire family; my sister was 12, and I was 18—not only did we experience the pain of the loss, but we were deeply in debt to doctors and hospitals. My mother tried her best to meet those obligations. I was sending home, when I had the opportunity, $50 a month out of my pay. That was not very much.

Oh, if we had only had health insurance at that time, if we had only some way for the Government to join us in our quest to stay alive as a family and do what my father always wanted us to do—be productive citizens.

My next experience which helped develop my thinking about Government's role was when I was able to take advantage of the GI bill after my service in World War II in Europe during the height of the war and go to a university that otherwise would have been unavailable to me. We could never have afforded the tuition no matter how hard we worked because we also had to support and unite the three of us.

That GI bill made an enormous difference, not only in my life, but permit me a moment of immodesty to say that I helped create a business that created an industry, the computing industry, which is a bigger part of the computer atmosphere, the computer functioning, the computer industry, than the hardware side: Computing, providing services. We were pioneers. And I am a member of something called the Hall of Fame of Information Processing in Dallas, TX.

Education enabled me to do that. I became very active in philanthropy and was national chairman of one of the largest charities in the world. At the same time, I ran a company that employed lots and lots of people—over 16,000—when I came to this Senate.

So much of what I have done has been dependent on the education I was able to receive as a contribution by my fellow Americans and my country.

Then, the privilege of serving here for 18 years has made an impression on me that will last for life.

That is how I have acquired my view of what Government's role might be. And we dare not turn our back on it.

With that, I will turn to the business directly at hand.

Mr. President, in my role as ranking member, I begin by laying out the broad budget principles with which most Democrats agree. Perhaps most fundamentally, Democrats believe the budget should address the needs of ordinary Americans as it prepares our Nation for the future. It should strengthen Social Security and Medicare; provide prescription drug coverage for our seniors desperate for some relief as they try to protect their health from the financial burden of high prescription costs; invest in education, health care, defense, and other compelling needs.

We should provide targeted tax cuts for those struggling to advance the well-being of the next generation. At the same time, it should maintain fiscal discipline, reduce our debt, as most people in our country would want to do on a personal basis. The happiest day for lots of families is when the mortgage is paid off or when the bills are finally paid for something that was necessary to acquire or, as we know these days, to help people provide an education or assist in providing an education for their children. At the same time, we want to protect our Nation's economic prosperity.

In my view, this budget resolution fails to meet these goals. It would use virtually the entire non-Social Security surplus for tax breaks that disproportionately benefit the wealthy. It would require deep and unrealistic cuts in domestic priorities, such as education and health care.

It proposes far less debt reduction than the budgets developed by President Clinton and the Senate Democrats. It fails to ensure that the Congress will consider legislation to establish a prescription drug benefit. Finally, by covering only 5 years of operations, unlike the 10 years we worked with last year, the resolution hides its long-term costs and weakens fiscal discipline.

I want to address each of these points.

The Congressional Budget Office, CBO, says that over the next 5 years, the non-Social Security surplus is going to be $171 billion. We do not have any disagreement about that. That is what they say. This assumes that Congress freezes discretionary spending at the current real levels, which means, very simply, that in order to protect the funding of these programs, we have to allow for some inflation increases, some inflationary adjustments, as modest as they might be.

In fact, if Congress increases domestic spending at the same rate as recent years, which has been higher than inflation, the actual surplus would even be smaller than that $171 billion.

Still, to give the majority the benefit of the doubt, we will ignore history for the moment and optimistically assume the non-Social Security surplus will be as projected, $171 billion.

The budget resolution, passed by the Republican majority, calls for tax breaks of $150 billion. I say that is at a minimum because there is a reserve there for additional increases.

But this reduction in future surpluses would also require that the Government would pay more interest on the outstanding debt, in this case $18 billion more. Thus, the real cost of the tax breaks isn't $150 billion; it is $168 billion when we add the $18 billion for additional interest. That consumes virtually the entire non-Social Security surplus of $171 billion. This isn't mysterious; it is plain arithmetic.

People watching this debate might ask themselves: If the tax breaks use virtually the entire non-Social Security surplus, how can the resolution also provide funding for any of the new initiatives it claims to support, such as increases in military spending, prescription drug coverage, agricultural risk management reform, payments to counties, nuclear waste disposal activities, and various other claims of increases in discretionary programs?

The real answer is, it cannot. There is no way to fit all of this new spending in roughly the $3 billion that remains of the non-Social Security surplus. The numbers just do not add up.

Unfortunately, the majority seeks to sidestep the problem by assuming huge unspecified cuts in domestic programs. The resolution calls for a 6.5-percent cut in nondefense discretionary programs over the next 5 years.

Because we are trying to address this to the public at large, I am going to take a moment to explain what this means.

A 6.5-percent cut in nondefense discretionary means, outside of defense, those programs that many of us think are essential that have been in place will get a 6.5-percent cut. A 6.5-percent cut over 5 years is pretty substantial because by the time you got to the fifth year, the cut enlarges to 8.2 percent. In fact, since the resolution claims to protect some specific programs, the cuts in other areas would be well over 10 percent.

The Office of Management and Budget has analyzed how cuts such as this could affect ordinary Americans. Here are just a few examples.

Mr. President, 20,000 teachers planned to be hired would not be hired. Those teachers were planned to be hired to reduce class sizes.

Five thousand communities would lose assistance to help construct and modernize their schools. There are not many people in this country who do not realize we have this enormous number of school buildings that are just inadequate for the purpose that they exist; that is, to provide an atmosphere where our children can learn. If plaster is falling from the ceilings, or there is no heating in the winter or ventilation in the summer, we know that is not an atmosphere conducive to learning.

So there are 5,000 communities that would get help, but they won't under the Republican plan; 62,000 fewer children would be served by the Head Start Program—one of the most successful programs this country has; 19,000 fewer researchers, educators, students receive support from the National Science Foundation. And if there is one place where America excels, it is in research and in science.

I took a trip to the South Pole in January. People ask, "Why did you go there?" It's a far and tough trip. I went there because I am worried about the climate, about the forecasts which talk about ever more severe tornadoes and things such as cyclones and other natural disasters. I wanted to know what is happening with the weather and climate studies that we do down there.

I will tell you, one need not be a scientist to know that we have problems. Now we are talking about an icefloe that is cracking away from the main part of the continent twice the size of Delaware. We had one the size of Rhode Island float off some years ago. One day we are going to see an iceberg, an icefloe that is the size of Texas. What are we going to do about that? Are we going to say maybe we can push it back and glue it together? Everybody knows that is not going to happen. It says the ice is melting at an ever faster rate, and 70 percent of the fresh water in the world exists at the South Pole. If that starts mixing with the saline of the oceans, we will have serious problems. They may not be problems that affect anybody working in this room today, but I worry about my grandchildren and about their children and about the future of mankind.

There will be 19,000 fewer researchers. Funding for all new federally led cleanups of toxic waste sites would be eliminated. I notice that the Republican candidate for President, George W. Bush, announced his interest in a brownfields program, which is something we have been trying to do here for a long time. I am glad to see that acknowledgement take place, to turn these fallow sites into productive, functioning areas where business can flourish and people can visit. We can give some life to some communities—many of them urban communities that are in various stages of decay and would like to be able to move up and away from that.

We would have 430 fewer border patrol people available to safeguard our borders. Everybody knows what that problem is.

The list goes on and on. As most people around here recognize, cuts of this magnitude are totally unrealistic, and they are not going to happen. We are going to play games—ping-pong—with the budget of the United States. In the final analysis, neither Republicans nor Democrats will tolerate these cuts.

This is not the first time the Senate has assumed deep, unspecified cuts in a budget resolution. Last year's resolution included similarly unrealistic things. Not surprisingly, by the end of the year, the Republican majority—not the President—had approved the appropriations bills, spending about $35 billion more than it planned for the year initially. That is the same time and the same status that we have right now. No doubt, something similar is going to happen this year. We are not going to see Government close down. We learned that lesson. It was vivid and searing, and it is going to stay forever in our memories.

So we are not going to take those cuts that would make departments of Government inoperative or inadequate. Who is going to let go all these FBI agents and the border guards? One of the greatest concerns our citizens have is to be secure in their homes, on the streets, and in their communities. Are we going to reduce law enforcement? We are not. We may say so, or we may not even say so. We simply hide it in the volume of pages and numbers that are presented to the public.

Unfortunately, the Republican budget relies on these unrealistic cuts for its various increases in mandatory spending, such as aid to farmers, prescription drugs, and other programs long ago, for the most part, considered essential. The cost of those increases—$62 billion for those mandatory programs—would be locked in up front. The savings, however, would not be. When Congress later fails to make the assumed cuts in appropriations bills, funds for these new entitlements, it will come from only one place—Social Security.

One might think that assumptions of deep, unrealistic cuts in discretionary spending would allow the Republicans to claim significantly more debt reduction than the budgets proposed by Democrats. However, if one assumes that the Republican spending cuts actually materialize, which is extremely unlikely, if not impossible, the Republican budget still would reduce much less than President Clinton and Senate Democrats. The Republican plan will use non-Social Security surpluses to reduce only $19 billion, which is contrary to what is being said, over the next 5 years. By contrast, the President's budget would reduce the $90 billion of debt, over the same period, nearly five times as much. This difference in debt reduction helps show how extreme the GOP tax breaks are.

Throughout the markup on the resolution, Republicans claimed that their budget contained over $1 trillion of debt reduction. However, this figure is based almost entirely on Social Security surpluses, and these surpluses are off budget, and both parties have committed to protecting them. Yet when it comes to the portion of the budget that remains subject to congressional discretion, Republicans have refused to devote significant resources for debt reduction. In doing so, they have rejected repeated calls by Federal Reserve Chairman Alan Greenspan to make debt reduction our first priority.

My next concern about the budget resolution is that it fails to ensure Congress will act on legislation establishing a prescription drug benefit. This is in marked contrast with its treatment of tax breaks which the resolution's reconciliation instructions require of the Finance Committee. This differential treatment is troubling, especially given resistance from the Republican leadership to a meaningful universal benefit. I hope that as the debate proceeds we can take steps to ensure Congress really does approve a prescription drug benefit this year.

My final concern about the budget resolution is that it covers only 5 years—I mentioned that earlier—not the 10 included in last year's resolution. Those projections came out with—even though we know that forecasts are not necessarily precise, they are a gauge. Last year, we included them because it seemed to present a favorable position to the Republican few. This year, we dropped back to 5 years because they know very well that the second quintile is going to be one that spells disaster. This has the effect of hiding the long-term costs of its tax breaks, and it also weakens the budget resolution as a means of enforcing long-term fiscal discipline since points of order would not be available against tax breaks that explode in cost after 5 years.

During markup, it was suggested that the budget resolution should cover only 5 years because CBO produces only 5-year estimates. That isn't true. In fact, since last year, CBO has been producing 10-year projections. So why are these projections being ignored? Because they, again, don't like the outcome of the second 5 years. Thus, no longer is there a good excuse to restrict the budget resolution to only 5 years.

Considering that we are facing huge new liabilities when the baby boomers retire, we need to think longer term. We need to take all long-term costs into account when establishing and enforcing fiscal policy.

Thus, I reluctantly conclude that the Republican budget fails to prepare for our future or address the needs of ordinary Americans today. It allocates virtually the entire non-Social Security surplus for tax breaks. It would require drastic, unrealistic cuts in these particular programs—such as education and health care. It fails to make debt reduction a priority. It fails to ensure prompt action to provide prescription drugs to seniors. And it fails to maintain fiscal discipline for the long term.

For all of these reasons, I join with the Democrats on the Budget Committee in opposing this resolution.

When we discussed tax breaks and discussed what the standard bearer for the Republican party has advocated—tax breaks that come in at over $500 billion the first 5 years—there was a strange silence that took place over the majority of the Republicans sitting on the Republican side of the Budget Committee.

There were a couple of murmurs about: Well, we haven't given up. We are not going to pass that now.

They did that by a vote. One of our distinguished Democrats proposed it in a vote, and the support just wasn't there.

Again for these reasons, joining with the Democrats, I hope we can make appropriate adjustments and amend that process for a more realistic budget.

I look forward to working with colleagues on both sides of the aisle in an effort to improve the resolution before it gets voted on in the Senate.

I yield the floor.

I understand my colleagues are pressed for time and would like to speak. I hope they will be recognized at this point.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand the Senator from Illinois wants to speak. I will not interrupt as far as speaking. But I want to say to Senators on our side that we would like very much for anyone who has remarks on the budget to come down before we recess. Then we will start. We will not take any amendments until after we come back from that recess so that Democrats have a chance to talk in their caucus and we have a chance to talk in our policy luncheon.

If you want to speak about the resolution with general statements, we will be here until 12:30. Both sides are going to apply the same rules, according to Senator LAUTENBERG. There will be no amendments until after the 12:30 luncheon.

The PRESIDING OFFICER. Who yields time?

Does the Senator from New Jersey yield time?

Mr. LAUTENBERG. I do.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek to be recognized for 10 minutes and ask that my colleague from Oregon have 5 minutes, if that would be appropriate. We are going to a meeting. I think the Senator from California also is seeking recognition.

Mr. LAUTENBERG. I yield time in accordance with the Senator's request.

Mrs. BOXER. Mr. President, I ask the Senator from New Jersey if I could have 10 minutes.

Mr. LAUTENBERG. It would be a pleasure to allow my colleague from California to address the Senate.

The PRESIDING OFFICER. The Chair's understanding is that the Senator from Illinois is to be recognized for 10 minutes, the Senator from Oregon is to be recognized for 5 minutes, and the Senator from California is to be recognized for 10 minutes on Senator LAUTENBERG's time.

The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, very much.

Mr. President, I thank Senator LAUTENBERG of New Jersey, who is on the Budget Committee. This will be the last budget resolution he will manage on the floor. He is retiring from the Senate. We will miss him. He has been a leader on so many issues. I have worked with him on issues over the years such as gun control. He has certainly been a leader for his State and the Nation, and he has taken on a tough job in working on the Budget Committee.

We all acknowledge that the chairman of the committee, Senator DOMENICI, is a man we respect very much. We may disagree on political issues. We find him as a colleague to be a real professional and a man truly dedicated to reducing the budget deficit and keeping the fiscal house in order. We may see the world a little differently, but we have a high respect for Senator DOMENICI.

I will miss Senator LAUTENBERG. He is a great friend and has been a great colleague over the years. I am happy he is here for this important and vital battle.

The budget resolution that we debate may be one of the toughest to sell to the American people because it is a dry subject. We are talking about percentages—billions of dollars in appropriations, and money in the outyears. Pretty soon, you are lost in the sauce trying to figure out what in the world these people are talking about.

Does this have any relevance or importance to the lives of ordinary people across America? Should families even pay attention to it? If they are watching on C–SPAN, they are probably clicking away now. As Billy Crystal said the other day, he liked the movie "The Sixth Sense." He said: I see dead people too. I see them on C–SPAN.

I think people who watch C–SPAN will understand that we are very much alive. They understand the issues we are debating today are very important to them.

Take a look at this little graphic prepared on the Democratic side. We have a great ship of state, the "U.S. Economy."

Take a look at the U.S. economy over the past 8 or 9 years. You will see that an amazing thing has occurred.

We have seen the greatest economic growth in the history of America, with terrific employment, new housing, new businesses, and inflation under control. We have seen our debt coming down at a time when many people have given up, thinking that the national debt was just going to increase.

These are all positive things—a stock market which was at 3,000 with the Dow Jones average when President Clinton took office. It is now over 10,000. It may be over 11,000. I haven't checked. All of these things are good news about the American economy.

This great ship of state sails on with the U.S. economy stronger than it has ever been in recorded history. This is not political hyperbole. This is a fact, and America's families know it. They know we are moving in the right direction in this country. Above all, they want Congress to get out of the way. Don't stop this economy from moving forward.

Let me tell you that this budget resolution we are debating on the floor of the Senate today is going to get in the way of that economy. It is going to be an obstacle to our economic progress.

Look at this looming iceberg. Does this remind you of a movie? Here you see the tip of the iceberg—a $168 billion Republican tax cut. But look below the surface. This Republican tax scheme is much larger.

Why would politicians be for tax cuts? Every American family would applaud a tax cut. We would all like to have one. It helps you get by. But if you ask what that tax cut will cost, a lot of people in America back off and say: Wait a minute. It doesn't make a lot of sense for us to be giving tax breaks to the wealthiest people in America and jeopardizing the growth in our economy. You see, what the Republicans do in their budget resolution is couple it with a tax cut plan over the next 5 years that literally gobbles up every single dollar of surplus that we have so there is no money available for us to spend on other things that America knows we need.

Does America know we need better schools and better education? You bet we do. Every parent, every grandparent, and every family knows that. The Republican plan shortchanges that. They take the money away from the cut. They say: No, we would rather give it as a tax cut to wealthy people than put it in education.

Let's ask another question. Would American families want to see a prescription drug benefit under the Medicare program for our parents and grandparents? You bet we would. We understand that a lot of senior citizens are choosing between food and medicine. They can't afford to buy the drugs to keep themselves healthy and strong, out of the hospital, and out of the nursing home.

We believe on the Democratic side—and the President agrees—that we should take a part of our surplus and put it into a prescription drug benefit so that the elderly and disabled across America have that peace of mind. Yet if you look at the Republican budget proposal, the money is not there for this prescription drug benefit. Instead, it is there for this tax scheme that can derail the economy.

Not only that, you have to ask yourself whether or not we are dedicating the resources we need for the growth of our country for investment in infrastructure and people. That really counts.

This Republican tax scheme, which is the cornerstone of this budget resolution we are debating, is bad policy for this country. Don't take my word for it. Don't take the word of any Democrat for it. Take the word of the Chairman of the Federal Reserve, Alan Greenspan. He tells us the No. 1 priority for the good of America and its economy is reducing our national debt—not a tax cut for the wealthiest people.

This tax cut from the Senate Republicans is a mere shadow of the tax cut proposed by Governor George W. Bush in his Presidential campaign. It is a tax cut that, frankly, goes to the wealthiest people in America. It is worse than the one proposed by the Senate Republicans in this budget resolution. This is the George W. Bush tax cut to the top 1 percent of wage earners in America. The George W. Bush tax cut will provide a $50,000 a year tax cut. If one happens to be in the lower 60 percent of wage earners, the tax cut is $249 a year—20 bucks a month.

I gave the Senate Republicans on the Budget Committee two opportunities to vote for George W. Bush's tax cut in committee. They say they want him for President. He says it is the most important thing in his campaign. One would think the Senate Republicans would rush to be in his corner when it comes to standing for this tax cut. Do you know what. On two different occasions they tried to avoid, and did avoid, even having a recorded vote on their standard bearer's tax cut. They don't want to be on record in favor of that tax cut. They know it eats up all of our surplus that goes into the Social Security trust fund.

At this moment in time, the Senate Budget Republicans have denied George W. Bush twice. I will give him another chance on the Senate floor in the next few days. Will the Senate Budget Republicans deny George W. Bush thrice? We will find out. I hope they come to their senses and understand they should go on record in opposition to it.

America wants to spend money on things important for our future, such as education, health care, training the next generation of workers, making certain this economy keeps moving along. A lot of people have prospered under this economy, but a lot of working families are just starting to believe things are getting better for them. They do not want to derail the economic progress we have seen under the Clinton-Gore administration. They want America to continue to move forward. They want America to continue to grow. I believe that is the right track to follow.

I yield the floor to my colleague from Oregon. I hope to get another chance to address the budget resolution which should be defeated by the Senate so we can continue the economic progress we have seen in America.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will pick up briefly on the point made by the distinguished Senator from Illinois about moving forward with an agenda that meets the needs of the American people.

When we started this budget markup, the Senator from Texas, Mr. GRAMM, said the Senate ought to stand pat on the budget until after the election. In spite of the pressing health and education concerns of the American people, the concerns we will try to address on this floor this week, Senator GRAMM said we ought to stand pat; we should not take any significant steps with regard to action on many of these important issues in the health and education area.

I come to the floor this morning to say I am not prepared, and I think my colleagues are not prepared, to say to the millions of older people in this country and their families that we are going to stand pat given the huge problem they are facing with their prescription drug costs. I have come to the floor of the Senate more than 20 times in the last few months to talk about the older people who are supposed to take three pills a day and are taking only two; they are breaking up their anticholesterol capsules because they cannot afford the medicine. I am of the view this Nation can no longer afford to deny prescription drug coverage to the Nation's older people.

In my home State, we have older people being hospitalized in order to get prescription drug coverage because Part A of Medicare will pick up those bills and Part B, the outpatient part of the program, will not cover them. There has to be a sense of urgency about this important issue of prescription drug coverage for older people. I feel the same way, frankly, about education.

That is what we tried to do in the budget resolution. The chairman of the committee made a comment earlier with which I agree completely, questioning whether there could be comprehensive reform of the Medicare program this session. That is right. We ought to have comprehensive reform.

In the Budget Committee, at least as a beginning for significant reform, we said it is urgent to act this year. There is language that stipulates if the Finance Committee doesn't move on this issue by the fall, it is possible for any Member of the Senate to come to this floor and have the issue dealt with directly. We locked in the money to do the job right, $40 billion, which, by the way, is tied to reform of the program. We have language that talks about using marketplace principles and competitive purchasing techniques. It is a chance to finally get justice for older people and their families.

Medicare started off as half a loaf. It didn't cover prescription drugs in 1965. The big buyers—the health plans and HMO plans, the managed care plans—negotiate discounts. Democrats are having folks come to our townhall meetings, those people who are without prescription drug coverage—and only about a third of the older people do have good prescription drug coverage now. Those people in effect are subsidizing the big buyers. They are subsidizing the people in those health plans and the managed care organizations.

I think it is time to bring the revolution in private sector health care to the Medicare program. If we can get the anticoagulant drugs covered, which we want to do on this side of the aisle, we might spend $1,000 a year to help an older person with medicine but we will save $100,000 by being able to prevent the stroke an older person might otherwise incur.

We will try to convey a sense of urgency about this issue. I hope we will be able to get additional colleagues from the other side of the aisle to join. I particularly commend Senator SNOWE and Senator SMITH because they share our sense of urgency. They share our view we cannot just stand pat on this issue, as Senator GRAMM talked about in the Budget Committee. This country has now made it clear they want the Congress to act on this issue, and they want Congress to act now. They don't want it put off until after the election. We are going to try to convey that during this week's budget debate.

I yield the floor.

Mr. REID. Mr. President, the Senator from California has been granted 10 minutes by unanimous consent. I ask she be extended 15 minutes rather than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I rise as a member of the Budget Committee. I am honored to serve on that committee. Our chairman, PETE DOMENICI, is an expert on understanding the budget. Our ranking member, Senator LAUTENBERG, whom we will miss greatly when he retires, is likewise an expert.

What is intriguing about this year's budget is that it shows the difference between the two parties. Sometimes we come to the floor and it is hard to know the differences between the parties because the rhetoric may sound the same. The budget is dealing with hard dollars, and we are placing those hard dollars in different categories. No one can run away from the fact that they do less for debt reduction, they do less for prescription drugs, they do less for education, and they do more to help the wealthiest in our society. The numbers are there; you cannot hide the numbers.

I say with due respect to my chairman, PETE DOMENICI, he doesn't want to do that. He wants to make the fight on the differences. And so do I.

The reason I have always chosen to be on the Budget Committee both in the House, where I served for 10 proud years, and the Senate, where I am now serving for 7, is that the budget we do once a year—and, by the way, I think it is important to do it once a year; I don't support the notion of going to budget every 2 years—is the budget that is the roadmap to our Nation. It is not a dry document. It may appear boring because we are putting numbers next to functions, but when we get behind the numbers, what does it mean? Look at defense; we know what it means. Look at domestic discretionary; we know what it means. We know what it means for education. We know what it means for the environment.

By the way, I want to make a point about the environment. I am thoroughly distressed that for the first time in the history of the Senate in a budget resolution, this budget resolution calls for oil drilling in a national wildlife refuge. Never before in a budget resolution have we done that. And not only are we calling for drilling in this preserve, we are putting the receipts for this drilling in this budget, over $1 billion of receipts.

I am proud to say we are going to have a bipartisan amendment to delete that reference to drilling in Alaska, the Arctic National Wildlife Refuge. It is called ANWR. Those who do not care about the environment are using the gas prices as an excuse to open this area up while they are turning away from energy efficiency, turning away from the fact that, as we speak, we are exporting Alaskan oil that belongs to the American people. We are exporting it to Asia instead of keeping it here—68,000 barrels a day. And they are turning their heads to the fact we are allowing huge mergers to take place in the oil industry, which is, in fact, manipulating the supply.

What do they want to do? Open up the wildlife refuge in Alaska. I ask you a commonsense question. You have a wildlife refuge. How is that consistent with drilling oil? We have seen the oil-spills. We know the devastation that can be wreaked. The bottom line is, I am very distressed that this budget is clearly a document that is antienvironment, and the American people support the environment.

I want to ask a commonsense question. If you are living in a time of the greatest economic recovery in the history of the United States of America, and you know what policies led to that—fiscal responsibility, targeted tax cuts to those who need it and not to those who do not need it, investments in education, investments in the environment, protecting Medicare and Social Security—why would you not continue those policies?

I am going to show you some charts that indicate we have had the greatest economic recovery in generations and generations and generations. Why would you turn away? Why would George W. Bush have policies that turn away from this success? Why would the Republicans in the Senate have policies that turn away from this success and would take us back to dangerous times? To me, it makes no sense at all. It is common sense that if something is working in a business and you are doing great because of the policies you put into place, you don't turn away from those policies. You continue those policies. This budget leads us away from those policies.

Let me talk about this return to fiscal strength. In 1992, we had a record deficit of $290 billion and we have a surplus of $179 billion in 2000. In the last 2 years, we paid down the debt for the first time instead of racking up huge debt. This has sparked the longest economic expansion in the history of the country, 108 consecutive months, and counting, of economic growth; 20.8 million new jobs; the lowest unemployment rate in 30 years—4.1 percent versus 7.5 percent that prevailed in 1992—and record American home ownership of 67 percent.

Those are the facts. Those are not made-up numbers. Why would we turn away from those policies? That is what the Republican budget does: it makes a U-turn on those policies, following the leadership of George Bush.

Let me show you these charts. Here you see the budget deficit was $290 billion. We now have a surplus of $179 billion. What was the projection in 1992, before the Clinton-Gore team came in? It was $455 billion worth of deficits. That was the projection; instead, there is a $179 billion surplus.

We have paid down $140 billion of the debt in the last 2 years. Here is where we see that. Instead of $761 billion of projected debt increases for 1998–1999, we actually are paying down the debt.

This chart is titled "Fiscal Discipline Sparks Robust Private Sector Investment." In other words, when you do not have to pay so much interest on the debt, there is money around for the private sector to invest. Look what happened just in equipment and software investment. The investment is up 12.1 percent. The unemployment rate, I told you before, declined from 7.5 percent to 4.1 percent. Some people consider this full employment.

Another way to look at the jobs, 20.8 million new jobs—this is a beautiful number here, charted straight up since 1992. Record home ownership, up from 64 percent to 67 percent. The American dream is being realized; 67 percent of Americans own their own home.

We have rising incomes for all groups. In every single group, we have seen rising incomes. These are the quintiles: 10 percent in the first, or lowest-income people; increase, 11 percent in the second quintile; 10 percent in the third; 10 in the fourth; and 12 in the higher incomes. All the talk about, oh, we are taxing the people in the upper incomes; they are getting killed—they have had the largest increase in their income, 12 percent.

The Federal income tax burden has declined. It has declined for the average family of four. "Federal Tax Level Falls For Most," this is an article from the Washington Post. We are paying less income taxes than we did before.

This record economic expansion presents a historic opportunity, and I think the Democratic budget, the alternative we have to vote on, seizes this opportunity. It meets the fiscal challenges ahead because we cannot take this for granted. We know that. We need to strengthen Social Security. As somebody said: When the Sun is shining, you fix the roof. You don't wait for the rain to fall.

That is what our Democratic budget does. It strengthens Social Security and Medicare. It sets up a lockbox, not only for Social Security but for Medicare. Let the record show, when Senator CONRAD offered a lockbox for Medicare, the Republicans voted in lockstep against it. They are not protecting Medicare.

We place a top priority on adding a prescription drug benefit. We pay down the national debt. We use honest budget numbers. And we expand opportunity by investing in education and other priorities to help people realize the American dream. In my opinion, the Republicans squander this opportunity with an irresponsible tax cut. As Senator DURBIN has said, it is targeted to the wealthiest; it is going to risk Social Security and Medicare; it is going to make it impossible to do a prescription drug benefit; and it is going to make it impossible to invest in education and the environment and the kinds of things the American people want.

Why do I say this? Because the Senate Republicans take the nondefense discretionary money—in other words, the money we can spend on education, the environment, Medicare, and the rest—and they actually cut it below a freeze. This is not me talking; this is the Congressional Budget Office. They say a freeze is $296.1 billion; the Senate Republicans come in at $289 billion.

That is unrealistic, and it is not what the American people want. They do not want a risky tax cut. They want a targeted tax cut to the middle class, leaving enough money to invest in their priorities. This is the hub and the nub of the problem.

The Republican budget cuts domestic priorities—$89 billion to $117 billion of domestic cuts between 2001 and 2005.

What does this mean? Let's talk turkey about what this means.

Education: It will prevent the hiring of 20,000 new teachers to lower class sizes.

Head Start: 62,000 fewer children served.

Basic research: 19,000 fewer researchers receiving support.

Environment: Funding eliminated for all 15 new federally led cleanups.

Law enforcement cuts: No funds for hiring additional police officers.

The Republicans have admitted it. They said: We will take these tax cuts one salami slice at a time. That is what Senator LOTT has said; he has admitted it. And he shows the different salami-sliced tax cuts:

$182 billion for the marriage penalty tax. We know we need to fix that problem. It does not take $182 billion to do it. We can do it for less;

$122 billion in small business tax breaks. We can do it for less;

$21 billion tax breaks contained in the education savings account that go to the wealthiest among us.

It goes on and on. They are doing it one salami slice at a time, and it adds up to one big salami which is going to put us back in the red. It is going to use the entire non-Social Security surplus and maybe even dip into the surplus.

Senator DURBIN showed my colleagues the Bush tax cut. I want to ask one question: Is it fair to give a $50,000 a year tax cut to people earning over $300,000 a year? It is unbelievable. People work for the minimum wage. They make $11,000 a year. The wealthiest will get $50,000 a year.

I ask unanimous consent for an additional 3 minutes to conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. This Bush tax cut is not fair. This is not fair. It jeopardizes our economic recovery. Do my colleagues know what people who are in the bottom 60 percent with incomes below $39,000 get? They get back $249 a year. If one earns over $300,000, they get back over $50,000 a year. It makes no sense. Why not give the tax breaks to the people who need it, not the people who do not need it. Their tax burden is not overly high. They are doing very well, thank you very much.

Some of the wealthiest people in America live in California in the high-tech sector. Do my colleagues know what they tell me. They say: Senator BOXER, don't do this. I don't need the money. I am making millions of dollars. I don't need a risky tax break that is going to jeopardize this economic recovery.

It makes no sense.

Mr. REID. Will the Senator yield on my time?

Mrs. BOXER. Yes, I will be delighted.

Mr. REID. Did the Senator read the newspaper articles a week ago Sunday that started in the Post and ran all over the country about the Federal income tax burden on the American people being the lowest in the last 40 years in some categories and in other categories in 50 years?

Mrs. BOXER. Yes, and I have referred to them in these remarks. It was a tremendous series that essentially showed the average families paying less of a burden in Federal income taxes. It makes no sense at all to give back $50,000 to the people earning over $300,000 and set at risk this amazing economic recovery. The American people want debt reduction, and that is what our Democratic alternative offers.

I say to my friend, doesn't he think that is the wise thing to do—debt reduction and sensible investments in education, the environment, and other priorities, and targeted tax cuts to the middle class?

Mr. REID. Mr. President, I say to my friend, a reduction in the national debt, which is over $5 trillion, by paying less in the way of interest on the debt every year would be a tax reduction for everybody; is that not true?

Mrs. BOXER. There is absolutely no question. I know my friend knows this, but I want to quote to him Chairman Alan Greenspan, a Republican, who said:

> Saving the surpluses is . . . in my judgment, the most important fiscal measure we can take at this time to foster continued improvements in productivity.

He says basically pay down the debt, and the Republicans are blinded on that point. They have a Presidential candidate who has made a bad decision. He will not back off from it. The people are going to understand that it is going to put our economic recovery at risk. We have to save Social Security. We have to save Medicare. We need a prescription drug benefit for our senior citizens, and we need to be wise and continue this economic recovery.

In conclusion, I hope the Democratic budget proposal will win the day. Having said that, I am a realist, and I know we are going to see a party-line vote for this Republican budget. I will say unequivocally, the Democratic plan reduces the debt; it makes investments in Medicare, the environment, and education. I hope we will not turn our backs on this economic recovery. The American people want it to continue.

I thank the Chair. I thank my chairman for allowing me this time.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Mr. DOMENICI. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, somehow, I guess because the President is pretty good at coming up with words, we hear that what we are attempting to do is risky. That is a nice word, "risky." I submit that if the American people knew how much the President was increasing domestic spending for next year's budget, they would say: Mr. President, that's too risky.

A 14-percent increase in the domestic programs of this country is what the President has in his budget this year. I want to talk about what that really means.

Either that is a one-time event and the President does not think we have to do it again in the next year, the year after, or the year after—just one time; it happens that one time in an election year—right now—if you think it is just an election year number, you ought to discard it and decide what you really need. That is what we tried to do. We think it is a political budget.

Let me flip the coin and say why I am entitled to believe it is a 1-year budget phenomenon in a political year. I think I have to say perhaps it is not. Perhaps it is what Democrats think we ought to spend—a 14-percent increase.

I have a chart that shows what will happen to the surplus and the Social Security surplus if we increase domestic discretionary spending 14 percent a year for 3 years. We will start to use up the entire surplus, and we will begin to use the Social Security surplus. That is how important it is that we keep spending under control.

With a 14-percent increase in discretionary domestic spending—that is the 13 bills we do each year, less the defense bill—this chart shows the on-budget surplus spent and the money raided from Social Security in the gray and yellow.

Just look at the chart. The total surplus is shown by the red line. Look at what begins to happen to the surplus as we increase this budget 14 percent a year just on the discretionary domestic accounts. By the year 2003, it gets very close to our starting to use the Social Security surplus, and by 2004 we are. Clearly, by 2005, we will have used the Social Security surplus. We will have begun to use all of the surplus because of the 14-percent increase.

Frankly, I think that sort of tells the tale. Obviously, I do not believe that is going to happen. The 14-percent increase is unparalleled, other than in 1 year under President Jimmy Carter. I do not think, even at the President's behest, we are going to do anything like that.

But I have two other points I would like to make. One, my good friend, Senator LAUTENBERG, and the Senator from California, Mrs. BOXER, keep referring to how much we are going to reduce Federal expenditures. They keep using the word "real." Everybody who is in earshot of this floor debate should understand that the word "real" has a technical meaning Republicans have decided we will not use.

If you want to look at what is spent by our Federal Government every year in the appropriations accounts and you want to say it is entitled to "real growth," that means every single solitary account of the Federal Government grows each year by the rate of inflation.

I do not think the average American assumes that if you do not let it grow at the rate of inflation every year, you are cutting things. Many people live with a frozen budget; they do not have any more the next year than they do this year.

We start with the assumption that everything is frozen, and then we decide what to add back. We have done that for a few years because it is a huge increase in Federal expenditures when you assume every account in Government will go up by the rate of inflation every year. We call that a nonincrease. We call that a neutral budget. We call that a budget that does not spend any new money. Everybody knows it spends new money over the previous years to the extent that you add inflation to every single account, bar none. Frankly, everyone knows you do not have to increase every account in this Federal Government by the inflation rate of every year.

So what do we do? We start with: Let's freeze it and see how much we have left over. To my amazement, and contrary to the numbers that have been talked about here on the floor by the other side, if you do that and say to Americans, we are going to start at zero and we are going to add back, we have a surplus of $400 billion over the next 5 years.

Of that, we are going to spend $230 billion. In other words, our budget, in the next year and the succeeding years, adds $230 billion to a base of about $570 billion. We have a $400 billion surplus. We are going to spend $230 billion. We are going to say: If Congress can, and the President will, we will have tax relief of $150 billion. We will have debt reduction of an additional $20 billion. Essentially, that is a pretty fair allocation of our resources. If, in fact, we do not get the tax reductions, every bit of it will go on the surplus.

There is no difference between the Democrat budget they will propose and ours on debt reduction. We are both about $1 trillion over the next 5 years. But our budget, the one for which we ask the Members to vote, has $174 billion in debt reduction—$174 billion in the first year, $1 trillion over the 5 years.

Let's get back to the tax relief. Mr. President, $150 billion over 5 years; $13 billion in the first year. The ratio in the first year of tax relief to deficit reduction is $13 of debt reduction to $1 in tax relief.

How much is enough?

Should the ratio be $50 to $1? Should it be $40 to $1? It is $13 to $1 in the first year. Over the 5 years, it is $8 in deficit reduction for $1 of tax relief. I think that is pretty good.

I repeat, if we start with a freeze and add back, rather than starting with the budget that adds back inflation to everything and calls anything we reduce from that a cut, we will be spending $230 billion over those 5 years, increasing our national defense spending and our domestic discretionary spending.

If we just averaged them per year and took 5 into $230 billion, what would that be? Five into $200 billion would be $40 billion a year. About $46 billion to $50 billion each year in new spending is available under this budget resolution. If we start with the premise that everything is at zero, and we add it back, we are going to add $230 billion over 5 years, which is somewhere between $45 billion and $50 billion a year.

How much is enough?

I believe what we have just described is plenty. We can improve and enhance the accounts in our Government, such as education, military, National Institutes of Health, things we all know should go up substantially, but we do not have to increase every single program in Government.

As I said in my opening remarks, if we only had the gusto and enthusiasm to reform the discretionary accounts, we have a litany of things the Government Accounting Office says are duplication of effort. There are 342 different programs spread in five Departments for economic development. These things can be put together in a way that we will spend less, save the taxpayers dollars, and, yes, provide them with some tax relief in areas such as the marriage penalty, affordable education, patients' rights, and a small business package. If you add those up, nobody thinks those are the wrong things to do. Everybody thinks they are on the right track. We make room for the Finance Committee here and the Ways and Means Committee in the House to do it.

I will comment just for a moment on Medicare. In this budget resolution, we have $40 billion for Medicare reform and prescription drugs. The President wants to make a political issue out of Medicare. I think with this budget resolution he is finished. The President cut Medicare by knocking down the providers. Then the net amount he provided for Medicare prescription benefits and reform was $15 billion.

Nonetheless, we will hear them say we are not doing enough. I am sure they will find a way to say we are not doing enough. This budget resolution has $40 billion. It was provided by an amendment by Senator SNOWE of Maine and Senator WYDEN, who cosponsored it, and Senator SMITH of Oregon was a principal proponent, and it was accepted by the committee. There were no negative votes.

Incidentally, just as an aside, while to me it doesn't make that much difference, the Democrat members of the Budget Committee offered a total substitute, and their Medicare additions were less than what is in the Republican budget resolution, so I don't know that they have any room to complain. They had $35 billion in theirs; we had $40 billion. So I think we are within the parameters of getting something done that is bipartisan. I hope it is led by reform and efficiency. We should not add big benefits to a program that is going to run out of money until we get some reform.

Mr. INHOFE. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. INHOFE. First of all, I compliment the Senator on the time and effort he has devoted on probably the most difficult subject and working out some of these problems.

I have an amendment I wish to offer. I understand it is not going to be appropriate until later on. I want to tell you what it is. It is a sense of the Senate on fully funding impact aid. I notice that S. Con. Res. 101 does address this. It says:

> It is the sense of the Senate that levels in this resolution assume that impact aid programs strive to reach the goal that all local education agencies eligible for impact aid receive a minimum of 40 percent.

Now my concern would be this. In the State of Oklahoma, overall, we are at about 36 percent now. However, we have some well below that and some above that. In this sense of the Senate, would it be assumed that those below 40 percent would be raised to 40 percent but not that those who are above it would be reduced to 40 percent, or some level lower than they are currently?

Mr. DOMENICI. The Senator is correct.

Mr. INHOFE. Mr. President, later today, I will introduce an amendment to the budget resolution concerning impact aid. It is a sense-of-the-Senate resolution and is very straight forward, it simply recognizes the importance of impact aid and states that it should be fully funded. Now, I realize that there are too few dollars chasing many worthy programs, but impact aid is a promise, that we, the federal government, have made to the states. I believe we should live up to our obligation and fully fund this program.

For those colleagues who are unfamiliar with impact aid, allow me to briefly describe the program. It is one of the oldest federal education programs, dating from the 1950's, and is meant to compensate local school districts for the "substantial and continuing financial burden" resulting from federal activities. These activities include federal ownership of certain lands as well as the enrollment in local school districts of children of parents who work and/or live on federal land. The rationale for compensation is that federal government activities deprive the local school district of the ability to collect property or sales taxes from these individuals (for example, members of the Armed Forces living on military bases, or Native American families living on reservations) even though the school district is obligated to provide free public education to their children. Thus, impact aid is designed to compensate the school district for the loss of tax revenue.

If the program is fully funded, the formula used to determine a local school district payment is fairly straight forward. Each child is assigned a weight based on the type of "federal activity" the family is involved in. For example:

Indian Children on reservations	1.25
Military children on post	1.0
Military children off post	0.1
Civilian children on reservation	1.0
Civilian children off reservation	0.05
Low rent housing	0.1

Next, the weighted student count is multiplied by a cost factor which reflects the greater of one-half of the state average per-pupil expenditure or one-half of the national average per-pupil expenditure. The local school district provides this information to the U.S. Department of Education who in turn writes a check to compensate the district for the loss of revenue.

In my state of Oklahoma, if the Impact Aid Program was fully funded, we would have received $63 million in fiscal year 2000 as opposed to $23 million we received. That is a difference of 63 percent. This chart shows what each state would have received in fiscal year 2000 if the program had been fully funded versus what they receive through the formula. As you can see all states do better with full funding and 35 states would have their payment increase by 50 percent or better.

I would be remiss, if I did not acknowledge that the appropriators have worked very hard to increase funding for impact aid. In fact, in each year since fiscal year 1995, there has been an increase in impact aid.

However, I believe we need to realize how not fully funding this program hurts local school districts. When this program is not fully funded, the federal shortfall has to be made up with local dollars which means that projects that would have been undertaken have to be postponed. My staff has done a little research into what type of spending is postponed. What they found is very telling of the type of pressure the federal government is putting on our schools because we fail to fulfill our obligation to them. For instance, the consequences of not fully funding impact aid means schools cannot afford to:

Buy handicapped accessible buses; buy classroom computers; buy computer upgrades; buy textbook replacements/updates; hire teachers to lower pupil teacher ratio; hire necessary staff for Special Education programs; hire necessary staff for Gifted and Talented programs; provide professional development for staff; provide adequate building security; provide for remedial instructional needs; or do basic building maintenance.

Full funding of impact aid means that local dollars that are now being used to offset lack of federal dollars can be used to take care of the above mentioned needs. For the school district it is like getting two dollars for every one dollar because it frees up their dollars to purchase buses, do building maintenance or hire additional staff to lower pupil/teacher ratios.

Mr. President, full funding of impact aid is not a luxury, it is a necessity. Our schools are in a funding crisis that the federal government has created because we have failed to fulfill our commitment to them. We must compensate them for lost revenue because of federal activity in their area that prevents them from collecting sufficient property and sales taxes. This is not a handout; it is an obligation by the federal government to make school districts whole. I urge my colleagues to support this resolution and join me in asking the appropriators to fully fund impact aid for fiscal year 2001.

Mr. DOMENICI. Mr. President, I might put the importance of Senator INHOFE's amendment into perspective relative to the President's budget. He proposed to cut impact aid $136 million. We rejected that in our budget resolution, and the Senator, I assume, is on the floor supporting what we did and wanting a clarification.

Mr. INHOFE. Yes. If the Senator will yield further, I do support what the chairman is doing. I would like to do more. Impact aid is a promise; it is an obligation. We have taken things away from the tax base that preclude States from financially supporting their schools, and it happens that between our military installations and our Indian population and some of the unique ways we handle it in the State of Oklahoma, we are impacted greatly by this program.

So I appreciate the fact that the Senator has made an effort to stop the President in his budget from reducing impact aid, but I would like to do a little more if I could.

I thank the Senator.

Mr. DOMENICI. Mr. President, I want to insert in the RECORD—because we speak of the President's budget and Medicare and, frankly, the President talks about how much he wants to spend for prescription drugs. But hidden in the budget are cuts in the program that he assumes will go toward prescription drugs and reform.

I just want everyone to know I don't believe a bipartisan committee in the Senate, or the House, would approve of the President's cuts in this health care program. Hospital cuts in the cycle of this budget for 5 years are $6.8 billion; $2.1 billion is reduced in terms of what is going to be allowable from cancer treatment clinics and other outpatient clinics providing certain kinds of drug treatments that are already covered by Medicare, and a $3.7 billion reduction from the Medicare Choice health plans, including plans in low-cost States, such as Oregon, New Mexico, and Minnesota.

Frankly, I don't think we are going to do that. So when we put our budget together, we rejected that and added $40 billion in two installments, which was the Snowe-Wyden amendment, and I add Senator SMITH from Oregon as the prime sponsors. I will submit those reductions for the RECORD. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CLINTON-GORE MEDICARE PLAN

[CBO Estimates, in billions of dollars]

	2001	2001–05	2001–10
Hospital Cuts	−0.4	−6.8	−21.8
Cancer Drugs and Other Drug Cuts	−0.2	−1.0	−2.1
Medicare+Choice Health Plans	0.0	−3.7	−14.5
FFS Selective Contracting, Etc.	0.0	−1.6	−6.0
Other Provider Cuts	−0.3	−2.9	−8.3
Total Provider Cuts	−0.9	−16.0	−52.7
Beneficiary Cost-Sharing	0.0	−0.1	−2.2
Medicare Buy-In Proposals	0.0	−0.1	0.2
Competitive Defined Benefit	0.0	−2.1	−13.7

Mr. DOMENICI. Mr. President, I once again say if any Senators would like to be heard prior to our 12:30 luncheon, I am here to yield time to them. We won't have amendments until after our respective policy and caucus lunches. Since nobody is here, I will make a couple of observations about the American economy.

There are some things about the American economy we continue to call phenomenal. We continue to look at the American production machine, which is a sum total of all the efforts of American workers, American business, American investment. Our gross domestic product, the sum total we have available, is growing and growing. It has reached a very high level of about $9 trillion.

The world looks at us and wonders how in the world are we doing this. We don't have very much inflation. We have the highest level of employment we have had in decades. We have annual growth that is still shocking the economists who were quite sure we could not sustain the kind of growth we have. We have Europe looking at us and saying maybe we had better get over there and invest, start buying into their companies. We have a country we all were frightened of named Japan. Many people used to come to the floor and say, "Why don't we follow Japan and have a planned economy?" I am very glad nobody chose to do that in America. And look at what happened to the respective competitiveness and growth and prosperity of the two nations. I wish them the best, obviously, but we are doing rather well.

I suggest there are three or four things that make this work. I think we should look at them very carefully because what is going on in the other capitalist countries and democracies in the world is very different. We have been committed to the proposition that America prospers on low taxes. Now I understand that most of us think the percent of the gross domestic product that goes to taxes is too high. There is no question that the percent of our gross domestic product that goes to Federal taxes is the highest it has been since the Second World War. But, in essence, when you compare America's taxing of itself and its activities and its people and its workers, we are a low-tax nation.

I believe if we do not continue to keep it a low-tax nation but, rather, succumb to a high-tax status such as those competitors we have in the world, we are going to end up being exactly like them. A high-tax country, such as Germany, lives with 10, 11 percent unemployment because they have imposed on all their employers to pay for the welfare benefits of their nation. Yet, on top of them, they have to keep very large taxes. They wonder why it doesn't work. We sit over here saying, thank God we are not taxing like them. We haven't yet decided to impose on our businesses, beyond what they ought to be sustaining on their shoulders so they can invest and grow.

Secondly, while we declare regulations, I think the time will come—perhaps with a new President—when we will look carefully at the overregulation in certain areas of the economy, including whether environmental laws are reasonable or unreasonable in many areas, to compare with those competing with us. We don't have regulations that stymie small business and stymie growth.

It is almost impossible for small business to grow in Europe as it does in America because right off the bat their rules and regulations make it practically impossible. We are very fortunate. We have less regulation. We need to have less of a burden of regulation if we want to continue to prosper and grow.

Last theory: Innovation and high productivity are now natural parts of the American economy. We are not sure how all that happened. I believe we are underestimating productivity growth because I don't think we quite know how to do it in a service-oriented economy built on computers and modern technology. But I believe that because of innovation, improving technology, and lowering of prices for technology that productivity is growing at a very high rate. It is higher than we are estimating it.

When you add low taxes and less regulations than our competitors have, urging that we do better in both, that we stick to these lower taxes by putting in a tax reduction in this bill, tax relief that will keep us on that path, and waiting for somebody to occupy the Presidency that will reform our regulatory system and continue not to stymie employers with reference to their workforce, mobility, and so forth, we are going to have great sustained growth for a long time.

I don't choose to lay the credit on who did it, but it is clear that a lot of people are responsible. Congress has done a whale of a job in the last 7 or 8 years in reducing entitlement spending and reducing overall expenditures of Government. It is something of which we can be very proud.

In addition, we entered into a bipartisan agreement that balanced the budget, that had a very significant effect on lowering the cost of Government over that period of time. We should stick to that and not go with something such as the President is asking for, to increase domestic discretionary spending by 14 percent, a risky proposition, I would call it, in light of the prosperity and how we are going to get it.

What else is new? I have to say the most significant new dynamic is the commitment on the part of the Congress and the President not to spend the Social Security trust fund.

I am very proud I was among the first to challenge the President by saying his idea of saving 62 percent of it was inadequate; let's save 100. I am very proud that I came up with the "lockbox" idea of locking away the Social Security trust funds.

This is the new dynamic I believe over the long run will keep America prosperous because it will continue to pay down the national debt way beyond what anybody ever thought we could. As a matter of fact, if we stay on that path, sometime into the second decade of this century we will totally get rid of the national debt. Most of that is because of the lockbox. Most of that is because of the new dynamic that says don't spend Social Security trust funds.

We are very proud of that. We are glad it is hugely bipartisan now. We take great credit in getting that started and challenging the President, who, for the first time this year, submitted a budget that does not use any of the Social Security money for general government and, I say to my friend, Senator GRASSLEY, the first budget of the President that recognizes the principle that we will not touch Social Security surpluses and lock it up. We still need a vote on a lockbox because that requires 60 votes to breach that line to not use any of the money from Social Security for Government.

When you add all of this up, I believe it is easy to say to Americans that we want to spend more. We want to give you more. The Government should be spending more than the Republicans have in this budget resolution. But I believe we are on the right track.

I think when we put every penny of Social Security money into the trust fund, and then add about $7 billion or $8 billion out of the non-Social Security surplus, we are being cautious. We are saying we are not going to spend that non-Social Security surplus. We are going to also put it into the debt.

In closing, the next President has a big job—I hope it comes from our party—because I believe he will find a Government loaded with duplication, loaded with programs that are 30 years old and are not the programs of today, and he will have to find a way to put many of those into a place they should have been for a while; that is, totally removed from the budget of the United States. We will have some real priorities that we have been discussing in our budget resolution talking about where the American people would like to spend more money. It is not on the myriad thousands of Federal programs, many of which should not be around.

With that, if anybody would like to speak, I will yield to them.

Again, at 12:30 we are going to our caucuses. We will be ready for amendments at 2:15.

I yield the floor.

Mr. President, I yield whatever time the Senator from Iowa needs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to address the issue of the agriculture function in this budget.

I thank Senator DOMENICI, chairman of the committee, for the foresight that is represented in this budget, in two respects.

No. 1, for the foresight of including money in the budget for the proposed Federal Crop Insurance Program that already passed the Senate. Last year it passed the House. Hopefully, very shortly it will be sent to the President for his signature so that by the year 2001 the farmers of America will be able to manage their risks to a greater extent and be less dependent upon the political whims of Washington, which sometimes is the case, and whether or not there is a natural disaster. Will Congress pass the disaster aid? That is passed to help family farmers, not only when you have a drought but also when we have floods, hurricanes, and earthquakes. When there is a natural disaster, money is appropriated to help people in need at that particular time.

Last year, Senator CONRAD of North Dakota and I were able to have money included in the bill anticipating the availability of funds in case Congress passed crop insurance reform. The House got the job done last year. The Senate did not get it done until this year. We are building upon that $6 billion which was put in last year's budget with money through the year 2005 for the continuation of that program.

I thank Senator DOMENICI and members of the budget committee for the foresight of encouraging risk management by the American family farmer rather than relying upon the political whims of Congress. Sometimes the family farmers find themselves in that position when there is not adequate crop insurance protection. This is where the individual family farmer makes a decision to participate.

By having a better Crop Insurance Program, we hope we will not only encourage participation by a number of farmers but also encourage their participation at a higher level of protection than ever before.

We think this budget and the program that passed the Senate give encouragement to farmers. We are trying to give one more additional tool to the farmers. That should have passed in 1996, the last time the farm bill was passed. It was a tool that was supposed to be given to farmers at that time but it was not.

So at this late stage with this budget, finally we are fulfilling one more promise of the Congress in the 1996 farm bill to give farmers continuity through a longer farm program, rather than the usual 3- to 4-year farm program, and tools to manage their own decisions rather than waiting upon bureaucrats in Washington, DC, to make those decisions as to what the farmer can plant and how much of each commodity can be planted in order to qualify for the farm program.

Beyond that, this budget also includes $5.5 billion of additional payments for the year 2002 and beyond so we can help keep the promise to the farmers that Congress made in the 1996 farm bill that there would be a sound safety net for the farmers throughout the life of the 1996 farm bill.

In 1996, we projected it would cost $43 billion for the crop-years throughout the 7-year farm bill. We anticipated then a certain amount for the year 2002 as we did in 1999 and 1998. Because of the lowest crop prices in 25 years, what we projected in 1996 to be that safety net for farmers was not adequate. So in 1998 there was additional money injected late in the budget year and also at the end of the crop-year. In the year 1999, there was an additional amount of money at the end of the budget year and at the end of the crop-year.

Congress was expressing its commitment to the family farmer to keep a safety net and income support for farmers when there were things in the price scheme for grains beyond the control of the individual farmer. That dates strictly back to the Southeast Asia crisis when exports took a downturn and to the unpredictability of four very good crop-years, bringing the lowest level of income for farmers for 1998 and 1999 for grains, and in some cases livestock that was the lowest in 25 years. Congress then put in additional money in 1998 and 1999.

This budget is somewhat different. This particular budget—again I say this to compliment the Senator from New Mexico for his foresight—includes $5.5 billion because we expect the same low prices for the 2002 crop-year as we expected in 1998 and 1999. It might turn out otherwise. From everything we know now, that tends to be the situation. The compliment is not only for the $5.5 billion in this budget; it is for the foresight that is represented by having it figured in ahead of time—not at the end of the crop-year, not at the end of the budget year but at the beginning of the budget year and about the time that farmers are getting their loans lined up for this crop-year and about the time they are planting this crop-year so the farmers go into this crop-year with more certainty than they had in 1998 and 1999. The Congress would keep its commitment to make sure there was a smooth transition and that there was a sound safety net for farmers as promised in the 1996 farm bill.

Everyone knows the simple commonsense answer to prosperity in agriculture is the ability to export. The only way there is going to be profitability in farming is through the ability to export. When you are a farmer in the Midwest and you produce more than one-third for domestic production, you know that the only way there will be money made, the only way there will be higher prices is if there is a worldwide demand and you are able to export.

We talk about a safety net and about appropriating $5.5 billion that was not anticipated when the 1996 farm bill was passed. I say that in the vein of helping farmers keep things together. It is not profitability in farming. When it comes to income of farmers, common sense dictates two sources of that income: One, public money coming through the farm program but not guaranteeing profitability or, two, from the private sector, which basically means the ability to export and to have those export markets and having our Government do what it can to promote our exports so we find foreign markets. That is where the profitability lies. That is where the American farmers want to receive their income—from the private sector and not from the public treasury.

However, we cannot always anticipate four good crop-years in a row to bring about an abundance of production and a downturn in prices. We cannot anticipate the Southeast Asia crisis or other things that tend to bring about a downturn. The Southeast Asia financial crisis brought a downturn in exports. That is why we have the 1996 farm bill. That is why we have the safety net we promised. That is why in this budget we are supplementing that by $5.5 billion.

For the taxpayers who are listening and wondering why they would be helping the family farmer, that there ought to not be more control by the individual family farm manager—that is the farmer himself, in his productivity and his ability to export—I think I have answered that question to some extent. Whether you have a drought or whether you have a massive amount of rain that will produce in overabundance, the farmer is not in control. When governments in Southeast Asia made bad judgments as to their banking industry and we had the Southeast Asia financial crisis and the economies in a downturn over there and we did not export to them, those were all things beyond the control of the individual family farmer—hence, a safety net for the family farmer and consequently some costs to the taxpayers.

What does a person in the city or the general taxpayer get out of this contract we have with the family farmers of America, this social contract? They surely get an abundance of food so when they go to the supermarket they don't have to worry about whether there is enough food. That is not true a lot of places outside the United States, places with malnutrition, where there are droughts and where they live from hand to mouth for a daily supply of food.

It used to be that in the Soviet system of agriculture, and of their command and control economy, consumers in Russia did not find their supermarket shelves stocked as well as they were in the United States of America.

For the consumers who think they are paying too much for their food, I suggest that as a percentage of their disposable income they are spending less on food than any consumer in any country in the world. Consequently, we do have this social contract between the people of this country and the family farmers of America to maintain a safety net so there is a stability that maintains the institution of the family farm. The institution of the family farm is that entity that guarantees to the consumer of America this supply of food that is in good quantity and in good quality, at the lowest percentage of disposable income to pay for it of any consumer in the world.

I hope we make it clear in this budget that Senator DOMENICI has put together that we are keeping our commitment to the family farmer, making sure there is an adequate supply of money for the safety net we promised in the 1996 farm bill.

We are giving the consumer, the other half of this social contract, a guarantee of an adequate supply of food, good quality food at a low price, and we are also giving farmers some tools to manage their own businesses to a better extent through money for the Crop Insurance Program so, in turn, they are not subject to the whims of each Congress, whether or not we are going to appropriate the money that ought to be appropriated to meet our commitment to be an insurer of last resort—in other words, appropriating the right amount of money wherever natural disasters might happen, whether it be earthquakes in California or droughts in the middle west.

I hope we are not going to hear on the floor of the Senate during this budget debate that we do not have a safety net for farmers. What do our colleagues think this $5.5 billion is for or the $9 billion-some we appropriated in 1999, or the $6.5 billion additional supplement we appropriated in the crop-year 1998, in addition to the $43 billion that was in the 1996 farm bill, total for the next 7 years? If that is not a safety net, what is a safety net?

If somebody comes up here and says the present farm bill is not a very good farm bill, all they have to do is go back to the old farm bills that were in existence from the 1930s until 1996. We saw Congress supplementing the old farm bills because the safety net that we suspected would be needed for the ensuing years of that farm bill was not adequate. I do not want somebody to say there is a big tear in the safety net for farmers under the 1996 farm bill because there have been big tears in farm bills for previous years when Congress added funds.

The fact is, Congress uses the best judgment based on what climatologists and economists can give us to make our decisions about what we ought to provide in a farm bill for whatever the duration of that farm bill. This one is 7 years; previous ones have been 5, 4, and 3. But, as best as we can guess ahead when we pass that farm bill, we cannot anticipate all the exigencies that might come about in those ensuing years. So we find Congress responding to that safety net that might have a hole in it from time to time, to knit that hole in the safety net so we keep our commitment to the family farmers that we are not going to keep them hanging out there by themselves, whether because of natural disaster or political decisions made in some foreign country or even domestic political decisions made in this country or even international trade decisions that are made that are beyond the control of this Congress. Some of the exigencies are only in the hands of God. Can we anticipate all of those? No, we cannot, whether it is under a Democrat or Republican President, whether it is under a Democrat Congress or a Republican Congress. We have people making judgments, when we pass a farm bill, of what are going to be the situations with weather and world economics over the next few years. We make the wisest decisions that can be made based on the information that is available. Still, sometimes we come up short.

I do not want to hear anything about not having a safety net for farmers, or our not keeping our commitment to American farmers for that safety net with the anticipation that this world economy is going to turn around and this oversupply that has come from 4 good crop-years—not only in the United States but worldwide, to bring about an oversupply—is not going to be with us all the time and we are going to, again, pick up our exports; we are going to, again, have somewhat normal production. The farmer is going to get that profit from the marketplace that is anticipated.

All we are doing in this farm bill, as we did in 1998 and 1999, is keeping our commitment that when the profitability in the marketplace is not there the Congress of the United States is going to keep its commitment—the social contract we have between the people of this country and the family farmer—that there is going to be a supply of food of a good quality, good quantity, and at a price the consumer can afford.

I thank the chairman of the committee for his commitment to the farmers of America. I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRASSLEY, not only for his kind remarks but for his observations, which are totally accurate. I think that was a very good summary of where we are, where we have been, and what we are trying to do in this budget resolution for the farmers in this country.

I think the Senator knows. He was here, giving this few moments of reflection, anticipating somebody will always want more, and we will be confronted with that, even on this budget resolution. I thank the Senator for his statement. I will be using it later on, within the next 2 or 3 days.

Senator SPECTER wants to speak. I will yield to him as much time as he would like from our side, if I might first make two observations.

First, I wish to summarize the tax situation to which I alluded, in terms of taxes on America imposed by government. The total tax burden today—that is, State and local and Federal—has never been higher. Second, the Federal tax burden has never been higher, except at the end of World War II. Those who talk about rates and who pays and talk about the article that was in the Washington Post a few days ago, ignore some things about middle-income Americans I will address later. But actually the total amount of money the Federal Government takes, as a portion of the productivity of America, has never been higher since the Second World War as a percent of the gross domestic product.

Third, the U.S. is in a period of budget surpluses, which are projected to grow, for certain over the next decade and maybe for decades beyond that. So, in a sense, we are beginning to define the surplus. We Republicans say that except for that which is Social Security, some portion of the surplus should go back to the taxpayer because it represents overpayment. When you have an overpayment, you do not immediately run to spend the money; you want to do something to recognize it is more than you need. In this case, we want to give some back. The President has a difficult time even recognizing that in his budget. He cannot find a way, in a bona fide manner, to support a tax cut for the American people. He talks about cuts but he raises taxes more than he cuts. He cannot seem to come to the conclusion that a little piece of that surplus should go back to the American people.

I yield the floor. I yield to Senator SPECTER as much time as he desires.

The PRESIDING OFFICER. The Senator from Pennsylvania.

OVERSIGHT POWER

Mr. SPECTER. Mr. President, I have sought recognition to comment on a pending inquiry by the Judiciary subcommittee on oversight on the Department of Justice related to two subpoenas which were issued by the full Judiciary Committee to two individuals, one a former assistant U.S. attorney for the Central District of California and the second, a current employee at the Department of Justice, here in Washington, DC.

The reasons for the request of the issuance of these subpoenas have been set out in the public record in a variety of places, but I thought it useful to summarize the background of the applicable law at this time because there is some public concern about exactly what is going on, why it is going on, and what are the precedents.

Yesterday in the respected Legal Times, there was a balanced account of the request for the subpoenas and the issuance of the subpoenas, but the account, as is necessary in a relatively short publication, did not spell out in detail all of the background, which I propose to do at this moment. Some of what I say on the floor of the Senate will be supplemented by a memoranda which I will ask to be made a part of the RECORD.

The essential facts are these: The oversight subcommittee is looking into the plea bargain entered in the case of a man named Dr. Peter Lee in 1998. Dr. Lee had confessed to two very serious instances of espionage. In 1985, Dr. Lee provided to the scientists of the People's Republic of China information about nuclear energy. In 1997, Dr. Lee again provided to scientists of the People's Republic of China information about detecting submarines.

When the matter moved through the process between the assistant U.S. attorney in California to the Department of Justice, involving the Navy and the Department of Energy, there was a serious failure of communication.

I interviewed the assistant U.S. attorney at length in Los Angeles on February 15, and that individual told me—and it is a part of the record—that he was denied permission to seek a serious charge against Dr. Lee but was authorized only to file a criminal complaint under section 1001 of 18 U.S.C., a false statement, but could not file serious charges of espionage.

Records of the FBI and the Department of Defense, which our subcommittee has uncovered after laborious, painstaking efforts, disclose that the Department of Justice was prepared to authorize a prosecution under 794, which is a serious espionage statute which carries a penalty of up to life in prison or the death penalty. I am not suggesting the death penalty was appropriate or life in prison was appropriate, but that is what was provided. Those serious penalties are sometimes used as leverage to get cooperation or further information, something I saw in some detail when I was district attorney of Philadelphia.

The assistant U.S. attorney says he knew nothing about that. The plea bargain was entered into before there was a damage assessment. After the damage assessment was completed, Department of Energy officials classified the disclosures in the secret category. The Navy Department wrote an ambiguous letter at one stage on November 14, 1997, a letter which was hard to understand because the damage assessment had not been made and, in fact, the Department of the Navy and the Department of Defense, did not make a damage assessment until requested to do so by the Judiciary oversight subcommittee.

When that damage assessment was finally made, they came to the conclusion that it was, in fact, classified information. They disagreed with the Department of Energy's secret classification but did classify it at the confidential level.

Through all of this sequence of events, the key official in the Department of Justice in Washington, DC, has declined to be interviewed. This individual is the key person who dealt with the assistant U.S. attorney in Los Angeles and who dealt with the Department of the Navy.

This is, obviously, a matter of enormous importance. When one combines what was done with Dr. Peter Lee with what was done with Dr. Wen Ho Lee, who is now under indictment, where the Attorney General of the United States admitted she did not follow up on an FBI request for a warrant under the Foreign Surveillance Intelligence Act but delegated it to a subordinate who had no experience in the field. Attorney General Reno failed to follow up on it, and in fact the FBI let the matter lie dormant for 16 to 17 months, and when you add to that other plea bargains in the Department of Justice on campaign contributions involving John Huang, Charlie Trie, and Johnny Chung, and the technology transfer to the People's Republic of China over the objections of the Department of Justice which was conducting a criminal investigation, there is a great deal which needs to be done.

Isolating and focusing for a moment just on the Dr. Peter Lee case, that is what we are looking at and that is why we have asked for the subpoenas.

The arguments in the Judiciary Committee have raised the point that this is an unprecedented event, but that in fact is not true. The Congressional Research Service summarized this issue as follows, and I will be submitting a memorandum which has a fuller citation of authority:

> In the majority of instances reviewed, the testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken formally or informally, and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases.

This goes beyond closed cases but goes to cases which are pending and which are currently being investigated. We have seen a repeated effort by the Department of Justice, under Attorney General Reno, to use a pending investigation as a roadblock to providing congressional oversight, but in fact the cases are to the contrary.

The authority for these issues goes back as far as Teapot Dome and extends as recently to last year with the Committee on Governmental Affairs of the Senate. In Teapot Dome, the select committee heard testimony from scores of present and former attorneys and agents of the Department of Justice. Some of the cases upon which testimony was offered were still open at the time.

The investigation of white-collar crime in the oil industry, an investigation of the failure of the Department of Justice to effectively investigate and prosecute alleged crimes, took place in 1979 when joint hearings were held by the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce. At that time, a Department of Justice staff attorney testified in open session as to the reason for not going forward with a particular criminal prosecution.

That is about what we are looking for here, why the prosecution did not go forward, but why they settled for an insufficient plea bargain which gave Dr. Lee no jail time but only community service, probation, and a fine. In that context, the Department of Justice asked for only a short period of incarceration. It is hard to understand why that would be done when there are documents from the FBI and the Department of Defense which say prosecution would be authorized for a penalty which carried life imprisonment or the death penalty.

In the Rocky Flats investigation in 1992, the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology took testimony from the U.S. attorney from the District of Colorado, an assistant U.S. attorney for the District of Colorado, a Department of Justice line attorney, and an FBI field agent. According to Congressman Howard Wolpe, the Justice Department was initially uncooperative but finally agreed to the subcommittee's requests only after the subcommittee threatened to hold DOJ in contempt.

In 1992, carrying through 1994, the House Subcommittee on Oversight and Investigations conducted an extensive investigation into the impact of Department of Justice activities on the effectiveness of the Environmental Protection Agency's criminal enforcement program. Overall, the subcommittee conducted detailed interviews with more than 40 current and former Justice Department officials concerning the management and operation of the Environmental Division.

For months, Justice Department attorneys stalled on subcommittee requests to interview DOJ line attorneys and sought to deny the subcommittee access to numerous primary decision-making documents as well as documents prepared in response to the subcommittee's investigation.

On June 9 of last year, David Ryan, a line attorney for the Department of Justice OIPR, Office of Intelligence Policy and Review, testified before the Senate Governmental Affairs Committee in response to a committee subpoena.

On September 22 of last year, three FBI field agents——

Mrs. BOXER. Would the Senator yield to me? I am so sorry to interrupt him, but I am confused because I thought we were supposed to be discussing the budget. We have Senators who want to talk about the budget.

Does the Senator have a clue as to how long he is going to continue on this?

Mr. SPECTER. Mr. President, I have an allocation of time from the manager, Senator DOMENICI, for as much time as I shall consume.

Mrs. BOXER. I think under the rules we have to be speaking about the budget.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I thank the Chair.

Mrs. BOXER addressed the Chair.

Mr. SPECTER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mrs. BOXER. Can I——

Mr. SPECTER. Regular order.

The PRESIDING OFFICER. I remind the Senator from California, the Senator from Pennsylvania has the floor.

Mrs. BOXER. A parliamentary inquiry is not in order?

The PRESIDING OFFICER. It is not in order.

Mrs. BOXER. OK.

Mr. SPECTER. To respond to the inquiry of the Senator from California, I intend to speak for about 5 or 6 or 7 more minutes. As I understand the rules, if you have the floor, and if you have been allotted time, you can speak on any subject a Senator desires.

As I was about to say, Mr. President, on September 22, 1999, three FBI agents testified before the Senate Governmental Affairs Committee about the details of their investigation of Charlie Trie. Those individuals appeared under subpoena. There have been efforts to have the subcommittee stand down on some unspecified assurances from the Department of Justice that a way will be found to provide the subcommittee with the information it needs.

That is not practical under these circumstances, where the specific subpoenaed Department of Justice employee was the key link between the assistant U.S. attorney from California and the Department of Defense. But I think it not irrelevant to comment about the failure of the Department of Justice to reply continually to requests for oversight from the Judiciary Committee.

On July 15, 1998, I asked for the Attorney General's opinion as to whether there was "specific and credible" evidence of a legal violation when Mr. Karl Jackson testified that John Huang said within earshot of President William Clinton, "elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the reelection of President Clinton."

That was stated in the White House. The Attorney General responded that she would be "happy to review it with the task force and get back to you," referring to me. She never did so.

I will skip over the March 12, 1999, request, which I will have printed in the RECORD in a moment, and refer now to the May 15, 1999, Judiciary Committee hearing on oversight of the Department of Justice, where the Attorney General agreed to respond in writing as to whether there were any ongoing investigations as to Mr. Fowler and Mr. Sullivan. She did not do so.

At the same time, in response to my questions, the Attorney General agreed to respond in writing as to her thoughts on the plea bargain of Peter Lee, specifically, the propriety of the sentence given the seriousness of the offense. Notwithstanding this commitment, the Attorney General did not respond, which has led to our very detailed inquiry in this matter.

On June 8, 1999, in a closed hearing, in response to my questions, Attorney General Reno promised to write, No. 1, a report within a month on where the Department of Justice stood on prosecuting Wen Ho Lee, which was never done; a report on the Peter Lee plea bargain, which was never done; and details of the Johnny Chung plea, which was never done.

For purposes of brevity, I will skip over requests which the Attorney General committed to and did not respond to on December 2, 1997, July 10, 1998, July 23, 1998, and go to July 22, 1999, when I wrote to the Attorney General requesting all documents relating to the 1996 Federal election campaigns and had only a staff response which provided very little information.

On September 29 of last year, I again wrote to the Attorney General, pursuant to the investigation by the Judiciary subcommittee, to request the 10 pieces of intelligence information mentioned in the DOJ Inspector General Special Report on the Handling of the FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation. Again, no response.

When the Judiciary Committee was considering the subpoenas for the two individuals on March 23—just a couple of weeks ago—I was surprised, in the middle of the proceeding, to see the ranking Democrat on the Judiciary Committee start to read from a letter from the assistant attorney general of the Department of Justice.

The letter showed a copy to Senator HATCH, who had not received a copy of the letter. The letter made a number of references to this Senator. I was more than a little surprised to find a letter would be written and used in that kind of an argument without the basic courtesy of supplying a copy of the letter to me. So, on March 24, I wrote to the Attorney General asking her if she thought it was appropriate for Assistant Attorney General Robinson not to send me a copy of the letter, even though I was a topic of the letter and it involved a matter before the Judiciary Committee where I was the principal moving party.

I ask unanimous consent that the full text of a memorandum from my assistant, David Brog, dated today, concerning many requests of the Attorney General be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Senator Specter.
From: David Brog.
Date: April 4, 2000.
Re: Requests made to AG Reno.

HEARINGS

July 15, 1998—Judiciary Committee Hearing—Oversight of the Department of Justice

You asked for the Attorney General's opinion as to whether it was "specific and credible" evidence of a legal violation when Mr. Karl Jackson testified that Mr. Huang said with earshot of President Clinton, "elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the reelection of President Clinton." The Attorney General responded that she would be "happy to review it with the task force and get back to you." She did not do so.

March 12, 1999—Judiciary Committee Hearing—Department of Justice FY2000 Budget Oversight

You requested that the Attorney General make available to the Committee any writings, memoranda or documents which "deal with Mr. LaBella with respect to his recommendations on independent counsel . . . or whether that issue came up in any of the Department of Justice documents which led to the appointment of Mr. Vega. Attorney General Reno responded that she would be "happy to furnish you anything that I can appropriately furnish you on any matter relating to that." The Attorney General did not follow up by furnishing information or even to say that there was nothing she could "appropriately" furnish.

When you stated that Mr. LaBella was quoted as saying that he did not even get a phone call from the Justice Department that Mr. Vega was going to be nominated, the Attorney General responded that it was her understanding that he did, but that she would check and let you know. Notwithstanding this commitment to respond, she did not do so.

May 5, 1999—Judiciary Committee Hearing—Oversight of the Department of Justice

The Attorney General agreed to respond in writing as to whether there were any ongoing investigations as to Mr. Fowler and Mr. Sullivan. She did not do so.

The Attorney General agreed to respond in writing as to her thoughts on the plea bargain of Peter Lee, specifically the propriety of the sentence given the seriousness of the offense. Notwithstanding this commitment, the Attorney General did not respond.

June 8, 1999—Judiciary Committee Hearing—Closed Hearing

In response to your questions, the Attorney General promised to provide you with the following three things:

1. A report within a month on where DoJ stood on prosecuting WHL.
2. A report on the Peter Lee plea bargain.
3. Details of the Chung plea bargain.

Notwithstanding this commitment, the Attorney General did not provide any of these items.

LETTERS

December 2, 1997

You wrote to the Attorney General requesting that a copy of the Freeh memorandum be made available to the Judiciary and Governmental Affairs Committees. You received a response from Attorney General Reno and Director Freeh on December 8 stating that they must decline your request.

July 10, 1998

You wrote to the Attorney General reiterating your request from December 2, 1997, that a copy of the memorandum from FBI Director Freeh recommending appointment of Independent Counsel on campaign financing reform matters be made available. No response.

July 23, 1998

You wrote to the Attorney General requesting a copy of the LaBella report recommending Independent Counsel. No response.

July 22, 1999

You wrote to the Attorney General (Senator Hatch signed on) requesting all documents in the Department's possession relating to (1) the Department's investigation of illegal activities in connection with the 1996 federal election campaigns, and (2) the Department's investigation of the transfer to China of information relating to the U.S. nuclear program. DOJ staff responded by providing very little information.

September 9, 1999

Together with Senators Hatch and Torricelli, you wrote to the Attorney General regarding the redactions in the transcript of the June 8 closed session hearing. The Attorney General did not respond to you, but instead met separately with Senators Hatch and Leahy on the issue.

September 29, 1999

You wrote to the Attorney General to request the ten pieces of intelligence information mentioned in the United States Department of Justice, Office of Inspector General Special Report on the Handling of FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation (July, 1999). You further requested any analysis available to the Department of Justice related to the validity of the information and its sustainability for use in a prosecution or relevance to a plea agreement. No response.

September 29, 1999

You wrote a follow-up letter to the Attorney General regarding the documents you requested on July 22, 1999. Again, no response.

March 15, 2000

Your counsel, David Brog, was invited to DOJ offices to review the partially unredacted LaBella memo which had already been reviewed by other members of Congress. When he arrived, he was informed that he could not review, the memo, since the new head of the Campaign Finance Task Force had to review it in order to see if further redactions were necessary in light of some ongoing cases.

March 24, 2000

You wrote to the Attorney General regarding a letter from Assistant Attorney General James Robinson which was sent to Senator Leahy in time for the Judiciary Committee executive business meeting on March 23. You asked her for her view of whether it was proper for Mr. Robinson not to send you a copy of the letter even though you were a topic of the letter. No response.

Mr. SPECTER. Mr. President, I ask unanimous consent that the full text of the Memorandum on the Senate's Oversight Power Regarding Subordinate DOJ Employees and Open DOJ Cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE SENATE'S OVERSIGHT POWER REGARDING SUBORDINATE DOJ EMPLOYEES AND OPEN CASES

1. Congress has broad authority to hear testimony from subordinate DOJ employees

and to obtain information regarding open DOJ cases.

Congress has broad authority to conduct oversight of the Executive Branch, including the Department of Justice and the FBI. This authority includes the ability to obtain testimony and documents relating to open DOJ cases, and to take testimony from subordinate DOJ employees such as line attorneys and investigators who have direct knowledge of relevant cases. Congressional oversight authority is succinctly set forth in a recent Congressional Research Service analysis:

"[A] review of congressional investigations that have implicated DOJ or DOJ investigations over the past 70 years from the Palmer Raids and Teapot Dome to Watergate and through Iran-Contra and Rocky Flats, demonstrates that DOJ has been consistently obliged to submit to congressional oversight, regardless of whether litigation is pending, so that Congress is not delayed unduly in investigating misfeasance, malfeasance, or maladministration in DOJ or elsewhere. A number of these inquiries spawned seminal Supreme Court rulings that today provide the legal foundation for the broad congressional power of inquiry. All were contentious and involved Executive claims that committee demands for agency documents and testimony were precluded on the basis of constitutional or common law privilege or policy.

"In the majority of instances reviewed, the testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken formally or informally, and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases. In all instances, investigating committees were provided with documents respecting open or closed cases that included prosecutorial memoranda, FBI investigative reports, summaries of FBI interviews, memoranda and correspondence prepared during the pendency of cases, confidential instructions outlining the procedures or guidelines to be followed for undercover operations and the surveillance and arrests of suspects, and documents presented to grand juries not protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure, among other similar "sensitive" materials. Congressional Research Report,"—*Investgative Oversight: An Introduction to the Practice and Procedure of Congressional Inquiry* pp. 23–24 (April 7, 1995).

2. Examples of prior investigations in which Congress has heard testimony from subordinate DOJ employees and/or obtained information regarding open DOJ cases.

1. Teapot Dome—An Investigation of the Failure of the DOJ to Prosecute Alleged Meritorious Cases

Beginning in 1924, a Senate Select Committee conducted an investigation of "charges of misfeasance and nonfeasance in the Department of Justice" in failing to prosecute individuals involved in the Teapot Dome scandal. The Select Committee heard testimony from scores of present and former attorneys and agents of the Department of Justice and the FBI, who offered detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases. Some of the cases upon which testimony was offered were still open at the time. The Committee also obtained access to Department documentation, including prosecutorial memoranda, on a wide range of matters.

2. Investigation of FBI Domestic Intelligence Operations

Beginning in 1975, the House Judiciary Subcommittee on Civil and Constitutional Rights held hearings on FBI domestic intelligence operations. At the request of the Chairman of the Judiciary Committee, the General Accounting Office began a review of FBI operations in this area. In an attempt to analyze current FBI practices, the GAO chose ten FBI offices involved in varying level of domestic intelligence activity, and randomly selected 899 cases in these offices to review. FBI agents prepared a summary of the information contained in the files of each of the selected cases. These summaries described the information that led to opening the investigation, methods and sources of collecting information for the case, instructions from FBI headquarters, and a brief summary of each document in the file. After reviewing the summaries, GAO staff held interviews with the FBI agents involved with the cases, as well as the agents who prepared the summaries. GAO later did a follow up investigation in which it reviewed an additional 319 cases and held interviews with the agents involved with these cases.

3. While Collar Crime in the Oil Industry—An Investigation of the Failure of the DOJ to Effectively Investigate and Prosecute Alleged Crimes

In 1979, joint hearings were held by the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce and the Subcommittee on Crime of the House Judiciary Committee to conduct an inquiry into allegations of fraudulent pricing of fuel in the oil industry and the failure of the Department of Energy and the Department of Justice to effectively investigate and prosecute alleged criminality. A DOJ staff attorney testified in open session as to the reason for not going forward with a particular criminal prosecution. Although a civil prosecution of the same matter was then pending, DOJ agreed to supply the committee with documents leading to the decision not to prosecute.

4. Rocky Flats—A Review of a DOJ Plea Bargain

In 1992, the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology commenced a review of the plea bargain settlement by the Department of Justice of the government's investigation and prosecution of environmental crimes committed by Rockwell International Corporation in its capacity as manager of the Rocky Flats Nuclear Weapons Facility. The Subcommittee took testimony from the United States Attorney for the District of Colorado, an assistant U.S. Attorney for the District of Colorado, a Department of Justice line attorney and an FBI field agent. It further received voluminous FBI field investigative reports and interview summaries. According to Subcommittee Chairman Howard Wolpe, the Justice Department was not initially cooperative and agreed to the Subcommittee's requests only after the Subcommittee threatened to hold DOJ witnesses in contempt:

"Our investigation was impeded by restrictions imposed by the U.S. Department of Justice. All of the witnesses, upon written instructions from the acting assistant attorney general for the criminal division which were approved by the Attorney General, refused to answer questions concerning internal deliberations in which decisions were made about the investigation and prosecution of Rockwell, the Department of Energy and their employees."—*Statement of Chairman Wolpe, October 5, 1992.*

On September 23, the Subcommittee unanimously authorized Chairman Wolpe to send a letter to President Bush asking him either to assert executive privilege for the information that the Justice Department directed the witnesses to withhold, or to direct those witnesses to answer such questions. After failing to receive an adequate answer from either the White House or the Justice Department, the Subcommittee declared its intention to hold the U.S. Attorney for the District of Colorado in contempt. At this point, the Department changed course and accepted an agreement which provided that:

"The Department will issue a new instruction letter to all personnel who have received prior instructions directing them not to answer questions concerning deliberative privilege. The new letter will inform them that they must answer all Subcommittee questions fully and truthfully, including those which relate to internal deliberations." *Ibid.*

5. DOJ Influence on the EPA—A Review of DOJ Environmental Crime Prosecutions

From 1992 through 1994, the House Subcommittee on Oversight and Investigations conducted an extensive investigation into the impact of Department of Justice activities on the effectiveness of the Environmental Protection Agency's (EPA) criminal enforcement program. Overall, the Subcommittee conducted detailed interviews with more than 40 current and former Justice Department officials concerning the management and operation of the Environmental Division and environmental criminal enforcement policies. The Subcommittee also reviewed hundreds of internal DOJ documents on these matters. As the Subcommittee wrote in its report:

"One of the most significant accomplishments of the Subcommittee's environmental crimes investigation was its reinforcement of a number of important historical precedents regarding Congressional oversight of the Justice Department. The Subcommittee withstood repeated efforts to resist the exercise of its Constitutional responsibilities to oversee Executive Branch agencies. For months, Justice Department officials stalled on Subcommittee requests to interview DOJ line attorney and sought to deny Subcommittee access to numerous primary decision-making documents as well as documents prepared in response to the Subcommittee's investigation. However, the Subcommittee ultimately obtained the interviews and comments it deemed necessary to fulfill its oversight duties in a responsible manner."—*Damaging Disarray—Organizational Breakdown and Reform in the Justice Department's Environmental Crimes Program*, a staff report prepared for the use of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce of the U.S. House of Representatives. December, 1994.

6. Governmental Affairs Hearing re Wen Ho Lee

On June 9, 1999, Mr. David Ryan, a line attorney at the DOJ OIPR (Office of Intelligence Policy and Review) testified before the Senate Governmental Affairs Committee about details of the Department's handling of the Wen Ho Lee investigation. Mr. Ryan appeared in response to a Committee subpoena.

7. Governmental Affairs Hearing re Charlie Trie

On September 22, 1999, three FBI line agents—Roberta Parker, Daniel Wehr, and

Kevin Sheridan, testified before the Senate Governmental Affairs Committee about the details of their investigation into Charlie Trie. These agents appeared in response to Committee subpoenas.

Mr. SPECTER. We are in the midst of some very serious oversight on the Department of Justice. We have seen the Wen Ho Lee case bungled badly by the Department of Justice and the chances for successful prosecution placed in real jeopardy. We have seen very serious espionage violations by Dr. Peter Lee involving nuclear power and involving detection of submarines, to which there were confessions, where a plea bargain was entered into without having a damage assessment and without having the trial attorney notified as to his authority to pursue very serious charges.

It is plain, in the context of what has gone on with the Department of Justice over the past many years in their refusal to provide information for oversight, even after the requests were made, and even after the Attorney General personally agreed to the request, that the only way to get to the bottom of it is to issue subpoenas and insist on congressional oversight so we can find out why these travesties of justice were carried out.

I thank the Chair and yield the floor.

FISCAL YEAR 2001 BUDGET—Continued

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to take such time as I may consume on the budget resolution.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CONRAD. Mr. President, we are now in the very happy circumstance, as a nation, to be on the longest economic expansion in our country's entire history. As this headline shows from the February 1 edition of the Washington Post, "Expansion Is Now Our Nation's Longest." This 107 months of economic growth beats the record of the 1960s.

This is a remarkable circumstance as we meet to discuss the budget resolution this year. The question before this body and the other body and the President is, What is the budget policy to pursue to keep this economic expansion going? What is the best set of policies we can adopt?

Perhaps, to make a judgment on those questions, we ought to refresh ourselves on the history of how we got to where we are. This chart shows a comparison of the last three administrations with respect to the budget deficit. It shows, going back to 1981, 20 years ago, that the deficits were rising and rising dramatically, and we embarked on a period of not only expanding deficits but expanding debt in this country—taking on enormous debt. In fact, during this period, we quadrupled the national debt. That fundamentally threatened the economic security of our country. We saw, in the Bush administration, that the deficit absolutely skyrocketed. It went from an already high level of $153 billion all the way up to $290 billion.

Then President Clinton came into office. In 1993, we passed a plan to reduce budget deficits, to start getting our fiscal house in order. That was a 5-year plan. We can look at the 5 years of that plan and we can see that each and every year the deficit was coming down and coming down quite sharply. Those were very important decisions that were made in 1993. If my colleagues will permit me to sound a partisan note, not a single Republican voted for this plan of reducing the budget deficit. It was a controversial plan that cut spending and, yes, raised income taxes on the wealthiest 1 percent in this country. But let's remember what worked. It worked. It brought the deficits down. It got our country back on sound financial footing.

Then, in 1997, we passed a second plan. This time, it was bipartisan. This time, we worked together and it finished the job so that we are now running substantial surpluses. In fact, as shown here in 1998, a $70 billion unified surplus; in 1999, there was a $124 billion unified surplus. In the year 2000, we anticipate a $176 billion budget surplus. These are surpluses, the last 2 years, even counting Social Security as a separate trust fund. In other words, not including Social Security in the calculation, we balanced 2 years ago, last year, and will balance again this year. So we have made enormous progress in this country.

What a difference it has made. Because we got on a sounder financial footing, that took pressure off of interest rates. Lower interest rates contributed to making our economy more competitive. It took Government out of the position of competing with the private sector for funds, so interest rates came down. That made room for more productive investment. What we saw was an explosion in jobs. Over 20 million new jobs were created during this period. But the good news didn't stop there. We saw the unemployment rate drop to its lowest level in 42 years.

The point I am making is that we are pursuing an economic strategy that is working. It is working well for our country. We should not abandon it for risky schemes that some might propose. The unemployment rate is the lowest in 42 years. The inflation rate is at the lowest sustained level since 1965. These are facts. These tell us the economic game plan and strategy we embarked on in 1993 is working and working well. We have talked about deficits—and, of course, the deficits are the annual difference between the spending of the Federal Government and the revenue of the Federal Government. We also need to talk about the national debt. The debt is the cumulative total of the deficits. People often get confused about this question. But that is the difference. The deficits are the annual difference between spending and revenue. Of course, we don't have deficits anymore. We are in surplus, very significant surplus. The debt is the cumulative total of all those annual deficits. Even that debt is starting to come down. You can see we are right here on the line, so we have turned the corner.

We are actually starting to pay down the national debt. That is a course we must continue. It is absolutely critical for our economic future to keep paying down this debt. In fact, we are now in a position where we could pay off the national debt, completely retire the publicly held national debt, by the year 2013.

That is precisely what we should do to put our country in a strong position for when the baby boomers start to retire. We all know what is going to happen then. We are going to see a substantial increase in pressure on Social Security, Medicare, and other Federal programs. The best way to prepare for that day is to grow the economy so that it is best positioned to take that burden. How can we do that? Well, central to doing it is to get rid of this debt, dump this debt. That ought to be on the top priority list of every Member in this Chamber.

That is the record—a very positive record—of what has occurred. It doesn't end there because not only have we seen extraordinary periods of economic growth, not only have we seen the lowest unemployment, the lowest rate of inflation in many, many years—in fact, in decades—we have also seen Federal spending put under control. We now see that Federal spending is at the lowest level since 1966 as a share of our national income. This is as a percentage of our gross domestic product. We can see that we got to a period back in the 1980s where Federal spending was over 23 percent of our gross domestic product. Look where we are now. We are down below 19 percent and headed lower if we stay on this course. It is remarkable what has happened.

If we look at what the priorities are now of the various budget resolutions before us, this is what we see by way of comparison. Over the next 5 years of this budget resolution, we project a non-Social Security surplus of $171 billion. That is based on the assumption of no real growth in the Federal budget. That is what is called a real spending freeze. It adjusts for inflation, but nothing more. So over the next 5 years, we would have $171 billion under that set of assumptions—a real spending freeze and adjustments for inflation, but no more. Our Republican friends believe we ought to use nearly all of that money for a tax cut. This is the

Senate plan, a $150 billion tax cut. With the $18 billion in interest that would cost, it would be a total of $168 billion.

On the House side, you can see their plan: $223 billion, a tax cut of $150 billion, plus they have a $50 billion reserve for a tax cut, plus the $23 billion of interest costs that would be entailed in that plan, for a total of $223 billion.

You see that the problem with the plan is they use more than the surplus than is available. Where is the money going to come from? I think we all know what will happen. They will be right back to the bad old days of raiding the Social Security trust funds. That is what they will do. That would be a profound mistake. We can't let them do it.

That is why these votes that are to come are so important.

It is one reason you see these headlines that the Republicans have avoided the vote on the Bush tax cut. They avoided it in the House, and they avoided it in the Senate because they know the Bush plan is even more skewed than the plans they have passed. The Bush plan has a much larger tax cut. There can be no question that his plan must raid Social Security in order to add up. There is no money left over under his plan for further reduction of the debt. There is no money under his plan to extend the solvency of Medicare. There is no money under his plan for other high priority domestic needs because he is taking all the money and all the non-Social Security surplus and much more and giving it in a tax cut to the wealthiest among us.

That is the question before us as a people. What are we going to do with these forecasts of surpluses?

Let's remember their projections are over an extended period of time—5 years. Many of us believe these projections will change and that they are not something on which we can count.

We look at the plan Mr. Bush has put before all of us as a people. We can see that over 5 years he proposes $483 billion in tax cuts. But we only have $171 billion available in non-Social Security surpluses. Where is the rest of the money going to come from? It can only come from one place: He is going to have to raid Social Security. He is going to have to go back to the bad old days of dipping in the till on Social Security. That is a profound mistake. It is no wonder they have avoided votes on that tax cut plan on both the House and Senate sides.

Beyond that, the Bush proposal is unfair because he is saying take 60 percent of the benefit of his massive tax cut and give it to the wealthiest 10 percent in the country. That is his plan. Senator MCCAIN said it very well during his campaign. He said over and over again that 60 percent of the benefit in the Bush tax cut goes to the wealthiest 10 percent. I even heard Senator MCCAIN make the statement that 36 percent of the benefit goes to the wealthiest 1 percent. Mr. Bush has made the point over and over that these surpluses belong to the American people. They do not belong to the Government. He is exactly right about that.

These surpluses belong to the American people. The question is, What do we do with them? Do we give them to the wealthiest among us, or do we put the highest priority on taking a significant chunk of those funds and pay down the people's debt? I submit to you the better approach is to take the significant majority of these funds and pay down our national debt. That is what we ought to do. That is in the best interests of the American people—not take the big chunk of this non-Social Security surplus—in fact, under the Bush plan take more than there is in the surplus—and hand it out to the wealthiest among us. It is much better to pay down the people's debt.

If we look back and remember the history of what occurred, if we go back to the 1980s when we had those massive deficits, the blue line shows the outlays, the expenditures of the Federal Government. The red line shows the revenue of the Federal Government. It is not hard to figure out why we had massive deficits. The spending line was much higher than the revenue line.

It wasn't until 1993—we passed a 5-year plan that took down the spending line and raised the revenue line—that we were able to balance the budget. That is the history of what has worked. We should stay on this course. We shouldn't go out and go on a big new spending binge. We shouldn't go out and have a massive, risky tax scheme that threatens this economic expansion and this economic success story. Why would we do that? We have a plan that is working. We have a plan that is producing results for this country.

As we look ahead, some say because the revenue line has gone up that we have the highest taxes in our country's history; not true. We have the highest tax revenue. We don't have the highest taxes. I know that seems odd to people. How can that be? How can you have high revenue but not high taxes? The reason is this economic boom has generated dramatic revenue. We are in a virtuous cycle where good fiscal policy and good monetary policy have helped this economy grow. And the genius of the American people has developed the circumstance in which our economic expansion is extraordinary. Because we have this revenue, we are in a situation that has allowed us to actually reduce taxes on individual taxpayers.

That is not just KENT CONRAD's statement. That is a review of the Federal tax system that shows that the Federal tax level falls for most people. The studies show the burden now less than 10 percent. In fact, as this newspaper story says, for all but the wealthiest Americans, the Federal income tax burden has "shrunk" to the lowest level in four decades.

Those who come out here and say we have the highest tax ever—no, no. We have the best tax revenues ever. We have the most income ever. We don't have the highest taxes ever. Tax rates for individual American taxpayers have gone down. That is not the result of some study by some liberal think tank. This is a result of the work of the Congressional Budget Office. This is the work of the Treasury Department. This is the work of the conservative Tax Foundation. These are their conclusions—that tax rates have actually gone down.

Let's look at what those studies reveal. This is for a family of four earning $39,000 in 1999. This is according to the Congressional Budget Office. This is their total tax burden for Federal income taxes. You can see their Federal income taxes have gone down from 8.3 percent to 5.4 percent from 1981 to 1999. It is not just a family earning $39,000, but this is what happened to the income tax burden for a median-income family earning $68,000 in 1999. Their tax burden has gone from 10.4 percent in 1957 to 8.9 percent in 1998. This is according to the very conservative Tax Foundation.

Mr. President and colleagues, this is the history. This is how we have gotten to where we are today—by getting our fiscal house in order; by cutting spending; yes, by raising revenue on the wealthiest 1 percent in this country and lowering taxes on the vast majority of the American people through expansion of the earned-income tax; by the $500 child care credit; lowering taxes on the vast majority of the American people; and now we are in this position of being able to actually retire the publicly held debt by the year 2013.

Virtually every economist that has come before us on the Budget Committee and on the Finance Committee said this is exactly what you should do—make the priority paying down the debt.

Alan Greenspan, the head of the Federal Reserve, says pay down debt first.

"The best use of surplus is to reduce red ink, the Fed chief says."

RECESS

The PRESIDING OFFICER. The time is 12:30. The agreement is the Senate will go into recess at 12:30.

Mr. LAUTENBERG. I ask unanimous consent the time be extended because there are Senators who want to speak.

The PRESIDING OFFICER. In my capacity as a Senator from Colorado, I object.

Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

FISCAL YEAR 2001 BUDGET—Continued

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire how much time we have used up totally off the resolution?

The PRESIDING OFFICER. The majority has used 1 hour, 31 minutes; the minority, 1 hour, 23 minutes.

Mr. DOMENICI. For a total of what?

The PRESIDING OFFICER. About 3 hours.

Mr. LAUTENBERG. It is 2 hours 54 minutes.

Mr. DOMENICI. I understand from the minority they want to let Senator CONRAD complete his speech, and I am more than willing to do that. Will he be along shortly?

Mr. LAUTENBERG. I am told he will be. But I do not want to hold up the process if there is someone on the other side who seeks recognition.

Mr. DOMENICI. Senator HUTCHISON has an amendment. I have indicated to her we are trying to work on a process for 5 amendments, and hers would probably be one of those from our side. So I would rather we not proceed with any amendments for now.

Mr. LAUTENBERG. I appreciate that. There has to be an orderly structure here. There are lots of Senators who want to offer amendments and Senators who want to just speak on the resolution itself. We will need some time to do that. If we can ask our Members to just hold off until an agreement has been reached, then I think we will have a more orderly process.

Mr. DOMENICI. Would Senator HUTCHISON like to deliver a speech about her subject rather than offering the amendment? She can do both, speak to the issue and then we can work out if hers is one of the amendments. We will know about that shortly. If not, she is going to be free to offer it, subject to a second-degree amendment, of course.

Would the Senator want to speak to the marriage penalty a little bit just as a matter of substance for the Senate?

Mrs. HUTCHISON. Let me ask a question. If I started with the speech on the marriage penalty, then Senator CONRAD would start on his speech and we would be negotiating how the amendments are handled, is that what the Senator is suggesting?

Mr. LAUTENBERG. If I might, Mr. President, Senator CONRAD wanted to finish his opening remarks. Certainly we invite anybody, from either side, to do that. But if we can hold off until he makes his remarks, assuming he will be here momentarily, then we can talk together about whether or not we can make an agreement that would constitute a specific number of amendments, equally distributed here, so we can begin a process of amendments. I would certainly like to do that.

Mr. DOMENICI. Senator HUTCHISON's remarks, if she makes them now, would not prejudice her coming along later, with reference to the same subject, and offering an amendment. But I can't assure her hers would be the first amendment up. I am trying to work out a five and five, so we can get on using up some of the time on the resolution. I can yield to the Senator if she desires. If not, I will suggest the absence of a quorum call.

Mrs. HUTCHISON. Mr. President, I would love to talk for maybe 5 minutes, prefatory, but I prefer to have my real debate on the issue come during the debate on the amendment.

Mr. DOMENICI. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, while the negotiations are going on, I will say it is my intention to offer an amendment, which would be a sense-of-the-Senate amendment, that we would eliminate the marriage tax penalty in this country. Certainly, the sense-of-the-Senate is quite short and pretty clear. The Senate would find that marriage is the foundation of American society; that the Tax Code should not penalize those who choose to marry; that a report to the Treasury Department's Office of Tax Analysis estimates that, in 1999, 48 percent of married couples will pay a marriage penalty under the present system; that averages $1,400 a year. The sense-of-the-Senate amendment will be that Congress shall pass marriage penalty tax elimination legislation that begins a phaseout of this penalty in 2001, pass marriage penalty tax legislation that does not discriminate against stay-at-home spouses, and consider such legislation prior to April 15, 2000.

We are scheduled to debate marriage penalty relief next week. It is certainly appropriate that we say to these people the week they are beginning to write their checks to the IRS: If you are paying $600 more or $1,000 more or $1,400 more just because you are married, help is on the way; the Senate is committed to eliminating this tax.

I do not even think we ought to call it a tax cut. This is a tax correction. This is a correction of an inequity in our code.

That clearly and simply is what my sense-of-the-Senate amendment is. It is provided for in the budget resolution before us. The Senator from New Mexico has provided $150 billion in this budget for tax relief for hard-working Americans.

If one looks at the tax relief we have already passed in the Senate, it still would not reach $150 billion. We passed tax relief for Social Security recipients so people between the ages of 65 and 70 could work without being penalized. We have passed tax relief for small businesspeople who are hard hit with the many regulations and taxes that are put on their businesses. We have provided tax relief for families who are trying to provide enhancements for their children's education. Senator COVERDELL has been the lead on that bill which gives people the ability to take tax credits and tax deductions when they have to buy their children computers, books, tutors, or enhance college tuition or private school tuition—whatever the cost is to parents, to give children the enhancement their parents believe they need and that their parents would be able to give from tax cuts. And we add on top of those marriage penalty relief.

We met with some wonderful people this morning—real people—who are suffering from the marriage penalty. The bill that will come up next week has the elimination of that penalty.

Kervin and Marsha Johnson met with us today. Kervin is a District of Columbia police officer. His wife is a Federal employee. They were married last July. This year they will owe $1,000 more in taxes because they got married. They are newlyweds. They were shocked that this happened.

We also met with Eric and Ayla Hemeon. Eric is a volunteer firefighter who also works for a printing company. She works for a small business. They have been married for 2 years and are expecting their first child in about a month. Ayla talked to us about what this means. What it means to them is $1,100 they are paying to Uncle Sam instead of doing something to benefit their first child who is almost here.

We had the two newlyweds, and then we had an older couple who met with our group this morning, Lawrence and Brendalyn Garrison. He is a corrections officer at Lorton, and she is a teacher in Fairfax County. Last year, they paid about a $600 marriage penalty.

When we talked to them about what the bill which will come up next week would do for them, they said: Gosh, do you think you could make it retroactive? Because they have been married for 25 years.

These are real people with real faces who would get marriage penalty relief.

Mr. President, I will stop and yield the rest of my time to Senator SESSIONS. I ask the Senator from New Mexico if he will allow me to take 5 extra minutes for the Senator from Alabama.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from New Mexico yield 5 minutes to the Senator from Alabama?

Mr. DOMENICI. I yield as much time as the Senator from Texas wants.

Mrs. HUTCHISON. I will be happy to yield such time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas for her leadership in this effort, Senator ROTH for his determination to make it a reality, and Senator DOMENICI for providing us an opportunity in this budget to try to end a penalty on marriage in America.

The time has come. We have talked about it long enough. We have a national consensus to end this penalty. I have 425,000 Alabama families, 48 percent of the married couples, who are paying excess taxes simply because they got married. I know a couple who divorced and found they had received a $1,600 bonus by being divorced.

Think about that. The U.S. Government is saying to married couples: If you divorce, on average you will receive a $1,400 tax benefit. At the same time, if you get married, you are going to pay a $1,400 tax increase—unbelievable in a society that is experiencing substantial social problems from the breakup of families.

I chair the Youth Violence Subcommittee in the Judiciary Committee. We have had a lot of testimony, and I have done a study over the years as a prosecutor, about why crime is occurring. Why are so many young people involved in crime? Why is the crime rate higher with young people than among older people?

One reason is we have an extraordinary decline in the unity of the family. More families have broken up in the last 20, 30 years than in the history of the world. In fact, the distinguished senior Senator from New York, Mr. MOYNIHAN, who studied these issues, said one time that in the history of the world, no nation has ever gone forward with the kind of family breakups we have in America today.

We do not know what the long-term consequences are. But more and more studies indicate that all in all, it is better if we have an intact family. We have a U.S. Government policy to penalize marriage. That is not the right way for us to go.

I am so thankful we are now moving to a vote on this piece of legislation. People are going to have to stand up and be counted and defend the practice of taxing people who decide to get married and raise a family in America.

The numbers, as the Senator from Texas said, are stunning. We have a policeman and civil servant paying $1,000 extra a year, married for 2 years; a volunteer fireman, a printer, and a small businessperson paying $1,100 extra per year.

What does that mean? That is $100 a month. That is $100 a month aftertax money that could have been in their pockets, but the Federal Government reached in and took it out to spend on programs.

I am of the belief that is wrong. What can that young couple do with $100 a month? They can maybe start a savings account, maybe buy a new set of tires for their car—at least maybe a couple tires each month—or put a muffler on their car, or send their child to school with money for a project or a program, let them go to a movie or two every other week. This is real money for real people. I am glad we had Senator HUTCHISON and others this morning who brought forth couples who are paying this tax to help us recognize that we are dealing with a problem that needs to end.

I believe, and our Nation has always believed until recent years, that public policy does affect behavior.

What we want to do when we adopt a public policy position is, we want to ask ourselves, will this foster good behavior or will it encourage bad behavior? I suggest we have a policy that is not only unfair but it is damaging to our goal as a nation to affirm and encourage marriage, to encourage partnership in the marital union in the raising of families. Taxing that is not good public policy. The end of it is long overdue.

I am glad we will soon have a vote. I do hope and pray that the vote will be overwhelmingly to end this penalty.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield such time as he needs to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the budget process is our chance to set clear priorities for America's future. The budget which the Senate adopts this week will say a great deal about the values of those who vote for it. Our vote on this budget will emphasize what each of us supports. It is easy to pay lip service to meeting the Nation's unmet needs, but are we willing to allocate resources in a manner that will effectively address those needs?

This is a time of unparalleled prosperity. Both the CBO and OMB project budget surpluses far into the future. We will never have a greater opportunity to meet America's unmet needs than we have today—to improve the quality of education for all children; to strengthen Social Security and Medicare in a way that will provide a secure and healthy retirement for future generations, as well as a prescription drug benefit; to provide access to good health care for millions of uninsured families; to make communities safer by keeping guns out of the wrong hands, and by increasing the number of police officers on our streets; and to expand scientific research to keep America on the cutting edge of progress.

These are the great challenges of our time. Unfortunately, the budget presented by the Republican majority does not meet those challenges. It would actually cut spending on domestic discretionary programs by more than 6 percent, by well over $100 billion over the next 5 years.

These cuts are far from necessary to curb uncontrolled Federal spending or to reduce inflationary pressure on the economy. In fact, even according to the Senate Budget Committee, and its Republican staff, the amount provided for nondefense discretionary spending as a percentage of GNP is the lowest share for this category since such statistics have been compiled.

We are already spending less on domestic discretionary programs as a percent of GNP than we ever have before. So why do our Republican friends propose more drastic reductions? The answer is, so they can provide more tax cuts for the wealthy.

The Republican budget would use up essentially the entire surplus with extravagant tax cuts, primarily benefiting the wealthiest individuals and corporations in our society.

CBO projects an on-budget surplus over the next 5 years of $171 billion. The proposed GOP budget would use all but $3 billion of that total amount to finance ill-conceived tax cut schemes. They propose a minimum of $150 billion in tax cuts over the next 5 years. Because those tax cuts will delay repayment of the national debt, they will cost an additional $18 billion in higher interest payments on the debt, as well.

Also, according to this GOP budget, if the projected surplus increases, the additional amount must be used for even larger tax cuts. The extra amount cannot be used to restore any portion of the serious cuts in domestic programs.

But this is only the tip of the tax-cut iceberg.

Last year, Republicans proposed a ten-year budget to the Congress. They did so because using 10-year numbers enabled them to emphasize how large their proposed tax cut was—$792 billion. It demonstrated how rapidly the size of their tax cut would grow—from $156 billion in the first 5 years, to $635 billion in the second 5 years—or more than four times as much revenue.

But the Republicans badly miscalculated the reaction of the American people. By large margins, the public agreed that the tax cut was far too large, because it would harm the economy and make it impossible for us to achieve the priority national investments needed to keep our economy and the country strong for the future.

The American people consistently said that Congress should use the surplus to put Social Security and Medicare on a sound financial footing, before acting on large tax cuts. In fact, the American people displayed a great deal more common sense than the Republican leadership.

This year, Congressional Republicans have responded to these concerns by using a 5-year projection instead of a 10-year projection. By considering only the first 5 years, they hope to conceal the true magnitude of their tax cut scheme. Rather than reducing the size of their tax cut, they are simply attempting to change the terms of the debate from 10 years to 5 years. But this Republican accounting gimmick won't work. The GOP tax cuts being proposed this year are just as large, if not larger, than last year. The Republican strategy is now to enact a stealth tax cut, concealing its true long-term cost from the public.

How do we know their intent, since the budget is silent beyond fiscal year 2005? Consider the tax cut plans which the Republicans have already brought to the floor this year. The House version of marriage penalty relief would cost $51 billion over the first 5 years—but rises sharply to $182 billion over 10 years. The plan produced by Senate Republicans would cost $70 billion over 5 years, and dramatically increases to $248 billion over 10 years.

The Senate tax package attached to the minimum wage legislation costs $18 billion over the first 5 years—but grows to $76 billion over 10 years. The annual cost by the 10th year would be nearly as large as the cost over the entire first 5 years. Similarly, the House tax package tied to the minimum wage costs $46 billion from fiscal year 2000 to 2005—but $123 billion over the full 10-year period.

Clearly, Republicans have not abandoned their plan for tax breaks costing far more than the country can afford. They are now spending the tax cuts over several bills, rather than combining them in one massive measure, and they're attempting to limit discussion of the budgetary impact to the first 5 years. All of these GOP tax breaks are steeply backloaded. They mushroom in cost after the first 5 years. It is a stealth tax break strategy, and it cannot stand the light of public debate.

Defenders of the budget resolution contend that it does not mandate the form which the tax cut will take, and it is wrong to claim that the tax cuts will disproportionately benefit the wealthiest taxpayers. That argument is truly disingenuous. It asks us to ignore the abundant evidence provided by the recent history of Republican tax cut proposals. Let us look at the record.

Last year, Republicans passed their ill-fated $800 billion tax cut. Under that legislation, 81 percent of the tax benefits would have gone to the wealthiest 20 percent of taxpayers. The richest 1 percent of taxpayers—those with incomes averaging $800,000 a year—would have received 41 percent of the total tax benefits, a tax saving of as much as $46,000 a year. In stark contrast, working families comprising 60 percent of taxpayers would have shared less than 8.5 percent of the tax savings, an average tax cut of only $138 a year.

The Republican Presidential nominee, Governor George W. Bush, tells us his tax cut is designed to "take down the toll booth on the road to the middle class." However, 73 percent of the overall tax benefits in his massive tax cut proposal—$1,8 trillion over 10 years—would go to the wealthiest 20 percent of taxpayers—37 percent of the tax breaks would go to the richest 1 percent of taxpayers. That "toll booth" Governor Bush loves to talk about is on a highway most Americans never travel. Just 11 percent of the tax benefits under the Bush plan would go to the less affluent 60 percent of working men and women.

This year, congressional Republicans have rushed to pass tax cut proposals before the budget is even adopted. These tax cuts have already consumed $115 billion of the surplus over the next 5 years and $443 billion over 10 years. The Marriage Penalty Relief Act passed by the House would cost $182 billion over 10 years, and 77.8 percent of the tax benefits would go to the most affluent 20 percent of taxpayers. The Senate version reported out of the Finance Committee last week would cost even more, $248 billion over 10 years, and gives an even larger share of the tax savings—78.3 percent—to the wealthiest taxpayers. In both bills, the majority of the tax benefits actually go to couples who are not even paying a marriage penalty.

In addition, as the Republican leadership's price for allowing a modest increase in the minimum wages the House recently passed a $123 billion/10-year package of tax cuts. Eighty-nine percent of the tax breaks in that bill would go to the richest 5 percent of taxpayers, while 90 percent of taxpayers would share less than 8.5 percent of the tax benefits.

In light of this history, there is no doubt that the benefits of any tax cut passed by this Republican Congress will be distributed in a blatantly unfair way, and will be designed to benefit the richest individuals and corporations in our society.

I support reasonable, targeted tax cuts that benefit low- and middle-income working families. But by enacting tax cuts of the magnitude proposed by the Republicans, we will lose the best opportunity in decades to meet America's unmet needs. We will also forfeit the opportunity to strengthen Social Security and Medicare for future generations of retirees. Our shortsightedness will be justifiably condemned by future generations as they struggle to deal with the national needs we are so irresponsibly ignoring.

The larger the tax cut, the less is available for debt reduction and investments in national priorities, such as education, prescription drugs for senior citizens, and research on energy and health.

The Republican budget shortchanges all of these priorities. Alongside their massive tax cuts, Republicans make reductions in domestic investments that are historically unprecedented. They want to reduce discretionary spending on domestic priorities, as I mentioned, by more than 6 percent in real dollars over the next 5 years, even though our population is growing and even though present funding for many programs is already inadequate.

We are not talking about creating new programs or expanding existing programs. By reducing the Government's ability to maintain even the current level of services, Republicans forfeit any hope of addressing the Nation's unmet priorities. Even in this time of prosperity, we are not meeting the basic needs of large numbers of our people.

One in five of the Nation's children lives in poverty. Three out of four third graders read below grade level. Hunger in low-income working families has become a national crisis, with food pantries and soup kitchens unable to meet the daily needs for their services. Forty-three million people have no health insurance. That number is increasing by a million a year. The number of low-income renters who pay more than half of their income for housing or who live in dilapidated housing has reached an all-time high—a searing problem in many different parts of the country.

One of the darker sides of this extraordinary economic boom has been the explosion of the cost of housing, the cost of rent for working families. The need for decent, affordable housing for working families is prohibitive in so many parts of America. There is very little in this budget that would address that particular need.

Low-income families are forced to place thousands of children in poor-quality child care while they meet their work responsibilities under the welfare reform. Every State in this country has long lines of working parents who desire to have child care for their children while they continue to work—and work hard—to provide for them.

This Republican budget would eliminate our ability to respond to these grave concerns. Make no mistake about it, the spending cuts that would be required to pay for these Republican tax breaks would have very real consequences for the Nation.

Compared to the President's budget, Republicans would force the following cuts in the next year alone:

20 million fewer meals delivered to ill and disabled seniors;

2 million fewer uninsured people with access to health care;

1.6 million fewer children in quality afterschool programs;

750,000 fewer infants receiving nutrition supplements;

644,000 fewer at-risk students helped with college preparation;

400,000 fewer families assisted with heating costs;

152,000 fewer State and Federal law enforcement officers;

120,000 fewer housing vouchers for families in poverty;

118,000 fewer dislocated workers helped to reenter the workforce;

88,000 fewer job opportunities for youth;

71,000 fewer college students assisted with Pell grants;

62,000 fewer children in Head Start;

30,000 fewer children immunized;

20,000 fewer elementary school teachers hired to reduce class sizes; and

11,000 fewer public schools prepared and ready for the 21st century.

That is what happens. We talk about a percentage of cuts in existing programs. When you apply those cuts to programs that are targeted for these needy groups, these figures that I have related indicate what the results will be.

These are only a small part of the opportunities that will be lost if the Republicans' risky tax cut becomes law. All nondefense discretionary programs will be cut by an average exceeding the 6 percent under the Republican plan. These cuts include meat and poultry inspection, Superfund toxic waste cleanups, National Science Foundation research, the Coast Guard, antidrug efforts, NASA, National Parks, and HIV/AIDS treatment and prevention.

Republicans have had a long history of cutting needed programs. They tried to abolish the Department of Education and the Department of Energy, both of which are essential for addressing today's urgent problems. Last year's GOP resolution also called for a massive cut in non-defense discretionary spending. After months of fighting Democrats and further threats of government shutdowns, the Republicans gave up their attempt to slash Head Start, education, worker protection, environment, and energy programs. In the end, Democrats succeeded in protecting non-defense discretionary programs from real cuts last year. I want to put my Republican friends on notice that, just like last year, we will stay here as long as it takes this year to ensure that the reckless and heartless cuts in this budget resolution do not become law.

This is not the first, but the fourth, time that Republicans have tried and failed to sacrifice domestic investments for tax breaks for the wealthy. So we can anticipate how they'll attempt to avoid the consequences of their actions this time. They'll begin by promising to increase funding for a few programs. They will emphasize only these increases, while neglecting to mention the hundreds of other programs that will be drastically cut. OMB estimates that if Republicans keep their promises to increase or hold harmless programs in elementary and secondary education, the National Institutes of Health, and veterans' health, all other non-defense discretionary programs will have to be cut by 10 percent.

Another Republican gimmick used to conceal their harsh spending cuts is to compare spending levels without accounting for inflation. Even George W. Bush does not use this tactic. When candidate Bush claimed that spending only increased 2.5 percent during his years as Texas Governor, he accounted not only for inflation, but also for population growth over this time. If Republicans followed this reasonable accounting method, the average domestic discretionary spending cuts required by Republicans under this budget resolution would far exceed 6 percent.

After Republicans finish trying to convince us that their spending cuts will be painless, we can expect them once again to oppose waste, fraud, and abuse. All of us support eliminating waste, fraud, and abuse—in defense and non-defense programs alike. But the proponents of this GOP budget resolution are living in a fantasy world if they believe that preventing waste fraud, and abuse is going to make up for anything more than a small fraction of the massive cuts in their budget resolution.

Thanks in large part to Vice President GORE's leadership in his Reinventing Government Initiative, the federal government is leaner, more efficient, and more citizen-friendly than ever. If Republicans think they can find $105 billion over 5 years in waste, fraud, and abuse, then they should condition their tax cut on finding it. They should not condition the education or health or other priorities on abstract, unproved, and never-before-realized savings in waste, fraud, and abuse.

The party that gives us this budget resolution is the same party that last year brought us "smoke and mirrors," and untold numbers of accounting gimmicks. The Republican bag of tricks is doubtless full again this year, and we need only stay tuned to see how they can make their numbers add up to protect their tax breaks for the rich.

Our Democratic alternative budget is in sharp contrast to the Republican budget resolution. These two alternatives provide Americans with a clear picture of the opposite directions that the two parties want to take the nation.

Rather than squandering the surplus on tax breaks for the rich, Democrats continue to strengthen the basic priorities to ensure that all Americans can reach their full potential. Not only is this the right way to treat our fellow citizens, it is the only sound policy for strengthening the nation's future and maintaining its world leadership. On investments in the nation's future, the differences between Republicans and Democrats are like night and day.

I believe that the American people will support our Democratic alternative, and will reject the wholesale ravaging of domestic programs proposed by the Republican budget. The Democratic alternative sets forth a more balanced and fiscally prudent way to allocate our resources. It provides more for debt reduction than the Republican budget. It does not endanger the Social Security surplus, by making unrealistic budget assumptions which cannot be met.

It provides substantial support to assist senior citizens with the cost of prescription drugs, and it sets a firm date for the Finance Committee to act on a prescription drug proposal. The Republican prescription drug proposal underfunded, and it is subject to so many contingencies that it is unlikely to ever materialize.

The Democratic budget also makes a concrete commitment to strengthening Medicare by reserving a portion of the surplus expressly for Medicare each year. The Republican budget does not. The Democratic budget fully funds the President's requests for education, health care, and other domestic priorities, and contains his proposed increase in defense spending. It does not shortchange investment in the vital domestic programs which improve the lives of millions of Americans. While accomplishing all of these goals, our Democratic plan still is able to offer $59 billion in tax cuts over the next 5 years, targeted to working families.

There is no reason to threaten the well-being of the American people by enacting tax cuts far larger than we can afford. The magnitude of the Republican tax cut would deprive us of the flexibility we will need, if revenues do not meet projections due to a slowing in the economy, or if emergency spending is required to address domestic and international crises.

The precarious balance achieved by the Republican budget depends on a reduction in the rate of spending on domestic programs which would be unprecedented. Congress will not and should not cut domestic priorities that deeply. By setting unrealistically low spending levels, the Republicans actually undermine compliance with the budget process. Just as they did last year, members on both sides of the aisle will refuse to make the deep domestic cuts called for by the Republican budget. If the surplus has already been used for excessive tax cuts, revenues will not be there to restore funding for these urgent domestic programs.

This type of irresponsible budget also jeopardizes the Social Security surplus. Both parties have pledged to use the Social Security surplus solely to meet Social Security's future needs. That is the right thing to do. But, as the events of last year amply demonstrate, the Social Security surplus is threatened when we fail to reserve sufficient funds to adequately support domestic priorities and cover emergency needs. In fact, CBO determined last fall that the lockbox protecting the Social Security surplus was in danger of being broken. The threat was not eliminated until January, when revenue estimates increased beyond earlier projections. If we are serious about protecting the Social Security surplus, we should not consume the entire on-budget surplus in tax cuts. These massive tax cuts are irresponsible. They do not deserve to pass.

Mr. President, if we are serious about protecting the Social Security surplus, we should not consume the entire projected on-budget surplus, and these massive tax cuts are irresponsible. They do not deserve to pass. The Democratic alternative does.

Mr. President, the point I was making was that virtually every economist who has come before the Budget Committee or the Finance Committee has told us our highest priority in this budget ought to be to pay down the debt. Not only have the economists told us that, but Chairman Greenspan, head of the Federal Reserve, has told us that clearly and unequivocally.

This is from the January 27, 2000, Washington Post, Business Section. The headline is: "Pay Down the Debt First, Greenspan Urges." It reads, "He says the best use of the surplus is to reduce red ink."

I think the Federal Reserve Chairman has it exactly right. In this budget the Democrats will be proposing, we save every penny of Social Security for Social Security. We put an emphasis and priority on paying down the debt. We also have sufficient resources to protect Medicare, to provide prescription drugs, and to make an investment in education, which I think all of us believe is our future. Also, we provide for a tax cut for working families.

In the Democratic budget proposal, debt reduction is the highest priority. This may come as a surprise to many. Debt reduction is the priority of the Democratic budget because this is what will most assure our financial security into the future. Over the 10 years of the Democratic budget plan, 82 percent of all the projected surpluses are dedicated to debt reduction; debt service is 3 percent; 14 percent is for health initiatives, tax cuts, and other high-priority domestic needs.

Mr. President, in looking at the non-Social Security surplus, our priorities are as follows: Again, the top priority is given to debt reduction—36 percent of the non-Social Security surplus to debt reduction; 29 percent to tax cuts; 23 percent to prescription drugs and other initiatives; 11 percent to interest costs. We think those are the appropriate priorities for the country, the appropriate priorities for the Senate, and the appropriate priorities for the Congress. We very much hope that people will give close consideration to that alternative when it is voted on.

Let me conclude by again publicly commending the chairman of the Budget Committee, Senator DOMENICI. It is not easy to bring a budget resolution to the floor. I think there is perhaps no more difficult job in the Senate than bringing a budget resolution. Once again, Senator DOMENICI has done it and he has done it under challenging circumstances. It is always challenging to bring a budget resolution to the floor. I commend him for his leadership. I also thank our ranking member, Senator LAUTENBERG, who has given extraordinary leadership to those of us on the Democratic side.

I am proud of the budget alternative we will offer. It is a budget that is in line with the priorities of the American people, which puts debt reduction first, focuses on securing Social Security, extending the solvency of Medicare, and providing for high-priority domestic needs such as defense and education and agriculture, and that also has room for tax cuts targeted to working families with an emphasis on incentives for savings. That is one area where we are not doing so well in the national economy. We are not doing a good job with savings as a society. We should provide the incentive for people to save more.

I yield the floor. I thank the Chair. I thank my colleagues for their courtesy.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, although we should be rotating, on our side Senator GRAMS has been willing to have Senator BYRD go next, and then Senator GRAMS, if that is all right with Senator LAUTENBERG.

Mr. LAUTENBERG. I yield the remainder of my time.

Mr. DOMENICI. Mr. President, if I may speak for 2 minutes, I don't have any big charts to show you, but I want to put this up. It may be the best way to explain our budget. It is very simple.

The non-Social Security surplus total for the years 2001 through 2005 is $400 billion. That is the amount of surplus that will be available during the next 5 years, locking up Social Security in a lockbox. Don't use it. That is $400 billion.

That $400 billion, as we see it, will be spent using $230 billion for new spending, $150 billion for tax reductions and tax relief and debt reduction, with an additional $20 billion to go along with the Social Security money. That is going toward the debt.

Frankly, the other side will not have a chart such as this because they will assume we have to spend $230 billion to increase every function of Government, by inflation, for each of the next 5 years, and that it is automatic. They don't call that "spending," they call it "automatic." Everybody is entitled to that.

We start with a real zero. We start with no growth and say how much we put back. We put back $230 billion. If my arithmetic is right, that is about $46 billion a year of new money appropriated.

In addition to what we are already spending to start with, we are already spending this amount. There is $46 billion more a year for each year. That comes out of this surplus.

We have tax relief of $150 billion, which is only $13 billion in the first year, and then we have an extra $20 billion going on the debt.

I think that is a pretty fair approach. In fact, Democrats keep saying they are doing what the American people want. I think if the American people understand ours—and they will—they will say that is plenty of new spending; some of this overpayment we ought to get back. That is what we provide.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from West Virginia.

Mr. BYRD. Mr. President, it has been said that the more things change, the more they stay the same. We are warned by the American philosopher George Santayana (1863–1952) that, "those who cannot remember the past are condemned to repeat it." Those words of warning, I think, are appropriate to have in mind as the Senate debates the Fiscal Year 2001 Budget Resolution.

It was less than two decades ago that the Nation inaugurated a new President, who campaigned on a pledge to cut taxes, cut federal spending except for defense, and pay down the Federal debt. The so-called "Reagan Revolution" was based on the supply-side economic ideology that massive tax cuts would generate large increases in revenues to the Federal Treasury, sufficient to allow a large build-up in military spending; while, at the same time, balancing the Federal budget. That was the blueprint—the budgetary plan of the Reagan-Bush Administration. To be sure, there were those who doubted that this supply-side program would achieve the results that were projected in the Reagan-Bush budget. Indeed, during his campaign against Reagan for the GOP nomination, Mr. Bush called Reagan's supply-side economic plan "voodoo economics." Senate Majority Leader Howard Baker called the Reagan-Bush budget blueprint a "riverboat gamble."

Despite those ominous warnings in 1981, Congress did enact a massive tax cut, and Congress increased the military budget. But, entitlement spending continued to grow, while projected increases in revenues did not materialize. As a result, the Reagan-Bush Director of the Office of Management and Budget, David Stockman, resorted to what amounted to "cooking the books" in the annual Reagan-Bush budgets. Mr. Stockman, I believe, was the person who came up with the strategy, later termed "Rosy Scenario" to describe the fanciful budget forecasts during his service as OMB Director.

As a result of those budgetary policies, rather than being able to pay down the federal debt, or even to reduce deficit spending, the twelve Reagan-Bush years brought the Nation the largest annual deficits in its history and, consequently, the Federal debt grew to levels that endangered the Nation's economic prosperity.

In fact, as this chart entitled "National Debt" shows, on the day that Mr. Reagan was sworn into office on January 20, 1981, the national debt stood at $932 billion. As Mr. Reagan alluded in his State of the Union Address that year, it would take a 63-mile high stack of one dollar bills to equal $932 billion.

That $932 billion represented the debt that had been accumulated through all of the previous administrations from George Washington's administration, the first administration, on down through those years.

What was the fiscal health of the Nation when this supply-side fiscal conservative, President Reagan left office? As shown on the chart, on January 20, 1989, the day that Mr. Reagan left office and Mr. Bush was sworn in to succeed him, the Nation's debt was some two trillion, six hundred and eighty three billion dollars. It took the Nation over 200 years to get to $1 trillion in national debt. It took the Reagan-Bush Administration just 8 years to nearly triple the national debt—from $932 billion on the day Mr. Reagan took office to $2.683 trillion on the day he left office.

Let me say that again. From $932 billion on the day that Mr. Reagan took office to $2.683 trillion on the day he left office.

In other words, the stack of $1 bills, which was supposed to be 63 miles high, as Mr. Reagan spoke to a nationally televised audience, an accumulation through all of the administrations prior to the Reagan administration—that stack of $1 bills he portrayed very vividly, I recall, as being 63 miles high—on the day he left office, that stack of $1 bills would be 182 miles into the stratosphere.

Then, we had the Bush-Quayle Administration for the next four years. Did that Administration make progress in reducing deficit spending and begin to pay down the national debt? Unfortunately, such was not the case. The national debt just kept right on going. It was as if someone were feeding it growth hormones! The debt reached over $4 trillion by the time Mr. Bush was voted out of office and President Clinton was sworn in on January 20, 1993.

That stack of $1 bills then as represented by the national debt would have been 277 miles high. In other words, it had grown from 63 miles high at the beginning of the Reagan administration to 277 miles high at the end of the Reagan-Bush administration.

Supporters of the Reagan and Bush Administrations, over the years, have attempted to lay the blame for this massive increase in debt at the doorstep of Congress, claiming that Congress holds the purse strings. I have two responses. First, during the first 6 of the 8 years of the Reagan Presidency, the Republicans were in the Majority in the United States Senate. Second, during the entire 12 years of the Reagan and Bush Administrations, only a handful of times did President Reagan veto an appropriations bill for containing too much funding; and President Bush did not do so even once. Furthermore, the total of all the appropriations bills during the 12 years of the Reagan/Bush and Bush/Quayle Presidencies amounted to more than $60 billion in cuts below the budget requests of both Presidents.

Since the Presidencies of Reagan and Bush, the fiscal condition of the Nation has greatly improved, for a myriad of reasons. Among those are the monetary policies of the Federal Reserve, and the great increases in productivity of the American workforce and in our industries. Some of the credit, I believe, can also rightly be attributed to the Federal budgetary policies of the past several years. The deficit reduction packages of 1990, 1993, and 1997 set out very stringent targets on Federal spending, which helped reduce deficits to the point that in 1998, we enjoyed the first unified budget surplus in 30 years—a surplus of $69 billion.

Both of the latest OMB and Congressional Budget Office forecasts project huge federal budget surpluses far into the future. The CBO now projects unified budget surpluses ranging from $3.2 trillion to more than $4.2 trillion, over the next 10 years, depending on spending levels under various scenarios.

Of those 10-year surpluses, some $2.3 trillion will be generated by contributions into the Social Security Trust Fund, in excess of the payments to retirees over the period of Fiscal Years 2001-2010. There is virtually unanimous agreement that any and all Social Security surpluses over the next 10 years should go toward reducing the national debt, rather than being spent. This means that, if CBO's projections turn out to be correct, the national debt would go down by more than $2 trillion over the next 10 fiscal years.

The question, then, is what to do with any remaining, or non-Social Security surpluses over the next 10 years. Should we cut spending further; should we maintain spending at current levels; or should we increase spending? Should we use some of the non-Social Security surpluses to pay down the debt, and perhaps even eliminate the publicly held debt by 2031? Or, should we enact huge tax cuts that eat up all of the projected non-Social Security surpluses?

Unfortunately, Mr. President, the Budget Resolution now before the Senate, as was the case last year, chooses the worst possible fiscal course for the Nation. This Budget Resolution proposes a huge tax cut, which would drain the Treasury of more than $150 billion over the next 5 years, and could easily cost in excess of $800 billion over the next 10 years. Combining that size tax cut with the resulting increase in interest payments on the debt that it would cost, could drain the Treasury of as much as $950 billion over 10 years. That figure is larger than the total $893 billion in non-Social Security surpluses that CBO has projected for the next 10 years.

What that means is that, in order to pay for the tax cut in this fiscal blueprint, we will either have to go back to deficit spending, or raid the Social Security Trust Fund. That is assuming the CBO projected surpluses actually occur. Is that likely? What has been the record of CBO projections in the past? Have their projections been fairly close to what actually occurred? The answer is "no." Not so close as to enact tax cuts that would use up all of the CBO projected surpluses, and then some. In fact, over the period of 1980 through 1998, the CBO projections of revenues contained in budget resolutions were off by an absolute average of $38 billion per year! Over 5 years, that is $190 billion, Similarly, the CBO's deficit projections erred by an absolute average of $54 billion per year over the period of 1980–1998.

Like last year, the tax cuts proposed in this budget resolution are unwise in the extreme. The American people won't buy this plan. They are not clamoring for tax cuts. The American people have learned that locking in huge tax cuts before the money to pay for them has materialized is just plain, old, common, country gambling. They want to make sure that the money is there before we mandate huge tax cuts. The people don't want to go back into debt, with the interest charged to them.

Now, let's turn to discretionary spending. That's the portion of the Federal budget that is funded in the annual appropriations bills. Discretionary appropriations amount to about one-third of the Federal budget and include spending for Defense, as well as a wide array of domestic investments, including education, health, veterans' medical care, highway and airport construction, parks and recreation, the FBI and other law enforcement agencies, water projects, environmental programs, Head Start, and the operational costs of all of the departments and agencies of the Executive

Branch, as well as those of the Legislative Branch and the Judiciary. These are the programs that support the physical and human infrastructure of this Nation.

What is being proposed for the discretionary portion of the budget in this Budget Resolution? As this chart shows, this budget plan would increase spending for the military by $24 billion above what is required to maintain current levels, over the next five years. For all other discretionary spending, this budget plan would cut $105 billion, or 6.5%, over the next 5 years below what is needed to maintain current services, adjusted for inflation.

To get right to the point, let's look at what is being proposed in this Budget Resolution for Fiscal Year 2001. That is the fiscal year which will begin on October 1 of this year. This budget proposes budget authority totaling $597 billion for discretionary programs for the upcoming fiscal year. That is a cut of $10 billion below what will be needed to maintain this year's discretionary spending levels, adjusted for inflation.

It would take $607 billion just to keep up with inflation and avoid real cuts in discretionary spending for Fiscal Year 2001; only $597 billion is allowed in this budget resolution. Of that amount, what is allowed for Defense? The CBO tells us it would take $298 billion in budget authority to maintain this year's level of Defense spending. But, the Budget Resolution before the Senate would provide $307 billion—a real increase of $9 billion above what it would take to maintain this year's level of Defense spending, adjusted for inflation.

For all other discretionary programs, CBO says it would take $309 billion in budget authority to maintain this year's spending levels. This resolution provides only $290 billion, a cut of $19 billion in budget authority. Yet, at the same time, the budget resolution promises to increase funding for education, veterans' health care, and other popular initiatives. This means that all of the other unprotected programs will have to be cut even more in order to accommodate the protected ones.

What does that mean in real terms? For an example, let's take a look at national crime-fighting programs. According to the Office of Management and Budget, the Senate Budget Resolution does not appear to provide any funds for the hiring of additional police officers, or for community crime-prevention programs. For the Coast Guard, this budget resolution would severely impact their ability to carry out their missions in the areas of drug interdiction, national security, and fisheries enforcement.

Despite claims to the contrary, funding for education would be cut by more than $5 billion below the President's request in Fiscal Year 2001. This would require cuts of some 62,000 children from Head Start; and it would make it impossible to hire some 20,000 additional teachers for public schools or provide urgent repairs for some 5,000 schools across the Nation.

For Science, a reduction of this magnitude would result in more than 19,000 fewer researchers; educators and student receiving support from the National Science Foundation. It would appear that a lot of this rhetoric about protecting education is just that—rhetoric.

Is it realistic to suggest that the Nation's important domestic investment needs will be cut by almost $20 billion this year? Is that what we want to propose to the American people? I do not support any such proposition. To follow this budget plan will mean endorsing large permanent tax cuts, based on budget surplus projections which may or may not come to pass. If the tax cuts are enacted, they will be real. They will be in law. But, the money to pay for them may be only a figment of the forecasters' imaginations. The result may make it a virtual certainty that this flawed budget plan would lead the Nation, once again, down the road of annual triple-digit billion dollar deficits. We slew that gremlin after the twelve Reagan-Bush years. Let us heed the warning of Santayana and not condemn ourselves and the American people to repeat those failed policies. Let the evil, bloated deficit monster sleep.

If we follow the plan before us today, we will probably see another in a series of session-ending omnibus appropriations negotiations with the White House. Such a process demeans the Congress, elevates the Executive, and allows the President's aides to sit at the table and become instant appropriators while Congress completes its appropriators' work. That process always reminds me of a high stakes poker game—"I'll see your veterans' programs and raise you five billion more for defense." Unfortunately, it is often the American taxpayer who ends up the loser. I implore my colleagues to reject this Budget Resolution. Let's get off this treadmill to nowhere. We should not give tax cuts with money we don't yet have, and may never have. To do so is like writing checks before the money is firmly in the bank.

In recent testimony before the Senate Special Committee on Aging, Federal Reserve Chairman Alan Greenspan repeated his longstanding view that, "The most effective means of raising the level of future resources, in my judgment, is to allow the budget surpluses projected in the coming years to be used to pay down the Nation's debt." I agree with Mr. Greenspan in that statement. We should adequately invest in our Nation's infrastructure needs and use the balance of future surpluses to pay down the Federal debt, thereby enhancing the ability of the Nation to be in the position to meet the future needs of both Social Security and Medicare. The American people, I believe, recognize the wisdom of such an approach. They instinctively realize that massive tax cuts at this time, based on flimsy projections and on promises to cut spending far below levels that could sustain the economy into the 21st century, are precisely the opposite of sound fiscal policy. The American people will not buy these Disney World policies anymore. They expect a fair deal in budgeting, and this Senate should, as well. To fail to do so would amount to deja-voo-doo all over again!

I yield the floor. I thank the distinguished Senator from Minnesota for yielding to me.

Mr. GRAMS. Mr. President, I wish to take a few minutes this afternoon to talk, not of the budget in general but about a particular part of the budget. I wish to speak in support of the amendment of Senator KAY BAILEY HUTCHISON of Texas. I commend her efforts and leadership on a very important issue: that is, the marriage penalty tax that is part of this overall budget. I know we are still working on an agreement dealing with this amendment but, because of other commitments, I wanted to take time to come to the floor and speak on this issue, the marriage penalty tax, a little bit out of order. I want to at least voice my strong support for the issue. I support, strongly, the elimination of the marriage penalty entirely and I believe that Congress should pass this legislation and we should do it as quickly and as early as possible.

There is compelling reason to repeal the marriage penalty tax: The family has been and will continue to be the bedrock of our society. Strong families makes strong communities; strong communities make for a strong America. We all agree that this marriage penalty tax treats married couples unfairly. Even President Clinton agrees that the marriage penalty is unfair, although he said—well, we just can't help it; we need the money here in Washington.

If we do not get rid of this bad tax policy that discourages marriage, millions of married couples will be forced to pay more taxes simply for choosing to commit to a family through marriage.

In fact, the Tax Code contains 66 provisions that can affect a married couple's tax liability.

Let me give a real example of how average Americans have been hit by the marriage penalty. Newly wedded Alicia Jones from my state of Minnesota and her husband graduated from college and had just begun working full-time 2 years ago. In 1998, Alicia and her husband both worked full time in professional careers. They had no children and were renting an apartment, saving to buy a house. They had to pay at least an additional $1,400 for simply being married. As a result, on top of the over $10,000 tax they already paid, they had to take an additional $700 from their limited savings account to pay for Federal taxes—taxes that they wouldn't have had to pay if they weren't married.—The marriage penalty.

She wrote to me:

> I am frustrated by this, I'm frustrated for the future—how do we get ahead, when each year we have to take money from our savings to pay more for our taxes. I hope that you will remember my concern.

Alicia's story is not uncommon. There were 21 million American families in the same situation.

A 1997 study by the Congressional Budget Office entitled For Better or Worse: Marriage and the Federal Income Tax, estimated 21 million couples or 42 percent of couples incurred marriage penalties in 1996. This means 42 million individuals paid $1,400 more in tax than if they are divorced, or were living together. It has grown to even more in the year 2000.

But marriage penalties can run much higher than that. Under the current tax laws, a married couple could face a Federal tax bill that is more than $20,000 higher than the amount they would pay if they were not married.

This is extremely unfair. This was not the intention of Congress when it created the marriage penalty tax in the 1960s by separating tax schedules for married and unmarried people.

The marriage penalty is most unfair to married couples who are both working, it is discriminative against low-income families and is biased against working women.

The trend shows that more couples under age 55 are working and the earnings between husbands and wives are more evenly divided since 1969. As a result, more and more couples have received, and will continue to receive, marriage penalties and fewer couples benefit under the Tax Code.

The marriage penalty creates a second-earner bias against married women under the Federal tax system. The bias occurs because the income of the secondary earner is stacked on top of the primary earner's income. As a result, the secondary earner's income may be taxed at a relatively higher marginal tax rate. In many cases it even forces the whole family budget into a higher tax bracket so the whole family faces this marriage penalty. Married women are often the victims of the second-earner bias.

As more and more women go to work today, their added incomes drive their households into higher tax brackets. In fact, women who return to the work force after raising their kids face a 50 percent tax rate—not much of an incentive to work.

The marriage penalty tax has discouraged women from marriage. It even has led some married couples to get friendly divorces. They continue to live together, but save on their taxes.

Repealing the marriage penalty will allow American families to keep an average of $1,400 more each year of their own money to pay for health insurance, groceries, child care, or other family necessities.

This is what we hear all the time, whenever we want to cut a tax or reduce the tax burden on average Americans—it is a windfall for the rich. No one else is going to benefit. This is completely false. The fact is, the elimination of the injustice of the marriage penalty will primarily benefit minority, low- and middle-class families. Studies suggest the marriage penalty hits African-Americans and lower-income working families hardest.

Couples at the bottom end of the income scale who incur penalties paid an average of nearly $800 in additional taxes which represented 8 percent of their income. Eight percent, Mr. President. Repeal the penalty, and those low-income families will immediately have an 8 percent increase in their income. They would be able to keep it to spend on what their families need, rather than shipping it off to Washington.

It is unfair to continue marriage penalty tax. It is time now to end it. I strongly support Senator HUTCHISON of Texas and her efforts to repeal the marriage penalty too. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself as much time as I need.

I was here for most of Senator BYRD's remarks. I do not choose to discuss the history of 10, 12, or 14 years ago. That does not mean there is not a different version to his well charted speech. There is another version.

All I want to talk about is right now and what we plan and how we see things a little differently in terms of what we are going to do with the surplus that does not belong to Social Security.

Remember that we already have established a new dynamic, and it is probably a very salutary one and maybe, as the Federal Reserve Chairman has said, the most significant fiscal policy change if we follow through for a decade or so. That is, if all of the Social Security surplus goes to debt service, that means we do not spend it and the debt owed to the public that we have out there in Treasury bills that banks have bought, that countries have bought, that we really have to pay interest on every year, all this money from Social Security reduces that.

I believe when the President suggested we only save 62 percent of the Social Security surplus, that was the first time we ever invented and used the budget for longer than 5 years. He wanted to do 10 years then. Almost everyone thought: How in the world will we do 15 years, and why? I can tell my colleagues why.

One starts with a proposition that if we only put 62 percent of the Social Security money into a fund that belongs to Social Security, we have to tell the American people that sooner or later we are going to pay all the Social Security money back. It took 15 years to do that. It just happened almost miraculously. So the President drew up a 15-year budget. After the fifth year, it was pretty irrelevant. In the 7th, 10th, 14th, and 15th years, it got to be speculative. Nevertheless, it kept showing a very big and increasing surplus.

I got the idea, as all of us heard the 62-percent speech, why not 100 percent? I am very proud that as to the new dynamic to which I was just alluding, that the Chairman of the Federal Reserve says is positive thinking and a positive approach to the future, I said why not 100 percent of the Social Security fund? Then we thought up the idea of a Social Security lockbox. Whether one likes the lockbox or not, it is pretty descriptive. We make it darn hard to get the money out of the lockbox. We put it in there every year.

This budget does that again. For the next 5 years, it says every penny of Social Security surplus goes to the debt; it cannot be used for anything of a general government nature. That turns out to be a very large number. I will give you the number in just a moment.

Believe it or not, for the next 5 years, in addition to that big number, the surplus that goes to Social Security, there is another big number, and it is a surplus that does not belong in Social Security. I share with the Senate and with my friend, Senator BYRD, how big the on-budget surplus is, that which does not belong to Social Security. It is $400 billion over the next 5 years—$400 billion.

The point is, we are deciding what ought to happen to that $400 billion. The Democrats would say there really isn't $400 billion—I am not saying where Senator BYRD would be, but I think his speech indicates this is a fair statement. They would say there isn't $400 billion because, each of the years, all of the accounts of Government must grow by inflation. They say anything above that—that is, $171 billion—is all that would be left over out of the $400 billion if you give every account in Government an inflation increase every year.

We said that is not quite what we think the American people want to measure us by. So we said: Let's start at zero. Let's not have any additions, and then let's go to the $400 billion and put it back in the budget and put it back in other places. What we did, I say to my good friend, Senator BYRD, is we put $230 billion of that $400 billion back into the domestic and defense accounts.

That may not be enough for some, and who knows, the prediction that before we are finished it will not be enough, I do not know about that. But to get the votes to bring a budget to the floor, there is essentially $230 billion in new money on top of inflation divided by 5, which is $46 billion a year—if one does it on an average—$46 billion that we can add to the freeze and see where it turns out.

We think it turns out with almost a 6-percent growth in defense spending this first year and almost 4-percent real growth in the appropriated accounts—I should say growth in each instance. We do that, and there is some money left over.

Frankly, we believe that money ought to be looked at very carefully because it is the American people who are overpaying their taxes. That is why we have a surplus. We decided that over the whole 5 years we would provide a tax reduction of $150 billion, spread out over 5 years. In the first year, it is $13 billion.

Do my colleagues know how much the debt reduction is in the first year? It is $174 billion. What is the ratio? It is $13 billion in debt reduction for $1 of tax relief.

Would the American people say: That's unfair? We ought to spend more of that money? We said: Over the full 5 years, the debt of the American people will be reduced by $1.1 trillion—a huge reduction. We put that alongside of $150 billion in tax relief; and the ratio, over the 5 years, is $8 in debt reduction for $1 in tax relief—a pretty fair ratio.

The whole difference is, when you have $400 billion in surplus, what should you do with it? Some would say: Inflate every account of Government by the rate of inflation for each of the next 5 years, and don't even worry about that. They say: You make that automatic.

We do not make it automatic. We add back each year. As I indicated, if you did it, on average, you could almost add $50 billion a year to a base of about $500 billion. That is the combined defense and nondefense. That is pretty good.

Will it be tough? Of course, it will be tough because in the last 5 years, the tendency was to significantly reduce expenditures in the first 3 years of that 5 years, and then in the last 2 years to start spending it, maybe a 7-percent or 8-percent or 6.5-percent-per-year increase.

I close by saying there is a stark difference between the President of the United States and the Republicans. Believe it or not, the President of the United States would increase domestic discretionary spending in the first year—the year for which we are doing the budget, next year—by 14 percent.

The 14 percent includes inflation, plus a whole bunch more. In fact, that is the biggest increase since one of the years of President Jimmy Carter when there was super inflation.

We say that is too much. In fact, they say there is something bad about $150 billion in tax cuts. But I say, if there is anything that is risky, it is to spend the surplus. A 14-percent-a-year increase, if kept for 3 years, will spend the entire non-Social Security surplus, and we will start using up some of the Social Security surplus. Just think of that.

Why does the President offer $14 billion in 1 year? In fact, I do not even think his loyal minority on the Democrat side has anything like a 14-percent increase in mind. He does because it is an election year, and you get to do it one time on your way out the door; the next administration has to live with what you have left.

But we decided not to do that. We decided we would do it the way we just described: $230 billion in spending over a freeze for the next 5 years, $150 billion in tax relief, and an extra $20 billion in debt reduction besides the Social Security money.

Frankly, why would the President offer such a huge increase in the last year of his Presidency? I would think one of two things is possible: It is a political budget. He would like to make hay out of bean for almost everything or, secondly, he really thinks that is what we ought to spend.

I do not know that there is any other reason in between. If he thinks it is what we ought to spend, then he ought to stop saying we will not spend Social Security money because you cannot increase the budget 14 percent a year and not use Social Security money.

What I know is, we have sound fiscal policy today for which a lot of people can take credit. There are a lot of things which happened that caused it to be this way. But it surely is not solely and significantly because the President offered a proposal that all of his party voted for, and we did not, to raise taxes $195 billion. That happened. Clearly, that cannot be the singular item that caused this 7 years of growth.

In fact, we are very proud that once the Congress became Republican we started really reducing the amount of Federal expenditures per year, year after year. We made a bipartisan deal in 1997 of which we are very proud. It reduced all parts of Government significantly, including some entitlements that we are going back and looking at, such as Medicaid, Medicare, and home health care.

So that, plus the Federal Reserve Board acting prudently—I do not know whether the last increases in the interest rate are as prudent as the previous ones by the Federal Reserve Board Chairman, but he and his Board deserve ample credit for this fantastic growth. But ultimately the growth is because we turned loose American innovation. They changed things. They brought equipment and technology into the marketplace that saves human effort by the thousands of hours per week per business, Thus, more profit is made and more pay can be made. The gross domestic product can grow without inflation. That is where we are today.

We think our budget will keep us there. We think it is too risky to spend more money, especially when we have provided more than adequately, with some discretion to pick and choose between accounts of Government.

The approach of allowing inflation to be added to every account, and that unless you start with that you are cutting something, is an acknowledgement that every one of the 2,800 programs of America—some 30 years old, some 40 years old, some in the Education Department that the Presiding Officer has seen as duplicative, where there are 20 or 30 of the same kind—deserve an increase equally and none deserve to be restrained.

We say many of them should be abolished. If that is what it takes the appropriators to do to live within these numbers, that would be pretty good for America.

Those are my observations. I do not know that we are going to be able to reach an agreement on amendments. But I am going to now ask the distinguished minority leader what he would like to do next, and we will proceed.

Mr. REID. I say to the manager of the bill for the majority, our manager wishes to speak on the bill some more.

Mr. DOMENICI. Sure.

Mr. REID. Perhaps during that time we can work something out as to the order of amendments. We have already worked on that. We will see what we can do.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to take a moment for those who may be wanting to take a look at the Budget Committee Democrats' new web site—I do not know how rapidly people can write down the address, but here it is in full colored splendor: http://budget.senate.gov/democratic.

That is the address. We know people will immediately run, in large numbers, to see what is being said there.

At the site they will see a summary of the budget resolution, the Democratic alternative, background on the budget process, links to other budget-related information, presented on a colorful chart. We even provide a budget quiz for those who want to test their perception of what we are doing. We will also be maintaining a mailing list for those people who want to stay up to date about budget matters.

Please take a look, if you will, at the address. Once again, we will provide it in case people want to jot it down. I need not read it. I think it is visible.

They ought to be able to contact Democratic Budget Committee members. I thank Rock Cheung of our staff for doing such a great job in putting that web page together.

I now wish to talk about something that has troubled me, something that, frankly, I do not understand. But to put it simply, there was a change from the budget resolution—if I might have the attention of the distinguished Senator.

I want to point out the fact that there was a change from the budget resolution as passed by the committee by a majority vote—a change in numbers, which is hardly allowable, and certainly not acceptable—after the committee deliberation, after the committee passed the bill, after the committee presented it to the Senate body, as we see it now. To make a change in the numbers—whether it is small or large doesn't matter, but the process is not allowed, as I understand it, by virtue of rule XXVI. I want to point out that this resolution is not the same, and it was not only a technical change but, rather, it is dramatically different. It was changed after our markup, after we all sat around and voted; some voted for it and some voted against it. It is a change to the tune of $60 billion in lower spending in each of the fiscal years 2001 and 2002.

There was a reason this was done, Mr. President. While it is understandable, it is not acceptable to change it after the markup, after the contract is signed, essentially. If a contract is signed and somebody decides let's change the terms of the contract, that would be unacceptable in a business structure. As a matter of fact, it would engender a lawsuit in very easy fashion if it were done in the business world. This was done to avoid a point of order against the resolution.

Whenever we talk in this arcane language around here, I believe we need to spell it out. What we are saying to those who don't work here on a regular basis is that instead of 51 votes, you need 60 votes if you want to make a change. Well, in other words, if there is a call for a waiver of the budget, it falls to one side or the other to get 51 votes, which can easily be accomplished by the majority because they have 55 Members. But it doesn't include any of the Democrats. While none of the Democrats voted to move this bill, nevertheless we don't give up our proprietorship on what goes out of there. No Senator does. No Senator gives up their rights without respect for the rule.

This is not appropriate. It is a terrible precedent for the Senate as a whole. When a bill passes out of a committee, it must carry the same message when it arrives on the Senate floor. It ought not be changed on that short trip from the Dirksen Building to this building. It is called a technical modification. We saw initially that $4.4 billion worth of additions were going to be made. When we finally got it here, it was almost a $60 billion cut from programs. It went into a catchall category that can then be distributed. It was $60 billion. So we are looking at something bordering on a 10-percent shift without the public, frankly, being aware of it.

Under the Budget Act, there is a point of order against any budget resolution that exceeds the discretionary spending caps. It is very clear this budget resolution is intended to break those caps. In fact, it says so in section 209, on page 41 of the budget resolution. I will read directly from that subsection:

> The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for the fiscal year set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

That is a quote from the budget resolution itself. In effect, it says that we are breaking the caps and the spending limits as modified in 1997. In fact, when the Budget Committee approved this resolution, it did break the caps, just as it claimed it did. It told the truth. But a funny thing happened on the way to this forum—the difference between the close of the markup and arrival on the floor of the Senate. As if by magic, the spending totals were changed dramatically so that they no longer break the caps. The changes were made to what we call function 920 and left completely unspecified, just thrown in there. This is a catchall. But when it has to be distributed—and it does—then it will hit all of the categories for which we appropriate. I am talking about a significant change.

When the committee approved the resolution, the total for function 920, as indicated on the chart, was $4.4 billion in budget authority. In fact, if you look at the committee report—on page 38 and again on page 50—that is what it says: $4.4 billion in budget authority.

Budget authority means that which we are allowed by law to spend. That is what the committee approved. Now, when we look at the resolution before us, which is claimed to be the same, the one approved by the Budget Committee, on page 27, line 7, it says that the total for function 920 is negative $59.931 billion. So in the fiscal year 2001—the one we are preparing the budget for—the resolution includes $59.9 billion in unspecified cuts. But the Budget Committee, I remind you again, only approved $4.4 billion in such cuts for the fiscal year beginning October 1.

If you look at fiscal year 2002, the same type of thing happened. The committee approved a plan this time that had no budget authority for function 920. That means they weren't allowing any expenditure, positive or negative—well, you can't have negative expenditures, but reductions in the account—in fiscal 2002. Now we have a resolution before us that has $59.729 billion in negative budget authority—unspecified cuts that appeared, seemingly, out of thin air.

I have to ask, What is happening here? Well, obviously, the majority is making huge cuts in order to claim they are abiding by the discretionary spending caps, so that they can avoid a point of order and then the need to get 60 votes. They can't get 60 and they know that.

I don't criticize them for exceeding the caps. But they are wrong to hide this back-room change to pretend they are not breaking the caps. That is not being honest with the Senate or the American people.

The fact is, under the Budget Act—which I negotiated with Senator DOMENICI in 1997—it is supposed to take 60 votes to break the caps. That is the law. Yes, it gives the minority, or at least a few of the Members of the minority, a little bit of leverage. It means the Republicans are supposed to seek some Democratic votes to approve their budget resolution.

But instead of playing by the rules, the majority today is flouting them. They are trying to have it both ways—breaking the caps, but then pretending in the resolution that they are not doing that, all to avoid giving the minority a say in this resolution. I think it is wrong that we are here today considering a resolution that isn't the one approved by the Budget Committee; it is a different resolution.

At the end of a budget markup, the staff is given the right to make technical changes. That is not unusual, and I don't object to that. But by cutting spending by $60 billion a year, they are eliminating the prospect that this could be a technical change. I know some people around here are used to sloughing off a few million dollars here and there. But $60 billion in a year? Even here that is a large sum of money. That doesn't just sidestep the rules; in my opinion, it goes over the line. I am going to ask the Parliamentarian now whether or not there are prohibitions to changing a Committee-passed resolution or bill without consulting the committee before it is presented to the floor for consideration.

The PRESIDING OFFICER. Rule XXVI requires a quorum to report out a measure, and it is not in order to change a measure once reported.

Mr. LAUTENBERG. Thank you, Mr. President. I thank the Parliamentarian.

All this then, as I see it, is designed to deny the minority the right to participate meaningfully in this debate and hide the facts from the American people.

Anytime the Senator from New Mexico has a question, I am happy to answer; or shall I finish what I am doing?

Mr. DOMENICI. I am sure. The Senator may finish his speech. I am going to make my point as to why it is in order, if the Senator from New Jersey is talking about this.

Mr. LAUTENBERG. Shall I finish?

Mr. DOMENICI. Sure.

Mr. LAUTENBERG. Mr. President, I am going to have more to say later about the breakdown of the budget process and what I consider the abuse of the minority rights.

I personally believe the exclusion of the minority through the budget resolution and reconciliation process is one reason the whole budget process is in such a difficult mess, and it largely explains why we have these terrible train wrecks and huge omnibus bills at the end of each fiscal year.

Be that as it may, I would be happy, before I leave this place, to have a series of discussions with my colleagues on both sides of the aisle about what maybe we can do to get the fiscal year kicked off in a proper fashion with the budget, and as we should do with the Budget Committee.

But that is not for the moment because that doesn't have anything to do with the $60 billion per year "technical change" being simply wrong. I think it is an abuse of the committee process. It is not fair to the minority. Frankly, it does raise a bit of a sad commentary on the whole budget process.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am just without words about such an argument that we did something really wrong. We did nothing wrong. The staff of the minority had an invention in their mind. They kept it quiet.

Have you ever hunted quail? You know that they spread after you shoot. They hunker down and hide and don't want anybody to hear them.

They had in mind knocking this whole budget resolution out because of this issue right here. If we had not made the technical change that is in this resolution, indeed, they would have made the whole thing die and we wouldn't have a budget resolution.

Let me tell you, their budget resolution would fail on the same grounds. The President's would fail on the same grounds. And the truth of the matter is that I sought and received, with a quorum present before the final vote, unanimous consent to make technical amendments. I asked for that. I received consent. And the technical changes are very clear. The language of the chairman's mark made it clear that the caps would be met. That is $540 billion, and an adjustment would be made of nearly $60 billion. We don't cut anything. We say the first appropriations bill will lift the caps, and a $60 billion fund that is in title 14 will become operative.

That is not untoward. It is not making shambles of the budget process. If people want to know what makes a shambles with it, I can stay here for a month and talk about it. But this isn't one.

As a matter of fact, this Senator has been a very loyal supporter of getting things done right. I am absolutely amazed that he would read such language from a piece of paper—that this particular technical change has wreaked havoc.

I would like to meet with both sides to talk about how to fix the budget resolution. Let me tell you, we will meet with both sides. He can be present, and I will be present. We will have a list of 50 items before we ever get around to technical changes that are harming the budget process.

It is absolutely clear to everyone what we are doing. If we were trying to deceive anyone and were really in some way cutting $60 billion out of this budget, and in some clandestine way we were going to do it, then I would be here saying I did something that is untoward. I didn't do that. That is not the case.

There is no objection to this budget resolution based upon what I did and the unanimous consent that was granted. There is no question about it, in my opinion. I wouldn't have done it if there were any question.

Soon I would like to suggest we get on to a couple of amendments. But I don't have them ready yet. So I will sit down and let the minority speak.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR TAX SIMPLIFICATION

Mr. HATCH. Mr. President, in less than two weeks, American taxpayers face another federal income tax deadline. Although this year's deadline falls on a Saturday, and is thus deferred for two days, the date of April 15 stabs fear, anxiety, and unease into the hearts of millions of Americans. Some discomfort with filing tax returns and, especially, with paying taxes, is understandable and probably unavoidable. Paying taxes will never be fun. But neither should it be cruel and unusual punishment.

But because of the complexity of our federal income tax system, for millions of American taxpayers, completing the forms can be sheer torture. According to the Tax Foundation, American taxpayers, including businesses, spend more than 5.4 billion hours and $250 billion each year in complying with tax laws. That works out to more than $2,400 per U.S. household. This is astounding, Mr. President.

Last year, over 126 million individual income tax returns were filed. The good news is that about 25 million of these were filed on Forms 1040EZ or 1040A, which are significantly easier to complete than Form 1040. Nearly six million more taxpayers last year filed over the telephone, simply by pushing buttons. I am pleased to note that the Internal Revenue Service is making strides in improving telefiling and also electronic filing. The bad news is, however, that the majority of taxpayers still face filing tax forms that are far too complicated and take far too long to complete.

According to the estimated preparation time listed on the forms by the IRS, the 1999 Form 1040 is estimated to take 12 hours and 51 minutes to complete. This is an increase of 77 minutes from 1998.

Moreover, Mr. President, this does not include the estimated time to complete the accompanying schedules, such as Schedule A, for itemized deductions, which carries an estimated preparation time of 5 hours, 39 minutes, or Schedule C, for taxpayers with a business, which has an estimated time of 10 hours, 19 minutes. Schedule D, for reporting capital gains and losses, shows an estimated preparation time of 5 hours 34 minutes.

Even though millions of taxpayers are spared having to file the more complex 1040 with its many schedules, I believe the majority of Americans are intimidated by the sheer number of different tax forms and their instructions, many of which they may be unsure whether they need to file. Simply trying to determine that a certain form is not required can itself be an overwhelming task, given the massive set of instructions and the approximately 325 possible forms that individual taxpayers must deal with.

This is the instruction book for 1999 individual tax returns, Mr. President. It includes 116 pages, not counting the forms themselves.

It is no wonder that well over half of all taxpayers, 56 percent according to a recent survey, including a large number of my colleagues in the House and Senate, now hire an outside professional to prepare their tax returns for them. However, the fact that only 29 percent of individuals itemize their deductions shows that a significant percentage of our taxpaying population believes that the tax system is too complex for them to deal with, even though they may qualify to file one of the simpler forms.

Moreover, Mr. President, this complexity is getting worse each year. As I mentioned, just from 1998 to 1999 the estimated time to prepare Form 1040 jumped 77 minutes. Going back a few years, to tax year 1988, we see that the estimated preparation time was only 9 hours and 17 minutes, so we have an increase of 38 percent since 1988. The number of pages in this 1988 instruction book is only 59. So, in a matter of

11 years, we have nearly doubled the hassle factor for our constituents.

I might note, Mr. President, that the income tax system was not always so complicated. I hold here the very first Form 1040, the 1913 edition. This form totaled three pages for the form and just one page for the instructions. But as Congress changed the tax code over the years, the cumulative results have left us with a quagmire of tax rules that would challenge the wisdom of Solomon and the genius of Einstein—not to mention the patience of Job. In fact, the genius of Einstein might not even help here. Albert Einstein himself is quoted as saying "the hardest thing in the world to understand is the income tax."

As much as we in Congress would like to blame the Internal Revenue Service for this mess, Mr. President, I am afraid that we instead need to look in the mirror to see who is responsible for the complexity of our tax system. After all, the Internal Revenue Code is our creation. And what a creation it is. According to the Congressional Research Service, the tax code last year included over 2.8 million words. The Holy Bible itself has only about 775,000 words. Obviously, God did not need to issue such copious instructions for living as we currently have for complying with the tax laws.

Moreover, the pace of change to the Internal Revenue Code is quickening. According to Charles Rossotti, Commissioner of Internal Revenue, Congress made about 9,500 tax code changes in the past twelve years. And we are far from being finished. Currently, there are at least 11 pending bills that have been reported by the House Ways and Means and Senate Finance Committees that have changes to the Internal Revenue Code. In addition, we are talking about passing still more tax bills this year. What started as a trickle in 1913 has become an avalanche in 2000.

So, what is the solution, Mr. President? Many of my colleagues, myself included, have berated the tax code and the Internal Revenue Service, calling for both to be eliminated and replaced with a system that is much simpler. Such an idea seems to be a popular one, judging by the applause lines I receive when I mention this concept in speeches, and by the mail I have received on the subject.

I do believe that our current tax is seriously flawed and that Congress, led by the President, should enact legislation that would give the American people the tax system they deserve—one that is simpler, fairer, and geared to the needs of our economy in the 21st Century.

This is not an easy proposition, Mr. President. Nor is it one that can be completed in a short period of time. One major problem has been the lack of presidential leadership. As with so many other vital issues facing this great country, the Clinton-Gore Administration has been AWOL on tax reform—aloof without leadership.

It seems that the Administration's solutions to almost every societal and economic problem has boiled down to one of two things—targeted tax cuts or revenue increases. Both have had devastating effects on the complexity and fairness of the tax code. And again, there is plenty of blame to go around for this, right here on Capitol Hill.

But even when we have a president willing to show us the way to a new tax system, the problems of such a monumental undertaking are enormous. Just the task of educating ourselves and the taxpaying public on what the effects of fundamental tax reform would be, and how each taxpayer would be affected, is a large one indeed.

Moreover, computing the effect of such a change on the economy and figuring out how to make a fair transition will be truly daunting. This will be the case whether we decide to adopt a flat-tax, a consumption tax, or some hybrid system. Indeed, the inability of members of Congress to unite behind one reform plan, after years of discussion, is but one indication of how difficult this job of fundamental tax reform will be.

This is not to indicate in any way, Mr. President, that I shrink from or do not favor the idea and need for fundamental tax reform. I am fully convinced that we, as a nation, must find a better tax system. I merely wish to point out that getting to that point is a long and difficult journey that, when looked upon with a realistic eye, will not be accomplished in the next two to three years under the best of circumstances. I believe it will take a minimum of five years.

In the meantime, what do we do? Do we simply sit on our hands and lament the terrible tax code and wish for the day we can change things? Not in my book, Mr. President. I believe we should take action, starting this year, to improve our present tax system. For all of the Internal Revenue Code's many flaws, there are numerous incremental steps we can take this year and over the next two years that can dramatically lessen the complexity and increase the fairness of our tax code.

In the next few weeks, I intend to introduce legislation that will represent the "down payment" or first installment of what I believe will be a significant multi-year tax simplification package. This first installment will include a number of tax simplification provisions designed to make tax life easier for each category of taxpayers, including business filers. A considerable portion of the bill will be repeal provisions. After all, repeal of a overly complex and outdated tax provision is the ultimate reform.

My tax simplification plan will be in three installments because I believe that, for a number of reasons, trying to simplify the entire code in one year may be too large an undertaking to succeed. Rather, I believe that a three-part plan, each containing significant, but digestible, relief for different classes of taxpayers, is a more practical approach.

Each of these three installments will include a centerpiece repeal provision that would remove from the Internal Revenue Code a major source of complexity that, in my view, is beyond repair and should simply be eliminated. For the first installment, the provision to be repealed is the individual alternative minimum tax (AMT).

The individual AMT is growing out of control and, if left unchecked, will become a source of major complexity to millions of taxpayers, most of whom it was never intended to affect. The alternative minimum tax was originally established in 1969 as a sort of backstop provision to ensure that sophisticated taxpayers who took advantage of some of the tax code's incentive provisions, called tax preferences, paid at least some minimum amount of tax.

The AMT was expanded as part of the 1986 Tax Reform Act, with the changes taking effect in 1987. The Joint Committee on Taxation estimates that only 140,000 individual taxpayers were required to pay the individual AMT that year. By 1999, that estimate had grown to 823,000 taxpayers, largely because the thresholds for determining minimum tax liability were not indexed for inflation. In other words, as incomes grew because of inflation and other factors, more and more people found themselves subject to the AMT. This is a major flaw, Mr. President, which will bring millions of middle-class families into the net of the minimum tax over the next ten years.

As serious as this problem is, a worse one also lurks in the AMT. Because of structural problems with the provision, some of which have been temporarily solved on a year-to-year basis through 2001 only, the minimum tax serves as a limitation to families receiving the major tax relief Congress passed in 1997 in the form of the child credit and the education credits. If not corrected or repealed, this "AMT time bomb" will affect 17 million taxpayers by 2010, according to the Treasury Department.

Many of these taxpayers, Mr. President, are not wealthy by any stretch of the imagination. We are talking about middle-class American families here, many struggling just to raise their children. Let me give you an example from this chart entitled: The Effect Of The Alternative Minimum Tax on a Middle-Class Family of Five.

Todd and Mary Anderson live in Murray, Utah, and have three children. Their oldest daughter, Sarah, is a freshman in college. The younger two children, Mark and Marcia, are twins in the fifth grade. Todd and Mary are both school teachers and together earn $80,000 per year. This is not a wealthy family by any measure.

However, Mr. President, this family will be paying at least $878 of alternative minimum tax beginning in 2002. Moreover, because the AMT exemption is not indexed for inflation, the minimum tax for the Andersons will get larger each year as their income rises because of cost of living adjustments.

Perhaps almost as aggravating for this family as the higher taxes is the fact that they will need to file the alternative minimum tax form with their annual tax return. Not only does this entail mastering an 8-page set of instructions, which are estimated to require 6 hours to learn about and complete, but also preparing a 50-line form along with a 10-line worksheet.

This kind of extra complexity is simply unjustified for any taxpayer, but more especially for families like the Andersons, who have nothing out of the ordinary about their financial situation.

Mr. President, the best way to reform provisions like the individual alternative minimum tax is simply to repeal them. This is exactly what my bill would do.

As I mentioned earlier, this first installment of my simplification initiative will have provisions that are designed to simplify the tax lives of every group of taxpayers. Let me outline what the major provisions would be and who they would benefit.

For lower-income taxpayers, probably the most complex feature of the current tax law is the earned income tax credit (EITC). This credit is vital to the livelihoods of millions of working American families. Unfortunately, the computation of the credit is so complicated that many professional tax preparers do not even know how it works. My bill does two things, Mr. President. First, it would significantly simplify the credit, and second, it would enhance it so more low-income families could take advantage of it.

Besides the repeal of the alternative minimum tax, my bill will also aid middle-class taxpayers by vastly simplifying the capital gains tax. Many of my constituents were thrilled in 1997 when Congress lowered the capital gains tax rates from 28 percent to 20 percent. However, many were not as excited when they found out what the new law meant come tax return filing time—a 54-line Schedule D accompanied by two worksheets and seven pages of instructions. This is compared to a 39-line form and just two pages of instructions prior to the change.

I plan to simplify capital gains by changing from the current maximum rate approach to a 50 percent exclusion approach, as was the case before the 1986 Tax Reform Act repealed the capital gains preference. In other words, taxpayers would be allowed to exclude 50 percent of the long-term capital gain from gross income. The remaining 50 percent would be taxed at ordinary income rates. This would do away with the need for a special computation on the tax forms. It would also result in a lower capital gains rate for every tax bracket, with those in the lowest tax brackets getting the largest rate decreases.

My tax plan would greatly simplify taxes for taxpayers in the upper-middle income and upper-income brackets by repealing two phaseout provisions that are both unwarranted and very complex. These provisions, which phase out the benefits of personal exemptions and itemized deductions for taxpayers with incomes above certain thresholds, are nothing more than backdoor tax increases Congress passed in 1990. Repeal of these provisions would make a significant contribution to simplification.

Corporate taxpayers will also find tax simplification provisions in this first installment of my tax plan. Mr. President, including a provision to equalize the interest rate that the IRS pays corporate taxpayers on overpayments with the rate that companies must pay when they owe the government. Future installments of my simplification plan will have even more corporate provisions.

Finally, each of the three installments of my simplification plan will include ten to fifteen smaller, yet important, simplification provisions that, taken together, would make a significant difference in lessening the complexity of the Internal Revenue Code.

American taxpayers are fed up with our tax system and want to see some serious changes made. Like all members of this body, I hear from my constituents each day who complain about taxes. This has been the case since the first year I was privileged to represent the State of Utah here in the Senate. Over the years, the nature of the complaints has changed, however. Years ago, I mostly heard from constituents that taxes were too high or were unfair. While I still hear plenty of complaints of this nature, I have begun hearing more and more from Utahns who are just plain sick and tired of the complexity of our tax code.

We need to take action now to reduce complexity. We should not wait for a new president, nor for a groundswell of popular support for either the flat tax or a national consumption tax. Let's start this year, Mr. President, with a tax simplification plan that begins the long process of making our current system both fairer and simpler. In the meantime, we should also continue the national debate about how to best replace the tax code with a new system. I urge my colleague to join me in this undertaking.

I thank the Chair.

FISCAL YEAR 2001 BUDGET—Resumed

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will respond to my distinguished colleague, the chairman of the Budget Committee, who assailed my comments about whether or not there was something —let me call it surreptitious; perhaps I even suggested that—in the challenge that I raised to the so-called point of order dispute or technical change.

Once again I read, as I did before, from the concurrent resolution on the budget, page 41, line 8:

> (a) FINDINGS.—The Senate finds the following:
>
> (1) The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

That is pretty clear; it says if we exceed the "limit on discretionary spending," which we do, and the Parliamentarian confirms that because we say the "functional total." These words are very significant words. This is not happenstance; it is in here.

This is not simply a technical change. They are changing the amount substantially. My friend, the chairman, says it was approved in committee action. What was approved? The fact is, there was probably an error because these totals do break the discretionary caps and everybody knows that based on the functional totals.

Suddenly we knock off, to use the expression, $60 billion when, in fact, it was purported to be $4.4 billion. What do we have? It is not a technical change. That doesn't fit the definition anymore than a $30 billion change in the highway spending was a technical change. That happened. These are not technical changes. This is the real thing.

I challenge the Republicans again in the committee. I hate being on the other side of the debate with my friend from New Mexico. He knows the subject; however, he can make mistakes as all Members can. There is definitely an attempt, in my view, to remove the 60-vote point of order in order to accomplish their goal because there are only 55 Republicans and they can't get 60 votes. They made a neat change after the committee finished its deliberation, in the functional totals, and thereby abolish the 60-vote point of order.

We are not going to stand by and let it go unnoticed whether it is comfortable or uncomfortable for the majority. They made the decision. We have nothing to do with how this budget resolution is finally presented. We will let it rest.

The numbers are simple: $4.4 billion expected to be a plus in the year 2001.

It has a $60 billion minus, $59.9 in 2001. In 2002, it goes from zero allocated for that catchall account to $59.7 billion. That is a lot of money. It will make a huge difference when we try to fund the programs we care about.

The public ought to know we are changing the totals and we are reducing the numbers of people who can be used to carry on the tasks we have assigned. That is where we are. I think it is more than enlightening that we have seen this kind of a gimmick introduced into the budget resolution.

I yield such time as the Senator from Rhode Island needs.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, today we begin our debate on the budget. I think we should begin by noting that remarkable economic progress has been made in this country over the last 7 years, since 1993. There are 20 million new jobs in this country. Unemployment is at a record low. Home ownership is expanding dramatically. Productivity has been increased significantly. Inflation remains low. All of that good news is a result of budget decisions we made years ago under the direction of President Clinton and with the support of my colleagues in the Democratic caucus.

I am afraid this budget brought to us today by the Republican majority will undo most of that good work. We can all reflect upon the nay saying that took place years ago in 1993 where, when I was in the other body, my colleagues said this Clinton proposal would cause unemployment; it would cause a huge collapse; a recession would take place.

Nothing could be further from the truth. The proof really is in the pudding. The plans the President proposed, and in which he was supported by the Democratic caucus, produced remarkable economic prosperity and recovery throughout this country.

As I said, we have gone from a huge deficit to a surplus. But now we are prepared to forget the lessons of the last several decades and embark upon another extravagant and reckless, in fact, budget plan that will essentially, through untargeted tax reductions, dissipate the surplus and miss a significant opportunity to invest in the families of America, invest in those programs that are so critical to their future, and invest in ways that will make this country stronger. I am afraid if we support this proposal by the Republican majority, we will, in fact, see the great progress of the last decade undone.

What we should be doing, instead, is investing in our people, not proposing drastic tax cuts which essentially soak up all these hard-won surplus dollars. Rather than investing in health care and education, in those programs that are so central to the American family, this budget would result in drastic reductions in discretionary spending. At least 6 percent, or $20 billion, in fiscal year 2001 alone would be cut away from discretionary spending. We would find ourselves unable to keep up with simple inflation. Indeed, we would find ourselves lagging behind our requirements to fund programs on just a continuing basis, let alone making those additional investments which are so critical to the future of this country—in education, in health care, in veterans' affairs, in environmental policy.

This is also particularly suspicious when you look at the last several years and the avowed purpose of holding the line on spending of this Republican Congress. In fact, under the last few Republican Congresses, nondefense spending rose 3.2 percent in 1997, 2.6 percent in 1998, 5.3 percent in 1999, and 10.7 percent last year. Somehow this budget says we will hold spending 2.7 percent less than last year's spending. It would defy the history of this Republican Congress, going back several sessions.

So we begin with a budget plan that is faulty on its assumptions and faulty on its presumptions about what we can and what we will do. What we will see, in fact, is that we will forgo billions of dollars of necessary spending that we have never been able to forgo in the past, and we will not invest additional resources in important programs. In fact, with this budget plan, I fear we will end up, as we have in several past years, where, at the end of the session, we are in almost a train wreck; we come together with an omnibus appropriations bill that pays scant attention to this budget. I hope we can do better. I hope we can invest in those programs that are going to make a difference in the lives of working families rather than dissipating roughly 98 percent of the projected surplus into untargeted and misguided tax cuts.

Also, I hope we can do those things which all our constituents are asking us to do. One is a Medicare prescription benefit. I commend Senator WYDEN and colleagues on the Budget Committee because they at least were able to put in a $40 billion set-aside for a new Medicare prescription drug program. But, unfortunately, this initiative has been complicated, in a way compromised, because the last several years of the projected spending is tied into substantial Medicare reform. Again, given the record of this Congress over many sessions, to make a wise and necessary investment in our seniors contingent upon reform of Medicare is, to me, looking for an escape hatch rather than directly confronting this issue, directly appropriating the money, directly making the commitment of resources right now, unconditionally making that commitment.

I believe, also, we have a wealth of things to do with respect to our investment in education: reducing class size, increasing professional development for teachers, and giving the States resources for more accountability. We have, in fact, additional challenges in taking care of a generation of Americans who fought in World War II and who are now coming, with increasing numbers, to the Veterans' Administration with increased and more complex needs.

We have requirements to ensure that our natural resources are protected.

We have requirements to ensure we maintain a strong defensive posture in the world.

All of these cannot be done as well as we will and can do them if we abandon the strategy of massive tax reductions and rather look at targeted tax reductions for middle and lower-income Americans, together with wise investments across the range of initiatives.

The other aspect of this budget is a continuing need to invest in our infrastructure, not only our human capital in terms of education but our physical capital: Roads, bridges, better schools. All these things we cannot do if we essentially dissipate our resources the way this budget proposes.

There is something else we can and should do, and that is to begin to reduce our national debt held outside the Government. The President has proposed a plan to do that. Again, I think this budget represents a plan that is less adequate and less satisfactory.

For all these reasons, I urge this budget be carefully examined and then, just as carefully, rejected; that we embrace the alternative budget of my colleagues on the Democratic side. Also, in the course of this debate we have an opportunity to look at other issues which are close to all of us, issues that do not go to the financing, essentially, of the Government, but issues of importance to the time and moment of this great debate, issues such as gun control and others through which we can send a signal to the American public that we are listening.

I hope at end of the process we can come forward with a budget that represents an investment in America, that represents a recognition we have worked hard to bring ourselves to a place where we have surpluses which can be used—we hope wisely. We do not want to undo that progress. We do not want to go back; we want to go forward into a brighter future for all the families of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes just to answer the distinguished Senator who just spoke with reference to Medicare and the budget resolution.

To Senator REED, I would like to suggest that things are a little bit different in the budget resolution regarding Medicare and prescription drugs, to which he has alluded. First of all, in the budget resolution there is $40 billion of new money for Medicare. It is put in a reserve fund and it is said it can be spent for two purposes: $20 billion for prescription drugs and $20 billion for reform. So, in a sense, we have done what he says he would like, and that is for there to be prescription drug money separate and distinct from reform money. That is the Snowe amendment, cosponsored by Senator WYDEN—actually, the suggested modifications made by SMITH of Oregon, that passed the committee without a dissenting vote.

I believe we have all the Medicare prescription drug language necessary for the Congress to get started. Frankly, I think it is a very good start and we are headed in the right direction.

I am going to propose a unanimous consent request. I believe it has been cleared.

I inquire of Senator REID, the minority whip, if the Senator from Texas can send her amendment to the desk, after which time we will propound the unanimous consent request which centers on that.

Mr. REID. Yes.

AMENDMENT NO. 2914

(Purpose: Sense of the Senate to provide for relief from the marriage penalty tax)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. ASHCROFT, and Mr. BROWNBACK, proposes an amendment numbered 2914.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and a key institution for preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) A report to the Treasury Department's Office of Tax Analysis estimates that in 1999, 48 percent of married couples will pay a marriage penalty under the present tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1400 a year.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the level in this budget resolution assume that the Congress shall:

(1) pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001;

(2) consider such legislation prior to April 15, 2000.

Mr. DOMENICI. Mr. President, I want to make sure that when the Senator is finished or her time has expired the next Senator will be Senator ROBB, who will offer a second-degree amendment.

Mr. REID. Mr. President, I say to the manager of the bill, yes, he is going to offer the amendment, but we also have somebody who wants to make brief remarks on the marriage penalty.

Mr. DOMENICI. So long as there is time remaining on the amendment or anyone wants to speak on the amendment, then that will be the case, after which we will proceed to the Robb second-degree amendment.

Mr. President, I ask unanimous consent that a vote occur on or in relation to the Robb second-degree amendment regarding prescription drugs, to be followed immediately by a vote on or in relationship to the pending Hutchison amendment, as amended, if amended, at 11 a.m. on Wednesday, and the Senate resume consideration of the pending concurrent resolution at 9:30 a.m. on Wednesday, and the time between now and 11 a.m. be equally divided between the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I state on behalf of the leader, in light of this agreement, there will be no votes this evening and the next votes will occur at 11 a.m. on Wednesday.

I inquire of the minority manager if he is in any position to agree to reduce the overall time available on the budget resolution.

Mr. REID. Not at this time.

Mr. DOMENICI. I regret the minority side cannot agree to a reduction of time. I yield back any remaining general debate time allotted to the majority party, with the exception of 1 hour.

The PRESIDING OFFICER. The manager has that right.

Mr. DOMENICI. I inquire of the Chair, how much general debate time remains on the concurrent resolution?

The PRESIDING OFFICER. Twenty-two hours 22 minutes on the minority side; 1 hour on the majority side.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Parliamentary inquiry, Mr. President. Do I have 1 hour on my side?

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I ask unanimous consent that my amendment be sponsored by myself, Senator ASHCROFT, and Senator BROWNBACK, and be referred to as the Hutchison-Ashcroft amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, this is a very simple amendment. It will express the sense of the Senate that it is time for marriage penalty relief. Why would we have a Tax Code that says a policeman and a schoolteacher getting married owe Uncle Sam $1,400 more in taxes? In fact, that is exactly what the Internal Revenue Code does, and that is exactly what we want to change.

My amendment expresses the sense of the Senate that we will start working to relieve the marriage tax penalty, and it says we will do it before April 15 of this year.

Of course, we all know what April 15 is. It is tax day. We want people who are writing their checks to pay their taxes this year to start thinking about the penalty they pay because they are married, and we want them to know that if our bill passes and the President signs it, they will be relieved of that penalty next year.

We are saying it is time for Americans to have a fair Tax Code. This is not so much a tax cut as it is a tax correction, and it is high time we do this.

It is amazing we even have to take up a bill such as this because one would think the Tax Code would not discriminate one way or the other between people who are single and people who are married. We are trying to get the fairest return for all Americans.

According to the Congressional Budget Office, 21 million married couples pay this penalty. The Congressional Budget Office estimates the penalty averages $1,400.

The bill that will be coming from the Finance Committee next week is a terrific bill. It is very simple and very clear. It doubles the standard deduction so that every married couple will have double the standard deduction than they have today. It will be totally fair. The standard deduction will be $4,400 for a single person and $8,800 for a married couple.

In addition, it doubles the brackets at the 15-percent level and the 28-percent level. That takes in the large majority of people in our country who pay taxes. In fact, in the 15-percent bracket, over 6 years, we increase the amount that can be made as a couple and still pay 15 percent from $43,000 to $52,000. So we would have $8,650, to be exact, more in the 15-percent bracket before one goes into the 28-percent bracket.

The 28-percent bracket today stops at $105,000, and we take it to $127,000, so one would still pay in the 28-percent bracket rather than going to the 31-percent bracket.

In addition to that, we take the very lowest income people who receive an earned-income tax credit and we make that credit $2,500 instead of the $2,000 it is today.

We are trying to do something for people in the lowest bracket and in the middle bracket. We think this is going to help the 21 million couples who are affected by this onerous tax disadvantage.

I had the privilege of meeting today with three couples, all of whom would have their marriage tax penalty totally eliminated if we pass the bill that will be before us next week.

We met with Kervin and Marsha Johnson. Kervin is a District of Columbia police officer. His wife is a Federal employee. They have been married 1 year. They are going to have to pay $1,000 more in taxes because they got married last year.

We also met with Eric and Ayla Hemeon. Eric is a volunteer firefighter and works for a small printing company. Ayla works for a small business. They have been married for 2 years and are going to have a wonderful event in about 1 month; they are going to have their first baby. But, unfortunately, they are paying a marriage penalty of $1,100 that will take away from what they can do for their new baby.

We heard from a couple who have been married 25 years, Lawrence and Brendalyn Garrison. He is a corrections officer at Lorton. She is a teacher in Fairfax County. Last year, they paid $600 in a marriage tax penalty. Mrs. Garrison is clearly a schoolteacher because she said to me: If you pass this bill, do you think we could make it retroactive? Twenty-five years? I applaud her spunk. We will not be able to do that. But we can certainly give them the next 25 years with a little more relief.

What we are saying today is, we want the Senate to vote, before April 15, before people are required to have their taxes in, in order to let them think about exactly what they are paying this year; and if they are one of the 21 million couples, they can think about how much less their taxes will be next year if we pass our legislation.

So the Hutchison-Ashcroft amendment is going to say it is the sense of the Senate that we pass this simple legislation next week. I do not see how anyone could possibly oppose having the marriage tax penalty relieved from so many of the taxpayers in our country.

Congress is trying to give relief to a lot of people in our country who have been burdened with unfair taxes. This year, for instance, we have given tax breaks to small businesspeople because we know the economic engine of America is small business. We know that the taxes and regulations hurt small business the most because they have the smallest margins. They are having a hard time making ends meet. So we have given tax relief to small businesses.

This year, we have given tax relief for parents who are trying to enhance their children's education. We are trying to give tax relief to a parent who would want to buy a computer for a child, or extra books, or perhaps a tutor, or perhaps tuition, or perhaps a band uniform. All of these things enhance education. We want people to have some tax breaks to be able to do that. Senator COVERDELL passed that bill earlier this year.

We have given medical savings accounts as tax relief for people who would build up a savings account for their medical expenses—tax free—as an encouragement to provide for their medical needs.

We have given relief to Social Security recipients who are 65 to 70 years of age who want to keep working but heretofore have been penalized for that right.

All of these tax cuts that we have given this year—plus the marriage penalty tax relief we will give next week—total about $136 billion over 5 years.

The budget resolution we are debating today has $150 billion in tax cuts reserved because we are committed to tax relief for hard-working families. So we are well within this budget resolution with the tax cut bills that have been passed by this Congress so far.

So far, the President has not signed any of these bills. Some of them have not gone to the President. But we hope he will sign the Social Security bill, which will be the first one on his desk, so that Social Security recipients will have the option to work if they so choose. We hope we will put the others on his desk in due order, including the marriage penalty relief.

We have passed marriage penalty relief before, but the President vetoed it last year. We are coming back. The President said: Send me these bills one at a time. That is exactly what we are doing. We are sending him marriage penalty relief by itself to see if he really is committed to tax relief for hard-working American families.

I hope we can pass this sense-of-the-Senate amendment; it will take the first step toward saying the Senate is serious about marriage penalty relief. I believe we will be able to pass this bill next week. I think we will send it to the President. I think he will have a chance to explain to the American people that he either does support marriage tax penalty relief or he does not and, if not, why.

I urge my colleagues to support this bill. I hope they will not support any amendments that are extraneous to this amendment because it is pretty simple and pretty clear; we are seeking the support of the Senate for marriage penalty relief. I hope we can do it.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. ROTH. I rise today in support of the amendment of the Senator from Texas.

Getting married is not cheap. According to Bride's magazine, a couple getting married today can expect to spend $20,000 for the big event—reception, flowers, food, dress, band, and cake. Throw in another $4,000 for the honeymoon, and the sticker shock is complete. But it is not over. Just when the newlyweds thought their debts were paid off, tax time arrives and they are faced with a new bill—the marriage tax penalty.

Last week, the Senate Finance Committee approved legislation that will provide relief from this bliss-busting tax.

Our legislation would provide $248 billion in relief to America's families by eliminating the marriage penalty in the standard deduction; providing broad based relief by widening the 15- and 28-percent tax brackets; expanding the earned income credit to more lower income working families and ensuring that families can take the tax credits for which they qualify by permanently eliminating any cutbacks of the credits because of the minimum tax.

Even after the honeymoon's over and paid for, today's newlyweds are going to find their married life perpetually filled with financial challenges. That $20,000 wedding is going to look cheap compared to saving for a down payment on a house, saving for a college education and saving for retirement. Letting families keep more of what they earn by lowering their taxes will make each of these financial challenges easier to face and, in the process, hopefully help make that wedded bliss last a little longer.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I say to the Senator from Texas, I am sure the minority will support her amendment.

I ask unanimous consent that, based upon the agreement we have had with the Senator from New Mexico, the Senator from Virginia be allowed at this time to offer his amendment on prescription drugs.

As I also explained to the Senator from New Mexico, we have a time agreement on when the vote will take place. Senator ROBB is here to offer a prescription drug amendment. That does not mean someone else cannot come before tomorrow at 11 o'clock and talk on the marriage penalty.

Mr. DOMENICI. That is correct.

But has the Senator completed her hour?

Mr. REID. No.

Mrs. HUTCHISON. I reserved the remainder of my time.

Mr. DOMENICI. You would reserve it, even if a second-degree amendment were going to be offered now? Is that what the Senator wants to do?

Mrs. HUTCHISON. Mr. President, I have other speakers who wish to speak on my amendment.

Mr. DOMENICI. Mr. President, if the Senator reserves her time and the second-degree amendment is offered, does that impact on her reservation at all? Does she still have time?

The PRESIDING OFFICER. It depends on the nature of the unanimous consent by the Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, Senator ROBB would offer his amendment on prescription drugs. After he completes his statement, someone from the majority can come and speak on the marriage tax penalty, or maybe we could. We have a time agreement when the votes will take place on these two matters, so I do not think anyone would be advantaged either way by his stepping forward at this time. There is no one else on the floor at this time.

The PRESIDING OFFICER. If that is the unanimous consent agreement, the Senator from Texas would retain her time.

Mr. DOMENICI. There is no such unanimous consent request. But if you are construing that to be a request, I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

AMENDMENT NO. 2915 TO AMENDMENT NO. 2914

(Purpose: To condition Senate consideration of any tax cut reconciliation legislation on previous enactment of legislation to provide an outpatient prescription drug benefit under the Medicare program that is consistent with Medicare reform)

Mr. ROBB. Mr. President, under the unanimous consent agreement just reached, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. ROBB] for himself, Mr. KENNEDY, Mr. WYDEN, Mr. GRAHAM, Mr. BRYAN, Mr. DORGAN, Mr. BAUCUS, Mr. BINGAMAN, and Mr. JOHNSON, proposes an amendment numbered 2915 to amendment No. 2914.

Mr. ROBB. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . REVENUE REDUCTION CONTINGENT ON OUTPATIENT PRESCRIPTION DRUG LEGISLATION.

(a) FINDINGS.—Congress finds that—

(1) a medicare outpatient prescription drug benefit should be established before exhausting the on-budget surplus on excessive tax cuts;

(2) while the Senate budget resolution provides a date certain for the consideration of $150,000,000,000 in tax cuts, it does not include a similar instruction for the enactment of an outpatient prescription drug benefit;

(3) all seniors should have access to a voluntary, reliable, affordable medicare drug benefit that assists them with the high cost of prescription drugs and protects them against excessive out-of-pocket costs; and

(4) 64 percent of medicare beneficiaries have unreliable or no drug coverage at all.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a reconciliation bill resulting in a net reduction in revenues unless Congress has previously enacted legislation that—

(1) provides an outpatient prescription drug benefit under the Medicare program consistent with Medicare reform; and

(2) includes a certification that the legislation complies with paragraph (1) of this section.

(c) SUPERMAJORITY WAIVER AND APPEAL.—The point of order established in this section may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. ROBB. Mr. President, today, we begin our annual debate over our Nation's budget. This is an important debate. Because when you set aside the partisan squabbling and political posturing, this debate is crucial: it is about establishing our priorities as a nation.

Throughout my career, I have fought for fiscal discipline and tried to stop the Federal Government—and during the time I served as Governor of my State, State government—from spending more than it takes in.

Maintaining fiscal discipline means meeting Government obligations without borrowing from future generations. The budget resolution allows us to determine the nature and extent of our obligations by establishing our priorities. The question, then, is, What sort of priorities will Congress set for the American people this year? Will we opt to continue our path of fiscal discipline? Or will we enact a budget that ignores our $5 trillion-plus debt in our haste to provide politically appealing tax cuts? Will we choose to make new investments in education? Or will we simply decide to maintain the status quo? Will we modernize and strengthen Medicare? Or will we choose instead to use those dollars on a risky tax cut that endangers Medicare and erases the surplus?

These are the sort of decisions the Senate will make over the next few days. I believe we need a budget that will make America stronger and one that will address our most vital priorities.

I rise at this time to speak on the second-degree amendment I just offered, an amendment that will address one of our most pressing priorities—the need to bring Medicare into the 21st century. It is very similar to an amendment I offered last year.

This amendment states, simply, that if Congress is going to consider tax cut legislation, it must first pass legislation that will modernize Medicare through the creation of a prescription drug benefit.

Thirty-five years ago, President Lyndon Johnson signed Medicare into law. At the time, our country transcended politics and put our differences aside to come together, as a nation, to do the right thing with regard to acute care for our Nation's seniors. Few programs in our Nation's history have had such a lasting, positive effect on so many lives. Poverty among seniors, for example, has fallen nearly two-thirds since Medicare was first created in 1965.

Today, seniors live longer and better than they ever have before. But while Medicare is still a success today, the program has become hopelessly outdated. New technology and new health practices have changed medicine. The private sector has responded by integrating them into modern medicine. Perhaps the greatest change has been the emergence of prescription drugs as an integral part of modern medicine. Today, thanks to years of biomedical research funded by both Government and the private sector, prescription drugs have enabled us to treat, and often cure, all sorts of ailments and sicknesses in ways we could only dream of back in 1965. Yet while Medicare will pay for so many other parts of medicine—surgery, visits to the doctor, physical therapy, durable medical equipment, et cetera—Medicare has stayed wedded to the 1965 model of not paying for prescription drugs, even when the drugs clearly help prevent seniors from having more complicated and expensive health problems. That doesn't make sense.

Think about it. While our engineers used slide rules in 1965, we certainly would not expect them to go without the latest computer technology today. Likewise, medical equipment has advanced by leaps and bounds. We would not think of using a 35-year-old heart monitor on a patient; nor would we think it is sound policy to deny a patient access to a CAT scan simply because the technology wasn't around in 1965. Yet today many seniors are forced to go without needed medication because Medicare offers no coverage for outpatient prescription drugs.

To illustrate this point, I want to share with colleagues a letter I received 2 weeks ago from a constituent in Williamsburg, VA, a veteran who served our country in Vietnam. He writes:

> I have gone for almost two months without my blood pressure medicine . . . because I can't afford the $150 a month to get it refilled . . . . I constantly feel feverish and have a splitting headache. I'm afraid I'm going to have a stroke.

Another woman from St. Stephens Church, VA, writes:

> My husband and I are both retirees and rely on Social Security and Medicare. Recently we both had to go to our family doctor and the drugs that were prescribed for us would cost us out of pocket approximately $300 per month. Due to the cost of the two prescriptions, we are forced to choose not to take the medication and live with the illness.

It is time we did something to change this. While over 90 percent of the private sector employees with employer-based health insurance have prescription drug coverage, the 38 million-plus Medicare beneficiaries in America today have no basic prescription drug benefit. At the same time, the average Medicare beneficiary fills 18 prescriptions each year and will have an estimated average annual drug cost of nearly $1,100 this year.

We have an obligation to our seniors, and future generations of seniors, to strengthen and modernize Medicare by adding a prescription drug benefit. Unfortunately, the Republican budget resolution does not require that Congress spend a dime on this vital benefit. However, their resolution does require that we pass $150 billion in tax cuts. This is an issue where we need to reassess our priorities.

Let me state for the record that I am not opposed to all tax cuts. This past Congress, I have introduced or supported several targeted tax cut proposals, including bills to repeal the estate tax, eliminate the true marriage penalty, repeal the 3-percent telecommunications excise tax, and extend the R&D tax credit, among others. What I am opposed to, however, is using our surplus for tax cuts before we have also addressed our other critical obligations—because a surplus, by definition, is what you have left over once you have met all your obligations.

The question is, Do Senators want tax cuts, or do they want to help our Nation's seniors? Our friends on the other side say they would like to do both, but the language in the budget resolution suggests differently.

Reading their resolution, they require the Finance Committee to report out a giant tax cut bill by September 22. Yet when it comes to adding a prescription drug benefit for seniors, there is no such requirement—although the resolution has a reserve fund that would allow the Senate to consider a drug bill on the floor if the Senate Finance Committee has not reported a bill by September 1.

This resolution makes the Republicans' priorities very clear: The Senate must pass tax cuts, and as for prescription drugs, well, we hope we can find some time to take it up later in the year. Maybe we can take it up if we have any money left after the tax cuts.

My friends on the other side of the aisle have suggested this is not the case. They have said they want to pass a prescription drug benefit this year. They have claimed there is ample money in their budget resolution to add a drug benefit to Medicare and enact their massive tax cut.

But a close examination of their budget resolution reveals that it would be impossible for them to do anything but enact a massive tax cut this year. The Republican budget resolution assumes $150 billion in tax cuts over the next 5 years. Combined with the interest America will pay from this revenue loss, the total budgetary impact will be $168 billion. Given that their budget resolution only assumes $171 billion in total surplus over this same time period, all but 2 percent of the on-budget surplus will be devoted to tax reduction. This leaves virtually nothing for prescription drug coverage, much less other priorities, such as defense or education, unless Congress makes deep cuts in other domestic discretionary programs.

As we have seen in past years, these cuts are simply unrealistic; they will never materialize, and they pose a real threat of a raid on Social Security.

How do they propose to help our seniors access prescription drugs when they have devoted 98 percent of the surplus over the next 5 years to tax cuts?

We ought not to be enacting major tax cuts until we have first fulfilled our obligation to our seniors to add a prescription drug benefit to Medicare. Let's get our priorities in order and put seniors before tax cuts.

I urge all Senators to support this amendment.

Mr. GRAHAM. Mr. President, I thank Senator ROBB, for introducing this important amendment.

Today, we have before us the opportunity to achieve our collective goal of reforming the Medicare program. To do so, we must both realize and accept the fact that the face of health care has changed since the inception of Medicare in 1965.

In 1965, America's health system focused upon the inpatient setting, reacting to both acute and chronic conditions. In turn, Medicare followed this model.

Today, our health care system benefits from the advantage of new technologies, preventive measures and prescription drug therapies. Unfortunately, Medicare does not share these advantages, due to our inability to put reform first.

Mr. President, my colleagues have spoken eloquently about the need to include a prescription drug benefit in the Medicare package—certainly before we turn to tax cuts. This benefit would be an essential part of updating Medicare to adequately service the health care needs of today's seniors.

Currently, private health care plans cover medication because it is a vital component of modern health care. Prescription drugs are viewed as integral in the treatment and prevention of diseases.

Accordingly, we must find an approach to a Medicare prescription drug benefit that will best provide the most meaningful coverage for the most beneficiaries. And, I would argue that we take one step further and recognize that the development of a prescription drug benefit for Medicare beneficiaries is directly related to the need for preventive care.

As one of the primary guardians of the Medicare program, the Senate has the sobering responsibility to design a program that focuses on health promotion and disease prevention for all Medicare beneficiaries. This approach will slow the growth in costs to the program in the future, and, more importantly, will improve the quality of life for older Americans.

It has been proven time and time again, that a combination of preventive services and appropriate medication can reduce the incidence of stroke, diabetes, and heart disease, among other serious and costly illnesses.

Detailed programmatic changes—changes based upon the realization that prescription drugs and preventive services go hand in hand—are necessary to convert the current Medicare system into one that will best serve our seniors.

Mr. President, I am not convinced that the tax cut that is incorporated into this budget resolution will achieve our goal of muchly needed reform.

Our seniors have been pleading with this Congress to create a drug benefit. And, maybe it is because I hail from a state where nearly one-fifth of the population is over age 65 . . . but I have not heard such impassioned pleas for tax cuts.

We are very fortunate to be living in an age of prosperity. But, I cannot sit idle while this Congress squanders our good fortune on the folly of tax cuts.

Instead, I implore you to take advantage of these good economic times and use the dollars that are available to us today to implement change that will benefit us tomorrow.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. REID. Mr. President, will the Chair inform us about how much time is left on the second-degree amendment on our side?

The PRESIDING OFFICER. Eighteen minutes 25 seconds.

Mr. REID. Under the time of the minority on the bill, we yield an additional 12 minutes to the Senator, for a total of 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair. I don't believe I will need all of that time. But I appreciate leadership yielding the time.

Mr. President, first of all, I thank the Senator from Virginia, Mr. ROBB, for offering this amendment. I welcome the chance to join with him and my colleague and friend, Senator WYDEN of the State of Oregon. I commend him for the way this amendment has been fashioned and for the excellent presentation and compelling case he made in favor of this amendment.

When you get right down to it, as he said so well, this is really a question about priorities. As the Senator from Virginia pointed out, if we reject this amendment, we are putting tax breaks before our senior citizens. If the Senate accepts this amendment, it is putting our senior citizens, their health and their well-being, ahead of tax breaks for the wealthy.

As we start this debate on the budget, we have an issue that makes a great difference to millions of senior citizens and their families—because so often elderly people need assistance from their family members in order to purchase their necessary prescription drugs. This is a significant drain on both the senior citizen and their family's income.

I again commend the Senator from Oregon, Mr. **WYDEN**, for the superb presentation he made in the Budget Committee, and for his outreach to Members on the other side of the aisle. I admire their strong willingness to support the Wyden proposal because I think it will make a difference in the lives of many of our seniors.

As I mentioned, a budget is a statement of our national priorities. There is no more important priority than Medicare coverage of prescription drugs. Our amendment puts the Senate on record that quality health care for senior citizens is more important than new tax breaks for the wealthy.

The need for action on prescription drugs is as clear as it is urgent. Too many elderly Americans today must choose between food on the table and the medicines they need to treat their illnesses. Too many senior citizens can only take half the pills their doctor prescribes, or must forego needed prescriptions, because they cannot afford the high cost of prescription drugs. Too many senior citizens are paying twice as much as they should for the drugs they need because they are forced to pay full price when almost everyone with private insurance coverage has the benefit of negotiated discounts. Too many senior citizens end up hospitalized, at an immense cost to Medicare, because they cannot afford the drugs they need or can't afford to take them correctly.

As numerous discoveries in recent years have made clear, pharmaceutical products increasingly offer cures for many dreaded diseases. Far too many senior citizens are being left out and left behind because Congress has failed to act.

I strongly believe this century is going to be the life-sciences century. We know about the extraordinary possibilities for breakthrough prescription drugs. We know, for example, if we were to have a breakthrough drug for delaying the onset of Alzheimer's disease, half the nursing home beds in my State of Massachusetts would be empty. The impact on quality of life would be significant. At the same time, we could save the Medicare system money.

I want to take a moment of the Senate's time to review why this amendment is so important.

There is a drug crisis for senior citizens: Coverage is going down, and costs are going up.

I want to take a few moments to review for the Senate exactly what is happening across America.

We have 36 million American seniors, as this chart indicates. We are finding that 12 million of them have no coverage whatsoever; 11 million have employer-sponsored coverage. I will come back to that. Three million have Medicare HMOs. Four million have Medigap coverage. Four million have Medicaid coverage. This is the only group, the poorest of the poor, in America that have reliable prescription drug coverage. Three million have coverage as veterans or through other programs.

This is what is happening in America today. We know a third of all seniors have no coverage whatsoever. Let's take a look at seniors with employer-sponsored coverage; they represent about one-third of all seniors.

Look at this chart. From 1994 to 1997, we see a precipitous drop in employer-sponsored coverage. We see a drop of 25 percent over the 3 years from 1994 to 1997.

If 1997 and 1998, coverage is dropping like a stone. A third of all the elderly people have no coverage; another third have employer-sponsored coverage, but that number is dropping rapidly.

What is happening in Medicare HMOs? This is what is happening to Medicare HMO drug coverage: It's inadequate and unreliable. First of all, the drug benefit is only offered at the option of the HMO. More than 325,000 Medicare beneficiaries lost their HMO coverage this year—325,000 have been dropped.

The Medicare HMOs are also reducing the level of drug coverage. Seventy-five percent of all the Medicare HMOs will limit prescription drug coverage to less than $1,000 this year, an increase of 100 percent since 1998. In 1997, 37 percent of Medicare HMOs had caps of less than $1,000; in 1998, this number increased to 75 percent. Thirty-two percent of Medicare HMOs have now imposed caps of less than $500 for prescription drugs.

Twelve million seniors with no coverage, 11 million and dropping with employer-sponsored coverage, and 3 million with coverage through Medicare HMOs, and we find that the HMOs are setting caps of $500 or less. This suggests very poor, unreliable prescription drug coverage for our senior citizens.

Four million seniors have prescription drug coverage through Medigap. Look at what is happening to the cost of Medigap plans with drug coverage—$2,600 for someone who is 75 years old: $2,600 a year in Delaware; New York, almost $2,000; Iowa, almost $2,000; Maine, almost $2,500; and almost to $2,500 in Mississippi—and many seniors are not even eligible for Medigap drug coverage. You can only purchase the Medigap plans that include prescription drug coverage at the time you first become eligible for Medicare. These plans are incredibly expensive. The cost of Medigap which includes prescription drugs is unaffordable and unavailable for most senior citizens.

Again, the level of Medicare HMO drug coverage is dropping drastically. We see the collapse of coverage for seniors with employer-sponsored plans, for seniors in Medicare HMOs, and for seniors with Medigap. This effectively leaves persons with Medicaid as the only seniors with reliable drug.

At the same time coverage is collapsing, drug costs are growing at double-digit rates: a 9.7 percent increase in 1995; 10 percent in 1996; 14 percent in 1997; 15 percent in 1998; 16 percent in 1999.

What about the rates of inflation? Inflation was 2.5 percent in 1995; 3.3 percent in 1996; 1.7 percent in 1997; 1.6 percent in 1998, and 2.7 percent in 1999. In other words, drug costs are going up significantly faster than the rate of inflation. Coverage is collapsing, and costs are going through the roof. We are not meeting the needs of our elderly people.

That is why we on this side of the aisle believe, unlike the other side of the aisle, we should have agreement on the principles for a quality Medicare prescription drug benefit. There should be coverage for all seniors, coverage must be basic and catastrophic, and it should be affordable both to the Federal Government and to the individual. These principles were not recognized by the Budget Committee.

These two charts demonstrate what the budget resolution has done for taxes and what it has done for prescription drugs. Section 104: "Not later than September 22, 2000, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes"—that would be tax cuts for the next 5 years.

Note the words, "shall report."

Regarding the reserve fund for prescription drugs: "The Senate spending aggregate and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for the legislation reported by the committee on . . . to provide a prescription drug benefit for fiscal year 2001, 2000, and 2003."

See the difference? That is why we are offering this amendment. We are treating tax breaks the same as prescription drugs—the other side of the aisle is not. That is why the Robb amendment is before the Senate. There is one criteria for tax breaks for wealthy individuals and another criteria for our elderly Americans. That is the issue we are addressing.

The tax measure is a permanent measure. Can we say that about the prescription drug measure? No, no, no, it only goes on for 3 years. After 3 years, it only continues "if legislation is reported by the Senate Committee on Finance that extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund."

It says, "that extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers . . ."

Why is the Budget Committee saying we cannot use any of the surplus? That is what this provision says. You are not able to use any surplus to extend the solvency of the Medicare trust fund. This says "that extends the solvency" "without the use of transfers of new subsidies"—that is the surplus "from the general fund."

They are saying after the first 3 years you cannot have funds for the fourth or the fifth year unless you have a complete revamping of Medicare. And you cannot use any surplus money to extend solvency.

How does that translate? To the senior citizens it means there will be a cut in Medicare benefits. If you are going to have prescription drug coverage, you will have to cut your Medicare benefits or raise the payroll tax. Those are the options the Budget Committee is leaving for prescription drug coverage.

They don't set that criteria for the tax breaks. They say you "shall." It is permanent. It will go on ad infinitum. But not for prescription drugs. We may provide coverage for 3 years, but we will not extend coverage beyond that unless there is a complete revamping of the Medicare system. And we can't use any surplus funds—as President Clinton and AL GORE suggest, and as every Member on this side believes can and should be used.

They are saying no, no, you cannot use any of the surplus for Medicare solvency. And you will only be able to get a prescription drug benefit if you either cut Medicare benefits or increase the payroll tax.

What does this mean for senior citizens? This means they have a very poor deal on prescription drug coverage. It is a better deal than we had last year and we are encouraged that we have made some progress. But this does not give the assurances that our elderly people need that they are going to have affordable, reliable prescription drug coverage.

No matter how many times they say it, the language is very clear. The Robb amendment is very clear. It says we want a prescription drug benefit that is worthy of its name, that covers all seniors, that is affordable to both beneficiaries and the Government, and we will do that before we cut taxes.

This $20 billion for years 4 and 5 will not be adequate because we are seeing a phasing in of the coverage over a period of time. The money for the fourth and fifth years is completely inadequate. The cost of the President's plan is up to $31 billion, 50 percent higher, and that was without catastrophic coverage. The cost of the President's program is about $200 billion over 10 years. That is a sizable amount, but it is a good program. It will make a major difference in the lives of our seniors. It will relieve many of our elderly citizens from the anxiety they currently face.

This amendment is of enormous importance and consequence. I cannot express my appreciation enough to the Senator from Virginia. Everyone in the State of Virginia, every elderly citizen and their family, will be affected by this effort that the Senator has put forward. It will affect the seniors not only in his State but in my State of Massachusetts and all across this country.

This is the first opportunity we have had—since the President of the United States identified prescription drugs in his State of the Union a year and a half ago—to have this debate and to have a rollcall on a measure that can make such a difference in so many lives. The Senator from Virginia is offering this opportunity. Tomorrow at 11 o'clock this Senate will have the chance to say whether it wants to put the interests of our elderly people first, or if we want tax breaks for wealthy people to come before them.

It is very clear from the presentation that has been made by the Senator from Virginia and the Senator from Oregon where they stand. I am proud to stand with them. I hope the Senate will stand with them tomorrow also.

I yield back my remaining time.

The PRESIDING OFFICER. The Senator has consumed his time on the amendment. The Chair recognizes the Democratic whip.

Mr. REID. Mr. President, what the manager and I would like to do is enter into a unanimous consent agreement so we know what is left for this evening. It is my understanding the Senator from Massachusetts has completed his statement for today.

Mr. KENNEDY. Yes. Thank you.

Mr. REID. What we would like to do is recognize, next, Senator GORTON, to speak for up to 12 minutes; Senator FEINGOLD, to speak for up to 7 minutes; Senator ASHCROFT, up to 10 minutes; and Senator BRYAN for 10 minutes. After that, we would be out until the morning—at 9:30?

Mr. DOMENICI. Let's leave that up to the leader.

Mr. REID. I thought that was what it provided. All it says is back in at 9:30.

Mr. DOMENICI. Does it provide for a closing, or is it up to the leader to provide for a closing?

The PRESIDING OFFICER. That would be up to the leadership.

Mr. REID. Fine. We will end at that, when Senator BRYAN completes his statement. Whatever the leadership wants to do, we can do.

Mr. DOMENICI. I thank all the Senators for not taking any more time. There is more time tomorrow. There are events planned by the leadership for tonight. Senators, if they wanted to listen to us, could go on to their events and still have heard what we have to say. I wish to make one observation and then I will agree to the rest. It will just take me 1 minute.

I, first, want to remind the Senate and anybody listening, in the Senate Budget Committee, regarding the reserve fund of $40 billion for Medicare and prescription drugs, the cosponsor of that was a Democrat Senator named WYDEN who was praised in our committee by Senators LAUTENBERG and CONRAD as doing the right thing for Medicare. I think we have done the right thing.

Our budget says: Do prescription drugs first. That was because of the language offered by the distinguished occupant of the Chair, which said by September 1 we would have to have a package on the floor or we could offer it on the floor. And, incidentally, it then says taxes would be considered on the 22nd day of September, almost a month later. So our approach was Medicare first, tax cuts almost a month later—about 17 days later. I think that is the way it ought to be.

The Robb amendment is nongermane and is unnecessary, but we will make that case tomorrow before we vote. I am going to leave the floor. I thank everyone again for the discussion. I thank Senator ROBB for the way he has handled the amendment.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the motion?

Mr. DOMENICI. I reserve the right to object.

Mr. ROBB. Reserving the right to object, and I will not object, I would like to respond to my distinguished friend from New Mexico and say, if that is the intention of the Senator from New Mexico and others on the other side of the aisle, this amendment should not be a threat. I hope, in that case, the majority party, and all of those who are members of the majority party, would support this amendment.

I thank my distinguished colleague from Massachusetts for laying out the case in eloquent detail with some very informative charts and for making what I think is a very persuasive case. But if it is the intention of the majority to follow through with the plan they have outlined, then this amendment should pose no threat to them whatsoever. I hope, then, we would have this amendment approved by unanimous consent.

With that, I do not object.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DOMENICI. I had objected to the time scenario until I clarified something.

Mr. KENNEDY. Can I clarify something with the Senator? Is there any guarantee in the budget instructions that we will have prescription drug legislation on the floor by September 21?

Mr. DOMENICI. No. It says the 60-vote point of order against any such legislation will disappear on the date I just described, which was the date suggested by the occupant of the chair. So if the Senator wants to offer a bill on the floor after that date, that budget resolution, it will not be subject to a point of order under the Budget Act. It will be permissible, with prescription drug and/or reform.

Mr. KENNEDY. I thank the Chair.

Mr. DOMENICI. Mr. President, I objected to the scenario because I did not understand.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Let me ask a question. I don't want to have to object. When the Senate recesses tonight, there should be 90 minutes, as I understand it, equally divided in the morning.

Mr. REID. I am sorry. Will the Senator repeat that?

Mr. DOMENICI. When the Senate recesses, there should be 90 minutes left for tomorrow morning. That would be to debate on the Hutchison and the Robb amendments. If not, the Senate intends to remain in session until the time is used or yielded back.

Mr. REID. It is my understanding, after we complete the statements tonight, hoping to finish around 6 o'clock, that tomorrow morning we will come in and each side will have 45 minutes to debate either the Hutchison amendment or the Robb amendment.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, the unanimous consent request is agreed to.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, yesterday, a bus load of seniors traveled from Seattle to Canada to buy prescription drugs. Just a short drive from where these seniors live, they can buy the medicine they need to stay healthy for much lower prices than they would pay at their neighborhood pharmacy.

Why? Because our own U.S. manufacturers sell exactly the same product to Canadian pharmacies for much less than the price they charge drug stores in the United States. Americans end up going to Canada and Mexico in order to afford to buy products that were discovered, developed and manufactured in America. Shocking? Yes. But every day U.S. based drug companies sell identical FDA approved, U.S. manufactured products in Canada and Mexico at discount prices unavailable to American purchasers in the United States.

Here are a few examples:

The Pecks from Tacoma, Washington recently saved $600 by going to Canada to buy a three month supply of blood pressure, stomach and sinus medications. Tomaxifen to treat cancer costs $15 for a one month supply in Canada and $95 a month in Vermont. Prozac to treat depression, is just .95 cents a pill in Mexico and costs $2.21 in the United States.

These price differences are by no means unusual. I was astounded to learn that for the top ten most commonly prescribed drugs, average prices are 64 percent lower in Canada than in Washington state.

I ask unanimous consent for a copy of a survey of price differences be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

GORTON TOP TEN PRESCRIPTION DRUG PRICE DIFFERENCES BETWEEN WASHINGTON AND CANADA[1]

	Premerin (.3 mg)	Synthroid (.05 mg)	Lipitor (10 mg)	Prilosec	Norvasc	Prozac (10 mg)	Claritin (10 mg)	Zithromax z-pak, 6 tablets	Zoloft	Glucophage (1000 mg)
Spokane	$25.69	$15.02	$68.12	$111.25	$51.69	$81.62	$79.69	$47.42	$83.69	$26.72
Bellingham	26.69	16.69	75.69	150.69	78.69	91.98	80.69	89.69	87.69	60.69
Vancouver, WA	25.69	16.69	75.69	132.88	51.69	90.69	79.69	52.69	83.69	60.69
Tacoma	25.69	50.98	75.69	119.68	46.52	90.69	79.69	52.69	75.32	60.69
Vancouver, B.C	11.63	9.54	61.48	N/A	48.69	63.52	N/A	39.48	35.70	[2] 15.88
Vancouver, B.C	9.00	11.11	67.64	[3] 73.00	49.00	65.74	[4] 13.99	44.31	46.56	17.00
Calgary, Alberta	10.57	12.50	61.95	[3] 75.00	49.00	45.20	33.98	40.70	35.00	[2] 18.20
Victoria, B.C.	11.00	10.00	65.00	[3] 81.00	54.00	50.00	N/A	N/A	30.00	17.00
Washington State	25.94	24.84	73.79	128.63	57.15	88.75	79.94	60.62	82.60	52.19
Canada (in U.S. $)										
Savings from U.S. price	10.55 (7.17) 72%	10.78 (7.33) 70%	64.02 (43.55) 41%	73.50 (49.98) 61%	48.96 (33.29) 42%	16.12 (10.97) 88%	33.98 (23.11) 71%	41.50 (28.23) 53%	39.08 (26.50) 68%	17.02 (11.58) 78%

TOTAL AVERAGE SAVINGS=64%

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[1] Based on 30-pill orders and the lowest mg. available in each drug. Prices are based from Rite Aid Pharmacies in WA state. Alberto Pharmacies in Vancouver, B.C., and ABC Pharmacy in Calgary, Alberta #403 228.7065. Prices based on Senior Discount's in the WA pharmacies. Top ten most commonly prescribed drugs in 1999 from Medical Economics Company Inc.

[2] 500 mg.

[3] "Losec".

[4] For a 12-pack.

Mr. GORTON. Let me repeat—64 percent lower. That is outrageous.

A major reason for this disparity is that foreign governments have implemented price control policies that tempt—successfully I may say—U.S. drug companies to discriminate against American consumers. Other countries offer to pay the nominal costs of manufacturing a drug, some profit and little else. Our drug companies agree because they can still make a profit, leaving our citizens to pay the high costs associated with research and development of new drugs. And where has the Clinton/Gore Administration been? In my opinion it has done a wholly inadequate job of protecting Americans from this form of price discrimination—it simply ignores the problem.

I believe it is time to change the law so that Americans are no longer discriminated against with respect to the cost of prescription drugs. The best way I know to do that is to prevent drug companies from selling any product in Canada or Mexico at a lower price than they sell it for in the United States.

These are the principles found in the Robinson-Patman Act, a law Congress passed more than 60 years ago to address price discrimination in the United States. That act simply tells manufacturers that they can't act to undermine one business by selling the same product to a competitor at discounted rates, unless the price difference is due to legitimate quantity discounts.

What will this proposal mean? Once drug companies have the incentive to charge non-discriminatory prices overseas and other countries pay a fare share of drug research and development costs—people in Washington state and across the country will pay lower prices for prescription drugs.

Let me speak briefly about what I am not trying to do. I am not telling drug companies what price they have to charge for their product. I am simply saying that manufacturers can no longer discriminate against American consumers by charging Canadian and Mexican pharmacies lower prices than they charge Americans for precisely the same product.

It is not my intent to harm the research going on in the U.S. Drug companies should be able to recoup the research and development costs for both unsuccessful and successful new drugs. But my constituents in Washington and other Americans should not be forced to pay all of those costs for the rest of the world.

I have talked to seniors, doctors and others in our health care system about these pricing problems, but I wanted to hear from the industry as well. So last week, I asked the President of PhRMA and representatives from most of the big drug companies why Americans pay more than people in Canada or Mexico for the same exact drug. They told me that they shared my concern that American consumers pay most of the research and development costs associated with making new medicines. I was pleased to hear that we were on common ground in that area.

Unfortunately, I was left with the impression that the pricing issue is not a top concern to the drug companies. Instead of engaging me in a real discussion about the pricing issue and the vast difference between the cost of drugs in Canada and the cost of drugs here, I learned about the companies' commitment to having drug coverage extended to Medicare beneficiaries. They have a point on that issue, and I am working with my colleagues on such an extension.

But still this so-called solution is just one piece of the puzzle. Expanding Medicare coverage will help some people, but it doesn't help everyone, and it seems more like an effort by the drug companies to increase their markets at high prices, as opposed to dealing head on with policies that encourage them to charge Americans more for prescription drugs than they charge people in Canada and around the world.

While I did not hear much about this issue in my meeting, or in the days following our meeting, I still want to hear from the drug companies on this question. It is a vital one that needs to be addressed, and since they are the experts on this matter, I hope that they will come to me in the next few days with alternative ideas for correcting this injustice. It may well be that there is a better idea than my own. If so, I am anxious to hear it from the drug companies or from anyone else. One company incidentally has already made a constructive suggestion.

Fortunately, I have also heard from several of my colleagues on this idea, and the news is good for American families frustrated by this inequity. Several Republican Senators have committed to supporting my idea and the majority leader has expressed interest. I suggest that this is serious incentive for the drug companies to develop some ideas. Otherwise, I am prepared to introduce my proposal promptly.

Let me be clear that I recognize the importance of biopharmaceutical research. Some of the cutting-edge research going on today may one day open up new avenues of science that will help crack the code of complex human illness and aid in finding treatments and cures for those in need of improved medicine. The United States is the global leader in biotechnology. As we work on proposals to help the American consumer afford prescription drugs, I will be mindful of the fact that we don't want to undermine this important industry.

That said, the current system hurts a lot of people, and leaves a lot of Americans feeling ripped off. The list of those who are discriminated against because of these unfair pricing policies includes the 40 million Americans who are uninsured and those seniors without drug benefits who pay higher prices at the drugstore cash register than just about anyone else in the world. It affects the cost of health care insurance and also is a growing problem for our doctors, hospitals, and nursing homes as more of the total of health care spending is allocated to drug costs.

The other group that gets hurt is the drug companies themselves. Because of these backward pricing policies, the drug companies have become the new "health care villains." In my State, I hear constantly from constituents who rail against the drug companies for charging them hundreds of dollars more than what they would pay in Canada. For years, the drug companies were respected for their innovative products, the risk they were willing to take to improve our health, and the medical advances they created. Those good feelings have been earned, and while they have not been destroyed, that reputation is at risk by the companies' unwillingness to step forward on the pricing issue.

And specifically, their reputation is at risk when they do not speak out loudly against policies that cause harm to their very best customers—American families.

I hope they will speak out. But Congress can no longer allow other countries to get away with policies that force drug companies to discriminate against American consumers by charging dramatically lower prices in Canada and Mexico and thus higher prices here at home. Other countries must pay a fair share of the research and development costs for new drugs. Seniors, the uninsured, and every other American should be able to walk into their neighborhood drug stores and buy the medicines they need at affordable prices.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the time come off the time for general debate of the resolution rather than the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, America's economy is strong. The Nation is enjoying the longest economic expansion in its history, at 107 consecutive months and counting. Last Friday's papers reported that the fourth quarter of 1999 grew at a blistering 7.3 percent, the fastest quarterly rate since 1984. We have the lowest unemployment rate in three decades, and home ownership is at its highest rate—at 67 percent—on record.

As the old saying goes, "[V]ictory finds a hundred fathers but defeat is an orphan." There is an economic corollary: The advocates of hundreds of policies claim to have fathered economic growth, but none admit to have spawned recession.

While certainly several causes contributed to the current economic expansion—among them technological innovation, free markets, and harder- and longer-working workers—there can be no denying that a key contributor to our booming economy has been the Government's fiscal responsibility since 1993.

In 1992, the Government ran a unified budget deficit of $290 billion and a non-Social Security deficit of $340 billion. When President Clinton took office in 1993, the Congressional Budget Office greeted him with a projection that the unified budget deficit would climb to $513 billion in 2001. Instead, CBO now projects that in fiscal year 2001, the Government will run a unified budget surplus of $181 billion and a non-Social Security surplus of $15 billion.

Our responsible fiscal policy means that the Government has borrowed less from the public than it otherwise would have, and indeed has paid down debt held by the public. No longer does the Government crowd out private borrowers from the credit market. No longer does the Government bid up the price of borrowing—interest rates—to finance its huge debt. Our fiscal policy has thus allowed interest rates to remain lower than they otherwise would be, and millions of Americans have realized savings on their mortgages, car loans, and student loans. In this favorable credit market, businesses large and small have found it easier to invest and spur yet more new growth.

But just as victory engenders multiple claims of fatherhood, a surplus seems to breed ready ways to spend it away, and the greatest single threat to that surplus, to responsible fiscal policy, and to the strong economy to which it has contributed is represented by the budget resolution before us today. This budget would spend away all of the non-Social Security surplus in one fell swoop on a massive tax cut plan reminiscent of the early 1980s. The budget would launch this irresponsible tax enterprise before having taken any steps to save Social Security or to reform Medicare or to lock away on-budget surpluses to pay down the debt.

This budget does more than merely portray those tax cuts. This budget resolution would create a fast-track reconciliation vehicle to move that massive tax cut bill through the Congress. As my colleagues know, reconciliation comes with a 20-hour limit on debate, so that no one can debate it at length. Reconciliation bills can pass with a simple majority, so the majority does not have to reach consensus or compromise with others, as the rules of the Senate otherwise require. The reconciliation process prevents bringing up any tax cut that the majority of the Finance Committee does not bring up for us. In terms of real world consequences, the only value of this budget resolution is as a tax cut delivery device.

Sadly, as well, this budget continues the gimmickry of the last few years in connection with the annual appropriations process. We all have seen this pattern before. The budget resolution begins with an unrealistic appropriations level to pave the way for fiscally irresponsible tax cuts. The appropriators try to live within it by using one gimmick after another, and then, at the end of the year, the President and Congress negotiate a final spending package far above the levels originally provided for in the budget resolution.

I am sorry to say, we are well down that road again this year. This budget resolution advertises appropriations levels—at $596 billion—halfway between a freeze and what is needed to fund current services. But the resolution actually gives the Appropriations Committees a much lower level than either of these with which to work. Read the fine print in section 209 of this resolution, in the numbers in function 920, and on page 2 of the committee report. As our ranking member on the Budget Committee, the distinguished Senator from New Jersey has already pointed out, there we find that this resolution actually gives the Appropriations Committee $541 billion, the cap levels for fiscal year 2001. That is $45 billion less than a freeze. What is this?

This is a recipe for gridlock, just like last year, and the year before. This budget resolution simply invites a giant, omnibus appropriations measure at the end of the year, instead of working our way carefully through the 13 regular appropriations measures. This budget resolution invites even more budget gimmickry than last year, in order for the appropriators to live within these unrealistic levels. And it does so simply to advance a tax cut that is too big and would stick our kids with the bill.

I would suggest, this is no way to govern. Rather than playing another year of budget chicken, Congress should work with the President to reach a consensus on fiscal policy. Rather than force a giant train wreck at the end of the year, Congress should work on a responsible budget at the beginning—right now.

Mr. President, regrettably, this budget resolution is yet another missed opportunity. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2914

Mr. ASHCROFT. Mr. President, I believe that at this time it is appropriate for me to make remarks about the marriage penalty reduction. I am pleased to have this opportunity. I thank my colleagues for making it possible to have this time scheduled.

Before I begin my remarks, I ask unanimous consent to add Senator SESSIONS as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, the budget resolution before us is a responsible framework for spending. I believe sincerely that Senator DOMENICI has done a superb job in creating this budget. He deserves our praise. His budget will fully protect Social Security over 5 years while balancing the important goals of debt reduction, tax relief, and prudent spending levels.

One of the important goals allowed by this budget resolution is the reduction of the marriage penalty. I rise in favor of the Hutchison-Ashcroft-Brownback amendment calling for marriage penalty relief.

I am happy to report that the relief called for in this amendment should be arriving very shortly. Just today, the Finance Committee filed a plan to increase the marriage penalty relief passed by the House. Some people have referred to this as a tax cut for married individuals. Frankly, I like the way Senator HUTCHISON labels this particular measure. She calls it a tax correction.

This is an effort which is designed to take some of the penalty out of being married. The Finance Committee plan, which the budget resolution anticipates, makes the income brackets for couples in the 15-percent and 28-percent tax brackets double that of single filers. It increases the standard deduction and alleviates marriage penalties in the EITC, the earned-income tax credit, and the AMT, the alternative minimum tax. This plan, passed by the committee, improves upon the initial finance bill which, in turn, improves upon the bill passed by the House.

As a result of these improvements, more people will receive more needed relief from the marriage tax penalty. We need this relief because our Tax Code discriminates against the fundamental societal value of marriage.

I would like to pause for a moment to say how important it is for us to have, as policy in this country, an approach to institutions that are crucial to our success and survival which is nondiscriminatory and not hostile. I cannot think of any institution that means more to the future of the United States of America than the institution of the family. There is very little that could possibly mean more to a family than the potential of having marriages.

When we find ourselves in a setting where the Tax Code of the United States penalizes persons for tying the knot, for becoming committed in the durable, lasting relationship of marriage, we find ourselves in a very sorry state.

We need to provide relief. We need to correct this terrible mistake in our Tax Code which discriminates against the fundamental societal value of marriage. The Tax Code simply must stop penalizing Americans just because they make the right decision and they choose to get married.

Incidentally, this isn't only a penalty on young people. Frequently, this penalty hits older Americans as well. In my home State of Missouri, there are 573,000 couples affected by the marriage penalty in the Tax Code.

This bill is a raise in pay for the 25 million hard-working families nationwide who have been paying a penalty because they have been married. It is time for us to signal to that population that no longer will we take it out on you. Because you have had the honor and the integrity and the foresight and the commitment to each other, and the good will to foster a family, no longer will we penalize you taxwise. In my own State, it will put more money in the household budgets of those half million or so married couples.

We hope to pass this needed tax relief by tax day when millions of Americans feel the tax burden most acutely.

I predict that the President, when he gets this bill, will not veto it. I predict that he will, instead, recognize the need to help keep hard-working moms and dads in a position to provide for their children and not to discriminate against them merely because they are married.

When the time comes, I believe the President will choose to liberate American families from paying an outrageous $29 billion per year fine for being married, for having that durable lasting commitment in our culture.

I look forward to a future in America where men in this country will no longer have to visit an accountant before they ask the woman's father for the daughter's hand in marriage.

I think it is time for us to say we do not want the Government standing between individuals who might otherwise be married and charging a toll that does not just last like the few days of a marriage license but becomes a recurrent toll that, on average, in this country constitutes about $100 a month for married couples who suffer this penalty.

I rise to support this amendment. It is an amendment that should harmonize the Tax Code of the United States with the culture of this country and with the values of this country.

It is outrageous, to say the least, that when couples want to get married they have to pay the equivalent of a tax fine or a tax penalty in order to get married.

We need to have families with durable, lasting relationships. Families are the best department of social services, they are the best department of education, they are the best department of health and assistance that we could ever expect in a culture. They are the core of what our civilization is all about. For us to charge extra to individuals who form these families is simply wrong.

This is a measure which brings common sense to the Tax Code, as strange as that may be. We need more common sense in the Tax Code. We need less of the pernicious discrimination against wholesome, healthy institutions such as marriage.

It is with that in mind that we should work to mitigate the damage imposed on America by the marriage penalty in the tax law. As a result, we have offered this amendment and look forward to its adoption by the Senate, and eventually to its signing by the President of the United States, liberating individuals who deserve to have the resources they earned to support their families left in their hands and not confiscated as a result merely of their marriage by the Federal Government to spend in its programs.

That will be a happy day not only for the married people who will be released from this kind of penalty, but it will be a happy day for this culture because it will signal that, indeed, we favor an institution that means so much to us: long, durable, lasting relationships, through the commitment of marriage, which provides the basis for our best families. It is with that in mind we have sponsored this amendment. I look forward to its adoption.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. The Senator from Nevada is not here, so the Senator from Oregon, Mr. WYDEN, will speak, as if he were next. His time and that of Senator BRYAN will be taken off the Hutchison amendment.

I also ask unanimous consent that following Senator WYDEN and Senator BRYAN, Senator BROWNBACK be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

AMENDMENT NO. 2915

Mr. WYDEN. Mr. President, the Robb amendment on prescription medicine tells senior citizens and families across this country that the Senate is listening to them.

This amendment tells those seniors and all of those families—and I have been contacted by more than 4,000—that getting prescription drug coverage for older people under Medicare is a priority of this Congress and a priority that has to be addressed now. Pass the Robb amendment and you don't get into a situation where, at the end of the session, somebody says, gee, there just wasn't enough time; we just weren't able to address that prescription drug issue; it's too bad, we will have to wait until the next Congress.

I think it is particularly important to pass the Robb amendment now because it builds on the important work, the important progress that was made in the Budget Committee.

I particularly commend my colleague from Oregon in the chair today, Senator SMITH, and also Senator SNOWE, for their courage. The two of them have worked with me and others for more than 15 months as a result of the concern of older people. We thought it was time to come together on a bipartisan basis and get this relief for older people now.

I have come to the floor more than 25 times in the last few months to describe the problem of seniors who are supposed to be taking three pills but they can only afford two. They are breaking their Lipitor capsules—the ones that help lower cholesterol and various blood pressure problems—in half because they can't afford their medicine.

So in the Budget Committee, as a result of the work of my colleague from Oregon, Senator SMITH, and Senator SNOWE, we have made a good bipartisan start. We locked in $40 billion to spend on prescription drugs, and we said there was a sense of urgency because the Senate Finance Committee ought to act on or before September 1, and if they didn't, it would be possible to come directly to the floor of the Senate and bring this issue up so that the American people could see who was on the side of covering prescription drugs for older people.

The older people, right now, get shellacked twice. Medicare isn't covering these important therapies. There is not a specialist in health care, Democrat or Republican, who would not offer this coverage if they were reinventing Medicare today. But in addition to not getting coverage, those older people and their families are subsidizing the big buyers. If you are in a small pharmacy in rural Oregon or rural Minnesota, or in another community across this country, in effect, if you don't have prescription drug coverage, you are out there subsidizing the big buyers, the health maintenance organizations and the health plans that do.

So the start we made in the Budget Committee by making sure there would be an adequate amount of money to put this program in place, to make sure we had a timetable to get the job done, so that Congress could not duck this issue and would have to see action by the Finance Committee or face the prospect early this fall of dealing with it on the floor of the Senate—that progress in the Budget Committee is something we would build on with the Robb amendment.

The Robb amendment makes it very clear that Congress cannot duck this issue, and budgets are about more than numbers; they are about more than charts and graphs and cold figures. The Robb amendment reflects the hopes and aspirations of our seniors and our working families—the ones my colleague and friend, Senator SMITH, and I have met at townhall meetings who came to us and told us, as so many seniors have said to me: I cannot make ends meet. My Social Security went up by only a little bit, and my prescription drug bill went up hundreds of dollars during that period of time.

The Robb amendment says that we have been listening to those older people; that we understand this issue is a priority for them, this issue is so important that Congress is not going to go home until it has been addressed. I was very proud of what was done in the Budget Committee. I think my colleague from Oregon and Senator SNOWE, because of the many discussions we had, were under a tremendous amount of pressure when that discussion came up because it was a very tense moment.

I think my colleague from Oregon said it well, and the Robb amendment reflects this also: This is time to be on the right side of history. This is time to revolutionize American health care. In effect, the revolution in American health care has bypassed the Medicare program. These medicines today help older people stay well. They help folks lower their blood pressure and cholesterol. Now we have a chance, using competitive marketplace principles, to come together and put this program in place.

Senator DASCHLE has emphasized in talking to me on almost a daily basis how he wants to bring the Senate together on this issue. The chairman of the Budget Committee was very patient in working with us as we tried to deal with this issue in committee. The Robb amendment compliments those efforts, builds on those efforts by making it clear that Congress should not leave for this session until we have put this important program in place.

For the older people of this country who average 18 prescriptions a year, 20 percent of whom spend over $1,000 a year out-of-pocket on their medicines, when they see the Robb amendment get passed by the Senate, they will say, finally, Congress is listening to us. My friend and colleague from Oregon and I have had the experience where seniors brought their bills to us at these sessions. When we pass the Robb amendment, we will make it clear to those seniors and working families that we have heard them. There is not a specialist in the health care field, Democrat or Republican, who now doesn't believe that prescription drugs ought to be part of this program. This is a chance to revolutionize American health care, to concentrate on keeping people well.

Just one brief example: If we can get anticoagulant medicines covered for older people, which is something the Robb amendment would make possible, it might cost $1,000 a year for seniors to get help with that medicine, and we could end up saving $100,000 in costs incurred by Part A of Medicare, the hospital program, when an older person suffers a stroke because they could not get their medicine on an outpatient basis.

I am going to wrap up by describing what really brought this problem home to me and my friend from Oregon, Senator SMITH. We have been to Hillsboro in our State many times. Recently, I got a letter from a physician in Hillsboro who told me he had to put a senior citizen in a hospital for 6 weeks because that older person could not afford their medicine on an outpatient basis. When the physician in Hillsboro, in our home State, put the older person in the hospital, they were able to get help under Part A of Medicare, the hospital portion of the program. But the Government could have saved money with the effort that is behind the Robb amendment and what we tried to start in the Budget Committee. We could have gotten help for that senior in Hillsboro, OR, in a most cost-effective way, more quickly, and in a way that would have left the older person more comfortable because they would have been in the community rather than in a hospital.

So I only ask, as we continue this debate—and I gather it will go into tomorrow—that we focus on building on the progress that was made in the Budget Committee, to a great extent because two of my colleagues, Senator SNOWE and Senator SMITH, showed real courage in working with us. If we pass the Robb amendment, we build on that important progress and again demonstrate to the older people and the working families of this country we are listening to them.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise in strong support of the amendment offered by Senator ROBB, the effect of which would be to tie the consideration of any tax cut to enactment of legislation to provide a prescription drug benefit under the Medicare program.

For many in the viewing audience, this process may seem obscure and convoluted, but the budget is really an opportunity for us as a party and as individuals to make the case in terms of our priorities. We have a fundamental philosophical difference with our friends on the other side of the aisle who have offered a majority resolution which, in my judgment, does not reflect the priorities of the country.

In my view, our priorities ought to be to reduce the national debt. We have made enormous progress in the last 3 years. We have an opportunity to continue that progress.

Parenthetically, virtually every economist, as well as the Chairman of the Federal Reserve Board, has made the case to us in the Finance Committee, on which I am privileged to serve, in the Banking Committee, and generally before other committees in this Congress, that the most important thing we can do is to reduce the national debt. But I believe it is entirely appropriate to take some of that surplus and provide a prescription drug benefit.

The budget resolution before us offered by the majority would dedicate 98 percent of that surplus to finance tax cuts. In my view, that is not an appropriate priority. The priority, in my judgment, is to provide a Medicare program with prescription drug benefits.

In 1956, when Lyndon Johnson and Congress enacted Medicare, it reflected a comparatively contemporary program. Prescription drugs were not a major part of the health care of Americans. Today, nobody would argue, if we were adopting Medicare, that it should exclude prescription drug benefits. Older Americans deserve the same benefits of modern science the rest of us enjoy.

Prescription drugs are frequently the best and indeed the only way to treat many of the diseases faced by the elderly. They have become an integral part of the health care system—every bit as important as doctor visits, hospital stays, and other health care services. Yet many seniors don't have prescription drug coverage, and most of those who do often have inadequate coverage. Thirty-four percent have no coverage at all—more than one-third of those on Medicare have no prescription drug coverage at all. And another 42 percent lack meaningful coverage. By that we mean the benefit is so modest, it still requires a substantial amount of out-of-pocket dollars to purchase the prescriptions which their physicians have prescribed for them.

Many beneficiaries have chosen managed-care plans for access to drug coverage. What is occurring is most destructive: 325,000 beneficiaries lost their HMO coverage this past year. For those who have not lost it in its entirety, many are left with very skimpy plans. Seventy-five percent of Medicare HMOs will limit coverage to less than $1,000 this year, and 32 percent have imposed caps of less than $500. That is not meaningful coverage.

With 22 million beneficiaries spending more than $500 annually on prescription drugs, and drug costs topping $9,000 for those seniors with cancer or chronic diseases such as diabetes and heart disease, the current HMO coverage can hardly be considered adequate by any standard.

Retiree coverage and Medigap are frequently no better. Retiree coverage is declining dramatically, and Medigap policies are out of reach for many seniors, with premiums averaging $1,360 a year. Indeed, in some States premiums greatly exceed that. For example, a 75-year-old Mississippian faces a Medigap premium of $2,379. That is a lot of money. Most beneficiaries do not have the ability to pay that.

Over half of the Medicare beneficiaries without prescription drug coverage are in the so-called middle class. I think it is important to note what we are talking about by "middle class." That is a couple earning greater than $17,000 annually. I don't think anyone would conclude that $17,000 of total annual income for a couple is adequate, and few I think would consider themselves securely entrenched in the middle class if they were making $17,000 a year combined. This is yet another reason we need universal coverage—a policy that is affordable with Medicare prescription drug benefits.

Medicare is an extremely popular program. Prior to 1965, seniors faced a great deal of uncertainty when they needed medical care. The private sector had not responded by providing adequate, affordable insurance options, and indeed almost all of the elderly in America in 1956, 35 years ago, before the enactment of Medicare, had no coverage at all. They were uninsured.

With the creation of Medicare, we made a promise to our seniors that they would have affordable, adequate health care coverage.

While the program has been immensely successful, Medicare today is in need of reform both to strengthen and to modernize the program. We have fallen behind in our commitment to those promises. We are once again faced with a situation in which the private sector has not provided adequate, affordable insurance options for prescription drugs, and three-fourths of the Medicare beneficiaries lack meaningful drug coverage.

The addition of an affordable, universal Medicare prescription drug benefit is only one step necessary in reforming the program, but it is a crucial step. Medicare prescription drug coverage is necessary to update the program and to keep pace with the times. It is critical to keep our promise—access to necessary care and protection from financial ruin—to the Nation's Medicare beneficiaries.

If we were creating Medicare today, no one would suggest we should create a program without a prescription drug benefit. Anyone who votes against this amendment will need to explain to his or her senior constituents why we, as Senators, have a prescription drug benefit but the more vulnerable seniors among us do not.

It is critically important for this Congress to provide prescription drug benefits. We have the opportunity to do so. We have the circumstances with respect to the budget that will permit us to follow our priorities of reducing the national debt and providing a prescription drug benefit as well. We should do so, and we should do so this year.

I thank the Chair.

I yield the floor.

AMENDMENT NO. 2914

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much. I thank my colleague from Nevada for his comments.

I want to address the Hutchison amendment. I ask that my time be charged to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of the marriage penalty. And to speak in support of the pending amendment to the budget resolution offered by myself and by my colleagues, Senator KAY BAILEY HUTCHISON, and Senator JOHN ASHCROFT.

I have addressed this issue often, and I think Senators are familiar with it. This is a sense-of-the-Senate resolution.

Our sense-of-the-Senate is simple. It simply states that the Congress should pass marriage penalty tax elimination legislation that begins a phase-out of this penalty in 2001. That the marriage penalty tax legislation considered does not discriminate against stay at home spouses and that the Congress should consider this legislation before April 15, 2000.

In our resolution, we note that the marriage penalty tax affects nearly half of married couples in America.

I have a chart behind me that enumerates some of those States hit by the marriage penalty tax. You can see Kansas with 259,904; in Oregon, 329,289 couples. That is times two-plus frequently because they will have children.

We just heard from the Senator from Nevada—146,142 in that category.

You can see this is a broad-based tax, a broad-based penalty. This penalty needs to be eliminated. It is time we do it. We have the chance to do that now in this body within the next couple of weeks. I hope it doesn't get hijacked by partisanship. I hope that can be avoided so we can move on.

I applaud the chairman of the Finance Committee, Chairman ROTH, for his important work on this legislation. Last week, they considered and passed a bill providing important marriage penalty tax relief to millions of the families suffering under this. They only provide this relief in some narrow areas because the marriage penalty is throughout the Tax Code in about 66 different places. We do not get it all. We do get at key ones.

First, the standard deduction. We get 59 in that area of the marriage penalty. This year, for single taxpayers it is $4,400. However, for a married couple filing jointly, the standard deduction is only $7,350. Our bill is simple, clear, and fair: doubling the standard deduction, making it $8,800 for married couples filing jointly. This change begins for filers in 2001.

Second, our bill widens the 15-percent tax bracket. Under current law, the 15-percent bracket for a single taxpayer ended at an income threshold of $26,250; for married couples, it is $43,850, less than double. If our bill were fully phased in this year, the 15-percent bracket would extend upward to an income of $52,500. In other words, it doubles the 15-percent bracket. Whether single, or married and filing together, taxpayers get the same total amount that fits under the 15-percent bracket. Again, it seems fair and equitable to do it that way.

Third, our bill applies the same principle of bracket widening to the 28-percent bracket as I enumerated and listed in the 15-percent bracket.

Fourth, our bill increases the phaseout range for the earned-income tax credit. This is another way that most people do not realize that the marriage penalty is impacting couples. The low-income families with children can incur a significant marriage penalty because of current limits on the earned-income tax credit. If both spouses work, the phaseout of the EITC on the basis of their combined income can and does lead to the loss of some or all of the EITC benefits to which they would be entitled as singles. Our bill works to begin fixing this problem, as well. Our bill helps families at all income levels.

Finally, our bill permanently extends the provision that allows the personal nonrefundable credits to offset both the regular tax and the minimum tax.

That is the nuts and bolts. I think the best way to talk about the marriage penalty is from people who contact my office and write in, the people I meet with who talk about the marriage tax penalty. They are fed up with it. They don't see it as fair; it doesn't make sense. They wonder why on Earth their Government penalizes them for the privilege of being married; Isn't it tough enough without this?

Listen to some of the letters I have received. They are clear in asking: Why am I being penalized for being married?

TOPEKA, KS.

DEAR SENATOR BROWNBACK, I am a college student at Washburn University. My girlfriend and I have been thinking about getting married for several months.

As part of the planning we went through our finances. I checked our taxes and found that if we were married this year, we would have paid $200 extra in Federal taxes.

Granted that may not sound like much, but at $9 and change an hour, $200 is a lot of money.

I calculated how much we could be making in a few years and found that we will pay $600 more for being married than just shacking up.

Basically, we have to pay $600 for the privilege of being married.

I always thought the government tried to reward constructive, positive behavior through the tax code, but it is punishing one of the most socially stabilizing behaviors, marriage.

We don't think we or anybody else should be punished for being married and hope you can do something about it.

DAVID.

DEAR SENATOR BROWNBACK: I am writing to express my support for The Marriage Tax Elimination Act recently passed in the House of Representatives and to urge you to vote in support of this measure when it comes to the Senate.

This legislation would address a serious inequity in current tax law by eliminating the disparity that exists with respect to the total "standard deduction" allowed two married taxpayers versus the total "standard deduction" allowed two single taxpayers. Tax policy should not discriminate either in favor of or against two individuals with respect to their decision to be married (or not be married). Rather, the same total itemized deduction amount should be allowed married taxpayers who choose to file jointly as two individuals who file separately.

Thank you for your attention to this matter.

Sincerely,

MARK.

That is basic and makes pretty good sense.

Another letter:

DEAR SENATOR BROWNBACK: I would like to thank you for expressing your ideas and opinions on the marriage penalty tax to the senate on behalf of the Kansas taxpayers.

Doubling the standard deduction for married couples, and doing so as quickly as possible, lessens the blow with which nearly 21 million couples are hit every year. I have seen many people struggle with their taxes each year and I am writing on behalf of these people to recognize you for your tremendous effort to make their lives easier.

I have a number of letters from different individuals. Any Member in this body checking their e-mail inbox will find the exact same thing. People know about the tax and don't think it is fair and we cannot explain why it is right because it isn't right.

It is time we do away with this penalty. We have a chance this week to pass the budget resolution and to send a sense-of-the-Senate resolution to the rest of the body next week to pass this bill. This is only a prelude to next week when we get a chance to actually pass the elimination of the marriage penalty.

I call on my colleagues to support this underlying resolution by Senator HUTCHISON from Texas, Senator ASHCROFT, and myself, and next week to vote in favor of eliminating the marriage penalty. It is time to do it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. KYL. Mr. President, I will comment briefly on the budget resolution generally, but I also recognize Senator HUTCHISON, primarily, and many others who have been working a long time for the repeal of the marriage penalty which this budget accommodates.

We will have a historic vote in the Senate tomorrow morning. I think our leadership—the Senator in the Chair, the Senator from Texas, and many others—deserves a lot of credit for bringing to fruition our efforts to eliminate this marriage tax penalty. I think tomorrow, as a result, will be a historic day.

The budget resolution that we began considering will result in a balanced Federal budget now for the third year in a row. As in the budgets of the past 2 years, it will also balance the budget without relying on one dime of the Social Security surplus. The last time Congress balanced the budget 3 years in a row without raiding the Social Security trust fund was in the period of 1947 to 1949. Again, I think this will be a historic year.

It is worth recalling where we were only 5 short years ago, to put this in perspective. At that time, President Clinton, after shepherding through the largest tax increase in the history of our country, sent Congress a budget in 1995 that would have spent every penny of the Social Security surplus and still left annual deficits stuck at about $200 billion for the foreseeable future. That includes this year. In other words, the Clinton tax increase of 1993 only paid for new spending. According to the President's own budget in 1995, it did not bring and never would bring the budget even close to balance.

The Clinton budget of five years ago projected a deficit that would have amounted to roughly $289 billion this year alone, not counting Social Security. I recall that the Senate unanimously rejected this proposal on May 19, 1995. Congress then went on to chart a different course, and, as a result, we managed to balance the budget, protect the Social Security surplus, begin paying down the public debt, provide modest tax relief, and free up additional resources to devote to other national priorities, like health care, education, and defense. Balance was even achieved four years earlier than initially anticipated under the alternative budget we adopted in 1995.

But there is still much to do. The resolution reported by the Budget Committee builds upon past progress by ensuring that we will protect the entire $976 billion surplus that is expected to accrue to the Social Security trust fund over the next five years. Setting this precedent against using the Social Security surplus for other things is perhaps Congress' greatest accomplishment during the last two years.

The FY2001 budget would cut the public debt by an additional $184 billion in fiscal year 2001, and by nearly $1 trillion over the five-year period. It would accommodate a modest amount of tax relief—$13 billion next year—still leaving over $2 trillion flowing to the Treasury. After accounting for the proposed tax relief, non-Social Security surpluses would still amount to $8 billion next year and $20 billion over the next five years.

Let me stop for a moment to discuss taxes more fully. According to the nonpartisan Tax Foundation, the total tax burden dipped slightly in 1998. That's the good news. The bad news is that Americans still spent more on federal taxes than on any of the other major items in their household budgets. For the median-income, two-earner family, federal taxes amounted to 39 percent of the family budget—more than what they spent on food, housing, and medical care combined.

According to the Tax Foundation, the total tax burden is still very high in historical terms. In 1955, the total tax burden was about 17.9 percent compared to the 39 percent it totalled in 1998. The largest growth occurred in payroll taxes, and state and local taxes. Adjusting for inflation, the total of all taxes paid by the two-earner family in 1998 was 4.9 times greater than in 1955.

These year-to-year comparisons provide a useful gauge, but ultimately, the goal should be to set tax rates as low as possible after the federal government has met its obligations. The substantial surpluses that are projected alone suggest that we can and should provide additional tax relief.

Another observation: According to Census Bureau data, the labor-force participation of married women, as a proportion of all married women, has nearly tripled from 23 percent in 1951 to 62 percent in 1997. Some of that increase, no doubt, can be attributed to women pursuing their career goals, and that is a good thing. We want our mothers, wives, and daughters to pursue their dreams and fulfill themselves in the workplace. But I suspect that a good part of the increase can also be attributed to the need for many families to earn extra income to pay their bills, including their tax bill.

More people in the labor force means that tax rates do not have to rise substantially to produce more revenue for the government. But when more families have to have two wage earners because they cannot make ends meet, no one is left home with the kids. That is not such a good thing. Providing tax relief will give more families the choice and opportunity to have one parent stay home to raise the children.

As for defense, the increase allowed in the Committee budget is certainly not enough to repair the harm done by the Clinton Administration's underfunding in previous years, but it builds upon the start we made last year.

Since the fall of the Berlin Wall 10 years ago, the strength of our nation's military forces has shrunk from 2.1 million to slightly under 1.4 million active-duty troops. Spending on the military has declined 29 percent since 1989, while spending on almost all other areas of government has gone up. Defense spending has shrunk at the same time that our military has increasingly been called upon to carry out global peacekeeping, domestic disaster relief, the war on drugs, and other less traditional missions.

While many of these objectives are important, they are often pursued without regard to the wear and tear they inflict on our troops and equipment. If we continue to simultaneously increase demand on our forces and cut their budget, we will leave our country vulnerable to potential aggressors. Indeed, according to a review conducted last year by the Pentagon, the U.S. could not today muster a force equal to that which won the 1991 Persian Gulf War so rapidly and decisively.

Last year, Congress reversed this trend by approving an $18 billion increase in defense spending to: improve the pay and benefits necessary to attract and keep qualified people in uniform; purchase badly needed new equipment, spare parts, and maintenance; improve training; and defend the United States from the growing threat of ballistic missile attack. Yet even this increase merely kept defense spending on pace with inflation.

So the Budget Committee's recommendation to put more money toward defense in this next budget represents a step in the right direction and a good effort to set priorities.

The Committee identified other high priorities, as well, and recommended allocating significant increases toward them. For example, the Committee budget would fund education at a level that is $13 billion higher than last year—$600 million more than the President requested. It would increase spending on veterans health by $1.1 billion, and provide a like increase for the National Institutes of Health for medical research. It would reserve $40 billion over five years for a new Medicare prescription drug benefit. These are things the American people are telling us are most important to them and they want funded. We do that, in this budget.

Of course, providing these increases in high priority areas will mean that spending on other, less important activities will have to be restrained. But unless we want to return to the days when Congress raided Social Security to pay for other programs, or to the days of big budget deficits, prioritizing spending is key. We have come too far to abandon the discipline that has finally restored some order to the budget process.

I will conclude by talking just briefly about one other aspect of this resolution. To ensure that we ultimately do what we say is intended here, the budget includes some important enforcement provisions. It would establish a 60-vote point order—that is, it would effectively require a supermajority vote to run an on-budget deficit and thus make it harder to raid Social Security in the future. It would similarly require a supermajority vote to declare spending as an emergency that is exempt from spending limits. It would establish a firewall to ensure that we abide by spending limits for defense and non-defense activities. And finally, it would make it much harder to shift appropriations into future years in order to avoid current-year spending limits.

I commend the Chairman and members of the Budget Committee for their work on this resolution, and particularly acknowledge the work of Senators GRAMM, NICKLES, GREGG, and GRAMS, who helped hold the line on spending and ensure that many of the budget gimmicks employed by Congress and the President in recent years were not employed again. As a result of their efforts, I think we have a much better budget.

I urge support for this spending plan.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, might I ask what the subject matter is?

Mr. KERREY. Nuclear weapons, the Senator's favorite subject.

Mr. KYL. I have no objection.

The PRESIDING OFFICER. Without objection.

Mr. KYL. Mr. President, might I ask the indulgence of the Senator from Nebraska to read some brief remarks for the leader regarding the remainder of the day?

Mr. KERREY. I am pleased to yield the floor.

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS IN ASBESTOS COMPENSATION ACT

Mr. LOTT. Mr. President, I have been asked whether I intend to call up for consideration on the Senate floor legislation that has been introduced in the Senate with respect to asbestos. After conferring with the chairman of the Senate Judiciary Committee, and the chairman of the subcommittee with jurisdiction of this issue, it is clear that a markup has not yet been scheduled, and that extensive work would be needed before the bill is ready for Senate floor action. I have also conferred with the sponsor of the bill who informs me that since the bill was introduced, the consensus regarding this legislation, S. 758, between industry, the plaintiffs, and other concerned parties, and among industry itself, appears to have deteriorated substantially. This bill is not ready for Senate floor action. The Senate will soon be occupied with budget, appropriations, tax and other legislation. For these reasons, and in all candor, the necessary floor time will not be available to act on the Senate asbestos bill this year.

Mr. ASHCROFT. Mr. President, I appreciate the majority leader's comments and candor on this issue.

Last year I introduced S. 758, the Fairness in Asbestos Compensation Act in response to two Supreme Court rulings urging Congress to act on national legislation that would fairly and efficiently compensate victims of asbestos. As U.S. Supreme Court Justice David Souter wrote for the court in Ortiz versus Fibreboard: "The elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation . . . to date Congress has not responded."

It was my hope that this bill could serve to bring all parties together to solve this issue. It is now clear, however, that this bill will not move in its current form. As I mentioned to the majority leader, the consensus regarding S. 758 between industry, the plaintiffs, and other concerned parties, and among industry itself, appears to have deteriorated substantially since S. 758 was introduced.

It is also clear that there is virtually no time in the Senate to consider this bill this year. The Senate has a target adjournment date of October 6 this year. Before adjourning, the Senate will work to repeal the Social Security earnings limit, repeal the marriage tax penalty, pass agriculture sanctions reform to open markets for American farmers and ranchers, timely pass the budget and 13 separate appropriations bills, reauthorize the Elementary and Secondary Education Act, give final approval to legislation to combat the methamphetamine crisis, and adopt legislation to protect Social Security. These issues will take up my time this year. And these issues are just a partial list of the ambitious agenda for the year.

In light of this situation, and the fact that the House appears to be taking a different approach entirely, I appreciate the majority leader's candid assessment of the legislative prospects for this bill. Because it serves no purpose to represent that S. 758 will pass or be acted upon this year or in the future, I appreciate the remarks of the majority leader.

TRIBUTE TO COLONEL TYLER H. FLETCHER

Mr. LOTT. Mr. President, today I rise to pay tribute to an extraordinary citizen and public servant who has dedicated his life to the noble endeavor of law enforcement and the edification of those committed to this distinguished profession. Tyler H. Fletcher of Hattiesburg, Mississippi, exemplifies the qualifies of honor, courage, dedication, and service that reflect the outstanding character of this former colonel in the United States Army Military Police. With the retirement of Colonel Fletcher on Friday, April 7, 2000, I express my highest gratitude to him for over 50 years of service and leadership to the United States of America.

As an officer in the United States Army Military Police, Colonel Fletcher was recognized with the Police Medal of Honor from the Republic of South Vietnam, three Legion of Merit awards, the Bronze Star, an Army Commendation, and four Meritorious Unit Citations. After retirement from the Military Police in 1971, Colonel Fletcher continued his exemplary service as associate professor and chairman of the department of criminal justice at the University of Southern Mississippi, garnering the distinction of Who's Who in American Law Enforcement in 1978 and the Excellence in Teaching Award in 1980.

Colonel Fletcher's extraordinary accomplishments in the professional arena are matched only by his dedication to the service of his fellow Americans. He has greatly contributed to the field of law enforcement by authoring numerous books and articles on the subjects of correctional administration, juvenile justice, and community policing. He is a pioneer in his research into areas of police education, crimes against the elderly, and victims of crime in Mississippi. He is a leader in his field as an active contributor to the National Society of Police and Criminal Psychology, the Mississippi Association of chiefs of Police, the International Association of Chiefs of Police, the National Council on Crime and Delinquency, the Disabled Americans Veterans, and the Mississippi Corrections Officers Association.

Mr. President, the distinguished career of Colonel Tyler H. Fletcher associates him with the best of the best in the United States, surpassing the accolades of personal accomplishments and awards only with the gift of inspiration to future leaders and former colleagues. Colonel Fletcher is a great American, and his service to his country, his profession, and his fellow man serves as the benchmark by which we all should hope to achieve.

JOSEPH ILETO POST OFFICE

Mrs. FEINSTEIN. Mr. President, I am very pleased that yesterday the Senate unanimously passed a bill I introduced to name a United States Post Office after Joseph Santos Ileto. He was the U.S. Postal Service employee of Filipino descent who was brutally gunned down last August by the same man who opened fire on the North Valley Jewish Community Center. This bill designates the new post office located at 14071 Peyton Drive in Chino Hills, California as the "Joseph Ileto Post Office."

Joseph Ileto's death on the job exemplifies the ultimate sacrifice of public service. He served our nation with honor and will be remembered by his family, friends, and community as a kind-hearted man who touched many lives. Despite the tragedy of his death, we can take comfort in knowing that Joseph's life will continue to touch others.

By passing this bill, Congress recognizes the urgent need to address and condemn hate crimes and racism. Dedication of the newly constructed post office in Joseph's hometown is the very least we can do to honor a man who gave his life to his country. The companion legislation, sponsored by Congressman GARY MILLER, has already passed. It is my hope that the bill will be signed into law expeditiously.

THE FLAG DESECRATION ACT

Mr. FRIST. Mr. President, in less than a month's time, we will celebrate the first Memorial Day of the second millennium, our first opportunity in this new century to honor and salute the men and women who, through the decades, have sacrificed so gallantly to keep us free. It will be our first opportunity to thank them publicly for the sacrifice they made, the pain they suffered, and the trauma they endured to ensure that the flame of freedom would never be extinguished.

Each and every one of those patriots, Mr. President, those who died, those who returned, and those we are blessed to still have with us, shouldered squarely the highest responsibility of citizenship; remained dedicated to the survival of our Nation; were willing to pay the highest price to preserve peace and freedom. And they risked it all under the one symbol that summed up their strength and sharpened their courage—our bright banner of red, white, and blue.

We are a Nation of images and symbols, but that's not a 21st century phenomenon. It has always been so. Throughout our history, we have been captivated by scenes that seem to capture all the emotion of a particular event—George Washington's winter encampment at Valley Forge, Robert E. Lee's last ride to Appomattox along a path lined by ranks of Union troops standing at attention, JFK's funeral cortege making its way to Arlington across the Memorial Bridge.

But the most poignant image of all—the one that will live forever in the hearts and minds of all Americans—is the image of a handful of Marines braced against a whipping Pacific wind, raising the American flag over Iwo Jima.

That symbol of freedom that flies over the dome of the building in which we now stand, that adorns the flagpoles of our schools and communities, that graces the windows and doorways of our homes, that is draped in silent tribute over the coffins of our dead—that symbol deserves our protection.

It should not, under any—any—circumstances be desecrated. And that is why I support an amendment to the U.S. Constitution to ensure that this is so.

The Constitutional Amendment proposed by this resolution is surprisingly simple—astoundingly simple when compared to anything that emanates from Washington these days. It does not dictate a particular course of action to the states. It does not threaten the separation of powers. It does not set a complex set of rules and regulations that require a team of lawyers to interpret. It does not change the integrity of the Constitution. And it does not cost the taxpayers one cent. The entire amendment is contained in a single sentence: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

To those who maintain that this amendment would be a violation of First, I quote perhaps the greatest proponent of First Amendment freedoms, Supreme Court Justice Hugo Black, who stated, "It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense." Let me repeat: "It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense."

Let us not let one more Memorial Day pass without clarifying and codifying that protection. Let us not let one more soldier, sailor, airman or marine nobly and unselfishly risk his life without honoring him and the ideals for which he is willing to die, without protecting the most sacred and visible symbol of his freedom.

Let us not let one more minute pass, without enacting into law, and sending to the states, this amendment to protect the flag under which so many—so many—were willing to, as one soldier-poet put it, "taste death in youth so that Liberty might grow old."

Mr. CHAFEE. Mr. President, last week the Senate engaged in an emotionally charged debate about one of our nation's most precious and beloved symbols, the flag. American history is rich with examples of the significance of our flag. Francis Scott Key's lyrics equate our "star spangled banner" with the essence of our national identity, "the land of the free and the home of the brave." Betsy Ross is known to school children from the Aleutian Islands to the Florida Keys as the woman who painstakingly sewed our first flag. Many Senators referred to the raising of the flag by a handful of beleaguered, yet still brave, Marines on Iwo Jima. And who among us will ever forget the sight of Neil Armstrong planting the flag on the moon as he took that giant step for mankind. During the Judiciary Committee's hearings on S.J. Res. 14, the proposed Constitutional Amendment to protect the flag, Senator MCCAIN told of a fearless POW who fashioned a flag from scraps of material. Each night under threat of torture, an extraordinary group of prisoners displayed the makeshift flag and renewed their commitment to democracy and their courage to withstand a barbarous imprisonment.

As children, we started each day with our hands respectfully pressed to our hearts as we recited the pledge of allegiance. As Senators, we start the day in much the same manner, renewing our respect for this visible symbol of democracy.

Unlike Senator MCCAIN and Senator BOB KERRY, some of us have not served our country in the military. Our national pride, our fundamental courage, our commitment to country has not been tested on the battlefield, but just a few months ago, I stood in the well of this Chamber and, as my wife held the Bible on which my left hand rested, I swore to uphold the Constitution. The Constitution is the document that provides each citizen with broad rights. It doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom. It tells us that we are free to assemble peacefully. We are free to speak and publish without fear of censorship. We are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It is these freedoms that define what it is to be an American.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment which was later repealed, these amendments have reaffirmed and expanded individual freedoms. This Resolution would not have expanded our rights. This Amendment, instead, would limit individual freedom.

As I think about this effort to amend the Constitution, I cannot help but conclude that in a free society, respect cannot be mandated. It springs from the heart. Furthermore, it seems ironic that the Senate would endeavor to protect this symbol of freedom by acting to limit the very freedom it represents.

I am gratified to know that Senator BOB KERREY, the only Member of the Senate who holds the Congressional Medal of Honor, and General Colin Powell, a living symbol of patriotism, also oppose this Resolution.

My heartfelt belief that this is the wrong approach was shaped by a man whose life was spent in a passionate struggle to protect and conserve the Constitution in the face of menacing threats. The early Twentieth Century was marked by World War I and by the Bolshevik Revolution, a time in world history during which the "Red Scare" was very real. Zechariah Chafee, a young Harvard Law professor and civil libertarian, wrote eloquently about "Freedom of Speech in Wartime." Zechariah Chafee argued that even during wartime the freedom of speech guaranteed by the First Amendment must be upheld. He wrote, "[A] provision like the First Amendment to the federal Constitution is much more than an order to Congress not to cross the boundary which makes the extreme limits of lawful suppression. It is also an exhortation and a guide for the action of Congress inside that boundary. It is a declaration of a national policy in favor of the public discussion of all public questions." My great uncle had the courage to stand up for our Constitutional rights during a time of extremely high emotions in our national history. I am inspired by his example to defend that which separates this nation from all others—our freedoms.

NATIONAL ESTUARY CONSERVATION ACT

Mr. TORRICELLI. Mr. President, today, I rise to commend the Senate for passing, last Thursday, S. 835, the Estuary Habitat Restoration Partnership Act. Section 12 of this legislation is taken from legislation that I introduced, S. 878, with Senators BOXER, GREGG, MACK, GRAHAM, KENNEDY, LIEBERMAN, MOYNIHAN, REED, FEINSTEIN, KERRY, MURRAY, and SARBANES.

Today our nationally significant estuaries are threatened by pollution, development, or overuse. With 45 percent of the Nation's population residing in estuarine areas, there is a compelling need for us to promote comprehensive planning and management efforts to restore and protect them.

Estuaries are significant habitat for fish, birds, and other wildlife because they provide safe spawning grounds and nurseries. Seventy-five percent of the U.S. commercial fish catch depends on estuaries during some stage of their life. Commercial and recreational fisheries contribute $111 billion to the nation's economy and support 1.5 million jobs. Estuaries are also important to our nation's tourist economy for boating and outdoor recreation. Coastal tourism in just four states—New Jersey, Florida, Texas, and California—totals $75 billion.

Due to their popularity, the overall capacity of our nations's estuaries to function as healthy productive ecosystems is declining. This is a result of the cumulative effects of increasing development and fast growing year round populations which increase dramatically in the summer. Nowhere is this more pronounced than New Jersey. At Barnegat Bay, the population doubles in the summer months.

Land development, and associated activities that come with people's desire to live and play near these beautiful resources, cause runoff and storm water discharges that contribute to siltation, increased nutrients, and other contamination. Bacterial contamination closes many popular beaches and shellfish harvesting areas in estuaries. Also, several estuaries are afflicted by problems that still require significant research. Examples include the outbreaks of the toxic microbe, Pfiesteria piscicida, in rivers draining to estuaries in Maryland and Virginia.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in the Clean Water Act Amendments of 1987. The Program's purpose is to facilitate state and local governments preparation of comprehensive conservation and management plans for threatened estuaries of national significance. In support of this effort, Section 320 of the Clean Water Act authorized the EPA to make grants to states to develop environmental management plans. To date, 28 estuaries across the country have been designated. However, the law fails to provide assistance once plans are complete and ready for implementation. Already, 22 of the 28 plans are finished.

As the majority of plans are now in the implementation stage, it is incumbent upon us to maintain the partnership the Federal government initiated ten years ago to insure that our nationally significant estuaries are protected. S. 835 will take the next step by including language from S. 878 that will give EPA the authority to make grants for plan implementation and authorize annual appropriations in the amount of $25 million. I am also hopeful that when this bill goes to conference, this authorization can be increased to $50 million. With such an increase areas will be able to upgrade sewage treatment plants, fix combined sewer overflows, control urban stormwater discharges, and reduce polluted runoff into estuarine areas.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 3, 2000, the Federal debt stood at $5,750,620,100,381.36 (Five trillion, seven hundred fifty billion, six hundred twenty million, one hundred thousand, three hundred eighty-one dollars and thirty-six cents).

Five years ago, April 3, 1995, the Federal debt stood at $4,873,481,000,000 (Four trillion, eight hundred seventy-three billion, four hundred eighty-one million).

Ten years ago, April 3, 1990, the Federal debt stood at $3,092,175,000,000 (Three trillion, ninety-two billion, one hundred seventy-five million).

Fifteen years ago, April 3, 1985, the Federal debt stood at $1,738,155,000,000 (One trillion, seven hundred thirty-eight billion, one hundred fifty-five million).

Twenty-five years ago, April 3, 1975, the Federal debt stood at $504,572,000,000 (Five hundred four billion, five hundred seventy-two million) which reflects a debt increase of more than $5 trillion—$5,246,048,100,381.36 (Five trillion, two hundred forty-six billion, forty-eight million, one hundred thousand, three hundred eighty-one dollars and thirty-six cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF GREG HART, TEACHER AT SKYLINE ELEMENTARY SCHOOL

• Mr. GORTON. Mr. President, throughout my great State of Washington, there are thousands of gifted students who need some extra time and attention to help further their talents. At Skyline Elementary in Ferndale, a teacher by the name of Greg Hart, has turned a program created by the school district into a tremendous success and created an environment where gifted students can excel. For his achievements with gifted students in the Aiming High program, I am proud to award him with my next "Innovation in Education" Award.

The Aiming High program consists of students from all over the Ferndale School Districts for gifted students in the top 1 to 2-percent of the district and was created by the Ferndale School District to encourage highly capable students to develop critical thinking and analytical skills, act responsibly and respectfully, and promote positive self-esteem. Mr. Hart's classes consists of fifth and sixth grade students.

Both the Ferndale Superintendent and Skyline Principal believe that Mr.

Hart is the driving force behind the success of this program. One of the ways Mr. Hart improves student learning is by tackling issues of national and historical importance. Students must work together on research projects and give presentations to their classmates. One of the most recent projects was by two students who focused on race in the United States and how it was manifested on the baseball field. Mr. Hart believes that by empowering children, they become better learners and have the confidence to tackle topics and develop skills well-beyond their grade level.

Superintendent Roger Lenhert describes Mr. Hart as the model of an ideal teacher. His energy in the classroom motivates his students to not only to advance in their studies, but to also pursue goals and interests outside of the classroom. Mr. Hart also encourages his students to act responsibly and to treat others with respect.

Mr. Hart's students succeed in academic competitions, both under his tutelage and after, and he continue to guide his students well after they left the elementary school. I am told by Dr. Berres that it is not uncommon to see Mr. Hart's old students coming by his classroom to visit him and to update him on their current achievements. It is clear by the visits of his former students and praising words of the superintendent and principal that Mr. Hart makes an enormous impact on his students.

Educators like Greg Hart clearly demonstrate that it is the people that know our children's names—their parents, their teachers, their administrators, and their school board members—who will make the best decisions about their education. I applaud Mr. Hart's hard work and dedication to his students and I hope my colleagues will join me in recognizing his outstanding contribution to education.●

IN RECOGNITION OF DAVID AND DOREEN HERMELIN

● Mr. LEVIN. Mr. President, I rise today to recognize an extraordinary couple from my home state of Michigan. David and Doreen Hermelin will be given the Dream Maker Award and the Rabbi Jacob Segal Award by Hillel Day School of Metropolitan Detroit on June 6, 2000.

It is truly fitting that among the honors David and Doreen will receive is the Dream Maker Award. The Award is given to those who have demonstrated an extraordinary commitment to the community and especially to Jewish education. It can be fairly said that David and Doreen are "Dream Makers," because they both have committed so much of their lives to making people's dreams come true.

One of David Hermelin's mottos is "The harder you work, the luckier you get." Thanks to his and Doreen's hard work, countless people in Metro Detroit have found themselves wealthy in luck as well. David and Doreen have opened their home for hundreds of charitable fundraisers, and their efforts on behalf of these good causes do not stop with opening their front door. They both have personally raised tens of millions of dollars for organizations that serve people in need in Michigan and in Israel as well. David's reputation as a fundraiser has become so widely recognized, in fact, that he has been known to joke that people wouldn't recognize him if his hand was in his pocket. But as he often notes, he asks people to contribute their time or talents to those in need "not until it hurts, but until it feels good." Maybe that's the secret to David and Doreen's seemingly endless capacity for helping others—it truly does feel good.

Added to all of their other accomplishments, David just finished an extraordinary tour as U.S. Ambassador to Norway. He and Doreen made a very positive impact on our relations with this great ally. They played a major role in arranging for a United States Presidential visit, the first in a long time, and when my wife Barbara and I visited Norway, it was obvious from everyone we met that our country could not have selected a greater representative and symbol of what we stand for.

David and Doreen Hermelin's commitment to helping others is truly worthy of recognition, not only by Hillel Day School of Metropolitan Detroit but also by all of us. I know my colleagues will join me in offering them congratulations on this special occasion and a heartfelt thank you for all that they have done.●

RECOGNIZING THE HUMANITARIAN WORK OF MR. JAMES KELLY IN MOLDOVA

● Mr. LUGAR. Mr. President, I am pleased to have this opportunity to recognize one of my constituents, Mr. James Kelley of Fort Wayne, Indiana, for his humanitarian work in the country of Moldova.

Moldova is a small country located between Ukraine and Romania. Throughout the Cold War it was a part of the Soviet Union but recently gained its independence from the USSR on August 27, 1991. The United States has supported Moldova in its journey toward democracy and sovereignty.

I met with Moldovan President Petru Lucinschi last year in Washington. We discussed some of the challenges facing the newly independent Moldova. Our meeting revolved around U.S. security assistance including counter-proliferation training, efforts to combat organized crime and border security training. We also discussed our cooperation to prevent the proliferation of weapons of mass destruction. The United States and Moldova have enjoyed a positive track record of cooperation, and I am hopeful that this relationship will continue.

Of the many challenges for this new country, two of the most pressing are economic growth and the health of the Moldovan people. In an effort to create economic growth in the region, Mr. Kelley established a grain business in Moldova's farm communities. With a purchase of a grain elevator he provided opportunity for many farmers to market their crops. This effort to bolster a local economy will assist in relieving the financial burden many families face in these rural communities.

In an effort to address the pressing health care needs of this nation, Mr. Kelley recently led a group of Fort Wayne area health professionals to Moldova. The team of trained physicians, nurses and health care professionals performed necessary surgeries, administered treatments, delivered medical equipment, supplies and medicines to the Republican Hospital in Chisinau.

I commend Mr. Kelley for his energy and commitment to helping the people of Moldova. His leadership and selfless dedication to helping others have made a difference in this small country.

Good relationships between the United States and former Soviet republics, such as Moldova, enhance the security of the United States. I am pleased to recognize the contributions of a fellow Hoosier in this important effort.●

TRIBUTE TO RABBI PHILIP LAZOWSKI

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a man who, for 45 years, has served the Greater Hartford community with honor and distinction. On April 9, 2000 the friends of Beth Hillel Synagogue will mark the retirement of Rabbi Philip Lazowski at a dinner celebration in his honor.

Since accepting the position of Spiritual Leader at Congregation Beth Sholom in 1955, Rabbi Lazowski has helped the families of his congregation find strength through the principles of faith, humility, determination, forgiveness, and service. As the congregation has grown to include hundreds of families and take the name Beth Hillel Synagogue, Rabbi Lazowski has continued to impart his wisdom on these principles with the same energy and enthusiasm that has been his trademark. Through a number of books and interfaith efforts, Rabbi Lazowski has earned a lofty position within the state's distinguished history of spiritual leaders.

A survivor of the Holocaust, Rabbi Lazowski has also left his mark on the countless young people across the region who have heard him speak about his childhood in Poland during World

War II. From the town of Belitza to the Dvorets ghetto to more than a year of hiding in the woods, his story has resonated within the youth of the community. With his many talks and presentations on this dark chapter of human history, Rabbi Lazowski has embraced his obligation to history and has proven that the light of truth can dispel all shadow.

For more than a quarter century, Rabbi Lazowski has served as Chaplain for the Hartford Police Department and has recently been named Chaplain for the Connecticut State Senate. His commitment to the spiritual health, not only of his congregation but all of the Greater Hartford area, is truly beyond question. Although he will be retiring from his position as Spiritual Leader of Beth Hillel Synagogue, I have every confidence that he will remain active as leader, educator and friend to the people of Connecticut.

Rabbi Lazowski stands as a shining example of the type of selfless individual that keeps our communities vibrant. It is with great pleasure that I formally extend to him my very best wishes on this special day.•

COMMENDING GENE R. "ROCKY" ROCCABRUNA

• Mr. THOMAS. Mr. President, on March 15, 2000, Gene R. "Rocky" Roccabruna retired as Director of the State of Wyoming's Department of Transportation. Mr. Roccabruna stepped down from his position after rendering more than 30 years of outstanding public service. I regret his departure in the sense that it is indeed a loss to both the agency he headed and to the traveling public at large. But at the same time, I wish to extend, on behalf of my state's Congressional delegation, our gratitude for a job well done and our sincerest wishes for a long and happy retirement.

Mr. Roccabruna's retirement represents a milestone in Wyoming highway history as he was the last active Department of Transportation employee whose association with the agency dated back to the beginning of Interstate Highway System in 1956. After starting as an engineer trainee, he earned steady promotions and soon was in charge of multi-million dollar highway construction contracts. Several sections of Interstate 80 were built under his supervision and that road has since become not only Wyoming's busiest highway but a major artery for transcontinental commerce as well.

Mr. Roccabruna left the employ of state government to start his own contracting business but later returned and went on to hold several managerial positions within the Department of Transportation. His reputation grew along with his responsibilities. He became widely recognized for abilities as a good listener and consensus builder. For these and numerous other good reasons, Wyoming Gov. Jim Geringer appointed him in December 1996 to head the Department, which is the largest Wyoming state agency. During the past three-plus years, I, Senator ENZI and Representative CUBIN, and our staffs, have had numerous opportunities to work with Mr. Roccabruna on many important state and national transportation issues. His advice was particularly valuable when we helped craft the Transportation Equity Act for the 21st Century, and his contributions will provide benefits well into the future. While I look forward to a continuing good relationship with the Wyoming DOT under its new director, Sleeter C. Dover, I take this opportunity to again say thanks to Mr. Roccabruna for dedicating so much of his time and talents to making transportation more efficient, more enjoyable and safer for Wyoming residents and the entire traveling public.•

25TH ANNIVERSARY OF THE OSHKOSH SENIORS CENTER

• Mr. KOHL. Mr. President, I rise today to recognize the 25th Anniversary of the Oshkosh Seniors Center. Since its beginnings in a single room at the First Presbyterian Church in 1975, the Oshkosh Seniors Center has grown to occupy the present site at 200 North Campbell Road.

Friends of the Oshkosh Seniors Center were crucial to the success of raising $500,000 of the $1.2 million needed to build the beautiful facility on Campbell Road. The Friends of the Center, on behalf of the City of Oshkosh, worked unfailingly to realize what has become a first class center for senior citizens. They remain committed to meeting the demands of the continuing growth of the Center. Just as the dedication of the Friends of the Center has remained steadfast, the staff and volunteers of the Oshkosh Seniors Center have never wavered from its stated mission in 1975 "to become a multi-purpose seniors center."

The center meets the social, physical and emotional needs of senior citizens in the Oshkosh community by providing inter-generational, social, recreational, cultural and volunteer opportunities. These goals are supported by more than one hundred programs and activities in arts and crafts, fine arts, continuing education, games and recreation, community services, support groups, health and wellness, and other events. These offerings have been delivered at the center and at several locations in the area to thousands of people during the past year.

It is through the efforts of the center's Director, Sue Kreibich, staff members and countless volunteers who work diligently to make certain the Oshkosh Seniors Center continues to offer opportunities that allows senior citizens of the Oshkosh community to remain active and involved.

The center will observe its twenty-fifth anniversary during the week of April 2nd by announcing the inauguration of the Oshkosh Seniors Center Endowment Fund. This Fund will allow the organization to meet the needs of expansion to accommodate the substantial growth that continues at the center. It is organizations like the Oshkosh Seniors Center and their friends that make Oshkosh a stronger community.

Congratulations to the Oshkosh Seniors Center on their 25th anniversary.•

HONORING THE LATE JOSEPH L. FISHER

• Mr. ROBB. Mr. President, it is my privilege to be a co-sponsor of S. 2234, a bill which recognizes the exceptional service of two former Congressmen from Northern Virginia, Joseph L. Fisher and Joel T. Broyhill, by renaming two area facilities of the United States Postal Service in their honor. I'd like to say a few words about one of the honorees, the late Joseph L. Fisher.

I knew Joe Fisher well. He was a friend, colleague and mentor. Joe epitomized the very best in public service—with his integrity, first-rate intellect, decency and compassion for others.

It was Joe who provided me with my first formal entry into Virginia politics when I hosted a reception for his reelection bid to the Arlington County Board in 1971. He earned the respect of his fellow Arlingtonians with his ten years of service on the Board, including two terms as its Chairman. In championing regional solutions to many of the issues that faced Arlington County, he was ahead of his time. At various points during his tenure on the Board, he represented Arlington as Chairman of both the Washington Metropolitan Area Transit Authority and the Metropolitan Washington Council of Governments.

My first time handing out literature at the polls in Virginia on Election Day was for Joe's first successful campaign for Congress in 1974—I remember the experience well because it rained most of the day. We were all proud of Joe's service in the U.S. House of Representatives. He was a recognized leader in Congress on tax, energy and budget issues. Joe was appointed to the Ways and Means Committee in his first term, and he facilitated the work of seven tasks forces in writing the Energy Policy Act of 1978.

In 1982, the year I took the oath as Governor of Virginia and about a year after the end of his service in Congress, I persuaded Joe to join my Cabinet as Virginia's Secretary of Human Resources. As in every other endeavor he undertook during his lifetime, Joe led the Department of Human Resources with distinction. He succeeded in eliminating Virginia's Medicaid deficit which had resulted from recession and cutbacks at the federal level. Joe also left a legacy of improvements in Virginia's prevention efforts in such areas as health, social services, mental health, rehabilitation, job training and independent living. After serving in my Administration, Joe spent the remainder of his professional years as a professor of political economy at George Mason University where he inspired many a student.

However, Joe Fisher's service as a public official only tells part of the story. He served his country in the Pacific during World War II. Joe worked his way through college as a professional boxer and was also a semi-professional basketball player in the Northern New England League. He was a Harvard trained economist and led the Unitarian Universalist Association.

Joe passed away in 1992 from cancer. He left behind his most important legacy—a wonderful family. His wife Peggy, an exceptionally talented individual in her own right and the secret to Joe's success, remains a valued friend to me and my family. Joe is also survived by seven children, sixteen grandchildren and two great grandchildren.

In a sermon he wrote entitled "Endings and Beginnings," Joe referred to "the only immortality we can count on" as "the immortality of the good and worthy life whose influence lives on in the hearts and minds of those whom it touches." Joe Fisher lived this "good and worthy life" and his influence will always live on in those whom he had such an indelible impact.•

SECOND COMPANY GOVERNOR'S FOOT GUARD

• Mr. LIEBERMAN. Mr. President, I rise today to honor one of the oldest military organizations in the United States, founded even before our country became a unified nation; the Second Company Governor's Foot Guard of New Haven. Later this week the men and women of the Second Company will celebrate their 225th anniversary which is truly a monumental observance in this first year of the new millennium.

Mr. President, let me share with you the history of the Second Company because it is essentially, the history of the new nation and the colonies that became the United States of America. The first meeting of the yet to be named military organization was during the winter of 1774 and included many men whose names are known to every student who has studied American history: Benedict Arnold, Ethan Allen and Aaron Burr. Later that winter, on March 2, 1775, fifty eight men signed a memorial to form themselves into a military company. At that time, the General Assembly of the Governor and Colony of Connecticut was sitting in New Haven and made this memorial special business. On that same day, recognizing the importance and significance of this memorial, the General Assembly granted a charter to the Second Company Governor's Foot Guard. It didn't take long for the Second Company Governor's Foot Guard to see action when, at the beginning of the American Revolution, under the command of Captain Benedict Arnold, the Second Company answered the Lexington Alarm, seized the stores of gunpowder at the Town of New Haven and marched to the Siege of Boston. The date was April 22, 1775, and each year the Second Company Governor's Foot Guard performs a colorful reenactment of this event on Powder House Day in New Haven.

Three years later, during the British invasion on July 2, 1779, Captain Hezekiah Sabin and the Second Company Governor's Foot Guard defended New Haven at the bridge over the West River. Time and again our nation has been defended by the Second Company Governor's Foot Guard. In 1861 the Second Company formed a war company which was known as the Company K, Sixth Connecticut Volunteers, left for the front in the Civil War, and fought in twenty six battles and skirmishes before being mustered out in August of 1865.

Since 1775, the Second Company Governor's Foot Guard has been escort to every Governor of the Colony and the State of Connecticut and has served as honor guard to fourteen American Presidents and in our Bicentennial Year, the Queen of England. Mr. President, were it not for the dedicated service of the Second Company, Governor's Foot Guard for the past 225 years, I dare say the history of Connecticut, the Constitution State, as well as the United States of America would be different. Every one of us in this Chamber owes a debt of gratitude to the Second Company, Governor's Foot Guard. As the Second Company celebrates 225 years of service, under the leadership of Major Commandant Peter A. Wasilewski, I rise in humble thanks to the hundreds of men and women who have proudly worn the red coat uniform and to those who will in the future. I ask those in this Chamber to join me in honoring the Second Company Governor's Foot Guard for 225 years of service to the Governor, the General Assembly and the people of the Colony and State of Connecticut.•

DIONNE A. COLE NAMED ACHIEVER OF THE MONTH

• Mr. ABRAHAM. Mr. President, in October of 1993, the State of Michigan Family Independence Agency commemorated the first anniversary its landmark welfare reform initiative, To Strengthen Michigan Families, by naming its first Achiever of the Month. In each month since, the award has been given to an individual who participates in the initiative and has shown outstanding progress toward self-sufficiency. I rise today to recognize Ms. Dionne A. Cole, who was the recipient of the award for the month of March, 2000.

Ms. Cole is the single mother of a three-year-old son. She began receiving assistance from the Family Independence Agency in September of 1999. Though at this time she was a single mother with no job experience, through a self-initiated job search Ms. Cole obtained employment as a security guard for Strategic Protection Group that same month. To ease the transition, F.I.A. assisted Ms. Cole with child care and provided her with funds to purchase a car.

In December of 1999, her cash assistance from F.I.A. ended because of earned income. Nonetheless, by budgeting her money wisely, Ms. Cole recently has signed the lease on her first apartment. With the help of her Family Independence Specialist, electric and heat accounts were established for her at this residence.

Ms. Cole has her high school diploma and would like to attend Wayne County Community College to study Business Management. Her ultimate goal is to own her own beauty shop.

Mr. President, I applaud Ms. Dionne Cole for being named Achiever of the Month for March of 2000. It is an honor for which she has worked very hard and she truly deserves. On behalf of the entire United States Senate, I congratulate Ms. Cole, and wish her continued success in the future.•

HILLEL JEWISH DAY SCHOOL HONORS MR. AND MRS. DAVID HERMELIN

• Mr. ABRAHAM. Mr. President, I am honored to rise today in recognition of David and Doreen Hermelin, long-time residents of Detroit, Michigan. The couple recently returned home from Norway, where Mr. Hermelin served as United States Ambassador. On June 6, 2000, the Hermelins will be honored by Hillel Day School, an independent Conservative Jewish Day School located in Farmington Hills, Michigan. Together, they will receive the 2000 Dream Maker Award, which recognizes the achievements of a person or persons who are committed to the cause of Jewish education, and also the Rabbi Jacob Segal Award, given annually in blessed memory of Rabbi Segal, one of the founders of Hillel Day School.

Mr. and Mrs. Hermelin have often been recognized for their dedication to the Jewish community, both nationally and internationally. Before his ambassadorship, Mr. Hermelin served as the International Chairman of State of Israel Bonds, and as Vice-Chair of United Jewish Appeal. He has been honored by the State of Israel with the Golda Meir Leadership Award, given the Knights of Charity Award by the Archdiocese of Detroit, and received the Golden Menorah Award for Community Service from B'nai B'rith. Mrs. Hermelin is a recipient of the Women of Valor Award from the State of Israel Bonds, the Humanitarian Award from B'nai B'rith, the Heart of Gold from the United Foundation, and was also named the Woman of the Year by B'nai B'rith Women.

The Hermelin's philanthropic and humanitarian work has extended well past the bounds of their faith. Mrs. Hermelin currently serves on the Board of Directors of the Michigan Foundation for the Arts and on the Board of Trustees of the Michigan Opera Theater and the Michigan Parkinson's Foundation. She is a member of the Cranbrook Art Association and the Women's Committee of the Michigan Lung Association. Mr. Hermelin serves on the Board of Directors of the Community Foundation for Southeastern Michigan, the Greater Detroit Interfaith Round Table, and the Detroit Symphony Orchestra Hall. He sits on the Board of Trustees of the Michigan Developmental Foundation and on the Advisory Board of the United Way for Southeastern Michigan. Together, David and Doreen have volunteered their efforts on behalf of Friends of Modern Art of the Detroit Institute of Arts and the Children's Hospital of Michigan.

Mr. President, I am sure that June 6 will be a special day for David and Doreen Hermelin. They have long supported Hillel Day School, and their eldest of six grandchildren, Matthew Orley, will also be rewarded by the school this spring, with his high-school diploma.

It is my hope that these two events remind David Hermelin and Doreen Curtis how far they have come since they first met at Camp Tamakwa in 1949. I also hope that they take the time to think about just how many lives they have touched with their many charitable efforts.

Mr. President, I would like to welcome Ambassador and Mrs. Hermelin back to metropolitan Detroit. While I do appreciate the work the couple did in Norway, it is my preference that they stay in Michigan for a while. On behalf of the entire United States Senate, I congratulate David and Doreen Hermelin on receiving the 2000 Dream Maker Award and the Rabbi Jacob Segal Award, and I applaud Hillel Day School for recognizing this magnificent pair.•

A TRIBUTE TO MR. JIM CASH

• Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mr. Jim Cash, who passed away on March 24 at the age of 59. Jim is internationally recognized as a screenplay writer. He co-wrote the movies "Top Gun," "The Secret of My Success," "Dick Tracy," and "Turner and Hooch," among others. I would like to recognize him today, however, not for his writing achievements, but for his contributions to the Lansing, Michigan, community, and the campus of our alma mater, Michigan State University. It is there, I believe, where his words found their most attentive listeners. It is also there where they had their most profound effects.

Jim began teaching a film history course at Michigan State in 1974, taking the job as an adjunct professor. He hoped only to earn some money to continue his screenplay writing. When he and co-writer Jack Epps, Jr., a former student, found success together in the mid-1980's, it would have been easy for Jim to leave Michigan State behind for the brighter pastures of Hollywood. Instead, Jim stayed in Lansing. He stayed because he had discovered that he loved to teach as much as he loved to write. And the reason that he loved teaching was because he loved instilling into his students the same love for writing and for film that he had. Witnessing this process occur in his students never got old. He stayed, Mr. President, because he realized that with his teaching he had a true impact on the lives of individuals, something he could not have attained in Hollywood, not on the same level as he could at Michigan State.

Jim taught more than just the six-hundred students who often filled his classrooms, though. He and his wife, Cynthia, were very active in Lansing community fine arts programs, volunteering their time throughout the area. They provided money for the creation of many fine arts scholarships. Jim also helped to write and direct a production at East Lansing High School entitled "4 Years to Life," which dramatized the rigors of high school life. In the last year of his life, Jim and Cynthia could often be found at the Silverscreen Café, a coffee shop that they owned together.

Mr. President, with his writing ability, Jim forever left his mark on Hollywood. With his incredible spirit and immense knowledge, he forever left his mark on Lansing, Michigan, Michigan State University, and thousands upon thousands of students. And with his personality, he forever left his mark on anyone who had the chance to meet him. Plain and simple, he was an incredible man, and he will be greatly missed.•

DR. MAUREEN A. FAY RECEIVES ALTERNATIVES FOR GIRLS ROLE MODEL AWARD

• Mr. ABRAHAM. Mr. President, Alternatives for Girls is an organization which provides aid and assistance to vulnerable young women in the metropolitan Detroit area. Founded in 1987, Alternatives for Girls remains committed to its original mission of helping homeless and high-risk girls and young women avoid violence, teen pregnancy, and exploitation, while at the same time helping them explore and access the support, resources and opportunities necessary to be safe, to grow strong, and to make positive choices for their lives. It has been recognized by Newsweek as a social service agency that works, and named one of the best managed non-profit organizations in the Detroit area by Crain's Business Weekly.

Each year, the Alternatives For Girls selects two female role models to receive its Role Model Award. With this award, the organization seeks to identify and honor women who, through their professional accomplishments, personal attributes, and demonstrated commitment to community, affirm the principles embodied in Alternative For Girls' purpose, and provide inspiration and concrete examples of what women can attain when afforded the opportunity and the guidance to make positive life choices. Mr. President, I rise today to recognize and honor Dr. Maureen A. Fay and Ms. Pamela Rodgers, who will receive the Alternatives For Girls Role Model Award at the 11th Annual Role Model Dinner, on April 6, 2000.

Dr. Fay has lived a life dedicated to education. Before graduating from the University of Chicago with a doctorate in social sciences in 1976, she taught at the University of Illinois, Northern Illinois University, and DePaul University. After her graduation, she became Dean of Continuing Education and Graduate Studies at Saint Xavier University in Chicago. In 1983, she was named president of Mercy College of Detroit. In 1990, when Mercy College consolidated with the University of Detroit, she became the first president of the University of Detroit-Mercy. She has served in this position for the last ten years, focusing her efforts on the growth and revitalization of Michigan's largest Catholic University.

Dr. Fay is active, and provides leadership, in a variety of educational organizations. She serves on the executive committee of the Association of Catholic Colleges and Universities, the executive committee of the Association of Jesuit Colleges and Universities, is a member of the Association of Mercy Colleges, and is a member of the executive committee of the Association of Independent Colleges and Universities of Michigan.

Dr. Fay has also been extremely active in the Detroit area. She currently serves on the boards of Bank One Corporation, Kelly Services, Inc., the Detroit Economic Growth Corporation, the Economic Club of Detroit, New Detroit, Inc., the National Conference for

Community and Justice, and the Endowment Foundation for the Archdiocese of Detroit. In March of 1996, she was appointed by Mayor Dennis Archer to the Greater Downtown Partnership, Inc., an initiative to spearhead downtown economic revitalization and development.

Mr. President, I applaud Dr. Maureen Fay on her many remarkable achievements, and commend her for her dedication to improving the city of Detroit. Dr. Fay is truly a role model for women not only in Detroit but across the nation, and I am glad that Alternatives For Girls has recognized her as such. On behalf of the entire United States Senate, I congratulate Dr. Fay on receiving the Alternatives For Girls Role Model Award.●

PAMELA RODGERS RECEIVES ALTERNATIVES FOR GIRLS ROLE MODEL AWARD

● Mr. ABRAHAM. Mr. President, Alternatives for Girls is an organization which provides aid and assistance to vulnerable young women in the metropolitan Detroit area. Founded in 1987, Alternatives for Girls remains committed to its original mission of helping homeless and high-risk girls and young women avoid violence, teen pregnancy, and exploitation, while at the same time helping them explore and access the support, resources and opportunities necessary to be safe, to grow strong, and to make positive choices for their lives. It has been recognized by Newsweek as a social service agency that works, and named one of the best managed non-profit organizations in the Detroit area by Crain's Business Weekly.

Each year, Alternatives For Girls selects two female role models to receive its Role Model Award. With this award, the organization seeks to identify and honor women who, through their professional accomplishments, personal attributes, and demonstrated commitment to community, affirm the principles embodied in Alternative For Girls purpose, and provide inspiration and concrete examples of what women can attain when afforded the opportunity and the guidance to make positive life choices. Mr. President, I rise today to recognize and honor Dr. Maureen A. Fay and Ms. Pamela Rodgers, who will receive the Alternatives For Girls Role Model Award at the 11th Annual Role Model Dinner, on April 6, 2000.

After graduating with an M.B.A. from Duke in 1983, Ms. Pamela Rodgers returned to her hometown of Detroit, Michigan, to work as a financial analyst for Ford Motor Company. In 1988, she was admitted into the Ford Minority Dealer Development Program. In early 1993, Ms. Rodgers was finally given the opportunity she desired, when she took over General Motor's Flat Rock Dealership.

Since Ms. Rodgers became owner, the Flat Rock Dealership, now Rodgers Chevrolet, has prospered in every way. In 1995, G.M. named it number one in "service satisfaction" for the entire Detroit area. When Ms. Rodgers first took over in 1993, annual sales were under $15 million. In 1998, Rodgers Chevrolet eclipsed the $48 million sales mark, sold an average of 180 new and used vehicles per month, including fleet sales to large companies like Detroit Edison, and hired fifteen new employees.

Ms. Rodgers is active in a number of civic and professional organizations. She is a member of the Board of Family Services, the National Black M.B.A. Association, and the Women's Automotive Issues. She sits on the Board of Directors of the National Association of Minority Automobile Dealers and the General Motors Minority Dealers Association.

Mr. President, Ms. Pamela Rodgers has been a true pioneer in the automobile industry. No one has opened the doors for her, rather, it has been her hard work and will to succeed that have forced them open. On behalf of the entire United States Senate, I congratulate her on being named as an Alternatives For Girls Role Model. It is an honor she truly deserves.●

IN RECOGNITION OF ALTERNATIVES FOR GIRLS

● Mr. ABRAHAM. Mr. President, I rise today to recognize Alternatives for Girls, an organization which provides aid and assistance to vulnerable young women in the metropolitan Detroit area. Founded in 1987, Alternatives for Girls remains committed to its original mission of helping homeless and high-risk girls and young women avoid violence, teen pregnancy, and exploitation, while at the same time helping them explore and access the support, resources and opportunities necessary to be safe, to grow strong, and to make positive choices for their lives.

In its thirteen years, Alternatives For Girls has grown from a small, volunteer-run program into a multi-service agency. It now has a staff of over fifty employees, one-hundred and seventy active volunteers, and an annual operating budget of over $2 million. It has been honored by Crain's Detroit Business Weekly as one of the best-managed non-profit organizations in the Detroit metropolitan area, and has also been named by Newsweek as a social service agency that works.

Mr. President, the staff and volunteers of Alternatives For Girls hold the firm conviction that they can make a difference in the lives of girls and young women in metropolitan Detroit by helping them build the foundations for trust, responsibility and success; by providing them with educational support and vocational guidance to become to become self-sufficient; by counselling them and linking them with the resources they need to build safe and healthy lives; and by listening to their concerns, responding to their needs, standing by them in times of frustration, and congratulating them in times of success.

Alternatives For Girls has three program areas, a Prevention Program, a Crisis Shelter and Transition to Independent Living Program, and a Street Outreach Program. The Prevention Program serves girls, ages 5–17, and their families, who are at risk for school dropout, early pregnancy, and involvement with gangs, drugs, and violence. The Crisis Shelter and Transition to Independent Living Program serves homeless girls and young women, ages 16–20, who are not in the foster care or judicial system. And through the Street Outreach Program, staff and volunteers provide support, referrals and other necessities to girls and young women who are involved in prostitution, substance abuse, gang activity and unhealthy relationships.

Mr. President, I applaud the staff and volunteers of Alternatives For Girls for their tremendous efforts to help the girls and young women of metropolitan Detroit. Their efforts have changed hundreds of lives, whether by providing mentoring services, overseeing and aiding the transition to independent living of a homeless young woman, or offering counseling in a time of need. On behalf of the entire United States Senate, I not only commend the staff and volunteers of Alternatives For Girls for their work, but also give them a much deserved thank you.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 4, 2000.*

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1567. An act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse."

The message also announced that the House has agreed to the amendment of the Senate to the title, and agrees to the amendment of the Senate to the text of the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 1089. An act to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes.

H.R. 1359. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse."

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse."

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 3904. An act to prevent the elimination of certain reports.

H.R. 4052. An act to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 278. Authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

H. Con. Res. 279. Authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

H. Con. Res. 281. Authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 1089. An act to require the Securities and Exchange Commission to require the improved disclosure of after-tax returns regarding mutual fund performance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1359. An act to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3904. An act to prevent the elimination of certain reports; to the Committee on Governmental Affairs.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 278. Concurrent resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service; to the Committee on Rules and Administration.

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress; to the Committee on Rules and Administration.

H. Con. Res. 281. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts; to the Committee on Rules and Administration.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 4052. An act to preserve certain reporting requirements under the jurisdiction of the Committee on Transportation and Infrastructure of the House of Representatives, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8307. A communication from the Assistant Attorney General, Office of Legislative Affairs transmitting, pursuant to law, the report of the Department's activities under the Equal Credit Opportunities Act for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-8308. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation; Technical Correction" (RIN2535-AA25) (FR-4291-C-03), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8309. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Uniform Financial Reporting Standards for HUD Housing Programs; Revised Report Filing Date" (RIN2501-AC49) (FR-4321-F-07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8310. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market)" (RIN2502-AH09) (FR-4298-F-07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8311. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs" (RIN2501-AC59) (FR-4485-F-03), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8312. A communication from the Senior Banking Counsel, Office of the General Counsel, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Merchant Banking Investments" (RIN1505-AA78), received March 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8313. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Revoking Grants of Naturalization" (RIN1115-AF63), received March 31, 2000; to the Committee on the Judiciary.

EC-8314. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting a draft of proposed legislation relative to the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-8315. A communication from the Director, Defense Finance and Accounting Service, Department of Defense transmitting, pursuant to law, the report of an A-76 cost comparison study of the Security Assistance Accounting function; to the Committee on Armed Services.

EC-8316. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents; Revocation" (Docket No. 95N-0253), received March 30, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8317. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethoxylated Propoxylated (C-12-C-15) Alcohols; Tolerance Exemption; Technical Correction" (FRL #6498-4), received March 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8318. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance: Technical Correction" (FRL #6551-9), received March 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8319. A communication from the Regulatory Liaison, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Regulations Issued Under the Packers and Stockyards Act (Feed Weight)" (RIN0580-AA64), received March 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8320. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "HCFA User Fee Act of 2000"; to the Committee on Finance.

EC-8321. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Child Support Enforcement Amendments of 2000"; to the Committee on Finance.

EC-8322. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes in Amortization Bases-Taxpayer Relief Act of 1997" (Rev. Rul. 2000-20), received March 30, 2000; to the Committee on Finance.

EC-8323. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8879: Kerosene Tax; Aviation Fuel Tax; Taxable Fuel Measurement and Reporting; Tax on Heavy Trucks and Trailers; Highway Vehicle Use Tax" (RIN1545-AT18), received March 30, 2000; to the Committee on Finance.

EC-8324. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "21 BLS-LIFO Department Store Indexes-February 2000" (Rev. Rul. 2000-21), received March 31, 2000; to the Committee on Finance.

EC-8325. A communication from the Chairman, Federal Maritime Commission transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC-8326. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "National Marine Aquaculture Initiative: Request for Proposals for FY 2000" (RIN0648-ZA82), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8327. A communication from the Attorney-Advisor, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Third Extension of Computer Reservation Systems Regulations" (RIN2105-AC75), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8328. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Advanced Air Bag Dummy Rule for CRABI 12-Month-Old Size" (RIN2127-AG78), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8329. A communication from the Deputy Chief Counsel, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Light Truck Average Fuel Economy Standard, Model Year 2002" (RIN2127-AH95), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8330. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Offset Deformable Barrier Crash Test Procedures" (RIN2127-AH93), received March 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8331. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Section 8 Management Assessment Program (SEMAP); Correction" (RIN2577-AC10) (FR-4498-C-03), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8332. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Renewal of Expiring Annual Contributions Contracts in the Tenant-Based Section 8 Program; Formula for Allocation of Housing Assistance; Correction" (RIN2577-AB96) (FR-4459-C-07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8333. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Allocations of Funds Under the Capital Fund; Capital Fund Formula" (RIN2577-AB87) .(FR-4423-F-07), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8334. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Correction" (RIN2501-AB57) (FR-3482-C-08), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8335. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Housing Choice Voucher Program: Correction" (RIN2577-AB91) (FR-4428-C-06), received March 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 1752: A bill to reauthorize and amend the Coastal Barrier Resources Act (Rept. No. 106-252).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 2346: An original bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit, and for other purposes (Rept. No. 106-253).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolution (S.J. Res. 3) proposing an amendment to the Constitution of the United States to protect the rights of crime victims (Rept. No. 106-254).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. Jeffords, Ms. Collins, Mr. Voinovich, Mr. DeWine, and Mr. Sessions):

S. 2341. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN (by request):

S. 2342. A bill to amend the Medicare program under title XVIII of the Social Security Act to make Medicare more competitive and efficient, to provide for a prescription drug benefit, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. Levin):

S. 2343. A bill to amend the National Historic Preservation Act for the purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. Daschle, Mr. Grams, Mr. Kerrey, Mr. Ashcroft, Mr. DeWine, Mr. Inhofe, Mr. Roberts, Mr. Dorgan, Mr. Conrad, Mr. Lugar, Mr. Bond, Mr. Johnson, Mr. Bunning, Mr. Craig, Mr. Hagel, and Mr. Grassley):

S. 2344. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. Moynihan):

S. 2345. A bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2346. An original bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit, and for other purposes; placed on the calendar.

By Mr. CONRAD (for himself, Mr. Reid, Mr. Johnson, Mr. Levin, Mr. Kennedy, Mrs. Lincoln, Mr. Bayh, and Mr. Rockefeller):

S. 2347. A bill to provide grants to partnerships to establish and carry out information technology training programs and to provide incentives for educators to obtain information technology certification, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE:

S. 2348. A bill to provide for fairness and accuracy in student testing; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMAS (for himself and Mr. Enzi):

S. 2349. A bill to amend part D of title IV of the Social Security Act to permit States with proven cost-effective and efficient child support collection systems to continue to operate such systems; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. Bennett):

S. 2350. A bill to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. Bennett):

S. 2351. A bill to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian tribe of Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAHAM:

S. 2352. A bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. Inouye, Mr. Murkowski, Mr. Johnson, and Mr. Stevens):

S. 2353. A bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III; to the Committee on Indian Affairs.

By Mr. ROTH (for himself and Mr. Moynihan):

S. 2354. A bill to amend the Internal Revenue Code of 1986 to prevent the duplication of losses through the assumption of liabilities giving rise to a deduction; to the Committee on Finance.

By Mr. SANTORUM:

S. 2355. A bill to amend the Individuals with Disabilities Education Act to modify authorizations of appropriations for programs under such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. Harkin):

S. 2356. A bill to amend the Richard B. Russell National School Lunch Act to improve management of the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN:

S. Con. Res. 102. A concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. Levin):

S. 2343. A bill to amend the National Historic Preservation Act for the purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

Mr. MURKOWSKI. Mr. President, with my colleague from Michigan, I am proud to introduce the National Lighthouse Preservation Act of 2000. This bill would amend the National Historic Preservation Act to establish a historic lighthouse preservation program within the Department of the Interior. It is similar to a bill that the Senate passed in the 105th Congress.

The legislation directs the Secretary of the Interior and the Administrator of General Services to establish a process for conveying historic lighthouses which are around our coastal areas and Great Lakes when these lighthouses have been deemed to be in excess of Federal needs of the agency owning and operating the lighthouse. For entities eligible to receive a historic lighthouse, it would be for the uses of educational, park, recreation, cultural, and historic preservation. And the agencies that would be included would be Federal or State agencies, local governments, nonprofit corporations, educational agencies, and community development organizations, and so forth.

There is no question that the historic lighthouses would be conveyed in a nonfee structure to selected entities which would have the obligation to maintain the integrity of these historic structures.

The historic lighthouses would revert back to the United States if a property ceases to be used for education, park, recreation, cultural or historic preservation purposes, or failed to be maintained in compliance with the National Historic Preservation Act.

Lighthouses are among the most romantic reminders of our country's maritime heritage. Marking dangerous headlands, shoals, bars, and reefs, these structures played a vital role in indicating navigable waters and supporting this Nation's maritime transportation and commerce. These lighthouses served the needs of the early mariners who navigated by visual sightings on landmarks, coastal lights, and the heavens. Hundreds of lighthouses have been built along our sea coasts and on the Great Lakes, creating the world's most complex aids to navigation system. No other national lighthouse system compares with that of the United States in size and diversity of architectural and engineering types.

My legislations pays tribute to this legacy and establishes a process which will ensure the protection and maintenance of these historical lighthouses so that future generations of Americans will be able to appreciate these treasured landmarks.

The legislation authorizes the Secretary of the Department of the Interior, through the National Park Service, to establish a historic lighthouse preservation program. The Secretary is charged with collecting and sharing information on historic lighthouses; conducting educational programs to inform the public about the contribution to society of historic lighthouses; and maintaining an inventory of historic lighthouses.

A historic light station is defined as a lighthouse, and surrounding property, at least 50 years old, which has been evaluated for inclusion on the National Register of Historic Places, and included in the Secretary's listing of historic light stations.

Most important, the Secretary, in conjunction with the Administrator of General Services, is to establish a process for identifying, and selecting among eligible entities to which a historic lighthouse could be conveyed. Eligible entities will include Federal agencies, State agencies, local communities, nonprofit corporations, and educational and community development organizations financially able to maintain a historic lighthouse, including conformance with the National Historic Preservation Act. When a historic lighthouse has been deemed excess to the needs of the Federal agency which manages the lighthouse, the General Services Administration will convey it, for free, to a selected entity for education, park, recreation, cultural, and historic preservation purposes.

My legislation also recognizes the value of lighthouse friends groups. Often, these groups have spent significant time and resources on preserving the character of historic lighthouses only to have this work go to waste when the lighthouse is transferred out of Federal ownership. Under current General Services Administration regulations, these friends groups are last on the priority list to receive a surplus light station in spite of their efforts to protect it. My bill gives priority consideration to public entities who submit applications in which the public entity partners with a nonprofit friends group.

Everyone agrees that the historic character of these lighthouses needs to be maintained. But the cost of maintaining these historic structures is becoming increasingly high for Federal agencies in these times of tight budgetary constraints. These lighthouses were built in an age when they had to be manned continuously. Today's advanced technology makes it possible to build automated aids to navigation that do not require around-the-clock manning. This technology has made many of these historic lighthouses expensive anachronisms which Federal agencies must maintain even if they no longer use them as navigational aids.

My legislation ensures that the historic character of these lighthouses are maintained when the lighthouses are no longer needed by the Federal Government. When the historic lighthouse is conveyed out of Federal ownership, the entity which receives the lighthouse must maintain it in accordance with historic preservation laws and standards. A lighthouse would revert to the United States, at the option of the General Services Administration, if the lighthouse is not being used or maintained as required by the law.

In the event no government agency or nonprofit organization is approved to receive a historic lighthouse, it would be offered for sale by the General Services Administration. The proceeds from these sales would be transferred to the National Maritime Heritage Grant Program within the National Park Service. Congress established the National Maritime Heritage Grant Program in 1994 to provide grants for maritime heritage preservation and education projects. Unfortunately, funding for this program has been nonexistent so the proceeds from any historic lighthouse sales would help ensure the program's viability.

It is my intent to ensure that coastal towns, where a historic lighthouse is an integral part of the community, would receive a historic lighthouse when it is no longer needed by the Federal Government. These historic lighthouses could be used by the community as a local park, a community center, or a tourist bureau. It also would ensure that historic lighthouse friends groups or lighthouse preservation societies, which have voluntarily helped to maintain the historic character of the lighthouse, could receive an excess lighthouse.

Mr. President, I know firsthand the importance and allure of these historic lighthouses. When I was in the Coast Guard, I helped maintain lighthouses and other navigational aids. These lights were critical to safe maritime traffic and I took my responsibilities seriously knowing that lives were dependent on it.

By preserving historic lighthouses, we preserve a symbol of that era in American history when maritime traffic was the lifeblood of the Nation, tying isolated coastal towns through trade to distant ports around the world. Hundreds of historic lighthouses are owned by the Federal Government and many of these are difficult and expensive to maintain. This legislation provides a process to ensure that these historic lighthouses are maintained and publicly accessible.

I urge all my colleagues to support this legislation.

Mr. LEVIN. Mr. President, I am pleased to cosponsor the National Historic Lighthouse Preservation Act. Michigan is second only to Alaska in length of shoreline. However, Michigan is second to none in the number of lighthouses which grace its shores. Michigan has over 120 lighthouses. As such, it is most appropriate indeed that I work with my friend and colleague from Alaska, Senator MURKOWSKI, in introducing this legislation.

For centuries our nation's lighthouses have served as beacons to mariners guiding them on their journeys. Due to recent navigational advances, these lights often no longer serve the noble purpose for which they were built. The current custodian of many of these lights, the United States Coast Guard, has neither the funding nor manpower to maintain these majestic lights. This act will help ensure proper stewards are found for these American Castles, thus ensuring they will remain cultural beacons for generations to come.

Over the next 10 years the U.S. Coast Guard has said it will be transferring from its ownership at least 70 of Michigan's historic lighthouses. I have been working with the Michigan Lighthouse Project to identify future custodians of these lighthouses. This legislation is essential to facilitate the transfer of the Michigan lighthouses and other lighthouses around the country. Currently, through the existing government transfer process, there is no way to easily transfer lighthouses to nonprofit historical societies. This legislation sets up an expedited GSA process allowing lighthouses to be transferred by the government directly to nonprofit historical organizations.

This legislation is needed to allow for and facilitate the transfers of these lighthouses to non-profit historical organizations who will preserve and care for them and keep them in the "public domain" where they can be enjoyed by all, once they are transferred.

Last Congress I cosponsored a similar bill which passed the Senate but died in a House Committee. This Congress, we have worked with all the Federal agencies involved with lighthouse transfers as well as with the Great Lakes Lighthouse Keepers Association to develop this slightly modified bill.

I hope the National Historic Lighthouse Preservation Act will be enacted quickly so that we can begin the orderly and timely process of transferring our treasured historic lighthouses to the appropriate historical institutions that will care for them and make them accessible to the public.

By Mr. CONRAD (for himself, Mr. REID, Mr. JOHNSON, Mr. LEVIN, Mr. KENNEDY, Mrs. LINCOLN, Mr. BAYH, and Mr. ROCKEFELLER):

S. 2347. A bill to provide grants to partnerships to establish and carry out information technology training programs and to provide incentives for educators to obtain information technology certification, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INFORMATION TECHNOLOGY ACT OF 2000

• Mr. CONRAD. Mr. President, in the past decade, the United States has experienced unparalleled economic growth. Unemployment has been low, inflation has not been a major concern and job opportunities for college graduates and many other U.S. workers have been plentiful. In so small measure, this economic achievement has been the result of the extraordinary growth and opportunities provided by the high tech industry.

According to the most recent information from the American Electronics Association (AEA), the high technology industry has added more than 1 million jobs to the U.S. economy between 1993 and 1998. High tech employment has soared from 3.9 million jobs in 1993 to more than 4.8 million jobs in 1998. The industry is one of the fastest growing segments of the U.S. economy.

In North Dakota, growth in high technology, particularly in software and computer-related services, has tracked U.S. high tech expansion. Information from the American Electronics Association shows that North Dakota was one of the few states that led the nation in the percentage of high-tech employment growth. Between 1990 and 1997, North Dakota almost doubled its high tech employment from 2,800 to 5,300 workers, a growth rate of 91 percent.

Despite this extraordinary growth in the high tech industry over the past decade, and trends which indicate that the high-tech industry will continue to be among the fastest growing job segments in the 21st century, one of the biggest challenges of the high-tech industry is ensuring an adequate supply of skilled IT workers.

In 1997, the Department of Commerce and the Information Technology Association of America (ITAA) reported on the critical shortage of skilled high-tech workers in the U.S. The ITAA released a study which estimated the current shortage of skilled workers in various information technology fields at more than 340,000. Moreover, the Department of Labor projected that our economy would require more than 130,000 jobs in information technology—systems analysts, computer scientists, and engineers—annually for the next 10 years.

Mr. President, during the closing days of the 105th Congress, the Senate took the first steps to respond to the IT worker shortage by voting to increase the annual cap on H1B visas. This increase, which I supported, enables foreign workers to be employed in the U.S. high-tech industry.

During this debate on H1B visas and the IT worker shortage, I introduced legislation to encourage IT training partnerships between the private sector and education communities as another option for responding to the worker shortage.

Now, as the Senate returns for the 2d Session of the 106th Congress, and as projections for the IT worker shortage are increasing, the Senate will consider legislation to raise the cap on H1B visas beyond the increase approved in 1998. There are few proposals, however, to authorize significant incentives to encourage IT training for American workers. In 1998, we authorized only a small amount of funding for IT training and education from the fees collected under the H1B expansion.

There is no question that recruitment of skilled foreign workers is very important for the IT industry. Indeed, it will be necessary to increase that cap again before adjournment of the 106th Congress. Increasing the H1B visa cap alone, however, will not solve the IT worker shortage.

Congress must also examine longer term solutions to encourage the expansion of IT training and education. Many key firms, including Cisco Systems, Texas Instruments, Microsoft, EDS, Lucent and IBM, are currently providing excellent training and educational opportunities in IT. These firms are also encouraging individuals of all ages to think about career opportunities in information technology. But, without question, the demand for IT workers is growing, and raising the H1B cap by itself will not provide the skilled IT work force that is necessary in the coming decade.

Following up my initiative in the 106th Congress to authorize a tax credit for information technology training, S. 456, I am introducing the Information Technology Act of 2000 to provide additional incentives for IT training and education partnerships. I am very pleased that Senators REID, JOHNSON, LEVIN, KENNEDY, LINCOLN, BAYH, and ROCKEFELLER are joining as original cosponsors of this legislation.

The Information Technology Act of 2000 would authorize $100 million in FY 2001 in matching Federal funds through the Departments of Education and Labor to encourage IT training partnerships between the education community and private sector. The education partnerships would encourage IT training for those individuals that are the most underrepresented in the information technology field—dislocated workers, women, veterans, senior citizens, the Native American communities and students who have not completed their high school education.

Additionally, my legislation would help teachers improve their information technology teaching skills by authorizing a $5,000 bonus for educators who become certified in one or more information technology skills including integrating technology into the classroom. $100 million would be authorized annually for this program for five years beginning in FY 2001.

Currently, the Department of Education, through a number of professional development programs including the Technology Literacy Challenge Fund, offers educators a number of opportunities for training to integrate technology into school classrooms.

But according to the National Center for Education Statistics, only 20 percent of full-time public school teachers believe that they are well prepared to integrate technology into the classroom. Approximately 79 percent of teachers believe that they do not get enough help in preparing to use technology in the classroom.

The need for this technology training was also underscored in a recent survey of educators by Education Week. Highlights of this survey regarding teacher's training were reported in a Washington Post article on March 18, 2000. Clearly, teachers should be offered more opportunities for information technology training.

Mr. President, as the Senate considers options to respond to the IT worker shortage, several pending measures, including raising the H1B cap, reauthorization of the Elementary and Secondary Education Act, and tax relief legislation will provide excellent opportunities to establish a comprehensive IT worker shortage policy.

I urge my colleagues to work together during the remaining days of the 106th Congress and support a package of IT worker shortage initiatives that will help American firms not only maintain their competitive edge in the world market, but enable Americans who are not now part of the IT expansion to have that opportunity. I welcome cosponsors of the Information Technology Act of 2000. Mr. President, I ask unanimous consent that the text of this legislation and the article entitled "Teachers Online but Disconnected," from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Information Technology Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) CERTIFIED COMMERCIAL INFORMATION TECHNOLOGY TRAINING PROVIDER.—The term "certified commercial information technology training provider" means a private sector provider of educational products and services utilized for training in information technology that is certified with respect to—

(A) the curriculum that is used for the training; or

(B) the technical knowledge of the instructors of such provider,

by 1 or more software publishers or hardware manufacturers the products of which are a subject of the training.

(2) DISLOCATED WORKER.—The term "dislocated worker" has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(3) INFORMATION TECHNOLOGY CERTIFICATION.—The term "information technology certification" means certification in information technology, in accordance with such standards as—

(A)(i) the Computing Technology Industry Association, the Information Technology Training Association, the International Society for Technology in Education, or another information technology professional association may issue, after consultation with chief education officers of States, State boards and entities that certify or license teachers, and other entities impacted by the standards; or

(ii) a State board or entity that certifies or licenses teachers may issue, after consultation with chief education officers of States, and other entities impacted by the standards; and

(B) the Secretaries may approve.

(4) INFORMATION TECHNOLOGY TRAINING PROGRAM.—The term "information technology training program" means a program for the training of—

(A) computer programmers, systems analysts, and computer scientists or engineers (as such occupations are defined by the Bureau of Labor Statistics); and

(B) persons for such other occupations as are determined to be appropriate by the Secretaries, after consultation with a working group broadly solicited by the Secretaries and open to all interested information technology entities and trade and professional associations.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(6) NATIVE AMERICAN.—The term "Native American" means an Indian or a Native Hawaiian, as defined in section 166(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(a)).

(7) SECRETARIES.—The term "Secretaries" means the Secretary of Education and the Secretary of Labor, acting jointly.

(8) VETERAN.—The term "veteran" has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

SEC. 3. INFORMATION TECHNOLOGY TRAINING PROGRAM GRANTS.

(a) IN GENERAL.—The Secretaries may make grants to eligible partnerships to pay for the Federal share of the cost of establishing and carrying out information technology training programs for minorities, women, older individuals, veterans, Native Americans, dislocated workers, and former participants in information technology training programs who have not received information technology certification.

(b) PARTNERSHIPS.—To be eligible to receive a grant under subsection (a), a partnership shall consist of—

(1) an institution of higher education; and

(2) a private organization, such as a certified commercial information technology training provider or an information technology trade or professional association.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a partnership shall submit an application to the Secretaries at such time, in such manner, and containing such information as the Secretaries may require.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost shall be provided in cash or

in kind, fairly evaluated, including plant, equipment, or services.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2001 and such sums as may be necessary for each subsequent fiscal year.

SEC. 4. BONUS GRANTS FOR INFORMATION TECHNOLOGY CERTIFICATION.

(a) In General.—The Secretary of Education may make grants to appropriate organizations, to assist the organizations in awarding bonuses to teachers who achieve information technology certification.

(b) Amount.—Subject to the availability of appropriations under subsection (d), the Secretary of Education shall award a grant to an organization under subsection (a) in an amount not greater than the product of $5,000 and the number of teachers described in subsection (c)(2).

(c) Application.—

(1) In general.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(2) Contents.—At a minimum, the application shall contain information describing the number of teachers that—

(A) have achieved information technology certification, including such certification for integrating information technology into the classroom and a curriculum;

(B) have not previously received awards under this section; and

(C) have entered into agreements with the agency to continue to teach for the agency for periods of not less than 3 years, after receiving bonuses under this section.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2001 through 2005.

[From the Washington Post, Sat., Mar. 18, 2000]

Teachers Online But Disconnected

(By Liz Seymour)

At Sanders Corner Elementary School in Loudoun County, the computer has become a teaching tool almost as basic as the textbook or the blackboard.

In third-grade science class, students have created a database to distinguish between terrestrial and aquatic animals. In fourth-grade social studies, classes explore the Web to learn about American Colonial history. In English classes in various grades, children write stories on computers and turn them into a multimedia presentation.

But what's routine at Sanders Corner is not at all typical at Jermantown Elementary School in Fairfax County. Although Jermantown has plenty of computers, its teachers say they don't know enough to take full advantage of them.

Sixth-grade teacher Eric Fleming, for example, would love to convert his students' weekly newspaper into a classroom-designed Web site where parents could see what their children had learned each day. The school's hardware and software are capable of such an effort, but he isn't. "That's all well beyond me," said Fleming, considered one of Jermantown's most computer-fluent instructors. "I need someone to teach me how to do this."

Contrasts like the one between Sanders Corner and Jermantown—both in affluent school districts—turn up many times across the Washington suburbs, and sometimes exist within the same school. Some classrooms use computers constantly, while others rarely incorporate them into daily activities.

It is a digital divide that often has little to do with a school's supply of technology equipment; Sanders Corner has 4.4 students per computer, as does Jermantown. Nor is it necessarily a question of how much formal training a school's teachers have received.

Teachers and school officials say the gap instead boils down to the fact that some teachers are getting far more help than others in building on what they learned in technology training class. And some teachers are more motivated than others to seek such help in the first place.

Some schools, like Sanders Corner, have a full-time technology specialist who is regularly giving teachers ideas on how to use computers to enliven their lessons; many others, like Jermantown, have to share that person with other schools.

Even at a school with its own technology coach, it is ultimately up to each classroom teacher to make the effort to plan a computer-centered lesson or project. And patience, enthusiasm, learning curve and planning time can vary enormously from one teacher to another.

"There are some teachers out there who are extraordinary. They pretty much taught themselves," said Linda G. Roberts, director of educational technology at the U.S. Department of Education. "Another group is using some of the resources but is easily discouraged . . . Most teachers want to learn, but they say it takes time and they need help."

The result is that the impact of computers on instruction continues to lag behind their presence in schools, both in the Washington area and nationwide. More than 95 percent of schools and nearly two-thirds of class-rooms have computers connected to the Internet. Yet in a recent survey by the National Center for Education Statistics, 79 percent of teachers said they don't get enough help using technology in the classroom. Another poll, by Education Week magazine, found that only 50 percent of teachers support lessons with computer software.

Educators and business leaders worry that the inconsistencies threaten the popular notion that the nation's billion-dollar investment in hardware and software will lead to better learning for schoolchildren.

"We're not seeing the professional development at the level that we'd like, and there is not the integration of technology day in and day out that we'd like to see," said June Streckfus, executive director of the Maryland Business Roundtable, a nonprofit group of business leaders that is monitoring computer use in Maryland schools.

School administrators generally do not measure how well or how often teachers use classroom technology. Nor have schools developed guidelines on what role computers should play in the curriculum, either by academic subject or by grade level. Some school systems, such as Montgomery County, have started posting technology ideas for teachers on their Web sites, and some schools are cataloguing technology resources for class instruction.

There is no consensus among educators on how much computers benefit the learning process. But teachers who use them often in their classes say that Web browsing and educational software usually increase students' interest in a topic and sometimes trigger understanding when either teaching methods have failed.

"It's such a part of our lives," said Susan Jones, a fifth-grade teacher at Sanders Corner who constantly includes technology in her lessons. "Any way I can do it, I will."

Jones recently posed this question to her fifth-grade history class: Did Patrick Henry really commit such a heinous act as treason?

The lights went off and the Web site of Henry's last home and burial place, www.redhill.org, was projected onto a screen dangling from the black-board. Browsing the site spurred a debate among the students about Henry's motives in challenging England.

When they studied Benjamin Franklin, Jone's fifth-graders e-mailed a Web site on Franklin and got responses as if they were written by the historical figure. They also took a virtual tour of Colonial Williamsburg on www.history.org.

Jones and other teachers at Sanders Corner say they get a huge boost from having someone at the school all day whose sole job is to help them blend technology with instruction.

That person is Kathy Hayden, a technology resource teacher since 1995. Hayden was a fourth-grade instructor in Loudoun who loved using computers in class. School staff members say her advice carries weight because she truly understands a class-room teacher's job.

At Sanders Corner, Hayden started "Tech Tuesday," a weekly training session that rotates among small groups of teachers with common interests or skills. She also attends planning meetings of same-grade teachers. Some-times she will teach a lesson with a classroom instructor who is shy about using computers.

Ricki Fellows had been teaching for 23 years but rarely used computers with her students until she arrived at Sanders Corner last fall and got some coaching from Hayden. "I had some mixed feelings about it," Fellows said. "It was really fear of the unknown."

Now, that fear is gone. Recently Fellows's third-graders went on a field trip to the Smithsonian Institution. With a digital camera, she snapped photos of Egyptian art for social studies class, and rocks and minerals for science. Back in class, the students downloaded the film, selected photos, and wrote and edited essays on their computers about what they had seen at the museum.

"I really am excited again about teaching," Fellows said. "I'm learning and I'm growing—that's what it's all about."

The Maryland Business Roundtable has urged school districts to put a full-time technology specialist in every school. Loudoun already does that, but most Washington area districts don't.

"After you're trained, you can't ask anyone any questions," said Ann Mallon, a first-grade teacher at Jermantown Elementary, which shares a technology specialist with six other schools, the typical ratio in Fairfax County's school system. "When we don't have a person here, we stop using the programs."

Fairfax school officials have proposed spending $4 million to hire an additional 114 technology specialists, so that each would be assigned to no more than two schools.

But even teachers who have regular access to an expert coach say they don't get enough planning time to develop computer-based lessons. In many cases, teachers say, they spend hours on their home computers rummaging for Web sites.

In coming weeks, Kim Price will teach meteorology to her fourth-graders at Fairfax's Crossfield Elementary by having them create a weather map based on data they find on the Web. "This is the coolest thing I've ever done," she said.

It also took her an entire school day and about three hours on her computer at home to develop the project and write the instructions on a specially designed Web site.

"This is one of the problems," said Price, whose school has a part-time specialist. "It takes hours to do anything worthwhile. If you have a half-hour to 45 minutes in any one block of planning time, that's not enough."

More planning time must be built into teachers' schedules, at least until they acquire more hands-on experience with their computers, said Roberts, the U.S. Department of Education official.

As for the formal computer training their school systems provide, most of the teachers interviewed said it is usually just a few hours at the beginning of the school year and covers only the basics.

Patrick F. Chorpenning Jr., who teaches government at Fairfax's West Potomac High School, says he seldom bother to take such courses. Chorpenning acquired his technology know-how during his former career as a business executive, and he says he has learned on his own how to use computers in his classes.

He projects Web sites in his classroom to illustrate various points about today's politics, and he gives students lists of sites to peruse and assigns them to report back on what they find.

Education officials and business leaders say making computers a more standard part of instruction will require more spending on teacher training and tougher standards for technology competency.

Virginia has established teacher competency standards in technology, although they are not related to a teacher's recertification. Maryland has no such requirements.

Business executives also have urged teacher colleges to assess whether they are giving students enough technology advice. Surveys have shown that even recent graduates of such programs, who were raised with computers, are poorly prepared to use them in class.

At Jermantown Elementary, teachers' computer literacy is likely to be higher next year. Because it is merging with another school and is being designated a "focus school" for communications and art, Jermantown will get three full-time technology specialists, as well as more computers.

"A whole new world will open up," said Susan D. Kane, the school's principal. "You can see where they're at now—where you do what you can and you hope for the best."●

● Mr. LEVIN. Mr. President, I am pleased to join Senator CONRAD and Senator REID in introducing the Information Technology Act. The dual goal of this legislation is to ensure that every teacher in America has the ability to integrate technology into the classroom and the curriculum; and to train our citizens to meet the demand for the thousands of jobs that will need to be filled in the next decade.

Mr. President, our legislation establishes two initiatives that are aimed at achieving these goals. First, it authorizes $100 million for the creation of a Teacher Tech Bonus in the amount of $5,000. The bonuses will be awarded to teachers who successfully train and receive certification in the use of technology in the classroom and in the curriculum, or teachers who become certified to teach courses in computer technology. Bonuses would be provided by the U.S. Department of Education through grants to Local Education Agencies (LEA). As a condition for receipt of bonuses, teachers are required to enter into agreements with their LEA to continue to teach within that LEA for periods of not less than three years, and such other requirements as established by the Secretary. This provision of the Information Technology Act is essential, if we are going to realize the full potential of our investment in new technology in the classroom. So few of our school districts have been able to offer state-of-the-art training, or any training at all for that matter, to their teaching staff. Students today are in the midst of a technology explosion that has opened up limitless possibilities in the classroom. In order for them to tap into this potential and be prepared for the jobs of the 21st century, they must learn how to use new technologies. But all too often, teachers are expected to incorporate technology into their instruction without being given the training to do so. It is not enough for teachers to be able to email or use computers to keep attendance or grade their students, they must use this education technology to advance their curriculum. According to a recent survey by the National Center for Education Statistics, 79 percent of teachers said they do not get enough help using technology in the classroom. Last year, a report by Education Week's National Survey of Teachers' Use of Digital Content revealed some startling findings relative to the lack of teacher training in integrating technology into the curriculum. In a national poll of over 1,400 teachers, 36 percent of teachers responded that they received absolutely no training in integrating technology in the curriculum; another 36 percent said they had only received 1 to 5 hours of such training; 14 percent received 6 to 10 hours of such training; and only 7 percent received between 11–20 hours.

In a very in-depth look at Michigan schools and technology several years ago, I learned that despite the utilization of education technology in a few localities, Michigan as a whole was below the national average in every measure of the use of technology in our schools. Michigan ranked 44 in teacher training in the use of technology. Ten percent of Michigan teachers reported that they had less than 9 hours of technology training. Michigan ranked 32 among the states in the ratio of students per computer. These findings propelled me in a direction that has resulted in a number of initiatives to turn Michigan around—to raise the State's use of education technology. I convened an Education Technology Summit that brought together over 400 business leaders, school administrators, school board members, foundation representatives, deans of Michigan's colleges of education and others to identify ways in which Michigan could excel in the area of Education technology.

Some key elements of the plan of action which followed that Education Technology Summit include the formation of a consortium that will establish the Nation's highest standards for training and certifying new teachers to use technology in the classroom and to integrate it into the curriculum. Beginning with the 1999–2000 academic year, the Consortium for Outstanding Achievement in Teaching with Technology [COATT] will award special credentials to new teachers who have demonstrated an exceptional ability to use information technology as a teaching tool. The legislation we are introducing today supports and compliments this effort in Michigan. It will advance current efforts in my state to excel in education technology. And it will advance education technology across this Nation. Our legislation provides an incentive and a reward that will result in effectively equipping more and more teachers with the technology expertise they need to stimulate the interests of their students, raise student potential for learning, and increase student achievement. It has been a pleasure working with Senator CONRAD in fine tuning specific provisions of this legislation to more directly reflect the successful model we've created in my home state for giving special recognition to new teachers who are able to apply technology in classroom instruction.

I am pleased that the formation of COATT gives my state a head start in this direction. And, I am delighted that such an impressive slate of higher educational institutions from Michigan have signed on to the COATT initiative, including Albion College, Andrews University, Eastern Michigan University, Ferris State University, Lake Superior State University, Michigan State University, Oakland University, University of Detroit-Mercy, University of Michigan, University of Michigan-Dearborn, Wayne State University and Western Michigan University. New teachers with COATT credentials will have an advantage in the job market and school districts will benefit by knowing which applicants are qualified in using technology effectively in their instruction. The letter of agreement signed by each COATT member in committing their institutions to provide the resources to achieve the success of the COATT initiative is included at the end of my remarks. Michigan is already recognized as a leader in producing new teachers and if we set our minds to it, I'm convinced we can be one of the best in the nation when it comes to teaching teachers how to integrate technology in the classroom and into the curriculum.

I'd like to mention yet another key effort I've led to advance Michigan's standing in education technology. It is the establishment of the Teach for Tomorrow Project (TFT), which provides on-line and in-person technology training, including credentials, to in-service teachers, who then return to their schools and teach other teachers what they have learned. By using technology to teach the technology, training can be accessed statewide and at a time and location which are convenient to the learners. Central Michigan University has approved the use of TFT materials as a professional development course eligible for graduate credit hours when done in conjunction with local onsite training. Under the legislation we are now introducing, teachers may also qualify for a bonus if they train and become certified to teach other teachers.

Finally, Mr. President, the legislation we are introducing creates an Information Technology Training initiative through which Federal matching grants would be awarded to partnerships between higher educational institutions, or a private organization or a business, which may include a commercial information technology training provider and information technology trade or professional association, to provide training and education to individuals who are under-represented in the information technology profession. Under-represented individuals would include, but not be limited to, such individuals as dislocated workers, veterans, students who have not completed their high school education, older Americans, women, individuals who have already received training but have not been certified, and others. The bill also authorizes $100 million for this provision, which requires a 50 percent non-Federal match requirement that may be in the form of cash, equipment and/or in-kind services.

This legislation, The Information Technology Act, will be good for our schools. It will be good for the U.S. economy. I urge its speedy enactment. In closing, I would like to share with my colleagues the organizational endorsements of this legislation, which include: The National Education Association, Technology Workforce Coalition, Computing Technology Industry Association, American Society for Training and Development, Information Technology Training Association, Green Thumb, International Society for Technology in Education, American Association of University Women, Consortium for School Networking, and the Software Information Industry Association.

Mr. President, I ask unanimous consent to print in the RECORD the COATT member agreement signed by higher education institutions in Michigan.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR OUTSTANDING ACHIEVEMENT IN TEACHING WITH TECHNOLOGY LETTER OF AGREEMENT

We, the undersigned, commit our institutions to be members of the Consortium for Outstanding Achievement in Teaching with Technology (COATT). In doing so our institutions accept the following requirements.

(1) Each institution shall designate a faculty liaison to COATT. This person will participate in an annual review of the COATT standards and participate in periodic meetings with other core members of the COATT organization.

(2) Each institution shall designate a person to act as a point of contact within the institution for potential COATT candidates.

(3) Each institution shall promote COATT to potential candidates. This might occur through flyers, regular newsletters, publications, placement files, etc.

(4) Each institution shall provide adequate and relevant learning opportunities in the application of educational technology for students who wish to acquire COATT certification.

(5) Each institution shall provide adequate resources for COATT applicants to produce, maintain, and gain access to their COATT digital portfolios.

(6) Each institution shall be responsible for recommending and pre-certifying COATT applicants.

(7) Each institution shall involve its faculty and other qualified personnel in COATT evaluation teams.

By signing below, we understand that we are committing our institutions to provide the personnel resources, and opportunities described in the above seven points. We recognize that this level of commitment is crucial to the success of the COATT initiative.

Reuben Rubio, Director of the Ferguson Center for Technology-Aided Teaching, Albion College; Dr. Niels-Erik Andreasen, President, Andrews University; Dr. Jerry Robbins, Dean of the School of Education; Eastern Michigan University; Dr. Nancy Cooley, Dean of the College of Education, Ferris State University; Dr. David L. Toppen, Executive Vice President and Provost, Lake Superior State University; Dr. Carole Amers, Dean of the College of Education; Michigan State University; Dr. Jantes Clatworthy, Associate Dean of the School of Education and Human Resources, Oakland University; Aloha Van Camp, Acting Dean of the College of Education and Human Services, University of Detroit-Mercy; Dr. Karen Wixson, Dean of the School of Education, University of Michigan; Dr. Robert Simpson, Provost, University of Michigan-Dearborn; Dr. Paula Wood, Dean of the College of Education, Wayne State University; Dr. Alonzo Hannaford, Associate Dean of the College of Education, Western Michigan University.

By Mr. WELLSTONE:

S. 2348. A bill to provide for fairness and accuracy in student testing; to the Committee on Health, Education, Labor, and Pensions.

FAIRNESS AND ACCURACY IN STUDENT TESTING ACT

Mr. WELLSTONE. Mr. President, education is, among other things, a process of shaping the moral imagination, character, skills and intellect of our children, of inviting them into the great conversation of our moral, cultural and intellectual life, and of giving them the resources to prepare to fully participate in the life of the nation and of the world.

But today in education there is a threat afoot to which I would like to call your attention: the threat of high-stakes testing being grossly abused in the name of greater accountability, and almost always to the serious detriment of our children.

Allowing the continued misuse of high-stakes tests is, in itself, a gross failure of moral imagination, a failure both of educators and of policymakers, who persistently refuse to provide the educational resources necessary to guarantee an equally rich educational experience for all our children. That all citizens will be given an equal start through a sound education is one of the most basic, promised rights of our democracy. Our chronic refusal as a nation to guarantee that right for all children, including poor children, is a national disgrace.

Today I am introducing legislation that would stem the growing trend of misusing high stakes tests. The legislation would require that states and districts use multiple measures of student performance in addition to standardized tests if they are going to use tests as part of a high stakes decision. The amendment will also require that if tests are used, they must be valid and reliable for the purposes for which they are used; must measure what the student was taught; and must provide appropriate accommodations for students with limited English proficiency and disabilities.

I would like to explain exactly why this bill would be so important and why I seek your support for it. If there is any question about whether or not we have, as a nation, overemphasized high stakes standardized testing, and if there is any question that this overemphasis has taken so much of the excitement out of teaching and learning for so many people across the country, I would like to open my remarks with some excerpts from a newspaper article from one of our state capitols earlier this year. The state is in the process of implementing high stakes tests for promotion. This article addresses how schools and students in the state are dealing with the preparation and stress of the pending high stakes test. The test, which lasts five days, will determine, among other things whether students will be promoted and whether schools will be sanctioned for poor performance.

The article describes one teacher who said, "I'm thinking about letting us have a scream day sometime in March, when we just go outside and scream." and it continues, "her principal . . . is keenly aware of the stress on both students and teachers. He told teachers during a meeting . . . that he expects some students to throw up during the test. He arranged to have all of the school's janitors on duty to clean up any messes."

It is no wonder that students are stressed. According to the article, "For the past eight weeks, Northwestern's school billboard has been updated daily with the number of school days left until the test."

When I read this story, I wonder why we cannot let children be children? Why do we impose this misplaced pressure on children as young as eight years old? When I see what is happening around the country, with more and more states and districts adopting the harsh agenda of high stakes testing policies, I am struck by National Education Association President Bob Chase's comparison of all of these educational trends to the movie, "Field of Dreams." In my view, it is as though people are saying, "If we test them, they will perform." In too many places, testing, which is a critical part of systemic educational accountability, has ceased its purpose of measuring educational and school improvement and has become synonymous with it.

Making students accountable for test scores works well on a bumper sticker and it allows many politicians to look good by saying that they will not tolerate failure. But it represents a hollow promise. Far from improving education, high stakes testing marks a major retreat from fairness, from accuracy, from quality and from equity.

It is ironic, because standardized tests evolved historically as one way to ensure more equal opportunity in education. They are supposed to be an instrument of fairness because they are graded objectively and allow any person, regardless of background, to demonstrate their skill.

When used correctly, standardized tests are critical for diagnosing inequality and for identifying where we need improvement. They enable us to measure achievement across groups of students so that we can help ensure that states and districts are held accountable for improving the achievement of all students regardless of race, income, gender, limited English proficiency and disability. Tests are a critical tool, but, they are not a panacea.

The abuse of tests for high stakes purposes has subverted the benefits tests can bring. Using a single standardized test as the sole determinant for promotion, tracking, ability grouping and graduation is not fair and has not fostered greater equality or opportunity for students. First, standardized tests can not sufficiently validly or reliably assess what students know to make high stakes decisions about them.

The 1999 National Research Council report, "High Stakes," concludes that "no single test score can be considered a definitive measure of a student's knowledge," and that "an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score."

The "Standards for Educational and Psychological Testing," 1999 Edition, which has served as the standard for test developers and users for decades, asserts that: "In educational settings, a decision or a characterization that will have a major impact on a student should not be made on the basis of a single test score."

Even test publishers, including Harcourt Brace, CTB McGraw Hill, Riverside and ETS, consistently warn against this practice. For example, Riverside Publishing asserts in The "Interpretive Guide for School Administrators" for the Iowa Test of Basic Skills, "Many of the common misuses (of standardized tests) stem from depending on a single test score to make a decision about a student or class of students."

CTB McGraw Hill writes that "A variety of tests, or multiple measures, is necessary to tell educators what students know and can do . . . the multiple measures approach to assessment is the keystone to valid, reliable, fair information about student achievement."

There are many reasons tests cannot be relied upon as the sole determinant in making high stakes decisions about students. The National Research Council describes how these tests can be unreliable. The Council concludes that "a student's test score can be expected to vary across different versions of a test . . . as a function of the particular sample questions asked and/or transitory factors, such as the student's health on the day of the test. Thus, no single test score can be considered a definitive measure of a student's knowledge."

The research of David Rogosa at Stanford University shows how test scores are not valid, in isolation, to make judgements about individual achievement. His study of California's Stanford 9 National Percentile Rank Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score are only 30% in reading and 42% on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test "the chances, . . . that two students with identical "real achievement" will score more than 10 percentile points apart on the same test" is 57% for 9th graders and 42% on the fourth grade reading test. This margin of error shows why it would not be fair to use a cut-score in making a high stakes decision about a child.

Robert Rayborn, who directs Harcourt's Stanford 9 program in California reenforced these findings when asked about the Stanford 9. He said, "They should never make high-stakes individual decisions with a single measure of any kind," including the Stanford 9.

Politicians and policy makers who continue to push for high stakes tests and educators who continue to use them in the face of this knowledge have closed their eyes to clearly set professional and scientific standards. They demand responsibility and high standards of students and schools while they let themselves get away with defying the most basic standards of the education profession.

It would be irresponsible if a parent or a teacher used a manufactured product on children in a way that the manufacturer says is unsafe. Why do we then honor and declare "accountable" policy makers and politicians who use tests on children in a way that the test manufacturers have said is effectively unsafe?

There is no doubt that when mistakes are made, the consequences are devastating. The bad effects of retention in grade have been clearly established in science. Study after study shows that retention leads to poorer academic performance, higher dropout rates, increased behavioral problems, low self-esteem and higher rates of criminal activity and suicide. Research on high school dropouts indicates that students who do not graduate are more likely to be unemployed or hold positions with little or no career advancement, earn lower wages and be on public assistance.

On a more immediate level, many of my colleagues will remember how 8,600 students were mistakenly held in summer school because their tests were graded incorrectly.

When we talk about responsibility, what could be more irresponsible than using an invalid or unreliable measure as the sole determinant of something so important as high school graduation or in-school promotion?

The effects of high stakes testing go beyond their impact on individual students to greatly impact the educational process in general. They have had a deadening effect on learning.

Again, research proves this point. Studies indicate that public testing encourages teachers and administrators to focus instruction on test content, test format and test preparation. Teachers tend to overemphasize the basic skills, and underemphasize problem-solving and complex thinking skills that are not well assessed on standardized tests. Further, they neglect content areas that are not covered such as science, social studies and the arts.

For example, in Chicago, the Consortium on Chicago School Research concluded that "Chicago's regular year and summer school curricula were so closely geared to the Iowa test that it was impossible to distinguish real subject matter mastery from mastery of skills and knowledge useful for passing this particular test." These findings are backed up by a recent poll in Texas which showed that only 27% of teachers in Texas felt that increased test scores reflected increased learning and higher quality teaching. 85% of teachers said that they neglected subjects not covered by the TAAS exam.

Stories are emerging from around the country about schools where teachers and students are under such pressure to perform that schools actually use limited funds to pay private companies to coach students and teachers in test taking strategies. According to the "San Jose Mercury News," schools in East Palo Alto, which is one of the poorest districts in California, paid Stanley Kaplan $10,000 each to consult with them on test taking strategies. According to the same article, "schools across California are spending thousands to buy computer programs, hire consultants, and purchase workbooks and materials. They're redesigning spelling tests and math lessons, all in an effort to help students become better test takers." The teacher from the article I mentioned before had even bought blank score sheets with bubbles on them so students can practice filling in circles.

The richness and exploration we want our own children to experience is being sucked out of our schools. I was moved by an op-ed I read recently in the New York Times. It was written by a fifth grade teacher, who obviously had a great passion for his work. He said, "But as I teach from day to day . . . I no longer see the students in the way I once did—certainly not in the same exuberant light as when I first started teaching five years ago. Where once they were 'challenging' or 'marginal' students, I am now beginning to see 'liabilities.' Where once there was a student of 'limited promise,' there is now an inescapable deficit that all available efforts will only nominally affect." Children are measured by their score, not their potential, not their diverse talents, not the depth of their knowledge and not their character.

It has been clearly established through research that high stakes tests for individual students, when used in isolation, are fatally flawed. I would, however, also like to address a general issue that this bill does not address directly, but that I think is really what all of this is about in the end. The trend towards high stakes testing represents a harsh agenda that holds children responsible for our own failure to invest in their future and in their achievement. I firmly believe that it is grossly unfair, for example, to hold back a student based on a standardized test if that student has not had the opportunity to learn the material covered on the test. When we impose high stakes tests on an educational system where there are, as Jonathan Kozol says, "savage inequalities," and then we do nothing to address the underlying causes of those inequalities, we set up children to fail.

People talk about using tests to motivate students to do well and using tests to ensure that we close the achievement gap. This kind of talk is backwards and unfair. We cannot close the achievement gap until we close the gap in investment between poor and rich schools no matter how "motivated" some students are. We know what these key investments are: quality teaching, parental involvement, and early childhood education, to name just a few.

But instead of doing what we know will work, and instead of taking responsibility as policy makers to invest in improving students' lives, we place the responsibility squarely on children. It is simply negligent to force children to pass a test and expect that the poorest children, who face every disadvantage, will be able to do as well as those who have every advantage.

When we do this, we hold children responsible for our own inaction and unwillingness to live up to our own promises and our own obligations. We confuse their failure with our own. This is a harsh agenda indeed, for America's children.

All of us in politics like to get our picture taken with children. We never miss a "photo op." We all like to say that "children are our future." We are all for children until it comes time to make the investment. Too often, despite the talk, when it comes to making the investment in the lives of our children, we come up a dollar short.

Noted civil rights activist Fannie Lou Hamer used to say, "I'm sick and tired of being sick and tired." Well I'm sick and tired of symbolic politics. When we say we are for children, we ought to be committed to invest in the health, skills and intellect of our children. We are not going to achieve our goals on a tin cup budget. Unless we make a real commitment, unless we put our money where our mouth is, children will continue to fail.

If one does not believe that failure on tests has to do with this crushing lack of opportunity, look at who is failing. In Minnesota, in the first round of testing, 79% of low income students failed the reading portion of the high school exit exam and 74% failed the math part. It is unconscionable.

We must never stop demanding that children do their best. We must never stop holding schools accountable. Measures of student performance can include standardized tests, but only when coupled with other measures of achievement, more substantive education reforms and a much fuller, sustained investment in schools.

When we use high stakes tests as the sole determinant in making decisions about students, we get the sequence backwards. We lose sight of our fundamental objective—to provide children with the tools they need to achieve, to think critically and to understand deeply the material they need to meet high standards. We cannot get away with making children pay for our failure to provide them with the high quality education they need, deserve and is their right.

Gunnar Myrdal said that ignorance is never random. If we ignore what science tells us, if we close our eyes to the impact of high stakes tests, we can continue as we are now—sounding good while doing bad. The Fairness and Accuracy in Student Testing Act would be a strong step in the the right direction—toward fairness and equity and accuracy and a love of learning that will last children their lifetimes.

By Mr. THOMAS (for himself and
Mr. ENZI):

S. 2349. A bill to amend part D of title IV of the Social Security Act to permit States with proven cost-effective and efficient child support collection systems to continue to operate such systems; to the Committee on Finance.

CHILD SUPPORT COLLECTION SYSTEMS LEGISLATION

• Mr. ENZI. Mr. President, I rise today to introduce legislation with my colleague Senator THOMAS that would give a small amount of States the flexibility to operate their locally-run child support systems. Wyoming's Parental Obligation System for Support Enforcement [POSSE] fulfills the federal requirements for effective child support collections and disbursement. For example, Wyoming has increased child support collections by 140 percent since establishing its federally mandated automated network in 1995. Comparatively, the increase of child support collections nationwide since 1995 is only 49 percent. POSSE has proven to be the most cost-effective and efficient way to assist Wyoming's children and families.

However, a provision was included in the 1996 welfare reform law that requires States to establish a single address for the collection and disbursement of all wage-withholding child support payments. Although the intent was to relieve employers of burdensome redtape, the welfare reform law does not allow employers to continue submitting payments locally. My State's children and families and the business community benefit from the local system due to the convenience factor for its participants. Most importantly, POSSE is already achieving the desired results with the current local system in place. Clearly, this single address requirement is a one-size-fits-all solution to a problem that does not accommodate Wyoming.

The bill we are introducing today would amend Part D of title IV of the Social Security Act to permit States with proven cost-effective and efficient child support collection systems to continue to operate such systems. States can continue to operate their current systems if they meet the following criteria: the State has established an automated data tracking system; the State allows employers to send all wage withholding payments to a single address; and, the State provides data on a quarterly basis that demonstrates under the current system, for the most recent four fiscal year quarters, that at least 90 percent of all child support obligations paid are disbursed within two business days after receipt. My home State of Wyoming effectively and consistently meets these criteria.

The legislation we are introducing today would give States more flexibility to operate their local system; however, States must adhere to federal performance standards in order to maintain State and local flexibility. As Senator THOMAS stated, what works for one state does not necessarily yield the same results in another. Wyoming's system works.●

● Mr. THOMAS. Mr. President, I rise today to introduce legislation with my colleague Senator ENZI that would allow states to continue to operate their locally run child support systems. Since establishing its federally mandated automated network in 1995, the State of Wyoming has increased child support collections by 140 percent. Over 98 percent of the payments are processed within 2 days. Not only does Wyoming measure up to the Federal requirements for effective child support collections and disbursement, it far exceeds the bar. Under the award-winning Parental Obligation System for Support Enforcement [POSSE], which is administered by the Clerks of the District Court, the clear winners are Wyoming's children and families.

Unfortunately, that stands to change. Due to a provision of the 1996 welfare reform law, states are required to establish a single address for the collection and disbursement of all wage-withholding child support payments. The intent of the law was to relieve employers from mailing payments to numerous locations, as part of a greater effort to improve child support collections across the nation. While these goals are certainly laudable, the law does not allow employers to continue submitting payments locally, even if it is more convenient for them to do so, and even if a state's localized system is already achieving the desired results. Ultimately, states are being forced to make changes to correct a problem they may not have, and they could end up creating new ones along the way.

Simply put, the legislation we are introducing today would give states the flexibility to operate their local systems—as long as they continue to meet federal performance standards. One size does not fit all. Methods that work well in Chicago, Illinois do not necessarily yield the same results in Chugwater, Wyoming. In this case, the results in Wyoming speak for themselves.

I look forward to working with the chairman of the Senate Finance Committee to pass this important measure.●

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2350. A bill to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; to the Committee on Energy and Natural Resources.

DUCHESNE CITY WATER RIGHTS CONVEYANCE ACT

Mr. HATCH. Mr. President, I rise today to introduce the Duchesne City Water Rights Conveyance Act. This bill will resolve an issue, nearly a century old, that has kept the city of Duchesne, Utah, from obtaining title to water rights that have been reserved for the city's use. The solution I propose is simple and long overdue. It is the result of careful negotiations between the city and the Ute Indian Tribe of the Uintah and Ouray Reservation. I congratulate both these parties for coming together to resolve this issue.

In 1905, the city of Duchesne, Utah was established when the Secretary of Interior directed the Commissioner of Indian Affairs to select certain tracts of land in the Uintah Indian Reservation for the town site. At the time, the acting Indian Agent for the Unitah Indian Reservation filed applications to appropriate water to the municipal and domestic uses. The U.S. Indian Service was designated as the holder of these of three water rights.

Mr. President, for many years, efforts have been made to clear the title to these water rights in the name of Duchesne City, but these efforts have been unsuccessful, because the U.S. Indian Service no longer exists. The extinction of the U.S. Indian Service has created a legal anomaly, making it impossible to transfer the water rights of Duchesne.

The water in question has always been used by Duchesne, and neither the Bureau of Indian Affairs, the Department of the Interior, nor the Ute Indian Tribe claims any right in the use of this Water. In fact they are supportive of this legislation which ties up a legal loose end a manner agreed with upon both Indian Tribe and the city of Duchesne.

Mr. President, I thank the Senate for the opportunity to address this issue this today, and I urge my colleagues to support this legislation.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2351. A bill to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute India tribe of Utah, and for other purposes; to the Committee on Indian Affairs.

SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH WATER RIGHTS SETTLEMENT ACT

Mr. HATCH. Mr. President, I am pleased to rise today, along with my colleague, Senator BENNETT to introduce the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act, which will finally provide a settlement of water rights issues of the Santa Clara River in Washington County, Utah. This settlement is an important piece of the Virgin River Adjudication, which was initiated by the State of Utah in July of 1980.

To understand the consequence of this bill, Mr. President, it is important to keep in mind that Washington County is the driest county in Utah, and Utah is the second driest state in the Union. The Santa Clara river is a fairly small river which runs through the Shivwits Band's reservation near the city of St. George, Utah. This water must be shared by the Washington County Water Conservancy District, the city of St. George, the town of Ivins, the town of Santa Clara, and the Shivwits Band, and an endangered fish species. Needless to say, finding a settlement on the use of this water was not simple, but it has been achieved. I would like to publicly praise all the parties that came together and put the agreement together.

One of the benefits of this legislation is the St. George Water Reuse Project. This project will provide 2,000 acre-feet of treated water for the Shivwits Band. This settlement will also establish the Santa Clara Project. This project will provide a pressurized pipeline from the nearby Gunlock Reservoir and will deliver a total of 1,900 acre-feet of water to the Shivwits Band.

Mr. President, the project will also provide that sufficient water remains in the Santa Clara river for the survival of the Virgin Spinedace, an endangered fish species. In addition, the Secretary of Interior will be authorized to establish a program to purchase water rights and habitat in the Virgin River Basin for fish and other species.

As you can see, Mr. President, this agreement provides an excellent balance between the needs of the cities, the Shivwits Band, and the environment. It is no wonder that this legislation has the support of all interested parties. I urge my colleagues in the Senate to give this proposal their full support.

By Mr. GRAHAM:

S. 2352. A bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

WEKIVA WILD AND SCENIC DESIGNATION ACT

• **Mr. GRAHAM.** Mr. President, thank you for allowing me this opportunity to introduce legislation affecting the Wekiva River, which is located east central Florida.

With millions of people moving to Florida every year and the resulting urban sprawl, we must work to preserve our state's natural treasures. The Wekiva River is worthy of our protective efforts.

The Wekiva River and the Wekiva River Basin are unique and important river habitats because of their outstanding scenic, recreational, fishery, wildlife, historic, cultural, and water quality values. The Wekiva River Basin is home to many species of wildlife including Florida black bears, sandhill cranes, turkeys, and burrowing owls. Fossils of prehistoric mammals, such as saber tooth cats, mastodons, and giant sloths, have been found along the length of the river.

Generations of Floridians and Florida visitors have enjoyed the beauty and tranquility of the Wekiva River. It is a popular spot for canoeing, camping, hiking, and trail biking because of its intrinsic beauty and quintessential Florida appeal.

The legislation I introduce today will declare the Wekiva River a Wild and Scenic River and preserve it for the future enjoyment of Floridians and visitors to Florida. Today, the House Resources Committee, National Parks and Public Land Subcommittee will hold a hearing on this bill. Mr. President, I hope that we will move forward soon in the Senate.•

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. MURKOWSKI, Ms. JOHNSON, and Mr. STEVENS):

S. 2353. A bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III; to the Committee on Indian Affairs.

LEGISLATIVE FIX FOR TRIBAL COLLEGES AND UNIVERSITIES AND ALASKA NATIVE AND NATIVE HAWAIIAN SERVING INSTITUTIONS

• **Mr. AKAKA.** Mr. President, I rise to introduce a bill that represents a simple, straightforward correction of an inequity that is negatively impacting some of this country's most underfunded institutions of higher education. These include Tribal Colleges and Universities and Alaska Native and Native Hawaiian Serving Institutions.

Many of these institutions apply for Institutional Aid under Title III of the Higher Education Act. Title III provides grants to a specific set of colleges and universities that serve disproportionate numbers of minority, low-income, and first generation college students.

These institutions have considerable impact on improving the quality and quantity of educational and career opportunities for their students, who face unique socio-economic barriers. Title III was created to help improve and expand the academic capacity of institutions specifically established and committed to serving these students.

In 1998, Part A of Title III, the Strengthening Developing Institutions Program, was amended by the Higher Education Amendments to introduce a special program for Tribal Colleges and Universities and for Alaska Native and Native Hawaiian Serving Institutions. This was a positive step in recognizing the needs of these distinctive institutions and the populations that they serve.

However, the Higher Education Amendments of 1998 also instituted a change that requires grantees to "wait out" for at least two years at the end of their grant before applying for a new grant. This wait out period was originally created to ensure that Title II funding would reach the maximum number of students and institutions as possible.

The provision applied to all Title II grantees with the exception of Historical Black Colleges and Universities, which receive formula funding under the title. Before the higher education reauthorization became law, Hispanic Serving Institutions were transferred to a new title so that the wait out period no longer applied to them.

Therefore, as signed into law, the wait out only affects Sections 316 and 317, which cover Tribal Colleges and Universities and Alaska Native and Native Hawaiian Serving Institutions. In my State of Hawaii, this involves the major college campuses and community colleges in the University of Hawaii system, which essentially affects the entire State.

This bill, which I am introducing along with my colleagues—Senators INOUYE, MURKOWSKI, JOHNSON and STEVENS—would make a technical change exempting Sections 316 and 317 from the harmful two-year wait out requirement. Similar legislation, H.R. 3629, was introduced in the House of Representatives on February 10th of this year.

This legislation must be passed immediately because any delay in continued assistance can prove critical for any college or university serving small, disadvantaged, populations.

Furthermore, because the applicant pool for Title III, Part A, assistance is already so limited in size, the failure to exempt institutions from the two-year wait out provision will likely result in no institutions being eligible to apply for future funds under this program. We must not allow this unnecessary scenario to come about. Currently, there are six institutions in the states of Washington, Montana, California, North Dakota, and South Dakota that are currently stuck in the first year of their two-year wait out period.

This non-controversial correction has broad support in the higher education community and obviously from the institutions that will be negatively affected. I strongly urge that my colleagues join me in pushing this simple change forward to correct a problem that, if unaddressed, will have adverse impacts on Tribal Colleges and Universities and Alaska Native and Native Hawaiian Serving Institutions, and the students that they serve.•

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2354. A bill to amend the Internal Revenue Code of 1986 to prevent the duplication of losses through the assumption of liabilities giving rise to a deduction; to the Committee on Finance.

REVISED REVENUE PROVISION FOR THE TRADE AND DEVELOPMENT ACT OF 1999

Mr. ROTH. Mr. President, I rise today to introduce—along with Senator MOYNIHAN—a bill that will clarify a revenue provision that has been reserved for the Trade and Development Act of 1999.

Last fall, the Senate Finance Committee reserved from the Tax Relief Extension Act of 1999 a revenue provision regarding the prevention or duplication of loss through assumption of liabilities, for inclusion in the Trade and Development Act of 1999. This revenue provision addresses a tax-avoidance transaction in which the assumption of certain liabilities or potential liabilities may permit the acceleration or duplication of a loss attributable to those liabilities. The bill that Senator MOYNIHAN and I introduce more precisely defines the types of transactions that are excepted from this revenue provision. Our bill is offered as a substitute for last fall's provision, and we introduce it today seeking public comment.

By Mr. SANTORUM:

S. 2355. A bill to amend the Individuals with Disabilities Education Act to modify authorizations of appropriations for programs under such act; to the Committee on Health, Education, Labor, and Pensions.

THE GROWING RESOURCES IN EDUCATIONAL ACHIEVEMENT FOR TODAY AND TOMORROW ACT

• **Mr. SANTORUM.** Mr. President, today, I am introducing legislation to dramatically increase funding for the Individuals with Disabilities Act (IDEA). My legislation would more than double the federal commitment to IDEA funding within four years. The legislation, "Growing Resources in Educational Achievement for Today and Tomorrow" (GREATT IDEA) will take significant steps toward fulfilling the federal commitment to IDEA funding. The legislation will also free up additional funds for local school districts to be spent on their highest priorities, whether it be teacher training or salaries, reducing class sizes, school construction, library resources, technology, or music and arts education. The legislation is supported by the Pennsylvania School Boards Association and Pennsylvania Governor Tom Ridge who chairs the education committee of the National Governor's Association.

Every child is deserving of a high-quality education in an environment that encourages them to learn and grow to the best of their ability. Thanks to IDEA, many students are learning and achieving at levels previously thought impossible, graduating from high school, going to college and entering the workforce as productive citizens. We must encourage this progress and continue to give parents and teachers the resources they need to create opportunities for special children. By boldly increasing the IDEA funding level, we can keep more students in schools and help them achieve new measures of success.

Prior to IDEA's implementation in 1975, approximately 1 million children with disabilities were shut out of schools and hundreds of thousands more were denied appropriate services. Since then, IDEA has helped change the lives of these children. Congress had originally committed to cover 40 percent of IDEA's costs when it passed the original IDEA bill in 1975, with the remaining balance to be met by local communities and states. Over the years, however, while the law itself continues to work and children are being educated, the intended cost-sharing partnership has not been realized. The federal commitment of 40 percent will be reached within eight years if the funding stream established in GREATT IDEA is sustained. This is my first priority in helping local school districts provide the best education possible for elementary and secondary education.

I urge my colleagues to support this effort to double funding for IDEA within the next four years as we continue to work to fulfill this long neglected federal commitment and free up educational resources for local education. This legislation will fully fund more than 700,000 additional IDEA students at an average cost of $13,860 per student. We must accelerate the progress we have made by passing and funding this legislation.•

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2356. A bill to amend the Richard B. Russell National School Lunch Act to improve management of the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

CHILD AND ADULT CARE FOOD PROGRAM MANAGEMENT IMPROVEMENT ACT OF 2000

• Mr. LUGAR. Mr. President, I rise today to introduce a bill to restore confidence in the Child and Adult Care Food Program (CACFP) by attacking fraud and abuse discovered in the operation of the program.

Last year, the Inspector General of the United States Department of Agriculture released an audit of the CACFP, a nutrition program that reimburses the cost of meals at adult day care centers, child care centers and family day care homes. The IG's audit detailed extensive abuse of program funds by sponsor organizations. Sponsors are responsible for substantial monitoring and oversight of providers. In addition to the oversight function, the sponsors verify and forward CACFP claims to the Food and Nutrition Service (FNS) of the USDA and receive and distribute payments to providers. For their efforts, sponsors retain a portion of the reimbursement to large child care centers and are paid a flat administrative fee for each small day care home under their auspices. The Inspector General's findings were critical of both the FNS management of the program as well as the structure of CACFP that gives wide responsibility as well as the control of finances to sponsor organizations.

The results of the audit are staggering. The IG found in "Operation Kiddie Care" that 37 of 49 sponsors investigated were seriously deficient in program administration. Of the 37 sponsors, 16 have ultimately been terminated from the program. These 16 sponsors were receiving about $35 million annually. Forty-four people have been indicted or named in criminal documents for defrauding CACFP and twenty-eight of these individuals have pled guilty or have been convicted.

The IG concluded that the structure of CACFP is flawed. The program creates pools of money that invite abuse; sponsors of centers are able to retain up to 30 percent of program funds. The program encourages sponsors to ignore provider deficiencies since sponsors' administrative cost reimbursement is based on the number of providers they administer and the providers' reimbursement is based on the number of meals served. In addition, sponsor officials may increase their salaries by reducing funds for day care monitoring activities.

USDA has prepared this legislation to address the IG's concerns and conclusion. This bill will enable state agencies to deny the application of any sponsor that is found to be seriously deficient in any publicly-funded program, unlike current law which looks only at nutrition programs. For example, if the sponsor also runs a Head Start center and is not meeting Head Start management rules, that finding can disqualify the organization from participation in CACFP. The proposal will require organizations to have tax-exempt status from the Internal Revenue Service and will limit the amount a sponsor can withhold from child care centers. Public agencies (e.g., local health departments and schools) will be encouraged to participate as sponsors through reduced administrative requirements.

State agencies will have the ability to temporarily suspend payments without a hearing for up to 90 days. States will also be allowed to retain one-half of the funds collected through audits and state reviews. The FNS will also receive one-eighth of one percent of program funds to provide oversight which will generate $3 million annually compared to $1 million received under current law. Finally, FNS will be required to study the administrative payment structure.

While I am not certain that I will support all the provisions in USDA's bill, I am introducing it today to begin the process of discussing and refining it. I encourage all interested parties to contact the Agriculture Committee with their comments and suggestions.

Mr. President, the Federal government's nutrition programs are vitally important to millions of Americans. We cannot allow fraud and abuse of these programs to waste taxpayer dollars and undermine support for these crucial programs.•

• Mr. HARKIN. Mr. President, I am pleased to have this opportunity to join my colleague, the distinguished Chairman of the Agriculture, Nutrition, and Forestry Committee, Senator LUGAR, to introduce this legislation designed to address the fraud and abuse that has been found to be all too common in the Child and Adult Care Food Program (CACFP). It is intolerable that bad actors have tarnished the image of this important and laudable program of nutrition assistance. We need to move aggressively to pass legislation to make the necessary changes to root out fraud and abuse while maintaining CACFP's effectiveness and restoring its integrity.

Finding quality day care is one of the most difficult problems facing working families today. CACFP is a very good program that helps meet that need. The program, which is administered through the Food and Nutrition Service of the U.S. Department of Agriculture, reimburses the costs of meals and snacks at family day care homes, child care centers and adult day care homes. Because of the important role CACFP serves, Congress expanded it modestly in 1998 to help support after-school activities for older children. In fiscal 1999, some 2.6 million children were served on average each day through CACFP, with the total cost of the program amounting to about $1.6 billion.

It is my understanding that USDA's Food and Nutrition Service recognized that there were problems in the operation of CACFP and asked USDA's Inspector General to audit the program. Simply put, the results of the audit cry out for action. In an audit covering nearly three years, the IG found 37 sponsors in 23 states have had serious problems in carrying out CACFP. There were at least 30 criminal investigations and more than 40 individuals charged with defrauding CACFP. Notably, the IG found that the Department of Agriculture and the States should have done more to prevent the fraud and abuse that was prevalent in the program. Also the IG found structural problems in CACFP itself that make the program more susceptible to fraud and abuse.

The legislation Senator LUGAR and I are introducing today has been drafted by USDA to respond to the problems and shortcomings in CACFP identified by the IG. There are a number of good provisions and ideas in this legislation. I do not necessarily endorse all of the specific aspects of this bill, but it is a strong and thoughtful starting point for further consideration and for urgently-needed legislative action to address problems in CACFP that cannot be allowed to continue.

I echo the remarks of my colleague, Senator LUGAR, on the importance of the Federal nutrition programs and the need to combat fraud and abuse, so that we can prevent the waste of taxpayer dollars and maintain support for the programs. There is no inconsistency in strongly supporting child nutrition programs, yet vigorously fighting fraud and abuse in those programs. The truth of the matter is that every dollar siphoned off to fraud and abuse is a dollar that could better be spent improving the nutrition of our nation's children.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 660

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation.

S. 915

At the request of Mr. GRAMM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 915, a bill to amend title XVIII of the Social Security Act to expand and make permanent the medicare subvention demonstration project for military retirees and dependents

S. 916

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 916, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 1020

At the request of Mr. BUNNING, his name was withdrawn as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Indiana (Mr. LUGAR), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2037

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals.

S. 2056

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2056, a bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2093

At the request of Mr. DOMENICI, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2093, a bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program.

S. 2218

At the request of Mr. CLELAND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2218, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes.

S. 2277

At the request of Mr. ROTH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Indiana (Mr. LUGAR), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. KERREY), the Senator from Texas (Mr. GRAMM), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2322

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2322, a bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes.

S. 2324

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2324, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

S. 2337

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 2340

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was withdrawn as a cosponsor of S. 2340, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

S. CON. RES. 69

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Washington (Mr. GORTON), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. CON. RES. 84

At the request of Mr. WARNER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Maine (Ms. SNOWE), the Senator from South Carolina (Mr. THURMOND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN-77, the last vessel of the historic "*Nimitz*" class of aircraft carriers, as the U.S.S. *Lexington*.

S. CON. RES. 87

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 102—TO COMMEND THE BRAVERY AND HONOR OF THE CITIZENS OF REMY, FRANCE, FOR THEIR ACTIONS WITH RESPECT TO LIEUTENANT HOUSTON BRALY AND TO RECOGNIZE THE EFFORTS OF THE 364TH FIGHTER GROUP TO RAISE FUNDS TO RESTORE THE STAINED GLASS WINDOWS OF A CHURCH IN REMY

Mrs. FEINSTEIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 102

Whereas on August 2, 1944, a squadron of P-51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds through its project "Windows for Remy" to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly, during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution. I tried to submit it during the first session of the 106th Congress, but due to a clerical error, it was never printed. This resolution commends and remembers events that transpired in Remy, France as its citizens honored the fallen World War II Army Air Corps pilot, Lieutenant Houston Braly. This inspiring story happened over fifty years ago, but its example of compassion and brotherhood remains in our hearts and minds.

On August 2, 1944, Lt. Braly's squadron of P-51 fighters on patrol in northern France encountered a German munitions train. After three unsuccessful attacks at the camouflaged train, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train, haystacks in fields some distance away burned, and nearly all buildings in the small French town were demolished. A 13th century church in the town of Remy barely escaped destruction, but its historic stained-glass windows were shattered.

It was this explosion that tragically claimed the life of Lt. Braly at only twenty-two years of age.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers left flowers around his body, stunning German authorities.

The next morning, German authorities discovered that villagers continued to pay tribute to the young pilot despite threats of punishment. The placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople.

Almost 50 years later, Steven Lea Vell of Danville, California, discovered this story in his research. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had never been replaced. He contacted members of the 364th Fighter Group, under which Lt. Braly had served. After hearing how the residents of Remy had honored their fallen friend, veterans joined together to form Windows for Remy, a non-profit organization that would raise $200,000 to replace the stained glass windows as a gesture of thanks to Remy for its deeds.

On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to "Rue de Houston L. Braly, Jr."

I know that my fellow Senators will want to join me in commending the people of Remy for their kindness and recognized the comrades of Lt. Braly for their goodwill.

AMENDMENTS SUBMITTED

ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2000

STEVENS (AND MURKOWSKI) AMENDMENT NO. 2905

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill (S. 2214) to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; as follows:

On page 15, beginning on line 7, delete "and (20)" and insert in lieu thereof:

"(20) require project agreement to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this Act; and

"(21)".

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

ALLARD (AND OTHERS) AMENDMENT NO. 2906

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. ENZI, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

At the end of the resolution, insert the following:

TITLE —SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. 1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. 2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $15,000,000,000 in fiscal year 2001 and shall increase by an additional $15,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term "social security reform legislation" means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. 3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. 4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. 5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. 6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term "outlays" shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term "revenues" shall include all revenues of the United States excluding borrowing.

VOINOVICH AMENDMENT NO. 2907

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 28, strike beginning with line 22 and all that follows through page 29, line 5.

INHOFE AMENDMENT NO. 2908

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) local educational agencies are obligated to provide a free public education to all children even though Federal activity may deprive the local educational agencies of the ability to collect sufficient property or sales taxes to support the education of the children;

(2) the Impact Aid program is designed to compensate local educational agencies for the substantial and continuing financial burden resulting from tax revenue lost as a result of Federal activities;

(3) the Impact Aid program has not been fully funded since 1980 and this shortfall has caused local educational agencies to forego needed infrastructure repairs, delay the purchase of educational materials, delay the purchase of properly equipped buses for disabled children, and delay other pressing needs; and

(4) both Congress and the Administration have committed to making education a top priority.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Impact Aid program should be fully funded in the fiscal year 2001 appropriations cycle.

ALLARD (AND OTHERS) AMENDMENTS NOS. 2909–2910

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. ENZI, and Mr. GRAMS) submitted two amendments intended to be proposed by them to the concurrent resolution (S. Con. Res. 101), supra; as follows:

AMENDMENT NO. 2909

At the end of the resolution, insert the following:

TITLE —

SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. 1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. 2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $10,000,000,000 in fiscal year 2001 and shall increase by an additional $10,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term "social security reform legislation" means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. 3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. 4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. 5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. 6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term "outlays" shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term "revenues" shall include all revenues of the United States excluding borrowing.

AMENDMENT NO. 2910

At the end of the resolution, insert the following:

TITLE —

SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT

SEC. 1. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. 2. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $10,000,000,000 in fiscal year 2001 and shall increase by an additional $10,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term "social security reform legislation" means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. 3. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this title.

(b) WAIVER.—Congress may waive the provisions of this title for any fiscal year in which a declaration of war is in effect.

SEC. 4. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. 5. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this title.

SEC. 6. DEFINITIONS.

In this title:

(1) OUTLAYS.—The term "outlays" shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term "revenues" shall include all revenues of the United States excluding borrowing.

BOXER AMENDMENT NO. 2911

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The demand for after school education is very high, with more than 1,000,000 students waiting to get into such programs.

(2) After school programs improve educational achievement and have widespread support, with over 90 percent of the American people supporting such programs.

(3) 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with the presidents of the Fraternal Order of Police, and the International Union of Police Associations, support government funding of after school programs.

(4) Many of our Nation's governors endorse increasing the number of after school programs through a Federal and State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the President's level of funding for after school programs in fiscal year 2001 will be provided, which will accommodate the current need for after school programs.

KOHL (AND OTHERS) AMENDMENT NO. 2912

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. LEAHY, Mr. BRYAN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 36, strike beginning with line 1 and all that follows through page 37, line 5.

BOND AMENDMENT NO. 2913

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Smoking begun by children during their teen years and even earlier turns the lives of far too many Americans into nightmares decades later, plagued by disease and premature death.

(2) The Federal Government should leave a legacy of more healthy Americans and fewer victims of tobacco-related illness.

(3) Efforts by the Federal Government should seek to protect young people from the dangers of smoking.

(4) Discount tobacco stores, sometimes known as smoke shops, operate to sell high volumes of cigarettes and other tobacco products, often at significantly reduced prices, with each tobacco outlet often selling millions of discount cigarettes each year.

(5) Studies by the Surgeon General and the Centers for Disease Control and Prevention demonstrate that children are particularly susceptible to price differentials in cigarettes, such as those available through smoke shop discounts.

(6) The Department of Housing and Urban Development is using Federal funds for grants to construct not less than 6 smoke shops or facilities that contain a smoke shop.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

HUTCHISON (AND OTHERS) AMENDMENT NO. 2914

Mrs. HUTCHISON (for herself, Mr. ASHCROFT, Mr. BROWNBACK, and Mr. SESSIONS) proposed an amendment to the concurrent resolution, S Con. Res. 101, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE TO PROVIDE RELIEF FROM THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and a key institution for preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) a report to the Treasury Department's Office of Tax Analysis estimates that in 1999, 48 percent of married couples will pay a marriage penalty under the present tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1400 a year.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the level in this budget resolution assume that the Congress shall:

(1) pass marriage penalty tax relief legislation that begins a phase down of this penalty in 2001;

(2) consider such legislation prior to April 15, 2000.

ROBB (AND OTHERS) AMENDMENT NO. 2915

Mr. ROBB (for himself, Mr. KENNEDY, Mr. WYDEN, Mr. GRAHAM, Mr. BRYAN, Mr. DORGAN, Mr. BAUCUS, Mr. BINGAMAN, Mr. JOHNSON, and Mr. SCHUMER) proposed an amendment to amendment No. 2915 proposed by Mrs. HUTCHISON to the concurrent resolution, S Con. Res. 101, supra; as follows:

At the end of the amendment, add the following:

SEC. . REVENUE REDUCTION CONTINGENT ON OUTPATIENT PRESCRIPTION DRUG LEGISLATION.

(a) FINDINGS.—Congress finds that—

(1) a medicare outpatient prescription drug benefit should be established before exhausting the on-budget surplus on excessive tax cuts;

(2) while the Senate budget resolution provides a date certain for the consideration of $150,000,000,000 in tax cuts, it does not include a similar instruction for the enactment of an outpatient prescription drug benefit;

(3) all seniors should have access to a voluntary, reliable, affordable medicare drug benefit that assists them with the high cost of prescription drugs and protects them against excessive out-of-pocket costs; and

(4) 64 percent of medicare beneficiaries have unreliable or no drug coverage at all.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a reconciliation bill resulting in a net reduction in revenues unless Congress has previously enacted legislation that—

(1) provides an outpatient prescription drug benefit under the Medicare program consistent with Medicare reform; and

(2) includes a certification that the legislation complies with paragraph (1) of this section.

(c) SUPERMAJORITY WAIVER AND APPEAL.—The point of order established in this section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SHELBY AMENDMENTS NOS. 2916–2917

(Ordered to lie on the table.)

Mr. SHELBY submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2916

Beginning on page 66, line 15, strike all through page 67, line 10, and insert the following:

SEC. . SENSE OF THE SENATE ON TAX SIMPLIFICATION.

(a) FINDINGS.—Congress finds that—

(1) the Internal Revenue Code of 1986 (referred to in this section as the "tax code") has become increasingly complex, undermining confidence in the system, and often undermining the principles of simplicity, efficiency, and equity;

(2) some have estimated that the resources required to keep records and file returns already cost American families an additional 10 percent to 20 percent over what they actually pay in income taxes;

(3) the tax code penalizes saving and investment by imposing tax on these important activities twice while promoting consumption by only taxing income used for consumption once;

(4) the tax code stifles economic growth by discouraging work and capital formation through high tax rates; and

(5) if it is to enact a greatly simplified tax code, Congress should have a thorough understanding of the problem as well as specific proposals to consider.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year;

(2) the Department of the Treasury is requested to develop a report and alternative proposals on tax simplification by the end of the year; and

(3) Congress should move expeditiously to consider these and other comprehensive proposals to reform the Internal Revenue Code of 1986.

AMENDMENT NO. 2917

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Nation's children have become the ever increasing targets of marketing activity.

(2) Such marketing activity, which includes Internet sales pitches, commercials broadcast via in-classroom television programming, product placements, contests, and giveaways, is taking place every day during class time in our Nation's public schools.

(3) Many State and local entities enter into arrangements allowing marketing activity in schools in an effort to make up budgetary shortfalls or to gain access to expensive technology or equipment.

(4) These marketing efforts take advantage of the time and captive audiences provided by taxpayer-funded schools.

(5) These marketing efforts involve activities that compromise the privacy of our Nation's children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in-school marketing and information-gathering activities—

(A) are a waste of student class time and taxpayer money;

(B) exploit captive student audiences for commercial gain; and

(C) compromise the privacy rights of our Nation's school children and are a violation of the public trust Americans place in the public education system;

(2) State and local educators should remove commercial distractions from our Nation's public schools and should protect the privacy of school-aged children in our Nation's classrooms;

(3) Federal funds should not be used in any way to support the commercialization of our Nation's classrooms or the exploitation of student privacy, nor to purchase advertisements from entities that market to school children or violate student privacy during the school day; and

(4) Federal funds should be made available, in the form of block grants, to State and local entities in order to provide the entities with the financial flexibility to avoid the necessity of having to enter into relationships with third parties that involve violations of student privacy or the introduction of commercialization into our Nation's classrooms.

HUTCHINSON (AND OTHERS) AMENDMENT NO. 2918

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself, Mr. GRASSLEY, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON INCREASED FUNDING FOR THE HIDTA PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) the Anti-Drug Abuse Act of 1988 authorizes the Director of the Office of National Drug Control Policy (ONDCP) to designate areas within the United States which exhibit serious drug trafficking problems and harmfully impact other areas of the country as High Intensity Drug Trafficking Areas (HIDTA);

(2) since 1990, 31 areas within 40 of the United States have been designated as HIDTAs and thus are the recipients of additional federal funds to help eliminate or reduce drug trafficking and its harmful consequences;

(3) a HIDTA designation facilitates cooperation between federal, state, and local law enforcement organizations and thereby maximizes the effectiveness and efficiency of drug control efforts;

(4) the HIDTA program is strongly supported by the federal, state and local law enforcement communities as an invaluable tool in the effort to reduce the production, distribution, and use of illegal substances;

(5) federal funding provided to HIDTAs has grown from $25 million in Fiscal Year 1990 to $191.2 million in Fiscal Year 2000; and

(6) nonetheless the President has not requested an increase in the amount of federal funding provided to the HIDTA program in Fiscal Year 2001.

(b) SENSE OF THE SENATE: It is the Sense of the Senate that the amount of federal funding provided to the HIDTA program in Fiscal Year 2001 should reflect Congress' commitment over the last decade to enhance this vital public program by increasing its annual spending level accordingly.

HUTCHINSON AMENDMENTS NOS. 2919–2920

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2919

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE TO DOUBLE THE FEDERAL INVESTMENT IN THE CONSOLIDATED HEALTH CENTERS PROGRAM OVER THE NEXT FIVE YEARS.

(a) FINDINGS.—The Senate finds that—

(1) Whereas the uninsured population in the United States is over 44 million and continue to grow;

(2) Whereas the majority of the uninsured population are rural residents, minority populations, single-parent families and working families;

(3) Whereas consolidated health centers serve as a safety net for more than 11 million patients nationwide, including 4.4 million people with no health insurance;

(4) Whereas health centers serve one of every 6 low-income children, one of every 12 rural residents, one of every 4 homeless persons, and one of every 5 babies born to low-income families;

(5) Whereas over half of health centers are located in rural areas;

(6) Whereas health centers provide primary and preventive care to low-income, uninsured, and under-insured individuals for less than $1 per day;

(7) Whereas the President requested a $15 million increase for consolidated health centers in Fiscal Year 2000;

(8) Whereas Congress recognized the value of consolidated health centers in serving the under-served and appropriated a $100 million increase in funding for consolidated health centers in Fiscal Year 2000;

(b) SENSE OF THE SENATE: It is the Sense of the Senate that the federal investment in the consolidated health centers program should double in funding over the next five years.

AMENDMENT NO. 2920

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS WITH RESPECT TO PRESIDENT CLINTON'S ADHERENCE TO PUBLIC LAW 106–38.

Whereas on May 18, 1999 the Senate passed H.R. 4, which had been amended by striking all after the enacting clause and substituted the text of S. 257, the Cochran-Inouye National Missile Defense Act of 1999, by a vote of 97 to 3.

Whereas the House of Representatives agreed to the Senate amendment and approved H.R. 4 by a vote of 345 to 71.

Whereas H.R. 4, as presented to the president, stated that "it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack."

Whereas when the President signed H.R. 4 on July 22, 1999, it became Public Law 106–38.

Whereas in a statement released on July 23, 1999 President Clinton stated that any decision to deploy a National Missile Defense System would be based upon four criteria: threat, cost, impact on arms control, and technological feasibility.

Whereas P.L. 106–38 does not accord the issues of threat, cost, and impact on arms control status as criteria which must be met before deploying a National Missile Defense system.

Whereas the only criteria to be met before the United States deploys a National Missile Defense system, as codified in P.L. 106–38, is technological possibility.

Whereas all of the technological components of the proposed National Missile Defense system have been demonstrated to be technologically possible by the Integrated Flight Test program.

Whereas President Clinton has publicly asserted that he will not make an affirmative deployment decision, despite the legal fulfillment of the criteria set forth in P.L. 106–38, until all four of his criteria have been satisfied.

Resolved by the Senate (the House of Representatives concurring) That it is the sense of the Congress that—

(1) Because the President insists upon the meeting of criteria, other than that specifically listed in the text of the National Missile Defense Act of 1999, as a precondition to the deployment of a National Missile Defense system, the President is knowingly and willfully violating both the letter and the spirit of P.L. 106–38.

HUTCHINSON (AND FRIST) AMENDMENT NO. 2921

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the General Accounting Office, for every dollar spent on elementary and secondary education funding for all students, the Federal Government provided an additional $4.73 per low-income student.

(2) Between 1992 and 1998, there was no significant change in the percentage of 4th graders who met the proficient or advanced standard in reading on the National Assessment of Educational Progress.

(3) Thirteen percent of 4th grade students assisted under part A of title I of the Elementary and Secondary Education Act of

1965 who took the 1998 National Assessment of Educational Progress reading test scored at or above the proficient level, compared with 40 percent of higher-income students.

(4) After 35 years and more than $120,000,000,000 spent on part A of title I of the Elementary and Secondary Education Act of 1965, the goal of closing the achievement gap for disadvantaged students is still unmet.

(5) New Federal education programs emphasize inputs, while educational reform under the Elementary and Secondary Education Act of 1965 will emphasize accountability in exchange for flexibility and student achievement for all children by closing the achievement gap.

(6) The funding levels in this resolution assume a net increase of $19,600,000,000 over the fiscal years 2001 through 2005 for programs under the Elementary and Secondary Education Act of 1965 that will be reauthorized in 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that increased funding for the reauthorized programs under the Elementary and Secondary Education Act of 1965 should be dedicated to innovative reforms that require academic achievement for all students and aim to close the achievement gap that exists for disadvantaged students.

TRIBAL SELF-GOVERANCE AMENDMENTS OF 1999

CAMPBELL AMENDMENT NO. 2922

Mr. KYL (for Mr. CAMPBELL) proposed an amendment to the bill (S. 979) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal Self-Governance Amendments of 1999”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws; and

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress—

(1) to permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) to call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(B) to permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) to affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) to strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) to provide for a measurable parallel reduction in the Federal bureaucracy as programs, services, functions, and activities (or portion thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE V—TRIBAL SELF-GOVERNANCE

“SEC. 501. DEFINITIONS.

“(a) IN GENERAL.—In this title:

“(1) CONSTRUCTION PROJECT.—The term ‘construction project’—

“(A) means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement; and

“(B) does not include construction program administration and activities described in paragraphs (1) through (3) of section 4(m), that may otherwise be included in a funding agreement under this title.

“(2) CONSTRUCTION PROJECT AGREEMENT.—The term ‘construction project agreement’ means a negotiated agreement between the Secretary and an Indian tribe, that at a minimum—

“(A) establishes project phase start and completion dates;

“(B) defines a specific scope of work and standards by which it will be accomplished;

“(C) identifies the responsibilities of the Indian tribe and the Secretary;

“(D) addresses environmental considerations;

“(E) identifies the owner and operations and maintenance entity of the proposed work;

“(F) provides a budget;

“(G) provides a payment process; and

“(H) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years.

“(3) GROSS MISMANAGEMENT.—The term ‘gross mismanagement’ means a significant, clear, and convincing violation of a compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, or activities (or portions thereof) assumed by an Indian tribe.

“(4) INHERENT FEDERAL FUNCTIONS.—The term ‘inherent Federal functions’ means those Federal functions which cannot legally be delegated to Indian tribes.

“(5) INTER-TRIBAL CONSORTIUM.—The term ‘inter-tribal consortium’ means a coalition of 2 or more separate Indian tribes that join together for the purpose of participating in self-governance, including tribal organizations.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(7) SELF-GOVERNANCE.—The term ‘self-governance’ means the program of self-governance established under section 502.

“(8) TRIBAL SHARE.—The term ‘tribal share’ means an Indian tribe’s portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions.

“(b) INDIAN TRIBE.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term ‘Indian tribe’ as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

“SEC. 502. ESTABLISHMENT.

“The Secretary shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the ‘Tribal Self-Governance Program’ in accordance with this title.

"SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolution.

"(b) ADDITIONAL PARTICIPANTS.—

"(1) IN GENERAL.—In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

"(2) TREATMENT OF CERTAIN INDIAN TRIBES.—

"(A) IN GENERAL.—An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

"(B) EFFECT OF WITHDRAWAL.—If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, that Indian tribe shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that the Indian tribe will be carrying out under the compact and funding agreement of the Indian tribe.

"(C) PARTICIPATION IN SELF-GOVERNANCE.—In no event shall the withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

"(c) APPLICANT POOL.—

"(1) IN GENERAL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

"(A) successfully completes the planning phase described in subsection (d);

"(B) has requested participation in self-governance by resolution or other official action by the governing body of each Indian tribe to be served; and

"(C) has demonstrated, for 3 fiscal years, financial stability and financial management capability.

"(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subsection, evidence that, during the 3-year period referred to in paragraph (1)(C), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

"(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

"(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraph (1) (B) and (C) of subsection (c) shall be eligible for grants—

"(1) to plan for participation in self-governance; and

"(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

"(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

"SEC. 504. COMPACTS.

"(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only be amended by mutual agreement of the parties.

"(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title shall have the option at any time after the date of enactment of this title to—

"(1) retain the Tribal Self-Governance Demonstration Project compact of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

"(2) instead of retaining a compact or portion thereof under paragraph (1), negotiate a new compact in a manner consistent with the requirements of this title.

"(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retrocession, or reassumption.

"SEC. 505. FUNDING AGREEMENTS.

"(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—

"(1) IN GENERAL.—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of discretionary Indian Health Service competitive grants (excluding congressionally earmarked competitive grants), for all programs, services, functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service (or of such other agency) within which the program, service, function, or activity (or portion thereof) is performed.

"(2) INCLUSION OF CERTAIN PROGRAMS, SERVICES, FUNCTIONS, AND ACTIVITIES.—Such programs, services, functions, or activities (or portions thereof) include all programs, services, functions, activities (or portions thereof), including grants (which may be added to a funding agreement after an award of such grants), with respect to which Indian tribes or Indians are primary or significant beneficiaries, administered by the Department of Health and Human Services through the Indian Health Service and all local, field, service unit, area, regional, and central headquarters or national office functions administered under the authority of—

"(A) the Act of November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13);

"(B) the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.);

"(C) the Act of August 5, 1954 (68 Stat. 674, chapter 658);

"(D) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

"(E) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.);

"(F) any other Act of Congress authorizing any agency of the Department of Health and Human Services to administer, carry out, or provide financial assistance to such a program, service, function or activity (or portions thereof) described in this section that is carried out for the benefit of Indians because of their status as Indians; or

"(G) any other Act of Congress authorizing such a program, service, function, or activity (or portions thereof) carried out for the benefit of Indians under which appropriations are made available to any agency other than an agency within the Department of Health and Human Services, in any case in which the Secretary administers that program, service, function, or activity (or portion thereof).

"(c) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—It shall not be a requirement that an Indian tribe or Indians be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

"(d) FUNDING AGREEMENT TERMS.—Each funding agreement under this title shall set forth—

"(1) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered; and

"(2) for the items identified in paragraph (1)—

"(A) the general budget category assigned;

"(B) the funds to be provided, including those funds to be provided on a recurring basis;

"(C) the time and method of transfer of the funds;

"(D) the responsibilities of the Secretary; and

"(E) any other provision with respect to which the Indian tribe and the Secretary agree.

"(e) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

"(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title III on the date of enactment of this title shall have the option at any time thereafter to—

"(1) retain the Tribal Self-Governance Demonstration Project funding agreement of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

"(2) instead of retaining a funding agreement or portion thereof under paragraph (1), negotiate a new funding agreement in a manner consistent with the requirements of this title.

"(g) STABLE BASE FUNDING.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, funds available under section 106(a)) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations by sub-sub activity excluding earmarks.

"SEC. 506. GENERAL PROVISIONS.

"(a) APPLICABILITY.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, include provisions that reflect such requirements in a compact or funding agreement.

"(b) CONFLICTS OF INTEREST.—Indian tribes participating in self-governance under this title shall ensure that internal measures are in place to address conflicts of interest in the administration of self-governance programs, services, functions, or activities (or portions thereof).

"(c) AUDITS.—

"(1) SINGLE AGENCY AUDIT ACT.—The provisions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

"(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to the provisions of section 106(f).

"(d) RECORDS.—

"(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

"(e) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

"(f) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, such retrocession will become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

"(1) the earlier of—

"(A) 1 year after the date of submission of such request; or

"(B) the date on which the funding agreement expires; or

"(2) such date as may be mutually agreed upon by the Secretary and the Indian tribe.

"(g) WITHDRAWAL.—

"(1) PROCESS.—

"(A) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

"(B) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the participating tribal organization or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

"(i) the earlier of—

"(I) 1 year after the date of submission of such request; or

"(II) the date on which the funding agreement expires; or

"(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

"(2) DISTRIBUTION OF FUNDS.—When an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization—

"(A) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds supporting those programs, services, functions, or activities (or portions thereof) that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated in the funding agreement of the inter-tribal consortium or tribal organization); and

"(B) the funds referred to in subparagraph (A) shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, on the condition that the provisions of sections 102 and 105(i), as appropriate, shall apply to that withdrawing Indian tribe.

"(3) REGAINING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some programs, services, functions, or activities (or portions thereof) carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

"(h) NONDUPLICATION.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

"SEC. 507. PROVISIONS RELATING TO THE SECRETARY.

"(a) MANDATORY PROVISIONS.—

"(1) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery—

"(A) to the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

"(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

"(2) REASSUMPTION.—

"(A) IN GENERAL.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to reassume operation of a program, service, function, or activity (or portions thereof) and associated funding if there is a specific finding relative to that program, service, function, or activity (or portion thereof) of—

"(i) imminent endangerment of the public health caused by an act or omission of the Indian tribe, and the imminent endangerment arises out of a failure to carry out the compact or funding agreement; or

"(ii) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

"(B) PROHIBITION.—The Secretary shall not reassume operation of a program, service, function, or activity (or portions thereof) unless—

"(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe; and

"(ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

"(C) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (B), the Secretary may, upon written notification to the Indian tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) if—

"(I) the Secretary makes a finding of imminent substantial and irreparable endangerment of the public health caused by an act or omission of the Indian tribe; and

"(II) the endangerment arises out of a failure to carry out the compact or funding agreement.

"(ii) REASSUMPTION.—If the Secretary reassumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the Indian tribe with a hearing on the record not later than 10 days after such reassumption.

"(D) HEARINGS.—In any hearing or appeal involving a decision to reassume operation of a program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

"(b) FINAL OFFER.—In the event the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary. Not more than 45 days after such submission, or within a longer time agreed upon by the Indian tribe, the Secretary shall review and make a determination with respect to such offer. In the absence of a timely rejection of the offer, in whole or in part, made in compliance with subsection (c), the offer shall be deemed agreed to by the Secretary.

“(c) Rejection of Final Offers.—

“(1) In general.—If the Secretary rejects an offer made under subsection (b) (or 1 or more provisions or funding levels in such offer), the Secretary shall provide—

“(A) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

“(i) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

“(ii) the program, function, service, or activity (or portion thereof) that is the subject of the final offer is an inherent Federal function that cannot legally be delegated to an Indian tribe;

“(iii) the Indian tribe cannot carry out the program, function, service, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health; or

“(iv) the Indian tribe is not eligible to participate in self-governance under section 503;

“(B) technical assistance to overcome the objections stated in the notification required by subparagraph (A);

“(C) the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, except that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a Federal district court pursuant to section 110(a); and

“(D) the Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

“(2) Effect of exercising certain option.—If an Indian tribe exercises the option specified in paragraph (1)(D), that Indian tribe shall retain the right to appeal the Secretary's rejection under this section, and subparagraphs (A), (B), and (C) of that paragraph shall only apply to that portion of the proposed final compact, funding agreement, or provision thereof that was rejected by the Secretary.

“(d) Burden of Proof.—With respect to any hearing or appeal or civil action conducted pursuant to this section, the Secretary shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting the offer (or a provision thereof) made under subsection (b).

“(e) Good Faith.—In the negotiation of compacts and funding agreements the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy. The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance, in a manner consistent with the purposes specified in section 3 of the Tribal Self-Governance Amendments of 1999.

“(f) Savings.—To the extent that programs, functions, services, or activities (or portions thereof) carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 508(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

“(g) Trust Responsibility.—The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

“(h) Decisionmaker.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made either—

“(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

“(2) by an administrative judge.

“SEC. 508. TRANSFER OF FUNDS.

“(a) In General.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

“(b) Multiyear Funding.—The Secretary may employ, upon tribal request, multiyear funding agreements. References in this title to funding agreements shall include such multiyear funding agreements.

“(c) Amount of Funding.—The Secretary shall provide funds under a funding agreement under this title in an amount equal to the amount that the Indian tribe would have been entitled to receive under self-determination contracts under this Act, including amounts for direct program costs specified under section 106(a)(1) and amounts for contract support costs specified under section 106(a) (2), (3), (5), and (6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members, all without regard to the organizational level within the Department where such functions are carried out.

“(d) Prohibitions.—

“(1) In general.—Except as provided in paragraph (2), the Secretary is expressly prohibited from—

“(A) failing or refusing to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

“(B) withholding portions of such funds for transfer over a period of years; and

“(C) reducing the amount of funds required under this Act—

“(i) to make funding available for self-governance monitoring or administration by the Secretary;

“(ii) in subsequent years, except pursuant to—

“(I) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;

“(II) a congressional directive in legislation or accompanying report;

“(III) a tribal authorization;

“(IV) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

“(V) completion of a project, activity, or program for which such funds were provided;

“(iii) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

“(iv) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance;

“(2) Exception.—The funds described in paragraph (1)(C) may be increased by the Secretary if necessary to carry out this Act or as provided in section 105(c)(2).

“(e) Other Resources.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall acquire and transfer such personnel, supplies, or resources to the Indian tribe.

“(f) Reimbursement to Indian Health Service.—With respect to functions transferred by the Indian Health Service to an Indian tribe, the Indian Health Service shall provide goods and services to the Indian tribe, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received from those goods and services, along with the funds received from the Indian tribe pursuant to this title, may be credited to the same or subsequent appropriation account which provided the funding, such amounts to remain available until expended.

“(g) Prompt Payment Act.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

“(h) Interest or Other Income on Transfers.—An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this title shall be managed using the prudent investment standard.

“(i) Carryover of Funds.—All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from 1 year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

“(j) Program Income.—All medicare, medicaid, or other program income earned by an Indian tribe shall be treated as supplemental funding to that negotiated in the funding agreement. The Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for medicare and medicaid receipts. Such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

“(k) Limitation of Costs.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

“SEC. 509. CONSTRUCTION PROJECTS.

“(a) In General.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

“(1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under such laws; and

“(2) accepting the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under such environmental laws.

“(b) Negotiations.—Construction project proposals shall be negotiated pursuant to the statutory process in section 105(m) and resulting construction project agreements shall be incorporated into funding agreements as addenda.

“(c) Codes and Standards.—The Indian tribe and the Secretary shall agree upon and specify appropriate building codes and architectural and engineering standards (including health and safety) which shall be in conformity with nationally recognized standards for comparable projects.

“(d) Responsibility for Completion.—The Indian tribe shall assume responsibility for the successful completion of the construction project in accordance with the negotiated construction project agreement.

“(e) Funding.—Funding for construction projects carried out under this title shall be included in funding agreements as annual advance payments, with semiannual payments at the option of the Indian tribe. Annual advance and semiannual payment amounts shall be determined based on mutually agreeable project schedules reflecting work to be accomplished within the advance payment period, work accomplished and funds expended in previous payment periods, and the total prior payments. The Secretary shall include associated project contingency funds with each advance payment installment. The Indian tribe shall be responsible for the management of the contingency funds included in funding agreements.

“(f) Approval.—The Secretary shall have at least 1 opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually. The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

“(g) Wages.—All laborers and mechanics employed by contractors and subcontractors in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Indian tribe.

“(h) Application of Other Laws.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction project conducted under this title.

“SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

“Notwithstanding any other provision of law, unless expressly agreed to by the participating Indian tribe, the compacts and funding agreements entered into under this title shall not be subject to Federal contracting or cooperative agreement laws and regulations (including Executive orders and the regulations relating to procurement issued by the Secretary), except to the extent that such laws expressly apply to Indian tribes.

“SEC. 511. CIVIL ACTIONS.

“(a) Contract Defined.—For the purposes of section 110, the term ‘contract’ shall include compacts and funding agreements entered into under this title.

“(b) Applicability of Certain Laws.—Section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987; chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts entered into by Indian tribes participating in self-governance under this title.

“(c) References.—All references in this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to include the first section of the Act of July 3, 1952 (66 Stat. 323, chapter 549; 25 U.S.C. 82a).

“SEC. 512. FACILITATION.

“(a) Secretarial Interpretation.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders and regulations in a manner that will facilitate—

“(1) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;

“(2) the implementation of compacts and funding agreements entered into under this title; and

“(3) the achievement of tribal health goals and objectives.

“(b) Regulation Waiver.—

“(1) In general.—An Indian tribe may submit a written request to waive application of a regulation promulgated under section 517 or the authorities specified in section 505(b) for a compact or funding agreement entered into with the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation sought to be waived and the basis for the request.

“(2) Approval.—Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt shall be deemed an approval of such request. The Secretary's decision shall be final for the Department.

“(c) Access to Federal Property.—In connection with any compact or funding agreement executed pursuant to this title or an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 1999, upon the request of an Indian tribe, the Secretary—

“(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the Indian tribe for their use and maintenance;

“(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

“(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

“(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of retrocession, withdrawal, or reassumption, at the option of the Secretary upon the retrocession, withdrawal, or reassumption, title to such property and equipment shall revert to the Department of Health and Human Services; and

“(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were vested in the United States; and

“(3) shall acquire excess or surplus Government personal or real property for donation to an Indian tribe if the Secretary determines the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

“(d) Matching or Cost-Participation Requirement.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

"(e) STATE FACILITATION.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and other Federal laws benefiting Indians and Indian tribes.

"(f) RULES OF CONSTRUCTION.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

"SEC. 513. BUDGET REQUEST.

"(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

"(1) IN GENERAL.—The President shall identify in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund tribal base budgets. All funds so appropriated shall be apportioned to the Indian Health Service. Such funds shall be provided to the Office of Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are apportioned to the Office of Tribal Self-Governance under this section.

"(b) PRESENT FUNDING; SHORTFALLS.—In such budget request, the President shall identify the level of need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary of Health and Human Services, under self-determination contracts, or under compacts and funding agreements authorized under this title.

"SEC. 514. REPORTS.

"(a) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than January 1 of each year after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a written report regarding the administration of this title.

"(2) ANALYSIS.—The report under paragraph (1) shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribes or tribal organizations, not otherwise provided in this Act.

"(b) CONTENTS.—The report under subsection (a) shall—

"(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds; and

"(2) identify—

"(A) the relative costs and benefits of self-governance;

"(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

"(C) the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

"(D) the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under subsection (c); and

"(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions by type and location;

"(3) contain a description of the method or methods (or any revisions thereof) used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

"(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of no less than 30 days, beginning on the date of distribution); and

"(5) include the separate views and comments of the Indian tribes or tribal organizations.

"(c) REPORT ON FUND DISTRIBUTION METHOD.—Not later than 180 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that describes the method or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

"SEC. 515. DISCLAIMERS.

"(a) NO FUNDING REDUCTION.—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving an Indian tribe under this or other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

"(b) FEDERAL TRUST AND TREATY RESPONSIBILITIES.—Nothing in this Act shall be construed to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

"(c) TRIBAL EMPLOYMENT.—For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372) (commonly known as the 'National Labor Relations Act'), an Indian tribe carrying out a self-determination contract, compact, annual funding agreement, grant, or cooperative agreement under this Act shall not be considered an employer.

"(d) OBLIGATIONS OF THE UNITED STATES.—The Indian Health Service under this Act shall neither bill nor charge those Indians who may have the economic means to pay for services, nor require any Indian tribe to do so.

"SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

"(a) MANDATORY APPLICATION.—All provisions of sections 5(b), 6, 7, 102 (c) and (d), 104, 105 (k) and (l), 106 (a) through (k), and 111 of this Act and section 314 of Public Law 101-512 (coverage under chapter 171 of title 28, United States Code, commonly known as the 'Federal Tort Claims Act'), to the extent not in conflict with this title, shall apply to compacts and funding agreements authorized by this title.

"(b) DISCRETIONARY APPLICATION.—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe or tribes. If such provision is incorporated it shall have the same force and effect as if it were set out in full in this title. In the event an Indian tribe requests such incorporation at the negotiation stage of a compact or funding agreement, such incorporation shall be deemed effective immediately and shall control the negotiation and resulting compact and funding agreement.

"SEC. 517. REGULATIONS.

"(a) IN GENERAL.—

"(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of enactment of the Tribal Self-Governance Amendments of 1999.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire 21 months after the date of enactment of the Tribal Self-Governance Amendments of 1999.

"(b) COMMITTEE.—

"(1) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this Act.

"(2) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

"(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

"(e) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105(g) and regulations promulgated under section 517.

"SEC. 518. APPEALS.

"In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

"(1) the validity of the grounds for the decision made; and

"(2) that the decision is fully consistent with provisions and policies of this title.

"SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

"(b) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of this Act, the provision of funds under this Act shall be subject to the availability of appropriations and the Secretary is not required to reduce funding for programs, projects, or activities serving a tribe in order to make funds available to another tribe or tribal organization under this Act.".

SEC. 5. TRIBAL SELF-GOVERNANCE DEPARTMENT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

"SEC. 601. DEFINITIONS.

"(a) IN GENERAL.—In this title, the Secretary may apply the definitions contained in title V.

"(b) OTHER DEFINITIONS.—In this title:

"(1) AGENCY.—The term the term 'agency' means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

"(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

"(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider—

"(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

"(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

"(3) strategies for implementing such a demonstration project;

"(4) probable costs or savings associated with such a demonstration project;

"(5) methods to assure quality and accountability in such a demonstration project; and

"(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 603.

"(c) REPORT.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain—

"(1) the results of the study under this section;

"(2) a list of programs, services, functions, and activities (or portions thereof) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

"(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending statutes, or waiving regulations that the Secretary may not waive;

"(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

"(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

"SEC. 603. CONSULTATION.

"(a) STUDY PROTOCOL.—

"(1) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection.

"(2) REQUIREMENTS FOR PROTOCOL.—The protocol shall require, at a minimum, that—

"(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

"(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

"(C) the consultation process allows for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

"(b) CONDUCTING STUDY.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

"SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to carry out this title. Such sums shall remain available until expended.".

SEC. 6. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)(1)) is amended by inserting after "subsection (b)(3)" the following: "or any civil action conducted pursuant to section 110(a)".

SEC. 7. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(k)) is amended—

(1) by striking "deemed an executive agency" and inserting "deemed an executive agency and part of the Indian Health Service"; and

(2) by adding at the end the following: "For purposes of carrying out such contract, grant, or agreement, the Secretary shall, at the request of an Indian tribe, enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or under any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.".

SEC. 8. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

"(o) PATIENT RECORDS.—

"(1) IN GENERAL.—At the option of an Indian tribe or tribal organization, patient records may be deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the 'Federal Records Act of 1950' for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records.

"(2) TREATMENT OF RECORDS.—Patient records that are deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the 'Federal Records Act of 1950' pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.".

SEC. 9. ANNUAL REPORTS.

Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1) is amended—

(1) by redesignating subsections (c) through (n) as subsections (d) through (o), respectively; and

(2) by inserting after subsection (b), the following:

"(c) ANNUAL REPORTS.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

"(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contract support costs of tribal organizations under self-determination;

"(2) an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted;

"(3) the indirect cost rate and type of rate for each tribal organization that has been negotiated with the appropriate Secretary;

"(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

"(5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

"(6) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d).".

SEC. 10. REPEAL.

(a) IN GENERAL.—Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is repealed.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

SEC. 11. SAVINGS PROVISION.

Funds appropriated for title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

SEC. 12. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the "Secretary") may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

"Assistant Secretaries of Health and Human Services (6)."; and

(B) by inserting the following:

"Assistant Secretaries of Health and Human Services (7).".

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in the second sentence of paragraph (1), as so designated, by striking "a Director," and inserting "the Assistant Secretary for Indian Health,"; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: "The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

"(2) The Assistant Secretary for Indian Health shall—

"(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

"(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

"(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.".

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking "Director of the Indian Health Service" both places it appears and inserting "Assistant Secretary for Indian Health"; and

(ii) in subsection (d), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health"; and

(B) in section 816(c)(1), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

SEC. 13. APPLICATION TO ALASKA.

(a) Notwithstanding any other provision of law, nothing in this Act, the amendments made thereby, nor its implementation, shall affect

(1) the right of the Consortium or Southcentral Foundation to carry out the programs, functions, services and activities as specified in section 325 of Public Law 105–83 (111 Stat. 55–56), or

(2) the prohibitions in section 351 of section 101(e) of Division A, Public Law 105–277.

(b) Section 351 of section 101(e) of Division A, Public Law 105–277 and section 326 of Public Law 105–83 (111 Stat. 57) are amended by inserting "as amended" after the phrase "Public Law 93–638 (25 U.S.C. 450 et seq.)" where such phrase appears in each section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 5, 2000, at 9:30 a.m. to markup the nomination of Thomas N. Slonaker, to be Special Trustee for American Indians within the Department of the Interior, and to conduct a hearing on S. 612, "the Indian Needs Assessment and Program Evaluation Act of 1999." The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact Committee staff at 202/224–2251.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Commerce, Science, and Transportation will meet for an executive session on Thursday, April 13, 2000, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 9:30 a.m., in open session to receive testimony on U.S. support for counter-narcotics activities in the Andean Ridge and neighboring countries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 2:30 p.m. on export administration reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 10:30 a.m. and 2:00 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 3:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 2:30 p.m., in open session to receive testimony on joint requirements, capabilities, and experimentation in review of the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that the staff of the Senate Budget Committee, including fellows and detailees included on the list I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 101 and that the list be printed in the RECORD. The list includes majority and minority staff.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

Dan Brandt, Amy Call, Jim Capretta, Allen Cutler, Beth Felder, Rachel Forward, Alice Grant, Richard Greenough, Jim Hearn, Bill Hoagland, Carole McGuire, Mieko Nakabayashi, Kelly Neville, Maureen O'Neill, Cheri Reidy, Andrew Siracuse, Amy Smith, Bob Stevenson, Margaret Stewart, Cheryle Tucker, Winslow Wheeler, Jennifer Winkler, Sandra Wiseman, Gary Ziehe.

MINORITY STAFF

Nisha Antony, Claudia Arko, Gabby Batkin, Frederic Baron, Steven Benson, Maggie Bierwirth, Patrick Bogenberger, Rock Cheung, Jim Exquea, Bruce King, Lisa Konwinski, Martin Morris, Sue Nelson, Barry Strumpf, Mitch Warren.

ADMINISTRATIVE STAFF

Alex Green, Sahand Sarshar, Lamar Staples, Lynne Seymour, George Woodall.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Sue Nelson and Mitch Warren be granted full access to the floor, and also Jim Hearn and Jim Capretta.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96–114, as amended, announces the appointment of the following individuals to the Congressional Award Board: Elaine L. Chao, of Kentucky, and Linda Mitchell, of Mississippi.

The Chair, on behalf of the majority leader, after consultation with the Democratic Leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the reappointment of the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention: Michael W. McPhail, of Mississippi, to a one-year term; Dr. Larry K. Brendtro, of South Dakota, to a two-year term; and Charles Sims, of Mississippi, to a three-year term.

The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 89 (106th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Mississippi (Mr. LOTT), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Connecticut (Mr. DODD).

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 412, S. 979.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 979) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Amendments of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws; and

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress—

(1) to permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) to call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(B) to permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) to affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) to strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) to provide for a measurable parallel reduction in the Federal bureaucracy as programs, services, functions, and activities (or portion thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE V—TRIBAL SELF-GOVERNANCE

"SEC. 501. DEFINITIONS.

"(a) IN GENERAL.—In this title:

"(1) CONSTRUCTION PROJECT.—The term 'construction project'—

"(A) means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement; and

"(B) does not include construction program administration and activities described in paragraphs (1) through (3) of section 4(m), that may otherwise be included in a funding agreement under this title.

"(2) CONSTRUCTION PROJECT AGREEMENT.—The term 'construction project agreement' means a negotiated agreement between the Secretary and an Indian tribe, that at a minimum—

"(A) establishes project phase start and completion dates;

"(B) defines a specific scope of work and standards by which it will be accomplished;

"(C) identifies the responsibilities of the Indian tribe and the Secretary;

"(D) addresses environmental considerations;

"(E) identifies the owner and operations and maintenance entity of the proposed work;

"(F) provides a budget;

"(G) provides a payment process; and

"(H) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years.

"(3) GROSS MISMANAGEMENT.—The term 'gross mismanagement' means a significant, clear, and convincing violation of a compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, or activities (or portions thereof) assumed by an Indian tribe.

"(4) INHERENT FEDERAL FUNCTIONS.—The term 'inherent Federal functions' means those Federal functions which cannot legally be delegated to Indian tribes.

"(5) INTER-TRIBAL CONSORTIUM.—The term 'inter-tribal consortium' means a coalition of 2 or more separate Indian tribes that join together for the purpose of participating in self-governance, including tribal organizations.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(7) SELF-GOVERNANCE.—The term 'self-governance' means the program of self-governance established under section 502.

"(8) TRIBAL SHARE.—The term 'tribal share' means an Indian tribe's portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions.

"(b) INDIAN TRIBE.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term 'Indian tribe' as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

"SEC. 502. ESTABLISHMENT.

"The Secretary shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the 'Tribal Self-Governance Program' in accordance with this title.

"SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolution.

"(b) ADDITIONAL PARTICIPANTS.—

"(1) IN GENERAL.—In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

"(2) TREATMENT OF CERTAIN INDIAN TRIBES.—

"(A) IN GENERAL.—An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

"(B) EFFECT OF WITHDRAWAL.—If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, that Indian tribe shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that the Indian tribe will be carrying out under the compact and funding agreement of the Indian tribe.

"(C) PARTICIPATION IN SELF-GOVERNANCE.—In no event shall the withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

"(c) APPLICANT POOL.—

"(1) IN GENERAL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

"(A) successfully completes the planning phase described in subsection (d);

"(B) has requested participation in self-governance by resolution or other official action by the governing body of each Indian tribe to be served; and

"(C) has demonstrated, for 3 fiscal years, financial stability and financial management capability.

"(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subsection, evidence that, during the 3-year period referred to in paragraph (1)(C), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

"(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

"(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraph (1) (B) and (C) of subsection (c) shall be eligible for grants—

"(1) to plan for participation in self-governance; and

"(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

"(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

"SEC. 504. COMPACTS.

"(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only be amended by mutual agreement of the parties.

"(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title shall have the option at any time after the date of enactment of this title to—

"(1) retain the Tribal Self-Governance Demonstration Project compact of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

"(2) instead of retaining a compact or portion thereof under paragraph (1), negotiate a new compact in a manner consistent with the requirements of this title.

"(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retrocession, or reassumption.

"SEC. 505. FUNDING AGREEMENTS.

"(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—

"(1) IN GENERAL.—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of discretionary Indian Health Service competitive grants (excluding congressionally earmarked competitive grants), for all programs, services, functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service (or of such other agency) within which the program, service, function, or activity (or portion thereof) is performed.

"(2) INCLUSION OF CERTAIN PROGRAMS, SERVICES, FUNCTIONS, AND ACTIVITIES.—Such programs, services, functions, or activities (or portions thereof) include all programs, services, functions, activities (or portions thereof), including grants (which may be added to a funding agreement after an award of such grants), with respect to which Indian tribes or Indians are primary or significant beneficiaries, administered by the Department of Health and Human Services through the Indian Health Service and all local, field, service unit, area, regional, and central headquarters or national office functions administered under the authority of—

"(A) the Act of November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13);

"(B) the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.);

"(C) the Act of August 5, 1954 (68 Stat. 674, chapter 658);

"(D) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

"(E) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.);

"(F) any other Act of Congress authorizing any agency of the Department of Health and Human Services to administer, carry out, or provide financial assistance to such a program, service, function or activity (or portions thereof) described in this section that is carried out for the benefit of Indians because of their status as Indians; or

"(G) any other Act of Congress authorizing such a program, service, function, or activity (or portions thereof) carried out for the benefit of Indians under which appropriations are made available to any agency other than an agency within the Department of Health and Human Services, in any case in which the Secretary administers that program, service, function, or activity (or portion thereof).

"(c) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—It shall not be a requirement that an Indian tribe or Indians be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

"(d) FUNDING AGREEMENT TERMS.—Each funding agreement under this title shall set forth—

"(1) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered; and

"(2) for the items identified in paragraph (1)—

"(A) the general budget category assigned;

"(B) the funds to be provided, including those funds to be provided on a recurring basis;

"(C) the time and method of transfer of the funds;

"(D) the responsibilities of the Secretary; and

"(E) any other provision with respect to which the Indian tribe and the Secretary agree.

"(e) Subsequent Funding Agreements.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

"(f) Existing Funding Agreements.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title III on the date of enactment of this title shall have the option at any time thereafter to—

"(1) retain the Tribal Self-Governance Demonstration Project funding agreement of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

"(2) instead of retaining a funding agreement or portion thereof under paragraph (1), negotiate a new funding agreement in a manner consistent with the requirements of this title.

"(g) Stable Base Funding.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, funds available under section 106(a)) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations by sub-sub activity excluding earmarks.

"SEC. 506. GENERAL PROVISIONS.

"(a) Applicability.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, include provisions that reflect such requirements in a compact or funding agreement.

"(b) Conflicts of Interest.—Indian tribes participating in self-governance under this title shall ensure that internal measures are in place to address conflicts of interest in the administration of self-governance programs, services, functions, or activities (or portions thereof).

"(c) Audits.—

"(1) Single agency audit act.—The provisions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

"(2) Cost principles.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to the provisions of section 106(f).

"(d) Records.—

"(1) In general.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"(2) Recordkeeping system.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

"(e) Redesign and Consolidation.—An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

"(f) Retrocession.—An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, such retrocession will become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

"(1) the earlier of—

"(A) 1 year after the date of submission of such request; or

"(B) the date on which the funding agreement expires; or

"(2) such date as may be mutually agreed upon by the Secretary and the Indian tribe.

"(g) Withdrawal.—

"(1) Process.—

"(A) In general.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

"(B) Effective date.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the participating tribal organization or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

"(i) the earlier of—

"(I) 1 year after the date of submission of such request; or

"(II) the date on which the funding agreement expires; or

"(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

"(2) Distribution of funds.—When an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization—

"(A) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds supporting those programs, services, functions, or activities (or portions thereof) that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated in the funding agreement of the inter-tribal consortium or tribal organization); and

"(B) the funds referred to in subparagraph (A) shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, on the condition that the provisions of sections 102 and 105(i), as appropriate, shall apply to that withdrawing Indian tribe.

"(3) Regaining mature contract status.—If an Indian tribe elects to operate all or some programs, services, functions, or activities (or portions thereof) carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

"(h) Nonduplication.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

"SEC. 507. PROVISIONS RELATING TO THE SECRETARY.

"(a) Mandatory Provisions.—

"(1) Health status reports.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery—

"(A) to the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

"(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

"(2) Reassumption.—

"(A) In general.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to reassume operation of a program, service, function, or activity (or portions thereof) and associated funding if there is a specific finding relative to that program, service, function, or activity (or portion thereof) of—

"(i) imminent endangerment of the public health caused by an act or omission of the Indian tribe, and the imminent endangerment arises out of a failure to carry out the compact or funding agreement; or

"(ii) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

"(B) Prohibition.—The Secretary shall not reassume operation of a program, service, function, or activity (or portions thereof) unless—

"(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe; and

"(ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

"(C) Exception.—

"(i) In general.—Notwithstanding subparagraph (B), the Secretary may, upon written notification to the Indian tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) if—

"(I) the Secretary makes a finding of imminent substantial and irreparable endangerment of the public health caused by an act or omission of the Indian tribe; and

"(II) the endangerment arises out of a failure to carry out the compact or funding agreement.

"(ii) Reassumption.—If the Secretary reassumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the Indian tribe with a hearing on the record not later than 10 days after such reassumption.

"(D) Hearings.—In any hearing or appeal involving a decision to reassume operation of a

program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

"(b) FINAL OFFER.—In the event the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary. Not more than 45 days after such submission, or within a longer time agreed upon by the Indian tribe, the Secretary shall review and make a determination with respect to such offer. In the absence of a timely rejection of the offer, in whole or in part, made in compliance with subsection (c), the offer shall be deemed agreed to by the Secretary.

"(c) REJECTION OF FINAL OFFERS.—

"(1) IN GENERAL.—If the Secretary rejects an offer made under subsection (b) (or 1 or more provisions or funding levels in such offer), the Secretary shall provide—

"(A) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

"(i) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

"(ii) the program, function, service, or activity (or portion thereof) that is the subject of the final offer is an inherent Federal function that cannot legally be delegated to an Indian tribe;

"(iii) the Indian tribe cannot carry out the program, function, service, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health; or

"(iv) the Indian tribe is not eligible to participate in self-governance under section 503;

"(B) technical assistance to overcome the objections stated in the notification required by subparagraph (A);

"(C) the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, except that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a Federal district court pursuant to section 110(a); and

"(D) the Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

"(2) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian tribe exercises the option specified in paragraph (1)(D), that Indian tribe shall retain the right to appeal the Secretary's rejection under this section, and subparagraphs (A), (B), and (C) of that paragraph shall only apply to that portion of the proposed final compact, funding agreement, or provision thereof that was rejected by the Secretary.

"(d) BURDEN OF PROOF.—With respect to any hearing or appeal or civil action conducted pursuant to this section, the Secretary shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting the offer (or a provision thereof) made under subsection (b).

"(e) GOOD FAITH.—In the negotiation of compacts and funding agreements the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy. The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance, in a manner consistent with the purposes specified in section 3 of the Tribal Self-Governance Amendments of 1999.

"(f) SAVINGS.—To the extent that programs, functions, services, or activities (or portions thereof) carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 508(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

"(g) TRUST RESPONSIBILITY.—The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

"(h) DECISIONMAKER.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made either—

"(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

"(2) by an administrative judge.

"SEC. 508. TRANSFER OF FUNDS.

"(a) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

"(b) MULTIYEAR FUNDING.—The Secretary may employ, upon tribal request, multiyear funding agreements. References in this title to funding agreements shall include such multiyear funding agreements.

"(c) AMOUNT OF FUNDING.—The Secretary shall provide funds under a funding agreement under this title in an amount equal to the amount that the Indian tribe would have been entitled to receive under self-determination contracts under this Act, including amounts for direct program costs specified under section 106(a)(1) and amounts for contract support costs specified under section 106(a) (2), (3), (5), and (6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members, all without regard to the organizational level within the Department where such functions are carried out.

"(d) PROHIBITIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is expressly prohibited from—

"(A) failing or refusing to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

"(B) withholding portions of such funds for transfer over a period of years; and

"(C) reducing the amount of funds required under this Act—

"(i) to make funding available for self-governance monitoring or administration by the Secretary;

"(ii) in subsequent years, except pursuant to—

"(I) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;

"(II) a congressional directive in legislation or accompanying report;

"(III) a tribal authorization;

"(IV) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

"(V) completion of a project, activity, or program for which such funds were provided;

"(iii) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

"(iv) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance;

"(2) EXCEPTION.—The funds described in paragraph (1)(C) may be increased by the Secretary if necessary to carry out this Act or as provided in section 105(c)(2).

"(e) OTHER RESOURCES.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall acquire and transfer such personnel, supplies, or resources to the Indian tribe.

"(f) REIMBURSEMENT TO INDIAN HEALTH SERVICE.—With respect to functions transferred by the Indian Health Service to an Indian tribe, the Indian Health Service shall provide goods and services to the Indian tribe, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received from those goods and services, along with the funds received from the Indian tribe pursuant to this title, may be credited to the same or subsequent appropriation account which provided the funding, such amounts to remain available until expended.

"(g) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

"(h) INTEREST OR OTHER INCOME ON TRANSFERS.—An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this title shall be managed using the prudent investment standard.

"(i) CARRYOVER OF FUNDS.—All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from 1 year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

"(j) PROGRAM INCOME.—All medicare, medicaid, or other program income earned by an Indian tribe shall be treated as supplemental

funding to that negotiated in the funding agreement. The Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for medicare and medicaid receipts. Such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

"(k) LIMITATION OF COSTS.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

"SEC. 509. CONSTRUCTION PROJECTS.

"(a) IN GENERAL.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

"(1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under such laws; and

"(2) accepting the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under such environmental laws.

"(b) NEGOTIATIONS.—Construction project proposals shall be negotiated pursuant to the statutory process in section 105(m) and resulting construction project agreements shall be incorporated into funding agreements as addenda.

"(c) CODES AND STANDARDS.—The Indian tribe and the Secretary shall agree upon and specify appropriate building codes and architectural and engineering standards (including health and safety) which shall be in conformity with nationally recognized standards for comparable projects.

"(d) RESPONSIBILITY FOR COMPLETION.—The Indian tribe shall assume responsibility for the successful completion of the construction project in accordance with the negotiated construction project agreement.

"(e) FUNDING.—Funding for construction projects carried out under this title shall be included in funding agreements as annual advance payments, with semiannual payments at the option of the Indian tribe. Annual advance and semiannual payment amounts shall be determined based on mutually agreeable project schedules reflecting work to be accomplished within the advance payment period, work accomplished and funds expended in previous payment periods, and the total prior payments. The Secretary shall include associated project contingency funds with each advance payment installment. The Indian tribe shall be responsible for the management of the contingency funds included in funding agreements.

"(f) APPROVAL.—The Secretary shall have at least 1 opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually. The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

"(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Indian tribe.

"(h) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction project conducted under this title.

"SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

"Notwithstanding any other provision of law, unless expressly agreed to by the participating Indian tribe, the compacts and funding agreements entered into under this title shall not be subject to Federal contracting or cooperative agreement laws and regulations (including Executive orders and the regulations relating to procurement issued by the Secretary), except to the extent that such laws expressly apply to Indian tribes.

"SEC. 511. CIVIL ACTIONS.

"(a) CONTRACT DEFINED.—For the purposes of section 110, the term 'contract' shall include compacts and funding agreements entered into under this title.

"(b) APPLICABILITY OF CERTAIN LAWS.—Section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987; chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts entered into by Indian tribes participating in self-governance under this title.

"(c) REFERENCES.—All references in this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to include the first section of the Act of July 3, 1952 (66 Stat. 323, chapter 549; 25 U.S.C. 82a).

"SEC. 512. FACILITATION.

"(a) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders and regulations in a manner that will facilitate—

"(1) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;

"(2) the implementation of compacts and funding agreements entered into under this title; and

"(3) the achievement of tribal health goals and objectives.

"(b) REGULATION WAIVER.—

"(1) IN GENERAL.—An Indian tribe may submit a written request to waive application of a regulation promulgated under section 517 or the authorities specified in section 505(b) for a compact or funding agreement entered into with the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation sought to be waived and the basis for the request.

"(2) APPROVAL.—Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt shall be deemed an approval of such request. The Secretary's decision shall be final for the Department.

"(c) ACCESS TO FEDERAL PROPERTY.—In connection with any compact or funding agreement executed pursuant to this title or an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 1999, upon the request of an Indian tribe, the Secretary—

"(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the Indian tribe for their use and maintenance;

"(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

"(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

"(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of retrocession, withdrawal, or reassumption, at the option of the Secretary upon the retrocession, withdrawal, or reassumption, title to such property and equipment shall revert to the Department of Health and Human Services; and

"(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were vested in the United States; and

"(3) shall acquire excess or surplus Government personal or real property for donation to an Indian tribe if the Secretary determines the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

"(d) MATCHING OR COST-PARTICIPATION REQUIREMENT.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

"(e) STATE FACILITATION.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and other Federal laws benefiting Indians and Indian tribes.

"(f) RULES OF CONSTRUCTION.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

"SEC. 513. BUDGET REQUEST.

"(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

"(1) IN GENERAL.—The President shall identify in the annual budget request submitted to

Congress under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund tribal base budgets. All funds so appropriated shall be apportioned to the Indian Health Service. Such funds shall be provided to the Office of Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are apportioned to the Office of Tribal Self-Governance under this section.

"(b) PRESENT FUNDING; SHORTFALLS.—In such budget request, the President shall identify the level of need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary of Health and Human Services, under self-determination contracts, or under compacts and funding agreements authorized under this title.

"SEC. 514. REPORTS.

"(a) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than January 1 of each year after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a written report regarding the administration of this title.

"(2) ANALYSIS.—The report under paragraph (1) shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribes or tribal organizations, not otherwise provided in this Act.

"(b) CONTENTS.—The report under subsection (a) shall—

"(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds; and

"(2) identify—

"(A) the relative costs and benefits of self-governance;

"(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

"(C) the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

"(D) the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under subsection (c); and

"(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions by type and location;

"(3) contain a description of the method or methods (or any revisions thereof) used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

"(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of no less than 30 days, beginning on the date of distribution); and

"(5) include the separate views and comments of the Indian tribes or tribal organizations.

"(c) REPORT ON FUND DISTRIBUTION METHOD.—Not later than 180 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that describes the method or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

"SEC. 515. DISCLAIMERS.

"(a) NO FUNDING REDUCTION.—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving an Indian tribe under this or other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

"(b) FEDERAL TRUST AND TREATY RESPONSIBILITIES.—Nothing in this Act shall be construed to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

"(c) TRIBAL EMPLOYMENT.—For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372) (commonly known as the 'National Labor Relations Act'), an Indian tribe carrying out a self-determination contract, compact, annual funding agreement, grant, or cooperative agreement under this Act shall not be considered an employer.

"(d) OBLIGATIONS OF THE UNITED STATES.—The Indian Health Service under this Act shall neither bill nor charge those Indians who may have the economic means to pay for services, nor require any Indian tribe to do so.

"SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

"(a) MANDATORY APPLICATION.—All provisions of sections 5(b), 6, 7, 102 (c) and (d), 104, 105 (k) and (l), 106 (a) through (k), and 111 of this Act and section 314 of Public Law 101–512 (coverage under chapter 171 of title 28, United States Code, commonly known as the 'Federal Tort Claims Act'), to the extent not in conflict with this title, shall apply to compacts and funding agreements authorized by this title.

"(b) DISCRETIONARY APPLICATION.—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe or tribes. If such provision is incorporated it shall have the same force and effect as if it were set out in full in this title. In the event an Indian tribe requests such incorporation at the negotiation stage of a compact or funding agreement, such incorporation shall be deemed effective immediately and shall control the negotiation and resulting compact and funding agreement.

"SEC. 517. REGULATIONS.

"(a) IN GENERAL.—

"(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of enactment of the Tribal Self-Governance Amendments of 1999.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire 21 months after the date of enactment of the Tribal Self-Governance Amendments of 1999.

"(b) COMMITTEE.—

"(1) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this Act.

"(2) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

"(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

"(e) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105(g) and regulations promulgated under section 517.

"SEC. 518. APPEALS.

"In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

"(1) the validity of the grounds for the decision made; and

"(2) that the decision is fully consistent with provisions and policies of this title.

"SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

"(b) ASSUMPTION OF NEW OR EXPANDED PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, in fiscal year 2000 the Secretary may enter into contracts, compacts, or annual funding agreements with an Indian tribe or tribal organization to operate a new or expanded program, service, function, or activity of the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) only if—

"(A) and to the extent that, sufficient contract support costs are appropriated and are specifically earmarked for the assumption of new or expanded programs, functions, services, or activities; and

"(B) the Indian Health Service determines that the percentage of contract support costs provided to existing contractors will not be reduced as a result of the assumption of any new or expanded programs, functions, services, or activities under this title.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the allocation of funds other than contract support cost funds.".

SEC. 5. TRIBAL SELF-GOVERNANCE DEPARTMENT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

“SEC. 601. DEFINITIONS.

“(a) In General.—In this title, the Secretary may apply the definitions contained in title V.

“(b) Other Definitions.—In this title:

“(1) Agency.—The term ‘agency’ means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

“(2) Secretary.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

“(a) Study.—The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

“(b) Considerations.—In conducting the study, the Secretary shall consider—

“(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

“(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

“(3) strategies for implementing such a demonstration project;

“(4) probable costs or savings associated with such a demonstration project;

“(5) methods to assure quality and accountability in such a demonstration project; and

“(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 603.

“(c) Report.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain—

“(1) the results of the study under this section;

“(2) a list of programs, services, functions, and activities (or portions thereof) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

“(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending statutes, or waiving regulations that the Secretary may not waive;

“(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

“(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

“SEC. 603. CONSULTATION.

“(a) Study Protocol.—

“(1) Consultation with Indian Tribes.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection.

“(2) Requirements for Protocol.—The protocol shall require, at a minimum, that—

“(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

“(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

“(C) the consultation process allows for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

“(b) Conducting Study.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

“SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to carry out this title. Such sums shall remain available until expended.”.

SEC. 6. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

(a) Burden of Proof in District Court Actions.—Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)(1)) is amended by inserting after “subsection (b)(3)” the following: “or any civil action conducted pursuant to section 110(a)”.

(b) Effective Date.—The amendments made by subsection (a) shall apply to any proceedings commenced after October 25, 1994.

SEC. 7. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(k)) is amended—

(1) by striking “deemed an executive agency” and inserting “deemed an executive agency and part of the Indian Health Service”; and

(2) by adding at the end the following: “At the request of an Indian tribe, the Secretary shall enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.

SEC. 8. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

“(o) Patient Records.—

“(1) In general.—At the option of an Indian tribe or tribal organization, patient records may be deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the ‘Federal Records Act of 1950’ for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records.

“(2) Treatment of records.—Patient records that are deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the ‘Federal Records Act of 1950’ pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.”.

SEC. 9. RECOVERY ACTIONS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

“(p) Recovery Actions.—

“(1) Crediting of facility accounts.—All funds recovered under the first section of Public Law 87-693 (42 U.S.C. 2651) that are related to health care provided by a tribally-administered facility or program of the Indian Health Service, whether provided before or after the facility's or program's transfer to tribal administration, shall be credited to the account of the facility or program providing the service and shall be available without fiscal year limitation..

“(2) Treatment of tribes and organizations.—For purposes of the first section of Public Law 87-693 (42 U.S.C. 2651), an Indian tribe or tribal organization carrying out a contract, compact, grant, or cooperative agreement pursuant to this Act shall be deemed to be the United States and shall have the same right to recover as the United States for the reasonable value of past or future care and treatment provided under such contract, compact, grant, or cooperative agreement. Nothing in this paragraph shall be construed to affect a tribe's or tribal organization's right to recover under any other applicable Federal, State, or tribal law.”.

SEC. 10. ANNUAL REPORTS.

Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1) is amended—

(1) by redesignating subsections (c) through (n) as subsections (d) through (o), respectively; and

(2) by inserting after subsection (b), the following:

“(c) Annual Reports.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

“(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contract support costs of tribal organizations under self-determination;

“(2) an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted;

“(3) the indirect cost rate and type of rate for each tribal organization that has been negotiated with the appropriate Secretary;

“(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

“(5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

“(6) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d).”.

SEC. 11. REPEAL.

(a) In General.—Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is repealed.

(b) Effective Date.—This section shall take effect on October 1, 1999.

SEC. 12. SAVINGS PROVISION.

Funds appropriated for title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

AMENDMENT NO. 2922

Mr. KYL. Mr. President, Senator CAMPBELL has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. CAMPBELL, proposes an amendment numbered 2922.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. KYL. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2922) was agreed to.

Mr. KYL. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to, and the bill be read for the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 979), as amended, was read the third time.

Mr. CAMPBELL. Mr. President, I am pleased that today the Senate will pass S. 979, a bill to make permanent the Self-Governance in Health Care Demonstration Project that was begun in 1994.

After numerous hearings by the Committee on Indian Affairs and months of negotiations aimed at getting consensus on this legislation, the Senate has voted to continue and expand the successful Self-Governance in Health Care pilot that has proven so helpful in improving the health care of Native people and in assisting tribes in the development of their governments and economies.

I thank and acknowledge Senator GORTON and his staff for their efforts in helping to iron out the differences that stood in the path of agreement on this bill.

I am hopeful this legislation will make its way to the President in short order for his favorable consideration.

Mr. McCAIN. Mr. President, I am pleased the Senate will pass H.R. 1167, the Tribal Self-Governance Amendments of 1999. This legislation is the culmination of years of work by the Indian Affairs Committee, Indian tribes and the Indian Health Service, IHS, to make permanent the successful tribal self-governance demonstration program.

Since its inception, tribes have enthusiastically embraced the self-governance program because it allows them to assume greater control over health care programs and services which are now provided by the IHS. Tribal self-governance has succeeded because it respects the special trust relationship between Indian tribes and the United States. It puts into practice the principles of government-to-government relations and tribal sovereignty. It allows increased tribal flexibility and transfers control from federal bureaucrats to tribal governments who are closer to the people they serve.

I thank my colleague Senator CAMPBELL for his leadership in fostering an agreement on final legislative language for this bill and for adding legislative provisions which will designate an Assistant Secretary for Indian Health within the Department of Health and Human Services. The proposal to designate a new Assistant Secretary position primarily for Indian health policy is one that enjoys unanimous support by the tribal community, bipartisan support by Congress, and is also endorsed by the Administration.

The tribal self-governance bill is critically important to Indian country because it will finally put into place permanent authority for Indian tribes to directly manage their own health care programs. With the passage of the IHS elevation bill as part of this legislation, we can make progress for improved health conditions for Indian people nationwide.

Many of my colleagues may not realize that the year 2000 marks the 30th anniversary of the inception of the Indian self-determination policy, ending the era of failed Federal policies of termination and paternalism. A few days ago, I joined my colleagues, Senators CAMPBELL and JOHNSON, in sponsoring S. Res. 277 commemorating this important policy. In continuation of building upon the fundamental tenets of tribal self-determination, I encourage my colleagues on both sides of the aisle to move quickly to send this bill to the President.

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 419, H.R. 1167, the House companion measure. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 979, as amended, be inserted in lieu thereof, and the bill, as amended, be read a third time and passed.

I also ask unanimous consent that the Senate then insist on its amendment and request a conference with the House.

Finally, I ask unanimous consent that S. 979 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1167), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, APRIL 5, 2000

Mr. KYL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, April 5. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 101, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Mr. President, for the information of all Senators, the Senate will begin debate on the budget resolution at 9:30 a.m. tomorrow. The time until 11 a.m. will be equally divided for debate on the pending Robb and Hutchison amendments. Votes on those amendments will be back to back at 11 a.m.

Further, amendments will be offered throughout the day and votes are possible into the evening. There are approximately 20 hours of debate remaining on the resolution, and it is hoped action on this resolution can be completed by Thursday night or Friday morning of this week.

ORDER FOR ADJOURNMENT

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of Senator KERREY of Nebraska, Senator LEVIN, and Senator HARKIN, to be subtracted from the overall time relating to the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from the great State of Nebraska.

NUCLEAR WEAPONS

Mr. KERREY. Mr. President, the Department of Defense announced about 2 weeks ago that they are going to delay a critical feasibility test of an interceptor which would protect the United States from a ballistic missile attack. This delay, it should be noted, will give Congress and the President some additional breathing room before we begin the debate to deploy a missile defense system. It may even mean the final decision on deployment may not occur until after the November Presidential election, as many have urged already.

However, I believe, we should use this opportunity to consider anew the threats which the United States faces as a consequence of nuclear weapons. The approximately $25 billion missile defense system being contemplated is in response to a threat that does not exist today but very assuredly could if nations such as North Korea, Iran, or Iraq continue to develop their weapons of mass destruction programs. Under estimates provided to us by the CIA's National Intelligence Estimates and a panel of experts headed by Mr. Donald Rumsfeld we have been alerted to, the possibility exists that these countries could have weapons of mass destruction and the means to deliver them to the United States within 5 years. It is this potential threat, along with a possible accidental or unauthorized launch by Russia, that justifies the attempt to build an effective missile defense system.

Three facts should be understood before proceeding further. First, this system is not the original Star Wars proposal of President Reagan. In other words, it is not a system which would protect us against a massive attack by Russia, a threat we now believe no longer exists. Second, the annual costs to build and maintain this new system would be in addition to the estimated $15 to $25 billion annual costs of the nuclear arsenal we maintain against the old threat of the Soviet Union. Third, the deterrent argument we used during the cold war was based on the rational presumption that the Soviet Union would never attack us if they knew that an attack would result in the destruction of their nation. However, we cannot presume rational behavior from North Korea, Iraq, Iran, or potential terrorists will be the order of the day. We presume they would be willing to suffer the consequences of retaliation to do terrible damage to the United States of America.

A scenario which imagines such an attack quickly justifies the investment in missile defenses. Even one relatively small nuclear weapon which North Korea, Iran, Iraq, or a non-nation-state terrorist could launch at the United States would inflict more damage than the largest natural disaster our country has ever experienced. An unauthorized or accidental launch by Russia would be a catastrophe that could kill millions and inflict grave economic and psychological damage to our country.

Such a scenario is part of the new world of threats where even, or perhaps especially, the United States, the nation with the largest and most deadly nuclear arsenal, is at risk and can be held hostage to the threats made by otherwise insignificant world leaders. This truth increases the appetite of a few to command even a relatively crude and small nuclear weapon as well as a delivery system to hit us. A strong offensive nuclear capability is not a deterrent because of the irrational behavior of someone who hates and wants to hurt us. Nor was our strong offense a deterrent to India and Pakistan first testing nuclear weapons and then threatening each other with possible first use.

We have come a long ways since the beginning of the nuclear age a half century ago. I recently went to the web page of Gen. Paul Tibbets and read his account of the 6-hour flight on August 6, 1945, that dropped the first atomic bomb on Hiroshima, Japan. The 86-year-old Tibbets was the pilot of the B-29 called *Enola Gay* that dropped the atomic bomb, a uranium core device with a 15 kiloton yield nicknamed Little Boy. Three days later a second atomic bomb nicknamed Fat Boy, on account of its plutonium core, was dropped from another B-29 on Nagasaki. The two violent detonations contributed to Japan's unconditional surrender on August 14, 1945.

Before I go further, I must declare that I am not an impartial observer of these bombings. My father became part of an occupation force rather than the invasion force, which had been planned for September of 1945. His brother was captured by the Japanese on the Bataan peninsula of Luzon, Philippines, and was killed just days before American forces began the second battle of the Philippines, one of the bloodiest battles of the war. So I am on the side of those who believe President Truman made the right decision. I simply cannot and will not revise history to reach any other conclusion.

Still, the civilian deaths caused by those two bombs shock and sicken all who have examined the aftermath of just two atomic detonations. So shocking are the stories that during the 50 years that followed, no American Commander in Chief has ever used these weapons again. Even when a good argument could be made for their effectiveness in saving military and civilian lives by shortening and winning wars, the "bomb" was not used.

Indeed, as the recent NATO operation against Yugoslavia demonstrated, today's military planners and their political bosses measure the benefits of using conventional weapons against the potential moral and political losses associated with even unintended civilian casualties. Thus has the experience of Hiroshima and Nagasaki become a real and powerful deterrent against the use by the United States of nuclear weapons.

This makes it all the more surprising that both the United States and Russia continue to maintain, on hair-trigger alert, huge stockpiles of vastly more powerful and more accurate strategic nuclear weapons than those used 56 years ago this summer. To understand why, we must trace the arguments used since 1945 for the development of our nuclear arsenal. For the first 20 years or so of the cold war, nuclear weapons were seen as an inexpensive alternative to unacceptably high levels of conventional forces that would have been needed to deter a belligerent Soviet Union with an open ambition for more territory in Europe. As the Soviet Union built up its own nuclear capability a new argument—the need to deter a bolt out of the blue attack—eclipsed the old.

But, today, neither the Russian conventional or nuclear forces are the threat they once were. Today, we are not fearful of an intentional attack on Europe with conventional forces or a nuclear attack on the United States. Today's threat is that a nuclear weapon could be launched accidentally or without the authorization of the democratically elected Russian President. Today's threat also includes the possibility that Russian technology or materials could be purchased by nations like Iran that have indicated their desire to become a nuclear nation. Finally, today's threat assessment also includes the possibility that Russian elections could once again produce a more dangerous leader whose intentions were less trustworthy.

Even with all of these factors considered, I believe our current inventory of strategic nuclear weapons is much larger than what is needed to keep America safe today and in the foreseeable future. This larger inventory forces the Russians to maintain an inventory larger than they can control—which in turn increases the risk of accidental or unauthorized launches and decreases the effectiveness of missile defense. And this larger inventory diverts much needed resources from the modernization of our conventional forces, which we are much more likely to be using in the future.

Consider the arsenal currently available to our President. Our Commander in Chief could order the launch of 500 Minutemen III and 50 Peacekeeper missiles in the land-based arsenal. The bulk of the Minutemen III missiles are armed with three 170 to 335 kilotons warheads. The 50 Peacekeeper missiles are each armed with 10, individually targetable warheads with a yield of 300 kilotons each. These land-based missiles would produce 2,000 nuclear detonations each of which each would be 10 to 20 times larger than the Hiroshima bomb.

At sea, our President commands 18 Ohio-class submarines. These are the ultimate in survivability, able to stay undetected at sea for long periods of time. As such, our submarine force must give pause to any potential aggressor. Eight of these boats carry 24 C-4 missiles. Each of these missiles are loaded with 8 warheads with 100 kilotons of yield. The other 10 subs carry 24 of the updated D-5 missiles. These missiles also are equipped with 8 warheads, with varying degrees of yield from 100 to 475 kilotons. Again, if the President launched all the missiles in the submarine arsenal he would produce 3,500 detonations.

In the air, the President commands a strategic bomber force which includes both the B-2 and B-52 bombers. These bombers, in total, have the capacity to carry about 1,700 warheads via nuclear bombs and air launched cruise missiles.

Our land-based force can deliver approximately 2,000 warheads on over 500 delivery vehicles with a total yield of about 550 megatons. Our sea-based force can deliver over 3,000 warheads on over 400 delivery vehicles for a total yield of approximately 490 megatons. Our air-based force can deliver 1,700 warheads on approximately 90 delivery vehicles with a yield of 820 megatons. In total, this is about 7,000 warheads with a total yield of over 1,800 megatons.

Russia has a similarly deadly force, but with an increasing inability to modernize or maintain these weapons. Because of this, I remain hopeful that

President Putin's election will improve the chances of the Russian Duma ratifying START II sometime this spring. But even under START II, the United States and Russia will each maintain in excess of 3,000 warheads at the end of 2007. While both sides hope to quickly follow ratification of START II with a START III agreement, U.S. negotiators have insisted on maintaining approximately 2,500 warheads per side. This comes despite strong indications that within a matter of years Russia will not be able to maintain a force of more than a few hundred weapons and an offer from Russian negotiators that START III focus on warhead levels of approximately 1,500.

I think it is fair for the American people to ask why. Why, when the Russians have indicated a willingness to go lower, are we insisting on keeping so many strategic nuclear warheads? I think the answer can be found in the way in which we target our nuclear weapons. The United States nuclear blueprint of targets and targeting assignments are contained in a highly classified plan known as the Single Integrated Operational Plan, or SIOP. To understand our nuclear policy, one must understand how the SIOP drives nuclear force levels. Because the SIOP is highly classified, I cannot describe it in public.

But I can say that targeting strategies have changed a lot since Hiroshima. The variables which dictate changes have been arms control agreements, perception of today's threat, and estimation of tomorrow's. Understanding the history of U.S. nuclear policy may help explain the rationale for the targeting plan.

In the beginning, we had a letter from Albert Einstein to then-President Franklin Roosevelt in 1939. In this letter, Einstein alerted Roosevelt of the potential of nuclear chain reactions and warned him about Nazi Germany's efforts to monopolize the necessary uranium. Einstein also urged the President to foster ties between the Government and scientists working in the area of atomic research. As a result of Einstein's letter, Roosevelt authorized a study of the potential of atomic power. But it was not until the U.S. entered World War II that Roosevelt formalized the Government's participation in this new area of science. The result was the creation of the Manhattan Project. The Manhattan Project was a monumental undertaking that employed over 200,000 men and women at a cost of $20 billion in today's inflation-adjusted dollars. Ultimately, it was successful in creating the world's first atomic bombs, whose devastating impact helped end the Second World War in the Pacific.

The second phase of our effort was the strategic bombing phase. Having created this powerful new weapon, and as the cold war began, U.S. policymakers faced the task of deciding how to incorporate these weapons into the U.S. arsenal and under what circumstances they should be used. Our initial policy was based on the concept of strategic bombing, which mirrored our strategy during the Second World War. Early plans called for the targeting of urban industrial centers—not unlike Hiroshima and Nagasaki—and specifically targeted 34 bombs on 24 Soviet cities. Given the fact that Japan had surrendered following the use of just two bombs, this was thought sufficient to devastate the Soviet Union under any circumstance.

The third phase of our planning was called massive retaliation because in 1949 the U.S. approach to nuclear weapons had to be reconsidered following reports that the Soviet Union had acquired a nuclear weapons capability of their own. From this point on, U.S. policymakers had to consider Soviet nuclear sites in targeting and had to be able to deal with the fact that for the fist time Americans lived under the threat of a nuclear attack.

Into the 1950s U.S. nuclear policy continued to develop. By the Eisenhower administration, the U.S. nuclear arsenal had greatly increased in numbers, but we had adopted a policy of massive retaliation. This policy stated that an attack by the Soviet Union would result in an instant, all-out U.S. nuclear response. The greater reliance on nuclear weapons allowed the United States to decrease its commitment to conventional weapons and keep defense spending in check.

The next phase is what was called flexible response. It occurred because the number of nuclear weapons needed to maintain this policy increased significantly as U.S. intelligence improved its ability to identify Soviet targets. As a result of the expansion of possible targets, there was an increased demand for nuclear weapons. Toward the end of the Eisenhower administration, policymakers began to recognize the need to create greater flexibility in the U.S. nuclear strategy.

During the last months of the Eisenhower administration and into the Kennedy administration, the focus shifted to creating a flexible response strategy that would allow the President to respond to Soviet provocation through a range of options—not simply an all-out attack. The result of this effort was the creation of the SIOP. The original SIOP, SIOP–62, embodied the policy of massive retaliation. It contained one plan in which the United States would launch all of its nuclear weapons in a single attack. SIOP–62 targeted every city in the Soviet Union and China with an estimated 360 to 425 million civilian casualties.

When President Kennedy entered office, he immediately called for a change in the SIOP to reflect the policy of flexible response. As a result, SIOP–63 included limited nuclear responses and negotiating pauses as a part of the overall nuclear strategy. SIOP–5 and SIOP–6 continued the trend toward increasing flexibility by creating a wider range of nuclear targeting and response options. While the various SIOPs were successful in creating greater options for the President, they also helped to create a phenomenon in which the number of nuclear weapons were increased dramatically.

As the SIOP sought to create an inclusive list of Soviet targets, weapons were manufactured and assigned to those targets. As intelligence gathering capabilities grew, the number of targets were also increased. Furthermore, as the Soviets created more weapons to target our weapons, the U.S. would increase our arsenal to match. The result was a classic arms race. According to a recent book called Atomic Audit, edited by Stephen Schwartz, this process was further escalated when in 1974 Secretary of Defense James Schlesinger ordered that U.S. nuclear forces "be able to destroy 70% of the Soviet industry that would be needed to achieve economic recovery in the event of a large-scale strategic nuclear exchange." This order was mistakenly thought to mean that 70% of each individual factory or industrial unit would have to be destroyed rather than 70% of the overall production capability. In order to achieve assurance of 70% destruction, each target was often assigned multiple warheads, thus increasing the nuclear arms spiral.

Near the height of this nuclear buildup, a remarkable thing occurred: communism collapsed in Eastern Europe and the Soviet Union. Many people assume that the end of the Cold War has caused the United States to fundamentally rethink the SIOP. However, most of the changes appear to have occurred at the margin and have not involved fundamentally rethinking in the face of democratic changes in Russia. Open sources estimate the number of Russian targets in the SIOP have been reduced from a Cold War high of approximately 11,000 to around 2,000. The current SIOP—SIOP–99 which went into effect in October 1998—also includes approximately 500 non-Russian targets.

While the reduction in number of targets has allowed us to make reductions in our nuclear arsenal, too many of the underpinnings of our nuclear policy are still based on Cold War thinking. Our planners still assume that deterrence requires the capability of hitting as many as 2,000 targets in a democratic Russia.

Our nuclear policy should recognize that the Cold War is over and should recognize that Russia has completed its third democratic Presidential election. It should recognize that we are less safe—if by keeping more weapons than we need to defend ourselves—we force Russia to keep more weapons than they can control. Furthermore, we are less safe if by keeping more than we need, we encourage new nuclear nations like India and Pakistan. And we are less safe if all of this activity both justifies and makes possible the acquisition of nuclear weapons by rogue nations or terrorist non-nation-state groups.

Most importantly our strategy should acknowledge that we have a moral deterrent that makes it unlikely that a U.S. President would order the first use of nuclear weapons. Since the dollars needed to maintain our nuclear arsenal could be used to support military programs our President is likely to use, this factor has much more significance than we have been giving it.

It is time for us to re-examine both our nuclear deterrent needs and the way in which we target our weapons to better reflect the realities of a post-Cold War world. We must realize the end of the Cold War and the rapid pace of globalization is changing both the nature and the source of today's threats. The world is still dangerous; nuclear threats still exist and will require us to maintain an overwhelming deterrent capability. But that capability must recognize what the world looks like today and what it will look like in 2005 and in 2010, not what it looked like in 1950 or in 1970 or even 1989.

Just as Rip Van Winkle awoke to find his world had completely changed while he was asleep, we too must realize that in less than a decade our world has been completely transformed. The time to readjust our world view, to transform our nuclear policies, and to work cooperatively with a democratic Russia is now.

I believe the numbers of highly accurate, deadly and survivable nuclear weapons needed to protect the United States today and in the future is in the 1,000 to 1,500 range, considerably less than either the 6,000 permitted under START I which has been ratified by the United States and Russia, or the 3,000 permitted after 2007 under START II, which the Russian Duma may yet ratify this year. I believe both common sense and careful evaluation of targeting requirements would support going to this lower number much more rapidly than we will under the START process. I believe such a reduction would make it far more likely we would succeed in reducing the growing threat of nuclear proliferation and the growing desire of non-nuclear nations to go nuclear. Finally, I believe such a reduction would increase the chances of getting Russia to cooperate with the deployment of a missile defense system that would benefit both them and us.

Mr. President, regardless of whether or not my colleagues agree with this assessment I hope they will agree that the status quo modified with improved defenses is a strategy which will increase the risk that the world will experience a third hostile nuclear detonation, and that this time the detonation could occur in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. HARKIN. Mr. President, our economy is in great shape: 108 months of economic growth; unemployment has been near 4 percent for some time; economic growth is doing very well; productivity is breaking all recent records; incomes of average Americans are finally growing again, and inflation, outside of gasoline, is low. I think we ought to take advantage of our situation by paying off the publicly held debt while times are good.

The President proposes that we should plan on doing that by 2013, just the point when large numbers of the post-World War II baby boomers are reaching 65. That way we shore up the capacity to be able to repay the bonds that have been going to the Social Security trust fund.

I also believe we should use the surplus to put the Medicare trust fund on a sound footing for the long term. We should also be providing for a prescription drug benefit. It is wrong that many modest-income seniors do not have the ability to buy the drugs they need for their health care.

I would also like to see the expenditures made to cover the costs of our veterans' health, increased medical research, increased funds for education, and for day care. These are some key priorities.

Clearly, however, the No. 1 priority presented by the majority in the budget resolution before us is to cut taxes for the wealthy. When you add the interest costs from failing to reduce the debt, the $150 billion cut in taxes that is in the budget resolution before us uses up 98 percent of the non-Social Security surplus. That assumes cutting some nondefense discretionary spending. If you take the $150 billion tax cut that is in the budget, and if you don't cut spending on the discretionary side, that tax cut actually eats up over 100 percent of the non-Social Security surplus. So in order to get the $150 billion cut in taxes, the Republican majority on the Budget Committee actually had to cut spending in a number of areas. Even with that cut, that $150 billion tax cut uses up 98 percent of that surplus. There is virtually nothing left over for improving the health of the Social Security trust fund or the Medicare trust fund. There is very little chance to provide for a Medicare prescription drug benefit. It is going to be very difficult, if not impossible, to provide increases for education, medical research, veterans' health, money to fight crime, and other priorities without eroding the Social Security surplus.

Personally, I would like to see us give some tax relief to younger families with modest incomes trying to raise their children, to families with considerable child care expenses, to families who have expenses caring for aging parents. I would like to reduce the penalty of higher taxes when two people marry and both work.

The Democratic budget we have offered provides for many of those targeted tax cuts while still meeting the other needs such as for health care and fighting crime and medical research.

I would like to pay for tax cuts by eliminating some of the outrageous loopholes in the Tax Code that allow huge multinational corporations to escape paying their fair share of taxes. I would like to see some loopholes closed that allow some of the wealthy to escape paying their fair share. That, unfortunately, does not appear to be the will of the Republican majority on the Budget Committee. It certainly was not their will when they passed out the budget resolution on a straight party-line vote. So I will be offering an amendment that says if we are going to enact—if we are, and if it is the will of the majority party to enact the $150 billion in tax cuts mandated by the budget; and that was the same sum agreed to in the House by, I might add, a narrow 4 vote margin—I want to have the Senate go on record that whatever tax cuts are passed follow a very simple rule: that those at the highest level of income—the top 1 percent—not receive more than 1 percent of the tax cuts. I will be offering an amendment that essentially says it is the sense of the Senate that if we do have a tax cut, no more than 1 percent of the tax cut benefits can go to the top 1 percent income earners.

Doesn't that sound fair? If you are in the top 1 percent, maybe you ought to get 1 percent of the cuts. Who is at that level of income? Well, those who are making what is now estimated to be more than $317,000 per year. This group, on average, makes $915,000 a year. So the average income of the top 1 percent income earners in America is $915,000 a year. I believe it is clear that people at this income level do not need a large tax cut, while many working families are in far greater need.

So I hope the Senate will go on record saying that we have a limit on any tax cut, that those at the very top are receiving no more than 1 percent of the benefits, and let's give the middle class their fair share of the tax break.

I have a chart that I think provides some illustration. First, we have the

George Bush tax cut proposal. Let's look at how the benefits of that proposal work. It is a very large cut. But under this Bush plan, as estimated by Citizens For Tax Justice, the bottom 20 percent of the taxpayers get 0.6 percent of the tax cuts, less than 1 percent. The next 20 percent get about 3 percent of the tax cuts. The next 20 percent get about 7.4 percent of the tax cuts. The fourth one—those who make, on average, about $50,000 a year—gets 15.4 percent of the tax benefits. But here is where we really have to look, out here on this end. Those in the top 1 percent, making over $319,000 a year—and they average about $915,000 a year—these folks in "need" get about 37 percent of the benefits. They get a higher percentage than anybody else and, in dollar amounts, they get about $50,000 a year in tax breaks.

So, again, this is what we are facing. Why do people in the upper 1 percent need this kind of a tax break? I don't hear it from them. I must admit, I know some people in that bracket. I have some good friends who make that kind of money. They are good Americans and they invest a lot of money. A lot of them work very hard, and they employ people. I have yet to have one of them tell me they need this tax cut. In fact, I have had a number of them say: What are you doing? Pay off the public debt; don't give us a tax break. Pay off the public debt. That would do more for ensuring the economic health of this country than giving the top 1 percent that kind of a tax break.

Well, that is why I want to offer this amendment. It is very simple. It provides that the top 1 percent of taxpayers should not get any more than 1 percent of the tax cuts—net. After all, the bottom 20 percent gets less than 1 percent of the tax cuts. Why should the top 1 percent get 37 percent?

So my amendment says if you are in that top 1 percent, you should not get more than 1 percent of the tax breaks. So if you are for tax fairness, if you want to give the middle-class Americans their fair share of tax relief, then I ask for your support of this commonsense amendment.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m., April 5, 2000.

Thereupon, the Senate, at 6:56 p.m., adjourned until Wednesday, April 5, 2000, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate April 4, 2000:

UNITED STATES INSTITUTE OF PEACE

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE DENNIS L. BARK, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001, VICE MARLEE MATLIN, TERM EXPIRED.

CAROL W. KINSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF ONE YEAR. (NEW POSITION)

NATIONAL SCIENCE FOUNDATION

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HARRY D. RADUEGE, JR., 9435

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS A. BENES, 4726
COL. CHRISTIAN B. COWDREY, 0819
COL. MICHAEL E. ENNIS, 1117
COL. WALTER E. GASKIN, SR., 4185
COL. MICHAEL R. LEHNERT, 3452
COL. JOSEPH J. MCMENAMIN, 3792
COL. DUANE D. THIESSEN, 8882
COL. GEORGE J. TRAUTMAN III, 0849
COL. WILLIE J. WILLIAMS, 4568
COL. RICHARD C. ZILMER, 9990

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EDMUND P. GIAMBASTIANI, JR., 8318

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) BARRY C. BLACK, 6743

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID S. WOOD, 5878

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) IN THE MEDICAL SERVICE CORPS (MS) AND MEDICAL CORPS (MC) UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be colonel

RICHARD A. KELLER, 0727 MC

To be lieutenant colonel

ROBERT E. GRAY, 8227 MS
RICHARD A. GULLICKSON, 7610 MS

To be major

WENDY L.* HARTER, 4436 MS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

J. E. CHRISTIANSEN, 2146

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CLIFTON J. MCCULLOUGH, 6902

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LANDON K. THORNE III, 1352

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID R. CHEVALLIER, 9270
KENNETH S. PLATO, 1551
MICHAEL A. SIEBE, 9246
JOHN K. WINZELER, 5440

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT F. MILEWSKI, 3513

To be commander

GERALD L. GRAY, 6765

To be lieutenant commander

LINDA M. GARDNER, 7118

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS A. ALLINGHAM, 3096
KEITH J. ALLRED, 5162
WARREN ANDERSON, 2732
JOHN R. ARAGON, 4422
DENNIS J. ARGALL, 8413
ERICK L. ARMSTRONG, 6753
MICHAEL A. ARROW, 8446
MATHEW S. AUSMUS, 8694
ROCCO M. BABINEC, 2851
STEVEN L. BAILEY, 3279
WENDY A. BAILEY, 6946
DAVID M. BALK, 4384
DUNCAN S. BARLOW, 0145
PATRICIA J. BATTIN, 2421
LANCE S. BAUMGARTEN, 5073
RICHARD A. BEANE, 0640
DAVID J. BEARDSLEY, 8419
KATHRYN M. BEASLEY, 2900
CHARLES W. BELL, 7745
BRAD L. BENNETT, 4400
GREGORY S. BENSON, 2934
JENNIFER S. BERG, 0374
KEVIN G. BERRY, 9494
THOMAS F. BERSSON, 9409
THOMAS S. BETHMANN, 5554
ROBERT J. BIRDWELL, 6151
MAX A. BLACK, 2841
JEFFREY D. BRADLEY, 3024
OSCAR S. BRANN, 0749
CHARLENE D. BRASSINGTON, 3368
TERRILL L. BROWN, 1147
WILLIAM A. BROWN, 5837
WILLIAM T. BUSCH, 8947
LYDIA CANAVAN, 1836
FRANK H. CARBER, JR., 8443
MICHAEL P. CARLSON, 3451
DANIEL J. CARUCCI, 9745
JONATHAN E. CAYLE, 0671
KIM C. CHOJNOWSKI, 7691
MARGARET A. CONNORS, 7618
ANDREW L. CORWIN, 9609
CATHERINE L. COSTIN, 2489
JAMES W. COWELL, JR., 1164
CARLETON R. CRAMER, 8691
CURTIS E. CUMMINGS, 5718
TIMOTHY J. CURTIN, 7321
CHRISTINE J. CURTO, 9640
JOHN A. DALESSANDRO, 5911
GARY A. DALLMANN, 7977
JOHN C. DANIEL, 6430
JAMES L. DANNER, 4498
THERESA A. DANSCUKSLOAN, 7995
JOSEPH W. DEFEO, JR., 4778
DAVID M. DELVECCHIO, 0380
CAROL J. DESMARAIS, 1588
CYNTHIA A. DILORENZO, 7323
CHARLES F. DONNEY, 9520
DANIEL G. DONOVAN, 9842
ULYSSES DOWNING, JR., 9908
PAUL S. DROHAN, 8692
JAY DUDLEY, 5533
JAMES L. DUNN, 0021
DOROTHY C. DURY, 4919
KATHLEEN M. DUSSAULT, 3580
KIRK F. ENGEL, 6973
DAVID C. ENGLAND, 8828
MICHAEL R. ESLINGER, 1616
CLINTON F. FAISON III, 0994
DAVID E. FARRAND, 0204
PAUL V. FLONDARINA, 2196
MICHAEL B. FOGARTY, 8314
ROBERT D. FOSS, 7777
HAROLD A. FRAZIER II, 5889

ROBERT W. FRENCK, 2069
KEVIN J. GALLAGHER, 5623
RICHARD O. GAMBLE II, 5355
PATRICIA M. GARRITY, 9177
JEFFREY D. GEORGIA, 0589
DAVID W. GLYNN, 2713
PATRICIA J. GOODIN, 5139
MICHAEL E. GORDON, 6288
BASIL F. GRAY III, 4341
ANTHONY R. GUIDO, 5234
BARTON C. GUMPERT, JR., 5225
RICHARD L. J. HABERBERGER, 5791
WILLIAM J. HALL, 0506
ROGER E. HANKS, 6800
RICHARD M. HANN, 5106
DONNA M. HAUGHINBERRY, 2830
MARK F. HEINRICH, 5812
SUSAN B. HERROLD, 0994
DAVID A. HIGGINS, 1963
GARRY A. HIGGINS, 4028
ALBERT L. HILL, 6803
KAREN J. HOFFMEISTER, 6916
MARGARET A. HOLDER, 3611
MICHAEL R. HOLTEL, 4617
JAMES W. HOUCK, 4314
LISA G. HOYT, 9865
RICHARD J. HREZO, 9162
JOSEPH F. IANNONE, 9835
WALTER W. JACUNSKI, 7686
CRAIG E. JAMES, 3159
IGOR A. JERCINOVICH, 0243
TRACY JOHNSON, 4816
TREVOR R. JONES, 0581
RICHARD M. KEATING, 0499
MICHAEL A. KEEFE, 6041
PATRICK J. KELLY, 3333
GERARD D. KENNEDY, 0476
THOMAS J. KERSCH, 9695
DANIEL P. KING, 8495
JOYCE E. KING, 6324
PHILIP J. KING, 6282
WARREN P. KLAM, 3628
MICHAEL P. KOMPANIK, 4929
JOHN R. LANTELME, 8255
WAYNE B. LAPETODA, 5353
SUSETTE J. LASHER, 9512
DONALD F. LEROW, 7979
WILLIAM P. LESAK, 7994
DAVID M. LLEWELLYN, 1943
DARRELL E. LOVINS, 0150
PAUL W. LUND, 7162
JOHN P. LUNDGREN, 7825
JAMES T. LUZ, 2273
BRUCE W. MACKENZIE, 0289
CYNTHIA T. I. MACRI, 0902
THOMAS J. MAGRINO, 2219
STEVEN G. MATTHEWS, 6561
MICHELLE M. MCATEE, 0867
LAURIER L. MCCRAVY, 5878
TIMOTHY D. MCGUIRK, 4865
WILLIAM C. MCKERALL, 2830
DOUGLAS H. MCNEILL, 4079
JANE E. MEAD, 8124
KEVIN J. MEARS, 1092
RICHARD A. MENDEZ, 5861
PAUL G. MERCHANT, 3743
CHARLES C. MILLER III, 9393
EDWARD L. MILLINER, JR., 6099
BERTRAM E. MOORE, JR., 7271
GREGORY MORANDO, 0708
JOHN I MORRIS, 3742
DAVID M. MORRISS, 1825
STEPHEN E. MORROW, 4278
CHRISTOPHER J. MOSSEY, 7447
EDWIN E. MYHRE, 8146
JAMES P. NABER, 8990
JOSEPH A. NAPOLI, JR., 2576
EDWARD P. NARANJO, 3379
TOMMY B. NICHOLS, 8102
EDWARD J. NIEBERLEIN, 6214
KENNETH R. OCKER, 3955
JESUS A.M. OLCESE, 0195
CHRISTOPHER D. PADDOCK, 3526
ROBERT F. PARKER, 5369
FRANCIS R. PARREIRA, 8582
MICHAEL A. PEEK, 8442
MARK PICKETT, 6263
CHRISTOPHER RAMOS, 4248
ROBERT A. RAMSAY, 6797
DONALD E. RATTZ, 2147
KEVEN C. REED, 3347
WILLIAM A. REED, 3156
DONALD J. REIDY, JR., 2407
DENISE A. REILLY, 3955
JAMES L. ROBERTS, 4250
TIMOTHY J. ROSS, 6197
RICHARD D. ROTH, JR., 4944
ANGEL R. ROURE, 8478
JEFFREY M. SANDLER, 8880
MICHAEL D. SASHIN, 2515
STEVEN SCHALLHORN, 4276
R. D. SCHLESINGER, 0857
GLENN A. SCHNEPF, 0982
GERALD S. SCHOLL, 2811
SHARON R. SEBBIO, 3910
VERNON SELLERS, 5143
TRUEMAN W. SHARP, 7971
DONALD J. SHERMAN, 7478
JAMES J. SICARI, 9223
MARK L. SOBCZAK, 2240
DAVID G. SOUTHERLAND, 9599
SUZANNE K. SPANGLER, 9946
MICHAEL E. STABILE, 2880
DAVID J. STEWART, 7605
JOHN B. STOCKEL, 5933
RICHARD F. SWEENEY, 3659
RICHARD L. SZAL, 6057
RUSSELL C. THACKSTON, 1135
MICHAEL T. THOMPSON, 1509
TIMOTHY E. THOMPSON, 6601
THOMAS N. TICHY, 9941
PATRICK A. TILLSON, 0927
WALTER W. TINLING, 7102
ALLEN D. TODD, 1726
JENNIFER L. TOWN, 6060
PETER K. TRUE, 5953
MICHAEL D. TURCK, 6767
ELEANOR V. VALENTIN, 7859
LARRY F. VANDESSEL, 1971
EDWIN A. VICTORIANO, 4838
FELIX C. VILLANUEVA, 9491
CHRISTOPHER M. VITT, 3712
DAVID A. WAGNER, 3768
CAROL L. WALKER, 0228
MARK A. WALKER, 7564
SHARON K. N. WALLACE, 5257
MARY E. WASHBURN, 4142
DALE V. WATKINS, JR., 9251
CAROLINE M. WEBBER, 7810
DENISE E. WEBER, 4071
CATHERINE A. WILSON, 6893
RICHARD C. YAGESH, 5626
ANN K. YOSHIHASHI, 8112
ALAN J. YUND, 5613
JOHN W. ZINK, 9436

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant

COY M. ADAMS, JR., 0988
DUWAYNE E. AIKINS, 7524
AMY R. ALCORN, 5248
CHARLES W. ALLEY, 6053
ROBERT C. ALLMON, 6980
ROBERT J. ALLSHOUSE, 5414
MICHAEL W. ALTISER, 7544
KEVIN L. ANDERSEN, 6136
LEROY F. ANDERSON, 2787
WILLIAM J. ANDREWS, 0754
KENNETH J. ARMAND, 2760
BURT H. ARRIGONI, 8577
JAMES R. ATKINS, 5061
MARLON A. AUSTIN, 6620
MARK I. AXINTO, 8307
ROBERT B. BAILEY, 9041
MICHAEL W. BAKKER, 7836
JOSEPH E. BANKS, 7636
BARRY W. BARROWS, 8262
KEVIN K. BAUER, 7118
RICKY A. BEATTY, 5446
JAMES A. BEAVERS, 4448
TODD D. BECKER, 9925
STEPHANIE C. BELCHER, 1462
WILLIAM R. BELL, 6423
GREGORY L. BENTON, 3094
BRIAN R. BERTHIAUME, 1024
DANIEL P. BETHEL, 3061
DANIEL R. BILLIG, 5449
KEVIN E. BISSEL, 3307
SCOTT S. BOISVERT, 8240
RANDY G. BOLLMAN, 7501
JAMES L. BOOTH, 2113
GERALD E. BOYD, 9671
MICHAEL A. BOYTER, 6519
REGINALD S. BRIGGS, 6234
AUBREY E. BRITTIAN, 4178
BRENT J. BROWN, 7383
CARL R. BROWN, 4819
JIMMY BROWN, 5520
MARK H. BROWN, 6017
MICHAEL D. BRUCE, 6966
RICHARD M. BUCK, 6873
RUSSELL E. BUCKLEY, 7187
CRAIG A. BUIST, 6635
RAYMOND W. BURKHARD, 8977
ALICIA K. BURSAE, 7940
EDWARD L. CALLAHAN, 2722
CYNTHIA F. CAMPBELL, 5287
MICHAEL J. CAMPBELL, 1817
JOHN D. CAPWELL, 6683
THOMAS G. CARTER, 9382
LEONARD W. CAVER, 8397
BRIAN J. CEBRIAN, 5712
MICHAEL E. CHAPMAN, 5267
JAMES CHASTAIN, 0290
DAVID G. CLARK, 8150
ROBERT J. CLARK, 4206
ROSEMARIE N. CLAYTON, 5084
JAMES M. COLEMAN, 2735
KEITH D. COLLINS, 1696
PATRICK CONROY, 6371
BRIAN T. COOL, 6984
TIMOTHY E. COOLEY, 1783
RUSSELL J. CORPRON, 3504
CHARLES S. CORYELL, 5796
FREDRICK L. COX, 9771
REGINA M. COX, 9772
RICHARD L. CRANE, 4968
KENNETH J. CREGAR, JR., 6194
ROBERT L. CROSS, 6492
STEVEN D. CUMBER, 6160
PATRICE D. DAVIS, 8899
GLENN W. DEAL, 9334
LARRY C. DEERING, 8091
RICARDO DELBREY, 4552
CYNTHIA R. DEMATTEO, 7573
KENNETH L. DEMICK, JR., 3515
GINO F. DINVERNO, 2406
HARRY J. DOBSON, 4194
JAMES P. DOOLEY, 4248
KEVIN V. DOWD, 4644
ELLEN H. DUFFY, 8314
DEAN F. DUNLOP, 1872
DALYN E. DUNN, 9768
DAVID DWYER, 4879
NORRIS L. ELLIS, 4000
WILLIAM D. ERWIN, 2863
KEITH S. FARRAR, 2086
ANDRE S. FELDMAN, 4778
DANIEL FELICIANO, 3471
TERRY D. FELLOWS, 7489
DANIEL FONCELLO, 7066
KEVIN R. FORBES, 0253
DARRELL FOSTER, 2674
MARK R. FOURNIER, 3569
KENNETH T. FRIEDMAN, 6120
BRADLEY H. FUDGE, 5519
ROBBY D. FUENTES, 8848
WAYNE T. FULLER, 4232
GARY L. FUSELIER, 7848
THOMAS L. GIBBONS, 6265
ROWLAND V. GILBERT, JR., 5987
MICHAEL J. GIRGENTI, 9836
JOHN J. GOFF, 5833
ROLANDO GONZALEZ, JR., 3486
GRANT GORTON, 7406
CURTIS L. GOSHEN, 6787
ANDRE M. GOULD, 8494
LAWRENCE P. GRABIEL, 6070
BUNN F. GRAY, 9680
FRANCIS S. GRIAK, 3732
MARTIN M. GROOVER, 3544
MITCHELL P. GROSS, 9403
JAY P. GULLEY, 9977
CHRISTOPHER D. HADEN, 5201
EDSEL R. HAISLIP, 9501
BART D. HALL, 4827
JAMES O. HAMMOND, 3629
AMOS HARDY, 5704
KEITH E. HARLOW, 6111
MICHAEL L. HARRIS, 2650
CAROLYN Y. HARTLEY, 7485
STEPHEN M. HARVEY, 4195
GEORGE R. HAW, 7898
CAROL D. HAYNES, 0627
CHRISTOPHER J. HEALY, 8496
ALTON J. HENAULT, 7563
JAMES H. HENDERSONCOFFEY, 9147
BILLY W. HENDRIX, 4230
ROBERT A. HENLEY, 8247
MICHAEL R. HERKENHOFF, 5784
WILLIAM J. HEWITT, 4578
DAVID D. HILES, 6040
TRACY L. HINES, 4847
DAVID W. HODGE, 3418
RONNIE D. HOLLADAY, 3575
CLYDE A. HOLMES, 0120
PAUL L. HOMAN, 1005
DARRELL L. HOOD, 5588
WILLIAM F. HOWELL, 9627
ROY R. HOYT, 9799
TIMOTHY M. HUNTER, 2538
ROBERT M. HUNTINGTON, 6142
SCOT M. HUSA, 7562
ALFRED L. IANNACONE, SR., 1828
WILLIAM G. JACKSON, 1890
ELLEN M. JARVIS, 8209
BERNETT P. JEFFERS, 0192
BERTRAM L. JENNINGS, 7356
WESLEY T. JOHNSON, 7368
ROBIN L. JONES, 7524
WILLIAM A. JONES, 9507
GARY S. JOSHWAY, 9327
GEOFFREY A. KAUFMAN, 9550
DAWN M. KELLEHER, 4784
JAMES G. KELZ, 6239
ELMER A. KIEL III, 0236
ANTHONY R. KING, 2917
DANNY W. KING, 7068
JOHN L. KLINE, 1465
JOSEPH J. LAFAVE, 6889
THERESA A. LAFOND, 3246
HIRAM K. LAMB, 6067
JOHN J. LANZONE, 9689
GARY P. LAWLER, 4524
PAUL J. LAWRENCE, 9063
TERRISIANA D. LEE, 2254
LAWRENCE F. LENNOXBEALS, 4873
MICHAEL L. LEONARD, 9715
THOMAS E. LIPSCOMB, 9946
JAMES A. LONG, 8614
ANN M. LONGBOY, 3569
MARCIA R. LOVE, 7863
DAISY M. LUTTRELL, 9741
MICHAEL D. MARKUS, 1161
BRYAN E. MARTIN, 7151
MICHAEL L. MCDONALD, 5330
RICKY A. MCGLADE, 0540
DEIRDRE M. MCGOVERN, 7235
ANTOINETTE L. MCMILLEN, 2771
EARL F. MCNEIL, JR., 4226
PATRICK D. MEAD, 1509
JACQUELINE M. MEYER, 6514
MICHAEL P. MILLER, 1154

JOHN D. MILTENBERGER. 4762
TERRY L. MIXON. 2816
HALLOCK N. MOHLER. 7471
JEFFREY S. MOORE. 7598
EDUARDO E. MORALES. 9523
PETER R. MOSS. 7224
JOHN J. MOTT. 1060
THOMAS A. MURPHY. 9632
DAVID J. MURRAY. 3745
EDGARDO R. NARANJO. 4335
TOMMY R. NASH. 3112
DARRELL NEALY. 0383
AL T. NESMITH. 2270
JEREMY P. NEWMAN. 5290
TIMOTHY M. NICHOLSON. 4767
WILLIAM S. NICOL. 7935
ROBERT J. NICOLOSI. 7908
DAVID W. NIKODYM. 8449
GARY C. NORMAN. 6937
KEVIN B. OBRIEN. 5062
MICHAEL J. ONEILL. 8072
ERNEST W. OSBORN. 9236
CHERYL A. OUTLAW. 8369
DAN E. PALMER. 3766
JAMES J. PARENTE. 0101
RICHARD D. PARISER. 0761
WILLIAM L. PARTINGTON. 7680
YOUNZETTA O. PAULK. 8704
JIMMY A. PAYNE, JR., 4863
DAVID A. PEARSON. 0206
ROBERT C. PETERSEN. 0264
CATHERINE E. PETERSON. 4782
THOMAS J. PETRUCCI, JR., 1421
THOMAS A. PHILLIPS. 0505
ANITA L. PIERCE. 8552
RICHARD J. POOL. 3320
MARCUS L. POPE. 7484
ROSCOE C. PORTER, JR., 1232
KARI A. PREMUS. 1411
MARK A. QUINN. 3768
TODD M. RADEMACHER. 9208
MANUEL A. RAMOS, JR., 0704
JAMES E. RAULSOME. 5519
ZINA L. RAWLINS. 7269
THOMAS S. REA. 8319
DANIEL F. REESE. 4866
"L" J. REGELBRUGGE III. 5702
JOE S. RENELLA. 6784
MICHAEL P. RILEY. 6210
THOMAS W. ROSE. 4420
CURNESS P. RUSSELL. 0502
ALBERTO G. SALUNGA. 6309
MARKIEST D. SANDERS. 2492
ROBERT A. SAWVELL. 9304
GUY K. SCHMIDT. 1736
GALES Y. SEATON. 2963
FRANK M. SEGUIN. 0066
DARREN S. SHAND. 8170
JOHN F. SHEEHAN. 9714
MICHAEL SHELLENBARGER. 9867
JEFF A. SHIELDS. 3932
NICHOLAS R. SIEWERS. 6934
JOHNNIE L. SIMPSON. 9160
KEVIN S. SKINNER. 5589
MATTHEW P. SMALL. 9013
RICKY D. SMALL. 0016
GARY C. SMITH. 2340
LOREN J. SMITH. 3766
WAYNE A. SMITH. 5467
RONALD W. SPAULDING. 1149
BYRON J. SPEARMAN. 9035
DAVID A. SPURLOCK. 5529
GEOFFREY L. STAHRE. 2673
KEVIN E. STANHOPE. 7004
THOMAS D. STARKS. 3841
VINCENT J. STEPHENS. 6710
FAITH E. STRAUSBAUGH. 7579
TIMOTHY A. SUME. 1644
BIENVENIDO G. TAPANG. 6253
ANTHONY C. TARANTO, JR., 3482
DOUGLAS J. THORNTON. 5709
SANFORD T. THORNTON. 5039
LEONARD TREADWAY. 4764
MARC W. TROSIEN. 5623
STEPHEN J. TRZCINSKI. 5191
RENAN J. TULABUT. 3233
TIMOTHY S. TURK. 6419
ROBERT W. VEIT. 0565
BRYAN L. WADE. 1418
ALLEN W. WALLACE. 9794
STEPHEN D. WHISLER. 5098
PAUL W. WILKES. 3246
MATTHEW WILLIAMS. 6055
WILLIAM G. WILLIS. 5837
CHRISTOPHER WLASCHIN. 6867
SCOTT J. WOLFE. 3981
DAVID J. WUESTEWALD. 6747
DALE E. YAGER. 1667
GREGORY C. ZACH. 2330
MICHAEL S. ZARTMAN. 7572
MICHAEL A. ZURICH. 7525

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROY I. APSELOFF. 5139
EDWARD L. ARCAND. 2990
STEPHEN E. ARMSTRONG. 0993
DENNIS J. BAKER. 8109
JEFFREY T. BAKER. 0716
JOSEPH J. BALDAUF. 4137
BRYAN K. BALL. 9209
NICHOLAS D. BARONE. 1780
LAWRENCE P. BEAL. 1010
FRED L. BEAVERS. 3969
ROBERT L. BEILKE. 2202
JOHN R. BELL. 7154
ROBERT C. BENTON. 1940
BLAKE W. BIGGS. 0057
JEFFREY E. BLACKBURN. 8904
DAVID R. BLAKE. 3541
THOMAS J. BONANNO. 8349
PAUL BRANUM. 8557
ROBIN R. BRAUN. 7807
MARY J. BROWN. 2253
MICHAEL J. BROWNE. 0732
SANDRA T. BUCKLES. 3918
KARL P. BUNKER. 9811
ERIC C. BURGESS. 3030
CAROLYN A. CALOMENI. 7890
CARL E. CARSON III. 9084
MATTHEW CHABAL. 5861
STEPHEN M. COBBE. 9502
JOHN R. COCHRANE. 5753
SEAN J. COLEMAN. 1922
JAMES F. COLLINS III. 7768
DENIS R. CONKEY. 1488
MARY T. COPELAND. 8616
WILLIAM N. COPELAND, JR., 9482
DAVID C. COPLEY. 9529
RICHARD S. CORNISH. 2346
WILLIAM S. COUCH. 2620
JOHN T. COUNTS. 9975
JOHN B. E. CUNNINGHAM. 7735
PAUL K. DANNER III. 8195
MARK W. DAVIDOSKI. 4597
ROBIN A. DAVIDSON. 3588
GREGORY B. DILLON. 1753
WILLIAM N. DONOVAN. 2874
LAFE A. DOZIER. 4362
MARK M. DRAKE. 4911
DANNY G. EAST. 2861
SHARON ELAINE. 5947
ROBERT T. ELDER. 3992
LAWRENCE A. ELLIOTT. 4021
WILLIAM O. ENGVALL. 3639
BARRY C. ERB. 9231
STEPHEN C. ERTMAN. 6834
THOMAS J. FACER, JR., 9012
CHARLES D. FASNACHT III. 9758
FREDERICK C. FEARNOW. 5989
JACK A. FEDEROFF. 2522
MICHAEL P. FERGUSON. 2671
STEVEN A. FILLIPOW. 7407
JOHN M. FLYNN. 7852
ALVIN FORD. 3032
BARBARA G. FORD. 6186
JOSEPH E. FRACK. 3184
GLENN D. FUGATE. 0415
MARK FULENWIDER. 1401
ROBERT D. GARDNER. 4709
JOSEPH A. GELSOMINO. 8676
WILLIAM S. GOULD. 0462
RUSSELL J. GRANIER. 1240
KATHRYN T. GRAY. 6970
BETTY L. GRIER. 7905
JAMES E. GRISWOLD. 2245
JOHN T. GWYNN. 2207
HAYDEN G. HABY, JR., 7282
DAVID D. HAINES. 2723
REBECCA C. HAMPTON. 1764
DAVID L. HARDWICK. 9952
NORMAN G. HAWKINS. 3866
CHARLES E. HENRY. 1646
EDWIN S. HENRY. 1596
MARTHA E. G. HERB. 2807
WILLIAM P. HESSION. 5847
RICHARD J. HIEL. 7354
KAY M. HOLT. 5906
FREDDIE L. HOLYFIELD. 3989
BRADLEY B. HOMES. 9919
RICKY L. HORNE. 1443
THOMAS M. HUGHES. 9389
PETER A. HUSTA. 7572
DAVID K. INMAN. 3785
JAMES A. ISOM. 8820
CHARLES G. IVEY. 0487
RICHARD B. JACOBS. 2819
DONNA W. JASITT. 4099
LEOPOLD F. JOH. 9545
PETER C. JOHANSEN. 0057
MELANIE M. JOHNSON. 3017
MICHAEL JOHNSON. 3387
CRAIG S. KAIN. 1530
WILLIAM F. KAUFFMAN. 9245
JOHN S. KELLY. 0891
JAMES J. KILPSTRICK III. 5812
JAMES S. KING. 9624
JEFFREY KIRKWOOD. 5993
JOHN C. KIRTLAND. 3545
JEFFREY L. KNUTSON. 2324
ALVIN F. KOLPACKE. 8239
KEVIN E. KOODA. 8132
GEORGE W. KORCHOWSKY. 8216
K. J. KROPKOWSKI. 8719
ROBERT E. KUEHNEL. 9232
PARKER C. KULDAU II. 8020
MICHAEL S. KYNETT. 6955
WILLIAM A. LARICK. 6031
JONATHAN E. LATHROP. 2483
JAMES K. LIMING. 0503
THOMAS J. LINDBERG, JR., 2860
ROBIN A. LINN. 9828
DAVID M. LIVINGSTON. 8259
BRADLEY J. LUNSFORD. 8912
PETER D. MACKAY. 2907
MICHAEL D. MADDOCKS. 9319
DAVID J. MAHONEY III. 7438
CHARLES W. MALLORY. 9833
RANDY V. MARBURGER. 7473
TIMOTHY J. MARCOTTE. 7733
JEROME K. MATHRE. 8618
CHRISTOPHER W. MAY. 7628
GARY A. MAYNARD. 3002
DENNIS B. MCBROOM. 7387
JETT C. MCCANN. 5774
STEVEN J. MCCLAIN. 2217
MALCOLM C. MCCOLLUM. 9211
JOHN J. MCCORMACK, JR., 0386
KEVIN S. MCCORMACK. 3355
DAVID T. MCDANIEL. 8648
GARY W. MCDONALD. 8890
ANNE MCDONNELL. 4680
JAMES B. MCGEE. 1173
PATRICK E. MCGRATH. 4262
DAVID G. MCRAE. 4945
STEPHEN R. MERRILL. 5942
LISA N. MEUNIER. 4118
ROBIN D. MEYER. 2548
SCOTT R. MICHEELS. 0188
DANIEL P. MILLER. 9675
MARK M. MILLER. 0606
ROBERT G. MINER. 9307
FRED J. MINGO, JR., 6181
REBECCA H. MINTON. 7954
JAMES E. MONAHAN. 9257
KEVIN E. MOONEY. 6294
ANTHONY H. MURRAY III. 1275
MARK L. NESTLE. 5843
STEPHEN D. NICHOLS. 4904
WALLY R. NICKOLI. 2672
PEGGY A. OLEARY. 1151
DANNY T. ONEIL. 2376
ORIAN W. OTT II. 8040
CHARLES B. PAINTER. 2007
HAROLD R. PAUL. 7045
MARK J. PAWLAK. 8290
KEITH M. PEECOOK. 0876
JEANPIERRE PLE. 6441
LUIS E. POSADA. 6838
ANNE K. S. POWER. 2532
MICHAEL H. PRECHT. 7795
PAUL R. PRENTISS. 6844
ALICE A. PRUCHA. 6579
TIMOTHY W. PUCKETT. 1963
SCOTT J. PURSLEY. 0116
THOMAS E. PUTMAN. 7044
MARY C. QUIGLEY. 6871
ARTHUR R. RANDOLPH. 3963
MARK H. RATACZAK. 7027
EDWIN M. RAU. 5998
JOHN P. REBERGER. 0651
ROBERT K. REEVE. 3556
JAMES S. REID. 3519
SCOTT A. RIGGIN. 1201
CHARLES B. ROBERTS. 9965
STEVEN M. ROBERTSON. 4227
PETER J. ROMANO. 9030
LINDA J. ROSEBERRY. 5177
GARY W. ROSHOLT. 5344
SHARON L. F. ROSS. 0486
JAMES R. ROYS. 1156
GARY T. RYAN. 9192
RICHARD W. SANDELLI. 1182
RALPH P. SCAFFIDI. 8065
PETER G. SCHAEDEL. 1735
MICHAEL C. SCHAUF. 9059
DANIEL J. SCHENKE. 8482
DAVID M. SCHLAGEL. 2099
KAREN A. SCHMIDT. 7867
STEVEN A. SCHMIDT. 7155
GARY A. SEFFEL. 4416
JAMES A. SEIDEL. 1598
STEVEN W. SELVIG. 1874
STEVEN M. SHARKEY. 0578
ALEXANDER V. SHARP. 7677
MICHAEL R. SIDROW. 8726
LEE E. SMITH, JR., 7460
SHAWN L. B. SMITH. 7460
PETER E. SPAULDING. 8745
CAROLYN M. STABACH. 3979
MICHAEL D. STAMAND. 3417
GEORGE P. SUGARS. 4958
TODD P. TARBY. 0303
ROBERT M. TATA. 8761
KEITH L. TAURMAN. 9928
JAMES C. TAYLOR. 3669
KENNON P. TEMPLE. 9811
KENNETH J. THIELMAN. 2721
MICHAEL J. TOOMEY, JR., 0682
LEE A. TOUGAS. 3880
ALAN A. TUCKER. 7176
GUY W. TURNQUIST. 5829
DAVID F. TUROCY. 9554
ROBERT D. VANDYKEN. 4887
VICTOR J. VANHEEST. 6403
PETER H. VANNESS. 6403
STEPHEN J. VESTER. 2963
CARL E. VONBUELOW. 6791
JILL H. VOTAW. 0228
HERBERT W. WADSWORTH. 1906
JOHN M. WALSH. 5717
STEVEN D. WALTON. 5300
MICHAEL E. WARNER. 5253
RONNY D. WASHINGTON. 0398

AARON D. WATTS, 1820
LAWRENCE L. WEBB, 0014
KURT M. WEIGEL, 0109
RICHARD L. WESTON, 1549
DANIEL WHITSETT, 8037
ROBERT E. WILCOX, 8318
CALVIN R. WILDER, 8570
NORRIS O. WILLIAMS, 4122
SCOTT W. WILSON, 7321
WARD T. WILSON, 8385
CHESTER W. WONG, 0574
WINSTON D. S. WOOD, 7125
JAMES B. WRIGHT III, 6478
DAVID W. YIP, 6746
KARL S. YOUNG, 4234
JOSEPH R. ZERBO, 7440
JOHN D. ZIMMERMAN, 9807

EXTENSIONS OF REMARKS

THE CONTRIBUTIONS OF PRESIDENT AND MRS. RONALD REAGAN

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GRAHAM. Mr. Speaker, I regret that I was unavoidably detained in South Carolina yesterday. Had I been present, I would have voted "aye" on the bills H.R. 1089 and H.R. 3591.

President and Mrs. Reagan stand as shining examples to all Americans. I have often told audiences around the nation that we should have a man as president whom everyday Americans can point to as a role model to their children, a man whom they can respect, and a man they can trust. Ronald Reagan was such a man. He played a key role in my own decision to get involved in politics. Ronald Reagan is a man that people trust, a man that made America feel good about itself again.

As First Lady, Nancy Reagan carried herself with dignity and grace and used her time in the nation's spotlight to focus America's attention on the negative impacts of drug abuse, especially among young people. Mrs. Reagan has been a brilliant example for all Americans who have loved ones that require long term care, and has continued her work to combat youth drug abuse.

I can think of no two people more deserving of our recognition of their dedication to public service, than Nancy and Ronald Reagan. That is why I am an original cosponsor of H.R. 3591, and deeply regret that I was not able to support it with my vote yesterday.

HONORING OUR 40TH PRESIDENT RONALD REAGAN AND MRS. NANCY REAGAN

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, due to a family medical emergency I missed Recorded Votes No. 96 and No. 97 on April 3, 2000. Had I been present I would have voted "aye" on both bills.

Mr. Speaker, yesterday, this House considered legislation to honor two of the finest people to ever grace our country with their service. These two individuals urged us to win one for the Gipper, and guaranteed us it was morning in America. They taught us to Just Say No. They brought economic security back to our country, and moral values back to our nation. And most importantly they slew the beast known as Soviet communism. Of course I refer to President and Mrs. Reagan.

President Ronald Reagan is more than just a great American President. He is more than a leader who gave the working family a much needed tax break, while encouraging productive investment to create jobs. He is more than a leader who strengthened our national defense. He is more than a leader who made these United States of America the sole superpower on the face of this Earth. He is a man that took away the infliction of malaise, which filled us as a nation with fears and doubts, and replaced it with a sense of hope and a sense of price. Ronald Reagan is more than just a great President, President Ronald Reagan is an American Icon.

Mr. President and Mrs. Reagan I say Thank You. Thank you for your patriotism, thank you for your service, and thank you for your leadership. Mr. President and Mrs. Reagan it is my honor to support awarding you the Congressional Gold Medal.

IN HONOR OF THE OHIO JUNIOR CLASSICAL LEAGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Ohio Junior Classical League for their continued celebration of the classics.

Formed in 1936, the National Junior Classical League (NJCL) is an organization of junior and senior high school students sponsored by the American Classical League. Composed of local and state/provincial chapters across the United States, Canada, and Australia, it is the largest Classical organization in the world today with over 55,000 members. Its purpose is to encourage an interest in and an appreciation of the language, literature and culture of ancient Greece and Rome and to impart an understanding of the debt of our own culture to that of Classical antiquity.

The NJCL holds a yearly convention in late July or early August. This year's convention will be held in Tallahassee, Florida, at the Florida State University Similarly, the OJCL holds yearly conventions in Columbus, Ohio, in March. These conventions give a chance for students to compete and have fun with others who share their love for Latin. This year, during the weekend of March 10–12, 2000, over 900 Latin students and their teachers from across Ohio gathered in Columbus for the 50th OJCL State Convention. In addition to the competitions normally found on the schedule, the OJCL incorporated events to recognize fifty years of OJCL history.

In a period of diminishing participation in classical languages, the OJCL has been able to keep the classical enthusiasm alive with 55 local Latin clubs across the state. The OJCL has been able to keep young people interested in and appreciative for the language, literature, history, and culture of classical civilizations.

My fellow colleagues, please join with me in honoring OJCL on their continued success.

35 SIKHS MURDERED IN INDIAN-CONTROLLED KASHMIR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. BURTON of Indiana. Mr. Speaker, on the evening of Monday, March 20, 2000, in a Sikh village located in the Indian-controlled side of Kashmir, several armed men roused Sikh villagers from their homes, lined up 35 of the men, and shot them to death. According to Associated Press (AP) reports, witnesses said the gunmen entered the village about 7 p.m., dressed in what appeared to be Indian army uniforms. They knocked on doors, forced the adult men to come out with their identity cards, lined them up in two groups and opened fire.

There has been much speculation about who is responsible for these gruesome murders. India claimed that Kashmiri militants were responsible for the massacre, and accused neighboring Pakistan of supporting the rebels. On the eve of President Clinton's visit to India, and considering Pakistan's current situation, it is difficult for me to believe that Pakistan would take this sort of a risk to their relationship with the United States.

That is why I am inserting into the RECORD a press release from Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. Dr. Aulakh, who has conducted a peaceful, democratic, nonviolent effort for a free and sovereign Khalistan, suggests that this, as the AP reported, may be the handiwork of the Indian government.

Mr. Speaker, the Indian government has murdered over 250,000 Sikhs since 1984; 200,000 Christians in Nagaland since 1947; more than 65,000 Kashmiri Muslims since 1988; and tens of thousands of Assamese, Manipuris, Tamils, and Dalits. With a track record like that, I certainly believe that Dr. Aulakh's assertion merits a closer look.

INDIAN GOVERNMENT MURDERS 35 SIKHS

RAW AGENTS POSE AS KASHMIRI MILITANTS—CONTINUES PATTERN OF PITTING MINORITIES AGAINST EACH OTHER

WASHINGTON, DC, March 21—Thirty-five (35) Sikhs were murdered in Kashmir today by agents of the Indian government's Research and Analysis Wing (RAW) posing as Kashmiri militants. There are over 700,000 Indian troops stationed in Kashmir, yet the murderers disappeared without detection. The murders were carried out during President Clinton's visit to South Asia.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, strongly condemned the murders. "These murders are evil, cowardly, and stupid acts designed to pit one community against another and prop up India's image for the President's visit," Dr. Aulakh said. "Whoever carried out these brutal acts, they are cowards," he said. "They may escape justice in this world, but they will face the justice of God. That will be worse for them."

"Sikhs and Kashmiris are allies in the struggle for freedom," said Dr. Aulakh. "What motive would Kashmiri freedom fighters have to kill Sikhs? This would be especially stupid when President Clinton is visiting. The freedom movements in Kashmir, Khalistan, Nagaland, and throughout India need the support of the United States," he said. Khalistan is the Sikh homeland declared independent on October 7, 1987.

The murders continue a pattern of divide-and-rule terrorism by the Indian government. The government has recently tried to blame Sikhs for the murder of Christian missionary Graham Staines by arresting a Hindu man who uses the alias Dara Singh. Every Sikh male uses Singh in his name. Yet it was reported at the time of the Staines murder that he and his two sons were burned to death in their jeep by a mob chanting "Victory to Hannuman," a Hindu god. That mob was affiliated with the Fascist RSS, the parent organization of the ruling BJP. In November 1994, the Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan, and in Kashmir. The book "Soft Target", written by two respected Canadian journalists, proved that the Indian government blew up its own airliner in 1985, killing 329 people, to blame the incident on the Sikhs and provide an excuse for more repression and bloodshed. This is a well-established modus operandi of RAW.

The Indian government has murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. The figures were published in "The Politics of Genocide" by Inderjit Singh Jaijee. The government has also killed over 200,000 Christians in Nagaland since 1947, more than 65,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits, and others. The U.S. State Department reported that the Indian government paid more than 41,000 cash bounties to police to murder Sikhs. Amnesty International recently reported that there are thousands of political prisoners, including prisoners to conscience, held in Indian jails without charge or trial. Some Sikh political prisoners have been in this illegal detention since 1984.

"This shows that there is no freedom for minorities in India," Dr. Aulakh said. "For minorities, India is no democracy," he said. "As U.S. Congressman Dana Rohrabacher said, for the minorities 'India might as well be Nazi Germany.'"

"I urge President Clinton and Ambassador Richard Celeste to confront India on these brutal murders, as well as the recent harassment of journalist Sukhbir Singh Osan, getting Sikh and other political prisoners released, and the ongoing, massive, and brutal human-rights violations against Sikhs and other minorities," Dr. Aulakh said. "If the United States wants to see an end to these incidents, it should support self-determination for Khalistan, Kashmir, Nagaland, and all the other nations seeking their freedom from India," Dr. Aulakh said. "Only a free Khalistan will end India's corruption, tyranny and genocide against the Sikh Nation," he said. "India is on the verge of disintegration. The Sikh leadership should immediately begin a "Shantmai Morcha" to liberate our homeland, Khalistan."

[From the Washington Post, Mar. 21, 2000]

NEAR CLINTON'S INDIA VISIT, VIOLENCE FLARES IN KASHMIR

(By Pamela Constable)

SRINAGAR, India March 20.—While their government and most of their countrymen are hoping President Clinton will play down the sensitive topic of Kashmir during his visit to India this week, people in this depressed, wintry city at the political heart of the disputed, violence-torn region are praying for just the opposite.

Today, in the worst single attack on civilians in a decade of guerrilla war, unidentified gunmen massacred 35 Sikh men in the Kashmiri village of Chati Singhpura Mattan, wire services reported. Security officials had feared that armed Pakistan-based insurgents, who have stepped up attacks here in recent months, might stage a dramatic attack during Clinton's stay in India.

Clinton condemned the attack in Kashmir. "On behalf of the president and all Americans let me express our outrage at the attack on a village in Kashmir last night," White House spokesman Joe Lockhart told reporters in New Delhi.

Many Kashmiris believe that only a world leader of Clinton's stature can put pressure on Indian officials to start meaningful negotiations with Pakistan over the mountainous, predominantly Muslim border region where separatist sentiment is strong, guerrilla violence is rapidly rising and Indian troops patrol with an iron fist.

"If Mr. Clinton can make a difference in places like Chechnya and Bosnia, why not in Kashmir?" said Shah Khan, 22, who sells shirts and pants in the teeming alleys of Lal Chowk bazaar. "We are happy because at least his visit will bring some attention to our problems, but we wish he would come to Kashmir and see for himself. Then we would all tell him one thing: we want freedom."

But this message is highly unlikely to reach Clinton's ears or the Indian capital this week. On Sunday, about 50 Kashmiri independence activists were arrested and jailed as they tried to board buses that would take them to New Delhi for a protest rally near Parliament, where Clinton is scheduled to speak Wednesday.

In a brief interview in jail today, the group's leader, Shabir Shah, 44, said they had been tear-gassed and dragged into police vans as they prepared to leave. He said the group, which seeks Kashmiri independence from India, had planned to stage a peaceful rally and a symbolic hunger strike.

"President Clinton says he wants to help ease tensions in the region, and he will be talking with India and Pakistan, but we wanted to tell him that it is futile until we Kashmiris are taken into account," Shah said.

Kashmir, which is divided between India and Pakistan, has been the major source of friction between the two neighbors and nuclear powers for a generation. Since the early 1990s, the Indian-occupied part has been the site of a violent conflict between anti-India insurgent groups and Indian security forces, which has cost tens of thousands of lives. Last summer, a 10-week border conflict in the Kargil mountains left hundreds dead.

Today's attack on the Sikhs seemed to represent an especially gruesome escalation of violence and attempt at ethnic cleansing in the Kashmir Valley, where Muslims dominate the population and the insurgency has become increasingly directed by Islamic groups based in Pakistan. The victims were separated from their families by unidentified gunmen who entered their village after dark and shot them.

In the past, Kashmiri insurgent groups have concentrated on military targets and have denounced terrorism against civilians. But in recent weeks, there have been a half-dozen attacks on Hindu truck drivers and on scattered villages of Kashmiri Pandits, or local Hindus, many of whom were violently driven from the region years ago. Now Sikhs, who have lived peaceably in northern Kashmir for years, appear to have become their latest target.

Clinton, who has called Kashmir "the most dangerous place in the world," has repeatedly expressed interest in helping to defuse the tensions and to nudge India and Pakistan back toward dialogue. But Indian authorities are adamantly opposed to any foreign intervention in the dispute, and have declared they will not resume talks with Pakistan until it stops arming and training Kashmiri insurgents.

In interviews over the weekend, some Srinagar residents said they were skeptical that Clinton's talks with Indian leaders could make any difference. They said the United States was too concerned with bigger issues, such as trade and nuclear non-proliferation, to let Kashmir become an irritant to improving relations.

"Clinton is coming as a guest, so he won't want to embarrass his hosts. What he says in America about Kashmir may not be what he says here," said Masood Ahmed, 30, another shopkeeper in Lal Chowk. "He already knows that thousands of people have been killed in Kashmir, but he is only coming to see the Taj Mahal."

[From the New York Times, Mar. 21, 2000]

35 MASSACRED IN SIKH TOWN IN KASHMIR

SRINAGAR, India, Tuesday, March 21 (AP).—Gunmen rounded up and killed 35 Sikh villagers in the disputed state of Kashmir, the police said today as President Clinton began a visit to India.

The massacre on Monday night was the first major attack on the small Sikh community in Kashmir since separatist Muslims started their insurgency 10 years ago. Sikhs are considered a neutral minority, but Indian officials had warned earlier of violence by Muslim militants hoping to draw attention to Kashmir during Mr. Clinton's visit.

Both India and Pakistan claim the Himalayan territory and have fought two wars over it.

The gunmen were not immediately identified and no group claimed responsibility for the attack, the police said.

Mr. Clinton arrived in New Delhi, 400 miles to the south, on Monday evening after a visit to Bangladesh. He has said that reducing tensions between India and Pakistan is one of his objectives of the trip.

Many Kashmiris were hoping that the president's visit would lead to a breakthrough in the long deadlock on the region's future.

Mr. Clinton's spokesman, Joe Lockhart, expressed outrage over the killings, saying in a statement that "our most profound sympathies go out to the victims of this brutal massacre."

The attackers entered the village of Chati Singhpura Mattan after dark and forced the residents from their homes, police officials said.

The assailants separated the men from the women, announcing that they were conducting a "crackdown." Indian security forces operate similarly when searching a neighborhood for militants that they suspect may be hiding there. The gunmen then opened fire on the men, killing 35 of them. One man was critically wounded.

Sikhs have lived mostly undisturbed in the Kashmir Valley, the only area in predominantly Hindu India with a Muslim majority. Many run the trucking companies that supply the valley.

In the last six months, attacks by the militants have focused on army bases and patrols rather than random terrorism, and have shown a higher degree of training and expertise, senior army officers have said. They said about 3,500 militants were in Kashmir, and many of them had infiltrated the cease-fire line from Pakistan, with the help of the Pakistan army. Pakistan denies giving active aid to the militants.

The area of the Sikh village is about 42 miles from Srinagar, Kashmir's summer capital, and is controlled by armed Kashmiri groups that abandoned separatism and were recruited by the Indian army as a counterinsurgency auxiliary force.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM ON WINNING THE 2000 NCAA NATIONAL CHAMPIONSHIP

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GEJDENSON. Mr. Speaker, today I congratulate the University of Connecticut Women's Basketball team on winning the 2000 NCAA National Championship in outstanding fashion over the Tennessee Lady Volunteers. This is the second National Championship for the Huskies in five years. As a graduate of the University of Connecticut, I join the UConn community as well as residents throughout eastern Connecticut and across our State in celebrating an incredible team effort and season.

Anyone who watched the game on Sunday night cannot dispute the fact that the Huskies are far and away the best team in women's basketball. From the opening tip through the final buzzer, the Huskies dominated on offense and defense on route to a 71 to 52 victory—the second largest margin of victory ever in a women's NCAA championship game. The Huskies demonstrated once again why the program was the number one team in the nation for every single week of the 1999–2000 season. Sue Bird directed an incredible offensive attack with a combination of assists, scoring and hustle. All-American Shea Ralph, who earned Tournament MVP honors, demonstrated the tenacity on offense and defense which has become her trademark. She led the team with 15 points and finished the year as the team's leading scorer averaging more than 14 points per game.

All-American Svetlana Abrosimova, MVP of the East Regional final, sparked the Huskies' with an early 3-point bucket on her way to another spectacular game on both sides of the ball. She scored 14 points and finished the season averaging more than 13 points per game. Kelly Schumacher, who stepped into the starting lineup mid-season, was smothering on defense setting a tournament record with 9 blocked shots. Swin Cash added offensive punch scoring 9 points while finishing the season averaging nearly 10 points per game.

As UConn has demonstrated throughout the season, winning the championship was truly a team effort. Every player made contributions throughout the game and over the course of the season enabling the Huskies to compile a 36 and 1 record and, ultimately, to win another National Championship. Asjha Jones, who provided depth off the bench all season, scored 12 points—more than all but one Tennessee player. Tamika Williams, Kennitra Johnson, Paige Sauer, Stacy Hansmeyer, Marci Czel, Keirsten Walters and Christine Rigby each played important minutes in the championship game and throughout the course of the season.

I also want to offer congratulations to Head Coach Gino Auriemma. Coach Auriemma has led the Huskies to two National Championships, including an undefeated season in 1994–1995. He is widely viewed as one of the foremost coaches in collegiate basketball. He and his entire coaching staff—Chris Daily, Tonya Cardoza and Jamelle Elliott—deserve much credit for the Huskies' success this season and throughout the 1990s.

Mr. Speaker, I believe it is safe to say that the UConn Women's Basketball program was one of the two most dominant in the nation in the 1990s. Over the past decade, UConn won 313 games, 2 national titles, 8 Big East championships, including 7 straight, and played in the NCAA tournament every year. Only Tennessee won more games. UConn's performance has helped to elevate the national profile of women's basketball—and women's sports in general—to an unprecedented level. The team can take pride in this achievement as much as any other.

I also believe that it goes without saying that the Huskies' fans are among the most dedicated in the nation. The Huskies have been number one in the nation over the past six years in home attendance attracting more than 983,000 fans. Fans from across the state and throughout New England travel to every game at Gampel Pavilion and the Hartford Civic Center. The enthusiasm of the Huskies' fans was evident this weekend as more than 20,000 people attended the women's championship game in Philadelphia.

Mr. Speaker, I am proud to join every resident of Connecticut and fans across the nation in congratulating the University of Connecticut Women's Basketball team on winning the 2000 NCAA National Championship.

A TRIBUTE IN HONOR OF SGT. DELBERT L. ZIMMERMAN, JR.

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. BARCIA. Mr. Speaker, today I honor a fine gentleman, Sgt. Delbert L. Zimmerman, Jr. of Saginaw, MI, on the occasion of his retirement from the Michigan Department of State Police.

For 25 years Sergeant Zimmerman has served in Michigan as an officer with the State Police. He began his distinguished career as a civilian radio operator with the Michigan Department of State Police in 1974. On March 23, 1975, he was appointed to the 89th Recruit School as an enlisted member and graduated on July 17, 1975, whereupon he was assigned to a post in Jackson, MI.

Sergeant Zimmerman was transferred to my home town of Bay City, MI, on March 25, 1984, where he initially worked as a K–9 handler. He was promoted to the rank of sergeant and assigned to a post in Flint, MI, on June 28, 1988. Two years later he again returned to Bay City. On August 2, 1992, he transferred to the Traffic Services Section and was assigned to the Third District Headquarters. Last week, on March 31, Sergeant Zimmerman retired from his post.

During his distinguished career, Sergeant Zimmerman has received many awards. Time dictates that I only mention a few: the 1988 Bay City Post Trooper of the Year award, the 1991 Bay City Post Trooper of the Year award, and the 1984 National Police Association Professional Excellence award.

Mr. Speaker, I think it is fair to say that Sergeant Zimmerman has always worked hard to protect the men, women, and children, who rely daily on the courage and commitment of our State troopers. Likewise, I think it is also fair to state that Sergeant Zimmerman has provided steadfast guidance and leadership to his fellow officers. Such individuals are rare, and deserve our eternal thanks for dedicating their lives to protecting ours.

Mr. Speaker, I invite you and our colleagues to join me in wishing the best in retirement for this dedicated public servant. It is my hope that Sergeant Zimmerman enjoys his newfound time with his family, his wife Kriste, and daughters Kayna, Jennifer and Molly. Again, on behalf of the many families in our neighborhoods that Sergeant Zimmerman has devoted his life to protecting and serving, I extend sincere and heartfelt words of thanks and appreciation, and offer my congratulations for his distinguished career.

IN HONOR OF THE RETIREMENT OF JOSEPH J. EGLIN, JR., ASSISTANT DIRECTOR FOR HIGHER EDUCATION ISSUES, HEALTH, EDUCATION AND HUMAN SERVICES DIVISION, UNITED STATES GENERAL ACCOUNTING OFFICE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GOODLING. Mr. Speaker, I want to take this opportunity to offer my congratulations to Joseph (Jay) Eglin, Jr. on his retirement from the U.S. General Accounting Office [GAO]. Jay has served the Congress and the public in a long and distinguished career at the GAO that has spanned more than 37 years.

Jay began his career in the Los Angeles Regional Office and he is ending his career in

Washington where he serves as the assistant director for Higher Education Issues in the Health, Education and Human Services Division. He has played a vital role throughout the years in identifying problem areas within the student loan program and providing solutions to long standing problems. Most importantly, some of those solutions have saved the Federal taxpayers millions of dollars that would have otherwise been lost to fraud and abuse within the program.

My committee has come to rely on Jay for solutions to numerous issues that arise in the context of administering a very large and complicated student loan program. His suggestions and recommendations for improvements have been invaluable over the years and especially during the reauthorization of the Higher Education Act in 1998. He was instrumental in helping the committee quantify the rapid increases in tuition and fees at colleges and universities across the country. This year, his involvement in the market mechanisms study required by the Higher Education Act has helped to move forward so that a timely report will be delivered to Congress. It is no easy task given the various interests represented by the study group and the complex issues involved.

I want to wish Jay the very best in his retirement on behalf of our committee members who have come to admire and respect his commitment to the improvement of education in America.

CENTRAL NEW JERSEY HONORS THE MEMORY OF JEREMIAH F. REGAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. HOLT. Mr. Speaker, I rise today in memory of one of central New Jersey's most distinguished citizens, Jeremiah F. Regan. Tonight the city of Oceanport will be officially dedicating the Jeremiah F. Regan Library/Media Center, a fitting tribute to a man who put such great effort into improving education in New Jersey.

Jeremiah Regan was born in Skibbereen, Ireland, and came to the United States in 1932. He served in the Army during World War II, and became a United States citizen while serving in Germany. After leaving the Army, he worked for Western Electric, and then came to work at the Electronics Command at Ft. Monmouth in Eatontown, NJ. While at Ft. Monmouth, Jerry Regan earned many honors, including, in 1984, the Department of the Army Exceptional Civilian Service Award—the highest award the Army gives to civilians.

Jerry served on the school board in Oceanport for 30 years, and served as president from 1976 to 1984. From 1988 to 1990 he served as president of the New Jersey School Boards Association. While with the NJSBA, Jerry worked tirelessly for students in New Jersey, putting special efforts into advocating for early childhood education programs. In 1998, Jerry received the Milestone Award from the NJSBA in recognition of his 30 years of service to the children and families in his community.

Jerry also served on the Save Our Fort Committee with me and Representative FRANK PALLONE, working tirelessly to see that Ft. Monmouth remains an active and integral part of the community. Jerry continued to work for his community until his unfortunate passing in 1999. I was proud to call him a friend and still count his wonderfully warm wife of 44 years, Pinky, as a good friend.

Mr. Speaker, one word has constantly reappeared in this statement, and that word is served. Jeremiah F. Regan truly lived a life of service, and represents the best that central New Jersey has to offer. He was an immigrant, like so many of my constituents today, and like them, he gave himself wholeheartedly to making New Jersey, and America, a better place. I hope the House will join me in recognizing Jerry's accomplishments, and in commending Oceanport for creating this lasting memorial to one of its great citizens.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. ORTIZ. Mr. Speaker, during the following rollcall votes, I was out in my district on official business. Had I been present, I would have voted as indicated below.

Rollcall No. 96—"yes"; rollcall No. 97—"yes."

A FOND FAREWELL TO DEPUTY SECRETARY OF DEFENSE DR. JOHN HAMRE

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, recently, I was saddened to hear that the Department of Defense is losing one of its greatest minds and greatest public servants. Dr. John Hamre is leaving his post as Deputy Secretary of Defense to move into the private sector. Dr. Hamre has had a long and distinguished career of public service in the defense community.

In his two and a half year tenure as Deputy Secretary of Defense he initiated improved business practices, improved defenses against cyberterrorism, and improved defense against biological and chemical warfare. Clearly, our national security has been strengthened by his diligence in these and other areas.

Before his position as Deputy Secretary of Defense he served as Comptroller of the Department of Defense. He had moved to the Department of Defense from the Senate Armed Services Committee where he served as a professional staff member.

Dr. Hamre is not only an extraordinary civil servant, but a good man and good friend. The Center for Strategic and International Studies (CSIS) will be well served with the addition of Dr. Hamre. I would like to thank Dr. Hamre for his years of service to the American people, and wish him all the best with his future endeavors with the CSIS.

IN HONOR OF DENNIS J. VADINI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Dennis J. Vadini, Secretary Treasurer and Principal Officer of the International Brotherhood of Teamsters Local 52 in Cleveland, Ohio.

Dennis Vadini was born and raised in Parma, Ohio. He graduated from Parma High School and then served in the United States Navy from 1968–72. After returning to Cleveland, Dennis immersed himself in labor studies, first at Cuyahoga Community College and then at Cleveland State University. He also earned several certificates in labor law, labor negotiations, and other labor-related subjects from Ohio State University's Continuing Education program.

Dennis Vadini has enjoyed a long and successful Union career. He worked his way up the ladder in the Teamsters Local 52, beginning as chief steward with the Union, and then becoming Trustee in 1980. He also served as Vice-President and President of the Local 52 before reaching his current position as Secretary Treasurer and Principal Officer. In addition, Dennis is Co-chairman of Ohio Bakery Division of the Ohio Conference of Teamsters, and serves on the Medical Mutual Health Care Advisory Council. Because of his commitment to organized labor and his concern for improving the lives of his fellow human beings, Dennis is now being honored by the Cleveland State of Israel Bonds.

My fellow colleagues, please join me in honoring Dennis Vadini, Secretary Treasurer and Principal Officer of the International Brotherhood of Teamsters Local 52.

TRIBUTE TO THE LATE JOSEPH G. CIRILLO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, today I pay my respects and honor Joseph G. Cirillo, a long-time friend and community leader in Haverford Township, PA, who passed away on March 22 at the age of 60.

Joe Cirillo's life was centered around service to others—he was a devoted family man, a man of deep faith and a generous and hardworking community leader. After serving in the Navy, Joe enrolled at Widener University and later received a master's degree in counseling and human relations from Villanova University. His public service spans almost thirty years working on all the many important areas facing the township—parks and recreation and zoning, to name a few. At the time of his death he was Haverford Township Commissioner and Chairman of the Township's Republican Party organization. Although his political leadership gave him high profile as a Republican, his community involvement extended beyond just politics. His work as personnel director at Fair Acres, Delaware County's geriatric center, placed him in an environment where his concern, compassion and devotion to duty were in evidence on a daily basis.

Joe and his childhood sweetheart, Cathy Dupal, recently celebrated their 40th wedding anniversary. Besides his wife, he is survived by a son, Joseph; daughters Theresa McLean, Susan Ferry and Cathy Koval; five grandchildren; and a brother, Vincent, of Philadelphia. My deep sympathy goes out to Joe's wife, Cathy, to their children, grandchildren and to his brother, Vincent.

The entire community knows Joe as a man who could be counted on in every situation. If ever a man lived his faith, it was Joe Cirillo. Joe was an extraordinary man who went above and beyond what was needed because of his sincere desire to help his fellow man. We will all miss Joe, but we count as blessing all the many wonderful memories of his life and work. Mr. Speaker, our region has lost a great leader, and I have lost a good friend.

[From the Philadelphia Inquirer, Mar. 23, 2000]

JOSEPH G. CIRILLO, A GOP LEADER

(By William Lamb)

Joseph G. Cirillo, 60, a Haverford Township commissioner and chairman of the township's Republican Party organization, died yesterday of an apparent heart attack at Delaware County's Fair Acres Geriatric Center, where he was director of personnel.

Mr. Cirillo had represented Haverford's Third Ward on the township's Board of Commissioners since 1995, when he was appointed to fill the seat vacated by the death of Stephen Campetti. In 1997, he was appointed to the Haverford Authority, a body charged with recommending uses for the 239-acre site of the former Haverford State Hospital.

Mr. Cirillo's political allies and foes described him as a diligent worker who devoted much of his free time to his party and community.

A native of West Philadelphia, Mr. Cirillo graduated from St. Thomas More High School in 1957, an achievement he noted proudly with a personalized license plate: "STM 1957."

After serving in the Navy, Mr. Cirillo took a job with Acme Markets at the supermarket chain's West Philadelphia warehouse at 59th Street and Upland Way. He enrolled at Widener University after chronic back problems forced him to leave the job, and later received a master's degree in counseling and human relations from Villanova University.

In 1959, he married Cathy Dupal, whom he had known since childhood. The couple moved to Haverford in 1966.

Mr. Cirillo immersed himself in his community, and in the Republican organization that ran it. He served on the township's parks and recreation board in the early 1970s. He was appointed to the Zoning Hearing Board in 1980 and was elected chairman in 1993.

By the mid-1980s, Mr. Cirillo was first vice president of the township Republican committee, eventually taking control of the local party organization in 1994 after the resignation of Hugh A. Donaghue.

Until his ally Fred Moran failed to win reappointment as commissioners chairman in January, Mr. Cirillo was Haverford's undisputed GOP boss. Despite rumors of an effort to depose him as party chair, Mr. Cirillo had said this week that he planned to seek reelection to the post next month.

He began working for Delaware County in 1982 as a human resources information and referral specialist. In 1987, he was appointed personnel director at Fair Acres, the county's geriatric center in Lima, a position he held until his death.

"I don't know anyone that can't say that Joe was the most loyal and hard-working Republican in this township," said Joan Genthert-Giangiulio, a former Haverford commissioner who befriended the Cirillos in 1969. "He was one of the guys that did all of the work—he didn't delegate much—and I think it's going to be a big loss."

Mr. Cirillo's political opponents also acknowledged his contributions yesterday.

"I was impressed that his community involvement extended beyond just politics," said State Rep. Gregory S. Vitali (D., Delaware), acknowledging Cirillo's involvement at St. Denis Church.

Besides his wife, he is survived by a son, Joseph; daughters Theresa McLean, Susan Ferry and Cathy Koval; five grandchildren; and a brother, Vincent, of Philadelphia.

WOMEN'S HEALTH RESEARCH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Ms. DELAURO. Mr. Speaker, I stand today to draw your attention to the critical need for Congressional commitment to support research for women's health research. As a survivor of ovarian cancer myself, and on behalf of the millions of women who suffer debilitating diseases, the advancement of women's health must be a national priority.

Historically, women's diseases have sat on the "backburner" of research agendas. But one hundred years ago when many women did not live through menopause, women were not represented in elected offices as they are now. Today, women are not only 12% of this House, but also 50% of the American workforce and the primary caregivers in our homes. Our daily health greatly affects the productivity of America and the quality of life for our children and families. We need to continue to fight aggressively to make women's health research a national priority.

Too many times, chronic health conditions affecting women have been labeled and dismissed as "psychosomatic." Yet, we know through medical research that these "women's conditions" are real diseases with real biological causes. Chronic conditions are often associated with significant medical costs as patients and providers seek to identify the root of the problem, rule out other conditions, and find a satisfactory approach to managing and treating the illness.

The Friends of the National Institute of Nursing Research recently sponsored a briefing that I was pleased to support, "Reaching Gender Equity in the 21st Century: A Renewed Focus on Women's Health." The briefing highlighted the need for increased research into chronic conditions that affect women and their productivity.

The briefing featured two chronic conditions that disproportionately affect women during their prime working years, irritable bowel syndrome (IBS) and migraine headaches. IBS is a common intestinal disorder characterized by recurring abdominal pain and abnormal bowel functions. IBS affects as many as 50 million Americans, predominately women, and is a leading cause of absenteeism at work.

Many successes have been achieved in medical research of women's health, for which I am personally grateful. All of us have benefited from the advances in medical research and the resulting technology. But it has been only in the last 10 years that women have been included in clinical trials. We have a long road ahead of us and many challenges to meet. We can not rest on the laurels of our past. Instead, we must dedicate ourselves to advancing our national women's health research agenda. I intend to do just that.

2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes:

Mr. BENTSEN. Mr. Chairman, I rise in reluctant support of the Fiscal Year 2000 Supplemental Bill, which provides over $9 billion in emergency funds for this year. This bill provides $5 billion for ongoing operations in Kosovo, $2.2 billion for natural disaster assistance, $2 billion additional funds for the Defense Department, and $1.7 billion in assistance to Colombia, Peru, and to fight narcotics traffickers.

While I support the Supplemental Appropriations bill, I have strong reservations about using this legislation as a vehicle to circumvent the regular appropriations process. Many initiatives and decisions contained in this bill should be part of the regular FY 2001 appropriation process rather than trying to slip under the past and current year spending levels. This bill reduces the non-Social Security budget surplus for this year by about 35%. Such efforts don't speak well for the often-stated Congressional pledges to pay down the debt. Too often under this GOP leadership, the term "emergency" is misunderstood and misused. This Emergency Supplemental request should not be an opportunity to evade spending caps for non-emergency items.

I supported the increases of the Lewis-Spence amendment, which would provide $4 billion in additional emergency funds, mostly targeted at maintaining critical need areas under the Department of Defense. While it would be preferable to consider this funding during the regular budget process, I believe the military has urgent needs in the areas specified by the amendment. Under the amendment, an additional $4 billion will be provided to fund the operations and training of currently deployed forces, as well as provide much-needed increases for the military health care program, personnel recruiting and retention, and improvements to military housing. However, this amendment underscores the fallacy of the Majority's FY 2001 Budget Resolution adopted last week.

The Supplemental Appropriations bill does include important funding for fighting the drug war in Colombia and providing the military with adequate funding levels to pay for rising fuel costs; health care and repairing damages to military facilities caused by recent hurricanes, floods and other natural disasters is understandable. These are truly unforseen costs.

I decided to support the Emergency Supplemental because the assistance package for Colombia is a vital priority and is clearly in our nation's fundamental interest. Colombia is the source of more than 80 percent of the cocaine and much of the heroin that enters the United States. In fact, Colombia produces 60 percent of the world's cocaine crop, an astonishing 90 percent of which makes its way to the U.S. The cost of illegal drugs to the U.S. is $110 billion a year, and the U.S. Drug Czar, Barry McCaffrey has reported that illegal drugs account for 114,000 American deaths a year. Assisting Colombia is clearly in the interest of our Nation and especially in the interest of our Nation's youth.

In 1999, Colombia's President Pastrana unveiled a proposal, known as Plan Colombia, to address the country's drug production and civil conflict. The Government of Colombia has estimated that $7.8 billion will be needed over the next three years to reverse the country's role as the hemispheric center for drugs, rebuild its economy, and bolster its democratic institutions.

But as we offer assistance to Colombia, it is important that we include tangible means for measuring the actions of the government-supported forces. We must ensure that the funds we provide to Colombia are utilized in a manner consistent with our national interest. That is why I supported the amendment offered by my colleague from Wisconsin, Mr. OBEY, that would have delayed funding for military hardware and training contained in the Colombia assistance package until July 15, 2000. The amendment would have provided for immediate funding of all drug interdiction efforts under the Administration's plan, but withheld military aid until sufficient review by Congress. The delay would have provided the Committee on Armed Services, the Committee on International Relations, and the Select Committee on Intelligence time to hold hearings about the conflict in Colombia and the need for this kind of hardware and training before the funds are appropriated.

I believe the funding contained in the aid package should not serve as a blank check for the Colombian military to engage in actions that may violate human rights, including the killing of innocent civilians. It is important to remember that since 1987, it has been reported that more than 35,000 noncombatant civilians have been murdered or made to disappear by the Colombian security forces and their paramilitary allies. While President Pastrana has made important strides in restoring the rule of law and improving the human rights record of the military, the U.S. should act very carefully before appropriating funds to any army with such a decidedly bloody record.

I also believe this legislation should have included drug prevention measures to reduce the demand for illegal drugs in the United States. Such an effort must be part of a comprehensive U.S. anti-drug strategy. Indeed, I find it ironic that we're considering an emergency supplemental bill in the House of Representatives whose emergency status is in part due to the production of illegal drugs in Colombia, without one dollar in the bill being used for drug prevention in the U.S.

Illegal drugs are killing our kids at an alarming rate. In 1998, five million young people in this country required treatment for drug addiction, and nearly 600,000 required an emergency room visit. In the United States, there are 1.6 million drug-related arrests annually, and over half of our prison population committed drug-related crimes. Even more disturbing, while the average age for marijuana users is increasing, heroin abusers are getting younger. The cost of drug abuse to our society is estimated to be $110 billion per year, but it is much higher if measured in countless lives lost and young dreams broken. This problem, Mr. Chairman, is staggering. As such, I supported the motion to recommit the bill back to the Appropriations Committee with instructions that it be reported back to the full House with sufficient domestic drug prevention funding. While this effort failed, I hope the Administration and the Majority take important steps to address the demand side of the drug problem in this country. If we are to truly eradicate drugs from our streets, we must recognize that when there is a demand, there will always be a willing supplier.

Finally, Mr. Chairman, I sincerely hope that, should this bill progress, the leadership will pare back spending which is not truly emergency. Much of this bill can be considered under the regular appropriations process for FY 2001. We should be reticent to completely ignore spending caps for the current fiscal year as this bill does.

IN RECOGNITION OF THE 60TH BIRTHDAY OF NEAL TRAVIS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Neal Travis, one of New York's most celebrated newspaper columnists and writers, on the occasion of his 60th birthday.

Neal Travis' insightful analysis of the New York scene has educated and entertained those in the Big Apple for many, many years. His column in the New York Post, Neal Travis' New York, has covered all aspects of life and has attracted the attention of all segments of our society. His blend of wit, sarcasm, compassion and searing observations have inspired, motivated and always informed New Yorkers.

Born in New Zealand, Neal Travis emigrated to the United States in 1964 where he served as a foreign correspondent for Rupert Murdoch's News Corporation. He then rose quickly up the ladder and secured his own column in the New York Post. Some 15 years after its inception, Neal Travis' New York is more popular than ever.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in sending our warmest congratulations to Neal Travis on his 60th birthday. Life in New York will always be more significant and exciting because of his presence and his gift with the written word.

IN HONOR OF THE 65TH ANNIVERSARY OF THE BROOKLYN POLISH AMERICAN HOME, INC.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor and celebration of the 65th Anniversary of the Brooklyn Polish American Home, Inc.

Established in 1935 when South Brooklyn was a growing community full of various ethnic backgrounds, the community felt a cultural center should be established. This center would serve, not only as a meeting place for the entire community, but as an educational tool where people could visit and learn about their own heritage and the heritage of others. Thus, the Brooklyn Polish American Home was born. The Home's objective is to further not only Polish ideals, but the ideals of the entire community; in addition it serves as a civic, social, and recreational center.

With a goal of serving the community, and with generous donations from the entire area, a parcel of land was purchased on April 10, 1935. The Home serves not only as a meeting place, but as a builder of futures for young people. The Home managed to establish a Scholarship Trust Fund, awarding grants to high school graduating seniors entering college or any other approved higher education institution. The first grant was provided in 1971, and through 1999 a total of 81 individuals had received financial assistance, totaling over $32,200.

The Home has not been without hardships, though. Throughout the years, numerous renovations have been done to the Home. In the late 1980's, two fires caused substantial amounts of damage and had to be renovated again. As a result of the generosity and involvement of the entire Brooklyn community, sufficient funding was acquired making these extensive repairs possible. The fact that the Home was able to overcome these challenges is a testament to the character, will and stamina of the community's residents.

My fellow colleagues, I ask you to join in honoring the 65th Anniversary of the Brooklyn Polish American Home.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, March 30, 2000, I was unable to cast my floor vote on rollcall numbers 89–95. The votes I missed include rollcall vote 89 on Agreeing to the Kasich Amendment; Rollcall vote 90 on Agreeing to the Weldon Amendment; rollcall vote 91 on Agreeing to the Stearns Amendment; roll call vote 92 on Agreeing to the Paul Amendment; rollcall vote 93 on Agreeing to the Tancredo Amendment; rollcall 94 on the Motion to Recommit with Instructions; and rollcall vote 95 on Passage of H.R. 3908, Making Emergency Supplemental Appropriations for F.Y. 2000.

Had I been present for the votes, I would have voted "aye" on roll call votes 90, 94 and 95. I would have voted "nay" on roll call votes 89, 91, 92, and 93.

BIRTHDAY TRIBUTE TO DEACON WILLIE MARTIN, SR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a great honor to extend my heartfelt congratulations to Deacon Willie Martin Sr., as he celebrates his 100th birthday on April 8, 2000 in Pineland, South Carolina. Congressman JAMES E. CLYBURN, my distinguished colleague from the 6th District of South Carolina, joins me in this tribute.

Although our celebrant lives in South Carolina, he travels to Miami-Dade County to visit his daughter, Mrs. Rosanna McCormick, who has been a resident of the city of Opa-Locka since 1950. Deacon Martin's grandson, Freddie L. Judson (Rosa), also resides in Miami-Dade County. Accordingly, our centenarian is an ex-officio resident of the 17th Congressional District of Florida, and I am extremely delighted indeed to have the privilege of representing the members of his immediate family.

I take this opportunity to pay tribute to Deacon Martin for the exemplary life with which God saw fit to bountifully bless him. The hallmark of excellence that defined his life for a century truly evokes a magnificent longevity of service to others in his role as a deacon of Bethel Baptist Church in Pineland, South Carolina. Amidst the ever-enduring presence of God, our celebrant has touched people from all walks of life through his genuine consecration to both their social, moral and spiritual enhancement.

His charitable spirit deeply nurtured his home into an oasis of love and encouragement for his family and countless others who sought refuge and comfort within its sanctuary for so many years. Deacon Martin's centennial birthday is indeed a joyous occasion when his loved ones and friends can truly take comfort in giving testimony to his exemplary dedication to his Christian stewardship.

Buttressed by his faith and his willingness to serve others under the aegis of his church, God has truly seen fit to bless him with the longevity of an extraordinary life. The happy occasion on April 8, 2000 will eloquently symbolize a historic testimony of the respect and admiration he has forged in his community and church-family.

I wish him warmest congratulations on this magnificent milestone of his life!

HONORING JAMES H. "JIM" PATTERSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. RADANOVICH. Mr. Speaker, I rise to honor James H. Patterson—a devoted father, husband, friend and transportation industry leader—who passed away Saturday morning. Jim Patterson was 55 years old and resided in Blackhawk, CA, with his wife Theresa, son Jimmy and daughter Laura.

Before moving to California, Jim was born and raised in Portland, OR, and the proud son of Howard and Dorothy Patterson. Jim was with United Parcel Service since 1966 and was serving as vice president of Public Affairs for the Northwest Region upon his formal retirement in December. Jim had served in many positions during his tenure, including being one of the youngest regional managers in the history of the company.

Jim was truly a remarkable person. He had the respect of everyone that had the pleasure to work with him. Jim's keen insight and knowledge of the industry was unparalleled. His uncanny ability to assess complicated political situations and offer appropriate remedies was remarkable. And Jim's humor would disarm the fiercest of opponents and ultimately result in their affection and respect.

Jim's devotion to his friends and family was well known. Jim loved talking to people and getting to know people. In addition, he loved collecting cars and most of all—spending time with his two kids.

We offer our heartfelt condolences to all of Jim's family and especially to Theresa, Jimmy and Laura.

IN HONOR OF SAINT EDWARD HIGH SCHOOL WRESTLING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the members of the Year 2000 state champion Saint Edward High School wrestling team. Their four-year hold on Ohio high school wrestling's top honor shows no sign of weakening.

The Saint Edwards High School wrestling team, year in and year out, finds a way to keep their edge. This past month, the team won its fourth straight state championship, winning in resounding fashion. The Eagles' final tally of 186.5 points was nearly 100 points greater than the second place finishers. Five individual state champions set the tone for the Eagles' overwhelming dominance. Seniors Mason Lenhard and Mark Jayne each won their third titles. Jayne and senior Ryan Bertin both finished undefeated. Freshman Ryan Lang and senior Zak Schweda round out the Eagles' roster of title winners.

The 2000 Eagles squad fulfilled with ease the sort of expectations that any sporting dynasty raises. This year's state championship was the school's sixteenth all-time, a new state record. St. Edward's point total for the 2000 state tournament was the third highest in Ohio history. The Eagles' total of five individual state champions was one short of the all-time state record. The journey to Columbus was a difficult one: the Eagles grappled through what was widely recognized as the toughest schedule in school history. Taking on the best teams from across the nation, the Eagles were undefeated, finishing 14 and 0.

The 2000 Saint Edward wrestling team was, in a way, all about the journey. As Coach Gregg Urbas commented, "What we have is a room full of the hardest working kids you'll ever see, and they are very coachable. They all love this sport. Their work ethic is contagious. Those qualities will take you a long way in this sport. All of our 16 state championship teams were a little different. This team is loaded with wrestlers who kept improving week by week."

Saint Edward's dominance doesn't end at the state level. Two Eagles recently played pivotal roles in Ohio's state team's winning the national championship. Mason Lenhard and Ryan Bertin both won national titles in setting the pace for a "Buckeye Smackdown" at Duquesne University in Pittsburgh, Pennsylvania.

My fellow Members of Congress, join me in congratulating the 2000 state champion Saint Edward wrestling team. The Eagle grapplers do honor to my district, to my state, to their school, and to their sport. Their recent success at both the state and national levels is a deserved reward for many days' hard work done well and done right.

TRIBUTE TO RETIRING WAYNESVILLE SCHOOL DISTRICT SUPERINTENDENT ERWIN MORRISS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career is nearing an end. Mr. Erwin Morriss, of Waynesville, Missouri, is retiring after 39 years in the education profession.

Mr. Morriss began his career in 1961 as a biology teacher and athletic coach at Jefferson City High School. In 1966, he became a teacher, coach and athletic director for Maryville schools. After that, he started his 31 years of service to the Waynesville School District as the Wood Junior High School Assistant Principal. Mr. Morriss moved to Waynesville High School in 1970 to be the Assistant Principal, and then served as the Principal for four years. He assumed the duties of

Waynesville R–VI School District Assistant Superintendent in 1976 and was named Superintendent in 1991.

Mr. Morriss has earned numerous awards during his career. Most recently, he was a recipient of "The Eddy Award" presented by Governor Mel Carnahan for the school district's Governor's Choice Award. In 1997, he was a Pearce Award Nominee for the "Outstanding Missouri School Administrator," South-Central District of the Missouri Association of School Administrators. Also in 1997, Mr. Morriss received the Department of the Army Commander's Award for Public Service for his meritorious service to the Fort Leonard Wood community and the education of military children. The Missouri State Teachers Association recognized him as Missouri's Administrator of the Year in 1990 and the Waynesville-St. Robert Chamber of Commerce named him as Citizen of the Year in 1987.

An active participant in his community, Mr. Morriss belongs to many civic and professional organizations. He is a member and former chairman of the Waynesville City Planning Commission, a member and past president of the Waynesville-St. Roberts Lions Club, as well as a member of the Waynesville-Fort Leonard Wood Armed Services Young Men's Christian Association, the United Methodist Church of Waynesville, Masonic Lodge No. 375, and the Association of the United States Army. Mr. Morriss also belongs to the American Association of School Administrators, the Missouri State Teachers Association, the Waynesville Community Teachers Association and the Phi Delta Kappa Education Honor Fraternity.

As he prepares to spend more time with his wife, Susan, his son, Michael, and his daughter, Lindy, I know all Members of Congress will join me in paying tribute to my friend Erwin Morriss and in wishing him the best in the days ahead.

CONGRATULATING THE PEOPLE OF TAIWAN FOR SUCCESSFUL CONCLUSION OF PRESIDENTIAL ELECTIONS AND REAFFIRMING UNITED STATES POLICY TOWARD TAIWAN AND PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise to support H. Con. Res. 292, Congratulating Taiwan on Its Recent Elections.

The government of Taiwan is a representative democracy. On March 18, 2000, the citizens of the Republic of China (ROC) on Taiwan exercised their right to vote and elected Mr. Chen Shui-bian as their new President and Ms. Annette Hsui-Lien Lu as the new Vice-President. The popular vote election was held in accordance with the ROC's Constitution and the people of Taiwan turned out in record numbers to vote. Over 82 percent of Taiwan's 15 million citizens voted, making it one of the highest turnouts ever.

Despite rhetoric and brinkmanship from the mainland, the people of Taiwan have clearly expressed their determination to build a free and democratic society. The U.S. should continue our strong support for Taiwan's security.

Taiwan is and continues to be a strong U.S. ally. The people of Taiwan have voted their conscience. Given the events that have happened over the past several years, it is in America's best interest to promote peace in the Taiwan Straits.

The people of Taiwan should be congratulated for the democratic outcome of its presidential election. In addition, I hope that all of my colleagues will join me in congratulating the people of Taiwan for their continuing efforts to develop and sustain a free, democratic society that not only respects human rights but embraces free markets as well.

This election again demonstrates that Taiwan is a vibrant democracy and I look forward to working with the new government of President-elect Chen Shui-bian on issues of mutual concern.

TRIBUTE TO MACON-BIBB COUNTY FIRE CHIEF JIMMY HINSON

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. CHAMBLISS. Mr. Speaker, today I want to recognize a great American and someone who has continuously served as Chief of the Macon-Bibb County Fire Department for the past 24 years, Jimmy Earl Hinson.

Chief Hinson began fighting fires in 1961, and, as Chief, he was instrumental in turning the Macon-Bibb County Fire Department into a Class One department. His leadership, integrity, and compassion are well known, and his retirement is a deep loss to our community.

We owe a tremendous debt of gratitude to Chief Hinson for his commitment and hard work, for putting his life on the line to protect and serve the people of Macon and Bibb County, and for being an exemplary model of strength and honor.

It is people like Chief Hinson who keep our families and neighborhoods safe, who work hard each and every day for our protection, and who teach us about the importance of fire safety to whom we owe our sincerest appreciation. I thank Chief Hinson and wish him all the best in his retirement.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday, April 3, 2000, and as a result, missed rollcall votes 96 and 97. Had I been present, I would have voted "yes" on rollcall vote 96 and "present" on rollcall vote 97.

CONGRATULATING LAMAR UNIVERSITY'S MENS BASKETBALL TEAM

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. LAMPSON. Mr. Speaker, I rise today to congratulate Lamar University's Mens Basketball team for their success this season and their return to the NCAA Tournament. Their return to March Madness took 17 years, but they made alumni like myself and fans of the basketball program proud.

This was Lamar's fifth trip to the tournament, and the first since the 1983 season. Lamar finished the season with a 15–16 record, and headed down the road to tournament competition with a victory at the CenturyTel Southland Basketball Classic. In their first game in the Classic, the No. 7 seeded Cardinals triumphed over the No. 2 seed Louisiana-Monroe with a 66–62 win. They then went on to win games against Southwest Texas and Northwestern State to capture the tournament.

Lamar had the unfortunate luck to draw the No. 1 team in the country, the Duke Blue Devils, as their first round opponent in the Big Dance. However, the underdogs from Texas put up a fight, and gave Duke a run for their money. Mike Dean, the first year Lamar coach, and the fans who made the trip could only be pleased with the grit and determination with which the team played.

Mr. Speaker, the members of the basketball team from my Alma Mater made me proud, and it is truly an honor to recognize them today. They have shown amazing effort and are an example of just how far dedication and hard work can get you. I offer my congratulations on an outstanding season, and I look forward to watching them succeed again next March.

HOMILY SUPPORTING CLEVELAND AREA HOSPITALS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. KUCINICH. Mr. Speaker, in Cleveland, Ohio we are battling to keep two area hospitals open. I insert for printing in the RECORD the following homily given by Rev. Dr. Joseph W. Skrha at Our Lady of Lourdes in Cleveland, Ohio on Sunday, March 12, 2000. This homily expresses the need for accessible healthcare for all citizens regardless of economic status, race, or religion.

Good morning:

Today is the first Sunday of Lent. Lent is a time in the Christian church during which it is suggested that we put aside activities that would distract us and to focus in on who Jesus was and is, for us, now.

Who was He?

What did He do?

What did He say?

How did He act?

To whom did He address himself?

How much suffering did this cause him?

Being rejected by the establishment, he suffered and suffered death. As we enter into his suffering, may we enter his victory and resurrection at Easter.

I wish to reflect the last sentence from today's Gospel: "the kingdom of God is at hand, repent and believe in the Gospel"—believe in the Gospel. What is the Gospel? It is the good news that Jesus shared with his disciples and followers 2000 years ago. Did it have meaning for two sisters 116 years ago? Does it have meaning for us now? I believe it did, and still does. These words give us strength and meaning in this present age.

On July 17, 1884 two Franciscan Sisters arrived in Cleveland from Lafayette, Indiana with the clothes on their backs and two dollars between them. After arriving at the train station, they were met by a Franciscan Priest and escorted to a small house at the corner of Broadway and McBride, formerly occupied by the Poor Clare Sisters. In this building they were to establish St. Alexis Hospital. The area was rather poor with the majority of the residents being recently arrived immigrants from Central Europe.

To save money on soap, the Sisters mixed sand with the soapy waters when washing the floors.

Once they walked 7 miles to receive a monetary donation of $1.00 and they walked back in order to keep the one dollar bill intact.

At the celebration commemorating 25 years in 1909, the main speaker was Dr. George Crile who later on started up the Cleveland Clinic. He described the charity work done at St. Alexis Hospital. In its first year, 25 patients were cared for, all were charity cases. Up to 1909, 20,400 patients had been treated and of those, 15,021 were charity cases and only 1,003 had paid full rates. All creeds and nationalities were admitted on an equal basis. In 1902, of the 2,300 patients treated, Catholics accounted for less than one-fourth. The history of this hospital is rooted in charity care given to people of all races and all religious backgrounds.

In 1906, Dr. Crile performed the first human to human blood transfusion in the world. One of the Miller brothers who lived locally was dying because of a great loss of blood. With crude instruments, Dr. Crile did a direct transfusion from one brother to the other and a life was saved. It is ironic that the Cleveland Clinic which was founded by Dr. Crile wants to terminate the life blood of Saint Michael Hospital.

The Gospel is about what Jesus said and did. He spent his time with the poor, ministering to their needs. Saint Michael Hospital has a history of 116 years healing the sick, primarily the poor and rejected.

Jesus restored sight to the blind. How many patients have had their sight restored with the many cataract operations. Jesus raised persons from the dead. How many times have patients been resuscitated from the dead when their heart stopped beating and have been brought back to life. Being close to the hospital is an important factor in these situations.

Jesus healed leprosy, an infection. How many times have patients had their severe infections treated at Saint Michael. Jesus reconciled many in healing their broken relationship with their God. How many times have patients of different faiths been reconciled with their God through the presence of a full-time, 24 hours a day, seven days a week Pastoral Care Department.

The Sisters have maintained the Catholic presence during these years. PHS committed itself in 1994 to maintain this same presence and in 1998 the Bishop of Cleveland proclaimed Saint Michael a Catholic hospital even though it was a for-profit hospital run by lay men.

Jesus ran into opposition from the Scribes and Pharisees because of his commitment to the poor, alienated and ill of varied cultures. This caused Him much suffering. The Pharisees wore fancy robes, wanted the best seats at banquets and always wanted to be above the rest of the people. We have a wealthy hospital who calls itself world class, who wishes to express its power to control healthcare in Cleveland, causing us much suffering because it wishes to eliminate us and leave this community without a hospital.

Lent did not begin for this community on Ash Wednesday. It began last Monday, March 6, 2000 when it was announced that a wealthy hospital was buying and closing us down. Those who attended the rally at Our Lady of Lourdes last Monday, those continuing their efforts to resist closure, namely political leaders, the clergy who support the people with their presence—all of these are living out the Gospel, living out the words and deeds of Jesus, are suffering with Jesus as he suffered.

I wish to close by reading a passage from the 25th chapter from the Gospel of Matthew: "For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, naked and you clothed me. I was ill and you comforted and healed me, in prison and you came to visit me." Then they will ask him, "Lord when did we see you hungry and feed you, or see you thirsty and give you drink?" "When did we welcome you away from home or clothe you in your nakedness?" "When did we visit you when you were ill or in prison?" He will answer: "I assure you, as often as you did it for my least sisters or brothers, you did it for me."

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 96 and rollcall No. 97, I was unavoidably away on official business. Had I been present, I would have voted "yes" on both.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Ms. ESHOO. Mr. Speaker, on April 3, 2000, I was unable to be in Washington and, consequently, missed two votes.

Had I been present, I would have voted "aye" on rollcall No. 96 and "aye" on rollcall No. 97.

PERSONAL EXPLANATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2000

Mr. MORAN of Virginia. Mr. Speaker, on rollcall Numbers 96 and 97, I was unavoidably detained in my Congressional district. Had I been present, I would have voted "aye" on both measures.